

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

TUESDAY

MARCH 25, 2014

8:30 A.M.

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

Susan Gorin	First District	Veronica A. Ferguson	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
Mike McGuire	Fourth District		
Efren Carrillo	Fifth District		

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

AGENDAS AND MATERIALS: Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

SUPPLEMENTAL MATERIALS: Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

Public Transit Access to the County Administration Center:

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

APPROVAL OF THE CONSENT CALENDAR

The Consent Calendar includes routine financial and administrative actions that are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

PUBLIC COMMENT

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.

8:30 A.M. CALL TO ORDER

PLEDGE OF ALLEGIANCE

I. APPROVAL OF THE AGENDA

(Items may be added or withdrawn from the agenda consistent with State law)

II. BOARD MEMBER ANNOUNCEMENTS

III. CONSENT CALENDAR

(Items 1 through 19)

PRESENTATIONS/GOLD RESOLUTIONS

(Items 1 through 3)

PRESENTATIONS AT BOARD MEETING

1. Adopt Gold Resolution supporting the dedication of a portion of Highway 116, in the Jenner area, in memory of Deputy Sheriff Merrit W. Deeds upon the upcoming 40th anniversary of his death. (Fifth District/Sheriff's Office)

PRESENTATIONS AT DIFFERENT DATE

2. Adopt a Gold Resolution honoring California resident and U.S. Army veteran Kate Weber as a powerful activist for military rape survivors, and an inspiration for those seeking to find their voice after enduring significant trauma. (Third District)
3. Adopt a Gold Resolution proclaiming the week of April 7 to April 13, 2014 as Public Health Week in Sonoma County. (Health Services)

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

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

4. Adopt a Resolution (1) making findings in support of proposed amendment to Windsor Town Green Conservation Easement increasing the area of protected land by 3,731 square feet and (2) authorizing the President to execute amendment agreement documents. (Fourth District)

COMMUNITY DEVELOPMENT COMMISSION

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

5. Adopt an Ordinance of the Sonoma County Community Development Commission Establishing an Informal Bidding Process for Certain Public Projects based the Uniform Construction Cost Accounting Act. (Second Reading – Ready for Adoption.)

CONSENT CALENDAR (Continued)

SONOMA COUNTY WATER AGENCY

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

6. Authorize the Chair to terminate the 2009 Renewable Energy Purchase Agreement between Power and Water Resource Pooling Authority (PWRPA) and the Sonoma County Water Agency (Water Agency) for Warm Springs Dam Power; and execute the 2014 Renewable Energy Purchase Agreement between PWRPA and the Water Agency for Warm Springs Dam power for a term of ten years.
7. Authorize General Manager of Water Agency to execute an agreement with Kennedy/Jenks Consultants to conduct scoping studies to evaluate development of Russian River modeling and a Geographic Information Management system for \$225,000; agreement terminates on December 31, 2015.

BOARD OF SUPERVISORS

8. Adopt a Resolution supporting a coordinated regional approach to protecting the ecosystem health and the need for fresh water for the San Francisco Bay-Delta estuary. (Second District)

GENERAL SERVICES

9. Authorize the Director of General Services to execute an Operator's License Agreement with Nabi Baitsaeed, a sole proprietor, for provision of food services within portions of the County Administration Building and the Hall of Justice, for a term of five (5) years with one (1) option to extend, and generating annual revenues in the amount of twenty-three thousand, three hundred thirty-seven dollars (\$23,337), subject to annual increases. (4/5 vote required)

PERMIT AND RESOURCE MANAGEMENT

10. Adopt a Resolution to approve an application to replace an existing Land Conservation Act (Williamson Act) Contract with a new Land Conservation Act Contract for agricultural land planted in wine grapes for 20.71 acres requested by James Alex Vyborny; 1600 Highway 128, Geyserville; APN 141-170-029 (File No. AGP13-0026). (Fourth District)
11. Adopt a Resolution approving changes to the Conditions, Covenants & Restrictions requested by the Sonoma Greens Condominium Association to include (a) restriction on the number of units that can be rented; (b) require review by the Permit and Resource Management Department of any changes to the Conditions, Covenants, and Restrictions related to the conditions of approval of the Sonoma Greens Condominiums; and (c) re-establish the County as a third party beneficiary. The Sonoma Greens Condominiums are located at the intersection of Cherry Avenue and Railroad Avenue, Sonoma; Assessor's Parcel Numbers: Book 52, Page 86 all parcels on the page (File No. ZPE13-0368). (First District)

REGIONAL PARKS

12. Authorize the Director of Regional Parks to extend the current Revocable License Agreement with North Coast Fisheries at the Mason's Marina fish-buying dock, on a month-to-month basis for a minimum of \$2,500 per month with North Coast Fisheries while Regional Parks prepares a competitive bid process for the property. (Fifth District)

CONSENT CALENDAR (Continued)

13. Adopt a Resolution authorizing the Director of Regional Parks to apply for \$990,000 in grant funding from the California Division of Boating & Waterways for construction of improvements for boat launch to meet the needs of watercraft users and provide other public amenities to those utilizing the facility at Doran Beach Regional Park. (Fifth District)
14. Adopt a Resolution approving the request to Metropolitan Transportation Commission by the County of Sonoma for an allocation of Transportation Development Act Article 3 Pedestrian and Bicycle Project funding for Fiscal Year 2014-2015. (Fifth District)
15. Authorize the Chair to execute multi-year, as-needed professional agreements for the following professional services and “not to exceed” amounts for each contractor:
 - (A) Architectural and access compliance (\$100,000): Glass Architects, Oscia Wilson Architects, Inc., dba Boiled Architecture, RossDrulisCusenbery Architecture, Inc., VPRM, Inc., dba STRATAap;
 - (B) Boat launch and marina civil engineering (\$250,000): Ben C. Gerwick, Inc., CLE Engineering, Inc. Moffatt & Nichol, Noble Consultants, Incorporated
 - (C) Civil and bio-engineering (\$250,000): BKF Engineers, Brelje & Race Consulting Engineers, Coastland Civil Engineering, Inc., EBA Engineering, Environmental Science Associates, Green Valley Consulting Engineers, Inc., Prunuske Chatham, Inc., Questa Engineering Corporation
 - (D) Cultural resources (\$100,000): Alta Archaeological Consulting, LLC, Environmental Science Associates, Garcia and Associates, Tom Origer & Associates
 - (E) Environmental and regulatory processing (\$100,000): Analytical Environmental Services, Environmental Science Associates, LSA Associates, Inc., Questa Engineering Corporation

SHERIFF’S OFFICE

16. Approve and authorize the Sheriff to execute Amendment No. 2 to the agreement for maintenance of fingerprint identification equipment with 3M Cogent, Inc. to extend the agreement one additional year, from April 1, 2014 to March 31, 2015, for an amount not to exceed \$150,000.

SHERIFF’S OFFICE / PROBATION

17. Authorize the Sheriff and Chief Probation Officer, on behalf of the County, to jointly execute a professional services agreement with BI Inc., to operate an adult offender Electronic Monitoring Program for the period of April 1, 2014 through March 31, 2016, in the amount of \$320,000.

APPOINTMENTS/REAPPOINTMENTS

(Items 18 through 19)

18. Appoint Mary Kaufmann to the Sonoma County Advisory Council on Area Agency on Aging for a two year term effective March 25, 2014. (First District)
19. Appoint Karen Collins to the Sonoma County Parks and Recreation Advisory Commission effective March 25, 2014 and expiring March 25, 2016. (First District)

IV. REGULAR CALENDAR

(Items 20 through 26)

**HEALTH SERVICES / HUMAN SERVICES/
ECONOMIC DEVELOPMENT BOARD / HUMAN RESOURCES**

20. County of Sonoma Affordable Care Act Implementation Update –
- (A) Receive update on Sonoma County Implementation of the Patient Protection and Affordable Care Act.
 - (B) Authorize the Director of Health Services to execute an agreement with Redwood Community Health Coalition for health insurance enrollment assistance services for the period April 1, 2014 through June 30, 2016 in an amount not to exceed \$149,650.

**COUNTY ADMINISTRATOR / FIRE AND EMERGENCY SERVICES
AND**

SONOMA COUNTY WATER AGENCY

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

21. Receive update on response to drought and adopt a 30 day extension of the Resolution proclaiming a drought emergency in Sonoma County

TRANSPORTATION AND PUBLIC WORKS / COUNTY ADMINISTRATOR

22. Pavement Preservation Program –
- (A) Receive overview of current Roads financing.
 - (B) Approve the proposed 2014 Pavement Preservation Program and various one-time expenditures totaling \$9.8 million, to be financed by the Fiscal Year 2013-14 General Fund allocation.
 - (C) Receive a report regarding the 2013 Pavement Management Program Update prepared by Harris & Associates.

SONOMA COUNTY WATER AGENCY

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

23. Consider rate agreement with Power and Water Resource Pooling Authority (PWRPA) for the Astoria II Solar Project for up to 5 MW of solar power for a term of 20 years, and authorize the Water Agency's General Manager to execute the Rate Agreement with Power and Water Resources Pooling Authority.

REGULAR CALENDAR (Continued)

GENERAL SERVICES / AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR
AND
SONOMA COUNTY WATER AGENCY
SONOMA COUNTY PUBLIC FINANCING AUTHORITY

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

24. Sonoma County Energy Independence Program Update –
- (A) Accept update report on Sonoma County Energy Independence Program; and
 - (B) Acting as the Board of Directors of the Sonoma County Public Financing Authority: Adopt a Resolution and approve agreements authorizing continued issuance and sale of revenue bonds, and loan of funds to the County, to fund the Sonoma County Energy Independence Program; and
 - (C) Acting as the County Board of Supervisors: Adopt three (3) Resolutions authorizing the Treasurer to invest in bonds issued by the Public Financing Authority, and authorizing execution of various related agreements, including a bond purchase agreement and a loan agreement; and receive an update on the program activity of the Sonoma County Energy Independence Program (SCEIP); and
 - (D) Acting as the Directors of the Sonoma County Water Agency: Adopt a Resolution withdrawing funds from the County Treasury Pool, and authorizing the withdrawn funds to be invested in Sonoma County Energy Independence Program bonds as a long-term Water Agency investment; and
 - (E) Acting as the County Board of Supervisors: Authorize the Program Administrator to take necessary actions to participate in the California Alternative Energy and Advanced Financing Authority (CAEATFA) PACE Loss Reserve Program.

HUMAN RESOURCES
AND
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT
COMMUNITY DEVELOPMENT COMMISSION
NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT
SONOMA COUNTY WATER AGENCY

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

25. Accept staff report on a conceptual design for an Incentive Retirement Savings Plan which would include County contributions and matching of employee savings for retirement consistent with the Board's Pension Reform goals

BOARD OF SUPERVISORS

26. Approve waiver of health inspection fees in the amount of \$7,739.88 for 14 facilities throughout Sonoma County for the Council on Aging's Congregate Dining Sites and Adult Day Programs where meals are served to seniors throughout Sonoma County. (All Districts)

V. CLOSED SESSION CALENDAR

(Items 27 through 29)

27. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Anticipated Litigation or Significant Exposure to Litigation (Govt. Code Section 54956.9(d)(4)).
28. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiators: Wendy Macy/Carol Allen. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).
29. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation – Title: Permit and Resource Management Department Director (Govt. Code Section 54957(b)(1)).

VI. REGULAR AFTERNOON CALENDAR

(Items 30 through 36)

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

- 30. Report on Closed Session.
- 31. **PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA** (Comments are restricted to matters within the Board’s jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.)
- 32. Permit and Resource Management Department: Review and possible action on the following:
 - a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
 - b) Acts and Determinations of Project Review and Advisory Committee
 - c) Acts and Determinations of Design Review Committee
 - d) Acts and Determinations of Landmarks Commission
 - e) Administrative Determinations of the Director of Permit and Resource Management
- 33. **2:10 P.M. – PLP12-0009 – (FOURTH DISTRICT)**
 - a) APPLICANT: Windsor Oaks Winery
 - b) APPELLANT: Dave and Joy Koch
 - c) LOCATION: 10810 Hillview Road, Windsor
 - d) ASSESSOR’S PARCEL NO.: 086-100-016 and 161-020-043
 - e) ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration
 - f) REQUEST: Conduct a public hearing and consider adopting a Resolution denying the appeal and upholding the Board of Zoning Adjustment’s approval of the request for a phased Use Permit and Design Review for an existing winery to increase production, add public and private tasting, retail sales, tours, agricultural promotional events, weddings, and participate in industry-wide events.
- 34. **2:10 P.M. – PLP13-0030 – (FOURTH DISTRICT)**
 - a) APPLICANT: Asa Shaeffer
 - b) LOCATION: 4170 Santa Rosa Avenue, Santa Rosa
 - c) ASSESSOR’S PARCEL NO.: 045-290-097
 - d) ENVIRONMENTAL DOCUMENT: Categorical Exemption
 - e) REQUEST: Conduct a public hearing and consider adopting a Resolution denying the Use Permit and Design Review application for Sonoma County Collective, a level II Medical Marijuana Dispensary.
- 35. **2:10 P.M. – UPE13-0065 – (SECOND DISTRICT)**
 - a) APPLICANT: Republic Service of Sonoma County, Inc.
 - b) LOCATION: 500 Meacham Road, Cotati
 - c) ASSESSOR’S PARCEL NO.: 024-080-019 & 030
 - d) ENVIRONMENTAL DOCUMENT: Subsequent Mitigated Negative Declaration
 - e) REQUEST: Conduct a continued public hearing on the request for a Use Permit for a recycling/materials recovery at the County's Central Disposal site (i.e. landfill) and conduct a vote on the Subsequent Mitigated Negative Declaration and Project.

REGULAR AFTERNOON CALENDAR (Continued)

36. **ADJOURNMENTS**

NOTE: The next regular meeting will be held on April 8, 2014.

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

1. April 8th (AM) – Housing Authority’s Annual PHA Plan
2. April 8th (PM) – PLP08-0021; Appeal of a Board of Zoning Adjustments approval of Use Permit ; Ratna Ling Retreat Center, 35755 and 36000 Hauser Bridge Road, Cazadero
3. April 15th (PM) – ORD14-0006; Extend land use permits allowing Vacation Rentals in the LIA Zone
4. April 22nd (AM) – TEFRA Hearing for Sonoma Academy
5. April 22nd (PM) – UPE07-0008; Cornell Winery Use Permit Application, 100, 245, 420, 500 and 560 Spring Mountain Summit Trail in eastern Sonoma County
6. April 22nd (PM) – Consolidated Fee Hearings



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 1
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors and Sheriff's Office

Staff Name and Phone Number:

Supervisor Efren Carrillo (707) 565-2241
Sheriff Steve Freitas

Supervisorial District(s):

Fifth District

Title: Gold Resolution

Recommended Actions:

Adopt Gold Resolution supporting the dedication of a portion of Highway 116, in the Jenner area, in memory of Deputy Sheriff Merrit W. Deeds upon the upcoming 40th anniversary of his death.

Executive Summary:

The Sonoma County Deputy Sheriff's Association and the Sonoma County Reserve Deputies' Association propose that a portion of Highway 116 in the Jenner area be dedicated in memory of Deputy Sheriff Merrit W. Deeds, who was sacrificed his life in meritorious service for the residents of Sonoma County on August 23, 1975. In order for this request to proceed through the state approval process, which requires an act of the legislature, Caltrans guidelines require that it have a resolution from the Board of Supervisors indicating support for the dedication. The proponents of this project would like to have the dedication occur on or before August 23, 2015, in commemoration of the 40th anniversary of Deputy Deed's death, and are therefore seeking legislative approval during the 2014 legislative session.

Prior Board Actions:

Strategic Plan Alignment

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

There is no County cost involved. Costs of the dedication signs, etc will be the responsibility of the project proponents.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Attachment 1: Resolution supporting dedication
Attachment 2: Project proposal and incident summary

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

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County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Supporting the Dedication of a portion of Highway 116, in the Jenner area, in memory of
Deputy Sheriff Merrit W. Deeds**

Whereas, Merrit W. Deeds served in the United States Army, as a member of the 81st Airborne in Vietnam; and

Whereas, Mr. Deeds first served as a Summer Deputy with the Sonoma County Sheriff's Office in 1970 and was assigned to the Guerneville Substation; and

Whereas, On August 23, 1975, Deputy Deeds was notified that he was to become a permanent, full-time Deputy Sheriff with the Sonoma County Sheriff's Office; and

Whereas, Only hours after this notification, Deputy Deeds was patrolling Highway 116 near Jenner when he stopped to talk with three men who were parked on the side of the road; and

Whereas, The driver of the vehicle fired two shots at Deputy Deeds, the second of which was fatal; and

Whereas, Off-duty Reserve Deputy Rex Nance stopped to assist, and Deputy Deeds was able to warn him that the suspect had a gun, possibly saving Reserve Deputy Nance's life; and

Whereas, At the age of 32, Deputy Merrit W. Deeds sacrificed his life in meritorious service for the residents of Sonoma County.

Now, Therefore, Be It Resolved Sonoma County Board of Supervisors supports the dedication of a portion of Highway 116, in the Jenner area, in memory of Deputy Sheriff Merrit W. Deeds.

Resolution #

Date:

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Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Our Proposal

The Sonoma County Deputy Sheriff's Association and the Sonoma County Reserve Deputies' Association propose that the portion of Highway 116, from Jenner in the west to Guerneville in the east, be named in memory of Deputy Sheriff Merrit W. Deeds. We propose this dedication to memorialize the sacrifice made by him serving the County of Sonoma and particularly the west county, working out of the River Substation at Guerneville.

If that length of highway is beyond the limits for such a dedication, we then propose that the portion of Highway 116 from Jenner at the west to Duncans Mills in the east be so dedicated.

Merrit's widow and daughters enthusiastically support this proposal as does Sheriff Steve Freitas.

If approved, funds will be raised by the members of the associations named above as well as by many active and retired members of the Sheriff's Office, other law enforcement agencies in Sonoma County and members of the community, particularly in western Sonoma County.

T. J. Van Bebber, a Sheriff's Sergeant and president of the Sonoma County Deputy Sheriff's Association, and Mike Voorhees, a Sheriff's Reserve Captain and member of the board of directors of the Sonoma County Reserve Deputies' Association are co-chairing this project.

For additional information or presentations please contact Mike Voorhees at 707-544-2181 or mike.voorhees@sonoma-county.org.

Merrit Wayne Deeds

Merrit was born February 23, 1943, in Rhonerville, California. As he was growing up, his family moved to Cloverdale, Fort Ross, Healdsburg and Windsor. He graduated from Healdsburg High School in 1960. After graduation, Merrit worked in the woods with his grandfather and at Asti Winery.

Merrit went into the Army in 1964 and served in Viet Nam in the 81st Airborne. After returning, he attended Santa Rosa Junior College, worked for the phone company and later as a security guard. He moved to Sacramento in 1970 to attend Sac State. He joined the Sacramento County Sheriff's Office as a part-time Deputy Sheriff and also worked at Juvenile Hall.

During the summer of 1970, Merrit joined the Sonoma County Sheriff's Office as a Summer Deputy, a part-time position, and was assigned to the Guerneville Substation for that summer.

After graduation from Sac State, Merrit moved to Juneau, Alaska and attended the Alaskan State Trooper Academy and, upon graduation, became a State Trooper. Missing family in Sonoma County, Merrit and his wife returned to Sonoma County in 1975.

On May 23, 1975, Merrit again became a Summer Deputy for the Sonoma County Sheriff's Office, and this time was assigned as the Resident Deputy in Cazadero, providing him with a one-bedroom home near the Cazanoma Lodge.

On August 23, 1975, three months after his appointment as a Summer Deputy, Merrit was told that he was to become a permanent, full-time Deputy Sheriff. He was murdered just before midnight that same day. He was survived by his wife and two small daughters.

Synopsis of the Deeds/Nance Shooting

On August 23, 1975, at approximately 23:33 hours, Deputy Sheriff Merrit Deeds (32) and Reserve Deputy Rex Nance (36) were shot by John Robert Shirey (39). Deputy Deeds died from two bullet wounds. Reserve Deputy Nance, wounded five times, eventually recovered. The shooting occurred on eastbound State Highway 116, approximately 1/2 mile east of the intersection with State Highway 1, near Jenner.

Deputy Deeds was on-duty, driving a marked patrol vehicle and travelling eastbound on Hwy 116, toward the Sheriff's substation in Guerneville. As he rounded a bend in the road, he saw an Oldsmobile sedan parked along the eastbound shoulder and at least 3 adult males in or near the vehicle. Deputy Deeds pulled off the roadway and parked approximately three car lengths in front of the Oldsmobile, exited his patrol vehicle and approached the driver, Shirey, age 39. According to Shirey's passengers, David Wayne Waite (age 20) and Steven George Johnson (age 18), Deputy Deeds inquired as to why the men were parked, obtained identifying information from them and returned to his patrol car.

After returning to the patrol car, Deputy Deeds was contacted by a juvenile who knocked on the window and told him that he and his friend, another juvenile, needed a ride to Guerneville, because one of the men tried to commit a criminal sexual act with him.

Deputy Deeds again exited his patrol vehicle and approached the Olds. Just as he reached the driver's door of the Olds, the juvenile yelled out, "He's got a gun!" Shirey, armed with a 9mm pistol, pointed it at Deputy Deeds, rapidly opened the door, exited the vehicle and disarmed Deputy Deeds. Shirey led Deputy Deeds to the right rear of the Olds and held him there. Waite remained in the back seat of the Olds and Johnson stood on the driver side of the Olds.

Reserve Deputy Nance, off-duty and driving his private vehicle, a Dodge pickup truck, was eastbound on Hwy 116, returning to his home near Cazadero. He was accompanied by a friend, Barbara. As he rounded a curb in the road, he saw Deputy Deeds standing at the rear of an Oldsmobile with another man, apparently scuffling. Nance pulled his truck in front of the patrol car, exited his truck, walked between his truck and the patrol car then along the passenger side

of the patrol car and toward the right rear of the Olds. Just as Nance arrived at the rear of the Olds, Deeds yelled, "Rex, he's got a gun!" whereupon Deeds dove for Shirey, attempting to take control of a weapon.

Nance likewise immediately dove for Shirey. As he did so, Shirey opened fire with both his 9mm pistol and Deeds' revolver. Nance saw a bright flash and felt tremendous heat and a concussion near the right side of his head, resulting in him falling forward to his knees. Deeds was shot twice, once in the right cheek and then, as he was falling, in the upper back, just below his neck. Deeds fell to the ground, dead.

Nance, supporting himself with his left hand and attempting to rise from the ground and draw his off-duty weapon with his right hand, was shot in the right arm near the elbow, thereby losing his grip of his weapon. As he rose, Nance was shot again, this time in his right upper chest. Nance moved toward his truck to escape Shirey and was shot again, this time in the abdomen. Shirey fired again and missed, striking the roofline of the patrol car.

Nance got back to his truck and into the driver seat. Shirey and Johnson re-entered the Olds, with Johnson driving, Shirey in the right front passenger seat and Waite in the rear seat. The Olds pulled onto the highway and alongside Nance's truck. Shirey turned in the passenger seat, bracing himself against the dashboard, and fired the 9mm pistol toward Nance at least three times, striking Nance again in the right arm and flattening the left front tire of Nance's truck. Nance attempted to drive away but was prevented from doing so by the front tire of his truck being flattened by the gunfire. The Olds drove east toward Guerneville then turned around, heading west on Hwy 116 then south on Hwy 1.

Nance, gravely wounded, had his friend attempt to contact Sheriff's dispatch on a low-powered radio installed in his truck, to no avail. Nance then stumbled to the patrol car and used its radio to call for help for Deeds and himself and gave a description of the Olds, the shooter and his accomplices. Nance sent his friend, Barbara, to check on Deeds and to attempt to find his weapon in case the suspects returned. Barbara determined that Deeds was at least gravely wounded, if not dead, and feared that moving him might exacerbate his injuries if he were still alive.

Based on Nance's call for help, other Deputies and members of allied agencies responded to the scene and began a search for the suspects. The first patrol vehicle to arrive, driven by Deputy Brent Jameson and his partner, Reserve Deputy Bill Passalacqua, arrived approximately twelve minutes later, reported that Deputy Deeds was deceased and that Reserve Deputy Nance was gravely wounded.

While driving south on Hwy 1 and at Shirey's direction, Johnson stopped the Olds so that Shirey could retrieve a twelve gauge shotgun and a box of ammunition from the trunk of the Olds. Shirey told Waite, still in the back seat that, if they were stopped by a law enforcement officer, Waite was to duck down so that Shirey could shoot the officer through the back window.

The Olds continued south on Hwy 1 then east on Highway 12. Just east of Freestone, CHP Officer Jack Symons and Sergeant Arnold Pederson were westbound on Hwy 116, intending to turn at Freestone and head toward Camp Meeker and Monte Rio. The CHP officers saw a vehicle matching the description of the suspect vehicle and turned around to stop it. The Olds turned south on Barnett Valley Road and into the driveway of a residence, approximately one-quarter mile south of Highway 12. The driveway was sloped in such a manner that when the CHP car pulled behind the Olds, the headlights of the CHP car flooded the back window of the Olds with light, preventing Shirey from being able to see the officers.

Shirey attempted to flee into the brush but was seen and stopped by Sgt. Pederson. The three suspects were taken into custody without incident. Sheriff's Sergeant Butch Carlstedt was first on the scene, assisted the CHP officers in searching the suspects and discovered three weapons in the Olds, Deputy Deeds' revolver, the 9mm pistol and the shotgun. The time elapsed from the shootings to capture was approximately forty-five minutes.

After many surgeries and a considerable amount of time, Reserve Deputy Nance recovered from his wounds but was unable to return to work as a Reserve Deputy.

Shirey was convicted of first degree murder and sentenced to death. His sentence was later commuted to life in prison due to death penalty court decisions. He died in prison.

Deputy Sheriff Merrit Deeds is interred at the Shiloh Cemetery in Windsor.



County of Sonoma
Agenda Item
Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Shirlee Zane
(707) 565-2241

Supervisorial District(s):

Third District

Title: Gold Resolution

Recommended Actions:

Gold Resolution honoring Kate Weber

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items “On File” with the Clerk of the Board:			



County of Sonoma

State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Honors California Resident And U.S. Army Veteran Kate Weber As A Powerful Activist For
Military Rape Survivors, And An Inspiration For Those Seeking To Find Their
Voice After Enduring Significant Trauma**

Whereas, Kate Weber, a U.S. Army Veteran who despite her 100% service-connected disability for post-traumatic stress disorder and military sexual trauma (MST) continues to travel extensively to raise awareness of veteran challenges; and

Whereas, Kate organizes training and service programs to help survivors of violence and rape and guides leadership in creating and establishing legislation that is more effective to help veterans; and

Whereas, Kate founded a support group for other MST survivors in 2009, and is the founder of the Tri County Collaborative for Military, Veterans, and their families serving veterans in Sonoma, Lake, and Marin Counties where efforts resulted in successful key relationships among veterans and the providers of services in her community, fostering greater appreciation and community involvement; and

Whereas, Kate is a volunteer victim advocate doing outreach and education for the Military Rape Crisis Center and is also an Advocacy Committee Member at Protect Our Defenders, two organizations founded to eradicate the ongoing military rape crisis and assist victims and survivors in obtaining equality, justice and recovery; and

Whereas, she appeared in the Oscar-nominated documentary "The Invisible War" and has been a presenter on panels and question and answer sessions following national and statewide screenings of this film; and

Whereas, in February of 2013, Kate was among the first MST Survivors to graduate from the Artemis Invisible War Trauma Recovery Program and continues to help fund-raise for this program for military rape survivors underwritten by private donations to the Artemis Foundation by caring citizens; and

Whereas, Kate was awarded "2013 Woman Veteran Leader of the Year" by California Department of Veterans Affairs and received her award at the Cal Vet Women Veterans Leadership Conference in San Diego in September; and

Resolution #

Date:

Page 2

Whereas, her expertise, professionalism, and candor in sharing her own experience of military rape have been the cornerstone of her many advocacy efforts; and

Whereas, Kate has collaborated with Congresswoman Jackie Speier (D-CA) and Senator Kirsten Gillibrand (D-NY) with regard to legislation protecting victims of rape in the ranks.

Now, Therefore, Be It Resolved Sonoma County Board of Supervisors thanks and commends U.S. Army Veteran Kate Weber, a powerful activist for military rape survivors, for her strength and inspiration in helping others as well as her work to eradicate the ongoing crisis of military rape, and assistance to victims and survivors in pursuit of equality, justice and recovery.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors of Sonoma County

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Department of Health Services

Staff Name and Phone Number:

Rita Scardaci, 565-7876

Supervisorial District(s):

Countywide

Title: National Public Health Week 2014

Recommended Actions:

Adopt a Resolution proclaiming the week of April 7 to April 13, 2014 as Public Health Week in Sonoma County.

Executive Summary:

By Presidential Proclamation, Public Health week is celebrated nationally in the first week of April every year. The theme for 2014 is "Public Health: Start Here." Public health programs have been serving communities across the country for many decades by helping individuals make healthy life choices to organizing efforts to build safer and healthier neighborhoods.

This year's theme focuses on five key areas:

- **Be healthy from the start.** From maternal health and good nutrition to immunizations and emergency preparedness, public health starts at home. The Department's Nurse-Family Partnership program helps low-income first-time mothers access prenatal care and other services so that their babies get the best start in life.
- **Don't panic.** Disaster preparedness starts with community-wide commitment and action. Our Public Health Preparedness Program works with County Fire and Emergency Services, health system providers, and other community partners to prepare for and respond to disasters and emergencies.
- **Get out ahead.** Preventing illness is a better use of scarce resources than treating the consequences. Today, 7 in 10 deaths in the U.S. are related to preventable diseases such as obesity, diabetes, high blood pressure, heart disease, and cancer. Community health initiatives such as iWALK, Safe Routes to School, and Healthy by Design promote physical activity to lower risks for many of these types of diseases.
- **Eat well.** The system that keeps our nation's food safe and healthy is complex. Our Environmental Health and Safety staff inspect local dairies and restaurants, important components of Sonoma County's agricultural and tourism economy. Working together with food system partners, the

Healthy and Sustainable Action Plan identifies ways that the entire community can get involved in creating a strong, healthy, and sustainable food system for future generations.

- **Be the healthiest nation in one generation.** Sonoma County strives to become the healthiest county in California by 2020. Through Health Action and the Upstream Investments Initiative, we are working across all sectors of our community to ensure that Sonoma County is a healthy place to live, work and play... a place where people thrive and achieve their life potential.

The Department of Health Services works throughout the year to provide a broad range of innovative and creative services designed to protect, promote, and achieve health for individuals, families, and communities. For example, in response to community concerns about mental health crisis intervention, the Department has strengthened its intervention training for law enforcement and its Behavioral Health Mobile Support Team. The Department has also been actively engaged with local, regional, and state partners to implement the Affordable Care Act, with the goal of increasing local access to health care, decreasing health care costs, and improving the quality of services.

During this year’s Public Health Week, and in line with the national theme of “Public Health: Start Here,” the Department is pleased to present two community workshops on April 10, 2014 with Dr. Vincent J. Felitti, principal investigator in the Adverse Childhood Experiences (ACE) Study. During these two half-day events, Dr. Felitti will share findings from the ACE Study and show how practitioners in our community can integrate the ACE framework into their work with adolescents impacted by trauma or parents whose own history of ACE is affecting their ability to successfully parent their own children.

Prior Board Actions:

1999 through 2013 - Annual recognition of Public Health Week

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

Public health programs improve the health of the community, reduce the number of persons afflicted with injuries or illness, and reduce the spread of infectious, foodborne, and waterborne illnesses.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

There are no fiscal impacts associated with this item.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
Resolution			
Related Items “On File” with the Clerk of the Board:			
None			



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Proclaiming April 7 to April 13, 2014 As Public Health Week In Sonoma County.**

Whereas, since 1995, by Presidential proclamation, the first week in April has been designated as National Public Health Week, and this year's theme of "Public Health: Start Here" emphasizes our community's commitment to promoting a safer and healthier community;

Whereas, a strong and effective public health system is an essential foundation of modern society, having achieved things that past generations could only dream about, but which we take for granted, such as prenatal care, municipal sewage disposal, clean drinking water, food and drug purity standards, and the virtual elimination of diseases like polio, bubonic plague, and yellow fever from the United States; and

Whereas, public health initiatives continue to advance the state of health and wellness in the County, through data analysis and surveillance, health education, health system coordination, policy change, and direct services, to lay the foundation and create the conditions to put more healthy choices within the reach of the people of Sonoma County.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma proclaims April 7 to April 13, 2014 to be Public Health Week in Sonoma County, and call upon all County Departments to join with private organizations and community members to celebrate with activities that recognize the value of public health and prevention in keeping all communities healthy and safe.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

Board Agenda Date: March 25, 2014

Vote Requirement: Unanimous

Department or Agency Name(s): Agricultural Preservation and Open Space District

Staff Name and Phone Number:

Jake Newell, 565-7357

Supervisorial District(s):

4

Title: Windsor Town Green Conservation Easement: First Amendment to Deed and Agreement Conveying a Conservation Easement.

Recommended Actions:

Adopt a resolution (1) making findings in support of proposed amendment to Windsor Town Green Conservation Easement increasing the area of protected land by 3,731 square feet and (2) authorizing the President to execute amendment agreement documents.

Executive Summary:

Background

In 1999, the Sonoma County Agricultural Preservation and Open Space District ("District") provided funds through its Matching Grant Program to the Town of Windsor ("Town") for the acquisition of a 3.31-acre portion of the Windsor Town Green property for the purposes of establishing a public park and open space; in exchange, the District acquired a conservation easement (Document No. 2000-003169, "Easement," on file with Clerk) over that 3.31-acre portion ("Property"). As shown on the Baseline Site Map (on file with Clerk), the Easement designates a Windsor Town Green Area, which allows for certain recreational, public assembly, and educational activities, and an Oak Preservation Area, which allows for more restrictive recreational and educational activities so as to protect the significant native oaks on the site. The Easement requires that the public shall have access to the Property, and every portion thereof.

In a letter dated June 13, 2005 (on file with Clerk), the District determined that an arrangement between the Town and Town Green Village ("TGV") involving a revocable license agreement for the purposes of outdoor dining in a 1,427 square-foot portion of the Oak Preservation Area was consistent with the Easement. As indicated in the letter, the determination was contingent upon the arrangement being implemented in accordance with Town Resolution No. 1736-05 (on file with Clerk), which included among other conditions TGV's conveyance of a conservation easement over 5,020 square feet of land to the Town. The respective areas were depicted in a map prepared by Doble Thomas & Associates for Orrin & Terri Thiessen entitled "Dedication Exhibit," dated March 2004 (on file with Clerk).

TGV subsequently commenced development of the patio area for exclusive use by its lessee, KC's Downtown Grill ("KC Grill"), a restaurant located adjacent to the Property, for outdoor dining by its customers. However, TGV

found that it was unable to obtain the votes by its board required to convey the conservation easement to the Town. Therefore, the conditions of Town Resolution No. 1736-05 were not met, and the continued use of the patio by KC Grill is not consistent with the Easement.

In April 2012, Town staff approached the District, indicating that TGV and KC Grill now desired to construct a patio cover over the outdoor dining area. District staff advised the Town that such a structure is not permitted by the Easement because the existing use of the patio area is not consistent with the Easement. Further, District staff informed Town staff that this inconsistency needs to be rectified.

Proposed Amendment

On August 12, 2013, staff met with representatives from the Town, TGV, and KC Grill in order to discuss options for bringing KC Grill's use of the patio area into compliance with the Easement. Based upon the benefits of the use of the area proposed to be released from the Easement, the lack of detriment to the Easement purposes of such removal, and the benefit to Easement purposes to increase the overall Easement area, it was determined that the preferable option was to amend the Easement to remove the patio area in exchange for adding area elsewhere in the Windsor Town Green to the Easement. Such an exchange is authorized by Public Resources Code § 5540.5, which provides:

“(a) Notwithstanding Section 5540, a district, with the approval by a unanimous vote of the members of its board of directors, may exchange real property, or an interest in real property, dedicated and used for park or open-space purposes, or both park and open-space purposes, for real property, or an interest in real property, that the board of directors determines to be of equal or greater value and is necessary to be acquired for park or open-space purposes, or both park and open-space purposes.”

In order to ensure that the exchange constitutes “equal or greater value” as required by Public Resources Code and to ensure that it serves the interests of the District, staff and Town representatives agreed that the exchange would be proposed at a ratio of 1,427-to-5,020, parallel to the 2005 arrangement. The total area of land protected by the Easement would therefore increase.

The Town subsequently proposed an exchange that would remove 1,480 square feet for the patio area and add 5,211 square feet elsewhere to the Easement (*see Attachment A*), increasing the area of protected land by 3,731 square feet. In addition, at the suggestion of District staff, the Amended Baseline Site Map adjusts the boundary between the Oak Preservation Area and the Windsor Town Green Area to better reflect site conditions, following a row of orchard trees that were present at the time the Baseline Site Map was developed (*see Attachment B*). The proposed adjustment between the Oak Preservation Area and Windsor Town Green Area boundaries on the Baseline Site Map will not affect the square footage of the Easement area.

The District's Easement Amendment Policy is found in the Stewardship Manual (on file with Clerk) approved by the Board of Directors on July 19, 2005 (Board Action #32). Procedure 7 requires that the Board approve easement amendments only after making all of the required findings.

The District General Manager has found that the proposed amendment (on file with clerk) is consistent with the Easement Amendment Policy because it is consistent with law and the conservation purpose of the Easement, and there is a clear benefit to the District's conservation goals by increasing the protected area by 3,731 square feet.

The Board's unanimous adoption of the proposed resolution will enable KC Grill to continue its use of the patio area while adding land to the Easement. If the Board does not unanimously make the requisite findings and approve this amendment, compliance with the Conservation Easement would require that KC Grill cease its use of the patio area and that the Town to restore the area to public use consistent with the uses permitted in the Oak

Preservation Area.

On March 20, 2014, the District’s Fiscal Oversight Commission reviewed the proposed amendment. [Insert Details of FOC action.]

Recommendation

Staff recommends that the Board approve the proposed resolution (1) making findings pursuant to Public Resources Code Section 5540.5 that the interest to be obtained by the District in the proposed Easement amendment is of greater value than that interest to be released, and that such interest is necessary to be acquired for open space purposes, and (2) directing the President to execute the amendment documents.

Prior Board Actions:

Resolution No. 99-1438. Authorizing and directing the President to fund a grant to the Town of Windsor for the acquisition of the Windsor Town Green property by the Town under the District’s competitive Matching Grant Program; to execute an agreement with the Town for the transfer of a conservation easement; to execute a certificate of acceptance; and to direct the preparation of escrow instructions.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This amendment will result in the protection of a larger area than is currently protected by the original conservation easement.

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 12,000	County General Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 0
	\$	Fees/Other	\$ 12,000
	\$	Use of Fund Balance	\$ 0
	\$	Contingencies	\$ 0
	\$		\$
Total Expenditure	\$ 12,000	Total Sources	\$ 12,000

Narrative Explanation of Fiscal Impacts (If Required):

Estimated expenditures of \$12,000 include the costs of obtaining a preliminary title report, having the County Surveyor review the legal description, and staff and Counsel time spent preparing the amendment .

Staffing Impacts

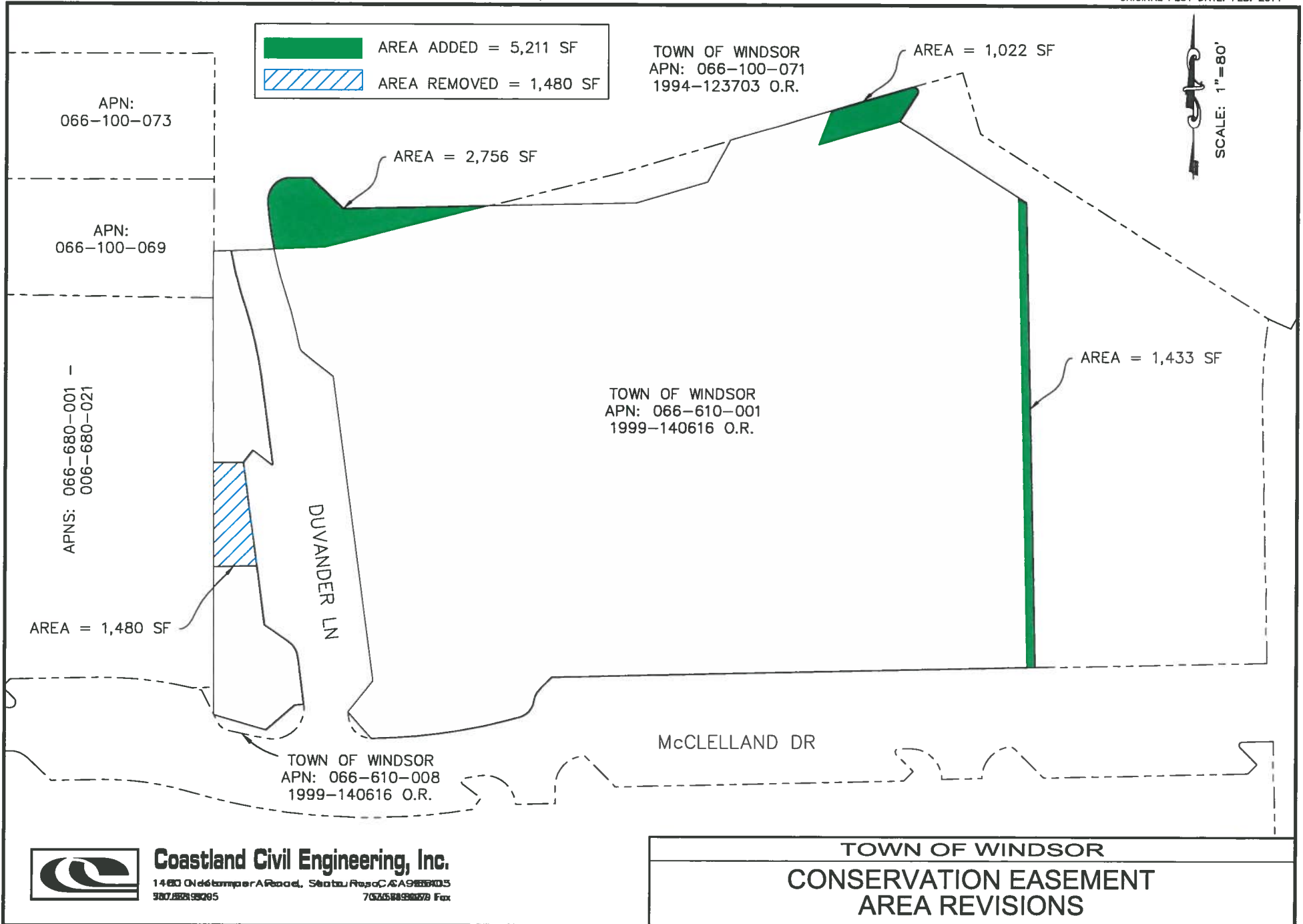
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
<ul style="list-style-type: none"> A. Town of Windsor Conservation Easement Area Revisions Map B. Amended Baseline Site Map with color aerial imagery C. Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation and Open Space District, State Of California, (1) Making Certain Findings Pursuant to California Public Resources Code Section 5540.5; (2) Authorizing the Board President to Execute the First Amendment to Conservation Easement Agreement; and (3) Dedicating the Acquired Interest in Real Property to Open Space Purposes. 			
Related Items "On File" with the Clerk of the Board:			
<ul style="list-style-type: none"> 1. Conservation Easement Deed and Agreement 2. Baseline Site Map 3. District letter dated June 13, 2005, approving arrangement between Town of Windsor and Town Green Village 4. Town of Windsor Resolution No. 1736-05 5. Dedication Exhibit, Doble Thomas & Associates, March 2004 6. District Easement Amendment Policy (Stewardship Manual) 7. First Amendment to Conservation Easement, including Exhibit "A-1" (Legal Description), Exhibit "A-2" (Plat to Accompany Description) and Exhibit "D" (Amended Baseline Site Map) 			

ATTACHMENT A

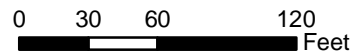
Xrefs:
Path: F:\Civil 3D Projects\062753\DWG\Town Green Conservation Easement Plot.dwg Layout Name: Exhibit Plot Date: Feb 03, 2014 at 03:06 pm

ORIGINAL PLOT DATE: FEB. 2014





Windsor Town Green Conservation Easement Amended Baseline Site Map



Map Date: February 11, 2014
Sources: SCAPOSD (Oak Preservation Area);
Coastland Civil Engineering (Easement Boundary);
USGS 2011 (aerial).
This map is for illustrative purposes only and is
not intended to be a definitive property description.



- Photo Location & Bearing
- A** Baseline Location ID
- 1 Baseline Photo Number
- Easement Boundary
- Oak Preservation Area

Date: March 25, 2014

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation and Open Space District, State Of California, (1) Making Certain Findings Pursuant to California Public Resources Code Section 5540.5; (2) Authorizing the Board President to Execute the First Amendment to Conservation Easement Agreement; and (3) Dedicating the Acquired Interest in Real Property to Open Space Purposes.

Whereas, in November 1999, the Town of Windsor (Town) and the Sonoma County Agricultural Preservation and Open Space District (District) entered into a “Deed and Agreement By and Between the Town of Windsor and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement” (Easement); and

Whereas, the Town desires to have a certain portion of the real property subject to the Easement released therefrom, and to convey to the District an interest in certain additional property to be subject to the terms of the Easement; and

Whereas, the interest to be obtained by the District in the proposed amendment to the Easement, set forth in the proposed “First Amendment to Deed and Agreement Conveying a Conservation Easement” is of greater value than that interest which shall be released thereby; and

Whereas, the interest to be obtained by the District in the proposed Easement amendment is necessary to be acquired for open space purposes,

Now, Therefore, Be It Resolved that this Board of Directors hereby finds and determines that the forgoing recitations are true and correct.

Be It Further Resolved that the President is authorized and directed to execute, on behalf of the District, that certain agreement for the amendment of the Easement entitled “First Amendment to Deed and Agreement Conveying a Conservation Easement” and the certificate of acceptance required by Government Code section 27281.

Resolution #
Date: March 25, 2014
Page 2

Be It Further Resolved that additional easement area acquired by this transaction is hereby dedicated to open space purposes pursuant to Public Resource Code section 5540.

Directors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 5
(This Section for use by Clerk of the Board Only.)

To: Board of Commissioners

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

John Haig, 565-7508

Supervisorial District(s):

All

Title: Informal Bidding Ordinance

Recommended Actions:

Adopt an Ordinance entitled "An Ordinance of the Sonoma County Community Development Commission Establishing an Informal Bidding Process for Certain Public Projects." (Ready for adoption.)

Executive Summary:

On March 18, 2014, your Board of Commissioners adopted a resolution electing to become subject to the policies and procedures of the California Uniform Public Construction Cost Accounting Commission. To take advantage of the less formal bidding procedures authorized by the UPCCAA, the Board must also adopt an ordinance enacting such procedures for the Commission. The ordinance was introduced at the Board's March 18, 2014 and is now ready for adoption.

The attached ordinance is identical to the County's informal bidding ordinance, except that it delegates authority for carrying out the informal bidding process to the Commission's Executive Director, instead of the County Purchasing Agent, in keeping with the current Commission Procurement Policy. California law generally requires public agencies to let contracts for public works projects through a specific and highly regulated competitive bid process. Historically, given the programs carried out by the Sonoma County Community Development Commission, the projects initiated by the agency that required competitive bidding did not fall under the definition of "public works" projects and did not need to comply with these regulations. For non-public works projects, the Commission has adhered to the provisions of the Commission Procurement Policy adopted by your Board in 1993. However, the Commission in its capacity as governing body for the Sonoma County Housing Authority has now acquired a number of vacant and residential real properties pursuant to the dissolution of redevelopment agencies in California. When the Commission takes action to repair or develop these properties, the work will be deemed a public work project.

The California Uniform Public Construction Cost Accounting Act (UPCCAA) provides a more flexible method for complying with State public bidding requirements for public works projects. Under the

UPCCAA, public works projects of less than \$45,000 can be let without a formal bidding process, or may be performed by the public agency using its own employees. Projects of less than \$175,000 can be let pursuant to a less-formal bidding procedure, which does not require advertising for bids or the preparation of detailed formal plans and specifications, but instead requires the Commission to maintain a list of qualified contractors, identified according to categories of work, and to mail a notice inviting bids to the relevant contractor, and to specified trade journals, at least ten days in advance of the bid date, thus ensuring a competitive process.

Because of the advantages of opting into the UPCCAA, both Sonoma County and the Sonoma County Water Agency have done so previously.

Opting into the UPCCAA will be of particular benefit to the Commission, since it is likely that the majority of projects made necessary by the Commission’s acquisition of redevelopment housing properties will involve smaller repair and improvement projects falling under the \$45,000 limit. Thus the Commission would be able to let those contracts after conducting a less-formal and more cost-effective “request for proposals” process rather than undertaking the time and expense of a formal bidding process. Opting into the UPCCAA would not affect the requirement that contractors pay prevailing wages, nor would it exempt the Commission from complying with all other applicable provisions of the Commission’s existing Procurement Policy.

Prior Board Actions:

07/13/1993 – Adopted Resolution 93-0985 adopting a Procurement Policy for the Commission.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Use of UPCCAA policies and procedures will allow the Commission to complete its work in a more effective and efficient manner.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):			
None.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
Ordinance Establishing an Informal Bidding Procedure for Certain Public Projects			
Related Items “On File” with the Clerk of the Board:			
None.			

An Ordinance of the Board of Commissioners of the Sonoma County Community Development Commission, Establishing an Informal Bidding Procedure for Certain Public Projects

The Board of Commissioners of the Sonoma County Community Development Commission hereby ordain as follows:

SECTION I. Purpose. This ordinance establishes an informal bidding procedure to govern the selection of contractors to perform certain public projects pursuant to the authorization in Section 22034 of the California Public Contract Code, or any successor statute.

SECTION II. Authority and Scope. By resolution, the Board of Commissioners has elected to become subject to the procedures established pursuant to the Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22000 et seq.) hereinafter referred to as the “Act.” In compliance with Section 22034 of said Act, this ordinance is adopted as the procedure for letting work by informal bidding only for public projects within the limits set forth in Section 22032 subdivision (b) of said Act, as adjusted from time to time pursuant to Section 22020 of said Act. All other work not exempted from public bidding requirements shall be advertised and awarded in accordance with applicable provisions of state law and Commission policies.

SECTION III. Informal Bidding Procedures.

1. Pursuant to Section 22034(e) of the Public Contract Code, the Board of Commissioners delegates the following duties to the Commission’s Executive Director:

(a) As awarding officer, the Executive Director shall solicit bids and award contracts for public projects carried out by the Commission.

(b) The Executive Director shall maintain a list of contractors as herein provided.

(c) The Executive Director shall have the authority to consent to the substitution of subcontractors pursuant to the Subletting and Subcontracting Fair Practices Act (California Public Contract Code Section 4100 et. seq.).

2. Pursuant to Section 22050(b) of the Public Contract Code, the Board of Commissioners delegates to the Executive Director the authority to order any action pursuant to Section 22050(a)(1) in the event of an emergency.

3. Contractor listings, identified according to categories of work, shall be maintained and administered under this article by the Executive Director. Contractor listing shall be developed and maintained in accordance with minimum criteria determined by the California Uniform Construction Cost Accounting Commission. The list may be revised from time to time to remove inactive names.

4. Notice inviting informal bids:

(a) All contractors on the list for the category of work being bid and/or all construction trade journals specified in Section 22036 of the Public Contract Code, or any successor statute, shall be mailed a notice inviting informal bids unless the product or service is proprietary.

(b) The notice inviting informal bids shall include a project description in general terms, the time and place for submission of bids, and information on how to obtain more detailed information on the project.

(c) All mailing of notices to contractors and construction trade journals pursuant to subsection (b) of this section shall be completed not less than ten (10) calendar days before bids are due.

5. Contract award:

(a) The contract shall be awarded to the lowest responsible bidder if the Executive Director considers the bid to be reasonable, sufficient funds have been appropriated, and the bid is within the limits prescribed for award.

(b) If all bids received are in excess of one hundred seventy-five thousand dollars (\$175,000.00), the Board of Commissioners may by passage of a resolution by a four-fifths vote, award the contract at one hundred eighty-seven thousand dollars (\$187,000.00) or less, to the lowest responsible bidder, if it determines the cost estimate was reasonable.

(c) Upon completion of a project, the Executive Director shall record a notice of completion.

6. Changes may be made in the contract with the following limitations:

(a) Appropriated funds are available to cover the cost of the change;

(b) Neither the net sum of any individual change nor the sum of all changes in the aggregate increase the total contract amount by more than the amount specified in Section 22032(a) of the Act as may be adjusted from time to time;

(c) Neither the net sum of any individual change nor the net sum of all changes in the aggregate increases the total contract amount by more than ten percent (10%) of the amount specified in Section 22032(b) of the Act, as adjusted from time to time; and

(d) The Executive Director considers the change to be reasonable.

7. All contracts awarded pursuant to this article shall be subject to the provisions of the Subletting and Subcontracting Fair Practices Act (California Public Contract Code Section 4100 et. seq.).

8. Nothing in this article shall prohibit the Board of Commissioners from utilizing, as an alternative to the procedures set for in the Act and this article, the procedures set forth in Article 25, commencing with Section 20390, of the Public Contract Code.

SECTION IV. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Commissioners hereby declare that they would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION V. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Commissioners voting for or against the same, in the Sonoma County Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Commissioners of the Sonoma County Community Development Commission introduced on the __th day of _____, 2014, and finally passed and adopted this __th day of _____, 2014, on regular roll call of the members of said Board by the following vote:

Commissioners:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

Chair, Board of Commissioners

ATTEST:

Clerk



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Directors – Sonoma County Water Agency

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Michael Thompson 521-1863

Supervisory District(s):

All

Title: Power and Water Resource Pooling Authority Agreement

Recommended Actions:

Authorize the Chair to terminate the 2009 Renewable Energy Purchase Agreement between Power and Water Resource Pooling Authority (PWRPA) and the Sonoma County Water Agency (Water Agency) for Warm Springs Dam Power; and execute the 2014 Renewable Energy Purchase Agreement between PWRPA and the Water Agency for Warm Springs Dam power for a term of ten years.

Executive Summary:

This item recommends the authorization for the Chair to terminate the 2009 Renewable Energy Purchase Agreement between Power and Water Resources Pool Authority (PWRPA) and the Sonoma County Water Agency (Water Agency).

The Sonoma County Water Agency (Water Agency) is a project participant of the Power and Water Resources Pooling Authority (PWRPA), which provides most of the electrical power for the Water Agency's facilities. PWRPA was formed in 2004 by a number of irrigation districts to collectively manage power assets and loads. Each PWRPA project participant is able to receive a customized blend of power from multiple sources. In 2011, the Water Agency's Board of Directors (Board) adopted an Energy Policy that directed the Water Agency to pursue the goal of achieving a net carbon neutral power supply for its operations. All of the power the Water Agency receives through PWRPA is from renewable or carbon-free sources. This power consists of (1) hydroelectric power from Water Agency's Warm Springs Dam; (2) power generated at the Sonoma County landfill from methane gas; and (3) hydroelectric power from the Western Area Power Administration. The Landfill agreement expires near the end of 2015. The Water Agency plans to meet with the County of Sonoma Department of Transportation and Public - Works to extend this agreement.

Warm Springs Dam Hydroelectric Power

According to the California Renewables Portfolio Standard (RPS), PWRPA must procure prescribed

quantities of power from eligible renewable resources. Although the Water Agency does not have an RPS obligation, all PWRPA project participants have agreed that the supply of power they receive from PWRPA will have a certain percentage of renewable power.

The Warm Springs Dam hydroelectric plant is an eligible renewable resource and the output is sold to PWRPA pursuant to a 2009 agreement that expires in 2019. According to California Energy Commission’s RPS rules, agreements for renewable power executed before January 1, 2010 are categorized as “grandfathered” contracts. Staff proposes to terminate the existing agreement and execute a new 10-year agreement that is substantively identical to the existing agreement, to sell PWRPA the entire electrical output and environmental attributes from Warm Springs Dam, which PWRPA will then sell and deliver in turn to the Water Agency. This will fulfill the Water Agency’s total RPS obligation within PWRPA during most years and ensure the Water Agency’s electric load is served with cost-effective renewable resources. If this action is not taken, the energy purchased from the Warm Springs Dam hydroelectric plant will no longer count toward the Agency’s RPS obligation and the Agency would be required to find another source of renewable power to meet its minimum obligation.

Prior Board Actions:

11-03-2009 Agreement for Sale of Power from Warm Springs Dam
 03-22-2011 Water Agency Energy Policy and Energy Initiatives
 12-13-2011 Power and Water Resources Pooling Authority – Agreement to purchase all power generated by County of Sonoma Landfill Gas Project

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

County of Sonoma – Economic and Environmental Stewardship: A water & energy plan that maximizes renewable energy

Sonoma County Water Agency – Energy Goal 1, Provide Carbon-Free Water

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

The new agreement will be substantially the same as the prior agreement and no additional costs are anticipated or appropriations needed. The FY 13-14 budget includes \$4.95 million towards power purchases through PRWPA, PG&E, and Sonoma Clean Power.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

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

2014 Renewable Energy Purchase Agreement (4 copies)

JJ\\FILESERVER\\DATA\\CL\\AGENDA\\AGREES\\03-25-2014 WA POWER AND WATER RESOURCES POOLING AUTHORITY_SUMM.DOCM

CF/46-0-21 POWER AND WATER RESOURCES POOLING AUTHORITY (AGREE FOR RENEWABLE ENERGY PURCHASE) TW No (Id5002)



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Don Seymour 547-1925

Supervisorial District(s):

All

Title: Scoping Study for Russian River Management

Recommended Actions:

Authorize General Manager of Water Agency to execute an agreement with Kennedy/Jenks Consultants to conduct scoping studies to evaluate development of Russian River modeling and a Geographic Information Management system for \$225,000; agreement terminates on December 31, 2015.

Executive Summary:

This agenda item requests approval by the Board of Directors of the Sonoma County Water Agency (Water Agency) for the General Manager to enter into an agreement with Kennedy/Jenks Consultants (Consultant) to conduct scoping studies to evaluate: (1) the design and configuration of a coupled surface water/groundwater model of the upper Russian River; and (2) the feasibility of developing a web-based geographic information management system to provide near real-time hydrologic and meteorological data for the Russian River watershed. The studies are being performed in collaboration with the California Water Foundation.

HISTORY OF ITEM/BACKGROUND

The Water Agency's Board of Directors authorized the General Manager to enter into an agreement to receive grant funding for Russian River management programs. Through the agreement, California Water Foundation is providing a total of \$75,000 in grant funding for the scoping studies. The Water Agency will provide the remaining \$150,000 toward the scoping studies work proposed.

The Water Agency controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the provisions of Decision 1610, which the State Water Resources Control Board (State Water Board) adopted on April 17, 1986. Decision 1610 specifies the minimum flow requirements for the Russian River and Dry Creek. These minimum flow requirements vary based on water supply conditions, which are also specified by Decision 1610. Due to significant hydrologic and water management changes over the past decade, Lake Mendocino and the upper Russian River are experiencing reduced reliability for water supply. Additionally, in September 2008, the

National Marine Fisheries Service issued the Russian River Biological Opinion (Biological Opinion) pursuant to the requirements of the Federal Endangered Species Act. This Biological Opinion was the culmination of more than a decade of consultation under Section 7 of the Endangered Species Act by the Water Agency and the Corps with National Marine Fisheries Service and California Department of Fish and Game regarding the impacts on three Endangered Species Act -listed salmonid species by the Water Agency's water supply and Corps' flood control operations in the Russian River watershed. Implementation of the Biological Opinion requires complicated changes in the operation and management of the Russian River system. These changes necessitate improved decision-making tools for the Water Agency to develop for successful implementation of the Biological Opinion. Consequently, there is a need to develop improved decision support tools to promote effective and coordinated local management of water resources.

Performance of the proposed scoping studies is intended to be complementary with the framework being developed for the Integrated Water Resources Science and Services consortium. Integrated Water Resources Science and Services is a new business model for interagency collaboration. Integrated Water Resources Science and Services brings a consortium of United States federal agencies with complementary water resources missions together to share resources to solve water resources issues. These include:

- 1) Integrate information delivery and simplify access to data;
- 2) Increase accuracy and timeliness of water information; and
- 3) Provide summit-to-sea high resolution water resources information and forecasts.

The Integrated Water Resources Science and Services consortium is intended to integrate water resources information, products and services across geographic and organizational scales. Currently the collaboration is with three federal agencies: National Atmospheric and Oceanic Administration, United State Geological Survey, and United States Army Corps of Engineers.

Consequently, development of the scoping studies will be performed in coordination with each of the three aforementioned federal agencies.

SELECTION PROCESS

On August 28, 2013, Water Agency issued a Request for Qualifications to the following 8 firms:

- 1) Hydrometrics Water Resources, Oakland, California
- 2) E.R.M., Walnut Creek, California
- 3) Kennedy/Jenks Consultants, Santa Rosa, California
- 4) E.P.U.R., Portland, Oregon
- 5) Johnson Wright, Inc., Lafayette, California
- 6) Todd Engineers, Alameda, California
- 7) GeoSyntec, Brookline, Massachusetts
- 8) O'Connor Environmental, Inc., Healdsburg, California

The 5 firms listed below submitted Statements of Qualifications.

- 1) Hydrometrics Water Resources
- 2) O'Connor Environmental, Inc.
- 3) Dewberry/E.P.U.R.

- 4) Johnson Wright, Inc.
- 5) Kennedy/Jenks Consultants

The following criteria were used to evaluate each firm: responsiveness to the work requirements, professional qualifications and overall performance commitment, demonstrated ability to perform the work in accordance with best practices, time required, exceptions to agreement terms, and cost. In addition, a 5% local preference weighting was given to firms from Sonoma County. The Water Agency’s Chief Engineer, Engineering Programming Manager, and Principal Engineer evaluated Statements of Qualifications.

Kennedy/Jenks (Consultant) was selected to perform the work because its sub-consultants have extensive experience in conducting scoping studies to evaluate the development and design of coupled surface water-groundwater models and the development of web-based geographic information management systems to provide a comprehensive overview of real-time hydrologic and meteorological data.

SERVICES TO BE PERFORMED

Under the proposed Agreement, the Consultant will conduct scoping studies to evaluate development of Russian River modeling and a Geographic Information Management system. Work will include:

- 1) Phase 1 – Coupled Surface Water / Groundwater Scoping Study
- 2) Phase 2 – Web Platform Scoping Study
- 3) Phase 3 – Workshops and Stakeholder Collaboration
- 4) Phase 4 – Project Management
- 5) Other related work, as necessary

Depending on the outcome of these scoping studies, future work will be planned under separate agreements.

The cost of services will not exceed \$225,000; the term end date is December 31, 2015.

Prior Board Actions:

11/13/12: Resolution No. 12-0529 authorized the General Manager to apply to the California Water Foundation for a regional investment strategy program grant and to enter into an agreement to receive grant funding for Russian River management and urban water use efficiency programs.

Strategic Plan Alignment Goal 3: Invest in the Future

County Goal 3: Invest in the Future - Improved management of the Russian River System will contribute to improved resiliency and reliability of the region’s water supply.

Water Agency Organizational Goals and Strategies, Goal 1: Increase organizational efficiency, effectiveness, and resilience to natural disasters.

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 225,000		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Water Supply, Russian River Projects Fund-Fees/Other	\$ 225,000
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 225,000	Total Sources	\$ 225,000

Narrative Explanation of Fiscal Impacts (If Required):

FY 2013/2014 appropriation of \$150,000 is from the Water Supply, Russian River Projects fund; the remaining balance is from the California Water Foundation grant. No additional appropriation is required.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

N/A

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

Proposed Agreement (1 copy)



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 8
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Veronica Ferguson

Supervisorial District(s):

All

Title: Resolution supporting San Francisco Bay-Delta Ecosystem Health

Recommended Actions:

Adopt a Resolution Of The Board Of Supervisors supporting a coordinated regional approach to protecting the ecosystem health and the need for fresh water for the San Francisco Bay-Delta estuary

Executive Summary:

The San Francisco Estuary Partnership is a coalition of resource agencies, non-profits, citizens, and scientists working to protect, restore, and enhance water quality and fish and wildlife habitat in and around the San Francisco Bay Delta Estuary. The Association of Bay Area Governments is the home agency for Partnership staff and finances. Friends of the San Francisco Estuary is a 501(c)(3) non-profit organization organized by the San Francisco Estuary Partnership's Management Committee in 1991.

Friends of the Estuary works to: Educate policymakers, legislators, and the public on the need for adequate freshwater flows to the San Francisco Estuary; Develop public involvement, education, communication, and advocacy programs; Promote citizen involvement in studying, restoring and managing a healthy Estuary; Develop and implement public education and involvement action plans; Develop a flexible, community-based framework for public involvement and education in all aspects of Estuary management; and serve as a watchdog and advocate for Comprehensive Conservation Management Plan implementation.

Friends of the Estuary are currently working on a campaign to preserve fresh water flows into San Francisco Bay and Delta. The mixing of salt water from the Pacific Ocean and fresh water from the Sacramento and San Joaquin Rivers creates brackish water habitat unique to estuaries, which sustain salmon runs, shellfish beds, shorebird migrations, eelgrass meadows, and other natural riches. As part of this campaign, several jurisdictions, listed below, have adopted resolutions in support of the Friends of the Estuary's Fresh Water Flows initiative, and have requested Sonoma County adopt a similar Resolution (attached).

1. Association of Bay Area Governments (May 17, 2012)
2. Contra Costa County (February 7, 2012)
3. Napa County (October 1, 2013)
4. Marin County (December 17, 2013)
5. Marin Municipal Water District (January 7, 2014)

6. City of Emeryville (March 4, 2014)

Prior Board Actions:

Strategic Plan Alignment

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

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



County of Sonoma

State of California

Date: March 25, 2014.

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Regarding Ecosystem Health and the Need for Fresh Water for the San Francisco Bay-Delta Estuary

Whereas, Sonoma County is known for its rich environmental resources and agricultural heritage, encompassing several watersheds and rivers, and connecting to the San Francisco Bay-Delta Estuary, and has a Strategic Goal of Economic and Environmental Stewardship; and

Whereas, at 75,000 square miles, the San Francisco Bay-Delta Estuary watershed is the largest on the West Coast and drains nearly 40 percent of California's land area, provides drinking water to nearly two-thirds of the state's population, and supplies irrigation water to four million acres of farmland; and

Whereas, the San Francisco Bay-Delta Estuary supports hundreds of fish, wildlife, and plant species, many found nowhere else on earth: Almost two-thirds of the State's salmon travel through the Estuary; almost half of the migratory birds on the Pacific Flyway pass by the Golden Gate or stop in San Francisco Bay's remaining wetlands; and

Whereas, the San Francisco Bay-Delta Estuary provides a scenic and recreational gateway that supports Sonoma County's reputation as a world-class tourist and recreation destination; and

Whereas, the San Francisco Bay and the Sacramento-San Joaquin River Delta are at risk from many factors, and the State and Federal governments are proposing large-scale changes to address these factors, including new water conveyance through and around the Delta to address state-wide water supply needs, changes to the Bay-Delta ecosystem to address declining ecosystem health and fish populations, and changes to land use authority within the Delta; and

Whereas, Bay-Delta counties, local agencies, and other impacted entities need a meaningful decision-making role in these proposed changes; and

Whereas, the Association of Bay Area Government/San Francisco Estuary Partnership's

Resolution #

Date:

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2011 State of the Bay report also indicates that limited freshwater inflows are having a negative impact on the greater San Francisco Bay-Delta Estuary, and finds that fish abundance and diversity are declining in all regions of the Bay except near the Golden Gate; and

Whereas, Sonoma County recognizes the need for joint action and advocacy on Bay-Delta Estuary related issues.

Now, Therefore, Be It Resolved that the Board of Supervisors of Sonoma County hereby expresses its interest in the on-going Bay-Delta planning processes of the Delta Stewardship Council, the Bay Delta Conservation Plan, and the State Water Board's Delta planning and regulatory efforts, and urges that the following principles be applied in any solution or conclusions reached in these critical planning and regulatory processes:

- Bay-Delta Ecosystem. Recognize that protection and restoration of a healthy sustainable Bay-Delta ecosystem includes adequate water quality, outflow, and water supply, to support fisheries, wildlife and habitat in perpetuity.
- San Francisco Bay Inflows/ Delta Outflows. Recognize that the Bay-Delta ecosystem has been in a state of "chronic drought" due to current water management practices, and ensure adequate flows to San Francisco Bay to support fisheries, wildlife, habitat, water quality and other beneficial uses.
- Regional Self-Sufficiency. Incorporate sustainable approaches for improved water supply, water quality and reliability.
- Bay and Delta Communities. Protect the viability of industry, recreation, tourism, fisheries, and agriculture, and the ongoing vitality of communities throughout the greater San Francisco Bay-Delta ecosystem.
- Full Financial Disclosure. The multi-decade costs of restoring habitat in the Bay and the Delta are expected to be significant as would be the full costs associated with any new or modified water management facilities. Realistic cost estimates must be calculated and made clear.
- Fair Representation. Include representation of Bay and Delta governments in any planning processes for the Bay-Delta Estuary.
- Flood Protection. Support funding and implementation of urban and non-urban flood protection through rehabilitation and restoration of wetlands wherever feasible

Resolution #

Date:

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Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 9
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: 4/5

Department or Agency Name(s): General Services

Staff Name and Phone Number:

Teryl Phillips 565-2143

Supervisorial District(s):

Title: Cafeteria Operator's Agreement with Nabi Baitsaeed

Recommended Actions:

Authorize the Director of General Services to Execute an Operator's License Agreement with Nabi Baitsaeed, a sole proprietor, for provision of food services within portions of the County Administration Building and the Hall of Justice, for a term of five (5) years with one (1) option to extend, and generating annual revenues in the amount of twenty-three thousand, three hundred thirty-seven dollars (\$23,337), subject to annual increases.

Executive Summary:

Request for Proposal - In November Of 2013, the General Services Department released a Request for Proposals ("RFP"), soliciting more than 1,000 food service providers for proposals to operate one or both of the County Center cafeterias located within the Administration Building and the Hall of Justice. The RFP was also posted on the County Purchasing website. Five qualifying proposals were returned and subsequently evaluated and ranked by an independent selection committee. The selection process was facilitated by Purchasing staff to ensure procedural compliance with the RFP. Based upon the objective selection criteria specified in the RFP, the selection committee recommended two vendors as qualified for award and recommended that staff enter into negotiation with each. During the subsequent negotiations one of the proposers withdrew from consideration citing challenges with operating other business interests in the area.

Nabi Baitsaeed, proprietor of SoCo Coffee, submitted a proposal to operate at both the Administration Building and Hall of Justice locations and was recommended as one of the qualified vendors by the selection committee.

Mr. Baitsaeed's proposal was determined by the selection committee to meet all of the following criteria specified in the RFP:

- Demonstrated ability to perform the services described through submission of a proposed concept, menu, pricing, business and marketing plan;

- Demonstrated ability to provide sufficient capital commitment for start-up period, ongoing business operation and maintenance;
- Qualified team with relevant food service experience and expertise with a demonstrated recent history of successfully providing similar services;
- Demonstrated ability to successfully operate a food service facility in a professional manner;
- Demonstrated ability to commence the required services in a timely manner.

The concept plan presented by Mr. Baitsaeed also addressed the following goals identified in the RFP:

- Variety of high quality, nutritious food products in keeping with County goals pertaining to access to healthy food choices and appropriate auxiliary services;
- Superior customer services, such as on-site staff, variety of payment options, WiFi connection, and phone orders;
- Competitive pricing;
- An effective marketing program to increase customers, and maximize customer satisfaction
- Use of ecologically sustainable practices.

A copy of Mr. Baitsaeed's proposal has been made available for public review and placed On File with the Clerk of the Board. Mr. Baitsaeed intends to provide phased enhancements to the cafeteria décor and environment, including minor interior space reconfigurations, new pendant lighting and textured wall treatments. Mr. Baitsaeed also proposes to offer displays and events with local artists and authors, subject to compatibility with County business operations. General Services staff recommends that an Operator's License Agreement be authorized to permit Mr. Baitsaeed to provide café services at both the Administration Building and the Hall of Justice.

Proposed Agreement – The proposed cafeteria Operator's License Agreement includes the following key provisions:

1. Revocable license allowing for non-exclusive use of the County cafeteria spaces, and permitting employees and visitors to utilize the café seating areas regardless of whether food purchases are made.
2. An initial term of five (5) years, with one option to extend for a maximum of five (5) additional years at both locations.
3. Commencement on or within 30 days after April 1, 2014 for both locations.
4. Termination by either party upon 180 days written notice to the other party.
5. Monthly revenues to County in the amount of \$758.40 (\$0.60 per sq ft) for the Administration Building café, and \$1,186.40 (\$0.80 per sq ft) for the Hall of Justice café, with annual increases based upon changes to the Consumer Price Index
6. County-paid electric, water, sewer, refuse, and gas services, and building maintenance
7. Janitorial services at Operator expense
8. Installation of reasonable directional and business identity signage, subject to County approval
9. All proposed improvements subject to County approval, and at Operator cost
10. Minimum hours of operation will be Monday through Friday, 7:30 AM – 3:00 PM, County holidays excepted.

The cafeteria in the Administration Building is currently unoccupied. The County's lease with the current operator at the Hall of Justice will expire on March 28, 2014, and all existing personal equipment

owned by the tenant will be removed, following issuance of a required two-week notice. Upon Board approval of the Operator's License Agreement it is anticipated that the new operator will commence operation at the Hall of Justice by mid-April and start services at the Administration Building by the end of April.

The proposed Operator's Agreement will generate annual rent revenues in the amount of \$23,337 for both cafeteria locations, representing an increase of \$13,098 over the \$10,239 annual combined rent received under the current operator's agreement, based upon December 2013 base rent rates.

Procedural Requirements

Pursuant to Government Code section 25536, the Board may enter into an agreement to lease or license County property for employee cafeteria purposes in one action by 4/5 vote.

In accordance with the selection process provisions specified under Section 6.C of the County's RFP, a public notice was provided via regular U.S. mail delivery to all proposers who submitted timely proposals. A copy of the notice was also posted with the Clerk of the Board for general public notice purposes.

Prior Board Actions:

None. The RFP was processed administratively under the authority of the Purchasing Manager.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 7,113	County General Fund	\$ 7,113
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 7,113	Total Sources	\$ 7,113

Narrative Explanation of Fiscal Impacts (If Required):

No new fiscal expenditures will occur in FY 13-14 as a result of the proposed agreement. Current County-paid annual utility costs in the amount of \$7,113 are expected to remain at existing levels. Annual rent revenues in the amount of \$23,337.60 (\$1,944.80 per month) will be generated upon commencement.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
None.			
Related Items “On File” with the Clerk of the Board:			
Proposal from Nabi Baitsaeed; Operator’s License Agreement			



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 10
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Scott Hunsperger 707-565-2404

Supervisorial District(s):

Fourth

Title: Land Conservation Act (Williamson Act) Contract Replacement; 1600 Highway 128, Geyserville; AGP13-0026.

Recommended Actions:

Adopt a Resolution authorizing the Chair of the Board of Supervisors to execute a replacement Land Conservation Act Contract for 20.71 acres of agricultural land planted in wine grapes requested by James Alex Vyborny; 1600 Highway 128, Geyserville; APN 141-170-029.

Executive Summary:

Action Requested of the Board of Supervisors: J. Alex Vyborny and Sharon Lee Vyborny seek approval of their application to replace their existing Land Conservation Act Contract with a new Contract for prime agricultural land planted in wine grapes. Your Board is requested to adopt a resolution to rescind an existing Non-Prime contract and replace with a new Prime contract for a 20.71 acre parcel within Agricultural Preserve 2-306 and authorize the Chair to execute the replacement Land Conservation Act Contract and attached Land Conservation Plan.

Location, Zoning and Project Description: The project site is located at 1600 Highway 128, Geyserville. The project site is 20.71 acres with a well and 16.5 acres of vineyard (Zinfandel, Syrah, and Cabernet Sauvignon). There is an existing residence and agricultural storage building on the project site. The parcel is zoned Resources and Rural Development (RRD), B6-120 acre density with two combining districts of Scenic Resource (SR) and Valley Oak Habitat (VOH).

Background: The original parcel subject to the Land Conservation Act contract (aka Williamson Act contract), established in 1974, was 879.75 acres. In 1993, the County granted Administrative Certificates of Compliance for three parcels which included the subject parcel. Subsequently, in 1994, the County approved a lot line adjustment which resulted in the current configuration of the subject 20.71 acre parcel. Each resulting parcel must separately meet the requirements of the California Land Conservation Act, County's Uniform Rules, and the original contract which in this case required, among other things, a 40-acre minimum parcel size. The current owners conduct a vineyard operation which is considered a

prime agricultural use, making retention of the subject parcel in the Land Conservation Act program appropriate. The subject 20.71 parcel is less than 40 acres and does not qualify for the existing Non-Prime contract due to substandard size. Earlier this year, the Board of Supervisors initiated phase-out of undersized parcels and the Land Conservation Act contract on the subject parcel has been non-renewed. If the Board of Supervisors does not approve a replacement contract, the property will phase out of the program over the next nine years.

As part of the Board of Supervisors' December 2011 update of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules"), the County has eliminated the distinction between Prime (Type I) and Non-Prime (Type II) Agricultural Preserves. This rule change allows the County to enter into either a Prime or Non-Prime Land Conservation contract in any established Preserve. The subject land is situated within an established Preserve (2-306).

Also as part of the update of the Uniform Rules, the County has implemented use of a Land Conservation Plan which is attached to and incorporated into a Land Conservation Act Contract. The Land Conservation Plans show locations of various agricultural, open space, permitted, and compatible land uses on contracted land. Future changes to the Land Conservation Plan may be approved by the Director of PRMD and recorded on title of the subject parcel.

Replacement Prime Land Conservation Contract (Land Conservation Act Contract) on land located within an existing Agricultural Preserve:

The Vyborny parcel qualifies for a Land Conservation Act contract for prime agricultural land for the following reasons:

- a) Land is within an Agricultural Preserve: The parcel is currently located within an Agricultural Preserve 2-306. No expansion of the existing Agricultural Preserve is necessary.
- b) Agricultural Use of the Land: The land must be devoted to agricultural use. In Sonoma County this means that at least 50% of the land is used for agriculture purposes. The parcel has approximately 17.61 acres used for prime agriculture, including 16.5 acres planted in vineyards, and 2.1 acres of agricultural roads and agricultural storage buildings, which exceed the 50% requirement.
- c) Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel.
- d) Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Land Conservation Act contract. The 20.71 acre parcel exceeds the 10-acre minimum parcel size for a new Prime Land Conservation Contract.
- e) Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per acre gross annual income. The vineyard operation generates an income ranging from \$9,605 to \$10,575 per acre gross annual income between the years of 2008 and 2012.
- f) Non-Agricultural Compatible Uses: Non agricultural uses of the land must qualify as compatible uses

in the Uniform Rules. The parcel is developed with a residence, guest house, accessory buildings, and well that do not occupy more than 3.1 acres of the subject parcel. All non-agricultural uses are listed as “compatible uses” in the “Uniform Rules” (Rule 8.3).

g) Prime Farmland: Prime agricultural land is defined as land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meet the minimum income requirements. The parcel is planted with an established vineyard that has produced the required income for the last five years and is considered prime farmland.

Staff Recommendation: Staff recommends the Board of Supervisors approve the request because all of the state and local requirements for a Type I contract for the 20.71 acres within the existing Agricultural Preserve have been met.

Prior Board Actions:

On December 13, 2011, the Board approved the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Resolution No. 11-0678). In addition, this Board of Supervisors Resolution authorized PRMD to not renew substandard sized parcels unless a replacement contract is obtained.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Land Conservation Contracts support agriculture and agribusiness by assisting in the preservation of agricultural land through the incentive of reduced property taxes in exchange for retaining the land in agricultural production.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

Approval of the replacement Land Conservation Act contract means that the owner will continue to pay a reduced property tax assessment based upon the value of the agricultural uses rather than the land value under Proposition 13. This results in a reduction in the County’s share of property tax revenue for each parcel under a Land Conservation Act contract. The amount of this reduction for an individual contract depends on parcel-specific variables including the Proposition 13 status of the land and the value of the agricultural crop, and is determined annually by the Assessor’s office. The Board has not requested, and staff does not recommend, evaluating property tax revenue implications on a contract-by-contract basis. Instead, the Board has directed that, as a policy matter, approving new contracts is important to the County’s agricultural economy and outweighs the cost in reduced property tax

revenue.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Exhibit A: Draft Board of Supervisors Resolution

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

Land Conservation Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan).



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

AGP13-0026 Scott Hunsperger

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By James Alex Vyborny To Rescind an Existing Williamson Act Contract and Replace It With a New Land Conservation Contract (aka Williamson Act Contract) and Attached Land Conservation Plan, and 2) Authorize the Chair to Execute the New Land Conservation Contract and Land Conservation Plan, For Prime Agricultural Land Located At 1600 Highway 128, Geyserville, APN 141-170-029.

Whereas, a request has been made by property owner James Alex Vyborny, to Authorize the Chair of the Board of Supervisors to rescind an existing Land Conservation Act Contract and replace it with a new Land Conservation Contract (aka Williamson Act Contract) and attached Land Conservation Plan, for prime agricultural land located at 1600 Highway 128, Geyserville, APN 141-170-029, Supervisorial District No. 4; and

Whereas, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)* (Resolution No. 11-0678); and

Whereas, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Contract form, which now incorporates a Land Conservation Plan identifying the various uses of the contracted land. Future changes to identified land uses require amendment of the Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Director of PRMD to approve amendments to executed Land Conservation Plans; and

Whereas, the Board of Supervisors finds that the 20.71 acre parcel, is currently located in Agricultural Preserve 2-306, and presently meet the requirements for a new Prime (Type I) Land Conservation Contract.

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following specific findings concerning the requirements for a new Prime (Type I) Land Conservation Contract ("Contract"):

1. As required by *Uniform Rule 4.2*, the land proposed to be restricted by the Contract is a single legal parcel, presently identified by APN 141-170-029; and

Resolution #

Date: March 25, 2014

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2. As required by *Uniform Rule 4.2*, the land proposed to be restricted by the Contract is currently located within a designated Agricultural Preserve 2-306; and
3. The land proposed to be restricted by the Contract is Prime farmland and is 20.71 acres in size, which exceeds the 10 acre minimum parcel size requirement for a Prime Land Conservation Contract under *Uniform Rule 4.2*; and
4. As required by *Uniform Rule 4.2*, the land proposed to be restricted by the Contract presently meets the minimum annual commercial agricultural income requirement of \$1,000.00 per acre gross for vineyard land under a Prime Land Conservation Contract; and
5. Consistent with *Uniform Rule 4.2*, the land is devoted to an agricultural use because more than 50% of the land is planted with a commercial vineyard, which is a prime agricultural use; and
6. All non-agricultural uses of the land are allowed as compatible uses in *Uniform Rule 8.0*, do not exceed 3.1 acres in total area, and are consistent with Government Code Section 51238.1; and

Be It Further Resolved, that the Board of Supervisors finds the requested action categorically exempt from the California Environmental Quality Act pursuant to Section 15317, of the State CEQA Guidelines, which provides that executing a new Land Conservation Contract is exempt from the California Environmental Quality Act.

Be It Further Resolved that the Board of Supervisors hereby grants the request by James Alex Vyborny by approving rescission of the existing Type II contract and simultaneous replacement of that contract with a new Land Conservation Contract and attached Land Conservation Plan, based on prime agricultural use, to restrict the 20.71 acre parcel located at 1600 Highway 128, Geyserville, APN 141-170-029.

Be It Further Resolved that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the Land Conservation Contract and attached Land Conservation Plan.

Be It Further Resolved that the Clerk of the Board of Supervisors is hereby instructed to record within 20 days and no later than December 31, 2014 (1) this Resolution and (2) the associated Land Conservation Contract and attached Land Conservation Plan with the Office of the Sonoma County Recorder.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Resolution #
Date: March 25, 2014
Page 3

Supervisors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 11
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Melinda Grosch 707-565-2397

Supervisorial District(s):

First

Title: Amendment to the Sonoma Greens Condominium Association's Covenants, Conditions, & Restrictions; ZPE13-0368

Recommended Actions:

Adopt a resolution approving changes to the Conditions, Covenants & Restrictions requested by the Sonoma Greens Condominium Association to include (a) restriction on the number of units that can be rented; (b) require review by the Permit and Resource Management Department of any changes to the Conditions, Covenants, and Restrictions related to the conditions of approval of the Sonoma Greens Condominiums; and (c) re-establish the County as a third party beneficiary. The Sonoma Greens Condominiums are located at the intersection of Cherry Avenue and Railroad Avenue, Sonoma; Assessor's Parcel Numbers: Book 52, Page 86 all parcels on the page.

Executive Summary:

Action Requested of the Board of Supervisors:

Request the Board adopt a Resolution approving revisions to previously adopted Covenants, Conditions, and Restrictions. The revisions were adopted in 2004 by the Sonoma Greens Condominium Association in violation of the original Covenants, Conditions, and Restrictions, which required Board of Supervisors approval of all changes. The requested action will remedy this violation. The violation was brought to the County's attention by the Association.

Location, Zoning and Project Description:

In 1985 the Sonoma Greens Subdivision created 142 lots on approximately 31 acres. The project consisted of a combined 190 unit condominium/planned unit development built in phases. As a result the base zoning is PC (Planned Community) with no density designated for the condominiums. The condominium portion of the Sonoma Greens Subdivision is Unit Six of the subdivision and was recorded in 1990. It is located west of the City of Sonoma at the intersection of Cherry Avenue and Railroad Avenue. The subdivision resulted in the adoption of Conditions, Covenants, and Restrictions and the creation of a Home Owners' Association, the Sonoma Greens Condominium Association, to manage common areas of the site and phasing of the project. The site is served by public sewer and water.

In 2004, the Association Board of Directors modified the Covenants, Conditions, and Restrictions without County review or approval. This application seeks Board approval retroactively.

Many of the proposed revisions to the Conditions, Covenants, & Restrictions are a result of the maturation of the project. A number of sections of the original Conditions, Covenants, and Restrictions dealt with phasing of the project, build-out, definitions that are no longer applicable, etc. Sections of the Conditions, Covenants, and Restrictions that are no longer relevant have been deleted. Of the sections that were changed only three sections address items that may be of concern to the County. They are:

Article VII, Sect. 7.1 (new section): Rental or Lease of Condominiums

Article X: (Old Numbering) now Article XII: Enforcement of Governing Documents

Article XII: County as Third Party Beneficiary

Rental Unit Cap: Article VII, Section 7.1

This section limits the total number of condominium units which can be rented to 9 of a total of 36 condominiums (with some exceptions). The limit did not appear in the 1990 Covenants, Conditions, and Restrictions recorded with the map of the condominiums. The 2004 revisions were not approved by the County.

The 2004 revision to the Conditions, Covenants, and Restrictions includes a new limitation on renting and leasing lots – Article VII. The specific limitation reads as follows: “Section 7.1(a) Maximum Number of Rentals. At no time may more than nine (9) of the Condominiums be rented or leased at the same time, except and subject to the following: ...”

According to the Association’s attorney Barbara C. Zimmerman: “There are currently 9 rentals and that has been an adequate number. There have been periods of time with fewer than 9 rental units. Some owners have put their names on a waiting list “just in case” so that when a slot comes open they have a chance to rent. So far all of the owners currently on the list have declined a rental spot when it has come open.” Given this information it would appear that this limit is not acting as a restriction on the number of rentals in the complex.

The property was originally developed as for sale condominiums not rental units. At the time the development was approved the developer did not set aside any units for rental units, and there was no County condition of approval requiring that some units be made available for rent. The Sonoma County Housing Element includes a number of policies to retain existing rental housing and encourage the development of new units but does not prohibit limitations imposed by home owners associations on the number of rental units in existing developments. The limitation included in the Conditions, Covenants, and Restrictions is consistent with Housing Element policies. Staff recommends that the Board of Supervisors approve the limitation on the number of rental units in the 2004 Covenants, Conditions, and Restrictions.

Requirement for Board of Supervisors Approval of All Changes to Conditions, Covenants, and Restrictions:

In the original Covenants, Conditions, and Restrictions this section was titled Amendment and Enforcement. During the 2004 revisions “Article X: Amendment and Enforcement” became “Article X: Mortgage Protection.” The original text included a reference to an Article XIV but there was no XIV in the earlier version of the Conditions, Covenants, and Restrictions. However, there is an Article XII which discussed the County as a Third Party Beneficiary. Article X addressed the process for amendment of the Conditions, Covenants, and Restrictions. It set forth the percentage of the total number of Association members required to modify the Conditions, Covenants, and Restrictions. The requirement for Board of Supervisors approval of any changes to the Conditions, Covenants, and Restrictions was also previously contained in this Article. The provision that all changes to the Conditions, Covenants, and Restrictions go to the Board did not occur anywhere else in the 1990 document, and was not carried forward into the 2004 document.

The original Conditions, Covenants, and Restrictions contain a provision that no amendments can be made to them unless approved by the Board of Supervisors. The specific wording is as follows:

“This Declaration is made for the express benefit of the County of Sonoma as a third party beneficiary under California Civil Code Section 1559. The Declarant, its successors-in-interest, each Owner and the Condominium Association irrevocably waive and relinquish any right of rescission or amendment provided in this Declaration, by Section 1559 of the California Civil Code or any other provision of the law, except by resolution of the Board of Supervisors of the County. Any attempted rescission or amendment of this Declaration without such consent shall be void. The County shall have the authority, but not the duty, to enforce the provisions of this Declaration. In any action to enforce such provisions, the successful party shall be entitled to reasonable costs of suit and expenses, including expert witness’ and attorneys’ fees.”

Conditions, Covenants, and Restrictions typically include Board review and approval of specific parts of the Conditions, Covenants, and Restrictions, usually those specified by conditions of approval or which arose as mitigation measures for the project.

An example from a fairly recently adopted set of Conditions, Covenants, and Restrictions is found in those from the Sonoma Country Inn project. There, the Conditions, Covenants, and Restrictions read as follows:

“6.10.1 Approval by County: Notwithstanding anything in this Declaration to the contrary, prior to terminating this Declaration or rescinding, amending, adding, deleting or otherwise modifying any provision hereof in a manner that would affect any development condition imposed on the Development by the Board of Supervisors in Resolution No. 04-1037, the written consent of the Board of Supervisors or its designee shall first be had. Certificates of amendment to this Declaration recorded in the county’s Recorder’s Office evidencing any such alteration shall have attached to the document in which such consent is manifest. Failure to secure the consent required by this Section 6.10.1 shall render any rescission, termination, amendment, addition or deletion null, void and of no force or effect.”

Note that in the above example the Board of Supervisors is only required to approve changes to the Conditions, Covenants, and Restrictions where conditions of project approval are involved. Additionally it does not require the Board to take this action at a public hearing. In fact, it allows the Board to designate the Director of the Permit and Resource Management Department or other official to review and approve changes to the Conditions, Covenants, and Restrictions.

Because this project is built out staff recommends that the Board of Supervisors designate the Director of the Permit and Resource Management Department to review and approve any further changes to the Conditions, Covenants, and Restrictions for the Sonoma Greens Condominium Association.

County as Third Party Beneficiary:

Section XII of the 1990 Conditions, Covenants, and Restrictions set forth the County's rights as a third party beneficiary. It gave the County the right but not the obligation to enforcement. The Association voted to remove the County as a third party beneficiary.

To ensure the County's ability to enforce conditions of approval, the County requires that, if Conditions, Covenants, and Restrictions are required for a project, those Conditions, Covenants, and Restrictions include the County as a third party beneficiary. This gives the County the right, but not the obligation, to enforce the provisions of the Conditions, Covenants, and Restrictions. Staff recommends that the County's standard provision for third party beneficiary rights be re-incorporated into the Sonoma Greens Condominium Conditions, Covenants, and Restrictions.

Recommendation:

All of the changes to the Conditions, Covenants, and Restrictions requested by the Association are summarized in Attachment B. Staff recommends approval of most changes with modified provisions for County review and approval and naming the County as a third party beneficiary as discussed above.

The proposed resolution includes provisions that: (a) restrict the number of units that can be rented; (b) requires review and approval by the Director of the Permit and Resource Management Department of any changes to the Conditions, Covenants, and Restrictions related to the conditions of approval of the Sonoma Greens Condominiums; and (c) re-establish the County as a third party beneficiary.

Prior Board Actions:

Approval of the Subdivision creating the Sonoma Greens Community January 2, 1985.

Strategic Plan Alignment Goal 4: Civic Services and Engagement

The proposed changes seek to align public service provided with community needs and desires.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

The project's processing costs are paid by the project applicant as an At-Cost application.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

No Applicable

Attachments:

- Exhibit A: Draft Board of Supervisors Resolution
- Exhibit B: Summary of the 2004 Changes to the Conditions, Covenants, and Restrictions
- Exhibit C: Board of Supervisors Resolution No. 85-0053

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

- 1990 Covenants, Conditions, & Restrictions (Document No. 1990110485, Sonoma County Records)
- 2004 Covenants, Conditions, & Restrictions (Document No. 2004180497, Sonoma County Records)



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

ZPE13-0368 Melinda Grosch

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Approving the Requested Amendments To The Sonoma Greens Condominium Association
Covenants, Conditions, And Restrictions, For Property Located at 601 Cherry Avenue,
Sonoma, APN: Book 52, Page 86 (All Parcels On The Page).**

Whereas, the applicant, Barbara C. Zimmerman, submitted an application for Board of Supervisors review and approval of amendments to the Sonoma Greens Condominium Association Covenants, Conditions, and Restrictions to include restrictions on the total number of rental units, to eliminate the need for Board of Supervisors approval, and to eliminate the County as a third party beneficiary for property located at 601 Cherry Avenue, Sonoma; APN's Book 52, Page 86 (all parcels on the page); Supervisorial District No. 1; and

Whereas, the project has been determined to be exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of Title 14 of the California Code of Regulations (CEQA Guidelines) the general rule that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following findings:

1. The project is not subject to any requirements to provide affordable housing or rental units.
2. The limitation on the number of rental units allowed in Sonoma Greens Condominiums included in the Conditions, Covenants & Restrictions does not conflict with Housing Element policies.
3. Modification of the Sonoma Greens Condominium Association Conditions, Covenants, & Restrictions to allow the Sonoma County Board of Supervisors to appoint the Director of the Permit and Resource Management Department as its designee for review of future changes to

the Conditions, Covenants, & Restrictions is appropriate.

4. Sonoma Greens Condominium Association Conditions, Covenants & Restrictions should be amended to re-establish the County as a third party beneficiary, so as to facilitate enforcement of conditions of project approval.

Be It Further Resolved that the Board of Supervisors hereby finds that substantial evidence in the record before it supports the above findings.

Be It Further Resolved that the Board of Supervisors hereby approves the amendments to the Sonoma Greens Condominium Association Conditions, Covenants & Restrictions as recorded in the Office of the Sonoma County Recorder as Document Number 2004180497 with the following changes:

Article VII shall be approved as added to the Conditions, Covenants, and Restrictions during the 2004 amendments. (On file with the Clerk of the Board)

Article XIII General Provisions, Section 13.4 shall be amended as follows:

“Section 13.4. Amendment. This **Declaration** may be amended by approval of **Members** holding sixty-seven percent (67%) of the total votes. (Based on 36 **Condominiums**, this is 25 votes.) Said amendment shall be effective upon recordation in the Office of the County Recorder of the County of Sonoma. Notice of approval shall be given to all Members but at the **Board’s** discretion, need not include the full document previously submitted and voted upon, unless requested by a **Member.**”

“Notwithstanding anything in this Declaration to the contrary, prior to terminating this Declaration or rescinding, amending, adding, deleting, or otherwise modifying any provision hereof in a manner that would affect any development condition imposed on the Development by the Board of Supervisors in Resolution No. 85-0053, the written consent of the Director of the Permit and Resource Management Department shall be obtained first. Evidence of the consent of the Director of the Permit and Resource Management Department shall be attached to the amended Covenants, Conditions, and Restrictions which are recorded with the County Recorder’s Office. Failure to secure this consent shall render any rescission, termination, amendment, addition, or deletion null, void, and of no force or effect.”

A new Article XIV shall be added to read as follows:

Article XIV. County as Third Party Beneficiary. This Declaration is made for the express benefit of the County of Sonoma as a third party beneficiary under California Civil Code section 1559. The Declarant, its successors in interest, each Owner and the Association irrevocably waive and relinquish any right of

rescission or amendment provided in this Declaration, by Section 1559 of the California Civil Code or by any other provision of law, except by the Director of the Permit and Resource Management Department. Any attempted rescission or amendment of this Declaration without such consent shall be void. The County shall have the right, but not the obligation, to enforce this Declaration and the provisions hereof relating to the conditions of approval of the Project by Resolution No 85-0053 of the Board of Supervisors of the County of Sonoma, dated January 2, 1985. Should the County elect to exercise its right to enforce this Declaration, it shall be entitled to recover any costs and expenses it incurs in so doing.

Be It Further Resolved that the Board of Supervisors finds that the project described in this resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15061(b)(3) of Title 14 of the California Code of Regulations (CEQA Guidelines) the general rule that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Be It Further Resolved that the Board of Supervisors designates review of the amendments to the Permit and Resource Management Department to ensure that they comply with the approved text.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.

Comparison of 1990 Declaration and 2004 Declaration

“Association” means the Sonoma Greens Condominium Association

“Community Association” means the Sonoma Greens Community Association

“Davis-Stirling” means the Davis Stirling Common Interest Development Act

“New CC&Rs” means the 2004 Declaration

“Old CC&Rs” means the 1990 Declaration

1990 Declaration	2004 Declaration	Difference
Article I Intention of Declaration	Recitals	Language added to state the new CC&Rs supersede the old ones.
1.1 Facts	Recitals 1, 2 and 3	Developer specific language removed. Language addressing the Sonoma Greens Community Association revised to clarify that the two associations are separate, unrelated entities with some shared responsibilities and facilities.
1.2 Applicability of Restrictions		No substantial change
Article II Definitions	Article I	Definition of “Additional Charges” deleted and included in the Assessments article. Definition of “Assessments” and “Person” added. Definition of “Common Area” expanded for clarification. Definitions of “Community Association”, “Community Board”, “Community Declaration” and “Lot” deleted. Definitions of “Condominium Association”, “Condominium Board” and “Condominium Bylaws” re-titled “Association”, “Board” and “Bylaws”. Definition of “Condominium Rules”, “County”, “Declarant”, “Improvements”, “Invitee” “Manager”, “Map” “Notice and

EXHIBIT B

		Hearing", "Plan", "Public Report" and "Subject Property" deleted. Definition of "Exclusive Use Common Area" expanded to include "Balcony", "Garage", "Parking Area", "Patio" and "Uncovered Parking Space". "First Mortgage", "Institutional Mortgagee" and "First Mortgagee" changed to "Mortgage" and "Mortgagee". "Project Documents" changed to "Governing Documents". Definition of "Unit" expanded for clarity.
Article III Ownership and Easements		
3.1 Non-severability	§ 2.1 Ownership of Common Area	Non-severability included in the common area ownership provisions.
3.2 Ownership of Units	Bylaws Article III, § 1	Ownership and voting moved to the Bylaws. Developer related provisions deleted.
3.3 Ownership of Common area	§ 2.1	No substantial change.
3.4 Easements	§ 2,2	No substantial change.
3.5 Judicial Partition	§ 2.3	Language simplified.
Article IV Uses and Restrictions		
4.1 In General		Deleted because the two associations are separate entities.
4.2 Use of Common area	§ 6.2	No substantial change. Broken down into subsections for easier reference.

4.3 Storage of Waste Materials	§ 6.4	No substantial change.
4.4 Antennas	§ 6.8	Revised to meet Federal Communications Commission Regulations
4.5 Uncovered Parking	§ 6.9	Expanded to address all parking issues.
	§ 6.1 Use of Units	Added. Restricts use of Units to private residence only; prohibits conduct that would adversely affect insurance.
	§ 6.3 Roof Access	Added to limit roof access.
	§ 6.5 Signs	Added to limit signs. Complies with Davis-Stirling, Civil Code § 1353.6.
	§ 6.6 Animals	Added to provide limitations on animals in the condominiums.
	§ 6.7 Nuisance	Added to provide a means for the Association to address nuisance conduct.
	§ 6.10 Restriction on Businesses.	Added to limit business use of condominiums.
	§ 6.11 Air Conditioners	Added to require approval prior to installation of air conditioning units.
	§ 6.12 Illegal Acts	Added to make any violation of law a violation of the Declaration so that the Association may address problem conduct.

	Article VII Sale or Lease of Condominiums.	
	§ 7.1 Rental or Lease of Condominiums	Added to limit the number of non-owner occupied units. Restricts rentals to 30 days or more. Restricts an owner's use of Association facilities while the owner's unit is leased.
	§ 7.2 Sale of Condominiums – Obligations of Members	Added to address contract purchases. Requires owners to provide buyers with documentation (as required by Davis-Stirling, Civil Code 1368)
	§ 7.3 Termination and Commencement of Obligations	Added to address obligations for assessments between sellers and buyers.
	§ 7.4 Notice of Acquisition	Added to require a person buying a Unit to notify the Association of the ownership change.
	§ 7.5 Acceptance of Condominium Conditions	Added to set forth a buyers obligation for conditions created by prior owner.
Article V Improvements		
5.1 Maintenance of Common area	§ 5.1(a)	Expanded and broken down to more clearly set forth Association and owner maintenance responsibilities.
5.2 Alterations to Common area		Deleted. Provisions covered by open meeting requirements and assessment limitations.
5.3 Maintenance of Units	§ 5.1(c)	Expanded to more clearly delineate maintenance responsibilities.

5.4 Alteration to Interiors of Units	§ 5.1(c)(1)	No substantial change.
5.5 Maintenance and Repair of Exclusive Use Common Area	§ 5.1(b)	Expanded to more clearly delineate maintenance responsibilities.
5.6 Alterations to Exclusive Use Common Area	§ 11.1	Combined with architectural approval requirements for units.
5.7 Landscaping	§ 5.1(d)	No substantial change.
5.8 Right of Entry	§ 5.3(c)	No substantial change.
5.9 Damage and Destruction of Common area	Article IX	Revised for clarification.
5.10 Condemnation	§ 9.8	No substantial change.
5.11 Mechanics' Liens		Deleted
Article VI Funds and Assessments	Article IV	All provisions updated to meet Davis-Stirling, Civil Code 1366 et seq.
6.1 Covenants to Pay	§ § 6.1 and 6.5	Deleted provision on agreement with Community Association.
6.2 Regular Assessments	§ 4.1(a) Bylaws Article X	Updated to meet Davis-Stirling. Developer provision removed. Budgeting provisions moved to Bylaws Article VIII, § 2 and revised to comply with Davis-Stirling. Tax exempt language moved to Bylaws Article X.

6.3 Special Assessments	§ 4.1(b)	Updated to meet Davis-Stirling.
6.4 Limitation of Assessments	§ 4.2	No substantial change.
6.5 Reimbursement Assessment	§ 4.1(d)	Updated to meet Davis-Stirling.
6.6 Accounts		Deleted. Controlled by Davis-Stirling.
6.7 Enforcement of Assessments	§ 4.3	Updated to meet Davis-Stirling.
6.8 Statement of Assessments Lien	§ 4.4(a)	No substantial change.
6.9 Subordination of Lien	§ 4.4(b)	No substantial change.
Article VII Membership in the Condominium Association		
7.1 The Organization	Bylaws Article I, § 1	No substantial change.
7.2 Membership	Bylaws Article II	No substantial change.
7.3 Classes of Membership		Deleted – developer provision no longer applicable.
7.4 Powers, Duties, and Authority of the Condominium Association 7.4.1 Common Area and Lot Maintenance	§ § 3.2 and 5.1(a)	No substantial change.

7.4.2 Easements		Deleted. Easements covered in § 2.2.
7.4.3 Discharge of Liens	§ 3.7	No substantial change.
7.4.4 Assessments	Bylaws Article VIII § 1(j)	No substantial change.
7.4.5 Payment of Expenses	Bylaws Article VIII § 1(f)	No substantial change.
7.4.6 Acquisition of Property		Deleted – covered by general powers of a corporation. Developer provisions no longer applicable.
7.4.7 Limitation of Liability	§ 13.8	Language modified for clarification.
7.4.8 Delegation	Bylaws Article VIII § 1(i)	No substantial change.
7.5 Insurance	Article VIII	Updated to meet insurance industry practices and for clarification of coverage.
7.6 Enforcement of Bonded Obligations		Deleted – developer provision no longer applicable.
7.7 Dedication and Easements	§ 3.1	Revised to allow dedication of easements for utilities without a vote of the members.
7.8 Notice and Hearing	§ 12.4	Broken down and expanded to clarify member rights. Deleted provision allowing delegation of discipline to Community Association.
7.9 Tax-Exempt Status	Bylaws Article X	No substantial change.
Article VIII Development Rights		Deleted – developer provision no longer applicable.

Article IX Rights of Mortgagees		
9.1 Conflict	§ 10.1	No substantial change.
9.2 Liability for Unpaid Assessments	§ 10.2	No substantial change.
9.3 Reserve Fund		Deleted – provision covered by Davis-Stirling
9.4 Termination of Contracts and Agreements	§ 10.3	Developer related provisions deleted.
9.5 Notice to Eligible Holders	§ 10.4	No substantial change.
9.6 Inspection of Books and Records	§ 10.5	No substantial change.
9.7 Financial Statements	Bylaws Article VIII § 2	Simplified to reference requirements of Davis-Stirling.
9.8 Termination of Subject Property	§ 10.6	No substantial change.
9.9 Actions Requiring Consent	§ 10.7	No substantial change.
9.10 Partial Condemnation of Destruction	10.8	No substantial change.
9.11 Self-Management		Deleted.
9.12 Mortgagee Protection	§ 10.9	No substantial change.

	§ 10.10 Amendments	§ 10.1.2 of the Old CC&Rs moved to § 10.10 of the new document without substantial change.
Article X Amendment and Enforcement		
10.1 Amendment	§ 13.4	Developer related provisions removed.
10.2 Enforcement	Article XII	Expanded and broken down to clarify rights and obligations of owners and the association in enforcement. Deleted dollar limit on fines (which under Davis-Stirling is set in a fine schedule). Old § 10.2.2 moved to § 6.12
Article XI Miscellaneous Provisions		
11.1 Term of Declaration	§ 13.3	No substantial change.
11.2 Construction of Provisions	§ 13.2	No substantial change.
11.3 Declaration is Binding		Deleted – covered by Civil Code § 1354.
11.4 Severability of Provisions	§ 13.1	No substantial change.
11.5 Gender, Number and Captions	§§ 13.5 and 13.6	No substantial change.
11.6 Resale of Condominium	§ 7.2(c)	No substantial change.
11.7 Exhibits		Deleted.

11.8 Conflict	§ 13.6	No substantial change.
	§ 13.7 Notices	Added for clarity.
	§ 13.8 Member Responsibility.	Added to clarify owner responsibility for damages.
	§ 13.9 Indemnification by Association of Directors and Officers.	Added – to set out California Corporations Code § 7237
	§ 13.10 Advancement of Expenses	Added to set out California Corporations Code § 7237
	§ 13.11 Limitation of Personal Liability of Directors/Officers.	Added to set forth Civil Code § 1365.7.
	§ 13.13 Variances	Added to provide flexibility to accommodate hardships.
Article XII County as a Third Party Beneficiary		Deleted.
Exhibit Condominium Plan	Exhibit C	No change.
	Exhibit A	Added map of project.
	Exhibit B	Added provision setting out areas of joint use with Sonoma Greens Community Association

COMMITTEE	NO.

Resolution 85-0053
January 2, 1985

Sonoma County Administration Building
Santa Rosa, California

160.1019

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND APPROVING A CONDITIONAL TENTATIVE MAP TO SUBDIVIDE 31+/- ACRES INTO 142 LOTS LOCATED AT 18155 ARNOLD DRIVE, BOYES SPRINGS, CALIFORNIA, APN'S 52-171-01; 52-172-01; 52-174-01; 52-175-01; 52-173-02; 52-176-01; 52-177-01; 52-178-01; 52-179-01; SAID TENTATIVE MAP TO BE RECORDED IN PHASES

WHEREAS the applicant's engineer, John J. Bonnoitt, did, for the owner, Bemcore Enterprises, file a tentative map for a 190 unit combination condominium/planned unit development with the Sonoma County Planning Department; and

WHEREAS said tentative map has been referred to the Project Review and Advisory Committee and interested agencies, and reports and recommendations have been received therefrom; and

WHEREAS the Planning Commission did hold a public hearing on said tentative map on November 15, 1984 at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission did recommend that the Board of Supervisors certify the Environmental Impact Report and approve the tentative map; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors did hold a public hearing on January 2, 1985, at which time all interested persons were given an opportunity to be heard; and

WHEREAS said tentative map is found by the Board of Supervisors to be in substantial conformance to the provisions of the State Subdivision Map Act and Chapter 25 of the Sonoma County Code; and

WHEREAS all of the findings pursuant to Sections 66473.5 and 66476 of the State Subdivision Map Act are found to be complied with; and

WHEREAS the Board of Supervisors finds and determines that the project as described will have no substantial adverse effects on the environment based upon information contained in the Environmental Impact Report; and

WHEREAS the Board of Supervisors determines that the project is consistent with the General Plan and the South Sonoma Valley Area I Specific Plan; now

THEREFORE BE IT RESOLVED that the Board of Supervisors certifies the Environmental Impact Report as being completed in compliance with C.E.Q.A. State and County guidelines and certifies that it has reviewed and considered the information contained therein; and

Resolution
160.1019

BE IT FURTHER RESOLVED that the Board of Supervisors approves the Tentative Map for property located at 18155 Arnold Drive, Boyes Springs, California, subject to conditions.

THE FOREGOING RESOLUTION was introduced by Supervisor Esposti

VOTE:
Supervisors:

Harberson: Aye Esposti: Aye Carpenter: No Nicholas: Aye Rudee: Aye

SO ORDERED

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

160.1019 Bemcore Enterprises 18155 Arnold Drive, Boyes Springs, AP# 52-171-01/
52-172-01; 52-173-01/02; 52-174-01; 52-175-01; 52-176-01; and 52-177-01

PRAC Meeting set for: 10/25/84
9:10 a.m.

GENERAL:

1. No construction shall be initiated until plans have been approved by the appropriate entity.
2. All construction shall conform with existing County Design and Construction Standards, Subdivision Ordinance, and State Map Act.
3. Street names and location shall be approved by Planning Department Mapping Section and shall occur between PRAC approval and Planning Commission approval of the tentative map or site plan.
4. Public utility easements shall be shown on the final map in accordance with the map on file in the Planning Department.

5. ~~All underground utilities within the road right-of-way shall be installed prior to street construction.~~

6. Utility distribution facilities, except surface mounted transformers, pedestal mounted terminal boxes, meter cabinets, concealed ducts, fire hydrants, and street lights shall be placed underground. Appropriate easements shall be provided to facilitate these installations.

PLANNING: "The conditions below have been satisfied." BY _____ DATE _____

7. Prior to recording a final map, the applicant shall submit final plans for the review and approval of the Design Review Committee. Final design review shall include, but not be limited to, building design, parking, landscaping, management of existing trees, and lake improvements.
8. Prior to recording a final map, the applicant shall prepare a written Lake Management Plan for the review and approval of the Planning Department, the Department of Fish and Game, and the Soil Conservation Service.
9. Prior to recording a final map, the applicant shall submit a report prepared by a licensed arboriculturist establishing mitigating measures protecting the existing oak trees. Said mitigating measures shall be incorporated into the improvement and grading plans.
10. Prior to recording a final map, the applicant shall prepare a written lake management plan subject to the review and approval of the Planning Department, Department of Fish and Game, and Soil Conservation Service. The management plans shall include but not be limited to erosion control and water shed protection, water balance, water chemistry, and algal production, higher plants, bacteriological analysis and fish management.
11. Prior to recording a final map, the applicant shall submit a copy of the CC&R's governing the maintenance of common open space areas for the review and approval of County Counsel and the Planning Director. CC&R's shall also include measures for protecting the oak trees and lake management plan.

12. Prior to recording a final map, the applicant shall submit improvement plans for the review and approval of the Valley of Moon Fire District showing location of fire hydrants and demonstrating adequate emergency turnaround area.
13. Prior to issuance of grading, building or other permits, the applicant shall submit a work schedule for grading or drainage improvements necessary for the proposed project for the review and approval of the Planning Department and the Department of Fish and Game. The work schedule shall provide for completion of the improvements prior to the rainy season or include provisions to prevent damages and inconveniences if not completed prior to the rainy season.
14. The applicant shall obtain all necessary permits from the Valley of the Moon Water District prior to recording a final map. Off-site water main improvements for each phase of the development shall be in accordance with the recommendations identified in letter submitted by the Valley of the Moon Water District and located in file # 160.1019.
15. The tentative map shall be in substantial conformance with the approved precise development plan. Deviation from the tentative map shall be subject to the review of the Planning Department for determination of whether the tentative map is in substantial compliance, or not.

16. NOTE ON MAP: "An archaeological survey of the site was conducted and the field investigation found no archaeological resources on the site. If archaeological indicators or human remains are uncovered during development, work is to be temporarily halted and a qualified archaeologist is to be consulted."

BUILDING INSPECTION: "The conditions below have been satisfied." BY _____ DATE _____

17. Obtain all applicable permits from the Building Inspection Department. These appear to include but may not be limited to - Site Review, Building Permits, and Grading Permits.

WATER AGENCY: "The conditions below have been satisfied." BY _____ DATE _____

18. A building setback line along the waterway 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.
19. Drainage improvements shall be designed by a civil engineer in accordance with the Water Agency's Flood Control Design Criteria for approval by the General Manager of the Sonoma County Water Agency and shall be shown on the improvement plans.
20. The developer's engineer shall include a site grading plan as part of the required improvement drawings.
21. Moved to Planning (Condition #13.)
22. A bond or other security shall be required to insure completion of all improvements in accordance with the approved plans and approval conditions.

23. Prior to being allowed use of the site or occupancy of a building, the applicant shall provide a written statement signed by his or her engineer/contractor verifying that the grading and or drainage improvements are completed in accordance with the plans approved by the County.

SANITATION: "The conditions below have been satisfied." BY _____ DATE _____

Water:

24. The subdivider shall construct the water mains and appurtenances or post bonds to insure the installation of the water facilities in accordance with the District Standards, where applicable, and the approved improvement plans. Off-site water main improvements for each phase of the development shall be in accordance with the recommendations identified in letter submitted by the Valley of the Moon Water District and located in file #160.1019.
25. A letter or resolution from the water district shall be submitted indicating its ability to serve the proposed subdivision and evidence indicating that a satisfactory agreement has been entered into for such water service.
26. Upon completion of construction, a resolution or letter from the entity shall be submitted stating the water system has been accepted into their system for maintenance and operation.
27. The applicant shall obtain water permits and pay all necessary fees included, but not limited to, for the installation of all water mains and services to the property line of each lot in the subdivision. Evidence must be submitted to the Sonoma County Sanitation Department.

Sewer

28. The subdivider shall construct the sewer mains and appurtenances or post bonds to insure the installation of the sewer facility in accordance with the Sonoma County Sewer System Standards, and the approved improvement plans.
29. The applicant shall obtain sewer permits and pay all necessary fees included, but not limited to, for the installation of all sewer mains and laterals to the property line of each lot in the subdivision.

Easement

30. All easements and dedications necessary for the installation of the proposed facilities shall be granted to the entity accepting them for maintenance and operation.

Findings

31. In accordance with Government Code Section 66411.1, PRAC finds that the foregoing is necessary for reasons of public health and safety, and/or is a necessary prerequisite to the orderly development of the surrounding area.

PUBLIC WORKS: "The conditions below have been satisfied." By _____ Date _____

32. Inspection fees administered by Public Works Department and one half the estimated cost of the traffic signal shall be paid prior to the Director of Public Works signing the improvement plans.
33. The developer shall offer to the County of Sonoma drainage easements necessary to drain public roads.
34. Streets shall be constructed in accordance with the requirements of the Sonoma County Road Standards Code and dedicated to the public use on the face of the final map or by grant deed.

35. The developer shall submit road improvement plans to Public Works for review and approval, prior to issuance of an Encroachment Permit, which show the improvements described in this set of conditions.
36. The structural section of all road improvements shall be designed using a soils' investigation which provides the basement soil's R_c value and expansion pressure test results. A copy of the soils report shall also be submitted with the first set of improvement plan check-prints. The traffic index used for the pavement design of Arnold Drive is 7.5, Boyes Blvd. is 6.5, Roadroad Avenue is 6.5, and Cherry Avenue is 5.0.
37. The typical road section shall conform to County standards.
38. Curb and gutter shall be constructed along the development's frontage to Railroad Avenue, Boyes Boulevard, Arnold Drive, and Cherry Avenue; along the Rossi parcel's frontages to Boyes Boulevard and Arnold Drive; and the Kiewman parcel's frontage to Boyes Boulevard.
39. All private road curb returns intersecting public roads shall have 25-foot radii. The two-way private road shall be 30 feet wide within 75 feet of where it intersects the public road. Where the two-lane private road is separated by a dividing median, each lane shall be 15 feet wide.
40. Emergency vehicle access driveways shall be gated or landscaped to prevent their being used on a daily basis.
41. Developer shall provide poles for no parking signs and shall place signs.
42. Public Works will provide the pavement stripping services as may be needed on the public roads.

BOYES BOULEVARD

43. Sufficient right-of-way shall be dedicated along Boyes Boulevard on the final map so as to provide 57 feet of right-of-way, measured southerly from the property line on the north side of Boyes Boulevard.
44. Between the P.U.D.'s main entrance on Boyes Boulevard and Railroad Avenue, reconstruct the existing road section southerly of the present centerline stripping and then widen the pavement southerly to the new curb face. The southerly curb face shall be placed to provide for an ultimate face of curb width of 46 feet along this portion of Boyes Boulevard. In positioning the southerly face of curb, the assumed location of the northerly face of curb shall be a line projected between existing curbs near Railroad Avenue and the westerly end of Boyes Boulevard.
45. Between the main entrance and Arnold Drive, widen Boyes Boulevard southerly 40 feet from the existing face of curb on the north side of the boulevard. A transition from 46 feet to 40 feet shall be provided west of the main entrance. Also, reconstruct the existing road section southerly of the present centerline stripping.
46. A 6 foot sidewalk shall be provided along Boyes Boulevard between the main entry and Railroad Avenue.

47. The applicant shall bear all the expenses associated with the acquisition of the right-of-way from the Kievman and Rossi parcels necessary to construct the road widening and sidewalk improvements. The applicant has agreed to enter into an agreement with the County within 60 days of County recording the final map in which applicant will agree:
- a. to bear all expenses associated with the acquisition of all right-of-way, including the relocation of driveways, buildings, wells, landscaping, etc., along the Rossi and Kievman parcels, and
 - b. to provide surety of an amount determined by Public Works to be adequate to cover all costs of acquiring the right-of-way, and
 - c. to prepare the design for the traffic signal equipment at Boyes and Arnold with CalTrans design specifications.
48. On street parking shall not be permitted along the south side at Boyes Boulevard.
49. Widen Boyes Boulevard east of its intersection with Railroad to provide a westbound left-turn lane.
50. The centerline of the commercial site driveway entrance on Boyes Boulevard may be not less than 135 feet from the westerly curb along Railroad Avenue.
51. The engineering plans, including the design of the traffic signal, for improvements along Boyes Boulevard and the intersection of Boyes and Arnold shall be prepared as a part of Phase I (the main entrance phase shown on the tentative map) except for the frontage to the commercial property at the corner of Boyes Boulevard and Railroad Avenue. The frontage improvement to the commercial property shall be constructed as part of the commercial development.

CHERRY AVENUE

52. Cherry Avenue, west of Cottonwood Avenue, shall be widened to 18 feet from its centerline in order to construct a 36 foot street. Cherry Avenue, east of Cottonwood Avenue, shall be reconstructed northerly from the physical centerline of Cherry Avenue, to the new face at curb fronting the development.
53. The new northerly face of curb shall be placed to provide for an ultimate face of curb width of 32 feet along this portion of Cherry Avenue. In positioning the northerly face of curb, an assumed location of a southerly curb shall first be laid out by the engineer and reviewed by Public Works. Once approved, then the northerly curb shall be laid out 32 feet to the north. The right-of-way to be dedicated along this stretch of Cherry Avenue shall be defined by a line laying parallel to and 6 feet northerly of the northerly face of curb.
54. A 5-foot sidewalk shall be provided between the Cherry Avenue driveway to Lot 142 and Railroad Avenue.
55. Improvements shall be constructed by the respective abutting phase. However, where Phase I fronts Cherry Avenue, the improvements shall be constructed as a part of Phase 3.
56. On-street parking shall not be allowed along the north side of Cherry between Railroad Avenue and Cottonwood Avenue.

RAILROAD AVENUE

57. Railroad Avenue, between Cherry Avenue and Boyes Boulevard shall be widened to 22 feet from its centerline.
58. Pavement widening shall be constructed along the east side of Railroad Avenue's existing pavement of sufficient width to provide a 12' wide center turn lane for both the entrance to the P.U.D. and the commercial driveway.
59. A six-foot-wide sidewalk shall be provided along the west side of Railroad Avenue between Cherry Avenue and Boyes Boulevard.
60. On-Street parking shall not be permitted along Railroad Avenue.
61. Frontage improvement along Railroad Avenue are to be constructed by the respective abutting phase or commercial development.

ARNOLD DRIVE

62. Arnold Drive shall be widened to 24 feet from its centerline to curb-face between Cherry Avenue and Boyes Boulevard. Additional widening to provide for a 60-foot-full width shall be constructed approaching Boyes Boulevard as necessary to provide a median, two through lanes, and a right turn lane onto Boyes Boulevard. Additional widening to Arnold Drive shall be constructed north of the intersection with Boyes Boulevard to provide a southbound left turn lane on Arnold Drive. The intersection-turn lanes shall be designed in conformance with CalTrans design standards for a 45-mile per hour design speed. Signals shall also be installed.
63. With respect to the intersection improvements at Boyes Boulevard and Arnold Avenue, in the event the planned unit development construction begins prior to the construction on the commercial lot at the corner of Railroad and Boyes, only the widening and striping of the Arnold/Boyes intersection need be completed simultaneously with the first occupancy of the P.U.D. units.

In the event occupancy of the commercial lot occurs before occupancy of any P.U.D. units, then the Arnold/Boyes intersection shall be widened prior to occupancy of any commercial buildings. Approval of any building permits shall be withheld until the intersection widening and signalization plans have been approved by Public Works.

64. A 6-foot-wide sidewalk shall be provided along Arnold Drive between Cherry Avenue and Boyes Boulevard.
65. Frontage improvements to Arnold Drive shall be constructed by the abutting phase, except for the Arnold widening requisite for the Boyes intersection improvements as specified elsewhere herein.

ENVIRONMENTAL HEALTH: "The conditions have been satisfied." By _____ Date _____

66. NOTE ON FINAL MAP: "Units adjacent to Arnold Drive are subject to an acoustic analysis and mitigation measures as specified in Title 25, California Administrative Code."
67. Design and construction of the lake and other aspects of the project shall comply with requirements of the Marin-Sonoma Mosquito Abatement District. Plans shall be approved by that agency prior to commencing construction on the lake.
68. The CC&R's shall establish the home owner's association as responsible for maintaining and operating the swimming pools in accordance with requirements of the Sonoma County Public Health Department.

SURVEYOR'S "The conditions have been satisfied." By _____ Date _____

69. Subdivider shall retain a civil engineer to prepare construction plans for the private roads and the areas designated as "Public Utility Easements" on the tentative map. After plan approval, the subdivider shall construct the necessary drainage facilities and the base portion of the road with Class Aggregate Base, followed by 1 layer of M.C. 70 oil and asphaltic concrete.
70. The roads shall be designed using the following traffic indexes:
a) All of Road "A" except that portion south of Road "C" - T.I. = 5.0
b) Road "A" south of Road "C" - T.I. = 4.5
c) Road "B" - T.I. = 5.5
d) Road "C" - T.I. = 5.5
e) The road adjacent to lots 35 through lot 44 - T.I. = 4.5
71. The basement soil, base and asphaltic concrete, within the road and "Public Utility Easements" shall be compacted to a P.E. of 95%.
72. The "Public Utility Easements" shall be constructed with a minimum of 6" of Class II Aggregate base, M.C.-70 oil and 2" of Asphaltic Concrete.
73. The "Emergency Vehicle access" exits shall be blocked by a barrier of a design satisfactory to the County Surveyor.
74. Stop signs shall be placed on Road "B" and "C" at those entrance to public roads.
75. All materials, workmanship and construction shall be in accordance with County of Sonoma Road Standards, Part 2, dated January 1973.



County of Sonoma Agenda Item Summary Report

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

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

To: Sonoma County Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Jim Nantell

Supervisorial District(s):

5th District

Title: Mason's Fish Buying Dock RLA Extension

Recommended Actions:

Authorize the Director of Regional Parks to extend the current Revocable License Agreement with North Coast Fisheries at the Mason's Marina fish-buying dock, on a month-to-month basis for a minimum payment of \$2,500 per month, while Regional Parks prepares a competitive bid process for the property.

Executive Summary:

The County is the owner of real property known as Mason's Marina, located at 1820 Westshore Road, Bodega Bay, CA. The Regional Parks Department has been managing the Marina since April, 2012, after the expiration of the previous lease with Leon O. Mason and Olivia Mason. The prior tenants had entered into a sub-lease with North Coast Fisheries, Inc. in 2000 to lease a portion of Mason's Marina consisting of a small paved parking area and the southernmost dock used for fish-buying. That sub-lease expired concurrent with the Masons' lease after the County resumed control of the operations at Mason's Marina.

In 2012 Regional Parks requested and received Board approval to enter into a two-year Revocable License Agreement with North Coast Fisheries, Inc. That Revocable License Agreement expires on March 31, 2014. County Counsel recommends a competitive bid process for the next lease agreement for use of this County property. Due to staffing constraints Regional Parks will not complete the bid process by the end of March 2014 and seeks Board approval to continue the current Agreement with North Coast Fisheries, Inc. on a month-by-month basis.

Regional Parks is currently reviewing long term options for Mason's Marina before initiating a bid process. Staff is working closely with Gen Services, County Counsel and the CAO to weigh various options and prepare the most beneficial bid package for the county and the users of the facility. Due to staffing and budgetary constraints, this review could take up to 8 to 12 months to complete.

North Coast Fisheries, Inc. (NCF) is based locally in Sonoma County and purchases fish from the fishing vessels returning to Bodega Bay with their catch. NCF processes these fish at their local processing plant

for sale to local markets as well as more distant distribution. As stated above, NCF is an established tenant with equipment and structures installed on the dock and established working relationships with the local fishing population.

Under the current Revocable License Agreement North Coast Fisheries, Inc. guarantees the County \$2,500 per month for use of the facility. North Coast Fisheries, Inc. pays the greater of \$2,500 per month or wharfage fees of \$0.04 per pound for off-loading of salmon, crab, swordfish, sable fish and rock cod for the account of the tenant with an additional \$0.07 per pound charged for fish offloaded by the tenant for other companies. Wharfage fees are based on Fish and Game landing tags.

Prior Board Actions:

In 2012 Regional Parks entered into a 2 year Revocable License Agreement with North Coast Fisheries for use of the South Fish Buying Dock at Mason’s.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 7,500
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$ 7,500

Narrative Explanation of Fiscal Impacts (If Required):

Per the terms of the Revocable License Agreement with North Coast Fisheries, Regional Parks receives the greater of wharfage fees or a minimum payment of \$2,500 per month. Average revenue from the Revocable License Agreement was \$5,622 per month in 2013. Revenues collected for use of the south fish buying dock are used to fund day-to-day operations at Mason’s Marina and to pay for maintaining the facility.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):
Attachments:
Related Items "On File" with the Clerk of the Board:



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 13
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Regional Parks

Staff Name and Phone Number:

Elizabeth Tyree – (707) 565-2575

Supervisorial District(s):

5th

Title: Doran Beach Boat Launch grant application for Boating & Waterways funding.

Recommended Actions:

Resolution authorizing the Director of Regional Parks to apply for \$990,000 in grant funding from the California Division of Boating & Waterways for construction of improvements at Doran Beach Regional Park.

Executive Summary:

California State Parks, Division of Boating & Waterways (DBW), awards Boat Launching Facilities grants to qualifying public agencies on a competitive basis. Since 2008, Regional Parks has been working with DBW, planning improvements to Bodega Bay boat launching facilities. DBW Grant applications for consideration with the FY 1516 budget are due April 1, 2014. Regional Parks proposes requesting \$990,000 in construction funding for Doran Beach Boat Launch improvements. A Board of Supervisors resolution approving application for grant funding is required for this grant application.

Background

The Bodega Bay boat launch facilities at Westside and Doran Park are utilized by thousands of residents and visitors every year for access to sport fishing and other water related activities around Bodega Bay. These two parks provide boat launch ramps with boarding floats, parking for vehicles with trailers, boat wash outs and fish cleaning stations to support these recreational uses. Both facilities are currently in need of renovations to improve accessibility for persons with disabilities, and to replace aging structures and supporting amenities. Only one park's launch is planned for construction at a time, to maintain some boat launch access.

DBW awarded a \$350,000 planning grant for the expansion and rehabilitation of the Boat Launching Facilities at Westside Park and Doran Beach in 2011. In 2012, the Board of Supervisors accepted the grant and approved a contract with Moffatt and Nichol for \$340,644 to perform the services outlined in the grant contract.

The Board of Supervisors adopted the mitigated Negative Declaration for the Bodega Bay Boat Launch Facilities Improvements and approved the project on March 26, 2013. The Board also approved application for grant funding from DBW for the construction of improvements at Westside Park. The \$1.8 million grant is now included in the Governor’s recommended budget, with the final award in June or July. Because of its higher level of use, Westside is the first Bodega Bay boat launch planned for construction.

Doran Beach can accommodate up to 20-foot boats and the adjacent parking lot can handle 30 vehicles with trailers. This area is highly congested during fishing season. The parking area and circulation patterns are not well defined and the boat wash station needs to be relocated to reduce conflict with launching boats.

The proposed scope of improvements to the facilities at Doran Park include new piles and boarding floats, new concrete boat ramp, a new gangway and low freeboard boarding float to improve disabled access, accessible paths of travel connecting facilities, lighting improvements, renovations to the fish cleaning station, relocating the boat wash out area to improve traffic flow, paving the existing gravel overflow parking area, sealing the pavement, and striping parking areas to increase capacity and improve circulation.

With this grant funding, construction could occur in 2017. The cost of ongoing operations and maintenance is not expected to increase, and improved boat launch facilities would attract additional users, increasing revenue.

The Parks and Recreation Advisory Commission supported applying for this grant funding at their February 24, 2014 meeting.

Prior Board Actions:

May 21, 2013 approved County of Sonoma Capital Project Plan 2013 – 2018, including boat launch improvements at Westside Park and Doran Beach. March 26, 2013 by Reso. No. 13-0113 adopted a Mitigated Negative Declaration for the Bodega Bay Boat Launch Facilities Improvements and approved project and by Reso. No. 13-0114 approved application for DBW funding for construction of Westside Park improvements. August 14, 2012 approved a contract with Moffatt and Nichol for planning and design services. January 24, 2012 by Reso. No. 12-0026 accepted \$350,000 in grant funding from DBW for Westside Park and Doran Beach Boat Launching Facility Planning. March 24, 2009 by Reso. No. 09-0240 approved Bodega Bay Boat Launch Facilities grant application.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

If approved, this funding and the related expenditures will be included in the FY 2016-2017 budget.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

1. Resolution
2. Project location map

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



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Requesting A Grant From The Department Of Boating And Waterways For Construction Of
Doran Boat Launching Facilities**

Whereas, the County of Sonoma has the authority to construct, operate, and maintain the Doran Boat Launch at Doran Beach Regional Park; and

Whereas, the County of Sonoma is requesting a \$990,000 grant from the Department of Boating and Waterways; and

Whereas, the County of Sonoma desires to enhance, repair, or rebuild and protect the Doran Beach Regional Park Boat Launch to meet the needs of watercraft users and provide other public amenities to those utilizing the facility.

Now, Therefore, Be It Resolved by the Board of Supervisors of the County of Sonoma that, pursuant and subject to all of the terms and provisions of the Harbor and Watercraft Revolving Fund program, application be made to the State of California, Department of Parks and Recreation, Division of Boating and Waterways for funding; and

Be It Further Resolved that the Director of Regional Parks of said County of Sonoma is hereby authorized and directed to cause the necessary data to be prepared and application to be signed and filed with the State of California Department of Boating and Waterways.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Bodega Bay Boat Launching Facilities Westside and Doran Regional Parks

Attachment 2

*Sonoma County
Regional Parks*



March 2013





County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 14
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Regional Parks

Staff Name and Phone Number:

Elizabeth Tyree (707) 565-2575

Supervisorial District(s):

5th

Title: Bodega Bay Trail grant application for Transportation Development Act Article 3 funding.

Recommended Actions:

Resolution approving the request to Metropolitan Transportation Commission by the County of Sonoma for an allocation of Transportation Development Act Article 3 Pedestrian and Bicycle Project funding for fiscal year 2014-2015.

Executive Summary:

Sonoma County Transportation Authority (SCTA) issued a call for Bicycle and Pedestrian Projects January 27, 2014. The County of Sonoma and the nine incorporated cities are invited to submit projects for the Transportation Development Act, Article 3 (TDA3) program. A resolution approving application for grant funding is required by MTC, and is due to SCTA by April 4.

TDA3 funds are generated from a statewide ¼ cent sales tax, and 2% of those funds are allocated to bicycle and pedestrian projects. The Metropolitan Transportation Commission (MTC) distributes funding based on population. SCTA manages the local Program of Projects, and will submit their approved TDA3 Program of Projects and supporting documentation to MTC at the end of April.

There is currently \$284,954 available to the County, and Regional Parks, after discussion with Transportation and Public Works, is proposing to request \$260,000 for construction of the Coastal Prairie phase of the Bodega Bay Trail. TDA 3 funding, along with \$142,575 in federal Coastal Impact Assistance Program funding and \$300,000 in local Measure M funding, would construct Segment 1C (see attached map) of Bodega Bay Trail's Coastal Prairie Trail plus the parking on Keefe Avenue at the north end of Segment 1B. Segment 1C will be constructed first and will connect the Bodega Bay Community Center to the Bodega Dunes Campground entrance road. This trail segment includes two boardwalks, an 8-foot-wide trail of stabilized aggregate with a 3-foot shoulder on one side and a 1-foot shoulder on the other side, signs, and other amenities. This stage of construction will include tree removal, brush clearing, and trail mowing for the entire 1.1-mile trail in anticipation of future funding for construction of Segment 1B, as well trailhead parking for 7 cars on the shoulder of Keefe Avenue also associated with

1B. Additional funding is being sought to complete Segment 1B.

The Parks and Recreation Advisory Commission supported application for this grant funding at their February 24 meeting. The Sonoma County Bicycle and Pedestrian Advisory Committee supported \$160,000 in TDA3 funding for this project at their February 20, 2013 meeting and an additional \$100,000 in TDA3 funding at their March 19, 2014 meeting, for a total of \$260,000 in requested grant funding.

Background

As part of the California Coastal Trail, the Bodega Bay Bike & Pedestrian & Trail offers a scenic pathway through the town of Bodega Bay parallel to Highway 1. The primary purpose of this project is to develop a safe route for bicyclists and pedestrians travelling along Highway 1 through the town of Bodega Bay. In 2010, the County Board of Supervisors adopted the County Bicycle and Pedestrian Plan, which included the Bodega Bay Trail project as a high priority.

The Bodega Bay Trail is being completed in phases. Cheney Creek Bridge Trail was completed in 2008, connecting Bird Walk Coastal Access Regional Park with Doran Beach Regional Park.

The next phase, Coastal Prairie Trail (segments 1B & 1C), is located at the northernmost end of the Bodega Bay Trail project. At this location, the bikeway is planned to travel through the scenic coastal prairie areas of the Sonoma Coast State Park and County owned land (see map).

With funding, this first portion of the Coastal Prairie Trail will be constructed this calendar year. The annual operation and maintenance costs is estimated as \$1,500. We will return to the Board at a later date to approve operations funding if this grant is awarded. An estimated additional \$355,000 is needed to complete Segment 1B. Regional Parks is actively seeking additional grant funding.

Prior Board Actions:

May 21, 2013 approved County of Sonoma Capital Project Plan 2013 – 2018, including Bodega Bay Bike & Pedestrian Trail – Coastal Prairie. June 22, 2011 by Reso. No. 11-0346 adopted the Mitigated Negative Declaration for the Coastal Prairie Trail and approved the project. August 25, 2010 by Reso. No. 10-0636 adopted the 2010 Sonoma County Bicycle and Pedestrian Plan.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

If approved, this funding and the related expenditures will be included in the FY 2014-2105 budget.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

If approved, this funding and the related expenditures will be included in the FY 2014-2015 budget.

Attachments:

1. Resolution with Attachments A and B
2. Project location map

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

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County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Request To The Metropolitan Transportation Commission For The Allocation Of Fiscal Year
2014-15 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding**

Whereas, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

Whereas, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No.4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

Whereas, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

Whereas, the County of Sonoma desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; now, therefore, be it

Resolved, that the County of Sonoma declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it

Resolved, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the County of Sonoma to carry out the project; and furthermore, be it

Resolved, that the project has been reviewed by the Sonoma County Bicycle and Pedestrian Advisory Committee (BAC) of County of Sonoma; and furthermore, be it

Resolution #

Date:

Page 2

Resolved that the County of Sonoma attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore, be it

Resolved that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Sonoma County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Resolution No. **14-XXXX**
Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2014-15 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the County of Sonoma is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the County of Sonoma legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the County of Sonoma has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the County of Sonoma within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the County of Sonoma agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

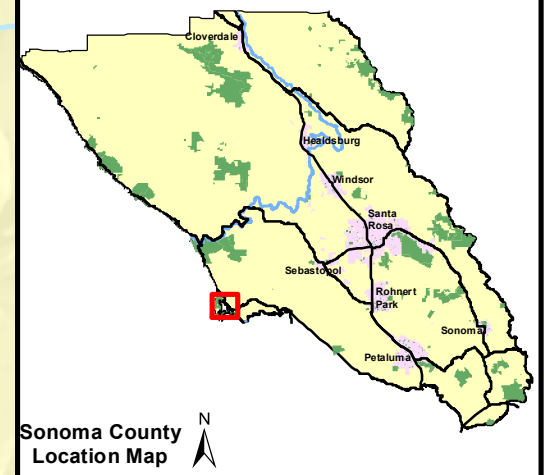
Bodega Bay Trail

Location Map



12/31/13

Enlarged View to Left



Sonoma County Location Map

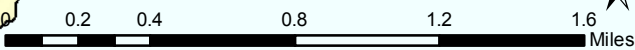


Bay Area Location Map



Source: Sonoma County GIS Bay Area Counties Layer. Parcel Base

- Highway
- Street
- Stream
- Coastal Prairie Trail
- Future Trail
- Existing Trail
- Project Location
- County Owned Parks
- State Owned Parks



Resolution No. 14-XXXX

Attachment B

page 1 of 1

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2014-2015 Applicant: Sonoma County Regional Parks Department

Contact person: Elizabeth Tyree

Mailing Address: 2300 County Center Drive, Suite 120A, Santa Rosa, CA 95403

E-Mail Address: Elizabeth.Tyree@sonoma-county.org Telephone: 707-565-2575

Secondary Contact (in event primary not available) Ken Tam

E-Mail Address: Ken.Tam@sonoma-county.org Telephone: 707-565-3348

Short Title Description of Project: Bodega Bay Bike & Pedestrian Trail – Coastal Prairie Trail

Amount of claim: \$ 260,000

Functional Description of Project:

Develop a Class 1 bike path from the Nicholas Green Memorial Bell Tower to the Bodega Dunes State Park entry road as well as trailhead parking on Keefe Ave.

Provide an alternative transportation route to Highway 1 in the unincorporated community of Bodega Bay, completes a segment of the Bodega Bay Bike &

Pedestrian Trail, which is part of the California Coastal Trail.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning I, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project.

Project Elements: construction

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$260,000			\$260,000
list all other sources:					
1. Measure M	\$170,000	\$130,000			\$300,000
2. Coastal Impact Assistance Program	\$142,575				\$142,575
3. Park Mitigation Fees	\$245,217	\$65,000	\$15,000		\$325,217
4.					
Totals	\$557,792	\$455,000	\$15,000		\$1,027,792

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>2/20/13 approved \$160K, additional \$100K pending review 3/19/14</u>	Pending
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>12/30/2014</u>	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 15
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Regional Parks

Staff Name and Phone Number:

Steve Ehret 565-1107

Supervisorial District(s):

Countywide

Title: Regional Parks As-Needed Agreements – Multiple Firms

Recommended Actions:

Authorize Chairperson of the Board of Supervisors to execute multi-year, as-needed professional agreements for the following professional services and “not to exceed” amounts for each contractor:

1. Architectural and access compliance (\$100,000): Glass Architects, Oscia Wilson Architects, Inc., dba Boiled Architecture, RossDrulisCusenbery Architecture, Inc., VPRM, Inc., dba STRATAap;
2. Boat launch and marina civil engineering (\$250,000): Ben C. Gerwick, Inc., CLE Engineering, Inc. Moffatt & Nichol, Noble Consultants, Incorporated
3. Civil and bio-engineering (\$250,000): BKF Engineers, Brelje & Race Consulting Engineers, Coastland Civil Engineering, Inc., EBA Engineering, Environmental Science Associates, Green Valley Consulting Engineers, Inc., Prunuske Chatham, Inc., Questa Engineering Corporation
4. Cultural resources (\$100,000): Alta Archaeological Consulting, LLC, Environmental Science Associates, Garcia and Associates, Tom Origer & Associates
5. Environmental and regulatory processing (\$100,000): Analytical Environmental Services, Environmental Science Associates, LSA Associates, Inc., Questa Engineering Corporation

Executive Summary:

The adopted Five Year Capital Project Plan for Regional Parks contains numerous projects that require a range of professional services. In order to expedite contracting for these services over the next three to five years, the Regional Parks Department proposes that multi-year as-needed agreements with several firms for each professional services discipline be utilized. The Purchasing Agent and County Counsel support this approach.

Regional Parks is requesting that the Board approve multi-year as-needed professional service agreements for ten types of frequently used professional services: architectural and access compliance, biological resources, civil & biological engineering, civil engineering - boat launch and marinas, cultural resources, environmental and regulatory processing, geotechnical engineering, land surveying, and

traffic engineering. In addition to contracting out for these services, Regional Parks will request professional services from other County staff if appropriate to perform this work. However, regardless of whether these services are provided under an as-needed versus case-by-case contractual arrangement, there are many tasks that cannot be provided in-house by County staff, either due to specialized knowledge required, professional license requirements, or due to peaks in workload.

June 16, 2009, the Board approved the department’s first use of multi-year as-needed service agreements which resulted in improved efficiency in Regional Parks, County Counsel, and the Purchasing departments by significantly reducing processing overhead of Professional Service Agreements. A single agreement was used to perform multiple services for a variety of projects. By eliminating the need to prepare separate request for proposals, contracts, and board reports for numerous contracts, staff costs were reduced by an estimated 4,330 hours, a department savings of \$143,570 over four years. In addition, work load efficiencies were realized, and project schedules were shortened by two to six months. As-needed service agreements have a general scope of work per county guidelines for such agreements.

For this current round, Regional Parks coordinated with the Purchasing Agent and County Counsel to develop the overall approach to setting up these agreements. When the Request For Statements of Qualifications (RFQ) was circulated, Regional Parks used the Department's existing consultant list, as well as lists from other sources such as the Department of Transportation and Public Works, and the Sonoma County Water Agency. In addition, staff also researched other potential firms.

Following the execution of as-needed agreements, staff will obtain quotes from multiple firms for each project, thus ensuring the County is receiving the best price and product. As is standard with County as-needed agreements, there is no guarantee of any minimum amount of work for any consultant. The agreements' maximum not-to-exceed amounts are based upon projects that are identified in the Department's approved Five Year Capital Project Plan. All the funds expended will be consistent with the amounts appropriated for each project by the Board of Supervisors. The contract amounts also include contracting capacity for unforeseen projects that arise over the course of a three to five year period.

Regional Parks evaluated and selected the consultants based upon an RFQ and analysis of numerous criteria, including quality and scope of related work experience, ability to perform tasks, local preference policy, competence, references, past work performance with the Department, willingness to agree to County's contract language, cost efficiency, and responsiveness to the RFQ. 12 of the 24 proposed service providers meet the County’s Local Vendor Preference Policy.

A summary of the proposals sent, proposals received, and recommended contracts is provided below.

Contract Type	Not-to-exceed Amount	Proposals Sent	Proposals Received	Proposed Agreements
Architectural & Access Compliance Services	\$150,000	34	4	4
Civil & Bio-Engineering	\$250,000	26	15	8
Civil Engineering - Boat Launch & Marinas	\$250,000	2	6	4

Cultural Resources	\$100,000	14	6	4
Environmental & Regulatory Processing	\$100,000	20	11	4

Architectural & Access Compliance Services:

1. Glass Architects
2. Oscia Wilson Architects, Inc., dba Boiled Architecture
3. RossDrulisCusenbery Architecture, Inc.
4. VPRM, Inc., dba STRATAap

Civil & Bio-Engineering:

1. BKF Engineers
2. Brelje & Race Consulting Engineers
3. Coastland Civil Engineering, Inc.
4. EBA Engineering
5. Environmental Science Associates
6. Green Valley Consulting Engineers, Inc.
7. Prunuske Chatham, Inc.
8. Questa Engineering Corporation

Civil Engineering – Boat Launch & Marinas:

1. Ben C. Gerwick, Inc.
2. CLE Engineering, Inc.
3. Moffatt & Nichol
4. Noble Consultants, Incorporated

Cultural Resources:

1. Alta Archaeological Consulting, LLC
2. Environmental Science Associates
3. Garcia and Associates
4. Tom Origer & Associates

Environmental & Regulatory Processing:

1. Analytical Environmental Services
2. Environmental Science Associates
3. LSA Associates, Inc.
4. Questa Engineering Corporation

Prior Board Actions:

Board Approved Regional Parks 2012-2017 5-Year Capital Project Plan
06/16/2009: Regional Parks As-Needed Agreements – Multiple Firms

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 150,000	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$ 150,000
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 150,000	Total Sources	\$ 150,000

Narrative Explanation of Fiscal Impacts (If Required):

Regional Parks estimates using these as-needed agreements for contracting of approximately \$100,000-\$150,000 worth of services during the remainder of FY 13/14. These grant funds have been previously allocated by the BOS through the budgetary process. Future expenditures will be incorporated into the Capital Project Plan.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

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

24 As-Needed Agreements (4 copies each)



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 16
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of Sonoma County

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Sgt. John Molinari and Department Analyst Jody Like, 565-1119

Supervisorial District(s):

All

Title: Amendment to the Agreement for Maintenance of Fingerprint Identification Equipment with 3M Cogent, Inc.

Recommended Actions:

Approve and authorize the Sheriff to execute Amendment No. 2 to the Agreement for Maintenance of Fingerprint Identification Equipment with 3M Cogent, Inc. to extend the Agreement for one year from April 1, 2014 to March 31, 2015, for an amount not to exceed \$150,000.

Executive Summary:

This item requests that the Board authorize the Sheriff to execute Amendment No. 2 to the Agreement for Maintenance of Fingerprint Identification Equipment with 3M Cogent, Inc. to extend the Agreement for one year from April 1, 2014 to March 31, 2015, for an amount not to exceed \$150,000. The fingerprint system is managed by the Sheriff's Office, used by all law enforcement agencies in Sonoma County and benefits all County residents. Maintenance of the automated fingerprint system is funded with vehicle registration fee revenue which is held in the Sheriff's Office DMV ID Fee special revenue fund.

Vehicle Code Section 9250.19, (Section 9250.19) authorizes the Board of Supervisors to increase vehicle registration fees by \$1.00 for each vehicle registered or renewed by Sonoma County residents. The Board of Supervisors approved this fee on June 2, 1998. Fees must be used exclusively for programs that enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification. Fees collected under Section 9250.19 are held in a County special revenue fund within the Sonoma County Sheriff's Office (SCSO). The Remote Access Network Board ("RAN Board"), defined below, recommends DMV ID Fee special revenue fund expenditures to the Board through the annual County budget process.

Background: Since 2005 the SCSO, in conjunction with the RAN Board, and in compliance with government code, has implemented a variety of systems that "enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification". Fingerprint

Program implementation included a multi-phase approach to replacing all Sonoma County law enforcement agencies' aging live scan fingerprinting devices (live scan); establishing a local automated fingerprint identification archive (CAFIS); implementing quick identification in the detention facilities' booking areas; installing remote fingerprint input terminals; deploying handheld fingerprint identifications devices (Mobile Ident II) to law enforcement officers in the field; and implementing a booking system that maps booking photos to automated fingerprints. These integrated systems were purchased from 3M Cogent Inc., (Contractor).

RAN Board Members: The Remote Access Network Board (RAN Board) is charged with regulating the use of Section 9250.19 funds and making identification system recommendations to the Sonoma County Board of Supervisors. Section 9250.19 specifies that "each RAN board shall be composed of seven members, as follows: a member of the board of supervisors (the Remote Access Network Board representative for 2014 is Supervisor Shirlee Zane), the sheriff, the district attorney, the chief of police of the Cal-ID member department having the largest number of sworn personnel within the county, a second chief selected by all other police chiefs within the county, a mayor elected by the city selection committee established pursuant to Section 50270 of the Government Code, and a member-at-large chosen by the other members." At its annual meeting on August 28, 2013, the RAN Board voted in favor of funding the equipment maintenance costs included in the scope of the Agreement.

Proposed Amendment: The current Agreement provides for the preventative maintenance and support of the County's fingerprint archive system. The system's functions include electronic storage of the County's fingerprints, mandated sharing of fingerprints with State and Federal fingerprint archives, providing searching capabilities to officers in the field, and inmate identity confirmation during intake and release processes. These functions are critical, time sensitive, and must occur with minimal interruptions for law enforcement and detention personnel who depend on the system. This equipment must maintain functionality 24 hours a day, 7 days a week. Contracted support from the vendor is the best way to ensure uninterrupted operation. The current maintenance agreement expires on March 31, 2014. The proposed Amendment to the Agreement for Maintenance of Fingerprint Identification Equipment will extend the Agreement one year, from April 1, 2014 to March 31, 2015, for an amount not to exceed \$150,000. An amendment to the existing agreement is recommended at this time, as no new equipment will be added to the equipment maintenance list during the proposed one year extension. At the end of the term of the amendment, a new Agreement will be proposed that will include all new equipment purchased in FY 13-14 and FY 14-15.

3M Cogent is the single source vendor providing services to the County's law enforcement agencies. The agencies have been satisfied with the vendor's services. 3M Cogent's systems are the fastest, most accurate and economical compared to other providers. Single sourcing these services is justified and beneficial for several reasons. The fingerprint systems operate 24 hours a day and when the system malfunctions, operations are put on hold or significantly slowed. Having to contact several different vendors during a malfunction increases the time needed to restore functionality. In addition, multi-vendor systems increase support costs because all systems require 24 hour technical support. Finally, a single vendor offers a simplified, coordinated, and comprehensive approach to user training and technical support training. With multiple vendors, staff would need to be trained on each system component separately.

Prior Board Actions:			
<p>Since 2006, the Board has authorized multiple purchases of fingerprint identification equipment to establish and operate the County's automated fingerprint database system. Corresponding maintenance agreements have also been approved since 2006. On 4/01/11, the Board approved the Agreement for Maintenance of Fingerprint Identification Equipment for one year with an option to extend for two additional years. The Agreement was amended on July 9, 2012 to extend the term for two years, ending March 31, 2014.</p>			
Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community			
Amending the current maintenance agreement ensures continued operation of the County's fingerprint equipment and allows for continued support in the identification and arrest of potential criminals.			
Fiscal Summary - FY 13-14			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 37,500		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 37,500
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 37,500	Total Sources	\$ 37,500
Narrative Explanation of Fiscal Impacts (If Required):			
<p>All services under the proposed Amendment are funded with DMV ID Fee special revenue funds; the request has no impact on the County's General Fund. Revenue and expenditure appropriations in the DMV ID fund are included in the Sheriff's FY 13-14 adopted budget. This amount reflects one quarterly installment for the period of the contract that falls during FY 13-14. The remaining \$112,500 will be paid in FY 14-15. FY 14-15 appropriations are included in the Sheriff's Office FY 14-15 requested budget.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			
Attachments:			
Amendment No.2 to Agreement for Maintenance of Fingerprint Identification Equipment			

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

Agreement for Maintenance of Fingerprint Identification Equipment

First Amendment to Agreement for Maintenance of Fingerprint Identification Equipment
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**AMENDMENT No. 2
TO AGREEMENT FOR MAINTENANCE
OF FINGERPRINT IDENTIFICATION EQUIPMENT**

This amendment No. 2 is entered into by and between the County of Sonoma, a political subdivision of the State of California, (hereinafter "County") and 3M Cogent Inc., a Delaware Corporation authorized to do business in California (hereinafter "Contractor").

R E C I T A L S

WHEREAS, on April 1, 2011, the County and Contractor entered into an Agreement including all amendments and extensions thereof (collectively, the "Agreement") to employ the services of Contractor for maintenance and support of the Sheriff's Office existing 3M Cogent fingerprint systems; and

WHEREAS, County and Contractor executed a first amendment to the Agreement on July 9, 2012; and

WHEREAS, County and Contractor have been mutually satisfied with the Agreement and wish to amend it to extend its term and update the Agreement's equipment and pricing list.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree to amend the Agreement as follows:

A G R E E M E N T

As of the date of this Amendment No. 2, the Agreement shall be deemed to be amended in the following manner:

1. Article 2 of the Agreement is hereby deleted in its entirety and replaced with the following language:

"2. Payment. For all services and incidental costs required hereunder, Contractor shall be paid in accordance with Exhibit A-2(b), attached hereto and incorporated herein by this reference, regardless of the number of hours or length of time necessary for Contractor to complete the services. Contractor shall not be entitled to any additional payment for any expenses incurred in completion of the services. Contractor shall invoice the County for payments in advance of services on a quarterly basis (once every three months) based on the amounts listed in Exhibit A-2(b). Payments made under this Agreement shall not exceed \$150,000. Contractor shall submit its bill[s] for payment in a form approved by County's Auditor and the Head of

the County Department receiving the services. The bill[s] shall identify the services completed and the amount charged.”

2. Article 3 of the Agreement is hereby deleted in its entirety and replaced with the following language:

“3. Term of Agreement. The term of this Agreement shall be from April 1, 2014 to March 31, 2015, unless terminated earlier in accordance with the provisions of Article 4 below.”

3. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with exhibits, shall continue to be in full force and effect as originally executed, and nothing contained herein shall be construed to modify, invalidate, or otherwise affect any provision of the Agreement or any right of County arising thereunder.

4. The Recitals are incorporated into and form a part of this Second Amendment.

COUNTY AND CONTRACTOR HAVE CAREFULLY READ AND REVIEWED THIS SECOND AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS SECOND AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2 as set forth below.

3M COGENT, INC.

COUNTY OF SONOMA

By: _____

By: _____

Name: _____

Steve Freitas
Sheriff-Coroner

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM FOR
COUNTY:

By: _____

Deputy County Counsel

Date: _____

Exhibit A-2(b) EQUIPMENT LIST AND PAYMENT

Qty	Description	Location		Amount
Live Scan Booring Stations				
	Agency	Location	Type	LSID# 4/1/14-3/31-15
1	Sonoma Sheriff Admin*	Sheriff Lobby	1000p + M/S +CSD200	R75
1	Sonoma Sheriff Jail*	MADF Intake	1000p + M/S + I/F +PRN + CSD200	R88
1	Sonoma Sheriff Jail (new)*	MADF Intake	1000p + M/S + I/F + PRN+ CSD200	NF4
1	Sonoma Sheriff Jail*	MADF "BPR"	1000p + M/S + I/F + CSD200	R76
1	Sonoma Sheriff Jail*	NCDF	1000p + M/S + I/F + PRN+ CSD200	R77
1	Sonoma Probation*	Juvenile Intake	1000p + M/S + I/F + Cab	R79
1	Sonoma Probation*	Juvenile Court CD Room	1000p + M/S + I/F	R80
1	Sonoma Sheriff (Sonoma PD)	Sonoma PD	1000p + Cab+ CSD200	R78
1	City of Cloverdale P.D.	Cloverdale	1000p + Cab	R84
1	Cotati P.D.	Cotati	1000p + Cab	R83
1	Healdsburg P.D	Healdsburg	1000p + Cab	R85
1	Petaluma P.D.	Petaluma	1000p + M/S + Cab	R82
1	Sonoma State University P.D (moved from Rohnert Park PD)	Rohnert Park	500p + Cab	R87 \$3,060.00
1	Santa Rosa P.D.	Santa Rosa	1000p + Cab	R89
1	Santa Rosa J.C. P.D.	Santa Rosa	500e	R81
1	Sebastopol P.D.	Sebastopol	1000p + Cab	R86
1	Rohnert Park PD (new)	Rohnert Park	1000p + Cab	B44
1	Sonoma Coroner (new)	Coroner's Office	500e	NG4
1	Sonoma Sheriff (new)	Sheriff CSI (Kid Print Port)	500e	VE4
1	Sonoma Sheriff (new)	Sheriff Portable Booking	500e	VJ4
1	Santa Rosa PD (new)	Santa Rosa Portable	500e	VK4
1	Petaluma P.D. (new)	Petaluma Portable	500e	VF4
1	Rohnert Park (new)	Rohnert Park portable	500e	VG4
1	Sonoma Sheriff (new)	CAFIS Card Scanner	Ep1000p	VH4

Mobile Ident II				
53	Mobile Ident II	Various	(Maintenance \$323.78/year per unit)	\$ 17,160.34
53	Mobile Ident II data Service	Various	Provided by County	\$ -

CAFIS				
2	PMA Elite LITE 1000,000 TP matches per second* ***	ISD		\$ 75,971.83
1	Automatic tape drive*	ISD	IBM TS 3200	\$ 1,298.39
1	CAFIS 1000p finger/palm ID System 5.5 *	ISD	IBM 3650 M3	\$ 15,715.00
1	CAFIS Workflow Server *	ISD	IBM 3550 M3	\$ 700.00
1	Cal-Photo System and Interface *	ISD	IBM 3550 M3	\$ 2,700.00
1	CAFIS Storage RAID		Hitachi AMS 2100 Array	\$ 5,550.00
4	CAFIS 6.1 Multi Function Workstation (SCSO, SRPD, RPDPS, PPD)*	SCSO, SRPD, RPDPS, PPD	Win7 WS, Dual Monitors, Scanner	\$ 13,710.00
4	FBI Certified Card Printer with Duplex (CAFIS Workstations)*	SCSO, SRPD, RPDPS, PPD	Xerox 4510	\$ 1,015.00
1	Mugshot system w/CMS Interface Server (CMS 3.5)*	ISD	IBM 3550 M3	\$ 10,548.00
1	Web-ID workstation & software with BlueCheck scanner*			\$ 573.68
3	Web-ID workstation & software with CSD301 scanner*			\$ 1,721.05

CAFIS Upgrade 11/5/2012				
	Upgrade Pricing			Maintenance Price
1	Webserver /Gate way*	ISD	IBM 3550 M4	
1	Back-Up Server*	ISD	IBM 3550 M4	
1	Digital Backup (VTL)*	ISD	Overland REO 4600	
			Yearly Maintenance	\$149,723.29
			Quarterly Payments	\$ 37,430.82

Standard Service M-F, 8-5, * = 24X7 Service,
 Cab=Livescan Cabinet M/S=Mugshot capture with camera, I/F = interface to Booking (IUS)
 Livescans
 All livescans with the exception of R87 (Sonoma State University PD) are under warranty 4-1-2014 to 3-31-2015
 Annual 8X5 LS Maintenance, Booking Workstation with Cabinet Base Price \$3,072.07
 Period of Performance:4/1/2014-3/31/2015
 Credits for maintenance payments for contracted equipment purchased/replaced will be applied to the purchase price of new equipment

***Anticipated PMA upgrade 2014 will provide 1 year no cost warranty (Delete \$75,971.83). Following warranty period, maintenance for (2) PMAs will be \$27,000.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 17
(This Section for use by Clerk of the Board Only.)

To: County of Sonoma Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Connie Newton – (707) 565-8884
Robert M. Ochs – (707) 565-2731

Supervisorial District(s):

Countywide

Title: Adult Electronic Monitoring Program Contract

Recommended Actions:

Authorize the Sheriff and Chief Probation Officer, on behalf of the County, to jointly execute a professional services agreement with BI Inc., to operate an adult offender Electronic Monitoring Program for the period of April 1, 2014 through March 31, 2016, in the amount of \$320,000.

Executive Summary:

The Sheriff's Office and Probation Department seek Board approval to execute a professional services agreement with BI Inc., to operate the County's adult offender Electronic Monitoring Program for a period of two years. The County's Electronic Monitoring Program for adult offenders is jointly administered by the Sonoma County Sheriff (lead) and Probation Department. The program consists of both offender-funded and agency-funded components. The Sheriff's offender-funded program serves low-risk offenders and will be operated by BI Inc. at no-cost to Sonoma County. State AB 109 Realignment revenues fully fund Probation's agency-funded component, which includes electronic monitoring of offenders classified as: Post-Release Community Supervision (PRCS), 1170(h) Mandatory Supervision, Work Release, or Supervised Own Recognizance. Both program components involve electronic monitoring of offenders using Radio Frequency, alcohol monitoring, and/or Global Positioning System (GPS) devices. The average daily population of offenders supervised under the County's Electronic Monitoring Program is approximately 75 individuals. Electronic monitoring is used by law enforcement to increase public safety when releasing certain inmates early, and it provides a cost-effective detention alternative for Sonoma County to manage its jail population.

Background

In February 2012, the County of Sonoma Sheriff's Office and Probation Department issued a Request for Proposals (RFP) to solicit bids from vendors interested in providing electronic monitoring equipment and services. The evaluation team was comprised of representatives from the Sheriff's Office and Probation Department. The team evaluated proposals based on the following criteria: background and experience,

proposed program approach, equipment, software, and pricing. The initial round evaluation resulted in two of the six vendors advancing to the final round. The final round scoring for the two finalists—G4S Justice Services and BI, Inc.—considered both the submitted proposals and vendor presentations. The County awarded the EMP contract to G4S Justice Services on April 17, 2012 with an initial one year term and three option years. Shortly after contract award, Sentinel Offender Services, LLC acquired G4S Justice Services.

Unbeknownst to the County at the time of contract award, it has recently come to the attention of the County that certain Sentinel equipment has been experiencing periodic technical deficiencies. In light of this development, both the Sheriff's Office and Probation Department have elected not to exercise any additional option years to extend Sentinel's electronic monitoring contract beyond April 16, 2014. As a stop-gap measure, both the Probation Department and the Sheriff's Office recommend executing a contract with the runner-up vendor, BI Inc., to continue operating the Electronic Monitoring Program for the remainder of the original timeframe contemplated by the 2012 RFP. BI Inc. has a proven track record of reliability with their equipment. BI Inc. provided electronic monitoring equipment for the County's adult offender populations prior to April 2012, and it currently provides electronic monitoring services for the County's juvenile population and the Sonoma County Superior Court. BI's proposed rates are higher than the existing contract with Sentinel. The County originally selected G4S Justice Services (later Sentinel) due to its lower price. After experiencing performance and equipment issues with Sentinel, both Probation and the Sheriff's Office believe it is justified to pay higher rates to access dependable equipment and software that will improve program operations and ensure public safety. GPS monitoring devices and continuous alcohol monitoring devices have been the most commonly used types of equipment. The daily rate for GPS equipment will increase from \$5.10 to \$9.00, while the daily rate for alcohol monitoring device will increase from \$7.50 to \$14.50. Staff from both the Sheriff's Office and Probation Department will continue to evaluate their respective program models over the next year and a half, and plan to issue a new competitive RFP in the latter half of 2015.

Program/Scope Overview

The Electronic Monitoring Program will serve both Sheriff's Office inmates and Probation Department supervisees, and consists of the following offender-funded and agency-funded components:

Sheriff Offender-Funded Component - Low Risk Offenders

Under the Offender-funded Program, participants will be required to pay for the cost of being electronically monitored in compliance with their program terms. This program will be operated at no-cost to Sonoma County. BI Inc. will provide staff and equipment to service the program. Services include, but are not limited to: offender enrollment, equipment installation, 24/7 monitoring, daily scheduling, community and office contacts, alcohol and drug testing, collection of program fees, as well as a financial assessment and fee reduction (or waiver) to those financially unable to pay full program fees.

Probation Agency-Funded Component

The Probation Department utilizes electronic monitoring as a probation supervision tool for a number of different offender populations. Electronic monitoring serves as an intermediate sanction/detention alternative, as well as a tool to enhance public safety, by assisting officers in monitoring high risk

populations in the community. The populations currently being supervised with the aid of electronic monitoring include: the realigned Post-Release Community Supervision offenders, 1170(h) Mandatory Supervision offenders, sex offenders, gang-involved probationers, Supervised Own Recognizance defendants, as well as members of the general felony probation population. The scope of service for this segment of the Electronic Monitoring Program will be limited to offender enrollment, equipment hook-up, and initial alert monitoring. The initial alert monitoring includes an initial investigation of all alerts to confirm their validity to the extent possible and reporting the information discovered to the designated Sonoma County Probation staff per the terms of the agency notification agreement.

Prior Board Actions:

6/4/2013: Board approval of the Community Corrections Partnership’s FY 13-14 Realignment Plan.
 4/17/2012: Board approval of the G4S Justice Services Electronic Monitoring Contract

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

Electronic monitoring provides a cost-effective detention alternative for Sonoma County to manage its jail population, and it allows for enhanced oversight of high risk offenders, which helps ensure the safety of community members.

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 115,320	County General Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 115,320
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 115,320	Total Sources	\$ 115,320

Narrative Explanation of Fiscal Impacts (If Required):

The Community Corrections Partnership (CCP) recommended funding electronic monitoring as part of the County’s FY 2013-14 AB 109 Public Safety Realignment Plan, which the Board subsequently approved on June 4, 2013. The FY 13-14 adopted budget allocated \$115,320 for electronic monitoring contract costs, fully funded by AB 109 State revenues. The Sheriff’s portion of the contract will be offender-funded and operated at no-cost to the County. Due to under-utilization of electronic monitoring equipment in FY 13-14, actual expenditures have been lower than originally budgeted. The full cost impact of transitioning to BI’s higher equipment rates can be fully absorbed in the current FY 13-14 program budget without need for a budget adjustment. The recurring annualized cost for this activity is estimated to be \$160,000. The total not-to-exceed contract budget is \$320,000 over two years. All future fiscal year funding allocations for electronic monitoring contract costs must be approved by both the CCP Executive Committee and the Board of Supervisors.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
n/a	n/a	n/a	n/a
Narrative Explanation of Staffing Impacts (If Required):			
Not applicable.			
Attachments:			
None.			
Related Items “On File” with the Clerk of the Board:			
Electronic Monitoring Professional Services Agreement			



County of Sonoma
Agenda Item
Summary Report

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

Agenda Item Number: 18
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Susan Gorin, 565-2241

Supervisorial District(s):

First District

Title: Appointment

Recommended Actions:

Appoint Mary Kaufmann to the Sonoma County Advisory Council on Area Agency on Aging effective 03/25/2014. (First District).

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

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

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County of Sonoma
Agenda Item
Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Susan Gorin, 565-2241

Supervisorial District(s):

First District

Title: Appointment

Recommended Actions:

Reappoint Karen Collins to the Sonoma County Parks and Recreation Advisory Commission effective 03/25/2014 and expiring on 3/25/2016. (First District)

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

--

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

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County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 20

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

To: Board of Supervisors of Sonoma County

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Department of Health Services, Human Services Department, Economic Develop Board, and Human Resources Department

Staff Name and Phone Number:

Rita Scardaci, 565-7876

Supervisorial District(s):

Countywide

Title: County of Sonoma Affordable Care Act Implementation Update

Recommended Actions:

Receive an update on Sonoma County's Implementation of the Patient Protection and Affordable Care Act.

Authorize the Director of Health Services to execute an agreement with Redwood Community Health Coalition for health insurance enrollment assistance services for the period April 1, 2014 through June 30, 2016 in an amount not to exceed \$149,650.

Executive Summary:

This item requests that the Board 1) receive an update on Sonoma County's Implementation of the Patient Protection and Affordable Care Act; and 2) approve an agreement with Redwood Community Health Coalition for health insurance enrollment assistance services for the period April 1, 2014 through June 30, 2016 in an amount not to exceed \$149,650.

The attached report summarizes recent activities of County departments and community partners in the implementation of the Patient Protection and Affordable Care Act (ACA) in Sonoma County. It includes updates from the Department of Health Services (DHS), the Human Services Department (HSD), the Economic Development Board (EDB) and County Human Resources. The report also highlights activities of key health care partners including local hospitals, Partnership HealthPlan of California (PHC), California Medical Services Program (CMSP), Redwood Community Health Coalition (RCHC), and Covered Sonoma County.

Human Services Department

The Human Services Department has seen a substantial increase in the number of customers seeking health insurance coverage and the volume of applications to be processed. HSD is processing applications to determine eligibility and enrollment of Sonoma County residents into Medi-Cal, as well as to determine Advance Premium Tax Credits through Covered California insurance programs. HSD has seen a 38 percent increase in Medi-Cal applications since October 2013, and is on target to meet or

exceed the goal of enrolling 13,500 individuals in Medi-Cal in this first year of expanded health insurance coverage under the ACA.

Economic Development Board

The Economic Development Board continues to assist local businesses in understanding the ACA employer mandate and accessing information through Covered California's Small Business Health Options Program (SHOP). The report includes a summary of new responsibilities and opportunities for employers, as well as data from the October 2013 Sonoma County Workforce Survey.

Human Resources Department

The Human Resources Department continues to assess the impact of the ACA on the County as an employer, and the impacts and opportunities afforded through the postponement of the Employer Shared Responsibilities penalties until 2015. The report provides detailed information on the County's estimated fees for 2014, and an analysis of future taxes, fees, and benefit enhancements that the County may incur as a self-insured County Health Plan.

Department of Health Services

The Department of Health Services has facilitated community education and outreach on the ACA and is working closely with other County departments, PHC, CMSP, RCHC and community health centers to ensure access to care for the medically underserved. The report highlights Behavioral Health and Medi-Cal expansion and regional partnership efforts, as well as the work DHS is coordinating with HSD and criminal justice partners to maximize opportunities for outreach, enrollment, access to care, and new funding opportunities available through the ACA.

The full report is included as Attachment 1.

Outreach and Enrollment Grant and Agreement with Redwood Community Health Coalition (RCHC)

The ACA provides new funding for outreach and education opportunities to enroll people into Medi-Cal and Covered California. In California, The California Endowment (TCE) provided additional funding to expand targeted Medi-Cal Outreach and Enrollment activities for difficult to reach populations through AB 82. DHS applied for this funding in partnership with HSD, the Marin County Health and Human Services Department, and Redwood Community Health Coalition. A grant has been awarded to the Department of Health Services in the amount of \$224,479 from the California Department of Health Care Services to develop targeted outreach and enrollment strategies for adult probationers, persons in County jail, and individuals who are homeless or at risk of homelessness and involved with Sonoma County and Marin County criminal justice systems.

A portion of the funding from this grant (\$149,650) will be used to fund a contract with RCHC for expanded outreach, enrollment, and retention services for adult probationers linked to Sonoma County and Marin County Probation Departments. DHS and RCHC will also use this new grant funding to develop strategies to enhance enrollment and health navigation supports for homeless individuals and inmates in the County jail.

One of the greatest challenges associated with implementation of the ACA is ensuring Sonoma County residents have access to both high quality health insurance coverage and high quality, coordinated health services. DHS is continuing to develop strategies to address the broad array of health systems issues such as access to quality, affordable health care for the County's uninsured; enrollment and access to a medical home for probationers and jail inmates; the continuing and changing roles of the

County Medical Services Program; health coverage for teens and young adults who are eligible for or have been granted Deferred Action for Childhood Arrivals (DACA) status; current inequities in Medicare reimbursement for Sonoma County physician services; and other issues impacting access to care for all Sonoma County residents. DHS will be leveraging funds from the Medi-Cal Outreach and Enrollment Grant (\$74,829) with ongoing funding provided by Intergovernmental Transfer (IGT) Health Access/ACA funding, and will continue to seek additional funding to support staff and other resources needed to develop innovative solutions to health problems in Sonoma County.

Prior Board Actions:

September 10, 2013 - Received report on Sonoma County Implementation of the Patient Protection and Affordable Care Act Quarterly Report; April 9, 2013 - Received report on Sonoma County Implementation of the Patient Protection and Affordable Care Act; March 19, 2013 - Authorized execution of Year 3 Intergovernmental Transfer (IGT) Agreements; February 21, 2012 - Accepted Sonoma County Health Care System Report; June 22, 2010 - Accepted National Health Care Reform Report; December 8, 2009 - Adopted Sonoma County Principles for Health Care Reform.

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

The ACA expands health insurance coverage to the uninsured; invests in prevention; and focuses on improving the quality of health care while reducing costs, all of which contribute to health of Sonoma County.

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 39,650	County General Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 39,650
	\$	Fees/Other	\$ 0
	\$	Use of Fund Balance	\$ 0
	\$	Contingencies	\$ 0
	\$		\$
Total Expenditure	\$ 39,650	Total Sources	\$ 39,650

Narrative Explanation of Fiscal Impacts (If Required):

The Medi-Cal Outreach and Enrollment Grant award amount is \$224,479. \$149,650 will be used to fund the contract with Redwood Community Health Coalition of which \$39,650 is included in the FY 13-14 budget with the remaining \$110,000 to be included in future fiscal year budgets. In addition, \$74,829 of the grant award will fund health access staff that will be added through the supplemental budgetary process.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
Patient Protection and Affordable Care Act Update and agreement with Redwood Community Health Coalition			
Related Items “On File” with the Clerk of the Board:			
None			

County of Sonoma

Patient Protection and Affordable Care Act Update

March 25, 2014

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I. Introduction

Key elements of the Patient Protection and Affordable Care Act (ACA) took effect beginning January 1, 2014, expanding access to affordable health insurance coverage to over 50,000 uninsured Sonoma County residents. Under the new health law, Medi-Cal eligibility changed to an income based system using a household's Modified Adjusted Gross Income (MAGI), expanding coverage to include more than 18,000 single or childless adults who did not previously qualify for eligibility based on income alone. Medi-Cal coverage expanded to include individuals making up to 138 percent of the federal poverty level, currently \$15,860 annually.

For uninsured individuals who earn more than \$15,860 annually, cost sharing subsidies and tax credits are now available for the purchase of private health insurance through Covered California. Known as the "individual mandate," the implementation of individual shared responsibility requires most US citizens and legal residents to have qualified health insurance.

Since passage of the Patient Protection and Affordable Care Act in 2010, the County of Sonoma (County) has prepared for the ACA's impact on its own programs and services and worked closely with health care providers, payors, businesses, and other stakeholders to inform the community on the ACA's requirements.

This March 2014 ACA Update to the Sonoma County Board of Supervisors focuses on the following three areas: 1) ACA implementation activities of County departments; 2) update on key Sonoma County health care payor activities; and 3) a brief update on health care provider activities related to health care reform.

II. ACA Focus Area #1: County of Sonoma Implementation Efforts

The Department of Health Services (DHS), Human Services Department (HSD), Human Resources (HR) and Economic Development Board (EDB) continue to work together to support implementation of the ACA and to coordinate activities with the implementation of the ACA.

A. Department of Health Services

The Department of Health Services serves an important role in educating and empowering organizations and people about health issues and access to services.

i. Community Education

The Department of Health Services in partnership with the Human Services Department is currently conducting outreach and education throughout Sonoma County to provide businesses, individuals and families with practical information regarding how to enroll into Medi-Cal or Covered California, the benefits provided by the Affordable Care Act, and connections to local resources.

The Department of Health Services has partnered with Sonoma County Library to host Affordable Care Act Presentations at several library locations throughout Sonoma County. DHS has also partnered with policymakers and representatives from community based organizations to host ACA forums. DHS and HSD, in partnership with other local and regional organizations,

have provided over 50 Affordable Care Act community education forums throughout Sonoma County reaching approximately 3,000 attendees.

DHS and HSD jointly developed local ACA enrollment flyers with basic information to help individuals and families understand how to enroll into Medi-Cal and Covered California. In partnership with Redwood Community Health Coalition (RCHC), the Department of Health Services developed an enrollment location flyer that lists the places in Sonoma County where individuals and families can receive in-person enrollment assistance into Medi-Cal or Covered California. DHS and HSD have worked in partnership with RCHC and its Healthy Kids/Covered Sonoma County members - including community clinics, hospitals, non-profits and insurance agents - to distribute these educational materials throughout Sonoma County. The educational materials are being distributed at health fairs and provided in office lobbies at clinics, hospitals and County offices. By leveraging partnerships through Covered Sonoma County, multiple locations are using similar materials and have consistent messaging. In addition, volunteers have partnered with local health centers to distribute ACA enrollment flyers throughout neighborhoods. Through these partnerships, the Department of Health Services has helped distribute over 17,500 ACA flyers.

A list of upcoming and recent community based ACA forums and educational materials are available online. Visit: <http://www.sonoma-county.org/healthcarereform>

ii. County Employee Trainings

The Human Services Department developed a training program to educate Sonoma County employees on the Affordable Care Act, Medi-Cal, and Covered California enrollment processes, educational materials, and resources. In partnership with HSD and County HR, DHS offered staff training opportunities to all County departments. From January through March, six County-wide training sessions have been conducted, providing training to 151 employees. An additional four sessions are planned, with a target of training an additional 100 County employees. In addition to equipping employees with resources to become ACA ambassadors with the ability to connect community members to local resources and encourage referral for enrollment into Medi-Cal or Covered California, the forums served as valuable opportunities to present information and answer questions that employees have about their own health coverage opportunities under the ACA.

The Department of Health Services is committed to staff having a basic understanding of the Affordable Care Act (ACA) and Covered California. The Department of Health Services has worked with County Human Resources to provide DHS staff a 90 minute training with an overview of the Affordable Care Act, enrollment information on Medi-Cal and Covered California, and tools to help County workers best serve the community and address their own personal health insurance coverage questions. From January through March, four DHS-specific training sessions have been conducted, providing training to 235 DHS employees.

iii. Behavioral Health and Medi-Cal Expansion

DHS has been working through its Behavioral Health division to address the specific changes and opportunities for service delivery expansion for mental health and substance use disorder

treatment through the ACA. As the County Medi-Cal Mental Health Plan, DHS is mandated to provide medically necessary services for children and adults with serious mental health and/or substance use disorders who qualify for Medi-Cal Specialty Mental Health Services using criteria established by the California Department of Health Care Services (DHCS) and the federal Centers for Medicare & Medicaid Services (CMS).

Under the ACA, Medi-Cal enrollees who do not require medically necessary Specialty Care services, also known as non-specialty services for mild or moderate mental health needs, will receive expanded services through Medi-Cal Managed Care Plans like Partnership HealthPlan of California (PHC). This is through the parity requirements of the ACA that require individual and group providers to cover mental health treatment and substance use disorder services without the limitations of service visits and payment limits that previously existed prior to the ACA.

DHS has worked closely with PHC and other Health Departments to develop a process for screening, assessment and referral between Medi-Cal Managed Care and the County Mental Health Plan. DHS is also involved in the state workgroup facilitated by the DHCS to identify referral processes statewide, better define benefits, share assessment processes and MOU's, and develop ongoing monitoring and dispute resolution processes.

DHS is also working with DHCS, and will continue to work with local partners, as the state continues to develop how it will meet substance use treatment parity requirements for Medi-Cal recipients. The County currently serves children and adults who meet the narrow threshold for medical necessity criteria for Drug Medi-Cal Substance Use Disorder Services.

To further communicate new opportunities for Behavioral Health services through the ACA, DHS held the first Integrated Behavioral Health Summit on December 13, 2013, in conjunction with the California Mental Health Services Authority (CalMHSA) and the Integrated Behavioral Health Project (IBHP). The goal of the Summit was to bring local health care stakeholders together to further the work of integrating and coordinating care across health settings for individuals in Sonoma County who have serious mental health and/or substance use disorders. This forum provided a timely opportunity for local partners to dialogue and strategize with each other, as well as hear directly from PHC, DHS and other key partners about the changes, challenges and opportunities available for Sonoma County residents and the health care community through the implementation of the ACA.

DHS also participated in December 2013 in a regional convening of Department Directors and key Health Services staff to consider regional collaborative opportunities, particularly focusing on "*Regional Models for Behavioral Health Services Delivery.*" The convening provided an opportunity to discuss county responsibilities for County Mental Health Plans; funding and responsible services; substance use disorder responsibilities and funding; and potential opportunities for enhanced access to health services through AB 720, which suspends Medi-Cal benefits to inmates of a public institution. The Department will monitor the service opportunities for behavioral health and substance use clients, and will leverage workgroups and work plans that are currently in discussion throughout Sonoma County.

iv. Public Safety

The Department of Health Services participated in the convening “*Increasing Safety & Reducing Costs Under Realignment & the Affordable Care Act,*” hosted by Sonoma County criminal justice partners and California Forward. The one day convening was for counties to develop strategies to learn from each other on how to leverage the upcoming opportunities provided through 2011 Public Safety and Realignment and the Affordable Care Act. The participants included staff from the Public Defender’s office, Sheriff’s Office, Probation Departments, Human Services Departments and Health Services Departments from Marin, Solano and Sonoma County. As shared at the convening by Steven Rosenberg, President, Community Oriented Correctional Health Services, the public safety and public health systems are intertwined in the health of the justice-involved populations and blended with the health of the general population. Justice-involved individuals often have higher rates of health problems, which include chronic disease, infectious diseases and psychiatric disorders. A large number of individuals within jail have not received treatment in the community prior to arrest. The Affordable Care Act expands Medi-Cal eligibility and enhances benefits for individuals allowing more people to gain health insurance coverage and access to care. Individuals upon release or if admitted inpatients for those waiting disposition sentence will be eligible for Medi-Cal coverage. Through AB 720, these benefits will be suspended rather than terminated during incarceration. The convening provided facilitated dialogue between county departments to identify strategies to help individuals get enrolled into health insurance coverage and connected to community resources upon release.

DHS and HSD are currently working with the Sheriff’s Office to explore how to maximize the opportunities AB 720 provides and assist county jail inmates in applying for health insurance programs, as well as develop Medi-Cal processes to bill the State and receive reimburse for some inpatient hospitalization services for County jail inmates. These efforts will build upon the successful enrollment and billing of inpatient hospitalization services for County jail inmates between July – December 2013 through CMSP’s Path2Health program that was part of California and Sonoma County’s “bridge to health care reform.”

DHS and HSD are also working with the Probation Department, as well as RCHC and Covered Sonoma County, to explore new ways to provide outreach and enrollment services for individuals on County Probation. These efforts will build upon DHS’s successful AB109 pilot where the Behavioral Health Division currently has eligibility workers co-located within the County Probation Department focused on helping enroll clients with mental health and substance use disorders into health insurance coverage, and will be further developed through new Medi-Cal Outreach and Enrollment funding that has been awarded to DHS in collaboration.

v. Access to Care

Since the implementation of the ACA in 2010, DHS has worked collaboratively with local partners to address local and regional opportunities and challenges to access to care through the ACA. In 2010 the Department led a study on Primary Care capacity in Sonoma County, focusing on the looming shortage of primary care physicians (PCPs) in light of the passage of the ACA and the increasing number of PCPs that would be needed. That study helped frame

capacity building work for Sonoma County and helped draw attention to the critical role of PCPs and the best-practice model and enhanced federal funding provided for a patient-centered medical home through PCPs under the ACA. Over the past several years, DHS has worked closely with PHC, RCHC, and Sonoma County's Community Health Centers to expand and assure access to primary care for the County's most vulnerable populations as they begin to experience the new opportunities for health insurance coverage and access to care through the ACA.

Currently, DHS is working with RCHC and Health Departments throughout the region (Marin, Napa, Yolo, and Mendocino) to explore challenges and opportunities related to specialty care access and similar concerns about provider capacity and potential new models of care that will be needed as health insurance coverage expands through the ACA. In partnership with RCHC and PHC, regional Health Departments will work together to identify both regional and local needs and opportunities, as well as pilot various models to improve specialty care access and coordination of care. The first phase of the current study will focus on medical specialty care services in coordination with PHC, the regional partners' Medi-Cal Managed Care Plan, and the second phase of the study will focus on specialty behavioral health services in collaboration with County Mental Health Plans and County Substance Use Disorder Programs.

vi. New ACA Funding Opportunities

The ACA provides new funding for targeted outreach and education opportunities to enroll people into Medi-Cal or Covered California. In California, The California Endowment (TCE) provided additional funding to target specific difficult to reach populations through AB 82. DHS applied for this funding in partnership with HSD, the Marin County Health and Human Services Department, and Redwood Community Health Coalition. The grant was awarded in January 2014 for Medi-Cal Outreach and Enrollment targeted activities in the amount of \$224,479 from the California Department of Health Care Services. This work will develop targeted outreach and enrollment strategies for persons in county jail and county probation programs, and will also include individuals who are homeless or at risk of homelessness who are involved with Sonoma County and Marin County criminal justice systems.

The Department of Health Services in partnership with Human Services Department and Covered Sonoma County members has started a workgroup to gather data on the remaining uninsured clients; research existing programs and services that are in place throughout Sonoma County assisting uninsured clients enroll and get connected to community services; analyze data; and develop a work plan to address any gaps.

B. Human Services Department

The Human Services Department (HSD) has seen an increase in customers seeking eligibility for health insurance coverage and the volume of applications to be processed. HSD has successfully implemented enrollment for expanded Medi-Cal under the ACA in the following areas:

i. Enrollment

HSD has seen a 38 percent increase in Medi-Cal applications since ACA implementation on October 1, 2013. We are on target to meet our goal of enrolling 13,500 individuals in Medi-Cal.

Covered CA call data:

	October 2013	November 2013	December 2013
ACA Applications	596	1,374	4,557
Total Calls Received	245	247	306
For Sonoma County	84%	91%	86%
For Other Counties	16%	9%	14%
Call Information			
Normal Business Hours	88%	86%	82%
Extended Hours	12%	14%	18%
Calls Answered in < 30 Seconds	99%	100%	100%
Call Duration	19:48	20:37	18:26
Speed of Answering Call	3 seconds	2 seconds	2 seconds
Calls by Language			
English	83.7%	83.4%	91%
Spanish	9.4%	15.0%	7%
Other	6.9%	1.6%	2%

In addition to calls from Covered CA, HSD’s Economic Assistance Service Center (call center) continues to receive applications from Sonoma County residents directly, either by phone, mail, in-person or on-line. The speed of answering direct, non-Covered CA calls has improved from 25 minutes in June 2013 to 3.5 minutes in November 2013 at the call center.

ii. Additional Staffing

The HSD Economic Assistance Division has added a total 59 Full-Time Equivalents (FTEs) as well as 21 extra-help staff this fiscal year. The addition of these new employees has increased capacity to take and process ACA applications.

iii. Staff Training

HSD has held two large induction classes to train new staff, converting a conference room at its administrative office to create a training lab to accommodate up to 50 new Eligibility Workers. In addition, HSD’s Staff Development team has created a complex HCR 36-hour training plan for existing eligibility staff, as well as eligibility staff from the Department of Health Services and staff from 211. Lastly, every HSD staff, regardless of position, participated in a 90-minute ACA overview training in order to ensure that each employee had basic health care reform information to share with others.

iv. Extended Hours

HSD was asked to match the hours of telephone coverage of Covered California during and after open enrollment. To respond to this need, HSD extended its telephone hours:

Open Enrollment (initial: 10/1/13 – 3/31/14; future: annually 10/1 – 12/31)

- Monday – Saturday: 8:00 am – 9:00 pm
- 2 Sundays (12/15/13 & 12/22/13): 8:00 am – 8:00 pm
- To accommodate Covered California’s final push for enrollment, HSD’s telephone hours have expanded to include all Sundays in March, the last month of the open enrollment period.

Non-Open Enrollment Hours

- Monday – Saturday: 8:00 am – 6:00 pm

v. Outreach and Marketing

HSD and DHS are working together, focusing on outreach and marketing to both external staff as well as internal stakeholders. Staffs from both departments are currently presenting information at community forums as well as presentations at several County Departments.

vi. Key Challenges

HSD continues to be challenged to gather data to respond to community needs. At the time of this report development, HSD still did not have complete data regarding ACA applications taken on behalf of Sonoma County residents by Covered CA. The State struggles to successfully implement an interface between Covered CA and CalWIN which would expedite application processing and data collection.

C. Economic Development Board

i. Role of the Economic Development Board

As part of the County’s efforts to facilitate a smooth and successful implementation of the Affordable Care Act (ACA), the Sonoma County Economic Development Board (EDB) has focused its efforts on the following:

- Providing businesses with up-to-date and reliable information and guidance.
- Staying informed about latest developments in the law, opportunities and responsibilities for employers, and resources available through Covered California.
- Finding opportunities to learn about the needs of Sonoma County employers as they work to comply with and take advantage of the law.
- Supporting the work of other County departments charged with helping implement the law in Sonoma County.
- Gathering information on possible impacts on Sonoma County employers.
- Drawing on efforts to promote worksite wellness through the iWORKwell Healthy Business Program to help keep employers informed about new responsibilities and opportunities under ACA and Covered California.

Some specific efforts include:

- Creating and updating an EDB webpage on the Affordable Care Act for Employers.
- Publicizing upcoming ACA forums via EDB Facebook page and email blasts to our business contacts.

- Providing hand-outs with information for employers to distribute at ACA forums.
- Making a strategic connection with the content managers for Health Law Guide for Business, a website created through a grant from the California Endowment to help California businesses understand, comply with, and take advantage of the ACA. Through this connection the EDB has provided suggestions for new content.
- Including ACA information as part of the bundle of resources offered through the iWORKwell Healthy Business Program; promoted via email blasts and Facebook posts, connections with professional and industry groups, and local chambers and downtown associations.

ii. New Responsibilities and Opportunities for Employers

One of the central messages the EDB wants to get across to employers is that the ACA brings not just new responsibilities but also new opportunities to help support the health and wellness of their employees. This is the message of the EDB's Affordable Care Act for Employers webpage. To learn more visit: <http://edb.sonoma-county.org/content.aspx?sid=1033&id=2920>

These new responsibilities and opportunities are summarized below.

The Employer Mandate: Pay or Play for Businesses.

Employers with 50 or more full-time equivalent employees will be required by January 1, 2015 (changed from January 1, 2014) to provide coverage to their employees or pay a penalty of either \$2,000 or \$3,000.

iii. Insurance through Covered California Small Business Health Options Program (SHOP)

Small businesses with 50 or fewer full-time equivalents can buy insurance for employees through Covered California SHOP (Small Business Health Options Program) One of the advantages of purchasing insurance through SHOP is that Covered California takes on the administration and paperwork associated with offering insurance to employees. As of December 3, 2013 Covered California's SHOP site is fully up and running. Covered California is training and certifying agents and making their contact information available to employers through a search tool. To find certified agents

visit: <https://v.calheers.ca.gov/hix/broker/search/individual>

Small businesses with 25 or fewer full-time equivalents whose average annual wages don't exceed \$50,000 may be eligible for a tax credit when they provide insurance coverage for employees through Covered California.

iv. Expanded Worksite Wellness Initiatives

The ACA increases the allowable award to employees for health-contingent wellness programs, meaning those that offer rewards for health outcomes, from 20 to 30 percent of the cost of health coverage, and up to 50 percent for programs designed to prevent or reduce tobacco use.

v. The Potential Impact of ACA on Sonoma County Employers

How the Affordable Care Act will affect Sonoma County employers depends on two major factors:

- The number of Full-Time Equivalent employees (FTEs), rather than on how many individuals are on an employer's payroll.
- The quality and cost of the insurance benefits an employer currently provides.

These two factors are described in more detail below:

Full-Time Equivalents (FTEs).

FTE is calculated by adding up the following: 1. The number of full-time employees (defined as those working at least 30 hours a week) and, 2. The total number of hours worked by all part-time employees in a month divided by 120 hours. Part-time employees who worked fewer than 120 days in a year are considered "seasonal" and not included in the calculation.

The number of FTEs is only used to determine whether an employer is subject to the employer penalty (50 or more FTEs) or is potentially eligible for a tax credit under the Affordable Care Act (25 or fewer FTEs). For example, an employer who has 40 full-time employees plus 20 part-time employees who work on average 20 hours a week each will be subject to the "pay-or-play" mandate.

Quality and Affordability of Insurance Coverage.

Employers are in compliance with the Affordable Care Act if the coverage they provide conforms to the following:

- The health insurance coverage is at least 60% of health care expenses
- Does not cost employees more than 9.5% of their family income
- The annual total cost of coverage (no matter who pays) does not exceed \$10,200 for individuals and \$27,500 for a family. Employers will be subject to an excise tax of 40% of any dollar beyond these capped amounts.
- Provides the 10 essential benefits specified under the Affordable Care Act

Which Sonoma County Employers Will Be Most Affected?

While it is certainly too early to tell how the mandates under the Affordable Care Act may affect Sonoma County employers and their employees, based on the employment landscape in Sonoma County we can identify which employers may be most affected and consider in what ways:

Small- to Medium-Sized Employers Who Rely on Part-Time or Seasonal Employees. We do not have any specific data on how many Sonoma County employers rely on part-time and seasonal employees. Still, we can infer from what we do know that the number is significant. First, the hospitality industry, which typically relies on part-time and seasonal employees, is a major employer in Sonoma County. Second, more than 95 percent of the employers in Sonoma County report having fewer than 50 employees on their payroll. Many of the smaller businesses

among this group tend to heavily on part-time workers. Starting in 2015, all of these employers will need to go through the process of calculating FTE based on their part-time and seasonal employees and the results might make them subject to the “pay-or-play” mandate under the Affordable Care Act. For example, as noted in the first section of this report, any employer whose “seasonal” employees work more than 120 days in a year will be forced to include their hours in the FTE calculations.

Possible effects:

- Employers will experience a greater bureaucratic burden of calculating and maintaining records
- Employers may hire more seasonal employees, each for under 120 days, to avoid counting them in FTE calculations
- Employers may cut down the hours of part-time employees to below 30/hours per week per employee to avoid providing insurance.

Large Employers with a Large Part-Time Workforce. Many Sonoma County employees work at large national chains such as Wal-Mart, Home Depot, Safeway, Starbucks, etc. and will be affected by how these companies choose to respond to the new requirements under the Affordable Care Act. It has been reported that some national retail chains are dropping their current coverage for part-time employees and sending them to the individual exchanges because their plans do not meet the minimum requirements for cost and quality as specified in the law (SOURCE: <http://politicalticker.blogs.cnn.com/2013/10/10/fact-check-part-time-workers-at-home-depot-and-trader-joes-harmed-by-obamacare/>) Of course, not all chains are making such a move. A recent conversation with a regional manager of one chain indicated that their health plans conform with the new requirements and they will be making no changes.

Employers in Low-Margin Businesses. Employers with 50 or more FTEs in low-profit-margin industries who rely both on keeping employee-related costs at a minimum and on a large stable workforce of full-time employees will likely find it challenging to fulfill the requirements under ACA the “pay-or-play mandate.”

Possible effects:

- Smaller employers who are close to the 50 FTE number may make changes to their current workforce or might avoid expanding workforce in order to stay under 50 FTEs
- Some employers may decide to pay the \$2000 (or \$3000) penalty per employee per year which may be considerably less expensive than providing coverage and send employees to Covered California to get insurance. This penalty is limited to the total number of FTE employees minus 30)

Employers Who Rely on Health Benefits to Attract and Retain Employees. There are a number of reasons why employers may want to provide employees with benefits that exceed the limited specified under the Affordable Care Act, the so-called “Cadillac” plans. Aside from the County as employer, we are not aware of any specific examples in Sonoma County but we can speculate that employers who work in engineering, high tech, and other industries that

compete for talent might be currently offering such plans. It is important to note that the penalty for such plans doesn't not go into effect until 2018.

Employers with 50 or Fewer FTEs and with 25 or Fewer FTEs. The most recent numbers from the Employment Development Department for the third quarter of 2012, show that approximately 16,000 Sonoma County businesses reported fewer than 20 employees on the payroll and another 1,200 fall into the 20-49 employee range. This indicates that there are potentially a significant number of businesses with 50 or fewer FTEs that are eligible to buy insurance for their employees on the Covered California Small Business Health Options Program (SHOP) and that there are almost an equally significant number that may be eligible for the tax credit that is available to employers with 25 or fewer FTEs with average annual wages less than \$50,000 and must purchase their Group Health Insurance coverage through the SHOP in order to be eligible for this Small Business Tax Credit in 2014 going forward.

With the California SHOP exchange now being fully operational, the EDB will continue to be a source of information about SHOP for members of the employer community.

Possible effects:

- Employers who could not afford insurance before and who are now eligible to receive the tax credit may now find it affordable, which is good news for Sonoma County employers and their employees.
- Employers in this small employer market who had offered insurance before may find premiums go up because of the new benefit requirements.

The Individual Marketplace Offers New Opportunities for Employers to Help Employees.

While the Affordable Care Act creates many new responsibilities for employers, it also presents a unique opportunity for employers to take an active role in helping both those employees they aren't required to cover and employee's uninsured family members to get health insurance. For example, the EDB knows of one local employer (who does in fact provide insurance to all employee) who recently invited an enrollment counselor onsite for an event to meet with employees' family members and help them learn about enrolling. The Health Law Guide for Business website is in the process of putting together information in English and Spanish that employers can distribute to encourage employees and their family members to learn about Covered California; they are also adding a page to their website with suggestions to employers for how they can get involved. The EDB will be including links to this information on its website, publicizing it on our Facebook page, and putting together information on local organizations employers can contact to find enrollment counselors who are willing to go to worksites.

Self-Funding as a Trend.

Historically, it has been large employers who typically make the move to self fund—meaning the employer directly pays the cost of medical claims—but, as indicated by reporting in the business and healthcare media, many employers, including those with fewer than 100 employees are looking to fully or partially self fund as way to avoid some of the requirements of ACA. For example, recent reporting in *Modern Healthcare* (August 23, 2013

post) <http://www.modernhealthcare.com/article/20130823/NEWS/308239967> and the *Wall Street Journal* (September 12, 2013 post) <http://online.wsj.com/news/articles/SB10001424127887324886704579053042138004388> show that many insurers are packaging self-funded options for employers with as few as 10 employees. And, the 2013 Employer Health Benefits Survey from the Kaiser Family Foundation found that “Six percent of firms offering fully-insured plans report that they intend to self-insure because of the ACA.” <http://kff.org/report-section/2013-summary-of-findings/>

The EDB is aware of a number of employers in Sonoma County who are self funded with the help of a third-party administrator and is EDB is in touch with others who are actively considering this as an option.

Information Gathering

Data from October 2013 Workforce Survey. The Economic Development Board is gathering information from employers throughout Sonoma County. This survey contained two questions regarding the Affordable Care Act:

1. Does your organization currently provide health insurance benefits that are in accordance with the requirements established by the Affordable Care Act under the employer mandate that will go into effect in 2015?
2. Do you anticipate that the Affordable Care Act will affect your staffing decisions over the next year?

The results are still being gathered and analyzed.

How Many Employers Provide Insurance. While we don’t have specific data for Sonoma County, we can note general trends using national data. The 2013 Employer Health Benefits Survey from the Kaiser Family Foundation reported the following nationwide results by firm size:

Firm Size	Percentage Offering Insurance
3-9 workers	45%
10-24 workers	68%
25-49 workers	85%
50-199 workers	91%
200 or more workers	99%

What this doesn’t tell us is whether these benefits conform to the new ACA requirements. Still, it points to about 9 percent of employers who will be newly required to offer insurance where they had not before. For the full report go to: <http://kff.org/report-section/2013-summary-of-findings/>

Future Efforts

The EDB will continue its efforts to gather information about ACA implementation and to publicize the ACA resources to employers. As the iWORKwell Healthy Business Program outreach expands so too will the outreach on ACA expand.

Finally, the EDB recently approached PASCO HR (The Professional Association of Sonoma County for Human Resources) about partnering with them to organize an ACA event, either a workshop or vendor fair. We are in the process of following up on this possibility.

D. Human Resources

As previously reported to your Board, there are many aspects of the ACA which the County, as an employer, is required to comply with including benefit and coverage mandates, new fees, taxes and penalties for non-compliance, health plan communication requirements, and tracking and reporting requirements. Since our last report in September 2013, the following updates include:

i. Employer Notification

The required Employer Notification was sent to all County employees eligible for medical benefits (full-time, part-time and extra-help) in December 2013. While the federally mandated language in the notification was factual, it raised questions about how the new law integrated with current County-offered medical benefits. To assist employees in understanding their options, Human Resources-Benefits staff, with the assistance of the Joint Labor Management Benefits Committee (JLMBC), developed an explanatory cover letter and “Frequently Asked Questions”. These documents were included with the mandated Notification to better explain the coverage options available through the State exchange, Covered California. The notification also described eligibility for premium savings through a tax credit that may be available to employees and/or their dependents, depending upon their household income level.

In conjunction with the Covered California Open Enrollment period, Federal regulations provided employers with the option to provide a Special Open Enrollment for employees who may still want to add or delete dependents on their County sponsored medical plan. This special Open Enrollment, for medical plans only, runs concurrent with the Covered CA enrollment through March 31, 2014.

ii. Benefit Enhancements

Although the County complied early on with making substantial changes to County offered medical plans before the mandated effective dates, additional regulatory guidance has been issued which requires additional plan changes related to the County’s self-insured County Health Plan. Such changes are required to be effective on June 1, and your Board will be asked to consider these changes and other minor Plan Document changes, in a separate Board report scheduled for early May.

iii. Tracking and Reporting Requirements to the Internal Revenue Services

For the second year, the Payroll Division of the Auditor-Controller Treasurer Tax Collector compiled with the new Form W-2 reporting requirements for the 2013 tax year, by reporting all employer and employee costs paid in 2013, associated with the provision of employer-sponsored health coverage on all W-2’s issued in January 2014.

iv. Postponement of employer mandate

As previously reported, on July 2, 2013 the Federal government announced postponement of the employer “shared responsibility” coverage mandate - sometimes referred to as “pay or play” until 2015. The postponement provided the County more time to evaluate the coverage mandate of providing health coverage to all full-time employees, as defined by the ACA. Full time employee is defined as anyone working an average of 130 hours in a calendar month, or at least 30 hours per week. This applies to all employees working for the County, with no distinction on employment status; full-time, part-time, and extra-help including intermittent, seasonal, or intern. And large employers are required to provide access to medical coverage to at least 95 percent of employees (and their dependent children up to age 26) meeting the full time employee description. This postponement also delays having to pay any penalties associated with employees seeking coverage through the exchanges.

More recently, on February 12, 2014, the federal government published final regulations implementing the employer shared responsibility penalty. The regulations include further ACA transition relief to employers, the most prominent being that the County as a large employer will have met its obligation to provide access to coverage to substantially all full-time employees and their dependent children, if on June 1, 2015, the County offers access to coverage to at least 70 percent of its full-time employees. For the 2016-17 plan year and beyond, the definition of “substantially all” will revert back to 95 percent of all full time County employees and dependent children must be offered access to medical coverage. Additional guidance was also provided on the exclusion of “bona fide” volunteers, such as volunteer firefighters such that the County’s efforts to promote volunteerism within the County will not be required to provide access to medical coverage to County volunteers.

v. Employer Fees

Although the employer mandate postpones the Employer Shared Responsibility penalties, there are other fees which the County as a sponsor of the self-insured County Health Plan, is still required to pay in 2014. The annual fees range from as low as \$3,600 for the Patient Centered Outcomes Research Institute (PCORI) Fee, up to \$100,000 for the Transitional Reinsurance Fee. The PCORI fee will be assessed for 7 years (2012-2019) and is being used to assist patients, clinicians, purchasers and policy-makers, in making informed health decisions by advancing the quality and relevance of evidence-based medicine. The County’s initial fee is estimated at \$3,600 and is due in July 2014. The Transitional Reinsurance Fee will be charged to employer group plans for three years from 2014-2017 to attempt to stabilize future State exchange premiums by funding reinsurance payments to health insurance issuers covering comparatively higher risk individuals in the State exchanges. Individual states may collect additional contributions for administrative expenses or reinsurance payments associated with each State’s exchange, but there hasn’t been any guidance from the state’s “Covered California” regarding other state imposed fees at this time.

vi. Future Taxes and Fees: Excise Tax “Cadillac Tax”

The postponement has no effect on the provision of an excise tax which all County-sponsored health plans will be subject to in 2018. This tax will be charged at a rate of 40 percent of excess premium levels as determined by the ACA. In 2018 the healthcare premium threshold has been set at \$10,200 for individual coverage and \$27,500 for family coverage. This tax will be imposed for each covered employee/enrollee in the plan and will be paid by the County for the self-insured County Health Plan, and will most likely be passed onto the County, employees and retirees through rates charged by the carriers for insured plans, too. The amount subject to the excise tax includes the total premiums paid for medical coverage (both employer and employee contributions, as well as all amounts deposited into active employee Health Reimbursement Arrangement (HRA) plans paid by the County and medical flexible spending accounts contributions made by employees and/or the employer. Based upon current plan designs, premiums and HRA contributions, as well as enrollment statistics, it is estimated the County could owe \$4.5 million in excise taxes. In order to reduce or eliminate this tax obligation, County staff together with the JLMBC, are beginning an in-depth analysis to compare current plan design options to those mandated by the ACA to determine if County sponsored plans could better align with federal health coverage mandates. Additional efforts towards expanding wellness programming and other initiatives are also being evaluated and vetted through the JLMBC for possible future consideration.

In summary, the County as an employer has demonstrated active support of the ACA and through the above initiatives will continue to support further enhancements to the provision of health care to all County employees and their dependents. While the County as an employer will incur additional expense in order to comply with the ACA, every effort will be made to evaluate the best use of costs to enhance coverage and avoid penalties for non-compliance.

III. ACA Focus Area #2: Sonoma County Access to Health Coverage

A. Partnership HealthPlan of California

Partnership HealthPlan of California is the Medi-Cal Managed Care Plan in Sonoma County. The advent of health care reform and all of its components, from the expansion of Medicaid eligibility to the transitioning of Healthy Families and County Medical Services Program/Path2Health into managed-care Medi-Cal places PHC in the forefront of increasing access to quality care and expanded services. In the first two months since implementation of the ACA Medi-Cal expansion provision at the beginning of January 2014, PHC enrollment increased by 9,523.

i. Behavioral Health Benefit

The expansion of behavioral health benefits under Medi-Cal increases access to services. The state has restored a number of services, including substance abuse programs, entry level psychological services, counseling and a pilot for coordinated care between the physical and mental health components to each individual’s care. The state has required the enhanced services to begin on January 1, 2014. As a result, Partnership HealthPlan of California is working

diligently to contract with providers and partnering with County Departments of Mental Health. Some of the services PHC will be responsible will include: psychotherapy, psychological testing when clinically indicated, psychiatric consultation for medication management, screening and brief intervention (SBI) and medications.

ii. No Medi-Cal Rate Reduction

The state has mandated a 10-percent reduction in reimbursements to Medi-Cal service providers. Partnership HealthPlan of California has a strong collaborative working relationship with its medical providers and is able to absorb the reduction. For 2014, there will be no payment reduction for services provided to Partnership members.

iii. County Medical Services Plan (CMSP) Low Income Health Plan (LIHP) Transition

County Medical Services Program in January 2012 implemented a Low Income Health Program called Path2Health. Approximately 7,000 enrollees in Sonoma in the Path2Health program transitioned to Medi-Cal effective January 1, 2014. Medi-Cal enrollment exceeded Partnership HealthPlan's estimates in the first two months of the expansion, due in large part to the successful outreach, enrollment, and transition planning provided through the Path2Health program.

B. County Medical Services Program (CMSP) Update

i. Transition of CMSP Path2Health Members to Medi-Cal

As reported in the September 2013 County of Sonoma Patient Protection and Affordable Care Act Quarterly Update, the CMSP Low Income Health Program called Path2Health 7,000 enrollees will be eligible for Medi-Cal coverage through the expansion of the ACA. In September 2013, the CMSP Governing Board approved the termination of the Path2Health Pilot project and enrollment into the program on December 31, 2013. The CMSP Governing Board has sent member notices to Path2Health enrollees informing them of their transition into expanded Medi-Cal. With only a few technical issues with statewide data systems, Path2Health members successfully transitioned to Medi-Cal through Partnership HealthPlan of California effective January 1, 2014.

ii. Member letters

The ACA expands Medi-Cal eligibility and benefits and develops the insurance marketplace called Covered California. The change in eligibility provides current CMSP members with the option of enrolling into Medi-Cal or Covered California. The CMSP Governing Board has sent multiple letters to member notifying them that their eligibility into CMSP will be ending on December 2013 and providing instructions on how to apply to Medi-Cal or Covered California.

iii. County Health Realignment

The CMSP Governing Board, under the provisions of AB 85, Health Realignment Trailer Bill to the fiscal year 2013-2014 State Budget required counties to select one of two options for redirecting Health Realignment funds to the state. For counties participating in CMSP, they were provided a 60/40 option with 60 percent redirected to the state and 40 percent remaining

with the county. A new Welfare and Institutions Code Section 17600.50 (a) calls for action by the CMSP Governing Board to adopt a resolution ratifying the 60/40 option for the redirection of Health Realignment funding to the state. In September, the CMSP Governing Board adopted said resolution and requests all CMSP participating counties Board of Supervisors to ratify the Governing Board's action.

iv. Outreach and Enrollment Funding

The CMSP Governing Board submitted a proposal on behalf of CMSP counties that did not apply separately for the Medi-Cal Outreach and Enrollment grant program as a result of AB 82. The proposal is organized as a re-granting program under which the Governing Board will provide grants to counties and community based organizations for targeted outreach and enrollment.

C. Covered California

i. Individual Coverage Under Covered California

Covered California individual marketplace rollout continues to gain momentum under the open enrollment period from October 1, 2013 through March 31, 2014. An estimated 777,000 individuals started applications seeking health insurance coverage between October 1, 2013 through November 30, 2013. The enrollment of individuals into health insurance coverage continues to double every month and in November 78,377 enrolled into subsidized or unsubsidized coverage through Covered California and 108,000 being determined for Medi-Cal. Covered California has extended the open enrollment deadline to December 23, 2013 for individuals to gain coverage on January 1, 2014. Covered California is conducting extensive outreach and education through social media, mailers, advertisements on television and radio encouraging individuals to enroll into health insurance. In addition to media, Covered California is participating in outreach events throughout the state helping individuals enroll into Covered California.

ii. Small Business Coverage Under Covered California

Covered California launched for small businesses the full self-enrollment of the Small Business Health Options (SHOP) online marketplace in December 2013. Businesses with fewer than 50 full-time equivalents can now purchase health insurance coverage online through Covered California. Similar to the individual marketplace, the health plans will be offered in four metal tiers, cover the essential benefits and enable employers to compare prices online. In addition, businesses with fewer than 25 full-time equivalent employees and making less than \$50,000 a year will be eligible for tax credits. Outside of California, 36 states which operate a federal marketplace the federal department of Health and Human Services has delayed the launch of SHOP until November 2014. To learn more about Covered California Small Business Health Options, visit: <http://www.coveredca.com>

IV. ACA Focus Area #3: Hospital and Community Health Center ACA Implementation Activities

A. Hospitals

In order to meet the increased demand for health care services, Sonoma County provider organizations are expanding their facilities to serve more patients; developing partnerships with providers that will allow them to assume financial risk across the full continuum of care; and building health systems that will allow them to coordinate care in an environment that incentivizes performance and quality outcomes.

i. Kaiser Permanente

Kaiser Permanente Santa Rosa Medical Center has mounted both internal and external campaigns to promote ACA and Covered CA. Internally, Kaiser Permanente presented ongoing information and updates to staff via local Intranet site, e-mail and in-person presentations to various leadership and manager meetings and well staff and department meetings and Employee Open Forums. Externally, Kaiser Permanente has made several presentations to a variety of groups as well as attending many other public meetings and staffing an information table. In addition, Kaiser Permanente has displayed and staffed a Health Care Reform display at more than a dozen venues such as the Sonoma County Fair, Wednesday Night Markets, various Farmers' Markets and medical offices.

ii. Sutter Medical Center of Santa Rosa

Sutter Medical Center of Santa Rosa is actively preparing for the transition into the new hospital scheduled to open October 2014. Sutter Health is embracing health reform by improving accessibility, efficiency, integration of services and focus on clinical excellence. Using evidence based design, the new hospital will improve a patient's privacy; reduce pain, stress and length of stay. The hospital will have the latest technology and continue to be a service leader in the community. Sutter Health continues to focus on clinical excellence and work on Transition of Care. The Sutter Care at Home AIM 2.0 program which provides palliative care to patients not on hospice but have a chronic end of life disease and would like to remain at home. The program collaborates with a diverse group of community clinics and service providers throughout Sonoma County to coordinate care. SMCSR was recognized by the Joint Commission for Low Re-Admission Rate nationally in 2012. SMCSR has a new Total Joint Program which is improving the care and patient satisfaction for Total Joint Patients.

iii. St. Joseph Health System (SJHS)

Phase 1 of Santa Rosa Memorial Hospital's \$15 million emergency department expansion and renovation opened in September 2013, providing patients access to the first fully-enclosed private emergency rooms at Memorial. When all phases of the project are completed in June 2014, the emergency room will have doubled its capacity, including 26 private rooms that enable the region's designated Level II Trauma Center to treat more critically injured and ill patients. St. Joseph Health's 5-year strategic plan focuses on continuing its transition from a primarily acute-care-based model to a population health model. This includes replication of

best practices in clinical disciplines that have enabled St. Joseph Health providers to better manage chronic disease and prevent hospital readmissions, among other initiatives that promote health, prevention and wellness. St. Joseph Health also continues to expand its partnerships in evolving acute “sick care” into a more integrated continuum of care outside of hospital walls, by growing its network of care in outpatient services, via its affiliated Annadel Medical Group (in Santa Rosa and Petaluma), and through new or enhanced alliances with community partners.

iv. Sonoma Valley Hospital

Sonoma Valley Hospital’s new Emergency and Surgery center is opening in late 2013. The new emergency department has tripled the space to better accommodate and serve more patients. The new emergency department will utilize telemedicine which provides emergency physicians with the ability to quickly consult with specialists at major Bay Area hospitals when needed. Sonoma Valley Hospital’s Emergency Department has 10,000 patient visits each year and receives 77 percent of the emergency room visits in the Sonoma Valley. The new surgery department improves efficiency and lower costs. The new surgery center operating rooms will have integrated technology and the newest surgical equipment, served by a sophisticated sterilization department. Sonoma Valley Hospital is positioning itself for the future by expanding Home Care into West County and focusing on providing excellent Skilled Nursing and Outpatient Services.

B. Redwood Community Health Coalition (RCHC) and Community Health Centers

i. Accountable Care Organization (ACO)

In early 2012, three Sonoma County community health centers (West County Health Centers, Santa Rosa Community Health Centers, and Petaluma Health Center) partnered with RCHC to form an Accountable Care Organization (ACO) named Redwood Community Care Organization (RCCO). Four other health centers have since joined RCCO as Participating Providers.

In November, 2013, RCCO received approval from the federal Centers for Medicaid and Medicare Services to participate in its Medicare Shared Savings ACO program. As a primary care-based ACO, RCCO will serve 7000 Medicare beneficiaries with the intent of strengthening patient engagement, improving outcomes and reducing costs of care through a focus on care transitions, complex care management, and care coordination services.

RCCO's board of directors includes the Chief Executive Officers (CEO) and Chief Medical Officers (CMO) from ACO member organizations and a Medicare beneficiary from the community. The operation will be housed at RCHC under the leadership of CEO Steve Ramsland and CMO Mary Maddux-Gonzalez.

C. Covered Sonoma County

i. Enrollment and Outreach

RCHC is coordinating enrollment and outreach efforts at community health centers throughout Sonoma County. From October 1, 2013 through November 30, 2013, RCHC’s member

community health centers screened 4,308 individual households for Covered California and Medi-Cal eligibility. During this same time period, 3,414 individual households renewed applications (89% Medi-Cal/Path2Health/County Medical Service Program, 9% Covered California, 2% Healthy Kids/Kaiser Child Health Plan). There were 291 newly completed Covered California applications. There were 1,303 households screened for CalFresh with 584 applications completed. In addition to screening every uninsured patient at RCHC member community health centers, Certified Outreach and Enrollment workers participated in 37 outreach events in Sonoma County since October 1st.

ii. Trainings

RCHC is a recipient of a Covered California Outreach and Enrollment grant. Through this funding, RCHC is able to train individuals to be Covered California Certified Enrollment Counselors or Certified Outreach Educators. Covered California Certified Enrollment Counselors are trained individuals who provide in-person counseling to consumers and assist them with applying for Covered California programs. RCHC has trained 52 individuals in Sonoma County to be Covered California Enrollment Counselors. Covered California Outreach Educators are trained individuals who conduct outreach and educate the public about Covered California programs. RCHC has trained 89 individuals in Sonoma County to be Covered California Outreach Educators.

V. Conclusion

The above ACA related activities by County departments working in partnership with community organizations are aligned with the County's Strategic Plan and DHS' vision of leading, collaborating, and succeeding at making Sonoma County the healthiest county in California.

COUNTY OF SONOMA
AGREEMENT FOR SERVICES
(Revision F – Standard Version)

This agreement ("Agreement"), dated as of _____, 2014, ("Effective Date") is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Redwood Community Health Coalition (hereinafter "Contractor").

RECITALS

WHEREAS, Contractor represents that it is a duly qualified non-profit organization, experienced in providing services, including recruitment and training of healthcare staff, that will benefit the health of the community, by enrolling Medi-Cal eligible candidates; and

WHEREAS, in the judgment of the Board of Supervisors, it is necessary and desirable to employ the services of Contractor for performing these services;

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. Scope of Services

1.1. Contractor's Specified Services

Contractor shall perform the services described in "Exhibit A – Scope of Work", attached hereto and incorporated herein by this reference (hereinafter "Exhibit A"), within the times or by the dates provided for in Exhibit A and pursuant to Article 7 (Prosecution of Work). In the event of a conflict between the body of this Agreement and Exhibit A, the provisions in the body of this Agreement shall control.

1.2. Cooperation With County

Contractor shall cooperate with County and County staff in the performance of all work hereunder.

1.3. Performance Standard

Contractor shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Contractor's profession. County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release. If County determines that any of Contractor's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Contractor to meet with County to review the quality of the work and resolve matters of concern; (b) require Contractor to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4 (Termination); or (d) pursue any and all other remedies at law or in equity.

1.4. Assigned Personnel

- a. Contractor shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Contractor to perform work hereunder, Contractor shall remove such person or persons immediately upon receiving written notice from County.
- b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by County to be key personnel whose services were a material inducement to County to enter into this Agreement, and without whose services County would not have entered into this Agreement. Contractor shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of County.
- c. In the event that any of Contractor's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness, or other factors outside of Contractor's control, Contractor shall be responsible for timely provision of adequately qualified replacements.

1.5. Contract Exhibits

This Agreement includes the following exhibits, which are hereby incorporated by references as though fully set forth herein:

- Exhibit A. Scope of Work
- Exhibit B. Budget
- Exhibit C. Insurance Requirements

2. Payment

For all services and incidental costs required hereunder, Contractor shall be paid a lump sum in accordance with Exhibit B, attached hereto and incorporated herein by this reference, regardless of the number of hours or length of time necessary for Contractor to complete the services. Contractor shall not be entitled to any additional payment for any expenses incurred in completion of the services. Exhibit B includes a breakdown of costs used to derive the lump sum amount, including but not limited to hourly rates, estimated travel expenses, and other applicable rates.

Upon completion of the work, Contractor shall submit its bill[s] for payment in a form approved by County's Auditor and the Head of County department receiving the services. The bill[s] shall identify the services completed and the amount charged.

Unless otherwise noted in this agreement, payments shall be made within the normal course of County business after presentation of an invoice in a form approved by County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by County.

Pursuant to California Revenue and Taxation Code (R&TC) Section 18662, County shall withhold seven percent of the income paid to Contractor for services performed within the State of California under this agreement for payment and reporting to the California Franchise Tax Board if Contractor does not qualify as any of the following: (1) a corporation with its principal

place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Contractor does not qualify, County requires that a completed and signed California Form 587 be provided by Contractor in order for payments to be made. If Contractor does qualify, then County requires a completed California Form 590. California Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in their facts. By signing either form, Contractor agrees to promptly notify County of any changes in the facts. Forms should be sent to County pursuant to Article 12 (Method and Place of Giving Notice, Submitting Bills, and Making Payments). To reduce the amount withheld, Contractor has the option to provide County with either a full or partial waiver from the State of California.

2.1. Maximum Payment Obligation. In no event shall county be obligated to pay Contractor more than the total sum of \$149,650.

2.2. Overpayment

If County overpays Contractor for any reason, Contractor agrees to return the amount of such overpayment to County, or at County's option, permit County to offset the amount of such overpayment against future payments owed to Contractor under this Agreement or any other agreement.

3. Term of Agreement

The term of this Agreement shall be from April 01, 2014 to June 30, 2016 unless terminated earlier in accordance with the provisions of Article 4 (Termination) below.

4. Termination

4.1. Termination Without Cause

Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 business days' advance written notice to Contractor.

4.2. Termination for Cause

Notwithstanding any other provision of this Agreement, should Contractor fail to perform any of its obligations hereunder within the time and in the manner herein provided or otherwise violate any of the terms of this Agreement, County may immediately terminate this Agreement by giving Contractor written notice of such termination, stating the reason for termination.

4.3. Delivery of Work Product and Final Payment Upon Termination

In the event of termination, Contractor, within 14 days following the date of termination, shall deliver to County all materials and work product subject to Section 9.11 (Ownership and Disclosure of Work Product), and shall submit to County an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.4. Payment Upon Termination

Upon termination of this Agreement by County, Contractor shall be entitled to receive, as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount

which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Contractor bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Contractor shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2 (Termination for Cause), County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Contractor.

4.5. Authority to Terminate

The Board of Supervisors has the authority to terminate this Agreement on behalf of County. In addition, the Purchasing Agent or Health Services Department Head, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of County.

4.6. Obligations After Termination

The following shall remain in full force and effect after termination of this Agreement: (1) Article 5 (Indemnification), (2) Section 9.5 (Records Maintenance), (3) Section 9.5.1 (Right to Audit, Inspect, and Copy Records), (4) Section 9.15 (Confidentiality), and (5) Section 13.5 (Applicable Law and Forum).

4.7. Change in Funding

Contractor understands and agrees that County shall have the right to terminate this Agreement immediately upon written notice to Contractor in the event that any State and/or Federal agency and/or other funder(s) reduce, withhold, or terminate funding which County anticipated using to pay Contractor for services provided under this Agreement, or in the event that County has exhausted all funds legally available for payments due under this Agreement.

5. Indemnification

Contractor agrees to accept all responsibility for loss or damage to any person or entity, including County, and to indemnify, hold harmless, and release County, its officers, agents, and employees from and against any actions, claims, damages, liabilities, disabilities, or expenses that may be asserted by any person or entity, including Contractor, that arise out of, pertain to, or relate to Contractor's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Contractor agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to such Contractor's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Contractor's obligations under this Article apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Contractor's expense, subject to Contractor's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Contractor or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance

With respect to performance of work under this Agreement, Contractor shall maintain and shall require all of its subcontractors, contractors, and other agents to maintain insurance as described in Exhibit C, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work

The execution of this Agreement shall constitute Contractor's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God, or by strike, lockout, or similar labor disturbances, the time for Contractor's performance of this Agreement shall be extended by a number of days equal to the number of days Contractor has been delayed.

8. Extra or Changed Work

Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules, may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors/Purchasing Agent must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Sections 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Contractor to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work, and thereafter Contractor shall be entitled to no compensation whatsoever for the performance of such work. Contractor further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of County.

9. Representations of Contractor

9.1. Standard of Care

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

9.2. Status of Contractor

The parties intend that Contractor, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Contractor is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits that County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4 (Termination), Contractor expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3. No Suspension or Debarment

Contractor warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency. Contractor also warrants that it is not suspended or debarred from receiving Federal funds as listed in the "List of Parties Excluded from Federal Procurement or Nonprocurement Programs" issued by the General Services Administration. If Contractor becomes debarred, Contractor has the obligation to inform County.

9.4. Taxes

Contractor agrees to file Federal and State tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement, and shall be solely liable and responsible to pay such taxes and other obligations, including but not limited to State and Federal income and FICA taxes. Contractor agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Contractor's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Contractor agrees to furnish County with proof of payment of taxes on these earnings.

9.5. Records Maintenance

Contractor shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement, and shall make such documents and records available to County for inspection at any reasonable time. Contractor shall maintain such records for a period of 7 years following completion of work hereunder.

9.5.1. Right to Audit, Inspect, and Copy Records

Contractor agrees to permit County and any authorized State or Federal agency to audit, inspect, and copy all records, notes, and writings of any kind in connection with the services provided by Contractor under this Agreement, to the extent permitted by law, for the purpose of monitoring the quality and quantity of services, monitoring the accessibility and appropriateness of services, and ensuring fiscal accountability. All such audits, inspections, and copying shall occur during normal business hours. Upon request, Contractor shall supply copies of any and all such records to County. Failure to provide the above-noted documents requested by County within the requested time frame indicated may result in County withholding payments due under this Agreement. In those situations required by applicable law(s), Contractor agrees to obtain necessary releases to permit County or governmental or accrediting agencies to access patient medical records.

9.6. Conflict of Interest

Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under State law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Agreement, no person having any such interests shall be employed. In addition, if requested to do so by County, Contractor shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with County disclosing Contractor's or such other person's financial interests.

9.7. Statutory Compliance

Contractor agrees to comply with all applicable Federal, State, and local laws, regulations, statutes, and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended, or modified during the term of this Agreement.

9.8. Nondiscrimination

Without limiting any other provision hereunder, Contractor shall comply with all applicable Federal, State, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation, or other prohibited basis, including without limitation County's Nondiscrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.9. AIDS Discrimination

Contractor agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.10. Assignment of Rights

Contractor assigns to County all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, and right to ideas in and to all versions of the plans and specifications, if any, now or later, prepared by Contractor in connection with this Agreement. Contractor agrees to take such actions as are necessary to protect the rights assigned to County in this Agreement, and to refrain from taking any action which would impair those rights. Contractor's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as County may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of County. Contractor shall not use or permit another party to use the plans and specifications in connection with this or any other project without first obtaining written permission of County.

