

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

TUESDAY

JUNE 10, 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.

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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 59)

PRESENTATIONS/GOLD RESOLUTIONS

(Items 1 through 9)

PRESENTATIONS AT BOARD MEETING

1. Adopt a Gold Resolution proclaiming the month of June 2014 as Pride Month in Sonoma County. (Second District)
2. Adopt twelve Gold Resolutions commending high school students Christopher Gullixson, Emma White, Hannah Selwyn, Serena Uppal, Destiny Martin, Alma Rosas Rodriguez, Jordan Eddy, Lexi Palm, Marylyn Duong, Casey Bauer, Elizabeth Cruz Reyes, and Isabella Bertucci Ruiz, for their 2013-2014 participation as Junior Commissioners of the Junior Commission on Human Rights. (Human Resources)
3. Adopt a Gold Resolution proclaiming June 15, 2014 as World Elder Abuse Awareness Day in Sonoma County. (Human Services/District Attorney/Health Services/Human Resources/Sheriff's Office)
4. Adopt a Gold Resolution recognizing Vickie Miller as the 2014 Sonoma County "Green Employee of the Year" for her efforts in reducing her carbon footprint and providing leadership for her colleagues to use more sustainable practices in the workplace. (General Services)

PRESENTATIONS AT DIFFERENT DATE

5. Adopt a Gold Resolution honoring Kathy Hayes and her many contributions to Sonoma County. (County Administrator)
6. Adopt a Gold Resolution honoring Milena Duarte for achieving the Gold Award, the highest honor in Girl Scouts. (First District)
7. Adopt a Gold Resolution honoring Katherine Marie Allen for achieving the Gold Award, the highest honor in Girl Scouts. (First District)
8. Adopt a Gold Resolution proclaiming May 18, 2014, as "Windsor Military Hometown Heroes Banner Day." (Fourth District)

CONSENT CALENDAR (Continued)

9. Adopt a Gold Resolution congratulating Paul and Vicki Michaelczyk of Hawk Hill Vineyard on the occasion of their selection by the Sonoma County Winegrape Commission to receive the 2014 Viticulture Award of Excellence. (Countywide)

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

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

10. Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District (District) to execute “as needed” professional services agreements for baseline documentation services with (1) Rob Evans & Associates in the not-to-exceed amount of \$50,000; and (2) Pacific Watershed Associates, Inc. in the not-to-exceed amount of \$25,000 for the term of Fiscal Years 2013-14 through 2016-2017.
11. Approve and authorize the General Manager to enter into East Slope Segment Sonoma Mountain Ridge Trail access agreements with (1) Theodore L. Eliot, Jr. and Patricia P. Eliot; and (2) the Lupine Hill Partnership. (First District)
12. Haroutunian North – County Settlement in Connection with the County’s Airport Blvd. at Fulton Road Signalization Project and Caltrans Settlement in Connection with the North B/Airport Boulevard Interchange Project
 (A) Approve a settlement with the County of Sonoma for the conveyance of fee interest in a 3,324 square foot portion of the Haroutunian North property to Sonoma County for \$11,182 in connection with the Airport Blvd. at Fulton Road Signalization Project; authorize the President of the Board of Directors to execute an Agreement with the County for Purchase and Sale of Real Property and a Grant Deed (A.P.N. 059-230-040 and A.P.N. 059-230-074);
 (B) Approve a settlement with the State of California in the amount of \$513,702 for the conveyance of certain fee and easement interests and related improvement costs in connection with the North B/Airport Boulevard Interchange Project; authorize the President of the Board of Directors to execute with the State a Right of Way Contract and a Grant Deed; and authorize the General Manager to execute a settlement agreement with Tierra Vegetables Inc., pursuant to which it will receive reimbursement for certain costs incurred in connection with the State’s project (A.P.N. 059-230-040 and A.P.N. 059-230-074). (4/5 vote required) (Fourth District)

SONOMA COUNTY WATER AGENCY

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

13. Authorize the Chair to execute two agreements, one with SmartMarkets and one with Valley of the Moon Water District (\$50,000 each agreement, (\$100,000 total) through December 31, 2016) for the pilot demonstration of a demand response program. (First District)
14. Authorize the Chair to execute the first amended agreement with U.R.S. Corporation increasing the amount by \$50,000, expanding the scope of work to include new projects and studies needed to continue carrying out the Biological Opinion, and extending the agreement term by two years for a new not-to-exceed agreement total of \$102,100 and end date of December 31, 2016.

CONSENT CALENDAR (Continued)

15. Authorize the Chair to execute an agreement with Conservation Corps North Bay to provide Adobe Creek maintenance services for the amount of \$98,304; agreement terminates on November 30, 2015. (Second District)
16. Authorize the General Manager to sign a Memorandum of Understanding for In Kind Costs (planning), a Memorandum of Understanding for In Kind Costs (design), and Feasibility Cost Share Agreement with the United States Army Corps of Engineers for funding Dry Creek habitat enhancement work. (Fourth District)
17. Authorize the Chair to execute a contract with F&H Construction for \$12,032,000 for construction of the Mirabel Fish Screen and Fish Ladder Replacement (Project) and make certain findings as necessary to relieve Blue Iron, Inc. of its bid. (Fifth District)

SONOMA COUNTY WATER AGENCY
RUSSIAN RIVER COUNTY SANITATION DISTRICT

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

AND

SONOMA VALLEY COUNTY SANITATION DISTRICT

(Directors: Gorin, Rabbitt, Rouse)

18. Authorize the General Manager to execute two Distribution Facilities Transfer Agreements and two Distribution Facilities Access Easements with the Power and Water Resources Pooling Authority and two Distribution Facilities Utilities Easements with Pacific Gas and Electric Company for the Sonoma Valley County Sanitation District R4 Effluent Reservoir Pump Station located on Ramal Road in Sonoma and the Russian River County Sanitation District Riverside Drive Main Lift Station located at 17490 River Road in Guerneville. (First and Fifth Districts)

AGRICULTURAL COMMISSIONER

19. Adopt a Resolution authorizing the Sonoma County Agricultural Commissioner/Sealer to execute agreements and amendments to agreements awarded in Fiscal Year 2014-15 and calendar years 2014 and 2015 with the State of California Department of Food and Agriculture (CDFA), California Department of Pesticide Regulations (CDPR), and Division of Measurement Standards (DMS), for various ongoing agricultural and weights & measures programs totaling an estimated \$2.69 million in revenue.

AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR

20. Authorize the Chair to execute a five year contract with SoftFile for scanning and digital imaging of accounting records and secure web hosting services for the term July 1, 2014 to June 30, 2019 for a total amount not to exceed \$144,080.

BOARD OF SUPERVISORS

21. Approve a request for the Board of Supervisors to send a letter to National Oceanic and Atmospheric Administration (NOAA) in support of the expansion of the Cordell Bank and Gulf of the Farallones National Marine Sanctuary, in support of authorization authority within the expanded Sanctuary, and in opposition to the inclusion of Motorized Personal Watercraft (MPWC) zones within the Sanctuary. (Fifth District)

CONSENT CALENDAR (Continued)

22. Disbursement of Fiscal Year 2013/14 First District Advertising Funds – Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotions activities for Fiscal Year 2013-14: Gay Straight Alliance, \$2,000; Sonoma Valley Visitor’s Bureau, \$2,000; Valley of the Moon Natural History Association, \$5,000; and Sonoma Valley Vintners and Growers Alliance, \$716.
23. Disbursement of Fiscal Year 2013/14 Second District Advertising Funds – Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotions activities for Fiscal Year 2013-14: Petaluma Museum Association, \$1,832; Cotati Chamber of Commerce, \$500; and Cotati Accordion Festival Inc., \$1,000.
24. Disbursement of Fiscal Year 2013/14 Third District Advertising Funds – Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotions activities for Fiscal Year 2013-14: NAMI Sonoma County, \$2,000; The Living Room Center, \$2,000; Council on Aging, \$2,000; and Sonoma County Bicycle Coalition, \$500.
25. Disbursement of Fiscal Year 2013/14 Fourth District Advertising Funds – Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotions activities for Fiscal Year 2013-14: Healdsburg Future Farmers Country Fair, \$1,000; Venado Historical Society, \$500; Fulton Day Labor Center, \$1,000; and Sonoma County Farm Bureau, \$1,500.
26. Disbursement of Fiscal Year 2013/14 Fifth District Advertising Funds – Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotions activities for Fiscal Year 2013-14: Duncan Mills Merchant Association, \$1,000; Santa Rosa Symphony, \$3,500; Centro Laboral de Graton, \$2,568; Comite Mexicano, \$1,000; and Sonoma County Pride, \$1,000.
27. Adopt a Resolution appointing Dr. Karen Milman to the position of Health Officer for the County of Sonoma.

COUNTY ADMINISTRATOR

28. Approve a Professional Services Contract with Mark Bramfitt to serve as the Local Agency Formation Commission Executive Officer and authorize the County Administrator to sign the Contract and the Memorandum of Understanding for the Sonoma Local Agency Formation Commission for Fiscal Year 2014-2015.

**COUNTY ADMINISTRATOR / AUDITOR-CONTROLLER-TREASURER-TAX
COLLECTOR / INFORMATION SYSTEMS / GENERAL SERVICES**

29. Accept quarterly update on the Enterprise Financial System Project Implementation.

CONSENT CALENDAR (Continued)

COUNTY COUNSEL
AND
SONOMA COUNTY WATER AGENCY
(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

30. Authorize the General Manager of the Sonoma County Water Agency to execute a Legal Services Agreement with Jill Golis, Attorney at Law, to provide advisory and representation services to the Agency through June 30, 2016, in a not-to-exceed amount of \$90,000 per any 12 month period.

FIRE AND EMERGENCY SERVICES

31. Authorize the Director of the Fire and Emergency Services Department to execute a Professional Services Agreement for \$29,510 with Digital Health Department, Inc., terminating December 31, 2014. Agreement is for software development and licensing to provide complete data management for all Unified (Haz Mat) Programs administered by the Fire and Emergency Services Department and to communicate the data with the California Environmental Protection Agency's (Cal/EPA) statewide reporting system.

GENERAL SERVICES

32. Authorize the Director of General Services to 1) execute Amendment 4 to the license agreement with the City of Cloverdale for the operation of the Cloverdale Veterans Memorial Building Swimming Pool, extending the term of the agreement for one (1) additional year from July 1, 2014 to June 30, 2015 for an amount paid by the City to the County of \$2,521, and 2) execute additional term extensions not exceeding one year each for a cumulative total of three additional years. (Fourth District)
33. Master Services Agreements – Construction Related Services
- (A) Authorize the Chair to execute multi-year Master Services Agreements each in an amount not-to-exceed \$500,000 per year with Ross Drulis Cusenbery Architecture, Glass Architects, Kwan Henmi Architecture + Planning, and TLCD Architecture, to provide architectural and engineering services for County-owned and leased facilities.
 - (B) Authorize the Chair to execute a multi-year Master Services Agreement in an amount not-to-exceed \$500,000 per year with GHD Inc., to provide engineering services for County-owned and leased facilities.
 - (C) Authorize the Chair to execute multi-year Master Services Agreements each in an amount not-to-exceed \$250,000 per year with, Kitchell, Construction and Development Solutions Inc., and Voorhis/Robertson Justice Services LLC, to provide project management services for County-owned and leased facilities.
 - (D) Authorize the Director of General Services to execute Task Orders not to exceed \$25,000 and the County Administrator not to exceed \$100,000 for all separate scopes of work under the agreements. The Board of Supervisors will approve Task Orders over \$100,000.

CONSENT CALENDAR (Continued)

GENERAL SERVICES / TRANSPORTATION AND PUBLIC WORKS

34. New License Agreements for use of the Guerneville Pedestrian Bridge & Plaza – Authorize the General Services Director to:
- (A) Execute a license agreement with the Russian River Rotary Foundation for use of the Guerneville Pedestrian Bridge & Plaza for its 2014 Summer ‘Rockin’ the River’ community concert events, for a one-year term, with an option to extend for one year;
 - (B) Execute a license agreement with EcoRing for use of the Guerneville Pedestrian Bridge & Plaza to host weekly Farmers Market events during the months of June through September of 2014; and
 - (C) Make findings as required by Section 26227 of the Government Code that the proposed license agreements are necessary to meet the social needs of the population of the County, and that the County does not need the Guerneville Pedestrian Bridge & Plaza during the term of the license agreements. (Fifth District)

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)

35. Adopt a Concurrent Resolution amending Salary Resolution 95-0926, Appendix A, Salary Table, to be consistent with California minimum wage requirements.

HUMAN SERVICES

36. Approve the Child Care Funding Priorities by Zip Code, as identified by the Child Care Planning Council of Sonoma County; and Authorize the Director of the Human Services Department, or designee, to sign the Department of Education’s Local Priorities Report forms on behalf of the Board of Supervisors.
37. Authorize the Director of Human Services to execute a \$150,000 contract with Lilliput Children’s Services for clinical supervision of employees working toward Marriage and Family Therapist and/or Licensed Clinical Social Worker licensure for a contract term of May 2014 through June 2015.
38. Authorize the Director of the Human Services Department to execute agreements for services to clients as documented in Attachment A, with a term beginning July 1, 2014 and ending no later than June 30, 2016, unless otherwise noted. Included are 13 agreements for \$5,218,567 to provide various services and support to eligible clients receiving assistance or using Job Link; 7 agreements for \$606,379 in support of prevention services for families not yet involved in the child welfare system; 9 agreements for \$7,869,000 to provide services to foster children and their families; 10 agreements for \$2,513,736 to provide various services for seniors, and; 2 agreements for \$201,899 for data management systems for a total of 37 agreements in the amount of \$16,409,581.

CONSENT CALENDAR (Continued)

39. Authorize Oscar Chavez, Assistant Director of the Human Services Department, to travel to Washington D.C. to attend the 2014 American Public Human Services Association (APHSA) National Policy Forum June 15 – 18, 2014 as this will be his fourth out-of-state trip during Fiscal Year 2013-14.

PROBATION

40. Authorize the Chief Probation Officer to execute an agreement with the Volunteer Center for court referral program services for the period of July 1, 2014 through June 30, 2015, for a total not to exceed the amount of \$153,200.

REGIONAL PARKS

41. Authorize the Director of Regional Parks to execute a Revocable License agreement with the Sonoma Valley County Sanitation District to perform geotechnical testing of the soil at Maxwell Farms Regional Park in the City of Sonoma for the period of May 7, 2014 through May 6, 2019; and Authorize the Director of Regional Parks to approve a five year extension at the expiration of the initial term, upon satisfactory performance by the licensee. (First District)

RETIREMENT

42. Adopt a Resolution approving and adopting Sonoma County Employees' Retirement Association employee and employer retirement contribution rates for Fiscal Year 2014-2015.

SHERIFF'S OFFICE

43. Authorize the Sheriff to execute a fourth amendment to an agreement with Aramark Correctional Services, LLC, for food management services, extending the existing agreement for one additional year from July 1, 2014 through June 30, 2015, for an estimated cost of \$1,936,298 per year.
44. Authorize the Chair to execute an agreement with California Forensic Medical Group to provide inmate healthcare services for the period August 1, 2014 through July 31, 2019, for an estimated amount of \$6,554,898 for the first year.
45. Authorize the Sheriff to execute the Agreement with Sonoma Raceway for the NASCAR races event from June 19, 2014 through June 22, 2014 for revenue of \$125,275. (Second District)
46. Authorize the Sheriff to execute the supplemental law enforcement services agreement with Bohemian Grove for its 2014 Summer Encampment event from July 9, 2014 through July 27, 2014 in the amount of \$44,020. (Fifth District)

TRANSPORTATION AND PUBLIC WORKS

47. Adopt an Ordinance establishing a no parking zone along both sides of Alpine Road (#87001), beginning at the centerline of Calistoga Road and extending northerly for a distance of 0.86 miles. (Second Reading – Ready for Adoption) (First District)

CONSENT CALENDAR (Continued)

48. Adopt a Resolution authorizing the Chair to sign the Construction Cooperative Agreement with the State of California, Department of Transportation, to construct road improvements from Agua Caliente Road to Boyes Boulevard for the State Route 12 Corridor Improvement Project Phase 2, Stage 2 (C08002). (First District)
49. Authorize the Chair to execute an agreement between the County of Sonoma and the Santa Rosa Community Media Access Center, Inc. (dba CMedia) in an amount not to exceed \$55,000 with a term ending June 30, 2015 for filming and production services.
50. Authorize the Chair to execute the Fifth Amendment to the Preventative Maintenance Agreement between LES Project Holdings, LLC, formerly known as Michigan Cogeneration Services, Inc., and the County, for the Central Disposal site landfill gas-to-energy power plant, extending the termination date to July 1, 2015. (Second District)
51. Authorize the Chair to execute an agreement for traffic signal maintenance and emergency repair service with DC Electric Group, Inc. for an amount not to exceed \$525,000 with a term ending June 30, 2017.
52. Authorize the Chair to execute an agreement with Vali Cooper & Associates, Inc. for construction management and related engineering services for the Healdsburg Intermodal Facility Project (WO7018) totaling \$308,931 with a term ending December 31, 2016. (Fourth District)
53. Approve and authorize the Chair to sign the final amended list of County projects to be funded in part or in total by Proposition 1B and completed by June 30, 2014.
54. Approve and authorize Chair to sign Amendment 4 to Cooperative Funding Agreement No. M301210-05 between Sonoma County Transportation Authority and the County of Sonoma in the amount of \$1,264,000. (Fourth District)

MISCELLANEOUS

55. Approve the Minutes of the Meeting of May 13, 2014 for the Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Sonoma County Water Agency, and Board of Supervisors; and Approve the Minutes of the Meeting of May 13, 2014 for the Sonoma Valley County Sanitation District.

APPOINTMENTS/REAPPOINTMENTS

(Item 56 through 59)

56. Appoint Tim Reese to the Workforce Investment Board for a one year term ending June 10, 2015; and Reappoint Steven Herrington to the Workforce Investment Board and Youth Council for two year terms ending June 10, 2016. (Human Services)
57. Appoint Thomas Thompson to the Sonoma County Community Development Committee as a tenant representative for a two-year term ending June 10, 2016. (Community Development Commission)

CONSENT CALENDAR (Continued)

58. Appoint Christopher Mahurin to Commission on Human Rights for a term of two years beginning June 10, 2014 and ending June 10, 2016. (Third District)

59. Reappoint Alain Serkissian to the Advisory Council to Area Agency on Aging, Sonoma County for a two year term effective June 2, 2014 through June 1, 2016. (Fifth District)

IV. REGULAR CALENDAR

(Items 60 through 67)

AGRICULTURAL COMMISSIONER

60. **9:00 A.M.** – Receive the 2013 Sonoma County Crop Report.

ECONOMIC DEVELOPMENT BOARD

61. Accept the 2013 Annual Report for the Economic Development Board.

COUNTY COUNSEL

62. **10:00 A.M.** – Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows – Conduct a public hearing and adopt a Resolution authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as Lands of Hubert A. Smith & Linda S. Smith Revocable Trust (APN 019-330-005), for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (4/5 vote required) (Second District)

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

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

AND

REGIONAL PARKS

63. Adopt Resolutions of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District and the Board of Supervisors taking the necessary actions to execute the transfer of the Lawson Property from the District to the County subject to a conservation easement and recreation covenant. (4/5 vote required) (First District)

HEALTH SERVICES

64. Adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed ordinance amending Chapter 32 (Ordinance Regulating Smoking and Secondhand Smoke) of the Sonoma County Code prohibiting electronic smoking devices in certain public places and making other conforming changes. (First Reading)

COUNTY ADMINISTRATOR

65. Adopt a Resolution authorizing a 1-year renewal of an existing County note in the principal amount of \$875,000 issued to finance the completion of the Human Resources Management System (HRMS).

FAIRGROUNDS

66. Adopt a Resolution authorizing issuance of a 1-year renewal of an existing note in the principal amount of \$1,000,000 issued and sold to the Sonoma County Treasurer to pay the Sonoma County Fair & Exposition, Inc. share of the settlement related to a photovoltaic installation project.

REGULAR CALENDAR (Continued)

BOARD OF SUPERVISORS

67. Approve fee waiver in the amount of \$1,513 for permit fees associated with the Graton Community Club's sidewalk improvement project. (Fifth District)

V. CLOSED SESSION CALENDAR

(Items 68 through 73)

68. The Board of Supervisors will consider the following in closed session: Public Employee Appointment – Title: Interim Child Support Services Director (Govt. Code Section 54957(b)(1)).
69. The Board of Supervisors and the Board of Directors of Sonoma County In-Home Supportive Services Public Authority will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – Name of Case: Guerrero v. Weber, et al Sonoma County Superior Court Case No. SCV-248680 (Govt. Code Section 54956.9(d)(1)).
70. The Board of Supervisors will consider the following in closed session: Potential initiation of litigation – Name of Case: Unfunded Landfill Liabilities (Govt. Code Section 54956.9(d)(4)).
71. The Board of Supervisors will consider the following in closed session: Potential initiation of litigation – Name of Case: Federated Indians of Graton Rancheria (Govt. Code Section 54956.9(d)(4)).
72. The Board of Supervisors will consider the following in closed session: Potential initiation of litigation – Name of Case: Lytton Band of Pomo Indians (Govt. Code Section 54956.9(d)(4)).
73. 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)).

VI. REGULAR AFTERNOON CALENDAR

(Items 74 through 80)

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

- 74. Report on Closed Session.
- 75. **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.)
- 76. 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

PERMIT AND RESOURCE MANAGEMENT

- 77. **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: Re-open the public hearing and consider adopting the revised Mitigated Negative Declaration, and adopt a Resolution denying an appeal and upholding the Board of Zoning Adjustments’ approval for a phased Use Permit and Design Review for the expansion of an existing winery, with modified Conditions of Approval.
- 78. **2:10 P.M. – GENERAL PLAN AMENDMENTS**
 - (A) **PLP13-0019 – (FIRST DISTRICT)**
 - a) APPLICANT: Jared and Velisa Pickard
 - b) LOCATION: 3770 Langtry Road, Santa Rosa
 - c) ASSESSOR’S PARCEL NO.: 030-080-009 and 028-270-038
 - d) ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration
 - e) REQUEST: Conduct a public hearing and Request for: 1) a General Plan Amendment to the Land Use Map for a 162 acre parcel from the Land Extensive Agriculture to the Resources and Rural Development land use designation with the same 200-acre density; 2) an Amendment to the Franz Valley Area Plan Land Use Map from the Land Extensive Agriculture 100-200-acre density to the Resource Conservation 100-200 acre density land use designation; 3) a Zone Change from the Land Extensive Agriculture, 200-acre density to the Resources and Rural Development, 200 acre density zoning district; and 4) a Use Permit for a retreat facility with a main lodge/dining hall, spa and exercise room, 18 guest units and associated outbuildings.

REGULAR AFTERNOON CALENDAR (Continued)

(B) PLP12-0030 – (FOURTH DISTRICT)

- a) APPLICANT: Ron and Teresa Wallace
- b) LOCATION: 2971 Guerneville Road, Santa Rosa
- c) ASSESSOR'S PARCEL NO.: 034-101-049
- d) ENVIRONMENTAL DOCUMENT: Negative Declaration
- e) REQUEST: Conduct a public hearing and Request for: 1) a General Plan Amendment to the Land Use Map for a 5.99 acre parcel from the Rural Residential, 5 -acre density to the Diverse Agricultural, 10-acre density land use designation; 2) an Amendment to the West Santa Rosa Specific Plan Land Use Map from the Rural Residential 5-acre density to the Agricultural and Residential 10-acre density land use designation; and 3) a corresponding Zone Change from Rural Residential, 5-acre density, to the Diverse Agricultural, 10-acre density, with the same combining zones including Scenic Resource (SR), Valley Oak Habitat (VOH) districts.

79. **2:10 P.M. – PLP12-0038 – (FIRST DISTRICT)**

- a) APPLICANT: Scott Johnson, Midpen Housing and Marco Vailetti, Property Owner
- b) LOCATION: 17310 and 17366 Highway 12, Sonoma
- c) ASSESSOR'S PARCEL NO.: 056-201-100, -101, and -102
- d) ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration
- e) REQUEST: Conduct a public hearing and consider the Planning Commission's recommendation to approve a mixed use project with 6,450 square feet of neighborhood commercial space and 100 affordable rental housing units and (1) Adopt a Resolution approving a Mitigated Negative Declaration, General Plan Amendments, Area Plan Amendments, Design Review, and a Precise Development Plan Use Permit for a mixed use neighborhood commercial center and affordable rental housing project; and (2) Adopt an Ordinance rezoning a portion of Parcel C to add the Planned Community base zoning district and the Traffic Sensitive combining district

80. **ADJOURNMENTS**

PLEASE NOTE:

THE FOLLOWING ITEM WILL BE CONTINUED TO THE JULY 29, 2014 MEETING.

DISTRICT ATTORNEY / CLERK-RECORDER-ASSESSOR

Real Estate Fraud Prevention and Prosecution Program –

Adopt a resolution to establish a Real Estate Fraud Prevention and Prosecution Program, a joint regulatory program of the Office of the District Attorney and the Clerk-Recorder-Assessor Department that would impose a charge of \$7.00 for recorded documents as authorized by Government Code Section 27388 to recover the reasonable regulatory costs for issuing notices, performing investigations, inspections and enforcement of the Real Estate Fraud Prevention and Prosecution Program.

NOTE: The next regular meeting will be held on June 16, 2014.

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

1. June 16th – 27th – Budget Hearings
2. June 17th – Northern Sonoma County Air Pollution Control District, FY 14/15 Second Budget Hearing
3. July 22nd (AM) – Prop 218 majority protest public hearings Jenner Water District
4. July 22nd (AM) – Prop 218 majority protest public hearings Freestone Water District
5. July 22nd (PM) – Revision to Zoning Code and adoption of Ordinance for Small Agricultural Processing Facilities and Farm Retail Sales
6. July 29th (PM) – ORD14-0004; Ordinance re-adopting the Official Zoning Database for the Coastal Zone
7. July 29th (PM) – UPE12-0045; Appeal of a Use Permit Approval, 16702 Highway 1, Bodega



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: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor David Rabbitt, 707/565-2241

Supervisorial District(s):

Second District

Title: Gold Resolution

Recommended Actions:

Adopt a Gold Resolution Proclaiming the Month of June 2014 as Pride Month in Sonoma County

Executive Summary:

None

Prior Board Actions:

June 18, 2013

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

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: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Proclaiming the Month of June 2014 as Pride Month in Sonoma County

Whereas, the members of the Sonoma County Board of Supervisors, do hereby unite in solidarity and common purpose to recognize, honor and celebrate the diversity, shared humanity and civil rights of our entire community and all its residents; and

Whereas, each of us were born into this world the we are and should be able to live without fear of prejudice, discrimination, violence or hatred based on our race, gender identity or sexual orientation; and

Whereas, the Sonoma County community includes people of all ages and races who are lesbian, gay, bisexual, transgender and/or queer, and each of us should have the same unalienable equal rights, benefits and responsibilities that are shared and enjoyed by each of us; and

Whereas, embracing and celebrating our individual identities and commonalities as Americans helps to further bring everyone together and drives the development of our society, and

Whereas, the history of the world has shown that continued human progress and the success of society and civilization has been built on a foundation of inclusiveness and acceptance; and

Whereas, embracing our differences helps to fulfill the principles and creed written into the founding documents of our great Nation, in that our individual destinies and that of our families and communities include not only the aspiration of our federal constitutional republic but the support and success of all our citizens in realizing the fulfillment of its promise.

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors does hereby proclaim the month of June 2014 as Pride Month in Sonoma County, and bring to the attention of all of our citizens so that we may join together in honoring our diversity and community.

Resolution #

Date:

Page 2

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

To: County of Sonoma Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Resources Department

Staff Name and Phone Number:

Christina Cramer, 707.565.2988

Supervisorial District(s):

All

Title: Recognition of the 2013-2014 Junior Commission on Human Rights

Recommended Actions:

Adopt Gold Resolutions commending the twelve high school students for their participation as Junior Commissioners of the Junior Commission on Human Rights.

Executive Summary:

Background: In 2008 the Commission on Human Rights began to develop the Junior Commission on Human Rights as a means to engage high school youth ages 14 to 18 in education and activism around human rights issues within Sonoma County, as well as an opportunity to foster leadership skills by educating their peers and creating ad hoc committees of their own design. The 2013-2014 inaugural year of this project served as a powerful learning experience for high school students regarding issues of human rights in their County. It further encouraged young students in the County to become active participants in their community, allowed them to engage with elected officials and human rights organizations, and provided a vehicle by which County Supervisors are able to learn about current concerns and issues relating to youth and human rights in Sonoma County.

Junior Commissioners attend monthly meetings where they develop and execute ad hoc committee goals, hear presentations from invited speakers, learn parliamentary procedure, how to run and participate in meetings, and work as a team. The Junior Commissioners act as liaisons at the regular monthly meetings of the Commission on Human Rights (CHR) and provide the adult commission with a perspective on issues of concern to the youth of our community.

The twelve Junior Commissioners from the 2013 term are:

1st District –

Christopher Gullixson, 9th Grade, Maria Carrillo High School

Emma White, 11th Grade, Montgomery High School

Hannah Selwyn, 12th Grade, Montgomery High School

Serena Uppal, 12th Grade, Montgomery High School (Vice Chair)

3rd District –

Destiny Martin, 12th Grade, Piner High School

4th District –

Alma Rosas Rodriguez, 11th Grade, Windsor High School

Jordan Eddy, 12th Grade, Windsor High School (Chair)

Lexi Palm, 12th Grade, Piner High School

Marylyn Duong, 12th Grade, Piner High School

5th District Junior Commissioners –

Casey Bauer, 12th Grade, El Molino High School

Elizabeth Cruz Reyes, 11th Grade, Elsie Allen High School

Isabella Bertucci Ruiz , 12th Grade, El Molino High School (graduated)

After being sworn into office on January 31, 2013, the Junior Commissioners participated in a full range of activities and events focused on human rights. Officer candidates presented their statements for the positions of Chair and Vice Chair, and selections were confirmed by majority vote. They created a mission statement and launched a Facebook page. They listened to presentations by District Attorney Jill Ravitch, Supervisors Carillo, McGuire, Rabbit and Zane, Santa Rosa Police Detective Chris Mahurin, former Chief of Police Tom Schwedhelm, and representatives from community organizations such as Positive Images and Restorative Justice. They toured the Family Justice Center with DA Ravitch and participated in the Human Trafficking Forum. On April 25, 2014, the Junior Commissioners attended the statewide California Association of Human Relations Organizations (CAHRO) at the San Francisco Federal Building. They participated in a range of workshops, engaged in a youth session with other youth human rights activists from around the Bay Area, and heard featured speakers Congresswoman Jackie Speier and State Assemblyman Tom Ammiano.

As a key component of the project, Junior Commissioners formed ad hoc committees based on majority vote with goals and objectives for the term. Notable activities of the ad hoc committees include:

Disability Rights Ad Hoc:

- Toured Becoming Independent
- Organized fundraising events to provide safety boxes to families with autism

LGBT Rights Ad Hoc:

- Lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed.

Womens' Rights Ad Hoc:

- Created and implemented multi-school surveys about derogatory terms for women
- Developed and created a short film about slut-shaming including in-studio production at C Media Labs and on-the-street interviews with the public in downtown Santa Rosa
- Presented on the Youth Panel workshop on school climate and slut-shaming at the 2014 CAHRO conference in San Francisco

| | | | |
|--|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| This is the inaugural term of the Junior Commission on Human Rights. The Board has recognized participants in their sister commission, the Junior Commission on the Status of Women, since 1996. | | | |
| Strategic Plan Alignment Goal 4: Civic Services and Engagement | | | |
| Recognizing and engaging youth in the community promotes Civic Service and Engagement. | | | |
| 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: | | | |
| <ol style="list-style-type: none"> 1) Individual Resolutions for each of the twelve Junior Commissioners. 2) "Human Rights in Sonoma County"-- excerpts from Junior Commissioner essays on the Universal Declaration of Human Rights | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| Video PSA produced by Junior Commissioners to be officially filed with the Clerk of the Board. Video will not be shown June 10, 2014. | | | |



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Christopher Gullixson For His Participation As A 2013-2014 Junior Commissioner
Of The Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Christopher Gullixson wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Christopher Gullixson of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages him to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Emma White For Her Participation As A 2013-2014 Junior Commissioner Of The
Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Emma White, wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Emma White of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Hannah Selwyn For Her Participation As A 2013-2014 Junior Commissioner Of
The Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Hannah Selwyn, wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Hannah Selwyn of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Serena Uppal For Her Participation As A 2013-2014 Junior Commissioner Of The
Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Serena Uppal, Vice Chair, wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Serena Uppal of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Destiny Martin For Her Participation As A 2013-2014 Junior Commissioner Of
The Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Destiny Martin, wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Destiny Martin of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Alma Rodriguez For Her Participation As A 2013-2014 Junior Commissioner Of
The Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Alma Rodriguez, wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Alma Rodriguez of Windsor, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Jordan Eddy For Her Participation As A 2013-2014 Junior Commissioner Of The
Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Jordan Eddy, Chair, wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Jordan Eddy of Windsor, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Lexi Palm For Her Participation As A 2013-2014 Junior Commissioner Of The
Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Lexi Palm, wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Lexi Palm of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Marylyn Duong For Her Participation As A 2013-2014 Junior Commissioner Of
The Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Marylyn Duong wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Marylyn Duong of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Casey Bauer For His Participation As A 2013-2014 Junior Commissioner Of The
Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Casey Bauer wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Casey Bauer of Sebastopol, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages him to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Elizabeth Cruz Reyes For Her Participation As A 2013-2014 Junior Commissioner
Of The Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco; and

Whereas, Elizabeth Cruz Reyes wrote an analysis of the Articles of Universal Declaration of Human Rights in Sonoma County and presented an excerpt to the Board of Supervisors:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Elizabeth Cruz Reyes of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Commending Isabella Bertucci Ruiz For Her Participation As A 2013-2014 Junior Commissioner
Of The Commission On Human Rights.**

Whereas, the Junior Commissioner Project was developed by the Commission on Human Rights as a means to engage high school youth in education and activism around human rights issues within Sonoma County; and

Whereas, the Junior Commissioners had the opportunity to foster their leadership skills by educating their peers and creating ad hoc committees of their own design; and

Whereas, twelve high school students contributed substantial time, ideas, and energy serving as Junior Commissioners during 2013-2014 where they learned how to participate in and run meetings, where they were introduced to County government, the role of the adult commissioners as an advisory body to the Board of Supervisors on human rights issues, and how to be active participants in their community; and

Whereas, they participated in ad hoc committees that organized fundraising events to provide safety boxes to families with autism, lobbied students and faculty to create a Gay Student Alliance (GSA) in their school where none previously existed, developed and created a short film about shut-shaming, and presented to the Youth Panel workshop on school climate and slut-shaming at the 2014 California Association of Human Rights Organizations (CAHRO) conference in San Francisco:

Now, Therefore, Be It Resolved that the Board of Supervisors commends the participation of Isabella Bertucci Ruiz of Santa Rosa, as a 2013-2014 Junior Commissioner of the Commission on Human Rights and encourages her to continue working towards a future leadership role in the community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



Analysis of the Articles of the Universal Declaration of Human Rights In Sonoma County (Selected Excerpts)

Article 1 Right to Equality

“Today’s workplaces that are hiring have found cunning ways to discriminate against who they want to hire. Which also goes against Article 2—Freedom from Discrimination, because workplaces have been crafty enough to be subtle with what they want to find out such as if a person is married, has children, etc.”

“A noticeable discrimination that is happening currently is job opportunities for women. Apparently women have a “glass ceiling” over them because they can see the job that they want and work hard to get, but they’ll never be able to reach it. It’s really unfortunate and women have gone a long ways since the early 1900s, hopefully, with more time and fight from the feminists in the world women will have equal job opportunities as well as equal paychecks to men.”

“Individuals of all races have the right to be treated “in a spirit of brotherhood” (Article 1, UDHR)...In our small metropolitan (city) of Santa Rosa, I hear, see and experience racial slurs toward one significant group—Hispanics. It ranges from mindless teens creaming “go back to your country” to fist fights. I never knew this was the “spirit of brotherhood.” When I drive into Santa Rosa I see the “brown side”, the “white side”, everything seems to be unknowingly segregated. All I am saying, Sonoma County, is to take one look into your cities and towns. Does this seem equal to you?”

Article 2 Freedom from Discrimination

“Article 2 of the UDHR is one of the most fundamental and crucial rights—that there is no justification for discrimination of any person. Of course, society’s paradigm, which promotes the inferiority of certain groups of people, is in direct violation of this. Within our community there is a high stigma that comes with many groups of people, whether it be from race, gender, sexual orientation, class, etc. As a result, society has influenced the political sphere to also be discriminatory to these groups of people. Even in Sonoma County, the pay gap and racial profiling show how we have been impacted to violate the second article of the Universal Declaration of Human Rights. Discrimination is rooted in our community and frame of mind.”

“Article 2 of the Universal Declaration of Human Rights states that the society should be free of discrimination. Although many people wish this could be true, it is not. My school consists of many different students of different backgrounds and races. I have noticed that many students self segregate and only socialize with students of their own race. Seeing this makes me sad and the realization that there is still discrimination in schools comes over me.”



“I think discrimination is important because sometimes it can be hard to prove that it has taken place. It would mean claiming that a person’s opinion or rejection of an applicant, prospective employee, or other hopeful for admission in a club or group is based off a prejudice. I think that that in a way encourages discrimination, since it is difficult to track or punish or remedy.”

Article 4 Freedom from Slavery

“While no institution of government in the U.S. would ever be said to promote or support slavery, the concept of human trafficking has been one that has become absolutely prevalent in our community today. While the most recent CA proposition on the issue has made significant progress, there is still much that is overlooked on the human trafficking industry. By ignoring the problem, this forced servitude of thousands of women and men—sometimes euphemized to “prostitution”, though remarkably different from prostitution—is perpetuated through the community. While as a society we are quick to harangue the institution of slavery, we still let it happen right in our own backyard.”

“Our commission has realized the spread and presence of human trafficking in our community. Luckily there is a task force to help stop the idea of human sex slaves, but there is still not enough spoken about it. It is difficult to draw the line of what should be presented to the public and what should not, but I find it vital that we do share how much it affects young women to help prevent it in the future.”

“This is a county with a secret, a secret so large that is covered up by the tourists, the agriculture, this is a county that faces prostitution. Women are being exploited and mistreated, foul men trick young teenage girls and force them into a sexual servitude which is a violation of Article 4 in the Universal Declaration of Human Rights...I thank (Det.)Chris Mahurin for displaying this issue of prostitution and seeing them as victims, not criminals. This is an issue that if not unmasked will grow, this sexual slavery is illegal and should be put to an end. I thank those who are making an effort to show that this is a real issue in the county and are fighting to reveal it.”

Article 7 Right to Equality before the Law

“Everybody is supposedly entitled to equality before the law. I do believe that this particular right has grown leaps and bounds over the years, as the due process of law improves, however I also believe that because nobody and nothing is perfect, there is always immense progress to be made. “

“Laws are written down and expected to be followed, however sometimes along the way, some things change. The original intentions of the laws can be overshadowed by slight factors such as nationality, religion, gender or even sexual orientation. In a society where a smooth existence relies fully on laws that are able to apply to every person regardless of who they are, it is extremely necessary that these laws are able to do so.”

“Educating the general public, as well as creating an overall center focus on eliminating factors in court rooms and offices that have more to do with politics than justice, and assumptions that have more to do with how someone looks or speaks rather than the fact that they are a human who deserves the right to be treated like so, might just be the next best steps to take in the direction of improving our county for years to come.”



Article 11 Right to be Considered Innocent until Proven Guilty

“I think that stereotypes lead to unfair accusations, and in the pursuit of justice, they get in the way of truth, and the true justice that should be achieved.”

Article 13 Right to Free Movement in and Out of the Country

“Sonoma County is known as a rich, beautiful and wine prominent area. This is accurate, although it is not the argument for some places. All civilizations have a poor area, the weak link in the electric wire fence. I live in this weak link in the fence. I see the right to move in and out of the country being violated as immigrants are deported daily. I have a classmate who has not seen his parents and siblings since they got deported two years ago. I know America as a whole is trying to deal with our “immigrant problem”, but I think we are looking at it all wrong. Firstly, when addressing immigrants as a problem, they become exactly that. We do not see the opportunities for them or their pursuit for a better life. Instead we strip them of their basic human rights and call them “illegal aliens”. Then they become titles and labels, not people who may have children in schools. Besides shifting our mindset, we need to begin to implement a long-term plan that will benefit both sides. I think this is not only a county issue, but a national issue. Yet, I also believe a small, progressive county such as ours can take baby steps toward change.”

“Article 13 states that “everyone has the right to leave any country, including his own”. This promotes safety and happiness protecting your health and mind from an otherwise dangerous lifestyle. Nobody should be subjected to a world in which they lack the comfort to live a stable life and everyone should have the freedom to have relief from such a world.”

Article 17 Right to Own Property

“Regarding property, there is this idea that someone who owns property should also hold the right to use it in any extent that is not hurting others around them. Especially in Sonoma County, the now homeless have found that they are not able to sleep in their cars. With 4,300 homeless in Sonoma County in January alone, it has become a critical point that some law or regulation must be set to change. With no other place to go, why should people be punished for utilizing the resources that they have. If a person has a car I believe they should be able to live in it if they have no other means to shelter. Many may disagree, yet it falls under the Right to Own Property and even our own declaration of right to the pursuit of happiness.”

Article 23 Right to Desirable Work and to Join Trade Unions

“While Sonoma County is in no way a distinctly poor county, we are still faced with the woes of poverty and class lines. The low minimum wage is no help to this case. As a high school senior...I was told that if I did not attend college, I could expect to have about \$10 a day for food and discretionary spending. Imagining myself trying to ration \$10 a day for food for just myself was hard enough, but factor in a family and things quickly became tougher. The fact is that there is a very huge gap between lower and middle class, and Sonoma County is a product of that. It is our responsibility to ensure that everyone can lead a dignified life and not be faced with such severe products of poverty.”



“In Sonoma County, there are undocumented migrant workers who are cheated out of the right pay and are treated worse than people who are citizens. The employers of these people recognize that they won’t get help from the court for the injustice against them, because they are afraid of being deported. This is unfair, and they should be able to be treated the same as anybody else and should get the same amount of pay.”

Article 25 Right to Adequate Living Standard

“People see the homeless on the streets every day, but we are taught to not talk to them, or help them, because they are strangers, and all strangers are dangerous. We leave them alone, even if we want to help. Sometimes people even think that the homeless abdicated their own right to a proper living standard, by doing whatever they did to be on the streets. I think it is important to remember that we are all subject to a catastrophe, and that no one is safe, and there is probability for every one of us to end up on the streets. Setting up resources to help the homeless is like setting up resources for yourself. You never know when you might need the extra help one day, and I think it is important that the members of the community who have the means to help other should, so that everyone can reciprocate and help each other in times of need.”

“In Sonoma County there is a large population of homeless people. This is a violation of Article 25 because the people do not have an adequate living place, if they have a designated living spot at all. According to the Press Democrat, there are currently 3,300 homeless people in Sonoma County and approximately 30 die every year because of their homelessness. They need help, and if we don’t do anything to help them, we are violating human rights and not standing up for them. We say that everybody should have these human rights, but the homeless people in our community are not getting their basic needs, such as a place to live and to stay out of the cold.”

“Article 25..states “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to seek security in the event of circumstances beyond his control.” Written down and read, this theory seems very basic. Of course everyone deserves shelter, food, and other resources. However, in many situations, when one cannot provide these services for themselves, they are highly looked down upon.”

“Personally, I have been in a position before where I had no food to eat and was living in a motel. I was one of the lucky few who had family that took me in. Many, though, are not so lucky and need others to help them get on their feet. If we, as a county, can work together, I believe we can help so many struggling citizens.”

Article 26 Right to Education

“Education is a basic right strived for by all those who wish to improve their lifestyle by developing mentally. Article 26 states that “everyone has the right to education. Education shall be free...and higher education shall be equally accessible to all on the basis of merit”. This idea gives all demographics hopes of progressing their careers and promoting their dreams and aspirations. General knowledge should be accessible to all people, as to ensure that they are fully aware of their surroundings and the potential of themselves and the world around them. Education is the most basic stepping stone to success and should be openly provided and equally accessible.”

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In Closing

“Now I look at our county in a new perspective trying to become more aware of my surroundings.”

“Being compassionate and understanding those you wish to help, begins by first understanding yourself.”

“As a progressive county, the Sonoma County community is solid and diverse. Although we try to fill cracks and fix pavement roads, there is more we can do. Human rights should be extended to every human capable and conscious. Discussions for controversial issues are the epitome for resolutions. Sonoma County is lovely, yet contains many maintainable flaws, and only a handful are being held at attention.”

“If Sonoma County was a human being, and the rest of America was its diverse, colossal family, then Sonoma County would be at the developmental stage of a prepubescent human. The reason being, is that once one is at that point, they are about to hit puberty which is awkward, maybe painful, and life-changing. I feel like Sonoma County is about to erupt in life and change any day now. Minds are opening to new ideas and cultures, but that is still not enough. We need to advocate for those who are underrepresented and/or oppressed. We as a community have a duty to fulfill. We must educate the ignorant and teach the arrogant modesty.”

“I think that Santa Rosa needs to emphasize on charitable, fun activities for underprivileged youth to explore and discover new things. I also think that organizations that will clean the streets of trash could help the community a lot, as well as adding more trees in barren, unused lands. I think that a pleasant environment can not only motivate a community to interact, but to also participate in community duties. This will fulfill any personal or community goals, as well as help achieve full development.”

“It is easy to focus on all the rights that are being violated in our community, but it is not all negative. Every day we are making strides to support human rights. Sonoma County is lucky enough to be one of the few counties that have commissions focusing on human rights. Still, it is a battle. We have come very far, but we also have very far to go. It is our job as members of the community with awareness on these issues to incur serious changes in the field of human rights.”

“I, being part of the Sonoma County Junior Commission on Human Rights, believe in equality and liberty for all. Although it is cliché and idealistic, it is true, and that drive feeds my motivation. My need to be altruistic and an advocate for those whose voices cannot be heard is not easily quelled. It only takes one person to make a change, to improve this world before we leave our roles. I think that being part of a community, it means taking responsibility of its faults and diamonds alike.”

“The Junior Commission has showed me different sides of Sonoma County, and helped me realize my part in my community. I love where I grew up and reside in, but it’s almost pretentious to say nothing needs to be changed. I want change for the better, not the worse, and I am not settling for less.”





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

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services, District Attorney, Health Services, Human Resources Department-Commission on the Status of Women, Senior Advocacy Services, Sheriff

Staff Name and Phone Number:

Diane Kaljian, (707) 565-5950

Supervisorial District(s):

All

Title: World Elder Abuse Awareness Day

Recommended Actions:

Adopt a resolution proclaiming June 15, 2014 as World Elder Abuse Awareness Day in Sonoma County.

Executive Summary:

The Board of Supervisors is requested to recognize June 15, 2014 as World Elder Abuse Awareness Day in Sonoma County in alignment with the International Network for the Prevention of Elder Abuse (INPEA). Since 2006, INPEA has promoted international elder abuse awareness in communities throughout the world.

In recognition of World Elder Abuse Awareness Day in Sonoma County, there will be a display of over 4000 lawn flags and a banner in front of the County Administration building on Monday, June 9, 2013 to symbolize the expanding number of reports of elder abuse and neglect made to Adult Protective Services and the Senior Advocacy Services Ombudsman Program in 2013. To increase awareness in Sonoma County, purple lapel pins are being distributed to the public. A website (www.sceapc.org) with more information about elder abuse is being publicized throughout the County during the month of June 2014. A special section of the Press Democrat dedicated to the issue of elder abuse will be published on Sunday, June 15, 2014.

Elder abuse is a significant problem and one that is expected to grow as many countries experience rapidly aging populations. Research indicates that more than one in ten elders may experience some type of abuse, but only one in five cases or fewer are reported.¹ Findings of a recent study by the State of New York suggest that only one in 24 cases of elder financial abuse is reported.

Elder abuse investigation and prevention are a priority for the Human Services Department, Adult and Aging Division. Through the 24-hour hotline, Adult Protective Services (APS) received more than 3,400 reports of suspected elder and dependent adult abuse in 2013. This is a 110% increase in reports (1,629) from 10 years ago in 2003. The trend for 2014 indicates that the number of reports is continuing to increase. APS is staffed by Human Services Department social workers as well as Department of Health Services staff co-located at Adult and Aging including two public health nurses and a behavioral health clinician.

Senior Advocacy Services (SAS) Ombudsman Program responded to over 900 reports of elder abuse and neglect in licensed care facilities in Sonoma County in FY 2013. The residents were able to obtain resolution for their complaints over 80% of the time by working with the state certified, highly trained Ombudsman staff and over 2000 donated hours from volunteer Ombudsman advocates. SAS also conducted significant outreach and education to the community around elder abuse by delivering more than 30 community presentations. Further outreach was delivered as on MOU partner with the District Attorney's office on the Abuse in Later Life Grant through the Office of Violence Against Women. The Executive Director participated as a Trainer for the community partners, including YWCA, Verity, Victims Services Division of the DA's office, APS and other local agencies.

The Sonoma County District Attorney's Office has an Elder Protection Unit, which is exclusively dedicated to the prosecution of all elder abuse cases handled by the office. This unit is made of up two experienced prosecutors, a district attorney investigator, and two victim witness advocates, each of whom plays a vital and unique role in working to ensure that the rights of elder crime victims are honored throughout the prosecution of these critically important cases. Recognizing that elder victims require enhanced outreach services and that elder abuse cases must be handled expeditiously, the Elder Protection Unit works closely with Adult Protective Services, law enforcement and other community organizations to ensure that elder abuse investigations and prosecutions are prioritized and that elder crime victims are treated with dignity. Based on this collaboration, Sonoma County applied for and received a \$400,000 federal grant to fight elder abuse and the abuse of dependent adults. The grant was provided by the United States Department of Justice through the Office on Violence Against Women and Adults in Later Life. The grant has the support of stakeholders throughout the county, including the District Attorney's Office, Human Services, the Family Justice Center, law enforcement agencies, the Superior Court, and several community based advocacy groups. The purpose of the grant is to provide direct training to front line law enforcement officers, direct service providers, judges, and prosecutors in order to improve the quality of services provided and to enhance the investigation and prosecution of elder and dependent adult abuse cases. We are very fortunate to have been one of only nine jurisdictions selected from a nation-wide pool of applicants to receive this grant.

The Sheriff's Office takes elder abuse very seriously and is committed to collaborative efforts to prevent these cases. The Sheriff's Office aggressively investigates any and all allegations of elder abuse and works with the District Attorney's office to bring those guilty of preying on the elderly to justice.

Elder Protection Workgroup members make community presentations about elder abuse prevention to senior groups and other interested audiences around the County. The workgroup is comprised of AAA Advisory Council members, DA representatives, APS and Ombudsman staff and community volunteers.

¹National Center on Elder Abuse, 2010

Prior Board Actions:

Approved annually by the Board of Supervisors

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

Creates awareness of elder abuse to increase prevention efforts and abuse reporting resulting in increased health and safety for Sonoma County seniors.

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 | \$ 0 | Total Sources | \$ 0 |

Narrative Explanation of Fiscal Impacts (If Required):

There are no fiscal impacts resulting from this administrative action.

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:

Resolution.

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

None.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
proclaiming June 15, 2014 World Elder Abuse Awareness Day in Sonoma County.**

Whereas, the issue of elder abuse affects isolated and vulnerable citizens of Sonoma County; and

Whereas, elderly and dependent adults have the right to be protected under the law from all types of abuse, including financial, physical, psychological, sexual, or neglect; and

Whereas, the issue of elder abuse prevention requires continual community awareness and education; and

Whereas, the Sonoma County Human Services Department provides the Adult Protective Service program, including social work and

Whereas, the Sonoma County Health Services Department provides public health nurses and a behavioral health clinician; and

Whereas, Senior Advocacy Services, through the Long-Term Care Ombudsman, investigates reports of elder abuse and neglect in licensed care facilities; and

Whereas, the Sonoma County District Attorney's Office investigates and prosecutes cases of elder abuse and the Victim Services Division provides advocacy, assists with restitution and other claims, and conducts outreach to raise awareness about threats to elder victims in the community; and

Whereas, the Sonoma County Sheriff's Office provides safety for victims, investigates allegations, and arrests offenders of elder abuse; and

Whereas, the Sonoma County Area Agency on Aging Advisory Council works to increase public awareness; and

Whereas, all citizens should be aware and educated about elder abuse prevention, and

Resolution #

Date:

Page 2

all members of the community, especially the most vulnerable citizens, should be able to live safe and secure lives without fear, neglect, pain or exploitation; and

Whereas, elder abuse should not be ignored nor endured.

Now, Therefore, Be It Resolved, that June 15, 2014 be proclaimed as World Elder Abuse Awareness Day in Sonoma County.

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: Sonoma County Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: No Vote Required

Department or Agency Name(s): General Services

Staff Name and Phone Number:

Liz Yager and Craig Carlock: 707- 565-6489

Supervisorial District(s):

All

Title: "Green Employee of the Year" Recognition

Recommended Actions:

Adopt a resolution recognizing Vickie Miller as the 2014 Sonoma County "Green Employee of the Year" for her efforts in reducing her carbon footprint and providing leadership for her colleagues to use more sustainable practices in the workplace.

Executive Summary:

During the period of April 28 through May 9, General Services solicited nominations from all county employees for colleagues who have demonstrated the best sustainable or "green" behaviors and practices to be recognized as the County's "Green Employee of the year" 2014. Employees were notified of the contest through email announcements, an intranet posting on the homepage, and promotion at both days of PSRW. All nominations were forwarded to the Energy and Sustainability Division of General Services.

We received a total of 47 nominations for 28 individual employees. Attached is a spreadsheet of all nominated employees, with a summary of the reasons for their nomination. Staff created an evaluation process that assigned points to five areas of sustainable behaviors. Nominees were scored in these areas based solely on the comments submitted for consideration.

Vickie Miller was nominated by a number of her colleagues in the Human Services department. She has clearly affected the lives of her coworkers, and they have expressed their appreciation of her efforts to minimize waste, reuse resources, and educate those around her in the process. Vickie is a member of the Human Services "Green Team" that rotates turns managing the compost program throughout the department. Vickie shops locally frequenting farmers markets, she eats organically and produces her own food from her extensive garden at home. She is an avid bike rider commuting to work most days

using human power, and carpools to work on the off days. Vickie is always happy to answer questions about how she tries to be more environmentally conscious for those with little experience and she is constantly looking for new ways to reduce her carbon footprint.

Adopt a resolution recognizing Vickie Miller as the 2014 Sonoma County “Green Employee of the Year” for her efforts in reducing her carbon footprint and providing encouragement for her colleagues to use more sustainable practices in the workplace.

Prior Board Actions:

On 6/12/12, The County Board of Supervisors adopted a resolution recognizing employee Beth Dadko of the Health Services department for her efforts to reduce her carbon footprint and promote sustainable practices in the workplace. On 6/21/11 The County Board of Supervisors adopted a resolution recognizing employee Liz Parra of the Community Development Commission for her efforts to reduce her carbon footprint and promote sustainable practices in the workplace. On 6/8/10, the County Board of Supervisors recognized employee Alexander “Bud” McMahon for his efforts to reduce his carbon footprint and promote sustainable practices in the workplace.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The “Green Employee of the Year” award exemplifies the commitment the Sonoma County Board of Supervisors and the General Services department have to recognize those individuals and programs with the county that progress Sonoma County toward our greenhouse gas emissions reduction goals by 2020.

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:

- 1) Nomination List Attachment A
- 2) Gold Resolution

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

None

General Services Department - Energy and Sustainability Division

| Name | Department | Comments |
|------------------------|--|---|
| Vickie Miller | Human Services | Rides bike to work, compost, eats all organic, shops locally. Member of "Green Team" is always happy to answer questions. |
| Kevin Kumataka | Green Business Program | Carpools, cyclist, encourages coworkers to power down, compost, Manages Green Business Program. |
| Theresa 'Sid' McColley | Health Services | Rides bike to work, reminds others to minimize paper use, turn off lights and choose paper cups over plastic at potlucks. |
| James Johnson | PRMD | Composts, saves water, participates in a community garden, and grows his own. He shares clippings with coworkers. |
| Sherie Hintereder | Human Services | Buys dinner plates for use in office. Emails include ideas on ways to reduce footprint. She manages waste in the office by sorting rubbish. |
| Carrie Healy | Human Resources | Promotes "single stream recycling", and reducing energy in workplace. She encourages bringing your own plates, silverware for potlucks. |
| Sherry Bevens | ISD | Collects shower water for reuse. Washes her car when it rains. Reuses paper towels. Made a brief case out of reused paper bags. |
| Colleen Meydenbauer | Human Services (HSD) | Started composting bin at work, and is working to reduce the amount of paper we use. She instructs others how to start composting at home. |
| Mike Conway | Human Services | He rides his bike to work every day and he is a vegetarian |
| Shinji Sakai-Egi | Human Services | Commutes by bicycle and shops locally. |
| Liz George | Health Services | Posts electric rates at home as a reminder of off peak hours. Chickens eat food scraps. Uses CSA for produce and shops local farm markets and wineries. |
| Karen Spitler | County Administrator | Vegetarian, bikes to work, shares tips about recycling, using less electricity, planting/gardening tips, and cooking and nutrition tips. |
| Thora Collard | Fire and Emergency Services | Upgraded Prius to a plug in Prius. Uses her own dishware and utensils at work. Shops locally and uses CSA for produce, buys and eats organic. |
| Sydne Stempien | ACTTC | Vegetarian, telecommutes one day a week, rides the bus, drives a Toyota Prius, carpools, carries a reusable bag for shopping. |
| Anna Woods | Sonoma Works | Rides her bike to work. Gardens at home. Shops at local markets. Uses waste water from dish washing and shower to water plants. |
| Jens Salzgeber | ISD | Rides bike to work every day 15+ miles. He brings food and beverages in reusable containers. Discourages employees from printing to save paper. |
| Eryn Strickland | Human Resources | She developed a new evaluation form that allowed us to use one sheet of paper per attendee. |
| Steven Czegus | Human Services | He rides his bike and encourages people to do the same for exercise and to reduce traffic and pollution. |
| Erica Petrofsky | General Services | Commutes to work by bike, follows veganism, encourages and practices shopping locally, and is a strong supporter of organic everything |
| Sylvan Eidelman | Water Agency | Rides his bicycle to work. He just likes to eat fruit for lunch. I know he backyard gardens and he used to have a worm box. |
| Steve Koldis | Water Agency | Drives an electric vehicle to work. Shops local and grows his own food. He always participates in our potlucks and uses local ingredients. |
| Ron Claret | In Home Support Services | Rides bike to work, eats healthy local food. Doesn't buy a lot of material stuff/gadgets/etc. |
| Gaby Sydow | Human Services | Public transportation all the way from Sonoma and brings her coffee every morning. Shops locally. |
| Gloria Colter | Registrar of Voters | Launched the "Going Green Initiative" in the Registrar of Voters Division. Approximately 14,000 new online Voter Registration applications. Saved 291,000 sheets of paper or 583 reams or about 34 trees. We saved over \$18,220. |
| Brian Lee | Environmental Resources and Public Affairs | Rides bike to work. |
| Angie Corwin | Health Services | Rides bike to work and meetings. Offers her mini bike and mountain bike to share with colleagues. |
| Karen Andrews | General Services | She walks to work. |
| Leland Gee | General Services | Rides his bike to work everyday |



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Recognizing Employee Vickie Miller As The 2014 Sonoma County "Green Employee Of The
Year" For Her Efforts In Reducing Her Carbon Footprint And Providing Leadership For Her
Colleagues To Use More Sustainable Practices In The Workplace.**

Whereas, The County of Sonoma recognizes the benefits of promoting and encouraging "green" work efforts undertaken by the County employees on a daily basis.

Whereas, the Sonoma County Board of Supervisors wishes to express its support for promoting "green" and sustainable practices in the workplace.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma recognize employee Vickie Miller of the Human Services Department as the 2014 "Green Employee of the Year". Through her commitment to the Human Services "Green Team" and compost program, commuting by bike and carpool, Vickie leads by example. She encourages her coworkers to utilize "green" practices whenever possible making them easy and accessible in the workplace.

Be It Further Resolved as a major area employer, the Board of Supervisors of the County of Sonoma encourages County employees to incorporate "green" work practices and innovative ideas to reduce greenhouse gas emissions as a result of County operations. The Board of Supervisors will continue to support environmentally sustainable practices for all County operations.

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

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Veronica Ferguson

Supervisorial District(s):

All

Title: Gold Resolution honoring Kathy Hayes

Recommended Actions:

Adopt a Gold Resolution honoring Kathy Hayes and her many contributions to Sonoma County

Executive Summary:

Kathy Hayes, a sixth generation Sonoma County native, has devoted 30 Years of service to Sonoma County in both the public and private sector as an honorable, effective advocate for the community, businesses and for those in need. Her leadership and governmental advocacy helped to establish the Santa Rosa Chamber of Commerce and North Bay Association of Realtors as premiere organizations in California, and she has served the community on numerous non-profit boards and through volunteer work. The Board of Supervisors honors Ms. Hayes for her service and dedication to the people, community and businesses of Sonoma County.

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):

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Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
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Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

Gold Resolution

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

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County of Sonoma

State of California

Date: _____

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Honoring Kathryn Moira Hayes and Her Many Contributions to Sonoma County

Whereas, a sixth generation Sonoma County native, Ms. Hayes has devoted 30 Years of service to Sonoma County in both the public and private sector as an honorable, effective advocate for the community, businesses and for those in need;

Whereas, Ms. Hayes's leadership and governmental advocacy helped to establish the Santa Rosa Chamber of Commerce and North Bay Association of Realtors as premiere organizations in California;

Whereas, as a Field Representative for Congressman Mike Thompson, Ms. Hayes was instrumental in serving the constituents of Sonoma and Mendocino Counties;

Whereas, as a volunteer and board member Ms. Hayes has served numerous local organizations including, but not limited to the Santa Rosa Education Cooperative Board, Habitat for Humanity, the American Red Cross, Sonoma County Alliance, Sonoma County Housing Coalition, Becoming Independent, Russian River Watershed Council, and the Girl Scouts;

Whereas, Ms. Hayes has received distinguished recognition for her many contributions to the community, including the American Red Cross George Escofie Distinguished Board Service Award, California Association of REALTORS® - Governmental Affairs Directors Award of Excellence, Sonoma County Economic Development Board Spirit Award, and the Gerald Hathaway Memorial Award for Significant Contributions to Chamber of Commerce Management in California; and

Whereas, Ms. Hayes has also raised a loving and devoted family that continues her legacy of community service;

Now, Therefore, Be It Resolved the Board of Supervisors of the County of Sonoma, honors Ms. Kathryn Moira Hayes for her service and dedication to the people, community and businesses of Sonoma County.

Resolution #

Date:

Page 2

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

To: Board of Supervisors

Board Agenda Date: June 10, 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

Title: Gold Resolution

Recommended Actions:

Adopt a Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Honoring Milena Duarte for Achieving the Gold Award, the Highest Honor in Girl Scouts

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Not Applicable

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 | \$ |

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| 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) |
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| Narrative Explanation of Staffing Impacts (If Required): | | | |
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| Attachments: | | | |
| Resolution | | | |
| Related Items “On File” with the Clerk of the Board: | | | |
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County of Sonoma

State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Honoring Milena Duarte for Achieving the Gold Award, the Highest Honor in Girl Scouts

Whereas, the Girl Scouts of America have a long and impressive history of preparing young **women** to assume responsibility in their communities; and

Whereas, the Gold Award represents the highest achievement in Girl Scouting and recognizes young women who demonstrate extraordinary leadership through remarkable "Take Action" projects that demonstrate sustainable impact in their communities, and

Whereas, the Golden Eaglet insignia, the highest award in Girl Scouting from 1916 to 1939, marked the beginning of a long tradition of recognizing the extraordinary efforts of extraordinary girls. From 1940 to 1963, the Curved Bar Award was the highest honor in Girl Scouting. From 1963 to 1980, the highest award was called First Class. Since 1980, the Gold Award has inspired girls to find greatness inside themselves and to share their ideas and passions with their communities, and

Whereas, over the course of 11 years, Milena has excelled in Girl Scouts, earning the Bronze, Silver and now Gold Award. She is currently a sophomore at Santa Rosa High School with hopes of one day becoming an oral surgeon, and

Whereas, Milena possesses a generosity of spirit that inspired her to spend over 200 hours volunteering for the Parks and Recreation Department of Santa Rosa. She also volunteered her talents helping the St. Eugene's Service Club, Santa Rosa High School Key Club and travelled to Mexico to serve in 2012. Milena has proven herself continually willing to help whenever needed and always with a positive attitude, and

Whereas, with Girl Scouts Milena has been a camp counselor, helped host a Father/Daughter dance, hosted Thinking Day (international celebrations) for five years and was a girl-speaker at a 2010 Girl Scout fundraiser, and

Whereas, Milena is similarly dedicated to remaining physically fit and has participated in several activities, including tennis, swimming and hiking, and

Whereas, Milena's Gold Award take action project was to create a Teen Room at the Catholic Charities Family Support Center in downtown Santa Rosa that temporarily houses homeless families. Milena worked with the volunteer coordinator at the facility to create a teen recreation room with a positive theme. She reached out to the community and received donations of books, movies, board games, a

Resolution #

Date:

Page 2

Wii console and some games, an air hockey table, a foosball table, a flat screen television and beanbags. After the room was finished, a summer teen program was created and the teen room proved to function well for the teens and their families, and

Whereas, Milena said that, "Girl Scouting taught me how to discover and unearth qualities I didn't know I had. Through Girl Scouts I was able to speak my mind with confidence and feel beautiful inside and out. I learned the importance of friendship and leadership and how to use those qualities throughout my life. [Working on my Gold Award] was a huge accomplishment in my life that I am extremely proud of. Not only did I address an important issue, but I also witnessed the power of a community coming together to help an important cause. I learned that a small idea can go a long way with the help of friends, family and a supportive community."

Now, Therefore, Be It Resolved **that the Sonoma County Board of Supervisors commends Milena upon her outstanding achievement of receiving the Gold Award.**

Be It Further Resolved that the Sonoma County Board of Supervisors appreciates the effort which went into achieving the **Gold Award**, and anticipates that **Milena Duarte will have the heart and spirit of** throughout her adult life.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Resolution #

Date:

Page 3



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 Supervisors

Board Agenda Date: June 10, 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

Title: Gold Resolution

Recommended Actions:

Adopt a Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Honoring Katherine Marie Allen for Achieving the Gold Award, the Highest Honor in Girl Scouts

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Not Applicable

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 | \$ |

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|---|---|------------------------------|------------------------------|
| 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) |
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| Narrative Explanation of Staffing Impacts (If Required): | | | |
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| Attachments: | | | |
| Resolution | | | |
| Related Items “On File” with the Clerk of the Board: | | | |
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County of Sonoma

State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Honoring Katherine Marie Allen for Achieving the Gold Award, the Highest Honor in Girl Scouts

Whereas, the Girl Scouts of America have a long and impressive history of preparing young women to assume responsibility in their communities; and

Whereas, the Gold Award represents the highest achievement in Girl Scouting and recognizes young women who demonstrate extraordinary leadership through remarkable "Take Action" projects that demonstrate sustainable impact in their communities, and

Whereas, the Golden Eaglet insignia, the highest award in Girl Scouting from 1916 to 1939, marked the beginning of a long tradition of recognizing the extraordinary efforts of extraordinary girls. From 1940 to 1963, the Curved Bar Award was the highest honor in Girl Scouting. From 1963 to 1980, the highest award was called First Class. Since 1980, the Gold Award has inspired girls to find greatness inside themselves and to share their ideas and passions with their communities, and

Whereas, over the course of 14 years, Kathryn has excelled in Girl Scouts, earning the Bronze, Silver and now Gold Award. Additionally, she has earned three years of Service to Girl Scouts Bars, Cadette and Senior Leadership Awards and in 2013, she sold over 1,000 boxes of Girl Scout Cookies. She also spent over 165 hours being involved in the Space Cookies, a Girl Scout Robotics team, and

Whereas, Kathryn possesses a generosity of spirit that inspired her to spend over 500 hours training and then working as a counselor at Camp Konocti resident camp each summer for the past several years. Her other activities include volunteering at the Redwood Empire Food Bank and for several non-profit events. Kathryn has proven herself continually willing to help whenever needed and always with a positive attitude, and

Whereas, Kathryn has excelled academically. Some of the academic awards Kathryn has earned include: National Latin Exam - Magnum Cum Laude 2013, NCS Scholar Athlete Grade 9 Honors, Principal's List 4.0+ GPA Spring 2013, Principal's List 4.0+ GPA Fall 2013, First Honors (3.5+ GPA) most other semesters, and

Whereas, Kathryn is similarly dedicated to remaining physically fit and has participated in several sports, including volleyball, lacrosse, and dance, and

Whereas, Kathryn's Gold Award project was entitled "Backpacks to Belarus" and involved sending new backpacks filled with toiletries, school supplies and art supplies to an orphanage in Belarus. Her goal was to encourage socioeconomic disadvantaged children to continue their education, thereby increasing their opportunities throughout their lives. Kathryn chose this Eastern European country because of her

Resolution #

Date:

Page 2

connection to a girl from Belarus who stayed with her family for seven summers. She spent six months gathering donated items and raising funds to pay for shipping, and to supplement the donations received, and

Whereas, Kathryn said, "Girl Scouting has taught me many things from leadership and responsibility to having fun and being confident in myself. But I think the most important thing Girl Scouts has taught me is how to be a good, honest, caring person. Girl Scouts, while leadership is important, makes sure everyone is treated fairly and equally. I have been in Girl Scouts since I was a Daisy, and it has been like a second family."

Now, Therefore, Be It Resolved **that the Sonoma County Board of Supervisors commends Kathryn upon her outstanding achievement of receiving the Gold Award.**

Be It Further Resolved that the Sonoma County Board of Supervisors appreciates the effort which went into achieving the **Gold Award**, and anticipates that **Katherine Marie Allen will have the heart and spirit of** throughout her adult life.

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

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Mike McGuire, 565-3758

Supervisorial District(s):

Fourth District

Title: Gold Resolution

Recommended Actions:

Adopt A Gold Resolution Proclaiming May 18, 2014, as “Windsor Military Hometown Heroes Banner Day.”

Executive Summary:

None

Prior Board Actions:

None

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 | \$ |

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| 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) |
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| Narrative Explanation of Staffing Impacts (If Required): | | | |
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| Attachments: | | | |
| Resolution | | | |
| Related Items “On File” with the Clerk of the Board: | | | |
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County of Sonoma

State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Adopt A Gold Resolution Proclaiming May 18, 2014, as “Windsor Military Hometown Heroes
Banner Day.”**

Whereas, the Town of Windsor with the dedication of a volunteer Military Banner Committee has established the Windsor Hometown Heroes Military Banner Program in order to recognize and honor Windsor residents and their immediate family members who are serving our country in the United States Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard); and

Whereas, eligible Honorees are Windsor residents, or have an immediate family member working or residing in Windsor, including Town of Windsor employees; and

Whereas, the Windsor Military Hometown Heroes Banner Program is supported with funding provided by local sponsors and family members; and

Whereas, the military banners will be proudly displayed throughout downtown Windsor highlighting the service of local Military Hometown Heroes; and

Whereas, the banners will remain in place throughout the career of the local service member, and at the time of retirement the banner will be presented to the service member or their family; and

Whereas, the Windsor Hometown Heroes Military Banner Program is administered by the Windsor Parks and Recreation Department in partnership with the volunteer Military Banner Committee; and

Whereas, the Windsor Hometown Heroes Military Banner Program is proudly supported by:

- The Town of Windsor
- The Windsor Chamber of Commerce
- The American Legion Post 111
- The VFW Post 768
- M.O.M.S
- The Local Veteran Employment Workforce Services, EDD
- The Windsor Parks and Recreation Foundation
- Marine Corps League Santa Rosa Detachment 686
- Voyager 338

Now, Therefore, Be It Resolved, that the Sonoma County Board of Supervisors does hereby proclaim May 18, 2014, as “Windsor Military Hometown Heroes Banner Day.”

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: June 10, 2014

Vote Requirement: No Vote Required

Department or Agency Name(s):

Staff Name and Phone Number:

Supervisor David Rabbitt, 707 565-2241

Supervisorial District(s):

Second District

Title: Gold Resolution

Recommended Actions:

Approve Gold Resolution honoring Paul and Vicki Michaelczyk, Hawk Hill Vineyard, on the occasion of their selection by the Sonoma County Winegrape Commission to receive the 2014 Viticulture Award of Excellence.

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 | \$ | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

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| 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) |
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| 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

State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

**Resolution of The Board of Supervisors of The County of Sonoma, State of California,
Congratulating Paul and Vicki Michaelczyk, Hawk Hill Vineyard, on the Occasion of Their
Selection by the Sonoma County Winegrape Commission to Receive the
2014 Viticulture Award of Excellence**

Whereas, Paul and Vicki Michaelczyk are native Californians who enjoyed several successful careers before getting involved in the dream occupation of so many in Sonoma County – they planted a vineyard – Hawk Hill Vineyard; and

Whereas, Paul grew up in a farming community and farming family and although most of his career was spent in areas other than agriculture, he has always loved to grow things – especially grapes – which he believes show grower input more than any other crop; and

Whereas, Vicki has been active on many committees and boards including the Sonoma County Winegrower’s Commission, Sonoma County Grape Growers Association, liaison with the Russian River Valley Winegrowers and currently serves as President of the Sonoma County Grape Growers Foundation which funds the Commission’s Employment Development Program allowing her continued work on her many year commitment to worker education through the provision of workshops offered free of charge with the purpose of attracting, retaining and advancing vineyard employees in agricultural careers by offering workshop topics important to viticulture, safety and employment management topics; and

Whereas, Paul and Vicki have brought their outstanding leadership abilities and business experience to the Sonoma County Winegrowers Commission, and as members of the marketing committee, Paul and Vicki bring their passion and knowledge of the winegrowing story whereby making invaluable contributions to the overall strategy and promotions of winegrowing in Sonoma County improving the County branding along with the building friendships for our county and its wines.

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors congratulates Paul and Vicki Michaelczyk, Hawk Hill Vineyards, on their selection to

Resolution #

Date:

Page 2

receive the 2014 Viticulture Award of Excellence and thanks them for their contributions to Sonoma County viticulture, the wine community and our Sonoma County community.

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: 10
(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: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Alex Roa, 565-7263

Supervisorial District(s):

Countywide

Title: Baseline Documentation Service Agreements for District Easements

Recommended Actions:

Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District (District) to execute "as needed" professional services agreements for Baseline Documentation Services with (1) Rob Evans & Associates in the not-to-exceed amount of \$50,000; and (2) Pacific Watershed Associates, Inc. in the not-to-exceed amount of \$25,000 through FY 2016-2017

Executive Summary:

BACKGROUND

The Sonoma County Agricultural Preservation and Open Space District (District) desires to enter into "as needed" professional services agreements with two consultants in the combined total amount of \$75,000 for Baseline Documentation Services for District conservation easements.

The Stewardship Manual, as approved by the Board of Directors in 2005 (on file with Clerk), requires that Baseline Documentation be prepared prior to the execution of conservation easements. The Stewardship Manual explains:

Baseline documentation (the "Baseline Report") describes and illustrates the physical condition, features, and improvements of the land protected by a conservation easement at the time that the conservation easement is conveyed to the District. The Baseline Report serves as a "snapshot in time" for measuring future changes to the land and provides a foundation for all future monitoring activities. Additionally, it is an Internal Revenue Service requirement for landowners seeking a tax benefit for a donation of all or a portion of the conservation easement value.

Baseline Reports ensure the District's investment is properly documented at the time of acquisition and establish the baseline condition of the respective property. Without this document, any changes to the property that impact Easement compliance would be difficult or impossible to prove, reducing landowner accountability, and increasing District liability.

For easements where a Baseline Report was not generated at the time of easement acquisition, a "Current

Conditions Report” (CCR) is written in place of a Baseline Report. This is often the case when an easement is created by an entity other than the District, such as “open space easements” conveyed through the County’s regulatory process. In lieu of a Baseline Report, a CCR may be a satisfactory last resort in order to document the current conditions on the property.

The District has prepared Baseline Reports for all currently held conservation easements (roughly 150), but 25 of our 57 open space easements do not have Baseline Reports. In the past three years, the District has completed between four and seven baseline reports per year, at an average cost of about \$3,300 each (an average of \$19,800 annually). The District anticipates that it will continue to acquire conservation easements through purchase, the Matching Grant Program, and transfers over the next several years at roughly the same rates as the three previous years. Due to the recent addition of 0.5 FTE Assistant Planner in Stewardship, the District expects to increase the number of Baseline Reports and CCRs completed from 4-7 per year to 7-8 per year for the next several years to address this backlog. By approving these “as needed” contracts, the District will be able to complete Baseline Reports at approximately the same rate, and will have the resources to address the backlog of open space easement Baseline reports.

In the past, the District has completed a Request for Proposals (RFP) for each Baseline Report as they were needed, issuing the RFP shortly before the conservation easement is acquired (when possible). This method has allowed the District to secure Baseline Reports in a cost-effective manner, however it requires significant lead time for staff to complete each RFP. In recent years, this lead time has compromised the District’s ability to complete Baseline Reports by project closing (acquisition/transfer). The Recommended Action before the Board of Directors will speed up this process significantly, thus saving staff time and cost to the District, and facilitate the completion of Baseline Reports at the time of project closing. The current RFP-as-needed process has allowed District staff to develop a firm understanding of the anticipated obstacles and costs for Baseline Documentation services. Using the recommended open-scope contracts to complete documentation will allow staff to utilize this understanding and knowledge in a more cost-effective and efficient way.

REQUEST FOR PROPOSALS

The District completed an RFP (on file with Clerk) in April 2014 and received proposals from four firms:

- Rob Evans & Associates (Forestville, CA)
- Pacific Watershed Associates Inc. (Petaluma, CA)
- Sonoma Ecology Center (Eldridge, CA)
- Roger Sternberg Forestry & Land Consulting Services (Mendocino, CA)

Each proposal supplied detailed qualifications, relevant experience, and pay rates. An evaluation panel of three District staff carefully reviewed each proposal, and selected two firms to recommend initiating open-scope contracts with, due to their extensive experience, high quality proposals, and cost: Rob Evans & Associates and Pacific Watershed Associates Inc. The panel determined that selecting two firms would provide the District flexibility with regard to scheduling of projects, as well as being able to utilize the two firms’ varied expertise depending on the property in need of documentation. The panel determined that these two firms would supply sufficient flexibility and would minimize contract oversight. Both Rob Evans & Associates (RE&A) and Pacific Watershed Associates Inc. (PWA) provided the District with a strong proposals for general Baseline Documentation services. RE&A has produced many high quality baseline reports, for a wide range of properties. PWA has a suite of technical skills that staff felt would be useful on a limited number of future Baseline Reports, though these services come at a premium. Staff determined that awarding PWA a smaller amount of the total would allow them to be utilized for certain complex or highly technical projects, while leaving the bulk of the funds for a less-expensive firm (RE&A) to handle more routine projects, and both contracts will run through FY 16-17.

| | | | |
|--|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| The Board of Directors approved the Stewardship Manual (on file with Clerk) on July 19th, 2005. This manual provides staff with direction for completing stewardship responsibilities, including Baseline Documentation, stating the District’s objective should be to <i>“Ensure that Baseline Reports provide objective and accurate documentation of the condition and use of the land and its natural features and improvements at the time the conservation easement is executed and conveyed to the District.”</i> | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Preparation of Baseline Reports and/or Current Condition Reports assists the District in stewardship of conservation easement properties, protecting the conservation values purchased with Measure F funds. | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 75,000 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 75,000 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 75,000 | Total Sources | \$ 75,000 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| The completion of Baseline Documentation is included in the current budget. The cost of the service to produce the Baseline documentation services will remain approximately the same. However, with the use of the recommended open-scope contracts, staff time is expected to decrease, and thus the expected fiscal impacts are a net reduction in costs of Baseline Documentation (mostly realized through a reduction of staff time). | | | |
| Staffing Impacts | | | |
| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
| | | | |
| | | | |
| Narrative Explanation of Staffing Impacts (If Required): | | | |
| This amount is appropriated in the fiscal year 2013-2014 budget. | | | |
| Attachments: | | | |
| <ol style="list-style-type: none"> 1. Agreement with Rob Evans 2. Agreement with PWA | | | |

3. Stewardship Manual

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

1. Baseline Documentation “RFP” (includes example Baseline Report)

**OPEN SCOPE AGREEMENT
FOR BASELINE DOCUMENTATION SERVICES**

ROB EVANS

Contract No. O-865

FY 2013/2014 – FY 2016/2017

Executed 5/27/14

AGREEMENT FOR CONSULTING SERVICES
OPEN SCOPE O-865 Baseline Documentation Services

This agreement ("Agreement"), effective upon the date of execution ("Effective Date") is by and between the Agricultural Preservation and Open Space District, a California special district (hereinafter "District"), and Rob Evans, an individual (hereinafter "Consultant").

RECITALS

WHEREAS, Consultant represents that it is a duly qualified and licensed consultant, experienced in ecological services and baseline documentation and related services; and

WHEREAS, in the judgment of the General Manager of the District, it is necessary and desirable to employ the services of Consultant to assist the District in preparing baseline documentation for conservation easements and open space easements.

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

AGREEMENT

I. Scope of Services.

1.1 Consultant's Specified Services. Consultant shall perform the services described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), as requested from time to time by District in its sole discretion and within the times or by the dates provided for in Exhibit "A" and pursuant to Article 7, Prosecution of Work. Work will be authorized and performed only upon written authorization signed by District and consultant in a form attached hereto as Exhibit "B" ("Agreement Memorandum"). Prior to work being performed under this Agreement, District and Consultant will establish and agree on the following information, which agreement shall be reflected in the Agreement Memorandum: 1) specific description of tasks to be performed; 2) time allowed to perform work; 3) schedule for deliverables; 4) lump sum or not-to-exceed cost; 5) list of key personnel, if applicable; 6) list of authorized subcontractors, if applicable; and 7) project-specific items to be provided by District.

1.2 Cooperation With District. Consultant shall cooperate with District and District staff in the performance of all work hereunder. Consultant shall coordinate the work with the District's Project Lead, per the contact information and mailing addresses below:

| DISTRICT PROJECT LEAD | CONSULTANT |
|---|---|
| Name: Alex Roa | Name: Rob Evans |
| Address: 747 Mendocino Avenue – Suite 100 Santa Rosa, CA 95401 | Address: 9378 Champs de Elysees Forestville, CA 95436 |
| Phone: 707-565-7263 | Phone: 707-486-6624 |
| FAX: 707-565-7359 | FAX: |
| Email: Alex.Roa@sonoma-county.org | Email: robevans9378@comcast.net |

1.3 Performance Standard. Consultant 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 Consultant's profession. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant 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 District shall not operate as a waiver or release. If District determines that any of Consultant's work is not in accordance with such level of competency and standard of care, District, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with District to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

1.4.1. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time District, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from District.

1.4.2. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder (excluding any and all subcontractors) are deemed by District to be key personnel whose services were a material inducement to District to enter into this Agreement, and without whose services District would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of District.

1.4.3. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2. Payment. For all services and incidental costs required hereunder, Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in Exhibit A, provided that total payments to Consultant shall not exceed Fifty Thousand Dollars (\$50,000.00), without the prior written approval of District. Consultant shall submit its bills in arrears on a monthly basis in a form approved by District's General Manager or designee. Expenses not expressly authorized by the Agreement shall not be reimbursed. The bills shall show or include:

- Name of Project: Baseline Documentation
- District Contract No.: O-865
- Copies of all subconsultant/subcontractor invoices, if any

- Identification of Property and description of task(s) performed
- The hourly rate or rates of the persons performing the task
- Copies of receipts for reimbursable materials/expenses, if any

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

Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the District shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (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 Consultant does not qualify, District requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If consultant is qualified, then the District requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the contractor agrees to promptly notify the District of any changes in the facts. Forms should be sent to the District pursuant to Article 12. To reduce the amount withheld, Consultant has the option to provide District with either a full or partial waiver from the State of California.

3. TERM OF AGREEMENT. The term of this Agreement shall be from the Effective Date and terminate upon depletion of the not-to-exceed amount listed in Section 2.1, unless terminated earlier in accordance with the terms herein.

4. Termination.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, District shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant 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, District may immediately terminate this Agreement by giving Consultant 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, Consultant, within 14 days following the date of termination, shall deliver to District all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to District 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 District, Consultant 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 Consultant 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, Consultant 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 District terminates the Agreement for cause pursuant to Section 4.2, District shall deduct from such amount the amount of damage, if any, sustained by District by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Directors has the authority to terminate this Agreement on behalf of the District. In addition, the District's General Manager, in consultation with District Counsel, shall have the authority to terminate this Agreement on behalf of the District.

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including District, and to indemnify, hold harmless, and release District, 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 Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against District based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on District's part, but to the extent required by law, excluding liability due to District's conduct. District shall have the right to select its legal counsel at Consultant's expense, subject to Consultant'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 Consultant 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, Consultant shall maintain and shall require all of its subcontractors, consultants, 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. Performance of the services hereunder shall be completed within the time specified within the applicable Agreement Memorandum executed pursuant to Article 1.1, 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 Consultant's

performance of this Agreement shall be extended by a number of days equal to the number of days Consultant 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 District's General Manager in a form approved by District Counsel. The Board of Directors must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, District personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant 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 Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant 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 the District.

9. Representations of Consultant.

9.1 Standard of Care. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant 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 Consultant's work by District shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, 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. Consultant is not to be considered an agent or employee of District and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits District provides its employees. In the event District exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant 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. Consultant agrees to indemnify and hold District harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case District is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish District with proof of payment of taxes on these earnings.

9.4 Records Maintenance. Consultant 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 District for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Consultant 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. Consultant 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 District, Consultant 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 District disclosing Consultant's or such other person's financial interests.

9.6 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.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Consultant 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, the District's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant 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.

9.9 Assignment of Rights. Consultant assigns to District all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to District in this Agreement, and to refrain from taking any action which would impair those rights. Consultant'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 District may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of District. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of District.

9.10 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 Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of District. District 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, Consultant shall promptly deliver to District all such documents, which have not already been provided to District in such form or format, as District deems appropriate. Such documents shall be and will remain the property of District without restriction or limitation. Consultant 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 District.

9.11 Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

9.12 Subcontracts. Consultant shall require all subcontractors to enter into an agreement which shall provide to District all the same rights and protections as set forth in this Agreement at Section 9 (Responsibilities of Consultant), Section 6 (Insurance), and Section 5 (Indemnity), so as to require all such subcontractors to indemnify and defend District to the full extent of Consultant's indemnity and defense obligations.

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other'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 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 thirty (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 District's right to terminate this Agreement pursuant to Article 4.

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, 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 DISTRICT:

Sonoma County Agricultural Preservation

and Open Space District
747 Mendocino Avenue
Santa Rosa, CA 95401
Phone: 707-565-7366
Fax: 707-565-7359
aposd-accounts.payable@sonoma-county.org

TO CONSULTANT:

Rob Evans
9378 Champs de Elysees
Forestville, CA 95436
Phone: 707-486-6624
Robevans9378@comcast.net

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 paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. The waiver by District 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. Consultant and District 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. Consultant and District 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.

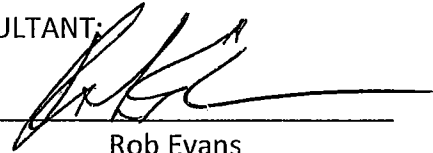
13.8. Survival of Terms. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

13.9 Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT:

By: _____

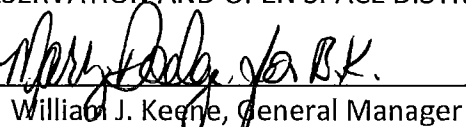

Rob Evans

Date: _____

5/20/14

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE DISTRICT:

By: _____

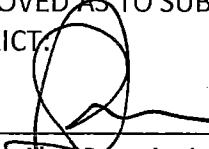

William J. Keene, General Manager

Date: _____

5/27/14

APPROVED AS TO SUBSTANCE FOR
DISTRICT:

By: _____


Alex Roa, Assistant Planner

Date: 5-12-14

CERTIFICATES OF INSURANCE ON
FILE WITH THE DISTRICT:

By: _____


Elaine Rotondo, Administrative Aide

Date: 5/12/14

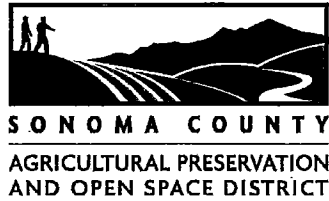


EXHIBIT A

Scope of Work Open-Scope Contract for Baseline Documentation Services

Introduction

Under this contract, the consultant ("Consultant") will provide baseline documentation services for properties proposed for District conservation easement acquisition or properties that have existing District conservation easements, as indicated on the agreement memo (to be completed 'as-needed'). Preparing baseline documentation involves documenting property conditions, features, improvements, land use, and potential problem areas through field observations, research of available literature, and discussions with District staff and other relevant parties. District staff will use the baseline documentation as a reference for regular monitoring visits in perpetuity to ensure landowner compliance with the respective conservation easements.

Project Assignments

District staff will prepare a property-specific scope of work and request for each project, on an 'as-needed' basis.

Tasks and Deliverables

Specific tasks and deliverables will be delineated in an agreement memo to be issued at the time of work. This work will include project coordination, background research, site visit(s), draft Baseline Documentation (deliverable), pre-final Baseline Documentation (deliverable), and final Baseline Documentation (deliverable) for each of the conservation easements indicated in the agreement memo.

Project Schedule

Project schedules will be provided in each agreement memo.

Cost/Payment

The amount of this contract shall not exceed \$50,000. Cost for each baseline documentation project will be determined individually on a time and materials/not-to-exceed basis in Consultant's proposal submitted in response to an RFP. Once each baseline documentation project has been completed to the satisfaction of District staff, Consultant shall submit an itemized bill to the District that will include time and material expenses. Once District staff confirms that all project tasks have been successfully completed, the District will approve payment of time and materials and expenses to Consultant.

Attachment Fee Schedule

ROB EVANS & ASSOCIATES
9378 CHAMPS DE ELYSEES
FORESTVILLE, CA 95436
robevans9378@comcast.net

California Contractors License No. 915871

California Department of Pesticide Regulation - Pest Control Business License No. 37926

California Department of Pesticide Regulation - Qualified Applicator License No. 105169

Fee Schedule

Labor*:

Consultation (Meetings, Research, Plan Development, Technical Fieldwork,
Text Development for Baseline Documentation Reports) \$65/hour

Herbicide Application \$75/hour

Supervision of volunteers/students/California Conservation Corp \$50/hour

Seed Collection \$50/hour

Physical Labor (planting, plant maintenance, erosion control, etc) \$50/hour

Subcontractors:

GIS Analyst, Map Development, Report Compilation \$80/hour

Others variable

Travel Mileage: \$0.565/mile

Miscellaneous:

Printing Cost + 15%

Materials Cost + 15%

Rental Equipment Cost + 15%

*** Travel time from Forestville office will be billed the same rate as task being performed**

ROBEV-4

OP ID: LT



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/06/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|---|--|--|--|
| PRODUCER Placer Insurance Agency License #0C86701 P. O. Box 618052 Roseville, CA 95661-8052 Placer Insurance Agency | | CONTACT NAME: Phone: 916-784-1008 Fax: 916-784-8116 | |
| | | E-MAIL ADDRESS: | |
| | | INSURER(S) AFFORDING COVERAGE | |
| | | INSURER A: AmTrust International | |
| | | INSURER B: | |
| | | INSURER C: | |
| | | INSURER D: | |
| | | INSURER E: | |
| | | INSURER F: | |

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER: 1**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSUR LTR | TYPE OF INSURANCE | ADDL INSUR INSR L WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | | | |
|--|---|--|---------------|-------------------------|-------------------------|---|-------------------------------------|-----------------------------|----|
| A | <input checked="checked" type="checkbox"/> GENERAL LIABILITY | X | XN103762101 | 03/01/2014 | 03/01/2015 | EACH OCCURRENCE | \$ 1,000,000 | | |
| | <input checked="checked" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ 100,000 | | |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="checked" type="checkbox"/> OCCUR | | | | | MED EXP (Any one person) | \$ 5,000 | | |
| | GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="checked" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC | | | | | PERSONAL & ADV INJURY | \$ 1,000,000 | | |
| | | AUTOMOBILE LIABILITY | | | | | GENERAL AGGREGATE | \$ 2,000,000 | |
| | | <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRE/AUTOS | | | | | PRODUCTS - COMPOP AGG | \$ 2,000,000 | |
| | | <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | - | | |
| | | UMBRELLA LIAB | | | | | COMBINED SINGLE LIMIT (Ea accident) | \$ | |
| | | EXCESS LIAB | | | | | BODILY INJURY (Per person) | \$ | |
| | | <input type="checkbox"/> OCCUR | | | | | BODILY INJURY (Per accident) | \$ | |
| | | <input type="checkbox"/> CLAIMS-MADE | | | | | PROPERTY DAMAGE (Per accident) | \$ | |
| | | DED | | | | | - | | |
| | | RETENTION \$ | | | | | - | | |
| WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe under DESCRIPTION OF OPERATIONS below | | <input checked="checked" type="checkbox"/> Y/N N/A | | | | | WC STATUTORY LIMITS | \$ | |
| | | | | | | | | OTHER | \$ |
| | | | | | | | | E.L. EACH ACCIDENT | \$ |
| | | | | | | | | E.L. DISEASE - EA EMPLOYEE | \$ |
| | | | | | | | | E.L. DISEASE - POLICY LIMIT | \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is require)

| | |
|---|---|
| <p style="text-align: center;">CERTIFICATE HOLDER</p> <p style="text-align: center;">SONOMA3</p> <p>The Sonoma County Agricultural Preservation and Open Space District 747 Mendocino Ave Ste 100 Santa Rosa, CA 95401</p> | <p style="text-align: center;">CANCELLATION</p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p style="text-align: center;">AUTHORIZED REPRESENTATIVE</p> <p style="text-align: center;"><i>[Signature]</i></p> |
|---|---|

POLICY NUMBER: XN103762101

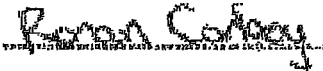
COMMERCIAL GENERAL LIABILITY
NX GL 189 05 11

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**BLANKET ADDITIONAL INSUREDS -
OWNERS, LESSEES OR CONTRACTORS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

| | | |
|---|---------------------------------|--|
| Policy Number: XN103762101 | Endorsement Effective: 3/1/2014 | 12:01 a.m. |
| Named Insured: ROBERT EARL EVANS, DBA: ROB EVANS AND ASSOCIATES | Counter Signed By: |  |

SCHEDULE

Name of Person or Organization:

Any person or organization that the named insured is obligated by virtue of a written contract or agreement to provide insurance such as is afforded by this policy.

Location:

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

A. Section II – Who Is An Insured is amended to include as an insured the person or organization shown in the Schedule, but only to the extent that the person or organization shown in the Schedule is held liable for your acts or omissions arising out of your ongoing operations performed for that insured.

B. With respect to the insurance afforded to these additional insureds, the following exclusion is added:

2. Exclusions

This insurance does not apply to "bodily injury" or "property damage" occurring after:

- (1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than services, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed; or
- (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. The words "you" and "your" refer to the Named Insured shown in the Declarations.

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
NX GL 189 05 11

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

D. The following are added to **SECTION V – DEFINITIONS**:

"Your work" means work or operations performed by you or on your behalf; and materials, parts or equipment furnished in connection with such work or operations.

E. The following additional provisions apply to any entity that is an insured by the terms of this endorsement:

1. Primary Wording

With respect to the Third Party shown above, this insurance is primary and non-contributing. Any and all other valid and collectable insurance available to such Third Party in respect of work performed by you under written contractual agreements with said Third Party for loss covered by this policy, shall in no instance be considered as primary, co-insurance, or contributing insurance. Rather, any such other insurance shall be considered excess over and above the insurance provided by this policy.

2. Waiver of Subrogation

If required by written contract or agreement: We waive any right of recovery we may have against an entity that is an additional insured per the terms of this endorsement because of payments we make for injury or damage arising out of "you work" done under a contract with that person or organization.



CSAA Insurance Exchange
 PO Box 22221
 Oakland, CA 94623-2221

Automobile Policy Declarations

Please keep with your policy. See Important Notice on reverse.

For questions or changes call: (800) 922-8228

Page 1 of 1

1. Name and Address of Insured

ROBERT E EVANS
 CARLA EVANS
 9378 CHAMPS DE ELYSEES
 FORESTVILLE CA 95436-9518

| | | | | |
|---------------------------|--------------------|------------------------------------|---|------------|
| POLICY INFORMATION | Declarations Type | Renewal Certificate | Process Date | 02-11-2014 |
| | Policy Number | CAA5100486233 | Insured Since | 1992 |
| | Your Policy Period | From: 03-13-2014 To: 03-13-2015 | 12:01 A.M. Standard Time at the address of the Named Insured, but not prior to the time applied for or, if this is a replacement declaration, not prior to the time coverage change was requested. 12:01 A.M. Standard Time at the address of the Named Insured. | |

Alternate Address: Occupation: Other: Alternate Number: Telephone Number: (999) 486-6624

| VEHICLES | Item | Make | Model Yr | Body Type | Vehicle Identification No. | DRIVERS | Name | ADB |
|----------|------------|--------|--------------|-------------------|----------------------------|---------|--------|-----|
| | 1 | TOYOTA | 2004 | CREW PICKUP | 5TBDT481445440182 | | ROBERT | Y |
| 2 | HONDA | 2008 | SEDAN 4 DOOR | JHMFA362185007636 | CARLA | Y | | |
| 3 | VOLKSWAGEN | 2013 | SEDAN 4 DOOR | 1VWBN7A35DC095331 | | | | |

| COVERAGES/PREMIUMS | Coverage | Liability Limits | | Item 1 | | Item 2 | | Item 3 | |
|--------------------|--|------------------|-----------------|-------------|--------------|-------------|--------------|-------------|--------------|
| | | Each Person | Each Occurrence | Deductible | Premium | Deductible | Premium | Deductible | Premium |
| | Bodily Injury | 100,000 | 300,000 | | \$104 | | \$112 | | \$112 |
| | Medical Payments | No Coverage | | No Coverage | | No Coverage | | No Coverage | |
| | Uninsured Motorists | 100,000 | 300,000 | | \$26 | | \$48 | | \$43 |
| | Property Damage | | 50,000 | | \$128 | | \$133 | | \$128 |
| | Comprehensive Actual Cash Value Less Deductible | | | 100 | \$97 | 100 | \$71 | 100 | \$79 |
| | Collision Actual Cash Value Less Deductible | | | 1,000 | \$239 | No Coverage | | 500 | \$289 |
| | Enhanced Transportation Expense | | | No Coverage | | No Coverage | | | \$28 |
| | All Risks Actual Cash Value Less Deductible | | | No Coverage | | No Coverage | | No Coverage | |
| | TOTAL PREMIUM PER VEHICLE > | | | | \$494 | | \$364 | | \$679 |
| | * Automobile Death Benefits \$15,000 per driver listed with ADB coverage above | | | | | | | | Premium \$8 |

Premium Summary CA Surcharge: \$0 Total Premium: \$1,645.00
 This is not a bill.

Schedule of Changes

| DISCOUNTS/MESSAGES | Item | Rated Driver | DSR | YDE | Prior Ann Miles | Future Ann Miles | Garage Zip | Vehicle Usage | Gender | Marital |
|--------------------|--------------|--------------|-----|-----|-----------------|------------------|------------|---------------|---------|---------|
| | 1 | Undesignated | | | | | 3,000 Mi | 95436 | Commute | |
| 2 | ROBERT EVANS | 0 Pt | | 43 | | 13,000 Mi | 95436 | Commute | M | M |
| 3 | CARLA EVANS | 0 Pt | | 35 | | 10,000 Mi | 95436 | Pleasure | F | M |

Discounts:
 Mature Driver: None.
 Good Driver: Item(s) 1, 2, 3.
 Multi Policy home: Item(s) 1, 2, 3.
 Multi Car: Item(s) 1, 2, 3.
 New Driver: None.
 Good Student: None.

LOSS PAYEE(S) Item 3 REDWOOD CREDIT UNION
 PO BOX 6104
 SANTA ROSA CA 95406
 You may qualify for other products and discounts. For more info call your Insurance Agent Jan K Vreburg +1 (707) 566-4015

**OPEN SCOPE AGREEMENT
FOR BASELINE DOCUMENTATION SERVICES**

PACIFIC WATERSHED ASSOCIATES, INC.

Contract No. O-866

FY 2013/2014 – FY 2016/2017

Executed _____

AGREEMENT FOR PERSONAL SERVICES

This agreement ("Agreement"), effective upon execution ("Effective Date"), is by and between the Sonoma County Agricultural Preservation and Open Space District (hereinafter "District") and Pacific Watershed Associates, Inc., a California Corporation, (hereinafter "Consultant").

RECITALS

WHEREAS, Consultant represents that it provides consulting services in the area of baseline documentation; and

WHEREAS, in the judgment of the General Manager of the District, it is necessary and desirable to employ the services of Consultant to prepare baseline documents for various conservation easements.

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

AGREEMENT

1. **SERVICES TO BE PROVIDED.**

1.1 **Request for Services.** Consultant shall perform the services described in Exhibit A, attached hereto and incorporated herein by reference (hereinafter "Scope of Work") as requested from time to time by District in its sole discretion. Work will be authorized and performed only upon written authorization signed by District and Consultant in a form attached hereto as Exhibit B ("Agreement Memorandum"). Prior to work being performed under this Agreement, District and Consultant will establish and agree on the following information, which agreement shall be reflected in the Agreement Memorandum: 1) time allowed to perform work; 2) schedule for deliverables; 3) lump sum or not-to exceed cost; 4) list of key personnel, if applicable; 5) list of authorized subcontractors, if applicable; and 6) project-specific items to be provided by District.

1.2 **Cooperation with District.** Consultant shall cooperate with District and District staff in the performance of all work hereunder. Consultant shall coordinate the work with the District's Project Lead. Contact information and mailing addresses:

| DISTRICT'S LEAD | CONSULTANT'S LEAD |
|---|---|
| Alex Roa | Tara Zuroweste |
| So Co Ag Preservation & Open Space District | Pacific Watershed Associates, Inc. |
| 747 Mendocino Avenue, Suite 100 | P.O. Box 4433 |
| Santa Rosa, CA 95401 | Arcata, CA 95518-4433 |
| Phone: 707.565.7263 | Phone: 707.773.1385 Fax: 707.773.1451 |
| Email: Alex.Roa@sonoma-county.org | Email: taraz@pacificwatershed.com |

1.3 Performance Standard. Consultant 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 Consultant's profession. If District determines that any of Consultant's work is not in accordance with such level of competency and standard of care, District, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with District to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional fee until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

1.4.1 Removal of Personnel. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time District, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from District.

1.4.2 Qualified Replacements. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2. PAYMENT. For all services and incidental costs required hereunder, Consultant shall be paid in accordance with the following terms:

2.1 Hourly Rates: Unless District and Consultant have agreed to a lump-sum payment as reflected in the Agreement Memorandum, District agrees to pay Consultant for all services and incidental costs authorized hereunder on a time and material expense basis in accordance with the rates and charges set forth in Exhibit A. Total payments to Consultant pursuant to this Agreement shall not exceed Twenty-Five Thousand Dollars (\$25,000).

2.2 Invoices: Consultant shall invoice District based on work performed as set forth in each Agreement Memorandum. Invoices shall be submitted separately for each project, shall be clearly marked with:

- a. Consultant name: Pacific Watershed Associates, Inc.
- b. Name of Project: Baseline Documentation Services
- c. Copies of all subconsultant/subcontractor invoices, if any
- d. District's Contract No. O-866
- e. Description of tasks performed with itemized description of services rendered by date
- f. The hourly rate or rates of the persons performing the task
- g. Copies of receipts for reimbursable materials/expenses, if any

3. TERM OF AGREEMENT. The term of this Agreement shall be from the Effective Date and terminate upon depletion of the not-to-exceed amount listed in Section 2.1, unless terminated earlier in accordance with the terms herein.

4. TERMINATION.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, District shall have the right, in its sole discretion, to terminate this Agreement by giving five (5) days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provisions of this Agreement, should Consultant 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, District may immediately terminate this Agreement by giving Consultant 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, Consultant, within fourteen (14) days following the date of termination, shall deliver to District all materials and work product subject to Section 9.10 and shall submit to District 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 District, Consultant 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 Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if District terminates the Agreement for cause pursuant to Section 4.2, District shall deduct from such amount the amount of damage, if any, sustained by District by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Directors has the authority to terminate this Agreement on behalf of District. In addition, the District's General Manager, on consultation with District Counsel, shall have the authority to terminate this Agreement on behalf of the District.

5. INDEMNIFICATION. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including District, and to indemnify, hold harmless, and release District, 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 Consultant, that arise out of, pertain to, or relate to Consultant's performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against District based upon a claim relating to Consultant's performance or obligations under this Agreement. Consultant's obligations under this Section 5 apply whether or not there

is concurrent negligence on District's part, but, to the extent required by law, excluding liability due to District's conduct. District shall have the right to select its legal counsel at Consultant's expense, subject to Consultant'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 Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts. This indemnity provision survives the Agreement.

6. INSURANCE. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, 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. Performance of the services hereunder shall be completed with 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 Consultant's performance of this Agreement shall be extended by the number of days equal to the number of days Consultant has been delayed. When work is requested of Consultant by the District, all due diligence shall be exercised and the work accomplished without undue delay, withing the performance time specified in the Agreement Memorandum.

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. The General Manager must authorize all extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, District personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant 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 Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant 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 District's General Manager.

9. REPRESENTATIONS OF CONSULTANT.

9.1 Standard of Care. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant 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 Consultant's work by District shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, 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. Consultant is not to be considered an agent or employee of District and is not entitled to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits District provides its employees. In the event District exercises its right to terminate this Agreement pursuant to Article 4 above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant 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. Consultant agrees to indemnify and hold District harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case District is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish District with proof of payment of taxes on these earnings.

9.4 Cost Disclosure. In accordance with Government Code section 7550, Consultant agrees to state in a separate section in any filed report the numbers and dollar amounts of all contracts and subcontracts relating to the preparation of the report.

9.5 Records Maintenance. Consultant 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 District for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.6 Conflict of Interest. Consultant 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. Consultant 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 District, Consultant 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 District disclosing Consultant's or such other person's financial interests.

9.7 Nondiscrimination. Consultant 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, the District's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant 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.

9.9 Assignment of Rights. Consultant assigns to District all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to District in this Agreement, and to refrain from taking any action which would impair those rights. Consultant'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 District may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of District. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of District.

9.10 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 Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of District. District 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, Consultant shall promptly deliver to District all such documents which have not already been provided to District in such form or format as District deems appropriate. Such documents shall be and will remain the property of District without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way throughout this Agreement without the express written permission of District.

10. DEMAND FOR ASSURANCE. Each party to this Agreement undertakes the obligation that the other'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 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 thirty (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 10 limits District's rights to terminate this Agreement pursuant to Article 4.

11. ASSIGNMENT AND DELEGATION. Neither party shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the District, and no such transfer shall be of any force or effect whatsoever unless and until the other party has 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 may be given by personal delivery or by mail. Notices, bills, and payments sent by mail shall be addressed as follows:

TO DISTRICT: Sonoma County Agricultural Preservation
 and Open Space District
 Attn: Jennifer Chong – Accounting Technician
 747 Mendocino Avenue
 Santa Rosa, CA 95401
 aposd-accounts.payable@sonoma-county.org

TO CONSULTANT: Tara Zuroweste, Project Manager
 Sondra Dager, Contract Administrator
 P. O. Box 4433
 Arcata, CA 95518-4433
 taraz@pacificwatershed.com

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, 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, (2) the sender has a written confirmation of the facsimile transmission, and (3) the facsimile is transmitted before 5:00 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, bills, and payments are to be given by giving notice pursuant to this paragraph.

13. MISCELLANEOUS PROVISIONS.

13.1 No Waiver of Breach. The waiver by District 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. Consultant and District 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. Consultant and District 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. To the extent allowed by law, the parties agree that 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 Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

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/
/
/
/
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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.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT:

By: 
Rob Evans

Date: 5/20/14

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE DISTRICT:

By: _____
William J. Keene, General Manager

Date: _____

CONSULTANT: Pacific Watershed Associates, Inc.

By: Danny Hagans

Name: DANNY HAGANS

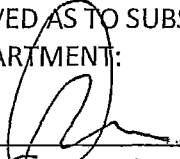
Date: 5/16/2014

DISTRICT: Sonoma County Agricultural Preservation and Open Space District

By: _____
William J. Keene, General Manager


Date: _____

APPROVED AS TO SUBSTANCE
BY DEPARTMENT:

By: 
Alex Roa, Assistant Planner

Date: 5-12-14

CERTIFICATES OF INSURANCE
REVIEWED BY AND ON FILE WITH:

By: 
Elaine Rotondo, Administrative Aide

Date: 5/19/14



S O N O M A C O U N T Y
AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

EXHIBIT A
Scope of Work
Open-Scope Contract for Baseline Documentation Services

Introduction

Under this contract, the consultant ("Consultant") will provide baseline documentation services for properties proposed for District conservation easement acquisition or properties that have existing District conservation easements, as indicated on the agreement memo (to be completed 'as-needed'). Preparing baseline documentation involves documenting property conditions, features, improvements, land use, and potential problem areas through field observations, research of available literature, and discussions with District staff and other relevant parties. District staff will use the baseline documentation as a reference for regular monitoring visits in perpetuity to ensure landowner compliance with the respective conservation easements.

Project Assignments

District staff will prepare a property-specific scope of work and request for each project, on an 'as-needed' basis.

Tasks and Deliverables

Specific tasks and deliverables will be delineated in an agreement memo to be issued at the time of work. This work will include project coordination, background research, site visit(s), draft Baseline Documentation (deliverable), pre-final Baseline Documentation (deliverable), and final Baseline Documentation (deliverable) for each of the conservation easements indicated in the agreement memo.

Project Schedule

Project schedules will be provided in each agreement memo.

Cost/Payment

The amount of this contract shall not exceed \$25,000. Cost for each baseline documentation project will be determined individually on a time and materials/not-to-exceed basis in Consultant's proposal submitted in response to an RFP. Once each baseline documentation project has been completed to the satisfaction of District staff, Consultant shall submit an itemized bill to the District that will include time and material expenses. Once District staff confirms that all project tasks have been successfully completed, the District will approve payment of time and materials and expenses to Consultant.

Task 6 Deliverables: PWA will submit the following items to the District

- 1. One hard copy of the Final Baseline Report printed on single-sided archived grade paper (PWA will initial all photo pages).*
- 2. A CD including: PDF of the entire Final document; electronic copies of all GIS files; and PDF of all maps.*

Since this is an open contract, PWA will negotiate an estimated budget and work schedule for each work order (each baseline document) to complete the list of tasks above on an as-needed basis.

5. COSTS OF SERVICES

We understand that if awarded, this contract will be billed on a time and materials basis with a not to exceed amount as a work order under the current open contract with the District. PWA has always offered our services to the District at our discounted, grant funded or non-profit rates. The rate schedule below will apply to all tasks performed by PWA.

Standard Professional Services

| | |
|--|----------|
| Principal Earth Scientist/Civil Engineer | \$105/hr |
| Senior/Associate Professional Geologist | \$90/hr |
| Project Geologist | \$80/hr |
| Watershed Technician | \$65/hr |
| Graphics, GIS, Database, and drafts-person | \$55/hr |
| Clerical | \$40/hr |

Litigation and Court Related Work

| | |
|--|----------|
| Principals/Seniors, field work, preparation, reports | \$155/hr |
| Principals/Seniors, depositions and court time | \$175/hr |
| Staff Professionals | \$105/hr |

Other Costs

| | |
|-------------------------|-----------|
| Vehicles (mileage) | govt rate |
| Quads | \$35/day |
| Administrative overhead | 10% |
| Per diem (per person) | \$125/day |
| All other expenses | Cost +10% |

6. PWA INSURANCE

PWA maintains the required insurance coverage by three firms: (1) BC Environmental (General and Professional Liability (Errors and Omissions)), \$1,000,000 each occurrence; (2) Penfold-Leavitt (Automobile Liability) \$1,000,000 each accident; and (3) CNA Insurance (Worker's Compensation) \$1,000,000 each occurrence. We will provide copies of pertinent documents, Additional Insured Endorsements, and Certificates of Insurance upon request, all of which will meet District requirements.

ACORD™ CERTIFICATE OF LIABILITY INSURANCE DATE (MM/DD/YY)
4/16/2014

| | |
|--|---|
| PRODUCER ISU INS. SERV. - BC ENV. BROKERAGE 1037 SUNCAST LANE, SUITE 103 EL DORADO HILLS, CA 95762 (916) 939-1080 | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. |
| INSURED PACIFIC WATERSHED ASSOCIATES, INC. P.O. BOX 4433 ARCATA, CA 95518 | INSURERS AFFORDING COVERAGE INSURER A: ADMIRAL INSURANCE COMPANY #24856 INSURER B: INSURER C: INSURER D: INSURER E: |

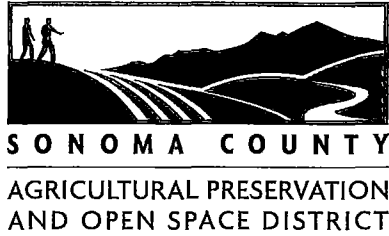
COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
|----------|---|-------------------------------------|----------------------------------|-----------------------------------|---|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> | FEI-ECC-14536-01 | 04/15/14 | 04/15/15 | EACH OCCURRENCE \$1,000,000 |
| | <input checked="" type="checkbox"/> CONT. POLLUTION | | | | FIRE DAMAGE (Any one fire) \$300,000 |
| | | | | | MED EXP (Any one person) \$10,000 |
| | | | | | PERSONAL & ADV INJURY \$1,000,000 |
| | | | | | GENERAL AGGREGATE \$2,000,000 |
| | | | | | PRODUCTS - COM/OP ASS \$2,000,000 |
| | | | | | GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |
| | AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS | | | | COMBINED SINGLE LIMIT (Ea accident) \$ |
| | GARAGE LIABILITY ANY AUTO | | | | BODILY INJURY (Per person) \$ |
| | EXCESS LIABILITY OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$ | | | | BODILY INJURY (Per accident) \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | PROPERTY DAMAGE (Per accident) \$ |
| A | OTHER PROF. LIAB. INC. IN GL ABOVE | FEI-ECC-14536-01 RETRO 4/15/1999 | 04/15/14 | 04/15/15 | AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$ |
| | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ |
| | | | | | WG STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| | | | | | \$1,000,000 OCCURRENCE \$2,000,000 AGGREGATE |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENTS/SPECIAL PROVISIONS
 RE: #10037 SCAPOSD 2011 BASELINE DOCUMENTATIONS / SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT, ITS OFFICERS AND EMPLOYEES HAVE BEEN NAMED AS ADDITIONAL INSURED WITH RESPECT TO THE GENERAL LIABILITY. PRIMARY COVERAGE APPLIES.
 (BLANKET ENDORSEMENTS ATTACHED)

| | | |
|--|--|---|
| CERTIFICATE HOLDER SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT ATTN: SUE JACKSON 747 MENDOCINO AVENUE, SUITE 100 SANTA ROSA, CA 94401 | ADDITIONAL INSURED; INSURER LETTER: | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL PHONE MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Matthew C Walker</i> |
|--|--|---|



May 12, 2014

Danny Hagans
Pacific Watershed Associates, Inc.
P.O. Box 4433
Arcata, CA 95518-4433

RE: Agreement for Consulting Services No. O-866/ Baseline Documentation Services

Dear Mr. Hagans:

Enclosed for your review and signature, are two original consulting agreements with the Sonoma County Agricultural Preservation and Open Space District. **Please sign and return both executed agreements to my attention at the District Office.** After our General Manager signs we will send you a fully executed agreement for your files, and work may begin per agreement memo assignment (see Exhibit B of your contract).

Please refer to Agreement No. O-866 on all correspondence and invoices related to this agreement.

Sincerely,

A handwritten signature in black ink that reads "Elaine Rotondo". The signature is written in a cursive style with a large, stylized "E" and "R".

Elaine Rotondo
Administrative Aide
Phone: 565-7267
Elaine.Rotondo@sonoma-county.org

Encl: 2 agreements

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
4/16/2014

PRODUCER
ISU INS.SERV.-BC ENV.BROKERAGE
1037 SUNCAST LANE, SUITE 103
EL DORADO HILLS, CA 95762
(916) 939-1080

INSURED
PACIFIC WATERSHED ASSOCIATES, INC.

P.O. BOX 4433
ARCATA, CA 95518

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: **ADMIRAL INSURANCE COMPANY #24856**
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
|----------|---|-------------------------------------|----------------------------------|-----------------------------------|---|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | FEI-ECC-14536-01 | 04/15/14 | 04/15/15 | EACH OCCURRENCE \$1,000,000 |
| | <input checked="" type="checkbox"/> CONT. POLLUTION | | | | FIRE DAMAGE (Any one fire) \$300,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | MED EXP (Anyone person) \$10,000 |
| | | | | | PERSONAL & ADV INJURY \$1,000,000 |
| | | | | | GENERAL AGGREGATE \$2,000,000 |
| | | | | | PRODUCTS - COM/OP AGG \$2,000,000 |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | GARAGE LIABILITY <input type="checkbox"/> ANY AUTO | | | | AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$ |
| | EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$ | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| A | OTHER PROF. LIAB. INC. IN GL ABOVE | FEI-ECC-14536-01 RETRO 4/15/1999 | 04/15/14 | 04/15/15 | \$1,000,000 OCCURRENCE \$2,000,000 AGGREGATE |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT, ITS OFFICERS AND EMPLOYEES HAVE BEEN NAMED AS ADDITIONAL INSURED WITH RESPECT TO THE GENERAL LIABILITY. PRIMARY COVERAGE APPLIES. (BLANKET ENDORSEMENTS ATTACHED)

| | | |
|---|--|--|
| CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER: | CANCELLATION |
| SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT ATTN: SUE JACKSON 747 MENDOCINO AVENUE, SUITE 100 SANTA ROSA, CA 94401 | | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL, EXPRESS TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Matthew C Walker</i> |

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | |
|--|------------------------------------|-----------------------------|
| PRODUCER Penfold-Leavitt Insurance Agency, Inc. License #0C66788 PO Box 1366 Eureka, CA 95502 | CONTACT NAME: | |
| | PHONE (A/C, No, Ext): 707.444.8035 | FAX (A/C, No): 707.443.9539 |
| E-MAIL ADDRESS: | | |
| INSURER(S) AFFORDING COVERAGE | | NAIC # |
| INSURER A: AMCO Ins. Co. | 19100 | |
| INSURER B: | | |
| INSURER C: | | |
| INSURER D: | | |
| INSURER E: | | |
| INSURER F: | | |

COVERAGES **CERTIFICATE NUMBER: 10/1/13-14 Auto Liab** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|----------|---------------|-------------------------|-------------------------|--|
| | GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | | EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$ |
| A | AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS | | | ACP7853581101 | 10/01/2013 | 10/01/2014 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| | UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ | | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | N/A | | | | WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Project: SCAPOSD Baseline Documentations - All California Operations

| | |
|--|--|
| CERTIFICATE HOLDER Sonoma County Agricultural Preservation and Open Space District 747 Mendocino Ave, Ste 100 Santa Rosa, CA 95401 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Pamela Scott <i>Pamela Scott</i> |
|--|--|

**AUTOMATIC ADDITIONAL INSURED –
OWNERS, LESSEES OR CONTRACTORS**

This endorsement, effective 04/15/14 attaches to and forms a part of Policy Number FEI-ECC-14536-01. This endorsement changes the Policy. Please read it carefully.

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART
CONTRACTORS POLLUTION LIABILITY COVERAGE PART**

SCHEDULE

Name of Person or Organization:

Any person(s) or organization(s) whom the *Named Insured* agrees, in a written contract, to name as an additional insured. However, this status exists only for the project specified in that contract.

The person or organization shown in this Schedule is included as an insured, but only with respect to that person's or organization's vicarious liability arising out of your ongoing operations performed for that insured.

**Additional Insured – Owners, Lessees or Contractors –
Completed Operations**

This endorsement, effective 04/15/14 attaches to and forms a part of Policy Number
FEI-ECC-14536-01. This endorsement changes the Policy. Please read it carefully.

In consideration of an additional premium of, this endorsement modifies insurance provided under the
following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

| Name Of Additional Insured Person(s) Or Organization(s): | Location And Description Of Completed Operations |
|--|--|
| <p>Any person(s) or organization(s) whom the Named Insured agrees, in a written contract, to name as an additional insured. However, this status exists only for the project specified in that contract.</p> | <p>Those project locations where this endorsement is required by contract.</p> |
| <p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p> | |

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

**AUTOMATIC PRIMARY AND NON-CONTRIBUTORY
INSURANCE ENDORSEMENT –
DESIGNATED WORK OR PROJECT(S)**

This endorsement, effective 04/15/14 attaches to and forms a part of Policy Number FEI-ECC-14536-01. This endorsement changes the Policy. Please read it carefully.

SCHEDULE

Name of Person or Organization:

Any person(s) or organization(s) whom the *Named Insured* agrees, in a written contract, to provide Primary and/or Non-contributory status of this insurance. However, this status exists only for the project specified in that contract.

In consideration of an additional premium of Applied, and notwithstanding anything contained in this policy to the contrary, it is hereby agreed that this policy shall be considered primary to any similar insurance held by third parties in respect to work performed by you under any written contractual agreement with such third party. It is further agreed that any other insurance which the person(s) or organization(s) named in the schedule may have is excess and non-contributory to this insurance.

AUTOMATIC WAIVER OF SUBROGATION ENDORSEMENT

This endorsement, effective 04/15/14 attaches to and forms a part of Policy Number FEI-ECC-14536-01. This endorsement changes the Policy. Please read it carefully.

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART
CONTRACTORS POLLUTION LIABILITY COVERAGE PART**

SCHEDULE

Name of Person or Organization:

- Any person(s) or organization(s) to whom the *Named Insured* agrees, in a written contract, to provide a waiver of subrogation. However, this status exists only for the project specified in that contract.

The Company waives any right of recovery it may have against the person or organization shown in the above Schedule because of payments the Company makes for injury or damage arising out of the *insured's* work done under a contract with that person or organization. The waiver applies only to the person or organization in the above Schedule.

Under no circumstances shall this endorsement act to extend the policy period, change the scope of coverage or increase the Aggregate Limits of Insurance shown in the Declarations.

STEWARDSHIP MANUAL

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

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ACKNOWLEDGEMENTS

Board of Directors

Supervisor Valerie Brown, 1st District
Supervisor Mike Kerns, 2nd District
Supervisor Tim Smith, 3rd District
Supervisor Paul Kelley, 4th District
Supervisor Mike Reilly, 5th District

The Stewardship Manual was prepared by a consultant team led by Nichols • Berman in coordination with District Staff, Counsel and a Working Group.

Consultant Team

Bob Berman, Nichols • Berman Environmental Planning
Harry Pollack, Conservation Partners, Inc. Land Brokerage and Conservation Projects
Shelton Douthit and Zoe Ann Ahnstromt
Jim Martin, Environmental Collaborative

Sonoma County Agricultural Preservation and Open Space District

Project Manager

Dino Bonos, Stewardship Coordinator

District Management and Staff Assistance

Andrea Mackenzie, General Manager
Maria J. Cipriani, Assistant General Manager
Carol A. Van Vonno, Executive Assistant
Janet Christensen, Office Administrator
Kathleen Marsh, Associate Stewardship Planner
Jake Newell, Stewardship Technician
Kathleen Brennan-Hunter, Conservation Program Manager
Misti Arias, Associate Open Space Planner
Marta Puente, Associate Open Space Planner
Leticia Rosas-Mendoza, Acquisition Assistant

Counsel

Sue Gallagher, Deputy County Counsel
Phyllis Gallagher, Deputy County Counsel

Working Group Members

Al Alys, Open Space Authority
Fred Euphrat, Alternate, Open Space Authority (former)
Liza Prunuske, Open Space Authority
Doug Hanford, Open Space Advisory Committee
Jake Mackenzie, Open Space Advisory Committee
Chris Maloney, Open Space Advisory Committee
Dennis Murphy, Open Space Advisory Committee

Cover Photos: Dino Bonos, Stephen Joseph and District Staff

Cover Design: David Henderson, County of Sonoma Reprographics

INTRODUCTION

The Sonoma County Agricultural Preservation and Open Space District (District) has developed this Stewardship Manual to establish guidelines for staff in carrying out the District's stewardship responsibilities.

The District's stewardship responsibilities encompass current and long-term obligations with respect to the lands subject to its conservation easements and to the lands it owns in fee. This includes the legal rights and obligations assumed by the District when it accepts a conservation easement on privately owned land and its responsibilities for management of properties owned in fee. To fulfill its mission, the District must act as a diligent caretaker of its easements and guardian of its fee lands.

The primary components of the District's Stewardship Program are:

- Landowner Relations: Establishing and maintaining open communication with conservation easement landowners to ensure understanding of the terms and conditions of the easement;
- Site Assessment: Participating in the initial site assessment to develop a clear understanding of the nature and condition of acquired properties and to identify potential stewardship issues prior to property acquisition.
- Baseline Documentation: Documenting, through photographs, written description, maps and aerial photographs, the condition and features of conservation easement properties and fee lands at the time of their acquisition;
- Monitoring: Conducting periodic field visits to ensure that the requirements and conditions of easements are met and that properties held in fee are properly maintained;
- Permitted Use Notices/Permitted Use Requests: Evaluating landowner requests to use their land in manners that require prior District notice or approval under the conservation easement;
- Easement Amendments: Evaluating requests for amendments to conservation easements;
- Enforcement: Enforcing conservation easements if and when violations arise; and
- Management of Fee Lands: Managing the properties that it owns in fee in accordance with its mission.

Specific objectives, policies and procedures for each of these components are set forth in the chapters that follow. Additional chapters discuss records management, the District's volunteer program and special matters related to regulatory conservation easements.

It is important to note that the procedures identified below are in addition to all rights conveyed to the District in the Deed and Agreement Conveying a Conservation Easement. Nothing in this Manual nor in the specific objectives, policies or procedures set forth herein shall be interpreted to alter, amend or supercede any provision of any conservation easement. If there is any inconsistency between the content of this manual and the provisions of any conservation easement, the provisions of the conservation easement shall govern.

The objectives, policies and procedures set forth in this Manual are directory only and do not create any rights or obligations on the part of the District not otherwise provided by law.

I. LANDOWNER RELATIONS

Developing a good working relationship with each landowner is fundamental to a successful Stewardship Program. The relationship begins with the first discussions about a conservation easement and continues through negotiations, recordation and monitoring of the easement. It begins with certain staff members and the original landowner, and continues through staff changes and subsequent landowners. The importance of developing and maintaining a solid foundation of positive and collaborative relationships should be integrated into each component of the District operations and each of the District's divisions.

OBJECTIVES

- a. To develop and maintain cooperative, positive relationships with original and successor landowners of conserved land.
- b. To have landowners view the District as accessible, friendly, efficient, helpful and trustworthy.

POLICIES

1. Use stewardship activities to build a spirit of cooperation with the landowner and to keep the landowner informed about the District's activities and responsibilities regarding the easement.
2. Provide timely, responsive service, particularly as it relates to review and approval of landowner Permitted Use Requests.
3. Act in partnership with landowners in problem-solving and seek to resolve issues through collaboration.
4. Track ownership of properties and undertake specific programs to educate new landowners regarding the terms of the conservation easement and the District's stewardship program.

PROCEDURES

1. During negotiations for a conservation easement, District staff shall review with the landowner the District's stewardship responsibilities including the District's monitoring and enforcement responsibilities. At the same time, District staff shall, with the landowner, review the landowner's obligations and the nature of the restrictions to be contained in the conservation easement.
2. When arranging the annual monitoring visit, District staff shall inquire as to whether the landowner has any questions about the District or its activities.
3. Whenever feasible, District staff shall meet with the landowner on the land as a part of the annual monitoring visit, and address any questions or concerns about the District or its activities.

4. District staff shall respond promptly and courteously to all landowner inquiries and Permitted Use Requests in accordance with the procedures set forth in Chapter II. E.
5. District staff shall, whenever possible, assist landowners in resolving stewardship issues through collaboration, for example, by providing models or standards for remedial work, identifying potential resources for financial assistance, or advising in ways a use might be structured to ensure its compatibility with the conservation easement.
6. District staff shall maintain a list of organizations and resource agencies and make it available to landowners to assist with stewardship of their lands.
7. District staff shall initiate one or more systems to track ownership of easement properties and to learn when easement properties are on the market for sale or sold. A staff person shall be assigned to monitor the property tracking system. Potential systems include the following:
 - a) Arrange with a local title company to track all easement properties and inform the District when one is sold.
 - b) Arrange with a local title company to track and inform the District about other recorded transactions of or relating to conservation easement lands, including transfers, loans, new easements and deaths.
8. When the District learns that land with a conservation easement is for sale, District staff shall contact the landowner and/or the landowner's broker to remind them to provide prospective purchasers with a copy of the conservation easement.
9. When the District learns that land with a conservation easement has a new owner, District staff shall contact the new owner to ensure that the new owner is aware of the conservation easement and to confirm the names of all owners and managers, their address(es) and telephone number(s), their preferred times and places of contact.
10. To the extent practical, District staff shall meet with each new landowner. If possible, the meeting should take place soon after the sale on the land subject to the conservation easement.
 - a) During the visit, staff shall review the easement document including, in particular, the easement's permitted and prohibited uses, explain the need to contact District staff before taking actions requiring advance permission, review the District's monitoring procedures, and offer to help with questions, problems, or concerns.
 - b) District staff shall provide the new landowner with a copy of the conservation easement, the baseline document, recent monitoring reports and any recent approved Permitted Use Requests, together with background information regarding the District, and other appropriate information.
 - c) Staff shall note in the file the fact of the visit, delivery of the new landowner package of documents described above, and any other significant matters discussed.

11. If it is not practical to meet with a new landowner(s), staff shall send a copy of the conservation easement, the baseline report, recent monitoring reports and any recent approved Permitted Use Requests, together with background information regarding the District, and other appropriate information, with a cover letter welcoming the landowners to the District's program, explaining the need to contact District staff before taking actions requiring advance permission, reviewing the District's monitoring procedures, and offering to help with questions, problems, or concerns.

II. CONSERVATION EASEMENT STEWARDSHIP

A. SITE ASSESSMENTS

Effective stewardship depends upon a clear understanding of the nature and condition of acquired properties. That understanding begins with site assessments. The District undertakes an assessment of each potential conservation easement property early in its acquisition process and prior to drafting the conservation easement. This “Site Assessment” helps to determine the appropriateness of the proposed acquisition and to design the terms of the transaction.

OBJECTIVE

Ensure that Site Assessments provide sufficient accurate information:

- (1) to determine whether a property is appropriate for a conservation easement;
- (2) to assist in drafting the conservation easement by identifying the agricultural, open space and natural features of the land meriting protection and by identifying existing improvements;
- (3) to alert the District to undesirable activities or conditions on the land;
- (4) to identify potential monitoring and other stewardship issues; and
- (5) to prepare a stewardship cost estimate.

POLICIES

1. The District shall perform Site Assessments for all proposed conservation easement projects that pass the District’s initial screening process.
2. Site Assessments shall be used to assist the District in determining whether and under what condition to acquire or accept a conservation easement.
3. If the District determines that a conservation easement should be acquired or accepted, the Site Assessment shall be used to determine the protected conservation values and to provide guidance in developing the conservation easement terms and conditions.
4. The District shall undertake detailed surveys where necessary to adequately describe sensitive scenic or natural resources, or to address other conditions that require special study.
5. Site Assessments shall be prepared by District staff or consulting professionals with the appropriate qualifications and experience.

PROCEDURES

1. Begin the Site Assessment on each proposed project as early in the acquisition process as practical. Complete the Site Assessment before the conservation easement is drafted.
2. Complete field inspection(s), as necessary, of the property and review any available GIS and GPS data, aerial photos, topographical maps and biological or resource studies related to the property.
3. Identify existing natural features, improvements and activities, and sensitive resources, as well as any constraints or potential liabilities on the property.
4. Evaluate the agricultural, open space and natural resource values of the property and determine appropriate protections for those values.
5. Identify any special stewardship, monitoring and/or management requirements for the property.
6. When protection of a sensitive natural resource will be part of the conservation easement, undertake a detailed survey as necessary to identify threats to, and opportunities for protection and/or restoration and enhancement of the sensitive natural resource.
7. Prepare the Site Assessment (See Appendix A for sample format). Include the following:
 - a) Description of existing land uses and improvements and a simple map showing general locations of those land uses and improvements. Aerial photos taken at the relevant season and/or topographic maps should be used when available.
 - b) Description of significant scenic, natural features and landforms.
 - c) Description of sensitive habitat and other natural resources.
 - d) Description of agricultural resources and activities.
 - e) Description of other open space values.
 - f) Description of potential threats to the property's sensitive scenic and natural resources, if any. Prepare recommendations to manage potential threats and to protect the property's sensitive scenic and natural resources, if any. If additional information is necessary, a detailed survey may be undertaken in accordance with Procedures 8 and 9 below.
 - g) Description of impact of current or potential land uses on proposed conservation values (i.e., whether any existing land use threatens any natural resource, scenic or agricultural value that the easement seeks to protect).
 - h) Description of any observed hazards or nuisance conditions.
 - i) Description of any special monitoring or management requirements to the extent known.

8. With respect to sensitive natural resources, consider the following factors to determine whether to conduct a detailed survey:
 - a) the significance of protecting the natural resource;
 - b) the degree of certainty that the natural resource exists on the land; and
 - c) the feasibility of including protection of the natural resource in the conservation easement.
9. If warranted, conduct a detailed survey based upon review of existing data, and one or more visits to the land. The detailed survey (See Appendix A for sample format) shall provide:
 - a) A description of the resources pertinent to the detailed surveys (e.g. vegetation, wildlife, hydrology, natural features, etc.)
 - b) A description of the detailed surveys conducted, methodology, and dates and personnel involved.
 - c) Findings of the survey (e.g. occurrence of special-status species, sensitive natural communities, wetlands, water sampling results, etc.)
 - d) Recommendations for protection of sensitive resources.
 - e) Recommendations for restoration or enhancement of sensitive resources, if appropriate.
10. Significant findings of the Site Assessment and any detailed surveys shall be promptly communicated to project staff to ensure that those findings may be considered in evaluating the acquisition and in drafting the provisions of the easement.
11. When preparing the conservation easement, staff shall tailor the provisions of the easement to reflect the findings of the Site Assessment and detailed surveys, if any.

B. BASELINE DOCUMENTATION

Baseline documentation (the "Baseline Report") describes and illustrates the physical condition, features, and improvements of the land protected by a conservation easement at the time that the conservation easement is conveyed to the District. The Baseline Report serves as a "snapshot in time" for measuring future changes to the land and provides a foundation for all future monitoring activities. Additionally, it is an Internal Revenue Service requirement for landowners seeking a tax benefit for a donation of all or a portion of the conservation easement value.

OBJECTIVE

Ensure that Baseline Reports provide objective and accurate documentation of the condition and use of the land and its natural features and improvements at the time the conservation easement is executed and conveyed to the District.

POLICIES

1. All Baseline Reports shall be completed and executed in a timely manner.
2. Baseline reports shall contain objective and accurate observations and data regarding the condition of the property at the time of the conservation easement execution, including:
 - a) The physical condition and features of the land as they relate to the stated purpose of the conservation easement;
 - b) The existence of improvements, land uses and activities.

PROCEDURES

1. Prepare the Baseline Report prior to the execution of the conservation easement to document the condition of the land and uses at the time of the easement conveyance. If a Baseline Report is prepared after execution and conveyance of the conservation easement (e.g. for a pre-existing regulatory easement), it should document the conditions and uses of the land at the time that the Baseline Report was prepared.
2. The project applicant (e.g. developer/landowner) shall defray the cost of preparing necessary Baseline Reports for regulatory conservation easements.
3. Baseline Reports shall be prepared by District staff or consulting professionals with the appropriate level of expertise.
4. Preparer shall at a minimum:
 - a) Conduct one or more site visits. Wherever possible, observe the entirety of the property.

- b) Review Site Assessments, and any available GIS and GPS data, aerial photos, topographical maps, biological or resource studies, land surveys, appraisals, environmental reports, title reports, and similar documents.
 - c) Interview landowner(s) if feasible.
 - d) Review the conservation easement, including the permitted and prohibited uses, to ensure that the Baseline Report completely documents the status of all activities and resources identified in the conservation easement.
 - e) Objectively document the current status/condition of all existing land uses including all observed activities, buildings and other improvements.
5. The Baseline Report should be a single, self-contained document with a table of contents, photos, maps, etc. (See Appendix B for sample format). If supplemental items (e.g. video) are part of the Baseline Report, indicate this in the table of contents and describe where these items are stored. Contents of the Baseline Report shall include:
- a) Written text.
 - (1) A project summary page identifying the project, including landowner name, address, assessor parcel numbers, acreage, and other identifying features.
 - (2) A detailed description of the status and condition of all current land uses (either permitted or prohibited), activities and improvements.
 - (3) A detailed description of the location and the condition of any significant scenic, natural feature or natural resource protected by the conservation easement (e.g. location and condition of riparian corridor, protected oaks or scenic viewshed).
 - (4) A detailed description of the location and the condition of agricultural resources protected by the conservation easement.
 - (5) When referencing the conservation easement, the precise text, not paraphrases, of the relevant portions of the conservation easement should be used.
 - (6) A statement of public benefit of the conservation easement as may be required by the Internal Revenue Service in cases involving charitable contributions.
 - b) Aerial photography. Aerial and oblique photographs shall be included that are of a scale and quality in which important features can be clearly identified without special equipment or training (e.g. stereoscopes) printed on photo-quality paper.
 - c) Ground photography.
 - (1) Photographs shall be used to document the physical condition of the land and all significant scenic and natural features. Pay particular attention to conditions and features relevant to the conservation values and purpose stated in the conservation easement.

- (2) Photographs shall be used to document all uses, activities, and improvements existing at the time of conservation easement execution and conveyance.
 - (3) The back of each photograph shall be labeled in archival ink with the following: subject, perspective (compass direction from the photo-point), photo-point number, date, photographer's name and signature.
 - (4) A photo index with map listing each photo-point number, photo number, location (e.g. GPS position) and directions to each photo-point shall be included.
- d) Maps. Topographic, soils, vegetation, watershed, surveys and other appropriate maps shall be used to illustrate the uses and conditions of the land. When feasible, GIS, GPS and digital data shall be used in the Baseline Report.
- e) Easement. A full copy of the conservation easement including all exhibits and appendices shall be included in the Baseline Report.
- f) Verification.
- (1) Prior to finalizing the Baseline Report staff shall verify maps and photos in a field visit and confirm that all photographs and maps are accurate and correctly labeled.
 - (2) Staff shall request that the landowner review the draft Baseline Report. Where appropriate, staff or preparer shall incorporate changes and corrections into the Baseline Report to reflect landowner comments.
 - (3) Any legal issues addressed in the Baseline Report shall be reviewed by legal counsel prior to recording the conservation easement.
- g) Certification.

After the landowner has reviewed the Baseline Report, the landowner shall be asked to sign each photo page, as well as the Acknowledgement of Condition page. The signatures of the author(s), the District General Manager, and the landowner shall certify that the Baseline Report is a complete and accurate representation of the property.

C. MONITORING

Conservation easement monitoring is the act of inspecting lands protected by a conservation easement on a regular basis to determine compliance with the conservation easement. Monitoring is the District's primary tool for ensuring that lands under District easements are maintained in a manner consistent with the terms and conditions of those easements. Regular monitoring also can help to establish and strengthen the rapport between the District and the landowner, thereby helping to ensure that the land continues to meet the District's goals. Documentation of monitoring activities through the use of standardized reports and record keeping procedures establishes a record of responsible stewardship and builds a written history of the conservation easement land. Documentation is important should a violation of a conservation easement occur and result in legal action.

OBJECTIVES

- a. Ensure that easements and fee properties are adequately monitored to ensure continuing compliance with easement provisions and appropriate maintenance of fee properties.
- b. Create and monitor a written record of uses and activities on District conservation easement lands in order to detect and prevent potential conservation easement violations; and
- c. Develop a coherent written record of the stewardship of the land.

POLICIES

1. All the District's conservation easements (including regulatory conservation easements) shall be monitored regularly.
2. Monitoring shall be tailored to the conservation easement and shall be performed in a manner appropriate to the size, land uses and conservation values set forth in the conservation easement.
3. The District shall monitor both for compliance with the conservation purpose of the conservation easement and with its specific terms and conditions.
4. Monitoring procedures shall incorporate appropriate and cost-effective technologies.
5. The privacy of residents and landowners shall be respected.

PROCEDURES

A. Scheduling and Preparation

1. The District shall monitor conservation easements (including regulatory conservation easements) periodically, at least every 12 to 18 months, unless more frequent monitoring is required to monitor new or ongoing construction or development on site, or to respond to reports of potential violations.

2. Contact the landowner to schedule the monitoring visit. Ask if he or she has any questions concerning the easement, and if he or she is currently or in the near future planning on changing land use or selling the land. Also ask the landowner if he or she has any questions or concerns about the District he or she would like to discuss during the monitoring visit.
3. Prepare and use a standard landowner interview questionnaire or guide to ensure that the pre-monitoring conversation provides useful land use information that can help the monitor identify priorities for the field visit.
4. Schedule monitoring visit with the landowner.
5. Telephone approximately one week in advance of the field visit to confirm the date and time of the visit. If there are tenants on the land, ask the landowner to notify them of monitoring date.
6. Record all landowner contacts in the appropriate District records and databases. Include the date, person contacted and substance of the discussion. Include any messages left for the landowner or received from the landowner.
7. Thoroughly review the conservation easement, the baseline document, prior monitoring records, any Permitted Use Requests or other past communications with the property owner, and any other relevant documents in the property file.
8. Create/update easement-specific monitoring instructions, including a list of specific areas to inspect and the route to travel. Monitoring instructions shall be tailored to the size and nature of the property.
9. Obtain most current aerial photography for the land from existing available sources. When a new aerial photograph is obtained, compare it to the baseline aerial photograph(s) to determine if there have been changes to the land that need investigation during the field visit.

B. Field Visit

1. Inspect the land, following the route of travel described in the monitoring instructions prepared under Procedure A. 8 above. If conditions warrant, vary the route, but note changes on the map and in the field notes or monitoring form.
2. At each photo-point, compare current conditions with those in the baseline report and note conditions in the field notebook or monitoring form. Note any changes that have occurred. If conditions have not changed, note "no apparent change observed". Re-shoot photo-points when changes have occurred or every five years whichever is sooner. Clearly describe the perspective (compass direction and photo subject) of each photograph so it may be reproduced in subsequent inspections (e.g. "View of new home looking SSW (220°) from photo-point #4"). If needed, include an item (e.g. person, animal or structure) for scale.

3. Establish new or additional photo-points if conditions have changed significantly (i.e., the original photos no longer adequately document the land). Mark the new photo-point on the map (if applicable, record GPS location) and use an arrow to indicate the photo's perspective (compass direction/bearing).
4. On lands with a sensitive natural area expressly protected by the conservation easement, monitoring of that area should be performed by staff, volunteer, or consulting professional with appropriate expertise, experience, and training.
5. Record field observations as follows:
 - a) Record all observations in field notebook or on the monitoring form while in the field.
 - b) Be objective and as descriptive as possible.
 - c) Address the conservation values identified in the conservation easement and all relevant permitted and prohibited uses.
6. If a possible violation is observed in the field, apply the following procedures:
 - a) Photograph the condition, activity or improvement.
 - b) Write observations in field notebook or on the monitoring form. Describe the condition, activity or improvement and the time it was observed. If the potential violation includes an ongoing activity, include descriptions of person or persons conducting the activity and type and make of any tools or equipment being used.
 - c) Do not describe the activity as a violation – conclusions will be drawn later following a review of the easement file.
 - d) Upon return to the District's office, report the activity immediately to the District's Stewardship Coordinator or other designated staff person.
7. When practical, use the monitoring visit to meet with the landowner and address any landowner questions or concerns about the conservation easement or the District.

C. **Completion of Report and Follow-up**

Field Monitor

1. Upon return to the office, promptly complete and turn in the monitoring form. Transcribe the field notes using the active voice and descriptive language. Note: "Active voice" is first person, such as "I observed" or "I saw" rather than "it was". "Descriptive language" is language that describes the quality of an object or subject. An example would be a description of new road construction that includes the material used to construct the road, its width and length.
2. Include the map showing the route of travel and photo-points.

3. If using digital photography, print photos on archival paper and archival inks. Include on the page photo-point number, photo number, project name, photographer's name and signature, date, perspective, focal length, and subject. If using print film photography, label the backs of the photographs with photo-point number, photo number, project name, photographer's name and signature, date, perspective, focal length, and subject.
4. Place original photographs and negatives (if used) in archival plastic sleeves and file with the original paper documents.
5. Sign and date the report. Deliver to supervising staff.

Supervising Staff

Upon receipt of the monitoring report from the field monitor, the District's Stewardship Coordinator or other designated staff person shall:

1. Review the report to determine if the monitoring form is complete, and to determine if further action is needed.
2. Compare the current photographs to those in the baseline document and the most recent past monitoring reports.
3. Review the easement purpose and the permitted and prohibited uses to determine status of the easement based on the monitoring form. In particular, review the report both for compliance with the conservation purpose of the conservation easement and with its specific terms and conditions.
4. Acknowledge the monitoring form by co-signing and dating the form.
5. If follow-up is needed, prepare a memo and attach it to the monitoring form. Forward a copy of the memo and monitoring form to appropriate staff.
6. Update easement-specific monitoring instructions if needed.
7. Send a copy of the completed and signed monitoring form to the landowner. Include a cover letter that describes any significant findings and that offers assistance in resolving any issues identified in the report.
8. Make a copy of the completed and signed monitoring form and place it in the appropriate files; archive the originals.

D. RECORDS AND MATERIALS

District records must be carefully maintained to simultaneously satisfy practical, legal and historic purposes.

OBJECTIVE

To collect, maintain and store all District records in compliance with all legal requirements and in a convenient, accessible manner.

POLICIES

1. All key records shall be maintained for archival and retrieval purposes in perpetuity.

Records shall be kept accurately. Staff attention to accuracy and quality of records shall be an administrative priority.

Records shall be arranged in a convenient and useful manner.

4. Records shall meet court admissibility standards.

5. Records shall comply with applicable federal, state and local requirements including retention policies adopted by the District.

PROCEDURES

1. All records shall be kept in accordance with the District's record retention policy as approved by the District Board of Directors.

2. Key records to be maintained shall include the following:

- Conservation Easement - Final recorded instrument and amendments
- Baseline Report - Final report with exhibits and updates/amendments to Baseline Report
- Monitoring records (e.g. completed monitoring forms, photos, notes, analysis, correspondence)
- Permitted Use Requests and District determinations
- Reports of violations (suspected and actual) and written ruling
- Amendment requests and District determinations
- Correspondence, memoranda and other documents related to the administration or interpretation of the conservation easement.

3. Scan and convert key records to a corresponding film version to provide both digital and permanent microfilm records.
4. Maintain original key records in safe, long-term storage away from the District office.
5. Maintain a digital document database for computer retrieval purposes at the District office.
6. When converting to a new technology, document the data conversion procedure to assure that the original data is intact.
7. Use standard forms and checklists regularly and appropriately for key records.
8. Compile easement data in a computer database for the purpose of statistical analysis.
9. Designate a records ombudsperson to have primary responsibility for maintaining and protecting the District's records.
10. Periodically inspect records and materials to assure that they are stored properly.
11. Label records and materials clearly to assure accurate identification.
12. Unless it is an exceptional circumstance, such as litigation, archival materials should not be removed from safe storage. No archival materials shall be removed from safe storage without authorization of the District records ombudsperson. If materials are removed temporarily, they should be tracked.
13. Track conservation easements recorded after January 1, 2002 in accordance with Section 27255 of the Government Code. Fill out and record a Notice of Conservation Easement in accordance with Subdivision C of Section 27255 for each conservation easement acquired by the District prior to January 1, 2002.

E. PERMITTED USE NOTICES AND PERMITTED USE REQUESTS

The District's conservation easements allow certain uses and prohibit other uses on the property.¹ The uses that are allowed are called "Permitted Uses". Some Permitted Uses require advance written approval by the District and other Permitted Uses require only advance notice to the District. When a Landowner provides notice to the District of a particular use on the property, that notice is referred to as a "Permitted Use Notice". When a Landowner requests approval for a particular uses on the property, that request is referred to as a "Permitted Use Request". The following policies and procedures pertain to Permitted Use Notices and Permitted Use Requests.

OBJECTIVES

- a. Ensure that the lands subject to the District's easements are used only in a manner permitted by the conservation easement.
- b. Ensure that the records of the District accurately reflect existing permitted uses.

POLICIES

1. The District shall take measures to ensure that Landowners are familiar with the terms and conditions of their conservation easements so that they notify or seek approval from the District as necessary for uses on their lands.
2. The District shall take measures to ensure that Permitted Use Notices and Permitted Use Requests provide reasonably necessary information for the District to make informed decisions.
3. The District shall review and act upon all Permitted Use Notices and Permitted Use Requests in a timely and efficient manner.
4. Decisions of the District regarding Permitted Use Notices and Permitted Use Requests shall be consistent with the terms and purpose of the conservation easement.
5. The Permitted Use Notice/Permitted Use Request process shall be implemented in a manner that fosters good relations with Landowners.

¹

In this section, "use" and "uses" includes the phrases "uses and practices", "activity, use or enterprise", and other similar phrases appearing in the forms of conservation easement used by the District.

PROCEDURES

A. Landowner Inquiries

1. Note all oral inquiries received by the District regarding proposed uses in the District files. Notes to the file shall identify the date, the caller, the nature and details of the oral request, the section(s) of the conservation easement involved, the information given by the caller to District staff, any response given by District staff and all other material information.
2. Respond in writing to all written inquiries received by the District regarding proposed uses. Place copies of both the written inquiry and the written response in the District files.
3. If the inquiry, whether oral or written, concerns a proposed use that requires a Permitted Use Notice or Permitted Use Request, inform the Landowner in writing of the appropriate procedure and include the appropriate District form.

B. Permitted Use Notices Use the following procedures when a conservation easement requires notice to the District but does not require prior written approval from the District.

1. Provide a Permitted Use Notice form substantially in the form of Appendix C. District staff may consider a Permitted Use Notice not on the District form, provided that it otherwise contains all necessary information, including:
 - a) The nature, scope, design, location, timetable, and any other material aspects of the proposed use in sufficient detail to permit the District to make an informed decision as to its consistency with the terms and purpose of the conservation easement. The paragraph(s) in the conservation easement permitting the use shall be identified.
 - b) Accurate plans and/or other drawings that show the location and size of both existing and proposed building(s) or other improvements, any proposed changes in the land (e.g. changes in topography, drainage, or vegetation), and the location of existing and proposed uses. Depending on the circumstances, a site plan drawn to scale (e.g. to make sure the proposed buildings will be within the building envelope defined in the conservation easement) may be sufficient. In other situations, construction drawings may be necessary in order to determine whether the proposed use is permitted.
2. Promptly review Permitted Use Notices to determine if, under the conservation easement (1) the Permitted Use Notice is the proper procedure for the proposed use; and (2) whether the proposed use is permitted. Send a written response to the Landowner, confirming receipt of the Permitted Use Notice and appropriately responding as follows:
 - a) The proposed use described in the Permitted Use Notice is permitted; or
 - b) The proposed use requires prior written District approval and the Landowner may follow identified procedures to request that approval. In such instance, include in

the response a description of the approval process and a copy of the District's form (see Appendix C); or

- c) The proposed use described in the Permitted Use Notice is not permitted; or
- d) The District cannot determine from the information provided in the Permitted Use Notice whether the proposed use is permitted. In such instance, identify the additional information needed by the District to make its determination.

C. *Permitted Use Requests* Use the following procedures when prior written approval by the District is required.

1. Provide a Permitted Use Request form substantially in the form of Appendix C. All requests for written approval shall be submitted on the District's form. Each request shall also comply with other requirements that may be set forth in the conservation easement.
2. The request shall completely and accurately describe the proposed use, including:
 - a) The nature, scope, design, location, timetable, and any other material aspects of the proposed use in sufficient detail to permit the District to make an informed determination as to its consistency with the terms and purpose of the conservation easement. The paragraph(s) in the conservation easement permitting the use shall be identified.
 - b) Accurate plans and/or other drawings that show the location and size of both existing and proposed building(s) or other improvements, any proposed changes in the land (e.g. changes in topography, drainage, or vegetation), and the location of existing and proposed uses. Depending on the circumstances, a site plan drawn to scale (e.g. to make sure proposed buildings will be within the building envelope defined in the conservation easement) may be sufficient. In other situations, construction drawings may be necessary in order to determine whether the proposed use is permitted. If appropriate, the District may approve the proposed use subject to submittal and approval of more detailed plans.
 - c) Site studies, as needed, to identify and evaluate sensitive natural resources that may be affected by the proposed use.
3. Unless otherwise provided in the conservation easement, review the Permitted Use Request within 30 days after receipt and inform Landowner whether the Permitted Use Request is complete or incomplete. If the Request is incomplete, identify the additional information required.
4. Upon determination that a Permitted Use Request is complete, promptly review the Request with respect to the conservation easement. If necessary to determine whether the Request is consistent with the conservation easement, conduct a site visit, review the Baseline Report, recent monitoring reports and other relevant information, and/or seek other factual information about the current land uses and the condition of the land.

5. Unless otherwise provided in the conservation easement, review the Permitted Use Request and provide the Landowner a written decision within forty-five (45) days from the date the Permitted Use Request is deemed complete. The decision shall set forth the reasons for approval or denial.
6. Offer the Landowner suggestions for possible modification(s) or conditions if the proposed use is not permitted, but may be modified so as to be consistent with the conservation easement.
7. The District may approve, approve with conditions or deny the Permitted Use Request. A Permitted Use Request shall be approved if the District finds both that:
 - a) The use as proposed or as approved with conditions is a permitted use under the conservation easement; and
 - b) The use as proposed or as approved with conditions is consistent with the conservation purpose of the conservation easement and will not diminish the conservation values of the conservation easement.
8. As a condition of its approval of a Permitted Use Request, the District may require the Landowner to provide evidence that necessary building, planning, or other permits have been obtained from the County or other applicable regulatory entity.
9. Where appropriate, the District shall coordinate its process for Permitted Use Requests with the processes of PRMD or other County departments.
10. Where provided for in the conservation easement, the District may charge a fee to cover the cost of processing Permitted Use Requests. The District shall establish a fee schedule and update it as necessary.

F. EASEMENT AMENDMENTS

State law significantly limits the District's ability to allow easement amendments. Moreover, the success of the District's program depends on the public's confidence that the District will meet its obligation to enforce its agreements as written. This confidence could be seriously eroded if the District were to allow easement amendments other than those that clearly enhance the conserved open space values.

OBJECTIVE

Strictly limit the circumstances under which amendments to conservation easements may be considered so as to protect the District's goals, maintain public confidence and ensure compliance with state law.

POLICIES

1. Approve amendments to conservation easements only where there is a clear benefit to the District and its conservation goals.
2. Approve amendments to conservation easements only where the amendment is consistent with law, with adopted District policies and with the conservation purpose of the easement.
3. Amendments to provide for additional natural resource protection shall be permitted provided that such additional protection does not diminish or otherwise impair the conservation values of the land.
4. Notwithstanding the policies set forth herein, conservation easements, like other interests in real property, can be condemned for public purposes. Where it appears that the condemnation power has been properly exercised or there is a substantial threat that it will be so exercised, the District may enter into settlement negotiations with the condemning authority and the landowner, as appropriate under the circumstances, to seek settlement in lieu of condemnation.

PROCEDURES

1. *Application by Landowner.*
 - a) All requests by a landowner for an amendment to a conservation easement shall be in writing and shall include the following:
 - (1) A description of the proposed amendment.
 - (2) The specific reason(s) why landowner is requesting the amendment.

- (3) An explanation of how the amendment is consistent with the conservation easement and with the amendment policies and procedures of the District.
 - (4) A map with notations identifying locations affected by the proposed amendment together with any other documentation necessary to understand the significance of proposed amendment.
 - (5) Payment of the initial filing fee set by the District along with a written agreement to pay all costs, including District's staff costs, relating to processing the amendment request.
- b) Within thirty (30) days after receipt of the amendment application, the District shall inform landowner whether the application is complete or incomplete. If the application is incomplete, the District shall identify the additional information required. Where sensitive natural resources may be affected by a proposed conservation easement amendment, the District may require that further site study be conducted prior to considering the proposed amendment.
2. *Amendments Requested by District.* There may be circumstances when the District determines that amending the conservation easement will advance the purpose of the conservation easement. For example, the District may want to update the conservation easement to the District's current form or correct a mistake, or provide additional resource protection. In such circumstances, District staff may initiate an amendment to a conservation easement provided staff first obtains landowner consent. Upon receipt of landowner written consent, District staff shall prepare a written proposal, setting forth all information required under Procedures 1(a)(1) through (4) above, for submission to the District Board of Directors.
3. *Fees.*
- a) The District shall establish a fee schedule for amendments.
 - b) When the District initiates an amendment pursuant to Procedure 2 above, all costs of such application shall be borne by the District provided, however that if the landowner simultaneously requests an amendment, the landowner shall pay fees based on the costs reasonably allocated to the amendment sought by the landowner.
4. *Review of the Application.*
- a) Upon receipt of a complete application, the District shall evaluate the amendment application with respect to Policies 1 through 4 above and the findings required by Procedure 7 below. Staff evaluation may include consultation with appropriate experts, a site visit, and preparation of environmental documentation as may be required by the California Environmental Quality Act. The evaluation may also include consultation with the property owner, and any individual, entity or public agency that donated lands or contributed funds to the acquisition, apart from District funds.

- b) District staff shall, upon completion of its evaluation of the application, make a written recommendation to the General Manager and the District's Counsel. The written recommendation may recommend approval, approval with conditions or denial of the application. The staff recommendation shall be made within six months after receipt of a completed application.
5. **General Manager's Decision/Recommendation.** The District staff shall present its evaluation, together with its recommendation, to the General Manager. A copy of the evaluation and recommendation shall also be provided to the District's Counsel. The General Manager shall consult with the District's Counsel, and shall, within sixty (60) days of presentation by District staff, do one of the following:
 - a) Refer the proposed amendment back to staff for further evaluation, clarification or other action. The referral shall be in writing, explaining the reasons for the referral.
 - b) If the General Manager concludes that the amendment is legally permissible, is consistent with Policies 1 through 4 above, and is advisable, and that the findings required by Procedure 7 below can be made, the General Manager shall present the matter to the District's Board of Directors at a regularly scheduled Board meeting, together with his/her written recommendation for approval. In addition, if the General Manager determines that the Open Space Authority has jurisdiction over the proposed amendment, the matter shall also be placed on the agenda of the Open Space Authority. A copy of the recommendation shall be sent to the landowner.
 - c) If the General Manager concludes that the proposed amendment is not legally permissible, is contrary to Policies 1 through 4 above, is not advisable or that the findings required by Procedure 7 below cannot be made, the General Manager may deny the application for amendment and so notify the applicant. The denial shall be in writing and shall state the reasons therefore.
 - d) If, for any reason, the General Manager does not recommend approval of the amendment to the Board of Directors, he/she may, as an alternative to denial of the application under Procedure 5c, submit the amendment to the Board of Directors with no recommendation. Any such action shall be by written memo explaining the reasons for the action. A copy of the written memo shall be sent to the landowner.
 6. **Appeal of Decision by General Manager.** In the event that the General Manager denies an application pursuant to Procedure 5c, the landowner may appeal the denial by the General Manager to the Board of Directors. The appeal shall be in writing, shall include the required fee and shall be filed with the District within twenty (20) days after the District mails notice of the General Manager's decision.
 7. **Board of Directors Action.** The Board of Directors shall consider de novo any application that comes before it, whether by presentation of the General Manager or by appeal. The Board shall approve an amendment (whether initiated by a landowner or the District) only if it makes all of the following findings:

- a) The amendment is clearly consistent with the conservation purpose of the conservation easement.
- b) The amendment enhances and otherwise does not impair the conservation values of the land subject to the conservation easement.
- c) The amendment does not undermine the perpetual nature of the conservation easement.
- d) The amendment is not precluded by the conservation easement or by state or federal law.
- e) The amendment does not reconvey any interest in land that has been expressly extinguished by the conservation easement.
- f) The amendment is the minimum change necessary to satisfy the purpose of the amendment.
- g) The amendment is consistent with the District's Acquisition Plan and other applicable District policies in effect at the time of the proposed amendment.
- h) The amendment is consistent with all applicable land use and zoning regulations.
 - i) The amendment incorporates, to the maximum extent practical and legally permissible, the language used by the District in its then-current conservation easements.
 - j) The amendment increases or has no effect on the appraised value of the conservation easement.

In its consideration of an amendment, the Board of Directors further shall make a finding as to whether the proposed amendment will require approval of the County voters or the California legislature pursuant to Public Resources Code Section 5540 et seq.

- 8. Notwithstanding Procedure 7, in the event of condemnation or a bona fide threat of condemnation of a conservation easement or a portion thereof, the Board may enter into settlement negotiations with the condemning authority and the landowner, as appropriate under the circumstances, to seek settlement in lieu of condemnation.

G. ENFORCEMENT

To preserve the integrity of the District's program, the District must carefully enforce its conservation easements to ensure long-term compliance with their terms and conditions. The District must promptly and fairly address all potential easement violations.

OBJECTIVES

- a. Establish enforcement guidelines that are clear but that permit the District the necessary discretion to decide how to enforce against the wide variety of potential easement violations it may face.
- b. Ensure that the District's enforcement program is carried out in a fair and evenhanded manner and in a manner that will enhance the confidence of the public and other conservation easement landowners that the District will meet its obligation to protect its conservation easements.

POLICIES

1. Develop effective procedures to quickly and effectively abate easement violations when they occur.
2. Work cooperatively with property owners to the greatest extent possible to cure easement violations.
3. Use legal action to enforce a conservation easement only when cooperative efforts have failed or immediate legal action is necessary to prevent substantial or irreparable harm to conserved values.
4. Seek to avoid easement violations by exercising active stewardship of the land and maintaining close and effective communications and working relationships with landowners, especially landowners subsequent to the landowner who conveyed the original conservation easement.
5. Coordinate the District's enforcement efforts with those of other public agencies, when appropriate.

PROCEDURES

Note: Potential conservation easement violations have a wide range: from minor, inadvertent actions or uses of the land with little or no adverse impact on conservation values to intentional actions or uses which cause obvious and significant harm to conservation values. The procedure followed with each potential violation may vary, depending on all the circumstances.

1. ***Assessment of Potential Violation.*** When District staff learns of a potential violation it shall promptly take all actions reasonably required to investigate the matter, including:
 - a) reviewing the conservation easement, the baseline and any other relevant documents to ensure understanding of the terms and conditions of the easement; and
 - b) conducting a site visit to view the potential violation.
2. ***Determination of Appropriate Abatement Action.***
 - a) If the investigation confirms the existence of a violation, promptly consider and weigh a variety of factors, including but not limited to those listed below to determine how best to abate the violation.
 - (1) Does the use or action threaten or cause substantial or irreparable harm to the conservation values identified in the conservation easement?
 - (2) Does the use or action threaten or cause significant harm to the conservation values identified in the conservation easement?
 - (3) Is the use or activity temporary, intermittent or permanent?
 - (4) Does the property have a history of violations?
 - (5) What is the desired remedy? For example, can the use be permitted with District review and approval, or must it cease entirely? Is cessation of the use sufficient or will remedial action be required to restore the property to its original condition?
 - (6) What is a reasonable cure period?
 - (7) Are there procedures other than a legal action that will effectively protect and/or restore the impaired conservation values?
 - (8) Does the violation set an adverse precedent for the District's conservation easement program?
 - b) Based upon the foregoing considerations:
 - (1) Determine whether it is necessary or appropriate to pursue immediate legal action or rather to proceed with landowner notifications pursuant to Procedure 3 below;
 - (2) Identify remedial actions necessary or appropriate to cure the violation; and
 - (3) Determine a reasonable cure period in which the violation shall be abated.
3. ***Communications with Landowner.*** Except in emergency circumstances requiring immediate injunctive or other legal action to prevent substantial or irreparable harm to conserved values, use the following procedures prior to initiating legal action:

- a) Send a letter to the landowner identifying the violation, describing necessary remedial action and requiring that the violation be corrected within a specified cure period. If the specified cure period is longer than thirty days, the letter should also require that the landowner contact the District within that first thirty days to confirm that a plan for remedial action is in place and is being diligently pursued.
 - b) If the landowner fails to cure the violation or otherwise timely respond to the letter sent pursuant to subparagraph (a), send the landowner a formal notice of violation pursuant to the terms and conditions of the conservation easement, as a precursor to legal action. Where appropriate and after consultation with District Counsel, the notice of violation may include a claim for damages under Civil Code §815.7(c). Except in emergency circumstances or as otherwise provided by the conservation easement, no legal action shall be taken until the cure period set forth in the notice of violation is passed.
 - c) To the greatest extent possible, provide assistance or guidance to the landowner to facilitate quick and effective correction of the violation.
 - d) Place all written communications with the landowner in appropriate District records. Note all verbal communications in appropriate District records, including the date, person contacted and substance of the discussion.
4. ***Authority of Staff.*** District staff have no authority to permit a landowner to continue a use or action which constitutes or may constitute a conservation easement violation. Due care shall be taken at all times to minimize the risk of misunderstandings that can arise during oral discussions between staff and landowners regarding uses or actions that are or may be a violation.
 5. ***Consultations with Counsel.*** When there is a potential need for enforcement action, consult with the District's Counsel. Enforcement discussions and decisions shall be conducted in such a manner that they are protected by the attorney-client privilege, attorney's work-product privilege and any other applicable privilege.
 6. ***Coordination with other County Offices.*** When District staff determines that a conservation easement has been violated, and that the violation is not being diligently corrected, District staff may consult and coordinate with other public agencies that may have jurisdiction over the violation.
 7. ***Enforcement Action.*** When the General Manager determines that a conservation easement has been violated and that the violation has not been abated within the cure period provided by the notice given under Procedure 3. a), or when the General Manager otherwise determines that legal action to enforce a conservation easement is necessary or appropriate, she or he shall request appropriate authorization from the Board of Directors. The request for authorization for legal action may be made in closed session or public session, as appropriate. If the General Manager determines that immediate legal action is necessary before the Board of Directors can meet, in order to prevent substantial or irreparable harm to conserved values, then the General Manager may authorize such action, after consultation with District Counsel. At its next regularly scheduled meeting, the Board of Directors shall consider whether to ratify the actions of the General Manager.

III. FEE PROPERTY STEWARDSHIP

Although the principal focus of the District's program is to acquire conservation easements, the District also acquires fee rights in property where appropriate. The District's stewardship responsibility for fee lands differs from its responsibility for easements. Once the District has acquired fee title to property, it may:

- Retain ownership of the land or lease the land for agricultural (e.g. small farms program), natural resource protection, recreation or other open space purpose.
- Transfer the land to other governmental entities, such as cities, the Sonoma County Regional Parks Department, and the California Department of Parks and Recreation for recreation or other open space purpose, with the District reserving a conservation easement.
- Surplus and resell the land consistent with State law to a private party or other public entity for agricultural use, natural resource protection, recreation or other open space purpose, with the District reserving a conservation easement.
- Retain ownership of the land and lease or contract with another public agency or non-profit for the specific purpose of providing public recreation and/or natural resource management.

To meet the challenge of balancing resource management and public access goals, the District is in the process of developing policies and procedures for managing fee lands. Until such policies and procedures are finalized, interim land management policies and procedures will help to guide District staff.

OBJECTIVE

Establish interim policies and procedures to:

- a. Ensure that fee properties are managed consistent with the conservation purpose for which they were acquired.
- b. Provide for appropriate use of fee properties.

POLICIES

1. Tailor the District's stewardship of land owned in fee to the goals of the acquisition and the District's anticipated length of ownership of the land.
2. To the extent appropriate, ensure that the District's policies and procedures for its fee properties conform to the policies and procedures for its conservation easement properties.

3. When the District retains ownership of the land, maintain it in a manner consistent with the goals of the acquisition in a manner that provides protections to public health and safety. Provide opportunities whenever feasible for the use of the land for agriculture, open space, or recreation.
4. The District shall retain a conservation easement over land sold or otherwise conveyed to another public agency, non-profit or private party to ensure that the conservation values of the property are preserved.

PROCEDURES

Site Assessments. Site Assessment procedures set forth in Chapter A shall be followed prior to acquisition of fee lands with the following adjustments:

1. Coordinate the Site Assessment with the department or entity that will retain ownership of the land. For example, include staff of the other department or entity in the site visit, analysis, etc.
2. Identify land management issues as part of the Site Assessment such as sensitive natural resources, soils or geological conditions, encroachments, environmental and safety hazards.
3. Incorporate the information and findings of the Site Assessment into the Baseline Report and Land Management Plan.
4. Based on the findings of the Site Assessment, identify the conservation values to be protected both during the District's ownership and by the successor agency.

Baseline Report

1. Prepare a Baseline Report prior to the transfer, sale, or surplus of fee properties, unless otherwise specified in the conservation easement.
2. Prepare the Baseline Report in conformance with the policies and procedures set forth in Chapter B.

Land Management Plans

1. Based on the findings of the Site Assessment, determine whether preparation of a Land Management Plan is warranted (see Appendix D for a sample format).
2. The Land Management Plan shall identify existing uses of the land, appropriate future uses of the land (e.g. agriculture, restoration and enhancement, natural resource preservation or recreation), and procedures and recommendations for management, monitoring, and protecting the conservation values.

3. The content and detail of the Land Management Plan should consider the anticipated length of the District's ownership.

For example, for lands that the District will own for a very short time, i.e. less than one year, the land management plan may be brief and concentrate on short-term considerations.

4. When the land will be transferred to another entity or resold, the Land Management Plan shall identify the related management issues involved. Include the anticipated schedule for transfer of ownership.
5. Qualified staff or resource professionals shall prepare the Land Management Plan.
6. The Land Management Plan shall describe implementation measures and potential funding sources for all recommended activities.
7. The Land Management Plan for the District's fee properties shall comply with state and federal regulations pertaining to special-status species and wetlands where sensitive natural resources occur.

Conveyances

1. Prior to the transfer, sale or surplus of fee lands, the District shall prepare a conservation easement describing the conservation values to be preserved and appropriate permitted and prohibited uses.
2. When the property is to be leased (e.g. for agricultural use) the lease agreement shall consider the findings of the Site Assessment, detailed surveys, if prepared, and the conservation values to be preserved.

Monitoring

1. Monitoring requirements for fee properties should consider the management goals for each property. Minimal monitoring may be appropriate when ownership will be short-term.

For example, inspections by volunteers to make sure that there is no trespassing and that fences are up may be all that is necessary.
2. On lands with ongoing restoration or enhancement activities, monitoring should be performed by qualified staff, volunteers or consultants with the proper training to make the necessary observations.
3. For District-owned property that is leased (e.g. for agriculture use) monitoring shall consider the conservation values as well as specific lease provisions for the property.

IV. REGULATORY CONSERVATION EASEMENT STEWARDSHIP

The District currently holds numerous conservation easements with open space and scenic purposes that have been conveyed to the District through the County of Sonoma's development process. Historically, these "regulatory conservation easements" have not been processed in the same manner as the District's conservation easements.² Until recently, there were no Site Assessments undertaken by the District or Baseline Reports completed at the time of the conveyance of these easements. In addition, there often may be multiple owners of the land subject to a regulatory easement. These factors tend to make the District's stewardship responsibilities more difficult.

OBJECTIVE

To ensure that stewardship of the District's regulatory conservation easements is consistent with that of its conservation easements.

POLICIES

1. In cooperation with the Permit and Resource Management Department (PRMD), create criteria and procedures for evaluating and administering regulatory conservation easements to be conveyed to the District. These should provide at a minimum that:
 - a) Regulatory conservation easements conveyed to the District should further the goals of the District's Acquisition Plan and Expenditure Plan for the preservation of agriculture and open space.
 - b) Conditions of project approval should clearly identify the requirement for conveyance of a regulatory conservation easement and the conservation values to be preserved.
 - c) The District and PRMD shall coordinate on preparing regulatory conservation easements so that essential terms and conditions of the easement are complete prior to consideration of the development application by the appropriate governing body.

²

These "regulatory conservation easements" are technically "open space easements" imposed on landowners under zoning law pursuant to Govt. Code Sec. 65870 et seq. However, the Govt. Code requires that they are to be treated as any other easement under state law. In particular, Govt. Code Sec. 65871(b) states that these open space easements shall "act as an easement" under Civil Code Sec. 801 et seq. which includes the conservation easement Section 815.

- d) A fee schedule shall be established for project applicants where regulatory conservation easements are required. The fees may include the cost of preparing the easement document, preparing the Baseline Report, and for anticipated stewardship costs.
2. Ensure that Baseline Reports are prepared for all regulatory conservation easements held by the District.
3. Unless otherwise specified, the District shall follow the policies and procedures set forth in this Stewardship Manual for Permitted Use Requests, easement amendments, monitoring, and enforcement issues relating to stewardship of regulatory conservation easements.

PROCEDURES

1. Consult with PRMD staff early in the development process to identify the conservation values to be preserved where a regulatory conservation easement likely will be required as part of the proposed development application.
2. Coordinate with PRMD to determine whether a Site Assessment is necessary for property over which a regulatory conservation easement will be required to assist in identifying existing natural features, improvements and activities, and sensitive resources as well as any constraints or potential liabilities on the property.
3. Work with PRMD staff to develop draft permitted and prohibited uses for the regulatory conservation easement during the development application process and prior to consideration of the development application by the appropriate governing body.
4. Seek to complete the Baseline Report prior to acceptance by the District Board of Directors of a regulatory conservation easement.
5. Seek to have Baseline Reports completed by Spring 2006 for existing regulatory conservation easements where such reports have not yet been prepared.
6. Annually inform the Open Space Authority of regulatory conservation easements accepted by the District Board of Directors.

V. VOLUNTEER PROGRAM

The District currently uses volunteers to assist in stewardship activities for both easement and fee properties. The District volunteers play a vital role as the “eyes and ears” of the District’s stewardship program. It is important that volunteers are provided with the appropriate training and tools to carry out the tasks assigned by the District.

Volunteers assist District staff in many stewardship activities including:

- Assisting District staff in monitoring conservation easement and fee properties.
- Performing certain maintenance or land management activities on District fee properties.

OBJECTIVES

- a. Operate a volunteer program that assists District staff in carrying out certain aspects of the Stewardship Program.
- b. Train volunteers to be ambassadors for the District to increase public awareness of the District’s conservation easement program.

POLICIES

1. Provide volunteers with regular and continuing training and education.
2. Operate the volunteer program so that volunteers are willing to continue to work with the District and feel a responsibility and commitment to perform their assigned tasks.
3. Establish a program to recruit, screen, train, and certify volunteers.
4. Supervise and motivate volunteers and recognize them for their contributions.

PROCEDURES

A. Recruitment

1. Develop job descriptions that include a job title, specific job responsibilities, job logistics and any qualifications required.
2. Use a variety of methods to recruit volunteers such as the District’s newsletter, local newspapers, school postings and publications of local organizations.
3. Screen volunteers by written application and/or oral interview to match them with tasks that fit their skills, abilities, and interests.

B. Training, Orientation and Certification

1. Develop a volunteer handbook.
2. Provide an orientation for volunteers that includes an overview of the District's goals, a description of the District's acquisition program, an introduction to staff and other volunteers, and an understanding of how volunteer efforts contribute to the success of the District.
3. Provide volunteers with training appropriate for the activities they will be asked to perform. Encourage ongoing participation in training sessions and workshops offered by the District or other agencies that are applicable to activities they will be asked to perform, such as stewardship and monitoring activities.
4. Keep volunteers informed about District activities and news.
5. Establish a Certification Program for volunteers.
6. Maintain a record of training activities.

C. Managing and Recognizing

1. District staff shall supervise volunteer work. District staff shall accompany volunteers on their initial activities and provide volunteers with detailed instructions. The supervisor shall meet regularly with volunteers to assess the progress made and to identify areas requiring attention.
2. On a monthly basis, volunteers should record their hours and activities, plus their mileage (for which the District compensates them).
3. Recognize the contributions of volunteers frequently and in a variety of visible ways.

D. Evaluation and Feedback

Periodically evaluate and provide feedback on the work being completed by volunteers. Encourage comments from volunteers and District staff in order to assess the effectiveness of the volunteer program.

APPENDICES



Appendix A
Site Assessment/Detailed Survey Report Sample Format
SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

SITE ASSESSMENT

- ❑ Document Distribution page
- ❑ Acknowledgment page
- ❑ Table of Contents
- ❑ Property Information shall include:
 - Property name, file name, landowner(s), contact person if available with phone number and address, assessor's parcel number(s), total acreage, zoning, location, USGS topographic map showing property boundaries
- ❑ Assessment Methodology shall include: date of site visit, methods (record search of CNDDDB files and mapping by National Wetland Inventory, review of soils maps by Soils Conservation Service, etc.), persons involved in assessment preparation
- ❑ Description of Property shall include:
 - Natural features, improvements and activities, known sensitive resources, constraints, existing uses and any special monitoring and/or management requirements necessary for long-term conservation
 - Aerial photos and/or topographic maps depicting land uses, improvements, and property resources.
- ❑ Conclusions and Recommendations, including need for additional detailed surveys

DETAILED SURVEY REPORT

- ❑ Introduction
- ❑ Methodology shall include: a description of survey dates, methods, limitations, qualifications of survey personnel
- ❑ Description of Resources pertinent to Detailed Surveys (i. e. vegetation, wildlife, hydrology, water quality, etc.)
- ❑ Results of Survey Effort (i. e. occurrences of special-status species, sensitive natural communities, wetlands, water sampling results, etc.)
- ❑ Conclusions and Recommendations

Appendix B
Baseline Documentation Sample Format
Sonoma County Agricultural Preservation and Open Space District

Baseline Report Contents *(In order of appearance)*

- ❑ Document Distribution page
- ❑ Acknowledgment page
- ❑ Table of Contents
- ❑ Acknowledgment of Condition (landowner(s) and District General Manager signatures)
- ❑ Baseline Summary shall include:
Property name, file name, land owner(s), contact person if available with phone number and address, easement acquisition date and recorded doc. number, assessor's parcel number(s), total acreage, zoning, location (general description), Open Space Authority and Board of Directors approval dates.
- ❑ Introduction
- ❑ Open Space Purpose
- ❑ Physical Setting
- ❑ Improvements
- ❑ Land Use(s)
- ❑ Easement-specific items (the following are examples that shall be included only when relevant to the conservation purpose and values described in the easement):
 - Hydrology
 - Soil descriptions (reference information source: Sonoma County Soils Survey and Maps)
 - Vegetation types (descriptions of the pre-dominant native and non-native species)
 - Habitat or community descriptions
 - Other (e.g., scenic viewshed description)
- ❑ Other major easements
- ❑ References
- ❑ Exhibit Maps and Tables
 - Location Map (refer to the Assessor and/or Record of Survey Maps)
 - Baseline Site Map (aerial photo and U.S.G.S. topography combined if feasible)
 - Property Improvements Summary Table (if necessary, keyed to the Baseline Site Map)
 - Oblique Aerial Photograph(s) (if necessary, keyed to Baseline Site Map)
 - Photograph Record
 - Property Photographs
 - Sonoma County General Plan Open Space Map
- ❑ Attachments
 - Easement Agreement
 - Record of Survey (if available)
 - Recorded Parcel or Subdivision Map (if applicable)

Appendix C
Permitted Use Notice and Request Sample Form
 Sonoma County Agricultural Preservation and Open Space District

This form is to be used when a conservation easement requires either prior notice or prior written approval by the District

| | |
|--|--|
| Easement Name: | |
| Property Address: | |
| APN: | |
| Landowner: | |
| Address and Telephone: | |
| Landowner representative (as necessary): | |
| Landowner representative Address and Telephone: | |

Check One:

- Permitted Use Notice (requires notice to the District only)
- Permitted Use Request (requires approval by the District)

Description of the specific permitted use:

- (1) On a separate sheet(s), describe the nature, scope, design, location map, timetable, and any other material aspects of the proposed use in sufficient detail to permit the District to make a decision as to its consistency with the terms of the conservation easement.
- (2) Identify the paragraph(s) in the conservation easement permitting the requested use.

Site Plan. Provide appropriate scaled site plan(s) that shows the location within the property and the size of both existing and proposed buildings, proposed changes in use, proposed changes in land (topography, vegetation, drainage, etc.) and scope of the proposed use. If request includes work within a building envelope identified in the easement, show the building envelope on site plan(s).

Site Studies. As necessary, identify and evaluate sensitive natural resources that may be affected by the proposed use.

Appendix D
Management Plan Sample Format
Sonoma County Agricultural Preservation and Open Space District

Plan Contents

- Document Distribution page
- Acknowledgment page

Table of Contents

- Introduction
- Background
 - Conservation Purpose
 - History of Land Use/Property Activities
 - Surrounding Property Characteristics
 - Site Characteristics
 - Physical Characteristics (i.e. geology, soils, hydrology, drainage, etc.)
 - Biological Characteristics
 - Vegetation and Wildlife Habitat
 - Sensitive Natural Communities
 - Special-Status Plant and Animal Species
 - Wetlands
 - Physical Improvements, Previous Enhancement and Management History
- Management Goals and Objectives
- Issues and Management Constraints
- Management Strategies and Implementation
(i. e. restoration and enhancement, invasive species control, public access, vegetation management, sensitive habitat considerations, etc.)
- Funding Mechanisms
- List of Preparers
- References
- Appendices

GLOSSARY OF TERMS

Baseline Report – Documentation that describes and illustrates the physical condition, features, and improvements of land protected by a conservation easement at the time the conservation easement is conveyed to the District.

Conservation easement – A legal agreement between a property owner and a qualified conservation organization that restricts the type and amount of development that may take place on the landowner's property. The easement spells out the rights the landowner retains and the restrictions on use of the property. Each of these rights and restrictions is negotiated between the landowner and the conservation organization holding the easement.

CNDDDB – (California Natural Diversity Database) A statewide inventory of the locations and condition of the state's rare plant species and natural communities.

Fee ownership – Establishes title of real property with the owner without limitation or end.

G.I.S. (Geographic Information System) – A configuration of computer hardware and software that captures, stores, analyzes, and displays geographic information.

G.P.S. (Global Positioning System) – A system that pinpoints locations on the earth's surface by using a receiving device to measure and triangulate distances from satellites.

Permitted use notice – Where required by the conservation easement, prior written notification given to the District by the landowner of a proposed use or activity on the property.

Permitted use request – Where required by the conservation easement, prior written request given to the District by the landowner for approval of a proposed use or activity on the property.

Photo-point – Usually, an easy to relocate spot within a conservation easement property where its condition is documented with a single or multiple photographs.

RCD (Resource Conservation District) – A legal subdivision of the State, formed under Division 9 of the Public Resources Code, to provide local leadership in the conservation of soil, water and related natural resources. In Sonoma County, the RCDs are Sotoyome, Gold Ridge and Southern Sonoma County.

Site Assessment – The process of evaluating a potential acquisition through site visits, property research, and review of existing data.

USGS Maps – U.S. Geological Survey maps depict topography, land uses and vegetation.



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

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Alex Roa, 565-7263

Supervisorial District(s):

District 1

Title: East Slope Segment Sonoma Mountain Ridge Trail Access Agreements

Recommended Actions:

Approve and authorize the General Manager to enter into access agreements with (1) Theodore L. Eliot, Jr. and Patricia P. Eliot; and (2) the Lupine Hill Partnership.

Executive Summary:

BACKGROUND

The East Slope Segment Sonoma Mountain Ridge Trail Project ("Project") has a long history including property and easement acquisition, trail design and pre-construction preparation, and a myriad of partners and stakeholders. After almost a decade of property and easement acquisitions at the top of Sonoma Mountain, the District successfully secured the necessary permission to design and construct a significant addition to the Sonoma Ridge Trail, a designated portion of the Bay Area Ridge Trail. This new addition will eventually provide sweeping views of the Sonoma Valley, and provide an extension to an already popular trail system provided by Jack London State Historic Park (JLSHP).

Working collaboratively with the Bay Area Ridge Trail Council and the Sonoma County Trails Council, a trail design was completed and approved by your Board on September 24, 2013. This design took into consideration the need for a sustainable trail and the willingness of local volunteer organizations to provide limited amounts of labor needed for some aspects of construction. The implementation of the trail design will include two phases of construction. In Phase I, a licensed contractor will use specialized trail building equipment to 'rough cut' the trail. This 'rough cut' allows volunteers to follow at a later time to do the finish work of trail building, such as adding small rock retaining walls, providing rock armoring to water drainages, and brushing for fire protection. This finish work, known as Phase II of the Project, will be completed by volunteers, subject to oversight from staff of the Sonoma County Trails

Council pursuant to a contract approved by your Board on September 24th, 2013. Upon completion of the Project, the Valley of the Moon Natural History Association (VMNHA) will assume Operations and Maintenance of the trail and associated components pursuant to the Operations and Maintenance agreement approved by your Board on May 6, 2014.

CONSTRUCTION ACCESS

Access for the Project requires coordination with both public and private landowners. For Phase I, the primary access will be through the Sonoma Development Center (SDC) and Jack London State Historic Park (JLSHP). The District will also need staging areas within JLSHP for storage of equipment, tools, and to provide a place to park. The District is expecting to receive the permit from the State in the coming months, and staff will return to request the Board authorize the General Manager to execute the permit with the State and with SDC later in the summer.

For Phase II construction and for the fence construction, the most efficient and safest access is through the Eliot property. Access across the Eliot property is also required for construction of a 150-foot section of fence line on the boundary between a neighboring private landowner and private land held by Lupine Hill LLC and the Eliot Trust. The Trustees of the Eliot Trust have agreed to allow access to the Eliot Property in for the purpose of constructing the trail and the fence. The manager of Lupine Hill LLC has agreed to allow access to the Lupine Hill property for the purpose of constructing the fence.

By approving this agenda item, your Board authorizes the General Manager to:

1. Approve and authorize the General Manager to enter into access agreements with (1) Theodore L. Eliot, Jr. and Patricia P. Eliot; and (2) the Lupine Hill Partnership;

Prior Board Actions:

In 1995, the Board approved acquisition of a conservation easement over the Freiberg/Henshaw (now Arbit) properties, totaling 203 acres. In 1997, the Board approved purchase of a Conservation Easement over the 287 acre McCrea (now Maria Hansen Trust) property. In 2004, the District accepted the donation of a conservation easement over the Eliot property, totaling 71 acres. In March of 2010, approximately 22 acres of the Maria Hansen Trust property was conveyed in fee to the District through settlement agreement. In September of 2013, an Initial Study/Mitigated Negative Declaration of the Project was adopted, the plans and specifications for construction of the Project and the minimum qualifications for the Phase I contractor were approved, solicitation of bids for Phase I was authorized, the competitive bidding requirements were waived for Phase II of the project and the contract for Phase II was awarded to Sonoma County Trails Council. In May of 2014, a trail easement was donated by Theodore L. Eliot, Jr. and Patricia P. Eliot, the Trustees of the Eliot Trust, for a portion of the Trail to extend onto their property. Also in May of 2014, an agreement for the Operations and Maintenance of the trail was secured with Valley of the Moon Natural History Association.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The project will result in a recreational backcountry trail connected to Jack London State Historic Park,

and completes a segment of the Bay Area Ridge Trail. The trail will be maintained through an agreement with the Valley of the Moon Natural History Association, in a manner consistent with the management of the Park. Trail users will be able to enjoy expansive views of the County from the East Slope of Sonoma Mountain.

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):

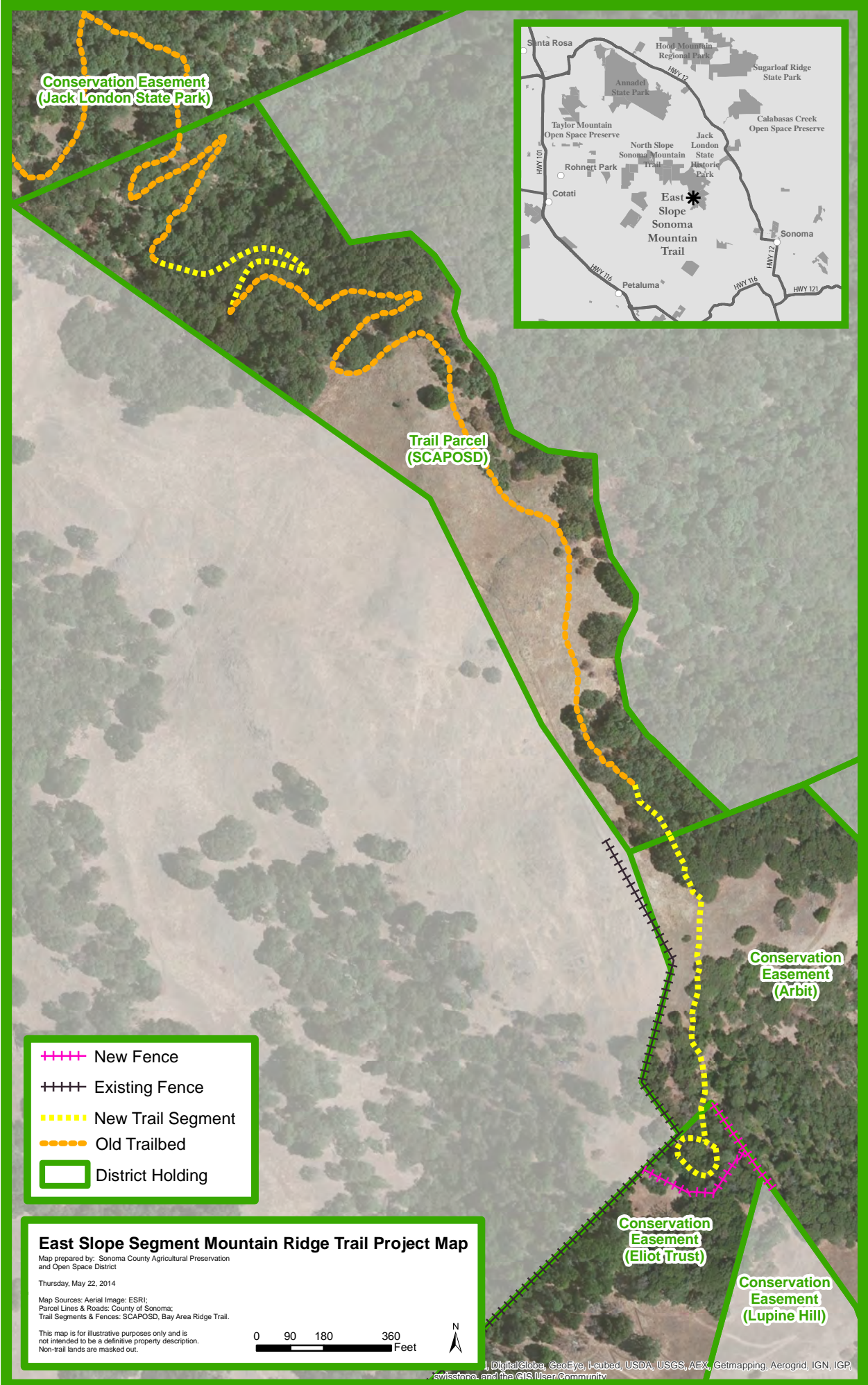
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Attachments:

1. Map of Project (overview)
2. Access agreement with Mr. and Mrs. Eliot
3. Access agreement with Lupine Hill LLC

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

| |
|--|
| |
|--|



**Conservation Easement
(Jack London State Park)**

**Trail Parcel
(SCAPOSD)**

**Conservation Easement
(Arbit)**

**Conservation Easement
(Eliot Trust)**

**Conservation Easement
(Lupine Hill)**

- ++++ New Fence
- ++++ Existing Fence
- New Trail Segment
- Old Trailbed
- District Holding

East Slope Segment Mountain Ridge Trail Project Map

Map prepared by: Sonoma County Agricultural Preservation and Open Space District

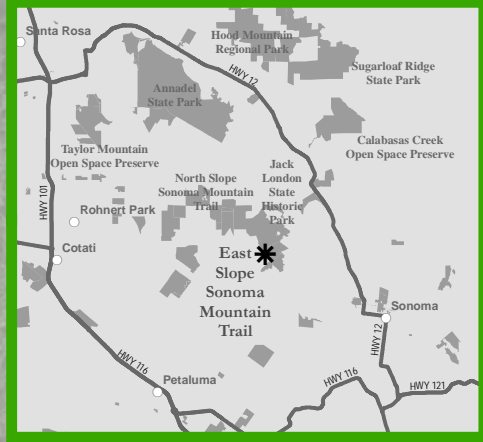
Thursday, May 22, 2014

Map Sources: Aerial Image: ESRI;
Parcel Lines & Roads: County of Sonoma;
Trail Segments & Fences: SCAPOSD, Bay Area Ridge Trail.

This map is for illustrative purposes only and is not intended to be a definitive property description. Non-trail lands are masked out.

0 90 180 360 Feet

↑ N



PERMIT TO ENTER

1. The undersigned, Theodore L. Eliot, Jr. and Patricia P. Eliot, are the Trustees of the Eliot Trust ("Grantor"), the legal owners of that certain real property in the County of Sonoma, State of California, located at 5850 Grove Street, Sonoma, CA, 95476, Assessor's Parcel No. 064-260-002 ("Property").
2. Grantor hereby grants to the Sonoma County Agricultural Preservation and Open Space District, its employees, agents, consultants, contractors, and assigns (herein collectively "District"), permission to enter upon the Property, upon such locations as are more specifically described in Exhibit "A" attached hereto and incorporated herein by this reference ("Premises"), for the purposes of ingress to and egress from that certain public project commonly known as the East Slope Segment of the Sonoma Ridge Trail Project ("Project") via Grove Street. The Premises may also be used for parking for up to eight (8) vehicles for the purposes of the completing the Project, and constructing approximately 550 feet of fencing (the "Fence") upon Grantor's property as shown on Exhibit "A." The foregoing permissions are granted subject to the following conditions:
 - (a) District shall traverse the Premises in a workmanlike manner and leave the Premises in its current condition, reasonable wear and tear excepted;
 - (b) Access to the Premises shall occur only during daylight hours between 7:00 am and 7:00 pm, Monday through Friday;
 - (c) District shall accept responsibility for any loss or damage to the Premises resulting from any negligent use thereof by District, provided that Grantor notifies District of such damage within 1 year of the expiration of this Agreement;
 - (d) District shall have the right to carry tools, implements, and other materials across the Premises and to drive automotive and other construction equipment thereon when reasonably necessary for the purposes of constructing the Fence;
 - (e) District agrees to hold Grantor harmless from any and all losses, damages, claims, liabilities, expenses or costs of any nature whatsoever arising out of any personal injury or death which may be suffered by any person in connection with activities undertaken pursuant to this Permit to Enter.
3. District will endeavor to provide no less than 48-hours notice prior to its intended use of the Premises to Grantor (either Mr. or Mrs. Eliot). Such notice, which may be given by telephone (707-935-3410) or email (patted@hughes.net), will include a reasonable estimate as to the date and time when the anticipated period of access will start and conclude. District will endeavor to keep Grantor apprised of any delays which may prolong the period of access beyond the estimate provided in District's notice. Provided District has acted in good faith and with reasonable diligence, a failure by District to strictly comply with this Paragraph 3 shall not restrict District's rights hereunder.
4. District has had the Fence line surveyed and agrees to construct the Fence along the flagged line, provided however that District shall have no liability to Grantor or to any third party in the event

that the Fence is (1) actually placed within a two foot margin of the true property line or (2) moved after installation by virtue of any natural occurrence or other event beyond District's control.

5. Grantor agrees that the Fence shall be owned and maintained by the Grantor at Grantor's sole cost and expense.

5. This Permit to Enter shall be effective as of the date of its acceptance by District and shall terminate upon completion of the Project.

6. The undersigned have carefully read this Permit to Enter and understand its meaning.

Grantors:

Accepted By District:

By:

Theodore L. Eliot, Jr.
Theodore L. Eliot, Jr., Trustee

By:

William J. Keene
William J. Keene, General Manager

Dated: _____

Dated: 5/12/14

By:

Patricia P. Eliot
Patricia P. Eliot, Trustee

Dated: _____

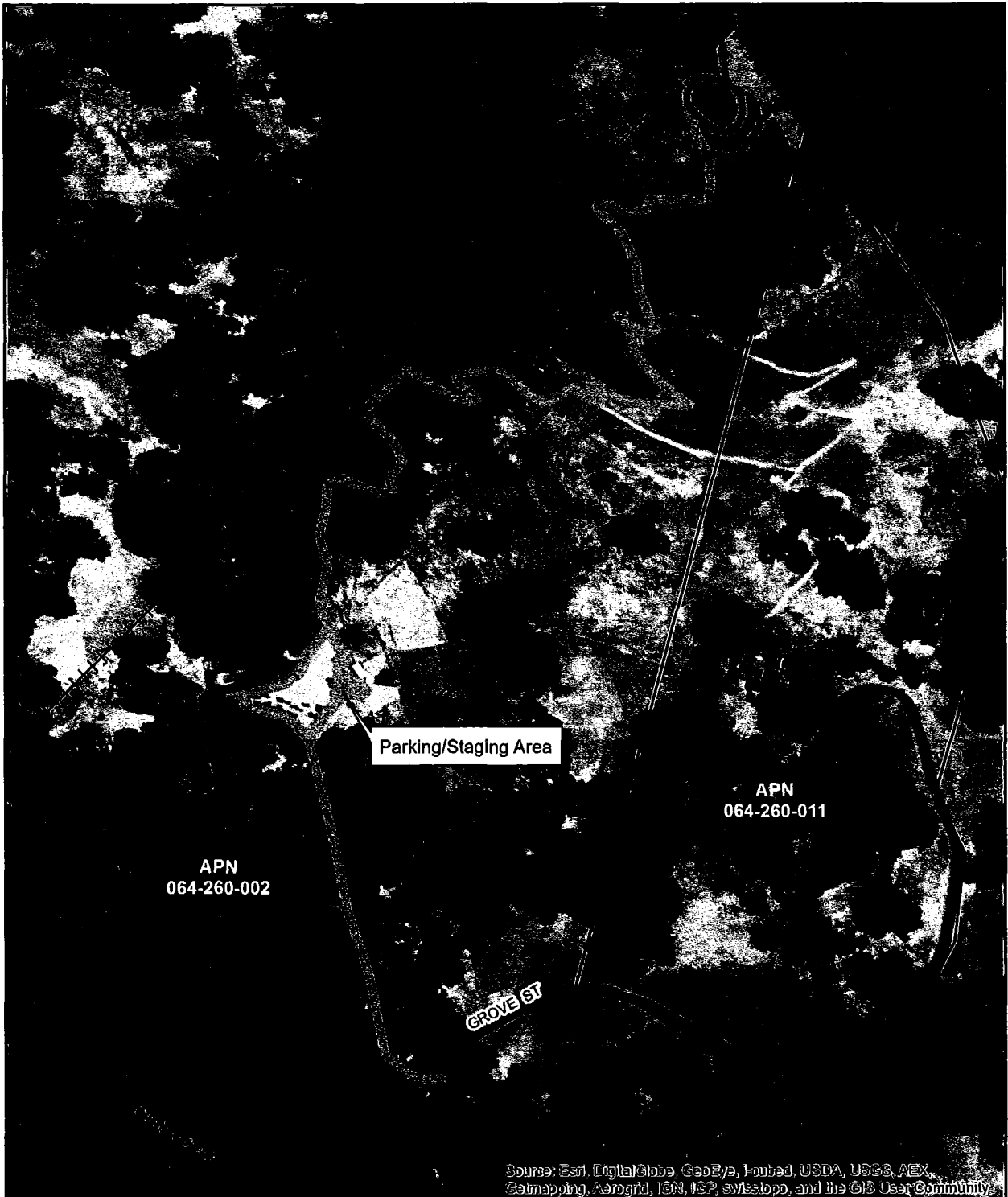
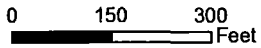


Exhibit A: Trail Construction Access via the Eliot Property

- +++ New Fence — New Trail Segment
- +++ Existing Fence Premises



Map Date: 4/16/2014 Sources: ESRI Online (aerial); Sonoma County GIS (roads, parcels); SCWA (streams). This map is for illustrative purposes only and is not intended to be a definitive property description.

A. Roa S:\GIS\Projects\Eliot\Eliot_trail_construction_access_route.mxd

PERMIT TO ENTER

1. The undersigned, Theodore Eliot III, represents and warrants that he is the principal of the Lupine Hill LLC., a California Limited Liability Company, ("Grantor"), the owner of that certain real property in the County of Sonoma, State of California, located at 6000 Grove Street, Sonoma, CA, 95476, Assessor's Parcel No.(s) 064-260-011 ("Property").

2. Grantor hereby grants to the Sonoma County Agricultural Preservation and Open Space District, its employees, agents, consultants, contractors, and assigns (herein collectively "District"), permission to enter upon the Property from the northwest corner via the adjacent parcel (Assessor's Parcel No. 064-260-002), upon such locations as are more specifically described in Exhibit "A," attached hereto and incorporated herein by this reference (the "Premises"), for the purpose of constructing approximately 50 feet of fencing along a portion of the northeastern Property line (the "Fence"), as part of that certain public project commonly known as the East Slope Segment of the Sonoma Ridge Trail Project ("Project"), subject to the following conditions:

(a) District shall traverse the Premises in a workmanlike manner and leave the Premises in its current condition, reasonable wear and tear excepted;

(b) Access to the Premises shall occur only between 7:00 am and 7:00 pm limited to daylight hours, Monday through Friday;

(c) District shall accept responsibility for any loss or damage to the Premises resulting from any negligent use thereof by District, provided that Grantor notifies District of such damage within 1 year of the expiration of this Agreement;

(d) District shall have the right to carry tools, implements, and other materials across the Premises and to drive automotive and other construction equipment thereon when reasonably necessary for the purposes of constructing the Fence;

(e) District agrees to hold Grantor harmless from any and all losses, damages, claims, liabilities, expenses or costs of any nature whatsoever arising out of any personal injury or death which may be suffered by any person in connection with activities undertaken pursuant to this Permit to Enter.

3. District will endeavor to provide no less than 48-hours notice prior to its intended use of the Premises to the Grantor. Such notice, which may be given by telephone (415-640-8124) or email (Ted.Eliot@wecocbc.com), will include a reasonable estimate as to the date and time when the anticipated period of access will start and conclude. District will endeavor to keep Grantor apprised of any delays which may prolong the period of access beyond the estimate provided in District's notice. Provided District has acted in good faith and with reasonable diligence, a failure by District to strictly comply with this Paragraph 3 shall not restrict District's rights hereunder.

4. District has had the Fence line surveyed and agrees to construct the Fence along the flagged line, provided however that District shall have no liability to Grantor or to any third party in the event

that the Fence is (1) actually placed within a two foot margin of the true property line or (2) moved after installation by virtue of any natural occurrence or other event beyond District's control.

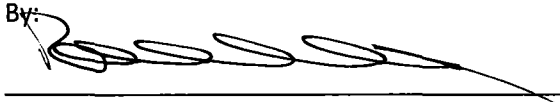
5. This Permit to Enter shall be effective as of the date of its acceptance by District and shall terminate upon completion of the East Slope Segment Ridge Trail Project.

6. The undersigned have carefully read this Permit to Enter and understand its meaning.

Grantor:

Accepted By District:

By:



Theodore Eliot III, Manager

By:



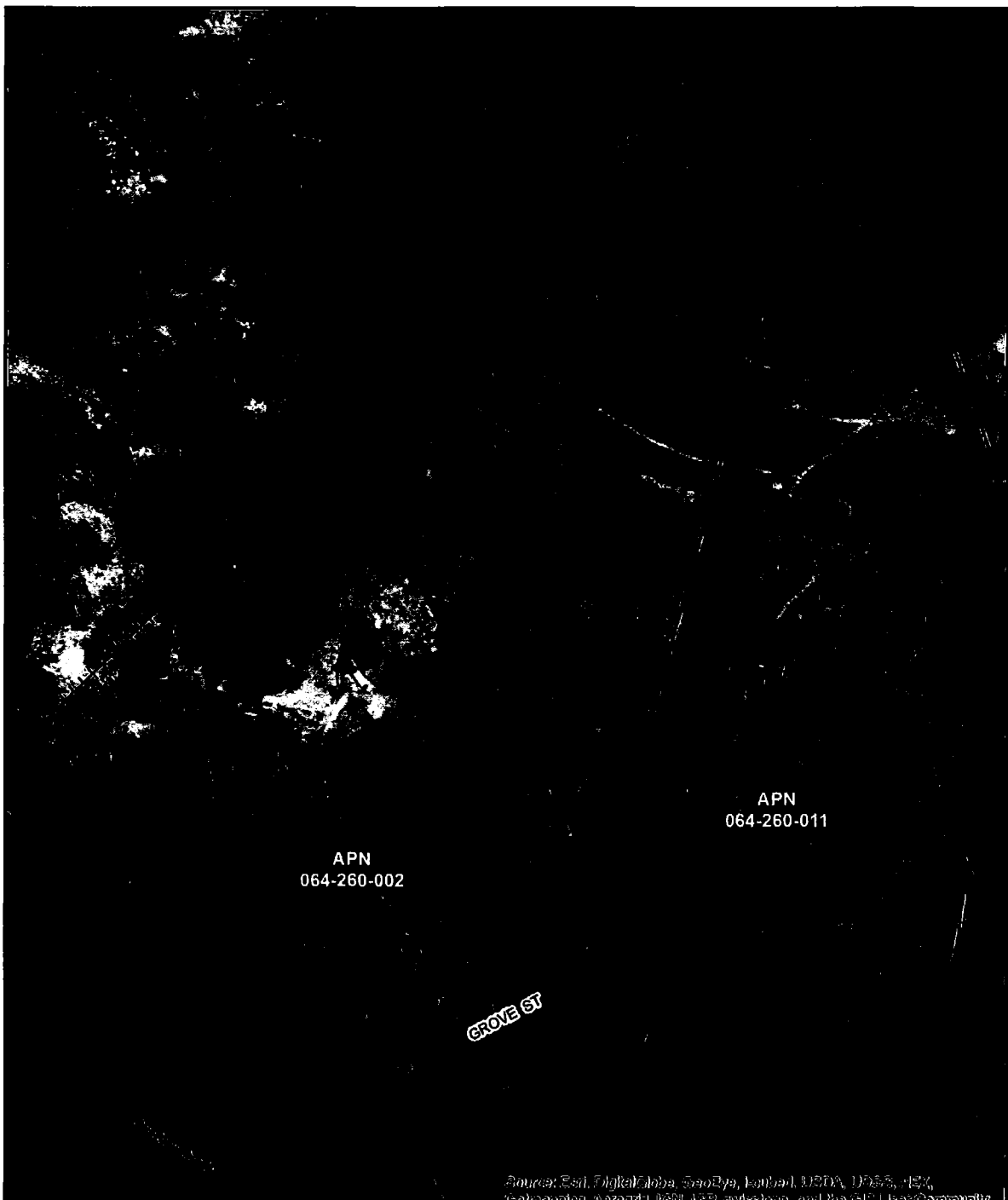
William J. Keene, General Manager

Dated:

4/27/14

Dated:

5/12/14



APN
064-260-002

APN
064-260-011

GROVE ST

Sources: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USDA, USDA, AeroMap, AeroGRID, IGN, IAR, swisstopo, and the GIS User Community



SONOMA COUNTY
AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

Exhibit A: Fence Construction Access via the Lupine Hill Property

0 150 300 Feet



- +++ New Fence
- +++ Existing Fence
- New Trail Segment
- Premises (approx 50' x 75')

Map Date: 4/16/2014 Sources: ESRI Online (aerial); Sonoma County GIS (roads, parcels); SCWA (streams).
This map is for illustrative purposes only and is not intended to be a definitive property description.

A. Roe S:\GISProjects\Lupine_Hill\Lupine_fence_construction_access_route.mxd



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

Board Agenda Date: June 10, 2014

Vote Requirement: 4/5 vote required

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

Staff Name and Phone Number:

Stuart Martin, 707-565-7362

Supervisorial District(s):

4th

Title: Haroutunian North – County Settlement in Connection with the County’s Airport Blvd. at Fulton Road Signalization Project and Caltrans Settlement in Connection with the North B/Airport Boulevard Interchange Project

Recommended Actions:

- 1) Approve a settlement with the County of Sonoma for the conveyance of fee interest in a 3,324 square foot portion of the Haroutunian North property to Sonoma County for \$11,182 in connection with the Airport Blvd. at Fulton Road Signalization Project; authorize the President of the Board of Directors to execute an Agreement with the County for Purchase and Sale of Real Property and a Grant Deed (A.P.N. 059-230-040 and A.P.N. 059-230-074);
- 2) Approve a settlement with the State of California in the amount of \$513,702 for the conveyance of certain fee and easement interests and related improvement costs in connection with the North B/Airport Boulevard Interchange Project; authorize the President of the Board of Directors to execute with the State a Right of Way Contract and a Grant Deed; and authorize the General Manager to execute a settlement agreement with Tierra Vegetables Inc., pursuant to which it will receive reimbursement for certain costs incurred in connection with the State’s project (A.P.N. 059-230-040 and A.P.N. 059-230-074).

Executive Summary:

Background

The Sonoma County Agricultural Preservation and Open Space District (District) owns the Haroutunian North property (“Property”) along Airport Boulevard and Highway 101 north of Santa Rosa. The property is currently leased to Tierra Vegetables for production and sale of seasonal crops. The District is requesting approval of settlement agreements with the County of Sonoma (“County”) and California Department of Transportation (“Caltrans”) for conveyance of interests and reimbursement of costs in connection with Caltrans’ Airport Boulevard/Highway 101 interchange project (“Caltrans Project”) and the County’s Airport Boulevard/Fulton Road Signalization Project (“County Project”) as more particularly described below. Your Board previously approved the voluntary conveyance of the interests needed by the County and Caltrans after making findings that the County and Caltrans would likely prevail in an

action to acquire the subject interests by condemnation. As a result, the only issue remaining to be resolved with each party is the amount of compensation due to the District.

The Caltrans Project

The Caltrans Project is located at Airport Blvd. and Highway 101. It is a joint project of the Sonoma County Transportation Authority (“S.C.T.A”) and Caltrans. The County and the State entered into a Cooperative Funding Agreement in 2010 for right-of-way support activities and right-of-way capital for the Caltrans Project. Caltrans is responsible for the design, right-of-way, and construction components of the Project, while S.C.T.A. is responsible for funding under an agreement with the County. The Caltrans Project includes Measure M and Prop 1B funds. The Caltrans Project consists of reconstruction of the Airport Boulevard freeway overpass, installation of new and improved on-ramps and off-ramps at Airport Boulevard, and closure of the existing Fulton Road on-ramp and off-ramp to be replaced by a new northbound off-ramp. The Caltrans Project began in 2012, and is anticipated to be completed this summer.

The Caltrans Project requires a 62,900-square foot fee simple portion, or 1.44 acres, of the 17.77-acre District Property. The fee portion is a strip of land that borders the easterly side of the current northbound freeway on-ramp and runs along the north side of Airport Boulevard.

In addition to the fee purchase, the Caltrans Project also requires three permanent easements and one temporary easement totaling .49 acres. A ten foot wide, 9,386-square foot retaining wall easement will be used for a footing and maintenance access. It will follow a new retaining wall along the westerly portion of the property and it will be parallel to a new northbound on-ramp for Highway 101. A ten foot wide, 19,235-square foot utility easement will parallel the retaining wall easement. A 596-square foot drainage easement will be located on A.P.N. 059-230-040 adjacent to the retaining wall and utility easements. Finally, a 376-square foot temporary construction easement will be located on A.P.N. 059-230-074 near Airport Blvd. The total area of fee and easement is 1.93 acres.

Until construction began, this land was included in the lease to Tierra Vegetables to raise and sell seasonal crops. Tierra Vegetables vacated the land when, pursuant to a resolution adopted by your Board on May 13, 2012 (Resolution No. 12-0103), a Possession and Use Agreement with the State was executed. Via that agreement, the District (1) consented to the conveyance in lieu of litigation as to the State’s right to acquire the property through eminent domain and (2) granted the State the irrevocable right to occupy the property for the Project while the parties continued negotiations as to compensation. By the terms of the Possession and Use Agreement, the only issue remaining to be resolved with the State is the amount of compensation due to the District.

The County Project

The County Project is located east of the Caltrans Project at Airport Boulevard and Fulton Road. It consists of the signalization and widening of the intersection of Airport Boulevard at Fulton Road, and installation of a curb, gutter and sidewalk on the north side of Airport Boulevard, extending for approximately 300 feet on the west side of Fulton Road. A curb return was constructed on the northeast corner of the intersection. A pavement overlay was installed along the new sidewalk limits east to Old Redwood Highway. Overhead utilities were undergrounded in the vicinity of the proposed sidewalk improvements. The County completed its project in the fall of 2013.

The County Project upgraded the road intersection to handle additional traffic from the new freeway interchange and freeway overpass constructed by S.C.TA. and Caltrans. Because the Caltrans Project will result in changes to traffic circulation patterns, the County Project had to be constructed prior to the Caltrans Project.

The County Project requires a fee interest of 3,324 square feet of the 17.77-acre District property. It is an approximately 10-foot wide strip of land, running approximately 285 feet in length on the northerly side of Airport Boulevard between Highway 101 to the west and Fulton Road to the east. This land was also included in the lease to Tierra Vegetables to raise and sell seasonal crops, but was vacated when, pursuant to a resolution adopted by your Board on May 22, 2012 (Resolution No. 12-0259), a Possession and Use Agreement with the County was executed. Via that agreement, the District (1) consented to the conveyance in lieu of litigation as to the County's right to acquire the property through eminent domain and (2) granted the County the irrevocable right to occupy the property for the project while the parties continued negotiations as to compensation. By the terms of the Possession and Use Agreement, the only issue remaining to be resolved with the County is the amount of compensation due to the District.

Caltrans Negotiations and Settlement

State and District staff have negotiated a settlement, which includes compensation to Tierra Vegetables for improvement costs it incurred in connection with the Project. Specifically, Tierra Vegetables will receive \$28,335 from the State through a settlement agreement with the District. This amount will reimburse Tierra Vegetables for a variety of costs, most of which are associated with relocation of the well on the property and modifications to the parking area. To accomplish this settlement, staff request that the Board authorize the General Manager to execute the Settlement Agreement and General Release with Tierra Vegetables on file with the Clerk.

The total proposed settlement amount between the District and the State is \$513,702, which includes \$3,472 in interest on the settlement amount dating back to the date of the State's original offer, which was made on March 13, 2011. After reimbursing Tierra Vegetables, the District will net \$485,367. To accomplish this settlement, staff request that the Board authorize the President of the Board to execute a Right of Way Contract with the State and a Grant Deed, both on file with the Clerk.

County Negotiations and Settlement

County and District staff have negotiated a settlement of \$8,659 based on a \$2.605 per square foot price for the fee interest. The proposed settlement also includes \$2,350 to replace inset fencing and a driveway gate. Therefore, the total settlement value without interest is \$11,009.

The County and District also negotiated an interest payment of \$173 to the District. The interest is based upon the settlement amount multiplied by the County's pooled quarterly interest rate. The interest is then calculated from the date of the original settlement offer by the County, March 26, 2012. Therefore, the total settlement proposal with interest is \$11,182. To accomplish this settlement, staff request that the Board authorize the President of the Board to execute an Agreement with the County for Purchase and Sale of Real Property and a Grant Deed, both on file with the Clerk.

District staff also discussed with County staff the possibility of an in-kind exchange of property so as to prevent a net loss of open space, but no County properties existed that met the criteria.

Fiscal Oversight Commission

On May 1, 2014, the District’s Fiscal Oversight Commission considered this matter and concluded that the proposed settlements with the County and Caltrans represent just compensation to the District.

Prior Board Actions:

The Board approved the fee acquisition of the Haroutunian North property on February 10, 1998. The Board approved a Possession and Use Agreement with Caltrans for the Airport Boulevard/ Highway 101 Interchange Project on March 13, 2012. The Board approved a Possession and Use Agreement with the County on May 22, 2012.

Strategic Plan Alignment Goal 3: Invest in the Future

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|----------------------|-------------------|
| Budgeted Amount | \$ | County General Fund | \$ 11,182 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 513,702 |
| Tierra Vegetables | \$ 28,334 | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | Sonoma County | \$ |
| Total Expenditure | \$ 28,334 | Total Sources | \$ 524,884 |

Narrative Explanation of Fiscal Impacts (If Required):

The District will record \$8,569 from the conveyance of the property sold to the County and the remainder as miscellaneous revenue. The District will receive \$513,702 compensation from the State of California. \$28,334 of this amount will go to the tenant, Tierra Vegetables, Inc. as reimbursement for improvements for a net amount of \$485,367 to the District.

Staffing Impacts

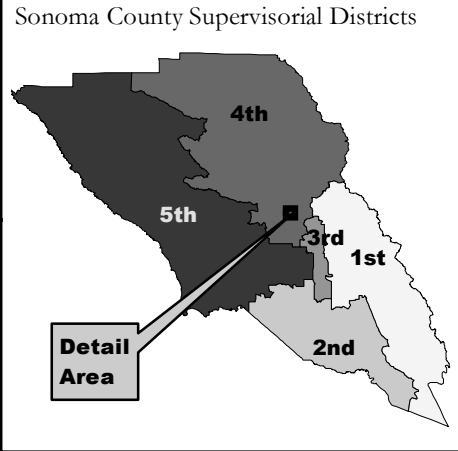
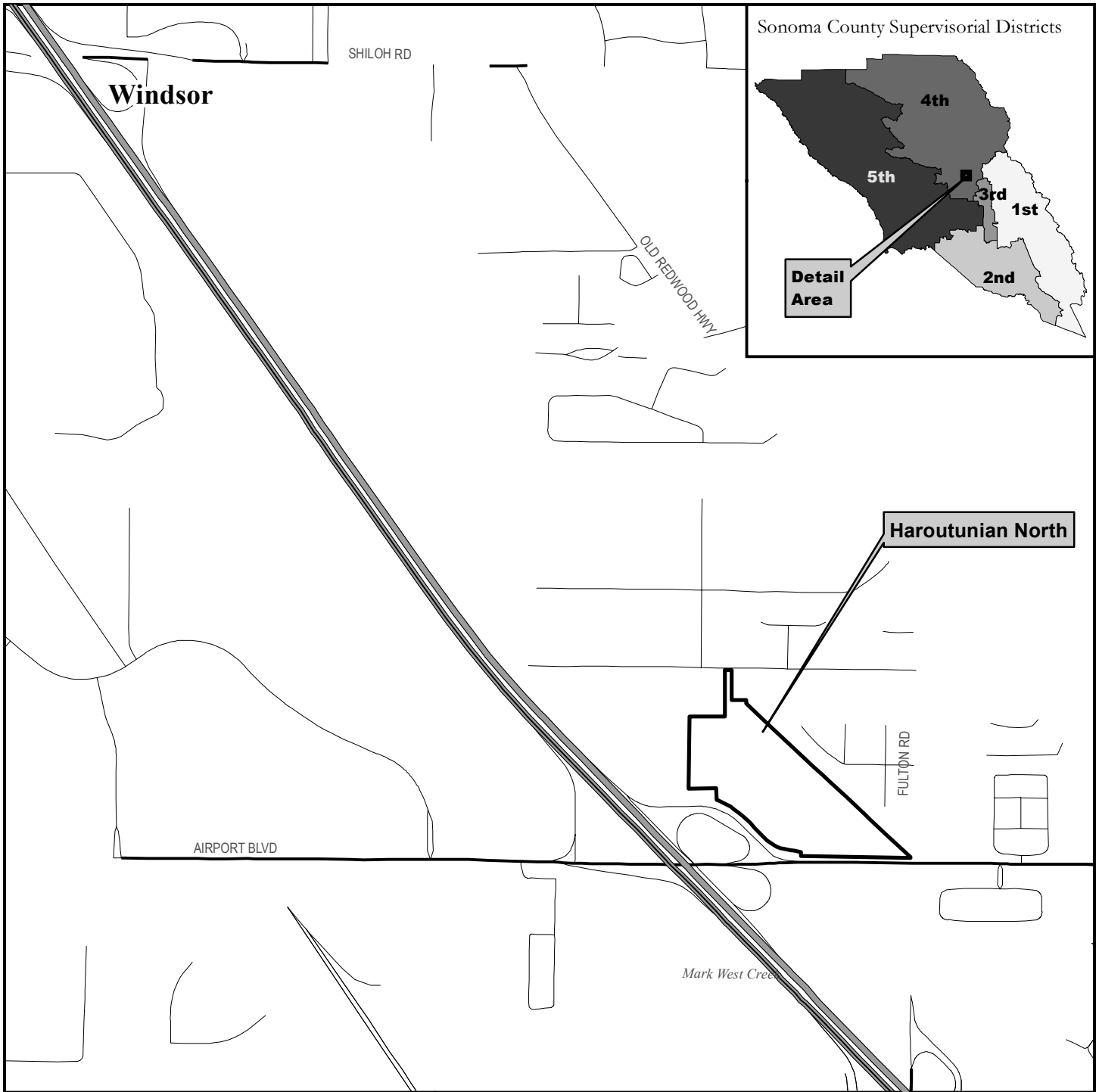
| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|---|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

1. General Plan Map
2. Site Map
3. County Grant Deed
4. County Agreement for Purchase and Sale of Real Property
5. County Possession and Use Agreement
6. State Grant Deed
7. State Right of Way Contract
8. State Settlement Agreement and Quit Claim with Tenant
9. State Possession and Use Agreement

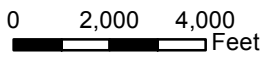
Related Items "On File" with the Clerk of the Board:



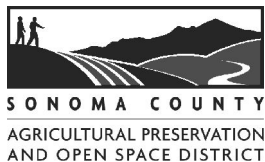
Haroutunian North

Haroutunian North

LOCATION / GENERAL PLAN MAP



Map Date: 2/17/2012
 Sources: Sonoma County GIS Group;
 Sonoma County General Plan 2020,
 Open Space and Resource
 Conservation Element.
 Note: This map is for illustrative
 purposes only. It is not intended to be
 a definitive property description.



Open Space and Resource Conservation Element

SCENIC RESOURCES

- Community Separator
- Scenic Landscape Unit
- Scenic Corridor

OUTDOOR RECREATION

- Planned Future Park
- Haroutunian - North Property
- District Holding
- Public Land *
- Incorporated City Land

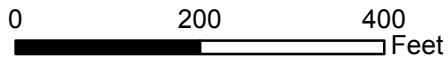
BIOTIC RESOURCES



- Special Status Species
- Special Status Species Habitat
- Marshes and Wetlands *
- Critical Habitat Area *
- Habitat Connectivity Corridor *
- Riparian Corridor

* Not on this map.