9.11. Ownership and Disclosure of Work Product

All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Contractor or Contractor's subcontractors, contractors, and other agents in connection with this Agreement, shall be the property of County. County shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Contractor shall promptly deliver to County all such documents which have not already been provided to County in such form or format as County deems appropriate. Such documents shall be and will remain the property of County without restriction or limitation. Contractor may retain copies of the above-described documents, but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of County.

9.12. Authority

The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Contractor.

9.13. Sanctioned Employee

Contractor agrees that it shall not employ in any capacity, or retain as a subcontractor in any capacity, any individual or entity that is listed on any list published by the Federal Office of Inspector General regarding the sanctioning, suspension, or exclusion of individuals or entities from the Federal Medicare and Medicaid programs. Contractor agrees to periodically review said State and Federal lists to confirm the status of current employees, subcontractors, and contractors. In the event Contractor does employ such individual(s) or entity(ies), Contractor agrees to assume full liability for any associated penalties, sanctions, loss, or damage that may be imposed on County by the Medicare or Medicaid programs.

9.14. Compliance with County Policies and Procedures

Contractor agrees to comply with all County policies and procedures as they may relate to services provided hereunder.

9.15. Confidentiality

Contractor agrees to maintain the confidentiality of all patient medical records and client information in accordance with all applicable State and Federal laws and regulations. This Section 9.15 shall survive termination of this Agreement.

9.16. Lobbying

If any federal funds are to be used to pay for any services under this Agreement, Contractor shall fully comply with all certifications and disclosure requirements prescribed by Section 319 of the Public Law 101-121 (31 United States Code Section 1352) and any implementing regulations, shall ensure that each of its subcontractors receiving funds under this Agreement also fully complies with all such certification and disclosure requirements.

10. Demand for Assurance

Each party to this Agreement undertakes the obligation that the other party's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other party may in writing demand adequate assurance of due performance, and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding 30 days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 4 (Termination).

11. Assignment and Delegation

Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other party, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills, and Making Payments

All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO COUNTY:

Abraham Daniels, MHSA
County of Sonoma Department of Health Services
3313 Chanate Road
Santa Rosa, CA 95404-1795

TO CONTRACTOR:

Pedro Toledo, JD,
Director of Government & Community Relations
Redwood Community Health Coalition & Healthy Kids Sonoma County
1310 Redwood Way, Suite 135
Petaluma, CA 94954

When a notice, bill, or payment is given by a generally recognized overnight courier service, the notice, bill, or payment shall be deemed received on the next business day. When a copy of a notice, bill, or payment is sent by facsimile or email, the notice, bill, or payment shall be deemed received upon transmission as long as: (1) the original copy of the notice, bill, or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date); (2) the sender has a written confirmation of the facsimile transmission or email; and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills, and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this Article 12.

13. Miscellaneous Provisions

13.1. No Waiver of Breach

The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2. Construction

To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Contractor and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other party. Contractor and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3. Consent

Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4. No Third-Party Beneficiaries

Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5. Applicable Law and Forum

This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa in the County of Sonoma.

13.6. Captions

The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7. Merger

This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8. Survival of Terms

All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

13.9. Time of Essence

Time is and shall be of the essence of this Agreement and every provision hereof.

§ The remainder of this page has intentionally been left blank. §

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONTRACTOR:

Pedro Toledo, Director of Government & Community Relations
Redwood Community Health Coalition

Dated

COUNTY OF SONOMA:

Certificate of Insurance on File with County:

Rita Scardaci, MPH, Director
Department of Health Services

Dated

Approved as to Substance:

Division Director or Designee

Dated

Exhibit A – Scope of Work

Activity 1=Program Planning and Start up

Milestones	Strategies/activities	AB 82 population	Timeline	Who is responsible
RCHC will hire 1.35 FTE staff to enroll 380 Medi-Cal eligibles	RCHC will recruit and hire enrollment staff	Persons who are on probation and un-housed in Sonoma and Marin County	March-April 2014	RCHC, Sonoma DHS, and Marin HHS
RCHC will train 1.35 FTE staff to enroll 380 Medi-Cal eligibles	RCHC will train program staff in outreach strategies, Medi-Cal enrollment and program eligibility	Persons who are on probation or un-housed in Sonoma and Marin County	April - June 2014	RCHC, Sonoma DHS, and Marin HHS
Sonoma County will hire 1.0 FTE staff	Sonoma County will recruit and hire staff to work with RCHC to develop networks and channels to maximize enrollment.	Persons who are in Jail, on probation	June 2014	Sonoma DHS
Sonoma County will train staff to enroll Medi-Cal eligibles.	SC will train program staff in adult criminal justice system on Medi-Cal enrollment and program eligibility	Persons who are in Jail, on probation	September 2014 and ongoing	Sonoma County
RCHC and County will meet monthly to refine work plan, update event calendar, and document program strategies in an effort to enroll 380 Medi-Cal eligibles	Refine work plan and develop calendar of events, document program strategies.	Persons who are on probation or un-housed in Sonoma and Marin County	April 2014-September 2015	RCHC, Sonoma DHS, and Marin HHS
RCHC and County will convene strategy meetings with key partners to target enrollment strategies in an effort to enroll 380 Medi-Cal eligibles.	Convene strategy meetings with O/E staff, and key partners including RCHC, HHS, Probation, Community Clinics, and community based partners.	Persons who are on probation or un-housed in Sonoma and Marin County	April 2014-September 2015	RCHC, Sonoma DHS, and Marin HHS, and community partners

Activity 2=Outreach and Enrollment Activities

Milestones	Strategies/activities	Location	Target population and number of enrollments	Timeline	Who is responsible
<p>RCHC will work with Probation to enroll 190 homeless Medi-Cal eligibles</p>	<p>Work with probationers and Probation staff to facilitate Medi-Cal enrollment and retention. Provide culturally and linguistically appropriate informational materials placed in probationer and probation family meeting locations</p>	<p>Probation offices and community locations</p>	<p>Probationers (190)</p>	<p>June 2014 – September 2015</p>	<p>RCHC and Sonoma and Marin County Probation offices</p>
<p>RCHC will work with community based organizations such as shelters, clinics, and Community Action Marin to enroll 190 homeless Medi-Cal eligible</p>	<p>RCHC enrollment staff will work with un-housed individuals at Ritter Center and with Ritter Center staff to facilitate Medi-Cal enrollment and retention</p>	<p>COTS Catholic Charities Voices Sloan House Ritter House Community Action Marin And other community based organizations in Sonoma or Marin county providing services to the homeless</p>	<p>Un-housed individuals seeking services at shelters (190)</p>	<p>June 2014 – September 2015</p>	<p>RCHC and partner organizations</p>

Activity 3=Retention

Milestones	Strategies/activities	Location	Target population and number of enrollments	Timeline	Who is responsible
<p>RCHC and Partnership Healthplan of California will send automated renewal/redetermination reminders to 20,000 Medi-Cal enrollees who get their care at an Community Health Center in Marin County, and 40,000 in Sonoma County</p>	<p>Through the Medi-Cal retention project, PHC and RCHC will work with health center staff to re-enroll Medi-Cal enrollees before their renewal period ends</p>	<p>Community Health Centers in Sonoma and Marin County, PHC</p>	<p>20,000 of Marin’s 25,000 Medi-Cal enrollees will receive a automated renewal reminder. 40,000 of 47,000 Medi-Cal Enrollees in Sonoma County will receive a reminder.</p>	<p>June 2014- June 2016</p>	<p>RCHC, PHC, MCC, Community Health Centers, Partnership Health Plan</p>
<p>RCHC and Partnership Healthplan (PHC) of California will send 60,000 Medi-Cal renewal reminders to Medi-Cal enrollees via US Mail from their assigned primary care provider.</p>	<p>Through the Medi-Cal retention project, PHC and RCHC will work with health center staff to re-enroll Medi-Cal enrollees before their renewal period ends</p>	<p>Health Centers, PHC,</p>	<p>20,000 of Marin’s 25,000 Medi-Cal enrollees will receive a renewal reminder via US Mail from their primary care provider; 40,000 of 47,000 Medi-Cal Enrollees in Sonoma County will receive a renewal reminder.</p>	<p>June 2014- June 2016</p>	<p>RCHC, PHC</p>

Activity 4=Tracking and Reporting

Milestones	Strategies/activities	Location	Target population and number of enrollments	Timeline	Who is responsible
Copies of resumes and recruiting methods	RCHC has recruited and hired enrollment staff	RCHC		March-April 2014	RCHC, Sonoma DHS, and Marin HHS
Proof of training and CEC certification.	RCHC has trained program staff in outreach strategies, Medi-Cal enrolment, and program eligibility	RCHC		April - June 2014	RCHC, Sonoma DHS, and Marin HHS
Updated work plan and calendar of events completed.	Refine work plan and develop calendar of events, document program strategies.	RCHC		April 2014-September 2015	RCHC, Sonoma DHS, and Marin HHS
Meeting agendas and rosters.	Convene strategy meetings with O/E staff, and key partners including RCHC, HHS, Probation, Community Clinics, and community based partners.	RCHC and partner locations		April 2014-September 2015	RCHC, Sonoma DHS, and Marin HHS, and community partners
List of eligible individuals (on file). Total number of un-housed individuals enrolled (submitted).	Work with probationers and Probation staff to facilitate Medi-Cal enrollment and retention. Provide culturally and linguistically appropriate informational materials placed in probationer and probation family meeting locations			June 2014 – September 2015	RCHC and Sonoma and Marin County Probation offices
List of eligible individuals (on file). Total number of un-housed individuals enrolled (submitted).	RCHC enrollment staff will work with un-housed individuals at Ritter Center and with Ritter Center staff to facilitate Medi-Cal enrollment and retention			June 2014 – September 2015	RCHC and partner organizations

Exhibit B – Budget

Medi-Cal outreach and Enrollment					
Personnel Staff	Time Base	3/1/14-6/30/14	7/1/14-6/30/15	7/1/15-6/30/16	Total Amounts
Enrollment Coordinator (Probation)	1.0 FTE	13,750	52,000	13,390	79,140
Enrollment Counselor (Marin County)	.35 FTE	4,083	12,716	3,274	20,073
Admin					
Benefits 23%		4,102	14,884	3,833	22,819
Total Personnel Expenses		21,935	79,600	20,497	122,032
non-personnel-Direct Costs					
office expenses					
equipment					
travel		1,302	5,621	2,317	9,240
conference/meetings					
outreach materials					
total budget for all CBOs					
other costs					
Total Direct Costs		1,302	5,621	2,317	9,240
non-personnel-indirect costs					
health insurance					
other costs					
total personnel expenses		21,935	79,600	20,497	122,032
total direct costs		1,302	5,621	2,317	9,240
total indirect costs @ 14%		3,253	11,931	3,194	18,378
Grand total		26,490	97,152	26,008	149,650

Payment schedule:

Performance Period	Payment Amount (\$)
FY 13-14	26,490
July 1, 2014 – December 31, 2014	48,576
January 1, 2014 – June 30, 2014	48,576
FY 15-16	26,008
Total	149,650

Exhibit C - Insurance Requirements

(Template 5)

With respect to performance of work under this Agreement, Contractor shall maintain and shall require all of its subcontractors, contractors, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a **Waiver of Insurance Requirements**. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Contractor from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers' Compensation and Employer's Liability Insurance

- a. Required if Contractor has employees.
- b. Workers' Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employer's Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. **Required Evidence of Insurance:** Certificate of Insurance.
- e. If Contractor currently has no employees, Contractor agrees to obtain the above-specified Workers' Compensation and Employer's Liability insurance should any employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) Form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Umbrella Liability Insurance. If Contractor maintains higher limits than the specified minimum limits, County requires and shall be entitled to coverage for the higher limits maintained by Contractor.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000, it must be approved in advance by County. Contractor is responsible for any deductible or self-insured retention and shall fund it upon County's written request, regardless of whether Contractor has a claim against the insurance or is named as a party in any action involving the County.

-
- d. **County of Sonoma, its Officers, Agents, and Employees** shall be additional insureds for liability arising out of operations by or on behalf of the Contractor in the performance of this Agreement.
 - e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
 - f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad-form contractual liability coverage, including the "f" definition of insured contract in ISO Form CG 00 01, or equivalent).
 - g. The policy shall cover inter-insured suits between the additional insureds and Contractor and include a "separation of insureds" or "severability" clause which treats each insured separately.
 - h. **Required Evidence of Insurance**
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.
3. Automobile Liability Insurance
- a. Minimum Limits: \$1,000,000 combined single limit per accident.
 - b. Insurance shall apply to all owned autos. If Contractor currently owns no autos, Contractor agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
 - c. Insurance shall apply to hired and non-owned autos.
 - d. **Required Evidence of Insurance:** Certificate of Insurance.
4. Professional Liability/Errors and Omissions Insurance
- a. Minimum Limit: \$1,000,000 per claim or per occurrence.
 - b. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000, it must be approved in advance by County.
 - c. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
 - d. Coverage applicable to the work performed under this Agreement shall be continued for 2 years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy, (2) an extended reporting period endorsement, or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
 - e. **Required Evidence of Insurance:** Certificate of Insurance.
-

5. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

6. Documentation

- a. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Contractor agrees to maintain current Evidence of Insurance on file with County for the entire term of this Agreement and any additional periods if specified in this exhibit's Sections 1 - 4.
- b. The name and address for **Additional Insured** endorsements and Certificates of Insurance is:

County of Sonoma (DHS)
Contract & Board Item Development Unit
3313 Chanate Road
Santa Rosa CA 95404
- c. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists at least 10 days before expiration or other termination of the existing policy.
- d. Contractor shall provide immediate written notice if: (1) any of the required insurance policies are terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- e. Upon written request, certified copies of required insurance policies must be provided within 30 days.

7. Policy Obligations

Contractor's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

8. Material Breach

If Contractor fails to maintain insurance which is required pursuant to this Agreement, this failure shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Contractor resulting from said breach. Alternatively, County may purchase the required insurance, and without further notice to Contractor, County may deduct from sums due to Contractor any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 21
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): County Administrator, Fire and Emergency Services, Sonoma County Water Agency

Staff Name and Phone Number:

Al Terrell, 565-1152
Grant Davis, 547-1911
Don Schwartz, 565-3775

Supervisorial District(s):

All

Title: Update on Drought Response and Extension of Proclamation of Local Emergency Due to Drought Conditions

Recommended Actions:

Receive Update on Response to Drought and Adopt a 30 day extension of the Resolution proclaiming a drought emergency in Sonoma County

Executive Summary:

The Board of Supervisors and the Water Agency Board of Directors received a status report on local drought conditions at the February 25, 2014 meeting. Also at that meeting, The Board of Supervisors proclaimed a local emergency due to drought conditions, to cover the entire Sonoma County Operational Area, including all nine cities and special districts. Despite the most recent rainfall, drought conditions still persist throughout the County. The County Administrator recommends that the Board approve the proclamation extending the local emergency for 30 days. This is the maximum period allowed by law that an emergency can be extended. It is likely that an additional extension renewal will be submitted again within thirty days, unless conditions improve markedly.

State and Federal Assistance: The proclamation extending the existence of a local emergency will enable to County to receive disaster related assistance from the State and Federal government. There are several State and Federal grant programs available to an assortment of departments, agencies, special districts and individuals affected by the drought conditions. These are summarized on the attached table of 2014 Drought Assistance Programs, which has been shared with the relevant County departments, and City emergency managers and agencies.

Grants/Funding for Short- and Long-Term Projects: The Water Agency is actively monitoring efforts to disburse the state of California's recently approved \$600 million in drought funding. Solicitations for the first round of grants (2014 Drought Solicitation is DWR's name for it), \$200 million, will be released by Department of Water Resources in June. The DWR proposed schedule would result in funds being awarded in the fall. The Water Agency is joining other organizations in urging that the process be expedited to ensure funds are released.

Possible projects that would be submitted for first-round grant funding include recycled water pipelines that would offset potable water use and enhanced water-use efficiency programs.

Longer-term water supply projects, including larger recycled water projects and aquifer storage, will be pursued in the second funding cycle and, if passed by the Legislature and approved by voters, in a new water bond. In addition, the Water Agency continues to apply for Federal Emergency Management Agency (FEMA) grants to increase water supply reliability during emergencies.

On-going public outreach: The Sonoma County Water Agency, in cooperation with members of the Sonoma-Marin Saving Water Partnership, is coordinating a series of drought town hall meetings in each supervisorial district. The meetings are being organized now by staff and final dates and locations may be viewed online at www.sonomacountywater.org. The Water Agency and the Partnership is also conducting a “Drought Drive-Up” event on Wednesday, April 23, 2014 to provide free water conservation materials to the public. Event locations and times are available online at www.sonomacountywater.org or www.wateroff.org. The agency is also working with a variety of partners on the potential use of use of gray water.

Legislative Initiatives: Based on direction from your Board, the County is working with State administration officials, and with the County’s legislative delegation on three primary issues, which may lead to legislation or rule changes. These include:

1. Changes to state water laws that would allow above-ground storage of water beyond the current 30 day limit.
2. Providing greater ability for property owners to capture “sheet flow” across their land.
3. Providing an ability to allow for diffuse water collection and storage, such as building small reservoirs throughout the County, potentially around the urban/rural interface to relieve pressure on the potable water system.

These ideas have been discussed with legislative staff and the County’s advocate, and a meeting is currently scheduled with State Natural Resources Secretary Laird in late March.

In addition, the County and Water Agency continue to monitor and support efforts at passing a State Water Bond that will benefit Sonoma County priorities and needs.

Reimbursements of County Staff Time: Although not currently available through the Gubernatorial Proclamation, future reimbursement for emergency response and coordination activities may become available through the California Disaster Assistance Act (CDAA). The CDAA would allow for reimbursement of up to 75% of costs incurred under a locally proclaimed emergency. The Auditor-Controller/Treasurer-Tax Collector has distributed guidance to department heads to record all event-related expenditures should reimbursement become available.

Prior Board Actions:

Proclamation proclaiming a local emergency due to drought conditions, February 25, 2014

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The recommended actions support the conservation of vital resources necessary for the health and continued economy of the county and citizens.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

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

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Chart of 2014 Drought Assistance Programs
County of Sonoma Resolution

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

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County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Extending a Proclamation of Local Emergency Due to Drought Conditions in the County of
Sonoma and Requesting Immediate State and Federal Assistance**

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolution #
Date: March 25, 2014
Page 3

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes

Absent:

Abstain:

So Ordered.

2014 Drought Assistance Programs

<i>The agencies below may have programs or resources available for:</i>	State	Cities	Counties	Farmers	Fisherman	Individuals	Farm Laborers	Nurseeries	Parks	Private Businesses	Private Non Profits	Rafting	Ranchers	School Districts	Ski Resorts	Tourism	Tribes	Public Water Systems	Agricultural Water Systems	Resource Conservation Districts	
California Department of Aging Area Agencies on Aging (AAA)																					
California Department of Business Oversight Division of Financial Institutions State Banking																					
California Department of Fish and Wildlife	No programs available to provide drought assistance																				
California Department of Food and Agriculture	No programs available to provide drought assistance																				
California Department of Forestry and Fire Protection	No programs available to provide drought assistance																				
California Department of General Services	No programs available to provide drought assistance																				
California Department of Health Care Services (DHCS) Medi-Cal Health Coverage																					
California Department of Housing and Community Development (HCD) Community Development Block Grants (CDBG)																					
California Department of Public Health (CDPH) Safe Drinking Water State Revolving Fund																					
California Department of Public Health (CDPH) Prop 84 Part 2 Emergency Grant Funds Project																					
California Department of Public Health (CDPH) Women, Infants, and Children (WIC) Supplemental Nutrition Program																					
California Department of Social Services (CDSS) CalFresh																					
California Department of Social Services (CDSS) CalWORKs																					
California Department of Social Services (CDSS) Emergency Food Assistance Program (EFAP)																					
California Department of Water Resources (DWR) Prop 13 Agricultural Water Conservation Program Loan																					
California Department of Water Resources (DWR) Prop 204 Sacramento Valley Water Management																					
California Department of Water Resources (DWR) Prop 81 California Safe Drinking Water Bond Law of 1988																					

2014 Drought Assistance Programs

<i>The agencies below may have programs or resources available for:</i>	State	Cities	Counties	Farmers	Fisherman	Individuals	Farm Laborers	Nurseries	Parks	Private Businesses	Private Non Profits	Rafting	Ranchers	School Districts	Ski Resorts	Tourism	Tribes	Public Water Systems	Agricultural Water Systems	Resource Conservation Districts
California Department of Water Resources (DWR) Prop 84 Integrated Regional Water Management		💧	💧							💧										
California Employment Development Department (EDD) Job Services				💧	💧	💧	💧						💧							
California Employment Development Department (EDD) Unemployment Insurance (UI)						💧	💧													
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Agricultural Water Quality Prop 40		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Agricultural Water Quality Prop 50		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Areas of Special Biological Significance		💧	💧							💧										
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) CALFED Watershed		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Clean Beaches Prop 40		💧	💧							💧										
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Clean Beaches Prop 50		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Clean Beaches Prop 84		💧	💧							💧										
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Coastal Nonpoint Source Control Program Prop 13		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Coastal Nonpoint Source Control Program Prop 50		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Integrated Watershed Management		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Nonpoint Source Pollution Control		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Santa Monica Bay Restoration Prop 50		💧	💧							💧							💧			
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Santa Monica Bay Restoration Prop 84		💧	💧							💧										
California Environmental Protection Agency (Cal/EPA) State Water Resources Control Board (SWRCB) Small Community Groundwater		💧	💧							💧								💧		









2014 Drought Assistance Programs

<i>The agencies below may have programs or resources available for:</i>	State	Cities	Counties	Farmers	Fisherman	Individuals	Farm Laborers	Nurseries	Parks	Private Businesses	Private Non Profits	Rafting	Ranchers	School Districts	Ski Resorts	Tourism	Tribes	Public Water Systems	Agricultural Water Systems	Resource Conservation Districts
California Governor's Office of Emergency Services (Cal OES) CDAA - Director's Concurrence																				
California Governor's Office of Emergency Services (Cal OES) CDAA - Governor's Proclamation																				
California Health and Human Services Agency (CHHS) Department of Community Services and Development (CSD) Community Services Block Grant (CSBG)																				
California Health and Human Services Agency (CHHS) Department of Community Services and Development (CSD) Low-Income Home Energy Assistance Program (LIHEAP)																				
California Natural Resources Agency	No programs available to provide drought assistance																			
California Public Utilities Commission (CPUC) California Alternate Rates for Energy (CARE) Program																				
California Volunteers	No programs available to provide drought assistance																			
Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance (HMA) Flood Mitigation Assistance (FMA) Program																				
Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance (HMA) Predisaster Mitigation Grant (PDM) Program																				
Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP)																				
Federal Emergency Management Agency (FEMA) Individual Assistance (IA) Crisis Counseling Programs (CCP)																				
Federal Emergency Management Agency (FEMA) Individual Assistance (IA) Disaster Legal Services (DLS)																				
Federal Emergency Management Agency (FEMA) Public Assistance (PA)																				
U.S. Army Corps of Engineers (USACE) PL 84-99																				
U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Conservation Reserve Program (CRP) Emergency Haying and Grazing 2013																				
U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Emergency Conservation Program (ECP)																				
U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Emergency Livestock Assistance Program (ELAP)																				

2014 Drought Assistance Programs

<i>The agencies below may have programs or resources available for:</i>	State	Cities	Counties	Farmers	Fisherman	Individuals	Farm Laborers	Nurseries	Parks	Private Businesses	Private Non Profits	Rafting	Ranchers	School Districts	Sk Resorts	Tourism	Tribes	Public Water Systems	Agricultural Water Systems	Resource Conservation Districts	
U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Emergency Loans																					
U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Livestock Forage Program (LFP)																					
U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Livestock Indemnity Program (LIP)																					
U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Noninsured Crop Disaster Assistance (NAP)																					
U.S. Department of Agriculture (USDA) Food and Nutrition Services (FNS) Food Commodities																					
U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Conservation Innovation Grants (CIG)																					
U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWP)																					
U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP)																					
U.S. Department of Agriculture (USDA) Rural Development (RD) Emergency Community Water Assistance Grant (ECWAG)																					
U.S. Department of Agriculture (USDA) Rural Development (RD) Rural Development Community Facilities Program																					
U.S. Department of Agriculture (USDA) Rural Development (RD) Rural Energy for America Program (REAP)																					
U.S. Department of Agriculture (USDA) Rural Development (RD) Rural Housing Direct Loan (Sec. 502) Program																					
U.S. Department of Agriculture (USDA) Rural Development (RD) Rural Repair and Rehabilitation Loan and Grant (Sec. 504) Program																					
U.S. Department of Commerce	No programs available to provide drought assistance																				
U.S. Department of Health and Human Services	No programs available to provide drought assistance																				
U.S. Department of Interior (DOI) Bureau of Reclamation (USBR) Emergency Drought Relief Act Reauthorization																					
U.S. Department of Labor (DOL) Disaster National Emergency Grants																					

2014 Drought Assistance Programs

<i>The agencies below may have programs or resources available for:</i>	State	Cities	Counties	Farmers	Fisherman	Individuals	Farm Laborers	Nurseries	Parks	Private Businesses	Private Non Profits	Rafting	Ranchers	School Districts	Ski Resorts	Tourism	Tribes	Public Water Systems	Agricultural Water Systems	Resource Conservation Districts	
U.S. Department of Labor (DOL) National Emergency Grants (NEG)																					
U.S. Environmental Protection Agency	No programs available to provide drought assistance																				
U.S. Forest Service	No programs available to provide drought assistance																				
U.S. Small Business Administration (SBA) Economic Injury Disaster Loans (EIDL)																					



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 22

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

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works/County Administrator's Office

Staff Name and Phone Number:

Susan Klassen (707) 565-2231

Veronica A. Ferguson (707) 565-2431

Supervisorial District(s):

All

Title: 2014 Pavement Preservation Program

Recommended Actions:

- 1) Receive overview of current Roads financing.
- 2) Approve the proposed 2014 Pavement Preservation Program and various one-time expenditures totaling \$9.8 million, to be financed by the FY 13/14 General Fund allocation.
- 3) Receive a report regarding the 2013 Pavement Management Program Update prepared by Harris & Associates

Executive Summary:

Under the County Strategic Goal of Economic and Environmental Stewardship the Board has consistently prioritized investing in transportation infrastructure, to enhance safety for vehicles, pedestrians, and cyclists, fix potholes, repair local roads and streets, and improve the quality of life for County residents. A well maintained road network is vital to economic development and activity, especially in the areas of agriculture, recreation, and tourism. To address this strategic priority, the Chair created the Long-Term Roads Ad Hoc Committee (Supervisors McGuire and Rabbitt) in August 2013, with a mission to improve the quality and safety of the County road system by developing long range funding strategies for pavement condition improvements. This item provides a brief overview and update on current roads funding, requests approval of the 2014 Pavement Preservation Program, and reports on the 2013 Pavement Management Program Update.

Roads Funding - A Legacy Problem

The Board has received reports (On File with Clerk) over the past several years outlining the challenges of properly funding and maintaining the approximately 1,370 miles of road in the County system. Years of inadequate State and local funding have created a deteriorating road network. Unfavorable formulas and declining State and Federal gas-tax revenues, which are the primary revenue stream for

road repair and maintenance, coupled with significant local budget reductions due to the “Great Recession” (overall County General Fund revenue from property tax declined approx. \$40 million between FY 08/09 and FY 12/13), along with increased costs of raw materials necessary for pavement preservation, have exacerbated the difficulty in maintaining such an extensive road network. Even during several years of significant budget reductions where the County budget was reduced cumulatively by \$103.6 million and 529 full time equivalent positions, the Board has committed to making every effort to address the shortfall with available General Fund dollars, and to use those dollars intelligently to leverage outside funding and maintain a “good” Pavement Condition Index (PCI) rating on the Primary Roads and roadways vital to the County’s agricultural and tourism economy within the County network.

Reflecting the County’s continued commitment to maintaining its roadway infrastructure, the Board of Supervisors have dedicated the highest level of funding for County roads infrastructure in recent history by investing \$8 million of General Funds during each of the last two fiscal years, FY 12/13 and FY 13/14. These investments were part of a significant commitment from the Board totaling approximately \$50 million budgeted in FY 13/14 (see Fiscal Summary for detail) toward improving roads, bridges, drainage and safety features. Of this amount, approximately \$47 million was directed into the local economy through contracts awarded by the County.

Consistent with prior policy direction, the Board directed that majority of the FY 13/14 funds be utilized on roadways vital to agricultural and tourism and directed the Department of Transportation and Public Works (Department) to work with the Long-Term Roads Ad Hoc Committee to develop and return to the Board with a proposed spending plan and list of road sections to be addressed in the current year. The Long-Term Road Ad Hoc Committee will also continue to work toward a combination of long range, community-based funding solutions, and work with State and Federal legislators to not only sustain the Primary Roads, but to begin to systematically fix potholes and improve maintenance on Local Roads, which comprise almost 65% of the County system but have no identified funding source for pavement preservation activities.

2014 Pavement Preservation Program: \$8,600,000

Staff is recommending that the 2014 Pavement Preservation Program be programmed to treat approximately 40 miles of County maintained roads with \$6.8 million of the FY 13/14 General Fund and \$1.8 million of General Fund Franchise Fees. The FY 13/14 one-time funds will continue to be primarily focused to complete rehabilitation and preservation of roads that support the County’s tourism and agricultural economy as approved by the Board in 2012 (Attachment A). Additionally, the Board dedicated a portion of the General Fund Franchise Fees to preserve roads on the Primary Road Network (Attachment B). Staff’s recommended list of roads for the 2014 Pavement Preservation Program are shown and described on Attachments C (map) and D (road segment list).

The County has been working with a number of pavement preservation and rehabilitation treatments such as microsurface, bonded wearing course and chip seal. It is possible that some of the treatments listed in Attachment D will change once staff has completed final engineering, and determined the most effective approach to preserving each section based on condition and environmental factors.

Proposed One-Time Expenditures: \$1,200,000 to address Safety and Corrective Maintenance

Striping Contract: \$500,000

To enhance safety of the road system, roads are provided with centerline, edgelines, markings and legends. There are approximately 730 miles of road in the County system that are striped.

In an effort to address a large backlog of pavement striping and marking needs created due to a past loss of funding and equipment, the Board approved purchase of a new striping machine in FY 12/13 as well as funding for a striping contract. The Department purchased a new striping machine last year and it was finally delivered in November 2013. Crews have been working through the winter to train and prepare the equipment for use this Spring; however, the backlog of striping needs is quite significant and cannot be rectified solely by the maintenance crew. The Board recently awarded a contract for striping services, in the amount of \$640,000 (\$500,000 in one time funds combined with annual budgeted traffic striping funds) to address 63.65 miles of roadway, with approximately 937,000 lineal feet of line striping, approximately 10,000 object markers and 22,000 square feet of pavement legends. It is recommended that Board allocate \$500,000 to bid a second contract to address the backlog of striping needs which will allow staff to use the new equipment to catch-up and maintain striping going forward. It would be expected that another 50-60 miles of road safety marking could be addressed in this contract. Following this second striping contract, it is anticipated that it will take County staff roughly 3-4 years to eliminate the striping and markings backlog while continuing to maintaining the striping and markings in good condition.

Paving Machine: \$200,000

Owning this piece of equipment is more beneficial from both a cost and flexibility standpoint than renting the same equipment. In recent years, TPW rented paving machines, spending \$22,000 in FY 11/12 and \$33,000 in FY 12/13. Based on current staffing levels, the availability of equipment is critical for the crews to be fluid and flexible with their work product. Having this piece of equipment available would increase the maintenance crews' ability to be responsive to corrective maintenance pavement repair needs throughout the year, and based on past practice, the cost will be fully recovered in three to four years. Consistent with Public Contracting Code, the Department will continue to let out contracts for all significant paving projects.

Culvert Maintenance Crew (Staff, Materials, Equipment): \$500,000

A properly maintained drainage system is essential to preserving pavement surfaces. In FY 13/14 budget hearings the Board directed the Department to begin the process of restoring a five person countywide maintenance crew to proactively address culvert and drainage issues. The crew has now been formed and has begun working on a prioritized deferred maintenance list. The future cost of the crew (staff, equipment, and materials) of an estimated \$1 million annually will be incorporated into the Department's FY 14/15 Recommended Budget for on-going General Fund allocation.

2013 Pavement Management Program Update

As directed by the Board on October 23, 2012, Harris & Associates was contracted by the County to prepare a Pavement Management Program Update, consistent with the Metropolitan Transportation Commission's (MTC) protocol. Key work items included a comprehensive field evaluation of the

County maintain road network, thorough review of the inputs to the Streetsaver® modeling system and to present a series of budget scenarios to define the ongoing cost to maintain the County's road network. Over the prior 18 months Harris & Associates surveyed the condition of the entire 1,370 mile county network. Field verification of roadway conditions allowed Harris & Associates to work with the County and MTC to properly calibrate Streetsaver®, the pavement maintenance management modeling program used by the County and MTC.

Streetsaver® is a pavement management program software-based tool for analyzing pavement conditions and recommending rehabilitation strategies based on funding levels. The software focuses on providing cost effective recommendations that enhance the overall system Pavement Condition Index (PCI). In general, asphalt pavement deteriorates over time by both traffic loading and weathering. It recommends that 20% of the budget be put to preventative maintenance treatments such as slurry seals or crack seal. The remaining budget is programmed for more expensive asphalt overlays and reconstruction.

Harris & Associates reviewed and updated the inputs and decision tree in Streetsaver® to reflect proper roadway classifications, realistic and regionally appropriate pavement treatments, current unit prices based on recent contracts in our area and more reasonable and achievable treatment frequencies. With updated data this report provides an accurate assessment of the funding that will be required to upgrade the County road system and preserve this very important public asset.

The results of this survey concluded that the recently completed maintenance work combined with the input adjustments to Streetsaver® resulted in a 3 point increase in the County's overall network pavement condition index (PCI) from 43 to 46 or "Poor." A more detailed review of the data reveals that our Primary Road Network, consisting of the County's Minor Arterials and Major Collectors, is in generally good condition with an average PCI of 76. It is the minor collectors and local roads that are in generally poor to very poor shape with PCIs of 45 and 35, respectively. In addition, this report offers staff the ability to run and evaluate financial scenarios to discuss with the Long-Term Road Ad Hoc Committee to develop a long-term strategy.

Staff will continue to work closely with the Long-Term Road Ad Hoc Committee to evaluate this data in an effort develop various long-term funding strategies that advance the Board's Strategic Plan Goal of providing a well maintained transportation network that promotes mobility, health & safety, connectivity and convenience. The Committee has been meeting with staff regularly, and anticipates returning with a report to the full Board to provide some initial recommendations in the next 60 days.

Prior Board Actions:

6/11/13 : Board approves Road Ad-Hoc recommendation allocation \$8 million in one-time reserves;
10/23/12: Board approves Road Ad Hoc recommendations; 6/19/12: Board approves Road Ad Hoc recommendation allocating \$8 million in one-time reserves.

Strategic Plan Alignment Goal 3: Invest in the Future

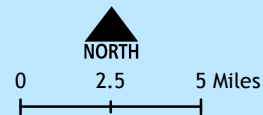
Pavement preservation is part of the long-term Road Ad Hoc Committee goals and this project will improve roughly 40 miles of County Roads during the Summer of 2014.

Fiscal Summary - FY 13-14			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 9,800,000	County General Fund	\$ 9,800,000
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 9,800,000	Total Sources	\$ 9,800,000
Narrative Explanation of Fiscal Impacts (If Required):			
<p>Appropriations are included in the FY 13/14 Road Maintenance and Road Improvements budgets. The balance above represents \$8M in FY 13/14 One-Time General Fund and \$1.8M of FY 13/14 General Fund Franchise Fees.</p> <p>Total FY 13/14 \$50M County Roads budgeted infrastructure investment includes \$24M in Pavement, \$9M in Bridges, \$10M for Hwy 12 and Airport Interchange (combined), and \$7M in other Improvements (Intersections and Safety). The FY 14/15 recommended budget does not anticipate this level of expenditure, as many of the larger projects will have been completed and the County does not anticipate a Federal funding allocation</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
<ul style="list-style-type: none"> Attachment A – Roads Vital for Tourism and Agriculture (Figure) 			

- Attachment B – Primary Road Network (Figure)
- Attachment C – Proposed Summer 2014 Pavement Preservation Program (Figure)
- Attachment D – Proposed Summer 2014 Pavement Preservation Program (Table)

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







Board of Supervisors Ad-Hoc Committee on Roads June 19, 2012



Attachment A

Roads Vital for Tourism and Agriculture

Road Name	Road ID	Post Mile	Attraction
Adobe Canyon Rd	76021	10.00 12.32	Hood Mountain Reg. Park / Sugarloaf Ridge State Park
Adobe Rd	5602	10.00 19.57	Ranch Petaluma Adobe
Airport Blvd	8803A	10.20 12.33	Charles Shultz Sonoma County Airport / Museum
Alexander Valley Rd	9902	10.07 13.43	Alexander Valley
Armstrong Woods Rd	80131	11.85 12.16	Armstrong Redwoods State Reserve
Armstrong Woods Rd	8902B	10.00 11.85	Armstrong Redwoods State Reserve
Arnold Dr	5603	18.34 19.30	Jack London State Park
Bean Ave	61017	10.00 10.28	Salmon Creek
Bodega Hwy	6904	10.00 19.26	Bodega Bay, Town of Bodega
Bohemian Hwy	6002A	20.18 20.37	Russian River
Bohemian Hwy	70150	29.98 30.00	Russian River
Burbank Ave	78011	10.00 11.00	Roseland Community Park
Cannon Ln	46003	10.00 11.16	Tolay Lake Regional Park
Chileno Valley Rd	4801	12.73 13.53	Helen Putnam Park
Doran Beach Rd	61002	10.00 11.58	Bodega Harbor
Dry Creek Rd	9901	10.00 20.42	Lake Sonoma
Eastside Rd	7905A	14.48 15.00	Wine Country
Fort Ross Rd	8201	10.15 12.64	Fort Ross
Lakeville Rd	3601	10.00 16.97	Tolay Lake Regional Park, Infineon Raceway
Lichau Rd	67002	11.36 11.86	Fairfield-Osborne Preserve
Lichau Rd	67002	13.36 14.49	Fairfield-Osborne Preserve
London Ranch Rd	66045	10.20 11.34	Jack London State Park
Main St	6002B	20.05 20.18	Russian River
Mark West Springs Rd	8801A	10.00 15.54	Petrified Forest Museum, Safari West
Petaluma Hill Rd	5710B	10.46 18.81	Green Music Center, Sonoma State University
Petrified Forest Rd	8801C	20.19 22.55	Petrified Forest Museum
Porter Creek Rd	8801B	15.54 20.19	Petrified Forest Museum
River Rd	8802B	12.81 25.50	Korbel Winery, Russian River
Snyder Ln	68025	12.49 13.18	Green Music Center, Sonoma State University
West Dry Creek Rd	99017	10.00 20.16	Wine Country
Westshore Rd	61024	10.00 12.69	Bodega Harbor
Westside Rd	8001	10.00 22.36	Wine Country / Russian River Valley
Willow Creek Rd	70015	10.00 13.60	Sonoma Coast State Beach

-  Roads Vital for Tourism and Agriculture
-  Supervisorial District
-  City Limit
-  Public Land
-  Sonoma County
-  Outside County

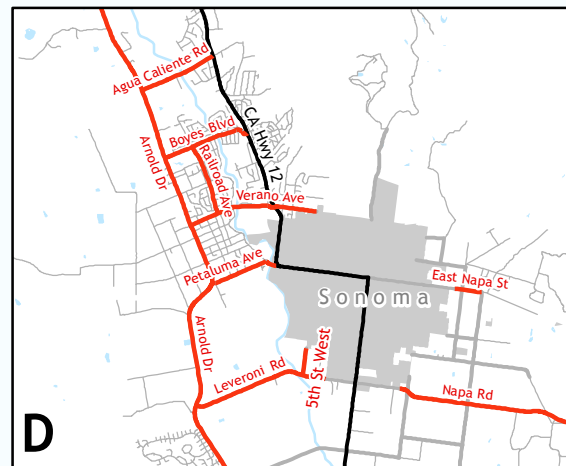
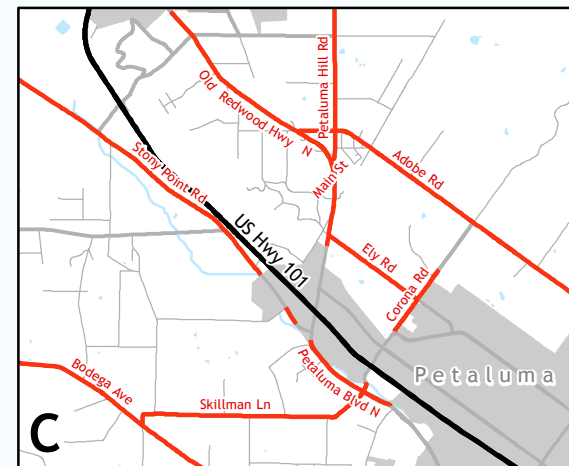
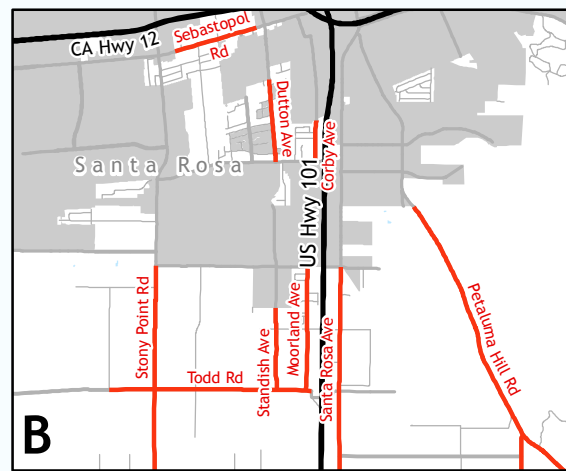
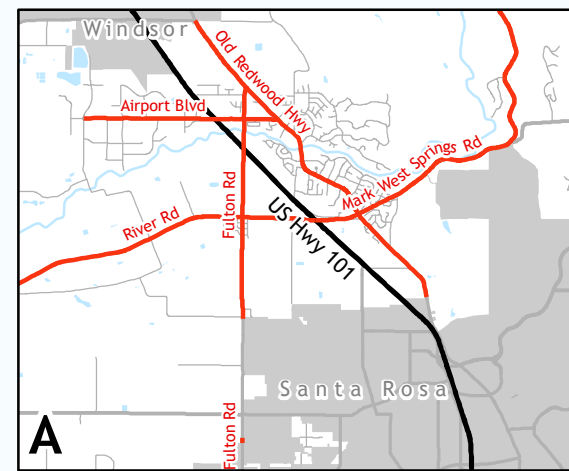
December 5, 2013
 Transportation and Public Works, County of Sonoma



Attachment B

Primary Road System of Unincorporated Sonoma County

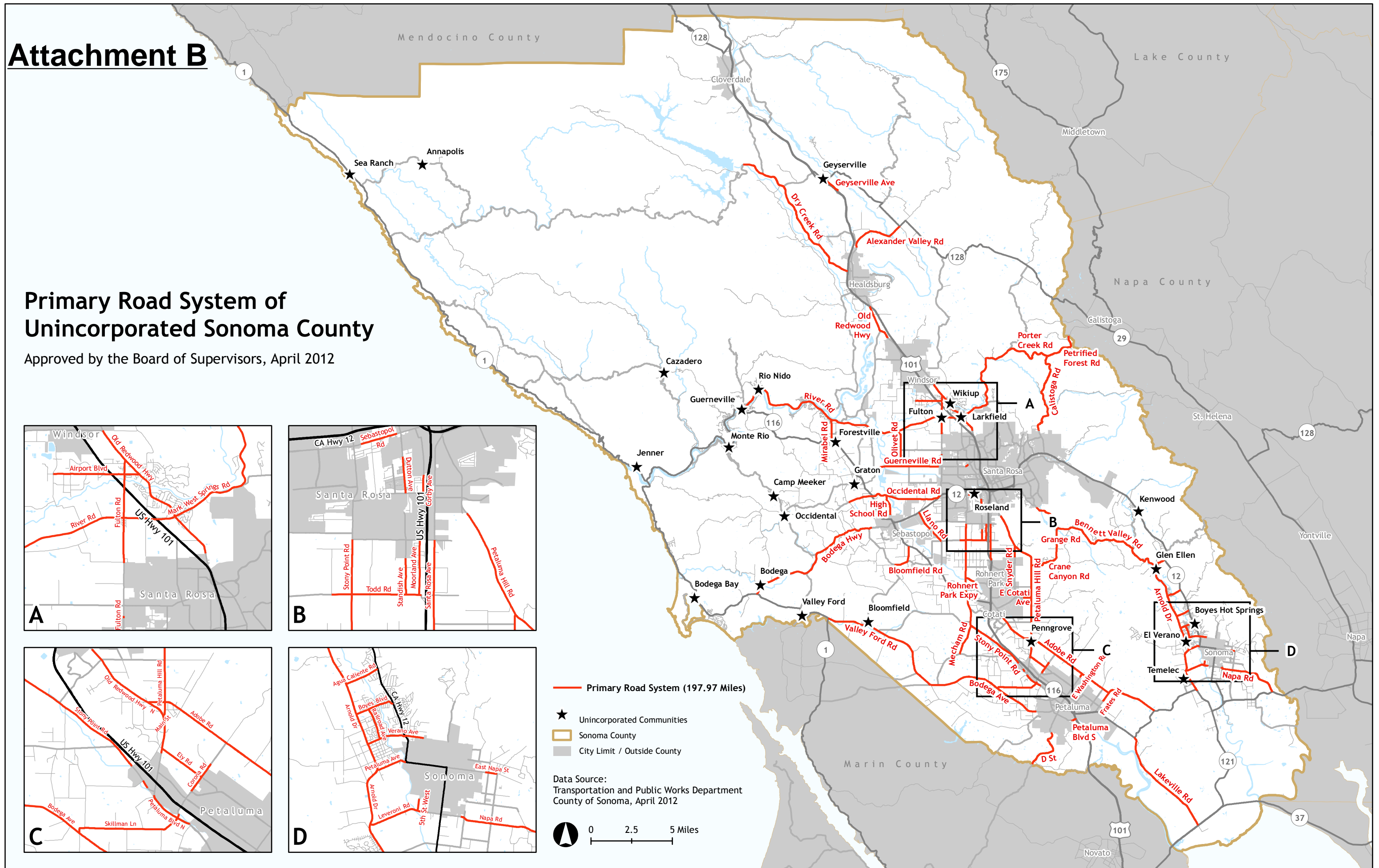
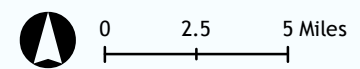
Approved by the Board of Supervisors, April 2012



— Primary Road System (197.97 Miles)

- ★ Unincorporated Communities
- ▭ Sonoma County
- ▭ City Limit / Outside County

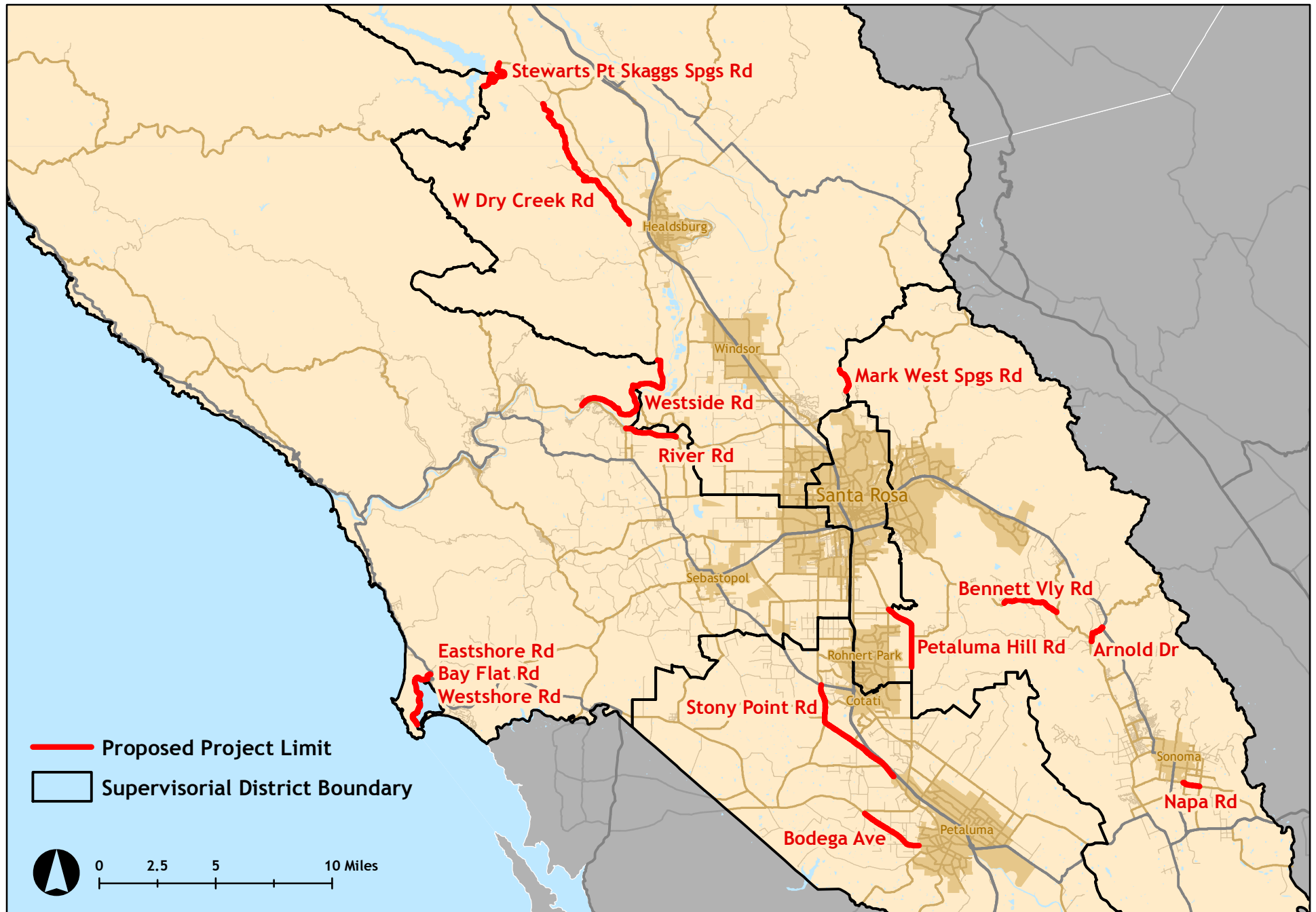
Data Source:
Transportation and Public Works Department
County of Sonoma, April 2012



Attachment C

2014 Pavement Preservation Program

March 13, 2014



Attachment D

Summer 2014 Pavement Preservation Program; \$8,565,000

Roads Vital to Tourism and Agriculture

Road Name	Location	ID	Length	Type	Est Cost
Arnold Dr	Sonoma Crk Bridge to Hwy 12	5603	0.91	BWC	\$600,000
Bay Flat Rd	Westshore Rd to Eastshore Rd	61010B	0.22	Chip	\$30,000
Eastshore Rd	Bay Flat Rd to Hwy 1	61023	0.32	Chip	\$50,000
Mark West Springs Rd	Michelle Way to improved section	8801A	1.24	Crack	\$100,000
Petaluma Hill Rd	Rohnert Park Expressway to Snyder Ln	5710B	3.08	BWC	\$800,000
River Rd	Mirabel Rd to Trenton-Healdsburg Rd	8802B	2.27	Crack	\$200,000
Stony Point Rd	Petaluma City Limits to Hwy 116	5709	5.44	BWC	\$1,600,000
West Dry Creek Rd	Pine Ridge Canyon bridge to Yoakim Bridge Rd	99017	7.44	BWC	\$1,585,000
Westshore Rd	Bay Flat Rd to End	61024	2.69	Chip	\$325,000
Westside Rd	River Rd to Sweetwater Springs Rd	8001	<u>6.70</u>	BWC	<u>\$1,800,000</u>
			30.31		\$7,090,000

Primary Road Network

Bennett Valley Rd	Old Bennett Ridge Rd to Warm Springs Rd	6604	2.54	BWC	\$450,000
Bodega Ave	Eucalyptus Ave to Petaluma City Limits	5706A	2.78	Chip	\$250,000
Napa Road	8 th St East to Sonoma City Limits	5503B	0.73	FDR	\$500,000
Stewarts Pt./Skaggs Springs Rd	Dry Creek Rd to Skaggs Springs Vista	0001B	<u>2.60</u>	Chip	<u>\$275,000</u>
			8.65		\$1,475,000
		Total	38.96		\$8,565,000

In addition, crews will be working with the Canon Manor Road Maintenance District to slurry seal roads in their community. This work is being fully funded by the road maintenance district.

Treatment Types

Micro = Microsurface; BWC = Bonded Wearing Course; Crack = Crack Seal; Chip = Chip Seal; Slurry = Slurry Seal



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Directors – Sonoma County Water Agency

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Michael Thompson 521-1863

Supervisorial District(s):

All

Title: Rate Agreement for Participation in 5 Megawatt Solar Project

Recommended Actions:

Authorize the Water Agency's General Manager to execute the Rate Agreement with Power and Water Resources Pooling Authority for the Astoria II Solar Project for up to 5 MW of solar power for a term of 20 years.

Executive Summary:

This item recommends the authorization for the Water Agency's General Manager to execute the Rate Agreement for the Astoria II Solar Project.

The Sonoma County Water Agency (Water Agency) is a project participant of the Power and Water Resources Pooling Authority (PWRPA), which provides most of the electrical power for the Water Agency's facilities. PWRPA was formed in 2004 by a number of irrigation districts to collectively manage power assets and loads. Each PWRPA project participant is able to receive a customized blend of power from multiple sources. In 2011, the Water Agency's Board of Directors (Board) adopted an Energy Policy that directed the Water Agency to pursue the goal of achieving a net carbon neutral power supply for its operations. All of the power the Water Agency receives through PWRPA is from renewable or carbon-free sources. This power consists of (1) hydroelectric power from Water Agency's Warm Springs Dam; (2) power generated at the Sonoma County landfill from methane gas; and (3) hydroelectric power from the Western Area Power Administration.

Astoria Solar Project

PWRPA is participating in the development of the Astoria II Solar Project (Astoria II), which is the second phase of a photovoltaic solar generating facility in Kern County being developed by Recurrent Energy (Recurrent). The Astoria II will be owned and operated by Recurrent. PWRPA has the opportunity to purchase power from the project at a cost of \$0.064 per kwh, fixed for the entire 20 year term of the

agreement between PWRPA and Recurrent. This project is scheduled to be operational in December 2016.

An analysis was performed of anticipated future market prices for power by PWRPA’s General Manager. Based on this analysis, it is anticipated that the price of power from Astoria II would be less than non-renewable power at some point between 5 and 10 years after the facility becomes operational. Aside from power from small hydropower facilities, this project represents the lowest cost renewable power on the market today.

The Water Agency has the opportunity to purchase approximately 1 megawatt of solar power from the Astoria II project through an agreement with PWRPA, but may be able to purchase additional power should other PWRPA members not utilize their full share. In order to participate in this project, the Water Agency needs to execute the Rate Agreement with PWRPA for the Astoria II Solar Project.

Prior Board Actions:

11-03-2009 Agreement for Sale of Power from Warm Springs Dam
 03-22-2011 Water Agency Energy Policy and Energy Initiatives
 12-13-2011 Power and Water Resources Pooling Authority – Agreement to purchase all power generated by County of Sonoma Landfill Gas Project

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

County of Sonoma – Economic and Environmental Stewardship: A water & energy plan that maximizes renewable energy

Sonoma County Water Agency – Energy Goal 1, Provide Carbon-Free Water

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

The FY 13-14 budget includes \$4.95 million towards power purchases through PRWPA, PG&E, and Sonoma Clean Power.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

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

Draft Astoria II Rate Agreement (1 copy)



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 24
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): General Services, Auditor-Controller/Treasurer-Tax Collector, Sonoma County Water Agency, and Sonoma County Public Financing Authority

Staff Name and Phone Number:

Jane Elias 707-565-6483

Supervisorial District(s):

Countywide – All Districts

Title: Sonoma County Energy Independence Program Update

Recommended Actions:

1. Accept update report on Sonoma County Energy Independence Program; and
2. Acting as the Board of Directors of the Sonoma County Public Finance Authority: Adopt resolutions and approve agreements authorizing continued issuance and sale of revenue bonds, and loan of funds to the County, to fund the Sonoma County Energy Independence Program; and Acting as the County Board of Supervisors: Adopt resolutions authorizing the Treasurer to invest in bonds issued by the Public Finance Authority, and authorizing execution of various related agreements, including a bond purchase agreement and a loan agreement; and receive an update on the program activity of the Sonoma County Energy Independence Program (SCEIP); and
4. Acting as the Directors of the Sonoma County Water Agency: Adopt resolutions withdrawing funds from the County Treasury Pool, and authorizing the withdrawn funds to be invested in Sonoma County Energy Independence Program bonds as a long-term Water Agency investment; and
5. Acting as the County Board of Supervisors: Authorize the Program Administrator to take necessary actions to participate in the California Alternative Energy and Advanced Financing Authority (CAEATFA) PACE Loss Reserve Program.

Executive Summary:

On March 25, 2009, the Board of Supervisors established the Sonoma County Energy Independence Program ("Program"). Since the Program's inception, staff has provided the Board with quarterly Program reports. In September 2011, the quarterly updates were changed to semi-annual updates jointly with the required semi-annual bond issuance.

In this agenda item, we are updating the Board on Sonoma County Energy Independence Program activity, including commercial outreach efforts, requesting authorization to issue bonds and enter related financing agreements to carry on the Program for the next six months, and requesting authorization to have the S.C.E.I.P. Program Administrator enter into an agreement with CAEATFA to participate in the statewide PACE Loss Reserve

Fund Program.

The Program update, which is Attachment A, provides details and updates to Program participation volume, commercial outreach efforts, SCEIP Operations Plan, Advisory Group, federal legislative efforts, Federal Housing Finance Agency status, request for proposal results for outside bond issuance, and the CAEATFA Program, all of which have occurred since the last Board update on September 24, 2013.

Bond Authorization and Related Documents

In September 2013, the Board authorized bonds to be issued by the Public Financing Authority, and purchased (invested) by the Treasury on behalf of the Treasury Pool (\$45 million) or the Sonoma County Water Agency (\$15 million). This authorization expires on March 31, 2014. The \$60 million limit reflects the total commitment of funding from the Treasury and the Water Agency to invest in these assessment bonds.

Since the bonds carry a final maturity in excess of 5 years, Government Code section 53601 requires that your Board approve and authorize the Treasurer to make these dedicated investments.

Staff is requesting approval of the resolution authorizing the Public Financing Authority to issue, on a monthly basis, new bonds for the months of April 2014 through September 2014, and approval of a resolution authorizing the Treasurer to invest in the new bonds on behalf of the Treasury Pool or the Water Agency. Board approval of this resolution is required to allow Sonoma County Energy Independence Program to continue to finance energy and water improvements for Sonoma County property owners. The resolution allows the flexibility to issue specific 10 and 20 year non-residential contracts as separate bonds. This is important in that it provides flexibility to the County when and if it desires to sell the bonds on the open market as some investors may only be interested in bonds linked to commercial projects. Concurrent to continuing to finance projects directly, Program staff continues to look for opportunities to engage outside financing partners as a means to facilitate program sustainability and expansion.

California P.A.C.E. Loss Reserve Program Authorization and Related Documents

In September 2013, The State legislature provided \$10 million to compensate mortgage lenders for losses through creating a PACE Loss Reserve Program. Municipal governments that choose to participate in the CAEATFA Program will agree to various administrative reporting requirements and loan qualification standards. Local PACE programs could recover costs associated with participating in and processing claims through the CAEATFA Program as part of the fees charged to participating property owners.

The CAEATFA Program is intended to remove any additional risk to the first mortgage lender resulting from the existence of a PACE assessment on a property in a foreclosure or forced sale for unpaid taxes. Additionally, by tracking the performance of PACE portfolios over the next several years, the CAEATFA Program should provide more detailed information on the actual credit risk associated with PACE financing than is currently available. This information will be valuable and informative for potential investors in PACE bonds and securities and would validate the low risk posed by these investments. The validation of low risk associated with PACE portfolios would, in most cases, lower the interest rate such entities could demand for their investment. For additional details, see Attachment A.

Prior Board Actions:

This is the regular semi-annual update. Most recent actions include:
9/24/13 - Semi-annual update and Sonoma County Energy Independence Program bond authorization and

investment and interest rate determination paid to the Treasury
 3/26/13 - Semi-annual update and Sonoma County Energy Independence Program bond authorization and investment
 9/25/12 - Semi-annual update and Sonoma County Energy Independence Program bond authorization and investment

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Sonoma County Energy Independence Program provides information, resources and financing to people for energy efficiency, water conservation, and renewable energy generation improvements to their properties that result in reduced energy use, reduced greenhouse gas emissions, increased utility bill savings, increased employment for building contractors and suppliers, and facilitates all County, City and State efforts to meet their aggressive climate plan goals.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

N/A – This action is necessary to continue to operate the Sonoma County Energy Independence Program

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- A. Sonoma County Energy Independence Program Update (Att A)
- B. CAEATFA Board agenda packet from the February 18, 2014 meeting (Att B), including Emergency

Regulations

- C. Resolution authorizing the Public Financing Authority to issue and sell Sonoma County Energy Independence Program contractual assessment revenue bonds (reso#1)
- D. County Resolution Authorizing the Treasury to Invest in Sonoma County Energy Independence Program contractual assessment revenue bonds (reso#2)
- E. County Resolution consenting to Water Agency investment in Sonoma County Energy Independence Program contractual assessment revenue bonds (reso#3)
- F. Water Agency Resolution Authorizing the Treasury to Invest in Sonoma County Energy Independence Program contractual assessment revenue bonds (reso#4)
- G. County Resolution Approving Loan Agreements (reso#5)

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

- A. Bond Purchase Agreement between the Treasury and Public Financing Authority to purchase Sonoma County Energy Independence Program contractual assessment revenue bonds (agreement#1-SAMPLE as to form)
- B. Loan Agreement between the County and the Public Financing Authority (agreement#2-SAMPLE as to form)



ATTACHMENT A
March 25, 2014

**Sonoma County Energy Independence Program Activity Update
(Report covers activities from September 2013 through March 2014)**

The Sonoma County Board of Supervisors authorized the creation of the Sonoma County Energy Independence Program (SCEIP) in March 2009. As a county-administered, public service program, it provides Property Assessed Clean Energy (PACE) financing services and related resources community-wide, without profit, in order to assist in meeting the Community Climate Action Plan goal of reducing greenhouse gas emissions 25% below 1990 levels by 2015. SCEIP provides a viable and flexible County-wide financing option to achieve local energy independence. It must be pointed out that SCEIP is only one of several programs and initiatives that operate under the County’s Energy and Sustainability banner, all of which are intended to address your Board’s goal of mitigating climate change and/or facilitating the efforts required to adapt to our future environment.

SCEIP Financing Program:

Commercial Effort: Program staff has launched a focused effort specifically designed to outreach to commercial property owners and management companies in order to promote the advantages of PACE financing, incentives available, and additional resources.

Dashboard:

	Activity	Results		
		Complete	Ongoing/Pending	Numbers
Prospecting (180 hours)	<ul style="list-style-type: none"> – Canvassing businesses – Cold Calling – Generating Potential Leads List 	<ul style="list-style-type: none"> – Business Strategy Meetings – Testimonials – Audits Dashboard Numbers 	<ul style="list-style-type: none"> – Follow Up – Surveys – Referrals – Collect Utility Data 	<ul style="list-style-type: none"> 9 Referrals 29 Cold Calls/Emails 83 Canvassed 11 Audits 2 Completed Projects
Outreach (200 hours)	<ul style="list-style-type: none"> – Events and Workshops – Marketing – Business Group(s) Communication – Chamber Communication 	<ul style="list-style-type: none"> – New Marketing Collateral – Customer Testimonial Fliers – Resources Presentations – Planning Meetings – Chamber Membership 	<ul style="list-style-type: none"> – Networking Opportunities – Customer Feedback Survey 	<ul style="list-style-type: none"> 8 Events 3 Commercial Fliers 4 Testimonials 3 Strategy Meetings 1 Business Group Presentation



Partnerships (140 hours)	<ul style="list-style-type: none"> - Sonoma County Energy Watch - Economic Development Board - Sonoma County Green Business Program - RCPA BayREN Programs - Electric and Water Utilities - Contractors 	<ul style="list-style-type: none"> - Shared Resources: Mailing/Contact Lists - Leads/Customer Lists - Marketing Collateral 	<ul style="list-style-type: none"> - Strategy Meetings - Cross Marketing - Events/Speaking Engagements - Newsletter Articles - Facebook Posts - Co-table Events - Website Features 	1 Community Event Planned, April 17th
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Partnering and Prospecting: Program staff coordinated their outreach efforts with the Energy Watch Program staff to go out weekly and perform door-to-door canvassing to targeted businesses around the county. Through collaborative efforts with the Energy Watch Program, the Economic Development Board - Sonoma Green Business Program, and Water and Electric Utility partners, staff discusses PACE financing advantages and coordinates free energy and/or water audits to interested businesses. The audits report out on usage patterns and potential savings both in energy or water reduction along with the economic savings. These savings are captured through better, more efficient means and any rebates or incentives allowed. Staff follows up to discuss the PACE financing option.

On April 17, 2014, SCEIP, along with the Sonoma County Energy Watch Program and Pacific Gas and Electric, will be hosting a Local Energy Action Forum at Paradise Ridge Winery. The forum will accommodate up to 150 attendees and range from property owners, management firms, and business owners. We will recognize local business leaders in energy efficiency and solar, offer networking with peers, and provide information about local energy programs that can help reduce costs, save energy, and strengthen a business’s bottom line. Presentations by Congressman Thompson, Chair David Rabbitt, forum sponsors as well as the Sonoma Green Business Program will be given.

Outreach Events:

Date	Event	Type	Contacts
9/18-9/20/2013	Nationwide PACE Conference	attendee	35 attendees
10/3/2013	Petaluma Business Expo	table	1 lead, 75 touches, 350 attendees
10/16/2013	Impact Sonoma	table	1 lead, 25 touches, 300 attendees
10/29/2013	Commercial Real Estate Networking	table	10 touches, 60 attendees
11/12/2013	Sonoma Beer, Cider and Spirits Conference	table	15 leads, 50 touches, 500 attendees
1/24/2014	State of the County	table	5 leads – 42 touches – 450 attendees
1/29/2014	CEA - Solar Financing Forum	panel	15 attendees



2/11/2014	Windsor Business Expo	table	10 leads – 78 touches – 300 attendees
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Lead: Further follow-up resulted; Touch: A one-on-one conversation happened and information or resources were handed out.

Training: To better position staff in their efforts to engage commercial property owners, SCEIP staff attended the following classes for 31 hours of hands-on training. This has positioned the staff to advise commercial property owners on conservation projects to minimize energy demand and reduce emissions. This professional development effort includes specialization in areas where improvements to commercial buildings can be financed with PACE.

Date	Event	Type
10/17/2013	Hands on Lighting Audits and Retrofit Specifications	Commercial Lighting Audits
10/29/2013	Water Audit Basics for Small and Medium Size Businesses	Commercial Water Audits
12/11/2013	Benchmarking as a Business	Commercial Building Energy Profile
12/16/2013	Benchmarking Your Commercial Building	Creating a Commercial Building Profile using the EPA Portfolio Manager online tool
12/16/2013	You've Benchmarked Your Building: What's Next?	Use benchmark analysis to create an efficiency plan to gain EPA ENERGYSTAR® certification for building

Residential PACE Education and Outreach: In addition to specific commercial outreach events, the staff continues their residential PACE financing educational and outreach efforts through direct contact with the community, contractors and partner events. Below is a table of various events in which we hosted, presented or tabled.

Date	Event	Type
9/18/2013	Contractor Forum – Presentation by Populus	host
9/20/2013	Fall Home Show	booth
10/5/2013	Rohnert Park Health & Safety Fair	table
10/5/2013	Healthy Healdsburg	booth
10/9/2013	Healdsburg Community Fair	booth
10/10/2013	NCBE Careers in Construction	booth
10/16/2013	Contractor Forum – Presentation by Stopwaste	host
11/20/2013	Contractor Forum – Eligible Improvement Update	host
12/10/2013	HVAC & Insulation Contractor Workshop	host
1/15/2014	Contractor Forum – Utilizing PACE Financing as a Selling Tool	host
1/24/2014	State of the County	table
1/24/2014	Sonoma Renewable Strategies Conference	panel



1/29/2014	CEA - Solar Financing Forum	panel
2/19/2014	Contractor Forum – Moving Forward after FHFA	host
2/23/2014	Hispanic Business Expo	booth

Community Advisory Group: The Community Advisory Group consists of individuals and industry representatives engaged in activities that share the same goals and mission of SCEIP. The Advisory Group assists Program staff to develop and implement initiatives that expand and strengthen program effectiveness and sustainability. It provides a platform to bring forth, discuss and analyze program challenges and opportunities with the stakeholders directly impacted by the program operations. The Group will address Programmatic changes and impacts prior to making final decisions to ensure these decisions are for the betterment of the Program and the community.

David Sundstrom, as the SCEIP Program Administrator, is the Chair and facilitator for the Advisory Group. There are 12 members in the Advisory Group and they have met twice since inception of the group. The Advisory Group will meet quarterly or more frequently as determined by the Group Chair.

During the last meeting, staff provided background, details and outlined potential Program and lender impacts regarding the CAEATFA Program. The Group was also presented with the updated draft of the SCEIP Operations Plan. Input and direction has been provided and is currently being considered.

Status of the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) PACE Loss Reserve Program (CAEATFA Program):

Background: One of the justifications that the Federal Housing Financing Authority (FHFA) offered for not supporting PACE programs was their position that such programs could lead to increased mortgage defaults by property owners. Though data to support this position has been lacking, the concern has guided FHFA actions and tactics for the past several years. Last September, Governor Brown announced the state’s plan to develop a funded PACE reserve to protect mortgage lenders from losses they might incur as the result of PACE assessments on residential properties. In January 2014, the CAEATFA held a public workshop regarding the program and on February 18, the CAEATFA Board approved the emergency regulations. On Monday, March 10, 2014, the Office of Administrative Law approved the CAEATFA Program. This allows local PACE programs to apply directly to CAEATFA to participate in the Program.

Loss Reserve Goal: The CAEATFA Program is intended to remove any additional risk to the first mortgage lender resulting from the existence of a PACE assessment on a property in a foreclosure or forced sale for unpaid taxes. Additionally, by tracking the performance of PACE portfolios over the next several years, the CAEATFA Program should provide more detailed information on the actual credit risk associated with PACE financing than is currently available. This information will be valuable and informative for potential investors in PACE bonds and



securities and would validate the low risk posed by these investments. The validation of low risk associated with PACE portfolios would, in most cases, lower the interest rate such entities could demand for their investment.

The Basics: Here's how CAEAFTA's PACE loss reserve will work. The State legislature has provided \$10 million to compensate mortgage lenders for losses. Municipal governments that choose to participate in the Authority's program will agree to various administrative reporting requirements and loan qualification standards. Local PACE programs could recover costs associated with participating in and processing claims through the CAEAFTA Program as part of the fees charged to participating property owners. The CAEAFTA Program will cover two, specific types of losses for first mortgage lenders:

1. If a first mortgage lender forecloses on a property with a PACE assessment, the loss reserve CAEAFTA Program will cover the amount of property tax attributable to the PACE lien that is paid by the first mortgage lender while in possession of the property. The CAEAFTA Program will also cover penalties and interest if accrued through no fault of the first mortgage lender.
2. If the County conducts a forced sale on a property for unpaid taxes, the loan reserve Program will cover any losses to the first mortgage lender up to the amount of overdue PACE payments.

Impacts: Should existing PACE Programs decide to participate before June 5, 2014, the entire existing residential portfolio will be grandfathered in at no cost. Any new PACE applications will be subject to an additional one-time fee of .25% of the requested funding. (*Note: For an average residential SCEIP project of \$28,000, this equates to a onetime fee of \$70*).

During the February 5, 2014 meeting, the Community Advisory Group discussed the CAEAFTA Program. The Group agreed unanimously that participation would be a good idea; the fee was very reasonable; and should be considered as a pass-through to the applicant.

FHFA Concerns: Although the CAEAFTA Program was proposed in part as a way to address the Federal Housing Financing Agency's (FHFA) concerns regarding senior priority of PACE obligations, it's implementation is not contingent on FHFA approval. CAEAFTA notes that it solicited input from the FHFA, but the regulator has not yet indicated that the State's reserve alleviates its concerns. However it is important to note that before it was reversed on appeal, the U.S. District Court for the Northern District of California had ordered the FHFA to conduct a public notice and comment "rulemaking". In the final stage of that uncompleted process, the FHFA had indicated a willingness to consider insurance or reserves to shield Fannie and Freddie from losses. Regardless of FHFA approval, the CAEAFTA Program aims to encourage residential PACE programs and insure mortgage lenders against losses.

Tentative Timeline: March 10, 2014: Approval from the Office of Administrative Law, emergency regulations go in effect for 180 days.

June 5th: Last day for existing PACE programs to apply to accommodate existing portfolios

September 3rd: End of 180 days for emergency regulations.



Sonoma County staff has participated as a stakeholder in the process since last July. Staff attended meetings, submitted comments, provided reports and documentation and verified details regarding our SCEIP financing. As a result, the CAEAFTA Program guidelines align with the current SCEIP guidelines and SCEIP staff recommends participation in the CAEAFTA Program.

Status of Federal Housing Finance Agency Position on PACE Programs: There has been no change regarding the FHFA’s stance on PACE programs since the FHFA statement issued on July 24, 2013, where it withdrew the proposed rule on PACE but indicated it was not altering its policy set out in its previous statements. The FHFA had indicated it would continue to review programs that would support energy retrofits and might be appropriate for purchase by Fannie Mae and Freddie Mac.

In December 2013, North Carolina Congressman, Mel Watt was confirmed by Congress to become the new Director of the FHFA, replacing Edward DeMarco. On January 6, 2014, Mel Watt was sworn into office as the new Director.

Federal PACE Legislation:

SCEIP has been working with Lakecia Foster from Congressman Thompson’s office regarding language on a revised PACE legislation bill. Ms. Foster began working with Congressman Thompson’s office last September. Prior to joining the Congressman’s staff, Ms. Foster worked for Mel Watt when he was a Congressman. The Congressman’s staff has been working on getting bi-partisan support for the bill. To date, only Republican Peter King - Congressman from New York has indicated his support.

Congressman Thompson would like to introduce the legislation, prior to a meeting with Mel Watt. A meeting has been tentatively scheduled at the end of March, when Mel Watt is the guest speaker at the Democratic Delegation luncheon.

Status of the PACE Financing Marketplace:

General Services Energy and Sustainability Division issued a Request for Information and received four responses. The responses have been evaluated and the next step is to create an “agreement “or “memorandum of understanding” document that satisfies the County’s issues and leads to the provision of PACE services and funds by the entities that the County agrees to include in the Financing Marketplace portfolio. The eventual agreement would be a shared service agreement facilitated through the General Services Department, Energy and Sustainability Division, and structured similar to other share service agreements currently in place with other entities. The County’s own PACE financing program known as SCEIP, and as currently provided through the ACTTC, would continue to be offered to property owners as one of the funding choices in the Financing Marketplace. Based on the parameters established in the original agreements between the County and the Cities that led to the establishment of SCEIP, the cities in Sonoma County will need to be engaged and asked to decide if they are willing to participate in the Marketplace program. Cities that elect to do so will in effect be



allowing additional PACE providers in their jurisdiction, all of whom will be channeled through and operate through the SCEIP front door. The intent of the Marketplace is to provide additional choices to property owners in recognition of the diversity of circumstances that each property owner may be facing. Though the base financing vehicle will remain a property assessment, property owners will see an expansion in levels of interest rates, allowable improvements, pay back terms and other factors that best suit their needs. As an aside the City of San Francisco is trying to establish something similar and together we are working to figure out the details. The Energy and Sustainability Division intends to revisit this endeavor with the Board as further details develop.

PACE Bond Sale: The Sonoma County Treasury and the Sonoma County Water Agency together have authorized a maximum of \$60 million to be invested in SCEIP contractual assessment revenue bonds. Early pay offs of some assessments coupled with measured program growth has allowed for continued funding of new program participants, and it is anticipated that interest and efforts to increase program participation will eventually lead to the \$60 million threshold. Currently, \$14 million remains available for project funding. Staff expects this amount to meet the financing needs for the next 3-4 years. In an effort to anticipate additional funds needed to continue the County PACE financing, the Treasurer's office issued a Request for Information (RFI) in December 2013. The Treasurer's office issued the RFI to determine whether selling a portion of the PACE bonds currently held by the Treasury to secondary market investors is viable. It is important for the program to explore the interest of the secondary bond market in order to explore the availability of future new funding sources. Staff received 4 responses to the RFI and the general theme was that while there is growing interest in purchasing our bonds the desired yield was at or above the Program's current interest rate of 7% making a sale unachievable at this time. One respondent was especially focused on the non-residential portion of our present and future portfolio as it is unconstrained by the FHFA's current stance on residential PACE. The positive take away from this process is that there are now many more interested investors in the PACE bond market and as other programs grow and mature we will continue to see an increase in the acceptance of these types of bonds which we hope will result in more favorable interest rates and an increase in the number of interested buyers. The potential positive impact of FHFA's acceptance of the CAEATFA Program cannot be understated and we look forward to the bond market's increased acceptance of PACE in the near future as a result. The combination of the financing marketplace and the availability of bond market financing will supply the Program's future project financing needs.



Property Assessed Clean Energy Financing (PACE) Results:

Annual Greenhouse Gas Emissions Reduction Summary for PACE Projects since 2009

Therms saved	121,033
kWh saved	15,345,584
Greenhouse gas metric tons CO ₂ saved	8,142 (equivalent to removing 1,700 cars off the road)
# solar installations completed	1,285
Annual Generation capacity of projects	9.2 MW

Job Creation Summary for PACE Projects since 2009

# improvements completed by local contractors	2,648
% of improvements completed by local contractors	80%
# jobs retained/created	721 using the ARRA* formula

* ARRA: American Recovery and Reinvestment Act.

PACE Funding Summary since September 2013 Board Report

	# of Applications	Funding
Applications Received	99	\$2,478,458
Applications Approved	91	\$2,374,959
Projects Funded	78	\$2,133,716

PACE Funding Summary since 2009 Program Launch

	# of Applications	Funding
Applications Received	2,844	\$101,987,511
Applications Approved	2,209	\$74,507,840
Projects Funded	2,041	\$66,369,552

PACE Projects by Supervisor District since 2009

Residential	District 1	District 2	District 3	District 4	District 5
# of properties	47,505	36,809	12,271	26,348	32,563
# of assessments	546	303	324	421	386
Percentage %	1.15%	0.82%	2.64%	1.60%	1.19%
Total Funding Amount	\$17,434,758	\$8,014,103	\$7,466,043	\$11,051,766	\$11,436,125
Commercial	District 1	District 2	District 3	District 4	District 5
# of properties	5,260	3,683	2,048	6,598	4,209
# of assessments	8	6	17	9	21
Percentage %	0.15%	0.16%	0.83%	0.14%	0.50%
Total Funding Amount	\$799,913	\$2,315,096	\$1,880,179	\$1,668,904	\$4,281,883

**CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING AUTHORITY**
Meeting Date: February 18, 2014

***Request to Consider and Approve Emergency Regulations for the Property Assessed Clean
Energy (PACE) Loss Reserve Program***

Prepared By: *Noah Proser*

Issue. In 2013, Senate Bill 96 (Committee on Budget and Fiscal Review) authorized the California Alternative Energy and Advanced Transportation Financing Authority (Authority or CAEATFA) to create a risk mitigation program for Property Assessed Clean Energy (PACE) loans using \$10 million allocated in the Budget Act of 2013. Pursuant to this authority, CAEATFA staff (Staff) are proposing emergency regulations to create a residential PACE Loss Reserve Program (Program). The proposed regulations are included in Attachment A.

Background. PACE is an innovative financing method that uses community facility districts or improvement districts to finance the installation of distributed generation renewable energy sources, electric vehicle charging infrastructure, or energy or water efficiency improvements. PACE improvements can be funded by bonds or other sources of capital that are repaid through the property owner's property tax bill. PACE allows homeowners to finance retrofits over up to 20 years with no money down. Additionally, PACE obligations have lien-priority over other voluntary obligations. The security provided by this priority allows PACE programs to offer favorable interest rates.

In 2010, the Federal Housing Finance Agency (FHFA) raised concerns that Property Assessed Clean Energy (PACE) financing created safety and soundness concerns for federal mortgage enterprises due to its priority lien status over mortgages. FHFA directed federal mortgage enterprises to adjust their lending criteria in areas with residential PACE programs and require homeowners to seek approval from their mortgage lenders before taking on a PACE obligation. Following this decision, many PACE administrators halted their residential PACE programs to avoid placing homeowners in conflict with the terms of their mortgages. The State of California and several other parties sued FHFA for making this decision without a formal rulemaking; however, in March 2013, the 9th Circuit Court of Appeals ruled in FHFA's favor.

The proposed Program seeks to address FHFA's concerns regarding the senior lien priority of PACE obligations by reimbursing first mortgage lenders for specified losses resulting from the existence of a PACE lien on a property during a foreclosure or forced sale for unpaid property taxes. Covering those losses should mitigate any additional risk to first mortgage lenders created by PACE liens and allow residential PACE programs in California to move forward.

PACE Loss Reserve Program Goals & Development.

1. Program Goals.

The Program is intended to remove any additional risk to the first mortgage lender resulting from the existence of a PACE loan on a property in a foreclosure or forced sale for unpaid taxes. By addressing the concerns raised by FHFA, the Program should provide additional safeguard for both existing and new residential PACE programs to expand in California. If FHFA and the federal mortgage enterprises are satisfied, they may allow mortgages to be purchased without requiring the PACE loan to be extinguished. Lifting this requirement would restore one of the principal advantages of PACE financing: transferability of the loan upon the sale of a home.

Additionally, by tracking the performance of PACE portfolios over the next several years, the Program should provide more detailed information on the actual credit risk associated with PACE financing than is currently available. This information will be useful for potential investors in PACE bonds and securities and may allow them to accept lower returns on these investments.

2. Program Development.

Staff has been working with stakeholders on program goals and potential structures since July 2013 and has determined that a loss reserve model would accomplish the Program’s goals efficiently and at a reasonable cost to participants and the State.

Staff provided the proposed regulations to the public for review and comment on January 16, 2014 and held a workshop on January 24, 2014. Forty-three stakeholders participated in the workshop, and seven comment letters were submitted to the Authority. After considering the comments received, Staff provided revisions to the proposed regulations on February 4, 2014 and received four additional comment letters to date.

Staff has analyzed and considered all comments and incorporated changes to the emergency regulations when appropriate. The proposed final emergency regulations balance stakeholders’ comments with the statutory, legal and Program administration framework.

Program Structure.

1. Application – §10081

To apply for the Program, PACE program administrators will submit:

- the formation documents required by the PACE program’s authorizing statute;
- documents showing the PACE program meets the Authority’s underwriting criteria;
- a description of transactional activities including fees;
- a description of quality assurance and consumer protection protocols; and,
- information on the size of their existing loan portfolios.

Additionally, applicants will agree to permit CAEATFA to audit their records as requested by the Executive Director. CAEATFA will have 10 calendar days to review and approve complete applications.

Key Policy Issues and Decisions:

The Authority’s statute specifies underwriting criteria that PACE programs receiving assistance must meet. The underwriting criteria listed in the proposed regulations are largely drawn from these statutory criteria. Stakeholders have commented that some of these criteria are too restrictive and do not match their current practices.

Loan Value Limitation

CAEATFA’s statute limits the value of loans receiving assistance to less than 10% of the home value.¹ Several stakeholders have commented that this limitation will preclude homeowners in less affluent areas from performing whole-house energy efficiency retrofits or installing rooftop solar. While stakeholders have suggested several alternative underwriting criteria that could provide similar or greater levels of protection, these alternatives would require a statutory change.

Requirement to Meet Underwriting Criteria in Full

Some stakeholders also suggested that PACE programs would appreciate the ability to partially enroll in the Program, covering only those loans that met the criteria. Doing so would provide those PACE programs using different underwriting criteria than the Program with the flexibility to enroll without altering their current operations; however, Staff determined that partial enrollment would weaken the impact of the Program. Allowing partial enrollment would also create an administrative burden for mortgage lenders, PACE programs, and the Authority to establish the eligibility and coverage status of each loan.

In the application to the Program, PACE programs will demonstrate that these criteria are met going forward, but their existing portfolios will not need to meet the criteria to be covered as described below. It is unclear whether requiring full enrollment will deter participation from PACE programs with less restrictive underwriting criteria. Some stakeholders have indicated that they may temporarily alter their programs to meet the underwriting criteria, but will seek legislative changes to the 10% limitation in the long term.

2. Function of the Reserve - §10083

The Program will cover two, specific types of losses for first mortgage lenders:

- a. If a first mortgage lender forecloses on a property with a PACE loan, the Program will cover the amount of property tax attributable to the PACE lien that is paid by the first mortgage lender while in possession of the property. The Program will also cover penalties and interest if accrued through no fault of the first mortgage lender.

¹ Public Resources Code §26063(a)(4)

- b. If a county conducts a forced sale on a property for unpaid taxes, the Program will cover any losses to the first mortgage lender up to the amount of overdue PACE payments.

PACE programs will submit claims for eligible losses to CAEATFA and either accept payment from the loss reserve as a reimbursement or as a pass-through to the first mortgage lender.

Staff analyzed several potential liability scenarios and determined that the \$10 million authorized for the Program should last beyond 10 years in most cases. Even in the most conservative scenario, the reserve is projected to last through year eight. While this scenario is unlikely, it would still provide sufficient time to better understand the performance of PACE portfolios and seek additional funds if necessary.

In reality, Staff expect the reserve funds to last beyond 10 years since losses are limited in several ways. Unlike traditional property taxes, PACE loans are screened by PACE programs' underwriting criteria to select homeowners that are likely to repay their obligations. Where homeowners do fail to pay their obligations (either the PACE assessment or the mortgage), claims to the reserve are limited to those cases where the first mortgage lender takes possession of the home or where the property is sold by the county for less than the combined value of the taxes and the first mortgage. Since regular property tax payments will resume upon the property's sale, the reserve will not be liable for the full PACE loan amount, only those payment amounts described above.

Key Policy Issues and Decisions:

Eligibility of Losses to Private Mortgage Lenders

The proposed Program would cover losses to any first mortgage lender as described above. Some stakeholders have commented that reserve funds should solely be used to compensate federal mortgage enterprises to address FHFA's specific concerns and increase the lifespan of the \$10 million currently allocated. Staff has determined that discriminating between federal mortgage enterprises and other first mortgage lenders would result in confusion and uncertainty in the market. Since mortgages are resold regularly and private mortgage lenders may have similar concerns as FHFA, Staff is proposing to cover all first mortgage lenders for eligible losses.

Limitation of Losses to First Mortgage Lenders

Additionally, Staff had not originally specified that losses could only apply to first mortgage lenders. Stakeholders commented that only first mortgage lenders should be eligible to receive payments from the reserve, as second mortgages have a lesser lien priority. It is unlikely that a second mortgage lender would incur the eligible losses described; however, Staff has updated the proposed regulations to limit losses to first mortgage lenders to address this possibility.

3. Coverage of PACE Portfolios – §10082

The Program will cover PACE loans for the length of their terms for the losses allowed under the Program as specified. All loans issued by enrolled programs and included on reports submitted to the Authority will be covered by the reserve. In addition, the Program will accommodate existing loan portfolios of existing programs that apply up to 90 days after the regulations take effect, and any loans issued by a newly created PACE Program up to 30 days before its enrollment in the Program.

Key Policy Issues and Decisions:

Accommodating Existing PACE Programs' Loan Portfolios

Staff has proposed to incorporate the existing portfolios of PACE programs to minimize risk and uncertainty in the market and maximize the Program's impact. For existing PACE Programs that apply within 90 days of the effective date of the regulations, the Program will cover any loans issued through the enrollment date. These loans will be covered at no charge since the PACE Programs have no means of collecting additional fees from loans that have already been issued, and the Authority already has a budget allocation for administrative expenses in the current year. Additionally, for new PACE Programs, Staff has proposed a 30 day coverage window before enrollment to allow those programs to begin lending during the Authority's review of their applications. Loans issued within that 30 day period would also be covered at no charge. As discussed above, the preexisting loans would not need to meet the Program's underwriting criteria to be covered by the reserve.

4. PACE Program Reporting and Administrative Fee - §10086

Enrolled PACE programs will report to CAEATFA on March 1st and October 1st of each year. The March 1st report will include information on loans issued between July 1 and December 31 of the previous year. The October 1st report will include information on loans issued between January 1 and June 30 of that year, and cumulative information on the loan portfolio and energy and water savings resulting from the PACE loans.

Each of these reports will be submitted with an administrative fee of 0.25% (25 basis points) of the principal value of new loans issued during the reporting period. This fee will not be assessed on the existing portfolio of loans described above.

Key Policy Issues and Decisions:

Administrative Fee

The administrative fee is designed to cover the Authority's reasonable costs of administering the Program over twenty or more years. Since many PACE loans have 20-year terms, Staff expects to administer the Program for up to 20 years after the last loan is issued. Fee revenue will depend on enrollment and loan activity, and may need to be adjusted once a track record for the Program is established. Some stakeholders requested a formal timeline for review of the fee amount. Staff is proposing to review the fee after two years and annually thereafter or upon determination by the Board.

5. Reports to the Legislature

As required by the Program’s authorizing statute, the Authority will report the status of the loss reserve account, a summary of the loans that received assistance, the amount of energy savings resulting from and number of jobs created by those loans, and a summary of the benefits provided by the Program to the Legislature on an annual basis. Due to the standard timeframes for the preparation of annual tax levies, the reported data will be based on the fiscal year.

Regulatory Process.

Upon Board approval of the proposed final emergency regulations, the formal emergency rulemaking process will begin. Staff will post the notice of emergency rulemaking, a finding of emergency and the text of emergency regulations to the CAEATFA website. Staff will also provide these documents to all interested parties through the e-mail listserv. Upon submittal of the regulation package to the Office of Administrative Law (“OAL”), emergency regulations will be subject to a five day public comment period. CAEATFA will have until day eight to respond to any public comments that are submitted; and OAL must make a final decision on the tenth day following submission. If on the tenth day OAL approves the emergency regulations, they will be filed with the Secretary of State and become effective upon this filing date. The emergency regulations will be valid for six months (180 days), during which time CAEATFA will begin the regular rulemaking process.

Tentative Timeline.

All of the dates below are tentative and subject to change at any time.

February 18 th	CAEATFA Board reviews and approves emergency regulations and proposed Program forms
February 25 th	Emergency regulations are submitted to OAL five business days after approval by the Board and notice by the Authority
March 7 th	OAL decision deadline, emergency regulations in effect for 180 days
June 5 th	Last day for existing PACE programs to apply to accommodate existing portfolios
September 3 rd	End of 180 Days for emergency regulations

Recommendation. Staff recommends adoption of a resolution to approve the proposed emergency regulations establishing the PACE Loss Reserve Program and authorize Staff to undertake emergency and regular rulemaking proceedings and other actions related to promulgation of the regulations.

Attachments:

- Attachment A – Proposed Text of Emergency Regulations

Resolution of the California Alternative Energy and Advanced Transportation Financing Authority Approving Regulations and Authorizing Emergency and Regular Rulemaking Proceedings and Other Actions Related Thereto, Including the Public Notice and Comment Procedures to Implement The PACE Loss Reserve Program

WHEREAS, the California Alternative Energy and Advanced Transportation Financing Authority ("Authority") is authorized by California Public Resources Code Section 26009 to adopt regulations to implement and make specific the statutory provisions governing the Authority; and

WHEREAS, the Authority has determined that amendments to the Authority's regulations relating to its implementation of the PACE Loss Reserve Program (the Program), as authorized in Section 26060 of the Public Resources Code, are necessary to be adopted at this time to implement the Program.

NOW, THEREFORE, BE IT RESOLVED by the California Alternative Energy and Advanced Transportation Financing Authority as follows:

Section 1. The proposed form of Regulations, on file with the Authority, is hereby approved. The Chair, Executive Director and Deputy Executive Director are hereby authorized to file the Regulations, with the supporting documentation required by law, with the Office of Administrative Law as emergency regulations in the form currently on file with the Authority.

Section 2. The Chair, Executive Director and Deputy Executive Director are hereby authorized to proceed with the public notice and comment procedures required by California Rulemaking Law prior to submitting emergency and regular regulations to the Office of Administrative Law.

Section 3. The Chair, Executive Director and Deputy Executive Director of the Authority are hereby authorized to take necessary actions, including making any necessary changes to the Regulations to secure approval by the Office of Administrative Law, and to execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately upon its approval.

Attachment A

PROPOSED TEXT OF REGULATIONS

CALIFORNIA CODE OF REGULATIONS

Title 4. Business Regulations

Division 13. California Alternative Energy and Advanced Transportation Financing Authority

CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY REGULATIONS IMPLEMENTING THE PACE LOSS RESERVE PROGRAM

Article 4. PACE Loss Reserve Program

§10080. Definitions.

(a) “Authority” means the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) established pursuant to Division 16 (commencing with Section 26000) of the Public Resources Code.

(b) “Executive Director” means the Executive Director of the Authority or his or her designee.

(c) “Loan” means a loan issued by, or a contractual assessment or special tax levied by a PACE program.

(d) “PACE Program” means a residential property assessed clean energy program financing the installation of distributed generation renewable energy sources, electric vehicle charging infrastructure, or energy or water efficiency improvements and established pursuant to:

- (1) Chapter 29 (commencing with Section 5898.10) of Part 3 of Division 7 of the Streets and Highways Code; or,
- (2) Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code.
- (3) A charter city’s constitutional authority under Section 5 of Article XI of the California Constitution.

(e) “Program” means the PACE Loss Reserve Program established pursuant to Chapter 4 (commencing with Section 26050) of Division 16 of the Public Resources Code.

§10081. Application by PACE Program to the PACE Loss Reserve. A PACE Program seeking to participate in the PACE Loss Reserve Program shall complete an application that shall include the following information:

(a) The formation documents required pursuant to:

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- (1) Streets and Highways Code Sections 5898.12, 5898.14, and 5898.20 – 5898.22;
or,
 - (2) Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code; or,
 - (3) In the case of a charter city, a copy of a resolution or other document adopted by the city’s governing board evidencing approval of the PACE Program.
- (b) If not included in the documentation required in subdivision (a) above, documents showing that the PACE Program requires that property owners can show all of the following as part of the financing underwriting process:
- (1) All property taxes for the assessed property are current for the previous three years or since the current owner acquired the property, whichever period is shorter.
 - (2) The property is not subject to any involuntary lien in excess of \$1,000.
 - (3) The property is not subject to any notices of default.
 - (4) The property owner is not in bankruptcy proceedings.
 - (5) The property owner is current on all mortgage debt.
 - (6) The party seeking financing is the holder of record on the property.
 - (7) The property is within the geographical boundaries of the PACE Program.
 - (8) The Loan is for a residential property of three units or fewer.
 - (9) The Loan is for less than ten percent (10%) of the value of the property.
- (c) If not included in the documentation required in subdivision (a) above, a detailed description of:
- (1) The transactional activities associated with the Loan issuance, including all transactional costs; and,
 - (2) Requirements for quality assurance and consumer protection, as related to achieving efficiency and clean energy production.
- (d) A summary of the PACE Program’s existing residential financing portfolio certified pursuant to Section 10087 as of the date of application. The summary shall include the following information:
- (1) The total number of Loans in the portfolio.
 - (2) The total value of the portfolio.
- (e) The PACE Program's agreement to permit an audit of any of its records relating to enrolled Loans, during normal business hours on its premises, by the Authority or its agents, and to supply such other information concerning enrolled Loans as shall be requested by the Executive Director.

- (f) Upon receipt of a completed application, the Executive Director will within ten business days review and determine whether additional information is required, or whether the application is sufficient to enroll the PACE Program. The Executive Director's decision whether an application is sufficient shall be final.

§10082. Coverage of PACE Loan Portfolios.

- (a) For PACE Programs created before the effective date of these regulations and making application pursuant to Section 10081 not more than 90 calendar days after the effective date of these regulations, all PACE Loans outstanding at the time of enrollment shall be covered by the loss reserve pool for the length of their term. In addition PACE Loans originated after enrollment and included in reports as provided in Section 10085 shall be covered by the loss reserve pool for the length of their term.
- (b) For PACE Programs created after the effective date of these regulations, all PACE Loans originated not more than 30 calendar days before the date of the PACE Program enrollment pursuant to Section 10081 shall be covered by the loss reserve pool for the length of their term. In addition PACE Loans originated after enrollment and included in reports as provided in Section 10085 shall be covered by the loss reserve pool for the length of their term.

§10083. Claims Against the Loss Reserve Pool. Any PACE Program may make claim for payment from the loss reserve pool for the following losses incurred by first mortgage lenders and limited to losses on the Loans described in Section 10082 directly attributable to the existence of a PACE Program lien on a specified property. Losses include:

- (a) Losses resulting from the first mortgage lender's payment of any PACE assessment paid while in possession of the property subject to the PACE assessment. Losses may also include penalties and interest where they have accrued through no fault of the first mortgage lender.
- (b) In any forced sale for unpaid taxes or special assessments, losses incurred by the first mortgage lender resulting from PACE assessments being paid before the outstanding balance.

In no instance shall the loss exceed the amount of the PACE assessment, or in the case of forced sale for unpaid taxes or special assessments, the amount of the delinquent PACE assessments.

§10084. Claims Procedure.

- (a) Any PACE Program seeking to make a claim against the loss reserve pool for losses as described in Section 10083 shall submit satisfactory evidence of the eligible loss,

including but not limited to the assessor's parcel number, the loss amount, the origination date, the first mortgage lender, the date of the loss or losses, and the certification described in Section 10087. The Authority shall make payments to PACE Programs within 20 calendar days of receipt of a completed claim.

- (b) In the event of an eligible claim on a Loan where the PACE Program has been terminated pursuant to Section 10086, the Authority may seek additional evidence of the eligible loss from the first mortgage lender.

§10085. PACE Program Reporting and Administrative Fee.

- (a) Each enrolled PACE Program shall report to the Authority twice each calendar year. These reports shall be certified pursuant to Section 10087.
 - (1) On March 1st of each year, each enrolled PACE Program shall submit the following for the period from July 1 through December 31:
 - i. The assessor's parcel number, principal amount, annual assessment amount and term of each new Loan originated in the reporting period.
 - ii. The total number and value of new Loans originated in the reporting period.
 - iii. Payment of the administrative fee set forth in paragraph (b) of this section.
 - (2) On October 1st of each year, each enrolled PACE program shall submit the following for the period from January 1 through June 30:
 - i. The information and payment outlined in subdivision (a)(1) above.
 - ii. The total number of outstanding Loans.
 - iii. The total value of the Loan portfolio.
 - iv. Information on energy and water savings resulting from the projects funded by the covered portfolio of Loans.
- (b) The Authority shall assess an administrative fee of 0.0025 (0.25%) of the principal value of each Loan issued by a Participating PACE Program during the period covered by the report, except those outstanding at the time of enrollment as described in Section 10082. Two years after the effective date of these regulations and every year thereafter, the Authority shall review the fee. In addition, the Authority may review the fee at any time upon a vote of a majority of the Authority.
- (c) In the event that a report and payment is not received within 60 calendar days of the due date as set forth in this section, the Authority may terminate the PACE Program's enrollment, pursuant to Section 10086(b).

§10086. Termination and Withdrawal from the Program.

- (a) Each enrolled PACE Program may withdraw from the Program after giving written notice to the Authority. The notice shall specify either:
 - (1) That the enrolled PACE Program waives any further interest in the loss reserve pool (including for the reason that all Loans covered by the loss reserve pool have been repaid); or,
 - (2) That the enrolled PACE Program will not enroll any further financings under the Program but shall continue to count on the loss reserve pool to secure all Loans reported prior to the notice.

- (b) The Executive Director may terminate participation of an enrolled PACE Program in the Program, by notice in writing, upon the occurrence of any of the following:
 - (1) Entry of a cease and desist order, regulatory sanction, or any other action against the PACE Program that may impair its ability to participate in the Program; or
 - (2) Failure of the enrolled PACE Program to abide by any applicable law, including these regulations; or
 - (3) Failure of the enrolled PACE Program to report any Loans under the Program for a period of one year; or
 - (4) Provision of false or misleading information regarding the enrolled PACE Program to the Authority, or failure to provide the Authority with notice of material changes in submitted information regarding the enrolled PACE Program.

In the event of termination, the enrolled PACE Program shall not be authorized to have any further Loans covered by the loss reserve pool, but all previously enrolled Loans shall continue to be covered by the loss reserve pool until they are paid, claims are filed, or the enrolled PACE Program withdraws from the Program pursuant to this section.

§10087. Certification of Reports and Claims.

- (a) All applications, reports and claims submitted by a PACE Program must be signed by the PACE Program administrator certifying that they are accurate and true.

- (b) If an application, report or claim is submitted by a third-party program administrator on behalf of a PACE Program, an appropriate public official must provide the Authority with a signed letter certifying that the PACE Program has the ability to audit the records of the third-party administrator, including all information included in the applications, reports and claims submitted to the Authority.

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County of Sonoma

State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Governing Board Of The Sonoma County Public Financing Authority,
Providing For The Issuance And Sale Of Contractual Assessment Revenue Bonds, Approving As
To Form And Authorizing The Execution And Delivery Of Loan Agreements And Bond
Purchase Agreements In Connection Therewith, And Authorizing Certain Other Matters
Relating Thereto**

RECITALS:

A. The Board of Supervisors ("County Board") of the County of Sonoma, California (the "County") by its Resolution No. 09-0184 (the "Resolution of Intention") declared its intention to establish the Sonoma County Energy Independence Program (the "SCEIP") to finance the acquisition and construction or installation of distributed generation renewable energy sources and energy efficiency improvements, which include water efficiency improvements (the "Improvements"), on or in properties in the County through contractual assessments pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code, commencing with Section 5898.10, ("Chapter 29") and ordered the preparation and filing of a report (the "Report") with the County Board and provided that bonds may be issued under the Resolution of Intention pursuant to the provisions of Chapter 29 or, in cooperation with the Sonoma County Public Financing Authority (the "Authority"), pursuant to the provisions of Articles 1 through 4 (commencing with Section 6500) of the Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended (the "JPA Act"), including the provisions of the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 of the JPA Act, as it may be amended from time to time.

B. Following notice duly given in accordance with law, the County Board held a public hearing regarding the SCEIP as described in the Report.

C. Following the public hearing, pursuant to its Resolution No. 09-0271, the County Board established the SCEIP and confirmed contractual assessments to be levied against properties in the County within the parameters of the Report.

D. Pursuant to the SCEIP, the County may enter into contractual assessment agreements (each, an "Assessment Contract") with property owners whereby the County will extend financing to such property owners for the construction and/or installation of Improvements on or in the owners' properties.

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E. Pursuant to the Assessment Contracts, the property owners who are parties to such agreements will agree to repay the amounts disbursed to the owners under the Assessment Contracts, plus Capitalized Interest (defined herein), if applicable, through the levy of assessments by the County against the property owners' properties pursuant to Section 5898.30 of Chapter 29 (each, an "Assessment").

F. The Governing Board of the Authority (the "Authority Board") pursuant to its Resolution 09-0359 (the "Initial Resolution of Issuance") previously issued contractual assessment revenue bonds under and pursuant to the JPA Act for the purpose of providing funds to make separate loans (a separate loan with respect to each series of bonds) (the "Loans") to the County to make disbursements pursuant to the Assessment Contracts to property owners for the cost of Improvements.

G. The Initial Resolution of Issuance anticipated that the need may arise in the future, for the purpose of providing financing for the SCEIP, for the Authority Board to adopt additional resolutions providing for the issuance and sale of additional series of contractual assessment revenue bonds (each, an "Additional Series of Bonds") under and pursuant to the JPA Act and approving as to form and authorizing the execution and delivery of loan agreements and bond purchase agreements in connection therewith (each, an "Additional Resolution of Issuance").

H. Upon expiration of the authority to issue bonds pursuant to the Initial Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 09-0689 (the "Second Resolution of Issuance"), upon expiration of the authority to issue bonds pursuant to the Second Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 09-1024 (the "Third Resolution of Issuance"), upon expiration of the authority to issue bonds pursuant to the Third Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 10-0324 (the "Fourth Resolution of Issuance"), upon expiration of the authority to issue bonds pursuant to the Fourth Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 10-0612 (the "Fifth Resolution of Issuance"), upon expiration of the authority to issue bonds pursuant to the Fifth Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 11-0135 (the "Sixth Resolution of Issuance"), upon expiration of the authority to issue bonds pursuant to the Sixth Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 11-0506 (the "Seventh Resolution of Issuance"), and upon expiration of the authority to issue bonds pursuant to the Seventh Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 12-0144 (the "Eighth Resolution of Issuance"), and upon expiration of the authority to issue bonds pursuant to the Eighth Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 13-0117 (the "Ninth Resolution of Issuance"), and upon expiration of the authority to issue bonds pursuant to the Ninth Resolution of Issuance, the Authority Board adopted an Additional Resolution of Issuance, Resolution No. 13-0380 (the "Tenth Resolution of Issuance") pursuant to which Resolutions of Issuance the Authority Board issued Additional Series of Bonds under and pursuant to the JPA Act for the purpose of providing funds to make separate Loans to the County to make disbursements pursuant to the Assessment Contracts to property owners for the cost of Improvements.

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J. The authority to issue bonds pursuant to the Tenth Resolution of Issuance expires on March 31, 2014 and upon such expiration the Authority Board desires to issue several Additional Series of Bonds (as determined in accordance with Sections 2.3 and 11.1 of this Resolution) (the "Bonds"), pursuant to and secured by this Resolution in the manner provided herein.

K. The issuance of the Bonds to provide funding for and in accordance with the SCEIP will provide significant public benefits to the citizens of the County in the form of more efficient delivery of the SCEIP to residential and commercial development within the County.

L. As required by Section 9 of the Initial Resolution of Issuance, this Additional Resolution of Issuance and related agreements are substantially in the form of the Initial Resolution of Issuance and the agreements approved thereby.

M. In order to effectuate the sale of the Bonds, the Authority Board desires to approve the form of, and authorize the execution and delivery of, one or more loan agreements (each, a "Loan Agreement" and collectively, the "Loan Agreements") and one or more bond purchase agreements (each individually, and collectively, as the context may require, the "Purchase Agreement"), the forms of which are on file with the Secretary of the Authority.

NOW THEREFORE, THE GOVERNING BOARD OF THE SONOMA COUNTY PUBLIC FINANCING AUTHORITY, CALIFORNIA HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. DEFINITIONS; RULES OF CONSTRUCTION; AUTHORIZATION AND PURPOSE OF BONDS; EQUAL SECURITY.

Section 1.1. Definitions. Unless the context otherwise requires, the following terms shall, for all purposes of this Resolution and of any Supplemental Resolution and of the Bonds, and of any certificate, opinion or other document herein mentioned, have the following meanings:

"Alternate Purchaser" means an original purchaser of a Series of Bonds, which is authorized as an original purchaser by an Alternate Purchaser Resolution of the Authority, and which is not the Treasurer of the County of Sonoma, for and on behalf of the County Pool, or, for and on behalf of the Sonoma County Water Agency.

"Alternate Purchaser Resolution" means a resolution of the Authority authorizing an Alternate Purchaser to purchase a Series of Bonds, specifying the original aggregate principal amount of such Series of Bonds and approving the form of the Purchase Agreement for such Series of Bonds.

"Assessment Contracts" means, as to each Loan, the agreements by and between the County and property owners identified on the "Assessment Contract Schedule" attached as "Exhibit A" to the governing Loan Agreement, whereby the County agrees to provide financing to such property owners for the installation and/or construction of Improvements to the owners' properties.

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“Assessment Installments” means, as to each Loan, the installments of principal, interest and premium, if any, to be paid on the unpaid Assessments by the owners of real property as provided by the applicable Assessment Contracts. The term “Assessment Installments” does not include the “Annual Administrative Assessment” paid by property owners pursuant to the Assessment Contracts.

“Assessment Revenues” means, as to each Loan, the revenues received by the County in each Fiscal Year from the collection of the annual Assessment Installments, including any interest and penalties thereon and the proceeds of the exercise of any of the remedies for delinquent payments available under the applicable Loan Agreement or under Chapter 29; except to the extent and so long as the Assessments are included in the County’s Alternative Method of Distribution of Tax Levies and Collections and of Tax Sale Proceeds (Teeter Plan), pursuant to Sections 4701 through 4717 of the California Revenue and Taxation Code, “Assessment Revenues” shall include only amounts attributable to the principal of Assessments and the interest thereon received by the County in each Fiscal Year from the collection of the annual Assessment Installments, and shall not include any penalties on Assessments, nor any statutory interest accruing on Assessments upon delinquency, nor the proceeds of the exercise of any of the remedies for delinquent payments available under the applicable Loan Agreement or under Chapter 29.

“Assessments” means, as to each Loan, the unpaid assessments levied by the County pursuant to Chapter 29 under the proceedings taken pursuant to the Resolution of Intention, constituting a first lien and charge upon real properties in the County as provided by the applicable Assessment Contracts.

“Available Term” means the available repayment terms of 5 years, 10 years, or 20 years with respect to Assessment Contracts securing any Loan, or any of them (as the context may require).

“Authority” means the Sonoma County Public Financing Authority, California.

“Authority Board” means the Governing Board of the Authority.

“Authority Treasurer” means the Treasurer of the Authority.

“Authorized Investment” means any obligation in which the Authority may lawfully invest its funds.

“Authorized Principal Amount” means an aggregate principal amount not to exceed \$60,000,000, less an amount equal to the original aggregate principal amount of any bonds issued pursuant to the Initial Resolution of Issuance, the Second Resolution of Issuance, the Third Resolution of Issuance, the Fourth Resolution of Issuance, the Fifth Resolution of Issuance, the Sixth Resolution of Issuance, the Seventh Resolution of Issuance, the Eighth Resolution of Issuance, and the Ninth Resolution of Issuance which have not been refunded.

“Authorized Representative of the Authority” means any Member of the Authority Board, provided such Member of the Authority Board is authorized to act on behalf of the Authority under the Authority’s joint exercise of powers agreement, and the Authority Treasurer, and any other

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person designated by such officers and authorized to act on behalf of the Authority pursuant to this Resolution or any Supplemental Resolution.

“Bond Date” means the dated date of the Bonds, which shall be the Closing Date.

“Bonds” means the contractual assessment revenue bonds authorized by and at any time Outstanding pursuant to the provisions of this Resolution and as designated pursuant to Section 2.3 hereof.

“Business Day” means any day other than (i) a Saturday or a Sunday, (ii) a day on which banking institutions in the State or the Federal Reserve System are authorized or obligated by law or executive order to be closed, or (iii) a day on which the County offices are closed.

“Capitalized Interest” means funded interest on the Bonds through September 1, 2014.

“Chapter 29” means Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code, commencing with Section 5898.10.

“Closing Date” means the date of delivery of the Bonds to or upon the order of the Purchaser.

“County” means the County of Sonoma, California.

“County Board” means the Board of Supervisors of the County.

“County Pool” means the Sonoma County Treasury Pooled Investment Fund.

“Debt Service Fund” means the Bonds Debt Service Fund created and established pursuant to Section 4.2 hereof.

“Energy Independence Fund” means the fund by that name created and established pursuant to Resolution No. 09-0358 of the County Board, adopted on April 21, 2009.

“Escrow Fund” means the fund by that name created and established pursuant to Section 4.8 hereof.

“Event of Default” means any of the events described in Section 10.1 of this Resolution of Issuance.

“Federal Securities” means those securities described in Sections 1360 and 1360.1 of the California Financial Code and includes United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest, including the guaranteed portions of small business administration loans so long as the loans are obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.

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“Fiscal Agent” means (i) the Authority Treasurer or (ii) any bank, trust company, national banking association or other financial institution appointed as fiscal agent for the Bonds in the manner provided in this Resolution. Pursuant to Section 6.1 of this Resolution, the initial Fiscal Agent shall be the Authority Treasurer.

“Fiscal Year” means any twelve-month period extending from July 1st in one calendar year to June 30th of the succeeding calendar year, both dates inclusive, or any other twelve-month period selected and designated by the Authority as its official fiscal year period.

“Improvements” means the qualifying distributed generation renewable energy sources and energy efficiency improvements, which include water efficiency improvements, acquired and constructed or installed on or in properties in the County pursuant to the Assessment Contracts.

“Independent Public Accountant” means any certified public accountant or firm of certified public accountants appointed and paid by the Authority, the County, or the County Pool who, or each of whom (i) is in fact independent and not under domination of the Authority, the County, or the County Pool; (ii) does not have any substantial interest, direct or indirect, in the Authority, the County, or the County Pool; and (iii) is not connected with the Authority, the County, or the County Pool as an officer or employee of the Authority, the County, or the County Pool but who may be regularly retained to make annual or other audits of the books of, or reports to, the Authority, the County, or the County Pool.

“Interest Payment Date” means, with respect to any Bond, March 2 and September 2 in each year, beginning on September 2, 2014, and continuing thereafter so long as any Bonds of that Series remain Outstanding; provided, however, that, if any such day is not a Business Day, interest up to the Interest Payment Date will be paid on the Business Day next succeeding such date.

“Interest Rate Period” means, with respect to any Bond, a two-year period commencing on September 2 and ending on the second September 1 following such September 2, except that (i) the first Interest Rate Period shall begin on the Bond Date and end on the last subsequently occurring September 1 which is not more than 23 months after the Bond Date, and (ii) the last Interest Rate Period may be a period of duration of two years or less so that such Interest Rate Period terminates on the Maturity Date or Redemption Date of such Bond.

“JPA Act” means Articles 1 through 4 (commencing with Section 6500) of the Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended, including the provisions of the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 of the JPA Act.

“Loan” means, collectively, or if the context requires, the applicable Loan made pursuant to the respective Loan Agreement.

“Loan Agreement” means, collectively or, if the context requires, the applicable Loan Agreement, by and between the Authority and the County, each dated as of Closing Date of the related Series of Bonds as set forth in the applicable Purchase Agreement.

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“Loan Fund” means the fund by that name established and held by the Fiscal Agent pursuant to Section 4.1 of this Resolution.

“Maturity Date” means the date specified in any Bond on which the principal of such Bond becomes due and payable.

“Non-Refunding Bonds” means any or all (as the context may require) Series of Bonds that do not refund a Series of Bonds issued on an earlier Bond Date.

“Outstanding”, when used as of any particular time with reference to Bonds, means (subject to the provisions of Section 12.6) all Bonds theretofore executed, issued and delivered by the Authority under this Resolution except (i) Bonds theretofore cancelled by the Authority Treasurer or surrendered to the Authority Treasurer for cancellation, (ii) Bonds paid and discharged pursuant to the terms of Section 7, and (iii) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered pursuant to this Resolution.

“Owner” when used with respect to any Bond, means the person in whose name the ownership of such Bond is registered on the Registration Books maintained by the Fiscal Agent.

“Principal Payment Date” means, with respect to any Series of Bonds, the applicable September 2 Maturity Date.

“Prior Bonds” means any or all (as the context may require) Series of Bonds that are being refunded by a Series of Bonds issued on a later Bond Date.

“Prior Loan” means, with respect to any Series of Prior Bonds, the Loan made pursuant to the Prior Loan Agreement.

“Prior Loan Agreement” means, with respect to any Series of Prior Bonds, the Loan Agreement related to such Series of Prior Bonds.

“Program Expense Fund” means the fund by that name established in the Energy Independence Fund pursuant to Resolution No. 09-0358 of the County Board, adopted on April 21, 2009.

“Purchase Agreement” means collectively or, if the context requires, the applicable Bond Purchase Agreement authorized pursuant to Section 12.7(d) of this Resolution.

“Purchaser” means (i) the Treasurer of the County of Sonoma, for and on behalf of the County Pool, or, for and on behalf of the Sonoma County Water Agency or (ii) an Alternate Purchaser.

“Refunding Bonds” means any or all (as the context may require) Series of Bonds that refund a Series of Bonds issued on an earlier Bond Date.

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“Record Date” means, with respect to any Interest Payment Date, the fifteenth day of the calendar month immediately preceding the applicable Interest Payment Date, whether or not such day is a Business Day.

“Redemption Date” means, with respect to any Bonds, the date on which such Bonds have been called to be redeemed pursuant to Section 3.1 or 3.2 of this Resolution prior to their Maturity Date.

“Redemption Notice” has the meaning provided in Section 3.4 hereof.

“Registration Books” means the records maintained by the Fiscal Agent pursuant to Section 2.10 hereof for the registration and transfer of ownership of the Bonds.

“Resolution” means this Resolution and includes subsequent amendments hereof and any Supplemental Resolution.

“Resolution of Intention” means Resolution No. 09-0184 of the County Board, adopted on March 3, 2009.

“Revenues” means as to each Series of Bonds, (a) all amounts paid by the County to the Authority or the Fiscal Agent pursuant to the applicable Loan Agreement other than administrative fees and expenses and indemnity against claims payable to the Authority and the Fiscal Agent, (b) all moneys deposited and held from time to time by the Fiscal Agent in the corresponding account of the Debt Service Fund established hereunder with respect to the Bonds, and (c) investment income with respect to any moneys held by the Fiscal Agent in the corresponding account of the Debt Service Fund established hereunder with respect to the Bonds.

“SCEIP” means the Sonoma County Energy Independence Program, established pursuant to Resolution No. 09-0271 of the County Board, adopted on March 25, 2009 under Chapter 29, as modified from time to time.

“Series” means each series of Bonds issued and designated pursuant to and in accordance with Section 2.3 and Section 12.7(d) hereof.

“State” means the State of California.

“Supplemental Resolution” means any resolution adopted by the Authority Board amendatory of or supplemental to this Resolution.

Section 1.2. Rules of Construction. All references in this Resolution to “Sections,” and other subdivisions, unless indicated otherwise, are to the corresponding Sections or subdivisions of this Resolution; and the words “herein,” “hereof,” “hereunder,” and other words of similar import refer to this Resolution as a whole and not to any particular Section or subdivision hereof.

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Section 1.3. Authorization and Purpose of Bonds. The Authority Board has reviewed all proceedings heretofore taken relative to the authorization of the Bonds and has found, as a result of such review, and hereby finds and determines that all things, conditions and acts required by law to exist, happen and be performed precedent to and in the issuance of the Bonds do exist, have happened and have been performed in due time, form and manner as required by law, and the Authority is now authorized, pursuant to each and every requirement of law, to issue the Bonds in the manner and form as in this Resolution provided. The Authority Board hereby authorizes the issuance of the Bonds pursuant to the JPA Act and this Resolution for the purpose of providing funds (i) to make the Loans to the County to make disbursements pursuant to the Assessment Contracts to or on behalf of property owners for the cost of Improvements and to make repayments to a revolving fund from which the County disbursed funds to property owners pursuant to Assessment Contracts, and (ii) to fund Capitalized Interest.

Section 1.4. Equal Security. In consideration of the acceptance of the Bonds by the Owners thereof, this Resolution shall be deemed to be and shall constitute a contract between the Authority and the Owners of the Bonds; and the covenants and agreements herein set forth to be performed on behalf of the Authority shall be for the equal and proportionate benefit, security and protection of all Owners of the Bonds without preference, priority or distinction as to security or otherwise of any of the Bonds over any of the others by reason of the number or date thereof or the time of sale, execution or delivery thereof, or otherwise for any cause whatsoever, except as expressly provided therein or herein.

SECTION 2. THE BONDS.

Section 2.1. Equality of Bonds, Pledge.

(a) As to each Series of Bonds issued hereunder, the Authority hereby pledges, in trust for the protection and security of the Owners, all of its right, title and interest in the Revenues for the payment of principal of, premium (if any), and interest on such Series. Pursuant to the JPA Act and this Resolution, all Bonds of a Series shall be and are equally secured by a pledge of and lien upon the Revenues.

(b) The Bonds and interest thereon are not payable from the general funds of the Authority or the County. Neither the credit of the County or the Authority nor the taxing power of the County is pledged for the payment of the Bonds or the interest thereon, and no Owner of the Bonds may compel the exercise of any taxing power by the County or force the forfeiture of any of its property. The principal of, and premium (if any) and interest on the Bonds are not a debt of the County nor a legal or equitable pledge, charge, lien or encumbrance upon any of the property of the Authority or the County, or upon any of their income, receipts or revenues, other than the Revenues.

Section 2.2. Collection of Assessments. The Assessment Installments shall be payable as provided in the Assessment Contracts and shall be payable in the same manner and at the same time and in the same installments as general taxes on real property are payable, and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and

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interest after delinquency as do general taxes on real property. Nothing in this Resolution or in any Supplemental Resolution shall preclude the redemption prior to maturity of any Bonds or the payment of the Bonds from proceeds of refunding bonds issued under any law of the State.

Section 2.3. Issuance of Bonds. (a) The issuance of the Bonds is hereby authorized as provided in this Resolution in accordance with the provisions of the Resolution of Intention and the JPA Act and the proceedings conducted thereunder. The aggregate initial principal amount of such Bonds shall not exceed the sum of: (i) the Authorized Principal Amount for any Bonds originally purchased by a Purchaser other than an Alternate Purchaser and (ii) the maximum aggregate initial principal amount specified in the applicable Alternate Purchaser Resolution for any Bonds purchased by an Alternate Purchaser.

(b) The Bonds may be issued in Series, with the exact principal amount of each Series of Bonds to be determined by the Authority Treasurer in accordance with Section 12.7(d) of this Resolution.

(c) Each Series of Bonds shall bear a series designation comprised of the calendar year of issuance, a letter designated alphabetically by date of issuance within a calendar year, a number correlating to the repayment period of the Assessment Contracts identified in the Loan Agreement relating to such Series and the parenthetical phrase "Non-Residential" for any Series relating solely to Assessment Contracts for properties that are not used for single-family residential purposes. In the event that on any date of issuance, there is more than one Series of Bonds with the same repayment period, with at least one such Series of Bonds to be purchased by the Treasurer of Sonoma County for and on behalf of the Sonoma County Water Agency or an Alternate Purchaser, then the designation of such Series of Bonds to be purchased by the Treasurer of Sonoma County for and on behalf of the County Pool shall include "P-" before the calendar year, the designation of such Series of Bonds to be purchased by the Treasurer of Sonoma County for and on behalf of the Sonoma County Water Agency shall include "W-" before the calendar year, and the designation of such Series of Bonds to be purchased by an Alternate Purchaser shall include "A-" before the calendar year.

(d) If the Bonds are Refunding Bonds, their designation additionally shall indicate they are Refunding Bonds.

(e) The Bonds shall be issued only in fully registered form without coupons in the denomination of \$5,000 or any integral multiple thereof, or in such other denomination or denominations as determined by the Authority Treasurer. The Bonds, the form of Fiscal Agent's certificate of authentication, and the form of assignment to appear thereon, shall be substantially in the form set forth in Exhibit A attached hereto and by this reference incorporated herein, with necessary or appropriate variations, omissions and insertions, as permitted or required by this Resolution. The Bonds shall be dated the applicable Closing Date determined in accordance with the respective Purchase Agreement, and shall mature and be payable on September 2 in the years and in the principal amounts specified in such Purchase Agreement. The interest rate for each Series of Bonds shall be:

(i) calculated on the basis of a 360-day year of twelve 30-day months;

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(ii) (A) for the first Interest Rate Period with respect to such Bonds, at an initial rate of three percent (3%); and (B) for any succeeding Interest Rate Period, at a rate equal to one-half of one percent (0.50%) plus the net interest rate earned by the County Pool as of the most recent quarter ending immediately prior to commencement of such Interest Rate Period; or equal to such other interest rate as determined by the Authority, the County, and the Purchaser(s) of the applicable Series of Bonds prior to the commencement of the applicable Interest Rate Periods; and

(iii) in any event shall not exceed 12% per annum.

Section 2.4. Application of Proceeds of Sale of Bonds and Funds Received from the County. Upon the delivery of the Bonds to the purchasers thereof, the Fiscal Agent, on behalf of the Authority, shall receive the proceeds from the sale of the Bonds and shall deposit such proceeds as follows: (a) deposit in the applicable account of the Escrow Fund such amount (if any) as provided in Section 4.8, for the purpose of refunding and defeasing Prior Bonds in accordance therewith, (b) deposit in the applicable account of the Debt Service Fund an amount representing Capitalized Interest, as provided in Section 4.2, to be used to pay interest on the Bonds through September 1, 2014, (c) deposit in the Loan Fund (or the applicable account of the Loan Fund, if accounts therein have been created pursuant to Section 4.1) the amount specified in writing by the County for the purpose of making the Loans. The Fiscal Agent shall transfer the balance of the proceeds of the Bonds to the County for deposit in the Program Expense Fund.

Section 2.5. Medium and Payment. Principal of, and premium (if any) and interest on the Bonds shall be payable in lawful money of the United States of America. The principal of each Series of Bonds shall be payable on the respective Maturity Date set forth in the applicable Bonds and in conformance with the applicable Purchase Agreement. Interest with respect to each Bond shall accrue from the respective Bond Date. Interest on any Bond shall be payable from the Interest Payment Date next preceding the date of authentication of that Bond, unless one of the following applies: (i) if such date of authentication is an Interest Payment Date, then interest shall be payable from such date of authentication, (ii) except where clause (iii) is applicable, if the date of authentication is after a Record Date but prior to the immediately succeeding Interest Payment Date, then interest shall be payable from such Interest Payment Date, or (iii) if the date of authentication is prior to the close of business on the first Record Date or if the Bond Date occurs after the 15th day of the calendar month immediately before the first Interest Payment Date, then interest shall be payable from the Bond Date. Notwithstanding the foregoing, if at the time of authentication of such Bond, interest is in default, interest on that Bond shall be payable from the last Interest Payment Date to which the interest has been paid or made available for payment.

Principal of and interest on any Bond shall be paid by check of the Fiscal Agent mailed on or before the Interest Payment Date by first class mail, postage prepaid, to the person whose name appears in the Registration Books as the Owner of such Bond as of the close of business on the Record Date, to the address that appears on the Registration Books (or in such other manner as determined by a Purchaser if such Purchaser is the sole Owner as to a Series of Bonds), provided that the payment of principal of the Bonds on the final Maturity Date and the payment of the principal of the Bonds and any

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premium due upon the redemption thereof shall be payable upon presentation and surrender thereof at maturity or earlier redemption at the office of the Fiscal Agent. In addition, (i) upon a request in writing received by the Fiscal Agent on or before the applicable Record Date from an Owner of \$1,000,000 or more in principal amount of the Bonds, or (ii) so long as the Purchaser is the sole Owner of any Series of Bonds and the Purchaser requests the Authority for payment by wire transfer, payment shall be made on the Interest Payment Date by wire transfer in immediately available funds to an account designated by such Owner. Further, so long as the Purchaser is the sole Owner of any Series of Bonds, payment may be made on the Interest Payment Date by any other method acceptable to the Owner.

Each Bond shall bear interest until its principal sum has been paid; provided, however, that if at the Maturity Date of any Bond, or if at the Redemption Date of any Bond which has been duly called for redemption as herein provided, funds are available for the payment or redemption thereof in full accordance with the terms of this Resolution, the Bond shall then cease to bear interest.

Section 2.6. Form of Bonds and Certificate of Authentication and Registration. The Bonds shall be sold to the Purchaser and shall be initially issued in the form of a fully registered bond or bonds registered in the name of the Purchaser. The form of the Bond, the form of the certificate of authentication and the form of registration thereon shall be substantially in the form attached hereto as Exhibit A and incorporated herein by this reference. The Bonds may be printed, lithographed or typewritten and may contain such reference to any of the provisions of this Resolution as may be appropriate.

Section 2.7. Execution and Authentication. The Bonds shall be executed by the manual or facsimile signature of the Chair of the Authority, or the Vice Chair of the Authority in the Chair's absence, and attested by the manual or facsimile signature of the Secretary of the Authority. In case any one or more of the officers who shall have signed any of the Bonds shall cease to be such officer before the Bonds so signed have been authenticated and delivered by the Authority Treasurer (including new Bonds delivered pursuant to the provisions hereof with reference to the transfer and exchange of Bonds or to lost, stolen, destroyed or mutilated Bonds), such Bonds may, nevertheless, be authenticated and delivered as herein provided, and may be issued as if the persons who signed such Bonds had not ceased to hold such offices.

The Bonds shall bear thereon a certificate of authentication and registration, in the form set forth in Exhibit A hereto, executed by the manual signature of the Authority Treasurer or the Assistant Treasurer of the Authority. Only such Bonds as shall bear thereon such certificate of authentication and registration shall be entitled to any right or benefit under this Resolution, and no Bond shall be valid or obligatory for any purpose until such certificate of authentication and registration shall have been duly executed by the Authority Treasurer.

Section 2.8. Registration of Exchange or Transfer. The registration of any Bond may, in accordance with its terms, be transferred upon the Registration Books by the person in whose name it is registered, in person or by his or her duly authorized attorney, upon surrender of such Bond for cancellation at the office of the Fiscal Agent, accompanied by delivery of a written instrument of

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transfer in a form acceptable to the Fiscal Agent and duly executed by the Owner or his or her duly authorized attorney. Bonds may be exchanged at the office of the Fiscal Agent for a like aggregate principal amount of Bonds of authorized denominations. The Authority and the Fiscal Agent will not charge for any new Bond issued upon any exchange, but may require the Owner requesting such transfer or exchange to pay any tax or other governmental charge required to be paid with respect to such transfer or exchange. Whenever any Bond or Bonds shall be surrendered for registration of transfer or exchange, the Fiscal Agent shall authenticate and deliver a new Bond or Bonds; provided that the Fiscal Agent shall not be required to register transfers or make exchanges of (i) Bonds for a period of 15 days next preceding the date of any selection of Bonds to be redeemed, or (ii) any Bonds chosen for redemption.

Section 2.9. Mutilated, Lost, Destroyed or Stolen Bonds. If any Bond shall become mutilated, the Chair of the Authority, or Vice Chair of the Authority in the Chair's absence, at the expense of the Owner of such Bond, shall execute, and the Authority Treasurer shall thereupon authenticate and deliver, a new Bond of like Series, tenor, maturity and aggregate principal amount in authorized denomination in exchange and substitution for the Bond so mutilated, but only upon surrender to the Fiscal Agent of the Bond so mutilated. Every mutilated Bond so surrendered to the Fiscal Agent shall be cancelled and destroyed. If any Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Fiscal Agent and, if such evidence be satisfactory to the Fiscal Agent and indemnity satisfactory to the Fiscal Agent shall be given, the Chair of the Authority, or the Vice Chair of the Authority in the Chair's absence, at the expense of the Owner, shall execute, the Authority Treasurer shall thereupon authenticate, and the Fiscal Agent shall deliver, a new Bond of like Series and tenor in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Fiscal Agent may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Fiscal Agent). The Fiscal Agent may require payment of a reasonable fee for each new Bond issued under this Section 2.9 and of the expenses which may be incurred by the Authority and the Fiscal Agent. Any Bond issued under the provisions of this Section 2.9 in lieu of any Bond alleged to be lost, destroyed or stolen shall constitute an original contractual obligation on the part of the Authority whether or not the Bond alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be entitled to the benefits of this Resolution.

Section 2.10. Registration Books. The Fiscal Agent will keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, and, upon presentation for such purpose, the Fiscal Agent shall, under such reasonable regulations as he or she may prescribe, register or transfer or cause to be registered or transferred, on the Registration Books, Bonds as herein provided.

The Authority and the Fiscal Agent may treat the Owner of any Bond whose name appears on the Registration Books as the absolute Owner of such Bond for any and all purposes, and the Authority and the Fiscal Agent shall not be affected by any notice to the contrary. The Authority and the Fiscal Agent may rely on the address of the Owner as it appears in the Registration Books for any and all

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purposes. It shall be the duty of each Owner to give written notice to the Authority and the Fiscal Agent of any change in such Owner's address so that the Registration Books may be revised accordingly.

Section 2.11. Validity of the Bonds. The validity of the authorization and issuance of the Bonds shall not be dependent upon the completion of the Improvements or upon the performance by any person of such person's obligation with respect to the Improvements.

Section 2.12. Refunding of Bonds. The Bonds may be refunded by the Authority at any time as permitted by and in accordance with this Resolution and applicable law including, but not limited to, the JPA Act.

Section 2.13. No Acceleration. The principal of the Bonds shall not be subject to acceleration hereunder. Nothing in this Section shall in any way prohibit the redemption of Bonds under Section 3 hereof, or the defeasance of the Bonds and discharge of all obligations of the Authority under this Resolution under Section 7 hereof.

SECTION 3. REDEMPTION OF BONDS.

Section 3.1. Mandatory Redemption. The Bonds shall be redeemed prior to maturity, in whole or in part, on any Interest Payment Date by lot within a Series from monies received from the sources, to the extent of and in the manner set forth in the fifth paragraph of Section 4.3 hereof, at a redemption price, expressed as a percentage of the principal amount of the Bonds to be redeemed, of 103 percent, together with accrued interest to the Redemption Date; provided, so long as the Purchaser is the sole Owner as to the Series of Bonds subject to redemption, the Purchaser may waive (pursuant to Section 12.8 hereof) the right to receive all or a portion of the redemption premium pursuant to this Section 3.1, upon which waiver the redemption price shall be equal to the principal amount of the Bonds to be redeemed, plus such redemption premium (if any) specified by the Purchaser, expressed as a percentage of the principal amount of the Bonds to be redeemed and not to exceed three percent (3%), together with accrued interest to the Redemption Date.

Section 3.2. Optional Redemption. (a) The Bonds may be redeemed prior to maturity, in whole or in part, on the fifteenth (15th) calendar day of any month by lot within a Series from monies on deposit and available for such purpose in the applicable account of the Debt Service Fund from sources other than those referred to in Section 3.1, at the option of the Authority, at a redemption price, expressed as a percentage of the principal amount of the Bonds to be redeemed, of 103 percent, together with accrued interest to the Redemption Date; provided, so long as the Purchaser is the sole Owner as to the Series of Bonds subject to redemption, the Purchaser may waive (pursuant to Section 12.8 hereof) the right to receive all or a portion of the redemption premium pursuant to this Section 3.2(a), upon which waiver the redemption price shall be equal to the principal amount of the Bonds to be redeemed, plus such redemption premium (if any) specified by the Purchaser, expressed as a percentage of the principal amount of the Bonds to be redeemed and not to exceed three percent (3%), together with accrued interest to the Redemption Date.

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(b) Any Series of Bonds may be redeemed prior to maturity, in whole, on any date by lot within a Series, from monies on deposit and available for such purpose in an account of the Escrow Fund, in accordance with Section 4.8, from the sale and issuance of Refunding Bonds under this Resolution or additional refunding bonds designated as "Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Refunding Bonds" pursuant to a subsequent resolution of the Authority Board, at the option of the Authority, at a redemption price equal to the principal amount of the Bonds to be redeemed, without premium, together with accrued interest to the Redemption Date; provided, the Redemption Date of any Series of Bonds redeemed pursuant to this Section 3.2(b) shall be the Closing Date of the Refunding Bonds providing the proceeds to redeem such Series of Bonds.

Section 3.3. Selection of Bonds for Redemption. If less than all of the Outstanding Bonds of any Series are to be redeemed pursuant to Section 3.1 or Section 3.2(a), the Authority Treasurer shall select the Bonds of such Series to be redeemed by lot in any manner that the Authority Treasurer deems fair.

Section 3.4. Notice of Redemption. In the event that Bonds are to be redeemed as provided in this Section 3, at least 30 days or other such shorter period upon the consent of the Owners of any Bonds designated for redemption, but not more than 60 days prior to any Redemption Date, a notice of redemption (the "Redemption Notice") shall be sent by personal service, or registered or certified mail by the Fiscal Agent to the Owners of any Bonds designated for redemption and, if a single Purchaser is not the sole Owner as to a Series of Bonds subject to redemption, to such securities depositories and securities information services as shall be designated by the Authority Treasurer; provided, with respect to Bonds to be redeemed pursuant to Section 3.2(b), a Redemption Notice shall be provided on the Redemption Date, if the Redemption Notice is not waived pursuant to Section 12.8 of this Resolution. Such Redemption Notice shall specify: (i) the Bonds or designated portions thereof which are to be redeemed, (ii) the date of redemption, (iii) the redemption price, (iv) the CUSIP numbers (if any) assigned to the Bonds to be redeemed, and (v) if less than all Bonds of a Series are to be redeemed, the Bond numbers of the Bonds to be redeemed, and shall require that such Bonds be surrendered at the office of the Fiscal Agent for redemption at the redemption price. Such Redemption Notice shall further state that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed the redemption price, together with interest accrued to the Redemption Date, and that from and after such Redemption Date interest thereon shall cease to accrue and be payable.

Neither failure to receive any Redemption Notice nor any defect in such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of such Bonds or the cessation of the accrual of interest thereon. Each check or other transfer of funds issued by the Fiscal Agent for the purpose of redeeming Bonds shall bear to the extent specified the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

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Section 3.5. Partial Redemption of Bonds. Upon surrender of any Bond to be redeemed in part only, the Fiscal Agent shall authenticate and deliver to the Owner a new Bond or Bonds of authorized denominations equal in aggregate principal amount to the unredeemed portion of the Bond surrendered, with the same interest rate and the same maturity and of the same Series. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the Authority shall be released and discharged thereupon from all liability to the extent of such payment.

Section 3.6. Effect of Notice and Availability of Redemption Price. Notice of redemption having been duly given, as provided in Section 3.4, and the amount necessary for the redemption having been made available for that purpose and being available therefor on the date fixed for such redemption:

(1) The Bonds, or portions thereof, designated for redemption shall, on the date fixed for redemption, become due and payable at the redemption price thereof as provided in this Resolution, anything in this Resolution or in the Bonds to the contrary notwithstanding;

(2) Upon presentation and surrender thereof at the office of the Fiscal Agent, such Bonds shall be redeemed at the redemption price;

(3) From and after the Redemption Date, the Bonds or portions thereof so designated for redemption shall be deemed to be no longer Outstanding and such Bonds or portions thereof shall cease to accrue interest; and

(4) From and after the date fixed for redemption no Owner of any of the Bonds or portions thereof so designated for redemption shall be entitled to any of the benefits of this Resolution, or to any other rights, except with respect to payment of the redemption price and interest accrued to the Redemption Date from the amounts so made available.

SECTION 4. FUNDS AND ACCOUNTS.

Section 4.1. Disposition of Bond Proceeds; Loan Fund. There is hereby established a special fund held by the Fiscal Agent called the "Loan Fund," into which shall be deposited proceeds of sale of the Bonds pursuant to Section 2.4. The Loan Fund may be maintained, at the Fiscal Agent's discretion, or if directed by the Authority shall be maintained, in the form of one or more separate accounts within such fund which are established for the purpose of holding the proceeds of separate Series of Bonds subject to separate Loan Agreements. Moneys in the Loan Fund or in any accounts therein shall be disbursed by the Fiscal Agent to or on behalf of the County in accordance with a written request of the County provided to the Fiscal Agent pursuant to the respective Loan Agreement.

Section 4.2. Establishment of Bonds Debt Service Fund and Accounts. For administering and controlling the Revenues, the Capitalized Interest, and any related monies, there is hereby created and established the Bonds Debt Service Fund (the "Debt Service Fund"), such special fund to be maintained by the Fiscal Agent in trust. The Fiscal Agent shall establish with respect to each Series of

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Bonds a separate account within the Debt Service Fund designated using the name of the applicable Series of Bonds.

Section 4.3. Debt Service Fund. The Fiscal Agent hereby agrees to maintain the Debt Service Fund and accounts therein until all payments of principal of and premium (if any) and interest on the Bonds have been made and all of the Bonds have been paid or redeemed. All Revenues received by the Authority or the Fiscal Agent from the County pursuant to a Loan Agreement shall be deposited and held in the corresponding account of the Debt Service Fund relating to the Series of Bonds to which such Revenues are pledged as security.

Proceeds of the Bonds deposited into the applicable account of the Debt Service Fund pursuant to Section 2.4 shall be used on September 2, 2014 to pay interest due on the applicable Series of Bonds through September 1, 2014. Any moneys remaining in the applicable account of the Debt Service Fund on September 3, 2014 shall be transferred to the Loan Fund (or separate accounts of the Loan Fund if established).

On each Interest Payment Date and each Principal Payment Date, the Fiscal Agent shall make payments of interest and principal, respectively, due and payable with respect to each Series of Bonds then Outstanding from monies in the corresponding accounts of the Debt Service Fund. If, on any Interest Payment Date or Principal Payment Date, there are insufficient funds in an account of the Debt Service Fund to make the payments with respect to a Series of Bonds provided for in the preceding sentence, available monies shall be applied first to the payment of interest on the applicable Bonds, and then to the payment of principal due on such Bonds and then to the payment of principal due on such Bonds or any portion thereof called for redemption pursuant to Section 3 hereof.

On each September 3, commencing September 3, 2015, all monies in any account of the Debt Service Fund in excess of the amount necessary to make the payments of principal of and interest on the applicable Series of Bonds then due or overdue and payable on such date (assuming all Owners entitled to payment on or before such date take or have taken any and all actions necessary on their part to receive amounts due them) shall, to the extent permitted by law, be applied as follows:

(a) The moneys shall be retained in such account of the Debt Service Fund;

or

(b) The moneys shall be applied to the advance maturity and redemption of the Bonds of such Series pursuant to Section 3.2(a).

Amounts received from, or on behalf of, the County as prepayment of any Loan pursuant to Section 4.4 shall be deposited by the Fiscal Agent in the applicable account of the Debt Service Fund for application pursuant to Section 4.5. Such Loan prepayment amounts shall be used to pay the principal of and redemption premium (if any) on the corresponding Series of Bonds or such portion thereof which shall have been advanced pursuant to the JPA Act, Section 3.1 or 3.2, and this paragraph. The Fiscal Agent shall advance the maturity of and call Bonds for redemption pursuant to this Resolution and the JPA Act whenever and to the extent of any special prepayment of the Loans

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pursuant to Section 4.4, sufficient to pay the principal thereof plus the redemption premium (if any) of Bonds of the related Series. On or after each Redemption Date, or prior thereto, upon presentation and surrender thereof, the Fiscal Agent shall pay the principal of and redemption premium (if any) of each such Series of Bonds the maturity of which has been so advanced, and the interest accrued on such Bond to the earlier of the Principal Payment Date or Redemption Date, from monies in the applicable account of the Debt Service Fund.

Any amounts remaining in any account of the Debt Service Fund after payment of the Bonds of the corresponding Series and the interest thereon shall be applied in accordance with Section 4.7.

Section 4.4. Prepayment of Loans. (a) The County shall prepay any Loan to the extent any owner of assessed land prepays the Assessment of an Assessment Contract identified on the related Assessment Contract Schedule attached as "Exhibit A" to the applicable Loan Agreement.

(b) The County may prepay any Loan, in whole or in part, from any available source of funds other than those referred to in paragraph (a), including from moneys on deposit in the Loan Fund or applicable separate account and any related progress payment account established by the County pursuant to the Assessment Contracts.

Section 4.5. Application of Prepaid Loans. Upon receiving a prepayment of a Loan pursuant to Section 4.4(a) or (b), the Fiscal Agent shall deposit it in the related account of the Debt Service Fund to be applied for payment to Owners of the corresponding Bonds redeemed in accordance with Section 3.1 or 3.2.

Section 4.6. Certain Procedures Upon Redemption. If notice of redemption is given, the Bonds so advanced shall mature and become payable on the date fixed for redemption in the notice. The Owner of any such Bond may, prior to the date of redemption, with the consent of the Fiscal Agent, surrender it and receive the principal and interest thereon to the date of payment together with the redemption premium provided for the Bond, if any. If the Bond has not been sooner surrendered on the date fixed for redemption, the Fiscal Agent shall set aside to the credit of the Owner of the Bond the amount of principal and accrued interest then due on the Bond together with the redemption premium, if any, and the Bond shall then be deemed to have matured and interest shall cease to accrue on the Bond. The amount so set aside shall upon demand and upon the surrender and cancellation of the Bond be paid to the Owner of the Bond.

Section 4.7. Debt Service Fund Surplus. If there is a surplus remaining in any account in the Debt Service Fund after payment of all Bonds of a Series corresponding to such account and the interest thereon, plus applicable redemption premium (if any), that surplus shall be released from the pledge and lien hereunder and transferred to the County to be used for the benefit of the SCEIP or, upon the direction of the County, to cure any deficiency in any other account of the Debt Service Fund pursuant to Section 5.2 of this Resolution.

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Section 4.8. Escrow Fund; Refunding Bonds. (a) There is hereby created and established with the Fiscal Agent a special and irrevocable trust fund designated the Escrow Fund (the "Escrow Fund"), (in which there shall be established and created a 5-Year Account, a 10-year Account, and a 20-year Account) to be held by the Fiscal Agent separate and apart from all other funds of the Authority, the County, or the Fiscal Agent and used only for the purposes and in the manner provided in this Section 4.8.

(b) The initial Series of Bonds issued under this Resolution with respect to each Available Term shall be Non-Refunding Bonds.

(c) To minimize the costs associated with the administration and maintenance of multiple funds and accounts, subsequent Series of Bonds issued under this Resolution with respect to each Available Term may be Refunding Bonds. Refunding Bonds relating to an Available Term shall refund and defease only Prior Bonds relating to the same Available Term. Refunding Bonds may be issued for the additional purpose of providing additional funds for deposit in the Loan Fund pursuant to Section 2.4 in order to provide for additional Loans to the County for the making of disbursements from the Loan Fund in accordance with this Resolution.

(d) In accordance with Section 7.1(a) of this Resolution, upon the issuance of any Series of Refunding Bonds, the Authority shall cause to be deposited with the Fiscal Agent in the applicable account of the Escrow Fund the following: (i) the then Outstanding principal amount of the Prior Bonds being refunded and defeased by such Series of Refunding Bonds, and (ii) interest accrued and unpaid on such Prior Bonds to the Redemption Date.

(e) Upon receipt of the moneys described in paragraph (d), the Fiscal Agent shall pay such moneys to the Owners of the Prior Bonds for the equal and ratable benefit of such Owners. If not waived by the Purchaser pursuant to Section 12.8, a Redemption Notice shall be provided by the Fiscal Agent to the Owners of the Prior Bonds in accordance with Section 3.4.

(f) The Authority and the Fiscal Agent represent and agree that, concurrently with the initial deposit of the moneys in the applicable account of the Escrow Fund pursuant to paragraph (d), (i) the Prior Bonds will no longer be deemed to be Outstanding and unpaid within the meaning and with the effect expressed in Section 7 of this Resolution, and (ii) the Prior Loan will no longer be deemed to be outstanding and unpaid within the meaning and with the effect expressed in the Prior Loan Agreement.

(g) Monies remaining on deposit in any account of the Escrow Fund after payment of all amounts to the Owners of the applicable Series of Prior Bonds pursuant to paragraph (e) shall be released to the County for the benefit of the SCEIP within five (5) Business Days after such payment to the Owners of the applicable Series of Prior Bonds.

Section 4.9. Investments. (a) Except for the Escrow Fund (and the accounts therein), all moneys in any of the funds or accounts established pursuant to this Resolution shall be invested by the Fiscal Agent solely in Authorized Investments. All moneys in the Escrow Fund (and the accounts therein)

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shall be invested by the Fiscal Agent solely in Federal Securities. Obligations purchased as an investment of moneys in any fund or account shall be deemed to be part of such fund or account.

All interest or gain derived from the investment of amounts in any of the funds or accounts shall be deposited in the fund or account from which such investment was made. The Fiscal Agent shall incur no liability for losses arising from any investments made pursuant to this Section.

(b) For the purpose of determining the amount in any fund or account established hereunder, the value of investments credited to such fund or account shall be calculated at the cost thereof, excluding accrued interest and brokerage commissions, if any.

(c) Moneys in the Debt Service Fund and the accounts therein shall be invested only in obligations which will by their terms mature on such dates as to ensure the timely payment of principal and interest on the corresponding Bonds as the same become due.

The Fiscal Agent shall sell at the best price obtainable or present for redemption any obligations so purchased whenever it may be necessary to do so in order to provide moneys to meet any payment or transfer for such funds and accounts or from such funds and accounts. For the purpose of determining at any given time the balance in any fund or account, any such investments constituting a part of such fund and account shall be valued at their amortized cost.

SECTION 5. COVENANTS.

So long as any of the Bonds issued hereunder are outstanding, the Authority makes the following covenants with the Owners (to be performed by the Authority or its proper officers, agents or employees), which covenants are necessary, convenient and desirable to secure the Bonds; provided, however, that said covenants do not require the Authority to expend any funds other than the Revenues.

Section 5.1. Punctual Payment. The Authority will punctually pay or cause to be paid the principal of, and interest and any premium on, the Bonds when and as due in strict conformity with the terms of this Resolution and any Supplemental Resolution, and it will faithfully observe and perform all of the conditions, covenants and requirements of this Resolution and all Supplemental Resolutions and of the Bonds.

Section 5.2. Limited Obligation; No Required Advances From Available Surplus Funds. The Bonds are limited obligation bonds and are payable solely from and secured solely by Revenues, including the amounts in the applicable account of the Debt Service Fund. Notwithstanding any other provision of this Resolution, the Authority shall, at the direction of the County in its sole and absolute discretion, advance available surplus funds from any account of the Debt Service Fund, determined in accordance with Section 4.7 of this Resolution, to cure any deficiency in any other account in the Debt Service Fund.

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Section 5.3. General. The Authority shall do and perform or cause to be done and performed all acts and things required to be done or performed by or on behalf of the Authority under the provisions of this Resolution. The Authority warrants that upon the date of execution and delivery of the Bonds, the conditions, acts and things required by law and this Resolution to exist, to have happened and to have been performed precedent to and in the execution and delivery of such Bonds do exist, have happened and have been performed and the execution and delivery of the Bonds shall comply in all respects with the applicable laws of the State.

Section 5.4. Protection of Security and Rights of Owners. The Authority will preserve and protect the security of the Bonds and the rights of the Owners thereto, and will warrant and defend their rights to such security against all claims and demands of all persons. From and after the delivery of the Bonds by the Authority, the Bonds shall be incontestable by the Authority.

Section 5.5. Against Encumbrances. The Authority will not encumber, pledge or place any charge or lien upon any of the Revenues or other amounts pledged to the Bonds superior to or on a parity with the pledge and lien herein created for the benefit of the Bonds, except as permitted by this Resolution.

Section 5.6. Accounting Records and Statements. The Authority will keep or cause to be kept proper accounting records in which complete and correct entries shall be made of all transactions relating to the receipt, deposit and disbursement of the Revenues, and such accounting records shall be available for inspection upon five (5) Business Days' written notice by any Owner or such Owner's agent duly authorized in writing at reasonable hours and under reasonable conditions.

Section 5.7. Further Assurances. The Authority will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of its duties under this Resolution, and for the better assuring and confirming unto the Owners of the Bonds the rights and benefits provided in this Resolution.

SECTION 6. FISCAL AGENT .

Section 6.1. Fiscal Agent; Appointment and Acceptance of Duties.

(a) The Authority Board hereby appoints the Authority Treasurer to act as the initial Fiscal Agent for the Bonds under this Resolution. All fees and expenses incurred for services of the Fiscal Agent shall be the sole responsibility of the Authority. The Fiscal Agent, if other than the Authority Treasurer acting as Fiscal Agent, pursuant to Section 6.6 hereof shall have the powers of a trust company within or without the State.

(b) Unless otherwise provided, the office of the Fiscal Agent designated by the Fiscal Agent shall be the place for the payment of principal of, premium, if any, and interest on the Bonds.

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Section 6.2. Liability of Fiscal Agent. The Fiscal Agent, if other than the Authority Treasurer or except as expressly provided in a certificate of the Fiscal Agent in connection with the issuance and delivery of the bonds on the Closing Date, makes no representations as to the validity or sufficiency of this Resolution or of any Bonds issued hereunder or as to the security afforded by this Resolution, and the Fiscal Agent shall incur no liability in response hereof or thereof.

Section 6.3. Evidence on Which Fiscal Agent May Act. The Fiscal Agent, upon receipt of any notice, resolution, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Resolution, shall examine such instrument to determine whether it conforms to the requirements of this Resolution and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed and presented by the proper party or parties. The Fiscal Agent may consult with counsel, who may or may not be counsel to the County or the Authority, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Resolution in good faith in accordance therewith.

Section 6.4. Compensation. The Authority shall direct the County to pay, from the Program Expense Fund, to the Fiscal Agent from time to time reasonable compensation for all services rendered under this Resolution, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Resolution. In no event shall the Authority or the County be required to expend its own funds hereunder or under the Loan Agreements, other than funds on deposit in the Program Expense Fund.

Section 6.5. Ownership of Bonds Permitted. If the Fiscal Agent is other than the Authority Treasurer, the Fiscal Agent may become the Owner of any Bond.

Section 6.6. Resignation or Removal of Fiscal Agent and Appointment of Successor.

(a) Any Fiscal Agent appointed may resign from service as Fiscal Agent and, if the Fiscal Agent is not the Authority Treasurer, it may be removed at any time by the Authority Treasurer as provided in the Fiscal Agent's service agreement. Without further action by the Authority Board, if at any time the Fiscal Agent shall resign or be removed, the Authority Treasurer shall appoint a successor Fiscal Agent, which shall be a trust company or bank having the powers of a trust company within or without the State, with at least \$100,000,000 in net assets. The Fiscal Agent shall keep accurate records of all funds administered by it and of all Bonds paid and discharged by it. Such records shall be provided, upon reasonable request, to the Authority in a format mutually agreeable to the Fiscal Agent and the Authority. Such successor Fiscal Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the Authority, a written acceptance thereof. Resignation or removal of the Fiscal Agent shall be effective upon appointment and acceptance of a successor Fiscal Agent.

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(b) In the event of the resignation or removal of the Fiscal Agent, such Fiscal Agent shall pay over, assign and deliver any moneys held by it as Fiscal Agent to its successor, or, if there is no successor, the Authority Treasurer shall be the Fiscal Agent.

SECTION 7. DEFEASANCE.

Section 7.1. Defeasance. If all Outstanding Bonds of a Series shall be paid and discharged in any one or more of the following ways:

(a) by paying or causing to be paid the principal of and interest with respect to all Bonds of such Series then Outstanding, as and when the same become due and payable;

(b) by depositing with the Fiscal Agent, at or before maturity, an amount which, together with the amounts then on deposit in the corresponding account of the Debt Service Fund, is fully sufficient to pay the principal of and redemption premium (if any) and interest on all Bonds of such Series then Outstanding as and when the same shall become due and payable or, in the event of redemption thereof, before their respective Maturity Dates; or

(c) by depositing with the Fiscal Agent Federal Securities in such amount as the Authority shall determine, as verified by a nationally recognized Independent Public Accountant (unless the Purchaser is the sole owner of all Bonds of such Series, in which case no such verification is required), will, together with the interest to accrue thereon and moneys then on deposit in the corresponding account of the Debt Service Fund together with the interest to accrue thereon, be fully sufficient to pay and discharge the principal of, and premium (if any) and interest on all Bonds of such Series then Outstanding as and when the same shall become due and payable;

then, at the election of the Authority, and notwithstanding that any Bonds of such Series shall not have been surrendered for payment, all obligations of the Authority under this Resolution with respect to all Outstanding Bonds of such Series shall cease and terminate, except for (i) the obligation of the Authority Treasurer to pay or cause to be paid to the Owners of the Bonds of such Series not so surrendered and paid, all sums due thereon, and (ii) the Authority's obligations under Section 5.4. Any funds held by the Fiscal Agent in such account of the Debt Service Fund, at the time of receipt of such notice from the Authority, which are not required for the purpose above mentioned, shall be transferred to the County to be used for the benefit of the SCEIP.

SECTION 8. SUPPLEMENTAL RESOLUTIONS.

Section 8.1. Supplemental Resolutions Without Owner Consent. The Authority, may from time to time, and at any time, without notice to or consent of any of the Owners, adopt resolutions supplemental hereto as shall not be inconsistent with the terms and provisions hereof for any of the following purposes:

(a) to cure any ambiguity, to correct or supplement any provision herein which may be inconsistent with any other provision herein, or to make any other provision with respect to matters

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or questions arising under this Resolution or in any Supplemental Resolution, provided that such action shall not adversely affect the interests of the Owners;

(b) to add to the covenants and agreements of and the limitations and the restrictions upon the Authority contained in this Resolution other covenants, agreements, limitations and restrictions to be observed by the Authority which are not contrary to or inconsistent with this Resolution as theretofore in effect; and

(c) to modify, alter, amend or supplement this Resolution in any other respect which is not materially adverse to the interests of the Owners.

Section 8.2. Supplemental Resolutions with Owner Consent. Except as provided in Section 8.1, the Owners of a majority in aggregate principal amount of the Bonds then Outstanding shall have the right to consent to and approve the execution of such Supplemental Resolutions as shall be deemed necessary or desirable for the purpose of waiving, modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Resolution or in any Supplemental Resolution; provided, however, that nothing herein shall permit, or be construed as permitting, (a) an extension of the Maturity Date of the principal of, or the payment date of interest on, any Bond, (b) a reduction in the principal amount of, or redemption price of, any Bond or the rate of interest thereon, (c) a preference or priority of any Bond or Bonds over any other Bond or Bonds, or (d) a reduction in the percentage of Bonds the Owners of which are required to consent to such Supplemental Resolution, without the consent of the Owners of all Bonds then Outstanding. In no event, however, may a modification or amendment provide for the issuance of additional bonds, notes or other evidences of indebtedness payable out of the Revenues.

Section 8.3. Notice of Supplemental Resolution to Owners. If at any time the parties hereto shall desire to enter into a resolution supplemental hereto, which pursuant to the terms of Section 8.2 shall require the consent of the Owners, the Authority shall cause notice of the proposed resolution to be mailed, postage prepaid, to all Owners at their addresses as they appear in the Registration Books. Such notice shall briefly set forth the nature of the proposed resolution and shall state that a copy thereof is on file at the office of the Authority for inspection by all Owners. The failure of any Owner to receive such notice shall not affect the validity of such resolution when consented to and approved as in Section 8.2 provided. Whenever at any time within one year after the date of the first mailing of such notice, the Authority shall receive an instrument or instruments purporting to be executed by the Owners of not less than a majority in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed resolution described in such notice, and shall specifically consent to and approve it substantially in the form of the copy thereof referred to in such notice as on file with the Authority, such proposed resolution, when duly adopted by the Authority, shall thereafter become a part of the proceedings for the issuance of the Bonds. In determining whether the Owners of the requisite aggregate principal amount of the Bonds have consented to the adoption of any Supplemental Resolution, Bonds which are owned by the County, the Authority, or by any person directly or indirectly controlling or controlled by or under direct or indirect

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common control with the County or the Authority, shall be disregarded and shall be treated as though they were not Outstanding for the purpose of any such determination.

Upon the adoption of any resolution supplemental hereto and the receipt of consent to any such resolution from the Owners of the appropriate aggregate principal amount of Bonds in instances where such consent is required, this Resolution shall be, and shall be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the Authority and all Owners of Bonds then Outstanding shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

SECTION 9. ADDITIONAL BONDS.

Section 9.1. Additional Series of Bonds. The Authority hereby authorizes and approves the issuance of Additional Series of Bonds pursuant to the JPA Act for the purpose of financing further County disbursements to property owners for the cost of Improvements, to the extent required under and in accordance with the SCEIP, pursuant to and secured by such Additional Resolutions of Issuance (and such additional loan agreements and bond purchase agreements approved by each such Additional Resolution of Issuance) as may be approved by the Authority Board from time to time, with such Additional Resolutions of Issuance and related agreements to be substantially in the form of this Resolution and the agreements approved hereby, together with such changes as may be requested by Bond Counsel and as are approved by the Authority Board.

SECTION 10. DEFAULT.

Section 10.1. Events of Default. If any of the following events occur, it is hereby declared to constitute an "Event of Default":

- (a) Default in the due and punctual payment of interest on any Bond, whether at the stated Interest Payment Date thereof, or upon proceedings for redemption thereof;
- (b) Default in the due and punctual payment of the principal of or premium, if any, on any Bond, whether at the stated Principal Payment Date thereof, or upon proceedings for redemption thereof; or
- (c) Failure by the Authority to observe and perform any material covenant, condition or agreement required by this Resolution to be performed by it (other than a default described in clause (a) or (b) above) for a period of 60 days following written notice to the Authority from any Owner of such failure; provided, however, if the Authority is in good faith attempting to remedy said failure and is unable to do so within the 60-day time period, an additional 60 days shall be allowed.

Section 10.2. Remedies Not Exclusive; Non-waiver. No remedy conferred hereby upon any Owner is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred by the JPA Act, Chapter 29, or any other law of the State. No waiver of any

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default or breach of duty or contract by any Owner shall affect any subsequent default or breach of duty or contract or shall impair any rights or remedies on said subsequent default or breach. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed as a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners may be enforced and exercised as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and the Owner shall prevail, said Owner shall be entitled to receive reimbursement for reasonable costs, expenses, outlays and attorney's fees and should said suit, action or proceeding be abandoned, or be determined adversely to the Owners then, and in every such case, the Authority and the Owners shall be restored to their former positions, rights and remedies as if such suit, action or proceeding had not been brought or taken.

Section 10.3. Limited Liability of the Authority to the Owners. Except for the collection of the Revenues and the observance and performance of the other conditions, covenants and terms contained herein or in the JPA Act required to be observed or performed by it, the Authority shall not have any obligation or liability to the Owners with respect to this Resolution or the preparation, authentication, delivery, transfer, exchange or cancellation of the Bonds.

Section 10.4. Action by Owners Upon Default. In the event the Authority fails to take any action to eliminate an Event of Default under Section 10.1 hereof, the Owners of a majority in aggregate principal amount of a Series of Outstanding Bonds may institute any suit, action, mandamus or other proceeding in equity or at law for the protection or enforcement of any right under this Resolution, but only if such Owners have first made written request of the Authority, after the right to exercise such powers or right of action shall have occurred, and shall have afforded the Authority a reasonable opportunity either to proceed to exercise the powers granted herein or granted under law or to institute such action, suit or proceeding in its name and unless also, the Authority shall have been offered reasonable security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby, and the Authority shall have refused or neglected to comply with such request within a reasonable time. Any moneys recovered in such suit, action, mandamus or other proceedings shall be applied first to the payment of the reasonable costs and expenses of the Owners in bringing such suit, action, mandamus or other proceeding, including reasonable compensation to their agents and attorney.

SECTION 11. LOAN AGREEMENTS.

Section 11.1. Approval of Loan Agreements. The Loan Agreements proposed to be entered into by and between the County and the Authority, in the form on file in the office of the Authority Secretary, are hereby approved. Each of the Chair of the Authority Board and the Vice Chair of the Authority Board (each, an "Authorized Officer") is hereby authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver each Loan Agreement in substantially said form, with such changes therein as may be requested by Bond Counsel and as the Authorized Officer executing the same may approve (such approval to be conclusively evidenced by such Authorized Officer's execution and delivery thereof); provided, (i) only one (1) Loan Agreement shall be executed

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with respect to each Series of Bonds, and (ii) a Loan Agreement with respect to a Series of Bonds shall be executed only to the extent a Purchase Agreement for such Series of Bonds has been executed by the Authority in accordance with the requirements set forth in Section 12.7(d) . The authorization and powers delegated to such Authorized Officers pursuant to this Section 11.1 shall be valid for a period commencing from April 1, 2014 through, and including, September 30, 2014.

SECTION 12. MISCELLANEOUS.

Section 12.1. Partial Invalidity. If any section, paragraph, subdivision, sentence, clause or phrase of this Resolution shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional, unenforceable or invalid, such judgment shall not affect the validity of the remaining portions of this Resolution. The Authority Board hereby declares that it would have adopted this Resolution and each and every other section, paragraph, subdivision, sentence, clause and phrase hereof and would have authorized the issuance of the Bonds pursuant hereto irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases of this Resolution or the application thereof to any person or circumstance, may be held to be unconditional, unenforceable or invalid.

Section 12.2. General Authorization. The officers of the Authority are hereby authorized and directed, jointly and severally, to do all acts and things which may be required of them by this Resolution, or which may be necessary or desirable in carrying out the issuance of the Bonds as provided by this Resolution and all matters incidental thereto, including, without limitation, to execute such agreements, certificates, receipts, opinions and other documents, and to deliver at the closing and delivery of the Bonds any and all of the foregoing as may be appropriate in the circumstances. All such acts and things heretofore done are hereby approved, ratified and confirmed.

Section 12.3. Personal Liability. The Authority or any officer, agent or employee thereof, shall not be individually or personally liable for the payment of the principal of or interest on the Bonds; but nothing herein contained shall relieve any such entity, officer, agent or employee from the performance of any official duty provided by law.

Section 12.4. Payment on Business Day. In any case where the date of the maturity of interest or of principal (and premium, if any) of the Bonds or the date fixed for redemption of any Bonds or the date any action is to be taken pursuant to this Resolution is other than a Business Day, the payment of interest or principal (and premium, if any) or the action need not be made on such date but may be made on the next succeeding day which is a Business Day with the same force and effect as if made on the date required and no interest shall accrue for the period after such date.

Section 12.5. Employment of Agents by the Authority. In order to perform its duties and obligations hereunder, the Authority may employ such persons or entities as it deems necessary or advisable. The Authority shall not be liable for any of the acts or omissions of such persons or entities employed by it in good faith hereunder, and shall be entitled to rely, and shall be fully protected in doing so, upon the opinions, calculations, determinations and directions of such persons or entities.

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Section 12.6. Disqualified Bonds. In the event of a later transfer of the Bonds in accordance with Section 12.7 hereof, in determining whether the Owners of the requisite aggregate principal amount of Bonds have concurred in any demand, request, direction, consent or waiver under this Resolution, Bonds which are owned or held by or for the account of the Authority or the County shall be disregarded and deemed not to be Outstanding for the purpose of any such determination, provided, however, that for the purpose of determining whether the Fiscal Agent shall be protected in relying on any such demand, request, direction, consent or waiver, only Bonds which the Fiscal Agent knows to be so owned or held shall be disregarded.

Section 12.7. Sale of Bonds to Purchaser; Transfer of Bonds; Purchase Agreement; Restrictions. (a) The Purchaser, as the initial Owner of the Bonds, has represented to the Authority that the Purchaser intends to hold the Bonds for its own account, for an indefinite period of time, and does not intend at this time to distribute, sell or otherwise dispose of the Bonds, or any portion thereof, to any third party.

(b) At the time of adoption of this Resolution, the Authority has not prepared, and does not intend to prepare, any offering document (in the form of an official statement or otherwise) with respect to the Bonds. The Authority has not made, and at this time does not intend to make, any continuing disclosure filings with state or national information repositories with respect to the Bonds.

(c) The transfer of the Bonds shall be restricted as set forth herein. With respect to any transfer of less than all of the then outstanding principal amount of the Bonds, the portion being transferred shall be equal to \$100,000 or greater in principal amount. No Bond (or any portion thereof) may be transferred and no such transfer shall be effective or recognized in the Registration Books, unless the Authority shall have received a letter from the proposed transferee in the form satisfactory to the Authority, which shall contain statements substantially to the following effect:

- (i) The transferee has received and reviewed copies of this Resolution. The transferee understands that (A) the Bonds are limited obligations of the Authority secured by and payable solely from Revenues as provided in this Resolution, (B) no other fund or property of the Authority or the County is liable for the payment of the Bonds, (C) none of the payment obligations with respect to the Bonds are secured by a pledge of any money received or to be received from taxation by the County or any political subdivision thereof, other than the Assessment Revenues securing the Loan Agreements pursuant to which the Revenues securing the Bonds will be paid, and (D) there is no reserve fund for the Bonds.
- (ii) The transferee has sufficient knowledge and experience in financial and business matters, including in the purchase and ownership of municipal obligations of a nature similar to the Bonds, to be able to evaluate the risks and merits of investing in the Bonds.
- (iii) The transferee acknowledges that Authority has not prepared any offering document with respect to the Bonds. The transferee, as a sophisticated investor, has made its own credit inquiry and analyses with respect to the

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Bonds. The transferee has assumed the responsibility for obtaining and making such review as the transferee has deemed necessary or desirable in connection with the transferee's decision to invest in the Bonds. The transferee's decision to invest in the Bonds did not rely on any information provided by the Authority or the County (or any representatives or agents of the Authority or the County) that is not in written form.

- (iv) The transferee has duly determined that (A) the transferee is legally authorized to purchase the Bonds, and (B) the Bonds are a lawful investment for the transferee under all applicable laws.
- (v) The transferee understands that (A) the Bonds have not been registered with any federal or state securities agency or commission or otherwise qualified for sale under the "Blue Sky" laws or regulations of any state, (B) will not be listed on any securities exchange, (C) will not carry a rating from any rating service, and (D) may not be readily marketable.
- (vi) The transferee is investing in the Bonds for its own account, and at the time of its purchase of the Bonds, and does not intend to distribute, resell or otherwise dispose of the Bonds.
- (vii) The transferee agrees that, in the event that the transferee decides to sell or otherwise transfer the Bonds, it shall require the new transferee to deliver to the Authority the letter required by this Section 12.7 as a condition precedent to the consummation of such transfer.

(d) The Authority shall enter into a purchase agreement (each individually, and collectively, the "Purchase Agreement") with respect to each Series of Bonds designated as set forth in Section 2.3 and determined in accordance with the parameters set forth in this paragraph. The Purchase Agreement proposed to be entered into by and between the Authority and the Purchaser, in the form on file in the office of the Authority Secretary, and the sale of the Bonds pursuant thereto upon the terms and conditions set forth therein are hereby approved; provided, however, that the form of the Purchase Agreement proposed to be entered into by and between the Authority and an Alternate Purchaser shall be approved by the applicable Alternate Purchaser Resolution. Subject to the following sentence, each Authorized Officer, acting singly, is authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver each Purchase Agreement in substantially said form, with such changes therein as may be requested by Bond Counsel and as the officer executing the same may require or approve (such approval to be conclusively evidenced by such Authorized Officer's execution and delivery thereof). With respect to each Purchase Agreement, each Authorized Officer, acting singly, is hereby authorized and directed to act on behalf of the Authority to establish and determine the initial principal amount of each Series of Bonds; provided, (i) in accordance with Section 2.3, the aggregate initial principal amount of all Series of Bonds issued under this Resolution and originally purchased by a Purchaser other than an Alternate Purchaser shall not exceed the Authorized Principal Amount, and the aggregate initial principal amount of each Series of Bonds issued under this Resolution and originally purchased by an Alternate Purchaser shall not exceed the respective maximum aggregate initial principal amount specified in the applicable Alternate Purchaser Resolution, and (ii) in any calendar

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month, any and all such Series of Bonds issued shall be issued on the same Business Day and on only one Business Day each month, with the exception of the month of June in which month there may be two Bond Dates to permit that the Bond Date for any such Series of Bonds Issued for the month of July may fall within the last seven days of June to accommodate the Fiscal Year and such Bond Date shall be deemed the Bond Date for the month of July. The authorization and powers delegated to such Authorized Officers pursuant to this Section 12.7(d) shall be valid for a period commencing from April 1, 2014 through, and including, September 30, 2014.

(e) Upon satisfaction of subsection (c) above, any Bond may in accordance with its terms be transferred upon the Registration Books by the person in whose name it is registered, in person or by such person's duly authorized attorney, upon surrender of such Bond for cancellation, accompanied by delivery of a written instrument of transfer, duly executed, in a form approved by the Fiscal Agent. Whenever any Bond shall be surrendered for such transfer, the Authority shall execute and the Fiscal Agent shall thereupon authenticate and deliver to the transferee a new Bond or Bonds of like tenor, Series, maturity or maturities and aggregate principal amount. The Fiscal Agent shall not be required to transfer, pursuant to this Section 12.7, either (i) any Bond during the period established by the Fiscal Agent for the selection of Bonds for redemption, or (ii) any Bond selected for redemption pursuant to Section 3.

Section 12.8. Waivers. So long as a Purchaser is the sole Owner as to a Series of Bonds, such Purchaser may waive any provisions of this Resolution with respect to such Series of Bonds, including but not limited to the provisions related to the redemption of Bonds or to the adoption of resolutions supplemental hereto.

Section 12.9. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2014.

Chair

ATTEST:

Secretary

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Exhibit A

[FORM OF BOND]

Transfer of this Bond is subject to the restrictions set forth in the Resolution referred to herein. A transfer of Bonds is limited to certain parties that qualify under the requirements of the Resolution, which include the requirement that the transferee can bear the economic risk of investment in the Bonds and has such knowledge and experience in business and financial matters, including the purchase and ownership of municipal obligations of a nature similar to the Bonds, to be able to evaluate the risks and merits of the investment in the Bonds. The Bonds have not been registered with any federal or state securities agency or commission.

United States of America
State of California
County of Sonoma

REGISTERED
NUMBER [1]

REGISTERED
\$ _____

SONOMA COUNTY PUBLIC FINANCING AUTHORITY
SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM
CONTRACTUAL ASSESSMENT REVENUE [REFUNDING] BOND
SERIES 20__ -__ (TAXABLE)

BOND DATE: _____, [20__]

MATURITY DATE: September 2, _____

REGISTERED OWNER: Treasurer of the County of Sonoma, for and on behalf of the Sonoma
County Treasury Pooled Investment Fund

Under and by virtue of Articles 1 through 4 (commencing with Section 6500) of the Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended (the "JPA Act"), including the provisions of the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 of the Act, the Sonoma County Public Financing Authority, a joint powers authority organized and existing under the laws of the State of California (the "Authority") hereby promises to pay (but only out of the Revenues (as such term is defined in the Resolution of Issuance (as hereinafter defined)) to the registered owner hereof, or registered assigns (the "Owner"), on the Maturity Date identified above (subject to any right of prior redemption hereinafter mentioned), the principal sum specified above in lawful money of the United States of America; and to pay interest thereon at a rate of interest determined pursuant to Resolution No. ____ of the Governing Board of the Authority (the "Resolution

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of Issuance”), adopted on _____, 2014, in like money. As used herein, the term “Record Date” shall mean, with respect to any Interest Payment Date (as hereinafter defined), the fifteenth day of the calendar month immediately preceding the applicable Interest Payment Date, whether or not such day is a Business Day (as defined in the Resolution of Issuance. Interest will be payable from the Interest Payment Date next preceding the date of authentication and registration of this Bond, unless one of the following applies: (i) if such date of authentication is an Interest Payment Date, then interest shall be payable from such date of authentication, (ii) except where clause (iii) is applicable, if the date of authentication is after a Record Date but prior to the immediately succeeding Interest Payment Date, then interest shall be payable from such Interest Payment Date, or (iii) if the date of authentication is prior to the close of business on the first Record Date or if the Bond Date occurs after the 15th day of the calendar month immediately before the first Interest Payment Date, then interest shall be payable from the Bond Date. Notwithstanding the foregoing, if at the time of authentication of such Bond, interest is in default, interest on that Bond shall be payable from the last Interest Payment Date to which the interest has been paid or made available for payment.

The principal of this Bond shall be payable on the Maturity Date. Interest on this Bond shall be payable semiannually on March 2 and September 2 (each an “Interest Payment Date”) in each year commencing on September 2, 2014. Principal of and interest on this Bond shall be paid by check of the Treasurer of the Authority (“Authority Treasurer” or “Fiscal Agent”) mailed on or before the Interest Payment Date by first class mail, postage prepaid, or upon satisfaction of certain conditions specified in the Resolution of Issuance, by wire transfer or any other method acceptable to the Owner, to the person whose name appears in the Registrations Books as the Owner of such Bond as of the 15th day of the calendar month immediately preceding each Interest Payment Date, to the address of that person on the Registration Books, provided that the payment of principal of the Bond on the Maturity Date and the payment of the principal of the Bond and any premium due upon the redemption thereof shall be payable upon presentation and surrender thereof at maturity or earlier redemption at the office of the Authority Treasurer in Sonoma, California.

This Bond shall bear interest until the principal amount has been paid; provided, however, that if at the Maturity Date, or if at the redemption date of any principal amount of this Bond which has been duly called for redemption as provided in the Resolution of Issuance, funds are available for the payment or redemption thereof in full accordance with the terms of the Resolution of Issuance, such principal amount shall then cease to bear interest.

This Bond is issued by the Authority under the JPA Act and the Resolution of Issuance for the purpose of providing funds to make a loan (the “Loan”) to the County of Sonoma (the “County”) to make disbursements to property owners for the cost of certain distributed generation renewable energy sources and energy efficiency improvements, which include water efficiency improvements, pursuant to the Sonoma County Energy Independence Program, established by the Board of Supervisors of the County pursuant to its Resolution No. 09-0271 under Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code, commencing with Section 5898.10. The obligation of the County to make payments to the Authority of principal and interest on the Loan is a limited obligation secured only as set forth in the related Loan Agreement.

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This Bond is secured by the Revenues (as that term is defined in the Resolution of Issuance), including the moneys in the Series 20__ __ - __ Account of the Debt Service Fund, and is payable exclusively out of the Series 20__ __ - __ Account of the Debt Service Fund as provided in the Resolution of Issuance. This Bond and interest thereon are not payable from the general funds of the Authority or the County. Neither the credit of the County or the Authority nor the taxing power of the County is pledged for the payment of this Bond or the interest thereon, and no Owner of this Bond may compel the exercise of any taxing power by the County or force the forfeiture of any of its property. The principal of, and premium (if any) and interest on this Bond are not a debt of the County nor a legal or equitable pledge, charge, lien or encumbrance upon any of the property of the Authority or the County, or upon any of their income, receipts or revenues, other than the Revenues and the funds described in the Resolution of Issuance. The Authority has no taxing power.

This Bond is transferable by the Owner hereof, in person or by the Owner's attorney duly authorized in writing, at the office of the Fiscal Agent, subject to the terms and conditions provided in the Resolution of Issuance, including the payment of certain charges, if any, upon exchange, transfer, surrender or cancellation of this Bond. Upon transfer, a new registered Bond or Bonds, of any authorized denomination or denominations, of the same maturity, and for the same aggregate principal amount, will be issued to the transferee in exchange therefor.

The Fiscal Agent shall not be required to exchange or to register the transfer of Bonds during the fifteen days immediately preceding any Interest Payment Date or of any Bonds selected for redemption in advance of maturity.

The Fiscal Agent and the Authority may treat the Owner hereof as the absolute owner for all purposes, and the Fiscal Agent and the Authority shall not be affected by any notice to the contrary.

This Bond or any portion of it in the amount of \$5,000, or any integral multiple thereof, or in such other denomination or denominations as determined by the Authority Treasurer in accordance with the Resolution of Issuance, is subject to mandatory redemption and payment prior to maturity on any second day of March or September in any year from prepayments of assessments and subject to optional redemption and payment prior to maturity (i) on any date from monies on deposit and available for such purpose in an account of the Escrow Fund established in the Resolution of Issuance (the "Escrow Fund") and (ii) on the 15th calendar day of any month from any source of funds other than prepayment of assessments and moneys in the Escrow Fund by giving at least 30 days' notice of such mandatory or optional redemption, or other such shorter period upon the consent of the owners of any Bonds designated for redemption, by registered or certified mail, postage prepaid, or by personal service to the Owner hereof at the Owner's address as it appears on the registration books of the County and by paying principal and accrued interest together with a premium equal to three percent (3%) of the principal amount or such lesser (or no) premium as may be determined in accordance with the Resolution of Issuance. Interest shall cease to accrue from and after the date of redemption.

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Additionally, this Bond or any portion of it in the amount of \$5,000, or any integral multiple thereof, or in such other denomination or denominations as determined by the Authority Treasurer in accordance with the Resolution of Issuance, is subject to optional redemption and payment prior to maturity on any date from moneys on deposit and available for such purpose in an account of the Escrow Fund by giving notice on the Redemption Date (unless waived pursuant to the Resolution of Issuance), by registered or certified mail, postage prepaid, or by personal service to the Owner hereof at the Owner's address as it appears on the registration books of the County and by paying principal and accrued interest, without premium. Interest shall cease to accrue from and after the date of redemption.

This Bond shall not be entitled to any benefit under the JPA Act or the Resolution of Issuance, or become valid or obligatory for any purpose, until the certificate of authentication and registration hereon endorsed shall have been dated and signed by the Fiscal Agent.

[The remainder of this page is intentionally left blank.]

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Date:

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IN WITNESS WHEREOF, the Sonoma County Public Financing Authority, California has caused this Bond to be signed by the Chair of its Governing Board and by its Secretary, all as of _____, 20__.

COUNTY OF SONOMA, CALIFORNIA

Chair of the Governing Board

Secretary

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is one of the Bonds described in the within mentioned Resolution of Issuance which has been authenticated and registered on _____, 20__.

Treasurer of the
Sonoma County Public Financing Authority

[FORM OF ASSIGNMENT]

For value received the undersigned do(es) hereby sell, assign and transfer unto _____

whose tax identification number is _____, the within-mentioned registered Bond and hereby irrevocably constitute(s) and appoint(s) _____ attorney to transfer the same on the books of the Fiscal Agent with full power of substitution in the premises.

Dated: _____

Signature guaranteed:

NOTE: The signature(s) on this Assignment must correspond with the name(s) as written on the face of the within Bond in every particular without alteration or enlargement or any change whatsoever.

NOTICE: Signature must be guaranteed by a member of an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or other similar program.

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EXHIBIT A – FORM OF BOND A-1

Supervisors:

Gorin: Zane: McGuire: Carrillo: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving As To Form And Authorizing The Execution And Delivery Of Loan Agreements In Connection With The Sale And Issuance By The Sonoma County Public Financing Authority Of Its Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable), And Authorizing Certain Other Matters Relating Thereto

Whereas, the Board of Supervisors (the "County Board") of the County of Sonoma, California (the "County") by its Resolution No. 09-0271 established the Sonoma County Energy Independence Program (the "SCEIP") to finance the acquisition and construction or installation of distributed generation renewable energy sources and energy efficiency improvements, which include water efficiency improvements (the "Improvements"), on properties in the County through the use of contractual assessments pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code; and

Whereas, the Governing Board of the Authority has determined pursuant to Resolution No. ____ (the "Resolution of Issuance") to issue multiple series of its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable) and its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Refunding Bonds (Taxable) (collectively, the "Bonds") under and pursuant to Articles 1 through 4 (commencing with Section 6500) of the Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended (the "JPA Act"), including the provisions of the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 of the JPA Act, for the purpose of providing funds to make separate loans (a loan with respect to each series of Bonds) (the "Loans") to the County to make disbursements, pursuant to the SCEIP and the contracts governing the aforementioned contractual assessments, to property owners for the cost of Improvements, pursuant to and secured by the Resolution of Issuance in the manner provided therein; and

Whereas, in order to effect the issuance of the Bonds, the County desires to approve the forms of, and authorize the execution and delivery of, one or more loan agreements (each, a "Loan Agreement" and collectively, the "Loan Agreements"), the forms of which are on file with the Clerk of the County Board (the "Clerk"); and

Whereas, the issuance of the Bonds and the execution and delivery of the Loan

Resolution #

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Agreements to provide funding for and in accordance with the SCEIP will provide significant public benefits to the citizens of the County in the form of more efficient delivery of the SCEIP to residential and commercial development within the County.

Now, Therefore, Be It Resolved

1. Recitals. The above recitals, and each of them, are true and correct.
2. Loan Agreements. The Loan Agreements, proposed to be entered into by and between the County and the Authority, in the form presented at this meeting and on file with the Clerk, are hereby approved. Each of the Chairman of the County Board, the County Administrator, the Auditor-Controller-Treasurer-Tax Collector, and the Revenue & Debt Division Manager, or any of them, or their designee (each, an "Authorized Officer"), is hereby authorized and directed, for and in the name and on behalf of the County, to execute and deliver the Loan Agreements in substantially said form, subject to the parameters in the Resolution of Issuance and with such changes therein as may be requested by Bond Counsel and as the Authorized Officer executing the same may approve (such approval to be conclusively evidenced by such Authorized Officer's execution and delivery thereof). The authorization and powers delegated to such Authorized Officers pursuant to this Section 2 shall be valid for a period commencing from the date of adoption of this Resolution through, and including, the last day of the first calendar month in which such last day occurs at least one hundred eighty (180) days after the date of adoption hereof.
3. Other Acts. The Authorized Officers and all other officers of the Agency are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to effectuate the purposes of this Resolution, the SCEIP, and the Loan Agreements, and any such actions previously taken by such officers are hereby ratified and confirmed.
4. Effective Date. This Resolution shall take effect immediately upon adoption.

Supervisors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.



County of Sonoma

State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board of Supervisors of the County Of Sonoma Authorizing The Sonoma County Treasury Pooled Investment Fund's Investment In And Purchase Of The Sonoma County Public Financing Authority's Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable), Approving As To Form And Authorizing The Execution And Delivery Of Bond Purchase Agreements In Connection Therewith, And Authorizing Certain Other Matters Relating Thereto,

Whereas, the Board of Supervisors (the "County Board") of the County of Sonoma, California (the "County") by its Resolution No. 09-0271 established the Sonoma County Energy Independence Program (the "SCEIP") to finance the acquisition and construction or installation of distributed generation renewable energy sources and energy efficiency improvements, which include water efficiency improvements (the "Improvements"), on properties in the County through the use of contractual assessments pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code; and

Whereas, the Governing Board of the Sonoma County Public Financing Authority (the "Authority") has determined pursuant to Resolution No. ____ (the "Resolution of Issuance") to issue multiple series of its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable) and its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Refunding Bonds (Taxable) (collectively, the "Bonds") under and pursuant to Articles 1 through 4 (commencing with Section 6500) of the Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended (the "JPA Act"), including the provisions of the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 of the JPA Act, for the purpose of providing funds to make separate loans (a loan with respect to each series of Bonds) (collectively, the "Loans") to the County to make disbursements, pursuant to the SCEIP and the contracts governing the aforementioned contractual assessments, to property owners for the cost of Improvements, pursuant to and secured by the Resolution of Issuance in the manner provided therein; and

Whereas, the County heretofore has established the Sonoma County Treasury Pooled Investment Fund (the "County Pool") as a pooled local agency investment fund under the laws of the State of California (including without limitation Government Code Sections 53601 and 53635). The powers of the County Board with respect to the County Pool include the power to

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invest money for the benefit of the County and the other participants in the pool, and pursuant to Government Code Section 53607, the County has delegated its authority to invest or to reinvest County funds, including but not limited to the funds of the County Pool, to the Treasurer of the County (the "County Treasurer"); and

Whereas, each of the Bonds will have a maturity of at least 5 years from their respective dates of issuance, and Government Code Section 53601 provides generally that no investment shall be made in any security that at the time of the investment has a term remaining to maturity in excess of 5 years, unless the County Board has granted express authority to make that investment specifically; and

Whereas, pursuant to Government Code Section 53601, the County Board desires to provide express authority for the County Treasurer to invest the County Pool in and to purchase on behalf of the County Pool any series of Bonds issued pursuant to the Resolution of Issuance, including Bonds with a term of more than 5 years, all subject to the limitations set forth in the Resolution of Issuance and the requirements of Section 3 of this Resolution, and to approve the form of, and authorize the execution and delivery of one or more bond purchase agreements (each individually, or collectively, as the context may require, the "Purchase Agreements"), the forms of which are on file with the Clerk of the County Board (the "Clerk").

Now, Therefore, Be It Resolved

1. Recitals. The above recitals, and each of them, are true and correct.
2. Findings; Specific Investment Authorization. The County Board hereby finds and determines that the County Pool's investment in, and purchase of, a portion or all of the Bonds, subject to the terms and conditions set forth in this Resolution, is prudent under the general economic conditions and the anticipated needs of the County Pool. In accordance with Government Code Section 53601, the County Board hereby grants express authority for the County Pool to invest in and purchase the Bonds, including but not limited to those Bonds with a term remaining to maturity in excess of 5 years.
3. Purchase Agreements. The County Treasurer, on behalf of the County Pool, shall enter into a Purchase Agreement with respect to each separate series of Bonds (designated as set forth in the Resolution of Issuance) to be purchased. The Purchase Agreements proposed to be entered into by the County Pool and the Authority, in the form on file with the Clerk, and the purchase of a portion or all of the Bonds pursuant thereto upon the terms and conditions set forth therein, are hereby approved. Subject to the provisions of Section 4 below, the Chair of the County Board, the Vice-Chair of the County Board, and, so long as the delegation of authority under Government Code Section 53607 is in effect, the County Treasurer (each, an "Authorized Officer"), acting singly, is authorized and directed, for and in the name and on behalf of the County Pool, to execute and deliver the Purchase Agreements in substantially said

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Date:

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form, with such changes therein as may be requested by Bond Counsel and as the officer executing the same may require or approve, including such matters as are authorized by Section 4 hereof (such approval to be conclusively evidenced by such Authorized Officer's execution and delivery thereof). The authorization and powers delegated to such Authorized Officers pursuant to this Section 3 shall be valid for a period commencing from the date of adoption of this Resolution through, and including, the last day of the first calendar month in which such last day occurs at least one hundred eighty (180) days after the date of adoption hereof.

4. Terms of Purchase of Bonds. Each Authorized Officer, acting singly, is hereby authorized and directed to act on behalf of the County to establish and determine the aggregate principal amount of all series of Bonds to be purchased by the County Pool under this Resolution, which amount shall not exceed \$45,000,000, less an amount equal to the original aggregate principal amount of any bonds issued pursuant the Authority's Resolution No. 09-0359, the Authority's Resolution No. 09-0689, the Authority's Resolution No. 09-1024, the Authority's Resolution No. 10-0324, the Authority's Resolution No. 10-0612, the Authority's Resolution No. 11-0135, the Authority's Resolution No. 11-0506, the Authority's Resolution No. 12-0144, the Authority's Resolution No. 12-0466, the Authority's Resolution No. 13-0117, and the Authority's Resolution No. 13-0380 which have not been refunded.

5. Other Acts. The Authorized Officers and all other officers of the County are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to effectuate the purposes of this Resolution and the Purchase Agreements, including but not limited to a certificate, investor letter, or such other document certifying as to the County and/or County Pool's qualifications as a purchaser of the Bonds, as appropriate, and any such actions previously taken by such officers are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect immediately upon adoption.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma

State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma County Water Agency Requesting The Withdrawal Of Funds From The Sonoma County Treasury Pooled Investment Fund And Authorizing The Sonoma County Treasurer To Use The Withdrawn Funds To Purchase Sonoma County Public Financing Authority's Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable)

Whereas, the Board of Supervisors (the "County Board") of the County of Sonoma, California (the "County") by its Resolution No. 09-0271 established the Sonoma County Energy Independence Program (the "SCEIP") to finance the acquisition and construction or installation of distributed generation renewable energy sources and energy efficiency improvements, which include water efficiency improvements (the "Improvements"), on properties in the County through the use of contractual assessments pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code; and

Whereas, the Governing Board of the Sonoma County Public Financing Authority (the "Authority") has determined pursuant to Resolution No. _____ (the "Resolution of Issuance") to issue multiple series of its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable) and its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Refunding Bonds (Taxable) (collectively, the "Bonds") under and pursuant to Articles 1 through 4 (commencing with Section 6500) of the Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended (the "JPA Act"), including the provisions of the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 of the JPA Act, for the purpose of providing funds to make separate loans (a loan with respect to each series of Bonds) (collectively, the "Loans") to the County to make disbursements, pursuant to the SCEIP and the contracts governing the aforementioned contractual assessments, to property owners for the cost of Improvements, pursuant to and secured by the Resolution of Issuance in the manner provided therein; and

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Date:

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Whereas , pursuant to Ordinance No. 5037, the County Board has delegated to the Treasurer of Sonoma County (the “County Treasurer”) the authority to invest or reinvest the funds of the County and the funds of other depositors in the County Treasury, and by its Resolution No. 14-0018, the County Board renewed its delegation of authority; and

Whereas, the County has heretofore established the Sonoma County Treasury Pooled Investment Fund (the “County Pool”) as a pooled local investment fund under the laws of the State of California; and

Whereas, the Sonoma County Water Agency (the “Agency”) invests its funds, including funds in the Warm Springs Dam Debt Service Sinking Fund (the “Sinking Fund”), in the County Pool; and

Whereas, the Board of Directors of the Agency (the “Agency Board”) desires that the County Treasurer withdraw up to \$15,000,000 of funds in the Sinking Fund from the County Pool and use those funds to invest in and purchase Bonds for and on behalf of the Agency in accordance with the provisions of this Resolution; and

Whereas, each of the Bonds will have a maturity of 20 years from their respective dates of issuance, and Government Code Section 53601 provides generally that no investment shall be made in any security that at the time of the investment has a term remaining to maturity in excess of 5 years, unless the legislative body has granted express authority to make that investment specifically; and

Whereas, the Agency Board desires to provide express authority for the County Treasurer to invest in and purchase Bonds for and on behalf of the Agency using funds available in the Sinking Fund in the County Pool in accordance with the provisions of this Resolution.

Now, Therefore, Be It Resolved

1. Recitals. The above recitals, and each of them, are true and correct.
2. Request for Withdrawal and Specific Investment Authorization. The Agency Board hereby requests the County Treasurer to withdraw funds in the Sinking Fund from the County Pool and hereby grants express authority to the County Treasurer to invest in and purchase Bonds for and on behalf of the Agency using the withdrawn funds (including but not limited to determination of the applicable rate for such Bonds, pursuant to Section 2.3 of the Resolution of Issuance). Such request and authorization shall be subject to following:
 - a. Bonds eligible to be purchased are only those Bonds with a term remaining to maturity of 20 years that are issued pursuant to the Resolution of Issuance (“Eligible Bonds”).

Resolution #

Date:

Page 3

b. Moneys in the Sinking Fund shall only be withdrawn from the County Pool at the times and in the amounts needed for the purchase of Eligible Bonds, with the amount withdrawn and invested in the Bonds not to exceed \$15,000,000. The Agency Board acknowledges that any withdrawal shall be at the market value of the County Pool as of the date of the withdrawal.

c. Principal of, and premium (if any) and interest on the Eligible Bonds shall be deposited in the Sinking Fund in the County Pool and shall not be reinvested in Eligible Bonds.

3. Finding. The Agency Board hereby finds and determines that the County Treasurer's investment in, and purchase of, Eligible Bonds using moneys in the Sinking Fund, subject to the terms and conditions set forth in this Resolution, is prudent under the general economic conditions and the anticipated needs of the Agency.

4. Effective Date. This Resolution shall take effect immediately upon adoption.

5. Transmittal. The Secretary of the Agency is hereby directed to file a certified copy of this Resolution with the County Treasurer and with the County Board for their advice and consent.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma

State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board of Supervisors Of the County Of Sonoma, State of California, Consenting To The Withdrawal Of Funds From The Sonoma County Treasury Pooled Investment Fund And The Purchase Of Sonoma County Public Financing Authority's Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable) By The Treasurer Of Sonoma County For And On Behalf Of The Sonoma County Water Agency,

Whereas, the Board of Supervisors (the "County Board") of the County of Sonoma, California (the "County") by its Resolution No. 09-0271 established the Sonoma County Energy Independence Program (the "SCEIP") to finance the acquisition and construction or installation of distributed generation renewable energy sources and energy efficiency improvements, which include water efficiency improvements (the "Improvements"), on properties in the County through the use of contractual assessments pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code; and

Whereas, the Governing Board of the Sonoma County Public Financing Authority (the "Authority") has determined pursuant to Resolution No. _____ (the "Resolution of Issuance") to issue multiple series of its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Bonds (Taxable) and its Sonoma County Public Financing Authority, Sonoma County Energy Independence Program, Contractual Assessment Revenue Refunding Bonds (Taxable) (collectively, the "Bonds") under and pursuant to Articles 1 through 4 (commencing with Section 6500) of the Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, as amended (the "JPA Act"), including the provisions of the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 of the JPA Act, for the purpose of providing funds to make separate loans (a loan with respect to each series of Bonds) (collectively, the "Loans") to the County to make disbursements, pursuant to the SCEIP and the contracts governing the aforementioned contractual assessments, to property owners for the cost of Improvements, pursuant to and secured by the Resolution of Issuance in the manner provided therein; and

Whereas, pursuant to Ordinance No. 5037, the County Board has delegated to the Treasurer of Sonoma County (the "County Treasurer") the authority to invest or reinvest the

Resolution #

Date:

Page 2

funds of the County and the funds of other depositors in the County Treasury, and by its Resolution No. 14-0018, the County Board renewed its delegation of authority; and

Whereas, the County has heretofore established the Sonoma County Treasury Pooled Investment Fund (the "County Pool") as a pooled local investment fund under the laws of the State of California; and

Whereas, the Sonoma County Water Agency (the "Agency") invests its funds, including funds in the Warm Springs Dam Debt Service Sinking Fund (the "Sinking Fund"), in the County Pool; and

Whereas, the Board of Directors of the Agency (the "Agency Board") has requested the County Treasurer to withdraw up to \$15,000,000 of funds in the Sinking Fund from the County Pool and use those funds to invest in and purchase Bonds for and on behalf of the Agency in accordance with the provisions of the Agency's Resolution No. ____ (the "Agency Investment Resolution"); and

Whereas, each of the Bonds will have a maturity of 20 years from their respective dates of issuance, and Government Code Section 53601 provides generally that no investment shall be made in any security that at the time of the investment has a term remaining to maturity in excess of 5 years, unless the legislative body has granted express authority to make that investment specifically; and

Whereas, the Agency Board has provided express authority and direction for the County Treasurer to invest in and purchase Bonds for and on behalf of the Agency using funds available in the Sinking Fund in accordance with the provisions of the Agency Investment Resolution; and

Whereas, the Agency Board has found and determined that that the County Treasurer's investment in, and purchase of, Bonds using moneys in the Sinking Fund, subject to the terms and conditions set forth in the Agency Investment Resolution, is prudent under the general economic conditions and the anticipated needs of the Agency.

Whereas, the Agency Board has sought the advice and consent of the County Board;

Now, Therefore, Be It Resolved

1. Recitals. The above recitals, and each of them, are true and correct.
2. Consent. The County Board hereby acknowledges the request for withdrawal and the express authority granted by the Agency to the County Treasurer pursuant to the Agency Investment Resolution and County Board hereby consents to the withdrawal and the investment in and purchase of Bonds by the County Treasurer for and on behalf of the Agency in accordance with the provisions of the Agency Investment Resolution. The County Board

Resolution #

Date:

Page 3

hereby finds and determines that the County Treasurer's investment in, and purchase of, Bonds using moneys in the Sinking Fund, subject to the terms and conditions set forth in the Agency Investment Resolution, is prudent under the general economic conditions and the anticipated needs of the Agency. Further, the County Board authorizes the County Treasurer to invest in and purchase Bonds on a basis which grants priority to purchases of Bonds for and on behalf of the Agency in accordance with the Agency Investment Resolution over purchases of Bonds for and on behalf of the County Pool.

3. Effective Date. This Resolution shall take effect immediately upon adoption.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



SCEIP Report Summary

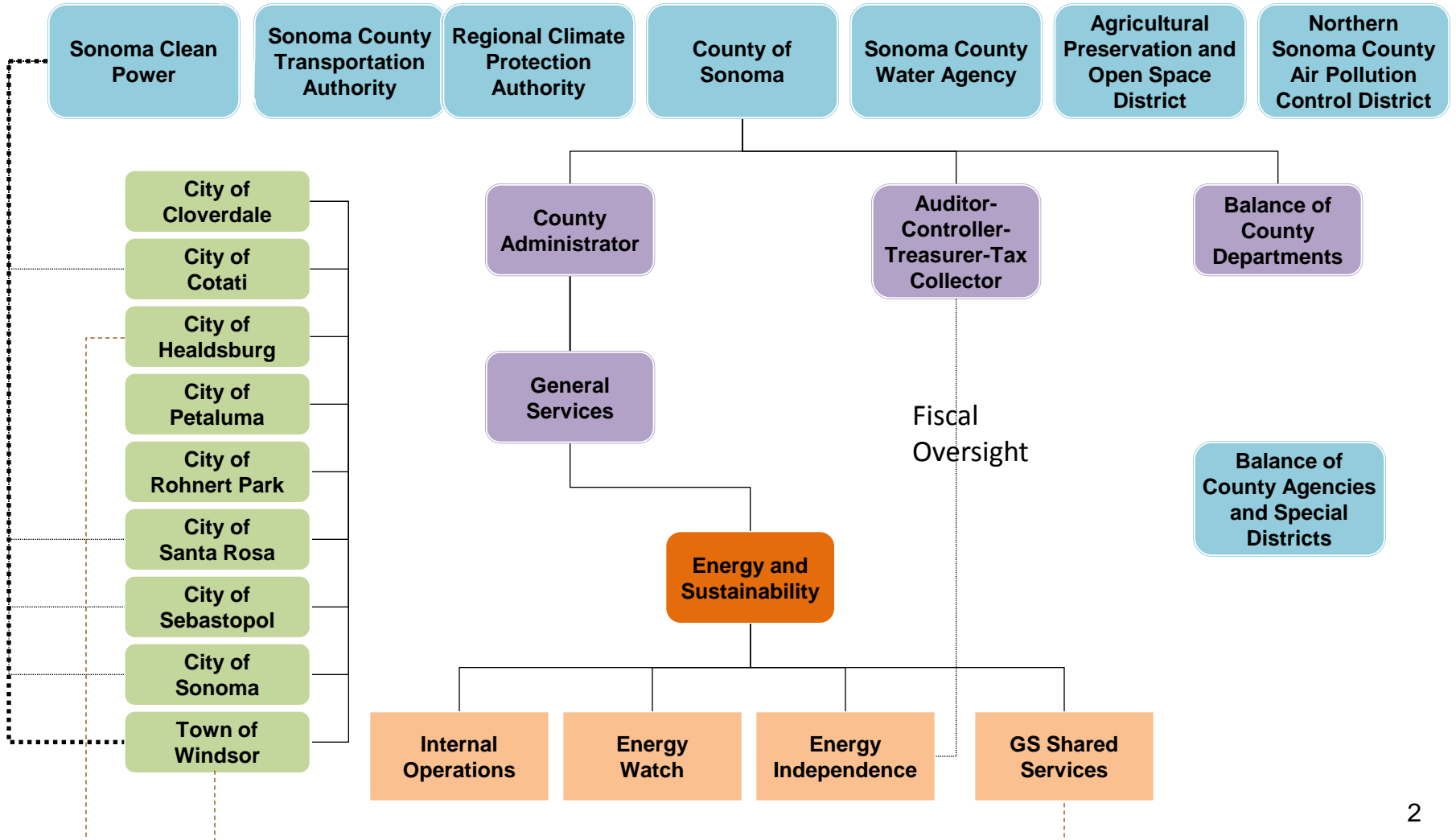
March 25, 2014

Jane Elias - Program Manager

David Sundstrom – Program Administrator



Sonoma County Sustainability Program Relationships

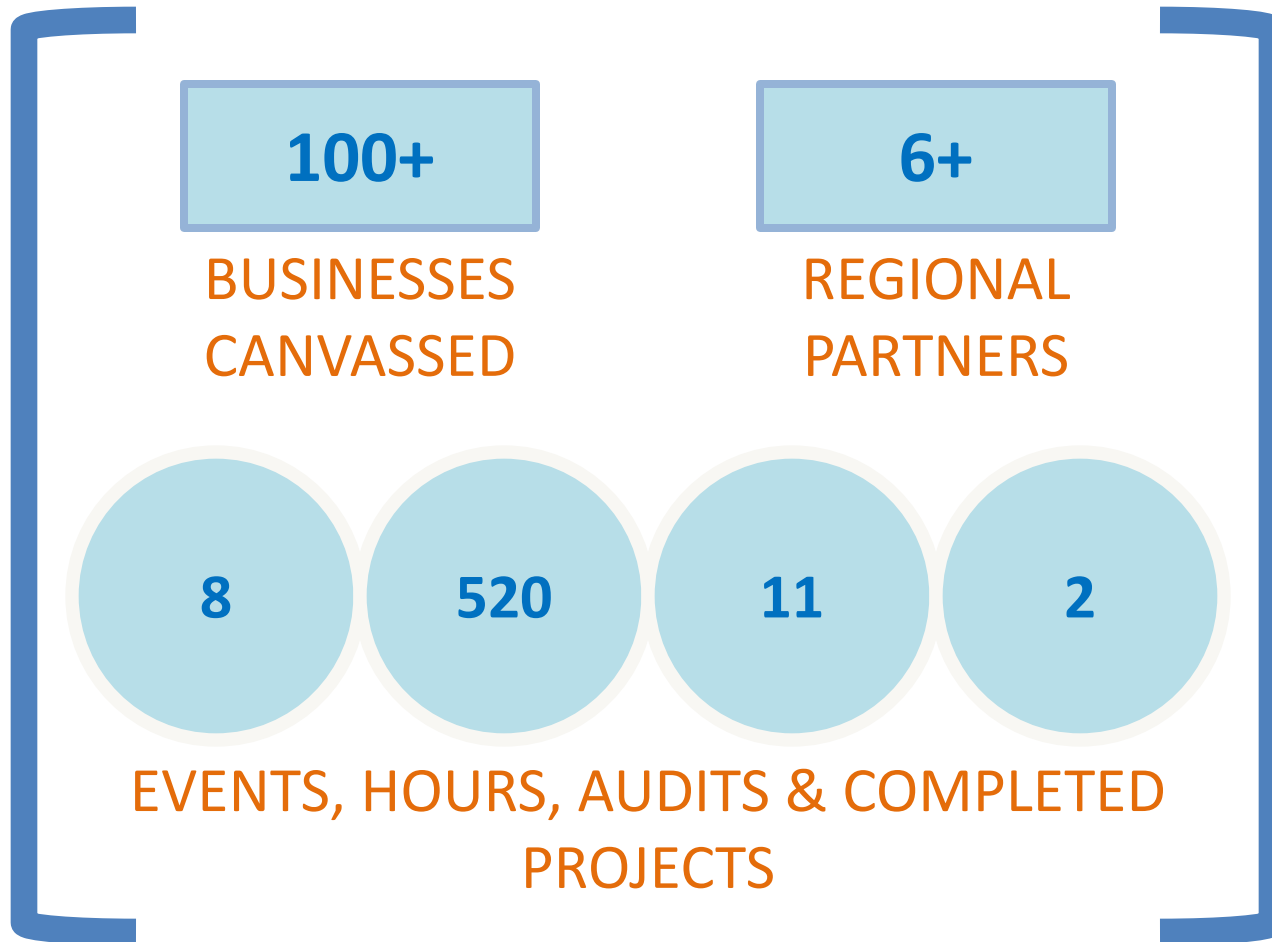


Sonoma County Energy Independence Program



**Energy
Independence**

Commercial Outreach Efforts



PACE Landscape

FEDERAL HOUSING FINANCE AGENCY

FEDERAL PACE LEGISLATION

STATEWIDE PACE LOSS RESERVE FUND

COMMUNITY ADVISORY GROUP



Statewide PACE Reserve Fund

**FUND COVERS PACE ASSESSMENT WHILE
IN FORECLOSURE OR UPON FORCED SALE**

**DETAILED DATA COMPILED ON CREDIT RISK
ASSOCIATED WITH PACE**

**ENTIRE EXISTING RESIDENTIAL PORTFOLIO
GRANDFATHERED AT NO COST**

**NEW PROJECTS WILL HAVE A ONE-TIME
.25% ADMINISTRATIVE FEE**



SCEIP Local Multiplier Effect

\$66 million

FINANCING

JOBS CREATED/RETAINED

721

IMPROVEMENTS BY
LOCAL CONTRACTORS

80%

TOTAL LOCAL
IMPACT

\$83 million



SCEIP Annual GHG Reduction

ELECTRICITY SAVED

15,345,584
kWh

NATURAL GAS SAVED

121,033 therms

ELECTRICITY GENERATED

9.2
MW

GREENHOUSE GAS CO₂

8,142 Metric Tons



Requested Board Actions

1. Authorize the continued issuance and sale of revenue bonds and determine the interest rate and loan of funds to the County, to fund the Sonoma County Energy Independence Program
2. Authorize the Treasurer to invest in bonds issued by the Public Finance Authority
3. Authorize the withdrawal of funds from the County Treasury Pool to be invested in Sonoma County Energy Independence Program bonds as a long-term Water Agency investment
4. Authorize the Program Administrator to take necessary actions to participate in the California Alternative Energy and Advanced Financing Authority (CAEATFA) PACE Loss Reserve Program



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors of the County of Sonoma
Board of Directors of the Sonoma County Water Agency
Board of Directors of the Sonoma County Agricultural Preservation and Open Space District
Board of Commissioners of the Community Development Commission
Board of Directors of the Northern Sonoma County Air Pollution Control District

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Resources

Staff Name and Phone Number:

Carol Allen 565-2549
Chris Thomas 565-3781

Supervisory District(s):

Countywide

Title: Incentive Retirement Savings Plan

Recommended Actions:

Accept staff report on a conceptual design for an Incentive Retirement Savings Plan which would include County contributions and matching of employee savings to incentivize employees to save for retirement consistent with the Board's Pension Reform goals.

Executive Summary:

In November, 2011, your Board approved the recommendations in the Sonoma County Pension Report which included strategies for pension reform. The report included three main goals:

1. Contain Costs
2. Maintain Market Competitiveness and Workforce Stability.
3. Increase Accountability and Transparency

The pension related goals for County-wide negotiations which began in 2012 were based primarily on containing costs which included establishing a new retirement benefit tier for new employees and eliminating compensation practices which lead to spiking.

During negotiations, the County proposed to adopt a lower tier pension plan for new employees, eliminate compensation practices that increased final pensionable compensation, convert pensionable into non-pensionable compensation where possible, and permanently reduce total compensation levels by 3%.

Bargaining began in March 2012, and the County completed negotiations with all groups effective with the Board's approval of the Memorandum of Understanding (MOU) with the Engineers and Scientists of

California (ESC) on January 14, 2014.

While negotiations were in progress, on August 31, 2012, the Public Employees Pension Reform Act (PEPRA) was enacted. PEPRA mandated a new tier of benefits for new employees, and redefined pensionable compensation. Significantly, County contributions to deferred compensation, a tax qualified, defined contribution 401 (a) plan, were determined to no longer be pensionable. The elimination of deferred compensation had been proposed in bargaining to reduce pensionable compensation. After deferred compensation was no longer pensionable, it remained an option for the 3% total compensation reduction but was no longer a pension related compensation reduction. In bargaining, most employee organizations negotiated to continue the County's deferred compensation contributions by finding other options to meet the 3% total compensation reduction.

On December 10, 2013, your Board directed staff to return no later than March 30, 2014 with a matching savings program to incentivize individual savings on the part of employees as another important part of the Pension Reform efforts desired by the Board. A matching savings plan supports the Board's second Pension Reform goal: Maintain Market Competitiveness and Workforce Stability. Included in this goal is the strategy to provide guidance for employees that encourages retirement planning and embraces three elements, County Pension, Social Security and Individual Savings.

Staff has reviewed options and in this report is providing background on why a defined contribution plan is needed, and a conceptual program which could be designed to incentivize long-term savings on the part of employees for their own retirement. This plan would be subject to bargaining with the employee organizations, and could be implemented for the employees covered by the Salary Resolution at any time.

To support the Board's goal of providing guidance for employees that encourages retirement planning, training for employees could be incorporated into the implementation of this plan at the appropriate time. Alternatively, training on financial planning for retirement can be offered independent of the implementation of any new saving plan.

Defined Contribution Plans - Deferred Compensation

Defined contribution plans are tax qualified contributions plans regulated under the Internal Revenue Code. There are employee only contribution plans and employer only contribution plans. Many public sector and most private sector companies provide these types of plans for retirement savings. The County currently has an employee, voluntary contribution plan, IRC 457 (b) and a County contribution, 401 (a) plan. The County contribution plan currently applies to employees represented by SCLEMA, DSLEM, SCLEA, SCPDIA, SCPA, and SCDPDAA.

The employee 457 (b) voluntary contribution plan is available to all employees and currently has approximately 59% participation. Research has shown that a plan which includes an employer match of employee savings into a tax qualified plan increases employee participation.

Incentivizing Employees to Meet Retirement Savings Goals

A nationwide survey conducted in 2013 by World at Work and the American Benefits Institute reported that 94% of employers with 1,000 or more employees offer a deferred compensation plan with a company match of employee contributions. Greater than 70% of eligible employees participate with at

least half of their plan participants contributing sufficiently to take advantage of the full employer match. By providing a match, companies can incentivize employee participation in the plan.

Employees Don't Save Enough for Retirement

According to a 2012 study by the Employee Benefit Research Institute, just 14 percent of Americans are very confident they will have enough money to live comfortably in retirement. Worker confidence about having enough money to pay for medical expenses and long-term care expenses in retirement is well below their confidence levels for paying basic expenses. Many workers in the study report that they have virtually no savings and investments.

The Employee Benefits Security Administration of the U. S. Department of Labor reports that women are more likely to work in part-time jobs that don't qualify for a retirement plan. Working women are also more likely than men to interrupt their careers to take care of family members. As a result, they work fewer years and contribute less toward their retirement, resulting in lower lifetime savings.

The County can incentivize employees to increase their individual retirement savings by providing a defined contribution plan with a match of employee contributions.

PEPRA Impacts

For employees hired after January 1, 2013 who are new members in the retirement system, in addition to a new retirement benefits tier, PEPRA limits the salary used to calculate employee's retirement benefit to the social security wage base in effect for the year in which retirement contributions were made on that salary. Because the County participates in Social Security, final compensation used to calculate a new member's pension benefit cannot exceed 100% of compensation subject to Social Security taxation, which the Sonoma County Employees' Retirement Association (SCERA) has set at \$115,000 for 2014 earnings.

Since January 1, 2013, of the 515 new or returning County employees who enrolled in retirement benefits, 412 or 80% are new members subject to PEPRA including lower retirement benefit tiers and pensionable compensation caps. Of the 412 employees, 1-2% are expected to hit the cap in 2014.

The employees in the new retirement benefits tier represent approximately 11% of all active County employees enrolled in the County offered retirement plan. For these new members, and future employees, individual savings will be an important component of retirement income.

Pension Cost of Living Adjustments (COLAs)

Pension COLAs for retirees are only provided on an ad-hoc basis and are authorized by the Board of Directors of SCERA when certain conditions are met, including the requirement that they be fully funded from retirement system reserves. The last time a pension COLA was authorized by the SCERA board was 2008. Since the timing and amount of future COLAs is not guaranteed, it is essential that all employees plan to include personal savings to supplement their future retirement income.

Incentive Retirement Savings Plan

Since the passage of PEPRA, County contributions to deferred compensation are non-pensionable. Staff has concluded that a deferred compensation plan that includes a County match of employee savings is

the best available option to meet the Board’s goal to incentivize employee savings for retirement.

The Incentive Retirement Savings Plan concept is a non-pensionable, tax-qualified, 401 (a) plan that would combine a County contribution with a matching savings plan. This plan would be designed to provide an initial County contribution to employees as a foundation and a County match of employee contributions. County contributions would be capped at a specified percentage. Including an initial County contribution recognizes that not all employees will be able to contribute savings to the plan due to personal financial circumstances. Staff recommends a foundation County contribution so the employee will be enrolled in the plan thereby encouraging participation when feasible. The specific design of the plan and any required legal analysis would be completed based on the timing should the Board decide to move forward with the plan.

Subject to Bargaining

The Incentive Retirement Savings plan would be subject to bargaining with employee organizations for successor Memoranda of Understanding (MOUs) which will begin in 2015. The MOU with SEIU will be the first of the eleven bargaining organizations to begin negotiations. The SEIU MOU will expire October 31, 2015, and staff anticipates bargaining will commence in the second quarter of 2015. The plan could be implemented for the employees covered by the Salary Resolution at any time at the Board’s discretion.

Prior Board Actions:

November 8, 2011, Accepted Pension Ad Hoc Committee Report, August 14, 2012, Salary Resolution of Intent, Resolution #12-0398; March 19, 2013, Concurrent Resolution amending Salary Resolution, Resolution #13-0105; April 9, 2013, Concurrent Resolution amending the Salary Resolution, Resolution # 13-0131; December 10, 2013, Concurrent Resolution amending the Salary Resolution, Resolution # 13-0495.

Strategic Plan Alignment Goal 3: Invest in the Future

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

Staff has estimated that this program would result in approximately \$3 million in additional cost per fiscal year per each one percent of salary provided as a County contribution for all permanent employees. Approximately 49% of salary costs for all employees are paid from the County General Fund. Actual costs and County General Fund share will depend on the match rate, the participation rate, and the employee groups for which these apply.

Staff reviewed the financial impact of this program consistent with Government Code Section 23026 and has concluded that the County contributions would have no impact on the funding status of the County employees' retirement system since the contributions would not be pensionable.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

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



County of Sonoma
Agenda Item
Summary Report

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

Agenda Item Number: 26
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors (3rd District)

Staff Name and Phone Number:

Supervisor Shirlee Zane

Supervisorial District(s):

1st, 2nd, 3rd, 4th, 5th,

Title: Fee Waiver

Recommended Actions:

Approve waiver of health inspection fees in the amount of \$7,739.88 for 14 facilities throughout Sonoma County for the Council on Aging's Congregate Dining Sites and Adult Day Programs where meals are served to seniors throughout Sonoma County. (First, Second, Third, Fourth and Fifth Districts)

Executive Summary:

Prior Board Actions:

This fee was waived in 2012 and 2013

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

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 7,739.88	County General Fund	\$ 7,739.88
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 7,739.88	Total Sources	\$ 7,739.88

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

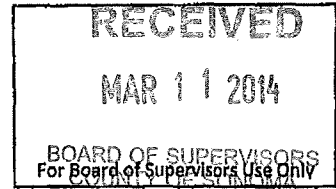
Fee waiver application and related exhibits

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

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SUBMIT TO:
 Board of Supervisors
 575 Administration Dr, Ste 100A
 Santa Rosa, CA 95403

COUNTY OF SONOMA



Fee Waiver/Board Sponsorship Request Form

1. Contact information for individual requesting fee waiver/sponsorship:

Name: Laura Colgate
First Middle Last

Mailing Address: 30 Kawana Springs Road Santa Rosa CA 95404
Number, Street, Apt/Suite City State Zip

Phone: (707) 525 - 0143 X 119 Email: lcolgate@councilonaging.com
Area Code, Number

2. Name of Community Based Organization, Non-Profit, or Government Agency for which fee waiver/sponsorship is requested:

Name: Council on Aging

Mailing Address: 30 Kawana Springs Road Santa Rosa CA 95404
Number, Street, Apt/Suite City State Zip

Phone: (707) 525 - 0143 Email: _____
Area Code, Number

3. Please indicate by check mark the supervisory district in which the organization or agency submitting this request is located, where the project/activity/event will be held, and the district office to whom you would like to submit this request:

Board Member and District	Susan Gorin District 1	David Rabbitt District 2	Shirlee Zane District 3	Mike McGuire District 4	Efren Carrillo District 5
Entity or organization location (select all that apply)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Project/activity/event location (select all that apply)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
District office to receive request (select only one)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Type of Community Based Organization, Non-profit, or Government Agency for which the fee waiver/sponsorship is requested:

- City Special District Other Local Government
- School Non-profit or CBO

Other (please specify): _____

5. Please provide a description of the project/activity/event for which a fee waiver/sponsorship is being requested on a separate sheet of paper. Please include the number of individuals who will participate or be served, etc.

6. Please indicate if this is a one-time or annual event: One Time Annual

7. Type and amount of fee waiver/sponsorship requested. Please list all County fees you are requesting be waived/sponsored in conjunction with this project/activity/event. Please attach a copy of an estimate or receipt from the County Department or Veteran's Building Operator documenting the amount of each fee you are requesting be waived/sponsored.

Department Assessing Fee	Type of Fee	Amount of Fee
Health Services (EH)	Food Permits for 14 facilities	\$7,739.88

8. If your Community Based Organization, Non-Profit, or Governmental Agency has received a fee waiver/sponsorship for a similar project/activity/event in the past, please list below:

Date of Fee Waiver	Department Assessing Fee	Type of Fee	Amount of Fee
5 / 14 / 2013	DHS - EH	Annual Food Permits	\$8,119.00
/ / 2012	DHS - EH	Annual Food Permits	\$7,770.00
/ / 2011	DHS - EH	Annual Food Permits	\$6,045.00
6 / 15 / 2010	DHS - EH	Annual Food Permits	\$5,170.00

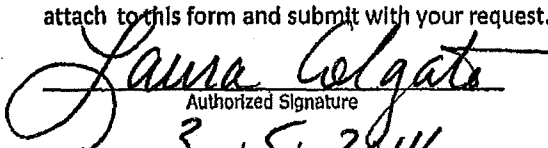
9. Does the organization or agency for which the fee waiver/sponsorship is requested receive funding from any of the following sources? If so, please specify:

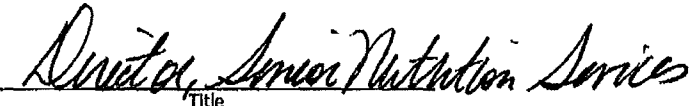
- Property Tax
 Sales Tax
 Special Assessment
- User Fees

Other (please specify): _____

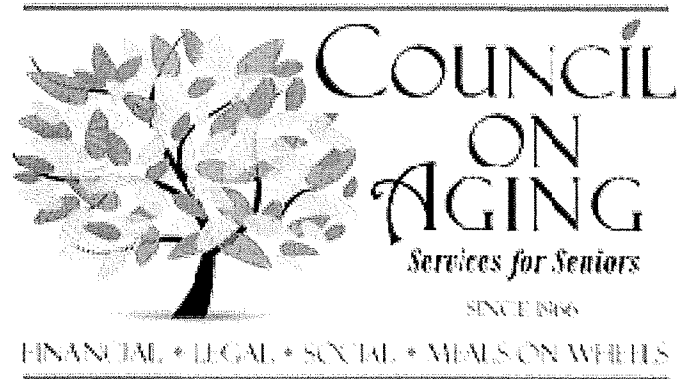
10. If you checked any of the boxes in number 9 above, please provide an explanation and supporting documentation regarding the inability of the organization or agency to pay the fees which you are requesting be waived/sponsored. Please attach to this form and submit with your request.

11. Will the organization or agency be charging an entry fee or be requesting a donation for the project/activity/event for which you are requesting a fee waiver/sponsorship? If so, please provide an explanation detailing why the fees to be waived/sponsored cannot be recovered through the entry fee. Please attach to this form and submit with your request.


 Authorized Signature


 Title

3 15 2014
 Date



The Council on Aging has successfully run the Meals on Wheels Program for thirty-seven years. Last year we provided over 260,000 meals to seniors in need in Sonoma County. This number continues to grow. Hunger is often about the lack of a support system and access to food. Our Meals on Wheels program helps seniors fight hunger and isolation every day. Currently the Meals on Wheels Program provide seniors one meal per day. For many of the seniors we serve it is often the only meal they eat each day. Quite simply they need more food. By ensuring adequate nutrient intake, the Dietary Reference Intakes prevent nutrient deficiencies and reduce the risk of chronic diseases, such as osteoporosis, cancer, and cardiovascular disease. The more food we can provide the more positive effect we can have on overall health, healing, and quality of life for our seniors in Sonoma County.

The Current Condition of the Senior Population in Sonoma County:

The 2010 census data indicates that 99,553 persons age 60 and older represent 21% of the total population in Sonoma County. One third of the senior population is age 75 or older. Moreover, 22.1% of county seniors over 65 live in poverty. For seniors 75 and older the percentage rises to 27.2%. For seniors who are poor and homebound, hunger and a host of problems related to isolation pose significant risks to overall health and quality of life, and are more likely to require institutionalization than the senior population overall. Of 1,800 clients in our Meals on Wheels Program for 2012-13, 45% were living at or below the poverty line.

Future Projected Senior Population:

In 2030 31% of the population in Sonoma County will be over 65 years old.

***References: 2012 Community Report from the Sonoma County Area Agency on Aging and Council on Aging internal data.*

The Sonoma County Board of Supervisors stated goal is for Sonoma County to be the Healthiest County in the State of California and across the Nation. We need to be proactive in providing for the growing senior population, their food insecurity, and needs for basic services. The Council on Aging constantly reviews and updates our services to meet the new emerging requirements of seniors in our county.

The Meals on Wheels Program is offered to all homebound seniors 60 years and over living in our service area (which includes all of Sonoma County except Petaluma) regardless of ability to pay. Our agency strives to serve everyone regardless of race, ethnicity, religion, sexual identity or preference, or income level. Recent data indicate that 10% of our clients are Hispanic and an additional 11% are a mix of African American, American Indian or other ethnic minority. Spanish speaking staff and written materials are available to those who need them. The needs assessment and care plan prepared for all program clients strive to overcome barriers for seniors by providing other services either through Council on Aging or outside resources. This service addresses eligibility for entitlement programs such as Medi-Cal and SSI, food programs, transportation, legal assistance and money management, in home support services, mental health services, and more.

It is a program objective to provide Meals on Wheels to eligible seniors without waiting lists or other service delays. Whenever possible delivery routes are expanded or new routes created to serve our clients when the need arises.

Meals on Wheels Senior Nutrition Programs:

The Meals on Wheels Program: successfully addresses the risks of hunger and isolation among temporarily or permanently homebound seniors who are not able to provide for themselves without assistance. The program delivers a fresh meal containing one third of the recommended daily requirement 5 days a week. *There are currently over 50 meal delivery routes in Sonoma County. Often the route drivers are the only contact seniors have each day.*

The Weekend Meals Program: provide for seniors who are at an elevated at-risk status because they have no other support for their nutritional needs through the weekend. We developed this service for Saturday and Sunday meals for our most vulnerable seniors because we found many went without food on days we did not deliver.

Congregate Dining Sites: offer seniors the opportunity for socialization, companionship, activities, and nutritious meals daily. *We operate and serve at 10 senior dining sites in Sonoma County.*

Renal Meals-Therapeutic Diets: Developed a renal meal program that per the CDA is the first of its kind for the senior population which provides participants who are on kidney dialysis with a nutritionally balanced meal without the components that could cause them harm. We work closely with local dialysis providers.