Haroutunian North Airport Blvd. Project



-  Haroutunian North Property
-  Parcels
-  Fee to County
-  Fee to Caltrans
-  Easement to Caltrans



Map Date: 5/20/2014
Sources: USGS, Sonoma Co (2011 aerial); Sonoma County GIS (roads, parcels)
This map is for illustrative purposes only and is not intended to be a definitive property description.

RECORDING REQUESTED BY

COUNTY OF SONOMA
.....

**WHEN RECORDED, RETURN
TO
EXECUTIVE SECRETARY
DEPARTMENT OF
TRANSPORTATION AND
PUBLIC WORKS**

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

APN 059-230-074 ptn.

GRANT DEED

Record free per Gov. Code 6103. Required by Sonoma County Dept. of Transportation and Public Works for public works project.

C05016 Airport Blvd at Fulton Road

**SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT,
a governmental agency formed pursuant to the provisions of
Public Resources Code Section 5500 et seq.,**

**GRANT(S) TO: THE COUNTY OF SONOMA, A POLITICAL SUBDIVISION
OF THE STATE OF CALIFORNIA**

All that real property situated in the unincorporated area of the County of Sonoma, State of California,
described as follows:

SEE EXHIBIT "A" ATTACHED

Sonoma County Agricultural Preservation
and Open Space District

Dated _____, 20____

By: _____
David Rabbitt, Chair
Board of Directors

Exhibit "A"

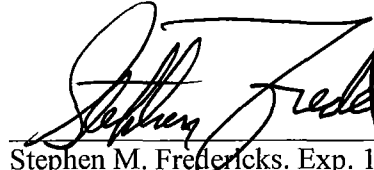
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Being a portion of the lands of the Sonoma County Agricultural Preservation and Open Space District, as described in that deed recorded as Document Number 1998-019034 of Official Records, Sonoma County Records. Said portion being more particularly described as follows:

COMMENCING at a found State of California Concrete Monument with Brass Disc designated "S-117" as shown on that map entitled "Tract No. 833, Airport Corporate Center I", recorded April 11, 1989, in Book 432 of Maps at Page 48, in the Office of the County Recorder of Sonoma County, said monument bears South 32°33'47" East, 6373.60 feet (South 32°34'23" East, 6373.80 feet record per said Map) from a found State of California Concrete Monument with Brass Disc designated "S-125" as shown on said Map; thence North 69°33' 49" East, 1125.12 feet; thence from a tangent that bears North 88°48'07" East along a curve to the right with a 334.00 foot radius, easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East, 36.00 feet; thence South 58°30'42" East, 63.90 feet; thence South 83°33'35" East, 241.83 feet; thence North 81°32'20" East, 57.10 feet; thence South 83°32'55" East, 90.17 feet; thence South 67°17'32" East, 61.13 feet; thence South 82°01'20" East, 71.76 feet; thence South 00° 17'27" West, 0.84 feet to the POINT OF BEGINNING; thence South 89°45' 51" East, 246.14 feet; thence North 0°14' 09" East, 9.29 feet; thence South 89°45' 51" East, 30.70 feet; thence North 66°36' 23" East, 18.46 feet to the southwesterly line of Lot 7 of the map of Larkfield Meadows Subdivision, Tract No. 705, recorded in Book 375 of Maps at Page 6, Sonoma County Records; thence along said southwesterly line South 46° 25' 40" East, 7.00 feet to the most southerly corner of said Lot 7 and the northerly line of the lands of the County of Sonoma, as described in that Grant Deed, recorded August 20, 1985, as Document 85-054642, Official Records of Sonoma County; thence along said northerly line South 45°39' 15" West, 31.31 feet; thence North 89°43' 37" West, 276.56 feet to a point that bears South 00° 17'27" West from the point of beginning, thence leaving said northerly line North 00° 17'27" East, 9.91 feet to the Point of Beginning.

Basis of Bearings: California Coordinate System of 1983, Zone 2, per project control for State of California, Division of Highways improvements to U.S. Highway 101 at Airport Boulevard.

This legal description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Stephen M. Fredericks, Exp. 12/31/12



Containing 3324 square feet, more or less.

Road Name: Airport Blvd.
Road No.: 8803A
P.M. 11.92-11.98 Left
APN 059-230-074

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California) ss.

County of _____)

On _____ before me, _____,

Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

CERTIFICATE OF ACCEPTANCE --- This is to certify that the interest in real property conveyed above is hereby accepted by order of the Board of Supervisors of the County of Sonoma on _____, 20____ and grantee consents to recordation thereof by its duly authorized officer.

Dated: _____, 20____ Chair of the Board of Supervisors of the County of Sonoma

End of Document

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

This Agreement is made by and between the County of Sonoma (hereinafter referred to as "COUNTY") and the Sonoma County Agricultural Preservation and Open Space District (hereinafter referred to as "GRANTOR").

At the close of the escrow controlling this transaction, this agreement shall supersede a Possession and Use Agreement between the parties dated May 22, 2012.

It is understood by both parties that "construction contract work" for GRANTOR's benefit as described in Clause 8 of the Possession and Use Agreement has been completed. Said construction contract work consisted of the installation by COUNTY of a road approach and replacement frontage fencing.

It is agreed between the parties as follows:

- PROPERTY TO BE CONVEYED:** GRANTOR shall execute, have the signature(s) acknowledged, and deliver to COUNTY a Grant Deed, in the form attached hereto by this reference as Exhibit "A", conveying to COUNTY the property interest (subject property) referred to in said Exhibit. GRANTOR warrants that GRANTOR has the right and power to enter into this Agreement and to convey the subject property and, by said deed, does convey the subject property free and clear of all leases, including a lease in favor of Tierra Vegetables, Inc.
- DEPOSIT OF DEED:** Upon receipt of the above deed, duly executed and acknowledged, COUNTY shall execute an acceptance of said deed and deposit said deed and acceptance in an internal escrow account with the Sonoma County Department of Transportation and Public Works, 2300 County Center Drive, Santa Rosa, California 95403.
- PURCHASE PRICE:** The sum of \$11,182 shall be the purchase price for the subject property so conveyed by GRANTOR pursuant to this Agreement and in settlement of all matters relating to COUNTY's acquisition of the subject property, including, but not limited to, claims for relocation benefits, loss of goodwill, and any severance or other damages. COUNTY shall pay all escrow, closing, and document recording fees incurred and the cost of a title insurance policy.
- CLAIMS RELEASE:** GRANTOR agrees that the purchase price as stated above is full compensation and settlement for all claims of every kind and nature including, but not limited to, the fair market value of the subject property and all improvements thereon including improvements pertaining to the realty, loss of goodwill, if any, severance and other damages, if any, any bonus value in the lease, if there is any lease, and relocation assistance and benefits. GRANTOR further agrees that said payment hereunder is in full and fair consideration for, and in complete settlement of, any and all claims for damage, loss, or expenses that have arisen or may arise as between GRANTOR and COUNTY on account of the actions contemplated herein, including but not limited to any and all

litigation expenses, fees, and costs relating thereto, and all damages and claims, if any, resulting from the public project and the actions contemplated herein.

5. **ESCROW:** COUNTY and GRANTOR shall sign escrow instructions, if necessary, to effect this Agreement and close escrow.

6. **RECORDING:** This Agreement may be recorded by either party.

7. **SUCCESSORS:** This Agreement shall be binding on and shall inure to the benefit of the parties hereto and their respective successors, heirs, assigns and transferees.

8. **SURVIVAL OF AGREEMENT:** This Agreement, including all representations, warranties, covenants, agreements, releases and other obligations contained herein shall survive the closing of this transaction and the recordation of the deed.

9. **ENTIRE UNDERSTANDING:** 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 California 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.

CONTINUED ON NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

By GRANTOR this _____ day of _____, 20_____.

By COUNTY this _____ day of _____, 20_____.

GRANTOR: Sonoma County Agricultural Preservation and Open Space District

By: _____
Chair, Board of Directors

Attest:

By: _____
Clerk, Board of Directors

Reviewed as to Substance:

By: _____
William J. Keene,
General Manager

Date: _____

Approved as to Form:

By: _____
County Counsel

Date: _____

COUNTY OF SONOMA:

By: _____
Chair, Board of Supervisors

Attest:

By: _____
Clerk, Board of Supervisors

Reviewed as to Substance:

By: _____
Director, Department of
Transportation and Public Works

Date: _____

(SIGNATURE PAGE CONTINUED ON NEXT PAGE)

Approved as to Form:

By: _____
County Counsel

Date: _____

By: _____
Right of Way Manager

Date: _____

By: _____
Project Engineer

Date: _____

EXHIBIT "A" to Agreement

RECORDING REQUESTED BY

COUNTY OF SONOMA

.....

WHEN RECORDED, RETURN

TO

EXECUTIVE SECRETARY

DEPARTMENT OF

TRANSPORTATION AND

PUBLIC WORKS

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

APN 059-230-074 ptn.

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Record free per Gov. Code 6103. Required by Sonoma County Dept. of Transportation and Public Works for public works project.

C05016 Airport Blvd at Fulton Road

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Sonoma County Agricultural Preservation
and Open Space District

Dated _____, 20____

By: _____

David Rabbitt, Chair
Board of Directors

Exhibit "A"

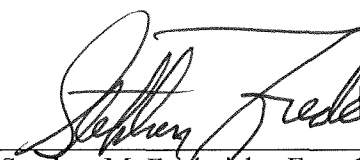
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Stephen M. Fredericks. Exp. 12/31/12



Containing 3324 square feet, more or less.

Road Name: Airport Blvd.
Road No.: 8803A
P.M. 11.92-11.98 Left
APN 059-230-074

POSSESSION AND USE AGREEMENT

COUNTY PROJECT NO. C05016

This Possession and Use Agreement (“Agreement”) is made on this _____ day of _____, 2012, by and between the County of Sonoma, acting by and through its Department of Transportation and Public Works (“County”), and the Sonoma County Agricultural Preservation and Open Space District (“Owner”). County and Owner are sometimes collectively referred to as the “Parties” and individually referred to as a “party.”

RECITALS

A. The Parties agree that County requires immediate possession and use of a portion of Owner’s real property to construct a right of way improvement and signalization project. Owner’s property is located in Sonoma County, California, and is identified as Sonoma County Assessor’s Parcel No. 059-230-074.

B. County needs approximately 3,324 square feet of the Property (the “Parcel”) as more particularly described in Exhibit A, attached hereto and incorporated herein by reference. The Parcel is required for the purpose of constructing a portion of the signalization improvements for the intersection of Airport Boulevard and Fulton Road (the “Project”). The purpose of this Agreement is to allow County to proceed with construction of the Project without delay.

C. The Parties acknowledge and agree that any delay in the start of construction of the Project is contrary to public interest. It is the intent of County to offer fair-market compensation to Owner for permission to enter the Parcel and to construct the Project, and as consideration for the rights set forth in the paragraph entitled “Possession,” below. County has made a firm written offer to pay the total sum of \$7,300.00 to Owner and any other persons having an interest in the Parcel. This amount does not include compensation for any loss of business goodwill, pre-condemnation damages, loss of rent or any other claims for just compensation except for the County’s appraised fair market value of the Parcel (and, if applicable, severance damages). This amount does not include reimbursement for relocation benefits which will be handled pursuant to County and federal regulations and policies. Owner has not accepted this offer.

OPERATIVE PROVISIONS

In consideration of the sum to be paid to Owner and in consideration of the foregoing recitals and the promises, covenants and any other conditions set forth in this Agreement, County and Owner agree as follows:

Incorporation of Recitals

1. The foregoing recitals are true and correct and are hereby incorporated into and form a part of this Agreement.

Possession

2. Owner hereby grants to County, its contractors, agents, representatives, employees and all others deemed necessary by County, the irrevocable right to exclusive possession and use of the Parcel, including but not limited to, the right to remove and dispose of any and all improvements within and/or straddling the right of way, provided, however, that Owner shall have reasonable vehicular access to the remainder of Owner’s real property at all times. In consideration for this irrevocable grant of possession and use, County will tender into escrow the sum of \$7,300.00. County shall have the right to possess the Parcel and begin construction of the Project on the date the sum is paid into escrow. This agreement shall be without prejudice to and without waiver of any claims by the County or Owner concerning the amount of just compensation to ultimately be paid by the County for final acquisition of the Parcel. However, by this agreement, Owner waives any right to challenge County’s right to possess and use the Parcel in any subsequent eminent domain proceeding filed _____ by _____ the _____ County.

Just Compensation and Appraisal

3. Owner acknowledges that the sum referenced in paragraph 1 represents the full amount of the County-approved appraisal of what County believes is just compensation owed for the acquisition of the Parcel. Should the Parties fail to reach a settlement and it becomes necessary for County to file a condemnation action to acquire the Parcel, the Parties agree the amount deposited into escrow shall not be admissible as evidence of value in such condemnation proceeding. The Parties agree that the deposit and payment under this Agreement shall be equivalent to a deposit and payment under California Code of Civil Procedure section 1255.010 and that the basis for such deposit and payment, including but not limited to any appraisal, shall be governed by Code of Civil Procedure section 1255.060. Accordingly, the Parties agree that the amount deposited or withdrawn under this Agreement may not be given in evidence or referred to in any trial on the issue of compensation and further agree that any appraiser who prepared any report or statement concerning the deposit may not be called to testify at any such trial.

Escrow

4. This transaction will be handled through an internal escrow with the Sonoma County Department of Transportation and Public Works. County shall pay all escrow fees incurred in this transaction. Owner shall be entitled to an interim disbursement of the sum referred to in paragraph 1, less any amounts payable to any other persons having an interest in the Parcel. Any unearned rents will be prorated in escrow and County shall be credited with any outstanding security deposits. Except for such matters as may be waived by County's Supervising Right-of-Way Agent, or designated representative, Owner shall not be entitled to receive any proceeds until:

- a. all holders of liens and encumbrances on the Parcel have received full payment for all principal and interest due to them and have executed a reconveyance of their interests in the Parcel; and
- b. all other parties having interests in the Parcel have received payment or have consented to a payment to Owner; and
- c. County has acknowledged in writing that it concurs that all other parties having interests in the Parcel have received full payment or have consented to Owner's withdrawal.

5. This escrow shall remain open until either a final settlement, or until termination of this Agreement, or until a Final Order of Condemnation under section 1268.030 of the California Code of Civil Procedure is entered by the court and recorded by County. Any sum disbursed to Owner from this escrow shall be deducted from the ultimate amount received by Owner as a result of any settlement, award, or verdict of just compensation for the Parcel.

Effective Date

6. From and after the date of execution of this Agreement ("Effective Date"), Owner shall not assign, sell, encumber or otherwise transfer all or any portion of their interest in the Parcel, or the property, without first obtaining County's prior written consent.

Taxes

7. Owner agrees to submit payment, when due, to the County tax collector for all taxes and special assessments on the Parcel that are due during the period from the date of possession (as set forth in paragraph 1 of this Agreement) to the date title transfers to the County. Title transfers to the County on the date the Grant Deed or Final Order of Condemnation is recorded in the office of the County recorder. Owner shall not be required to pay taxes or special assessments on the Parcel on or after the date title transfers to the County. After the date title transfers to the County, the County will request that the County tax collector cancel taxes and/or special assessments for the period from the date of possession to the date title transferred to the County. After the tax cancellation request is made by the County, Owner may file a claim with the County tax collector for a refund of any tax overpayment. Notwithstanding any other provision of this Agreement, no cancellation shall be made of all or any portion of any taxes that were due prior to the date of possession but which were unpaid; escrow shall pay in a timely manner all delinquent property taxes due from the sums deposited into escrow. (California Revenue and Taxation Code section 5084.)

Construction Contract Work

8. At no expense to the Owner and at the time of the project construction, County shall:

a. construct a 24-foot wide road approach centered approximately at right of Engineer's Station 36 + 43.60, including any necessary conforms on Owner's remainder property, as shown on approved plans on file with the Department of Transportation and Public Works. The approach and driveway conform onto the remainder property will include a crushed rock surface. Upon completion of construction of said road approach any portion behind the back of the proposed sidewalk and within the County right-of-way will be considered an encroachment under permit on the County roadway and is to be maintained, repaired and operated as such by Owner in accordance with and subject to the laws of the County of Sonoma and the rules and regulations of said County; and

b. construct approximately 263 lineal feet of wire mesh and wood post field fencing to conform to standard specifications for this project along and immediately County's offer includes adjacent to the proposed new County roadway right-of-way line, but on the undersigned Owner's remaining property, and extending approximately from right of Engineer's Station 36 + 62 to 39 + 19. Owner understands that compensation to enable Owner to install a gate and gate/fence inset at the new road approach/driveway location.

Owner hereby grants permission to County or its authorized agent to enter on Owner's land, where reasonably necessary, to remove, relocate, reconstruct, or construct a road approach (including construction of any necessary conforms on the remainder property) and fencing, as described above, provided however that County agrees to indemnify and hold Owner harmless from and against any and all losses, damages, claims, liabilities, expenses or costs of any nature whatsoever arising directly or indirectly from this permit to enter. Owner understands and agrees that after completion of the work described above, said facilities will be considered as Owner's sole property and Owner will be responsible for their maintenance and repair.

Eminent Domain Proceedings

9. This Agreement is made with the understanding that County will continue to negotiate in good faith with Owner to acquire its interest in the Parcel by direct purchase. It is further understood that in the event an agreement for purchase is not reached within 6 months of the Effective Date of this Agreement, such failure will be an acknowledgement that the negotiations to acquire the Parcel have proved futile, and County shall have the right to file a complaint in eminent domain to acquire title to the Parcel. Such complaint shall be filed within a reasonable time after the time period provided in this paragraph has expired.

10. If County begins proceedings in eminent domain, it is understood and agreed that this Agreement shall continue in effect until either a settlement is reached or a Final Order of Condemnation under section 1268.030 of the California Code of Civil Procedure is entered by the court and recorded by the County.

Waiver Notice Pursuant to Code of Civil Procedure Section 1245.235

11. Section 1245.235 of the California Code of Civil Procedure requires County to give each person whose property is to be acquired by eminent domain notice and a reasonable opportunity to appear before the County Board of Supervisors and be heard on the matters referred to in section 1240.030 of the Code of Civil Procedure, which provides:

The power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

- a. The public interest and necessity require the project.
 - b. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property sought to be acquired is necessary for the project.
 - d. The offer required by section 7267.2 of the Government Code has been made to the Owner or others of record.
-

POSSESSION AND USE AGREEMENT CHECKLIST (Cont.)

(Form #)

EXHIBIT

8-EX-25 (REV 9/2011)

Page 4 of 6

12. By granting this irrevocable right to possession and use of the Parcel to County, Owner agrees to the following:
- a. Owner specifically waives the notice required by Code of Civil Procedure section 1245.235 of the hearing on the matters referred to in Code of Civil Procedure section 1240.030, and Owner shall not object to the adoption of the resolution of necessity by the County Board of Supervisors authorizing the taking of the property described in Exhibit A.
 - b. Owner shall not object to the filing of an eminent domain proceeding to acquire the property described in Exhibit A.
 - c. In any eminent domain action filed by County to acquire the property described in Exhibit C, Owner shall not challenge County's right to acquire such property, and the only issue shall be the amount of just compensation for the property.

Refund

13. Owner agrees that in the event the ultimate amount of any settlement, award, or verdict is less than the total of the sums paid to and withdrawn by Owner, the Owner shall refund the difference including interest at the apportionment rate of interest as provided in Code of Civil Procedure section 1268.350 to County.

Waiver

14. Owner waives any right to challenge County's right to possess and use the Parcel in any subsequent eminent domain proceedings filed by County. Owner also waives all claims and defenses in its favor in any subsequent eminent domain proceeding, except a claim for greater compensation.

Date of Valuation

15. In the event proceedings in eminent domain are begun, the date of valuation for determining the amount of just compensation for the Parcel shall be the date County takes possession of the Parcel.

Interest

16. Compensation awarded in an eminent domain proceeding shall draw interest as prescribed by section 1268.350 of the California Code of Civil Procedure. Owner shall be entitled to receive interest on any sum received as compensation for its interest in the Parcel, whether pursuant to this Agreement, a subsequent settlement or court judgment, beginning on the date County takes possession of the Parcel pursuant to this Agreement and ending on the earliest of the dates as provided in Code of Civil Procedure section 1268.320.

Hazardous Materials

17. If any hazardous materials or waste (as defined by California Health and Safety Code section 25100, et. seq., and/or 42 U.S.C. §9601, et. seq.) are present on the Parcel on the date County takes possession of the Parcel, Owner shall be responsible for and bear the entire cost of all removal, disposal, cleanup and decontamination which may be required because of these hazardous materials.

Owner shall further hold County, its officers, agents, and employees, harmless from all responsibility, liability and claims for damages to persons or property resulting from the existence or use of hazardous materials which are present on the Parcel on the date County takes possession under this Agreement.

Abandonment of Proceeding

18. Under section 1268.510 of the California Code of Civil Procedure, at any time after the commencement of proceedings in eminent domain, County reserves the right to abandon the proceeding in whole or in part.

Authority to Execute and Bind

19. Each of the Parties represents and warrants that each of the persons executing this Agreement has full and complete legal authority to do so and thereby binds the party to this Agreement.

Entire Agreement

20. This Agreement reflects the entire agreement between the Parties and shall supersede all prior or contemporaneous oral or written understandings, statements, representations or promises between the Parties concerning the matters contained herein.

Governing Law

21. This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said State. The language of all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning and not strictly for or against any of the Parties.

Successors in Interest

22. This Agreement shall be binding upon and inure to the benefit of the heirs, devisees, executors, administrators, legal representatives, successors and assigns of the Parties.

Understanding of Agreement

23. This Agreement has been negotiated in good faith and each party warrants and represents that in executing this Agreement, they are not relying upon any representation, promise, inducement or statement made in negotiation that has not been included in the terms of this Agreement.

Fees and Costs

24. Except as otherwise provided in this Agreement, each party shall bear all costs (including expert and appraisal fees) (excluding appraisal fees not to exceed \$5,000 pursuant to section 1263.025 of the California Code of Civil Procedure) and attorneys' fees individually incurred in connection with negotiating the matters described in this Agreement.

Severability

25. In case any part, term, portion or provision of this Agreement is determined to be illegal, invalid or unenforceable, the remaining parts, terms, portions and provisions shall remain valid, enforceable, and in full force and effect.

Amendment to Agreement

26. This Agreement may only be amended by written agreement, executed by all Parties.

Counterparts

27. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Indemnification

28. County agrees to indemnify, defend, and hold harmless Sonoma County Agricultural Preservation and Open Space District [Owner], and its officers, agents, and employees, from any liability arising out of County's operations under this Agreement. County further agrees to assume responsibility for any damages proximately caused by reason of County's operations under this Agreement, and County will, at its option, either repair or pay for such damage.

POSSESSION AND USE AGREEMENT CHECKLIST (Cont.)

(Form #)

EXHIBIT

8-EX-25 (REV 9/2011)

Page 6 of 6

Recording of Agreement

29. County may elect to record this Agreement.

—THIS SPACE INTENTIONALLY LEFT BLANK—

POSSESSION AND USE AGREEMENT CHECKLIST (Cont.)

(Form #)

EXHIBIT

8-EX-25 (REV 9/2011)

Page 7 of 6

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

GRANTOR: Sonoma County Agricultural Preservation and Open Space District

By: _____
Shirlee Zane, Chair
Board of Directors

COUNTY OF SONOMA:

By: _____
Chair, Board of Supervisors

Attest:
By: _____
Clerk, Board of Supervisors

Reviewed as to Substance:

By: _____
Director, Department of
Transportation and Public Works

Date: _____

Approved as to Form:

By: _____
County Counsel

Date: _____

By: _____
Supervising Right of Way Agent

Date: _____

By: _____
Project

Date: _____
Engineer

Exhibit "A"

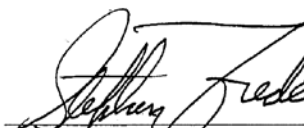
That portion of the Northwest ¼ of Section 29, Township 8 North, Range 8 West, Mount Diablo Baseline and Meridian, in the County of Sonoma, State of California, described as follows:


Being a portion of the lands of the Sonoma County Agricultural Preservation and Open Space District, as described in that deed recorded as Document Number 1998-019034 of Official Records, Sonoma County Records. Said portion being more particularly described as follows:

COMMENCING at a found State of California Concrete Monument with Brass Disc designated "S-117" as shown on that map entitled "Tract No. 833, Airport Corporate Center I", recorded April 11, 1989, in Book 432 of Maps at Page 48, in the Office of the County Recorder of Sonoma County, said monument bears South 32°33'47" East, 6373.60 feet (South 32°34'23" East, 6373.80 feet record per said Map) from a found State of California Concrete Monument with Brass Disc designated "S-125" as shown on said Map; thence North 69°33' 49" East, 1125.12 feet; thence from a tangent that bears North 88°48'07" East along a curve to the right with a 334.00 foot radius, easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East, 36.00 feet; thence South 58°30'42" East, 63.90 feet; thence South 83°33'35" East, 241.83 feet; thence North 81°32'20" East, 57.10 feet; thence South 83°32'55" East, 90.17 feet; thence South 67°17'32" East, 61.13 feet; thence South 82°01'20" East, 71.76 feet; thence South 00° 17'27" West, 0.84 feet to the POINT OF BEGINNING; thence South 89°45' 51" East, 246.14 feet; thence North 0°14' 09" East, 9.29 feet; thence South 89°45' 51" East, 30.70 feet; thence North 66°36' 23" East, 18.46 feet to the southwesterly line of Lot 7 of the map of Larkfield Meadows Subdivision, Tract No. 705, recorded in Book 375 of Maps at Page 6, Sonoma County Records; thence along said southwesterly line South 46° 25' 40" East, 7.00 feet to the most southerly corner of said Lot 7 and the northerly line of the lands of the County of Sonoma, as described in that Grant Deed, recorded August 20, 1985, as Document 85-054642, Official Records of Sonoma County; thence along said northerly line South 45°39' 15" West, 31.31 feet; thence North 89°43' 37" West, 276.56 feet to a point that bears South 00° 17'27" West from the point of beginning, thence leaving said northerly line North 00° 17'27" East, 9.91 feet to the Point of Beginning.

Basis of Bearings: California Coordinate System of 1983, Zone 2, per project control for State of California, Division of Highways improvements to U.S. Highway 101 at Airport Boulevard:

This legal description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Stephen M. Fredericks. Exp. 12/31/12

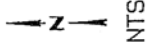


Containing 3324 square feet, more or less.

Road Name: Airport Blvd.
Road No.: 8803A
P.M. 11.92-11.98 Left
APN 059-230-074

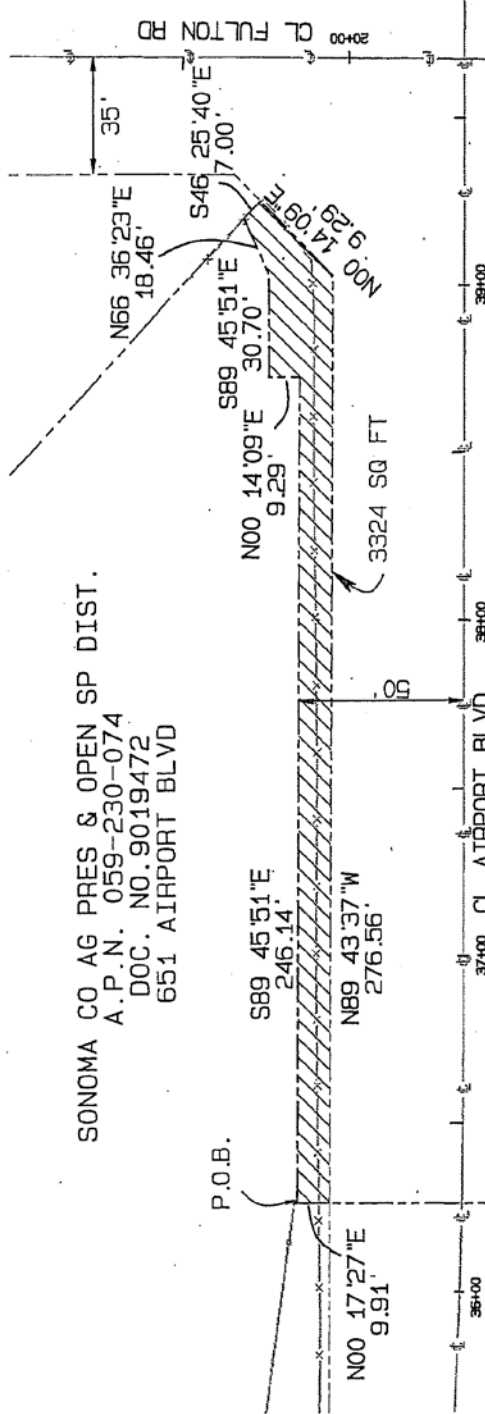
r:\projects\airport blvd at fulton signal\right of way\open space\scaposd 1.docx

EXHIBIT "B"



LARKFIELD MEADOWS
SUBDIVISION

SONOMA CO AG PRES & OPEN SP DIST.
A.P.N. 059-230-074
DOC. NO. 9019472
651 AIRPORT BLVD



P.O.B.

N00 17'27"E
9.91'

S89 45'51"E
246.14'

N89 43'37"W
276.56'

N00 14'09"E
9.29'

S89 45'51"E
30.70'

N00 14'09"E
9.29'

S46 25'40"E
7.00'

N66 36'23"E
18.46'

35'

CL FULTON RD
20+00

CL AIRPORT BLVD
37+00

38+00

38+00

36+00

3324 SQ FT

ACQUISITION MAP

| | | | | |
|---------------------------------------|--------|----------------------|------|----|
| AIRPORT BLVD SIGNAL AT FULTON ROAD | C05016 | RIGHT OF WAY EXHIBIT | 2/12 | JT |
|---------------------------------------|--------|----------------------|------|----|



Space above this line for Recorder's Use

GRANT DEED
(CORPORATION)

| District | County | Route | Post | Number |
|----------|--------|-------|------|--------|
| 04 | SON | 101 | 26.3 | 62308 |

_____ A corporation organized
and existing under and by virtue of the laws of the State of _____, does hereby GRANT
to the STATE OF CALIFORNIA all that real property in the _____, County of
_____ Sonoma _____, State of California, described as:

See Exhibit "A", attached.

| |
|--------|
| Number |
| 62308 |

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 20__.

By _____, _____ President

By _____, _____ Secretary

[CORPORATE SEAL]

State of California
County of _____

} SS

ACKNOWLEDGMENT

On _____ before me, _____, personally
(Here Insert name and title of the officer)
appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20__.

Director of Transportation

By _____
Attorney in Fact

EXHIBIT "A"

That portion of the Northwest 1/4 of Section 29, Township 8 North, Range 8 West, Mount Diablo Baseline and Meridian, in the County of Sonoma, State of California, described as follows:

Parcel 62308-1

COMMENCING at found State of California Concrete Monument with Brass Disc designated "S-117" as shown on that map entitled "Tract No. 833, Airport Corporate Center I", recorded April 11, 1989, in Book 432 of Maps at Page 48, in the Office of the County Recorder of Sonoma County, said monument bears South 32°33'47" East 6373.60 feet (South 32°34'23" East 6373.80 feet record per said Map) from a found State of California Concrete Monument with Brass Disc designated "S-125" as shown on said Map; thence North 69°33'49" East 1125.12 feet to a point hereafter known as Point "A"; thence South 88°48'07" West 66.23 feet to a point on the easterly line of land as conveyed by that Grant Deed, recorded May 5, 2004, as Document 2004-067000, Official Records of Sonoma County, said point hereinafter known as Point "B"; thence along said easterly line South 00°47'27" West 14.72 feet to the most northerly corner of Parcel 1, as conveyed to the State of California by that Grant Deed, recorded December 23, 1959, in Book 1722 at Page 459, Official Records of Sonoma County, said most northerly corner being the TRUE POINT OF BEGINNING of the herein described parcel; thence along said easterly line North 00°47'27" East 14.72 feet to said Point "B"; thence North 88°48'07" East 66.23 feet to said Point "A", being the beginning of a 334.00 foot radius curve concave southwesterly; thence easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East 36.00 feet; thence South 58°30'42" East 63.90 feet; thence South 83°33'35" East 241.83 feet; thence North 81°32'20" East 57.10 feet; thence South 83°32'55" East 90.17 feet; thence South 67°17'32" East 61.13 feet; thence South 82°01'20" East 71.76 feet to a point hereinafter known as Point "C"; thence South 00°17'27" West 11.70 feet to the northerly line of land as conveyed to the County of Sonoma by that Grant Deed, recorded August 20, 1985, as Document 85-054642, Official Records of Sonoma County; thence along said northerly line North 89°42'33" West 441.58 feet to the easterly line of said Parcel 1; thence along said easterly line North 00°17'27" East 2.00 feet; thence along the northeasterly line of said Parcel 1 North 68°58'25" West 75.85 feet to the beginning of a 349.99 foot radius curve concave northeasterly; thence along said northeasterly line, northwesterly along the arc of said curve 145.55 feet through a central angle of 23°49'38"; thence along said northeasterly line North 45°08'47" West 198.07 feet to the beginning of a 449.99 foot radius curve concave southwesterly; thence along said

northeasterly line, northwesterly and westerly along the arc of said curve 231.45 feet through a central angle of 29°28'11" to the TRUE POINT OF BEGINNING.

Containing 62,900 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Parcel 62308-2

A Retaining Wall Easement, upon, over and across the following:

BEGINNING along said easterly line at said Point "B" as described above in Parcel 62308-1; thence leaving said easterly line North 88°48'07" East 66.23 feet to said Point "A" being the beginning of a 334.00 foot radius curve concave southwesterly; thence easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East 36.00 feet; thence South 58°30'42" East 63.90 feet; thence South 83°33'35" East 241.83 feet; thence North 81°32'20" East 38.89 feet to a point on a line parallel with and offset 10.00 feet northerly from said course bearing South 83°33'35" East, said point hereinafter known as Point "D"; thence along said parallel line North 83°33'35" West 277.19 feet to a line parallel with and offset 10.00 feet northeasterly from said course bearing South 58°30'42" East; thence along said parallel line North 58°30'42" West 57.84 feet to a line parallel with and offset 10.00 feet easterly from said course bearing South 16°33'53" East; thence along said parallel line North 16°33'53" West 32.17 feet to the beginning of a 344.00 foot radius curve concentric with said 334.00 foot radius curve; thence northerly, northwesterly and westerly along the arc of said 344.00 foot radius curve 397.66 feet through a central angle of 66°14'01" to a point hereinafter known as Point "E", a radial line bears North 07°12'06" East to said Point "E"; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet northerly from said course bearing North 88°48'07" East and its projection thereof; thence South 88°48'07" West 117.35 feet to said easterly line; thence along said easterly line South 00°47'27" West 16.01 feet to the BEGINNING.

Containing 9,386 square feet, more or less.

Parcel 62308-3

A Drainage Easement, upon, over and across the following:

BEGINNING along the arc of said 344.00 foot radius curve at said Point "E" as described above in Parcel 62308-2; thence along said radial line North 07°12'06" East 10.00 feet to a point on a 354.00 foot radius curve concentric with said 344.00 foot radius curve; thence easterly along the arc of said 354.00 foot radius curve 60.45 feet through a central angle of 09°47'00"; thence along a radial line South 16°59'06" West 10.00 feet to

a point on the arc of said 344.00 foot radius curve; thence westerly along the arc of said curve 58.74 feet through a central angle of 09°47'00" to the BEGINNING.

Containing 596 square feet, more or less.

Parcel 62308-4

A Utility Easement, upon, over and across the following:

COMMENCING at said Point "C" as described above in Parcel 62308-1; thence North 82°01'20" West 9.26 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence North 82°01'20" West 62.50 feet; thence North 67°17'32" West 61.13 feet; thence North 83°32'55" West 90.17 feet; thence South 81°32'20" West 18.21 feet to said Point "D" as described above in Parcel 62308-2, said Point "D" being on a line parallel with and offset 10.00 feet northerly from said course bearing South 83°33'35" East as described above in Parcel 62308-2; thence along said parallel line North 83°33'35" West 277.19 feet to a line parallel with and offset 10.00 feet northeasterly from said course bearing South 58°30'42" East as described above in Parcel 62308-1; thence along said parallel line North 58°30'42" West 57.84 feet to a line parallel with and offset 10.00 feet easterly from said course bearing South 16°33'53" East as described above in Parcel 62308-1; thence along said parallel line North 16°33'53" West 32.17 feet to the beginning of a 344.00 foot radius curve concentric with said 334.00 foot radius curve as described above in Parcel 62308-1; thence northerly, northwesterly and westerly along the arc of said 344.00 foot radius curve 397.66 feet through a central angle of 66°14'01" to said Point "E" as described above in Parcel 62308-2, a radial line bears North 07°12'06" East to said Point "E"; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet from said course bearing North 88°48'07" East and its projection thereof as described above in Parcel 62308-2; thence South 88°48'07" West 117.35 feet to a point on said easterly line of land as conveyed by that Grant Deed, recorded May 5, 2004, as Document 2004-067000, Official Records of Sonoma County; thence along said easterly line North 00°47'27" East 10.01 feet to a line parallel with and offset 10.00 feet northerly from said line bearing South 88°48'07" West; thence North 88°48'07" East 118.48 feet to a radial line bearing North 07°12'06" East from said 344.00 foot radius curve; thence along said radial line North 07°12'06" East 0.10 feet to the beginning of a 364.00 foot radius curve concentric with said 344.00 foot radius curve; thence easterly along the arc of said 364.00 foot radius curve 72.53 feet through a central angle of 11°25'00"; thence along a radial line South 18°37'06" West 10.00 feet to the beginning of a 354.00 foot radius curve concentric with said 344.00 foot radius curve; thence easterly, southeasterly and southerly along the arc of said 354.00 foot radius curve 338.68 feet through a central angle of 54°49'01" to a line parallel with and offset 10.00 feet easterly from said line bearing North 16°33'53" West; thence along said parallel line South 16°33'53" East 28.33 feet to a line parallel with and offset 10.00 feet northeasterly from said line bearing North 58°30'42" West; thence along said parallel line South 58°30'42" East 51.79 feet to a line parallel with and offset 10.00 feet northerly from said line bearing North 83°33'35" West; thence along said parallel line

South 83°33'35" East 273.66 feet to a line parallel with and offset 10.00 feet northerly from said line bearing South 81°32'20" West; thence along said parallel line North 81°32'20" East 18.21 feet to a line parallel with and offset 10.00 feet northerly from said line bearing North 83°32'55" West; thence along said parallel line South 83°32'55" East 92.90 feet to a line parallel with and offset 10.00 feet northeasterly from said line bearing North 67°17'32" West; thence along said parallel line South 67°17'32" East 61.26 feet to a line parallel with and offset 10.00 feet northerly from said line bearing North 82°01'20" West; thence along said parallel line South 82°01'20" East 61.21 feet to a point bearing North 07°58'40" East from the TRUE POINT OF BEGINNING; thence South 07°58'40" West 10.00 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom Parcel 62308-3 as described above.

Containing 11,266 square feet, more or less.

Parcel 62308-5

A Temporary Construction Easement, to expire December 31, 2014, upon, over and across the following:

The easterly 37.64 feet of of Parcel 62308-4 as described above.

Containing 376 square feet, more or less.

The bearings and distances, except noted as record, used in the above descriptions are on the California Coordinate System of 1983, Zone 2. Multiply the above distances by 1.0000373 to obtain ground level distances. Bearings and distances noted as record may or may not be in said terms.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature

Andrew Lachowicz
Licensed Land Surveyor

Date

6-21-2011



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY CONTRACT - STATE HIGHWAY
RW 8-3 (6/95)

_____, California

| Dist. | Co. | Rte. | P.M. | Exp. Auth. |
|-------|-----|------|------|--------------------------|
| 04 | SON | 101 | 26.3 | 3A2309 (04 0000 0933) |

_____, 2014

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE DISTRICT

Grantor

Document No. 62308 in the form of a GRANT DEED covering the property particularly described in the above instrument has been executed and delivered to MICHAEL O'CALLAGHAN, Right of Way Agent for the State of California.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve the State of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- (B) Grantee requires said property described in Document No. 62308 for State highway purposes, a public use for which Grantee has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and Grantee is compelled to acquire the property.

Both Grantor and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.

2. The State shall:

- (A) Pay the undersigned Grantor the sum of \$513,702.00 for the property or interest as conveyed by above document(s) when title to said property vests in the State subject to all recorded liens, encumbrances, assessments, easements and leases, except for the existing lease with Wayne James and Leslie James, doing business as Tierra Vegetables, incorporated, a California corporation, identified in Clause 5 below.
- (B) Pay all escrow and recording fees incurred in this transaction, and if title insurance is desired by the State, the premium charged therefor. Said escrow and recording charges shall not, however, include documentary transfer tax.

- (C) Have the authority to deduct and pay from the amount shown in Clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest thereon and/or delinquent and unpaid nondelinquent assessments which have become a lien at the close of escrow.
3. Should the property be materially destroyed by fire, earthquake or other calamity without the fault of either party, this contract may be rescinded by State; in such an event, State may reappraise the property and make an offer thereon.
 4. Grantor warrants that there are no oral or written leases between Grantor and any other party other than the lease with Wayne James and Leslie James, doing business as Tierra Vegetables, incorporated, a California corporation, (hereinafter called Lessee) on all or any portion of the property exceeding a period of one month. It is understood and agreed to by all parties that the Grantor will obtain a quitclaim deed (62308-A) from the Lessee quitclaiming its interest in the property within ten (10) working days of the execution of this agreement. The quitclaim deed is required as a condition of clause 2(A) to close escrow.
 5. It is understood and agreed by and between the parties hereto that included in the amount payable under Clause 2(A) above is payment in full to compensate Grantor for the expense of performing the following work: 1) Abandoning and relocating one agricultural well, including the fees for all permits and consultant specifications/services incurred as a result of this work; and 2) the cost of replacing one driveway entrance, one parking and partial fencing, including the fees for all permits and consultant specifications/services incurred as a result of this work.
 - A. It is further understood that the amount payable under Clause 2(A) relieves the State of any commitment to reimburse the actual costs of relocating and reinstalling one well house, one well pump, water pipes and other costs associated with that work.
 6. It is understood and agreed by and between the parties hereto that payment in Clause 2(A) above includes, but is not limited to, payment for 1) one Fruit Stand Structure, 2) one 10' x 4' wooden gate, 3) one Pedestrian Metal Beam Bridge, 4) four willow trees, 5) one 16' x 4' Stock Corral gate, 6) two 10' x 4' Stock Corral gates and 7) 442' linear feet of non-access control, steel post, barb wire, 3 strand, wire mesh fencing, which are considered to be part of the realty and are being acquired by the State in this transaction.
 7. It is understood and agreed by and between the parties hereto that payment in Clause 2(A) above includes the amount of \$5,000 for the reasonable costs of the independent appraisal ordered by the District in accordance with California Civil Code of Procedure, Section 1263.025.
 8. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the State, including the right to remove and dispose of improvements commenced on March 13th, 2012, and that the amount shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any, and interest from said date.

9. Permission is hereby granted the State or its authorized agent to enter upon Grantor's land where necessary within that certain area labeled 62308-5, for the purpose of a temporary construction easement.
 - A. In case of unpredictable delays in construction, upon written notification, the terms of the Temporary Easement may be extended at the option of the State at the rate of \$50.00 per month. Said amount will be paid to the Grantor in a lump sum upon completion of the project.
10. State agrees to indemnify and hold harmless Grantor from any liability arising out of State's operations under this agreement. State further agrees to assume responsibility for any damages proximately caused by reason of State's operations under this agreement and State will, at its option, either repair or pay for such damage.
11. All work done under this agreement shall conform to all applicable building, fire and sanitary laws, ordinances, and regulations relating to such work, and shall be done in a good and workmanlike manner. All structures, improvements or other facilities, when removed, and relocated, or reconstructed by the State, shall be left in as good condition as found.
12. This transaction will be handled through an escrow with Old Republic Title Company, 1000 Burnett Avenue, Suite 400, Concord, CA 94520; their order # 0147009071-SH.

In Witness Whereof, the Parties have executed this agreement the day and year first above written.

GRANTOR: THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

By _____
DAVID RABBITT
President of the Board

RECOMMENDED FOR APPROVAL:

By _____
MICHAEL O'CALLAGHAN
Associate Right of Way Agent

STATE OF CALIFORNIA
Department of Transportation

By _____
JASPREET SINGH
District Branch Chief
R/W Acquisition Services

By _____
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

No Obligation Other Than Those Set Forth Herein Will Be Recognized

SETTLEMENT AGREEMENT AND GENERAL RELEASE

This Settlement Agreement and General Release (the "Agreement") is entered into as of April ____, 2014, by and between TIERRA VEGETABLES, INC. (referred to as "Tierra"), and THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT (referred to as "District"), and collectively referred to as the "Parties" is based on the following:

RECITALS

- A. Whereas, the District owns certain real property identified as Assessor's Parcel Numbers 059-230-040 and 059-230-074 along the easterly side of State Highway 101 and on the northerly side of Airport Boulevard ("District's Property"); and
- B. District and Tierra entered into that certain lease agreement dated October 8, 2002 ("Original Lease"), pursuant to which Tierra farms a portion of District's Property. The Original Lease was later amended by the parties on February 23, 2011 ("Lease Amendment"). The Original Lease as amended by the Lease Amendment is hereinafter referred to as the "Lease;" and
- C. The State of California, acting by and through its Department of Transportation ("State"), has undertaken to reconstruct the Airport Boulevard freeway interchange and overpass at State Highway Route 101 (the "Project") pursuant to California's eminent domain statutes (California Code of Civil Procedure §§ 1230.010 *et seq.*) ("Eminent Domain Laws"); and
- D. In connection with the Project, the State required a fee interest in a 62,900 square foot portion of the District's Property, as well as a retaining wall easement, drainage easement, utility easement, and temporary construction easement ("Needed Interests"); and
- E. On or about August 12, 2011, pursuant to the Eminent Domain Laws, the State tendered an offer of compensation to District for the Needed Interests pursuant to Government Code section 7267.2 in the amount of \$295,150; and
- F. In or about March of 2012, in lieu of an immediate condemnation proceeding and after making certain findings, the District entered into that certain Possession and Use Agreement with the State, pursuant to which the State took possession of the Needed Interests and commenced construction of the Project; and
- G. In or about April of 2012, the District contracted with Weeks Drilling and Pumping Company to relocate the agricultural well on District's Property. In connection with this well work, District and Tierra both incurred certain expenses. Tierra's expenses amounted to \$28,335, for items including but not limited to relocation and reinstallation of the well house, the well pump, and associated piping infrastructure; and

H. Tierra maintains that the construction, development, use, maintenance and operation of the State's Project has impacted Tierra's operations, resulting in lost profits. District has not advised Tierra with respect to the existence or merit of these potential claims; and

I. State and District have reached a tentative settlement as to the amount of just compensation owed to the District for the State's acquisition of the Needed Interests. District and Tierra agree that a portion of this compensation, specifically \$28,335, is properly owed to Tierra; and

J. The parties desire to settle any and all claims and disputes, whether known or unknown, that have arisen or may arise by and between Tierra and the District related to the Project.

NOW, IN CONSIDERATION of the mutual covenants, agreements and releases set forth herein, the receipt and sufficiency of which is acknowledged and accepted, the Parties agree as follows:

A G R E E M E N T

1. Recitals. The above Recitals are hereby incorporated by this reference and expressly form a part of this Agreement.

2. Settlement Amount. In exchange for the benefit of all rights and releases hereby conferred to it, District agrees to pay to Tierra the sum of Twenty-eight Thousand Three Hundred and Thirty Five Dollars (\$28,335) (the "Settlement Amount"). Such payment shall be made by check payable to "Tierra Vegetables, Inc." within thirty (30) days of the Effective Date, as defined hereinafter.

3. Title: Within ten (10) days of the Effective Date, Tierra agrees to transfer all right, title and interest Tierra has in the Needed Interests to the State. To effectuate this transfer, Tierra will sign, notarize, and deliver to State the quitclaim attached hereto as Exhibit "A." The quitclaim shall be delivered to State by Certified U.S. Mail to the following address:

State of California, Department of Transportation
Michael O'Callaghan
P.O. Box 23440, MS11A
Oakland, CA 94623-0440

4. Effective Date. The Effective Date, as used in this Agreement, shall be the date that the District receives a fully-executed copy of that certain Right of Way Contract between the State and the District, pursuant to which payments the State owes to the District will be issued. District will notify Tierra upon its receipt of the fully-executed Right of Way Contract from the State.

5. Waiver, Discharge and Release. Upon Tierra's receipt of the Settlement Amount, Tierra, and its agents, successors, assigns, and attorneys, shall be deemed to have irrevocably and unconditionally released, acquitted, and forever discharged the District and its employees, agents, contractors, volunteers, successors, and assigns and the County of Sonoma and its

employees, agents, contractors, volunteers, successors, and assigns (collectively hereinafter "Released Parties") from any and all claims, demands, rights, liens, agreements, contracts, covenants, actions, suits, causes of action, obligations, debts, costs, expenses, attorneys' fees, damages, judgments, orders and liabilities, of whatever kind or nature in law, equity or otherwise, whether now known or unknown, suspected or unsuspected, which Tierra now has or holds, or has at anytime heretofore owned or held, or may in the future have or hold against said Released Parties, or any of them, arising out of, or in connection with the claims, facts, and circumstances set forth in the Recitals, above, including those arising out of or related to impacts of the construction, development, use, maintenance or operation of the Project. With respect to the foregoing, Tierra and its respective agents, successors, assigns, and attorneys expressly waive the benefits and rights under Section 1542 of the California Civil Code, which provides:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known to him or her must have materially affected his or her settlement with the debtor."

6. Reservation of Grantor's Potential Goodwill Claims as Against the State. The Parties agree that Tierra's potential goodwill claims as against the State pursuant to California Code of Civil Procedure section 1263.510, shall be reserved and Paragraph 5 shall not operate as a waiver or release with respect to such claims against the State.

7. Attorneys' Fees. Each party shall bear the responsibility for and pay their own attorney's fees and costs which may have been or will be incurred as a result of or relating arising out of, or in connection with the claims, facts, and circumstances set forth in the Recitals, above.

8. Denial of Liability. This Agreement is the result of a compromise and shall never at any time for any purpose be considered as an admission of liability or responsibility on the part of the Released Parties for any of the facts and circumstances described in the Recitals.

9. No Assignment of Claims. The Parties hereby represent and warrant to each other that they are the sole owners and beneficiaries of the claims, actions, and causes of action covered by and subject to this Agreement, that they have not made any sale, assignment, transfer, conveyance, or other disposition of said claims, actions, and causes of actions, and that any sale, assignment, transfer, conveyance, or other disposition of said claims, actions, causes of action or any part thereof by the undersigned without the prior written approval of the other party shall be void and of no effect.

10. Integration; Merger. The undersigned hereby agree that this Agreement and Mutual Release reflects the entire agreement of the parties relative to the subject matter hereof, and supersedes all prior and/or contemporaneous oral and/or written understandings, statements, representations and/or promises. The terms of this Agreement and Mutual Release are contractual, and are not merely recitals.

11. Binding on Successors. The terms and conditions of this Agreement shall bind and inure to the benefit of the successor, heirs, beneficiaries, assigns, officers, directors, employees,

representatives and agents of the Parties. The terms and conditions are for the benefit of each Party.

12. Interpretation and Construction. The parties agree that this Agreement is jointly drafted and will not be construed against either party as the drafting party.

13. Severability. In the event any term or provisions of this Agreement is determined to be invalid and unenforceable, the remainder of the Agreement will remain in full force and effect.

14. Amendment. No modification, amendment or waiver of any of the provisions of this Agreement shall be effective unless in writing signed by all the Parties.

15. Waiver. The failure of either Party to enforce the provisions of this Agreement at any time in no way shall be construed to be a waiver of such provision or to affect the validity of this Agreement, or any part hereof, or the right of any Party to enforce each and every such provision in accordance with the terms of this Agreement. Any waiver of a provision or breach of this Agreement, in one or multiple instances, shall not constitute a waiver of the remainder of the Agreement. A Parties failure to exercise its rights to any provision of this Agreement shall not be deemed a waiver under any circumstance.

16. Taxes. The District makes no representations or warranties whatsoever concerning the impact of this Agreement on the taxable income of Tierra or Tierra's attorneys, or concerning whether amounts received are or are not subject to any type or description of tax by any federal, state or local authority. Tierra is invited to seek the advice of its own tax professionals prior to entering into this Agreement.

17. Captions. The captions contained in this Agreement are for convenience only, and none are intended to be text of this Agreement or for any particular purpose.

18. Authority to Execute Agreement. Each of the undersigned parties represents and warrants to the other party that it has full power and authority to enter into this Agreement.

19. Counterparts. This document may be executed in counterparts and those signed counterparts will constitute one integrated agreement.

20. Representation by Counsel. The Parties acknowledge that (i) each has had the opportunity to be represented by independent legal counsel of its own choice throughout all of the negotiations which preceded the execution of this Agreement (ii) each has had the opportunity to consult with independent legal counsel regarding the effect of this Agreement, (iii) each party has had an adequate opportunity to make whatever investigation or inquiry they may deem necessary or desirable in connection with the subject matter of this Agreement prior to the execution hereof, and (iv) each party has executed this Agreement voluntarily, knowingly, and without coercion.

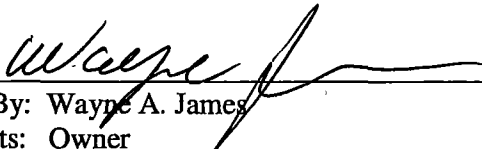
21. Other Documents. The Parties agree to execute any agreement or other documents that are required in order to effectuate the terms, conditions, purposes and objectives of this Agreement.

22. Choice of Law. Any and all disputes arising with respect to this Agreement shall be determined in accordance with the laws of the State of California.

IN WITNESS WHEREOF, the Parties have executed as of the date indicated, their acceptance and agreement of the terms and conditions contained in this Agreement.

TIERRA VEGETABLES, INC.

April 22, 2014


By: Wayne A. James
Its: Owner

THE SONOMA COUNTY AGRICULTURAL
PERSERVATION AND OPEN SPACE DISTRICT

April __, 2014

By: William Keene
Its: General Manager

Approved as to Form for District:

~~April __, 2014~~

May 19, 2014



Lisa Pheatt
Deputy County Counsel

EXHIBIT A

QUITCLAIM DEED TO STATE OF CALIFORNIA

BEGINS ON NEXT PAGE

RECORDING REQUESTED BY
STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO
DEPARTMENT OF TRANSPORTATION
PO BOX 23440, MS-11A
OAKLAND, CA 94623-0440

Space above this line for Recorder's Use

QUITCLAIM DEED
(CORPORATION)

| District | County | Route | Post | Number |
|----------|--------|-------|------|---------|
| 04 | SON | 101 | 26.3 | 62308-A |

Tierra Vegetable, incorporated, a corporation organized and existing under and by virtue of the laws of the State of California, does hereby release and quitclaim to the State of California all that real property in the County of Sonoma, State of California, described as:

Please see Exhibit "A" attached

Transfer Tax Not Applicable: R & T Code 11911

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under Government Code 27383 and is necessary to complete the chain of title of the State to property acquired by the State of California.

DISTRICT DIRECTOR

By _____
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

Number
62308-A

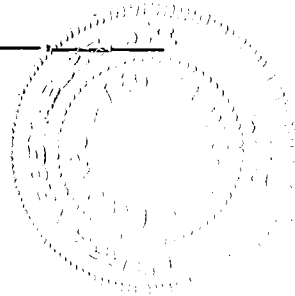
The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this 22 day April, 2014.

By Wayne James
WAYNE JAMES

By _____

[CORPORATE SEAL]



State of California }
County of Sonoma } ss

On 4-22-2014 before me, Jessi Laughlin Notary Public, personally
(Here insert name and title of the officer)
appeared Wayne James

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jessi Laughlin (Seal)



THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.
MALCOLM DOUGHERTY, Acting Director of Transportation

By _____
MARK L. WEAVER, Attorney in Fact
Deputy District Director
Right of Way and Land Surveys

EXHIBIT "A"

That portion of the Northwest 1/4 of Section 29, Township 8 North, Range 8 West, Mount Diablo Baseline and Meridian, in the County of Sonoma, State of California, described as follows:

Parcel 62308-1

COMMENCING at found State of California Concrete Monument with Brass Disc designated "S-117" as shown on that map entitled "Tract No. 833, Airport Corporate Center I", recorded April 11, 1989, in Book 432 of Maps at Page 48, in the Office of the County Recorder of Sonoma County, said monument bears South 32°33'47" East 6373.60 feet (South 32°34'23" East 6373.80 feet record per said Map) from a found State of California Concrete Monument with Brass Disc designated "S-125" as shown on said Map; thence North 69°33'49" East 1125.12 feet to a point hereafter known as Point "A"; thence South 88°48'07" West 66.23 feet to a point on the easterly line of land as conveyed by that Grant Deed, recorded May 5, 2004, as Document 2004-067000, Official Records of Sonoma County, said point hereinafter known as Point "B"; thence along said easterly line South 00°47'27" West 14.72 feet to the most northerly corner of Parcel 1, as conveyed to the State of California by that Grant Deed, recorded December 23, 1959, in Book 1722 at Page 459, Official Records of Sonoma County, said most northerly corner being the TRUE POINT OF BEGINNING of the herein described parcel; thence along said easterly line North 00°47'27" East 14.72 feet to said Point "B"; thence North 88°48'07" East 66.23 feet to said Point "A", being the beginning of a 334.00 foot radius curve concave southwesterly; thence easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East 36.00 feet; thence South 58°30'42" East 63.90 feet; thence South 83°33'35" East 241.83 feet; thence North 81°32'20" East 57.10 feet; thence South 83°32'55" East 90.17 feet; thence South 67°17'32" East 61.13 feet; thence South 82°01'20" East 71.76 feet to a point hereinafter known as Point "C"; thence South 00°17'27" West 11.70 feet to the northerly line of land as conveyed to the County of Sonoma by that Grant Deed, recorded August 20, 1985, as Document 85-054642, Official Records of Sonoma County; thence along said northerly line North 89°42'33" West 441.58 feet to the easterly line of said Parcel 1; thence along said easterly line North 00°17'27" East 2.00 feet; thence along the northeasterly line of said Parcel 1 North 68°58'25" West 75.85 feet to the beginning of a 349.99 foot radius curve concave northeasterly; thence along said northeasterly line, northwesterly along the arc of said curve 145.55 feet through a central angle of 23°49'38"; thence along said northeasterly line North 45°08'47" West 198.07 feet to the beginning of a 449.99 foot radius curve concave southwesterly; thence along said

northeasterly line, northwesterly and westerly along the arc of said curve 231.45 feet through a central angle of 29°28'11" to the TRUE POINT OF BEGINNING.

Containing 62,900 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Parcel 62308-2

A Retaining Wall Easement, upon, over and across the following:

BEGINNING along said easterly line at said Point "B" as described above in Parcel 62308-1; thence leaving said easterly line North 88°48'07" East 66.23 feet to said Point "A" being the beginning of a 334.00 foot radius curve concave southwesterly; thence easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East 36.00 feet; thence South 58°30'42" East 63.90 feet; thence South 83°33'35" East 241.83 feet; thence North 81°32'20" East 38.89 feet to a point on a line parallel with and offset 10.00 feet northerly from said course bearing South 83°33'35" East, said point hereinafter known as Point "D"; thence along said parallel line North 83°33'35" West 277.19 feet to a line parallel with and offset 10.00 feet northeasterly from said course bearing South 58°30'42" East; thence along said parallel line North 58°30'42" West 57.84 feet to a line parallel with and offset 10.00 feet easterly from said course bearing South 16°33'53" East; thence along said parallel line North 16°33'53" West 32.17 feet to the beginning of a 344.00 foot radius curve concentric with said 334.00 foot radius curve; thence northerly, northwesterly and westerly along the arc of said 344.00 foot radius curve 397.66 feet through a central angle of 66°14'01" to a point hereinafter known as Point "E", a radial line bears North 07°12'06" East to said Point "E"; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet northerly from said course bearing North 88°48'07" East and its projection thereof; thence South 88°48'07" West 117.35 feet to said easterly line; thence along said easterly line South 00°47'27" West 16.01 feet to the BEGINNING.

Containing 9,386 square feet, more or less.

Parcel 62308-3

A Drainage Easement, upon, over and across the following:

BEGINNING at said Point "E" with a radial line bearing North 07°12'06" East thereto from said 344.00 foot radius curve as described above in Parcel 62308-2; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet northerly from said course bearing North 88°48'07" East and its projection thereof as described above in Parcel 62308-2; thence along said parallel line North 88°48'07" East

1.38 feet to the beginning of a 354.00 foot radius curve concentric with said 344.00 foot radius curve as described above in Parcel 62308-2, a radial line to said beginning bears North 07°25'23" East from said 344.00 foot radius curve; thence easterly along the arc of said 354.00 foot radius curve 59.08 feet through a central angle of 09°33'43" to a radial line bearing North 16°59'06" East from said 344.00 foot radius curve; thence along said radial line South 16°59'06" West 10.00 feet to a point on the arc of said 344.00 foot radius curve; thence westerly along the arc of said curve 58.74 feet through a central angle of 09°47'00" to the BEGINNING.

Containing 596 square feet, more or less.

Parcel 62308-4

A Sewer Line Easement, upon, over and across the following:

COMMENCING at said Point "D" being on a line parallel with and offset 10.00 feet northerly from said course bearing South 83°33'35" East as described above in Parcel 62308-2; thence North 81°32'20" East 18.21 feet; thence South 83°32'55" East 9.95 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence North 83°32'55" West 9.95 feet; thence South 81°32'20" West 18.21 feet to said Point "D"; thence along said parallel line North 83°33'35" West 277.19 feet to a line parallel with and offset 10.00 feet northeasterly from said course bearing South 58°30'42" East as described above in Parcel 62308-1; thence along said parallel line North 58°30'42" West 57.84 feet to a line parallel with and offset 10.00 feet easterly from said course bearing South 16°33'53" East as described above in Parcel 62308-1; thence along said parallel line North 16°33'53" West 32.17 feet to the beginning of a 344.00 foot radius curve concentric with said 334.00 foot radius curve as described above in Parcel 62308-1; thence northerly, northwesterly and westerly along the arc of said 344.00 foot radius curve 397.66 feet through a central angle of 66°14'01" to said Point "E" as described above in Parcel 62308-2, a radial line bears North 07°12'06" East to said Point "E"; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet from said course bearing North 88°48'07" East and its projection thereof as described above in Parcel 62308-2; thence South 88°48'07" West 117.35 feet to a point on said easterly line of land as conveyed by that Grant Deed, recorded May 5, 2004, as Document 2004-067000, Official Records of Sonoma County; thence along said easterly line North 00°47'27" East 20.01 feet to a line parallel with and offset 20.00 feet northerly from said line bearing South 88°48'07" West; thence North 88°48'07" East 119.53 feet to a radial line bearing North 07°11'21" East from said 334.00 foot radius curve, also being the beginning of a 374.00 foot radius curve concentric with said 334.00 foot radius curve; thence easterly and southeasterly along the arc of said 374.00 foot radius curve 130.55 feet through a central angle of 20°00'00"; thence South 62°48'39" East 25.58 feet to a line tangent to a 364.00 foot radius curve concentric with said 334.00 foot radius curve; thence along said tangent line South 45°03'53" East 89.63 feet to the beginning of said 364.00 foot radius curve; thence southeasterly and southerly along the arc of said curve 181.06 feet through a central angle of 28°30'00" to a line parallel with and offset 20.00 feet easterly from said line bearing North 16°33'53" West; thence along

said parallel line South 16°33'53" East 24.50 feet to a line parallel with and offset 20.00 feet northeasterly from said line bearing North 58°30'42" West; thence along said parallel line South 58°30'42" East 45.73 feet to a line parallel with and offset 20.00 feet northerly from said line bearing North 83°33'35" West; thence along said parallel line South 83°33'35" East 270.13 feet to a line parallel with and offset 20.00 feet northerly from said line bearing South 81°32'20" West; thence along said parallel line North 81°32'20" East 6.92 feet to a line bearing North 47°30'00" West from the TRUE POINT OF BEGINNING; thence South 47°30'00" East 29.05 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom Parcel 62308-3 as described above.

Containing 19,235 square feet, more or less.

Parcel 62308-5

A Temporary Construction Easement, to expire December 31, 2014, upon, over and across the following:

COMMENCING from said Point "C" as described above in Parcel 62308-1; thence North 82°01'20" West 9.26 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence North 82°01'20" West 37.64 feet; thence North 07°58'40" East 10.00 feet; thence South 82°01'20" East 37.64 feet; thence South 07°58'40" West 10.00 feet to the TRUE POINT OF BEGINNING.

Containing 376 square feet, more or less.

The bearings and distances, except noted as record, used in the above descriptions are on the California Coordinate System of 1983, Zone 2. Multiply the above distances by 1.0000373 to obtain ground level distances. Bearings and distances noted as record may or may not be in said terms.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Andrew Lachowicz
Licensed Land Surveyor

Date 7-7-2011



DEPARTMENT OF TRANSPORTATION

DIVISION OF RIGHT OF WAY

111 GRAND AVENUE

P. O. BOX 23440, MS -11A

OAKLAND, CA 94623-0440

PHONE (510) 286-5384

(916) 564-9980

FAX (510) 286-5379

TTY (711)

*Flex your power!
Be energy efficient!*

Attachment 9 -

AUG 09 2013

4-SON-101-P.M. 26.3

Parcel 62308

E.A. 3A2302

Project No. 04 0000 0933

Sonoma County Agricultural Preservation
& Open Space District
Attn: Stuart Martin
747 Mendocino Avenue, Suite 100
Santa Rosa, CA 95401

Re: 250 Mark West Station Road & 651 Airport Boulevard, Santa Rosa, CA

Dear Mr. Martin:

Enclosed for your files is a fully executed copy of the Possession and Use Agreement, which you recently entered into with the State of California.

Thank you for your courtesy and cooperation in this transaction.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Formico".

JAMIE FORMICO
Right of Way Consultant
Acquisition Services

Enclosure

MEMORANDUM OF POSSESSION AND USE AGREEMENT

(Form #)

MEMORANDUM OF POSSESSION AND USE AGREEMENT

This Memorandum of Possession and Use Agreement is made on July 19th, 2013, by and between the State of California, acting by and through the Department of Transportation ("State"), and Sonoma County Agricultural Preservation and Open Space District ("Owner"), who shall be collectively referred to as the "Parties."

The Parties acknowledge and agree as follows:

1. **Premises:** Owner grants State the permission to enter and use Owner's real property to construct a State Highway project. Owner's property is located in Sonoma County, California, legally described in the attached Exhibit "A" and identified on the Right of Way map in the attached Exhibit "B." The property is designated by State as Parcel No. 62308 (the "Parcel").

2. **Term:** Owner grants to State and its contractors, agents, representatives, employees and all others deemed necessary by State, the irrevocable right to exclusive possession and use of the Parcel, including but not limited to, the right to remove and dispose of any and all improvements within and/or straddling the right of way. This Agreement shall be binding and inure to the benefit of the heirs, devisees, executors, administrators, legal representatives, successors and assigns of the Parties.

3. **Other Terms and Conditions:** The effective date of the Possession and Use Agreement is March 13, 2012. All covenants, promises and conditions set forth in the unrecorded Possession and Use Agreement are incorporated by reference into this Memorandum.

4. **Purpose of Memorandum of Possession and Use Agreement:** The purpose of this Memorandum is for recordation and it in no way modifies the terms and conditions of the Possession and Use Agreement.

DATED: 7-30-13

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

By: [Signature]
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

DATED: 7/19/13

OWNER
[Signature]

EXHIBIT "A"

That portion of the Northwest 1/4 of Section 29, Township 8 North, Range 8 West, Mount Diablo Baseline and Meridian, in the County of Sonoma, State of California, described as follows:

Parcel 62308-1

COMMENCING at found State of California Concrete Monument with Brass Disc designated "S-117" as shown on that map entitled "Tract No. 833, Airport Corporate Center I", recorded April 11, 1989, in Book 432 of Maps at Page 48, in the Office of the County Recorder of Sonoma County, said monument bears South 32°33'47" East 6373.60 feet (South 32°34'23" East 6373.80 feet record per said Map) from a found State of California Concrete Monument with Brass Disc designated "S-125" as shown on said Map; thence North 69°33'49" East 1125.12 feet to a point hereafter known as Point "A"; thence South 88°48'07" West 66.23 feet to a point on the easterly line of land as conveyed by that Grant Deed, recorded May 5, 2004, as Document 2004-067000, Official Records of Sonoma County, said point hereinafter known as Point "B"; thence along said easterly line South 00°47'27" West 14.72 feet to the most northerly corner of Parcel 1, as conveyed to the State of California by that Grant Deed, recorded December 23, 1959, in Book 1722 at Page 459, Official Records of Sonoma County, said most northerly corner being the TRUE POINT OF BEGINNING of the herein described parcel; thence along said easterly line North 00°47'27" East 14.72 feet to said Point "B"; thence North 88°48'07" East 66.23 feet to said Point "A", being the beginning of a 334.00 foot radius curve concave southwesterly; thence easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East 36.00 feet; thence South 58°30'42" East 63.90 feet; thence South 83°33'35" East 241.83 feet; thence North 81°32'20" East 57.10 feet; thence South 83°32'55" East 90.17 feet; thence South 67°17'32" East 61.13 feet; thence South 82°01'20" East 71.76 feet to a point hereinafter known as Point "C"; thence South 00°17'27" West 11.70 feet to the northerly line of land as conveyed to the County of Sonoma by that Grant Deed, recorded August 20, 1985, as Document 85-054642, Official Records of Sonoma County; thence along said northerly line North 89°42'33" West 441.58 feet to the easterly line of said Parcel 1; thence along said easterly line North 00°17'27" East 2.00 feet; thence along the northeasterly line of said Parcel 1 North 68°58'25" West 75.85 feet to the beginning of a 349.99 foot radius curve concave northeasterly; thence along said northeasterly line, northwesterly along the arc of said curve 145.55 feet through a central angle of 23°49'38"; thence along said northeasterly line North 45°08'47" West 198.07 feet to the beginning of a 449.99 foot radius curve concave southwesterly; thence along said

northeasterly line, northwesterly and westerly along the arc of said curve 231.45 feet through a central angle of 29°28'11" to the TRUE POINT OF BEGINNING.

Containing 62,900 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Parcel 62308-2

A Retaining Wall Easement, upon, over and across the following:

BEGINNING along said easterly line at said Point "B" as described above in Parcel 62308-1; thence leaving said easterly line North 88°48'07" East 66.23 feet to said Point "A" being the beginning of a 334.00 foot radius curve concave southwesterly; thence easterly, southeasterly and southerly along the arc of said curve 435.07 feet through a central angle of 74°38'01"; thence South 16°33'53" East 36.00 feet; thence South 58°30'42" East 63.90 feet; thence South 83°33'35" East 241.83 feet; thence North 81°32'20" East 38.89 feet to a point on a line parallel with and offset 10.00 feet northerly from said course bearing South 83°33'35" East, said point hereinafter known as Point "D"; thence along said parallel line North 83°33'35" West 277.19 feet to a line parallel with and offset 10.00 feet northeasterly from said course bearing South 58°30'42" East; thence along said parallel line North 58°30'42" West 57.84 feet to a line parallel with and offset 10.00 feet easterly from said course bearing South 16°33'53" East; thence along said parallel line North 16°33'53" West 32.17 feet to the beginning of a 344.00 foot radius curve concentric with said 334.00 foot radius curve; thence northerly, northwesterly and westerly along the arc of said 344.00 foot radius curve 397.66 feet through a central angle of 66°14'01" to a point hereinafter known as Point "E", a radial line bears North 07°12'06" East to said Point "E"; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet northerly from said course bearing North 88°48'07" East and its projection thereof; thence South 88°48'07" West 117.35 feet to said easterly line; thence along said easterly line South 00°47'27" West 16.01 feet to the BEGINNING.

Containing 9,386 square feet, more or less.

Parcel 62308-3

A Drainage Easement, upon, over and across the following:

BEGINNING at said Point "E" with a radial line bearing North 07°12'06" East thereto from said 344.00 foot radius curve as described above in Parcel 62308-2; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet northerly from said course bearing North 88°48'07" East and its projection thereof as described above in Parcel 62308-2; thence along said parallel line North 88°48'07" East

1.38 feet to the beginning of a 354.00 foot radius curve concentric with said 344.00 foot radius curve as described above in Parcel 62308-2, a radial line to said beginning bears North 07°25'23" East from said 344.00 foot radius curve; thence easterly along the arc of said 354.00 foot radius curve 59.08 feet through a central angle of 09°33'43" to a radial line bearing North 16°59'06" East from said 344.00 foot radius curve; thence along said radial line South 16°59'06" West 10.00 feet to a point on the arc of said 344.00 foot radius curve; thence westerly along the arc of said curve 58.74 feet through a central angle of 09°47'00" to the BEGINNING.

Containing 596 square feet, more or less.

Parcel 62308-4

A Sewer Line Easement, upon, over and across the following:

COMMENCING at said Point "D" being on a line parallel with and offset 10.00 feet northerly from said course bearing South 83°33'35" East as described above in Parcel 62308-2; thence North 81°32'20" East 18.21 feet; thence South 83°32'55" East 9.95 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence North 83°32'55" West 9.95 feet; thence South 81°32'20" West 18.21 feet to said Point "D"; thence along said parallel line North 83°33'35" West 277.19 feet to a line parallel with and offset 10.00 feet northeasterly from said course bearing South 58°30'42" East as described above in Parcel 62308-1; thence along said parallel line North 58°30'42" West 57.84 feet to a line parallel with and offset 10.00 feet easterly from said course bearing South 16°33'53" East as described above in Parcel 62308-1; thence along said parallel line North 16°33'53" West 32.17 feet to the beginning of a 344.00 foot radius curve concentric with said 334.00 foot radius curve as described above in Parcel 62308-1; thence northerly, northwesterly and westerly along the arc of said 344.00 foot radius curve 397.66 feet through a central angle of 66°14'01" to said Point "E" as described above in Parcel 62308-2, a radial line bears North 07°12'06" East to said Point "E"; thence along said radial line North 07°12'06" East 9.80 feet to a line parallel with and offset 16.00 feet from said course bearing North 88°48'07" East and its projection thereof as described above in Parcel 62308-2; thence South 88°48'07" West 117.35 feet to a point on said easterly line of land as conveyed by that Grant Deed, recorded May 5, 2004, as Document 2004-067000, Official Records of Sonoma County; thence along said easterly line North 00°47'27" East 20.01 feet to a line parallel with and offset 20.00 feet northerly from said line bearing South 88°48'07" West; thence North 88°48'07" East 119.53 feet to a radial line bearing North 07°11'21" East from said 334.00 foot radius curve, also being the beginning of a 374.00 foot radius curve concentric with said 334.00 foot radius curve; thence easterly and southeasterly along the arc of said 374.00 foot radius curve 130.55 feet through a central angle of 20°00'00"; thence South 62°48'39" East 25.58 feet to a line tangent to a 364.00 foot radius curve concentric with said 334.00 foot radius curve; thence along said tangent line South 45°03'53" East 89.63 feet to the beginning of said 364.00 foot radius curve; thence southeasterly and southerly along the arc of said curve 181.06 feet through a central angle of 28°30'00" to a line parallel with and offset 20.00 feet easterly from said line bearing North 16°33'53" West; thence along

said parallel line South 16°33'53" East 24.50 feet to a line parallel with and offset 20.00 feet northeasterly from said line bearing North 58°30'42" West; thence along said parallel line South 58°30'42" East 45.73 feet to a line parallel with and offset 20.00 feet northerly from said line bearing North 83°33'35" West; thence along said parallel line South 83°33'35" East 270.13 feet to a line parallel with and offset 20.00 feet northerly from said line bearing South 81°32'20" West; thence along said parallel line North 81°32'20" East 6.92 feet to a line bearing North 47°30'00" West from the TRUE POINT OF BEGINNING; thence South 47°30'00" East 29.05 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom Parcel 62308-3 as described above.

Containing 19,235 square feet, more or less.

Parcel 62308-5

A Temporary Construction Easement, to expire December 31, 2014, upon, over and across the following:

COMMENCING from said Point "C" as described above in Parcel 62308-1; thence North 82°01'20" West 9.26 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence North 82°01'20" West 37.64 feet; thence North 07°58'40" East 10.00 feet; thence South 82°01'20" East 37.64 feet; thence South 07°58'40" West 10.00 feet to the TRUE POINT OF BEGINNING.

Containing 376 square feet, more or less.

The bearings and distances, except noted as record, used in the above descriptions are on the California Coordinate System of 1983, Zone 2. Multiply the above distances by 1.0000373 to obtain ground level distances. Bearings and distances noted as record may or may not be in said terms.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Andrew Lachowicz
Licensed Land Surveyor

Date 7-7-2011



CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sonoma

On 7/26/13 before me, Sandra L. Faus, Notary Public
(Here insert name and title of the officer)

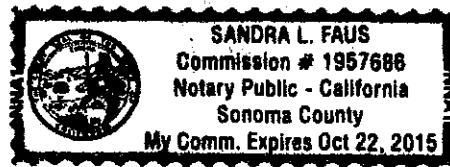
personally appeared David Rabbitt

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sandra L. Faus
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Memo of Possession
(Title or description of attached document)

and Use Agreement
(Title or description of attached document continued)

Number of Pages 6 Document Date 7/19/13

SCAPOS D & CA Dept of Transp
(Additional information)
Parcel # 62308

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other President SCAPOS D

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document



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 Directors, Sonoma County Water Agency

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Carrie Pollard / 547-1968

Supervisorial District(s):

First

Title: Pilot Demonstration of Demand Response Program

Recommended Actions:

Authorize Chair to execute two agreements, one with SmartMarkets and one with Valley of the Moon Water District (\$50,000 each agreement, (\$100,000 total) through December 31, 2016) for the pilot demonstration of a demand response program.

Executive Summary:

This item request approval for the Chair to execute an agreement with SmartMarkets to provide development of a water customer online platform to promote water conservation with Valley of the Moon Water; agreements terminate on December 31, 2016.

This item request approval for the Chair to execute an agreement with Valley of the Moon Water District to provide a pilot for the utilization of the online platform to promote water conservation; agreements terminate on December 31, 2016

HISTORY OF ITEM/BACKGROUND

The Sonoma County Water Agency (Water Agency) provides wholesale water supply services to eight water contractors that serve approximately 600,000 residents in portions of Sonoma and Marin counties. The Water Agency is committed to working with the water contractors to maintain and improve the reliability and efficiency of the water supply production and distribution systems, promoting water conservation, and supporting contractors as they implement innovative programs in advancing these goals.

In 2013, the Water Agency received a grant from the California Water Foundation (Foundation) that will further expand and maximize the Water Agency's regional water management program to improve water supply reliability and flexibility. The demand response pilot program is funded 100% by the Foundation grant and will test the theory that water awareness, combined with direct customer benefits, will increase water efficiency.

SmartMarkets (Consultant) has developed an integrated online platform that encourages a defined group of citizens to find creative ways to conserve water, and automatically packages those savings into measurable, tradable units called EcoShares. The software platform, AquaJust, provides online ecosystems in which residential and commercial subscribers water use is voluntarily tracked when current consumption is compared against past usage; it also lets end users earn water efficiency credits when they use less than their historic average. EcoShares may be exchanged for water saving hardware, gift certificates to local businesses and/or other similar benefits to the user.

This pilot project will fund data collectors for Valley of the Moon Water District (District) service area and provide real-time data to customers on their specific water use habits. Currently, water use data is provided to customers every 60 days. This data will be integrated into the online platform to inform customers of real-time water use and opportunities to reduce demand. District was selected to conduct the pilot because the pilot program will coincide with their meter replacement project.

SELECTION PROCESS

SmartMarkets was the only firm contacted to perform the work because they developed the model platform that is being piloted as specified by the Foundation in their grant funded program. The grant requires use of this firm.

SERVICES TO BE PERFORMED

Under the proposed SmartMarkets Agreement, the Consultant will integrate District water use data into the AquaJust platform, assist with marketing and outreach for the project, and test water demand response using a variety of signals (ie; cash, vouchers to local establishments, etc.)

Under the proposed District Agreement, the District will procure and install the data collection hardware, provide water use data to the Consultant and ensure a minimum of 300 water accounts data is eligible for the pilot. The cost of services will not exceed \$100,000; the term end date is December 31, 2016.

The District and the Water Agency share the goal of promoting increased water use efficiency in order to reduce operating costs, avoid or defer capital improvement costs associated with expansion of water supply and wastewater disposal systems, minimize associated environmental impacts, and meet the criteria and standards of state and federal regulatory agencies. The Restructured Agreement for Water Supply (Restructured Agreement) authorizes the Water Agency to implement and fund water use-efficiency measures that are cost-effective and will reduce water demands on the Water Agency's water transmission system, the District and Water Agency are signatories to the Memorandum of Understanding Regarding Urban Water Conservation in California (Memorandum) as governed by the California Urban Water Conservation Council. The Memorandum identifies water use-efficiency Best Management Practices that achieve long-term reductions in per-capita water demand to improve supply reliability, reduce the impact of short-term water shortage conditions, and provide a more accurate basis for future water management planning efforts. District and the Water Agency are members of the Sonoma-Marín Saving Water Partnership whose intent is to provide regional solutions for water use efficiency.

Prior Board Actions:

11/13/2012: Resolution 12-0529 authorizing 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 the grant funding for Russian River Management and Urban Water Efficiency Programs.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Water Agency Water Supply Goals and Strategies, Goal 1: Work with Water Contractors to retain and improve the reliability of the water supply production and distribution systems, including during short-term emergencies, such as earthquakes, and during long-term challenges caused by extended droughts and global climate change.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|--|-------------------|
| Budgeted Amount | \$ 100,000 | County General Fund | \$ 0 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Water Conservation Sub-charge Fees/Other | \$ 100,000 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 100,000 | Total Sources | \$ 100,000 |

Narrative Explanation of Fiscal Impacts (If Required):

FY 2013/2014 appropriation of \$100,000 from the water conservation fund (sub-charge) will be budgeted during the year end processes.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

None

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

Two Agreements (4 Copies each)



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Supervisory District(s):

Dave Manning / 547-1988

All Districts

Title: Support of Russian River Biological Opinion Implementation

Recommended Actions:

Authorize Chair to execute the first amended agreement with U.R.S. Corporation increasing the amount by \$50,000, expanding the scope of work to include new projects and studies needed to continue carrying out the Biological Opinion, and extending the agreement term by two years for a new not-to-exceed agreement total of \$102,100 and end date of December 31, 2016.

Executive Summary:

This item requests authority for the Chair to execute a first amended agreement with U.R.S. Corporation (adding \$50,000, for a new not-to-exceed total of \$102,100 through December 31, 2016), for support in implementing the Russian River Biological Opinion.

HISTORY OF ITEM/BACKGROUND

The Russian River Biological Opinion (Biological Opinion) for Water Supply, Flood Control Operations and Channel Maintenance issued by the National Marine Fisheries Service in September 2008 requires implementation of Reasonable and Prudent Alternatives (Alternatives) and Recommended Measures (Measures) within a prescribed time schedule. The Sonoma County Water Agency (Water Agency) and the United States Army Corps of Engineers (Corps), San Francisco District (District), are the responsible parties for implementing such Alternatives and Measures. The District is part of the larger Corps South Pacific Division which operates under the guidance of the Corps Headquarters office in Washington, D.C.

Implementation of the Alternatives and Measures requires timely and careful coordination for project development, funding, and implementation between the Water Agency, District, and Corps Headquarters. The process for developing an implementation strategy with the District and the Corps South Pacific Division is complicated due to their intricate and specialized requirements for project development, approval, funding, and construction. Knowledge of the specific budgeting, authorization, project development, types of studies needed to initiate and obtain funding, and internal approvals with the Corps is extremely difficult to acquire for parties who have not been involved in the inner workings of the Corps and its very formal and intricate project implementation and approval process.

In April 2013, the Water Agency and U.R.S. Corporation (Consultant) entered into an agreement for support in implementing the Biological Opinion in the amount of \$52,100 through December 2014. The purpose of this original agreement was to facilitate Water Agency efforts to coordinate with the District; assist with project and budget submission from the District to the South Pacific Division and Headquarters in Washington D.C.; and coordinate Corps Dry Creek habitat enhancement efforts for the first-mile objective in the Biological Opinion. In October 2013, the Corps completed construction of a portion of the first-mile of Dry Creek Habitat Enhancement. With assistance from Consultant, the Water Agency and Corps secured funding in the federal fiscal year 2014 and 2015 budgets for several projects and studies that will facilitate compliance with remaining requirements of the Biological Opinion. In February 2014, the Water Agency and Corps initiated a Continuing Authorities Program Section 1135 Ecosystem Restoration Project feasibility study for Dry Creek. That Dry Creek study will enable the Corps to contribute up to \$5 million dollars to complete Dry Creek Habitat Enhancement projects by the year 2018. In 2015, the Water Agency and the Corps will begin working on two new General Investigation Studies to extend federal funding for Dry Creek Habitat Enhancement projects. The Consultant's expertise and experience are needed to ensure these studies and projects are completed in an efficient and timely manner.

SELECTION PROCESS

In 2009, the Water Agency entered into an agreement (amended March 2011) with Weston Solutions to provide these critical Biological Opinion implementation consulting services. Prior to the expiration of that agreement, the key technical advisor for the agreement, Len Cardoza, accepted employment with another company (U.R.S. Corporation). Because Mr. Cardoza was critical to that agreement and the Water Agency's Biological Opinion implementation efforts with the Corps, Consultant was selected for the original agreement in order to maintain expertise and continuity. Due to the specialized nature of the work, Mr. Cardoza is uniquely qualified to assist the Water Agency in coordinating implementation of the Biological Opinion. Mr. Cardoza was a Commander and District Engineer with the Corps' District and former program manager for the Oakland Harbor Navigation Improvement Project. Mr. Cardoza's continued expertise and assistance is needed for continuity and to ensure that the Dry Creek studies and projects are completed in an efficient and timely manner. Water Agency staff does not have the expertise or highly specialized knowledge required to implement this type of project with the Corps.

SERVICES TO BE PERFORMED

Under the proposed First Amended Agreement, the Consultant will continue to coordinate with the Water Agency and Corps to implement and complete the mandated Alternatives, Measures, Endangered Species Act conservation recommendations, and essential fish habitat conservation recommendations listed in the Biological Opinion. To effect this coordination effort, Consultant will continue to:

1. Work with Water Agency and Corps to implement, track, and update the Biological Opinion projects implementation schedule and continue to identify opportunities to accelerate same.
2. Assist Water Agency and Corps to identify key milestones, decision points, and critical path(s).
3. Provide assistance to Water Agency to organize and facilitate Corps vertically integrated team meetings (all levels of Corps organization) and other division or district level meetings as appropriate with approval from the Water Agency. Consultant will assist with agenda preparation and documentation of meeting outcomes.
4. Assist Water Agency in identifying potential legal and funding constraints that limit federal interest and participation in the Biological Opinion and developing strategies in consultation with the Water Agency to address these issues and pursue opportunities for federal participation. Continue to assist Water Agency in identification of funding sources and District capabilities for each appropriations/budget cycle.
5. Evaluate potential cost sharing responsibilities and opportunities for reimbursement of ongoing work by Water Agency, and assist Water Agency in working with the Corps, federal administration and

Congressional delegation to secure funding to implement the Biological Opinion including investigation of other potential project funding mechanisms (such as grant programs).

6. Work with Water Agency staff to develop briefings to the federal administration and Congressional delegation to provide an update on the progress of the Biological Opinion and secure federal participation and funding.
7. Assist in identifying existing potential authorities and developing authorization language and other strategies to secure funding and ultimately implementation of all project components that District is responsible for under the Biological Opinion.
8. Review technical and policy documentation and other reports and studies by District and assist the Water Agency in providing comments and input on such documents.
9. Prepare monthly progress reports to document progress and work accomplished, including summaries of meetings attended and other key events or milestones achieved.

The cost of continuing Consultants services is \$50,000, and the term end date is extended to December 31, 2016. The total new agreement amount is \$102,100.

Prior Board Actions:

- 04/09/2013: Approved agreement between the Sonoma County Water Agency and U.R.S. Corporation for Biological Opinion implementation support. Cost \$52,100, term end December 31, 2014.
- 03/01/2011: Authorized Chair to execute the First Amended Agreement for Support for Russian River Biological Opinion Implementation between the Sonoma County Water Agency and Weston Solutions, Inc; Adopted Resolution authorizing adjustments to the 2010-2011 Final Budget for the Water Agency Russian River Projects Fund in the amount of \$26,175.00.
- 08/16/1997: Authorized the General Manager/Chief Engineer to execute a Memorandum of Understanding among the Water Agency, United States Army Corps of Engineers, and National Marine FisheriesService to initiate a Federal Endangered Species Act Section 7 Consultation for the RussianRiver Project.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Economic and Environmental Stewardship: This agreement will help Water Agency more effectively meet its obligations for implementation of the Biological Opinion by coordinating with other essential government agencies.

Water Agency Sanitation Goals and Strategies, Goal 1: Meet or exceed environmental regulations and public health standards.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|---------------|-----------------------|---------------|
| Budgeted Amount | \$ -0- | Water Agency Gen 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):

Fiscal Year 2014-2015 appropriation of \$50,000 will be budgeted in that fiscal year from the Warm Springs Dam fund.

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:

Agreement (4 copies).



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 Directors, Sonoma County Water Agency

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

David Royall / 521-1872

Supervisorial District(s):

Second

Title: Adobe Creek Maintenance Services 2014-2015

Recommended Actions:

Authorize Chair to execute an agreement with Conservation Corps North Bay to provide creek maintenance services for the amount of \$98,304; agreement terminates on November 30, 2015.

Executive Summary:

This item requests approval for the Chair to execute an agreement with Conservation Corps North Bay (\$98,304 through November 30, 2015) for creek maintenance services.

HISTORY OF ITEM/BACKGROUND

The Sonoma County Water Agency (Water Agency) maintains approximately 75 miles of engineered flood control channels and has hydraulic easements on approximately 150 miles of modified or natural channels. Required maintenance activities on engineered channels include sediment removal, bank stabilization, and vegetation management. Required maintenance activities on modified and natural channel easements include vegetation and debris removal that obstruct flow.

The Water Agency's Stream Maintenance Program Manual, best management practices, and long-term programmatic permits require that maintenance activities are conducted in a manner that promotes the establishment of a healthy, native riparian corridor. Stream maintenance best management practices also require that crews conducting vegetation removal have a biologist or arborist on site for guidance and direction. Due to its seasonal and regulatory constraints, stream maintenance work is concentrated into a relatively short period of time. Therefore, the Water Agency needs a large number of staff and crews to accomplish the work.

The Water Agency does not have the staff to perform the amount of work needed and therefore needs to supplement its crews on a short term basis. The Water Agency desires to contract creek maintenance services for the channels where the Water Agency has maintenance authority. These services would include: vegetation thinning, tree pruning and removal; installation of erosion control; tree planting and

maintenance; and debris removal. Without the additional crews, the Water Agency would not be able to implement some required flood channel maintenance activities.

Lower Adobe Creek Reaches 1 and 2 connect to a local trail system that supports recreational use of Shollenberger Park, access to the Petaluma River, and trails associated with the Petaluma Water Treatment Plant and Ellis Creek. The Water Agency has received grant funding as part of the California Natural Resources Agency's Environmental Enhancement and Mitigation Program (Grant Program). This portion of the grant-funded project involves enhancement and restoration of over 6.6 acres of critical habitat in this area of the Lower Adobe Creek. The project will improve riparian ecosystem function, water quality, and salmonid migration conditions. Grant funds will be used in this portion of the project to remove approximately 4 acres of exotic shrubs and trees. Later portions of the project will replace invasive plants with native species better suited to provide habitat and canopy over Adobe Creek.

SELECTION PROCESS

In July 2012, the Water Agency sent a Request for Qualifications for creek maintenance work to thirteen consultants and organizations, including the Sonoma County Regional Parks Department and Sonoma County Transportation and Public Works Road Division. These County departments either did not have staff available to perform the work or did not have the required biologist or certified arborist to oversee the crews.

The Water Agency received six responses: Empire Tree Service (Monte Rio, California); Image Tree Service (Healdsburg, California); Sandborn Tree Service (Sebastopol, California); The Center for Social and Environmental Stewardship (Santa Rosa, California); The Laguna de Santa Rosa Foundation (Santa Rosa, California); and Conservation Corps North Bay (Corps) (San Rafael, California). The Corps was selected from this list of local, qualified consultants to perform the work for the subject agreement because of its extensive experience doing creek maintenance and restoration work, familiarity with the environmental sensitivity of working in and near creeks, and ability to provide an on-site biologist or certified arborist experienced in conducting stream maintenance activities. In addition, the Corps employs Sonoma Youth Ecology Corps members (at-risk youth and young adults participating in job training and education while working in the community doing conservation projects) for this work.

SERVICES TO BE PERFORMED

Under the proposed agreement, the Consultant will provide creek maintenance services per the Grant Program for two seasons (June through October 2014 and 2015).

The cost of services will not exceed \$49,152 in fiscal year 2014/2015 and \$49,452 in fiscal year 2015/2016; the term end date is November 30, 2015. The total agreement amount is \$98, 304.

Prior Board Actions:

06/11/2013: Approved agreement between Water Agency and Conservation Corps North Bay for Creek Maintenance Services. Cost \$450,000; term end June 30, 2016.
Routine/general creek maintenance agreements, such as the example named above, go before the Board on a regular basis. The subject agreement is unique because the grant program goals and funding differentiate this from routine (Water Agency-funded) maintenance.

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

Water Agency Flood Control Goals and Strategies, Goal 1: Maintain, operate, and modify flood protection facilities to meet current and future public needs.

County Goal 2: Economic and Environmental Stewardship: The services provided under this agreement will help maintain flood control infrastructure, and improve riparian habitat.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

FY 2014/2015 appropriation of \$49,152 will be budgeted in that fiscal year. FY 2015/2016 appropriation of \$49,452 will be budgeted in that fiscal year.

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:

None

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

Agreement (4 copies)



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 Directors, Sonoma County Water Agency

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

David Cuneo / 547-1935

Supervisory District(s):

Fourth District

Title: Dry Creek Habitat Feasibility Cost Share Agreement

Recommended Actions:

Authorize General Manager to a Memorandum of Understanding for In Kind Costs (planning), a Memorandum of Understanding for In Kind Costs (design), and Feasibility Cost Share Agreement with the United States Army Corps of Engineers for funding Dry Creek habitat enhancement work.

Executive Summary:

This item requests authorization for the Sonoma County Water Agency's General Manager to enter into a Memorandum of Understanding for In Kind Costs (planning), a Memorandum of Understanding for In Kind Costs (design), and a Feasibility Cost Share Agreement with the United States Army Corps of Engineers for funding habitat work in Dry Creek as it relates to implementation of the Russian River Biological Opinion.

HISTORY OF ITEM

The 2008 National Marine Fisheries Service's Russian River Biological Opinion (Biological Opinion) concluded that the existing operation of the Russian River Project is likely to jeopardize the survival and recovery of the Endangered Species Act listed steelhead trout and coho salmon and adversely modify their critical habitats. The Biological Opinion requires, in part, the Water Agency and the United States Army Corps of Engineers (Corps) to implement the enhancement of up to 6 miles of habitat in Dry Creek to increase the survival of juvenile steelhead and coho salmon in Dry Creek during both summer and winter months. The Biological Opinion outlines a specific schedule of when the habitat enhancement is to occur (first mile by 2014, miles two and three by 2018, and miles four through six by 2021).

The Water Agency and the Corps have been making progress on construction of the first mile of habitat work. The Water Agency's Dry Creek Habitat Enhancement Demonstration Project partially (constructed in 2012 and 2013 and scheduled to be completed during the summer/fall construction season of 2014) and the Corps Dry Creek Reach 15 Habitat Enhancement Project (constructed in 2013) together represent the first mile of habitat enhancement work. Water Agency staff is also moving forward with

outreach to landowners and design for the next two miles of habitat enhancement work in order to maintain the schedule required under the Biological Opinion. The Water Agency recently entered into agreements for habitat design with InterFluve (for mile 2 work) and ESA/PWA (for mile 3 work). Due to the private landowner status of the majority of the Dry Creek Valley, Water Agency staff has been working with the Corps on obtaining the authority for the Corps to provide funding (cost share with the Water Agency) toward the habitat work on privately owned properties.

Together with the Water Agency, the Corps has determined that there is a strong potential for a solution that will allow the Corps to fund habitat work in Dry Creek under the authority of section 1135 of the Water Resources Development Act of 1986 (Public Law 99-662) as amended. Section 1135 provides authority to review and modify the structures and operations of water resources projects constructed by the Corps for the purpose of improving the quality of the environment when it is determined that such modifications are feasible, are consistent with the authorized project purposes, and will improve the quality of the environment in the public interest. The Feasibility share of implementation costs for any one project under Section 1135 may not exceed \$5 million, including construction. The Water Agency would be the local sponsor for the Section 1135 funds and would cost share with the Corps at a 50/50 rate.

Currently, the Water Agency is moving forward with designs and construction plans and is entirely funding these efforts. Entering into a Feasibility Cost Share Agreement with the Corps would allow the Water Agency to be able to utilize up to \$5 million in cost-shared federal funding for Dry Creek habitat efforts instead of funding the habitat work on its own. The Water Agency would utilize funds already appropriated for the InterFluve and ESA/PWA design agreements, as well as future expected expenditures towards environmental documentation, permitting, right-of-way, and construction for Dry Creek habitat work as the Water Agency's local cost-share dollars.

Because the Feasibility Cost Share Agreement will take six months to a year to finalize, Water Agency staff would like to also enter into a Memorandum of Understanding for In Kind Costs for planning expenditures and a separate Memorandum of Understanding for In Kind Costs for design expenditures with the Corps. The Memorandums of Understanding allow credit for in-kind contributions performed by a non-Federal interest prior to execution of the applicable cost sharing agreement. The Corps requires separate Memorandums of Understanding for costs that are designated as planning costs and those costs that are designated as design costs. These Memorandums of Understanding can be completed much sooner than the Feasibility Cost Share Agreement and allow the Water Agency's local expenses incurred after entering into the Memorandums of Understanding to be utilized as part of the Water Agency's local cost-share under the Feasibility Cost Share Agreement. Without the Memorandums of Understanding, none of the Water Agency's expenses incurred prior to the finalizing of the Feasibility Cost Share Agreement can be credited towards the Water Agency's local cost-share amount. Because the Water Agency is already incurring expenses towards the Mile 2 and Mile 3 habitat work, it is important to have these Memorandums of Understanding in place with the Corps as soon as possible while work continues toward finalizing the Feasibility Cost Share Agreement.

| | | | |
|--|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 1/28/14 Approval of agreement for engineering design services with InterFluve for Dry Creek Habitat Enhancement Phase II. Cost \$929,395, term end December 31, 2017. | | | |
| 1/28/14 Approval of agreement for engineering design services with ESA/PWA for Dry Creek Habitat Enhancement Phase III. Cost \$979,422, term end December 31, 2017. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Federal funding towards the project will help accomplish habitat enhancement of Dry Creek to provide near ideal summer rearing conditions for coho and steelhead while maintaining operational steady state discharge for water supply purposes. | | | |
| Water Agency Organizational Goals and Strategies, Goal 2: Responsibly manage Water Agency finances Protect the Water Agency's existing water rights and our clean, high quality water supply, and improve system resiliency by continuing to develop alternative supplies. | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 0 | Water Agency Gen Fund | \$ 0 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 0 | Total Sources | \$ 0 |
| 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): | | | |
| N/A | | | |
| Attachments: | | | |
| | | | |

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

“Draft Cost Share Agreement” and “Draft Memorandum of Understanding”

RW\\FILESERVER\DATA\CL\AGENDA\AGREES\06-10-2014 WA DRY CREEK HABITAT MOU
FEDERAL FEASIBILITY COST SHARE_SUMM.DOCM

CF/45-6.1-21 US ARMY CORPS OF ENGINEERS (MEMORANDUM OF UNDERSTANDING (MOU)
FOR IN-KIND CONTRIBUTIONS PERFORMED BY A NON-FEDERAL INTEREST PRIOR TO EXECUTION
OF A FEASIBILITY COST SHARING AGREE) TW NO (ID 5056) AND CF/45-6.1-21 US ARMY
CORPS OF ENGINEERS (AGREE FOR THE DRY CREEK, CALIFORNIA ECOSYSTEM RESTORATION
STUDY) TW NO (ID 5057)



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: Board of Directors, Sonoma County Water Agency

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Steve Koldis (707) 547-1914

Supervisorial District(s):

Fifth

Title: Mirabel Fish Screen and Fish Ladder Replacement

Recommended Actions:

Authorize the Chair to execute a contract with F&H Construction for \$12,032,000 for construction of the Mirabel Fish Screen and Fish Ladder Replacement (Project) and make certain findings as necessary to relieve Blue Iron, Inc. of its bid.

Executive Summary:

This item requests approval of a contract with F&H Construction for \$12,032,000 for construction of Mirabel Fish Screen and Fish Ladder Replacement Project.

HISTORY OF ITEM/BACKGROUND

On September 24, 2008, the National Marine Fisheries Service issued its Russian River Biological Opinion assessing the impact of the Water Agency's operations within the Russian River watershed. The Biological Opinion includes "Reasonable and Prudent Measures" that the Water Agency is required to undertake to modify its operations in the watershed, including a requirement to consult with National Marine Fisheries Service on the design and construction of a new fish screen associated with the Water Agency's Russian River diversion facilities at the Mirabel inflatable dam.

In 2009, a feasibility study addressing the requirement for a new fish screen was prepared and a preferred alternative was identified. The Mirabel Fish Screen and Fish Ladder Replacement Project (Project), located at the site of the Water Agency's existing Mirabel Dam along the Russian River approximately 2,600 feet downstream of the Wohler Bridge in Sonoma County, California, includes the construction and replacement of the existing fish screen and fish ladder with an integrated viewing gallery. Proposed modifications would occur on the western bank of the Russian River. No modifications are proposed for the existing fish ladder on the eastern bank of the Russian River.

Construction activities will require isolating the work area from the active flow of the Russian River, removing the existing fish screen/intake and fish ladder structures on the western bank of the Russian

River, and constructing the new integrated facilities. The new facilities will extend approximately 40 feet farther upstream and approximately 100 feet farther downstream than the existing facilities. This larger footprint is necessary to meet contemporary fish screen and fish passage design criteria.

The Work consists of construction of a vertical slot fish ladder, fish screen with 6 intake bays, and viewing gallery with 400 square feet of viewing windows at 10290 Westside Road, near the unincorporated town of Forestville, Sonoma County, California. The Work includes, but is not limited to, a temporary dam and rock fish passage upstream of the Wohler Bridge, pipe pile foundation system, fish screen cleaning system with a vertical traveling brush and controller, and dewatering of the river channel and groundwater as necessary to maintain dry working conditions. The Work covers approximately one acre of previously developed land requiring earthwork removal in the riverbank to create facility access and maintenance roads. The Project Manual and Drawings on file with the clerk contain the full description of the Work.

The Project was advertised for bids: 03/20/2014

Bids were opened: 04/29/2014

Bids for construction of the Project were received on 04/29/2014, as follows:

| | |
|---|--------------|
| Blue Iron, Inc., West Sacramento, CA | \$10,785,000 |
| F & H Construction, Lodi, CA | \$12,032,000 |
| ProVen, San Francisco, CA | \$12,765,777 |
| Reyes Construction, Inc., Pomona, CA | \$14,434,600 |
| Granite Construction Company, Ukiah, CA | \$14,734,000 |

The Engineer's Estimate was \$10,921,816. The discrepancy between the low bid and the Engineer's Estimate is mainly attributed to four line items. These items are shoring and bracing, Fish ladder structure, fish screen intake structure, and fish screen equipment.

On Friday, May 2, 2014, the lowest apparent bidder, Blue Iron, Inc., tendered a request to be relieved of its bid pursuant to California Public Contract Code (PCC) sections 5100 et seq. Under PCC section 5101, a bidder is entitled to relief from its bid due to a mistake if the awarding authority consents to allow the bidder to withdraw its bid. To grant such consent, the awarding authority must find that:

- A. A mistake was made.
- B. The bidder gave the public entity written notice within 5 working days, excluding Saturdays, Sundays and state holidays, after the opening of the bids of the mistake, specifying in the notice detail how the mistake occurred.
- C. The mistake made the bid materially different than he or she intended it to be.
- D. The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

Staff has reviewed the matter and believes these elements are satisfied by virtue of the following facts:

- A. There was an error in the spreadsheet Blue Iron, Inc. used to calculate their bid. With respect to Bid Item No. 17, the Viewing Gallery, the column that totaled the direct costs and mark up did not calculate the costs in cells G103 through G107. Due to this arithmetical error, Blue Iron's bid was \$540,600 lower than intended.
- B. Blue Iron, Inc. gave the Water Agency notice of the mistake within 5 days after the opening of bids on April 29, 2014 and the notice specified in detail how the mistake occurred.
- C. The mistake rendered Blue Iron's bid \$540,600 lower than intended, which is a material difference.
- D. Because the mistake was caused by a spreadsheet tabulation error, it was clerical in nature and was not caused by any error in judgment or carelessness in inspecting the site or in reading the plans and specifications.

The Board is asked to make the above findings in accordance with PCC section 5101 and consent to relieve Blue Iron, Inc. of its bid. PCC section 5106 requires that if a public entity permits a bidder to withdraw its bid as result of mistake, the contract must be awarded, if at all, to the next lowest bidder. Thus, the Water Agency cannot permit Blue Iron to correct the error in its bid. In connection with the requested consent, PCC section 5101 requires that the facts documenting each of the above elements be available for public inspection. Accordingly, a copy of Blue Iron's request for relief is on file with the Clerk along with the spreadsheet manifesting the errors in its bid.

The second lowest responsive and responsible bid is from F&H Construction and is \$1,110,184 above the Engineer's Estimate. F&H Construction met the Water Agency's experience requirements.

Pursuant to Resolution No. 04-0547, the General Manager maintains authority to approve change orders to construction contracts approved by your Board as long as certain conditions are met. In the unlikely event that significant design-related changes are necessary to complete the Project, staff will return to your Board to approve such changes. However, staff request that your Board authorize the General Manager or his designee to approve design changes as may be necessary or appropriate in connection with change orders within the General Manager's authority pursuant to Resolution No. 04-0547.

A contractor must execute a release of claims (Document 00650) before final payment but may except any unresolved claims from the release. The requested action authorizes the General Manager to approve the release unless the contractor lists unresolved claims. In that case, County Counsel must review Document 00650 prior to General Manager approval.

Construction on the Project is scheduled to begin approximately June 23, 2014, with an estimated completion date of December 4, 2015.

The Water Agency recommends the Board take the following actions:

1. Approve the Project Manual and Drawings ("plans and specifications") entitled "Mirabel Fish Screen and Fish Ladder Replacement."
2. Make the findings described above and consent to relieve Blue Iron, Inc. of its bid pursuant to Public Contract Code §§ 5100 et seq.
3. Award the contract to F&H Construction for the amount of \$12,032,000 and authorize the Chair

of the Board to execute the contract.

4. Authorize the General Manager of the Water Agency or his designee to approve design changes to the Project as may be necessary or appropriate in connection with change orders within the General Manager's authority pursuant to Resolution No. 04-0547.

5. Authorize the General Manager of the Water Agency or his designee to sign Document 00650 (Agreement and Release of Any and All Claims), with County Counsel review, if any unresolved claims are listed by the contractor.

ALTERNATIVES

Non-approval will compromise the Water Agency's ability to sustain water production at a level the meets contractor demand throughout the driest parts of the year, typically July through December. The Biological Opinion issued by National Marine Fisheries Service requires that the the Water Agency's existing fish screen be discontinued by October 2014.

Prior Board Actions:

04/16/14 Authorize General Manager to approve the first amended agreement with HDR Engineering, Inc., in an amount not to exceed \$449,945, expanding the existing scope of work and adding a new task for ground improvement design and construction phase services at the Mirabel inflatable dam, and extending the agreement term by one year for a new not-to-exceed agreement total of \$959,439, and end date of March 31, 2016.

01/29/13 Resolution Determining that the Mirabel Fish Ladder and Fish Screen Replacement Project (Project) Will Not Have a Significant Adverse Effect on the Environment; Approving the Initial Study and Mitigated Negative Declaration Of Environmental Impact for the Project; Adopting a Mitigation Monitoring Plan for Project; and Authorizing the Filing of a Notice of Determination.

06/21/11 Authorize Chair to execute the Agreement for Engineering and Design Services for Mirabel Fish Screen and Fish Ladder Replacement Project between the Sonoma County Water Agency and HDR Engineering, Inc. (\$509,494).

04/26/11 Resolution No. 11-0212 authorizing General Manager to execute a Grant Agreement for \$255,132 with the State of California for the Mirabel Fish Ladder Design.

04/14/09 Board Action authorizing the General Manager/Chief Engineer to execute an Agreement for the Mirabel Fish Screen Reconfiguration Feasibility and Alternatives Study between the Sonoma County Water Agency and Prunuske Chatham (\$73,381).

Strategic Plan Alignment Goal 3: Invest in the Future

The subject item meets Goal 3 by providing infrastructure upgrades to meet regulatory requirements.

Water Agency Water Supply Goals and Strategies, Goal 2: Protect the Water Agency's existing water rights and our clean, high-quality water supply, and improve system resiliency by continuing to develop alternative supplies.

| Fiscal Summary - FY 13-14 | | | |
|---|---|------------------------------|------------------------------|
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 12,032,000 | Water Agency Gen Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 12,032,000 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 12,032,000 | Total Sources | \$ 12,032,000 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| FY 2013/14 appropriations of \$12,032,000 is from the common facilities fund for the full cost of the agreement. 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: | | | |
| | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| 1. Project Manual and Drawings | | | |
| 2. Letter from Blue Iron, Inc. Dated May 2, 2014 with Bid Spreadsheet. | | | |

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Proj/Mirabel Fish Screen and Fish Ladder Replacement, 45-5.1-7 #1A



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: Boards of Directors, Sonoma County Water Agency, Sonoma Valley County Sanitation District, and Russian River County Sanitation District

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Water Agency, Sonoma Valley County Sanitation District, and Russian River County Sanitation District

Staff Name and Phone Number:

Kevin Campbell 547-1921

Supervisorial District(s):

First and Fifth Districts

Title: Power and Water Resources Pooling Authority Agreements

Recommended Actions:

Authorize the General Manager to execute two Distribution Facilities Transfer Agreements and two Distribution Facilities Access Easements with the Power and Water Resources Pooling Authority and two Distribution Facilities Utilities Easements with Pacific Gas and Electric Company for the Sonoma Valley County Sanitation District R4 Effluent Reservoir Pump Station located on Ramal Road in Sonoma and the Russian River County Sanitation District Riverside Drive Main Lift Station located at 17490 River Road in Guerneville.

Executive Summary:

This item delegates authority to the General Manager to execute Right of Way agreements with the Power and Water Resources Pooling Authority and Pacific Gas and Electric Company. The Right of Way agreements are needed to allow additional Sanitation District facilities to receive power from the Power and Water Resources Pooling Authority.

HISTORY OF ITEM/BACKGROUND:

The Sonoma County Water Agency (Water Agency) is a project participant of the Power and Water Resources Pooling Authority (Pooling Authority), which provides most of the electrical power for the Water Agency's facilities. The Pooling Authority was formed in 2004 by a number of irrigation districts to collectively manage power assets and loads. Each Pooling Authority project participant is able to receive a customized blend of power from multiple sources. In 2011, the Water Agency's Board of Directors adopted an Energy Policy that directed the Water Agency to pursue the goal of achieving a net carbon neutral power supply for its operations. As the Water Agency is responsible for operating the County Sanitation Districts, the Water Agency has included the Sanitation Districts in the pursuit of achieving a net carbon neutral power supply.

In December of 2011, the Board authorized the General Manager to execute a Distribution Facilities Agreement between the Water Agency and the Pooling Authority. The Distribution Facilities Agreement provided the framework for the Pooling Authority to provide the Water Agency with power. Per the Distribution Facilities Agreement, the Water Agency is required to provide the Pooling Authority with title to the Distribution Facilities constructed by the Water Agency to distribute power. The Water Agency, on behalf of the District, has included appropriate District facilities for inclusion in potential Pooling Authority projects where the Districts would receive significant benefit from reduced electrical costs. For Sanitation District Properties to be provided with power, an easement needs to be granted from the District to the Pooling Authority for the placement of the electric distribution facilities.

The Pooling Authority has prepared plans for providing power for two pumping facilities, the Sonoma Valley County Sanitation District's R4 Effluent Reservoir Pumping Facility and the Russian River County Sanitation District's Riverside Drive Lift Station. In accordance with the Distribution Facilities Agreement, Water Agency staff, with review from County Counsel, has prepared the necessary Right of Way documents, consisting of an Agreement to Transfer Personal Property to facilitate transfer of the proposed electric distribution facilities to the Pooling Authority and an Easement Agreement to provide the Pooling Authority with access for maintenance of the electric distribution facilities. The Water Agency, on behalf of Sonoma Valley County Sanitation District and the Russian River County Sanitation District (hereafter referred to collectively as Sanitation Districts), has prepared access easements needed for maintenance of the Pooling Authority facilities on Sanitation District's property. As the timing for execution of the transfer documents is contingent upon completion of construction of the proposed facilities, Water Agency staff is requesting delegated authority for the General Manager to execute the Right of Way documents upon completion of construction of the proposed power distribution improvements.

In addition to the Right of Way documents with the Pooling Authority, both Sanitation Districts must grant easements to the Pacific Gas and Electric Company for the portion of the power transmission lines located on District property between the public right of way and the Pooling Authority's proposed power distribution improvements. Pacific Gas and Electric Company prepared easements for the District's execution. Pacific Gas and Electric Company's easements were reviewed by County Counsel.

The General Manager has determined that the proposed power distribution improvements and granting of the related Right of Way documents are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15304 (Minor Alterations to Land). Granting of the easements and construction and maintenance of the power distribution improvements by the Water Agency, Pooling Authority, Sanitation Districts, or the Pacific Gas and Electric Company would take place at existing investor and publicly owned facilities; would involve no expansion of use beyond that existing at the time of the lead agency's determination; would include only minor trenching and backfilling; and would not result in the removal of any healthy, mature, scenic trees or result in any significant impact on plant or animal habitat. Water Agency staff has prepared separate Notices of Exemption for the Sonoma Valley County Sanitation District and the Russian River County Sanitation District (on file with the Clerk).

| | | | |
|---|---|------------------------------|--------------------------------|
| Prior Board Actions: | | | |
| 03/25/2014 2014 Renewable Energy Purchase Agreement between Water Agency and PWRPA | | | |
| 12/06/2011 Authorized General Manager to execute Distribution Facilities Agreement between Water Agency and PWRPA. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| This item supports the County goal regarding economic and environmental stewardship by providing a lower cost power supply for the Water Agency and Sanitation Districts with less carbon emission. | | | |
| Water Agency Energy Goals and Strategies, Goal 1: Provide “carbon-free water” by reducing overall energy use, improving system efficiency, and developing and utilizing renewable energy sources. | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 0 | Water Agency Gen Fund | \$ 0 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 0 | Total Sources | \$ 0 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| Execution of Right of Way documents with the Power and Water Resources Pooling Authority will not have a fiscal impact on the Water Agency or Districts. | | | |
| 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:

1. R4 Distribution Facilities Transfer Agreement (one copy);
2. R4 Distribution Facilities PG&E Easement (one copy);
3. R4 Distribution Facilities Access Easement (one copy);
4. Riverside Drive Distribution Facilities Transfer Agreement (one copy);
5. Riverside Drive Distribution Facilities PG&E Easement (one copy);
6. Riverside Drive Distribution Facilities Access Easement (one copy);
7. Notice of Exemptions (one copy each)

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Pooling_summ.docm

ROW/SVCSD/SVCSD to PWRPA 70-12-4



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: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Agricultural Commissioner /Sealer

Staff Name and Phone Number:

Tony Linegar 565-2371

Supervisorial District(s):

Title: Agricultural and Weights & Measures Program Contracts

Recommended Actions:

Adopt resolution authorizing the Sonoma County Agricultural Commissioner/Sealer to execute agreements and amendments to agreements awarded in fiscal year 14/15 and calendar years 2014 and 2015 with the State of California Department of Food and Agriculture (CDFA), California Department of Pesticide Regulations (CDPR), and Division of Measurement Standards (DMS), for various ongoing agricultural and weights & measures programs totaling an estimated \$2.69 million in revenue.

Executive Summary:

The recommended action will allow the Agricultural Commissioner/Sealer or his authorized representative to execute the agreements or amendments to the agreements specified below with the CDFA, CDPR and DMS for existing programs for services performed by or for the Agricultural Commissioner's Office in FY 14-15 and calendar years 2014 and 2015. This eliminates the need to prepare individual Board reports for each of these agreements. This is an annual action that results in more efficient use of departmental, County Counsel, County Administrator's Office, and Board staff time. The Board has granted the Agricultural Commissioner/Sealer this authority annually since September 14, 2010.

The proposed action applies only to contracts for ongoing programs. The Agricultural Commissioner/Sealer would seek Board approval for any agreements for new regulatory programs.

The State concurs with this process, as it is consistent with how other California Agricultural Commissioners/Sealers process their contracts, though they do require that this authorization be delegated by Board resolution. County Counsel also concurs since the contracts are in a standard form not subject to negotiation and do not require further Counsel review.

The Agricultural Commissioner/Sealer is requesting authorization to execute the following contracts, with the current estimated annual revenue or expenses in amounts indicated below. Should revenues or expenses in these contracts change significantly, we will utilize the appropriate county process to adjust our budget accordingly. The two contracts that are awarded for a calendar, rather than fiscal year, are noted.

| Program/Activity | Estimated Annual Revenue | Agency |
|---|--------------------------|--------|
| W&M Petroleum Program | \$8,400 | DMS |
| W&M Weighmaster Program | \$2,640 | DMS |
| Egg Quality Control | \$17,948 | CDFA |
| Sudden Oak Death | \$23,503 | CDFA |
| Pest Detection | \$145,081 | CDFA |
| Pest Detection – EGVM (Calendar Year 2014) | \$755,598 | CDFA |
| Pest Detection – EGVM (Calendar Year 2015) | \$771,400 | CDFA |
| Pest Exclusion – EGVM (Calendar Year 2014) | \$158,715 | CDFA |
| Pest Exclusion – EGVM (Calendar Year 2015) | \$139,987 | CDFA |
| Nursery Inspection | \$3,342 | CDFA |
| Ag Statistics | \$1,000 | CDFA |
| Pesticide Use Reporting (14/15 & 15/16) | \$26,316 | CDPR |
| Organic Registration & Spot Inspection | \$20,700 | CDFA |
| Pest Exclusion – LBAM (14/15 & 15/16) | \$60,000 | CDFA |
| High Risk Pest Exclusion | \$14,171 | CDFA |
| Pierce's Disease Control – GWSS (14/15 & 15/16) | \$528,042 | CDFA |
| Federal Shell Egg Surveillance | \$8,267 | CDFA |

Prior Board Actions:

The Board has annually authorized the Agricultural Commissioner/Sealer to enter into contractual agreements with CDFA and CDPR for Agricultural and Weights & Measures (W&M) activities since September 14, 2010.

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):

None. FY 14/15 monies are in the department's recommended budget and FY 15/16 will be budgeted (some contracts are multi-year).

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Resolution.

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

None.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AUTHORIZING THE SONOMA COUNTY AGRICULTURAL COMMISSIONER/SEALER TO EXECUTE AGREEMENTS AND AMENDMENTS TO AGREEMENTS AWARDED IN FISCAL YEAR 14/15 AND CALENDAR YEARS 2014 AND 2015 WITH: THE STATE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA), CALIFORNIA DEPARTMENT OF PESTICIDE REGULATIONS (CDPR), AND DIVISION OF MEASUREMENT STANDARDS (DMS), FOR VARIOUS ONGOING AGRICULTURAL AND WEIGHTS & MEASURES PROGRAMS TOTALING AN ESTIMATED \$2.69 MILLION IN REVENUE

Whereas, Sonoma County maintains contracts with CDFA, CDPR, and DMS for various agriculture and weights and measures programs on behalf of the state and federal government, and

Whereas, it is in the best interest of Sonoma County agriculture and all citizens of the County to enter into these agreements, and

Whereas, State of California will reimburse the County for expenses incurred by the County under these agreements,

Now, Therefore, Be It Resolved, that the Sonoma County Agricultural Commissioner/Sealer or authorized representative be authorized to sign the following agreements and amendments to agreements awarded in fiscal year 14/15 and calendar years 2014 and 2015 with CDFA, CDPR, DMS, for various agricultural and weights and measures programs, excluding agreements for new programs.

Resolution #

Date:

Page 2

| Program/Activity | Estimated Annual Revenue | Agency |
|---|--------------------------|--------|
| W&M Petroleum Program | \$8,400 | DMS |
| W&M Weighmaster Program | \$2,640 | DMS |
| Egg Quality Control | \$17,948 | CDFA |
| Sudden Oak Death | \$23,503 | CDFA |
| Pest Detection | \$145,081 | CDFA |
| Pest Detection – EGVM (Calendar Year 2014) | \$755,598 | CDFA |
| Pest Detection – EGVM (Calendar Year 2015) | \$771,400 | CDFA |
| Pest Exclusion – EGVM (Calendar Year 2014) | \$158,715 | CDFA |
| Pest Exclusion – EGVM (Calendar Year 2015) | \$139,987 | CDFA |
| Nursery Inspection | \$3,342 | CDFA |
| Ag Statistics | \$1,000 | CDFA |
| Pesticide Use Reporting (14/15 & 15/16) | \$26,316 | CDPR |
| Organic Registration & Spot Inspection | \$20,700 | CDFA |
| Pest Exclusion – LBAM (14/15 & 15/16) | \$60,000 | CDFA |
| High Risk Pest Exclusion | \$14,171 | CDFA |
| Pierce’s Disease Control – GWSS (14/15 & 15/16) | \$528,042 | CDFA |
| Federal Shell Egg Surveillance | \$8,267 | CDFA |

Be It Further Resolved, the foregoing authorization shall not apply to new agreements.

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: 20
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of Sonoma County

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Auditor-Controller-Treasurer-Tax Collector

Staff Name and Phone Number:

Joanne Tunzi (707) 565-3210

Supervisorial District(s):

All

Title: SoftFile Digital Imaging and Archive Contract

Recommended Actions:

Authorize the Chair to execute a five year contract with SoftFile for scanning and digital imaging of accounting records and secure web hosting services for the term July 1, 2014 – June 30, 2019, for a total amount not to exceed \$144,080.

Executive Summary:

The Auditor-Controller-Treasurer-Tax Collector's Office (ACTTC) handles many tens of thousands of individual claims, journal vouchers, deposits, contracts, and associated back-up documents each year. Since 2007, the ACTTC has contracted with SoftFile to scan and archive these documents electronically, making them readily available to personnel throughout the County.

With the implementation of the Enterprise Financial System (EFS) on July 1, 2014, the County will have the tools necessary to perform this electronic archival process in-house. Current records retention schedules require that all electronic records be maintained for a 5 year period. Because SoftFile and EFS are not compatible systems, this retention requirement creates a situation where two systems are necessary; SoftFile, which will store documents until FY 18-19, and EFS which will begin scanning and storing FY 2014-15 documents and beyond.

Because of this the ACTTC is request the Board renew the existing contract with SoftFile to provide the following services:

- Digitally image documents generated through the end of Fiscal Year 13-14 to ensure that all documents from the same fiscal year are available through SoftFile. This contract budgets \$12,080 for these services based on recent year-end scanning volumes;
- Continued maintenance of the County's document archive and its online availability through the

end of Fiscal Year 2018-19 to comply with the County's Record Retention Schedule; and

- Data removal services at the County's request.

In addition to SoftFile's extensive experience with the County, County personnel's current understanding and knowledge of SoftFile's interface, the renewal without a competitive process is necessary to maintain the continuity of an extensive archive of County documents.

The total contract cost with SoftFile is \$144,080. In addition to the annual terms, the contract includes some additional costs in FY 13-14 and at the end of the contract. FY 13-14 costs relate the extremely high volume of materials and documents received by the ACTTC for scanning at the end of each fiscal year. Costs at the end of the contract term cover the close-out process for the system. A table showing the costs is included below.

| Service | Cost |
|----------------------------|------------------|
| FY 13-14 Year-End Scanning | \$12,080 |
| FY 14-15 Data Storage | \$24,720 |
| FY 15-16 Data Storage | \$24,720 |
| FY 16-17 Data Storage | \$24,720 |
| FY 17-18 Data Storage | \$24,720 |
| FY 18-19 Data Storage | \$24,720 |
| Data Removal/Clean-Up | \$8,400 |
| Total Price | \$144,080 |

Recommended Actions

The ACTTC requests the Board authorize the Chair to execute a five year contract with SoftFile for scanning and digital imaging of accounting records and secure web hosting services for the term July 1, 2014 – June 30, 2019, for a total amount not to exceed \$144,080.

Prior Board Actions:

June 21, 2011-Board Item submitted on this day approved, three year agreement with SoftFile for scanning and digital imaging of accounting records and secure web hosting services
November 17, 2009-Authorize Purchasing agent to execute a Blanket Purchase Order for one year with option for two one-year extensions
August 11, 2009- Authorize Purchasing agent to extend current Blanket Purchase Order to 11/09 to allow time to solicit bids
March 28, 2009- Extended Blanket Purchase Order (BPO) Agreement with SoftFile Document & Data Management Solutions for micrographic services
June 5, 2007- Resolution No. 07-0455. Agreement with SoftFile for scanning and digital imaging of accounting records and secure web hosting services.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Risk control practices require that financial documents be maintained for future audits. By keeping historical financial documents secure and easily available, the County will support accurate financial

audits.

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):

No impact on Fiscal Year 2013-14. The ACTTC administers the current SoftFile contract and will have appropriations to pay this contract in FY 2014-15.

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:

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

Four Professional Services Agreements with SoftFile for Chair signature



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: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Efren Carrillo 565-2241

Supervisorial District(s):

Fifth

Title: Letter of Support

Recommended Actions:

Approve a request for the Board of Supervisors to send a letter to National Oceanic and Atmospheric Administration (NOAA) in support of the expansion of the Cordell Bank National Marine Sanctuary (CBNMS) and Gulf of the Farallones National Marine Sanctuary (GFNMS), in support of authorization authority within the expanded Sanctuary, and in opposition to the inclusion of Motorized Personal Watercraft (MPWC) zones within the Sanctuary. (Fifth District)

Executive Summary:

The Board of Supervisors has consistently supported efforts to protect our coastline and has previously written in support of the expansion of the Cordell Bank and Gulf of Farallones National Marine Sanctuary boundaries. In addition, the County's legislative platform contains multiple issues related to water, habitat, and species protection.

Through June 30, 2014, the National Oceanic and Atmospheric Administration (NOAA) is accepting public comment on the Draft Environmental Impact Statement for the expansion of the Cordell Bank and Gulf of Farallones National Marine Sanctuary boundaries. If approved, this will add protection to 2771 square miles of offshore ocean waters and the submerged lands under water off the Sonoma and Mendocino coast. While expansion of the Sanctuary boundaries is consistent with prior Board action and with the County's legislative platform, the NOAA proposal includes two issues distinct enough that require Board consideration.

These two issues are the inclusion of motorized personal watercraft (MPWC or jet skis), within limited areas of the Sanctuary, and authorization authority for local government. On the surface of the proposal, inclusion of jet skis within the Sanctuary would appear to be inconsistent with the protection of marine life and natural resources intended by the bills put forward by Congresswoman Woolsey and Senator Boxer. Authorization authority is a potentially beneficial change that would create an approval process from the Sanctuary Administrator for local government to conduct publicly beneficial and

necessary projects within the area. This authority would require review and permitting by local government and the Sanctuary Administrator in the event of a public infrastructure need, for example. Under no circumstance would oil, gas, or mineral development be allowed under this authority. The Draft Environmental Impact Statement from NOAA is on-file with the Clerk.

The opposition to jet skis in the Sanctuary and the support of Authorization Authority seem consistent with prior Board actions, and it is requested that the Board authorize the Chair to send a letter to NOAA representing this as the County's official position. A proposed draft letter is attached.

Prior Board Actions:

Support of Sanctuary expansion, January 15, 2013

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):

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: |
| Draft Letter |
| Related Items "On File" with the Clerk of the Board: |
| Draft Environmental Impact Statement from NOAA |

COUNTY OF SONOMA
BOARD OF SUPERVISORS
575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403
(707) 565-2241



David Rabbitt, Chairman
Susan Gorin, Vice Chair
Shirlee Zane, Third District
Mike McGuire, Fourth District
Efren Carrillo, Fifth District

June 10, 2014

Maria Brown
Sanctuary Superintendent
Gulf of the Farallones National Marine Sanctuary
991 Marine Drive – The Presidio
San Francisco, CA 94129

Dear Superintendent Brown:

On June 10, 2014, the Sonoma County Board of Supervisors reviewed the Draft Environmental Impact Statement (DEIS) for the proposed expansion of the Gulf of the Farallones (GFNMS) and Cordell Bank National Marine Sanctuaries (CBNMS) Boundary. Previously, on January 15, 2013, our Board adopted a resolution in support of the expansion of the Sanctuary for the vital protection of this unique biological resource and our coastal waters.

In reviewing the DEIS, the Board noted that there is now a proposal to include Motorized Personal Water Craft (MPWC) zones within the Sanctuary boundaries. Our Board strongly objects to the inclusion of jet ski zones for recreational purposes. MPWC are not compatible with the protective intention of the sanctuary, and would offer no benefit that would outweigh the possible negative impact to marine life and our coastal waters. Further, the inclusion of MPWC was not mentioned in the bills put forward by Congresswoman Woolsey and Senator Boxer which led to the proposed expansion of the National Marine Sanctuary Boundary (NMSB).

The Board of Supervisors would support the inclusion of a new authorization authority which could potentially allow projects which might otherwise be prohibited within the NMSB. Given the requirement that both local government and the Sanctuary Administrator must review and permit these projects, we are confident that only projects of public benefit would be given approval under this authority.

Thank you for the opportunity to comment on the DEIS.

Sincerely,

David Rabbitt
Chairman, Sonoma County Board of Supervisors



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: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Susan Gorin, 565-2241

Supervisorial District(s):

First.

Title: Disbursement of FY 13/14 First District Advertising Funds.

Recommended Actions:

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for FY 13/14: Gay Straight Alliance, \$2,000; Sonoma Valley Visitor's Bureau, \$2,000; Valley of the Moon Natural History Association, \$5,000; and Sonoma Valley Vintners and Growers Alliance, \$716.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor's discretion. The First District has reviewed applications and wishes to recommend the following FY 13/14 advertising grant award:

- 1.) Gay Straight Alliance, for advertising and promotions of the Out in the Vineyard-Gay Wine Weekend event; grant award of \$2,000.
- 2.) Sonoma Valley Visitor's Bureau, for the Sonoma Raceway shuttle advertising program; grant award of \$2,000.
- 3.) Valley of the Moon Natural History Association, for advertising and promotion of Jack London Park and various events throughout the year; grant award of \$5,000.
- 4.) Sonoma Valley Vintners and Growers Alliance, for advertising and promotions of the 2014 Sonoma Valley Cheese Conference; grant award of \$716.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator's Office of advertising and promotional activity receipts up to the total amount of the grant award.

| | | | |
|---|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 9/17/13, 10/15/13, 1/7/14, 2/11/14– Awarded FY 13/14 Category E grants. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth. | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 9,716 | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 9,716 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 9,716 | Total Sources | \$ 9,716 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| Funds are included in the FY 13/14 budget. | | | |
| 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: | | | |
| FY 13/14 Grant Award Agreement Template | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None. | | | |

A G R E E M E N T

THIS AGREEMENT made and entered into this ____ day of _____, _____, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the ENTITY, (hereinafter ADVERTISER).

W I T N E S S E T H:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$XXXX (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

Additionally, any Advertising conducted utilizing funds provided under this agreement must identify the "County of Sonoma – Board of Supervisors" as a sponsor. ADVERTISER may also include the Sonoma County seal logo on materials, although the seal may not replace the language noted in this section.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER 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 Advertiser, that arise out of, pertain to, or related to Advertiser's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 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 Consultant's expense, subject to Consultant'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 Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. 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 C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER 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.
17. AIDS Discrimination: ADVERTISER 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.
18. 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.
19. 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. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER 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 ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER 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 the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

DATE: _____

By _____
ENTITY



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 23
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

David Rabbitt, 565-2241

Supervisorial District(s):

Second.

Title: Disbursement of FY 13/14 Second District Advertising Funds.

Recommended Actions:

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for FY 13/14: Petaluma Museum Association, \$1,832; Cotati Chamber of Commerce, \$500; and Cotati Accordion Festival Inc., \$1,000.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The First District has reviewed applications and wishes to recommend the following FY 13/14 advertising grant award:

- 1.) Petaluma Museum Association, for advertising and promotions of their various events and exhibits throughout the year; grant award of \$1,832.
- 2.) Cotati Chamber of Commerce, for advertising and promotions of the 22nd Annual Cotati Kids Day Parade and Festival; grant award \$500.
- 3.) Cotati Accordion Festival Inc., for advertising and promotions of their annual event; grant award \$1,000.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.

| | | | |
|---|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 11/12/13, 12/10/13 – Awarded FY 13/14 Category E grants. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth. | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 3,332 | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 3,332 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 3,332 | Total Sources | \$ 3,332 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| Funds are included in the FY 13/14 budget. | | | |
| 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: | | | |
| FY 13/14 Grant Award Agreement Template | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None. | | | |

A G R E E M E N T

THIS AGREEMENT made and entered into this ____ day of _____, _____, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the ENTITY, (hereinafter ADVERTISER).

W I T N E S S E T H:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$XXXX (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

Additionally, any Advertising conducted utilizing funds provided under this agreement must identify the "County of Sonoma – Board of Supervisors" as a sponsor. ADVERTISER may also include the Sonoma County seal logo on materials, although the seal may not replace the language noted in this section.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER 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 Advertiser, that arise out of, pertain to, or related to Advertiser's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 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 Consultant's expense, subject to Consultant'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 Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. 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 C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER 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.
17. AIDS Discrimination: ADVERTISER 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.
18. 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.
19. 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. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER 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 ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER 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 the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

DATE: _____

By _____
ENTITY



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: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Shirlee Zane, 565-2241

Supervisorial District(s):

Third.

Title: Disbursement of FY 13/14 Third District Advertising Funds.

Recommended Actions:

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for FY 13/14: NAMI Sonoma County, \$2,000; The Living Room Center, \$2,000; Council on Aging, \$2,000; and Sonoma County Bicycle Coalition, \$500.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The Third District has reviewed applications and wishes to recommend the following FY 13/14 advertising grant award:

- 1.) NAMI Sonoma County, for advertising and promotions of the film screening for “Of Two Minds”; grant award of \$2,000.
- 2.) The Living Room Center, for advertising and promotions of The Summer Party annual event; grant award of \$2,000.
- 3.) Council of Aging, for advertising and promotions of the Wine Country Games; grant award of \$2,000.
- 4.) Sonoma County Bicycle Coalition, for advertising and promotion of the Sonoma County Bicycle Expo; grant award of \$500.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.

| | | | |
|---|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 8/20/13, 9/10/13, 10/5/13, 12/10/13, and 1/28/14 – Awarded FY 13/14 Category E grants. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth. | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 6,500 | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 6,500 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 6,500 | Total Sources | \$ 6,500 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| Funds are included in the FY 13/14 budget. | | | |
| 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: | | | |
| FY 13/14 Grant Award Agreement Template | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None. | | | |

A G R E E M E N T

THIS AGREEMENT made and entered into this ____ day of _____, _____, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the ENTITY, (hereinafter ADVERTISER).

W I T N E S S E T H:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$XXXX (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

Additionally, any Advertising conducted utilizing funds provided under this agreement must identify the "County of Sonoma – Board of Supervisors" as a sponsor. ADVERTISER may also include the Sonoma County seal logo on materials, although the seal may not replace the language noted in this section.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER 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 Advertiser, that arise out of, pertain to, or related to Advertiser's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 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 Consultant's expense, subject to Consultant'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 Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. 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 C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER 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.
17. AIDS Discrimination: ADVERTISER 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.
18. 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.
19. 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. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER 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 ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER 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 the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

DATE: _____

By _____
ENTITY



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 25
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Mike McGuire, 565-2241

Supervisorial District(s):

Fourth.

Title: Disbursement of FY 13/14 Fourth District Advertising Funds.

Recommended Actions:

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotions activities for FY 13/14: Healdsburg Future Farmers Country Fair, \$1,000; Venado Historical Society, \$500; Fulton Day Labor Center, \$1,000; and Sonoma County Farm Bureau, \$1,500.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The Fourth District has reviewed applications and wishes to recommend the following FY 13/14 advertising grant award:

- 1.) Healdsburg Future Farmers Country Fair, for advertising and promotion of the annual parade and fair; grant award of \$1,000.
- 2.) Venado Historical Society, for advertising and promotions of fundraiser events for the Daniels School restoration project; grant award of \$500.
- 3.) Fulton Day Labor Center, for advertising available day labor services in Fulton; grant award \$1,000.
- 4.) Sonoma County Farm Bureau, for advertising and promotions of the Love of the Land event; grant award \$1,500.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.

Prior Board Actions:

7/30/13, 9/10/13, 10/8/13, 12/3/13 - Awarded FY 13/14 Category E grants.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------------|----------------------|-----------------|
| Budgeted Amount | \$ 4,000 | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 4,000 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 4,000 | Total Sources | \$ 4,000 |

Narrative Explanation of Fiscal Impacts (If Required):

Funds are included in the FY 13/14 budget.

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:

FY 13/14 Grant Award Agreement Template.

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

None.

A G R E E M E N T

THIS AGREEMENT made and entered into this ____ day of _____, _____, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the ENTITY, (hereinafter ADVERTISER).

W I T N E S S E T H:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$XXXX (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

Additionally, any Advertising conducted utilizing funds provided under this agreement must identify the "County of Sonoma – Board of Supervisors" as a sponsor. ADVERTISER may also include the Sonoma County seal logo on materials, although the seal may not replace the language noted in this section.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER 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 Advertiser, that arise out of, pertain to, or related to Advertiser's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 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 Consultant's expense, subject to Consultant'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 Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. 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 C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER 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.
17. AIDS Discrimination: ADVERTISER 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.
18. 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.
19. 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. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER 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 ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER 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 the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

DATE: _____

By _____
ENTITY



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: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Efren Carrillo, 565-2241

Supervisorial District(s):

Second.

Title: Disbursement of FY 13/14 Fifth District Advertising Funds.

Recommended Actions:

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for FY 13/14: Duncan Mills Merchant Association, \$1,000; Santa Rosa Symphony, \$3,500; Centro Laboral de Graton, \$2,568; Comite Mexicano, \$1,000; and Sonoma County Pride, \$1,000.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The Fifth District has reviewed applications and wishes to recommend the following FY 13/14 advertising grant award:

- 1.) Duncan Millis Merchant Association, for advertising and promotions of various area events throughout the year; grant award \$1,000.
- 2.) Santa Rosa Symphony, for advertising and promotions of the Mariachi Sol de Mexico and similar events; grant award \$3,500.
- 3.) Centro Laboral de Graton, for advertising and promotion of the Love and Justice Centro Laboral de Graton’s annual event; grant award \$2,568.
- 4.) Comite Mexicano, for advertising and promotion of Guelaguetza 2014; grant award \$1,000.
- 5.) Sonoma County Pride, for advertising and promotion of the Sonoma County Pride 2014 event; grant award \$1,000.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.

| | | | |
|---|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 9/24/13, 12/3/13, 1/7/14 - Awarded FY 13/14 Category E grants previously. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth. | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 9,068 | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 9,068 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 9,068 | Total Sources | \$ 9,068 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| Funds are included in the FY 13/14 budget. | | | |
| 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: | | | |
| FY 13/14 Grant Award Agreement Template | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None. | | | |

A G R E E M E N T

THIS AGREEMENT made and entered into this ____ day of _____, _____, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the ENTITY, (hereinafter ADVERTISER).

W I T N E S S E T H:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$XXXX (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

Additionally, any Advertising conducted utilizing funds provided under this agreement must identify the "County of Sonoma – Board of Supervisors" as a sponsor. ADVERTISER may also include the Sonoma County seal logo on materials, although the seal may not replace the language noted in this section.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER 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 Advertiser, that arise out of, pertain to, or related to Advertiser's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 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 Consultant's expense, subject to Consultant'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 Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. 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 C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER 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.
17. AIDS Discrimination: ADVERTISER 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.
18. 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.
19. 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. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER 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 ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER 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 the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

DATE: _____

By _____
ENTITY



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 27
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: June 10, 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: Health Officer Appointment

Recommended Actions:

Adopt a resolution appointing Dr. Karen Milman to the position of Health Officer for the County of Sonoma.

Executive Summary:

The Board of Supervisors appoints the County Health Officer in accordance with California Health and Safety Code Section 101000. The Health Officer reports to the Board through the Director of Health Services.

The County Health Officer provides leadership for the protection of public health, enforcement of public health regulations, and serves as an advisor to elected and appointed officials, members of the medical profession, and the public on matters affecting health and safety. A national recruitment process was conducted and administered by the Department of Human Resources consistent with Civil Service requirements. In addition to the written application, the process included an oral board, interviews with the Board of Supervisors, the Department leadership team, community stakeholders, and local physicians. Dr. Karen Milman has emerged as the top candidate as the result of the recruitment process.

Karen Milman, MD, MPH, brings to the County Health Officer position a wealth of knowledge and experience. Dr. Milman has served as Health Director of Prevention Services with Seattle & King County Public Health since January 2013. She has responsibility for a budget of \$46 million and over 180 FTE's and Dr. Milman has significant knowledge in disease surveillance and investigation, health promotion, and regulatory services to prevent disease and injury, improve residents' quality of life, and reduce disparities in health status. Dr. Milman served as Health Officer of Nevada County Public Health Department from 2009-2012 providing medical oversight of all clinical services and administration of public health programs. She has played an active role in working with stakeholders, community partners, and the public on a number of initiatives including those to reduce smoking, improve asthma disease management, chronic disease reduction, environmental issues, and integration of public health and primary care.

Dr. Milman will provide direction and collaborate on implementation of the Department of Health Services Strategic Plan and health in all polices approach to improving community health in Sonoma County. She will work with community partners on local initiatives including, and not limited to, the local food system, water and environmental quality, dental health for children and adults, and the health care delivery system integration supporting the “Triple Aim” of improved care, decreased cost, and increased access. Dr. Milman brings energy, experience, and skills to promote health across the lifespan with a focus on prevention and addressing health inequities and the social and environmental determinants of health such as land use planning, transportation, housing, income, and education.

If approved, Dr. Milman will begin her employment with Sonoma County on August 5, 2014.

Prior Board Actions:

None

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

The Health Officer will provide oversight and direction on a broad array of issues impacting the health and safety of Sonoma County.

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):

None

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: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Appointing Dr. Karen Milman To The Position Of County Health Officer.

Whereas, the California Health and Safety Code Section 101000 requires that the Board of Supervisors appoint a Health Officer for the County;

Whereas, the Board of Supervisors appoints the County Health Officer who reports to the Board through the Director of Health Services;

Whereas, a recruitment process was conducted to fill the position of County Health Officer, pursuant to the Sonoma County Civil Service Rules, and qualified health professionals, community health partners, and the Director of Health Services and key Health Services managers interviewed the top candidates;

Whereas, Dr. Karen Milman was the top choice for recommendation to the Board of Supervisors for appointment as Health Officer;

Whereas, Dr. Karen Milman is board-certified in Preventive Medicine, holding a Doctorate of Medicine from the University of Maryland and a Master's of Public Health from John Hopkins University, Bloomberg School of Public Health;

Whereas, Dr. Karen Milman has developed and overseen programs aligned with Sonoma County's 2020 goal of being the healthiest County in California. She has served as Health Director of Prevention Services with Seattle & King County Public Health, since January 2013. She has responsibility for a budget of \$46 million and over 180 FTE's and Dr. Milman has significant knowledge in disease surveillance and investigation, health promotion, and regulatory services to prevent disease and injury, improve residents' quality of life and reduce disparities in health status;

Whereas, Dr. Karen Milman served as Health Officer of Nevada County Public Health Department from 2009-2012 providing medical oversight of all clinical services and administration of public health programs. She has played an active role in working with stakeholders, community partners and the public on a number of initiatives including those to reduce smoking, improve asthma disease management, chronic disease reduction, environmental issues and integration of public health and primary care;

Whereas, Dr. Karen Milman will provide direction and collaborate on implementation of the Department of Health Services Strategic plan and health in all polices approach to improving community health in Sonoma County. She will work with community partners on local initiatives including, and not limited to, the local food system, water and environmental quality, dental health for children and adults, and the health care delivery stem integration supporting the “Triple Aim” of improved care, decreased cost and increased access. Dr. Milman brings energy, experience and skills to promote health across the lifespan with a focus on prevention and addressing health inequities and the social and environmental determinants of health such as land use planning, transportation, housing, income and education; and

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma, State of California hereby appoints Karen Milman, MD, MPH, to the position of Health Officer for the County of Sonoma.

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: 28
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Veronica Ferguson

Supervisorial District(s):

All

Title: Professional Services Contract for Local Agency Formation Commission Executive Officer

Recommended Actions:

Approve a Professional Services Contract with Mark Bramfitt to serve as the Local Agency Formation Commission Executive Officer and authorize the County Administrator to sign the Contract and the Memorandum of Understanding for the Sonoma Local Agency Formation Commission for Fiscal Year 2014-2015.

Executive Summary:

Sonoma Local Agency Formation Commission (LAFCo) was created by State law in 1963 to regulate the boundaries of cities and special districts. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 expanded LAFCo functions and operations, authorizing greater independence for the Commission, including naming its Executive Officer, hiring staff, and approving and maintaining a separate budget.

There is a LAFCo in each of the 58 counties of California, with the objectives to encourage the orderly formation of local government agencies and promote the efficient provision of public services; Preserve agricultural land and open-space resources and to promote orderly growth and discourage urban sprawl. A memorandum of understanding (MOU) was established in 2001 between the County of Sonoma and Sonoma LAFCo whereby the County Administrator provides professional support staff, facilities, equipment, and supplies to support LAFCo operations. In addition, County Counsel provides legal services.

The current Executive Officer of LAFCo, Richard Bottarini, is retiring at the end of June, 2014. To ensure a successful transition of Executive Officer's, the County's Human Resources Department conducted an extensive recruitment in coordination with the LAFCo Chair and LAFCo Personnel Committee.

Through this search, Mark Bramfitt emerged as the strongest candidate. Mr. Bramfitt has extensive experience in the public and private sector, is a resident of Sonoma County, and has a record of professional accomplishments. The Professional Services Agreement is based on the County standard for Department Heads. The recommended term of the agreement commences on June 10, 2014, and ends on June 10, 2019. The LAFCO Executive Officer is paid based on a range of \$90,480 to \$109,992 per year. Mr. Bramfitt will be starting at the F step or \$101,920 per year. LAFCO approved the Professional Services Agreement on June 4, 2013 at its regularly scheduled meeting.

In addition, Staff recommends the Board of Supervisors authorize the County Administrator to sign the annual Memorandum of Understanding (MOU) for staffing, legal counsel, facilities, equipment, and supplies with LAFCO. The MOU has not changed from the prior year, and generally addresses the following terms:

1. The County Administrator will provide LAFCO with professional and support staffing. Professional staff includes an LAFCO Executive Officer, and an Administrative Analyst. Support staff includes an Administrative Aide. Salaries and benefits will be funded by appropriations from the LAFCO budget.
2. The County Administrator will provide office space, equipment, and supplies, funded by appropriations from the LAFCO budget.
3. County Counsel will provide legal services to the Commission, funded by appropriations from the Commission’s budget.
4. Selection and evaluation process of the Executive Officer.

LAFCO approved the MOU on June 4, 2013 at its regularly scheduled meeting.

Prior Board Actions:

Prior MOU approvals and Executive Officer appointments.

Strategic Plan Alignment Goal 4: Civic Services and Engagement

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 total LAFCo budget in the FY 14-15 proposed budget is \$593,440, of which the County's contribution is \$185,000. LAFCo costs are allocated among all cities and the County.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Personal Services Agreement; MOU

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

| |
|--|
| |
|--|

AGREEMENT FOR PERSONAL SERVICES

LAFCO EXECUTIVE OFFICER

This Agreement is made this 10th day of June, 2014 by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "COUNTY") and Mark Bramfitt (hereinafter called "EMPLOYEE").

WITNESSETH:

WHEREAS, COUNTY and the Local Agency Formation Commission of the County of Sonoma ("LAFCO") have entered into a Memorandum of Understanding, which provides in part, that the COUNTY, by and through the COUNTY ADMINISTRATOR'S Office, shall provide professional and support staff for LAFCO; and

WHEREAS, the Memorandum of Understanding provides that the COUNTY ADMINISTRATOR shall be responsible for making the final selection for the position of LAFCO Executive Officer with the prior concurrence of LAFCO; and

WHEREAS, the COUNTY and LAFCO desire to appoint EMPLOYEE, as LAFCO Executive Officer; and

WHEREAS, COUNTY and EMPLOYEE are desirous of entering into a personal services agreement for the position of LAFCO Executive Officer; and

WHEREAS, EMPLOYEE acknowledges that by accepting the position of LAFCO Executive Officer, he will remain as an at-will employee, and that, as such, his position will be in the unclassified service under the Sonoma County Civil Service System;

NOW, THEREFORE, BE IT AGREED by and between the parties as follows:

1. Term of Employment. COUNTY hereby employs EMPLOYEE in the position of LAFCO Executive Officer for a period of five (5) years, commencing on June 10, 2014, and ending on June 10, 2019, subject, however, to termination as herein provided.

2. Duties. EMPLOYEE shall perform the duties of LAFCO Executive Officer as set forth in the County job specification, attached hereto as Exhibit A, as it now provides or may hereafter be amended, and such other duties as may be prescribed by the COUNTY.

3. Compensation.

(a) EMPLOYEE's salary shall be set at the "F" step of the salary range for the position of LAFCO Executive Officer as set forth in the Sonoma County Salary Resolution 95-0926 ("Salary Resolution"). Any provisions of the Salary Resolution regarding merit increases or step advancements, including Sections 7.18 and 7.19, are not applicable or made part of this Agreement. EMPLOYEE may advance in the salary range, if the COUNTY

ADMINISTRATOR determines that EMPLOYEE is eligible for advancement based upon annual performance evaluations.

(b) Except as herein provided, EMPLOYEE shall be entitled to the same fringe benefits generally available to COUNTY department heads, as specified in the Sonoma County Salary Resolution.

(c) EMPLOYEE shall accrue vacation time at the rate applicable for management employees with ten (10) years of County service as set forth in the Sonoma County Salary Resolution.

(d) EMPLOYEE shall receive eighty (80) hours of vacation time on commencement of the first day of County employment.

(e) EMPLOYEE shall be allowed to use eighty (80) hours of unpaid leave time without having to exhaust any other leave time first.

4. Performance review.

The COUNTY ADMINISTRATOR shall review EMPLOYEE's performance on an annual basis. LAFCO shall be provided the opportunity to provide comments to the COUNTY ADMINISTRATOR with respect to the performance of the EMPLOYEE. LAFCO may also provide feedback to the COUNTY ADMINISTRATOR with respect to the performance of EMPLOYEE at any other time. If the COUNTY ADMINISTRATOR provides EMPLOYEE with a satisfactory or better performance evaluation, EMPLOYEE shall be eligible to advance in the salary range.

5. Expiration and Non-renewal. At the expiration of the term of this Agreement, EMPLOYEE's employment shall automatically terminate, unless otherwise mutually extended by the parties.

6. Termination.

(a) EMPLOYEE may be terminated by the COUNTY ADMINISTRATOR with cause as provided in attachment B.

(b) EMPLOYEE may terminate his employment at any time by delivering to the COUNTY ADMINISTRATOR his written resignation. Such resignation shall be irrevocable and shall be effective not earlier than sixty (60) calendar days following delivery.

(c) From the date upon which EMPLOYEE either resigns or is notified of the COUNTY's intention to terminate the Agreement until the actual date upon which the resignation, termination or expiration becomes effective, EMPLOYEE shall continue to devote his full time attention and effort to the duties anticipated hereunder and shall perform the same in a professional and competent manner. If requested, EMPLOYEE shall assist COUNTY in orienting EMPLOYEE's replacement and shall perform such tasks as are necessary to effect a

smooth transition in the leadership of LAFCO. These tasks may also include providing information or testimony regarding matters which arose during EMPLOYEE's term as LAFCO Executive Officer.

(d) EMPLOYEE acknowledges, understands and warrants that EMPLOYEE shall have no further right or claim to employment after the expiration of the term of this Agreement. Except as provided herein, no other document, handbook, policy, resolution or oral or written representation shall be effective or construed to be effective to extend the term hereof or otherwise grant EMPLOYEE any right or claim to continued employment with COUNTY.

7. Nonassignability. EMPLOYEE shall not, during the term of this Agreement, make any assignment or delegation of any of its provisions without the prior written consent of COUNTY.

8. Compliance with Law. EMPLOYEE shall, during his employment hereunder, comply with all laws and regulations applicable to such employment. Any act or omission of EMPLOYEE constituting a public offense involving moral turpitude or a withholding of labor is a material breach of this Agreement relieving COUNTY of any and all obligations hereunder. Such act or omission shall constitute sufficient grounds for EMPLOYEE's termination with cause pursuant to this Agreement.

9. 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 Section 1856 of the Code of Civil Procedure. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

10. No Representations or Warranties on Tax or Retirement Issues. EMPLOYEE acknowledges and agrees that the COUNTY has not made any representations or warranties regarding tax consequences or retirement compensation pertaining to his salary and benefits. EMPLOYEE further acknowledges and agrees that the Sonoma County Employees' Retirement Association ("SCERA") makes the final determination on what is deemed "final compensation" for purposes calculating retirement benefits.

11. Conflict of Interest. EMPLOYEE covenants that he presently has no interest and 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 his duties required under this Agreement. EMPLOYEE shall comply with all state and local conflict of interest laws or policies, including, but not limited to, Government Code section 1090, the Political Reform Act and requirements promulgated by the Fair Political Practices Committee, the County's policies on incompatible offices and conflicts of interest, and any Departmental policies on conflicts of interest. EMPLOYEE shall also complete and file a

“Statement of Economic Interest” with the County, disclosing EMPLOYEE’s financial interests, as required by the County’s Conflict of Interest Code.

ATTEST:

COUNTY OF SONOMA

Clerk of the Board

By _____
County Administrator

EMPLOYEE

Mark Bramfitt

EXHIBIT A to Personal Services Agreement with Mark Bramfitt

County of Sonoma (CA) - Class Specification Bulletin
Bargaining Unit: Dept Heads & Elected
Officials-52
Class Code:
0844

COUNTY OF SONOMA (CA)
Established Date: Jan 1, 2008
Revision Date: Feb 6, 2008

SALARY RANGE

\$43.35 - \$52.70 Hourly
\$3,479.87 - \$4,230.43 Biweekly
\$7,539.72 - \$9,165.94 Monthly
\$90,476.65 - \$109,991.22 Annually

DEFINITION:

Under general direction, manages, coordinates, and evaluates the varied functions of the Sonoma County Local Area Formation Commission (LAFCO); provides administrative, research, analytical, and advisory services to the Commission, acts as the representative between the Commission and the public and other government agencies; ensures the Commission properly applies and implements LAFCO laws and Commission policies and procedures; performs related work as required.

Distinguishing Characteristics

This single management class is an “at-will” position and is exempt from the County’s Civil Service system in accordance with Civil Service Ordinance 305-A. The County Administrator’s office provides staffing services under agreement to the Commission. The incumbent will officially report to the County Administrator’s Office as an employee of the County, and will carry out the direction of the Commission. The Commission and Executive Officer operate under the scope of the Cortese-Knox-Hetzberg Local Government Reorganization Act of 2000 (Government Code 5600, et seq) which assigns the following objectives: orderly formation of local government agencies; preservation of agricultural and open space lands; discouraging urban sprawl; and efficient delivery of public services.

TYPICAL DUTIES:

Duties may include but are not limited to the following:

Works with the Commission to formulate policies, procedures, and operational objectives, and develop, oversee, review, and implement the Commission’s annual work plan including identifying and setting strategic goals; sets priorities for the accomplishment of the work plan. Prepares staff analyses, reports, recommendations and other agenda materials for the Commission relating to jurisdictional boundaries, contracts for provision of services outside city or district boundaries, sphere of influence amendments, municipal services reviews, and other matters within the Commission’s authority. Advises Commission on interpretation of Commission policy and procedures, legislation, current events, and matters of interest; requests

legal opinions and guidance when necessary; attends all Commission meetings, summarizes issues and proposals under consideration and provides additional information as needed. Acts as LAFCO representative with public and private policy-making agencies, and community groups; responds to inquiries and provides information and technical assistance to interested public agencies and individuals to effectively promote the Commissions goals and objectives; coordinates Commission activities with all affected agencies to ensure the completeness and compatibility of discretionary actions and negotiates or mediates when necessary; exchanges information with other LAFCO officers, CALAFCO, and related professional organizations; provides operational assistance with the development and coordination of the contract for staff services; and keeps the COUNTY ADMINISTRATOR apprised of issues as necessary. Provides supporting fiscal services to the Commission such as the development of the budget, management of financial accounts, forecasting and monitoring revenues, evaluating and controlling costs for services, staff, and supplies, ensuring payment of Commission charges and expenses, and preparation of required fiscal reports. Manages LAFCO staff including selection, development, and performance management; assigns work tasks; ensures staff are appropriately filing and publishing meeting and hearing notices, maintaining files, records, and other required official documents.

KNOWLEDGE, SKILLS, AND ABILITIES:

Working knowledge of: local government organization, structure, services, programs, and functions; principles and practices of modern budget analysis, preparation, and planning; principles and practices of organizational and human resources management; research methodology; report writing; written and oral communications, including language mechanics, syntax, and English composition; computer and software applications.

Knowledge of: the Cortese-Knox-Hetzberg Local Government Reorganization Act of 2000 (Government Code 5600, et seq), California Environmental Quality Act (CEQA), and California land use planning laws are highly desired.

Ability to: analyze and interpret policies, legislation, procedures, rules and regulations; prioritize work; supervise staff; effectively communicate orally and in writing; establish and maintain effective working relationships with other employees, public officials, community groups, other governmental agencies, and the general public; facilitate and gain cooperation and participation of interested parties and/or affected agencies to achieve desired results; prepare clear and concise reports and recommendations; research, gather, organize and analyze information; present recommendations and alternative proposals.

MINIMUM QUALIFICATIONS:

Any combination of education, training and experience, which would likely provide for possession of stated knowledge and abilities.

Education: normally, this would include significant college coursework in subjects such as public administration, public policy, economics, business management, finance/accounting, urban/regional planning, or a closely related area. A Master's Degree is desirable.

Experience: normally, this would include three years of increasingly responsible experience in a professional level position performing duties related to general administration,

operations, or accounting/budgetary analysis including research, analysis, and preparation of written reports. Experience supervising staff is desirable.

License: Possession of a valid driver's license at the appropriate level including necessary special endorsements, as required by the State of California to perform the essential job functions of the position.

**EXHIBIT B to Personal Services Agreement with Mark Bramfitt
Termination and Administrative Leave Provisions**

1. As provided in the Personal Services Agreement, to which this Exhibit B is attached and incorporated, COUNTY may terminate EMPLOYEE's employment with cause.

2. Termination without cause:

Severance. Termination of EMPLOYEE's employment without cause may be effected by the COUNTY giving sixty (60) days' prior written notice to EMPLOYEE. Upon such termination, EMPLOYEE shall be entitled to additional salary, and any other compensation allowed under the County of Sonoma Salary Resolution, equal to that which would accrue during ninety (90) calendar days following termination and to be computed by the COUNTY Auditor-Controller at the rate applicable on the day of termination plus the cash equivalent of all accumulated vacation as of the day of termination. In addition to the foregoing, EMPLOYEE shall also be entitled to be compensated for any floating holiday balance or any other compensation or benefits as allowed by the Sonoma County Salary Resolution, as it may be amended from time to time. EMPLOYEE's health benefits and the COUNTY's portion of the premium contribution shall continue to remain in effect for a period of ninety (90) calendar days from date of termination. EMPLOYEE's acceptance of said severance pay shall constitute a final settlement and satisfaction of all claims of EMPLOYEE against the COUNTY arising out of his employment.

2. Termination with cause:

COUNTY may terminate EMPLOYEE's employment for just cause at any time by giving notice of employment discrepancies and an opportunity to respond to such discrepancies prior to termination. Notice is accomplished by COUNTY depositing a written notice in the United States mail that is addressed to EMPLOYEE at EMPLOYEE's last known address. After termination for just cause has been affected, EMPLOYEE shall have no further rights under this Agreement or to continued employment with the COUNTY. Just cause shall be related to and limited to those matters of local concern to the COUNTY ADMINISTRATOR. Just cause includes those grounds set forth in the Sonoma County Civil Service Rules, Rule 10.3 and may include, but is not limited to, unauthorized absence, conviction of a felony or of any criminal act involving moral turpitude; hostile and discourteous treatment of employees; mismanagement of County funds; conduct which brings discredit to the County; disorderly conduct; incapacity due to mental or physical disability to the extent permitted by law; willful concealment or misrepresentation of material facts in applying for or securing employment; willful disregard of a lawful order from a duly constituted authority; willful disregard of a County or departmental policy and/or laws regarding the confidentiality of records; using, being in possession of, or being under the influence of alcohol, narcotics, intoxicants, drugs, or hallucinatory agents while on County property or in vehicles during working hours or reporting to work under such conditions, or abuse of alcohol or drugs while in County uniform (possession and proper use of drugs prescribed by a licensed physician and appropriate possession of unopened alcoholic beverages are not prohibited by this section); negligence or willful damage to public property or waste or theft of public supplies or equipment; refusal to comply with a proper directive to

undergo a medical examination as issued by an appointing authority; falsification of any records, such as medical forms, time cards or employment applications, or making material dishonest work-related statement to other employees at work or committing perjury; unauthorized use of County vehicles and equipment; conviction of driving under the influence, reckless driving, or hit-and-run driving whether on or off the job, in a County vehicle; unauthorized possession of weapons or explosives on County premises; willful carelessness or violation of safety rules and regulations which jeopardize the safety of others and/or which could result in bodily injury to others or damage to County property; and sexual harassment of or unlawful discrimination against another employee or applicant for employment. Any other just cause not set forth above, must be of similar egregious conduct.

3. Statement of Reasons for Termination.

The COUNTY ADMINISTRATOR and EMPLOYEE will, within a reasonable period of time, not to exceed 10 working days, attempt to agree on a mutually acceptable statement as to the reasons for termination. If the parties cannot mutually agree to an acceptable statement of the reasons for termination within the time period set forth above, the COUNTY ADMINISTRATOR may, in her sole discretion, publish its reasons for termination. In such event, publication shall consist of filing the reasons with the Clerk of the Board. A copy of the statement shall be made for EMPLOYEE and kept for him in the office of the Board's Clerk. Within ninety (90) days following the announcement of termination, EMPLOYEE may present a written response to the COUNTY ADMINISTRATOR which will be maintained as a public record. The parties agree that other than as provided above, they will not make any other public statement concerning EMPLOYEE's termination.

4. Administrative Leave.

Upon receiving a specific complaint or charge brought against EMPLOYEE by another person or employee, the COUNTY ADMINISTRATOR may place EMPLOYEE on administrative leave when, in the sole opinion of the COUNTY ADMINISTRATOR, EMPLOYEE's temporary removal from office would be in the best interests of COUNTY. The administrative leave will commence upon COUNTY ADMINISTRATOR'S delivery to EMPLOYEE's office of a written notice to that effect. Upon the delivery of the notice to EMPLOYEE's office, performance of EMPLOYEE's job duties under this Agreement are suspended but all other provisions of this Agreement shall remain in full force and effect. COUNTY and EMPLOYEE agree that COUNTY will incur damages, if, during the period of administrative leave, EMPLOYEE performs or attempts to perform any of the duties provided in paragraph 2, or in any other way interferes with the administration or operation of LAFCO. COUNTY and EMPLOYEE agree that the measurement of these damages would be difficult and speculative and accordingly further agree that if EMPLOYEE performs or attempts to perform any of the duties provided in job specification for the position of LAFCO Executive Officer, or in any other way interferes with the administration or operation of the Department that COUNTY's duties to compensate EMPLOYEE under the Agreement are discharged for each day during which EMPLOYEE engages in such non-cooperation and/or interference. The administrative leave and the suspension of job duties shall terminate upon the County Administrator's delivery to EMPLOYEE's office of a written notice to that effect.

MEMORANDUM OF UNDERSTANDING FOR PROFESSIONAL AND SUPPORT STAFFING, OFFICE SPACE, EQUIPMENT, SUPPLIES, AND LEGAL SERVICES FOR THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SONOMA FOR FISCAL YEAR 2014-15

This Memorandum of Understanding (“Agreement”) is made by and between the Local Agency Formation Commission of the County of Sonoma (“the Commission”) and the County of Sonoma (“the County”).

RECITALS

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“the Act ”) requires the Commission to appoint an executive officer, legal counsel, and such other staff as it deems appropriate, and to make its own provision for necessary quarters, equipment, and supplies; and

WHEREAS, the Act allows the Commission to contract with another public agency for personnel and facilities; and

WHEREAS, the Commission desires to comply with the requirements of the Act for Fiscal Year 2014-15 by continuing to receive professional and support staff, office space, equipment, and supplies from the Office of the County Administrator (“the County Administrator’s Office”), and legal services from the Office of the County Counsel (County Counsel”); and

WHEREAS, the County is willing to have the County Administrator’s Office provide professional and support staff, office space, equipment, and supplies, and County Counsel provide legal services, to the Commission for Fiscal Year 2014-15; and

WHEREAS, the Commission intends to appoint its Executive Officer in accordance with the provisions of this Agreement with the understanding that the Executive Officer is a duly qualified individual who will serve as an “at will” employee in order to ensure the independence of such services for the Commission.

AGREEMENT

NOW, THEREFORE, the Commission and the County agree as follows:

1. Professional and Support Staff

(a) The County Administrator’s Office shall provide professional and support staff (“the professional and support staff”) for the day-to-day operations of the Commission. The cost for the professional and support staff shall be funded by appropriations within the Commission’s Fiscal Year 2014-15 budget. Professional staff shall include an employee in the County job class entitled “LAFCO Executive Officer” (“Executive Officer position”) and an employee in the County job class entitled

“Administrative Analyst II/III. Support staff shall include an employee in the County job class entitled “Administrative Aide”. The Commission may refer to the individuals in these positions by such titles as may be appropriate for Commission business. The primary responsibility of the professional and support staff shall be to perform duties required by the Act and one hundred percent of their time will be devoted to duties directly or indirectly related to the Commission. The professional and support staff shall be supervised and primarily directed by the employee in the Executive Officer position. The County Administrator shall not provide any direction to the professional and support staff with respect to policy matters or recommendations on matters before the Commission.

(b) The professional and support staff are County employees and all employment actions pertaining to the professional and support staff are the responsibility of and shall be carried out by the County Administrator. The County Administrator may not, however, permanently remove, replace, substitute, or otherwise change any of the professional and support staff without prior communication with the Commission.

(c) The County Administrator shall coordinate the selection of the individual employed in the Executive Officer position with the Commission. The County Administrator will provide a recommendation for the selection and the Commission will have the opportunity to provide input on the final selection. The County Administrator shall be responsible for making the final selection with the prior concurrence of the Commission. Once the final selection is made, the County Administrator shall appoint the individual to the Executive Officer position. The Commission shall appoint the incumbent of the Executive Officer position as the Commission’s Executive Officer in accordance with State Law. The Commission shall be given the opportunity to provide comments to the County Administrator annually on the performance of the individual in the Executive Officer position. The Commission may also provide input or feedback to the County Administrator with respect to the performance of the individual in the Executive Officer position at any other time. In the event that the Commission is dissatisfied with the performance of the individual in the Executive Officer position, and reasonable personnel actions are unsuccessful in resolving the performance issues to the Commission’s satisfaction, the County Administrator will coordinate the selection and appointment of a new individual for the Executive Officer position with the Commission.

2. Office Space, Equipment, and Supplies

The County Administrator’s Office shall provide office space and all necessary equipment and supplies for the Commission. The cost for office space, equipment, and supplies for the Commission shall be funded by appropriations within the Commission’s Fiscal Year 2014-15 budget.

3. Legal Services

(a) County Counsel shall provide legal services to the Commission. The cost for legal services for the Commission shall be funded by appropriations within the Commission’s Fiscal Year 2014-15 budget.

(b) The Commission understands that County Counsel serves as the County's legal advisor and representative on all civil matters. The Commission also understands that County Counsel serves as the legal advisor for a number of other separate legal entities that are governed by the same five (5) individuals that sit as the Board of Supervisors for the County, such as the Sonoma County Water Agency, the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Community Development Commission, and others (collectively "Related Public Entities"). In addition, County Counsel may, upon request, represent local government entities that are distinct from County government, such as the Commission. From time to time, the interests of the Commission may potentially conflict with the interest of the County or Related Public Entities, such as in a situation where the Commission and the County both require assistance of County Counsel in negotiating a contract with each other. As required by the Rules of Professional Conduct, County Counsel will take all steps necessary to safeguard the confidential information of the Commission in such situation. A copy of County Counsel's internal policy governing the management of conflicts of interest is available to the Commission upon request. Upon execution of the Agreement, the Commission agrees to execute the Waiver of Conflict attached hereto as Exhibit "A," so that County Counsel may continue to represent the County (or Related Public Entities) and the Commission in the absence of an actual conflict. Further should an actual conflict develop between the Commission and the County (or Related Public Entities), the Commission expressly waives its right to disqualify County Counsel from representing the County (or Related Public Entities) in any matter involving the Commission.

4. Term

This Agreement shall commence on July 1, 2014, and shall continue in full force and effect until June 30, 2015.

5. Entire Agreement

This Agreement 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 Code of Civil Procedure Section 1856.

6. Amendment

This Agreement may only be amended in writing by an amendment authorized by the Commission and the County's Board of Supervisors.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as set forth below.

COMMISSION:
Local Agency Formation Commission of
the County of Sonoma

DATED: _____

By: _____
Richard T. Bottarini, Executive Officer

COUNTY:
County of Sonoma

DATED: _____

By: _____
Veronica A. Ferguson, County Administrator

APPROVED AS TO FORM:

By: _____
Chief Deputy County Counsel

EXHIBIT "A"
GENERAL WAIVER OF CONFLICT

WHEREAS, the Office of the Sonoma County Counsel ("County Counsel") serves as the legal advisor and representative in all civil matters for the County of Sonoma ("the County"); and

WHEREAS, County Counsel also serves as the legal advisor for a number of other separate legal entities that are governed by the same five (5) individuals that sit as the Board of Supervisors for the County, such as the Sonoma County Water Agency, the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Community Development Commission, and others (collectively "Related Public Entities"); and

WHEREAS, County Counsel may, upon request, represent local governmental entities that are distinct from County government, such as the Local Agency Formation Commission of the County of Sonoma ("the Commission"); and

WHEREAS, from time to time, the interests of the Commission may potentially conflict with the interests of the County or Related Public Entities; and

WHEREAS, the Commission acknowledges that a potential conflict of interest may arise from the fact that the County or Related Public Entities may have divergent interests from the Commission in transactions involving the Commission and the County or the Commission and Related Public Entities, such as in a situation where the Commission and the County both require assistance of counsel in negotiating a contract with each other; and

WHEREAS, while transactional matters generally do not raise any specific potential for litigation between the parties, it is important for both parties to understand the potential conflict before agreeing to waive it; and

WHEREAS, the Commission wishes County Counsel to provide legal services notwithstanding such potential conflict; and

WHEREAS, in order to provide prompt legal services to all parties on transactions involving the parties, County Counsel is requesting a waiver from the Commission;

NOW, THEREFORE, the Commission hereby acknowledges that the nature of such potential conflicts has been explained, in particular by reference to the legal opinion set forth in *Civil Service Commission of San Diego County v. County of San Diego* (1984) 163 Cal. App. 3d 70, 78-79, which states, in part:

"The principle precluding representing an interest adverse to those of a current client is based not on any concern with the confidential relationship between

attorneys and client but rather on the need to assure the attorney's undivided loyalty and commitment to the client. (*Jeffry, supra*, 67 Cal.App.3d at pp. 9- 10, 136 Cal.Rptr. 373; see also *Grievance Com. of Bar of Hartford County v. Rottner* (Conn. 1964) 203 A.2d 82, 84.) The attorney who represents a client with interests adverse to another current client encounters the very real danger "that he will be tempted, perhaps unconsciously, to favor the interest of a particularly important client over the adverse or potentially adverse interest of a less favored client." (Developments in the Law--Conflicts of Interest in the Legal Profession (1981) 94 Harv. L. Rev. 1244, 1296.) Here there is every reason to believe that County Counsel would be tempted to favor the interests of the County in giving advice to the [Civil Service] Commission. The Commission's primary, if not sole function, is to pass judgment on the conduct of the County toward its employees. Every Commission decision has the potential of being adverse to one of the County's constituent agencies. Because County Counsel is directly responsible to the Board of Supervisors, it is difficult to conceive how any member of the County Counsel's office can render independent advice to the Commission. The structure of the system would appear necessarily to skew such advice in favor of the County and against the county employees. And even in those circumstances where County Counsel renders advice to the Commission favoring the employee, such advice places him in a position adverse to his client, the County."

The Commission hereby agrees to waive any potential conflicts of interest between the Commission and the County and between the Commission and Related Public Entities.

The Commission further agrees to waive the right to disqualify County Counsel from representing the County or any Related Public Entity over any conflict between the Commission and the County or between the Commission and any such Related Public Entities.

COMMISSION: Local Agency Formation Commission of the County of Sonoma

By: _____
Richard T. Bottarini, Executive Officer



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 29
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): County Administrator, Auditor-Controller-Treasurer-Tax Collector, Information Systems Department (ISD), General Services

Staff Name and Phone Number:

Donna Dunk 565-3274

Supervisorial District(s):

All

Title: Enterprise Financial System (EFS) Project Implementation

Recommended Actions:

Accept quarterly update on the Enterprise Financial System Project Implementation

Executive Summary:

On February 5, 2013, your board directed staff to proceed with the Enterprise Financial System (EFS) implementation project and to return with quarterly updates on the project's progression. The purpose of this report is to provide your board with the Spring 2014 quarterly update.

At this time the project continues on time, on budget (without the use of contingencies) and within the planned scope. Phase 1 of the project will go live on July 1, 2014 as was originally planned. There are no major issues that are unresolved with this initial phase which intends to implement the core financial functions (General Ledger, Accounts Payable, Purchasing and Asset Management). A summary of the project budget is included in Attachment A.

1. Project Activities over the past three months:

Project activities since the last quarterly update worth noting are as follows:

- Extensive system configuration and testing has been performed throughout the past three months.
- Developed an extensive training program and training materials. Training for County staff began on May 1, 2015. As of this writing, 60 classes have been offered with an average attendance of 10-12 County staff each. Evaluations completed by attendees indicate an overall training satisfaction score of 4.2 on a scale of 1-5.
- Developed a long term organizational support recommendation and developed a short term support strategy.
- Completed a majority of the development work for interfaces, conversions and reports.
- Successfully completed data conversion and data clean up in many areas.

- Began implementation of new applications for check issuance and warrant reconciliation functions.
- Completed end user security and workflow set-up.
- Held change leaders meetings.
- Completed an organizational impact analysis to identify process change needs.
- Completed development of integrated document imaging/management.

2. Upcoming project activities:

With the go-live date for phase 1 of July 1, 2014 fast approaching, the following project activities are anticipated to be completed by June 30, 2014:

- Complete end user training. Some training may continue into July but the majority of the training will be completed by June 30, 2014.
- Complete user acceptance testing.
- Complete testing in all areas including security, workflow, interfaces and reports.
- Complete development work in the area of interfaces and reports. Although the majority of development work will be completed by June 30, 2014, there will be ongoing development work that will continue after go-live.
- Plan for decommissioning of the mainframe environment.

3. Planning for Go-live and Production Support:

The Steering Committee has approved a short term and a long term support structure which will enable the County to adequately support end users initially and provide ongoing support, along with continue resources to enhance the system to achieve the most efficiencies out of this investment. It is anticipated that it will take staff time to fully learn the system and complete their day to day assignments. Although staff attended high level training in May and June, it is assumed that staff will not fully learn the system until they begin to use it daily and become more familiar with how the system works. The EFS project team is prepared to support users with this transition after go-live by having a lab open and available for employees to come and process their work with direct assistance. Additionally, a functional help desk will be available in the ACTTC for questions and ISD will continue to provide support and incident tracking through the Countywide service help desk. Despite all of this, end users will experience some amount of frustration for some time until they've had a chance to use the system on a regular basis. This is normal with all system implementations and the EFS project team has worked hard to facilitate a sound implementation and to identify methods to address issues as they arise.

The new EFS will provide enhanced features and efficiencies that have not been available to the County such as paperless processing and scanning of documents, workflow routing, enhanced reporting capabilities and decentralized data entry for departments. The amortization of the cost of the system will be allocated to users based on module usage, beginning in Fiscal Year 2014-2015. After further evaluation of the system amortization costs, it was determined that Special Districts do not have direct access to the system and as such will not be allocated system amortization costs. All other direct users of the system will pay a prorated share based on their usage.

4. Phase 2 to begin July 1, 2014:

Following phase 1 go-live on July 1, 2014, the EFS project team will begin planning phase 2 activities for go-live of phase 2 functionality on July 1, 2015. Modules to be implemented in phase 2 include Hyperion budgeting, grant and project accounting, accounts receivable, Strategic Sourcing and Oracle Business Intelligence. The Steering Committee will continue to return to your board approximately every three months with an update of project activities throughout the remainder of the project.

Prior Board Actions:

- 2/25/14 – Board accepted the quarterly EFS update and approved a contract with Bottomline Technologies for C-Series Payments Software upgrade
- 12/5/13 – Board accepted the quarterly EFS update
- 8/13/13 – Board accepted the quarterly EFS update
- 5/7/2013 – Board accepted the quarterly EFS update and approved a contract with Neko Industries, Inc. for document management to be integrated with the PeopleSoft system
- 2/5/2013 – Board approved proceeding with EFS project and budget, along with contracts with Ciber, Inc., Oracle, and Maverick Solutions
- 9/18/2012 – Board approved proceeding with EFS project by negotiating a contract with Ciber, Inc and Oracle

Strategic Plan Alignment Goal 3: Invest in the Future

The enterprisewide system solution will allow the county to ensure fiscal transparency by replacing outdated and unsupported financial tracking and reporting technology.

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: | | | |
| Attachment A – EFS Budget Summary | | | |
| Related Items “On File” with the Clerk of the Board: | | | |
| | | | |



EFS Project Status Report

For the Period Ended: May 13, 2014

| Description | Steering Committee EFS Budget Summary | | | | | |
|----------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|---------------------------------------|---------------------------------------|---|
| | A | B | C | D = B+C | E = D-A | F = E/A |
| | Approved Budget As of 2/5/2013 | PTD Expenditures As of 4/30/2014 | ETC Expenditures As of 4/30/2014 | Total Expenditures As of 4/30/2014 | \$ Budget Variance As of 4/30/2014 | % Budget Variance As of 4/30/2014 |
| External Costs: | | | | | | |
| Hardware, OS & DB | \$ 993,444 | \$ 92,347 | \$ 813,311 | \$ 905,658 | \$ (87,786) | -9% |
| PeopleSoft License & Maintenance | \$ 1,570,639 | \$ 1,213,356 | \$ 379,521 | \$ 1,592,877 | \$ 22,238 | 1% |
| Ciber Implementation Services | \$ 5,709,705 | \$ 2,298,446 | \$ 3,411,259 | \$ 5,709,705 | \$ - | 0% |
| OnBase Integration & Maintenance | \$ 896,000 | \$ 76,215 | \$ 736,060 | \$ 812,275 | \$ (83,725) | -9% |
| Project Management Consulting | \$ 1,404,000 | \$ 646,313 | \$ 757,688 | \$ 1,404,000 | \$ - | 0% |
| Other External Costs | \$ 858,607 | \$ 351,499 | \$ 386,982 | \$ 738,481 | \$ (120,126) | -14% |
| Contingency - External Costs | \$ 1,714,859 | \$ - | \$ - | \$ - | \$ (1,714,859) | -100% |
| | \$ 13,147,254 | \$ 4,678,174 | \$ 6,484,820 | \$ 11,162,995 | \$ (1,984,259) | |
| Internal Costs: | | | | | | |
| Internal Staffing | \$ 6,200,000 | \$ 2,123,939 | \$ 3,797,217 | \$ 5,921,156 | \$ (278,844) | -4% |
| Fixed Internal Costs | \$ 639,000 | \$ 317,642 | \$ 291,662 | \$ 609,304 | \$ (29,696) | -5% |
| Other Variable Internal Costs | \$ 239,000 | \$ 77,504 | \$ 108,611 | \$ 186,116 | \$ (52,884) | -22% |
| Departmental Vendor Interfaces | \$ 98,000 | \$ - | \$ 98,000 | \$ 98,000 | \$ - | 0% |
| Contingency - Internal Costs | \$ 1,076,400 | \$ - | \$ - | \$ - | \$ (1,076,400) | -100% |
| | \$ 8,252,400 | \$ 2,519,085 | \$ 4,295,490 | \$ 6,814,575 | \$ (1,437,825) | |
| Financing Costs | \$ 993,540 | \$ 39,977 | \$ 598,787 | \$ 638,764 | \$ (354,776) | -36% |
| TOTALS | \$ 22,393,193 | \$ 7,237,236 | \$ 11,379,098 | \$ 18,616,334 | \$ (3,776,859) | All Line Items |
| | | | | | \$ (985,600) | Excluding Contingencies |
| | | | | | \$ (630,824) | Excluding Contingencies and Financing Costs |

Current Project Budget Status

Forecasted Project Budget Status

PTD = Project To Date ETC = Estimate To Complete



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 30
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Water Agency Board of Directors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Sheryl Bratton (707) 565-3740

Supervisorial District(s):

n/a

Title: Legal Services – Jill Golis

Recommended Actions:

Authorize the General Manager of the Sonoma County Water Agency to execute a Legal Services Agreement with Jill Golis, Attorney at Law, to provide advisory and representation services to the Agency through June 30, 2016, in a not-to-exceed amount of \$90,000 per any 12 month period.

Executive Summary:

The Water Agency's General Manager and the Sonoma County Counsel are recommending that the Water Agency enter into a new contract for legal services with Jill Golis, Attorney at Law. The Water Agency's current contract with Ms. Golis was executed in 2007 and did not provide a specific termination date. The General Manager would like to continue to retain Ms. Golis to work with the Sonoma County Counsel's Office on Water Agency legal matters.

As a deputy County Counsel, Jill Golis provided legal services to the Water Agency for more than 20 years. Since her retirement in 2007, she has continued to assist Water Agency and County Counsel staff, helping provide continuity of service and institutional knowledge. Prior to her County service, she was appointed by the governor to and served as the lawyer member of the State Water Resources Control Board, the state agency charged with administering water rights and setting policy for water pollution control in California. Before she served on the State Water Board, she was a State Water Board staff attorney, specializing in water rights and legislative matters. Her experience and expertise are of continuing value to the Water Agency as it responds to ongoing water supply challenges and implements the 2008 NMFS Biological Opinion through temporary and permanent changes to the Water Agency's state water rights permits. Ms. Golis' institutional knowledge of the Water Agency's operations and County Counsel staff and protocols is critical.

The new contract includes a specific termination date of June 30, 2016, and a not-to-exceed amount of \$90,000 for any 12 months period.

| | | | |
|--|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| On November 27, 2007, the Board approved a legal services agreement with Jill Golis. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Ms. Golis' expertise in water law will provide critical support to the Agency as it responds to ongoing water supply challenges. | | | |
| Fiscal Summary - FY 14-15 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 90,000 | Water Agency Gen Fund | \$ 90,000 |
| Add Appropriations Reqd. | \$ | 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: | | | |
| None. | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| Agreement for Professional Services between the Water Agency and Jill Golis, Attorney at Law. | | | |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 31
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Fire and Emergency Services Department

Staff Name and Phone Number:

Al Terrell, 565-1152

Supervisorial District(s):

Title: Digital Health Department, Inc. Cal/EPA Electronic Reporting Agreement

Recommended Actions:

Authorize the Director of the Fire and Emergency Services Department to execute a Professional Services Agreement for \$29,510 with Digital Health Department, Inc., terminating December 31, 2014. Agreement is for software development and licensing to provide complete data management for all Unified (Haz Mat) Programs administered by the Fire and Emergency Services Department and to communicate the data with Cal/EPA's statewide reporting system.

Executive Summary:

The request before the Board is to authorize the Director of the Fire and Emergency Services Department to execute an agreement with Digital Health Department, Inc. (formerly Garrison Enterprises, Inc.), for software development and licensing to provide complete, web-based, data management for all Unified (Haz Mat) Programs administered by the Fire and Emergency Services Department. This would also enable data sharing with Cal/EPA's statewide reporting system so that first responders and other interested parties would have access to information about regulated hazardous materials at various sites, enhance compliance information for businesses and allow a variety of other hazardous materials data analysis purposes.

The agreement, at a cost of \$29,510 and terminating on December 31, 2014, will complete work required by the state and funded through state grant monies and finish out a project started in 2011 which had stalled due to contractor management and ownership changes and the ongoing development of state database requirements.

Background:

The California Environmental Protection Agency (Cal/EPA) oversees the Unified Program which consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of seven environmental and emergency response programs all related to hazardous materials of various kinds. The state agencies responsible for these programs set the standards for their programs while local governments implement the standards. The Unified Program is implemented at the local level by 83 government agencies certified by the Secretary of Cal/EPA which

are known as Certified Unified Program Agencies (CUPAs). Sonoma County Fire and Emergency Services Department was certified by Cal/EPA as a CUPA in 1995.

Assembly Bill 2286 went into effect on January 1, 2009. It required that by January 1, 2013, all regulated businesses and local governments use the Internet to file their regulatory reports which were being filed by paper. The Fire and Emergency Services Department as a CUPA is required to comply with these electronic reporting requirements. The required reporting includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. Regulated businesses must report using Cal/EPA's California Environmental Reporting System (CERS) and this information will be transferred electronically to Fire and Emergency Services, as their local regulatory agency. CERS will also support electronic data exchange among regulated businesses, local governments, and the United States Environmental Protection Agency. Cal/EPA will create a public access website that allows access to the information collected from businesses and local governments.

Creating a system for automated data exchange offers several benefits. One of the most important is that it will provide immediate information to first responders regarding the hazardous materials that businesses have on site and where they are stored. Having this information readily available at emergency incidents will improve safety for first responders and help them to be more effective in the event of a fire or chemical release. It will also make it easier for businesses to comply with environmental reporting requirements, particularly those with multiple sites in Sonoma County. Eventually, it will also make this information more available to concerned citizens and fit with Sonoma County's goal of greater transparency in its operations.

The functionality of the current database is decreasing over time as it is becoming obsolete, and will eventually be unsupported by Information Systems Department (ISD) technical staff. More importantly, it is not designed to exchange information with CERS, which is critical to the success of meeting the electronic reporting requirement.

The Fire and Emergency Services Department received funds from the CUPA Electronic Reporting Grant to provide assistance in implementing electronic reporting requirements. After an RFP was conducted, proposals from four vendors were reviewed by a committee made up of representatives from Fire & Emergency Services, ISD, and the Agricultural Commissioner's Office (they are part of the Sonoma County CUPA). Garrison Enterprises, Inc. was the selected vendor. Digital Health Department, Inc. subsequently acquired Garrison Enterprises, Inc. The Professional Services Agreement was approved by the Board on November 15, 2011 and implemented with a completion date of 12/31/12. However, significant delays slowed the progress of the project. Some resulted from the ownership and management changes caused by DHD's purchase of Garrison, others were caused by the ongoing development of the state's data requirements and standards. We request approval to execute a new Professional Services Agreement (Attachment A1) terminating December 31, 2014 for the remaining \$29,510 unspent from the grant and outstanding from the previous contract. We have updated all relevant milestones and deliverables accordingly.

Financial Impact:

The grant funds were re-budgeted into Fiscal Year 13/14 and previously encumbered contract funds are available for the Professional Services Agreement.

The County Fire Chief/Department Director recommends approval.

| | | | |
|---|---|---|------------------------------|
| Prior Board Actions: | | | |
| 11/15/2011: Professional Services Agreement with Digital Health Department, Inc. (formerly Garrison Enterprises, Inc.) | | | |
| Strategic Plan Alignment | | Goal 1: Safe, Healthy, and Caring Community | |
| | | | |
| Fiscal Summary - FY 13-14 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 29,510 | County General Fund | \$ -0- |
| Add Appropriations Req'd. | \$ -0- | State/Federal | \$ 29,510 |
| | \$ | Fees/Other | \$ -0- |
| | \$ | Use of Fund Balance | \$ -0- |
| | \$ | Contingencies | \$ -0- |
| | \$ | | \$ |
| Total Expenditure | \$ 29,510 | Total Sources | \$ 29,510 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| The funds were re-budgeted in Fiscal Year 13/14 and previously encumbered contract funds are available for the Professional Services Agreement. | | | |
| 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: | | | |
| PSA with Digital Health Department, Inc. (A1) | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None. | | | |

S:\AGENDA\Hazmat\2014\06-10-2014 FES CUPA E Reporting Grant Contract_Summ.docm

**Standard Professional Services Agreement (“PSA”)
Revision F – April 2012**

AGREEMENT FOR CUPA ELECTRONIC REPORTING SERVICES

This agreement ("Agreement"), dated as of June 10, 2014 (“Effective Date”) is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Digital Health Department, Inc. (hereinafter "Consultant").

R E C I T A L S

WHEREAS, Consultant represents that it is a duly qualified, experienced in the preparation of CUPA data management software and related services; and

WHEREAS, in the judgment of the County, it is necessary and desirable to employ the services of Consultant for a CERS-compatible, on-line database for the collection and exchange of CUPA - related information and the management of fire prevention information.

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

A G R E E M E N T

I. Scope of Services.

1.1 Consultant's Specified Services.

Consultant shall perform the services described in Section III of the Request for Proposals (hereinafter “RFP”): “CUPA Electronic Reporting Project” attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), by December 31, 2014 and pursuant to Article 7, Prosecution of Work. In the event of a conflict between the body of this Agreement and the RFP, the provisions in the body of this Agreement shall control.

1.2 Cooperation With County. Consultant shall cooperate with County and County staff in the performance of all work hereunder.

1.3 Performance Standard. Consultant 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 Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant 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 Consultant'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 Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

- a. Consultant 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 Consultant to perform work hereunder, Consultant 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. Consultant 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 Consultant’s personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant’s control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2. Payment.

For all services and incidental costs required hereunder, Consultant shall be paid in accordance with the following terms:

| | | |
|-------------|--|-------------|
| Milestone 1 | Delivery of Data Conversion of Hazmat System | \$2,270.00 |
| Milestone 2 | Delivery of Reports for Client Testing | \$2,270.00 |
| Milestone 3 | Delivery of Printable forms for Client testing | \$2,270.00 |
| Milestone 4 | Delivery of Database with Facilities & Inspection Capabilities | \$4,540.00 |
| Milestone 5 | Delivery of Invoicing Module | \$2,270.00 |
| Milestone 6 | Delivery of EDT Tiers 1 - 4 | \$4,540.00 |
| Milestone 7 | Delivery of Field Client | \$4,540.00 |
| Milestone 8 | Delivery of Fire Module for testing | \$4,540.00 |
| Milestone 9 | Fire Module Go-Live | \$2,270.00 |
| | Total | \$29,510.00 |

For all services and incidental costs required hereunder, Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in the RFP. All expenses must be approved by County prior to expenditure provided, however, that total payments to Consultant shall not exceed the amount specified by the Consultant in Appendix A-1, Form 4, "Pricing Page," without the prior written approval of County. Consultant shall submit its bills in arrears on a monthly basis in a form approved by County's Auditor and the Director of the County of Sonoma Fire and Emergency Services Department (hereinafter "County Fire") receiving the services. The bills shall show or include: (i) the task(s) performed; (ii) the time in quarter hours devoted to the task(s); (iii) the hourly rate or rates of the persons performing the task(s); and (iv) copies of receipts for reimbursable materials/expenses, if any. Expenses not expressly authorized by the Agreement shall not be reimbursed.

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 the County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by the County.

Pursuant to California Revenue and Taxation Code (R&TC) Section 18662, the County shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (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 Consultant does not qualify, County requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If consultant is qualified, then the County requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the contractor agrees to promptly notify the County of any changes in the facts. Forms should be sent to the County pursuant to Article 12. To reduce the amount withheld, Consultant has the option to provide County with either a full or partial waiver from the State of California.

3. Term of Agreement. The term of this Agreement shall be from June 10, 2014 to December 31, 2014 (with the option of renewal for ongoing services) unless terminated earlier in accordance with the provisions of Article 4 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 days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant 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 Consultant 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, Consultant, 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, Consultant 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 Consultant 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, Consultant 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, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or the Director of County Fire, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. Indemnification. Consultant 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 Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 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 Consultant's expense, subject to Consultant'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 Consultant 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, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit B, which is attached hereto and incorporated herein by this reference

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant'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 Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant 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 Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant 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 Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant 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 the County.

9. Representations of Consultant.

9.1 Standard of Care. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant 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 Consultant's work by County shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, 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. Consultant is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant 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. Consultant 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. Consultant 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 Non-procurement Programs issued by the General Services Administration. If the Consultant becomes debarred, consultant has the obligation to inform the County

9.4 Taxes. Consultant 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. Consultant 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 Consultant'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, Consultant agrees to furnish County with proof of payment of taxes on these earnings.

9.5 Records Maintenance. Consultant 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. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.6 Conflict of Interest. Consultant 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. Consultant 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, Consultant 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 Consultant'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, Consultant 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, the County's Non-Discrimination 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. Consultant 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. Consultant assigns to County all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant 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. Consultant'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. Consultant shall not use or permit another 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 Consultant or Consultant's subcontractors, consultants, 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, Consultant 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. Consultant 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 Consultant.

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other'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 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 thirty (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.

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, 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: Sonoma Co. Fire & Emergency Services Dept.
2300 County Center Dr., Ste. 220B
Santa Rosa, CA 95403

TO: CONSULTANT: Digital Health Department, Inc.
7506 E. Independence Blvd., #105
Charlotte, NC 28227

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 paragraph.

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. Consultant 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. Consultant 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.

14. Proprietary Rights

14.1 Consultant Ownership. Exclusive of County Content, Consultant shall retain all right, title and interest (including copyright and other proprietary or intellectual property rights) in the Application, in the Customized Site, and in any Consultant Content, including but not limited to all legally protectable elements, or derivative works thereto, whether or not paid for wholly or in part by County, whether or not developed in conjunction with County, and whether or not developed by Consultant, County or any subcontractor or agent for Consultant or County. To the extent that ownership of any of the foregoing does not automatically vest in Consultant by virtue of this Agreement or otherwise, County agrees to transfer and assign to Consultant all rights, title and interest in the Application, Customized Site, Consultant Content and/or protectable elements or derivative works thereof.

14.2 County Ownership. County shall retain all right, title and interest (including copyright and other proprietary or intellectual property rights) in the County Content.

14.3 Proprietary Notices. Consultant may place copyright and/or proprietary notices, including hypertext links within Consultant Content as incorporated within and on the Customized Site. County may not alter or remove such notices without Consultant's written permission.

14.4 Limitations. County shall not provide to Consultant any County Content that may be defamatory, or that actually or potentially infringes or misappropriates the copyright, trademark, or proprietary or intellectual property right of any person.

14.5 Future Options. Discontinue Use of System: If at the end of the contract period, the County decides to no longer pursue the DHD system, Consultant will release data contained in DHD along with information on relationships in the data to a third party format (i.e.: Access, Excel, CSV, etc.) with no further obligation to County. Data will be released within thirty (30) business days after the date of contract termination or date of payment of any outstanding invoice, whichever is later.

15. Confidential Information

15.1 For the purpose of this Agreement, "Confidential Information" shall mean information or material proprietary to the County or designated as "Confidential Information" by the County, and not generally known by non-County personnel, which Consultant may obtain knowledge of or access to as a result of a contract for services with the County. The Confidential Information includes, but is not limited to, the following types of information or other information of a similar nature (whether or not reduced to writing): operations, methods of doing business, computer programs, computer network operations and security, finances and other confidential and proprietary information belonging to the County. Confidential Information also

includes any information described above which the County obtained from another party that the County treats as proprietary or designates as Confidential Information, whether or not owned or developed by the County. Information publicly known and that is generally employed by the trade at the time that Consultant learns of such information or knowledge shall not be deemed part of the Confidential Information. Consultant shall not, without prior authorization from the County Project Director, or his/her designee, acquire, use or copy, in whole or in part, any Confidential Information.

15.2 Consultant shall not disclose, provide or otherwise make available, in whole or in part, the Confidential Information other than to those employees of Consultant who have executed a confidentiality agreement with the County, have a need to know such Confidential Information, and who have been authorized by the County Project Director, or his/her designee, to receive such Confidential Information.

15.3 Consultant shall not remove or cause to be removed, in whole or in part, from County facilities, any Confidential Information, without the prior written permission of the County Project Director or his/her designee.

15.4 Consultant shall take all appropriate action, whether by instruction, agreement or otherwise, to insure the protection, confidentiality and security of the Confidential Information and to satisfy its obligations under this Confidentiality Agreement.

15.5 The code and system being provided to the County is only for use by the County and in no way transfers ownership, resale or other use rights to the County except for the express purpose as outlined in this contract. The County warrants that neither the County, nor any member of the County staff or affiliates, disclose any proprietary information they may come in receipt of through its use of the DHD. All applicable copyright and infringement laws apply to any violation of this licensing agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT: Digital Health Department, Inc.

By: _____

Name: _____

Title: _____

Date: _____

COUNTY: COUNTY OF SONOMA

CERTIFICATES OF INSURANCE ON
FILE WITH AND APPROVED AS TO
SUBSTANCE FOR COUNTY:

By: _____
Department Head

Date: _____

APPROVED AS TO FORM FOR COUNTY:

By: _____
County Counsel

Date: _____

Appendix A-1

**County of Sonoma
Fire and Emergency Services Department**

**REQUEST FOR PROPOSALS
RFP 11-100
CUPA Electronic Reporting Project**

**SUBMIT PROPOSALS BY:
Thursday, March 3, 2011, 2:00 PM**

Calendar of Events

| | |
|------------------------------------|---|
| RFP Mailed | Thursday, January 27, 2011 |
| Submission of Proposers' Questions | Thursday, February 10, 2011, 5:00 p.m. |
| Addendum Issued (if necessary) | Thursday, February 17, 2011 |
| Proposals Due by | Thursday, March 3, 2011, 2:00 p.m. |

Project Manager:

Andrew Parsons, Assistant Chief
County of Sonoma Fire & Emergency Services Dept.
2300 County Center Dr., Ste. 221A
Santa Rosa, CA 95403
707-565-1174
aparsons@sonoma-county.org

**County of Sonoma
CUPA Electronic Reporting Solution**

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SECTION I: Rules of Preparation

A. Invitation

The County of Sonoma Fire and Emergency Services Department (hereinafter “County”) hereby requests proposals for software and services to provide a comprehensive web-based data management and reporting program that will comply with CalEPA’s California Electronic Reporting System (CERS) requirements. The system will replace our existing CUPA DMS software. The system should provide County Hazmat staff with a web-based, comprehensive data management and reporting program for use by the CUPA for inspection scheduling/ tracking and permit/ billing tracking functions and for complying with CERS requirements.

This Request for Proposals (RFP) describes the general rules for preparing and submitting proposals and the County’s requirements for a CERS compliant CUPA data management system.

Section I includes the rules for proposal preparation.

Section II contains an overview of terms and conditions of the agreement.

Section III contains specific information about the project objectives, the County’s network environment, the scope of services, and deliverables.

Section IV contains a description of the required Proposal Format.

Appendix A-1 contains the Proposer Response Pages including a matrix of functionality.

Proposer shall submit a written proposal, which presents the Proposer’s qualifications and ability of their solution to meet the specific needs of the County of Sonoma. The proposal should be prepared in a clear and concise manner and should provide all of the information considered pertinent to its product functionality, qualifications and response to the Scope of Services listed herein. Unnecessarily elaborate or glossy proposals are neither expected nor desired. Emphasis should be placed on accurate responses to the specific functionality of the system being proposed.

Failure to comply with the RFP requirements or to provide the requested information may result in rejection of a proposal.

B. Vendor Inquiries

If any proposer has any question regarding the meaning of any part of this RFP, or finds discrepancies in or omissions from this RFP, the Proposer shall submit a written request (electronic mail is sufficient) to the County's contact by **5:00 p.m. PST on Thursday, February 10, 2011**, for an interpretation or clarification :

Andrew Parsons, Assistant Chief
County of Sonoma Fire & Emergency Services Dept.
2300 County Center Dr., Ste. 221A
Santa Rosa, CA 95403
707-565-1174
aparsons@sonoma-county.org

The County's responses to questions will be included in an Addendum to this RFP, if necessary, which will be e-mailed to proposers before **Thursday, February 17, 2011**.

C. Submission of Proposals –Due Thursday, March 3, 2011, 2:00 P.M. PST.

Proposer shall prepare and submit an **original** plus two (2) double-sided hard copies of the proposal and one (1) electronic copy in PDF file format. Proposals shall be submitted in a sealed envelope and **clearly marked on the outside: "SEALED PROPOSAL FOR CUPA Electronic Reporting Project – DO NOT OPEN WITH REGULAR MAIL"** and must be submitted no later than **2:00 PM, Pacific Standard Time, Thursday, March 3, 2011, to:**

**County of Sonoma Fire & Emergency Services Dept.
2300 County Center Dr., Ste. 221A
Santa Rosa, CA 95403**

Proposals received after the announced time and date for submittal, whether by mail or otherwise, will not be considered. It is the sole responsibility of the Proposer to ensure that its proposal is stamped by County personnel before the deadline. Proposals received after the announced deadline for time and date of receipt will be returned unopened. However, nothing in this RFP precludes the County from requesting additional information at any time during the proposal evaluation.

Any proposal submitted shall include a Signature Sheet (see Appendix A-1, Form 3) that has been signed by an individual authorized to bind the Proposer. Proposals submitted without such signature may be deemed non-responsive.

D. Vendor Qualifications

The successful Proposer shall be one who provides a clear and logical solution to meet the needs of the County in this requirement. The vendor should be able to demonstrate the ability to provide a stable, robust product which meets or exceeds the requirements set forth for this solution need. The vendor must also

demonstrate in their proposal the qualifications of their company and references for past successes in implementing effective solutions to this type of system requirement. The successful Proposer must also demonstrate they have sufficient resources available to successfully implement their product for the County of Sonoma if selected.

E. Review and Evaluation of Proposals/ Vendor Demonstrations

After the proposals are received and opened by the County, the County shall review and evaluate all proposals for responsiveness to the RFP in order to determine whether the Proposer possesses the qualifications necessary for the satisfactory performance of the services required. The County may also investigate qualifications of all Proposers to whom the award is contemplated, and the County may request clarifications of proposals directly from one or more Proposers.

Presentations of the Proposers of their products may be scheduled to facilitate evaluation of each proposed solution by a project team based on specified functionality.

In reviewing the proposals, the County may consider the following:

1. The functionality of the system and its ability to meet the needs of the County of Sonoma.
2. The qualifications (including education, certifications, experience, and past performance) of the Proposer and its agents, employees and sub-consultants in installing and supporting the system being proposed in an environment of similar size, scope, and complexity as that of the County of Sonoma.
3. The feasibility of the proposal based upon the methodology of the proposed scope of services to meet the County's needs, the quality of products and services proposed, and the reasonableness of the total project costs.
4. Proposer's understanding of the work to be completed based upon the clarity of the proposal and responsiveness to this RFP. The County will not assume that a proposer will perform services not specifically detailed in its submitted proposal.
5. Proposer's willingness to accept the terms and conditions in the County's standard form Service Agreement described in Section II of this RFP.

The proposal with the lowest price will not necessarily be selected; however, price is a component of the evaluation. The County will select the proposal that is most advantageous to the County and will award the Agreement to the most responsible proposer.

F. Right of the County to Reject Proposals

The County reserves the right to reject any and all proposals or to waive any minor defects or irregularities in any proposal or in the proposal process, or to solicit new proposals on the same project or on a modified project which may include portions of the original proposed project as in the best interest of the County.

G. Award of Agreement

The County reserves the right to negotiate the terms of the Agreement for this Project with one or more proposers. Upon completion of the review period, the County shall notify those Proposers who will be considered for further evaluation and negotiation. All Proposers so notified will be requested to make presentations and shall negotiate in good faith in accordance with direction from the County. Any delay caused by Proposer's failure to respond to direction from the County may lead to a rejection of the Proposal.

The award of the Agreement, if made by the County, may be formally approved at a public hearing based upon a total review and analysis by staff of each proposal and projected costs.

If the County determines, after further evaluation and negotiation, to award the Agreement, a Service Agreement shall be sent to the successful Proposer for the Proposer's signature. No proposal shall be binding upon the County until the Agreement is signed by duly authorized representatives of the selected Proposer and the County.

H. Cost of Preparation of Proposal

The County will not pay costs incurred by the Proposer in the proposal preparation, printing or negotiation process. All such costs shall be borne by the Proposer.

I. Notification of Withdrawal of Proposal

Proposals may be modified or withdrawn at any time prior to the date and time specified for proposal submission by an authorized representative of the Proposer and by formal written notice. Proposals submitted will become the property of the County of Sonoma after the proposal submission deadline.

J. Proposals are Public Records

Each Proposer is hereby informed that, upon submittal of its proposal to the County in accordance with this RFP, the proposal is the property of the County.

1. Unless otherwise compelled by a court order, the County will not disclose any proposal while the County conducts its deliberative process in accordance with the procedures identified in this RFP. However, after the County either awards an agreement to a successful proposer, or the County rejects all proposals, the County shall consider each proposal subject to the public disclosure requirements of the California Public Records Act (California Government

Code sections 6250, *et seq.*), unless there is a legal exception to public disclosure.

2. If a Proposer believes that any portion of its proposal is subject to a legal exception to public disclosure, the Proposer shall: (1) clearly mark the relevant portions of its proposal as “Confidential”; (2) upon request from the County, identify the legal basis for exception from disclosure under the Public Records Act; and (3) the Proposer shall defend, indemnify, and hold harmless the County regarding any claim by any third party for the public disclosure of the “Confidential” portion of the proposal.

SECTION II. SELECTED TERMS AND CONDITIONS OF THE AGREEMENT

A. Written Agreement

The selected Proposer will be required to enter into a written agreement with the County of Sonoma under which the Proposer will undertake the obligations described in Section III of this RFP and in the County’s standard form Service Agreement, attached to this RFP as Exhibit A.

B. Exceptions to the RFP and Service Agreement

Exceptions to the RFP specifications, terms and conditions shall be clearly stated in the proposal. Proposers should also specifically identify any portion of the Service Agreement which the Proposer desires to amend either by addition, deletion or modification.

C. Term of Agreement

The term of the Service Agreement shall commence on the date last signed by the successful Proposer and County and shall continue until completion of all services in accordance with the agreed-upon project timeline described in the Service Agreement.

D. Conflict of Interest

Proposers should disclose any past, ongoing, or potential conflicts of interest which the Proposer may have as a result of performing the work described in this RFP.

E. Insurance

The Proposer shall obtain, at its own expense and from an admitted insurer authorized to operate in California, the insurance coverage detailed in Exhibit B. A current copy of an insurance certificate, or a letter of intent to provide insurance from the issuing company (including a description of types of coverage and dollar amount limits), submitted with the RFP response may be favorably considered.

The successful Proposer shall submit a Certificate of Insurance (with endorsements) to the County concurrently with the execution of the Service Agreement and prior to the commencement of any services.

SECTION III. PROJECT DESCRIPTION

A. Objectives

The County is seeking a solution to replace the existing CUPA DMS software used by our Fire & Emergency Services Department to track local entities using hazardous materials. Both ASP and non-ASP model based solutions will be considered. The ideal solution for this requirement would include:

- 1) Data Conversion services to migrate all data elements from our existing CUPA DMS database into a CERS-compliant system. The Department will work with the selected vendor to clean, verify and map the existing data.
- 2) An ability to further collect, store and submit all Unified Program (UP) related information contained in CCR Title 27 as well as interface and exchange data with CalEPA's own CERS web-based system.
- 3) Ability to allow the user to enter data in a simplistic and logical fashion.
- 4) An ability to handle inspection scheduling, including routine, complaint and recurring inspections (e.g., annual, triennial), review of historic inspections, tracking due dates or upcoming appointments. The ability to attach comments, reports or digital photos should also be described.
- 5) Ability to create and enter violations by program element as regulations and requirements change
- 6) Use on a laptop or tablet computer so that the inspectors can enter information only once while in the field and have it linked or uploaded to the main system.
- 7) A public interface that would allow facility owners and operators to enter, update, or review data for their respective facilities (e.g., owner/operator information, maps, or chemical information as contained in CCR Title 27). This should also include the ability for a facility representative or member of the community to review a facility's compliance history.
- 8) An ability to archive and retrieve all inspections and permits, as well as run queries or reports against the data.
- 9) A complaint tracking system to monitor and assure response to complaints received by the CUPA.
- 10) Functionality that would allow the agency to use "mass communication tools" for notices and communications to the businesses in the system.
- 11) Ability to manage fees, prepare individual and batch invoices, accept full and partial payments, and generate financial reports relating to these transactions.. Include any on-line capability to process invoices or payments.

Staff Training and Use:

- 1) Identify anticipated staff training needs for inspection staff, administrative personnel or management and technical support staff.
- 2) Identify any data entry or reporting training options available to the business community for self-reporting.

Technical Specifications:

Please describe the detailed software and hardware requirements for your system to operate in the County of Sonoma network environment and also allow remote access from the field by inspectors in the course of their day.

B. Network Environment

The County has a mature enterprise level infrastructure and network. The County has an integrated data network comprised of 1 GB and higher Ethernet switches. The data network uses multiple T1 and DS3 lines tying numerous sites with various Cisco routers, hubs and UTP LAN's. The fiber links from the outlying offices in Santa Rosa to the main County Campus are provisioned by the local cable company. The County also has three AT&T Opt-E-Man fiber networks currently linking over 35 sites. Its network runs on Microsoft Windows Server 2003 Active Directory operating system. Application server and storage space is provided through a Storage Area Network. Although the County operates an IBM mainframe computer to support its financial systems, it is actively in the process of moving applications to a server

Any proposed solution must be able to operate on a VMware virtual server environment and be Windows 7 certified for client use.

Additional information about the Sonoma County IT Environment can be found in Attachment G.

C. Desired Functionality

A complete list of the features and functionality required in the CUPA data management system is contained in Appendix A-1, Form 3.

D. Scope of Services

The County is interested in contracting for the following services:

- Management and coordination of all development work
- Installation and deployment of the new system
- Data migration and validation
- Development of batch or real time interfaces
- Systems, integration and functional verification testing
- Development of reports
- Staff and customer training
- 60-day warranty with direct support

A scope of proposed services should be provided with the Proposer's submittal which outlines the services provided by the Proposer to successfully install and test a functioning CUPA data management system. The precise scope of services

to be incorporated into the Service Agreement will be based upon the submitted proposal and this project description and may be the subject of negotiations between the County and the successful Proposer.

Based upon the County's outline of requirements for a system, the Proposer shall prepare a complete description of the scope of services which the Proposer intends to perform in order to achieve the Project objectives of providing and functionally testing a complete CUPA data management system meeting the needs of the County.

E. Deliverables

It is the expectation of the County that two systems will be created and maintained establishing a test and production environment of the application. All development work will be performed and thoroughly tested in the test system before moving to the production system.

At the conclusion of the development and system test phase of the project, the successful Proposer shall provide a functional testing session in the test environment to demonstrate to the County project team a fully functioning system meeting the agreed upon specified list of functionality. Once the user acceptance phase of the project is completed and the County has signed off on the system, the Proposer will assist County technical staff to deploy the system to the production environment.

Scheduled project completion date is no later than December 31, 2012.

It is also the expectation of the County that a 60-day warranty will go into effect after the production deployment to address any issues that may arise post-production.

The following documentation must also be provided:

1. A project plan that outlines the major milestones of the project along with their associated subtasks and expected delivery dates.
2. A technical specification document outlining the following:
 - a. High level implementation strategy addressing data migration, configurations, and customizations
 - b. Mapping of source data elements to target system
 - c. Transformations applied against data elements during initial load of data
 - d. Validation strategy for ensuring integrity of data migration
3. A production deployment plan
4. Administrative documentation of the system sufficient to perform administrative tasks such as managing user accounts and business CUPA-related account records.

5. Successful CERS integration and end-user documentation of sufficient quality to demonstrate system features and functions to a person of basic computer literacy.
6. All documentation and reports in electronic format.
7. Services and/or tools to perform the administrative and reporting tasks specified.
8. A Training Plan suitable for use by employees and business operators.

SECTION IV. PROPOSAL FORMAT

A. General Instructions

All of the pages included in the Proposer Response Pages (Appendix A-1) shall be completed and submitted as part of the proposal. FAILURE TO FULLY, ACCURATELY, AND LEGIBLY COMPLETE THE REQUIRED FORMS MAY RESULT IN REJECTION OF A PROPOSAL. Proposals must be submitted in the format specified in Section 1, Part C.

The completed Appendix A-1 shall be incorporated into the subsequent agreement with the successful Proposer. Accordingly, the Proposer's responses are a critically important part of a legally binding agreement concerning the capabilities of the Proposer to provide the services for the CUPA data management system.

To be considered, proposals shall follow the format outlined in this section.

Each proposal shall consist of the following sections:

1. **Proposer Checklist**
2. **Proposer Background Information**
3. **Desired Functionality Matrix**
4. **Signature Page**
5. **Proposal Summary**
6. **Scope of Services**
7. **Statement of Qualifications**
8. **Timeline**
9. **Training Plan**
10. Technical Support Options/ Availability
11. Attachments, including, but not limited to, Exceptions to the RFP or to the County's standard form Service Agreement, and Proposer's Contract, if one is required.

- B. Proposal to be Submitted to the County of Sonoma
1. **Proposer Checklist (Appendix A-1, Form 1)**
This checklist has been provided to assist proposers in complying with RFP requirements. Each item on the checklist must be included in the proposal and shall be cross-referenced to the proposal page where the item is located.
 2. **Proposer Background Information (Appendix A-1, Form 2)**
All pages in this section must be completed and submitted on the form provided or its copy. Failure to fully, accurately, and legibly complete the form may result in proposal rejection.
 3. Desired Functionality Matrix (Appendix A-1, Form 3)
Complete matching Proposer's software functionality to the listed item.
 4. Pricing Page (Appendix A-1, Form 4)
Complete identifying all costs associated with the implementation and ongoing expense required to maintain this system.
 5. Signature Page (Appendix A-1, Form 5)
An individual authorized to make financial commitments on behalf of the Proposer shall sign the proposal.
 6. Proposal Summary
Proposal shall **attach an executive summary** that discusses the highlights, key features, and distinguishing points of the proposal. This summary should be specifically tailored to the scope of services requested herein, and not a boilerplate marketing flyer for the product.
 7. Scope of Services
Proposer shall **attach a narrative** containing a complete description of the scope of services (including major tasks and subtasks) that the Proposer intends to provide in order to achieve the Project objectives set forth in Section III. The Proposer may identify additional services in the narrative if the Proposer believes the changes will assist the County in more efficiently and effectively meeting the County's expectations.

This narrative shall establish that the Proposer understands the County's objectives and work requirements and Proposer's ability to satisfy those objectives and requirements.
 8. Statement of Qualifications
Proposer shall **attach a narrative** that includes a detailed description of its organization and the experience of its employees who will be working on the CUPA data management system implementation. The description must include, at a minimum, the following items:

- a. Identification of the project manager, alternate project manager, and key project team members, including organizational chart and resumes of each representative. Describe the responsibility and role of each individual regarding the project.
 - b. Summary of the experience and technological expertise, including certifications, of the staff performing the installation and configuration.
9. Project Plan and Timeline
Proposer shall ***attach a detailed timeline*** for the entire project. The plan should include the major tasks for the scope of services described in Section III. The scheduled milestones should be expressed in terms of days or weeks from the time the Agreement is executed. It is the County's intention to execute an agreement with the successful Proposer within approximately 90 days of the proposal due date. Time is of the essence in commencing the delivery of services. The County reserves the right to determine the implementation timetable based on calendar and fiscal restraints. The expected completion date of this project is no later than December 31, 2012.
10. Training
Proposer shall attach a narrative that describes the training that will be provided to the County's staff to perform all necessary functions as an end-user or administrator of the CUPA data management system using the recommended tools and/or services.
11. Ongoing Technical Support
Proposer shall attach a narrative that describes the Proposer's capacity to provide the County with technical support during and after implementation. The narrative should include:
- a. **Extended warranties or maintenance agreements provided by the Proposer, including all services provided, for a 1-year period for the CUPA data management software. Software maintenance desired includes:**
 - i. **Technical support website support available 24/7;**
 - ii. On-site support, if necessary. If not covered under warranty, this should include costs such as per diem, travel and hourly rate);
 - iii. All updates and software patches as they become available;
 - iv. Support for problems arising from applying updates and patches.
 - b. Proposer offering of a toll-free support line, including hours (Pacific Standard Time) and days available.

12. **Attachments**

Proposer shall include the following attachments with the proposal:

- a. **Exceptions** – An explanation of exceptions, if any, or requested changes that Proposer has to the terms and conditions set forth in this RFP or to the County’s standard form Service Agreement, attached to this RFP as Exhibit A.
- b. **Proposer’s Contract** – A copy of Proposer’s contract or other document(s), if any, that County would be required to execute prior to Proposer’s delivery of the services described in this RFP. These shall not require exclusions to requirements found within the attached County standard service agreement.

This checklist has been provided to assist Proposer in complying with RFP requirements. All items listed must be included with the proposal. To assist in proposal evaluation, Proposer shall cross-reference the required item with the applicable page in the proposal.

| Item | Proposal | Format | Page |
|-------------|--|----------------------|-------------|
| No. | Original + 3 Copies of Proposal and 1 Electronic Copy (PDF) | As specified in RFP | |
| _____ | Proposer Checklist (this form) | Appendix A-1, Form 1 | _____ |
| _____ | Proposer Background Information | Appendix A-1, Form 2 | _____ |
| _____ | Desired Functionality Format | Appendix A-1, Form 3 | _____ |
| _____ | Pricing Page | Appendix A-1, Form 4 | _____ |
| _____ | Signature Page | Appendix A-1, Form 5 | _____ |
| _____ | Proposal Summary | Narrative | _____ |
| _____ | Scope of Services | Narrative | _____ |
| _____ | Statement of Qualifications | Narrative | _____ |
| _____ | Project Plan and Timeline | Narrative | _____ |
| _____ | Training | Narrative | _____ |
| _____ | Ongoing Technical Support | Narrative | _____ |
| _____ | List of Exceptions (if applicable) | Attachment | _____ |
| _____ | Proposer's Contract (if applicable) | Attachment | _____ |

A. Company Information

Company Name: _____

Local Address: _____

Telephone Number (Voice): _____

Telephone Number (Fax): _____

Headquarters: _____

Address: _____

Telephone Number (Voice): _____

Telephone Number (Fax): _____

Contact Person: _____

Title: _____

Location: _____

Telephone Number (Voice): _____

Telephone Number (Fax): _____

E-mail Address: _____

B. Company Background

1. How many years has the company provided CUPA data management solution software similar to that offered in this RFP? _____ Years

2. Location of office from which service will be provided to the County of Sonoma. _____

3. How many years has the office that will provide services to the County been open? _____

4. How many employees does the company have?
 - a. Nationwide: _____
Employees
 - b. Office serving the County: _____
Employees
 - c. Professional/technical personnel in office serving County: _____
Employees
 - d. Total number of staff working in the CUPA system workgroup _____ Employees
 - e. Total number of clients currently supported by office that will serve the County: _____ Clients
 - f. What portion of the company's business is derived from the CUPA data management product? _____.

5. Is the company currently the subject of any litigation or legal actions of any kind?

6. Project Manager Information:

Name:
Office location:
Number of similar projects completed:

7. Experience of the project manager and project team in handling projects similar in scope to this one. In addition to the information below, one-page resumes for the project manager and project team should be submitted as specified in Section IV, Part B, Subsection 8a:

B. Company Background (continued)

8. Please complete the following information for projects similar to the scope of services described in this RFP. CUPA data management solution installations at other municipal or governmental agencies are highly desirable. The County reserves the right to contact any of the Proposer’s clients as deemed necessary during the evaluation process.

PLEASE SUBMIT A COMPLETE LIST OF AT LEAST SIX (6) CLIENTS.

Client List

| | Agency Name | Address of Agency | Agency Staff Size | Contact Name | Phone Number |
|-----|--------------------|--------------------------|--------------------------|---------------------|---------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |

C. References

Complete the following information for a minimum of three (3) agencies in municipal, county, state or federal governments for which Proposer has provided a comparable software solution during the past three (3) years. References may or may not be reviewed or contacted at the discretion of the County. The County reserves the right to contact references other than, and/or in addition to, those provided by Proposers. The County shall not provide information received from references to Proposers.

Reference 1

| | |
|---|--|
| Agency Name: | |
| Department Name: | |
| Address: | |
| Contact Person: | |
| Title: | |
| Telephone Number: | |
| Approximate City (Agency) Population: | |
| General Description of Scope of Work for CUPA Projects: | |
| Time Frame for Provision of Services from Date of Contract Award to Completion: | |
| Completion Date for Services Provided: | |
| | |

C. References (continued)

Reference 2

| | |
|---|--|
| Agency Name: | |
| Department Name: | |
| Address: | |
| Contact Person: | |
| Title: | |
| Telephone Number: | |
| Approximate City (Agency) Population: | |
| General Description of Scope of Work for CUPA Projects: | |
| Time Frame for Provision of Services from Date of Contract Award to Completion: | |
| Completion Date for Services Provided: | |
| | |

Reference 3

| | |
|---|--|
| Agency Name: | |
| Department Name: | |
| Address: | |
| Contact Person: | |
| Title: | |
| Telephone Number: | |
| Approximate City (Agency) Population: | |
| General Description of Scope of Work for CUPA data management Projects: | |
| Time Frame for Provision of Services from Date of Contract Award to Completion: | |
| Completion Date for Services Provided: | |
| | |

Following is a list of the County’s requirements for the CUPA data management system. Proposers shall indicate compliance with each requirement with the methodology that follows:

- “Y” for “Yes”, fully complies with specification requirement.
- “N” for “No”, does not comply with specification requirement.
- “P” for “Partial”, complies with some aspects of the specification requirement.