Kibbles of Kindness Program: In 2012 we implemented this program to provide pet food to our seniors who were sharing their Meals on Wheels with their pets because they could not afford pet food. In fact, pets may help elderly owners live longer, healthier, and more enjoyable lives. *We currently provide for over 100 pets.*

The Senior Social Club- Adult Day Programs: supports both independence and well-being of seniors, many of whom are functionally and/or cognitively impaired, by providing the emotional, mental and

social stimulation that is necessary to remain independent and healthy. Meals are provided to seniors participating in this program. *There are 4 of these programs in Sonoma County run by the Council on Aging.*

Meals on Wheels Monthly Food Box Program: Recently we developed a partnership with the Redwood Empire Food Bank to enable us to deliver monthly food boxes to seniors who meet the criteria to receive extra food. This alliance and partnership takes food and aligns with our logistics system of delivery directly to senior's homes. Quite often our fragile seniors cannot drive to distribution center and wait in line for hours to get their monthly food box. *We now deliver to 20 seniors on this program in the first month of operation.*

Meals on Wheels Funding:

Our program meal cost is \$7.00 per meal to purchase goods, prepare meals, and deliver to sites and clients. We ask clients for a \$4 donation (because the \$3.00 is subsidized by the Older American's Act which is subject to change due to sequestration). On average we receive \$.91 cents for each meal due to the senior's financial inability to pay for meals. The balance is raised through events, donations, and grant and benefactors. In order to continue to provide the high level of service that we pride ourselves upon, at a time when client donations are declining due to the many financial pressures facing our most needy seniors, we are continuously looking for partnerships and collaborative relationships to support this critical need at this crucial time in our history.

Veteran Services:

The Council on Aging offers 17 different programs or services for seniors in Sonoma County. Our Veterans have access to all of the services we provide. They include the following:

- Meals on Wheels- All Programs-The Meals on Wheels program currently provides for well over 300 Veterans.
- Legal services
- Case Management
- Depression/Healthy Ideas
- Fiduciary Services
- Money Management
- Peer Support
- Lawyer referral
- Referrals to services: Housing, Other food programs, Medical, Vet services for more program access. Often times when our case managers do the in home interview/intake process they find the client is a veteran and connect them with resources that provide even more services for them like access to funds they did not know about, medical, food, housing assistance, and much more.

The Center for Effective Government recently found that for every \$1 invested in Meals on Wheels programs, there is up to a \$50 return in Medical/Medicaid savings alone. By keeping people in their own homes, Meals on Wheels can feed a senior for an entire year for about the same cost as a 24-hour hospital visit or a six-day nursing home stay.



Additionally, Brown University released a study last December that found investing more in home-delivered meals can keep America's seniors out of nursing homes. Specifically, the research found that, for every additional \$25 a state spends on home-delivered meals per person, it can expect a 1% decrease in the number of nursing-home-eligible seniors who actually move into nursing homes. Nationally, this can translate into billions of dollars in Medical/Medicaid savings alone.

If a senior ends up in a skilled nursing facility it will cost over \$60,000 per year for very basic care which does not include prescriptions, emergency care, or hospital stay.

As our population ages, changing demographics will have a profound impact on the demand for social services, especially the need for nutrition assistance. In addition to strengthening our nutrition safety net to better meet current needs, we must also take steps now to ensure that it can evolve to meet future needs. That means strengthening partnerships with other senior services agencies to help inform and improve access to nutrition assistance. Working together, the nutrition and seniors' community can leverage each other's strengths to better meet the nutritional needs of our aging population and ensure that our most fragile seniors don't have to worry about where they will get their next meal. **** Reference National Foundation to End Senior Hunger**

Simply- Our goal is to keep seniors independent in their own homes longer through nutrition.

Laura Colgate
Director, Senior Nutrition Services
Meals on Wheels Program
Council on Aging Services for Seniors
30 Kawana Springs Road, Santa Rosa, CA 95404
lcolgate@councilonaging.com 707-525-0143 ext 119

Council on Aging Congregate Dining Sites	Days	Address	Meals served per year
Bethlehem Towers	M-F	801 Tupper, SR	4545
Cloverdale	M-F	Cloverdale Multipurpose Sr. Center 311 Main Street Cloverdale 95425	6834
Healdsburg	M-F 12:00	Healdsburg Senior Center 133 Matheson Healdsburg 95448	3041
Healdsburg Day	M, T, W	St. Paul's Episcopal Church 209 Matheson Healdsburg 95448	2069
Rohnert Park	M-F	Rohnert Park Sr. Center 6800 Hunter Rohnert Park 94928	6019
Santa Rosa Day	M & W	First United Methodist Church 2150 Giffen Ave., (at Stony Point) Santa Rosa, CA 95407	1,152
SRSC	M-F	Santa Rosa Senior Center 704 Bennett Valley Road Santa Rosa 95404	2560
Sebastopol	M - F	Sebastopol Senior Center 167 High Street Sebastopol 95472	2065
Sebastopol Day	M, W, F	Sebastopol Senior Center 167 High Street Sebastopol 95472	1410
Silvercrest	M-F	Silvercrest Senior Residence 1050 Third Street Santa Rosa 95404	6488
Sonoma Day	T, Th, F	Vintage House 264 First St. E (996-0311) Sonoma 95476	1938
		Total	37972

Amy Webb

From: Laura Colgate [lcolgate@councilonaging.com]
Sent: Thursday, March 06, 2014 1:31 PM
To: Amy Webb
Subject: RE: Fee Waiver Application Information
Attachments: 2014 Health Dept Fee Waiver.docx

Here you go.

Also we provide the following meals:

Catholic Charities Respite- 2325
Forrestville- 739
Occidental- 1706
Guerneville- 1213

Laura Colgate
Director, Senior Nutrition Services
Meals on Wheels Program



Council on Aging Services for Seniors
30 Kawana Springs Road, Santa Rosa, CA 95404
lcolgate@councilonaging.com
707-525-0143 ext 119

From: Amy Webb [<mailto:Amy.Webb@sonoma-county.org>]
Sent: Wednesday, March 05, 2014 1:50 PM
To: Laura Colgate
Subject: RE: Fee Waiver Application Information

Hi Laura –

Thank you for this information! Yes, tomorrow is great. I will be off from 3/7 – 3/17, so if I receive the numbers tomorrow I can still get your paperwork turned in before I go on vacation. Otherwise, this will be first on my list on 3/18.

When I submit all of your paperwork I will copy you on the email or send you copies of everything.

Amy Webb

Senior Account Clerk
County of Sonoma
Department of Health Services



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



Public Health
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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID: IN0080182
 Date: 2/4/2014

District: Food District13
 Facility ID: FA0004105

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0000471	Council on Aging - Silvercrest	3341	Food - Satellite Food Dist	\$ 535.00
Total Due for This Invoice:				\$ 535.00
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Silvercrest
 1050 3rd St

Invoice ID: IN0080182
 Date: 2/4/2014

District: Food District13
 Facility ID: FA0004105

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 535.00
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID

Date

IN0080183

2/4/2014

District

Facility ID

Food District6

FA0004106

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0000490	Council on Aging - Healdsburg Senior	3341	Food - Satellite Food Dist	\$ 535.00
		9933	REFS discount	\$ -46.81
Total Due for This Invoice:				\$ 488.19
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Healdsburg Senior Center
 133 Matheson St

Invoice ID

Date

IN0080183

2/4/2014

District

Facility ID

FA0004106

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 488.19
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID	Date
IN0080184	2/4/2014

District	Facility ID
Food District6	FA0004108

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0001848	Council on Aging - Healdsburg - St. P.	3341	Food - Satellite Food Dist	\$ 535.00
Total Due for This Invoice:				\$ 535.00
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Healdsburg - St. Paul's Episcopal Church
 209 Matheson St

Invoice ID	Date
IN0080184	2/4/2014

District	Facility ID
Food District6	FA0004108

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 535.00
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID	Date
IN0080185	2/4/2014

District	Facility ID
Food District3	FA0004109

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0001322	Council on Aging - Vintage House	3341	Food - Satellite Food Dist	\$ 535.00
		9933	REFS discount	\$ -46.81
Total Due for This Invoice:				\$ 488.19
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

 Please return this portion with your payment

From: Council on Aging - Vintage House
 264 E 1st St

Invoice ID	Date
IN0080185	2/4/2014

District	Facility ID
	FA0004109

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 488.19
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID: IN0080186
 Date: 2/4/2014

District: Food District6
 Facility ID: FA0004110

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0003327	Council on Aging - Cloverdale Senior	3341	Food - Satellite Food Dist	\$ 535.00
		9933	REFS discount	\$ -46.81
Total Due for This Invoice:				\$ 488.19
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Cloverdale Senior Center
 311N Main St

Invoice ID: IN0080186
 Date: 2/4/2014

District: [Redacted]
 Facility ID: FA0004110

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 488.19
 Due Date: 3/1/2014



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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID	Date
IN0080187	2/4/2014

District	Facility ID
Food District5	FA0004111

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0000570	Council on Aging - Forestville Dn	3341	Food - Satellite Food Dist	\$ 535.00
Total Due for This Invoice:				\$ 535.00
Due Date:				3/1/2014

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 Please return this portion with your payment

From: Council on Aging - Forestville Dn
 6550 Covey St

Invoice ID	Date
IN0080187	2/4/2014

District	Facility ID
Food District5	FA0004111

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 535.00
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID: IN0080188
 Date: 2/4/2014

District: Food District5
 Facility ID: FA0004112

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0001846	Council on Aging - Occidental	3341	Food - Satellite Food Dist	\$ 535.00
Total Due for This Invoice:				\$ 535.00
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Occidental
 3770 Bohemian Hwy

Invoice ID: IN0080188
 Date: 2/4/2014

District: Food District5
 Facility ID: FA0004112

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 535.00
 Due Date: 3/1/2014



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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID: IN0080189
 Date: 2/4/2014

District: Food District1
 Facility ID: FA0004113

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0004802	Council on Aging - Bennett Valley Ser	3341	Food - Satellite Food Dist	\$ 535.00
Total Due for This Invoice:				\$ 535.00
Due Date:				3/1/2014

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 Please return this portion with your payment

From: Council on Aging - Bennett Valley Senior Center
 704 Bennett Valley Rd

Invoice ID: IN0080189
 Date: 2/4/2014

District: Food District1
 Facility ID: FA0004113

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 535.00
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID: IN0080190
 Date: 2/4/2014

District: Food District5
 Facility ID: FA0004115

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0000536	Council on Aging - R R Comm Sr Ctr	3341	Food - Satellite Food Dist	\$ 535.00
		9933	REFS discount	\$ -46.81
Total Due for This Invoice:				\$ 488.19
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - R R Comm Sr Ctr
 15010 Armstrong Woods Rd

Invoice ID: IN0080190
 Date: 2/4/2014

District: [Redacted]
 Facility ID: FA0004115

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 488.19
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID

IN0080191

Date

2/4/2014

District

Food District7

Facility ID

FA0004116

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0003328	Council on Aging - Sebastopol Area S	3341	Food - Satellite Food Dist	\$ 535.00
		9933	REFS discount	\$ -46.81
Total Due for This Invoice:				\$ 488.19
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

 Please return this portion with your payment

From: Council on Aging - Sebastopol Area Senior Center
 167 N High St

Invoice ID

IN0080191

Date

2/4/2014

District

Facility ID

FA0004116

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 488.19
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa rosa, CA 95404

Invoice ID: IN0080192
 Date: 2/4/2014

District: Food District2
 Facility ID: FA0004117

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0000489	Council on Aging - Rohnert Park	3341	Food - Satellite Food Dist	\$ 535.00
		9933	REFS discount	\$ -46.81
Total Due for This Invoice:				\$ 488.19
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Rohnert Park
 6800 Hunter Dr

Invoice ID: IN0080192
 Date: 2/4/2014

District: [Redacted]
 Facility ID: FA0004117

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 488.19
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa Rosa, CA 95404

Invoice ID

Date

IN0080202

2/4/2014

District

Facility ID

Food District2

FA0004723

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0003853	Council On Aging - Meals on Wheels	3319	Food - High Risk	\$ 1,123.00
		9933	REFS discount	\$ -98.26
PR0008693	Council On Aging - Meals on Wheels	1662	Stormwater - City of SR	\$ 41.00
Total Due for This Invoice:				\$ 1,065.74
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

 Please return this portion with your payment

From: Council On Aging - Meals on Wheels Main Kitchen
 40 Kawana Springs Rd

Invoice ID

Date

IN0080202

2/4/2014

District

Facility ID

Food District2

FA0004723

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 1,065.74
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa Rosa, CA 95404

Invoice ID	Date
IN0080370	2/4/2014

District	Facility ID
Food District8	FA0012794

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0018589	Council on Aging - Santa Rosa Day	3341	Food - Satellite Food Dist	\$ 535.00
Total Due for This Invoice:				\$ 535.00
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Santa Rosa Day
 2150 Giffen Ave

Invoice ID	Date
IN0080370	2/4/2014

District	Facility ID
Food District8	FA0012794

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 535.00
 Due Date: 3/1/2014



County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565



Public Health
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INVOICE

TO: Council on Aging Attn Laura Colgate
 Council on Aging Attn Laura Co
 30 Kawana Springs Rd
 Santa Rosa, CA 95404

Invoice ID

Date

IN0080372

2/4/2014

District

Facility ID

Food District11

FA0012839

ATTN: Council on Aging Attn Laura Co
 RE: Council on Aging Attn Laura Colgate

Record ID	Program Identifier	Program Element	Description	Amount
PR0018648	Council on Aging - Bethlehem Towers	3341	Food - Satellite Food Dist	\$ 535.00
Total Due for This Invoice:				\$ 535.00
Due Date:				3/1/2014

Pursuant to the Sonoma County Code, Chapter 14, Section 14-4(n) and 14.4.1(e) food and pool annual renewal fees will be assessed late fees of 25% of the remaining invoice balance due if full payment is not received within 30 days of due date and an additional 25% of the remaining invoice balance due if full payment is not received within 60 days of due date.

Please return this portion with your payment

From: Council on Aging - Bethlehem Towers
 801 Tupper St

Invoice ID

Date

IN0080372

2/4/2014

District

Facility ID

Food District11

FA0012839

To: County of Sonoma Department of Health Services
 Environmental Health & Safety Section
 625 5th Street
 Santa Rosa, CA 95404 707-565-6565

Total Due for This Invoice: \$ 535.00
 Due Date: 3/1/2014



County of Sonoma Fee Waiver Policy

Authority: Board of Supervisors
Approval Date: June 2, 2009
Effective Date: July 1, 2009

1. Purpose

The purpose of this policy is to establish guidelines to be used to evaluate requests for fee waivers and to implement a structure and process through which consistent information for fee waiver requests will be collected and evaluated.

2. Background

Sonoma County is facing unprecedented fiscal challenges. As a result of the economic downturn, job and income losses, declining home values, and reduced consumption, the County's major sources of revenue property tax and sales tax have declined substantially. The situation is exacerbated by an increase in demand for county services. In light of this new fiscal reality, the county is reviewing all resource allocation decisions. Fee waivers, are an expense to the County General Fund. Fees are established to pay for the cost of a service provided by a county department. When a fee waiver is granted, the County General Fund pays the department in an amount equal to the fee waived.

3. Policy

The Board of Supervisors may, at their sole discretion, approve or disapprove fee waiver requests. Effective July 1, 2009, the following general guidelines will be used to assist in the determination of whether a requested fee waiver is eligible or ineligible.

Eligible for fee waivers	Ineligible for fee waivers
Community based organizations (CBO) or non-profits providing a direct service that is similar to or complimentary to a key county policy goal or direct service that the county is typically responsible for providing; e.g. emergency or economic assistance or basic sustenance needs (emergency food, shelter, etc.)	Flood elevation program fees
	Other county department fees
	Other governmental agencies – unless they can demonstrate an inability to pay the county fee
Governmental agencies that do not receive tax funding and can demonstrate an inability to pay the county fee	Fund raising events - where attendees pay a fee for admission to the event or in the case of festivals where vendors pay to participate in the event

4. Phased in Reduction for CBOs and Non-Profits

CBOs and non-profits that have received a fee waiver in the 12 months prior to the effective date of this policy, for an activity/event that may no longer be eligible under this policy, will be considered for a phased reduction in fees as follows:

- Year 1 – Up to two-thirds of the fee amount previously waived, may be waived
- Year 2 – Up to one-third of the fee amount previously waived, may be waived
- Year 3 – Fee waiver ineligible

The phased-in reduction does not apply to CBOs and non-profits who received fee waivers for a fund raising activity/event, where the CBO or non-profit has the ability to set entry or participation fees at a level necessary to cover costs, including the cost of any associated fees.

5. Fee Waiver Request Form

Fee waiver requests submitted on or after June 2, 2009, must be accompanied by a Fee Waiver Request Form (Attachment A). Copies of this form may be obtained from the County of Sonoma, Clerk of the Board of Supervisors, located at 575 Administration Drive, Room 100A, Santa Rosa, CA, 95403, or at the following website: <http://www.sonoma-county.org/board/index.htm>.

Fee Waiver Request Forms must be complete, signed, and accompanied by supporting documentation to demonstrate eligibility for the requested fee waiver. Demonstrated eligibility does not assure approval of a fee waiver request.

Completed Fee Waiver Request Forms shall be submitted to the Clerk of the Board of Supervisors at the address above. The Clerk will forward requests to the Board Member specified by the applicant.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 33
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Traci Tesconi 565-1903

Supervisorial District(s):

Fourth

Title: Appeal of the Board of Zoning Adjustment's approval of a phased Use Permit and Design Review for the expansion of an existing winery (Windsor Oaks Winery). Appellants Dave and Joy Koch. PRMD File No. PLP12-0009.

Recommended Actions:

Adopt a resolution denying the appeal and upholding the Board of Zoning Adjustment's approval of a phased Use Permit and Design Review to expand an existing winery (Windsor Oaks Winery-PLP12-0009). Phase I includes increasing production to a maximum of 100,000 cases per year; enlarging one of the two existing winery buildings; adding public tasting, retail sales, public tours; and allowing 22 agricultural promotional events and a total of 10 industry-wide event days per year. Phase II includes adding a new winery and tasting room building (8,380 square foot) on the 471.89 acre property located at 10810 Hillview Road, Windsor; APN 086-100-016 and APN 161-020-043.

Executive Summary:

Project:

The Board of Supervisors hearing for the appeal was continued from March 11, 2014 to March 25, 2014, and duly noted on the March 11, 2014 Board of Supervisors agenda.

Windsor Oaks Winery, established in 1978 (formerly Balverne Winery), was approved for a maximum annual production capacity of 43,000 cases operated within two winery buildings with tasting by appointment only (UP #7851). Windsor Oaks Winery filed a phased Use Permit and Design Review (PLP12-0009) to enlarge the winery operations. On October 17, 2013, the Board of Zoning Adjustments approved the phased Use Permit and Design Review as follows:

Phase I: Increasing production to a maximum of 100,000 cases per year, enlarging one of the two existing winery buildings to 14,600 square feet in size with the other 5,000 square foot winery building to remain; adding public tasting, retail sales, and public tours; and allowing 22 agricultural promotional

events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and a total of 10 industry-wide events days per year with a maximum of 300 guests.

Phase II: Includes a new 8,380 square foot winery and tasting room building with barrel storage, public tasting, VIP (private tasting), administration offices, hospitality areas, and a commercial kitchen on 471.89 acres, subject to the Conditions of Approval (refer to Exhibit B).

The applicant had requested 28 agricultural promotional events, including three weddings, as well as a concert and a play, and a total of 20 industry wide event days per year. The Board of Zoning Adjustments reduced the number of agricultural promotional events to 22 per year and the total number of industry wide event days to 10 per year; and did not support a concert and play at the winery because in their opinion the primary focus for these types of events would not be promotion of an agricultural product.

On October 24, 2013, Dave and Joy Koch [the Appellants], who reside adjacent to the project site at Liberty Oak Lane in Windsor, filed a timely appeal of the Board of Zoning Adjustments decision to approve the request with the Board of Supervisors (refer to Exhibit C). The appellants are against the use of Windsor Oaks Road, and argue that the vehicular noise will be disruptive and harmful to the horse riders in their open riding arena on their parcel. The roadway exists as a fee-owned parcel (APN 161-020-043) that was created for the purpose of providing secondary access to Windsor Oaks winery. The open riding arena abuts directly onto the Koch's westerly property line between the two properties. According to the appellants they train unexperienced and young riders and provide "hippo therapy" (treatment/therapy aided by horses) to a war veteran. In 2009, a Zoning Permit was approved on the appellants' property zoned AR (Agricultural and Residential) as follows:

- Boarding of up to five horses at a private horse boarding facility. There shall be no employees, and the horses shall be cared for by family members. There shall be no clinics or shows. Only one-on-one training is allowed. The hours of operations for customers to visit the horses are 6:00 a.m. to 8:00 p.m. A commercial horse boarding facility is not allowed under this Zoning Permit.

Project Location, General Plan and Zoning:

The project site is 471.89 acres, but surrounded by commonly owned land of Windsor Oaks totaling 710 acres. The winery is located off of Hillview Road which is directly off of Arata Lane in Windsor, approximately a half-mile east of US 101. Parcel 086-100-016 is the actual project site that contains the existing and proposed winery facility. This parcel is zoned LIA (Land Intensive Agriculture), B6 – 60 acre density, G (Geologic Hazard Combining) SR (Scenic Resources), VOH (Valley Oak Habitat).

Parcel 161-020-043 is the parcel (fee owned by Windsor Oaks) which will be improved to serve as employee and public access for the winery referred to as Windsor Oaks Road. This parcel is zoned AR (Agricultural and Residential), B6- 5 acre density. Winery production truck traffic will continue to use Hillview Road for access and egress.

In 1988, the entire ranch (710 acres) was placed under a Conservation Easement (OR#1998-148889)

with the Sonoma County Agricultural Preservation and Open Space District (SCAPOS). SCAPOS staff reviewed the Use Permit proposal providing two consistency determination letters (Refer to Exhibit L). The project site contains 230 acres of premium vineyard within the Russian River and Chalk Hill appellations. The winery expansion allows the grapes grown on site to be processed on site. Water is provided by two existing on site private wells and an on-site septic system for domestic sewage disposal, and a pre-treatment system and large reservoir for winery wastewater disposal via a vineyard irrigation system. The project site is not under a Land Conservation Act contract.

Issues Raised With the Appeal:

The appeal form completed by Dave and Joy Koch, the appellants, lists the following reasons for their appeal:

1. The adoption of the Negative Declaration is in error and the proposed mitigation measures are inadequate in addressing noise and traffic issues.
2. The proposed uses are detrimental to the health, safety, peace, comfort, and general welfare to people residing and working in the area.

Noise

The appellants request the applicant install sound walls along Windsor Oaks Road. Windsor Oaks Road adjacent to the appellants' property will only carry passenger vehicle traffic. All truck traffic for the winery will continue to use Hillview Avenue. Windsor Oaks Road will be improved to approximately 20 feet in width and curved away from the appellants' property. The roadway will have a chip sealed surface with speed limiting valley gutters (road dips). A landscape buffer would be placed along the easterly side of Windsor Oaks Road. The project engineer (Steve Martin & Associates) prepared a preliminary improvement plan for the new Windsor Oaks Road access which includes adding landscaping, trees, and a 6-foot sound wall to screen the roadway and reduce vehicle noise from an existing residence (Honsa property) that gains access onto Arata Lane via an easement on Windsor Oaks Road (Refer to Exhibit H).

On February 19, 2014, the appellants' attorney, Michael P. Merrill, Law Office of Merrill, Arnone, and Jones, LLP, submitted a letter and a *Sound Wall Interim Analysis*, dated February 18, 2014, prepared by Frank Hubach Associates, Inc. (Refer to Exhibit D). Hubach's explains his analysis with attached spreadsheets, provides a summary of the benefits of sound walls along Windsor Oaks Road, and states that the reduction in traffic noise is the goal, which can be achieved primarily with distance and/or sound walls. Hubach states that a single noise incident can be dangerous to equestrians and yet not have a noise impact as per the Noise Element of the General Plan, referencing Policy NE-2c, which states: "*Consider using truck routing, speed limits, signal timing and other traffic control measures to reduce impacts on noise sensitive uses.*" Hubach explains that impulsive sounds are most likely to startle horses and there is a degree of risk with any sudden noise greater than the ambient level. At the termination of the sound wall there will be an abrupt increase in noise where sight lines are no longer blocked. Conditions of approval (Refer to Exhibit A - Condition No. 88) require the applicant to install valley gutters along Windsor Oaks Road to calm traffic and reduce speed. However, Hubach opines that speed control techniques such as speed bumps or valley gutters can be counterproductive and create

undesirable impulsive noise. Hubach provides the following recommendations:

1. Place the sound wall at the new road (Windsor Oaks Road) following the curve at the Koch property and placed no more than 17 feet from the road centerline.
2. Extend the sound wall 280 feet minimum north and south of the ends of the curve.
3. Construct the sound wall airtight from bottom to top, 12 feet high, from materials weighing at least 2 pounds per square foot.
4. Locate any speed bumps or valley gutters 400 feet minimum north and south of the ends of the curve.
5. Utilize rubberized asphalt paving 400 feet minimum north and south of the ends of the curve.
6. Employ speed control measures to limit traffic to 25 miles per hour (mph).

The appellants' open riding arena abuts directly onto the property line boundary between Windsor Oaks Winery and the appellants' westerly property line boundary. Currently the Zoning Ordinance does not require setbacks for open riding arenas because they typically only consist of circular fencing. It appears a Building permit was not required since the fence height of the appellants' open riding arena is not over six feet in height. As part of the Zoning Ordinance update, open riding arenas may be treated similar to a structure, whereas, appropriate setbacks for open riding arenas from property lines may be required.

On February 19, 2014, the applicant submitted a focused noise study prepared by Illingworth and Rodkin evaluating the effects of automobile traffic on Windsor Oaks Road to residential use and horses at the equestrian facility at the appellants' property located at 10119 Liberty Oak Lane in Windsor (Refer to Exhibit I). Both studies provided by Hubach and Illingworth and Rodkin provide identical summaries on the *Noise Effects on Horses*.

Windsor Oaks Road is expected to be self-limiting for vehicular speeds, with a maximum speed of 25mph; however, for the purposes of their analysis, Illingworth and Rodkin examined noise from vehicle pass-bys at speeds of between 15 and 25 miles per hour.

In order to properly evaluate ambient noise levels in the vicinity of the appellants' riding arena and Windsor Oaks Road, Illingworth and Rodkin conducted ambient noise monitoring between Friday, January 31, 2014, and Sunday, February 2, 2014. According to the study, the primary ambient source of noise is traffic on Arata Lane and distant traffic on Hwy 101, with occasional overhead aircraft and rural agriculture and residential related noise also contributing to background sound levels. The noise monitoring results were charted (Refer to Chart 1, Page 5 of the Acoustical Study) indicating that daytime average (L_{eq}) noise levels ranged from 45 to 54 dBA, with an average daytime L_{eq} of 50 dBA, and the daytime ambient (L_{90}) noise levels ranged from 40 to 50 dBA, with an average daytime L_{90} of 46 dBA. The day-night average noise level (L_{dn}) measured at this location was 54 dBA.

Based on the noise monitoring surveys, it was found that the ambient noise levels on the eastern edge of the riding arena would either be equal to or perhaps lower than those at the western edge of the riding arena (near Windsor Oaks Road) due to a greater distance from the influence of Hwy 101 traffic. Vehicles currently using Liberty Oak Lane (a paved, non-speed reduced roadway) to access the appellants property and one other residence further north would also be expected to produce noise at the riding arena when they pass. Vehicles on Liberty Oak Lane currently pass within 50 feet near the

eastern edge of the riding arena. Liberty Oak Lane is paved without speed bumps or dips, so vehicles likely pass the riding arena at speeds of 20 to 25 miles per hour or more.

Illingworth and Rodkin explains that since the peak hour noise generated by automobiles on Windsor Oaks Road is expected to occur for less than 5 minutes out of an hour, the adjusted 5 minutes per hour or L08 daytime Sonoma County Noise Element standard of 55 dBA was used to evaluate noise impacted on the residential use of the Koch property. All things considered, horses in the riding arena on the eastern side are currently exposed to sound levels of 56 to 59 dBA due to vehicles passing on Liberty Oak Lane and these levels would exceed the average daytime ambient noise level of 46 dBA by 10 to 13 dBA.

Illingworth and Rodkin also developed a model similar to that developed by the appellant's sound consultant, Frank Hubach Associates, Inc., with the exception that they have used published California vehicle noise emissions levels to establish noise source levels and the results of a multiday noise survey to establish average ambient noise levels. The results of this model are shown in Table 2 on Page 8 of the study, with no sound wall in place at the property line. Table 2 indicates that vehicles traveling at speeds of 25 mph or less reach a maximum sound level of 54 dBA in the far southern corners of the riding arena, and reach a maximum sound level of 47 dBA in the center of the riding arena. The sound levels in the southern corners of the riding arena due to vehicles passing on the access road may exceed the documented average daytime ambient noise level of 46 dBA by a maximum of 8 dBA, while vehicular pass-by sound levels would exceed the documented average daytime ambient noise level in the center corners of the horse arena by a maximum of 1 dBA. However, these sound levels would be below the level of noise at the eastern edge of the riding arena currently produced by vehicles traveling on Liberty Oak Lane and the L08 daytime Sonoma County Noise Element standard of 55 dBA.

Illingworth and Rodkin explains that that vehicles on the Windsor Oaks Road are not expected to cause a significant noise impact on horses at the Koch property since the horses are already exposed to the same or greater noise levels from vehicles currently using Liberty Oak Lane and have been since 2009 when the board facility was approved. The study concludes that vehicular noise on Windsor Oaks Road at the property line boundary does not exceed the Daytime noise standard under Table NE-2 of the Noise Element of the General Plan and no further mitigation measures are needed beyond the valley gutters (speed dips) to slow vehicles required in the Conditions of Approval (Refer to Exhibit B) and curvature of the road to move vehicles away from the riding arena, as depicted on the Windsor Oaks Road improvement plan (Refer to Exhibit H).

On February 19, 2014, PRMD also received a letter from Bob and Edna Honsa, who reside on property that is bordered by Hillview Road to the west and Windsor Oaks Road to the east (Refer to Exhibit J). Although not listed as a party to the appeal filed, they object to the approval of the winery expansion with concerns of increased traffic and vehicular noise on both Hillview Road and Windsor Oaks Road. The Honsa property has an easement on Windsor Oaks Road for access to and egress from their residence to Arata Lane.

Staff analysis:

The Mitigated Negative Declaration prepared for the project by the Project Planner took into

consideration all noise sources generated by the project, finding that they did not rise to the level of significance to warrant mitigation measures. Whereas, the noise expected by vehicles traveling along Windsor Oaks Road is not considered significant because the noise source is temporary, not permanent. Additionally, the winery and tasting room hours are limited and the 22 agricultural promotional events and 10 industry wide events are limited in frequency and hours, and all occur within the Daytime Noise Standards of the General Plan (7 a.m. to 10 p.m.). Condition 79 limits the winery and tasting room to the following:

- a. Winery: 7 a.m. to 6 p.m., Monday through Sunday non-harvest; and 6 a.m. to 10 p.m., Monday through Sunday during harvest season.
- b. Public and private tasting room hours: 11 am to 5 pm, 7 days a week
- c. Industry-wide events: 11 am to 5 pm (same operating hours as tasting rooms)
- d. Agricultural promotional events and weddings hours: 10 am to 10 pm. Guest shall exit the project site and cleanup starting by at least 9 p.m. to be completed by 10:00 pm.

Nonetheless, to ensure noise levels do not exceed the Noise Standards of the General Plan, several standard noise conditions were placed on the project, similar to other winery and tasting room projects with agricultural promotional events. In addition, at the BZA hearing, Commissioners took into consideration the concerns of the Koch's and other neighbors regarding the increase in traffic and vehicular noise and added the following conditions to the project:

Condition 88. Prior to final occupancy of the Phase I development, the applicant shall place valley gutters for traffic calming along Windsor Oaks Road subject to approval by PRMD staff.

Condition 90. The Permit-Holder shall provide a written notification to all neighbors who reside on Hillview Road and Liberty Oak Lane a minimum of 30-days prior to having an agricultural promotional event or wedding at the project site.

Condition 91. The Permit-Holder shall have trained personnel stationed at the entrance of Windsor Oaks Road to provide traffic control for all agricultural promotional events and weddings with 100 guests or more.

Installing the valley gutters along Windsor Oaks Road and providing a traffic control attendant at the entrance of Windsor Oaks Road will keep employee and guest vehicle speeds low. The normal type of activities occurring in the appellants' riding arena such as a trainer giving verbal directions/instructions to a student rider or two or more riders in the arena making ordinary conversation generates noise in of itself that at times could be just as loud as a slow-moving vehicle along Windsor Oaks Road. This finding takes into consideration that no winery trucks will be using Windsor Oaks Road.

At Phase II, the new winery building will be located approximately 3,250 feet from Hillview Road, 6,800 feet from the centerline of Arata Lane, and approximately 3,100 feet from the nearest existing residence (and not visible). The barrel storage room will be subterranean. The two existing winery buildings are located even further from the roadways and neighboring residences. Amplified music and sound is allowed indoors and outdoors for the 22 agricultural promotional events held per year. These buildings and immediate surroundings are well over 3,100 feet from the nearest residence.

In addition, Condition 79, listed above, requires guests to exit the project site by 10:00 p.m., with cleanup to start by at least 9 p.m. Therefore, guests will be exiting the project site still within the Daytime hours of the General Plan, and should not conflict with the riders in the arena since the appellants' horse boarding hours are 6 a.m. to 8:00 p.m., daily. The winery daily operations close by 6 p.m., except during crush when winery hours are extended to 10 p.m., still within the Daytime hours of the General Plan.

Traffic

The appeal form states the Mitigated Negative Declaration did not adequately address traffic impacts.

Staff analysis:

The April 2012 Focused Traffic Study prepared by W-Trans determined overall truck trips will be reduced since at project build-out all the grapes grown on site will be processed on-site and no longer hauled off site for processing. Originally all employee traffic was to continue to use Hillview Road, but after the applicant met with neighbors on Hillview Road, the applicant decided to instead direct all employee and guest traffic to use Windsor Oaks Road. On October 9, 2013, W-Trans provided an addendum letter stating that this change in traffic circulation does not change their original assessment outlined in the Focused Traffic Study of April 2012 (Refer to M).

The 2012 Traffic Impact Study evaluated the section of Arata Lane fronting the project site, as well as the intersection of Arata Lane/Hillview Road-Camelot Drive. The p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward-bound commute.

W-Tran's provided the following conclusions and recommendations:

- The calculated collision rate for the study intersection is below the statewide average for similar intersections.
- At build-out, the proposed project is expected to generate an average of 53 new daily vehicle trips, including seven trips during the p.m. peak hour.
- A total of 22 agricultural promotional events are proposed annually, but since the starting and ending times usually occur outside of peak conditions, they are expected to result in minimal traffic impact.
- Sight distance along Arata Lane is adequate for the posted speed limit.
- The proposed parking supply of 33 spaces will accommodate the anticipated 19 space peak demand for employees and daily visitors.
- During special events, the proposed permanent and temporary parking supply would be adequate.
- The study intersection of Arata Lane/Hillview Road-Camelot Drive is expected to continue operating acceptably based on applicable standards under Existing and Future conditions without and with the project.
- On-site circulation is adequate for typical passenger vehicles as well as for larger trucks.

- Left-turn pockets are not warranted on Arata Lane at either Hillview Road or the proposed driveway even under Future plus Project volumes.

The Department of Transportation and Public Works accepted the traffic study, but placed the following conditions on the project:

Condition 52. *The Applicant shall implement measures that keep winery-related traffic volume on Hillview Road at the current level. A project-related increase in Hillview Road traffic is subject to the improvement of Hillview Road at the Arata Lane intersection.*

In 2012, PRMD staff, DTPW staff, and the applicant's engineer met with the Engineer from the Town of Windsor because improvements along Arata Lane are within their jurisdiction. Therefore, within the Arata Lane right-of-way, all the design and construction related to any road, storm water, tree protection, and drainage improvements must meet the Town of Windsor standards and requires an Encroachment permit approval from their office. The Town of Windsor's conditions for the project are included on the Conditions of Approval (Refer to Exhibit A, Conditions No. 55 to 72).

On February 19, 2014, W-Trans submitted a second addendum letter and an updated *Winery Trip Generation Form* in response to the BZA reducing the number of agricultural promotional events per year and eliminating a concert and a play from the approved project. (Refer to Exhibit O). W-Trans states that with this change the average daily trip count for the project will be reduced by 3 trips per day from 114 daily trip ends to 111 daily trip ends, which includes all winery operations traffic, vineyard operations traffic, tasting room traffic, and event traffic (Refer to Exhibit O- *Winery Trip Generation Form*, Summary, Page 2). W-Trans concludes that since this change results in a net decrease in traffic, the conclusions and recommendations as contained in the *Traffic Impact Study prepared for Windsor Oaks Winery*, dated April 11, 2012, and the first addendum letter, dated October 13, 2013, remain valid.

Environmental Document:

A Mitigated Negative Declaration was prepared for the project in conformance with the CEQA (California Environmental Quality Act), whereas mitigations and conditions have been incorporated into the project to reduce any potential environmental impact to a less than significant level.

The Board of Zoning Adjustments considered and approved a Mitigated Negative Declaration that determined that, with mitigation, the originally-proposed project would not result in any significant adverse environmental impacts. The changed conditions imposed by the BZA reduce rather than increase the scope of the project, by reducing annual agricultural promotional events from 28 to 22 per year, and eliminating the proposed concert and play. These changes will not result in any new or substantially more severe environmental impacts and do not require recirculation of the Mitigated Negative Declaration under CEQA or its Guidelines.

Contrary to the appellant's reason for the appeal, the Mitigated Negative Declaration, adopted by the Board of Zoning Adjustments, concludes that with mitigations and project conditions incorporated into the project, the proposed uses consisting of a 100,000 case winery with a public tasting room and agricultural promotional events on 471.89 acres would not be detrimental to the health, safety, peace,

comfort, and general welfare to people residing and working in the area.

Public hearing noticing:

Similar to the noticing done for the Board of Zoning Adjustments' public hearing, for the original Board hearing date of March 11th and for the continued Board hearing date of March 25th, a large public hearing sign was installed at the project site, public hearing notices were mailed out to all property owners who reside along Hillview Road and Liberty Oak Lane, hearing notices were posted in the area, and published in the Press Democrat. A 20-day public hearing notice was given for the original Board of Supervisors hearing. For the continued hearing date of March 25th, only a 10-day notice would have been required, however, PRMD provided a 19-day notice.

Staff Recommendation:

Deny the appeal and uphold the Board of Zoning Adjustments' approval of a phased Use Permit and Design Review for expansion of an existing winery to increase annual production capacity; enlarge the existing winery buildings; add a new winery building; add public and private tasting rooms, retail sales, and public tours; and to include 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 event days per year with 300 maximum guests on 471.89 acres, subject to the Conditions of Approval set forth in Exhibit B of the staff report.

Prior Board Actions:

None

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Use Permit process provides the opportunity for the existing winery to expand its production capacity to process grapes grown on the site and reduce the tonnage of grapes that are currently hauled off site for processing. In addition, the Use Permit allows the existing winery to have wine tasting facilities, agricultural promotional events, and weddings which are all direct marketing and educational tools that help increase sales directly to consumers, increase their wine club membership, and provide label recognition for the winery in a competitive market. According to this year's report by the Sonoma County Economic Development Board, winegrowers and wineries contributed more than \$13.4 billion to the local economy based on 2012 figures.

Fiscal Summary - FY 13-14			
Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$
Narrative Explanation of Fiscal Impacts (If Required):			
This is an at cost project paid for by the applicant, so no impact to Department finances are expected.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
<p>Exhibit A: Resolution Denying the Appeal</p> <p>Exhibit B: Conditions of Approval</p> <p>Exhibit C: Location Map</p> <p>Exhibit D: Aerial Map</p> <p>Exhibit E: Overall Site Plan for Windsor Oaks Winery</p> <p>Exhibit F: Appeal Form from Dave and Joy Koch, dated October 24, 2013.</p> <p>Exhibit G: Letter from Michael P. Merrill, Law Office of Merrill, Arnone, and Jones, LLP, dated February 19, 2014, and attachment Sound Wall Interim Analysis, prepared by Frank Hubach Associates, dated February 18, 2014.</p> <p>Exhibit H: Road Improvement Plan for Windsor Oaks Road, prepared by SMA.</p> <p>Exhibit I: Acoustical Study for Windsor Oaks Winery Entry Road Noise, prepared by Illingworth and Rodkin, dated February 14, 2014.</p> <p>Exhibit J: Objection Letter from Bob and Edna Honsa, dated February 17, 2014.</p> <p>Exhibit K: Board of Zoning Adjustments Resolution No. 13-016</p> <p>Exhibit L: Board of Zoning Adjustments Staff Report (includes objection letters and petitions), dated October 17, 2013</p>			

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|------------|--|
| Exhibit M: | Board of Zoning Adjustments Minutes dated October 17, 2013. |
| Exhibit N: | Conservation Easement Consistency Determination Letters (2) by SCAPOSD and Conservation Easement Baseline Plan |
| Exhibit O: | Addendum letters prepared by W-Trans, dated October 9, 2013 and dated February 19, 2014 |
| Exhibit P: | Objection letters received for BZA hearing 10-17-13 |
| Exhibit Q: | Notice of Determination and Mitigated Negative Declaration with Attachments |
| Exhibit R: | Memo and correspondence regarding noise dated March 13, 2014 |

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



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

File PLP12-0009

Traci Tesconi

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Denying The Appeal, Adopting A Mitigated Negative Declaration And Granting A Phased Use Permit And Design Review For The Expansion Of An Existing Winery (Windsor Oaks Winery) To Increase Maximum Annual Production Capacity From 43,000 To 100,000 Cases, Enlarge One Of The Existing Winery Buildings, Add A New Winery Building, Add Public And Private Tasting Rooms, With Retail Sales, And Public Tours, And To Allow 22 Agricultural Promotional Events Per Year With A Maximum Range Of Guests To Include: 8 Events With 60 Guests, 10 Events With 100 Guests, One Event With 300 Guests, Three Weddings Per Year With A Maximum Of 100 Guests, And Participation In Industry-Wide Events Consisting Of A Total Of 10 Annual Event Days Per Year With 300 Maximum Guests On 471.89 Acres, For Property Located At 10810 Hillview Road, Windsor; APN 086-100-016 And APN 161-020-043, Fourth District.

Whereas, the applicant, Windsor Oaks Associates, LP; filed an application with the Sonoma County Permit and Resource Management Department for A Phased Use Permit and Design Review to modify an existing Use Permit for a winery (File# UP7851) with Phase II to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, to enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 30 agricultural promotional events per year with a range of maximum guests to include: 10 events with 60 guests, 12 event with 100 persons, and 3 events with 300 guests, and three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total 20 annual event days. Phase II includes a new 8,360 square foot winery building used for barrel storage and to include administration offices, hospitality areas, public tasting areas, VIP tasting areas, and a commercial kitchen. The project site is 471.89 acres, located at 10810 Hillview Road, Windsor, APN 086-100-016 and APN 161-020-043; Zoned LIA (Land Intensive Agriculture), B6 – 60 acre density, G (Geologic Hazard Combining) SR (Scenic Resources), VOH (Valley Oak Habitat) and AR (Agriculture and Residential), B6- 5 acre density, VOH (Valley Oak Habitat); Supervisorial District No 4; and

Whereas, a Mitigated Negative Declaration was prepared for the Project and posted and made available for agency and public review for the proposed project in accordance with the California Environmental Quality Act (“CEQA”) and the State and County CEQA Guidelines; and

Whereas, in accordance with applicable the provisions of law, the Board of Zoning Adjustments held a public hearing on October 17, 2013 at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

Whereas, after the closing of the public hearing on October 17, 2013, the Board of Zoning Adjustments discussed the project and determined they did support the increase in the maximum annual production capacity to 100,000 cases, and to allow public and private tasting rooms, retails sales, public tours, and the related site improvements. However, the Board of Zoning Adjustments determined they did not support having a concert or a play at the winery site and that the overall number of agricultural promotional events and industry wide events should be reduced to allow the following: 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, and three weddings per year with a maximum of 100 guests; and participation in industry-wide events consisting of a total of 10 event days per year with 300 maximum guests;

Whereas, on October 24, 2013, Dave and Joy Koch filed a timely appeal of the Board of Zoning Adjustments' approval of the project; and

Whereas, in accordance with the provisions of law, the Board of Supervisors held a public hearing on March 25, 2014, at which time all interested persons were given an opportunity to be heard; and

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following findings:

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the LIA zoning district. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes (Russian River and Chalk Hill Appellations). It has been well established that tasting rooms,

agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with policy AR-6d.

In addition, the following policies shall be used to achieve these objectives: Policy AR-1a: "Permit a wide variety of promotional and marketing activities of County grown and processed products."; Policy AR-4a: "The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Policy AR-6a states to: "Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production..." and Policy AR-6f: "Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such use..." The project has demonstrated that primary use of the project site will remain agricultural production and processing, and all the agricultural promotional events, including wedding, are limited in frequency and hours as to not impact on-site or off-site agricultural production. The purpose for having agricultural promotional events, industry-wide events, including weddings, at the winery site is to promote and market the wines produced on site. The primary potential land use conflicts associated with the proposed use for agricultural promotional events, industry-wide events, including weddings, and surrounding agricultural production is exterior lighting, traffic, and noise. Whereas, mitigation measures and conditions have been incorporated into the project to reduce potential impacts to a less than significant level. The traffic generated by the proposed uses would not exceed the current level of service of Hillview Rd or Arata Lane.

2. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. The winery facility cannot be rented out to any third-party contracts. The project site is not under a

Williamson Act contract.

3. Based upon the whole record (including the Initial Study and all comments received); there is no substantial evidence that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: the winery is limited to an annual maximum production capacity of 100,000 cases, winery operating hours shall be 7 a.m. to 6 p.m. Monday through Sunday non-harvest; and 6 a.m. to 10 p.m. Monday through Sunday during harvest season, public and VIP tasting room hours are limited to 11 am to 5 pm, industry-wide events are limited to the tasting room hours of 11 am to 5 pm, the winery is limited to 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests. Any new exterior lighting must be approved by the Design Review Committee and new exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated. Arata Lane and Hillview Road are adequate to support the use with traffic generated by events during non-peak hours, the larger weddings are limited to 300 guests and the agricultural promotional events are limited in frequency and maximum guests ranging from 60 to 300 guests, and would be conducted during weekend daytime hours. The proposed increase in winery production, the tasting rooms, and the events have been found consistent with the existing Conservation Easement provided the uses take place the appropriate designated area. The project site is large enough to accommodate all on-site parking needs and at least four parking attendants will be used to assist with parking guest vehicles during events. Prior to initiation of the use, bicycle racks with a minimum of five bicycle parking spaces shall be installed in the parking lot area.

5. Valley gutters for traffic calming shall be placed along Windsor

Oaks Road subject to approval by PRMD staff. The Permit-Holder shall provide a written notification to all neighbors who reside on Hillview Road and Liberty Oak Lane a minimum of 30-days prior to having an agricultural promotional event or wedding at the project site. The Permit-Holder shall have trained personal stationed at the entrance of Windsor Oaks Road to provide traffic control for all agricultural promotional events and weddings with 100 guests or more.

6. The applicant has agreed to install landscape screening along the east side of Windsor Oaks Lane and to meander the final alignment of Windsor Oaks Lane to the west in certain areas to provide a buffer between the roadway and David and Joy Koch's residence and riding arena.

Be It Further Resolved that the Board of Supervisors hereby denies the appeal and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Supervisors certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Board.

Be It Further Resolved that the Board of Supervisors hereby grants the requested Use Permit and Design Review, subject to the Conditions of Approval in Exhibit "B", attached hereto.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.

**Board of Supervisors
Draft Conditions of Approval**

Date:	March 25, 2014,	File No.:	PLP12-0009
Applicant:	Windsor Oaks Associates LP	APN:	APN: 086-100-016 and 161-020-043
Appellant:	Joy and Dave Koch		
Address:	10810 Hillview Road, Windsor		

Project Description: Request for an appeal to the Board of Supervisors of a decision by the Board of Zoning Adjustments to approve a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participate in industry-wide events consisting of a total of 10 annual event days per year with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administrative offices, hospitality areas, break room with a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard. The project site is not under a Williamson Act contract.

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,206.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.
5. If a wine cave is proposed in the future for storage or for private/public assembly, a modification of the Use Permit shall be required. Any wine cave used for guided tours or public/private assembly shall comply with the model California Codes including, but not limited to exiting, fire suppression, lighting and accessibility regulations.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

6. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

7. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
8. A Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
9. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

10. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for special events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100% percent of the wastewater flow from an event with 300 guests, in addition to peak wastewater flows from all

other sources plumbed to the septic system.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

11. Application for amended wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
12. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.
13. If in the future a wine cave is proposed, the Use Permit will need to be modified and sewage disposal system(s) shall be evaluated relative to the location of any proposed wine cave(s). If the floor of the wine cave(s) are lower than any wastewater disposal field or septic tanks, a minimum 50-foot setback from any tanks, sumps, and septic disposal field shall be maintained.

Consumer Protection:

14. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope and frequency specified under the Planning conditions in this Use Permit.
15. If the project will operate under a Wine Tasting Room Exemption, the exemption requires:
 - a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
 - b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
 - c. Note that this Use Permit requires that all flooring, counter tops, restrooms and sinks in the food service area shall be built to CalCode standards in an effort to minimize the need for replacement when a small change in the menu triggers the need for a Food Facility permit.

Vector Control:

16. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction of any

ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

BUILDING:

Solid Waste:

17. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

PRIOR TO OCCUPANCY:

Water:

18. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

19. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
20. A safe, potable water supply shall be provided and maintained.
21. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
22. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.
23. Any new or replacement water well(s) drilled to supply the project described under this Use Permit shall meet a minimum 150-foot setback from the project site's property line boundaries.

Septic:

24. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
25. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.

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

Hazardous Materials:

28. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

29. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and special event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6565 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6565 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

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

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

30. Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan.
31. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Smoking:

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

Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.

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

GRADING AND STORM WATER:

“The conditions below have been satisfied BY _____ DATE _____

34. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
35. A separate grading permit is required for the new proposed entrance road, Windsor Oaks Road, from Arata Lane.
36. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading permit application and with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
37. The new entrance road from Arata Lane, Windsor Oaks Road, to the proposed project shown on parcel 161-020-043 is subject to storm water Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the proposed development shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading permit application or with improvement plans, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
38. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria and the Windsor Area Master Drainage. Drainage improvements shall be shown on the grading plans for on-site work and the improvement plans for off-site work, and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD’s best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
39. The applicant shall provide grading plans and improvement plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004)

handout.

40. As part of the grading plans and improvement plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
41. Residue or polluted runoff from crush pads or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
42. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
43. All structures requiring a building permit or an agricultural exemption shall adhere to a building setback line measured, from the toe of the stream bank outward, a distance of 2.5 times the height of the stream bank plus 30 feet, or 30 feet outward from the top of the stream bank, whichever distance is greater. If the top of the stream bank cannot be determined by visual analysis, then the building setback line shall be determined by hydraulic analysis.
44. Grading and land disturbance shall be set back from streams a minimum of 25 feet from the top of stream bank.
45. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading plans and improvement plans.
46. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading and/or improvement plans.
47. The proposed project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

48. This proposal impacts a road under State of California jurisdiction. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right-of-way.
49. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to Arata Lane shall conform to AASHTO

recommendations. More specifically, the Applicant shall construct a driveway meeting the following criteria:

- a. A minimum paved throat width of 24 feet;
 - b. Entrance curves having a minimum pavement radius of 25 feet;
 - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on River Road.
 - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/const_std/).
 - e. The entrance improvements shall be in place prior to commencement of the approved activity.
50. The Applicant shall pave the existing driveway for a distance of 25 feet north from the gate at the end of Hillview Road. Driveway runoff shall be diverted to the edges of the pavement to reduce the amount of material that is carried from the site to the public road.
 51. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
 52. The Applicant shall implement measures that keep winery-related traffic volume on Hillview Road at the current level. A project-related increase in Hillview Road traffic is subject to the improvement of Hillview Road at the Arata Lane intersection.
 53. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
 54. Improvement of the private road connection to Arata Lane is subject to an encroachment permit issued by the Town Of Windsor.

TOWN OF WINDSOR:

55. Prior to preparing improvement plans for the private road connection to Arata Lane, the applicant and/or applicant's engineer will need to meet with the Town of Windsor staff to discuss the Town's plan and project requirements and to go over the Town's review and approval process.
56. Information shown on the preliminary site development plans shall not be construed as accepted or meeting Town standards and requirements and is subject to review and approval during the plan review process.
57. Prior to performing any work within the Arata Lane public right-of-way, an encroachment permit will be required from the Town of Windsor. All permit, plan check and inspection fees will need to be paid to the Town of Windsor (Public Works Department) prior to issuance of an encroachment permit.
58. Improvement plans must be approved and signed by the Town Engineer prior to issuance of an Encroachment Permit.
59. All design and construction within the Town of Windsor shall conform to the latest edition of the

Town of Windsor Design and Construction Standards and Caltrans, AASHTO and other applicable codes, standards, guidelines and specifications.

60. Deviations from Town Standards and applicable Code requirements shall be approved by the Town Engineer. The applicant's engineer shall request all design exceptions in writing.
61. Public improvement drawings shall be drafted in the Town approved sheet format. AutoCAD drawing files can be found on the Town's website, (townofwindsor.com).
62. All existing and proposed rights-of-way and easements shall be clearly identified on the design drawings. Where the project is adjacent to the Town Boundary, the Town Boundary shall be clearly shown.
63. As the projects only access is off of Town streets, it is required by the Board of Zoning Adjustments that the applicant pay into the Town's Traffic Impact Fee an amount based upon the project generated 7 P.M. peak hour trips at the current rate in effect at the time of payment.
64. Prior to issuance of a Sonoma County Building Permit, the applicant shall submit written verification from the Town of Windsor that the Town's Traffic Impact Fees have been paid in full.
65. In the event that the Town is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.
66. In the event that the Town elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the Town, deposit with the Town, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

Road Improvements:

67. The Hillview Road entry and new driveway entry shall be paved or chip sealed, or other approved alternative, for a minimum distance of 100' from Arata Lane to prevent tracking of unsuitable materials into Arata Lane during ingress and egress to the proposed winery expansion and new tasting room.

Grading and Drainage Improvements:

68. The proposed drainage improvements in Arata Lane and all project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Control Design Criteria. Public and private drainage improvements shall be shown on the improvement plans and shall be approved by the Sonoma County Water Agency (SCWA) prior to approval by the Town Engineer.
69. The existing drainage facilities in Arata Lane, within the sphere of influence of Hillview Road and the proposed project driveway, shall be improved to meet the Town's current Design and Construction Standards and SCWA Flood Control Design Criteria. Existing wooden structures shall be replaced with concrete structures to the satisfaction of the Town Engineer.
70. The grading and drainage plan shall clearly show all existing survey monuments and property corners along and in the Arata Lane right-of-way and shall state that they shall be protected and

preserved.

Storm Water Quality:

71. All design and construction within Arata Lane right-of-way shall meet the requirements of the Town of Windsor, Phase II NPDES Storm Water Management Plan and the 2005 SUSMP Guidelines.

Tree Preservation:

72. Tree preservation requirements within the Town of Windsor shall be shown on the grading and drainage plan or a separate tree preservation plan as approved by the Town Engineer and Planning Director. Tree preservation plan requirements shall conform to the Town's Tree Preservation Ordinance for all work within the Arata Lane right-of-way.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

73. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
74. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
75. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
76. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with Chapter 5 of the 2010 California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification; gate access & key boxes; and fire protection water supplies.
- a. Access roads: Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - b. Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.
 - c. Address numbers: Approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property shall be provided.
 - d. Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.
77. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and

handling of hazardous materials will be in accordance with Chapter 27 of the 2010 California Fire Code as adopted and amended by Sonoma County Code.

PLANNING:

“The conditions below have been satisfied BY _____ DATE _____

78. Approval for a two-phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participate in industry-wide events consisting of a total of 10 annual event days per year with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administrative offices, hospitality areas, VIP tasting areas, and a break room with a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard.
79. Hours of operation are as follows:
- a. Winery: 7 a.m. to 6 p.m., Monday through Sunday non-harvest; and 6 a.m. to 10 p.m., Monday through Sunday during harvest season.
 - b. Public and private tasting room hours: 11 am to 5 pm, 7 days a week
 - c. Industry-wide events: 11 am to 5 pm (same operating hours as tasting rooms)
 - d. Agricultural promotional events and weddings hours: 10 am to 10 pm. Guest shall exit the project site and cleanup starting by at least 9 p.m. to be completed by 10:00 pm.

No overnight accommodations for guests or visitors to reside on the project site is authorized by this Use Permit. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0009. This Use Permit shall supersede all prior Use Permit approvals, including UP 7851.

80. The facility shall not be rented out to third parties for events.
81. Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, May 1, 2013; and any subsequent DRC recommendations. The Design Review Committee must shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration.

Mitigation Monitoring : The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

82. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot lights shall be full cut-off fixtures and shall not exceed 4 feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
83. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural standards from Title 24 effective October 2005).
84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
 - a. Water all active construction areas at least twice daily
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
 - h. Limit traffic speeds on unpaved access roads to 15 mph.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation and ground cover in disturbed areas as quickly as possible.
85. Pomace is to be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
 - a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for

composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

86. Any proposed vegetation or signs installed along Arata Lane near Hillview Road or along the new driveway (Windsor Oaks Drive) shall be located so as not to obstruct the visibility of vehicles entering or exiting the project site.
87. Prior to final occupancy of the Phase I development, the applicant shall submit a complete Road Naming Application with PRMD for the access roadway at the intersection of Arata Lane (referred to on the Site Plan as Windsor Oaks Road).
88. Prior to final occupancy of the Phase I development, the applicant shall place valley gutters for traffic calming along Windsor Oaks Road subject to approval by PRMD staff.
89. Prior to final occupancy of the Phase I development, the winery sign(s) shall direct all guests vehicles to use the new access roadway (Windsor Oaks Road) and direct all truck deliveries to use Hillview Road. Signs shall be installed at the entrance(s) at the intersection(s) Windsor Oaks Road Arata Lane and Hillview Oaks Road/Arata Lane, once approved for design and location by the Department of Transportation and Public Works and Town of Windsor, followed by the Design Review Committee. In addition, winery management shall instruct all employees to use Windsor Oaks Road and instruct grape haulers and truck drivers related to the winery's operations to use Hillview Road.
90. The Permit-Holder shall provide a written notification to all neighbors who reside on Hillview Road and Liberty Oak Lane a minimum of 30-days prior to having an agricultural promotional event or wedding at the project site.
91. The Permit-Holder shall have trained personnel stationed at the entrance of Windsor Oaks Road to provide traffic control for all agricultural promotional events and weddings with 100 guests or more.
92. During special events, temporary, overflow parking shall be provided along the unpaved areas between the existing vineyards. Temporary signs shall be installed and at least 4 parking attendants shall be on duty during the events directing guest vehicles to designated parking areas. Temporary parking signage shall be removed after the event.
93. Consistent with the existing Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District, the weddings are only allowed to be held within the Agricultural Building Area (ABA) which includes the existing winery buildings and surrounding area as designated on the Conservation Easement Map. Such uses are not permitted in the new winery building since it is located outside the Agricultural Building Area (ABA), but is located within the Alternate Building Envelope (ABE).
94. Consistent with the existing Conservation Easement terms, for events held outside the Agricultural Building Area (ABA) guests shall not pay for services such as seminars, all tours, recreational uses, or meals.
95. Prior to final occupancy of the Phase I development, adequate bicycle racks near the entrance to the proposed new winery building shall be installed to be used for public tasting and retail sales. Bicycle racks shall be installed in accordance with Sonoma County Parking Regulations. Required parking is one bicycle parking space be provided for every 5 spaces required for automobiles. Please reference the Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (APBP), which can be found online at the following website;http://www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf. Bicycle parking standards are also provided on pages 19 and 20 of the 2010 Sonoma County Bicycle and Pedestrian Plan, which can be found via the following link; <http://www.sonoma-county.org/prmd/docs/misc/bikeplandraft.pdf>.

96. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
97. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.
98. Two-Year Review. A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
99. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.
100. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
101. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
102. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review

staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

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

103. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
104. Prior to building permit Issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.
<http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.
105. The applicant shall maintain a minimum of 33 permanent parking spaces on-site to serve the winery and tasting room approved land uses. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. (If affordable or special needs units - Each affordable or special needs unit shall be provided with a covered parking space included in the rental fee.
106. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
107. Staff Training. Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.
108. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. Samples or tastes of pre-prepared packaged food and appetizers featuring local foods and food products offered in conjunction with wine tasting, special events, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, weddings, the play, and the concert. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as

described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.

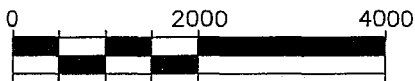
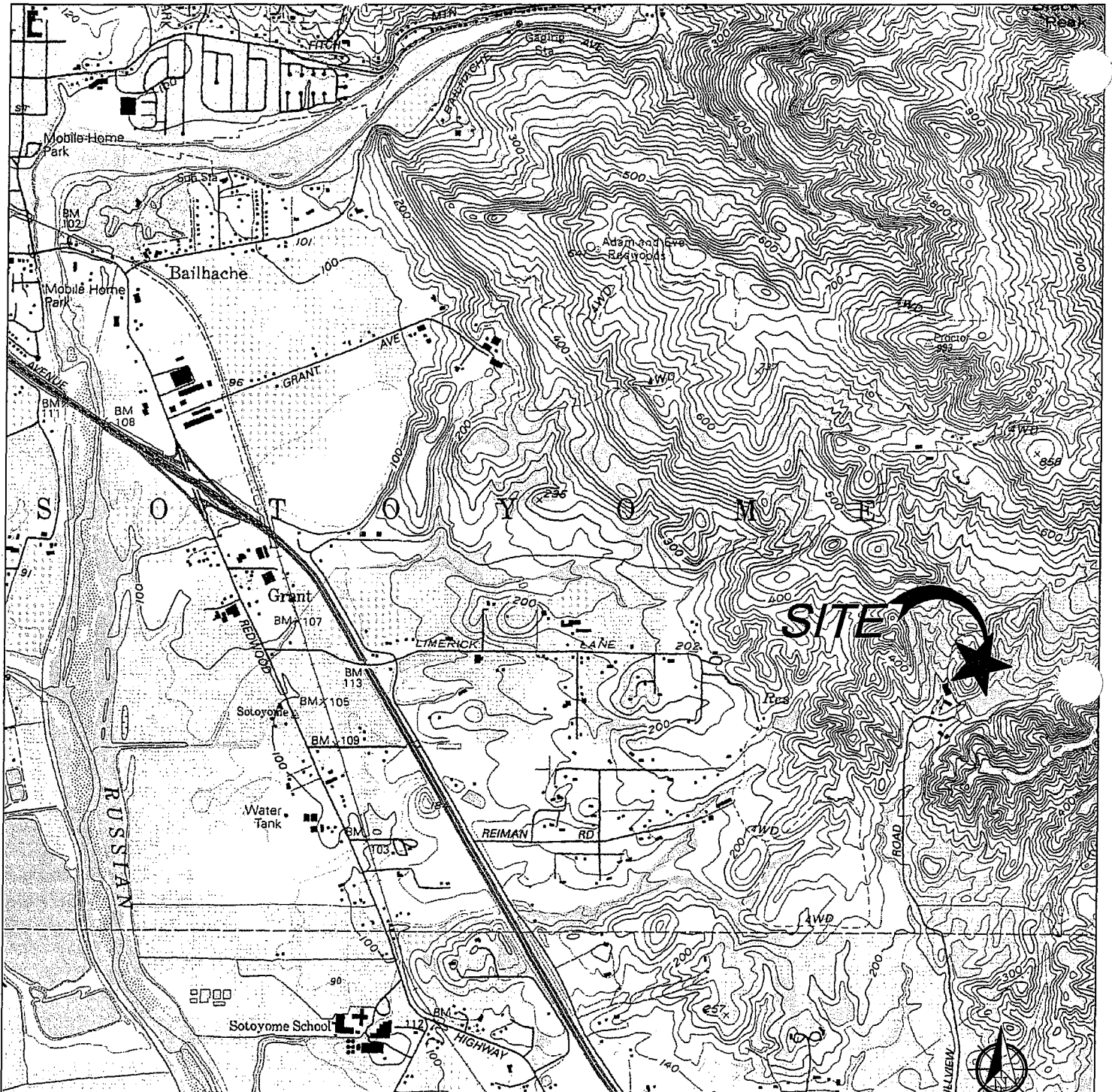
- c. Retail sales of pre-prepared packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 - 1) Retail sales of pre-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
109. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
110. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
111. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:
 - (a) the Board finds that there has been noncompliance with any of the conditions or
 - (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance.Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

This Use Permit is approved for phasing of the project development as follows: Phase I development shall be completed within two (2) years after the date of the granting of the Use Permit, after which 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.

Phase I development must be completed prior to the issuance of building permits for the Phase II development. Phase II development shall be completed within five (5) years after the date of the granting of the Use Permit, however, upon a written request by the applicant, prior to the expiration of the five year period, the permit approval may be extended for not more than one (1) year by the 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.
after which, the permit for Phase II shall become automatically void and of no further effect.



GRAPHIC SCALE IN FEET

Scale: 1" = 2000'

PROJECT LOCATION MAP

SMA

Steve Martin Associates
 130 South Main Street, Suite No. 201
 Sebastopol, CA 95472
 Office (707) 824-9730, Fax (707) 824-9707
 Website: www.SMAssociates.Net

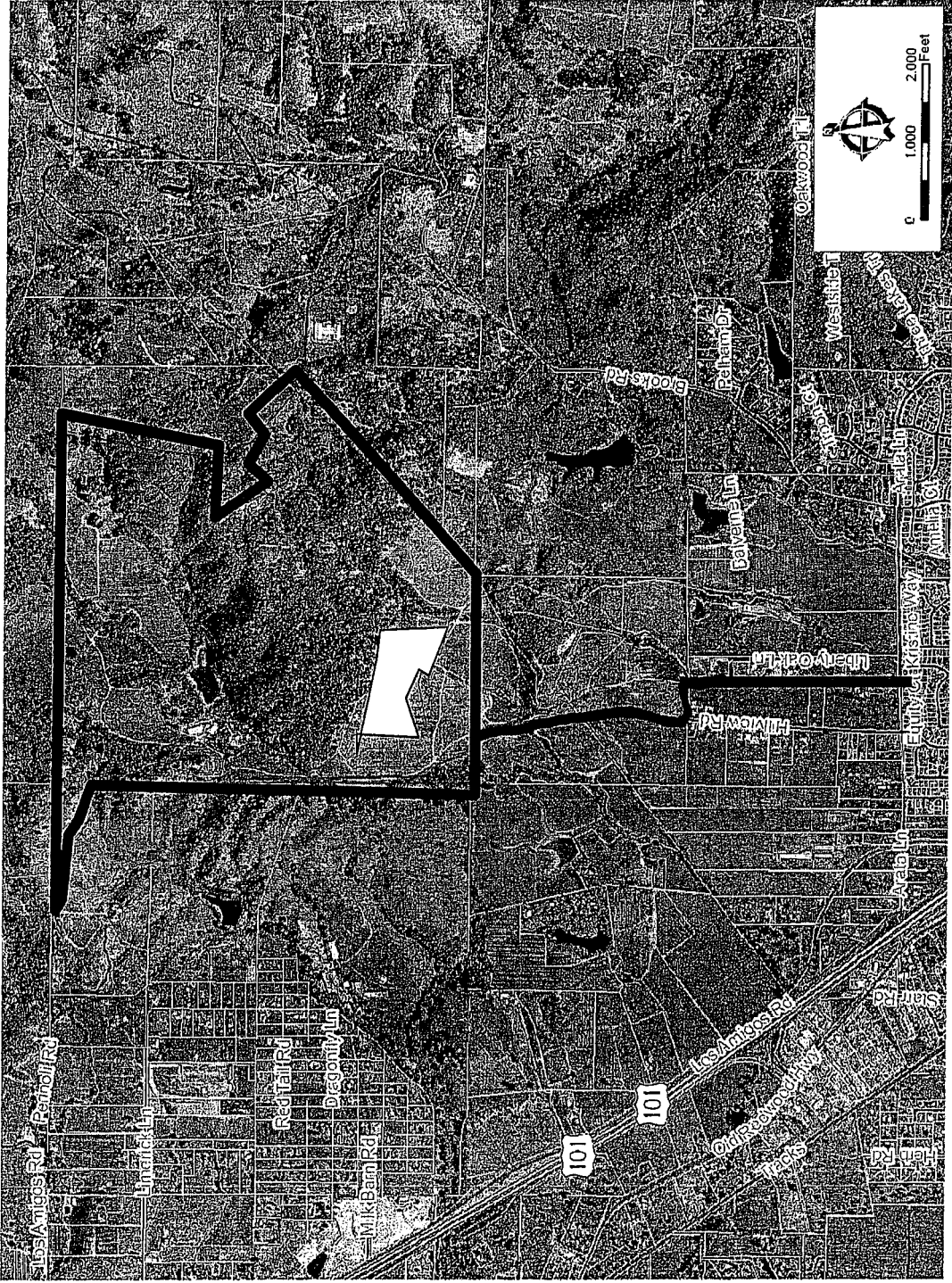
WINDSOR OAKS WINERY

10510 Hillview Road
 Windsor, CA 95492
 APN: 086-100-016

SMA 2011-009

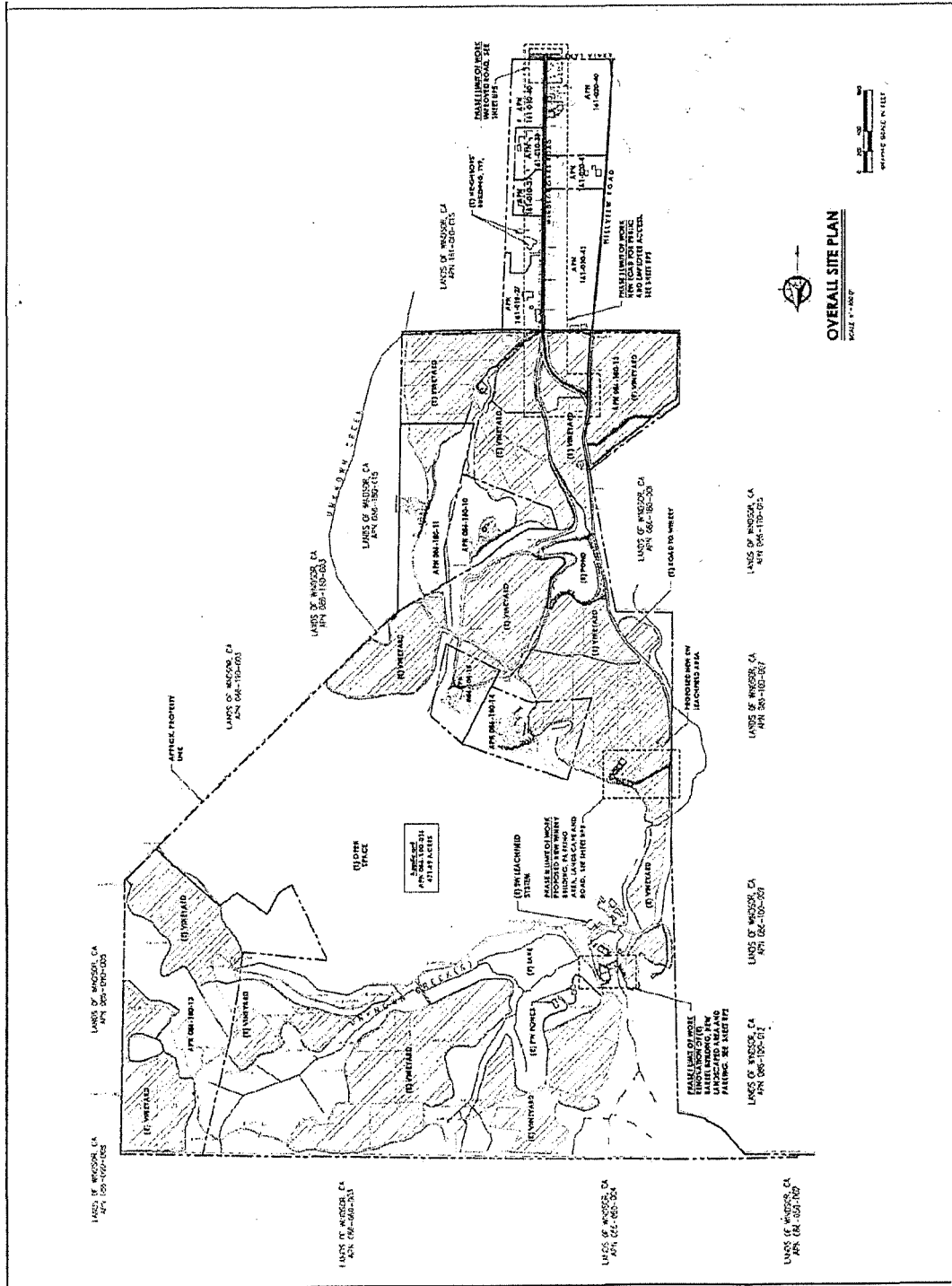
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Aerial View



Activity #PLP12-0009

Overall Site Plan



PRMD

Activity #PLP12-0009

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT
 2550 VENTURA AVENUE, SANTA ROSA, CA 95403-2829
 (707) 565-1900 FAX (707) 565-1103

Application Fees / Invoice for: PLP12-0009

Project Address: 10810 HILLVIEW RD WIN

Cross Street: HWY 101

APN: 086-100-016

Description: USE PERMIT AND DESIGN REVIEW WINERY EXPANSION

Printed: Friday, October 25, 2013
Initialized by: KTheriau
Activity Type: C-CPP 1101
PCAS #: JP719300

Owner: WINDSOR OAKS ASSOCIATES LP
 10510 HILLVIEW RD
 WINDSOR CA
 95492
 707 433 3810

Applicant: WINDSOR OAKS ASSOCIATES LP
 10510 HILLVIEW RD
 WINDSOR CA
 95492
 707 433 3810

Fees:

Item#	Description	Account Code	Tot Fee	Prev. Pmts	Cur. Pmts
121	FIRE RESD'L REVIEW	649129-3641	318.00	318.00	.00
710	DRN REV - REF FROM PLNG	025015-3140	492.00	492.00	.00
730	NPDES PLANNING REF	025015-3164	766.00	766.00	.00
750	SUSMP PROG DEVELOPMENT	025015-1350	28.00	28.00	.00
1011	APPEAL (ALL OTHERS)	025015-3803	1,079.00	1,079.00	.00
1049	DR ADMIN > OR = 1000 SF	025015-3808	1,449.00	1,449.00	.00
1053	ENV REV LEV II EXP INIT	025015-3811	4,149.00	4,149.00	.00
1054	ENV REV ARCH LAB REFERRL	025015-3811	137.00	137.00	.00
1131	USE PERMIT LEVEL II	025015-3823	6,848.00	6,848.00	.00
2120	AG COMMISSIONER REVIEW	070102-3181	272.00	272.00	.00
3805	DTPW - PROJ REF AT CST	025015-3140	650.00	650.00	.00
			\$16,188.00	\$16,188.00	

Total Fees: \$16,188.00

Total Paid: \$16,188.00

Balance Due: \$0.00

Refunds will not be authorized unless circumstances comply with established PRMD refund policy provisions.

When validated below, this is your receipt.

PAYMENT REC'D
 \$ 1,079.00 SH
OCT 24 2013
 PERMIT AND RESOURCE
 MANAGEMENT DEPARTMENT
 COUNTY OF SONOMA

**Planning Commission/Board of Zoning Adjustments
Appeal Form**

PJR-021

To: Board of Supervisors
County of Sonoma, State of California

File # PLP12-0009

Appeal is hereby made by: DAVE and JOY KOCH
Please Print

Mailing Address: 10119 LIBERTY OAK LANE, WINDSOR, CA 95492

Phone: 707-575-5608

Email: Joy@SmartFarmHQ.com

The Sonoma County Planning Commission / Board of Zoning Adjustments (circle one) on

OCTOBER 17, 2013, approved / denied (circle one) a request by

WINDSOR OAKS ASSOCIATES LP for

ADOPTING A NEGATIVE DECLARATION AND A USE PERMIT FOR INCREASED OPERATIONS

located at 10810 HILLVIEW ROAD, WINDSOR

APN 086-100-016 and 161-020-043 Zoned LLA, B6, 60 acre density, G, SR, VOH Supervisorial District 4

This appeal is made pursuant to Sonoma County Code Chapter 26 Section 26-92-160 for the following specific reasons:

- (1) THE ADOPTION OF THE NEGATIVE DECLARATION IS IN ERROR AND THE PROPOSED MITIGATION MEASURES ARE INADEQUATE IN ADDRESSING TRAFFIC AND NOISE ISSUES;
- (2) THE PROPOSED USES ARE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT AND GENERAL WELFARE TO PEOPLE RESIDING AND WORKING IN THE AREA.

Date: Oct 23, 2013

Appellant: [Signature]

Signature

Appeal Fee: See current PRMD Project Review Fee Schedule [Signature]

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

This appeal was filed with the Permit and Resource Management Department on the 24th day of October, 2013, receipt of which is hereby acknowledged.

[Signature]
PRMD Staff

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

CMuller S:\Handouts\PJR\PJR-021 Planning Commission BZA Appeal Form.wpd 03/17/09

February 19, 2014

Board of Supervisors
County of Sonoma
State of California

Re: Appeal of Planning Commission / Board of Zoning Adjustments
Recommendation Regarding Windsor Oaks Associates LP Expanded
Operations / File No. PLP 12-0009

Dear Members of the Board of Supervisors,

Our office represents David and Joy Koch, who reside at 10119 Liberty Oak Lane, Windsor, California, 95492. The Kochs have filed an appeal to the recommendation of the Planning Commission on application by Windsor Oaks Associates LP regarding the expansion of their winery operation. That appeal is based on the contention that the adoption of the Mitigated Negative Declaration is in error and that the proposed mitigation measures are inadequate in addressing traffic and noise issues. Additionally, the proposed uses are detrimental to the health, safety, peace, comfort and general welfare of people residing and working in the area.

The winery's expansion calls for an additional access road, which is directly adjacent to and along the northwesterly boundary of the Koch property and the other neighbors. The Koch property will suffer a more dramatic impact inasmuch as the Kochs have had a long-standing equestrian training facility that is immediately adjacent to the northwesterly boundary of their property. An additional hazard that has not been adequately addressed is the location of the new access road from Arata Lane, which is within six feet (6') from the existing entrance to Liberty Oak Lane.

In an effort to resolve conflicts the Kochs had reached an agreement with the winery owner that the road would be extended further to the northwest as it approached the Koch property with the equestrian facility and that the traffic would be limited to events traffic only. This would have allowed the Kochs an open period of time where no traffic would be using the property and allow them to use the equestrian facility without exposing their clients and themselves to the hazardous impacts of traffic noise with regard to that activity. The report by Planning staff was submitted with that recommendation.

Several days prior to the hearing, without any contact to the Kochs, the winery owner switched his position with regard to traffic and advised that not only event traffic would use that road, but it would also be used by employees and staff. The Planning Commission then adopted this change over the objection of the Kochs and others at the Planning Commission meeting.

LAW OFFICES

3554 ROUND BARN BLVD., STE. 303

SANTA ROSA, CA 95403

(707) 528-2882 • FAX (707) 528-6015

E-mail: firm@majlaw.com • Website: majlaw.com

G

EXHIBIT G-1

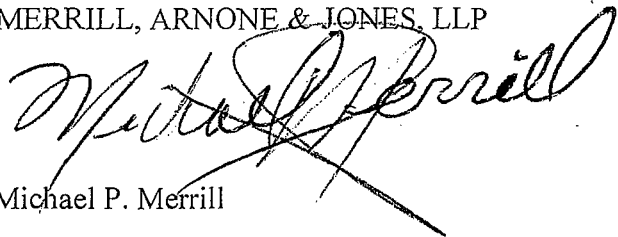
Although the Mitigated Negative Declaration for the Windsor Oaks Winery Project does not include a site-specific noise study, it does conclude, erroneously, that no mitigation is required. Further, the Mitigated Negative Declaration references the noise element of the Sonoma County General Plan which uses a specific measurement for weighted daily average noise levels and statistical noise levels. Because of this obvious omission the Kochs secured the services of Frank Hubach Associates, Inc., an acoustical and vibration engineering consultant, to review the tentative impact with particular focus on the equestrian facility on the Koch property. A copy of that report and its relevant attachments are marked **Exhibits "A" through "F"** and made a part of this correspondence.

The Kochs are long term residents on Liberty Oak Lane. They have run the Smart Farm Equestrian Center there for many years. The value of that business and the value of their property is being directly impeded by the present location of the additional access road to Windsor Winery. Moreover, as designed, the location and use of the new access road will expose both the Kochs and the users of their equestrian facility to unnecessary hazards.

If that additional access road continues to be located in its present recommended position the effects of traffic on the Kochs and their existing horse operation should be mitigated as recommended in the acoustical report. If not, that road should be relocated to the other side of the Windsor Winery parcel. Regardless of the action taken, the determination of a Mitigated Negative Declaration is flawed inasmuch as no site-specific noise study was done with regard to this particular issue.

Respectfully submitted,

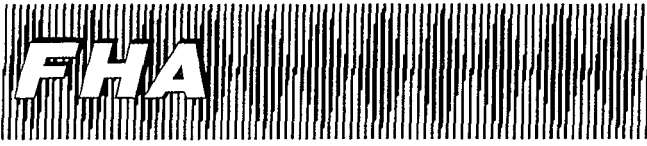
MERRILL, ARNONE & JONES, LLP



Michael P. Merrill

MPM/ldr
Cc: Client

County of Sonoma Permit and Resource
Management Department (Attn: Traci Tesconi)
Supervisor Mike McGuire



**Koch Sound Wall
Interim Analyses
18 February 2014**

This is a summary of the interim analyses of the proposed sound walls along the Windsor Oaks Road. Reduction of traffic noise is the goal which can be achieved primarily with distance and/or sound walls. The source vehicle noise used is typical and does not include any unusual events - honking, radios, hitting pot holes or speed bumps. The sensitivity of each individual horse will remain unknown. The variables for the sound walls are height and position relative to the source and receive.

The Mitigated Negative Declaration for this Windsor Oaks Winery project does not include a site-specific noise study in section 12 - Noise, but it does conclude that no mitigation is required. It does reference the Noise Element of the Sonoma County General Plan which uses Ldn, a time-weighted daily average noise level and Ln, statistical noise levels. Short term impulsive noises that effect horse behavior are not reflected in the Ldn or Ln metrics used in the Noise Element. Accordingly, these averaging and statistical parameters are not used in these analyses. A single noise incident can be dangerous to equestrians and yet not have a noise impact as per the Noise Element. Policy NE-2c does provide some guidelines, "Consider using truck routing, speed limits, signal timing and other traffic control measures to reduce impacts on noise sensitive uses".

The assessment positions are given in alphanumeric with the letter as the receive and the number as the source. Refer to the attached *SoundWallStudy66401.pdf*. The typical noise source is assumed to be a car - 72 dBA at 25 feet as measured on Liberty Oaks Lane which has chip seal pavement. The mid-day ambient noise level has been measured as 41.8 dBA. Joy Koch provided distances at which, in her experience, are "safe, marginal or dangerous". The distances translate into decibel (dB) losses over distance. This is also consistent with the findings of others where 3 dB above the ambient is the threshold for startling a horse. See *Noise Effects on Horses.pdf* attached.

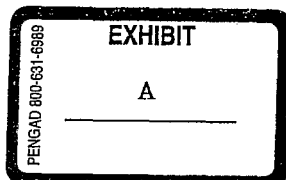
The attached spreadsheet summaries are for the sound wall at the property line (*PropLineWall2.pdf*) and an alternate following the new road and the curve (*RoadLineWall2.pdf*). The results are relative to the measured ambient noise level. Additional noise mitigation can be provided with rubberized asphalt pavement. A benefit of 3 - 10 db is possible, but only 3 dB is used in these calculations for special pavement.

The effectiveness of sound walls is geometry dependant and it is always best to have the wall as close to the source as possible. Clearly there is a benefit in having the sound wall close to the new road, following the curve and using rubberized pavement. In any case, Positions A1 remain "marginal" even with all mitigations in this best scenario.

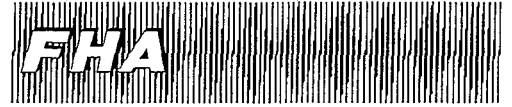
Frank Hubach Associates, Inc 4905 Central Ave, Ste 100
Richmond, CA 94804

Acoustics and Vibration
Engineering Consultants

Phone 510-528-1505
Fax 510-528-1506
Email: info@fha-eng.com



Koch Sound Wall
Interim Analyses
18 February 2014



sound wall is examined in a third spreadsheet (*RoadLineWall2short.pdf*). This demonstrates the 6 feet tall wall to be “dangerous” at the closest position.

Impulsive sounds are most likely to startle horses. Accordingly, there is always a degree of risk with any sudden noise greater than the ambient level. At the termination of the sound wall there will be an abrupt increase in noise where sight lines are no longer blocked. This effect can be minimized by extending the sound walls **north and south** beyond the curved section. Speed control techniques such as speed bumps or valley gutters can be counterproductive and create undesirable impulsive noise.

RECOMMENDATIONS

Place the sound wall at the new road following the curve at the Koch property and placed no more than 17 feet from the road centerline.

Extend the sound wall 280 feet minimum **north and south** of the ends of the curve.

Construct the sound wall airtight from bottom to top, 12 feet high, from materials weighing at least 2 pounds per square foot.

Locate any speed bumps or valley gutters 400 feet minimum **north and south** of the ends of the curve.

Utilize rubberized asphalt paving 400 feet minimum **north and south** of the ends of the curve.

Employ speed control measures to limit traffic to 25 mph.

J:\66401\B\InterimAnalyses3Rred.wpd

NOISE EFFECTS ON HORSES

A review of the current knowledge regarding the effect of noise on horses revealed the following aspects of how horses relate to noise:

Horses have binaural hearing, which allows them to they can hear sounds concurrently in both ears similar to humans, however due to the size and shape of a horse's ear, they can capture more sounds from the surrounding environment. Though horses have the ability to detect a sound more readily than humans, they are not able to accurately detect the location of sounds in the environment. This inability to accurately pinpoint a sound in the environment is can cause a horse to become frightened or startled when certain or unidentifiable sounds are produced. This startle response can interfere with a horses ability to respond to the handler or to function in a given situation. Though horses can overcome the fear of noise phobias if they are gradually conditioned to them over time, based on a horse's inability to determine the location of sounds and their tendency to be frightened or startled, a sudden increase in noise levels or impulsive noise of greater than 3 dBA over background noise levels has been suggested as the point where impulsive noise can significantly affect horses¹.

In terms of constant (non-impulsive) noise, one study in which horses were subjected to white noise (10–20,000 Hz) at 60 dBA along with other (non-auditory) stimuli, and were let out into a corral with food². The results of this study showed that,

- “exposure to the....auditory stimuli elicited significantly increased heart rate responses in the horses compared to their response to the control arena...”, that
- “the auditory stimuli elicited increased latencies to eat and more time spent alert towards or investigating the stimulus”, that
- “it seems that horses respond to unknown visual and auditory stimuli by both behavioral and heart rate changes...”, that
- “Backing away from the stimulus was only shown in the auditory test, indicating that this type of behavior may be an innate response to an unknown sound, and that
- “There were no indications of carry-over effects, which probably relates to the fact that all horses managed to eat within the duration of the tests.”

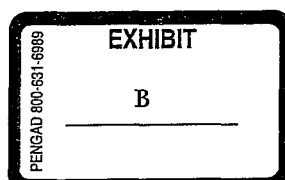
Based on the results of this study it appears that exposure to moderate level of constant noise, while causing increased heart rates and activity levels in the horses, does not cause adverse health effects.

In terms of absolute levels, a study at the Flemington Racecourse in Australia³ found that race-horse stalls were typically exposed to integrated average (L_{eq}) levels of between 50 to 65 dBA on non-race days and established a maximum L_{eq} noise criteria of 65 dBA for music events at an adjacent racecourse.

¹ Santa Anita Specific Plan EIR, September 2006, 4.9-5,6

² Christensen, J.W. et al. *Responses of horses to novel visual, olfactory and auditory stimuli*. Applied Animal Behavior Science 93 (2005) 53-65.

³ Cornelius (Neil) Huybregts, Marshall Day Acoustics *Protecting horses from excessive music noise – a case study*, Animals: 9th International Congress on Noise as a Public Health Problem (ICBEN) 2008, Foxwoods, CT



SOUND WALL AT PROPERTY LINE *w/sound wall height =*

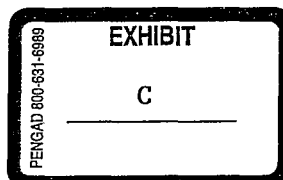
Position receive/source	Distance			car @ 25'		predicted above ambient dBA
	Barrier Loss dB	Loss re: 25' dB	Total Loss dB	ambient dBA	dBA	
A1	13.5	9.2	22.7	72	41.8	8
A2	13.0	15.2	28.3	72	41.8	2
B1	12.5	17.0	29.5	72	41.8	1
B2	16.7	19.2	35.9	72	41.8	-6
B3	9.6	22.2	31.8	72	41.8	-2
B4	10.2	25.1	35.3	72	41.8	-5
B5	10.3	26.8	37.0	72	41.8	-7

Joy Koch's equestrian distance ratings

150 feet	danger	15.6	15.6	72	41.8	15
600 feet	marginal	27.6	27.6	72	41.8	3
1760	safe (1/3 mile)	37.0	37.0	72	41.8	-7

equestrian key

- +15 dB over ambient = danger
- +3 dB over ambient = marginal
- +0 dB over ambient = OK



ALTERNATE SOUND WALL AT NEW ROAD & CURVE w/sound wall height = 12
 predicted above ambient w/rubberized paving

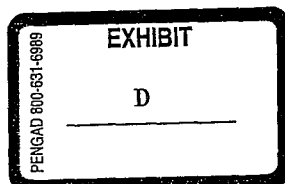
Position receive/source	Distance			car @ 25'	ambient	predicted above ambient dBA	barrier at curve benefit dBA	predicted above ambient w/rubberized paving dBA
	Barrier Loss dB	Loss re: 25' dB	Total Loss dB					
A1	17.1	9.2	26.3	72	41.8	-4	3.7	1
A2	16.8	15.2	32.0	72	41.8	-2	3.7	-5
B1	17.0	17.0	34.0	72	41.8	-4	4.5	-7
B2	16.7	19.2	35.9	72	41.8	-6		-9
B3	12.4	22.2	34.6	72	41.8	-4	2.8	-7
B4	10.2	25.1	35.3	72	41.8	-5		-8
B5	10.3	26.8	37.0	72	41.8	-7		-10

Joy Koch's equestrian distance ratings

150 feet	danger	15.6	15.6	72	41.8	-15
600 feet	marginal	27.6	27.6	72	41.8	3
1760	safe (1/3 mile)	37.0	37.0	72	41.8	-7

equestrian key

- +15 dB over ambient = danger
- +3 dB over ambient = marginal
- +0 dB over ambient = OK



ALTERNATE SOUND WALL AT NEW ROAD & CURVE w/sound wall height = 6

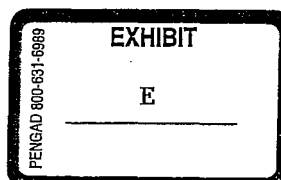
Position receive/source	Distance		Total Loss dB	car @ 25' ambient		predicted above ambient dBA	barrier at curve benefit dBA	predicted above ambient w/rubberized paving dBA
	Barrier Loss dB	Loss re: 25' dB		dBA	dBA			
A1	9.6	9.2	18.8	72	41.8	11	3.4	8
A2	10.1	15.2	25.3	72	41.8	5	2.5	2
B1	9.9	17.0	26.9	72	41.8	3	2.8	0
B2	10.2	19.2	29.4	72	41.8	1		-2
B3	5.0	22.2	27.2	72	41.8	3	0.0	0
B4	5.0	25.1	30.1	72	41.8	0		-3
B5	5.0	26.8	31.8	72	41.8	-2		-5

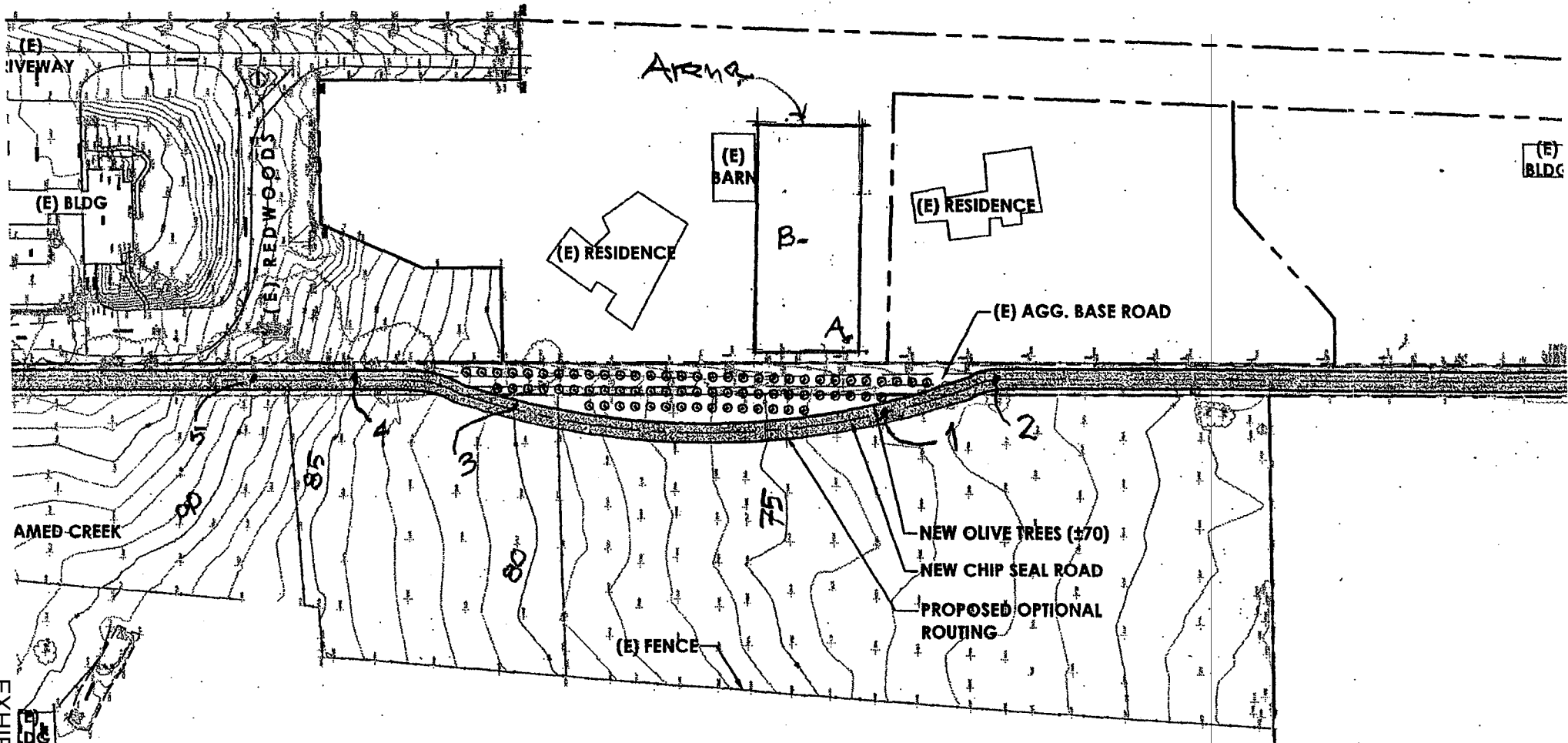
Joy Koch's equestrian distance ratings

150 feet	danger	15.6	15.6	72	41.8	15
600 feet	marginal	27.6	27.6	72	41.8	3
1760	safe (1/3 mile)	37.0	37.0	72	41.8	-7

equestrian key

- +15 dB over ambient = danger
- +3 dB over ambient = marginal
- +0 dB over ambient = OK





SOUND WALL STUDY

BJAN 1A

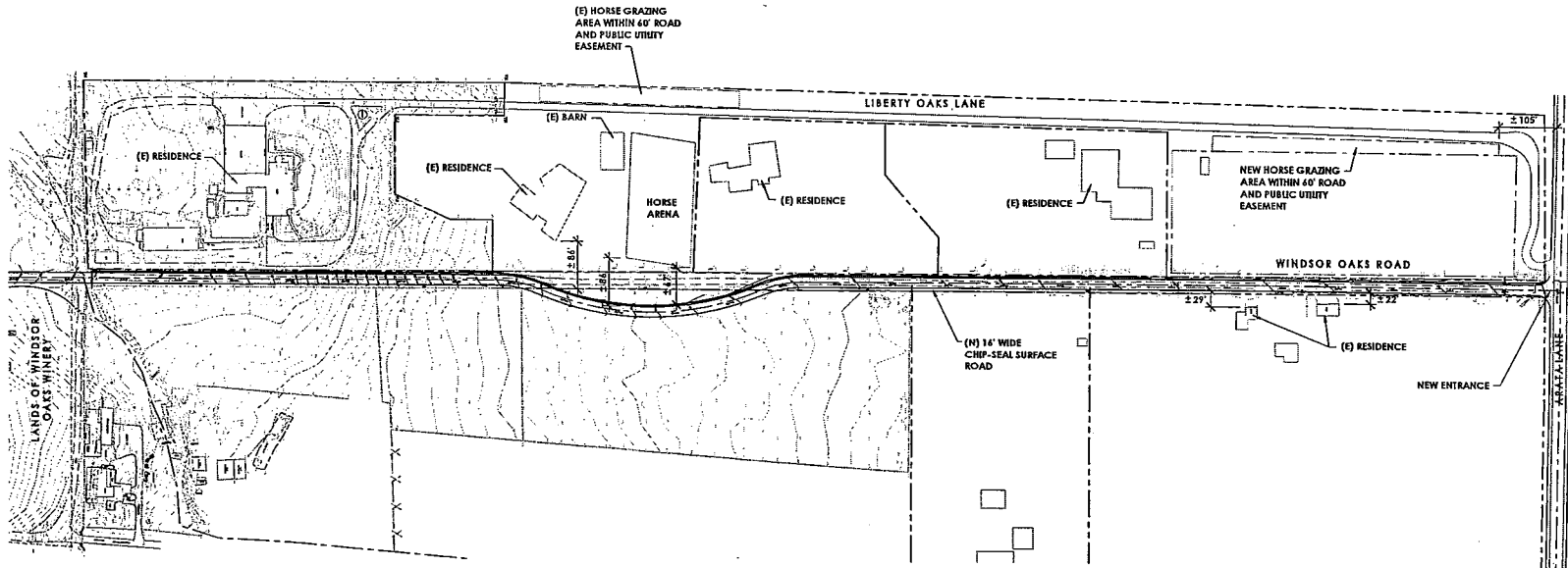
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EXHIBIT G-9

PENGAD 800-631-6989

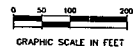
EXHIBIT

F



WINDSOR OAKS ROAD PLAN

SCALE: 1" = 100'-0"



SMA

Stevie Martin Associates, Inc.

130 S. Main Street, Ste. 201
 Sebastopol, CA 95472
 (707) 824-9730
 Fax: (707) 824-9707

SRMSL 0081
 606 Alamo Pinole Rd.
 Suite 3-221
 Solvang, CA 93463
 (805) 541-9730

www.SMAassociates.net

USE PERMIT

**WINDSOR OAKS ROAD
 OVERALL PLAN**

WINDSOR OAKS WINERY
 Renovation to an Existing Building and
 Construction of a New Winery Building
 10810 Hillview Road Windsor, CA 95492
 A P# 086-100-16

REVISIONS

DATE	DESCRIPTION

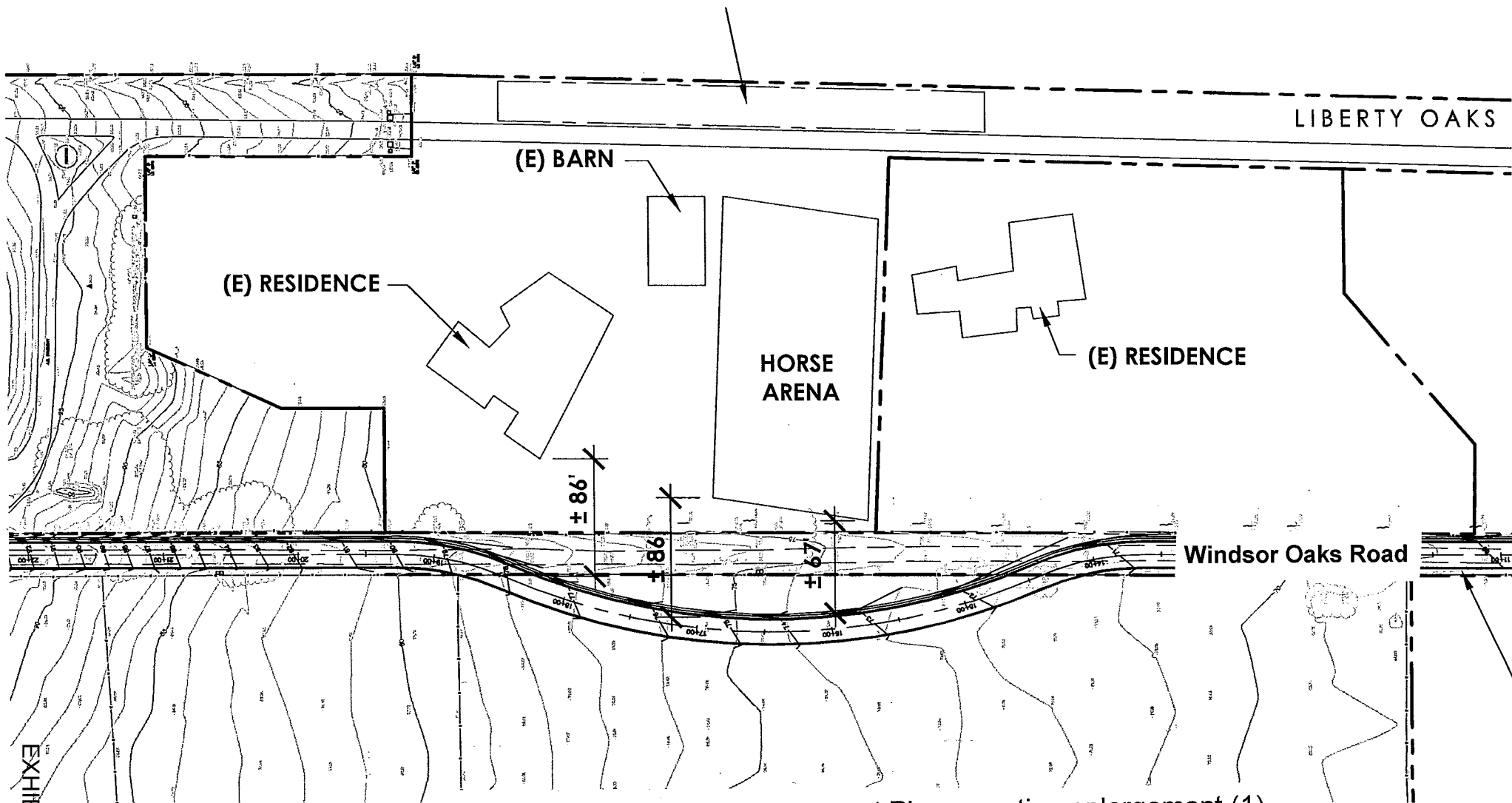
JOB NO. SMA 2011-009

DATE February 7, 2012

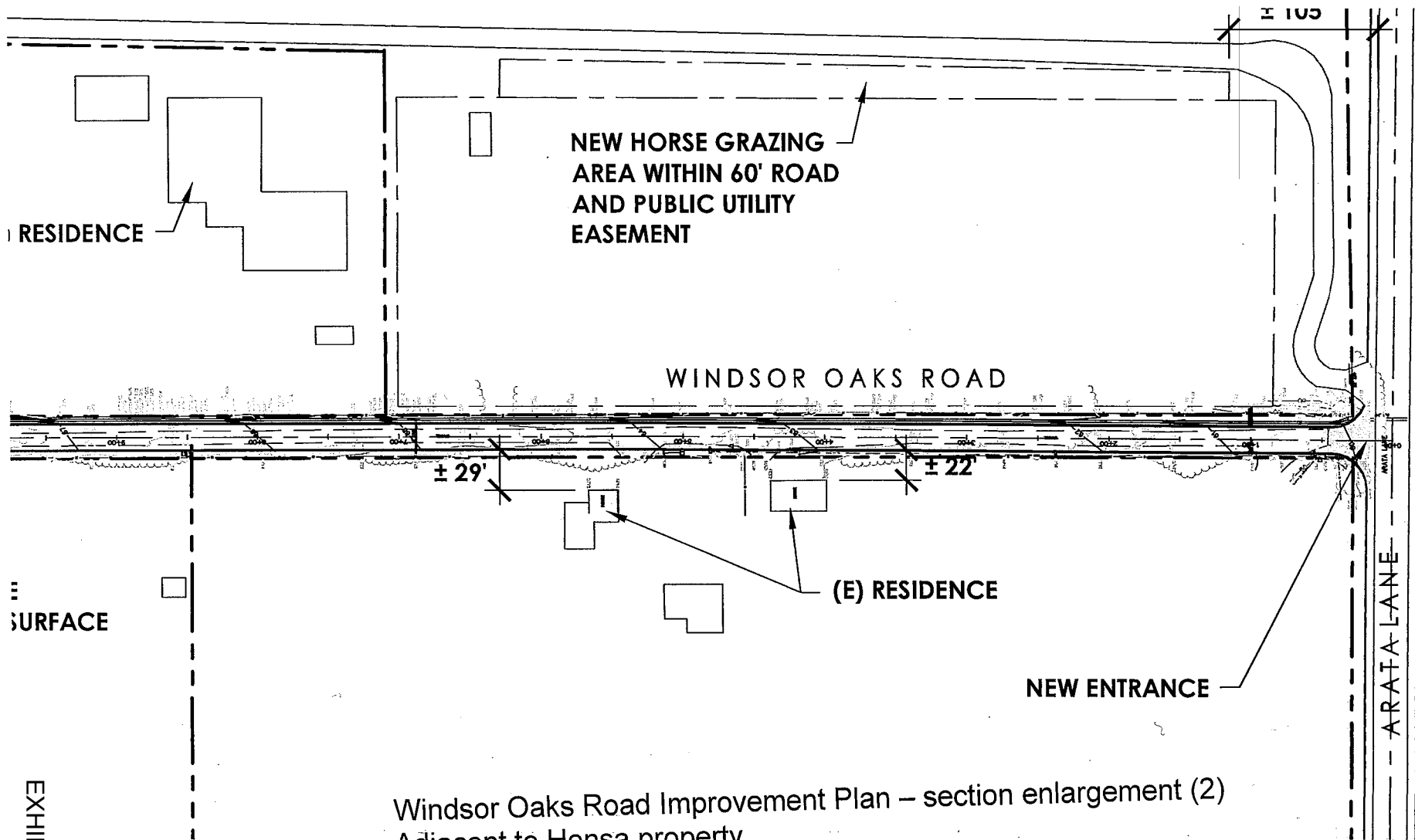
DRAWN CM CHD SU

FILE NO. WindsorRoadOverall

SHEET



Windsor Oaks Road Improvement Plan – section enlargement (1)
 Adjacent to Koch property



Windsor Oaks Road Improvement Plan – section enlargement (2)
 Adjacent to Honsa property

EXHIBIT H-3

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

1 Willowbrook Court, Suite 120
Petaluma, California 94954

Tel: 707-794-0400
www.Illingworthrodkin.com

Fax: 707-794-0405
illro@illingworthrodkin.com

February 14, 2014

Mr. Steve Martin
SMA Steve Martin Associates, Inc.
130 South Main Street
Sebastopol, CA 95472
Via Email: steve@smassociates.net

SUBJECT: Acoustical Study - Windsor Oaks Winery Entry Road Noise

Dear Steve:

Illingworth & Rodkin, Inc. (I&R) has been retained to prepare a focused noise study on the effects of automobile traffic the Windsor Oaks Winery access road on the residential use and horses at the equestrian center at the Koch property located at 10119 Liberty Oak Lane in unincorporated Sonoma County outside of the Town of Windsor (see Figure 1). The owners of Koch property have expressed concerns that Winery traffic on the roadway could cause harm to horses at the equestrian center, and negatively impact the existing noise environment on their property.

The following noise study discusses relevant noise criteria from the 2020 Sonoma County General Plan, presents a review of available acoustical research papers and documents to related to the effects of noise on horses, establishes speed related noise levels for passing vehicles on the access road, documents existing weekend ambient noise levels on the site, and finally discusses an analysis of, and any necessary recommendations for a property line noise barrier or other measures to reduce noise from vehicles on the roadway to at or below levels which may be expected to disturb horses at the equestrian center or exceed County Noise Standards. Persons not familiar with environmental noise analysis are referred to Appendix A for additional discussion.

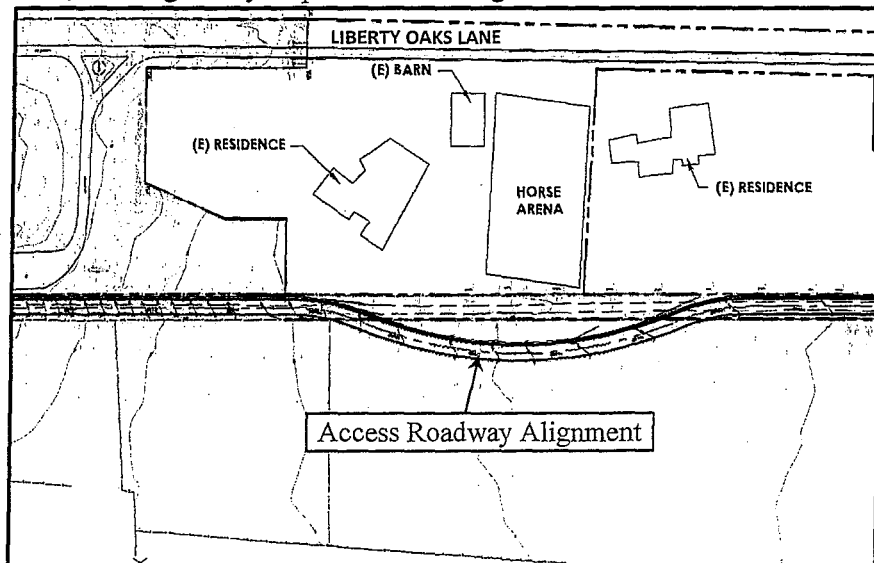


Figure 1: Proposed Access Road and Koch Property

ambient noise levels on the site, and finally discusses an analysis of, and any necessary recommendations for a property line noise barrier or other measures to reduce noise from vehicles on the roadway to at or below levels which may be expected to disturb horses at the equestrian center or exceed County Noise Standards. Persons not familiar with environmental noise analysis are referred to Appendix A for additional discussion.

H

SONOMA COUNTY GENERAL PLAN NOISE STANDARDS

The Sonoma County Noise Element of the 2020 General Plan identifies a goal to:

“Protect people from the adverse effects of exposure to excessive noise and to achieve an environment in which people and land uses function without impairment from noise.”

The following policies, which are applicable for use at the subject project, are intended to achieve this goal;

NE-1c: Control non-transportation related noise¹ from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

- (1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.
- (2) Reduce the applicable standards in Table NE-2 by five dBA. for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- (3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- (4) For short-term noise sources which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.
- (5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:
 - (a) the property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and
 - (b) there is available open land on these noise sensitive lands for noise attenuation.
 This exception may not be used on vacant properties, which are zoned to allow noise sensitive uses.

Table NE-2: Maximum Allowable Exterior Noise Exposures for Non-transportation Sources

Hourly Noise Metric ¹	Maximum Exterior Noise Level Standards, dBA	
	Daytime 7 AM to 10 PM	Nighttime 10 PM to 7 AM
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

¹ Transportation noise is typically considered traffic noise on public roadways, and noise from vehicles on private access drives, roads or parking areas is typically analyzed as a project specific, non-transportation, noise source.

NOISE EFFECTS ON HORSES

I&R's review of the current knowledge regarding the effect of noise on horses revealed the following aspects of how horses relate to noise:

Horses have binaural hearing, which allows them to they can hear sounds concurrently in both ears similar to humans, however due to the size and shape of a horse's ear, they can capture more sounds from the surrounding environment. Though horses have the ability to detect a sound more readily than humans, they are not able to accurately detect the location of sounds in the environment. This inability to accurately pinpoint a sound in the environment is can cause a horse to become frightened or startled when certain or unidentifiable sounds are produced. This startle response can interfere with a horses ability to respond to the handler or to function in a given situation. Though horses can overcome the fear of noise phobias if they are gradually conditioned to them over time, based on a horse's inability to determine the location of sounds and their tendency to be frightened or startled, a sudden increase in noise levels or impulsive noise of greater than 3 dBA over background noise levels has been suggested as the point where impulsive noise can significantly affect horses².

In terms of constant (non-impulsive) noise, one study in which horses were subjected to white noise (10–20,000 Hz) at 60 dBA along with other (non-auditory) stimuli, and were let out into a corral with food³. The results of this study showed that,

- “exposure to the...auditory stimuli elicited significantly increased heart rate responses in the horses compared to their response to the control arena...”, that
- “the auditory stimuli elicited increased latencies to eat and more time spent alert towards or investigating the stimulus”, that
- “it seems that horses respond to unknown visual and auditory stimuli by both behavioral and heart rate changes...”, that
- “Backing away from the stimulus was only shown in the auditory test, indicating that this type of behavior may be an innate response to an unknown sound, and that
- “There were no indications of carry-over effects, which probably relates to the fact that all horses managed to eat within the duration of the tests.”

Based on the results of this study it appears that exposure to moderate level of constant noise, while causing increased heart rates and activity levels in the horses, does not cause adverse health effects.

In terms of absolute levels, a study at the Flemington Racecourse in Australia⁴ found that race-horse stalls were typically exposed to integrated average (L_{eq}) levels of between 50 to 65 dBA on non-race days and established a maximum L_{eq} noise criteria of 65 dBA for music events at the racecourse.

² Santa Anita Specific Plan EIR, September 2006, 4.9-5,6

³ Christensen, J.W. et al. *Responses of horses to novel visual, olfactory and auditory stimuli*. Applied Animal Behavior Science 93 (2005) 53-65.

⁴ Cornelius (Neil) Huybregts, Marshall Day Acoustics *Protecting horses from excessive music noise – a case study*, Animals: 9th International Congress on Noise as a Public Health Problem (ICBEN) 2008, Foxwoods, CT

VEHICULAR NOISE LEVELS

Based on discussions with you, it is understood that the Windsor Oaks Winery access road adjacent to the Koch property will only carry passenger vehicle traffic and that truck traffic to and from the Winery will use another access drive. The access road in question will be a relatively narrow, approximately 20 foot wide, roadway with a curved protrusion away from the Koch property (see Figure 1). Additionally the roadway will have a chip sealed surface with speed limiting valley gutters (road dips). Such a roadway is expected to be self-limiting for vehicular speeds, with a maximum speed of 25mph. However for the purposes of this analysis we have examined noise from vehicle passbys at speeds of between 15 and 25 miles/hour. Using the California Vehicle Noise Reference Energy Mean Emissions Levels (REMELS), the sound level of automobiles passing at 50 feet are shown in Table 1, following:

Table 1: Automobile Passby Sound Levels vs. Speed

	Vehicle Speed		
	15 mph	20 mph	25 mph
Sound level at 50 feet	51 dBA	56 dBA	59 dBA

A review of the Traffic Impact Study completed for the Windsor Oaks Winery project indicates that the project may result in an increase of 7 peak/hour trips on the project access road. Considering the noise levels produced by individual passbys reports above for various speeds, the total time in which a single vehicle passby would be expected to exceed the average daytime noise levels is expected to be between 20 to 30 seconds. Considering that 7 such passbys may occur in a peak hour period, vehicles passing on the access road may exceed ambient levels for less than 4 minutes per hour, under peak hour conditions.

AMBIENT NOISE ENVIRONMENT

The primary ambient source of noise on the western side of the horse arena is due to distant traffic on Arata Lane and Highway 101, with occasional overhead aircraft and rural agriculture and residential related noise also contributing to background sound levels. To evaluate ambient noise levels in the vicinity of the Koch horse arena and the project access road, an ambient noise monitoring survey was conducted between the afternoon of Friday January 31st, 2014 and the morning of Sunday February 2nd, 2014. The sound monitor was positioned in an existing tree immediately west of the future access road and south of the horse arena as shown in Figure 1. The noise measurement was conducted with Larson Davis Laboratories (LDL) Type I Model 820 Sound Level Meter fitted with a 1/2-inch pre-polarized condenser

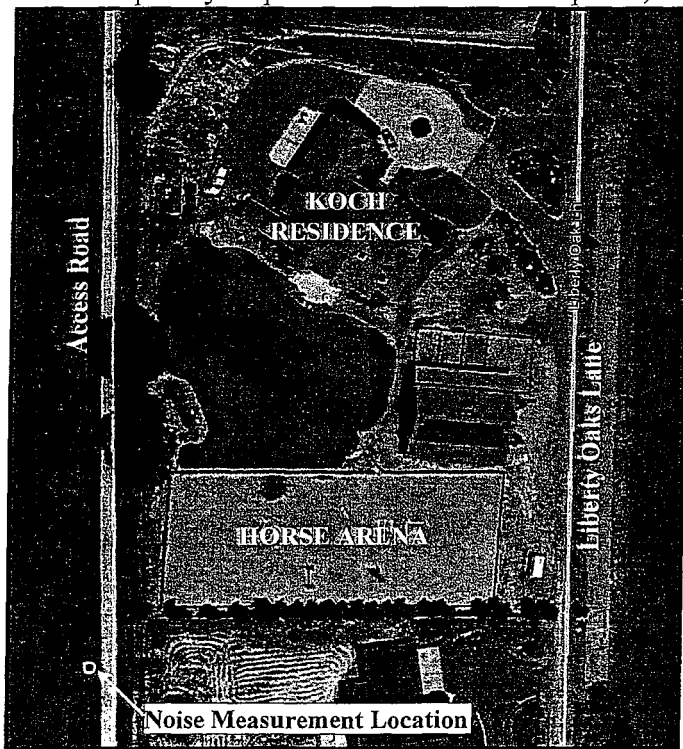
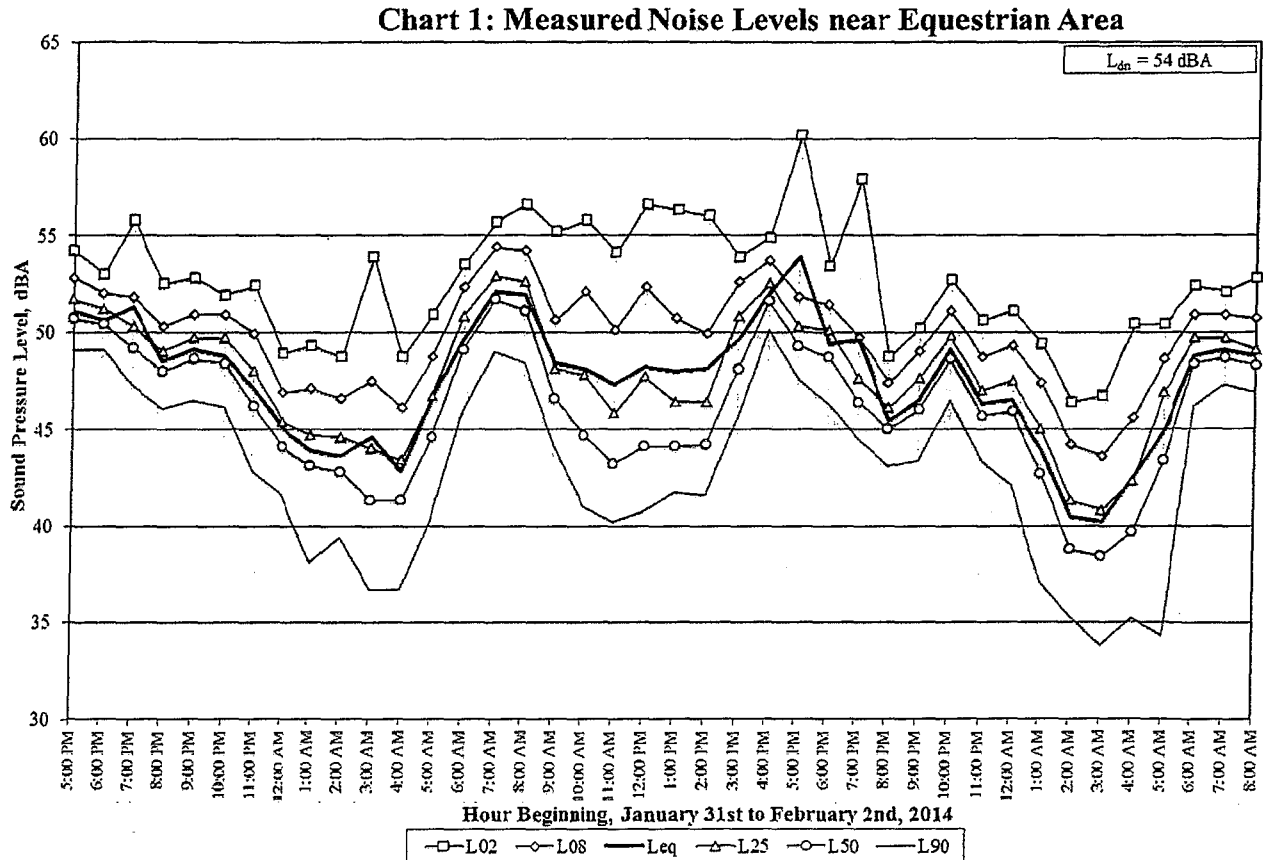


Figure 1: Noise Measurement Location

Figure 1. The noise measurement was conducted with Larson Davis Laboratories (LDL) Type I Model 820 Sound Level Meter fitted with a 1/2-inch pre-polarized condenser

microphone and windscreen. The meter was calibrated with a Larson Davis Model CA250 precision acoustic calibrator prior to and following the measurement survey.

The hourly trend in noise levels at the monitoring location, including the energy equivalent noise level (L_{eq}), the ambient noise level (L_{90})⁵ and the statistical noise levels expressing the limits set forth in Table NE-2 (noise levels exceeded 2, 8, 25 and 50 percent of the time) are shown on Chart 1.



A review of Chart 1 indicates that daytime average (L_{eq}) noise levels ranged from 45 to 54 dBA, with an average daytime L_{eq} of 50 dBA, and the daytime ambient (L_{90}) noise levels ranged from 40 to 50 dBA, with an average daytime L_{90} of 46 dBA. The day-night average noise level (L_{dn}) measured at this location was 54 dBA. The ambient noise level and the noise descriptors used to interpret the County's Noise Performance Standards at LT-1 are shown in Table 1.

⁵ The L_{90} noise metric is that level of sound exceeded for 90% of the measurement period and is commonly considered the perceived ambient noise level.

Table 1: Measured Ambient Noise Levels

Hourly Noise Metric (Ambient & Sonoma County Performance Standards)	Noise Levels @ Monitoring Position, dBA
	Ave. Daytime Level (Range)
L ₉₀ (Ambient: 54 min./hr.)	46(40 to 50)
L ₅₀ (30 min./hr.)	48 (43 to 52)
L ₂₅ (15 min./hr.)	50 (46 to 53)
L ₀₈ (5 min./hr.)	52 (47 to 54)
L ₀₂ (1 min./hr.)	55 (49 to 60)

Ambient noise levels on the eastern edge of the horse arena would either be equal to or perhaps lower than those at the western edge of the horse arena (near the proposed access road), due to greater distance from the influence of Hwy 101 traffic. However, it should be noted that the vehicles currently using Liberty Oaks Lane (a paved, non-speed reduced roadway) to access the Koch and one other residence further north, would also be expected to produce noise at the horse arena when they pass. Based on a review of site plans and aerial photographs vehicles on Liberty Oaks Lane currently pass within 50 feet of horses near the eastern edge of the arena. Though the speed of passing vehicles is unknown, considering that Liberty Oaks is paved roadway without speed bumps or dips, vehicles likely pass the horse arena at speeds of 20 to 25 mph or more. Considering this, and the vehicular noise levels discussed above, horses at the eastern edge of the arena are currently exposed to sound levels of 56 to 59 dBA due to vehicles passing on Liberty Oaks Lane. These levels would exceed the average daytime ambient noise level of 46 dBA, by 10 to 13 dBA.

SIGNIFICANCE CRITERIA

Considering the Sonoma County Noise Standards, the discussion of the Noise Effects on horses discussed above, and that ambient noise levels in area are within 10 dBA of the County Noise Standards there would be no upward adjustment of the standards (per NE-1c (1)), but considering that passing vehicles could exceed ambient levels by 10 dBA on the Koch property, there may be cause to adjust the standards down by 5 dBA per NE-1c(3). Therefore, to conduct a conservative analysis of access road noise versus County standards, the daytime Sonoma County Noise Standards used in this analysis have been adjusted downward by 5 dBA and as shown in Table 1, below.

Table 1: Adjusted Daytime Sonoma County Noise Standards

Hourly Noise Metric ¹	Maximum Daytime Exterior Noise Level Standards, dBA
L ₅₀ (30 minutes in any hour)	45
L ₂₅ (15 minutes in any hour)	50
L ₀₈ (5 minutes in any hour)	55
L ₀₂ (1 minute in any hour)	60

Since the peak hour noise generated by automobiles on the access road is expected to occur for less than 5 minutes out of an hour, the adjusted 5 minutes per hour or L₀₈ daytime Sonoma County Noise Element standard of 55 dBA will be used to evaluate noise impacted on the residential use of the Koch property.

Furthermore, based on the above discussion of noise effects on horses, this analysis has also considered noise levels generated by passing vehicles on the access road which exceed an average ambient (L₉₀) noise level of 46 dBA by more than the level currently experienced by the

horses in the arena from vehicles passing Liberty Oaks Lane. As discussed above, Liberty Oaks Lane is paved roadway without speed bumps or dips, such that vehicles passing the horse arena likely travel at speeds of 20 to 25 mph or more, exceeding the average ambient level by at least 10 dBA. Considering this current level, horses are likely habituated to levels of at least 10 dBA or more than current daytime ambient conditions. Therefore this report considers vehicular passbys which exceed the current average ambient of 46 dBA by more than 10 dBA to have the potentially to cause a startle responses in horses on the Koch property. Because this 56 dBA criteria is less stringent than the 55 dBA L_{08} criteria, a level of 55 dBA for passing vehicles is considered to result in noise impacts on the horses on the Koch Property.

NOISE ANALYSIS

To evaluate the impact of vehicle noise on the Koch Property we have developed a model similar to that developed by the Koch's sound consultant where by noise from a passing vehicle at 5 discrete points on the access roadway alignment is considered at three receiving points in the horse arena. The modeling points on the access road (1 through 5) and the receiving points (A, B and C) are shown in Figure 2.

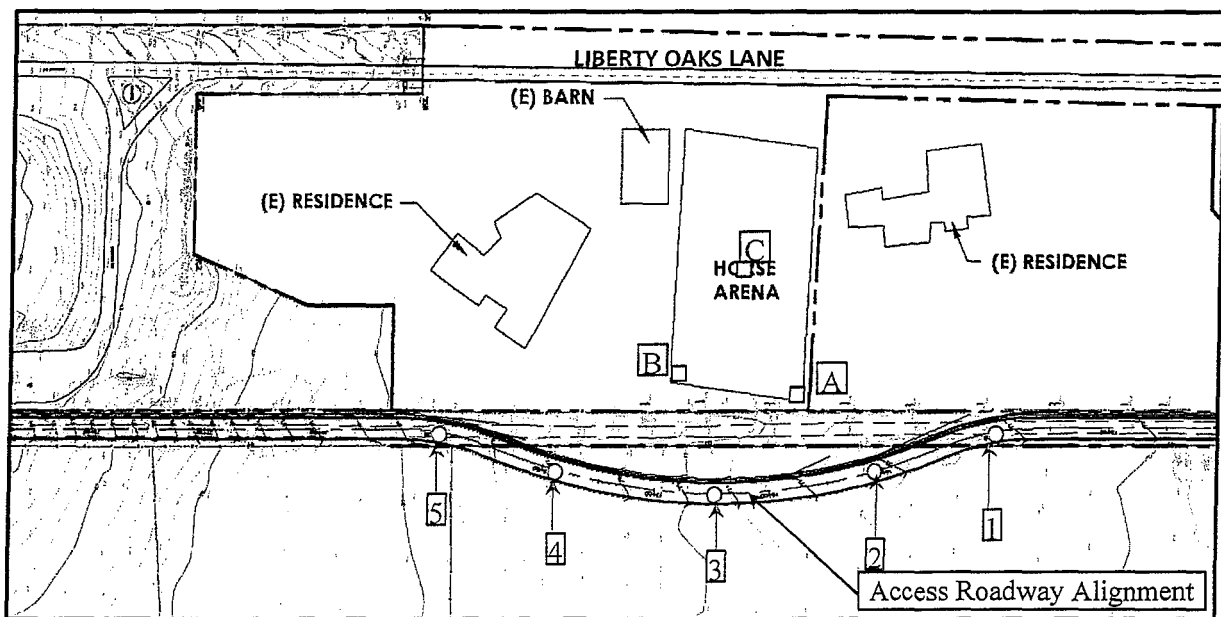


Figure 2: Project Area with Noise Modeling Locations

It should be noted that horses are not likely to be at receiving points A (at the southeast corner of the horse arena) and B (at the southwest corner of the horse arena) since these are at the far corner of the arena from the barn, and that horses are much more likely to be at receiving point C, at the approximate center of the horse arena. Receiving points A and B are, however, included to represent the worst case noise exposure, while receiving point C is included to represent the average exposure to access road noise. The vehicle source height was established at 5 feet above road grade per REMELs methodology and the receiver height was set at 6 ½ feet above grade to model horse ear height. The results of this model with no wall in place at the property line (non-mitigated conditions) are shown in Table 2, following.

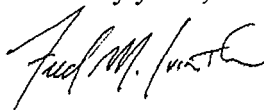
Table 2: Horse Arena Sound Levels Produced by Vehicles on Access Road

Receiver Location	Vehicle Position	Speed Related Sound levels vs. Ambient Conditions (dBA)					
		15 mph		20 mph		25 mph	
		Sound level (dBA)	Relative to Ambient (46 dBA)	Sound level (dBA)	Relative to Ambient (46 dBA)	Sound level (dBA)	Relative to Ambient (46 dBA)
A	1	39	-7	44	-2	48	+2
	2	45	-1	50	+4	54	+8
	3	44	-2	49	+3	53	+7
	4	38	-8	42	-4	46	0
	5	35	-11	40	-6	44	-2
B	1	35	-11	40	-6	44	-2
	2	39	-7	44	-2	47	1
	3	44	-2	49	+3	53	+7
	4	42	-4	47	+1	51	+5
	5	39	-7	44	-2	48	+2
C	1	36	-10	41	-5	44	-2
	2	38	-8	43	-3	47	+1
	3	39	-7	44	-2	47	+1
	4	37	-9	42	-4	46	0
	5	36	-10	40	-6	44	-2

A review of Table 2 indicates that vehicles traveling at speeds of 25 mph or less reach a maximum of 54 dBA in the far southern corners of the horse arena, and that sound levels would reach a maximum of 47 dBA in the center of the horse arena. Thus sound levels in the southern corners of the horse arena due to vehicles passing on the access road may exceed the documented average daytime ambient noise level of 46 dBA by a maximum of 8 dBA, while vehicular passby sound levels would exceed the documented average daytime ambient noise level in the center corners of the horse arena by a maximum of 1 dBA. These sound levels would be below the level of noise at the eastern edge of the horse arena currently produced by vehicles traveling on Liberty Oaks Lane and the L₀₈ daytime Sonoma County Noise Element standard of 55 dBA. Therefore, vehicles on the access road are not judged to result in a noise impact on horses at the Koch property. Thus, no further mitigation measures, beyond the currently proposed use of valley gutters (speed dips) to slow vehicles and the use of the road bulge to move vehicles away from the horse arena, are needed.

This concludes Illingworth & Rodkin's focused noise study on the effects of automobile traffic the Windsor Oaks Winery access road on the residential use and horses at the equestrian center at the Koch property located at 10119 Liberty Oak Lane in unincorporated Sonoma County outside of the Town of Windsor. Please do not hesitate to call with any questions or concerns.

Sincerely yours,



Fred M. Svinth, INCE, Assoc., AIA
Senior Consultant, Principal
Illingworth & Rodkin, Inc.

APPENDIX A:

FUNDAMENTAL CONCEPTS OF ENVIRONMENTAL ACOUSTICS

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound may be caused by either its *pitch* or its loudness. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales that are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement that indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1. There are several methods of characterizing sound. The most common in California is the *A-weighted sound level or dBA*. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2.

Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Day/Night Average Sound Level, Ldn*, is a measure of the cumulative noise exposure in a community, with a 10 dB penalty added to nighttime (10:00 pm - 7:00 am) noise levels.

Effects of Noise

Sleep and Speech Interference: The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity; above 35 dBA, and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA Ldn. Typically, the highest steady traffic noise level during the daytime is about equal to the Ldn and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA Ldn with open windows and 65-70 dBA Ldn if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial.

Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways typically need special glass windows.

Annoyance: Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 55 dBA L_{dn} . At an L_{dn} of about 60 dBA, approximately 2 percent of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 12 percent of the population. There is, therefore, an increase of about 1 percent per dBA between an L_{dn} of 60-70 dBA. Between an L_{dn} of 70-80 dBA, each decibel increase increases by about 2 percent the percentage of the population highly annoyed.

TERM	DEFINITIONS
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted, unless reported otherwise.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
Day/Night Noise Level, L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Definitions Of Acoustical Terms

Table 1

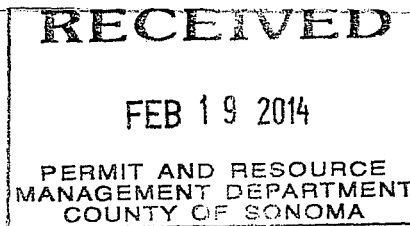
ILLINGWORTH & RODKIN, INC./Acoustical Engineers

At a Given Distance From Noise Source	A-Weighted Sound Level in Decibels	Noise Environments	Subjective Impression
	140		
Civil Defense Siren (100')	130		
Jet Takeoff (200')	120		Pain Threshold
	110	Rock Music Concert	
Diesel Pile Driver (100')	100		Very Loud
	90	Boiler Room Printing Press Plant	
Freight Cars (50')	80		
Pneumatic Drill (50')	80		
Freeway (100')	70	In Kitchen With Garbage Disposal Running	Moderately Loud
Vacuum Cleaner (10')	70		
	60	Data Processing Center	
Light Traffic (100')	50	Department Store	
Large Transformer (200')	50		
	40	Private Business Office	Quiet
Soft Whisper (5')	30	Quiet Bedroom	
	20	Recording Studio	
	10		Threshold of Hearing
	0		

**Typical Sound Levels Measured In The
Environment And Industry**

Table 2

ILLINGWORTH & RODKIN, INC./Acoustical Engineers



Bob & Edna Honsa
10504 Hillview Road
Windsor, CA
February 17, 2014

Sonoma County PRMD
2550 Ventura Ave.
Santa Rosa, CA 95403
Attn: Traci Tesconi

To the Board of Supervisors
RE: Windsor Oaks Winery Application (PLP12-0009)

Windsor Oaks has made fine wine, in fact award winning wines but at what cost to the neighbors on Hillview Road?

Neighbors whose families have owned their properties from 10 to almost 100 years have experienced the impact the winery has had on Hillview Road in the past 20 years. Now the request for 100,000 cases of wine from 40,000.

This is a narrow not a through road to the winery where cars and trucks often need to drive onto private property to pass. Added construction of the proposed application will only increase the traffic. Already, there are the 18 wheel transport trucks, Fed EX, UPS, gravel trucks (to maintain their miles of roads) and all the traffic to keep a big business going.

Hillview Road is to west of our family ranch that has been in the family since 1921.

To the east of our property is the 18 foot wide proposed Windsor Oaks Lane.

This for years was a road to only our family home built in the 1850's. Now that Windsor Oaks has acquired this 30 foot right of way, their proposed highway/road will be less than 20 feet from the front door of our family's home! Windsor Oaks application includes a sound wall & speed bumps as part of their landscaping to diminish noise & speed!

This application asks for a permit for weddings (which are already included in the Windsor Oaks facility use) concerts & plays for up to 300 people. The Winery already participates in Barrel Tasting and other County wine events.

Windsor Oaks has had tasting by appointment only, now the request is for the tasting room to be open 7 days a week. This traffic plus employees, seasonal work crews to harvest the 230 acres of grapes and the proposed event center traffic will be a "nightmare".

Wine has become the "**cash cow**" for Sonoma County. However, We know that Sonoma County supports ALL agriculture.

For years we raised sheep. Coyotes put us out of the lamb market. With tall grass being a fire hazard – and a cost for mowing – we contacted an organization called *Farm Links*. They put us in touch with a couple who raise chickens for pasture laid eggs – *Wise Acres Farm*. This couple has 1000 chickens on the ranch and sell eggs to local restaurants, grocery stores and have an honor system of selling eggs on the ranch. We have concerns that the proposed traffic to the winery will impact customers trying to enter our driveway.

The proposed Windsor Oaks Lane & Liberty Oak driveways have access to Arata Lane only a few feet apart. This makes for a dangerous situation as cars turn onto Arata Lane. Arata Lane is a busy northern street of Windsor with bike paths & sidewalks. W-Trans had done quite a study on the impact of Hillview Road to Arata (20+ pages) but only 2 pages regarding the issues of this proposed 18 foot driveway (Windsor Oaks Lane) entering and exiting to Arata Lane.

The Open Space District paid Bob Stein 1.6 million dollars for a Conservation Easement. Although we are pleased that the County purchased this property, we do not feel that our tax dollar should be spent on an Event Center.

Of the wineries approved for an Event Center by the PRMD – Geysler Peak, Kunde, Trentadue, Sbragia, Arista, B.R. Cohn & Ledson – NONE are in an Open Space and/or Conservation Easement.

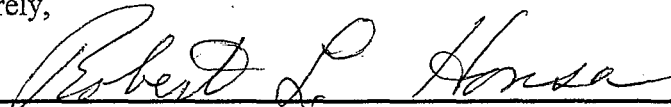
This a quote from the PRMD Staff Report (10/17/13) “Findings for Recommendation of Action. #4 -The establishment, maintenance or operation of the use for which application is made will not under the circumstances of this particular case be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use.....” What about our PEACE & COMFORT?

We are TOTALLY opposed to the Event Center and all the traffic that will be generated.


We are sure that Mr. Stein or any of the Board of Supervisors would like to have this traffic less than 20 feet from **their** front door.

Thank you for your consideration in this important matter.

Sincerely,



Robert L. Honsa



Edna (Brooks) Honsa

Page 1 & 2 of pictures

Pictures 1-3 are of Hillview Road

Picture 4 is the entrance to our property and the proposed Windsor Oaks Lane.

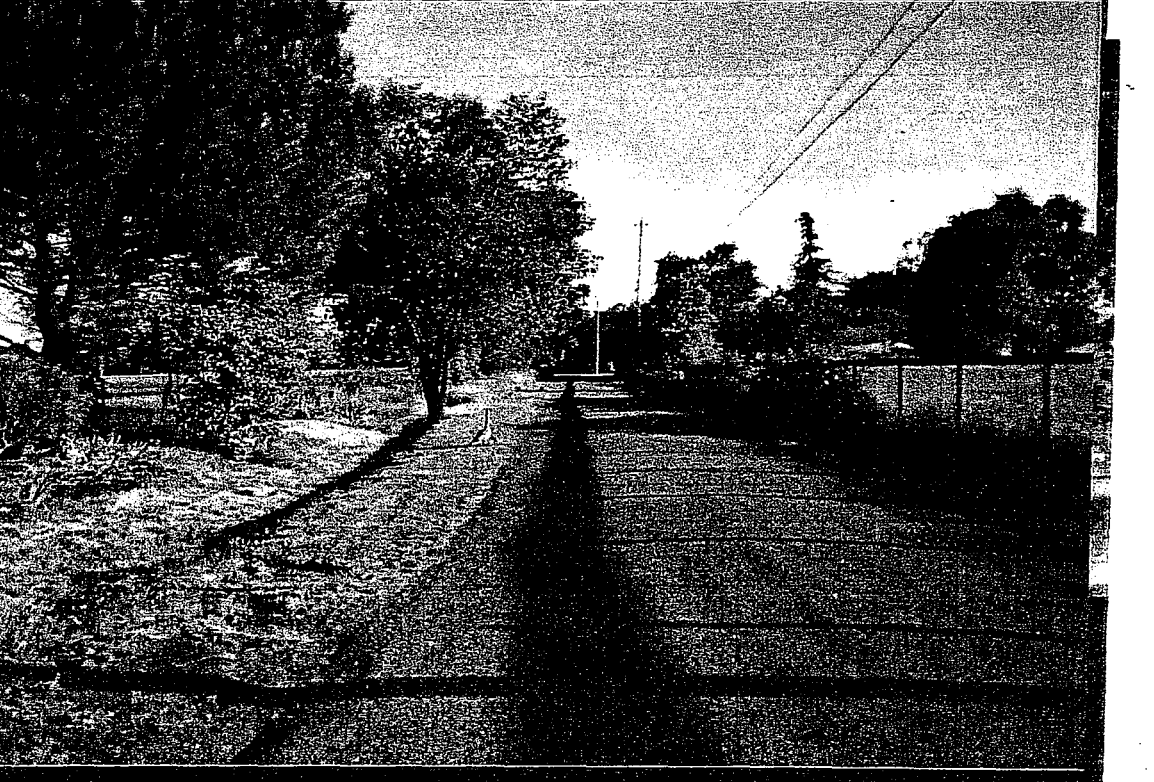
Picture 5 – The road on the left is to our property & the proposed Windsor Oaks Lane, The road on the right is Liberty Oak. (note how close these two roads are to each other)
The street – with the yellow line and the bike path is Arata Lane.



1



2



3

4



5



Resolution Number 13-016

County of Sonoma
Santa Rosa, California

October 17, 2013
PLP12-0009 Traci Tesconi

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO WINDSOR OAKS ASSOCIATES, LP; FOR PROPERTY LOCATED AT 10810 HILLVIEW ROAD, WINDSOR; APN 086-100-016 and APN 161-020-043.

WHEREAS, the applicant, Windsor Oaks Associates, LP; filed an application with the Sonoma County Permit and Resource Management Department for Two-Phased Use Permit and Design Review to modify an existing Use Permit for a winery (File# UP7851) with Phase 1 to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, to enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 30 agricultural promotional events per year with a range of maximum guests to include: 10 events with 60 guests, 12 event with 100 persons, and 3 events with 300 guests, and three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total 20 annual event days. Phase II includes a new 8,360 square foot winery building used for barrel storage and to include administration offices, hospitality areas, public tasting areas, VIP tasting areas, and a commercial kitchen. The project site is 471.89 acres, located at 10810 Hillview Road, Windsor, APN 086-100-016 and APN 161-020-043; Zoned LIA (Land Intensive Agriculture), B6 – 60 acre density, G (Geologic Hazard Combining) SR (Scenic Resources), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review for the proposed project in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable the provisions of law, the Board of Zoning Adjustments held a public hearing on October 17, 2013 at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, after the closing of the public hearing, the Board of Zoning Adjustments discussed the project and determined they did not support having a concert or a play at the winery site and that the overall number of agricultural promotional events and industry wide events should be reduced to allow 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests;

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

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

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the LIA zoning district. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes (Russian River and Chalk Hill Appellations). It has been well established that tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with policy AR-6d.

In addition, the following policies shall be used to achieve these objectives: Policy AR-1a: "Permit a wide variety of promotional and marketing activities of County grown and processed products."; Policy AR-4a: "The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Policy AR-6a states to: "Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production..." and Policy AR-6f: "Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such use..." The project has demonstrated that primary use of the project site will remain agricultural production and processing, and all weddings and other events have been limited in frequency and hours as to not impact on-site or off-site agricultural production. The purpose for having agricultural promotional events, industry-wide events, and weddings at the winery site is to promote and market the wines produced on site. The primary potential land use conflicts associated with the proposed use for agricultural promotional events, industry-wide events, and weddings and surrounding agricultural production is exterior lighting, traffic, and noise, whereas, mitigation measures and conditions have been incorporated into the project to reduce potential impacts to a less than significant level. The traffic generated by the proposed uses would not exceed the current level of service of Hillview Rd or Arata Lane.

2. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County

has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. The winery facility cannot be rented out to any third-party contracts. The project site is not under a Williamson Act contract.

3. Based upon the whole record (including the Initial Study and all comments received); there is no substantial evidence that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: the winery is limited to an annual maximum production capacity of 100,000 cases, winery operating hours shall be 7 a.m. to 6 p.m. Monday through Sunday non-harvest; and 6 a.m. to 10 p.m. Monday through Sunday during harvest season, public and VIP tasting room hours are limited to 11 am to 5 pm, industry-wide events are limited to the tasting room hours of 11 am to 5 pm, the winery is limited to 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests. Any new exterior lighting must be approved by the Design Review Committee and new exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated. Arata Lane and Hillview Road are adequate to support the use with traffic generated by events during non-peak hours, the larger weddings are limited to 300 guests and the agricultural promotional events are limited in frequency and maximum guests ranging from 60 to 300 guests, and would be conducted during weekend daytime hours. The proposed increase in winery production, the tasting rooms, and the events have been found consistent with the existing Conservation Easement provided the uses take place the appropriate designated area. The project site is large enough to accommodate all on-site parking needs and at least four parking attendants will be used to assist with parking guest vehicles during events. Prior to initiation of the use, bicycle racks with a minimum of five bicycle parking spaces shall be installed in the parking lot area. Valley gutters for traffic calming shall be placed along Windsor Oaks Road subject to approval by PRMD staff. The Permit-Holder shall provide a written notification to all neighbors who reside on Hillview Road and Liberty Oak Lane a minimum of 30-days prior to having an agricultural promotional event or wedding at the project site. The Permit-Holder shall have trained personal stationed at the entrance of Windsor Oaks Road to provide traffic control for all agricultural promotional events and weddings with 100 guests or more.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval.

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

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

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

Commissioner Fogg	aye
Commissioner Montoya	aye
Commissioner Cook	aye
Commissioner Liles	aye
Commissioner Lynch	aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.

Final Conditions of Approval

Date: October 17, 2013 **File No.:** PLP12-0009
Applicant: Windsor Oaks Associates LP **APN:** APN: 086-100-016 and 161-020-043
Address: 10810 Hillview Road, Windsor

Project Description: Request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administrative offices, hospitality areas, break room with a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard. The project site is not under a Williamson Act contract.

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,206.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.
5. If a wine cave is proposed in the future for storage or for private/public assembly, a modification of the Use Permit shall be required. Any wine cave used for guided tours or public/private assembly shall comply with the model California Codes including, but not limited to exiting, fire suppression, lighting and accessibility regulations.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

6. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

7. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
8. A Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
9. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

10. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for special events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100% percent of the wastewater flow from an event with 300 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all

peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

11. Application for amended wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
12. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.
13. If in the future a wine cave is proposed, the Use Permit will need to be modified and sewage disposal system(s) shall be evaluated relative to the location of any proposed wine cave(s). If the floor of the wine cave(s) are lower than any wastewater disposal field or septic tanks, a minimum 50-foot setback from any tanks, sumps, and septic disposal field shall be maintained.

Consumer Protection:

14. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope and frequency specified under the Planning conditions in this Use Permit.
15. If the project will operate under a Wine Tasting Room Exemption, the exemption requires:
 - a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
 - b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
 - c. Note that this Use Permit requires that all flooring, counter tops, restrooms and sinks in the food service area shall be built to CalCode standards in an effort to minimize the need for replacement when a small change in the menu triggers the need for a Food Facility permit.

Vector Control:

16. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

BUILDING:

Solid Waste:

17. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

PRIOR TO OCCUPANCY:

Water:

18. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

19. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
20. A safe, potable water supply shall be provided and maintained.
21. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
22. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.
23. Any new or replacement water well(s) drilled to supply the project described under this Use Permit shall meet a minimum 150-foot setback from the project site's property line boundaries.

Septic:

24. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
25. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
26. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the

requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

27. If the permit holder decides to provide portable toilets, in addition to the public restrooms provided on the site, the following standards are required:
- a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
 - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
 - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
 - e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
 - f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the special event and at future special events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.
 - ii) Toilet paper is promptly replaced when the dispenser runs out.
 - iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
 - iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
 - v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

28. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

29. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and special event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit.

However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6565 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6565 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

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

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

30. Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan.
31. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Smoking:

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

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

GRADING AND STORM WATER:

"The conditions below have been satisfied BY _____ DATE _____

34. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
35. A separate grading permit is required for the new proposed entrance road, Windsor Oaks Road, from Arata Lane.
36. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading permit application and with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
37. The new entrance road from Arata Lane, Windsor Oaks Road, to the proposed project shown on parcel 161-020-043 is subject to storm water Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the proposed development shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading permit application or with improvement plans, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
38. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria and the Windsor Area Master Drainage. Drainage improvements shall be shown on the grading plans for on-site work and the improvement plans for off-site work, and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
39. The applicant shall provide grading plans and improvement plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
40. As part of the grading plans and improvement plans, the applicant shall include an erosion

prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.

41. Residue or polluted runoff from crush pads or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
42. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
43. All structures requiring a building permit or an agricultural exemption shall adhere to a building setback line measured, from the toe of the stream bank outward, a distance of 2.5 times the height of the stream bank plus 30 feet, or 30 feet outward from the top of the stream bank, whichever distance is greater. If the top of the stream bank cannot be determined by visual analysis, then the building setback line shall be determined by hydraulic analysis.
44. Grading and land disturbance shall be set back from streams a minimum of 25 feet from the top of stream bank.
45. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading plans and improvement plans.
46. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading and/or improvement plans.
47. The proposed project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

48. This proposal impacts a road under State of California jurisdiction. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right-of-way.
49. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to Arata Lane shall conform to AASHTO recommendations. More specifically, the Applicant shall construct a driveway meeting the following criteria:

- a. A minimum paved throat width of 24 feet;
 - b. Entrance curves having a minimum pavement radius of 25 feet;
 - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on River Road.
 - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/const_std/).
 - e. The entrance improvements shall be in place prior to commencement of the approved activity.
50. The Applicant shall pave the existing driveway for a distance of 25 feet north from the gate at the end of Hillview Road. Driveway runoff shall be diverted to the edges of the pavement to reduce the amount of material that is carried from the site to the public road.
51. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
52. The Applicant shall implement measures that keep winery-related traffic volume on Hillview Road at the current level. A project-related increase in Hillview Road traffic is subject to the improvement of Hillview Road at the Arata Lane intersection.
53. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
54. Improvement of the private road connection to Arata Lane is subject to an encroachment permit issued by the Town Of Windsor.

TOWN OF WINDSOR:

55. Prior to preparing improvement plans for the private road connection to Arata Lane, the applicant and/or applicant's engineer will need to meet with the Town of Windsor staff to discuss the Town's plan and project requirements and to go over the Town's review and approval process.
56. Information shown on the preliminary site development plans shall not be construed as accepted or meeting Town standards and requirements and is subject to review and approval during the plan review process.
57. Prior to performing any work within the Arata Lane public right-of-way, an encroachment permit will be required from the Town of Windsor. All permit, plan check and inspection fees will need to be paid to the Town of Windsor (Public Works Department) prior to issuance of an encroachment permit.
58. Improvement plans must be approved and signed by the Town Engineer prior to issuance of an Encroachment Permit.
59. All design and construction within the Town of Windsor shall conform to the latest edition of the Town of Windsor Design and Construction Standards and Caltrans, AASHTO and other applicable codes, standards, guidelines and specifications.

60. Deviations from Town Standards and applicable Code requirements shall be approved by the Town Engineer. The applicant's engineer shall request all design exceptions in writing.
61. Public improvement drawings shall be drafted in the Town approved sheet format. AutoCAD drawing files can be found on the Town's website, (townofwindsor.com).
62. All existing and proposed rights-of-way and easements shall be clearly identified on the design drawings. Where the project is adjacent to the Town Boundary, the Town Boundary shall be clearly shown.
63. As the projects only access is off of Town streets, it is required by the Board of Zoning Adjustments that the applicant pay into the Town's Traffic Impact Fee an amount based upon the project generated 7 P.M. peak hour trips at the current rate in effect at the time of payment.
64. Prior to issuance of a Sonoma County Building Permit, the applicant shall submit written verification from the Town of Windsor that the Town's Traffic Impact Fees have been paid in full.
65. In the event that the Town is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.
66. In the event that the Town elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the Town, deposit with the Town, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

Road Improvements:

67. The Hillview Road entry and new driveway entry shall be paved or chip sealed, or other approved alternative, for a minimum distance of 100' from Arata Lane to prevent tracking of unsuitable materials into Arata Lane during ingress and egress to the proposed winery expansion and new tasting room.

Grading and Drainage Improvements:

68. The proposed drainage improvements in Arata Lane and all project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Control Design Criteria. Public and private drainage improvements shall be shown on the improvement plans and shall be approved by the Sonoma County Water Agency (SCWA) prior to approval by the Town Engineer.
69. The existing drainage facilities in Arata Lane, within the sphere of influence of Hillview Road and the proposed project driveway, shall be improved to meet the Town's current Design and Construction Standards and SCWA Flood Control Design Criteria. Existing wooden structures shall be replaced with concrete structures to the satisfaction of the Town Engineer.
70. The grading and drainage plan shall clearly show all existing survey monuments and property corners along and in the Arata Lane right-of-way and shall state that they shall be protected and preserved.

Storm Water Quality:

71. All design and construction within Arata Lane right-of-way shall meet the requirements of the Town of Windsor, Phase II NPDES Storm Water Management Plan and the 2005 SUSMP Guidelines.

Tree Preservation:

72. Tree preservation requirements within the Town of Windsor shall be shown on the grading and drainage plan or a separate tree preservation plan as approved by the Town Engineer and Planning Director. Tree preservation plan requirements shall conform to the Town's Tree Preservation Ordinance for all work within the Arata Lane right-of-way.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

73. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
74. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
75. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
76. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with Chapter 5 of the 2010 California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification; gate access & key boxes; and fire protection water supplies.
- a. Access roads: Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - b. Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.
 - c. Address numbers: Approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property shall be provided.
 - d. Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.
77. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with Chapter 27 of the 2010 California Fire Code as adopted and amended by Sonoma County Code.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

78. Approval for a two-phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administrative offices, hospitality areas, VIP tasting areas, and a break room with a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard.
79. Hours of operation are as follows:
- a. Winery: 7 a.m. to 6 p.m., Monday through Sunday non-harvest; and 6 a.m. to 10 p.m., Monday through Sunday during harvest season.
 - b. Public and private tasting room hours: 11 am to 5 pm, 7 days a week
 - c. Industry-wide events: 11 am to 5 pm (same operating hours as tasting rooms)
 - d. Agricultural promotional events and weddings hours: 10 am to 10 pm. Guest shall exit the project site and cleanup starting by at least 9 p.m. to be completed by 10:00 pm.

No overnight accommodations for guests or visitors to reside on the project site is authorized by this Use Permit. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0009. This Use Permit shall supersede all prior Use Permit approvals, including UP 7851.

80. The facility shall not be rented out to third parties for events.
81. Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, May 1, 2013; and any subsequent DRC recommendations. The Design Review Committee must shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration.

Mitigation Monitoring : The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

82. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot lights shall

- be full cut-off fixtures and shall not exceed 4 feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
83. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural standards from Title 24 effective October 2005).
84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
 - h. Limit traffic speeds on unpaved access roads to 15 mph.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation and ground cover in disturbed areas as quickly as possible.
85. Pomace is to be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
- a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

86. Any proposed vegetation or signs installed along Arata Lane near Hillview Road or along the new driveway (Windsor Oaks Drive) shall be located so as not to obstruct the visibility of vehicles entering or exiting the project site.
87. Prior to final occupancy of the Phase I development, the applicant shall submit a complete Road Naming Application with PRMD for the access roadway at the intersection of Arata Lane (referred to on the Site Plan as Windsor Oaks Road).
88. Prior to final occupancy of the Phase I development, the applicant shall place valley gutters for traffic calming along Windsor Oaks Road subject to approval by PRMD staff.
89. Prior to final occupancy of the Phase I development, the winery sign(s) shall direct all guests vehicles to use the new access roadway (Windsor Oaks Road) and direct all truck deliveries to use Hillview Road. Signs shall be installed at the entrance(s) at the intersection(s) Windsor Oaks Road Arata Lane and Hillview Oaks Road/Arata Lane, once approved for design and location by the Department of Transportation and Public Works and Town of Windsor, followed by the Design Review Committee. In addition, winery management shall instruct all employees to use Windsor Oaks Road and instruct grape haulers and truck drivers related to the winery's operations to use Hillview Road.
90. The Permit-Holder shall provide a written notification to all neighbors who reside on Hillview Road and Liberty Oak Lane a minimum of 30-days prior to having an agricultural promotional event or wedding at the project site.
91. The Permit-Holder shall have trained personal stationed at the entrance of Windsor Oaks Road to provide traffic control for all agricultural promotional events and weddings with 100 guests or more.
92. During special events, temporary, overflow parking shall be provided along the unpaved areas between the existing vineyards. Temporary signs shall be installed and at least 4 parking attendants shall be on duty during the events directing guest vehicles to designated parking areas. Temporary parking signage shall be removed after the event.
93. Consistent with the existing Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District, the weddings are only allowed to be held within the Agricultural Building Area (ABA) which includes the existing winery buildings and surrounding area as designated on the Conservation Easement Map. Such uses are not permitted in the new winery building since it is located outside the Agricultural Building Area (ABA), but is located within the Alternate Building Envelope (ABE).
94. Consistent with the existing Conservation Easement terms, for events held outside the Agricultural Building Area (ABA) guests shall not pay for services such as seminars, all tours, recreational uses, or meals.
95. Prior to final occupancy of the Phase I development, adequate bicycle racks near the entrance to the proposed new winery building shall be installed to be used for public tasting and retail sales. Bicycle racks shall be installed in accordance with Sonoma County Parking Regulations. Required parking is one bicycle parking space be provided for every 5 spaces required for automobiles. Please reference the Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (APBP), which can be found online at the following website;http://www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf. Bicycle parking standards are also provided on pages 19 and 20 of the 2010 Sonoma County Bicycle and Pedestrian Plan, which can be found via the following link; <http://www.sonoma-county.org/prmd/docs/misc/bikeplandraft.pdf>.
96. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any

applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.

97. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.
98. Two-Year Review. A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
99. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.
100. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
101. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
102. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and

comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

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

103. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
104. Prior to building permit Issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.
<http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.
105. The applicant shall maintain a minimum of 33 permanent parking spaces on-site to serve the winery and tasting room approved land uses. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. (If affordable or special needs units - Each affordable or special needs unit shall be provided with a covered parking space included in the rental fee.
106. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
107. Staff Training. Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.
108. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. Samples or tastes of pre-prepared packaged food and appetizers featuring local foods and food products offered in conjunction with wine tasting, special events, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, weddings, the play, and the concert. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.

- c. Retail sales of pre-prepared packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
- 1) Retail sales of pre-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
109. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
110. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.
- The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
111. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

This Use Permit is approved for phasing of the project development as follows: Phase I development shall be completed within two (2) years after the date of the granting of the Use Permit, after which 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.

Phase I development must be completed prior to the issuance of building permits for the Phase II development. Phase II development shall be completed within five (5) years after the date of the granting of the Use Permit, however, upon a written request by the applicant, prior to the expiration of the five year period, the permit approval may be extended for not more than one (1) year by the 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. after which, the permit for Phase II shall become automatically void and of no further effect.



Sonoma County Board of Zoning Adjustments **STAFF REPORT**

Sonoma County Permit and Resource Management Department

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

FILE: PLP12-0009
DATE: October 17, 2013
TIME: 1:05 p.m.
STAFF: Traci Tesconi, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Windsor Oaks Associates LP / Steve Martin Associates

Owner: Windsor Oaks Associates LP

Location: 10810 Hillview Road, Windsor
APNs: 086-100-016 and 161-020-043 Supervisorial District No.: 4

Subject: Phased Use Permit and Design Review to Modify an Existing Winery

PROPOSAL: Request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, to add a public tasting room, retail sales, and public tours, to enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 25 agricultural promotional events per year with a range of guests (10 with 60 guests and 12 with 100 persons, and 3 with 300 guests), three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total of 20 event days with a maximum of 300 guests. Phase II includes a new 8,380 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administration offices, hospitality areas, and a commercial kitchen on a 471.89 acre portion of the 710 acre ranch. The parcel is under a Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District and contains 230 acres of vineyard. The parcel is not under a Williamson Act contract.

Determination: Mitigated Negative Declaration

General Plan: Land Intensive Agriculture, 60-acres per dwelling unit

Specific/Area Plan: None

Ord. Reference: Sec. 26-04-020 (f) (i)

Zoning: LIA (Land Intensive Agriculture), B6 – 60 acre density, G (Geologic Hazard Combining) SR (Scenic Resources), VOH (Valley Oak Habitat)

Application Complete

for Processing: August 8, 2013

RECOMMENDATION: Adopt the Mitigated Negative Declaration and approve the request for the phased Use Permit for an existing winery to increase the annual production capacity, enlarge the existing winery building, construct a new winery and tasting room building, and add private and public tasting, public tours, agricultural promotional events, weddings, a concert, and a play subject to the attached Conditions of Approval.

ANALYSIS

Existing Use:

The project site is 471.89 acres, but surrounded by commonly owned land of Windsor Oaks totaling 710 acres. Parcel 086-100-016 is the actual project site that contains the existing and proposed winery facility. Parcel 161-020-043 is the parcel (fee owned) that will be improved to serve as the secondary roadway to serve the winery uses referred to as Windsor Oaks Road. Approximately 230 acres is planted in existing vineyard consisting primarily of Chardonnay, Sauvignon Blanc, Zinfandel, and Cabernet Sauvignon grapes. Windsor Oaks Winery has been in operation since 1978 (formerly Balverne Winery) producing estate wines within the Russian River and Chalk Hill appellations. The current Use Permit (UP #7851) allows for 103,000 gallons (43,000 cases) of wine production with no public tastings or on-site retails sales. Currently, the winery has tasting by appointment only and sells their wines on-line. Wine is currently produced in two existing winery buildings (5,000 sq. feet & 12,600 sq. feet). Access to the winery and vineyard is off of Hillview Road, which is off of Arata Lane approximately a half-mile east of US 101 in Windsor. Excess fruit from the vineyard is currently exported by trucks to other wineries for processing. Water is provided by two existing on site private wells and an on-site septic system for domestic sewage disposal, and a pre-treatment system and large reservoir for winery wastewater disposal via a vineyard irrigation system.

Site Characteristics:

Project site elevations range from about 200 feet (above sea level) along the southern property boundary to nearly 870 feet near the northern property boundary. Most of the gently sloping areas of the project site are planted in vineyards, but the steeper slopes and lower portions of the larger drainages are predominantly hardwood forest or open grasslands. The project site is designated G for Geological Hazard Area as the two easterly tips of the parcel are within the Alquist-Priolo Special Study zone. However, existing and proposed project development are not located within this geological hazard area. The project site is under a Conservation Easement (OR#1998-0148889) with the Sonoma County Agricultural Preservation and Open Space District (SCAPOS). Two Easement consistency

determination letters and an Easement Area map were received from the SCAPOSD staff (Refer to Issue # 2 and Exhibit U and V).

Project Description:

A two phased Use Permit is being requested as follows:

Phase I (1-2 years):

1. Increase wine production from 43,000 cases to 100,000 cases per year.
2. Add public tasting room, retail sales, and public tours.
3. Enlarge the larger, existing 12,600 square-foot winery building by 2,000 square feet to include tasting room, conference and VIP room, offices, tax paid room, restrooms and exterior deck.
4. Public tasting room hours will be 11 am to 5 p.m.
5. Visitors are anticipated to be on the order of 15 for an average day and 30 for a weekend day.
6. 25 agricultural promotional events per year with a range of guests (10 events with 60 guests and 12 events with 100 persons, and 3 events with 300 guests).
7. Three weddings per year with a maximum of 100 guests.
8. One play and one concert per year each with 300 maximum guests.
9. Participation in 10 industry-wide events, consisting of a total of 20 annual event days.
10. Related infrastructure improvements include paving of the existing parking area, ADA accessibility paths, septic system expansion, and an improved existing entrance on Arata Lane.
11. Employee vehicle and winery production truck traffic will continue to use Hillview Road for access and egress.
12. Road improvements to the 30-foot wide secondary access road for all employee and guest vehicles referred to on the plans as Windsor Oaks Road directly off of Arata Lane east of Hillview Road. This is a fee owned parcel of Windsor Oaks Winery. Refer to Exhibit Z for preliminary improvement plans prepared by SMA and after a neighborhood meeting.
13. No increase in employees which currently consists of 7 full-time and 3 part-time employees during non-harvest and 10 full-time during harvest.
14. Non-harvest winery operating hours: 7 a.m. to 6 p.m. Monday through Sunday; and harvest season winery operating hours: 6 a.m. to 10 p.m. Monday through Sunday.

Phase II (2 to 3 years after project approval):

1. A new 8,380 square foot winery building (4,830 square feet = 1st floor, 3,550 square feet= 2nd floor) with public and private tasting rooms. 1st floor is subterranean, includes barrel storage, technical tasting, hospitality area, and restroom. The 2nd floor includes administration uses, restrooms, tasting room, VIP tasting area, commercial kitchen, and related hospitality areas.

2. A detached 600 square foot mechanical building.
3. Infrastructure improvements include: a new access driveway from the existing main road, paved parking area, sanitary wastewater pressure distribution leach field system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.
4. Increase employees to 16 full-time employees during the harvest and bottling season.
5. Visitors are expected to be 30 on an average day and 80 for a peak day.
6. Operating hours will remain the same as Phase I. Non-harvest winery operating hours: 7 a.m. to 6 p.m. Monday through Sunday; and harvest season winery operating hours: 6 a.m. to 10 p.m. Monday through Sunday.

Wastewater Disposal: Process wastewater (PW) from the existing winery is screened and pumped to aeration ponds for aerobic treatment. The reclaimed wastewater is discharged via an existing vineyard irrigation drip system. A Wastewater Feasibility Study [Study] prepared by Steve Martin & Associates provides sewage load calculations and preliminary design information on both the winery wastewater system and the domestic sanitary sewage systems. The Study explains that the existing processed wastewater pond and drip irrigation system is sized to accommodate the proposed increase to 100,000 case maximum production capacity. Pomace is spread and decomposed within the vineyard. Sanitary sewage will be treated in existing septic tanks and disposed of in the existing onsite standard leachfield system (with expansion). For Phase II, a new pressure distribution leachfield type septic system will be installed. The proposed sewage disposal system for the primary and required 200% expansion leachfield areas are indicated on the Overall Site Plan.

Water supply: Water for the winery and domestic use, as well as landscape irrigation will be continue to be groundwater-supplied by well water. A Groundwater Availability study was completed for the project which explains the existing winery well has a 24-foot sanitary seal. For a public water supply well as sanitary seal of a minimum of 50-feet is required. The owner has two options available either request a waiver for the existing well or drill/construct a new well in accordance with the State Water Well Construction Standards. Most likely the applicant will drill a new well with a 50-foot sanitary seal.

Access: All employee vehicles and guest vehicles will be routed to use the newly improved roadway which is 30 feet in width referred to on the plans as Windsor Oaks Road located directly off Arata Lane and east of Hillview Road. In the originaOriginally employee vehicles were to continue using Hillview Road, along with grape and delivery trucks. After meeting with neighbors, it was decided that all employee vehicles and guest vehicles would be routed to use Windsor Oaks Road instead of Hillview Road. Improvements to the existing entrance will be constructed for commercial access to the property. The newly improved entrance and tree removal along the road will increase sight distance, safety and conform to Sonoma County Commercial Entrance standards (Refer to Exhibit X).

Hillview Road will continue to be used for all winery production truck traffic, including grape import, bottle and barrel deliveries, case good shipments, and miscellaneous deliveries.

A project referral was provided to the Town of Windsor in which their Public Works Department responded that Arata Lane is within their jurisdiction, therefore, all design and construction within the Arata Lane right-of-way related to any road, storm water, and drainage improvements must meet their standards and require an Encroachment permit approval from their office. County Public Works and PRMD staff met with the Town of Windsor engineer and the project's engineer to discuss the project. The Town of Windsor placed conditions on the project which are included in the Conditions of Approval (Refer to Exhibit A, Conditions No. 55 to 72).

On May 1, 2013, the Design Review Committee (DRC) reviewed the project's compliance with the applicable SR Scenic Landscape Unit Design Guidelines. On August 8, 2013, SMA submitted the revised plans and responses to the DRC Action Sheet to incorporate into the overall project design the recommendations made by the Design Review Committee.

Surrounding Land Use and Zoning:

The project site is located in diverse area with agriculture on the north side of Arata Lane comprised of small family farms with livestock and horses and vineyards, and small lot residential subdivisions within the Town of Windsor on the south side of Arata Lane. The project site is by far the largest parcel in the immediate area. The existing winery is located well away from any of the neighbors with the closest residence being approximately 3,100 feet from both the existing facility and proposed Phase II development area. The project applicant did meet with neighbors prior to a public hearing for the project.

Surrounding land uses and setting:

North: Zoning: RRD (Resource and Rural Development) B6 100 acre density
Land Use: Agriculture and single-family residence

South: Zoning: LIA (Land Intensive Agriculture) B6 40 acre density RRD (Resource and Rural Development) B6 40 acre density
Land Use: Single-family residence and

West: Zoning: RRD (Resource and Rural Development) B6 40 acre density
Land Use: Agriculture/cultivation and single-family residences,.

East: Zoning: RRD (Resource and Rural Development) B6 60 acre density
Land Use: Agriculture/cultivation and single-family residences.

DISCUSSION OF ISSUES

Issue # 1: General Plan and Zoning Consistency

The General Plan land use and Zoning designations for the project site is Land Intensive Agriculture (LIA). This designation allows wineries, tasting rooms, agricultural promotional events, and marketing accommodation units as conditional uses (Zoning Ordinance Section 26-04-020). The project site already contains an existing winery with a 43,000 case maximum annual production capacity. The project site contains an existing winery facility and large commercial vineyard. The project site lies within the Russian River and Chalk Hill Appellations.

General Plan:

The project proposal must be found consistent with the General Plan's Agricultural Element Goals, Objectives, and Policies which includes the following policies:

Under the Agricultural Resource Element of the General Plan, there are several issues and goals related to "agricultural-tourism" and promotion and visitor-serving uses in the three agricultural land use districts of Land Intensive Agriculture, Land Extensive Agriculture, and Diverse Agriculture, as follows:

Issue 2.1: "Assist in the marketing and promotion of Sonoma County's agricultural products. It states, in part, "Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranchers to subdivide or convert the land to nonagricultural uses. Economic sustainability is being encouraged through niche marketing, direct marketing and evolving practices improving farm business management and

intergenerational transfer of farms and ranches... This element establishes policies that will assist in promoting and marketing agricultural products grown or processed in Sonoma County."

Issue 2.6: *"Regulate the location and intensity of visitor serving uses within agricultural areas." It states, in part, "The benefits and potential adverse impacts of visitor serving uses vary by agricultural industry. Agricultural tourism is critical in supporting the economic success and continued diversity of the agricultural industry in Sonoma County. It is important to recognize that agricultural tourism directly promotes the sale of agricultural products. Activities such as special events attract customers, build a customer base, market products, and build customer loyalty. However, the economic benefits of agricultural tourism must be balanced against associated impacts such as increased traffic, particularly in areas such as in Sonoma Valley or along routes where multiple visitor serving uses may be hosting events at the same time. In addition, visitor serving uses must supplement agricultural production, not replace it."*

Consistent with the LIA designation criteria, the following General Plan Agricultural Resource Element policies apply to the parcel, and specifically to the winery and related land uses proposed on the project site, as follows:

Goal 2.1 *"Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses."*

Goal AR-1: *"Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County."*

Objective AR-1.2: *"Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use."*

"Policy AR-4a": *The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals."*

Staff comment: The project site is within the Land Intensive Agricultural General Plan land use category, and the primary use of the site will be an agricultural processing facility (winery). The primary potential land use conflicts associated with the use and adjacent residences are traffic, exterior lighting, and noise. Conditions have been added to the proposed project to require improvements to the winery's entrance to improve sight distance, to control odor all grape pomace, and all exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Noise generated by the proposed winery, tasting room, and events must be controlled in accordance with the standards set in the Noise Element of the Sonoma County General Plan.

"GOAL AR-5: *Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area."*

Staff comment: The project site contains 230 acres of premium vineyard. The proposed winery is within the Russian River and Chalk Hill wine grape appellations. The winery facility would process grapes grown on-site and from the local area.

"Objective AR-5.1: *Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories."*

Staff comment: The subject site is designated as Land Intensive Agriculture which is considered one of the primary agricultural land use designations.

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

Staff comment: The site has an agricultural land use designation and the growing of grapes will continue to be the primary use of the site. For blending purposes, grapes grown in the local area may be used to produce wine.

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

Staff comment: Winery building sizes vary greatly depending on the variety of grape processed and the aging needs of the wine. According to the Project Proposal Statement, minimal casegoods storage will be provided on site. Most of the case good storage and all distribution will be located at a separate, off-site warehousing facility. Shipments to the off-site warehousing would be on the order of 96 trips per year. The off-site warehousing facility will allow Windsor Oaks to coordinate casegoods shipments with glass deliveries for more efficient shipping and backhaul capabilities. The facility plans to include on site bottling with a mobile bottling truck.

The on-site fermenting, aging, and storing of wine in barrels or cases, including the existing and proposed winery buildings, totals approximately 14,834 square feet. With a 100,000 case annual production capacity this equates to .15 square feet of storage area for every case of wine at maximum production capacity, approximately. Previous research was done for a past winery project (UPE07-0008 Cornell Winery) which determined that previously approved wineries on average provided .60 square feet of storage area per a case of wine (.60 sf/case). Therefore, the storage area for the proposed winery appears much less than past winery approvals, that the storage is sized accordingly, and the winery is consistent with the intent of the General Plan Policy AR-5c.

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

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

Staff comment: Based on the Traffic Impact Study prepared by W-Trans for the project and conditions placed on the proposed project by the Town of Windsor and the County Transportation and Public Works Department, the proposed project will not result in road access conflicts with required improvements and the traffic generated by the project would not exceed the level of service established in the Circulation and Transit Element's objectives.

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

Staff comment: The project site is in a "Zone 3 – Marginal Water Availability Area" designation. A Groundwater Availability study ("Study") was prepared by Michael S. Malone to evaluate quantity and quality of the project's sites groundwater. In part, the Study concluded that the existing and future annual groundwater demand in the groundwater resource areas is slightly less than 4 acre-feet. Average annual recharge is estimated to be about 150 acre-feet, which indicates that recharge would normally be expected to meet and exceed the anticipated groundwater demand. This conclusion is supported by the "artesian" flow that continues at the Winery's well even after years of demand. Estimated available groundwater in storage is 2,007 acre-feet, in excess of the anticipated annual demand of less than 4 acre-feet. The potential for the on-site wells to interfere directly with the neighboring wells is considered to be remote considering the low pumping rates and low volumes required to support the existing and anticipated water future water demand. The radius of influence of a well pumping at the rates anticipated to meet the demand is 150 feet, far short of the thousands of feet between the neighboring wells and the on-site well. According to Malone, the potential for interference between the Winery Well (and future new wells) and neighboring properties is considered remote based on the relatively large property size and corresponding distances between wells. Also, for interference to occur there must be hydraulic continuity between various aquifers, a condition that is very unlikely to occur based on the heterogeneous nature of the project site's geologic materials and aquifers.

"3. Whether the above uses would be detrimental to the rural character of the area."

Staff comment: The project site contains an existing winery facility and the two existing winery buildings will continue to be used. A third, new winery and tasting room building is proposed. The project site is over 400 acres and the new winery building is not visible from nearby residences or from the roadway. The project was reviewed by the Design Review Committee who recommended minor design changes to the new winery's window/shutter sizes and landscaping. Across Arata Lane from the project site is a large, urban residential development with several homes on small lots. The winery development is small scaled compared to the large vineyard areas and open grass land areas on the project site. The project would not be detrimental to the rural character of the area.

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

Staff comment: A majority of the winery's proposed events are considered agricultural promotional events with the purpose of these events is wine education, the release of new wines, food and wine pairings to increase wine club membership and increase wine sales. The larger promotional events such as seminars, vintner association lunches and others may or may not have paid attendees. These events will occur at the existing winery. The meals are to be prepared by a licensed, off-site caterer.

However, according to the applicant, the weddings, the play and the concert also are a marketing tool to capture a larger market of potential customers and wine club members. The wines produced on the site are served at these functions creating name brand and label recognition. Consistent with past approval at wineries, the proposed events would promote wine processed on the site.

The LIA (Land Intensive Agriculture) zoning district allows for tasting rooms, subject to the minimum criteria of General Plan Policies AR-6d and AR-6g and approval of a Use Permit.

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

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

Staff comment: The tasting room use will promote grapes grown and processed on site and the County.

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

Staff comment: The primary agricultural production activity is vineyards for the processing of wine.

- "3. The use will not require the extension of sewer and water."

Staff comment: The use will be served by on-site septic system and water well and extension of sewer and water lines will not be required.

- "4. The use is compatible with existing uses in the area."

Staff comment: The Tasting Room hours will be limited in hours.

- "5. Hotels, motels, resorts, and similar lodging are not allowed."

Staff comment: The proposed project does not include overnight marketing or lodging accommodations.

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

Staff comment: The project includes a tasting room, tours, retail sales, and events that are being proposed by the applicant to help sell and promote the wine produced on site.

"Policy AR-4a: "The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals."

Staff comment: The project site is over 470 acres within the Land Intensive Agriculture General Plan land use designation and the existing primary use of the project site is agriculture production (vineyard) and related agricultural processing (winery). The majority of the project site is planted with vineyard. The current request does not require the removal of any vines and the project site will remain under a Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District, whereas, the District has determined the project is consistent with the terms of the Easement provided the tours and events are held and conducted in a manner described in the Project Proposal Statement.

Zoning Consistency:

Additionally, the Zoning Ordinance allows for seasonal or year-round sales and promotion of agricultural products grown or processed in Sonoma County, subject to the issuance of a Use Permit and compliance with the criteria set forth in policies AR-6d and AR-6g of the Agricultural Resource Element as follows:

Under the LIA zoning district, Section 26-04-010 (f) allows for: *"Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of General Plan Policies AR-6d and AR-6g..."*

The project does not include any permanent stand-alone structures for the promotional events, concert, or play. Currently neither the General Plan nor Zoning Ordinance place a limit on the number of events at wineries or prohibit weddings, concerts, or plays. Therefore, with this proposal it becomes a policy decision by the decision-making body of the number of total events being proposed is excessive when compared to previous approvals. The project site contains an existing winery facility. The current request is to increase the winery production and to add public and private tasting, as well as host several agricultural promotional events, weddings, a concert, and a play; and participate in industry-wide events.

The property is designated Land Intensive Agriculture by the Sonoma County General Plan. The General Plan policy for Land Intensive Agricultural states that agricultural production, agricultural support uses, and visitor serving uses, as provided in the Agricultural Resources Element of the General Plan, are allowed uses, provided a Use Permit is approved.

Staff comment: The project site is within an agricultural land use category and is an existing vineyard operation and agricultural processing facility (winery). The primary use of the project site will remain agricultural production and processing. The purpose for having agricultural promotion events, weddings, a play, and a concert is to promote and market the wines produced on site. At each type of event being proposed, the wine produced on site would be served to guests. The wine club dinners are done to introduce a new vintage to existing members and to gain new wine club members, a standard direct marketing approach used by many wineries. The primary potential land use conflicts associated with the proposed use for wedding and events and surrounding agricultural production are: exterior lighting, traffic, and noise. Mitigations or conditions have been incorporated into the project to reduce these potential impacts to a less than significant level. There are no other winery facilities in close proximity to the project site or along Arata Lane.

No vines would be removed from the winery site to accommodate the events, the weddings, the play, or concert. All the events, including the agricultural promotion, weddings, the play, and the concert would take place outdoors or within the winery buildings. It is not expected that by the winery holding weddings and other events would change the existing character of the site or surrounding neighbor and would not be detrimental to the primary land use of the project site which is agricultural production (vineyard) and processing (winery) because events would be limited in frequency and hours of operation.

Throughout Sonoma County, the following wineries were specifically approved for weddings and concerts under the LIA zoning:

UPE 11-0087: B.R. Cohen Winery, Glen Ellen, The uses already permitted are a 50,000 case per year winery with tasting room operating from 10:00 a.m. to 5:00 p.m.; six special events for up to 250 attendees and 40 special events for up to 150 attendees per year, and a 3,000 attendees/day, two day event/year (for five year term) on 48.28 acres, provided that the annual noise monitoring report demonstrates compliance with the noise standards.

UPE 96-0001: Ledson tasting room, Santa Rosa, approved by Board of Supervisors on appeal; 24 events per year, consisting of weddings and rehearsal dinners. With 18 of the 24 events approved for 250 people.

UPE 95-086: Geyser Peak Winery, Geyserville, approved 4 events per year for up to 500 people per event; included weddings.

UPE 94-0092: Kunde, Glen Ellen, approved for unlimited private events and 10 events per year, open to the public for non-profit use; one event up to 1,500 people and a maximum of 600 people for the other nine events.

UPE97-0032: Trentadue Winery, Geyserville, approved for a maximum of 24 events held on weekends and holidays, between 9 am and 10 pm with a maximum of 266 attendees which consist of weddings, conferences, and parties.

PLP96-0088: Sbragia Winery-formerly Lake Sonoma Winery, approved for 24 weddings/special events per year

UPE04-0113: Arista Winery, approved 15 events/weddings per year with a maximum attendance of 200 people per event.

Weddings and similar events have long been included in use permits as promotional events to acknowledge that bringing such guests to wineries helps to promote the agricultural product. However, increasing scrutiny has been given to requests for these types of events, especially those which involve a large number of weddings. In some cases the number of weddings allowed has been limited on a case by case basis. For this project, the agricultural promotional events and industry wide events are consistent with a majority of prior approvals for other wineries in Sonoma County. It has been well established that agricultural promotional events that can be found compatible with surrounding agricultural activities if they are limited in size, frequency, and hours. The project would not require the extension of sewer or water.

Weddings and concerts have also been approved at wineries, provided they are incidental to the on-site agricultural production and processing, and limited in frequency and hours. A play is a new concept, but can be found similar to a concert, if limited and if found consistent with the General Plan and Zoning Ordinance policies if considered agriculture promotional and incidental to the existing on-site vineyard and winery. The applicant does not intend to build a separate event building, or a permanent stage or amphitheatre for the weddings, concert, or play. These uses would occur either within the winery buildings or outside by the winery buildings. The primary use of the project site remains a winery and vineyards.

Based on the consistency determination letter provided by the Sonoma County Agricultural and Open Space District, the proposed Use Permit can be found consistent with the terms of the Conservation Easement, provided that the weddings, the concert and the play only take place either within the existing winery buildings or the surrounding area (refer to Conservation Easement Map – Exhibit W). Only the agricultural promotional events can take place in the new winery building (ABE area).

For past projects, weddings, rehearsal dinners, corporate meetings, and marketing dinners or similar events have been found consistent with the agricultural zoning districts, including the LIA zoning district, if the events can be found to promote agricultural products processed on the site. In addition, such events can be found compatible with surrounding agricultural activities if hours and the frequency of the events are limited and there is no substantial noise or traffic impacts. The project site is not under a Williamson Act contract. Currently, the Zoning Ordinance does not have a limit as to the number of promotional events allowed on agricultural zoned parcels.

According to the applicant, weddings at the winery are an agricultural product marketing tool to promote the wine produced on site. The wines produced on site will be served at events providing label recognition.

Throughout the County there are several sites in agricultural zoning districts where weddings were approved, such as: Trentadue Winery, Annadel 1880 Winery & Gardens, B.R. Cohn Winery, Cline Cellars, Flying Cloud Farm, Garden Valley Ranch, Compass Rose Gardens, Gloria Ferrer Winery, Hanna Winery, Kunde Winery, Mayo Family Winery, Paradise Winery, St. Francis Winery, Simi Winery, Viansa Winery, and most recently Hammel Winery and Armida Winery. Research indicates that several years ago wineries were approved for "special events" as a general term which were actually intended to include weddings and rehearsal dinners. Several of the winery's website currently advertize wedding and rehearsal dinner venues.

It has been well established that agricultural promotional events, such as wine educational seminars, wine club dinners, wine and food pairings, and tours directly promote the wine produced on site. Use Permits for previously approved winery projects have found that events, such as weddings and concerts, also promote the winery when the wine produced on site is served at these functions, provided that the primary use of the site remains agricultural production (vineyard) and agricultural processing (winery use) with the events incidental to the agricultural uses. The special circumstances in this particular application include a determination that the project would not change the characteristics of the site, that the primary use of the site remains the large agricultural operation, that the event uses are incidental to the agricultural production and processing and would not have significant noise, or traffic impacts or change

the level of service on the roadways or create traffic hazards, as explained in the Final Traffic Impact Study prepared by W-Trans. All events will be conducted either within the winery buildings or immediately around the winery buildings are not visible to neighboring parcels or public roadways due to intervening topography and the 710 acres that surround the winery facility. Conditions related to aesthetics, exterior lighting, air quality, noise, parking, driveway entrance improvements; and limits on the frequency and duration of events at the winery have been incorporated into the project.

Issue # 2: Conservation Easement

PRMD referred the Project Proposal to the Sonoma County Agricultural Preserve and Open Space District [District] for a consistency determination because the project site is under a Conservation Easement with the District. Staff of District provided two consistency determination letters (Refer to Exhibit U) and provided the Conservation Easement Baseline Plan (Refer to Exhibit V). The purpose of the Conservation Easement is: "to preserve the open space, natural, scenic and agricultural values of the Property." Under the Conservation Easement baseline document there is an "Easement Designation Areas" exhibit, which outlines the different designated areas. The District provided the following determinations:

Phase I: Based on District staff's review of the request, it has been determined that all uses and activities in Phase I as described in the proposal statement are consistent with the Conservation Easement and hereby grant approval.

Phase II: Based on District staff's review of the request, it has been determined that these structures and improvements are consistent with the Conservation Easement and hereby grant approval for their construction, provided that their use is limited to the agricultural uses.

The District considers wine production, tasting, storage and sale to be permitted in the new winery building. The new winery building was sited within the Alternate Building Envelope (ABE). They also consider the following uses to be permitted in the new winery: administrative offices for managing the agricultural operation; a non-commercial kitchen (86 square feet) for preparing agricultural products harvested principally on the Property, for use by winery staff to prepare personal meals, or as a caterer's preparation area for pre-prepared meals in conjunction with permitted special events; and hospitality areas for guests who are there to taste or purchase agricultural products harvested principally on the Property or to learn about the agricultural practices on the Property. However, Phase II weddings, concerts, and plays are not permitted to take place in the new winery, per the Conservation Easement terms (Exhibit "C", Paragraph 2), which prohibits the establishment of any "non-agricultural commercial or industrial use outside of the Agricultural Building Area (ABA). Additionally, events held outside the Agricultural Building Area (ABA) where guests pay for services such as seminars, tours, recreational uses, or meals, are not consistent with the Easement. Agricultural events such as: open houses, harvest parties, vintner association seminars, tastings with meals, and wine club member events are allowed in the new winery building. Below is a table that lists the different types of events and locations:

Windsor Oaks Winery
 Project No. 2011009

SMA

WINDSOR OAKS WINERY

Marketing Activities & Event Description

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time Period</u>	<u>Attendees (maximum)</u>	<u>Location of Activity</u>
National Wine Distributor Tastings & Lunch	5	January - December	60	ABA & Phase II Winery Building
Wine Distributors Tastings & Dinner	3	January - December	60	ABA & Phase II Winery Building
Holiday Open House	1	December	60	ABA & Phase II Winery Building
Chef Tastings & Dinner	1	January - December	60	ABA & Phase II Winery Building
Harvest Party	1	October - November	100	ABA & Phase II Winery Building
Wine Club Member's Event ¹	8	March - October	100	ABA & Phase II Winery Building
Wine Club Member's Pick-up Event	3	March - October	100	ABA & Phase II Winery Building
Weddings	3	March - October	100	ABA
Hospitality Events ²	5	March - October	300	ABA & Phase II Winery Building ³

Notes

1. Wine Club Member events include Tour De Cru (a mountain bike ride with tasting & box lunch after), Vineyard Tour (drive through vineyards with tasting after), Barrel Tasting Day, and other marketing activities to support and build the Wine Club list.
2. These events may include a vintner association lunch and seminar, a small concert at the winery, "Sideways" Play, or other hospitality event for the promotion of the wines.
3. Any "non-agricultural" activity such as a concert or play will only occur within the ABA, and not outside of the area.

Tours: The winery's marketing activities include bike rides and driving (motorized) tours through the vineyards for wine club members. Initially, the SCAPOSD determined bike rides consistent with the Easement), but considered motorized tours inconsistent with the Easement. A second letter was provided by the SCAPOSD specifically addressing the motorized tours. According to the applicant, there are three proposed motorized tours: 1) winemaker tours, 2) distributor tours, and 3) wine club member tours. The purpose of these tours is to show winemakers who purchase the grapes, distributors who sell the wines, and wine club members who purchase the wines, the large agricultural operation. Based on this additional information, SCAPOSD determined that the motorized tours in fact relate to the permitted agricultural operation (vineyard) and are consistent with the Conservation Easement. However, a fee cannot be collected for the tours because tours must be accessory to the agricultural operation and not a non-agricultural commercial use.

Further, in regard to events within the Agricultural Building Area, the tours must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore, SCAPOSD consider the tours to be consistent with the Easement provided they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow

the Property's agricultural character. If the tours come to impact the conservation values of the Property the SCAPOSD we will no longer consider them to be consistent with the Easement, and they would need to cease.

Issue # 3: Water Availability

The property is within a "Marginal Water Area" (Zone 3 classification) On April 8, 2013, PRMD received an *Assessment of Groundwater Availability Report Proposed Windsor Oaks Winery Modification* [Report], prepared by Michael S. Malone, Consulting Geologist (Refer to Attachments in Mitigated Negative Declaration). The Report provides, in part, the following information:

Existing on-site wells: The location of the two on-site wells are shown on Plate 2 of the Report. The Winery well is 585-foot deep with an initial reported yield of 100 gallons per minute. At the time of the drilling of the well it was reported to flow at ground surface (artesian) at an estimated rate of 30 gallons per minute. The winery well is used for processing of wine and drinking. On March 19, 2013, Malone did a site visit, the well was flowing without pumping at an estimated rate of 8 gallons per minute. The irrigation well south of the lower pond was drilled in October 2003 to a depth of 280 feet and at this time the yield was 15 gallons per minute.

Malone reviewed well logs from neighboring wells in the project vicinity and well yields were typically between 15 to 30 gallons per minute and primarily used for domestic and agriculture uses, such as small family farms, vineyard, and gardens.

Groundwater Demand: According to Malone, there are several factors that indicate the existing winery well would have little, if any potential to compete with neighboring properties for groundwater. These factors include: the subject property is a large parcel and bound by steep slopes and hills on its northwest and southeast side which would prevent drilling of new neighboring wells proximate to property boundary.

Well Interference: According to Malone, the potential for interference between the winery well (and future new wells) and neighboring properties is considered remote based on the relatively large property size and corresponding distances between wells. Also, for interference to occur there must be hydraulic continuity between various aquifers, a condition that is very unlikely to occur based on the heterogeneous nature of the project site's geologic materials and aquifers.

Water Quality: Well water samples were tested at Brelje and Race Laboratory for nitrate, arsenic, Total Coliform, and E- Coli; in which all tests results were in acceptable levels or negative, respectively.

Groundwater Study Conclusions:

- In general the project site is underlain by geologic materials considered favorable for low to moderate rates of groundwater pumping, however, the limited lateral continuity of the principle water-bearing materials indicate that groundwater occurrences is non-uniform and locally variable.
- Well yields in the project vicinity are typically low to moderate sufficient to satisfy residential demand, livestock water and/or limited irrigation. Based on well logs from the site vicinity the groundwater resource has been utilized to depths of nearly 600 feet deep, but more typically well depths are less than about 350 feet deep.
- The groundwater resource is distributed in three distinct subunits (GW-Ne, GW-Ctl, GW-Sw) based on their geologic differences and partial hydraulic isolation resulting from northwest trending faults.
- Existing and future groundwater demand in the groundwater resource area is slightly less than 4 acre-feet. Average annual recharge is estimated to be about 150 acre-feet. This indicates that recharge would normally be expected to meet and exceed the anticipated groundwater demand. This is supported anecdotally by the artesian flow that continues at the winery well even after years of winery demand.

- Estimated available groundwater in storage is 2007 acre-feet, greatly in excess of the anticipated annual demand of slightly less than 4 acre-feet. Storage appears to be sufficient to support pumping during numerous drought years. This estimated volume of stored water reflects the stored groundwater in the combined groundwater source areas, not necessarily groundwater available to the single existing well.
- The potential for the on-site wells to interfere directly with the neighboring wells is considered to be remote considering the low pumping rates and low volumes required to support the existing and anticipated future demand. The radius of influence of a well pumping at the rates anticipated to meet the demand is about 150 feet, far short of the thousands of feet between neighboring wells and the on-site well.
- The nearest open drainage is about 250 feet west from the winery well, somewhat beyond the outer edge of the well's estimated radius of influence. Further, the well is artesian demonstrating that it has a vertically upward gradient. These factors indicate that pumping of the Winery Well for the proposed project would have a negligible potential to adversely impact the surface drainages.
- The existing winery well has a 24-foot sanitary seal. For a public water supply well as sanitary seal of a minimum of 50-feet is required. Two options available to the owner are request a waiver for the existing well or drill/construct a new well in accordance with the State Water Well Construction Standards. Most likely the applicant will drill a new well with a 50-foot sanitary seal.

Malone's study was reviewed by the Environmental Health Specialist of Project Review, who accepted the groundwater study and addendum dated April 4, 2013, and July 1, 2013 with the comment that the groundwater study did not identify a water well with a 50 foot annular seal, so it is likely that a new water well will be required for public water consumption as required by the State Health Department. Consistent with the study, a condition has been placed on the project that restricts any new well drilled on the project site to be a minimum of 150 feet from property lines to prevent well interference with neighboring wells.

Issue # 4: Traffic and Parking Analysis

In April 2012, a Focused Traffic Study was prepared by W-Trans. The project site is currently occupied by two existing winery buildings that produce 43,000 cases annually. In addition to the existing wine production, excess fruit from the vineyard is currently exported by trucks to other wineries for processing. Grapes being hauled off-site will now be processed on-site, therefore overall truck trips are being reduced. Access to the site is gained via Hillview Road, which is located on the north side of Arata Lane approximately a half-mile east of US 101. The proposed project would allow for an increase in production to 100,000 cases annually plus public tasting and private tasting, 25 agricultural promotional events, three weddings, a concert, and a play, with a range of guests. Access and egress for all winery production traffic will continue to be via Hillview Road, while all employee and guest traffic will use a new driveway (Windsor Oaks Road) to be constructed on the north side of Arata Lane located approximately 600 feet east of Hillview Road. Originally all employee traffic was to continue to use Hillview Road, but after meeting with neighbors, it was decided to route all employee traffic and guest traffic to the new access roadway referred to on the Site plan as Windsor Oaks Road. On October 9, 2013, W-Trans provided an addendum letter stating that this change in traffic circulation does not their original assessment outlined in the Focused Traffic Study of April 2012 (Refer to Exhibit AA).

The study area consists of the section of Arata Lane fronting the project site as well as the intersection of Arata Lane/Hillview Road-Camelot Drive. The p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward-bound commute.

W-Tran's provides the following conclusions and recommendations:

- The calculated collision rate for the study intersection is below the statewide average for similar intersections.

- At build-out, the proposed project is expected to generate an average of 53 new daily vehicle trips, including seven trips during the p.m. peak hour.
- A total of 30 special events are proposed annually, but since the starting and ending times usually occur outside of peak conditions, they are expected to result in minimal traffic impact.
- Sight distance along Arata Lane is adequate for the posted speed limit.
- The proposed parking supply of 33 spaces will accommodate the anticipated 19 space peak demand for employees and daily visitors.
- During special events, the proposed permanent and temporary parking supply would be adequate.
- The study intersection of Arata Lane/Hillview Road-Camelot Drive is expected to continue operating acceptably based on applicable standards under Existing and Future conditions without and with the project.
- On-site circulation is adequate for typical passenger vehicles as well as for larger trucks.
- Left-turn pockets are not warranted on Arata Lane at either Hillview Road or the proposed driveway even under Future plus Project volumes.

W-Trans Recommendations

- It is recommended that any proposed vegetation or signs installed along Arata Lane near Hillview Road or the proposed new driveway should be located so as not to obstruct the visibility of vehicles entering or exiting the project site. (Refer to Exhibit A, Condition No. 84)
- During special events, temporary parking should be provided along the unpaved areas between the existing vineyards and direction in the form of signs and attendants (Refer to Exhibit A, Condition No. 85)

The Department of Transportation and Public Works reviewed and accepted the traffic study, with a condition that the applicant implement measures that keep winery-related traffic volume on Hillview Road at the current level. A project-related increase in Hillview Road traffic is subject to the improvement of Hillview Road at the Arata Lane intersection (Refer to Exhibit A, Condition No. 52).

The Town of Windsor has jurisdiction for any improvements to Arata Lane. Therefore, all design and construction within the Arata Lane right-of-way related to any road, storm water, and drainage improvements must meet their standards and require an Encroachment permit approval from their office. The Town of Windsor placed conditions on the project which are included in the Conditions of Approval (Refer to Exhibit A, Conditions No. 55 to 72).

Parking Adequacy

Daily Operations: Assuming that each employee drives to work in their own vehicle, a total of 13 spaces would be needed to accommodate the proposed employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates, it was determined that a maximum of 19 spaces would be needed to accommodate the typical daily parking demand. The project as proposed provides a total of 33 parking spaces, which would accommodate the maximum daily guest and employee parking demand.

Special Events: A maximum-sized special event with 300 guests would be expected to generate need for 120 parking spaces, plus an additional 14 spaces for employees for a combined total of 134 parking spaces. The 33 permanent on-site parking spaces would not be able to accommodate the demand for event parking. The paved production traffic circulation areas and unpaved areas alongside the existing vineyards will be available for temporary parking during a special event. It is anticipated that the on-site parking supply for a maximum-sized event could be accommodated within these permanent and temporary parking areas, though signing or attendants will be needed to guide attendees to available parking areas. While the parking supply is adequate for daily operation, overflow parking areas will be needed for special events. The project site is over 400 acres and can accommodate all daily parking needs and all over-flow parking needs for the larger events.

Issue # 5: Noise

The Environmental Health Specialist of Project Review reviewed the project description and concluded a noise study was not required. According to the Environmental Health Specialist, the noise study was waived based upon the distance to the closest residence and the conditions restricting the hours of special events. The project proposal includes weddings, a play, and a concert with amplified music and sounds indoors and outdoors. Specific conditions placed on the project to control noise levels are as follows:

- Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 a.m. to 10:00 p.m.).
- Project approval is limited to three weddings, one concert, and one play per year.
- If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

In addition, under the Conservation Easement the weddings, a concert, and a play can only occur within the Agricultural Building Area (ABA) which is the area that includes the two, existing winery buildings. Therefore, the weddings, concert, and play, are not permitted to take place in the new winery. The ABA area is located farther from neighboring residents to the south than the new winery building. Based on the large project site, the limited frequency and hours of event activities, and the conditions placed on the project to control noise; the project is not expected to expose persons to or generation of noise levels in excess of standards established in the local general plan.

Issue # 6: Scenic Resource

The project site is under the SR (Scenic Resource) combining district because the project site is designated as a Scenic Landscape Unit in the Open Space Element of the General Plan. However, neither Arata Lane nor Hillview Road are designated Scenic Corridor under the General Plan. There will be no major change to the aesthetics of the site under Phase I because the two existing winery buildings will continue to be used, with a 2,200 square foot addition to the larger of the two winery buildings. At Phase II, the new winery and tasting room building will reflect a French Country architecture blending with the surrounding vineyards and natural landscape. The new building will be located approximately 3,250 feet from Hillview Road, 6,800 feet from the centerline of Arata Lane, and approximately 3,100 feet from the nearest existing residence (and not visible). The Phase II winery building will be nestled in the hillside vineyards and minimally visible from public roads (over 1.5 miles) and neighboring parcels. To further minimize visual impacts, the barrel storage room in the new building will be subterranean.

On May 1, 2013, the Design Review Committee (DRC) reviewed the project's compliance with the applicable SR Scenic Landscape Unit Design Guidelines. Given the location of the new winery building being nestled in the existing vineyard it would not have significant impact on the views from public roads. The DRC opined that the location of the new winery and tasting room building is appropriate for the site, with minor exterior changes. On August 8, 2013, SMA submitted the revised plans and responses to the DRC Action sheet to incorporate the Design Review Committee's recommendation into the overall project design being reviewed by the Board of Zoning Adjustments (Refer to Exhibit Y)

Exterior lighting would be needed at the winery especially during harvest season. The addition of exterior lighting would introduce more night light and glare in the area. The distance from neighboring properties, and with the existing topography any new exterior lighting is not expected to significantly impact neighboring properties. Flood lights are not allowed. However, to ensure that new exterior lighting is not

a significant impact to the area, mitigation requires that an exterior lighting plan be approved by the Design Review Committee prior to issuance of a building permit.

Issue # 7: Neighborhood Petition and Letters of Opposition

Staff received a petition signed by neighbors who live on Hillview Road, as well as individual letters of opposition by neighbors who reside along Hillview Road or Arata Lane next to the newly proposed access roadway (Refer to Exhibit W). The neighbors state that Hillview Road is a narrow, poorly maintained County road and they have concerns with the increase of traffic along Hillview Road that would be generated by the increase in production at the winery and adding the tasting rooms and events at the winery site. The applicants met with the neighbors to explain the project in more detail and show them the site plan, road improvement plans, and building plans. However, neighbors who reside on Hillview Road still have concerns with the project. The project includes a new access roadway intended for access and egress for all employee vehicles and all guest vehicles referred to on the plans as Windsor Oaks Road. The neighbors who live on the corner along Arata Lane next to the new access roadway of Windsor Oak Road also have concerns with the traffic generated by the winery stating that their house is very close to the edge of the road and would be impacted by the traffic and vehicle noise generated by the project (Refer to Exhibit W). The project engineer has provided a preliminary improvement plan for the new Windsor Oaks Road access which includes adding landscaping, trees, and a 6-foot sound wall in an effort to help screen the roadway and reduce vehicle noise from adjacent residences (Refer to Exhibit AA and Exhibit BB).

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, to add a public tasting room, retail sales, and public tours, to enlarge the existing winery building by 2,000 square feet, and to have 25 agricultural promotional events per year with a range of guests (10 with 60 guests and 12 with 100 persons, and 3 with 300 guests), three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total 20 annual event days. Phase II includes a new 8,360 square foot winery building used for administration, hospitality, public tasting, VIP tasting areas, a commercial kitchen, and barrel storage on a 471.89 acres after making the following findings and subject to all conditions of the Use Permit.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the LIA zoning district. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes (Russian River and Chalk Hill Appellations). It has been well established that tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with policy AR-6d.

In addition, the following policies shall be used to achieve these objectives: Policy AR-1a: "Permit a wide variety of promotional and marketing activities of County grown and processed products."; Policy AR-4a: "The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Policy AR-6a states to: "Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production..." and Policy AR-6f: "Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such use..." The project has demonstrated that primary use of the project site will remain agricultural production and processing, and all weddings and other events have been limited in frequency and hours as to not impact on-site or off-site agricultural production. The purpose for having agricultural promotional events, weddings, a play, and a concert at the winery site is to promote and market the wines produced on site. The primary potential land use conflicts associated with the proposed use for agricultural promotional events, weddings, a play, and a concert and surrounding agricultural production is exterior lighting, traffic, and noise, whereas, mitigation measures and conditions have been incorporated into the project to reduce potential impacts to a less than significant level. The traffic generated by the proposed uses would not exceed the current level of service of Hillview Rd or Arata Lane.

2. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. The winery facility cannot be rented out to any third-party contracts. The project site is not under a Williamson Act contract.
3. Based upon the whole record (including the Initial Study and all comments received); there is no substantial evidence that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: the winery is limited to an annual maximum production capacity of 100,000 cases, winery operating hours shall be 7 a.m. to 6 p.m. Monday through Sunday non-harvest; and 6 a.m. to 10 p.m. Monday through Sunday during harvest season, public and VIP tasting room hours are limited to 11 am to 5 pm, industry-wide events are limited to the tasting room hours of 11 am to 5 pm, the winery is limited to 25 agricultural promotional events per year with a range of guests (10 with 60 guests and 12 with 100 persons, and 3 with 300 guests), the winery is limited to three weddings per year with a maximum of 100 guests, the winery is limited to one play and one concert per year each with 300 maximum guests, and participation in 10 industry-wide events, consisting of a total of 20 event days, any new exterior lighting must be approved by the Design Review Committee and new

exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated. Arata Lane and Hillview Road are adequate to support the use with traffic generated by events during non-peak hours, the larger weddings, the play, and the concert are limited to 300 guests and the agricultural promotional events are limited in frequency and maximum guests ranging from 60 to 100 guests, and would be conducted during weekend daytime hours. The traffic generated by the winery uses would be divided between Hillview Road to be used for all winery production traffic and Windsor Oaks Road to be used for all employee and guest traffic. The proposed increase in winery production, the tasting rooms, and the events have been found consistent with the existing Conservation Easement provided the uses take place the appropriate designated area. The project site is large enough to accommodate all on-site parking needs and at least four parking attendants will be used to assist with parking guest vehicles during events. Prior to initiation of the use, bicycle racks with a minimum of five bicycle parking spaces shall be installed in the parking lot area.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Conditions of Approval
EXHIBIT B: Use Permit Application
EXHIBIT C: Proposal Statement
EXHIBIT D: Event Matrix
EXHIBIT E: Industry wide events letter
EXHIBIT F: Preliminary Engineering and Planning Data, prepared by Steve Martin & Assoc.
EXHIBIT G: Vicinity Map
EXHIBIT H: General Plan Land Use Map
EXHIBIT I: Zoning Map
EXHIBIT J: Aerial Plan
EXHIBIT K: Overall Site Plan
EXHIBIT L: Phase I Detailed Winery Facility Site Plan
EXHIBIT M: Phase II Detailed Winery Facility Site Plan
EXHIBIT N: Phase II Stormwater Mitigation Plan
EXHIBIT O Phase I Floor Plan (2)
EXHIBIT P: Phase I Winery Building Elevation Plan
EXHIBIT Q: Phase II Winery Building Floor Plans - Phase II
EXHIBIT R: Phase II Winery Building Floor Plans
EXHIBIT S: Phase II Winery Building Elevation Plan
EXHIBIT T: Preliminary Landscape Plan for Phase II
EXHIBIT U: Consistency Letters from the SCAPOSD (2)
EXHIBIT V: Conservation Easement Exhibit by SCAPOSD
EXHIBIT W: Letters of Opposition and Petition from Neighbors
EXHIBIT X: Site Photo Rendering
EXHIBIT Y: DRC Action Sheet, dated May 2013
EXHIBIT Z Preliminary Improvement Plans and photo renderings for Windsor Oaks Road
EXHIBIT AA Traffic Study Addendum Letter prepared by W-Trans, dated October 9, 2013
EXHIBIT BB: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration with attachments and full size maps (if applicable)

Draft Conditions of Approval

Date: October 17, 2013 **File No.:** PLP12-0009
Applicant: Windsor Oaks Associates LP **APN:** APN: 086-100-016 and 161-020-043
Address: 10810 Hillview Road, Windsor

Project Description: Request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 30 agricultural promotional events per year with a maximum range of guests to include: 10 events with 60 guests, 12 events with 100 guests, and 3 events with 300 guests, three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total of 20 annual event days with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administration offices, hospitality areas, public tasting, VIP tasting areas, and a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard. The project site is not under a Williamson Act contract.

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,206.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.
5. If a wine cave is proposed in the future for storage or for private/public assembly, a modification of the Use Permit shall be required. Any wine cave used for guided tours or public/private assembly shall comply with the model California Codes including, but not limited to exiting, fire suppression, lighting and accessibility regulations.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

6. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

7. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
8. A Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
9. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

10. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for special events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100% percent of the wastewater flow from an event with 300 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

11. Application for amended wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
12. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.
13. If in the future a wine cave is proposed, the Use Permit will need to be modified and sewage disposal system(s) shall be evaluated relative to the location of any proposed wine cave(s). If the floor of the wine cave(s) are lower than any wastewater disposal field or septic tanks, a minimum 50-foot setback from any tanks, sumps, and septic disposal field shall be maintained.

Consumer Protection:

14. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope and frequency specified under the Planning conditions in this Use Permit.
15. If the project will operate under a Wine Tasting Room Exemption, the exemption requires:
 - a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
 - b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
 - c. Note that this Use Permit requires that all flooring, counter tops, restrooms and sinks in the food service area shall be built to CalCode standards in an effort to minimize the need for replacement when a small change in the menu triggers the need for a Food Facility permit.

Vector Control:

16. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma

Mosquito and Vector Control District.

BUILDING:

Solid Waste:

17. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

PRIOR TO OCCUPANCY:

Water:

18. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

19. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
20. A safe, potable water supply shall be provided and maintained.
21. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
22. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.
23. Any new or replacement water well(s) drilled to supply the project described under this Use Permit shall meet a minimum 150-foot setback from the project site's property line boundaries.

Septic:

24. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
25. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
26. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation

and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

27. When permitted Industry-wide events exceed 300 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
- a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
 - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
 - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
 - e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
 - f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the special event and at future special events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.
 - ii) Toilet paper is promptly replaced when the dispenser runs out.
 - iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
 - iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
 - v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

28. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

29. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and special event activities approved in

this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6565 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6565 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

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

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

30. Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 a.m. to 10:00 p.m.).
31. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Smoking:

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

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

GRADING AND STORM WATER:

"The conditions below have been satisfied BY _____ DATE _____

34. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
35. A separate grading permit is required for the new proposed entrance road, Windsor Oaks Road, from Arata Lane.
36. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading permit application and with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
37. The new entrance road from Arata Lane, Windsor Oaks Road, to the proposed project shown on parcel 161-020-043 is subject to storm water Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the proposed development shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading permit application or with improvement plans, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
38. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria and the Windsor Area Master Drainage. Drainage improvements shall be shown on the grading plans for on-site work and the improvement plans for off-site work, and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
39. The applicant shall provide grading plans and improvement plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.

40. As part of the grading plans and improvement plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
41. Residue or polluted runoff from crush pads or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
42. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
43. All structures requiring a building permit or an agricultural exemption shall adhere to a building setback line measured, from the toe of the stream bank outward, a distance of 2.5 times the height of the stream bank plus 30 feet, or 30 feet outward from the top of the stream bank, whichever distance is greater. If the top of the stream bank cannot be determined by visual analysis, then the building setback line shall be determined by hydraulic analysis.
44. Grading and land disturbance shall be set back from streams a minimum of 25 feet from the top of stream bank.
45. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading plans and improvement plans.
46. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading and/or improvement plans.
47. The proposed project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

48. This proposal impacts a road under State of California jurisdiction. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right-of-way.
49. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to Arata Lane shall conform to AASHTO recommendations. More specifically, the Applicant shall construct a driveway meeting the following criteria:

- a. A minimum paved throat width of 24 feet;
 - b. Entrance curves having a minimum pavement radius of 25 feet;
 - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on River Road.
 - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/const_std/).
 - e. The entrance improvements shall be in place prior to commencement of the approved activity.
50. The Applicant shall pave the existing driveway for a distance of 25 feet north from the gate at the end of Hillview Road. Driveway runoff shall be diverted to the edges of the pavement to reduce the amount of material that is carried from the site to the public road.
51. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
52. The Applicant shall implement measures that keep winery-related traffic volume on Hillview Road at the current level. A project-related increase in Hillview Road traffic is subject to the improvement of Hillview Road at the Arata Lane intersection.
53. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
54. Improvement of the private road connection to Arata Lane is subject to an encroachment permit issued by the Town Of Windsor.

TOWN OF WINDSOR:

55. Prior to preparing improvement plans for the private road connection to Arata Lane, the applicant and/or applicant's engineer will need to meet with the Town of Windsor staff to discuss the Town's plan and project requirements and to go over the Town's review and approval process.
56. Information shown on the preliminary site development plans shall not be construed as accepted or meeting Town standards and requirements and is subject to review and approval during the plan review process.
57. Prior to performing any work within the Arata Lane public right-of-way, an encroachment permit will be required from the Town of Windsor. All permit, plan check and inspection fees will need to be paid to the Town of Windsor (Public Works Department) prior to issuance of an encroachment permit.
58. Improvement plans must be approved and signed by the Town Engineer prior to issuance of an Encroachment Permit.
59. All design and construction within the Town of Windsor shall conform to the latest edition of the Town of Windsor Design and Construction Standards and Caltrans, AASHTO and other applicable codes, standards, guidelines and specifications.

60. Deviations from Town Standards and applicable Code requirements shall be approved by the Town Engineer. The applicant's engineer shall request all design exceptions in writing.
61. Public improvement drawings shall be drafted in the Town approved sheet format. AutoCAD drawing files can be found on the Town's website, (townofwindsor.com).
62. All existing and proposed rights-of-way and easements shall be clearly identified on the design drawings. Where the project is adjacent to the Town Boundary, the Town Boundary shall be clearly shown.
63. As the projects only access is off of Town streets, it is required by the Board of Zoning Adjustments that the applicant pay into the Town's Traffic Impact Fee an amount based upon the project generated 7 P.M. peak hour trips at the current rate in effect at the time of payment.
64. Prior to issuance of a Sonoma County Building Permit, the applicant shall submit written verification from the Town of Windsor that the Town's Traffic Impact Fees have been paid in full.
65. In the event that the Town is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.
66. In the event that the Town elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the Town, deposit with the Town, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

Road Improvements:

67. The Hillview Road entry and new driveway entry shall be paved or chip sealed, or other approved alternative, for a minimum distance of 100' from Arata Lane to prevent tracking of unsuitable materials into Arata Lane during ingress and egress to the proposed winery expansion and new tasting room.

Grading and Drainage Improvements:

68. The proposed drainage improvements in Arata Lane and all project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Control Design Criteria. Public and private drainage improvements shall be shown on the improvement plans and shall be approved by the Sonoma County Water Agency (SCWA) prior to approval by the Town Engineer.
69. The existing drainage facilities in Arata Lane, within the sphere of influence of Hillview Road and the proposed project driveway, shall be improved to meet the Town's current Design and Construction Standards and SCWA Flood Control Design Criteria. Existing wooden structures shall be replaced with concrete structures to the satisfaction of the Town Engineer.
70. The grading and drainage plan shall clearly show all existing survey monuments and property corners along and in the Arata Lane right-of-way and shall state that they shall be protected and preserved.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

78. Approval for a two-phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 30 agricultural promotional events per year with a range of maximum guests including: 10 events with 60 guests, 12 events with 100 persons, and 3 events with 300 guests, and three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total of 20 annual event days with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administration office, hospitality areas, public tasting, VIP tasting areas, and a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard.

79. Hours of operation are as follows:

- a) Winery: 7 a.m. to 6 p.m., Monday through Sunday non-harvest; and 6 a.m. to 10 p.m., Monday through Sunday during harvest season.
- b) Public and private tasting room hours: 11 am to 5 pm, 7 days a week
- c) Industry-wide events: 11 am to 5 pm (same operating hours as tasting rooms)
- d) Agricultural promotional events, weddings, concert, and play hours: 10 am to 10 pm. Guest shall exit the project site and cleanup starting by at least 9 p.m. to be completed by 10:00 pm.

No overnight accommodations for guests or visitors to reside on the project site is authorized by this Use Permit. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0009. This Use Permit shall supersede all prior Use Permit approvals, including UP 7851.

80. The facility shall not be rented out to third parties for events.

81. Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, May 1, 2013; and any subsequent DRC recommendations. The Design Review Committee must shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration.

Mitigation Monitoring : The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

82. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot lights shall

Storm Water Quality:

71. All design and construction within Arata Lane right-of-way shall meet the requirements of the Town of Windsor, Phase II NPDES Storm Water Management Plan and the 2005 SUSMP Guidelines.

Tree Preservation:

72. Tree preservation requirements within the Town of Windsor shall be shown on the grading and drainage plan or a separate tree preservation plan as approved by the Town Engineer and Planning Director. Tree preservation plan requirements shall conform to the Town's Tree Preservation Ordinance for all work within the Arata Lane right-of-way.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

73. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
74. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
75. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
76. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with Chapter 5 of the 2010 California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification; gate access & key boxes; and fire protection water supplies.
- a. Access roads: Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - b. Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.
 - c. Address numbers: Approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property shall be provided.
 - d. Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.
77. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with Chapter 27 of the 2010 California Fire Code as adopted and amended by Sonoma County Code.

- be full cut-off fixtures and shall not exceed 4 feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
83. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural standards from Title 24 effective October 2005).
84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
 - h. Limit traffic speeds on unpaved access roads to 15 mph.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation and ground cover in disturbed areas as quickly as possible.
85. Pomace is to be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
- a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

86. Any proposed vegetation or signs installed along Arata Lane near Hillview Road or along the new driveway (Windsor Oaks Drive) shall be located so as not to obstruct the visibility of vehicles entering or exiting the project site.
87. Prior to final occupancy of the Phase I development, the applicant shall submit a complete Road Naming Application with PRMD for the access roadway at the intersection of Arata Lane (referred to on the Site Plan as Windsor Oaks Road).
88. Prior to final occupancy of the Phase I development, the winery sign(s) shall direct all guests vehicles to use the new access roadway (Windsor Oaks Road) and direct all truck deliveries to use Hillview Road. Signs shall be installed at the entrance(s) at the intersection(s) Windsor Oaks Road Arata Lane and Hillview Oaks Road/Arata Lane, once approved for design and location by the Department of Transportation and Public Works and Town of Windsor, followed by the Design Review Committee. In addition, all employees, grape haulers and truck drivers related to the winery's operations shall be instructed by winery management to use Hillview Road.
89. During special events, temporary, overflow parking shall be provided along the unpaved areas between the existing vineyards. Temporary signs shall be installed and at least 4 parking attendants shall be on duty during the events directing guest vehicles to designated parking areas. Temporary parking signage shall be removed after the event.
90. Consistent with the existing Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District, the weddings, the concert, and the play are only allowed to be held within the Agricultural Building Area (ABA) which includes the existing winery buildings and surrounding area as designated on the Conservation Easement Map. Such uses are not permitted in the new winery building since it is located outside the Agricultural Building Area (ABA), but is located within the Alternate Building Envelope (ABE).
91. Consistent with the existing Conservation Easement terms, for events held outside the Agricultural Building Area (ABA) guests shall not pay for services such as seminars, all tours, recreational uses, or meals.
92. Prior to final occupancy of the Phase I development, adequate bicycle racks near the entrance to the proposed new winery building shall be installed to be used for public tasting and retail sales. Bicycle racks shall be installed in accordance with Sonoma County Parking Regulations. Required parking is one bicycle parking space be provided for every 5 spaces required for automobiles. Please reference the Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (APBP), which can be found online at the following website; http://www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf. Bicycle parking standards are also provided on pages 19 and 20 of the 2010 Sonoma County Bicycle and Pedestrian Plan, which can be found via the following link; <http://www.sonoma-county.org/prmd/docs/misc/bikeplandraft.pdf>.
93. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
94. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.

95. ~~Two-Year Review.~~ A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
96. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.
97. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
98. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
99. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

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

100. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
101. Prior to building permit Issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091. <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.
102. The applicant shall maintain a minimum of 33 permanent parking spaces on-site to serve the winery and tasting room approved land uses. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. (If affordable or special needs units - Each affordable or special needs unit shall be provided with a covered parking space included in the rental fee.
103. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
104. Staff Training. Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.
105. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. Samples or tastes of pre-prepared packaged food and appetizers featuring local foods and food products offered in conjunction with wine tasting, special events, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, weddings, the play, and the concert. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 - 1) Retail sales of pre-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic

areas.

- 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
106. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
 107. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

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

This Use Permit is approved for phasing of the project development as follows: Phase I development shall be completed within two (2) years after the date of the granting of the Use Permit, after which 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.

Phase I development must be completed prior to the issuance of building permits for the Phase II development. Phase II development shall be completed within five (5) years after the date of the granting of the Use Permit, however, upon a written request by the applicant, prior to the expiration of the five year period, the permit approval may be extended for not more than one (1) year by the 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. after which, the permit for Phase II shall become automatically void and of no further effect.

Planning Application

PJR-001

File#: PA 12-0009

Type of Application:

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Admin Cert. Compliance | <input type="checkbox"/> Design Review Comm./Ind. | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Ag./Timber Preserve | <input type="checkbox"/> Design Review Residential | <input type="checkbox"/> Mobile Home Zoning Permit | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Cert. of Compliance | <input type="checkbox"/> Design Review Signs | <input type="checkbox"/> Ordinance Interpretation | <input type="checkbox"/> Zoning Permit |
| <input type="checkbox"/> Cert. of Modification | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Second Unit Permit | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Coastal Permit | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Specific/Area Plan Amendment | |
| <input type="checkbox"/> Design Review Admin. | <input type="checkbox"/> Major Subdivision | <input checked="" type="checkbox"/> Use Permit | |

Applicant (Contact Person):

Windsor Oaks Associates, LP
 Name 10610
40510 Hillview Road
 Mailing Address
Windsor CA 95492
 City/Town State/Zip
707-433-3810 707-433-3616
 Phone Fax
[Signature] February 16, 2012
 Signature Date

Owner, if other than Applicant:

Same as Applicant
 Name
 Mailing Address
 City/Town State/Zip
 Phone Fax
[Signature] 2/22/12
 Signature Date

Other Persons to be Notified: (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

<u>SMA - Steve Martin, P.E.</u> Name	Name	Name
<u>130 South Main St., Suite 201</u> Mailing Address	Mailing Address	Mailing Address
<u>Sebastopol</u> CA <u>95472</u> City/Town State/Zip	City/Town State/Zip	City/Town State/Zip
<u>Project Manager / Engineer</u> Title	Title	Title
<u>(707) 824-9730</u> <u>(707) 824-9707</u> Phone Fax	Phone Fax	Phone Fax

Project Information:

10510 Hillview Road Windsor
 Address City/Town
APN 086-100-016 471.89 acres
 Assessor's Parcel Number(s) Acreage

Project Description: New phased winery expansion with public tasting, tours and retail sales

Site Served by Public Water? yes no Site Served by Public Sewer? yes no Number of new lots proposed None

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

Planning Area: 3 Supervisorial District: 4 Current Zoning: LIAB-60, G, 30' YOT General Plan Land Use: LIA-60
 Specific Plan: None S.P. Land Use: Needs CEQA Review? yes no

Commercial/Industrial Uses: (Enter numbers where applicable)

Bldg. sq ft. Existing: Proposed: 9360 Existing Employees: 10 New Employees: 6

Residential Uses: (Enter numbers where applicable)

New Single-Family Homes: New Multi-Family Units: New Second Units:
 New Manufactured Homes: New Units For Sale: New Units For Rent: Density Bonus Units:

Violation? yes no; Application resolve planning violation? yes no; Penalty applicable? yes no; Civil Penalty Factor:

Previous Files: UPA 785 Use Permit, ZPE 05-0283

Application accepted by [Signature] Date 2-23-12

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue ❖ Santa Rosa, CA 95403-2829 ❖ (707) 565-1900 ❖ Fax (707) 565-1103

C:\Documents and Settings\President\My Documents\Indemnification\Agreement\Permit\Application\021612.doc

** SR = Scenic Landscape Unit / Zone 3 Water Availability
 Not in a Williamson Act Contract*

F.P 12-0009

USE PERMIT – SUPPLEMENTAL APPLICATION INFORMATION

Existing site characteristics:

Existing use of property: Vineyard and residence Acreage: 471.89 acres

Proximity to creeks, waterways, and impoundment areas: 300' +/-

Vegetation on site: Vineyard

General Topography: Varies, sloping (5%-30%)

Surrounding uses to North: agriculture South: vineyards

East: agriculture West: agriculture

New buildings proposed (size, height, type): Phase I will include an interior remodel of 2,000 SF within the existing 12,600 SF winery warehouse building. The new space will include a tasting room, conference and VIP room, offices, tax paid room, restrooms and exterior deck. Phase II will include a new 8,360 SF winery building (4,830 SF – 1st Floor, 3,550 SF 2nd Floor) with a 480 entry canopy nestled into the hillside vineyard with a detached 600 SF mechanical building. The building will have barrel storage, technical tasting, hospitality and restrooms on the 1st floor. The 2nd floor includes administration spaces, restrooms, tasting room, VIP tasting area, kitchen and related hospitality areas.

Number of employees (total): Phase I – Existing: 7 full-time employees and 3 part-time during non-harvest and 10 full-time employees during harvest and bottling. Phase II winery facility during non-harvest, 10 full-time and 6 part-time employees, with an increase to 16 full-time employees during the harvest season and bottling.

Operating day: Monday–Sunday Hours of operation: 7:00 am–6:00 pm, non-harvest : 6:00 am- 10:00 pm harvest

Number of vehicles per day: 38

Water source: private wells Sewage disposal: onsite septic tank and underground leachfield systems

Provider, if applicable: N/A Provider, if applicable: N/A

Noise generated: Minimal noise generated from crush equipment and compressors

Grading required: Phase II - Cut Max: 2,000 CY Fill Max: 2,000 CY
Fill Area: 0.25 AC Approx. Total Yds: 4,000 CY
Area of Disturbance: 1.0 AC

Vegetation to be removed: Phase II - vineyard

Will proposal require annexation to a district in order to obtain public services?

Yes No

Are there currently any hazardous materials (chemicals, oils, gasoline, etc.) stored, used, or processed on this site?

Yes No

Were there any hazardous materials used, store, or processed on this site?

Yes No

Will the use, storage, or processing of hazardous materials occur on this site in the future if this project is authorized?

Yes No

Additional information: See attached Preliminary Engineering and Planning Data.