Proposers shall provide a detailed explanation in the column provided as to how it will meet the system requirements for a “Yes” or “Partial” response. Proposers may attach additional sheets as necessary to provide a fuller explanation of their response to items, denoting by Item # which item they are referring to.

| Item # | Description | Comply (Y/N/P) | Detailed Explanation |
|---------------|---|-----------------------|--|
| A-1 | General Administration of CUPA Programs | | Program is able to retain and readily display all Title 27 data elements, California Fire Code (CFC), locally required data elements and fiscal classifications by CUPA Program Element |
| A-2 | Home page or summary screen | | Program has a home page or summary screen with essential facility information (e.g. permit number, address, contact info), business activities, and related program data (e.g. Clean Water, Green Business programs that apply, range/volume of HMs present) |
| A-3 | Data Entry by program element | | Initial /existing data can be imported from existing CUPA DMS database and new information can be entered by program element, including CFC. Data entry format and display should be similar to unified program consolidated forms (UPCF). |

**APPENDIX A-1
FORM 3, Page 2 of 7
MATRIX**

**PROPOSER RESPONSE PAGES
DESIRED FUNCTIONALITY**

| | | | |
|-----|---|--|---|
| A-4 | Permitting | | Ability to issue one-time, special, and annually recurring permits, incorporate ranges and fiscal elements and be able to expand to accommodate other allied program information (e.g., clean water, CFC, Green Business). Ability to attach conditions of approval to printed permits. |
| A-5 | Invoicing and fiscal management | | Ability to establish fees for multiple program elements and print single invoices for facilities. Ability to export facility and fiscal information to external accounting system. |
| A-6 | Time and Activity Tracking | | Ability to enter staff time by program element or specific project (e.g., inspections, enforcement cases, grant development). Project codes should be user configurable. |
| A-7 | Archiving Data and facility Information | | Ability to retain and retrieve historic facility, program and chemical information by address or parcel number |
| A-8 | CUPA to State Reporting | | Ability to quickly and easily generate CalEPA quarterly and annual reports in the format required by CalEPA. |
| A-9 | Ability to attach documents | | The ability to attach documents to records ((e.g., pdf, jpeg, text files, etc.) |

| | | | |
|-----|--|--|---|
| P-1 | Program Elements & Affiliated Data | | Ability to store and display relevant data by program element, ability to add program elements or modify data as required by regulation or local needs. Inspection cycles and violations can be entered by program element. |
| P-2 | Hazardous Material Business Plan (HMBP) | | Ability to store and display all relevant Title 27 program information for this program element. Includes initial submittal, recertification and approval dates and other locally collected information. Inspection cycles and violations can be entered by program element. |
| P-4 | California Accidental Release Program (CalARP) | | Ability to store and display all relevant Title 27 program information for this program element. Includes initial submittal, audit and approval dates and other locally collected information. Inspection cycles and violations can be entered by program element. |
| P-5 | Underground Storage tank Program (UST) | | Ability to store and display all relevant Title 23 and 27 program information for this program element. Includes initial submittal, recertification and approval dates, designated operator information and other locally collected information . Inspection cycles and violations can be entered by program element. |

**APPENDIX A-1
FORM 3, Page 4 of 7
MATRIX**

**PROPOSER RESPONSE PAGES
DESIRED FUNCTIONALITY**

| | | | |
|-----|--|--|---|
| P-6 | Aboveground Petroleum Storage Act (APSA) Program | | Ability to store and display all relevant USEPA 40CFR and CCR Title 27 program information for this program element. Includes initial submittal, recertification dates and other locally collected information. (e.g., CalEPA classifications and APSA tier levels). Inspection cycles and violations can be entered by program element. |
| P-7 | Hazardous Waste Generator Program | | Ability to store and display all relevant Title 27 program information for this program element and its subprograms (e.g., HW generator, large quantity generator, small quantity generator, etc.). Includes initial submittal, recertification and approval dates and other locally collected information. Inspection cycles and violations can be entered by program element. |
| P-8 | Tiered Permit Program | | Ability to store and display all relevant Title 27 program information for this program element. Includes initial submittal, tier placement, number of units, recertification and approval dates and other locally collected information. Inspection cycles and violations can be entered by program element. |

| | | | |
|-----|----------------------|--|--|
| P-9 | California Fire Code | | Ability to store and display all relevant CFC and Title 27 program information for this program element. Includes initial submittal, section 105 operational permits, and other locally collected information. Inspection cycles and violations can be entered by program element. |
|-----|----------------------|--|--|

| APPENDIX A-1 FORM 3, Page 5 of 7 MATRIX | | PROPOSER RESPONSE PAGES DESIRED FUNCTIONALITY | |
|--|-----------------------------|--|---|
| P-10 | Additional Program Elements | | Ability to add program elements not currently required or captured by CUPA legislation (e.g., Clean Water, Green Business). |
| P-11 | Program Data Display | | Ability to view data in a fashion similar to the unified program consolidated forms (UPFC) and scroll through the programs that apply to a particular site. |

| | | | |
|-----|-----------------------|--|--|
| I-1 | Inspection Management | | Ability to schedule new, routine (e.g., annual, triennial), and complaint driven inspections by address and geographically assigned areas (e.g. w/in existing fire districts). Ability to log an unscheduled inspection in addition to routine. Ability to quickly determine status or prompt a follow-up inspection. Allows manager to assess and monitor productivity within a given geographic area. (e.g., last inspection w/in an inspector's area) |
| I-2 | Enforcement Tracking | | Ability to open, monitor and close an enforcement case for a regulated facility. Ability to restrict access or viewing of enforcement case information. |

| | | | |
|-----|--------------------|--|--|
| I-3 | Complaint Tracking | | Ability to open, monitor and close a complaint for either a regulated facility or another address within the County (e.g. dumping in a commercial area not related to a hazmat facility) |
|-----|--------------------|--|--|

| APPENDIX A-1 FORM 3, Page 6 of 7 MATRIX | | PROPOSER RESPONSE PAGES DESIRED FUNCTIONALITY | |
|--|-------------------------------|--|---|
| C-1 | Communication Capabilty | | Ability to communicate within the CUPA, the County of Sonoma's internal financial systems, the regulated business community, and the State's CERS program and portal. |
| | | | Ability to develop and display forms by program element. |
| | | | Ability to be used in the field via laptop, PDA or similar mobile devices. |
| | | | Ability to import/export regulated facility data with the CERS program. |
| C-2 | Public Communication Terminal | | Ability to accommodate a dedicated "public" terminal that can be used by local businesses to enter data directly into CERS. |
| R-1 | Reporting Capabilities | | Ability to extract data elements and arrange reports to meet CalEPA reporting obligations, specifically annual reports 1-6. |
| R-2 | | | Ability to interact with standardized tools available to develop and create custom queries and reports (e.g., crystal reports) |
| R-3 | | | Allows for CERS access to import and export data |
| R-4 | | | Ability to interface with an established Geographic Information System. |

| | | | |
|-----|-----------------|--|---|
| T-1 | Training Module | | Ability to track agency staff training certifications and related qualifications (e.g., UST certificates, continuing education units), anniversaries or expiration dates. |
| T-2 | | | Options for internal staff training as well as external business training or help services. |

| APPENDIX A-1 FORM 3, Page 7 of 7 MATRIX | | PROPOSER RESPONSE PAGES DESIRED FUNCTIONALITY | |
|--|--|--|---|
| IT-1 | Information Technology; Data/ system security levels | | Does the system offer multi-level security to control who has access to what data (role-based security by module or business activity)? |
| IT-2 | Data/ system security types | | Does the security allow type of access to different modules (all, read-only, etc.)? |
| IT-3 | Active directory integration | | Does the system support active directory integration to allow user identification based on their network account? |
| IT-4 | Single Sign-On | | Does your application allow for single sign-on based on user network login credentials? |
| IT-5 | Does your system use an enterprise level database to store collected data? | | Describe which database (including version) is used by your system |
| IT-6 | Can your system operate in a virtual environment? | | Will your system run on the VM Ware platform? |
| IT-7 | Describe hardware/ software requirements | | Describe all recommended hardware, software for clients and any back-end servers or other equipment required for your solution |
| IT-8 | Are customer customizations preserved between releases without jeopardizing future upgrades (i.e., by using table or metadata-driven, externalized rules)? | | Describe how the solution would support modifications to business flow, user interface, customer specific data elements. |

| | | | |
|-------|---|--|---|
| IT-9 | Does your application development approach follow standard software design methodology? | | Explain how your design, development & deployment processes are documented and managed. |
| IT-10 | Logging and auditing capability | | Describe what is captured and/or monitored. |
| IT-11 | Is there an option to have this solution hosted? | | Is an option available to us whereby your company will host the solution? |
| IT-12 | If the solution is hosted, how will the County have access to the data for reporting and analysis? | | Is data exporting allowed or can the data be provided another way to the County? |
| IT-13 | If the solution is hosted, do you have a disaster recovery plan that includes business continuity planning? | | Please provide disaster recovery plan documentation. |
| IT-14 | Has the disaster recovery plan been tested? | | Please describe. |

The Pricing Page must itemize the cost to the County for all services to perform the scope of services outlined in Section III. A narrative may be attached to clarify any pricing data submitted.

INITIAL PROJECT COST

- 1. Initial Software licensing costs:
 - Software Licensing Costs _____ \$ _____
(identify licensing terms and conditions [e.g., site license, concurrent users, per seat])
 - Other Software Costs _____ \$ _____
 - 2. Training _____ \$ _____
 - 3. Installation Labor \$ _____
 - 4. Configuration Labor \$ _____
 - 5. Data Migration & Validation \$ _____
 - 6. Customization & Testing \$ _____
 - 7. Project Management \$ _____
 - 8. Other: _____ \$ _____
- TOTAL INITIAL PROJECT COSTS \$ _____

ONGOING SYSTEM COST

- 1. Annual software maintenance costs:
 - Software _____ \$ _____

- 2. Other technical support/ future upgrade costs \$ _____
- 3. Other \$ _____

PROPOSAL SUBMITTED BY:
COMPANY

ADDRESS

BY

(Signature of Authorized Representative)

(Print or Type Above Name and Title)

(Date)

(Telephone)

ADDENDUM RECEIPT

The receipt of the following addenda to the RFP, if issued, is hereby acknowledged:

Addendum No. _____ Date _____

Addendum No. _____ Date _____

Addendum No. _____ Date _____

Exhibit B: Insurance Requirements

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, 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 Consultant 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 Employers Liability Insurance

- a. Required if Consultant has employees.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers 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.

If Consultant currently has no employees, Consultant agrees to obtain the above-specified Workers Compensation and Employers 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 Consultant maintains higher limits than the specified minimum limits, County requires and shall be entitled to coverage for the higher limits maintained by Consultant.
- 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. Consultant is responsible for any deductible or self-insured retention and shall fund it upon County's written request, regardless of whether Consultant 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 Consultant 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 Consultant 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 Consultant currently owns no autos, Consultant 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 two (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. The Certificate of Insurance must include the following reference: CUPA Electronic Reporting Project
 - b. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant 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 Sections 1 – 4 above.
- c. The name and address for Additional Insured endorsements and Certificates of Insurance is: Sonoma County Fire & Emergency Services, 2300 County Center Drive B220, Santa Rosa, CA 95403.
 - d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
 - e. Consultant shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
 - f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

7. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

8. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, County may purchase the required insurance, and without further notice to Consultant, County may deduct from sums due to Consultant 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: 32
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): General Services

Staff Name and Phone Number:

Marc McDonald: 707- 565-3468

Supervisorial District(s):

4th

Title: Amendment #4 to License Agreement with City of Cloverdale.

Recommended Actions:

Authorize the Director of General Services to 1) execute Amendment #4 to the license agreement with the City of Cloverdale for the operation of the Cloverdale Veterans Memorial Building Swimming Pool, extending the term of the agreement for one (1) additional year from July 1, 2014 to June 30, 2015 for an amount paid by the City to the County of \$2,521, and 2) authorize the Director of General Services to execute additional term extensions not exceeding one year each for a cumulative total of three additional years.

Executive Summary:

Since 1991, the City of Cloverdale has operated the swimming pool at the Cloverdale Veterans Memorial Building through an agreement with Sonoma County. The agreement allows the City to contract with the YMCA to operate the pool for the community and visitors. The County has been satisfied with the City and YMCA's operation of the pool and wishes them to continue to operate the pool in 2014. In addition to operating the pool, the City assists the County by sweeping the Veterans Building parking lot.

The 20 year relationship between the City/YMCA and the County has been beneficial in that the YMCA provides trained lifeguards/swim instructors, administrative staff for operations, recreational swim programs, and promotes health and safety for the community and visitors. In addition, since the site is remote from central County resources, there are logistical advantages and savings in travel and oversight expenses provided by local operation of the pool.

General Services is evaluating future options for the ongoing operation and maintenance of the Cloverdale Veterans Memorial Building and swimming pool. Staff continues to explore options including the sale of the property; however no specific action is projected for the near future. At this time, staff recommends that the current pool utilization agreement be extended for another year in order not to disrupt pool operations for the summer of 2014. The City agreed to continue to pay \$2,521 for FY 14-15 for pool upkeep. Staff is further recommending that the Board authorize the General Services Director

to administratively execute additional term extensions as necessary up to a maximum of three additional years, to permit continued operation of the swimming pool until the longer term plan for management of the Cloverdale Veterans Memorial Building can be put into place.

Prior Board Actions:

The Board has executed license agreements with the City of Cloverdale annually since 1981. Two-year agreements were approved in 1989 and 1991. Three-year agreements were approved in 1996, 1999, 2002, 2005 and 2008. A one year extension to the license agreement was approved in 2012 and again in 2013.

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

The amendment will promote community health and safety through continued support for operation of the City’s swimming programs and will also further the County’s goal to achieve Healthiest County by 2020.

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 new FY 13-14 impacts will result from the amendment. The City of Cloverdale will pay to the County \$2,521 to offset pool maintenance and operations costs. Payment is scheduled for receipt in FY 14-15.

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: |
| Amendment #4 to the License Agreement (1 copy). |



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: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): General Services

Staff Name and Phone Number:

Pam Kinzie - 707-565-7684

Supervisorial District(s):

All

Title: Master Services Agreements

Recommended Actions:

1. Authorize Chair to execute multi-year Master Services Agreements each in an amount not-to-exceed \$500,000 per year with Ross Drulis Cusenbery Architecture, Glass Architects, Kwan Henmi Architecture + Planning, and TLCD Architecture, to provide architectural and engineering services for County-owned and leased facilities.
2. Authorize Chair to execute a multi-year Master Services Agreement in an amount not-to-exceed \$500,000 per year with GHD Inc., to provide engineering services for County-owned and leased facilities.
3. Authorize Chair to execute multi-year Master Services Agreements each in an amount not-to-exceed \$250,000 per year with, Kitchell, Construction and Development Solutions Inc., and Voorhis/Robertson Justice Services LLC, to provide project management services for County-owned and leased facilities.
4. Authorize the Director of General Services to execute Task Orders not to exceed \$25,000 and the County Administrator not to exceed \$100,000 for all separate scopes of work under the agreements. The Board of Supervisors will approve Task Orders over \$100,000.

Executive Summary:

Purpose

The purpose of this Board Item is to request approval of multi-year Master Services Agreements for professional architectural, engineering, and project management resources for delivery of capital projects. Establish Master Services Agreements with prequalified consultants, by way of a Request for Qualifications (RFQ) process, minimizing the time and expense required to issue an RFQ for these services for every project.

History

The General Services Department Facilities Management and Development Division's mission is to "plan, design, and manage County facility construction projects which meet user needs and provide safe, healthy, and aesthetic environments in a sensible, cost-effective manner." To fully accomplish this mission, internal staff is augmented by external professional service consultants that provide services such as architectural and engineering design, project management, cost estimating, and move management services.

An RFQ process has been used to solicit and select qualified consultants and establish multi-year Master Service Agreements with professional consultants. The outcome is formation of a "pool" of service providers that will be authorized to provide services through the release of specific Task Orders. Thus the need to solicit and secure these resources on a project by project basis is minimized for the majority of projects, and results in front end time and cost savings for each of these projects. Master Service Agreements were last established for architectural/engineering and project management services in 2011 (use history is attached). These agreements are nearing the end of their term.

The solicitation of RFQ submittals and the subsequent award of Master Service Agreements to establish a pool of resources does not preclude the County from soliciting and entering into a project specific consultant services agreement if such a process can best provide the services required for a specific project, and for larger projects where fees would exceed the limits of the MSAs.

Master Services Agreement (MSA)

Master Services Agreements are open service contracts that do not in themselves describe a specific scope of work or fee. Agreement terms and billing rates are established in the MSA. The specific services that are provided through these agreements are negotiated based on a defined scope of work and agreed to and undertaken by issuance of a Task Order for that work. An approved MSA does not obligate the County to pay any consultant fees; only a Task Order approved by the General Services Director, County Administrator or The Board of Supervisors obligates the County. Distribution of work will be made by aligning the Consultant firm's skills, capacities, and similar project experience with that of the particular needs of the project. Staff will endeavor to distribute the work equally among the firms to the extent possible.

In the last three years, MSA Task Orders have been issued for projects such as design of telecommunication towers and vaults, Annapolis Fire Apparatus Garage, Evidence Storage Building, MADF Auger Grinder system, and numerous renovation projects; project management services and estimating services for same, and move management services for most County relocations.

Terms and Conditions of MSA

Staff is recommending that each MSA be for a 1-year term with two 1-year renewal options, if approved by the Department Head;

1. The MSA pool will be reestablished every three (3) years by way of a new RFQ process that will solicit and select qualified consultants; new multi-year Master Service Agreements with multiple professional consultants will be prepared for Board approval.
2. Each MSA’s annual budget limit will be up to \$250,000 for project management services and up to \$500,000 for architectural or engineering services. Actual expenditures incurred will be determined by the number and value of Task Orders issued under the MSA, and Task Orders can only be issued for projects approved and funded by your Board;
3. Staff retains the right to manage a separate RFQ process for a specific project if it is determined to be in the best interest of the County.

Consultant Selection

On March 7, staff issued RFQs for architectural/engineering, engineering, and project management services with the intent of creating a “pool” of consultants under open scope MSA contracts. The RFQ solicitation was advertised in the Press Democrat, sent to the North Coast Builders Exchange and AIA Chapters (local, East Bay, San Francisco), sent to an extensive list of interested firms, current and past consultants, and posted on the County’s website.

Eighteen architectural/engineering consultants, seven engineering consultants, and seven project management consultants responded to the RFQs (list attached). These firms were evaluated and ranked by staff according to RFQ selection criteria, which included experience with similar projects, staff qualifications and experience, project approach, quality assurance program, and references; financial statements and billing rates were reviewed for the top ranking firms. Representatives from Facilities Development and Management, Transportation and Public Works, and the CAO’s Office participated on the evaluation teams.

Based on the criteria, the following were ranked the top firms and are recommended:

| Architecture / Engineering Consultant | Engineering Consultant | Project Management Consultant |
|--|-------------------------------|--|
| Ross Drulis Cusenbery Architecture | GHD | Kitchell |
| Glass Architects | | Construction and Development Solutions |
| TLCD Architecture | | Voohris/Robertson Justice Services |
| Kwan Henmi Architecture + Planning | | |

Local Business Impacts

Three of the architecture/engineering consultant firms are local (County) firms; Kwan Henmi is based in San Francisco. The recommended engineering firm has a local office, which is part of a national firm with broad resources. Of the project management firms, Construction and Development Solutions is local; Voohris/Robertson is based in Colorado and its key project management subconsultants are local. Kitchell is a Sacramento based firm.

Prior Board Actions:

07/12/11- Authorize Chair to execute multi-year, Master Services Agreements with Ross Drulis Cusenbery Architecture, Glass Architects, TLCD Architecture, Kitchell, Construction and Development Solutions, and A.G. Frey Company.

Strategic Plan Alignment Goal 3: Invest in the Future

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------|----------------------|-------------|
| Budgeted Amount | \$ 0.00 | | \$ |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 0 | Total Sources | \$ 0 |

Narrative Explanation of Fiscal Impacts (If Required):

The MSA does not identify specific projects, and can be used only after the Board has approved funding for a capital project. For each project, a Task Order is prepared by the Capital Projects Manager or staff, with the scope and fee separately and clearly defined in the Task Order. The General Services Director provides approval for Task Orders not to exceed \$25,000, Task Orders between \$25,001 and \$100,000 will be approved by the County Administrator, and all Task Order over \$100,000 will be approved by the Board of Supervisors. Charges for services and supplies provided by a consultant under the MSA are funded by each project budget as described in the Task Order.

| Staffing Impacts | | | |
|--|---|------------------------------|------------------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
| | | | |
| | | | |
| Narrative Explanation of Staffing Impacts (If Required): | | | |
| No additional staff are required. | | | |
| Attachments: | | | |
| Attachment A: MSA RFQ Respondents 2014 Attachment B: MSA 2011 Contract History | | | |
| Related Items “On File” with the Clerk of the Board: | | | |
| 4 copies of Master Services Agreement with Ross Drulis Cusenbery Architecture, Inc.; | | | |
| 4 copies of Master Services Agreement with Glass Architects; | | | |
| 4 copies of Master Services Agreement with TLCD Architecture; | | | |
| 4 copies of Master Services Agreement with Kwan Henmi Architecture + Planning | | | |
| 4 copies of Master Services Agreement with GHD Inc; | | | |
| 4 copies of Master Services Agreement with Kitchell; | | | |
| 4 copies of Master Services Agreement with Construction and Development Solutions; and | | | |
| 4 copies of Master Services Agreements with Voohris/Robertson Justice Services, LLC | | | |

Attachment A

Master Service Agreement RFQ Respondents 2014

Architecture/Engineering

- Alameida Architecture Sebastopol, CA
- AXIA Architects Santa Rosa, CA
- Brokaw Design Rohnert Park, CA
- CGL Sacramento, CA
- CSHQA West Sacramento, CA
- Garavaglia Architeture San Francisco, CA
- Gensler San Francisco, CA
- Glass Architects Santa Rosa, CA
- Interactive Resources Richmond, CA
- Kappe+Du Architects San Rafael, CA
- Kwan Henmi Architecture & Planning San Francisco, CA
- Polytech Associates Inc. San Francisco, CA
- RIM Architects San Francisco, CA
- Ross Drulis Cusenberry Sonoma, CA
- Stantec Architecture Petaluma, CA
- STRATAap Sonoma, CA
- The Design Partnership San Francisco, CA
- TLCD Architecture Santa Rosa, CA

Engineering

- Allana Buick & Bers, Inc. Palo Alto, CA
- BKF Engineers Santa Rosa, CA
- Creegan+D'Angelo Engineers Fairfield, CA
- GHD Santa Rosa, CA
- Lefler Engineering San Rafael, CA
- MKM & Associates Santa Rosa, CA
- Summit Engineering Santa Rosa, CA

Project Management

- Alameida Architecture Sebastopol, CA
- Allana Buick & Bers, Inc. Palo Alto, CA
- CGL Sacramento, CA
- Construction & Development Solutions Santa Rosa, CA
- Kitchell Sacramento, CA
- VANIR San Francisco, CA
- Voorhis/Robertson Justice Services, LLC (VRJS) Denver, Co

Attachment B

**Master Service Agreements 2011 Contract History
Task Order Amounts Expended or Currently Encumbered**

ARCHITECTURE/ENGINEERING

| | Glass Architects | Russ Drulis Cusenbery | TLCD |
|---------------|------------------|-----------------------|------------------|
| Year 1 | \$32,857 | \$31,820 | \$178,500 |
| Year 2 | \$300,614 | \$156,909 | \$21,870 |
| Year 3 | \$148,580 | \$64,405 | \$268,350 |
| Totals | \$482,051 | \$253,134 | \$468,720 |

Contract allowable per year: \$500,000

PROJECT MANAGEMENT

| | AG Frey (Moves) | C&DS | Kitchell |
|---------------|------------------|------------------|-------------------|
| Year 1 | \$102,883 | \$73,894 | \$0 |
| Year 2 | \$116,595 | \$76,375 | \$0 |
| Year 3 | \$105,387 | \$67,350 | \$33,780 * |
| Totals | \$324,865 | \$217,619 | \$33,780 * |

Contract allowable per year: \$250,000

* Will be adding + \$95K for Sutter termination



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: Sonoma County Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): General Services / Transportation & Public Works

Staff Name and Phone Number:

José Obregón, 707-565-2977
Susan Klassen, 707-565-2440

Supervisorial District(s):

5th

Title: New License Agreements for use of the Guerneville Pedestrian Bridge & Plaza

Recommended Actions:

Authorizing the General Services Director to:

- 1) execute a license agreement with the Russian River Rotary Foundation for use of the Guerneville Pedestrian Bridge & Plaza for its 2014 Summer 'Rockin' the River' community concert events, for a one-year term, with an option to extend for one year;
- 2) execute a license agreement with EcoRing for use of the Guerneville Pedestrian Bridge & Plaza to host weekly Farmers Market events during the months of June through September of 2014; and
- 3) make findings as required by Section 26227 of the Government Code that the proposed license agreements are necessary to meet the social needs of the population of the County, and that the County does not need the Guerneville Pedestrian Bridge & Plaza during the term of the license agreements.

Executive Summary:

History. The County is the owner of certain real property in the town of Guerneville, which is open to public pedestrian use and is commonly known as the Guerneville Pedestrian Bridge & Plaza (collectively, the "Plaza").

Existing License Agreements for Use of the Plaza. Since the Plaza became available, several different entities have entered into agreements with the County for the purpose of utilizing the Plaza to support and promote the use of this community asset.

- In June, 2013, the General Services Department ("GSD") granted a license agreement to the Russian River Chamber of Commerce & Visitors Center ("Chamber") for use of the Plaza for a one-year term. The Chamber exercised its option to extend the term, and the agreement expires on June 30, 2015.
- On April 22, 2014, your Board approved execution of a license agreement with James McConnell d/b/a Andorno's Pizza ("Andorno's") for use of an approximately 20'x20' portion of the Plaza, for

the installation of an outdoor patio area for seating and dining for Andorno's customers. Currently, Andorno's is securing the insurance necessary for execution of the agreement. The initial term of the Andorno's agreement is five years (through 2019), with 2 options, for a total term not to exceed 10 years.

New License Agreements for Use of the Plaza. County Real Estate staff has received two requests for utilization of the Plaza for the coming summer months.

- **Russian River Rotary Foundation License Agreement.** In June, 2013, your Board approved execution of a license agreement with the Russian River Rotary Foundation ("Rotary") for use of the Plaza for its summer concert series, "Rockin' the River". The Rotary has a goal of promoting greater organized use of the Plaza and once again proposes to host this year's "Rockin' the River" summer concert series. To this end, the Rotary has requested a longer-term license agreement for events. The concert series will promote local music artists and businesses in the West County/Guerneville area. The proposed schedule offers concerts every other Thursday, beginning June 19, 2014, and ending September 11, 2014. The Rotary has already received approval from the County Permit & Resource Management Department to block off the adjacent Front Street to use as a set-up area for the concert stage. The Rotary seeks County's approval to use the Plaza as an area for visitor/guest seating to view the concerts.
- **EcoRing License Agreement.** EcoRing, a 501(c) (3) non-profit corporation ("EcoRing"), has requested use of the Plaza to provide space for its farmer markets. Currently, EcoRing is utilizing the parking lot area of a private business located directly east of the Plaza to host a weekly farmers market on Thursdays, from May 1 through September 25, 2014, hosting approximately 7-8 vendors. EcoRing wishes to expand the farmers markets to provide visitors with more variety, and has requested use of the Plaza for placement of additional booths. The farmers market is an aspect of EcoRing's goal to promote economic growth by developing eco-tourism-related programs and marketing activities that attract visitors in off-season and mid-week periods.

General License Agreement terms.

Any events sponsored by the Rotary or EcoRing and hosted on the Plaza must be approved in advance by the County. A schedule of events is attached to each respective license agreement. The license agreements would run concurrently. If the proposed agreements with the Rotary and EcoRing are executed, there are 7 dates on Thursdays for which the Rotary and EcoRing would share use of the Plaza (June 19, July 3, July 17, July 31, August 14, August 28 and September 11). (Please see attached schedule of events.) Both entities recognize that they will need to coordinate and collaborate to ensure mutual success.

Any vendors providing services under the proposed license agreements with the Rotary and EcoRing must provide insurance and indemnify the County, and vendors are subject to the rules and regulations of each respective license.

Public interest. Section 26227 of the Government Code allows the County to enter into the license agreements with the Rotary and EcoRing, provided the Board makes the finding that the agreements are necessary to meet the social needs of the population of the County, and that the County does not need the Plaza during the terms of the licenses. Staff suggests that providing the Licenses described meets

and promotes the social needs of the County. The Rotary and EcoRing will sponsor community events that are open to the general public and which promote local artists, agriculture and businesses in the local Guerneville and West County area. The County does not need the Plaza during the days specified for the Rotary and EcoRing events, and there is no other proposed use for the Plaza by the County during the term of the licenses. In addition, the Rotary and EcoRing's use of the Guerneville Pedestrian Bridge & Plaza will not impact vehicular traffic as the bridge and plaza are closed to vehicular traffic.

Proposed license agreements. Staff has negotiated the terms of the proposed agreements with the Rotary and EcoRing, the terms of which are as follows:

Russian River Rotary Foundation license agreement:

- Use: Rotary-sponsored summer concert series, "Rockin' the River", which is open to the general public, and future events, as approved by County.
- Term: One year, with 1 one-year option to extend the term one year
- Termination: The County may terminate the proposed license, with 48 hours' prior written notice to the Rotary.
- Consideration: The Rotary will not be charged a fee for the use of the Plaza because the Rotary's use will meet the social needs of the County and there is no other proposed use for the Plaza by the County during the term of the license. See "Public Interest" above.

EcoRing license agreement:

- Use: Limited to EcoRing-sponsored farmers market events, which are open to the general public.
- Term: Thursday's, beginning June 19, 2014 and ending September 25, 2014
- Termination: The County may terminate the proposed license, with 48 hours' prior written notice to EcoRing.
- Consideration: EcoRing will not be charged a fee for the use of the Plaza because EcoRing's use will meet the social needs of the County and there is no other proposed use for the Plaza by the County during the term of the license. See "Public Interest" above.

Staff recommends that the Board authorize the General Services Director to execute the license agreements with the Russian River Rotary Foundation and EcoRing.

Prior Board Actions:

04/22/14 Authorized General Services Director to execute a license agreement with James

| | |
|----------|---|
| 06/04/13 | McConnell d/b/a Andorno's Pizza Authorized General Services Director to execute license agreements with the Russian River Chamber of Commerce & Visitors Center and the Russian River Rotary Foundation; and Board finding of GC Section 26227 |
| 05/01/13 | Posted notice of intent to extend the term of the Chamber license agreement through June 3, 2013 |
| 05/10/04 | Declared intent to license the Guerneville Bridge & Plaza |
| 10/01/02 | Authorized General Services Director to execute a first amendment to the Chamber license agreement |
| 05/08/01 | Board finding of County project and CEQA exemption; authorized General Services Director to execute Chamber license agreement; directed Transportation & Public Works Director to work with Russian River Parks & Recreation District for possible transfer of operation/responsibility of the property to the District on a long-term or permanent basis |

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Provision of the proposed license agreements will allow the Russian River Rotary Foundation to host its summer concert series and special events, and EcoRing to host farmers markets for the benefit of the local community and visitors to Sonoma County.

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):

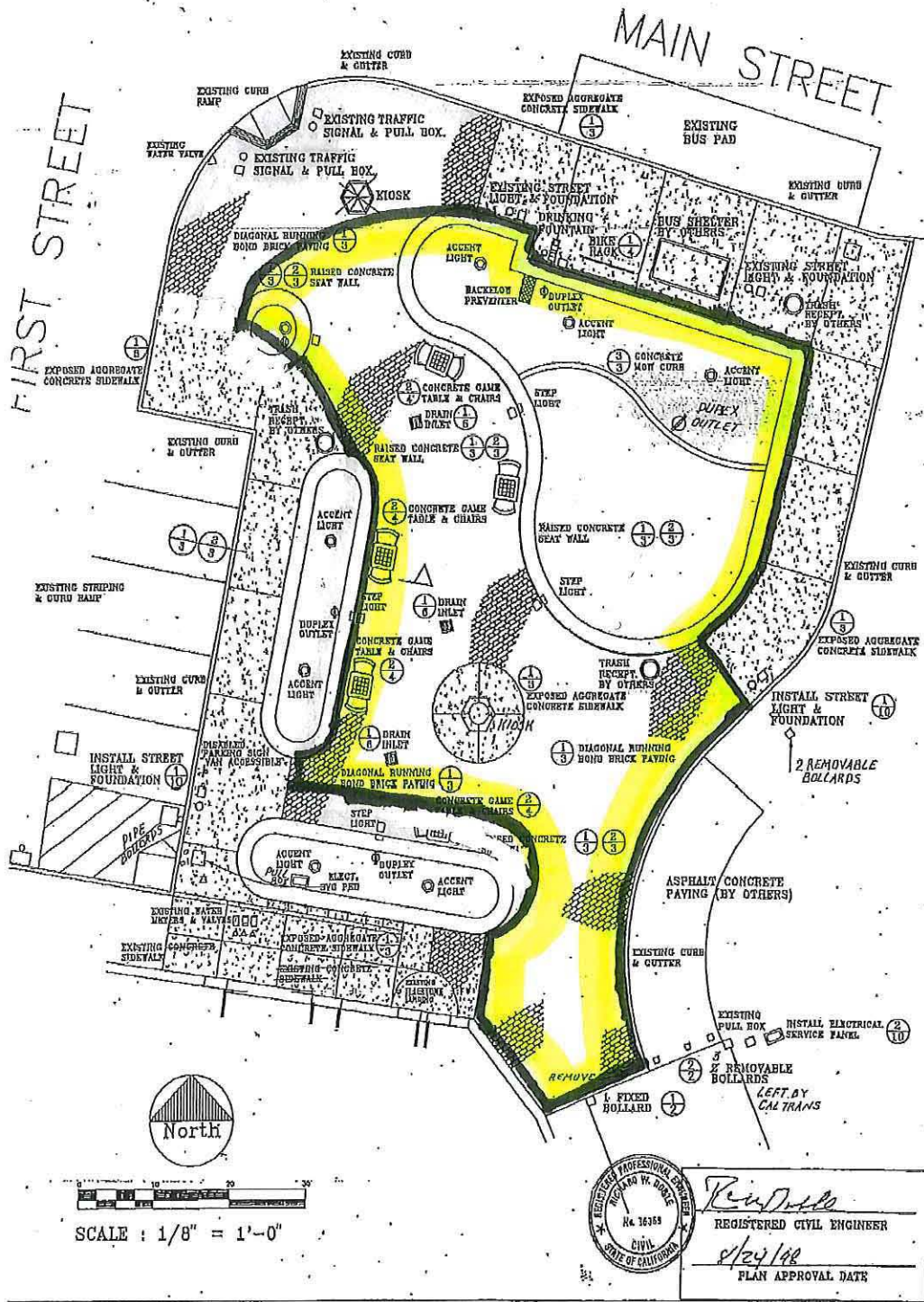
None.

Staffing Impacts

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

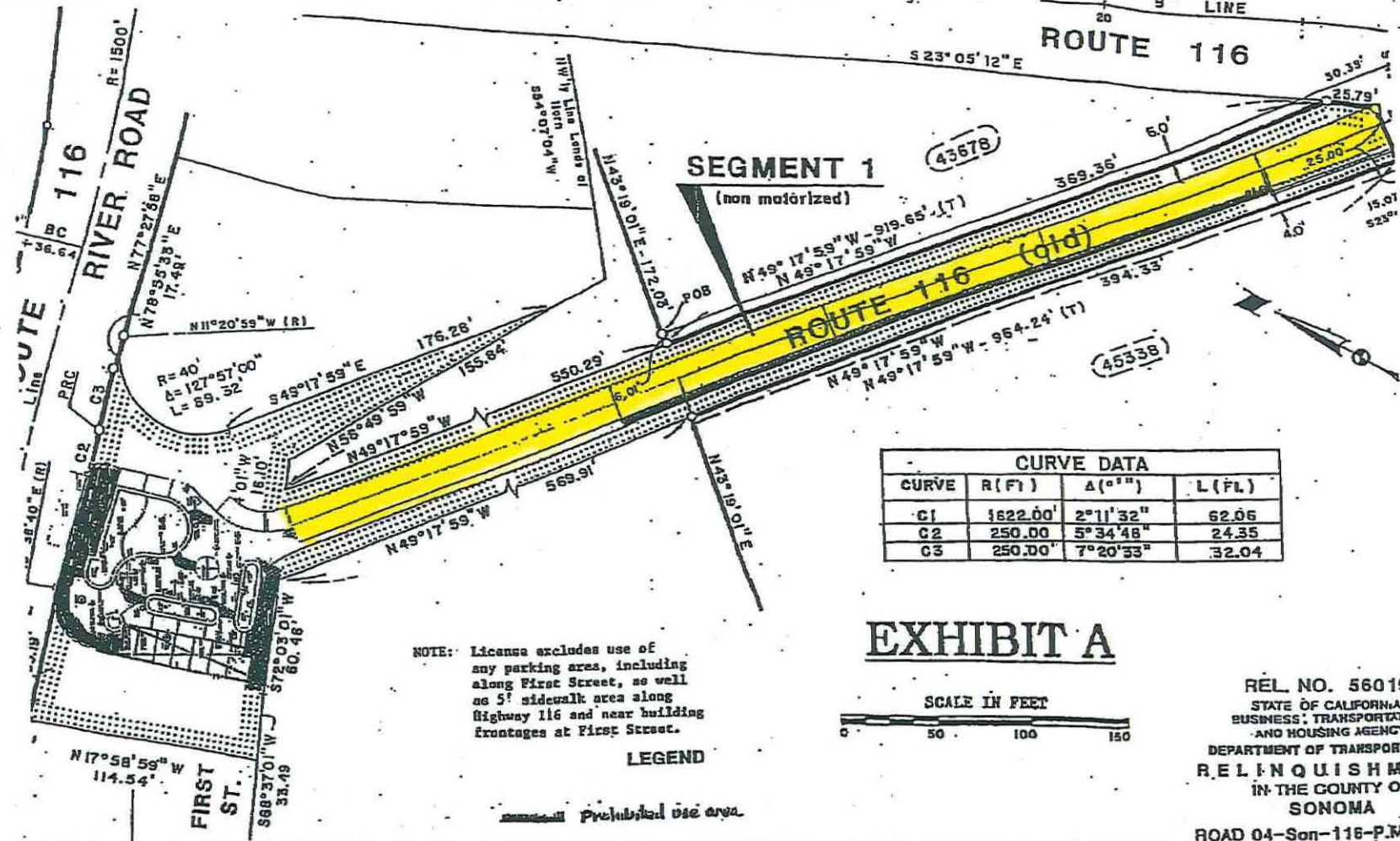
| |
|---|
| Narrative Explanation of Staffing Impacts (If Required): |
| None. |
| Attachments: |
| Map, Schedule of Events |
| Related Items "On File" with the Clerk of the Board: |
| Copies of proposed license agreements |

Guerneville Plaza



VERTICAL CURVES AND DISTANCES
 ARE SHOWN ON THIS CALIFORNIA COUNTY
 LICENSE AS THE TOTAL OF THE VERTICAL
 CURVES SHOWN BY THE DISTANCES TO
 BE SHOWN-LEVEL DISTANCES.

SONOMA COUNTY



Guerneville Bridge

| CURVE DATA | | | |
|------------|----------|----------|--------|
| CURVE | R (F') | Δ (°'") | L (FL) |
| C1 | 1622.00' | 2°11'32" | 62.06 |
| C2 | 250.00 | 5°34'48" | 24.35 |
| C3 | 250.00' | 7°20'33" | 32.04 |

NOTE: License excludes use of any parking area, including along First Street, as well as 5' sidewalk area along Highway 116 and near building frontages at First Street.

LEGEND

Prohibited use area

EXHIBIT A



REL NO. 56019
 STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION
 AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORT
RELINQUISHMENT
 IN THE COUNTY OF
 SONOMA
 ROAD 04-Son-116-P.M.F

| | | | | | | | | | | | | |
|--------|-----------|-------------|---------------|---------------------|-----|----------|---------------|-----------|--------|-----------|-----------|-------|
| 382 | DR. J. H. | DATE: 12-28 | REL NO. 56019 | CONTRACT NO. 289714 | 1.4 | 260712 | MAP REFERENCE | | | | | SHE |
| EX. LK | | | | | NEW | RE. D.O. | P.L.C. | APPRAISAL | RECORD | WORKSHEET | TECHNICAL | OTHER |

GUERNEVILLE BRIDGE & PLAZA Schedule of Events

| Russian River Chamber (approved) | Russian River Rotary Foundation (proposed) | EcoRing Farmers Markets (proposed) |
|-------------------------------------|---|---------------------------------------|
| 2014 | 2014 | 2014 |
| 5/3/2014 6/1/2014 | | |
| | 6/19/2014 | 6/19/2014 |
| | | 6/26/2014 |
| | 7/3/2014 | 7/3/2014 |
| 7/4/2014 | | 7/10/2014 |
| | 7/17/2014 | 7/17/2014 |
| | | 7/24/2014 |
| | 7/31/2014 | 7/31/2014 |
| | | 8/7/2014 |
| | 8/14/2014 | 8/14/2014 |
| | | 8/21/2014 |
| | 8/28/2014 | 8/28/2014 |
| | | 9/4/2014 |
| | 9/11/2014 | 9/11/2014 |
| | | 9/18/2014 |
| | | 9/25/2014 |
| 10/4/2014 12/4/2014 | | |
| 2015 | 2015 | 2015 |
| 5/2/2014 | | |



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: 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: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Resources

Staff Name and Phone Number:

Carol Allen, 565-2549

Supervisorial District(s):

All

Title: Wage rate for Extra Help High School Interns.

Recommended Actions:

Adopt a Concurrent Resolution amending Salary Resolution 95-0926, Appendix A, Salary Table, to be consistent with California minimum wage requirements.

Executive Summary:

On September 25, 2013, the State of California enacted legislation amending section 1182.12 of the California Labor Code, raising the minimum wage rate to \$9.00 per hour, effective July 1, 2014, and raising it again, effective Jan. 1, 2016, to \$10.00 per hour. The extra help classification of "Student Intern – High School", which currently has an "A" step pay rate of \$8.63 per hour, is the only County job classification that will fall below the State minimum wage. The intern position is a Salary Resolution/Unrepresented classification. All other positions in the County already have an "A" step rate above \$10.00 per hour.

Pursuant to the California Constitution, the County's Board of Supervisors has the authority to set wages for County employees. By taking this action, the County's wages will be consistent with the minimum wage rates established under the California Labor Code.

To implement this action, Human Resources recommends increasing the Student Intern – High School (job class 0822) wage rate as follows:

- Effective June 24, 2014, increase "A" Step rate to \$9.00 per hour (4.3% increase); and
- Effective December 22, 2015, increase "A" Step rate to \$10.00 per hour (7.9% increase)

The December 2015 increase is applied after the 1% and 2% COLAs previously authorized by the Board for all Salary Resolution classifications take effect on October 28, 2014 and July 7, 2015, respectively.

| | | | |
|---|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| March 19, 2013: BOS amended Salary Resolution 95-0926 to reduce and restructure pensionable compensation and benefits for Unrepresented, Confidential, Administrative Management, and Department Heads, including a 1% Cost of Living Adjustment effective October 28, 2014, and 2% COLA effective July 7, 2015. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Taking fiscally responsible action to be consistent with California wage laws. | | | |
| 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 are no budget impacts related to the recommended pay rate change for this job classification. County Intern positions are Extra Help and not allocated positions. Costs will be covered by departments from annual salary savings and in accordance with existing practices for administering extra help costs. | | | |
| Staffing Impacts | | | |
| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
| | | | |
| | | | |
| Narrative Explanation of Staffing Impacts (If Required): | | | |
| No staffing impacts. | | | |
| Attachments: | | | |
| A. Resolution B. Appendix A showing proposed amendments to Salary Resolution | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None. | | | |



County of Sonoma

State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, The Board of Directors of the Sonoma County Water Agency, Sonoma County Agricultural Preservation and Open Space District, The Board of Commissioners of the Community Development Commission, and The Board of Directors of the Northern Sonoma County Air Pollution Control District, State Of California, Amending Salary Resolution 95-0926 To Increase the A-Step Rate of Job Class 0822, Student Intern - High School To Comply With California Minimum Wage Requirements.

Whereas, in September 2013, the State of California enacted legislation amending section 1182.12 of the California Labor Code which raises the minimum wage rate to \$9.00 per hour effective July 1, 2014, and to \$10.00 per hour effective Jan. 1, 2016;

Whereas, the current pay "A" step rate for the extra-help position of Student Intern – High School (County job class 0822) is \$8.63 per hour and will therefore fall below the minimum wage standards enacted by the State of California as of July 1, 2014;

Whereas, the County must comply with State minimum wage laws;

Whereas, compensation for Job Class 0822, Student Intern – High School, is established under Salary Resolution 95-0926;

Now, Therefore, Be It Resolved that the Boards hereby amend Salary Resolution 95-0926 Appendix A-Salary Table to increase "A" Step rate for job class 0822 to \$9.00 per hour, effective June 24, 2014, and to \$10.00 per hour effective Dec. 22, 2015, as shown in Attachment A, which is attached and incorporated by reference herein.

Be It Further Resolved that the County Administrator, Director of Human Resources, and Auditor-Controller-Treasurer-Tax Collector have the authority to take any necessary administrative actions to implement the provisions of this resolution and/or to make corrections of a non-financial nature.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Resolution #

Date:

Page 2

ATTACHMENT A

APPENDIX A

SALARY TABLES

UNREPRESENTED – Bargaining Unit 0000

| Job Code | Job Title | A Step Rate | A Step Rate (October 28, 2014) | A Step Rate (July 7, 2015) |
|----------|--|-------------|----------------------------------|----------------------------------|
| 0822 | STUDENT INTERN-HIGH SCHOOL EXTRA HELP* | \$8.63 | \$8.72 <u>\$9.09*</u> | \$8.89 <u>\$9.27*</u> |

*For Job Code 0822, Student Intern-High School Extra Help, the following additional increases apply:
Effective June 24, 2014, A Step = \$9.00; Effective Dec. 22, 2015, A Step = \$10.00.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 36
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of Sonoma County

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services

Staff Name and Phone Number:

Sherry Alderman – 707-565-8501

Supervisorial District(s):

County-wide

Title: Child Care Planning Council of Sonoma County

Recommended Actions:

Approve the Child Care Funding Priorities by Zip Code, as identified by the Child Care Planning Council of Sonoma County. Authorize the Director of the Human Services Department, or designee, to sign the Department of Education's Local Priorities Report forms on behalf of the Board of Supervisors.

Executive Summary:

Role of the Board of Supervisors with the Child Care Planning Council of Sonoma County

The Board of Supervisors originally established the Sonoma County Child Care Planning Council on October 20, 1992, to meet the requirements mandated by the passage of AB 2141, which created local child care and development planning councils to identify local priorities for child care and state preschool expansion funds, among other tasks.

Subsequently, with the passage of AB 1542 in 1997, which established the CalWORKs program, the Board was required to designate a local child care planning council to establish priorities for state-funded child care and development services and develop a comprehensive countywide plan for child care. On September 29, 1998, the Board of Supervisors designated the initial Sonoma County Child Care Planning Council, established under AB 2141, as the local council required under the AB 1542 legislation.

The mission of the Child Care Planning Council of Sonoma County is to convene and inspire the community through collaboration, leadership, and advocacy to promote and plan for quality child care and development services for the benefit of all children (birth to 18), their families, and Sonoma County.

Status of Child Care in Sonoma County

State child care subsidy funding has decreased in Sonoma County from approximately \$22 million in 2002 to \$16.8 million in 2013-2014. Whereas we had been able to serve 30% of eligible children in 2010, with decreased subsidy funding and increased numbers of children from low-income families, as of 2012 we were only able to serve 13%. As "A Portrait of Sonoma County 2014" points out, "only about half of Sonoma County's 3- and 4-year-olds are enrolled in preschool, and among Latinos, the rate falls to 39%." The report states that "Level of education is the

single biggest predictor of earnings...in Sonoma County” and its first recommendation in its Agenda for Action is to “Make Universal Preschool a Reality”.

Local Priorities Report

The Department of Education requires local child care planning councils to identify local priorities for new child care funding by Zip Code areas and submit them to the Board of Supervisors and the County Superintendent of Schools for approval, before submitting them to the California Department of Education. These local funding priorities are used by the Department of Education to prioritize funding requests for local child care services when additional funds are available. Funds may become available due to state funding increases, or current contractors returning funds to the state. Even if there are any legislative changes to child care and development funding methodologies or structures, these priority area determinations may be used by the state in considering reallocations of any available funding. The priority funding recommendations are currently used for state funding for preschool programs and for programs providing subsidized child care for low income families.

Local funding priorities are determined using a Department of Education formula that pulls data from various sources, including the United States Census Report. Approval by the Board of Supervisors and County Superintendent of Schools is required when there is change in funding priorities. There is such a change this year based on the most recent data.

Data on numbers of eligible children in each zip code area are compared to numbers of children currently being served by state- and federally-funded child care. Based on comparative percentages and numbers of un-served children, zip code areas are then designated as a Priority 1 (top priority zip code area for new child care funding) or Priority 2 (second priority area for additional funds); all remaining zip code areas were designated as Priority 3.

In this year’s priority area calculations, there are 12 changes; these changes are primarily due to changes in area demographics and zip code area definitions. There have not been significant changes in child care subsidy supply. This year, overall for the two types of funding, California State Preschool Program (CSPP) and General Child Care and Development (CCTR), as broken down in the next two paragraphs, six zip code areas moved up to Priority 1, four zip code areas moved up to Priority 2, and two zip code areas moved down to Priority 3.

For California State Preschool Program (CSPP) contract funding, which serves 3-5 year olds, Santa Rosa’s 95405, Sebastopol’s 95472, Sonoma (95476) and Windsor (95492) reached the threshold for Priority 1. No zip code areas moved down in priority levels for this funding category.

For General Child Care and Development (CCTR) contract funding, which serves 0-12 year olds, Forestville (95436) and Guerneville (95446) moved up to a Priority 1. Penngrove (94951), Geyserville (95441), Glen Ellen (95442), and Occidental (95465) moved up to a Priority 2. Cazadero (95421) and Monte Rio (95462) no longer reach the threshold for number of un-served children to qualify for Priority 2, and so are now Priority 3.

This year’s priorities were the subject of two public hearings to allow for public comment, held on April 4, 2014 and May 2, 2014. No objections to these new funding priorities were raised during the public hearings, and they were approved by the Child Care Planning Council on May 2, 2014. These new priorities have been reviewed and approved by the Sonoma County Superintendent of Schools. The attached report contains the new priorities by zip code.

As the state moves toward reinvestments in early education, it is the intention that these priority areas will serve as guidelines for the California Department of Education in its allocations of contract funding. Additionally, it is hoped that local efforts to identify and blend funding streams can be used to address these gaps and disparities.

Prior Board Actions:

April 13, 2010, October 25, 2011 and December 10, 2013: Approved the Child Care Planning Council of Sonoma County Advocacy Priorities.

March 21, 2000 - June 25, 2013: Approved the Sonoma County Child Care Planning Council's Funding Priorities by Zip Code.

September 21, 1999 – January 14, 2014: Appointed/reappointed members of the Sonoma County Child Care Planning Council and approved by-laws which established term of membership.

September 29, 1998: Designated the Sonoma County Child Care Planning Council as the local child care planning council required under AB 1542 (CalWORKs).

October 20, 1992: Established the Sonoma County Child Care Planning Council as a standing committee representing the Board of Supervisors by Resolution No. 92-1583.

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

The mission of the Child Care Planning Council of Sonoma County is to convene and inspire the community through collaboration, leadership and advocacy to promote and plan for quality child care and development for the benefit of all children (birth to 18), their families and Sonoma County.

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 | \$ 0 | Total Sources | \$ 0 |

Narrative Explanation of Fiscal Impacts (If Required):

No fiscal impacts.

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:

1. California Department of Education Local Priorities Report Form
2. 2014 Sonoma County Zip Code Priorities Summary

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

None

Local Planning Council (LPC) County Priorities Report Form

Return To:

Local Planning Council Consultant
Child Development Division
1430 N Street, Suite 3410
Sacramento, CA 95814

Due Date: May 30, 2014

Please complete all the information requested below:

| | |
|-------------------------------|--|
| County Name: Sonoma | LPC Coordinator Name and Telephone Number: Carol Simmons, (707) 524-2792 |
|-------------------------------|--|

The LPC hereby certifies that the priorities as indicated below have been prepared and reviewed in accordance with Education Code requirements. Please check off all boxes that apply.

- The priorities submitted to CDD in 2013 are still valid, no change is needed, and spreadsheet(s) are attached for both CCTR and CSPP
- The priorities have been revised for 2014 and spreadsheet(s) are attached for both CCTR and CSPP.
- The LPC used Option 1 to establish priorities **1 and 2, and 3.**
- The LPC used Option 2 to establish priorities 1, 2, and 3.
- The LPC used Option 3 for Priority 3.
- The LPC used Option 4 for Priority 3.

SIGNATURES*

| | | |
|---|------------------|------|
| County Board of Supervisors Representative | Telephone Number | Date |
| | | |
| County Superintendent of Schools Representative | Telephone Number | Date |
| | | |
| Local Child Care Planning Council Chairperson | Telephone Number | Date |
| | | |

Sonoma County Zip Code Priorities
May 2014 - DRAFT
Revised April 29, 2014

| All County Zip Codes | City | CSPP Priority | CCTR Priority |
|----------------------|-------------------|---------------|---------------|
| 94515 | Calistoga | 3 | 1 |
| 94922 | Bodega | 3 | 3 |
| 94923 | Bodega Bay | 3 | 3 |
| 94926 | Rohnert Park | 3 | 3 |
| 94927 | Rohnert Park | 3 | 3 |
| 94928 | Rohnert Park | 1 | 1 |
| 94931 | Cotati | 3 | 1 |
| 94951 | Penngrove | 3 | 2 (↑) |
| 94952 | Petaluma | 1 | 1 |
| 94953 | Petaluma | 3 | 3 |
| 94954 | Petaluma | 1 | 1 |
| 94955 | Petaluma | 3 | 3 |
| 94972 | Valley Ford | 3 | 3 |
| 94975 | Petaluma | 3 | 3 |
| 95401 | Santa Rosa | 1 | 1 |
| 95402 | Santa Rosa | N/A | N/A |
| 95403 | Santa Rosa | 1 | 1 |
| 95404 | Santa Rosa | 1 | 1 |
| 95405 | Santa Rosa | 1 (↑) | 1 |
| 95406 | Santa Rosa | 3 | 3 |
| 95407 | SW Santa Rosa | 1 | 1 |
| 95408 | Santa Rosa | N/A | N/A |
| 95409 | Santa Rosa | 1 | 1 |
| 95412 | Annapolis | 3 | 3 |
| 95416 | Boyes Hot Springs | N/A | N/A |
| 95419 | Camp Meeker | 3 | 3 |
| 95421 | Cazadero | 3 | 3 (↓) |
| 95425 | Cloverdale | 2 | 1 |
| 95430 | Duncans Mills | 3 | 3 |
| 95431 | Eldridge | 3 | 3 |
| 95433 | El Verano | 3 | 3 |
| 95436 | Forestville | 3 | 1 (↑) |
| 95439 | Fulton | 3 | 3 |
| 95441 | Geyserville | 3 | 2 (↑) |
| 95442 | Glen Ellen | 3 | 2 (↑) |
| 95444 | Graton | 3 | 3 |
| 95446 | Guerneville | 3 | 1 (↑) |
| 95448 | Healdsburg | 3 | 1 |
| 95450 | Jenner | 3 | 3 |
| 95452 | Kenwood | 3 | 3 |
| 95462 | Monte Rio | 3 | 3 (↓) |
| 95465 | Occidental | 3 | 2 (↑) |
| 95471 | Rio Nido | 3 | 3 |
| 95472 | Sebastopol | 1 (↑) | 1 |
| 95473 | Sebastopol | N/A | N/A |
| 95476 | Sonoma | 1 (↑) | 1 |
| 95480 | Stewart's Point | 3 | 3 |
| 95486 | Villa Grande | N/A | N/A |
| 95492 | Windsor | 1 (↑) | 1 |
| 95497 | The Sea Ranch | 3 | 3 |

* change since last year (↓) or (↑).



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 37
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Nick Honey 565-4343

Supervisorial District(s):

All

Title: Clinical supervision to support state licensing of Marriage and Family Therapists and/or Licensed Clinical Social Workers

Recommended Actions:

Authorize the Director of Human Services to execute a \$150,000 contract with Lilliput Children's Services for clinical supervision of employees working toward Marriage and Family Therapist and/or Licensed Clinical Social Worker licensure for a contract term of May 2014 through June 2015.

Executive Summary:

The Human Services Department strives to attract and retain Social Services Workers with a high level of skill and expertise in specific fields. Providing professional development opportunities is an important element in attracting and retaining Social Services Workers, and supporting them in obtaining licensure is one important way of achieving this goal. Although the license is not a requirement of the job class licensure is valuable to the Department in ensuring employees have the clinical skills to perform their jobs effectively. Clinical supervision improves workers' ability to intervene in highly complex cases involving child and elder abuse and neglect and improves their ability to identify developmental, cognitive, and behavioral issues. Clinical supervision also provides knowledge of the most recent evidence-based practices.

Social Services Workers in the Family, Youth and Children's (FY&C) Division often testify in court hearings, where their testimony is sometimes challenged by degreed professionals. Clinical supervision contributes to a higher level of knowledge and clinical practice and a more credible voice in supporting the Division's child welfare recommendations in court.

The more than 30 Social Services Workers hired within the Family, Youth & Children's and Adult & Aging Services divisions in this past year have created a greater need for clinical supervision. A 2013 worker survey confirmed the need for clinical supervision has increased well beyond what the department can provide through existing licensed staff. The Divisions which have a total of approximately 106 Social Service Worker IV positions identified at least 30 individuals ready to begin individual supervision. If

provided by staff, supervision hours would take away too much time from their regular assignments. Further, the number of Social Services Workers interested in supervision fluctuates once licenses have been obtained and by hiring and attrition, making it difficult to designate a permanent employee to do supervision. Historically there have only been a few employees interested and still pending licensure and these have been supervised by other willing employees as time has allowed and others volunteer to supervise, resulting in only a few working on licensure at one time. Although some employees may still be able to provide individual supervision, based on their supervisor's approval, the large influx of new hires, as described above, could not be supervised by existing staff capacity and would result in a very lengthy backlog if done in house only. Failing to provide this valuable service to employees could result in them seeking employment in one of the many Counties which offer clinical supervision. Title IV-E funding for the Masters in Social Work program increases the number of recent graduates that often have an even greater interest in licensing support. Contracting for clinical supervision is an Upstream effort to attract employees with exceptional skills in child welfare and adult protective services to improve outcomes for our clients.

As the clinical needs of the two divisions are diverse, an outside agency is the most appropriate avenue to provide the various types of supervision needed and sufficient options to address cultural competency and the different types of licensure (Marriage & Family Therapist vs. Licensed Clinical Social Worker). There are not many agencies in Sonoma County that could provide appropriate services for both FY&C and Adult & Aging staff. A request for letters of interest was sent out to all agencies in Sonoma County who could provide these services. Lilliput Children's Services, headquartered in Sacramento with satellite offices in Napa, is the only agency that responded that possesses the required clinical supervision expertise. Lilliput's clinical supervisors include two Licensed Clinical Social Workers and one Licensed Marriage and Family Therapist. Human Services Department staff recommends contracting with this Lilliput for these needed services.

For a contracted amount of up to \$150,000, Lilliput Children's Services will provide Department employees with either group or individual supervision to help fulfil their licensing requirements. Services will be provided on an hourly cost reimbursement basis for those supervision hours provided to Department employees. The funding for this contract is provided from FY&C's supervisory training funds - \$22,000 from Fiscal Year 13-14 and \$128,000 from FY 14-15. Lilliput agrees to provide supervision for one group of eight and at least 25 individuals and agrees to increase the number of individuals available to receive supervision should there be no immediate need for a group. Lilliput will track, measure, and report outcomes, including the number and type of hours provided per participant, the licensure rate, and the number of participants licensed.

Prior Board Actions:

10/22/13 Board Item approved for \$75,000 for FY 13-14 for clinical supervision.

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

This contract will support social service workers in obtaining their state licensing and lead to a stronger, highly educated workforce which can provide better services to our clients and strengthen relationships with our community partners.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|--------------------------|------------------|
| Budgeted Amount | \$ 22,000 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 22,000 |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 22,000 | Total Sources | \$ 22,000 |

Narrative Explanation of Fiscal Impacts (If Required):

The funding for this contract is provided from supervisory training funds - \$22,000 from FY 13-14 and \$128,000 from FY 14-15

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:

Contract



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 38
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Jerry Dunn, 565-5750

Supervisorial District(s):

County-wide

Title: Human Services Department Agreements

Recommended Actions:

The Sonoma County Human Services Department requests authority to execute agreements for services to clients as documented in Attachment A, with a term beginning July 1, 2014 and ending no later than June 30, 2016, unless otherwise noted. Included are 13 agreements for \$5,218,567 to provide various services and support to eligible clients receiving assistance or using Job Link; 7 agreements for \$606,379 in support of prevention services for families not yet involved in the child welfare system; 9 agreements for \$7,869,000 to provide services to foster children and their families; 10 agreements for \$2,513,736 to provide various services for seniors, and; 2 agreements for \$201,899 for data management systems for a total of 37 agreements in the amount of \$16,409,581.

Executive Summary:

The Sonoma County Human Services Department requests authority to execute agreements for services to clients as documented in Attachment A, with a term beginning July 1, 2014 and ending no later than June 30, 2016, unless otherwise noted. The Department contracts with a broad range of community-based agencies selected through competitive procurements to provide services to clients throughout the various divisions of the Human Services Department. Also included are two agreements for data management systems, one agreement with San Mateo County, and one agreement for consultations services. Agreements total \$16,409,581 and are funded by various Federal, State and local allocations.

Agreements are executed in the standard counsel-approved County template, include language that obligates the Department only to the extent funding is available, and allows for termination of the agreement in the event that any anticipated funding is reduced or eliminated.

Economic Assistance (EA) Division (\$461,025)

The Economic Assistance Division of the Human Services Department provides assistance to obtain medical care for low income families through the Medi-Cal, food through the CalFresh (formerly Food Stamps) program and General Assistance to disabled or low income and unemployed individuals. It also staffs the Service Center to accept calls and inquiries regarding the Affordable Care Act.

- Redwood Community Health Coalition - \$90,000 for 1 year to provide outreach to the community and assist them with applying for and receiving CalFresh assistance. Funding is through the CalFresh allocation with the next procurement due for the 2015/16 fiscal year.
- Cash Assistance Program for Individuals - A nine county consortium agreement with San Mateo County that authorizes San Mateo County to administer and be the Fiscal Agent for the Cash Assistance Program for Individuals (CAPI) which provides cash assistance to aged, blind and disabled legal immigrants who are not citizens and who successfully complete an application process. This agreement is for 4 years with a term date of 6/30/18. There is no monetary value to this contract as San Mateo is reimbursed directly from the State of California for the aid payments issued.
- General Assistance Payments to Facilities - Three Agreements to provide General Assistance payments for General Assistance clients residing in Residential Rehabilitation facilities. Agreements are with Drug Abuse Alternatives Center, California Human Development and Women's Recovery Center. These agreements have no monetary value as General Assistance payments are issued directly to the facility.
- Program Intake Design (\$371,025) – One agreement, beginning June 15, 2014 with Intelegy Corporation is to provide program intake consultation and service delivery design. Because of the implementation of the Afford Care Act, counties have been requested to evaluate their client flow and work processes to expand and streamline intake processes through lobby modernization and increase use of technologies.

Employment & Training (E&T) Division (\$4,757,542)

The Employment & Training Division houses both the SonomaWORKS and the Workforce Investment Act programs and the Job Link one stop. The SonomaWORKS program is designed to help those receiving cash assistance get training, support and help in overcoming barriers that prevent them from obtaining a job, going off cash assistance and progressing to self-sufficiency. The Workforce Investment Act provides funding for job search, job training and Job Link services and includes the Youth Education & Employment Services program.

- SonomaWORKS Client Services (\$2,534,000) - Four Agreements including Catholic Charities (\$120,000), Goodwill Industries of the Redwood Empire (\$2,139,000), Sonoma County Junior College (\$230,000) and Legal Aid of Sonoma County (\$50,000) to provide services to CalWORKS clients in order for them to obtain and retain employment, overcome barriers, and become self-sufficient.
- One agreement with Community Child Care Council (\$117,789) to administer child supportive services for clients who are eligible for Workforce Investment Act funding and are receiving training services at Sonoma County Job Link.
- Youth Education & Employment Services (\$2,100,753) - Agreements with Social Advocates for Youth (\$1,472,252) and Conservation Corps North Bay (\$628,501) to provide youth education and employment services for youth and young adults age 14 to 21 and include the Sonoma County Youth Ecology Corps (SCYEC) work experience program. We are requesting that the Board authorize the Director of Human Services to execute future amendments that do not change the scope of services or increase the cost more than \$25,000. The SCYEC program receives requests for crews to work on special projects such as working at the Tolay Festival or with the Laguna Foundation that includes a small amount of funding as well.

Family, Youth & Children's (FY&C) Division (\$8,475,379)

The Sonoma County Family, Youth & Children's Division ensures the safety and well-being of children and youth by providing families with the resources they need to prevent the removal or return of their children to their home, provide support and care of children in foster care, and support the safety of children in our community.

- Promoting Safe and Stable Families Program (\$323,568) is a prevention-focused program to prevent families from becoming involved in the child welfare system. Agreements (two years each) are with California Parenting Institute (\$164,000) for parenting support services, Social Advocates for Youth (\$79,784) for Functional Family Therapy services and Seneca Family of Agencies (\$79,784) to provide the Lifelong Connections Program and resource assistance.
- Child Abuse Prevention, Intervention & Treatment Program (\$282,811) is designed to provide programs that educate our community about child abuse prevention. Services include two agreements, each for one year, with California Parenting Institute (\$53,000 and \$66,811) for Child Abuse Prevention Services and Triple P Parenting Program, a one year agreement with the Committee on the Shelterless (\$70,000) for the Kids First Child Abuse Prevention Program and a one year agreement with Petaluma People Service Center (93,000) for KidsMATTER Program.
- Wraparound Services – A one year agreement with Seneca Family of Agencies (\$5,184,000) to provide wraparound services to families whose child is at risk of or stepping down from high level group home placement.
- Kinship Services – A two year agreement with Lilliput Children's Services (\$360,000) to support relative caregivers of foster and non-foster children who no longer live with a parent.
- Older Foster Youth and Emancipated Youth Services (\$640,000) – One year agreement with TLC Family Services for the Transitional Housing Plus Program (\$390,000) to assist older youth getting ready to transition out of the foster care system and a one agreement with V.O.I.C.E.S. Sonoma (\$250,000) to provide the Independent Living Services Program for foster and emancipated youth age 16 to 24.
- Client Support Services (\$1,685,000) – Five agreements that offer support and individualized services to for families involved in the child welfare system including a two year agreement with California Parenting Institute (\$1,300,000) for provision of parenting services, supervised visitation and resource assistance; two year agreements with Drug Abuse Alternatives Center (\$260,000) and California Human Development (\$40,000) for the provision of substance abuse services, and; one year agreements with Kathy Dark (\$35,000) and Rodolfo Rodriguez (\$50,000) to provide therapy services to children and families involved in child welfare.

Adult & Aging (A&A) Division (\$2,513,736)

The Adult & Aging Division works with individuals and the community to ensure the safety and well-being of vulnerable adults by providing protective and supportive social services to older adults, veterans, and persons with disabilities.

- Older Adult Collaborative Program (\$160,629) - Provides services through the Mental Health Services Act for the prevention and early intervention program services through four agreements, including Community & Family Service Agency (\$64,089), Council on Aging Services for Seniors (\$40,157), Jewish Family & Children Services (\$24,338) and Petaluma People Services Center (\$32,045). Each agreement is for one year.
- Area Agency on Aging (AAA) Program (2,353,107) – AAA contracts with community partners annually to provide senior services, such as adult day care, Alzheimer's day care, case management, legal services, transportation, ombudsman, congregate and home-delivered

meals, caregiver support and respite, medication management and the health insurance counseling and advocacy program. It is usual for the California Department of Aging to modify funding during each fiscal year for existing senior services. When those additional funds are allocated to the Sonoma County Area Agency on Aging, it is imperative that there be flexibility to modify contract funding to service providers expediently in order to assure continuity of services. The AAA requests authorization for the Director of the Human Services Department to amend and execute future contracts to accept unanticipated revenues, also known as “one-time-only” funding that does not increase the amount of the contract by more than \$25,000 from the original agreement amount.

- Catholic Charities (\$55,905) for the provision of the Alzheimer’s Day Care program.
- Council on Aging Services for Seniors (\$1,283,773) for the provision of adult day care, congregate and home delivered meals, case management services and legal services.
- North Coast Opportunities (\$187,692) for Family Caregiver Support Program to provide support and respite services for the family caregivers.
- Petaluma People Services (\$199,593) for case management services, delivery of meals, congregate meals and adult day care.
- Sebastopol Area Senior Center (\$56,554) for the provision of transportation and mobility services for adults age 60 or older to attend medical and social appointments.
- Senior Advocacy Services (\$569,590) provides advocacy services through the Ombudsman Program and HICAP programs for seniors in long term care facilities, and support regarding health insurance and Medicare application.

Office of the Director (OOD) Division (\$201,899)

- California State Association of Counties (CSAC) (\$125,274) for the continued use and provision of Welfare Client Data Systems data automation system (CalWIN). Human Services Department (HSD) uses the CalWIN computer application, an integrated online, real-time automated system to support eligibility and benefits determination, client correspondence, management reports, interfaces and case management for public assistance programs.
- Netsmart Technologies (\$76,625) for the implementation and project management associated with implementing the myEvolv CareRecord, a comprehensive electronic health record solution, for the children residing at the Valley of the Moon Children’s Home.

Prior Board Actions:

The Board of Supervisors has annually approved funding and service agreements and renewals for the programs included in this item.

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

These agreements are strategic investments in prevention-focused policies and interventions that reduce poverty, increase equal opportunity for quality education and employment, and increase healthy community environments.

| Fiscal Summary - FY 14-15 | | | |
|--|---|------------------------------|------------------------------|
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 16,409,581 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 16,409,581 |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 16,409,581 | Total Sources | \$ 16,409,581 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| Funding amounts for these programs are included in the Human Services Department's proposed FY 2014-15 budget. Funding sources include the Workforce Investment Act, Medi-Cal, Temporary Assistance for Needy Families (TANF), 2011 Protective Services Account (Realignment), Promoting Safe & Stable Families, Older Americans Act, Mental Health Services Act, Child Abuse Prevention, Intervention & Treatment (CAPIT) and Supplemental Nutrition Assistance Program (SNAP). | | | |
| 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: | | | |
| Attachment A | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| Agreements | | | |

Human Services Department Agreements beginning 7/1/2014 *

Attachment A

| Contractor | Services | Funding Source | Contract Amount | Contract End Date |
|------------|----------|----------------|-----------------|-------------------|
|------------|----------|----------------|-----------------|-------------------|

Economic Assistance Division (EA)

| | | | | |
|------------------------------------|--|---|-----------|-----------|
| Redwood Community Health Coalition | CalFresh Outreach | CalFresh | \$90,000 | 6/30/2015 |
| San Mateo County | Issuance of benefits to eligible clients | Cash Assistance Program for Individuals | \$0 | 6/30/2018 |
| DAAC, CHDC, Women's Recovery | General Assistance payments | General Assistance | \$0 | 6/30/2015 |
| Intelegy Corporation * | Program Intake & Service Delivery Design | CalFresh and Medi-Cal | \$371,025 | 6/30/2015 |

EA Division Total \$461,025

Employment & Training Division (E&T)

| | | | | |
|------------------------------|--|--------------------------|-------------|-----------|
| Catholic Charities | Resource Assistance | CalWORKs | \$120,000 | 6/30/2015 |
| Goodwill Industries | Job Search, Work Experience, Disability services | CalWORKs | \$2,139,000 | 6/30/2015 |
| Sonoma County Junior College | SonomaWORKS Services | CalWORKs | \$230,000 | 6/30/2015 |
| Legal Aid of Sonoma County | Referral to Legal Services | CalWORKs | \$50,000 | 6/30/2015 |
| Community Child Care Council | Child Care Support Services | Workforce Investment Act | \$117,789 | 6/30/2015 |
| Conservation Corps North Bay | Youth Education & Employment Services | Workforce Investment Act | \$628,501 | 6/30/2015 |
| Social Advocates for Youth | Youth Education & Employment Services | Workforce Investment Act | \$1,472,252 | 6/30/2015 |

E&T Division Total \$4,757,542

Family, Youth & Children's Division (FY&C)

| | | | | |
|--------------------------------|--|--|-------------|-----------|
| California Parenting Institute | Parenting Support program | Promoting Safe & Stable Families | \$164,000 | 6/30/2016 |
| Social Advocates for Youth | Function Family Therapy | Promoting Safe & Stable Families | \$79,784 | 6/30/2016 |
| Seneca Family of Agencies | Lifelong Connections and Resource Assistance | Promoting Safe & Stable Families | \$79,784 | 6/30/2016 |
| California Parenting Institute | Family Strengthening & Triple P Program | Child Abuse Prevention, Intervention & Treatment | \$53,000 | 6/30/2015 |
| California Parenting Institute | Child Abuse Prevention Services | Child Abuse Prevention, Intervention & Treatment | \$66,811 | 6/30/2015 |
| Committee on the Shelterless | Kids First Child Abuse Prevention Program | Child Abuse Prevention, Intervention & Treatment | \$70,000 | 6/30/2015 |
| Petaluma People Services | KidsMATTER Program | Child Abuse Prevention, Intervention & Treatment | \$93,000 | 6/30/2015 |
| Seneca Family of Agencies | Wraparound Program | 2011 Protective Services Account | \$5,184,000 | 6/30/2015 |
| Lilliput Children's Services | Kinship Support Program | 2011 Protective Services Account | \$360,000 | 6/30/2016 |
| TLC Family Services | Transitional Housing Plus Program | 2011 Protective Services Account | \$390,000 | 6/30/2015 |

Human Services Department Agreements beginning 7/1/2014 *

Attachment A

| Contractor | Services | Funding Source | Contract Amount | Contract End Date |
|--------------------------------|---|----------------------------------|--------------------|-------------------|
| V.O.I.C.E.S. Sonoma | Independent Living Services | 2011 Protective Services Account | \$250,000 | 6/30/2015 |
| California Parenting Institute | Resource, Parenting, & Visitation Supervision | 2011 Protective Services Account | \$1,300,000 | 6/30/2016 |
| Drug Abuse Alternatives Center | Substance Abuse services | 2011 Protective Services Account | \$260,000 | 6/30/2016 |
| California Human Development | Substance Abuse services | 2011 Protective Services Account | \$40,000 | 6/30/2016 |
| Kathy Dark | Therapy services | 2011 Protective Services Account | \$35,000 | 6/30/2015 |
| Rodolfo Rodriguez | Therapy services | 2011 Protective Services Account | \$50,000 | 6/30/2015 |
| FY&C Division Total | | | \$8,475,379 | |

Adult & Aging Division (A&A)

| | | | | |
|---------------------------------------|--|----------------------------|--------------------|-----------|
| Community & Family Serv Agency | Older Adult Collaborative | Mental Health Services Act | \$64,089 | 6/30/2015 |
| Council on Aging Services for Seniors | Older Adult Collaborative | Mental Health Services Act | \$40,157 | 6/30/2015 |
| Jewish Family & Children Svs | Older Adult Collaborative | Mental Health Services Act | \$24,338 | 6/30/2015 |
| Petaluma People Services Center | Older Adult Collaborative | Mental Health Services Act | \$32,045 | 6/30/2015 |
| Catholic Charities | Alzheimers Day Care | Older Americans Act | \$55,905 | 6/30/2015 |
| Council on Aging Services for Seniors | Case Management, Meals, and Adult Day Care | Older Americans Act | \$1,283,773 | 6/30/2015 |
| North Coast Opportunities | Respite and Support for caregivers | Older Americans Act | \$187,692 | 6/30/2015 |
| Petaluma People Services Center | Case Management, Meals, and Adult Day Care | Older Americans Act | \$199,593 | 6/30/2015 |
| Sebastopol Area Senior Ctr | Transportation and Mobility Services | Older Americans Act | \$56,554 | 6/30/2015 |
| Senior Advocacy Services | Advocacy Services & Medi-Cal application | Older Americans Act | \$569,590 | 6/30/2015 |
| A&A Division Total | | | \$2,513,736 | |

Office of the Director (OOD)

| | | | | |
|---------------------------|---|----------------------------------|------------------|-----------|
| CSAC - WCDS | CalWIN Datasystem Maintenance | Medi-Cal, TANF, CalFresh | \$125,274 | 6/30/2015 |
| Netsmart Technologies | Children's Home health data management system | 2011 Protective Services Account | \$76,625 | 6/30/2015 |
| OOD Division Total | | | \$201,899 | |

Human Services Department Total \$16,409,581

** The Intelegy Corporation agreement starts 6/15/14*



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 39
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services

Staff Name and Phone Number:

Oscar Chavez 707.483.4421

Supervisorial District(s):

All

Title: Out-of-state travel request

Recommended Actions:

Approval for Oscar Chavez, Assistant Director – Human Services Dept., to travel to Washington D.C. to attend the 2014 American Public Human Services Association (APHSA) National Policy Forum June 15th – 18th, as this will be his fourth out-of-state trip this fiscal year.

Executive Summary:

The Department would like Oscar Chavez, Assistant Director - Human Services Dept., to participate in the APHSA National Policy Forum, June 16-18th in Washington, DC.

The APHSA is a bipartisan, nonprofit membership organization representing state and local human service agencies through their top-level leadership. APHSA has been working to improve public health and human services for over 80 years by collaborating with state and local agencies, partners, and national policymakers to promote effective policies and innovative strategies. The upcoming APHSA Policy Forum will give Mr. Chavez an opportunity to learn how to implement policies that will improve the way the Sonoma County Human Services Dept. serves clients, supports staff, and interacts with the community. Topics include:

- Achieving person-centered, outcome-focused systems with sustainable results
- Innovations in child welfare, SNAP, and TANF
- Developing and leading innovative community partnerships
- Empowering individuals and families
- Building a stronger human service workforce
- Integrating global perspectives

In addition to valuable networking opportunities, this forum will give Mr. Chavez the opportunity to learn about effective practices in other communities and how Sonoma County can integrate these practices into our Human Services Department.

| | | | |
|---|---|------------------------------|----------------------------------|
| Prior Board Actions: | | | |
| None | | | |
| Strategic Plan Alignment Goal 3: Invest in the Future | | | |
| In addition to valuable networking opportunities, this forum will give Mr. Chavez the opportunity to learn about effective practices in other communities and how Sonoma County can integrate these practices into our Human Services Department. | | | |
| 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 | \$ 0 | Total Sources | \$ 0 |
| 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: | | | |
| None | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None | | | |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 40
(This Section for use by Clerk of the Board Only.)

To:

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Probation

Staff Name and Phone Number:

Christine Williams, 565-2145

Supervisorial District(s):

Countywide

Title: Volunteer Center Court Referral Program Agreement

Recommended Actions:

Authorize the Chief Probation Officer to execute an agreement with the Volunteer Center for court referral program services for the period of July 1, 2014 through June 30, 2015 for a total not to exceed the amount of \$153,200.

Executive Summary:

The Probation Department is requesting the Board to approve the continuation of the Volunteer Center-Court Referral Program agreement in the amount of \$153,200 for FY 14-15, maintaining the FY 13-14 funding level.

The Volunteer Center of Sonoma County administers the Adult and Juvenile Court Referral Program, which offers a sentencing option as an alternative to detention, in the form of community service work for adults and juveniles referred from Sonoma County criminal, traffic and civil courts. This option is used for offenders who cannot afford to pay a court imposed fine, for whom a fine or jail appears inappropriate, or where community service work is a mandated condition of sentence or diversion. In FY 14-15, the Volunteer Center anticipates receiving 6,500 referrals to the program, 5,100 of whom will be interviewed and assigned to do community service by the courts. Historically, 80% of clients interviewed complete all of their assigned hours of work, resulting in approximately 143,000 annual hours of skilled and unskilled labor in community agencies (assumes an average of 35 hours of work completed per client), with an estimated minimum value of \$1,430,000 (valued at \$10 per hour).

For FY 14-15, the Volunteer Center is proposing to maintain the FY 13-14 funding level. If this agreement is approved by the Board, the community will benefit from thousands of hours of labor, worth hundreds of thousands of dollars. Furthermore, the Volunteer Center agreement saves the Court, Jails, and Probation staff significant time and resources. Like last year, the Volunteer Center contract includes clearly articulated quality assurance processes and outcome reporting measures, part of Probation's efforts to include these in all professional services agreements. If the Volunteer Center became unavailable, the Court would be forced to refer clients to the Probation Department or to

detention facilities, or to no consequences at all, thus creating significant stress on the system.

Additionally, the Volunteer Center expands the sentencing options for the Courts, decreasing the need to depend on other alternatives such as fines or incarceration. Assignment to unpaid work in community agencies gives the Courts a restorative sentencing sanction that is both punitive to the offender and beneficial to the community. Enabling offenders to meet their obligation to the Courts by performing a useful service to the community may instill a sense of pride and community in offenders, and could potentially result in a lower likelihood for re-offense.

Prior Board Actions:

06/18/13, 06/12/12, 06/08/10, 05/12/09, 06/10/08, 04/10/07 - Approved Volunteer Center – Court Referral Program Contract

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

Fiscal Summary - FY 14-15

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|----------------------|-------------------|
| Budgeted Amount | \$ 153,200 | County General Fund | \$ 153,200 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 153,200 | Total Sources | \$ 153,200 |

Narrative Explanation of Fiscal Impacts (If Required):

Expenses associated with this contract will be included in the FY 14-15 recommended budget.

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: |
| Volunteer Center Court Referral Program Agreement. |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 41
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Regional Parks

Staff Name and Phone Number:

Bert Whitaker (707) 565-2041

Supervisorial District(s):

First

Title: Revocable License Agreement with Sonoma Valley County Sanitation District for Geotechnical Testing

Recommended Actions:

Authorize the Director of Regional Parks to execute a Revocable License agreement with the Sonoma Valley County Sanitation District to perform geotechnical testing of the soil at Maxwell Farms Regional Park in the City of Sonoma for the period of May 7, 2014 through May 6, 2019.

Authorize the Director of Regional Parks to approve a five year extension at the expiration of the initial term, upon satisfactory performance by the licensee.

Executive Summary:

The Sonoma Valley County Sanitation District (District) provides services to 11,400 parcels in an area covering 4,500 acres in the Sonoma Valley including the City of Sonoma, Agua Caliente, Boyes Hot Springs, Eldridge, Fetters Hot Springs, Glen Ellen, Schellville, Temelec, and Vineburg. In 2002 the District published a Wet Weather Overflow Study which evaluated the District's sewer capacity. As a result of that study, the District launched a multi-year systematic effort to replace aging and deteriorating infrastructure, including the Sewer Trunk Main Replacement project to help alleviate wet weather overflows along the collection system. In April 2014 the District received Board of Supervisors authorization to enter into an Agreement with Kleinfelder West, Inc. for geotechnical engineering services for the design and construction of a new sewer trunk main in the Sonoma Valley. The existing sewer trunk main runs through Maxwell Farms Regional Park along an easement owned by the District. The current phase of the project involves geotechnical studies to facilitate the design and construction of a new sewer trunk main that will also pass through the park. The District has requested permission to make five soil borings at Maxwell Farms Regional Park in locations outside of the current easement area. Four of these five borings will be backfilled immediately and the fifth will house a piezometer for long term monitoring of the water level.

Maxwell Farms Regional Park is a heavily utilized park in the Sonoma Valley that covers 82 acres that received an estimated 305,000 park users in FY12-13. Park amenities include a skate park, a combo baseball-soccer field, a baseball field, a soccer field, five tennis courts, a Boys and Girls Club building, a volley ball court, and hiking trails. Sonoma Creek passes through the western side of the park. The current sewer trunk main path and the proposed geotechnical test sites cross the park just to west of the Boys and Girls Club, along the west side of the athletic fields, under El Verano Avenue and through a small parcel of County owned property on the north side of El Verano Avenue. Geotechnical testing in the proposed locations and ongoing monitoring of water levels will have minimal impact on park visitors and park operations.

Prior Board Actions:

04/15/2014: Sonoma Valley County Sanitation District Board of supervisors approved an agreement between the District and Kleinfelder West, Inc. to provide geotechnical services and authorized the general manager to execute license agreements for the geotechnical investigation.

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):

No financial impact to Regional Parks.

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: |
| SVCSD at Maxwell Farms RLA.pdf |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 42
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Retirement

Staff Name and Phone Number:

Julie Wyne (707) 565-8103

Supervisorial District(s):

Title: Retirement Rates for Fiscal Year 2014-2015

Recommended Actions:

Resolution approving and adopting the Sonoma County Employees' Retirement Association employee and employer contribution rates for Fiscal Year 2014-2015.

Executive Summary:

Each year the Board of Supervisors reviews and adopts employer and employee Sonoma County Employees' Retirement Association (SCERA) retirement contribution rates for the coming fiscal year in accordance with determinations made by the Board of Retirement. The Board of Retirement annually requires an actuarial valuation of the retirement fund to be performed as authorized by Section 31453 of the California Government Code. An actuarial report was previously prepared by the actuarial firm The Segal Company (Segal) as of December 31, 2012. Based upon that actuarial valuation, Segal made a report to the Board of Retirement as to the funding adequacy of the retirement system. Additionally, the Board of Retirement caused an actuarial analysis to be done by Segal of the impact of the elimination of cash outs of unused leave through collective bargaining and contract. Segal also made recommended contribution rate and actuarial assumption changes which were reviewed and approved by the Board of Retirement.

Based on the December 31, 2012 actuarial valuation with adjustments for elimination of cash outs of unused leave, and recommendations of the actuary, the Board of Retirement recommends that the Board of Supervisors approve for the Fiscal Year 2014-2015 retirement contribution rates pursuant to Retirement Board Resolution #122 the following employer contribution rates:

COUNTY OF SONOMA

Retirement Rates Legacy Plan A

General

Safety

07/01/14

19.66%

26.92%

Retirement Rates PEPRA Plan B

General

Safety

07/01/14

15.09%

20.12%

The County of Sonoma Pension Obligation Bond Rates provided below are calculated by the Auditor-Controller, not SCERA, and are provided for a complete perspective on the full cost of retirement benefits. Upon approval of this resolution, the Retirement contribution rates, when combined with other County Retirement related rates for Pension Obligation Bonds, will total for Fiscal Year 2014-2015 as follows:

| | <u>Plan A</u> | <u>Plan A</u> | | <u>Plan B</u> | <u>Plan B</u> |
|---------------------------------------|-----------------------|----------------------|--|-----------------------|----------------------|
| | <u>General</u> | <u>Safety</u> | | <u>General</u> | <u>Safety</u> |
| Retirement Rates | 19.66% | 26.92% | | 15.09% | 20.12% |
| Pension Bond Rate (2003) | 6.56% | 6.96% | | 6.56% | 6.96% |
| Pension Bond Rate (2010) | 7.27% | 7.05% | | 7.27% | 7.05% |
| Total Retirement Related Rates | 33.49% | 40.93% | | 28.92% | 34.13% |

For comparison purposes the retirement rates and total retirement related rates for current Legacy Plan A members for Fiscal Year 2013-2014 are as follows: General 17.27% and 30.96%; Safety 24.81% and 38.69%, respectively; for PEPRA Plan B members in Fiscal Year 2013-2014 are as follows: General 12.08% and 25.77%; Safety 17.21% and 31.09%, respectively.

The following County employee contribution rates for members will be implemented:

The average employee contribution rates in the Legacy Plan A for Fiscal Year 2014-2015 are as follows: General 12.14% and Safety 12.03%, based on average entry age. The employee contribution rates in PEPRA Plan B for Fiscal Year 2014-2015 are as follows: General 10.28% and Safety 14.75%. New PEPRA employees contribute half of the normal cost.

Prior Board Actions:

Routinely approved, usually on an annual basis.

Strategic Plan Alignment Not Applicable

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):

Attachments:

Retirement Board Resolution #122

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

None.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Approving Employee and Employer Contribution Rates For The Sonoma County Employees'
Retirement Association For The Fiscal Year 2014-2015.**

Whereas, the Board of Retirement of the Sonoma County Employees' Retirement Association (SCERA) has caused an annual actuarial valuation study of SCERA to be conducted as authorized by Section 31453 of the California Government Code, and

Whereas, actuarial analyses were performed and actuarial reports were prepared by the actuarial firm of The Segal Company based on conditions as of December 31, 2012, with adjustments of employer contribution rates for County Legacy Plan A and PEPRA Plan B general and safety members and employee contribution rates for the County Legacy Plan A general and safety members to reflect elimination of cash outs of unused leave, and

Whereas, the Board of Retirement upon the basis of the valuation, actuarial analysis and recommendations of the actuaries, recommends adoption of employee (see Attachment A) and employer contribution rates for the County of Sonoma as follows:

**RETIREMENT EMPLOYER CONTRIBUTION RATES PERCENTAGE FOR
FISCAL YEAR 2014/2015**
(Based on the 12/31/12 Actuarial Report and 3/12/14 Elimination of Leave Cash Out Contribution
Rate Report)

COUNTY

| <u>Retirement Rates Legacy Plan A</u> | <u>General</u> | <u>Safety</u> |
|---------------------------------------|----------------|---------------|
| 07/01/14 | 19.66% | 26.92% |

| <u>Retirement Rates PEPR Plan B</u> | <u>General</u> | <u>Safety</u> |
|-------------------------------------|----------------|---------------|
| 07/01/14 | 15.09% | 20.12% |

The average employee contribution rates in Legacy Plan A for Fiscal Year 2014-2015 are as follows: general members 12.14% and safety members 12.03%, based on average entry age. The employee contribution rates in PEPR Plan B for Fiscal Year 2014-15 are as follows: general members 10.28% and safety members 14.75%.

Now, Therefore, Be It Resolved

Be It Further Resolved that in accordance with Section 31453 of the California Government Code, that pursuant to Retirement Board Resolution #122 of May 22, 2014, recommended employee rates as attached and recommended retirement employer contribution rates as set forth above for the County of Sonoma shall be and same are hereby ordered into effect on the first full pay period closest to July 1, 2014, or as soon as considered practicable by the Retirement Administration.

Supervisors:

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

So Ordered.

RESOLUTION OF THE SONOMA COUNTY EMPLOYEES' RETIREMENT BOARD AUTHORIZING ADOPTION OF COUNTY OF SONOMA EMPLOYEE AND EMPLOYER CONTRIBUTION RATES.

WHEREAS, the Board of Retirement of the Sonoma County Employees' Retirement Association (SCERA) has caused an annual actuarial valuation study of SCERA to be conducted as authorized by Section 31453 of the California Government Code, and

WHEREAS, actuarial analyses were performed and actuarial reports were prepared by the actuarial firm of The Segal Company based on conditions as of December 31, 2012, with adjustments of employer contribution rates for County Legacy Plan A and PEPRA Plan B general and safety members and employee contribution rates for the County Legacy Plan A general and safety members to reflect elimination of cash outs of unused leave, pursuant to analysis dated March 12, 2014, and

WHEREAS, the Board of Retirement upon the basis of the valuation, actuarial analysis and recommendations of the actuaries, recommends adoption of employee (see Attachment A) and employer contribution rates for the County of Sonoma as follows:

RETIREMENT EMPLOYER CONTRIBUTION RATES PERCENTAGE FOR FISCAL YEAR 2014/2015

(Based on the 12/31/12 Actuarial Report and 3/12/14 Elimination of Leave Cash Out Contribution Rate Report)

COUNTY

| | | |
|--|-----------------------|----------------------|
| <u>Retirement Rates Legacy Plan A</u> | <u>General</u> | <u>Safety</u> |
| 07/01/14 | 19.66% | 26.92% |
| <u>Retirement Rates PEPRA Plan B</u> | <u>General</u> | <u>Safety</u> |
| 07/01/14 | 15.09% | 20.12% |

The average employee contribution rates in Legacy Plan A for Fiscal Year 2014-2015 are as follows: general members 12.14% and safety members 12.03%, based on average entry age. The employee contribution rates in PEPRA Plan B for Fiscal Year 2013-14 are as follows: general members 10.28% and safety members 14.75%.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with Section 31453 of the California Government Code, the retirement employer contribution rates as set forth above for the County of Sonoma shall be and same are hereby ordered into effect on the first full pay period closest to July 1, 2014, or as soon as considered practicable by the Retirement Administration.

RETIREMENT BOARD TRUSTEES:

| | | | | | | | | | |
|-------|----------------|---------|----------|-----------|----------|----------|----------|------------|----------|
| Adams | <u>A</u> | Beels | <u>A</u> | Edwards | <u>X</u> | Gossman | <u>A</u> | Jahn | <u>X</u> |
| | See | | | | | | | | |
| Pels | <u>Edwards</u> | Rabbitt | <u>A</u> | Sundstrom | <u>X</u> | Williams | <u>X</u> | Williamson | <u>X</u> |
| Ayes | <u>5</u> | Noes | <u>0</u> | Abstain | <u>0</u> | Absent | <u>4</u> | | |

SO ORDERED

SECTION 4: Reporting Information for the Sonoma County Employees' Retirement Association

Appendix A

Member Contribution Rates

**Restated General County Members' Contribution Rates from the December 31, 2012 Actuarial Valuation
(As a Percentage of Monthly Payroll)**

| Non-CalPEPRA | | |
|--------------|--------------|------------|
| Entry Age | First \$350* | Over \$350 |
| 16 | 4.30% | 6.44% |
| 17 | 4.37% | 6.55% |
| 18 | 4.44% | 6.66% |
| 19 | 4.52% | 6.78% |
| 20 | 4.59% | 6.89% |
| 21 | 4.67% | 7.01% |
| 22 | 4.75% | 7.12% |
| 23 | 4.83% | 7.24% |
| 24 | 4.91% | 7.36% |
| 25 | 4.99% | 7.49% |
| 26 | 5.07% | 7.61% |
| 27 | 5.16% | 7.74% |
| 28 | 5.24% | 7.86% |
| 29 | 5.33% | 7.99% |
| 30 | 5.42% | 8.13% |
| 31 | 5.51% | 8.26% |
| 32 | 5.60% | 8.39% |
| 33 | 5.69% | 8.53% |
| 34 | 5.78% | 8.67% |
| 35 | 5.88% | 8.81% |
| 36 | 5.97% | 8.96% |
| 37 | 6.07% | 9.11% |
| 38 | 6.17% | 9.26% |
| 39 | 6.27% | 9.41% |
| 40 | 6.38% | 9.57% |

SECTION 4: Reporting Information for the Sonoma County Employees' Retirement Association

Appendix A

Member Contribution Rates (continued)

Restated General County Members' Contribution Rates from the December 31, 2012 Actuarial Valuation
(As a Percentage of Monthly Payroll)

| Entry Age | Non-CalPEPRA | |
|-----------|--------------|------------|
| | First \$350* | Over \$350 |
| 41 | 6.49% | 9.73% |
| 42 | 6.60% | 9.89% |
| 43 | 6.71% | 10.06% |
| 44 | 6.83% | 10.24% |
| 45 | 6.95% | 10.42% |
| 46 | 7.08% | 10.62% |
| 47 | 7.22% | 10.83% |
| 48 | 7.37% | 11.05% |
| 49 | 7.54% | 11.30% |
| 50 | 7.66% | 11.49% |
| 51 | 7.74% | 11.61% |
| 52 | 7.76% | 11.64% |
| 53 | 7.72% | 11.58% |
| 54 & Over | 7.63% | 11.44% |

Interest: 7.50%

COLA: 0.00%

Mortality: RP-2000 Combined Healthy Mortality Table projected to 2015 with Scale AA setback two years weighted 30% male and 70% female

Salary Increase: Inflation (3.25%) + Across the board increase (0.75%) + Merit (see Exhibit V of the December 31, 2012 valuation report)

Note: The above rates exclude an additional 3.03% of payroll payable from July 1, 2004 to June 30, 2024 for County members.

* For integrated members only.

SECTION 4: Reporting Information for the Sonoma County Employees' Retirement Association

Appendix A

Member Contribution Rates (continued)

**Restated Safety County Members' Contribution Rates from the December 31, 2012 Actuarial Valuation
(As a Percentage of Monthly Payroll)**

| Entry Age | Non-CalPEPRA | |
|-----------|--------------|------------|
| | First \$350* | Over \$350 |
| 16 | 4.78% | 7.17% |
| 17 | 4.86% | 7.29% |
| 18 | 4.94% | 7.41% |
| 19 | 5.03% | 7.54% |
| 20 | 5.11% | 7.66% |
| 21 | 5.19% | 7.79% |
| 22 | 5.28% | 7.92% |
| 23 | 5.37% | 8.05% |
| 24 | 5.46% | 8.18% |
| 25 | 5.55% | 8.32% |
| 26 | 5.64% | 8.46% |
| 27 | 5.73% | 8.60% |
| 28 | 5.83% | 8.74% |
| 29 | 5.92% | 8.88% |
| 30 | 6.02% | 9.03% |
| 31 | 6.12% | 9.18% |
| 32 | 6.22% | 9.33% |
| 33 | 6.32% | 9.48% |
| 34 | 6.43% | 9.64% |
| 35 | 6.54% | 9.80% |
| 36 | 6.65% | 9.97% |
| 37 | 6.76% | 10.14% |
| 38 | 6.88% | 10.32% |
| 39 | 7.00% | 10.50% |
| 40 | 7.13% | 10.70% |

SECTION 4: Reporting Information for the Sonoma County Employees' Retirement Association

Appendix A

Member Contribution Rates (continued)

Restated Safety County Members' Contribution Rates from the December 31, 2012 Actuarial Valuation
(As a Percentage of Monthly Payroll)

| Entry Age | Non-CalPEPRA | |
|-----------|--------------|------------|
| | First \$350* | Over \$350 |
| 41 | 7.27% | 10.90% |
| 42 | 7.41% | 11.12% |
| 43 | 7.57% | 11.36% |
| 44 | 7.75% | 11.63% |
| 45 | 7.87% | 11.80% |
| 46 | 7.94% | 11.91% |
| 47 | 7.97% | 11.96% |
| 48 | 7.97% | 11.96% |
| 49 & Over | 7.80% | 11.70% |

Interest: 7.50%

COLA: 0.00%

Mortality: RP-2000 Combined Healthy Mortality Table projected to 2015 with Scale AA weighted 75% male and 25% female

Salary Increase: Inflation (3.25%) + Across the board increase (0.75%) + Merit (see Exhibit V of the December 31, 2012 valuation report)

Note: The above rates exclude an additional 3.00% of payroll payable effective February 1, 2005 for County members.

* For integrated members only.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 43
(This Section for use by Clerk of the Board Only.)

To: The Board of Supervisors of Sonoma County

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Sheriff-Coroner

Staff Name and Phone Number:

Julie Bertoli 565-1469

Supervisorial District(s):

All

Title: Detention Food Service Contract Amendment

Recommended Actions:

Authorize the Sheriff to execute a fourth amendment to an agreement with Aramark Correctional Services, LLC, for food management services, extending the existing agreement for one additional year from July 1, 2014 through June 30, 2015, for an estimated cost of \$1,936,298 per year.

Executive Summary:

The Sheriff's Office utilizes a food service vendor, Aramark, to manage the provision of inmate meal services, including the purchase of food products, in the adult detention facilities. The Sheriff is requesting the Board approve an amendment that will allow the Sheriff to extend the term of the Agreement for an additional year while a new request for proposal (RFP) is administered.

BACKGROUND

To fulfill the Sheriff's responsibility to provide meals to inmates that comply with California Code of Regulations Title 15 and other related regulations, the County of Sonoma contracts with a private company to provide food services in the adult detention facilities. Some of these services include developing menus and meal plans that meet specific dietary requirements, procuring the food and supplies needed to prepare and distribute the meals, administering meal preparation and distribution in coordination with the Sheriff's kitchen staff and inmate work crews, and establishing a meal program that recognizes the constraints of the County's detention kitchens and satisfies health inspection requirements.

The County has partnered with Aramark Correctional Services for food service management in the County's adult detention facilities since February 1, 1990. The Sheriff's Office has been extremely satisfied with all aspects of the current service Agreement with Aramark. Aramark has developed an outstanding relationship with the Department of Health Services to ensure that the County is in compliance with all aspects of California Title 15 and other regulations which govern the welfare of inmates while in custody. In addition to providing inmate food services, Aramark provides food service

to the County Emergency Operations Center, and low cost food services for various functions throughout the County. All services performed have continually exceeded the Sheriff's expectations. Our most recent health inspection resulted in a perfect score for the Aramark administered Detention Food Safety Program.

Aramark has continued to be a collaborative business partner with the County. For example, in FY 10-11, the County made a request to vendors to reduce contract expenses by 10% to assist the County during an unprecedented economic down-turn. In response, Aramark agreed to waive the annual CPI increase that year and has waived the CPI increase for an additional three years, creating a savings to the County of approximately \$173,000. In addition, as a result of the budget reductions in FY 12-13 the number of County detention food service employees was reduced from 18 to 15. These reductions placed additional workload demands on the remaining kitchen staff. Aramark worked with the Sheriff to develop a menu revision that would assist with the Sheriff's reduction in kitchen staff. The meal plan was changed from two hot and one cold meal each day, to two cold and one hot meal per day. The new menu required the purchase of larger serving trays, which Aramark agreed to purchase at no cost to the County for an estimated savings of \$32,000.

Most recently, Aramark assisted the Sheriff's Office through a catastrophic kitchen failure. In August 2013, the Main Adult Detention Facility (MADF) experienced a catastrophic kitchen failure rendering the kitchen unusable, ceasing kitchen operations for a period of 15 weeks during extensive construction repairs. During this time Aramark's staff, in coordination with Sheriff's staff, swiftly implemented a significant workaround by moving the adult detention food operations to North County Detention Facility (NCDF). In addition to working tirelessly with Sheriff's staff to maintain inmate meal service, Aramark waived the higher cost (approximately \$7,000) of the meals prepared during the catastrophe. Aramark's large presence in Northern California allowed them to quickly respond and provide the resources needed to immediately and successfully alter the feeding models during the emergency.

PROPOSED AMENDMENT

At this time, the Sheriff is recommending the extension of the current Agreement with Aramark. The Sheriff's Office wishes to temporarily continue operations with Aramark to allow time to administer a request for proposal (RFP) process for inmate food services. There are several reasons for the need to extend the current Agreement term. Over the last year, the Sheriff's Office has administered several major RFPs, one of which covers the County's largest contract, inmate medical and dental services. Administering concurrent RFPs for two significant components of jail operations could have potentially resulted in the need to transition both programs to new vendors at the same time. The Sheriff's Office has lacked the staff to not only administer two major RFPs at the same time, but due to operational staff shortages would have been unable to potentially oversee the resulting transition and implementation of two new major service providers. During this same time period, the Sheriff's Detention Division has been tackling the implementation of Realignment. The transfer of inmates from the State prison system has had a dramatic impact on the local detention environment and operations and has required significant staff time to plan and react to the changes. Additionally, during the time the Sheriff's Office was contemplating the issuance of an RFP, the catastrophic kitchen failure occurred. The catastrophe was a result of major infrastructure problems. There was much uncertainty as to how long the kitchen would be inoperable and how much longer the already aging kitchen would remain operable once repaired. Through the diligence of County General Services, in cooperation with Detention staff, the

MADF kitchen has successfully been repaired and restored in a manner that will allow the continued operation of the facility for years to come.

Concurrently, the County had begun the evaluation of long term plans for the MADF and NCDF kitchen operations. The County has been assessing various grant opportunities to address the desire to develop a new centralized cook-chill kitchen facility independent of the MADF or NCDF facility as well as considering a Juvenile Justice Center kitchen expansion. This future project may include making the JJC kitchen into a central kitchen for all detention facilities, capable of producing meals in both cook-service method for Juvenile Hall and cook-chill method for MADF and NCDF or it may involve a new facility. This research and analysis is continuing with the Criminal Justice Master Plan update.

The Sheriff is committed to administering an RFP process to select a food service vendor in FY 14-15. The proposed additional year will give the Sheriff’s Office adequate time to focus on the RFP while maintaining other critical Detention projects and general operations.

The current Agreement commenced on July 1, 2006. The original Agreement term was for five years with two additional one-year options to extend. Both of these options have been exercised and the Agreement is due to expire on June 30, 2014. The Sheriff is requesting the Board approve the proposed Amendment, which will extend the term for one additional year, through June 30, 2015. Per the Agreement’s terms, the vendor is entitled to a CPI increase in FY 14-15. The estimated total cost of the Agreement is \$1,936,298 and is included in Sheriff’s FY 14-15 Recommended Budget.

Prior Board Actions:

The Board has approved consecutive agreements for inmate food management services with Aramark since 1990.

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

The approval of the amendment will allow the Sheriff to continue to provide essential food services to the County’s inmate population.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|---------------------|--------------------------|---------------------|
| Budgeted Amount | \$ 1,936,298 | County General Fund | \$ 1,936,298 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 1,936,298 | Total Sources | \$ 1,936,298 |

Narrative Explanation of Fiscal Impacts (If Required):

The cost of the extended Agreement covers menu development, meal plans that meet specific dietary requirements, all food procurement and food preparation and delivery supplies, and the administration of meal preparation and distribution.

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:

Original Agreement and Amendments #1-4 to Agreement for Food Service Management Services with Aramark Correctional Services, LLC



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 44
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Connie Newton, 565-8884

Supervisorial District(s):

ALL

Title: Agreement for Inmate Healthcare Services

Recommended Actions:

Authorize the Chair to execute an Agreement with California Forensic Medical Group, Inc., to provide inmate healthcare services for the period August 1, 2014 through July 31, 2019, for an estimated amount of \$6,554,898 for the first year.

Executive Summary:

The Sheriff requests the Board authorize the Chair to execute the Agreement for Inmate Healthcare services with California Forensic Medical Group, Inc. (CFMG), effective August 1, 2014. The current agreement for Inmate Medical services CFMG is due to expire on July 31, 2014. The Sheriff is recommending the County entering into a new Agreement with CFMG, based on the results of a recently administered request for proposal process (RFP).

RFP and Selection Process

On August 22, 2013, an RFP was sent to 18 inmate medical services providers. Contract proposals were received from the following three firms: California Forensic Medical Group (CFMG), Corizon, and American Correctional Solutions (ACS). A proposal review committee comprised of representatives from the Department of Health Services, County Administrator's Office, and the Sheriff's Office was assigned to evaluate the proposals. Each committee member independently prepared an evaluation sheet scoring each of the three proposals. The evaluations included seven criteria, totaling 100 points. Based on the ranking of the scores, two vendors were selected as finalists, CFMG and Corizon. Finalists were evaluated a second time, based on the presentations they made to the RFP committee. This evaluation process was outlined in the RFP.

The evaluation scores resulted in the review committee unanimously recommending that CFMG be selected to continue providing inmate medical and dental services. Both finalists demonstrated an ability to provide the requested services. The differentiating factors that resulted in CFMG's higher scoring are as follows:

1. Experience – CFMG has been in business since 1984. They have a strategic business model that focuses solely on California correctional health care. This strategy ensures that all of their plans, policies, procedures, certifications, compliance, and market knowledge are based on California rules and regulations. They have been able to standardize their business model while providing customized services to their clients. Secondly, the original founders of CFMG are still active executives in the company and very involved in the day to day operations of CFMG. The experience and knowledge of the founders appear to be a contributing factor to the foundation of CFMG’s business model, resulting in consistent success in California’s market. Finally, CFMG has contracts in 27 California counties, providing services to 65 facilities. There is no other vendor that has near the California customer base as CFMG. Again, this client base provides CFMG with a wide breadth of California based industry knowledge and hands on experience.
2. Staffing- The staffing levels proposed in CFMG’s response to the RFP were thoroughly justified and meet the specific needs of our facilities. CFMG demonstrated how staff are assigned throughout a 24 hour day to most efficiently administer the services, provide their services in a manner that compliments the operational staff, and keep costs down. CFMG’s staffing plan demonstrates that the same level of services are provided at all times. In addition to staffing coverage, the RFP process demonstrated that CFMG has a much lower employee turnover rate compared to the industry. CFMG’s turnover is rate is only 7.6% compared to Corizon’s turnover of rate 26.3%. Low turnover increases the continuity of care for inmates and interactions with operations. In addition, since all staff are subject to background checks, conducted by the Sheriff’s Office , a lower turnover rate results in less County resources needed to support this contract. Furthermore, CFMG’s staff compensation levels are competitive with the local hospitals in the area. Therefore, CFMG has set the groundwork to recruit highly qualified staff and is likely to compete for local healthcare professionals in Sonoma County.
3. References- In addition to the Sheriff’s Office being extremely satisfied with the services being provided to Sonoma County, all other counties contacted, even counties not listed by the vendor, indicated that they are equally satisfied. This point is also substantiated by the fact that CFMG currently provides services for the few counties that they initially lost through a RFP process. After leaving CFMG, these counties terminated relationships with the non-CFMG vendors and resumed business with CFMG. CFMG has never terminated an active contract or asked for a fee increase during an active contract.
4. Affordable Care Act - CFMGs response included their proactive efforts to understand and implement actions needed for Affordable Care Act (ACA) changes. CFMG also described how they will support the County through this change. ACA administration is a critical aspect of inmate medical services because an effective ACA program will result in the County’s ability to recoup some Federal funds for inmate hospitalization expenses. In addition, if inmates are enrolled into health plans while in custody, they can continue to receive treatment when they are released. The continuation of treatment and continuity of care benefits the entire County. CFMG has retained a team of expert consultants and contractors to develop an ACA plan for the County. CFMG outlined the process, roles, and responsibilities for the entire ACA reimbursement submission process in their proposal and presentation.
5. Pricing - CFMG was not the lowest priced respondent; however, is it clear that their higher costs

are mainly attributable to the salaries and benefits they offer their staff. The RFP requested an itemized pricing proposal. This itemization allowed us to see that Corizon's investment in staffing was \$963,862 lower than CFMG's. Corizon's lower staffing costs were a combination of 4.04 fewer full time staff and lower wages. Overall, the committee felt that CFMG's pricing proposal was feasible, sustainable, justifiable, and will potentially result in a continuity of inmate care that has an added benefit to the community's labor market. To address this cost disparity, the Sheriff's Office in consultation with County Purchasing worked together with CFMG to negotiate a lower overall price than was originally submitted in their original proposal.

Proposed Agreement

The proposed Agreement includes all the provisions outlined in the RFP, which predominantly include health care services to be provided to inmates under the California Code of Regulations, Title 15 and the California Medical Association Institute for Medical Quality Standards for Health Services in Detention Facilities. The proposed Agreement with CFMG is for an initial term of five years, with two one-year options to extend. The options to extend the Agreement are recommended to be exercised by the Sheriff without Board approval; however, if the annual increase, for either option year, is greater than the average Consumer Price Index (CPI) during the previous April to April time period, the Board of Supervisors must exercise the option to extend.

The proposed Agreement is estimated to cost \$6,554,898 during FY 14-15. The contract contains the same provision as the previous agreement for annual increases for the second year through the fifth year of the Agreement, to be based on the CPI rate increase (Medical Care Component, All Urban Consumers, San Francisco-Oakland Region). The rate increase for the two optional years, should both parties choose to exercise the option, will be based on the same criteria with the understanding that the parties will meet in good faith to determine whether the required compensation should increase by an additional amount based on an increase in the prevailing wages for medical nurses in the local area.

Prior to the end of the 5 year term, a committee including members from Risk Management, Health Services, the County Administrator's Office, and the Sheriff's Office will convene to evaluate the economic environment and make recommendations for the negotiation of the terms of the first option period. Similarly, prior to the end of the first option period, the same committee will convene in preparation for negotiating the second optional period. The cost of the proposed Agreement is included in the Sheriff's FY 14-15 Recommended Budget.

Prior Board Actions:

The Board has approved consecutive agreements for inmate medical services with California Forensic Medical Group, Inc. since 2000. The most recent Agreement was approved by the Board on January 29, 2008.

| | | | |
|--|---|------------------------------|------------------------------|
| Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community | | | |
| The provision of health care services to inmates ensures inmates are receiving essential health care services as required by law while in custody. | | | |
| Fiscal Summary - FY 14-15 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 6,554,898 | County General Fund | \$ 6,554,898 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 6,554,898 | Total Sources | \$ 6,554,898 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| The cost of the proposed Agreement is included in the Sheriff's FY 14-15 Recommended 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: | | | |
| | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| Agreement for Inmate Healthcare Services | | | |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 45
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of Sonoma County

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Monique Chapman – 565-2872

Supervisorial District(s):

2nd District

Title: Agreement for supplemental law enforcement services with Speedway Sonoma for the NASCAR races from June 19, 2014 through June 22, 2014.

Recommended Actions:

Authorize the Sheriff to execute the Agreement with Sonoma Raceway for the NASCAR races event from June 19, 2014 through June 22, 2014 for revenue of \$125,275.

Executive Summary:

The Sheriff's Office is requesting authorization to execute an agreement with Sonoma Raceway to provide supplemental security services for the NASCAR races event taking place June 19, 2014 through June 22, 2014.

Background.

Government Code Section 53069.8 allows the Board of Supervisors to contract on behalf of the Sheriff to provide supplemental law enforcement services to private entities. Resolution 93-1720 authorizes the Sheriff to execute any contract for supplemental law enforcement services on behalf of the County that does not exceed \$25,000. Any contract over the \$25,000 threshold continues to require the Board of Supervisors' authorization. Additionally, the Board annually adopts an ordinance establishing fees for security services.

The Sonoma County Sheriff's Office has been providing special security services to Sonoma Raceway (formerly Infineon Raceway) for the past twenty-two years. The services provided in this agreement are above and beyond the normal level of law enforcement services provided to the community by the Sheriff's Office. The County is reimbursed by Sonoma Raceway for both the direct and indirect costs of providing these special security services.

Request.

The scope of services to be provided includes sergeant, deputy, dispatcher, and community services officer time, patrol cars, and golf carts staggered over the four days from June 19, 2014 through June 22,

2014. The cost of these services is estimated at \$125,275. The agreement before you is substantially the same as the Board agreements from prior years in terms of staffing and cost. The services to be provided will in no way interfere with regular law enforcement services provided by the Sheriff's Office. The operational costs and corresponding revenue reimbursement are included in the Sheriff's Office FY 13-14 adopted budget.

Prior Board Actions:

Annual Sheriff's Office Fee ordinance which sets the fee for Security Services provided by the Sheriff's Office. Annual security service agreements since 1991.

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

The Agreement for Supplemental Security Services with Sonoma Raceway will allow for supplemental law enforcement services to be provided for a large racing event. These services will help to ensure the safety of the event attendees and the surrounding community.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|----------------------|-------------------|
| Budgeted Amount | \$ 125,275 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 125,275 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 125,275 | Total Sources | \$ 125,275 |

Narrative Explanation of Fiscal Impacts (If Required):

The agreement calls for the reimbursement of both direct and indirect costs associated with providing special security services. The final amount will be determined at the conclusion of the event.

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: |
| Agreement for supplemental law enforcement services with Sonoma Raceway for the NASCAR races from June 19, 2014 through June 22, 2014. |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 46
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of Sonoma County

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Monique Chapman – 565-2872

Supervisorial District(s):

5th District

Title: Agreement for supplemental law enforcement services with Bohemian Grove for its Summer Encampment event from July 9, 2014 through July 27, 2014.

Recommended Actions:

Authorize Sheriff to execute the supplemental law enforcement services agreement with Bohemian Grove for its 2014 Summer Encampment event from July 9, 2014 through July 27, 2014 in the amount of \$44,020.

Executive Summary:

Background.

Government Code Section 53069.8 allows the Board of Supervisors to contract on behalf of the Sheriff to provide supplemental law enforcement services to private entities. Resolution 93-1720 authorizes the Sheriff to execute any contract for supplemental law enforcement services on behalf of the County that does not exceed \$25,000. Any contract over the \$25,000 threshold continues to require the Board of Supervisors' authorization. Additionally, the Board annually adopts an ordinance establishing fees for security services.

For the past several years, the Sheriff's Office has provided supplemental law enforcement services to Bohemian Grove (Grove) when requested. Services are provided on numerous occasions for various events held at the Grove each year. The majority of these events require supplemental law enforcement services with a total cost of less than \$25,000. As permitted by Resolution 93-1720, the Sheriff signs these contracts on behalf of the County without obtaining separate Board approval. For the past nine years, the Sheriff's Office has received Board authorization to execute agreements with a total cost of over \$25,000.

Request.

The Grove has requested that the Sheriff's Office provide supplemental law enforcement services for their Summer Encampment event to be held from July 9, 2014, through July 27, 2014. The cost of these services has been estimated at \$44,020. The Agreement provides for direct reimbursement of staff

hours dedicated to providing security for the event, as well as vehicle costs (including fuel and mileage). The services to be provided will in no way interfere with regular law enforcement services provided by the Sheriff's Office. The costs and corresponding revenue reimbursement are included in the Sheriff's Office FY 14-15 recommended budget.

Prior Board Actions:

Annual Sheriff's Office Fee ordinance which sets the fee for Security Services provided by the Sheriff's Office.

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

The Agreement for Supplemental Security Services with Bohemian Grove will allow for supplemental law enforcement services to be provided for a large event. These services will help to ensure the safety of the event attendees and the surrounding community.

Fiscal Summary - FY 14-15

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|----------------------|------------------|
| Budgeted Amount | \$ 44,020 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 44,020 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 44,020 | Total Sources | \$ 44,020 |

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:

Agreement for Supplemental Law Enforcement Services with Bohemian Grove for the Summer Encampment event from July 9, 2014, through July 27, 2014.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 47
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen (707) 565-2231

Supervisorial District(s):

First

Title: Alpine Road (#87001) Parking Restrictions – Adopt

Recommended Actions:

Adopt an ordinance establishing a no parking zone along both sides of Alpine Road (#87001), beginning at the centerline of Calistoga Road and extending northerly for a distance of 0.86 miles.

Executive Summary:

Department staff received a request to establish a no parking zone along the length of Alpine Road. Residents who use this road have reported problems with illegal dumping, abandoned cars and drug activity. They have taken measures to deter these activities, such as the installation of gates, mounting cameras, working with the Rural Crime Task Force and instituting a Neighborhood Watch program. One of the suggestions from the task force was to request that No Parking signs be installed to limit the access to illicit activities. After a field investigation and consultation with law enforcement, the decision was made to recommend that the Board prohibit parking along both sides of Alpine Road (#87001) from Calistoga Road to its terminus.

Prior Board Actions:

5/20/14: The board adopted a Resolution introducing, reading the title of, and waiving further reading of a proposed Ordinance establishing a parking restriction on Alpine Road.

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

Restricting parking along the roadway will help to limit the access to illicit activities.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------------|--------------------------|-----------------|
| Budgeted Amount | \$ 3,600 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 3,600 |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 3,600 | Total Sources | \$ 3,600 |

Narrative Explanation of Fiscal Impacts (If Required):

Cost of labor and materials to install signs is estimated at \$3,600. Appropriations are available in the FY 2013-14 Road Maintenance budget.

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:

Location Map; Ordinance

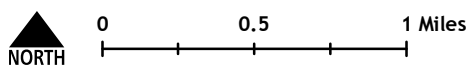
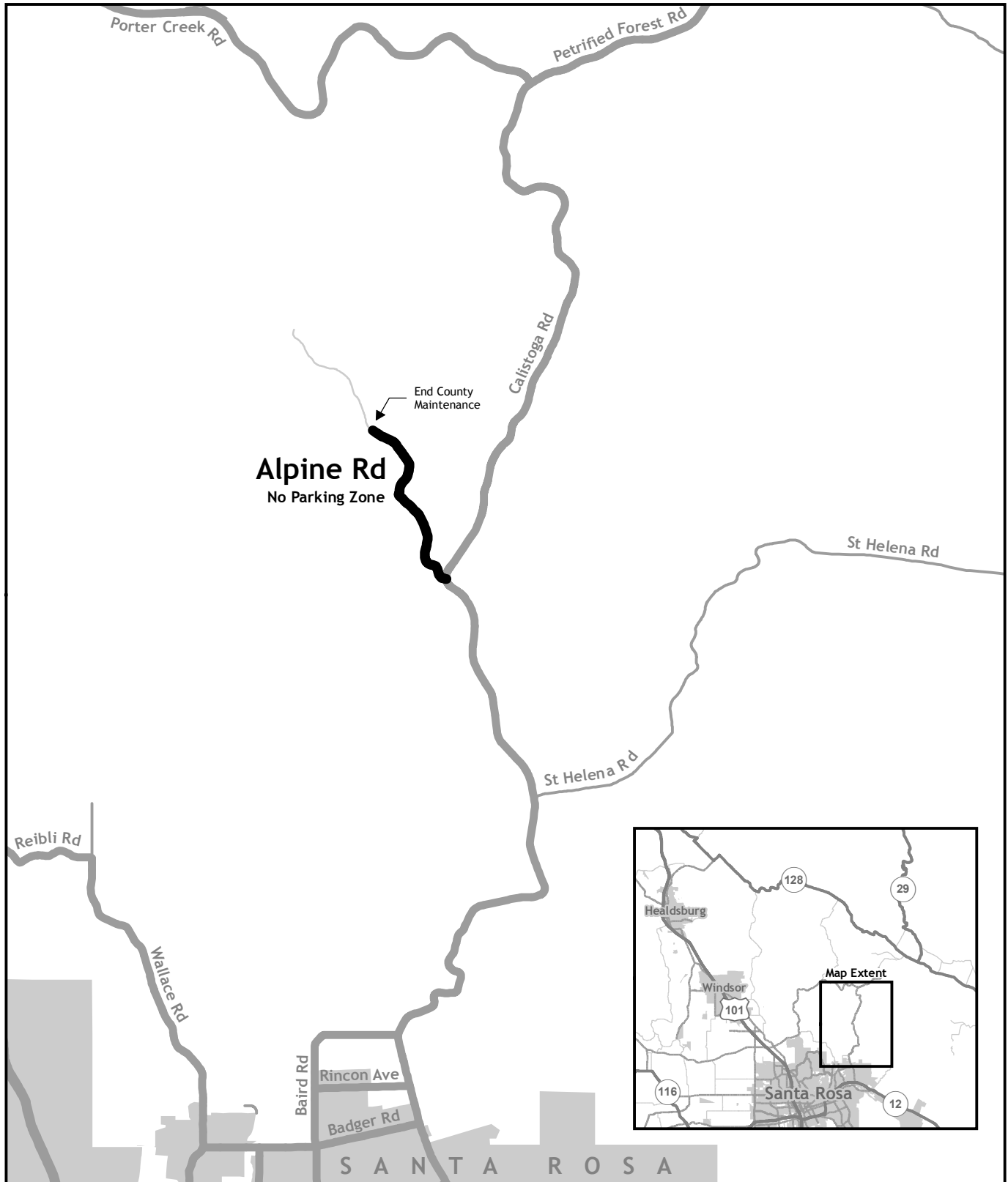
Related Items "On File" with the Clerk of the Board:

None.

Location Map

Alpine Road No Parking Zone

April, 2014



Transportation and Public Works
County of Sonoma

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ESTABLISHING PARKING RESTRICTIONS ON ALPINE ROAD.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Subsection 553 is hereby added to Section VII of Sonoma County Ordinance No. 2300 (said Section establishes No Parking zones) to read:

Alpine Road (#87001) beginning at the centerline of Calistoga Road (#7703) and extending in a northerly direction along the both sides of the road to its terminus, postmiles 10.00 to 10.86.

SECTION II:

This Ordinance shall be, and the same is hereby declared to be in full force and effect from and after thirty days after its passage, and shall be published once before the expiration of fifteen days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the ___ day of _____, 201_, and finally passed and adopted this ___ day of _____, 201_, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin _____ Zane _____ McGuire _____ Carrillo _____ Rabbitt _____

Ayes _____ Noes _____ Abstain _____ Absent _____

SO ORDERED.

By: _____
Chairman, Board of Supervisors
County of Sonoma, State of California

ATTEST:

By: _____
County Clerk and Ex-officio Clerk of the
Board of Supervisors of said County



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 48
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen, (707) 565-2231

Supervisorial District(s):

First

Title: Certified Resolution for Construction Cooperative Agreement with the State of California, Department of Transportation, for the Route 12 Corridor Improvement Project Phase 2, Stage 2 (C08002).

Recommended Actions:

Approve a Certified Resolution authorizing the Chair of the Board to sign the Construction Cooperative Agreement with the State of California, Department of Transportation, to construct road improvements from Agua Caliente Road to Boyes Boulevard for the State Route 12 Corridor Improvement Project Phase 2, Stage 2 (C08002).

Executive Summary:

The State Route 12 Corridor Improvement Project Phase 2, Stage 2 consists of widening intersections, replacing asphalt pavement, constructing curb, gutter, sidewalk, storm water treatment devices, pedestrian street lights, and traffic signal modifications on State Route 12 between Agua Caliente Road and Boyes Boulevard in the Springs Area of Sonoma Valley.

In June of 2008, the County entered into a Cooperative Agreement with the State in order to do work within the Caltrans' right of way. The State requires a separate cooperative agreement for each phase or stage of construction. The Cooperative Agreement defines the roles and responsibilities of the County and the State of California relating to that construction phase of the project. There is no cost associated with this Resolution or the associated Cooperative Agreement, both are required to work in Caltrans' right of way.

The Cooperative Agreement for this current phase was approved in April, however Caltrans advised the Department after the fact that they also need a Certified Resolution.

The estimated cost for this stage of construction, including contingencies, quality assurance testing, construction zone safety enforcement, and construction engineering is \$6,037,000.

| | | | |
|---|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 04-22-14: Board Action No. 23 approved Cooperative Agreement between the County and the State of California. | | | |
| Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community | | | |
| This project will improve pedestrian safety for County residents and visitors in the Springs Area. | | | |
| Fiscal Summary - FY 14-15 | | | |
| 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 cost associated with this Resolution or associated Cooperative Agreement, they are required to work in Caltrans' right of way | | | |
| 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: | | | |
| Resolution. | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| Cooperative Agreement. | | | |



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Certified Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, authorizing the Chair to sign the Construction Cooperative Agreement to construct road improvements from Agua Caliente Road to Boyes Boulevard for the State Route 12 Corridor Improvement Project Phase 2, Stage 2 (C08002).

Whereas, the Sonoma County Department of Transportation and Public Works desires to construct roadway improvements on Highway 12 between Agua Caliente Road and Boyes Boulevard and has previously entered into cooperative agreements with the State of California through its transportation agency Caltrans to develop such; and

Whereas, project plans for construction have been prepared showing the proposed roadway improvements on Highway 12; and

Whereas, it is the mutual desire of the parties hereto to enter into a new Cooperative Agreement in accordance with the project plans for construction of roadway improvements on Highway 12;

Now, Therefore, Be It Resolved that the Board of Supervisors hereby finds, determines, and declares as follows: that the Board of Supervisors of the County of Sonoma hereby approves this Cooperative Agreement with the State of California necessary to construct roadway improvements on Highway 12 between Agua Caliente Road and Boyes Boulevard and authorizes the Chair to sign this Agreement.

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: 49
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan R. Klassen (707) 565-2231

Supervisorial District(s):

All

Title: Santa Rosa Community Media Access Center, Inc. Agreement

Recommended Actions:

1. Authorize the Chair to execute an Agreement between the County of Sonoma and the Santa Rosa Community Media Access Center, Inc. (dba CMedia) in an amount not to exceed \$55,000 with a term ending June 30, 2015 for filming and production services.

Executive Summary:

The Transportation and Public Works Department (TPW) is seeking approval and execution of the Santa Rosa Community Media Access Center, Inc. (SRCMAC) Agreement. This Agreement is for the weekly filming and production of the Board of Supervisors' meetings, filming of the Sonoma County Today television programs, and also includes a provision for other filming services upon request by the County. Any additional services will require the development of a supplemental scope of work including cost information and will be executed by the Director of Transportation and Public Works. The Agreement shall not exceed \$55,000 and will have a term ending June 30, 2015.

In December 2008, TPW issued a Request For Proposals (RFP) to select a vendor to film Board of Supervisors' meetings. SRCMAC was selected based on price and qualifications. Annual agreements have been established since then. SRCMAC held their rates for several years and also participated in the voluntary vendor reduction program and decreased their rates by 10% during that time. Purchasing has recommended that a future RFP include all County departments utilizing filming services. Future agreements and RFP coordination will also include the City of Santa Rosa. Therefore, it is now requested that an agreement be awarded for the interim one-year period until a RFP can be issued in FY 2014-15. The Clerk of the Board concurs with this request.

Prior Board Actions:

6-4-13: No. 42 Board approved an Agreement with the Santa Rosa Community Media Access Center (SRCMAC); 5-22-12: No. 34 Board approved an Agreement with the Santa Rosa Community Media Access Center (SRCMAC).

| | | | |
|--|---|------------------------------|------------------------------|
| Strategic Plan Alignment Goal 4: Civic Services and Engagement | | | |
| The Agreement with Santa Rosa Community Media Access Center supports the County’s strategic goal of civic services and engagement by providing access to the Board of Supervisors’ meetings to those community members that are unable to attend the meetings in person. | | | |
| Fiscal Summary - FY 14-15 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 55,000 | County General Fund | \$ 55,000 |
| Add Appropriations Req’d. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 55,000 | Total Sources | \$ 55,000 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| General Fund appropriations are requested in the FY 14-15 Special Projects Budget. The County receives approximately \$1.4 million in franchise fees from the cable operators. Special Projects has requested approximately \$136,000 for cable related activities including \$55,000 for filming and production services. | | | |
| 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: | | | |
| Agreement. | | | |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 50
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Susan Klassen, 707-565-2231

Supervisorial District(s):

Second

Title: Fifth Amendment to the Preventative Maintenance Agreement for the Central Disposal Site Landfill Gas-to-Energy Power Plant.

Recommended Actions:

Authorize the Chair to execute the Fifth Amendment to the Preventative Maintenance Agreement between LES Project Holdings, LLC, formerly known as Michigan Cogeneration Services, Inc., and the County extending the termination date to July 1, 2015.

Executive Summary:

Staff is recommending the approval of the Fifth Amendment to the Preventative Maintenance Agreement ("PMA") for the Central Disposal Site landfill gas-to-energy power plant extending the term of the agreement by one year to July 1, 2015. Although this Amendment extends the Agreement through the end of FY 14/15, this Agreement will be assigned to Republic Services of Sonoma County, Inc., when the Master Operations Agreement is fully implemented. The amendment also includes an annual renewal clause that can be terminated by the County or Republic Services with 180 days' notice that expires June 30, 2020. Republic Services has agreed to this amendment and the terms for the automatic renewal clause.

The annual preventative maintenance costs for Phase I and Phase II are \$1,460,110, and the Refuse Enterprise Fund receives approximately \$2,230,000 annually from the sale of the generated electricity.

The PMA is one of four agreements based on the original proposal submitted by the Consultant in response to Request for Proposals dated December 30, 1990. The Board authorized the negotiation of the agreement on May 14, 1991, and the original agreements were approved on May 7, 1992. The PMA is the only agreement that remains in effect. Without this amendment, the PMA will expire on July 26, 2014.

The amendment has been reviewed as to form by County Counsel.

| | | | |
|--|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 06/22/10: Approved the fourth amendment to the Agreement between the County and LES Project Holdings, LLC, for preventative maintenance of the Central Disposal Site Landfill Gas-to-Energy Power Plant ("Agreement") to discontinue maintenance of Phase III. 05/13/08: Approved the third amendment to the Agreement to add additional services and clarify bonus/penalty provisions. 07/10/01: Approved the second amendment to the Agreement for maintenance of Phase III. 09/15/95: Approved the first amendment to the Agreement for maintenance of Phase II. 04/07/92: Approved Agreements with Michigan Cogeneration Systems (MCS) for design and construction of the power plant; the Gas Rights Purchase Agreement, the Fuel Supply Agreement, and the Preventative Maintenance Agreement. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| This agreement helps provide an economic and environmentally sound method of converting landfill gas to a renewable energy source that provides electricity to local residents and reduces greenhouse gas emissions. | | | |
| Fiscal Summary - FY 14-15 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 1,460,110 | | \$ |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ |
| | \$ | Fees/Other | \$ 1,460,110 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 1,460,110 | Total Sources | \$ 1,460,110 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| The cost of the preventative maintenance agreement is more than offset by the sale of the generated electricity which is currently estimated at \$2.2M annually. | | | |
| 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:

Fifth Amendment to the Preventative Maintenance Agreement.

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

- Preventative Maintenance Agreement.
- First Amendment to the Preventative Maintenance Agreement.
- Second Amendment to the Preventative Maintenance Agreement.
- Third Amendment to the Preventative Maintenance Agreement.
- Fourth Amendment to the Preventative Maintenance Agreement.

FIFTH AMENDMENT
TO
PREVENTATIVE MAINTENANCE AGREEMENT

This Fifth Amendment (the “Amendment”), dated as of June 10, 2014, is by and between the County of Sonoma, a political subdivision of the State of California (“County”), and LES Project Holdings LLC, (LES) formerly known as Michigan Cogeneration Systems, Inc., (“MCS”), a Delaware corporation qualified to do business in California. All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to those terms in the existing agreement.

RECITALS

WHEREAS, County and MCS entered in that certain Preventative Maintenance Agreement dated as of March 5, 1992 (“the Agreement”); and

WHEREAS, County and MCS entered into that certain First Amendment to the Agreement dated as of September 19, 1995, in order to have MCS provide maintenance services for the Landfill Gas to Energy Phase II project; and

WHEREAS, County and MCS entered into that certain Second Amendment to the Agreement dated as of July 10, 2001, in order to have MCS provide maintenance services for the Landfill Gas to Energy Phase III project; and

WHEREAS, County and MCS entered into that certain Third Amendment to the Agreement dated as of January 1, 2008, in order to have MCS provide gas collection and control system maintenance services for the landfill gas well field and enclosed flare; and

WHEREAS, County and MCS entered into that certain Fourth Amendment to the Agreement dated as of May 1, 2010, in order to cease payment for maintenance and operation of the Phase III Project and for the County to assume responsibility for the long-term storage and preservation maintenance of the Phase III Project; and

WHEREAS, Michigan Cogeneration Systems, Inc., dba Landfill Energy Systems has merged Landfill Energy Systems into LES Project Holdings LLC “LES”, and

WHEREAS, County and LES desire to amend the Agreement in order to make modifications as more fully described below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

A G R E E M E N T

1. Effective as of the Effective Date of this Amendment, Article II. (Length of Agreement) is hereby deleted in its entirety and replaced with the following language:

“2.01. Length of Agreement. The length of this agreement shall extend eleven (11) years from the date immediately following the successful completion of start-up inspection, testing, owner’s acceptance, and electrical energy production in the planned quantities of the Phase III Project and shall terminate on June 30, 2015 unless terminated earlier by mutual consent of both parties or terminated earlier in accordance with Article 5 (Termination for Cause).

2.02. Annual Renewal. As long as LES is not in default, the Agreement shall continue on all of its provisions herein contained for a succeeding period of one year, each terminable upon written notice by either LES or the County not less than 180 days prior to the end of the then current term. Notwithstanding the foregoing, the automatic renewals shall not extend beyond June 30, 2020.”

2. Except to the extent the Original Agreement is specifically amended or supplemented hereby, the Original Agreement together with exhibits it, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to modify, invalidate or otherwise affect any provision of the Original Agreement or any right of County arising thereunder.
3. This Amendment shall be governed by and construed under the internal laws of the State of California, and, to the extent allowed by law, the parties agree that any action to enforce the terms of this Amendment or for the breach thereof shall be brought and tried in the County of Sonoma.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment.

CONTRACTOR: LES PROJECT HOLDINGS, LLC
a Delaware corporation qualified to do business in California

By: _____
Name: _____
Title: _____

COUNTY: COUNTY OF SONOMA,
a political subdivision of the State of California

By: _____
Chair, Board of Supervisors

ATTEST:

By: _____
Clerk of the Board

CERTIFICATES OF INSURANCE ON FILE WITH
AND APPROVED AS TO SUBSTANCE BY DEPARTMENT:

By: _____
Susan R. Klassen, Director
Department of Transportation and Public Works

APPROVED AS TO FORM FOR COUNTY:

Sheryl L. Bratton
Chief Deputy County Counsel



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 51
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen, 707-565-2231

Supervisory District(s):

All

Title: Traffic Signal Maintenance and Emergency Repair Service

Recommended Actions:

Authorize the Chair to execute an Agreement for Traffic Signal Maintenance and Emergency Repair Service with DC Electric Group, Inc. for an amount not to exceed \$525,000 with a term ending June 30, 2017.

Executive Summary:

The Department of Transportation and Public Works (TPW) is requesting to authorize the Chair to execute an agreement with DC Electric Group, Inc. in an amount not to exceed \$525,000 with a term ending June 30, 2017, for traffic signal maintenance.

The Department currently owns and operates thirty eight (38) County owned signalized intersections and two (2) pedestrian activated flashing beacons. This agreement will provide routine maintenance and emergency repair services.

In February, 2014, TPW issued a Request for Proposals (RFP) for traffic signal maintenance and emergency repair services. The RFP was advertised in a newspaper of general circulation, on the TPW Department website, and on the Purchasing website. In response to the RFP, two proposals were received; one from DC Electric Group, Inc. and the other from Siemens Industry, Inc. Each proposal was evaluated by a panel of TPW and City of Santa Rosa staff and ranked based on responses to the following criteria: qualifications, experience, costs, ability to perform services, record and inventory management, quality and completeness of proposal, and local preference. DC Electric received the highest ranking of the two proposals. The current agreement with Siemens Industry, Inc. is due to expire on June 30, 2014. DC Electric is a local business based in Cotati, CA.

Prior Board Actions:

None.

| | | | |
|--|---|------------------------------|------------------------------|
| Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community | | | |
| Maintaining operational traffic signals and pedestrian crossings is important for the safety and well-being of Sonoma County citizens and visitors. | | | |
| Fiscal Summary - FY 14-15 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 525,000 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 525,000 |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 525,000 | Total Sources | \$ 525,000 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| The first year of the agreement is included in the FY 2014-15 Road Maintenance budget. Subsequent years will be included as part of the annual budget process. | | | |
| 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: | | | |
| Agreement. | | | |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 52
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen, (707) 565-2231

Supervisorial District(s):

Fourth District

Title: Construction Management Services for the Healdsburg Intermodal Facility

Recommended Actions:

Authorize the Chair to execute an agreement with Vali Cooper & Associates, Inc. for construction management and related engineering services for the Healdsburg Intermodal Facility Project (WO7018) totaling \$308,931 with a term ending December 31, 2016.

Executive Summary:

The Department of Transportation and Public Works (TPW) is requesting the Board authorize the Chair to approve a contract for resident engineer and construction management services for the Healdsburg Intermodal Facility Project (WO7018), with Vali Cooper & Associates, Inc., in an amount not to exceed \$308,931 (including a 10% contingency), with a term ending December 31, 2016. All tasks within the agreement are contingent upon the award of the project's construction contract and a written Notice to Proceed.

The Healdsburg Intermodal Facility project includes construction of a 47-space park and ride facility at the site of the historic railroad depot on Harmon Street in Healdsburg. The facility will be served by Healdsburg Transit, Sonoma County Transit and, in the future, SMART. The project also includes construction of a segment of the Foss Creek pedestrian path between the depot site and downtown Healdsburg (Healdsburg Ave. at Mill Street).

The proposed agreement calls for Vali-Cooper & Associates, Inc. to provide resident engineer and construction management services, as well as, construction specific tasks including materials testing, surveying and water quality inspection/testing as needed. Project construction cost is estimated at \$1,400,000.

Reductions in TPW staffing make it difficult to provide contract management for complex, long duration projects such as this with County personnel. In addition, this project will also require special licenses/certifications to inspect and accept elements of contract work.

Vali Cooper & Associates, Inc. was selected as the consultant for this project following an extensive selection process. The Department advertised a Request for Qualifications (RFQ) in a newspaper of general circulation. In total, twelve proposals were received from the following firms: BKF Engineers (Santa Rosa), CALTROP Corporation (Emeryville), Green Valley Consulting Engineers (Santa Rosa), HDR, Inc. (Santa Rosa), Ghirardelli Associates, Inc. (Oakland), Parsons Brinkerhoff Corporation (Oakland), Harris Group (San Francisco), Mendoza and Associates Consulting Engineers (San Francisco), Omni-Means (Roseville), Vali-Cooper & Associates, Inc. (Emeryville), and Anchor Engineering (Lafayette). The proposals were evaluated by a team representing the Department's Construction and Transit Divisions and ranked based on each consultant's response to the following criteria: experience, project team and key staff, technical ability, relevant project experience, federal project experience and project approach. Local preference was not a consideration in the selection of a consultant as Federal funding is involved in this project. Vali Cooper & Associates, Inc. was selected for this project because of their specific experience related to this type of project and construction project administration.

Prior Board Actions:

None

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

This project helps reduce congestion and provide a safe and reliable transportation system for residents and visitors to Sonoma County.

Fiscal Summary - FY 14-15

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|----------------------|-------------------|
| Budgeted Amount | \$ 308,931 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 308,931 |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 308,931 | Total Sources | \$ 308,931 |

Narrative Explanation of Fiscal Impacts (If Required):

Appropriations are available in the FY 2014-15 Transit Division budget and agreement will be funded with Federal Transit Administration (FTA) and Transportation Development Act (TDA) funds.

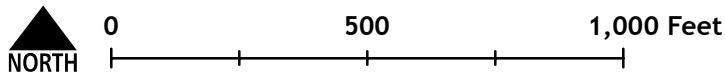
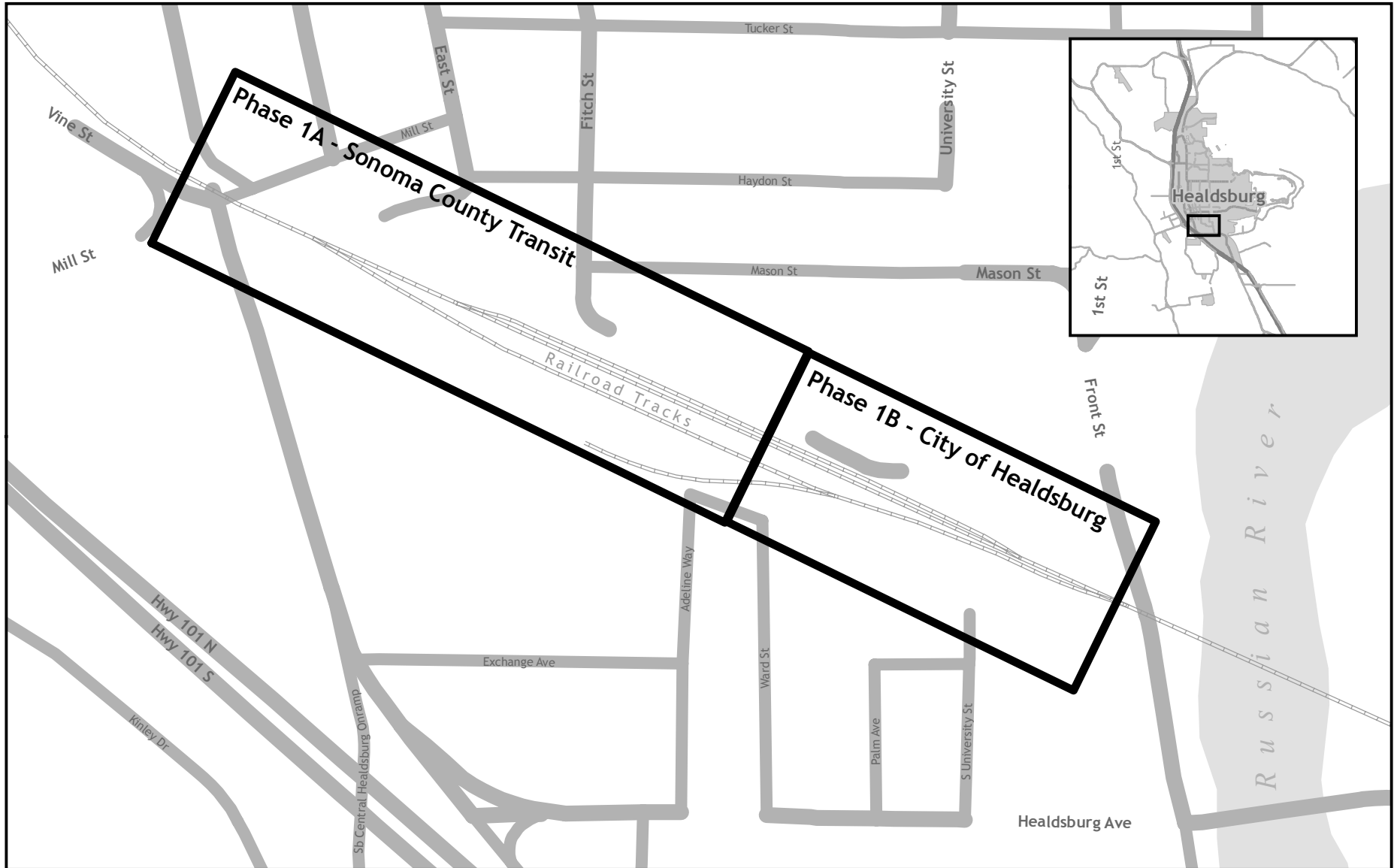
Staffing Impacts

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

| | | | |
|---|--|--|--|
| | | | |
| Narrative Explanation of Staffing Impacts (If Required): | | | |
| None. | | | |
| Attachments: | | | |
| Location Map. | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| Agreement | | | |

Location Map

Healdsburg Intermodal Facility Project (W07018)





County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 53
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen – (707) 565-2231

Supervisorial District(s):

All

Title: Sonoma County Proposition 1B Funding Allocation List

Recommended Actions:

Approve and authorize Chair of the Board to sign the final amended list of County projects to be funded in part or in total by Proposition 1B and completed by June 30, 2014.

Executive Summary:

Since the November 2006 voter approval of Proposition 1B (Prop 1B) the County has been allocated a total of \$16,697,959 from four separate appropriations. For each appropriation a list of projects was prepared by the Transportation and Public Works Department (Department), approved by the Board, and then submitted to the State Department of Finance for final approval and disbursement of funds. Each of the Prop 1B appropriations had a four year “use-it-or-lose-it” deadline for expenditure. June 30, 2014 is the deadline for expenditure of the 2009-10 Allocation, the final appropriation.

In February of this year the Department presented an amended project list to the Board for approval. To ensure all funds are expended by the June 30 deadline, TPW is requesting a final revision to the project list. Due to staffing constraints and project delays there is \$226,000 that the Department would like to redistribute to road maintenance activities to ensure the appropriated funds will be utilized and not returned to the State. A summary of requested changes is below:

Revised projects:

- Road Maintenance – Pavement Repairs (+226K) – funds will be used to supplement the existing road maintenance project on the list for additional pavement repair work scheduled for June.
- Porter Creek Bridge Replacement (-\$70K) – less federal match will be needed during this period due to project delays. Loss of Prop 1B will be offset with Countywide Traffic Mitigation funds.
- Wohler Rd over Mark West Creek Bridge Replacements (-\$63K) – costs have not accrued as quickly as anticipated. Loss of Prop 1B funds will be offset with available road fund balance.
- Mirabel Shoulders (-\$50K) – staff has not proceeded as far as anticipated at the February revision. Loss of Prop 1B funds will be offset by use of local quarry mitigation fees.

- Boyes Blvd over Sonoma Creek (-\$43K) – costs have not accrued as quickly as anticipated. Loss of Prop 1B will be offset with available road fund balance.

The Department recommends approval of this board item to ensure that all available Prop 1B funds are utilized within the deadline, as any funds unspent at the sunset date will be returned to the State.

Prior Board Actions:

02/11/2014: Board approved revisions to list of projects.

Strategic Plan Alignment Goal 3: Invest in the Future

Proposition 1B has helped the County facilitate a large number of infrastructure and safety improvement projects.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|----------------------|-------------------|
| Budgeted Amount | \$ 226,000 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 226,000 |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 226,000 | Total Sources | \$ 226,000 |

Narrative Explanation of Fiscal Impacts (If Required):

Total value of the Proposition 1B allocations to the County over the past four years has been \$16,697,959. The total value of the adjustments being made as a part of this action is \$226,000. Appropriations are included in the FY 2013-14 Road Division budget.

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:

Project List

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

| |
|-------|
| None. |
|-------|

Department of Transportation and Public Works
Revised Proposition 1B Project List

| 2007-08 - June 2012 | Original | March 2012 | February 2014 | June 2014 | Status |
|--|--------------------|--------------------|--------------------|--------------------|------------------------|
| Sonoma Mountain Road Slide Repair | \$1,400,000 | \$1,400,000 | \$1,400,000 | \$1,400,000 | Complete |
| Road Maintenance - Pavement Repairs | \$668,598 | \$945,715 | \$945,715 | \$945,715 | Complete |
| Pavement Preservation Fed Match | \$770,000 | \$770,000 | \$770,000 | \$770,000 | Complete |
| Moorland Avenue Reconstruction | \$670,000 | \$670,000 | \$670,000 | \$670,000 | Complete |
| Penngrove Sidewalks | \$675,000 | \$652,170 | \$652,170 | \$652,170 | Complete |
| Western Ave Widening | \$600,000 | \$600,000 | \$600,000 | \$600,000 | Complete |
| River Road at Hilton Slide Repair | \$630,000 | \$357,161 | \$357,161 | \$357,161 | Complete |
| Arnold Drive Shoulders | \$330,000 | \$330,000 | \$330,000 | \$330,000 | Complete |
| Road Maintenance - Striping and Pavement Markings | \$142,600 | \$292,600 | \$292,600 | \$292,600 | Complete |
| Old Redwood Hwy Bike Lanes | \$205,000 | \$205,000 | \$205,000 | \$205,000 | Complete |
| Fulton Road Sidewalks | \$165,000 | \$165,000 | \$165,000 | \$165,000 | Complete |
| Korbel Summer Crossing Bridge | \$160,000 | \$160,000 | \$160,000 | \$160,000 | Complete |
| Watertrough Safe Routes to School | \$75,000 | \$75,000 | \$75,000 | \$75,000 | Complete |
| Alexander Valley Headwall | \$100,000 | \$68,552 | \$68,552 | \$68,552 | Complete |
| Mecham Road Drainage Improvements | \$50,000 | \$50,000 | \$50,000 | \$50,000 | Complete |
| East Shiloh at Pruitt Creek | \$100,000 | \$0 | \$0 | \$0 | Project Delayed |
| | \$6,741,198 | \$6,741,198 | \$6,741,198 | \$6,741,198 | |
| 2008-09 Supplemental - June 2013 | | | | | |
| Adobe at East Washington Signal | \$994,822 | \$0 | \$0 | \$0 | In Progress/See 09-10 |
| Fulton at Airport Blvd Signal and Overlay | \$0 | \$994,822 | \$994,822 | \$994,822 | Complete |
| Pavement Preservation Fed Match | \$400,000 | \$400,000 | \$400,000 | \$400,000 | Complete |
| Korbel Summer Crossing Bridge | \$71,391 | \$71,391 | \$71,391 | \$71,391 | Complete |
| | \$1,466,213 | \$1,466,213 | \$1,466,213 | \$1,466,213 | |
| 2008-09 - June 2013 | | | | | |
| Pavement Preservation Fed Match | \$642,699 | \$642,699 | \$642,699 | \$642,699 | Complete |
| Road Maintenance - Pavement Repairs | \$400,000 | \$400,000 | \$400,000 | \$400,000 | Complete |
| | \$1,042,699 | \$1,042,699 | \$1,042,699 | \$1,042,699 | |
| 2009-10 - June 2014 | | | | | |
| Adobe at East Washington Signal | \$0 | \$1,000,000 | \$570,000 | \$570,000 | In Progress |
| Airport Blvd Widening from Fulton to Old Redwood Hwy | \$1,000,000 | \$800,000 | \$245,000 | \$245,000 | Complete |
| Arnold at Agua Caliente Intersection Improvements | \$1,500,000 | \$1,500,000 | \$1,500,000 | \$1,500,000 | Complete |
| Fulton Road at Airport Blvd Signal and Overlay | \$800,000 | \$0 | \$0 | \$0 | Complete/See 08-09 Sup |
| Hwy 116 at Mirabel Roundabout | \$500,000 | \$500,000 | \$700,000 | \$700,000 | In Progress |
| Mirabel Shoulder Widening | \$647,849 | \$647,849 | \$267,849 | \$217,849 | In Progress |
| Pavement Preservation Fed Match | \$0 | \$275,000 | \$275,000 | \$275,000 | Complete |
| Porter Creek Bridge Replacement | \$0 | \$500,000 | \$950,000 | \$880,000 | In Progress |
| Road Maintenance - Pavement Repairs | \$400,000 | \$400,000 | \$600,000 | \$826,000 | Complete |
| Road Maintenance - Striping and Pavement Markings | \$200,000 | \$450,000 | \$600,000 | \$600,000 | Complete |
| Road/Bridge Surface Rehabilitation - Various | \$1,500,000 | \$1,375,000 | \$1,375,000 | \$1,375,000 | Complete |
| West Ave Safe Routes to School | \$0 | \$0 | \$50,000 | \$50,000 | In Progress |
| Wohler Rd Over Mark West Creek Bridge Replacement | \$0 | \$0 | \$75,000 | \$12,000 | In Progress |
| Penngrove and Fulton Railroad Crossings | \$0 | \$0 | \$135,000 | \$135,000 | In Progress |
| Geyserville Pedestrian Improvements | \$0 | \$0 | \$30,000 | \$30,000 | In Progress |
| Boyes Blvd over Sonoma Creek | \$0 | \$0 | \$75,000 | \$32,000 | In Progress |
| Signalization of River Road at Laughlin | \$900,000 | \$0 | \$0 | \$0 | Not Started |
| | \$7,447,849 | \$7,447,849 | \$7,447,849 | \$7,447,849 | |

Chair of the Board of Supervisors: _____ Date: _____

The approval of this list also authorizes the Department to use Proposition 1B Interest earnings on allowable expenditures.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 54
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen (707) 565-2231

Supervisorial District(s):

Fourth

Title: Measure M Cooperative Funding Agreement Amendment

Recommended Actions:

Approve and authorize Chair to sign Amendment 4 to Cooperative Funding Agreement No. M301210-05 between Sonoma County Transportation Authority and the County of Sonoma in the amount of \$1,264,000.

Executive Summary:

The Department of Transportation and Public Works (TPW) is requesting that the Board approve and authorize the Chair to execute Amendment 4 to the Cooperative Funding Agreement No. M301210-05. The US 101/Airport Boulevard area projects are a high transportation priority for Sonoma County. They are an integral part of the comprehensive plan and are essential transportation links for the airport and the adjacent area.

In November 2005, the County and the Sonoma County Transportation Authority (SCTA) entered into a Funding Agreement (M30210-05) which defined the 5 projects/phases planned for the area, established a schedule for each project, and determined the funding responsibilities of each party. The projects were established as using a combination of Measure M – Local Street Project Funds (LSP) made available from the SCTA, a \$15M commitment from the County to use Countywide Traffic Mitigation Funds and other federal, state, or local funds that may become available for the project. Amendments No. 1 and No. 2 of Funding Agreement M30210-05 revised project schedules and funding allocations. Amendment No. 2 also removed Phase IV (Airport Boulevard/Highway 101 Interchange) as the project had been established in a separate funding agreement (SCTA10015) on October 22, 2010. Amendment No. 3 addressed the remaining funding required to complete construction of Phase III (Airport Boulevard and Fulton Road intersection). The Airport Area projects were split into two main agreements due to the funding complexity of the Airport Interchange phase. The four amendments that have occurred to the main agreement were to update funding and other phase specific details as they became available.

At the March 10, 2014 SCTA meeting, the SCTA Board authorized the Chair to execute Amendment No. 4

of M30210-05 with the County to provide Measure M LSP funds for a new landscape project at the Airport Boulevard interchange. Amendment No. 4 provides for \$1,264,000 of Measure M – LSP programming funds to design and construct landscape improvements for the new Phase IVA project at the Airport Boulevard/Highway 101 interchange following completion of the currently under construction Phase IV interchange and soundwall project. Measure M funds will fully fund the landscape improvements. No County matching funds are necessary for the Phase IVA project as the County funds committed to the Phase IV project overmatched the Measure M – LSP funds provided by SCTA. These funds were shifted from the Brickway Bridge project.

Following approval of Amendment No. 4, Transportation and Public Works will issue a Request for Proposals for roadway engineering and landscape architecture design services. An agreement with a consulting firm for the design services will return to the Board for approval at a later date.

In order to obtain an encroachment permit from Caltrans for construction of the landscape improvements, it will be necessary for the County to enter into a cooperative funding agreement with Caltrans which spells out funding responsibilities between the County and Caltrans. Additionally, the existing freeway maintenance agreement between the County and Caltrans for the interchange will need to be amended. Caltrans may also require a new freeway landscape maintenance agreement with the County which will spell out long term landscape maintenance funding responsibilities. There is a possibility that the County will have to maintain the landscape improvements within the freeway right-of-way in perpetuity.

The value of this amendment is \$1,264,000. The implementation of project will occur over the next three fiscal years with an additional three years of maintenance included as part of the project costs. The necessary appropriations will be included in the preparation of the annual Roads Division budget.

Amendment has been approved by County Counsel.

Prior Board Actions:

6/14/11 Approved Amendment No. 1 to Cooperative Agreement SCTA10015; 2/15/11 Approved Amendment No. 2 to Cooperative Agreement M30210-05; 11/9/10 Approved Amendment No. 1 to Cooperative Agreement M30210-05; 10/22/10 Approved Cooperative Agreement SCTA10015; 11/8/2005 Approved Cooperative Agreement M30210-05; 1/29/13 Approved Amendment No. 3 to Cooperative Agreement M30210-05; 1/29/13 Approved Amendment No. 2 to Cooperative Agreement M30210-05.

Strategic Plan Alignment Goal 3: Invest in the Future

The Measure M program invests millions of dollars into local infrastructure improvements.

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|--------------------------|------------------|
| Budgeted Amount | \$ 24,000 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 24,000 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 24,000 | Total Sources | \$ 24,000 |

Narrative Explanation of Fiscal Impacts (If Required):

Current year costs reflect preliminary work on project scoping. The total value of amendment is \$1,264,000. Estimated breakdown of expenditures: FY 2013-14 - \$24,000; FY 2014-15: \$250,000; FY 2015-16: \$350,000; FY 2016-17: \$435,000; FY 2017-18: \$75,000; FY 2018-19: \$70,000; and FY 2019-20: \$60,000.

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. 4

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

None.

**AMENDMENT NO. 4 TO
COOPERATIVE FUNDING AGREEMENT NO. M30210-05
(Airport Blvd Improvements)
BETWEEN
THE SONOMA COUNTY TRANSPORTATION AUTHORITY
AND
COUNTY OF SONOMA**

This Amendment 4 to Cooperative Funding Agreement M30210-05 is made and entered into as of January 14, 2014 (“Effective Date”) by and between the COUNTY OF SONOMA hereinafter referred to as “COUNTY” and the SONOMA COUNTY TRANSPORTATION AUTHORITY hereinafter referred to as “AUTHORITY.”

RECITALS

1. Consistent with Measure M and the Strategic Plan, AUTHORITY and COUNTY previously entered into that certain Cooperative Funding Agreement No. M30210-05 to identify transportation improvement projects in the Airport Boulevard area of Sonoma County (the “Airport Boulevard Improvements”), agreeing to work cooperatively to fund those projects, which included \$15,000,000 in Measure M - Local Street Project (“LSP”) program funding.

2. Consistent with Measure M and the Strategic Plan, AUTHORITY and COUNTY entered into SCTA Contract Number SCTA10015 to define the roles, responsibilities, and funding plan for Phase IV of the Airport Boulevard Improvements.

3. SCTA10015 has been amended two times and provides \$8,959,000 of the \$15,000,000 of Measure M-LSP funds for Phase 4 of the Airport Boulevard Improvement project identified in the Measure M Expenditure Plan.

4. Cooperative Funding Agreement No. M30210-05 has been modified three times and provides \$6,041,000 of the Measure M-LSP funds for the remaining phases of the Airport Boulevard Improvement project identified in the Expenditure Plan.

5. COUNTY and AUTHORITY desire to amend the financial plan reflecting the 2014 programming to the various phases of the project covered by Cooperative Funding Agreement No. M30210-05 and schedule for completion of the Project which is attached hereto as Amendment 4 to Exhibit B-1.

NOW, THEREFORE, in consideration of the foregoing, AUTHORITY and COUNTY do hereby agree as follows:

AGREEMENT

I. AMENDMENTS.

Paragraph 1 of Section I shall be amended to read as follows:

1. COUNTY Contribution. Consistent with the Strategic Plan, County shall make available a minimum of \$4,777,000 in matching funds towards the Project.

Add to Paragraph 1 of Section II:

AUTHORITY will make available \$1,264,000 (2004 dollars) in Measure M funds towards Phase IV A as of January 14, 2014.

Exhibits. The following Exhibits in the Original Agreement are replaced by the Exhibits attached hereto:

Exhibit B-1 is replaced with Amendment 4 to M30210-05 - Exhibit B-1

II. Remainder of Agreement Unchanged.

Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement and all previous Amendments, together with exhibits and schedules is, and 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 AUTHORITY or COUNTY arising there under.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

COUNTY OF _____

SONOMA COUNTY
TRANSPORTATION AUTHORITY

By: _____
Chair, Board of Supervisors

By: Sarah Glade Gurney
SCTA Chair

ATTEST:

APPROVED AS TO SUBSTANCE:

By: _____

By: Suzanne Smith
Executive Director

APPROVED AS TO FORM
FOR COUNTY:

APPROVED AS TO FORM
FOR AUTHORITY:

By: [Signature]
COUNTY COUNSEL

By: Caywone
Authority Legal Counsel

**AMENDMENT No. 4 to
COOPERATIVE FUNDING AGREEMENT NO. M30210-05
(Airport Blvd Improvements)
Between the
SONOMA COUNTY TRANSPORTATION AUTHORITY
And
COUNTY OF SONOMA**

EXHIBIT B-1

FINANCIAL PLAN AND SCHEDULE

(2004 Dollars)

The following table is a description of the five Phases of Airport Boulevard Improvements, their estimated costs and anticipated sources of funding. Please note that the expected costs exceed currently identified funds.

| <u>Project Name: Airport Blvd. Improvements Phases 1</u> | | | | |
|--|------------------|------------------|------------------|----------------------|
| Work Phase | Measure M Amount | Other Funding | Total Funding | Planned Request Date |
| Scoping | 0 | 0 | 0 | N/A |
| Environmental | \$4,000 | 50,000 | 54,000 | PRIOR |
| Design | \$80,000 | 500,000 | 580,000 | PRIOR |
| Right of Way | 0 | 0 | 0 | N/A |
| Construction Management | 0 | 0 | 0 | N/A |
| Construction | 2,047,000 | 2,047,000 | 4,094,000 | 15/16 |
| Total Phase I | 2,131,000 | 2,597,000 | 4,728,000 | |

| <u>Project Name: Airport Blvd. Improvements Phases 1A</u> | | | | |
|---|------------------|----------------|----------------|----------------------|
| Work Phase | Measure M Amount | Other Funding | Total Funding | Planned Request Date |
| Scoping | 0 | 0 | 0 | N/A |
| Environmental | 0 | 0 | 0 | PRIOR |
| Design | 0 | 0 | 0 | PRIOR |
| Right of Way | 0 | 0 | 0 | N/A |
| Construction Management | 0 | 0 | 0 | N/A |
| Construction | 496,000 | 500,000 | 996,000 | PRIOR |
| Total Phase I A | 496,000 | 500,000 | 996,000 | |

| <u>Project Name: Airport Blvd. Improvements Phase 2</u> | | | | |
|---|------------------|-------------------|-------------------|----------------------|
| Work Phase | Measure M Amount | Other Funding | Total Funding | Planned Request Date |
| Scoping | 0 | 0 | 0 | N/A |
| Environmental | 0 | 200,000 | 200,000 | N/A |
| Design | 0 | 1,125,000 | 1,125,000 | N/A |
| Right of Way | 0 | 100,000 | 100,000 | N/A |
| Construction Management | 0 | 1,260,000 | 1,260,000 | N/A |
| Construction | 1,500,000 | 11,360,000 | 12,860,000 | 16/17 |
| Total Phase II | 1,500,000 | 14,045,000 | 15,545,000 | |

| <u>Project Name: Airport Blvd. Improvements Phase 3</u> | | | | |
|---|------------------|------------------|------------------|----------------------|
| Work Phase | Measure M Amount | Other Funding | Total Funding | Planned Request Date |
| Scoping | 0 | 0 | 0 | N/A |
| Environmental | 0 | 20,000 | 20,000 | N/A |
| Design | 0 | 263,905 | 263,905 | N/A |
| Right of Way | 0 | 46,652 | 46,652 | N/A |
| Construction Management | 0 | 303,000 | 303,000 | N/A |
| Construction | 650,000 | 831,000 | 1,481,000 | Prior |
| Total Phase III | 650,000 | 1,464,557 | 2,114,557 | |

| <u>Project Name: Airport Blvd. Improvements Phase 4 *</u> | | | | |
|---|------------------|---------------|---------------|----------------------|
| Work Phase | Measure M Amount | Other Funding | Total Funding | Planned Request Date |
| Scoping | 0 | 0 | 0 | N/A |
| Environmental | 0 | 0 | 0 | N/A |
| Design | 0 | 0 | 0 | N/A |
| Right of Way | 0 | 0 | 0 | N/A |
| Construction Management | 0 | 0 | 0 | N/A |
| Construction | 0 | 0 | 0 | N/A |
| Total Phase IV | 0 | 0 | 0 | |

| Project Name: Airport Blvd. Improvements Phase 4A | | | | |
|---|-------------------------|----------------------|----------------------|-----------------------------|
| Work Phase | Measure M Amount | Other Funding | Total Funding | Planned Request Date |
| Scoping | 0 | 0 | 0 | N/A |
| Environmental | 0 | 0 | 0 | N/A |
| Design | 569,000 | 0 | 0 | 13/14 |
| Right of Way | 20,000 | 0 | 0 | 14/15 |
| Construction Management | 50,000 | 0 | 0 | 15/16 |
| Construction | 625,000 | 0 | 0 | 15/16 |
| Total Phase IV A | 1,264,000 | 0 | 0 | |
| Project Name: Airport Blvd. Improvements Phase 5 *** | | | | |
| Work Phase | Measure M Amount | Other Funding | Total Funding | Planned Request Date |
| Scoping | 0 | 0 | 0 | N/A |
| Environmental | 0 | 0 | 0 | N/A |
| Design | 0 | 0 | 0 | N/A |
| Right of Way | 0 | 0 | 0 | N/A |
| Construction Management | 0 | 0 | 0 | N/A |
| Construction | 0 | 0 | 0 | N/A |
| Total Phase V | 0 | 0 | 0 | |

*** Agreement No.SCTA10015-A2 between SCTA and Sonoma County TPW includes funding of all Work Phases (Scoping through Construction) for the Airport Blvd Phase 4 (North B) interchange project including \$8,959,000 in Measure M LSP funds.**

**** COUNTY required match funds for Phase 4A is accounted for through COUNTY funds committed to the Phase 4 project in Agreement No.SCTA10015a3**

***** The Funding Plan above shows \$6,041,000 in Measure M - LSP funds programmed in the 2014 Measure M Strategic Plan, as amendment by the SCTA Board of Directors. All funds are now programmed because there is a total of \$6,041,000 (2004\$) in Measure M - LSP funds committed to this project.**



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 55
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Board of Supervisors (707) 565-2241

Supervisorial District(s):

Title: Minutes of May 13, 2014

Recommended Actions:

Approval.

Executive Summary:

Approval of Minutes –

(A) Minutes of the Meeting of May 13, 2014 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Sonoma County Water Agency, and Board of Supervisors; and

(B) Minutes of the Meeting of May 13, 2014 of the Sonoma Valley County Sanitation District

Prior Board Actions:

None.

Strategic Plan Alignment Not Applicable

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):

N/A

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:

Minutes

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

None

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

TUESDAY

MAY 13, 2014

8:30 A.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, and as the governing board of all special districts having business on the agenda to be heard this date.

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, 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. Closed session items may be added prior to the Board adjourning to closed session. 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.

8:33 A.M. CALL TO ORDER

8:33 A.M. Chairman Rabbitt called the meeting to order.

Supervisors Present: Susan Gorin, David Rabbitt, Shirlee Zane, Mike McGuire, Efren Carrillo

Staff Present: Veronica A. Ferguson, County Administrator and Bruce Goldstein, County Counsel

Chairman Rabbitt presiding.

PLEDGE OF ALLEGIANCE

I. APPROVAL OF THE AGENDA (Items may be added or withdrawn from the agenda consistent with State law)

Chairman Rabbitt announced the matter on the Agenda Addendum, Closed Session Item #40A Conference with Legal Counsel regarding Possible Initiation of Code Enforcement Litigation, and the continuance of the Public Hearing for a General Plan Amendment to address the Communities of Opportunity pursuant to Senate Bill 244 (File No. GPA13-0013) that had been scheduled today to a future date.

II. BOARD MEMBER ANNOUNCEMENTS

Supervisor Carrillo announced that that he had participated in the North Coast Resource Partnership meeting; the Santa Rosa Plain Ground Water meeting; and the North Bay/North Coast Broadband Consortium meeting with Mendocino, Marin and Napa Counties.

Supervisor Gorin announced that she had met with the Mayacamas Volunteer Fire Company to discuss issues they are facing.

Supervisor Zane announced that she had attended the Joint City/County Roseland Annexation meeting; the Sonoma County Transit Authority/Regional Climate Protection Authority meeting; the Sonoma County Public Service Recognition event; and participated in the Community Action Partnership and Redwood Credit Union Micro Business Loans graduation program. She shared a few words about the late Rancho Cotate High School student Ashley Carlson.

Supervisor McGuire reported that he had attended the Annual Dry Creek Valley meeting to discuss the Biological Opinion and the Eel Russian River Committee meeting and requested that, through the Chair, the Board send a joint letter with the Mendocino, Humboldt and Lake County Board of Supervisors and the Committee to the Department Boating and Waterways to release funds passed by legislation. He also attended a Drought Town Hall meeting, provided updates on the Amended Library Joint Powers Authority and the Fire Service Ad Hoc Committee.

BOARD MEMBER ANNOUNCEMENTS (Continued)

Chairman Rabbitt announced that he had attended the Sonoma County Employee Retirement Association Investment Committee; the State Seismic Safety Commission meeting; the Bay Area Joint Policy Committee Labor Relations meeting with the Association of Bay Area Governments, Bay Area Air Quality Management District, Bay Conservation and Development Commission, Metropolitan Transportation Commission and Golden Gate Bridge Highway and Transportation District.

III. CONSENT CALENDAR (Items 1 through 26)

PRESENTATIONS/GOLD RESOLUTIONS

(Items 1 through 9)

PRESENTATIONS AT BOARD MEETING

1. Adopt a Gold Resolution congratulating Maria Carrillo's Girls Soccer Team on their outstanding 2013 season of championships. (First District)

Speaker:

Karen Fraser spoke to items #1-9, 14-15, 17-21, 23, and 25-26

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0191

2. Adopt a Gold Resolution congratulating Madison Gonzales on being named the 2013 Redwood Empire Player of the Year for her performance on the Maria Carrillo's Girls Championship Soccer Team. (First District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0192

3. Adopt a Gold Resolution designating the second full week in May as "Women's Lung Health Week" in Sonoma County sponsored by the American Lung Association. (Third District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0193

4. Adopt 14 Gold Resolutions commending high school students Morgan Apostle, India Kellogg, Erika Strauch, Taylor Wang, Jeanette Jin, Paige Amormino, Meghan Forbes, Soo Min Kan, Evie Klaassen, Meghan Bogges, Andrew Campbell, Briallyn Mansell, MacKenzie Nekton, and Mary Rose Ohlin for their participation as Junior Commissioners of the Commission on the Status of Women. (Human Resources)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0194 a-n

CONSENT CALENDAR (Continued)

PRESENTATIONS AT DIFFERENT DATE

5. Adopt a Gold Resolution congratulating Leslie Hudson on her retirement, and for her years of services to the District and County of Sonoma as a title company escrow officer. (Agricultural Preservation and Open Space District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0195

6. Adopt a Gold Resolution congratulating Ian Olney for achieving rank of Eagle Scout. (First District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0196

7. Adopt a Gold Resolution congratulating Jennifer Yankovich on her retirement from the Sonoma Valley Chamber of Commerce after 15 years of outstanding service. (First District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0197

8. Adopt a Gold Resolution congratulating Friends House on the 30th Anniversary of providing outstanding care for the senior community. (First District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0198

9. Adopt a Gold Resolution proclaiming May 2014 as Mental Health Month in Sonoma County. (Health Services)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0199

SONOMA COUNTY WATER AGENCY

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

10. Authorize the General Manager to execute an agreement with the North Marin Water District for reimbursement to the Water Agency for Water Conservation Program assistance (\$180,000; anticipated to begin in May 2014, and terminates on December 31, 2017).

Board Action: Approved as Recommended

UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

11. Authorize the General Manager to execute agreements for acquisition of real property rights for the Dry Creek Habitat Enhancement Demonstration Project; and Authorize the General Manager to execute any other documents necessary to close the transactions. (Fourth District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

SONOMA VALLEY COUNTY SANITATION DISTRICT

(Directors: Gorin, Rabbitt, Rouse)

12. Authorize the Chair to execute a Declaration of Covenants, Conditions, and Restrictions, over a portion of Sonoma Valley County Sanitation District Property, located near 8th Street East and Schellville Road, Sonoma, in conjunction with the San Francisco Bay Region of the California Regional Water Quality Control Board's Conditional Water Quality Certification for the District's North Bay Water Reuse Program - Sonoma Valley Effluent Reservoir R5 Project. (First District)

Sonoma Valley County Sanitation District

Board Action: Approved as Recommended
AYES: David Rabbitt, Susan Gorin
ABSENT: Tom Rouse

HEALTH SERVICES

13. Authorize the Director of Health Services to execute an agreement with Brown Armstrong Accountancy Corporation in an amount not to exceed \$20,650 for the period July 1, 2014 through June 30, 2015 for First 5 Sonoma County independent audit services, with the option to extend the term for four additional one-year periods (Fiscal Year 2015-16 through Fiscal Year 2018-19) in an amount not to exceed \$20,650 per year, up to a total contract amount not to exceed \$103,250.

Board Action: Approved as Recommended
UNANIMOUS VOTE

14. Authorize the Director of Health Services to execute an agreement with LPC Consulting Associates, Inc. for evaluation of Supplemental Nutrition Assistance Program-Education (SNAP-Ed) program activities with a term end date of September 30, 2016, in an amount not to exceed \$152,000; and Authorize the Director of Health Services to execute an agreement with Boys and Girls Club of Central Sonoma County for SNAP-Ed after school nutrition education activities for children ages 5-11 and their parents with a term end date of September 30, 2016, in an amount not to exceed \$86,000.

Board Action: Approved as Recommended
UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

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)

15. Authorize the Director of Human Resources to execute an amendment to the fee based Agreement with P & A Group to provide Medical and Dependent Care Flexible Spending Account (FSA) Administration Services amounting to approximately \$25,200 annually for the January 1, 2014 through May 31, 2016.

Board Action: Approved as Recommended
UNANIMOUS VOTE

INFORMATION SYSTEMS

16. Authorize the Information Systems Department Director to execute a services agreement with Matrix Consulting Group to provide an operational and management study for the Records and Reprographics divisions of the Information Systems Department effective May 13, 2014 through April 30, 2015, for an amount not to exceed \$44,000.

Board Action: Approved as Recommended
UNANIMOUS VOTE

PERMIT AND RESOURCE MANAGEMENT

17. Adopt a Resolution issuing a roiling permit (Ordinance No. 3836R) for in-channel work and necessary permit extensions to the Russian River Recreation and Park District for the recreation dam installation, maintenance and removal at Johnson's and Vacation Beaches (Russian River) in the town of Guerneville (File No. ROI14-0004). (4/5 vote required) (Fifth District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

Approved by Resolution No.14-0200

18. Authorize the Chair to execute the third amendment to an agreement with Phillips Seabrook Associates, for building plan check and inspection services, increasing the contract by \$232,550, resulting in new not-to-exceed agreement total of \$510,000, for the period of June 1, 2013 to October 30, 2014.

Board Action: Approved as Recommended
UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

SHERIFF'S OFFICE

19. Authorize the Sheriff to execute the 2014 law enforcement services contract for the Warm Springs Dam area with the U.S. Army Corps of Engineers in the amount of \$100,656 for the term May 16, 2014 through September 28, 2014, and make any revisions to the documents that do not substantially change the content, upon approval of County Counsel.

Board Action: Approved as Recommended
UNANIMOUS VOTE

20. Adopt a Resolution approving the State of California Boating Safety and Enforcement Financial Aid Program Contract for Fiscal Year 2014-15 in the amount of \$513,899 for the provision of law enforcement services on various waterways in Sonoma County and authorizing the Sheriff to execute the contract and make any revisions or amendments thereto that do not substantially change the content thereof, upon approval of County Counsel.

Board Action: Approved as Recommended
UNANIMOUS VOTE
Approved by Resolution No.14-0201

TRANSPORTATION AND PUBLIC WORKS

21. Adopt an Ordinance establishing a 20 mile per hour speed limit on Doran Beach Road (#61002) between the Regional Parks kiosk (MP 10.41) to its westerly terminus (MP 10.00). (Second Reading - Ready for Adoption) (Fifth District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

Approved by Ordinance No. 6067

22. Approve and authorize the Chair to sign agreement with the Valley of the Moon Water District, for water facility adjustments from Agua Caliente Road to Boyes Boulevard for the State Route 12 Corridor Improvement Project Phase 2, Stage 2 (C08002) in the amount of \$55,380. (First District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

23. Approve and authorize the Chair to execute an agreement with Volunteer Center of Sonoma County for Countywide Americans with Disabilities Act (ADA) Paratransit Services for the period of July 1, 2014 through June 30, 2015, in an amount not to exceed \$1,650,562.

Speaker:

Bryan Albee, Transit Manager, Transportation and Public Works

Board Action: Approved as Recommended
UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

MISCELLANEOUS

24. Approve Minutes of the meeting of (A) April 22, 2014 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Sonoma County Water Agency, and Board of Supervisors. (B) April 22, 2014 of the Sonoma Valley County Sanitation District. (C) May 6, 2014 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Occidental County Sanitation District, Russian River County Sanitation District, Sonoma County Water Agency, South Park County Sanitation District and Board of Supervisors. (D) May 6, 2014 of the Sonoma Valley County Sanitation District.

Board Action: Approved as Recommended
UNANIMOUS VOTE

APPOINTMENTS/REAPPOINTMENTS

(Items 25 through 26)

25. Appoint Karen Holbrook and Arnold Posada to the Sonoma County Commission on AIDS for a two-year term beginning May 1, 2014; and re-appoint Glen Schoeneck, Rick Dean, Ron Karp, Marion Deeds, and Lynn Campanario to the Sonoma County Commission on AIDS for a two-year term beginning May 1, 2014. (Health Services)

Board Action: Approved as Recommended
UNANIMOUS VOTE

26. Appoint Rochelle Cook Johnson to the Sonoma County Regional Parks Foundation effective May 16, 2014 and expiring on May 16, 2016. (First District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

9:57 A.M. The Board recessed
10:16 A.M. The Board reconvened

IV. REGULAR CALENDAR (Items 27 through 31)

CLERK-RECORDER-ASSESSOR

27. Celebrate Registrar of Voters Going Green.

10:17 A.M.

Present:

William F. Rousseau, County Clerk-Recorder-Assessor, Registrar of Voters
Gloria Colter, Assistant Registrar of Voters

Speaker:

Colleen Fernald

Information Only.

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

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

28. Conduct a public hearing and review the Northern Sonoma County Air Pollution Control District's Fiscal Year 2014-2015 recommended budget and provide the public with the opportunity to comment upon the District's budget. (4/5 vote required)

10:56 A.M.

Present:

Barbara Lee, Air Pollution Control Officer

11:09 A.M. Public Hearing opened

Colleen Fernald

11:12 A.M. Public Hearing closed

Board Action: Approved as Recommended
UNANIMOUS VOTE

HEALTH SERVICES

29. Receive a report on the status of HIV/AIDS in Sonoma County and approve revised Commission on AIDS bylaws.

11:13 A.M.

Present:

Dr. Karen Holbrook, Interim Health Officer

Speaker:

Colleen Fernald

Board Action: Approved as Recommended
UNANIMOUS VOTE

REGULAR CALENDAR (Continued)

COUNTY ADMINISTRATOR

30. Receive report on community healing activities including:

30A. Update from the Community and Local Law Enforcement Task Force

11:52 A.M.

11:52 A.M. Supervisor Zane left the meeting

11:52 A.M. Supervisor Zane rejoined the meeting

Present:

Jennifer Murray, Deputy County Administrator

Caroline Bañuelos, Task Force Chairperson

Robert Edmonds, Vice Chairperson

Melissa James, Administrative Aide, County Administrator's Office

Judy Rice, Subcommittee Chair

Silvia Lemus, Subcommittee Chair

Todd Mendoza, Subcommittee Chair

Speakers:

Karen Fraser

Colleen Fernald

John Jenkel

Board Action: Receive an update from the Community and Local Law Enforcement Task Force; extend the deadline of the Task Force's final recommendation to the Board to March 31, 2015, and identify priorities in relation to expenditures.

UNANIMOUS VOTE

Chairman Rabbitt announced that #30B would be heard after the Board reconvened from Closed Session at 2:15 P.M.

1:20 P.M. The Board recessed to closed session.

REGULAR CALENDAR (Continued)

Item #30 Continued

30B. Report on Board directed staff initiatives and consider actions for Board and staff regarding Community Healing.

2:50 P.M.

Present:

Mary Booher, Administrative Analyst III and Chris Thomas, Assistant County Administrator, County Administrator's Office

Speakers:

Brian Vaughn

Elaine B. Holtz

3:18 P.M. Supervisor Zane left the meeting

Colleen Fernald

Michael Hilber

3:22 P.M. Supervisor Zane joined the meeting

Board Action: Receive an update on Board directed staff initiatives and direct staff to return to the Board with recommendations in totality on the eleven initiatives.

UNANIMOUS VOTE

BOARD OF SUPERVISORS

31. Approve fee waiver in the amount of \$2,898 for community radio and emergency alert system - station KOWS-LP107.3 FM- antenna relocation project. (Fifth District)

3:27 P.M.

Board Action: Approved as Recommended

UNANIMOUS VOTE

V. CLOSED SESSION CALENDAR (Items 32 through 40)

5:40 P.M. Counsel Goldstein reported on Closed Session Items #32-40A.

32. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation - Name of Case: County of Sonoma v. Walter Freeman, et al. County Superior Court, SCV 253252 (Govt. Code Section 54956.9(d)(1)).

Board Action: The Board approved settlement and compromising fees and costs in the code enforcement case for fees and costs in the amount of \$6,362 along with previously accrued daily penalties of \$10,000 for a payment of a total sum of \$16,362 to the County of Sonoma in exchange for a stipulated judgment and permanent injunction against any further building code violations.

UNANIMOUS VOTE

33. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation - Name of Case: Jessica Greenlief v Michael Lennox, County of Sonoma et al. Sonoma County Superior Court 248315 (Govt. Code Section 54956.9(d)(1)).

Withdrawn.

34. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Exposure to Litigation - Regional Water Quality Control Board Letter dated March 18, 2014 concerning potential discharge violations concerning compost operations at the Central Disposal Site. (Govt. Code Section 54956.9(d)(2)).

Board Action: The Board approved the sending of a demand letter to the Sonoma County Waste Management Agency demanding that the Agency will defend and indemnify the County pursuant to its license agreement for any costs, damages, penalties, or fines the County may incur in connection with the compost operations.

UNANIMOUS VOTE

35. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Initiation of Litigation - Dry Creek Rancheria Band of Pomo Indians. (Govt. Code Section 54956.9(d)(4)).

Direction was given to Counsel and staff.

CLOSED SESSION CALENDAR (Continued)

36. 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)).

Board Action: The Board approved a side letter agreement with SEIU amending Section 14.3.1 of the MOU and that the matter will come back on the consent calendar on May 20, 2014.

UNANIMOUS VOTE

37. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - Title: Transportation and Public Works Department Director (Govt. Code Section 54957(b)(1)).

Continued to May 20, 2014.

38. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - Title: Director of Department of Health Services (Govt. Code Section 54957(b)(1)).

Continued to May 20, 2014.

39. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - Title: Public Defender (Govt. Code Section 54957(b)(1)).

Direction was given to staff.

40. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - Title: County Administrator (Govt. Code Section 54957(b)(1)).

Direction was given to staff.

- 40A. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Possible Initiation of Code Enforcement Litigation - Re: 70 Moon Mountain Road/16581 Highway 12, in the unincorporated territory of the County of Sonoma (Govt. Code Section 54956.9(d)(4)).

Board Action: The Board approved bypassing the administrative process and authorized the County to proceed with litigation to enforce code violations on those properties.

UNANIMOUS VOTE

VI. REGULAR AFTERNOON CALENDAR (Items 41 through 45)

2:21 P.M. - RECONVENE FROM CLOSED SESSION

Supervisors Present: Susan Gorin, David Rabbitt, Shirlee Zane, Mike McGuire, Efren Carrillo

Staff Present: Veronica Ferguson, County Administrator and Bruce Goldstein, County Counsel

41. Report on Closed Session.

2:21 P.M. Chairman Rabbitt reported that Closed Session on Items #32-40A would reconvene after Item #44.

Chairman Rabbitt reported that the afternoon session would start with public comment on items not listed on the agenda followed by Items # 30B and 31 from the morning session followed by Items # 43 and 44 from the afternoon session.

42. 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.)

2:22 P.M. Public Comment Opened

Duane De Witt
Colleen Fernald
Peter Tscherneff
Michael A. Hilber
Maria Stubbert
Mary Morrison
Richard Hannan
John Jenkel

2:49 P.M. Public Comment Closed

43. 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

3:28 P.M. No Acts or Determinations were acted on or reviewed.

REGULAR AFTERNOON CALENDAR (Continued)

PERMIT AND RESOURCE MANAGEMENT

44. ZCE13-0019 - (FIRST DISTRICT)

- a) APPLICANT: Norm Oliver for Bacchus Ventures LP
- b) LOCATION: 701 Leveroni Road, Sonoma
- c) ASSESSOR'S PARCEL NO.: 128-301-027
- d) ENVIRONMENTAL DOCUMENT: Categorical Exemption
- e) REQUEST: Conduct a public hearing and consider adopting an Ordinance to rezone a 3.08 acre parcel to remove the Z (Second Dwelling Unit Exclusion) combining district.

3:28 P.M.

3:29 P.M. Public Hearing Opened

Norm Oliver
Timothy Favia

3:29 P.M. Public Hearing Closed

Board Action: Adopt An Ordinance Amending The Official Zoning Database Of The County Of Sonoma, Adopted By Reference By Section 26-02-110 Of The Sonoma County Code, By Reclassifying Certain Real Property From LIA (Land Intensive Agricultural), B6-20 Acre Density, SR (Scenic Resources), F2 (Floodplain Combining District), VOH (Valley Oak Habitat), Z (Second Dwelling Unit Exclusion) District(s) To The LIA (Land Intensive Agriculture), B6-20 Acre Density, SR (Scenic Resources), F2 (Floodplain Combining District), VOH (Valley Oak Habitat) District For 3.08 Acres Located at 701 Leveroni Road, Sonoma; APN 128-301-027.

UNANIMOUS VOTE

Approved by Ordinance No. 6068

3:30 P.M. The Board reconvened into Closed Session on Items #32-40A.

5:40 P.M. The Board reconvened from continued Closed Session.

Supervisor Absent: Shirlee Zane

Counsel Goldstein reported on Closed Session Items #32-40A. See Section V.

45. ADJOURNMENTS

5:44 P.M. The Board adjourned the meeting in memory of Michael Ghilarducci and Ashley Carlson. The meeting was adjourned to May 20, 2014 at 8:30 A.M.

Respectfully submitted,

Michelle Arellano, Chief Deputy 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: 56
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services

Staff Name and Phone Number:

Sherry Alderman – 707-565-8501

Supervisorial District(s):

County-wide

Title: Workforce Investment Board Appointments

Recommended Actions:

- 1) Appoint Tim Reese to the Workforce Investment Board for a one year term ending June 10, 2015.
- 2) Reappoint Steven Herrington to the Workforce Investment Board and Youth Council for two year terms ending June 10, 2016.

Executive Summary:

The Workforce Investment Act (WIA) is a federal law passed on August 7, 1998 designed to prepare youth and adults for entry into the labor force. The Workforce Investment Act requires that all local regions create a Workforce Investment Board (WIB) comprised of local business and community members to oversee and implement the Workforce Investment Act programs, as well as a Youth Council under the WIB to plan delivery of WIA services to youth ages 14-24.

Membership Criteria and Process for Recommending Members for Appointment

The Workforce Investment Act (WIA) regulations established that the Sonoma County Workforce Investment Board (WIB) and its Youth Council will serve as policy oversight bodies for its employment and training programs. The law requires that appointments to these bodies be made by local elected officials. In accordance with the written agreement between the Sonoma County Board of Supervisors and the WIB, the WIB reviews and approves candidates' applications for membership and forwards its recommendations to the Board of Supervisors for final approval and appointment.

WIB members are not appointed by supervisorial district, but on a county-wide basis, and must have a high degree of policymaking and hiring authority within the organizations they represent. The WIB is required by law to maintain a business majority. The WIB and Youth Council seek members who have expertise in Sonoma County's important or emerging employment sectors, such as Advanced Manufacturing, Sustainability Services and the Health and Wellness Industry or who provide workforce-related services. Applications are reviewed by the WIB Executive Committee and are then recommended to the Board of Supervisors for appointment. Current members in good standing are recommended for reappointment at the end of their term.

Efforts to fill the WIB and Youth Council seats are ongoing through referrals from current members and outreach to businesses, public, labor, and private non-profit organizations. The Human Services Department also works

closely with the Economic Development Board to identify business members appropriate for the business seats on the WIB.

Categories of Membership Recommendations

The individuals recommended for appointment to the Workforce Investment Board will represent the following categories of membership, both of which have vacancies.

WIB New Representative

Tim Reese

Category

Business

WIB Re-Appointment

Steven Herrington

Education

Youth Council Re-Appointment

Steven Herrington

Education

New Workforce Investment Board Member Information

Tim Reese is the Executive Director of Community Action Partnership (CAP) of Sonoma County. For close to thirty years Mr. Reese has managed or been the executive director for a variety of social service organizations. He has managed programs that have addressed issues related to traumatic brain injuries, HIV, domestic violence, and emergency food assistance. In more recent years he has added fiscal management of large social service organizations to his resume. In his most recent position before taking the reins at CAP of Sonoma County, he was the Executive Director/CEO for the California –Nevada Community Action Partnership Association where he was responsible for the successful delivery of capacity building training and technical assistance to four state associations with a budget exceeding 1 million dollars. With the above experience, Mr. Reese comes to the WIB with a robust background that will be of great use when making decisions with regard to workforce issues. Mr. Reese will fill a Business seat on the WIB.

WIB and Youth Council Member Information

Steven Herrington is the elected Sonoma County Superintendent of Schools. Over the last 25 years he has served as Superintendent for three Northern California school districts, overseeing educational services for students from pre-kindergarten through high school. Prior to his election, he was superintendent of Windsor Unified School District. Schools and districts under his direction have earned awards for creating neighborhood family literacy centers, educating students to be environmental stewards, and making a difference in the lives of children and their families. Mr. Herrington will fill an Education seat on the WIB and an Education seat on the Youth Council.

Prior Board Actions:

April 22, 2014: Appointed two members to the Youth Council, reappointed six members to the Workforce Investment Board, and reappointed six members to the Youth Council.

January 14, 2014: Appointed three members to the Workforce Investment Board.

November 12, 2013: Appointed two members to the Workforce Investment Board, reappointed fifteen members to the Workforce Investment Board. Reappointed seven members to the Youth Council.

May 7, 2013: Appointed four members to the Workforce Investment Board, and appointed two members to the Youth Council.

March 26, 2013: Reappointed two members to the Workforce Investment Board, and reappointed six members

to the Youth Council.

January 15, 2013: Appointed three members to the Workforce Investment Board.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Workforce Investment Board and its Youth Council make recommendations and participate in workforce development initiatives and programs that are aligned with local employer needs with a goal of building a prepared and well trained Sonoma County workforce.

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 fiscal impacts.

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:

1. Proposed Workforce Investment Board Membership Roster
2. Proposed Workforce Investment Board Youth Council Membership Roster

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

None

Sonoma County Workforce Investment Board

Membership as of Tuesday, June 10, 2014

| <u>Membership Category</u> | <u># of Seats</u> | <u>Name</u> | <u>Organization</u> |
|--------------------------------------|-------------------|-------------------|--|
| Business | | | |
| | 1 | Yale Abrams | Yale Abrams Consulting |
| | 1 | Lee Alderman | Redwood Credit Union |
| | 1 | Ed Barr | P & L Specialties |
| | 1 | Robin Bartholow | North Coast Builders' Exchange |
| | 1 | Kristyn Byrne | Deliver the Mission |
| | 1 | Gina Charbonneau | Francis Ford Coppola Presents, Rosso & Bianco Winery |
| | 1 | Judy Coffey | Kaiser-Permanente |
| | 1 | Melanie Dodson | Community Child Care Council of Sonoma County (4Cs) |
| | 1 | Paul Duranczyk | Creekside Convalescent Hospital |
| | 1 | Steve Herron | Exchange Bank |
| | 1 | Kristina Holloway | Healdsburg District Hospital |
| | 1 | Keo Hornbostel | Pure Luxury Transportation |
| | 1 | Roy Hurd | Empire College |
| | 1 | Scott Kincaid | Facility Development Corp. |
| | 1 | Jose Obregon | Hispanic Chamber of Commerce /General Services |
| | 1 | David Ohman | D&D Consulting Group |
| | 1 | Tim Reese | Community Action Partnership of Sonoma County |
| | 1 | Pedro Toledo | Redwood Community Health Coalition |
| | 1 | Bob Whitlock | Small Precision Tools |
| | 4 | <i>Vacant</i> | |
| Total Seats | 23 | | |
| Community Based Organization | | | |
| | 1 | Mark Ihde | Goodwill Industries of the Redwood Empire |
| | 1 | Matt Martin | Social Advocates for Youth |
| | 1 | Bill Nordskog | United Way |
| | 0 | <i>Vacant</i> | |
| Total Seats | 3 | | |
| Economic Development Agencies | | | |
| | 1 | Kelly Bass Seibel | Santa Rosa Chamber of Commerce |
| | 1 | Albert Lerma | Sonoma County Economic Development Board |
| | 0 | <i>Vacant</i> | |
| Total Seats | 2 | | |

| <u>Membership Category</u> | <u># of Seats</u> | <u>Name</u> | <u>Organization</u> |
|-----------------------------|------------------------|--------------------|---|
| Educational Entities | | | |
| | 1 | Steven Herrington | Sonoma County Office of Education |
| | 1 | Stephen Jackson | Sonoma County Office of Education |
| | 1 | Jerald Miller | Santa Rosa Junior College |
| | 1 | Lynn Stauffer | Sonoma State University |
| | 0 | <i>Vacant</i> | |
| Total Seats | 4 | | |
| Labor Organizations | | | |
| | 1 | Chris Knerr | Cement Masons |
| | 1 | Bill Robotka | Engineers & Scientists of California |
| | 1 | Chris Snyder | Operating Engineers |
| | 1 | George Steffensen | North Bay Labor Council |
| | 1 | <i>Vacant</i> | |
| Total Seats | 5 | | |
| One-Stop Partner | | | |
| | 1 | Debbie Antonsen | Employment Development Department |
| | 1 | Stephanie Cabral | Experience Works, Inc. |
| | 1 | Karen Fies | Sonoma County Human Services Department |
| | 1 | Peter Harsch | California Department of Rehabilitation |
| | 1 | Kathleen Kane | Community Development Commission |
| | 1 | Chris Paige | California Human Development |
| | 1 | Carol Waxman | Petaluma Adult School |
| | 1 | <i>Vacant</i> | |
| Total Seats | 8 | | |
| 45 Total Membership | 39 Seats Filled | 6 Vacancies | |

Sonoma County Youth Council

Membership as of Tuesday, June 10, 2014

| <u>Membership Category</u> | <u># of Seats</u> | <u>Name</u> | <u>Organization</u> |
|--|-------------------|--------------------|---------------------------------------|
| ApprenticeShip | 1 | George Steffensen | North Bay Labor Council |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| Education Agencies Serving Youth | 1 | Dan Blake | Sonoma County Office of Education |
| | 1 | Steven Herrington | Sonoma County Office of Education |
| | 1 | Georgia Ioakimedes | Sonoma Office of Education |
| | 1 | Stephen Jackson | Sonoma County Office of Education |
| | 1 | Catherine Wilson | Sonoma County Junior College District |
| | 1 | <i>Vacant</i> | |
| Total Seats | 6 | | |
| Former Participant | 1 | Bradley Hellerud | VOICES Sonoma |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| In-School Youth | 1 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| Non-regulatory seats | 1 | Ron Beiden | Sonoma County Probation Camp |
| | 1 | Valerie McKamey | Department of Rehabilitation |
| | 0 | <i>Vacant</i> | |
| Total Seats | 2 | | |
| Organization that Relates to Youth Activities | 1 | Kellie Noe | Department of Health Services |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| Out of School Youth | 1 | Matt Martin | Social Advocates for Youth |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |

| <u>Membership Category</u> | <u># of Seats</u> | <u>Name</u> | <u>Organization</u> |
|--|------------------------|--------------------|--|
| Parent of Eligible Youth | | | |
| | 1 | Tami Huffman | |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| Private Sector | | | |
| | 1 | Ed Barr | P & L Specialties |
| | 1 | Roy Hurd | Empire College |
| | 1 | Scott Kincaid | Facility Development Corp. |
| | 1 | Lelie Wolski | Villagio Inn and Spa |
| | 0 | <i>Vacant</i> | |
| Total Seats | 4 | | |
| Public Housing Authority | | | |
| | 1 | James Hackett | Sonoma County Community Development Commission |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| WIB Member | | | |
| | 1 | Bill Nordskog | United Way |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| Youth Community-Based Organizations | | | |
| | 1 | Diana Curtin | Chop's Teen Club |
| | 1 | Marilee Eckert | Conservation Corps North Bay |
| | 0 | <i>Vacant</i> | |
| Total Seats | 2 | | |
| Youth Service Agency - Juvenile Justice | | | |
| | 1 | Jeanne Buckley | Juvenile Justice |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| Youth Service Agency - Law Enforcement | | | |
| | 1 | Steve Freitas | Sonoma County Sheriff's Department |
| | 0 | <i>Vacant</i> | |
| Total Seats | 1 | | |
| 24 Total Membership | 22 Seats Filled | 2 Vacancies | |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 57
(This Section for use by Clerk of the Board Only.)

To: Board of Commissioners

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

James Hackett (707) 565-7520

Supervisorial District(s):

All

Title: Appoint Sonoma County Community Development Committee Tenant Representative

Recommended Actions:

Appoint Thomas Thompson to the Sonoma County Community Development Committee as a tenant representative.

Executive Summary:

State law requires that two participants of the Housing Authority's Section 8 Housing Choice Voucher program, at least one of whom is 62 years of age or older, be appointed as tenant representative members of the Community Development Committee. Federal regulations require at least one member of the Committee to be formerly homeless. County Ordinance stipulates that the full Committee consists of one representative from each supervisorial district, a representative from Human Services Department, and the two required Housing Authority tenant representatives.

On, November 23, 2013, tenant representative Donna Chicka resigned from the Community Development Committee due to health concerns. In order to fill the vacancy, staff posted a notice and application on the Community Development Commission website. The notice explained the purpose of the Community Development Committee and the function of the representatives. Three applications were received. One staff member and two Committee members met to interview the applicants. This sub-committee recommended Thomas Thompson to the full Committee. The Community Development Committee met on May 13, 2014 and voted to recommend that the Board of Commissioners appoint Thomas Thompson to the Committee.

The bylaws of the Committee provide that tenant members shall serve a two-year term or until their successor is appointed and qualified.

Prior Board Actions:

12/02/13: Appointed Babe Whitley to the Sonoma County Community Development Committee as a tenant representative.

02/26/13: Adopted a Resolution appointing Donna Chicka to the Sonoma County Community Development Committee as a tenant representative.

Strategic Plan Alignment Goal 4: Civic Services and Engagement

The Community Development Committee provides an opportunity for increased access to and greater citizen participation in County government.

Fiscal Summary - FY 13-14

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

Narrative Explanation of Fiscal Impacts (If Required):

No fiscal impact.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

No staffing impact.

Attachments:

None

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

Application of Thomas Thompson



Sonoma County Community Development Commission
 Sonoma County Housing Authority
 1440 Guerneville Road, Santa Rosa, CA 95403-4107

2014 MAR 3 PM 1:54

**Community Development Committee
 Tenant Member Questionnaire**

(Only Current Section 8 Participants are Eligible)

Members of the
 Commission

David Rabbitt
 Chair

Susan Gorin
 Vice Chair

Shirlee Zane
 Mike McGuire
 Efren Carrillo

Kathleen H. Kane
 Executive Director

Please submit this form by mail, fax, e-mail or hand delivery to the address below:

James Hackett, Housing Authority Manager
 Sonoma County Housing Authority
 1440 Guerneville Road
 Santa Rosa, CA 95403

Fax: (707) 565-7583
 Phone: (707) 565-7520
 E-mail: james.hackett@sonoma-county.org

Attach additional sheets as necessary.

Name: Thomas Dwight Thompson

Address: 4460 Old Redwood Highway, #43

City, State, Zip: Santa Rosa, CA. 95408

Telephone Number: (707) 578-4572

E-mail Address: thompsonbard@peoplePC.com

Why are you interested in serving on the Community Development Committee?

I would like the opportunity to 'give back'
to the Community and the Housing Authority of
Sonoma for all that has been afforded to me



Telephone (707) 565-7500
 FAX (707) 565-7583 • TDD (707) 565-7555



(See reverse)

for the past 17 years. I am living successfully with 'advanced aids' and could contribute that perspective should the occasion occur. Thank you.

Have you ever served on a committee or board? If yes, describe your experience.

N/A

Have you ever been homeless?

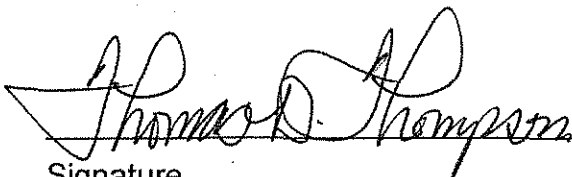
Yes

No

Are you 62 years of age or older?

Yes

No


Signature

02/26/2014
Date



County of Sonoma
Agenda Item
Summary Report

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

Agenda Item Number: 58
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Supervisor Shirlee Zane, (707) 565-2241

Supervisorial District(s):

Third District

Title: Appointment

Recommended Actions:

Approve appointment of Christopher Mahurin to Commission on Human Rights, representing the Third District for a term of two years beginning June 10, 2014 and ending June 10, 2016.

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) |
| | | | |
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| Narrative Explanation of Staffing Impacts (If Required): | | | |
| | | | |
| 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: 59
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board Of Supervisors

Staff Name and Phone Number:

Supervisor Efren Carrillo 565-2241

Supervisorial District(s):

Fifth District

Title: Reappointment

Recommended Actions:

Reappoint Alain Serkissian to the Advisory Council to Area Agency on Aging, Sonoma County for a 2 year term effective June 2, 2014 through June 1, 2016.

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 | \$ | | \$ |
| 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):

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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: 60
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: No Vote Required

Department or Agency Name(s): Agricultural Commissioner & Sealer of Weights and Measures

Staff Name and Phone Number:

Lisa Correia 565-3837

Supervisorial District(s):

All

Title: 2013 Sonoma County Crop Report

Recommended Actions:

Receive the 2013 Sonoma County Crop Report - Information Only.

Executive Summary:

The Agricultural Commissioner is required by law to annually compile and report crop and livestock statistics and pest exclusion, management and eradication activities to the Board of Supervisors and the Secretary of the California Department of Food and Agriculture. The Sonoma County Agricultural Commissioner has compiled the annual Crop Report every year since 1928 and all Crop Reports are available on the department's website (http://www.sonoma-county.org/agcomm/crop_report.htm).

The annual Crop Report provides an accounting of Sonoma County agricultural commodity production and gross values, not net farm income, and is used in the community as a valuable resource for economic development, tourism, financing, and history by illustrating trends in agricultural production. The Agricultural Commissioner's Office activities are also highlighted in the report and include a summary of accomplishments for the Agriculture and Weights and Measures Divisions, and supplemental statistics related to the Grading and Drainage, and Orchard and Vineyard Site Development Ordinance. Data on non-agricultural crops such as commercial fish landings and timber harvests are also included from the California Department of Fish and Wildlife and Board of Equalization respectively.

This year's Crop Report spotlights working landscapes and the economic and environmental benefits that come with preserving and maintaining these agricultural lands.

The 2013 total gross production value of all crops was \$848,323,000, a 4% increase from a revised 2012 value of \$812,726,000. This is the gross value and does not account for costs such as for production, processing, and bringing the commodity to market. The increase for 2013 is attributed primarily to a nearly 21% increase in nursery production. The value of livestock and poultry products, such as eggs and milk was up nearly 5.5%, which is attributed to an increase in the unit price of market and

manufacturing milk. The total tonnage of winegrapes was up by only about 1%, with more than 270,000 tons being processed in 2013, valued at \$605 million.

This data is provided through surveying more than 1,000 Sonoma County producers, including the distribution of an electronic survey that is available on the Agricultural Commissioner’s website and circulated through collaboration with our community partners. Without the support and response to these surveys this report would not be possible.

Prior Board Actions:

The Board receives the Sonoma County Crop Report annually.

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):

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:

2013 Sonoma County Crop Report



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 61
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Economic Development Board

Staff Name and Phone Number:

Ben Stone (707) 565-7170

Supervisorial District(s):

All Districts

Title: Presentation of 2013 Annual Report Economic Development Board

Recommended Actions:

Accept the 2013 Annual Report for the Economic Development Board

Executive Summary:

The Economic Development Board reports to the Board of Supervisors and community annually on its work to promote Sonoma County as an attractive place to do business and to foster job growth. We do so by providing local businesses with the tools needed to help them prosper and by promoting voluntary, sound environmental business practices and worksite wellness. To further support these efforts we maintain a dialogue with the business community to anticipate and resolve emerging issues, by identifying and supporting business clusters that are critical to maintaining a sound economy, and lastly by supporting an employer-driven workforce development strategy.

Background

The Economic Development Board (EDB) recently completed a very active first year full of operation with new staffing provided by your Board. The EDB presents this progress report to outline key results to lay out future plans for review and action.

Achievements:

1. A new strategic plan for the cultural arts and creative economy is being developed through the Cultural Planning Group consulting firm. The EDB has lined up an inclusive and extensive "listening tour" for this effort, meeting with arts organizations, creative economy firms, cities, chambers, trade groups and more around the county; as well as conducting a forum for individual artists, drawing 200 attendees. The findings and recommendations will be forthcoming in June.
2. Online permit tracking The contract for the new system will go before the Board in June, supporting the recommendation of the Innovation Action Council from last year and authorizing

the funds to for PRMD to move forward in the upcoming year.

3. California's first employer-driven workforce strategy is being implemented, with your Board also approving this recommendation from the Innovation Action Council. Progress is underway through the WIB in three key areas of greatest concern by employers, and metrics of progress are being developed for annual reports to your Board and the employer community.
4. The Applied Chemical Company, CCL Labels and World Centric were three new businesses that were assisted by the EDB in relocating to Sonoma County, representing new jobs for the area.
5. More than 150 businesses were visited in the new Business Retention and Expansion program, representing companies with 5,445 jobs here. Key assistance to help these companies stay in business, expand, recruit employees, and overcome planning and regulatory hurdles was provided by the Business Retention Officer, Tim Ricard.
6. There were 110 new/early stage firms that were helped by the EDB's Business Assistance Officer, Ethan Brown. A new "business hotline", a quarterly "news you can use" *Business Bulletin* reaching 5,000 local firms, a new Foreign Trade Zone designation for Sonoma County, and new publications and workshops were developed to help local startups, and the program continues to grow in activity. Sonoma County is the only county or city in the State known to have a Business Assistance Officer focused on doing everything possible to help startups succeed and grow.
7. California's first Business Development Tools Service was launched that utilizes sophisticated business software tools to provide strategic market research and key business intelligence such as mailing lists, consumer profiles, industry trend reports, and much more to help local firms to grow and expand. More than 113 firms were helped by Christine Palmer, the EDB's half-time Business Development Officer.

In addition, focus groups were held with three emerging clusters here: outdoor recreation/biking; farmstead and cottage foods, and craft beverages; and the creative arts. Action plans are being drawn from these sessions for implementation in 2014-15. A unique craft beverages conference was held last fall, drawing nearly 400 people.

8. The Green Business Program and the Healthy Business Program became active, with Green Business Coordinator Kevin Kumataka certifying 21 firms in 2013 and more to come for next year. A recent recognition event was held with more than 100 attendees.

The EDB is one of the first local economic development agencies in the nation to provide local businesses with a voluntary worksite wellness program, known as the Sonoma County Healthy Business program. In less than a year 14 businesses were certified, and many more are in line for recognition in 2014.

9. Two new lending/technical assistance programs have been funded, and are getting underway, led by Al Lerma, the Senior Program Manager at the EDB.
10. Five major conferences and three workshops were held, and 20 industry/economy forecast reports distributed to help businesses have the information they need.

Plans proposed to spur further job creation and small business development include:

1. Start a “Next Economy” Project, to lay out the opportunities and challenges for the next generation regarding job creation and innovative small business development. Local employers will be asked to recommend their “rising stars” to serve on this group, which will conduct the bulk of its effort with futurists this fall. Primary support for this effort comes from the Morgan Family Foundation.
2. Begin a New Business Outreach Effort to Underserved Communities, through the development of a special bi-lingual business development program.
3. Implement Sonoma County’s first Strategic Plan for the Creative Economy and Cultural Arts, using the recommendations coming to your Board from the Cultural Planning Group in June
4. Launch a New Microenterprise Development Program, focused on encouraging self-employment to help create jobs and higher incomes among low-income residents.
5. Develop an Agricultural Business Development Council, tasked with bringing the various sectors of the agricultural community together to jointly understand key opportunities and challenges for agricultural sector here, and develop strategies to meet those opportunities and resolved challenges. The staffing for the effort will be undertaken in cooperation with UCCE Sonoma County, the Agricultural Commissioner, and the WIB.
6. Hold two new Conferences with the emerging clusters of outdoor rec/biking, and the creative economy; and expand the craft beer conference to include the growing cottage food sector. Regional Parks, the Open Space District, Sonoma County Tourism, and the Sonoma Valley Visitor’s Bureau will help design and staff the Outdoor Conference.
7. Initiate a new employer engagement program with the WIB to help create more local jobs by improving understanding and usage of the WIB’s JobLink service.

This presentation is just a summary overview, and many other activities will transpire to improve and expand EDB services and programs.

Your Board’s support has enabled the EDB to greatly increase its ability to directly assist local businesses, and to enhance job creation and business retention during 2013 year. Now the stage is set for an even more active and supportive action plan in the coming fiscal year.

Prior Board Actions:

The Economic Development Board periodically presents progress reports to the Board.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Economic Development Board strives to enhance the value of local, domestic, and international demand for Sonoma County produced goods and services through the creation and development of economic research, analysis, and programs.

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):

Attachments:

None.

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

2013 Annual Report for Economic Development Board

2013 Annual Report



Ben Stone

Executive Director

Sonoma County Economic Development Board

10 June 2014

Board of Supervisors Agenda Item

Today's Agenda

ACHIEVEMENTS

Very active first year with new staffing

NEW PROPOSED PLANS

To spur further job creation and business development

DISCUSSION

Q&A session

Why Economic Development?

Increased Tax Base

Business Retention

Economic Diversification

Improve Living Standards

Increase Community Wealth



JOBS

Improving Job Growth

- Sonoma County saw a *job growth of 4.3%* from April 2013 to April 2014 adding 7,700 new jobs in total.
- Sonoma County is in the *top 20% of all MSAs* in California for job growth.
- Sonoma County has the *7th lowest unemployment rate* in California at 5.3% in April 2014.

ACHIEVEMENTS 2013



- **Online Permit Tracking**
Inception at PRMD next year
- **California's first employer-driven workforce strategy**
Progress is underway through the WIB

Business Retention and Expansion

153

Business visits

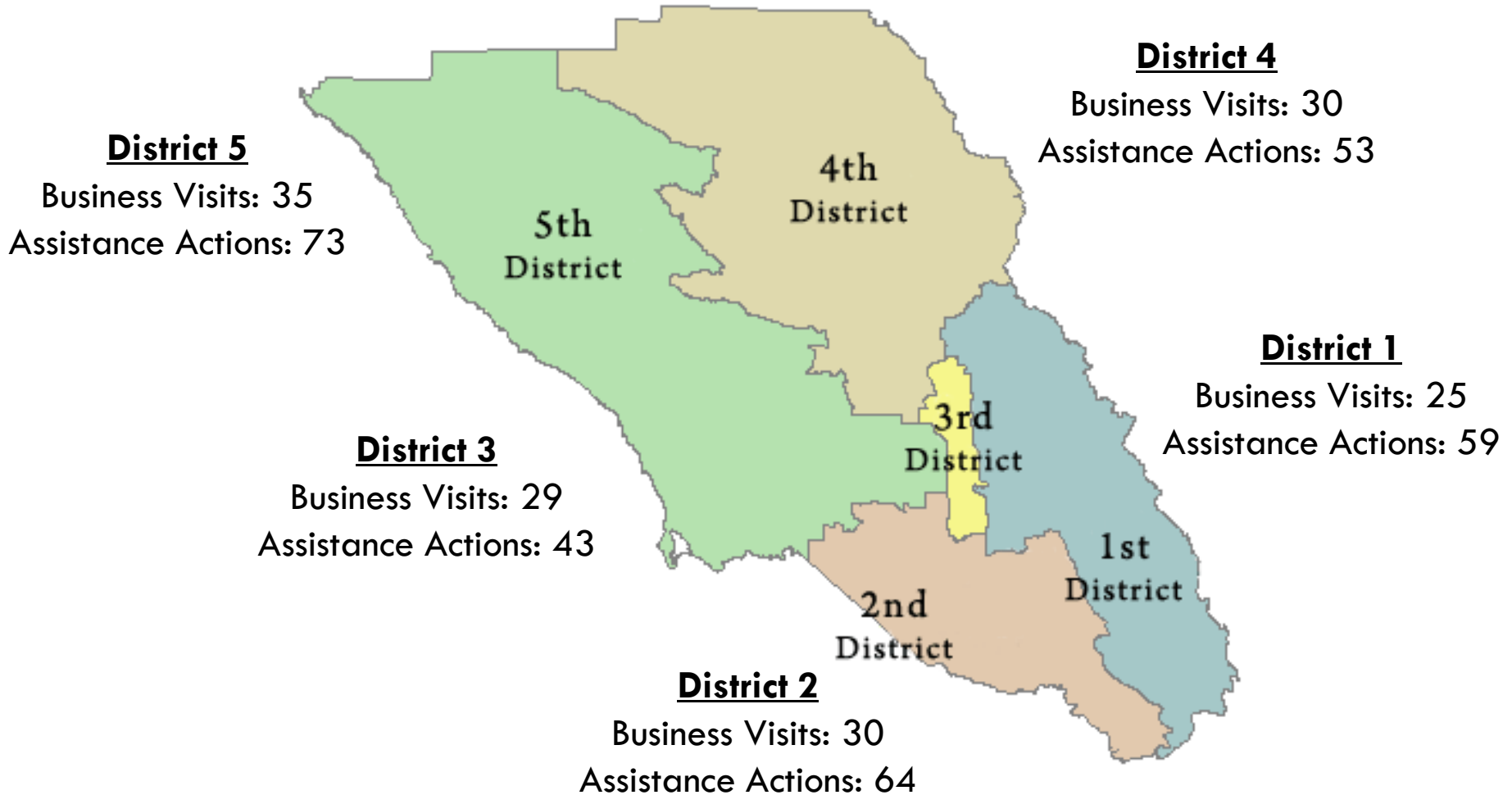
306

Unique requests for assistance
fulfilled



- Representing companies with 5,445 jobs
- 3 new businesses were assisted in relocating to Sonoma County

2013 Business Retention and Expansion



Business Assistance Hotline

110

Business contacts

451

Unique requests for
assistance fulfilled



- New Business Hotline, Quarterly Business Bulletin
- New Foreign Trade Zone Designation, New Workshops

Quarterly Business Bulletin



SONOMA COUNTY BUSINESS BULLETIN

"THE BUSINESS LINK TO NEWS YOU CAN USE"



Business Development Tools

134

Business contacts

316

Unique requests for assistance
fulfilled



- Key Business Intelligence
- Emerging Clusters Focus Groups
- First Craft Beverages Conference



Emerging Clusters Focus Groups



Sonoma County Green Business Program



GREEN BUSINESS PROGRAM

Voluntary, **E**fficiency, **M**arketing, **M**orale



2013

74 Contacts

21 Businesses Certified
Recognition Event

Healthy Business Program of Sonoma County

- Access to **free and low cost resources**
 - Starting and expanding **wellness efforts**
- **Recognition for excellence** in worksite wellness



Recognized Employers:

14 recognitions

*From Petaluma Pie (5 employees) to
Medtronic (1200 employees)*



Lending and Technical Assistance Programs



“I’ve always loved fixing things. Getting the right pieces together and using the right tools.”

-Carlos Ramos, Owner and Founder –
Ramos Cleaning Services

5 Major Conferences, 3 Workshops, 20 Forecast Reports



SPiRiT of SONOMA
Award



NEW PROPOSED PLANS 2014

The Next Economy Project

- Prepare for the **Next Economy** through active participation of the **next generation** of business, non-profit, and public sector leaders.
 - Sonoma County's first **intentional** effort to anticipate and leverage future trends.
- **Proactive** foundation for a stronger local economy, job base and quality of life - as opposed to reactive solutions.

Bilingual Business Development Program

- Hire a bilingual English/Spanish Business Development Specialist
- Provide technical assistance and access to capital services
- Develop training workshops
- Coordinate with other partners
- Develop Latino Entrepreneurship Speaker series and forums



Cultural Arts and Creative Economy



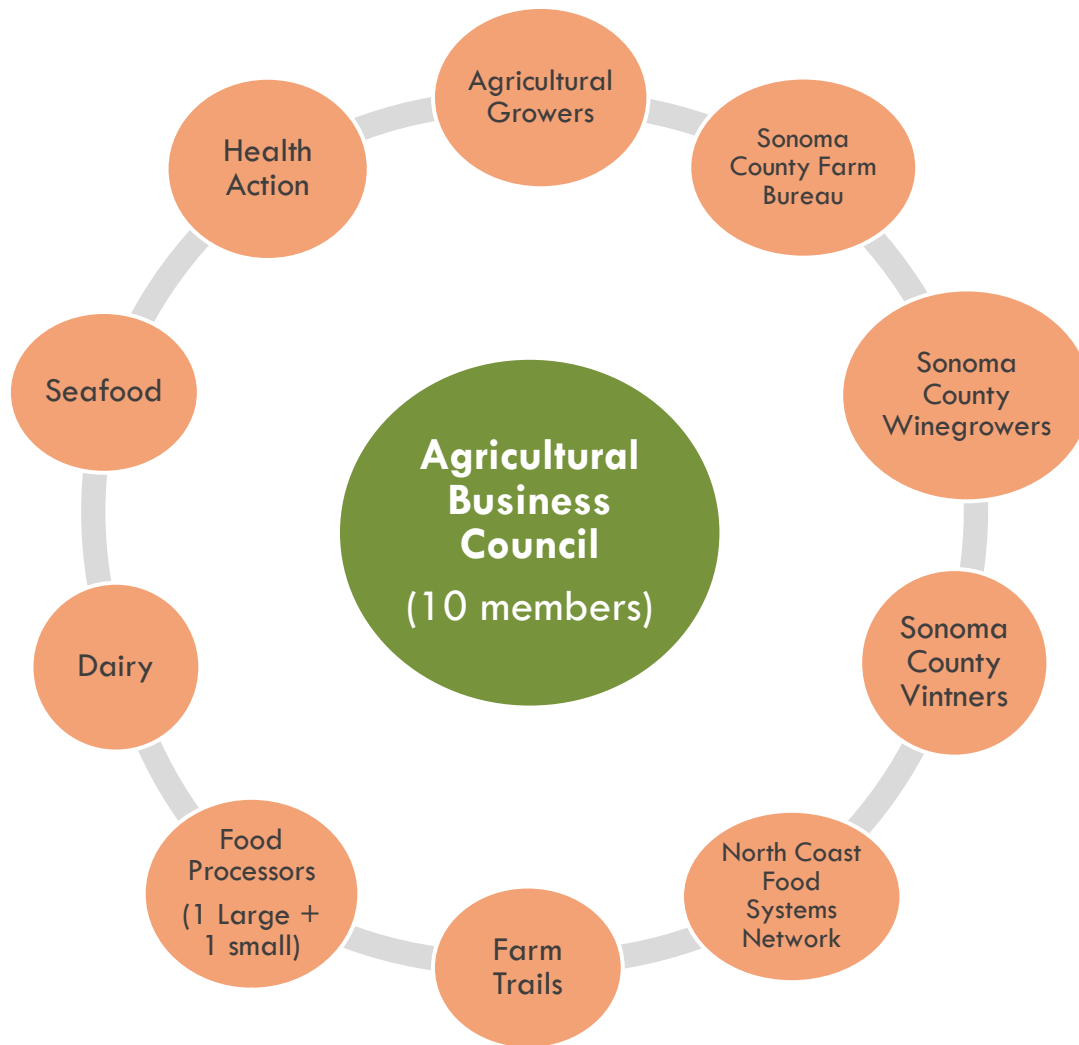
- Listening Tour
- 500+ engaged
- Present Arts Action Plan on June 24
- Implement Strategic Plan
- Arts Organization
- Cultural Tourism

New Microenterprise Development Program



- Identify self-employment opportunities
- Create more middle-income jobs among low-income residents
- Increase entrepreneurship outreach

Agricultural Business Development Council



Focus

- Collaboration
- Business Development
- Marketing/Branding

New Conferences and Programs with Emerging Clusters



- Outdoor Recreation and Biking
- Creative Economy
- Craft Beverages and Cottage Food Sector

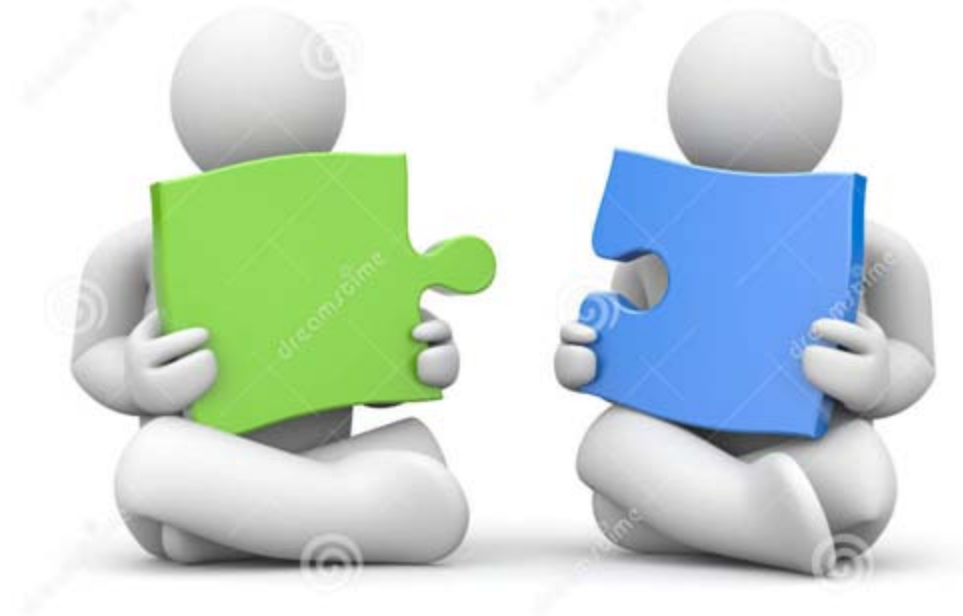


North Bay Economic Forum

LAKE
MARIN
MENDOCINO
NAPA
SOLANO
SONOMA

- Summer 2014
- 50 groups
- 6 counties
- Collaborative Action

New Employer Engagement Program – JobLink



- Improve understanding and usage of JobLink services
- Business Retention and Expansion
- Help create more local jobs



Improve Talent Attraction



The guide to professional and business relocation in Sonoma County.



www.sonomacountyconnections.org

Sonoma County Connections is an innovative online platform delivering relocation information to current and relocating employees and business.