Proposed Winery Facility Modification
10510 Hillview Road
Windsor, California

Proposal Statement

Windsor Oaks Winery has been in operation since 1978 (formerly Balverne Winery) producing estate wines in the Russian River appellation. The winery facility is located on a 472 acre parcel on the 710 acre Windsor Oaks Vineyards ranch. The ranch properties are accessed off Hillview Road in Windsor, California. The current Use Permit (UP #7851) allows for 103,000 gallons (43,000 cases) of wine production with no public tastings and retails sales. Wine is currently produced in the two existing winery buildings (5,000 SF & 12,600 SF). The proposed modification to the Use Permit includes an increase in ultimate production to 100,000 cases per year, the addition of public tastings, tours and retail sales, and a new winery building primarily for administration, hospitality and barrel storage. For marketing of our wines, we are requesting 30 special events per year (10 @ 60 persons, 15 @ 100 persons and 5 @ 300 person maximum) and participation in County-wide industry related events. Our wine will continue to be produced from the 230 acres of vineyard on site and local Sonoma County vineyards. Windsor Oaks is an owner-operated winery dedicated to the production of ultra-premium wines.

The proposed Windsor Oaks Winery expansion is planned to be in two Phases. Phase I will include an interior remodel of 2,000 SF within the existing 12,600 SF winery warehouse building. The new space will include a tasting room, conference and VIP room, offices, tax paid room, restrooms and exterior deck. Related infrastructure improvements for Phase I will include paving of the existing parking area, ADA accessibility paths and lift, sanitary wastewater septic system expansion, an improved existing entrance on Arata Lane and a new driveway along the southeast portion of the property for public access. Employee vehicle and production truck traffic to the winery will continue to be along Hillview Road. Since Phase I is utilizing an existing structure on the property, there will be no change in the aesthetics of the area.

Phase II will include a new 8,360 SF winery building (4,830 SF – 1st Floor, 3,550 SF 2nd Floor) with a 480 entry canopy nestled into the hillside vineyard with a detached 600 SF mechanical building. The building will have barrel storage, technical tasting, hospitality and restrooms on the 1st floor. The 2nd floor includes administration spaces, restrooms, tasting room, VIP tasting area, kitchen and related hospitality areas. The Phase II winery building will be approximately 3250' from Hillview Road, 6800' from the centerline of Arata Lane, and approximately 3100' from the nearest existing residence (and not visible). The building will be minimally visible from public roads (over 1.5 miles) and neighboring parcels. The new winery building will reflect a French Country architecture blending with the surrounding vineyards and natural landscape. Infrastructure improvements for Phase II will include a new access driveway from the existing main road, paved parking area, sanitary wastewater pressure distribution leach field system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.

The winery currently maintains a staff of 7 full-time and 3 part-time employees during non-harvest and 10 full-time during harvest. For Phase I, there is no planned increase in employees. To support the existing operation and the proposed Phase II winery expansion, we anticipate maintaining a staff of 10 full-time and 6 part-time employees, with an increase to 16 full-time employees during the harvest season and bottling. Phase I visitors are anticipated to be on the order of 15 for an average day and 30 for a weekend day. Phase II visitors are projected to be on the order of 30 for an average day and 80 for a peak day. Operating hours shall be 7 AM to 6 PM Monday through Sunday off harvest and 6 AM to 10 PM Monday through Sunday during harvest season.

It is our intention to continue the quiet wine making operation while allowing the public to taste our wines and experience the beauty of the property. For over 30 years, the property has produced world class wines and supported the local agriculture and economy.



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SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

November 14, 2012

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Received 12/8/2012
PRMD (H)

Attn: Traci Tesconi

Re: Windsor Oaks Winery
PLP12-0009
APN 086-100-016
Project No. 2011009

Dear Traci

The purpose of this letter is to provide you further description of the requested events in the Use Permit Modification application (PLP12-0009) for Windsor Oaks Winery. As you are aware, the project impacts from the events have been analyzed in the supporting engineering data and traffic study included with the original application submitted in February 2012.

As indicated in the application Proposal Statement, Windsor Oaks is requesting 30 wine marketing events with the following breakdown:

- 10 @ 60 persons
- 15 @ 100 persons
- 5 @ 300 person maximum.

The above events are projected to occur as follows:

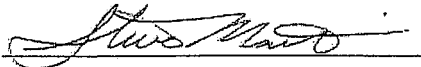
<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time</u> <u>Period</u>	<u>Attendees</u> <u>(maximum)</u>
National Wine Distributor Tastings & Lunch	5	January - December	60
Wine Distributors Tastings & Dinner	3	January - December	60
Holiday Open House	1	December	60
Chef Tastings & Dinner	1	January - December	60
Harvest Party	1	October - November	100
Wine Club Member's Event ¹	8	March - October	100
Wine Club Member's Pick-up Event	3	March - October	100
Weddings	3	March - October	100
Hospitality Events ²	5	March - October	300

Notes

1. Wine Club Member events include Tour De Cru (a mountain bike ride with tasting & box lunch after), Vineyard Tour (drive through vineyards with tasting after), Barrel Tasting Day, and other marketing activities to support and build the Wine Club list.
2. These events may include a vintner association lunch and seminar, a small concert at the winery, "Sideways" Play, or other hospitality event for the promotion of the wines.

I trust the above information provides additional description of the planned marketing events requested with the Use Permit Modification application. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Gary Finnan

Traci Tesconi

From: Steve Martin [steve@smassociates.net]
Sent: Thursday, August 22, 2013 2:35 PM
To: Traci Tesconi
Subject: Windsor Oaks PLP12-0009

Traci,

As discussed regarding the Industry Events, Windsor Oaks plans to participate in 10 industry-wide events of 2 days per each event for a total of 20 event days.

Let me know if you have other questions.

Thanks,
Steve

Steve Martin, P.E.

SMA
130 South Main Street, Suite 201
Sebastopol, CA

707-824-9730
707-824-9707 (fax)
steve@SMAssociates.net

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WINDSOR OAKS WINERY
Sonoma County, CA

PROPOSED WINERY FACILITY MODIFICATION

PRELIMINARY ENGINEERING AND PLANNING DATA

In order to verify the suitability of the site for the proposed winery, an initial investigation of various relevant aspects of the existing property was performed. The following items were, or are in the process of being evaluated:

A. Sonoma County Planning Department

Preliminary discussions were held with Sonoma County PRMD to determine existing zoning and General Plan requirements and conformity for the proposed winery development project. Related potential project impacts and the suitability of the site for the phased winery expansion were reviewed.

B. Property Information

1. Zoning –The parcel is zoned LIA B6 60, G SR VOH and the land use is LIA60. The parcel is located at the end of Hillview Road off Arata Lane in Windsor and is within a Scenic Reserve area. The Sonoma County Zoning Ordinance includes wineries as a permitted use upon grant of a Use Permit.
2. The following documents were obtained and reviewed for restrictions and conflicts:
 - a. Assessor's Parcel Map. APN 086-100-16
 - b. Preliminary Title ReportNo conflicts with the General Plan were noted. The proposed project is in Supervisorial District 4.
3. Topographic Mapping – Field surveying and topographic mapping of the subject property and proposed development areas was performed in 2003 by Jackson & Associates of Santa Rosa, CA. The resulting information is used on the attached Overall Site Plan, Site Plans and Preliminary Grading & Stormwater Mitigation Plan. Topographic mapping will be utilized for engineering design purposes, with additional supplemental fieldwork if necessary.

C. Environmental Information and related Engineering Data

1. **Aeshetics** (Visual) – Phase I will include an interior remodel of a portion of the existing winery warehouse building to a tasting room and hospitality use. Since Phase I is utilizing an existing structure on the property, there will be no change in the aesthetics of the area. Phase II includes the addition of a new winery building primarily for administration, hospitality and barrel storage south of the existing winery facility. Phase II building will reflect a French Country architecture blending with the surrounding vineyards and natural landscape. The new building will be located approximately 3250' from Hillview Road, 6800' from the centerline of Arata Lane, and approximately 3100' from the nearest existing

residence (and not visible). The Phase II winery building will be nestled in the hillside vineyards and minimally visible from public roads (over 1.5 miles) and neighboring parcels. To further minimize visual impacts, the barrel storage room in the new building will be subterranean. The new winery building will may be subject to approval by the Design Review Committee.

All buildings will minimize glare from windows and all exterior lighting will be shielded and directed downward.

2. Agricultural Resources

E AGRICULTURAL RESOURCES ELEMENT

2.0 GOALS AND POLICIES RELATED TO AGRICULTURE

2.1 ASSIST IN THE MARKETING AND PROMOTING OF SONOMA COUNTY'S AGRICULTURAL PRODUCTS

Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses.

This element shall establish policies that will assist in promoting and marketing agricultural products grown or processed in Sonoma County.

Goal AR-1: Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.

Objective AR-1.2: Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use.

2.5 REGULATE THE LOCATION AND INTENSITY OF AGRICULTURE RELATED COMMERCIAL AND INDUSTRIAL USES IN AGRICULTURAL AREAS

Objective AR-5.1: Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land-use categories.

Policy AR-5e: Local concentrations of any commercial or industrial uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided.

Policy AR-5f: Permit storage facilities for agricultural products either grown or processed on the site. Size the facilities according to the processing operation.

3. **Air Quality** – Emissions from traffic accessing the winery site will be below the Bay Area Air Quality Management District Criteria ("BAAQMD") and will not obstruct the implementation of the applicable air quality plan. The Winery Trip Generation, estimated by using the average daily trips (ADT) generated by the proposed ultimate project, is estimated at 38 net new trips. For reference, the average daily trips generated by the creation of one new residence is approximately 10 one-way trips per day. The BAAQMD CEQA guidelines do not recommend further analysis of vehicle emissions if the amount of new traffic generated would be less than 2,000 vehicles per day.

The existing hot water boiler generates annual hot water volume equivalent to three 3-bedroom residences. Process wastewater (PW) from the facility is currently screened and then pumped to aeration ponds for aerobic treatment. The reclaimed wastewater is discharged to the existing vineyard via drip irrigation. No physical change in the existing PW system is proposed. Pomace is spread and decomposed within the vineyard. Sanitary sewage is currently treated in existing septic tanks and disposed of in the existing onsite standard leachfield system. A new subsurface pressure distribution system is planned for the Phase II building. Consequently, odors associated with wastewater treatment will not be present.

Biological Resources – Phase I improvements will be housed in the existing winery buildings, and hence will have no impact on biological resources. The new Phase II winery building will be greater than 1600' away from the nearest pond and 690' away from the nearest unnamed ephemeral creek. Creeks, ponds and waterways will not be impacted by the Phase II winery development.

The California Natural Diversity Database indicated that no endangered plants are present on the property.

Since the winery development will involve utilization of existing buildings for Phase I and the Phase II building will be located in the existing vineyard, no vegetation removal will occur with the winery development with exception to planted vines.

There are no identified wetlands within the vicinity of the proposed project area.

The project is not located within an area subject to a local, regional, or state habitat conservation plan.

4. **Cultural Resources** (Archeology and Historic) – A cultural resources survey was conducted for the project by Tom Origer & Associates in compliance with CEQA guidelines Sonoma County Permit & Resource Management Department. The study included archival research at the Northwest Information Center, Sonoma State University (NWIC File No. 11-0849), examination of the library and files of ARS, surface reconnaissance of the project area, contact with the Native American Heritage Commission for listed Sacred Lands File, and letter requests of comment to the local Native American tribes. Conclusions of the report indicated that no cultural resources were identified within the study area. In addition, no resource-specific recommendations are warranted.
5. **Geology and Soils** – The project is not known to be located in a geologically sensitive area or zone, however, a complete geotechnical investigation and report will later be prepared and utilized for engineering design purposes on the Phase II development.
6. **Hazards and Hazardous Materials** (Winery Chemicals) – Wine production operations typically involve the use or production of materials classified as "hazardous" in the California Health and Safety Code. These include nitrogen, carbon dioxide and sulfur dioxide gases. County Fire Department regulations require the establishment of a Hazardous Materials Business Plan (HMBP) that specifies the use, quantities, storage, transportation, disposal and upset conditions for hazardous materials in accordance with state and county regulations. A HMBP has been prepared for the existing operation. The HMBP ensures no significant public exposure from the potential use of hazardous materials at the winery site because the winery will include chemical storage and fermentation areas.

There is no active school proposed, or existing, within one-quarter mile of the site.

7. Hydrology and Water Quality

- a. *Water Supply* - Water for process and domestic use and landscape irrigation will be continue to be groundwater-supplied by the existing well which has a 50' concrete seal. The well has been pump tested in accordance with State Water Resources requirements. Fire protection system water will be stored in a dedicated water tank. These systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production.
- b. *Groundwater* - The property is within a "marginal groundwater basin" (Zone 3 classification) per the PRMD Active Map as defined by the Sonoma County General Plan Resource Conservation Map dated December 31, 1998 (Figure RC-2i). The existing well has been tested and demonstrated water yield sufficient to support the proposed winery development expansion (100 gpm). The well has been tested for water quality and meets State Water Resources constituent levels for the related winery use. The project will not substantially deplete groundwater supplies or interfere with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.
- c. *Drainage* - The preliminary drainage concept of the proposed Phase II winery development is indicated on the Preliminary Grading & Storm Water Mitigation Plan. Storm water runoff from the roofs is being outlet to gravel basins for subsurface discharge and reduced post-development runoff. Parking areas are being surfaced with traffic rated turf block to allow for infiltration of precipitation. Drainage improvements to the site as well as erosion/sediment control measures will be supplemented during construction to handle any increases in storm runoff. Final drainage improvements will be designed so that the post-development flows do not exceed the pre-development flows. The winery site and access road are not subject to flooding during a 100-year occurrence.
- d. *Process Wastewater Management* - Process wastewater (PW) from the existing facility is collected in a plumbing system separate from the sanitary wastewater (SW). Initial treatment occurs via gravity screening and final treatment in a three-cell aerated lagoon system. Treated reclaimed wastewater is disposed of via drip irrigation of the existing vineyards. Projected PW flows for the increased production capacity and information on the process wastewater management system is outlined in the Wastewater Feasibility Study. The design will continued to conform to the requirements of the North Coast Regional Water Quality Control Board (RWQCB) and operated under permit with that agency (Order No. 76-170 Waste Discharge Requirements).
- e. *Sanitary Sewage System* - Sanitary sewage will be treated in existing septic tanks and disposed of in the existing onsite standard leachfield system (with expansion). For Phase II, a new pressure distribution leachfield type septic system will be installed. The proposed primary and required 200% expansion leachfield areas are indicated on the Overall Site Plan. Detailed background and preliminary design information on the combined sanitary sewage system is provided in the Wastewater Feasibility Study.

8. **Land Use and Planning** (General Plan) – The Sonoma County Board of Supervisors adopted the new Sonoma County General Plan on September 23, 2008. Relevant excerpts from this document include:

E. LAND-USE ELEMENT

2.7 AGRICULTURAL LAND USE POLICY

2.7.1 Policy for Diverse Agricultural zones

Permitted Uses:

Agricultural Processing: Preparation of agricultural products that are not grown onsite, processing of agricultural products of a type grown or produced primarily onsite or in the local area, storage of agricultural products grown or processed onsite and bottling or canning of agricultural products grown or processed onsite subject at a minimum to the criteria of general plan Policies AR-5e and AR-5f.

Promotional Uses: Tastings and other temporary seasonal or year-round sales and promotional products grown or processed in the county subject to the minimum criteria of general plan policies AR-6d and AR-6g.

Neighbors – Windsor Oaks Winery will be contacting the neighboring property owners for the purpose of informing them of the proposed winery expansion project. The existing winery is located well away from any of the neighbors with the closest residence being approximately 3100 feet from both the existing facility the proposed Phase II building site.

9. **Noise** – Minimal noise is currently generated from the winery facility. The primary noise source from the winery is during harvest. The existing winery buildings are not visible from public roadways and neighboring residences. The crush pad is under a canopy which aids in attenuating noise impacts. Additional low-level noise is generated from motors, refrigeration and process equipment and vehicles. Noise generated from the existing and expanded wine production cannot be heard from neighboring parcels or residences. The period of highest noise occurs during "crush" (August – October).

The winery site is well removed and sheltered from residences on surrounding properties by the existing topography and vineyards.

10. **Population and Housing** – Windsor Oaks Winery will create potentially 4 to 6 new full-time jobs and 6 seasonal jobs with the Phase II development at ultimate production capacity. Based on the current economy and availability of skilled personnel, hiring of existing residents within Sonoma County will most likely occur. Therefore, there should be a minor or no increase in population growth with this project.
11. **Public Services** (Fire District) – Fire protection requirements such as access, water availability and water storage were reviewed. Fire sprinkler system requirements, building materials, etc. were also reviewed. The project will meet or exceed the Fire Standards in Ordinance No. 5370 or the ordinance in effect at the time of construction. The proposed Phase II winery building will have sprinkler systems, a dedicated fire protection water

storage tank and fire pump. The fire protection system tank and pump house are shown on the Overall Site Plan.

A new access road for the public is planned along the 30' strip of land located east of Hillview Road. Improvements to the existing entrance will be constructed for commercial access to the property. The newly improved entrance and tree removal along the road will increase sight distance, safety and conform to Sonoma County Commercial Entrance standards. The Preliminary Entrance Improvement Plan is in agreement with SCTPW guidelines.

12. **Recreation** – The Open Space Element Map of the Sonoma County General Plan (07/01/02) indicates there are no proposed future parks at, or near, the proposed project. The proposed project will not have an adverse impact on existing recreation.
13. **Transportation/Traffic** – The projected traffic and related impacts from the winery are outlined in the accompanying Traffic Impact Study by W-Trans and as described below. With the traffic volumes projected in the study and as indicated below, there will be less-than-significant impacts on the level of service based on the County's standards.

Traffic would consist primarily of the following:

- a. *Employees* – Average employee numbers at Phase II are projected at 10 full time and 6 part time during the non-harvest period and 16 full time during the harvest season.
- b. *Grape Transport* – It is anticipated that the overwhelming majority of the grapes to be processed at the facility will be obtained from onsite vineyards and local vineyards. At ultimate capacity, approximately 1520 tons of grapes will be processed onsite: 800 tons from onsite vineyards and 720 tons from offsite. Grapes will be delivered by a small flatbed truck from offsite vineyards and field trailer from the on-site vineyards.

$$\text{Truck Trips} = \frac{720 \text{ tons}}{8 \text{ tons/truck}} = 90 \text{ trips annually}$$

$$\text{Truck Trips} = 90 \text{ trips} \div 8 \text{ weeks crush} = \underline{11.2 \text{ trucks per week on average}}$$

- c. *Shipping and Receiving* – Minimal casegoods storage will be provided on site; most of the storage and all distribution will be located at a separate warehousing facility. Shipments to the off-site warehousing would be on the order of 96 trips per year. The off-site warehousing facility will allow Windsor Oaks to coordinate casegoods shipments with glass deliveries for more efficient shipping and backhaul capabilities. The facility plans to include on site bottling with a mobile bottling truck.

Truck trips related to shipment off-site is projected as follows:

Use 1,300 cases/truck

$$\text{Truck Trips} = \frac{100,000 \text{ cases/yr}}{1300 \text{ cases/truck trips (80\% eff)}} = 96 \text{ trips/year}$$

$$\text{Truck Trips} = 96 \text{ trips/year} \div 10 \text{ months} = \underline{9.6 \text{ trips/month}} \\ \text{(increase of 5 trips/month)}$$

- d. *Barrel Delivery* – Because the winery will produce an ultra premium product, there will be a 18-24 month barrel program for the red wine program (approximately 50% of production). New barrels would be arriving following the crush for the new vintage year.

$$\text{Truck Trips} = \frac{.50 (100,000 \text{ cases/yr})}{24 \text{ cases/barrel (40 barrels/truck trips)}} = 52 \text{ trips/year}$$

$$\text{Truck Trips} = 52 \text{ trips/6 months} < \underline{9/\text{month}}$$

- e. *Miscellaneous Deliveries* – Deliveries of paper products, miscellaneous winery supplies, etc. are expected to be continue at approximately 5 vehicles per week.
- f. *Visitors* – Public tours and tasting with retail sales are requested under this Use Permit modification. Visitors for Phase I are anticipated to number on the order of 15 per day on weekdays with a peak of 30 per day on weekends. Visitors for Phase II are anticipated to number on the order of 30 per day on weekdays with a peak of 80 per day on weekends.
- g. *Business Visitors* – Business visitors (distributors, marketing personnel, special industry guests, etc.) are anticipated to number 5 per week.
- h. *Other Events* – At ultimate production and full marketing program, Windsor Oaks Winery is projecting a total of ~~20~~₃ marketing events:
- 1) 10 events with up to 60 people during the months of January through February
 - 2) 15 events with up to 100 people during the months of March through October
 - 3) 5 events with up to 300 people during the months of March through October
 - 4) The winery will also participate in countywide industry events annually. No additional traffic to public roads will be generated during the countywide wine events.
- i. *Access* – As indicated on the Overall Site Plan, public access to the winery will be from an improved existing entrance on Arata Lane and a new road along the southeast portion of the property. Employee vehicle and production truck access to the winery will continue to be along Hillview Road.
- j. *Parking* – For Phase I, 15 paved parking spaces and 2 ADA van accessible paved parking spaces will be provided in the area of the existing gravel parking lot for. For Phase II, 16 paved parking spaces will be provided, including two ADA van accessible parking spaces for employees and business visitors. Additional parking for events will be provided around the production facility and along the vineyard roads as shown on the Event Parking Plan.

14. **Utilities and Service Systems** – No new public services will be needed for this project.

- a. *Electrical* – For Phase II, primary electrical power will be supplied off the existing overhead high voltage lines along Arata Lane. The new electrical to the winery building will be routed underground.
- b. *Gas* – Natural gas will be continued to be used at the facility and for the Phase II winery building.
- c. *Sewage* – see Item 7d and & 7e above.
- d. *Solid Waste* – Pomace, seeds and stems will be composted and spread in the vineyard as a soil conditioner and supplemental nutrient source and disked under on a routine basis. Approximately 200 acres of onsite vineyard is available for this use. Normal winery trash, debris and rubbish will be removed by private haulers. Waste glass and cardboard from the winery will be recycled.

Vicinity Map

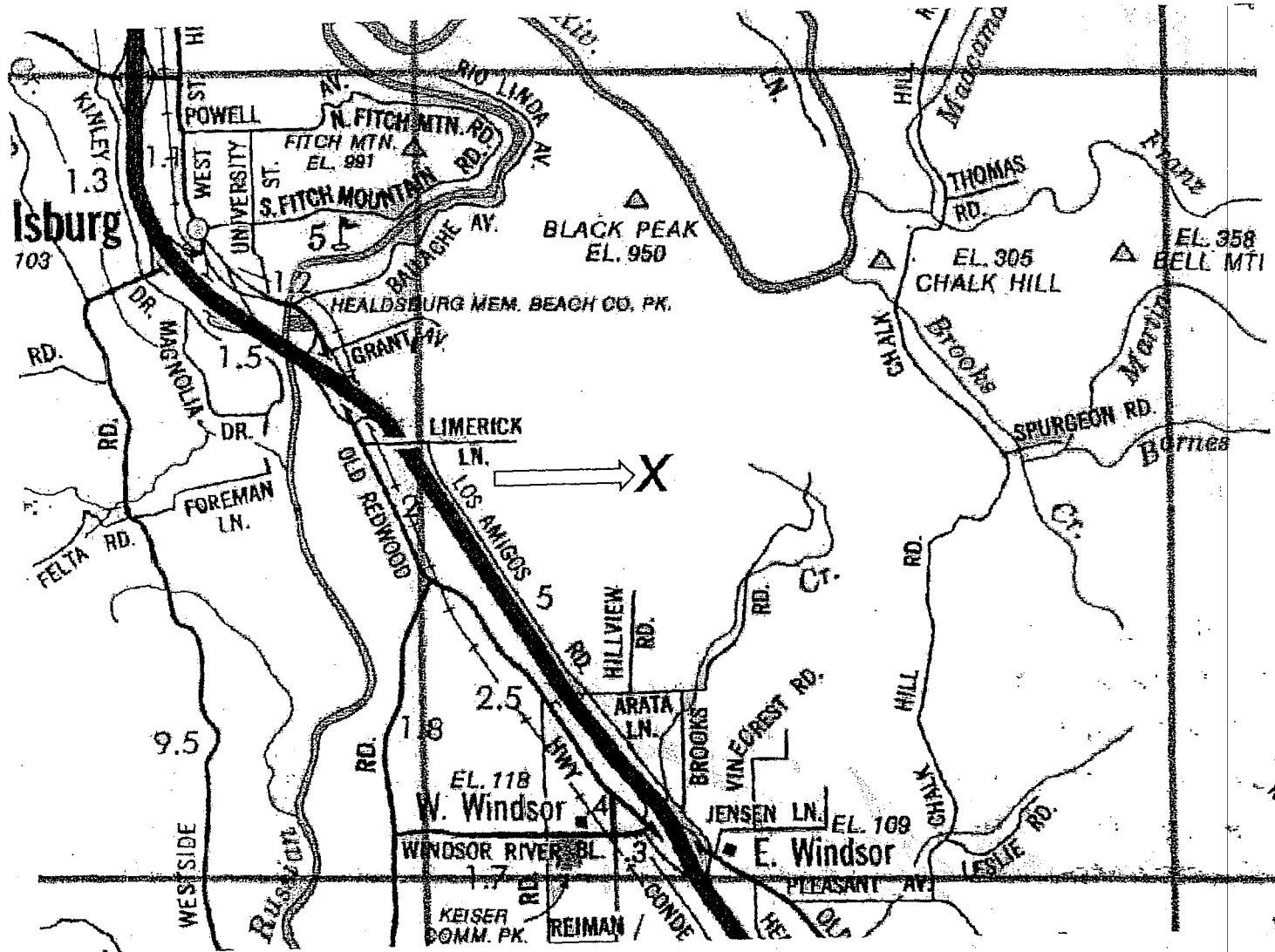
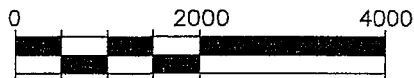
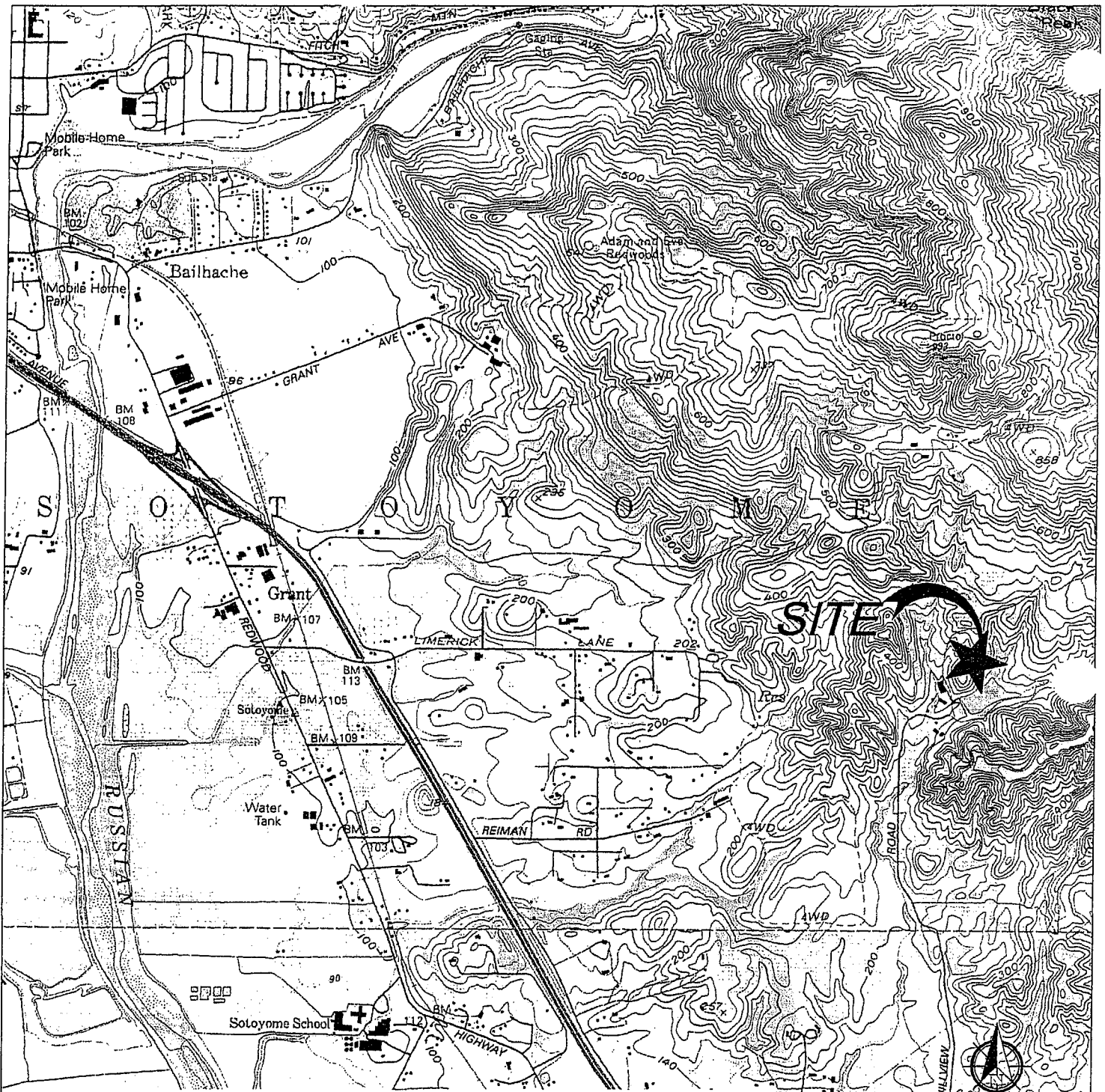


EXHIBIT G



PRMD

Activity #PLP12-0009



GRAPHIC SCALE IN FEET

Scale: 1" = 2000'

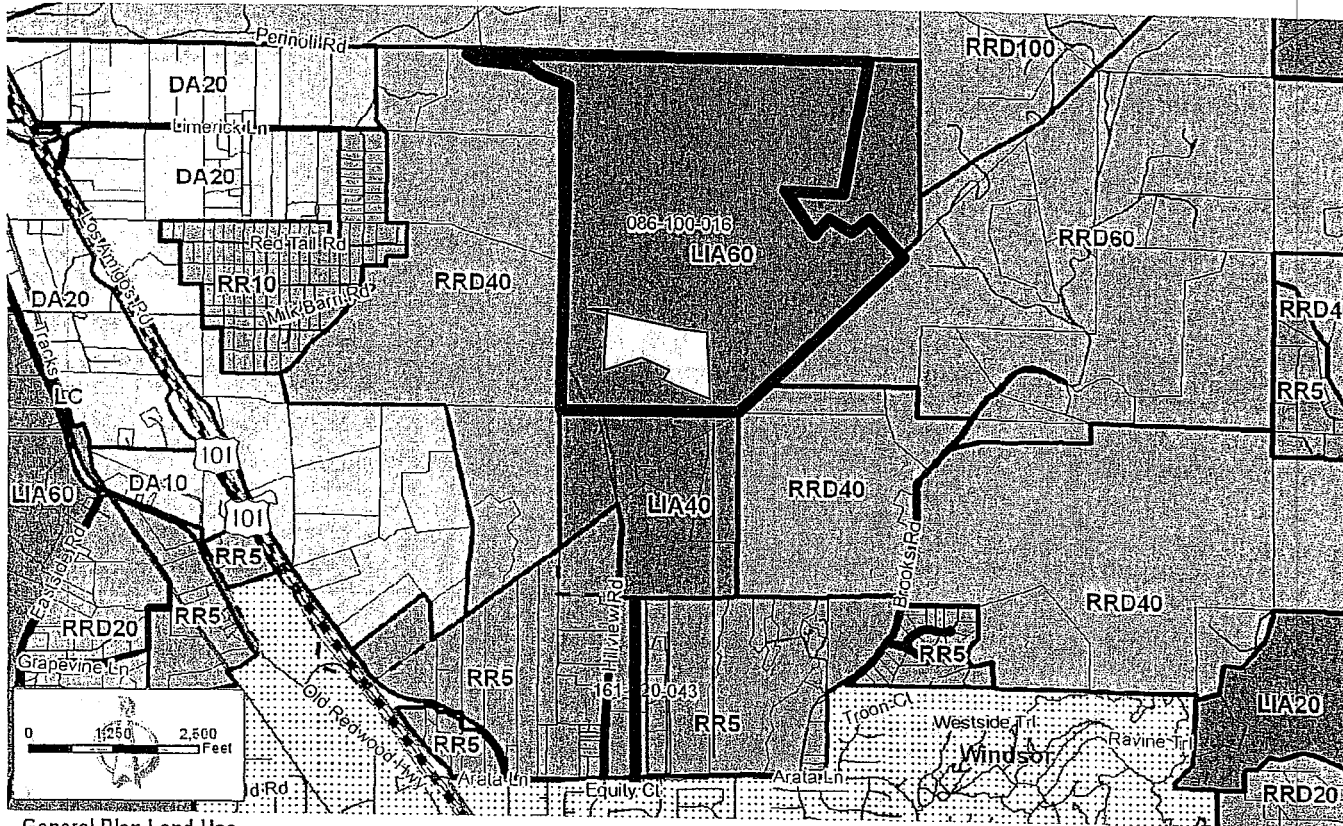
PROJECT LOCATION MAP

SMA
 Steve Martin Associates
 130 South Main Street, Suite No. 201
 Sebastopol, CA 95472
 Office (707) 824-9730, Fax (707) 824-9707
 Website: www.SMAssociates.Net

WINDSOR OAKS WINERY
 10510 Hillview Road
 Windsor, CA 95492
 APN: 086-100-016

SMA 2011-009 01.07.12

General Plan Land Use Map



General Plan Land Use

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resources & Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial

- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi-Public

- Planning Area Policy
- Affordable Housing
- City

Base Map Data

- Coastal Commission Boundary
- Urban Service Area Boundary
- Highways
- Perennial Streams
- Intermittent Streams

Numbers on map indicate maximum density in Acres/Unit except Urban Residential where numbers indicate Units/Acre.

EXHIBIT H

EXHIBIT L-55



PRMD

Activity #PLP12-0009

Zoning Map

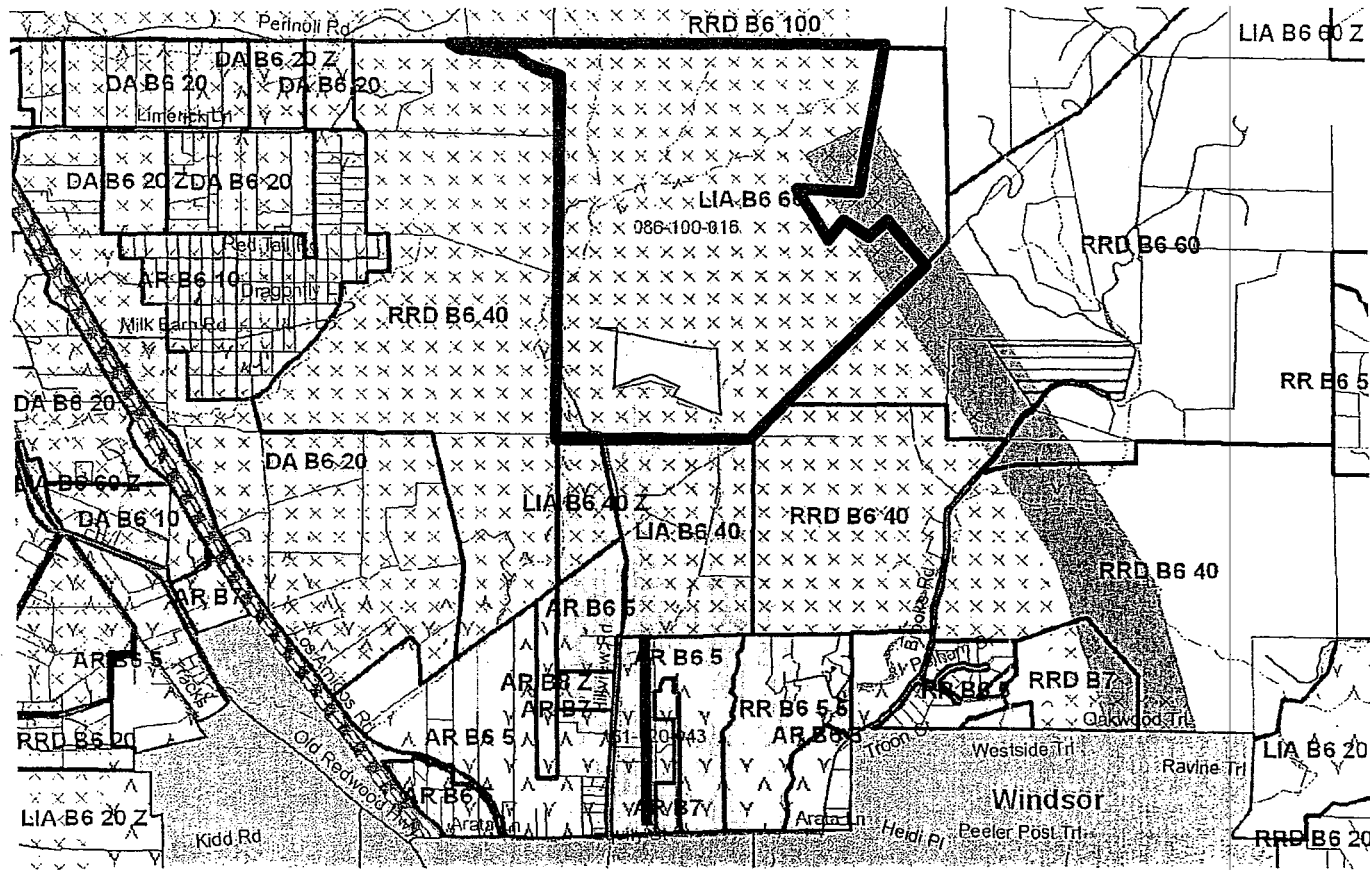
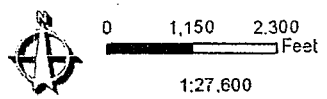


EXHIBIT I

Zoning and Combining Districts



- | | | |
|-----------------------|------------------------|---------------------|
| City Limit | SD Scenic Design | MR Mineral Resource |
| AH Affordable Housing | SR Scenic Resource | G Geologic Hazard |
| LU Policy | VOH Valley Oak Habitat | F1 Floodway |
| HD Historic District | BR Biotic Resource | F2 Floodplain |

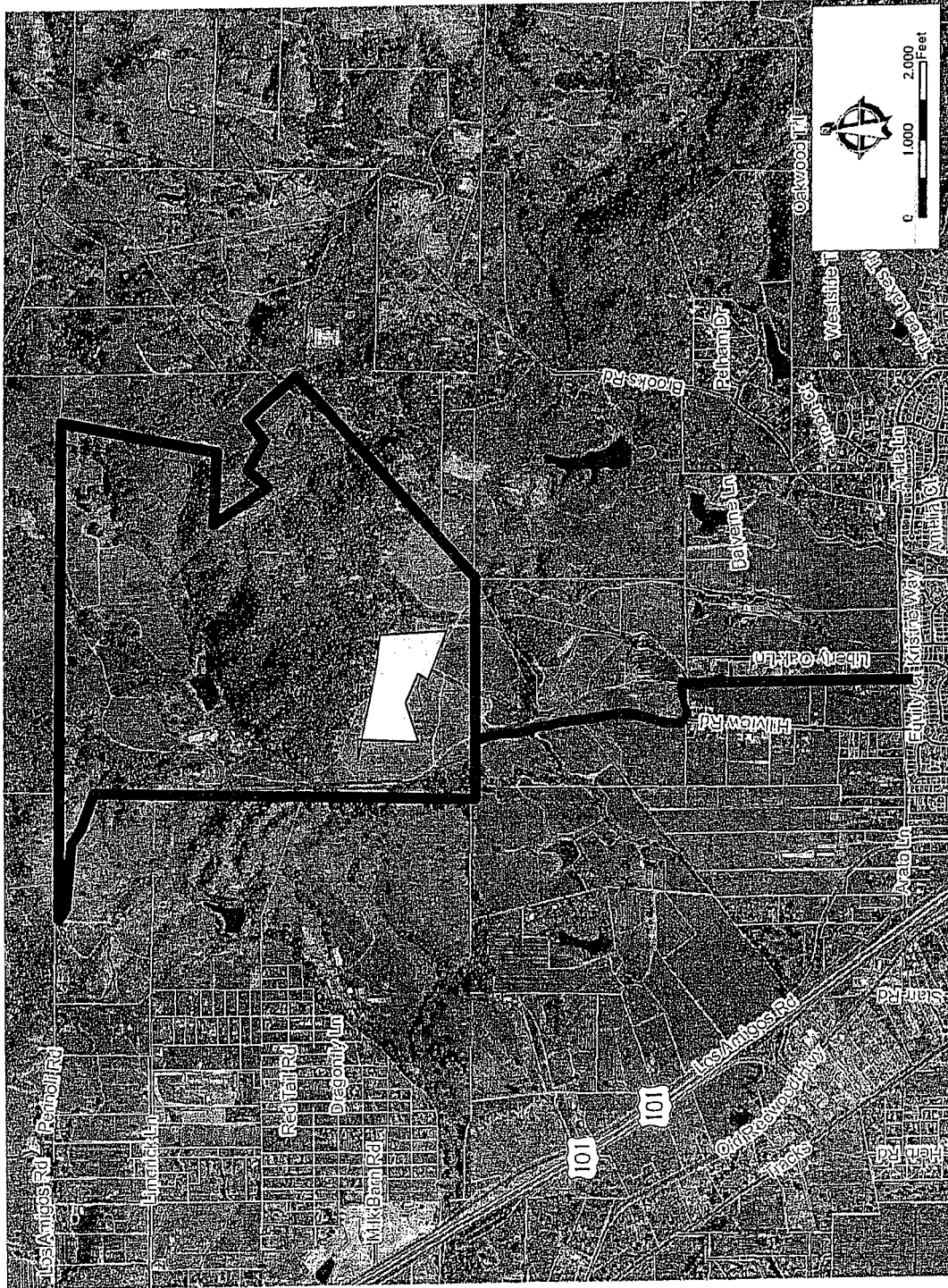


PRMD

Activity #PLP12-0009

EXHIBIT L-56

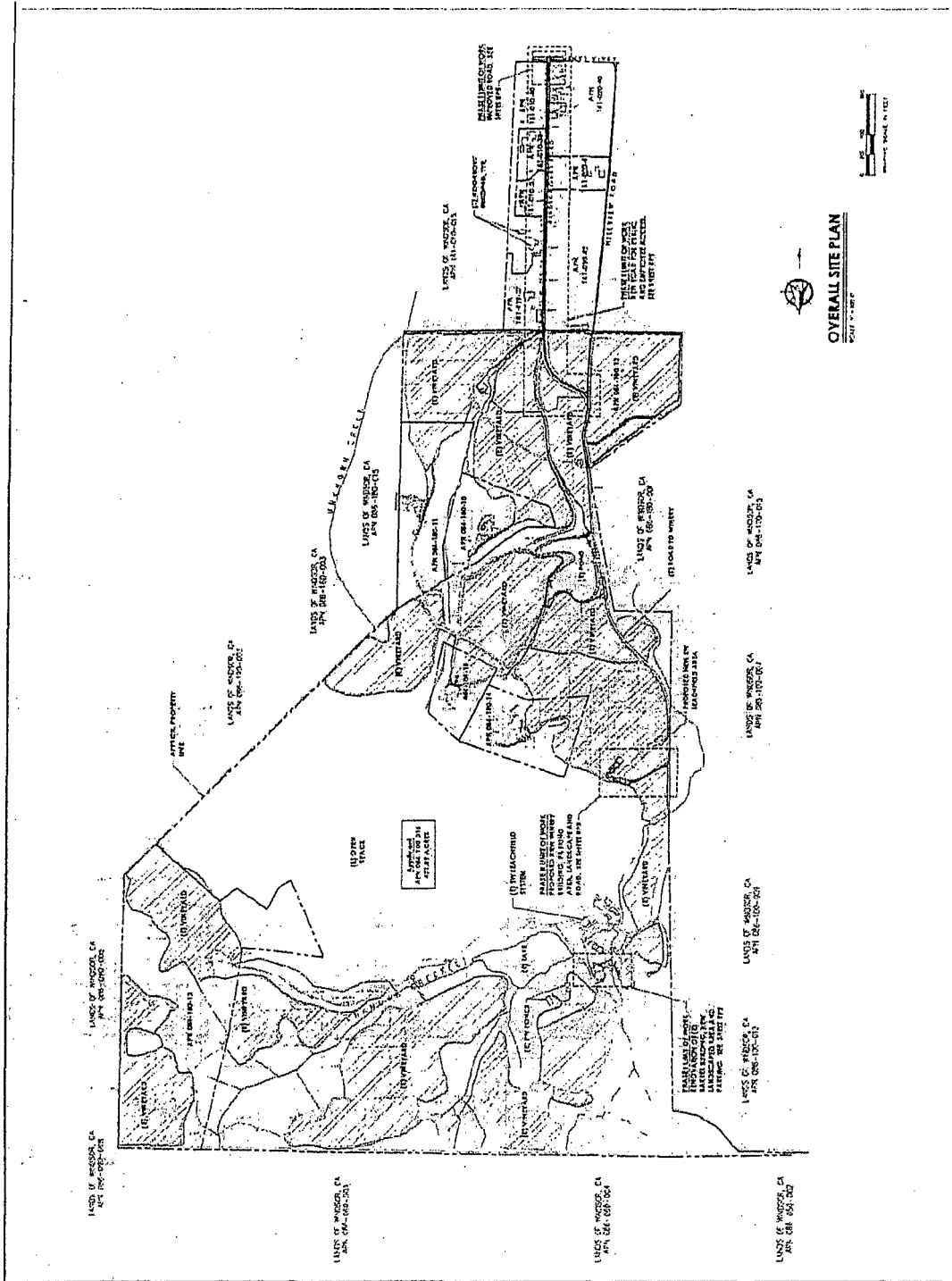
Aerial View



PRMD

Activity #PLP12-0009

Overall Site Plan



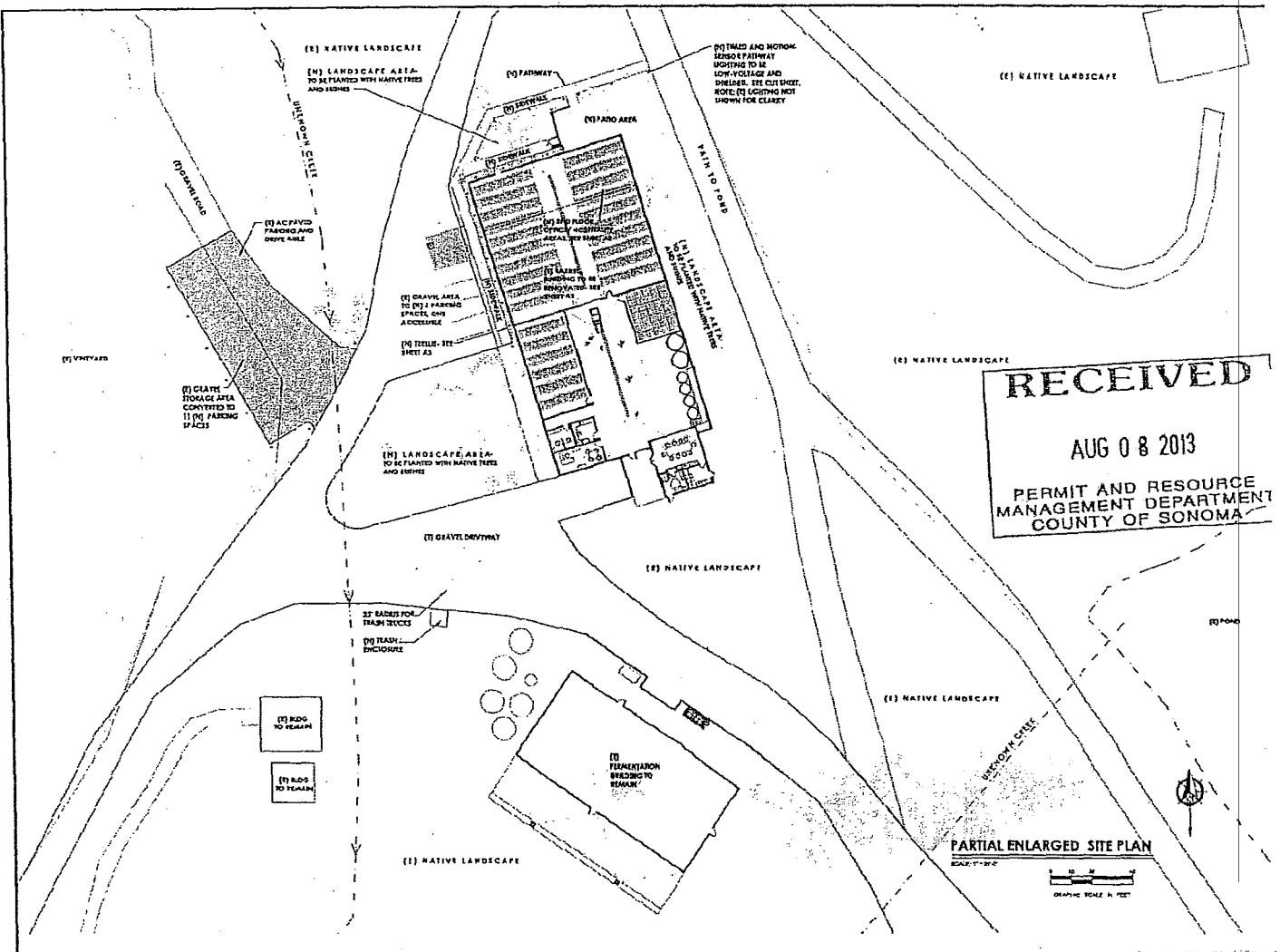
Activity #PLP12-0009



EXHIBIT K

EXHIBIT L-58

Enlarged Site Plan – Phase I



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 MANAGEMENT DEPARTMENT
 COUNTY OF SONOMA

PARTIAL ENLARGED SITE PLAN



EXHIBIT L

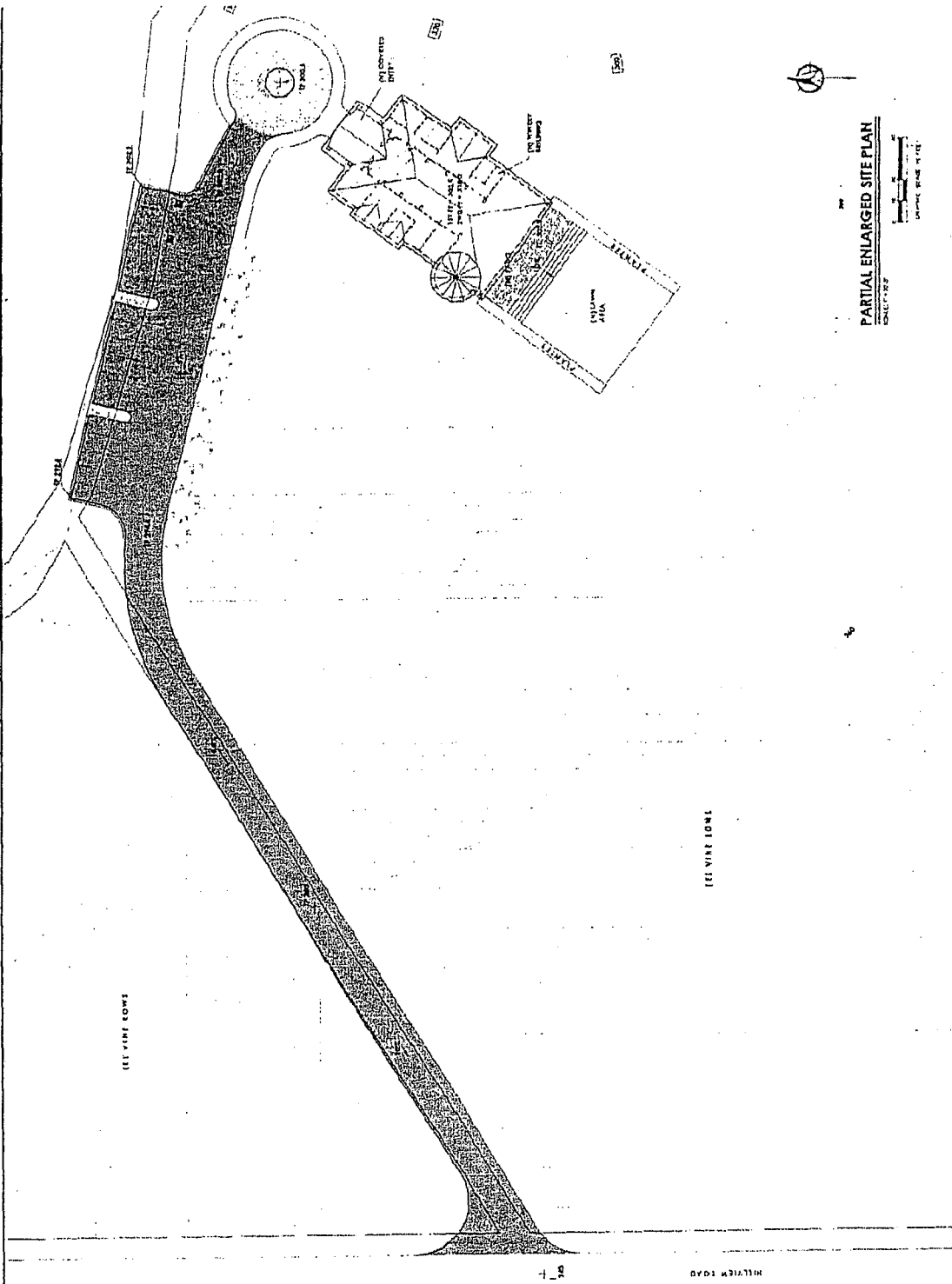
EXHIBIT L-59



PRMD

Activity #PLP12-0009

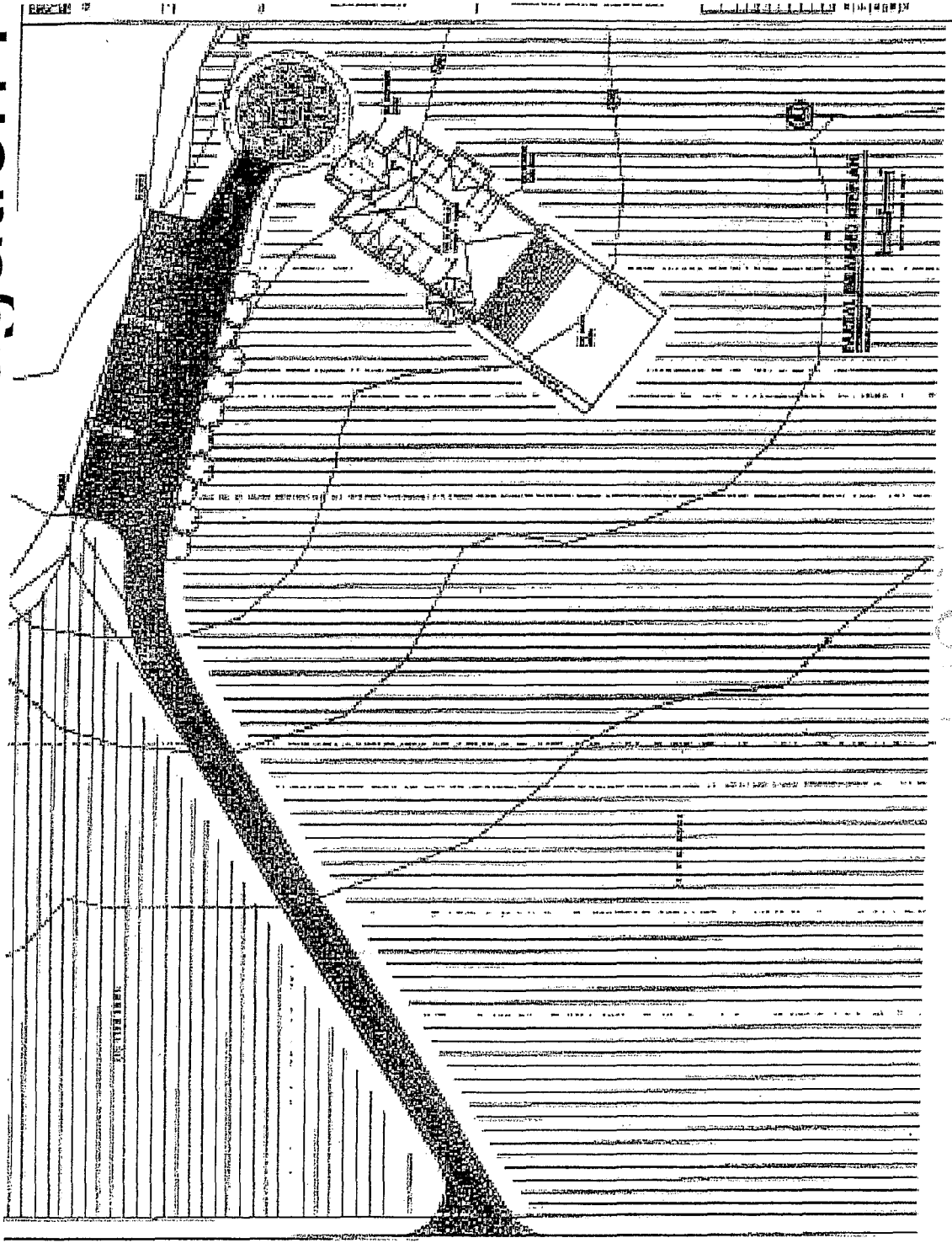
Enlarged Site Plan - Phase II



PRMD

Activity #PLP12-0009

Phase II Stormwater Mitigation Plan

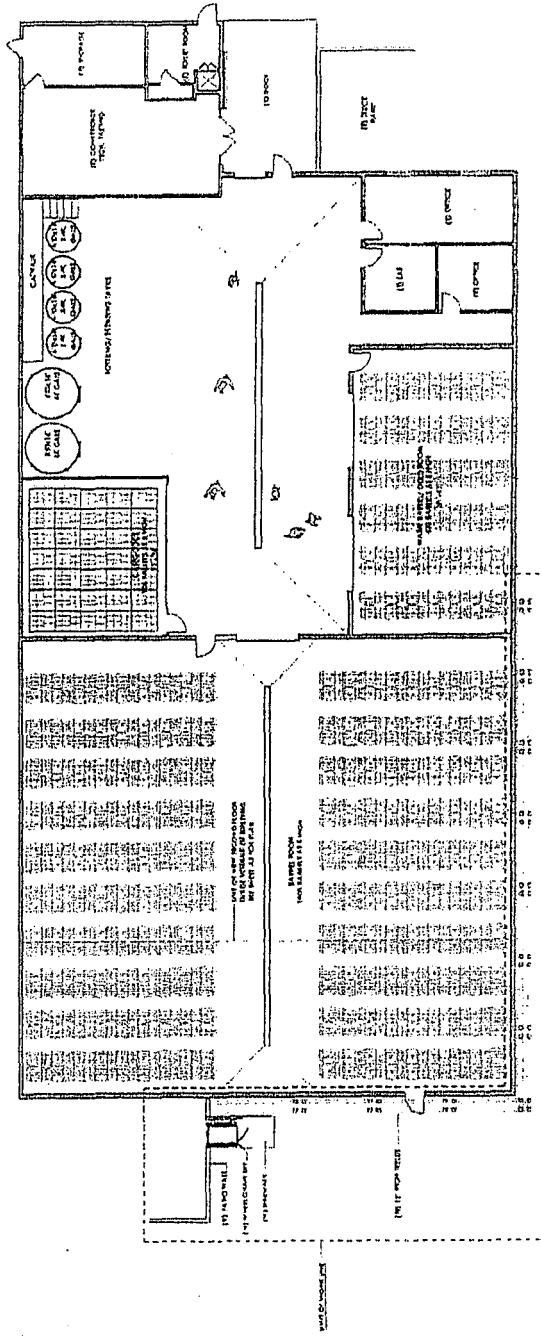


PRMD

Activity #PLP12-0009

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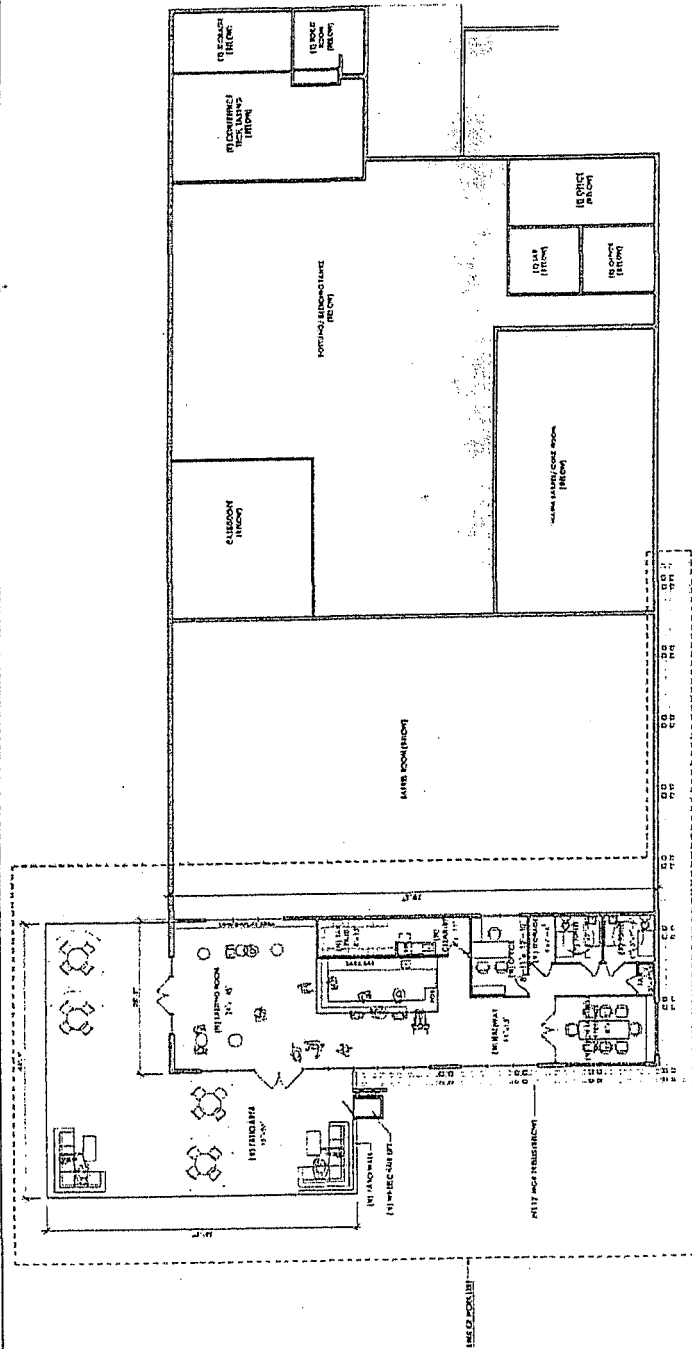
Phase I – Existing Winery Building First Floor



① (E) FIRST FLOOR WITH PROPOSED CHANGES
SCALE: 1/8" = 1'-0"



Phase 1 Existing Winery Building Floor Plan



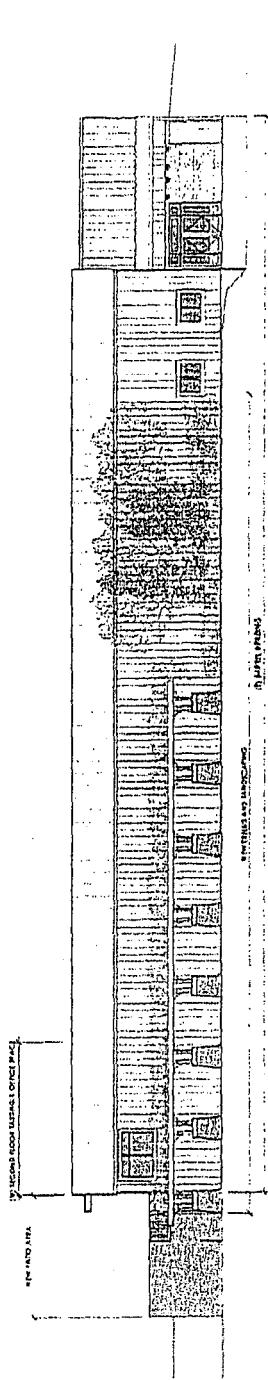
1 NEW SECOND FLOOR PLAN



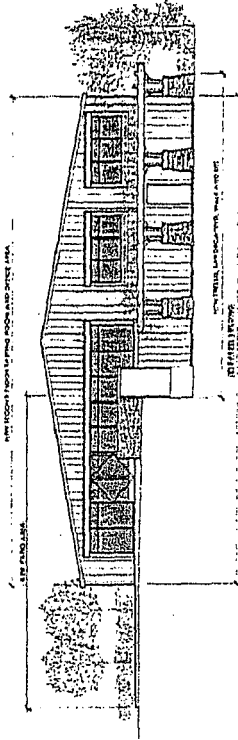
TTWTD

P12-0009

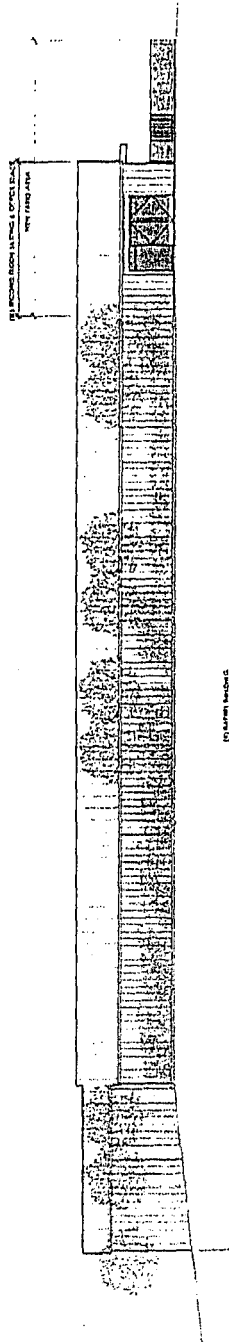
Phase I Existing Winery Building Elevations



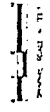
① PROPOSED WEST ELEVATION



② PROPOSED NORTH ELEVATION



③ PROPOSED EAST ELEVATION

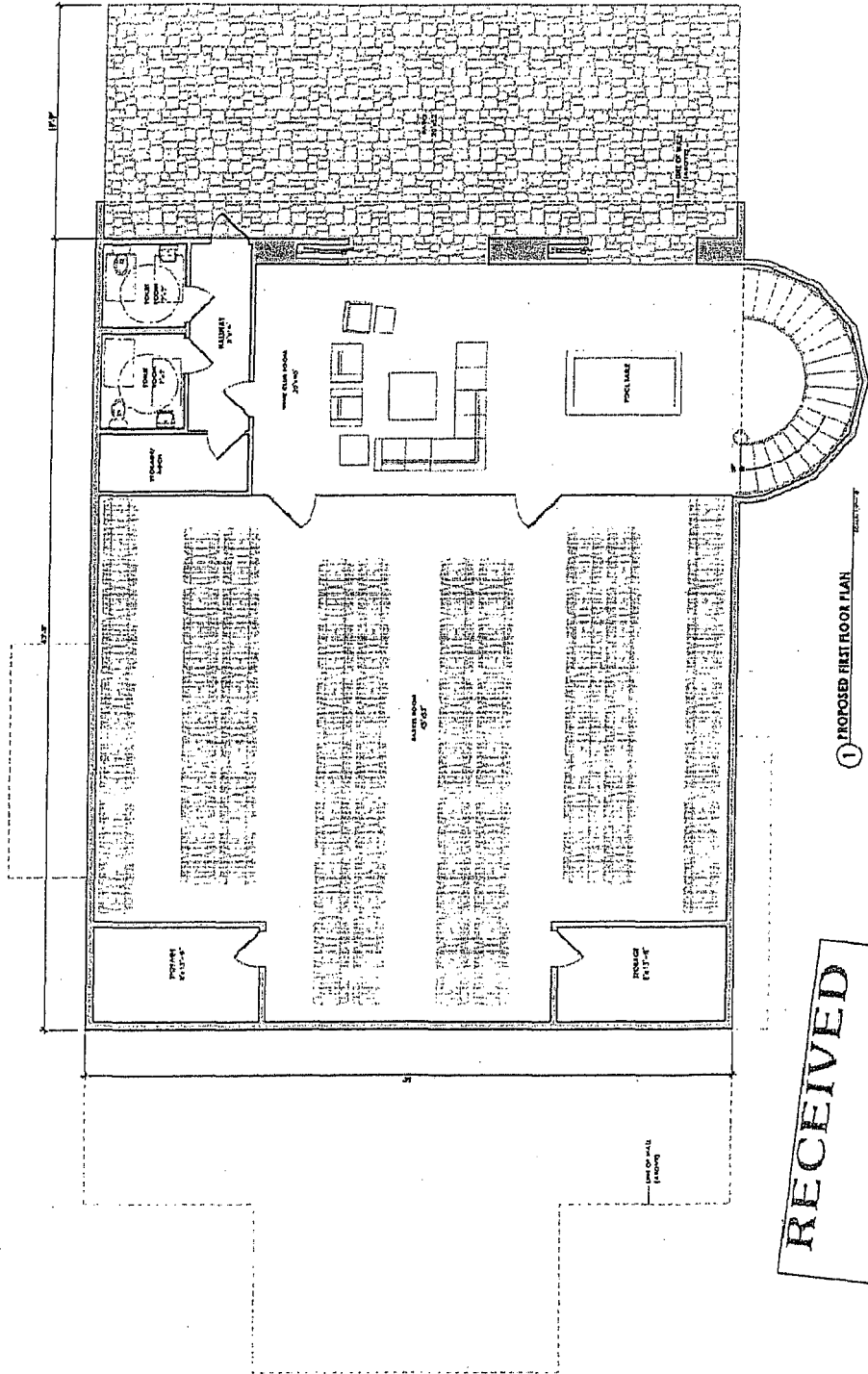


P12-0009



EXHIBIT P

Phase II Proposed Winery Building First Floor Plan



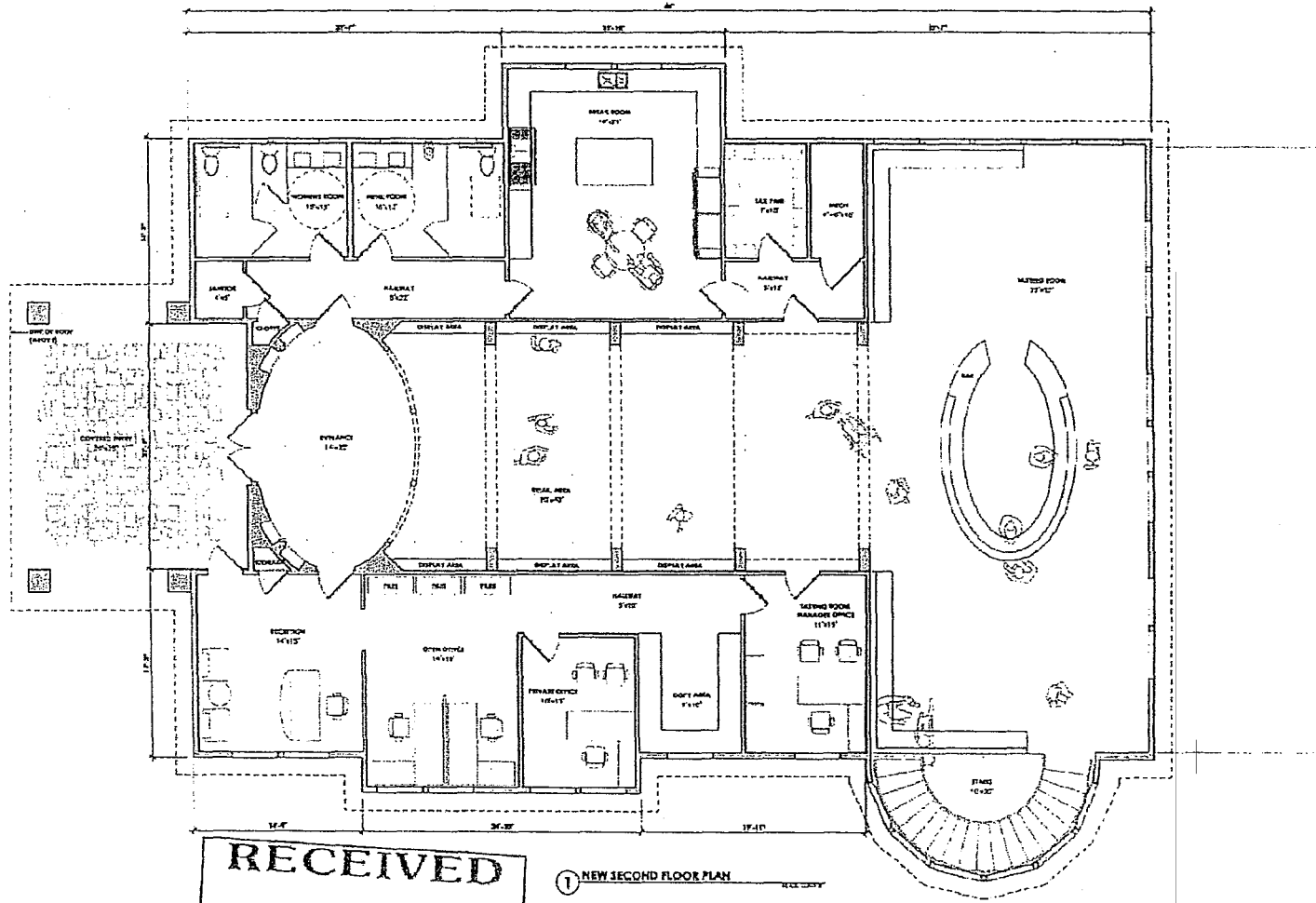
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 COUNTY OF SONOMA



P12-0009

PHASE II PROPOSED WINERY BUILDING

Phase II Proposed Winery Building Second Floor Plan



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PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT

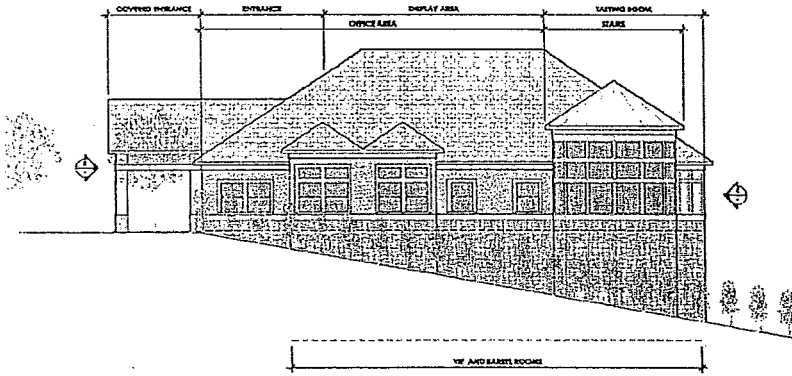
1 NEW SECOND FLOOR PLAN
GRAPHIC SCALE IN FEET

EXHIBIT R

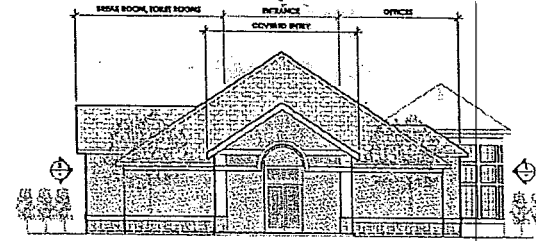
EXHIBIT L-66



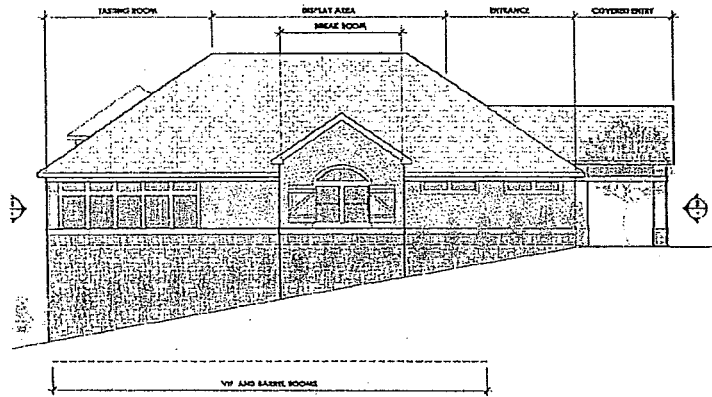
Phase II Proposed Elevations



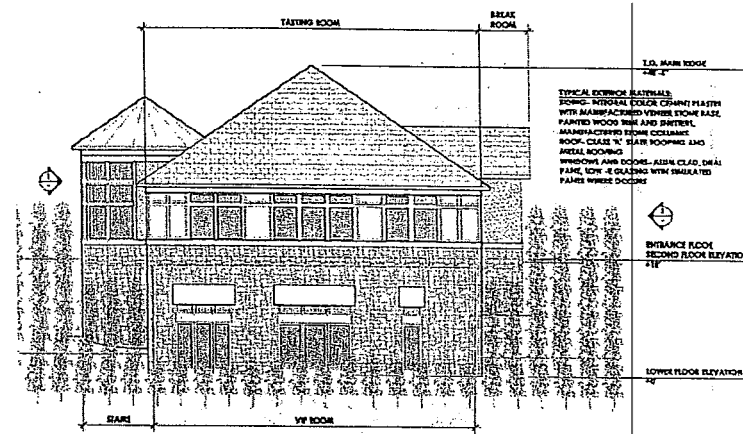
1 PROPOSED WEST (SIDE) ELEVATION



2 PROPOSED NORTH (FRONT) ELEVATION



3 PROPOSED EAST (SIDE) ELEVATION



4 PROPOSED SOUTH (REAR) ELEVATION

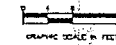
EXHIBITS

EXHIBIT L-67



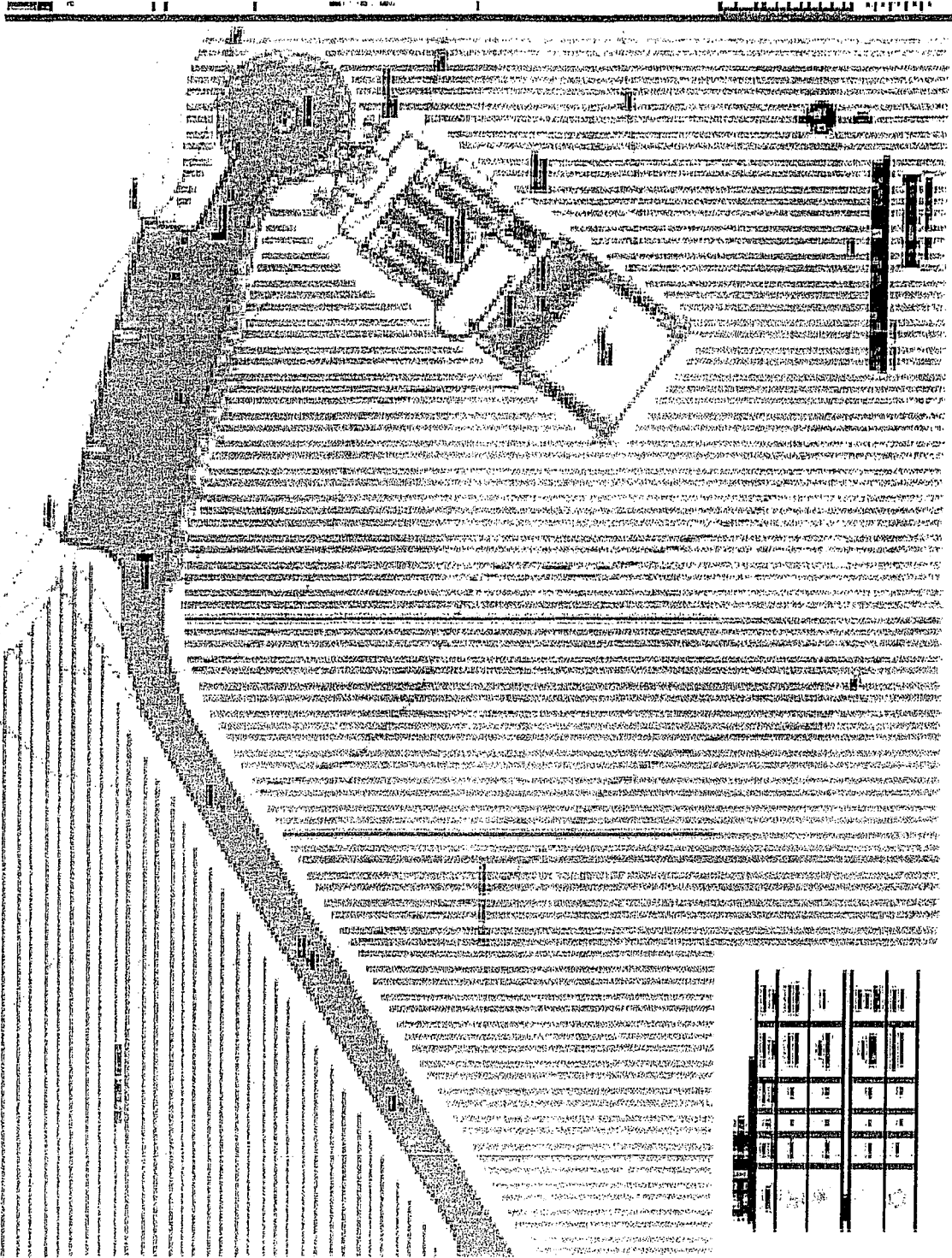
PRMD

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AUG 08 2013



Activity #PLP12-0009

Phase II Landscape Plan



Activity #PLP12-0009



PRMD

EXHIBIT T

EXHIBIT L-68

104

March 4, 2013

Robert Stein
Windsor Oaks Associates, LP
c/o Steve Martin
Steve Martin Associates, Inc.
130 South Main Street, Suite 201
Sebastopol, CA 95472

Subject: Windsor Oaks Conservation Easement, Permitted Use Request for Winery Expansion

Dear Mr. Stein:

This letter is in response to a permitted use request the Sonoma County Agricultural Preservation and Open Space District (District) received on January 11, 2013, from Steve Martin on your behalf, requesting District approval for new structures and improvements, as well as special events, on the Windsor Oaks property (Property), over which the District holds a Conservation Easement. With the request, Mr. Martin included your memo authorizing him to act on behalf of Windsor Oaks Associates, a proposal statement describing the proposed winery facility modification, a description of proposed marketing activities and events, and site plans. District staff had some follow-up questions for Mr. Martin, to which he provided answers on February 20, 2013.

The proposal statement indicates that the winery expansion will take place in two phases. Phase I would include a remodel of an existing warehouse within the Agricultural Building Area (ABA) to add a tasting room, conference and VIP room, offices, tax-paid room, restrooms, and an exterior deck. In addition, it would involve paving an existing parking area, adding ADA-accessibility paths and a lift, and expanding a septic system within the ABA, as well as improving the entrance on Arata Lane, which is not covered by the District's Easement, and constructing a new driveway in the southeast portion of the Property, outside the ABA, for public access.

In regard to remodeling the warehouse, Easement Exhibit "B" (Permitted Uses and Practices), Paragraph 4, provides Grantor the right "to maintain, repair, replace and improve existing structures" with District approval. In regard to paving the parking area, adding ADA-accessibility paths and a lift, and expanding a septic system within the ABA, Exhibit "B", Paragraph 6(b), states: "additional improvements reasonably necessary for the uses of the Property...shall be permitted without District approval... provided...that all such improvements are consistent with the conservation purpose of this Agreement." In regard to constructing a new driveway outside the ABA, Exhibit "B", Paragraph 6(a), states: "Outside of the [ABA] ...additional...roads...reasonably necessary for the residential or agricultural uses of the Property shall be permitted" with District approval. Based on District staff's review of your request, we have determined that all uses and activities in Phase I as described in the proposal statement are consistent with the Easement and hereby grant approval.

Phase II would include the following structures and improvements: a new 8,360 square-foot winery building outside the ABA but within an Alternate Building Envelope (ABE) for wine tasting and barrel storage, which would also include a 480 square-foot entry canopy, hospitality areas, restrooms,

administration spaces, and a kitchen; a detached 600 square-foot mechanical building in the ABE for utilities accessory to the winery; a new access driveway from the main road; a new paved parking area; a wastewater leach field; storm water management improvements; fire protection water storage; and grading and landscape improvements. In addition, Phase II proposes to include "non-agricultural" events such as weddings, concerts, and plays in the ABA, and "agricultural" events such as open houses, harvest parties, vintner association seminars, tastings with meals, and wine club member events in the new winery outside the ABA but within the ABE.

In regard to the new winery, mechanical building, and associated improvements, Exhibit "B", Paragraph 6(a), states: "Outside of the [ABA]...additional structures, housing, facilities, roads, or other improvements reasonably necessary for the residential or agricultural uses of the Property shall be permitted" with District approval. Based on District staff's review of your request, we have determined that these structures and improvements are consistent with the Easement and hereby grant approval for their construction, provided that their use is limited to the agricultural uses of the Property, as defined in Exhibit "B", Paragraph 3:

"For the purpose of this Agreement, 'agricultural uses' shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature; the storage and sale, including direct retail sale to the public of crops and products harvested principally on the Property, provided that the storage and sale of any such crops or products that are not food, fiber, or plant material shall require the consent of DISTRICT."

The District considers wine production, tasting, storage and sale to be permitted in the new winery within the ABE. We also consider the following uses to be permitted in the new winery: administrative offices for managing the agricultural operation; a small, non-commercial kitchen facility for use in preparing agricultural products harvested principally on the Property, for use by winery staff to prepare personal meals, or as a caterer's preparation area for pre-prepared meals in conjunction with permitted special events; and hospitality areas for guests who are there to taste or purchase agricultural products harvested principally on the Property or to learn about the agricultural practices on the Property.

In regard to non-agricultural commercial events such as weddings, concerts, and plays, these events are not permitted to take place in the new winery, as per Exhibit "C", Paragraph 2, which prohibits the establishment of any "non-agricultural commercial or industrial use outside of the [ABA]." Additionally, any events outside the ABA in which guests pay for services such as seminars, tours, recreational uses, or meals, are not consistent with the Easement.

Mr. Martin's description of proposed marketing activities and events indicates that such events would not take place in the new winery and would only occur within the ABA. However, such use must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore we consider these events to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If these events come to impact the conservation values of the Property we will no longer consider them to be consistent with the Easement, and they would need to cease.

Finally, Mr. Martin's description of proposed marketing activities and events also includes mountain bike rides and driving tours through the vineyards for wine club members. We consider the bike rides to be consistent with the Easement as per Exhibit "B", paragraph 11, but we do not consider driving tours to be permitted as per Exhibit "C", (Prohibited Uses and Practices), Paragraph 6, which prohibits the following:

"To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational, or residential activities, property management activities, for inspections by DISTRICT, for emergency fire control purposes, and for uses pursuant to deeded rights that predate this Agreement."

Please note that Easement Agreement, Section 11(c) (iii), provides for liquidated damages due the District "for a change in use prohibited by this Agreement, whether or not it involves an improvement, an amount equal to any economic gain realized by GRANTOR."

Thank you for your continued cooperation. If you have any questions, please contact Jake Newell, Associate Planner, or me at the District office.

Sincerely,

Kathleen Marsh
Stewardship Coordinator

c: Sheri Emerson, Stewardship Program Manager
Jake Newell, Associate Planner – Stewardship
Hannah Spencer, Technician – Stewardship
Adam Brand, Deputy County Counsel
Traci Tesconi, Planner III, PRMD

April 26, 2013

Robert Stein
Windsor Oaks Vineyards & Winery
P.O. Box 883
Windsor, CA 95492

**Subject: Windsor Oaks Conservation Easement,
Revised Consistency Determination for Motorized Vineyard Tours**

Dear Mr. Stein:

This letter is in response to your letter of March 21, 2013, requesting that the District reconsider its position regarding the motorized vineyard tours proposed in your permitted use request of January 2013. In our letter of March 4, 2013, we indicated that we do not consider driving tours to be permitted as per Exhibit "C", (Prohibited Uses and Practices), Paragraph 6, which prohibits the following:

"To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational, or residential activities, property management activities, for inspections by DISTRICT, for emergency fire control purposes, and for uses pursuant to deeded rights that predate this Agreement."

In order to clarify the purpose of the tours, your representative Steve Martin met with District staff on March 19, 2013, and provided additional details. Mr. Martin indicated that there are three kinds of tours proposed, all of which relate to the permitted agricultural operations on the Property: 1) winemaker tours, 2) distributor tours, and 3) wine club member tours. The purpose of these tours, respectively, is to show winemakers who purchase your grapes, distributors who sell your wines, and wine club members who purchase your wines, the agricultural operation. The opportunity to observe your agricultural operation provides these parties the ability to assess your agricultural products for purchase or distribution.

Based on this additional information, we have determined that these tours do in fact relate to your permitted agricultural operation and are therefore consistent with the Easement. However, in order for them to be considered accessory to your agricultural operation and not a non-agricultural commercial use, which is prohibited by Exhibit "C", Paragraph 2, a fee cannot be collected for the tours. Further, as we indicated in our earlier letter in regard to events within the Agricultural Building Area, the tours must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore, we consider the tours to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If the tours come to impact the conservation values of the Property we will no longer consider them to be consistent with the Easement, and they would need to cease.

Thank you for your continued cooperation. If you have any questions, please contact Jake Newell, Associate Planner, or me at the District office.

Sincerely,

Kathleen Marsh
Stewardship Coordinator

c: Sheri Emerson, Stewardship Program Manager
Jake Newell, Associate Planner – Stewardship
Hannah Spencer, Technician – Stewardship
Adam Brand, Deputy County Counsel
Traci Tesconi, Planner III, PRMD

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Conservation Easement Baseline Map

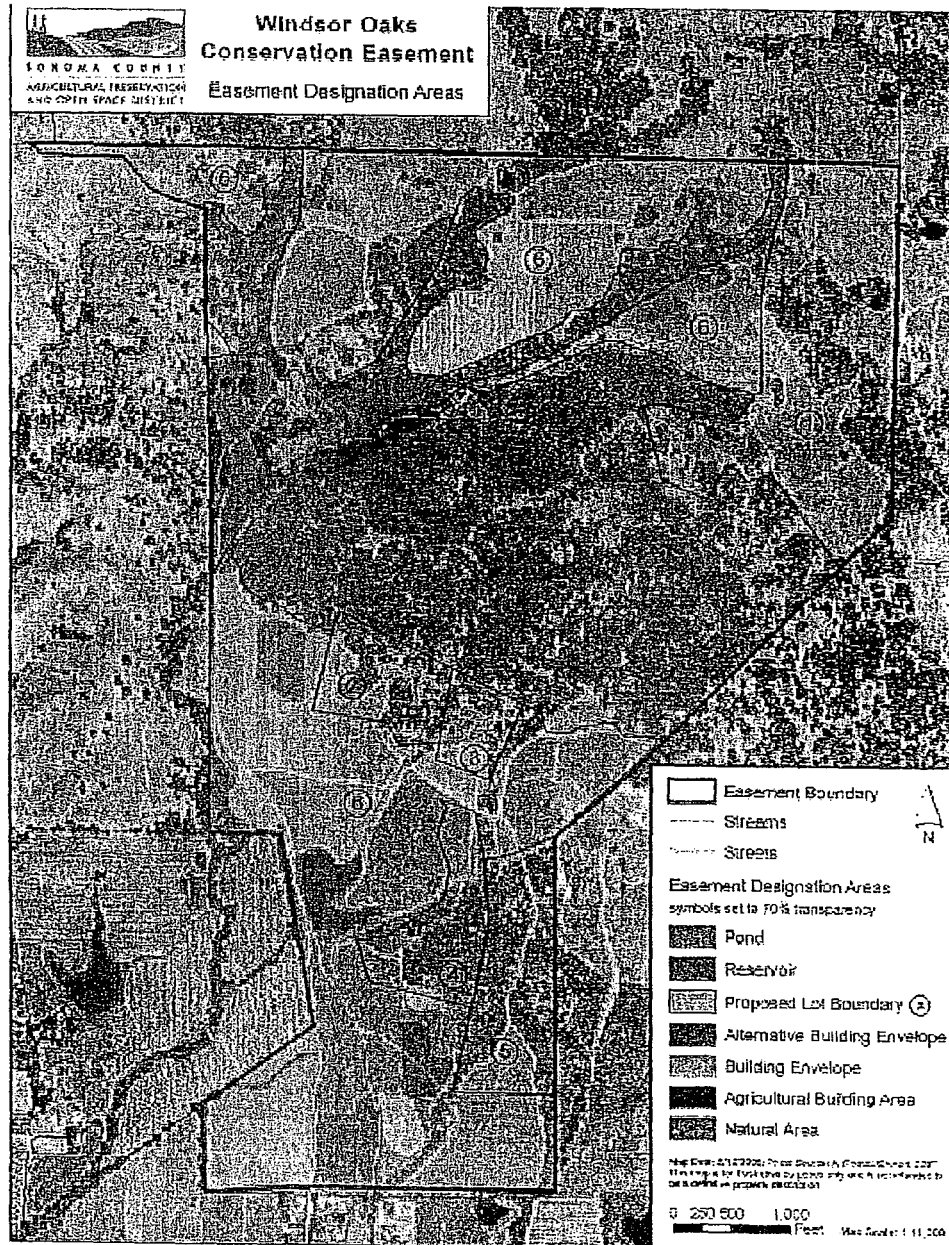


EXHIBIT V

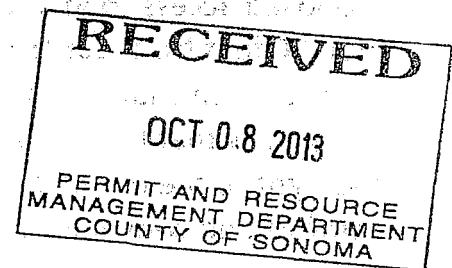
EXHIBIT L-74



PRMD

Activity #PLP12-0009

Sonoma County Permit and Resource Management Department
Attn: Traci Tesconi and Jason Liles
2550 Ventura Ave.
Santa Rosa, CA 95403



October 7, 2013

Dear Board:

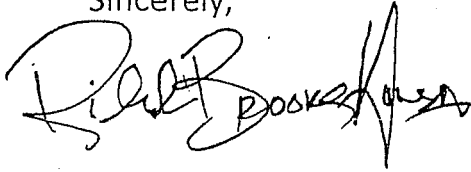
We strongly oppose the Windsor Oaks Winery Expansion Project application #PLP12-0009 for a number of reasons.

The access road that is being proposed adjacent to our homes whose addresses are 631 and 635 Arata Lane is a 30 foot wide access that passes within less than 20 feet from each of the front porches of our homes. The thought of the number of cars and large trucks passing so closely to a home we lived in since 1980 and has been in the family since the early 1900's definitely affects our quality of life. We also share the entrance/exit onto Arata Lane with this road and feel the backup getting out of our own yard during these numerous and very large events will be a nightmare. Should Safety and/or Fire vehicles be necessary, it would make access nearly impossible. There has also been a drainage problem at 631 Arata Lane since Windsor Oaks Winery raised the grade of the road which causes the garage to flood during heavy rain.

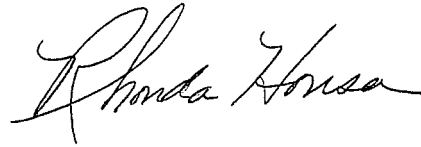
Hillview Road, which has been the primary access of late for Windsor Oaks Winery, is in several spots too narrow for two cars to pass if going in opposite directions. It requires one to pull onto the shoulders which are private residences unfenced front yards to allow the other vehicle to pass. Also, we were under the impression that when the county taxpayers paid Windsor Oaks Winery 1.6 million dollars for the conservation easement that it limited Windsor Oaks Winery to only grow grapes, only produce wine, and only sell wine and saw nothing in regard to allowing concerts, plays, weddings or large barbeques. We don't understand how these events would benefit the county tax payers in any way or have anything to do with conservation.

In closing, our main concern is the extremely close proximity of the proposed access road and the volume of car and truck traffic passing at less than 20 feet from our front door. No one in their right mind would be in favor of such a large scale project going through their yard. The law recognizes that landowners, or those in rightful possession of land, have the right to the unimpaired condition of the property and to reasonable comfort and convenience in its occupation.

Sincerely,

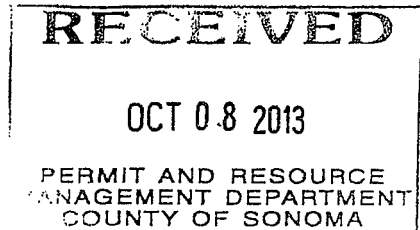


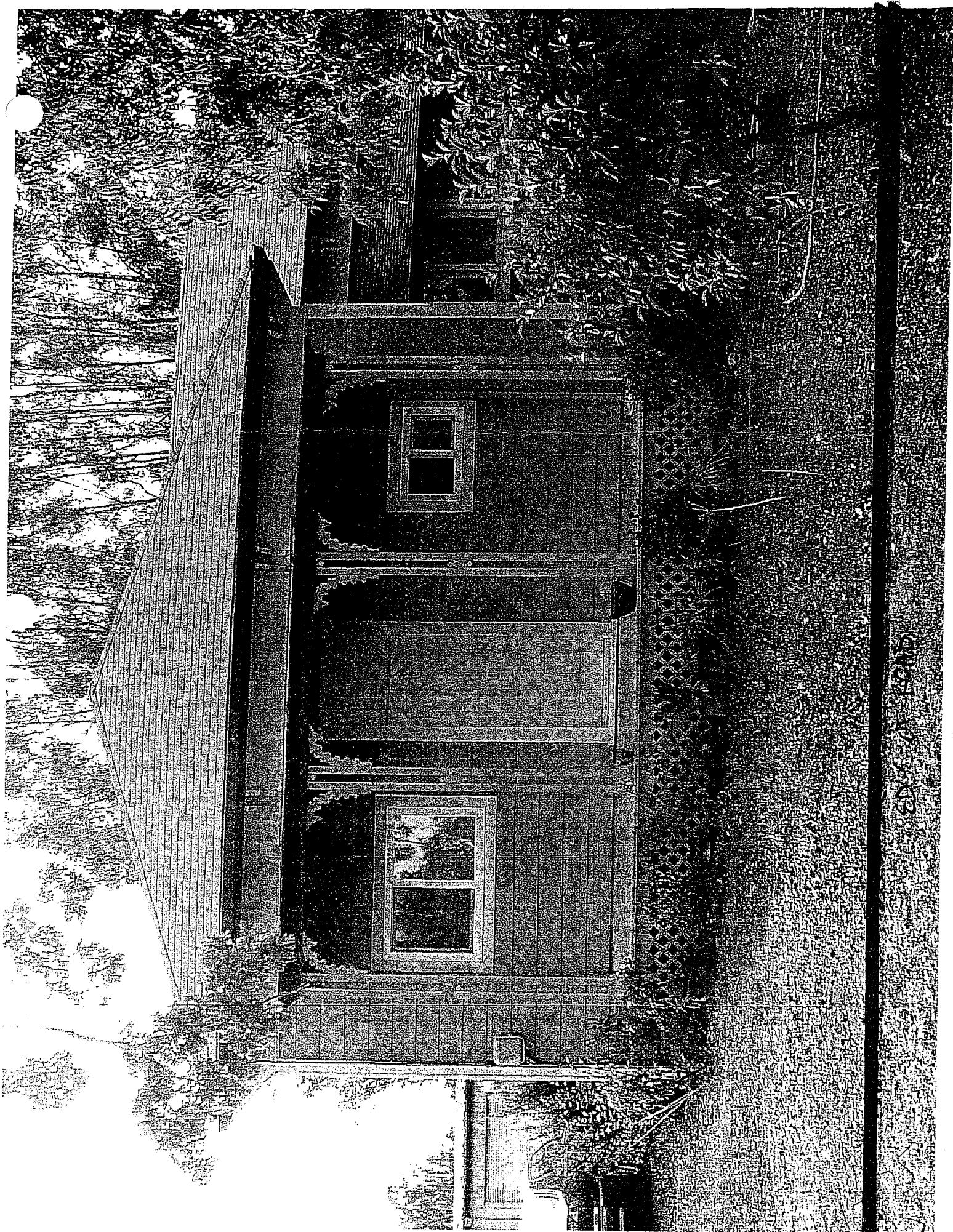
Richard Brooks Honsa

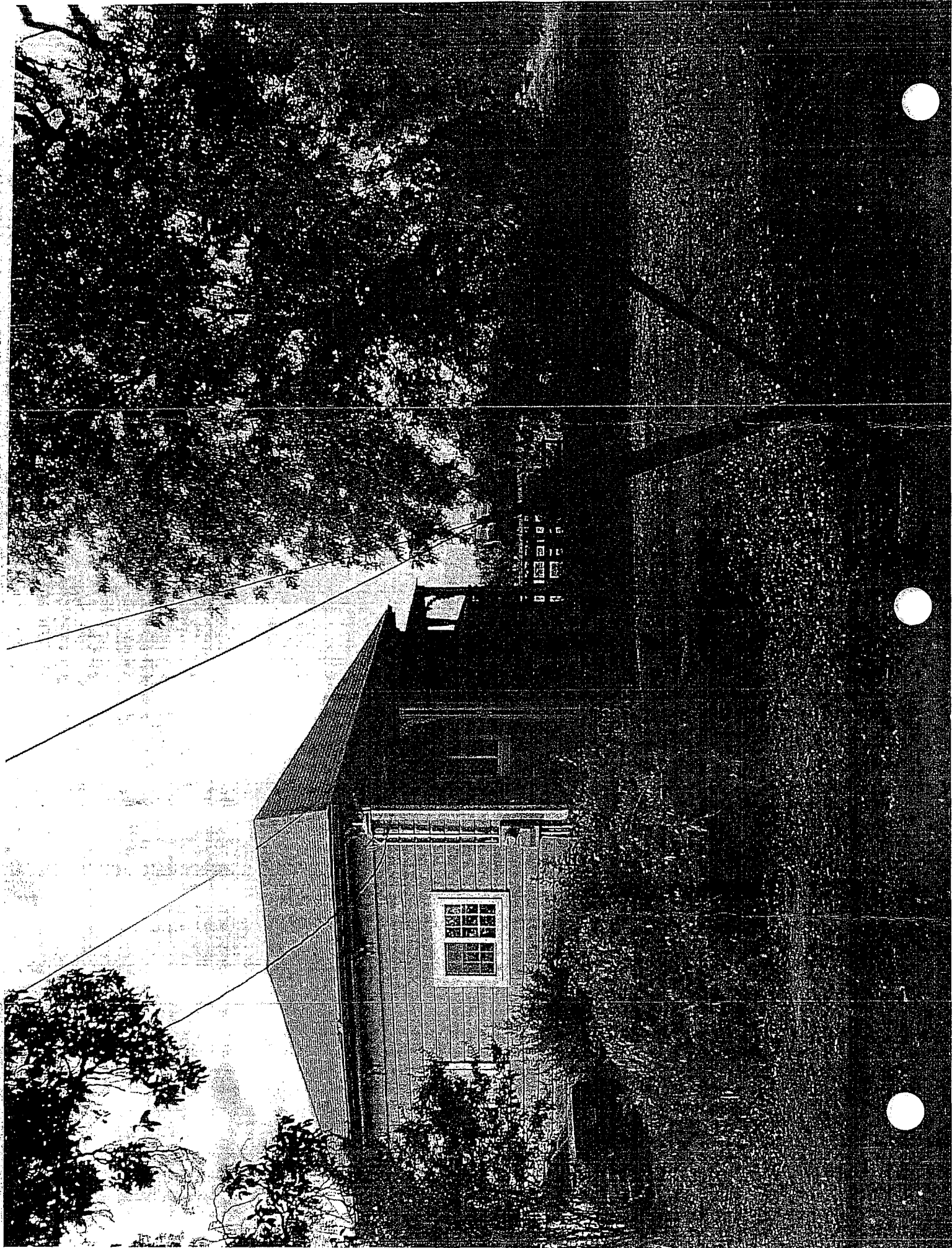


Rhonda Honsa

cc:file
Encl: 2







01-13-1982
10:00 AM
M. J. ...
...

EDGE OF ROAD



82HDBG2-028-38°33'42"

OCT 08 2013
PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT
COUNTY OF SONOMA

Board of Zoning Adjustment

We are opposed to the Windsor Oaks expansion of their winery at 10810 Hillview Road in Windsor.

Why?

We are already experiencing the effects that the Winery has on Hillview Road...increased auto & truck traffic. Hillview Road is not designed to accomodate the amount of traffic generated by staff, service vehicles & visitors. The road has already deteriorated in the last few years due to this increased traffic.

Hillview Road is a narrow County road that ends at the entrance to the Windsor Oaks property. This road is too narrow for cars to easily pass, much less two trucks, without having to pull onto private property.

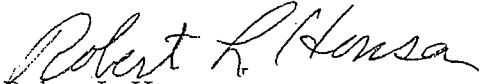
We personally are between a "rock & a hard spot". Our property is between Hillview Road to the west and the proposed Windsor Oaks Drive to the east of our property. Our family home (built in the 1850's) is less than 20 feet from this 30' wide proposed road. We have concerns about being able to enter or exit our driveway if the proposed Event Center is approved with the prospect of 300 plus people at different planned events trying to exit on to Arata Lane. Liberty Oak Lane to the east of the proposed Windsor Oaks Drive would also be entering and exiting in this same space.


Since this property was sold for a Conservation Easement in 1996 for \$1,600,000, we do not feel our tax dollar should be spent on an Event Center.

We fell that "Quality of Life" is important to us and our neighbors and the Winery expansion doesn't factor into the equation!!

Thank you for your consideration on not approving this project.

Yours truly,


Robert L. Honsa


Edna (Brooks) Honsa

Traci Tesconi

From: Pat Cuneo [cuneopat@yahoo.com]
Sent: Thursday, October 03, 2013 5:00 PM
To: Traci Tesconi
Subject: Mitigated Negative Declaration

Dear Traci,

I am writing in regards to Windsor Oaks Winery's request for a phased Use Permit and Design Review. I have concerns with what this means in terms of the increase of traffic on Hillview Road. According to the declaration, they will have 50 event days throughout the year with an estimated attendance of between 60 and 300 guests for each event.

25 agricultural promotion events: 60-300 guests

3 weddings: 100 guests

1 play: 300 guests

1 concert: 300 guests

10 industry wide events consisting of a total of 20 event days: 300 guests

With increasing the size of wine production from 43,000 cases up to 100,000 cases, adding a public tasting room, retail sales, and public tours the traffic of both private vehicles and large commercial trucks will increase the amount of traffic and noise tremendously. Hillview Road is a single lane road. When a large truck comes up or down the road, approaching vehicles have to get off the road entirely, which means they have to pull into someone's driveway. When two cars approach each other, they both need to hug the outside of the road. One side of the road parallels the creek with no shoulder. The road is already showing signs of wear from the big truck traffic. The surface is uneven, pot holes are forming and the edge the pavement is breaking down.

I know there has been talk of the winery putting in a different access road. I would support approval of the winery's request only if ALL winery traffic is moved off of Hillview Road and onto the new access road. Thank you for your time.

Sincerely,
Pat Cuneo
10715 Hillview Road
Windsor, CA. 95492

Sent from my iPad

RECEIVED

JAN 22 2013

PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT
COUNTY OF SONOMA

Sonoma County Permit and Resource Management
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Traci Tesconi

We are residents and property owners on Hillview Road in Windsor. The Windsor Oaks Vineyard & Winery have submitted a proposed project for your approval.

Windsor Oaks owners and representatives met with the neighbors to review the plans that they had submitted to the County. They indicated that Hillview Road would be used for truck traffic and their private road to the east of Hillview Road would be used for cars and visitors to the tasting room and events.

We are opposed to the increase of more than doubling their cases of wine, more days and hours of wine tasting and the proposed Event Center.

- Hillview Road is already being impaired by the increased traffic from the Windsor Oaks operations. This is a narrow county road that ends at the winery property. The road is too narrow for cars to pass, much less two trucks, without having to pull onto private properties.
- The road has deteriorated a great deal in the last few years due to the increased traffic to the Windsor Oaks property by employees, events and deliveries.
- We question whether an event center is something that Open Space approves for this property. The proposed center will create more traffic on both of these roads, Hillview and the Windsor Oaks private road to the east of Hillview Road.

Thank you for your consideration in reviewing this proposal.

Print Name

Robert Honsa

Sign Name

Robert H. Honsa

Address

10504 Hillview Rd.

Print Name ALBERT LINDA
DOERN

Sign Name Albert L. Doern
Linda M. Doern

Address

10423 Hillview Rd
Windsor Ca 95492

Print Name Pat Cuneo

Sign Name Pat Cuneo

Larry Cuneo

L. Cuneo PLC

Address

10715 Hillview Rd

Print Name

Daniel M'Gee

Sign Name

Daniel M'Gee

Suzi M'Gee

Suzi M'Gee

Address

10801 Hillview Rd Windsor, CA 95492

Print Name Tessa Fraguglia

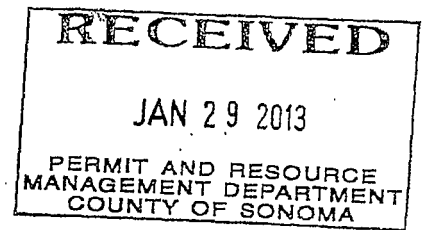
ROBERT FRAGUGLIA

Sign Name

Tessa Fraguglia

Address

10589 Hillview Rd. Windsor, CA. 95492



Sonoma County Permit & Resource Management,
2550 Ventura Ave
Santa Rosa, Ca 95403

Attn: Traci Tesconi

This letter is in response to Windsor Oaks Vineyard proposal to the County in more than doubling their cases of wine, (43,000 cases to 100,000), more days and hours at the proposed Event Center (30 events/60 Guests – 15 events/ 100 Guest – 5 events / 300).

As the owners of the last house at 10301 Hillview Rd, a one lane twelve foot wide asphalt pavement in front of our place, we have some grave concerns that need to be brought to your attention before granting any expansion to Windsor Oaks Vineyard. But before addressing those issues, I would like to know why, along with the neighbors, we were not notified when Windsor Oaks Vineyards use permit went from "Appointment Only" wine tasting to what is said on their web site of now eighteen events per year or more all open to the public?

These wine tasting events has already brought unacceptable heavy traffic, dust, noise, and erosion, on one-lane Hillview Road: coming from large trucks, tour busses, limos, and cars. During these events it's impossible to drive down the road without pulling over to the side five or six times to let the traffic pass that is trying to get up to the vineyard, and the dust coming off the vineyards road from the heavy traffic is so bad at times we can't enjoy our back yard. Many alcohol impaired drives, returning from wine tasting go speeding down Hillview Road running over cats, squirrels, and birds that I have personally buried. Just a couple weeks ago, during one weekend event, a neighbor put up his own very large sign telling the drivers to "slow down!"

From Arata lane it's a about a two mile drive up to the new tasting room, (did they get a permit for that?), and on the return there is nothing to slow the impaired drivers down except for a small weathered sign at the gate warning of children playing etc. which is completely ignored. Speed bumps should have been mandatory long ago.

We have also experience roadside trash that has all come from the vineyard and nobody picks it up except for the people who live on Hillview Road and I would also like to bring up that when it rains, the lower part of the road floods, and up towards the top where we live, the pavement ends at the gate, the road then turns to dirt and gravel, and with the rain it brings the eroding mud past the gate down the road and some of it into our driveway that has to be shovel out every year.

Our weekends on rural Hillview Road used to be a quite agriculture area, but ever since the vineyard went from appointment only to event wine tasting weekends open to the public (without any feed back from the people who live on Hillview Rd who are impacted by all the noise & increase traffic) it feels more like we live in a noisy urban industrial area with non-stop freeway

of cars and trucks coming up and down the narrow one lane road at all times night and day. These current conditions will only decrease our property values while the vineyard increases its profits at our expense of giving up why we moved here in the first place.

We are opposed to the increase of more than doubling Windsor Oaks Vineyard cases of wine, more days' open, longer hours and the proposed Event Center from Windsor oaks operations using Hillview Rd, and a private road to the east, because of the high volume of increase traffic from large semi trucks, tour buses, employees, deliveries, events etc; noise, dust, unsafe road conditions, using Hillview Rd residents driveways as an easement because the road is too narrow for two cars to pass much less two trucks, road erosion, impaired speeding drivers, litter, and if "Open Space" would even approve of the existing tasting room.

We do propose Windsor Oaks Vineyard lock their gate on Hillview Rd, and use it only for emergencies, and start using their private road to the east of Hillview Rd as soon as possible and go back to wine tasting by "appointment only" before our property values deteriorate further!

Sincerely,

Daniel & Suvi McGee
10801 Hillview Rd, Windsor, CA 95492

RECEIVED

JAN 28 2013

PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT
COUNTY OF SONOMA

01/23/2013

**To: Sonoma County Permit and Resource Management
2550 Ventura Avenue
Santa Rosa, CA 95403**

Attn: Traci Tesconi

Re: 10810 Hillview Rd. Windsor, Use Permit, Winery Expansion

I, Joseph Fraguglia, am the owner of 10589 Hillview Road. My Son, Robert and his Wife, Tessa live on the property. We strongly oppose any expansion of operation for the above winery due to the unbearable traffic that currently exists on Hillview Road.

Hillview Road is a county neglected, narrow one lane road which is rapidly deteriorating due to the current traffic from the winery operation. Semi Trucks are breaking down the road especially in front of my property, both on the creek side and on my driveway side. I have one of the wider driveways that is continuously being used by both cars and Semi Trucks to pull off the road to let others by resulting in the cracking and breaking of the asphalt.

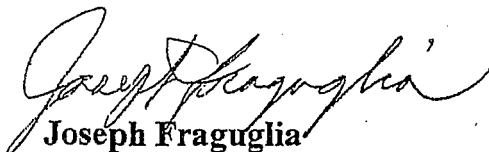
The creek is approximately 7 feet deep in front of my property and a section of the road has given away. Someone, either the county or the winery have added some rock to try to stabilize the road, but it can only be a temporary solution. As you can see from the attached pictures, there is no bank left to keep the asphalt from cracking and falling into the creek.

The attached pictures show the severity of the situation. The only way to stop the abuse of private property and maintain the usability of Hillview Road is for the road to be widened, the creek put underground and totally resurfaced. Since the county lacks the funds for the up-grade, the only solution is for all of the winery traffic, including Semi Truck and auto traffic to be diverted to the wineries private road, east of Hillview Road, which is currently being designed with direct access to Arata Lane.

Since the winery will have its own road, why should Hillview Rd. be burdened with increased traffic and the destructive Semi Truck traffic? It seems that if the winery wants to expand the operation to increase profits, they should have the burden of maintaining their road and not creating more of a burden for the aging Hillview Road.

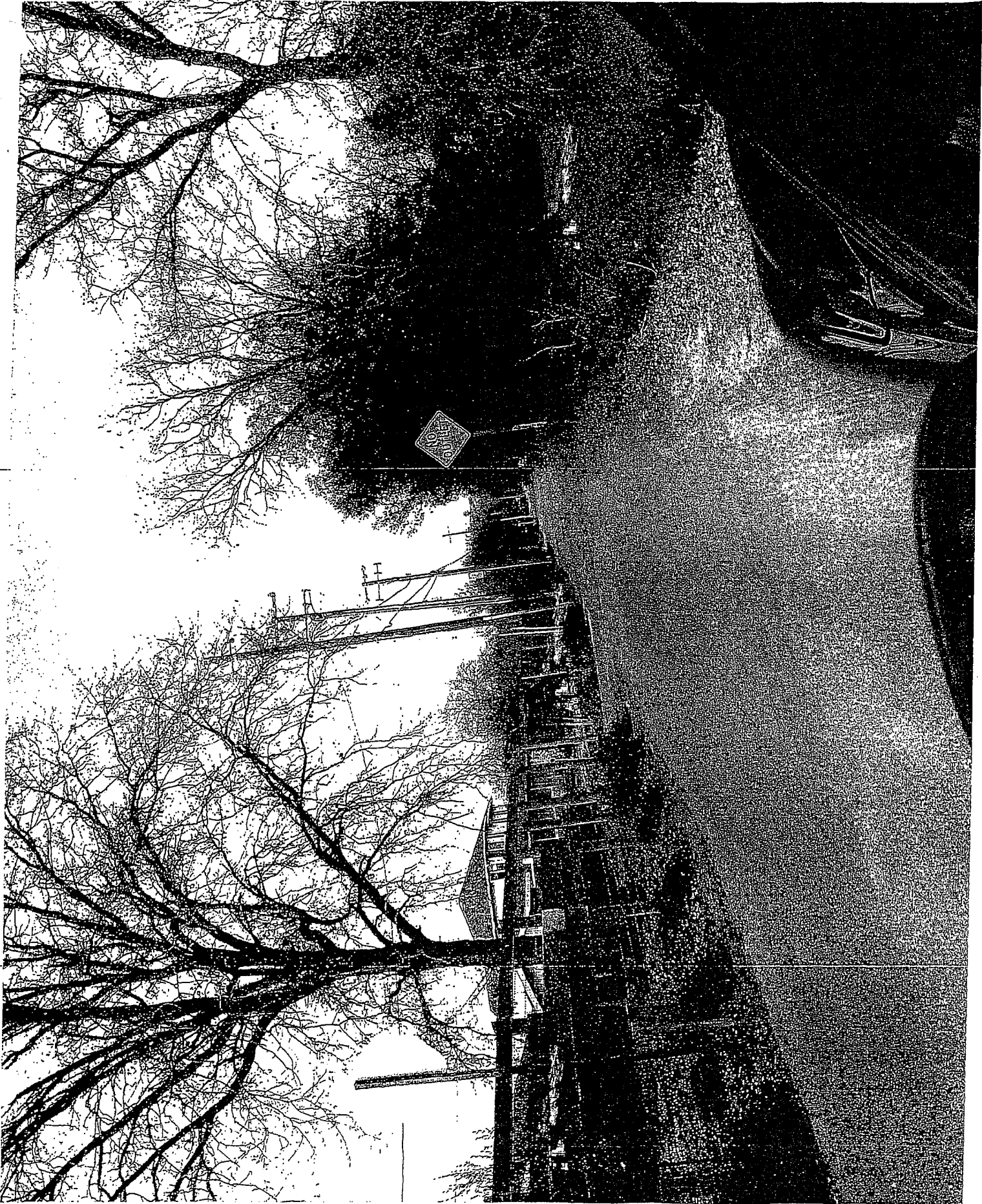
I would appreciate being put on a notification list of any and all meetings and correspondence regarding the winery expansion.

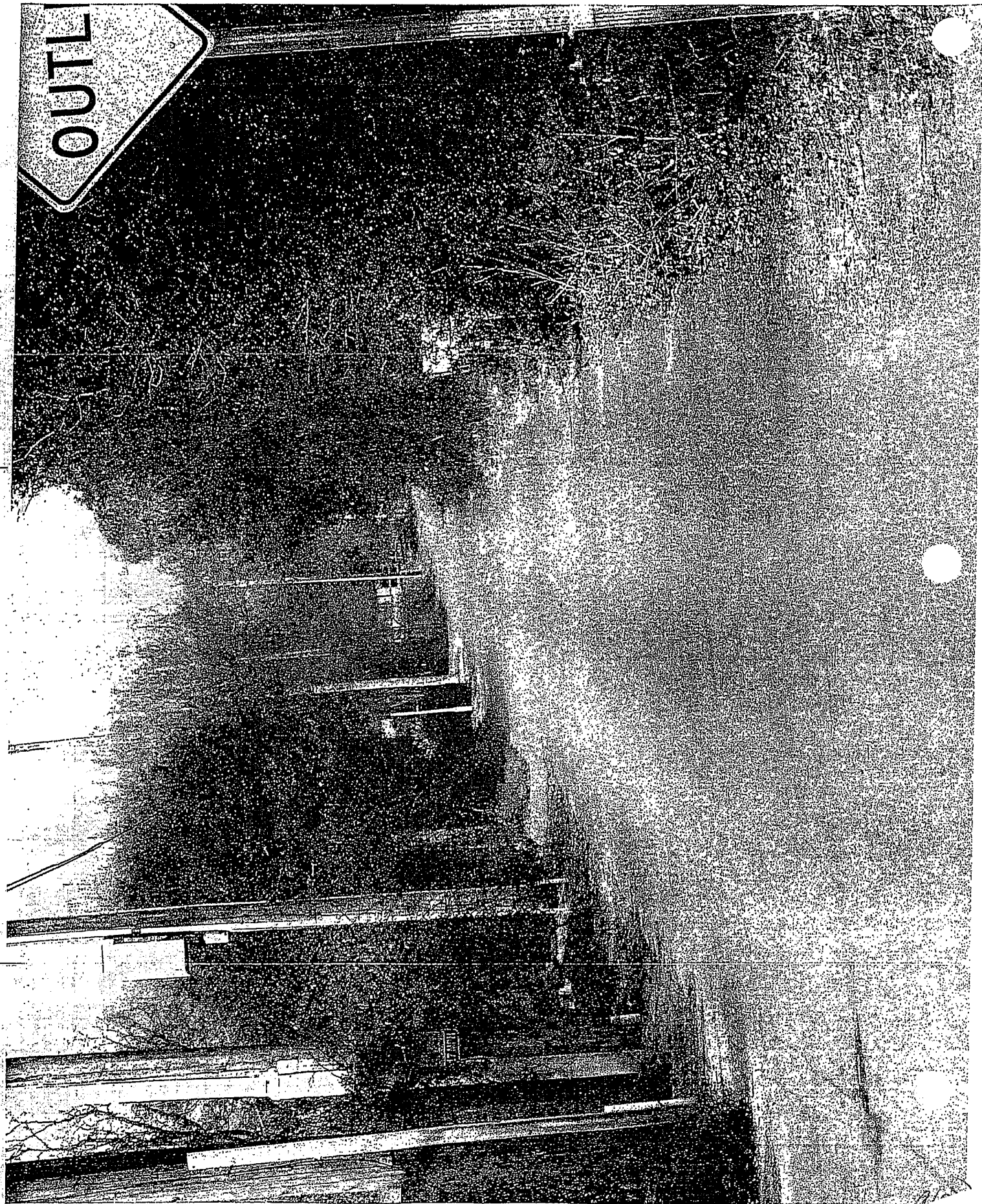
Sincerely,



Joseph Fraguglia
660 Vista Grande Place
Santa Rosa, CA 95403

Direct - 707 542-4057
Cell - 707 529-1145
Fax - 707 542-4052
Email - fragugliax2@aol.com





OUTL

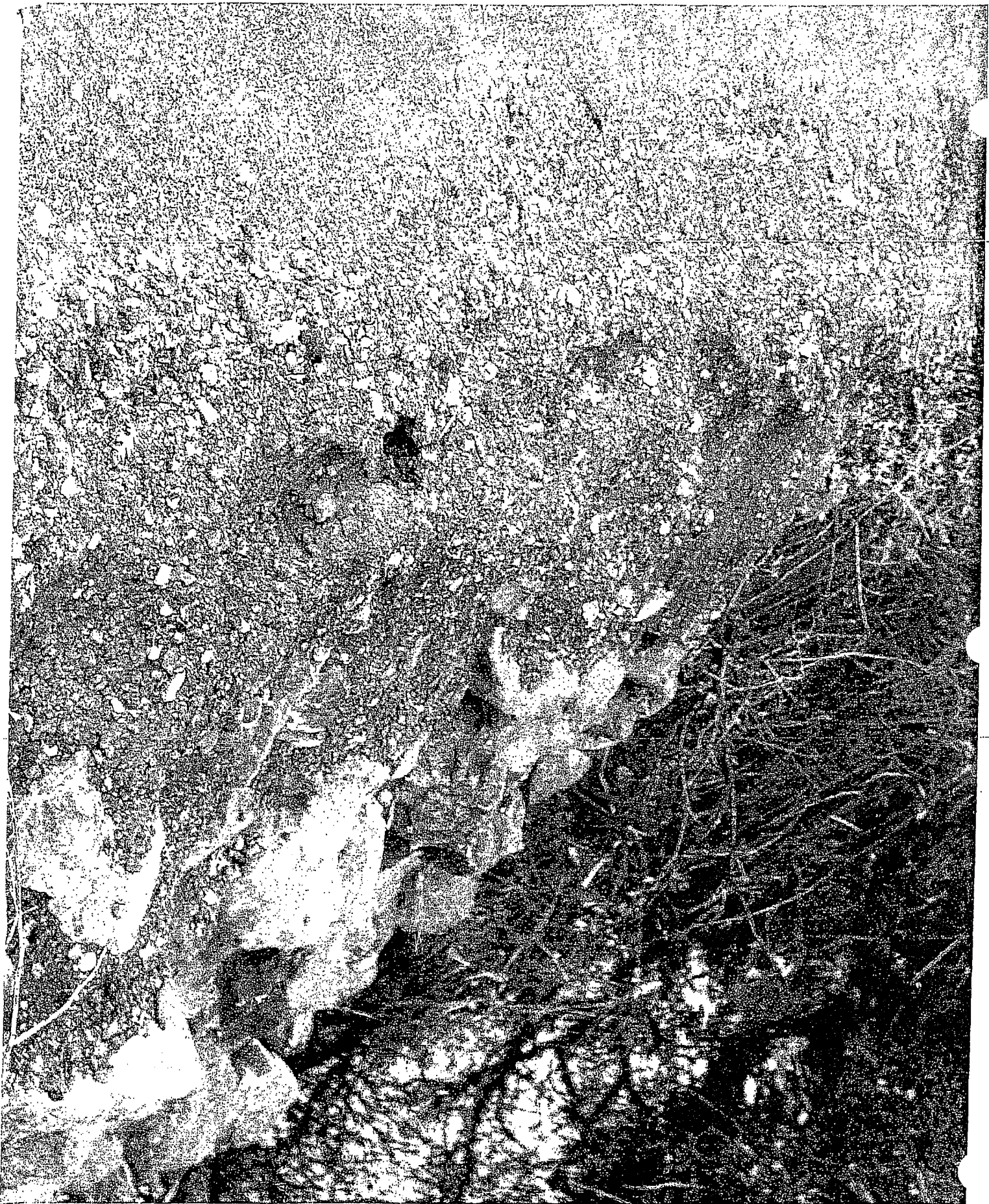
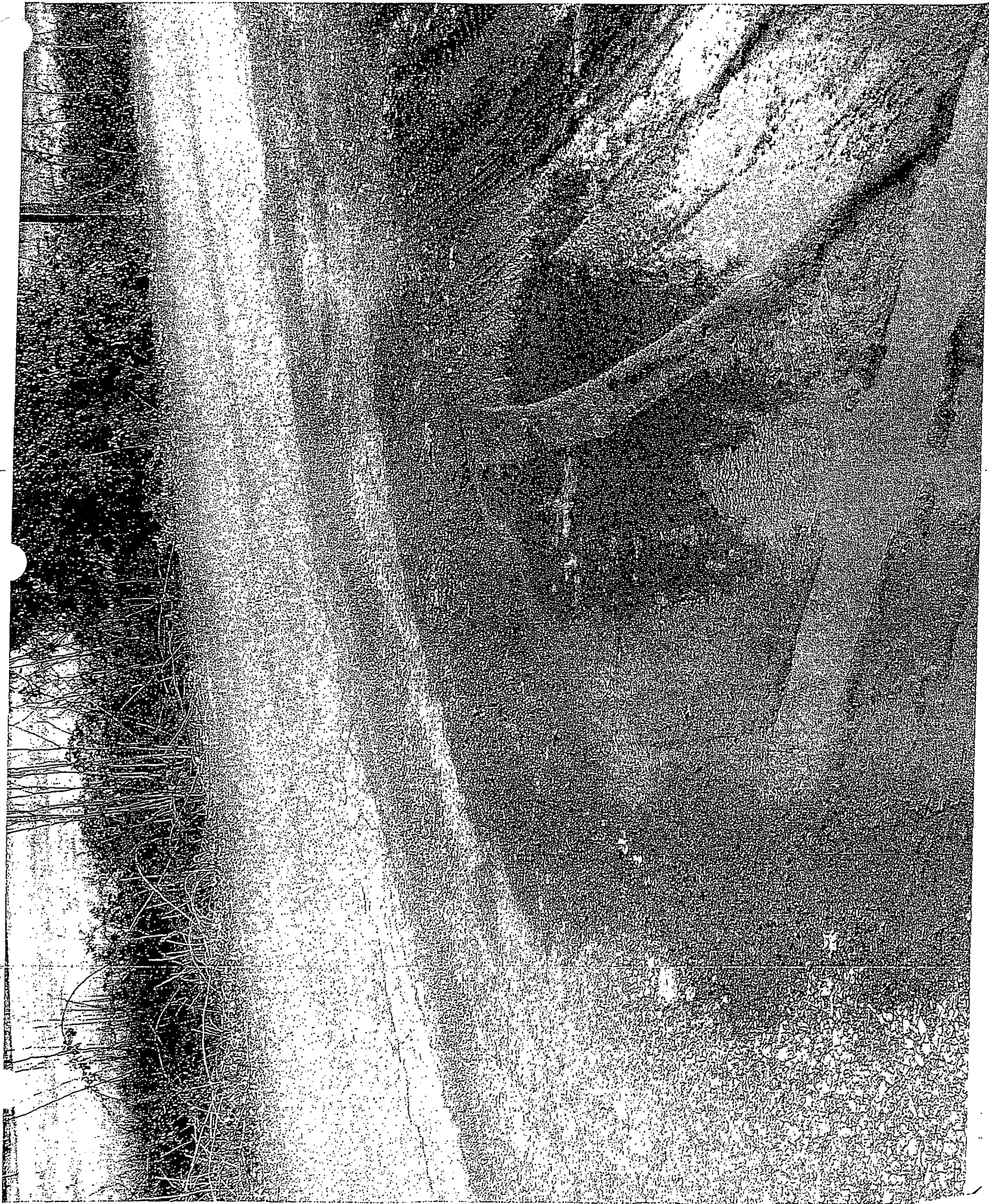








EXHIBIT L-94



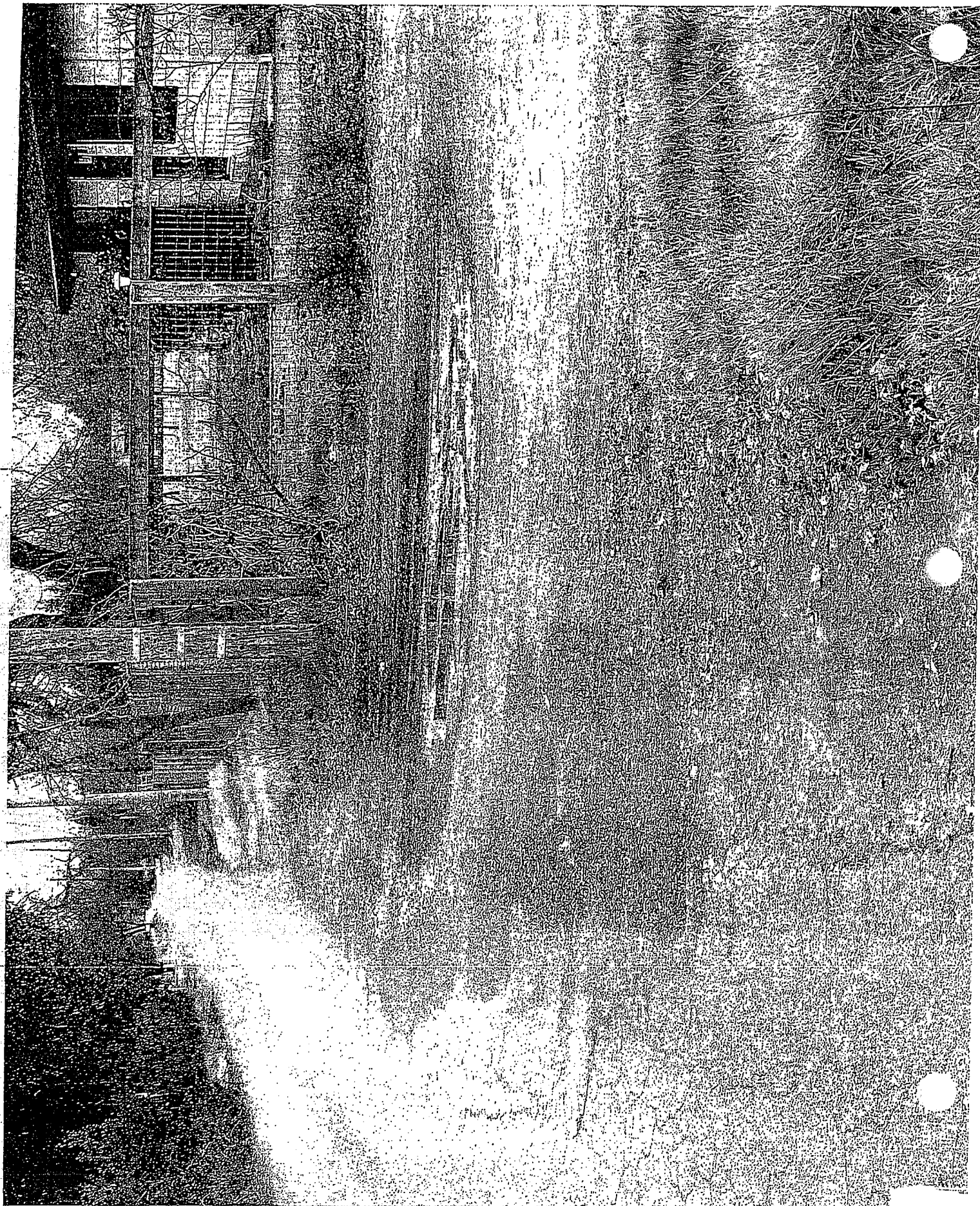


EXHIBIT L-96

Existing Winery Building to be Enlarged

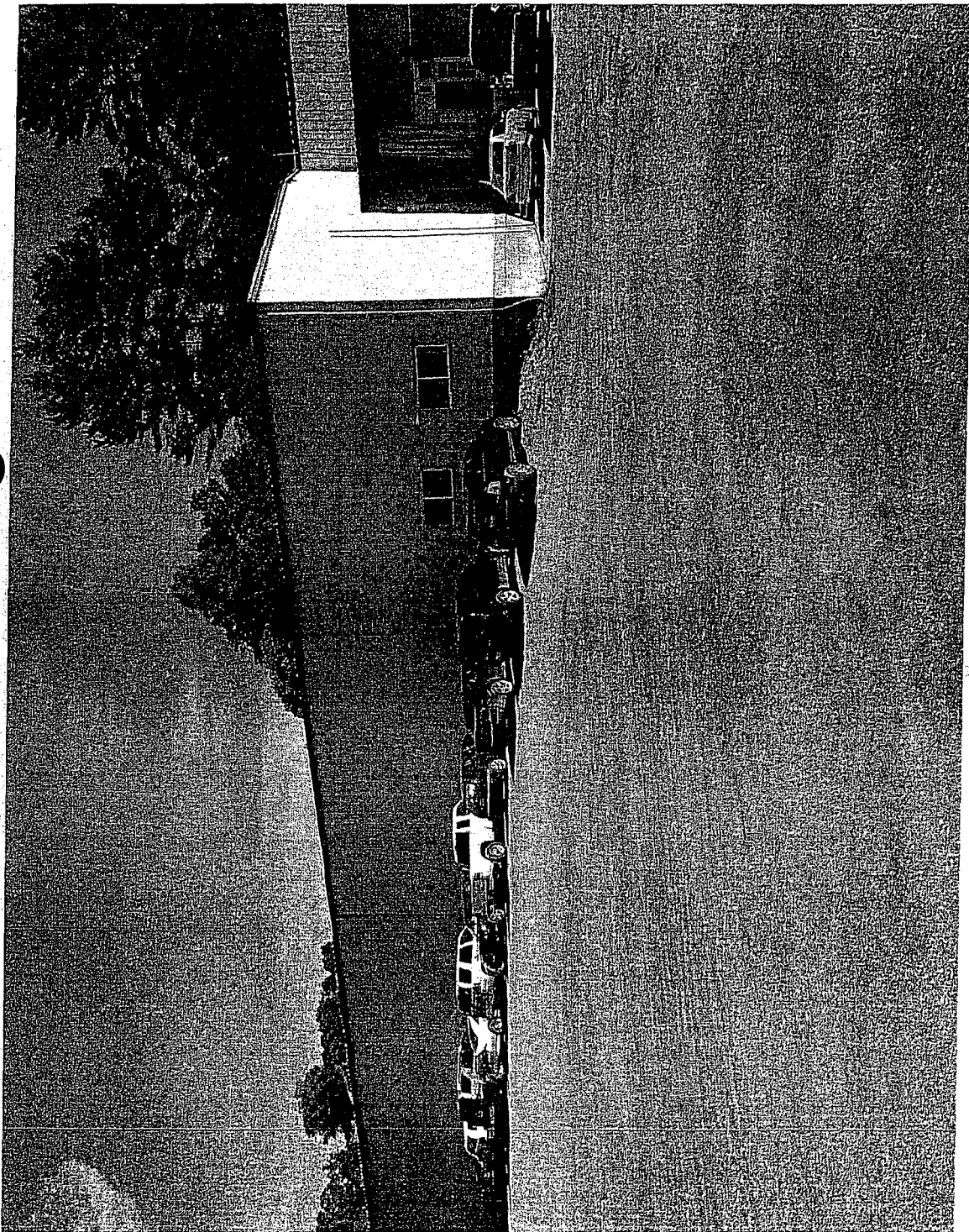


EXHIBIT X

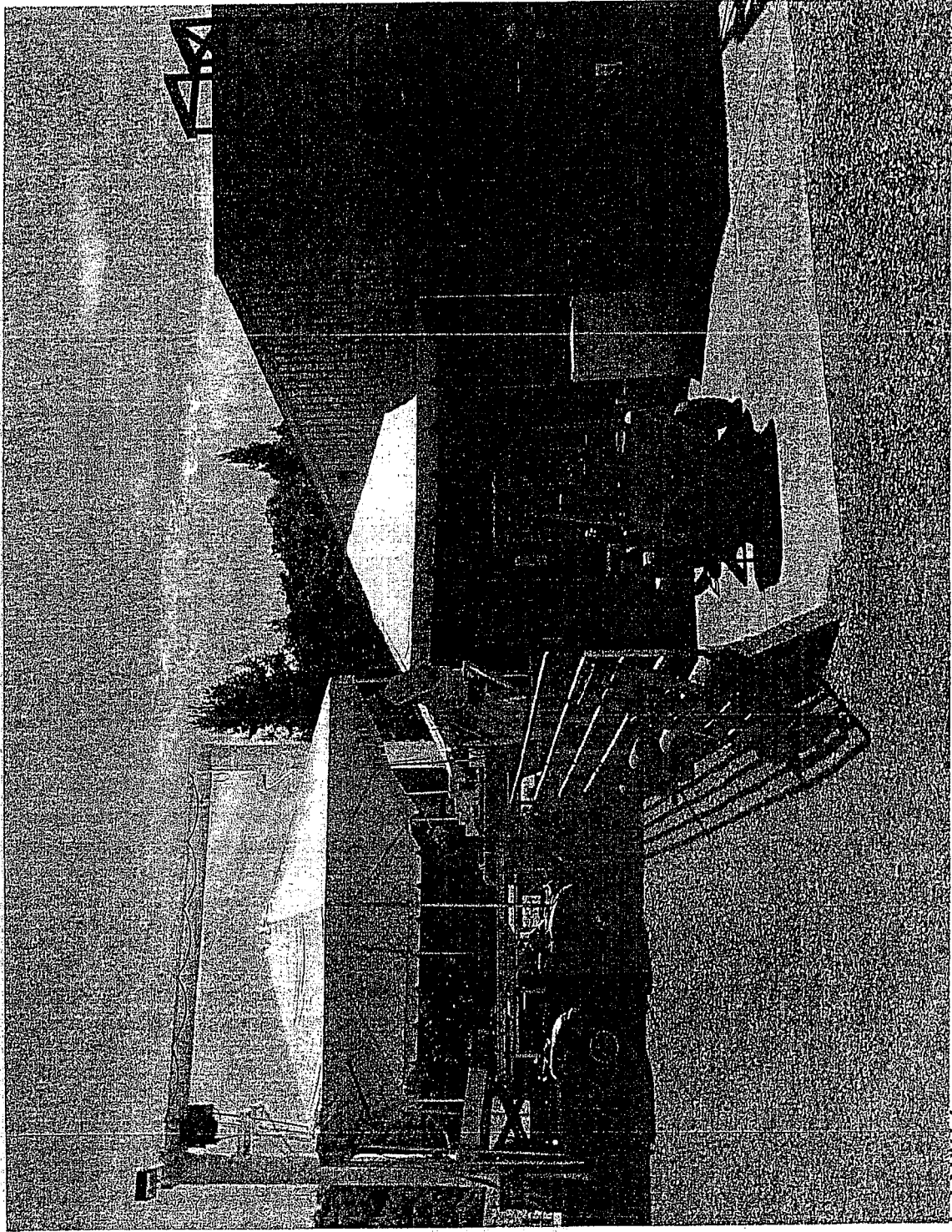


PRMD

Activity #PLP12-0009

12/12/12 1:00 PM

Existing Smaller Winery Building Crush Pad Area



Proposed Phase II Winery Building Site

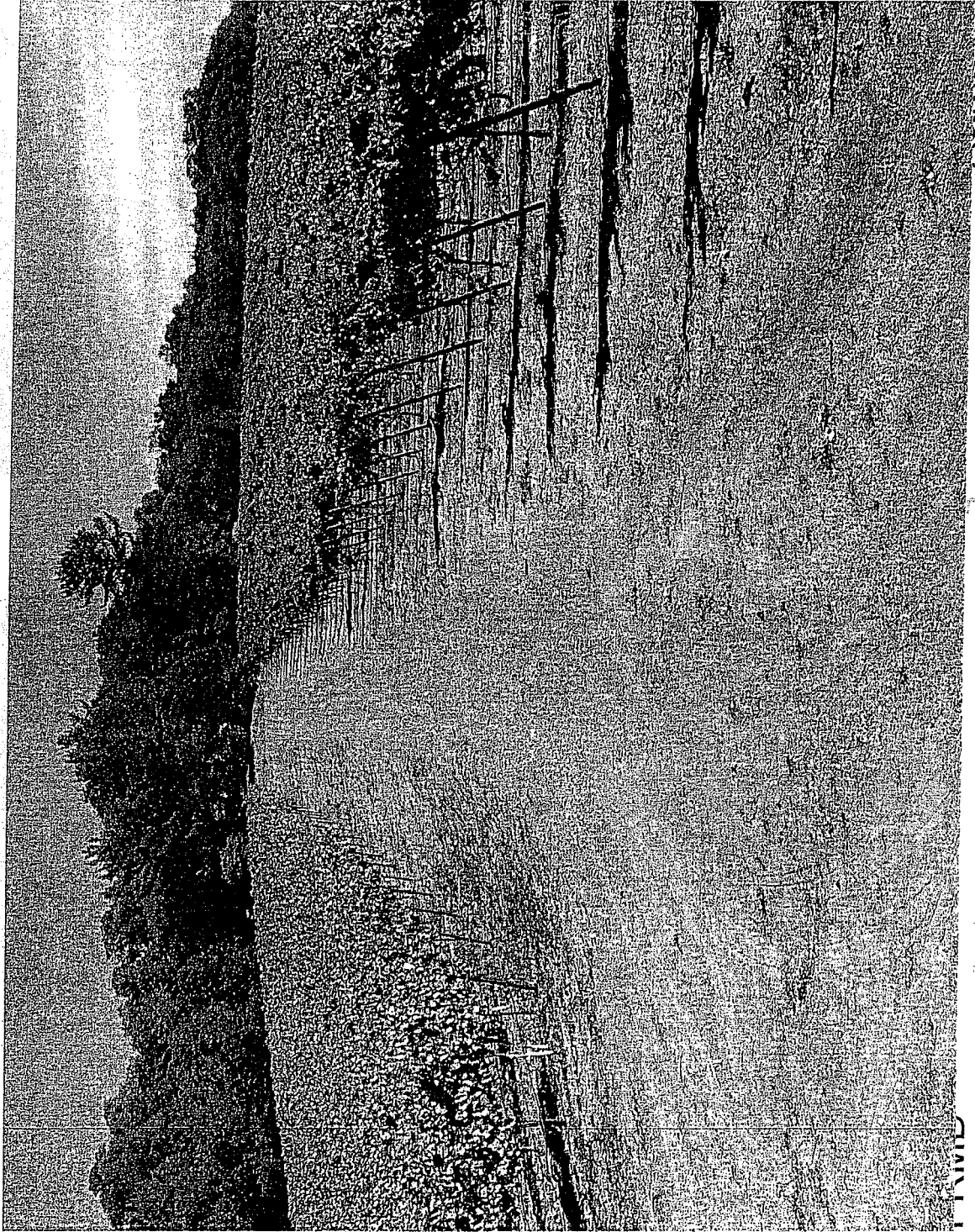
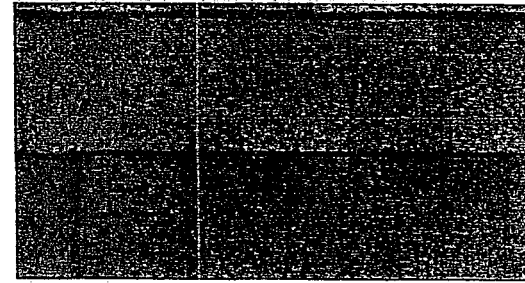
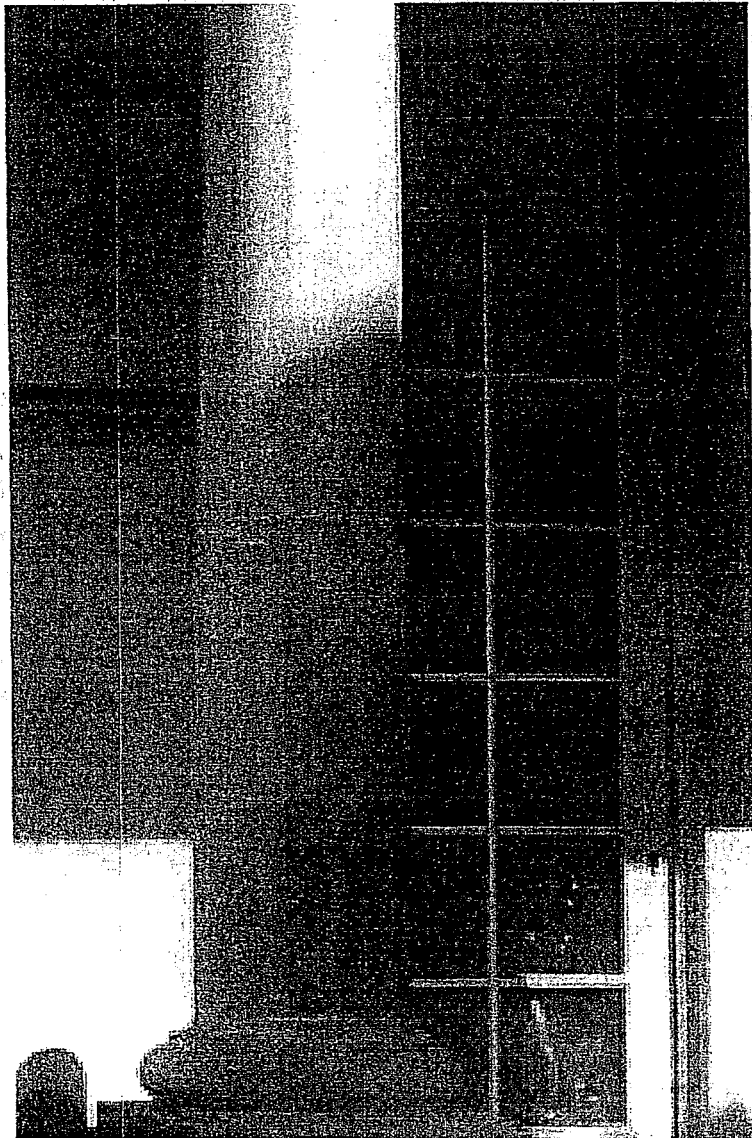


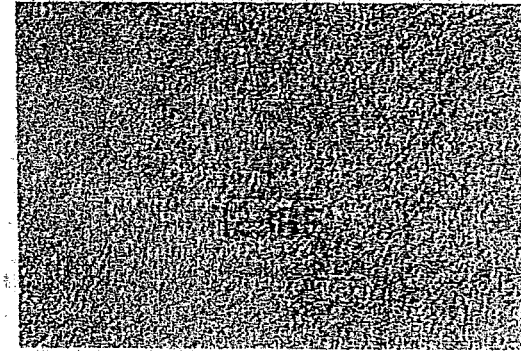
EXHIBIT L-99

P12-0009

Phase II Winery Building Colors / Material



Main Roof, Cool Roof
Color: Weathered Wood
Manufacturer: Timberline Cool Series



Cement Plaster
Color: Dune
Manufacturer: Davis Color

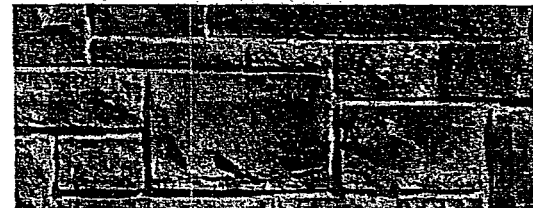
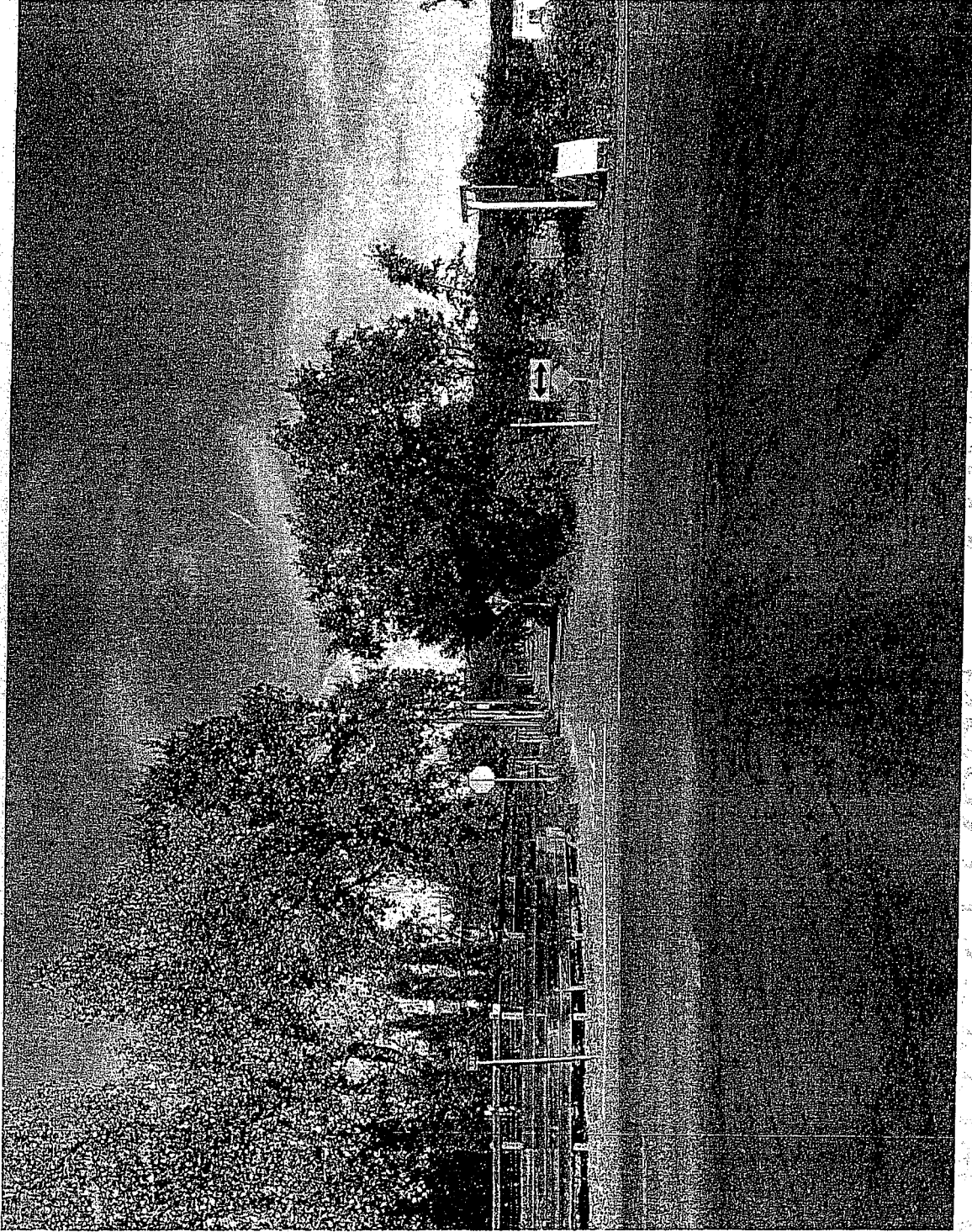


EXHIBIT L-100



P12-0009

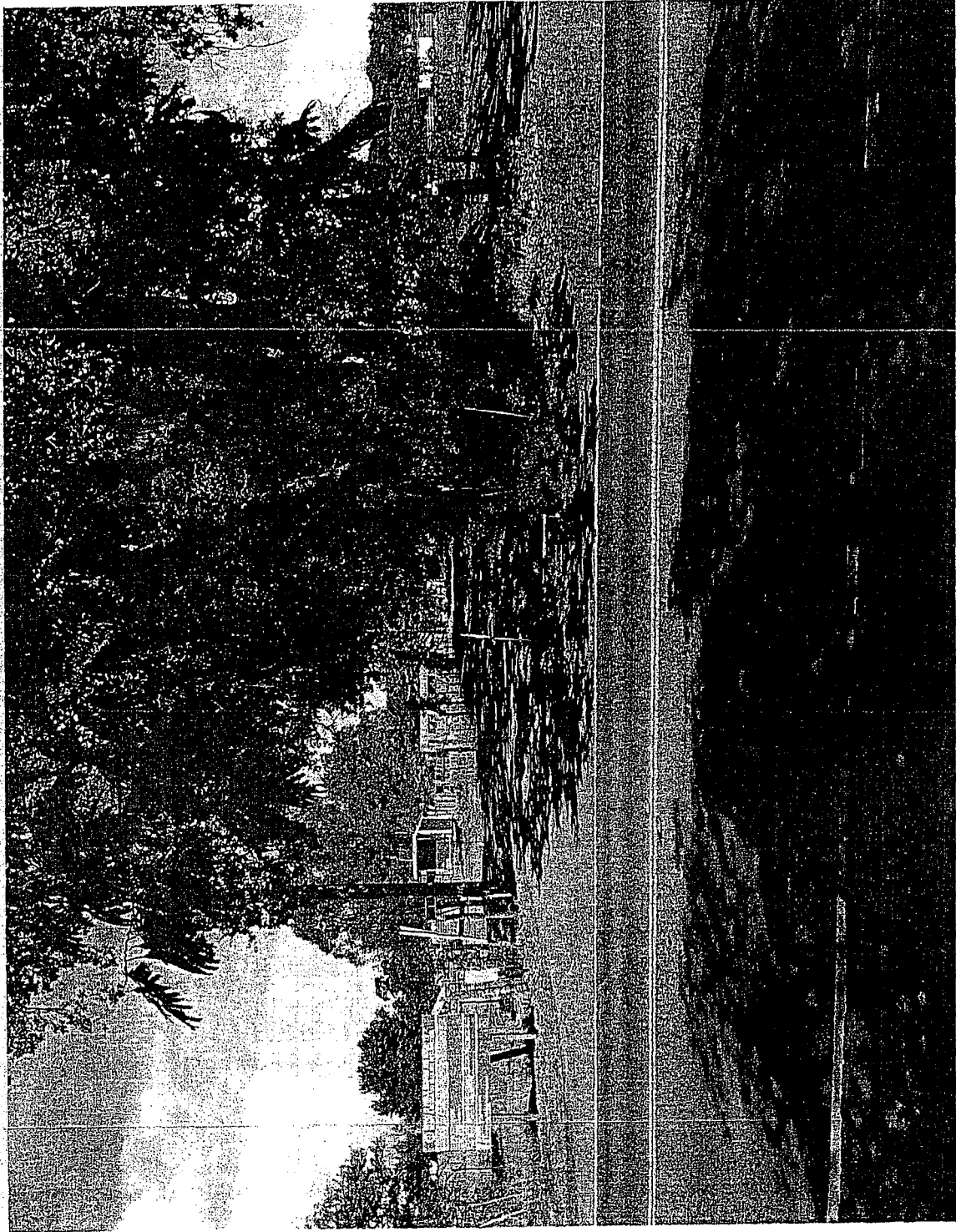
Hillview Road entrance off Arata Lane



PRMD

PRMD - Municipal Activity #PLP 12-0009

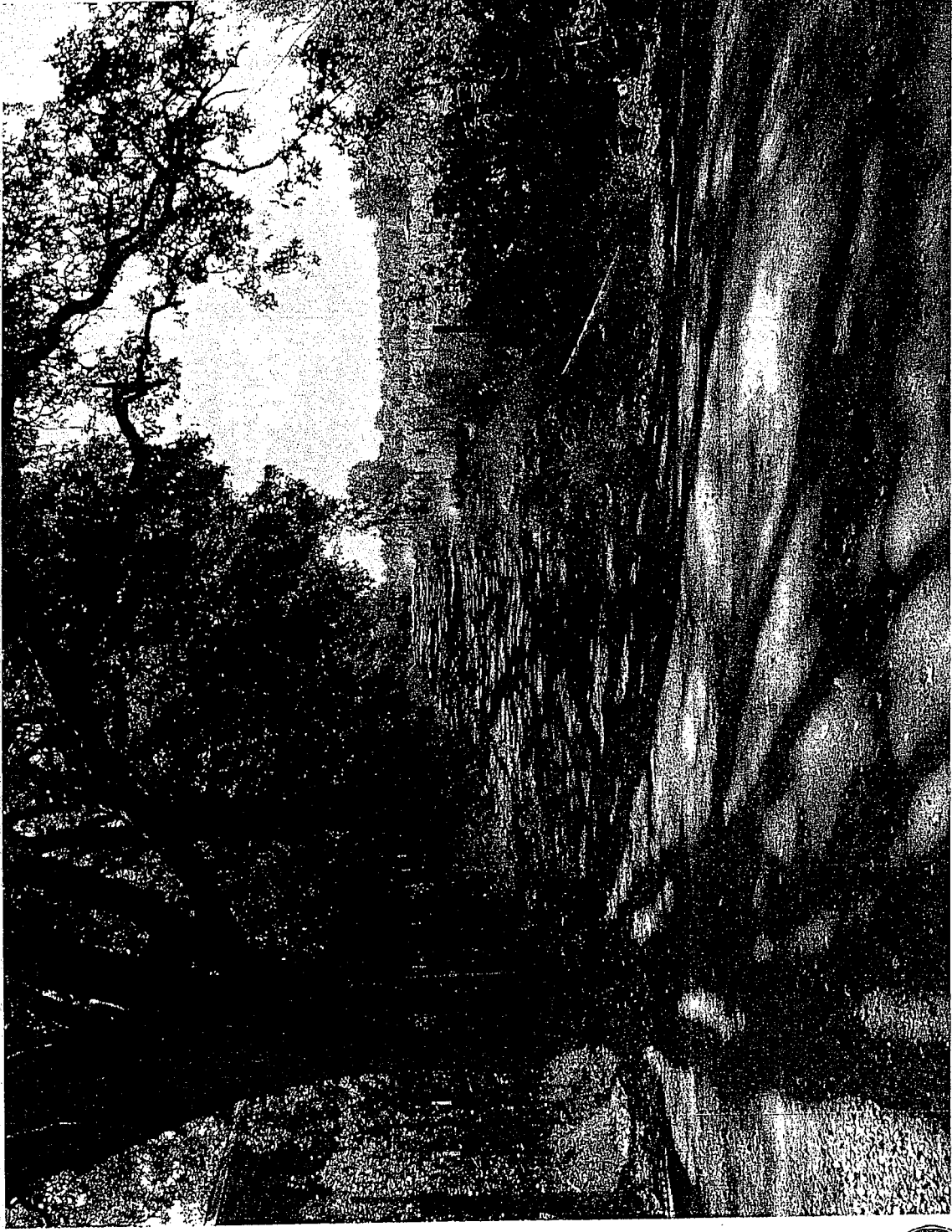
New Access Road – Windsor Oaks Rd



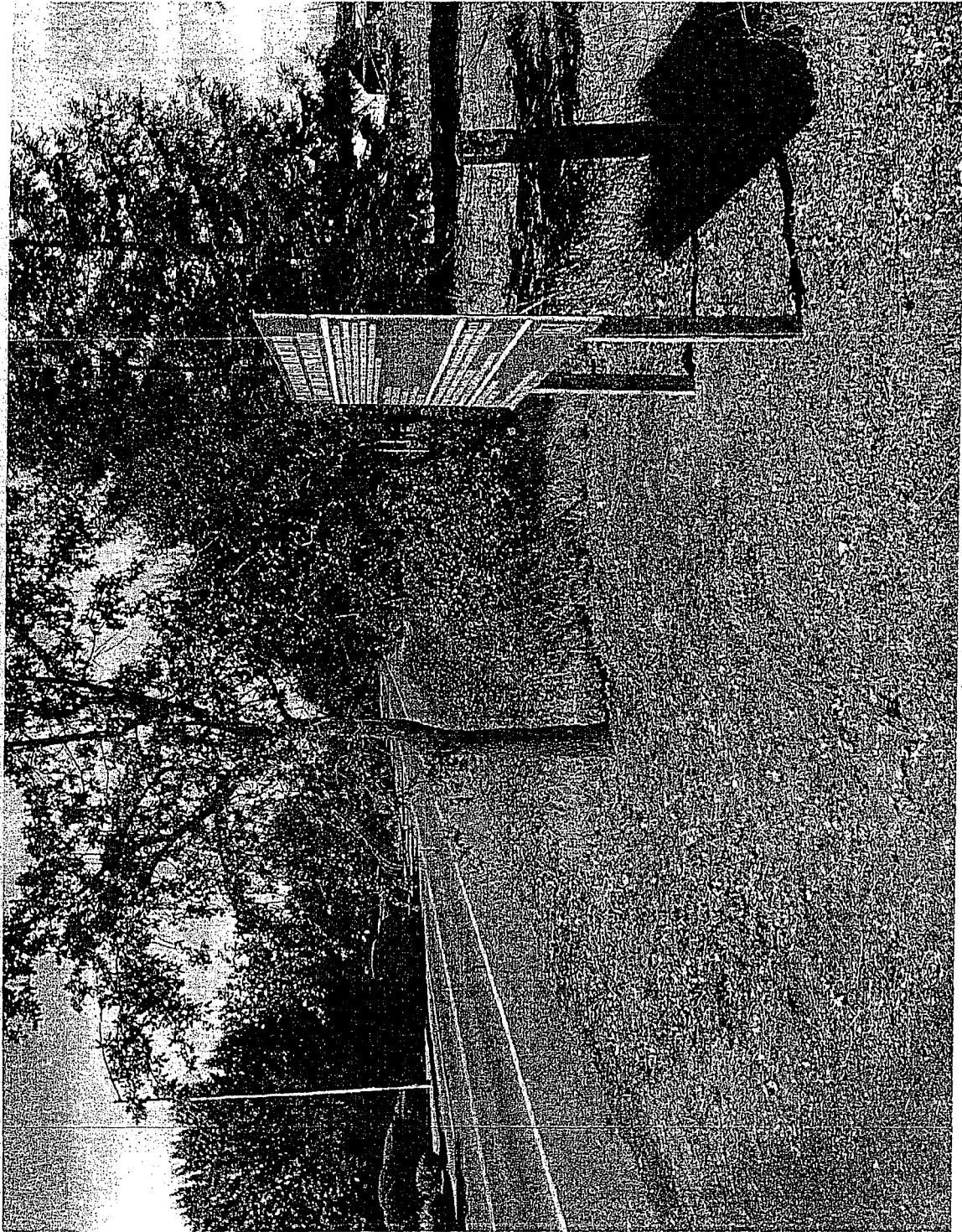
PRMD

Activity #PLP12-0009

End of New Access Road to Winery Site (Windsor Oaks Rd)



P12-0009



PRMD

Activity #PLP12-0009

RECEIVED

AUG 08 2013

**PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT
COUNTY OF SONOMA**

**DESIGN REVIEW RECORD OF ACTION SHEET
COMMENTS & CONDITIONS**

Applicant: Steve Martin
Address: 10810 Hillview Rd. Windsor

File: PLP12-0009
Date: May 1, 2013

NOTE: PRIOR TO THE BOARD OF ZONING ADJUSTMENT HEARING AND PRIOR TO FINAL DESIGN REVIEW, THE APPLICANT SHALL REVISE THE PLANS OR OVERALL PROJECT COMPONENTS IN ACCORDANCE WITH THE DESIGN REVIEW COMMITTEE RECOMMENDATIONS. IF DRC RECOMMENDATIONS WERE NOT INCORPORATED IN THE PLANS OR PROJECT COMPONENTS, THAN A DETAILED EXPLANATION AS TO WHY THE DRC RECOMMENDATIONS WERE NOT INCORPORATED IN THE PLANS OR OVERALL PROJECT IS REQUIRED.

SITE PLAN

1. Show trash enclosure(s) location and trash enclosure design on plans.

Response: See revised Sheet UP2.

ARCHITECTURE: Building Elevations, Colors, Materials, etc.

1. For the Phase II new winery building, the shingle roof does not blend with building design. A slate roof or a slate roof appearance is recommended.

Response: See revised Sheet A6 for new slate roof.

2. For the Phase II new winery building, the amount of glass should be reduced.

Response: See revised sheet A6 for reduced glass at windows and doors.

3. For the Phase II new winery building, the shutters as designed on plans appear out of proportion compared to the window sizes. Revise shutters to be more correctly proportions or omit shutters from design plans.

Response: See revised sheet A6 for shutters that have been removed or re-sized.

4. For the Phase II new winery building, there appears to be too much stone. Recommend reducing the amount of stone or show on elevation plans if mature vineyard or landscape will help soften the appearance of the stone.

Response: See revised sheet A6 for landscaping that softens the appearance of the stone.

LANDSCAPING: Design, Plant Types & Sizes, Irrigation, etc.

1. Add more islands with trees in the Phase II parking lot.

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

2. Larger tree species should be planted in the Phase II parking lot to provide more shade.

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

3. Add native oaks to the landscaping plans for both Phase I and Phase II.

EXHIBIT L-105

EXHIBIT Y

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

4. Use more oaks and native species in the Phase I landscaping plans to have it appear more nature and mature.

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

5. Provide detailed irrigation plans for Final Design Review. Based on the new lawn area at Phase II development, the project appears subject to WELO (Water Efficiency Landscape Ordinance) and its requirements.

Response: Landscape plans to follow.

SIGNS:

1. Show location of all proposed signs for winery facility on the site plan. Provide sign details (height, width, colors, materials, and letter sizing).

Response: Signage to follow.

EXTERIOR LIGHTING:

1. Provide exterior lighting plans and cut sheets for both Phase I and Phase II development.

Response: See revised sheets UP2 and UP3 for timed, motion sensor pathway lights that are shielded, low voltage light fixtures and attached cut sheet.

REVISED

DATE

BY

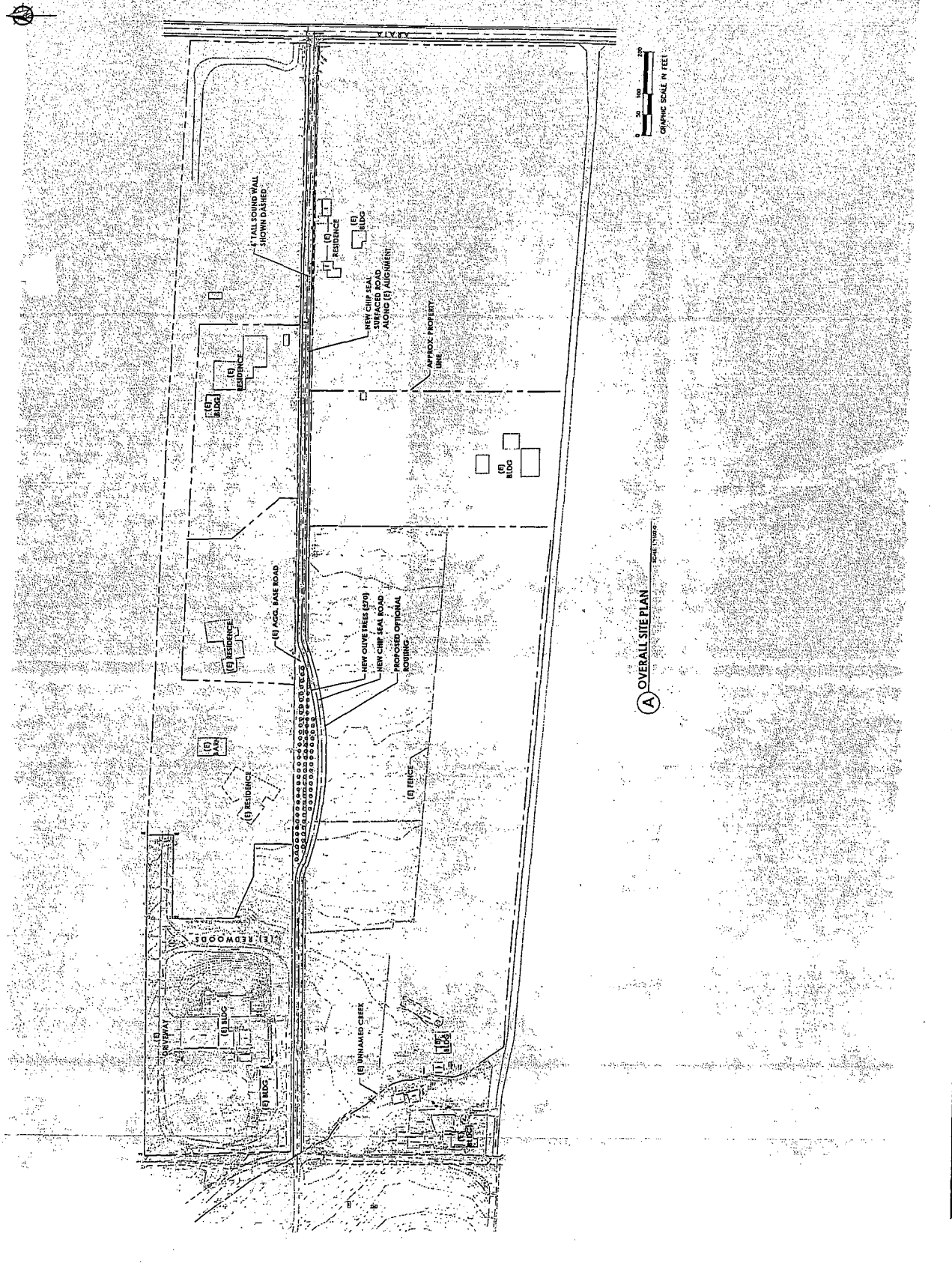
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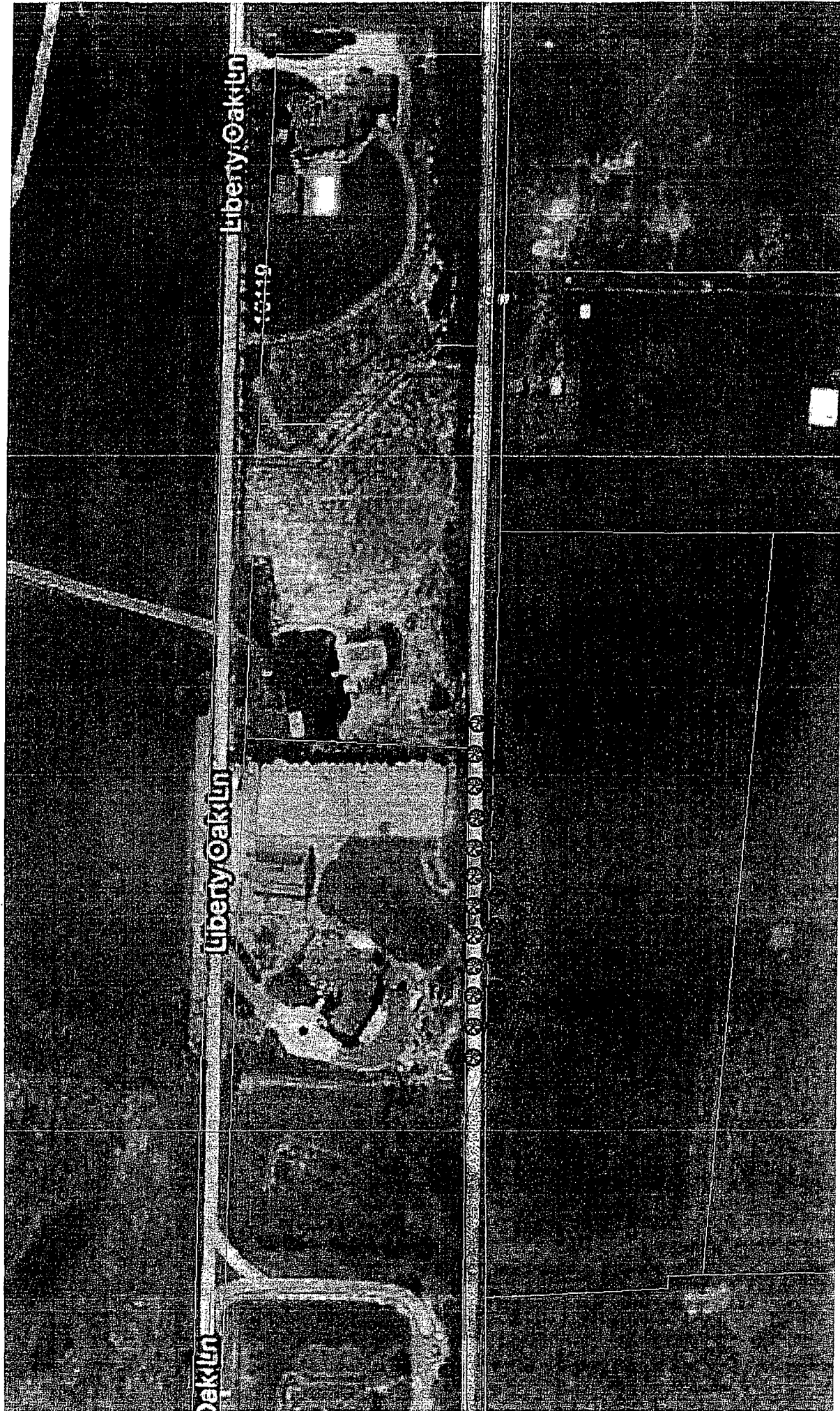
NO.	DATE	BY	DESCRIPTION

WINDSOR OAKS WINERY
 Renovation to an Existing Building and
 Construction of a New Winery Building
 10810 Hillview Road Windsor, CA 95492
 AP# 086-100-16

USE PERMIT
 ALTERNATE - ENTRANCE
 AND ROAD IMPROVEMENTS

SMA
 Structural Mechanical & Architectural
 130 S. Main Street, Ste. 201
 Sausalito, CA 94965
 PH (415) 456-8700
 FAX (415) 456-8707
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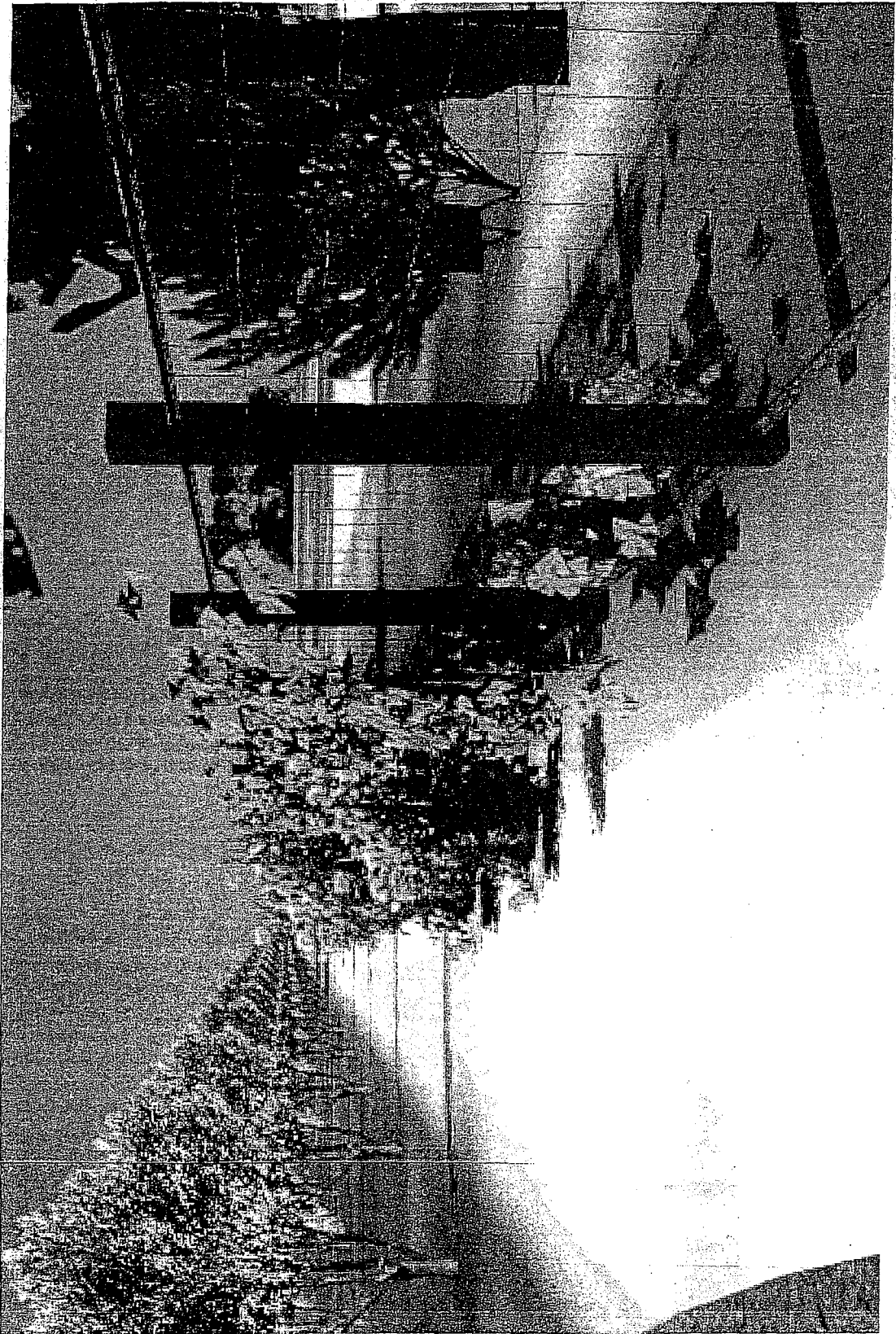


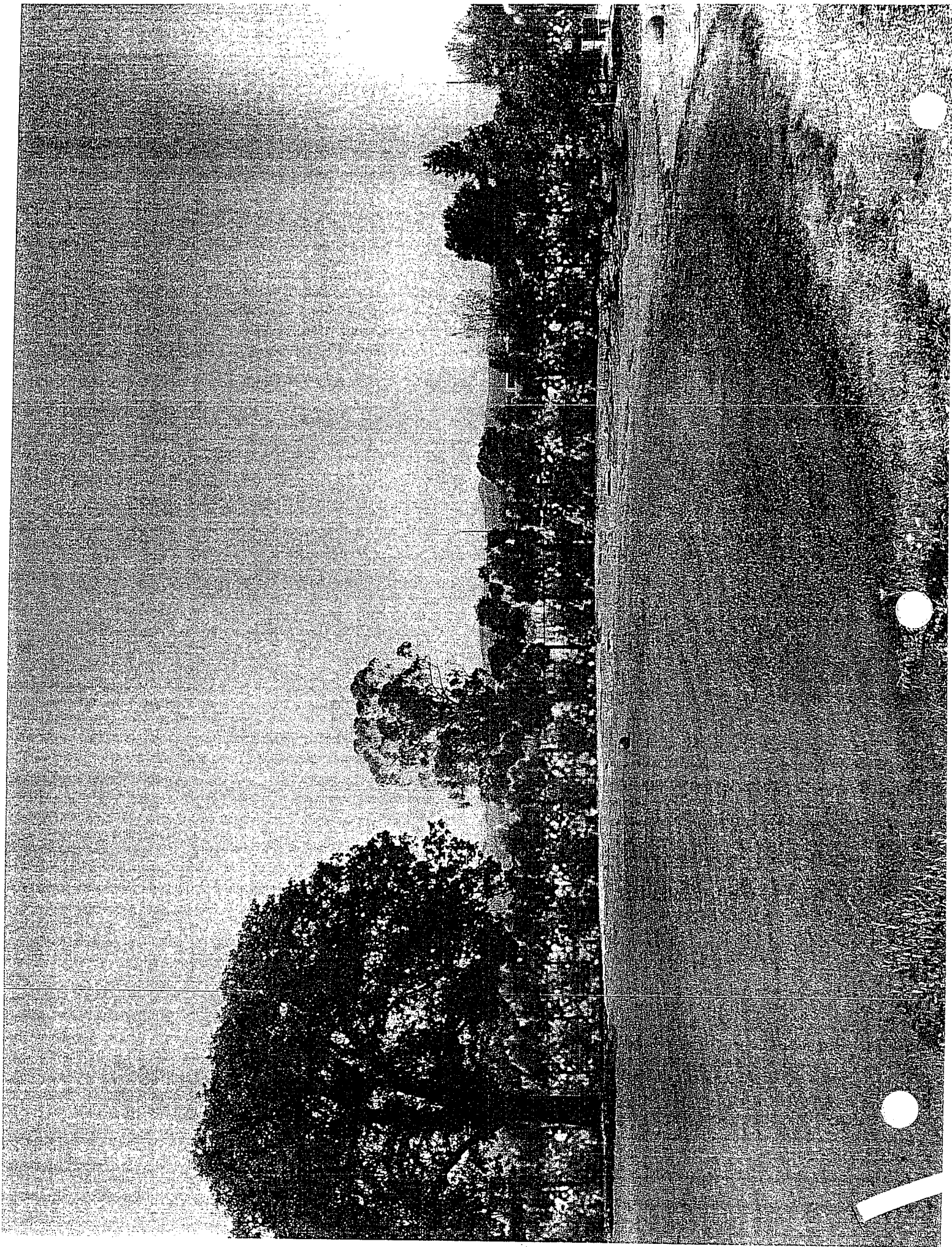
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w-trans



October 10, 2013

Mr. Steve Martin
Steve Martin Associates
130 South Main Street, Suite 201
Sebastopol, CA 95472

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401
voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Addendum to the Traffic Impact Study for the Windsor Oaks Winery Project

Dear Mr. Martin;

We understand that the project description for the Windsor Oaks Winery project has changed in that employee traffic will now use the new project street, Windsor Oaks Road, rather than using Hillview Road as was previously assumed. Windsor Oaks Road will serve both existing employee and proposed additional traffic (employees and visitors) from the Windsor Oaks Winery; production-related traffic will remain on Hillview Road.

The net result of this change is a reduction in traffic at Arata Lane/Hillview Road, which was already projected to operate at LOS C or better on all approaches under Future volumes with project traffic added, as reported in the *Traffic Impact Study for the Windsor Oaks Winery Project*, April 11, 2012. The intersection would be expected to operate better, or with slightly lower delays, with the proposed change to project access assignments.

It is further noted that the volume of grapes expected to be produced on-site has changed. The trip generation form has been revised to reflect this change, though because the change is so minor the average number of daily truck trips remains at about two.

Other than these minor changes, the analysis provided in the *Traffic Impact Study for the Windsor Oaks Winery Project* remains valid as an assessment of the project's potential impacts.

Sincerely,

Dalene J. Whitlock, P.E., PTOE
Principal

DJW/djw/SOX436.L1

Enclosure: Winery Trip Generation Form

EXHIBIT AA

EXHIBIT L111

Winery Trip Generation

Winery: Windsor Oaks Winery
 Location: 10810 Hillview Road Windsor, CA
 Annual Full Production: 100000 cases

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	4	5	5	--	12	15	15	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	4	4	4	--	12	12	12	--
Sales	2	2	2	--	6	6	6	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	10	11	11	0	30	33	33	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 37; 37 truck(s) at 12 tons/truck Dates of Activity: August through October	0.00	0.28
Juice Importation Truck loads per year: None Dates of Activity:	0.00	0.00
Juice/Fruit Exportation Truck loads per year: 3 truck(s) at 6000 gallons per truck Dates of Activity:	0.45	0.02
Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed:	0.00	0.00
Bottle Delivery Truck loads per year: 49 truck(s) at 1904 cases/truck Dates of Activity: January through June	0.46	0.37
Barrel Delivery Truck loads per year: 10 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.03	0.08
Finished Wine Transportation to storage/sales Truck loads per year: 95 truck(s) at 986 cases/truck Dates of Activity: January through December	0.46	0.72
Less Backhauls Truck loads per year: -10 truck(s) Dates of Activity: January through December	-0.09	-0.08
Miscellaneous trips Truck loads per year: 142 trucks Dates of Activity: January through December	1.08	1.08
Totals	2.39	2.47

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	3	6	9	18
Vineyard Maintenance: Peak Season	3	6	2	3
Totals	6	12	11	21

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	55	0	44
Tasting Room Employees	0	2	0	6
Totals	0	57	0	50

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	Year Round	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	Monday - Friday	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	Daily	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am - 6:00pm	6:00 am - 10:00 pm	6:00 am - 10:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 6:00 pm	6:00 am - 10:00 pm	6:00 am - 10:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	8
Enter Event Information on Schedule Tab		
Other Trips (If Applicable)		
None		
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	30	33
Winery Operations (truck traffic)	2	2
Vineyard Operations (employees)	11	21
Tasting Room Traffic (employees and visitors)	0	50
Event Traffic (employee and visitors)	0	8
Miscellaneous other traffic generators	0	0
Totals	43	114

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	93	94	111	110	115	127

Month	July	August	September	October	November	December
Total Trips	140	153	132	143	98	92

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

Resolution Number

County of Sonoma
Santa Rosa, California

October 17, 2013
PLP12-0009 Traci Tesconi

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO WINDSOR OAKS ASSOCIATES, LP; FOR PROPERTY LOCATED AT 10810 HILLVIEW ROAD, WINDSOR; APN 086-100-016 and APN 161-020-043.

WHEREAS, the applicant, Windsor Oaks Associates, LP; filed an application with the Sonoma County Permit and Resource Management Department for Two-Phased Use Permit and Design Review to modify an existing Use Permit for a winery (File# UP7851) with Phase 1 to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, to enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 30 agricultural promotional events per year with a range of maximum guests to include: 10 events with 60 guests, 12 event with 100 persons, and 3 events with 300 guests, and three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total 20 annual event days. Phase II includes a new 8,360 square foot winery building used for barrel storage and to include administration offices, hospitality areas, public tasting areas, VIP tasting areas, and a commercial kitchen. The project site is 471.89 acres, located at 10810 Hillview Road, Windsor, APN 086-100-016 and APN 161-020-043; Zoned LIA (Land Intensive Agriculture), B6 – 60 acre density, G (Geologic Hazard Combining) SR (Scenic Resources), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review for the proposed project in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable the provisions of law, the Board of Zoning Adjustments held a public hearing on October 17, 2013 at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

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

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

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all

EXHIBIT BB

EXHIBIT L-114

Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the LIA zoning district. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes (Russian River and Chalk Hill Appellations). It has been well established that tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with policy AR-6d.

In addition, the following policies shall be used to achieve these objectives: Policy AR-1a: "Permit a wide variety of promotional and marketing activities of County grown and processed products."; Policy AR-4a: "The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Policy AR-6a states to: "Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production..." and Policy AR-6f: "Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such use..." The project has demonstrated that primary use of the project site will remain agricultural production and processing, and all weddings and other events have been limited in frequency and hours as to not impact on-site or off-site agricultural production. The purpose for having agricultural promotional events, weddings, a play, and a concert at the winery site is to promote and market the wines produced on site. The primary potential land use conflicts associated with the proposed use for agricultural promotional events, weddings, a play, and a concert and surrounding agricultural production is exterior lighting, traffic, and noise, whereas, mitigation measures and conditions have been incorporated into the project to reduce potential impacts to a less than significant level. The traffic generated by the proposed uses would not exceed the current level of service of Hillview Rd or Arata Lane.

2. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. The winery facility cannot be rented out to any third-party contracts. The project site is not under a Williamson Act contract.
3. Based upon the whole record (including the Initial Study and all comments received); there is no substantial evidence that the Project will have a significant environmental

effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: the winery is limited to an annual maximum production capacity of 100,000 cases, winery operating hours shall be 7 a.m. to 6 p.m. Monday through Sunday non-harvest; and 6 a.m. to 10 p.m. Monday through Sunday during harvest season, public and VIP tasting room hours are limited to 11 am to 5 pm, industry-wide events are limited to the tasting room hours of 11 am to 5 pm, the winery is limited to 25 agricultural promotional events per year with a range of guests (10 with 60 guests and 12 with 100 persons, and 3 w /300 guests), the winery is limited to three weddings per year with a maximum of 100 guests, the winery is limited to one play and one concert per year each with 300 maximum guests, and participation in 10 industry-wide events, consisting of 20 event days, the any new exterior lighting must be approved by the Design Review Committee and new exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated. Arata Lane and Hillview Road are adequate to support the use with traffic generated by events during non-peak hours, the larger weddings, the play, and the concert are limited to 300 guests and the agricultural promotional events are limited in frequency and maximum guests ranging from 60 to 100 guests, and would be conducted during weekend daytime hours. The proposed increase in winery production, the tasting rooms, and the events have been found consistent with the existing Conservation Easement provided the uses take place the appropriate designated area. The project site is large enough to accommodate all on-site parking needs and at least four parking attendants will be used to assist with parking guest vehicles during events. Prior to initiation of the use, bicycle racks with a minimum of five bicycle parking spaces shall be installed in the parking lot area.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Negative Declaration reflects the independent judgment of the Board.

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

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

Final Conditions of Approval

Date: October 17, 2013 **File No.:** PLP12-0009
Applicant: Windsor Oaks Associates LP **APN:** APN: 086-100-016 and 161-020-043
Address: 10810 Hillview Road, Windsor

Project Description: Request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administrative offices, hospitality areas, break room with a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard. The project site is not under a Williamson Act contract.

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,206.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.
5. If a wine cave is proposed in the future for storage or for private/public assembly, a modification of the Use Permit shall be required. Any wine cave used for guided tours or public/private assembly shall comply with the model California Codes including, but not limited to exiting, fire suppression, lighting and accessibility regulations.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

6. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

7. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
8. A Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
9. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

10. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for special events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100% percent of the wastewater flow from an event with 300 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all

peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

11. Application for amended wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
12. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.
13. If in the future a wine cave is proposed, the Use Permit will need to be modified and sewage disposal system(s) shall be evaluated relative to the location of any proposed wine cave(s). If the floor of the wine cave(s) are lower than any wastewater disposal field or septic tanks, a minimum 50-foot setback from any tanks, sumps, and septic disposal field shall be maintained.

Consumer Protection:

14. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope and frequency specified under the Planning conditions in this Use Permit.
15. If the project will operate under a Wine Tasting Room Exemption, the exemption requires:
 - a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
 - b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
 - c. Note that this Use Permit requires that all flooring, counter tops, restrooms and sinks in the food service area shall be built to CalCode standards in an effort to minimize the need for replacement when a small change in the menu triggers the need for a Food Facility permit.

Vector Control:

16. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

BUILDING:

Solid Waste:

17. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

PRIOR TO OCCUPANCY:

Water:

18. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

19. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
20. A safe, potable water supply shall be provided and maintained.
21. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
22. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.
23. Any new or replacement water well(s) drilled to supply the project described under this Use Permit shall meet a minimum 150-foot setback from the project site's property line boundaries.

Septic:

24. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
25. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
26. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the

requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

27. If the permit holder decides to provide portable toilets, in addition to the public restrooms provided on the site, the following standards are required:
- a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
 - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
 - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
 - e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
 - f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the special event and at future special events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.
 - ii) Toilet paper is promptly replaced when the dispenser runs out.
 - iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
 - iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
 - v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

28. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

29. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and special event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit.

However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6565 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6565 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

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

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

30. Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan.
31. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Smoking:

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

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

GRADING AND STORM WATER:

"The conditions below have been satisfied BY _____ DATE _____

34. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
35. A separate grading permit is required for the new proposed entrance road, Windsor Oaks Road, from Arata Lane.
36. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading permit application and with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
37. The new entrance road from Arata Lane, Windsor Oaks Road, to the proposed project shown on parcel 161-020-043 is subject to storm water Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the proposed development shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading permit application or with improvement plans, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
38. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria and the Windsor Area Master Drainage. Drainage improvements shall be shown on the grading plans for on-site work and the improvement plans for off-site work, and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
39. The applicant shall provide grading plans and improvement plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
40. As part of the grading plans and improvement plans, the applicant shall include an erosion

- prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
41. Residue or polluted runoff from crush pads or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
 42. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
 43. All structures requiring a building permit or an agricultural exemption shall adhere to a building setback line measured, from the toe of the stream bank outward, a distance of 2.5 times the height of the stream bank plus 30 feet, or 30 feet outward from the top of the stream bank, whichever distance is greater. If the top of the stream bank cannot be determined by visual analysis, then the building setback line shall be determined by hydraulic analysis.
 44. Grading and land disturbance shall be set back from streams a minimum of 25 feet from the top of stream bank.
 45. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading plans and improvement plans.
 46. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading and/or improvement plans.
 47. The proposed project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

48. This proposal impacts a road under State of California jurisdiction. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right-of-way.
49. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to Arata Lane shall conform to AASHTO recommendations. More specifically, the Applicant shall construct a driveway meeting the following criteria:

- a. A minimum paved throat width of 24 feet;
- b. Entrance curves having a minimum pavement radius of 25 feet;
- c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
- d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on River Road.
- f. Refer to County of Sonoma-Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/const_std/).
- e. The entrance improvements shall be in place prior to commencement of the approved activity.

- 50. The Applicant shall pave the existing driveway for a distance of 25 feet north from the gate at the end of Hillview Road. Driveway runoff shall be diverted to the edges of the pavement to reduce the amount of material that is carried from the site to the public road.
- 51. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 52. The Applicant shall implement measures that keep winery-related traffic volume on Hillview Road at the current level. A project-related increase in Hillview Road traffic is subject to the improvement of Hillview Road at the Arata Lane intersection.
- 53. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
- 54. Improvement of the private road connection to Arata Lane is subject to an encroachment permit issued by the Town Of Windsor.

TOWN OF WINDSOR:

- 55. Prior to preparing improvement plans for the private road connection to Arata Lane, the applicant and/or applicant's engineer will need to meet with the Town of Windsor staff to discuss the Town's plan and project requirements and to go over the Town's review and approval process.
- 56. Information shown on the preliminary site development plans shall not be construed as accepted or meeting Town standards and requirements and is subject to review and approval during the plan review process.
- 57. Prior to performing any work within the Arata Lane public right-of-way, an encroachment permit will be required from the Town of Windsor. All permit, plan check and inspection fees will need to be paid to the Town of Windsor (Public Works Department) prior to issuance of an encroachment permit.
- 58. Improvement plans must be approved and signed by the Town Engineer prior to issuance of an Encroachment Permit.
- 59. All design and construction within the Town of Windsor shall conform to the latest edition of the Town of Windsor Design and Construction Standards and Caltrans, AASHTO and other applicable codes, standards, guidelines and specifications.

60. Deviations from Town Standards and applicable Code requirements shall be approved by the Town Engineer. The applicant's engineer shall request all design exceptions in writing.
61. Public improvement drawings shall be drafted in the Town approved sheet format. AutoCAD drawing files can be found on the Town's website, (townofwindsor.com).
62. All existing and proposed rights-of-way and easements shall be clearly identified on the design drawings. Where the project is adjacent to the Town Boundary, the Town Boundary shall be clearly shown.
63. As the projects only access is off of Town streets, it is required by the Board of Zoning Adjustments that the applicant pay into the Town's Traffic Impact Fee an amount based upon the project generated 7 P.M. peak hour trips at the current rate in effect at the time of payment.
64. Prior to issuance of a Sonoma County Building Permit, the applicant shall submit written verification from the Town of Windsor that the Town's Traffic Impact Fees have been paid in full.
65. In the event that the Town is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.
66. In the event that the Town elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the Town, deposit with the Town, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

Road Improvements:

67. The Hillview Road entry and new driveway entry shall be paved or chip sealed, or other approved alternative, for a minimum distance of 100' from Arata Lane to prevent tracking of unsuitable materials into Arata Lane during ingress and egress to the proposed winery expansion and new tasting room.

Grading and Drainage Improvements:

68. The proposed drainage improvements in Arata Lane and all project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Control Design Criteria. Public and private drainage improvements shall be shown on the improvement plans and shall be approved by the Sonoma County Water Agency (SCWA) prior to approval by the Town Engineer.
69. The existing drainage facilities in Arata Lane, within the sphere of influence of Hillview Road and the proposed project driveway, shall be improved to meet the Town's current Design and Construction Standards and SCWA Flood Control Design Criteria. Existing wooden structures shall be replaced with concrete structures to the satisfaction of the Town Engineer.
70. The grading and drainage plan shall clearly show all existing survey monuments and property corners along and in the Arata Lane right-of-way and shall state that they shall be protected and preserved.

Storm Water Quality:

71. All design and construction within Arata Lane right-of-way shall meet the requirements of the Town of Windsor, Phase II NPDES Storm Water Management Plan and the 2005 SUSMP Guidelines.

Tree Preservation:

72. Tree preservation requirements within the Town of Windsor shall be shown on the grading and drainage plan or a separate tree preservation plan as approved by the Town Engineer and Planning Director. Tree preservation plan requirements shall conform to the Town's Tree Preservation Ordinance for all work within the Arata Lane right-of-way.

FIRE AND EMERGENCY SERVICES:

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

73. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around (at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
74. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
75. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
76. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with Chapter 5 of the 2010 California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification; gate access & key boxes; and fire protection water supplies.
- a. Access roads: Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - b. Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.
 - c. Address numbers: Approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property shall be provided.
 - d. Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.
77. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with Chapter 27 of the 2010 California Fire Code as adopted and amended by Sonoma County Code.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

78. Approval for a two-phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administrative offices, hospitality areas, VIP tasting areas, and a break room with a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard.
79. Hours of operation are as follows:
- a. Winery: 7 a.m. to 6 p.m., Monday through Sunday non-harvest; and 6 a.m. to 10 p.m., Monday through Sunday during harvest season.
 - b. Public and private tasting room hours: 11 am to 5 pm, 7 days a week
 - c. Industry-wide events: 11 am to 5 pm (same operating hours as tasting rooms)
 - d. Agricultural promotional events and weddings hours: 10 am to 10 pm. Guest shall exit the project site and cleanup starting by at least 9 p.m. to be completed by 10:00 pm.

No overnight accommodations for guests or visitors to reside on the project site is authorized by this Use Permit. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0009. This Use Permit shall supersede all prior Use Permit approvals, including UP 7851.

80. The facility shall not be rented out to third parties for events.
81. Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, May 1, 2013; and any subsequent DRC recommendations. The Design Review Committee must shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration.

Mitigation Monitoring : The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

82. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot lights shall

- be full cut-off fixtures and shall not exceed 4 feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
83. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural standards from Title 24 effective October 2005).
84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
 - h. Limit traffic speeds on unpaved access roads to 15 mph.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation and ground cover in disturbed areas as quickly as possible.
85. Pomace is to be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
- a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

86. Any proposed vegetation or signs installed along Arata Lane near Hillview Road or along the new driveway (Windsor Oaks Drive) shall be located so as not to obstruct the visibility of vehicles entering or exiting the project site.
87. Prior to final occupancy of the Phase I development, the applicant shall submit a complete Road Naming Application with PRMD for the access roadway at the intersection of Arata Lane (referred to on the Site Plan as Windsor Oaks Road).
88. Prior to final occupancy of the Phase I development, the applicant shall place valley gutters for traffic calming along Windsor Oaks Road subject to approval by PRMD staff.
89. Prior to final occupancy of the Phase I development, the winery sign(s) shall direct all guests vehicles to use the new access roadway (Windsor Oaks Road) and direct all truck deliveries to use Hillview Road. Signs shall be installed at the entrance(s) at the intersection(s) Windsor Oaks Road Arata Lane and Hillview Oaks Road/Arata Lane, once approved for design and location by the Department of Transportation and Public Works and Town of Windsor, followed by the Design Review Committee. In addition, winery management shall instruct all employees to use Windsor Oaks Road and instruct grape haulers and truck drivers related to the winery's operations to use Hillview Road.
90. The Permit-Holder shall provide a written notification to all neighbors who reside on Hillview Road and Liberty Oak Lane a minimum of 30-days prior to having an agricultural promotional event or wedding at the project site.
91. The Permit-Holder shall have trained personal stationed at the entrance of Windsor Oaks Road to provide traffic control for all agricultural promotional events and weddings with 100 guests or more.
92. During special events, temporary, overflow parking shall be provided along the unpaved areas between the existing vineyards. Temporary signs shall be installed and at least 4 parking attendants shall be on duty during the events directing guest vehicles to designated parking areas. Temporary parking signage shall be removed after the event.
93. Consistent with the existing Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District, the weddings are only allowed to be held within the Agricultural Building Area (ABA) which includes the existing winery buildings and surrounding area as designated on the Conservation Easement Map. Such uses are not permitted in the new winery building since it is located outside the Agricultural Building Area (ABA), but is located within the Alternate Building Envelope (ABE).
94. Consistent with the existing Conservation Easement terms, for events held outside the Agricultural Building Area (ABA) guests shall not pay for services such as seminars, all tours, recreational uses, or meals.
95. Prior to final occupancy of the Phase I development, adequate bicycle racks near the entrance to the proposed new winery building shall be installed to be used for public tasting and retail sales. Bicycle racks shall be installed in accordance with Sonoma County Parking Regulations. Required parking is one bicycle parking space be provided for every 5 spaces required for automobiles. Please reference the Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (APBP), which can be found online at the following website; http://www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf. Bicycle parking standards are also provided on pages 19 and 20 of the 2010 Sonoma County Bicycle and Pedestrian Plan, which can be found via the following link; <http://www.sonoma-county.org/prmd/docs/misc/bikeplandraft.pdf>.
96. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any

applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.

97. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.
98. **Two-Year Review.** A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
99. **Annual Report.** After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.
100. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
101. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
102. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and

comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

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

103. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
104. Prior to building permit issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091. <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.
105. The applicant shall maintain a minimum of 33 permanent parking spaces on-site to serve the winery and tasting room approved land uses. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. (If affordable or special needs units - Each affordable or special needs unit shall be provided with a covered parking space included in the rental fee.
106. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
107. Staff Training. Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.
108. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. Samples or tastes of pre-prepared packaged food and appetizers featuring local foods and food products offered in conjunction with wine tasting, special events, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, weddings, the play, and the concert. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.

- c. Retail sales of pre-prepared packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
- 1) Retail sales of pre-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
109. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
110. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.
- The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
111. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

This Use Permit is approved for phasing of the project development as follows: Phase I development shall be completed within two (2) years after the date of the granting of the Use Permit, after which 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.

Phase I development must be completed prior to the issuance of building permits for the Phase II development. Phase II development shall be completed within five (5) years after the date of the granting of the Use Permit, however, upon a written request by the applicant, prior to the expiration of the five year period, the permit approval may be extended for not more than one (1) year by the 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. after which, the permit for Phase II shall become automatically void and of no further effect.



*Sonoma County Combined Planning Commission
and Board of Zoning Adjustments*
MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: October 17, 2013
Meeting No.: 13-009

ROLL CALL

Commissioners

Shawn Montoya
Paula Cook
Jason Liles
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Jane Riley
Traci Tesconi
Sigrid Swedenborg
Dean Parsons
Sue Dahl, Secretary
David Hurst, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Approval of Minutes -

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda.

PLANNING COMMISSION UNCONTESTED CALENDAR

Item No.1 Time: 1:05 p.m. File No.: PLP13-0024
Applicant: Graton Fire Projection District Staff: Jane Riley
Env. Doc: Categorical Exemption
Proposal: A request for: 1) a General Plan Amendment from the PQP (Public Quasi-Public) to the RR (Rural Residential) 5 acre density land use designation; and 2) a corresponding Zone Change from the PF (Public Facilities), Z (Second Dwelling Unit Exclusion), HD (Historic District) to the AR (Agriculture and residential), B6-5 acre density, Z, HD zoning districts on a 2.0 acre parcel.

EXHIBIT M-1

No physical changes are proposed. Approval of the request will not allow further development of the parcel.
Location: 4060 Green Valley School Road, Graton
APN: 104-110-004 Supervisorial District: 5
Zoning: PF (Public Facilities), HD (Historic District), Z (Second Unit Exclusion)

Public Hearing Opened: 1:10 p.m.

Speakers: Jean Kapolchok stated that she was available to answer questions.

Public Hearing Closed: 1:11 p.m.

Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors. Seconded by **Commission Liles** and passed with a unanimous vote.
Appeal Deadline: N/A
Resolution No.: 13-

Fogg: aye	Montoya: aye	Cook: aye	Liles: aye	Lynch: aye
Ayes: 5	Noes: 0	Absent:0	Abstain: 0	

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.2Time:1:05 p.m. File: PLP12-0009
Applicant: Windsor Oaks Associates, LP Staff: Traci Tesconi
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, to add a public tasting room, retail sales, and public tours, to enlarge the existing winery building by approximately 2,000 square feet, and to have 25 agricultural promotional events per year with a range of guests (10 with 60 guests and 12 with 100 persons, and 3 with 300 guests), three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events consisting of a total of 20 event days with a maximum of 300 guests. Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administration offices, hospitality areas, and a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard.
Location: 10810 Hillview Road, Windsor
APN: 086-100-016 Supervisorial District: 4
Zoning: LIA (Land Intensive Agriculture), B6 – 60 acre density, G (Geologic Hazard Combining) SR (Scenic Resources), VOH (Valley Oak Habitat)

Traci Tesconi summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners: Commissioner Liles that this particular project was unusual for his district. Most wineries requesting events are on smaller parcels with lots of neighbors, and the BZA has wrestled with many issues regarding events. For this particular project his main concern was the narrow access and traffic.

Commissioner Montoya asked if Windsor Oaks Road was accessible for the winery without a use permit, and staff Tesconi confirmed that there has been established road since 1920 and the winery has been able to use it to

access their vineyard, which is a permitted use in the zoning district. The Town of Windsor could require an encroachment permit to improve throat.

Commissioner Lynch expressed concern about errors in the traffic report and wondered what would trigger the need to a left turn land. Staff Tesconi indicated that the traffic consultant was available, and the report was reviewed by traffic engineers as well as Public Works and found to be acceptable.

Commissioner Fogg asked if other wineries were permitted for concerts and plays. Staff knew of concerts allowed at B R Cohn Winery, and for concerts, and Buena Vista Winery has a Shakespeare play.

Public Hearing Opened: 1:40

Steve Martin, Project Manager from SMA, introduced his team, and thanked Traci for her professional and comprehensive report. Currently, access is along Hillview Road at 32 trips day. They plan to put all new traffic onto Liberty Oak Road, but keep truck traffic on Hillview. Martin met with neighbors and discussed the different phasing. None of the buildings will be visible to neighbors or from the public road. He worked with the Open Space District and the project description has been revised to be consistent with the conservation easement that has been approved by the Open Space District.

When the original Use Permit was approved in 1978, the winery was allowed to larger volumes of wine, include public tasting and retail sales, but this was not done at the time. In the 80's the use permit was modified to lower volume and eliminated public tasting and sales. It was modified a third time to allow 43,000 cases, but no public tasting. The owner now wants to produce 100,000 cases and include public tasting.

Martin stated that community outreach had been conducted, and that Windsor Oaks winery wants to be a good neighbor. They need public tasting, retail sales, and increased production to remain economically viable, and they are a perfect example of a true agricultural operation. They intend to process only grapes grown on site. Martin asked for approval of the project.

Commissioner Liles asked where the events and play would take place, and Mr. Martin pointed it out, and said the purpose is to expose more people to the property and wine. Commissioner Liles expressed concern about the number of events being proposed. Mr. Martin said they would take place Spring through Fall. Commissioner Liles expressed concern about speeding on the road and recommended valley gutters rather than bumps. Regarding the combined entrances, Commissioner Liles favored a roundabout for traffic control.

Joy Zamoyski-Koch, Liberty Oak Lane, Windsor said the abandonment of the existing road without notification was very upsetting and they oppose the current proposal. Changing main access will be detrimental to their equestrian facility and endanger their clients, as horses are very sensitive to noise and movement. She has the right to enjoy her property and the intensification of traffic and winery activities will be devastating. Her business will be impacted as well as property values. Residents in the area like the peace and quiet. There have been accidents on Arata Lane and a teenage boy was hit and left in the ditch by someone turning left onto Liberty Oak Lane. The proposed entrance is not safe, and the applicants have not attempted to work things out with her.

Michael Murphy, community activist, said that horses constitute an important part of agriculture in the County. They are flight animals, spook easily and the road will greatly impact safety of the equestrian facility. He opposed putting horses and customers in the arena close to the road, and asked if the noise study involved analysis of the effect on the horses. The proposed sound wall is not enough, and veterinarians say that there should be at least 100 feet from the arena to a road and the sound wall should be six feet high. Other access should be found.

David Koch, Liberty Oak Lane, was not opposed to the project, but very concerned they are dumping more traffic back on their street. The curvature needs more sound deadening enhancement if the project goes through.

Joseph Fraguglia, Santa Rosa, owned property on Hillview Road since 1950. The road resembles a trail, is very narrow, and cars have to pull over when meeting to let each other by. Mr. Fraguglia expressed concern about

the creek which runs near the road. The creek is already in a degraded condition and flooding occurs. He aside why the winery can't use their own road, and added that the County does not have the funds to redo the road. He asked what the neighbors were supposed to do.

Craig Curerri, Windsor realtor, said he is considered an expert on property valuation. He lives just south of Arata Lane, challenged the traffic study, and as a regular user of Arata Lane says the impact will be much bigger. People drive fast and wine tasters will be tipsy. Properties surrounding road will be significantly impacted. Traffic will kill the equestrian facility and impact sale ability. Such facilities are a small niche market, and potential buyers will be driven away by the project. Hillview Road will be negatively impacted.

Clay Jackson, Sebastopol, is a professional horse trainer, and testified that Koch property will be negatively impacted by the winery. It is now peaceful and ideal for horses. He stated that the project will cause unsafe conditions for the facility and it is likely that incident or injuries will happen due to the proximity to the road. If horses are jumping in the arena, they could be frightened by cars. As professional, Jackson has a real problem with the winery project. **Commissioner Lynch** asked if a higher sound wall will help. Jackson said that while they have impeccable hearing and sight, horses are not very smart and are very reactive. They easily spook from noise, and the soundwall may not correct the problem. Plus, a big wall could devalue the Koch property.

Michelle Hagerty, Koch's assistant, expressed concern that the winery will attract the wrong type of people and that the road will cause an unsafe condition for the horse facility. The safety of the community is very important and people should agree.

Edna Honsa, Hillview Road, expressed concern about the potential impact from increased tasting, production, and traffic. Residents are being put between a rock and hard place. Her property has been in the family 1921 and the road is less than 20 feet from one of her houses. Now the winery proposed an additional 55-80 cars per day, not counting event traffic. This is their country home, and they don't approve of spending tax dollars on a conservation easement. The project is very strange, as many wineries of this size have access directly onto a highway. The project will be detrimental to the residents, and she feels like David fighting Goliath.

Commissioner Liles thanked Ms. Honsa. He asked what she thought about putting in a roundabout on a portion of her property, and she did not want to give up any property. Ms. Honsa suggested that the Old Camp Road off Windsor River Road be considered. She expressed concern about people being funneled onto Arata Lane.

Marie Becker asked if Mr. Stein if lived on the property, and if there was a noise study. Sound travels in the country and neighbors don't want to listen to winery activities every weekend.

Lilly Yenni, Sonoma, stated that the project will protect the Chalk Hill AVA. A horsewomen herself, she understands the importance of all businesses to work together. Lessons usually take place in the early morning to afternoon, and the events later. Yenni said that the horse facility and winery should work together to coordinate activities. Solutions are there, she supports the project, and it is important to economics of the county.

Denise Faull, Liberty Oak Lane, said her property will be significantly impacted. While not opposed to the expansion, she feels like a giant corporation is being dropped on them. She bought the property to build her dream house, raise her kids, and it faces the proposed access road. They moved to the country for peace and quiet and the project threatens their way of living. Ms. Faull suggested exploring Los Amigos Road for access. The traffic study was done when no kids were out and about. There is a lot of traffic on Arate Lane, as well as kids, skateboarders, and joggers. Other access should be found.

Dalene Whitlock, W-Trans, prepared the traffic impact study. It was not determined that a left turn lane would be needed, even considering projected volumes. Hillview Road is narrow and does not meet county standards. The proposed improvement of Liberty Oak Lane will result in a chip sealed paved surface. The manner in which both roads meet at Arata Lane is not ideal. As a general rule, the winery will not generate a tremendous amount of traffic and the project will increase traffic similar to what about five houses would generate. The Town of Windsor was consulted.

Douglas Lumgair, winery resident, said that Liberty Oak Land was always intended to be improved into the property. When the Koch family bought the land, they suggested sharing the road, but it did not work out. Mr. Lumgair shared concern about the horses, but the road was there first, and then the Koch's decided to build the arena right up against road, which was already there. The Koch's were fully aware that the road would be improved and used to serve the winery.

Bob Stein, owner bought the property when the former owner went bankrupt, and it could have easily been purchased by Kendall Jackson. He contracted with open space because he believes in conservation. The winery is an incredible property. Mitigation measures are being incorporated, and the owner wants to be a good neighbor. They need to make the winery economically viable. The neighbors will be able to live next to a world-class winery.

Gary Finnan, winery employee, was hired to promote the business. He foresees incremental increases over time as customers come to the winery.

Steve Martin, on rebuttal, stated that the Windsor Oaks Winery and road were there before before the horse arena, and consideration for the horses was why they meandered road 50 feet out. The Koch's built the arena right on the south property line. He agreed to put valley gutters into the road design of road to slow traffic down.

Public hearing closed; 3:30 pm

Commission Discussion: Commissioner Liles stated that this project involves the ability of one person to enjoy their property versus another person's right to enjoy theirs. Mr. Stein has the right to build a winery in the zone, and it is unfortunate that there is no other access to the property. **Commissioner Liles** expressed concern for residents and impacts, adding that sometimes there is no easy compromise. The two year review process should show if the project is working. If it is not, then the applicant comes back to the table. The two year review is a good way to work together.

Commissioner Montoya supported traffic control for large events by trained staff. When managed well, there are not usually problems.

Commissioner Fogg stated that the BZA cannot order mediation and it is up to the people involved to work things out.

Changes to Draft Conditions

Add a new Planning condition that valley gutters for traffic calming shall be designed on the access road, subject to review and approval by PRMD.

Add requirement that winery notify residents of Hillview and Liberty Oak Rd about events occurring on a monthly basis.

Clarify #78: 8 events of 60 attendees, 10 events of 100 attendees, 3 weddings with 100 attendees, one event with 300 attendees, and a total of 10 days of industry wide events per year. None of the events may be plays or concerts. Traffic control shall be added for events of 100 or more persons.

Action: **Commissioner Liles** moved to approve the request with modified conditions. Seconded by **Commissioner Cook** and passed with a 5-0 vote.

Appeal Deadline: ten days

Resolution No.: 13-016

Fogg: aye

Montoya: aye

Cook: aye

Liles: aye

Lynch: aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Adopted 11/21/13

Item No.3 Time: 1:30 p.m. File: PLP13-0006
Applicant: Chris Hougie Staff: Sigrid Swedenborg
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit to convert an existing garage into a tasting room and construct a wine fermentation barrel storage and event building on two parcels totaling 19.81 acres. The request includes 45 events a year with maximum attendance of 125 people.
Location: 100 Wagner Road, Sonoma
APN: 128-461-050 and -022 Supervisorial District: 1
Zoning: DA (Diverse Agriculture), B6-20 acre density, F2 (Secondary Flood Plain), SR (Scenic Resources), VOH (Valley Oak Habitat)

Sigrid Swedenborg summarized the staff report, which is incorporated herein by reference. **Commissioner Lynch** said that the turning lane out front seems to make a huge difference as well as the timing of events and seasonality.

Public Hearing Opened: 4:05 p.m.

Speakers: Chris Hoagie, applicant, has been growing grapes on the site for 8 years and wants to create his own label and brand. They originally had wanted to build a winery, but decided against it. Direct sales are an important part of their business model and they want sell direct during events. There have been no complaints, the site is well maintained and managed. Mr. Hoagie hopes that many event goers will become wine club members.

Commissioner Lynch asked how the shuttle works, and Mr. Hoagie stated that there are several local services available and transportation is usually arranged from hotels.

Commissioner Fogg asked about the total and type of events at Cornerstone and the new venture, and Mr. Hoagie stated that they will stagger events between the two businesses and they have a professional staff. They are separate businesses. **Commissioner Fogg** asked about complaints. Mr. Hoagie stated that they had an overhang built, received a violation for it, and have to remove it by December of this year. **Commissioner Fogg** asked if flooding had occurred. Mr. Hoagie said that it had not. Commissioner Fogg complimented Staff Swedenborg on identifying two major issues: Overconcentration and the number of events. He agrees that ag tourism is a critical part of the economic well being of the county, and did not think that overconcentration is applicable in this case. Highway 121 is impacted and he appreciated the staggered season for events.

Commissioner Lynch had no objections to the number of events, and **Commissioner Lynch** stated that his biggest concerns are always location and zoning, and this project seems to work; has good caterers, is well organized, and has the left turn lane.

Commissioner Cook appreciated that the SVCAC had weighed in on the project.

Commissioner Montoya concurred there is no opposition, the operators are professional, it is a unique property, and does not think the cumulative effect will tip the threshold.

Changes to Draft Conditions

Condition: 26 - Clarify closing hours to state that the event will end at 9:30 p.m. and that clean up will be done by 10:00.

Change name of raceway.

Action: **Commissioner Fogg** moved to approve the request with modified conditions. Seconded by **Commissioner Cook** and passed with a 5-0 vote.

Appeal Deadline: ten days

Resolution No.: 13-017

Fogg: aye Montoya: aye Cook: aye Liles: aye Lynch: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

PLANNING COMMISSION REGULAR CALENDAR

Item No.4Time: 2:00 p.m. File No.: PLP12-0005
Applicant: Nutradine, Inc. Staff: Dean Parsons
Env. Doc: Mitigated Negative Declaraion
Proposal: Request for a modified Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to allow continued processing and manufacturing of nutraceuticals or nutrient related products from substances not grown on site for pet and fish foods. The expansion includes replacing an existing ± 9,700 square foot warehouse building with a new ±20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. Hours of operation remain unchanged, Monday through Saturday, 8:00 a.m. to 5:00 p.m. The request also includes a proposed new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of the M3 Zoning District, including an ultimate building foot print of a maximum 40,000 square feet.

Location: 101 Grant School Road, Windsor
APN: 086-030-017 Supervisorial District: 4
Zoning: DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat)

Dean Parsons summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners: **Commissioner Montoya** asked if there were any odors generated by the process, and Staff Parsons said he had not noticed any. All the activity is in a building.

Commissioner Fogg asked if customers come to the property, and Staff Parsons said they do not. Commissioner Fogg supported the project, but was concerned about setting precedent for sneaky sprawl and advised the commission to be careful.

Public Hearing Opened:

Speakers: **Jean Kapolchok, applicant** supported the staff recommendation.

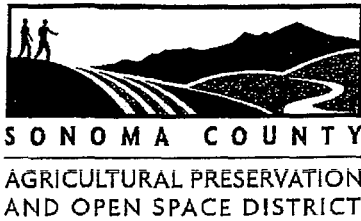
Public Hearing Closed:

Commissioner Liles said that staff did a good job, and appreciated the creative solution. **Commissioner Montoya** concurred and added that this is a good way to keep the General Plan open to new ideas.

Action: **Commissioner Liles** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Lynch** and passed with a 5-0 vote.
Appeal Deadline: n/a
Resolution No.: 13-016

Fogg: aye Montoya: aye Cook: aye Liles: aye Lynch: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Minutes approved 11/21/2013



April 26, 2013

Robert Stein
Windsor Oaks Vineyards & Winery
P.O. Box 883
Windsor, CA 95492

**Subject: Windsor Oaks Conservation Easement,
Revised Consistency Determination for Motorized Vineyard Tours**

Dear Mr. Stein:

This letter is in response to your letter of March 21, 2013, requesting that the District reconsider its position regarding the motorized vineyard tours proposed in your permitted use request of January 2013. In our letter of March 4, 2013, we indicated that we do not consider driving tours to be permitted as per Exhibit "C", (Prohibited Uses and Practices), Paragraph 6, which prohibits the following:

"To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational, or residential activities, property management activities, for inspections by DISTRICT, for emergency fire control purposes, and for uses pursuant to deeded rights that predate this Agreement."

In order to clarify the purpose of the tours, your representative Steve Martin met with District staff on March 19, 2013, and provided additional details. Mr. Martin indicated that there are three kinds of tours proposed, all of which relate to the permitted agricultural operations on the Property: 1) winemaker tours, 2) distributor tours, and 3) wine club member tours. The purpose of these tours, respectively, is to show winemakers who purchase your grapes, distributors who sell your wines, and wine club members who purchase your wines, the agricultural operation. The opportunity to observe your agricultural operation provides these parties the ability to assess your agricultural products for purchase or distribution.


Based on this additional information, we have determined that these tours do in fact relate to your permitted agricultural operation and are therefore consistent with the Easement. However, in order for them to be considered accessory to your agricultural operation and not a non-agricultural commercial use, which is prohibited by Exhibit "C", Paragraph 2, a fee cannot be collected for the tours. Further, as we indicated in our earlier letter in regard to events within the Agricultural Building Area, the tours must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore, we consider the tours to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If the tours come to impact the conservation values of the Property we will no longer consider them to be consistent with the Easement, and they would need to cease.

747 Mendocino Avenue, Suite 100 • Santa Rosa, California 95401-4850
707.565.7360 • Fax 707.565.7359 • www.sonomaopenspace.org

EXHIBIT N-1

Thank you for your continued cooperation. If you have any questions, please contact Jake Newell, Associate Planner, or me at the District office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Marsh". The signature is fluid and cursive, written over a light blue horizontal line.

Kathleen Marsh
Stewardship Coordinator

c: Sheri Emerson, Stewardship Program Manager
Jake Newell, Associate Planner – Stewardship
Hannah Spencer, Technician – Stewardship
Adam Brand, Deputy County Counsel
Traci Tesconi, Planner III, PRMD

March 4, 2013

Robert Stein
Windsor Oaks Associates, LP
c/o Steve Martin
Steve Martin Associates, Inc.
130 South Main Street, Suite 201
Sebastopol, CA 95472

Subject: Windsor Oaks Conservation Easement, Permitted Use Request for Winery Expansion

Dear Mr. Stein:

This letter is in response to a permitted use request the Sonoma County Agricultural Preservation and Open Space District (District) received on January 11, 2013, from Steve Martin on your behalf, requesting District approval for new structures and improvements, as well as special events, on the Windsor Oaks property (Property), over which the District holds a Conservation Easement. With the request, Mr. Martin included your memo authorizing him to act on behalf of Windsor Oaks Associates, a proposal statement describing the proposed winery facility modification, a description of proposed marketing activities and events, and site plans. District staff had some follow-up questions for Mr. Martin, to which he provided answers on February 20, 2013.

The proposal statement indicates that the winery expansion will take place in two phases. Phase I would include a remodel of an existing warehouse within the Agricultural Building Area (ABA) to add a tasting room, conference and VIP room, offices, tax-paid room, restrooms, and an exterior deck. In addition, it would involve paving an existing parking area, adding ADA-accessibility paths and a lift, and expanding a septic system within the ABA, as well as improving the entrance on Arata Lane, which is not covered by the District's Easement, and constructing a new driveway in the southeast portion of the Property, outside the ABA, for public access.

In regard to remodeling the warehouse, Easement Exhibit "B" (Permitted Uses and Practices), Paragraph 4, provides Grantor the right "to maintain, repair, replace and improve existing structures" with District approval. In regard to paving the parking area, adding ADA-accessibility paths and a lift, and expanding a septic system within the ABA, Exhibit "B", Paragraph 6(b), states: "additional improvements reasonably necessary for the uses of the Property...shall be permitted without District approval... provided...that all such improvements are consistent with the conservation purpose of this Agreement." In regard to constructing a new driveway outside the ABA, Exhibit "B", Paragraph 6(a), states: "Outside of the [ABA] ...additional...roads...reasonably necessary for the residential or agricultural uses of the Property shall be permitted" with District approval. Based on District staff's review of your request, we have determined that all uses and activities in Phase I as described in the proposal statement are consistent with the Easement and hereby grant approval.

Phase II would include the following structures and improvements: a new 8,360 square-foot winery building outside the ABA but within an Alternate Building Envelope (ABE) for wine tasting and barrel storage, which would also include a 480 square-foot entry canopy, hospitality areas, restrooms,

administration spaces, and a kitchen; a detached 600 square-foot mechanical building in the ABE for utilities accessory to the winery; a new access driveway from the main road; a new paved parking area; a wastewater leach field; storm water management improvements; fire protection water storage; and grading and landscape improvements. In addition, Phase II proposes to include "non-agricultural" events such as weddings, concerts, and plays in the ABA, and "agricultural" events such as open houses, harvest parties, vintner association seminars, tastings with meals, and wine club member events in the new winery outside the ABA but within the ABE.

In regard to the new winery, mechanical building, and associated improvements, Exhibit "B", Paragraph 6(a), states: "Outside of the [ABA]...additional structures, housing, facilities, roads, or other improvements reasonably necessary for the residential or agricultural uses of the Property shall be permitted" with District approval. Based on District staff's review of your request, we have determined that these structures and improvements are consistent with the Easement and hereby grant approval for their construction, provided that their use is limited to the agricultural uses of the Property, as defined in Exhibit "B", Paragraph 3:

"For the purpose of this Agreement, 'agricultural uses' shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature; the storage and sale, including direct retail sale to the public of crops and products harvested principally on the Property, provided that the storage and sale of any such crops or products that are not food, fiber, or plant material shall require the consent of DISTRICT."

The District considers wine production, tasting, storage and sale to be permitted in the new winery within the ABE. We also consider the following uses to be permitted in the new winery: administrative offices for managing the agricultural operation; a small, non-commercial kitchen facility for use in preparing agricultural products harvested principally on the Property, for use by winery staff to prepare personal meals, or as a caterer's preparation area for pre-prepared meals in conjunction with permitted special events; and hospitality areas for guests who are there to taste or purchase agricultural products harvested principally on the Property or to learn about the agricultural practices on the Property.

In regard to non-agricultural commercial events such as weddings, concerts, and plays, these events are not permitted to take place in the new winery, as per Exhibit "C", Paragraph 2, which prohibits the establishment of any "non-agricultural commercial or industrial use outside of the [ABA]." Additionally, any events outside the ABA in which guests pay for services such as seminars, tours, recreational uses, or meals, are not consistent with the Easement.

Mr. Martin's description of proposed marketing activities and events indicates that such events would not take place in the new winery and would only occur within the ABA. However, such use must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore we consider these events to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If these events come to impact the conservation values of the Property we will no longer consider them to be consistent with the Easement, and they would need to cease.

Finally, Mr. Martin's description of proposed marketing activities and events also includes mountain bike rides and driving tours through the vineyards for wine club members. We consider the bike rides to be consistent with the Easement as per Exhibit "B", paragraph 11, but we do not consider driving tours to be permitted as per Exhibit "C", (Prohibited Uses and Practices), Paragraph 6, which prohibits the following:

"To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational, or residential activities, property management activities, for inspections by DISTRICT, for emergency fire control purposes, and for uses pursuant to deeded rights that predate this Agreement."

Please note that Easement Agreement, Section 11(c) (iii), provides for liquidated damages due the District "for a change in use prohibited by this Agreement, whether or not it involves an improvement, an amount equal to any economic gain realized by GRANTOR."

Thank you for your continued cooperation. If you have any questions, please contact Jake Newell, Associate Planner, or me at the District office.

Sincerely,

Kathleen Marsh
Stewardship Coordinator

c: Sheri Emerson, Stewardship Program Manager
Jake Newell, Associate Planner – Stewardship
Hannah Spencer, Technician – Stewardship
Adam Brand, Deputy County Counsel
Traci Tesconi, Planner III, PRMD

April 26, 2013

Robert Stein
Windsor Oaks Vineyards & Winery
P.O. Box 883
Windsor, CA 95492

**Subject: Windsor Oaks Conservation Easement,
Revised Consistency Determination for Motorized Vineyard Tours**

Dear Mr. Stein:

This letter is in response to your letter of March 21, 2013, requesting that the District reconsider its position regarding the motorized vineyard tours proposed in your permitted use request of January 2013. In our letter of March 4, 2013, we indicated that we do not consider driving tours to be permitted as per Exhibit "C", (Prohibited Uses and Practices), Paragraph 6, which prohibits the following:

"To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational, or residential activities, property management activities, for inspections by DISTRICT, for emergency fire control purposes, and for uses pursuant to deeded rights that predate this Agreement."

In order to clarify the purpose of the tours, your representative Steve Martin met with District staff on March 19, 2013, and provided additional details. Mr. Martin indicated that there are three kinds of tours proposed, all of which relate to the permitted agricultural operations on the Property: 1) winemaker tours, 2) distributor tours, and 3) wine club member tours. The purpose of these tours, respectively, is to show winemakers who purchase your grapes, distributors who sell your wines, and wine club members who purchase your wines, the agricultural operation. The opportunity to observe your agricultural operation provides these parties the ability to assess your agricultural products for purchase or distribution.

Based on this additional information, we have determined that these tours do in fact relate to your permitted agricultural operation and are therefore consistent with the Easement. However, in order for them to be considered accessory to your agricultural operation and not a non-agricultural commercial use, which is prohibited by Exhibit "C", Paragraph 2, a fee cannot be collected for the tours. Further, as we indicated in our earlier letter in regard to events within the Agricultural Building Area, the tours must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore, we consider the tours to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If the tours come to impact the conservation values of the Property we will no longer consider them to be consistent with the Easement, and they would need to cease.

Thank you for your continued cooperation. If you have any questions, please contact Jake Newell, Associate Planner, or me at the District office.

Sincerely,

Kathleen Marsh
Stewardship Coordinator

c: Sheri Emerson, Stewardship Program Manager
Jake Newell, Associate Planner – Stewardship
Hannah Spencer, Technician – Stewardship
Adam Brand, Deputy County Counsel
Traci Tesconi, Planner III, PRMD



October 10, 2013

Mr. Steve Martin
Steve Martin Associates
130 South Main Street, Suite 201
Sebastopol, CA 95472

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Addendum to the *Traffic Impact Study for the Windsor Oaks Winery Project*

Dear Mr. Martin;

We understand that the project description for the Windsor Oaks Winery project has changed in that employee traffic will now use the new project street, Windsor Oaks Road, rather than using Hillview Road as was previously assumed. Windsor Oaks Road will serve both existing employee and proposed additional traffic (employees and visitors) from the Windsor Oaks Winery; production-related traffic will remain on Hillview Road.

The net result of this change is a reduction in traffic at Arata Lane/Hillview Road, which was already projected to operate at LOS C or better on all approaches under Future volumes with project traffic added, as reported in the *Traffic Impact Study for the Windsor Oaks Winery Project*, April 11, 2012. The intersection would be expected to operate better, or with slightly lower delays, with the proposed change to project access assignments.

It is further noted that the volume of grapes expected to be produced on-site has changed. The trip generation form has been revised to reflect this change, though because the change is so minor the average number of daily truck trips remains at about two.

Other than these minor changes, the analysis provided in the *Traffic Impact Study for the Windsor Oaks Winery Project* remains valid as an assessment of the project's potential impacts.

Sincerely,

A handwritten signature in black ink that reads "Dalene J. Whitlock". The signature is written in a cursive, flowing style.

Dalene J. Whitlock, P.E., PTOE
Principal

DJW/djw/SOX436.L1

Enclosure: Winery Trip Generation Form

Winery Trip Generation

Winery: Windsor Oaks Winery
 Location: 10810 Hillview Road Windsor, CA
 Annual Full Production: 100000 cases

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	4	5	5	--	12	15	15	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	4	4	4	--	12	12	12	--
Sales	2	2	2	--	6	6	6	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	10	11	11	0	30	33	33	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 37; 37 truck(s) at 12 tons/truck Dates of Activity: August through October	0.00	0.28
Juice Importation Truck loads per year: None Dates of Activity:	0.00	0.00
Juice/Fruit Exportation Truck loads per year: 3 truck(s) at 6000 gallons per truck Dates of Activity:	0.45	0.02
Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed:	0.00	0.00
Bottle Delivery Truck loads per year: 49 truck(s) at 1904 cases/truck Dates of Activity: January through June	0.46	0.37
Barrel Delivery Truck loads per year: 10 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.03	0.08
Finished Wine Transportation to storage/sales Truck loads per year: 95 truck(s) at 986 cases/truck Dates of Activity: January through December	0.46	0.72
Less Backhauls Truck loads per year: -10 truck(s) Dates of Activity: January through December	-0.09	-0.08
Miscellaneous trips Truck loads per year: 142 trucks Dates of Activity: January through December	1.08	1.08
Totals	2.39	2.47

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	3	6	9	18
Vineyard Maintenance: Peak Season	3	6	2	3
Totals	6	12	11	21

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	55	0	44
Tasting Room Employees	0	2	0	6
Totals	0	57	0	50

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	Year Round	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	Monday - Friday	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	Daily	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-6:00pm	6:00 am-10:00 pm	6:00 am-10:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 6:00 pm	6:00 am-10:00 pm	6:00 am-10:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	8
Enter Event Information on Schedule Tab		
Other Trips (If Applicable)		
None		
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	30	33
Winery Operations (truck traffic)	2	2
Vineyard Operations (employees)	11	21
Tasting Room Traffic (employees and visitors)	0	50
Event Traffic (employee and visitors)	0	8
Miscellaneous other traffic generators	0	0
Totals	43	114

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	93	94	111	110	115	127

Month	July	August	September	October	November	December
Total Trips	140	153	132	143	98	92

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy



Whitlock & Weinberger
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490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

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fax 707.542.9590
web www.w-trans.com

February 19, 2014

Mr. Steve Martin
Steve Martin Associates
130 South Main Street, Suite 201
Sebastopol, CA 95472

Addendum No. 2 to the Traffic Impact Study for the Windsor Oaks Winery Project

Dear Mr. Martin;

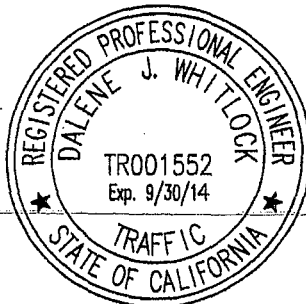
As directed by the Board of Zoning Adjustments, we understand that some of the proposed special events have been eliminated from the project description for the Windsor Oaks Winery. As a result of this change, the average daily trip count for the project will be reduced by 3 trips per day, from 114 daily trip ends to 111 trips. The winery trip generation form as well as the special event schedule have been updated to reflect the changes, and are enclosed for reference.

Since this change results in a net decrease in traffic, the conclusions and recommendations as contained in the *Traffic Impact Study for the Windsor Oaks Winery Project*, April 11, 2012, and the first Addendum dated October 13, 2013, remain valid.

Please feel free to contact me if you have any questions regarding this information.

Sincerely,

Dalene J. Whitlock, PE, PTOE
Principal



DJW/djw/SOX436.L2

Enclosures: Winery Trip Generation Form, Special Event Schedule

Copy: Traci Tesconi (via email)

M-2

Winery Trip Generation

Winery: Windsor Oaks Winery
 Location: 10810 Hillview Road Windsor, CA
 Annual Full Production: 100000 cases

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	4	5	5	--	12	15	15	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	4	4	4	--	12	12	12	--
Sales	2	2	2	--	6	6	6	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	10	11	11	0	30	33	33	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 37; 37 truck(s) at 12 tons/truck Dates of Activity: August through October	0.00	0.28
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Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed:	0.00	0.00
Bottle Delivery Truck loads per year: 49 truck(s) at 1904 cases/truck Dates of Activity: January through June	0.46	0.37
Barrel Delivery Truck loads per year: 10 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.03	0.08
Finished Wine Transportation to storage/sales Truck loads per year: 95 truck(s) at 986 cases/truck Dates of Activity: January through December	0.46	0.72
Less Backhauls Truck loads per year: -10 truck(s) Dates of Activity: January through December	-0.09	-0.08
Miscellaneous trips Truck loads per year: 142 trucks Dates of Activity: January through December	1.08	1.08
Totals	2.39	2.47

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	3	6	9	18
Vineyard Maintenance: Peak Season	3	6	2	3
Totals	6	12	11	21

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	55	0	44
Tasting Room Employees	0	2	0	6
Totals	0	57	0	50

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	Year Round	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	Monday - Friday	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	Daily	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-6:00pm	6:00 am-10:00 pm	6:00 am-10:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 6:00 pm	6:00 am-10:00 pm	6:00 am-10:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic		
Enter Event Information on Schedule Tab	0	5
Other Trips (If Applicable)		
None		
Totals	0	5

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	30	33
Winery Operations (truck traffic)	2	2
Vineyard Operations (employees)	11	21
Tasting Room Traffic (employees and visitors)	0	50
Event Traffic (employee and visitors)	0	5
Miscellaneous other traffic generators	0	0
Totals	43	111

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	91	94	102	107	111	118

Month	July	August	September	October	November	December
Total Trips	131	144	132	143	98	90

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

EVENT SCHEDULE

Name of Facility: Windsor Oaks Winery

PRMD File Number: PLT12-009

Type of event shown on this sheet: Wine Marketing Events (60 Guests)

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thur)												
Fridays					1			1				
Saturdays			1			1			1			
Sundays				1			1			1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events											Inbound	Outbound
# guests / event											60	60
# employees / event											5	5
# guest vehicles / event											24	24
# employees / vehicles											1	1

For Saturday events						Inbound						Outbound
# guests / event						60						60
# employees / event						5						5
# guest vehicles / event						24						24
# employees / vehicles						1						1

For Sunday events						Inbound						Outbound
# guests / event						60						60
# employees / event						5						5
# guest vehicles / event						24						24
# employees / vehicles						1						1

EVENT SCHEDULE

Name of Facility: Windsor Oaks Winery

PRMD File Number: PLT12-009

Type of event shown on this sheet: Wine Marketing Events (100 Guests)

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thur)												
Fridays			1			1			2			
Saturdays				1			1			2		
Sundays					1			1				

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events											Inbound	Outbound
# guests / event											100	100
# employees / event											6	6
# guest vehicles / event											40	40
# employees / vehicles											1	1

For Saturday events											Inbound	Outbound
# guests / event											100	100
# employees / event											6	6
# guest vehicles / event											40	40
# employees / vehicles											1	1

For Sunday events											Inbound	Outbound
# guests / event											100	100
# employees / event											6	6
# guest vehicles / event											40	40
# employees / vehicles											1	1

EVENT SCHEDULE

Name of Facility: Windsor Oaks Winery

PRMD File Number: PLT12-009

Type of event shown on this sheet: Wine Marketing Events (300 Guests)

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thur)												
Fridays												
Saturdays										1		
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	Inbound						Outbound					
# guests / event			300						300			
# employees / event			14						14			
# guest vehicles / event			120						120			
# employees / vehicles			1						1			

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

EVENT SCHEDULE

Name of Facility: Windsor Oaks Winery

PRMD File Number: PLT12-009

Type of event shown on this sheet: Weddings (100 Guests)

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thur)												
Fridays												
Saturdays						1	1	1				
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	Inbound											Outbound	
# guests / event													100
# employees / event													6
# guest vehicles / event													120
# employees / vehicles													1

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

BZA Hearing
10/17/2013
Item # 2

David A. Koch and Joy Zamoyski-Koch
SmartFarm™ Equestrian Center
SmartFarm™ Headquarters, Inc.
10119 Liberty Oak Lane
Windsor, CA 95492
707-838-6659

October 16, 2013

Permit and Resource
Management Department
2550 Ventura Ave.
Santa Rosa, CA 95403

Dear Sonoma County Planning Commissioners,

We write to formally oppose Windsor Oaks Winery's current proposals to this panel.

The establishment, maintenance or operation of the use for which the application is made WILL, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of the residents and agricultural endeavors of our family farm and its workers, clients, students, professionals and WILL be detrimental or injurious to property and improvements.

Our discussions with the winery owner, their staff and their architect in our home on two separate occasions and via telephone and emails in 2012 and 2013 have not resulted in changes to the proposal that would protect our health and safety, nor those of our clients and students. In fact, several points promised to us by the winery at the second meeting in our home, were amended in a letter to the PRMD as late as October 10, 2013 and agreed upon points were never followed up in writing by the winery, despite their promise to do so.

Although we understand that the winery has a valuable piece of property, we too have a valuable piece of property in which we have invested significant money and improvements. The current proposal by Windsor Oaks Winery would essentially destroy that investment by:

- Rendering our established and permitted agriculturally based and protected Right To Farm business, SmartFarm Equestrian Center inoperable
- Endangering our clients, students, visitors, professionals and valuable livestock in the barn, in the arena and throughout the trail system of our facility
- Exposing us to significant legal liability
- Drastically lowering our property value by a conservative estimate of one million dollars. (Three real estate Equestrian Estate specialists/brokers were contacted for the valuation, names upon request. All three stated they could not list the property as an Equestrian Estate parcel if the winery were allowed to proceed with their

existing proposals and as such would make null and void our investments and over a decade of sweat equity.)

We financed the purchase of 15 acres approximately 14 years ago for \$800,000 and invested \$200,000 in county approved ditches and site work for septic to create three home sites as well as providing The Town of Windsor with \$27,000 to fund a sidewalk along our common property line on the North side of Arata. We do not see the same demands being made to the winery for the extreme risks posed by not offering a sidewalk, stop signs, and pedestrian crossings. Children walk along the bicycle path on their way to school, students cross Arata to access & leave SmartFarm Equestrian Center by foot and by bicycle, bicyclists travel South in the dedicated bicycle lane. Add driver confusion entering/exiting issues over who has the right of way with the additional pressure of a proposed public access road with no oversight, checks or balances. This strip of land was never intended for this type of use and to PMRD staff to refuse an objective study is irresponsible, at best.

We spent over \$1.5 million in building our home in 2004 and spent \$450,000 on the barn, \$150,000 on the arena and \$100,000 on other improvements in 2006. The property taxes are close to \$25,000 a year which our agricultural endeavors assist in paying.

These are significant expenditures and represent a major investment in an enterprise that is both our livelihood today and into the future.

We filed for a boarding permit in 2009 and within a few months the County of Sonoma approved the permit. We utilize all 9.87 acres as the barn and arena are located close in to our home. We, by design, built our home and barn 1/3 of a mile North of our Arata property line to afford us the upmost in privacy and tranquility. We teach lessons, board horses, offer trail rides on established bridle trails throughout our property and along perimeter fence lines. We also, buy, train and sell competition horses and have bred many valuable sporthorses. For the past five years we have hosted over half a dozen working students, many without horses of their own, as our contribution to keep agriculture and animal husbandry alive in Sonoma County. Currently there are two at-risk teenagers and an Afgan & Iraq war veteran who participate in hippotherapy – the treatment or therapy aided by a horse.

The location of a 30' roadway alongside our 1,200 linear foot common property line would present a clear danger to anyone handling, working or riding any horse on any portion of our property. The first 1,065 feet of said public access road is bordered by the Honsa property to the West and by our Equestrian Facility to the East (no land owned by winery). In addition, the entrance of the proposed new public access road is only 6 to 10 feet from our Liberty Oak Lane entrance that services (4) single family residences, ours included. The close proximity of two road entrances adjacent to one another is a patently dangerous condition. It has already been the scene of serious injury with only one road entrance. http://www.sonomawest.com/the_windsor_times/news/motorcycle-rider-struggling-to-recover-from-wreck/article_cc0af1b2-1ba4-11e1-968b-001cc4c002e0.html

The traffic study is flawed: it does not investigate this crash and its location at the exact spot the winery is lobbying for public access, nor the fact that they are suggesting (5) major access roads within 600-800 feet of one another on a major Town of Windsor artery (Arata Lane) with school traffic across the street on Biggs. This needs responsible review. In addition, the very real realities of the everyday hardships that the winery creates for neighbors like Daniel & Suvi McGee in their detailed letter to the panel is what our future would look like should this flawed and dangerous proposal come into effect.

We also question the contention that the Winery has legal title to the road location on which the 30 foot easement is proposed. This strip since 1921 was privately owned by the Honsa family and in 1961 the letter they have from the County shows it to be a County road, unmaintained because of its narrow width. How, or if, the winery acquired it is a very crucial question, as we believe may not be legal.

Looking back, our efforts to come to agreement with the applicant were an exercise in frustration and futility as the proposed adjustments settled on were unilaterally abandoned without notice by the owners -- both as to the entrance and the road location and configuration.

Several dangerous situations caused by winery neglect occurred during the summer of 2012, and I called the winery. This time a new hire, Gary Finnan, the new general manager, listened to our concerns and shared that he is the father of two girls, one being an equestrian and promised he would begin to effect a change. I shared that these were the same concerns as our unanswered letter and phone calls we had been placing for years and forwarded him the letter from 2010.

In subsequent phone calls he shared that the winery would host a neighborhood meeting to unveil its plans and inquired if he and the architect, Steve Martin, could pay us a visit.

They proceed to inform us that a new road was to be developed along our common property line and then only speak of wine tasting visitor numbers (no mention of event center and 300 person parties). We take one look at the plans laid out on our dining room table and shared the story of Daniel's motorcycle accident and the fact that Peggy Furth had two horses boarded at our permitted facility as did the teenage daughter of a VP at J-Winery. They instantly changed their tune when we they themselves realized that the plan as it stood was a lawsuit waiting to happen when, not if, an employee, student/ rider/handler/boarder was thrown or otherwise injured or killed because of said proposed public access to the winery sharing close to 1,200 linear feet common property line.

Horses and their handlers and riders, many are children, and speeding vehicles (fast cars, limos and tour buses are extremely noisy and noise equals panic and flight by a frightened horse) being driven by folks who have been drinking wine poses extreme danger to our riders/handlers/valuable livestock. They asked us for our input --right then and there, we offered a land donation so that a proper entrance could be designed for the good of all with three gates (Honsa, Winery, 4 homes on Liberty Oak) utilizing a formal circular driveway with the addition of speed bumps and surveillance along the entire common property line to keep traffic at under 15 MPH where horses and children are present. We also requested

a set back of the public access so that it would travel midway between our arena and Hillview lane.

At the winery presentation, Steve Martin, led with the numbers of guests and describing the event center and its 300 person capacity, then tells the group of neighbors that he and Gary met with the Koch's and that we were in agreement. I shouted from the back that this was not a correct statement and that we were lied to by omission as neither Gary nor Steve shared event center information or statistics. Good grief, he tried to throw us under the bus in front of all of our neighbors!! Mrs. Rene Brown Stein saw how upset I was and in our conversation I invited her to come to our home to see for herself the severity of the impact of developing a public access road on the safety of those at our permitted equine facility as well as the orientation of our home's major windows to the West and Southwest. She was escorted by Gary and Steve and they presented a Power Point presentation and gave us a completely revised drawing showing a much safer design taking into account the proximity the entrances. Steve then asked for our support at the public hearing, my husband David replied that he had no issue with the winery expansion plans as long as they did not impede our agricultural pursuits, or place our health and safety at risk, and that Steve should put it all in writing and get back to him. This never occurred.

The winery presented the large circular round about entrance to the Honsa family. They did not approve of its design. Gary Finnan called me and asked if I could please contact Edna Honsa and explore other opportunities. I obliged. Another set of drawings were produced, but this time cutting off several hundred feet of our property and rendering it and island upon itself. My husband flatly refused this as it created a large loss of value. I again redouble my efforts to assist and spend weeks getting the landscape architect we used to assist us with the orientation of all the components of our property to assist us to assist the winery. When the cost estimate came in for a site visit and plan review, I called Gary and told him that those costs should not have to be borne by the Koch Family. He responded that Bob Stein wanted to work with us and that the decision has been made to hire Doug Nickels of the Nickels Group as a consultant. A meeting between Bob Stein, Doug Nickels, Bob and Edna Honsa occurred late Spring/Early summer. We hear nothing more from the winery until the public notice is situated near our Liberty Oak Lane entrance and several road accidents occur because of the sign placement. We alert the County and they refuse to resituate the sign in a safer location. Email documentation available upon request.

A week goes by and we finally are able to get copies of all the documentation and site plans. For the record, this comes at quite a shock to us, as they are most definitely not the design last discussed with us and this is the first we see or hear of any changes from what Renee Stein, Gary Finnan and Steve Martin proposed. Hardly what most would consider a neighborly move.

Respectfully,

David & Joy Zamoyski Koch

REV.	DATE	BY	CHKD.	APP'D.

NOTES:

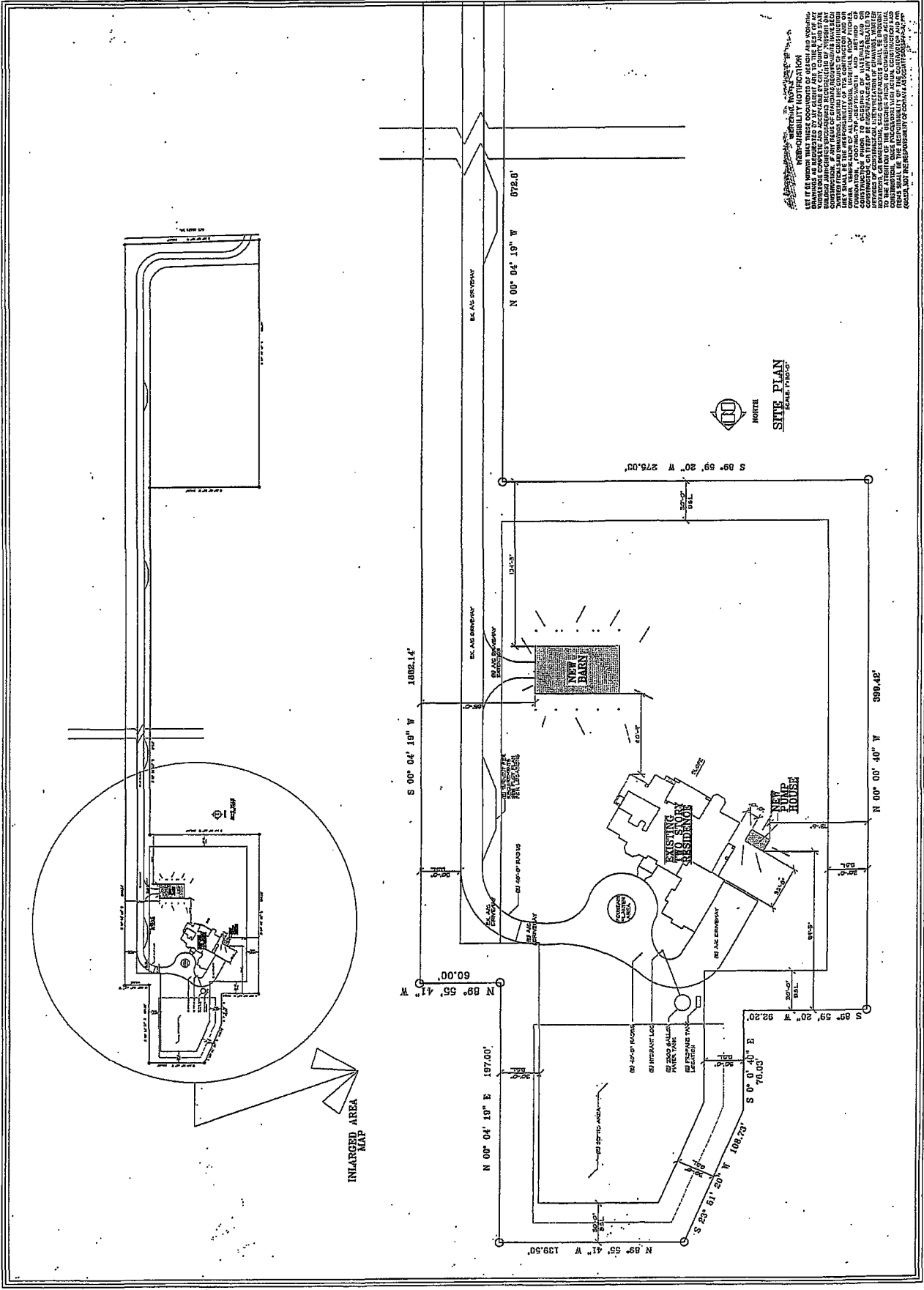
10119 LIBERTY OAK LAWN, WINDSOR, CA.
DAVE & JOY KOCH
 DESIGN FOR:

EDMOND AND ASSOCIATES
DESIGNERS INC.
 P.O. BOX 9021 • 2883 DOWD DRIVE • SUITE B
 SANTA BARBARA, CA 93109
 (805) 548-1592

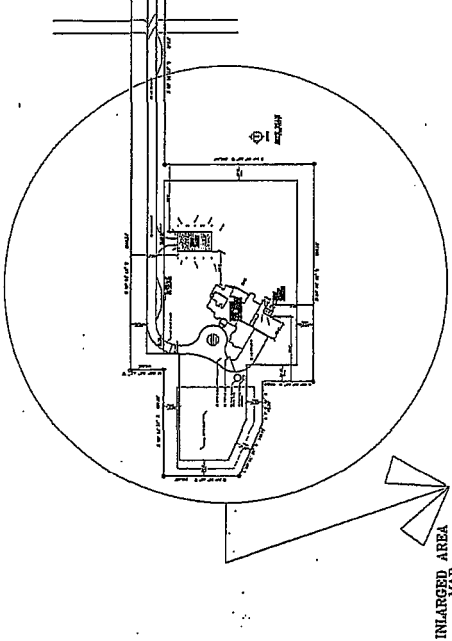
9/8/11/79

SHEET NO. **1**
 DATE: 8/27/79
 JOB NO. 2883-1

LIABILITY NOTIFICATION
 LET IT BE REMEMBERED THAT THESE DOCUMENTS OF DESIGN AND CONSTRUCTION CONTRACT ARE NOT TO BE USED FOR ANY OTHER PROJECTS, NOR SHALL THEY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE EXPRESS WRITTEN PERMISSION OF EDMOND AND ASSOCIATES, INC. THE DESIGN AND CONSTRUCTION CONTRACTORS AND ARCHITECTS SHALL BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED TO THEM IN CONNECTION WITH THESE DOCUMENTS AND FOR THE RESULTS OF ANY INVESTIGATION, MEASUREMENTS, SURVEYING, AND INSPECTIONS MADE THEREON. EDMOND AND ASSOCIATES, INC. SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED TO THEM.



SITE PLAN
 SCALE: 1"=20'



This attached letter was written to the general manager/part owner Doug Lumgair of Windsor Oaks & emailed May 2010 after a phone conversation with him where he requested we write him a letter. I follow the email with a phone call and the winery secretary confirmed its receipt. No one ever contacted us and nothing was done by the winery.

Two more years of issues... Then major issues when Bob Stein/Windsor Oaks picked up the foreclosed Brunner house above us on Liberty Oak Lane at auction and another property to the West of us (Haun property). In the Spring of Gary Finnan was the one that returned my calls about the dangers the winery workers and general public was subjecting us to. He left and is no longer employed there. We witnessed MAJOR de-watering and culverts installed with 10+ loads of gravel delivered and NO county permit on the parcel to the West of us.

From: Joy Koch
Sent: Monday, July 09, 2012 3:20 PM
To: 'Dave Koch (dkoch@kochconstruction.net)'
Subject: Windsor Oaks info

David, this is the man I spoke to in late May, early June about the traffic and the dust on the fireroad. He was going to get back to me regarding the site work done to the West of us.

Gary Finnan – this is how he is listing himself
Consulting Transition VP Windsor Oaks Winery Inc, GM & CXO WVMS/WOALP Inc. at
Windsor Oaks Estate Winery

He told me that he knows you....probably from Rodney Strong <http://www.thegfcgroup.com/>

From: Joy Koch
Sent: Friday, May 07, 2010 11:30 AM
To: 'info@windsoroaks.com'
Cc: 'Dave Koch'; 'Joy@SmartFarmHQ.com'
Subject: Attention: Doug

Hi Doug,

Please find the attached letter.

Yours,
Joy

Joy Zamoyski Köch

Your Smart Farm™ Headquarters
We Make Your Farm More Intelligent

SmartSand™ Footing Solutions
EquiBase® Olympic Arena Mats

Official Supplier Beijing 2008 Olympics
ComfortStall® Anti-Fatigue Therapeutic Stall Flooring
Worldwide Farm and Vet Clinic installations
Endorsed by Stanford University & Cornell University Vet Hospital
SmartBricks™ Rubber Safety Surfacing
Windsor™ Post & Rail Safety Fencing
Both Endorsed by Stanford University

www.SmartFarmHQ.com
www.EquiBaseArenas.com

707-838-4855 office
707-481-1301 cell
707-837-9959 fax

David and Joy Zamoyski Köch
10119 Liberty Oak Lane
Windsor, CA 95492
707-838-6659

May 7, 2010

Dear Doug,

I write per your request I do so during our last telephone conversation of six weeks ago or so.

We have noticed an increase in winery traffic as well as general Sonoma County residents on foot, by bicycle and by car using the fire lane to the west of our property over the past few years. On several occasions I have contacted you to request that a gate or at least signage be installed to stem the flow of unwanted "Lookie Lou's". On that particular day, I called to inform you that a strange vehicle had been seen driving up and down the lane for hours and was now parked adjacent to our well. When I wasn't able to reach you, I went and approached this man and was informed that he was an outside consultant for the winery. On Tuesday May 4th an unfamiliar vehicle driven by a woman stops adjacent to our home and parks a dark beige truck near our shared Oak trees and proceeds to take photographs of our property and home. We are extremely uncomfortable with this. Was this a winery employee or consultant? If so, please advise as to why photos of our home and property are needed, and if not, perhaps you can better understand why we have been requesting a gate. Please respect our repeated requests for privacy - we do not wish to be visually bombarded by prying eyes or forced to return strangers waves and hellos in the privacy of our back yard.

When we purchased the 15 acre parcel from the Beers 9 years ago this fire lane was in fact a simple fire access lane for the 2 parcels to the west of us. This is what the parcel owners themselves shared with us before we purchased the raw land as we approached them with our desire to develop two parcels for sale. Three years later, just when we were in the process of beginning to build our estate home, Mr. Steele apparently was able to pay a past due tax bill and obtain possession of said fire lane. To be frank, the thought of our privacy being affected motivated us to assist you in discussions with Steve Bruner to approve one driveway to service the four homes on Liberty Oak and the Steele property. At Mr. Steele's request, we were asked to submit to him the plans to our home and parcels. We did and we were also willing to give a portion of our land at the end of Liberty Oak lane to develop one entrance.

Our 5,000 square foot home and its major windows are oriented to showcase the beautiful views to the west... the vineyards, the mountain range and the sunsets. With the prevailing wind coming from the West/Southwest, each and every vehicle that drives a mere 4-5 mph washes our home and its 68 windows with dust. It currently costs \$600 twice a year to have the windows professionally cleaned. Of course, once cleaned, the

next day someone barrels down the road!! Our property itself is dust free as ground cover, lawns and asphalt surround it and the riding arena is thoroughly sprinkled before use. In fact, just an hour ago I was coated head to foot in clouds of dust from a vehicle that passed as I was watering our organic vegetable garden.

This fire lane was never intended to be used in the manner Mr. Steele seems poised to further develop. It impacts our way of life. It will have a huge impact on our property value. In addition, our farm is protected by the laws of California and Sonoma County regarding the right to farm and the protections afforded to livestock. Sonoma County is very clear on livestock endangerment. It is a criminal offense to spook, harass, charge or chase livestock. We are afraid that the activity you are proposing will endanger our livestock and/or their handlers. In addition, the landscaping effort you suggest may introduce poisonous plants to our livestock, block our views and prevent livestock from being able to see approaching danger, ie. fast moving bicycles and vehicles and the noises they make. All are unpleasant scenarios with unpleasant consequences. We would like to offer a possible solution. As you may be aware, Steve Bruner has his property for sale. We would be willing to sell you our property. By purchasing both, it would give you ownership of the 60 foot easement from Arata through to your property and enable us to build on a more private parcel.

We look forward to your response.

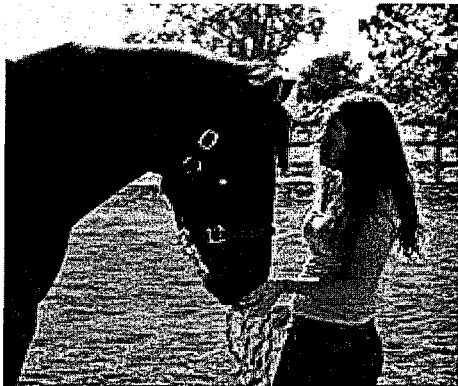
Yours,

David & Joy Zamoyski Köch

Traci Tesconi

From: Joy Zamoyski Koch [Joy@SMARTFARMHQ.COM]
Sent: Wednesday, October 16, 2013 10:15 PM
To: Traci Tesconi
Cc: 'Jason@Liles.net'; 'Dave Koch (dkoch@kochconstruction.net)'
Subject: SmartFarm™ Equestrian Center BROCHURE Windsor CA

Beautiful 10 acre private & peaceful Windsor horse farm. We specialize in
HAPPY horses!





Are you or someone you know looking for a facility that has both a topnotch all-weather sprinkled arena and barn with plenty of turnout paddocks and grazing pastures? Private 10 acre farm located just North of the Town of Windsor/ South of Healdsburg and only 1 mile off the 101.

Huge barn (built in 2007) with high ceilings and lots of light, grooming stall, tack room and covered hot water wash stall. Stalls are outfitted with ComfortStall® Shock Resistant flooring. All have attached semi-covered paddocks with SmartFarm™ HDPE post & rail safety fencing.

Numerous turn out options which include seeded irrigated grazing pastures.

20,000 sq. ft. arena outfitted with maintained all-weather SmartSand™ High Performance footing. 1/3 mile maintained & amended galloping track. Beautifully maintained 5 acre natural riding field and grazing pasture. Currently six to eight horses on site with a maximum of 20 allowed. We applied and received a SC approved boarding permit.

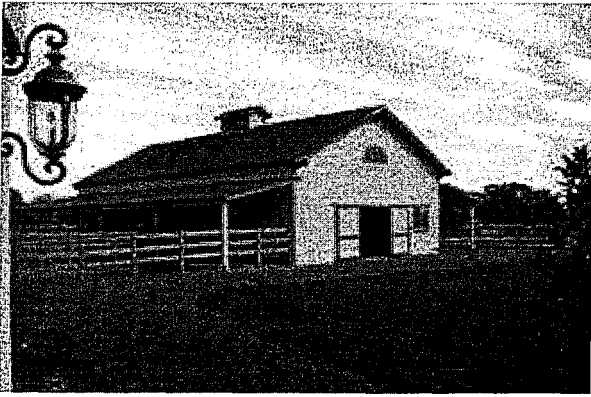
Scroll down for detailed information on our facility. We charge \$550 per month for board which includes:

- All horses cared for as if our own!
- High quality hay (Oat, 3-way, Grass)
- Feeding of grains and supplements (owner supplied)
- Fly mask application & removal
- Fly spray before turnout (owner supplied)
- Blanketing and unblanketing

We do also enjoy when our fellow equine enthusiasts pitch in and help with chores. *This is an option, not a requirement.* Those who do, work in trade towards the reduction of their board. Typical chores are feeding, grain prep, turning out, bringing in, pick up manure from paddocks, turn outs, arena, filling water troughs, etc.

Joy@SmartFarmHQ.com 707-838-4855

SmartFarm™ Equestrian Center



Barn

- 2007 construction, high ceilings, great ventilation and lots of light
- (4) Extra large 12'x16' stalls with attached 16'x40' paddocks with 12' overhangs and proper drainage
- (2) 12'x12 stalls with attached covered 12'x12' paddocks
- ComfortStall® Shock Resistant Therapeutic Flooring System
- SmartFarm™ Safety HDPE post & rail fencing installed in paddocks and arena
- Grooming stall with tack cleaning station, sink with hot/cold H2O
- Tack room, large refrigerator and a real restroom
- Rubber SmartBricks™ installed in large covered Hot/Cold water wash bay
- Fly free zone...fly predators released every two weeks March – November
- Manure is treated with organic enzymes and converted to compost every 4 months

Riding options

- 20,000 sq ft ring measures 90'x220'
 - Outfitted with all-weather SmartSand™ High Performance footing & high pressure sprinkler system
 - Suitable for pleasure riding, dressage and jumping
 - HDPE safety jumps, dressage letters, caveletti, poles, stereo system...ride to music!
- Maintained bridle trails throughout property with groomed and amended 1/3 mile, galloping track
- Eastside, Foothill and Shiloh Parks are within minutes
- Clay Jackson, Heather Bailey, Erika Jansson, Nora Peterson & Marc Rijpens on-site for lessons, or approved/insured trainer of your choice.
- Clinics w/ Claus Bergener, retired FEI 'I' judge from Germany 2-4 times per year

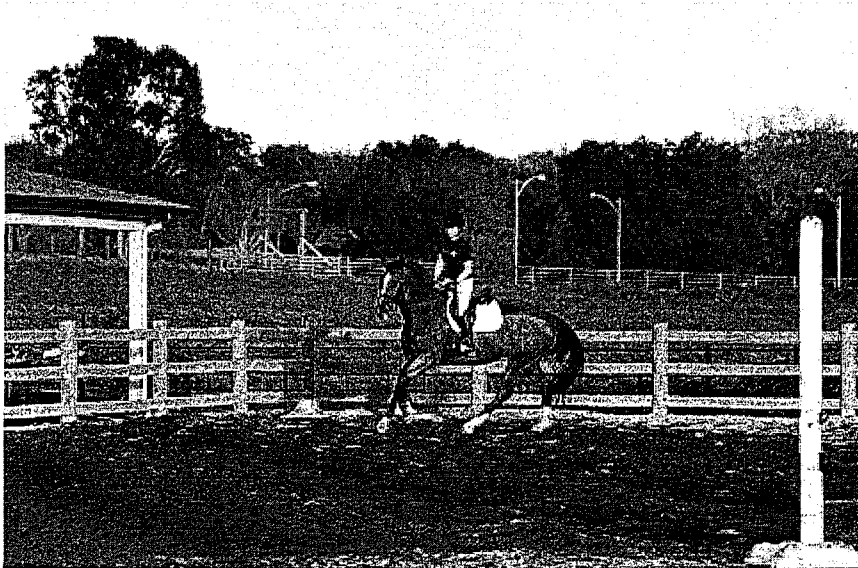
Turnouts

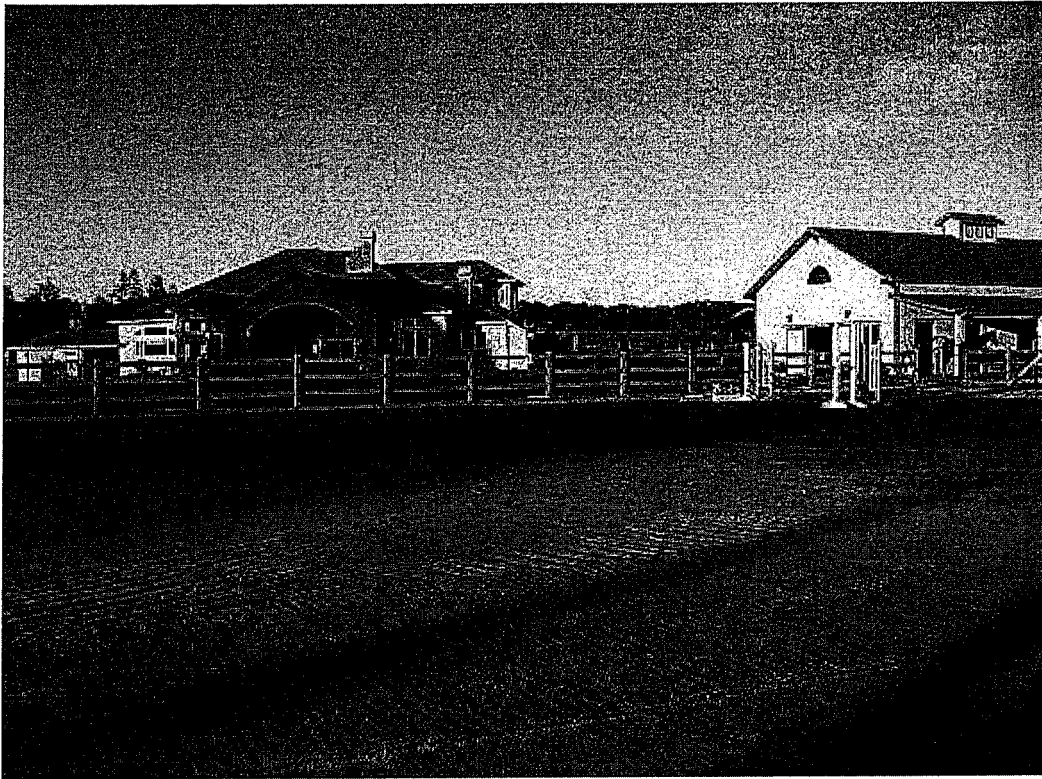
- 5 acre pasture is ripped 6" then smoothed and seeded every 2-3 years.

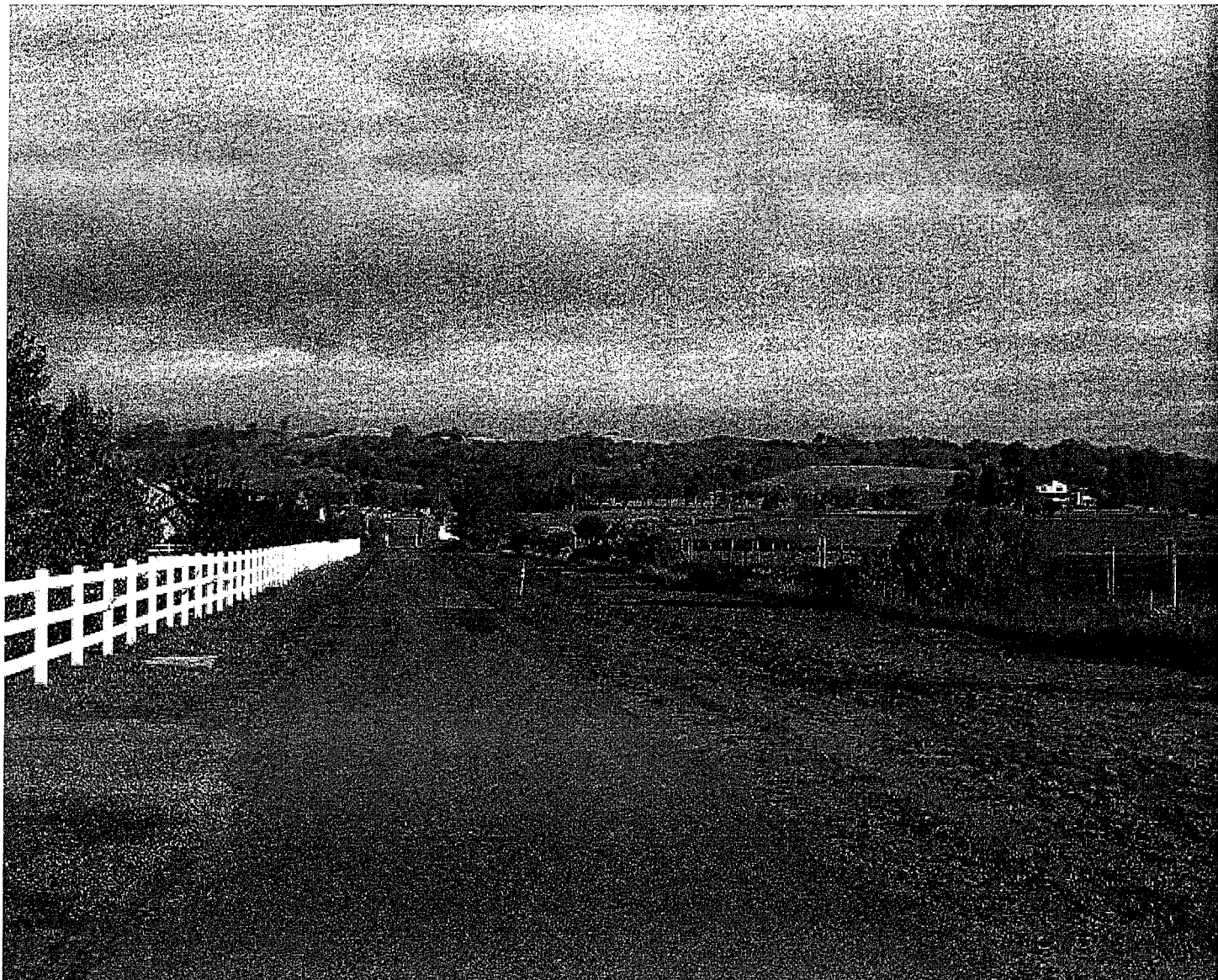
Includes groomed bridle path along perimeter and diagonally across pasture as well as a 12' x 24' shelter.

- 1 acre seeded irrigated pasture
- Several additional paddocks who sizes can be modified – all with excellent winter drainage









SmartFarm™ Headquarters

Intelligent Barn and Arena Materials



Joy Zamoyski Köch
Founder & President
10119 Liberty Oak Lane
Windsor, CA 95492
Joy@SmartFarmHQ.com
707-838-4855

www.SmartFarmHQ.com

SmartSand™ High Performance Footing Solutions
EquiBase® Olympic Arena Mats

Official Supplier Beijing 2008 Olympics

ComfortStall® Anti-Fatigue Therapeutic Stall Flooring

Worldwide Farm and Vet Clinic installations

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Both Endorsed by Stanford University

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707-838-4855 office

707-481-1301 cell

707-837-9959 fax

Craig Curreri

Pacific Union Real Estate

Broker Associate / Realtor

Office 707.547.3888 Cell 707.477.5120

3333 Mendocino Avenue Suite 210

Santa Rosa, CA. 95403



October 17, 2013

Sonoma County Planning Commission,

I am an active Sonoma County Real Estate Broker. I average between 30 and 50 real estate transactions per/year and I am respected by my associates as an expert on valuation of property. My professional focus is within residential and country properties.

I am aware of the application PLP12-0009 from Windsor Oaks Winery requesting to expand production capacity along with the proposed tasting room, retail sales, public tours, promotional events, weddings, plays, concerts, etc.

I am writing to express my opposition of this application for a number of reasons. The primary reasons are the significant "negative impact" this will cause to the surrounding property values as well as the increased traffic and safety concerns. My personal residence is located within a residential neighborhood ½ mile south of the subject. I drive, walk, jog and cycle this portion of Arata Lane on a very regular basis.

The negative valuation impact for the property owners on Liberty Oak Lane and Hillview Road will be significant. My professional opinion is the decline of these property values will be within 20 and 40%.

The Koch property (10119 Liberty Oak Lane) has a permitted equestrian facility that would be most highly impacted in a negative manner. From a "valuation" perspective the equestrian improvements of this property would no longer be of value to a potential "equestrian" buyer. Horse property is unique product with very discriminating buyers whom are extremely specific within their needs. In my opinion the proposed expansion of the winery facility would deem the Koch property "unsalable" as an "equestrian" property.

Please feel welcome to reach me with any questions.

Best regards,

Craig Curreri
707-477-5120

Amanda Cimino
3241 Skillman Ln.
Petaluma, CA 94952
707-478-5729
Chevygirl257@hotmail.com

October 16, 2013

Permit and Resource
Management Department
2550 Ventura Ave.
Santa Rosa, CA 95403

Dear Sonoma County Planning Commission,

My name is Amanda Cimino, I am 19 years old. I am an employee of the Koch Family's equestrian facility called SmartFarm Equestrian Center and have held my title as barn manager for just under a year. I have been around horses my entire life and was also crowned Miss Russian River Rodeo in 2012. I would consider myself an advanced rider and I am very knowledgeable about horses. I have competed in rodeo and many other events since I was 6 years old.

The winery's plan would create a lot of traffic directly next to, not only where I work, but also where there are young kids handling and riding horses. This would create a dangerous environment for the humans and the horses. It would be unsafe for the kids and me to be riding horses with a constant flow of traffic right next to our facility's arena and trails/pastures. It would have a big impact on my job and the business I work for. I would feel unsafe going on with my normal job routine knowing that I or the other people at the barn could get hurt at any moment.

Thank you for taking the time to consider my concerns about this situation. If you should have any questions please contact me via email.

Sincerely,

Amanda Cimino

For Item # 2
BZA Hearing
10-17-2013

Amanda Cimino
3241 Skillman Ln.
Petaluma, CA 94952
707-478-5729
Chevygirl257@hotmail.com

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Sincerely,

Amanda Cimino

David A. Koch and Joy Zamoyski-Koch
SmartFarm™ Equestrian Center
SmartFarm™ Headquarters, Inc.
10119 Liberty Oak Lane
Windsor, CA 95492
707-838-6659

October 16, 2013

Permit and Resource
Management Department
2550 Ventura Ave.
Santa Rosa, CA 95403

Dear Sonoma County Planning Commissioners,

We write to formally oppose Windsor Oaks Winery's current proposals to this panel.

The establishment, maintenance or operation of the use for which the application is made WILL, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of the residents and agricultural endeavors of our family farm and its workers, clients, students, professionals and WILL be detrimental or injurious to property and improvements.

Our discussions with the winery owner, their staff and their architect in our home on two separate occasions and via telephone and emails in 2012 and 2013 have not resulted in changes to the proposal that would protect our health and safety, nor those of our clients and students. In fact, several points promised to us by the winery at the second meeting in our home, were amended in a letter to the PRMD as late as October 10, 2013 and agreed upon points were never followed up in writing by the winery, despite their promise to do so.

Although we understand that the winery has a valuable piece of property, we too have a valuable piece of property in which we have invested significant money and improvements. The current proposal by Windsor Oaks Winery would essentially destroy that investment by:

- Rendering our established and permitted agriculturally based and protected Right To Farm business, SmartFarm Equestrian Center inoperable
- Endangering our clients, students, visitors, professionals and valuable livestock in the barn, in the arena and throughout the trail system of our facility
- Exposing us to significant legal liability
- Drastically lowering our property value by a conservative estimate of one million dollars. (Three real estate Equestrian Estate specialists/brokers were contacted for the valuation, names upon request. All three stated they could not list the property as an Equestrian Estate parcel if the winery were allowed to proceed with their

existing proposals and as such would make null and void our investments and over a decade of sweat equity.)

We financed the purchase of 15 acres approximately 14 years ago for \$800,000 and invested \$200,000 in county approved ditches and site work for septic to create three home sites as well as providing The Town of Windsor with \$27,000 to fund a sidewalk along our common property line on the North side of Arata. We do not see the same demands being made to the winery for the extreme risks posed by not offering a sidewalk, stop signs, and pedestrian crossings. Children walk along the bicycle path on their way to school, students cross Arata to access & leave SmartFarm Equestrian Center by foot and by bicycle, bicyclists travel South in the dedicated bicycle lane. Add driver confusion entering/exiting issues over who has the right of way with the additional pressure of a proposed public access road with no oversight, checks or balances. This strip of land was never intended for this type of use and to PMRD staff to refuse an objective study is irresponsible, at best.

We spent over \$1.5 million in building our home in 2004 and spent \$450,000 on the barn, \$150,000 on the arena and \$100,000 on other improvements in 2006. The property taxes are close to \$25,000 a year which our agricultural endeavors assist in paying.

These are significant expenditures and represent a major investment in an enterprise that is both our livelihood today and into the future.

We filed for a boarding permit in 2009 and within a few months the County of Sonoma approved the permit. We utilize all 9.87 acres as the barn and arena are located close in to our home. We, by design, built our home and barn 1/3 of a mile North of our Arata property line to afford us the upmost in privacy and tranquility. We teach lessons, board horses, offer trail rides on established bridle trails throughout our property and along perimeter fence lines. We also, buy, train and sell competition horses and have bred many valuable sporthorses. For the past five years we have hosted over half a dozen working students, many without horses of their own, as our contribution to keep agriculture and animal husbandry alive in Sonoma County. Currently there are two at-risk teenagers and an Afgan & Iraq war veteran who participate in hippotherapy – the treatment or therapy aided by a horse.

The location of a 30' roadway alongside our 1,200 linear foot common property line would present a clear danger to anyone handling, working or riding any horse on any portion of our property. The first 1,065 feet of said public access road is bordered by the Honsa property to the West and by our Equestrian Facility to the East (no land owned by winery). In addition, the entrance of the proposed new public access road is only 6 to 10 feet from our Liberty Oak Lane entrance that services (4) single family residences, ours included. The close proximity of two road entrances adjacent to one another is a patently dangerous condition. It has already been the scene of serious injury with only one road entrance. http://www.sonomawest.com/the_windsor_times/news/motorcycle-rider-struggling-to-recover-from-wreck/article_cc0af1b2-1ba4-11e1-968b-001cc4c002e0.html

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Several dangerous situations caused by winery neglect occurred during the summer of 2012, and I called the winery. This time a new hire, Gary Finnan, the new general manager, listened to our concerns and shared that he is the father of two girls, one being an equestrian and promised he would begin to effect a change. I shared that these were the same concerns as our unanswered letter and phone calls we had been placing for years and forwarded him the letter from 2010.

In subsequent phone calls he shared that the winery would host a neighborhood meeting to unveil its plans and inquired if he and the architect, Steve Martin, could pay us a visit.

They proceed to inform us that a new road was to be developed along our common property line and then only speak of wine tasting visitor numbers (no mention of event center and 300 person parties). We take one look at the plans laid out on our dining room table and shared the story of Daniel's motorcycle accident and the fact that Peggy Furth had two horses boarded at our permitted facility as did the teenage daughter of a VP at J-Winery. They instantly changed their tune when we they themselves realized that the plan as it stood was a lawsuit waiting to happen when, not if, an employee, student/ rider/handler/boarder was thrown or otherwise injured or killed because of said proposed public access to the winery sharing close to 1,200 linear feet common property line.

Horses and their handlers and riders, many are children, and speeding vehicles (fast cars, limos and tour buses are extremely noisy and noise equals panic and flight by a frightened horse) being driven by folks who have been drinking wine poses extreme danger to our riders/handlers/valuable livestock. They asked us for our input --right then and there, we offered a land donation so that a proper entrance could be designed for the good of all with three gates (Honsa, Winery, 4 homes on Liberty Oak) utilizing a formal circular driveway with the addition of speed bumps and surveillance along the entire common property line to keep traffic at under 15 MPH where horses and children are present. We also requested

a set back of the public access so that it would travel midway between our arena and Hillview lane.

At the winery presentation, Steve Martin, led with the numbers of guests and describing the event center and its 300 person capacity, then tells the group of neighbors that he and Gary met with the Koch's and that we were in agreement. I shouted from the back that this was not a correct statement and that we were lied to by omission as neither Gary nor Steve shared event center information or statistics. Good grief, he tried to throw us under the bus in front of all of our neighbors!! Mrs. Rene Brown Stein saw how upset I was and in our conversation I invited her to come to our home to see for herself the severity of the impact of developing a public access road on the safety of those at our permitted equine facility as well as the orientation of our home's major windows to the West and Southwest. She was escorted by Gary and Steve and they presented a Power Point presentation and gave us a completely revised drawing showing a much safer design taking into account the proximity the entrances. Steve then asked for our support at the public hearing, my husband David replied that he had no issue with the winery expansion plans as long as they did not impede our agricultural pursuits, or place our health and safety at risk, and that Steve should put it all in writing and get back to him. This never occurred.

The winery presented the large circular round about entrance to the Honsa family. They did not approve of its design. Gary Finnan called me and asked if I could please contact Edna Honsa and explore other opportunities. I obliged. Another set of drawings were produced, but this time cutting off several hundred feet of our property and rendering it an island upon itself. My husband flatly refused this as it created a large loss of value. I again redouble my efforts to assist and spend weeks getting the landscape architect we used to assist us with the orientation of all the components of our property to assist us to assist the winery. When the cost estimate came in for a site visit and plan review, I called Gary and told him that those costs should not have to be borne by the Koch Family. He responded that Bob Stein wanted to work with us and that the decision has been made to hire Doug Nickels of the Nickels Group as a consultant. A meeting between Bob Stein, Doug Nickels, Bob and Edna Honsa occurred late Spring/Early summer. We hear nothing more from the winery until the public notice is situated near our Liberty Oak Lane entrance and several road accidents occur because of the sign placement. We alert the County and they refuse to resituate the sign in a safer location. Email documentation available upon request.

A week goes by and we finally are able to get copies of all the documentation and site plans. For the record, this comes at quite a shock to us, as they are most definitely not the design last discussed with us and this is the first we see or hear of any changes from what Renee Stein, Gary Finnan and Steve Martin proposed. Hardly what most would consider a neighborly move.

Respectfully,

David & Joy Zamoyski Koch

SHEET NO. 1
DATE: 8/19/90
JOB NO. 2400

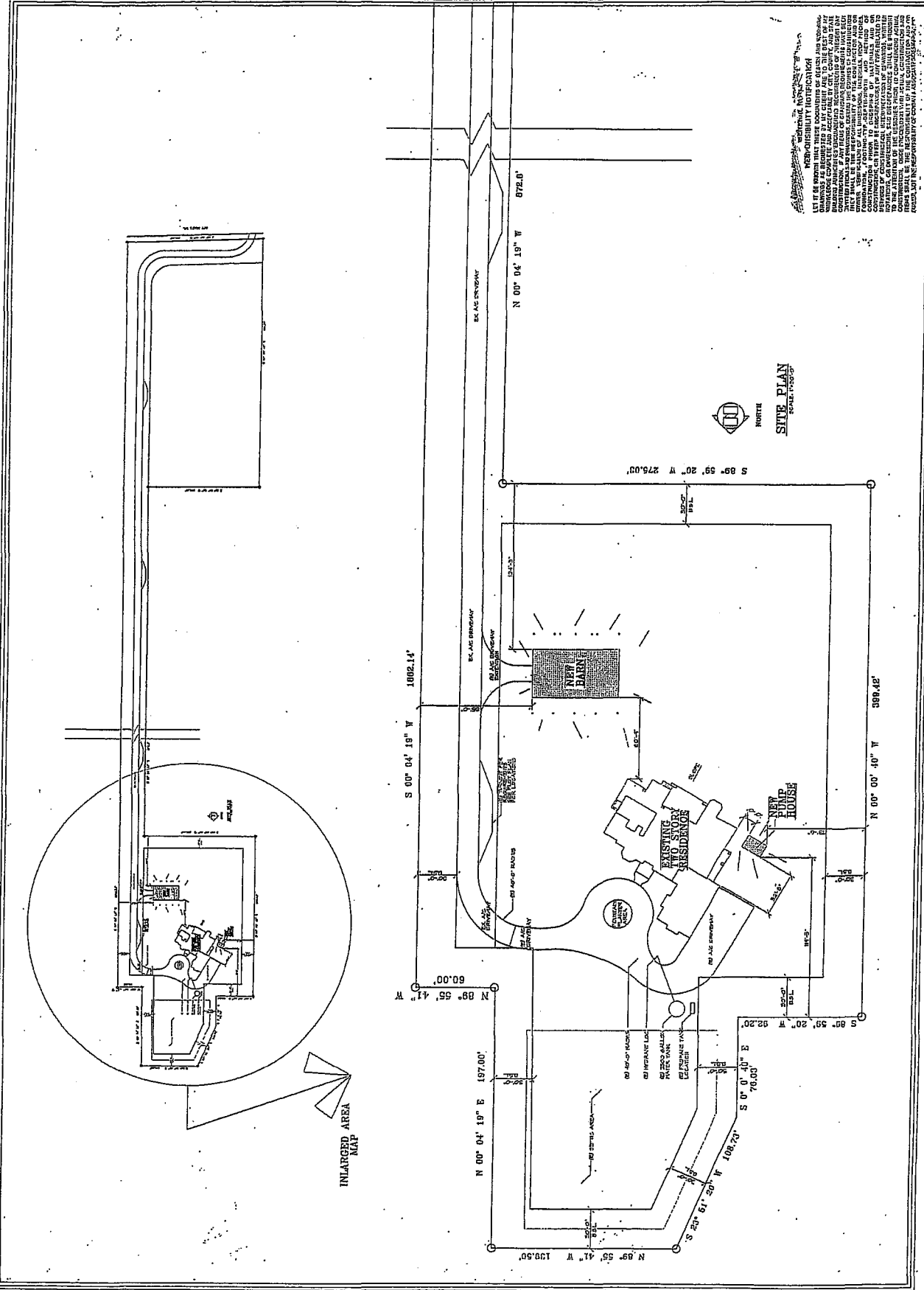
DATE: 8/19/90
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CHECKED BY: [blank]

90717/90
BROWN AND ASSOCIATES
DESIGNERS INC.
SANTA ROSA, CALIF. 95402
P.O. BOX 9021 • 7233 DOWD ROAD
SANITA ROSA, CALIF. 95402

DESIGN FOR:
DAVE & JOY KOCH
10119 LIBERTY OAK LANE, WINDSOR, CA.

REVISIONS:
NOTES:

LIABILITY NOTICE
THESE PLANS AND SPECIFICATIONS ARE PREPARED BY THE ARCHITECT FOR THE CLIENT'S USE. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS AND SPECIFICATIONS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT OR THE RESULTS OF THE CONSTRUCTION. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF THE ARCHITECT'S INTERESTS AND ASSOCIATES' PROPERTY.



This attached letter was written to the general manager/part owner Doug Lumgair of Windsor Oaks & emailed May 2010 after a phone conversation with him where he requested we write him a letter. I follow the email with a phone call and the winery secretary confirmed its receipt. No one ever contacted us and nothing was done by the winery.

Two more years of issues... Then major issues when Bob Stein/Windsor Oaks picked up the foreclosed Brunner house above us on Liberty Oak Lane at auction and another property to the West of us (Haun property). In the Spring of Gary Finnan was the one that returned my calls about the dangers the winery workers and general public was subjecting us to. He left and is no longer employed there. We witnessed MAJOR de-watering and culverts installed with 10+ loads of gravel delivered and NO county permit on the parcel to the West of us.

From: Joy Koch
Sent: Monday, July 09, 2012 3:20 PM
To: 'Dave Koch (dkoch@kochconstruction.net)'
Subject: Windsor Oaks info

David, this is the man I spoke to in late May, early June about the traffic and the dust on the fireroad. He was going to get back to me regarding the site work done to the West of us.

Gary Finnan – this is how he is listing himself
Consulting Transition VP Windsor Oaks Winery Inc, GM & CXO WVMS/WOALP Inc. at
Windsor Oaks Estate Winery

He told me that he knows you....probably from Rodney Strong <http://www.thegfcgroup.com/>

From: Joy Koch
Sent: Friday, May 07, 2010 11:30 AM
To: 'info@windsoroaks.com'
Cc: 'Dave Koch'; 'Joy@SmartFarmHQ.com'
Subject: Attention: Doug

Hi Doug,

Please find the attached letter.

Yours,
Joy

Joy Zamoyski Köch



SmartSand™ Footing Solutions
EquiBase® Olympic Arena Mats

Official Supplier Beijing 2008 Olympics
ComfortStall® Anti-Fatigue Therapeutic Stall Flooring
Worldwide Farm and Vet Clinic installations
Endorsed by Stanford University & Cornell University Vet Hospital
SmartBricks™ Rubber Safety Surfacing
Windsor™ Post & Rail Safety Fencing
Both Endorsed by Stanford University

www.SmartFarmHQ.com
www.EquiBaseArenas.com

707-838-4855 office
707-481-1301 cell
707-837-9959 fax

David and Joy Zamoyski Köch
10119 Liberty Oak Lane
Windsor, CA 95492
707-838-6659

May 7, 2010

Dear Doug,

I write per your request I do so during our last telephone conversation of six weeks ago or so.

We have noticed an increase in winery traffic as well as general Sonoma County residents on foot, by bicycle and by car using the fire lane to the west of our property over the past few years. On several occasions I have contacted you to request that a gate or at least signage be installed to stem the flow of unwanted "Lookie Lou's". On that particular day, I called to inform you that a strange vehicle had been seen driving up and down the lane for hours and was now parked adjacent to our well. When I wasn't able to reach you, I went and approached this man and was informed that he was an outside consultant for the winery. On Tuesday May 4th an unfamiliar vehicle driven by a woman stops adjacent to our home and parks a dark beige truck near our shared Oak trees and proceeds to take photographs of our property and home. We are extremely uncomfortable with this. Was this a winery employee or consultant? If so, please advise as to why photos of our home and property are needed, and if not, perhaps you can better understand why we have been requesting a gate. Please respect our repeated requests for privacy - we do not wish to be visually bombarded by prying eyes or forced to return strangers waves and hellos in the privacy of our back yard.

When we purchased the 15 acre parcel from the Beers 9 years ago this fire lane was in fact a simple fire access lane for the 2 parcels to the west of us. This is what the parcel owners themselves shared with us before we purchased the raw land as we approached them with our desire to develop two parcels for sale. Three years later, just when we were in the process of beginning to build our estate home, Mr. Steele apparently was able to pay a past due tax bill and obtain possession of said fire lane. To be frank, the thought of our privacy being affected motivated us to assist you in discussions with Steve Bruner to approve one driveway to service the four homes on Liberty Oak and the Steele property. At Mr. Steele's request, we were asked to submit to him the plans to our home and parcels. We did and we were also willing to give a portion of our land at the end of Liberty Oak lane to develop one entrance.

Our 5,000 square foot home and its major windows are oriented to showcase the beautiful views to the west... the vineyards, the mountain range and the sunsets. With the prevailing wind coming from the West/Southwest, each and every vehicle that drives a mere 4-5 mph washes our home and its 68 windows with dust. It currently costs \$600 twice a year to have the windows professionally cleaned. Of course, once cleaned, the

next day someone barrels down the road!! Our property itself is dust free as ground cover, lawns and asphalt surround it and the riding arena is thoroughly sprinkled before use. In fact, just an hour ago I was coated head to foot in clouds of dust from a vehicle that passed as I was watering our organic vegetable garden.

This fire lane was never intended to be used in the manner Mr. Steele seems poised to further develop. It impacts our way of life. It will have a huge impact on our property value. In addition, our farm is protected by the laws of California and Sonoma County regarding the right to farm and the protections afforded to livestock. Sonoma County is very clear on livestock endangerment. It is a criminal offense to spook, harass, charge or chase livestock. We are afraid that the activity you are proposing will endanger our livestock and/or their handlers. In addition, the landscaping effort you suggest may introduce poisonous plants to our livestock, block our views and prevent livestock from being able to see approaching danger, ie. fast moving bicycles and vehicles and the noises they make. All are unpleasant scenarios with unpleasant consequences. We would like to offer a possible solution. As you may be aware, Steve Bruner has his property for sale. We would be willing to sell you our property. By purchasing both, it would give you ownership of the 60 foot easement from Arata through to your property and enable us to build on a more private parcel.

We look forward to your response.

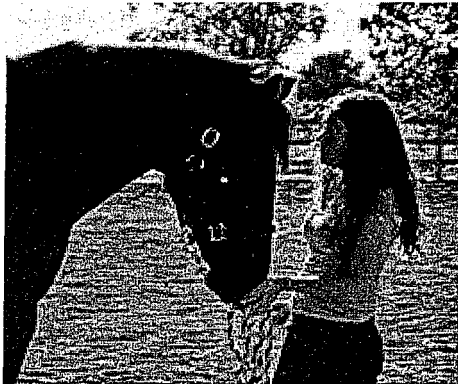
Yours,

David & Joy Zamoyski Köch

Traci Tesconi

From: Joy Zamoyski Koch [Joy@SMARTFARMHQ.COM]
Sent: Wednesday, October 16, 2013 10:15 PM
To: Traci Tesconi
Cc: 'Jason@Liles.net'; 'Dave Koch (dkoch@kochconstruction.net)'
Subject: SmartFarm™ Equestrian Center BROCHURE Windsor CA

Beautiful 10 acre private & peaceful Windsor horse farm. We specialize in
HAPPY horses!





Are you or someone you know looking for a facility that has both a topnotch all-weather sprinkled arena and barn with plenty of turnout paddocks and grazing pastures? Private 10 acre farm located just North of the Town of Windsor/ South of Healdsburg and only 1 mile off the 101.

Huge barn (built in 2007) with high ceilings and lots of light, grooming stall, tack room and covered hot water wash stall. Stalls are outfitted with ComfortStall® Shock Resistant flooring. All have attached semi-covered paddocks with SmartFarm™ HDPE post & rail safety fencing.

Numerous turn out options which include seeded irrigated grazing pastures.

20,000 sq. ft. arena outfitted with maintained all-weather SmartSand™ High Performance footing. 1/3 mile maintained & amended galloping track. Beautifully maintained 5 acre natural riding field and grazing pasture. Currently six to eight horses on site with a maximum of 20 allowed. We applied and received a SC approved boarding permit.

Scroll down for detailed information on our facility. We charge \$550 per month for board which includes:

- All horses cared for as if our own!
- High quality hay (Oat, 3-way, Grass)
- Feeding of grains and supplements (owner supplied)
- Fly mask application & removal
- Fly spray before turnout (owner supplied)
- Blanketing and unblanketing

We do also enjoy when our fellow equine enthusiasts pitch in and help with chores. *This is an option, not a requirement.* Those who do, work in trade towards the reduction of their board. Typical chores are feeding, grain prep, turning out, bringing in, pick up manure from paddocks, turn outs, arena, filling water troughs, etc.

Joy@SmartFarmHQ.com 707-838-4855

SmartFarm™ Equestrian Center



Barn

- 2007 construction, high ceilings, great ventilation and lots of light
- (4) Extra large 12'x16' stalls with attached 16'x40' paddocks with 12' overhangs and proper drainage
- (2) 12'x12 stalls with attached covered 12'x12' paddocks
- ComfortStall® Shock Resistant Therapeutic Flooring System
- SmartFarm™ Safety HDPE post & rail fencing installed in paddocks and arena
- Grooming stall with tack cleaning station, sink with hot/cold H2O
- Tack room, large refrigerator and a real restroom
- Rubber SmartBricks™ installed in large covered Hot/Cold water wash bay
- Fly free zone...fly predators released every two weeks March – November
- Manure is treated with organic enzymes and converted to compost every 4 months

Riding options

- 20,000 sq ft ring measures 90'x220'
 - Outfitted with all-weather SmartSand™ High Performance footing & high pressure sprinkler system
 - Suitable for pleasure riding, dressage and jumping
 - HDPE safety jumps, dressage letters, caveletti, poles, stereo system...ride to music!
- Maintained bridle trails throughout property with groomed and amended 1/3 mile, galloping track
- Eastside, Foothill and Shiloh Parks are within minutes
- Clay Jackson, Heather Bailey, Erika Jansson, Nora Peterson & Marc Rijpens on-site for lessons, or approved/insured trainer of your choice.
- Clinics w/ Claus Bergener, retired FEI 'I' judge from Germany 2-4 times per year

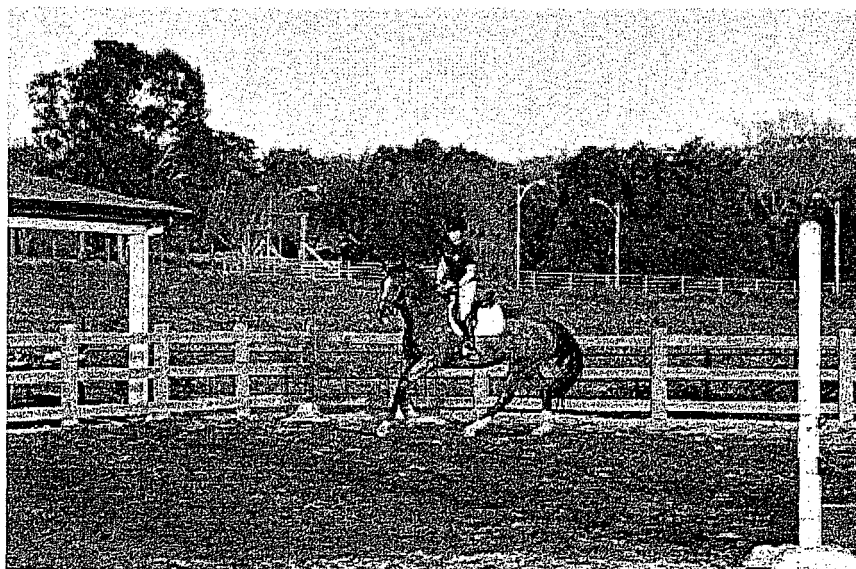
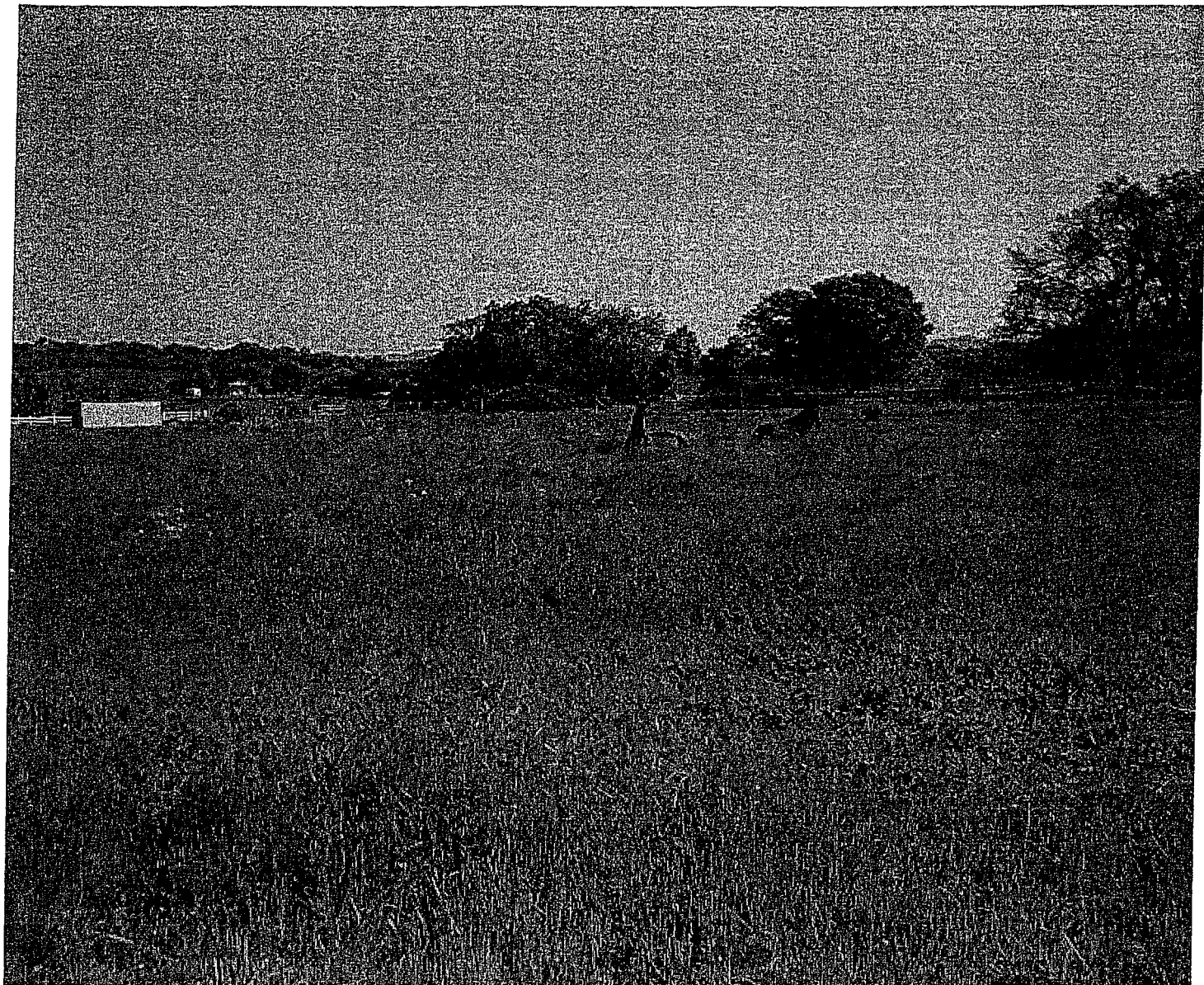
Turnouts

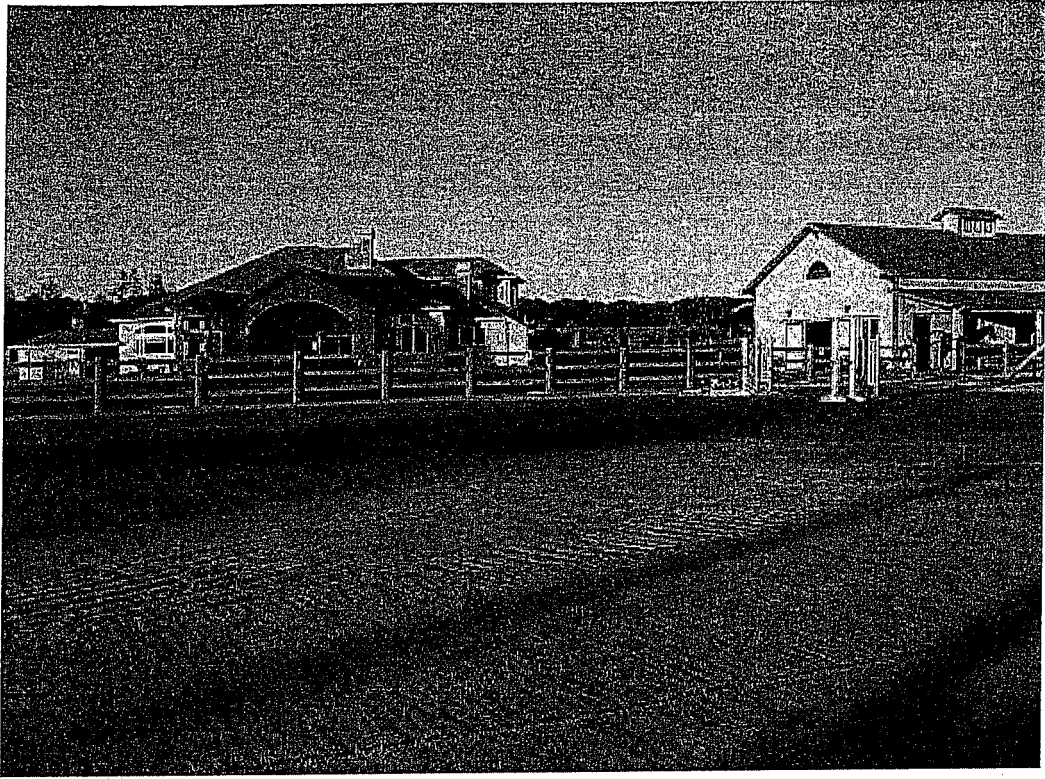
- 5 acre pasture is ripped 6" then smoothed and seeded every 2-3 years.

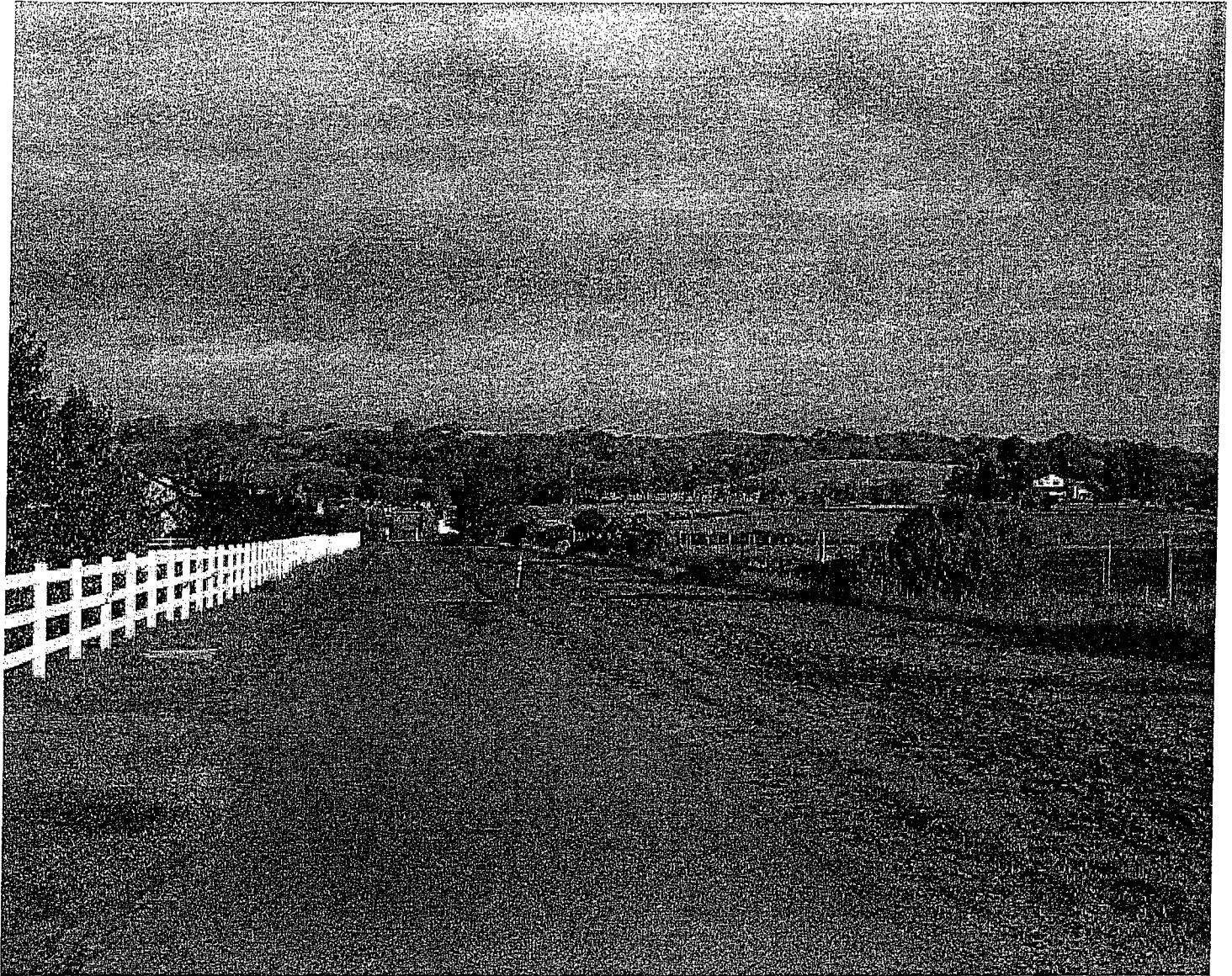
Includes groomed bridle path along perimeter and diagonally across pasture as well as a 12' x 24' shelter.

- 1 acre seeded irrigated pasture
- Several additional paddocks who sizes can be modified – all with excellent winter drainage



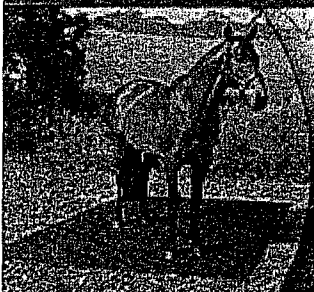






SmartFarm™ Headquarters

Intelligent Barn and Arena Materials



Joy Zamoyski Köch

Founder & President

10119 Liberty Oak Lane

Windsor, CA 95492

Joy@SmartFarmHQ.com

707-838-4855

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707-837-9959 fax

Craig Curreri

Pacific Union Real Estate

Broker Associate / Realtor

Office 707.547.3888 Cell 707.477.5120

3333 Mendocino Avenue Suite 210

Santa Rosa, CA. 95403



October 17, 2013

Sonoma County Planning Commission,

I am an active Sonoma County Real Estate Broker. I average between 30 and 50 real estate transactions per/year and I am respected by my associates as an expert on valuation of property. My professional focus is within residential and country properties.

I am aware of the application PLP12-0009 from Windsor Oaks Winery requesting to expand production capacity along with the proposed tasting room, retail sales, public tours, promotional events, weddings, plays, concerts, etc.

I am writing to express my opposition of this application for a number of reasons. The primary reasons are the significant "negative impact" this will cause to the surrounding property values as well as the increased traffic and safety concerns. My personal residence is located within a residential neighborhood ½ mile south of the subject. I drive, walk, jog and cycle this portion of Arata Lane on a very regular basis.

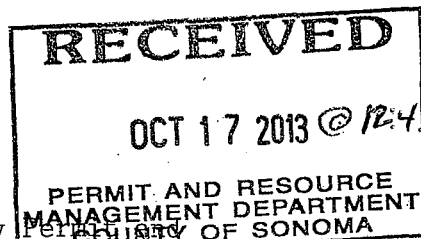
The negative valuation impact for the property owners on Liberty Oak Lane and Hillview Road will be significant. My professional opinion is the decline of these property values will be within 20 and 40%.

The Koch property (10119 Liberty Oak Lane) has a permitted equestrian facility that would be most highly impacted in a negative manner. From a "valuation" perspective the equestrian improvements of this property would no longer be of value to a potential "equestrian" buyer. Horse property is unique product with very discriminating buyers whom are extremely specific within their needs. In my opinion the proposed expansion of the winery facility would deem the Koch property "unsalable" as an "equestrian" property.

Please feel welcome to reach me with any questions.

Best regards,

Craig Curreri
707-477-5120



P.O. Box 515
Windsor, CA 95492
October 16, 2013

Sonoma County Permit
Resource Management Dept.
ATTN: Traci Tesconi
2550 Ventura Avenue
Santa Rosa, CA 95403

RE: Mitigated Negative Declaration Use Permit Application PLP 12-0009
Windsor Oaks Winery

Ms. Tesconi:

General Comments

This critical commentary on the above mitigated negative declaration is being delivered to you in time to be considered by the Sonoma County Planning Commission at its hearing on October 17, 2003.

We represent the Weston Ranch (AKA Highland Acres Ranch and Sotoyome Highlands), which abuts the northern boundary of Windsor Oaks Winery and Vineyards for its entire length of 6,525 feet (according to Exhibit 4b of SCAPOSD's Weston Ranch Baseline Document). Since 1996 (over a year before Windsor Oaks, refer to OR 96-109842 S.C.R.), this 1,160.42-acre property has been protected by a conservation easement granted to the Sonoma County Agricultural Preservation and Open Space District. Referred to as the Sotoyome Highlands Open Space Preserve by the California Wildlife Conservation Board, the Weston Ranch is comprised predominantly of natural and scenic land with some allowance for agricultural use. With its varied topographic features ranging in elevation from 120 feet twice by the Russian River to over 1,040 feet on Redwood Hill (the high point in the range of hills between Healdsburg and Windsor), it offers a number of diverse plant communities and wildlife habitats, including riparian corridors along the river and intermittent creeks, mixed hardwood forest (with groves of redwood and Doug fir), oak woodland, grassland (with remnant populations of native bunchgrass), seasonal wetland, vernal pools and a marsh-lined pond. The preserve is part of a prominent ridge of hills which provides a scenic backdrop to the urban areas of Healdsburg and Windsor. That part of its scenic ridgeline visible from both cities, from

Highway 101 and the community separator between the cities has been included within a designated scenic landscape unit of the Sonoma County General Plan.

Since before 1996, the Weston Ranch/Sotoyome Open Space Preserve has, through guided tours, allowed small groups of the public to enjoy hiking on the network of trails here. Around 17 miles of trails have been developed which disturb the landscape very little and afford wildlife watching and splendid vistas of four counties. Public access has been limited for reasons involving conservation biology that will be discussed later with regard to the greatly increased influx of tourists that Windsor Oaks Associates, LP are proposing to allow on their land in their latest winery expansion.

The close relationship between the two properties can be seen in Attachment A (an aerial photograph from the PRMD showing APN's 086-060-003 and 086-060-004 adjoining from the north APN 086-100-016) and Attachment B (aerial map included in the 2011 habitat restoration proposal prepared for Windsor Oaks by the Center for Social and Environmental Stewardship).

The Sonoma County Agricultural Preservation and Open Space District (SCAPOS) holds conservation easements over two contiguous properties which together form a block of almost 1,900 acres where the purpose of the easement agreements is "to preserve the open space, natural, scenic and agricultural values of the Propert[ies] and to prevent any uses of the Propert[ies] that will significantly impair or interfere with those values." Unfortunately, in the case of Windsor Oaks Winery, the agricultural value (now to be modified by more commercial and industrial activities occurring within the building envelopes and surrounding vineyards) is being allowed by the County to significantly supersede the other conservation values that are required to receive effective protection in perpetuity. In particular, the biotic resources are being undermined.

Even though approximately 350 acres (out of the property's total of 710 acres) have been dedicated to "Forever Wild Open Space" under the terms of the SCAPOS conservation easement (according to the current website of Windsor Oaks), the wildlife living in that natural area are bound to be disturbed and possibly driven away by the significant increase of noise and

other effects of increased human presence (according to the current research findings of conservation biologists who have studied how even so-called quiet, nonconsumptive recreation has resulted in reduction of wildlife numbers and diversity in regional parks and nature preserves. This problem will be discussed in more detail later.

How much more noisy will be the total environment of Windsor Oaks (not just the natural areas, where wildlife is not confined) when thousands of new visitors every year (possibly inebriated after sojourning in the tasting room) go hiking, bicycling and driving through the vineyards and natural areas on tours --- supervised or unsupervised? What further disturbance will come from the increased traffic noise from many more visitor cars and commercial trucks? What about deleterious effects to wildlife from the special events: 25 agricultural promotional events per year, 3 weddings per year, one play and one concert per year and participation in 10 industry-wide events (20 event days)? the additional noise from the 233% increase in wine production from 43,000 cases to 100,000 cases per year can not be confined and muted with the winery buildings.

In addition, the use permit will not include any condition that will restrict members of the public attracted to the winery from wandering outside of the two small building envelopes (visitor centers) while unattended by a tour guide who has been hired by the winery to act as a supervisor. Consequently, especially during the special events attended by throngs of people, some of them can easily slip away in order to explore the natural areas on the property so extolled by the winery's website and other forms of promotional outreach. In doing so, they may interfere with, harrass, handle and otherwise disturb the wildlife in such sensitive habitats as riparian corridors, ponds, reservoir, and oak woodland. Plants in these sensitive communities may also be damaged.

Windsor Oaks Winery's 2-phase expansion project proposes an intensification of human traffic within the vineyards (whether supervised on tours or not), a burgeoning of tourist activities in the two building envelopes (with many special events), an additional road into the property and a large-scale increase in wine production at the industrial bottling plant --- all of which will have a synergistic effect and create a barrier

to movement for the terrestrial wildlife which can tolerate continuing to live within the "Forever Wild Open Space", situated in the center of the winery's property and also subject to some increased human intrusion. They will be hindered from further intermingling with wildlife populations living on neighboring properties, especially the Weston Ranch nature preserve.

Thus, the 1,900-acre block of wildlife habitat that has up to now been preserved and protected by the two adjoining SCAPOSD conservation easements (insofar as has been possible with the current level of activity on Windsor Oaks Winery and Vineyards) will suffer from habitat fragmentation.

Not only that, but the noise and other anthropogenic disturbance factors allowed to increase significantly on Windsor Oaks will have a deleterious ripple effect on wildlife populations living on neighboring properties. Human property lines do not act as boundaries for wild animals who have a different sense of territory. Also, the increased noise levels can extend and infiltrate far into neighboring properties, where wild animals are likely to have greater sensitivity to noise than humans so as to hunt prey or avoid being hunted by predators. Especially on the upland slopes north of Windsor Oaks, where thermal uplifts funnel and carry noise up to the ridgeline on the Weston property, wildlife species are likely to be disturbed and deterred from living on the Weston Ranch's south side in such numbers and diversity as they do now.

These thermal uplifts are caused by the frequent southern and southwestern winds that enter the narrow valley divided between Windsor Oaks on the south and the Weston Ranch on the north and then rise against warm steep slopes of the Weston hill range (scarps caused by the Healdsburg Fault). Several species of raptors make use of these thermals for soaring over both properties. It is ironic that Windsor Oaks Associates, LP, have recently revived their predecessor, Balverne Winery's, use of the red-tailed hawk as the logo on the label of a new line of wines.

The Weston Ranch will be the hardest hit by Windsor Oaks' noise and increased activity because the winery's expanded bottling plant and first tourist center (with daily tasting room and outdoor facilities for large special events such as weddings, plays and concerts) are focused in the

winery's narrow northern valley and located close to the southern property line of the Weston Ranch (in a direct unobstructed line of sight, only 1,687.5 feet away). Also, according to the 1" = 1,200 scale of the PRMD-prepared aerial photo with property lines overlaid, the main residence on the ranch is slightly less than 3,000 feet and the manager's house is about 3,300 feet away.

With regard to disturbance imposed upon humans by the winery's expansion project, the residences on the Weston Ranch, located above and close to the winery's agricultural building area, without shielding by any intervening ridge or forest, should be given consideration as residential sensitive receptors under the Noise Element of the Sonoma County General Plan. These houses are occupied by family members over the age of 65.

Another cause of concern for the northern neighbors of Windsor Oaks is the possibility that some of the wandering, unsupervised visitors to the winery will wander onto the Weston property and be trespassing. Through a deer fence, the boundary fence is easy to breach, especially at PG&E's access gate to its transmission line right-of-way. Also, the winery hosts invite the public onto their property to go out and enjoy a rural repast (while drinking the house wine) at their picnic sites. One of these is located next to the boundary line in a remote area of both properties (northeast corner of Windsor Oaks and southeast corner of Weston) and will be hard to monitor to deter trespassers. However, the most likely invitation to the public to trespass (inadvertently) comes from Windsor Oaks' misrepresentations that their property line is higher in elevation and thus more northern than it really is.

The Mitigated Negative Declaration does not consider the current scientific evidence that supports our opinion that noise and other adverse environmental effects (e.g., unrestricted public intrusion into sensitive natural areas) will be caused by Windsor Oaks Winery's development plans and that these environmental impacts will be significant because they will disturb and diminish the wildlife resources of that property, especially within the central area called "Forever Wild Open Space", where the SCAPOSD conservation easement should provide the greatest protection. Also, these adverse impacts will extend into the neighboring Weston Ranch/Sotoyome Open

Space Preserve with its more numerous and diverse biotic resources which are required to be protected by a SCAPOSD conservation easement with more stringent land use restrictions. Since the SCAPOSD has failed to respond appropriately to the environmental problems posed by the Windsor Oaks winery expansion project, the PRMD, as the primary land use regulatory agency within the same county government, should require the project proponents to commission the preparation of an environmental impact report and to undergo a full-scale public hearing process that will produce adequate mitigation measures as conditions of a new use permit.

In order to guide the PRMD staff in learning about the current scientific research referred to above, we have enclosed the following sample of published findings by conservation biologists familiar with Sonoma County:

Reed, S.E. & Merenlander, A.M. (2008) "Quiet, nonconsumptive recreation reduces protected area effectiveness". Conservation Letters XX, 1-9. (Attachment C)

Tompa, R. (2008) "Outdoor enthusiasts scaring off native carnivores in parks". UC Berkeley Press Release, 21 July 2008. (Attachment D)

Wildlife Conservation Society (2012) "If you cut down a tree in the forest, can wildlife hear it? WCS and partners develop method to discern how landscape features effect dispersion of noise and distribution of wildlife". Yuba Net News, Dec. 13, 2012. (Attachment E)

Background information on Adina Merenlender (accessed on 10/5/2013: <http://ourenvironment.berkeley.edu/people-profiles/adina-merenlender/>). (Attachment F1)

Background information on Sarah Elizabeth Reed (accessed on 10/5/2013: <http://warnerenr.colostate.edu/~sereed/>). (Attachment F2).

Specific Comments

Environmental Finding (Pages 1-2 of the MND):

EXISTING USES

"The project site is 479.89 acres, but surrounded by commonly owned land of Windsor Oaks totaling 710 acres... The winery facility is located on 472 acres with 230 acres of vineyard. But the surrounding Windsor Oaks vineyard consists of 710 acres."

These statements are erroneous. The total assemblage of parcels owned by Windsor Oaks Associates, LP, amounts to 710 acres, but the project site consists almost entirely of the northernmost parcel, APN 086-100-016 (472 acres), according to the Notice of Public Hearing and Intent to Adopt a Mitigated Negative Declaration. None of the other Windsor Oaks-owned parcels surround the main project site (except for the northeastern corner of a former larger winery parcel which was split off in 1997 as 086-100-013 but remains a part of the winery's operation). In reality, the neighboring property on the entire north side of the main project site is owned by Richard Augustus Weston, Trustee et al. (086-060-003 & 086-060-004). The non-Windsor Oaks owners on the east side are Glenn Penisten (086-190-003 & 086-090-008) and several small landowner neighbors and near neighbors (including Watson, George, Lavell, Brooks and Goetzl). The west side, with its 4-acre projection, has the following neighbors: Reinecke (086-100-007 & 086-100-009), Winston (086-100-012), Hoppe (086-100-011) and Kopf Vineyards (086-050-002).

This neighboring ownership is not insignificant and should be corrected because the MND gives little attention to the environmental impacts that neighboring properties may experience from the Windsor Oaks expansion project.

Perhaps the PRMD staff was misled by the Overall Site Plan prepared by the Windsor Oaks project engineer, Steve Martin & Associates, which designates all the neighboring properties as "Lands of Windsor, CA", whatever that means. Town of Windsor? Windsor Oaks Associates, LP?

Even though the Overall Site Plan shows a large centrally located area of open space (the "forever wild" natural area, amounting to 350 acres according to the winery's website), the MND makes no attempt to single out this area as requiring special study despite the potential that all the development activities occurring around it will cause adverse environmental impacts on the wildlife and other biotic resources found there.

SITE CHARACTERISTICS

"The project site elevations range from about 200 feet (above sea level along the southern property boundary to nearly 870 feet near the northern property boundary. Most of the gently sloping areas of the project site are

planted in vineyards, whereas, the steeper slopes and bottoms of the larger drainages are predominantly hardwood forest."

This very short paragraph (along with the rest of the MND) do not provide enough information on the biology, ecology and topography of the project site to enable the Planning Commission to become adequately informed about the potential environmental impacts on the project site and neighboring properties and whether or not effective mitigation measures can be included as conditions in the winery's use permit. Such a paragraph may be adequate for a 4.79-acre project site, but not for 479.89 acres.

At least the PRMD staff should have included in this MND the Baseline Document of the SCAPOSD conservation easement with a supplementary update derived from the SCAPOSD monitoring of current conditions. Or else the PRMD should have summarized and quoted from the Baseline Document's sections on such environmental aspects of the winery property as Conservation Purpose, Physical Setting and Hydrology, Geology, Soils and Erosion, Vegetation and Wildlife; in addition, photographs of sensitive natural areas taken in 1997 (year of easement grant) should have been compared with those taken of the same areas during SCAPOSD's recent monitoring visits. The scanty reference to the Baseline Document on Page 4 of the MND cannot be considered sufficient.

The upper elevational limit of the Windsor Oaks property is not nearly 870 feet near the northern boundary line. A topographic relief map obtained from the Sonoma County Official Site for Tourism (and included here as Attachment G) shows that the property line is set at a little under 600 feet. This map clearly portrays the narrow valley seat of the winery buildings and main activity center where the steep slopes on the north side are higher than those on the south and have tributary drainages to the valley floor which funnel winery noise up into the Weston property. Also, it is interesting to note that the map marker for locating Windsor Oaks Vineyards & Winery points to the Forever Wild Open Space.

Examining the topographic map prepared by PRMD Mapping with parcel line overlay shows that the winery's northern property line is about 640 feet high near the northeast corner (Attachment H). The nearest hilltop approaching 870 feet is Oak Grove Hill at 858 feet, located well within the Weston Ranch/Sotoyome Open Space Preserve.

A search through the promotional literature on Windsor Oaks Winery and its predecessor, Balverne Cellars, discloses that the owners have several times exaggerated the elevational range of the vineyards. For example, in an article appearing on 12/18/2012 in Wine Business.com (<http://winebusiness.com/people/>), the news is heralded that "the winery's plan calls for gradually building distribution, while keeping production small. The winery will specialize in Pinot Noir and Chardonnay from the estates's Russian River Valley grapes and Cabernet Sauvignon and other Bordeaux varietals from the vineyard's Chalk Hill blocks which extend to nearly 1,000 feet above sea level." This information apparently came from Bob Stein, the general partner owner, because he is quoted directly in the following paragraph.

On three other winery promotional websites also accessed on 10/5/2013 (<http://travel-sonomacounty.com/>; <http://www.wineroad.com/> and <http://www.windsoroaks.com/Visit-Us>), there appears this sentence: "Discover how the maritime climate and nearly 1000 feet of topographic changes influence a variety of wine grapes that carpet valley floors, vistas and mountain tops of our vineyards."

The above four recent references have been included as Attachment I to provide a sample of this winery's topographic imagining. But the real purpose of these advertisements is to sell to the general public not only wine tasting and bottle buying but also supervised and unsupervised excursions of several kinds throughout the property: "Choose from several tour options and let us help you customize the perfect day. Your visit may include a vineyard tour, a nature hike or drive through "Forever Wild," our 350 acre nature preserve, or a winery tour and barrel tasting where you will get in-depth exposure to artisan winemaking techniques. Then, relax with gourmet picnic, guided tasting, and private time on the mountain. Picnic sites are available near many of our lakes or ponds on the top of our breath-taking mountain summit with panoramic views of three surrounding counties or in the middle of our vineyards." The winery is operating right now as if it does not have to obtain from the County a new use permit but only a building permit for its ambitious building expansion.

Phase I and Phase II Summary of Proposed Activities

In quantifying the amount of noise disturbance to wildlife living in and around the winery property and to neighboring property owners, the MND needs to consider how many public visitors will be active on the premises during the year and for how many hours and how many employees will be working there during the year. Assuming that the project proponents' estimates are realistic and not understated, the table of marketing activities and events shows 9 types of events totaling 30 in number overall. The maximum number of attendees for all these events adds up to either 940 or 3,600, depending upon whether the attendees (maximum) figures are interpreted to apply to each event or to each type of event. Add to one of these figures the annual number of visitors who are only interested in the walkin tasting room experience. This figure is unspecified, though during Phase I, after mention of public tasting room hours, visitors are anticipated to be 15 for an average day and 30 for a weekend day; the annual total could amount to 7,035 visitors. During Phase II, visitors are expected to rise to 30 on an average day and 80 for a peak day (presumably on the weekends); then the annual total might be 16,150 visitors.

In addition, during Phase I 10 (?) full-time and 3 part-time employees will work on the premises during non-harvest and 10 full-time during harvest. During Phase II, employees will increase to 16 full-time workers during the harvest and bottling season. The winery operating hours will be 7 a.m. to 6 p.m. all week long during non-harvest, and 6 a.m. to 10 p.m. all week long during harvest season. Public tasting room hours will be 11 a.m. to 5 p.m. The special events will supposedly be limited to 7 a.m. to 10 p.m. pursuant to the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan.

A significant, though temporary, increase in noise level will result from the large-scale construction activities forming part of Phases I and II (adding 2,000 sq. ft. to an already large winery building in the ABA, constructing a new 8,380 square foot winery structure in the ABE, building a detached 600 sq. ft. mechanical building, and constructing a number of various infrastructure improvements). With exceptions, construction activities will be restricted to the hours of 7 a.m. and 7 p.m. on weekdays and 9 a.m. and 7 p.m. on weekends and holidays.

A quantitative analysis of the synergistic effect on wildlife of all these noise-generating activities is not possible because of the variables and ambiguities contained in the information provided in the MND. Obviously, the increases in noise level will fluctuate between the harvest and non-harvest seasons, different types of special events, during, between and after construction activities, etc. One constant, however, is that much of the noise generation will be allowed to occur during the crepuscular and nocturnal hours of the day when many wildlife species are most active. Another constant is that Windsor Oaks Winery will become a significantly noisier place for wildlife and neighboring landowners than when the winery was supposed to be complying with the terms of the current use permit (UP 7851, as modified in 1980) which requires a wholesale winery operation with no tasting room. The advertisements included in Attachment J claim that the winery is open to the public only 18 days a year.

CONSERVATION EASEMENT (Pages 4-5)

Part of the SCAPOSD Stewardship staff's response to the Windsor Oaks' winery expansion proposal:

"Additionally, any events outside the Agricultural Building Area (ABA) in which guests pay for services such as seminars, tours, recreational uses, or meals, are not consistent with the Easement...

"... Based on this additional information, SCAPOSD determined that the motorized tours in fact relate to the permitted agricultural operation (vineyard) and are consistent with the Conservation Easement. However, a fee cannot be collected for the tours because tours must be accessory to the agricultural operation and not a non-agricultural commercial use (refer to Exhibit "C", Paragraph 2). Further, in regard to events within the Agricultural Building Area the tours must also be consistent with the conservation purpose of the Easement 'to preserve the open space, natural, scenic and agricultural values of the Property.' Therefore, we consider the tours to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If the tours come to impact the conservation values of the Property we will

no longer consider them to be consistent with the Easement, and they would need to cease."

SCAPOS is apparently not aware of how Windsor Oaks uses online advertisements (even its website, see Attachment J) to promote the selling of customized tours to the general public. These tours definitely extend beyond the limits of the ABA and reach all parts of the property, not only the vineyard blocks but also the "Forever Wild Open Space" and other natural areas, such as the pond and mountain summit. Gourmet lunches can be purchased at picnic sites by prior arrangement. Besides a vineyard tour, the visitor can also buy the right to enjoy a nature hike or drive through the 350-acre nature preserve.

The tours can be paid for in two ways:

(1) Full-price purchase at 2 levels:

Terroir Tasting @ \$15 per person, offering wine tasting in the winery salon or at one of the scenic vineyard blocks.

Savour Tours @ \$55 per person, offering an introductory lesson in the cellar and then a 4-wheel drive on a mountain and hillside tour.

(2) Discounted price:

Fifty per cent off purchase for members of the Friends of the Vineyard Wine Club, who can join at 2 levels: Oaks or Estate.

Members at a third level, Summit, are obligated to buy enough wine from the winery every year to earn the right to complimentary tours.

There is no membership fee to join. However, instead of a cash transaction, the consideration for joining and receiving membership benefits is in the form of the financial obligation to purchase a certain number of bottles three times a year, with the average shipping price before tax & shipping ranging from \$120 to \$240 to \$360.

On the Weston Ranch/Sotoyome Open Space Preserve, no fees are ever charged to the public for the guided natural history tours.

Commentary on Paragraphs in the Windsor Oaks/Stein Conservation Easement that apply to the winery expansion plan proposal:

Exhibit B (Permitted Uses):

Paragraph 6c. "Within the 'Natural Areas' shown on the Baseline site Map, improvements shall be limited to access roads, leachfields and utilities

necessary for the permitted residential uses on the Property and other permitted uses as approved by DISTRICT and in accordance with all applicable governmental regulations and subject to approval of DISTRICT. DISTRICT's approval shall be based upon its finding that the proposed construction or placement is consistent with the conservation purpose of this Agreement." Underlining denotes added emphasis.

The placement of access roads within the property's natural areas and the uses which are made of them are subject to the permission and approval of SCAPOSD. Therefore, the District could deny approval of motorized tours within those areas if it finds that the proposed use (fee-based recreational sightseeing with the noise and fumes of motor vehicles disturbing wildlife) is not consistent with the easement's multifaceted conservation purpose. Open space, natural and scenic values and not just agricultural values must be preserved.

Paragraph 11. "To utilize the Property for non-intrusive recreational or educational purposes that require no significant surface alteration or other development of the land including, but not limited to, hiking, horseback riding, and nature study."

Unfortunately, recent research findings by conservation biologists have shown that even such seemingly benign recreational activities as those listed above can be very intrusive in the lives of wildlife. Mitigation should require that some natural areas on the property be kept off limits to the public while other areas, less sensitive, are opened only on a limited supervised basis.

Exhibit C (Prohibited Uses):

Paragraph 1. "To impair the conservation purpose except as otherwise expressly provided in this Agreement."

Allowing agricultural and recreational land uses to disturb and drive away wildlife certainly impairs the conservation purpose and is not expressly provided anywhere in the easement agreement.

Paragraph 2. "... to establish any non-agricultural commercial or industrial use outside of the 'Agriculture Building Area'."

This is one paragraph that SCAPOSD is willing to enforce. But judging from Windsor Oaks' promotional literature included in Attachment J, the

winery is already engaged in fee-based marketing of events and services outside of the ABA that is not consistent with the easement.

Paragraph 6 " To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational or residential activities... Any use of motorized vehicles off roadways is prohibited except when necessary for emergency, agricultural or ranching purposes."

The use of motorized vehicles is restricted to the easement grantor (Bob Stein, acting for Windsor Oaks Associates, LP) and others under the grantor's control (the winery employees and winery visitors on a supervised tour). Public self-guided tours in motor vehicles are not allowed.

The use of motorized vehicles is allowable for recreational activities so long as they are only incidental. But in its advertising the winery plays up the scenic and natural amenities of its property so much that public visitors may be attracted as much by recreational sightseeing and picnicking as by winetasting.

Any use of motorized vehicles off roadways is prohibited, but the winery advertises the use of four-wheel drive vehicles for its tours into the forever wild natural area.

Paragraph 9. "Ranching, agricultural, or other uses, otherwise permitted under this Agreement, consistent with current and acceptable farm practices, but which result in significant degradation of soil or water quality, or adversely impact the 'Natural Areas' as shown on the Baseline Site Map."

Windsor Oaks' form of viticulture may be consistent with current and acceptable farm practices, but it must be consistent with the conservation purpose of its easement, which inter alia is meant to preserve and protect the scenic natural open spaces in particular.

The winery's extensive expansion program will significantly increase the noise and other adverse effects of human intrusion throughout the property. The probable impacts to wildlife in the natural areas include reducing habitat quality, altering the geographic distribution of species disrupting animal communication and causing stress.

SURROUNDING LAND USES AND SETTING (Page 6):

"The project site is located in a diverse area with agriculture on the

north side of Arata Lane comprised of small family farms with livestock and horses and vineyards." This description may be accurate for properties along Hillview Road and at the junction with Arata Lane. But it totally ignores the medium-to-large properties (not owned by Windsor Oaks) with mixed uses which are located around the east, north and west sides of the northern bulk of the project site. The Weston Ranch/Sotoyome Open Space Preserve (1,160.42 acres) is situated on the entire northern side and is also preserved and protected by a conservation easement with SCAPOSD.

"The project site is by far the largest parcel in the immediate area." Not true. APN 086-100-016, belonging to Windsor Oaks, is 471.89 acres in size. APN 086-060-003, belonging to the Weston Ranch, is 640 acres in size and overlooks almost the whole backside of the winery. Refer to Attachment A.

"The existing winery is located well away from any of the neighbors..." The winery buildings are located very close to the Weston property line, are not isolated from their neighbor, but are clearly visible, with voices and other noises from the ABA being clearly audible. Since in the recent past we have noticed two large pavilions set up for special events in a vacant field alongside our property line we suspect that noise from winery activities will become more frequent, noticeable and troubling after the County has approved the winery's expansion program. Since a vineyard block was growing between the pavilions and the winery buildings, this special events area could not be said to be enclosed in the ABA, as required by the SCAPOSD conservation easement.

Noises coming from the Windsor Oaks property have for many years reverberated in and around their valley to be funneled up onto the Weston property slopes. At times it is possible to hear truck backup signals coming from the Windsor Oaks winery buildings. Harvest time is very evident with loud racket from empty gondolas as they are being driven to the various vineyard blocks. Loud noises in particular include gunshots which reverberate from Windsor Oaks up to the Weston building compound and sound as if they were very close, especially in the summer months depending upon the weather. We have heard gunshots that were very close at our reservoir at about 800 feet which could only have come from the Windsor Oaks property.

We have heard all of the evening "concerts" year after year that Windsor Oaks has had at their winery. The amplified music was very loud and the "concerts" went on late into the night.

According to PRMD permit history for Windsor Oaks Associates (APN 086-100-016), #ZPE05-0283 is summarized as: "Special event zoning permit request for a zoning permit for two special events as follows: Grape Chefs Challenge to be held on September 24, 2005 from 3 pm to 8 pm (anticipated attendance from 250-275 persons) and a Wine Club Party to be held on October 9, 2005 from 2 pm to 6 pm (anticipated attendance from 200-250 persons), live amplified music will occur at each event."

In the Sonoma County General Plan 2020, the Noise Element, Table NE-1: Examples of A-Weighted Sound Levels and Relative Loudness found on Page NO-4 has "Rock music with amplifier" at 120 dBA as the second loudest sound listed behind "Jet aircraft, 100 feet" at 130 dBA. "Quiet country residence" is listed at 20 dBA.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

1. AESTHETICS Would the project: (a) Have a substantial adverse effect on a scenic vista?

From the upslope view of the ABA, this area is dominated by the two largest buildings, which are bulky industrial and utilitarian-looking, sheet metal-clad structures that stand in stark contrast to the verdant natural vegetation allowed to still grow in the area. Phase I calls for the renovation and enlargement with a second floor of the larger of the two buildings (the barrel building). The engineer's site plan for the use permit (UP2) also refers to the construction of a new winery building in the ABA during Phase I, but no sign of it is discernible on the site plan. Also missing is an exterior elevations plan which would show whether this building will be provided with an attractive facade to improve its aesthetics.

More than likely the view of the ABA will become even less scenic because of the added height of the most prominent edifice. The Westons will not be the only ones to have to tolerate this sight, since members of the public will be hiking in guided tours on three trails running along the slopes parallel to the winery's property line.

4. BIOLOGICAL RESOURCES Would the project:

(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The following animals, with different levels of state government protection, have been sighted on the Weston Ranch/Sotoyome Open Space Preserve, which shares a common border with Windsor Oaks Winery of 6,525 feet. Therefore, it is likely that some of the species are also present on the winery property because it offers some of the same wildlife habitats. (The California Department of Fish and Wildlife website was last accessed on 10/5/2013.)

Birds

Vaux's Swift

American peregrine falcon

golden eagle (nesting sites)

bald eagle

white-tailed kite (nesting sites)

northern harrier (nesting site)

(Other Raptors:

northern spotted owl

Cooper's hawk

sharp-shinned hawk

osprey (nesting sites)

merlin

red-tailed hawk

red-shouldered hawk

American kestrel

great-horned owl

barn owl

screech owl

turkey vulture)

Mammals

mountain lion

bobcat

American badger

pallid bat

Reptiles

western pond turtle

San Francisco garter snake

(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community...

Two blue-line creeks on USGS topo maps (Sotoyome Creek on the west side of property and Windsor Creek tributary on southeast side) will be impacted by noise, etc. disturbance to wildlife besides other human intrusion effects by unsupervised visitors wandering from nearby building envelopes. Seasonal wetland next to property line on south side of Weston Ranch and oak woodland nearby will likely be disturbed by increased noise and winery visitors trespassing.

(c) Have a substantial adverse effect on federally protected wetlands... (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

See the previous question's response (last sentence pertaining to seasonal wetland).

(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

This question deserves the same response as has been often reiterated all through this letter on the shortcomings of the MND. Windsor Oaks' winery expansion program will for several reasons researched by conservation biologists disturb and drive away wildlife on and around the property.

(e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

Two habitation conservation/restoration plans have been adopted for the project site which include restoration improvements and activities that may

be adversely affected by any land use conflicts with the current winery expansion proposal and its building construction and influx of new visitors. In preparing the MND, PRMD staff entirely overlooked analyzing the potential for any deleterious conflicts with these earlier plans.

(1) In 2011, through the agency of the Center for Social and Environmental Stewardship, the California Wildlife Conservation Board granted \$640,000 to Windsor Oaks Vineyard and the Center to restore and enhance wildlife and pollinator habitat by installing hedgerows, restoring riparian habitat, installing cavity nesting bird boxes, preserving a roosting bat colony in an ABA building, enhancing bee habitat, etc. See Attachment K for a fuller description of the plan's salient features and for aerial photo mapping of the project's vineyard site plan and the adjacent land-use and protected properties (Sotoyome Highlands Open Space Preserve and Sonoma County Foothill Regional Park).

(2) In 2002 the Sotoyome Resource Conservation District sponsored the Windsor Oaks Creek Watershed Native Plant Revegetation Project, which involved native plant revegetation of several sections of an unnamed tributary to Windsor Creek and similar revegetation of several ephemeral swales. See Attachment K.

CONCLUSION

MANDATORY FINDINGS OF SIGNIFICANCE

Question (a) should be answered in the affirmative because of all the sound scientific research on the problems of introducing a significant increase of anthropogenic noise and other intrusive adverse effects into wildlife habitats. A commercial vineyard's wildlife will have aggravated problems in comparison with the animal species of parks and preserves because the latter have the advantage of living in an environment with a pre-existing lower ambient noise level from human activities. Only the animals living in the more isolated parts of the 350-acre "Forever Wild Open Space" will be able to better tolerate the changed conditions caused by the extensive winery expansion.

The PRMD staff should remember that Windsor Oaks Winery is not just another commercial vineyard that has only agricultural land use. How many other wineries in this county are similarly subject to a government conservation easement protecting several different conservation values?

Question (b) should be also answered in the affirmative because this project does have impacts that may be limited, but cumulatively considerable. The incremental effects of this project are viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The past involved converting another type of agricultural property involving less wildland conversion (the Lazy Hill Ranch) into a commercial wholesale vineyard (Balverne Cellars). The current project of Windsor Oaks Winery involves conversion into a retail winery with much more wine production and marketing of its products to the public. The future will likely involve the winery landscape in a mixture of agribusiness and six executive home sites so that greater habitat fragmentation from exurban effects occurs on the property.

This project should be better analyzed for potential impacts through the EIR process and public scrutiny.

Respectfully,

RICHARD WESTON
Carolyn Weston

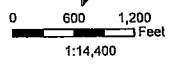
Richard Weston

Carolyn Weston

Attachments: A-K



A. P. Nos. 086-060-003, 004; 086-100-016



Aerials are in California State Plane Coordinates Zone 10, North American Datum 1983. Aerials include vertical and can be determined by multiplying the negative scale by 0. The negative scale varies by area of County, and is available on request. Black and White Aerials Every April 2000, Color Aerials Every April 2011.

Map Scale and Reproduction methods limit precision in physical features displayed. This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The parcels contained here in are not intended to represent surveyed data. Site-specific studies are required to make parcel-specific conclusions. Note: Assessor's parcel data are current as of July 1, 2012.

Parcel Boundaries derived from 1:50000 aerial maps and revised using Assessor Plot maps. The data represented herein is for planning purposes only and all parcel base data inquiries should be directed to PRMG (707) 565-1900.

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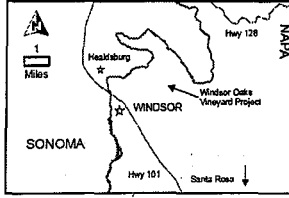
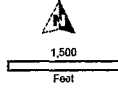


County of Sonoma
 Permit and Resource Management Department
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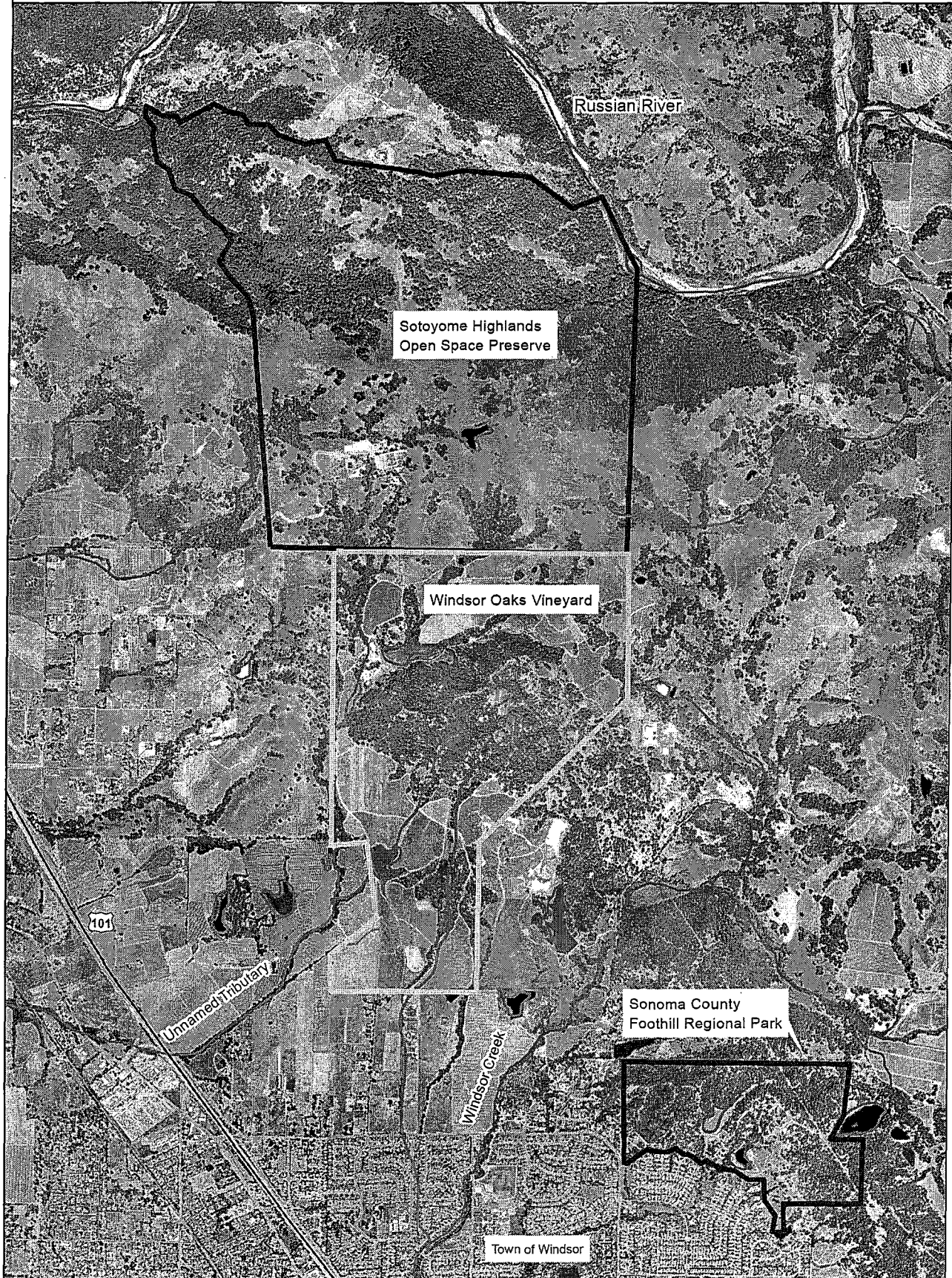


Adjacent Land-use and Protected Properties

Sheet 1 of 1



Map created by: The Center for Social & Environmental Stewardship,
March 2011



Quiet, Nonconsumptive Recreation Reduces Protected Area Effectiveness

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Keywords

Carnivores; human disturbance; noninvasive surveys; oak woodlands; outdoor recreation; park management; protected area planning.

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Abstract

Protected areas around the world were created with the goals of preserving biodiversity and providing nature-based recreation opportunities for millions of people. This dual mandate guides the management of the majority of the world's protected areas, but there is growing evidence that quiet, nonconsumptive recreation may not be compatible with biodiversity protection. We combined noninvasive survey techniques and DNA verification of species identifications to survey for mammalian carnivores in 28 parks and preserves in northern California. Paired comparisons of neighboring protected areas with and without recreation revealed that the presence of dispersed, nonmotorized recreation led to a five-fold decline in the density of native carnivores and a substantial shift in community composition from native to nonnative species. Demand for recreation and nature-based tourism is forecasted to grow dramatically around the world, and our findings suggest a pressing need for new approaches to the designation and management of protected areas.

Introduction

Every day, millions of people use the world's protected areas for the recreation, education, and tourism opportunities that they provide. In the United States, for example, the number of people who participated in day hiking increased by nearly 800% between 1960 and 2000 (Figure 1). The majority of global protected areas permit public access (IUCN Categories Ib-VI; IUCN 1994), and key reserve networks, including national park systems in Europe, North America, and Australia, operate under a dual mandate to provide recreational opportunities while conserving natural resources. Although many researchers have noted the harmful impacts of motorized recreation and extractive land uses on the conservation effectiveness of protected areas (for example, Liu *et al.* 2001), "quiet," nonconsumptive activities, such as hiking and wildlife viewing, are widely assumed to be benign uses. The demand for nature-based tourism is forecasted to grow dramatically in urban regions (Cordell *et al.* 2005), as well as in global biodiversity hotspots (Christ *et al.* 2003), and quantitative information is needed to

understand the trade-offs between public use and species protection.

Recreation is an important issue for ecologists and conservation planners to consider, because access for recreation is a key component of plans to generate public support and revenue for land conservation. Public parks and open space preserves are the primary places that most people access nature, and contact with nature has a range of human health benefits (Frumkin 2001). Ecologists have identified recreation as an ecosystem service supporting human populations (Chan *et al.* 2006), and similarly, recreational opportunities are valued by economists as natural resource amenities driving economic growth and residential development patterns (Hansen *et al.* 2002). Outdoor recreation enthusiasts are vocal advocates for land conservation (for example, TNC 2005), and public access is an important platform for generating tax and bond revenue for protected area acquisition.

However, recreation may not always be compatible with the conservation objectives of land protection. Recreation is the second leading cause of endangerment

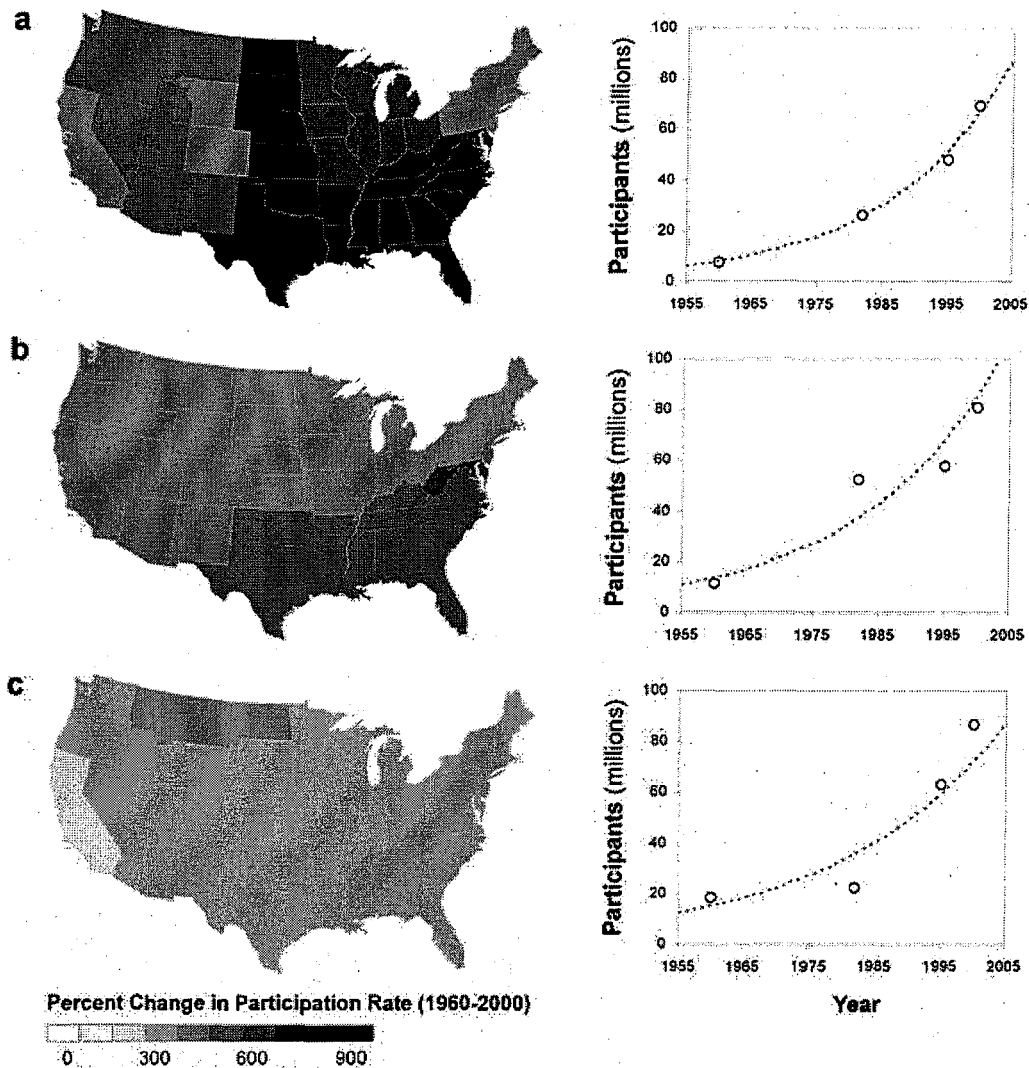


Figure 1 Change in the rate and total number of U.S. citizens participating in three quiet, nonconsumptive recreational activities from 1960–2000. Geographic regions, participation rates, and numbers of participants in (a) day hiking, (b) bicycling, and (c) wildlife viewing are derived from the National Surveys on Recreation and the Environment (NSRE) conducted in 1960, 1982, 1995, and 2000

(<http://www.srs.fs.usda.gov/trends/nrse/nrse2.html>). NSRE surveys in 1960 and 1982 included individuals 12 years and older, whereas surveys in 1995 and 2000 included individuals 16 years and older. Dashed lines represent the best-fit exponential curves for changes in the number of participants over time.

to species occurring on U.S. federal lands (Losos *et al.* 1995), and there is growing evidence that nonmotorized activities have negative impacts on a wide range of wildlife species (Knight & Gutzwiller 1995). For example, recreational activity correlates with decreases in species abundances and activity levels (Garber & Burger 1995), causes wildlife to flee (Papouchis *et al.* 2001) or avoid otherwise suitable habitat (Taylor & Knight 2003), and alters species composition and behavior (Ikuta & Blumstein 2003).

Few studies have examined recreation impacts in multiple parks or preserves (for example, Forrest & St. Clair

2006) or made comparisons between sites that do and do not permit recreation (for example, Cole 1995). In addition, the impacts of nonconsumptive recreation on mammalian carnivores are rarely investigated (for example, Nevin & Gilbert 2005). To understand how recreation impacts wildlife populations at the scale of resource management decisions, we need to examine recreation as a landscape-scale human disturbance process affecting whole species communities and ecosystems.

We surveyed the composition and density of mammalian carnivores to evaluate how biodiversity in protected areas was affected by the presence of quiet,

nonconsumptive recreation. Here, we define quiet, nonconsumptive recreation to include dispersed, nonmotorized activities such as hiking, biking, and horseback riding. Wide-ranging and low-density carnivores are sensitive to human disturbance in fragmented landscapes (Riley *et al.* 2003), and changes in carnivore composition and abundance can have cascading effects on prey species and vegetation communities (Crooks & Soulé 1999). In addition, research on habitat fragmentation has shown that variability in carnivore species' responses can be useful for identifying thresholds of human disturbance (Crooks 2002).

To minimize variation in habitat quality and landscape context among study sites, which could confound our ability to detect the impacts of recreation, we made paired comparisons of protected areas with recreation and nearby protected areas without recreation. We conducted transect searches for scats to maximize detections of a suite of carnivore species (Reed & Leslie 2005). Because visual identifications of sympatric carnivore scats can be highly unreliable (Fernandez *et al.* 1997), we developed molecular genetic methods to confirm species identifications (Bidlack *et al.* 2007).

Methods

We used a paired-site design to investigate how the presence of quiet, nonconsumptive recreation affects mammalian carnivore communities in 28 protected areas in Marin, Sonoma, and Napa Counties in northern California (122° 12' to 122° 51' W, 38° 0' to 38° 37' N; Figure 2). This region has a Mediterranean climate and is dominated by mixed oak woodlands. Over 1755 km² (23.3%) of land in the study area is under some form of protection. Nearly 60% of the protected land area is open to public access, 12.6% permits restricted access, and 27.4% is closed to the public (BAOSC 2004). The study area includes 25 incorporated cities and towns, and these protected areas are popular recreation destinations for the more than seven million residents of the greater San Francisco Bay Area. There is growing pressure on government agencies to purchase additional land for recreation and to expand public access in existing protected areas (Wells 2000).

We first identified 14 parks and open space preserves that permitted public access for quiet, nonconsumptive recreational activities. We then used a spatial database of protected lands for the study region (BAOSC 2004) to identify 14 nearby (< 5 km) protected areas that did not permit recreation. Protected areas closed to recreation included public- and privately-owned biological preserves ($n = 1$ and 3, respectively) and private ranches with conservation easements ($n = 10$). Seven of these

sites had private residences, three permitted limited access for research and educational activities, and two had narrow easements for regional trails along portions of their perimeters. The light and infrequent activities on these sites strongly contrasted with the regular and intense visitation to the public recreation areas.

We defined protected area perimeters according to the sites' administrative boundaries. Several sites were contiguous with other protected areas, but we did not include adjacent reserves in our calculations unless they were managed by the same individual or agency and permitted the same range of uses. Some protected areas were open to grazing by cattle and horses, including those that did ($n = 3$) and did not permit recreation ($n = 7$).

Pairs of protected areas were selected to be as similar in size, vegetation cover and adjacent land uses as possible (Table 1). We used ArcGIS 9.1 (ESRI, Redlands, CA, USA) to calculate site and landscape characteristics of the selected sites, and we used a paired-sample t-test (Zar 1999) to compare protected areas with and without recreation. Paired sites were located a mean of 1.8 km (range: 0–5.3 km) apart. The mean area of sites that permitted recreation was greater than the mean area of sites that did not permit recreation, but there was no evidence for a difference between paired sites ($P = 0.49$). On average, sites without recreation were 79 m higher in elevation ($P = 0.0012$), but there was no evidence for a difference in slope ($P = 0.93$). All protected areas were located in oak woodland habitat, and sites with recreation had an average of 9.6% more hardwood forest cover ($P = 0.061$). Pairs of sites were located a similarly close to roads ($P = 0.89$), and the density of development was greater adjacent to protected areas that permitted recreation ($P = 0.10$). While these comparisons revealed some differences in protected area characteristics, the differences between paired sites were small relative to the total range of variability in the study system (Table 1), and the paired-site design represents our best effort to isolate the effects of recreation from other factors affecting carnivore distributions.

Our research focused on six common species: native coyotes (*Canis latrans*), bobcats (*Lynx rufus*), and gray foxes (*Urocyon cinereoargenteus*), and nonnative red foxes (*Vulpes vulpes*), domestic dogs (*Canis familiaris*), and domestic cats (*Felis catus*). We conducted transect searches for scats to maximize detections of multiple carnivores (Reed & Leslie 2005) and to provide an index of species' densities (Harrison *et al.* 2004). We surveyed the study sites between June and September 2005. We visited each site once, and we visited paired protected areas within 24 hours of one another to minimize possible sources of temporal variation (Sanchez *et al.* 2004). We searched eight 500-m line transects in protected areas with

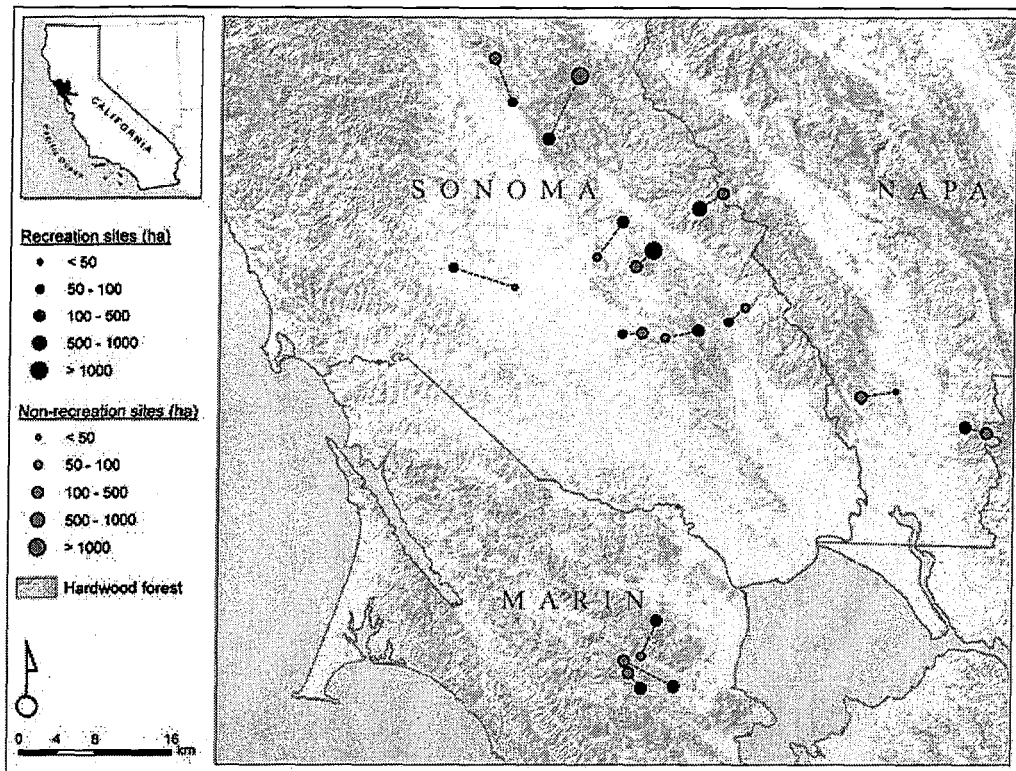


Figure 2 Locations of 14 pairs of protected areas with and without quiet, nonconsumptive recreation in northern California. To protect the privacy of landowners, only the center points of sites, their relative areas, and lines connecting paired sites are shown.

Table 1 Comparison of six site and landscape characteristics (mean \pm s.d.) for protected areas with ($n = 14$) and without recreation ($n = 14$). The mean difference and probability of a Type I error (P) of paired comparisons are given for each variable, as well as the range of values throughout the study area.

Comparison	Study area range	Site type		Mean difference	P
		Recreation	No recreation		
Area (ha)	0–2694.0	363.3 \pm 491.7	254.5 \pm 300.7	108.9	0.491
Elevation (m)	0–832.0	183.0 \pm 134.6	261.5 \pm 164.6	–78.6	0.001
Slope ($^{\circ}$)	0–60.61	13.46 \pm 6.39	13.54 \pm 5.13	–0.09	0.933
Hardwood cover (%)	0–100	51.01 \pm 29.26	41.39 \pm 26.00	9.61	0.061
Distance to roads (m)	0–9486.8	408.5 \pm 303.0	422.2 \pm 257.7	–13.7	0.887
Development density within 500 m (parcels/km ²)	0.02–1940.62	7.54 \pm 10.60	2.27 \pm 1.90	5.28	0.102

recreation and four 500-m line transects in protected areas without recreation. To investigate how our observations were influenced by the locations of trails or land uses adjacent to protected areas, we stratified the transect locations on- and off-trail in the recreation areas and between the edges and interiors of all sites.

We collected and recorded the GPS point location of each probable mammalian carnivore scat detected during the transect searches. Because the ground cover in oak woodlands is relatively open, we estimate that we were

able to detect scats within approximately 2 m of the transect search line. We stored each scat in a paper bag with a clay desiccant packet (Texas Technologies, Cedar Park, TX, USA). We also recorded the GPS point location for all domestic dog scats detected during the transect searches.

We developed molecular genetic methods to confirm species identifications for the collected scats (Bidlack *et al.* 2007) because visual identifications of scats from closely related species can be highly unreliable (Fernandez *et al.* 1997). We extracted and amplified DNA from collected

scats between October 2005 and May 2006. We took two subsamples (approximately 500 mg) of each scat within 3 d of collection and stored them in a -80°C freezer. We extracted DNA using Qiagen QIAamp DNA Stool extraction kits (Qiagen, Inc., Valencia, CA, USA) according to the manufacturer's instructions and stored extracted DNA in a -80°C freezer.

We performed PCR amplification of DNA using Qiagen Taq PCR Master Mix kits (Qiagen, Inc.). We used HCarn200 (Bidlack *et al.* 2007) and CanidL1 (Paxinos *et al.* 1997) primers to amplify the first 196 bp of the mitochondrial cytochrome b gene. Each 20 μl PCR reaction contained 10 μl Qiagen Taq PCR Master Mix, 1 μl 10 μM HCarn200 primer, 1 μl 10 μM CanidL1 primer, 6 μl deionized H_2O , and 2 μl diluted (1:50) DNA template. Thermal cycling was initiated at 94°C for 2 minutes, followed by 40 cycles of 94°C for 1 minute, 54°C for 1 minute, and 72°C for 2 minutes. All PCR reactions included at least one negative control to monitor for contamination, and we used electrophoresis to check each reaction for successful amplification. We repeated DNA amplification for all samples that failed to amplify in the first PCR reaction, and when necessary, we used additional subsamples to ensure a minimum sample size of 75% of the scats collected in each site.

We used restriction fragment length polymorphisms (RFLP) to identify amplified DNA fragments to species. We first digested PCR products with Hpa II (New England Biolabs, Ipswich, MA, USA) to separate canids from felids. Hpa II does not cut fragments from any of the three canid species (coyote, gray fox, and red fox) but cuts fragments from both felid species (bobcat and domestic cat) at 140 bp. We then digested samples identified as canid with HpyCH4 V (New England Biolabs). HpyCH4 V does not cut fragments from coyote, but cuts gray fox at 67 and 85 bp and red fox at 136 bp. We digested samples identified as felid with Bsl I (New England Biolabs). Bsl I does not cut fragments from bobcat, but cuts domestic cat at 150 bp.

Each 10 μl digest reaction contained 3.75 μl deionized H_2O , 1 μl digest buffer, 0.25 μl restriction enzyme, and 5 μl PCR product. Reactions were incubated for 4–6 hours, according to manufacturer's instructions. We used electrophoresis to separate the products for 40 minutes on a 1.7% agarose gel and visualized the predicted cutting patterns using ethidium bromide and UV light. Failed or ambiguous digests were repeated, and digests that failed twice were excluded from further analysis.

All statistical analyses were performed using JMP 6.0 (SAS Institute, Cary, NC, USA). We used log-likelihood ratio tests (G-test; Zar 1999) to compare how frequently we detected each species in protected areas with and without recreation. We used paired-sample t-tests to

compare native and nonnative species diversity and species densities between protected areas with and without recreation. Species densities were calculated as the number of scats detected divided by the length of transects searched (Harrison *et al.* 2004). We approximated the total scat densities along each transect by extrapolating the proportions of species detected in each site to the samples that we were unable to identify in the laboratory. For example, in a site where laboratory identifications were evenly divided between coyotes and bobcats, we assumed that half of the unknown scats were from coyotes and half from bobcats. We verified that extrapolating the species origin of unknown scats did not influence the results of our analysis by repeating all of the density comparisons including only those scat samples that were successfully identified in the laboratory. Paired-sample t-tests were also used to compare species densities between transects located on- and off-trail in the recreation sites, and species densities between the edges and interiors of all sites. Lastly, we used nonparametric Wilcoxon rank-sum tests to confirm the results of all paired comparisons, but statistical results are only reported for the parametric tests.

Results

The presence of quiet, nonconsumptive recreation correlated with a substantial shift in the composition of the carnivore community in California protected areas. A greater mean number of native species was detected in protected areas that did not permit recreation (Figure 3) ($P=0.0011$) and bobcats in particular were

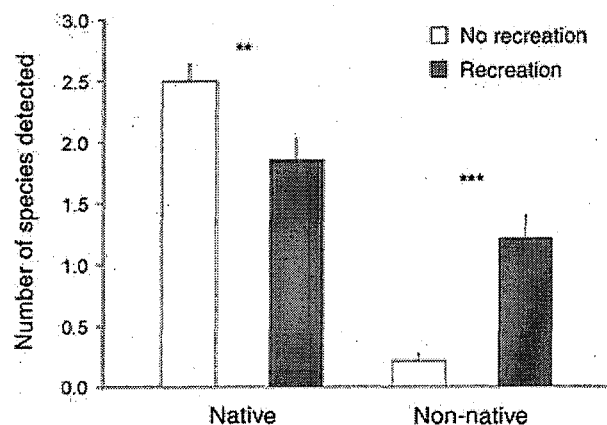


Figure 3 Native and nonnative species diversity in protected areas with and without recreation. Mean numbers of species detected and standard errors are given for each type of site. Two asterisks (**) indicate a mean difference between paired sites with Type I error of $P < 0.01$, and three asterisks (***) indicate a difference with $P < 0.001$.

detected more frequently in protected areas without recreation ($P = 0.013$). On the other hand, more nonnative species were detected in protected areas that permitted recreation (Figure 3) ($P < 0.001$), and domestic dogs were detected more frequently in the recreation areas ($P < 0.001$).

Densities of coyotes and bobcats were more than five times lower in protected areas that permitted recreation (Figure 4) ($P < 0.001$ and $P = 0.0029$, respectively), and we observed declines in density for both species between all 14 pairs of protected areas. Domestic dogs were not detected in protected areas without recreation, but we detected substantial densities (7.69 ± 2.57 scats km^{-1}) of dogs in the recreation areas (Figure 4) ($P = 0.0052$). We did not find evidence of any effects of trail location or protected area edge on the distributions of native carnivores. With the exception of domestic dogs, there was no evidence for differences in species' densities between transects located on- or off-trail or between transects located at the edges or interiors of the protected areas (Table 2).

Discussion

The results of our carnivore surveys indicate that quiet, nonconsumptive recreation has a consistent and site-level impact on the distribution and densities of native carnivore species, and consequently, the effectiveness of protected areas for biodiversity conservation. Protected areas with recreation had more nonnative carnivores and dramatically lower densities of native species. We describe the effect of recreation as consistent, because we observed declines in native carnivore densities between all 14 pairs of protected areas, even those that were directly adjacent to one another. In addition, we suggest that the effect of recreation functions at the site level, because we did not observe effects of protected area edge or the locations of trails for any species except domestic dogs. The configuration of recreational trails may be important for determining recreation impacts in larger landscapes with more dispersed activities (for example, Taylor & Knight 2003). However, for moderately sized protected areas (50–2000 ha) near urban development, the key variable seems to be whether or not the site is open to public access.

Our paired-site study design helped us to isolate the effects of recreation from other sources of variation affecting carnivore distributions, including regional geographic variation, landscape context, and habitat characteristics. In addition, transect searches for scats, paired with DNA

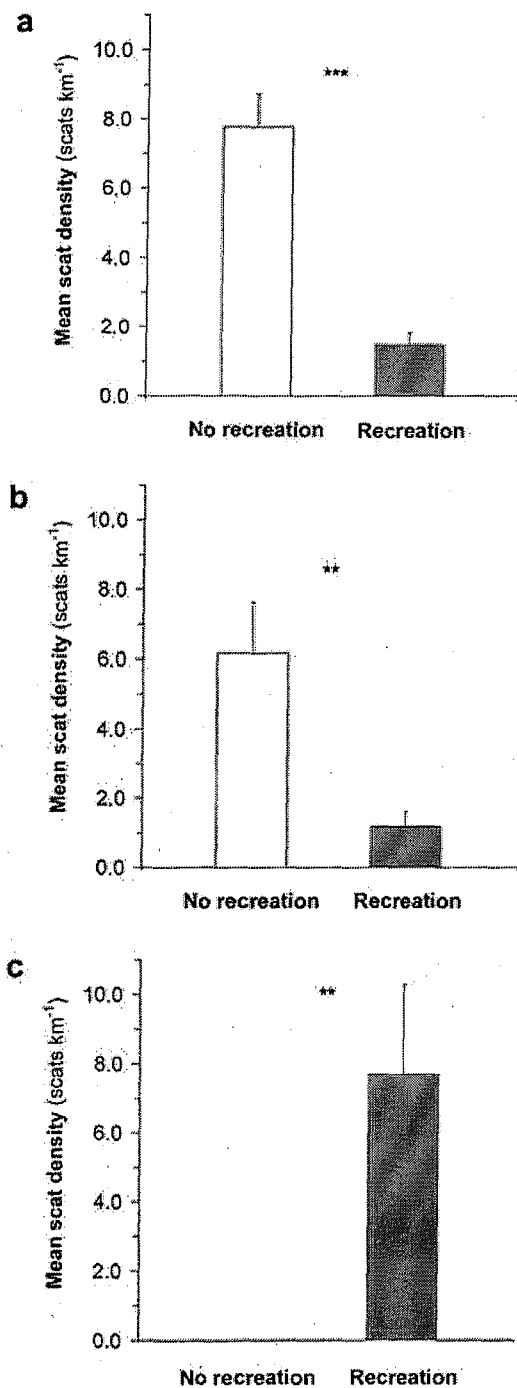


Figure 4 Densities of (a) coyotes, (b) bobcats, and (c) domestic dogs in protected areas with and without recreation. Mean numbers of scats detected per kilometer of transect surveyed and standard errors are given for each type of site. Two asterisks (**) indicate a mean difference between paired sites with Type I error of $P < 0.01$, and three asterisks (***) indicate a difference with $P < 0.001$.

Table 2 Distribution of carnivore detections within protected areas. Densities (mean \pm s.d.) of all species detected on transects at the edges versus the interiors of all sites, and on-versus off-trail in sites that permitted recreation. Paired comparisons with reasonable evidence of a mean differences (Type I error approaching 0) are indicated with bold type

Site type	Transect location	Mean scat density (scats km ⁻¹)					
		Coyote	Bobcat	Gray fox	Red fox	Dom. cat	Dom. dog
No recreation	Edge	8.72 \pm 4.71	5.27 \pm 4.16	0.73 \pm 1.52	0.23 \pm 0.58	0.30 \pm 1.12	0
	Interior	7.75 \pm 5.14	7.92 \pm 12.22	0.21 \pm 0.52	0.32 \pm 0.90	0	0
Recreation	Edge	1.38 \pm 1.40	1.09 \pm 1.79	0.30 \pm 0.64	0	0.15 \pm 0.31	12.49 \pm 15.51
	Interior	1.57 \pm 1.72	1.23 \pm 1.50	0.25 \pm 0.92	0.03 \pm 0.13	0.28 \pm 0.77	3.24 \pm 5.73
	On-trail	1.78 \pm 1.90	1.23 \pm 1.79	0.28 \pm 0.74	0	0.17 \pm 0.48	11.53 \pm 14.75
	Off-trail	1.13 \pm 1.70	1.10 \pm 1.31	0.22 \pm 0.67	0.03 \pm 0.11	0.31 \pm 0.68	1.73 \pm 2.15

verification of species identifications, provided an efficient and accurate method for assessing the impacts of recreation in a large number of sites at a landscape scale. The detectability of scats likely varied between on- and off-trail transects, but it is not clear how much this variability affected the results. Although scats may have been obscured by vegetation along off-trail transects, scats also may have been crushed or otherwise removed from busy recreational trails. Regardless, there is no evidence to suggest that within recreation sites, native carnivores avoided recreational trails. This result is consistent with other studies that have found that carnivores often select low-traffic roads and trails as travel corridors (Whittington *et al.* 2005).

Declines in native carnivores and introductions of non-native species can alter the trophic structure of ecosystems and lead to unsustainable predation pressure on native birds and small mammals (Crooks & Soulé 1999). Two of the three nonnative carnivores that we detected in the recreation areas are strongly human-commensal species: domestic cats and domestic dogs. Cats and dogs are introduced to protected areas by people in a variety of ways; they accompany humans as companion pets, they are allowed to roam from nearby homes, or in the case of cats, they are managed in feral colonies (Castillo & Clarke 2003). We detected domestic dogs more frequently and in much greater densities in the recreation areas. Domestic dogs are often a particular focus of protected area management policy, due to concerns about their impacts on resources as well as conflicts among user groups (Miller *et al.* 2001). Many public agencies exclude dogs from recreation areas or require dogs to be on leash (Forrest & St. Clair 2006), and an investigation of how mammalian carnivores respond to these different dog management policies is underway.

The design of our study did not address the mechanisms of human disturbance affecting carnivores in recreation areas; however, prior researchers have documented

various behavioral responses of wildlife species to recreational disturbances, including flight (Papouchis *et al.* 2001), avoidance (Taylor & Knight 2003), and reduction in habitat use (Fairbanks & Tullous 2002). Our analysis extends the results of these behavioral studies to characterize recreational disturbance to wildlife at a landscape scale, and the native carnivore declines that we observed provide us with an estimate of the cost, in terms of biodiversity and habitat suitability, of opening protected areas to public access.

Certainly, access for outdoor recreation will continue to be an important component of plans to generate public support and revenue for land conservation (for example, Wells 2000). When protected areas are designated for biodiversity conservation, development of nature-based tourism can yield economic benefits for local communities (Eagles *et al.* 2002) and recreation areas provide health and ecosystem services for human populations (Frumkin 2001; Chan *et al.* 2006). On the other hand, given the biodiversity crises we are facing around the world, public access needs to be balanced with the protection of native species and ecosystems.

Recent evidence indicates that participation in nature-based recreation may be declining (Pergams & Zaradic 2008). Our study focused on recreational activity in local parks, which has not necessarily declined in the same manner as visitation to national-level public lands, and may be increasing (for example, OSMP 2005). In fact, pressures on protected areas near urban centers could be even greater due to increasing oil costs and a declining economy, which may limit visitation to more distant parks.

A variety of management strategies have been proposed to minimize the impacts of recreation on wildlife, such as limiting the number of visitors via a permit system (Garber & Burger 1995), restricting public access to certain times of the year (Klein *et al.* 1995), or closing a portion of a protected area to recreation and setting it aside as

a biological preserve (Ikuta & Blumstein 2003). However, recreation impacts vary nonlinearly with use in a variety of ecosystems (for example, Cole 1986), such that a small number of visitors can have a disproportionate impact on sensitive species. In addition, many public agencies have limited resources for monitoring recreational use and enforcing compliance with management policies (Forrest & St. Clair 2006). These limitations suggest that it may be more effective to allocate recreational uses and conservation targets among different sites, and this approach will require a diverse suite of land conservation strategies.

Private lands play an important role in biodiversity protection, in part because private properties frequently occupy lower-elevation, higher-productivity lands than public protected areas (Hansen *et al.* 2002; Maestas *et al.* 2003). Our paired comparisons in hardwood rangelands indicate that a further advantage of private reserves is the absence of human recreational use, and these results provide strong support for conservation strategies that incorporate private lands. For example, conservation easements, which generally limit public access (Rissman *et al.* 2007), may be particularly valuable for protecting biodiversity in areas with high demand for recreation. Ultimately, these considerations should be incorporated into the design of reserve networks. Conservation planning should take into account not only the spatial distribution of species, but also the demand for recreational use and other human activities, and the compatibility of those activities with long-term conservation objectives.

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ATTACHMENT D

UC Berkeley Press Release



Native carnivores, such as this bobcat in Sonoma County, Calif., are found in lower numbers in protected areas with public access. (Jodi Hilty, Wildlife Conservation Society photo)
Print quality photos available for download
(<http://newscenter.berkeley.edu/media/download/>)

Outdoor enthusiasts scaring off native carnivores in parks

By Rachel Tompa, Media Relations | 21 July 2008

BERKELEY — Even a quiet stroll in the park can dramatically change natural ecosystems, according to a new study by conservation biologists from the University of California, Berkeley. These findings could have important implications for land management policies.

The study compared parks in the San Francisco Bay Area that allow only quiet recreation such as hiking or dog walking with nearby nature reserves that allow no public access. Evidence of some native carnivore populations - coyote and bobcat - was more than five times lower in parks that allow public access than in neighboring reserves where humans don't tread, the researchers report.

The dearth of these animals in the parks carries implications beyond just these species. Since the carnivores in the study are often the top predators in their areas, these animals also shape the rest of their surrounding ecosystems. The flight of large animals from heavily visited parks for more serene surroundings could, in turn, influence populations of small animals and plants, the researchers said.

"Carnivores are sensitive indicators of human disturbance," said Sarah Reed, postdoctoral scholar in UC Berkeley's Department of Environmental Science, Policy and Management and the study's lead author. "Their presence or absence can be a good, early clue to how the ecosystem is doing."

Unexpected findings

To measure carnivore numbers, Reed studied the droppings of six native and non-native mammalian carnivores in 28 parks and preserves in northern California. The parks in her study allow public access, but don't allow motorized vehicles or hunting and fishing. Most visitors to these parks hike or walk their dogs, Reed said. The preserves in the study have limited or no public access.

Reed found more than five times as much coyote and bobcat scat in preserves with no public access than she did in the parks. Coyotes and bobcats are both native carnivores. She also found more scat from the native gray fox and the non-native red fox in unvisited areas, and more dog and cat droppings in visited parks.



Researcher Sarah Reed records the GPS location of carnivore droppings in Wantrup Wildlife Preserve, Napa County, Calif. (Susan Carey photo)

Reed said she did not expect these findings. She and many other conservation biologists assumed that activities such as hiking or horseback riding were relatively benign, she said. "I was surprised that the difference was so dramatic," Reed said.

Adina Merenlender, cooperative extension specialist in the Department of Environmental Science, Policy and Management and senior author on the study, said the findings "are probably the most surprising results that have come out of my lab to date."

The differences in carnivore populations are even more surprising when you consider that these animals are most active at night, dawn and dusk, and that people visit parks during the day, Reed said. "We assumed that carnivores and people were avoiding each other in time and space," she said.

Reed was initially conducting a different study on carnivores when she realized that the differences in their numbers between sites with and without public access were so large that they obscured the data she was looking for. "The evidence I was seeing was strong enough that it warranted a study of its own,"

Reed said.

Comparing 14 pairs of parks and preserves

For her study, which will be published in the September 2008 issue of the journal Conservation Letters but is now available online, Reed chose 14 parks in Marin, Sonoma and Napa counties and paired them with 14 nearby preserves with no public access. Each paired park and preserve had to have similar characteristics, such as size and amount of nearby development. The 14 parks include Jack London and Annadel state parks and Shiloh Ranch and Spring Lake regional parks in Sonoma County.

Historically, people have tended to view recreation and conservation efforts as tightly linked, especially when it comes to land management. Parks aim to both protect natural resources and allow visitors to enjoy them. But if this enjoyment is actually detrimental to conservation, as Reed's findings suggest, park agencies may have to change how they think about preservation, the researchers said. Reed feels that, in some cases, it may be necessary to create separate sites for conservation and recreation. That could mean separate areas within large parks or designating small parks, such as the ones Reed surveyed, as either for conservation or recreation,

"People used to think, 'Well, just keep everyone on the trail.' Before this study, that would have been a reasonable assumption," Merenlender said. "But now that we're showing this larger scale effect, we're going to have to shift our working paradigm on how we address land management."

Parks included in the study (and their location by county)
Jack London State Historic Park, Sonoma
Annadel State Park, Sonoma
Spring Lake Regional Park, Sonoma
Shiloh Ranch Regional Park, Sonoma
Sonoma Valley Regional Park, Sonoma
Hood Mountain Regional Park, Sonoma
Crane Creek Regional Park, Sonoma
Ragle Ranch Regional Park, Sonoma
Foothill Regional Park, Sonoma
Loma Alta Open Space Preserve, Marin
Terra Linda/Sleepy Hollow Divide Open Space Preserve, Marin
Indian Valley Open Space Preserve, Marin
Westwood Hills Park, City of Napa
Skyline Wilderness Park, Napa

To look at carnivore populations, Reed walked one to two miles in each park or preserve, picking up and bagging every carnivore dropping she saw. Because it's difficult to identify droppings visually, she used genetic analyses to determine each scat's owner.

Reed was surprised to find that coyotes and bobcats were avoiding parks with public access entirely, not just their trails. The parks she visited are small enough that the animals can't find a peaceful spot, Reed said.

Carnivores seeking calm?

Reed thinks the carnivores are leaving the parks for calmer neighboring areas. Her study didn't address the reason for their flight, but she thinks it likely that the mere presence of humans disturbs the animals. The noise of humans traipsing and chatting through parks, our smell or just the sight of us could frighten animals away from their homes, Reed said.

Between urban sprawl, agriculture and outdoor enthusiasts, coyotes, bobcats and foxes may be hard pressed to find undisturbed areas. Outdoor recreation is on the rise around the world, especially in natural areas surrounding large urban centers, such as in the San Francisco Bay Area. For example, the number of Americans day hikers jumped nearly 800 percent between 1960 and 2000, according to national surveys.

These extra hikers, bird-watchers and mountain bikers put pressure on park agencies to open government land and private preserves for public access. "This level of recreational activities in parks is just one of the many ways that the growing human population is squeezing the habitat for these more sensitive species," Reed said.

Reed said her findings affected her on a personal level, because she enjoys hiking and other outdoor activities. "For many of us, as conservation biologists, as environmentalists, this is a pretty uncomfortable result," she said.

The National Science Foundation, Sigma Xi, the Phi Beta Kappa Society, the Budweiser Conservation Scholarship Program and the Robert and Patricia Switzer Foundation provided funding for this study.

The full study is available on the Conservation Letters (<http://www3.interscience.wiley.com/cgi-bin/fulltext/119881456/HTMLSTART>) website.

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If You Cut Down a Tree in the Forest, Can Wildlife Hear It?

WCS and partners develop method to discern how landscape features affect dispersion of noise and distribution of wildlife

Published on Dec 13, 2012 - 9:44:55 AM

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By: Wildlife Conservation Society (WCS)



Great Horned Owl Photo credit: Julie Larsen Maher © WCS

BOZEMAN, MT (December 13, 2012) - A new tool developed by the Wildlife Conservation Society (WCS) and its partners is being used by scientists and land managers to model how noise travels through landscapes and affects species and ecosystems...

The tool, SPreAD-GIS, uses spatial data layers to predict how sound spreads from a source through the surrounding landscape and how it is affected by such factors as vegetation, terrain, weather conditions, and background sound levels...

communication, and causing stress.

In an example discussed in the paper, the sensitivities of humans and owls to motor vehicle sound levels were compared. The results of the SPreAD-GIS analysis showed that in the same location, motor vehicle noise would affect owls in an area 45 percent larger than the area affected for humans...

WCS Scientist Sarah Reed said, "Exposure to human-caused noise can change the game for many species. Those species that are less tolerant of noise can be put at a disadvantage and ultimately, this may result in a loss in biodiversity..."

Reed and colleagues are currently using SPreAD-GIS and field measurements of motor vehicle noise to forecast the area affected for bird and mammal communities in the Sierra National Forest in California...

Reed added, "Most existing tools are used to understand noise in human-dominated environments and don't incorporate factors affecting noise propagation in natural systems..."

Reed started the SPreAD-GIS project as a scientist with The Wilderness Society (TWS) and completed it as a Smith Conservation Research Fellow and WCS employee...

The tool is described in the November print edition of the journal Environmental Modeling & Software. Authors include Sarah E. Reed of the Wildlife Conservation Society and Colorado State University...

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Adina Merenlender

COOPERATIVE EXTENSION SPECIALIST, ADJUNCT PROFESSOR

Education

- PhD Biology University of Rochester, 1993
- B.S. Biology University of California, San Diego, 1985

Research Interests

Conservation biology

Research Description

My primary focus is in the field of conservation biology. In particular, I am interested in the forces that influence loss of biodiversity at all hierarchical levels from genes to ecosystems. My experience spans from single species management to measures of ecosystem health, and most recently to regional land use planning. My other interests include ecological monitoring, restoration ecology, cumulative impacts to watersheds, conservation easements, protected area planning, mitigation, and protected area planning.

Current Projects

My research program covers a diverse suite of projects that involve mapping, monitoring, and modeling natural resources and human land-use patterns. I have developed an applied research program that uses Geographic Information Systems to better integrate biodiversity research and conservation planning in California's north coast oak woodlands. This is done through integrating spatially explicit land use change models with environmental data. Primarily we focus on the major threats that oak woodlands face in the north coast: 1) habitat fragmentation due to exurban development, 2) a booming wine industry driving an expansion of hillside vineyards in oak woodlands, and 3) the cascading effects of land-use on the Russian River Basin. The students and staff who work with me study wildlife in the agricultural matrix, watershed restoration, and sustainable land use.

To assess the effects of land-use conversion on biodiversity, my research group is measuring biological community integrity and diversity found in different land use types such as suburban developments, small ranches, vineyards and undeveloped areas within similar oak woodland habitat. This data in combination with a development and agricultural build out models for Sonoma County gives a full picture of the future threats to the biological resources in the region. Our previous work has suggested that invasive species from agricultural and developed areas differentially impact wildlands depending on the landscape configuration of these areas and their surrounding matrix. Graduate students are addressing this issue for a suite of invasive species and the native communities most likely impacted.

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I am actively facilitating an interdisciplinary research team focused on sustainable water use in Mediterranean watersheds. This research draws on biology, hydrology, and sociology to develop decision support tools that can help prioritize restoration of stream flow for improved juvenile salmon survivorship and increase water certainty for agricultural uses. This new program takes advantage of ongoing work in the lab on the relationship between land use and stream condition for salmon.

We developed and recently revised a GIS decision-making tool for Sonoma County open space planners to identify properties that contain priority natural and agricultural assets that should be considered for conservation easements. The products of this type of research will help county planners avoid making decisions at a local level without the benefit of understanding the patterns of change at the regional level. Working with the UC Cooperative Extension's Integrated Hardwood Range Management Program provides an opportunity for us to implement natural resource conservation and education programs in north west California. For more information please see our [lab web site](http://ucanr.org/sites/merenlender/) <http://ucanr.org/sites/merenlender/>.

Selected Publications

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- DEITCH, M. J., KONDOLF, G. M., and A. M. MERENLENDER 2009 Hydrologic impacts of small-scale instream diversions for frost and heat protection in the California wine country. *River Research and Applications*. 25:118:134
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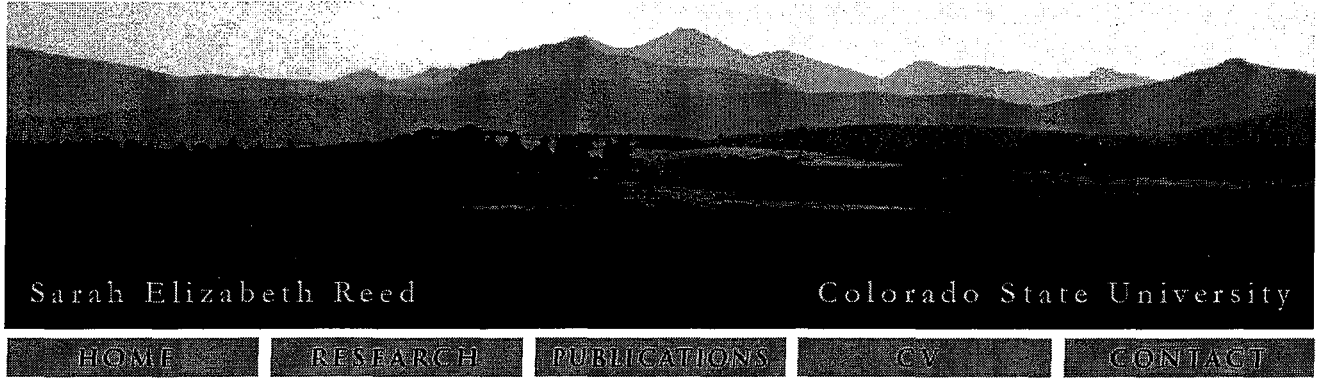
Honors and Awards

Conservation planning award - American Planning Association - 2001

Recent Teaching

- 90 - INTRO TO CRS
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- 299 - INDIVIDUAL RESEARCH

Research Interests Tags & Keywords: [conservation](http://ourenvironment.berkeley.edu/research_tags/conservation/) [conservation biology](http://ourenvironment.berkeley.edu/research_tags/conservation-biology/)



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I am an Associate Conservation Scientist with the North America Program of the Wildlife Conservation Society and an Affiliate Faculty member in the Department of Fish, Wildlife, and Conservation Biology at Colorado State University.

My research investigates how development patterns and land use practices affect wildlife and biodiversity. I combine landscape-level field experiments with spatial modeling to examine species' responses to development configuration and land use intensity, impacts of human recreation on protected area effectiveness, anthropogenic noise disturbances to wildlife communities, and methods for improving the design and analysis of non-invasive surveys. I also work with communities, government agencies, and decision-makers to apply ecological science to inform conservation planning and land use policy.

I co-lead a Global Challenges Research Team on conservation development with Dr. Liba Pejchar at CSU's School of Global Environmental Sustainability.



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Monitoring acoustic disturbances to bird and mammal communities in Sierra National Forest

Sarah E. Reed and Matthew S. Dietz

We monitored 36 sites in Sierra National Forest over two years (2008-2009) to examine the relationships among motor vehicle activity, noise propagation patterns, and bird and carnivore community distributions. Our study sites were restricted to a single vegetation community (*Sierran mixed conifer*) within a defined elevation range (1300–2600 m), to minimize potential variation in bird and carnivore community composition. In addition, we limited our surveys to recreational activity occurring during the summer dry season of California’s Mediterranean climate (June-August). Monitoring sites were located along paved, gravel, and native surface roads, as well as motorized trails. At each monitoring site, we established a survey transect, up to 625 m in length, perpendicular to the road or trail. Transect orientations were stratified by slope and cardinal direction from the target route, to maximize the range of possible topographic and prevailing wind conditions affecting noise propagation. We established one, and usually two, acoustic monitoring stations along each transect. The first acoustic monitoring station was established adjacent to the target route (25 m), to record noise propagation in the immediate vicinity of the road or trail. The second acoustic monitoring station was established at a variable distance away from the target route (up to 625 m). Acoustic monitors were calibrated with sound pressure level (SPL) and set to record sound continuously for a period of 10 – 14 days. When two acoustic monitors were established in one site, they were set to record sound simultaneously, such that the paired recordings could be used to evaluate how vegetation, topography, and environmental conditions affected noise propagation at variable distances in the forest landscape. We also established an array of five covered track plate stations for detecting mammalian carnivores in each monitoring site, spaced at 50 m intervals along a line parallel to the variable-distance acoustic monitor. Lastly, one very experienced observer performed 10-minute fixed-radius (50 m) point counts to survey the bird community at the locations of each acoustic monitor. We will use these observations to validate and refine the predictions of our spatial models and to relate visitation patterns and associated acoustic disturbances to changes in bird and carnivore distributions.

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Quiet, Non-consumptive recreation reduces protected area effectiveness





Sarah E. Reed and Adina M. Merenlender

Protected areas around the world were created with the goals of preserving biodiversity and providing nature-based recreation opportunities for millions of people. This dual mandate guides the management of the majority of the world's protected areas, but to date, little has been done to assess the compatibility of 'quiet', non-consumptive recreation and biodiversity protection. We combined non-invasive survey techniques and DNA verification of species identifications to survey 28 parks and preserves in northern California, and we used the distributions and densities of seven mammalian carnivores as indicators of the influences of recreation on protected area effectiveness. Carefully-selected paired comparisons revealed that the presence of quiet, non-consumptive recreation correlated with fivefold declines in the densities of native carnivores and a substantial shift in community composition from native to non-native species. Carnivore populations were not influenced by differences in dog management policy among recreation sites, but densities of bobcats and coyotes were negatively correlated with rates of recreational visitation. Demand for recreation and nature-based tourism is forecasted to grow dramatically around the world, and these results suggest a pressing need for new approaches to the designation and management of protected areas.

Publications:

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Sarah Elizabeth Reed

Colorado State University

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Effects of dog management policy and recreational visitation on carnivores in regional protected areas

Sarah E. Reed and Adina M. Merenlender

Domestic dogs (*Canis lupus familiaris*) are the most widespread introduced predator in the world. Dogs are permitted to accompany human visitors to many protected areas in developed countries (e.g., > 96% of protected lands in California), and protected area management policies often focus on regulating dogs due to concerns about predation, competition, or transmission of disease to native fauna, as well as conflicts with human visitors. In 2004 and 2005, we investigated how carnivores species richness and abundance were influenced by domestic dog management policy and recreation visitation in northern California protected areas. We surveyed for mammalian carnivores and recreational visitors in 21 recreation areas stratified among three types of dog management policy (off-leash, on-leash, and excluded), and we compared our observations in the recreation areas to seven reference sites that did not permit public access for recreation. There were no differences in carnivore community composition among the three types of recreation areas, but native carnivore species richness and the relative abundances of coyotes (*Canis latrans*) and bobcats (*Lynx rufus*) were much greater in the reference sites. In addition, both bobcat and total carnivore abundances declined as a function of increasing rates of recreational visitation. We found no evidence for an effect of dog management policy on mammalian carnivores. Instead, because dog activity was strongly associated with human visitation ($R^2 = 0.54$), the key factors associated with recreational impacts appear to be the presence and number of human visitors to protected areas.

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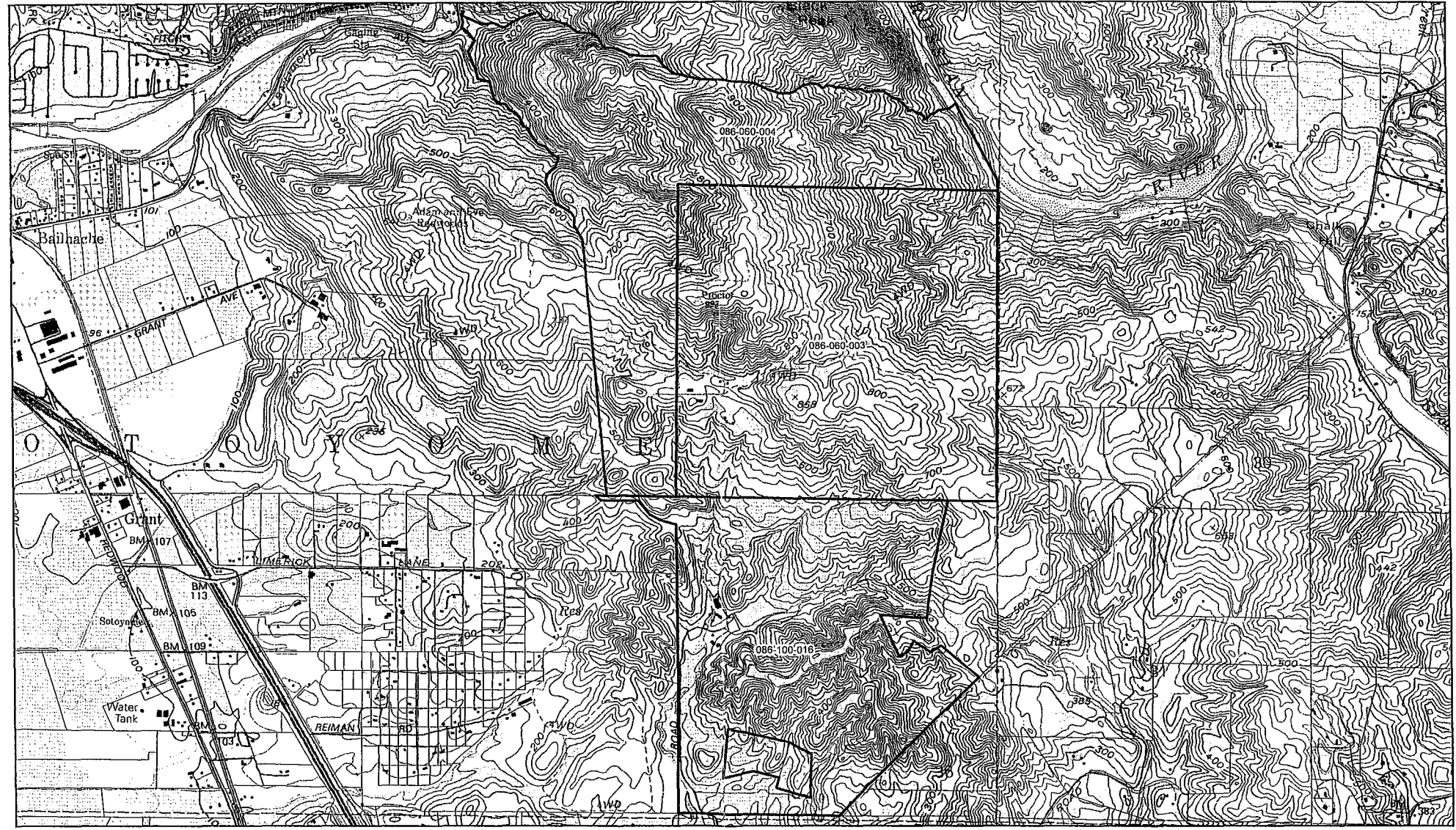
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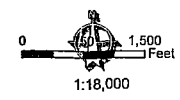
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SUBMIT PEOPLE NEWS



Windsor Oaks Vineyards Appoints Margaret Davenport As Winemaker

Windsor Oaks Vineyards is a long-time supplier of ultra-premium grapes to some of California's best known wineries. Having kept a low profile for many years, the estate is taking steps to increase its distribution and has hired veteran winemaker Margaret Davenport, famed for her work at Clos du Bois Winery as well as her eponymous wines, to head up the winemaking team. Davenport's first wines from the 2012 vintage, an unoaked Chardonnay and Sauvignon Blanc, are due to be released in March 2013. In the meantime, wines produced by former winemaker Julie Lumgair will be available on a limited basis.

The winery's plan calls for gradually building distribution, while keeping production small. The winery will specialize in Pinot Noir and Chardonnay from the estate's Russian River Valley grapes and Cabernet Sauvignon and other Bordeaux varietals from the vineyard's Chalk Hill blocks, which extend to nearly 1,000 feet above sea level.

"I bought this property in 1992 and did significant work to expand and upgrade the vineyards," estate owner Bob Stein said. "The property had been the historic Balverne Cellars, one of the very first 'cult' wineries in Sonoma County, where winemakers Doug Nalle and John Kongsgaard started their careers. We began selling fruit to a long list of wineries, including Sonoma Cutrer, Flowers, Pax, Pali, Sojourn... about 35 wineries in all. For the last couple of years, we've been making a small amount of wine from what we felt were the best blocks on the property and selling it to our friends, but we're ready now to start getting our story out to a wider audience. The addition of Margaret Davenport to our team is a significant step in that direction."

Loving wine, wanting to live in the countryside, and possessing a college degree in



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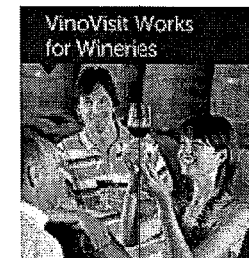
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EXHIBIT P-85

Windsor Oaks Vineyards and Winery

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[Packages](#)

Location: Windsor, CA

One of the true crown jewels of Sonoma and Napa, Windsor Oaks Vineyards is a private 710 acre Estate just 10 minutes south of Healdsburg in the heart of Sonoma County's world-famous Russian River Valley and Chalk Hill appellations. It is a one-of-a-kind private family vineyard and winery that grows top quality grapes for over 35 artisan wineries. Each vintage, we select 5% of the vineyard blocks to create our own highly awarded, limited 1500 case wine assortment. The Estate is open to the public only 18 days a year. By request, we have created a private and customized VIP tour appointment. Windsor Oaks Vineyards guarantees a unique, one-of-a-kind wine country experience. Escape commercialized wine touring with a scripted program and tasting room -- get outdoors and experience an "old Sonoma County" visit with the real winemaker, vineyard manager and family hospitality team.

Imagine an unforgettable birthday or anniversary... feel the passion as you learn the evolution of fine wine from grape to glass. Discover how the maritime climate and nearly 1000 feet of topographic changes influence a variety of wine grapes that carpet valley floors, hillsides, vistas and mountain tops of our vineyards. Then, we'll pop the corks of some of our award-winning wines, tailored to your personal preferences, and served in a guided flight of Riedel crystal glasses.

Choose from several tour options and let us help you customize the perfect day. Your visit may include a vineyard tour, a nature hike or drive through "Forever Wild," our 350 acre nature preserve, or a winery tour and barrel tasting where you will get in-depth exposure to artisan winemaking techniques. Then, relax with a gourmet picnic, guided tasting, and private time on the mountain. Picnic sites are available near many of our lakes or ponds, on the top of our breath-taking mountain summit with panoramic views of three surrounding counties or in the middle of our vineyards. Bring your own lunch or snacks, or choose from a wide menu selection including cheese trays, gourmet box lunches, or 5-course wine paired formal affairs. All feature fresh, local Sonoma seasonal ingredients. A camera is highly recommended!

Whichever option you choose, you will always get down-to-earth family style hospitality, with world-class wines and viticulture making it fun for all levels of wine enthusiasts. [Buy](#)

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Print at Home ticket orders are available immediately and accessible via your confirmation email. All tickets are non-refundable/non-returnable.

We are unable to issue exchanges or refunds after a purchase has been made including but not limited to lost, stolen, damaged or destroyed tickets.

Ticket package and prices are subject to change without notice.

EXHIBIT P-86

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WINDSOR OAKS VINEYARDS

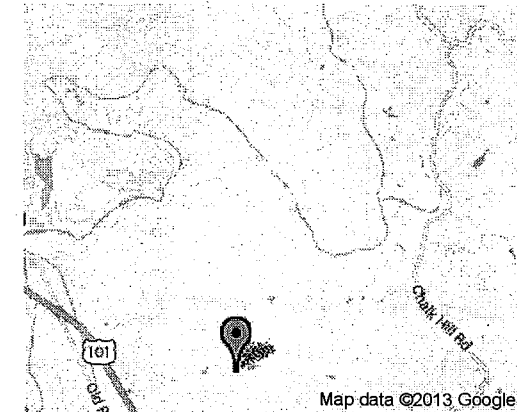


10810 Hillview Road
Windsor, CA. 95492
Phone: 707-433-4050
Fax: 707-433-3616

SHARE



MAP & DIRECTIONS



**Windsor Oaks is now offering new
VIP Customized Private Tour & Tasting.
Experience the Art of Growing Fine Wine,
in an "old Sonoma" elegant style.**

We are here to take your call!

EXHIBIT P-87

One of the true crown jewels of Sonoma and Napa, Windsor Oaks Vineyard minutes south of Healdsburg in the heart of Sonoma County's world-famous appellations. It is a one-of-a-kind private family vineyard and winery that grows wineries. Each vintage, we select 5% of the vineyard blocks to create our wine assortment. The Estate is open to the public only 18 days a year. By customized VIP tour appointment.

Windsor Oaks Vineyards guarantees a unique, one-of-a-kind wine country experience.

Feel the passion as you learn the evolution of fine wine from grape to glass with a scripted program and tasting room -- get outdoors and experience our winemaker, vineyard manager and family hospitality team.

Each private, customized VIP tour takes place just for you.

We tailor your visit to your personal interests and level of desired wine birthday or anniversary, a gourmet picnic and guided tasting, or connoisseur Sauvignon tasting and vineyard tour. Down-to-earth family style hospitality, with world-class wines and viticulture make it fun for all levels of wine enthusiasts.

Some ideas include starting inside the winery with a barrel sample and an overview and history of Windsor Oaks, plus in-depth exposure to artisan winemaking techniques.

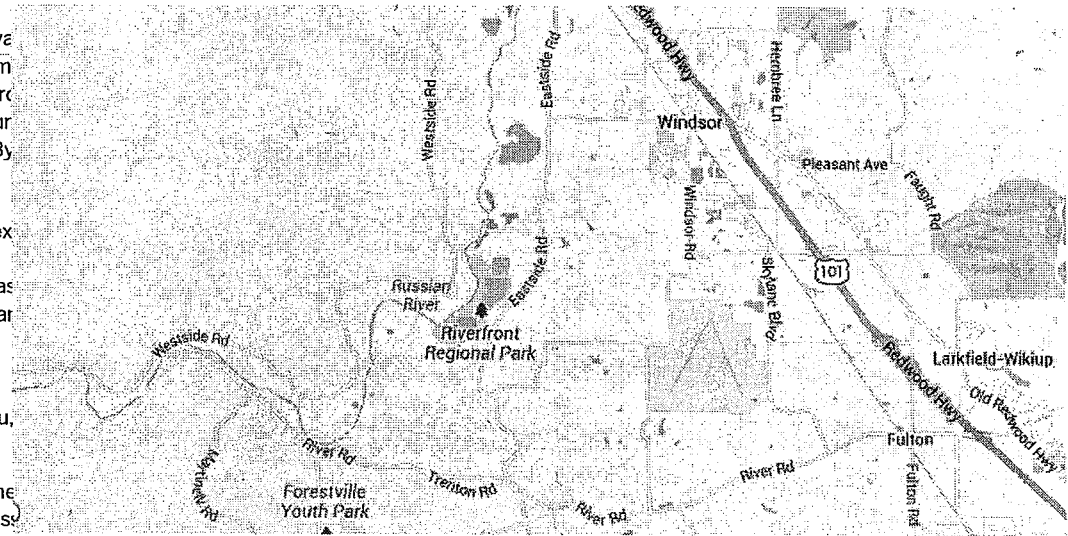
Then take a 4-wheel drive mountain and hillside vineyard tour. Discover how the maritime climate and nearly 1000 feet of topographic changes influence a variety of wine grapes that carpet valley floors, hillsides, vistas and mountain tops. Our estate's many micro-climates create optimal growing environments, ideal for the development of individual flavor profiles for the different wine grapes. Enjoy panoramic views of three surrounding counties, Mount St. Helena, and more.

Next, we pop corks of our award-winning wines, tailored to your personal preferences, and served in a guided flight of Riedel crystal glasses.

Then, enjoy your own private time alone on our mountain in nature to enjoy your favorite wines, and lunch. Bring your own favorite picnic, or choose from a wide menu selection including cheese trays, a 5-course wine paired formal affairs, or gourmet box lunches. All feature fresh, local Sonoma seasonal ingredients. Picnic sites are available near many of our lakes or ponds, even on the top of our breath-taking mountain summit or in the middle of our vineyards. A camera is highly recommended!

Tours may be customized to include a drive through "Forever Wild," our 350 acre nature preserve, where guests may spot wild turkeys, geese, deer, bobcats, bunnies, hawks, golden eagles and more.

Starting tour price \$50 per person - two person minimum.
Windsor Oaks Wine Club members receive additional special benefits and discounts.



- [White Wines](#)
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Visit Our Estate

Experience *The Art of Growing Fine Wines* first hand and join us in exploring Windsor Oaks estate. Our estate is open to the public only eighteen days a year, yet we do offer limited VIP tastings and tours, as defined below, by prior appointment. Please allow a 48 hour notice to confirm your reservation.

To schedule your next visit, please [contact us](#) directly to inquire about reservations; [email us](#) or call us at 707.433.3810.

VIP Tours & Tasting

TERROIR TASTING - \$15 Per Person

- Our tasting Salon is open by appointment. Please call 707-433-3810 to schedule your visit!
- Please allow 30-45 minutes for the tasting
- 5 wines tasted in Riedel stemware

Join us for a fascinating wine tasting that explores how flavors and aromas in wine are accentuated by the terroir they are created in. Guests taste in our Salon or at one of our scenic vineyard blocks, which is hosted by one of our passionate and knowledgeable hospitality staff. We offer guided tastings by prior appointment only. Terroir Tasting reservations are held in advance by credit card and we prefer to speak directly with the guest to ensure consistent quality of service.

SAVOUR TOUR - \$55 Per Person

- Please call 48 hours in advance to schedule your appointment 707-433-3810
- Please allow at least 90 minutes to fully enjoy the estate
- 5 wines presented in Riedel stemware
- Add a gourmet box lunch for an additional \$25 per person

Start your journey in our cellar and learn an overview of our artisan winemaking techniques and the heritage of our estate. Then take a 4-wheel drive, mountain and hillside vineyard tour. Discover how the maritime climate and nearly 1,000 feet of topographic changes influence a variety of wine grapes that carpet valley floors, hillsides, vistas and mountain tops. Enjoy panoramic views of three surrounding counties and Mount St. Helena.

Savour our award-winning wines, tailored to your personal preferences, as our wines are selected and served for the season and your enjoyment. Stay and linger, we will supply gourmet box lunches featuring fresh, local Sonoma seasonal ingredients. Picnic sites are available near our pond, on the top of our breath-taking mountain summit or in the middle of our vineyards. A camera is highly recommended. Savour Tour reservations are held in advance by credit card and we prefer to speak directly with the guest to ensure consistent quality of service.

Friends of the Vineyard Wine Club Tour and Tasting Rates

- **Oaks Club** members receive complimentary tastings and 50% off tours up to 4 guests
- **Estate Club** members receive complimentary tastings and 50% off tours up to 4 guests
- **Summit Club** members receive complimentary tours or tasting up to 4 guests

For more information on visiting our beautiful estate, please email us at wine@windsoroaks.com or call 707.433.3810.

Cancellation & Late-Fee Policy

Windsor Oaks is not open to the public; visits are by appointment only and each visit is exclusive. We require credit card information to hold the date. Due to this exclusivity, we kindly ask that cancellations be made no less than 24 hours before your scheduled appointment. If cancellations are made in less than 24 hours, you will be subject to a 50% charge of the total visit fee. All guests who arrive more than half an hour late without phone call will run the risk of their scheduled time slot being given to another party.

10810 Hillview Road
Windsor, California 95492

Offices: 707.433.3810
Winery: 707.433.4050
Fax: 707.433.3616

Wine Club, Wine Orders, VIP Tours & Tastings
Please email us at wine@windsoroaks.com or call 707.433.3810.

Wine Grape Purchase Inquiries
Please contact Vineyard Operations at info@windsoroaks.com or call 707.433.4050.

Send us a contact request using the below form, and one of our team members will be in touch shortly!

Contact Us

*First Name

*Last Name

Phone

*Email

Question/Comments

Submit

EXHIBIT P-91

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Friends Of The Vineyard Wine Club

We invite you to join our *Friends of the Vineyard* Wine Club and select from three different levels – **Oaks, Estate** or **Summit**. All *Friends of the Vineyard* Wine Club members enjoy exclusive benefits, including access to the Windsor Oaks estate, and discounts on all of our wines -- many of which are available first or exclusively to Wine Club members.

Automatic shipments are scheduled three times a year, for January, April and October. There is no membership fee to join, and members can choose to receive a Reds-only selection, or Red and White-mixed shipments.

If you are already a member of *Friends of the Vineyard* Wine Club and would like to update your information or change your shipping preference please login to [Your Account](#).

If you would like to change your club level or wine preferences, please email us at wine@windsoroaks.com or call 707.433.3810.

[View our Wine Club Brochure>](#)

CHOOSE YOUR CLUB LEVEL

Oaks | Red & White Mixed Selection

- Enjoy 4 bottles of our Winemakers Selection, three times a year
- Shipments include red & white mixed selections
- Receive 15% off all shipments, and 20% off all reorders in 30 days
- Average shipment price before tax & shipping is \$120
- Receive complimentary tasting and 50% off tours for up to 4 guests
- Receive 10% off merchandise from Renee's Boutique

Join Now

Oaks | Reds Only

- Enjoy 4 bottles of our Winemakers Selection, three times a year
- Shipments include red wine selections only
- Receive 15% off all shipments, and 20% off all reorders in 30 days
- Average shipment price before tax & shipping is \$120
- Receive complimentary tasting and 50% off tours for up to 4 guests
- Receive 10% off merchandise from Renee's Boutique

Join Now

Estate | Red & White Mixed Selection

- Enjoy 8 bottles of our Winemakers Selection, three times a year
- Shipments include red & white mixed selections
- Receive 20% off all shipments, and 25% off all reorders within 30 days
- Average shipment price before tax & shipping is \$240
- Receive complimentary tasting and 50% off tours up to 4 guests
- Receive 10% merchandise from Renee's Boutique

Join Now

Estate | Reds Only

- Enjoy 8 bottles of our Winemakers Selection, three times a year

- Shipments include red wine selections only
- Receive 20% off all shipments, and 25% off all reorders within 30 days
- Average shipment price before tax & shipping is \$240
- Receive complimentary tasting and 50% off tours for up to 4 guests
- Receive 10% off merchandise from Renee's Boutique

Join Now

Summit

- Select your own 12-bottle shipments, three times a year OR choose to enjoy our Winemakers Selection, three times a year
- Winemakers Selection includes red & white mixed selections
- Shipment price varies with wines chosen; if you choose to receive our Winemakers Selection, average shipment price before tax & shipping is \$360
- Receive 20% off all shipments, and 25% off all reorders within 30 days
- Complimentary tasting and tours for 4
- Receive 10% off merchandise from Renee's Boutique

Join Now

MEMBERSHIP DETAILS

Our *Friends of the Vineyard* Wine Club is an excellent way to enjoy Windsor Oaks wines, shipped directly to your home or office, three times a year. We will notify you of each pending shipment and charge your credit card on file.

- Shipments occur approximately the last week of January, April and October.
- Wine delivery requires an adult signature (at least 21 years of age) during business hours. A business address is preferred. Additional charges may apply for returned or re-shipped wine.
- Your credit card will be charged for Wine Club selection wines, plus applicable taxes and shipping.
- You may choose to pick up your wine at the winery and we will hold for as long as necessary.
- We are only permitted to ship to the following states: CA, CO, FL, GA, IL, MI, MO, NV, NH, NY, NC, OH, OR, TN, TX, VA, WA and District of Columbia. New states are opening for direct shipping, so check with us about your state shipping status.
- All members must be 21 years of age.

EXHIBIT P-94

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WINDSOR OAKS™

VINEYARDS & WINERY



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About Us

The vineyards of Windsor Oaks are located in Sonoma County, in the foothills and benchlands overlooking the Russian River Valley, between the cities of Santa Rosa and Healdsburg. The entire property is in excess of 700 acres, of which approximately 350 acres have been deeded to the Sonoma County Open Space District and are designated "Forever Wild". The remaining 250 acres are uniquely situated in both the Russian River Valley and Chalk Hill appellations, representing two of the most recognized growing regions for outstanding quality wine grapes.

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 - [Appellations](#)
 - [Grape Purchasing & Inquiries](#)
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 - [Red Wines](#)
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Welcome to Windsor Oaks Vineyards & Winery

At Windsor Oaks, we take pride in producing ultra-premium wines from our estate vineyards located within three of California's most famous wine appellations; Russian River Valley, Sonoma Coast and Chalk Hill. Located in Sonoma County, overlooking the Russian River Valley, our 710 acre estate boasts many diverse micro climates, including rare soil and slope combinations. Our grapes benefit from the diverse characteristics of these distinct climates and terroirs. Approximately 350 acres are dedicated to "Forever Wild Open Space", while the remaining 250 acres are planted with eighteen different varieties of grapes. The result is a long-standing tradition of growing ultra-premium grapes for a number of top-tier wineries that produce highly awarded wines.

We handcraft small quantities of our own wines under the Windsor Oaks label, produced from hand-selected vineyards and blocks on our estate. Our [award-winning wines](#) are available in limited quantities to wine club members, visitors to our estate, or through our new online [Wine Shop](#). Our estate is only open to the public eighteen days a year. We invite you to visit us and explore our wonderful estate and wines. Please visit our [Events](#) page for a list of upcoming events, as well as our by-appointment-only [Tours & Tastings](#).

- [White Wines](#)
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Our Vineyards

Due to our world-class viticultural location and unusually spacious acreage with highly diverse terroir, Windsor Oaks represents a rarity in wine country. It is a wine lover's dream, where both viticultural and winemaking experts worked together over many years, sparing no expense to create vineyards producing the best quality fruit. Our estate vineyards located within three of California's most famous wine appellations; Russian River Valley, Sonoma Coast and Chalk Hill.

[Learn about our appellations>](#)

Years of careful work analyzing over 700 acres, pinpointed 250 acres where specific types of wine grapes best fit with some of the finest micro-climates and soils for growing ultra-premium grapes in Sonoma County. Each type of grape, and the specific rootstocks and clones within them, were selected for over 50 distinct vineyard blocks nestled throughout the steep hills, high terraces and low valleys.

Beyond the well-located vineyard blocks, significant areas of our property have been designated as 'Forever Wild', offering Conservation Easements with the Agricultural Preservation and Open Space District of Sonoma County to protect these areas in perpetuity as untouched open space. Our Forever Wild acreage features a rich collection of at least seven types of native oak trees, meadows filled with wildflowers, canyons

and a multitude of wildlife. The mix of carefully planted vineyards combined with the significant acres of beautiful ancient oak trees and wilderness create an inspirational environment.

Grape Purchasing & Inquiries

Acreage and any potential availability of wine grapes differ by type. Please contact Vineyard Operations at 707.433.3810 or email ralph@windsoroaks.com.

Our Appellations

Windsor Oaks Vineyards is situated within three AVA's (American Viticultural Areas) -- Russian River Valley Appellation, Sonoma Coast Appellation and Chalk Hill Appellation. We benefit from all the wonderful characteristics of each of these appellations. From the cool mornings and coastal evening fog of the Russian River AVA in our lower vineyards, to the slightly warmer temperatures of the Chalk Hill AVA in our higher elevations.

Chalk Hill AVA encompasses the northeast corner of the larger Russian River AVA. It was established in June of 1988. It is named for its unique, volcanically-derived, chalky white ash soils which lend themselves to the production of excellent Chardonnay. The upper hills are producing great Cabernet Sauvignon, as well as Cabernet Franc and Merlot.

Russian River Valley AVA, known for producing Burgundian varietals, was originally settled in the early 1800's by Russian immigrants. The first cultivated field crops were wine grapes. The Italian immigrants, drawn to California by the Gold Rush of 1849, took up the torch and much of the growth of the later part of the century was due to their planting. The phylloxera epidemic (1880's through 1900) that decimated the area, damaged the growing region for many years. Ripping out diseased vines and starting over, the vineyards didn't recover in the Russian River Valley appellation until the 1960's. The new varieties that were introduced then are still grown today.

Sonoma Coast AVA currently includes parts of several other AVA's, including Green Valley and Russian River Valley. This is a wide area with some controversy regarding various ideas of proper demarcation of the boundaries. Sonoma Coast is the largest single AVA in Sonoma County. It is characterized by steep, rugged mountains and connecting ridges rising 300 to 700 meters above and running parallel to the ocean. There are soil differences across the area, but there are also soil differences across areas of a single vineyard.



ATTACHMENT J

Edmund G. Brown Jr., Governor
NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
WILDLIFE CONSERVATION BOARD
1807 13th Street, Suite 103
Sacramento, California 95811-7137
www.wcb.ca.gov
(916) 445-8448
Fax (916) 323-0280

Date: AUG 18 2011

Richard Augustus Trust Etal Weston
Post Office Box 515
Windsor, California 95492

Dear Landowner:

Windsor Oaks Habitat Restoration
Sonoma County
Project ID: 2011010

As you may be aware, staff from the State of California Wildlife Conservation Board has been asked to consider funding habitat restoration work on property owned by one of your neighbors. Once the project is completed it will be maintained by the landowners.

This letter is a courtesy notice to neighboring landowners to make you aware of this proposed project. We will be presenting this project to the Wildlife Conservation Board for consideration at its meeting of September 13, 2011. It is a public meeting and you are welcome to attend. A current agenda is enclosed. You may view all agendas and minutes on our website at www.wcb.ca.gov.

Assuming the proposal is approved, the property will be maintained by the landowner, with assistance from the Center for Social and Environmental Stewardship.

Should you have any questions regarding this proposal or need additional information, please feel free to contact me at (916) 323-2281.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott McFarlin', written over a white background.

Scott McFarlin
Public Land Management Specialist

Enclosure

cc: Carl Wilcox, Regional Manager
DFG Bay Delta Region

DEPARTMENT OF FISH AND GAME

WILDLIFE CONSERVATION BOARD

1807 13TH STREET, SUITE 103
SACRAMENTO, CALIFORNIA 95811
(916) 445-8448
FAX (916) 323-0280
www.wcb.ca.gov

NOTICE OF MEETING
WILDLIFE CONSERVATION BOARD

September 13, 2011
2:00 PM
1/ State Capitol, Room 112
Sacramento, California 95814

PRELIMINARY AGENDA ITEMS

ITEM NO.	PAGE NO.
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2. Funding Status — Informational	2
3. Special Project Planning Account — Informational	7
4. Proposed Consent Calendar (Items 4—15)	8
*5. Approval of Minutes — June 2, 2011	8
*6. Recovery of Funds	8

* Proposed Consent Calendar

1/ These facilities are accessible to persons with disabilities

- *7. Mill Creek Forest Restoration \$550,000.00
Del Norte County

To consider the allocation for a grant to the Smith River Alliance for a cooperative project with the California Department of Parks and Recreation and Save the Redwoods League to restore approximately 1,200 acres of early-stage native forest on the Mill Creek unit of the Del Norte Coast Redwoods State Park in Del Norte County. The purposes of this project are consistent with the proposed funding source that promotes ecological integrity and economic stability of California's diverse native forests and promotes the conservation and protection of productive managed forest lands, forest reserve areas, redwood forests and other forest types. [Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (Proposition 84), Public Resources Code Section 75055(a)]

- *8. Sacramento River National Wildlife Refuge, \$632,000.00
La Barranca Unit, Riparian Restoration, Phase II
Tehama County

To consider the allocation for a grant to River Partners for a cooperative project with the U.S. Fish and Wildlife Service to restore 116± acres of riparian habitat located on the 1,066-acre Sacramento National Wildlife Refuge, La Barranca Unit, in Tehama County. The La Barranca Unit is located along the west bank of the Sacramento River at River Mile 237.5R, seven miles south of Red Bluff. The purposes of this project are consistent with the proposed funding source that allows for the enhancement or restoration of riparian habitat within a floodplain or flood corridor. [Habitat Conservation Fund (Proposition 117), Fish and Game Code Section 2786(e/f)(1E)]

- *9. Windsor Oaks Habitat Restoration \$640,000.00
Sonoma County

To consider the allocation for a grant to the Center for Social and Environmental Stewardship for a cooperative project with Windsor Oaks Vineyard to restore and enhance wildlife and pollinator habitat by installing hedgerows, restoring riparian habitat, installing bat and cavity nesting bird boxes, and enhancing bee habitat on 4± acres of privately owned land located in Sonoma County. The purposes of this project are consistent with the proposed funding source that allows for projects to assist farmers in integrating agricultural activities with ecosystem restoration and wildlife protection. [Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (Proposition 84), Public Resources Code Section 75055(d)(4)]

- *9. Windsor Oaks Habitat Restoration \$640,000.00
Sonoma County

This proposal is to consider the allocation for a grant to the Center for Social and Environmental Stewardship (The Center) for a cooperative project with Windsor Oaks Vineyard to restore and enhance wildlife and pollinator habitat by installing hedgerows, restoring riparian habitat, installing cavity nesting bird boxes, and enhancing bee habitat on privately owned land located in Sonoma County.

LOCATION AND SURROUNDING USES

The 700-acre project site is located in eastern Sonoma County, one mile north of the town of Windsor and 12 miles north of the City of Santa Rosa. The property is protected by a conservation easement held by the Sonoma County Agricultural Preservation and Open Space District. Immediately to the north lies the Sotoyome Highlands Open Space preserve, which provides a wildlife habitat connection to the Russian River one mile north of the property. Agricultural lands are located on the south and west of the property. Two streams originate on the project site, one of which, Windsor Creek, currently supports a population of steelhead, and historically, supported coho salmon as well, and habitat improvement projects are underway downstream in attempts to reestablish this population.

PROJECT DESCRIPTION

This 4± acre project will restore and enhance canopy cover for wildlife migratory corridors, increase plant species diversity to support beneficial insect and pollinator populations, and reduce soil erosion on the Windsor Oaks property. The enhanced ecological landscape will directly support local fish and wildlife populations including the endangered coho salmon, the threatened steelhead, the declining western bluebird, and beneficial insect and native-bee populations.

The project includes riparian habitat restoration, hedgerow installation, native plant installation, consultation, farmer educational workshops and seminars, and community days of celebration. The overall project can be broken down into to the following four components.

The first component is the installation of four hedgerows. These hedgerows will result in a total increase of 1.4 acres of habitat for beneficial insects, native bees and wildlife. Each hedgerow location was chosen to address site-specific requirements. One hedgerow will increase beneficial insect populations adjacent to a vineyard block infested with insect pests. The hedgerow plant species selected for this location are shade tolerant and attract beneficial insects known to prey on pest species including leafhoppers, thrips and mites. The other three hedgerows will

reduce soil erosion and increase corridor and foraging habitat for wildlife, beneficial insect and pollinator populations. Hedgerow plant species selected for these locations are sun and drought tolerant and produce increased canopy cover for migratory wildlife.

The second component of the project consists of two riparian restoration projects that will enhance migratory and foraging habitat between Windsor Oaks' 350 acre Forever Wild Open Space, the Russian River corridor, and adjacent properties including the Sotoyome Highlands Open Space and Foothills Regional Park. Installing riparian trees and understory shrub species will increase shade producing canopy cover and populations of terrestrial and aquatic insects, reduce the loss of nutrient-rich top-soil, and help to increase sequestration of carbon. The total acreage to be restored in the second component is 2.3 acres of the overall 4, with a total length of 2,410 linear feet, and an average width of 25 feet.

The third component consists of providing expertise and services of The Center and local experts to install cavity-nesting bird boxes in suitable habitat and implement barn modifications to support a roosting bat colony. The Center will develop and guide Windsor Oaks management to create a long-term management plan for cavity nesting bird populations.

The fourth component of the project is community education and outreach. The Center will host three landowner education workshops and eight community volunteer days to provide community members and farmers with opportunities to witness and learn about the diverse components of the Windsor Oaks project. Workshops will include guest speaker presentations and guided tours of all project components, including color maps and educational hand-outs to increase awareness of ecological restoration on agricultural land.

The project is designed to provide a wide diversity of habitats on this working farm and to provide corridors for fish and wildlife to move between existing protected habitats. The new wildlife and beneficial insect habitats will allow the landowner to reduce the use of pesticides while maintaining or even improving agricultural production. Finally, the project will be used as a model for nearby landowners to undertake similar beneficial projects.

WCB PROGRAM

The proposed project will be funded through the Ecosystem Restoration on Agricultural Lands Program and meets the program's goal of assisting landowners in developing sustainable wildlife friendly practices on their properties that co-exist with their agricultural operations.

MANAGEMENT OBJECTIVES AND NEEDS

The grantee has agreed to manage and maintain the improvements for 25 years, pursuant to the terms and conditions of the grant. If at any time during the life of the project, the grantee is unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life.

PROJECT FUNDING

The proposed funding breakdown for the project is as follows:

Wildlife Conservation Board	\$640,000.00
The Center	54,299.20
Windsor Oaks Vineyards and Winery	<u>176,370.13</u>
TOTAL	\$870,669.32

Project costs will be for planting and irrigation, nursery plants, materials, vegetation maintenance, consulting, and project signs; and project design, construction supervision, and administration.

FUNDING SOURCE

The proposed funding source for this project is the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act, (Proposition 84), Public Resources Code Section 75055(d)(4), which allows for assisting farmers in integrating agricultural activities with ecosystem restoration and wildlife protection, and is consistent with the objectives of this project.

ENVIRONMENTAL COMPLIANCE AND STATE RECOMMENDATION

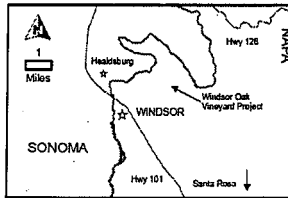
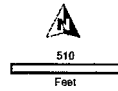
This restoration project is exempt from the California Environmental Quality Act (CEQA) under Class 4 of the Categorical Exemptions, California Code of Regulations, Title 14, Section 15304 as a minor alteration to land, because the project will consist of a minimal amount of earthmoving and there will be no negative impacts to the physical environment that would reduce its ability to produce native or agricultural plants. Subject to approval by the WCB, the appropriate Notice of Exemption will be filed with the State Clearinghouse. The DFG has reviewed this proposal and recommends it for funding by the WCB.

STAFF RECOMMENDATION

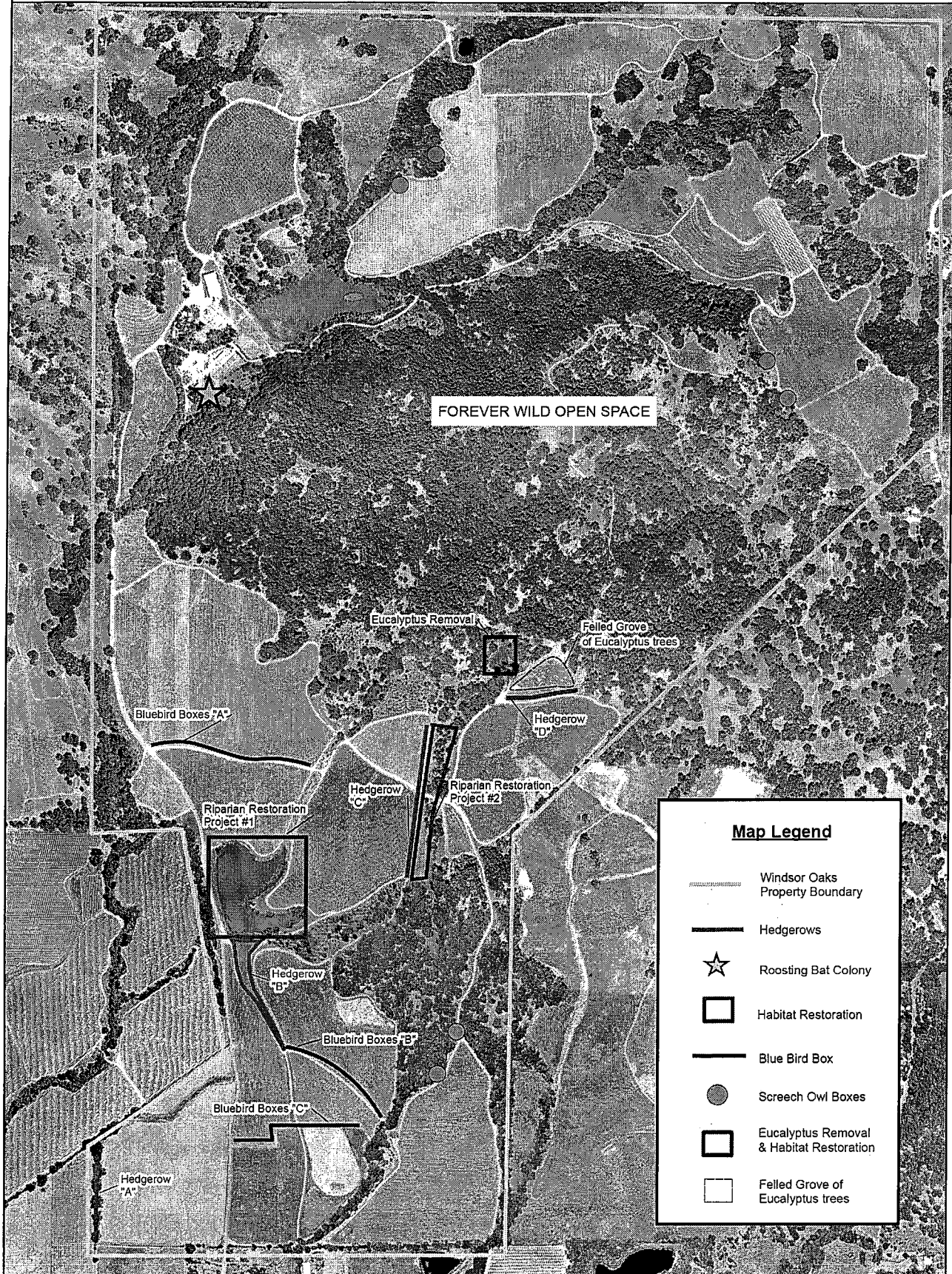
Staff recommends that the Wildlife Conservation Board approve this project as proposed; allocate \$640,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (Proposition 84) Public Resources Code Section 75055(d)(4), authorize staff to enter into appropriate agreements necessary to accomplish this project, and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Windsor Oaks Vineyard ERAL Project

Sheet 1 of 1



Map created by: The Center for Social & Environmental Stewardship,
August 2011

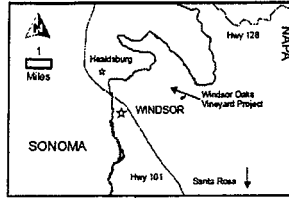
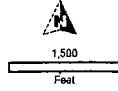


Map Legend

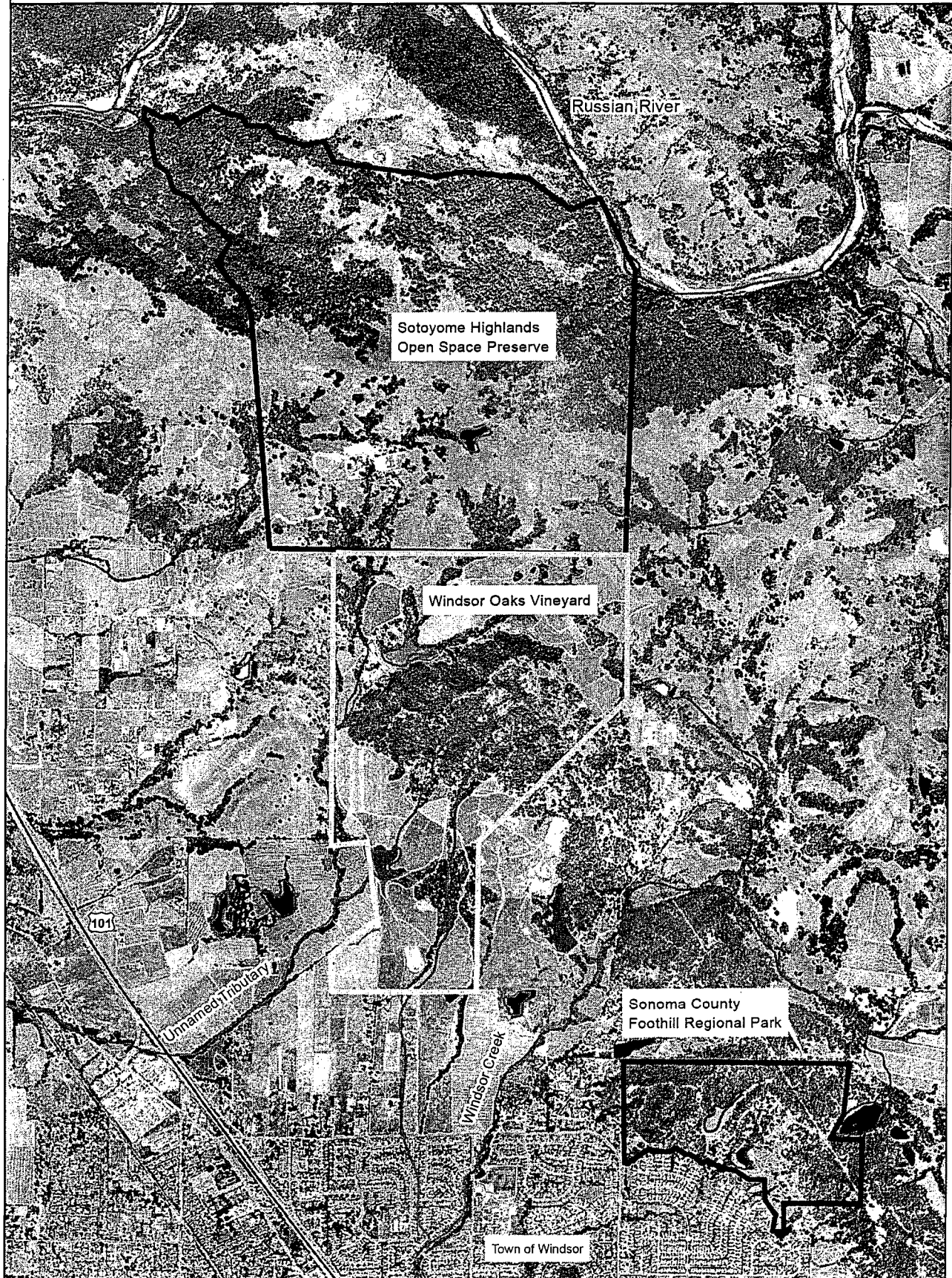
- Windsor Oaks Property Boundary
- Hedgerows
- Roosting Bat Colony
- Habitat Restoration
- Blue Bird Box
- Screech Owl Boxes
- Eucalyptus Removal & Habitat Restoration
- Felled Grove of Eucalyptus trees

Adjacent Land-use and Protected Properties

Sheet 1 of 1



Map created by: The Center for Social & Environmental Stewardship,
March 2011



INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION**1. Project title:**

Windsor Oaks Creek Watershed Native Plant Revegetation Project

2. Lead agency name and address:

Sotoyome Resource Conservation District
PO Box 11526
Santa Rosa, Ca. 95406

3. Contact person and phone number:

Kerry Williams, District Manager (707) 569-1448
Laurel Marcus, Project Manager (707) 869-2760

4. Project location: Revegetation sites are to the northeast of the City of Windsor in Sonoma County on an unnamed tributary to Windsor Creek.

5. Project sponsor name and address:

Sotoyome Resource Conservation District
PO Box 11526
Santa Rosa, Ca. 95406

6. General plan designation and zoning: Land use designations at the project site include: agriculture. Local zoning on the site includes agriculture.

7. Description of project: Revegetation sites 1A and 1B encompass several sections of an unnamed tributary to Windsor Creek. Revegetation sites 2A, 2B and 2C encompass several ephemeral swales. Revegetation area 1A is currently primarily invasive non-native Himalayan blackberry with some willows and has a number of erosional areas along the creek channel. Revegetation area 1B is a small eroded section of stream channel needing additional native vegetation. Revegetation areas 1A and 1B totaling approximately 2 acres will be treated to remove invasive blackberry in Fall of 2002 by using the cut and paint method to avoid overspray onto native vegetation. The vineyard road along the right bank will be set back 5 feet to allow an increase in the riparian corridor.

Site 1A will be planted with riparian tree species including: coast live oak (*Quercus agrifolia*), Oregon oak (*Quercus garryana*), California bay laurel (*Umbellularia californica*), Fremont cottonwood (*Populus fremontii*), willows (*Salix* sp.) and understory species including: western spice bush (*Calycanthus occidentalis*), California wild rose (*Rosa californica*), and snowberry (*Symphoricarpos albus*). Freshwater wetland plants (*Carex* sp.) will be planted along the channel bottom. The goal of the project is to remove invasive, non-native plants, revegetate the channel with a mix of native riparian and wetland plant species, and reduce erosion along the channel. Site 1B will be planted

with riparian tree species including: coast live oak (*Quercus agrifolia*), Oregon oak (*Quercus garryana*), California bay laurel (*Umbellularia californica*), willows (*Salix sp.*) and understory species including: western spice bush (*Calycanthus occidentalis*), California wild rose (*Rosa californica*), and snowberry (*Symphoricarpos albus*). Freshwater wetland plants (*Carex sp.*) will be planted along the channel bottom. Plantings will be carried out in the winter of 2002-2003.

Revegetation areas 2A, 2B and 2C are ephemeral swales. These sites will be planted with approximately 10 acres of coast live oak (*Quercus agrifolia*), Oregon oak (*Quercus garryana*), Fremont cottonwood (*Populus fremontii*), willows (*Salix sp.*) and understory species including: western spice bush (*Calycanthus occidentalis*), California wild rose (*Rosa californica*), and snowberry (*Symphoricarpos albus*). The stream channel bottom will be planted with sedges (*Carex sp.*) and rushes (*Juncus sp.*). Plants will be installed using hand labor in January to March 2002 in sites 2A, 2B, 2C and 1B. No grading will be done. Irrigation will be done starting in April and extending until October on 2 week intervals. Plantings will be maintained weed free and protected from mammal browse with tubex and protection.

8. Surrounding land uses and setting: Land uses surrounding the project area include: vineyards and rural residential.

9. Other public agencies whose approval is required: Department of Fish and Game may need to approve a 1601 permit or an exemption from a permit.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant impact as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

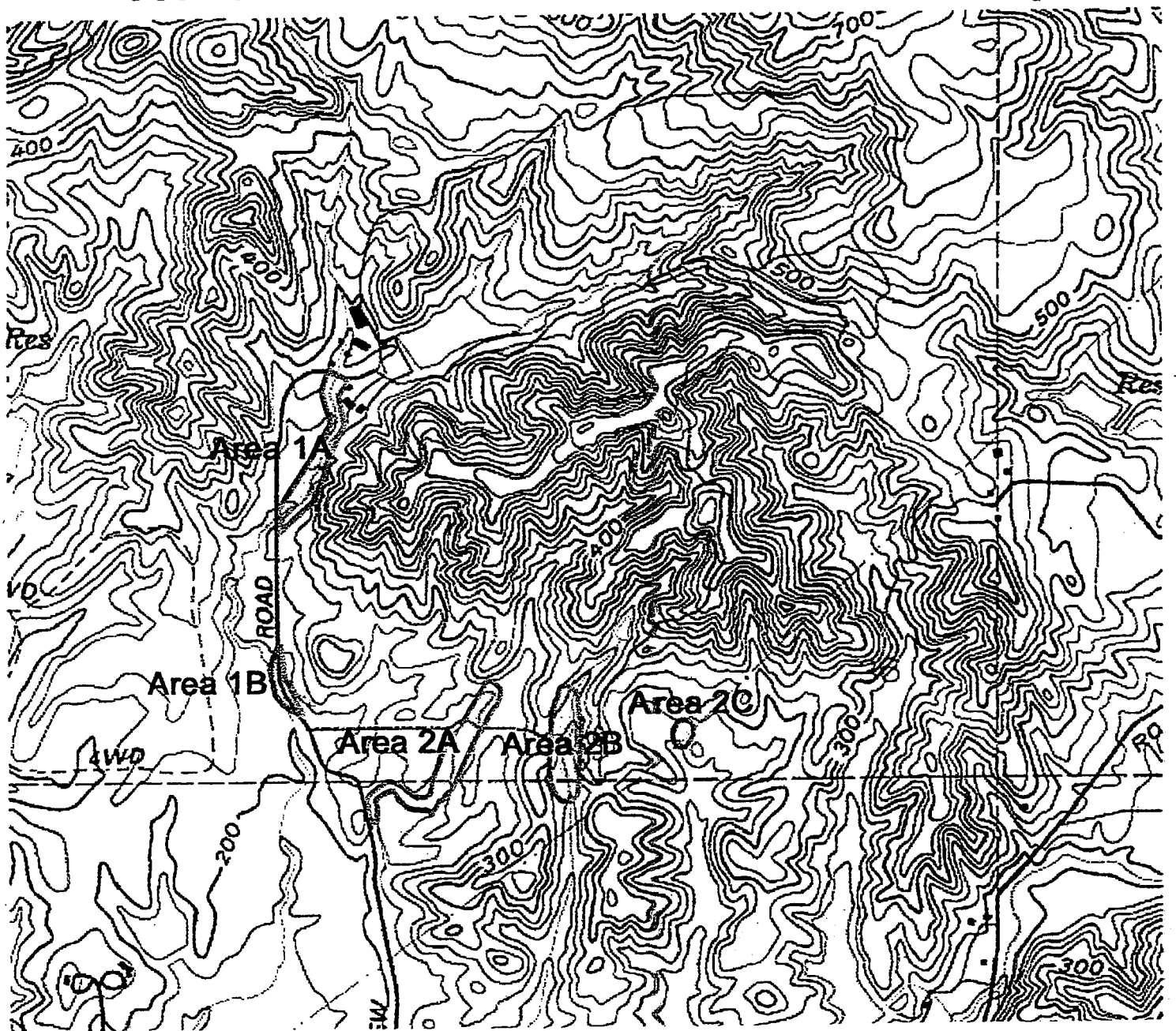
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u> <i>Ron Roller</i> </u>	<u> 1/25/02 </u>
Signature	Date
<u>Ron Roller, President, Board of Directors</u>	<u>Sotoyome Resource Conservation District</u>

Windsor Oaks - Site Location Map



Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

County Clerk
County of: Sonoma
Address: 2300 County Center Drive B177 Santa Rosa CA 95403

From:

Public Agency: Sonoma County Permit and Resource Management Department
Address: 2550 Ventura Avenue, Santa Rosa CA 95403

Contact: Traci Tesconi Planner III
Phone: 565-1903

Lead Agency (if different from above):
Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse):

Project Title: Windsor Oaks Winery Use Permit and Design Review

Project Applicant: Windsor Oaks Winery LP / Steve Martin and Associates

Project Location (include county): 10810 Hillview Road, Windsor, Sonoma County, CA

Project Description:

Request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 to 100,000 case maximum annual production capacity, add a public tasting room, retail sales, and public tours, enlarge the existing 12,600 square foot winery building by 2,000 square feet, and to have 22 agricultural promotional events per year with a maximum range of guests to include: 8 events with 60 guests, 10 events with 100 guests, one event with 300 guests, three weddings per year with a maximum of 100 guests, and participation in industry-wide events consisting of a total of 10 annual event days with 300 maximum guests. SEE

This is to advise that the Board of Zoning Adjustments has approved the above (Lead Agency or Responsible Agency)

described project on October 25, 2013 and has made the following determinations regarding the above described project.

- 1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

PRMD, 2550 Ventura Avenue, Santa Rosa, CA 95403 File PLP12-0009

Signature (Public Agency): Traci Tesconi Title: Planner III

Date: October 25, 2013 Date Received for filing at OPR:

CONTINUED FROM PAGE I:

Phase II includes a new 8,360 square foot winery and tasting room building to include barrel storage, public tasting, VIP (private tasting), administrative offices, hospitality areas, break room with a commercial kitchen on 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard. The project site is not under a Williamson Act contract

007620 32117184 202989489

AUTHORIZED SIGNATURE

[Handwritten Signature]

MEMO PLP 12-0009
APN - 086-102-016/161-020-043

DOLLARS

\$ 2,200.25

PAY TO THE ORDER OF
Sonoma County Clerk
Two Thousand Two Hundred Six & 25/100

10/30/13

citibank
CITIBANK N.A. BR #892
P.O. BOX 80698
CHICAGO, IL 60680
90-7118-3211

STEVE MARTIN ASSOCIATES, INC
130 S. MAIN STREET STE. 201
SEBASTOPOL, CA 95472
(707) 824-9730

7620

Security features. Details on back.