Sonoma County Connections :

- Assist local businesses in attracting and retaining qualified employees and businesses
- Facilitate new avenues to better market the county to relocating employees and businesses
- Create a new and interactive resource and network database
- Encourage new partnerships and relationships among all parties involved

A Project of :
**Sonoma County Economic
Development Board**

A link to a better lifestyle

*The relocation guide for individuals
and businesses*



**SONOMA COUNTY
IS MUCH MORE THAN WINE!**

Thank you for your support!



Active Year
2013 - 2014

More projects lined up
for 2014 - 2015

Questions?





County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 62
(This Section for use by Clerk of the Board Only.)

To:

Board Agenda Date: June 10, 2014

Vote Requirement: 4/5

Department or Agency Name(s): County Counsel

Staff Name and Phone Number:

Bruce Goldstein – (707) 565-2421

Supervisorial District(s):

Second

Title: Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows

Recommended Actions:

Approve resolution authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as Lands of Hubert A. Smith & Linda S. Smith Revocable Trust (APN 019-330-005), for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089.

Executive Summary:

This resolution requests approval for the initiation of eminent domain to obtain legal possession of right-of-way along the east side of Highway 101 located in the Marin Sonoma Narrows. Attached for ease of reference is a right of way appraisal map.

The California Department of Transportation (Caltrans), in conjunction with the Sonoma County Transportation Authority (SCTA), is improving State Highway 101 in Sonoma County. Part of these improvements for Project MSN B-2 in the Marin Sonoma Narrows south of Petaluma include replacement of the Petaluma River Bridge and 1.1 miles of new High Occupancy Vehicle lanes, a new interchange at Petaluma Boulevard South and new frontage roads.

The majority of the necessary right of way for the MSN B-2 improvements has been acquired through voluntary negotiations, which are ongoing. At this time, negotiations and signed agreements have not been completed with a few property owners, including approximately 1,978 square feet of a temporary construction easement, which is the subject of this Resolution. Formal offers to acquire the property were made to the property owner in November 2011. Extensive discussions with property owners and their counsel have taken place over the last several years. The background of the subject property (also known as Caltrans parcel 61871) is described in the attachments, which will be addressed by Caltrans and SCTA staff at the hearing.

Due to the length of time that has elapsed since the first offers were made, staff is recommending acquiring the right-of-way from the subject properties through the County's eminent domain powers, with the county acting on behalf of the State of California. This will allow the acquisition process to proceed in a timely and orderly manner in order to meet project construction deadlines. A delay in obtaining all of the required right-of-way for this project within the current schedule may delay the project construction. After the hearing, counsel and the Caltrans/SCTA staff will continue to negotiate with the owner and diligently pursue satisfactory conclusions to the right-of-way acquisitions.

In order to initiate this process, County Counsel requests that the Board hold a hearing and then adopt the proposed Resolutions of necessity, which provide the following:

1. A description of the property locations and how the property is to be used.
2. Certifies that an offer, in accordance with legal statutes, has been made to the owner of record.
3. Certifies that public interest and necessity require the project.

Hearing notification letters were sent to the property owners at least 15 days prior to the scheduled hearing per Section 1245.235, Code of Civil Procedure. In November 2011, the fee owner executed a Right of Entry in which they waived the right to appear at or contest the proposed Resolution of Necessity hearing.

Prior Board Actions:

May 24, 2011: Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Boulevard Interchange.

Strategic Plan Alignment Goal 3: Invest in the Future

The proposed Resolution of necessity aligns with the County's goal of Investing in the Future by facilitating progress on an infrastructure project that will contribute to the outcome of having a well maintained transportation network that promotes mobility, health and safety, connectivity, and convenience.

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:

Proposed Resolution of Necessity with attached legal description and maps.

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

| |
|--|
| |
|--|



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, State Of California, Authorizing Acquisition And Condemnation Of Real Property Identified as the Lands of Hubert A. Smith & Linda S. Smith Revocable Trust, Necessary For Highway 101 Interchange and Improvement Project, Caltrans Project No. 264089.

Whereas, on behalf of the State of California, the County of Sonoma proposes to acquire real property identified as the Lands of Hubert A. Smith & Linda S. Smith Revocable Trust (APN 019-330-005) (hereinafter described in detail in the legal description and maps attached as Exhibit "A" hereto) for the Highway 101 Interchange and Improvement Project, Marin Sonoma Narrows [Caltrans Project No. 264089]); and

Whereas, the Project has met all the requirements of Government Code §65402 for General Plan consistency; and

Whereas, the Project has been reviewed and has met all the requirements of the California Environmental Quality Act,

Now, Therefore, Be It Resolved, on behalf of the State of California, after a duly noticed public hearing, the Board of Supervisors of the County of Sonoma resolves and finds as follows:

1. The public use for which the property is to be taken is for the purpose of improving Highway 101 at the Marin Sonoma Narrows.
2. The statute that authorizes the County to act at the request of the State of California to acquire the property by eminent domain on behalf of the State of California is Streets and Highway Code §760.
3. The general location and extent of the property to be taken, with sufficient detail for reasonable identification, is described in Exhibit "A" attached.
4. The public interest and necessity require this project.
5. This project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The property described in this resolution is necessary for this proposed project.

7. The acquisition, construction, and completion by the County of the public improvements and the use of the property described in this resolution is a public use authorized by law.

8. It is necessary under all the facts and circumstances that the real property described in this resolution be acquired in fee and easement except where a lesser estate or interest is specifically designated.

9. An offer required by Government Code §7267.2 has been made to the owner or owners of each property.

Be It Further Resolved, on behalf of the State of California that the State of California proposes to acquire the real property herein concerned for said public improvements purposes by donation, purchase, or condemnation in accordance with the provisions of California law relating to eminent domain, and that the County Counsel of Sonoma County be and is hereby authorized and directed to institute and prosecute in the name of the State of California such suit or suits in the proper court having jurisdiction thereof, as shall be necessary to condemn said real property for such public use.

Be It Further Resolved, on behalf of the State of California that should it appear from declarations of the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority that construction of public improvements and utilities herein concerned necessitates the taking of possession of the real property described in Exhibit "A" attached prior to final determination of the suit or suits authorized, application shall be made to the court for an order authorizing the State of California to take immediate possession of and to sue the property sought to be condemned; and that the State of California deposit probable just compensation with said court in such manner as the law may direct out of proper funds held by or provided to the State of California.

Be It Further Resolved, on behalf of the State of California that the Director of the California Department of Transportation, the Executive Director of the Sonoma County Transportation Authority and the County Counsel acting together, be and they are hereby authorized to employ at rates of compensation standard in this area such appraisers, engineers, and other expert witnesses as they deem necessary to the preparation for trial and, upon receipt of the appropriate claim forms approved by the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority, the State of California is authorized and directed to issue and honor warrants in payment for said service.

Supervisors:

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

So Ordered.

EXHIBIT A

PARCEL 61871-2:

For State freeway purposes, a TEMPORARY EASEMENT for construction purposes and incidents thereto, upon, over and across the following described parcel of land:

A portion of that parcel of land as described in the Grant Deed recorded December 23, 2002 under Recorder's Serial No. 2002207019, Official Records of Sonoma County, more particularly described as follows:

BEGINNING at the northeasterly corner of said parcel; thence along the easterly line of said parcel, S. 18°24'47" E., 70.27 feet; thence N. 82°39'03" W., 32.72 feet; thence N. 18°24'41" W., 63.99 feet to the northerly line of said parcel; thence along said northerly line, N. 86°40'13" E., 30.51 feet to the POINT OF BEGINNING.

Rights to the above described temporary easement shall cease and terminate on December 31, 2015. Said rights may also be terminated prior to the above date by the STATE upon notice to OWNER.

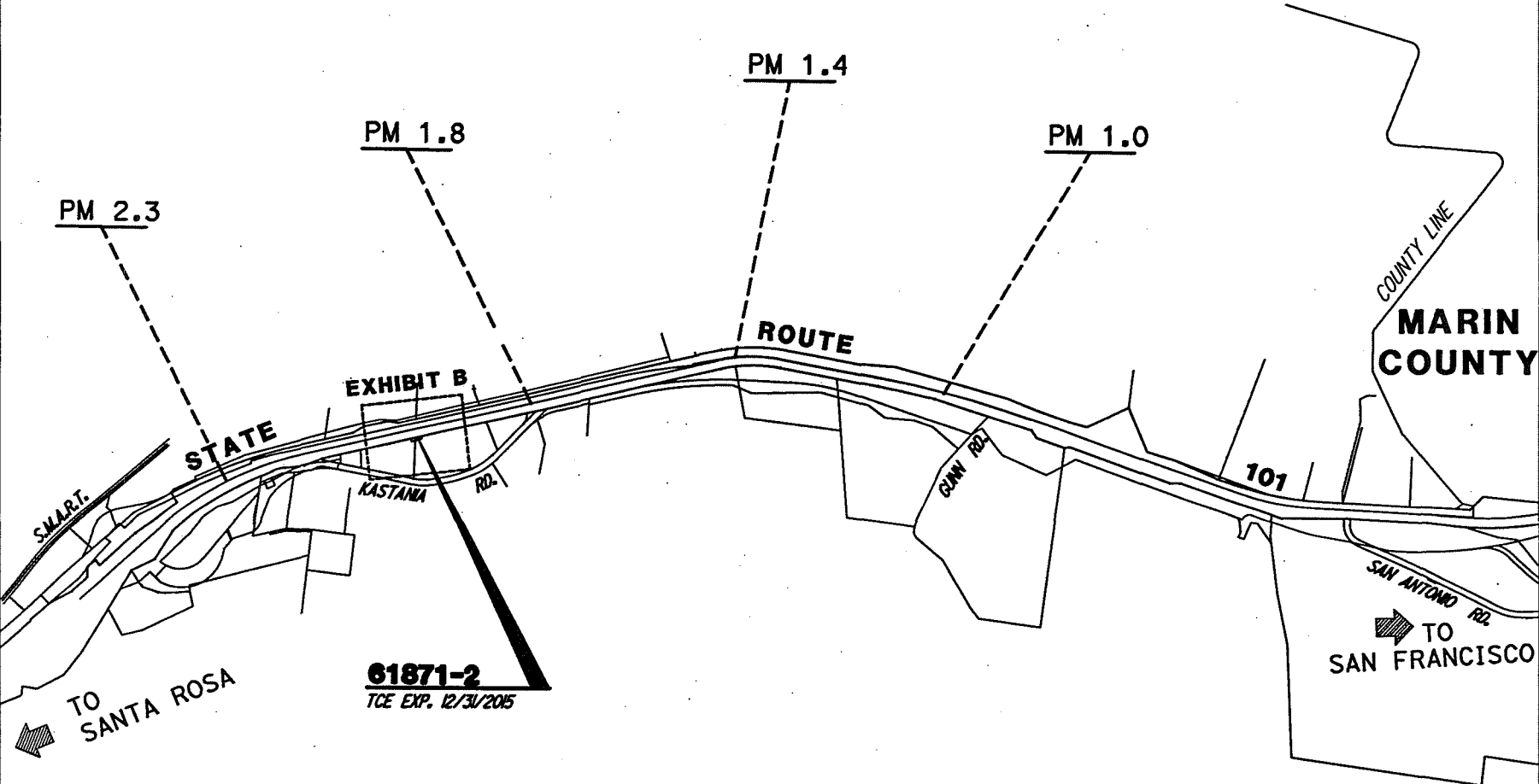
The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

EXHIBIT A

SONOMA COUNTY



NOT TO SCALE



**RESOLUTION
OF
NECESSITY MAP
04-SON-101-PM 2.1**

A-10438.4

BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3, CA-HPGN, EPOCH 1991.35. MULTIPLY DISTANCES SHOWN BY 1.0000383 TO OBTAIN GROUND LEVEL DISTANCES.

EXHIBIT B

SONOMA COUNTY

STATE ROUTE 101

"B" LINE

105

8

7

N18°24'17"W

6

4

PARCEL 61871-2

T.C.E. EXPIRES
12/31/2015

EXISTING STATE R/W

POB

S18°24'47"E

70.27'

30.51'

N18°24'41"W

63.99'

N82°39'03"W

32.72'

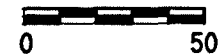
N86°40'13"E

61871


APN: 019-330-005
DOC.NO. 20020207019



SCALE IN FEET

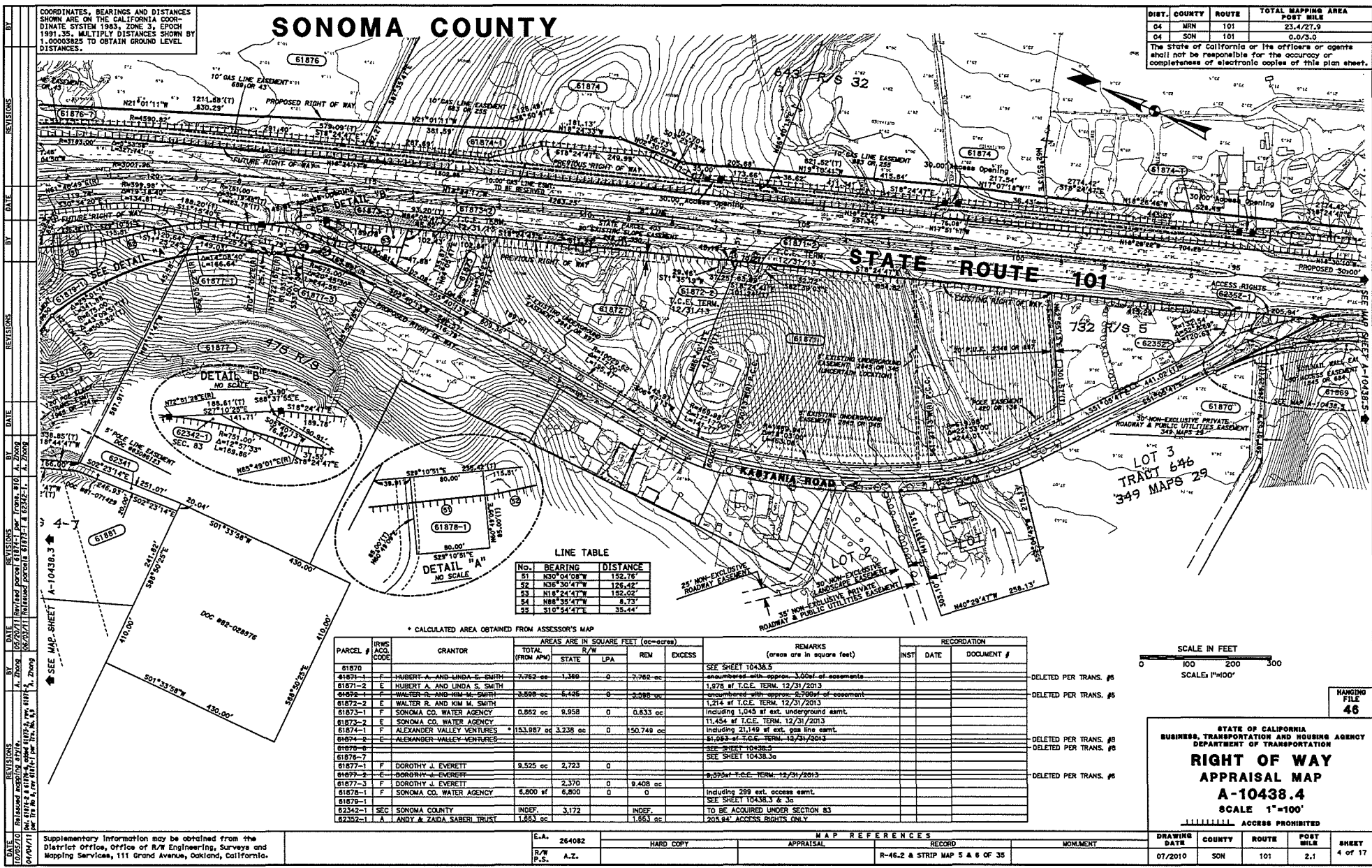


LEGEND

-  ACCESS PROHIBITED
- APN ASSESSOR'S PARCEL NUMBER
- POB POINT OF BEGINNING
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT OR OFFICIAL RECORDS
- R/W RIGHT OF WAY
- DOC.NO. DOCUMENT NUMBER

**RESOLUTION
OF
NECESSITY MAP
04-SON-101-PM 2.1**

A-10438.4



COORDINATES, BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, EPOCH 1991.35. MULTIPLY DISTANCES SHOWN BY 1.00003825 TO OBTAIN GROUND LEVEL DISTANCES.

SONOMA COUNTY

| DIST. | COUNTY | ROUTE | TOTAL MAPPING AREA |
|-------|--------|-------|--------------------|
| 04 | NRN | 101 | 23.4723 |
| 04 | SON | 101 | 0.0730 |

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

| DATE | REVISIONS | BY | DATE | REVISIONS | BY |
|----------|------------------------|----------|----------|------------------------|----------|
| 07/20/10 | REVISED PER SECTION 83 | A. Zhang | 07/20/10 | REVISED PER SECTION 83 | A. Zhang |
| 07/20/10 | REVISED PER SECTION 83 | A. Zhang | 07/20/10 | REVISED PER SECTION 83 | A. Zhang |

LINE TABLE

| No. | BEARING | DISTANCE |
|-----|-------------|----------|
| 51 | N30°04'08"W | 152.76' |
| 52 | N56°30'47"W | 126.42' |
| 53 | N18°24'47"W | 182.02' |
| 54 | N88°35'47"W | 8.73' |
| 55 | S10°54'47"W | 35.44' |

* CALCULATED AREA OBTAINED FROM ASSESSOR'S MAP

| PARCEL # | R/W# | ACQ. CODE | GRANTOR | AREAS ARE IN SQUARE FEET (ac=acres) | | | | REMARKS (acres are in square feet) | RECORDATION | |
|----------|------|-----------|------------------------------|-------------------------------------|----------|-------|------------|---|-------------|-----------------------|
| | | | | TOTAL (FROM APN) | STATE | LPA | REM | | EXCESS | INST |
| 61870 | | | | | | | | SEE SHEET 10438.5 | | |
| 61871-1 | F | | HUBERT A. AND LINDA S. SMITH | 7,762 ac | 1,360 | 0 | 7,762 ac | annexed to public highway, 3,000 ac of easement | | DELETED PER TRANS. #6 |
| 61871-2 | E | | HUBERT A. AND LINDA S. SMITH | | | | | 1,078 ac T.C.E. TERM. 12/31/2013 | | |
| 61872-1 | E | | WALTER R. AND KIM M. SMITH | 3,699 ac | 6,426 | 0 | 3,699 ac | annexed with approx. 6,200 ac of easement | | DELETED PER TRANS. #6 |
| 61872-2 | E | | WALTER R. AND KIM M. SMITH | | | | | 1,214 ac T.C.E. TERM. 12/31/2013 | | |
| 61873-1 | F | | SONOMA CO. WATER AGENCY | 0,882 ac | 9,958 | 0 | 0,833 ac | Including 1,045 ac of ext. underground amt. | | |
| 61873-2 | E | | SONOMA CO. WATER AGENCY | | | | | 11,454 ac T.C.E. TERM. 12/31/2013 | | |
| 61874-1 | F | | ALEXANDER VALLEY VENTURES | 153,887 ac | 3,238 ac | 0 | 150,749 ac | Including 21,149 ac of ext. gas line amt. | | |
| 61874-2 | E | | ALEXANDER VALLEY VENTURES | | | | | 61,063 ac T.C.E. TERM. 12/31/2013 | | DELETED PER TRANS. #6 |
| 61876-6 | | | | | | | | SEE SHEET 10438.5 | | DELETED PER TRANS. #6 |
| 61876-7 | | | | | | | | SEE SHEET 10438.3a | | |
| 61877-1 | F | | DOROTHY J. EVERETT | 9,525 ac | 2,723 | 0 | | 6,399 ac T.C.E. TERM. 12/31/2013 | | DELETED PER TRANS. #6 |
| 61877-2 | E | | DOROTHY J. EVERETT | | | | | | | |
| 61877-3 | F | | DOROTHY J. EVERETT | 2,370 | 0 | 0 | 9,408 ac | | | |
| 61878-1 | F | | SONOMA CO. WATER AGENCY | 6,800 ac | 6,800 | 0 | 0 | Including 299 ac ext. easment. | | |
| 61879-1 | SEC | | SONOMA COUNTY | INDEX | | 3,172 | INDEX | SEE SHEET 10438.3 & 3c | | |
| 62342-1 | A | | ANDY & ZAIDA SABERI TRUST | 1,653 ac | | | 1,653 ac | TO BE ACQUIRED UNDER SECTION 83 | | |
| 62342-2 | A | | ANDY & ZAIDA SABERI TRUST | | | | | 202.64 ACCESS RIGHTS ONLY | | |

SCALE IN FEET
0 100 200 300
SCALE 1"=100'

HANGING FILE
46

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
APPRAISAL MAP
A-10438.4
SCALE 1"=100'**
ACCESS PROHIBITED

| DATE | REVISIONS | BY | DATE | REVISIONS | BY | E.A. | R/W | P.S. | A.Z. | HARD COPY | APPRAISAL | RECORD | MONUMENT | DRAWING DATE | COUNTY | ROUTE | POST MILE | SHEET |
|----------|------------------------|----------|----------|------------------------|----------|--------|-----|------|------|-----------|-----------|--------|----------|--------------|--------|-------|-----------|---------|
| 07/20/10 | REVISED PER SECTION 83 | A. Zhang | 07/20/10 | REVISED PER SECTION 83 | A. Zhang | 264082 | | | | | | | | 07/20/10 | SON | 101 | 2.1 | 4 OF 17 |



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 63
(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 of Supervisors of Sonoma County

Board Agenda Date: June 10, 2014

Vote Requirement: 4/5

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

Staff Name and Phone Number:

Sara Press, APOSD, 565-7368
Steve Ehret, SCRP, 565-1107

Supervisory District(s):

First District

Title: Lawson Transfer

Recommended Actions:

Approve resolutions of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District (District) and the Board of Supervisors of Sonoma County taking the necessary actions to execute the transfer of the Lawson Property from the District to the County subject to a conservation easement and recreation covenant.

Executive Summary:

Summary

The District acquired the 247-acre Lawson property ("Lawson" or "property") on October 7, 2005 for \$1,160,000 for open space preservation and low-intensity public outdoor recreational use as an addition to the adjacent Hood Mountain Regional Park and Open Space Preserve. Acquisition of the Lawson property protected a prominent ridgeline that is very visible from the Highway 12 scenic corridor. The acquisition preserves native plant and animal habitats, and was intended to expand access opportunities and provide scenic vistas for park visitors.

The District currently holds a conservation easement over the adjacent Johnson property, which the District purchased in 2003 and transferred to the County as an addition to Hood Mountain Regional Park and Open Space Preserve.

The District is currently proposing to convey its fee interest to the County of Sonoma ("County") in exchange for a conservation easement and a recreation covenant by which the County agrees to operate the property in perpetuity for low-intensity public outdoor recreation.

Regional Parks recommends that the County of Sonoma accepts the property. This will fulfill a goal of Sonoma County and Regional Parks to expand recreational and educational opportunities at Hood

Mountain Regional Park and Open Space Preserve to meet future recreational needs of the county's residents while preserving important biotic resource areas and scenic features, and protecting and enhancing the county's natural habitats and diverse plant and animal communities.

Transfer Agreement

The District and Regional Parks propose to enter into a transfer agreement that commits each agency to the conditions of the transfer. These conditions include execution of a conservation easement and recreation covenant (see below). The District and the County propose to transfer the property by July 31, 2014.

Conservation Easement and Recreation Covenant

When the District transfers fee title of the Lawson property to the County, it will retain a conservation easement that is substantially the same as the existing conservation easement over the adjacent Johnson property. The conservation easement generally limits uses and activities on the property to natural resource protection and recreational and educational uses, and will require that any revenue generated on the Lawson property be spent on operating and maintaining the property. The District will also receive a recreation covenant that obligates the County to provide public access to the property in perpetuity. In connection with the recreation covenant, the County will record an irrevocable offer of dedication that will allow transfer of the property back to the District should, in the future, the County, for any reason, be unable to keep the property open to the public.

Fiscal Oversight Commission Determination

On June 5, 2014, the District's Fiscal Oversight Commission determined that it can be reasonably concluded that the cumulative value of the conservation easement and recreation covenant to be received by the District is not less than the fair market value of the restricted fee interest the District is conveying.

Funding Request and Endowment

At the time of acquisition of the Lawson property, the seller donated \$100,000 to the District as an endowment to assist in opening the property to the public. At that time, the Open Space Authority authorized a \$100,000 match from the District to cover endowment and stewardship costs. The funds were to be used for road repairs to prevent sediment from running into Hood Creek, signage, trail construction, and as match funds for grant funds.

Regional Parks has requested \$600,895 for initial public access improvements and operations and maintenance activities for the first three years of property ownership (see below for details). Consistent with the District's Expenditure Plan and its Initial Public Access and Operations and Maintenance Policy (Policy), the District may provide funding, on a reimbursement basis, to assist in providing initial public access and operations and maintenance on recreational properties purchased with the open space sales tax.

The District is proposing to transfer the \$100,000 endowment, plus \$15,495 in accrued interest, from the seller directly to the County for initial public access and stewardship activities. In addition, the District is proposing to increase its original \$100,000 endowment match to an amount not to exceed \$485,400, available to the County on a reimbursement basis, per the Policy, for initial public access and

operation and maintenance activities, as defined in the Transfer Agreement and explained below. As there is currently no public access on the Lawson property, the General Manager believes the proposed costs are appropriate.

Initial Public Access and Operations and Maintenance Fund Status

Per the District’s Expenditure Plan, the District is allowed to expend up to 10% of its sales tax revenue on initial public access and operations and maintenance costs (I.P.A. and O. & M.). From April 1, 2007 until June 30, 2013, 10% of the sales tax received was \$11,865,300. Eligible expenditures from that same period were \$10,615,000, leaving a reserve amount as of June 30, 2013 of \$1,250,246. For FY 2013-14, it is anticipated that the District will receive approximately \$19,051,200 in sales tax, providing an additional \$1,905,120 towards eligible I.P.A. and O. & M. costs for the year. Estimated costs for I.P.A. and O. & M. for this fiscal year total \$645,300. Therefore, the reserve as of June 30, 2014 for the 10% cap is calculated as shown below:

| | |
|--|---------------------------|
| Beginning reserve balance as of June 30, 2013 | \$1,250,246 |
| Estimated 10% of FY 2013-14 Sales Tax revenues | \$1,905,120 |
| Estimate of FY 2013-14 expenditure of eligible I.P.A., O. & M. costs | <u>(\$645,300)</u> |
| Estimated IPA, O&M reserve as of June 30, 2014 | <u><u>\$2,510,066</u></u> |

In addition, the District has committed to I.P.A. and O. & M. payments to its recreational partners that run through FY 16-17 totaling approximately \$308,450. The District is also currently considering significant funding requests for I.P.A. and O. & M. activities on three other properties, and anticipates requests for at least another two properties, which would be expended beginning in FY 14-15.

Proposed Initial Public Access

Regional Parks is proposing to complete a Master Plan, community-based planning process, design, permitting construction, and improvements in order to provide initial public access on the property. The attached table shows the proposed costs of these activities. Initial improvements will consist of an approximate 1.8-mile multiple-use trail connecting the Lawson Addition to the existing Hood Mountain Regional Park & Open Space Preserve as well as resource protection measures. Visitors will access the property via the Pythian Road Trailhead.

The Master Plan process will begin this fall and is anticipated to be completed in 2015. Construction of the connecting trail and resource protective measures are anticipated to begin fall 2015 or spring 2016. The Master Plan will also evaluate additional trails, interpretive facilities, environmental campsites, and a possible use of the cabin by the public.

Proposed Operations, Maintenance and Volunteer Services

Regional Parks is anticipating a steady increase in use of the property as trails and recreational amenities are developed. Trail improvements and amenities will accelerate public use, generate new revenues to support operations, and provide increased diversity in the outdoor recreational opportunities available to the community. Regional Parks has developed a three-year Operations, Maintenance and Volunteer Services Budget and Work Plan as shown in the attached table.

Services provided by Regional Parks will include regular park patrols, law enforcement, emergency

response, vegetation management and road repairs as necessary to operate and maintain the property. Regional Park staff will provide regular interpretive hikes and tours of the property to public while an initial public access trail is developed and incorporated into the existing trail system at Hood Mountain Regional Park & Open Space Preserve. Once the trail is completed, volunteers will assist with park patrols, vegetation management along trails, non-native plant removal and other land stewardship and recreational activities.

Conformance with Adopted Plans

Sonoma County General Plan

The transfer of fee title to the County and the District's receipt of the conservation easement and recreation covenant is consistent with 2020 Sonoma County General Plan goals and policies, particularly in the Land Use and Open Space and Resource Conservation Elements, including:

- Preserve important biotic resource areas and scenic features with consistent uses and intensities. (LU-10)
- Identify and preserve roadside landscapes that have a high visual quality as they contribute to the living environment of local residents and to the County's tourism economy. (OSRC-3)
- Protect and enhance the county's natural habitats and diverse plant and animal communities. (OSRC-7)
- Establish a countywide park and trail system that meets future recreational needs of the county's residents while protecting agricultural uses, with an emphasis on trails near urban areas and on public lands. (OSRC-17)

District Acquisition Plan: Connecting Communities and the Land

The transfer of fee title to the County and the District's receipt of the conservation easement and recreation covenant is consistent with the District's Acquisition Plan, *Connecting Communities and the Land*, in the Greenbelts and Scenic Hillside category, and the Water, Wildlife and Natural Areas category, and the Recreation and Education category, specifically the Plan's policies to:

- Protect scenic lands and prominent natural features that are visible from highly traveled roads and highways and that contribute to the county's rural character and sense of place; and
- Preserve natural systems and lands that support diverse biological resources; protect habitats important for the conservation and restoration of rare, threatened or endangered species, including serpentine; and protect lands that provide viable habitat linkages for wildlife; and
- Partner to expand parks and preserves that protect the county's unique natural habitats, scenic areas and other open space values of regional importance, and ensure that District-protected lands are managed to protect conservation values while allowing compatible public recreational and educational uses.

District Fee Lands Strategy

Transfer of the Lawson property is identified as a Tier One property in the approved Fee Lands Strategy with an expected transfer date of 2014.

California Environmental Quality Act

The District's transfer of the property and receipt of the conservation easement and recreation covenant are categorically exempt from C.E.Q.A. pursuant to 14 California Code of Regulations sections 15313(a) and (c) (acquisition of land for conservation purposes), 15316(a) (transfer of ownership of land

in order to create parks when a management plan has not been prepared), 15317 (easements and contracts to maintain open space character of the area), and 15325(a), (b), (c), and (f) (acquisitions and transfers of interests in land to preserve natural conditions, to allow continued agricultural use, to allow restoration of natural conditions, and to preserve lands for park purposes). The District's grant of funds for operation and maintenance activities is categorically exempt from CEQA pursuant to 14 California Code of Regulations sections 15301 (existing facilities), 15302 (replacement or reconstruction), 15304 (minor alterations to the land), 15306 (information collection) and 15311 (accessory structures). Capital improvements for the property have not yet been determined and will be subject to CEQA analysis prior to any District funding. The District's reservation of such funding in connection with the transfer of the property is thus exempt from C.E.Q.A. pursuant to 14 California Code of Regulations section 15316(a) (transfer of ownership of land in order to create parks when a management plan has not been prepared).

Recommendation

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

1. authorizing and directing the General Manager to execute a transfer agreement with Regional Parks; and
2. authorizing and directing the President to execute a grant deed transferring fee title of the Lawson property to the County of Sonoma; and
3. authorizing and directing the President to execute a conservation easement and a recreation covenant over the property; and
4. authorizing the execution of certificates of acceptance; and
5. consenting to the recordation of an irrevocable offer of dedication; and
6. authorizing certain funding for initial public access and operations and maintenance; and
7. determining that the transfer of fee title to the County and the retention of the conservation easement and recreation covenant is consistent with the 2020 Sonoma County General Plan; and
8. directing the recordation of the transfer documents; and
9. directing the filing of a notice of exemption in compliance with the California Environmental Quality Act; and
10. authorizing all other actions necessary to transfer fee title to the County and to establish a permanent conservation easement and recreation covenant over the property.

Approve resolution of the Board of Supervisors of Sonoma County Regional Parks:

1. authorizing and directing the Director to execute a transfer agreement with the District; and
2. accepting the fee title to the Lawson property; and
3. authorizing the execution of a certificate of acceptance; and
4. authorizing and directing the Chair to execute a conservation easement, a recreation covenant and an irrevocable offer of dedication in favor of the District; and
5. directing recordation of the transfer documents; and
6. directing the filing of a notice of exemption in compliance with the California Environmental Quality Act; and
7. authorizing all other actions necessary to transfer fee title to the County and to establish a permanent conservation easement and recreation covenant over the property.

| | | | |
|---|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| On September 27, 2005, by Resolutions #05-0861 and #05-0826, the Board of Directors and Board of Supervisors, respectively, approved acquisition of the Lawson property. | | | |
| Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship | | | |
| Approval of the transfer will allow expansion of a regional park and open space preserve, providing additional recreational and educational opportunities for county residents and visitors. | | | |
| 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 financial impact for FY 13-14. Reimbursements of up to \$485,400 will be made with FY 14/15, 15/16 and 16/17 appropriations and will be eligible for Operations and Maintenance classification. | | | |
| Staffing Impacts | | | |
| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
| | | | |
| | | | |
| Narrative Explanation of Staffing Impacts (If Required): | | | |
| | | | |
| Attachments: | | | |
| <ol style="list-style-type: none"> 1. Resolution of Board of Directors 2. Resolution of Board of Supervisors 3. General Plan 2020 Location Map 4. Site Map 5. Transfer Agreement 6. Conservation Easement | | | |

7. Recreation Covenant
8. Draft Grant Deed
9. Certificate of Acceptance (District) – Conservation Easement
10. Certificate of Acceptance (District) – Recreation Covenant
11. Certificate of Acceptance (County) – Fee Title
12. Irrevocable Offer of Dedication (County)
13. Draft Notice of Exemption (District)
14. Draft Notice of Exemption (Regional Parks)
15. Estimate for Initial Public Access
16. Estimate for Operation and Maintenance

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

Date: June 10, 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, Authorizing and Directing the General Manager to Execute a Transfer Agreement; Authorizing and Directing the President to Execute a Grant Deed to Transfer Property to the County; Authorizing and Directing the President to Execute and Accept a Conservation Easement and a Recreation Conservation Covenant; Authorizing Execution of Certificates of Acceptance; Consenting to the Recordation of an Irrevocable Offer; Authorizing Certain Funding; Determining that the Transaction is Consistent with the General Plan; Directing the Recordation of Documents and the Filing of a Notice of Exemption under C.E.Q.A.; and Authorizing All Other Actions Necessary to Complete the Transfer. (4/5 Vote Required.)

Whereas, the District owns approximately 247.3 acres of land located near the city of Santa Rosa (APNs: 030-030-002, 030-110-007) known as the Lawson property (“Lawson” or “the Property”); and

Whereas, the District currently holds a conservation easement over the adjacent Johnson property, which the District purchased in 2003 and transferred to the County of Sonoma as an addition to Hood Mountain Regional Park and Open Space Preserve, owned by the County of Sonoma (“Johnson”); and

Whereas, the District’s General Manager has negotiated and is recommending the transfer of the fee title interest in the Property to the County of Sonoma for a further addition to the Hood Mountain Regional Park and Open Space Preserve, subject to a conservation easement, a recreation covenant, an irrevocable offer of dedication, and other specified conditions (“the Project”); and

Whereas, as a component of the Project, the District’s General Manager is recommending an allocation of funds for use by the County of Sonoma of up to a total of \$485,400 over a period of three years for reimbursement of the County’s costs of providing initial public access, operations and management of the Property; and

Resolution #

Date:

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Whereas, the Project fulfills policies of the District's acquisition plan, Connecting Communities and the Land in three categories: Greenbelts and Scenic Hillside; Water, Wildlife and Natural Areas; and Recreation and Education, including policies to protect scenic lands and prominent natural features that are visible from highly traveled roads and highways and that contribute to the county's rural character and sense of place; preserve natural systems and lands that support diverse biological resources; protect habitats important for the conservation and restoration of rare, threatened or endangered species including serpentine habitats; protect lands that provide viable habitat linkages for wildlife; and partner to expand parks and preserves that protect the county's unique natural habitats, scenic areas and other open space values of regional importance, and ensure that District-protected lands are managed to protect conservation values while allowing compatible public recreational and educational uses; and

Whereas, that by its Resolution No. 2014-007 dated May 15, 2014, the Sonoma County Open Space Fiscal Oversight Commission determined that it can be reasonably concluded that the cumulative value of the conservation easement and recreation covenant to be received by the District is not less than the fair market value of the restricted fee interest the District is conveying;

Now, Therefore, Be It Resolved that this Board of Directors hereby finds, determines, declares and orders as follows:

1. *Truth of Recitals.* That the foregoing recitations are true and correct.
2. *General Plan Consistency.* That the Project furthers goals in the Land Use and Open Space and Resource Conservation Elements of the 2020 Sonoma County General Plan in that it preserves important biotic resource areas and scenic features with consistent uses and intensities; preserves roadside landscapes that have a high visual quality as they contribute to the living environment of local residents and to the county's tourism economy; protects and enhances the county's natural habitats and diverse plant and animal communities; and helps to establish a countywide park and trail system that meets future recreational needs of the county's residents.
3. *Expenditure Plan Consistency.* That the Project is consistent with the Expenditure Plan approved by the voters of Sonoma County in 2006 in Measure F.
4. *Transfer Agreement.* That the District's General Manager is authorized to execute the Transfer Agreement by and between the County of Sonoma and the District.

Resolution #

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5. *Authority to Execute Grant Deed.* That the President is authorized and directed to execute, on behalf of the District, a grant deed to transfer fee title in the Property to the County of Sonoma.

6. *Authority to Sign Contracts.* That the President is authorized and directed to execute, on behalf of the District those certain agreements entitled "Deed and Agreement By and Between the County of Sonoma and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement" (Conservation Easement) and "Lawson Recreation Conservation Covenant" (Recreation Covenant), together with the certificates of acceptance required by Government Code Section 27281.

7. *Consent to Recordation of Irrevocable Offer.* That the District hereby consents to the recordation on the Property of that certain agreement entitled "Irrevocable Offer of Dedication (Lawson)" from the County of Sonoma.

8. *Closing Documents.* That the General Manager is authorized to make any technical, non-substantive changes in the Conservation Easement, Recreation Covenant, Transfer Agreement, Irrevocable Offer of Dedication and other closing documents prior to recordation with the prior approval of the District's Counsel. The General Manager is further authorized to execute any other documents necessary to complete this transaction as described

9. *Document Recording.* That the General Manager is authorized and directed to forthwith record with the Sonoma County Recorder the following documents in the following order: a) Grant Deed and County certificate of acceptance; then b) Conservation Easement and District certificate of acceptance; then c) Recreation Covenant and District certificate of acceptance; and then d) Irrevocable Offer of Dedication, and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Directors.

10. *Costs of Escrow.* That at the request of the General Manager, the County Auditor draw a warrant or warrants against available funds in the County's Open Space Special Tax Account in an amount not to exceed \$25,000 payable to Fidelity National Title Company (Escrow No. 7051400791) for any costs incurred in connection with the Project and in such other amounts necessary for associated transactional costs requested by the General Manager.

11. *Dedication.* That the conservation easement to be acquired by the District is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540.

12. *Funding for Initial Public Access, Operations and Management.* That, after transfer of fee title of the Property to the County and recordation of the

Resolution #

Date:

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conservation easement, recreation covenant, and irrevocable offer of dedication, and at the request of the General Manager, the County Auditor shall draw a warrant or warrants against available funds in the County's Open Space Special Tax Account in amounts not to exceed a total of \$485,400 over a period of three years for reimbursement to the County for its costs of providing initial public access and operation and management of the Property, in accordance with the terms of the Transfer Agreement. In addition, the District will transfer to the County the existing \$100,000 endowment, with \$15,495 accrued interest, for use in accordance with the terms of the Transfer Agreement.

13. *California Environmental Quality Act.* That the project authorized by this resolution is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 and following) pursuant to Section 15316(a) of Title 14 of the California Code of Regulations because the purpose of the project is to transfer ownership of land in order to establish a park where the land is in a natural condition and the management plan for the park has not been prepared; alternatively is exempt pursuant to 15313(a) and (c) of Title 14 of the California Administrative Code because the purpose of the acquisition is to preserve fish and wildlife habitat and to preserve public access to land in its natural condition; alternatively is exempt pursuant to Section 15317 of Title 14 of the California Code of Regulations because the purpose of the acquisition is to maintain the open space character of the area; and alternatively is exempt pursuant to Section 15325(a), (c) and (f) of Title 14 of the California Code of Regulations because the purpose of the acquisition is to preserve and restore the existing natural conditions and to preserve lands for park purposes, respectively. To the extent that the project includes authorization for funding for costs of initial public access and operations and management of the Property, it alternatively is exempt pursuant to Section 15301 of Title 14 of the California Code of Regulations to the extent that it provides for repair and maintenance of existing facilities; and alternatively is exempt pursuant to Section 15302 of Title 14 of the California Code of Regulations to the extent that it provides for replacement or reconstruction of existing structures and facilities; and alternatively is exempt pursuant to Section 15304 of Title 14 of the California Code of Regulations to the extent that it provides for minor alterations to land; and alternatively is exempt pursuant to Section 15306 of Title 14 of the California Code of Regulations to the extent that it provides for resource evaluation activities; and alternatively is exempt pursuant to Section 15311 of Title 14 of the California Code of Regulations to the extent that it provides for construction or replacement of accessory structures in an open space preserve designed for public use.

14. *Notice of Exemption.* That, immediately upon the adoption of this resolution, the General Manager is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code 21152.

Resolution #

Date:

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15. *Validation.* The agreements authorized by this resolution are contracts within the definition of Government Code Section 53511 and as such, any action challenging the validity of any or all of the contracts must be commenced within sixty (60) days of the adoption of this resolution pursuant to Section 863 of the Code of Civil Procedure.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing And Directing Regional Parks' Director To Execute A Transfer Agreement And Accepting Fee Title To The Lawson Property; Authorizing Execution of a Certificate Of Acceptance; Authorizing And Directing The Chairman To Execute A Conservation Easement Amendment, A Recreation Covenant And An Irrevocable Offer of Dedication; Directing The Recordation Of The Transfer Documents; Directing The Filing Of A Notice Of Exemption; And Authorizing All Other Actions Necessary To Complete The Transfer. (4/5 Vote Required.)

Whereas, the County Agricultural Preservation and Open Space District (District) owns approximately 247.3 acres of land located east of the city of Santa Rosa (APNs: 030-030-002 and 030-110-007), known as the Lawson property (the Property); and

Whereas, Regional Parks' Director has negotiated and is recommending accepting fee title interest in the Property from the District, subject to a conservation easement and a recreation covenant, and granting an irrevocable offer of dedication to the District (the Project); and

Whereas, the Project fulfills policies of the District's acquisition plan, Connecting Communities and the Land in three categories: Greenbelts and Scenic Hillside; Water, Wildlife and Natural Areas; and Recreation and Education, including policies to protect scenic lands and prominent natural features that are visible from highly traveled roads and highways and that contribute to the county's rural character and sense of place; preserve natural systems and lands that support diverse biological resources; protect habitats important for the conservation and restoration of rare, threatened or endangered species including serpentine habitats; protect lands that provide viable habitat linkages for wildlife; and partner to expand preserves that protect the county's unique natural habitats, scenic areas and other open space values of regional importance, and ensure that District-protected lands are managed to protect conservation values while allowing compatible public recreational and educational uses; and

Whereas, the Project fulfills a goal of Sonoma County and Regional Parks to expand recreational and educational opportunities at Hood Mountain Regional Park & Open

Resolution #

Date:

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Space Preserve to meet future recreational needs of the county's residents while preserving important biotic resource areas and scenic features; and protecting and enhancing the county's natural habitats and diverse plant and animal communities.

Now, Therefore, Be It Resolved that this Board of Supervisors hereby finds, determines, declares and orders as follows:

1. Truth of Recitals. That the foregoing recitations are true and correct.
2. Transfer Agreement. That the Regional Parks' Director is authorized to execute the Transfer Agreement by and between the County of Sonoma and the District.
3. Authority to Execute Certificate of Acceptance. That the Chairman is authorized and directed to execute, on behalf of the County of Sonoma, a certificate of acceptance of fee title in the Property pursuant to Government Code Section 27281.
4. Authority to Sign Contracts. That the Chairman is authorized and directed to execute, on behalf of the County of Sonoma those certain agreements entitled "Deed and Agreement by and between the County of Sonoma and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement and Assigning Development Rights" (Conservation Easement) and "Lawson Recreation Conservation Covenant" (Recreation Covenant) and "Irrevocable Offer of Dedication."
5. Closing Documents. That the Regional Parks' Director is authorized to make any technical, non-substantive changes in the Conservation Easement, Recreation Covenant, Transfer Agreement, Irrevocable Offer of Dedication and other closing documents prior to recordation with the prior approval of the County Counsel. The Regional Parks' Director is further authorized to execute any other documents necessary to complete this transaction as described.
6. Authorization for Recordation. That the District's General Manager is authorized and directed to forthwith record with the Sonoma County Recorder the following documents in the following order: a) Grant Deed and County certificate of acceptance; then b) Conservation Easement and District certificate of acceptance; then c) Recreation Covenant and District certificate of acceptance; then d) Irrevocable Offer of Dedication; then e) such document(s) as County Counsel determines to be necessary or appropriate to ensure the termination of the Existing Servitude upon termination of the Bamberger Life Estate, and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Supervisors.
7. California Environmental Quality Act. That the project authorized by this resolution consists of acquisition of fee title to the 247.3 acre Lawson property. Acquisition of the property does not have the potential for causing a significant effect on the environment. The project will not result in the removal healthy, mature, scenic trees, and will not result in cumulative impacts or significant

Resolution #

Date:

Page 3

effects to scenic or historical resources. The project area is not located on a site that is included on the lists compiled pursuant to §65962.5 of the Government Code or within any wetland, officially designated scenic area, or officially mapped area of severe geologic hazard.

8. Notice of Exemption. That, immediately upon the adoption of this resolution, the Regional Parks' Director is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code 21152.

9. Validation. The agreements authorized by this resolution are contracts within the definition of Government Code Section 53511 and as such, any action challenging the validity of any or all of the contracts must be commenced within sixty (60) days of the adoption of this resolution pursuant to Section 863 of the Code of Civil Procedure.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

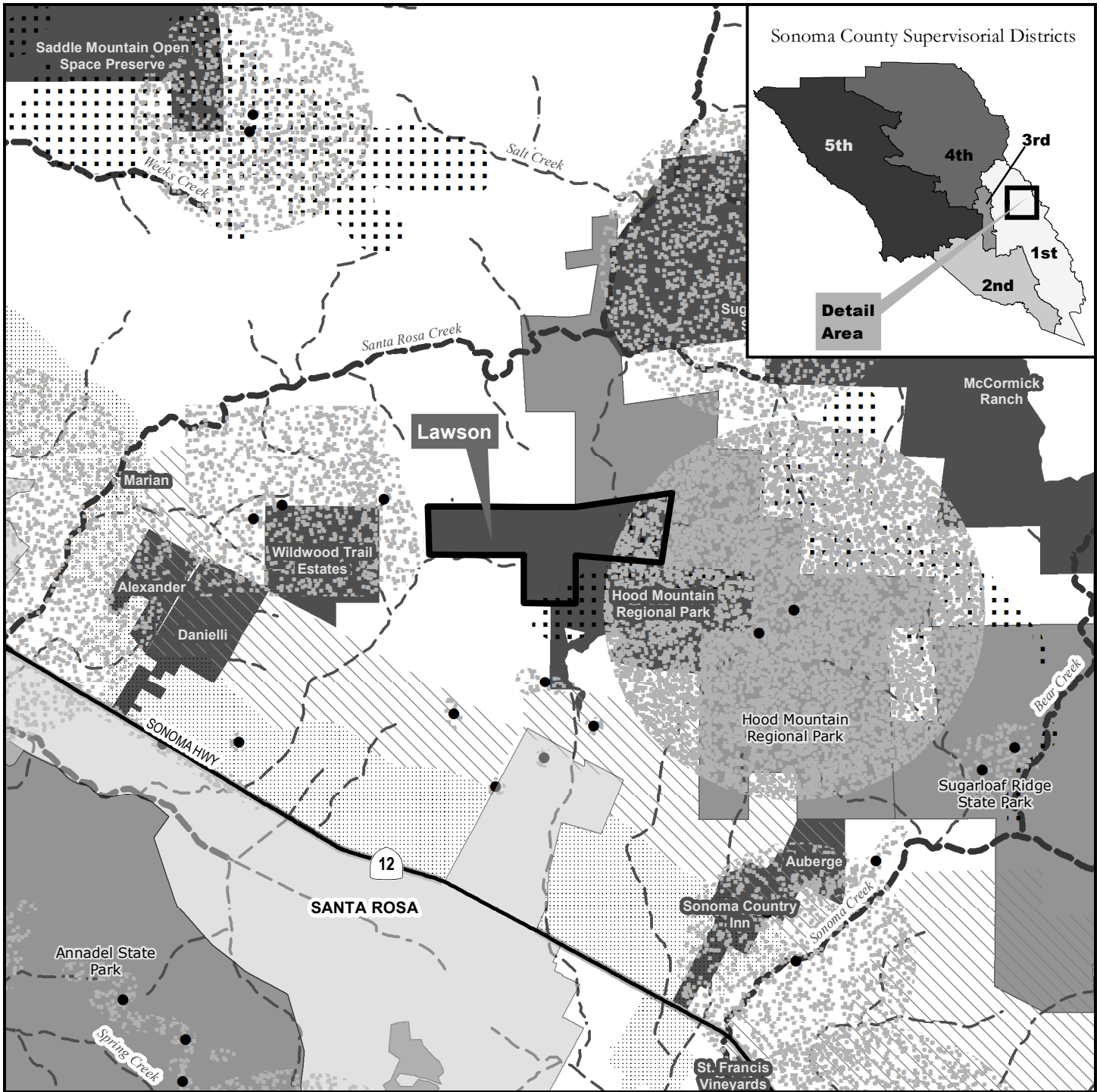
Ayes:

Noes:

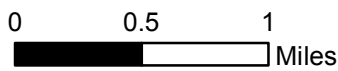
Absent:

Abstain:

So Ordered.



Lawson
LOCATION / GENERAL PLAN MAP



Map Date: 5/9/2014
 Sources: Sonoma County GIS Group;
 Sonoma County General Plan 2020,
 Open Space and Resource
 Conservation Element.
 Note: This map is for illustrative
 purposes only. It is not intended to be
 a definitive property description.



AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Open Space and Resource Conservation Element

- Lawson Property
- Incorporated City Land
- District Holding
- Public Land
- Community Separator
- Scenic Landscape Unit
- Scenic Corridor

OUTDOOR RECREATION

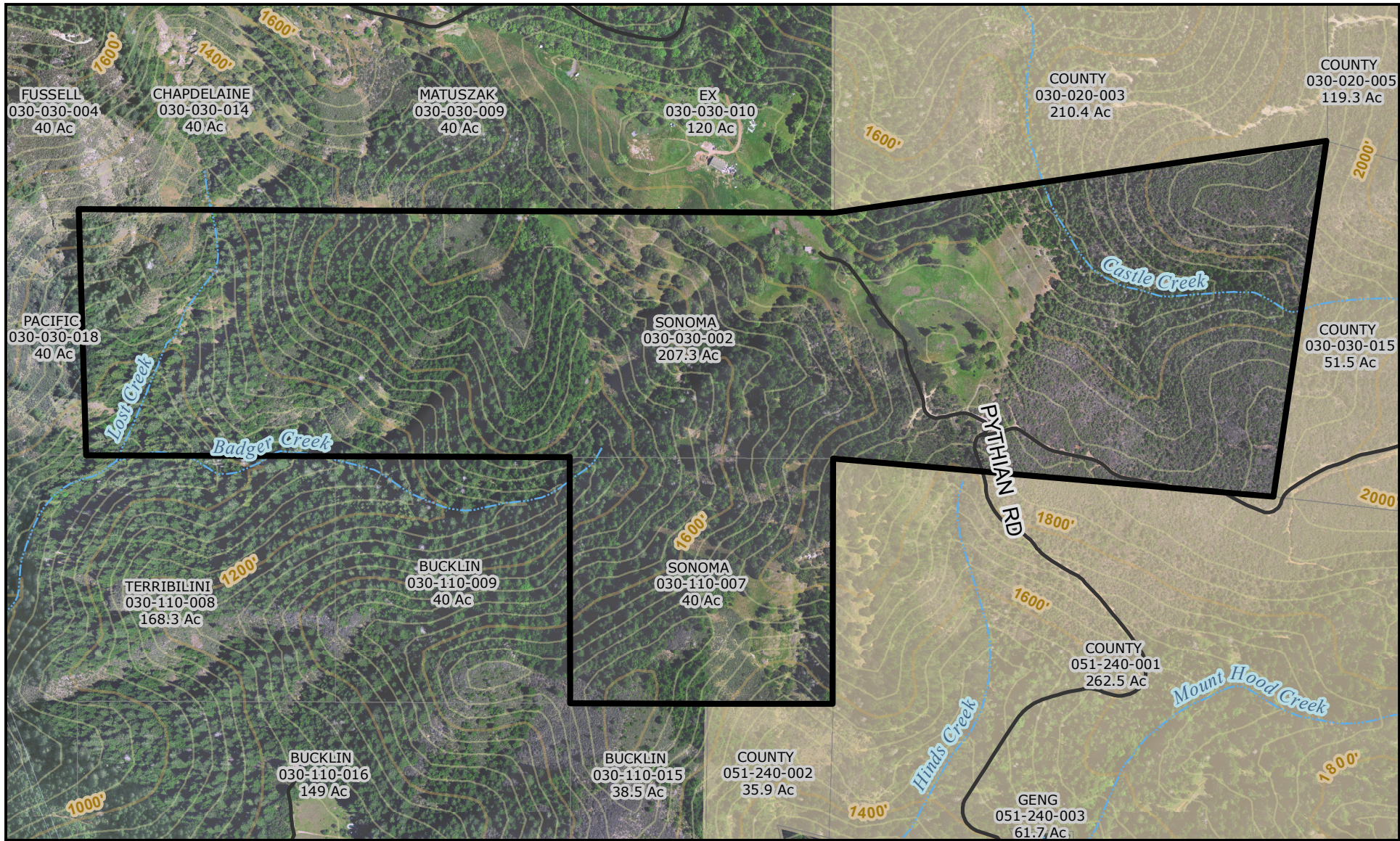
- Planned Future Park *


BIOTIC RESOURCES

- Special Status Species
- Sensitive Status Species Habitat
- Marshes and Wetlands *
- Critical Habitat Area
- Habitat Connectivity Corridor *
- Riparian Corridor (Intermittent)
- Riparian Corridor (Perennial)

* Not on this map


ATTACHMENT 4











SONOMA COUNTY
AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT


Lawson Site Map

0 500 1,000
 Feet

| | | | |
|--|---------------------|---|-----------------------------|
|  | 40 Foot Contours |  | Lawson Property |
|  | Intermittent Stream |  | Hood Mountain Regional Park |
|  | Internal Road | | |
|  | Parcels | | |

Zoning:
 Resources and Rural Development
 100 acre minimum lot size
 Biotic Resource Combining District
 Scenic Design Combining District

Map Date: 5/9/2014
 Sources: SCWA (streams); County GIS (parcels, roads);
 USGS, Sonoma Co (2011 imagery)
 This map is for illustrative purposes only and is not intended
 to be a definitive property description.


 N

ATTACHMENT 5

**LAND TRANSFER AGREEMENT BETWEEN
THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN
SPACE DISTRICT AND THE COUNTY OF SONOMA**

Lawson Addition to Hood Mountain Regional Park and Open Space Preserve

This Agreement ("Agreement") is made and entered into as of _____, 2014 ("Effective Date") by and between the Sonoma County Agricultural Preservation and Open Space District, hereinafter referred to as the "District," and the County of Sonoma, hereinafter referred to as the "County."

R E C I T A L S

WHEREAS, the County owns, operates, and maintains parks, open space, recreation facilities and programs within its boundaries; and

WHEREAS, the District, under the authority of Public Resources Code Section 5540, and pursuant to District Board of Directors Resolution No. 05-0861, dated September 27, 2005, acquired the approximate 247-acre Lawson Ranch property ("the Property"), as more particularly described in Exhibit A; and

WHEREAS, the District acquired the Property for open space, scenic and public recreation purposes; and

WHEREAS, the District desires to divest itself of fee ownership of the Property, including associated management and financial responsibilities; and

WHEREAS, pursuant to Public Resources Code Section 5540.6, the District may, with the approval by a four-fifths vote of its Board of Directors, convey the Property to the County, provided the County undertakes in a recorded written agreement to continue to use the Property for park or open-space purposes and not to convey the Property without the consent of a majority of the voters of the District; and

WHEREAS, the County desires to take title to the Property and to devote it to use as a regional park and open space preserve with low-intensity public outdoor recreational uses, subject to a conservation easement and a recreation covenant held by the District; and

WHEREAS, in accordance with the terms and conditions of this Agreement, the District is willing to transfer title to the Property to the County;

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the District and County agree as follows:

A G R E E M E N T

1. *Recitals.* The foregoing recitals are true and correct and are incorporated by this reference.

2. *District's Obligations During Interim Period.* During the period between the Effective Date of this Agreement and the Transfer Date (as defined in Paragraph 4 below), which period shall hereinafter be referred to as the "Interim Period," the District shall manage the Property consistent with the historic standard of care exercised by the District. The District shall have no other obligations under this Agreement during the Interim Period.

3. *County's Obligations During Interim Period.* During the Interim Period, the County shall undertake whatever measures it deems necessary or appropriate to complete its due diligence investigation of the Property within the timelines prescribed in this Paragraph 3. If the County discovers conditions or circumstances that were not known, anticipated or foreseen at the time of execution of this Agreement that create an unreasonable risk of harm to persons or property, or create unreasonable liability for the County as owner of the Property (collectively "Unacceptable Conditions"), the County shall notify the District of such Unacceptable Conditions as soon as practicable, but not later than twenty (20) days after the Effective Date of this Agreement, which 20-day period shall hereinafter be referred to as the "Due Diligence Period." The Parties shall thereafter attempt, in good faith, to address and resolve same. The County's obligation to accept fee title to the Property shall be subject to either (1) no Unacceptable Conditions having been discovered by the County, or (2) such Unacceptable Conditions having been addressed and resolved to the satisfaction of the County. Should County fail to notify the District of any Unacceptable Conditions prior to the expiration of the Due Diligence Period, County's obligation to accept fee title shall be subject to only such conditions as are explicitly provided in this Agreement. County will waive the protections of this Paragraph 3 to the extent it agrees to accept the Property pursuant to Paragraph 4 prior to the expiration of the Due Diligence Period.

4. *Transfer of Title, Conveyance of Conservation Easement and Recordation of Recreation Covenant.* No later than thirty (30) days after the Effective Date or such later date as the parties may stipulate, the District shall transfer and the County shall accept fee title to the Property, which transfer shall be made by grant deed in the form attached hereto as Exhibit "B" and in accordance with Public Resources Code Section 5540.6. The date of such transfer shall hereinafter be referred to as the "Transfer Date." District shall transfer

and County agrees to accept the Property in its “AS IS” condition with all faults and without representation or warranty from District. Concurrently, the County shall convey to the District a Conservation Easement in the form provided in Exhibit “C,” attached hereto (“Conservation Easement”), and a Recreation Conservation Covenant in the form provided in Exhibit “D,” attached hereto (“Recreation Covenant”). To effectuate these purposes, County and District agree to submit joint escrow instructions.

5. *Property Name.* The Property shall be called and identified as the Lawson Addition to Hood Mountain Regional Park and Open Space Preserve.

6. *County’s Obligations Upon Transfer Date.* County shall assume all responsibilities of property ownership upon the Transfer Date, and shall thereafter operate and maintain the Property as an open space preserve with low-intensity outdoor public recreation consistent with the Conservation Easement and the Recreation Covenant.

7. *Endowment.*

a. At the time the District acquired the Property, the seller donated \$100,000 to the District as an endowment to assist in opening the property to the public. The funds were to be used for road repairs to prevent sediment from running into Hood Creek, signage, trail construction, and as match funds for grant funds. Upon transfer of the Property, the District will provide these funds, plus \$15,495 in accrued interest, to the County. County agrees that these funds and interest will be used solely for the purposes set forth in this subparagraph (a).

b. At the time the District acquired the Property, the District agreed to provide a \$100,000 match to the endowment to cover stewardship costs. As the District has spent \$14,853 of this match on eligible expenses on the property, the District will provide the remaining \$85,147 to the County on a reimbursement basis, in accordance with Paragraph 8.

8. *Grant Funding*

a. Subject to all terms and conditions herein, the District shall provide up to \$470,547, which amount includes the remaining match under Paragraph 7.b and additional funds, to be used by County exclusively for planning, permitting, development, and operations and maintenance costs necessary to support initial public access on the Property (“Tasks”).

b. Tasks eligible for funding are as set forth in Exhibit E. The funding amounts set forth in Exhibit E may be adjusted in a Work Plan approved by the District pursuant to Section 9.a below (“approved Work Plan”).

c. All Tasks shall be undertaken in a manner consistent with the Conservation Easement and the Recreation Covenant. All Tasks shall be in accordance with the approved Work Plan.

d. District's funding under this Agreement shall be available until July 31, 2017. Any funds not expended by July 31, 2017 shall revert back to the District's general account and shall no longer be available under this Agreement.

9. *Procedural Requirements*

a. **Work Plan.** Prior to the disbursement of any funding under this Agreement, County shall submit, for District approval, a Work Plan describing each Task and, for each Task, establishing a timeline and budget for its completion. The District's approval of the Work Plan shall be based upon the Work Plan's consistency with this Agreement, the Conservation Easement and the Recreation Covenant. The Work Plan shall include: 1) a general description of each Task to be undertaken, which may include planning, development, operations and maintenance in support of initial public access; 2) a timeline or schedule for each proposed Task; 3) success standards for each Task, and a corrective action plan in the event of failure to meet those success standards; and 4) a detailed budget for each Task, including proposed expenditure of District funds and the source of any additional funds necessary to accomplish the Task. The Work Plan may be amended from time to time with District's written approval. Such approval shall not be unreasonably withheld.

b. **Disbursement of Funds.**

- i. **Pre-Conditions.** The District shall not be obligated to disburse any funds unless and until all of the following conditions have been met:
- The District's Board of Directors has approved funding under this Agreement.
 - The Conservation Easement has been executed and County is in compliance with the terms of the Easement.
 - The Recreation Covenant has been executed and County is in compliance with the terms of the Covenant.
 - A Work Plan, pursuant to Section 9.a of this Agreement, has been approved by the District.
 - County has obtained all permits and approvals necessary for proposed Tasks under applicable local, state and federal laws and regulations.
 - Environmental review has been completed to the extent required under the California Environmental Quality Act and the District is satisfied that the proposed Tasks will have no significant adverse environmental impact or are otherwise exempt under the Act.

- County has provided required insurance coverage as described in Section 10.b of this Agreement.

ii. Payment.

1. Reimbursement. After the Work Plan is approved, County shall complete and submit no more frequently than monthly and no less frequently than quarterly, reimbursement claims in a form acceptable to the District containing at a minimum all the information in the sample form attached hereto as Exhibit F. With each reimbursement claim, County shall include a narrative cover letter describing the Tasks undertaken. The District will pay the claims of County within 30 days of receipt of such claims, provided that the District's General Manager is satisfied that the claims (i) are complete; (ii) include adequate supporting documentation; and (iii) are for eligible expenses reasonably incurred in compliance with this Agreement.

2. Billing Rates. Billing rates for County's staff shall be as set forth in Exhibit G.

3. Final Reimbursement. County shall ensure that the final request for reimbursement filed with the District is clearly labeled as a final request. Upon payment, or final rejection, of the final request for reimbursement, all funds reserved under this Agreement but not expended, shall revert back to the District's general account, and shall no longer be available for disbursement under this Agreement.

10. *Work Requirements*

a. Procurement. In the expenditure of District's funding for goods and services, County shall comply with District's competitive procurement procedures, including those required by laws applicable to a special district created by Public Resources Code section 5500 et seq. Alternatively, subject to District consent, County may use its own competitive procurement procedures, provided that such procedures provide financial protection equal to or greater than those provided by the District's competitive procurement procedures. Should County desire to use its own competitive procurement procedures in lieu of District's, County shall submit its procedures to District for review and approval. If District, in its sole discretion, determines that County's procurement procedures are not sufficiently rigorous, District may deny the request and County shall thereafter use District's procurement procedures for all transactions undertaken in connection with the District's funding. In any event, County shall assure that costs to be reimbursed by District

do not exceed fair market value of the goods and services supplied.

b. Insurance. County shall maintain the insurance specified in Exhibit H, attached hereto and incorporated herein by this reference.

c. Prevailing Wage. To the extent any portion of any Task constitutes the performance of a “public work” within the meaning of Labor Code section 1720, County shall comply with all applicable wage and hour laws, including without limitation Labor Code Sections 1775, 1776, 1777.5 1813 and 1815 and California Code of Regulations, Title 8, Section 16000, et seq.

d. ADA Requirements. County shall ensure compliance with the Americans with Disabilities Act (ADA) in the provision of public access to the Property.

e. Non-Discrimination. County 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, the District’s Non-Discrimination Policy. All nondiscrimination rules and regulations required by law to be included in this Agreement are incorporated herein by this reference.

11. *Records Keeping*

a. Records. All financial, accounting, procurement, licenses, insurance, and programmatic records related to all Tasks performed and reimbursements requested shall be maintained by County for no less than five (5) years after final reimbursement under this Agreement.

b. Records Access. District staff shall have access to financial, accounting, procurement, licenses, insurance, and programmatic records related to all Tasks performed and reimbursements requested for no less than five (5) years after final reimbursement under this Agreement.

c. Annual Audit. County shall submit annual audited financial statements related to the District’s grant funding to the District by October 31 of each year until the October 31 following final reimbursement under this Agreement.

d. Accounting Requirements. County must maintain an accounting system that is in accordance with sound generally accepted accounting procedures and standards, and as such:

- i. Accurately reflects responsible fiscal transactions, with the necessary controls and safeguards.
- ii. Provides a solid audit trail, including original source documents such as purchase orders, receipts, progress payments, invoices, timecards, and evidence of payment.
- iii. Provides accounting data so the total cost of the project and each individual component can be readily determined.

e. **Fiscal and Project Monitoring.** All Tasks and all reimbursements requested will be subject to monitoring by the District for compliance with this Agreement. The monitoring may include examination of books, papers, accounts, documents or other records of County as they relate to the expenditure of District grant funds.

12. *District Reservation of Rights.* The District shall have the right to enter and inspect the Property upon 24-hour notice for the purposes of ensuring compliance with this Agreement.

13. *Indemnification.* County agrees to accept all responsibility for loss or damage to any person or entity, including but not limited to District, its officers, agents, and employees and to defend, indemnify, hold harmless, reimburse and release District, its officers, agents, and employees, from and against any and all actions, claims, damages, disabilities, liabilities and expense, including but not limited to attorneys' fees and the cost of litigation, whether arising from personal injury, Property damage or economic loss of any type, that may be asserted by any person or entity, including County, arising out of or in connection with this Agreement and/or Tasks undertaken with District funding, whether or not there is concurrent negligence on the part of District, but, to the extent required by law, excluding liability due to the sole or active negligence or the willful misconduct of District. If there is a possible obligation to indemnify, County's duty to defend exists regardless of whether it is ultimately determined that there is not a duty to indemnify. District shall have the right to select its own legal counsel at the expense of County, subject to County's approval, which approval shall not be unreasonably withheld.

14. *Method and Place of Giving Notice, Making Submissions and Payments.* Except as otherwise expressly provided herein, any notice, reimbursement claim, report, demand, request, approval, disapproval, or other communication that either party desires or is required to give under this Agreement shall be in writing and either served personally or sent by first class mail, private courier or delivery service, or fax addressed as follows:

TO DISTRICT:

General Manager
 Sonoma County Agricultural
 Preservation and Open Space District

747 Mendocino Avenue
Santa Rosa, CA 95401
Telephone: (707) 565-7360
Fax: (707) 565-7359

THE COUNTY:

Director
Sonoma County Regional Parks 2300
County Center Drive, 120A Santa
Rosa, CA 95403
Telephone: (707) 565-2041
Fax: (707) 579-8247

or to such other address as either party may designate by written notice to the other.

15. *Assignment and Delegation.* The County shall not assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the District, and no such transfer shall be of any force or effect whatsoever unless and until such consent is received.

16. *Amendment.* No changes in this Agreement shall be valid unless made in writing and signed by the parties to the Agreement. No oral understanding or agreement not incorporated in this Agreement shall be binding on any of the parties.

17. *Miscellaneous Provisions.*

a. *No Waiver of Breach.* The waiver by the District or by the 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.

b. *Severability and Interpretation.* 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. The County and the District 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. The County and the District acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

c. *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, conditioned or delayed.

d. *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.

e. 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.

f. Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as set forth below.

APPROVED:

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE
DISTRICT

General Manager

Date: _____

APPROVED AS TO FORM:

County Counsel

APPROVED:

THE COUNTY OF SONOMA

Director of Regional Parks

Date: _____

APPROVED AS TO FORM:

County Counsel

Exhibits (which are attached hereto and incorporated by this reference):

A: Legal Description

B. Form of Grant Deed

C: Form of Recreation Covenant

D: Form of Conservation Easement

Exhibit A: Legal Description

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

Exhibit B: Form of Grant Deed

RECORDING REQUESTED BY:
Fidelity National Title Company
Order No.: FSNX-7051400791

When Recorded Mail Document To:
County of Sonoma

APN/Parcel ID(s): 030-030-002-000
030-110-007-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

This transfer is exempt from the documentary transfer tax.
"The grantee is the United States or an agency or instrumentality thereof, a state or territory, or political subdivision thereof, R & T 11922."

The documentary transfer tax is \$ _____ and is computed on:
 the full value of the interest or property conveyed.
 the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in the **City of Santa Rosa**.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Sonoma County Agricultural Preservation and Open Space District, an open space district duly organized under the laws of the State of California

hereby GRANT(S) to County of Sonoma, a political subdivision of the State of California

the following described real property in the City of Santa Rosa, County of Sonoma, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RESERVING THEREFROM EASEMENTS FOR CONSERVATION PURPOSES AS FURTHER DESCRIBED AND DEFINED IN THOSE CERTAIN "DEED AND AGREEMENT BY AND BETWEEN COUNTY OF SONOMA AND THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT CONVEYING A CONSERVATION EASEMENT AND ASSIGNING DEVELOPMENT RIGHTS" AND "_____ REGIONAL PARK AND OPEN SPACE PRESERVE RECREATION COVENANT" RECORDED CONCURRENTLY HEREWITH.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED
(continued)

APN/Parcel ID(s): 030-030-002-000
030-110-007-000

Dated: June 3, 2014

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Sonoma County Agricultural Preservation and Open Space District, an open space district duly organized under the laws of the State of California

BY: _____
Name:
Title:

State of California

County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

Exhibit C: Form of Recreation Covenant

RECORDING REQUESTED BY AND RETURN TO:

Clerk of the Board of Directors
Sonoma County Agricultural
Preservation and Open Space District
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

Free recording per Government Code Section 6103

LAWSON
RECREATION CONSERVATION COVENANT
(California Civil Code §§815 *et seq.*)

THIS AGREEMENT is entered into by and between the Sonoma County Agricultural Preservation and Open Space District (“the District”) and the County of Sonoma, a political subdivision of the State of California, its successors and assigns and those claiming under it (“the Owner”) pursuant to Government Code section 5540.6.

Recitals

A. The District was formed for the purpose of preserving open space in the County of Sonoma and is funded by a voter-approved sales tax, the expenditure of which is directed and limited by the Sonoma County Agricultural Preservation & Open Space 2006 Expenditure Plan (“the 2006 Expenditure Plan” or “the Plan”) adopted as part of the Sonoma County Open Space, Clean Water and Farmland Protection Measure (Sonoma County Ordinance No. 5677R).

B. Among the categories of open space identified for protection in the 2006 Expenditure Plan are “fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations” listed in the Plan. In accordance with this requirement, the District acquired the fee interest in that certain real property, located in the unincorporated area of Sonoma County, more particularly described in Exhibit “A,” attached hereto and incorporated herein by this reference (“the

Lawson Property").

C. In a companion transaction of even date, the District has transferred fee interest in the Lawson Property to the Owner pursuant to Public Resources Code section 5540.6.

D. In a companion transaction of even date, the Owner has amended a conservation easement previously recorded on adjacent lands, such that the conservation easement now encompasses the Lawson Property as well (the "Conservation Easement"). The Conservation Easement generally limits the use of the Property to natural resource preservation and low-intensity public outdoor recreation consistent with identified open space values. This Covenant is intended to complement the Conservation Easement by assuring the continued and perpetual recreational use of the Lawson Property consistent with the Conservation Easement.

E. In companion transactions of even date, the Owner has granted to the District and its assignees an irrevocable offer of dedication of the fee interest in the Lawson Property to secure the Owner's performance under this Covenant (the "Irrevocable Offer of Dedication").

Agreement

FOR VALUABLE CONSIDERATION, the Owner hereby undertakes the following obligations for the benefit of the District:

1. *The Covenant.* The Owner hereby conveys to the District a recreation conservation covenant ("Covenant") within the meaning of Restatement Third, Property (Servitudes) §1.6(1) and pursuant to the authority of Civil Code §§815 *et seq.* and the common law of California, to assure that the Lawson Property will be continuously used, maintained and operated by the Owner and its successors in interest as a public park and open space preserve in perpetuity, available to the public for low-intensity public outdoor recreation and educational uses in a manner consistent with the Conservation Easement and the provisions herein.

2. Obligation to Provide Low-Intensity Public Outdoor Recreation and Educational Uses.

A. The Owner hereby agrees to use, operate and maintain the Lawson Property as a public park and open space preserve in perpetuity, available to the public for low-intensity outdoor public recreation and educational uses in a manner consistent with the Conservation Easement and the provisions herein. Such use, operation, and maintenance of the Lawson Property as a public park and open space preserve shall commence at such time that a trail on the Property has been designed and constructed and that sensitive cultural resources have been protected, no later than July 31, 2017, and shall include, at a minimum, general availability of the Lawson Property for public hiking, picnicking and nature study no less than six hours per day, seven days per week. Notwithstanding the foregoing, Owner reserves the right to exclude the public from the Lawson Property on a temporary basis to the extent necessary for public health or safety or for the protection of the property's natural resources and scenic values.

B. The Owner shall not engage in activities that impede public access to or public use of the Lawson Property for low-intensity outdoor public recreation and educational uses pursuant to this Covenant, except as necessary on a temporary basis to protect public health or safety or the property's natural resources and scenic values.

C. When an update to the Hood Mountain Regional Park and Open Space Preserve Master Plan is prepared and approved pursuant to Section 5 of the Johnson Conservation Easement, the Owner's use, operation and maintenance of the Lawson Property as a public park and open space preserve shall be in accordance with such updated Master Plan.

3. Enforcement.

A. In the event of an uncured breach by the Owner of any of its obligations under this Covenant, the District may: (1) institute a suit for appropriate equitable relief; (2) institute a suit to recover damages; (3) accept the Irrevocable Offer of Dedication identified in Recital C; or (4) pursue any combination of the foregoing.

B. Prior to taking any action under Paragraph 3.A, the District shall provide the Owner with a notice to cure ("Notice"). The Notice shall be a written notification generally describing the condition or event claimed by the District to be a breach of the Owner's obligations that is either mailed or otherwise delivered by the District to the Owner. The Notice shall include a reasonable period in which the breach must be cured to the reasonable satisfaction of the District. The remedies provided by Paragraph 3.A shall be available to the District immediately upon expiration of the cure period.

C. Enforcement of the obligations created by this Covenant shall be at the sole discretion of the District. Any forbearance by the District to exercise its rights under this Covenant shall not be deemed or construed to be a waiver or forfeiture by the District.

D. The actual damages incurred by the District and allowed by Civil Code section 815.7(c) resulting from the Owner's breach of the obligations imposed by this Covenant are uncertain and would be impractical or extremely difficult to measure. Accordingly, the parties agree that the District's damages shall be measured by the fair market value of the Lawson Property, unencumbered and without regard to the Conservation Easement or this Covenant, multiplied by the length of time in years, including fractions thereof, during which the breach remains uncured after Notice has been given by the District pursuant to Paragraph 3.B, multiplied by the then current annual interest rate for post judgment interest, provided however, that:

(i) No action for liquidated damages under this Paragraph D shall be filed without the consent of the District's Board of Directors; and

(ii) No liquidated damages shall be assessed during any period for which the Owner's governing body has, based upon substantial evidence, declared a fiscal emergency rendering it financially unable to perform its obligations under this Covenant; and

(iii) In no case shall liquidated damages exceed Two-Million Dollars (\$2,000,000) for any single breach. The Owner's liability for damages is discharged if the Owner cures the

breach within the time specified in the District's Notice.

E. The remedies set forth in this Paragraph 3 are in addition to and not intended to displace any other remedy available to either party as provided by this Covenant, the Conservation Easement, Civil Code Sections 815 *et seq.*, the common law or any other applicable local, state or federal law.

F. Nothing contained in this Paragraph 3 shall be construed to entitle the District to bring any action against the Owner for any failure to perform resulting from causes beyond the Owner's control, including, without limitation, wildfire, flood, storm, and earth movement, or from any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate a failure to perform resulting from such causes so long as such action, to the extent that the Owner has control, is designed and carried out in such a way as to further the purpose of this Covenant.

4. *Fee Transfers; Approval of Grantees.* No sale or transfer of the fee interest in the Lawson Property may occur without (a) the consent of a majority of the voters of the County of Sonoma at an election called and conducted by the Board of Directors of the District, and (b) the District's determination that the prospective buyer or transferee of such interest is reasonably qualified to perform the obligations created by this Covenant and the Conservation Easement. Neither the District's call of election nor its determination and consent shall be unreasonably withheld. A failure to comply with these requirements is a material breach of this Covenant subject to the remedies set forth in Paragraph 3.

5. *Third Party Beneficiaries.* The District and the Owner do not intend and this Covenant shall not be construed to create any rights in third parties.

6. *Integration.* This Agreement is the final and complete expression of the agreement between the parties and any and all prior or contemporaneous agreements written or oral have been merged into this written instrument, other than the Conservation Easement which remains in full force and effect.

7. *Inspection.* The District may, within its sole discretion and from time to time, inspect the Lawson Property to determine if the Owner is in compliance with this Covenant.

8. *Covenant to Bind Successors.* This Covenant shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running in perpetuity with the Lawson Property and shall bind the Owner and its successors in interest, including but not limited to purchasers at tax sales, assigns, and all persons claiming under them forever. The parties intend that this Covenant shall benefit and burden, as the case may be, their respective successors, assigns, heirs, executors, administrators, agents, officers, employees, and all other persons claiming by or through them pursuant to the common and statutory law of the State of California. Further, the parties agree and intend that this Covenant creates an easement encompassed within the meaning of the phrase "easements constituting servitudes upon or burdens to the property," and irrevocable offers of dedication encompassed within the meaning of the phrase "unaccepted, recorded, irrevocable offers of dedication," as those phrases are used in California Revenue & Taxation Code section 3712(d) and (e), or any successor statute then in effect, such that a purchaser at a tax sale will take title to the Lawson Property subject to this Covenant.

IN WITNESS WHEREOF, OWNER and DISTRICT have executed this Covenant this _____ day of _____, 2014.

OWNER:
COUNTY OF SONOMA

By: _____
Chair of the Board of Supervisors

DISTRICT:
SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

By: _____

President of the Board of Directors

ATTEST:

Clerk of the Board of Directors/Supervisors

NOTE: ACKNOWLEDGMENTS MUST BE ATTACHED FOR ALL SIGNATORIES.

Exhibit A of Recreation Covenant

Property Legal Description

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

Exhibit D: Form of Conservation Easement

RECORDING REQUESTED BY AND RETURN TO:

Sonoma County Agricultural
Preservation and Open Space District
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

DEED AND AGREEMENT
BY AND BETWEEN
THE COUNTY OF SONOMA
AND
THE SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT
CONVEYING A CONSERVATION EASEMENT

The County of Sonoma, a political subdivision of the State of California (hereinafter referred to as GRANTOR), and the Sonoma County Agricultural Preservation and Open Space District, a public agency formed pursuant to the provisions of Public Resources Code sections 5500 et seq. (hereinafter DISTRICT), agree as follows:

RECITALS

A. GRANTOR is the owner in fee simple of certain property (hereinafter "the Property") located in Sonoma County and more particularly described in Exhibit A, attached hereto and made a part of this Agreement by reference.

B. In 1990 the voters of Sonoma County approved the creation of DISTRICT and the imposition of a transactions and use tax by the Sonoma County Open Space Authority ("the Authority"). The purpose for the creation of DISTRICT and the imposition of the tax by the Authority was to preserve agriculture and open space by acquiring interests in appropriate properties from willing sellers in order to meet the mandatory requirements imposed on the County and each of its cities by Government Code sections 65560 et seq. and by the open space elements of their respective general plans. In order to accomplish that purpose, DISTRICT entered into a contract with the Sonoma County Open Space Authority whereby, in consideration of that entity financing DISTRICT'S acquisitions, DISTRICT agreed to and did adopt an acquisition program

that was in conformance with the Authority's Expenditure Plan.

C. On October 18, 2001 DISTRICT'S General Manager and GRANTOR entered into negotiations for the purchase by DISTRICT of a conservation easement in the Property. Those negotiations culminated in an agreement which is memorialized by this writing.

D. On December 17, 2002 and on February 25, 2003, DISTRICT's Board of Directors, in its Resolution Nos. 02-1347 and 03-0203, determined, pursuant to Government Code section 65402 and Sonoma County Ordinance No. 5180, that the acquisition of a conservation easement in the Property was consistent with the 1989 Sonoma County General Plan (specifically the Plan's Agricultural Resources and Open Space elements) because: the Property is designated as a critical habitat area rich in plant and animal habitats which warrant protection. On November 21, 2002 and on January 23, 2003 the Authority determined, in its Resolution Nos. 2002-035 and 2003-003 that the acquisition was consistent with its Expenditure Plan.

E. DISTRICT has the authority to acquire conservation easements by virtue of Public Resources Code section 5540 and possesses the ability and intent to enforce the terms of this Agreement.

THEREFORE, in consideration of the mutual covenants and agreements of the parties, and other valuable consideration receipt of which is acknowledged, the parties enter into this Agreement.

AGREEMENT

1. **Purpose.** It is the purpose of this Agreement to preserve the open space, scenic, and natural values of the Property, and each of them, and to prevent any uses of the Property that will significantly impair or interfere with those values. This purpose, as further defined by the provisions of this Agreement, is generally referred to collectively herein as "the conservation purpose of this Agreement." GRANTOR intends that this Agreement will confine the uses of the Property to the following, which are consistent with the conservation purpose of this Agreement: (a) low-intensity public outdoor recreational activities and improvements associated therewith; (b) use of the existing residence in association with low-intensity public outdoor recreation and educational activities; (c) habitat preservation; and (d) management and conservation of natural resources, all as allowed and limited by Exhibits "B" and "C" hereto. Accordingly, this Agreement will primarily preserve the Property's existing resource and scenic values including, but not limited to, native plants and habitats including native oaks and oak communities, vernal pools and wetlands, native plant species such as *Ceanothus sonomansis* and the Property's scenic landscapes and geographic features including, but not limited to, its open meadows and lakes, forested hillsides and scenic vistas. It is further the purpose of this Agreement to protect these values and to prohibit any use, other than consistent low intensity public outdoor recreational

uses, that would impair, degrade or damage them.

2. **Grant and Acceptance of Conservation Easement.** Pursuant to the common and statutory law of the State of California including the provisions of Civil Code sections 815 to 816, inclusive, GRANTOR hereby grants to DISTRICT and DISTRICT accepts, for the purposes set forth in Recital No. 2, a conservation easement in the Property in perpetuity.

3. **Affirmative Rights of DISTRICT.** Subject to the conditions and rights expressly reserved in this Agreement, including but not limited to the provisions of paragraph 6.B, the affirmative rights conveyed to DISTRICT are the following:

A. To identify, to preserve, and to protect in perpetuity the open space values represented by the conservation purpose of this Agreement and identified in paragraph 1 of this Agreement.

B. To enter upon the Property and to inspect, observe, and study the Property for the purposes of (i) identifying the current uses and practices thereon and the baseline condition thereof (in cooperation with GRANTOR), and (ii) monitoring the uses and practices regarding the Property to determine whether they are consistent with this Agreement. Such entry shall be permitted at least once a year at reasonable times, upon 24 hours' prior notice to GRANTOR, and shall be made in a manner that will not unreasonably interfere with the proper uses and practices regarding the Property. Each entry shall be for only so long a duration as is reasonably necessary to achieve the purposes of this paragraph 3, but not necessarily limited to a single physical entry during a single twenty-four hour period. Notwithstanding the foregoing, should DISTRICT'S General Manager have a reasonable belief that GRANTOR is in breach of this Agreement, DISTRICT shall have the right, upon the giving of 24 hours' notice, at any time, to enter the Property for the purposes of determining if such breach has occurred. The rights of entry provided by this paragraph 3.B shall extend to the employees, agents, and consultants of DISTRICT.

C. DISTRICT shall have the right to erect and maintain a sign or other appropriate marker in a location on the Property acceptable to GRANTOR, bearing information indicating that the Property is protected by DISTRICT. The wording and design of the sign or marker shall be determined by DISTRICT with consent of GRANTOR. No such sign or marker shall exceed thirty-two (32) square feet in size nor be artificially illuminated. DISTRICT shall be responsible for the cost of erecting and maintaining such sign or marker.

4. **GRANTOR'S Use of the Property.** This Agreement shall confine the uses of the Property to the uses which are described herein.

A. *Permitted and Prohibited Uses.* Examples of uses, practices and improvements which are consistent with the conservation purpose of this Agreement, and which are hereby

expressly reserved by GRANTOR, are set forth in Exhibit "B," attached hereto and incorporated herein by this reference. Examples of uses, practices and improvements which are inconsistent with the conservation purpose of this Agreement, and which are hereby expressly forbidden, are set forth in Exhibit "C," attached hereto and incorporated herein by this reference. The uses and practices set forth in both Exhibits "B" and "C" are not necessarily exhaustive recitals of consistent and inconsistent activities, respectively. They are set forth both to establish specific permitted and prohibited activities and to provide guidance in determining the consistency of other activities with the conservation purpose of this Agreement pursuant to the procedure set forth in paragraph 5 of this Agreement.

The allowed uses, practices and rights to improve the Property which are not retained by GRANTOR are hereby extinguished. In the event that such extinguishment is determined to be unlawful or otherwise unenforceable, then those uses, practices and rights to improve the Property are hereby assigned by GRANTOR to DISTRICT.

Neither GRANTOR nor DISTRICT shall use or receive the benefit from any increase in allowable uses, practices and development rights associated with the Property resulting from any change in applicable governmental land use regulations.

B. *Conveyance of Separate Parcels; Merger.* GRANTOR acknowledges that the Property currently consists of two assessor's parcels shown on the current Sonoma County Assessment Roll. Additional parcels may exist on the Property through the recognition of previously unrecognized parcels created by patent or deed conveyances, subdivisions, lot line adjustments, surveys, recorded or unrecorded maps or other documents and, under existing or future land use regulations, these parcels may be sold or otherwise conveyed separately from one another as separate legal parcels but for the provisions of this Agreement.

(i) Except as provided in subparagraph C(ii), the sale or conveyance of any or all of these parcels, as separate and distinct from the Property as a whole, is inconsistent with the conservation purpose of this Agreement and is prohibited. To that end, GRANTOR shall, to the extent not already accomplished as a condition precedent to the acceptance by DISTRICT of the easement conveyed herein, apply for and pursue to completion an application to the County of Sonoma, or, such other governmental agency having jurisdiction, for the consolidation or merger of any existing parcels or claimed parcels of the Property into a single parcel, or failing such consolidation or merger, pursue and secure such other applicable legal restrictions so that such existing parcels or claimed parcels may not be separately sold or conveyed from the others.

(ii) Even if the parcels cannot be merged because of their lack of contiguity or for any other reason, GRANTOR will not sell, alienate or convey any such parcels separately or apart from the entire Property.

C. *Subdivision of the Property.* GRANTOR shall not divide, subdivide or de facto subdivide the Property; provided, however, that

(i) The voluntary conveyance to a government or non-profit entity exclusively for conservation or public access purposes is permitted pursuant to the procedure set forth in paragraph 5 of this Agreement;

(ii) A lease of a portion of the Property solely for an agricultural use that is consistent with the conservation purpose of this Agreement may be permitted following the approval of GRANTOR'S application pursuant to paragraph 5 of this Agreement; and

(iii) In the event that the GRANTOR, following the execution of this Agreement, divides the Property in violation of this Agreement, GRANTOR shall not sell, lease or finance the resulting parcels and shall immediately merge all resulting parcels in the manner set forth in paragraph 4.B of this Agreement.

D. *Reinvestment of Revenues.* All revenue generated from activities and uses on the Property shall be used toward the cost of operating and maintaining the Property, restoring and enhancing its natural resources, and/or toward recreational and/or educational programs that take place on the Property.

5. **Approval Procedure and Criteria.** GRANTOR agrees to notify DISTRICT in writing before exercising any right not expressly described in Exhibit "B" as a permitted use, the exercise of which may constitute a breach of this Agreement. Further, any act, enterprise, or activity proposed to be done or undertaken by GRANTOR which requires the prior approval of DISTRICT pursuant to the express provisions of Exhibits "B" or "C" hereof shall be commenced only after satisfaction of the notice and approval conditions of this paragraph 5.

A. *GRANTOR'S Written Notice.* Prior to the commencement of any activity, use, or enterprise requiring DISTRICT'S approval, GRANTOR shall send DISTRICT written notice of GRANTOR'S intention to commence or undertake such activity, use or enterprise. Said notice shall inform DISTRICT of all relevant aspects of such proposed activity, use, or enterprise including, but not limited to, the nature, siting, size, capacity, and number of similar and dissimilar structures, improvements, facilities, uses or enterprises.

B. *DISTRICT'S Response.* DISTRICT shall have forty-five (45) days from the mailing of such notice, as indicated by the registered or certified return receipt, to review the proposed activity, use, or enterprise, and to notify GRANTOR of its approval or any objection thereto. Such objection, if any, shall be based upon DISTRICT'S opinion that the proposed activity is inconsistent with the conservation purpose of this Agreement or that the notice is incomplete or inaccurate. If, in DISTRICT'S judgment, the proposed activity, use or enterprise would not be consistent with

the conservation purpose of this Agreement, said notice shall inform GRANTOR of the reasons for the DISTRICT'S objection. Except as provided in subparagraph C. of this paragraph 5, only upon DISTRICT'S prior written approval, given by DISTRICT'S General Manager, may the proposed activity, use, or enterprise be commenced and/or conducted, and only in the manner explicitly represented by GRANTOR and approved or conditionally approved by DISTRICT.

C. *DISTRICT'S Failure to Respond.* Should DISTRICT fail to post its response to GRANTOR'S notice within forty-five (45) days of the mailing of said notice, GRANTOR shall send a second notice by registered or certified mail. Should DISTRICT fail to respond to said second notice within ten (10) days of the mailing thereof, GRANTOR may either appeal to District's Board of Directors or commence an action in a court of competent jurisdiction to compel DISTRICT to respond to GRANTOR'S notice. Regardless of the outcome of the court action, GRANTOR'S costs of suit, including attorneys' fees, shall be borne by DISTRICT, provided that the court finds that DISTRICT'S General Manager actually received both the first and second notices and that the notices were timely.

D. *Approval of Master Plan.* To comply with the notice and approval requirements of this paragraph 5, GRANTOR may submit a master plan for the Property for DISTRICT approval. On November 30, 2004, GRANTOR's Board of Supervisors approved the Hood Mountain Regional Park Expansion Project Master Plan and Initial Study ("Expansion Master Plan") for the property described in Exhibit "A" ("Lawson Master Plan") or to update the Expansion Master Plan to include the Lawson Property ("Updated Expansion Master Plan"). For purposes of this Agreement, it is agreed that the Lawson Master Plan, the Updated Expansion Master Plan and any future amendments, revisions or updates (collectively "Revisions") will be deemed sufficient for its purpose provided the plan identifies (a) all major components of park use in the area covered by the plan (including recreational, educational, and resource management use), (b) the nature of each proposed use and its intended location, (c) all proposed structures, and (d) all actions to be taken to protect natural resources. The Lawson Master Plan, the Updated Expansion Master Plan and all Revisions require DISTRICT's approval prior to their implementation. DISTRICT's approval shall be based solely upon its reasonable determination as to whether the Lawson Master Plan, the Updated Expansion Master Plan or the Revisions are consistent with the terms, conditions and conservation purpose of this Agreement. DISTRICT acknowledges that, in light of the public processes required for development of the Property for recreation and educational use and natural resource preservation, time is of the essence and DISTRICT's approval shall not be unreasonably withheld or delayed. GRANTOR shall use the following procedure to obtain DISTRICT's approval for the Lawson Master Plan, the Updated Expansion Master Plan or Revisions:

(i) GRANTOR may, at its discretion, at any time, submit the Lawson Master Plan, the Updated Expansion Master Plan or Revisions to DISTRICT for its review and approval. DISTRICT shall have forty-five (45) days from the receipt of the Lawson Master Plan, the Updated Expansion Master Plan or Revisions, plus fourteen (14) days from any subsequent or follow up

submittal, to review the Lawson Master Plan, the Updated Expansion Master Plan or Revisions and either approve the Lawson Master Plan, the Updated Expansion Master Plan or Revisions or notify GRANTOR of any objection thereto. DISTRICT's response, whether tentative approval or objection, shall be in writing and delivered to GRANTOR in accordance with paragraph 17. If DISTRICT has any objections to the Lawson Master Plan, the Updated Expansion Master Plan or Revisions, it shall state such objections in sufficient detail to enable GRANTOR to modify the Lawson Master Plan, the Updated Expansion Master Plan or Revisions so as to bring it into compliance with the terms, conditions and conservation purpose of this Easement.

(ii) In connection with any environmental review of the Lawson Master Plan, the Updated Expansion Master Plan or Revisions under the California Environmental Quality Act ("CEQA") or any successor statute then in effect, GRANTOR shall provide DISTRICT with notification of and opportunity to comment on any draft environmental document made public under the statute, prior to adoption or certification of that environmental document.

(iii) Upon DISTRICT's approval and GRANTOR's adoption of the Lawson Master Plan, the Updated Expansion Master Plan or the Revisions, all uses and improvements described therein and all development reasonably necessary to implement those described uses and improvements, shall be deemed to be consistent with the terms, conditions and conservation purpose of this Agreement and shall be permitted on the Property with no further notice to or approval by DISTRICT required. All such uses, development, improvements and activities shall at all times remain subject to the substantive limitations of paragraph 4 and Exhibits B and C of this Agreement.

6. Costs and Liabilities Related to the Property.

A. GRANTOR agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property and does hereby indemnify and hold DISTRICT harmless therefrom. Without limiting the foregoing, GRANTOR agrees to pay any and all real property taxes and assessments levied by competent authority on the Property. GRANTOR shall be solely responsible for any costs related to the maintenance of general liability insurance covering acts on the Property. DISTRICT shall have no responsibility whatever for the operation of the Property, the monitoring of hazardous conditions thereon, or the protection of GRANTOR, the public, or any third parties from risks relating to conditions on the Property. GRANTOR hereby agrees to indemnify and hold DISTRICT harmless from and against any damage, liability, claim, or expense (including attorneys' fees) relating to such matters. Without limiting the foregoing, other than is provided in paragraph 5.C, DISTRICT shall not be liable to GRANTOR or any other person or entity in connection with consents given or withheld hereunder, or in connection with any entry upon the Property occurring pursuant to this Agreement, or on account of any claim, liability, damage, or expense suffered or incurred by or threatened against GRANTOR or any other person or entity, except as such claim, liability, damage, or expense is the result of DISTRICT'S negligence,

gross negligence, or intentional misconduct.

B. Notwithstanding any other provision of this Agreement to the contrary, the parties do not intend and this Agreement shall not be construed such that (1) it creates in DISTRICT the obligations or liabilities of an "owner" or "operator" as those words are defined and used in environmental laws, as defined below, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 United States Code, sections 9601 et seq. and hereinafter "CERCLA") or (2) it creates in DISTRICT the obligations or liabilities of a person described in 42 United States Code section 9607(a)(3) or (3) DISTRICT has the right to investigate and remediate any hazardous materials, as defined below, associated with the Property or (4) DISTRICT has any control over GRANTOR'S ability to investigate and remediate any hazardous materials associated with the Property. GRANTOR represents, warrants and covenants to DISTRICT that GRANTOR'S use of the Property shall comply with all environmental laws as that phrase is defined below.

For the purposes of this Agreement:

(i) The term "hazardous materials" includes, without limitation, any flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Hazardous Materials Transportation Act, as amended (49 United States Code sections 1801 et seq.), the Resource Conservation and Recovery Act of 1976, as amended (42 United States Code sections 6901 et seq.), sections 25117 and 25316 of the California Health & Safety Code, and in the regulations adopted and publications promulgated pursuant to them, or any other federal, state, or local environmental laws, ordinances, rules, or regulations concerning the environment, industrial hygiene or public health or safety now in effect or enacted after this date.

(ii) The term "environmental laws" includes, without limitation, any federal, state, local or administrative agency statute, regulation, rule, ordinance, order or requirement relating to environmental conditions or hazardous materials.

7. Indemnities.

A. *GRANTOR'S Indemnity.* GRANTOR shall hold harmless, indemnify, and defend DISTRICT from and against damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with (i) injury to or the death of any person, or physical damage to property resulting from any act, omission, condition or other matter related to or occurring on or about the Property, except as such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of DISTRICT (it being the intent of this provision to limit GRANTOR'S indemnity to the proportionate part of DISTRICT'S damage, liability, claim or expense for which GRANTOR is responsible); and (ii) the obligations

specified in paragraph 6. In the event of any claim, demand, or legal complaint against DISTRICT, the right to the indemnification provided by this subparagraph 7.A shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to DISTRICT'S written notice of such claim, demand, or legal complaint to GRANTOR, unless GRANTOR has acquired knowledge of the matter by other means, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by GRANTOR, which approval shall not be unreasonably withheld.

B. *DISTRICT'S Indemnity.* DISTRICT shall hold harmless, indemnify, and defend GRANTOR from and against all damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property and attributable to DISTRICT, except to the extent that such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of GRANTOR (it being the intent of this provision to limit DISTRICT'S indemnity to the proportionate part of GRANTOR'S damage, liability, claim or expense for which DISTRICT is responsible). In the event of any claim, demand, or legal complaint against GRANTOR, the right to the indemnification provided by this subparagraph B shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to GRANTOR'S written notice of such claim, demand, or legal complaint to DISTRICT, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by DISTRICT, which approval shall be in DISTRICT'S sole discretion. DISTRICT hereby also agrees to hold harmless, indemnify and defend GRANTOR from and against all damages, liabilities, claims and expenses, including attorneys' fees, asserted against GRANTOR by any officer, agent, employee, or volunteer of DISTRICT, for personal injury and/or property damage arising out of any inspection or visit to the Property by any such officer, agent, employee or volunteer of DISTRICT, except to the extent that such injury is attributable to the negligence, intentional act or willful misconduct of GRANTOR.

8. **Public Access to the Property.** GRANTOR and DISTRICT understand and agree that the Property will be operated and maintained as a public park and open space preserve in perpetuity. GRANTOR, however, reserves the right to exclude the public from the Property, in part or in whole, on a temporary basis to the extent necessary for public health or safety or for preservation of the conservation values identified in paragraph 1 of this Agreement. Nothing in this Agreement shall be construed to preclude GRANTOR'S right to grant access to third parties to the Property consistent with the terms, conditions and conservation purpose of this Agreement.

9. **Interpretation and Construction.** To the extent that this Agreement may be uncertain or ambiguous such that it requires interpretation or construction, then it shall be interpreted and

construed in such a way that meets the conservation purpose of this Agreement and the public policy goals referenced in recital no. 2. It is the intention of the parties that any interpretation or construction shall promote the conservation purpose of this Agreement. If any provision of this Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Agreement and the application of such provisions to persons or circumstances, other than those as to which it is found to be invalid, shall not be affected thereby.

10. **Baseline Documentation for Enforcement.** In order to establish the present condition of the Property's protected values, DISTRICT will prepare Baseline Documentation, which will be maintained on file with DISTRICT and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement. The parties agree that the Baseline Documentation provides collectively an accurate representation of the Property at the time of the execution of this Agreement. DISTRICT shall provide GRANTOR, free of charge, one complete copy of all of the Baseline Documentation promptly after it is prepared.

11. **Remedies for Breach.**

A. *DISTRICT'S Remedies.* In the event of a violation or threatened violation of any term, condition, covenant, or restriction contained in this Agreement, DISTRICT'S General Manager may, following notice to GRANTOR, which notice shall contain a reasonable and specific cure period, request GRANTOR'S Director of Regional Parks to meet to review the necessity to restore the Property to the condition that existed prior to such violation. If the General Manager and the Director of Regional Parks are unable to resolve the matter, DISTRICT may institute a suit to enjoin and/or recover damages for such violation and/or to require the restoration of the Property to the condition that existed prior to such violation. In the alternative, DISTRICT may, with the consent of GRANTOR, commence a proceeding in arbitration under paragraph 13 of this Agreement. The notice shall be a general written notification of the condition claimed by the DISTRICT to be a violation that is either mailed or delivered by DISTRICT to GRANTOR. If DISTRICT reasonably determines that circumstances require immediate action to prevent or mitigate significant damage to any natural conditions of the Property protected by this Agreement, DISTRICT may pursue its remedies under this paragraph without waiting for the period provided for cure to expire. DISTRICT'S rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Agreement, and GRANTOR agrees that DISTRICT'S remedies at law for any violation of the terms of this Agreement are inadequate and that DISTRICT shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief, including damages, to which DISTRICT may be entitled, including specific performance of the terms of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

B. *DISTRICT'S Discretion.* Enforcement of the terms of this Agreement shall be at

the discretion of DISTRICT, and any forbearance by DISTRICT to exercise its rights under this Agreement in the event of any breach of any term of this Agreement by GRANTOR shall not be deemed or construed to be a waiver by DISTRICT of such term or of any subsequent breach of the same or any other term of this Agreement. Any failure by DISTRICT to act shall not be deemed a waiver or forfeiture of DISTRICT'S right to enforce any term, condition, covenant, or purpose of this Agreement in the future.

C. *Liquidated Damages.* Inasmuch as the actual damages which would result from the loss of the values associated with the conservation purpose of this Agreement and caused by its breach by GRANTOR are uncertain and would be impractical or extremely difficult to measure, the parties agree that the damages allowed by Civil Code section 815.7(c) shall be measured as follows:

(i) for an improvement prohibited by this Agreement, an amount equal to the product of (A) the market value of the improvement, (B) the length of time that the improvement exists on the Property, and (C) the then current interest rate for post judgment interest; and

(ii) 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 because of the change in use; and

(iii) for a change in use prohibited by this Agreement, whether or not it involves an improvement and where there is no measurable economic gain realized by GRANTOR, the product of (A) the cost of restoration, as set forth in a written estimate by a qualified person selected by DISTRICT, (B) the length of time that the prohibited use continues and (C) the then current interest rate for post judgment interest.

D. *GRANTOR'S Compliance.* If DISTRICT, in the notice to GRANTOR, demands that GRANTOR remove an improvement, discontinue a use or both and claims the damages allowed by Civil Code section 815.7(c), then GRANTOR may mitigate damages by fully complying with DISTRICT'S notice within the cure period provided therein. In the event of such full and timely compliance, DISTRICT shall not be entitled to damages for the breach specified in the notice. In the event of litigation arising out of the notice, brought either by GRANTOR or by DISTRICT, in which GRANTOR prevails, then GRANTOR shall be entitled to economic damages; provided that neither DISTRICT nor GRANTOR shall be entitled to damages where DISTRICT has not claimed damages in its notice.

E. *Remedies Nonexclusive.* The remedies set forth in this paragraph 11 are not intended to displace any other remedy available to either party as provided by this Agreement, Civil Code sections 815 et seq. or any other applicable law.

12. **Acts Beyond GRANTOR'S Control.** Nothing contained in this Agreement shall be construed to entitle DISTRICT to bring any action against GRANTOR for any injury to or change in the Property resulting from causes beyond GRANTOR'S control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by GRANTOR under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes so long as such action, to the extent that GRANTOR has control, is designed and carried out in such a way as to further the conservation purpose of this Agreement.

13. **Arbitration.** If a dispute arises between the parties concerning the consistency of any proposed use or activity with the conservation purpose of this Agreement, or any other dispute arising under this Agreement, either party, with the prior written consent of the other, may refer the dispute to arbitration by a request made in writing upon the other. Provided that GRANTOR agrees not to proceed with the use or activity pending resolution of the dispute, and upon the agreement of the parties to proceed to arbitration, within thirty (30) days of the receipt of such a request, the parties shall select a single arbitrator to hear the matter. If the parties are unable to agree on the selection of a single arbitrator, then each party shall name one arbitrator and the two arbitrators thus selected shall select a third arbitrator who shall be a retired Federal District Court or California Superior Court judge; provided, however, if either party fails to select an arbitrator, or if the two arbitrators fail to select a third arbitrator within fourteen (14) days after the appointment of the second arbitrator, then in each such instance, a proper court, on petition of a party, shall appoint the second or third arbitrator or both, as the case may be, in accordance with sections 1280, *et seq.* of the California Code of Civil Procedure or any successor statute then in effect. The arbitration shall be determined in accordance with said statute, with the conservation purpose of this Agreement, and all relevant provisions of this Agreement, and the applicable laws of the State of California, as the bases for determination and resolution, and a judgment of the arbitration award may be entered in any court having jurisdiction thereof. The prevailing party shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for all its costs and expenses related to such arbitration, including, without limitation, the fees and expenses of the arbitrators but excluding attorneys' fees, which shall be determined by the arbitrators and any court of competent jurisdiction that may be called upon to enforce or review the award.

14. **Condemnation.** In the event that the Property or some portion thereof is condemned for public use by an entity other than DISTRICT, the market value for purposes of just compensation shall be determined as though this Agreement did not exist and GRANTOR and DISTRICT shall share the compensation on the following basis: GRANTOR 0% and DISTRICT 100%. In the apportionment of the proceeds from an eminent domain proceeding, an adjustment shall be made in GRANTOR's favor for any increase in value after the date of this Agreement that is attributable to improvements; provided such increase in value is earned through GRANTOR's efforts and is not the result of value added by this easement, the passage of time or other passive

means; and provided, further, that such increase in value is not the result of activities constituting a breach of this Agreement.

15. **Agreement to Bind Successors.** The conservation easement herein granted shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running in perpetuity with the Property and shall bind GRANTOR, GRANTOR'S heirs, personal representatives, lessees, executors, successors, including but not limited to purchasers at tax sales, and assigns forever. The parties intend that this Agreement shall benefit and burden, as the case may be, their respective successors, assigns, heirs, executors, administrators, agents, employees, and all other persons claiming by or through them pursuant to the common and statutory law of the State of California, including, *inter alia*, Civil Code sections 815-816.

16. **Subsequent Deeds and Leases.**

A. *Fee Transfers; Approval of Grantees.* No sale or transfer of the fee interest in the Property may occur without (a) the consent of a majority of the voters of the County of Sonoma at an election called and conducted by the Board of Directors of the District, and (b) the District's determination that the prospective buyer or transferee of such interest is reasonably qualified to perform the obligations created by this Agreement. Neither the District's call of election nor its determination and consent shall be unreasonably withheld.

B. *Leases and Other Lesser Interests.* GRANTOR agrees that a clear reference to this Agreement will be made in any legal instrument by which any interest in the Property less than a fee interest (including but not limited to a leasehold interest) is conveyed, that GRANTOR will attach a copy of this Agreement to any such instrument, and that GRANTOR will notify DISTRICT in writing ten (10) days prior to any such conveyance. These obligations of GRANTOR shall not be construed as a waiver or relinquishment by DISTRICT of rights created in favor of DISTRICT by paragraph 15 of this Agreement.

17. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To GRANTOR: Director of Regional Parks
County of Sonoma
2300 County Center Drive, Suite 128
Santa Rosa, CA 95403

To DISTRICT: General Manager
Sonoma County Agricultural Preservation
and Open Space District

747 Mendocino Avenue
Santa Rosa, CA 95401

or to such other address as either party from time to time shall designate by written notice to the other. Notice, if mailed, shall be deemed to have been given upon the day following the day shown on the postmark of the envelope in which such notice is mailed or, in the event there is no such date shown on the postmark, then the day following the date of mailing shown on DISTRICT'S written declaration of mailing, which writing shall have been executed by a DISTRICT officer or employee.

18. **Successors and Assigns.** The terms GRANTOR and DISTRICT wherever used herein, and any pronouns used in place thereof, shall mean and include the above-named GRANTOR and his heirs, personal representatives, lessees, executors, successors, and assigns, including any person claiming under them, and the above-named DISTRICT and its successors and assigns, respectively.

19. **Integration.** This Agreement is the final and complete expression of the Agreement between the parties and any and all prior or contemporaneous agreements written or oral are merged into this written instrument.