PAYMENT METHOD



- CASH.....
- CHECK.....
- EFT.....

OFFICIAL RECEIPT
COUNTY OF SONOMA
SANTA ROSA, CALIFORNIA

2158102

DATE Dec. 30 20 13

RECEIVED FROM Steve Martin Associates, Inc

ADDRESS 10300 Wilbur Ave. Ukiah, CA 95584

AMOUNT RECEIVED Two Thousand Two Hundred Six & 25/100 \$ 2,200.25

FOR PLP 12-0009 Wildfire Ord. for Removal
for Son. Mt. Neg. Dec.

QUADRUPPLICATE - DEPARTMENT COPY

PRINCE
DEPARTMENT, DISTRICT, OR AGENCY

BY [Signature]

SCA-004 (8/10)



Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Pursuant to Section 15071 of the State CEQA Guidelines, this summary of findings and the attached Initial Study and mitigations constitute the Mitigated Negative Declaration as proposed for or adopted by the County of Sonoma for the project described below:

Project Title: PLP12-0009 WINDSOR OAKS WINERY

Project Location Address: 10810 Hillview Road, Windsor
APN: 086-100-016 and 161-020-043

Lead Agency: Sonoma County Permit and Resource Management Department

Decision Making Body: Board of Zoning Adjustments

Project Applicant: Windsor Oaks Associates, LP

Property Owner: Windsor Oaks Associates, LP

Project Engineer: SMA- Steve Martin & Associates

Project Description: Request for a phased Use Permit and Design Review for an existing winery facility (File # UP7851) with Phase 1 to include an increase from 43,000 case to 100,000 case maximum annual production capacity, to add a public tasting room, retail sales, and public tours, to enlarge the existing winery building by 2,000 square feet, and to have 25 agricultural promotional events per year with a range of guests (10 w/ 60 guests and 12 w/ 100 persons, and 3 w /300 guests), three weddings per year with a maximum of 100 guests, one play and one concert per year each with 300 maximum guests; and participation in 10 industry-wide events per year consisting of 20 annual event days. Phase II includes a new 8,380 square foot winery building used for administration, hospitality, public tasting, VIP tasting areas, a commercial kitchen, and barrel storage on a 471.89 acres. The parcel is under a Conservation Easement and contains 230 acres of vineyard. The parcel is not under a Williamson Act contract.

General Plan: Land Intensive Agriculture, 60-acres per dwelling unit

Specific/Area Plan: None
Land Use:

Zoning: LIA (Land Intensive Agriculture), B6-60 acre density, SR (Scenic Resource), G (Geologic Hazard), VOH (Valley Oak Habitat)

Environmental Finding:

Basis on the attached Initial Study, the project described above will not have a substantial adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are included in the project.

Initial Study: See attached. For more information call Traci Tesconi at 565-1903.

Mitigation Measures: Included in attached Initial Study. The project applicant has agreed to implement all mitigation measures.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Traci Tesconi, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by project applicants. Additional information was provided by various consultants as identified in this Initial Study. Technical studies referred to in this document are available for review at the Permit and Resource Management Department.

EXISTING USES

The project site is 479.89 acres, but surrounded by commonly owned land of Windsor Oaks totaling 710 acres. Approximately 230 acres in planted in existing vineyard. Windsor Oaks Winery has been in operation since 1978 (formerly Balverne Winery) producing estate wines in the Russian River appellation. The current Use Permit (UP #7851) allows for 103,000 gallons (43,000 cases) of wine production with no public tastings and retails sales. Wine is currently produced in the two existing winery buildings (5,000 sq. feet & 12,600 sq.foot). The winery facility is located on 472 acres with 230 acres of vineyard. But the surrounding Windsor Oaks vineyard consists of 710 acres. Access to the winery and vineyard is off of Hillview Road, which is off of Arata Lane in Windsor. In addition to the existing wine production, excess fruit from the vineyard is currently exported by trucks to other wineries for processing. Access to the site is gained via Hillview Road, which is located on the north side of Arata Lane approximately a half-mile east of US 101. Water is provided by two, existing on site private wells and an on-site septic system for domestic sewage disposal, and a pretreatment system and reservoir for winery wastewater disposal via an vineyard irrigation system.

SITE CHARACTERISTICS

The project site elevations range from about 200 feet (above sea level) along the southern property boundary to nearly 870 feet near the northern property boundary. Most of the gently sloping areas of the project site are planted in vineyards, whereas, the steeper slopes and bottoms of the larger drainages are predominantly hardwood forest.

PROJECT DETAILS

A phased Use Permit is being requested as follows:

Phase I (1-2 years):

1. Increase wine production from 43,000 cases to 100,000 cases per year.
2. Add public tasting room, retail sales, and public tours.
3. Enlarge the larger, existing winery building by 2,000 square feet to include tasting room, conference and VIP room, offices, tax paid room, restrooms and exterior deck.
4. Public tasting room hours will be 11 am to 5 p.m.
5. Visitors are anticipated to be on the order of 15 for an average day and 30 for a weekend day.
6. 25 agricultural promotional events per year with a range of guests (10 w/ 60 guests and 12 w/ 100 persons, and 3 w /300 guests).
7. Three weddings per year with a maximum of 100 guests
8. One play and one concert per year each with 300 maximum guests.
9. Participation in 10 industry-wide events, consisting of 20 event days. (See table below).

10. Related infrastructure improvements include paving of the existing parking area, ADA accessibility paths and lift, septic system expansion, an improved existing entrance on Arata Lane.
11. Employee vehicle and winery production truck traffic will continue to use Hillview Road for access and egress.
12. A new driveway along the southeast portion of the property for public access and egress, and employee access and egress.
13. No increase in employees which currently consists of full-time and 3 part-time employees during non-harvest and 10 full-time during harvest.
14. Winery operating hours shall be 7 a.m. to 6 p.m. Monday through Sunday non-harvest; and 6 a.m. to 10 p.m. Monday through Sunday during harvest season

Windsor Oaks Winery
Project No. 2011009

SMA

WINDSOR OAKS WINERY

Marketing Activities & Event Description

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time Period</u>	<u>Attendees (maximum)</u>	<u>Location of Activity</u>
National Wine Distributor Tastings & Lunch	5	January - December	60	ABA & Phase II Winery Building
Wine Distributors Tastings & Dinner	3	January - December	60	ABA & Phase II Winery Building
Holiday Open House	1	December	60	ABA & Phase II Winery Building
Chef Tastings & Dinner	1	January - December	60	ABA & Phase II Winery Building
Harvest Party	1	October - November	100	ABA & Phase II Winery Building
Wine Club Member's Event ¹	8	March - October	100	ABA & Phase II Winery Building
Wine Club Member's Pick-up Event	3	March - October	100	ABA & Phase II Winery Building
Weddings	3	March - October	100	ABA
Hospitality Events ²	5	March - October	300	ABA & Phase II Winery Building ³

Notes

1. Wine Club Member events include Tour De Cru (a mountain bike ride with tasting & box lunch after), Vineyard Tour (drive through vineyards with tasting after), Barrel Tasting Day, and other marketing activities to support and build the Wine Club list.
2. These events may include a vintner association lunch and seminar, a small concert at the winery, "Sideways" Play, or other hospitality event for the promotion of the wines.
3. Any "non-agricultural" activity such as a concert or play will only occur within the ABA, and not outside of the area.

Phase II (2 to 3 years):

1. A new 8,380 square foot winery building (4,830 SF – 1st Floor, 3,550 SF 2nd Floor) with public and private tasting rooms. 1st floor is subterranean, includes barrel storage, technical tasting, hospitality area, and restroom. The 2nd floor includes administration uses, restrooms, tasting room, VIP tasting area, commercial kitchen, and related hospitality areas.
2. A detached 600 square foot mechanical building.
3. Infrastructure improvements include: a new access driveway from the existing main road,

- paved parking area, sanitary wastewater pressure distribution leach field system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.
4. Increase employees to 16 full-time employees during the harvest and bottling season.
 5. Visitors are expected to be 30 on an average day and 80 for a peak day.
 6. Operating hours will remain as 7 am to 6 pm Monday through Sunday non-harvest season and 6 am to 10 pm Monday through Sunday during harvest season.

Wastewater Disposal: Process wastewater (PW) from the existing winery facility is screened and pumped to aeration ponds for aerobic treatment. The reclaimed wastewater is discharged to the existing vineyard via drip irrigation. No physical change in the existing PW system is proposed. Pomace is spread and decomposed within the vineyard. Sanitary sewage will be treated in existing septic tanks and disposed of in the existing onsite standard leachfield system (with expansion). For Phase II, a new pressure distribution leachfield type septic system will be installed. The proposed sewage disposal system for the primary and required 200% expansion leachfield areas are indicated on the Overall Site Plan. Detailed background and preliminary design information on the combined sanitary sewage system is provided in SMA's Wastewater Feasibility Study.

Water supply: Water for the winery and domestic use, as well as landscape irrigation will be continue to be groundwater-supplied by the existing well which has a 50' concrete seal. A Groundwater Availability study was completed for the project.

Access: Public access to the winery will be from an improved existing entrance directly off Arata Lane, along a 30-foot strip of land (owned in fee title by Windsor Oaks) located east of Hillview Road (referred to as Windsor Oaks Lane). Employee vehicle and winery production truck access will continue to be along Hillview Road. Improvements to the existing entrance will be constructed for commercial access to the property. The newly improved entrance and tree removal along the road will increase sight distance, safety and conform to Sonoma County Commercial Entrance standards.

CONSERVATION EASEMENT

PRMD referred the Project Proposal to the Sonoma County Agricultural Preserve and Open Space District [District] for a consistency determination because the project site is under a Conservation Easement with the District. The purpose of the Conservation Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Under the Conservation Easement baseline document there is an "Easement Designation Areas" exhibit, which outlines the different designated areas:

Pond
Reservoir
Proposed Lot Boundary
Alternative Building Envelope
Building Envelope
Agricultural Building Area
Natural Area

The District provided the following determinations:

Phase I: Based on District staff's review of the request, it has been determined that all uses and activities in Phase I as described in the proposal statement are consistent with the Conservation Easement and hereby grant approval.

Phase I includes a remodel of an existing warehouse within the Agricultural Building Area (ABA) to add a tasting room, conference and VIP room, offices, tax-paid room, restrooms, and an exterior deck. In addition, it would involve paving an existing parking area, adding ADA-accessibility paths and a lift, and expanding a septic system within the ABA, as well as improving the entrance on Arata Lane, which is not covered by the District's Easement, and constructing a

new driveway in the southeast portion of the Property, outside the ABA, for public access.

Phase II: Based on District staff's review of the request, it has been determined that these structures and improvements are consistent with the Conservation Easement and hereby grant approval for their construction, provided that their use is limited to the agricultural uses.

The District considers wine production, tasting, storage and sale to be permitted in the new winery within the ABE. We also consider the following uses to be permitted in the new winery: administrative offices for managing the agricultural operation; a small, non-commercial kitchen facility for use in preparing agricultural products harvested principally on the Property, for use by winery staff to prepare personal meals, or as a caterer's preparation area for pre-prepared meals in conjunction with permitted special events; and hospitality areas for guests who are there to taste or purchase agricultural products harvested principally on the Property or to learn about the agricultural practices on the Property.

Phase II would include the following structures and improvements: a new 8,360 square-foot winery building outside the Agricultural Building Area (ABA), but within an Alternate Building Envelope (ABE) for wine tasting and barrel storage, which would also include a 480 square-foot entry canopy, hospitality areas, restrooms, administration spaces, and a kitchen; a detached 600 square-foot mechanical building in the ABE for utilities accessory to the winery; a new access driveway from the main road; a new paved parking area; a wastewater leach field; storm water management improvements; fire protection water storage; and grading and landscape improvements.

In addition, Phase II proposes to include "non-agricultural" events such as weddings, a concert, and a play in the Agricultural Building Area (ABA). In regard to non-agricultural commercial events such as weddings, concerts, and plays, these events are not permitted to take place in the new winery, as per Exhibit "C", Paragraph 2, which prohibits the establishment of any "non-agricultural commercial or industrial use outside of the [ABA]."

Additionally, any events outside the Agricultural Building Area (ABA) in which guests pay for services such as seminars, tours, recreational uses, or meals, are not consistent with the Easement.

Agricultural events such as: open houses, harvest parties, vintner association seminars, tastings with meals, and wine club member events are allowed in the new winery which is located outside the Agricultural Building Area (ABA), but within the Alternate Building Envelope (ABE).

Tours: The winery's marketing activities include bike rides and driving (motorized) tours through the vineyards for wine club members. Initially, the SCAPOSD determined bike rides consistent with the Easement (per Exhibit "B", paragraph 11), but considered motorized tours inconsistent with the Easement. A second letter was provided by the SCAPOSD specifically addressing the motorized tours. According to the applicant, there are three kinds of tours proposed, all of which relate to the permitted agricultural operations on the property: 1) winemaker tours, 2) distributor tours, and 3) wine club member tours. The purpose of these tours, respectively, is to show winemakers who purchase the grapes, distributors who sell the wines, and wine club members who purchase the wines, the agricultural operation. Based on this additional information, SCAPOSD determined that the motorized tours in fact relate to the permitted agricultural operation (vineyard) and are consistent with the Conservation Easement. However, a fee cannot be collected for the tours because tours must be accessory to the agricultural operation and not a non-agricultural commercial use (refer to Exhibit "C", Paragraph 2). Further, in regard to events within the Agricultural Building Area, the tours must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore, SCAPOSD consider the tours to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If the tours come to impact the conservation values of the Property the SCAPOSD we will no longer consider them to be consistent with the Easement, and they would need to cease.

SURROUNDING LAND USES AND SETTING:

The project site is located in diverse area with agriculture on the north side of Arata Lane comprised of small family farms with livestock and horses and vineyards, and small lot residential subdivisions within the Town of Windsor on the south side of Arata Lane. The project site is by far the largest parcel in the immediate area. The existing winery is located well away from any of the neighbors with the closest residence being approximately 3,100 feet from both the existing facility and proposed Phase II development area. The project applicant did meet with neighbors prior to a public hearing for the project.

Surrounding land uses and setting:

North: Zoning: RRD (Resource and Rural Development) B6 100 acre density
Land Use: Agriculture and single-family residence

South: Zoning: LIA (Land Intensive Agriculture) B6 40 acre density RRD (Resource and Rural Development) B6 40 acre density
Land Use: Single-family residence and

West: Zoning: RRD (Resource and Rural Development) B6 40 acre density
Land Use: Agriculture/cultivation and single-family residences,.

East: Zoning: RRD (Resource and Rural Development) B6 60 acre density
Land Use: Agriculture/cultivation and single-family residences.

Initial Study Checklist

This checklist is taken from Appendix G of the State CEQA Guidelines. For each item, one of four responses is given:

No Impact: The project would not have the impact described. The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

Less Than Significant Impact: The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

Potentially Significant Unless Mitigated: The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

Potentially Significant Impact: The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question on the checklist was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The checklist includes a discussion of the impacts and mitigation measures that have been identified.

The project applicants have agreed to accept all mitigation measures listed in this checklist as conditions of approval of the proposed project and to obtain all necessary permits.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving

at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation” as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural & Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emission | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

Incorporated Source Documents

In preparation of the Initial Study checklist, the following documents were referenced/developed, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

- Project Application and Description
- Initial Data Sheet
- County Planning Department’s Sources and Criteria Manual
- Sonoma County General Plan and Associated EIR Specific or Area Plan none
- Sonoma County Zoning Ordinance
- Sonoma County Rare Plant Site Identification Study
- Project Referrals from Responsible Agencies
- State and Local Environmental Quality Acts (CEQA)
- Full record of previous hearings on project in File
- Correspondence received on project.
- Project Plans submitted for PLP12-0009
- Other technical reports:
 1. A Cultural Resources Study, prepared by Tom Origer & Associates, dated February 9, 2012.
 2. Greenhouse Gas Analysis, prepared by URS Corporation, dated July 2012
 3. Assessment of Groundwater Availability, prepared by Michael S. Malone, dated April 4, 2013.
 4. Draft Traffic Impact Study, prepared by W-Trans, dated April 11, 2012
 5. Final Traffic Impact Study, prepared by W-Trans, dated April 11, 2012
 6. Preliminary Standard Urban Storm Water Mitigation Plan (SUSMP), prepared by Steve Martin & Associates.
 7. Wastewater Feasibility Study with Attachment I, Attachment II: Wastewater System Design Criteria, Evaluation, & Calculations, prepared by Steve Martin & Associates
 8. Preliminary Engineering and Planning Information, prepared by Steve Martin & Associates
 9. Preliminary Design Review Committee Action sheet, dated May 1, 2013
 10. Letter of Consistency from the Sonoma County Agricultural Preservation and Open Space District, prepared by Jacob Newell, dated March 4, 2013.
 11. Second Letter of Consistency from the Sonoma County Agricultural Preservation and Open Space District, prepared by Jacob Newell, dated April 26, 2013.
 12. Windsor Oaks Conservation Easement Designation Areas Map

1. AESTHETICS *Would the project:*

a) Have a substantial adverse effect on a scenic vista?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
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		X		
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Comment:

1.a. Less than Significant Impact with Mitigation Incorporation. The project site is under the SR (Scenic Resource) combining district because the project site is designated as a Scenic Landscape Unit in the Open Space Element of the General Plan. However, neither Arata Lane nor Hillview Road are designated Scenic Corridor under the General Plan. Therefore, the standard Diverse Agriculture setbacks apply to the project, which are front: 30 feet or 55 feet from the centerline of the road, whichever is greater, side yard: 10 feet, and rear yard: 20 feet, which are being exceeded.

Section 26-64-020(a) of the Zoning Code, which requires structures be sited below exposed ridgelines, to use natural landforms and existing vegetation to screen them from view from public roads, and cuts and fills be discouraged, and where practical, driveways are screened from public view, and utilities are placed underground where economically practical. The project involves construction of one new winery and tasting room building. The two existing winery buildings will continue to be used, with a 2,200 square foot addition to the larger of the two winery buildings. The following General Plan Scenic Landscape Policy OS-2C applies to the proposed project:

- Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen them from view from public roads.
- Minimize cuts and fills on hills and ridges.
- Minimize the removal of trees and other mature vegetation. Avoid removal of specimen trees, tree groupings, and windbreaks.
- Where existing topography and vegetation would not screen structures from view from public roads, install landscaping consisting of native vegetation in natural groupings that fit with the character of the area in order to substantially screen structures from view. Screening with native, fire retardant plants may be required.
- Design structures to use building materials and color schemes that blend with the natural landscape and vegetation.
- On hills and ridges, avoid structures that project above the silhouette of the hill or ridge against the sky as viewed from public roads and substantially screen driveways from view where practical.
- To the extent feasible, cluster structures on each parcel within existing built areas and near existing natural features such as tree groupings.”

Phase I utilizes existing structures with a small addition and interior remodel. There will be no major change to the aesthetics of the site under Phase I. At Phase II, the new winery and tasting room building will reflect a French Country architecture blending with the surrounding vineyards and natural landscape. The new building will be located approximately 3,250 feet from Hillview Road, 6,800 feet from the centerline of Arata Lane, and approximately 3,100 feet from the nearest existing residence (and not visible). The Phase II winery building will be nestled in the hillside vineyards and minimally visible from public roads (over 1.5 miles) and neighboring parcels. To further minimize visual impacts, the barrel storage room in the new building will be subterranean.

On May 1, 2013, the Design Review Committee (DRC) reviewed the project’s compliance with the applicable SR Scenic Landscape Unit Design Guidelines. Given the location of the new winery building being nestled in the existing vineyard it would not have significant impact on the views from public roads. The DRC opined that the location of the new winery and tasting room

building is appropriate for the site, with minor exterior changes. DRC recommended the following:

SITE PLAN

1. Show trash enclosure(s) location and trash enclosure design on plans.

ARCHITECTURE: Building Elevations, Colors, Materials, etc.

1. For the Phase II new winery building, the shingle roof does not blend with building design. A slate roof or a slate roof appearance is recommended.
2. For the Phase II new winery building, the amount of glass should be reduced.
3. For the Phase II new winery building, the shutters as designed on plans appear out of proportion compared to the window sizes. Revise shutters to be more correctly proportions or omit shutters from design plans.
4. For the Phase II new winery building, there appears to be too much stone. Recommend reducing the amount of stone or show on elevation plans if mature vineyard or landscape will help soften the appearance of the stone.

LANDSCAPING: Design, Plant Types & Sizes, Irrigation, etc.

1. Add more islands with trees in the Phase II parking lot.
2. Larger tree species should be planted in the Phase II parking lot to provide more shade.
3. Add native oaks to the landscaping plans for both Phase I and Phase II.
4. Use more oaks and native species in the Phase I landscaping plans to have it appear more nature and mature.
5. Provide detailed irrigation plans for Final Design Review. Based on the new lawn area at Phase II development, the project appears subject to WELO (Water Efficiency Landscape Ordinance) and its requirements.

SIGNS:

1. Show location of all proposed signs for winery facility on the site plan. Provide sign details (height, width, colors, materials, and letter sizing).

EXTERIOR LIGHTING:

1. Provide exterior lighting plans and cut sheets for both Phase I and Phase II development.

Based on DRC's recommendations, on August 8, 2013 the applicant did revise the plans according to DRC recommendations.

The final design review process is not the deferral of mitigation, but the implementation of it. The proposed project elements to reduce all aesthetic impacts to a less-than-significant level. The role of final design review is simply to ensure that the project conforms to all aspects of the MND and the conditions of approval imposed herein, and to implement the mitigation measures related to building design, site design, landscaping, and exterior lighting. Thereby, to ensure exterior lighting, colors, and landscape are approved by the Design Review Committee prior to issuance of any building permit for the new winery building, the following mitigation has been incorporated into the project:

Mitigation Measure 1 (a) : Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, May 1, 2013; and any subsequent DRC recommendations. The Design

<p>Review Committee must shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration.</p> <p>Mitigation Monitoring 1 (a): The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.</p>				
<p>b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 1.b. No Impact. The project site is not on a state scenic highway. There are no historic buildings on the site.</p>				
<p>Mitigation: None required</p>				
<p>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
		X		
<p>Comment: 1.c. Less than Significant with Mitigation Incorporation (Refer to Mitigation Measure listed in item 1.a. above in this initial study).</p>				
<p>Mitigation: None required</p>				
<p>d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
		X		
<p>Comment: 1.d. Less than Significant Impact with Mitigation Incorporation. (Refer to Mitigation Measure listed in item 1.a. above in this initial study). The proposed winery facility is located in a rural area mostly developed with residences and not large farming operations. Most of the winery's operations such as crushing, fermenting, storage, and bottling would take place during harvest (crush) season. The tasting room hours and the winery's normal hours of operation would be :</p> <ul style="list-style-type: none"> • Public tasting room hours will be 11 am to 5 p.m • Winery operating hours shall be 7 a.m. to 6 p.m. Monday through Sunday non-harvest; and 6 a.m. to 10 p.m. Monday through Sunday during harvest season. 				

Exterior lighting would be needed at the winery especially during harvest season. The addition of exterior lighting would introduce more night light and glare in the area. The distance from neighboring properties, and with the existing topography any new exterior lighting is not expected to significantly impact neighboring properties. However, to ensure that new exterior lighting is not a significant impact to the area, mitigation requires that all exterior lighting plan shall be submitted to the Design Review Committee for review and approval. The standard requirements is that all exterior lighting be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation: Refer to mitigation is 1.a. (1) above in this initial study.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

2.a. No Impact. There will be no removal of any existing vines and the zoning will remain as Land Intensive Agriculture, therefore, the project would not convert agricultural land to a non-agricultural use.

Mitigation: None required

b) Conflict with existing zoning for agricultural use, or Williamson Act Contract?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

2.b. Less than Significant Impact. The project site is not under a Williamson Act contract. The project site contains an existing winery facility. The current request is to increase the winery production and to add public and private tasting, as well as host several agricultural promotional

events, weddings, a concert, and a play; and participate in industry-wide events. The property is designated Land Intensive Agriculture by the Sonoma County General Plan. The General Plan policy for Land Intensive Agricultural states that agricultural production, agricultural support uses, and visitor serving uses, as provided in the Agricultural Resources Element of the General Plan, are allowed uses, provided a Use Permit is approved.

Consistent with the LIA designation criteria, the following General Plan Agricultural Resource Element policies apply to the parcel, and specifically to the winery and related land uses proposed on the project site. The proposed winery use is consistent with the Land Intensive Agriculture designation criteria as it will process and produce grapes which are grown on-site and from grapes purchased from other vineyards in the local area. The proposed project is consistent with the General Plan's Agricultural Element Goals, Objectives and Policies, which include the following:

Goal 2.1 *“Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses.”*

Goal AR-1: *“Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.”*

Objective AR-1.2: *“Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use.”*

“Policy AR-4a”: *The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”*

Staff comment: The project site is within the Land Intensive Agricultural General Plan land use category, and the primary use of the site will be an agricultural processing facility (winery). The primary potential land use conflicts associated with the use and adjacent residences are traffic, exterior lighting, and noise. Conditions have been added to the proposed project to require improvements to the winery's entrance to improve sight distance, to control odor all grape pomace residue must be removed from the site or spread in vineyards in remote areas of the property farthest away from neighbors, and all exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare). Noise generated by the proposed winery, tasting room, and events must be controlled in accordance with the standards set in the Noise Element of the Sonoma County General Plan.

“GOAL AR-5: *Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.”*

Staff comment: The project site contains 230 acres of premium vineyard. The proposed winery is within the Russian River wine grape appellation. The winery facility would process grapes grown on-site and from the local area.

“Objective AR-5.1: *Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories.”*

Staff comment: The subject site is designated as Land Intensive Agriculture which is considered one of the primary agricultural land use designations.

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

Staff comment: The site has an agricultural land use designation and the growing of grapes will continue to be the primary use of the site. For blending purposes, grapes grown in the local area may be used to produce wine.

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

Staff comment: Winery building sizes vary greatly depending on the variety of grape processed and the aging needs of the wine. According to the Project Proposal Statement, minimal casegoods storage will be provided on site. Most of the case good storage and all distribution will be located at a separate, off-site warehousing facility. Shipments to the off-site warehousing would be on the order of 96 trips per year. The off-site warehousing facility will allow Windsor Oaks to coordinate casegoods shipments with glass deliveries for more efficient shipping and backhaul capabilities. The facility plans to include on site bottling with a mobile bottling truck.

The on-site fermenting, aging, and storing of wine in barrels or cases, including the existing and proposed winery buildings, totals approximately 14,834 square feet. With a 100,000 case annual production capacity this equates to .15 square feet of storage area for every case of wine at maximum production capacity, approximately. Previous research was done for a past winery project (UPE07-0008 Cornell Winery) which determined that previously approved wineries on average provided .60 square feet of storage area per a case of wine (.60 sf/case). Therefore, the storage area for the proposed winery appears much less than past winery approvals, that the storage is sized accordingly, and the winery is consistent with the intent of the General Plan Policy AR-5c.

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

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

Staff comment: Based on the Traffic Impact Study prepared by W-Trans for the project and conditions placed on the proposed project by the Town of Windsor and the County Transportation and Public Works Department, the proposed project will not result in road access conflicts with required improvements and the traffic generated by the project would not exceed the level of service established in the Circulation and Transit Element’s objectives.

“2. Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells”.

Staff comment: The project site is in a “Zone 3 – Marginal Water Availability Area” designation. A Groundwater Availability study (“Study”) was prepared by Michael S. Malone to evaluate quantity and quality of the project’s sites groundwater. In part, the Study concluded that the existing and future groundwater demand in the groundwater resource areas is slightly less than 4 acre-feet. Average annual recharge is estimated to be about 150 acre-feet, which indicates that recharge would normally be expected to meet and exceed the anticipated groundwater demand. This conclusion is supported anecdotally and by the “artesian” flow that continues at the Winery’s

well even after years of demand. Estimated available groundwater in storage is 2,007 acre-feet, in excess of the anticipated annual demand of less than 4 acre-feet. The potential for the on-site wells to interfere directly with the neighboring wells is considered to be remote considering the low pumping rates and low volumes required to support the existing and anticipated water future water demand. The radius of influence of a well pumping at the rates anticipated to meet the demand is 150 feet, far short of the thousands of feet between the neighboring wells and the on-site well. According to Malone, the potential for interference between the Winery Well (and future new wells) and neighboring properties is considered remote based on the relatively large property size and corresponding distances between wells. Also, for interference to occur there must be hydraulic continuity between various aquifers, a condition that is very unlikely to occur based on the heterogeneous nature of the project site's geologic materials and aquifers.

"3. Whether the above uses would be detrimental to the rural character of the area."

Staff comment: The project site contains an existing winery facility and the two existing winery buildings will continue to be used. A third, new winery and tasting room building is proposed. The project site is over 400 acres and the new winery building is not visible from nearby residences or from the roadway. The project was reviewed by the Design Review Committee who recommended minor design changes to the new winery's window/shutter sizes and landscaping. Across Arata Lane from the project site is a large, urban residential development with several homes on small lots. Therefore, south of the project site is not rural development. The project will not be detrimental to the rural character of the area.

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

Staff comment: The requested use includes increasing the winery's production capacity, adding public and private tasting, tours, retail sales, and events. A majority of the events are considered agricultural promotional events. The purpose of these gatherings are to pair wines with food and to educate and market the wines to the guests, to promoting the sales of the wines, and to increase wine club membership. The larger promotional events such as a seminar, vintners associations lunch and others may or may not have paid attendees. Sometimes these events are also for charity and have a fee. These events will occur at the existing winery. The meals are to be prepared by a licensed, off-site caterer. As is standard in the industry and in compliance with standard Use Permit conditions, meals are provided by a licensed caterer with cooking and primary preparation done offsite in a commercial kitchen. Warming and plating of meals is completed in a prep room at either the winery (within the ABA) or the Phase II building (within the ABE).

However, according to the applicant, the weddings, the play and the concert also are a marketing tool to capture a larger market of potential customers and wine club members with the wines produced on the site served at the functions creating name brand and label recognition. Consistent with past approval at wineries, the proposed events would promote wine processed on the site. The LIA (Land Intensive Agriculture) zoning district allows for tasting rooms, subject to the minimum criteria of General Plan Policies AR-6d and AR-6g and approval of a Use Permit.

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

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

Staff comment: The tasting room use will promote grapes grown and processed on site and the County.

- "2. The use is compatible with and secondary and incidental to agricultural production

activities in the area.”

Staff comment: The primary agricultural production activity is vineyards for the processing of wine.

“3. The use will not require the extension of sewer and water.”

Staff comment: The use will be served by on-site septic system and water well and extension of sewer and water lines will not be required.

“4. The use is compatible with existing uses in the area.”

Staff comment: The Tasting Room hours will be limited in hours.

“5. Hotels, motels, resorts, and similar lodging are not allowed.’

Staff comment: The proposed project does not include overnight marketing or lodging accommodations.

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

Staff comment: The project includes a tasting room, tours, retail sales, and events that are being proposed by the applicant to help sell and promote the wine produced on site.

"Policy AR-4a: "The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals."

Staff comment: The project site is over 430 acres within the Land Intensive Agriculture General Plan land use designation and the existing primary use of the project site is agriculture production (vineyard) and related agricultural processing (winery). The majority of the project site is planted with vineyard. The current request does not require the removal of any vines and the project site will remain under a Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District, whereas, the District has determined the project is consistent with the terms of the Easement provided the tours and events are held and conducted in a manner described in the Project Proposal Statement.

In the LIA (Land Intensive Agriculture) zoning district of the Zoning Ordinance, Section 26-04-010(g); allows for processing and preparation of agricultural products. And, Section 26-04-010 (f); allows for:

Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);

Staff comment:

For past projects, weddings, rehearsal dinners, corporate meetings, and marketing dinners or similar events have been found consistent with the agricultural zoning districts, including the LIA zoning district, if the events can be found to promote agricultural products processed on the site. In addition, such events can be found compatible with surrounding agricultural activities if hours and the frequency of the events are limited and there are no substantial noise or traffic impacts as a result of the activities. The project site is not under a Williamson Act contract. Currently, the Zoning Ordinance does not have a limit as to the number of promotional events allowed on

agricultural zoned parcels.

According to the applicant, having weddings and rehearsal dinners at the winery are an agricultural product marketing tool to promote the wine produced on site. The wines produced on site will be served at the weddings, the play, and the concert, providing label recognition.

Throughout the County there are several sites in agricultural zoning districts where wedding events were approved, such as: Trentadue Winery, Annadel 1880 Winery & Gardens, B.R. Cohn Winery, Cline Cellars, Flying Cloud Farm, Garden Valley Ranch, Compass Rose Gardens, Gloria Ferrer Winery, Hanna Winery, Kunde Winery, Mayo Family Winery, Paradise Winery, St. Francis Winery, Simi Winery, Viansa Winery, and most recently Hammel Winery and Armida Winery. Research indicated that several wineries were approved for "special events" without having to specify that several of the 'special events' are actually weddings or rehearsal dinners. But, currently several of these wineries website advertise wedding and rehearsal dinner venues.

It has been well established that agricultural promotional events, such as wine educational seminars, wine club dinners, wine and food pairings, and tours directly promote the wine produced on site. Previously approved winery projects have found that other type of events, such as weddings and concerts also promote the agricultural product with the wine produced on site served at these functions. The special circumstances in this particular application include a determination that the project would not have traffic impacts; change the level of service, or create traffic hazards or noise impacts. All events will not change the character of the site and the primary use of the site will remain agricultural production (large commercial vineyard). Furthermore, the SCAPOSD determined the Use Permit proposal can be found consistent with the existing Conservation Easement. Mitigation measures related to Aesthetics and project conditions related to air quality, noise, parking, and limitations on the events have been incorporated into the project.

Mitigation: None required

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:
2.c. No Impact. The project site is not under the TP (Timberland Production) zoning district.

Mitigation: None required

d) Result in the loss of forest land or conversion of forest land to non-forest use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:
2.d. No Impact. The project does not result in a lot of forest land or conversion of forest land to non-forest use.

Mitigation: None required.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion to Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 2.e. No Impact. The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use. The projects site will remain zoned Land Intensive Agriculture and the existing commercial vineyard will remain on the site.</p>				
<p>Mitigation: None required.</p>				

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

3.a. Less than Significant Impact. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards. Air quality plans describe air pollution control strategies to be implemented by a city, county, or region. Based on the project's location the project is within the jurisdiction of the Bay Area Air Quality Management District. Emissions from traffic accessing the winery site will be well below the Bay Area Air Quality Management District Criteria (BAAQMD) and will not obstruct the implementation of the applicable air quality plan.

In addition, the project would not generate significant ozone precursors as the project does not include any stationary emission sources (i.e smoke stacks, industrial manufacturing). The only additional emissions into the air are mobile sources caused by grape trucks, delivery trucks, and employee and visitors vehicles. Thresholds of significance for air quality impacts for this area are established by the Bay Area Air Quality Management District (BAAQMD). The Bay Area is not in attainment for ozone under federal and state standards, and not in attainment of state PM10 (particulate matter) standards; therefore, increases above thresholds set by BAAQMD for ozone and PM10 could be considered significant.

The Sonoma County General Plan Resource Conservation Element addresses pollutants from mobile sources (e.g. transportation sources). The project will create traffic, therefore the following goal would be relevant to the proposed project:

Goal RC-13: Preserve and maintain good air quality and provide for an air quality standard that will protect human health and preclude crop, plant, and property damage in accordance with requirements of the federal and State CAA's (Clean Air Act).

State and Federal standards have been established for the "criteria pollutants": ozone, carbon monoxide, nitrogen dioxide, sulphur dioxide, and particulate (PM10 and PM2.5). To determine

whether standards for any of these pollutants would be violated, the emissions from both stationary and mobile sources must be considered. The project would not add any new equipment or processes that would have significant emissions or require permits from the air district.

The Bay Area Air Pollution Control District developed simple screening methods to determine whether project traffic would generate sufficient emissions to warrant more detailed computer modeling (BAAQMD CEQA Guidelines, 1996). Based on these screening methods, the emission of criteria pollutants would be less than significant.

The first screening method involves a comparison of the proposed project to a list of other projects that are considered to generate enough traffic to warrant further analysis. The list does not include wineries, however, all of the examples in the list generate at least 3000 trips per day.

Based on the Final Traffic Impact Study prepared by W-Trans and the *Winery Trip Generation* both accepted by Sonoma County Department of Transportation and Public Work, the proposed winery use would be expected to generate the following:

- a. Employees – Average employee numbers at Phase II are projected at 10 full time and 6 part time during the non-harvest period and 16 full time during the harvest season.
- b. Grape Transport – It is anticipated that the overwhelming majority of the grapes to be processed at the facility will be obtained from onsite vineyards and local vineyards. At ultimate capacity, approximately 1,520 tons of grapes will be processed onsite: 800 tons from onsite vineyards and 720 tons from offsite. Grapes will be delivered by a small flatbed truck from offsite vineyards and field trailer from the on-site vineyards.

Truck Trips = 720 tons = 90 trips annually = 8 tons/truck

Truck Trips = 90 trips ÷ 8 weeks crush = 11.2 trucks per week on average

- c. Shipping and Receiving -- Minimal casegoods storage will be provided on site; most of the storage and all distribution will be located at a separate warehousing facility. Shipments to the off-site warehousing would be on the order of 96 trips per year. The off-site warehousing facility will allow Windsor Oaks to coordinate casegoods shipments with glass deliveries for more efficient shipping and backhaul capabilities. The facility plans to include on site bottling with a mobile bottling truck.

Truck trips related to shipment off-site is projected as follows:

Use 1,300 cases/truck

Truck Trips = $\frac{100,000 \text{ cases/yr}}{1300 \text{ cases/truck trips (80\% eff)}}$ = 96 trips/year

Truck Trips = 96 trips/year ÷ 10 months = 9.6 trips/month
(increase of 5 trips/month)

- d. Barrel Delivery –Because the winery will produce an ultra premium product, there will be a 18-24 month barrel program for the red wine program (approximately 50% of production). New barrels would be arriving following the crush for the new vintage year.

Truck Trips = $\frac{.50 (100,000 \text{ cases/yr})}{24 \text{ cases/barrel (40 barrels/truck trips)}}$ = 52 trips/year

Truck Trips = 52 trips/6 months < 9/month

- e. Miscellaneous Deliveries – Deliveries of paper products, miscellaneous winery supplies, etc. are expected to be continue at approximately 5 vehicles per week.

- f. Visitors – Public tours and tasting with retail sales are requested under this Use Permit

modification. Visitors for Phase I are anticipated to number on the order of 15 per day on weekdays with a peak of 30 per day on weekends. Visitors for Phase II are anticipated to number on the order of 30 per day on weekdays with a peak of 80 per day on weekends.

g. Business Visitors – Business visitors (distributors, marketing personnel, special industry guests, etc.) are anticipated to number 5 per week.

h. Other Events – At ultimate production and full marketing program, Windsor Oaks Winery is projecting a total of 20 marketing events:

- 1) 10 events with up to 60 people during the months of January through February
- 2) 15 events with up to 100 people during the months of March through October
- 3) 5 events with up to 300 people during the months of March through October
- 4) The winery will also participate in 10 industry-wide events consisting of 22 event days per year.

The BAAQMD recommends computer modeling for carbon monoxide emissions when a project would generate 10,000 trips per day. Given the low traffic generation of this project relative to that screening level, the project's emission of carbon monoxide would be less than significant.

Mitigation: None required

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

3.b. No Impact. (Refer to discussion in item 3.a. above in this initial study checklist). The project consists of a type of land use (winery, tasting room with visitor-serving uses, such as: events, weddings, a play and a concert) that do not have a mobile or stationary source of emissions like smoke stacks. In addition, based on the relatively low traffic volumes expected with this project and lower air emissions factors for newer vehicles, the emissions of ozone precursors (hydrocarbons and NOX) and particulates would not be cumulatively considerable.

Mitigation: None required

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

3.c. Less than Significant Impact. (Refer to discussion in item 3.a. above in this initial study checklist). Based on the relatively low traffic volumes expected with this project, the emissions of ozone precursors (hydrocarbons and NOX) and particulates would not be cumulatively considerable (see item 3b for discussion of project emissions).

During grading and construction activities, dust would be generated. Most of the dust would result during grading activities. The amount of dust generated would be highly variable and is dependent on the size of the area disturbed, amount of activity, soil conditions and meteorological conditions. Typical winds during late spring through summer are from the west-northwest. However, the project site is very large, with neighboring residences over 3,000 feet

away with intervening hillsides.

PM10 is the pollutant of greatest concern associated with dust. Standard dust control requirements are included in the conditions of approval for the proposed project , as follows:

The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
- Limit traffic speeds on unpaved access roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation and ground cover in disturbed areas as quickly as possible.

Mitigation: None required

d) Expose sensitive receptors to substantial pollutant concentrations?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

3.d. No Impact. Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The project would not expose these types of receptors to significant concentrations of pollutants as none are located within a one mile radius of the site.

Mitigation: None required

e) Create objectionable odors affecting a substantial number of people?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

3.e. Less than Significant Impact. The project includes crushing grapes, which can cause odors. The project includes increasing the winery's maximum annual production capacity from 43,000 cases to 100,000 cases per year. The project description states that stems and pomace would be composted on the site and disced into the vineyard. The project site is large 471.89 acres with areas of Oak woodlands and native grasses. A condition placed on the project

outlines the proper disposal of pomace to ensure no significant, objectionable odors are created and to ensure that pomace is disposed of correctly, described as follows:

Pomace is to be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:

1. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
2. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
3. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation: None required

4. BIOLOGICAL RESOURCES *Would the project:*

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

4. a. Less than Significant Impact: In 2008, the Board of Supervisors adopted General Plan 2020 (GP2020) which increased protections for riparian corridors. Additionally, the General Plan required that zoning be amended to include all designated streams and stream protection policies set forth in the updated General Plan. This was done in order to preserve the important ecological functions that healthy riparian corridors provide such as improving water quality; increasing groundwater recharge and flood capacity; enhancing wildlife and aquatic habitat; and supporting the recovery of salmon, steelhead and other endangered species. The enhanced protections also serve to address increased Federal and State regulation of non-point source pollutants. The General Plan required that zoning be amended to implement its stream protection policies and include all designated streams.

Currently, PRMD has begun the County-wide Zoning Code Amendment process to implement the General Plan's stream protection policies. The stream setbacks of the General Plan were incorporated into the County's building and grading ordinances in 2008. As a result, the proposed zoning code amendments do not change what is presently required for development by the County Code. In addition, the new Riparian Corridor (RC) Zone is being proposed which intended

to make setback information more readily available to public by applying the stream setback distance to the zoning of each parcel.

Streamsides Conservation Areas. The foundation of the General Plan's protective policies is the establishment of Streamsides Conservation Areas along both sides of designated streams. The General Plan specifically states that all lands within Streamsides Conservation Areas be included in zoning. The Streamsides Conservation Areas range from 50 to 200 feet from the top of bank, depending upon the type of stream and whether the area is urban or rural.

As a result of this separate County-wide process, the project site will eventually be rezoned to include the Riparian Corridor (RC) zoning overlay with a 50-foot setback from top of bank. The Site Plans for the project shows the "unnamed creek" locations. The Phase I existing winery buildings exceed the 50-foot setback from the top of bank for the unnamed creek. The new Phase II winery building will be greater than 1,600 feet from the nearest pond and 690 feet from the nearest unnamed ephemeral creek. Creeks, ponds and waterways will not be impacted by the Phase I or Phase II development.

Furthermore, the project site is not located in a designated CTS (California Tiger Salamander) area. The majority of the project site is planted in vineyard, with developed areas for the existing winery facility. The project site is under a Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District. The area for the new Phase II development is already disturbed by being planted in existing vineyard. Approximately 3 acres of vines would have to be removed for the Phase II development.

Based on the site plan for the proposed Phase I and Phase II development, the project will meet the Riparian Corridor setback of 50-feet from top of bank. The proposed project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. No development is proposed within or close proximity to any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS. Phase I is already developed with the existing winery complex and Phase II development will be in the vineyard area. No native trees will be impacted by the proposed project and the project development is over 2,000 feet from the existing on-site reservoir.

The project will not a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means. In addition, the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, and the project site does not contain any unique habitat, or unique plant or animal populations, and the project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances.

Mitigation: None required

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

4. b. Less than Significant Impact. The project does not involve any work within or near

riparian corridor.				
Mitigation: None required				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: 4. c. Less than Significant Impact: The project does not involve any direct removal, filling, or hydrological interruption of any federally protected wetlands.				
Mitigation: None required				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: 4. d. Less than Significant Impact. Based on the project description and site plan, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species.				
Mitigation: None required				
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: 4. e. Less than Significant Impact. According to the Open Space Element for Planning Area 3 of the General Plan and the Zoning Code specific for the project site, the project site is within the VOH (Valley Oak Habitat) combining zoning district. Based on the site plan and site inspection by the Project Planner, the project will not require the removal of any Valley Oak trees. The existing winery complex does not contain any Valley Oak trees and the Phase II development area does not contain any Valley Oak trees. There is no known Heritage or Landmark Trees on the project site that would be impacted by development.				
Mitigation: None required				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

4. f. No Impact. Habitat conservation plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan.

Mitigation: None required

5. CULTURAL RESOURCES *Would the project:*

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

5. a. Less than Significant Impact. In February 2012, a Cultural Resource Evaluation was done by Tom Origer & Associates on approximately 3 acres of the proposed development. The study concluded that no cultural resources were found within the study area and no resource specific recommendations are warranted.

Nonetheless, to ensure no cultural or archaeological resources are unearthed during ground disturbing activities, a standard condition would be required for the project, as follows:

The following notes shall be included on building or grading plans for ground disturbing activities:

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

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

Mitigation: None required

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: 5.b. No Impact. See item 5(a) above.				
Mitigation: None required				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: 5. c. No Impact: No unique geological features exist on the property to be impacted by the proposed project. The geology of the site and the nature of the project make it extremely unlikely that paleontological resources would be encountered or destroyed.				
Mitigation: None required				
d) Disturb any human remains, including those interred outside of formal cemeteries?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: 5d. No Impact. No burial sites are known in the vicinity of the project and the project does not include any new construction or unearthing of dirt.				
Mitigation: None required				

6. GEOLOGY AND SOILS: *Would the project:*

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

<p>Comment: 6.a.i. Less than Significant Impact. The project site is designated G for Geological Hazard Area as the two easterly tips of the parcel are within the Alquist-Priolo Special Study zone. However, existing and proposed project development are not located within these geological hazard area, therefore, no further information was required.</p>				
<p>Mitigation: None required</p>				
ii. Strong seismic ground shaking?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 6ii. Less than Significant Impact. All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that can occur during a seismic event. However, using accepted geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of the new winery and tasting room structure is subject to load and strength standards of the California Building Code (CBC), which take seismic shaking into account. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would therefore not expose people to substantial risk of injury from seismic shaking with standards and requirements setforth in the California Building Code (CBC).</p>				
<p>Mitigation: None required</p>				
iii. Seismic-related ground failure, including liquefaction?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 6iii. No Impact. The project site is located within an area that is very low with regard to liquefaction as shown on the Sonoma County Relative Hazard from Seismic Shaking map. The California Building Code and the codes and policies of Sonoma County have been developed to address seismic hazards to the most reasonable extent possible. Both Phase I and Phase II development will have to comply with the design and construction is in compliance with the seismic design requirements of the California Building Code (CBC).</p>				
<p>Mitigation: None required</p>				
iv. Landslides?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

<p>6iv. No Impact. The project site is not located in a landslide prone area as shown on Geology for Planning in Sonoma County Special Report 120 Slope Stability.</p>				
<p>Mitigation: None required</p>				
<p>b) Result in substantial soil erosion or the loss of topsoil?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 6.b. Less than Significant Impact. The project site is large in size (471.89 acres) with 230 acres of commercial vineyard. The project includes grading, cuts and fills which require the issuance of a grading permit. Unregulated grading, both during and post construction, has the potential to increase the volume of runoff from a site which could have adverse downstream flooding and further erosion impacts, and increase soil erosion on and off site which could adversely impact downstream water quality.</p> <p>However, in regard to potential water quantity impacts, County grading ordinance design and adopted best management practices require that storm water facilities be engineered to treat storm events and associated runoff to the 85 percentile storm event. Adopted flow control best management practices must be designed to treat storm events and associated runoff to the channel forming discharge storm event, which is commonly referred to at the two year storm event. Required inspection by County inspectors insures that all work is constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential project water quantity impacts at a less than significant level during and post construction.</p> <p>In regard to water quality impacts, County grading ordinance design requirements, adopted County grading standards and best management practices (such as silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, are specifically designed to maintain potential water quality impacts at a less than significant level during project construction.</p> <p>For post construction water quality impacts, adopted grading permit standards and best management practices require creation of areas that allow storm water to be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include storm water treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.</p> <p>The County adopted grading ordinances and standards and related conditions of approval which enforce them are specific, and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, Low Impact Development (LID) and any other adopted best management practices. Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met.</p>				
<p>Mitigation: None required</p>				
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
<p>Comment: 6.c. No Impact. The project site is subject to seismic shaking as described in item 6.a.ii. No further mitigation is required.</p>				
<p>Mitigation: None required</p>				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 6.d. No Impact. The proposed project site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code. The project will not create a substantial risk to life or property.</p>				
<p>Mitigation: None required</p>				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 6.e. Less than Significant Impact. The project site is not in an area served by sewer. The site will be served by private on-site sewage disposal systems for both domestic sewage disposal and winery wastewater disposal. In February 2012, Steve Martin Associates, Inc. (SMA) prepared a Wastewater Feasibility Study and submitted it with the Use Permit application materials. The study explains the winery expansion is planned to be in two phases. Phase I will include an interior remodel of the existing winery warehouse building and Phase II will include a new winery and tasting room building. For Phase I, the domestic sewage would continue to be treated and disposed of within the existing septic system, however, the system will be expanded in size to accommodate the increase in sewage disposal by adding public tasting and visitor serving uses (events). For Phase II, a second, new septic system is proposed to treat and dispose of the domestic sewage disposal. The processed wastewater (PW) for both Phase I and Phase II will consist of winery wastewater generated from producing 100,000 cases of wine on site. Process wastewater from the existing facility is currently collected in a plumbing system separate from the sanitary wastewater and initial treatment occurs via gravity screening and final treatment in a two-cell aerated lagoon system. Treated reclaimed process wastewater is disposed of via drip irrigation of the existing vineyards. SMA's study concludes that the existing wastewater disposal system and treatment can accommodate the increase in winery wastewater flows.</p> <p>Health conditions require that prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater</p>				

from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. This project includes special events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100% percent of the wastewater flow from an event with 300 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. An application for amended wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.

Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits. The project site has demonstrated it can support the existing septic system and winery wastewater disposal systems and is large in size. Therefore, the site can provide adequate septic system capacity and through the standard permitting requirements of both the Well and Septic Section of PRMD and Regional Water Quality Control Board, the systems will be adequately sized.

Mitigation: None required

7. GREENHOUSE GAS EMISSIONS *Would the project:*

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

7. a. Less than Significant Impact. The Bay Area Air Quality Management District has adopted a significance threshold of 1,100 metric tons of CO₂e per year for land use projects. Emissions are caused by natural gas combustion, electricity use, on-road vehicles, water use, wine fermentation, carbon sequestration, and existing emissions.

The Community Climate Action Plan has provided the following four major categories of solutions that will reduce greenhouse gases if they are implemented: (1) improve efficiency in energy and water use, (2) shift transportation from fossil fuel vehicles to transit, walking, bicycling, etc. (3) invest in local renewable energy sources, and (4) protect forests and farmlands, sequester carbon, and convert waste into energy. As noted below some of these strategies are already required. Additional measures will be conditioned based on voluntary compliance by the applicant. Mandated and voluntary compliance will ensure compliance with federal, state, and, local greenhouse gas reduction targets.

On July 2012, a Greenhouse Gas Emissions analysis was prepared for the proposed project by URS Corporation. The project is already months behind of when construction was originally anticipated for Phase I. URS explains the GHG emissions from construction of the facility for Phase I would be: 30.3 metric tons of CO2e per year of construction. Phase II construction would be 165.5 metric tons of CO2e per year. URS states the BAAQMD has not adopted significance thresholds for construction – related GHGs. However, the projects expected construction emissions would be less than the BAAQMD’s operational threshold of 1,100 metric tons of CO2e per year.

URS calculates the operation-related GHG emissions for Phase I and Phase II the winery’s total net increase in emissions would equal 29.6 unmitigated metric tons of CO2e per year for Phase I, and 277.3 unmitigated metric tons of CO2e per year for Phase II. Emissions would be generated by vehicle exhaust, landscape maintenance equipment, natural gas, electricity, and propane consumption, water use, solid waste generation, refrigeration use, and alcohol fermentation. The projects expected operation emissions would be less than the BAAQMD’s operational threshold of 1,100 metric tons of CO2e per year. Therefore, mitigation is not required. Nonetheless, as URS explains the new winery building at Phase II development will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements. These include, but not limited to,

- Designated parking for fuel efficient vehicles (min. of 10 % of parking)
- Cool roofs that meet thermal emittance and solar reflectance standards
- A 30 percent reduction in indoor potable water use
- Outdoor potable water use not to exceed 60 percent of acceptable rates
- Recycled content of 10 percent of materials used
- Construction waste reduction of 65 percent, and
- Thermal insulation that meets low emitting materials standards.

The project will meet the CALGreen Tier 1 standards using technologies that include, but not limited to, passive solar design, natural lighting and ventilation, hydrozone irrigation techniques, low flush toilets, treated wastewater and reclaimed water for irrigation, and permeable hardscapes.

The proposed project is well below the thresholds established statewide and considered a less than significant impact.

Mitigation: None required

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

7.b. Less than Significant Impact. Regarding local efforts on GHG reductions, the Sonoma County Board of Supervisors adopted the Sonoma County Climate Protection Campaign which sets a target to reduce GHG emissions to 25% below 1990 levels by the year 2015. This is included as Objective OSRC 14.4 in the Open Space and Resource Conservation Element of GP2020. Policy OS-14g requires development of a program with a methodology to measure the baseline in 1990 and to establish the means to achieve the object.

The County has completed the first two of five steps in the campaign. The next step is to complete the Community Climate Action Plan (the blueprint to help Sonoma County achieve this

emissions target) and then implement the actions in the Plan and develop an on-going monitoring process to ensure that the County meets its reduction target.

As explained in item 7.a. above in this initial study, the overall project's expected operation emissions would be less than the BAAQMD's operational threshold of 1,100 metric tons of CO₂e per year. Nonetheless, as URS explains the new winery building at Phase II development will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code. The project has demonstrated that it would not conflict with adopted thresholds set by the State for the purpose of reducing greenhouse gas emission. The proposed project is well below the thresholds established statewide and considered a less than significant impact and mitigation is not required.

Mitigation: None required.

8. HAZARDS AND HAZARDOUS MATERIALS *Would the project:*

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

8. a. No Impact: This permit will include analysis by the Department of Emergency Services to ensure that the project complies with Fire Safe Standards for commercial development. The processing and fermentation of grapes to wine includes the use and disposal of hazardous materials. The County Emergency Fire Service regulates storage and use of flammable materials associated with wineries. The County Environmental Health Specialist requires that the project applicant submit copies of updated permits.

The proposed project is not expected to create a significant hazard from the routine use of hazardous materials, or from minor use of them during the construction process. However, it is possible that improper handling or storage could result in minor spills or drips of hazardous materials such as oil, fuel or paint during or after construction. The applicant is required by ordinance to comply with applicable hazardous waste generator, storage tank, and AB2185 (hazardous materials handling) requirements and maintain all applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services. In addition, as discussed in Section 6.b, the applicant must obtain a grading permit and meet all requirements and adopted best management practices for control of potential runoff from the site. As discussed in Section 8.a, the applicant must also maintain all required water quality control measures in the long term.

The Sonoma County Agricultural Commissioner regulates the storage, use and disposal of pesticides and herbicides associated with the management of the olive orchard and vineyard. These regulatory agencies apply conditions to building permits that ensure the storage and use of any hazardous waste associated with the winery would not create a hazard. Therefore, given the above requirements, and that no significant hazard from the routine use of hazardous materials on site is expected, this impact is considered less than significant.

Mitigation: None required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 8. b. No Impact: The project will not create a significant hazard, use of substantial hazardous materials is not associated with a winery or tasting room use. The existing vineyard requires herbicides and pesticides applications with operators obtaining permits from the Agricultural Commissioner's office.</p>				
<p>Mitigation: None required</p>				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 8.c. No Impact: The subject property is not within a one-quarter mile of an existing or proposed school. Nonetheless, the proposed project would not result in hazardous materials emission.</p>				
<p>Mitigation: None required</p>				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 8.d. No Impact: The project site is not identified as a hazardous materials site under Government Code Section 65962.5.</p>				
<p>Mitigation: None required</p>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 8. e. No Impact: The site is not within an airport land use plan as designated by Sonoma County, or within two miles of a public airport or public use airport.</p>				

Mitigation: None required				
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: 8. f. No Impact. There are no known private airstrips within the vicinity of the proposed project.				
Mitigation: None required				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: 8.g. Less than Significant Impact: The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. There is no separate emergency evacuation plan for this area of the County. Arata Lane at Hillview Road and Camelot Drive is a four-legged intersection with stop controls on both the Hillview Road and Camelot Drive approaches. The study intersection had two reported collisions over the five-year study period for a calculated collision rate of 0.16 collisions per million vehicle entering (c/mve). The statewide average collision rate for a four-legged intersection with stop controls is 0.33 c/mve. Therefore, the calculated collision rate is lower than the statewide average for similar intersections. Access roads: Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Arata Lane and Hillview Road are County maintained roadways. In any case, the project would not change existing circulation patterns with access to the project site from Highway 101 onto Arata Lane and onto either Hillview Road or the new driveway approach of Windsor Oaks Drive. The new driveway is required to be improved to meet current Fire Safe Standards.				
Mitigation: None required				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas of where residences are intermixed with wildlands?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: 8.h. Less than Significant Impact: According to the Safety Element for Planning Area 3 of the General Plan, the project site is not located in a high wildland fire hazard area. Nonetheless, Fire and Emergency Services has required that development approval of this project this project is				

subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions: (Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24) is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code), with the following conditions:

1. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.

2. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the 2010 California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.

3. *Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with Chapter 5 of the 2010 California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification; gate access & key boxes; and fire protection water supplies.*

a. *Access roads: Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.*

b. *Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.*

c. *Address numbers: Approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property shall be provided.*

d. *Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.*

4. *Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with Chapter 27 of the 2010 California Fire Code as adopted and amended by Sonoma County Code.*

With these development standards the project is not expected to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Mitigation: None required

9. HYDROLOGY AND WATER QUALITY *Would the project:*

a) Violate any water quality	Potentially	Less than	Less than	No impact
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standards or waste discharge requirements?	Significant Impact	Significant with Mitigation Incorporation	Significant Impact	
			X	

Comment:

9. a. Less than Significant Impact. With regard to wastewater discharge requirements, the project site is not located in an area served by public sewer. The project site is over 470 acres in size with slopes ranging from 5% to 30% with suitable soils to support on-site sewage disposal systems for both domestic and industrial (winery) wastewater disposal. The project engineer, Steve Martin & Associates (SMA), prepared a Wastewater Feasibility Study for the purpose of assessing the onsite sanitary and process wastewater system treatment and disposal capacity necessary for the proposed new winery facility. The Study determined that the project site is capable of supporting all the domestic sewage disposal needs and all the industrial (winery) wastewater needs for both Phase I and Phase II development. SMA opines that the proposed new wastewater management system described above and herein will be adequate to treat and dispose of the projected SW and PW flows generated from the new phased winery facility. Attached to the Wastewater Feasibility Study is the following documents:
Attachment I: Wastewater System Flow Diagram
Attachment II: Wastewater System Design Criteria, Evaluation, & Calculations

The project conditions require, in part, that for the special events septic system capacity shall be in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100% percent of the wastewater flow from an event with 300 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

In addition, an application for amended wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.

In addition, the County's Grading Ordinance design and adopted best management practices require that storm water facilities be engineered to treat storm events and associated runoff to the 85 percentile storm event. Adopted flow control best management practices must be designed to treat storm events and associated runoff to the channel forming discharge storm event, which is commonly referred to at the two year storm event. Required inspection by County inspectors insures that all work is constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential project water quantity impacts at a less than significant level during and post construction.

A Preliminary Grading & Storm Water Mitigation Plan was prepared for the proposed project by Steve Martin & Associates. The preliminary drainage concept of the proposed Phase II winery development is indicated on the Preliminary Grading & Storm Water Mitigation Plan. Storm water runoff from the roofs is being outlet to gravel basins for subsurface discharge and reduced post-development runoff. Parking areas are being surfaced with traffic rated turf block to allow for

infiltration of precipitation. Drainage improvements to the site as well as erosion/sediment control measures will be supplemented during construction to handle any increases in storm runoff. Final drainage improvements will be designed so that the post-development flows do not exceed the pre-development flows. The winery site and access road are not subject to flooding during a 100-year occurrence. Storm water runoff from the roofs is being outlet to gravel basins for subsurface discharge and reduced post-development runoff. Parking areas are being surfaced with traffic rated turf block to allow for infiltration of precipitation. Drainage improvements to the site as well as erosion/sediment control measures will be supplemented during construction to handle any increases in storm runoff. Final drainage improvements will be designed so that the post-development flows do not exceed the pre-development flows. The winery site and access road are not subject to flooding during a 100-year occurrence. Therefore, under the requirements for the proposed project development under the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements and Low Impact Development (LID) and any other adopted best management practices, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met.

Mitigation: None required.

<p>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No impact</p>
			<p>X</p>	

Comment:
9.b. Less than Significant Impact. The property is within a “Marginal Water Area” (Zone 3 classification) per the PRMD Active Map as defined by the Sonoma County General Plan Resource Conservation Map dated December 31, 1998 (Figure RC-2i). On April 8, 2013, PRMD received an *Assessment of Groundwater Availability Report Proposed Windsor Oaks Winery Modification* [Report], prepared by Michael S. Malone, Consulting Geologist. The Report provides, in part, the following information:

Existing on-site wells:
 The project site is served by private wells. The location of the two on-site wells are shown on Plate 2 of the Report. The Winery well is 585-foot deep with an initial reported yield of 100 gallons per minute. At the time of the drilling of the well it was reported to flow at ground surface (artesian) at an estimated rate of 30 gallons per minute. The winery well is used for processing of wine and drinking. On March 19, 2013, Malone did a site visit, the well was flowing without pumping at an estimated rate of 8 gallons per minute. The Irrigation well south of the lower pond was drilled in October 2003 to a depth of 280 feet and at this time the yield was 15 gallons per minute with a drawdown of 60 feet after 2 hours of airlifting.

Malone reviewed well logs from neighboring wells in the project vicinity and well yields were typically between 15 to 30 gallons per minute and primary used for domestic purposes and agriculture uses for small family farms, vineyard, and gardens.

Groundwater Demand:
 According to Malone, there are several factors that indicate the existing Winery Well would have little, if any potential to compete with neighboring properties for groundwater. These factors

include: the subject property is a large parcel and bound by steep slopes and hills on its northwest and southeast sides which would prevent drilling of new neighboring wells proximate to property boundary, the winery site is very low density, the fault on the northeast area would hydraulically isolate the winery site from neighboring properties located further to the northeast.

Well Interference:

According to Malone, the potential for interference between the Winery Well (and future new wells) and neighboring properties is considered remote based on the relatively large property size and corresponding distances between wells. Also, for interference to occur there must be hydraulic continuity between various aquifers, a condition that is very unlikely to occur based on the heterogeneous nature of the project site's geologic materials and aquifers.

Water Quality:

SMA and Windsor Oak Winery took well water samples to be tested at Brelje and Race Laboratory for nitrate, arsenic, Total Coliform, and E- Coli; in which all tests results were in acceptable levels or negative, respectively.

Summary of Conclusions:

- In general the project site is underlain by geologic materials considered favorable for low to moderate rates of groundwater pumping, however, the limited lateral continuity of the principle water-bearing materials indicate that groundwater occurrences is non-uniform and locally variable.
- Well yields in the project vicinity are typically low to moderate sufficient to satisfy residential demand, livestock water and/or limited irrigation. Based on well logs from the site vicinity the groundwater resource has been utilized to depths of nearly 600 feet deep, but more typically well depths are less than about 350 feet deep.
- The groundwater resource is distributed in three distinct subunits (GW-Ne, GW-Ctl, GW-Sw) based on their geologic differences and partial hydraulic isolation resulting from northwest trending faults.
- Existing and future groundwater demand in the groundwater resource areas is slightly less than 4 acre-feet. Average annual recharge is estimated to be about 150 acre-feet. This indicates that recharge would normally be expected to meet and exceed the anticipated groundwater demand. This is supported anecdotally by the artesian flow that continues at the Winery Well even after years of winery demand.
- Estimated available groundwater in storage is 2007 acre-feet, greatly in excess of the anticipated annual demand of slightly less than 4 acre-feet. Storage appears to be sufficient to support pumping during numerous drought years. This estimated volume of stored water reflects the stored groundwater in the combined groundwater source areas, not necessarily groundwater available to the single existing well.
- The potential for the on-site wells to interfere directly with the neighboring wells is considered to be remote considering the low pumping rates and low volumes required to support the existing and anticipated future demand. The radius of influence of a well pumping at the rates anticipated to meet the demand is about 150 feet, far short of the thousands of feet between neighboring wells and the on-site well.
- The nearest open drainage is about 250 feet west from the Winery Well, somewhat beyond the outer edge of the well's estimated radius of influence. Further, the well is artesian demonstrating that it has a vertically upward gradient. These factors indicate that pumping of the Winery Well for the proposed project would have a negligible potential to adversely impact the surface drainages.
- The existing Winery Well has a 24-foot sanitary seal. For a public water supply well as sanitary seal of a minimum of 50-feet is required. Either a waiver must be granted for the existing well or a new well should drilled and constructed in accordance with the State Water Well Construction Standards.

Malone's study was reviewed by the Environmental Health Specialist of Project Review, who accepted the groundwater study and addendum dated April 4, 2013, and July 1, 2013 with the comment that the groundwater study did not identify a water well with a 50 foot annular seal, so it

is likely that a new water well will be required. The Environmental Health Specialist also reviewed the well water analysis tested by Brelje and Race Laboratories on July 25 and July 29, 2013, and commented that although the arsenic levels are within the acceptable range, solely based on the fact that arsenic was detected, the project's arsenic analysis will be forwarded to Sonoma County Environmental Health and Safety, and they will notify the neighbors that arsenic has been detected in the vicinity above *The Public Health Goal* and recommend (not require) that they test their own water wells for arsenic. This project has no further Health issues that require studies and is complete for processing with respect to Health.

Based on the groundwater study, the project will not substantially deplete groundwater supplies or interfere with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

Mitigation: None required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

9. c. Less Than Significant Impact. The project site is over 470 acres in size. The new winery building is going in an area of existing vineyard and will be surrounded by existing vineyard. According to the Use Permit Supplemental questionnaire, the following scope of grading work will consist of the following:

Grading required: Phase II - Cut Max: 2,000 CY Fill Max: 2,000 CY
 Fill Area: 0.25 AC Approx. Total Yds: 4,000 CY
 Area of Disturbance: 1.0 AC

As discussed in item 4 Biological Resource above in this initial study checklist, the proposed project will meet the 50-foot setback from the unnamed creek. The project does not involve any alteration of a drainage course, stream, river, or waterway and therefore would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS. Also, the project will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means. The project does not include altering an existing drainage pattern of the site or area, or altering a course of a stream or river. No work or alteration is proposed for the existing reservoir on the site.

Storm water runoff from the roofs is being outlet to gravel basins for subsurface discharge and reduced post-development runoff. Parking areas are being surfaced with traffic rated turf block to allow for infiltration of precipitation. Drainage improvements to the site as well as erosion/sediment control measures will be supplemented during construction to handle any increases in storm runoff. Final drainage improvements will be designed so that the post-development flows do not exceed the pre-development flows.

The winery site and access road are not subject to flooding during a 100-year occurrence. The new entrance road from Arata Lane, referred to as Windsor Oaks Road, to the proposed project shown on APN 161-020-043 is subject to storm water Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the proposed development will be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted

<p>with the grading permit application or with improvement plans, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits. Overall, based on the large project site, LID regulations, and requirements under the Grading Ordinance and permit process, the project would not result in substantial erosion or siltation on- or off-site.</p>				
<p>Mitigation: None required.</p>				
<p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in an a manner which would result in flooding on- or off-site?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 9.d. Less Than Significant Impact. With the incorporation of LID's and other BMP's into the overall project's design at Phase II development and the new driveway off of Arata Lane (Windsor Oaks Rd), the project will not significantly alter drainage patterns on-site or in the general area, nor will it result in on- or off-site flooding. The project does not include any work or alteration of a course of a stream or river.</p> <p>Phase II development will require a grading permit, as well as the appropriate building and septic permits. The new driveway (referred to as Windsor Oaks Road) on the site plan will require engineered plans, improvement plans, and grading permit(s). The grading plans and improvement plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit</p>				
<p>Mitigation: None required.</p>				
<p>e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 9. e. Less Than Significant Impact. (Refer to discussion in item 9.d. above in this initial checklist). With the incorporation of LID's and other BMP's into the overall project's design, the project will not create or contribute runoff water which would exceed the storm water drainage systems. The project would not substantially alter drainage patterns or capacities of the project site, or result in substantial additional sources of polluted runoff.</p>				
<p>Mitigation: None required.</p>				

f) Otherwise substantially degrade water quality?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 9. f. Less Than Significant Impact. [Refer to discussion in item 9.a. above in this initial study checklist]. 9. The project is subject to the County Grading Ordinance. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.</p>				
<p>Mitigation: None required.</p>				
g) Place housing within a 100-year hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 9.g Less Than Significant Impact. The project site is not classified as being within a 100-year flood plain. The project site is not located in either the F1 (Floodway) or F2 (Secondary Floodplain) overlay zoning designations. The project does not include any housing development.</p>				
<p>Mitigation: None required.</p>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 9.h Less Than Significant Impact. The project site is not classified as being within a 100-year flood plain. The project site is not located in either the F1 (Floodway) or F2 (Secondary Floodplain) overlay zoning designations. The project does not include any housing development.</p>				
<p>Mitigation: None required.</p>				
i) Expose people or structures to a	Potentially	Less than	Less than	No impact

significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Significant Impact	Significant with Mitigation Incorporation	Significant Impact	
				X
<p>Comment: 9. i. No Impact. The project site is not located in close proximity to any levee or dams that would result in a significant loss due to levee or dam failure.</p>				
<p>Mitigation: None required.</p>				
j) Inundation by seiche, tsunami, or mudflow?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 9. j. Less than Significant Impact. The project site is located inland and not in an area of the County subject to seiche, tsunami or mudflow.</p>				
<p>Mitigation: None required.</p>				

10. LAND USE AND PLANNING *Would the project*

a) Physically divide an established community?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 10. a No Impact. The project is located within an established rural, agricultural area. The project site is outside of the urban areas and outside the Town of Windsor. The project would not alter the parcel's ownership, nor reconfigure existing parcels or roadways. Therefore, the project would not physically divide an established community.</p>				
<p>Mitigation: None required.</p>				
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

10.b. Less than Significant Impact. (Also refer to discussion under Item 2. Agriculture and Forest Resource). The General Plan land use and Zoning designation of the property is Land Intensive Agriculture (LIA). This designation allows wineries, tasting rooms, agricultural promotional events, and marketing accommodation units as conditional uses (Zoning Ordinance Section 26-04-020). The project site already contains an existing winery with a 43,000 case maximum annual production capacity. The project site contains an existing winery facility and large commercial vineyard. The project site lies within the Russian River and Chalk Hill Appellations.

The applicant has submitted a Use permit and Design Review application to increase the winery production to 100,000 maximum annual production capacity, public tasting, public tours and 25 agricultural promotional events ranging from 60 to 300 guests, three weddings with 100 guests; and a play and a concert each with 300 guests, as described in the table below:

Windsor Oaks Winery
Project No. 2011009

SMA

WINDSOR OAKS WINERY

Marketing Activities & Event Description

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time Period</u>	<u>Attendees (maximum)</u>	<u>Location of Activity</u>
National Wine Distributor Tastings & Lunch	5	January - December	60	ABA & Phase II Winery Building
Wine Distributors Tastings & Dinner	3	January - December	60	ABA & Phase II Winery Building
Holiday Open House	1	December	60	ABA & Phase II Winery Building
Chef Tastings & Dinner	1	January - December	60	ABA & Phase II Winery Building
Harvest Party	1	October - November	100	ABA & Phase II Winery Building
Wine Club Member's Event ¹	8	March - October	100	ABA & Phase II Winery Building
Wine Club Member's Pick-up Event	3	March - October	100	ABA & Phase II Winery Building
Weddings	3	March - October	100	ABA
Hospitality Events ²	5	March - October	300	ABA & Phase II Winery Building ³

Notes

1. Wine Club Member events include Tour De Cru (a mountain bike ride with tasting & box lunch after), Vineyard Tour (drive through vineyards with tasting after), Barrel Tasting Day, and other marketing activities to support and build the Wine Club list.
2. These events may include a vintner association lunch and seminar, a small concert at the winery, "Sideways" Play, or other hospitality event for the promotion of the wines.
3. Any "non-agricultural" activity such as a concert or play will only occur within the ABA, and not outside of the area.

General Plan

The project proposal must be found consistent with the General Plan's Agricultural Element Goals, Objectives, and Policies which includes the following policies:

Under the Agricultural Resource Element of the General Plan, there are several issues and goals related to “agricultural-tourism” and promotion and visitor-serving uses in the three agricultural land use districts of Land Intensive Agriculture, Land Extensive Agriculture, and Diverse Agriculture, as follows:

Issue 2.1: *“Assist in the marketing and promotion of Sonoma County's agricultural products. It states, in part, “Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranchers to subdivide or convert the land to nonagricultural uses. Economic sustainability is being encouraged through niche marketing, direct marketing and evolving practices improving farm business management and intergenerational transfer of farms and ranches... This element establishes policies that will assist in promoting and marketing agricultural products grown or processed in Sonoma County.”*

Issue 2.6: *“Regulate the location and intensity of visitor serving uses within agricultural areas.” It states, in part, “The benefits and potential adverse impacts of visitor serving uses vary by agricultural industry. Agricultural tourism is critical in supporting the economic success and continued diversity of the agricultural industry in Sonoma County. It is important to recognize that agricultural tourism directly promotes the sale of agricultural products. Activities such as special events attract customers, build a customer base, market products, and build customer loyalty. However, the economic benefits of agricultural tourism must be balanced against associated impacts such as increased traffic, particularly in areas such as in Sonoma Valley or along routes where multiple visitor serving uses may be hosting events at the same time. In addition, visitor serving uses must supplement agricultural production, not replace it.”*

Zoning Ordinance:

Additionally, the Zoning Ordinance allows for seasonal or year-round sales and promotion of agricultural products grown or processed in Sonoma County, subject to the issuance of a use permit and compliance with the criteria set forth in policies AR-6d and AR-6g of the Agricultural Resource Element as follows:

Under the LIA zoning district, tasting rooms with a Use Permit approval, whereas, Section 26-04-010 (f); allows for: *Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);*

Staff analysis: The project site is within an agricultural land use category and is an existing vineyard operation and agricultural processing facility (winery). The primary use of the project site will remain agricultural production and processing. The purpose for having agricultural promotion events, weddings, a play, and a concert is to promote and market the wines produced on site. At each type of event being proposed, the wine produced on site would be served to guests. The wine club dinners are done to introduce a new vintage to existing members and to gain new wine club members, a standard direct marketing approach used by many wineries. The primary potential land use conflicts associated with the proposed use for wedding and events and surrounding agricultural production is exterior lighting, traffic, and noise. Mitigations and conditions have been incorporated into the project to reduce these potential impacts to a less than significant level. There are no other winery facilities in close proximity to the project site or along Arata Lane.

No vines would be removed from the winery site to accommodate the events, the weddings, the play, or concert. All the events, including the agricultural promotion, weddings, the play, and the concert would take place outdoors or within the winery buildings. It is not expected that by the winery holding weddings and other events would change the existing character of the site or surrounding neighbor and would not be detrimental to the primary land use of the project site which is agricultural production (vineyard) and processing (winery) because events would be limited in frequency and hours of operation.

Throughout Sonoma County, the following wineries were specifically approved for weddings and concerts under the LIA zoning:

UPE 01-0054: B.R. Cohen Winery, Glen Ellen, approved for a maximum of 48 special events per calendar year. A special event is further defined as an event with an attendance between 25 and 150 people and include weddings, business meetings, and culinary classes.

UPE 96-0001: Ledson tasting room, Santa Rosa, approved by Board of Supervisors on appeal; 24 events per year, consisting of weddings and rehearsal dinners. With 18 of the 24 events approved for 250 people.

UPE 95-086: Geysers Peak Winery, Geyserville, approved 4 events per year for up to 500 people per event; included weddings.

UPE 94-0092: Kunde, Glen Ellen, approved for unlimited private events and 10 events/year, open to the public for non-profit use; one event up to 1,500 people and a maximum of 600 people for the other nine events.

UPE97-0032: Trentadue Winery, Geyserville, approved for a maximum of 24 events held on weekends and holidays, between 9 am and 10 pm with a maximum of 266 attendees which consist of weddings, conferences, and parties.

The agricultural promotional event and industry wide events are consistent with a majority of prior approvals for other wineries in Sonoma County. It has been well established that agricultural promotional events that can be found compatible with surrounding agricultural activities if they are limited in size, frequency, and hours. The project would not require the extension of sewer or water. Weddings and concerts have also been approved at wineries, provided they are limited in frequency and hours. A play is a new concept, but can be found similar if limited and if found consistent with the General Plan and Zoning Ordinance policies if considered agriculture promotional and secondary to the existing on-site vineyard and winery. No vineyard would be removed and the primary use of the project site remains a winery and vineyards.

Based on the consistency determination letter provided by the Sonoma County Agricultural and Open Space District, the proposed Use Permit can be found consistent with the terms of the Conservation Easement, provided that the weddings, the concert and the play can only take place in the ABA area, which includes the existing winery buildings and surrounding area (refer to Conservation Easement Map). Only the agricultural promotional events can take place in the new winery building (ABE area).

No stand alone buildings would be constructed to accommodate the proposed event uses. Currently, neither the General Plan nor Zoning Ordinance place a limit on the number of events at wineries or prohibit weddings, concerts, or plays. Therefore, with this proposal it becomes a policy decision by the decision-making body of the number of total events being proposed is excessive when compared to previous approvals.

Mitigation: None required

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

10.f No Impact. Habitat conservation plans and natural community conservation plans are site-

specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan.
Mitigation: None required

11. MINERAL RESOURCES *Would the project:*

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
<p>Comment: 11.a. No Impact. There are no known mineral resources on the project site. The site is not designated in an MR (Mineral Resource) zoning district. The project will not result in the loss of a known mineral resource.</p>				
<p>Mitigation: None required.</p>				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
<p>Comment: 11.b. No Impact. The site is not designated in an MR (Mineral Resource) zoning district. The Sonoma County General Plan does not designate the project site as within a known mineral resource deposit area.</p>				
<p>Mitigation: None required.</p>				

12. NOISE *Would the project:*

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 12. a. Less than Significant Impact. The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. The general plan sets separate standards for transportation noise and for noise from non-transportation land uses.</p>				

Sonoma County General Plan

The following policies from the Sonoma County Noise Element of the 2020 General Plan are applicable for use at the subject project;

Policy NE-1c: *Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use.*

Limit exceptions to the following:

- (1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.
- (2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- (3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- (4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 (following) may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.
- (5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:
 - (a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and
 - (b) There is available open land on these noise sensitive lands for noise attenuation.

This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

Table NE-2: *Maximum Allowable Noise Exposures for Non-transportation Sources -as listed in the General Plan.*

The Environmental Health Specialist of Project Review reviewed the project description and concluded a noise study was not required. According to the Environmental Health Specialist, the noise study was waived based upon the distance to the closest residence and the conditions restricting the hours of special events. The project proposal includes weddings, a play, and a concert with amplified music and sounds indoors and outdoors. Specific conditions placed on the project to control noise levels are as follows:

- Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 a.m. to 10:00 p.m.).
- Project approval is limited to three weddings, one concert, and one play per year.
- If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

In addition, under the Conservation Easement the weddings, a concert, and a play can only occur within the Agricultural Building Area (ABA) which is the area that includes the two, existing winery buildings. Therefore, the weddings, concert, and play, are not permitted to take place in the new

winery. The ABA area is located farther from neighboring residents to the south than the new winery building. Based on the large project site, the limited frequency and hours of event activities, and the conditions placed on the project to control noise; the project is not expected to expose persons to or generation of noise levels in excess of standards established in the local general plan.				
Mitigation: None required				
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 12. b. Less than Significant Impact. The project includes construction activities that may generate ground borne vibration and noise. These levels would not be significant because they would be short-term and temporary, and would be limited to daytime hours. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground borne vibration or ground borne noise levels.</p>				
Mitigation: None required				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 12.c. Less than Significant Impact. The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity as the winery hours of operation, tasting room hours of operation, and events are limited in hours and frequency. Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan currently 7:00 a.m. to 10:00 p.m. The winery operations only create noise during harvest/crush which occurs 8-10 weeks a year. The crush pad is under a canopy which aids in attenuating noise impacts.</p>				
Mitigation: None required				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 12. d. Less than Significant Impact. There will be potentially significant noise impacts from the construction activities, winery truck traffic, and event traffic noise. Construction noise will cease when construction is finished. In addition, a condition placed on the project limits the hours for construction activities, as follows:</p>				

“Construction activities shall be restricted to the hours of 7:00 am and 7:00 pm on weekdays and 9:00 am and 7:00 pm on weekends and holidays. Only work that does not require motorized vehicles or power equipment shall be allowed on holidays. Work outside the times specified above is only allowed to prevent an emergency or to deal with an existing emergency. In this case, the applicant shall notify surrounding neighbors if emergency work is to be done before 7:00 am or past 7:00 pm.

Truck traffic would occur during the winery’s hours of operation which occurs during the Daytime Noise standard. And, event traffic noise would also occur during the Daytime Noise standards (7 am to 10 p.m. In addition, according the applicant’s proposal statement and the Traffic Impact Study prepared by W-Trans, at build-out, the proposed project is expected to generate an average of 53 new daily vehicle trips. The project site is zoned Land Intensive Agriculture whereas, under the Right to Farm Ordinance, residential uses in agricultural areas may have noise nuisances associated with agricultural operations. Since these noise sources are temporary and limited on frequency and daytime hours, they are not substantial. Condition of approval limit the winery’s hours of operation, the annual case production, and the hours and frequency of events, which reduce any significant impacts to less than significant.

Mitigation: None required

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

12. e. No Impact. The site is not within an airport land use plan as designated by Sonoma County or within two miles of a public airport or public use airport.

Mitigation: None required

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:

12.f. No Impact. There are no known private airstrips within the project area at the time this initial study checklist was prepared.

Mitigation: None required

13. POPULATION AND HOUSING *Would the project:*

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
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example, through extension of roads or other infrastructure)?				X
<p>Comment: 13. a. No Impact. The project would not include construction of a substantial amount of homes, businesses or infrastructure and therefore would not induce substantial population growth.</p>				
<p>Mitigation: None required</p>				
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 13.b. No Impact. The project does not include the displacement of any existing housing or necessitate the construction of replacement housing elsewhere in the County.</p>				
<p>Mitigation: None required</p>				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 13.c. No Impact. The project would not displace a substantial number of people necessitating the construction of replacement housing elsewhere in the County.</p>				
<p>Mitigation: None required</p>				

14. PUBLIC SERVICES *Would the project:*

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 14. a. Less than Significant Impact. The project will not increase residents or employees such that governmental services and/or facilities will have to be expanded. Generally, any potential impact the project may have on the provision of public services and or expansion of governmental facilities will be offset by development fees. Specifically:</p>				

<p>i. Fire Protection: The County Fire Marshal requires that the Project comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases.</p> <p>ii. Police: The Sonoma County Sheriff provides police protection services.</p> <p>iii. Schools, parks, or other public facilities: The project will not generate additional students; nor will it significantly increase demand for park or other public facilities.</p> <p>iv.Parks: See Comment 15.a.</p> <p>v.Other public facilities: no other public facilities would be adversely impacted by this project.</p>
<p>Mitigation: None required</p>

15. RECREATION *Would the project:*

<p>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 15. a. No Impact. The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.</p>				
<p>Mitigation: None required</p>				
<p>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 15.b. No Impact. The project does not include a recreational facility and is of a project-type that does not require the construction or expansion of a recreational facility.</p>				
<p>Mitigation: None required</p>				

16. TRANSPORTATION / TRAFFIC *Would the project:*

<p>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
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<p>circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</p>			X	
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Comment:

16. a. Less than Significant Impact. Three transportation-related plans have been adopted in Sonoma County: the GP2020 Circulation Element, the Sonoma County Transportation Authority Comprehensive Transportation Plan (2009), and the Sonoma County Bikeways Plan. The project will not conflict with any of these plans. According to the Roadway Classification (Figure CT-4c) for Planning Area 3 of the General Plan, neither Arata Lane nor Hillview Road are classified roadways.

In April 2012, a Focused Traffic Study was prepared by W-Trans. The project site is currently occupied by two existing winery buildings that produce 43,000 cases annually. In addition to the existing wine production, excess fruit from the vineyard is currently exported by trucks to other wineries for processing. Access to the site is gained via Hillview Road, which is located on the north side of Arata Lane approximately a half-mile east of US 101. The proposed project would allow for an increase in production to 100,000 cases annually plus public tasting and private tasting, 25 agricultural promotional events, three weddings, a concert, and a play, with a range of guests.

Access for production and employee traffic will continue to be via Hillview Road, while public access will be gained via a new driveway (Windsor Oaks Road) to be constructed on the north side of Arata Lane located approximately 600 feet east of Hillview Road.

The portion of grapes that are exported off-site will now be processed on-site, therefore overall truck trips are being reduced.

The study area consists of the section of Arata Lane fronting the project site as well as the intersection of Arata Lane/Hillview Road-Camelot Drive. The p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute.

Study Intersection

Arata Lane/Hillview Road-Camelot Drive is a four-legged intersection with stop controls on both the Hillview Road and Camelot Drive approaches. Based on a turning movement count conducted in February 2012, approximately 700 vehicles access this intersection during the p.m. peak hour.

Study Roadway

Arata Lane is an east-west arterial that runs from Old Redwood Highway to Foothill Drive with one through lane in each direction. Near Hillview Road-Camelot Drive sidewalk is provided along the south side of the street, with bike lanes are provided along both sides of the street. The speed limit on Arata Lane is posted at 40 miles per hour (mph).

Collision History

The study intersection had two reported collisions over the five-year study period for a calculated collision rate of 0.16 collisions per million vehicle entering (c/mve). The statewide average collision rate for a four-legged intersection with stop controls is 0.33 c/mve. Therefore, the calculated collision rate is lower than the statewide average for similar intersections. A copy of the collision rate calculation sheet is provided in Appendix A.

Capacity Analysis- Intersection Level of Service Methodologies

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free flow conditions and Level of Service F represents forced flow or breakdown conditions.

Traffic Operation Standards

The intersection of Arata Lane/Hillview Road-Camelot Drive falls under the Town of Windsor's jurisdiction. The Town of Windsor's adopted LOS Standard is contained in the Town's General Plan, and reads as follows:

The Town shall adopt a level of service standard D for Crosstown Streets and signalized intersections. The Town shall recognize that reducing congestion must be balanced against improvement costs and community character concerns. The standard shall be used for planning new facilities and for monitoring proposed changes to the General Plan.

Although Windsor's General Plan does not specifically address LOS standards for two-way stop-controlled intersections, the LOS D standard was similarly applied to the overall intersection operation.

Existing Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes. This condition does not include project-generated traffic volumes. Volume data was collected in February 2012.

Intersection Levels of Service

Under existing conditions, the study intersection is operating acceptably at LOS A overall during the p.m. peak hour.

Future Conditions

Under the anticipated Future volumes, the study intersection is expected to continue operating acceptably at LOS A overall during the p.m. peak hour.

Trip Generation

The County's Winery Trip Generation form, which is included in Appendix C, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the winery's anticipated production and operation under build-out project conditions. The winery currently maintains a staff of ten, which includes four production employees, four administrative employees and two sales employees. The winery's expansion project includes an increase in production staff of one person who would be expected to generate an average of three trip ends per weekday.

The level of truck traffic related to the proposed expansion project is not expected to increase above the two existing truck trips per weekday associated with exporting fruit from the project site.

In addition, the tasting room will have two employees, also generating an average of three trips each per day. An average of 55 visitors per day is expected for tasting, with a high of 80 tasters during the summertime months and a low of about 40 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 44 daily trips are expected due to tasting. Data collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during the weekday p.m. peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily generated winery trips occur during the weekday p.m. peak hour.

There are no other wineries along the roadway. The highest traffic generator along the roadway is from the high density residential development across Arata Lane.

Steve Martin & Associates also provided the following traffic calculations:

Traffic would consist primarily of the following:

- a. Employees – Average employee numbers at Phase II are projected at 10 full time and 6 part time during the non-harvest period and 16 full time during the harvest season.
- b. Grape Transport – It is anticipated that the overwhelming majority of the grapes to be processed at the facility will be obtained from onsite vineyards and local vineyards. At ultimate capacity, approximately 1520 tons of grapes will be processed onsite: 800 tons from onsite vineyards and 720 tons from offsite. Grapes will be delivered by a small flatbed truck from offsite vineyards and field trailer from the on-site vineyards.

Truck Trips = $\frac{720 \text{ tons}}{8 \text{ tons/truck}} = 90 \text{ trips annually}$

Truck Trips = 90 trips in 8 weeks of crush = 11.2 trucks per week on average

- c. Shipping and Receiving = 96 trips per year. Minimal casegoods storage will be provided on site; most of the storage and all distribution will be located at a separate warehousing facility.

The facility plans to include on site bottling with a mobile bottling truck.

Truck trips related to shipment off-site is projected as follows:

Use 1,300 cases/truck

Truck Trips = $\frac{100,000 \text{ cases/yr}}{1300 \text{ cases/truck trips (80\% eff)}} = 96 \text{ trips/year}$

Truck Trips = 96 trips/year \div 10 months = 9.6 trips/month
(increase of 5 trips/month)

- d. Barrel Delivery – There will be a 18-24 month barrel program for the red wine program (approximately 50% of production). New barrels would be arriving following the crush for the new vintage year.

Truck Trips = $\frac{.50 (100,000 \text{ cases/yr})}{24 \text{ cases/barrel (40 barrels/truck trips)}} = 52 \text{ trips/year}$

- e. Miscellaneous Deliveries – Deliveries of paper products, miscellaneous winery supplies, etc. are expected to be continue at approximately 5 vehicles per week.

- f. Visitors – Visitors for Phase I are anticipated to number on the order of 15 per day on weekdays with a peak of 30 per day on weekends. Visitors for Phase II are anticipated to number on the order of 30 per day on weekdays with a peak of 80 per day on weekends.

- g. Business Visitors –Business visitors (distributors, marketing personnel, special industry guests, etc.) are anticipated to number 5 per week.

Turn Lane Analysis

The need for left-turn channelization in the form of a left-turn pocket on Arata Lane was evaluated based on Future plus Project peak hour volumes as well as safety criteria. Under Future plus Project conditions, a left-turn lane is not warranted on Arata Lane at either Hillview Road or the proposed new driveway (Windsor Oaks Road) during the p.m. peak hour.

Consideration was given to the need for turn lanes to accommodate special event traffic. However, it is unlikely that events will begin during the peak hour evaluated, but rather, they are more likely to begin and end during off-peak hours. Therefore, special event traffic was not included in the turn lane analysis for project-added traffic.

Parking Adequacy

Daily Operations

Assuming that each employee drives to work in their own vehicle, a total of 13 spaces would be needed to accommodate the proposed employees associated with daily winery and tasting room operations. Data collected by W-Tran to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 22 daily vehicles associated with the tasting room visitors, or six vehicles, would be parked on-site during any single hour; therefore, a maximum of 19 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 33 parking spaces, which would accommodate the maximum daily guest and employee parking demand with a surplus of 14 spaces.

Special Events

A maximum-sized special event with 300 guests would be expected to generate need for 120 parking spaces, plus an additional 14 spaces for employees for a combined total of 134 parking spaces. The 33 permanent on-site parking spaces would not be able to accommodate the demand for event parking. The paved production traffic circulation areas and unpaved areas alongside the existing vineyards will be available for temporary parking during a special event. It is anticipated that the on-site parking supply for a maximum-sized event could be accommodated within these permanent and temporary parking areas, though signing or attendants will be needed to guide attendees to available parking areas. While the parking supply is adequate for daily operation, overflow parking areas will be needed for special events.

W-Tran's provides the following conclusions and recommendations:

- The calculated collision rate for the study intersection is below the statewide average for similar intersections.
- At build-out, the proposed project is expected to generate an average of 53 new daily vehicle trips, including seven trips during the p.m. peak hour.
- A total of 30 special events are proposed annually, but since the starting and ending times usually occur outside of peak conditions, they are expected to result in minimal traffic impact.
- Sight distance along Arata Lane is adequate for the posted speed limit.
- The proposed parking supply of 33 spaces will accommodate the anticipated 19 space peak demand for employees and daily visitors.
- During special events, the proposed permanent and temporary parking supply would be adequate.
- The study intersection of Arata Lane/Hillview Road-Camelot Drive is expected to continue operating acceptably based on applicable standards under Existing and Future conditions without and with the project.
- On-site circulation is adequate for typical passenger vehicles as well as for larger trucks.
- Left-turn pockets are not warranted on Arata Lane at either Hillview Road or the proposed driveway even under Future plus Project volumes.

Recommendations

- It is recommended that any proposed vegetation or signs installed along Arata Lane near Hillview Road or the proposed new driveway should be located so as not to obstruct the visibility of vehicles entering or exiting the project site.
- During special events, temporary parking should be provided along the unpaved areas between the existing vineyards and direction in the form of signs and attendants

The Traffic Impact Study was reviewed and cleared by Public Works with the following conditions required for the project:

1. The Applicant shall implement measures that keep winery-related traffic volume on Hillview Road at the current level. A project-related increase in Hillview Road traffic is

subject to the improvement of Hillview Road at the Arata Lane intersection.

2. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
3. Improvement of the private road connection to Arata Lane is subject to an encroachment permit to be issued by the Town Of Windsor.

Consistent with the recommendations in the Traffic Study, conditions for the project require that during the events, at least 3 parking attendants shall be on duty to direct guest vehicles to the designated overflow parking areas. The parcel is over 400 acres in size and does not present a parking problem for events or daily winery or tasting room vehicles. Additional parking for events will be provided around the production facility and along the vineyard roads as shown on the Event Parking Plan. The increase of traffic generated by the proposed project is not expected to exceed the existing Level of Service for the area roadways and the project would not create a conflict with any of the transportation plans with applicable conditions placed on the initiation of the project.

Mitigation: None required

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:
16. b. Less than Significant Impact. Refer to discussion above in this initial study in item 16.a.

Mitigation: None required

c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comment:
16. c. No Impact. The project would have no effect on air traffic patterns.

Mitigation: None required

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

16. d. Less than Significant Impact. The project site does not increase hazards on the roadways due to a new design feature or incompatible uses.				
Mitigation: None required				
e) Result in inadequate emergency access?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 16. e. Less than Significant Impact: Refer to discussion above in this initial study in item 16.a.) The project site is currently consists of an existing winery and commercial vineyard operation. The access for the winery production traffic such as truck traffic and employee traffic will continue to use Hillview Road, a County maintained roadway. For guests vehicles related to the events, weddings, play and concert, the new access road would be used, referred to as Windsor Oaks Road on the plans.</p> <p>Access roadways that serve the winery use must be improved to meet California Fire Code requirements for emergency service vehicles. Fire service features for buildings, structures and premises will comply with Chapter 5 of the 2010 California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification; gate access & key boxes; and fire protection water supplies.</p> <p>a. Access roads: Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.</p> <p>b. Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.</p> <p>c. Address numbers: Approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property shall be provided.</p> <p>d. Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.</p> <p>On August 13, 2013, Steve Martin & Associates responded to Fire personal, stating that the winery has been in operation since 1979 with the original Use Permit (UP File #7851) being issued on September 14, 1978. The winery has historically and is currently accessed from a 20' wide all-weather surface gravel drive, which is an extension of Hillview Road (a county maintained AC paved road). The road/drive has a gradient less than 8% along the entire length. In addition, there is an existing all-weather surface truck turnaround areas at the winery buildings and a loop road around the facility.</p> <p>The access roads for both Phase I and Phase II winery expansions are designed to meet Sonoma County Fire Safe Standards. Production traffic will continue to utilize Hillview Road and the extension on Windsor Oaks property. Public visitor traffic will enter a new entrance off of Arata Lane and travel from that point to Windsor Oaks property along a new chip-seal paved road design per Fire Safe Standards. The water supply to the facility is from an existing on site well with a rated yield of 100 GPM minimum (this well is also artesian at 8 GPM during the summer months). For the new winery improvements, required fire water storage will be provided in new above ground tanks and filled from the existing well. The site address is clearly visible at the entrance to the property at Hillview Road. Additional signage and address markers will be provided at the new entrance as well as the winery buildings per Fire Safe Standards prior to commencement of the new Use Permit and construction. Gates are planned to be installed at</p>				

<p>the new entrance and will meet the requirements of the Fire Code.</p> <p>According to the applicants engineer, items a through e in Condition #3 are either meeting the requirements now or the site characteristics will allow for the Fire Code requirements to be met for the proposed project. Therefore, the proposed project will not result in inadequate emergency access.</p>				
<p>Mitigation: None required</p>				
<p>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 16. f. Less than Significant Impact. Refer to discussion above in this initial study in item 16.a. A referral response from the Sonoma County Bicycle and Pedestrian Advisory Committee (SCBPAC), requires that as a condition of project approval, the installation of adequate bicycle racks near the entrance to the proposed new winery building to be used for public tasting and retail sales.</p> <p>Therefore, consistent with the Sonoma County Bikeway Plan, project conditions require that prior to occupancy of the structures at Phase I development, a bicycle racks shall be installed near the parking lot in accordance with Sonoma County Parking Regulations. Required parking is one bicycle parking space be provided for every 5 spaces required for automobiles.</p> <p>However, according to the Sonoma County Bicycle and Pedestrian Plan (Exhibit page 29), Arata Lane and Hillview Road are not designated as a Class I, Class II, or Class III Bikeways, either as existing or proposed Bikeways.</p>				
<p>Mitigation: None required</p>				
<p>b) Result in inadequate parking capacity?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 16. b. Less than Significant Impact. The project site is over 400 acres and large enough to accommodate on-site parking for even the largest event. Parking will be provided for Phase I development with 15 paved parking spaces and 2 van handicap accessible paved parking spaces located in the area of the existing gravel parking lot for. For Phase II development, 16 paved parking spaces will be provided, including two van handicap accessible parking spaces to accommodate visitors and employees. Additional parking for events will be provided around the production facility and along the vineyard roads as shown on the Event Parking Plan.</p>				
<p>Mitigation: None required</p>				

17. UTILITIES AND SERVICE SYSTEMS *Would the project:*

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Comment:

17 a. Less than Significant Impact. The project site is not in an area served by sewer. The site will be served by private on-site sewage disposal systems. Steve Martin Associates, Inc. (SMA) has prepared this Wastewater Feasibility Study for the purpose of assessing the onsite sanitary and process wastewater system treatment and disposal capacity necessary for the proposed use.

The winery expansion is planned to be in two phases. According to SMA, Phase I will include an interior remodel of the existing winery warehouse building and Phase II will include a new 6,700 square foot winery building.

Sanitary wastewater (SW): For both phases, the sanitary wastewater (SW) will consist of wastewater from the laboratory and restroom facilities. For Phase I, the SW will continue to be treated and disposed of within the existing Onsite Wastewater Treatment System (OWTS), however the system will be expanded in size to accommodate the increase in SW flows. For Phase II, a second, new OWTS is proposed to treat and dispose of the SW for Phase II. The SW effluent flows via gravity to an existing standard system. The PW effluent is pumped to an aerated lagoon and ultimately disposed of via drip irrigation of the existing 200 acres of vineyard. The proposed increase in wine production will be sufficiently accommodated in the existing PW pond. However, the increase in number of employees, number of visitors, and up to 20 special events, will necessitate a new, larger system to accommodate the increase in SW wastewater flows. For Phase I, the existing standard system is planned to be expanded. For Phase II, a new OWTS is planned to be installed.

Sanitary wastewater (SW) at the winery consists of typical wastewater generated from sinks, glassware dishwashers, restrooms and laboratory facilities. During Phase I, there will be no increase in the ten employees currently working at Windsor Oaks Winery. However, SW flows will increase since Phase I includes the addition of public tours and tastings as well as weddings, events, a play, and a concert. During Phase II, the number of employees and the number of visitors will increase to sixteen. The location of the Phase II hospitality building is approximately one half mile from the existing facility and existing standard septic system. As a result, the new Phase II OWTS will need to accommodate all of the hospitality & special events flows. Some of the production staff and administrative staff will remain at the existing winery building, so the calculations for the Phase II OWTS flows will reflect only the eight out of sixteen total employees that will move to the new building. Once the Phase II OWTS is installed, the Phase I standard system will essentially be oversized due to the relocation of the hospitality events and associated Sanitary wastewater (SW) flows.

The existing standard system is currently sized at 165 lf per 150 gallons of flow. With 496 linear feet of 36" deep standard trenches, this accommodates 450 gallons per day. Wet weather percolation testing was conducted in the vicinity of the primary and reserve standard system. Based on the results of that percolation testing, it is planned to double the size of the system by expanding into the designated 100% reserve area to accommodate a total of 900 gpd. An alternate 200% reserve area (now required for commercial systems) is in the process of being tested as part of this expansion. Preliminary soils investigation on the subject property indicates that the reserve area will be a shallow pressure distribution system.

For Phase II, a new 2,000 gallon septic tank shall be installed to treat the SW. Preliminary soils investigation on the subject property indicates that a Shallow Pressure Distribution System will be suitable for the Phase II OWTS. With a 24" deep trench, sandy clay loam soil, and an assumed soil application rate of 0.8 g/sf/d, the septic system would be a primary 725 lf pressure distribution

system installed, and 1450 linear feet set aside as the 200% reserve area.

Winery wastewater: The processed wastewater (PW) for both Phase I and Phase II will consist of winery wastewater generated from producing 100,000 cases of wine on site. Process wastewater from the existing facility is currently collected in a plumbing system separate from the sanitary wastewater. Initial PW treatment occurs via gravity screening and final treatment in a two-cell aerated lagoon system. Treated reclaimed process wastewater is disposed of via drip irrigation of the existing vineyards. SMA state that based on the calculations in their Wastewater Feasibility Study the increase in PW flows will be adequately accommodated in the existing PW treatment system.

Process wastewater (PW) will be generated from typical winery processing activities including crushing, fermentation, barrel storage and bottling with tank, barrel, equipment and floor cleaning. There is currently proposed to be approximately 1,455 tons of grapes crushed, produced and bottled onsite (corresponding to 240,000 gallons or 100,000 cases of wine). Only wine processing will occur at the facility; no distilling operations will occur.

Based on historical and typical flow data from wineries of similar size and characteristics, the corresponding PW generation rates and calculated projected PW flows are as follows:

Process Wastewater Flows:

100,000 cases crushed onsite:

Cases of wine produced onsite = 100,000 cases

Gallons of wine produced onsite = 2.4 gallons/case x 100,000 cases = 240,000 gal

Generation rate = 5.0 gal PW/gal wine

Annual Volume = 240,000 gal wine x 5.0 gal PW/gal wine = 1,200,000 gal PW

AVERAGE DAY FLOW:

1,200,000 gal PW \div 365 days = 3,288 gpd PW

AVERAGE DAY HARVEST FLOW (PRMD GENERAL FORMULA for information only):

Generation rate = 1.5 gal PW/gal wine

240,000 gallons wine x 1.5 gal PW/gal wine = 6,000 gpd PW
60 days

PEAK WEEK HARVEST DAY FLOW:

Generation rate = 0.75 gal PW/gal wine

Peak week tonnage = 330 tons / peak week

Peak day tonnage = 330 tons \div 6 days = 55 tons

55 tons grapes crushed/day x 165 gal wine/ton grapes
crushed x 0.75 gal PW/gal wine = 6,806 gpd PW

Design PW flow = 7,000 gpd SW

Process Wastewater System: Process wastewater will continue to consist primarily of

wastewaters collected at floor drains and trenches within the winery, receiving, crush, tank and wash-down areas. No sanitary wastewater will be discharged into the existing PW management system. Exterior tank and process areas not under a roof will be provided with diversion capability to provide a means of sending rainwater to the storm drainage system when those areas are not in use for process purposes.

Biological stabilization will occur in the existing facultative aerated pond system which will consist of three ponds. The total usable volume of the pond system is approximately 0.28 MG in addition to a 2 ft minimum freeboard. Surface mechanical aerators for the aeration pond will be sized to satisfy biochemical oxygen demand as well as oxygen dispersion requirements. Time clock control of the aerators will be provided to allow operations personnel to adjust aerator operation to changing winery functions and pond conditions.

The irrigation demand of the vineyard far exceeds the estimated annual process wastewater volume. The irrigation disposal area is on-site and adjacent to the winery facility and the process wastewater ponds, as shown on the Overall Site Plan. Double check valves or similar backflow prevention devices are currently installed on the existing irrigation system discharge to prevent any cross-contamination with treated effluent applied to the vineyard irrigation distribution network. The treated PW is not recycled for winery use.

According to SMA's evaluation, the facultative aerated ponds have been designed for retention of wastewater and rainwater through the majority of the rainy season with minimal discharges to irrigation/disposal fields (based on a 10 year seasonal rainfall). Should there be a winter with more rainfall than the design condition, several operational procedures are available to compensate:

- 1) Additional water conservation at winery.
- 2) Light irrigation during periods between storms -- not exceeding the assimilative capacity of the soil
- 3) Increased irrigation during the months of planned irrigation.
- 4) Pumping and truck transfer of treated and diluted wastewater to a sewage treatment plant or land disposal site

Environmental Health conditions for the project require that prior to building permit issuance, project operation and vesting the Use Permit phase 1, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the domestic wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist.

The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for special events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100% percent of the wastewater flow from an event with 300 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system.

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

<p>the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit. Through the standard permitting requirements of both the Well and Septic Section of PRMD and Regional Water Quality Control Board, the project development will be provided with adequate septic system capacity and winery wastewater disposal capacity prior to initiation of the uses.</p>				
<p>Mitigation: None required</p>				
<p>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 17.b. No Impact. The project is served by a private on-site septic system and a private well. The project will not require the construction of a new water or wastewater facility.</p>				
<p>Mitigation: None required</p>				
<p>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 17. c. No Impact. The project will not require the construction of a new storm water drainage facility. The project has been conditioned so that the final grading/improvement plans prevent and/or minimize the discharge of pollutants and waste after the project is constructed (post-construction). There are numerous post-construction storm water best management practices that can be utilized to accomplish this goal. These range from project designs and/or Low Impact Development (LID) best management practices that minimize new impervious surfaces, disperse development over larger areas, and/or that create areas that allow storm water to be detained, infiltrated, or retained for later use. Other post-construction storm water best management practices include storm water treatment devices based on filtering, settling or removing pollutants. LID is a site design strategy that seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration.</p>				
<p>Mitigation: None required</p>				
<p>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 17. d. Less than Significant Impact. The project is served by private on-site wells and not a public water system. The property is within a "Marginal Water Area" (Zone 3 classification) per</p>				

<p>the PRMD Active Map as defined by the Sonoma County General Plan Resource Conservation Map dated December 31, 1998 (Figure RC-2i). On April 8, 2013, PRMD received an <i>Assessment of Groundwater Availability Report Proposed Windsor Oaks Winery Modification</i> [Report], prepared by Michael S. Malone, Consulting Geologist.</p>				
<p>Mitigation: None required</p>				
<p>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 17.e. No Impact. The project is not served by a wastewater treatment provider.</p>				
<p>Mitigation: None required</p>				
<p>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: 17. f. No Impact. The solid waste disposal needs at the existing winery facility will continue to be met. Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that will result from the proposed project. (1)</p>				
<p>Mitigation: None required</p>				
<p>g) Comply with federal, state, and local statutes and regulations related to solid waste?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: 17.g Less than Significant Impact. The project has been conditioned to comply with the County's solid waste requirements. Trash enclosures and recycling areas for review and approval by the PRMDs' Environmental Health Specialist and the Building Plan Check Section. Trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. The existing winery facility complies with all regulations to solid waste.</p>				
<p>Mitigation: None required</p>				

18. MANDATORY FINDINGS OF SIGNIFICANCE

<p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<p>YES NO</p>
<p>Comment: No. According to the Open Space Map for Planning Area 3 of the General Plan, the project site is not currently designated with a BR (Biotic Resource) combining district. There are no known special status species on adjacent to the project site, and none listed on the State's Diversity Database. The project development does not include any work within a creek. The project will not a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means; the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; the project site does not contain any unique habitat, or unique plant or animal population; the project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances; the project footprint is within a developed landscape and no native trees will be impacted by the proposed project. The implementation of Best Management Practices will not result in any potentially significant adverse biological impacts to the environment on site or off site.</p>	<p>X</p>
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<p>YES NO</p>
<p>Comment: No. Cumulative projects include development of residential and agricultural uses in the project area. These projects have not resulted in any significant effects to which the project would make a cumulatively considerable contribution. As noted in this initial study and by the Traffic Study prepared by W-Trans, this project will not result in significant adverse impacts related to traffic congestion or safety. Conditions of approval require that for the events a minimum of three parking attendants be on duty for the duration of the events, and prohibits any parking of trucks or vehicles along public or private roadways (Refer to Exhibit A- Conditions of Approval). The County's Department of Transportation and Public Works reviewed this study and found it acceptable. There are no other wineries, tasting rooms, or agricultural processing facilities in the immediate area or along Arata Lane or Hillview Road.</p>	<p>X</p>

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p>YES NO</p>
<p>Comment: No. The project would not result in any significant changes to the existing environment. Based on the discussion and information provide in this initial study, the project environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Mitigations have been placed on project in the areas of Aesthetics and exterior lighting. Furthermore, conditions have been incorporated into the project under Traffic and Noise to reduce impacts to a level of less significant. All parking must be done on the site. Specific conditions are placed on the project to control noise levels limiting frequency and hours of agricultural promotional events to daytime noise standards. The grape crush paid shall be covered and any compressors, cooling or mechanical equipment for the buildings that are placed outside shall be enclosed in appropriately designed sheds to control noise.</p>	<p>X</p>

Sources

1. PRMD staff evaluation based on review of the project site and project description.
2. PRMD staff evaluation of impact based on past experience with construction projects.
3. Sonoma County Important Farmland Map 1996. California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program.
4. Assessors Parcel Maps
5. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
6. California Natural Diversity Database, California Department of Fish & Game.
7. Sonoma County General Plan (as amended), Sonoma County Board of Supervisors, March 23, 1989 - Revised December 1998.
8. California Environmental Protection Agency - <http://www.calepa.ca.gov/SiteCleanup/corteseList/default.htm>; California Regional Water Quality Control Board - <http://geotracker.swrcb.ca.gov/>; California Dept of Toxic Substances Control http://www.dtsc.ca.gov/database/calsites/cortese_list.cfm, and Integrated Waste Management Board - <http://www.ciwmb.ca.gov/SWIS/Search.asp>
9. Alquist-Priolo Special Studies Zones; State of California; 1983.
10. Flood Insurance Rate Maps, Federal Emergency Management Agency.
11. Special Report 120, California Division of Mines and Geology; 1980.
12. General Plan Consistency Determination, (65402 Review), Sonoma County Permit & Resource Management Department.
13. Standard Specifications, State of California Department of Transportation, available online: <http://www.dot.ca.gov/hq/esc/oe/specs.html>

14. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning (ANSI A300 (Part 1)-2008 Pruning), American National Standard Institute (ANSI) and National Arborist Association (NAA), 2008;
15. Best Management Practices: Tree Pruning, International Society of Arboriculture (ISA), 2008.
16. Tree Protection and Replacement Ordinance (Ordinance No. 4014); Sonoma County.
17. Valley Oak Protection Ordinance (Ordinance No. 4991); Sonoma County, December 1996.
18. Heritage or Landmark Tree Ordinance (Ordinance No. 3651); Sonoma County.
19. Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments; May, 1995.
20. Soil Survey of Sonoma County, California, Sonoma County, U.S. Department of Agriculture; 1972.
21. Evaluation of Groundwater Resources, California Department of Water Resources; 1975.
22. Sonoma County Congestion Management Program, Sonoma County Transportation Authority; December 18, 1995.
23. Sonoma County Aggregate Resources Management Plan and Program EIR, 1994.
24. Sonoma County Bikeways Plan, Sonoma County Department of Transportation and Public Works; April, 1997.

**A Cultural Resources Study of Portions of the
Property at 10810 Hillview Road, Windsor
Sonoma County, California**

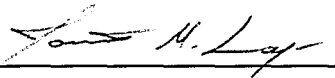
Lauren Del Bondio
and
Janine M. Loyd, M.A./R.P.A.

February 9, 2012



**A Cultural Resources Study of Portions of the
Property at 10810 Hillview Road, Windsor
Sonoma County, California**

Prepared by:



Lauren Del Bondio
and
Janine M. Loyd, M.A./R.P.A.

Tom Origer & Associates
Post Office Box 1531
Rohnert Park, California 94927
(707) 584-8200
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Prepared for:

Clare Monteschio
SMA Inc.
130 South Main Street, Suite 201
Sebastopol, California 95472

February 9, 2012

ABSTRACT

Tom Origer & Associates conducted a cultural resources study of portions of the property located at 10810 Hillview Road, Windsor, Sonoma County, California. The study was completed at the request of Clare Monteschio, SMA Inc., to satisfy requirements of the County of Sonoma Permit and Resource Management Department. The study area consists of two portions of land totaling approximately three acres. Project plans include the construction of a new hospitality building, the addition of a parking lot, deck, and landscaping to surround the existing winery building.

This study included archival research at the Northwest Information Center, Sonoma State University (NWIC File No. 11-0849), examination of the library and files of Tom Origer & Associates, field inspection of the project location, and contact with the Native American community. Field survey of the study area found no cultural resources. Documentation pertaining to this study is on file at the offices of Tom Origer & Associates (File No. 12-09).

Synopsis

Project: Windsor Oaks
Location: 10810 Hillview Road, Windsor, Sonoma County, California
Quadrangle: Healdsburg, California 7.5' series
Study Type: Intensive survey
Scope: ~3 acres
Finds: None

Project Personnel

Janine M. Loyd provided project oversight for this study. Ms. Loyd has 27 years experience working in Northern California cultural resources management. She has been with Tom Origer & Associates since 1991. She has worked on both prehistoric and historical archaeological sites, and has completed research and documentation of historical buildings. Ms. Loyd has a Bachelor of Arts in Anthropology from Sonoma State University. She holds a Master of Arts in Archaeology and Heritage from the University of Leicester. She has completed extensive continuing education in regulatory compliance, planning local surveys, and identifying historical resources. Ms. Loyd is affiliated with the Society for American Archaeology, Society for California Archaeology, Society for Historical Archaeology, Society of Architectural Historians, and Vernacular Architecture Forum. She is also listed on the Register of Professional Archaeologists (#1066030).

Virginia "Ginny" Hagensieker participated in the research and field phase of this study. Ms. Hagensieker obtained a Bachelors of Arts degree in Anthropology from Sonoma State University. She is a graduate student working towards a Master of Arts degree in cultural resource management at Sonoma State University. Professional affiliations include the Society for California Archaeology.

Lauren Del Bondio participated in the research phase of this study and prepared this report. Ms. Del Bondio is pursuing a Bachelor of Arts degree in Anthropology at Sonoma State University and has been involved in Northern California archaeology for eight years. Professional affiliations include the Society for California Archaeology and the Western Obsidian Focus Group.

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INTRODUCTION

This report describes a cultural resources study of portions of the property located at 10810 Hillview Road, Windsor, Sonoma County, California (APN 086-100-16). The study area is located two and a half miles north of Windsor, Sonoma County, California (Figure 1). Project plans include a proposed hospitality building and the addition of a new parking lot and landscaping surrounding the existing winery building. This study was prepared for Clare Monteschio, SMA Inc. Documentation pertaining to this study is on file at Tom Origer & Associates (File No. 12-09).

REGULATORY CONTEXT

The California Environmental Quality Act (CEQA) requires that cultural resources be considered during the environmental review process. This is accomplished by an inventory of resources within a study area and by assessing the potential that cultural resources could be affected by development.

This cultural resources survey was designed to satisfy environmental issues specified in the CEQA and its guidelines (Title 14 CCR §15064.5) by: (1) identifying all cultural resources within the project area; (2) offering a preliminary significance evaluation of the identified cultural resources; (3) assessing resource vulnerability to effects that could arise from project activities; and (4) offering suggestions designed to protect resource integrity, as warranted.

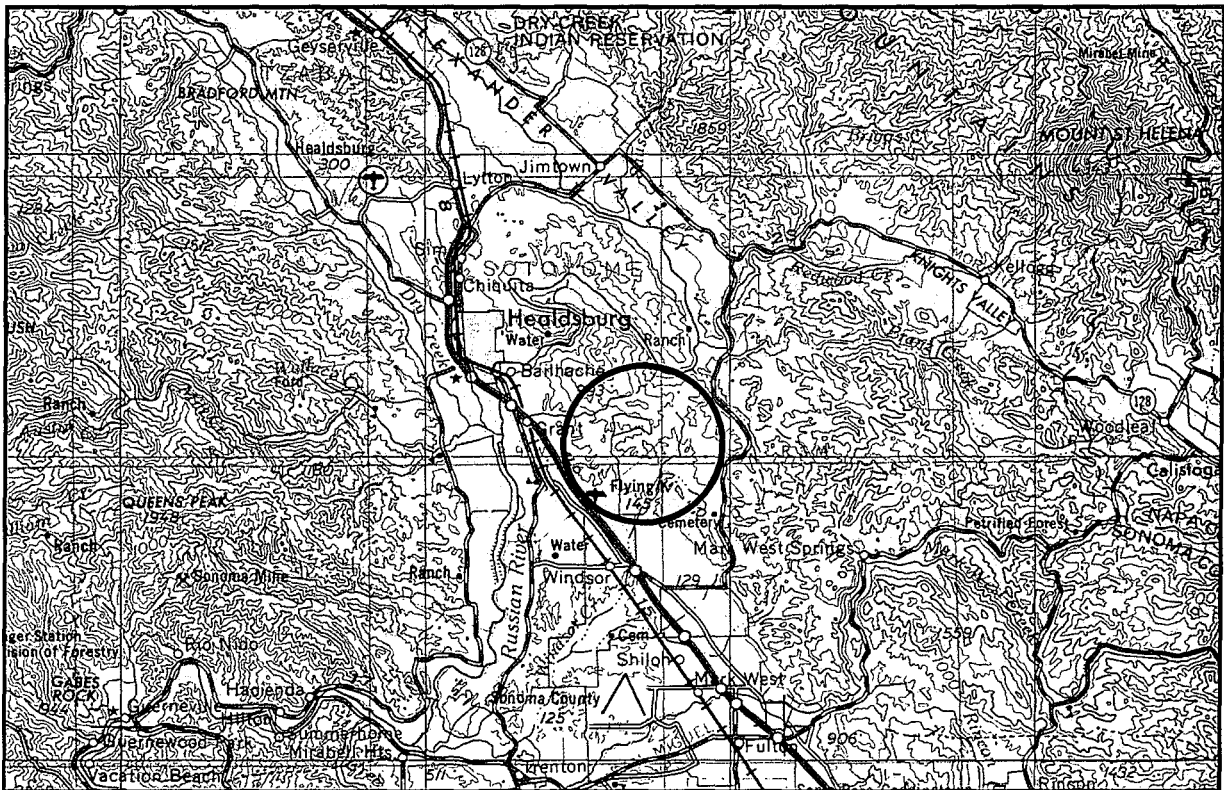


Figure 1. Project vicinity (adapted from the 1970 Santa Rosa 1:250,000-scale USGS map).

Resource Definitions

This cultural resources survey was designed to satisfy environmental issues specified in the CEQA and its guidelines (Title 14 CCR §15064.5) by: (1) identifying all cultural resources within the project area; (2) offering a preliminary significance evaluation of the identified cultural resources; (3) assessing resource vulnerability to effects that could arise from project activities; and (4) offering suggestions designed to protect resource integrity, as warranted.

Cultural resources are classified by the State Office of Historic Preservation (OHP) as sites, buildings, structures, objects and districts, and each is described by OHP (1995) as follows.

Site. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

Building. A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail, or a house and barn.

Structure. The term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.

Object. The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

District. A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Significance Criteria

When a project might affect a cultural resource, the project proponent is required to conduct an assessment to determine whether the effect may be one that is significant. Consequently, it is necessary to determine the importance of resources that could be affected. The importance of a resource is measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852(a)) as listed below. A resource may be important if it meets any one of the criteria below, or if it is already listed on the California Register of Historical Resources or a local register of historical resources.

An important historical resource is one which:

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. Is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of a master or possesses high artistic values.
4. It has yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, eligibility for the California Register requires that a resource retains sufficient integrity to convey a sense of its significance or importance. Seven elements are considered key in considering a property's integrity: location, design, setting, materials, workmanship, feeling, and association.

Additionally, the OHP advocates that all historical resources over 45 years old be recorded for inclusion in the OHP filing system (OHP 1995:2), although the use of professional judgment is urged in determining whether a resource warrants documentation.

PROJECT SETTING

Study Area Location and Description

The study area is comprised of two areas of land totaling approximately three acres. Project plans include the construction of a new hospitality building, the addition of a parking lot, deck, and landscaping to surround the existing winery building. The study area is located at 10810 Hillview Road as shown on the Healdsburg, California 7.5' USGS topographic map (Figure 2).

Soils within the study area are of the Spreckels series (Miller 1972: Sheet 57), which are well-draining loams found on terraces and mountainous uplands. Spreckels soils typically support the growth of annual and perennial grasses, oak trees, and Manzanita. Historically, these soils were used for cattle and sheep grazing (Miller 1972:57).

The project area has well-draining soils that support a variety of plants that could have served as food and cover for animals. In addition, fresh water and freshwater resources were available in nearby tributaries of Windsor Creek. The presence of these attributes suggests that the project area would have been highly suitable to prehistoric occupants as a place to gather resources and hunt.

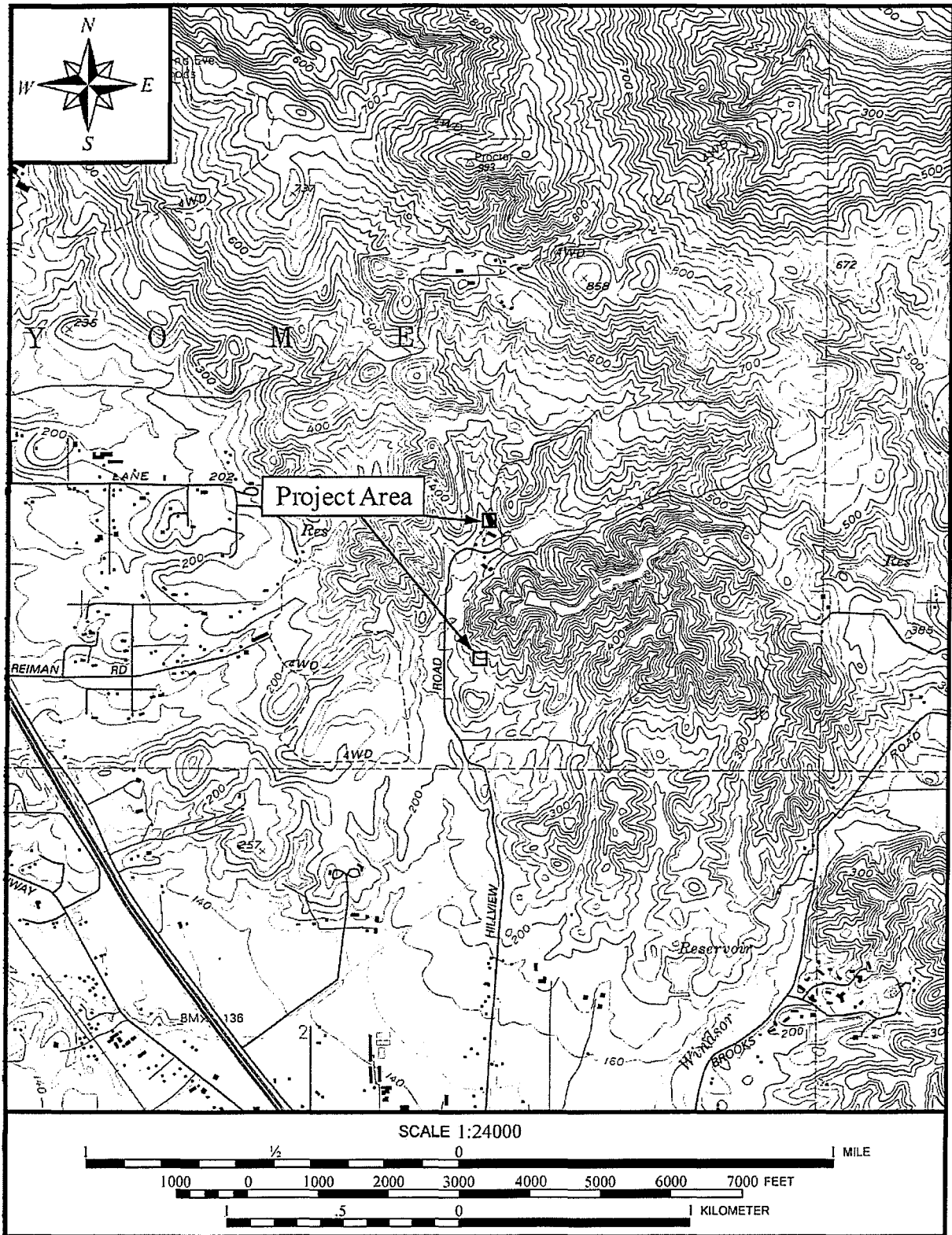


Figure 2. Study location (adapted from the 1993 Healdsburg 7.5' USGS topographic map).

Cultural Setting

Archaeological evidence indicates that human occupation of California began at least 10,000 years ago (Moratto 1984:71). Early occupants appear to have had an economy based largely on hunting, with limited exchange, and social structures based on the extended family unit. Later, milling technology and an inferred acorn economy were introduced. This diversification of economy appears to be coeval with the development of sedentism and population growth and expansion. Sociopolitical complexity and status distinctions based on wealth are also observable in the archaeological record, as evidenced by an increased range and distribution of trade goods (e.g., shell beads, obsidian tool stone), which are possible indicators of both status and increasingly complex exchange systems.

At the time of European settlement, the study area was situated in territory controlled by the Southern Pomo (Barrett 1908; McLendon and Oswalt 1978). The Southern Pomo were hunter-gatherers who lived in rich environments that allowed for dense populations with complex social structures (Barrett 1908; Kroeber 1925). They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary village sites were occupied throughout the year and other sites were visited in order to procure particular resources that were especially abundant or available only during certain seasons. Sites often were situated near fresh water sources and in ecotones where plant life and animal life were diverse and abundant. For more information about the Pomo see Barrett (1908), Bean and Theodoratus (1978), Powers (1877), and Stewart (1943).

STUDY PROCEDURES AND FINDINGS

Native American Contact

The State of California's Native American Heritage Commission, Federated Indians of Graton Rancheria, Lytton Band of Pomo Indians, Dry Creek Rancheria of Pomo Indians, and Suki Waters were contacted in writing. A log of contact efforts is provided at the end of this report (Appendix A).

Archival Study Procedures

Archival research included examination of the library and project files at Tom Origer & Associates. A review (NWIC File No. 11-0849) was completed of the archaeological site base maps and records, survey reports, and other materials on file at the Northwest Information Center (NWIC), Sonoma State University, Rohnert Park. Sources of information included but were not limited to the current listings of properties on the National Register of Historic Places (National Register), California Historical Landmarks, California Register of Historical Resources (California Register), and California Points of Historical Interest as listed in the Office of Historic Preservation's *Historic Property Directory* (OHP 2011).

The Office of Historic Preservation has determined that structures older than 45 years should be considered potentially important historical resources, and former building and structure locations could be potentially important historic archaeological sites. Archival research included an examination of historical maps to gain insight into the nature and extent of historical development in the general vicinity, and especially within the study area. Maps ranged from hand-drawn maps of the 1800s (e.g., GLO plats) to topographic maps issued by the United States Geological Survey (USGS) and the Army Corps of Engineers (USACE) from the early to the middle 20th century.

In addition, ethnographic literature that describes appropriate Native American groups, county histories, and other primary and secondary sources were reviewed. Sources reviewed are listed in the "Materials Consulted" section of this report.

Archival Study Findings

Archival research found that the southern portion of the study area had been previously surveyed and no cultural resources were indentified (Flynn 1997). Five other cultural resources studies have been conducted within a mile of the current study area (Kaijankoski 2005; Roop 1997; Schroder and Origer 2003; Soule 1979; Quinn and Origer 2001a), and four cultural resources were identified (Beard 2011; DeGeorgey 2011a, 2011b; Quinn and Origer 2001b). There are no reported ethnographic sites in the vicinity (Barrett 1908, Kroeber 1925). Historical maps show no late 19th or early 20th century structures situated within the study area (Bell and Heymans 1888; Bowers 1867; GLO 1864; McIntire and Lewis 1908; Peugh 1934; Reynolds and Proctor 1898; Thompson 1877; USACE 1920; USGS 1940, 1955).

Field Survey Procedures

An intensive field survey was completed by Virginia "Ginny" Hagensieker on February 8, 2012. Visibility was moderate to good, with vegetation and fill material being the chief hindrances. A hoe was used as needed to clear small patches of vegetation so that the ground could be inspected.

Based on the distribution of known cultural resources and their environmental settings, it was anticipated that prehistoric archaeological sites could be found within the study area. Prehistoric archaeological site indicators expected to be found in the region include but are not limited to: obsidian and chert flakes and chipped stone tools; grinding and mashing implements such as slabs and handstones, and mortars and pestles; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone, shellfish, and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

Field Survey Findings

No cultural resources were found within the study area.

RECOMMENDATIONS

Known Resources

No cultural resources were found within the study area, and no resource specific recommendations are warranted.

Accidental Discovery

There is a possibility that buried archaeological deposits could be present, and accidental discovery could occur. In keeping with the CEQA guidelines, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5 [f]). Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

The following actions are promulgated in Public Resources Code 5097.98 and Health and Human Safety Code 7050.5, and pertain to the discovery of human remains. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the county coroner contacted. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.

SUMMARY

Tom Origer & Associates conducted a cultural resources survey of approximately three acres of land located at 10810 Hillview Road, Sonoma County, California. The study was prepared for Clare Monteschio of SMA Inc., to satisfy requirements of the County of Sonoma Permit and Resource Management Department. No cultural resources were found within the study area, and no resource-specific recommendations are warranted. Documentation pertaining to this study is on file at the offices of Tom Origer & Associates (File No. 12-09).

MATERIALS CONSULTED

Barrett, S.

1908 *The Ethno-Geography of the Pomo and Neighboring Indians*. University of California Publications in American Archaeology and Ethnology Vol. 6, No. 1. University of California Press, Berkeley.

Bean, L. and D. Theodoratus

1978 Western Pomo and Northeast Pomo. In *California*, edited by R. Heizer, Handbook of North American Indians, Vol. 8, W. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

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1888 *Map of Sonoma County, California*. Bell and Heymans, San Francisco.

Bowers, A.

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Flynn, K.

1997 *A Cultural Resources Evaluation of the Lot Line Adjustment and Minor Subdivision of the Property Located at 10810 Hillview Road, Windsor, Sonoma County, California*. Document S-20028 on file at the Northwest Information Center, Rohnert Park.

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1984 The North Coastal Region. In *California Archaeology*, edited by M. Moratto. Academic Press, San Francisco.

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1966 *Historic Spots in California*. 3rd edition. Stanford University Press. Stanford.

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1990 *Historic Spots in California*. 4th edition, Stanford University Press. Stanford.

2002 *Historic Spots in California*. 5th edition, Stanford University Press. Stanford.

Kaijankoski, P.

2005 *A Cultural Resources Study of 40 Acres at 10346 and 11370 Brooks Road, Windsor, Sonoma County, California*. Document S-30226 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

Kniffen, F.

1939 *Pomo Geography*. University of California Publications in American Archaeology and Ethnology, Vol. 36. Berkeley.

Kroeber, A.

1925 *Handbook of the Indians of California*. Bureau of American Ethnology, Bulletin 78, Smithsonian Institution, Washington, D.C.

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1908 *Official Map of the County of Sonoma, California*. County of Sonoma, California.

McLendon, S. and R. Oswalt

1978 Pomo. In *California*, edited by R. Heizer, pp. 274-288. Handbook of North American Indians, Vol. 8, W. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

Menefee, C.

1873 *Historical and Descriptive Sketchbook of Napa, Sonoma, Lake and Mendocino*. Reporter Publishing House. Napa, California.

Miller, V.

1972 *Soil Survey of Sonoma County, California*. U.S. Department of Agriculture in cooperation with the University of California Agricultural Experimental Station.

Moratto, M.

1984 *California Archaeology*. Academic Press, San Francisco.

Office of Historic Preservation (OHP)

1995 *Instructions for Recording Historic Resources*. Office of Historic Preservation, Sacramento.

2011 *Historic Property Directory*. Office of Historic Preservation, Sacramento.

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Powers, S.

1877 *Tribes of California*. Contributions to North American Ethnology 3. United States Geographical and Geological Survey of the Rocky Mountain Region. Washington D.C. Reprinted by the University of California Press, Berkeley.

Quinn, J. and T. Origer

2001a *A Cultural Resources Survey, Expansion of Lagunita Dam, Windsor, Sonoma County, California*. Document S-23705 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

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Reynolds, W. and T. Proctor

1898 *Illustrated Atlas of Sonoma County, California*. Reynolds and Proctor, Santa Rosa.

Roop, W.

1997 *A Cultural Resources Evaluation of the Lands of the Lagomarsino Trust, APN 086-050-002, Sonoma County, California*. Document S-27421 on file at the Northwest Information Center, Rohnert Park.

Schroder, S. and T. Origer

2003 *A Cultural Resources Survey for the Diamond Springs Subdivision 10100 Brooks Road, Windsor, Sonoma County, California*. Document S-26734 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

Soule, W.

1979 Document S-1620 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

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1976 *California Inventory of Historic Resources*. Department of Parks and Recreation, Sacramento.

Stewart, O.

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Thompson, T.H. & Co.

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United States Army of Corps Engineers

1920 Healdsburg 15' quadrangle. Engineer Reproduction Plant, Washington, D.C.

United States Geological Survey

1940 Healdsburg 15' quadrangle. Geological Survey, Washington, D.C.

1955 Healdsburg 15' quadrangle. Geological Survey, Washington, D.C.

1955 Healdsburg 7.5' quadrangle [pr 1980]. Geological Survey, Washington, D.C.

APPENDIX A: Native American Contact

Native American Contact Efforts
10810 Hillview Road, Windsor, Sonoma County

Organization	Contact	Letters	Results
Native American Heritage Commission	Katy Sanchez	2/7/12	No response received as of the date of this report.
Federated Indians of Graton Rancheria	Gene Buvelot Greg Sarris Frank Ross	2/7/12	No response received as of the date of this report
Lytton Band of Pomo Indians	Margie Mejia Lisa Miller	2/7/12	No response received as of the date of this report.
Dry Creek Rancheria	Harvey Hopkins	2/7/12	No response received as of the date of this report.

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Katy Sanchez
Native American Heritage Commission
915 Capitol Mall
Sacramento, CA 95184

VIA FACSIMILE

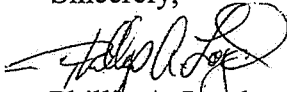
Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

Dear Ms. Sanchez:

I write to notify you about a cultural resources study that our firm is conducting for the Windsor Oaks Vineyard Project, Windsor, Sonoma County, California. The project area is shown on the enclosed portion of the Healdsburg California 7.5' USGS quadrangle within Township 9 North, and Range 9 West, Sotoyome Land Grant. We are seeking information from the Native American Heritage Commission regarding possible sacred lands and other cultural sites within these areas. We would also like to obtain a list of individuals whom it would be appropriate to contact regarding this project.

Below is information to aid in your search. Please contact us at (707) 584-8200 if you have any questions or need additional information. Thank you for your help.

Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg, California 7.5' USGS map

County	USGS Map	Township	Range	Comments
Sonoma	Healdsburg 7.5'	9 North	9 West	Sotoyome Land Grant

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Dry Creek Rancheria of Pomo Indians
Harvey Hopkins, Chairperson
P.O. Box 607
Geyserville, CA 95441

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

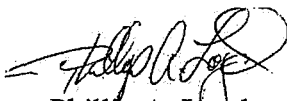
Dear Mr. Hopkins:

I write to notify you about a cultural resources study that our firm is conducting for Windsor Oaks Vineyard Project, Windsor, Sonoma County, California. The project area is shown on the enclosed portion of the Healdsburg California 7.5' USGS quadrangle within Township 9 North, and Range 9 West, Sotoyome Land Grant.

While this notification does not constitute SB 18 or formal Section 106 consultation, if you have any information or concerns we would be happy to convey them to our client.

Please contact us at (707) 584-8200 if you need additional information. Thank you for your help.

Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg California 7.5' USGS map

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Gene Buvelot
Federated Indians of Graton Rancheria
6400 Redwood Drive, Suite 300
Rohnert Park, California 94928

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California


Dear Mr. Buvelot:

I write to notify you about a cultural resources study that our firm is conducting for Windsor Oaks Vineyard Project, Windsor, Sonoma County, California. The project area is shown on the enclosed portion of the Healdsburg California 7.5' USGS quadrangle within Township 9 North, and Range 9 West, Sotoyome Land Grant.

While this notification does not constitute SB 18 or formal Section 106 consultation, if you have any information or concerns we would be happy to convey them to our client.

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Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg California 7.5' USGS map

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Greg Sarris
Federated Indians of Graton Rancheria
6400 Redwood Drive, Suite 300
Rohnert Park, California 94928

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

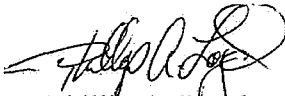
Dear Mr. Sarris:

I write to notify you about a cultural resources study that our firm is conducting for Windsor Oaks Vineyard Project, Windsor, Sonoma County, California. The project area is shown on the enclosed portion of the Healdsburg California 7.5' USGS quadrangle within Township 9 North, and Range 9 West, Sotoyome Land Grant.

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Please contact us at (707) 584-8200 if you need additional information. Thank you for your help.

Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg California 7.5' USGS map

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Frank Ross
Federated Indians of Graton Rancheria
PO Box 854
Novato, CA 94948

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

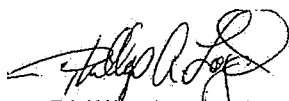
Dear Mr. Sarris:

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While this notification does not constitute SB 18 or formal Section 106 consultation, if you have any information or concerns we would be happy to convey them to our client.

Please contact us at (707) 584-8200 if you need additional information. Thank you for your help.

Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg California 7.5' USGS map

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Suki Waters
P.O. Box 53
Jenner, CA 95450

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

Dear Ms. Waters:

I write to notify you about a cultural resources study that our firm is conducting for Windsor Oaks Vineyard Project, Windsor, Sonoma County, California. The project area is shown on the enclosed portion of the Healdsburg California 7.5' USGS quadrangle within Township 9 North, and Range 9 West, Sotoyome Land Grant.

While this notification does not constitute SB 18 or formal Section 106 consultation, if you have any information or concerns we would be happy to convey them to our client.

Please contact us at (707) 584-8200 if you need additional information. Thank you for your help.

Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg California 7.5' USGS map

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Lytton Rancheria of California
Margie Mejia, Chairperson
437 Aviation Boulevard
Santa Rosa, CA 95403

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

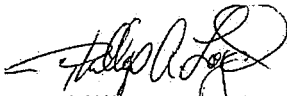
Dear Ms. Mejia:

I write to notify you about a cultural resources study that our firm is conducting for Windsor Oaks Vineyard Project, Windsor, Sonoma County, California. The project area is shown on the enclosed portion of the Healdsburg California 7.5' USGS quadrangle within Township 9 North, and Range 9 West, Sotoyome Land Grant.

While this notification does not constitute SB 18 or formal Section 106 consultation, if you have any information or concerns we would be happy to convey them to our client.

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Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg California 7.5' USGS map

Tom Origer & Associates
Archaeology / Historical Research

February 7, 2012

Lytton Rancheria of California
Lisa Miller, Tribal Administrator
437 Aviation Boulevard
Santa Rosa, CA 95403

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

Dear Ms. Miller:

I write to notify you about a cultural resources study that our firm is conducting for Windsor Oaks Vineyard Project, Windsor, Sonoma County, California. The project area is shown on the enclosed portion of the Healdsburg California 7.5' USGS quadrangle within Township 9 North, and Range 9 West, Sotoyome Land Grant.

While this notification does not constitute SB 18 or formal Section 106 consultation, if you have any information or concerns we would be happy to convey them to our client.

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Sincerely,



Phillip A. Loyd
Associate

Encl: Portion of the Healdsburg California 7.5' USGS map



TOMARAS & OGAS, LLP

10755-F SCRIPPS POWAY PARKWAY #281 • SAN DIEGO, CALIFORNIA 92131
TELEPHONE (858) 554-0550 • FACSIMILE (858) 777-5765 • WWW.MTOWLAW.COM

Kathryn A. Ogas
Brenda L. Tomaras

kogas@mtowlaw.com
btomaras@mtowlaw.com

February 16, 2012

VIA FACSIMILE

Phillip Loyd
Tom Origer & Associates
P.O. Box 1531
Rohnert Park, CA 94927

Re: Cultural Resources Survey of Windsor Oaks Vineyard Project, Windsor, Sonoma County

Dear Mr. Loyd:

Our firm represents the Lytton Rancheria of California with respect to cultural resources matters. Thank you for the letter regarding the above-referenced project. It is not clear based upon the information what the actual project is that's contemplated. As such, it is not clear to the Tribe whether the project will entail any ground-disturbing activities.

While the Tribe has no specific information which it could provide to you for inclusion in your report, it believes that the project land falls within traditional Pomo territory and further lies close to lands owned by the Lytton Rancheria. The Lytton Rancheria is interested in the protection and preservation of Pomo artifacts and sites and believes that such cultural resources may be encountered during the project development. The Band would therefore request special care be taken to assure the protection of any previously undiscovered resources. In addition, if any other Pomo sites or human remains are encountered during your cultural survey, we would request that the Tribe be contacted immediately.

The Tribe would also request that you request permission from your client to provided completed reports to the Tribe for review so that adequate consultation with the Lead Agency could move forward at a pace which will be helpful to your client.

Letter to Phillip Loyd
Page 2

Please do not hesitate to contact me with any questions or corrections at (858) 554-0550,
ext. 1.

Very Truly Yours,

TOMARAS & OGAS, LLP

A handwritten signature in cursive script that reads "Brenda L. Tomaras". The signature is written in black ink and is positioned above the typed name and title.

Brenda L. Tomaras
Attorneys for the Lytton Rancheria

**GREENHOUSE GAS ANALYSIS
REPORT**

WINDSOR OAKS WINERY

Prepared for

Steve Martin Associates, Inc.
130 South Main Street, Suite 201
Sebastopol, CA 95472

July 2012

URS

URS Corporation
2870 Gateway Oaks Drive
Sacramento, CA 95833

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List of Acronyms

AB	Assembly Bill
BAAQMD	Bay Area Air Quality Management District
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
FCAA	Federal Clean Air Act
GHG	greenhouse gas
GWP	global warming potential
SF	square feet
U.S. EPA	U.S. Environmental Protection Agency
Winery	Windsor Oaks Winery

SECTION ONE INTRODUCTION AND PROJECT DESCRIPTION

This report describes the greenhouse gas (GHG) emissions “footprint” for the proposed Windsor Oaks Winery (Winery) in Sonoma County. The report briefly describes federal, state, and local regulations related to climate change and GHG emissions. In addition, the report estimates GHG emissions associated with the Winery’s construction and operation, and compares these emissions to the significance thresholds established by the Bay Area Air Quality Management District (BAAQMD) and Sonoma County.

1.1 PROJECT DESCRIPTION

The proposed Winery involves the development of a new two-phased winemaking facility within a 472-acre parcel of the 710-acre Windsor Oaks Ranch located at 10510 Hillview Road in Windsor, California. Figure 1 shows the general location of the Winery. The Winery will be located on the Windsor Oaks Ranch vineyard property, which is currently developed with 230 acres of vineyard and two winery buildings that support the annual production of 43,000 cases of wine.

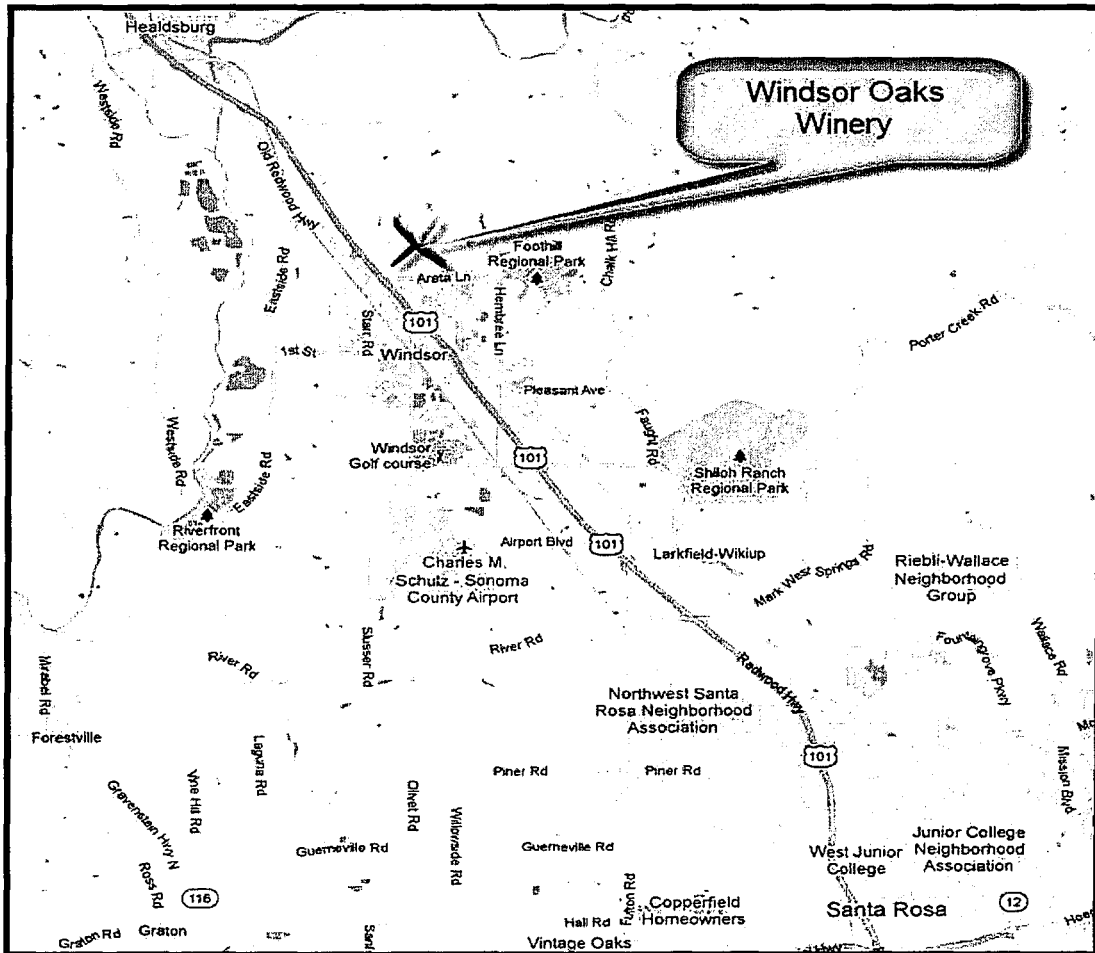


Figure 1. Windsor Oaks Winery Location

Introduction and Project Description

Phase I of the Winery development would include an interior remodel of 2,000 square feet (SF) of the existing 12,600 SF winery warehouse building to tasting, hospitality, and administrative uses, restrooms, and an exterior deck. Phase I would not require any new additional employees above the existing 10 full-time employees during harvest season. Phase I would average 15 visitors per day and 30 for a weekend day. Phase I production is planned to remain at the existing level of 43,000 cases per year but will support new on-site wine tasting activities. Operation of Phase I would begin in 2013 following completion of Phase I construction activities (March through April 2013).

Phase II would include a new 8,360 SF two-story winery building with a 480 SF entry canopy and a detached 600 SF mechanical building. The building will have barrel storage, technical tasting, restrooms, administration spaces, a VIP tasting area, a tasting room, kitchen, and related hospitality areas. The proposed Phase II winery facility would employ a staff of 10 full-time and 6 part-time employees during the non-harvest season with an increase to 16 full-time employees during the harvest season. During Phase II, visitation would be open to the public and would average 55 visitors per day. Phase II production would have an ultimate capacity of 100,000 cases per year with public tasting, tours, retail sales, and marketing events. Construction activities for Phase II would commence in March 2014 and be completed in December 2014. Phase II facility operation would begin the following year (2015).

SECTION TWO REGULATORY SETTING

2.1 FEDERAL REGULATIONS

On April 2, 2007, the U.S. Supreme Court ruled that CO₂ is an air pollutant as defined under the Federal Clean Air Act (FCAA), and that the U.S. Environmental Protection Agency (U.S. EPA) has the authority to regulate emissions of GHGs. However, there are no federal regulations or policies regarding GHG emissions directly applicable to the proposed project.

2.2 STATE REGULATIONS

Executive Order S-3 05. In 2005, then-Governor Schwarzenegger established Executive Order S-3 05, which sets forth a series of target dates by which statewide GHG emissions would be progressively reduced: by 2010, reduce emissions to 2000 levels; by 2020, reduce emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.

Assembly Bill 32 and the California Climate Change Scoping Plan. In 2006, the California state legislature adopted the California Global Warming Solutions Act of 2006. Assembly Bill (AB) 32 establishes a cap on statewide GHG emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emission levels. Under AB 32, GHG are defined as CO₂, CH₄, N₂O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

AB 32 requires that CARB:

- Adopt early action measures to reduce GHG;
- Establish a statewide GHG emissions cap for 2020 based on 1990 emissions;
- Adopt mandatory reporting rules for significant GHG sources;
- Adopt a scoping plan indicating how emission reductions will be achieved via regulations, market mechanisms, and other actions; and
- Adopt regulations needed to achieve the maximum technologically feasible and cost-effective reductions in GHGs.

Pursuant to AB 32, the California Air Resources Board (CARB) adopted a Scoping Plan in 2008, outlining measures to meet the 2020 GHG reduction limits (CARB, 2008). To meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business-as-usual emission levels or about 15 percent from today's levels. The Scoping Plan estimates a reduction of 174 million metric tons of CO₂e from the transportation, energy, agriculture, forestry, and high global warming potential (GWP¹) sectors.

AB 32 also anticipates that local government actions will result in reduced GHG emissions. CARB has identified a GHG reduction target of 15 percent from 2008 levels for local governments themselves, and notes that successful implementation of the plan relies on local

¹ Global Warming Potential (GWP) is defined as the cumulative radiative forcing effects of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas. The GWP-weighted emissions are presented in terms of equivalent emissions of carbon dioxide (i.e., carbon dioxide equivalents or CO₂e).

governments' land use planning and urban growth decisions, because those governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions (CARB, 2008).

Executive Order S-1 07. Executive Order S-1 07 established a goal of reducing the carbon intensity of transportation fuels sold in California by 10 percent by 2020. After analyzing this executive order, CARB determined that a Low Carbon Fuel Standard could be adopted as a discrete, early-action measure to meet the mandates in AB 32. CARB adopted the Low Carbon Fuel Standard on April 23, 2009.

Senate Bill 97. Senate Bill 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under the California Environmental Quality Act (CEQA). The bill directed the California Office of Planning and Research to prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, and transmit those guidelines to the Resources Agency by July 1, 2009. The Resources Agency certified those guidelines on December 30, 2009, and they became effective March 18, 2010 (California Natural Resources Agency, 2009).

2.3 LOCAL REGULATIONS

Bay Area Air Quality Management District Climate Change Regulations. The BAAQMD has established a climate protection program to reduce pollutants that contribute to global climate change. The climate protection program includes measures that promote energy efficiency, reduce vehicle miles traveled, and develop alternative sources of energy, all of which reduce GHG emissions.

BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

In June 2010, the BAAQMD adopted GHG thresholds (BAAQMD, 2010). The BAAQMD recommends using any of the following three CEQA significance thresholds for individual projects: 1,100 metric tons CO₂e per year, 4.6 metric tons of CO₂e per number of residents plus employees, or compliance with a qualified climate action plan (CAP). If a project meets any one of these three significance thresholds, operational GHG emissions are considered less than significant. The BAAQMD has not adopted GHG significance thresholds for construction emissions (BAAQMD, 2010).

Sonoma County Planning Department. The Sonoma County Permit and Resource Management Department supports the use of the BAAQMD's GHG thresholds to determine the significance of GHG emissions (Tesconi, T., 2012). In addition, the County requires compliance with the General Plan Open Space and Resource Conservation Element Objective OSRC-14.4, which states "reduce GHG emissions by 25 percent below 1990 levels by 2015." Projects can demonstrate compliance with this general plan objective by complying with the BAAQMD GHG threshold and implementing mitigation measures that exceed the green building code (Tesconi, T., 2012).

SECTION THREE GREENHOUSE GAS EMISSIONS

3.1 CONSTRUCTION GHG EMISSIONS

As described above, the Windsor Oaks project would be built in two phases. Phase I would involve fine site grading and paving activities from March 2013 to April 2013. The project's Phase II construction activities would involve fine site grading, trenching, paving, and building construction activities that would last from approximately March 2014 to December 2014.

GHG emissions from the facility's construction consist mainly of CO₂ generated from diesel powered trucks and equipment. As indicated in Table 1 below, the estimated CO₂e from construction of the Winery would equal 30.3 metric tons/year in 2013 and 165.5 metric tons/year in 2014. The BAAQMD has not adopted significance thresholds for construction-related GHGs. However, construction emissions would be less than the BAAQMD's operational threshold of 1,100 metric tons CO₂e per year.

Table 1. Construction-Related GHG Emissions

Year	CO ₂ e (metric tons/year)
Phase I Construction Emissions (2013)	30.3
Phase II Construction Emissions (2014)	165.5

Notes:

Emissions estimates were made using the URBEMIS2007 model, version 9.2.4. URBEMIS2007 reports emissions in tons per year, which have been converted to metric tons per year. Additional construction assumptions and URBEMIS model runs are shown in Appendix A.

3.2 OPERATION GHG EMISSIONS

Operation-related GHG emissions for Phases I and II are shown in Table 2. The Winery's total net increase in emissions would equal 29.6 metric tons of CO₂e per year for Phase I, and 277.3 metric tons of CO₂e per year for Phase II. Emissions would be generated by vehicle exhaust, landscape maintenance equipment, natural gas, electricity, and propane consumption, water use, solid waste generation, refrigerant use, and alcohol fermentation. Appendix A includes a detailed explanation of the calculations used to estimate emissions.

Table 2. Operational GHG Emissions (unmitigated, metric tons CO₂e/year)

Emission Category	Phase I Emissions (2014)	Phase II Emissions (2018)
Total	29.6	277.3
BAAQMD Significance Threshold	1,100	1,100

Notes: Detailed emission estimates for each category are included in Appendix A.

The Winery's unmitigated Phase I and Phase II emissions would be less than the BAAQMD's GHG threshold of 1,100 metric tons CO₂e per year. These unmitigated emission estimates represent an upper bound and do not include the Winery's proposed mitigation measures.

3.3 MITIGATION MEASURES

The project will include several energy and water efficiency measures designed to lower the project's carbon footprint. Since these mitigation measures are currently in the early stages of project design, engineering has not yet been conducted for these measures. Consequently, this report does not attempt to quantify the associated GHG reductions.

Phase II of the project will include mitigation measures that comply with the California (Non-Residential) Green Building (CALGreen) Standards Code², including the voluntary Tier 1 measures of that code. The voluntary requirements include exceeding California Title 24 energy efficiency requirements by 15 percent and several additional measures, which include:

- Designated parking for fuel efficient vehicles for a minimum of 10 percent of parking capacity;
- Cool roofs that meet thermal emittance and solar reflectance standards;
- a 30 percent reduction in indoor potable water use;
- Outdoor potable water use not to exceed 60 percent of acceptable rates;
- Recycled content of 10 percent of materials used;
- Construction waste reduction of 65 percent; and
- Thermal insulation that meets low emitting materials standards.

The project would meet these CALGreen Tier 1 standards using technologies that include, but are not limited to: passive solar design, natural lighting and ventilation, hydrozone irrigation techniques, low flush toilets, treated wastewater and reclaimed water for irrigation, and permeable hardscapes.

With these mitigation measures, the Winery's construction and operational GHG emissions would be reduced below the unmitigated levels shown in Tables 1 and 2.

3.4 CONCLUSION

The proposed Winery's unmitigated construction and operational emissions would be substantially below BAAQMD's 1,100 metric tons CO₂e per year significance threshold. With the mitigation measures described above, the Winery's emissions would be reduced even further below BAAQMD's threshold. Consequently, the proposed Winery would not have a significant impact on GHG emissions.

² California Green Building Standards Code (CALGreen) consists of Part 11 of the California Building Standards Code in Title 24 of the California Code of Regulations. CALGreen is intended to (1) reduce GHGs from buildings, (2) promote healthier places to live and work, and (3) reduce energy and water consumption. Tier 1 and Tier 2 relates to green measures that are voluntary. Buildings having achieved either Tier 1 or Tier 2 standards will have achieved more green efficiencies than a building complying solely with mandatory green measures.

SECTION FOUR REFERENCES

- BAAQMD (Bay Area Air Quality Management District). 2010. *CEQA Air Quality Guidelines*. June. San Francisco, CA. Available: http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_December%202010.ashx?la=en.
- Boulton, Roger, Professor of Enology and Chemical Engineering, Department of Viticulture and Enology, University of California, Davis. October 7, 2009 e-mail to Tim Rimpo, Rimpo and Associates, regarding Best Winery Carbon Footprint.
- CARB (California Air Resources Board). 2008. *Climate Change Scoping Plan, A Framework for Change*. Available: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.
- California Natural Resources Agency. 2009. *CEQA Guidelines Proposed to be Added or Amended*. Sacramento, CA. Available: http://ceres.ca.gov/ceqa/docs/Adopted_and_Transmitted_Text_of_SB97_CEQA_Guidelines_Amendments.pdf.
- Foszcz, Keith. 2012. Civil Engineer at Sonoma County Department of Transportation and Public Works. Personal communication with Megan Giglini of URS Corporation via telephone re: waste collection and energy recovery at the Central Disposal Site in Sonoma County.
- Sonoma County Permit and Resource Management Department. 2010. *Sonoma County General Plan 2020, Open Space and Resource Conservation Element*. Amended on August 24, 2010. Available: < <http://www.sonoma-county.org/prmd/gp2020/index.htm> >. Accessed: July 2, 2012.
- Steve Martin Associates, Inc. 2012. *Wastewater Feasibility Study for Windsor Oaks Winery*. February.
- Tesconi, Traci. 2012. Planner III. Sonoma County Permit and Resource Management Department. Personal communication with Megan Giglini and Tim Rimpo of URS Corporation via telephone and email re: recommended significance thresholds for CEQA analysis of GHG emissions.
- Whitlock & Weinberger Transportation, Inc. (W-Trans). 2012. *Traffic Impact Study for the Windsor Oaks Project in the County of Sonoma. Draft Report*. March 15, 2012.

References

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APPENDIX A
Phase I and II Emission Calculations

APPENDEIX A

Phase I and II Emission Calculations

URBEMIS Construction Emissions – Phase I

The URBEMIS construction emissions were converted from English to Metric units for use in Table 1 above.

Page: 1

7/9/2012 04:27:36
PM

Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name: G:\Steve Martin Associates - Windsor Oaks Winery\Air Quality Calculations\Windsor Phase 1 Emissions_070312.urb924

Project Name: Windsor Vineyards Phase 1

Project Location: Sonoma County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	<u>CO2</u>	Metric
2013 TOTALS (tons/year unmitigated)	33.44	30.3

AREA SOURCE EMISSION ESTIMATES

	<u>CO2</u>
TOTALS (tons/year, unmitigated)	176.63

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>CO2</u>
TOTALS (tons/year, unmitigated)	99.39

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

CO2

EXHIBIT Q 108
Mitigated Neg Dec and attachments

APPENDEIX A

Phase I and II Emission Calculations

TOTALS (tons/year, unmitigated) 276.02

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

	<u>CO2</u>
2013	33.44
Fine Grading	26.44
03/15/2013-04/15/2013	
Fine Grading Dust	0.00
Fine Grading Off	24.72
Road Diesel	
Fine Grading On	0.00
Road Diesel	
Fine Grading Worker	1.72
Trips	
Asphalt 04/16/2013-	7.00
04/30/2013	
Paving Off-Gas	0.00
Paving Off Road	5.39
Diesel	
Paving On Road	0.11
Diesel	
Paving Worker Trips	1.50

Phase Assumptions

Phase: Fine Grading 3/15/2013 - 4/15/2013 - Default Fine Site Grading Description

Total Acres Disturbed: 0.81

Maximum Daily Acreage Disturbed: 0.2

Fugitive Dust Level of Detail: Default

 20 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

1 Rubber Tired Dozers (357 hp) operating at a 0.59 load factor for 6 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

EXHIBIT Q.109
Mitigated Neg Dec and attachments

APPENDEIX A

Phase I and II Emission Calculations

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 4/16/2013 - 4/30/2013 - Default Paving Description

Acres to be Paved: 0.2

Off-Road Equipment:

4 Cement and Mortar Mixers (10 hp) operating at a 0.56 load factor for 6 hours per day

1 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>CO2</u>
Natural Gas	176.38
Hearth	0.00
Landscape	0.25
Consumer Products	
Architectural Coatings	
TOTALS (tons/year, unmitigated)	176.63

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>CO2</u>
---------------	------------

EXHIBIT Q 110
Mitigated Neg Dec and attachments

APPENDEIX A

Phase I and II Emission Calculations

General light industry 99.39

TOTALS (tons/year, unmitigated) 99.39

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2013 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
General light industry		2.91	1000 sq ft	17.60	51.22	545.45
					51.22	545.45

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	48.1	0.9	98.7	0.4
Light Truck < 3750 lbs	48.0	1.7	92.8	5.5
Light Truck 3751-5750 lbs	0.0	0.5	99.0	0.5
Med Truck 5751-8500 lbs	0.0	0.0	100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.0	0.0	72.2	27.8
Lite-Heavy Truck 10,001-14,000 lbs	0.0	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	0.0	0.0	16.7	83.3
Heavy-Heavy Truck 33,001-60,000 lbs	3.9	0.0	0.0	100.0
Other Bus	0.0	0.0	0.0	100.0
Urban Bus	0.0	0.0	0.0	0.0
Motorcycle	0.0	55.6	44.4	0.0

EXHIBIT Q 111
Mitigated Neg Dec and attachments

APPENDEIX A

Phase I and II Emission Calculations

School Bus	0.0	0.0	0.0	100.0	
Motor Home	0.0	0.0	90.0	10.0	
<u>Travel Conditions</u>					
	Residential			Commercial	
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4 7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6 6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0 35.0
% of Trips - Residential	32.9	18.0	49.1		
% of Trips - Commercial (by land use)					
General light industry				50.0	25.0 25.0

Trip Generation Rates – Phase I

Vehicular trip generation rates associated with operation of the Winery’s Phase I were based on assumptions described in the *Traffic Impact Study for the Windsor Oaks Project in the County of Sonoma (W-Trans, 2012)* and the project’s Proposal Statement. The traffic study assumed that there would be 3 average daily trips (ADT) per winery employee and a 2.5 person per vehicle occupancy for winery visitors. Existing ADTs were taken from the Table I Trip Generation Summary in the traffic study. The project’s Proposal Statement detailed the estimated employees and visitors during non-harvest and harvest periods of Phase I and Phase II of the winery’s operation. It was assumed that the harvest period would last 90 days and the ADT associated with seasonal employees would be total harvest period trips divided by 365 days/year. The traffic study did not provide estimated truck trips for Phase I. It was assumed that Phase I would not result in any additional truck trips because this phase would not increase the quantity of wine being produced and the traffic study indicated truck trips associated with Phase II would be the same as existing conditions. The percentage of ADT comprised of truck trips was calculated by dividing the net ADT increase by the proposed truck traffic. The remaining percentage of ADT was evenly split between light-duty automobiles (LDA) and light-duty trucks (LDT).

Phase 1

Windsor Winery Trip Generation

ADT ADT ADT = average daily trips

EXHIBIT Q 112
Mitigated Neg Dec and attachments

APPENDEIX A

Phase I and II Emission Calculations

	Existing	Proposed	
Employees			Assume 3 ADT per employee; Assume 2.5 person per vehicle occupancy for visitors
Year-Round	30.00	30.00	No increase in employees
Seasonal	0.00	0.00	
Truck Traffic	2.00	2.00	
Vineyard Maintenance	0.0	0	
Tasting Room - Visitors + Employees	0.00	19.29	Average of (15 visitors/weekday*5 weekdays + 30 visitors/weekend*2 days)/7 days/week = 19.28 visitor trips. No additional tasting employees.
Event Traffic	0.00	0.0	Assume no events during Phase 1.
Total	32.00	51.29	
Total Proposed		51.29	trips per day per 17,600 SF increase for Phase 1
		2.91	trip rate per day/1000 SF
% Non Truck		96.1%	17600 Phase 1 SF
% Truck		3.9%	
% LDA		48.1%	
% LDT		48.1%	
% Truck		3.9%	

BGM Results – Phase I (2013)

Project Name:	Windsor Vineyards Phase 1
Project and Baseline Years:	2013
	Unmitigated Project-Baseline CO ₂ e (metric tons/year)

EXHIBIT Q 113
Mitigated Neg Dec and attachments

Results	
Transportation:	29.48
Area Source:	0.00
Electricity:	0.00
Natural Gas:	0.00
Water & Wastewater:	0.10
Solid Waste:	0.00
Agriculture:	0.00
Off-Road Equipment:	0.00
Refrigerants:	0.00
Sequestration:	N/A
Purchase of Offsets:	N/A
Total:	29.59

BGM Transportation – Phase I

BGM imports transportation emissions from the URBEMIS model run, then converts the emissions from English to Metric units, adjusts for the Pavley Rule, converts CO₂ to CO₂e, and adjusts for the Low Carbon Fuels Rule. The transportation emissions represent the net increase in trips generated by Phase I as compared to the existing winery operations.

BGM Area Sources – Phase I

Area sources include landscape equipment emissions generated by URBEMIS. Those emissions are read into BGM and converted to metric units. The Phase I-related total building size would be the same as the existing winery operations and would result in the same landscape equipment emissions. Area source emissions represent no net change in emissions generated by Phase I as compared to the existing winery operations.

BGM Electricity and Natural Gas – Phase I

Electricity and natural gas use were based on energy use estimates incorporated within the BGM model for general light industrial uses located in climate zone 4. For Phase I, this included 102.38 megawatt-hours per year and 75 million Btus per year, based on

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Mitigated Neg Dec and attachments

17,600 SF of industrial space. Phase I operations would include the use of a portion (2,000 SF) of an existing winery warehouse building (12,600 SF) for tasting and office purposes, and the continued use of the remaining portion of that winery building and another building (5,000 SF) for wine production. Phase I operations would produce the same quantity of wine as the existing winery operations. Therefore, it was assumed that Phase I's total SF of industrial space and electricity and natural gas usage would be the same as the existing winery operations, and would result in no net change in either electricity or natural gas use.

BGM Water and Wastewater – Phase I

The project's estimated water usage is based on the Windsor Oaks Winery Wastewater Feasibility Study (Steve Martin Associates, Inc., 2012). The study reports that the average daily sanitary waste flows for Phase I would total 165 gallons per day, which is 37.5 gallons per day greater than the existing conditions and results in a usage of 60,225 gallons per year.. The projected process wastewater for Phase I would be the same as existing conditions (516,000 gallons per year). The Phase I process wastewater was not provided in the study and was estimated by multiplying the Phase I-generated wine case quantity (43,000 cases) by a ratio of Phase II process wastewater per quantity of wine cases (1,200,000 gallons per year/100,000 wine cases).

Land Use Name	Projected Water Use (gallons/yr)
Winery Facility	516,000
Sanitary Wastewater	60,225

Total GHG emissions associated with this water use would increase as compared to existing conditions, because of the sanitary wastewater emissions associated with Phase I winery visitors.

BGM Solid Waste – Phase I

Solid waste in Sonoma County would be collected at the Central Disposal Site landfill. The Central Disposal Site landfill uses Energy Recovery to reduce GHG emissions from the waste decomposition (Foszcz, K., 2012). Therefore, using BGM, this analysis assumed that the project's construction and/or operation-related waste would be disposed of at a landfill with energy recovery. For Phase I, the total amount of solid waste generated per year was estimated to be equal to the existing winery operation's solid waste generation (5.87 tons per year).

BGM Agricultural Emissions – Phase I

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APPENDEIX A

Phase I and II Emission Calculations

Phase I would generate the same quantity of wine cases (43,000) as the existing winery operations. Therefore, GHG emissions associated with Phase I's wine fermentation would be the same as the existing winery operations and there would be no net agricultural emissions.

Wine Fermentation				
CO ₂	143.00	lbs CO ₂ /ton grapes*		
Wine Yield	50.00	cases/ton		
Ultimate Production	43,000.00	cases		
Type of Production	Production (cases)	Tons of grapes	Pounds of CO ₂	CO ₂ Emissions (metric tons/yr)
Fermentation	43,000.00	860.00	122,980	55.80

*Source: Boulton, R., 2009.

Off-Road Equipment – Phase I

Propane use for winery operations was estimated based on a similar winery’s use of 500 gallons of propane per year to annually produce 32,000 cases of wine. This ratio of propane usage/cases of wine (0.015625) was multiplied by the Windsor Oaks’s Phase I wine production of 43,000 cases per year.

PROJECT Fuel Use	Total Gallons Used per Year
Propane	671.88

Refrigerants – Phase I

Refrigerant use for Phase I cold storage winery operations was assumed to be the same as that used for the existing Winery and was estimated based on a similar winery’s use of 400 pounds per year to annually produce 32,000 cases of wine. This ratio of cold storage refrigerant usage/cases of wine (0.0125) was multiplied by the Windsor Oaks’s existing and Phase I wine production of 43,000 cases per year.

PROJECT Refrigeration System	Refrigerant Charge (pounds)	Leakage Rate (pounds/year)	Default GWP (weighted average)	CO2e (metric tons/year)
Cold Storage	537.50	53.75	2,422.22	59.07

URBEMIS Construction Emissions – Phase II

Page: 1
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Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name: G:\Steve Martin Associates - Windsor Oaks Winery\Air Quality Calculations\Windsor Phase 2 Emissions_070312.urb924

Project Name: Windsor Vineyards Phase 2 Emissions

Project Location: Sonoma County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	<u>CO2</u>	Metric
2014 TOTALS (tons/year unmitigated)	182.51	165.5

AREA SOURCE EMISSION ESTIMATES

	<u>CO2</u>
TOTALS (tons/year, unmitigated)	176.63

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>CO2</u>
TOTALS (tons/year, unmitigated)	174.86

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>CO2</u>
TOTALS (tons/year, unmitigated)	351.49

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>CO2</u>
Natural Gas	176.38
Hearth	0.00
Landscape	0.25
Consumer Products	
Architectural Coatings	
TOTALS (tons/year, unmitigated)	176.63

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>CO2</u>
General light industry	174.86
TOTALS (tons/year, unmitigated)	174.86

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2015 Season: Annual

EXHIBIT Q 119
Mitigated Neg Dec and attachments

APPENDEIX A

Phase I and II Emission Calculations

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
General light industry		3.53	1000 sq ft	27.04	95.45	1,016.56
					95.45	1,016.56

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	49.0	0.4	99.4	0.2
Light Truck < 3750 lbs	48.9	1.1	94.5	4.4
Light Truck 3751-5750 lbs	0.0	0.5	99.0	0.5
Med Truck 5751-8500 lbs	0.0	0.0	100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.0	0.0	72.2	27.8
Lite-Heavy Truck 10,001-14,000 lbs	0.0	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	0.0	0.0	16.7	83.3
Heavy-Heavy Truck 33,001-60,000 lbs	2.1	0.0	0.0	100.0
Other Bus	0.0	0.0	0.0	100.0
Urban Bus	0.0	0.0	0.0	0.0
Motorcycle	0.0	48.9	51.1	0.0
School Bus	0.0	0.0	0.0	100.0
Motor Home	0.0	0.0	90.0	10.0

Travel Conditions

	Residential			Commuter	Commercial	
	Home-Work	Home-Shop	Home-Other		Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0

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APPENDEIX A

Phase I and II Emission Calculations

% of Trips - Residential	32.9	18.0	49.1
% of Trips - Commercial (by land use)			
General light industry		50.0	25.0

Operational Trip Generation Rate Assumptions – Phase II

Trip generation rates associated with operation of the Winery’s Phase II were based on assumptions described in the *Traffic Impact Study for the Windsor Oaks Project in the County of Sonoma* (W-Trans, 2012) and the project’s Proposal Statement. The traffic study assumed that there would be 3 average daily trips (ADT) per winery employee and a 2.5 person per vehicle occupancy for winery visitors. Existing ADTs were taken from the Table I Trip Generation Summary in the traffic study. The project’s Proposal Statement detailed the estimated employees and visitors during non-harvest and harvest periods of Phase I and Phase II of the winery’s operation. Where there were discrepancies between the traffic study’s and the Proposal Statement’s assumed Phase II employee or visitor quantities, the traffic study’s estimates were assumed to supersede those of the Proposal Statement and were used in these estimations. It was assumed that the harvest period would last 90 days and the ADT associated with seasonal employees would be total harvest period trips divided by 365 days/year. The traffic study estimated truck trips for Phase II as equal to the existing winery’s truck trips. The percentage of ADT comprised of truck trips was calculated by dividing the net ADT increase by the proposed truck traffic. The remaining percentage of ADT was evenly split between LDA and LDT.

Phase 2

Windsor Winery Trip Generation

	ADT Existing	ADT Proposed	ADT = average daily trips
Employees			
Year-Round	30.00	33	Assume 3 trips/day/employee (1 new employee proposed)
Seasonal	0.00	2.22	Assumed 3 full-time employees during harvest *3 trips/day*90 days/365 days/yr.
Truck Traffic	2.00	2	
Vineyard Maintenance	0.0	0	

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APPENDEIX A

Phase I and II Emission Calculations

Tasting Room - Visitors + Employees	0.00	50	From traffic report's Table 1 Trip Generation Summary (Assumes 55 visitors/day and 2 tasting room employees).
Event Traffic	0.00	8.3	
Total	32.00	95.55	Source of Trip information/Employees/Bldg SF: Proposal Statement

	Trips - Attendees	Trips - Staff	Total Trips	Notes
Special Events				
10 -60 person events	480	10	490	
15 -100 person events	1200	10	1210	
5 - 300 person events	1200	28	1340	Total trip rate for the five 300-person events is based on the project's traffic study.
	Total Trips		3040	
	Total Trips/day		8.3	

Total Proposed	95.55	trips per day per 9,440 SF increase for Phase 2 + 17,600 SF of existing
	3.53	trip rate per day/1000 SF
% Non Truck	97.9%	
% Truck	2.1%	
% LDA	48.95%	27,040 Phase 2 SF Total
% LDT	48.95%	
% Truck	2.1%	

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Mitigated Neg Dec and attachments

BGM Results – Phase II (2015)

Project Name:	Windsor Vineyards Phase 2 Emissions
Project and Baseline Years:	2015
	Unmitigated Project- Baseline CO ₂ e (metric tons/year)
Results	
Transportation:	93.62
Area Source:	0.00
Electricity:	20.08
Natural Gas:	2.14
Water & Wastewater:	1.30
Solid Waste:	3.15
Agriculture:	73.97
Off-Road Equipment:	5.22
Refrigerants:	77.79
Sequestration:	N/A
Purchase of Offsets:	N/A
Total:	277.26

BGM Transportation – Phase II

BGM imports transportation emissions from the URBEMIS model run, then converts the emissions from English to Metric units, adjusts for the Pavley Rule, converts CO₂ to CO₂e, and adjusts for the Low Carbon Fuels Rule. The transportation emissions represent the net increase in trips generated by Phase II as compared to the existing winery operations.

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BGM Area Sources – Phase II

Area sources include landscape equipment emissions generated by URBEMIS. Those emissions are read into BGM and converted to metric units. Area source emissions represent the net increase in emissions generated by Phase II as compared to the existing winery operations.

BGM Electricity and Natural Gas – Phase II

Electricity and natural gas use were based on energy use estimates incorporated within the BGM model for general light industrial uses located in climate zone 4. For Phase II, this included 157.29 megawatt-hours per year and 115.23 million Btus per year, based on 27,040 square feet of industrial space. Total emissions account for the net increase in GHG emissions associated with the Winery’s energy use as compared to the energy use from the existing winery operations (102.38 megawatt-hours per year and 75.0 million Btus per year).

BGM Water and Wastewater – Phase II

The project’s estimated water usage is based on the Windsor Oaks Winery Wastewater Feasibility Study (Steve Martin Associates, Inc., 2012). The study reports that the average daily sanitary waste flows for Phase II would be 195 gallons per day, which results in a usage of 71,175 gallons per year. The projected process wastewater for Phase II would be 1,200,000 gallons per year.

Land Use Name	Projected Water Use (gallons/yr)
Winery Facility	1,200,000
Sanitary Wastewater Design	71,175

Total GHG emissions associated with this water use would increase as compared to existing conditions, because the existing winery operations uses less water. Phase II’s average daily sanitary wastewater flows and process wastewater flows are, respectively, 67.5 gallons per day and 684,000 gallons per year greater than the existing winery’s sanitary and process wastewater.

BGM Solid Waste – Phase II

Solid waste in Sonoma County collected at the Central Disposal Site landfill. The Central Disposal Site landfill uses Energy Recovery to reduce GHG emissions from the waste decomposition (Foszcz, K., 2012). Therefore, using BGM, this analysis assumed that the project’s construction and/or operation-related waste would be disposed of at a landfill with energy recovery. For Phase II, the total

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APPENDEIX A

Phase I and II Emission Calculations

amount of solid waste generated per year was estimated to equal 29.61 tons per year as compared to 19.27 tons per year from the existing winery operations.

BGM Agricultural Emissions – Phase II

Phase II would generate an increased quantity of wine cases (57,000 more) than the existing winery operations. Therefore, GHG emissions associated with Phase II’s wine fermentation would be greater than the existing winery operations.

Wine Fermentation				
CO ₂	143.00	lbs CO ₂ /ton grapes*		
Wine Yield	50.00	cases/ton		
Ultimate Production	100,000	cases		
Type of Production	Production (cases)	Tons of grapes	Pounds of CO ₂	CO ₂ Emissions (metric tons/yr)
Fermentation	100,000	2,000	286,000	129.76

*Source: Boulton, R., 2009

BGM Off-Road Equipment – Phase II

Propane use for Phase II’s winery operations was estimated based on a similar winery’s use of 500 gallons of propane per year to annually produce 32,000 cases of wine. This ratio of propane usage/cases of wine (0.015625) was multiplied by the Windsor Oaks’s Phase II wine production of 100,000 cases per year.

PROJECT Fuel Use	Total Gallons Used per Year
Propane	1,562.50

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BGM Refrigerants – Phase II

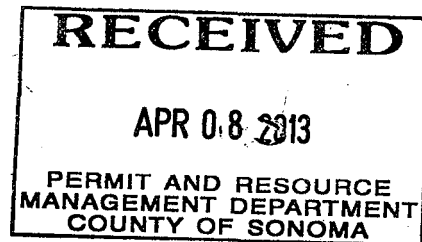
Refrigerant use for Phase II’s cold storage winery operations was estimated based on a similar winery’s use of 400 pounds per year to annually produce 32,000 cases of wine. This ratio of cold storage refrigerant usage/cases of wine (0.0125) was multiplied by the Windsor Oaks’s Phase II wine production of 100,000 cases per year.

PROJECT Refrigeration Systems	Refrigerant Charge (pounds)	Leakage Rate (pounds/year)	Default GWP (weighted average)	CO₂e (metric tons/year)
Cold Storage	1,250	125.00	2,406.42	136.48

Report

**Assessment of Groundwater Availability
Proposed Windsor Oaks Winery Modification**

10510 Hillview Road
Windsor, California
(APN 086-100-016)



Prepared for

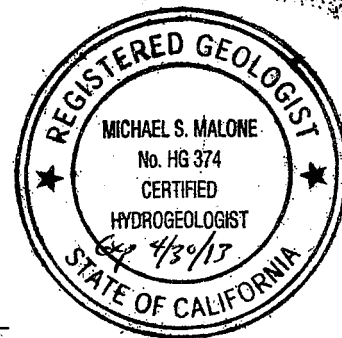
Windsor Oaks Associates LP
P.O. Box 883
Windsor, California 95492

by

A handwritten signature in cursive script, appearing to read "Michael S. Malone", written over a horizontal line.

Michael S. Malone

California Certified Hydrogeologist No. 374



Project No. SON13-199
April 4, 2013

MICHAEL S. MALONE – CONSULTING GEOLOGIST
1247 JEAN DRIVE SEBASTOPOL, CA 95472
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INTRODUCTION

Project Description

This report provides an assessment of groundwater availability for the proposed Windsor Oaks Winery Use Permit Modification. As proposed the project is planned to be implemented in two Phases: Phase I would increased wine production from 43,000 to 100,000 cases, and include public tasting, tours and retail sales; Phase II would add a new 8,360 square foot winery building and include public tasting, tours, retail sales and 30 special events per year.

The project is proposed for the 471.89 parcel APN 086-100-016 located at 10510 Hillview Road, Windsor, California. Although the entire Windsor Oaks Ranch totals 710 acres, for purpose of groundwater availability only the 471.89 parcel APN 0860100-016 was considered.

Background

Groundwater maps provided in the Sonoma County General Plan indicate that the subject site is within a groundwater area classified as an Area 3 described by the Sonoma County General Plan as an area of marginal groundwater availability. The property currently includes a winery, offices for winery personnel and extensive vineyard acreage. A well, referred to herein as the Winery Well, supplies water for these facilities. The vineyard irrigation system includes a relatively large pond on the subject parcel and a second pond and backup well located on the adjacent parcel to the south. According to the operations manager the backup well, referred to herein as the Irrigation Well, has never been used, except when it was pumped to confirm its capacity to supplement the ponds, if needed.

Purpose and Scope

The purpose of this assessment is to satisfy the Sonoma County's required for a hydrogeologic report as established in the General Plan policy WR-2e (formerly RC-3h).

To accomplish the stated purpose the following scope of work was performed:

- Pertinent published geologic and hydrogeologic literature was reviewed as listed in the Reference section of this report.
- Stereo-paired aerial photographs of the project area and vicinity were viewed and interpreted to assess the site geology in a preliminary manner, and to identify possible springs and neighboring well locations. Photos viewed are listed in the Reference section of this report.
- Permission was obtained from the Permit and Resources Management Department (PRMD) to obtain well logs from the State of California Dept. of Water Resources. Data from the wells judged pertinent to the project were used in this report, but in a manner that protects the confidentiality of those well logs.
- A geologic reconnaissance was performed to observe the site conditions, compare the geology to the geology on published geologic maps, and observe the existing supply well. Most neighboring water well locations were not visible because of the large parcel area and the long distances between those neighboring wells and the on-site wells.
- A list of groundwater studies and well tests compiled by PRMD were reviewed and two well yield tests from those files were utilized for this report.
- The site geology provided the basis for defining groundwater resource areas pertinent to the project. Residential densities, as allowed under current zoning, provided the basis for estimating the future groundwater demand in those resource areas.
- Analysis was performed to estimate a water balance, assess the potential for interference between on-site and neighboring wells, springs, surface waters and/or riparian habitat, and to estimate the quantity of groundwater held in aquifer storage.

The results and conclusions of the work are provided in this report.

SITE CONDITIONS

General Site Description

The winery is located in a narrow canyon in the hills bordering the northeast side of the Santa Rosa Plain. The subject parcel encompasses both the gently sloping edge of that Plain and the steep, hilly terrain bordering its northeast margin. Elevations range from about 200 feet (above sea level) along the southern property boundary to nearly 870 feet near the northern boundary. The southern portion of the property is drained by numerous seasonal drainages that conduct storm runoff to Windsor Creek. At the winery location two seasonal drainages are buried and conducted by culverts beneath the area of the Winery Buildings; they converge into a single larger drainage just west of the winery building with their flow draining westerly to the Russian River. The closest drainage that is open is approximately 250 feet west of the Winery Well.

Most of the gently sloping areas of the parcel are developed as vineyards; the steeper slopes and bottoms of the larger drainages are predominantly hardwood forest. The property is currently accessible by means of an unpaved driveway that extends north from Arata Lane; internal access is via numerous ranch roads with restricted wet weather access.

The climate of the project vicinity is characterized as coastal-cool, meaning that morning coastal fog and an afternoon sea breeze are common in the spring and summer months (Smith, 2002). Otherwise summers are warm and dry, with summer temperatures occasionally exceed 100 degrees. Winters are wet with moderate temperatures and rainfall is concentrated between the months of November through March. The average annual precipitation is about 43 inches of rain per year (SCWA, 2003), however wide fluctuations from the average are common.

Wells

The locations of the two on-site wells are shown on Plate 2. The winery well is a 585 foot deep, 10¾ inch diameter steel well that had an initial reported yield of 100gpm. At the time of drilling the well was reported to flow at the ground surface (artesian) at an estimated rate of 30gpm. Six hours of pumping were performed in March of 1974 following well development. During that pumping the water levels were lowered to a depth of 200 feet while pumping at a rate of 250gpm; after pumping the water levels recovered to within 28 feet of ground surface in 25 minutes. On March 19, 2013, when the site visit for this assessment was performed, the well was flowing without pumping at an estimated rate of 8gpm. The winery manager indicated that the winery uses the Winery Well for process and drinking water and that a water shortage has never occurred.

The Irrigation Well is located south of the winery and a short distance south of the lower pond. The well was drilled in October of 2003 to a depth of 280 feet and was constructed with 5-inch diameter PVC casing. At the time of drilling the well was estimated by the driller to yield 15gpm with a drawdown of 60 feet (to a depth of 220 feet) after 2 hours of airlifting.

Neighboring wells south of the property appear to be used primarily for domestic purposes, including minor livestock water and/or limited landscape/vineyard irrigation. Most logs for off-site wells immediately adjacent to the subject parcel were either not available or do not exist, however a compilation of selected well log data from a previous study, plus logs obtained for this assessment, indicated that yield from wells in the project vicinity were typically between about 15 to 30gpm. Refer to Appendix A. To my knowledge the drilling of dry holes was not common.

Geology and Soils of the Project Area

Description of the Hydrogeologic Units.

Published geologic maps indicate that the site is underlain by five principle geologic units and each is described briefly in the following subsections. Plate 2 provides the general distribution of the various geologic units.

Great Valley Assemblage (KJgvs). This unit is Jurassic-Cretaceous age and the oldest unit on the site. It is composed of moderately deformed sedimentary rocks,

predominantly mudstone and shale with sandstone interbeds. The rocks outcrop in the far eastern and northeastern portion of the property where they are in fault contact with the much younger Unnamed Fluvial Deposits (QTg) discussed below. The unit has a very low potential to produce useful quantities of groundwater and tends to have water quality problems. Therefore, for purposes of this assessment, the Great Valley rocks are considered non water-bearing.

Sonoma Volcanics (Tsvb). At the site these group of rocks are composed predominantly of basaltic and andesitic lava flow rocks with lesser quantities of volcanic ash. The volcanic rocks are exposed in the hill and ridge areas of the northern and northeast property area. Lava flow type rocks commonly contain useful quantities of groundwater where they are sufficiently thick. Volcanic ash, "black rock" and "gray-black rock" were encountered in the lower 203 feet of the Winery Well and these rock strata were considered to be the primary aquifers supplying that well.

Unnamed Fluvial (QTg). These sediments are comprised of bedded, poorly consolidated mixtures of sand, gravel, silt and clay including some volcanic ash. The unit (referred to on earlier geologic maps as the Glen Ellen Formation) outcrops extensively throughout the hilly areas of the property and forms prominent ridges underlain by relatively erosion resistant conglomerate (lightly cemented deposits of gravel and sand). In contrast, the intervening topographic saddles and swales appear to be underlain by more easily eroded fine-grained deposits, primarily silt mixed with fine sand. Exposures of QTg in the lowlands south and west of the foothills are obscured by a cover of relatively young alluvial fan deposits (Qof). The QTg is distinguished from the Qof by its somewhat greater degree of consolidation and the attitude of bedding.

The Unnamed Fluvial Deposits were encountered in the Winery Well from the ground surface to a depth of 382 feet before the underlying volcanic rocks were penetrated. QTg deposits were present throughout the entire 280-foot depth of the Irrigation Well. In the Irrigation Well the QTg was predominantly clay with only a 10-foot thickness of cemented gravel from 200-210 feet noted on the well log; QTg in the Winery Well contained substantially greater quantities of sand and gravel with seven separate intervals of sand and gravel noted with individual beds ranging in thickness from

about 5 to 25 feet. The QTg is considered to be capable of yielding moderate quantities of groundwater where coarse-grained deposits are present, such as in the hill areas near the Winery Well. Where the unit is predominantly clay, such as was encountered in the Irrigation Well the unit appears to have a significantly lower capacity to supply water to wells resulting in relatively low production rates, probably on the order of about 20gpm or less.

Old Alluvial Fan Deposits and Recent Alluvium (Qof and Qa). The older alluvial fan deposits blanket the gently sloping, lower elevations of the southwest property area. These deposits are comprised predominantly of clay, sand and some discontinuous gravel deposits. They are relatively thin, but obscure the underlying QTg throughout much of the area where they occur. Recent alluvium (Qa) is restricted to narrow deposits along the larger seasonal drainages. These deposits are thin and not considered a viable source of water supply due to their limited volume and environmental concerns (Delattre, 2011).

Geologic Structure.

Published maps show several steeply dipping, northwest trending faults projecting through the property. These faults are not considered to be active (Bryant, 2007), however they are assumed to act, to a greater or lesser extent, as barriers to groundwater flow. Although the fault displacement has generally been in a right-lateral, strike-slip sense, the southernmost of the faults is considered to have a strong reverse component to its movement. The reverse fault would have moved material on the northeast side of the fault up and over the material on the fault's southwest side.

Bedding attitudes in the QTg in the vicinity of the winery strike northwesterly and dip steeply to moderately toward the southwest. The bedding appears to flatten in the extreme southwest parcel area. Bedding is locally variable adjacent to faults (Delatte, 2010). An interpretation of the subsurface conditions is depicted schematically on Cross section A-A', Plate 3.

Soils

Relatively thin deposits of soil blanket most of the project area largely obscuring the underlying rock units. The principle soils in the moderate to steep slopes southeast of the winery buildings are developed over the QTg and include the Felta and Langier soils series (FaE and LaF); Spreckles soils (SkE and SkD) are present throughout the hills northwest of the winery buildings and in the gently rolling hills of the southwest parcel area. In the highlands of the northeast property area where the Sonoma Volcanics and Great Valley rocks are present the predominate soil types are the Diablo Series (DcC, DcD and DcF2). The Huichica and Zamora soils (ZaB and HtC) occur in limited distribution in close association with the main drainage including. Table 1 below summarizes the soil types and their estimated permeability (USDA, 1972).

Table 1. Summary of Soil Types and Permeability

<u>Soil Series</u>	<u>Underlying Geologic Formation</u>	<u>Permeability</u>	<u>Remarks</u>
Diablo (DcD, DcD, DcF2)	Tsv & KJgv	0.2-0.63 (moderate) 0.06 – 0.2 (low)	- clay loam - clay
Felta (FaE)	QTge (steep)	0.2-0.63 (moderate)	- gravelly clay loam
Huichica (HtC)	Qa	0.63 – 2.0 (high)	- loam and sandy clay loam
Langier (LaF)	QTge (steep)	0.63 – 2.0 (high)	-loam
Spreckles (SkD, SkE)	QTge (moderate to gently sloping)	0.2 – 0.63 (mod) 0.06 – 0.2 (low)	-loam -clay
Zamora (ZaB)	Qa	0.2 - 0.63 (mod)	-clay loam

GROUNDWATER CONDITIONS

Groundwater Resource Areas

The three mapped faults shown to project through the parcel are considered to act as partial barriers to groundwater flow, and thereby subdivide the parcel into three hydrogeologically distinct groundwater subunits. From northeast to southwest the three subunits are identified as GW-Ne, GW-Ctl and GW-Sw as shown on Plate 4. The steep and largely inaccessible hills of eastern parcel, and the area north of the fault that projects through the northeast property corner are not included as part of the GW-Ne because the steep slopes, hilly terrain and unfavorable geology make these area largely difficult or infeasible for groundwater development.

Table 3 below summarizes the surface area of each groundwater resource area.

Table 2. Groundwater Resource Areas

<u>Groundwater Resource Area</u>	<u>Area</u> (acres)
GW-Ne	145
GW-Ctl	45
GW-Sw	<u>86</u>
Total	276

Aquifer Descriptions

The sand and gravel beds within the Unnamed Fluvial Deposits (QTg) and the lava flow rocks within the Sonoma Volcanics (Tsva), as were encountered in the Winery Well, are considered to represent the principle water-bearing materials within the GW-Ne area where the Winery Well is located. In the GW-Ctl and GW-Sw the QTg sediments are the principle aquifers. In the QTg groundwater is stored and transmitted in the porous, granular sediments in contrast to the lava flow rocks where the networks of open rock fractures are what provide the rocks with their water-bearing capacity. Some groundwater is also locally available from the old alluvial fan deposits (Qof) and alluvium (Qa), however because these deposits are relatively thin they are considered to

represent a minor component of the groundwater system and are not considered further for purposes of this assessment.

The westward bedding dip of the QTg and Tsv, and the artesian flow at the Winery Well indicates groundwater within the GW-Ne parcel is in a confined condition. Although no wells are present in the GW-Ctl area the steep westerly dipping QTg suggested groundwater in this area would also be confined. The relatively gentle dips and vertically leaky nature of the discontinuous QTg in the GW-Sw indicates groundwater in the upper 300 feet or so would unconfined.

The absence of ponds serving the residential areas near the south end of Hillview Road suggests that well water in that area is sufficient to supply residential demand plus limited irrigation. The presence of ponds in hilly vineyard areas indicates that surface water is more suitable for supplying the irrigation demand from the extensive vineyards. Within the project area this observation generally holds true with the on-site pond providing water for vineyard irrigation and the Winery Well supplying the winery operations and drinking water.

Aquifer Parameters

Aquifer parameters including specific capacity (SC), specific yield (SY) and transmissivity (T) are important criteria for assessing an aquifer's capacity to store and transmit groundwater. These parameters can also help to estimate, at least on a preliminary basis, the potential for a pumping well to influence other water sources such as nearby surface waters and/or neighboring wells. The site's well data, data from neighboring wells in roughly comparable geologic settings, and published literature served as the basis for estimating the aquifer parameters for the on-site aquifers. Two pumping tests were performed on neighboring wells and these provided a direct method for obtaining the parameters for the QTg. Some pumping and water level measurements were also performed on the Winery Well in March of 1974. Because the pumping test data was limited, the specific capacity was also estimated from discharge and drawdown information provided on the well logs from off-site wells the general project vicinity.

See Appendix Table A3. Aquifer parameters utilized in this report are provided in Table 2 and they are discussed in this section.

Specific Yield. Specific yield is the ratio of the quantity of water that will drain by gravity from a saturated material to the volume of the material. Published literature provides ranges of specific yield for the geologic units in the project area, but the literature does not treat the older fluvial deposits (QTg) as a distinct unit (DWR, 1982 & 1983). Rather, specific yields are provided for a number of similar materials as follows:

Alluvium and River Channel Deposits: 8-20%

Terrace Deposits: 8-15%

Glen Ellen Formation: 3-7%

For this assessment it was assumed that the Unnamed deposits (QTg) are comparable to values at the lower end of the Terrace Deposits and the upper end of the Glen Ellen Formation, therefore a specific yield of 8% was assigned to the QTg in the project area. Published literature provided a range of specific yield for the Sonoma Volcanics from 0% to 15%. Because the volcanic rocks are predominantly lava flow rocks, with a relatively favorable capacity to yield groundwater, a specific yield of 8% was assigned to the Tsv.

Specific Capacity. Specific capacity is the rate of water discharged from a well (in gpm) per foot of water level drawdown. The specific capacity was estimated from the both drillers logs and two pumping tests performed in the project vicinity. The well and test data are listed in the Tables of Appendix A. The well capacity (based on initial driller's estimates) in the for QTg was an average of 26 gpm with an average specific capacity of 0.46gpm/ft of drawdown. For the volcanic rocks (Tsv) the estimated average well capacity was 60gpm with an average specific capacity of 0.60gpm/ft. Because the discharges reported by the driller's during well development are typically higher than the specific capacity estimated from longer-term pumping tests by a factor of two (or more), the well capacity and specific capacity estimated from the drillers logs were reduced by a factor of 2 (GRA, 2004) resulting in average discharge rates of 13gpm and 30gpm for the QTg and Tsv, respectively; specific capacities were then 0.23gpm/ft and 0.30gpm/ft for the QTg and Tsv, respectively. These reduced values compared favorably with two well tests that generated average well yields and specific capacity values of 14.8gpm and

0.17gpm/ft, respectively for a QTg on Limerick Lane and at Brooks Road southeast of the site. The specific capacity values are summarized in Table 2 below.

Transmissivity. Transmissivity is a measure of the volume of water transmitted through a 1-foot wide section of an aquifer under a unit gradient (a unit gradient is a drop of 1 foot vertically per 1 foot horizontally). Transmissivity (T) is best estimated from long-term pumping tests, however when only specific capacity estimates are available an empirical relationship between these two parameters can provide a rough estimate of transmissivity. Assuming the groundwater is unconfined in the southwest parcel area (GW-Sw) then $T = \text{spec. cap.} \times 1500$ (Driscoll, 1986). By substituting the specific capacity of 0.23gpm/ft. into the equation a transmissivity of $T=345$ gallons/day/ft is obtained. The confined QTg aquifers of area GW-Ctl would have a slightly higher transmissivity: $T = \text{spec.} \times 2000$ or $T=460$ gpd/ft (Driscoll, 1986). The combined QTg and Tsv aquifers of the GW-Ne were assigned discharge rates and specific capacity's based on the volcanic rock aquifers (Tsv), therefore the specific capacity of 0.30gpm/ft resulted in a transmissivity of $T=0.30 \times 2000 = 600$ gpd/ft.

Table 3. Estimated Specific Yield, Specific Capacity, and Transmissivity for Site Groundwater Areas

<u>Groundwater Area & Formation</u>	<u>Aquifer Condition</u>	<u>Specific Yield (%)</u>	<u>Specific Capacity (gpm/ft)</u>	<u>Transmissivity (gpd/ft)</u>
GW-Ne (QTg/Tsv)	Confined	8%	0.30	600
GW-Ctl (QTg)	Confined	8%	0.23	460
GW-Sw (QTg)	Unconfined	8%	0.23	345

Groundwater Demand

Several factors indicate that the existing Winery Well would have little, if any potential to compete with neighboring properties for groundwater. These factors include 1) the subject parcel is large and bound by steep slopes and hills on its northwest and

southeast sides which would prevent drilling of new neighboring wells proximate to the property boundary; 2) the winery site is in a very low density rural setting; and 3) the fault projecting through the northeast property area would tend to hydraulically isolate the winery property from neighboring properties located further to the northeast. Based on these factors existing and future groundwater demand from neighboring parcels was considered to have no measureable impact on water use in the subject parcel and therefore neighboring parcel demand was not included in the groundwater demand estimate. Table 4 below summarizes the groundwater demand for each of the project's two phases.

Table 4. Estimated Groundwater Demand (1)

<u>Item</u>	<u>Annual Demand</u>		<u>Average Daily Demand</u>		<u>Peak Daily Demand</u>	
	Gallons	Acre-ft	Gallons	Rate (gpm)	Gallons	Rate (gpm)
Phase I						
SW(2)	77,625	0.24	213	0.15	900	0.63
PW(3)	<u>1,200,000</u>	<u>3.68</u>	<u>3,288</u>	<u>2.28</u>	<u>7,000</u>	<u>4.86</u>
Total	1,277,625	3.92	3501	2.43	7,900	5.49
Phase II						
SW	95,175	0.29	261	0.18	1,778	1.23
PW	<u>1,200,000</u>	<u>3.68</u>	<u>3,288</u>	<u>2.28</u>	<u>7,000</u>	<u>4.86</u>
Total	1,295,175	3.97	3,549	2.46	8,778	6.09

(1) Demand quantities provided by SMA Associates, Inc., Wastewater Feasibility Study, Feb. 22, 2012

(2) sewage water

(3) winery process water

Groundwater Balance

A groundwater balance was performed to compare groundwater recharge to withdrawals. When recharge is equal to, or greater than withdrawals, then sufficient water is considered to be available to meet the anticipated demand. On the other hand, when recharge is less than withdrawals, then withdrawals remove groundwater from storage. If this occurs to an excess, then a potential for depletion of the groundwater resource exists. Unfortunately, year-to-year variability in precipitation, a lack of historic

water level and pumping data, and the difficulty of measuring the major components of the groundwater system generally precluded performing an accurate assessment of the project's actual groundwater balance, therefore the evaluation performed for this study should be considered as only a preliminary, initial approximation.

As a first step in estimating the water budget the following equation was applied:

$$\text{Recharge} = \text{Rainfall} - (\text{evapotranspiration} + \text{runoff})$$

Several generalized runoff estimates were available for the region including the following; 1) runoff in the nearby Alexander Valley was estimated to be approximately 53½% of total precipitation (Metzger, 2006); 2) gross estimated runoff in subhumid regions (areas receiving between 20 to 40 inches of precip./year) of California was estimated to range from 15 to 50% (Rantz, 1972); the Napa River drainage has an estimated basin-wide runoff rate of about 35% of total precipitation (Rantz, 1972). All of these runoff estimates are considered very approximate; however for purposes of this report a relatively conservative runoff rate of 50% was used. Evapotranspiration (ET) in the Alexander Valley was estimated to range from between 34% to 44½ % of total precipitation (Metzger, 2006). Because the project is in the southern portion of the Alexander Valley region and northern Santa Rosa Plain region, it is subject to a cooler and stronger coastal influence than Alexander Valley proper. Therefore an ET of 35%, near the lower end of the range, was considered appropriate. Substituting these percentages of runoff and ET into the equation, the remaining quantity of water available for recharge was estimated. The available recharge for each source area is listed in Table 5 below.

Table 5. Estimated Recharge Available to the Lot 1 and the Designated Remainder Groundwater Resource Areas

<u>Area</u>	<u>Volume of Precipitation</u> ⁽¹⁾ (acre-ft)	<u>Runoff</u> ⁽²⁾ (acre-ft)	<u>Evapotranspiration</u> ⁽³⁾ (acre-ft)	<u>Recharge</u> ⁽⁴⁾ (acre-ft)
GW-Ne* (145 acres)	519.3	259.7	181.8	77.8
GW-Ctl (45 acres)	161.3	80.7	54.5	26.1
GW-Sw (86.3)	309.3	154.7	108.3	46.3

Total	989.9	495.1	344.6	150.2
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1. 43-inches of rain/yr multiplied by area
2. Total precipitation multiplied by 50%
3. Total precipitation multiplied by 35%
4. Total precipitation minus runoff and evapotranspiration

* Reduced area that does not include areas of steep terrain adjacent to the southeast and northeast portions of GW-Ne

Drought and Groundwater Storage

Groundwater stored in the site's aquifers can potentially provide a reserve of groundwater during those years when recharge is less than demand. To estimate available aquifer storage a specific yield of 8% (discussed previously in the Aquifer Parameter section) was multiplied by the estimated aquifer volume of each resource area (saturated thickness x area). In the GW-Ne resource area the aquifer thickness was 415 feet based on the distance from the estimated depth of the first water encountered at 170 feet to the bottom of the Winery Well at depth 585 feet. The aquifer is in a confined condition, consequently it would have a very small storage coefficient (10^{-4}), until the water level reaches a point where the level is below the confining layer(s). At that point the water in storage would begin to drain from the aquifer by gravity and have a specific yield equivalent to 8%. For this reason 8% was assumed to apply to the confined aquifer in the GW-Ne area and the confined component of storage was neglected. In the aquifers of GW-Ctl and GW-Se the saturated thickness was estimated at 115 feet based on the distance from a water table of 160 feet to the bottom of the Irrigation Well at 275 feet. 8% specific yield was applied here also. Table 6 provides the criteria estimated to calculate stored groundwater and the results.

Table 6. Estimated Aquifer Storage

<u>Resource Area</u>	<u>Area</u> (acres)	<u>Storage</u> (Specific Yield)	<u>Aquifer Thickness</u> (feet)	<u>Stored Groundwater</u> (acre-ft)
GW-Ne	145	8%	415	4,814
GW-Ctl	45	8%	115	414
GW-Sw	86.3	8%	115	794
Total				6022

Even if only about 1/3 of the stored water were available to existing or future on-site wells the available stored groundwater would total 2007 acre-feet, a quantity far in excess of the proposed project demand.

For purposes of comparison, published estimates of stored groundwater in a ½ - mile square area immediately south of GW-Sw were reviewed. In that area it was estimated that 4900 acre-feet of storage were present in the spring of 1980 (DWR, 1982). This volume averaged 7.65 acre-feet/acre, roughly similar to the 9.2 acre-ft/acre estimated for the GW-Ctl and GW-Sw areas.

Well Interference

A pumping well can potentially influence nearby wells and/or bodies of surface water, such as streams, springs and ponds, when the cone of depression around the pumping well expands outward a sufficient distance that it intersects those other water sources. The potential for interference between on the Winery Well (and future new wells) and neighboring properties is considered remote based on the relatively large property size and corresponding distances between wells. Further, for interference to occur there must be hydraulic continuity between various aquifers, a condition that is very unlikely to occur based on the heterogeneous nature of the site's geologic materials and aquifers. In spite of these qualitative limitations, a preliminary interference assessment was performed to provide general guidelines indicative of the distance that drawdown from an on-site pumping could extend. Six scenarios were analyzed to cover the range of possibilities based on the peak daily demand of 8,778 gallons/day for Phase II (SMA Associate, Inc.). This demand could be satisfied by either pumping 24hrs/day at 6.5gpm or 12hrs/day at 13gpm. Wells were assumed to be drilled with a 12-inch diameter bit and operated at 65% efficiency. The scenarios analyzed were as follows:

- **GW-Ne:** Confined aquifer conditions for pumping rates of 6.5 and 13gpm where QTg and Tsv comprise the aquifer(s). Parameters were sp. cap = 0.3gpm/ft; T = 600gpd.

- **GW-Ctl:** Confined aquifer conditions for pumping rates of 6.5 and 13gpm where QTg comprises the aquifer(s). Parameters were sp.cap = 0.23gpm/ft; T = 460gpd.
- **GW-Sw:** Unconfined aquifer conditions for pumping rates of 6.5 and 13gpm where QTg comprises the aquifer. Parameters were sp. cap. = 0.23gpm/ft; T = 345gpd.

The theoretical distance a cone of depression would extend under each scenario was estimated using the "Drawdown vs. Distance" graphical method as provide in Driscoll, 1986 based on the equation:

$$\Delta s = 528Q/T$$

Where Δs is the drawdown over 1 log cycle (on semi-logarithmic paper), Q is the discharge in gpm and T is transmissivity in gallons/day/foot. From this analysis drawdown at various distances from a pumping well based on the scenarios were derived as summarized in Table 6 below.

Table 6. Drawdown vs. Distance for Six Pumping Scenarios

Scenario	Drawdown (in feet at well)		Drawdown (distance from well)		
	Inside casing	Outside casing	10 feet	50 feet	150 feet
GW-Ne (confined)					
6.5gpm	21.7	14.1	7.0	3.0	0.1
13gpm	43.3	28.2	13.3	5.0	0
GW-Ctl (confined)					
6.5gpm	28.3	18.4	9.0	3.2	0
13gpm	56.5	36.7	22.2	7.0	0
GW-Sw (unconfined)					
6.5gpm	28.3	18.4	5.5	0	0
13gpm	56.5	36.7	10.8	0	0

The analysis indicated that interference effects would likely be immeasurably small at distances greater than about 150 feet from a pumping well at the assumed discharge rates.

Water Quality

Limited water quality analysis was performed on a sample from the Winery Well in March of 1974 just after the well drilling. The analysis indicated that the water was relatively soft, with acceptable levels of most of the constituents analyzed. Of note was pH which was at the upper alkaline end of the normal range (8.5) and manganese that was at the upper end of the secondary standard concentration at 0.05mg/L, a level at which some staining could occur. Boron (0.32mg/L) and nitrate (0.1mg/L) were detected, but at low levels. Field parameters sampled at the overflow pipe on March 19, 2013 measured the total dissolved solids concentration of 310ppm. The water was warm with a temperature of 84°F, and it was clear with no odor detected. Results of laboratory analysis for arsenic and bacteria (Total coliform and E. coli) were not available at the time of this report writing.

Published literature indicates that water quality in the project vicinity is generally acceptable for domestic and agricultural uses, however a number of wells in the southern Healdsburg-Northern Windsor area have had moderate to high levels of arsenic detected in them (Kulongoski, 2010; Tracy, pers. comm.). The occurrence of arsenic in groundwater in the North Bay region is complex, however arsenic concentrations (where it occurs) is loosely associated with increasing depth and groundwater age in the North San Francisco Bay groundwater basins.

According to the drillers report, the Winery Well was constructed with a 25-foot, cement sanitary seal. California State Standards require a minimum sanitary seal of 20-feet for domestic wells and minimum 50-feet for community (public) supply wells.

DISCUSSION AND CONCLUSIONS

Based on the work performed it is my professional opinion that groundwater available to the project is adequate to support the water demand from the proposed

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winery modification without adversely affecting the groundwater resource or interfering with neighboring wells or surface waters. As proposed the project is anticipated to add new on-site demand of slightly less than 4 acre-feet/year, a relatively small quantity in comparison to the available groundwater resource. This demand is expected to total less groundwater than the estimated annual average recharge. During years when below average rainfall and recharge occurs some groundwater may have to be pumped from groundwater that is held in aquifer storage, however the analysis performed indicates that the volume of stored groundwater is sufficient to sustain pumping for a number of years even when recharge is below average. These conclusions are qualified by the possibility that new wells could be needed in the future if limited quantities, or poor quality groundwater are experienced at a particular well.

Water quality analysis for arsenic, total coliform and e. coli were not available and the presence of these constituents could potentially limit groundwater availability and/or require water treatment. Further, the existing Winery Well does not have a sanitary seal that satisfies the State Well Construction Standards, therefore either a waiver would have to be granted for the existing well with it's 24-foot seal, or a new well should be drilled and constructed in accordance with State Standards for a community/public water supply well.

Summary of Conclusions

- The groundwater resource is stored and transmitted within the poorly to moderately consolidated Unnamed Deposits (QTg) and in the lava flow rocks of the Sonoma Volcanics (Tsv). In general, the site is underlain by geologic materials considered favorable for low to moderate rates of groundwater pumping, however the limited lateral continuity of the principle water-bearing materials indicate that groundwater occurrence is non-uniform and locally variable.
- Well yields in the project vicinity are typically low to moderate sufficient to satisfy residential demand, livestock water and/or limited irrigation. Based on

well logs from the site vicinity the groundwater resource has been utilized to depths of nearly 600 feet deep, but with more typically well depths are less than about 350 feet deep.

- The groundwater resource is distributed in three distinct subunits (GW-Ne, GW-Ctl, GW-Sw) based on their geologic differences and partial hydraulic isolation resulting from northwest trending faults.
- Existing and future groundwater demand in the groundwater resource areas is slightly less than 4 acre-feet. Average annual recharge is estimated to be about 150 acre-feet. This indicates that recharge would normally be expected to meet and exceed the anticipated groundwater demand. This is supported anecdotally by the artesian flow that continues at the Winery Well even after years of winery demand.
- Estimated available groundwater in storage is 2007 acre-feet, greatly in excess of the anticipated annual demand of slightly less than 4 acre-feet. Storage appears to be sufficient to support pumping during numerous drought years. This estimated volume of stored water reflects the stored groundwater in the combined groundwater source areas, not necessarily groundwater available to the single existing well.
- The potential for the on-site wells to interfere directly with the neighboring wells is considered to be remote considering the low pumping rates and low volumes required to support the existing and anticipated future demand. The radius of influence of a well pumping at the rates anticipated to meet the demand is about 150 feet, far short of the thousands of feet between neighboring wells and the on-site well.

The nearest open drainage is about 250 feet west from the Winery Well, somewhat beyond the outer edge of the well's estimated radius of influence.

Further, the well is artesian demonstrating that it has a vertically upward gradient. These factors indicate that pumping of the Winery Well for the proposed project would have a negligible potential to adversely impact the surface drainages.

- Limited water quality analysis indicates that the groundwater is generally suitable for residential and agricultural purposes; however analysis for several important constituents was not available for this study. Some arsenic has been detected in wells in the general vicinity and this will be an important analysis to perform to confirm the suitability of the site's groundwater in the vicinity of the Winery Well. Water quality analysis of groundwater from the existing well and any new wells should be performed and include complete analysis for the intended use. Analysis should include arsenic, total coliform and E. coli.

The existing Winery well has a 24-foot sanitary seal. For a public water supply well a sanitary seal of minimum 50-feet is required. Either a waiver must be granted for the existing well or a new well should be drilled and constructed in accordance with the State Water Well Construction Standards.

LIMITATIONS

This evaluation and report preparation have been performed in accordance with the generally accepted standards of the hydrogeologic profession and no other warranty, either express or implied is given. It should be recognized that the conclusions provided in this report are preliminary in nature and if verification of these conclusions is required, then additional investigations may be necessary and could possibly include pumping tests, water level monitoring and additional water quality testing. Well logs, water levels, water quality and other pertinent data used in this report were obtained from a variety of sources and we can neither verify nor be held responsible for the accuracy of any data provided. This report concerns water availability and physical aquifer conditions, consequently pump performance, well life, corrosion, groundwater and soil contamination, and water treatment requirements are beyond the scope of this evaluation.

Nothing in this report should be construed to address geologic hazards or geotechnical conditions. A thorough geotechnical/engineering geologic site assessment should be performed to address those conditions.

This assessment of groundwater resource availability is general in nature and does not preclude the need to drill new wells, deepen wells, reset pumps deeper and/or reduce usage in the future depending on variations in climate and land-use patterns.

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Air Photos

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May 3, 1961, CSH-3BB; flt. 21: 178, 179; black and white; scale = 1:62,500.

May 16, 1980, BW-SON-16, -19, -20; black and white; scale 1" = 2,000'.

June 6, 1990, 13A-25, -27; black and white; scale: 1" = 660'.

LIST OF PLATES

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Plate 2	Geologic Map & Interpretive Geologic Cross-Section A-A'
Plate 3	Map of Groundwater Resource Areas

DISTRIBUTION

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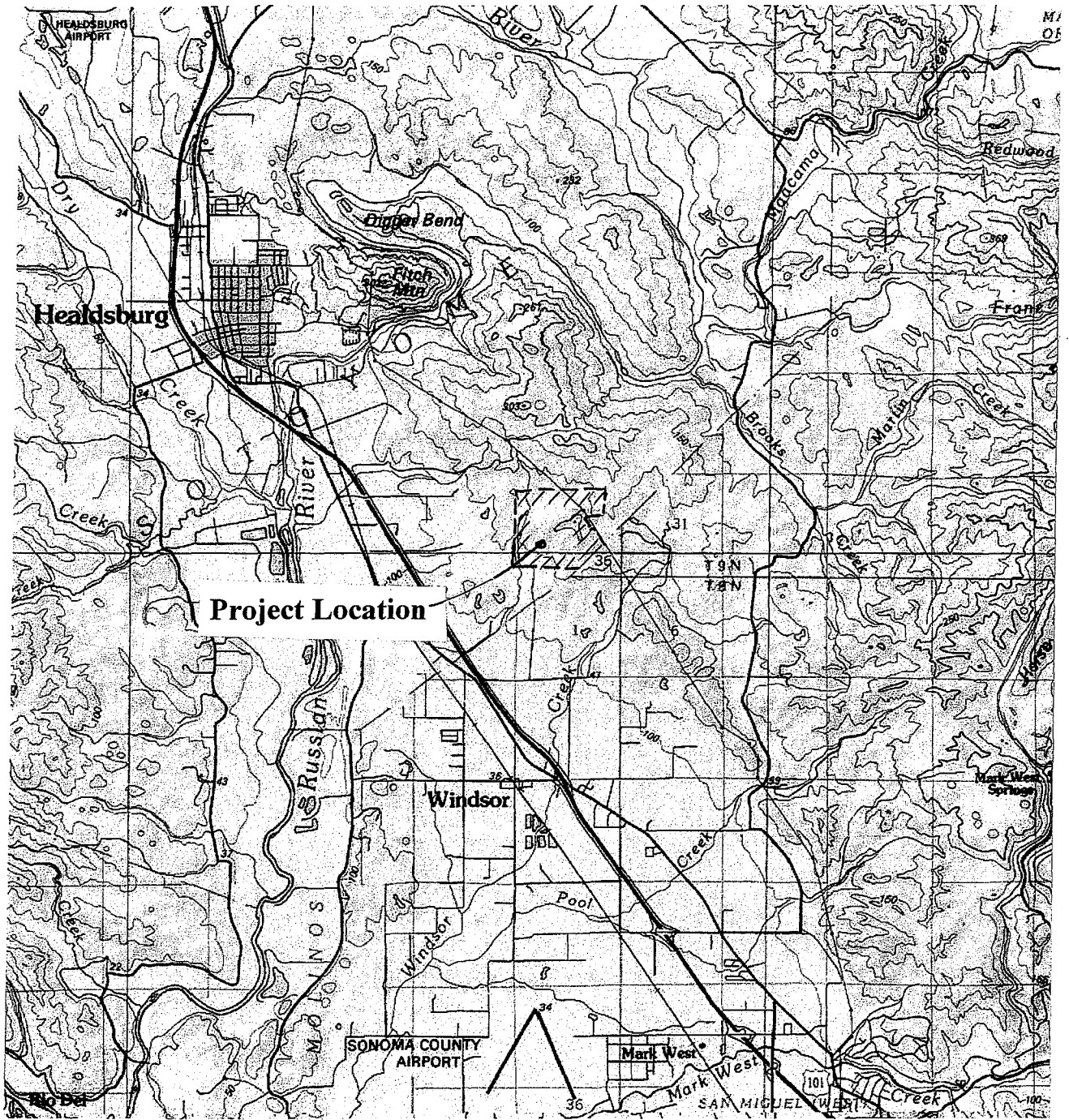
Windsor Oaks Winery
10810 Hillview Rd.
Windsor, CA 95472
Attn: Mr. Douglas Lumgair

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Steve Martin Associates, Inc.
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APPENDICES

Appendix A – General Characteristics of Wells in the Project Vicinity



SCALE:
1" = 1/2 mi.

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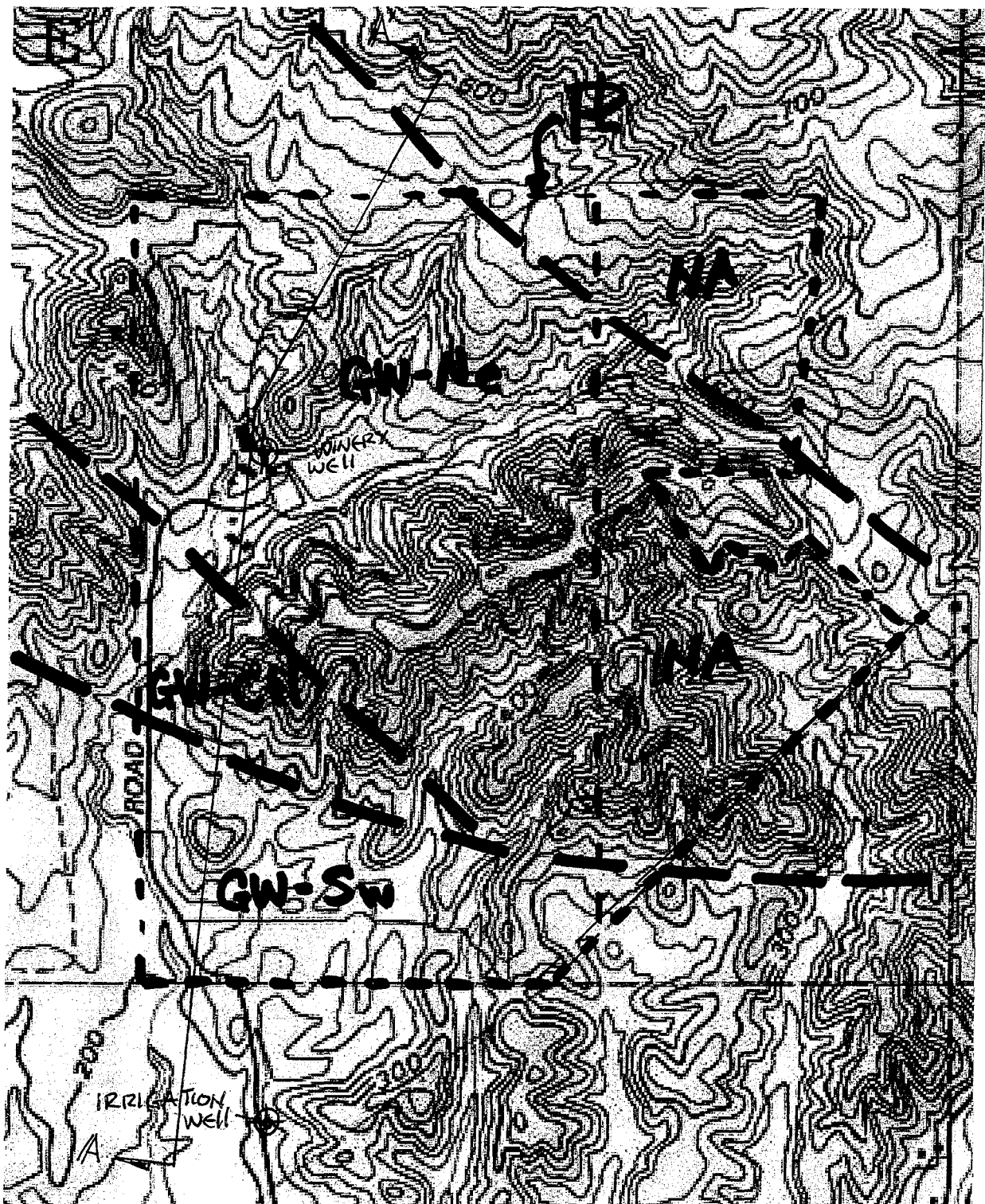
Job No: SON13-199
Date: MARCH 28, 2013
Appr: *MSM*

PROJECT LOCATION
WINDSOR OAKS WINERY
10510 HILLVIEW RD.
WINDSOR, CALIFORNIA

PLATE
1

EXHIBIT Q 151

Mitigated Neg Dec and attachments



SCALE:
1" = 1000'

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Job No: SON13-199
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MAP OF GROUNDWATER
RESOURCE AREAS
WINDSOR OAKS WINERY
10510 Hillview Rd.
WINDSOR, CALIFORNIA

PLATE
3

APPENDIX A. Characteristics of Wells in the Project Area

Table A1. Characteristics of Wells in the Project Vicinity

<u>Location*</u>	<u>Date</u>	<u>Depth</u>	<u>Initial Water Level (ft)</u>	<u>Development Water Level(1) (ft)</u>	<u>Discharge Rate (gpm)</u>	<u>Specific Capacity (gpm/ft)</u>	<u>Formation</u>
<u>Brooks Road</u>							
06	7/1975	158	50	-	40	0.41	Tsv
10	10/1985	213	75	180	100	0.95	Tsv
	8/1974	176	40	100	40	0.40	Tsv
	8/1974	145	35	105	25	0.24	QTg/KJf
	4/1952	212	57	75	24	1.3	QTg
<u>Hillview Rd.</u>							
77	6/2008	280	52	80	40	0.50	QTg
	8/1960	164	40	80	30	0.75	QTg
96	9/1967	349	60	80	30	1.5	QTg
01	5/1956	220	80	115	20	0.57	QTg
22	10/2003	275	160	220	15	0.25	QTg
10 (2)	2/1974	585	30 (flowing)	50	100	2.0	QTg/Tsv
10	10/1974	804	80	220	440	3.14	QTg?
10	10/2003	280	180	240	12	0.20	QTg
108	10/2003	272	180	240	12	0.20	QTg
<u>Horse Barn Rd.</u>							
56	3/2004	260	100	200	50	0.50	QTg
<u>Limerick Lane</u>							
11 (?) (1)	8/1951	114	80	-	-	-	
11	7/1987	306	150	210	25	0.42	QTg
11	5/1974	245	132	232	13	0.13	QTg
11	8/1991	260	80	200	40	0.33	QTg
11	7/2009	360	100	200	25	0.25	QTg
11	7/1991	260	80	200	40	0.33	QTg
11	9/2005	270	135	225	10	0.11	QTg
<u>Milk Barn Rd.</u>							
65	9/2005	180	60	180	30	0.25	QTg
11	7/2008	185	68	170	12	0.12	QTg

* Part of the address was removed to protect identity of the private well.

(1) Presumed pumping water level of 10' above well bottom if not reported on well log.

(2) existing Windsor Winery well

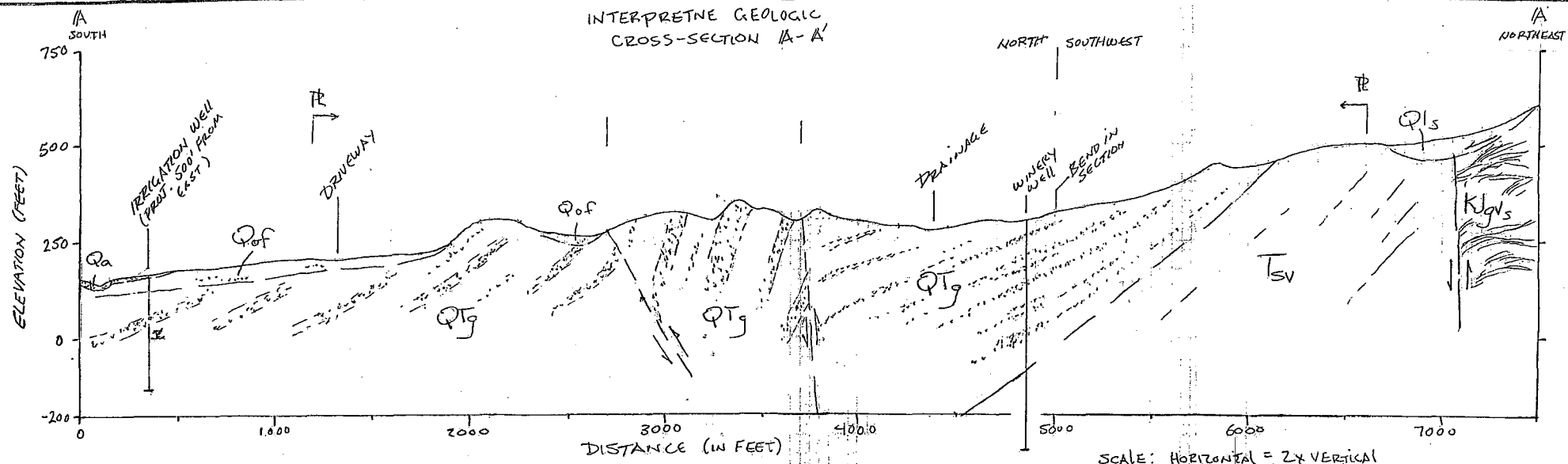
Table A2. Summary of Well Log Data
 (does not include Hillview 10 Well w/ QTg/Tsv)

Initial Discharge (gpm)	
Formation - Tsv No. of Wells = 3 Range = 40 to 100 Average = 60	Formation - QTg No. of Wells = 19 Range = 10 to 440 Average = 47 Mod. Ave = 26
Specific Capacity (gpm/ft)	
Formation - Tsv No. of Wells - 3 Range - 0.40 - 0.95 Average - 0.60	Formation = QTg No. of Wells = 19 Range = 0.11 to 3.14 Average = 0.58 Mod. Ave = 0.46

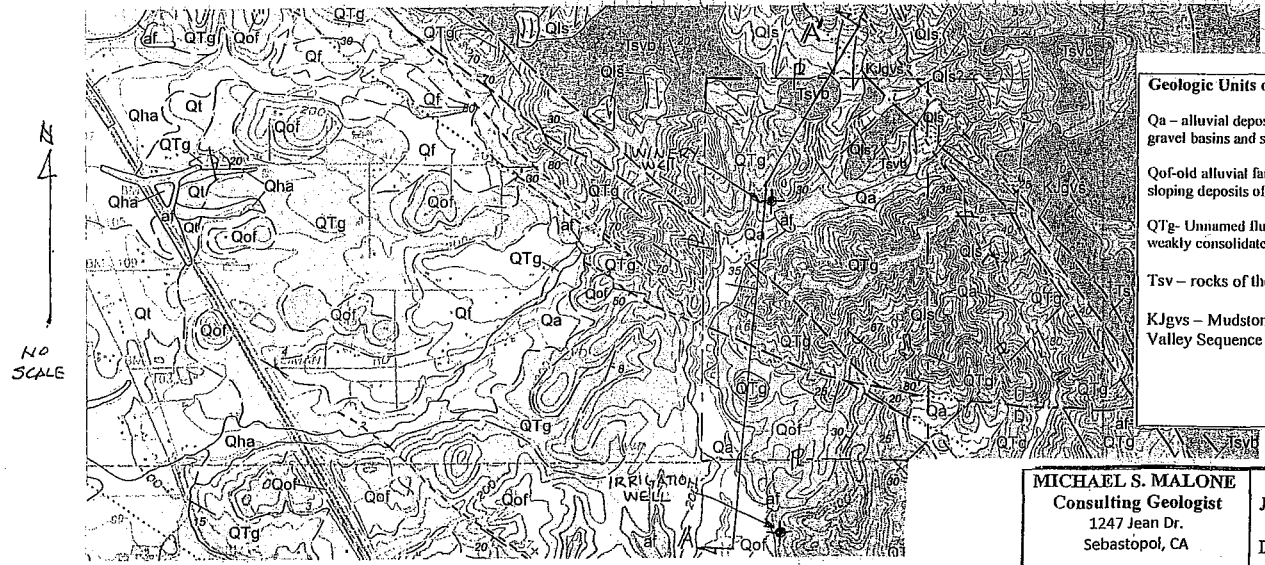
Mod. Average - average of all values excluding the value from the highest and lowest

Table A3. Summary of Pumping Test Results

<u>Location</u>	<u>Date</u>	<u>Pump Depth</u> (ft)	<u>Static Water Level</u> (ft)	<u>Pumping Water Level</u> (ft)	<u>Discharge Rate</u> (gpm)	<u>Specific Capacity</u> (gpm/ft)	<u>Formation</u>
998 Limerick Ln.	10/08	210	117.5	212	20.1	0.21	QTg
10346 Brooks Ln.	10/05	300	131	204	9.4	0.13	QTg
10810 Hillview Rd.	3/1974	300	flowing	200	250	1.25	QTg/Tsv



GEOLOGIC MAP



EXPLANATION	
Geologic Units of the Project Area	Symbols
Qa - alluvial deposits; poor to moderately sorted sand, silt and gravel basins and stream terraces	strike and dip of bed (from Delatte, 2005)
Qof - old alluvial fan deposits (Pleistocene) dissected, gently sloping deposits of weathered sand and gravel.	geologic contact, approx. located
QTg - Unnamed fluvial deposits (early Pleistocene to Pliocene) weakly consolidated gravel, tuffaceous sand, silt and clay	fault; approx. location, queried where uncertain
Tsv - rocks of the Sonoma Volcanics	cross section location
KJgvs - Mudstone, shale and sandstone of the Great Valley Sequence	well location

MICHAEL S. MALONE Consulting Geologist 1247 Jean Dr. Sebastopol, CA (707) 829-5511	Job No: <u>SON13-199</u> Date: <u>MARCH 28, 2013</u> Appr: <u>[Signature]</u>	GEOLOGIC MAP & INTERPRETIVE GEOLOGIC CROSS-SECTION A-A' WINDSOR OAKS WINERY 10510 HILLVIEW RD WINDSOR, CALIFORNIA	PLATE <div style="font-size: 2em; font-weight: bold;">2</div>
---	---	---	--

NOTE: GEOLOGY FROM DELATTE, 2011

EXHIBIT Q 156 Mitigated Neg Dec and attachments



BRELJE AND RACE
LABORATORIES, INC.

Telephone (707) 544-8807
425 South E Street
Santa Rosa, CA 95404

PLEASE PRINT MAILING ADDRESS

NAME Windsor Oaks Assoc
ADDRESS 10810 Hillview Rd
Windsor ZIP 95497
FAX NUMBER ONLY 707 433 3616
SMA-804-9707

CLIENT Windsor Oaks
SAMPLE POINT Well Head
COLLECTED BY Douglas Lurgan
LOG NO. 713 1540D

PAID
 FAXED

Sample received in:

- Lab container
- Other container

	Collected	Received	Set	Completed	
Date:	7/26/13	7/27/13	7-27-13	7-28-13	O ₂ Residual
Time:	1:00pm	2:20	820	911	_____ ppm
Initials:	DL	NH	DG	DG	

Results-100 ml sample:

- Total Coliform Present
- Total Coliform Absent
- E. Coli Present
- E. Coli Absent

Interpretation

- Not Contaminated
- Contaminated

Approved by [Signature]
cc: Steve Martin & Assoc

Date 7/29/2013

BRELJE AND RACE



JUL 29 2013

LABORATORIES, INC.

425 SOUTH E STREET • SANTA ROSA, CALIFORNIA 95404 • (707) 544-8807

July 25, 2013

Sample Collected: 07/23/13
Sample Received: 07/23/13
Collected By : JH

Steve Martin Associates, Inc.
C/o Steve Martin
130 South Main Street, Suite 201
Sebastopol, CA. 95472

Windsor Oaks Winery

LOG NUMBER: 713-15100-1
Sample Description: Breakroom kitchen

ANALYSIS

Arsenic $\mu\text{g/L}$ (Std. Mthds. 20 th ed. 3113 B)	4.2*
Nitrate mg/L (EPA Mthd. 300.0)	4.6**

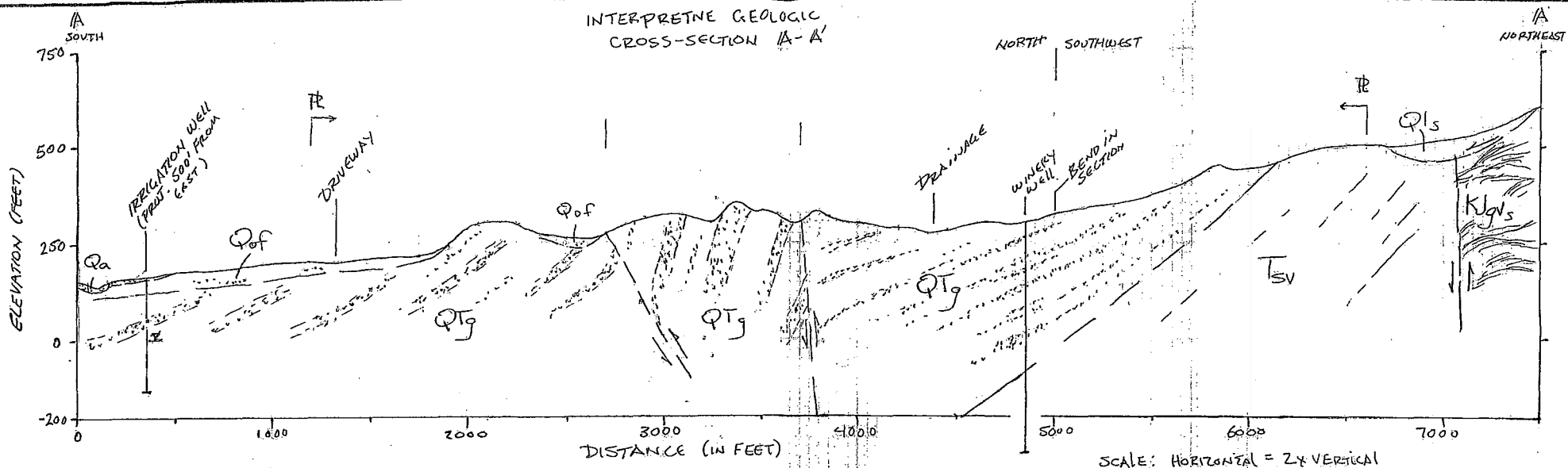
* Within the required limit of 10 $\mu\text{g/L}$.

** Within the required limit of 45 mg/L .

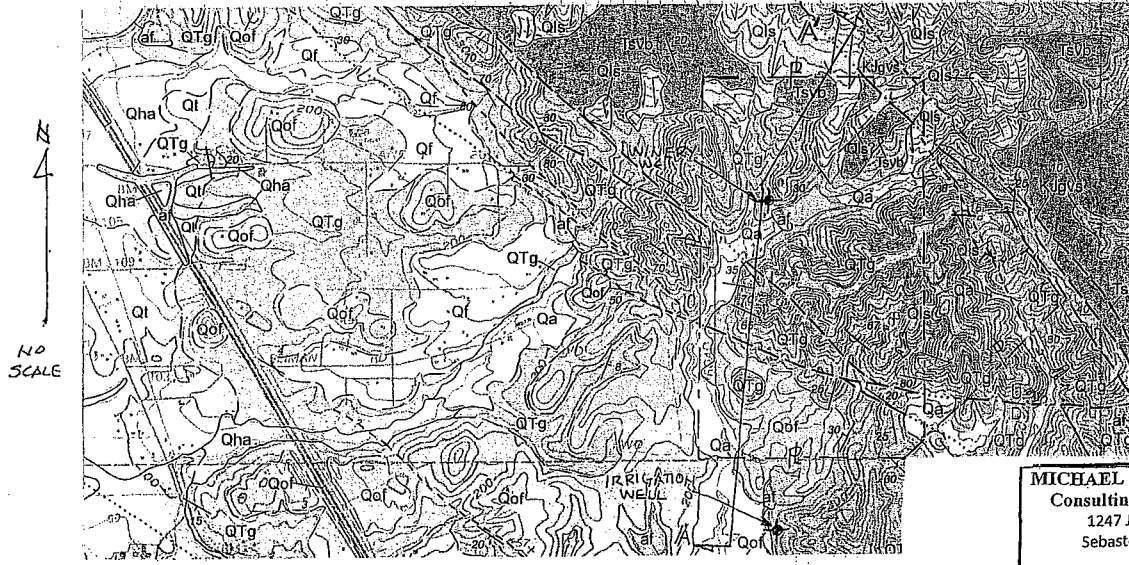
VERY TRULY YOURS,

BRELJE AND RACE LABORATORIES, INC.

ANN HILL, LABORATORY MANAGER
AH:dln



GEOLOGIC MAP



EXPLANATION	
Geologic Units of the Project Area	Symbols
Qa - alluvial deposits; poor to moderately sorted sand, silt and gravel basins and stream terraces	30° strike and dip of bed (from Delatte, 2005)
Qof - old alluvial fan deposits (Pleistocene) dissected, gently sloping deposits of weathered sand and gravel.	--- geologic contact, approx. located
QTg - Unnamed fluvial deposits (early Pleistocene to Pliocene) weakly consolidated gravel, tuffaceous sand, silt and clay	- - - fault; approx. location, queried where uncertain
Tsv - rocks of the Sonoma Volcanics	↔ cross section location
KJgvs - Mudstone, shale and sandstone of the Great Valley Sequence	+ well location

MICHAEL S. MALONE Consulting Geologist 1247 Jean Dr. Sebastopol, CA (707) 829-5511	Job No: SON13-179	GEOLOGIC MAP & INTERPRETIVE GEOLOGIC CROSS-SECTION A-A'	PLATE 2
	Date: <u>March 18, 2013</u>	WINDSOR OAKS WINERY 10510 Hillview RD WINDSOR, CALIFORNIA	
	Appr: <i>[Signature]</i>		

NOTE: GEOLOGY FROM Delatte, 2011

EXHIBIT Q 159 Mitigated Neg Dec and attachments



**Whitlock & Weinberger
Transportation, Inc.**

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Traffic Impact Study for the Windsor Oaks Winery Project

in the

County of Sonoma

Draft Report

April 11, 2012

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Introduction

Introduction

This report presents an analysis of the potential traffic impacts that would be associated with the expansion of the existing Windsor Oaks Winery located at 10810 Hillview Road in the County of Sonoma. The traffic study was completed in accordance with the criteria established by the County of Sonoma, and is consistent with standard traffic engineering techniques.

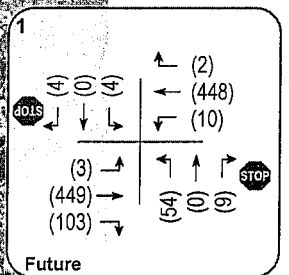
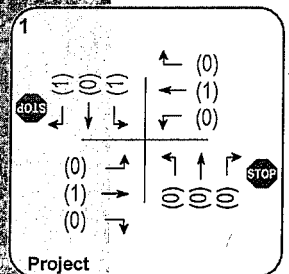
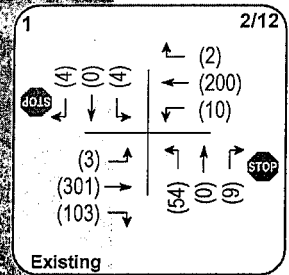
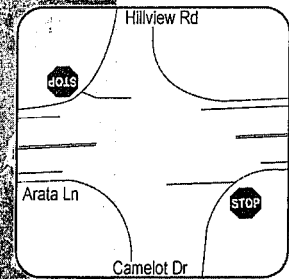
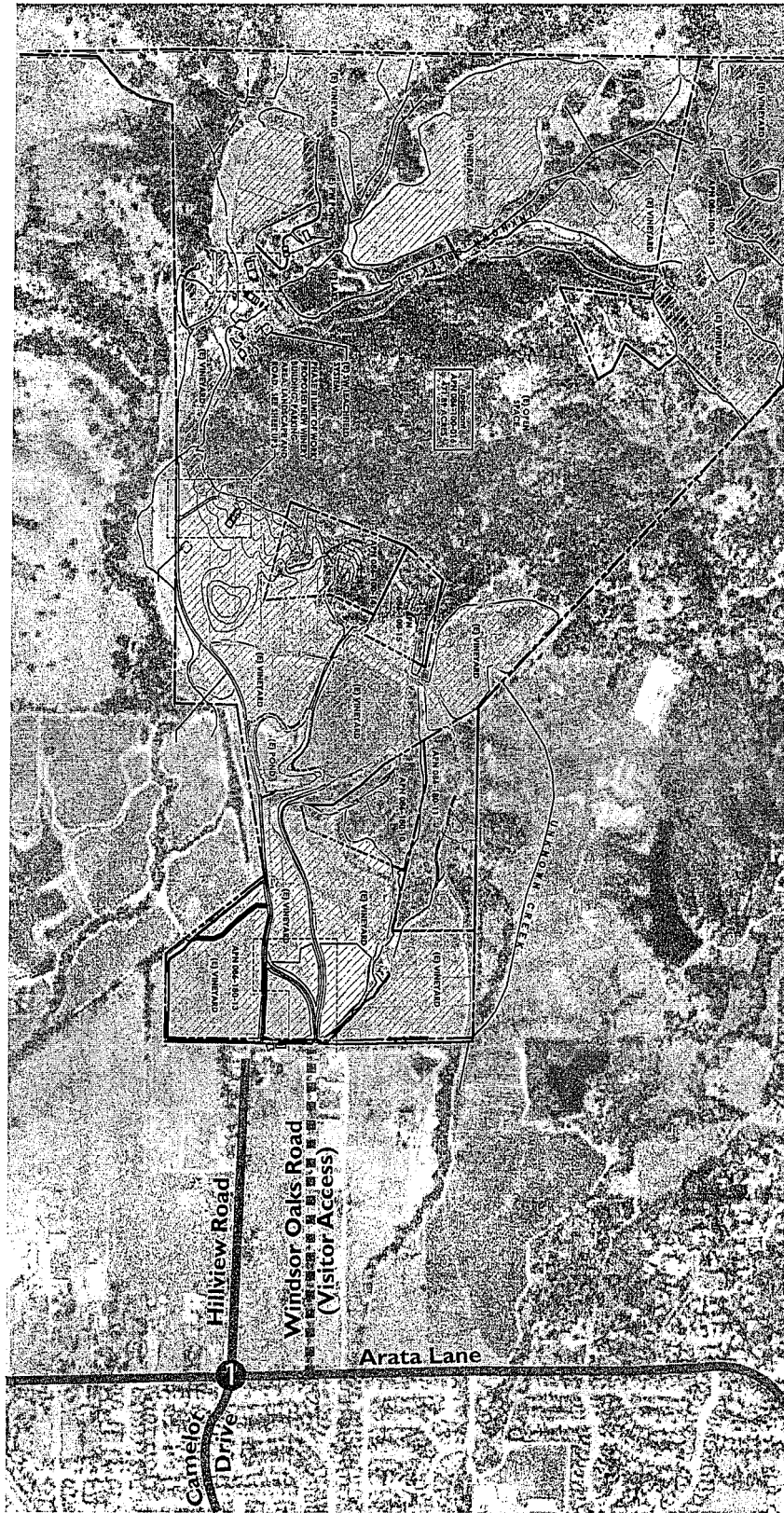
Prelude

The purpose of a traffic impact study is to provide County staff and policy makers with data that they can use to make an informed decision regarding the potential traffic impacts of a proposed project, and any associated improvements that would be required in order to mitigate these impacts to a level of insignificance as defined by the County's General Plan or other policies. Vehicular traffic impacts are typically evaluated by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, then analyzing the impact the new traffic would be expected to have on critical intersections or roadway segments.

Project Profile

The project site is currently occupied by two existing winery buildings that produce 43,000 cases annually. In addition to the existing wine production, excess fruit from the vineyard is currently exported by trucks to other wineries for processing. Access to the site is gained via Hillview Road, which is located on the north side of Arata Lane approximately a half-mile east of US 101.

The proposed Windsor Oaks Winery expansion project would allow for an ultimate production level of 100,000 cases of wine annually plus a tasting room and participation in up to 30 wine marketing special events annually in two phases. Access for production and employee traffic will continue to be via Hillview Road, while public access will be gained via a new driveway (Windsor Oaks Road) to be constructed on the north side of Arata Lane located approximately 600 feet east of Hillview Road. The fruit that is currently exported off-site for processing will be processed on-site, therefore eliminating truck trips associated with the exportation of fruit. The location of the project site is shown in Figure 1.



LEGEND
 ● Study Intersection
 (xx) P.M. Peak Hour Volume

North
 Not to Scale

Windsor Oaks Winery Traffic Impact Study
 County of Sonoma

Figure 1
 Lane Configurations and Traffic Volumes

Transportation Setting

Operational Analysis

Study Area and Period

The study area consists of the section of Arata Lane fronting the project site as well as the intersection of Arata Lane/Hillview Road-Camelot Drive. Operating conditions during the p.m. peak period were evaluated to capture the highest potential impacts for the proposed project as well as the highest volumes on the local transportation network. The p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute.

Study Intersection

Arata Lane/Hillview Road-Camelot Drive is a four-legged intersection with stop controls on both the Hillview Road and Camelot Drive approaches. Based on a turning movement count conducted in February 2012, approximately 700 vehicles access this intersection during the p.m. peak hour.

Study Roadway

Arata Lane is an east-west arterial that runs from Old Redwood Highway to Foothill Drive with one through lane in each direction. Near Hillview Road-Camelot Drive sidewalk is provided along the south side of the street, while bike lanes are provided along both sides of the street. The speed limit on Arata Lane is posted at 40 miles per hour (mph).

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their *Statewide Integrated Traffic Records System (SWITRS)* reports. The most current five-year period available is January 1, 2006, through December 31, 2010.

The calculated collision rate for the intersection of Arata Lane/Hillview Road-Camelot Drive was compared to average collision rates for similar facilities statewide, as indicated in *2007 Accident Data on California State Highways*, California Department of Transportation (Caltrans).

The study intersection had two reported collisions over the five-year study period for a calculated collision rate of 0.16 collisions per million vehicle entering (c/mve). The statewide average collision rate for a four-legged intersection with stop controls is 0.33 c/mve. Therefore, the calculated collision rate is lower than the statewide average for similar intersections. A copy of the collision rate calculation sheet is provided in Appendix A.

Capacity Analysis

Intersection Level of Service Methodologies

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free flow conditions and Level of Service F represents forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation.

The study intersection was analyzed using methodologies published in the *Highway Capacity Manual* (HCM), Transportation Research Board, 2000. This source contains methodologies for various types of intersection control, all of which are related to a measurement of delay in average number of seconds per vehicle.

The Levels of Service for the study intersection was analyzed using the "Two-Way Stop-Controlled" intersection capacity method from the HCM. This methodology determines a level of service for each minor turning movement by estimating the level of average delay in seconds per vehicle. Results are presented for individual movements together with the weighted overall age delay for the intersection.

The ranges of delay associated with the various levels of service are indicated in Table I.

Table I
Two-Way Stop-Controlled Intersection Level of Service Criteria

LOS A	Delay of 0 to 10 seconds. Gaps in traffic are readily available for drivers exiting the minor street.
LOS B	Delay of 10 to 15 seconds. Gaps in traffic are somewhat less readily available than with LOS A, but no queuing occurs on the minor street.
LOS C	Delay of 15 to 25 seconds. Acceptable gaps in traffic are less frequent, and drivers may approach while another vehicle is already waiting to exit the side street.
LOS D	Delay of 25 to 35 seconds. There are fewer acceptable gaps in traffic, and drivers may enter a queue of one or two vehicles on the side street.
LOS E	Delay of 35 to 50 seconds. Few acceptable gaps in traffic are available, and longer queues may form on the side street.
LOS F	Delay of more than 50 seconds. Drivers may wait for long periods before there is an acceptable gap in traffic for exiting the side streets, creating long queues.

Reference: *Highway Capacity Manual*, Transportation Research Board, 2000

Traffic Operation Standards

The intersection of Arata Lane/Hillview Road-Camelot Drive falls under the Town of Windsor's jurisdiction. The Town of Windsor's adopted LOS Standard is contained in the Town's General Plan, and reads as follows:

The Town shall adopt a level of service standard D for Crosstown Streets and signalized intersections. The Town shall recognize that reducing congestion must be balanced against improvement costs and community character concerns. The standard shall be used for planning new facilities and for monitoring proposed changes to the General Plan.

Although the General Plan does not specifically address LOS standards for two-way stop-controlled intersections, the LOS D standard was similarly applied to the overall intersection operation.

Existing Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes. This condition does not include project-generated traffic volumes. Volume data was collected in February 2012.

Intersection Levels of Service

Under existing conditions, the study intersection is operating acceptably at LOS A overall during the p.m. peak hour. The existing traffic volumes are shown in Figure 1. A summary of the intersection level of service calculations is contained in Table 2, and copies of the Level of Service calculations are provided in Appendix B.

**Table 2
Summary of Existing PM Peak Hour Intersection Level of Service Calculations**

Study Intersection Approach	Existing Conditions	
	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.7	A
<i>Northbound (Camelot Dr) Approach</i>	<i>15.7</i>	<i>C</i>
<i>Southbound (Hillview Rd) Approach</i>	<i>12.1</i>	<i>B</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Future Conditions

Future volumes for the horizon year of 2035 were obtained from the County's gravity demand model and translated to turning movement volumes at the study intersection using the "Furness" method. The Furness method is an iterative process that employs existing turn movement data, existing link volumes and future link volumes to project likely turning future movement volumes at intersections.

Under the anticipated Future volumes, the study intersection is expected to continue operating acceptably at LOS A overall during the p.m. peak hour. Future volumes are shown in Figure 1 and operating conditions are summarized in Table 3.

**Table 3
Summary of Future PM Peak Hour Level of Service Calculations**

Study Intersection <i>Approach</i>	Future Conditions	
	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.8	A
<i>Northbound (Camelot Dr) Approach</i>	24.2	C
<i>Southbound (Hillview Rd) Approach</i>	16.2	C

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Project Description

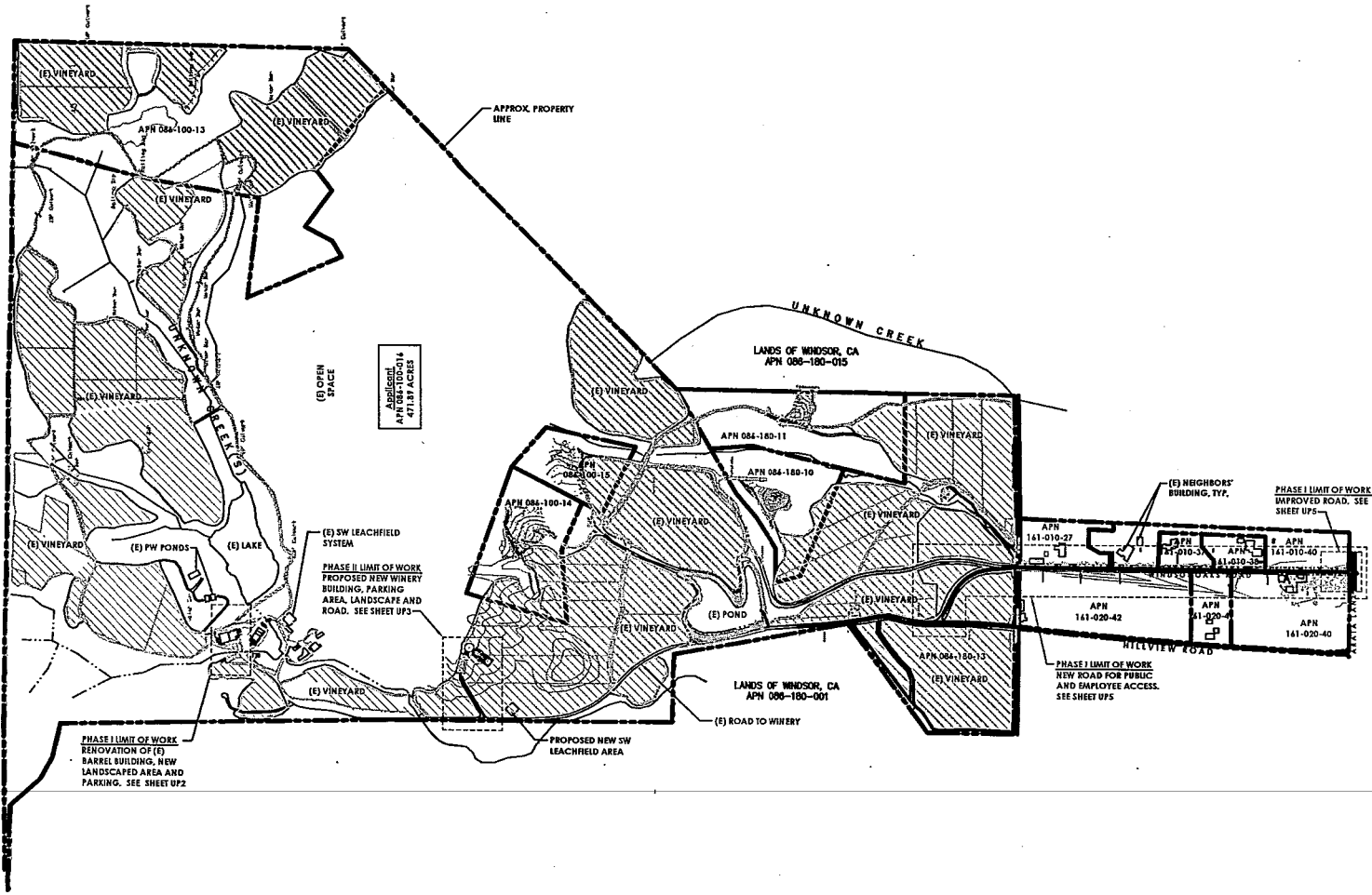
The proposed Windsor Oaks Winery expansion project would bring the production level from 43,000 annual cases to 100,000 cases with a tasting room and participation in up to 30 wine marketing special events annually in two phases. The project site is shown in Figure 2.

Trip Generation

The County's Winery Trip Generation form, which is included in Appendix C, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the winery's anticipated production and operation under build-out project conditions. The winery currently maintains a staff of ten, which includes four production employees, four administrative employees and two sales employees. The Windsor Oaks Winery expansion project includes an increase in production staff of one person who would be expected to generate an average of three trip ends per weekday. The level of truck traffic related to the proposed expansion project is not expected to increase above the two existing truck trips per weekday associated with exporting fruit from the project site.

In addition, the tasting room will have two employees, also generating an average of three trips each per day. An average of 55 visitors per day is expected for tasting, with a high of 80 tasters during the summertime months and a low of about 40 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 44 daily trips are expected due to tasting. Data collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during the weekday p.m. peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily generated winery trips occur during the weekday p.m. peak hour.

As shown in Table 1, the proposed project would be expected to generate an average of 53 new trip ends per weekday, including seven trips during the weekday p.m. peak hour.



Source: Steve Martin Associates, Inc. 2/12

43650x.al 3/12

Windsor Oaks Winery Traffic Impact Study County of Sonoma

Figure 2 Site Plan

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak		
		Rate	Trips	Trips	In	Out
Existing						
Winery Employees	10	3	30	10	0	10
Truck Traffic	n/a	n/a	2	0	0	0
<i>Total Existing Trips</i>			32	10	0	10
Proposed						
Winery Employees	11	3	33	11	0	11
Truck Traffic	n/a	n/a	2	0	0	0
Tasting Visitors	55	0.80	44	4	2	2
Tasting Employees	2	3	6	2	0	2
<i>Total Proposed Trips</i>			85	17	2	15
Total New Trips			53	7	2	5

Note: Trip generation does not include special events

Trip Distribution

The pattern used to allocate new project trips to the street network was determined by reviewing travel patterns based on existing count data at the study intersection. The applied distribution assumptions and resulting trips are shown in Table 4. The tasting room visitor trips were distributed to the street network via the new public access driveway, which is proposed to be located approximately 600 feet east of Hillview Road, so would add through trips at the study intersection rather than turning movements.

**Table 4
Trip Distribution Assumptions**

Route	Percent	Daily Trips	PM Trips
Arata Ln (west of Hillview Rd-Camelot Dr)	80%	42	6
Arata Ln (east of Hillview Rd-Camelot Dr)	15%	8	1
Camelot Dr (south of Arata Ln)	5%	3	0
TOTAL	100%	53	7

Special Events

Three different sized wine marketing events are proposed at the project site. As indicated in the "Event Schedule" forms, which is included in Appendix D, ten 60-person, 15 100-person and five 300-person wine marketing events per year are proposed. It was assumed that a maximum-sized 300-person event would require a staff of 14. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum-sized 300-person event would be expected to generate 268 trip ends at

the driveways, including 134 inbound trips at the start of the event and 134 outbound trips upon its conclusion. It should be noted that since these events are infrequent and not part of typical daily operation, traffic associated with them was not included in the daily trips generation and resulting intersection operation analysis.

Intersection Operation

Existing plus Project Conditions

Upon the addition of project-related traffic to the Existing volumes, the study intersection is expected to continue to operate acceptably at LOS A overall during the p.m. peak hour. These results are summarized in Table 5. Project traffic volumes are shown in Figure 1.

Table 5
Summary of Existing and Existing plus Project
PM Peak Hour Intersection Level of Service Calculations

Study Intersection Approach	Existing Conditions		Existing plus Project	
	Delay	LOS	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.7	A	1.8	A
<i>Northbound (Camelot Dr) Approach</i>	<i>15.7</i>	<i>C</i>	<i>15.7</i>	<i>C</i>
<i>Southbound (Hillview Rd) Approach</i>	<i>12.1</i>	<i>B</i>	<i>12.1</i>	<i>B</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Finding: The study intersection is expected to continue operating acceptably at the same level of service upon the addition of project-generated traffic.

Future plus Project Conditions

Upon the addition of project-related traffic to the anticipated Future volumes, the study intersection is expected to continue to operate acceptably at LOS A overall during the p.m. peak hour. These results are summarized in Table 6.

Table 6
Summary of Future and Future plus Project
PM Peak Hour Intersection Level of Service Calculations

Study Intersection Approach	Future Conditions		Future plus Project	
	Delay	LOS	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.8	A	1.9	A
<i>Northbound (Camelot Dr) Approach</i>	<i>24.2</i>	<i>C</i>	<i>24.4</i>	<i>C</i>
<i>Southbound (Hillview Rd) Approach</i>	<i>16.2</i>	<i>C</i>	<i>16.3</i>	<i>C</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Finding: The study intersection will continue operating at acceptable Levels of Service with project traffic added to anticipated Future volumes.

Access and Circulation

Site Access

Production and employee traffic will continue to utilize Hillview Road to access the site; however, public access will be gained via a new driveway (Windsor Oaks Road) on the north side of Arata Lane located approximately 600 feet east of Hillview Road.

Sight Distance

Sight distance from the existing project access point as well as the proposed public access driveway was evaluated based on sight distance criteria contained in the Caltrans *Highway Design Manual*, 6th Edition. The applicable criterion for a public road is based on corner sight distance, while a private driveway is based on stopping sight distance.

In the vicinity of the project site, the speed limit on Arata Lane is posted at 40 mph. For a 40-mph design speed a public road intersection should have corner sight distance of at least 440 feet, while a private road intersection should have stopping sight distance of at least 300 feet. From the location of the existing Hillview Road access point as well as the proposed access driveway the sight distance in both directions is greater than 500 feet, which is adequate for the posted speed limit.

Vegetation and signage can have an impact on sight distance for vehicles entering or exiting the site. Therefore, any proposed vegetation or signs along the project frontage of Arata Lane should be located so as not to obstruct the visibility of vehicles entering or exiting the site.

The adequacy of sight distance was also evaluated for vehicles traveling eastbound on Arata Lane approaching another vehicle either slowing or stopped and waiting to turn left into Hillview Road or the proposed public access driveway. The same corner and stopping sight distance criteria described above would also apply to this situation, with sight lines measured between the oncoming vehicle and the queued vehicle stopped at Hillview Road and the proposed driveway. The sight distance for an eastbound traveling vehicle approaching a stopped vehicle accessing either Hillview Road or the proposed driveway is greater than 500 feet which meets and exceeds the minimum sight distance required for a vehicle traveling at 40 mph on Arata Lane.

Impact: Though sight distance requirements are met, existing vegetation could potentially impede clear sight lines.

Recommendation: The existing vegetation located on either side of Hillview Road and the proposed driveway should be periodically trimmed to maintain clear sight lines.

Turn Lane Analysis

The need for a left-turn lane on Arata Lane at Hillview Road or the proposed driveway was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues.

The need for left-turn channelization in the form of a left-turn pocket on Arata Lane was evaluated based on Future plus Project peak hour volumes as well as safety criteria. Under Future plus Project

conditions, a left-turn lane is **not** warranted on Arata Lane at either Hillview Road or the proposed driveway during the p.m. peak hour.

Consideration was given to the need for turn lanes to accommodate special event traffic. However, it is unlikely that events will begin during the peak hour evaluated, but rather, they are more likely to begin and end during off-peak hours. Therefore, special event traffic was not included in the turn lane analysis for project-added traffic. Copies of the left-turn lane warrant spreadsheets are provided in appendix E.

On-Site Circulation

On-site circulation was evaluated to determine if adequate circulation and room for turning around is provided throughout the project site. Based on a review of the proposed site plan, it was determined that passenger vehicles as well as larger trucks will be able to negotiate through the proposed project site.

Parking Adequacy

Daily Operations

Assuming that each employee drives to work in their own vehicle, a total of 13 spaces would be needed to accommodate the proposed employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 22 daily vehicles associated with the tasting room visitors, or six vehicles, would be parked on-site during any single hour; therefore, a maximum of 19 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 33 parking spaces, which would accommodate the maximum daily guest and employee parking demand with a surplus of 14 spaces.

Special Events

A maximum-sized special event with 300 guests would be expected to generate need for 120 parking spaces, plus an additional 14 spaces for employees for a combined total of 134 parking spaces. The 33 permanent on-site parking spaces would not be able to accommodate the demand for event parking. The paved production traffic circulation areas and unpaved areas alongside the existing vineyards will be available for temporary parking during a special event. It is anticipated that the on-site parking supply for a maximum-sized event could be accommodated within these permanent and temporary parking areas, though signing or attendants will be needed to guide attendees to available parking areas.

Finding: While the parking supply is adequate for daily operation, overflow parking areas will be needed for special events.

Recommendation: Overflow parking areas should be identified for use during large special events, which signing directing attendees to these areas and attendants assisting as needed.

Conclusions and Recommendations

Conclusions

- The calculated collision rate for the study intersection is below the statewide average for similar intersections.
- At build-out, the proposed project is expected to generate an average of 53 new daily vehicle trips, including seven trips during the p.m. peak hour.
- A total of 30 special events are proposed annually, but since the starting and ending times usually occur outside of peak conditions, they are expected to result in minimal traffic impact.
- Sight distance along Arata Lane is adequate for the posted speed limit.
- The proposed parking supply of 33 spaces will accommodate the anticipated 19 space peak demand for employees and daily visitors.
- During special events, the proposed permanent and temporary parking supply would be adequate.
- The study intersection of Arata Lane/Hillview Road-Camelot Drive is expected to continue operating acceptably based on applicable standards under Existing and Future conditions without and with the project.
- On-site circulation is adequate for typical passenger vehicles as well as for larger trucks.
- Left-turn pockets are not warranted on Arata Lane at either Hillview Road or the proposed driveway even under Future plus Project volumes.

Recommendations

- It is recommended that any proposed vegetation or signs installed along Arata Lane near Hillview Road or the proposed driveway should be located so as not to obstruct the visibility of vehicles entering or exiting the project site.
- During special events, temporary parking should be provided along the unpaved areas between the existing vineyards and direction in the form of signs and attendants provided.

Study Participants and References

Study Participants

Principal in Charge:	Dalene J. Whitlock, PE, PTOE
Transportation Planner:	Chris Helmer
Technician/Graphics:	Deborah J. Mizell
Editing/Formatting:	Angela McCoy

References

2007 Collision Data on California State Highways (road miles, travel, collisions, collision rates), California Department of Transportation, 2007
Highway Capacity Manual, Transportation Research Board, 2000
Sonoma County General Plan 2020, County of Sonoma, 2008
Statewide Integrated Traffic Records System (SWITRS), California Highway Patrol, 2006-2010
Trip Generation, 8th Edition, Institute of Transportation Engineers, 2008

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Appendix A

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Collision Rate Spreadsheet

INTERSECTION COLLISION RATE CALCULATIONS

Windsor Oaks Winery

Intersection # 1: Arata Lane & Hillview Road/Camelot Drive
Date of Count: Wednesday, February 15, 2012

Number of Collisions: 2
Number of Injuries: 0
Number of Fatalities: 0
ADT: 6900
Start Date: January 1, 2006
End Date: December 31, 2010
Number of Years: 5

Intersection Type: FOUR-LEGGED
Control Type: STOP & YIELD SIGNS
Area: RURAL

$$\text{collision rate} = \frac{\text{NUMBER OF COLLISIONS} \times 1 \text{ MILLION}}{\text{ADT} \times 365 \text{ DAYS PER YEAR} \times \text{NUMBER OF YEARS}}$$

$$\text{collision rate} = \frac{2}{6,900} \times \frac{1,000,000}{365 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Intersection	0.16 c/mve	0.0%	0.0%
Statewide Average*	0.33 c/mve	2.4%	45.3%

ADT = average daily total vehicles entering intersection
 c/mve = collisions per million vehicles entering intersection
 * 2007 Collision Data on California State Highways, Caltrans

Appendix B

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Windsor Oaks Winery Trip Generation Form

PM Peak Hour - Existing Conditions
TIS for the Windsor Oaks Winery Project
County of Sonoma

Level Of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #1 Arata Ln/Hillview Rd-Camelot Dr

Average Delay (sec/veh): 1.7 Worst Case Level Of Service: C [15.7]

Table with columns: Street Name, Approach, Movement, Control, Rights, Lanes. Rows include Camelot Dr-Hillview Rd and Arata Ln with various movement and control details.

Table with columns: Volume Module, Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Final Volume. Rows include Count Date: 15 Feb 2012 << 5:00 - 6:00 pm and various volume metrics.

Table with columns: Critical Gap Module, Critical Gp, FollowUpTim. Rows include Critical Gp: 7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxx xxxxxx 4.1 xxx xxxxxx.

Table with columns: Capacity Module, Cnflct Vol, Potent Cap., Move Cap., Volume/Cap. Rows include Cnflct Vol: 644 643 390 647 699 223 224 xxx xxxxxx 447 xxx xxxxxx.

Table with columns: Level Of Service Module, 2Way95thQ, Control Del, LOS by Move, Movement, Shared Cap., SharedQueue, Shrd ConDel, Shared LOS, ApproachDel, ApproachLOS. Rows include 2Way95thQ: xxx xxx xxxxxx xxx xxx xxxxxx 0.0 xxx xxxxxx 0.0 xxx xxxxxx.

Note: Queue reported is the number of cars per lane.

PM Peak Hour - Existing plus Project Conditions
TIS for the Windsor Oaks Winery Project
County of Sonoma

Trip Generation Report

Forecast for pm

Zone #	Subzone	Amount	Units	Rate In	Rate Out	Trips In	Trips Out	Total Trips	% Of Total
1	Zone.1	1.00	Winery Product	0.00	3.00	0	3	3	42.9
	Zone 1 Subtotal					0	3	3	42.9
2	Zone 2	1.00	Winery Visitor	2.00	2.00	2	2	4	57.1
	Zone 2 Subtotal					2	2	4	57.1
TOTAL						2	5	7	100.0

PM Peak Hour - Existing plus Project Conditions
TIS for the Windsor Oaks Winery Project
County of Sonoma

Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

```

*****
Intersection #1 Arata Ln/Hillview Rd-Camelot Dr
*****
Average Delay (sec/veh): 1.8 Worst Case Level Of Service: C[ 15.7]
*****
Street Name: Camelot Dr-Hillview Rd Arata Ln
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
-----|-----|-----|-----|
Control: Stop Sign Stop Sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1! 0 0 0 0 1! 0 0 0 0 1! 0 0 0 0 1! 0 0
-----|-----|-----|-----|
Volume Module: >> Count Date: 15 Feb 2012 << 5:00 - 6:00 pm
Base Vol: 54 0 9 4 0 4 3 301 103 10 200 2
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 54 0 9 4 0 4 3 301 103 10 200 2
Added Vol: 0 0 0 1 0 1 0 1 0 0 1 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 54 0 9 5 0 5 3 302 103 10 201 2
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90
PHF Volume: 60 0 10 6 0 6 3 334 114 11 223 2
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 60 0 10 6 0 6 3 334 114 11 223 2
-----|-----|-----|-----|
Critical Gap Module:
Critical Gp: 7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxx xxxxx 4.1 xxxx xxxxx
FollowUpTim: 3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxx xxxxx 2.2 xxxx xxxxx
-----|-----|-----|-----|
Capacity Module:
Cnflict Vol: 647 645 391 649 701 224 225 xxxx xxxxx 449 xxxx xxxxx
Potent Cap.: 387 393 662 386 365 821 1356 xxxx xxxxx 1123 xxxx xxxxx
Move Cap.: 381 389 662 376 361 821 1356 xxxx xxxxx 1123 xxxx xxxxx
Volume/Cap: 0.16 0.00 0.02 0.01 0.00 0.01 0.00 xxxx xxxxx 0.01 xxxx xxxxx
-----|-----|-----|-----|
Level Of Service Module:
2Way95thQ: xxxx xxxx xxxxx xxxx xxxx xxxxx 0.0 xxxx xxxxx 0.0 xxxx xxxxx
Control Del:xxxx xxxx xxxxx xxxx xxxx xxxxx 7.7 xxxx xxxxx 8.2 xxxx xxxxx
LOS by Move: * * * * * * A * * A * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxxx 405 xxxxx xxxx 516 xxxxx xxxx xxxx xxxxx xxxx xxxx xxxxx
SharedQueue:xxxx 0.6 xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxx xxxxx
Shrd ConDel:xxxx 15.7 xxxxx xxxxx 12.1 xxxxx xxxxx xxxxx xxxx xxxxx
Shared LOS: * C * * B * * * * *
ApproachDel: 15.7 12.1 xxxxxx xxxxxx
ApproachLOS: C B * *
*****
Note: Queue reported is the number of cars per lane.
*****

```

PM Peak Hour - Future Conditions
TIS for the Windsor Oaks Winery Project
County of Sonoma

Level Of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #1 Arata Ln/Hillview Rd-Camelot Dr
Average Delay (sec/veh): 1.8 Worst Case Level Of Service: C [24.2]
Street Name: Camelot Dr-Hillview Rd Arata Ln
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Stop Sign Stop Sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 1 0 0 0 0 1 0 0 0
Volume Module:
Base Vol: 54 0 9 4 0 4 3 449 103 10 448 2
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 54 0 9 4 0 4 3 449 103 10 448 2
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 54 0 9 4 0 4 3 449 103 10 448 2
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 54 0 9 4 0 4 3 449 103 10 448 2
Critical Gap Module:
Critical Gp: 7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxx xxxxx 4.1 xxxx xxxxx
FollowUpTim: 3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxx xxxxx 2.2 xxxx xxxxx
Capacity Module:
Cnflct Vol: 978 977 501 980 1027 449 450 xxxx xxxxx 552 xxxx xxxxx
Potent Cap.: 232 253 574 231 236 614 1121 xxxx xxxxx 1028 xxxx xxxxx
Move Cap.: 228 250 574 225 233 614 1121 xxxx xxxxx 1028 xxxx xxxxx
Volume/Cap: 0.24 0.00 0.02 0.02 0.00 0.01 0.00 xxxx xxxxx 0.01 xxxx xxxxx
Level Of Service Module:
2Way95thQ: xxxx xxxx xxxxx xxxx xxxx xxxxx 0.0 xxxx xxxxx 0.0 xxxx xxxxx
Control Del:xxxxx xxxx xxxxx xxxxx xxxx xxxxx 8.2 xxxx xxxxx 8.5 xxxx xxxxx
LOS by Move: * * * * * A * * A * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxxx 250 xxxxx xxxx 329 xxxxx xxxx xxxx xxxxx xxxx xxxx xxxxx
SharedQueue:xxxxx 1.0 xxxxx xxxxx 0.1 xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
Shrd ConDel:xxxxx 24.2 xxxxx xxxxx 16.2 xxxxx xxxxx xxxxx xxxxx xxxxx xxxx xxxx xxxxx
Shared LOS: * C * * C * * * * *
ApproachDel: 24.2 16.2 xxxxxx xxxxxx
ApproachLOS: C C *
Note: Queue reported is the number of cars per lane.

PM Peak Hour - Future plus Project Conditions
TIS for the Windsor Oaks Winery Project
County of Sonoma

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 Arata Ln/Hillview Rd-Camelot Dr
Average Delay (sec/veh): 1.9 Worst Case Level Of Service: C [24.4]
Street Name: Camelot Dr-Hillview Rd Arata Ln
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Stop Sign Stop Sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 1 0 0 0 0 1 0 0 0
Volume Module:
Base Vol: 54 0 9 4 0 4 3 449 103 10 448 2
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 54 0 9 4 0 4 3 449 103 10 448 2
Added Vol: 0 0 0 0 1 0 1 0 0 1 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 54 0 9 5 0 5 3 450 103 10 449 2
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 54 0 9 5 0 5 3 450 103 10 449 2
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 54 0 9 5 0 5 3 450 103 10 449 2
Critical Gap Module:
Critical Gp: 7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxx xxxxx 4.1 xxxx xxxxx
FollowUpTim: 3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxx xxxxx 2.2 xxxx xxxxx
Capacity Module:
Cnflct Vol: 980 979 502 982 1029 450 451 xxxx xxxxx 553 xxxx xxxxx
Potent Cap.: 231 252 574 230 236 613 1120 xxxx xxxxx 1027 xxxx xxxxx
Move Cap.: 227 249 574 224 233 613 1120 xxxx xxxxx 1027 xxxx xxxxx
Volume/Cap: 0.24 0.00 0.02 0.02 0.00 0.01 0.00 xxxx xxxxx 0.01 xxxx xxxxx
Level Of Service Module:
2Way95thQ: xxxx xxxx xxxxx xxxx xxxx xxxxx 0.0 xxxx xxxxx 0.0 xxxx xxxxx
Control Del:xxxxx xxxx xxxxx xxxxx xxxx xxxxx 8.2 xxxx xxxxx 8.5 xxxx xxxxx
LOS by Move: * * * * * A * * A * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxxx 248 xxxxx xxxx 329 xxxxx xxxx xxxx xxxxx xxxx xxxx xxxxx
SharedQueue:xxxxx 1.0 xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxx xxxx xxxxx
Shrd ConDel:xxxxx 24.4 xxxxx xxxxx 16.3 xxxxx xxxxx xxxxx xxxxx xxxxx xxxx xxxx xxxxx
Shared LOS: * C * * C * * * * *
ApproachDel: 24.4 16.3 xxxxxx xxxxxx
ApproachLOS: C C *
Note: Queue reported is the number of cars per lane.

EXHIBIT Q 185
Mitigated Neg Dec and attachments

Appendix C

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Intersection Level of Service Calculations

Winery Trip Generation

Winery: Windsor Oaks Winery
 Location: 10810 Hillview Road Windsor, CA
 Annual Full Production: 100000 cases

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	4	5	5	--	12	15	15	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	4	4	4	--	12	12	12	--
Sales	2	2	2	--	6	6	6	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	10	11	11	0	30	33	33	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 1; 1 truck(s) at 12 tons/truck; and 0 truck(s) at N/A tons/truck Dates of Activity: August through October	0.00	0.01
Juice Importation Truck loads per year: None Dates of Activity:	0.00	0.00
Juice/Fruit Exportation Truck loads per year: 3 truck(s) at N/A gallons per truck Dates of Activity:	0.45	0.02
Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed:	0.00	0.00
Bottle Delivery Truck loads per year: 49 truck(s) at 1904 cases/truck Dates of Activity: January through June	0.46	0.37
Barrel Delivery Truck loads per year: 10 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.03	0.08
Finished Wine Transportation to storage/sales Truck loads per year: 95 truck(s) at 986 cases/truck Dates of Activity: January through December	0.46	0.72
Less Backhauls Truck loads per year: -10 truck(s) Dates of Activity: January through December	-0.09	-0.08
Miscellaneous trips Truck loads per year: 142 trucks Dates of Activity: January through December	1.08	1.08
Totals	2.39	2.20

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	3	6	9	18
Vineyard Maintenance: Peak Season	3	6	2	3
Totals	6	12	11	21

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	55	0	44
Tasting Room Employees	0	2	0	6
Totals	0	57	0	50

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	Year Round	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	Monday - Friday	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	Daily	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-6:00pm	6:00 am-10:00 pm	6:00 am-10:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 6:00 pm	6:00 am-10:00 pm	6:00 am-10:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	8
Enter Event Information on Schedule Tab		
Other Trips (If Applicable)		
None		
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	30	33
Winery Operations (truck traffic)	2	2
Vineyard Operations (employees)	11	21
Tasting Room Traffic (employees and visitors)	0	50
Event Traffic (employee and visitors)	0	8
Miscellaneous other traffic generators	0	0
Totals	43	114

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	93	94	111	110	115	127

Month	July	August	September	October	November	December
Total Trips	140	152	131	142	98	92

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

Appendix D

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Special Events Schedule Form

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: Windsor Oaks Winery PRMD File Number: _____

Type of event shown on this sheet: Wine Marketing Events (60 Guests)

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thur)												
Fridays	1				1			1				1
Saturdays			1			1			1			
Sundays				1			1			1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	60											60
# employees / event	5											5
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	60											60
# employees / event	5											5
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	60											60
# employees / event	5											5
# guest vehicles / event	24											24
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: Windsor Oaks Winery PRMD File Number: _____

Type of event shown on this sheet: Wine Marketing Events (100 Guests)

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thur)												
Fridays			1			2			2			
Saturdays				2			2			2		
Sundays					2			2				

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	100											100
# employees / event	5											5
# guest vehicles / event	40											40
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	100											100
# employees / event	5											5
# guest vehicles / event	40											40
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	100											100
# employees / event	5											5
# guest vehicles / event	40											40
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: Windsor Oaks Winery PRMD File Number: _____

Type of event shown on this sheet: Wine Marketing Events (300 Guests)

Estimated total number of events of this type on ▾	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thur)												
Fridays			1					1				
Saturdays						1				1		
Sundays							1					

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	300											300
# employees / event	5											5
# guest vehicles / event	120											120
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	300											300
# employees / event	5											5
# guest vehicles / event	120											120
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	300											300
# employees / event	5											5
# guest vehicles / event	120											120
# employees / vehicles	1											1

Appendix E

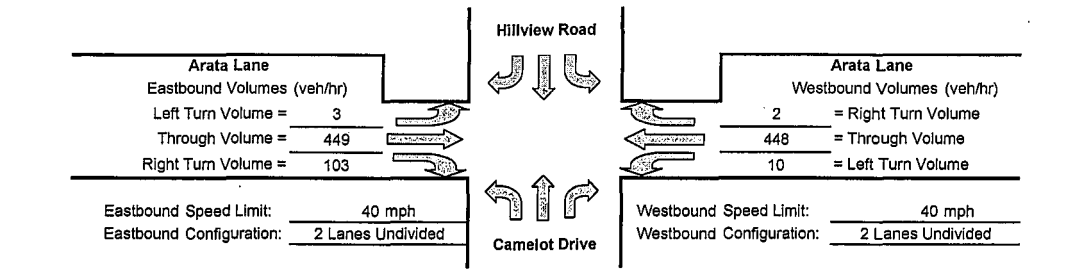
DRAFT

Turn Lane Warrant Worksheets

Turn Lane Warrant Analysis - 4 Legged Intersections

Study Intersection: Arata Lane/Hillview Road-Camelot Drive
 Study Scenario: Future plus Project (PM Peak)

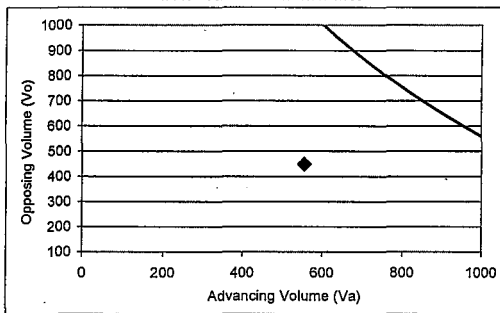
Direction of Analysis Street: East/West



Eastbound Left Turn Lane Warrants

Percentage Left Turns %lt 0.5 %
 Advancing Volume Threshold AV 1137 veh/hr

If $AV < V_a$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

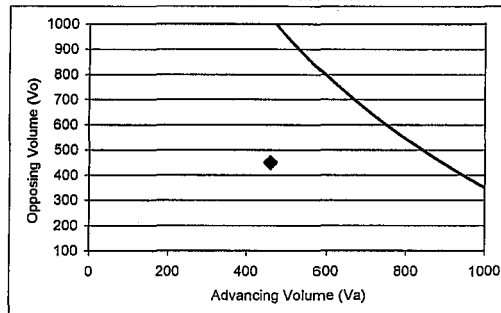
Left Turn Lane Warranted: NO

Note: If one direction has a left turn lane warranted, a left turn lane should be installed on the other side as well

Westbound Left Turn Lane Warrants

Percentage Left Turns %lt 2.2 %
 Advancing Volume Threshold AV 892 veh/hr

If $AV < V_a$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold: AV = -
 Advancing Volume V_a = 555
 If $AV < V_a$ then warrant is met Yes

Right Turn Lane Warranted: YES

Eastbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

WARRANTED - Exceeds 90 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume V_a = -
 If $AV < V_a$ then warrant is met -

Right Turn Taper Warranted: -

Westbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold: AV = 1035.1
 Advancing Volume V_a = 460
 If $AV < V_a$ then warrant is met No

Right Turn Lane Warranted: NO

Westbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume V_a = 460
 If $AV < V_a$ then warrant is met -

Right Turn Taper Warranted: NO

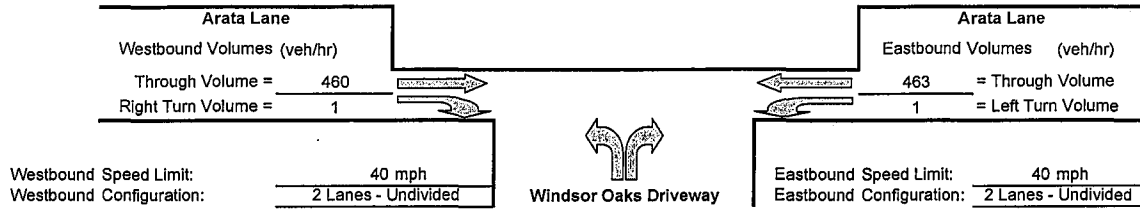
Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, Jan. 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981. The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Arata Lane/Proposed Windsor Oaks Driveway
 Study Scenario: Future plus Project (PM Peak)

Direction of Analysis Street: East/West

Cross Street Intersects: From the North



Westbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	1042.6
Advancing Volume	Va =	461
If $AV < Va$ then warrant is met		
No		

Right Turn Lane Warranted: NO

Westbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	461
If $AV < Va$ then warrant is met		
-		

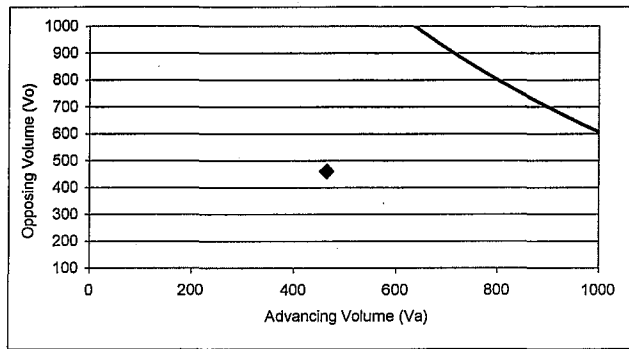
Right Turn Taper Warranted: NO

Eastbound Left Turn Lane Warrants

Percentage Left Turns %lt 0.2 %

Advancing Volume Threshold AV 1183 veh/hr

If $AV < Va$ then warrant is met



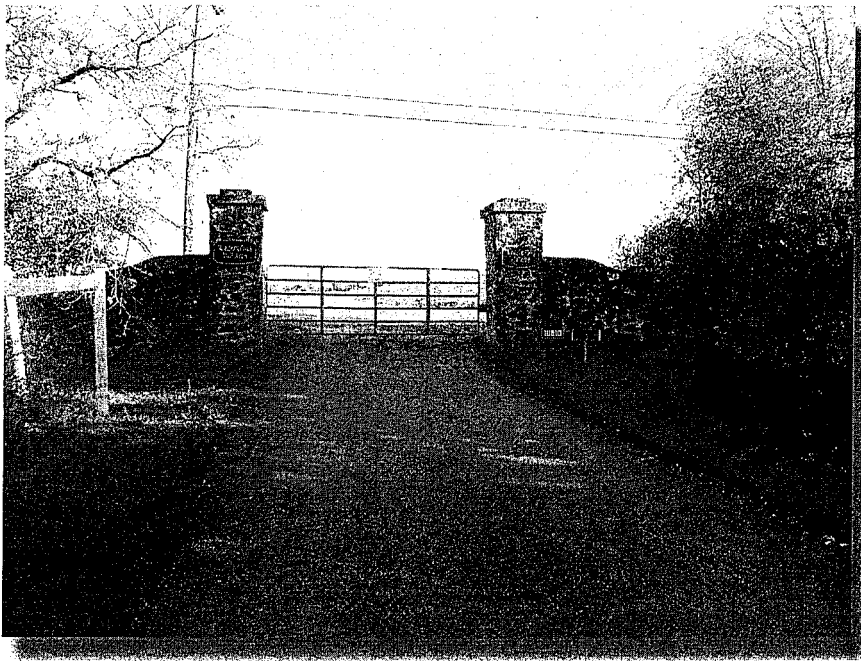
◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.



Traffic Impact Study for the Windsor Oaks Winery Project



Prepared for the
County of Sonoma



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April 11, 2012

Balancing Functionality and Livability
Traffic Engineering • Transportation Planning

EXHIBIT Q 196
Mitigated Neg Dec and attachments

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Introduction

Introduction

This report presents an analysis of the potential traffic impacts that would be associated with the expansion of the existing Windsor Oaks Winery located at 10810 Hillview Road in the County of Sonoma. The traffic study was completed in accordance with the criteria established by the County of Sonoma, and is consistent with standard traffic engineering techniques.

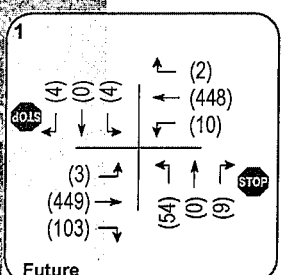
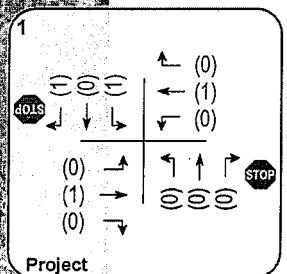
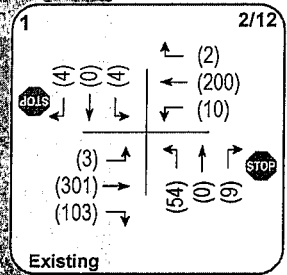
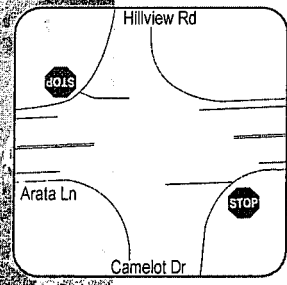
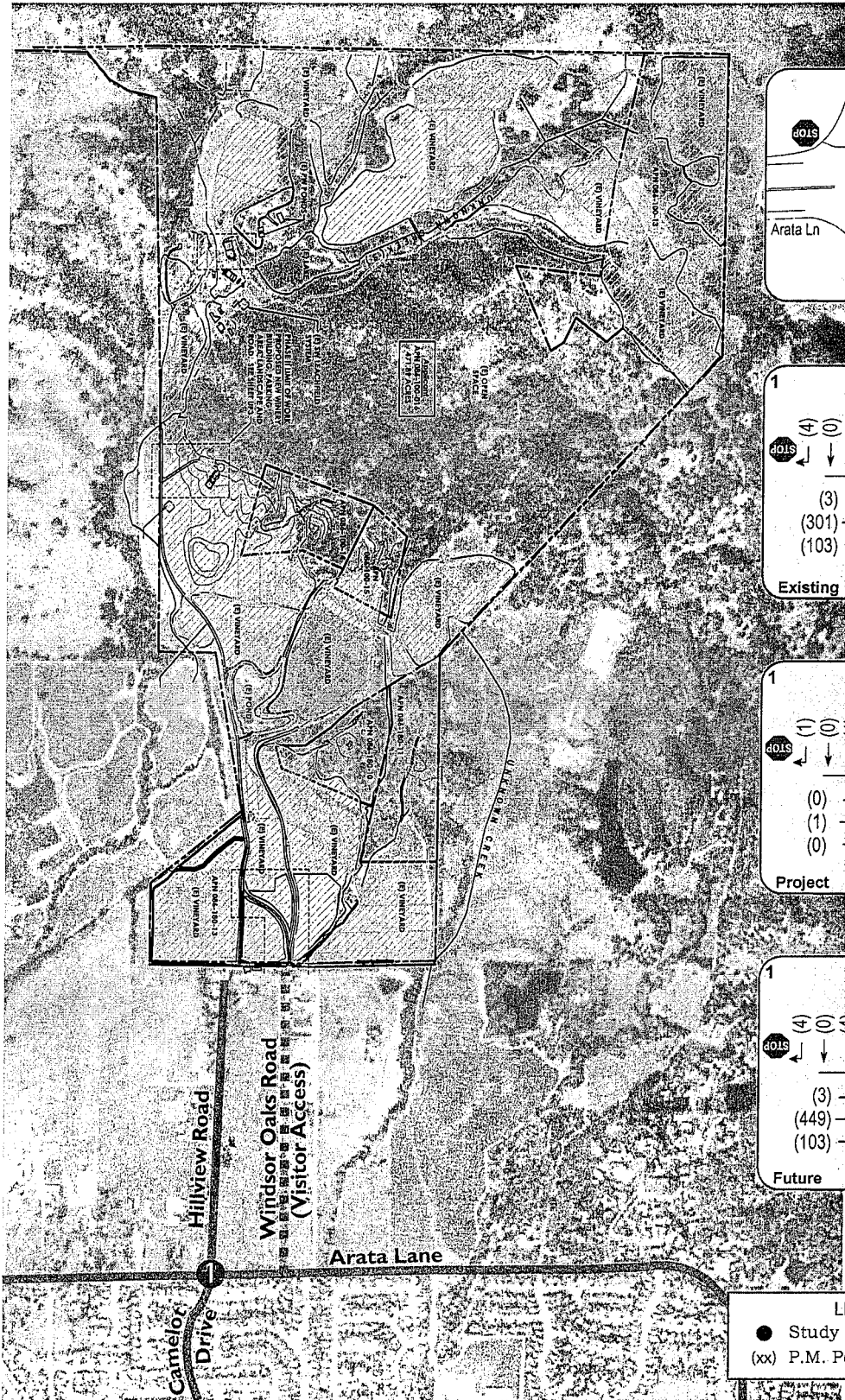
Prelude

The purpose of a traffic impact study is to provide County staff and policy makers with data that they can use to make an informed decision regarding the potential traffic impacts of a proposed project, and any associated improvements that would be required in order to mitigate these impacts to a level of insignificance as defined by the County's General Plan or other policies. Vehicular traffic impacts are typically evaluated by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, then analyzing the impact the new traffic would be expected to have on critical intersections or roadway segments.

Project Profile

The project site is currently occupied by two existing winery buildings that produce 43,000 cases annually. In addition to the existing wine production, excess fruit from the vineyard is currently exported by trucks to other wineries for processing. Access to the site is gained via Hillview Road, which is located on the north side of Arata Lane approximately a half-mile east of US 101.

The proposed Windsor Oaks Winery expansion project would allow for an ultimate production level of 100,000 cases of wine annually plus a tasting room and participation in up to 30 wine marketing special events annually in two phases. Access for production and employee traffic will continue to be via Hillview Road, while public access will be gained via a new driveway (Windsor Oaks Road) to be constructed on the north side of Arata Lane located approximately 600 feet east of Hillview Road. The fruit that is currently exported off-site for processing will be processed on-site, therefore eliminating truck trips associated with the exportation of fruit. The location of the project site is shown in Figure 1.



LEGEND
 ● Study Intersection
 (xx) P.M. Peak Hour Volume

North
 Not to Scale

Windsor Oaks Winery Traffic Impact Study
 County of Sonoma
 Figure 1
 Lane Configurations and Traffic Volumes

Transportation Setting

Operational Analysis

Study Area and Period

The study area consists of the section of Arata Lane fronting the project site as well as the intersection of Arata Lane/Hillview Road-Camelot Drive. Operating conditions during the p.m. peak period were evaluated to capture the highest potential impacts for the proposed project as well as the highest volumes on the local transportation network. The p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute.

Study Intersection

Arata Lane/Hillview Road-Camelot Drive is a four-legged intersection with stop controls on both the Hillview Road and Camelot Drive approaches. Based on a turning movement count conducted in February 2012, approximately 700 vehicles access this intersection during the p.m. peak hour.

Study Roadway

Arata Lane is an east-west arterial that runs from Old Redwood Highway to Foothill Drive with one through lane in each direction. Near Hillview Road-Camelot Drive sidewalk is provided along the south side of the street, while bike lanes are provided along both sides of the street. The speed limit on Arata Lane is posted at 40 miles per hour (mph).

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their *Statewide Integrated Traffic Records System (SVITRS)* reports. The most current five-year period available is January 1, 2006, through December 31, 2010.

The calculated collision rate for the intersection of Arata Lane/Hillview Road-Camelot Drive was compared to average collision rates for similar facilities statewide, as indicated in *2007 Accident Data on California State Highways*, California Department of Transportation (Caltrans).

The study intersection had two reported collisions over the five-year study period for a calculated collision rate of 0.16 collisions per million vehicle entering (c/mve). The statewide average collision rate for a four-legged intersection with stop controls is 0.33 c/mve. Therefore, the calculated collision rate is lower than the statewide average for similar intersections. A copy of the collision rate calculation sheet is provided in Appendix A.

Capacity Analysis

Intersection Level of Service Methodologies

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free flow conditions and Level of Service F represents forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation.

The study intersection was analyzed using methodologies published in the *Highway Capacity Manual* (HCM), Transportation Research Board, 2000. This source contains methodologies for various types of intersection control, all of which are related to a measurement of delay in average number of seconds per vehicle.

The Levels of Service for the study intersection was analyzed using the "Two-Way Stop-Controlled" intersection capacity method from the HCM. This methodology determines a level of service for each minor turning movement by estimating the level of average delay in seconds per vehicle. Results are presented for individual movements together with the weighted overall age delay for the intersection.

The ranges of delay associated with the various levels of service are indicated in Table I.

Table I
Two-Way Stop-Controlled Intersection Level of Service Criteria

LOS A	Delay of 0 to 10 seconds. Gaps in traffic are readily available for drivers exiting the minor street.
LOS B	Delay of 10 to 15 seconds. Gaps in traffic are somewhat less readily available than with LOS A, but no queuing occurs on the minor street.
LOS C	Delay of 15 to 25 seconds. Acceptable gaps in traffic are less frequent, and drivers may approach while another vehicle is already waiting to exit the side street.
LOS D	Delay of 25 to 35 seconds. There are fewer acceptable gaps in traffic, and drivers may enter a queue of one or two vehicles on the side street.
LOS E	Delay of 35 to 50 seconds. Few acceptable gaps in traffic are available, and longer queues may form on the side street.
LOS F	Delay of more than 50 seconds. Drivers may wait for long periods before there is an acceptable gap in traffic for exiting the side streets, creating long queues.

Reference: *Highway Capacity Manual*, Transportation Research Board, 2000

Traffic Operation Standards

The intersection of Arata Lane/Hillview Road-Camelot Drive falls under the Town of Windsor's jurisdiction. The Town of Windsor's adopted LOS Standard is contained in the Town's General Plan, and reads as follows:

The Town shall adopt a level of service standard D for Crosstown Streets and signalized intersections. The Town shall recognize that reducing congestion must be balanced against improvement costs and community character concerns. The standard shall be used for planning new facilities and for monitoring proposed changes to the General Plan.

Although the General Plan does not specifically address LOS standards for two-way stop-controlled intersections, the LOS D standard was similarly applied to the overall intersection operation.

Existing Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes. This condition does not include project-generated traffic volumes. Volume data was collected in February 2012.

Intersection Levels of Service

Under existing conditions, the study intersection is operating acceptably at LOS A overall during the p.m. peak hour. The existing traffic volumes are shown in Figure 1. A summary of the intersection level of service calculations is contained in Table 2, and copies of the Level of Service calculations are provided in Appendix B.

**Table 2
Summary of Existing PM Peak Hour Intersection Level of Service Calculations**

Study Intersection Approach	Existing Conditions	
	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.7	A
<i>Northbound (Camelot Dr) Approach</i>	<i>15.7</i>	<i>C</i>
<i>Southbound (Hillview Rd) Approach</i>	<i>12.1</i>	<i>B</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Future Conditions

Future volumes for the horizon year of 2035 were obtained from the County's gravity demand model and translated to turning movement volumes at the study intersection using the "Furness" method. The Furness method is an iterative process that employs existing turn movement data, existing link volumes and future link volumes to project likely turning future movement volumes at intersections.

Under the anticipated Future volumes, the study intersection is expected to continue operating acceptably at LOS A overall during the p.m. peak hour. Future volumes are shown in Figure 1 and operating conditions are summarized in Table 3.

**Table 3
Summary of Future PM Peak Hour Level of Service Calculations**

Study Intersection <i>Approach</i>	Future Conditions	
	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.8	A
<i>Northbound (Camelot Dr) Approach</i>	24.2	C
<i>Southbound (Hillview Rd) Approach</i>	16.2	C

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Project Description

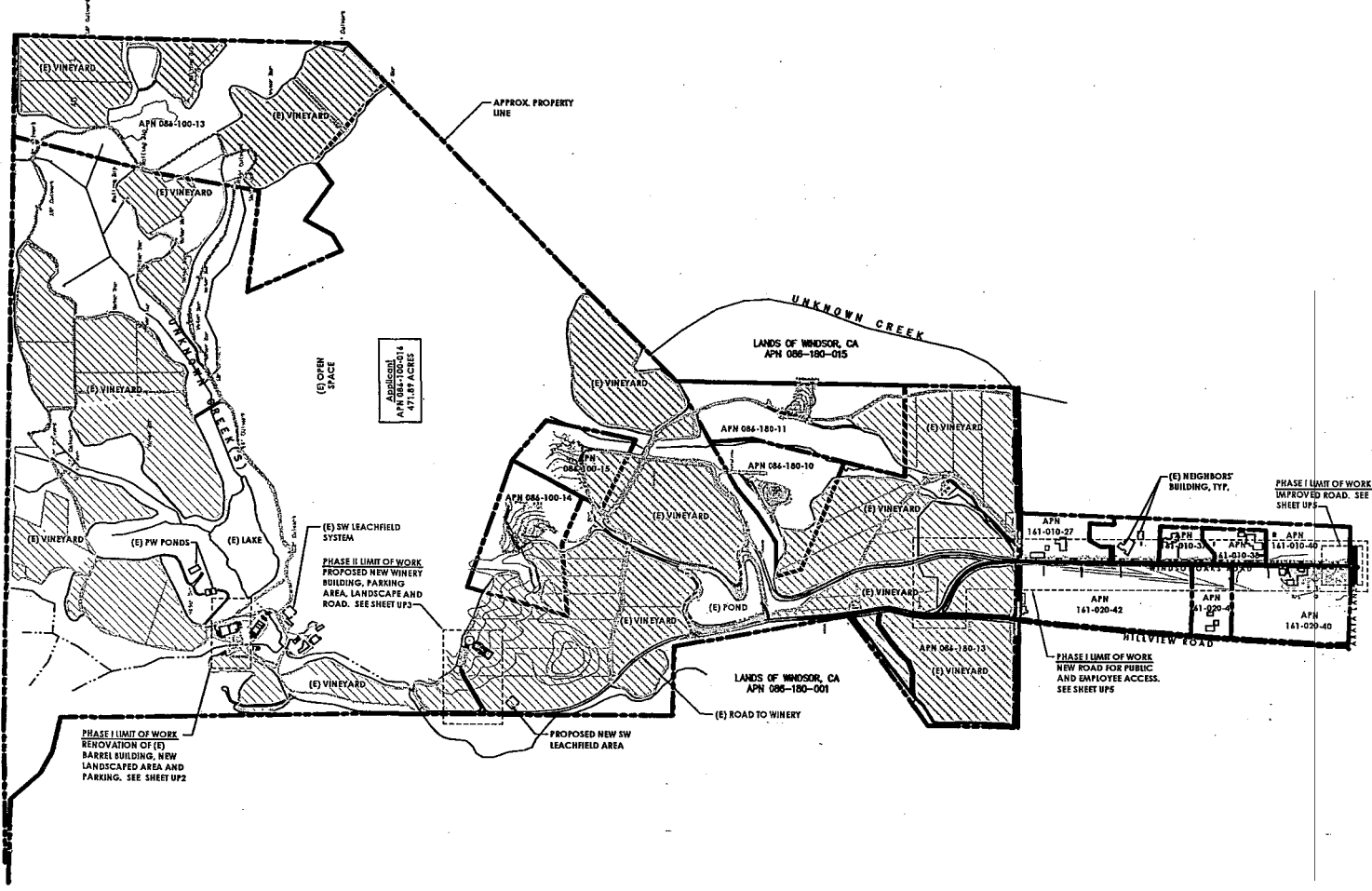
The proposed Windsor Oaks Winery expansion project would bring the production level from 43,000 annual cases to 100,000 cases with a tasting room and participation in up to 30 wine marketing special events annually in two phases. The project site is shown in Figure 2.

Trip Generation

The County's Winery Trip Generation form, which is included in Appendix C, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the winery's anticipated production and operation under build-out project conditions. The winery currently maintains a staff of ten, which includes four production employees, four administrative employees and two sales employees. The Windsor Oaks Winery expansion project includes an increase in production staff of one person who would be expected to generate an average of three trip ends per weekday. The level of truck traffic related to the proposed expansion project is not expected to increase above the two existing truck trips per weekday associated with exporting fruit from the project site.

In addition, the tasting room will have two employees, also generating an average of three trips each per day. An average of 55 visitors per day is expected for tasting, with a high of 80 tasters during the summertime months and a low of about 40 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 44 daily trips are expected due to tasting. Data collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during the weekday p.m. peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily generated winery trips occur during the weekday p.m. peak hour.

As shown in Table 1, the proposed project would be expected to generate an average of 53 new trip ends per weekday, including seven trips during the weekday p.m. peak hour.



Source: Steve Martin Associates, Inc. 2/12

43650x.ai 3/12

Windsor Oaks Winery Traffic Impact Study County of Sonoma

Figure 2 Site Plan

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak		
		Rate	Trips	Trips	In	Out
Existing						
Winery Employees	10	3	30	10	0	10
Truck Traffic	n/a	n/a	2	0	0	0
<i>Total Existing Trips</i>			32	10	0	10
Proposed						
Winery Employees	11	3	33	11	0	11
Truck Traffic	n/a	n/a	2	0	0	0
Tasting Visitors	55	0.80	44	4	2	2
Tasting Employees	2	3	6	2	0	2
<i>Total Proposed Trips</i>			85	17	2	15
Total New Trips			53	7	2	5

Note: Trip generation does not include special events

Trip Distribution

The pattern used to allocate new project trips to the street network was determined by reviewing travel patterns based on existing count data at the study intersection. The applied distribution assumptions and resulting trips are shown in Table 4. The tasting room visitor trips were distributed to the street network via the new public access driveway, which is proposed to be located approximately 600 feet east of Hillview Road, so would add through trips at the study intersection rather than turning movements.

**Table 4
Trip Distribution Assumptions**

Route	Percent	Daily Trips	PM Trips
Arata Ln (west of Hillview Rd-Camelot Dr)	80%	42	6
Arata Ln (east of Hillview Rd-Camelot Dr)	15%	8	1
Camelot Dr (south of Arata Ln)	5%	3	0
TOTAL	100%	53	7

Special Events

Three different sized wine marketing events are proposed at the project site. As indicated in the "Event Schedule" forms, which is included in Appendix D, ten 60-person, 15 100-person and five 300-person wine marketing events per year are proposed. It was assumed that a maximum-sized 300-person event would require a staff of 14. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum-sized 300-person event would be expected to generate 268 trip ends at

the driveways, including 134 inbound trips at the start of the event and 134 outbound trips upon its conclusion. It should be noted that since these events are infrequent and not part of typical daily operation, traffic associated with them was not included in the daily trips generation and resulting intersection operation analysis.

Intersection Operation

Existing plus Project Conditions

Upon the addition of project-related traffic to the Existing volumes, the study intersection is expected to continue to operate acceptably at LOS A overall during the p.m. peak hour. These results are summarized in Table 5. Project traffic volumes are shown in Figure 1.

**Table 5
Summary of Existing and Existing plus Project
PM Peak Hour Intersection Level of Service Calculations**

Study Intersection Approach	Existing Conditions		Existing plus Project	
	Delay	LOS	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.7	A	1.8	A
<i>Northbound (Camelot Dr) Approach</i>	<i>15.7</i>	<i>C</i>	<i>15.7</i>	<i>C</i>
<i>Southbound (Hillview Rd) Approach</i>	<i>12.1</i>	<i>B</i>	<i>12.1</i>	<i>B</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Finding: The study intersection is expected to continue operating acceptably at the same level of service upon the addition of project-generated traffic.

Future plus Project Conditions

Upon the addition of project-related traffic to the anticipated Future volumes, the study intersection is expected to continue to operate acceptably at LOS A overall during the p.m. peak hour. These results are summarized in Table 6.

**Table 6
Summary of Future and Future plus Project
PM Peak Hour Intersection Level of Service Calculations**

Study Intersection Approach	Future Conditions		Future plus Project	
	Delay	LOS	Delay	LOS
Arata Ln/Hillview Rd-Camelot Dr	1.8	A	1.9	A
<i>Northbound (Camelot Dr) Approach</i>	<i>24.2</i>	<i>C</i>	<i>24.4</i>	<i>C</i>
<i>Southbound (Hillview Rd) Approach</i>	<i>16.2</i>	<i>C</i>	<i>16.3</i>	<i>C</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

Finding: The study intersection will continue operating at acceptable Levels of Service with project traffic added to anticipated Future volumes.

Access and Circulation

Site Access

Production and employee traffic will continue to utilize Hillview Road to access the site; however, public access will be gained via a new driveway (Windsor Oaks Road) on the north side of Arata Lane located approximately 600 feet east of Hillview Road.

Sight Distance

Sight distance from the existing project access point as well as the proposed public access driveway was evaluated based on sight distance criteria contained in the Caltrans *Highway Design Manual*, 6th Edition. The applicable criterion for a public road is based on corner sight distance, while a private driveway is based on stopping sight distance.

In the vicinity of the project site, the speed limit on Arata Lane is posted at 40 mph. For a 40-mph design speed a public road intersection should have corner sight distance of at least 440 feet, while a private road intersection should have stopping sight distance of at least 300 feet. From the location of the existing Hillview Road access point as well as the proposed access driveway the sight distance in both directions is greater than 500 feet, which is adequate for the posted speed limit.

Vegetation and signage can have an impact on sight distance for vehicles entering or exiting the site. Therefore, any proposed vegetation or signs along the project frontage of Arata Lane should be located so as not to obstruct the visibility of vehicles entering or exiting the site.

The adequacy of sight distance was also evaluated for vehicles traveling eastbound on Arata Lane approaching another vehicle either slowing or stopped and waiting to turn left into Hillview Road or the proposed public access driveway. The same corner and stopping sight distance criteria described above would also apply to this situation, with sight lines measured between the oncoming vehicle and the queued vehicle stopped at Hillview Road and the proposed driveway. The sight distance for an eastbound traveling vehicle approaching a stopped vehicle accessing either Hillview Road or the proposed driveway is greater than 500 feet which meets and exceeds the minimum sight distance required for a vehicle traveling at 40 mph on Arata Lane.

Impact: Though sight distance requirements are met, existing vegetation could potentially impede clear sight lines.

Recommendation: The existing vegetation located on either side of Hillview Road and the proposed driveway should be periodically trimmed to maintain clear sight lines.

Turn Lane Analysis

The need for a left-turn lane on Arata Lane at Hillview Road or the proposed driveway was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues.

The need for left-turn channelization in the form of a left-turn pocket on Arata Lane was evaluated based on Future plus Project peak hour volumes as well as safety criteria. Under Future plus Project

conditions, a left-turn lane is **not** warranted on Arata Lane at either Hillview Road or the proposed driveway during the p.m. peak hour.

Consideration was given to the need for turn lanes to accommodate special event traffic. However, it is unlikely that events will begin during the peak hour evaluated, but rather, they are more likely to begin and end during off-peak hours. Therefore, special event traffic was not included in the turn lane analysis for project-added traffic. Copies of the left-turn lane warrant spreadsheets are provided in Appendix E.

On-Site Circulation

On-site circulation was evaluated to determine if adequate circulation and room for turning around is provided throughout the project site. Based on a review of the proposed site plan, it was determined that passenger vehicles as well as larger trucks will be able to negotiate through the proposed project site.

Parking Adequacy

Daily Operations

Assuming that each employee drives to work in their own vehicle, a total of 13 spaces would be needed to accommodate the proposed employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 22 daily vehicles associated with the tasting room visitors, or six vehicles, would be parked on-site during any single hour; therefore, a maximum of 19 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 33 parking spaces, which would accommodate the maximum daily guest and employee parking demand with a surplus of 14 spaces.

Special Events

A maximum-sized special event with 300 guests would be expected to generate need for 120 parking spaces, plus an additional 14 spaces for employees for a combined total of 134 parking spaces. The 33 permanent on-site parking spaces would not be able to accommodate the demand for event parking. The paved production traffic circulation areas and unpaved areas alongside the existing vineyards will be available for temporary parking during a special event. It is anticipated that the on-site parking supply for a maximum-sized event could be accommodated within these permanent and temporary parking areas, though signing or attendants will be needed to guide attendees to available parking areas.

Finding: While the parking supply is adequate for daily operation, overflow parking areas will be needed for special events.

Recommendation: Overflow parking areas should be identified for use during large special events, which signing directing attendees to these areas and attendants assisting as needed.

Conclusions and Recommendations

Conclusions

- The calculated collision rate for the study intersection is below the statewide average for similar intersections.
- At build-out, the proposed project is expected to generate an average of 53 new daily vehicle trips, including seven trips during the p.m. peak hour.
- A total of 30 special events are proposed annually, but since the starting and ending times usually occur outside of peak conditions, they are expected to result in minimal traffic impact.
- Sight distance along Arata Lane is adequate for the posted speed limit.
- The proposed parking supply of 33 spaces will accommodate the anticipated 19 space peak demand for employees and daily visitors.
- During special events, the proposed permanent and temporary parking supply would be adequate.
- The study intersection of Arata Lane/Hillview Road-Camelot Drive is expected to continue operating acceptably based on applicable standards under Existing and Future conditions without and with the project.
- On-site circulation is adequate for typical passenger vehicles as well as for larger trucks.
- Left-turn pockets are not warranted on Arata Lane at either Hillview Road or the proposed driveway even under Future plus Project volumes.

Recommendations

- It is recommended that any proposed vegetation or signs installed along Arata Lane near Hillview Road or the proposed driveway should be located so as not to obstruct the visibility of vehicles entering or exiting the project site.
- During special events, temporary parking should be provided along the unpaved areas between the existing vineyards and direction in the form of signs and attendants provided.

Study Participants and References

Study Participants

Principal in Charge: Dalene J. Whitlock, PE, PTOE
Transportation Planner: Chris Helmer
Technician/Graphics: Deborah J. Mizell
Editing/Formatting: Angela McCoy

References

2007 Collision Data on California State Highways (road miles, travel, collisions, collision rates), California Department of Transportation, 2007
Highway Capacity Manual, Transportation Research Board, 2000
Sonoma County General Plan 2020, County of Sonoma, 2008
Statewide Integrated Traffic Records System (SWITRS), California Highway Patrol, 2006-2010
Trip Generation, 8th Edition, Institute of Transportation Engineers, 2008

SOX436



Appendix A

Collision Rate Spreadsheet

INTERSECTION COLLISION RATE CALCULATIONS

Windsor Oaks Winery

Intersection # 1: Arata Lane & Hillview Road/Camelot Drive

Date of Count: Wednesday, February 15, 2012

Number of Collisions: 2

Number of Injuries: 0

Number of Fatalities: 0

ADT: 6900

Start Date: January 1, 2006

End Date: December 31, 2010

Number of Years: 5

Intersection Type: FOUR-LEGGED

Control Type: STOP & YIELD SIGNS

Area: RURAL

$$\text{collision rate} = \frac{\text{NUMBER OF COLLISIONS} \times 1 \text{ MILLION}}{\text{ADT} \times 365 \text{ DAYS PER YEAR} \times \text{NUMBER OF YEARS}}$$

$$\text{collision rate} = \frac{2}{6,900} \times \frac{1,000,000}{365 \times 5}$$

	<u>Collision Rate</u>	<u>Fatality Rate</u>	<u>Injury Rate</u>
Study Intersection	0.16 c/mve	0.0%	0.0%
Statewide Average*	0.33 c/mve	2.4%	45.3%

ADT = average daily total vehicles entering intersection

c/mve = collisions per million vehicles entering intersection

* 2007 Collision Data on California State Highways, Caltrans

Appendix B

Intersection Level of Service Calculations

Level of Service Computation Report
 2000 HCM Unsignalized Method (Base Volume Alternative)

 Intersection #1 Arata Ln/Hillview Rd-Camelot Dr
 Average Delay (sec/veh): 1.7 Worst Case Level of Service: C [15.7]

Street Name:	Camelot Dr-Hillview Rd	Arata Ln				
Approach:	North Bound	South Bound				
Movement:	L - T - R	L - T - R				
	L	T	R	L	T	R
Control:	Stop Sign	Stop Sign	Uncontrolled	Uncontrolled	Uncontrolled	Uncontrolled
Rights:	Include	Include	Include	Include	Include	Include
Lanes:	0 0 1 1 0 0	0 0 1 1 0 0	0 0 1 1 0 0	0 0 1 1 0 0	0 0 1 1 0 0	0 0 1 1 0 0
Volume Module:	>> Count Date: 15 Feb 2012 << 5:00 - 6:00 pm					
Base Vol:	54	0	9	4	0	4
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	54	0	9	4	0	4
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.90	0.90	0.90	0.90	0.90	0.90
PHF Volume:	60	0	10	4	0	4
Reduct Vol:	0	0	0	0	0	0
Final Volume:	60	0	10	4	0	4

Critical Gap Module:
 Critical Gp: 7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxxx xxxxx 4.1 xxxxx xxxxx
 FollowupTm: 3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxxx xxxxx 2.2 xxxxx xxxxx

Capacity Module:
 Conflict Vol: 644 643 390 647 699 223 224 xxxxx xxxxx 447 xxxxx xxxxx
 Potent Cap: 389 395 663 387 366 822 1357 xxxxx xxxxx 1124 xxxxx xxxxx
 Move Cap: 383 390 663 378 362 822 1357 xxxxx xxxxx 1124 xxxxx xxxxx
 Volume/Cap: 0.16 0.00 0.02 0.01 0.00 0.01 0.00 xxxxx xxxxx 0.01 xxxxx xxxxx

Level of Service Module:
 2Way95thQ: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 0.0 xxxxx xxxxx 0.0 xxxxx xxxxx
 Control Del: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 7.7 xxxxx xxxxx 8.2 xxxxx xxxxx
 LOS by Move: * * * * * A * * * * * A * * * * *
 Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
 Shared Cap: xxxxx 407 xxxxx xxxxx 517 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
 SharedQueue: xxxxx 0.6 xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
 Shrd ConDel: xxxxx 15.7 xxxxx xxxxx 12.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
 Shared LOS: * C * * * * * B * * * * * * * * * * *
 ApproachDel: 15.7 12.1 xxxxxxxx xxxxxxxx
 ApproachLOS: C B

Note: Queue reported is the number of cars per lane.

Appendix C

Windsor Oaks Winery Trip Generation Form

Winery Trip Generation

Winery: Windsor Oaks Winery
 Location: 10810 Hillview Road Windsor, CA
 Annual Full Production: 100000 cases

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	4	5	5	--	12	15	15	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	4	4	4	--	12	12	12	--
Sales	2	2	2	--	6	6	6	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	10	11	11	0	30	33	33	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 1; 1 truck(s) at 12 tons/truck; and 0 truck(s) at N/A tons/truck Dates of Activity: August through October	0.00	0.01
Juice Importation Truck loads per year: None Dates of Activity:	0.00	0.00
Juice/Fruit Exportation Truck loads per year: 3 truck(s) at N/A gallons per truck Dates of Activity:	0.45	0.02
Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed:	0.00	0.00
Bottle Delivery Truck loads per year: 49 truck(s) at 1904 cases/truck Dates of Activity: January through June	0.46	0.37
Barrel Delivery Truck loads per year: 10 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.03	0.08
Finished Wine Transportation to storage/sales Truck loads per year: 95 truck(s) at 986 cases/truck Dates of Activity: January through December	0.46	0.72
Less Backhauls Truck loads per year: -10 truck(s) Dates of Activity: January through December	-0.09	-0.08
Miscellaneous trips Truck loads per year: 142 trucks Dates of Activity: January through December	1.08	1.08
Totals	2.39	2.20

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	3	6	9	18
Vineyard Maintenance: Peak Season	3	6	2	3
Totals	6	12	11	21

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	55	0	44
Tasting Room Employees	0	2	0	6
Totals	0	57	0	50

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	Year Round	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	Monday - Friday	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	Daily	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-6:00pm	6:00 am-10:00 pm	6:00 am-10:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 6:00 pm	6:00 am-10:00 pm	6:00 am-10:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	8
Enter Event Information on Schedule Tab		
Other Trips (If Applicable)		
None		
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	30	33
Winery Operations (truck traffic)	2	2
Vineyard Operations (employees)	11	21
Tasting Room Traffic (employees and visitors)	0	50
Event Traffic (employee and visitors)	0	8
Miscellaneous other traffic generators	0	0
Totals	43	114

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	93	94	111	110	115	127

Month	July	August	September	October	November	December
Total Trips	140	152	131	142	98	92

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

Appendix D

Special Events Schedule Form

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: Windsor Oaks Winery PRMD File Number: _____
 Type of event shown on this sheet: Wine Marketing Events (60 Guests)

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thur)												
Fridays	1				1			1				1
Saturdays		1				1			1			
Sundays				1			1			1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.
For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound												Outbound											
# guests / event													60											
# employees / event													5											
# guest vehicles / event													24											
# employees / vehicles													1											

For Saturday events	Inbound												Outbound											
# guests / event													60											
# employees / event													5											
# guest vehicles / event													24											
# employees / vehicles													1											

For Sunday events	Inbound												Outbound											
# guests / event													60											
# employees / event													5											
# guest vehicles / event													24											
# employees / vehicles													1											

For Sunday events	Inbound												Outbound											
# guests / event													60											
# employees / event													5											
# guest vehicles / event													24											
# employees / vehicles													1											

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Windsor Oaks Winery** PRMD File Number: _____
 Type of event shown on this sheet: **Wine Marketing Events (100 Guests)**

Estimated total number of events of this type on typical (Mon - Thur)	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thur)												
Fridays		1				2			2			
Saturdays				2			2			2		
Sundays					2							

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.
For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound	Outbound
# guests / event	100	100
# employees / event	5	5
# guest vehicles / event	40	40
# employees / vehicles	1	1

For Saturday events	Inbound	Outbound
# guests / event	100	100
# employees / event	5	5
# guest vehicles / event	40	40
# employees / vehicles	1	1

For Sunday events	Inbound	Outbound
# guests / event	100	100
# employees / event	5	5
# guest vehicles / event	40	40
# employees / vehicles	1	1

For Sunday events	Inbound	Outbound
# guests / event	100	100
# employees / event	5	5
# guest vehicles / event	40	40
# employees / vehicles	1	1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Windsor Oaks Winery** PRMD File Number: _____
 Type of event shown on this sheet: **Wine Marketing Events (300 Guests)**

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thur)			1									
Fridays						1						
Saturdays										1		
Sundays							1					

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 to 10 p.m.
For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound	Outbound
# guests / event	300	300
# employees / event	5	5
# guest vehicles / event	120	120
# employees / vehicles	1	1

For Saturday events	Inbound	Outbound
# guests / event	300	300
# employees / event	5	5
# guest vehicles / event	120	120
# employees / vehicles	1	1

For Sunday events	Inbound	Outbound
# guests / event	300	300
# employees / event	5	5
# guest vehicles / event	120	120
# employees / vehicles	1	1

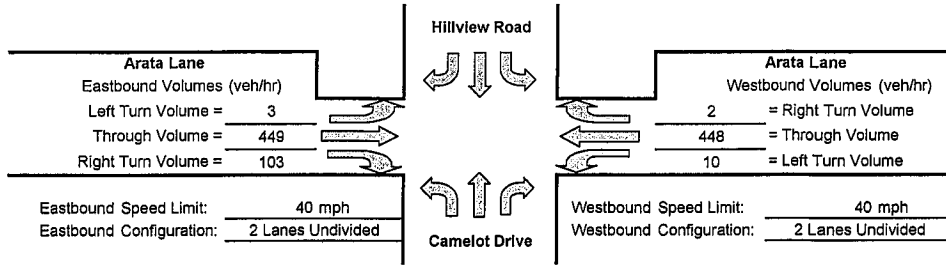
Appendix E

Turn Lane Warrant Worksheets

Turn Lane Warrant Analysis - 4 Legged Intersections

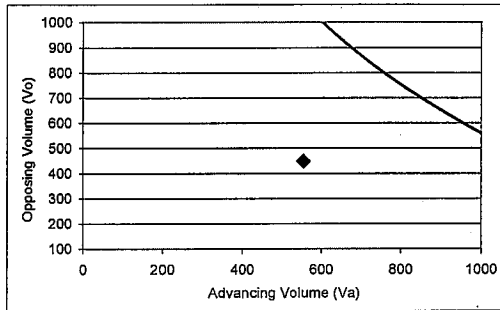
Study Intersection: Arata Lane/Hillview Road-Camelot Drive
 Study Scenario: Future plus Project (PM Peak)

Direction of Analysis Street: East/West



Eastbound Left Turn Lane Warrants

Percentage Left Turns %lt: 0.5 %
 Advancing Volume Threshold AV: 1137 veh/hr
 If $AV < V_a$ then warrant is met



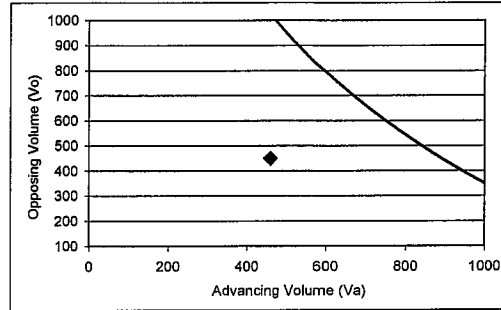
◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Note: If one direction has a left turn lane warranted, a left turn lane should be installed on the other side as well

Westbound Left Turn Lane Warrants

Percentage Left Turns %lt: 2.2 %
 Advancing Volume Threshold AV: 892 veh/hr
 If $AV < V_a$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria
Thresholds not met, continue to next step.

2. Check advance volume threshold criteria for turn lane
 Advancing Volume Threshold: AV = -
 Advancing Volume V_a = 555
 If $AV < V_a$ then warrant is met: Yes

Right Turn Lane Warranted: YES

Eastbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria
WARRANTED - Exceeds 90 vehicles

2. Check advance volume threshold criteria for taper
 Advancing Volume Threshold AV = -
 Advancing Volume V_a = -
 If $AV < V_a$ then warrant is met: -

Right Turn Taper Warranted: -

Westbound Right Turn Lane Warrants

1. Check for right turn volume criteria
Thresholds not met, continue to next step.

2. Check advance volume threshold criteria for turn lane
 Advancing Volume Threshold: AV = 1035.1
 Advancing Volume V_a = 460
 If $AV < V_a$ then warrant is met: No

Right Turn Lane Warranted: NO

Westbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria
NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper
 Advancing Volume Threshold AV = -
 Advancing Volume V_a = 460
 If $AV < V_a$ then warrant is met: -

Right Turn Taper Warranted: NO

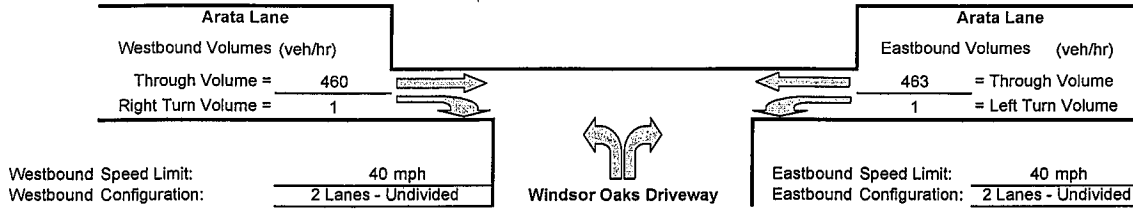
Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, Jan. 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981. The left turn lane analysis is based on work conducted by M.D. Hammelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Arata Lane/Proposed Windsor Oaks Driveway
 Study Scenario: Future plus Project (PM Peak)

Direction of Analysis Street: East/West

Cross Street Intersects: From the North



Westbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step.

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = 1042.6
 Advancing Volume Va = 461
 If $AV < Va$ then warrant is met No

Right Turn Lane Warranted: NO

Westbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 461
 If $AV < Va$ then warrant is met -

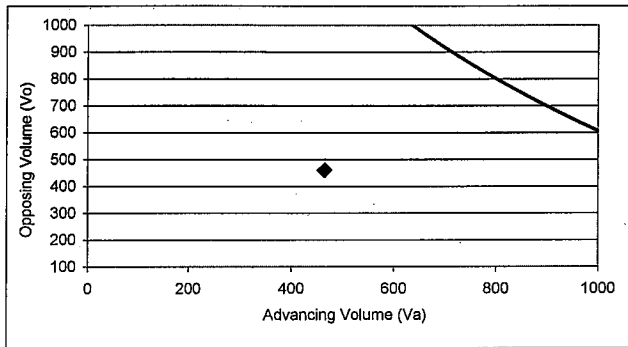
Right Turn Taper Warranted: NO

Eastbound Left Turn Lane Warrants

Percentage Left Turns %t 0.2 %

Advancing Volume Threshold AV 1183 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

MEMORANDUM
 Project No. 2011009
 1-8-13
 Page 2

Improvement Area Description	Surfacing Type	Impervious Area (acres)
<u>Phase I</u>		
Parking Area (at existing gravel area)	AC or Chip-seal	0.09
New Walkways	Concrete	0.03
HC Parking	Concrete	0.01
Gravel Maneuvering Area to Landscape	Landscaping	<u>-0.14</u>
	Subtotal	-0.01
<u>Phase II</u>		
Driveway for WO Road	AC Paving	0.15
Parking Area & Circular Drive	AC & Cobble	0.25
Building	Roof	0.14
Patio & Steps	Cobble/Concrete	<u>0.02</u>
	Subtotal	0.56
	TOTAL	0.55

I trust the above adequately addresses the no-requirement for submission of a preliminary SUSMP for the WO Use Permit Modification application. Please call if you have any questions or comments.

Regards,


 Steve Martin, P.E



cc: Traci Tesconi
 Bob Stein
 Gary Finnan

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

February 22, 2012

Sonoma County PRMD
2550 Ventura Ave.
Santa Rosa, CA 95403

Attention: Mr. Jon Tracy

Re: Windsor Oaks Winery
10~~5~~²10 Hillview Rd.
Windsor, CA
APN 086-100-016
Use Permit Modification
Wastewater Feasibility Study
SMA Project No. 2011009

Dear Mr. Tracy,

The purpose of this letter is to supplement the Windsor Oaks Winery Use Permit Modification Application which is requesting an increase in production up to 100,000 cases (240,000 gallons) annually and public tours and tastings with 20 special events per year. Steve Martin Associates, Inc. (SMA) has prepared this Wastewater Feasibility Study for the purpose of assessing the onsite sanitary and process wastewater system treatment and disposal capacity necessary for the proposed use.

The winery expansion is planned to be in two phases. Phase I will include an interior remodel of the existing winery warehouse building and Phase II will include a new 6,700 sf winery building. For both phases, the sanitary wastewater (SW) will consist of wastewater from the laboratory and restroom facilities. For Phase I, the SW will continue to be treated and disposed of within the existing Onsite Wastewater Treatment System (OWTS), however the system will be expanded in size to accommodate the increase in SW flows. For Phase II, a second, new OWTS is proposed to treat and dispose of the SW for Phase II. The process wastewater (PW) for both Phase I and Phase II will consist of winery wastewater generated from producing 100,000 cases of wine on site. Process wastewater from the existing facility is currently collected in a plumbing system separate from the sanitary wastewater. Initial PW treatment occurs via gravity screening and final treatment in a two-cell aerated lagoon system. Treated reclaimed process wastewater is disposed of via drip irrigation of the existing vineyards. This Wastewater Feasibility Study will show that the increase in PW flows will be adequately accommodated in the existing PW treatment system.

The proposed existing and new wastewater management systems described above and herein will be adequate to treat and dispose of the projected SW and PW flows generated from the increase use. To assist you in the evaluation of the above conclusions, the following information is enclosed:

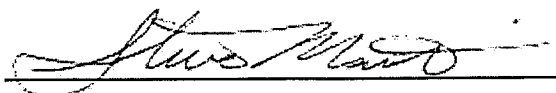
Attachment I: Wastewater System Flow Diagram

Attachment II: Wastewater System Design Criteria, Evaluation, & Calculations

In addition, please refer to sheets UP1 – UP5 for the locations of the proposed SW and PW wastewater system components. The plan indicates the relative locations of buildings, roads, wastewater primary and expansion leachfields, and other site features that would be required for this project.

The attached information regarding the proposed improvements should be sufficient for review at the Use Permit level. If you have any questions or require further information, please feel free to contact me at (707) 824-9730.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven M. Martin", is written over a horizontal line.

Steven M. Martin, PE

Attachments

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

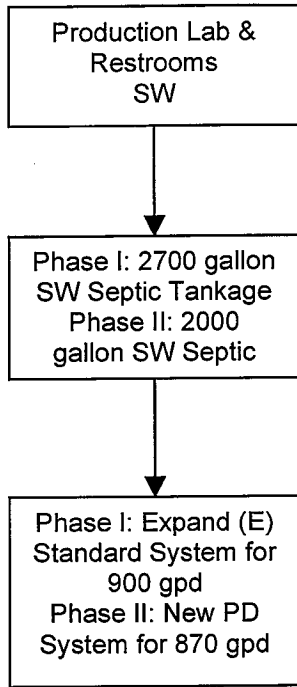
606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

ATTACHMENT I

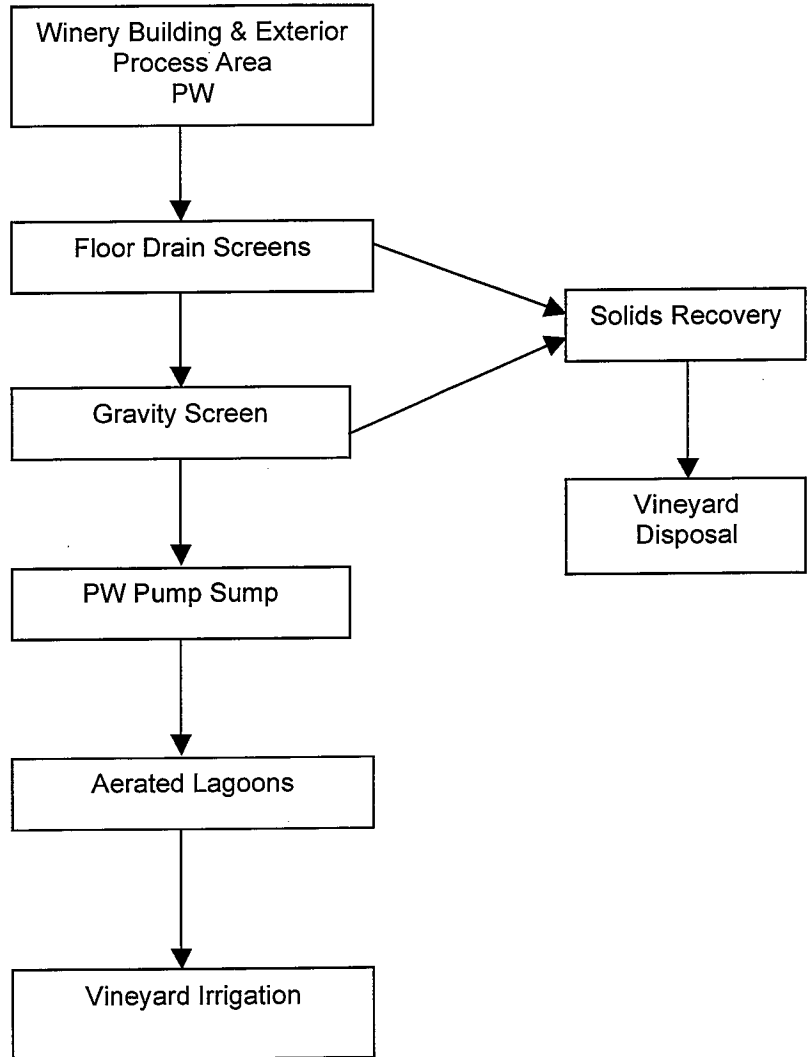
**SANITARY & PROCESS WASTEWATER
MANAGEMENT SYSTEM
FLOW DIAGRAM**

**SANITARY & PROCESS WASTEWATER
MANAGEMENT SYSTEM
FLOW DIAGRAM**

Sanitary Wastewater



Process Wastewater



SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

ATTACHMENT II

**SANITARY & PROCESS WASTEWATER
MANAGEMENT SYSTEM
DESIGN CRITERIA, EVALUATION,
AND CALCULATIONS**

WINDSOR OAKS WINERY

10510 Hillview Rd.
Windsor, California
APN 086-100-016

WASTEWATER MANAGEMENT SYSTEM DESIGN CRITERIA & EVALUATION

SANITARY WASTEWATER

The Windsor Oaks Winery currently has a Land Use Permit that allows for 43,000 cases of wine produced per year with 10 employees and no public tasting or tours. Their sanitary wastewater (SW) and their process wastewater (PW) is collected, treated and disposed of separately. The SW effluent flows via gravity to an existing standard system. The PW effluent is pumped to an aerated lagoon and ultimately disposed of via drip irrigation of the existing 200 acres of vineyard. The proposed increase in wine production will be sufficiently accommodated in the existing PW pond. However, the increase in number of employees, number of visitors, and up to 20 special events, will necessitate a new, larger system to accommodate the increase in SW wastewater flows. For Phase I, the existing standard system is planned to be expanded. For Phase II, a new OWTS is planned to be installed.

Sanitary wastewater (SW) at the winery consists of typical wastewater generated from sinks, glassware dishwashers, restrooms and laboratory facilities. During Phase I, there will be no increase in the ten employees currently working at Windsor Oaks Winery. However, SW flows will increase since Phase I includes the addition of public tours and tastings as well as 20 special events. During Phase II, the number of employees and the number of visitors will increase to sixteen. The location of the Phase II hospitality building is approximately one half mile from the existing facility and existing standard septic system. As a result, the new Phase II OWTS will need to accommodate all of the hospitality & special events flows. Some of the production staff and administrative staff will remain at the existing winery building, so the calculations for the Phase II OWTS will reflect only the eight out of sixteen total employees that will move to the new building. Once the Phase II OWTS is installed, the Phase I standard system will essentially be oversized due to the relocation of the hospitality events and associated SW flows.

PHASE I SW FLOWS:

AVERAGE WEEKDAY:

7 full-time employees x 15 gpcd	=	105
3 part-time employees x 7.5 gpcd	=	22.5
15 tasting visitors x 2.5 gpcd	=	<u>37.5</u>
Total	=	165 gpd

AVERAGE WEEKEND DAY:

7 full-time employees x 15 gpcd	=	105
3 part-time employees x 7.5 gpcd	=	22.5
30 tasting visitors x 2.5 gpcd	=	<u>75</u>
Total	=	202.5 gpd

AVERAGE WEEKEND DAY W/ SPECIAL EVENT:

7 full-time employees x 15 gpcd	=	105
3 part-time employees x 7.5 gpcd	=	22.5
50%(300)* event guests x 5 gpcd	=	<u>750</u>
Total	=	877.5 gpd

HARVEST WEEKDAY:

10 full-time employees x 15 gpcd	=	150
15 tasting visitors x 2.5 gpcd	=	<u>37.5</u>
Total	=	187.5 gpd

HARVEST WEEKEND DAY:

10 full-time employees x 15 gpcd	=	150
30 tasting visitors x 2.5 gpcd	=	<u>75</u>
Total	=	225 gpd

HARVEST WEEKEND DAY W/ EVENT:

10 full-time employees x 15 gpcd	=	150
50%(300)* event guests x 5 gpcd	=	<u>750</u>
Total	=	900 gpd

Design Phase I SW flow = 900 gpd SW

* Per PRMD policy 9-2-31, 50% of the fifth largest event flows shall be accommodated in the OWTS.

PHASE I SW SEPTIC TANK

The Manual of Septic Tank Practice states that for flows greater than 500 gpd, the required total septic tank size for the projected SW is calculated as follows:

Size for peak day (harvest weekend day w/ event):

$$\begin{aligned} V &= 1,125 \text{ gal} + (.75) \times Q \\ &= 1,125 \text{ gal} + (.75) \times (900 \text{ gpd}) \\ &= \mathbf{1,800 \text{ gallons}} \end{aligned}$$

The existing 1200-gallon SW septic tank shall be inspected and repaired or replaced if needed. One new 1500-gallon tank will be installed in series. This results in a total of 2,700 gallons of septic tankage to treat the SW.

PHASE I SW SEPTIC SYSTEM

The existing standard system is currently sized at 165 lf per 150 gallons of flow. With 496 linear feet of 36" deep standard trenches, this accommodates 450 gallons per day. The system was designed by Robert A. Morrison, PE and included a 100% reserve area that was designated adjacent to the installed system. Wet weather percolation testing was conducted in the vicinity of the primary and reserve standard system. Based on the results of that percolation testing, it is planned to double the size of the system by expanding into the designated 100% reserve area to accommodate a total of 900 gpd. An alternate 200% reserve area (now required for commercial systems) is in the process of being tested as part of this expansion. Preliminary soils investigation on the subject property indicates that the reserve area will be a shallow pressure distribution system.

PHASE II SW FLOWS:

AVERAGE WEEKDAY:

8 full-time employees x 15 gpcd	=	120
30 tasting visitors x 2.5 gpcd	=	<u>75</u>
Total	=	195 gpd

AVERAGE WEEKEND DAY:

8 full-time employees x 15 gpcd	=	120
80 tasting visitors x 2.5 gpcd	=	<u>200</u>
Total	=	320 gpd

AVERAGE WEEKEND DAY W/ SPECIAL EVENT:

8 full-time employees x 15 gpcd	=	120
50%(300)* event guests x 5 gpcd	=	<u>750</u>
Total	=	870 gpd

HARVEST WEEKDAY:

8 full-time employees x 15 gpcd	=	120
30 tasting visitors x 2.5 gpcd	=	<u>75</u>
Total	=	195 gpd

HARVEST WEEKEND DAY:

8 full-time employees x 15 gpcd	=	120
80 tasting visitors x 2.5 gpcd	=	<u>200</u>
Total	=	320 gpd

HARVEST WEEKEND DAY W/ EVENT:

8 full-time employees x 15 gpcd	=	120
50%(300)* event guests x 5 gpcd	=	<u>750</u>
Total	=	870 gpd

Design Phase II SW flow = 870 gpd SW

PHASE II SW SEPTIC TANK

The Manual of Septic Tank Practice states that for flows greater than 500 gpd, the required total septic tank size for the projected SW is calculated as follows:

$$\begin{aligned} \text{Size for peak day (harvest weekend day w/ event):} \\ V &= 1,125 \text{ gal} + (.75) \times Q \\ &= 1,125 \text{ gal} + (.75) \times (870 \text{ gpd}) \\ &= \mathbf{1,777.5 \text{ gallons}} \end{aligned}$$

A new 2,000 gallon septic tank shall be installed to treat the SW.

PHASE II SW SEPTIC SYSTEM

Official soils testing is in progress, however, preliminary soils investigation on the subject property indicates that a shallow pressure distribution system will be suitable for the Phase II OWTS. With a 24" deep trench, sandy clay loam soil, and an assumed soil application rate of 0.8 g/sf/d, the septic system would be sized as follows:

$$\text{Leachline Length} = \frac{\text{Design Flow}}{\text{Application Rate (Sidewall Area/lf)}}$$

$$\text{Leachline Length} = \frac{870 \text{ gpd}}{0.8 \text{ gal/s.f./day (1.5 sf/lf)}} = \underline{725 \text{ l.f.}}$$

A primary 725 lf pressure distribution system would be installed, and 1450 linear feet would be set aside as the 200% reserve area.

PROCESS WASTEWATER

Process wastewater (PW) will be generated from typical winery processing activities including crushing, fermentation, barrel storage and bottling with tank, barrel, equipment and floor cleaning. There is currently proposed to be approximately 1455 tons of grapes crushed, produced and bottled onsite (corresponding to 240,000 gallons or 100,000 cases of wine). Only wine processing will occur at the facility; no distilling operations will occur.

Based on historical and typical flow data from wineries of similar size and characteristics, the corresponding PW generation rates and calculated projected PW flows are as follows:

PW FLOWS

100,000 cases crushed onsite:

Cases of wine produced onsite = 100,000 cases

Gallons of wine produced onsite = 2.4 gallons/case x 100,000 cases = 240,000 gal

Generation rate = 5.0 gal PW/gal wine

Annual Volume = 240,000 gal wine x 5.0 gal PW/gal wine = 1,200,000 gal PW

AVERAGE DAY FLOW:

1,200,000 gal PW ÷ 365 days = 3,288 gpd PW

AVERAGE DAY HARVEST FLOW (PRMD GENERAL FORMULA for information only):

Generation rate = 1.5 gal PW/gal wine

240,000 gallons wine x 1.5 gal PW/gal wine = 6,000 gpd PW
60 days

PEAK WEEK HARVEST DAY FLOW:

Generation rate = 0.75 gal PW/gal wine

Peak week tonnage = 330 tons / peak week

Peak day tonnage = 330 tons ÷ 6 days = 55 tons

55 tons grapes crushed/day x 165 gal wine/ton grapes
crushed x 0.75 gal PW/gal wine = 6,806 gpd PW

Design PW flow = 7,000 gpd SW

PW SYSTEM DESCRIPTION

Process wastewater will continue to consist primarily of wastewaters collected at floor drains and trenches within the winery, receiving, crush, tank and wash-down areas. No sanitary wastewater will be discharged into the existing PW management system. Exterior tank and process areas not under a roof will be provided with diversion capability to provide a means of sending rainwater to the storm drainage system when those areas are not in use for process purposes. The criteria used to evaluate the wastewater management system are summarized in this section. No distillation will occur at the facility; hence there will be no stillage waste. The existing aerated lagoon currently includes or will include the following :

Process Wastewater Conveyance, Treatment and Disposal

- 1) Initial screening
- 2) Gravity collection system
- 3) Pretreatment consisting of:
 - i) pH control (if necessary)
 - ii) Flow measurement
 - iii) Solids removal screen
- 4) PW pump station
- 5) Facultative aerated ponds
- 6) Flow measurement
- 7) Filter
- 8) Irrigation disposal (reuse)

A discussion of each of these features is provided below. Refer to the Wastewater Management System Schematic above for a flow diagram of the PW management system.

- 1) Initial screening -- Provided by screened baskets and strainers installed on the trench drains and floor drains within the winery. Screen opening sizes will be on the order of 1/4 inch for exterior drains and 1/8 inch for interior drains.
- 2) Gravity collection system -- Designed to provide low maintenance and no infiltration or exfiltration. Piping is compatible with process wastewaters and satisfies Uniform Plumbing Code and local requirements.
- 3) PW pump station -- The duplex pump station will be capable of pumping all of the anticipated process wastewater flow ranges (see Pond Sizing section for projected process wastewater flows) with one duty and one standby pump that can alternate functions. The duty pump would be used for all but the most extreme PW flow conditions. The second (standby) pump would be activated during peak hour events or similar events of infrequent occurrence and short duration. Storage in the pump sump would provide some additional factor of safety. The PVC force main to the ponds is adequately sized for the peak flow rates anticipated from the duplex pump station. The pumps convey the PW to the Pond.
- 4) Pretreatment -- Consisting of the following elements:
 - i) pH control system (if necessary)
 - (a) SMA's experience over the last 10 years has indicated that pH neutralization of winery PW is typically not required for aerated pond systems. The combination of naturally occurring alkalinity in the source water and the alkaline cleaning compounds used within the winery usually provides sufficient buffering to maintain pond pH above 6.5. Neutralizing chemicals should only be used when absolutely necessary. Since the Process Wastewater is ultimately disposed via irrigation, the neutralizing chemicals would be applied to the land.
 - (b) For the above reasons, the installation of pH control systems when the PW Management System is first constructed is not recommended. Instead, SMA recommends that the pH of the ponds be monitored for a year (monitoring is required by the RWQCB), especially through

one harvest season. If at the end of the one-year monitoring period it has been demonstrated that pH control is necessary (or sooner if conditions warrant), a pH control system could be added.

- ii) Flow measurement – An inline magnetic flow measurement device will be provided to measure flows from the PW pump station to the facultative aerated pond.
 - iii) Solids removal screen – A motorized rotary drum screen will remove the large solids from the system and, as a result, reduce the organic biological loading on and the accumulation of solids in the aerated pond system. Solids from the screening operations will be treated as pomace (residual grape solids). Refer to solid waste section for disposal description of pomace.
- 5) Facultative aerated pond -- Biological stabilization will occur in the existing facultative aerated pond system which will consist of three ponds. The volume of the first two cells together is approximately .14 Mgal and the third cell is approximately 0.14 Mgal. The pond system is be large enough to provide a residence time of 28 days at average day peak harvest month flow conditions. This residence time is within the 60 to 120 days detention time recommended for these types of systems. For ultimate process wastewater/rainfall inputs and evaporation/irrigation outputs, refer to the pond water balance (based on 10 year rainfall and a minimum two foot freeboard) enclosed. The total usable volume of the pond system is approximately 0.28 MG in addition to a 2 ft minimum freeboard.

Surface mechanical aerators for the aeration pond will be sized to satisfy biochemical oxygen demand as well as oxygen dispersion requirements. Time clock control of the aerators will be provided to allow operations personnel to adjust aerator operation to changing winery functions and pond conditions.

Treatment systems of this type have been utilized at a number of wineries in California and in other states; locations include:

<u>Winery and Location</u>	<u>Constructed</u>
Christian Brothers, South St. Helena	1972
Geyser Peak Winery, Geyserville	1973
Robert Mondavi Winery, Oakville	1974
Firestone Winery, Los Olivos	1975
Chateau St. Jean, Kenwood	1975
Buena Vista Winery, Sonoma	1975
Jordan Winery, Healdsburg	1976
Souverain Winery, Geyserville	1978
Beaulieu Vineyards, Rutherford	1982
Vichon Winery, Oakville	1982
Clos du Val Winery, Napa	1983
Louis M. Martini Winery, Napa County	1985
Ferrari-Carano Winery, Sonoma County	1986
Joseph Phelps Winery, Napa County	1988
Mumm Napa Valley, Napa County	1988
Clos Pegase, Napa County	1989
Montinore Vineyards, Washington County, Oregon	1989
Scharffenberger Cellars, Mendocino County	1990
Hartford Court Winery, Sonoma County	1990
Cakebread Cellars, Napa County	1991
Sutter Home, Green Island Road, Napa County	1991
King Estate Vineyards, Lane County, Oregon	1992
Kendall-Jackson, Laughlin Road, Sonoma County	1996
Kendall-Jackson, Legacy, Sonoma County	1996
Opus One, Oakville	1996
Wild Horse Vineyards, San Luis Obispo County	1997
Kendall-Jackson, Monterey County	1998
Kendall-Jackson, Skylane Facility, Sonoma County	1998

Seghesio Winery, Healdsburg, Sonoma County	1999
Sanford Winery, Santa Barbara County	1999
Benziger London Ranch Road Winery, Sonoma County	1999
Benziger Imagery Winery	2000
Kendall-Jackson, Stonestreet, Sonoma County	2000
Edna Valley Vineyard, San Luis Obispo	2000
Fetzer Vineyards, Paso Robles, San Luis Obispo County	2000
Paradise Ridge Winery, Sonoma County	2000
Villa Mt. Eden, Napa County	2000
Gloria Ferrer Winery, Sonoma County	2000
Stags Leap Winery, Napa County	2001
Far Niente Winery, Napa County	2001
Sutter Home Lodi, San Joaquin County	2001
Estancia Winery, Monterey County	2001
Pellegrini Winery, Sonoma County	2001
Nickel and Nickel Winery, Napa County	2001
Niebaum Coppola Winery, Napa County	2001
Sanford Winery, San Luis Obispo County	2001
Sagelands Winery, Washington	2001
Domaine Carneros Vineyards, Napa County	2007
Dierberg Vineyards, Santa Barbara County	2007
Carneros Vintners, Sonoma County	2009

- 6) Flow Measurement – Flow measurement devices will be provided to measure the flows from the pretreatment area to the aerated pond and from the pond to the irrigation system.
- 7) Filter – A filter will be provided to screen secondary effluent prior to vineyard irrigation.
- 8) Irrigation disposal (reuse) -- Final reuse (disposal) of effluent is to be accomplished by drip irrigation of a minimum 20 acres of the total 200 vineyard acres on-site and on the adjacent parcels. The irrigation demand of the vineyard far exceeds the estimated annual process wastewater volume. Refer to the pond water balance page 7 in Enclosure D for proposed application rates to the disposal area and effluent storage volumes. To meet the additional irrigation demand the treated PW can be supplemented with irrigation water. The irrigation demand is the lowest during the wet season (November through April) and application rates should be less than 0.25 inches per day. Irrigation of vineyards would likely be suspended in August, just prior to harvest, to control sugar content in the grapes.

The irrigation disposal area is on-site and adjacent to the winery facility and the process wastewater ponds, as shown on the Overall Site Plan. Double check valves or similar backflow prevention devices are currently installed on the existing irrigation system discharge to prevent any cross-contamination with treated effluent applied to the vineyard irrigation distribution network. The treated PW is not recycled for winery use.

OTHER CONSIDERATIONS

Odor Control

There should be no obnoxious odors from a properly designed and operated treatment system of this type. See Alternative Courses of Action for operation alternatives for unforeseen conditions.

Ground Water Contamination

The nearest water well to the winery process wastewater treatment and disposal systems is over 300 feet from the aerated pond. No disposal of reclaimed wastewater will occur within 100 feet of any existing wells.

The groundwater in the pond area is protected from possible contamination by liners installed in each pond.

Irrigation/disposal of treated effluent is considered a beneficial use and is considered an effective means to protect groundwater quality. Well water may be added to the treated PW when capacity permits to supplement the volume of water used for irrigation, if needed.

Surface Waters

The Phase II winery facility will be applying for an Industrial Stormwater Permit and the related Stormwater Pollution Prevention Plan (SWPPP) upon completion of construction.

All wastewater treatment facilities are designed with sufficient drainage facilities to divert local runoff. Irrigation/disposal operations will be routinely monitored to ensure against surface runoff. Irrigation/disposal will be suspended for approximately 24 hours prior to, during and following any forecasted storms. Irrigation/disposal will be suspended as long as saturated soil conditions persist.

Protection

Exposed wastewater treatment facilities are posted with appropriate warning signs. The aerated ponds may be fenced, if necessary, to restrict public access.

ALTERNATIVE COURSES OF ACTION

Although no operational difficulties are foreseen with the increase in flows, the following additional courses of action would be available if necessary:

- 1) Ability to add carbon dioxide to reduce pH at the pretreatment site or installation of another type of pH control.
- 2) Ability to add hydrogen peroxide or liquid oxygen to the ponds as a supplemental oxygen source or for odor control
- 3) Provision of higher aeration capacity in the pond
- 4) Additional stages of treatment to increase effluent quality
- 5) Increased use of irrigation/disposal area to increase discharge capacity

The facultative aerated ponds have been designed for retention of wastewater and rainwater through the majority of the rainy season with minimal discharges to irrigation/disposal fields (based on a 10 year seasonal rainfall). Should there be a winter with more rainfall than the design condition, several operational procedures are available to compensate:

- 1) Additional water conservation at winery
- 2) Light irrigation during periods between storms -- not exceeding the assimilative capacity of the soil
- 3) Increased irrigation during the months of planned irrigation.
- 4) Pumping and truck transfer of treated and diluted wastewater to a sewage treatment plant or land disposal site

SMA Steve Martin Associates, Inc.

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ATTACHMENT III

PW POND SYSTEM SIZING

POND WATER BALANCE

POND SIZING

A total retention time of 60 to 120 days for an Average Day, Peak Harvest Month Flow (5,600 gpd) is recommended for this type of pond system to provide required treatment with at least 60 days.

The existing mechanically aerated pond configuration will provide adequate residence time for the proposed flows, as calculated below:

NEED TO CONFIRM ACTUAL VOLUME PRIOR TO INDICATING RESIDENCE TIME

$$\text{Peak Month Harvest Day} = \frac{0.168 \text{ MG}}{30 \text{ days}} = 5,600 \text{ gal PW/day}$$

Pond:

$$\begin{aligned} \text{Total Volume} &= 0.139 \text{ MG} \\ \text{Detention Time} &= \frac{139,000 \text{ gal}}{5,600 \text{ gal PW/day}} \\ &= 25 \text{ days} \end{aligned}$$

Detention Time of 25 days

AERATION REQUIREMENTS

Sizing parameters for the aerators are as follows:

- BOD₅ Concentration = 5,000 mg/l
- Average Day Peak Harvest Month Flow = 5,600 gal PW/day
- Oxygen Requirement = 1.5 lbs O₂/lb BOD
- Oxygen Transfer Rate(Vertical Turbine Aerator) = 2.2 lbs O₂/HP - hr
- Power/Vol Ratio = 0.05 - 0.10 HP/1,000 cu ft
- Pond Volume = 0.139 Mgal

Aerated Pond – Cell No. 1 & 2:

BOD₅ Mass Loading:

$$(5,000 \text{ mg/L})(0.0056 \text{ Mgal PW/day})(8.345 \text{ lbs/Mgal})$$

$$= 234 \text{ lbs BOD}_5/\text{day}$$

Oxygen Requirements:

$$\frac{(1.5 \text{ lbs O}_2/\text{lbs BOD}_5)(234 \text{ lbs BOD}_5/\text{day})}{(24 \text{ hrs/day})}$$

$$= 14.6 \text{ lbs O}_2/\text{hr}$$

Use 15 lbs O₂/hr

Aerator Horsepower Required:

$$\frac{15 \text{ lbs O}_2/\text{hr}}{2.2 \text{ lbs O}_2/\text{HP-hr}} = 6.8 \text{ HP}$$

Use 7.5 HP (1-25 HP & 1-15 HP)

Check Power-to-Volume Ratio:

$$P/V = \frac{7.5 \text{ HP}}{139,000 \text{ gal}} \times \frac{7.48 \text{ gal}}{\text{cf}} \times \frac{10^3}{1,000 \text{ cf}} =$$

$$= \underline{0.40 \text{ HP}/1,000 \text{ cf}}$$

P/V of 0.40 HP/1,000 cf is in the range of acceptable values. Therefore, oxygen transfer and mixing are expected to occur in the upper 3-4 feet of the pond as required in a facultative aerated lagoon system.

Aerated Pond – Cell No. 2:

Try P/V of 0.08 HP/1,000 cf

$$0.139 \text{ Mgal} = 18.6 \times 10^3 \text{ cf}$$

$$\begin{aligned} \text{Power Required} &= (0.08 \text{ HP}/1,000 \text{ cf})(18.6 \times 10^3 \text{ cf}) \\ &= 1.5 \text{ HP} \end{aligned}$$

Install 5 HP aerator

TYPICAL WINERY WASTEWATER CHARACTERISTICS

<u>Characteristic</u>	<u>Units</u>	<u>Crushing Season</u>	<u>Noncrushing Season</u>	<u>Reclaimed Water</u>	
		<u>Range</u>	<u>Range</u>	<u>Range</u>	<u>Avg.</u>
pH	--	2.5 - 9.5	3.5 - 11.0	6.5-9.5	7.9
Dissolved Oxygen	mg/L	0.5 - 8.5	1.0 - 10.0	1.0-10.0	6.0
BOD ₅	mg/L	500 - 12,000	300 - 3,500	10-160	50
C.O.D.	mg/L	800 - 15,000	500 - 6,000	-	90
Grease	mg/L	5 - 30	5 - 50	-	0.2
Settleable Solids	mg/L	25 - 100	2 - 100	-	0.2
Nonfilterable Residue	mg/L	40 - 800	10 - 400	-	20
Volatile Suspended Solids	mg/L	150 - 700	80 - 350	-	15
Total Dissolved Solids	mg/L	80 - 2,900	80 - 2,900	8-1,500	900
Nitrogen	mg/L	1 - 40	1 - 40	-	5.0
Nitrate	mg/L	0.5 - 4.8	-	0.1-40	1.5
Phosphorous	mg/L	1 - 10	1 - 40	-	5.0
Sodium	mg/L	35 - 200	35 - 200	-	100
Alkalinity (CaCO ₃)	mg/L	40 - 730	10 - 730	-	40
Chloride	mg/L	3 - 250	3 - 250	2.5-210	50
Sulfate	mg/L	10 - 75	20 - 75	-	25

SMA Steve Martin Associates	<i>Windsor Oaks Winer</i> Pond Water Balance POND #1	PROJECT NO. <u>2011009</u> DATE: <u>2/16/12</u> BY: <u>SMM</u> CHK: SHEET <u>OF</u>
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Bottom Width = 15.00'
Bottom Length = 70.00'
Side Slope (x:1) = 1.00'

Bottom Radius = 10.00'
Top Radius = 20.00'
Depth = 12.00'
Freeboard = 2.00'

Start Month = August
Min. Depth = 3.00'
Annual PW = 1.20 MG
Initial Depth = 3.00'

DEPTH (feet)	LENGTH (feet)	WIDTH (feet)	RADIUS (feet)	SURFACE AREA (sq. ft.)	VOLUME INCREMENT (gallons)	VOLUME TOTAL (MG)
0	70	15	10.00	965	0	0
1	72	17	10.83	1124	7811	.008
2	74	19	11.67	1290	9027	.017
3	76	21	12.50	1463	10294	.027
4	78	23	13.33	1642	11612	.039
5	80	25	14.17	1829	12982	.052
6	82	27	15.00	2022	14402	.066
7	84	29	15.83	2222	15873	.082
8	86	31	16.67	2429	17395	.099
9	88	33	17.50	2642	18968	.118
10	90	35	18.33	2863	20592	.139
11	92	37	19.17	3090	22266	.161
12	94	39	20.00	3324	23992	.185

MONTH	PROJECTED WW FLOW (MG)	AVE RAINFALL (inches)	10 YEAR RAINFALL (inches)	PAN EVAP. (inches)	PROJECTED EVAP. (inches)
August	0.156	0.077	0.112	8.270	6.368
September	0.168	0.490	0.711	6.750	5.198
October	0.168	2.016	2.923	4.650	3.581
November	0.156	4.270	6.192	2.250	1.733
December	0.097	6.339	9.191	1.460	1.124
January	0.046	7.301	10.586	1.420	1.093
February	0.078	5.901	8.556	2.090	1.609
March	0.072	4.862	7.049	3.870	2.980
April	0.050	2.293	3.324	5.700	4.389
May	0.035	1.092	1.583	7.740	5.960
June	0.073	0.315	0.457	9.340	7.192
July	0.103	0.046	0.066	9.340	7.192
TOTALS	1.202	35.000	50.750	62.880	48.418

Annual Ave. PPT = 35.000

SMA Steve Martin Associates	<i>Windsor Oaks Winer</i> Pond Water Balance POND #1	PROJECT NO. <u>2011009</u>
		DATE: <u>2/16/12</u>
		BY: <u>SMM</u> CHK: _____
		SHEET _____ OF _____

POND WATER BALANCE

MONTH	INITIAL VOLUME (MG)	SURFACE AREA (sq. ft.)	POND EVAP. (MG)	PW INFLOW (MG)	10 YEAR PPT. (MG)	VOLUME CHANGE (MG)	TOTAL VOLUME (MG)	DIVERT VOLUME (MG)	ENDING VOLUME (MG)
August	0.027	1463	-0.006	0.156	0.000	0.150	0.178	0.040	0.138
September	0.138	2841	-0.009	0.168	0.001	0.160	0.298	0.160	0.138
October	0.138	2841	-0.006	0.168	0.006	0.168	0.306	0.170	0.136
November	0.136	2818	-0.003	0.156	0.013	0.166	0.301	0.165	0.136
December	0.136	2818	-0.002	0.097	0.019	0.114	0.251	0.120	0.131
January	0.131	2774	-0.002	0.046	0.022	0.066	0.196	0.060	0.136
February	0.136	2818	-0.003	0.078	0.018	0.093	0.229	0.090	0.139
March	0.139	2863	-0.005	0.072	0.015	0.081	0.220	0.081	0.139
April	0.139	2863	-0.008	0.050	0.007	0.049	0.189	0.070	0.119
May	0.119	2642	-0.010	0.035	0.003	0.028	0.147	0.080	0.067
June	0.067	2022	-0.009	0.073	0.001	0.065	0.132	0.090	0.042
July	0.042	1679	-0.008	0.103	0.000	0.096	0.138	0.111	0.027
TOTALS			-0.071	1.202	0.105	1.237		1.237	

Minimum Volume = 0.027
Maximum Volume = 0.139

SMA Steve Martin Associates	<i>Windsor Oaks Winer</i> Pond Water Balance POND #2	PROJECT NO. <u>2011009</u> DATE: <u>2/16/12</u> BY: <u>SMM</u> CHK: SHEET <u>OF</u>
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Bottom Width = 15.00'
Bottom Length = 70.00'
Side Slope (x:1) = 1.00'

Bottom Radius = 10.00'
Top Radius = 20.00'
Depth = 12.00'
Freeboard = 2.00'

Start Month = August
Initial Depth = 3.00'
Divert Vol. = 1.24 MG

DEPTH (feet)	LENGTH (feet)	WIDTH (feet)	RADIUS (feet)	SURFACE AREA (sq. ft.)	VOLUME INCREMENT (gallons)	VOLUME TOTAL (MG)
0	70	15	10.00	965	0	0
1	72	17	10.83	1124	7811	.008
2	74	19	11.67	1290	9027	.017
3	76	21	12.50	1463	10294	.027
4	78	23	13.33	1642	11612	.039
5	80	25	14.17	1829	12982	.052
6	82	27	15.00	2022	14402	.066
7	84	29	15.83	2222	15873	.082
8	86	31	16.67	2429	17395	.099
9	88	33	17.50	2642	18968	.118
10	90	35	18.33	2863	20592	.139
11	92	37	19.17	3090	22266	.161
12	94	39	20.00	3324	23992	.185

MONTH	PROJECTED WW FLOW (MG)	AVE RAINFALL (inches)	10 YEAR RAINFALL (inches)	PAN EVAP. (inches)	PROJECTED EVAP. (inches)
August	0.040	0.077	0.112	8.270	6.368
September	0.160	0.490	0.711	6.750	5.198
October	0.170	2.016	2.923	4.650	3.581
November	0.165	4.270	6.192	2.250	1.733
December	0.120	6.339	9.191	1.460	1.124
January	0.060	7.301	10.586	1.420	1.093
February	0.090	5.901	8.556	2.090	1.609
March	0.081	4.862	7.049	3.870	2.980
April	0.070	2.293	3.324	5.700	4.389
May	0.080	1.092	1.583	7.740	5.960
June	0.090	0.315	0.457	9.340	7.192
July	0.111	0.046	0.066	9.340	7.192
TOTALS	1.237	35.000	50.750	62.880	48.418

SMA Steve Martin Associates	<i>Windsor Oaks Winer</i> Pond Water Balance POND #2	PROJECT NO. <u>2011009</u>
		DATE: <u>2/16/12</u>
		BY: <u>SMM</u> CHK: _____
		SHEET _____ OF _____

POND WATER BALANCE

MONTH	INITIAL VOLUME (MG)	SURFACE AREA (sq. ft.)	POND EVAP. (MG)	PW INFLOW (MG)	10 YEAR PPT. (MG)	VOLUME CHANGE (MG)	TOTAL VOLUME (MG)	DIVERT VOLUME (MG)	ENDING VOLUME (MG)
August	0.027	1463	-0.006	0.040	0.000	0.034	0.062	0.000	0.062
September	0.062	1944	-0.006	0.160	0.001	0.155	0.217	0.080	0.137
October	0.137	2818	-0.006	0.170	0.006	0.170	0.307	0.170	0.137
November	0.137	2818	-0.003	0.165	0.013	0.175	0.311	0.175	0.136
December	0.136	2818	-0.002	0.120	0.019	0.137	0.273	0.135	0.138
January	0.138	2841	-0.002	0.060	0.022	0.080	0.218	0.080	0.138
February	0.138	2841	-0.003	0.090	0.018	0.105	0.243	0.110	0.133
March	0.133	2796	-0.005	0.081	0.015	0.090	0.224	0.090	0.134
April	0.134	2796	-0.008	0.070	0.007	0.069	0.203	0.090	0.113
May	0.113	2578	-0.010	0.080	0.003	0.074	0.187	0.100	0.087
June	0.087	2263	-0.010	0.090	0.001	0.081	0.167	0.120	0.047
July	0.047	1753	-0.008	0.111	0.000	0.103	0.151	0.123	0.027
TOTALS			-0.069	1.237	0.105	1.273		1.273	

Minimum Volume = 0.027
Maximum Volume = 0.139

SMA Steve Martin Associates	Windsor Oaks Winer Irrigation & Effluent Application Rates POND #2	PROJECT	2011009
		DATE:	2/23/12
		BY:	SMM
		SHEET	OF
		CHK:	

MONTH	ET _o		Kc VINEYARD Constant	ET		PPT IN	IRRIGATION DEMAND		PERCOLATION APPLIED		ASSIMILATIVE CAPACITY		EFFLUENT APPLIED		EXCESS CAP.	
	IN	MG		IN	MG		IN	MG	IN	MG	IN	MG	IN	MG	IN	MG
January	0.8	0.00	0.00	0.00	0.00	10.59	0.00	0.00	0.20	0.109	0.20	0.109	0.080	0.147	0.029	0.029
February	1.2	0.00	0.00	0.00	0.00	8.56	0.00	0.00	0.25	0.136	0.25	0.136	0.110	0.203	0.026	0.026
March	2.4	0.00	0.00	0.00	0.00	7.05	0.00	0.00	0.20	0.109	0.20	0.109	0.090	0.166	0.019	0.019
April	3.4	0.16	0.16	0.54	0.00	3.32	0.00	0.00	0.20	0.109	0.20	0.109	0.090	0.166	0.019	0.019
May	5.0	0.58	0.58	2.90	0.00	1.58	1.32	0.715	0.00	0.000	1.32	0.715	0.100	0.184	0.615	0.615
June	5.9	0.71	0.71	4.19	0.00	0.46	3.73	2.028	0.00	0.000	3.73	2.028	0.120	0.221	1.908	1.908
July	7.1	0.64	0.64	4.54	0.00	0.07	4.48	2.434	0.00	0.000	4.48	2.434	0.123	0.227	2.310	2.310
August	6.2	0.45	0.45	2.79	0.00	0.11	2.68	1.456	0.00	0.000	2.68	1.456	0.000	0.000	1.456	1.456
September	4.6	0.26	0.26	1.20	0.00	0.71	0.49	0.264	0.00	0.000	0.49	0.264	0.080	0.147	0.184	0.184
October	2.7	0.07	0.07	0.19	0.00	2.92	0.00	0.000	0.35	0.190	0.35	0.190	0.170	0.313	0.020	0.020
November	1.2	0.00	0.00	0.00	0.00	6.19	0.00	0.000	0.35	0.190	0.35	0.190	0.175	0.322	0.015	0.015
December	0.7	0.00	0.00	0.00	0.00	9.19	0.00	0.000	0.25	0.136	0.25	0.136	0.135	0.249	0.001	0.001
TOTAL	41.2	16.35	16.35	63.35	12.69	50.75	12.69	6.90	1.80	0.98	14.49	7.87	1.27	2.35	6.60	6.60

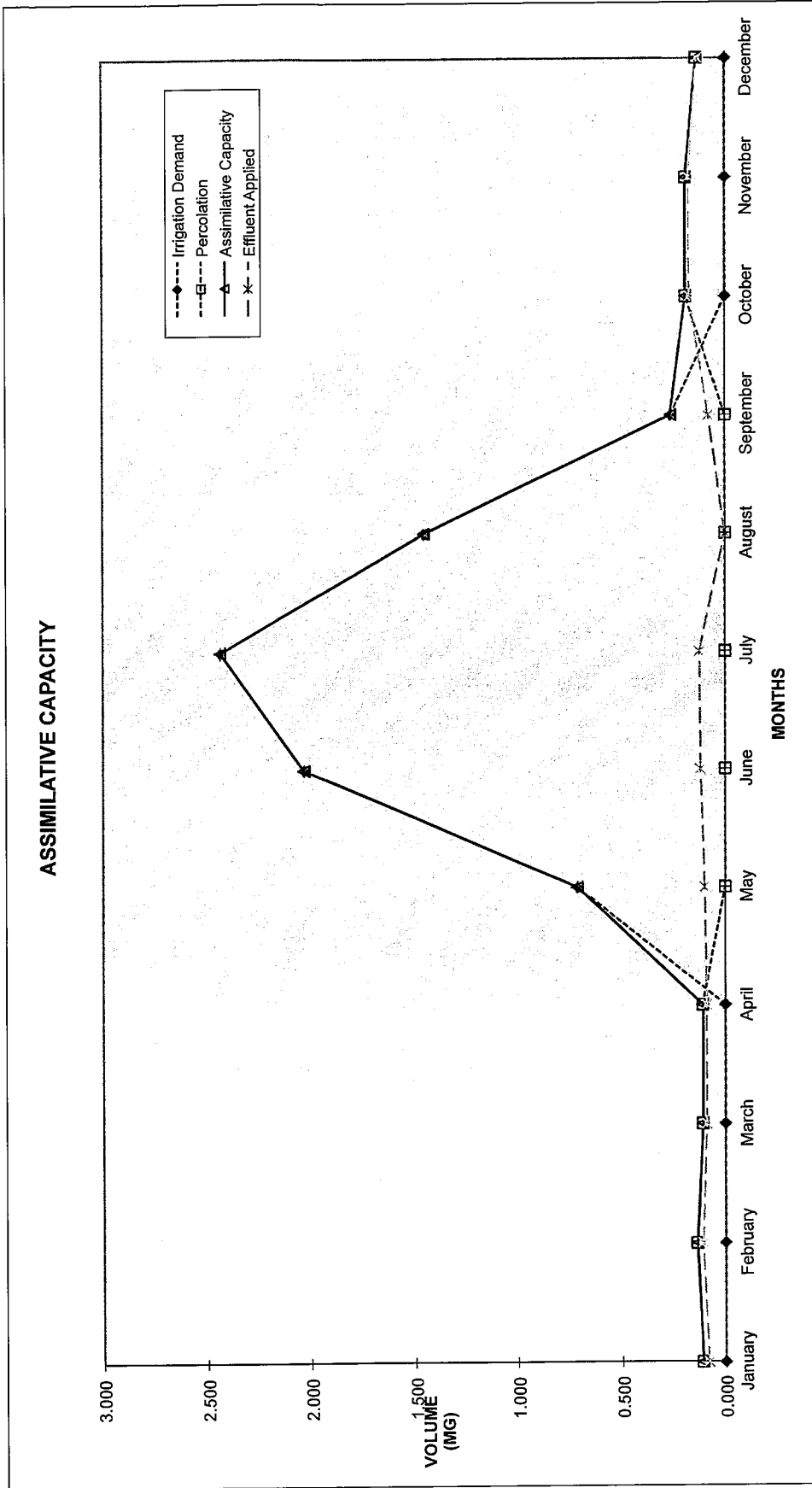
IRRIGATION AREA = 20

NOTES:

- 1 ET_o values based on evaporation values in Table 5-1, "Irrigation with Reclaimed Municipal Wastewater - A Guidance Manual" - California State Water Resources Control Board, July, 1984. Values are for "North Coast - Interior Valleys".
- 2 Kc coefficients for vineyard from Table 5-12, reference cited above.
- 3 $ET = ET_o \times Kc$
- 4 Precipitation, 10-year rainfall event, based upon rainfall data for Windsor.
- 5 Irrigation Demand = $ET - PPT$, inches
- 6 Design percolation rate is a maximum .35 inches per month in October and maximum of .25 inches for the winter months. Conservatively, percolation for the months of May through September is not utilized.
- 7 Volumes estimated using 20 acres of vineyard irrigation. Assimilative capacity is the sum of irrigation demand and percolation applied.
- 8 See "Effluent Application Rates", Page E.3.
- 9 Conclusion: 20 acres of the existing 200+ acre vineyard is adequate for annual disposal/reuse of approximately 1.2 MG of treated Assimilative Capacity

process wastewater.

10 Total of 1.27 MG of effluent applied to the Effluent Reuse Area is much less than the estimated assimilative capacity of 14.29 MG.



SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

August 13, 2013

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Steve Mosiurchak
Fire Prevention Division

Re: Windsor Oaks Winery
PLP12-0009
APN 086-100-016
Project No. 2011009

Dear Steve,

The purpose of this letter is to respond to Condition #3 within the Referral Letter dated July 9, 2012 regarding the Use Permit Modification application (PLP12-0009) for Windsor Oaks Winery. The winery has been in operation since 1979 with the original Use Permit (UP File #7851) being issued on September 14, 1978. The winery has historically and is currently accessed from a 20' wide all-weather surface gravel drive, which is an extension of Hillview Road (a county maintained AC paved road). The road/drive has a gradient less than 8% along the entire length. In addition, there is existing all-weather surface truck turnaround areas at the winery buildings and a loop road around the facility.

The access roads for both Phase I and Phase II winery expansions are designed to meet Sonoma County Fire Safe Standards. Production traffic will continue to utilize Hillview Road and the extension on Windsor Oaks property. Public visitor traffic will enter a new entrance off of Arata Lane and travel from that point to Windsor Oaks property along a new chip-seal paved road design per Fire Safe Standards.

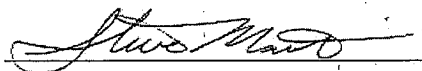
The water supply to the facility is from an existing on site well with a rated yield of 100 GPM minimum (this well is also artesian at 8 GPM during the summer months). For the new winery improvements, required fire water storage will be provided in new above ground tanks and filled from the existing well.

The site address is clearly visible at the entrance to the property at Hillview Road. Additional signage and address markers will be provided at the new entrance as well as the winery buildings per Fire Safe Standards prior to commencement of the new Use Permit and construction.

Gates are planned to be installed at the new entrance and will meet the requirements of the Fire Code.

Items a through e in Condition #3 are currently or will be easily met with this project. I trust the above information is sufficient for you to advise Traci Tesconi of this. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Traci Tesconi
Bob Stein

Steve Martin Associates

projects:sma:2011009 windsor oaks:documents:let081313sm.docx

SMA, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

TRANSMITTAL

Project: **Windsor Oaks Vineyards & Winery**
Project No.: 2011009

Date: July 16, 2012

To: **Traci Tesconi**
Sonoma County Permit & Resource
Management Department
2550 Ventura Ave
Santa Rosa, CA 95476

SENT VIA: Email Overnight Regular Mail Pick-Up

Copies	Date	Description
1	7-16-12	Green House Gas Analysis Report

TRANSMITTED: For approval For your use As requested For review & comment

Dear Traci,

Please see enclosed GHG Report for Windsor Oaks Vineyards & Winery

Located at 10510 Hillview Road in Windsor, CA.

Please call if you have any questions.

Regards,

Lisa Sanchez

cc: File

WINDSOR OAKS WINERY
Sonoma County, CA

PROPOSED WINERY FACILITY MODIFICATION

PRELIMINARY ENGINEERING AND PLANNING DATA

In order to verify the suitability of the site for the proposed winery, an initial investigation of various relevant aspects of the existing property was performed. The following items were, or are in the process of being evaluated:

A. Sonoma County Planning Department

Preliminary discussions were held with Sonoma County PRMD to determine existing zoning and General Plan requirements and conformity for the proposed winery development project. Related potential project impacts and the suitability of the site for the phased winery expansion were reviewed.

B. Property Information

1. Zoning –The parcel is zoned LIA B6 60, G SR VOH and the land use is LIA60. The parcel is located at the end of Hillview Road off Arata Lane in Windsor and is within a Scenic Reserve area. The Sonoma County Zoning Ordinance includes wineries as a permitted use upon grant of a Use Permit.
2. The following documents were obtained and reviewed for restrictions and conflicts:
 - a. Assessor's Parcel Map. APN 086-100-16
 - b. Preliminary Title ReportNo conflicts with the General Plan were noted. The proposed project is in Supervisorial District 4.
3. Topographic Mapping – Field surveying and topographic mapping of the subject property and proposed development areas was performed in 2003 by Jackson & Associates of Santa Rosa, CA. The resulting information is used on the attached Overall Site Plan, Site Plans and Preliminary Grading & Stormwater Mitigation Plan. Topographic mapping will be utilized for engineering design purposes, with additional supplemental fieldwork if necessary.

C. Environmental Information and related Engineering Data

1. **Aesthetics** (Visual) – Phase I will include an interior remodel of a portion of the existing winery warehouse building to a tasting room and hospitality use. Since Phase I is utilizing an existing structure on the property, there will be no change in the aesthetics of the area. Phase II includes the addition of a new winery building primarily for administration, hospitality and barrel storage south of the existing winery facility. Phase II building will reflect a French Country architecture blending with the surrounding vineyards and natural landscape. The new building will be located approximately 3250' from Hillview Road, 6800' from the centerline of Arata Lane, and approximately 3100' from the nearest existing

residence (and not visible). The Phase II winery building will be nestled in the hillside vineyards and minimally visible from public roads (over 1.5 miles) and neighboring parcels. To further minimize visual impacts, the barrel storage room in the new building will be subterranean. The new winery building will may be subject to approval by the Design Review Committee.

All buildings will minimize glare from windows and all exterior lighting will be shielded and directed downward.

2. Agricultural Resources

E AGRICULTURAL RESOURCES ELEMENT

2.0 GOALS AND POLICIES RELATED TO AGRICULTURE

2.1 ASSIST IN THE MARKETING AND PROMOTING OF SONOMA COUNTY'S AGRICULTURAL PRODUCTS

Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses.

This element shall establish policies that will assist in promoting and marketing agricultural products grown or processed in Sonoma County.

Goal AR-1: Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.

Objective AR-1.2: Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use.

2.5 REGULATE THE LOCATION AND INTENSITY OF AGRICULTURE RELATED COMMERCIAL AND INDUSTRIAL USES IN AGRICULTURAL AREAS

Objective AR-5.1: Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land-use categories.

Policy AR-5e: Local concentrations of any commercial or industrial uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided.

Policy AR-5f: Permit storage facilities for agricultural products either grown or processed on the site. Size the facilities according to the processing operation.

3. **Air Quality** – Emissions from traffic accessing the winery site will be below the Bay Area Air Quality Management District Criteria (“BAAQMD”) and will not obstruct the implementation of the applicable air quality plan. The Winery Trip Generation, estimated by using the average daily trips (ADT) generated by the proposed ultimate project, is estimated at 38 net new trips. For reference, the average daily trips generated by the creation of one new residence is approximately 10 one-way trips per day. The BAAQMD CEQA guidelines do not recommend further analysis of vehicle emissions if the amount of new traffic generated would be less than 2,000 vehicles per day.

The existing hot water boiler generates annual hot water volume equivalent to three 3-bedroom residences. Process wastewater (PW) from the facility is currently screened and then pumped to aeration ponds for aerobic treatment. The reclaimed wastewater is discharged to the existing vineyard via drip irrigation. No physical change in the existing PW system is proposed. Pomace is spread and decomposed within the vineyard. Sanitary sewage is currently treated in existing septic tanks and disposed of in the existing onsite standard leachfield system. A new subsurface pressure distribution system is planned for the Phase II building. Consequently, odors associated with wastewater treatment will not be present.

Biological Resources – Phase I improvements will be housed in the existing winery buildings, and hence will have no impact on biological resources. The new Phase II winery building will be greater than 1600' away from the nearest pond and 690' away from the nearest unnamed ephemeral creek. Creeks, ponds and waterways will not be impacted by the Phase II winery development.

The California Natural Diversity Database indicated that no endangered plants are present on the property.

Since the winery development will involve utilization of existing buildings for Phase I and the Phase II building will be located in the existing vineyard, no vegetation removal will occur with the winery development with exception to planted vines.

There are no identified wetlands within the vicinity of the proposed project area.

The project is not located within an area subject to a local, regional, or state habitat conservation plan.

4. **Cultural Resources** (Archeology and Historic) – A cultural resources survey was conducted for the project by Tom Origer & Associates in compliance with CEQA guidelines Sonoma County Permit & Resource Management Department. The study included archival research at the Northwest Information Center, Sonoma State University (NWIC File No. 11-0849), examination of the library and files of ARS, surface reconnaissance of the project area, contact with the Native American Heritage Commission for listed Sacred Lands File, and letter requests of comment to the local Native American tribes. Conclusions of the report indicated that no cultural resources were identified within the study area. In addition, no resource-specific recommendations are warranted.
5. **Geology and Soils** – The project is not known to be located in a geologically sensitive area or zone, however, a complete geotechnical investigation and report will later be prepared and utilized for engineering design purposes on the Phase II development.
6. **Hazards and Hazardous Materials** (Winery Chemicals) – Wine production operations typically involve the use or production of materials classified as “hazardous” in the California Health and Safety Code. These include nitrogen, carbon dioxide and sulfur dioxide gases. County Fire Department regulations require the establishment of a Hazardous Materials Business Plan (HMBP) that specifies the use, quantities, storage, transportation, disposal and upset conditions for hazardous materials in accordance with state and county regulations. A HMBP has been prepared for the existing operation. The HMBP ensures no significant public exposure from the potential use of hazardous materials at the winery site because the winery will include chemical storage and fermentation areas.

There is no active school proposed, or existing, within one-quarter mile of the site.

7. Hydrology and Water Quality

- a. *Water Supply* - Water for process and domestic use and landscape irrigation will be continue to be groundwater-supplied by the existing well which has a 50' concrete seal. The well has been pump tested in accordance with State Water Resources requirements. Fire protection system water will be stored in a dedicated water tank. These systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production.
- b. *Groundwater* - The property is within a "marginal groundwater basin" (Zone 3 classification) per the PRMD Active Map as defined by the Sonoma County General Plan Resource Conservation Map dated December 31, 1998 (Figure RC-2i). The existing well has been tested and demonstrated water yield sufficient to support the proposed winery development expansion (100 gpm). The well has been tested for water quality and meets State Water Resources constituent levels for the related winery use. The project will not substantially deplete groundwater supplies or interfere with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.
- c. *Drainage* – The preliminary drainage concept of the proposed Phase II winery development is indicated on the Preliminary Grading & Storm Water Mitigation Plan. Storm water runoff from the roofs is being outlet to gravel basins for subsurface discharge and reduced post-development runoff. Parking areas are being surfaced with traffic rated turf block to allow for infiltration of precipitation. Drainage improvements to the site as well as erosion/sediment control measures will be supplemented during construction to handle any increases in storm runoff. Final drainage improvements will be designed so that the post-development flows do not exceed the pre-development flows. The winery site and access road are not subject to flooding during a 100-year occurrence.
- d. *Process Wastewater Management* – Process wastewater (PW) from the existing facility is collected in a plumbing system separate from the sanitary wastewater (SW). Initial treatment occurs via gravity screening and final treatment in a three-cell aerated lagoon system. Treated reclaimed wastewater is disposed of via drip irrigation of the existing vineyards. Projected PW flows for the increased production capacity and information on the process wastewater management system is outlined in the Wastewater Feasibility Study. The design will continued to conform to the requirements of the North Coast Regional Water Quality Control Board (RWQCB) and operated under permit with that agency (Order No. 76-170 Waste Discharge Requirements).
- e. *Sanitary Sewage System* – Sanitary sewage will be treated in existing septic tanks and disposed of in the existing onsite standard leachfield system (with expansion). For Phase II, a new pressure distribution leachfield type septic system will be installed. The proposed primary and required 200% expansion leachfield areas are indicated on the Overall Site Plan. Detailed background and preliminary design information on the combined sanitary sewage system is provided in the Wastewater Feasibility Study.

8. **Land Use and Planning** (General Plan) – The Sonoma County Board of Supervisors adopted the new Sonoma County General Plan on September 23, 2008. Relevant excerpts from this document include:

E. LAND-USE ELEMENT

2.7 AGRICULTURAL LAND USE POLICY

2.7.1 Policy for Diverse Agricultural zones

Permitted Uses:

Agricultural Processing: Preparation of agricultural products that are not grown onsite, processing of agricultural products of a type grown or produced primarily onsite or in the local area, storage of agricultural products grown or processed onsite and bottling or canning of agricultural products grown or processed onsite subject at a minimum to the criteria of general plan Policies AR-5e and AR-5f.

Promotional Uses: Tastings and other temporary seasonal or year-round sales and promotional products grown or processed in the county subject to the minimum criteria of general plan policies AR-6d and AR-6g.

Neighbors – Windsor Oaks Winery will be contacting the neighboring property owners for the purpose of informing them of the proposed winery expansion project. The existing winery is located well away from any of the neighbors with the closest residence being approximately 3100 feet from both the existing facility the proposed Phase II building site.

9. **Noise** – Minimal noise is currently generated from the winery facility. The primary noise source from the winery is during harvest. The existing winery buildings are not visible from public roadways and neighboring residences. The crush pad is under a canopy which aids in attenuating noise impacts. Additional low-level noise is generated from motors, refrigeration and process equipment and vehicles. Noise generated from the existing and expanded wine production cannot be heard from neighboring parcels or residences. The period of highest noise occurs during “crush” (August – October).

The winery site is well removed and sheltered from residences on surrounding properties by the existing topography and vineyards.

10. **Population and Housing** –Windsor Oaks Winery will create potentially 4 to 6 new full-time jobs and 6 seasonal jobs with the Phase II development at ultimate production capacity. Based on the current economy and availability of skilled personnel, hiring of existing residents within Sonoma County will most likely occur. Therefore, there should be a minor or no increase in population growth with this project.
11. **Public Services** (Fire District) – Fire protection requirements such as access, water availability and water storage were reviewed. Fire sprinkler system requirements, building materials, etc. were also reviewed. The project will meet or exceed the Fire Standards in Ordinance No. 5370 or the ordinance in effect at the time of construction. The proposed Phase II winery building will have sprinkler systems, a dedicated fire protection water

storage tank and fire pump. The fire protection system tank and pump house are shown on the Overall Site Plan.

A new access road for the public is planned along the 30' strip of land located east of Hillview Road. Improvements to the existing entrance will be constructed for commercial access to the property. The newly improved entrance and tree removal along the road will increase sight distance, safety and conform to Sonoma County Commercial Entrance standards. The Preliminary Entrance Improvement Plan is in agreement with SCTPW guidelines.

12. **Recreation** – The Open Space Element Map of the Sonoma County General Plan (07/01/02) indicates there are no proposed future parks at, or near, the proposed project. The proposed project will not have an adverse impact on existing recreation.
13. **Transportation/Traffic** – The projected traffic and related impacts from the winery are outlined in the accompanying Traffic Impact Study by W-Trans and as described below. With the traffic volumes projected in the study and as indicated below, there will be less-than-significant impacts on the level of service based on the County's standards.

Traffic would consist primarily of the following:

- a. *Employees* – Average employee numbers at Phase II are projected at 10 full time and 6 part time during the non-harvest period and 16 full time during the harvest season.
- b. *Grape Transport* – It is anticipated that the overwhelming majority of the grapes to be processed at the facility will be obtained from onsite vineyards and local vineyards. At ultimate capacity, approximately 1520 tons of grapes will be processed onsite: 800 tons from onsite vineyards and 720 tons from offsite. Grapes will be delivered by a small flatbed truck from offsite vineyards and field trailer from the on-site vineyards.

$$\text{Truck Trips} = \frac{720 \text{ tons}}{8 \text{ tons/truck}} = 90 \text{ trips annually}$$

$$\text{Truck Trips} = 90 \text{ trips} \div 8 \text{ weeks} \text{ crush} = \underline{11.2 \text{ trucks per week on average}}$$

- c. *Shipping and Receiving* -- Minimal casegoods storage will be provided on site; most of the storage and all distribution will be located at a separate warehousing facility. Shipments to the off-site warehousing would be on the order of 96 trips per year. The off-site warehousing facility will allow Windsor Oaks to coordinate casegoods shipments with glass deliveries for more efficient shipping and backhaul capabilities. The facility plans to include on site bottling with a mobile bottling truck.

Truck trips related to shipment off-site is projected as follows:

Use 1,300 cases/truck

$$\text{Truck Trips} = \frac{100,000 \text{ cases/yr}}{1300 \text{ cases/truck trips (80\% eff)}} = 96 \text{ trips/year}$$

$$\text{Truck Trips} = 96 \text{ trips/year} \div 10 \text{ months} = \underline{9.6 \text{ trips/month}} \\ \text{(increase of 5 trips/month)}$$

- d. *Barrel Delivery* – Because the winery will produce an ultra premium product, there will be a 18-24 month barrel program for the red wine program (approximately 50% of production). New barrels would be arriving following the crush for the new vintage year.

$$\text{Truck Trips} = \frac{.50 (100,000 \text{ cases/yr})}{24 \text{ cases/barrel (40 barrels/truck trips)}} = 52 \text{ trips/year}$$

$$\text{Truck Trips} = 52 \text{ trips/6 months} < \underline{9/\text{month}}$$

- e. *Miscellaneous Deliveries* – Deliveries of paper products, miscellaneous winery supplies, etc. are expected to be continue at approximately 5 vehicles per week.
- f. *Visitors* – Public tours and tasting with retail sales are requested under this Use Permit modification. Visitors for Phase I are anticipated to number on the order of 15 per day on weekdays with a peak of 30 per day on weekends. Visitors for Phase II are anticipated to number on the order of 30 per day on weekdays with a peak of 80 per day on weekends.
- g. *Business Visitors* – Business visitors (distributors, marketing personnel, special industry guests, etc.) are anticipated to number 5 per week.
- h. *Other Events* – At ultimate production and full marketing program, Windsor Oaks Winery is projecting a total of 20 marketing events:
- 1) 10 events with up to 60 people during the months of January through February
 - 2) 15 events with up to 100 people during the months of March through October
 - 3) 5 events with up to 300 people during the months of March through October
 - 4) The winery will also participate in countywide industry events annually. No additional traffic to public roads will be generated during the countywide wine events.
- i. *Access* – As indicated on the Overall Site Plan, public access to the winery will be from an improved existing entrance on Arata Lane and a new road along the southeast portion of the property. Employee vehicle and production truck access to the winery will continue to be along Hillview Road.
- j. *Parking* – For Phase I, 15 paved parking spaces and 2 ADA van accessible paved parking spaces will be provided in the area of the existing gravel parking lot for. For Phase II, 16 paved parking spaces will be provided, including two ADA van accessible parking spaces for employees and business visitors. Additional parking for events will be provided around the production facility and along the vineyard roads as shown on the Event Parking Plan.

14. **Utilities and Service Systems** – No new public services will be needed for this project.

- a. *Electrical* – For Phase II, primary electrical power will be supplied off the existing overhead high voltage lines along Arata Lane. The new electrical to the winery building will be routed underground.
- b. *Gas* – Natural gas will be continued to be used at the facility and for the Phase II winery building.
- c. *Sewage* – see Item 7d and & 7e above.
- d. *Solid Waste* – Pomace, seeds and stems will be composted and spread in the vineyard as a soil conditioner and supplemental nutrient source and disked under on a routine basis. Approximately 200 acres of onsite vineyard is available for this use. Normal winery trash, debris and rubbish will be removed by private haulers. Waste glass and cardboard from the winery will be recycled.

RECEIVED

AUG 08 2013

**PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT
COUNTY OF SONOMA**

**DESIGN REVIEW RECORD OF ACTION SHEET
COMMENTS & CONDITIONS**

Applicant: Steve Martin
Address: 10810 Hillview Rd. Windsor

File: PLP12-0009
Date: May 1, 2013

NOTE: PRIOR TO THE BOARD OF ZONING ADJUSTMENT HEARING AND PRIOR TO FINAL DESIGN REVIEW, THE APPLICANT SHALL REVISE THE PLANS OR OVERALL PROJECT COMPONENTS IN ACCORDANCE WITH THE DESIGN REVIEW COMMITTEE RECOMMENDATIONS. IF DRC RECOMMENDATIONS WERE NOT INCORPORATED IN THE PLANS OR PROJECT COMPONENTS, THAN A DETAILED EXPLANATION AS TO WHY THE DRC RECOMMENDATIONS WERE NOT INCORPORATED IN THE PLANS OR OVERALL PROJECT IS REQUIRED.

SITE PLAN

1. Show trash enclosure(s) location and trash enclosure design on plans.

Response: See revised Sheet UP2.

ARCHITECTURE: Building Elevations, Colors, Materials, etc.

1. For the Phase II new winery building, the shingle roof does not blend with building design. A slate roof or a slate roof appearance is recommended.

Response: See revised Sheet A6 for new slate roof.

2. For the Phase II new winery building, the amount of glass should be reduced.

Response: See revised sheet A6 for reduced glass at windows and doors.

3. For the Phase II new winery building, the shutters as designed on plans appear out of proportion compared to the window sizes. Revise shutters to be more correctly proportions or omit shutters from design plans.

Response: See revised sheet A6 for shutters that have been removed or re-sized.

4. For the Phase II new winery building, there appears to be too much stone. Recommend reducing the amount of stone or show on elevation plans if mature vineyard or landscape will help soften the appearance of the stone.

Response: See revised sheet A6 for landscaping that softens the appearance of the stone.

LANDSCAPING: Design, Plant Types & Sizes, Irrigation, etc.

1. Add more islands with trees in the Phase II parking lot.

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

2. Larger tree species should be planted in the Phase II parking lot to provide more shade.

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

3. Add native oaks to the landscaping plans for both Phase I and Phase II.

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

4. Use more oaks and native species in the Phase I landscaping plans to have it appear more nature and mature.

Response: See revised sheet UP3 with representation landscaping and new landscape plans to come.

5. Provide detailed irrigation plans for Final Design Review. Based on the new lawn area at Phase II development, the project appears subject to WELO (Water Efficiency Landscape Ordinance) and its requirements.

Response: Landscape plans to follow.

SIGNS:

1. Show location of all proposed signs for winery facility on the site plan. Provide sign details (height, width, colors, materials, and letter sizing).

Response: Signage to follow.

EXTERIOR LIGHTING:

1. Provide exterior lighting plans and cut sheets for both Phase I and Phase II development.

Response: See revised sheets UP2 and UP3 for timed, motion sensor pathway lights that are shielded, low voltage light fixtures.

March 4, 2013

Robert Stein
Windsor Oaks Associates, LP
c/o Steve Martin
Steve Martin Associates, Inc.
130 South Main Street, Suite 201
Sebastopol, CA 95472

Subject: Windsor Oaks Conservation Easement, Permitted Use Request for Winery Expansion

Dear Mr. Stein:

This letter is in response to a permitted use request the Sonoma County Agricultural Preservation and Open Space District (District) received on January 11, 2013, from Steve Martin on your behalf, requesting District approval for new structures and improvements, as well as special events, on the Windsor Oaks property (Property), over which the District holds a Conservation Easement. With the request, Mr. Martin included your memo authorizing him to act on behalf of Windsor Oaks Associates, a proposal statement describing the proposed winery facility modification, a description of proposed marketing activities and events, and site plans. District staff had some follow-up questions for Mr. Martin, to which he provided answers on February 20, 2013.

The proposal statement indicates that the winery expansion will take place in two phases. Phase I would include a remodel of an existing warehouse within the Agricultural Building Area (ABA) to add a tasting room, conference and VIP room, offices, tax-paid room, restrooms, and an exterior deck. In addition, it would involve paving an existing parking area, adding ADA-accessibility paths and a lift, and expanding a septic system within the ABA, as well as improving the entrance on Arata Lane, which is not covered by the District's Easement, and constructing a new driveway in the southeast portion of the Property, outside the ABA, for public access.

In regard to remodeling the warehouse, Easement Exhibit "B" (Permitted Uses and Practices), Paragraph 4, provides Grantor the right "to maintain, repair, replace and improve existing structures" with District approval. In regard to paving the parking area, adding ADA-accessibility paths and a lift, and expanding a septic system within the ABA, Exhibit "B", Paragraph 6(b), states: "additional improvements reasonably necessary for the uses of the Property...shall be permitted without District approval... provided...that all such improvements are consistent with the conservation purpose of this Agreement." In regard to constructing a new driveway outside the ABA, Exhibit "B", Paragraph 6(a), states: "Outside of the [ABA] ...additional...roads...reasonably necessary for the residential or agricultural uses of the Property shall be permitted" with District approval. Based on District staff's review of your request, we have determined that all uses and activities in Phase I as described in the proposal statement are consistent with the Easement and hereby grant approval.

Phase II would include the following structures and improvements: a new 8,360 square-foot winery building outside the ABA but within an Alternate Building Envelope (ABE) for wine tasting and barrel storage, which would also include a 480 square-foot entry canopy, hospitality areas, restrooms,

administration spaces, and a kitchen; a detached 600 square-foot mechanical building in the ABE for utilities accessory to the winery; a new access driveway from the main road; a new paved parking area; a wastewater leach field; storm water management improvements; fire protection water storage; and grading and landscape improvements. In addition, Phase II proposes to include "non-agricultural" events such as weddings, concerts, and plays in the ABA, and "agricultural" events such as open houses, harvest parties, vintner association seminars, tastings with meals, and wine club member events in the new winery outside the ABA but within the ABE.

In regard to the new winery, mechanical building, and associated improvements, Exhibit "B", Paragraph 6(a), states: "Outside of the [ABA]...additional structures, housing, facilities, roads, or other improvements reasonably necessary for the residential or agricultural uses of the Property shall be permitted" with District approval. Based on District staff's review of your request, we have determined that these structures and improvements are consistent with the Easement and hereby grant approval for their construction, provided that their use is limited to the agricultural uses of the Property, as defined in Exhibit "B", Paragraph 3:

"For the purpose of this Agreement, 'agricultural uses' shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature; the storage and sale, including direct retail sale to the public of crops and products harvested principally on the Property, provided that the storage and sale of any such crops or products that are not food, fiber, or plant material shall require the consent of DISTRICT."

The District considers wine production, tasting, storage and sale to be permitted in the new winery within the ABE. We also consider the following uses to be permitted in the new winery: administrative offices for managing the agricultural operation; a small, non-commercial kitchen facility for use in preparing agricultural products harvested principally on the Property, for use by winery staff to prepare personal meals, or as a caterer's preparation area for pre-prepared meals in conjunction with permitted special events; and hospitality areas for guests who are there to taste or purchase agricultural products harvested principally on the Property or to learn about the agricultural practices on the Property.

In regard to non-agricultural commercial events such as weddings, concerts, and plays, these events are not permitted to take place in the new winery, as per Exhibit "C", Paragraph 2, which prohibits the establishment of any "non-agricultural commercial or industrial use outside of the [ABA]." Additionally, any events outside the ABA in which guests pay for services such as seminars, tours, recreational uses, or meals, are not consistent with the Easement.

Mr. Martin's description of proposed marketing activities and events indicates that such events would not take place in the new winery and would only occur within the ABA. However, such use must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore we consider these events to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If these events come to impact the conservation values of the Property we will no longer consider them to be consistent with the Easement, and they would need to cease.

Finally, Mr. Martin's description of proposed marketing activities and events also includes mountain bike rides and driving tours through the vineyards for wine club members. We consider the bike rides to be consistent with the Easement as per Exhibit "B", paragraph 11, but we do not consider driving tours to be permitted as per Exhibit "C", (Prohibited Uses and Practices), Paragraph 6, which prohibits the following:

"To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational, or residential activities, property management activities, for inspections by DISTRICT, for emergency fire control purposes, and for uses pursuant to deeded rights that predate this Agreement."

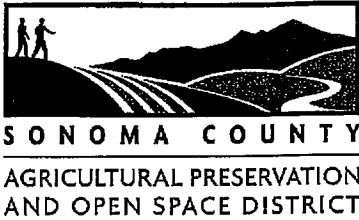
Please note that Easement Agreement, Section 11(c) (iii), provides for liquidated damages due the District "for a change in use prohibited by this Agreement, whether or not it involves an improvement, an amount equal to any economic gain realized by GRANTOR."

Thank you for your continued cooperation. If you have any questions, please contact Jake Newell, Associate Planner, or me at the District office.

Sincerely,

Kathleen Marsh
Stewardship Coordinator

c: Sheri Emerson, Stewardship Program Manager
Jake Newell, Associate Planner – Stewardship
Hannah Spencer, Technician – Stewardship
Adam Brand, Deputy County Counsel
Traci Tesconi, Planner III, PRMD



April 26, 2013

Robert Stein
Windsor Oaks Vineyards & Winery
P.O. Box 883
Windsor, CA 95492

**Subject: Windsor Oaks Conservation Easement,
Revised Consistency Determination for Motorized Vineyard Tours**

Dear Mr. Stein:

This letter is in response to your letter of March 21, 2013, requesting that the District reconsider its position regarding the motorized vineyard tours proposed in your permitted use request of January 2013. In our letter of March 4, 2013, we indicated that we do not consider driving tours to be permitted as per Exhibit "C", (Prohibited Uses and Practices), Paragraph 6, which prohibits the following:

"To use motorized vehicles, except for GRANTOR or others under GRANTOR's control, for permitted agricultural, ranching, incidental recreational, or residential activities, property management activities, for inspections by DISTRICT, for emergency fire control purposes, and for uses pursuant to deeded rights that predate this Agreement."

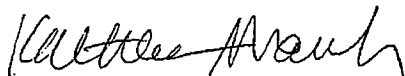
In order to clarify the purpose of the tours, your representative Steve Martin met with District staff on March 19, 2013, and provided additional details. Mr. Martin indicated that there are three kinds of tours proposed, all of which relate to the permitted agricultural operations on the Property: 1) winemaker tours, 2) distributor tours, and 3) wine club member tours. The purpose of these tours, respectively, is to show winemakers who purchase your grapes, distributors who sell your wines, and wine club members who purchase your wines, the agricultural operation. The opportunity to observe your agricultural operation provides these parties the ability to assess your agricultural products for purchase or distribution.

Based on this additional information, we have determined that these tours do in fact relate to your permitted agricultural operation and are therefore consistent with the Easement. However, in order for them to be considered accessory to your agricultural operation and not a non-agricultural commercial use, which is prohibited by Exhibit "C", Paragraph 2, a fee cannot be collected for the tours. Further, as we indicated in our earlier letter in regard to events within the Agricultural Building Area, the tours must also be consistent with the conservation purpose of the Easement: "to preserve the open space, natural, scenic and agricultural values of the Property." Therefore, we consider the tours to be consistent with the Easement only insofar as they do not impact these values and further insofar as they remain an accessory to the agricultural use of the Property and do not come to interfere with the agricultural operation or overshadow the Property's agricultural character. If the tours come to impact the conservation values of the Property we will no longer consider them to be consistent with the Easement, and they would need to cease.

747 Mendocino Avenue, Suite 100 • Santa Rosa, California 95401-4850
707.565.7360 • Fax 707.565.7359 • www.sonomaopenspace.org

Thank you for your continued cooperation. If you have any questions, please contact Jake Newell, Associate Planner, or me at the District office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Marsh". The signature is fluid and cursive, with the first name being more prominent.

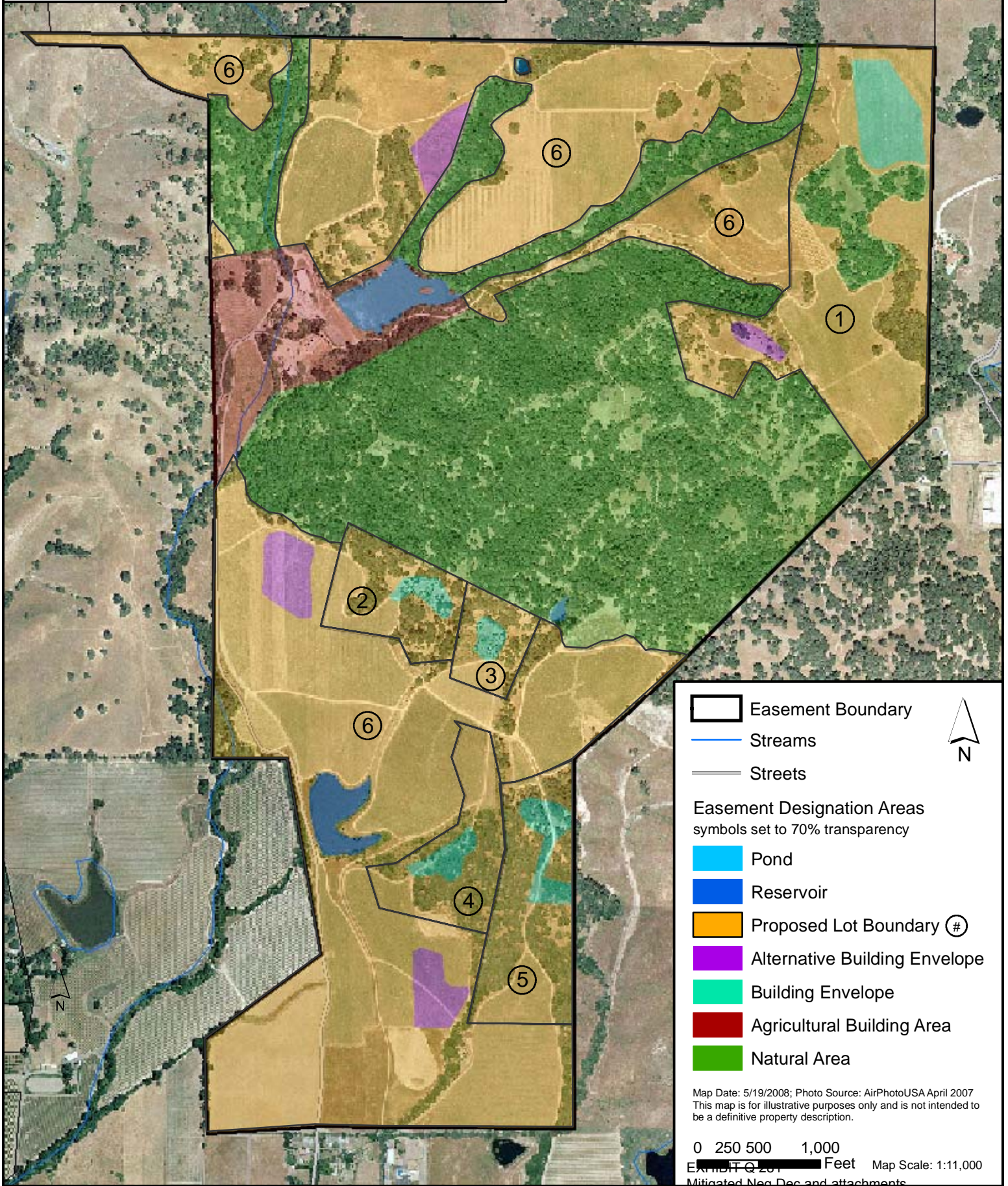
Kathleen Marsh
Stewardship Coordinator

c: Sheri Emerson, Stewardship Program Manager
Jake Newell, Associate Planner – Stewardship
Hannah Spencer, Technician – Stewardship
Adam Brand, Deputy County Counsel
Traci Tesconi, Planner III, PRMD



Windsor Oaks Conservation Easement

Easement Designation Areas



Easement Boundary
 — Streams
 — Streets

Easement Designation Areas
 symbols set to 70% transparency

- Pond
- Reservoir
- Proposed Lot Boundary (#)
- Alternative Building Envelope
- Building Envelope
- Agricultural Building Area
- Natural Area

Map Date: 5/19/2008; Photo Source: AirPhotoUSA April 2007
 This map is for illustrative purposes only and is not intended to be a definitive property description.

0 250 500 1,000 Feet
 Map Scale: 1:11,000
 EXHIBIT Q 201
 Mitigated Neg Dec and attachments



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

MEMO

Date: March 13, 2014

To: Honorable Chairman Rabbitt
Supervisor Gorin
Supervisor Zane
Supervisor McGuire
Supervisor Carrillo
Clerk of the Board
Office of County Counsel – Deputy David Hurst

From: Traci Tesconi, Project Planner 

Subject: PLP12-0009- Windsor Oaks Winery
Board of Supervisors Hearing scheduled for March 25, 2014 at 2:10 p.m.
Appeal filed by Dave and Joy Koch of BZA approval of PLP12-0009.

Please see attached letters I received this afternoon Michael P. Merrill, Attorney of Law; and Frank Hubbard, sound consultant on behalf of Dave and Joy Koch. Please add these letters to the Summary packet you received from PRMD earlier this week. If you have any questions, please contact me at 565-1903 or Dean Parsons at 565-1948.

Thank you.

Attachments (2)

cc: File PLP12-0009

EXHIBIT R

March 12, 2014

VIA HAND DELIVERED

Traci Tesconi, Project Planner III
County of Sonoma
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: PLP12-0009/Appeal Documents

Dear Traci:

As you are aware, we hand delivered today the additional comments and review from Frank Hubach Associates, Inc. regarding the above-entitled matter. We request that we be allowed to augment the file beyond your projected deadline of 4:00 p.m. today, in as much as we only received the revised packet with full documentation two days ago.

My clients remain committed to insuring that the Board has a full packet of information for review and will endeavor to get that information as soon as possible prior to the hearing, but no later than March 20, 2014.

Thank you for your consideration in this regard.

Yours very truly,

MERRILL, ARNONE & JONES, LLP



Michael P. Merrill

MPM/KMR
Enclosure

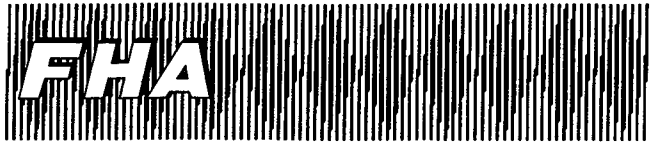
LAW OFFICES

3554 ROUND BARN BLVD., STE. 303

SANTA ROSA, CA 95403

(707) 528-2882 • FAX (707) 528-6015

E-mail: firm@majlaw.com • Website: majlaw.com



**Windsor Oaks Winery
Appeal Comments
PRMD file PLP12-0009
12 March 2014**

The following comments respond to the analysis set forth on the Executive Summary prepared by staff in its transmittal report regarding the appeal and the noise issues raised by the Kochs and addresses discrepancies with regard the comparison of the reports to the Agenda Item Summary Report in Exhibit G - Frank Hubach Associates, Inc. (hereinafter referred to as "FHA") report and Exhibit I - Illingworth & Rodkin (hereinafter referred to as "IR") report:

The Noise Element of the Sonoma County General Plan which uses L_{dn} , a time-weighted daily average noise level and L_n , statistical noise levels. Short term, sudden, impulsive noises that effect horse behavior are not reflected in the L_{dn} or L_n metrics used in the Noise Element. Accordingly, these averaging and statistical parameters are not directly applicable to the equestrian safety issues.

The typical noise source noise used by FHA is a car - 72 dBA at 25 feet (30 mph) as measured on Liberty Oaks Lane which has chip seal pavement. This is equivalent to 66 dBA at 50 feet (30 mph) and in sharp contrast to IR's datum of 59 dBA at 50 feet (25 mph). The mid-day ambient noise level has been measured as 41.8 dBA L_{50} by FHA and lower than IR's reported 48 dBA L_{50} . The FHA measurement was at the center of the Koch property and IR's was on Hillview Road and closer to Arata Lane.

The noise generated on Liberty Oaks Lane (a private road limited to 4 residences) is not a relevant comparison to the proposed new access road on which employee traffic and significant public access is proposed.

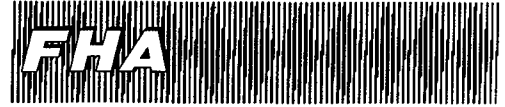
Although both FHA and IR cite the findings of others where 3 dB above the ambient is the threshold for startling a horse, the IR report considers noise effects on horses, but does not address the criterion of 3 dB sudden increase of noise above the ambient. IR argues that vehicles on Liberty Oak Lane travel fast and increase the ambient by 10 dB to which the horses have habituated. This conclusion is unsubstantiated.

Frank Hubach Associates, Inc. 4905 Central Ave, Ste 100
Richmond, CA 94804

Acoustics and Vibration
Engineering Consultants

Phone 510-528-1505
Fax 510-528-1506
Email: info@fha-eng.com

Windsor Oaks Winery
Appeal Comments
PRMD file PLP12-0009
12 March 2014



There are significant differences in the ambient and car noise data used in analyses by FHA and IR. In addition, there are differences in the criteria employed. Accordingly, FHA and IR do not reach the same conclusions.

In summary, both the PRMD and Illingworth & Rodkin fail to fully address Noise Element Policies NE-2c and 2e. These policies require the lead agency to:

[1] Consider using truck routing, speed limits, signal timing and other traffic control measures to reduce impacts on noise sensitive uses , and

[2] Where practical, select route alignments for new roadways and major improvements to existing highways to avoid or minimize noise impacts on noise sensitive land uses.

Respectfully Submitted,

Frank J. Hubach
President

FJH:fjh

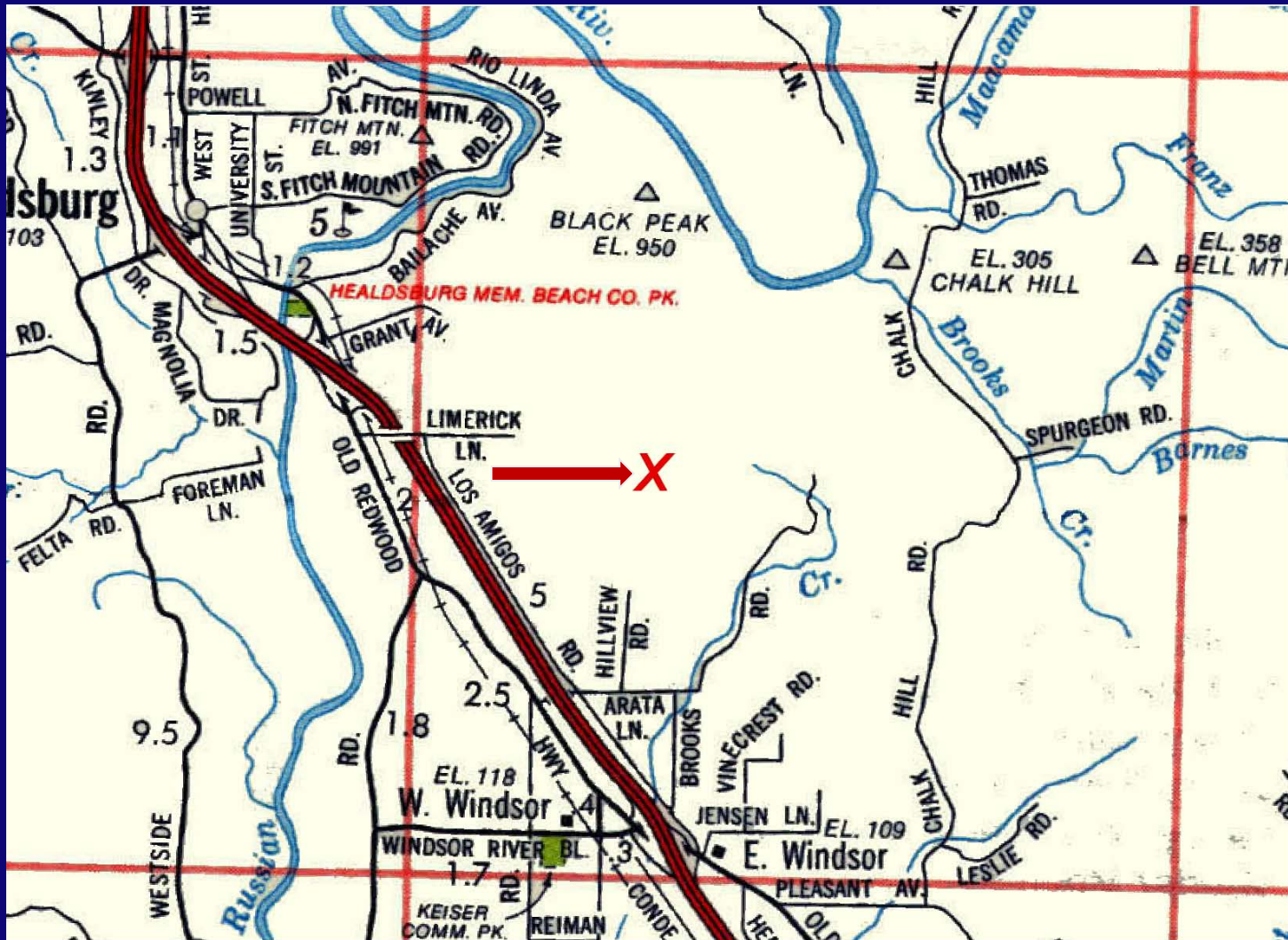
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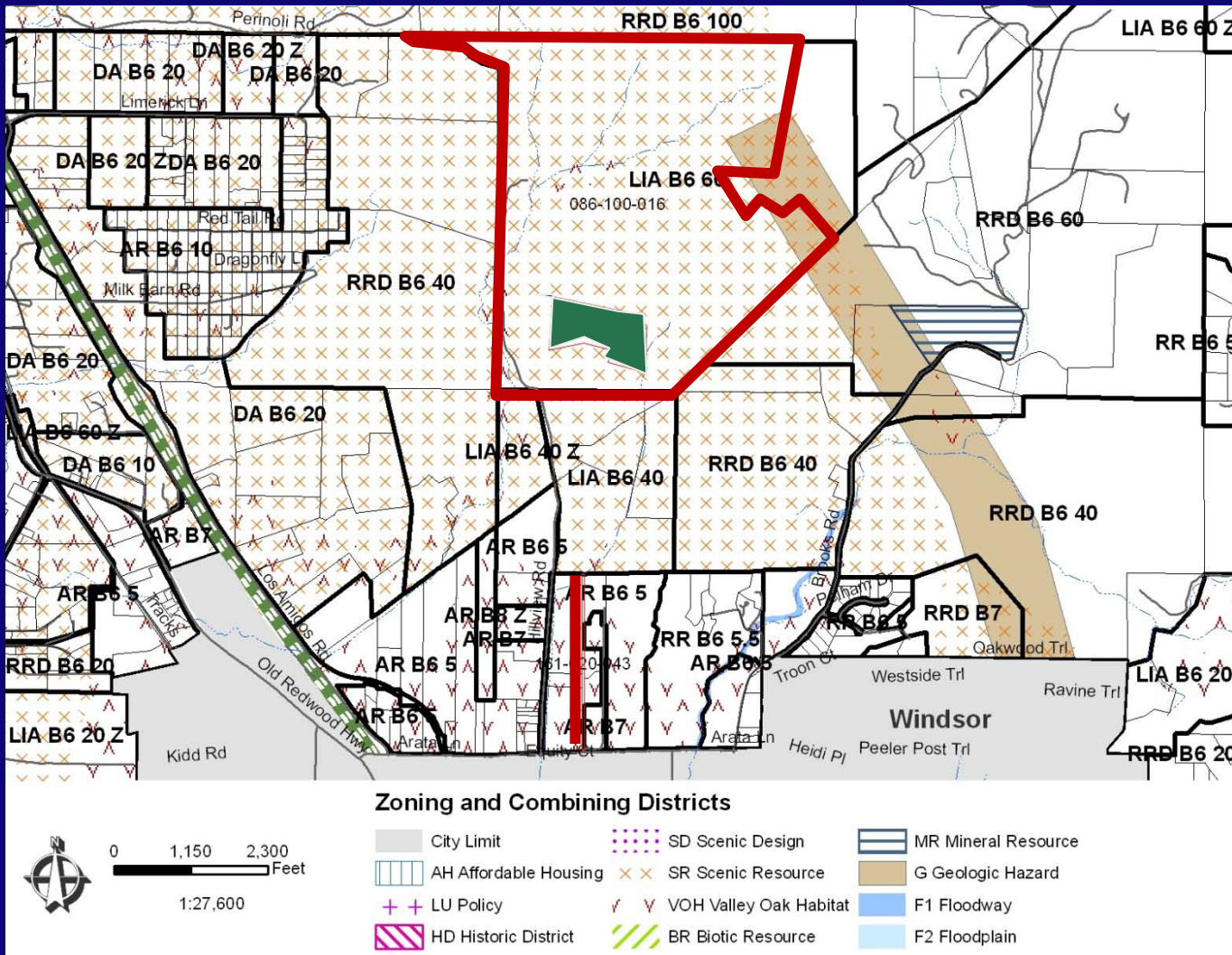
PRMD

Activity #PLP12-0009

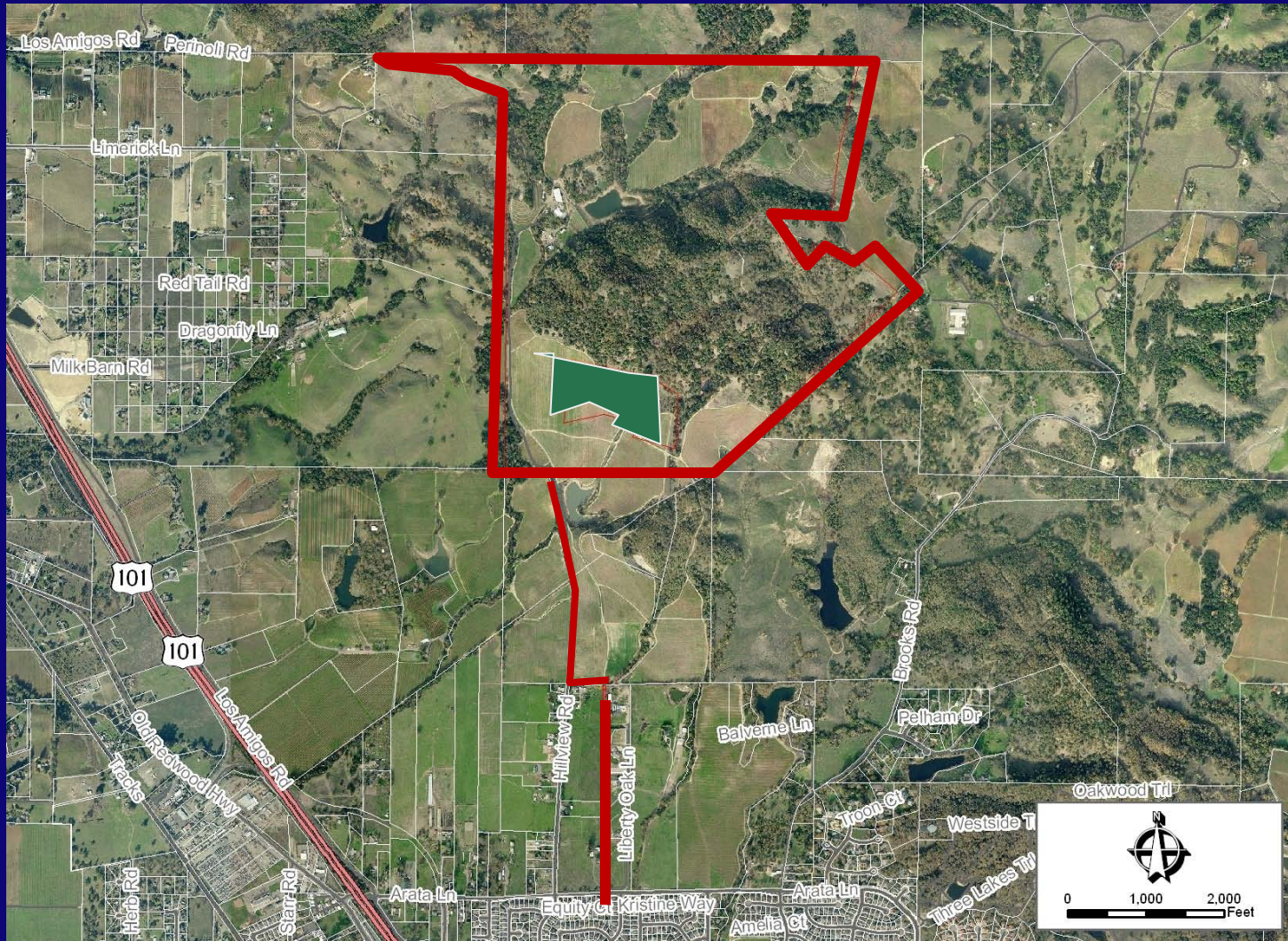
Vicinity Map



Zoning Map



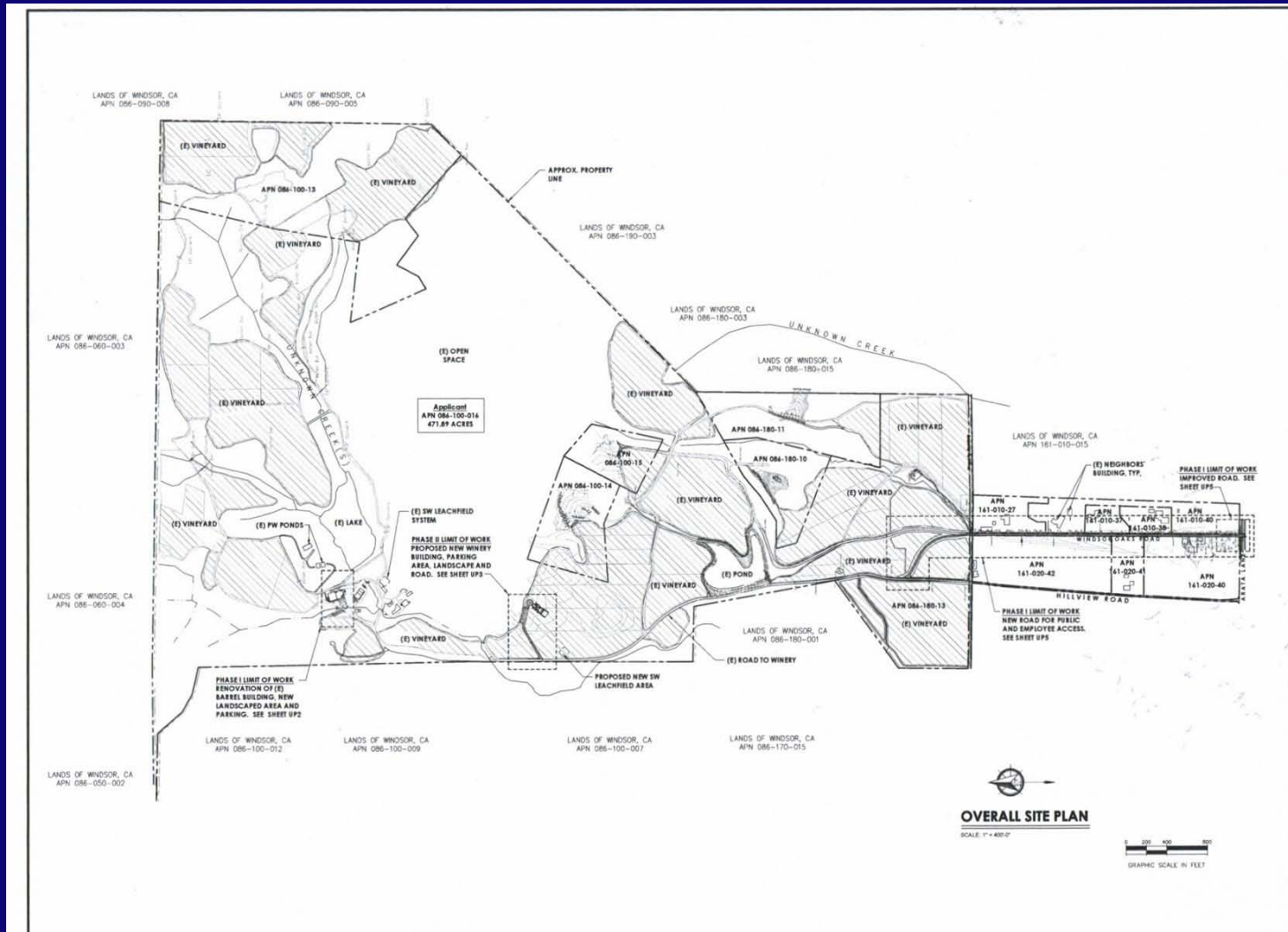
Aerial View



PRMD

Activity #PLP12-0009

Overall Site Plan



PRMD

Activity #PLP12-0009

BZA Approved - Phase I (1-2 Years)

1. Increase wine production to 100,000 cases per year
2. Enlarge the larger, existing winery building to approx. 14,600 square feet with 5,000 square foot winery to remain. Building to include tasting room, conference and VIP room, offices, tax paid room, restrooms and exterior deck
3. Winery production truck traffic will continue to use Hillview Road for access and egress
4. Road improvements to the 30-foot wide secondary access road for all employee and guest vehicles referred to as Windsor Oaks Road directly off of Arata Lane
5. No increase in employees. Currently consists of 7 full-time and 3 part-time employees (non-harvest) and 10 full-time (harvest)



BZA Approved - Phase I (1-2 Years), con't

6. Add public tasting room, retail sales, and public tours
7. Public tasting room hours will be 11 am to 5 p.m.
8. Visitors are anticipated to be on the order of 15 for an average day and 30 for a weekend day
9. 22 agricultural promotional events per year with a range of guests (8 events with 60 guests, 10 events with 100 persons, one event with 300 guests, and three weddings per year with a maximum of 100 guests. Participation in industry-wide events, consisting of a total of 10 event days



BZA Approved Phase I - Hours of Operation

1. Winery: 7 a.m. to 6 p.m., Monday through Sunday non-harvest; and 6 a.m. to 10 p.m., Monday through Sunday during harvest season.
2. Public and private tasting room hours: 11 am to 5 pm, 7 days a week
3. Industry-wide events: 11 am to 5 pm (same operating hours as tasting rooms)
4. Agricultural promotional events and weddings hours: 10 am to 10 pm. Guest shall exit the project site and cleanup starting by at least 9 p.m. to be completed by 10:00 pm.



Enlarged Site Plan – Phase II



PRMD

Activity #PLP12-0009

BZA Approved – Phase II

1. A new 8,380 square foot winery building (4,830 square feet = 1st floor, 3,550 square feet= 2nd floor) with public and private tasting rooms. 1st floor includes barrel storage, wine club tasting room & hospitality room, and restrooms. The 2nd floor includes administration uses, restrooms, tasting room, and a commercial kitchen. The building would be nestled into the hillside
2. A detached 600 square foot mechanical building
3. Infrastructure improvements include: a new access driveway from the existing main road, paved parking area, sanitary wastewater pressure distribution leach field system, storm water management improvements, fire protection water storage and associated grading and landscape improvements

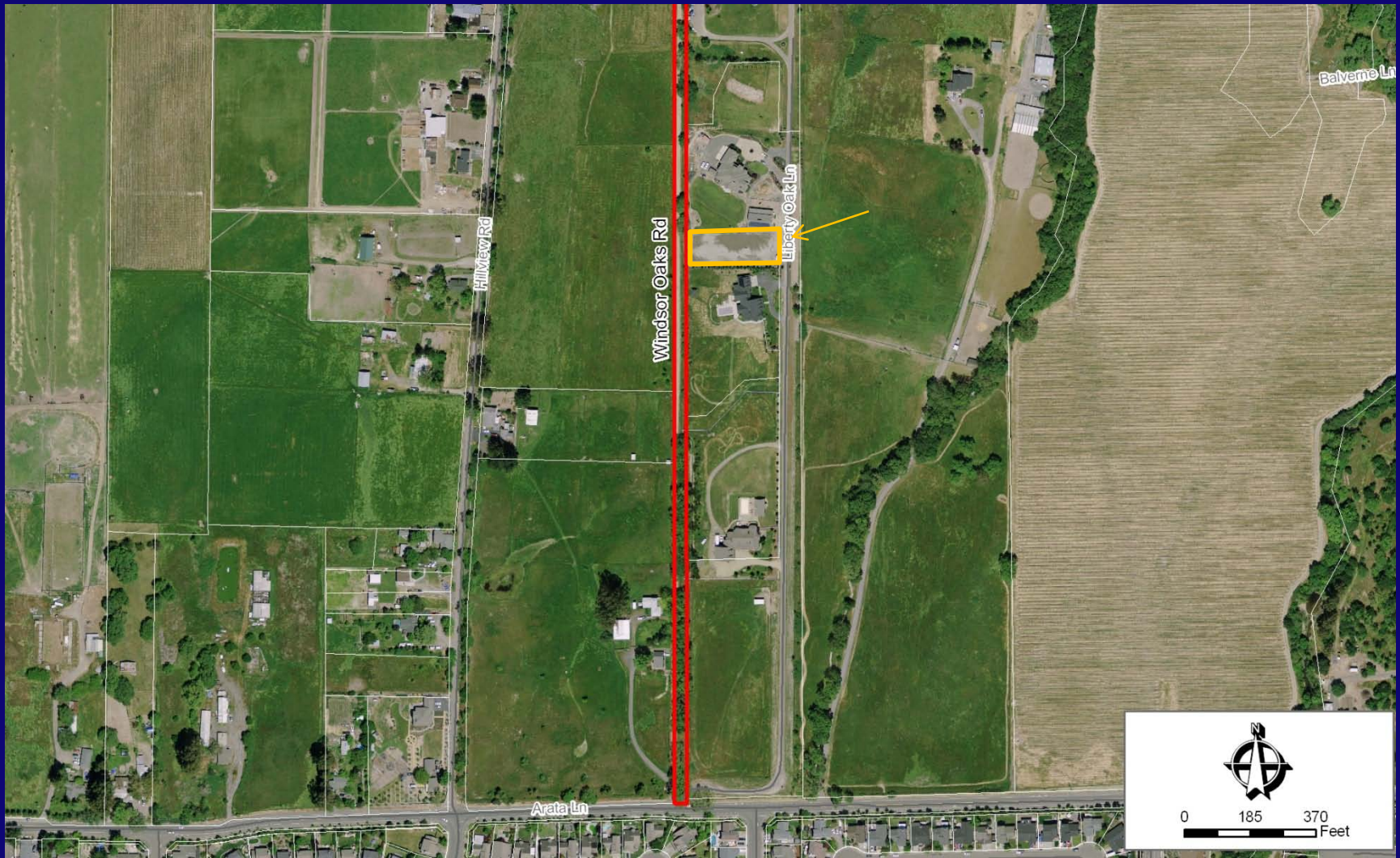


BZA Approved - Phase II (con't)

4. Increase employees to 16 full-time employees for harvest/bottling season
5. Overall visitors are expected to be 30 on an average day and 80 for a peak day
6. Operating hours will remain the same as Phase I



Windsor Oaks Road and Arata Lane



New Access Road – Windsor Oaks Rd



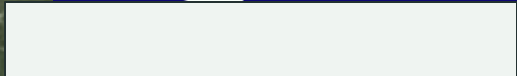
PRMD

Activity #PLP12-0009

Windsor Oaks Rd, Liberty Oak Ln, and Riding Arena



Windsor Oaks Rd



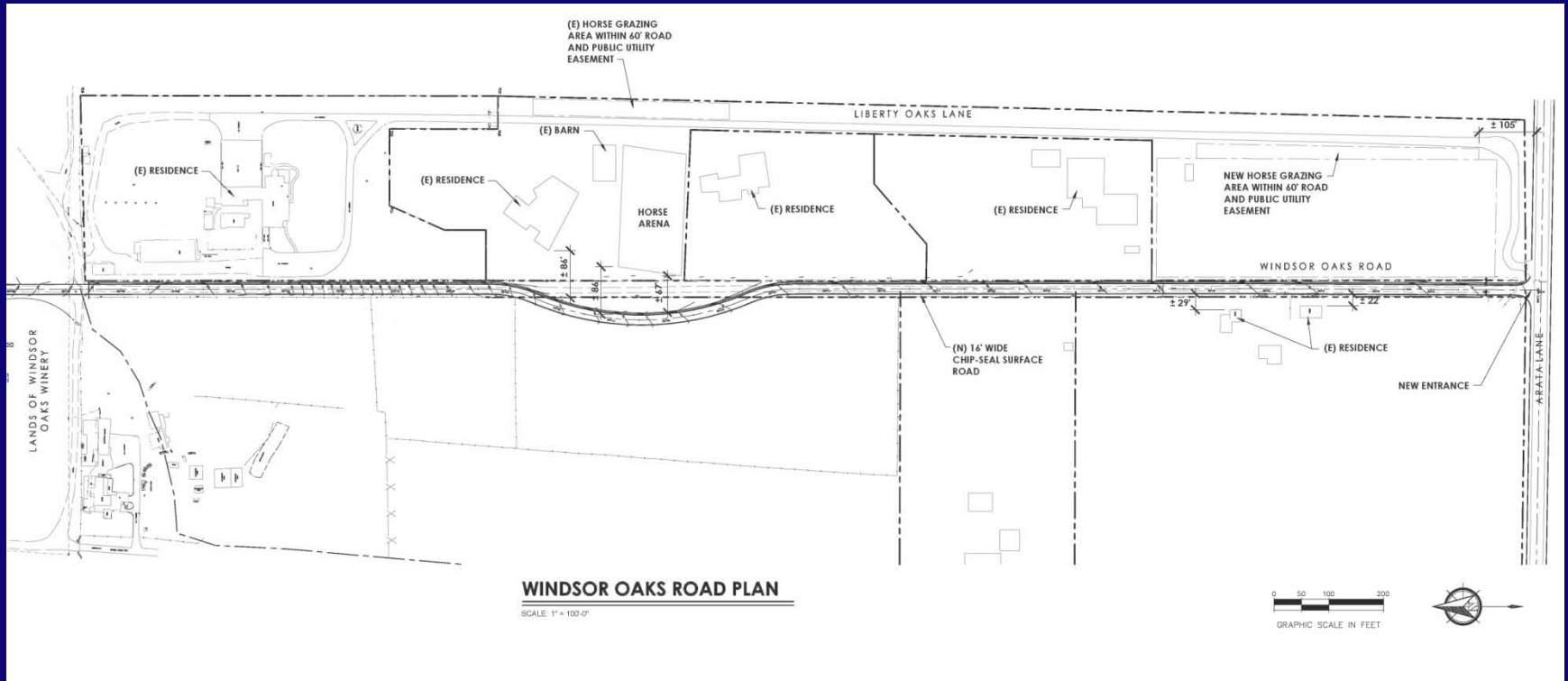
Riding
Arena



PRMD

Activity #PLP12-0009

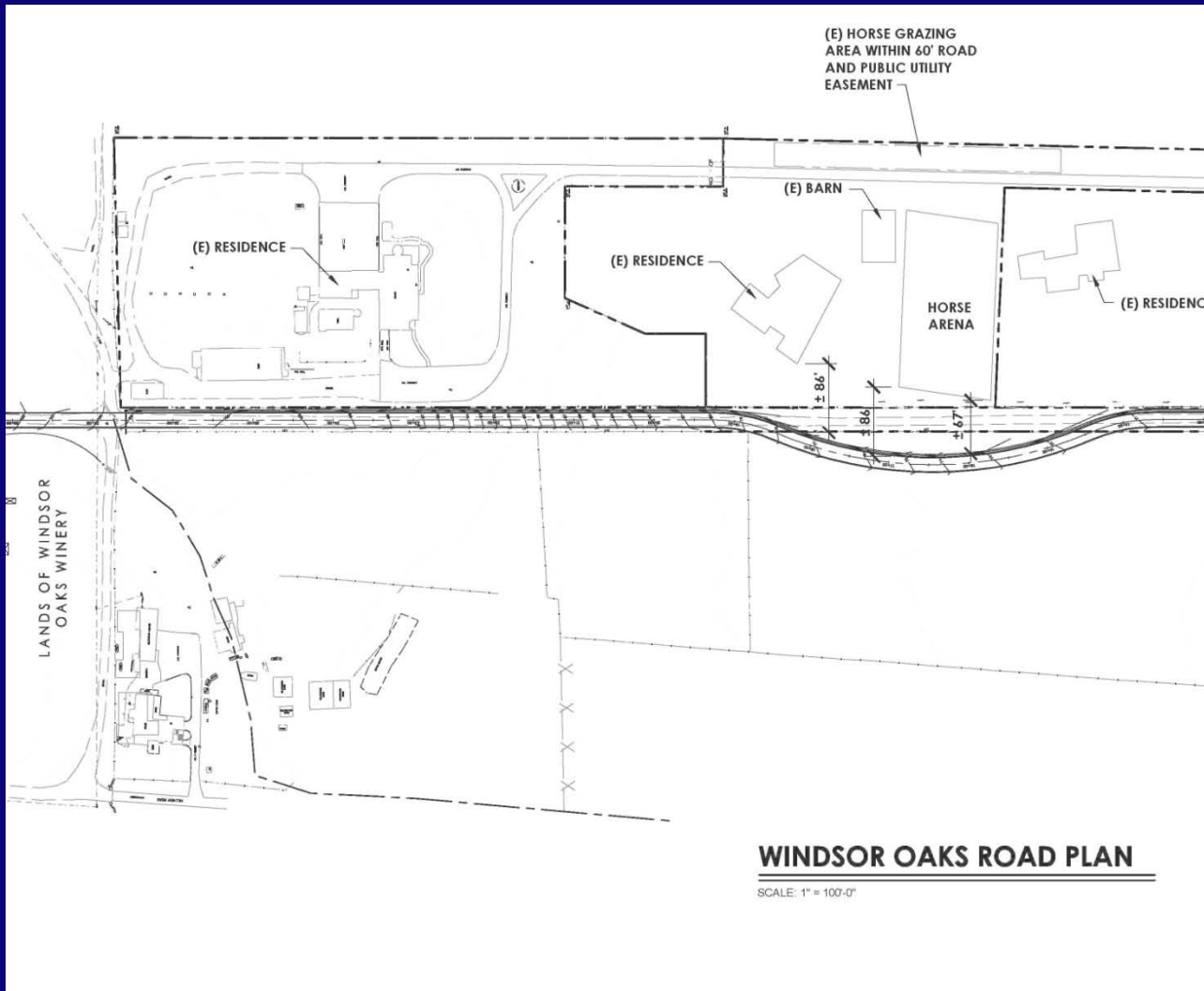
Windsor Oaks Road Plan



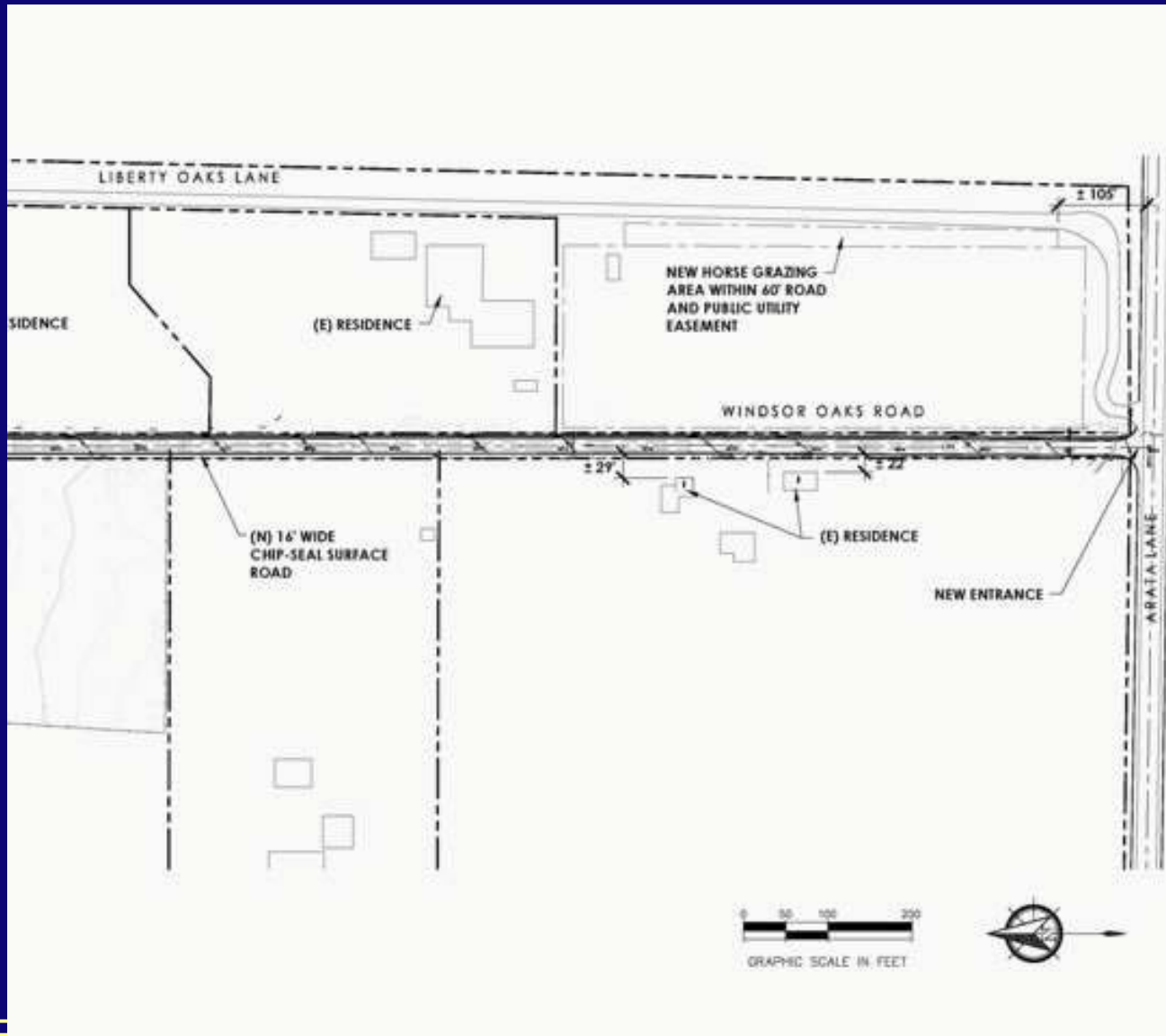
PRMD

Activity #PLP12-0009

Road Detail (1)



Road Detail (2)



New access – Windsor Oaks Rd



PRMD

Activity #PLP12-0009

End of New Access Road to Winery Site (Windsor Oaks Rd)



New Windsor Oaks Rd & Liberty Oak Ln Entrances



Windsor Oaks Rd curvature and trees



Rendering of Proposed Landscaping on Windsor Oaks Rd.



Rendering of Proposed Landscaping on Windsor Oaks Rd



Liberty Oak Lane entrance



PRMD

Activity #PLP12-0009

Hillview Road entrance off Arata Lane



PRMD

Activity #PLP12-0009

Existing Winery Entrance at end of Hillview Rd



Dead-end of Hillview Road with Winery Entrance



PRMD

Activity #PLP12-0009

Public hearing sign location



PRMD

Activity #PLP12-0009

Cloverleaf Riding Arena (on right heading North)



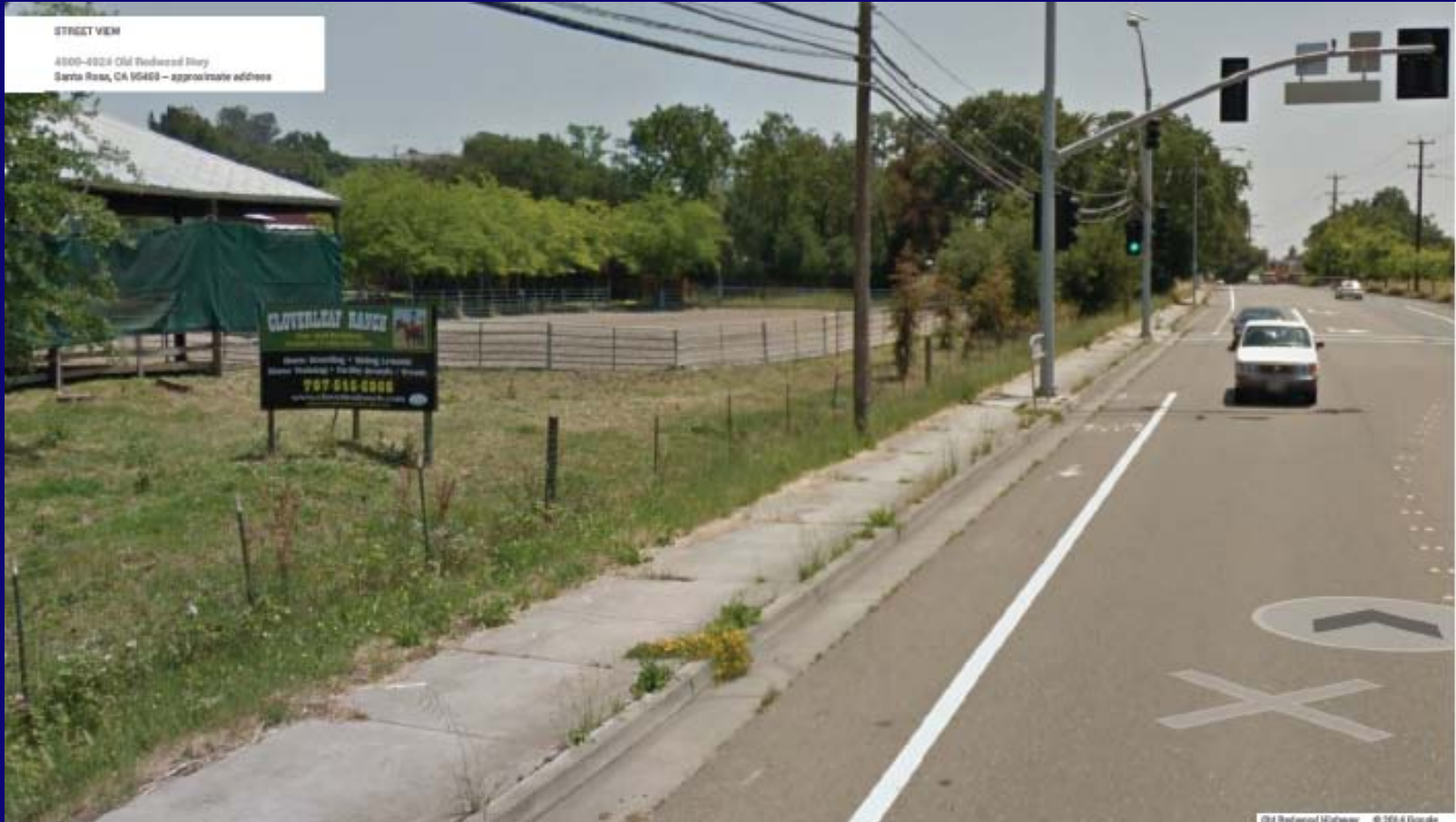
Cloverleaf Riding Arena (on right heading North)



PRMD

Activity #PLP12-0009

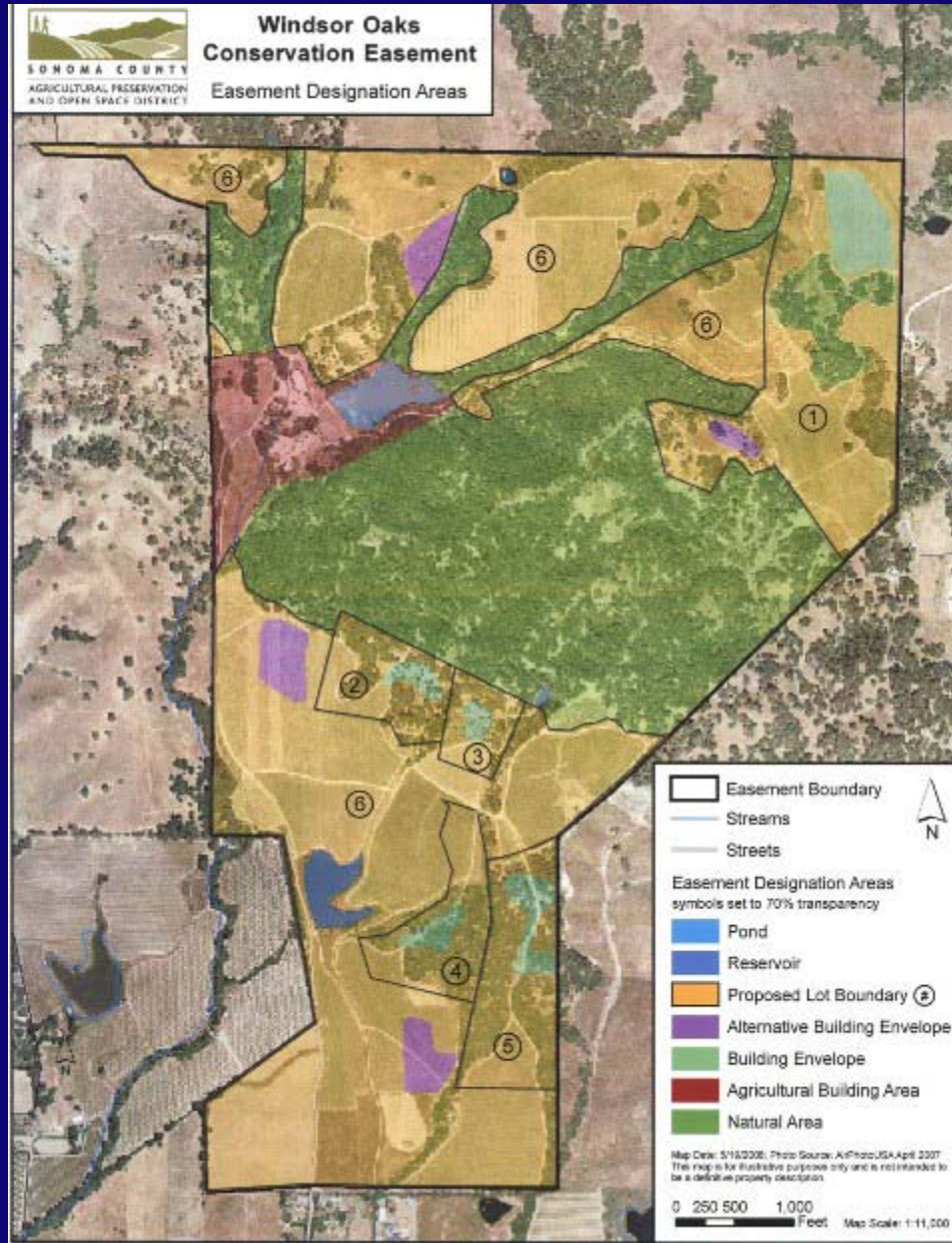
Cloverleaf Riding Arena (on left heading South)



PRMD

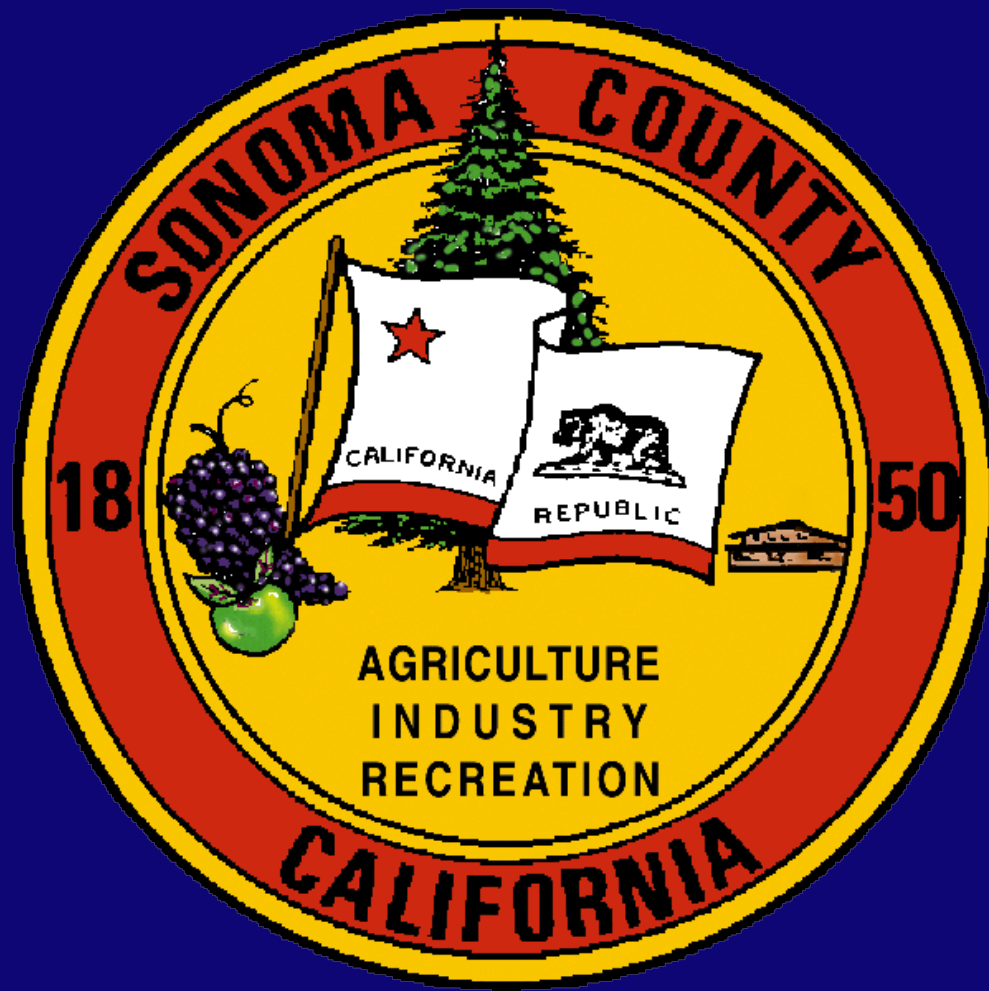
Activity #PLP12-0009

Conservation Easement Baseline Map



PRMD

Activity #PLP12-0009



PRMD

Activity #PLP12-0009



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 34
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Blake Hillegas (707) 565-1392

Supervisorial District(s):

Third

Title: Use Permit for a Level II Medical Cannabis Dispensary; PLP13-0030; Asa Shaeffer; applicant.

Recommended Actions:

Adopt a resolution denying a Use Permit/Design Review application for Sonoma County Collective, a Level II Medical Cannabis Dispensary, proposed at 4170 Santa Rosa Avenue, Santa Rosa; APN 045-290-097.

Executive Summary:

Action Requested of the Board of Supervisors:

Your Board is requested to conduct a public hearing and adopt a resolution denying a Use Permit/Design Review application for Sonoma County Collective, a Level II Medical Cannabis Dispensary.

Location, Zoning, and Project Description:

The project site is a 2.05 acre parcel located at 4170 Santa Rosa Avenue, Santa Rosa (APN 045-290-097). The project site is the same property for which on June 12, 2012, the Board of Supervisors denied a Use Permit application (UPE11-0062) for a Level II Medical Cannabis Dispensary proposed by Republic Health Center.

On April 2, 2013, Sonoma County Collective filed a Use Permit application for a Level II Medical Cannabis Dispensary on the same property. This application was canceled because, in accordance with Zoning Code Section 26-92-170, it was not eligible to be filed for one year after the Board's denial of the same use on the site. On June 13, 2013 Sonoma County Collective filed a new application. On July 10, 2013 the application was deemed incomplete. On July 30, 2013, the Board of Supervisors took original jurisdiction of the subject application by Sonoma County Collective. The application became complete on December 25, 2013.

The base zoning is LC (Limited Commercial), M1 (Limited Urban Industrial), and RR (Rural Residential) with a combining zone district of VOH (Valley Oak Habitat). The project site is located within the Santa Rosa Urban Service Area and is developed with a 1,561 square foot commercial building on the LC zoned

portion of the property. Driveway access is from Santa Rosa Avenue. Fleming Way to the north and Horn Avenue to the south provide access to residential uses located to the north and east. Two school bus stops exist adjacent to the dispensary near where these streets intersect Santa Rosa Avenue.

Sonoma County Collective is proposed as a Level II Medical Cannabis Dispensary, which is defined as serving a total of 300 patients or more and over 30 patients per day. The dispensary proposes to operate as a California non-profit mutual benefit corporation. The proposed hours of operation are Monday through Saturday from 9:00 a.m. to 7:00 p.m. with three full-time and two part-time employees, including staff security. Intake would be handled by checking for photo identification and a California issued Medical Marijuana Identification Card upon entry. The waiting area receptionist would verify registration with the dispensary before allowing patients to enter the retail display area, where small samples of product would be on display behind a glass counter in the sales/dispensing area. The non-public area beyond the counter includes an office, break room and staff restroom. The majority of the product would be stored within a safe in the back office. There are 24-hour closed circuit cameras focused on the parking area, the main entry, the retail/display area and the office. No smoking or consumption of any tobacco, cannabis or alcohol would be permitted on or around the premises. Exterior modifications would consist of a small exterior sign. A new wood fence has been installed along side and rear property lines. Sonoma County Collective is currently occupying the building on the property with an office and retail sales of clothing apparel.

The Board denied Republic Health Centers' request based on the lack of compliance with zoning setbacks, incompatibility with adjacent residential land uses, immediate proximity to existing school bus stops on Santa Rosa Avenue, and overconcentration of such uses in an area already served by two existing dispensaries. Despite the recent installation of a wood fence around the property, circumstances have not changed regarding the lack of compliance with zoning setbacks to residentially zoned land, close proximity to residential uses and school bus stops, compatibility, and two existing dispensaries operating in the area. Therefore the recommendation is to deny the application. See Attached Memo for General Plan and zoning analysis.

Prior Board Actions:

On June 12, 2012 the Board of Supervisors (3-2) denied a Use Permit application (UPE11-0062) for a Level II Medical Cannabis Dispensary proposed on the same property by a different applicant, Republic Health Center. On July 30, 2013, the Board of Supervisors took Original Jurisdiction of Sonoma County Collective's Use Permit.

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

Based on the lack of compliance with setbacks to residentially zoned land and proximity to residential uses and school bus stops, the proposed dispensary use would be detrimental to the health and safety of the adjoining residential neighborhood.

Fiscal Summary - FY 13-14			
Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$
Narrative Explanation of Fiscal Impacts (If Required):			
Denial of the Use Permit would result in the potential loss of sales tax revenue generated by the retail business.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
Resolution Exhibit A: March 25, 2014 PRMD Memorandum to Board of Supervisors Exhibit B: Operations Plan and Dispensary Rules Exhibit C: Vicinity Map Exhibit D: General Plan Map Exhibit E: Zoning Map Exhibit F: Aerial Photo Exhibit G: Aerial Photo – 100 foot setback Exhibit H: School bus stop locations Exhibit I: Site Plan Exhibit J: Floor Plan/Enlarged Floor Plan Exhibit K: Wood Fence Design Detail Exhibit L: Correspondence Exhibit M: Board Resolution denying Republic Health Center’s prior request for a dispensary			

Exhibit N: Site Photos

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

Enlarged Site Plan



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

DATE: March 25, 2013 at 2:10 p.m.

TO: Board of Supervisors

FROM: Blake Hillegas, Project Planner

SUBJECT: Public hearing on a Use Permit application for Sonoma County Collective, a Level II Medical Cannabis Dispensary; PLP13-0030; Asa Shaeffer, applicant; Supervisorial District No. 3.

Action Requested of the Board of Supervisors:

Conduct a public hearing on a Use Permit application for a Level II Medical Cannabis Dispensary and adopt a resolution denying the request.

Prior Actions:

On June 12, 2012, the Board of Supervisors (3-2) denied a request for a Level II Medical Cannabis Dispensary by Republic Health Center at the project site. The Board denied Republic Health Centers' request based on the lack of compliance with zoning setbacks, incompatibility with adjacent residential land uses, immediate proximity to existing school bus stops on Santa Rosa Avenue, and two existing dispensaries already serving the area.

On July 30, 2013 the Board of Supervisors adopted a resolution exercising Original Jurisdiction of the Use Permit file by Sonoma County Collective to expedite their review of the application.

Location, Zoning and Project Description:

The project site is a 2.05 acre parcel located at 4170 Santa Rosa Avenue, Santa Rosa; APN 045-290-097; Supervisorial District No. 3. The project site is the same property where on June 12, 2012 the Board of Supervisors denied a prior Use Permit application (UPE11-0062) for a Level II Medical Cannabis Dispensary proposed by Republic Health Center.

On April 2, 2013, Sonoma County Collective filed a Use Permit application for a Level II Medical Cannabis Dispensary on the same property. This application was canceled in accordance with Zoning Code Section 26-92-170 because it was not eligible to be filed for one year after the Board's denial of the same use on the site. On June 13, 2013 Sonoma County Collective filed a new application. On July 10, 2013 the application was deemed incomplete. On July 30, 2013, the Board of Supervisors took original jurisdiction of the subject application by Sonoma County Collective. The application became complete on December 25, 2013.

The base zoning is LC (Limited Commercial), M1 (Limited Urban Industrial), and RR (Rural Residential) with a combining zone district of VOH (Valley Oak Habitat) over the entire site. The project site is located within the Santa Rosa Urban Service Area and is developed with a 1,561 square foot commercial building on the LC zoned portion of the property. Driveway access is from Santa Rosa Avenue. Fleming Way to the north and Horn Avenue to the south provide access to a residential

neighborhood located to the east. Two informal school bus stops exist adjacent to the dispensary where these streets intersect Santa Rosa Avenue.

Sonoma County Collective is proposed as a Level II Medical Cannabis Dispensary, which is defined as serving a total of 300 patients or more and over 30 patients per day. The dispensary is proposed to operate as a California non-profit mutual benefit corporation. The proposed hours of operation are Monday through Saturday from 9:00 a.m. to 7:00 p.m. with three full-time and 2 part-time employees, including staff security. Intake would be handled by checking for photo identification and a California issued Medical Marijuana Identification Card upon entry. The waiting area receptionist would verify registration with the dispensary before allowing patients to enter the retail display area, where small samples of product would be on display behind a glass counter in the sales/dispensing area. The non-public area beyond the counter includes an office, break room and staff restroom. The majority of the product would be stored within a safe in the back office. There are 24-hour closed circuit cameras focused on the parking area, the main entry, the retail/display area and the office. No smoking or consumption of any tobacco, cannabis or alcohol would be permitted on or around the premises. Exterior modifications include new wood fence that has been installed along rear and side property lines. Sonoma County Collective is currently occupying the building on the property as an office and retail store with clothing apparel.

Issue #1: General Plan and Zoning Consistency

On February 7, 2012, the Board of Supervisors adopted Ordinance No. 5967 which limits the total number of medical marijuana dispensaries in the unincorporated County to nine. Currently, there are 7 approved and operating dispensaries in unincorporated Sonoma County, two of which are located within approximately 1.25 miles of the subject property.

The General Plan land use designation and zoning for the portion of the property where the dispensary is proposed is Limited Commercial (LC). The Limited Commercial designation is intended to accommodate retail sales and services for the daily self sufficiency of local rural or urban neighborhoods or communities. The subject property is currently developed with a 1,561 square foot commercial building and is located within the Santa Rosa Urban Service with convenient access to Santa Rosa Avenue.

With regard to zoning consistency, Section 26-36-020 (pp) of the Zoning Code allows for Level II Cannabis Dispensaries in the LC zone if they are located within designated urban service areas, comply with Zoning Code Locational and Development Standards, and obtain a Use Permit.

Zoning Location Requirements

The primary issue with the proposed dispensary is the project site does not meet the Locational Requirement of a minimum property setback of 100 feet to residentially zoned land. The Zoning Code outlines four criteria to be used to determine the appropriate location for a dispensary. These criteria are described below (note: distances are measured from the property lines, consistent with ordinance language and past practices):

- (1) A medical cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.*

- (2) *A Medical Cannabis Dispensary shall not be established within 1,000 feet of any other Medical Cannabis Dispensary, nor within 500 feet from a smoke shop or similar facility selling drug paraphernalia.*
- (3) *A Medical Cannabis Dispensary shall not be established within 1,000 feet from any public school, park, or an establishment, public or private, that caters to or provides services primarily to persons under eighteen (18) years of age.*
- (4) *Notwithstanding, the above provisions (1 and 2) may be waived by the decision-maker when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.*

Criteria #1. The dispensary site directly abuts properties to the north and south which are zoned Rural Residential and contain single family uses.

Criteria #4 allows for a waiver to the 100 foot setback requirement from a residential zoning district if a “physical separation” exists between land uses such that no off-site impacts would occur.

The Board previously determined that adequate separation does not exist between the proposed dispensary location adjacent residential land uses, despite an existing wire fencing securing the commercial property. The current applicant’s installation of solid wood fencing along the north, south, and east property lines does not change the proximity of the use or improve security for surrounding residential land uses. The installation of a wood fence does not substantially improve separation and does not justify a waiver of the minimum setback requirements. Nor does the installation of the fence change the relationship between the proposed dispensary and existing school bus stops on Santa Rosa Avenue.

The following discussion is primarily for background information because, in the absence of compliance with the minimum setback requirement to a residential zoning district or a setback waiver, the use cannot be approved.

Criteria #2. The proposed dispensary is not located within 1,000 feet of another dispensary, nor within 500 feet of another smoke or drug paraphernalia shop. However the area is served by two existing approved medical marijuana dispensaries. Organicann, operates approximately one mile (4,500) feet to the north on Todd Road. Sonoma Medicinal Herbs operates at 3403 Santa Rosa Avenue, approximately 1.25 miles to the north.

Criteria #3. The proposed dispensary is not located within 1,000 feet of a public school, park, library, church, day care center or any other establishment that caters to or provides services primarily to persons under eighteen (18) years of age. However, there are two public school bus stops immediately adjacent to the proposed dispensary at Horn Avenue and Fleming Way. The school stops were another criteria that was considered by the Board of Supervisors previously.

Zoning Code Development Standards

The Zoning Code also includes Development Standards for the operation of Medical Cannabis Dispensaries, including requirements for parking, security, odor control, signing, hours of operation, and the possession and sale of cannabis. These standards are relevant only if the setback locational

requirements discussed above are met. Because Locational Criteria #1 (setback to residential zoning) is not met, the following analysis is for background only.

- (1) *The building in which the dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility requirements.*

The proposed use of the building as a dispensary would not comply with the 100 foot setback requirement from residential zoning as required by the Zoning Code.

- (2) *The dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. The Operational Plan shall include the approved security measures.*

The Operational Plan summarizes the security alarm system and 24-hour camera surveillance covering the interior and exterior of the premise. The building has existing exterior lighting to illuminate the parking areas and the front entry.

- (3) *The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to design review committee review and approval. The Planning Director may waive this requirement where the applicant can demonstrate that existing facilities, including parking, lighting and landscaping, already meet the requirements of this Section.*

The access, circulation, parking, lighting, and landscaping are existing. Trees were installed along the frontage by a former prospective tenant. The applicant has filed a Design Review application for a six foot tall wood fence that was installed along the north, south, and east property lines. The fence does not comply with County design requirements in that it does not address setback and landscape design criteria.

- (4) *No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.*

There is currently one "Sonoma County Collective" sign advertising the proposed dispensary business. Recently, signs advertising the proposed dispensary were removed from a trailer parked on the site.

- (5) *A dispensary shall have no operators or employees who are not qualified patients or primary caregivers meeting all terms and conditions of applicable law.*

The applicant indicates that all operators and employees would be either qualified patients or primary caregivers.

- (6) *A dispensary may possess cannabis at its facility only in the collective amount that each qualified patient or primary caregiver served is allowed to possess under Health and Safety Code section 11362.77, as may be amended from time to time.*

The applicant has signed an affidavit that the dispensary would not possess cannabis in a collective amount that each patient or caregiver served is allowed to possess under Health and Safety Code section 11362.77.

- (7) *No person shall be allowed onto the premises unless they are a primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. No person under the age of 18 shall be allowed on the dispensary site. All persons entering the site shall present a photo identification and shall establish proof of doctor's recommendation. The Operating Plan submitted as a part of the Use Permit application shall specify how this provision will be complied with and enforced.*

As outlined in the Operations Plan, all persons entering the facility would be required to provide a valid photo identification and doctor's recommendation. Every recommendation would be verified by the staff prior to being granted admittance into the sales room. No one under the age of 18 would be allowed on the dispensary site.

- (8) *No dispensary shall hold or maintain a license from the State Department of Alcoholic Beverage Control (ABC) to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.*

The applicant has stated that they do not hold or maintain a license from ABC to sell alcohol.

- (9) *An exhaust and ventilation system shall be utilized to prevent off-site odors.*

The building is equipped with a heating, ventilation, and air conditioning system. Cannabis would be stored in a glass display case in self sealing containers.

- (10) *No dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the Use Permit.*

In addition to the sale of medical cannabis, the dispensary proposes to sell shirts.

- (11) *No cannabis shall be smoked, ingested or otherwise consumed on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings.*

The proposed Operational Plan indicates that the smoking of tobacco or cannabis would not be permitted in or around the facility

- (12) *Parking must meet the requirements of Section 26-86-010 which is as follows: 2 spaces, including at least 1 van-accessible space; plus 1 additional space for every 200 square feet of gross floor area, plus 1 additional space for each employee on maximum shift; but in no case less than 5 off-street parking spaces.*

There are 10 paved spaces on the north side of the building. Graveled areas directly adjacent to the parking area could accommodate an additional four parking spaces as required by the Zoning Code.

- (13) *Operating days and hours shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m., or as otherwise allowed by the Use Permit. Operating hours may be further restricted through the Use Permit process where needed to provide land use compatibility.*

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The proposed operational hours of 9:00 a.m. to 7:00 p.m. Monday – Saturday which comply with the ordinance.

Issue #2: Responses from the Sheriff

The Sonoma County Sherriff continues to oppose medical cannabis dispensaries based on federal regulations and potential increase in crime.

Issue #4: Neighborhood Concerns

Several immediate residential neighbors continue to oppose a medical cannabis dispensary at the project site. Concerns include the close proximity of the dispensary to residential uses and bus stops serving children, potential for increased crime, potential odor, and project screening and security measures. A representative of Republic Health Center, the former dispensary applicant, has submitted a letter opposed to the project. Project correspondence is included as an attachment to the Summary Report.



County of Sonoma

State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

PLP13-0030 Blake Hillegas

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Denying A Request For A Use Permit For A Level II Medical Cannabis Dispensary for Sonoma County Collective At 4170 Santa Rosa Avenue, Santa Rosa, APN 045-290-097

Whereas, the applicant, Sonoma County Collective, c/o Asa Schaffer, filed a Use Permit application with the Sonoma County Permit and Resource Management Department (“PRMD”) to operate a Level II Medical Cannabis Dispensary within an existing 1,560 square foot commercial building (“the Proposed Project”) on a .87 acre portion of a 2.05 acre parcel located at 4170 Santa Rosa Avenue, Santa Rosa, APN 045-290-097 (“the Project Site”); zoned LC (Limited Commercial), M1 (Limited Urban Industrial), RR (Rural Residential), B6-3 acre density, VOH (Valley Oak Habitat); Supervisorial District No 3; and

Whereas, on June 12, 2012, the Board of Supervisors denied a request for a Level II Medical Cannabis Dispensary by Republic Health Center at the project site; and

Whereas, on April 2, 2013, Sonoma County Collective filed a Use Permit application for a Level II Medical Cannabis Dispensary on the project site; and

Whereas, the application was returned as the Zoning Code prohibits the filing of an application for the same use within one year from the date a permit has been denied; and

Whereas, the applicant was informed that staff would not support the application based on the Board’s denial of the same use on the property a year earlier and circumstances had not substantially changed; and

Whereas, Sonoma County Collective filed a Use Permit for a Level II Medical Cannabis Dispensary on June 13, 2013; and

Whereas, on July 10, 2013 the application was deemed incomplete, pending the submittal of an Operational Plan in accordance with ordinance requirements; and

Whereas, on July 30, 2013 the Board of Supervisors adopted a resolution exercising Original Jurisdiction of the Use Permit to expedite their review based on their prior denial of the same use on the property; and

Whereas, the file was deemed complete on December 25, 2013; and

Whereas, PRMD staff determined that the Proposed Project was exempt from the California Environmental Quality Act (“CEQA”) pursuant to the Provisions of Title 14 of the California Code of Regulations, Section 15270 (a) because the project is recommended for denial; and

Whereas, in accordance with the provisions of law, the Board of Supervisors conducted a duly noticed public hearing on the Proposed Project on March 25, 2014, at which time all interested persons were given an opportunity to be heard; and

Whereas, on March 25, 2014, the Board of Supervisors closed the public hearing, deliberated, and on a vote, adopted a resolution denying the Proposed Project.

Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following findings:

1. The Proposed Project is not consistent with Section 26-88-126 (i) of the Sonoma County Code requiring a 100 foot property setback from a residential zoning district because the Project Site directly abuts four properties zoned RR (Rural Residential) along the north and east property lines.
2. The physical separation between the dispensary property and residentially zoned land is not adequate to justify a waiver from the 100 foot ordinance setback requirement despite the presence of wood and wire mesh fencing between the properties.
3. The Proposed Project is situated in immediate proximity to two school bus stops near the Project Site’s frontage that serve children living in the adjacent residential neighborhood. Children residing in the surrounding neighborhood utilize the school buses, which stop at the intersections of Horn Avenue/Santa Rosa Avenue and near Fleming Way/Santa Rosa Avenue, placing children in direct proximity to and within view of the proposed medical cannabis dispensary.
4. The establishment, maintenance, or operation of the use for which the application is made would, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, and be detrimental or injurious to property and improvements in the neighborhood and to the general welfare of the area because the project does not meet zoning setback requirements established for dispensaries; the immediate proximity of the proposed dispensary to residentially zoned lands is incompatible with such residential uses; and is an incompatible use in such close proximity to where school children congregate.

5. The Proposed Project is not necessary to meet the service needs of nearby residents as there is already convenient access to two approved medical cannabis dispensaries in the area, including Organicann and Sonoma Medicinal Herbs located approximately 1 and 1.25 miles to the north.

Be It Further Resolved, that the Board of Supervisors hereby denies the Proposed Project.

Be It Further Resolved, that the Proposed Project is exempt from CEQA pursuant to State CEQA Guidelines section 15270(a) because it is being denied.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other materials that constitute the record of proceedings upon which the Board's decisions herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.

APPLICATION FOR USE PERMIT
OPERATION PLAN

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Proposed Use: Level II Medical Cannabis Dispensary at 4170 Santa Rosa Avenue.

The following operating plan specifies the manner in which operations will be handled and security provided, in accordance with County of Sonoma Code Section 26-88-126(e) et seq.

MINIMUM REQUIREMENTS

The dispensary will require, at a minimum, a doctor's written recommendation, or caregivers in compliance with California state law, as well as valid photo identification, all patients must be at least 18 years of age, this applies for all patients, and employees entering the site. Operation shall be consistent with the protection of the health, safety and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding areas. Only "primary caregivers" and "qualified patients," as defined by California *Health & Safety Code* section 11362.7(d) and (f), will be admitted to the site.

LOCATION

The subject property (APN 045-290-097) is a 2.05-acre parcel located at 4170 Santa Rosa Avenue, Santa Rosa. The site is within the Santa Rosa Urban Service Area at the northeast corner of Horn and Santa Rosa Avenues, within Supervisorial District No. 3.

ZONING

The base zoning is LC (Limited Commercial), M1 (Limited Urban Industrial), and RR (Rural Residential) with a combining zone district of VOH (Valley Oak Habitat) over the entire site.

SITE IMPROVEMENTS

The site is developed with a 1,561 square foot commercial building, which is located on the LC designated portion, at the southwestern corner of the lot. The commercial building is on a private well and septic system. The existing mound septic system is located east of the site and the water well is located to the north. The dispensary occupies .87 acres of the two acre parcel and is protected on three sides with an existing six-foot solid redwood fence.

PARKING

There are 10 on-site parking spaces with driveway access provided off South Santa Rosa Avenue, exceeding the requirements of County of Sonoma Code Section 26-86-010(k).

PERIMETER FENCE

An existing six-foot solid redwood perimeter fence encloses the property along the North (running the length of the M1 zone), along the East (completely separating the RR zone), and South (running the length of the LC zone along Horn Avenue). An existing chain-link fence encloses the property on its West edge, along South Santa Rosa Avenue. Fleming Way, a private driveway

APPLICATION FOR USE PERMIT
OPERATION PLAN

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that serves several residences to the east, crosses through the northerly portion of the property to the North of the solid redwood fence. The RR zones to the East are separated from the proposed use by the existing six-foot redwood fence.

PROJECT DESCRIPTION

Proposed Level II Medical Cannabis Dispensary, "Sonoma County Collective," serving over 30 patients per day in an existing 1,561 square foot commercial building, as described in County of Sonoma Code Section 26-02-140(d). The dispensary will be operated by Sonoma County Collective, a California non-profit mutual benefit corporation, which was formed October 28, 2010 and issued Secretary of State Entity Number C3326670.

Hours of operation are proposed as Monday through Saturday from 9:00 a.m. to 7:00 p.m. or as otherwise allowed or restricted by the use permit. The dispensary will have three full-time and two part-time employees, supported by a security guard. Photo identification matching the patient's doctor's written recommendation is required for any person to enter.

No smoking or consumption of any tobacco, cannabis or alcohol is permitted on or around the premises. Sonoma county collective will not apply for California alcohol license, and will not commit to the sale or distribution of alcohol at any time. The dispensary is non-profit and formed in compliance with California's Attorney General's 2008 Guidelines. The dispensary will only possess cannabis in the collective amount that each qualified patient or primary caregiver served is allowed to possess under California *Health & Safety Code* section 11362.77. Sonoma County Collective will allow patient donations not to exceed the exchange of ½ pound of medicated edibles, and no more then 2 ounces of cannabis in a 24-hour period.

SECURITY

24-hour video surveillance will be maintained via closed circuit Bosch cameras focused on the parking area, main entry, display area and office, with footage retention of 30 days. Existing security lighting on all sides of the building offers exceptional visibility of the of the property. Advanced Security, installed "First Alert" Honeywell Security system, and currently monitors the site 24-hours a day.

They're three levels of security zones a patient will have to pass, before the patient will receive any medication and be allowed to exit the facility. *see "Security Plan" in reference to zones 1-4

1. Zone 1: Before entering the facilities main door a security guard will ask to see valid photo ID and current recommendation once approved you may enter the facility.
2. Zone 2: Once you enter the waiting room you can approach the receptionist who will either check existing members in, or assign new patient registration papers and verify patient ID and recommendation is current. Receptionist will then call patients from the waiting room back to the display room.
3. Zone 3: Upon entering the display room, patients will be able to view a variety of items from t-shirts and apparel, but only small samples of the cannabis and edibles will be

**APPLICATION FOR USE PERMIT
OPERATION PLAN**

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displayed for patient view, those items will be filled to order in a separate fulfillment room out of site from the patient "zone 4", after the order is ready it is brought to the patient for review, and any questions or concern's can then be addressed. Once the patient verifies that the order is correct the bag is then stapled shut, and the patient will then be instructed not to reopen the bag until the patient has left property and reached a safe location, if staff feels any patient has not abided by this rule or any other rule listed, immediate expulsion from the collective will be enforced.

SIGNAGE

Existing sign on building states "Sonoma County Collective." We do propose in addition to the existing sign, a new sign to state "Dispensary rules, including hours of operation". The sign will be located on the north side of the building, with a blue background and white lettering, no larger the 2x3 feet in measurement. No exterior signage or symbols will be displayed that advertise or depict cannabis, and no interior signage or symbols of such nature are visible from the exterior.

FLOOR PLAN

Site has a defined lobby and waiting area at front entry, where patients present valid prescriptions and identification. After verification, patients enter the display counter area where patients may examine samples of medical cannabis varieties on display and request their prescription. In a separate room not accessible to the patients "zone 4", the medicine is stored in a safe and then weighed and each prescription is filled, in that same room to prevent offsite odors, a charcoal filtering system will be installed, recirculating and purifying the air in the facility. The non-public area beyond the counter includes an office, break room and staff restroom. Compensation for the medicine is exchanged at a cash register in the display room.

PRIOR USE PERMIT APPROVAL

On January 26, 2012, a Use Permit was approved by the Board of Zoning Adjustments, for a cannabis dispensary operated by Republic Health Center, Inc., based upon Board of Zoning Adjustments Staff Reports dated December 15, 2011 and January 26, 2012.

**AFFIDAVITS OF APPLICANT AND OWNER PURSUANT TO
SONOMA COUNTY CODE SECTION 26-88-126(h)**

APPLICATION FOR USE PERMIT
OPERATION PLAN

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AFFIDAVIT OF APPLICANT

I, Asa Shaeffer, am a qualified patient as described by California *Health & Safety Code* section 11362.7(f), and I make this application for use permit as Level II Medical Cannabis Dispensary at 4170 Santa Rosa Avenue in my capacity as an officer of a California non-profit mutual benefit corporation, and I agree to abide by and conform to the conditions of the use permit and all provisions of Sonoma County Code pertaining to the establishment and operation of the medical cannabis dispensary use, including but not limited to the provisions of Sonoma County Code section 26-88-126, and I hereby acknowledge that the approval of the medical cannabis dispensary use permit shall in no way permit any activity contrary to Sonoma County Code, or any activity which is in violation of any applicable laws. I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of June, 2013, at Santa Rosa, California.

ASA SHAEFFER

AFFIDAVIT OF PROPERTY OWNER

I, Stephen Schnur, am the owner of the real property and improvements at 4170 Santa Rosa Avenue, and I agree to abide by and conform to the conditions of the use permit and all provisions of Sonoma County Code pertaining to the establishment and operation of the medical cannabis dispensary use, including but not limited to the provisions of Sonoma County Code section 26-88-126, and I hereby acknowledge that the approval of the medical cannabis dispensary use permit shall in no way permit any activity contrary to Sonoma County Code, or any activity which is in violation of any applicable laws. I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of June, 2013, at Santa Rosa, California.

STEPHEN SCHNUR

Sonoma County Collective

Welcome to SCC

SCC is a medical cannabis dispensing collective.

SCC is a membership organization.

Members are qualified patients or primary caregivers.

Members have a physician recommendation for medical cannabis.

Members are at least 18 years of age or have parents or guardians as primary caregivers.

Dispensary Rules

No consumption of medical cannabis on the premises.

No diversion of medical cannabis for non-medical purposes.

No cell phones, pagers, cameras or recording devices.

No smoking, alcohol, illegal drugs, drug paraphernalia or weapons.

No loitering, littering, painting graffiti or playing loud music.

Keep medical cannabis out of reach of children and pets.

Medical cannabis may impair your ability to drive a motor vehicle or operated machinery.

Thank you for your courtesy and cooperation.

Dispensary Hours

Open Mon-Sat 11-7

Vicinity Map

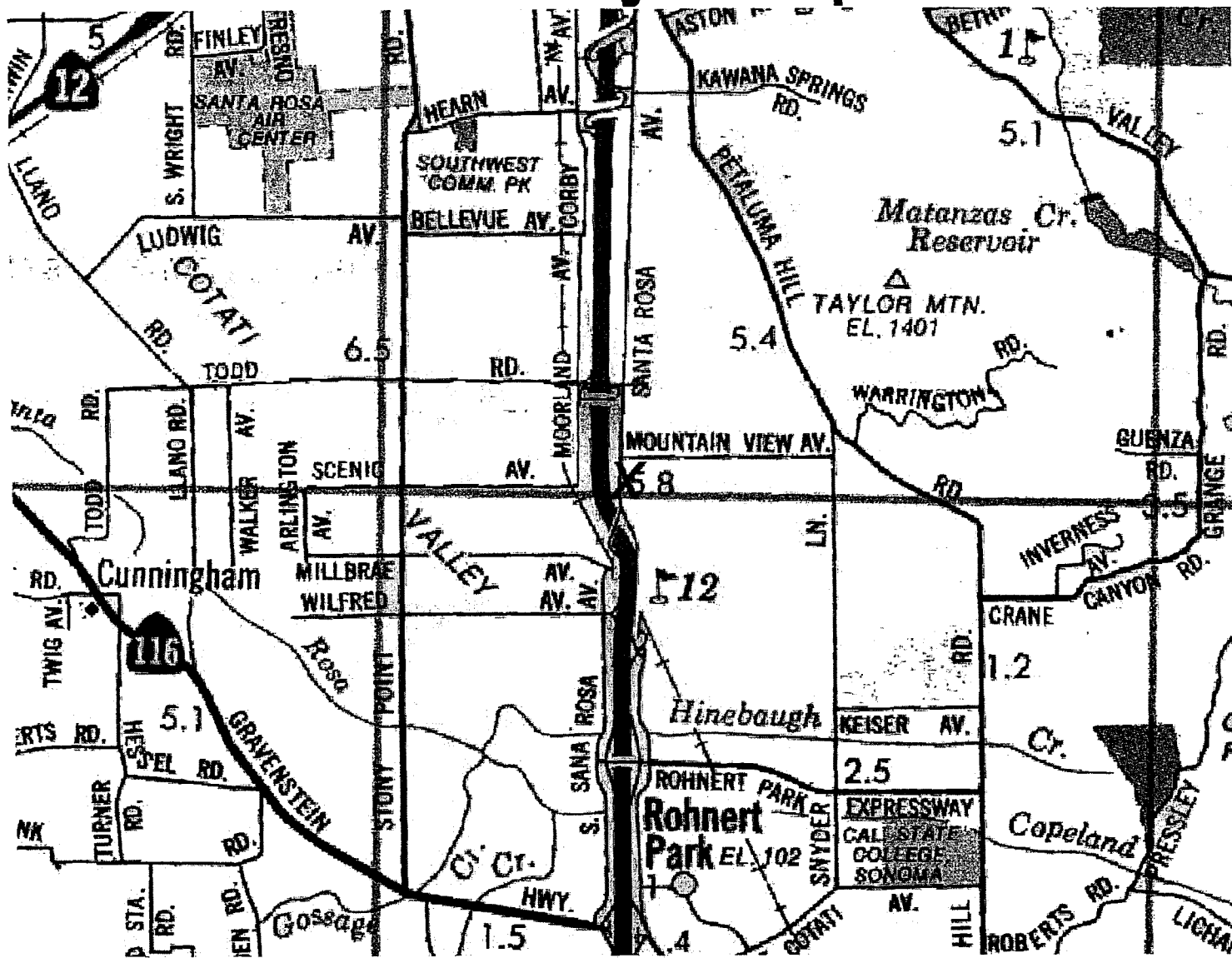


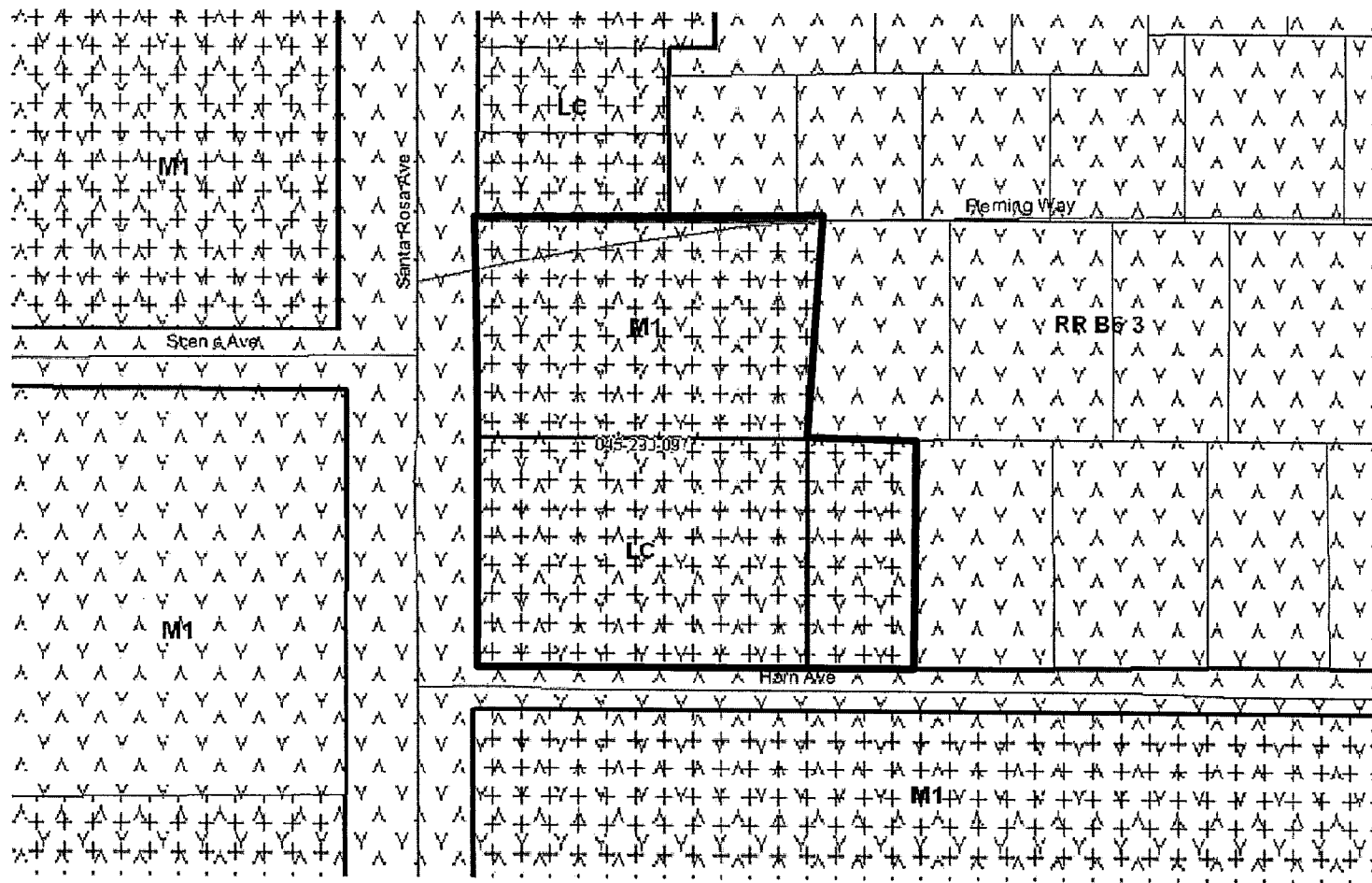
EXHIBIT C



PRMD

Activity #PLP13-0030

General Plan



Zoning and Combining Districts

City Limit	SD Scenic Designator	MR Mineral Resource
AH Affordable Housing	SR Scenic Resource	G Geologic Hazard
LU Policy	VOH Valley Oak Habitat	F1 Floodway
HD Historic District	BR Biotic Resource	F2 Floodplain

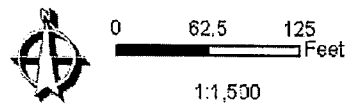


EXHIBIT D



PRMD

Activity #PLP13-0030

Zoning Map

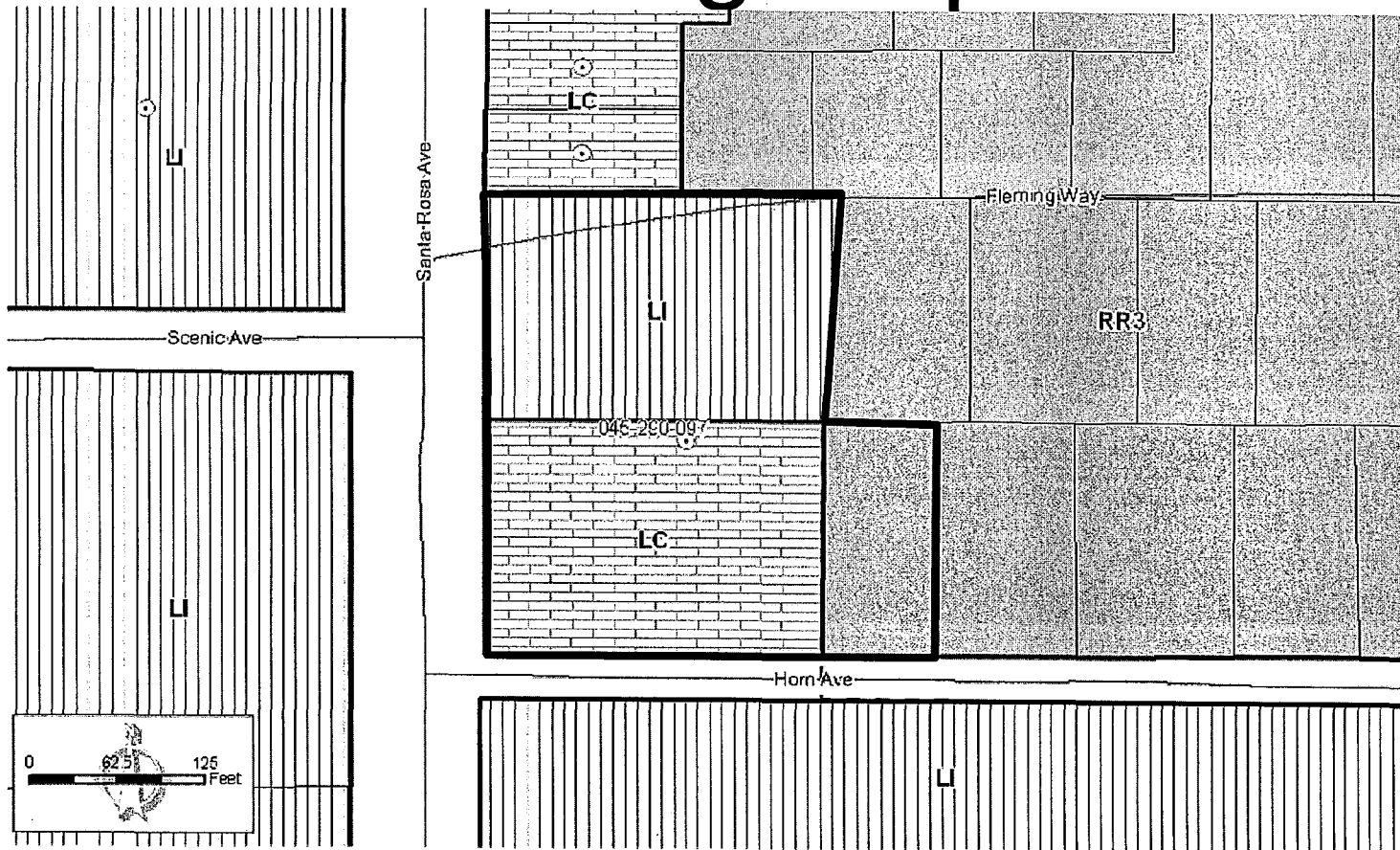


EXHIBIT E

General Plan Land Use

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resources & Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial

- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi-Public

- Planning Area Policy
- Affordable Housing
- City

Base Map Data

- Coastal Commission Boundary
- Urban Service Area Boundary
- Highways
- Perennial Streams
- Intermittent Streams

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acre.



PRMD

Activity #PLP13-0030

Aerial Photo



EXHIBIT F

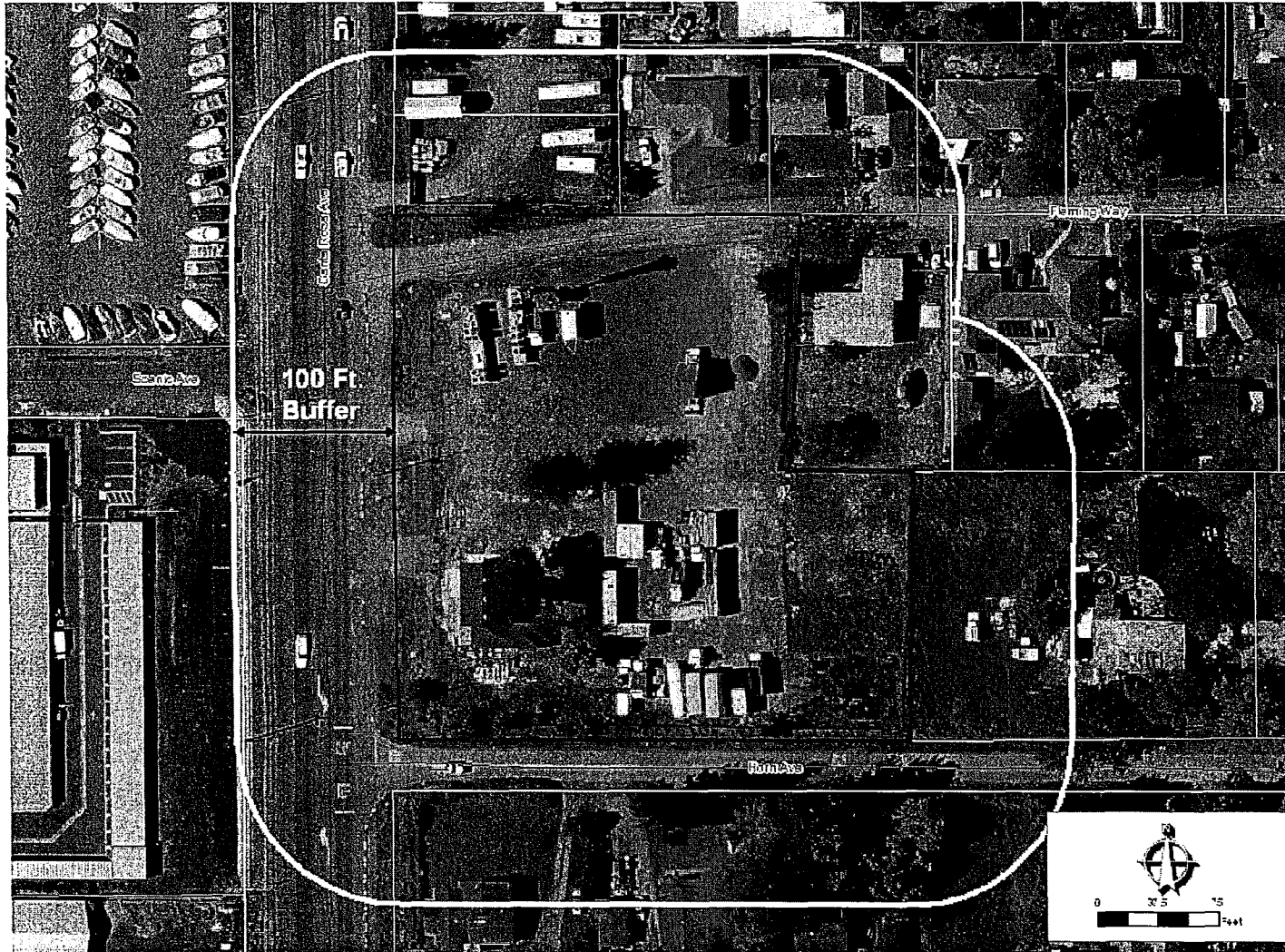


PRMD

Activity #PLP13-0030

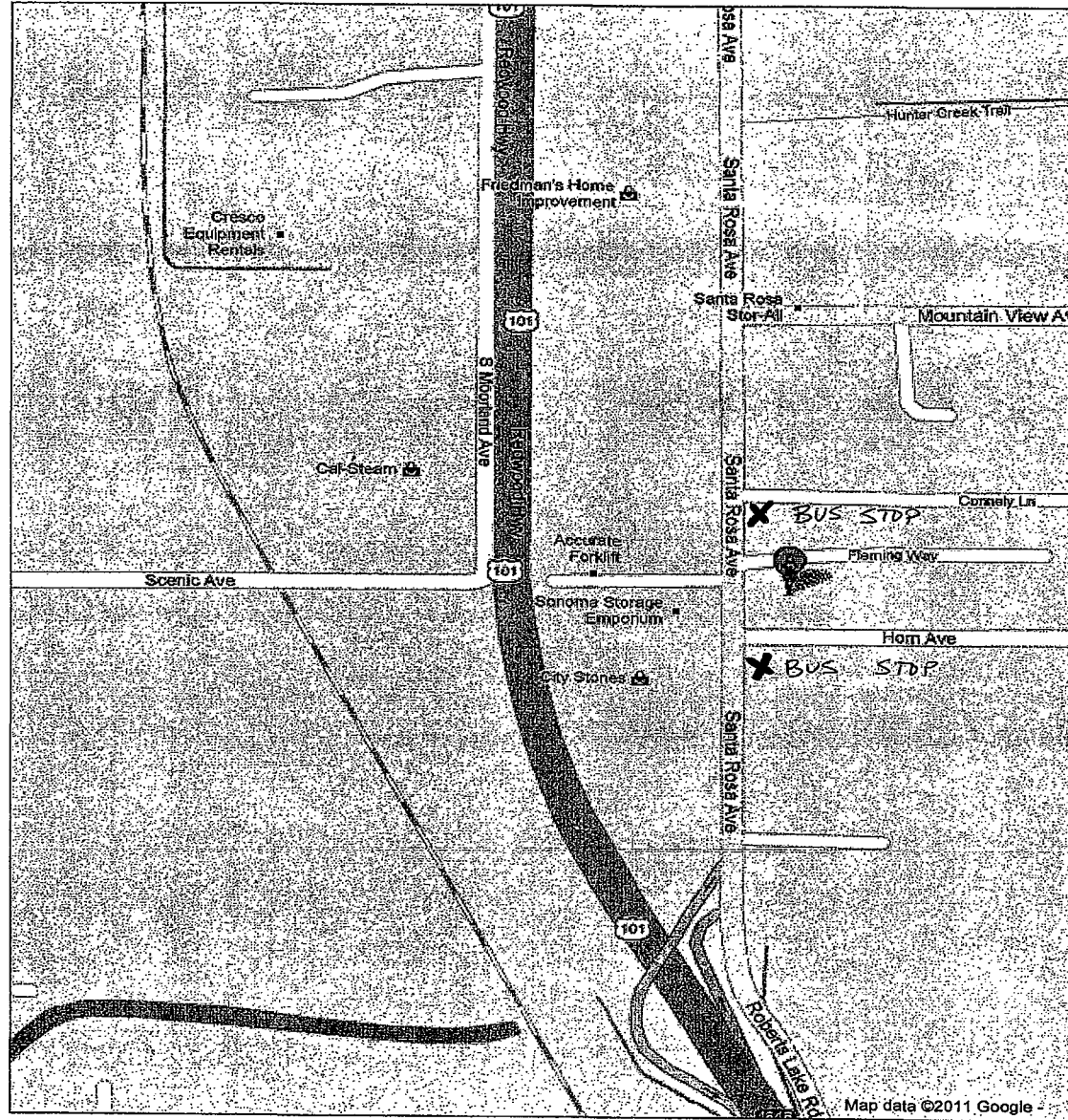
100 Foot Aerial Around Property

EXHIBIT G

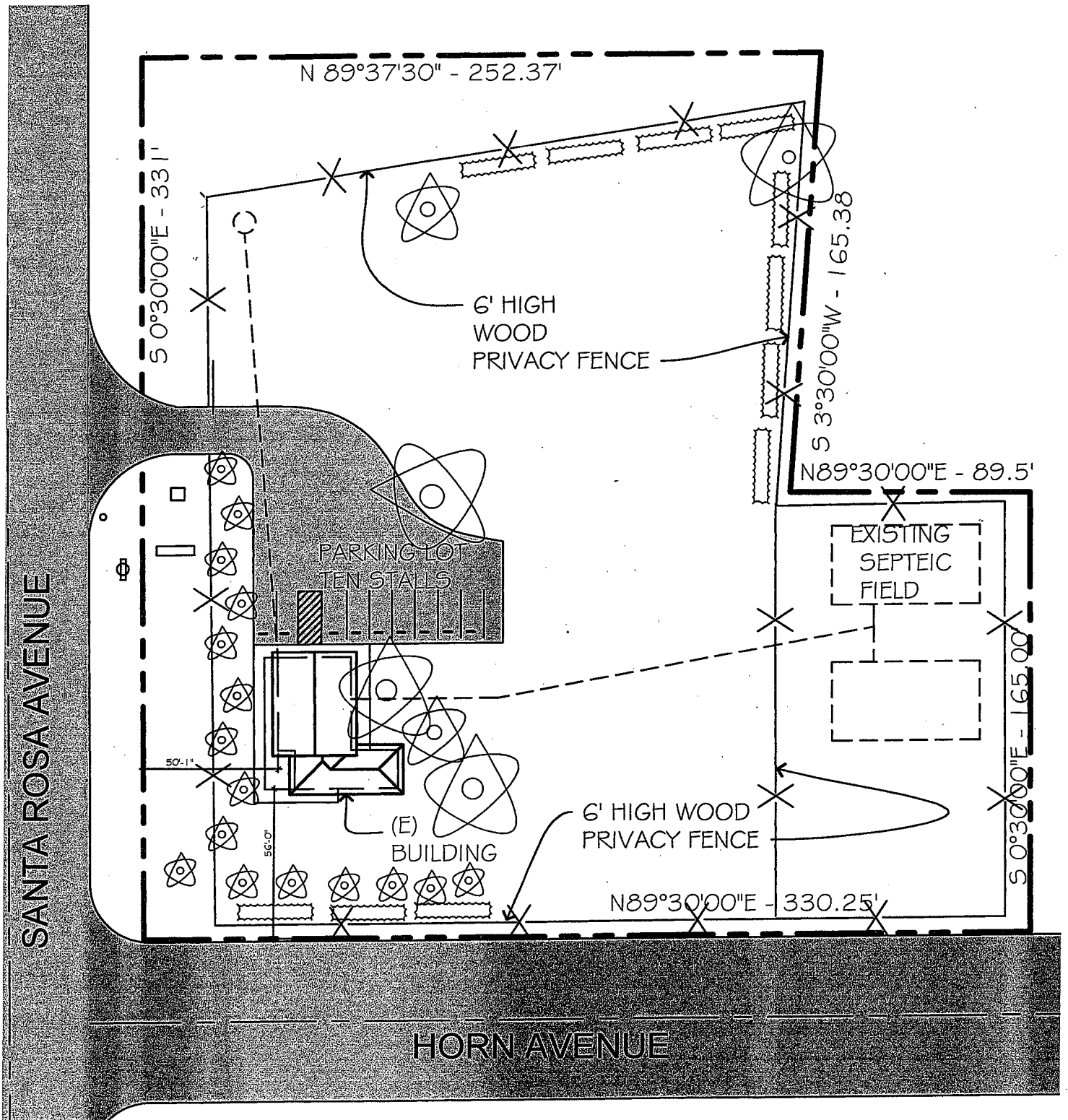


PRMD

Activity #PLP13-0030



Vicinity Map



(E) SITE PLAN: 4170 SANTA ROSA AVE

SCALE: 1" = 50'

NOTE: ALL ELEMENTS ARE EXISTING TO REMAIN U.O.N.

SANTA ROSA AVE.

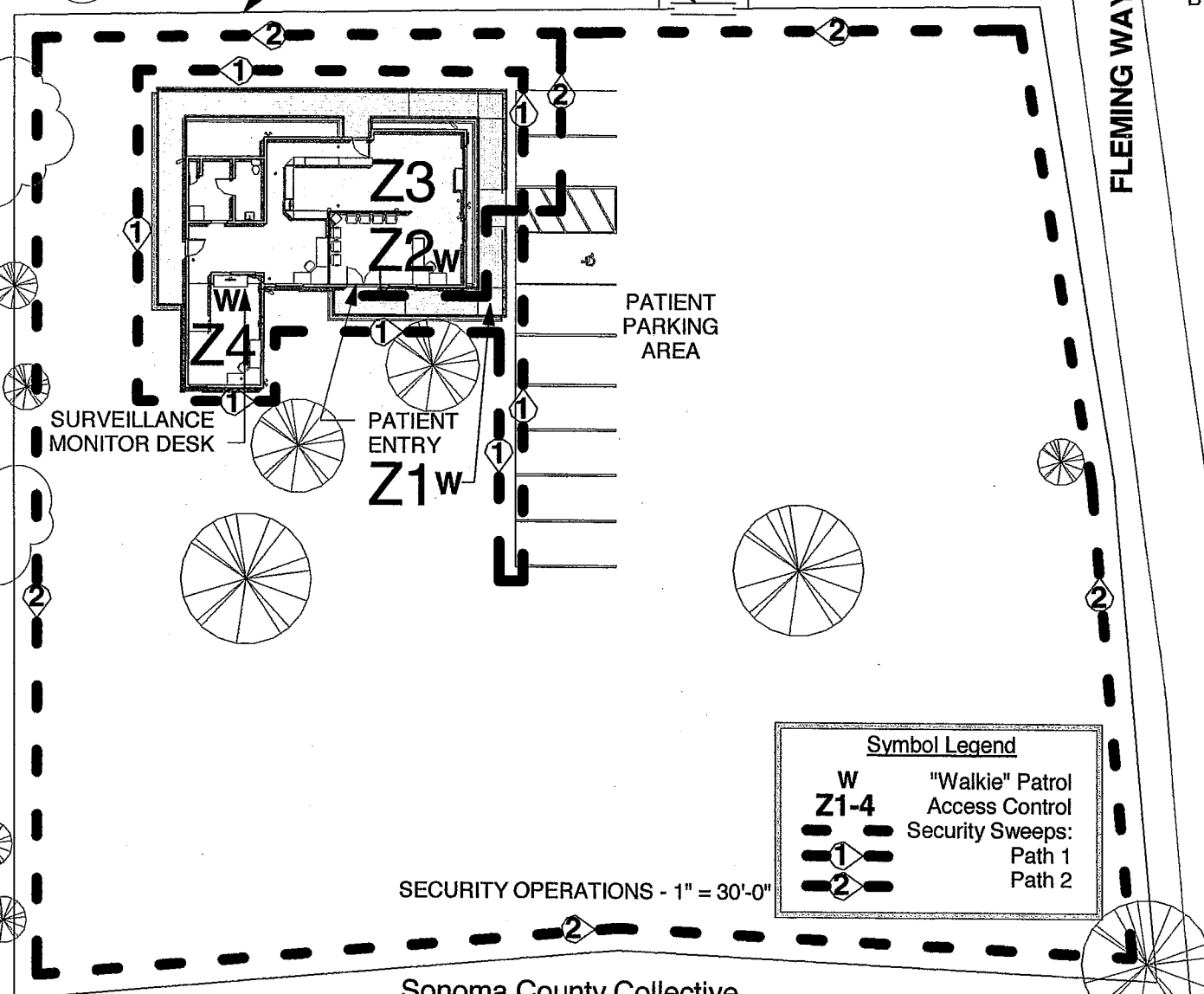
HOEN AVE.

FLEMING WAY

LOCKABLE GATE
PERIMETER FENCE

SECURITY SWEEPS
PERFORMED ON HOURLY
MODULATING SCHEDULE
BY SECURITY MANAGER
CARRYING "WALKIE".

EXHIBIT J



PATIENT
PARKING
AREA

SURVEILLANCE
MONITOR DESK

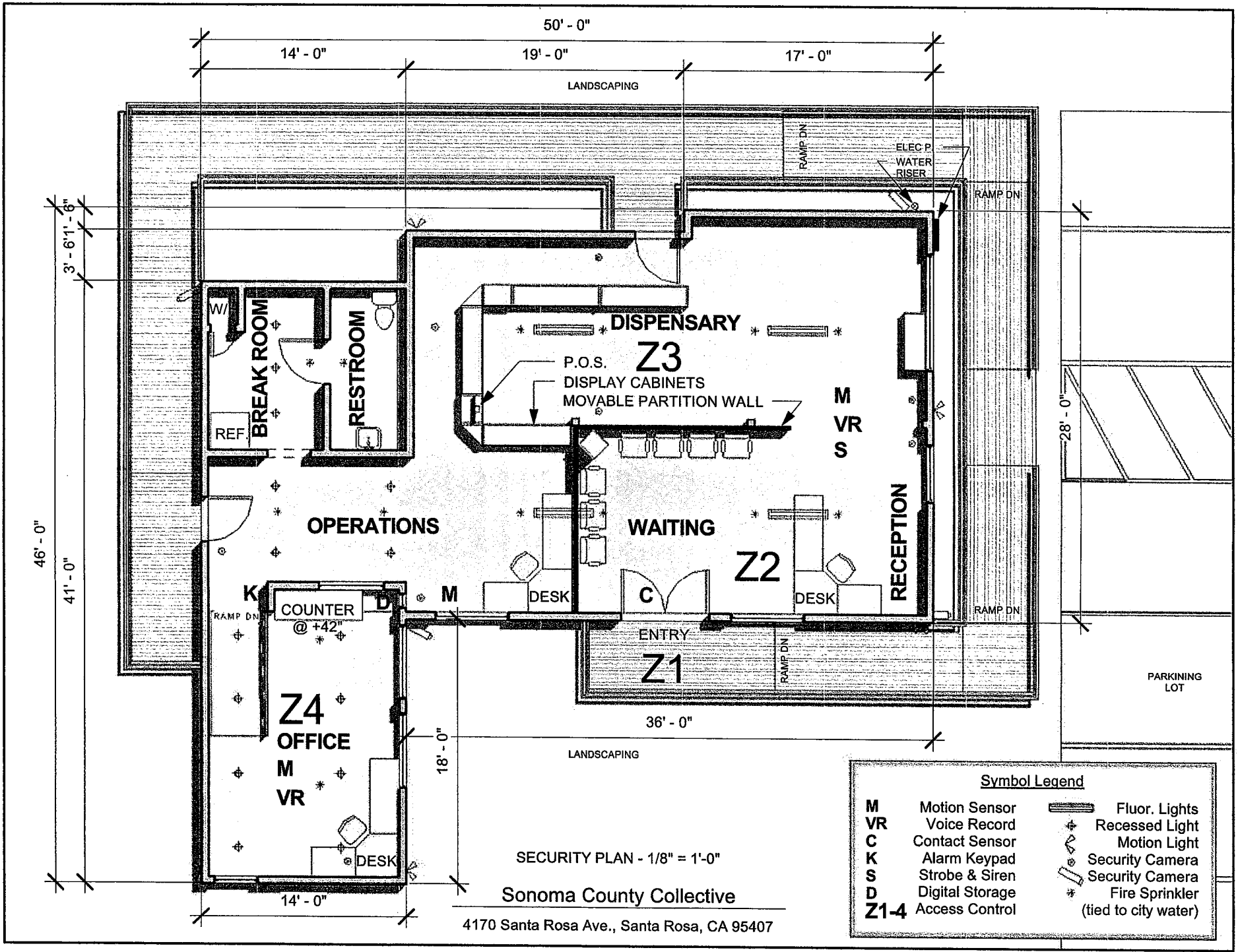
PATIENT
ENTRY
Z1W

Symbol Legend	
W	"Walkie" Patrol
Z1-4	Access Control
(1) in diamond	Security Sweeps: Path 1
(2) in diamond	Path 2

SECURITY OPERATIONS - 1" = 30'-0"

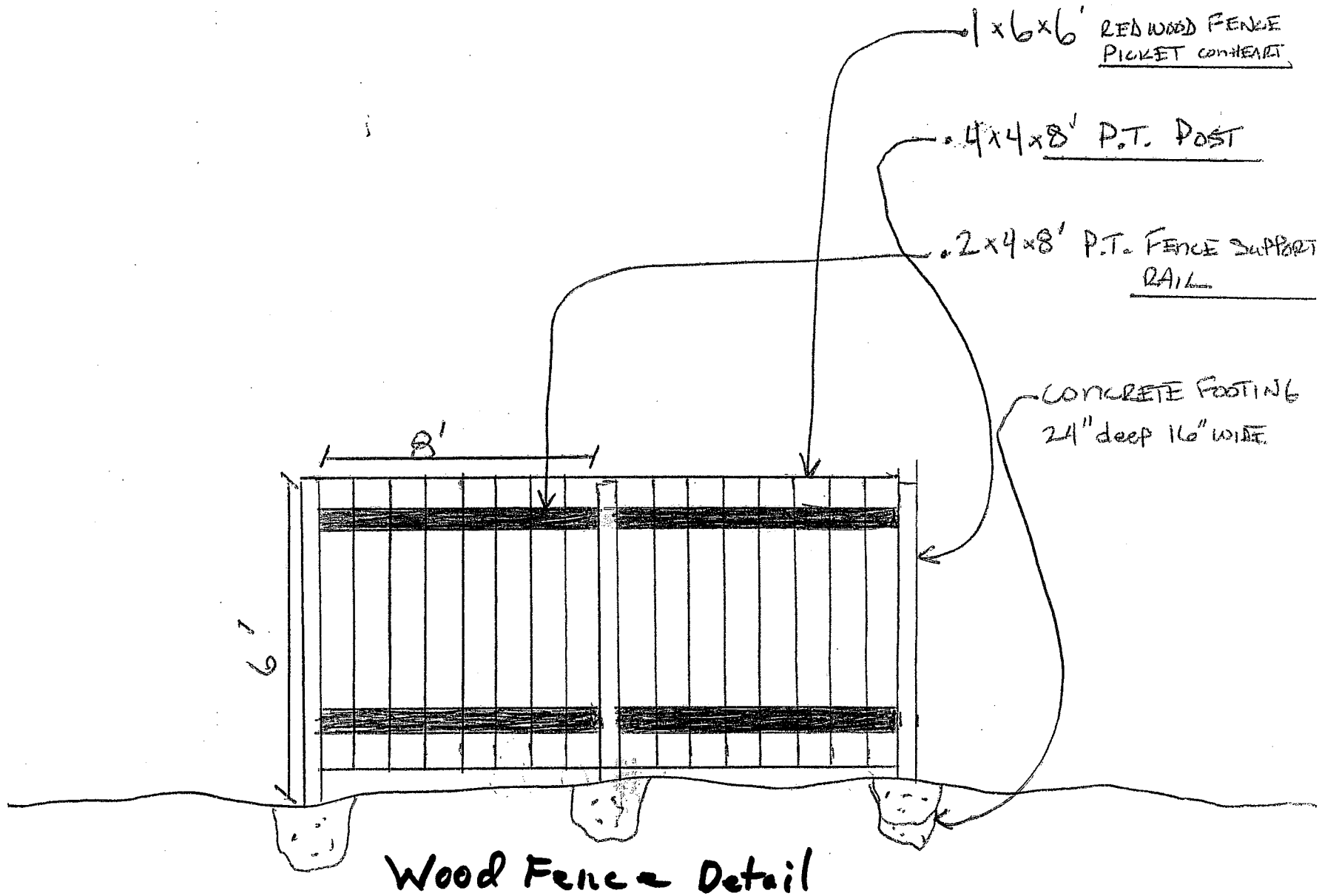
Sonoma County Collective

4170 Santa Rosa Ave., Santa Rosa, CA 95407



Symbol Legend

M	Motion Sensor		Fluor. Lights
VR	Voice Record		Recessed Light
C	Contact Sensor		Motion Light
K	Alarm Keypad		Security Camera
S	Strobe & Siren		Security Camera
D	Digital Storage		Fire Sprinkler
Z1-4	Access Control		Fire Sprinkler (tied to city water)



Blake Hillegas

From: Genn [macawcrazy@gmail.com]
Sent: June, 21, 2013 1:17 PM
To: Blake Hillegas
Subject: PLP13-0030

File No. PLP13-0030
4179 Santa Rosa Ave

Dear Blake,

We have received a notice re: Sonoma County Collective application (actually I haven't received a notice for some reason- my direct neighbor did).

I need to know exactly what steps to take to petition this application be thrown out. I have two young children in the Bellevue School District whom take the bus to Taylor Mountain Elementary School. Our bus stop is in front of said building. I do not wish for my children to be exposed to the smell of marijuana, or the people that are attracted to using. I am aware that this may become a legal substance some day and some of the users are strictly using as a herbal medication, however this industry does bring in "riff raff" who use for drug reasons as well as potential thievery to our neighborhood. I am against these facilities opporating in or near residential neighborhoods, even if we are considered to be in an unincorporated county area.

Thank you for your assistance in directing me to do the right thing by setting a good example for my children as well as keeping them safe.

Oh and on a side note, this shall be given to the Bellvue school District as they should be made aware of what will potentially be near their bus route and stops. They will not let any child third grade and under off without an adult waiting for them, however 4th-6th graders can exit bus without a guardian present. Isn't it 5th-6th grade who start getting curious and are easily manipulated into new adventures... Bad idea for the location of this business!

Thank you again,
Jennifer Sutliff
707-696-7829
157 Horn Avenue

** My family is my dream come true! **

Blake Hillegas

From: Robert Giordano
Sent: June, 25, 2013 2:14 PM
To: Blake Hillegas
Subject: Response to PLP13-0030 from the Sheriff's Office
Attachments: PLP13-0030 Referral packet.pdf

Mr. Hillegas,

The Sheriff's Office opposes this use permit on the grounds that dispensing marijuana is a violation of federal law.

Thank you for your consideration,

Robert Giordano, Captain
Sonoma County Sheriff's Office
Field Services
Phone 707-565-3920
E-mail: Robert.Giordano@sonoma-county.org

Confidential Communication

The information in this email is confidential and as such may be protected by law, per 832.7 of the California Penal Code. If you are not the intended recipient please contact sender and delete this email.

Blake Hillegas

From: RANDY DALE [randolphdale@yahoo.com]
Sent: February, 03, 2014 9:50 AM
To: Blake Hillegas
Subject: OPPOSITION TO USE PERMIT NO. PLP 13-0030

February 3, 2014

Blake Hillegas, Planner III
Sonoma County Permit and Resource Management
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Opposition to application for a Use Permit for a Level II Medical Cannabis Dispensary located at 4170 Santa Rosa Avenue, Santa Rosa, CA 95407, Use Permit File No. PLP 13-0030. The application for Use Permit is scheduled to be heard by the Board of Supervisors on March 25, 2014.

Dear Blake Hillegas, Planner III:

I oppose the application for a Use Permit for a Level II Medical Cannabis Dispensary located at 4170 Santa Rosa Avenue, Santa Rosa, CA 95407. Use Permit File No. PLP 13-0030. The name of the dispensary is Sonoma County Collective.

I oppose the application because my application for the same type of Use Permit at the same location is pending in the Court of Appeal, First Appellate District, Division Five, Case No. A139057.

History of Application for Use Permit File No. UPE 11-0062

On August 15, 2011, I applied for a Use Permit for a Level II Medical Cannabis Dispensary located at 4170 Santa Rosa Avenue, Santa Rosa, CA 95407. Use Permit File No. UPE 11-0062. The name of the dispensary is Republic Health Center.

On January 26, 2012, the Board of Zoning Adjustments voted 4-1 to approve Use Permit File No. UPE 11-0062.

On January 31, 2012, Supervisor Shirlee Zane, made a request for Direct Review of Use Permit File No. UPE 11-0062.

On May 15, 2012, the Board of Supervisors voted 3-2 to deny Use Permit File No. UPE 11-0062.

On June 12, 2012, the Board of Supervisors issued Resolution No. 12-0304. "Resolution of the Board of Supervisors of the County of Sonoma, State of California, Denying a Request for a Use Permit for a Level II Medical Cannabis Dispensary at 4170 Santa Rosa Avenue, Santa Rosa, APN 045-290-097.

On August 31, 2012, I filed a Claim with the Board of Supervisors to petition for writ of administrative mandate to set aside Resolution No. 12-0304.

On September 11, 2012, I filed a Petition for Writ of Administrative Mandate to set aside Resolution No. 12-0304. Superior Court Case No. SCV-252202.

On June 4, 2013, the Superior Court, Honorable Gary Nadler, Judge, entered an Order Denying Petition for Writ of Administrative Mandamus and for Declaratory Relief.

On June 20, 2013, I filed a Notice of Appeal of Order Denying Petition for Writ of Administrative Mandamus and for Declaratory Relief.

On September 20, 2013, I requested that the Court of Appeal reverse the Order Denying Petition for Writ of Administrative Mandamus and for Declaratory Relief entered on June 4, 2013. Court of Appeal Case No. A139057. The case is pending in the Court of Appeal, First Appellate District, Division Five, Case No. A139057.

I request that the Sonoma County Permit and Resource Management deny Use Permit File No. PLP 13-0030 based on these facts.

Sincerely,

Randolph W. Dale
761 Creekview Place
Windsor, CA 95492
Phone: 707-326-3355
Email: randolphdale@yahoo.com

THE WITHIN INSTRUMENT IS A CORRECT COPY OF
THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST: JUN 14 2012

VERONICA A. FERGUSON, Clerk/Secretary

BY *C Woodson*
DEPUTY CLERK/ASST SECRETARY

38

Resolution No.12-0304

County of Sonoma
Santa Rosa, CA 95403

Date: 6/12/2012

UPE11-0062 Steve Padovan

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State
Of California, Denying A Request For A Use Permit For A Level II Medical
Cannabis Dispensary At 4170 Santa Rosa Avenue, Santa Rosa, APN 045-290-097**

Whereas, the applicant, Republic Health Center, Inc., c/o Randolph Dale, filed a Use Permit application with the Sonoma County Permit and Resource Management Department ("PRMD") for a Level II Medical Cannabis Dispensary within an existing 1,560 square foot commercial building ("the Proposed Project") on a .87 acre portion of a 2.05 acre parcel located at 4170 Santa Rosa Avenue, Santa Rosa, APN 045-290-097 ("the Project Site"); zoned LC (Limited Commercial), M1 (Limited Urban Industrial), RR (Rural Residential), B6-3 acre density, VOH (Valley Oak Habitat); Supervisorial District No 3; and

Whereas, PRMD staff determined that the Proposed Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15301 and 15303; and

Whereas, in accordance with the provisions of law, the Board of Zoning Adjustments conducted a duly noticed public hearing on the Proposed Project on December 15, 2011, at which time all interested persons were given an opportunity to be heard; and

Whereas, on December 15, 2011, the Board of Zoning Adjustments closed the public hearing, deliberated, and on a 5-0 straw vote, directed PRMD staff to prepare a draft resolution of approval and draft conditions of approval for the Proposed Project and continued the item to January 26, 2012, to re-open the public hearing and take a final vote on the Proposed Project; and

Whereas, on January 26, 2012, the Board of Zoning Adjustments reopened the public hearing on the Proposed Project, at which time all interested persons were given an opportunity to be heard; and

Whereas, on January 26, 2012, the Board of Zoning Adjustments closed the public hearing, deliberated, and, on a 4-1 vote, exempted the Proposed Project from CEQA and approved the Proposed Project, subject to specified conditions of approval; and

Whereas, at its regularly scheduled meeting on January 31, 2012, at the request of Supervisor Zane, the Board of Supervisors assumed jurisdiction over the Proposed Project pursuant to Section 26-92-161 of the Sonoma County Code in order to review the decision of the Board of Zoning Adjustments; and

Whereas, in accordance with the provisions of law, the Board of Supervisors conducted a duly noticed public hearing on the Proposed Project on May 15, 2012, at which time all interested persons were given an opportunity to be heard; and

Whereas, on May 15, 2012, the Board of Supervisors closed the public hearing, deliberated, and on a 3-2 straw vote, determined to deny the Proposed Project and continued the item to June 12, 2012 for final action.

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following findings:

1. The Proposed Project does not meet the requirement in Section 26-88-126(i) of the Sonoma County Code for a 100 foot separation from a residential zoning district because the Project Site directly abuts four properties zoned RR (Rural Residential) along the north and east property lines and there is no adequate physical separation between the two land uses other than an existing chain link fence and proposed landscaping. The establishment of a medical cannabis dispensary on the Project Site is incompatible with the adjacent single-family neighborhood.
2. The Proposed Project is immediately adjacent to two school bus stops along the Project Site's frontage that serve children from the adjacent residential neighborhood. Children residing in the surrounding neighborhood utilize the school buses, which stop at the intersections of Horn Avenue/Santa Rosa Avenue and Fleming Way/Santa Rosa Avenue, placing children in direct view of the proposed medical cannabis dispensary.
3. Access to medical cannabis in the area is already provided by two approved medical cannabis dispensaries within 1.5 miles of the Project Site.
4. The establishment, maintenance, or operation of the use for which application is made would, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, and be detrimental or injurious to property and improvements in the neighborhood and to the general welfare of the area, for the reasons stated above.

Be It Further Resolved, that the Board of Supervisors hereby denies the Proposed Project.

Be It Further Resolved, that the Proposed Project is exempt from CEQA pursuant to State CEQA Guidelines section 15270(a) because it is being denied.

Resolution #12-0304

Date: 6/12/2012

Page 3

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other materials that constitute the record of proceedings upon which the Board's decisions herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Brown: Aye Rabbitt: Aye McGuire: No Carrillo: No Zane: Aye

Ayes: 3 Noes: 2 Absent: 0 Abstain: 0

So Ordered.



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____

Resolution Number: _____

PLP13-0030 Blake Hillegas

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Denying A Request For A Use Permit For A Level II Medical Cannabis Dispensary for Sonoma County Collective At 4170 Santa Rosa Avenue, Santa Rosa, APN 045-290-097

Whereas, the applicant, Sonoma County Collective, c/o Asa Schaffer, filed a Use Permit application with the Sonoma County Permit and Resource Management Department ("PRMD") to operate a Level II Medical Cannabis Dispensary within an existing 1,560 square foot commercial building ("the Proposed Project") on a .87 acre portion of a 2.05 acre parcel located at 4170 Santa Rosa Avenue, Santa Rosa, APN 045-290-097 ("the Project Site"); zoned LC (Limited Commercial), M1 (Limited Urban Industrial), RR (Rural Residential), B6-3 acre density, VOH (Valley Oak Habitat); Supervisorial District No 3; and

Whereas, on June 12, 2012, the Board of Supervisors denied a request for a Level II Medical Cannabis Dispensary by Republic Health Center at the project site; and

Whereas, on April 2, 2013, Sonoma County Collective filed a Use Permit application for a Level II Medical Cannabis Dispensary on the project site; and

Whereas, the application was returned as the Zoning Code prohibits the filing of an application for the same use within one year from the date a permit has been denied; and

Whereas, the applicant was informed that staff would not support the application based on the Board's denial of the same use on the property a year earlier and circumstances had not substantially changed; and

Whereas, Sonoma County Collective filed a Use Permit for a Level II Medical Cannabis Dispensary on June 13, 2013; and

Whereas, on July 10, 2013 the application was deemed incomplete, pending the submittal of an Operational Plan in accordance with ordinance requirements; and

Whereas, on July 30, 2013 the Board of Supervisors adopted a resolution exercising Original Jurisdiction of the Use Permit to expedite their review based on their prior denial of the same use on the property; and

Whereas, the file was deemed complete on December 25, 2013; and

Whereas, PRMD staff determined that the Proposed Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to the Provisions of Title 14 of the California Code of Regulations, Section 15270 (a) because the project is recommended for denial; and

Whereas, in accordance with the provisions of law, the Board of Supervisors conducted a duly noticed public hearing on the Proposed Project on March 25, 2014, at which time all interested persons were given an opportunity to be heard; and

Whereas, on March 25, 2014, the Board of Supervisors closed the public hearing, deliberated, and on a vote, adopted a resolution denying the Proposed Project.

Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following findings:

1. The Proposed Project is not consistent with Section 26-88-126 (i) of the Sonoma County Code requiring a 100 foot property setback from a residential zoning district because the Project Site directly abuts four properties zoned RR (Rural Residential) along the north and east property lines.
2. The physical separation between the dispensary property and residentially zoned land is not adequate to justify a waiver from the 100 foot ordinance setback requirement despite the presence of wood and wire mesh fencing between the properties.
3. The Proposed Project is situated in immediate proximity to two school bus stops near the Project Site's frontage that serve children living in the adjacent residential neighborhood. Children residing in the surrounding neighborhood utilize the school buses, which stop at the intersections of Horn Avenue/Santa Rosa Avenue and near Fleming Way/Santa Rosa Avenue, placing children in direct proximity to and within view of the proposed medical cannabis dispensary.
4. The establishment, maintenance, or operation of the use for which the application is made would, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, and be detrimental or injurious to property and improvements in the neighborhood and to the general welfare of the area because the project does not meet zoning setback requirements established for dispensaries; the immediate proximity of the proposed dispensary to residentially zoned lands is incompatible with such residential uses; and is an incompatible use in such close proximity to where school children congregate.

Resolution #

Date: March 25, 2014

Page 3

5. The Proposed Project is not necessary to meet the service needs of nearby residents as there is already convenient access to two approved medical cannabis dispensaries in the area, including Organicann and Sonoma Medicinal Herbs located approximately 1 and 1.25 miles to the north.

Be It Further Resolved, that the Board of Supervisors hereby denies the Proposed Project.

Be It Further Resolved, that the Proposed Project is exempt from CEQA pursuant to State CEQA Guidelines section 15270(a) because it is being denied.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other materials that constitute the record of proceedings upon which the Board's decisions herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

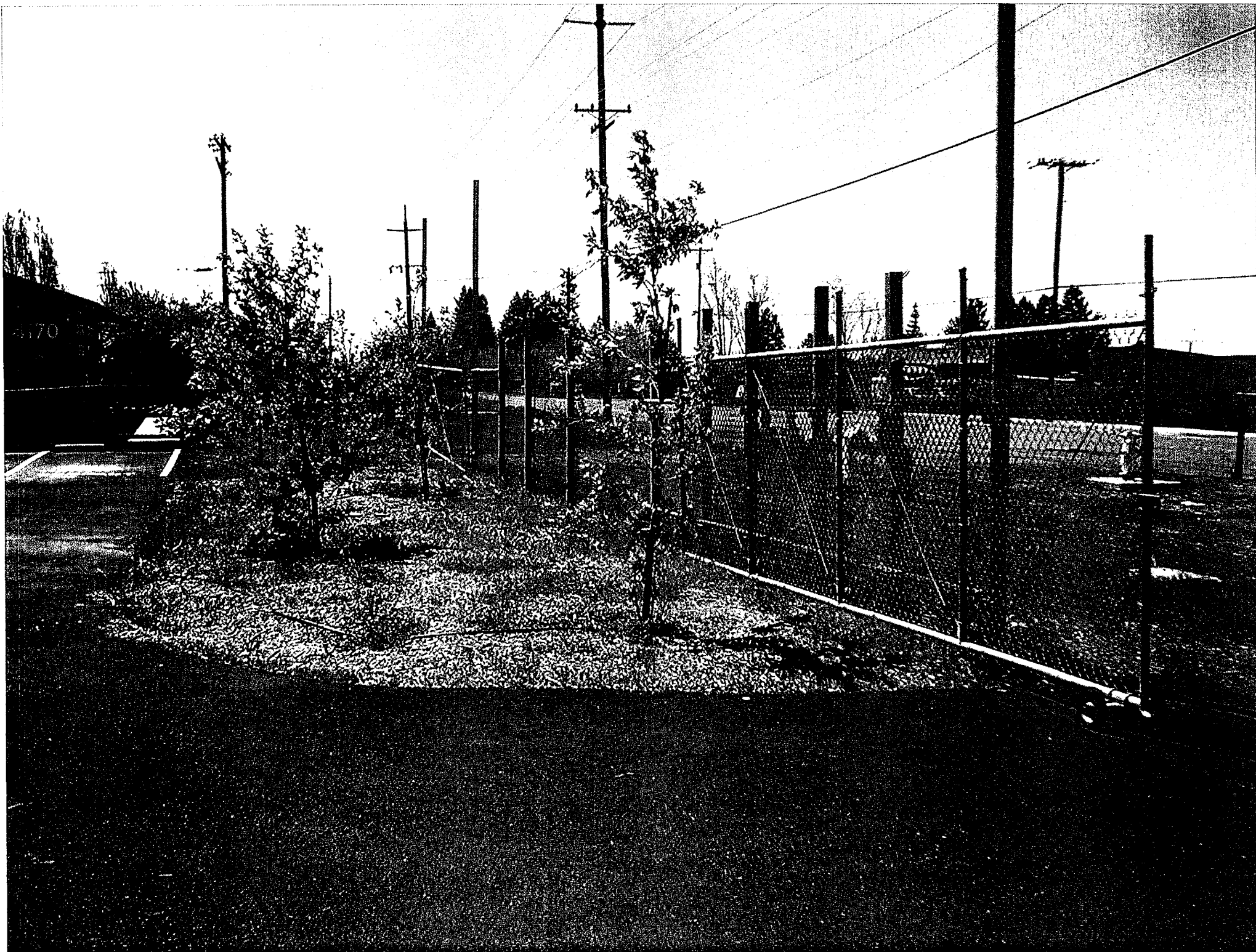
Abstain:

So Ordered.

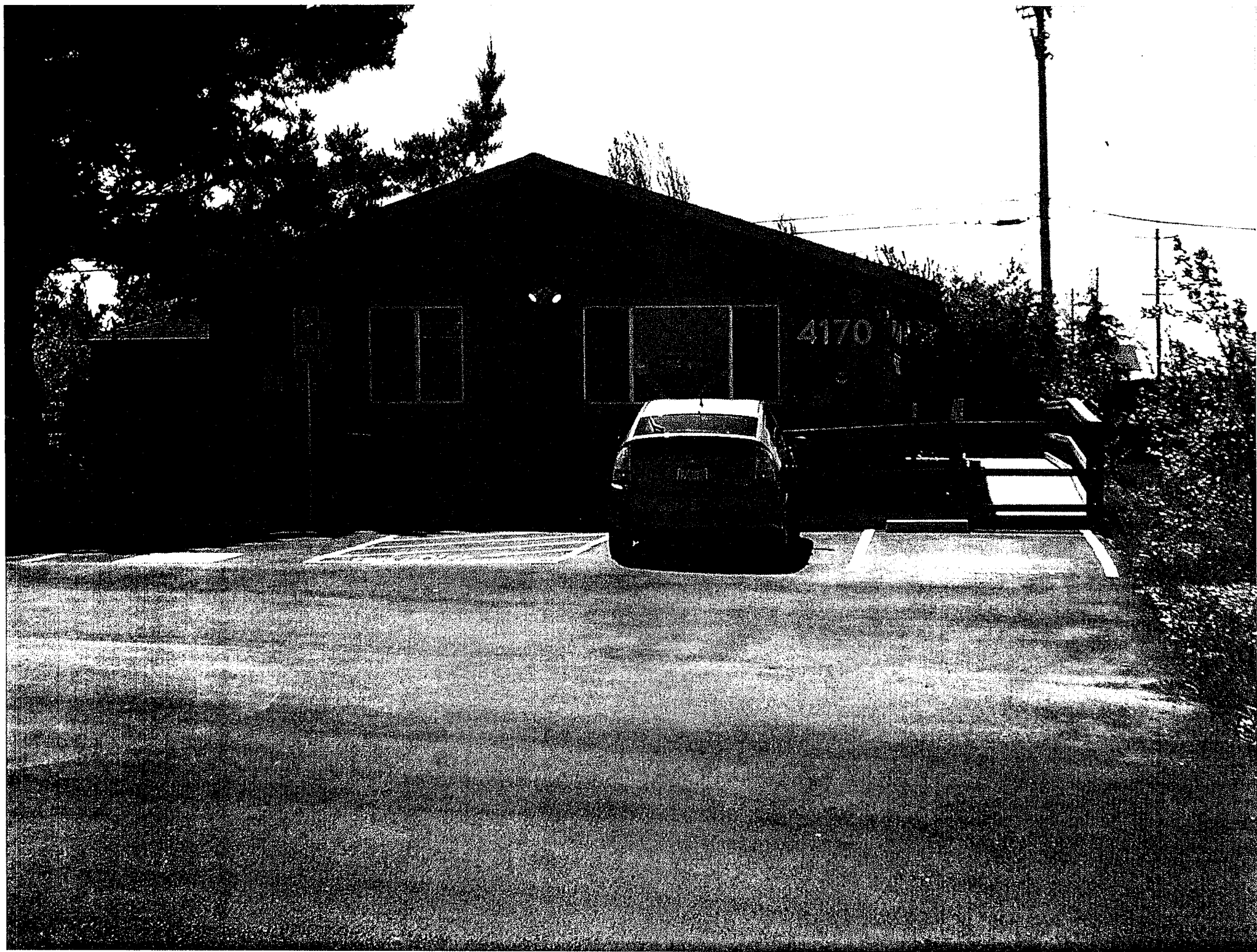
EXHIBIT N

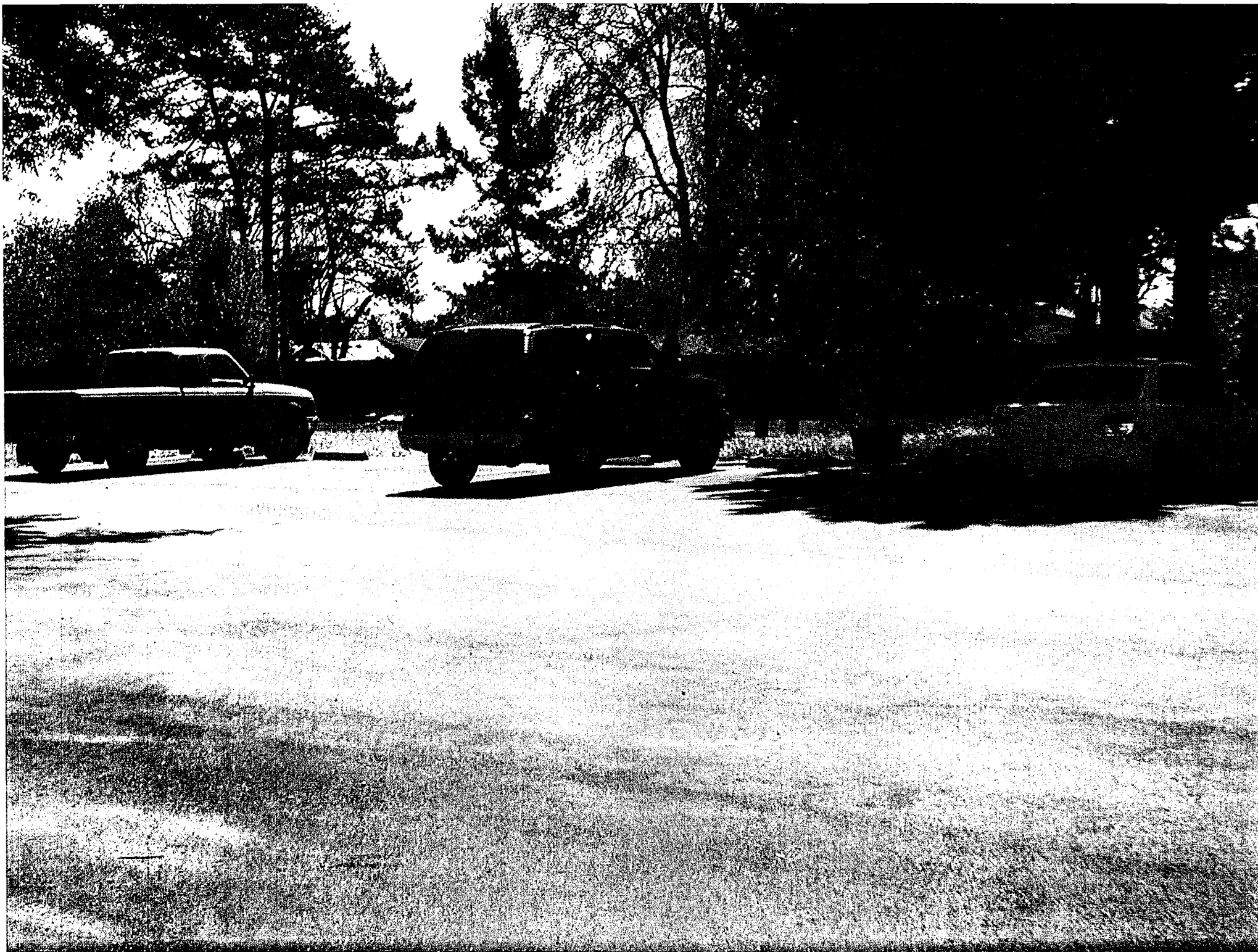


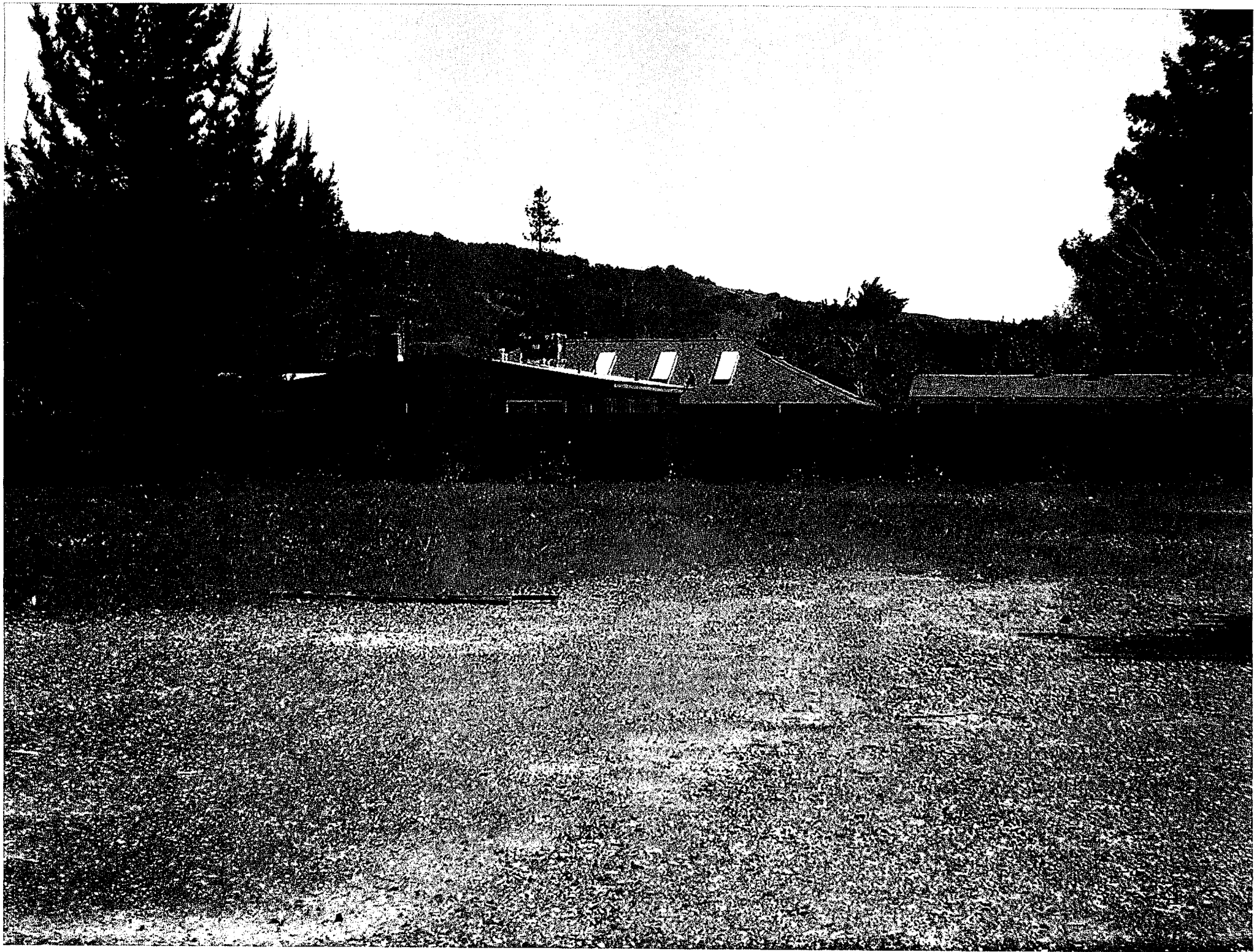






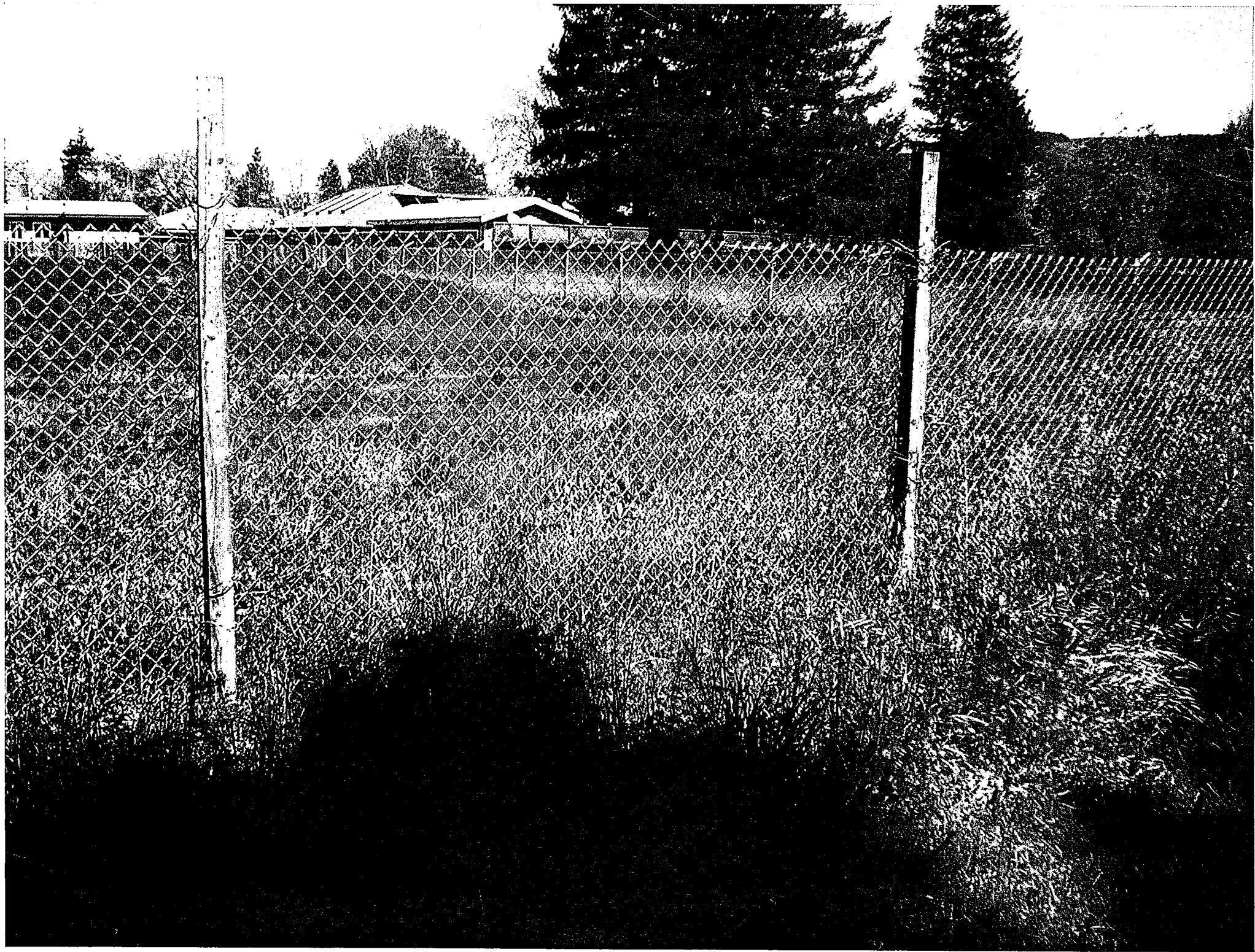












**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

COUNTY OF SONOMA

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

SONOMA COUNTY COLLECTIVE

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**ENDORSED
FILED** RECEIVED

JUN 11 2013 OCT 01 2013

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

BOARD OF SUPERVISORS
COUNTY OF SONOMA

In person

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Sonoma County Superior Court
Hall of Justice
600 Administration Drive, Room 107J
Santa Rosa, CA 95403

CASE NUMBER
(Número del Caso) **253809**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Arthur D. Hodge, Esq., 701 Palomar Airport Road, Suite 300, Carlsbad, CA 92011 (760) 814-7398

DATE: **JUN 11 2013**
(Fecha)

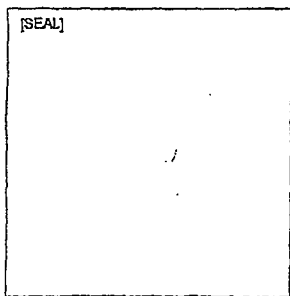
JOSE O. GUILLEN

Clerk, by
(Secretario)

JAY MOORE

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)

4. other (specify): **governmental entity**

by personal delivery on (date): **10/11/2013**

RECEIVED

OCT 01 2013

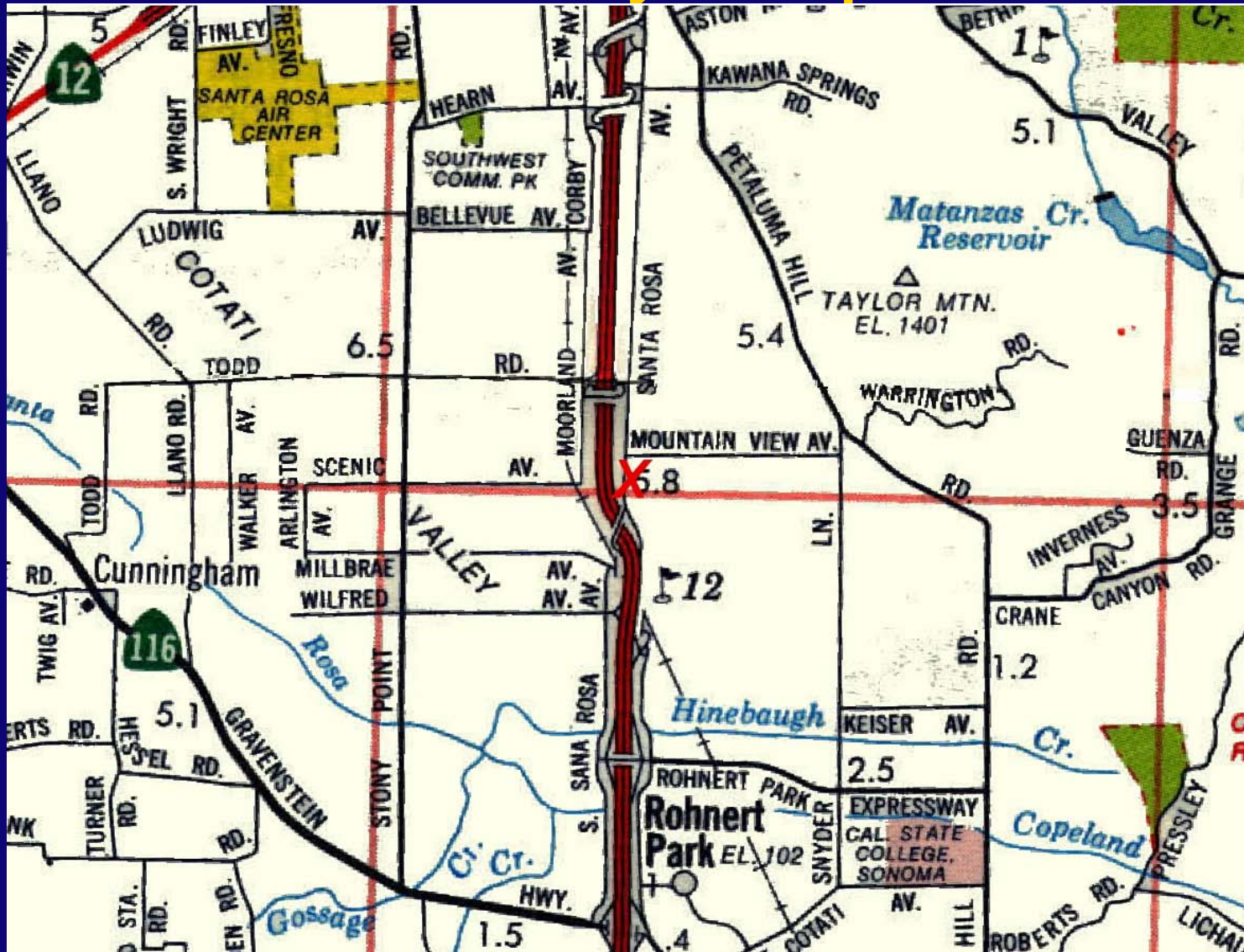
SONOMA COUNTY
RISK MANAGEMENT



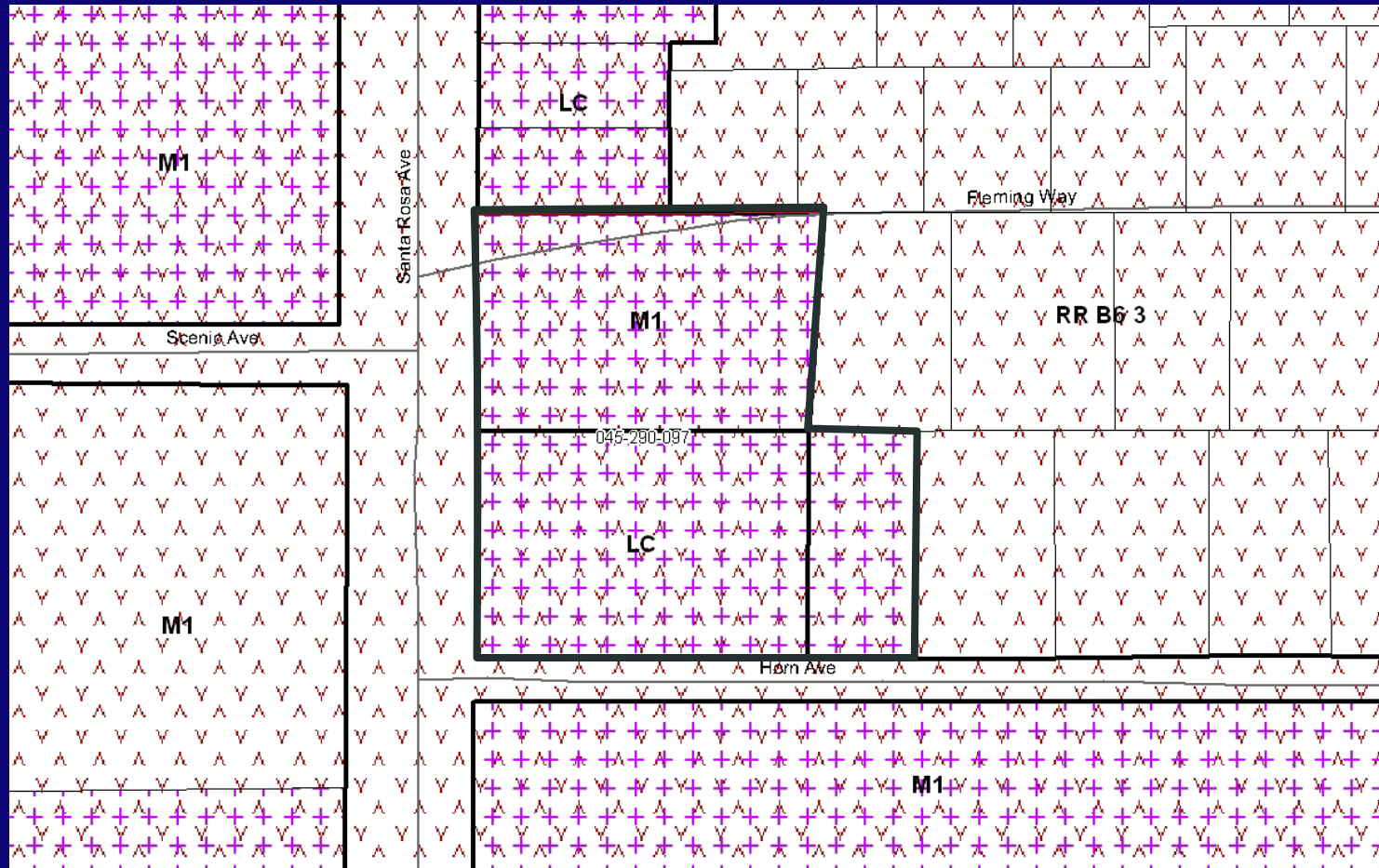
PRMD

Activity #PLP13-0030

Vicinity Map



General Plan



Zoning and Combining Districts



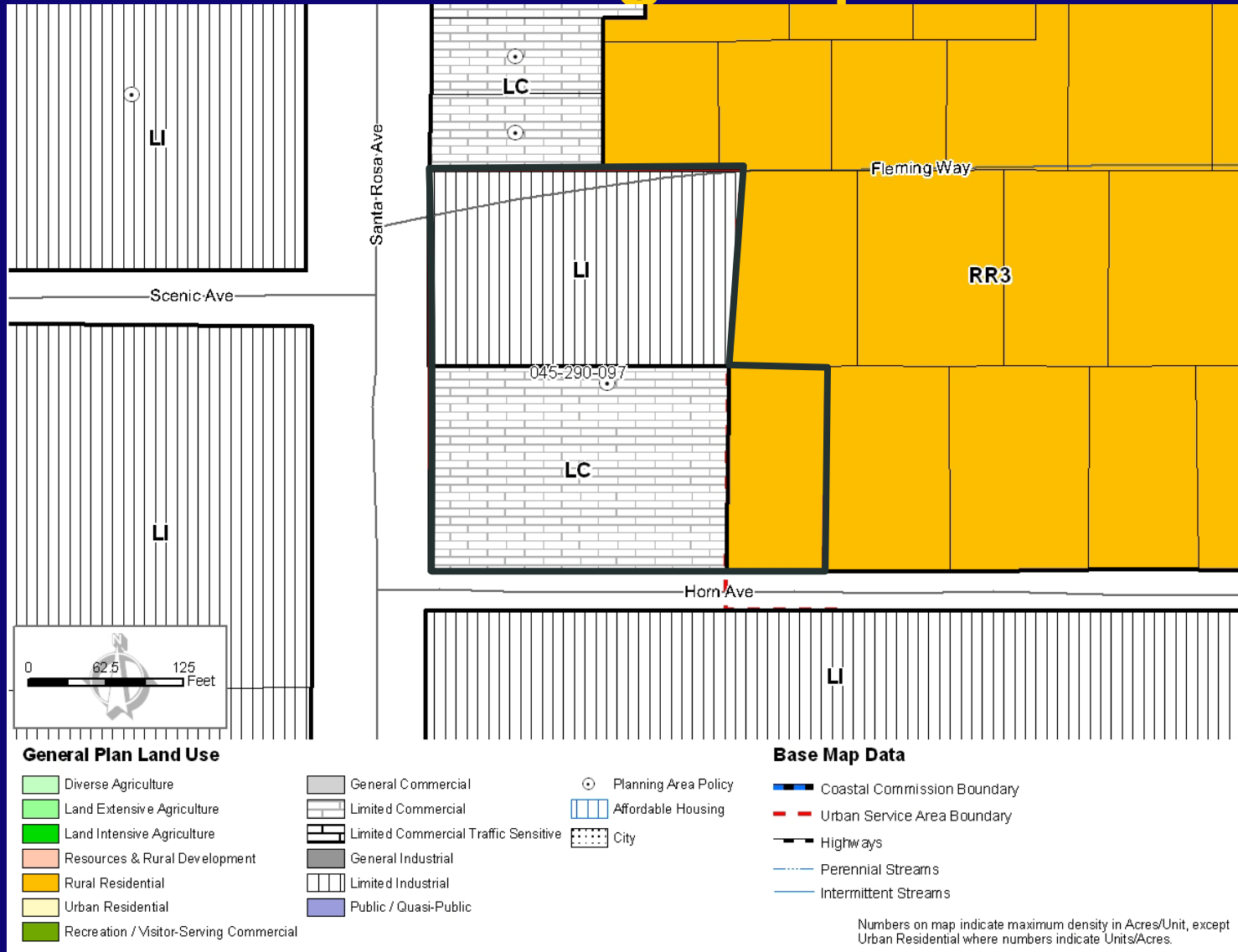
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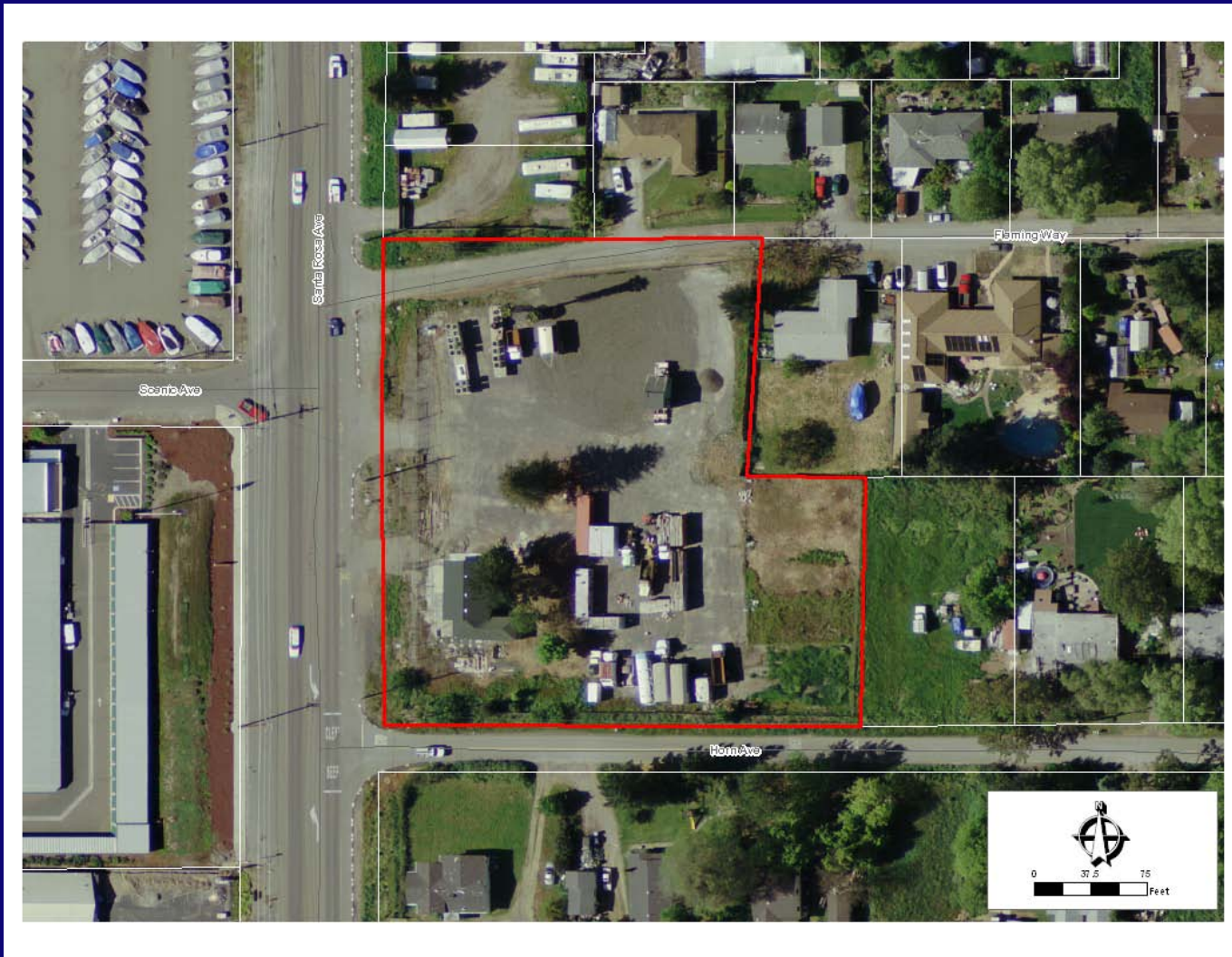
- | | | |
|-----------------------|------------------------|---------------------|
| City Limit | SD Scenic Design | MR Mineral Resource |
| AH Affordable Housing | SR Scenic Resource | G Geologic Hazard |
| LU Policy | VOH Valley Oak Habitat | F1 Floodway |
| HD Historic District | BR Biotic Resource | F2 Floodplain |



Zoning Map



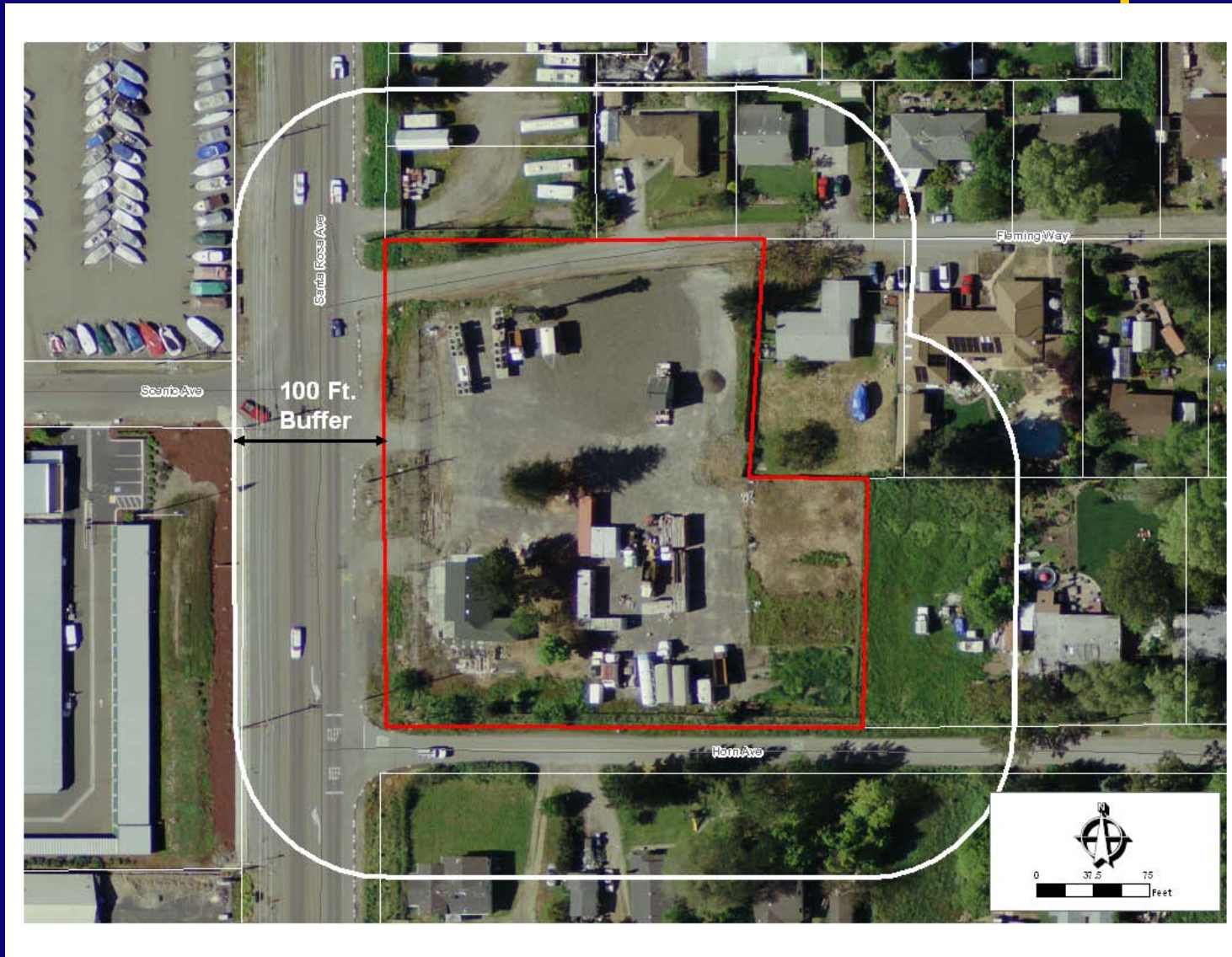
Aerial Photo



PRMD

Activity #PLP13-0030

100 Foot Aerial Around Property



PRMD

Activity #PLP13-0030

Dispensary Building



PRMD

Activity #PLP13-0030

Existing trailer; signs gone



Frontage landscape/fence



PRMD

Activity #PLP13-0030

Santa Rosa Avenue; south view



PRMD

Activity #PLP13-0030

Fence on Horn Avenue



PRMD

Activity #PLP13-0030

Flemming Way fence/residential



PRMD

Activity #PLP13-0030

Residential and fence at back



PRMD

Activity #PLP13-0030

Fence at back of property



PRMD

Activity #PLP13-0030

Before wood fence; Horn Ave.



PRMD

Activity #PLP13-0030



PRMD

Activity #PLP13-0030



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 35
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: March 25, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Ken Ellison 565-1928

Supervisorial District(s):

Second

Title: Use Permit UPE13-0065 for a Materials Recovery Facility at the County landfill for Republic Services of Sonoma County Inc.

Recommended Actions:

- 1) Conduct a continued public hearing on the request for a Use Permit (UPE13-0065) for a Materials Recovery Facility at the County's Central Disposal Site (a.k.a. landfill); and
- 2) Conduct a vote on the Subsequent Mitigated Negative Declaration and Project.

Executive Summary:

At the conclusion of testimony at the January 28th public hearing on the proposed Material Recovery Facility (MRF) at the County landfill and the related Subsequent Mitigated Negative Declaration (SMND), the Board continued the public hearing open and requested that the applicant and staff respond to the comments received on the application before and during the hearing.

The following additional documents were subsequently submitted into the record.

- a. Letter report: Comment to SWAPE Letter dated January 13, 2014, by Environmental Pollution Solutions, February 25, 2014. (addresses storm-water comments)
- b. Letter report: Response to Comments on Sonoma County Central Disposal Site Improvement Final Environmental Impact Report Prepared for Republic Services, Inc., March 6, 2014. (addresses air quality comments)
- c. County of Sonoma Traffic Volumes, January 2008 through December 2012. (data used for air quality letter report above)

Comments on the SMND from the law firm of Lozeau Drury were received twice, first on January 10, 2014 during the public comment period on the SMND, and then on January 28, 2014 after the close of the comment period on the SMND at the public hearing on the project. Other letters were received, but

they did not raise any new issues.

Below is a summary of the primary comments received, along with a response to each:

Comments received on the SMND on January 10, 2014:

(A) Odor

Summary of Comment Received:

The SMND did not consider specific or cumulative odor issues raised in numerous complaints about the existing compost and disposal/cover operations at the landfill. The air quality study prepared for the MRF only considered one confirmed air quality complaint for the entire Central Disposal Site by the Bay Area Air Quality Management District, and not numerous other odor complaints by neighbors. Thus, an accurate baseline was not disclosed.

Response:

The Central Disposal Site has received numerous odor complaints that have been made to the Local Enforcement Agency (LEA); however, these complaints were related to the composting and landfilling activities, not specifically to the Public Tipping Building. The SMND considered odors resulting from the proposed changes at the Public Tipping Building. Given there is no change to the materials passing through the Public Tipping Building as a result of the proposed MRF operation, and no new putrescible waste will be handled by the MRF, the proposed changes would not result in any new odor impacts. It is also noted that the intent of the air quality study was not to say that there have been limited odor complaints about the compost facility. The air quality study for the MRF was prepared using the 2011 Bay Area Air Quality Management District CEQA guidelines, and pursuant to those guidelines, only one air quality complaint about the landfill in general was 'confirmed'. The project staff report noted that air quality concerns had been received regarding other uses on the landfill site.

(B) Stormwater

Summary of Comment Received:

The landfill site currently exceeds some 'EPA benchmarks' for Total Suspended Solids, including aluminum and zinc, and is in violation of its industrial stormwater permit. The new canopy roof addition is made of zinc, and the increase in truck trip tire wear from significant amounts of new material coming to the site may both generate additional stormwater pollutants. The SMND lacks detailed analysis of potential stormwater impacts.

Response:

A County water quality and stormwater consultant prepared a response to water quality issues raised by the commenter (letter report titled Comment to SWAPE Letter dated January 13, 2014, by Environmental Pollution Solutions, February 25, 2014). The following is a summary of the key responses in the report to the comments on water quality.

Although not directly related to the proposed MRF, the level of Total Suspended Solids concentrations from runoff from the Public Tipping Building area has exceeded the EPA benchmark in the past. However, the most recent data collected (November 2012 and January 2013) were well below the benchmark. Aluminum has also exceeded the EPA benchmark in the past. However, the most recent data indicates a 70% to 90% decrease in levels of aluminum. Zinc concentrations have not exceeded the benchmark values since November 2008, based on 11 sampling events.

The roofing material proposed for the canopy addition over an existing asphalt work area would be coated and therefore minimize any potential significant release of zinc. The Applicant is required to comply with this by Condition of Approval #19, which requires the use to be operated in accordance with the approved application and plans. With regards to the potential for zinc or other pollutants from tire wear from heavy trucks, given the very minor increase of ten new truck trips per day maximum for delivery of recovered materials offsite, this is considered negligible.

The report notes that the area surrounding the Public Tipping Building is routinely swept. In addition, stormwater that collects in this area, and from the roof of the proposed canopy, sheet flows to drain inlets that are equipped with filters. The stormwater then flows to a separator to further screen, filter and trap debris. From the separator the stormwater flows through a series of culverts and pipes to a sediment pond, where settling of suspended particulates occurs, prior to discharge.

The commenter states that the County has violated its Industrial Stormwater permit. This is not true, as the permit does not contain numerical effluent limits. Instead it has effluent limitation guidelines. The County must comply, and continues to comply, with the provisions of the permit, including implementing, maintaining, and continually approving BMP's to further reduce runoff contaminants.

In addition to the above, the MRF operation would occur inside an existing building with a concrete floor which is swept clean as necessary, and any interior drainage is captured in special holding tanks and treated as leachate (water that contacts refuse) for disposal at a permitted facility. No new materials (which are not already passing through the building) would be present, nor would any new waste materials be exposed to rainwater.

(C) Fire

Summary of Comment Received:

The changes in the Public Tipping Building may create a greater fire risk than materials currently being processed through the Public Tipping Building, and the SMND did not include a detailed fire prevention plan.

Response:

The SMND acknowledges some increased fire risk, but the risk is not significant. The proposed MRF would not result in any change or increase in materials being processed through the Public Tipping Building. Some processing equipment and storage of recovered materials would occur in the building and under the new canopy. All projects County-wide are required to maintain a fire prevention plan and comply with adopted fire code standards, as would this project. The fire codes are based on site specific

criteria that are well understood. They include standards for fire alarms, fire sprinkler location and flow, emergency lighting fixtures and exit signage, equipment clearance around emergency exits, fire extinguisher locations, emergency vehicle access and turnaround, etc. Adequate fire suppression equipment is also required by Cal Recycle regulations, and is verified by inspection. The proposed approval includes a standard condition to update and maintain the existing Fire Prevention Plan for the public tipping building. The existing Fire Prevention Plan has been available at PRMD for review. No significant environmental impacts are expected from continuing to meet fire codes.

(D) Hazardous Materials

Summary of Comment Received:

Site will handle, isolate and concentrate hazardous materials to a single location for processing.

Response:

Hazardous material related issues were dealt with extensively in the SMND and project Staff report. No new hazardous materials (which are not already passing through the Public Tipping Building) would be present. The existing Hazardous Materials Plan for the building would be updated in compliance with Federal, State and local regulations. The MRF operation may result in some hazardous materials concerns being reduced due to the increased review and separation of the materials entering the public tipping building.

(E) Traffic

Summary of Comment Received:

Traffic analysis was scattered through different referenced documents. The Master Operations Agreement (MOA) traffic study failed to analyze the compost project and changes or new mitigations that may have been implemented in the Final EIR for the Compost Facility.

Response:

The MOA traffic study included the traffic that would be generated if the (then) proposed new Compost facility remained at the landfill. In addition, the MRF only generates an additional 10 truck trips per day which, as described in the traffic study and SMND, would not result in any significant traffic impacts.

(F) Fair Argument Standard

Summary of Comment Received:

The “fair argument” standard should apply to the review of this use permit, as there are numerous significant changes and new impacts which require a new subsequent or supplemental EIR.

Response:

Under the fair argument legal standard, if a project opponent provides "substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be fairly argued that the project might have a significant environmental impact." (Benton v. Board of Supervisors (1991) 226 Cal. App. 3d 1467, 1481). This legal standard favors EIRs where previous review has not been conducted.

However, the "fair argument" standard is inapplicable where an existing project that was previously analyzed in an EIR is being modified. In other words, the "fair argument" standard would only apply if this was a "new project", rather than a modification of an existing County waste facility (the Public Tipping Building) that was previously analyzed in an EIR. The modest changes to the existing and previously analyzed public tipping building do not constitute a completely "new project", rather than an amendment. The changes to the building itself will not be substantial, and most operations will remain the same.

Given the evidence does not support the argument that this is a completely "new project", the issues to determine are whether:

- (a) "Substantial changes are proposed in the project which will require major revisions of the [EIR]"; or
- (b) "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report"; or
- (c) "New information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available." (Pub. Resources Code, § 21166)

In addition, any 'new information' must show the "project will have one or more significant effects not discussed in the previous EIR" (Guidelines, § 15162(a)(3)(A)), or that "Significant effects previously examined will be substantially more severe than shown in the previous EIR" (Guidelines, § 15162(a)(3)(B)). The fair argument standard does not apply to the above determinations. Instead, a decision on the above determinations needs to be based on substantial evidence in the record, taking into account all the evidence in the record (Abatti v. Imperial Irrigation Dist. (2012) 205 Cal. App. 4th 650). The SMND does not find that these triggers for a new EIR are present.

(G) MRF Permitting Requirements

Summary of Comment Received:

The SMND failed to describe the nature and extent of any required Solid Waste Facility Permit revision, or when the CEQA review will take place for this revision.

Response:

The Local Enforcement Agency (LEA) for solid waste received a referral on the application, and sent a comment back stating a new Solid Waste Facility Permit (SWFP) would be required. CalRecycle commented on the SMND that a SWFP revision or amendment would be required. The LEA will utilize the SMND for the CEQA review prior to issuing the SWFP, and will request further CEQA review if needed.

(H) Cumulative Impacts

Summary of Comment Received:

The SMND had no cumulative analysis, particularly in regard to odors from the compost facility. Environmental review of the MRF, Master Operations Agreement (MOA), Compost facility and other landfill improvements have been piecemealed.

Response:

As noted under the 'Odor' section above, the proposal will not result in a new or increased contribution to odor impacts, so there is no contribution to cumulative odor impact to analyze. Appropriate environmental review has been conducted for every project or project modification related to the landfill, taking into account the review in the more comprehensive 1998 EIR. CEQA specifically allows for addendums and subsequent environmental documents in these circumstances.

Comments received on the SMND on January 28, 2014, that are different from those previously submitted:

(I) Inaccurate Project Description

Summary of Comment Received:

The SMND failed to accurately describe and analyze the MRF project and all operations within the Public Tipping Building, and fails to analyze the impacts of the entire project as a "dirty MRF".

Response:

The 1998 EIR fully described and analyzed the operations associated with the Public Tipping Building, including the addition of a new bay (in the same location as the proposed canopy) as needed. The proposed addition of the MRF equipment will not change the type of material entering the building nor other activities currently occurring within the building. The material processed on the MRF equipment will consist of construction debris (C&D), selected public self haul, and other commercial dry route material (i.e. wood, cardboard, mixed paper, concrete, metal, plastic, glass, etc.). No hazardous, putrescible or green waste is proposed to be processed by the MRF. The project description fully described the existing conditions in sufficient detail to adequately analyze the projects potential

impacts.

(J) Air Quality Impacts from Diesel Trucks

Summary of Comment Received:

The SMND failed to analyze the projects impacts from diesel particulate matter (DPM) truck emissions from the additional 10 truck trips. DPM is a toxic air contaminant, and the additional truck trips from the project will cause an exceedance of the Bay Area Air Quality Management District threshold for the probability of contracting cancer.

Response:

In order to respond to this comment, the applicant hired SCS Engineers, who prepared a letter report (Response to Comments on Sonoma County Central Disposal Site Improvement Final Environmental Impact Report Prepared for Republic Services, Inc., March 6, 2014). This letter report found that the analysis provided in the comment letter is fundamentally flawed – It does not document or substantiate its reasoning, it does not meet professional standards, and it is clearly erroneous and inaccurate.

First, 10 additional truck trips proposed as part of the project would not trigger the requirement or need for a health risk analysis. The Bay Area Air Quality Management District CEQA guidance provides screening methods that are intended for use in determining land use near existing large volume roadways. This guidance indicates that roadway screening for cancer risk is needed where there are 10,000 to 100,000 annual average daily trips, or 1,000 annual average truck trips (AADT). The BAAQMD screening tables for Sonoma County indicate that the CEQA threshold of a lifetime cancer risk increase of 10 in a million would not be exceeded until a roadway had more than 30,000 AADT. Even then, the CEQA threshold would be exceeded only for receptors within 20 feet of the roadway. The most recent traffic counts by the County (2012) identified the 24-hour traffic counts near the Central Disposal Site entrance, to be 4,082 vehicles.

In addition to the above, the comment letter provides only vague information related to what health risk factors and model parameters were used, and the model used was a poor selection for the analysis of emissions from long linear sources, such as roadways. The letter report ran the correct model for determining emissions from the 10 truck trips, and found that the emissions were too low for the model to accurately report, and were three orders of magnitude lower than those reported by the commenter. The vast discrepancy between the results found by the commenter and the analysis in the letter report shows that the commenter's approach is fundamentally flawed and cannot be relied upon to demonstrate that there would be adverse health impacts resulting from the Project.

(K) Fair Argument for Significant Odor Impacts

Summary of Comment Received:

The SMND failed to analyze and mitigate the nuisance odor impacts of the proposed project. In addition, the SMND did not consider all of the odor complaints received at the Central Disposal Site in

the last three years, including dozens of complaints since 2012, and the 40 inspections the County made related to odor complaints. This number of complaints far exceeds the Bay Area Air Quality Management District (BAAQMD) thresholds.

Response:

As stated above in the response to the January 10 comments, the Central Disposal Site (CDS) has received numerous odor complaints that have been made to the Local Enforcement Agency (LEA). However, these complaints were related to the composting and landfilling activities (or offsite dairies), and not the Public Tipping Building.

To further consider the comment, the applicant hired SCS Engineers, who prepared a letter report (Response to Comments on Sonoma County Central Disposal Site Improvement Final Environmental Impact Report Prepared for Republic Services, Inc., March 6, 2014). This report verified that although numerous complaints had been received about the CDS, there has only been one confirmed complaint (pursuant to BAAQMD CEQA standards) associated with the CDS in the last three years. This complaint was characterized as “compost”, which is consistent with the presence of the composting operations at the CDS. The project staff report noted that air quality concerns had been received regarding other uses on the landfill site.

In regards to the proposed MRF project, the waste streams to be processed in the MRF are relatively dry, non-putrescible fractions of the municipal solid waste (MSW) stream currently passing through the Public Tipping Building (wood, cardboard, mixed paper, concrete, roofing, metal, and carpet and padding etc). These materials are not odorous when kept dry. Operations at the CDS, including the load checking program, will limit the targeted waste stream to be processed in the MRF to dry materials (i.e. Loads with wet material will not be processed by the MRF, but will instead be taken to the landfill for disposal).

Given there is no change to the materials passing through the public tipping building as a result of the proposed MRF operation, and no new putrescible waste will be handled by the MRF, the proposed changes would not result in any new odor impacts.

Prior Board Actions:

December 8, 1998 - The Board certified the Final EIR for the Central Disposal Site Improvement Program.

December 17, 1998 - The Board approved the Central Disposal Site Improvement Program including the construction and operation of the public tipping building.

April 23, 2013 - The Board approved the Master Operations Agreement (MOA) for transfer of the functions and permits related to the operation of the County’s solid waste system to Republic Services of Sonoma County Inc.

September 17, 2013 – The Board took original jurisdiction over the MRF Use Permit application.

January 14, 2014 - A duly noticed public hearing on the SMND and application scheduled before the

Board was continued to January 28, 2014 at 2:10pm.

January 28, 2014 the Board conducted a duly noticed public hearing on the SMND and application, and then continued the public hearing open to March 25, 2014 at 2:10pm.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Recycling materials makes more efficient use of resources and generally reduces environmental impacts.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

This is an at cost project paid for by the applicant, so no impact to Department finances are expected.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Board of Supervisors Draft Resolution

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Letter report: Comment to SWAPE Letter dated January 13, 2014, by Environmental Pollution Solutions, February 25, 2014

EXHIBIT C: Letter report: Response to Comments on Sonoma County Central Disposal Site Improvement Final Environmental Impact Report Prepared for Republic Services, Inc.,

March 6, 2014

EXHIBIT D: County of Sonoma Traffic Volumes, January 2008 through December 2012

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

Central Disposal Site improvement program Final Environmental Impact Report, December 8, 1998

Revised Addendum to the Central Disposal Site Improvement Program Final Environmental Impact Report (SCH # 1995073068) for the Master Operations Agreement, April 17, 2013



County of Sonoma
State of California

Date: March 25, 2014

Item Number: _____
Resolution Number: 14-_____

UPE13-0065 Ken Ellison

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting A Subsequent Mitigated Negative Declaration And Mitigation Monitoring Program, And Approving A Use Permit (UPE13-0065) For A Materials Recovery And Processing Equipment Operation/Facility For Dry Waste Material Inside The Existing Public Tipping Building At The County's Central Disposal Site, Addition Of Doors To Two Open Bays Of The Public Tipping Building, And Addition Of A 6,500 Square Foot Roofed/Canopy Storage Area On The West Side Of The Public Tipping Building (Over An Existing Outdoor Asphalt Work Area), On A Portion Of Parcels Totaling Approximately 395 Acres Located At 500 Meacham Road, Cotati, APNs 24-080-019 And 030, Supervisorial District 2.

Resolved, that the Board of Supervisors (“the Board”) of the County of Sonoma (“the County”) hereby finds and determines as follows:

**Section 1.
Application and Project.**

1.1 Republic Services of Sonoma County, Inc. (“the Applicant”) filed Application UPE13-0065 with the Sonoma County Permit and Resource Management Department (“PRMD”) requesting a use permit (“the Use Permit”) for a materials recovery and processing equipment operation/facility (“MRF”) for dry waste material inside the existing Public Tipping Building (“the Public Tipping Building”) at the County’s Central Disposal Site (“the Central Disposal Site”), addition of doors to two open bays of the Public Tipping Building, and addition of a 6,500 square foot roofed/canopy storage area on the west side of the Public Tipping Building (over an existing outdoor asphalt work area) (collectively “the Proposed Changes to the Public Tipping Building”), on a portion of parcels totaling approximately 395 acres located at 500 Meacham Road, Cotati, Assessor’s Parcels 024-080-019 & 030; Supervisorial District 2. More specifically, the Public Tipping Building is located on Assessor’s Parcel 024-080-019 (“the Landfill Parcel”).

1.2 The Proposed Changes to the Public Tipping Building specifically involve the installation and operation of recycling equipment inside the Public Tipping Building. The recycling equipment to be installed would consist of a slow speed auger/shredder and conveyer

belt system along the east and south inside walls of the Public Tipping Building, along with additional misters and new doors on the two open bays nearest the auger/grinder to help control dust. Materials to be recycled would include construction debris, selected public self haul, and other commercial dry route material (i.e. wood, cardboard, mixed paper, concrete, metal, plastic, glass, etc.). Hazardous materials would be prohibited. Recycled materials would be sorted into bins, pallets, or bales, and temporarily stored until pickup under the roofed/canopy storage area. Some of the smallest materials could also be used as alternative daily cover on the landfill face as specified in State law. This material, by volume and waste category, is currently passing through the Public Tipping Building on its way to the landfill at the Central Disposal Site.

- 1.3 All existing entitlements of the Public Tipping Building would continue.

Section 2. Procedural History.

2.1 On December 8, 1998, the Board certified the Central Disposal Site Improvement Program Final Environmental Impact Report (“the 1998 EIR”), and on December 17, 1998, the Board approved the Central Disposal Site Improvement Program, including construction and operation of the Public Tipping Building.

2.2 On April 23, 2013, the Board approved the Master Operations Agreement (“the MOA”) with the Applicant for long-term development, operation, and maintenance of the County’s solid waste facilities. The MOA was the product of a three-year County-City Solid Waste Advisory Group collaborative process (“the SWAG process”) involving the County, the cities in Sonoma County, and a diverse group of stakeholders. The SWAG process was launched by the Board in December 2009 to build consensus regarding Sonoma County’s long-term solid waste and recycling strategy. The SWAG process was comprehensive, transparent, and public. The MOA was crafted to accomplish the fundamental goals identified through the SWAG process. The MOA calls for the County to retain ownership of the County’s solid waste facilities and enter into a long-term operations contract with the Applicant. Under the MOA, subject to obtaining all required permits and approvals, the Applicant is required to fund and construct the installation of materials recovery processing lines and equipment inside the Public Tipping Building for processing dry commercial waste, construction and demolition material, and selected self-haul materials. The MOA does not obligate the County to approve the Use Permit, nor does it limit the Board’s authority to impose conditions on the Use Permit. An addendum to the 1998 EIR was prepared for the MOA (“the Addendum”).

2.3 On September 6, 2013, Application UPE13-0065 was submitted to PRMD. After the Application was submitted, PRMD staff reviewed the 1998 EIR and the Addendum and determined that a subsequent mitigated negative declaration was required for the Proposed Changes to the Public Tipping Building to comply with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines. PRMD staff determined that the Application was complete for processing on December 5, 2013.

2.4 On September 17, 2013, the Board took original jurisdiction over Application UPE13-0065 (Resolution No. 13-0061).

2.5 On December 12, 2013, PRMD released a subsequent mitigated negative declaration for the Proposed Changes to the Public Tipping Building (“the Subsequent MND”) for public and agency review. The Subsequent MND assesses the potential environmental effects of implementation of the Proposed Changes to the Public Tipping Building and identifies means to eliminate or substantially reduce potential impacts.

2.6 The Board conducted a public hearing on the Subsequent MND and the Use Permit on January 28, 2014, and on March 25, 2014 (“the Board hearing”). At the Board hearing, the Board heard and received all relevant oral and written testimony and evidence presented or filed regarding the Subsequent MND and the Use Permit. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the Board hearing, discussed the Subsequent MND and the Use Permit, and determined to adopt the Subsequent MND and approve the Use Permit as set forth herein.

2.7 The Board has had an opportunity to review this resolution and hereby finds that it accurately sets forth the intentions of the Board regarding the Subsequent MND and the Use Permit.

2.8 The Board’s decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board hearing (“the record of these proceedings”). By Board Rule, any information submitted after the close of the Board hearing has been deemed late and not considered by the Board.

Section 3. CEQA Compliance.

3.1 PRMD completed the Subsequent MND on December 12, 2013, and beginning on that date made the Subsequent MND available for review and comment. A notice of intent to adopt the Subsequent Mitigated Negative Declaration was published and the period for receipt of comments on the Subsequent MND remained open until January 17, 2014. During the comment period, the County received written comments from a state agency, a neighborhood group, and a recognized employee organization. At the Board hearing, the County received written and oral comments from the Applicant, individual County residents, a neighborhood group, and a recognized employee organization.

3.2 The Board has considered the comments received after release of the Subsequent MND, but before the close of the Board hearing, regarding the Subsequent MND and finds that those comments do not constitute “significant new information” within the meaning of CEQA and the State CEQA Guidelines so as to require recirculation of the Subsequent MND. The Board further finds that the comments do not disclose any of the following:

(a) A new significant environmental impact resulting from the Proposed Changes to the Public Tipping Building or from a new mitigation measure proposed to be implemented. The comments do not demonstrate any new significant adverse impact resulting from the Proposed Changes to the Public Tipping Building, and the responses by the Applicant’s consultant, by the

County's consultant, and by PRMD staff, to the comments clarify or amplify the Subsequent MND's findings regarding the impacts of the Proposed Changes to the Public Tipping Building.

(b) A substantial increase in the severity of an environmental impact that will not be mitigated to a level of insignificance through adopted mitigation measures. None of the comments disclose a substantial increase in the severity of any of the previously-identified impacts.

(c) A feasible project alternative or mitigation measure that clearly would lessen the significant environmental impacts of the Proposed Changes to the Public Tipping Building, but the Applicant will not adopt it. None of the comments relate to a mitigation measure or alternative rejected by the Applicant.

(d) That the Subsequent MND was so fundamentally and basically inadequate and conclusory in nature that public review and comment on the Subsequent MND was in effect meaningless. This is clearly not the case.

3.3 The Board finds that the Subsequent MND represents a good faith and reasoned effort to provide full and adequate disclosure of the environmental effects of the Project. In making its determination to adopt the Subsequent MND and to approve the Proposed Changes to the Public Tipping Building, the Board has reviewed and considered, as a whole, the evidence and analysis presented in the Subsequent MND, the evidence and analysis presented in the comments on the Subsequent MND, and the responses prepared by the Applicant's consultant, by the County's consultant, and by PRMD staff, addressing those comments. The Board concurs with those responses to the comments. The Board has gained a well-rounded understanding of the environmental issues presented by the Proposed Changes to the Public Tipping Building and its findings are based on full appraisal of all of the evidence contained in the Subsequent MND, as well as the evidence and other information in the record of these proceedings addressing the Subsequent MND.

3.4 The Board has reviewed and considered the 1998 EIR, including the Addendum. The Board finds that the Subsequent MND has been completed in compliance with CEQA and the State CEQA Guidelines. The Board concurs with and adopts the findings in the Subsequent MND. None of the conditions described in State CEQA Guidelines section 15162(a) have occurred, and therefore a subsequent EIR is not required. The addition of the MRF inside the Public Tipping Building is a minor change in the project evaluated in the 1998 EIR and requires only minor additions or changes to the 1998 EIR to make it adequate for the project as revised. All impacts associated with installation and operation of the MRF will be mitigated to less than significant with the adoption of the mitigation identified in the Subsequent MND. The Board's concurrence in the findings in the Subsequent MND reflects the Board's independent judgment and analysis.

3.5 In accordance with CEQA and the State CEQA Guidelines, the Board must adopt a mitigation monitoring program to ensure that the mitigation measures adopted herein are implemented. The mitigation monitoring program for the 1998 EIR (“the 1998 EIR Mitigation Monitoring Program”) remains in effect. A mitigation monitoring program for the Subsequent MND (“the Subsequent MND Mitigation Monitoring Program”) shall be incorporated into the conditions of approval imposed herein and into the 1998 EIR Mitigation Monitoring Program. The 1998 EIR Mitigation Monitoring Program and the Subsequent MND Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA and the State CEQA Guidelines.

Section 4. Planning and Zoning Compliance.

4.1 The Board finds that the Proposed Changes to the Public Tipping Building, as approved herein, are consistent with the Sonoma County General Plan 2020 (“the General Plan”). The Landfill Parcel is designated Public/Quasi Public in the General Plan. The Public/Quasi Public land use category provides sites that serve the community or public need and are owned or operated by government agencies, non-profit entities, or public utilities. The Public/Quasi Public land use category allows a wide range of institutional land uses, including waste disposal sites. The Landfill Parcel is owned by the County and the Proposed Changes to the Public Tipping Building serve the community and a public need, and will be part of the waste disposal infrastructure at the Central Disposal Site.

4.2 The Board finds that the Proposed Changes to the Public Tipping Building are consistent with the Sonoma County Countywide Integrated Waste Management Plan (“the CoIWMP”). The CoIWMP is the principal planning document for solid waste management in the County. The CoIWMP contains goals, objectives, policies, and short, medium, and long range objectives, together with measures designed to guide solid waste management and disposal actions of the County and the cities in Sonoma County. The Proposed Changes to the Public Tipping Building will further the CoIWMP’s objective of increasing waste diversion rates at the Central Disposal Site.

4.3 The Board finds that the Proposed Changes to the Public Tipping Building, as approved herein, are consistent with the Sonoma County Zoning Code (Chapter 26 of the Sonoma County Code) (“the Zoning Code”). The Landfill Parcel is zoned PF (Public Facilities) in the Zoning Code. The PF zoning district allows public service uses like the Proposed Changes to the Public Tipping Building with the approval of a use permit (See SCC § 26-52-040, subsections (f) and (p)).

4.4 The Board finds that the establishment, maintenance, and operation of the Proposed Changes to the Public Tipping Building, as approved herein, will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood, nor will they be detrimental or injurious to property and improvements in the area or to the general welfare of the area.

**Section 5.
Evidence in the Record.**

5.1 The findings and determinations set forth in this resolution are based upon the record of these proceedings. References to specific statutes, ordinances, regulations, reports, or documents in a finding or determination are not intended to identify those sources as the exclusive basis for the finding or determination.

Now, Therefore, Be It Further Resolved, that based on the findings and determinations set forth in this resolution and the information contained in the record of these proceedings, the Board hereby declares and orders as follows:

1. The findings and determinations set forth in this resolution are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Subsequent MND is adopted. PRMD is directed to file a notice of determination in accordance with CEQA and the State CEQA Guidelines.

3. The Use Permit is approved, subject to the conditions of approval set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

4. The Subsequent MND Mitigation Monitoring Program set forth in Exhibit "A" is adopted and incorporated into the 1998 EIR Mitigation Monitoring Program. PRMD is directed to undertake monitoring in accordance with the Subsequent MND Mitigation Monitoring Program, and to continue monitoring in accordance with the 1998 EIR Mitigation Monitoring Program, to ensure that required mitigation measures and project revisions are complied with during project implementation.

5. The Clerk of the Board is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

Supervisors:

Gorin: Zane: McGuire: Carrillo: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.

EXHIBIT A
Conditions of Approval/Mitigation Monitoring Program

Date:	March 25, 2014	File No.:	UPE13-0065
Applicant:	Republic Services of Sonoma County Inc.	APN:	024-080-019 & 030
Address:	500 Meacham Road, Petaluma		

Project Description: Use Permit for a materials recovery and processing equipment operation/facility (a.k.a. recycling or MRF) for dry waste material inside the existing public tipping building at the County's Central Disposal Site (a.k.a. landfill), and adding doors to two open bays of the existing building, and an approximate 6,500 square foot roofed/canopy storage area addition to the same building (over an existing outdoor asphalt work area), on a portion of parcels totaling approximately 395 acres located at 500 Meacham Road, Cotati, Assessors Parcels 024-080-019 & 030, Supervisorial District 2.

Prior to vesting this Use Permit, evidence must be submitted to the file that all pre-operational conditions have been met.

BUILDING:

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, electrical and building permits.

HEALTH:

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

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

2. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
3. The applicant shall work with the County to apply for any needed modifications to the water supply permit from the State Department of Public Health, Office of Drinking. Prior to the issuance of building permits, documentation of compliance must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
4. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.

Septic:

5. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist

regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis and groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

6. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit.

OPERATIONAL REQUIREMENTS:

Water:

7. A safe, potable water supply shall be provided and maintained. The applicant shall offset a minimum of 750 gallons of well water use per day by one or more methods, including, but not limited to, using water from the Central Disposal Site sedimentation ponds for dust suppression at the Central Disposal Site.

Septic:

8. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
9. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
10. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
11. When accessory portable toilets (portable toilets above the required bathroom/septic system capacity) are provided, they shall meet the following minimum requirements:
 - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) employees and visitors per day for day use.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public.
 - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
 - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.

- e. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets as directed by PRMD based on County standards. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.
 - ii) Toilet paper is promptly replaced when the dispenser runs out.
 - iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
 - iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
 - v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

- 12. Comply with applicable hazardous waste generator and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services. The existing operations in the Public Tipping Building shall continue, including a load checking program designed to detect, remove and deter attempts to dispose of prohibited wastes, including hazardous materials, and details employee training on how loads are checked for prohibited waste, and waste handling procedures. All operations personnel (i.e. scale house attendant, spotters, equipment operators, etc.) are given a minimum of eight hours of annual training on the recognition of hazardous waste. Waste is screened at the site entrance, when a vehicle dumps the load at the load checking area, and finally by heavy equipment operators moving the material on the tipping floor for loading to move to the landfill. In addition, the operations must follow all applicable OSHA and Cal OSHA workplace safety regulations, regarding the handling of hazardous materials, and exposure to toxic substances, including lead and asbestos.

Noise:

- 13. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured pursuant to General Plan standards:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

- 14. If noise complaints are received from nearby residents that PRMD deems valid based on County

standards, then the applicant shall conduct noise monitoring to determine if the current operations meet noise standards and identify any additional noise reduction measures necessary. A copy of the noise monitoring report shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a valid noise complaint based on County standards has been received. The owner/operator shall implement any additional noise reduction measures needed to meet noise standards.

15. The applicant shall apply for, obtain, and meet all conditions of the required State Solid Waste Facilities Permit (SWFP) from the Local Enforcement Agency (County Health). The SWFP shall be maintained in good standing at all times.

Smoking:

16. Smoking is prohibited at any service area (including entry lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
17. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

18. Prior to issuance of any building permit, which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

19. This Use Permit (UPE13-0065) is for a materials recovery and processing equipment operation/facility (a.k.a. recycling or MRF) for dry waste material inside the existing public tipping building at the County's Central Disposal Site (a.k.a. landfill), and adding doors to two open bays of the existing building, and an approximate 6,500 square foot roofed/canopy storage area addition to the same building (over an existing outdoor asphalt work area), on a portion of parcels totaling approximately 395 acres located at 500 Meacham Road, Cotati, Assessors Parcels 024-080-019 & 030, Supervisorial District 2.

Additional overhead misters at the north side building openings, and misters at localized points in the material processing system shall be installed to supplement the public tipping building's existing misting system for odor and dust control. The additional roof canopy structure being added to the Public Tipping Building shall have a roof line lower than the existing building, and be of the same architecture and color.

The MRF shall be limited to no more than ten (10) haul truck round trips per day delivering recyclables and other reuse materials to off site end use markets. The hours of operation for the MRF within the public tipping building shall be 7 am to 6:30 pm, 7 days per week. The MRF

operation shall be limited to 10 (ten) additional employees over the current numbers operating the tipping building. The two new roll up doors being added to the east end of the public tipping building shall be kept closed when the MRF slow speed auger/shredder is operating, except one door may be briefly opened to accept delivery of materials.

The MRF use shall be operated in accordance with the proposal statement and site plans located in file UPE13-0065 as modified by these conditions. Expansion of the MRF use beyond what is permitted by the proposal statement, plans and these conditions without obtaining an approved modification to this permit shall constitute a violation of this permit. Upon written request from the County or its designee, the applicant shall provide within ten work days written or electronic documentation of the actual uses on site for purposes of verifying compliance with this condition.

The approval of this application (UPE13-0065) is in addition to all existing entitlements at the Central Disposal Site and public tipping building.

20. **Mitigation Measure:** The applicant shall limit outbound truck trips related to transportation of recovered materials from the MRF operations to end-use markets during the am peak hours of 8am to 9 am to the following: Two (2) outbound truck trips up to the year 2025; and four (4) outbound truck trips between the years of 2025 and 2040.

Mitigation Monitoring: The applicant shall keep a written or electronic record of the number of outbound truck trips during the hours of 8am to 9am related to transportation of recovered materials from the MRF operations to end-use markets. At the written request of PRMD, the applicant shall provide such records to the County within ten working days.

21. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
22. The applicant shall pay all applicable development fees prior to issuance of building permits or beginning operation of the use.
23. 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.
24. The applicant shall pay within five (5) days after approval of this project to the Permit and Resource Management Department a mandatory Notice of Determination filing fee of \$50 for County Clerk processing (check shall be made payable to Sonoma County Clerk and submitted to the Permit and Resource Management Department), and
1. _____ No additional fee because the project is exempt from Fish and Game fee.
 2. _____ \$850 because an EIR was prepared, for a total of \$885.
 3. X \$2,156.25 (or latest fee in effect at time of payment) because a Subsequent Mitigated Negative Declaration was prepared, for a total of \$2,206.25

This fee must be paid or the approval of this project is not valid.

25. All recycled materials delivered to and stored on site shall be covered and enclosed within the MRF structure/canopy. Any containers provided for recyclable materials shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials. Storage containers for flammable material shall be constructed of nonflammable material. Loose materials shall be

- baled, palletized or placed in containers or storage bunkers within 24 hours of delivery to the site. Any green or putrescible waste that enters tipping building related to the MRF shall be removed within 24 hours. Recycled materials being taken out of the building/canopy for pickup purposes shall be loaded as quickly as practical to minimize any potential exposure to rain.
26. The site shall be maintained free of litter and any other undesirable materials, will be cleaned of loose debris on a daily basis, and will be secured from unauthorized entry and removal of materials when attendants are not present.
 27. The facility will be clearly marked with the name and phone number of the facility operator and the hours of operation. All signage shall be subject to review and approval by the Sonoma County Permit and Resource Management Department.
 28. Prior to final of building permits or operation of the use, the tree planting program on the north side of the property shall be completed to the satisfaction of the Sonoma County Permit and Resource Management Department. A mixture of one to fifteen gallon tree sizes (including a evergreen trees) shall be used. Trees shall be maintained in a healthy state and replaced as necessary.
 29. Exterior lighting shall be low mounted, downward casting and fully shielded, utilize motion detection systems where applicable and not “wash out” onto adjacent properties or into the sky. Lighting shall not be mounted above the roofline of the building and lighting under the canopies shall be fully shielded and directed downward. Flood lights are not permitted.
 30. All emissions of fumes, smoke, dust, particulate matter or odor shall comply with the latest rules and regulations of the Bay Area Air Quality Management District. Any such violation, once verified by the County, shall constitute a violation of this permit.
 31. Any drainage water collected in the MRF building holding tanks shall be removed from the site and disposed of at a facility legally authorized to accept such liquids.
 32. The transport and spreading of the fines collected from the MRF operation shall be transported in covered containers and managed according to California Code of Regulation (CCR) Title 27 regulations and LEA (Local Enforcement Agency) requirements for this material, including dust control as needed. The sites existing Dust Control Plan shall continue to apply to the entire facility, including the spreading of the fines as ADC (Alternative Daily Cover), and the MRF.
 33. The current SWFP (Solid Waste Facilities Permit) for the tipping building includes conditions to reduce potential odor impacts, including complaint logging, restrictions on length of time waste can be stored, and restrictions on the maximum pile size. All conditions of the SWFP shall continue to be met.
 34. All mitigation measures and monitoring requirements of the 1998 EIR for the Central Disposal Site Improvement Program, which included the construction and operation of the public tipping building, shall continue to be met. If a conflict arises between interpretation of the 1998 EIR mitigations and the Conditions of Approval of this Use Permit, the more restrictive of the two shall apply.
 35. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review.
 36. In addition to any other remedy allowed by law or this permit and in the County's sole discretion, this permit shall be subject to revocation or modification by the Board of Zoning Adjustments (BZA) if: (a) a Sonoma County Administrative Abatement Hearing Officer or the BZA finds that there has been noncompliance with any of the conditions or (b) the BZA 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 the applicable provisions of the Sonoma County Code.

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

37. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The Applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The director of PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Director of PRMD are limited to those items that were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from the Director, and shall not affect the original permit approval date or the term for expiration of the permit.



25 February 2014

Mr. Ken Ellison
Supervising Planner
Sonoma County
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Subject: Comment to SWAPE Letter dated 13 January 2014

Dear Mr. Ellison,

Environmental Pollution Solutions (EPS) has reviewed the SWAPE-prepared (Comments on the Subsequent Mitigated Negative Declaration, Material Recovery Facility, Petaluma, California) letter dated 13 January 2014 signed by Mr. Matt Hagemann regarding the proposed improvements at the Material Recovery Facility (MRF) located at 500 Mecham Road, Petaluma, California. Specifically, SWAPE comments (*italics*) concerning storm water have been reviewed and comments are provided.

The potential for the Project to impact stormwater quality was not considered in the SMND. We have accessed 2011-2012 reporting information for the Central Disposal Site (WDID 1 49I006101), as submitted to the Regional Water Quality Control Board 3, which shows stormwater contaminants above EPA benchmarks, including: total suspended solids (maximum of 410 mg/L as compared to the EPA benchmark of 100 mg/L); aluminum (maximum of 6.2 mg/L as compared to the EPA benchmark of 0.75 mg/L); and zinc (maximum of 0.27 mg/L as compared to the EPA benchmark of 0.117 mg/L).

The MRF is located at Sonoma County's Central Disposal Site (CDS). Storm water run-off at CDS is complicated, but has been thoroughly designed and engineered to discharge from three separate areas represented by three storm water sampling points SW-1, SW-6 and SW-7 (see attachment). Sampling point SW-6 represents the area where the MRF is located. The data collected from storm water samples at point SW-6 is the only data applicable to the MRF. SWAPE refers to the CDS Annual Report for 2011-12, but mistakenly identifies a single zinc concentration exceedance from sample point SW-7. Sample point SW-7 represents a separate area located west of the MRF and is not representative. Further, the zinc concentration of 0.27 milligrams per liter (mg/l) was an isolated exceedance at SW-7 and subsequent zinc concentration data collected at SW-7 has been well below the benchmark (0.027 mg/l, 0.053 mg/l and 0.018 mg/l) through the season ending in 2013.

Zinc concentrations at SW-6 have not exceeded the benchmark value based upon eleven sample events reported since November 2008.

Total suspended solids (TSS) concentrations at SW-6 have exceeded the benchmark, but the most recent data collected in November 2012 and January 2013 were well below the benchmark indicating a downward trend.



Aluminum concentrations at SW-6 have also exceeded the benchmark, but the most recent data (2012-13) indicates significant decrease of 70 to 90%.

Reporting data show that stormwater impacted by the facility is in violation of effluent limitations of the California Industrial Storm Water General Permit Order 97-03-DWQ.

SWAPE states that violation of effluent limits of the State Industrial Storm Water General Permit 97-03-DWQ (IGP) have occurred. This is absolutely false. The IGP does not contain numerical effluent limits, but effluent limitation guidelines. As such, the CDS facility must comply with provisions of the IGP that require Best Management Practices (BMPs) to meet guidelines. The CDS facility has implemented, maintains and continues to improve BMPs. For example, non-storm water collected from within the Tipping Building of the MRF is contained within the building. The Tipping Building floor is engineered for non-storm water to sheet flow to collection trench drains and then be conveyed to gray-water storage tanks. The system consists of two 10,000 gallon underground tanks and the conveyance system. The collected gray-water is periodically pumped out and hauled by a license wastewater hauler to a licensed wastewater treatment facility.

The surface areas surrounding the MRF are routinely swept by a regenerative sweeper and also hand swept. Storm water that collects on the MRF roof and on the surface areas around the MRF sheet flows to storm water drain inlets and catch basins. These drain inlets are equipped with *KriStar FloGard+* filters. The filtered storm water is conveyed to a Continuous Deflective Separator (CDS) system to further screen, filter and trap debris. The twice-treated storm water is then conveyed through a series of concrete culverts and HDPE pipes to Sediment Pond #5 where settling of suspended particles occurs. Finally, the thrice treated storm water is discharged at point SW-6.

Completion of the Project may further impact stormwater quality because of the handling of additional materials. The Project will result in the handling of an additional 55,000 tons of material which will require 10 additional daily truck deliveries. Increased activity at the facility may result in the generation of additional stormwater pollutants through increased tire wear from the additional truck trips and from the activity associated with the processing of the materials, including use of forklifts. Tire wear may generate zinc from tire wear along with dust (TSS).

SWAPE indicates that zinc and TSS may be generated from truck and forklift tires, which is true. Zinc is used in manufacturing process of some tires. These tires may contain zinc up to 1% by weight. However, based upon sample results from SW-6, zinc concentrations have not exceeded the benchmark value. TSS remains a potential issue, but as previously stated, recent results have been below the benchmark value. The facility actively sweeps and cleans surface areas.

Pollutants may also be generated by runoff from the 6,500 square foot roofed canopy that will be constructed as part of the Project. The canopy will be added to the west side of the



existing Public Tipping Building for bale storage and loading for transport to market. Roofing materials and building siding may contain zinc which may add to the existing zinc benchmark exceedences reported in the annual stormwater reports.

As previously stated, zinc concentrations for point SW-6 are below the benchmark indicating that the current roof of the Tipping Building is not a source of zinc exceedance. Further, it is our understanding that the proposed canopy roof will be coated to prevent zinc roof run-off that can occur from uncoated galvanized roof materials.

A DEIR needs to be prepared to disclose the current stormwater conditions and the exceedences of EPA benchmarks. The DEIR should evaluate impacts from the Project on stormwater quality, including increased potential for pollutants to be generated from increased traffic and from runoff from the new canopy. Mitigation should be identified in the DEIR to include source control BMPs (sweeping and routing roof drainage) and treatment BMPs (e.g., velocity separators, sorbent filter inserts, and use of downspout filters) as necessary to achieve effluent limitations set by the California Industrial Storm Water General Permit 97-03-DWQ.

The CDS facility uses numerous BMPs including several major structural BMPs (CDS system and sediment pond) to protect water quality. The current roof and tire residue do not appear to produce zinc concentrations above benchmarks. The proposed canopy roof will be coated to prevent potential zinc run-off. The CDS facility continues to improve BMPs and employs good housekeeping efforts in all facets of operations and is currently in full compliance with IGP 97-03-DWQ.

Please contact EPS at 707-322-2015 or via email at aedeicke@epsh2o.com with questions or if clarification is needed.

Sincerely,

Arthur Deicke
CPSWQ #0945, QSP/QSD #24568
Environmental Pollution Solutions, LLC
Santa Rosa, California



LEGEND

- TOPOGRAPHIC ELEVATION CONTOUR (FEET)
- PROPERTY LINE
- APPROXIMATE LIMIT OF REFUSE
- SURFACE DITCH
- STORM DRAIN
- STORM DRAIN DROP INLET
- ENERGY DISSIPATOR
- MANHOLE
- GREY WATER DRAIN
- GREY WATER DROP INLET
- STORM WATER TRENCH DRAIN
- STORM WATER CATCH BASIN
- PUBLIC TIPPING BUILDING BLDG #1
- STORAGE BUILDING BLDG #2
- REUSE/RECYCLING OFFICE BLDG #3
- ATTENDANTS BOOTH BLDG #4
- HOUSEHOLD HAZARDOUS WASTE BUILDING BLDG #5
- MATERIAL STORAGE BUILDING BLDG #6
- MATERIAL STORAGE BUILDING BLDG #7
- OIL RECYCLING BUILDING BLDG #8
- POWER PLANT BLDG #20 & #21
- ADMINISTRATION OFFICE BLDG #11
- HEAVY FLEET MAINTENANCE BUILDING BLDG #30

DESIGNED UNDER THE SUPERVISION OF		CIVIL ENGINEER, LICENSE EXPIRES:	
DESIGN		CHECKED	
DRAWING			

AS BUILT INFORMATION TO BE COMPLETED AFTER CONSTRUCTION
CONSTRUCTION COMPLETED:
AS BUILT DRAWINGS BY:

DATE	REVISION	BY	APPROVED

COUNTY OF SONOMA DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS			
PHILLIP M. DEMERY, DIRECTOR			
BUDGET NUMBER	FISCAL YEAR	SHEET NUMBER	TOTAL SHEETS

LOCATION:	CENTRAL SITE	FIGURE:	4
DATE:	MARCH 2011	SCALE:	AS SHOWN

SCS ENGINEERS

March 6, 2014
File No: 01213327.00

Ken Ellison
Supervising Planner
County of Sonoma
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

**Subject: Response to Comments on Sonoma County Central Disposal site
Improvement Final Environmental Impact Report
Prepared for Republic Services of Sonoma County, Inc.**

Dear Mr. Ellison:

SCS Engineers (SCS) hereby presents its response to the comments submitted by Lozeau Drury LLP (LDLLP) regarding the proposed revision to the Central Transfer/Processing Facility (CTPF) located in Sonoma County (Project). The LDLLP comments are predominantly based on an analysis performed by Swape dated January 27, 2014 and written by Matt Hagemann (Swape Letter). The LDLLP comments present two arguments, which will be discussed in this response letter.

First, the LDLLP letter alleges that the Project could have significant, unanalyzed odor impacts. Second, based on a health risk analysis (HRA) presented in the Swape Letter, LDLLP argues that the Project will have significant health impacts from diesel trucks.

The report submitted by SWAPE does not document or substantiate its reasoning, and it does not meet professional standards. It is clearly erroneous and inaccurate.

BACKGROUND

The Project would modify the existing waste transfer and processing facility at the Central Disposal Site (CDS) to process self-haul, construction and demolition (C&D), and commercial dry waste. A summary of the Project elements related to this analysis follows. A complete description of the Project is contained in the Subsequent Mitigated Negative Declaration.

The enhanced recycling and diversion activities contemplated as part of the installation and operation of the material recovery and processing equipment have the potential to create an increase in vehicle trips in two areas:

- Up to 10 additional Passenger vehicles per day due to increased employment needed for operations related to the material recovery and processing equipment
- Approximately 10 additional Truck trips per day related to transportation of recyclables and other beneficial reuse material to end use markets



The primary operational change due to the Project will be how loads are directed within CDS when arriving. Transfer vehicles from remote transfer facilities would deliver loads of C&D and selected self-haul material to the CTPF building for processing instead of the working face of the landfill for disposal. This change would also occur for commercial dry waste material in the commercial route collection vehicles. Some wet putrescible waste from residential and commercial franchise hauling may be diverted from tipping at the CTPF to unloading directly at the working face of the landfill for disposal. The existing self-haul customers and C&D loads arriving at the CDS would continue to be directed to the CTPF as they are currently.

Another operational change proposed as part of the Project is to separate and store recovered materials suitable for bailing in bins or in bulk bunkers. Each commodity would be bailed individually. Materials suitable for bailing include cardboard, paper, containers, film plastic, and other non-putrescible materials. Bale storage would be done in the proposed addition of an approximately 6,500 square foot roof canopy structure at the west side of the existing CTPF building. The canopy will provide for loading and transport of recyclables to market as well as for protection from rain and weather.

ODOR IMPACTS

LDLLP asserts that there is a fair argument of significant nuisance odor impacts. SCS has analyzed the potential for odor impacts from the CTPF and determined that the Project is not a new source of odor. As a conservative approach, SCS reviewed the odor complaint information from the Bay Area Air Quality Management District (BAAQMD). This approach is consistent with BAAQMD CEQA guidance, which instructs project applicants to contact the BAAQMD to obtain odor complaints from the source being evaluated. SCS found that there has been only one confirmed complaint to the BAAQMD associated with CDS as a whole in the last three years. That complaint was characterized as “compost,” which is consistent with the presence of composting operations at CDS. Compost odors are not associated with CTPF operations or the Project, which would not impact composting operations or waste streams.

LDLLP has presented additional odor complaints submitted to the Lead Enforcement Agency (LEA) and the County of Sonoma. However, none of those complaints mentions the CTPF or the targeted waste streams. Typical odor descriptions are consistent with compost, the landfill, and dairy odors.

The waste streams that would be impacted by the Project are characterized as “relatively dry, mostly non-putrescible fractions of the MSW stream that are well suited for recovery of recyclable and other beneficial reuse material.” Targets for recovery include the following:

- Wood;
- Cardboard;
- Mixed paper;
- Concrete;
- Inert material;

- Roofing;
- Metal;
- Gypsum;
- Aluminum, ferrous, plastic, and glass containers;
- Film plastic;
- Fines suitable for use as alternative daily cover (ADC);
- Carpet and padding;
- Mattresses;
- Yard Waste.

These waste streams are not odorous when kept dry and aerobic. In its 2012 CEQA guidance document, the BAAQMD notes that odor generated from landfills, recycling, and composting facilities is typically associated with anaerobic decomposition.

Operations at the CDS and CTPF, including the load screening program and permit conditions, will eliminate the potential for the waste streams targeted by the Project to become wet or anaerobic and begin generating odor. The Project includes elements to protect potentially putrescible waste streams, such as cardboard, mixed paper, and yard waste, from becoming wet. The CTPF is a building with a roof and is fully enclosed on three sides, with two drop down doors proposed for the area where the processing equipment will be located. Loads of incoming waste will be deposited inside this building, so they will be sheltered from rainwater. Loads to be processed at the CTPF would be screened for putrescible waste as part of the existing load check program. Loads with wet or prohibited loads will not be allowed to be processed on the new material recovery equipment at the CTPF and will instead, be transferred for disposal as they are currently. Solid Waste Facility Permit (SWFP) Condition 17I requires that the facility shall be cleaned at the end of each operating day, which further reduces potential for wet waste to putresce.

There have been recent odor issues associated with CDS, but those issues are not associated with CTPF. Those issues are associated with composting, landfilling, and dairy activities. The Project will not result in more odorous waste streams at the CTPF or more potential for odorous conditions. The potential odor impact from the Project is clearly less than significant from a CEQA perspective.

HEALTH RISK

The assertion by Swape and by LDLLP that there exists a fair argument of significant air quality impacts from toxic diesel truck emissions is fundamentally flawed. The assertion rests on a screening HRA conducted by Swape, but there are several critical flaws with that analysis that result in the generation of fantastically high risk values.

LDLLP and Swape overlook the development of roadway screening distances by the BAAQMD and other districts and proceed to calculate unreasonably high emission rates of diesel particulate matter (DPM), and process those emissions with a flawed run of the screening version of

American Meteorological Society (AMS)/Environmental Protection Agency (EPA) Regulatory Model (AERMOD), AERSCREEN. The analysis then proceeds to calculate health risk using exposure factors that are not in common use in California or the United States, such as 15 years of exposure as a child weighing 15 kilograms, and which unreasonably generate much higher risk values than accepted exposure values would generate. Throughout the HRA, Swape provides only a vague description of where the factors used in their calculations are obtained from or what model parameters were used. No modeling input or output, data, or files were made available to confirm that these undescribed parameters were reasonable, and no citations were provided for the exposure factors. When non-standard factors have been used, they have not been explained. The level of information in the HRA is not consistent with professional standards. A HRA should present input factors, model parameters and assumptions be explained, and enough information for third parties to understand, evaluate, and replicate the analysis provided.

SCS will discuss why the procedures used by Swape are wrong and do not present a reasonable argument. SCS will also present an appropriate risk calculation methodology.

Screening Levels

Ten additional truck trips and ten employee (non-truck) trips do not trigger the requirement or need for health risk analysis. This evaluation will focus on the ten truck trips, which is the basis of the Swape allegation that the Project would result in excessive cancer risk. This is because the cancer risk associated with motor vehicles is associated with diesel-powered vehicles, which may exhaust diesel particulate matter (DPM) when in operation. Employee vehicles also contribute to impacts, but DPM is the dominant risk driving chemical from roadway emissions and is the basis for the Swape analysis.

To prevent the necessity of a complicated and unnecessary analysis, several air districts in California, including the BAAQMD, Sacramento Municipal Air Quality Management District (SMAQMD), and the California Air Resources Board (CARB) have developed screening levels for projects near major roadways. As is true for all of these agencies, the BAAQMD screening level is a conservative threshold, used to determine if a proposed project warrants further study to determine if there could be health risks from vehicle emissions. Projects that involve less vehicular traffic than the screening level thresholds are deemed by the BAAQMD to not represent a significant potential health risk from vehicle emissions or a potentially significant impact under CEQA. In its *Recommended Methods for Screening and Modeling Local Risks and Hazards* (Risk Screening Guidance) document, the BAAQMD identifies sources that “do not pose a significant health impact, even in combination with other nearby sources.”

While these screening methods are intended for use in determining land use near existing large roadways, they can also provide a reference when determining whether new trips near a receptor will require additional analysis. The screening levels were developed by the BAAQMD and others to identify areas near roadways where cancer risk would exceed cancer thresholds (i.e. existing mobile sources on new receptors). As such, they are not directly applicable to the Project (i.e. a mobile source near existing receptors), but the screening levels provide a guide for how many vehicles it would take to create excessive cancer risk.

The BAAQMD CEQA guidance indicates that roadway screening is needed when there are 10,000 to 100,000 annual average daily trips (AADT) or 1,000 truck trips, and BAAQMD's tables show the expected increase in cancer risk when near a road. The BAAQMD screening tables for Sonoma County indicate that the CEQA threshold of a lifetime cancer risk increase of 10 in a million would not be exceeded until more than 30,000 total AADT. Even then, the CEQA threshold would be exceeded only for receptors within 20 feet of the roadway.

SMAQMD roadway screening guidance is less conservative than BAAQMD screening, but recommends no additional screening for projects adjacent to roads unless they are adjacent to more than 50,000 AADT. CARB advises that sensitive land uses not be sited within 500 feet of rural roads with greater than 50,000 AADT.

The most recent traffic count performed by the County in 2012 identified the total 24-hour traffic on Mecham road adjacent to the CDS entrance to be 4,082 trips. This represents all traffic on this segment including project and non-project related vehicles. So even on a cumulative basis the total volume of traffic is well below any of the screening levels referenced above. Adding the ten trips proposed by the Project to the existing trips still total far from the 10,000-trip threshold that requires even the most preliminary screening analysis, and the conclusion that the ten trips themselves would exceed the cancer risk threshold is more absurd. No fair and reasonable analysis can find that ten additional truck trips results in an excessive cancer risk.

Emission Calculations

In recalculating the health risk from the Project, SCS determined the emission factor for DPM using the Emission Factor 2011 (EmFac2011) model developed by CARB. The EmFac2011 model was run for Sonoma County for the years shown in *Table 1*. The DPM emission factors for each year for vehicles traveling at five miles per hour (mph) are also shown in *Table 1*. The use of the emission factor for vehicles traveling at five mph is a conservative approach. Vehicles are allowed to travel at speeds greater than five mph, and the use of higher speeds would result in lower emission factors. The approach of calculating the emission factor for every five years is also conservative because it only utilizes a lower emission factor every five years, whereas the emission factor is actually decreasing each year as regulation of diesel engines strengthens and diesel engine technology improves. EmFac2011 outputs and documentation have been included in *Attachment A*.

Table 1 - DPM Emission Rates

Year	Moving Emission Factor (g/mi)	Idle Emission Factor (g/hr)
2014	0.240	0.3844
2019	0.153	0.1283
2024	0.097	0.1091
2029	0.061	0.1084
2034	0.053	0.1080
2035	0.053	0.1079
Weighted Average	0.0771	0.1293

In determining the emission factor to use in its analysis, Swape did not account for improvements in technology and increased regulation of DPM emissions. Swape only claimed that the use of the 2014 emission factors was conservative; however, using the emission factor guidelines developed by CARB, the average emission factor over the period to which residents would be exposed to the DPM emissions is less than a third of the 2014 emission factors that Swape used for this same time period. Therefore, Swape's analysis starts with a flaw that will result in a calculated risk of more than three times greater than the actual risk by using the 2014 emission factors.

Swape also used unreasonable assumptions in calculating the DPM emissions from idling trucks. Swape used 20 minutes of idling time per truck in their emission calculations. However, diesel trucks are prohibited from idling for more than 5 minutes by the California Code of Regulations (CCR) Title 13, Section 2485. It is not reasonable to assume that trucks would operate in violation of state regulation in the emissions calculations. There is also no reason for trucks to idle.

SCS calculated an effective DPM emission rate in grams per mile (g/mile) of DPM by multiplying the idle emission rate by five minutes and dividing by twice the distance of the modeled road (0.467 miles) to get an effective increase in the emission rate of 0.012 g/mile $((0.1295 \text{ g/hour} * 5 \text{ minutes}) / (60 \text{ minutes/hour} * 0.467 \text{ miles} * 2 \text{ ways}))$ that could be added to the moving emission factor that would account for idling emissions.

Overall, SCS calculated the DPM emissions to be 0.83 grams per day for ten trips $((0.0771 \text{ g/mi} * 0.467 \text{ miles} * 2 \text{ ways} * 10 \text{ trips}) + (0.1295 \text{ g/hour} * 5 \text{ minutes}) / (60 \text{ minutes/hour}))$. This emission rate is much lower than the emission rate of 2.29 grams per day presented by Swape.

In summary, calculating diesel particulate matter (DPM) emissions from trucks is only the beginning of a health risk assessment analysis, but as shown above Swape used a DPM emissions factor that was several times higher than is realistic. This is because the Swape analysis makes two errors: (1) Swape assumed that DPM emissions factors would not improve

over time, whereas the State Air Resources Board uses a long-term projection of DPM emissions factors that takes into consideration changing regulations and improving technology, which leads to the conclusion that Swape overstates the DPM per truck by three times; and (2) Swape overstates truck idling time by four times (Swape assumes 20 minutes whereas state law limits diesel truck idling in place to 5 minutes).

Dispersion Modeling

To calculate atmospheric concentrations of DPM at nearby receptors, Swape used the AERSCREEN model. AERSCREEN is a screening model recommended by the EPA and is appropriate for modeling the impact from a single source that can be characterized as a point, volume, or area. The AERSCREEN model is a poor selection for the analysis of emissions from long linear sources such as roadways where the length of the source exceeds ten times the width of the source. AERSCREEN can only process a single source, and if that source is a linear source, AERSCREEN cannot account for bends in the road. AERSCREEN and AERMOD do not account for air turbulence caused by the vehicles themselves as they travel down the roads being modeled. As such, their utility in modeling impacts from roadways is limited at best. AERSCREEN is further limited by its ability to model only one-hour increments and the inability to scale emissions by the time of day.

AERSCREEN is an implementation of AERMOD and relies on the AERMOD processor to run. The aspect ratio (length to width) ratio of areas modeled in AERMOD and AERSCREEN should not exceed 10 to 1. The source described by Swape has an aspect ratio of greater than 80 to 1. AERMOD and AERSCREEN are not validated for use with sources with aspect ratios exceeding 10 to 1. Given the description of an area source 805 meters long and the maximum impact occurring 406 meters downwind, it is likely that Swape's conclusions appear to be based on a receptor located only 3.5 meters ($406 \text{ meters} - 805 \text{ meters}/2$) outside the modeled source and are no way reflective of actual receptor locations. In AERMOD, it is possible to model linear sources such as roads with a series of area or volume sources, but AERSCREEN is not capable of any such refinement. As such, it is inappropriate for modeling roadway emissions. The AERSCREEN run used by Swape was not capable of producing reliable results.

Furthermore, Swape describes the source parameters within the AERSCREEN model as "the length (805 meters) and width (10 meters) of the on-site service road leading to the CTPF." The report should have included the input parameters, but no other description of critical source parameters was provided, and SCS was unable to duplicate the modeling runs. Still, even Swape's brief description of the model run demonstrates major input errors in the application of this inappropriate air modeling program

An appropriate model for calculating the impacts from roadways is the CAL3QHCR model. CAL3QHCR is a refinement of the CAL3QHC roadway model which is capable of using local meteorological data to calculate impacts. CAL3QHCR was developed specifically to model roadways. It accounts for turbulence, can model several links of roadway, and can model impacts at multiple receptors. SCS utilized the CAL3QHCR model to calculate impacts from the DPM emitted by the ten trips generated by the Project. CAL3QHCR has the additional advantage of

being able to calculate annual average concentrations and to vary emission rates by the time of day.

SCS modeled the on-site roadway at CTPF as three segments. This approach approximated the actual path of the road from the Site entrance to tipping floor. This length of road was the basis for the Swape analysis. For modeling purposes SCS placed receptors at locations near the roadway, including the neighboring property to the northeast and the residences on the east side of Mecham Road. Emissions were modeled as one truck per hour for 10 hours of the day. SCS used an emission rate of 0.177 grams per mile in the model to account for the fact that the trucks would drive the same length of road on the way in and out, plus the idling emissions. After initial CAL3QHCR runs resulted in results that were too low for the model to accurately report, the number of trips was increased to 1,000 trips per hour for screening purposes. The model output in Attachment B reflects 1,000 trips in each of the modeled hours.

The meteorological data used in the model was obtained from the BAAQMD's datasets. Data from the Petaluma Airport station (station 9901, available at <http://hank.baaqmd.gov/tec/data/metdata9901.html>) was used for modeling. Data for 1997 was used because it was the most recent data available. The Petaluma Airport station was selected because it is the closest station available on the BAAQMD website and the meteorological conditions are likely to be similar given the proximity and similar surrounding terrain.

The CALQHCR model resulted in an annual average concentration of 0.0000852 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) at the neighboring property. CAL3QHR inputs and the output file are included in **Attachment B**. The model result is three orders of magnitude lower than the resulting concentration calculated by Swape. The difference in the modeling results alone is enough that if all other factors in the Swape analysis were the same, but the CAL3QHR model run were used, the risk result would be well below ten in a million. In fact, if the CAL3QHR model results are used, the results are less than one in a million.

Risk Characterization

The Swape HRA calculates the exposure to a toxin based on exposure parameters, but as discussed below, the parameters used by Swape are non-standard, and no documentation has been provided by Swape to support their assumed exposure parameters.

To calculate the health risks associated with DPM emissions from the Project trips, the modeled concentrations were used with other exposure parameters and toxicity criteria, which are approved by State agencies (see below), to evaluate carcinogenic and chronic risks at the Site.

The exposure parameters used by Swape were not consistent with current California or federal guidance. **Table 2** shows a complete list of the exposure parameters presented by Swape, and the correct parameters used by SCS. The exposure parameters are used to calculate the average dose of DPM residents would be exposed to over the exposure duration. All exposure parameters used by SCS were obtained from the May 20, 2011 memorandum from the California Department of Toxic Substances Control (DTSC) and Office of Human and Ecological Risk (HERO) (DTSC

Memo), provided in **Attachment C**, except the adult exposure duration. The exposure duration used in this analysis is 70 years of lifetime exposure, and is more conservative than the 30 year exposure duration in the DTSC memo. The values presented in the DTSC memo are recommended and appropriate exposure parameters and are used in several other risk assessment programs, as noted in the DTSC Memo's references. The exposure duration used by SCS is based on the 70 year lifetime used in the 2003 Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxics Hot Spots Program Risk Assessment Guidelines* (Hotspots Guidance) and is representative of a lifetime of exposure to a source. The use of the 70 year exposure duration is conservative, and SCS notes that the DTSC Memo indicates that a total exposure of 30 years is appropriate.

Table 2 - Exposure Parameters

Parameter	Swape Value		SCS Value		Units
	Child	Adult	Child	Adult	
Inhalation Rate	10	20	10	20	m ³ /day
Exposure Frequency	174.9	174.9	350	350	days/year
Exposure Duration	15	55	6	64	years
Averaging Time	25,550	25,550	25,550	25,550	days
Body Weight	15	70	15	70	kg
Work Day	11.5	11.5	See text		hours
Operations	365	365			days

Swape does not explain from where it obtained its exposure parameters. SCS notes that some are standard exposure parameters (e.g. inhalation rate, averaging time). Others appear to be site specific (e.g. work day, operations). SCS believes the exposure frequency was calculated as 365 days/year * 11.5 hours/24 hours to account for the fact that CTPF will not operate 24 hours per day but the annual concentration derived from the AERSCREEN model run assumes that a source operates continuously. SCS agrees with this approach, but believes that the value should be 167.7 days/year (350 days*11.5 hours/24 hours).

The SCS exposure calculations have already accounted for the work day duration through the use of the CAL3QHCR model option to scale emissions by the hour of the day.

The use of a 15-year childhood exposure duration by Swape is unreasonable. While their exposure parameters are largely derived from standard EPA and DTSC parameters, the use of 15 years of childhood exposure artificially inflates results. The DTSC Memo and the Hotspots Guidance both use 6 years of childhood exposure as the standard exposure. Swape has not provided a source or justification for the use of such a long childhood. The use of 15-year childhood exposure duration characterizes children as being an average of 30 pounds in weight over the first 15 years of their lives, which is well outside of the established exposure parameters determined by the EPA and DTSC, and well outside reasonable expectation. It is possible Swape has based the childhood duration on the BAAQMD's Risk Screening Guidance, though no

reference was provided and other parameters are inconsistent with that guidance. Even if this unreasonably long childhood exposure duration were used, when combined with the emission rates determined above and the CAL3QHR results, the increase in cancer risk would still be less than significant.

Swape has not shown how the dose or health risk was calculated, though their equations are standard. *Equation 1* shows how the dose is calculated.

Equation 1:
$$Dose = \frac{C * InhR * ED * EF * conv}{AT * BW}$$

Where:

Dose = average dose at the maximally impacted location (mg/kg-day)

C = modeled concentration in outdoor air ($\mu\text{g}/\text{m}^3$)

InhR = inhalation rate (m^3/day)

ED = exposure duration (years)

EF = exposure frequency (days/year)

conv = conversion factor ($\mu\text{g}/\text{mg}$)

AT = averaging time (days)

BW = body weight (kg)

Cancer risk is calculated by multiplying the carcinogenic dose by the cancer slope factor. The cancer slope factor for DPM obtained from the OEHHA Toxicity Criteria Database (TCDB) is $1.1 (\mu\text{g}/\text{kg}\text{-day})^{-1}$. Resulting cancer is shown in *Table 3*, along with BAAQMD CEQA thresholds of significance for emissions.

Table 3 - Health Risk Results

Scenario	Dose (mg/kg-day)	Slope Factor (mg/kg-day) ⁻¹	Cancer Risk	BAAQMD CEQA Threshold
Childhood Carcinogenic Risk	4.67×10^{-9}	1.1	5.14×10^{-9}	
Adult Carcinogenic Risk	2.13×10^{-8}	1.1	2.35×10^{-8}	
Total Cancer Risk			2.86×10^{-8}	1.0×10^{-5}

The cancer risk calculated using correct DPM emission factors and approved exposure parameters approved by the appropriate regulatory agencies was 0.0286 in a million, much less than 10 in a million (1×10^{-5}). **The risk calculated by SCS is three orders of magnitude lower than the BAAQMD CEQA threshold for determining whether there is a potentially significant health risk impact.** This conclusion is consistent with the relative difference in the Project trip and screening guidelines. The ten additional truck trips from the Project are three orders of magnitude lower than the lowest screening level in BAAQMD tables of 10,000 trips. This relative difference demonstrates that the screening guidelines, while not directly applicable to the Project, provide a reasonable point of reference when evaluating the impacts of mobile

source emissions. This result demonstrates that the approach used by the BAAQMD to determine screening levels and the approach used in this HRA produce comparable results and validates those screening levels.

The vast discrepancy between the results found by Swape and both the BAAQMD analysis and this analysis shows that the Swape approach is fundamentally flawed. The methodology presented by Swape, and the conclusions that follow, are unsubstantiated, with no model inputs or results presented and no reference to the risk assessment methodology or parameters provided. The AERSCREEN run described by Swape is a misapplication of the model and yields erroneous results. In whole, the HRA presented by Swape cannot be relied upon to demonstrate that there exists a reasonable belief that there will be adverse health impacts resulting from the Project.

CLOSING

Thank you for the opportunity to assist you with this evaluation. Please don't hesitate to call John Henkelman or Patrick Sullivan at 916-361-1297 if you have any questions or need any additional information.

Sincerely,



John Henkelman, E.I.T.
Project Professional
SCS ENGINEERS



Patrick S. Sullivan
Senior Vice President
SCS ENGINEERS

Attachments:

Attachment A – EmFac2011 Outputs and Emission Rates

Attachment B – CAL3QHR Inputs and Output

Attachment C – May 20, 2011 memorandum from the DTSC and HERO

REFERENCES

- DTSC, 2011. Recommended DTSC Default Exposure Factors for Use in Risk Assessment at California Military Facilities. Sacramento.
- EPA, 1989. *Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation Manual (Part A)*. Interim Final. United States Environmental Protection Agency, 1540/1-89/002, December 1989.
- EPA, 1995. *User's Guide to CAL3QHC Version 2.0: A Modeling Methodology for Predicting Pollutant Concentrations Near Roadway Intersections*.
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- EPA, 2011. *AERSCREEN User's Guide*.
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- SMAQMD, 2011. *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways*.
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- BAAQMD, 2012. *CEQA Guidance*.
- BAAQMD, 2012. *Recommended Methods for Screening and Modeling Local Risks and Hazards County of Sonoma. Traffic Volumes January 2008 Through December 2012 (excerpt-Mecham Road)*

**Attachment A –
EmFac2011 Output**

CY	EMFAC2007 Vehicle Category	Fuel_Type	air_basin	season	HC (g/hr-veh)	CO (g/hr-veh)	NOX (g/hr-veh)	PM10 (g/t)	PM2.5 (g/t)	CO2 (g/hr-veh)	CO2 (with TOG (g/hr-veh))	TOG (g/hr-veh)	ROG (g/hr-veh)	Sox (g/hr-veh)
2014	HHDT	D	SF	a	5.020098198	33.27679	72.18981	0.384355	0.353607	7022.554	6917.215	7.237476	6.357452	0.066998
2019	HHDT	D	SF	a	5.14133871	36.51208	50.8305	0.128346	0.118078	7043.794	6480.29	7.412268	6.510991	0.067201
2024	HHDT	D	SF	a	5.792826726	41.36767	39.18456	0.109092	0.100365	7035.053	6331.548	8.351518	7.336036	0.067118
2029	HHDT	D	SF	a	5.818087046	41.55721	38.76828	0.108447	0.099771	7035.111	6331.6	8.387936	7.368025	0.067118
2034	HHDT	D	SF	a	5.830110012	41.64998	38.57171	0.108006	0.099365	7035.222	6331.7	8.40527	7.383251	0.067119
2035	HHDT	D	SF	a	5.831474553	41.66098	38.55029	0.107934	0.099299	7035.28	6331.752	8.407237	7.384979	0.06712

EMFAC2011 Emission Rates

Region Type: County

Region: Sonoma

Calendar Year: 2014, 2019, 2024, 2029, 2034, 2035

Season: Annual

Vehicle Classification: EMFAC2011 Categories

Region	CalYr	Season	Veh_Class	Fuel	MdYr	Speed	VMT	ROG_RUNE	TOG_RUNE	CO_RUNEX	NOX_RUNE	CO2_RUNE	CO2_RUNE	PM10_RUNE	PM2_5_RUNEX
Sonoma	2014	Annual	T7 SWCV	DSL	Aggregatec		5 10.50439	1.37424	1.564467	2.462289	36.03809	4067.032	4006.026	0.240383	0.221153
Sonoma	2019	Annual	T7 SWCV	DSL	Aggregatec		5 12.00816	1.623743	1.848508	3.071188	23.52479	4020.07	3698.465	0.153367	0.141098
Sonoma	2024	Annual	T7 SWCV	DSL	Aggregatec		5 13.25798	1.797261	2.046045	3.489355	13.87161	3991.959	3592.763	0.096696	0.08896
Sonoma	2029	Annual	T7 SWCV	DSL	Aggregatec		5 14.63788	1.87223	2.131391	3.71262	7.665067	3972.415	3575.173	0.060696	0.05584
Sonoma	2034	Annual	T7 SWCV	DSL	Aggregatec		5 16.1614	1.920034	2.185813	3.824177	4.846422	3960.523	3564.471	0.05322	0.048962
Sonoma	2035	Annual	T7 SWCV	DSL	Aggregatec		5 16.48463	1.915754	2.18094	3.816352	4.606604	3959.148	3563.233	0.052837	0.04861

**Attachment B –
CAL3QHCR Input and Output**

```

'CDWS CEQA SCREEN' 60. 2.72 0. 0. 6 1 0
1 1 90 12 31 90
23234 90 23230 90
1 0 'R'
'Neighbor SW Corner' -225 192 0
'Neighbor SE Corner' -73 204 0
'Neighbor NW Corner' -236 376 0
'Neighbor NE Corner' -42 504 0
'S Meecham Neighbor' 126 224 0
'S Meecham Neighbor' 149 326 0
2 'P'
1 1 1 1 1 1 1
'CWDS ROAD' 3
1 1
'Entrance to curve 1' 'AG' 0. 0. -301. -17. 0. 20.
2 1
'Curve 1 to curve 2' 'AG' -301. -17. -313. 127. 0. 20.
3 1
'Curve 2 to end' 'AG' -313. 127. -601. 234. 0. 20.
1 0
1 0 0.458
2 0 0.458
3 0 0.458
2 0
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3 0
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6 0
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2 1000 0.458
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24 0
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2 0 0.458
3 0 0.458

CAL3QHCR (Dated: 13196)

DATE :
02/13/14

PAGE: 1

TIME : 17:01:10

JOB: CDWS CEQA SCREEN
ROAD

RUN: CWDS

=====
General Information
=====

Run start date: 01/01/97 Julian: 1
 end date: 12/31/97 Julian: 365

A Tier 2 approach was used for input data preparation.

The MODE flag has been set to P for calculating PM averages.

Ambient background concentrations are excluded from the averages below.

Site & Meteorological Constants

VS = 0.0 CM/S VD = 0.0 CM/S Z0 = 3. CM ATIM = 60.

Met. Sfc. Sta. Id & Yr = 9901 97
Upper Air Sta. Id & Yr = 9901 97

Rural mixing heights were processed.

In 1997, Julian day 1 is a Wednesday.

The patterns from the input file
have been assigned as follows:

Pattern # 1 is assigned to Monday.
Pattern # 1 is assigned to Tuesday.
Pattern # 1 is assigned to Wednesday.
Pattern # 1 is assigned to Thursday.
Pattern # 1 is assigned to Friday.
Pattern # 1 is assigned to Saturday.
Pattern # 1 is assigned to Sunday.

Link Data Constants - (Variable data in *.LNK file)

LINK DESCRIPTION * LINK COORDINATES (M) * LENGTH BRG
TYPE H W NLANES
 * X1 Y1 X2 Y2 * (M)
 (DEG) (M) (M)

```

-----*-----*-----
-----
1. Entrance to curve 1 *      0.0      0.0      -301.0      -17.0 *      301.      267.
AG   0.0  20.0
2. Curve 1 to curve 2 *    -301.0      -17.0      -313.0      127.0 *      144.      355.
AG   0.0  20.0
3. Curve 2 to end *        -313.0      127.0      -601.0      234.0 *      307.      290.
AG   0.0  20.0
    
```

CAL3QHCR (Dated: 13196)

DATE :
02/13/14

PAGE: 2

TIME : 17:01:10

JOB: CDWS CEQA SCREEN
ROAD

RUN: CWDS

Receptor Data

```

-----
RECEPTOR          *          COORDINATES (M)
                   *          X           Y           Z
-----*-----
1. Neighbor SW Corner *      -225.0      192.0      0.0
2. Neighbor SE Corner *       -73.0      204.0      0.0
3. Neighbor NW Corner *     -236.0      376.0      0.0
4. Neighbor NE Corner *      -42.0      504.0      0.0
5. S Meecham Neighbor *      126.0      224.0      0.0
6. S Meecham Neighbor *      149.0      326.0      0.0
    
```

Model Results

Remarks : In search of the wind direction corresponding to the maximum concentration, only the first direction, of the directions with the same maximum concentrations, is indicated as the maximum.

* MAXIMUM HOURLY CONCENTRATIONS WITH ANY AMBIENT BACKGROUND CONCENTRATIONS (BKG) ADDED
* (MICROGRAMS/M**3)

```

* REC0001 REC0002 REC0003 REC0004 REC0005 REC0006
-----*-----
MAX+BKG *  4.1921  3.1671  3.2600  1.6819  2.3503  1.7093
- BKG   *  0.0000  0.0000  0.0000  0.0000  0.0000  0.0000
-----*-----
MAX     *  4.1921  3.1671  3.2600  1.6819  2.3503  1.7093
WIND DIR*   271    267    191    213    267    256
JULIAN  *     9    332    357    331    332    73
HOUR    *     6     8     6     6     8     7
    
```

THE HIGHEST CONCENTRATION OF 4.1921 UG/M**3 OCCURRED AT RECEPTOR REC0001.

CAL3QHCR (Dated: 13196)

DATE :
02/13/14

PAGE: 3

TIME : 17:01:10

JOB: CDWS CEQA SCREEN
ROAD

RUN: CWDS

=====
Output Section
=====

NOTES PERTAINING TO THE REPORT

1. THE HIGHEST AVERAGE IN EACH OF THE FIRST TWO COLUMNS OF EACH TABLE BELOW ARE SUFFIXED BY AN ASTERISK (*).
FOR PM OUTPUT, THERE IS ONLY ONE COLUMN AND ASTERISK FOR THE ANNUAL AVERAGE/PERIOD OF CONCERN TABLE.
2. THE NUMBERS IN PARENTHESES ARE THE JULIAN DAY AND ENDING HOUR FOR THE PRECEDING AVERAGE.
3. THE NUMBER OF CALM HOURS USED IN PRODUCING EACH AVERAGE ARE PREFIXED BY A C.

PRIMARY AND SECONDARY AVERAGES.

SIX HIGHEST 24-HOUR END-TO-END AVERAGE CONCENTRATIONS IN MICROGRAMS/M**3 EXCLUDING AMBIENT BACKGROUND CONCENTRATIONS.

Rcptr	Highest Highest			Second Highest Fifth Highest			Third Highest Sixth Highest			Fourth		
	Ending	Ending	Ending	Ending	Ending	Ending	Ending	Ending	Conc	Day		
No.	Conc	Day Hr	Calm	Conc	Day Hr	Calm	Conc	Day Hr	Calm	Conc	Day	
Hr	Calm	Conc	Day Hr	Calm	Conc	Day Hr	Calm	Conc	Day Hr	Calm	Day	
1	0.4257*	(9,24)	C 0	0.2819*	(274,24)	C 0	0.2749	(185,24)	C 0	0.2698	(45,24)	C 0
				0.2578	(171,24)	C 0	0.2574	(167,24)	C 0			
2	0.2205	(9,24)	C 0	0.1731	(185,24)	C 0	0.1557	(332,24)	C 0	0.1546		
				0.1510	(171,24)	C 0	0.1468	(56,24)	C 0			
3	0.1389	(185,24)	C 0	0.1359	(357,24)	C 0	0.1206	(219,24)	C 0	0.1130	(12,24)	C 0
				0.1128	(107,24)	C 0	0.1120	(167,24)	C 0			
4	0.0930	(185,24)	C 0	0.0778	(107,24)	C 0	0.0763	(167,24)	C 0	0.0716		
				0.0638	(1,24)	C 0	0.0593	(271,24)	C 0			
5	0.1253	(167,24)	C 0	0.1217	(56,24)	C 0	0.1200	(274,24)	C 0	0.1024	(65,24)	C 0
				0.1010	(9,24)	C 0	0.0979	(332,24)	C 0			
6	0.1050	(56,24)	C 0	0.0939	(167,24)	C 0	0.0932	(274,24)	C 0	0.0791		
				0.0771	(171,24)	C 0	0.0743	(73,24)	C 0			

THE HIGHEST ANNUAL AVERAGE CONCENTRATIONS

IN MICROGRAMS/M**3
EXCLUDING AMBIENT BACKGROUND CONCENTRATIONS.

Receptor Number	Maximum Conc	Ending Day Hr	Calm
1	0.0852*	(365,24)	C 5
2	0.0398	(365,24)	C 5
3	0.0185	(365,24)	C 5
4	0.0070	(365,24)	C 5
5	0.0195	(365,24)	C 5
6	0.0115	(365,24)	C 5

CAL3QHCR (Dated: 13196)

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TIME : 17:01:10

JOB: CDWS CEQA SCREEN
ROAD

RUN: CWDS

LINK CONTRIBUTION TABLES

MAXIMUM 24-HOUR AVERAGED LINK CONTRIBUTIONS
IN MICROGRAMS/M**3
EXCLUDING AMBIENT BACKGROUND CONCENTRATIONS.

Rcpt No.	Total Conc	Ending Day Hr	Ambient Backgnd	Total Link	Link +1	Link +2	Link +3
1	0.4257	(9,24)	0.00	0.4257	0.1120	0.0058	0.3080
2	0.2205	(9,24)	0.00	0.2205	0.0341	0.0199	0.1665
3	0.1389	(185,24)	0.00	0.1389	0.0367	0.0350	0.0672
4	0.0930	(185,24)	0.00	0.0930	0.0575	0.0339	0.0016
5	0.1253	(167,24)	0.00	0.1253	0.1080	0.0123	0.0050
6	0.1050	(56,24)	0.00	0.1050	0.0538	0.0000	0.0512

SECOND HIGHEST 24-HOUR AVERAGED LINK CONTRIBUTIONS
IN MICROGRAMS/M**3
EXCLUDING AMBIENT BACKGROUND CONCENTRATIONS.

Rcpt No.	Total Conc	Ending Day Hr	Ambient Backgnd	Total Link	Link +1	Link +2	Link +3
1	0.2819	(274,24)	0.00	0.2819	0.0014	0.0982	0.1824
2	0.1731	(185,24)	0.00	0.1731	0.1496	0.0033	0.0202
3	0.1359	(357,24)	0.00	0.1359	0.0156	0.1183	0.0021
4	0.0778	(107,24)	0.00	0.0778	0.0445	0.0000	0.0333
5	0.1217	(56,24)	0.00	0.1217	0.0689	0.0112	0.0416
6	0.0939	(167,24)	0.00	0.0939	0.0657	0.0211	0.0071

MAXIMUM ANNUAL AVERAGED LINK CONTRIBUTIONS
IN MICROGRAMS/M**3

EXCLUDING AMBIENT BACKGROUND CONCENTRATIONS.

Rcpt No.	Total Conc	Ending Day Hr	Ambient Backgnd	Total Link	Link +1	Link +2	Link +3
1	0.0852	(365,24)	0.00	0.0852	0.0238	0.0115	0.0500
2	0.0398	(365,24)	0.00	0.0398	0.0130	0.0054	0.0214
3	0.0185	(365,24)	0.00	0.0185	0.0078	0.0024	0.0083
4	0.0070	(365,24)	0.00	0.0070	0.0026	0.0013	0.0031
5	0.0195	(365,24)	0.00	0.0195	0.0061	0.0032	0.0102
6	0.0115	(365,24)	0.00	0.0115	0.0038	0.0016	0.0060

CAL3QHCR (Dated: 13196)

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TIME : 17:01:10

JOB: CDWS CEQA SCREEN
ROAD

RUN: CWDS

CALM DURATION FREQUENCY

Hours of Consecutive Calm Winds	Frequency of Occurrence	(Julian day/hour ending) of Significant Occurrences
1	2	(63, 9)(176,10)
3	1	(252,10)

Program terminated normally

Attachment C –

May 20,2011 DTSC Memorandum



**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)
OFFICE OF HUMAN AND ECOLOGICAL RISK (HERO)**

HUMAN HEALTH RISK ASSESSMENT (HHRA) NOTE

HERO HHRA NOTE NUMBER: 1

ISSUE DATE: May 20, 2011

ISSUE: Recommended DTSC Default Exposure Factors for Use in Risk Assessment at California Hazardous Waste Sites and Permitted Facilities.

SUMMARY

The attached table summarizes exposure factors which may be used as default values in human health risk assessments for California hazardous waste sites and permitted facilities. The recommended values were obtained primarily from USEPA and Cal-EPA DTSC guidance documents, and references for each of the exposure factors are provided. The values shown should generally be used to calculate reasonable maximum exposure (RME) estimates for residential, industrial, and construction worker receptors. Site-specific data may warrant deviation from these values. For any cases in which site specific alternate values are used, appropriate justification and documentation should be included in the risk assessment report.

While inhalation rates are provided in the attached table, US EPA's Risk Assessment Guidance for Superfund (RAGS) Part F (Supplemental Guidance for Inhalation Risk Assessment; <http://www.epa.gov/oswer/riskassessment/ragsf/index.htm>) was finalized in January 2009 and should be consulted regarding newer recommendations for evaluation of inhalation exposures. RAGS Part F recommends that concentrations of the chemical in air (e.g. mg/m³) be used to assess risk, rather than inhalation intake of a contaminant in air based on inhalation rate and body weight (e.g. mg per kg body weight per day).

Note that the default exposure parameter values listed in this table are summarized for California hazardous waste sites and permitted facilities, but may not be appropriate for certain properties and exposure scenarios (e.g. schools). The other HERO Section Chiefs¹ should be consulted for default exposure factors in such cases.

HERO ISSUE CONTACT PERSON(S):	Michael J. Wade, Ph. D., D.A.B.T. Senior Toxicologist 916.255.6653 Voice 916.255.6695 Facsimile Mwade@dtsc.ca.gov
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¹ Northern California Section (Claudio Sorrentino, Ph.D., Senior Toxicologist, 916-255-6656); Southern California Section (William Bosan, Ph.D., Senior Toxicologist, 714-484-5399)

RECOMMENDED DTSC DEFAULT EXPOSURE FACTORS FOR USE IN RISK ASSESSMENT AT CALIFORNIA HAZARDOUS WASTE SITES AND PERMITTED FACILITIES			
EXPOSURE PARAMETERS	RME SCENARIO		
	Residential	Industrial	Construction
Body weight (BW)			
adult (kg)	70 ^{a,b}	70 ^{a,b}	70 ^{a,b}
child (kg)	15 ^{b,c}		
Averaging time (AT)			
carcinogens (days)	25550 ^{a,b}	25550 ^{a,b}	25550 ^{a,b}
noncarcinogens (days)	ED x 365 ^{a,b}	ED x 365 ^{a,b}	ED x 365 ^{a,b}
Exposure duration (ED)			
adult (yr)	24 ^d	25 ^{b,c}	Site-specific, HERO default = 1
child (yr)	6 ^d		
Exposure frequency (EF) (days/yr)			
	350 ^{b,c}	250 ^{b,c}	Site-specific, HERO default = 250
Inhalation rate (InhR)			
adult	20 (m ³ /day) ^{b,c}	14 m ³ /day for the 8 hr workday ^e	20 m ³ /day for the 8 hr workday ^f
child	10 (m ³ /day) ^{b,d}		
Drinking water ingestion (IR)			
adult (L/day)	2 ^{a,b}	2 ^f	0, HERO default = 2 if on-site water is consumed
child (L/day)	1 ^{b,d}		
Soil ingestion (IR)			
adult (mg/day)	100 ^{a,b}	100 ^f	330 ^f
child (mg/day)	200 ^{a,b}		
Particulate emission factor (PEF) (m³/kg)			
	1.316E+09 ^b	1.316E+09 ^b	1.0E+06 ^g
Skin surface area for soil contact (SA)			
adult (cm ²)	5700 ^h	5700 ^h	5700 ^h
child (cm ²)	2900 ^h		
Soil adherence factor (AF)			
adult (mg/cm ²)	0.07 ^h	0.2 ^h	0.8 ^h
child (mg/cm ²)	0.2 ^h		

RECOMMENDED DTSC DEFAULT EXPOSURE FACTORS FOR USE IN RISK ASSESSMENT AT CALIFORNIA HAZARDOUS WASTE SITES AND PERMITTED FACILITIES			
EXPOSURE PARAMETERS	RME SCENARIO		
	Residential	Industrial	Construction
Dermal absorption fraction (ABS) (unitless)	Chemical specific ⁱ	Chemical specific ⁱ	Chemical specific ⁱ
Dermal permeability coefficient from water (K_p) (cm/hr)	Chemical specific ^j	Chemical specific ^j	Chemical specific ^j
Showering/Bathing Scenario ^k			
Skin surface area for water contact (SA) (cm ²)			
adult	18,000		
child	6,600		
Exposure time (ET)			
adult	0.58 hr/day		
child	1 hr/day		
Exposure frequency (EF) (days/yr)	350		
REFERENCES			
^a US EPA 1989, Risk Assessment Guidance for Superfund (RAGS) (Part A), EPA/540/1-89/002			
^b US EPA 2004, Region 9 Preliminary Remediation Goals. Memorandum from Stanford Smucker, Ph.D., Regional Toxicologist. (http://www.epa.gov/region09/waste/sfund/prg/index.html). This default PEF value corresponds to a receptor point dust concentration of approximately 0.76 µg/m ³ .			
^c US EPA 1991, RAGS Volume I: Human Health Evaluation Manual <u>Supplemental Guidance</u> "Standard Default Exposure Factors", OSWER No. 9285.6-03			
^d Cal-EPA DTSC 1994 (Second Printing 1999), Preliminary Endangerment Assessment (PEA) Guidance Manual			
^e Cal-EPA DTSC estimated this value based on the following study cited in the US EPA Exposure Factors Handbook 1997 (EPA/600/P-95/002Fa): Linn W.S, Spier C.E., and J.D. Hackney. 1993. Activity patterns in ozone-exposed construction workers. J. Occ. Med. Tox. 2(1): 1-14.			
^f US EPA 2002, Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites, OSWER 9355.4-24			
^g This PEF value corresponds to a respirable dust concentration of 1 mg/m ³ . This is based on a maximum concentration of dust in air of 10 mg/m ³ recommended by the American Conference of Governmental Industrial Hygienists (ACGIH 2004, Threshold Limit Values and Biological Exposure Indices), and the assumption that 10 percent of the mass of particles are in the respirable PM10 range.			
^h Cal-EPA DTSC Draft 2000. Draft memorandum from S. DiZio, M. Wade, and D. Oudiz. Guidance for the Dermal Exposure Pathway. The DTSC recommendations detailed in the Draft 2000 memorandum were partially based on US EPA RAGS (Part E) Supplemental Guidance for Dermal Risk Assessment, Interim Guidance (1998). As discussed in the Draft 2000 memorandum, DTSC recommends that the skin surface area for industrial workers be set as 5700 cm ² based on California's more temperate climate as compared to other, colder, areas of the United States.			
ⁱ Consult the PEA Manual, Cal-EPA DTSC, January 1994 (Second Printing 1999), Note that the dermal absorption fraction for volatile organic compounds (VOCs) can be assumed to be 0. This is based on the assumption that VOCs volatilize from soil on skin and should be evaluated via the inhalation exposure pathway from soil.			
^j Consult USEPA 2004, RAGS (Part E, Supplemental Guidance for Dermal Risk Assessment), EPA/540/R/99/005. Exhibits B-3 and B-4 list K _p values for organic and inorganic chemicals in water, respectively.			
^k USEPA 2004, RAGS (Part E, Supplemental Guidance for Dermal Risk Assessment), EPA/540/R/99/005.			

COUNTY OF SONOMA

TRAFFIC VOLUMES

JANUARY 2008 THROUGH DECEMBER 2012



ROAD NAME	RD#	P.M.	LOCATION	DIR	DATE	DAY	24 Hr Vol	AM PEAK	PM PEAK		
Mark West Springs Rd	8801	A	10.22	E/Hwy 101	W/B	10/26/10	Tue	11541	960@ 0800	1023@ 1500	M
Mark West Springs Rd	8801	A	11.04	E/Ursuline Rd	E/B	07/07/09	Tue	6775	395@ 0900	679@ 1700	M
Mark West Springs Rd	8801	A	11.04	E/Ursuline Rd	W/B	07/07/09	Tue	6677	485@ 0800	525@ 1500	M
Mark West Springs Rd	8801	A	11.04	E/Ursuline Rd	E/B	10/26/10	Tue	6949	500@ 0700	659@ 1600	M
Mark West Springs Rd	8801	A	11.04	E/Ursuline Rd	W/B	10/26/10	Tue	6628	616@ 0700	553@ 1700	M
Mark West Springs Rd	8801	A	11.79	W/Riebli Rd	E/B	06/05/08	Thu	7024	416@ 0800	665@ 1700	M
Mark West Springs Rd	8801	A	12.83	E/Riebli Rd	W/B	06/05/08	Thu	4487	338@ 0700	414@ 1600	M
Mark West Springs Rd	8801	A	13.15	E/Riebli Rd	E/B	07/17/12	Tue	4588	343@ 0700	393@ 1700	M
Mark West Springs Rd	8801	A	13.15	E/Riebli Rd	W/B	07/17/12	Tue	4547	304@ 0800	441@ 1600	M
Mark West Station Rd	89010		10.40	E/Trenton Healdsburg Rd	E/B	04/15/10	Thu	190	20@ 0900	23@ 1800	M
Mark West Station Rd	89010		10.40	E/Trenton Healdsburg Rd	W/B	04/15/10	Thu	203	21@ 0800	19@ 1700	M
Marshall Ave	57026		10.16	S/Skillman Ln	N/B	07/24/08	Thu	1639	126@ 0800	126@ 1700	M
Marshall Ave	57026		10.16	S/Skillman Ln	S/B	07/24/08	Thu	1545	93@ 1100	142@ 1700	M
Marshall Ave	57026		10.16	S/Skillman Ln	N/B	03/22/11	Tue	1565	129@ 0700	131@ 1700	M
Marshall Ave	57026		10.16	S/Skillman Ln	S/B	03/22/11	Tue	1415	78@ 1100	152@ 1700	M
Mecham Rd	5802		10.28	N/Pepper Rd	N/B	05/13/10	Thu	1406	94@ 0800	182@ 1600	M
Mecham Rd	5802		10.28	N/Pepper Rd	S/B	05/13/10	Thu	1386	171@ 0700	96@ 1500	M
Mecham Rd	5802		11.22	N/Refuse	N/B	09/16/08	Tue	1894	139@ 0900	234@ 1500	M
Mecham Rd	5802		11.22	N/Refuse	S/B	09/16/08	Tue	1943	220@ 0700	166@ 1300	M
Mecham Rd	5802		11.22	N/Refuse	N/B	08/07/12	Tue	2008	165@ 1100	259@ 1500	M
Mecham Rd	5802		11.22	N/Refuse	S/B	08/07/12	Tue	2074	216@ 0600	167@ 1200	M
Meyers Grade Rd	7201		10.22	N/Hwy 1	N/B	06/09/10	Wed	131	19@ 0600	14@ 1800	M
Meyers Grade Rd	7201		10.22	N/Hwy 1	N/B	09/28/10	Tue	172	22@ 0600	18@ 1800	M
Meyers Grade Rd	7201		10.22	N/Hwy 1	S/B	09/28/10	Tue	168	16@ 0800	21@ 1200	M
Middle Two Rock Rd	57015		12.64	W/Eucalyptus Ave	E/B	04/12/11	Tue	164	12@ 1100	22@ 1600	M
Middle Two Rock Rd	57015		12.64	W/Eucalyptus Ave	W/B	04/12/11	Tue	180	19@ 0600	20@ 1700	M
Middle Two Rock Rd	57015		14.00	W/Bodega Ave	E/B	04/07/11	Thu	552	53@ 0800	49@ 1500	M
Middle Two Rock Rd	57015		14.00	W/Bodega Ave	W/B	04/07/11	Thu	431	30@ 1100	44@ 1500	M
Mill Creek Rd	99010		17.93	W/Wallace Creek Rd	E/B	08/19/08	Tue	313	32@ 0800	35@ 1500	M
Mill Creek Rd	99010		17.93	W/Wallace Creek Rd	W/B	08/19/08	Tue	304	25@ 0700	25@ 1700	M
Mill Station Rd	79007		10.63	W/Occidental Rd	E/B	08/19/09	Wed	563	43@ 1100	51@ 1500	M
Mill Station Rd	79007		10.63	W/Occidental Rd	W/B	08/19/09	Wed	585	40@ 0700	49@ 1700	M
Mill Station Rd	79007		10.63	N/Occidental Rd	N/B	08/14/12	Tue	587	45@ 0800	65@ 1700	M
Mill Station Rd	79007		10.63	N/Occidental Rd	S/B	08/14/12	Tue	580	49@ 0900	52@ 1500	M
Mill Station Rd	79007		12.86	E/Ragle Rd	E/B	07/14/11	Thu	2449	205@ 0800	207@ 1200	M
Mill Station Rd	79007		12.86	E/Ragle Rd	W/B	07/14/11	Thu	1901	111@ 1100	224@ 1700	M
Millbrae Ave	68060		10.88	E/Stony Point Rd	E/B	09/16/08	Tue	1458	96@ 0800	129@ 1600	M
Millbrae Ave	68060		10.88	E/Stony Point Rd	W/B	09/16/08	Tue	1804	103@ 0700	195@ 1700	M
Millbrae Ave	68060		10.88	E/Stony Point Rd	E/B	04/27/10	Tue	1292	94@ 1100	131@ 1700	M
Millbrae Ave	68060		10.88	E/Stony Point Rd	W/B	04/27/10	Tue	1688	88@ 0800	176@ 1700	M
Millbrae Ave	68060		10.88	E/Stony Point Rd	E/B	12/12/12	Wed	971	79@ 0900	95@ 1600	M
Millbrae Ave	68060		10.88	E/Stony Point Rd	W/B	12/12/12	Wed	1304	70@ 1100	134@ 1600	M
Mirabel Rd	7906		10.27	S/Davis Rd	N/B	10/27/09	Tue	3465	201@ 1100	382@ 1700	M
Mirabel Rd	7906		10.27	S/Davis Rd	S/B	10/27/09	Tue	3497	385@ 0800	292@ 1600	M
Mirabel Rd	7906		10.90	S/Trenton Rd	N/B	08/06/08	Wed	3323	196@ 1100	338@ 1700	M
Mirabel Rd	7906		10.90	S/Trenton Rd	S/B	08/06/08	Wed	3317	257@ 0800	266@ 1500	M
Mirabel Rd	7906		10.90	S/Trenton Rd	N/B	08/17/10	Tue	3229	177@ 1100	338@ 1700	M
Mirabel Rd	7906		10.90	S/Trenton Rd	S/B	08/17/10	Tue	3296	239@ 1100	290@ 1600	M
Mirabel Rd	7906		10.90	S/Trenton Rd	N/B	07/12/12	Thu	3103	185@ 1100	274@ 1600	M
Mirabel Rd	7906		10.90	S/Trenton Rd	S/B	07/12/12	Thu	3098	222@ 0900	262@ 1700	M
Monte Vista Terrace	70072		10.61	E/Forest Wy	Both	05/12/11	Thu	28			M
Montecito Ave	77066		10.87	N/Zieber Rd	N/B	07/28/11	Thu	383	22@ 0900	41@ 1600	M
Montecito Ave	77066		10.87	N/Zieber Rd	S/B	07/28/11	Thu	381	28@ 0900	38@ 1500	M
Montgomery Rd	69050		10.05	N/Bodega Hwy	N/B	07/22/09	Wed	134	12@ 1100	16@ 1500	M
Montgomery Rd	69050		10.05	N/Bodega Hwy	S/B	07/22/09	Wed	139	14@ 1000	13@ 1500	M
Montgomery Rd	69050		10.05	N/Bodega Hwy	N/B	05/30/12	Wed	104	9@ 1000	15@ 1300	M
Montgomery Rd	69050		10.05	N/Bodega Hwy	S/B	05/30/12	Wed	138	13@ 0800	14@ 1300	M
Moorland Ave	68085		10.16	N/Todd Rd	N/B	04/01/09	Wed	1795	119@ 0700	159@ 1600	M