20. **Estoppel Certificates.** DISTRICT shall, at any time during the existence of the Agreement, upon not less than thirty (30) days' prior written notice from GRANTOR, execute and deliver to GRANTOR a statement in writing certifying that the Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification) and acknowledging that there is not, to DISTRICT'S knowledge, any default by GRANTOR hereunder, or, if DISTRICT alleges a default by GRANTOR, specifying such default.

IN WITNESS WHEREOF, GRANTOR and DISTRICT have executed this Agreement this _____day of _____, 2014.

GRANTOR:

By: _____
David Rabbitt
Chair, Board of Supervisors

GRANTEE:

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE
DISTRICT

ATTEST:

By: _____
David Rabbitt
President of the Board of Directors

County Clerk and
ex-officio Clerk of the Board of Supervisors
and *ex-officio* Clerk of the Board Directors

EXHIBIT "A" OF CONSERVATION EASEMENT

LEGAL DESCRIPTION

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

EXHIBIT "B" OF CONSERVATION EASEMENT

PERMITTED USES AND PRACTICES

1. The following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are permitted under this Agreement, and they are not to be precluded, prevented, or limited by this Agreement. It is further provided that they are undertaken in accordance with the terms and provisions of this Agreement and that all applicable governmental approvals and permits are properly obtained:
2. **Consistent Use:** To use or lease the Property consistent with the conservation purpose of this Agreement.
3. **Recreational Uses:** To utilize the Property for low-intensity recreational or educational purposes, including, but not limited to, hiking, nature study, picnicking, horseback riding, and hike-in, low-impact tent camping in up to two camping areas. Any activities as provided for in this Paragraph which result in significant surface alteration or development of the land require the approval of DISTRICT.
4. **Construction:** To utilize the existing residence and to construct, erect or place new non-residential structures and improvements as follows:
 - a. Use of Existing Residence. GRANTOR and DISTRICT acknowledge that there is an existing residence on the Property as shown on the Project Structure Map, attached as Exhibit "D". Subject to prior written notice to DISTRICT, GRANTOR may convert the existing residence on the Property for use either as (a) a Park Ranger residence; (b) hike-in and bike-in overnight lodging for use in association with low-intensity public outdoor recreation and education; or (c) a visitor center or interpretive center.
 - b. Construction of New Non-residential Structures and Improvements. Subject to prior written approval of DISTRICT, to construct, erect or place non-residential structures or other improvements reasonably necessary for the recreational, resource management, water supply, water quality activities or property management activities and uses as provided in this Agreement, including, but not limited to, picnic tables, food lockers, primitive campsites, public trails, restroom facilities and water supply/quality facilities. GRANTOR shall deliver to DISTRICT written request for approval of such construction, erection or placement in accordance with the provisions set forth in this Agreement. DISTRICT's approval shall specifically consider design and location and shall be based upon its finding that the proposed construction, erection or placement is consistent with the conservation purpose of this Agreement. Additional boundary fencing deemed by GRANTOR to be reasonably necessary may be constructed without prior notice to or

approval of DISTRICT, provided however that such fencing is constructed to allow visibility and does not impede wildlife movement and is consistent with the conservation purpose of this Agreement.

5. **Maintenance, Repair and Replacement of Improvements:** Except as otherwise provided herein, to maintain, repair, replace and improve existing improvements, fences, fire protection and access roads, ditches, pumps and other improvements on the Property with ones of similar size, function, capacity and location, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Agreement, provided however, that such replacement is consistent with the conservation purpose of this Agreement. Such maintenance and repair may include the limited removal of brush and trees immediately adjacent to such improvements. Subject to approval of DISTRICT, to remodel or replace the residence and barn existing at the date hereof with structures of a similar size sited in a similar location. Such structures shall only be used for activities associated with the permitted recreational uses. In the event of destruction, deterioration, or obsolescence of any fences, roads, ditches, water sources, pumps or similar improvements, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Agreement, GRANTOR may replace same with ones of similar size, function, capacity and location, without prior notice to or approval by DISTRICT, provided, however, that such replacement is consistent with the conservation purpose of this Agreement, including the preservation of scenic and natural values, and that such replacement does not impede wildlife movement.
6. **Restoration and Enhancement:** To undertake conservation and restoration activities including, but not limited to, soil stabilization, practices to reduce erosion, enhancement of native plant and wildlife habitat; and activities which promote biodiversity in accordance with sound, generally accepted practices and all applicable laws, ordinances and regulations.
7. **Fire Management:** To undertake fire management plans in order to control and maintain vegetation to lower the risk of fire. Such methods may include mowing or limited brush removal on the Property. Plans shall be reviewed by DISTRICT and shall be acceptable to the appropriate local fire protection agencies.
8. **Signs:** To place signage on the Property associated with permitted recreational or educational purposes, the size of which shall individually not exceed two (2) square feet, and one sign to identify the Property which shall not exceed twenty-four (24) square feet. No sign shall be artificially illuminated.
9. **Easements:** To continue use in accordance with easements of record as of the date of this Agreement. Modifications to pre-existing easements and granting of new easements require the approval of DISTRICT and are subject to the provisions of Paragraph 8 of Exhibit "C". New easements may only be granted where they are consistent with or enhance the intended low

intensity recreational use of the Property or will remove and significantly lessen the impact of easements of record as of the date of this Agreement on the conservation purpose of this Agreement.

10. **Removal of Non-Native Plants and Animals:** To remove invasive, non-native plant species that threaten or impede the growth of native plant species. To remove feral, non-native animal species that threaten the conservation purpose of this Agreement.

EXHIBIT "C" OF CONSERVATION EASEMENT

PROHIBITED USES AND PRACTICES

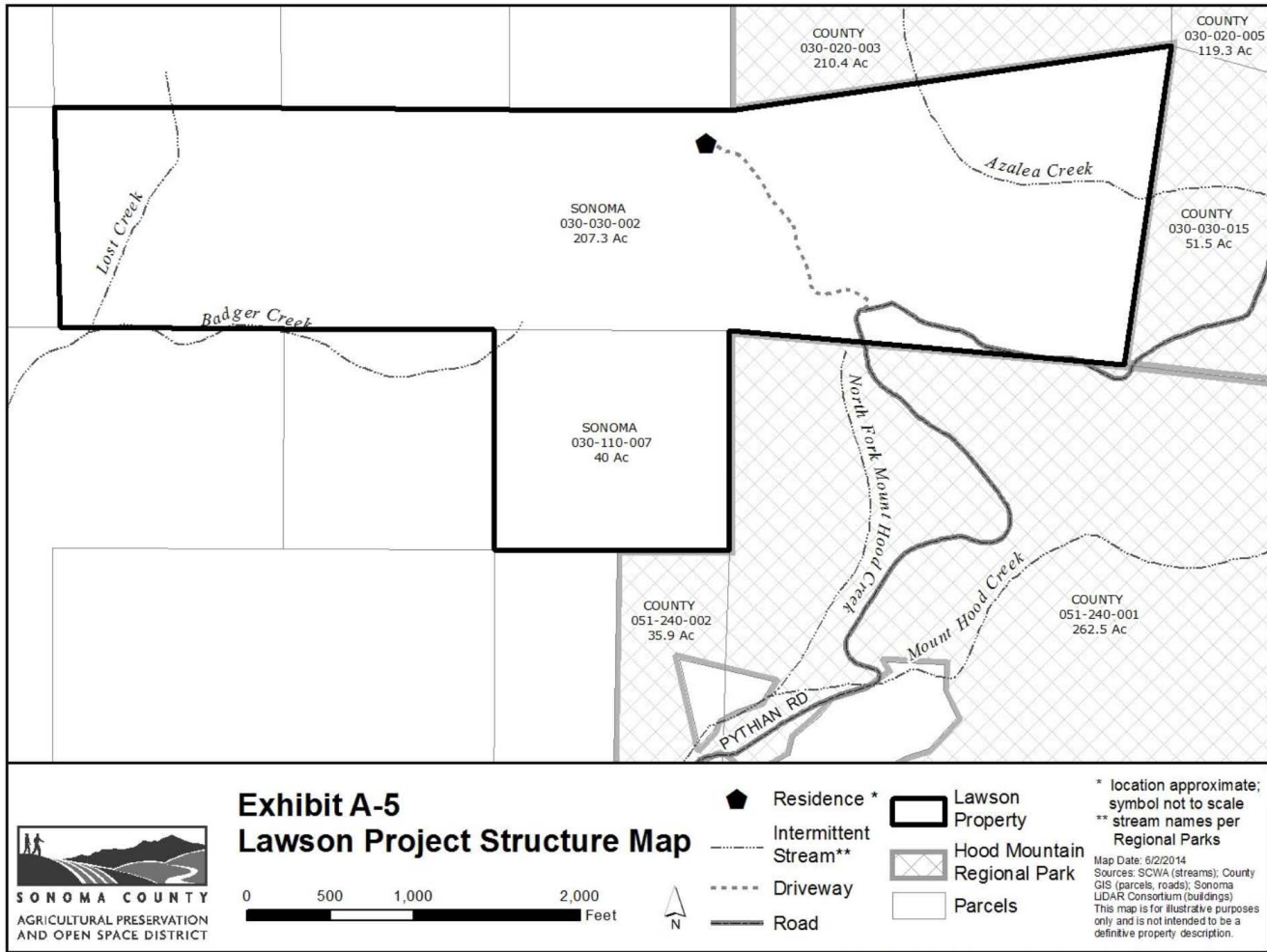
The following uses and practices, though not necessarily an exhaustive recital of inconsistent uses and practices, are inconsistent with the purposes of this Agreement and shall be prohibited upon or within the Property:

1. **Impairment:** To impair the conservation purpose, except as otherwise expressly provided in this Agreement.
2. **Inconsistent Uses:** To establish any residential, agricultural, commercial or industrial activity or use, except as provided for in Paragraphs 2, 3 and 4 of Exhibit "B".
3. **Signs:** To construct, place, or erect any sign or billboard on the Property, except as provided for in Paragraph 7 of Exhibit "B".
4. **Construction:** To construct, reconstruct, or replace any improvement except as provided for in Paragraphs 3 and 4 of Exhibit "B".
5. **Subdivision:** To divide, subdivide, or de facto subdivide the Property; provided, however, that the voluntary conveyance to a government or non-profit entity exclusively for conservation or public access purposes shall not be prohibited by this Paragraph.
6. **Motorized Vehicles:** To use motorized vehicles, except by GRANTOR or others under GRANTOR'S control for permitted activities, for inspections by DISTRICT, for emergency and fire control purposes, and for uses pursuant to deeded rights that pre-date this Agreement. Any use of motorized vehicles off roadways is prohibited except when necessary for permitted property management activities, for emergency and fire control purposes, and for uses pursuant to deeded rights that pre-date this Agreement.
7. **Dumping:** To dump or accumulate trash, ashes, garbage, waste, inoperative vehicles or other unsightly or offensive material on the Property.
8. **Utilities and Easements:** To install new or enlarged above-ground utility systems within pre-existing or new easements, including, without limitation, water, sewer, power, fuel, and communication lines and related facilities and equipment, except to serve recreational and /or property management activities or uses as provided in this Agreement. New easements may only be granted where they will remove and significantly lessen the impact of pre-existing easements on the conservation purpose of this Agreement.

9. **Hunting:** To hunt, trap or otherwise willfully kill wildlife for food or sport except as provided in Paragraph 9 of Exhibit "B".
10. **Removal of Natural Resources:**
 - a. To explore for, develop, or extract minerals or hydrocarbons by any mining method, surface or otherwise.
 - b. To remove or destroy any native trees, shrubs or other native plant materials, except as necessary, in accordance with generally accepted conservation practices, to control or prevent hazard, disease, fire or non-native invasive plant species, or except as necessary for permitted activities and uses as provided for in this Agreement.
11. **Water and Soil Degradation:** To cause degradation of or erosion of the soil, or pollution of any surface or subsurface waters.
12. **Storage:** To store materials, such as pipes, culverts, fencing, heavy equipment, and the like, except while work is in progress and in no case for a period exceeding thirty (30) days after work is completed.
13. **Surface Alteration:** To alter the contour of the Property in any manner whatsoever including, but not limited to, excavating or removing soil, sand, gravel, rock, peat or sod, except in connection with activities and uses as provided in this Agreement and subject to approval of DISTRICT.

EXHIBIT "D" OF CONSERVATION EASEMENT

Project Structure Map



C:\Kendall S\GISProjects\Lawson-Hood\PDFs\Lawson_project_structure_map_Ext_A-5.pdf

ATTACHMENT 6

RECORDING REQUESTED BY AND RETURN TO:

Sonoma County Agricultural
Preservation and Open Space District
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

DEED AND AGREEMENT
BY AND BETWEEN
THE COUNTY OF SONOMA
AND
THE SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT
CONVEYING A CONSERVATION EASEMENT

The County of Sonoma, a political subdivision of the State of California (hereinafter referred to as GRANTOR), and the Sonoma County Agricultural Preservation and Open Space District, a public agency formed pursuant to the provisions of Public Resources Code sections 5500 et seq. (hereinafter DISTRICT), agree as follows:

RECITALS

A. GRANTOR is the owner in fee simple of certain property (hereinafter "the Property") located in Sonoma County and more particularly described in Exhibit A, attached hereto and made a part of this Agreement by reference.

B. In 1990 the voters of Sonoma County approved the creation of DISTRICT and the imposition of a transactions and use tax by the Sonoma County Open Space Authority ("the Authority"). The purpose for the creation of DISTRICT and the imposition of the tax by the Authority was to preserve agriculture and open space by acquiring interests in appropriate properties from willing sellers in order to meet the mandatory requirements imposed on the County and each of its cities by Government Code sections 65560 et seq. and by the open space elements of their respective general plans. In order to accomplish that purpose, DISTRICT entered into a contract with the Sonoma County Open Space Authority whereby, in consideration of that entity financing DISTRICT'S acquisitions, DISTRICT agreed to and did adopt an acquisition program that was in conformance with the Authority's Expenditure Plan.

C. On October 18, 2001 DISTRICT'S General Manager and GRANTOR entered into negotiations for the purchase by DISTRICT of a conservation easement in the Property. Those negotiations culminated in an agreement which is memorialized by this writing.

D. On December 17, 2002 and on February 25, 2003, DISTRICT's Board of Directors, in its Resolution Nos. 02-1347 and 03-0203, determined, pursuant to Government Code section

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65402 and Sonoma County Ordinance No. 5180, that the acquisition of a conservation easement in the Property was consistent with the 1989 Sonoma County General Plan (specifically the Plan's Agricultural Resources and Open Space elements) because: the Property is designated as a critical habitat area rich in plant and animal habitats which warrant protection. On November 21, 2002 and on January 23, 2003 the Authority determined, in its Resolution Nos. 2002-035 and 2003-003 that the acquisition was consistent with its Expenditure Plan.

E. DISTRICT has the authority to acquire conservation easements by virtue of Public Resources Code section 5540 and possesses the ability and intent to enforce the terms of this Agreement.

THEREFORE, in consideration of the mutual covenants and agreements of the parties, and other valuable consideration receipt of which is acknowledged, the parties enter into this Agreement.

AGREEMENT

1. **Purpose.** It is the purpose of this Agreement to preserve the open space, scenic, and natural values of the Property, and each of them, and to prevent any uses of the Property that will significantly impair or interfere with those values. This purpose, as further defined by the provisions of this Agreement, is generally referred to collectively herein as “the conservation purpose of this Agreement.” GRANTOR intends that this Agreement will confine the uses of the Property to the following, which are consistent with the conservation purpose of this Agreement: (a) low-intensity public outdoor recreational activities and improvements associated therewith; (b) use of the existing residence in association with low-intensity public outdoor recreation and educational activities; (c) habitat preservation; and (d) management and conservation of natural resources, all as allowed and limited by Exhibits “B” and “C” hereto. Accordingly, this Agreement will primarily preserve the Property’s existing resource and scenic values including, but not limited to, native plants and habitats including native oaks and oak communities, vernal pools and wetlands, native plant species such as *Ceanothus sonomansis* and the Property’s scenic landscapes and geographic features including, but not limited to, its open meadows and lakes, forested hillsides and scenic vistas. It is further the purpose of this Agreement to protect these values and to prohibit any use, other than consistent low intensity public outdoor recreational uses, that would impair, degrade or damage them.

2. **Grant and Acceptance of Conservation Easement.** Pursuant to the common and statutory law of the State of California including the provisions of Civil Code sections 815 to 816, inclusive, GRANTOR hereby grants to DISTRICT and DISTRICT accepts, for the purposes set forth in Recital No. 2, a conservation easement in the Property in perpetuity.

3. **Affirmative Rights of DISTRICT.** Subject to the conditions and rights expressly reserved in this Agreement, including but not limited to the provisions of paragraph 6.B, the affirmative rights conveyed to DISTRICT are the following:

A. To identify, to preserve, and to protect in perpetuity the open space values

ATTACHMENT 6

represented by the conservation purpose of this Agreement and identified in paragraph 1 of this Agreement.

B. To enter upon the Property and to inspect, observe, and study the Property for the purposes of (i) identifying the current uses and practices thereon and the baseline condition thereof (in cooperation with GRANTOR), and (ii) monitoring the uses and practices regarding the Property to determine whether they are consistent with this Agreement. Such entry shall be permitted at least once a year at reasonable times, upon 24 hours' prior notice to GRANTOR, and shall be made in a manner that will not unreasonably interfere with the proper uses and practices regarding the Property. Each entry shall be for only so long a duration as is reasonably necessary to achieve the purposes of this paragraph 3, but not necessarily limited to a single physical entry during a single twenty-four hour period. Notwithstanding the foregoing, should DISTRICT'S General Manager have a reasonable belief that GRANTOR is in breach of this Agreement, DISTRICT shall have the right, upon the giving of 24 hours' notice, at any time, to enter the Property for the purposes of determining if such breach has occurred. The rights of entry provided by this paragraph 3.B shall extend to the employees, agents, and consultants of DISTRICT.

C. DISTRICT shall have the right to erect and maintain a sign or other appropriate marker in a location on the Property acceptable to GRANTOR, bearing information indicating that the Property is protected by DISTRICT. The wording and design of the sign or marker shall be determined by DISTRICT with consent of GRANTOR. No such sign or marker shall exceed thirty-two (32) square feet in size nor be artificially illuminated. DISTRICT shall be responsible for the cost of erecting and maintaining such sign or marker.

4. **GRANTOR'S Use of the Property.** This Agreement shall confine the uses of the Property to the uses which are described herein.

A. *Permitted and Prohibited Uses.* Examples of uses, practices and improvements which are consistent with the conservation purpose of this Agreement, and which are hereby expressly reserved by GRANTOR, are set forth in Exhibit "B," attached hereto and incorporated herein by this reference. Examples of uses, practices and improvements which are inconsistent with the conservation purpose of this Agreement, and which are hereby expressly forbidden, are set forth in Exhibit "C," attached hereto and incorporated herein by this reference. The uses and practices set forth in both Exhibits "B" and "C" are not necessarily exhaustive recitals of consistent and inconsistent activities, respectively. They are set forth both to establish specific permitted and prohibited activities and to provide guidance in determining the consistency of other activities with the conservation purpose of this Agreement pursuant to the procedure set forth in paragraph 5 of this Agreement.

The allowed uses, practices and rights to improve the Property which are not retained by GRANTOR are hereby extinguished. In the event that such extinguishment is determined to be unlawful or otherwise unenforceable, then those uses, practices and rights to improve the Property are hereby assigned by GRANTOR to DISTRICT.

Neither GRANTOR nor DISTRICT shall use or receive the benefit from any

ATTACHMENT 6

increase in allowable uses, practices and development rights associated with the Property resulting from any change in applicable governmental land use regulations.

B. *Conveyance of Separate Parcels; Merger.* GRANTOR acknowledges that the Property currently consists of two assessor's parcels shown on the current Sonoma County Assessment Roll. Additional parcels may exist on the Property through the recognition of previously unrecognized parcels created by patent or deed conveyances, subdivisions, lot line adjustments, surveys, recorded or unrecorded maps or other documents and, under existing or future land use regulations, these parcels may be sold or otherwise conveyed separately from one another as separate legal parcels but for the provisions of this Agreement.

(i) Except as provided in subparagraph C(ii), the sale or conveyance of any or all of these parcels, as separate and distinct from the Property as a whole, is inconsistent with the conservation purpose of this Agreement and is prohibited. To that end, GRANTOR shall, to the extent not already accomplished as a condition precedent to the acceptance by DISTRICT of the easement conveyed herein, apply for and pursue to completion an application to the County of Sonoma, or, such other governmental agency having jurisdiction, for the consolidation or merger of any existing parcels or claimed parcels of the Property into a single parcel, or failing such consolidation or merger, pursue and secure such other applicable legal restrictions so that such existing parcels or claimed parcels may not be separately sold or conveyed from the others.

(ii) Even if the parcels cannot be merged because of their lack of contiguity or for any other reason, GRANTOR will not sell, alienate or convey any such parcels separately or apart from the entire Property.

C. *Subdivision of the Property.* GRANTOR shall not divide, subdivide or de facto subdivide the Property; provided, however, that

(i) The voluntary conveyance to a government or non-profit entity exclusively for conservation or public access purposes is permitted pursuant to the procedure set forth in paragraph 5 of this Agreement;

(ii) A lease of a portion of the Property solely for an agricultural use that is consistent with the conservation purpose of this Agreement may be permitted following the approval of GRANTOR'S application pursuant to paragraph 5 of this Agreement; and

(iii) In the event that the GRANTOR, following the execution of this Agreement, divides the Property in violation of this Agreement, GRANTOR shall not sell, lease or finance the resulting parcels and shall immediately merge all resulting parcels in the manner set forth in paragraph 4.B of this Agreement.

D. *Reinvestment of Revenues.* All revenue generated from activities and uses on the Property shall be used toward the cost of operating and maintaining the Property, restoring and enhancing its natural resources, and/or toward recreational and/or educational programs that take place on the Property.

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5. *Approval Procedure and Criteria.* GRANTOR agrees to notify DISTRICT in writing before exercising any right not expressly described in Exhibit "B" as a permitted use, the exercise of which may constitute a breach of this Agreement. Further, any act, enterprise, or activity proposed to be done or undertaken by GRANTOR which requires the prior approval of DISTRICT pursuant to the express provisions of Exhibits "B" or "C" hereof shall be commenced only after satisfaction of the notice and approval conditions of this paragraph 5.

A. *GRANTOR'S Written Notice.* Prior to the commencement of any activity, use, or enterprise requiring DISTRICT'S approval, GRANTOR shall send DISTRICT written notice of GRANTOR'S intention to commence or undertake such activity, use or enterprise. Said notice shall inform DISTRICT of all relevant aspects of such proposed activity, use, or enterprise including, but not limited to, the nature, siting, size, capacity, and number of similar and dissimilar structures, improvements, facilities, uses or enterprises.

B. *DISTRICT'S Response.* DISTRICT shall have forty-five (45) days from the mailing of such notice, as indicated by the registered or certified return receipt, to review the proposed activity, use, or enterprise, and to notify GRANTOR of its approval or any objection thereto. Such objection, if any, shall be based upon DISTRICT'S opinion that the proposed activity is inconsistent with the conservation purpose of this Agreement or that the notice is incomplete or inaccurate. If, in DISTRICT'S judgment, the proposed activity, use or enterprise would not be consistent with the conservation purpose of this Agreement, said notice shall inform GRANTOR of the reasons for the DISTRICT'S objection. Except as provided in subparagraph C. of this paragraph 5, only upon DISTRICT'S prior written approval, given by DISTRICT'S General Manager, may the proposed activity, use, or enterprise be commenced and/or conducted, and only in the manner explicitly represented by GRANTOR and approved or conditionally approved by DISTRICT.

C. *DISTRICT'S Failure to Respond.* Should DISTRICT fail to post its response to GRANTOR'S notice within forty-five (45) days of the mailing of said notice, GRANTOR shall send a second notice by registered or certified mail. Should DISTRICT fail to respond to said second notice within ten (10) days of the mailing thereof, GRANTOR may either appeal to District's Board of Directors or commence an action in a court of competent jurisdiction to compel DISTRICT to respond to GRANTOR'S notice. Regardless of the outcome of the court action, GRANTOR'S costs of suit, including attorneys' fees, shall be borne by DISTRICT, provided that the court finds that DISTRICT'S General Manager actually received both the first and second notices and that the notices were timely.

D. *Approval of Master Plan.* To comply with the notice and approval requirements of this paragraph 5, GRANTOR may submit a master plan for the Property for DISTRICT approval. On November 30, 2004, GRANTOR's Board of Supervisors approved the Hood Mountain Regional Park Expansion Project Master Plan and Initial Study ("Expansion Master Plan") for the property described in Exhibit "A" ("Lawson Master Plan") or to update the Expansion Master Plan to include the Lawson Property ("Updated Expansion Master Plan"). For purposes of this Agreement, it is agreed that the Lawson Master Plan, the Updated Expansion Master Plan and any future amendments, revisions or updates (collectively "Revisions") will be deemed sufficient for its purpose provided the plan identifies (a) all major components of park use

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in the area covered by the plan (including recreational, educational, and resource management use), (b) the nature of each proposed use and its intended location, (c) all proposed structures, and (d) all actions to be taken to protect natural resources. The Lawson Master Plan, the Updated Expansion Master Plan and all Revisions require DISTRICT's approval prior to their implementation. DISTRICT's approval shall be based solely upon its reasonable determination as to whether the Lawson Master Plan, the Updated Expansion Master Plan or the Revisions are consistent with the terms, conditions and conservation purpose of this Agreement. DISTRICT acknowledges that, in light of the public processes required for development of the Property for recreation and educational use and natural resource preservation, time is of the essence and DISTRICT's approval shall not be unreasonably withheld or delayed. GRANTOR shall use the following procedure to obtain DISTRICT's approval for the Lawson Master Plan, the Updated Expansion Master Plan or Revisions:

(i) GRANTOR may, at its discretion, at any time, submit the Lawson Master Plan, the Updated Expansion Master Plan or Revisions to DISTRICT for its review and approval. DISTRICT shall have forty-five (45) days from the receipt of the Lawson Master Plan, the Updated Expansion Master Plan or Revisions, plus fourteen (14) days from any subsequent or follow up submittal, to review the Lawson Master Plan, the Updated Expansion Master Plan or Revisions and either approve the Lawson Master Plan, the Updated Expansion Master Plan or Revisions or notify GRANTOR of any objection thereto. DISTRICT's response, whether tentative approval or objection, shall be in writing and delivered to GRANTOR in accordance with paragraph 17. If DISTRICT has any objections to the Lawson Master Plan, the Updated Expansion Master Plan or Revisions, it shall state such objections in sufficient detail to enable GRANTOR to modify the Lawson Master Plan, the Updated Expansion Master Plan or Revisions so as to bring it into compliance with the terms, conditions and conservation purpose of this Easement.

(ii) In connection with any environmental review of the Lawson Master Plan, the Updated Expansion Master Plan or Revisions under the California Environmental Quality Act ("CEQA") or any successor statute then in effect, GRANTOR shall provide DISTRICT with notification of and opportunity to comment on any draft environmental document made public under the statute, prior to adoption or certification of that environmental document.

(iii) Upon DISTRICT's approval and GRANTOR's adoption of the Lawson Master Plan, the Updated Expansion Master Plan or the Revisions, all uses and improvements described therein and all development reasonably necessary to implement those described uses and improvements, shall be deemed to be consistent with the terms, conditions and conservation purpose of this Agreement and shall be permitted on the Property with no further notice to or approval by DISTRICT required. All such uses, development, improvements and activities shall at all times remain subject to the substantive limitations of paragraph 4 and Exhibits B and C of this Agreement.

6. Costs and Liabilities Related to the Property.

A. GRANTOR agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property and does hereby indemnify and hold

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DISTRICT harmless therefrom. Without limiting the foregoing, GRANTOR agrees to pay any and all real property taxes and assessments levied by competent authority on the Property. GRANTOR shall be solely responsible for any costs related to the maintenance of general liability insurance covering acts on the Property. DISTRICT shall have no responsibility whatever for the operation of the Property, the monitoring of hazardous conditions thereon, or the protection of GRANTOR, the public, or any third parties from risks relating to conditions on the Property. GRANTOR hereby agrees to indemnify and hold DISTRICT harmless from and against any damage, liability, claim, or expense (including attorneys' fees) relating to such matters. Without limiting the foregoing, other than is provided in paragraph 5.C, DISTRICT shall not be liable to GRANTOR or any other person or entity in connection with consents given or withheld hereunder, or in connection with any entry upon the Property occurring pursuant to this Agreement, or on account of any claim, liability, damage, or expense suffered or incurred by or threatened against GRANTOR or any other person or entity, except as such claim, liability, damage, or expense is the result of DISTRICT'S negligence, gross negligence, or intentional misconduct.

B. Notwithstanding any other provision of this Agreement to the contrary, the parties do not intend and this Agreement shall not be construed such that (1) it creates in DISTRICT the obligations or liabilities of an "owner" or "operator" as those words are defined and used in environmental laws, as defined below, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 United States Code, sections 9601 et seq. and hereinafter "CERCLA") or (2) it creates in DISTRICT the obligations or liabilities of a person described in 42 United States Code section 9607(a)(3) or (3) DISTRICT has the right to investigate and remediate any hazardous materials, as defined below, associated with the Property or (4) DISTRICT has any control over GRANTOR'S ability to investigate and remediate any hazardous materials associated with the Property. GRANTOR represents, warrants and covenants to DISTRICT that GRANTOR'S use of the Property shall comply with all environmental laws as that phrase is defined below.

For the purposes of this Agreement:

(i) The term "hazardous materials" includes, without limitation, any flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Hazardous Materials Transportation Act, as amended (49 United States Code sections 1801 et seq.), the Resource Conservation and Recovery Act of 1976, as amended (42 United States Code sections 6901 et seq.), sections 25117 and 25316 of the California Health & Safety Code, and in the regulations adopted and publications promulgated pursuant to them, or any other federal, state, or local environmental laws, ordinances, rules, or regulations concerning the environment, industrial hygiene or public health or safety now in effect or enacted after this date.

(ii) The term "environmental laws" includes, without limitation, any federal, state, local or administrative agency statute, regulation, rule, ordinance, order or requirement relating to environmental conditions or hazardous materials.

7. **Indemnities.**

ATTACHMENT 6

A. *GRANTOR'S Indemnity.* GRANTOR shall hold harmless, indemnify, and defend DISTRICT from and against damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with (i) injury to or the death of any person, or physical damage to property resulting from any act, omission, condition or other matter related to or occurring on or about the Property, except as such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of DISTRICT (it being the intent of this provision to limit GRANTOR'S indemnity to the proportionate part of DISTRICT'S damage, liability, claim or expense for which GRANTOR is responsible); and (ii) the obligations specified in paragraph 6. In the event of any claim, demand, or legal complaint against DISTRICT, the right to the indemnification provided by this subparagraph 7.A shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to DISTRICT'S written notice of such claim, demand, or legal complaint to GRANTOR, unless GRANTOR has acquired knowledge of the matter by other means, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by GRANTOR, which approval shall not be unreasonably withheld.

B. *DISTRICT'S Indemnity.* DISTRICT shall hold harmless, indemnify, and defend GRANTOR from and against all damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property and attributable to DISTRICT, except to the extent that such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of GRANTOR (it being the intent of this provision to limit DISTRICT'S indemnity to the proportionate part of GRANTOR'S damage, liability, claim or expense for which DISTRICT is responsible). In the event of any claim, demand, or legal complaint against GRANTOR, the right to the indemnification provided by this subparagraph B shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to GRANTOR'S written notice of such claim, demand, or legal complaint to DISTRICT, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by DISTRICT, which approval shall be in DISTRICT'S sole discretion. DISTRICT hereby also agrees to hold harmless, indemnify and defend GRANTOR from and against all damages, liabilities, claims and expenses, including attorneys' fees, asserted against GRANTOR by any officer, agent, employee, or volunteer of DISTRICT, for personal injury and/or property damage arising out of any inspection or visit to the Property by any such officer, agent, employee or volunteer of DISTRICT, except to the extent that such injury is attributable to the negligence, intentional act or willful misconduct of GRANTOR.

8. **Public Access to the Property.** GRANTOR and DISTRICT understand and agree that the Property will be operated and maintained as a public park and open space preserve in perpetuity. GRANTOR, however, reserves the right to exclude the public from the Property, in part or in whole, on a temporary basis to the extent necessary for public health or safety or for preservation of the conservation values identified in paragraph 1 of this Agreement. Nothing in this Agreement shall be construed to preclude GRANTOR'S right to grant access to third parties to the Property consistent with the terms, conditions and conservation purpose of this Agreement.

ATTACHMENT 6

9. **Interpretation and Construction.** To the extent that this Agreement may be uncertain or ambiguous such that it requires interpretation or construction, then it shall be interpreted and construed in such a way that meets the conservation purpose of this Agreement and the public policy goals referenced in recital no. 2. It is the intention of the parties that any interpretation or construction shall promote the conservation purpose of this Agreement. If any provision of this Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Agreement and the application of such provisions to persons or circumstances, other than those as to which it is found to be invalid, shall not be affected thereby.

10. **Baseline Documentation for Enforcement.** In order to establish the present condition of the Property's protected values, DISTRICT will prepare Baseline Documentation, which will be maintained on file with DISTRICT and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement. The parties agree that the Baseline Documentation provides collectively an accurate representation of the Property at the time of the execution of this Agreement. DISTRICT shall provide GRANTOR, free of charge, one complete copy of all of the Baseline Documentation promptly after it is prepared.

11. **Remedies for Breach.**

A. *DISTRICT'S Remedies.* In the event of a violation or threatened violation of any term, condition, covenant, or restriction contained in this Agreement, DISTRICT'S General Manager may, following notice to GRANTOR, which notice shall contain a reasonable and specific cure period, request GRANTOR'S Director of Regional Parks to meet to review the necessity to restore the Property to the condition that existed prior to such violation. If the General Manager and the Director of Regional Parks are unable to resolve the matter, DISTRICT may institute a suit to enjoin and/or recover damages for such violation and/or to require the restoration of the Property to the condition that existed prior to such violation. In the alternative, DISTRICT may, with the consent of GRANTOR, commence a proceeding in arbitration under paragraph 13 of this Agreement. The notice shall be a general written notification of the condition claimed by the DISTRICT to be a violation that is either mailed or delivered by DISTRICT to GRANTOR. If DISTRICT reasonably determines that circumstances require immediate action to prevent or mitigate significant damage to any natural conditions of the Property protected by this Agreement, DISTRICT may pursue its remedies under this paragraph without waiting for the period provided for cure to expire. DISTRICT'S rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Agreement, and GRANTOR agrees that DISTRICT'S remedies at law for any violation of the terms of this Agreement are inadequate and that DISTRICT shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief, including damages, to which DISTRICT may be entitled, including specific performance of the terms of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

B. *DISTRICT'S Discretion.* Enforcement of the terms of this Agreement shall be at the discretion of DISTRICT, and any forbearance by DISTRICT to exercise its rights under this Agreement in the event of any breach of any term of this Agreement by GRANTOR shall not be

ATTACHMENT 6

deemed or construed to be a waiver by DISTRICT of such term or of any subsequent breach of the same or any other term of this Agreement. Any failure by DISTRICT to act shall not be deemed a waiver or forfeiture of DISTRICT'S right to enforce any term, condition, covenant, or purpose of this Agreement in the future.

C. *Liquidated Damages.* Inasmuch as the actual damages which would result from the loss of the values associated with the conservation purpose of this Agreement and caused by its breach by GRANTOR are uncertain and would be impractical or extremely difficult to measure, the parties agree that the damages allowed by Civil Code section 815.7(c) shall be measured as follows:

(i) for an improvement prohibited by this Agreement, an amount equal to the product of (A) the market value of the improvement, (B) the length of time that the improvement exists on the Property, and (C) the then current interest rate for post judgment interest; and

(ii) 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 because of the change in use; and

(iii) for a change in use prohibited by this Agreement, whether or not it involves an improvement and where there is no measurable economic gain realized by GRANTOR, the product of (A) the cost of restoration, as set forth in a written estimate by a qualified person selected by DISTRICT, (B) the length of time that the prohibited use continues and (C) the then current interest rate for post judgment interest.

D. *GRANTOR'S Compliance.* If DISTRICT, in the notice to GRANTOR, demands that GRANTOR remove an improvement, discontinue a use or both and claims the damages allowed by Civil Code section 815.7(c), then GRANTOR may mitigate damages by fully complying with DISTRICT'S notice within the cure period provided therein. In the event of such full and timely compliance, DISTRICT shall not be entitled to damages for the breach specified in the notice. In the event of litigation arising out of the notice, brought either by GRANTOR or by DISTRICT, in which GRANTOR prevails, then GRANTOR shall be entitled to economic damages; provided that neither DISTRICT nor GRANTOR shall be entitled to damages where DISTRICT has not claimed damages in its notice.

E. *Remedies Nonexclusive.* The remedies set forth in this paragraph 11 are not intended to displace any other remedy available to either party as provided by this Agreement, Civil Code sections 815 et seq. or any other applicable law.

12. **Acts Beyond GRANTOR'S Control.** Nothing contained in this Agreement shall be construed to entitle DISTRICT to bring any action against GRANTOR for any injury to or change in the Property resulting from causes beyond GRANTOR'S control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by GRANTOR under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes so long as such action, to the extent that GRANTOR has control, is designed and

ATTACHMENT 6

carried out in such a way as to further the conservation purpose of this Agreement.

13. **Arbitration.** If a dispute arises between the parties concerning the consistency of any proposed use or activity with the conservation purpose of this Agreement, or any other dispute arising under this Agreement, either party, with the prior written consent of the other, may refer the dispute to arbitration by a request made in writing upon the other. Provided that GRANTOR agrees not to proceed with the use or activity pending resolution of the dispute, and upon the agreement of the parties to proceed to arbitration, within thirty (30) days of the receipt of such a request, the parties shall select a single arbitrator to hear the matter. If the parties are unable to agree on the selection of a single arbitrator, then each party shall name one arbitrator and the two arbitrators thus selected shall select a third arbitrator who shall be a retired Federal District Court or California Superior Court judge; provided, however, if either party fails to select an arbitrator, or if the two arbitrators fail to select a third arbitrator within fourteen (14) days after the appointment of the second arbitrator, then in each such instance, a proper court, on petition of a party, shall appoint the second or third arbitrator or both, as the case may be, in accordance with sections 1280, *et seq.* of the California Code of Civil Procedure or any successor statute then in effect. The arbitration shall be determined in accordance with said statute, with the conservation purpose of this Agreement, and all relevant provisions of this Agreement, and the applicable laws of the State of California, as the bases for determination and resolution, and a judgment of the arbitration award may be entered in any court having jurisdiction thereof. The prevailing party shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for all its costs and expenses related to such arbitration, including, without limitation, the fees and expenses of the arbitrators but excluding attorneys' fees, which shall be determined by the arbitrators and any court of competent jurisdiction that may be called upon to enforce or review the award.

14. **Condemnation.** In the event that the Property or some portion thereof is condemned for public use by an entity other than DISTRICT, the market value for purposes of just compensation shall be determined as though this Agreement did not exist and GRANTOR and DISTRICT shall share the compensation on the following basis: GRANTOR 0% and DISTRICT 100%. In the apportionment of the proceeds from an eminent domain proceeding, an adjustment shall be made in GRANTOR's favor for any increase in value after the date of this Agreement that is attributable to improvements; provided such increase in value is earned through GRANTOR's efforts and is not the result of value added by this easement, the passage of time or other passive means; and provided, further, that such increase in value is not the result of activities constituting a breach of this Agreement.

15. **Agreement to Bind Successors.** The conservation easement herein granted shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running in perpetuity with the Property and shall bind GRANTOR, GRANTOR'S heirs, personal representatives, lessees, executors, successors, including but not limited to purchasers at tax sales, and assigns forever. The parties intend that this Agreement shall benefit and burden, as the case may be, their respective successors, assigns, heirs, executors, administrators, agents, employees, and all other persons claiming by or through them pursuant to the common and statutory law of the State of California, including, *inter alia*, Civil Code sections 815-816.

ATTACHMENT 6

16. **Subsequent Deeds and Leases.**

A. *Fee Transfers; Approval of Grantees.* No sale or transfer of the fee interest in the Property may occur without (a) the consent of a majority of the voters of the County of Sonoma at an election called and conducted by the Board of Directors of the District, and (b) the District's determination that the prospective buyer or transferee of such interest is reasonably qualified to perform the obligations created by this Agreement. Neither the District's call of election nor its determination and consent shall be unreasonably withheld.

B. *Leases and Other Lesser Interests.* GRANTOR agrees that a clear reference to this Agreement will be made in any legal instrument by which any interest in the Property less than a fee interest (including but not limited to a leasehold interest) is conveyed, that GRANTOR will attach a copy of this Agreement to any such instrument, and that GRANTOR will notify DISTRICT in writing ten (10) days prior to any such conveyance. These obligations of GRANTOR shall not be construed as a waiver or relinquishment by DISTRICT of rights created in favor of DISTRICT by paragraph 15 of this Agreement.

17. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To GRANTOR: Director of Regional Parks
County of Sonoma
2300 County Center Drive, Suite 128
Santa Rosa, CA 95403

To DISTRICT: General Manager
Sonoma County Agricultural Preservation
and Open Space District
747 Mendocino Avenue
Santa Rosa, CA 95401

or to such other address as either party from time to time shall designate by written notice to the other. Notice, if mailed, shall be deemed to have been given upon the day following the day shown on the postmark of the envelope in which such notice is mailed or, in the event there is no such date shown on the postmark, then the day following the date of mailing shown on DISTRICT'S written declaration of mailing, which writing shall have been executed by a DISTRICT officer or employee.

18. **Successors and Assigns.** The terms GRANTOR and DISTRICT wherever used herein, and any pronouns used in place thereof, shall mean and include the above-named GRANTOR and his heirs, personal representatives, lessees, executors, successors, and assigns, including any person claiming under them, and the above-named DISTRICT and its successors and assigns, respectively.

19. **Integration.** This Agreement is the final and complete expression of the

ATTACHMENT 6

Agreement between the parties and any and all prior or contemporaneous agreements written or oral are merged into this written instrument.

20. Estoppel Certificates. DISTRICT shall, at any time during the existence of the Agreement, upon not less than thirty (30) days' prior written notice from GRANTOR, execute and deliver to GRANTOR a statement in writing certifying that the Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification) and acknowledging that there is not, to DISTRICT'S knowledge, any default by GRANTOR hereunder, or, if DISTRICT alleges a default by GRANTOR, specifying such default.

IN WITNESS WHEREOF, GRANTOR and DISTRICT have executed this Agreement this ____ day of _____, 2014.

GRANTOR:

By: _____
David Rabbitt
Chair, Board of Supervisors

GRANTEE:

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE
DISTRICT

ATTEST:

By: _____
David Rabbitt
President of the Board of Directors

County Clerk and
ex-officio Clerk of the Board of Supervisors
and *ex-officio* Clerk of the Board Directors

**ATTACHMENT 6
EXHIBIT "A"**

LEGAL DESCRIPTION

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

**ATTACHMENT 6
EXHIBIT "B"**

PERMITTED USES AND PRACTICES

The following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are permitted under this Agreement, and they are not to be precluded, prevented, or limited by this Agreement. It is further provided that they are undertaken in accordance with the terms and provisions of this Agreement and that all applicable governmental approvals and permits are properly obtained:

1. **Consistent Use:** To use or lease the Property consistent with the conservation purpose of this Agreement.
2. **Recreational Uses:** To utilize the Property for low-intensity recreational or educational purposes, including, but not limited to, hiking, nature study, picnicking, horseback riding, and hike-in, low-impact tent camping in up to two camping areas. Any activities as provided for in this Paragraph which result in significant surface alteration or development of the land require the approval of DISTRICT.
3. **Construction:** To utilize the existing residence and to construct, erect or place new non-residential structures and improvements as follows:
 - a. Use of Existing Residence. GRANTOR and DISTRICT acknowledge that there is an existing residence on the Property as shown on the Project Structure Map, attached as Exhibit "D". Subject to prior written notice to DISTRICT, GRANTOR may convert the existing residence on the Property for use either as (a) a Park Ranger residence; (b) hike-in overnight lodging for use in association with low-intensity public outdoor recreation and education; or (c) a visitor center or interpretive center.
 - b. Construction of New Non-residential Structures and Improvements. Subject to prior written approval of DISTRICT, to construct, erect or place non-residential structures or other improvements reasonably necessary for the recreational, resource management, water supply, water quality activities or property management activities and uses as provided in this Agreement, including, but not limited to, picnic tables, food lockers, primitive campsites, public trails, restroom facilities and water supply/quality facilities. GRANTOR shall deliver to DISTRICT written request for approval of such construction, erection or placement in accordance with the provisions set forth in this Agreement. DISTRICT's approval shall specifically consider design and location and shall be based upon its finding that the proposed construction, erection or placement is consistent with the conservation purpose of this Agreement. Additional boundary fencing deemed by GRANTOR to be reasonably necessary may be constructed without prior notice to or approval of DISTRICT, provided however that such fencing is constructed to allow visibility and does not impede wildlife movement and is consistent with the conservation purpose of this Agreement.

ATTACHMENT 6

4. **Maintenance, Repair and Replacement of Improvements:** Except as otherwise provided herein, to maintain, repair, replace and improve existing improvements, fences, fire protection and access roads, ditches, pumps and other improvements on the Property with ones of similar size, function, capacity and location, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Agreement, provided however, that such replacement is consistent with the conservation purpose of this Agreement. Such maintenance and repair may include the limited removal of brush and trees immediately adjacent to such improvements. Subject to approval of DISTRICT, to remodel or replace the residence and barn existing at the date hereof with structures of a similar size sited in a similar location. Such structures shall only be used for activities associated with the permitted recreational uses. In the event of destruction, deterioration, or obsolescence of any fences, roads, ditches, water sources, pumps or similar improvements, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Agreement, GRANTOR may replace same with ones of similar size, function, capacity and location, without prior notice to or approval by DISTRICT, provided, however, that such replacement is consistent with the conservation purpose of this Agreement, including the preservation of scenic and natural values, and that such replacement does not impede wildlife movement.
5. **Restoration and Enhancement:** To undertake conservation and restoration activities including, but not limited to, soil stabilization, practices to reduce erosion, enhancement of native plant and wildlife habitat; and activities which promote biodiversity in accordance with sound, generally accepted practices and all applicable laws, ordinances and regulations.
6. **Fire Management:** To undertake fire management plans in order to control and maintain vegetation to lower the risk of fire. Such methods may include mowing or limited brush removal on the Property. Plans shall be reviewed by DISTRICT and shall be acceptable to the appropriate local fire protection agencies.
7. **Signs:** To place signage on the Property associated with permitted recreational or educational purposes, the size of which shall individually not exceed two (2) square feet, and one sign to identify the Property which shall not exceed twenty-four (24) square feet. No sign shall be artificially illuminated.
8. **Easements:** To continue use in accordance with easements of record as of the date of this Agreement. Modifications to pre-existing easements and granting of new easements require the approval of DISTRICT and are subject to the provisions of Paragraph 8 of Exhibit "C". New easements may only be granted where they are consistent with or enhance the intended low intensity recreational use of the Property or will remove and significantly lessen the impact of easements of record as of the date of this Agreement on the conservation purpose of this Agreement.
9. **Removal of Non-Native Plants and Animals:** To remove invasive, non-native plant species that threaten or impede the growth of native plant species. To remove feral, non-native animal species that threaten the conservation purpose of this Agreement.

**ATTACHMENT 6
EXHIBIT "C"**

PROHIBITED USES AND PRACTICES

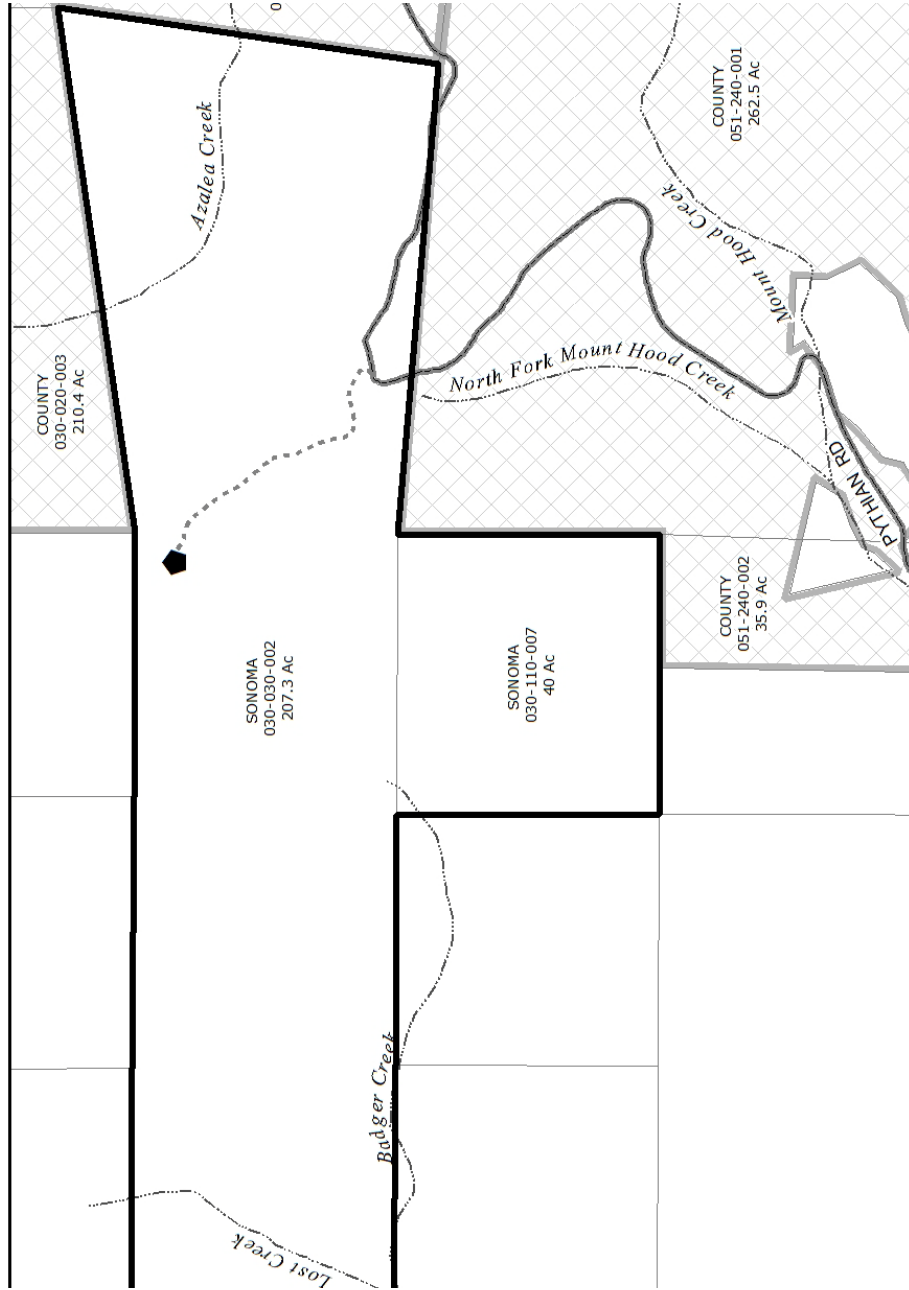
The following uses and practices, though not necessarily an exhaustive recital of inconsistent uses and practices, are inconsistent with the purposes of this Agreement and shall be prohibited upon or within the Property:

1. **Impairment:** To impair the conservation purpose, except as otherwise expressly provided in this Agreement.
2. **Inconsistent Uses:** To establish any residential, agricultural, commercial or industrial activity or use, except as provided for in Paragraphs 2, 3 and 4 of Exhibit "B".
3. **Signs:** To construct, place, or erect any sign or billboard on the Property, except as provided for in Paragraph 7 of Exhibit "B".
4. **Construction:** To construct, reconstruct, or replace any improvement except as provided for in Paragraphs 3 and 4 of Exhibit "B".
5. **Subdivision:** To divide, subdivide, or de facto subdivide the Property; provided, however, that the voluntary conveyance to a government or non-profit entity exclusively for conservation or public access purposes shall not be prohibited by this Paragraph.
6. **Motorized Vehicles:** To use motorized vehicles, except by GRANTOR or others under GRANTOR'S control for permitted activities, for inspections by DISTRICT, for emergency and fire control purposes, and for uses pursuant to deeded rights that pre-date this Agreement. Any use of motorized vehicles off roadways is prohibited except when necessary for permitted property management activities, for emergency and fire control purposes, and for uses pursuant to deeded rights that pre-date this Agreement.
7. **Dumping:** To dump or accumulate trash, ashes, garbage, waste, inoperative vehicles or other unsightly or offensive material on the Property.
8. **Utilities and Easements:** To install new or enlarged above-ground utility systems within pre-existing or new easements, including, without limitation, water, sewer, power, fuel, and communication lines and related facilities and equipment, except to serve recreational and /or property management activities or uses as provided in this Agreement. New easements may only be granted where they will remove and significantly lessen the impact of pre-existing easements on the conservation purpose of this Agreement.
9. **Hunting:** To hunt, trap or otherwise willfully kill wildlife for food or sport except as provided in Paragraph 9 of Exhibit "B".

ATTACHMENT 6

10. **Removal of Natural Resources:**
 - a. To explore for, develop, or extract minerals or hydrocarbons by any mining method, surface or otherwise.
 - b. To remove or destroy any native trees, shrubs or other native plant materials, except as necessary, in accordance with generally accepted conservation practices, to control or prevent hazard, disease, fire or non-native invasive plant species, or except as necessary for permitted activities and uses as provided for in this Agreement.
11. **Water and Soil Degradation:** To cause degradation of or erosion of the soil, or pollution of any surface or subsurface waters.
12. **Storage:** To store materials, such as pipes, culverts, fencing, heavy equipment, and the like, except while work is in progress and in no case for a period exceeding thirty (30) days after work is completed.
13. **Surface Alteration:** To alter the contour of the Property in any manner whatsoever including, but not limited to, excavating or removing soil, sand, gravel, rock, peat or sod, except in connection with activities and uses as provided in this Agreement and subject to approval of DISTRICT.

**ATTACHMENT 6
EXHIBIT "D"**



**Exhibit A-5
Lawson Project Structure Map**

**A COUNTY
AL PRESERVATION
SPACE DISTRICT**

Legend:

- Residence *:** Intermittent Stream** (dashed line), Driveway (dotted line), Road (solid line)
- Lawson Property:** (Solid black outline)
- Hood Mountain Regional Park:** (Cross-hatched pattern)
- Parcels:** (Thin solid black outline)

Scale: 0 500 1,000 2,000 Feet

North Arrow: N

Map Information:

- Map Date: 02/20
- Source: SCVIA (Statewide Conservation Values Inventory)
- UDAP Consideration: This map is for informational purposes only and is not intended to be definitive property.

C:\Kendall_S\GIS\Projects\Lawson-Hood\PDF\Lawson_project_structure

ATTACHMENT 7

RECORDING REQUESTED BY AND RETURN TO:

Clerk of the Board of Directors
Sonoma County Agricultural
Preservation and Open Space District
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

Free recording per Government Code Section 6103

LAWSON
RECREATION CONSERVATION COVENANT
(California Civil Code §§815 *et seq.*)

THIS AGREEMENT is entered into by and between the Sonoma County Agricultural Preservation and Open Space District (“the District”) and the County of Sonoma, a political subdivision of the State of California, its successors and assigns and those claiming under it (“the Owner”) pursuant to Government Code section 5540.6.

Recitals

A. The District was formed for the purpose of preserving open space in the County of Sonoma and is funded by a voter-approved sales tax, the expenditure of which is directed and limited by the Sonoma County Agricultural Preservation & Open Space 2006 Expenditure Plan (“the 2006 Expenditure Plan” or “the Plan”) adopted as part of the Sonoma County Open Space, Clean Water and Farmland Protection Measure (Sonoma County Ordinance No. 5677R).

B. Among the categories of open space identified for protection in the 2006 Expenditure Plan are “fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations” listed in the Plan. In accordance with this requirement, the District acquired the fee interest in that certain real property, located in the unincorporated area of Sonoma County, more particularly described in Exhibit “A,” attached

ATTACHMENT 7

hereto and incorporated herein by this reference ("the Lawson Property").

C. In a companion transaction of even date, the District has transferred fee interest in the Lawson Property to the Owner pursuant to Public Resources Code section 5540.6.

D. In a companion transaction of even date, the Owner has amended a conservation easement previously recorded on adjacent lands, such that the conservation easement now encompasses the Lawson Property as well (the "Conservation Easement"). The Conservation Easement generally limits the use of the Property to natural resource preservation and low-intensity public outdoor recreation consistent with identified open space values. This Covenant is intended to complement the Conservation Easement by assuring the continued and perpetual recreational use of the Lawson Property consistent with the Conservation Easement.

E. In companion transactions of even date, the Owner has granted to the District and its assignees an irrevocable offer of dedication of the fee interest in the Lawson Property to secure the Owner's performance under this Covenant (the "Irrevocable Offer of Dedication").

Agreement

FOR VALUABLE CONSIDERATION, the Owner hereby undertakes the following obligations for the benefit of the District:

1. *The Covenant.* The Owner hereby conveys to the District a recreation conservation covenant ("Covenant") within the meaning of Restatement Third, Property (Servitudes) §1.6(1) and pursuant to the authority of Civil Code §§815 *et seq.* and the common law of California, to assure that the Lawson Property will be continuously used, maintained and operated by the Owner and its successors in interest as a public park and open space preserve in perpetuity, available to the public for low-intensity public outdoor recreation and educational uses in a manner consistent with the Conservation Easement and the provisions herein.

ATTACHMENT 7

2. *Obligation to Provide Low-Intensity Public Outdoor Recreation and Educational Uses.*

A. The Owner hereby agrees to use, operate and maintain the Lawson Property as a public park and open space preserve in perpetuity, available to the public for low-intensity outdoor public recreation and educational uses in a manner consistent with the Conservation Easement and the provisions herein. Such use, operation, and maintenance of the Lawson Property as a public park and open space preserve shall commence at such time that a trail on the Property has been designed and constructed and that sensitive cultural resources have been protected, no later than July 31, 2017, and shall include, at a minimum, general availability of the Lawson Property for public hiking, picnicking and nature study no less than six hours per day, seven days per week. Notwithstanding the foregoing, Owner reserves the right to exclude the public from the Lawson Property on a temporary basis to the extent necessary for public health or safety or for the protection of the property's natural resources and scenic values.

B. The Owner shall not engage in activities that impede public access to or public use of the Lawson Property for low-intensity outdoor public recreation and educational uses pursuant to this Covenant, except as necessary on a temporary basis to protect public health or safety or the property's natural resources and scenic values.

C. When an update to the Hood Mountain Regional Park and Open Space Preserve Master Plan is prepared and approved pursuant to Section 5 of the Johnson Conservation Easement, the Owner's use, operation and maintenance of the Lawson Property as a public park and open space preserve shall be in accordance with such updated Master Plan.

3. *Enforcement.*

ATTACHMENT 7

A. In the event of an uncured breach by the Owner of any of its obligations under this Covenant, the District may: (1) institute a suit for appropriate equitable relief; (2) institute a suit to recover damages; (3) accept the Irrevocable Offer of Dedication identified in Recital C; or (4) pursue any combination of the foregoing.

B. Prior to taking any action under Paragraph 3.A, the District shall provide the Owner with a notice to cure (“Notice”). The Notice shall be a written notification generally describing the condition or event claimed by the District to be a breach of the Owner’s obligations that is either mailed or otherwise delivered by the District to the Owner. The Notice shall include a reasonable period in which the breach must be cured to the reasonable satisfaction of the District. The remedies provided by Paragraph 3.A shall be available to the District immediately upon expiration of the cure period.

C. Enforcement of the obligations created by this Covenant shall be at the sole discretion of the District. Any forbearance by the District to exercise its rights under this Covenant shall not be deemed or construed to be a waiver or forfeiture by the District.

D. The actual damages incurred by the District and allowed by Civil Code section 815.7(c) resulting from the Owner’s breach of the obligations imposed by this Covenant are uncertain and would be impractical or extremely difficult to measure. Accordingly, the parties agree that the District’s damages shall be measured by the fair market value of the Lawson Property, unencumbered and without regard to the Conservation Easement or this Covenant, multiplied by the length of time in years, including fractions thereof, during which the breach remains uncured after Notice has been given by the District pursuant to Paragraph 3.B, multiplied by the then current annual interest rate for post judgment interest, provided however, that:

(i) No action for liquidated damages under this Paragraph D shall be filed without the consent of the District’s Board of Directors; and

ATTACHMENT 7

(ii) No liquidated damages shall be assessed during any period for which the Owner's governing body has, based upon substantial evidence, declared a fiscal emergency rendering it financially unable to perform its obligations under this Covenant; and

(iii) In no case shall liquidated damages exceed Two-Million Dollars (\$2,000,000) for any single breach. The Owner's liability for damages is discharged if the Owner cures the breach within the time specified in the District's Notice.

E. The remedies set forth in this Paragraph 3 are in addition to and not intended to displace any other remedy available to either party as provided by this Covenant, the Conservation Easement, Civil Code Sections 815 *et seq.*, the common law or any other applicable local, state or federal law.

F. Nothing contained in this Paragraph 3 shall be construed to entitle the District to bring any action against the Owner for any failure to perform resulting from causes beyond the Owner's control, including, without limitation, wildfire, flood, storm, and earth movement, or from any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate a failure to perform resulting from such causes so long as such action, to the extent that the Owner has control, is designed and carried out in such a way as to further the purpose of this Covenant.

4. *Fee Transfers; Approval of Grantees.* No sale or transfer of the fee interest in the Lawson Property may occur without (a) the consent of a majority of the voters of the County of Sonoma at an election called and conducted by the Board of Directors of the District, and (b) the District's determination that the prospective buyer or transferee of such interest is reasonably qualified to perform the obligations created by this Covenant and the Conservation Easement. Neither the District's call of election nor its determination and consent shall be unreasonably

ATTACHMENT 7

withheld. A failure to comply with these requirements is a material breach of this Covenant subject to the remedies set forth in Paragraph 3.

5. *Third Party Beneficiaries.* The District and the Owner do not intend and this Covenant shall not be construed to create any rights in third parties.

6. *Integration.* This Agreement is the final and complete expression of the agreement between the parties and any and all prior or contemporaneous agreements written or oral have been merged into this written instrument, other than the Conservation Easement which remains in full force and effect.

7. *Inspection.* The District may, within its sole discretion and from time to time, inspect the Lawson Property to determine if the Owner is in compliance with this Covenant.

8. *Covenant to Bind Successors.* This Covenant shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running in perpetuity with the Lawson Property and shall bind the Owner and its successors in interest, including but not limited to purchasers at tax sales, assigns, and all persons claiming under them forever. The parties intend that this Covenant shall benefit and burden, as the case may be, their respective successors, assigns, heirs, executors, administrators, agents, officers, employees, and all other persons claiming by or through them pursuant to the common and statutory law of the State of California. Further, the parties agree and intend that this Covenant creates an easement encompassed within the meaning of the phrase “easements constituting servitudes upon or burdens to the property,” and irrevocable offers of dedication encompassed within the meaning of the phrase “unaccepted, recorded, irrevocable offers of dedication,” as those phrases are used in California Revenue & Taxation Code section 3712(d) and (e), or any successor statute then in effect, such that a purchaser at a tax sale will take title to the Lawson Property subject to this Covenant.

ATTACHMENT 7

IN WITNESS WHEREOF, OWNER and DISTRICT have executed this Covenant this
_____ day of _____, 2014.

OWNER:

COUNTY OF SONOMA

By: _____

Chair of the Board of Supervisors

DISTRICT:

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

By: _____

President of the Board of Directors

ATTEST:

Clerk of the Board of Directors/Supervisors

NOTE: ACKNOWLEDGMENTS MUST BE ATTACHED FOR ALL SIGNATORIES.

ATTACHMENT 7

Exhibit A

Property Legal Description

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

ATTACHMENT 8

RECORDING REQUESTED BY:
Fidelity National Title Company
Order No.: FSNX-7051400791

When Recorded Mail Document To:
County of Sonoma

APN/Parcel ID(s): 030-030-002-000
030-110-007-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

This transfer is exempt from the documentary transfer tax.

"The grantee is the United States or an agency or instrumentality thereof, a state or territory, or political subdivision thereof, R & T 11922."

The documentary transfer tax is \$_____ and is computed on:

the full value of the interest or property conveyed.

the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in the **City of Santa Rosa**.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Sonoma County Agricultural Preservation and Open Space District, an open space district duly organized under the laws of the State of California

hereby GRANT(S) to County of Sonoma, a political subdivision of the State of California

the following described real property in the City of Santa Rosa, County of Sonoma, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RESERVING THEREFROM EASEMENTS FOR CONSERVATION PURPOSES AS FURTHER DESCRIBED AND DEFINED IN THOSE CERTAIN "DEED AND AGREEMENT BY AND BETWEEN COUNTY OF SONOMA AND THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT CONVEYING A CONSERVATION EASEMENT AND ASSIGNING DEVELOPMENT RIGHTS" AND "_____ REGIONAL PARK AND OPEN SPACE PRESERVE RECREATION COVENANT" RECORDED CONCURRENTLY HEREWITH.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED
(continued)

APN/Parcel ID(s): 030-030-002-000
030-110-007-000

Dated: June 3, 2014

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Sonoma County Agricultural Preservation and Open Space District, an open space district duly organized under the laws of the State of California

BY: _____
Name:
Title:

State of California

County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

ATTACHMENT 9
CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)
OF REAL PROPERTY BY THE
BOARD OF DIRECTORS OF THE
SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

This is to certify that the interests in real property conveyed by the Conservation Easement Agreement dated _____ from the County of Sonoma, a public agency, to the Sonoma County Agricultural Preservation and Open Space District, a governmental agency formed pursuant to the provisions of Public Resources Code Section 5506.5, is hereby accepted by the President of the Board of Directors on behalf of the District pursuant to the authority conferred by Resolution No. _____ of the Board of Directors, dated _____ and the District consents to the recording thereof by its duly authorized officer.

Sonoma County Agricultural Preservation and
Open Space District

Dated: _____

By: _____
David Rabbitt, President
Board of Directors

ATTEST:

Clerk of the Board of Directors

ATTACHMENT 10
CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)
OF REAL PROPERTY BY THE
BOARD OF DIRECTORS OF THE
SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

This is to certify that the interests in real property conveyed by the Recreation Conservation Covenant dated _____ from the County of Sonoma, a public agency, to the Sonoma County Agricultural Preservation and Open Space District, a governmental agency formed pursuant to the provisions of Public Resources Code Section 5506.5, is hereby accepted by the President of the Board of Directors on behalf of the District pursuant to the authority conferred by Resolution No. _____ of the Board of Directors, dated _____ and the District consents to the recording thereof by its duly authorized officer.

Sonoma County Agricultural Preservation and
Open Space District

Dated: _____

By: _____
David Rabbitt, President
Board of Directors

ATTEST:

Clerk of the Board of Directors

ATTACHMENT 11

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)
OF REAL PROPERTY BY THE
BOARD OF SUPERVISORS
COUNTY OF SONOMA

This is to certify that the interests in real property described in the attached Exhibit A, conveyed by the Grant Deed dated _____ from the Sonoma County Agricultural Preservation and Open Space District, a governmental agency formed pursuant to the provisions of Public Resources Code Section 5506.5, to the County of Sonoma, a political subdivision of the State of California, (“Grantee”), is hereby accepted by the Chairman of the Board of Supervisors, pursuant to the authority conferred by Resolution No. _____ of the Board of Supervisors, dated _____ and the Grantee consents to the recording thereof by its duly authorized officer.

County of Sonoma

Dated: _____

By: _____
David Rabbitt, Chairman
Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

Exhibit A
Property Legal Description

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA,
COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

ATTACHMENT 12

IRREVOCABLE OFFER OF DEDICATION (LAWSON)
(Public Resources Code §5565.5)

FOR VALUABLE CONSIDERATION, the County of Sonoma (“County”) hereby grants and makes to the Sonoma County Agricultural Preservation and Open Space District ("District") an irrevocable offer of dedication of the fee interest in the real property (“the Property”) that is located close to Santa Rosa and is more particularly described in Exhibit “A” attached hereto and incorporated herein as though fully set forth. This offer may be accepted by the District at any time that its Board of Directors determines, in its sole discretion, that there exists an uncured material breach of that certain Lawson Recreation Conservation Covenant entered into by and between the County and District recorded with the Sonoma County Recorder on _____ [Date] as Instrument No. _____.

This Irrevocable Offer of Dedication shall run with the land and shall be binding upon the Owner and all assigns, grantees, successors, transferees and/or heirs of the Owner.

IN WITNESS WHEREOF, County has executed this Irrevocable Offer of Dedication this _____ day of _____, 2014.

OWNER: County of Sonoma

By: _____
President of the Board

ATTEST:

Clerk of the Board

NOTE: ACKNOWLEDGMENTS MUST BE ATTACHED FOR ALL SIGNATORIES.

ATTACHMENT 12

Exhibit A: Legal Description

For APN/Parcel ID(s): 030-030-002-000 and 030-110-007-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

The Southeast quarter of the Southeast quarter, the North half of the Southeast quarter and the Northeast quarter of the Southwest quarter ALL in Section 12, Township 7 North, Range 7 West, M.D.M.

APN: 030-030-002-000 (portion) and 030-110-007-000

Parcel Two:

Lots numbered 9 and 10 of Section 7, Township 7 North, Range 6 West, M.D.M.

APN: 030-030-002-000 (portion)

ATTACHMENT 13

SONOMA COUNTY
AGRICULTURAL
PRESERVATION
& OPEN SPACE
D I S T R I C T

NOTICE OF EXEMPTION
CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: Lawson Property Transfer

PROJECT LOCATION: 7575 Sonoma Highway, Santa Rosa, CA

PROJECT DESCRIPTION: The Sonoma County Agricultural Preservation and Open Space District (District) is proposing to enter into a transfer agreement with the County of Sonoma pursuant to which the District will transfer in fee the approximately 247-acre Lawson Property, subject to a conservation easement and recreation conservation covenant (covenant) held by the District, for the purposes of preserving the open space, scenic, and natural values of the property and to support public recreational use. In accordance with the transfer agreement, the District will provide funding to Sonoma County for operation and maintenance of the property and to plan for and develop initial public access improvements, for which a future master plan and CEQA analysis will be completed.

PUBLIC AGENCY APPROVING PROJECT: Sonoma County Agricultural Preservation and Open Space District
747 Mendocino Avenue, Suite 100
Santa Rosa, CA 95401-4850

PUBLIC AGENCY CONTACT: Sara Press, Associate Open Space Planner (707) 565-7360

EXEMPT STATUS:

- Ministerial** (Section 15073)
- Declared Emergency** (Section 15071(a))
- Emergency Project** (Section 15071(b) & (c))
- Categorical Exemption** pursuant to Sections 15313(a) and (c) (Acquisition of Lands for Wildlife Conservation Purposes), 15316(a) (Transfer of Ownership of Land in Order to Create Parks), 15317 (Open Space Contracts or Easements), and 15325 (a), (c), and (f) (Transfer of Ownership of Interest in Land to Protect Existing Natural Conditions) of Title 14, of the California Environmental Quality Act (CEQA). In addition, to the extent that the transfer agreement anticipates funding for operation and maintenance of the property prior to development of a master plan, it is exempt as providing for repair and maintenance of existing facilities (CEQA Guidelines Section 15301); replacement or reconstruction (CEQA Guidelines Section 15302); minor alterations to land (CEQA Guidelines Section 15304); information collection (CEQA Guidelines Section 15306); and accessory structures (CEQA Guidelines Section 15311).

REASONS WHY PROJECT IS EXEMPT:

The project is exempt pursuant to Section 15316(a), Transfer of Ownership of Land in Order to Create Parks, of Title 14 of the California Code of Regulations because the purpose of the acquisition is to establish a public park where the land is in a natural condition and a management plan has not been prepared.

Alternatively, the project is exempt pursuant to Section 15317, Open Space Contracts or Easements, of Title 14 of the California Code of Regulations because the purpose of the acquisition is to maintain the open space character of the area. The project restricts use on the Property primarily to natural resource protection and recreational and educational activities, thus maintaining the open space character of the property.

Alternatively, the project is exempt pursuant to Section 15313(a) and (c), Acquisition of Lands for Wildlife Conservation Purposes, of Title 14 of the California Code of Regulations because the purpose of the acquisition is to preserve fish and wildlife habitat, and to preserve access to public lands and waters where the purpose is to preserve the land in its natural condition, respectively. The conservation easement restricts use on the Property solely to natural resource protection, habitat restoration and enhancement, and recreational and educational activities.

Alternatively, the project is exempt pursuant to Section 15325(a), (c) and (f), Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions, of Title 14 of the California Code of Regulations because the purpose of the acquisition is to preserve the existing natural conditions including plant and animal habitats, to allow for restoration of natural conditions including plant and animal habitats, and to preserve open space or lands for park purposes, respectively. The project provides protection of sensitive serpentine soils, and provides for public recreational and educational opportunities.

Alternatively, to the extent that the transfer agreement anticipates funding for operation and maintenance of the property prior to development of a master plan, the project is exempt pursuant to Section 15301 Existing Facilities, of Title 14 of the California Code of Regulations because the purpose of the funding is to operate, repair and maintain existing facilities.

Alternatively, to the extent that the transfer agreement anticipates funding for operation and maintenance of the property prior to development of a master plan, the project is exempt pursuant to Section 15302 Replacement or Reconstruction, of Title 14 of the California Code of Regulations because the purpose of the funding is to provide for replacement or reconstruction of existing structures and facilities such as the existing road.

Alternatively, to the extent that the transfer agreement anticipates funding for operation and maintenance of the property prior to development of a master plan, the project is exempt pursuant to Section 15304 Minor Alterations to Land, of Title 14 of the California Code of Regulations because the purpose of the funding is to implement minor alterations of land, water and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

Alternatively, to the extent that the transfer agreement anticipates funding for operation and maintenance of the property prior to development of a master plan, the project is exempt pursuant to Section 15306 Information Collection, of Title 14 of the California Code of Regulations because the purpose of the funding is to conduct resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Alternatively, to the extent that the transfer agreement anticipates funding for operation and maintenance of the property prior to development of a master plan, the project is exempt pursuant to Section 15311 Accessory Structures, of Title 14 of the California Code of Regulations because the purpose of the funding is to construct or replace minor structures in an open space preserve such as signs and portable restrooms.

THIS NOTICE OF EXEMPTION IS BEING FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT.

William J. Keene, General Manager
SCAPOSD



NOTICE OF EXEMPTION

To: County Clerk, Sonoma County
2300 County Center Drive, B177
Santa Rosa, California 95403

From: Sonoma County Regional Parks
2300 County Center Drive, Suite 120A
Santa Rosa, California 95403

The Sonoma County Regional Parks Department, pursuant to Section 23A-11 of the Sonoma County Code, determines that the following project is exempt from the requirements of the California Environmental Quality Act:

HOOD MOUNTAIN REGIONAL PARK & OPEN SPACE PRESERVE – LAWSON PROPERTY ACQUISITION

Project Title

7575 Highway 12

APN: 030-030-002 and 030-110-007

Project Location - Specific

Santa Rosa

Sonoma

Project Location - City

Project Location - County

Description of Nature, Purpose, and Beneficiaries of Project: The project consists of acquisition of fee title to the 247.3 acre Lawson property. Property would be added to Hood Mountain Regional Park & Open Space Preserve after an amendment to the Hood Mountain Regional Park Expansion Project Master Plan is completed.

Sonoma County

Sonoma County Regional Parks Department

Public Agency Approving Project

Person or Agency Carrying Out Project

Exempt Status

- Ministerial [§21080(b)(1); §15268; §15269(b)(c)]
- Declared Emergency [§21080(b)(3); §15269(a)]
- Emergency Project [§21080(b)(4)]
- Statutory Exemption §15260-15285
- General Rule §15061(b)(3): Review for Exemption
- Categorical Exemption

Reasons why project is exempt: Acquisition of the 247.3-acre Lawson property does not have the potential for causing a significant effect on the environment. The project will not result in the removal healthy, mature, scenic trees, and will not result in cumulative impacts or significant effects to scenic or historical resources. The project area is not located on a site that is included on the lists compiled pursuant to §65962.5 of the Government Code or within any wetland, officially designated scenic area, or officially mapped area of severe geologic hazard.

Contact Person: Steve Ehret, Planning Manager
Sonoma County Regional Parks Department

Telephone Number: (707) 565-2041

Date: June 10, 2014

ATTACHMENT 15

Lawson Addition to Hood Mountain Regional Park & Open Space Preserve - Estimate Estimate for Interim Public Access

| ITEM | | INITIAL ACCESS PHASE | NOTES |
|---|---|----------------------|---|
| Master Plan/Management Plan, CEQA, Resource Studies, Stakeholder Outreach | | \$ 75,000 | Costs assume a Mitigated Negative Declaration. Biological study may need minor updating. Traffic report to be completed. Biological, wetlands, 2 phases of cultural studies are complete. |
| Trail | | | 4' wide dirt trail from Lower Johnson Ridge Trail to main ridge at Lawson; Connection to Johnson - |
| | Planning/Design, Bidding, Construction Management | \$ 40,000 | |
| | Stormwater (SWPPP), Regulatory Permits | \$ 15,000 | |
| | Trail construction - combination trail contractor and volunteers | \$ 280,000 | Approx. 1.8-2 miles; 450 feet elevation gain; 30' x 6' trail bridge over North Fork of Hood Creek |
| Cultural Resource Site Protection | | | |
| | Site Treatment Plan, Engineering, State Historic Preservation Office, Tribal Coordination | \$ 35,000 | Preliminary agreement with Wappo & F.I.G.R. over approach reached in 2008; SHPO approval not started. |
| | Tribal Monitoring for Construction | \$ 5,000 | Assumes representatives from both tribes present. |
| | Site Protection Installation and Signage | \$ 60,000 | Custom steel structure anchored in rock |
| TOTAL | | \$ 510,000 | |

**Lawson Addition to Hood Mtn Reg. Park & Open Space Preserve
3 YEAR OPERATIONS, MAINTENANCE & VOLUNTEER SERVICES COST ESTIMATE**

| Park Revenues | FY 14-15 | FY 15-16 | FY 16-17 |
|--|------------------|------------------|------------------|
| Fees (Day Use parking, Special Use Permits, Camping, Special Events, etc) | \$ - | \$ 1,800 | \$ 12,600 |
| Grazing Revenue | \$ - | \$ - | \$ - |
| Open Space District O & M Funding (SCAPOSD) | \$ 24,372 | \$ 30,440 | \$ 35,854 |
| Transient Occupancy Tax (TOT) - New & Improved Facilities | \$ - | \$ - | \$ - |
| Undetermined Revenues* | \$ - | \$ - | \$ - |
| Other Revenues (cell towers, leases, concessions, residences, etc) | \$ - | \$ - | \$ - |
| TOTAL REVENUE | \$ 24,372 | \$ 32,240 | \$ 48,454 |

| Park Operations | | | |
|---|-----------------|------------------|------------------|
| Routine Park Inspection / Park Ranger Patrols | \$ 3,145 | \$ 5,417 | \$ 12,538 |
| Daily Park Open - Closing / Visitor Security /Search & Rescue | \$ - | \$ 437 | \$ 1,791 |
| Fee Collection | \$ - | \$ - | \$ - |
| Law Enforcement / Emergency Response | \$ 2,097 | \$ 2,971 | \$ 3,045 |
| Resource Management / Monitoring | \$ 1,747 | \$ 1,747 | \$ 1,791 |
| Sanitation Services | \$ - | \$ - | \$ - |
| Campground Services | \$ - | \$ - | \$ - |
| Park Mgmt /Direct Admin | \$ 1,362 | \$ 2,061 | \$ 3,644 |
| Sanitation Supplies | \$ - | \$ - | \$ - |
| Utilities | \$ - | \$ - | \$ - |
| Sanitation Services | \$ - | \$ - | \$ - |
| Professional Services | \$ - | \$ - | \$ - |
| Sub Total | \$ 8,352 | \$ 12,632 | \$ 22,809 |

| Park Maintenance | | | |
|--|-----------------|------------------|------------------|
| Park Infrastructure | \$ 674 | \$ 1,179 | \$ 2,762 |
| Seasonal Mowing / Trail Maintenance / Fuel Reduction | \$ 2,021 | \$ 2,527 | \$ 4,144 |
| Landscape Management | \$ 1,011 | \$ 1,011 | \$ 1,036 |
| Vandalism Repair / Graffiti Removal / Encampment Removal | \$ 1,348 | \$ 1,348 | \$ 1,381 |
| Water Systems -Public Drinking Water, Wells, Other Water Systems | \$ - | \$ - | \$ - |
| Storm Water Mgmt | \$ 1,348 | \$ 1,348 | \$ 1,381 |
| Maint. Mgmt/Direct Admin | \$ 1,086 | \$ 1,257 | \$ 1,816 |
| Maintenance - Service & Supplies | \$ 2,500 | \$ 2,500 | \$ 2,500 |
| Park Furniture | \$ - | \$ 500 | \$ 2,000 |
| Professional Services | \$ - | \$ - | \$ - |
| Sub Total | \$ 9,987 | \$ 11,669 | \$ 17,020 |

| Volunteer Services - Stewardship, Patrols & Environmental Education | | | |
|--|-----------------|-----------------|-----------------|
| Environmental Education / Park Interpretation | \$ 2,860 | \$ 2,860 | \$ - |
| Volunteer Project - Crew Lead | \$ - | \$ - | \$ 2,932 |
| Volunteer Park Services - Administrative Support | \$ 1,905 | \$ 3,810 | \$ 3,905 |
| Volunteer Project Materials | \$ - | \$ - | \$ - |
| Marketing & Promotion / Interpretation | \$ - | \$ - | \$ 500 |
| Professional Services | \$ - | \$ - | \$ - |
| Sub Total | \$ 4,765 | \$ 6,670 | \$ 7,337 |

| Facilities Management / General Services | | | |
|---|-----------------|-----------------|-----------------|
| Building Maintenance - staff | \$ 769 | \$ 769 | \$ 788 |
| Building Materials - services and supplies | \$ 500 | \$ 500 | \$ 500 |
| Sub Total | \$ 1,269 | \$ 1,269 | \$ 1,288 |

TOTAL EXPENSE \$ 24,372 \$ 32,240 \$ 48,454

NET COST \$ 0 \$ (0) \$ (0)

**Lawson Addition to Hood Mtn Reg. Park & Open Space Preserve
FY 14-15 WORK PLAN**

| Park Revenues | FY 14-15 Revenues | |
|--|-------------------|---------------|
| | Land Stewardship | Public Access |
| Fees (Day Use, Special Use Permit, Camping, Special Event, Firewood, etc) | | |
| Grazing Revenue | | |
| Open Space District O & M Funding (SCAPOSD) | \$ 24,372 | |
| Transient Occupancy Tax (TOT) - New & Improved Facilities | | |
| Undetermined Revenues* | | |
| Other Revenues (cell towers, leases, concessions, residences, etc) | | |
| TOTAL REVENUE | \$ 24,372 | \$ - |

Regional Parks collects a \$7 day use parking fee at the Hood Moutain - Pythian Road & Los Alamos parking lots. No additional revenues are anticipated in FY 14-15.

| Park Operations | FY 14-15 Expenses | |
|--|-------------------|---------------|
| | Land Stewardship | Public Access |
| Routine Park Inspection / Park Ranger Patrols | \$ 3,145 | \$ - |
| Daily Park Open - Closing / Visitor Security /Search & Rescue | \$ - | \$ - |
| Fee Collection (park paystation, iron ranger, reservable picnic /group areas, special use permits) | \$ - | \$ - |
| Law Enforcement / Emergency Response | \$ 2,097 | \$ - |
| Resource Management / Monitoring | \$ 1,747 | \$ - |
| Sanitation Services (litter pickup / trash removal / restroom cleaning) | \$ - | \$ - |
| Campground Services (registration, check in, patrols, fee collection, security) | \$ - | \$ - |
| Park Mgmt /Direct Admin (staff supervision, risk mgmt, revenue mgmt, contract admin, permits) | \$ 1,362 | \$ - |
| Sanitation Supplies (cleaning products, trashcans, liners, toilet paper) | | |
| Utilities (water, gas, propane, other) | | |
| Sanitation Services (porta potty(s) , restrooms, dumpsters) | | |
| Non Profit / Other Agency support / Professional Services | | |
| Sub Total | \$ 8,352 | \$ - |

Level of Service

Park Rangers patrol the property approximately one time per month to observe site conditions and infrastructure throughout the property.

Rangers will provide Law Enforcement and Emergency response to address emergencies that normally involve missing persons or malicious trespass. Rangers will coordinate trained volunteers to assist with property supervision.

Rangers will monitor various important resources and coordinate with Park Planning staff and other environmental / regulatory agencies to manage natural resources on the property.

| Park Maintenance | | |
|---|-----------------|-------------|
| Park Infrastructure (structures / signage/ gates / trail markings / parking lot maintenance) | \$ 674 | \$ - |
| Seasonal Mowing / Trail Maintenance / Fuel Reduction | \$ 2,021 | \$ - |
| Landscape Management (invasive removal / erosion & sedimentatin controls, irrigation systems) | \$ 1,011 | \$ - |
| Vandalism Repair / Graffiti Removal / Encampment Removal | \$ 1,348 | \$ - |
| Water Systems -Public Drinking Water, Wells, Other Water Systems | \$ - | \$ - |
| Storm Water Mgmt | \$ 1,348 | \$ - |
| Maint. Mgmt/Direct Admin (staff supervision, risk mgmt, project mgmt, contract admin) | \$ 1,086 | \$ - |
| Maintenance - Service & Supplies (equipment, equipment repair, structure repair materials) | \$ 2,500 | \$ - |
| Park Furniture (Tables, Benches, Dog Waste Supplies, Signage, etc) | | |
| Professional Services - Non Profit Resource Mgmt/ Other Agency support | | |
| Sub Total | \$ 9,987 | \$ - |

Maintenance will maintain functional gates and fencing on the property. Vegetation mangament will be performed annually to maintain clearances along existing roads and trails.

Erosional areas and invasive plants will be managed according to best management practices as funding allows.

Culverts and other surface improvements will be managed and incorporated into the department stormwater management program.

| Volunteer Services - Stewardship, Patrols & Interpretation | | |
|---|-----------------|-------------|
| Environmental Education / Park Interpretation | \$ 2,860 | \$ - |
| Volunteer Project - Crew Lead | \$ - | \$ - |
| Volunteer Park Services - Adminstrative Support (patrols, park host, mounted assistance unit) | \$ 1,905 | \$ - |
| Volunteer Project Materials (invasive removal, trail development / repair , restorations, monitoring) | | |
| Marketing / Promotion / Public Relations / Env. Education / Park Interpretation | \$ - | |
| Professional Services- Non Profit Resource Mgmt/ Other Agency support | | |
| Sub Total | \$ 4,765 | \$ - |

Park staff will coordinate up to 6 public interpretative hikes and tours of the property. These hikes will highlight the natural resources, conservation values and partnership with the Ag Preservation & Open Space District to protect the upper Santa Rosa Creek headwaters and expand Hood Mountain Regional Park and Open Space Preserve.

Trained volunteers will perform regular foot patrols on the property.

| Volunteer Service Hours - Financial Value | | |
|--|-----------------|-------------|
| Volunteer Service Hours - Trails (workday events)** | \$ - | \$ - |
| Volunteer Service Hours - Operations (trailwalkers, MAU)** | \$ 2,902 | \$ - |
| Volunteer Service Hours - Resource Projects (invasives, restoration, monitoring)** | \$ - | \$ - |
| Volunteer Service Hours - Hosting (trail host, camp host)** | \$ - | \$ - |
| Volunteer Service Hours - Docents (guided hikes, interpretation, Env. Education)** | \$ 6,964 | \$ - |
| In-Kind Financial Value | \$ 9,865 | \$ - |

| Facilities Management / General Services | | |
|--|-----------------|-------------|
| Building Maintenance - staff | \$ 769 | \$ - |
| Building Materials - services and supplies | \$ 500 | \$ - |
| Sub Total | \$ 1,269 | \$ - |

General Services building mechanic staff will perform prevenative mainteance and repairs on residences, buildings, and septic systems.

TOTAL EXPENSE \$ 24,372 \$ -

**Lawson Addition to Hood Mtn Reg. Park & Open Space Preserve
FY 15-16 WORK PLAN**

| FY 15-16 Revenues | | |
|--|------------------|-----------------|
| Park Revenues | Land Stewardship | Public Access |
| Fees (Day Use, Special Use Permit, Camping, Special Event, Firewood, etc) | | \$ 1,800 |
| Grazing Revenue | | |
| Open Space District O & M Funding (SCAPOSD) | \$ 24,372 | \$ 6,068 |
| Transient Occupancy Tax (TOT) - New & Improved Facilities | | |
| Undetermined Revenues* | | |
| Other Revenues (cell towers, leases, concessions, residences, etc) | | |
| TOTAL REVENUE | \$ 24,372 | \$ 7,868 |

| FY 15-16 Expenses | | |
|--|------------------|-----------------|
| Park Operations | Land Stewardship | Public Access |
| Routine Park Inspection / Park Ranger Patrols | \$ 3,145 | \$ 2,272 |
| Daily Park Open - Closing / Visitor Security /Search & Rescue | \$ - | \$ 437 |
| Fee Collection (park paystation, iron ranger, reservable picnic /group areas, special use permits) | \$ - | \$ - |
| Law Enforcement / Emergency Response | \$ 2,097 | \$ 874 |
| Resource Management / Monitoring | \$ 1,747 | \$ - |
| Sanitation Services (litter pickup / trash removal / restroom cleaning) | \$ - | \$ - |
| Campground Services (registration, check in, patrols, fee collection, security) | \$ - | \$ - |
| Park Mgmt /Direct Admin (staff supervision, risk mgmt, revenue mgmt, contract admin, permits) | \$ 1,362 | \$ 698 |
| Sanitation Supplies (cleaning products, trashcans, liners, toilet paper) | | |
| Utilities (water, gas, propane, other) | | |
| Sanitation Services (porta potty(s) , restrooms, dumpsters) | | |
| Non Profit / Other Agency support / Professional Services | | |
| | \$ 8,352 | \$ 4,280 |

| Park Maintenance | | |
|---|-----------------|-----------------|
| Park Infrastructure (structures / signage/ gates / trail markings / parking lot maintenance) | \$ 674 | \$ 505 |
| Seasonal Mowing / Trail Maintenance / Fuel Reduction | \$ 2,021 | \$ 505 |
| Landscape Management (invasive removal / erosion & sedimentatin controls, irrigation systems) | \$ 1,011 | \$ - |
| Vandalism Repair / Graffiti Removal / Encampment Removal | \$ 1,348 | \$ - |
| Water Systems -Public Drinking Water, Wells, Other Water Systems | \$ - | \$ - |
| Storm Water Mgmt | \$ 1,348 | \$ - |
| Maint. Mgmt/Direct Admin (staff supervision, risk mgmt, project mgmt, contract admin) | \$ 1,086 | \$ 171 |
| Maintenance - Service & Supplies (equipment, equipment repair, structure repair materials) | \$ 2,500 | |
| Park Furniture (Tables, Benches, Dog Waste Supplies, Signage, etc) | | \$ 500 |
| Professional Services - Non Profit Resource Mgmt/ Other Agency support | | |
| Sub Total | \$ 9,987 | \$ 1,682 |

| Volunteer Services - Stewardship, Patrols & Interpretation | | |
|---|-----------------|-----------------|
| Environmental Education / Park Interpretation | \$ 2,860 | \$ - |
| Volunteer Project - Crew Lead | \$ - | \$ - |
| Volunteer Park Services - Administrative Support (patrols, park host, mounted assistance unit) | \$ 1,905 | \$ 1,905 |
| Volunteer Project Materials (invasive removal, trail development / repair , restorations, monitoring) | | |
| Marketing / Promotion / Public Relations / Env. Education / Park Interpretation | | |
| Professional Services- Non Profit Resource Mgmt/ Other Agency support | | |
| Sub Total | \$ 4,765 | \$ 1,905 |

| Volunteer Service Hours - Financial Value | | |
|--|-----------------|-----------------|
| Volunteer Service Hours - Trails (workday events)** | \$ - | \$ - |
| Volunteer Service Hours - Operations (trailwalkers, MAU)** | \$ 2,902 | \$ 2,902 |
| Volunteer Service Hours - Resource Projects (invasives, restoration, monitoring)** | \$ - | \$ - |
| Volunteer Service Hours - Hosting (trail host, camp host)** | \$ - | \$ - |
| Volunteer Service Hours - Docents (guided hikes, interpretation, Env. Education)** | \$ 6,964 | \$ - |
| In-Kind Financial Value | \$ 9,865 | \$ 2,902 |

| Facilities Management / General Services | | |
|--|-----------------|-------------|
| Building Maintenance - staff | \$ 769 | \$ - |
| Building Materials - services and supplies | \$ 500 | |
| Sub Total | \$ 1,269 | \$ - |

TOTAL EXPENSE \$ 24,372 \$ 7,867

Regional Parks collects a \$7 day use parking fee at the Hood Moutain - Pythian Road and Los Alamos parking lots. Additional parking revenue is anticipated as a result of the Lawson addition once the initial public access trail is completed (estimated to be during the spring of 2016.)

Level of Service

Park Rangers patrol the property approximately one time per month (increased to weekly once the public access trail is opened) to observe site conditions and infrastructure throughout the property.

Rangers will provide Law Enforcement and Emergency response to address emergencies that normally involve missing persons or malicious trespass. Rangers will coordinate volunteers to assist with property supervision.

Rangers will monitor various important resources and coordinate with Park Planning staff and other environmental / regulatory agencies to manage natural resources on the property.

Maintenance will maintain functional gates and fencing on the property. Vegetation mangament will be performed annually to maintain clearances along existing roads and trails.

Erosional areas and invasive plants will be managed according to best management practices as funding allows.

Culverts and other surface improvements will be managed and incorporated into the department stormwater management program.

Park staff will coordinate up to 6 public interpretative hikes and tours of the property. These hikes will highlight the natural resources, conservation values and partnership with the Ag Preservation & Open Space District to protect the upper Santa Rosa Creek headwaters and expand Hood Mountain Regional Park and Open Space Preserve.

As trail work is completed and public access begins, volunteers will increase trail patrols (trailwalkers and mounted assistance unit).

General Services building mechanic staff will perform prevenative maintenance and repairs on residences, buildings, and septic systems.

**Lawson Addition to Hood Mtn Reg. Park & Open Space Preserve
FY 16-17 WORK PLAN**

| Park Revenues | FY 16-17 Revenues | |
|--|-------------------|------------------|
| | Land Stewardship | Public Access |
| Fees (Day Use, Special Use Permit, Camping, Special Event, Firewood, etc) | | \$ 12,600 |
| Grazing Revenue | | |
| Open Space District O & M Funding (SCAPOSD) | \$ 19,988 | \$ 15,866 |
| Transient Occupancy Tax (TOT) - New & Improved Facilities | | |
| Undetermined Revenues* | | |
| Other Revenues (cell towers, leases, concessions, residences, etc) | | |
| TOTAL REVENUE | \$ 19,988 | \$ 28,466 |

| Park Operations | FY 16-17 Expenses | |
|--|-------------------|------------------|
| | Land Stewardship | Public Access |
| Routine Park Inspection / Park Ranger Patrols | \$ 3,224 | \$ 9,314 |
| Daily Park Open - Closing / Visitor Security /Search & Rescue | \$ - | \$ 1,791 |
| Fee Collection (park paystation, iron ranger, reservable picnic /group areas, special use permits) | \$ - | \$ - |
| Law Enforcement / Emergency Response | \$ 2,149 | \$ 896 |
| Resource Management / Monitoring | \$ 1,791 | \$ - |
| Sanitation Services (litter pickup / trash removal / restroom cleaning) | \$ - | \$ - |
| Campground Services (registration, check in, patrols, fee collection, security) | \$ - | \$ - |
| Park Mgmt /Direct Admin (staff supervision, risk mgmt, revenue mgmt, contract admin, permits) | \$ 1,362 | \$ 2,282 |
| Sanitation Supplies (cleaning products, trashcans, liners, toilet paper) | | |
| Utilities (water, gas, propane, other) | | |
| Sanitation Services (porta potty(s) , restrooms, dumpsters) | | |
| Non Profit / Other Agency support / Professional Services | | |
| | \$ 8,527 | \$ 14,282 |

| Park Maintenance | | |
|---|------------------|-----------------|
| Park Infrastructure (structures / signage/ gates / trail markings / parking lot maintenance) | \$ 691 | \$ 2,072 |
| Seasonal Mowing / Trail Maintenance / Fuel Reduction | \$ 2,072 | \$ 2,072 |
| Landscape Management (invasive removal / erosion & sedimentatin controls, irrigation systems) | \$ 1,036 | \$ - |
| Vandalism Repair / Graffiti Removal / Encampment Removal | \$ 1,381 | \$ - |
| Water Systems -Public Drinking Water, Wells, Other Water Systems | \$ - | \$ - |
| Storm Water Mgmt | \$ 1,381 | \$ - |
| Maint. Mgmt/Direct Admin (staff supervision, risk mgmt, project mgmt, contract admin) | \$ 1,113 | \$ 703 |
| Maintenance - Service & Supplies (equipment, equipment repair, structure repair materials) | \$ 2,500 | |
| Park Furniture (Tables, Benches, Dog Waste Supplies, Signage, etc) | | \$ 2,000 |
| Professional Services - Non Profit Resource Mgmt/ Other Agency support | | |
| Sub Total | \$ 10,174 | \$ 6,847 |

| Volunteer Services - Stewardship, Patrols & Interpretation | | |
|---|-------------|-----------------|
| Environmental Education / Park Interpretation | \$ - | \$ - |
| Volunteer Project - Crew Lead | \$ - | \$ 2,932 |
| Volunteer Park Services - Adminstrative Support (patrols, park host, mounted assistance unit) | \$ - | \$ 3,905 |
| Volunteer Project Materials (invasive removal, trail development / repair , restorations, monitoring) | | |
| Marketing / Promotion / Public Relations / Env. Education / Park Interpretation | | \$ 500 |
| Professional Services- Non Profit Resource Mgmt/ Other Agency support | | |
| Sub Total | \$ - | \$ 7,337 |

| Volunteer Service Hours - Financial Value | | |
|--|-------------|------------------|
| Volunteer Service Hours - Trails (workday events)** | \$ - | \$ 3,264 |
| Volunteer Service Hours - Operations (trailwalkers, MAU)** | \$ - | \$ 6,045 |
| Volunteer Service Hours - Resource Projects (invasives, restoration, monitoring)** | \$ - | \$ 3,264 |
| Volunteer Service Hours - Hosting (trail host, camp host)** | \$ - | \$ - |
| Volunteer Service Hours - Docents (guided hikes, interpretation, Env. Education)** | \$ - | \$ - |
| In-Kind Financial Value | \$ - | \$ 12,574 |

| Facilities Management / General Services | | |
|--|-----------------|-------------|
| Building Maintenance - staff | \$ 788 | \$ - |
| Building Materials - services and supplies | \$ 500 | |
| Sub Total | \$ 1,288 | \$ - |

TOTAL EXPENSE \$ 19,988 \$ 28,466

Regional Parks collects a \$7 day use parking fee at the Hood Moutain - Pythian Road and Los Alamos parking lots. Additional parking revenues and park visitation is anticipated based on the initial public access trail development and expansion of Hood Mountain Regional Park and Open Space Preserve.

Level of Service

Park Rangers patrol the property approximately one time per week to observe site conditions and infrastructure throughout the property.

Rangers will provide Law Enforcement and Emergency response to address emergencies that normally involve missing persons or malicious trespass. Rangers will coordiante trained volunteers to assist with property supervision.

Rangers will monitor various important resources and coordinate with Park Planning staff and other environmental / regulatory agencies to manage natural resources on the property.

Maintenance will maintain functional gates and fencing on the property. Vegetation mangament will be performed annually to maintain clearances along existing roads and trails.

Erosional areas and invasive plants will be managed according to best management practices as funding allows.

Culverts and other surface improvements will be managed and incorporated into the department stormwater management program.

Volunteers will patrol trails (trailwalkers and mounted assistance unit).

Volunteer work crews will assist with removal on non native vegetation, trail maintenance and other stewardship activities.

General Services building mechanic staff will perform prevenative mainteance and repairs on residences, buildings, and septic systems.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 64
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of Sonoma County

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Rita Scardaci, x7876

Supervisorial District(s):

Countywide

Title: Smoking Ordinance – Amendment of Chapter 32 of the Sonoma County Code

Recommended Actions:

Adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed ordinance amending Chapter 32 (Ordinance Regulating Smoking and Secondhand Smoke) of the Sonoma County Code prohibiting electronic smoking devices in certain public places and making other conforming changes.

Executive Summary:

Chapter 32 (Ordinance Regulating Smoking and Secondhand Smoke) of the Sonoma County Code covers the regulation of secondhand smoke and prohibits smoking in certain public places. Currently, Chapter 32 does not provide guidance on the use of electronic smoking devices (aka electronic cigarettes or e-cigarettes) and their secondhand vapors. The use of these devices is a rising public health concern that has come to light since the last ordinance was adopted. This update to the code effectively addresses the use of e-cigarettes in public places and prohibits their usage in areas where smoking is already prohibited. Additionally, the update includes language and clarification regarding the placement of ash receptacles in areas where smoking is currently prohibited. The language for this update was developed with guidance requested from ChangeLab Solutions, which is funded by the California Department of Public Health to provide California communities with free technical assistance on tobacco control issues.

In October 2011 the Board approved Ordinance Number 5953, amending Chapter 32 of the Sonoma County Code to add provisions that provide protection to the general public from secondhand smoke in certain outdoor spaces. Since that time, the use of e-cigarettes, defined by the U.S. Food and Drug Administration (FDA) as battery-powered products designed to deliver nicotine, flavor and other chemicals by turning chemicals into an aerosol that is inhaled by the user, has risen dramatically, particularly among youth populations. Electronic smoking devices are not currently regulated by the FDA. In the recent release of the report *A Portrait of Sonoma County*, one of the two population-level recommended interventions is to *Redouble Antismoking Efforts*. This proposed amendment addresses this recommendation as it helps protect against nicotine addiction and guards the anti-smoking community norms that have taken years to build. The Ordinance bans the use of nicotine and “other

substances” in electronic smoking devices for two reasons. First, the broader definition helps with enforcement as it is difficult to discern what substance is being vaporized in an electronic smoking device. The other issue addressed is youth use, in that electronic smoking devices are re-normalizing smoking behavior and youth rates of use are increasing rapidly as evidenced by the CDC data discussed earlier.

While there are many unanswered questions as to the safety, efficacy for harm reduction and cessation, and the total impact on public health, initial studies have found that electronic smoking devices contain carcinogens and toxic chemicals in both the liquids that are vaporized and the vapor that is inhaled and emitted. Furthermore, evidence of the effects of the nicotine contained in electronic smoking device products is scientifically well documented and not in dispute; nicotine is an addictive drug that activates the reward pathways of the brain and requires frequent re-dosing for continued stimulation.

The addictive nature of nicotine, its health effects (a neurotoxin listed in the Proposition 65 *Chemicals Known to the State to Cause Cancer and Reproductive Toxicity*), and its growing use among youth through electronic smoking devices is especially concerning. A 2013 report by the Centers for Disease Control and Prevention (CDC) found that the percentage of high school students who had ever used e-cigarettes more than doubled in one year’s time, going from 4.7 percent in 2011 to 10 percent in 2012 (Notes from the Field: Electronic Cigarettes use Among Middle and High School Students-United States, 2011-2012, CDC Morbidity and Mortality Weekly Report, Sept. 6, 2013). A factor that is contributing to increased use among youth is that e-cigarettes and other electronic nicotine delivery devices, such as e-hookah pens, are sold in an assortment of flavors that are attractive and targeted to youth. These include such flavors as bubble gum, chocolate, grape, and strawberry. According to research from the American Public Health Association, youth may be more susceptible and receptive to nicotine than adults, and the adolescent brain may develop differently with nicotine on board. Of additional concern, smoking an electronic smoking device introduces youth to a behavior that is very similar to smoking tobacco and, according to a study recently published in the Journal of the American Medical Association, this pattern of use may actually encourage the use of conventional cigarettes among teens. The link between behaviors is cause for concern as smoking tobacco continues to be the leading cause of preventable death in the United States, accounting for 480,000 deaths every year.

Another problem associated with electronic smoking device use is the high toxicity of the nicotine solutions used to re-fill devices. Exposure to the liquid, either ingested or through the skin, has the potential to cause acute adverse health effects and represents an emerging public health concern, according to the CDC. The CDC recently reported a rapid rise in calls to poison centers involving electronic smoking device liquids containing nicotine, which rose from 1 per month in September 2010 to 215 per month in February 2014, with half of these poisonings occurring in young children.

Since electronic smoking devices are a relatively new product, they have not been scrutinized in the same way as regular cigarettes. The tobacco industry has effectively promoted electronic smoking devices as healthy options to smoking and made unfounded claims that they are effective smoking cessation devices that produce “harmless” vapor. Because of these perceptions, local businesses have reported an increase in the use of electronic smoking devices on their properties and several have reached out to the Department of Health Services for assistance in regulating their use.

Given the lack of direction and regulation at the federal level, the aggressive marketing of products, and the exponential increase in use particularly among youth, states and local governments have begun regulating electronic smoking devices out of concern for public health. The State of California has

restricted the sale of e-cigarettes to those over 18 years of age and over 43 municipalities have passed ordinances restricting or limiting the use of electronic smoking devices in certain indoor and outdoor public places, including the cities of Petaluma and Sebastopol (<http://center4tobaccopolicy.org/wp-content/uploads/2013/11/Local-Policies-on-Use-of-E-Cigs-Nov-2013.pdf>).

This update to the County’s public places smoking ordinance effectively prohibiting the use of electronic smoking devices in places where smoking is already prohibited is a reasonable and measured first step towards addressing several of the current concerns regarding e-cigarettes in the County.

Prior Board Actions:

In October 2011 the Board adopted an ordinance amending Chapter 32 of the Sonoma County Code to add language prohibiting smoking in specified unenclosed areas within the County’s jurisdiction.

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

Regulating electronic cigarette smoke in public places serves to protect the health of individuals in Sonoma County.

Fiscal Summary - FY 14-15

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|----------------------|------------------|
| Budgeted Amount | \$ 0 | County General Fund | \$ 0 |
| Add Appropriations Req'd. | \$ 27,000 | State/Federal | \$ 0 |
| | \$ | Fees/Other | \$ 27,000 |
| | \$ | Use of Fund Balance | \$ 0 |
| | \$ | Contingencies | \$ 0 |
| | \$ | | \$ |
| Total Expenditure | \$ 27,000 | Total Sources | \$ 27,000 |

Narrative Explanation of Fiscal Impacts (If Required):

Funding required by General Services to replace existing signage or supplement existing signage where possible. Signage will include new information about the ban of electronic smoking devices. General Services estimate includes cost of producing the signs. Original signage was paid for using Tobacco Master Settlement Funds. If available, funds from the original set-aside will be used to fund sign replacement. If funds from the original set-aside are not available, funding from the County General Fund will be requested.

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, ordinance (strikeout-underline and clean versions) |
| Related Items "On File" with the Clerk of the Board: |
| None |



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Introducing, Reading The Title, And Waiving Further Reading Of A Proposed Ordinance
Amending Chapter 32 Of The Sonoma County Code Prohibiting Electronic Smoking Devices In
Certain Public Places And Making Other Conforming Changes**

Whereas, a proposed ordinance entitled "An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Amending Chapter 32 of the Sonoma County Code Prohibiting Electronic Smoking Devices in Certain Public Places and Making Other Conforming Changes" has been introduced and read.

Now, Therefore, Be It Resolved that further reading of the proposed ordinance is waived.

Be It Further Resolved that the Sonoma County Board of Supervisors will consider adoption of the proposed ordinance on June 24, 2014 in the Board of Supervisors Chambers, 575 Administration Drive, Room 102A, Santa Rosa, California.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 32 OF THE SONOMA COUNTY CODE PROHIBITING ELECTRONIC SMOKING DEVICES IN CERTAIN PUBLIC PLACES AND MAKING OTHER CONFORMING CHANGES

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Chapter 32 of the Sonoma County Code is hereby amended as follows:

(a) Section 32-3, Definitions, is amended to read:

Sec. 32-3. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section, unless it is apparent from the context that they have a different meaning.

"Business" means any sole proprietorship, joint venture, corporation or other business entity.

"County" means the County of Sonoma, State of California.

"Designated Smoking Area" means a designated portion of an Unenclosed Area where smoking may be allowed. The smoking area must meet all of the following criteria:

- (a) Must be located at least 25 feet in any direction from any operable doorway, window, vent or other opening into an Enclosed Area;
- (b) Must be located at least 25 feet from Unenclosed Recreational Areas that are primarily used by children;
- (c) Must be located at least 25 feet from Unenclosed Areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths and sports fields;
- (d) Must be no more than five percent (5%) of the total Unenclosed Area for which it is designated; and
- (e) Must be clearly identified by conspicuous signs, and have ash receptacles, such as ash trays or ash cans, within the area for proper disposal of smoking waste.

"Dining Area" means any area, including picnic areas and sidewalks, which is available to or customarily used by the general public or an Employee, which is designed, designated or regularly used for consuming food or drink.

"Electronic Smoking Device" means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic Smoking Device" does not include any product specifically approved by the United States Food and Drug Administration for the use in the mitigation, treatment, or prevention of disease.

"Electronic Smoking Device Paraphernalia" means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers,

and any other item designed for the preparation, storing, charging, or use of Electronic Smoking Devices.

"Employee" means any person who is employed by any Employer in consideration for direct or indirect monetary wages or profit and any person who volunteers his or her services for an Employer.

"Employer" means any person, partnership, Business, corporation, including municipal corporation or nonprofit entity, who employs the services of one or more Employees, including owner-operated entities.

"Enclosed Area" means all space between a floor and ceiling where the space is closed in on all sides by solid walls or windows that extend from the floor to the ceiling. An Enclosed Area may have openings for ingress and egress, such as doorways or passageways. An Enclosed Area includes all areas within that space, such as hallways and areas screened by partitions that do not extend to the ceiling or are not solid.

"Place of Employment" means any area under the control of an Employer that an Employee or the public may have cause to enter in the normal course of operations, regardless of the hours of operation. Places of Employment include, but are not limited to, indoor work areas, bars, restaurants, at least seventy-five percent (75%) of the guest rooms in any hotel and motel, vehicles used for Business purposes, taxis, Employee lounges and break rooms, conference and banquet rooms, bingo and gaming facilities, long-term health care facilities, warehouses, retail or wholesale tobacco shops, and private residences used as licensed child care or health care facilities when Employees, children or patients are present during business hours. The places specified in subdivisions (d)(1)-(8), (12)-(14) of the Labor Code section 6404.5 are Places of Employment for purposes of this division and are regulated as specified in this chapter. The places specified in subdivision (d)(9)-(11) of the Labor Code are not Places of Employment for purposes of this chapter.

"Public Event" means any event on public or private property open to the general public regardless of any fee or age requirement, including but not limited to fairs, festivals, parades, farmers markets and concerts. This does not prohibit the establishment of a Designated Smoking Area as defined in this section.

"Reasonable Distance" means a distance that ensures that occupants of an area in which Smoking is prohibited are not exposed to Smoke created by smokers outside the area. This distance shall be a minimum of twenty-five (25) feet.

"Recreational Area" means any Unenclosed Area, owned or operated by the County, open to the general public for recreational purposes, including, but not limited to, parks, picnic areas, playgrounds, parking lots, sports athletic facilities, walking paths, gardens, hiking trails, campgrounds, bike paths, horseback riding trails, athletic fields, skateboard parks and beaches.

"Service Area" means any area, Enclosed or Unenclosed, designed to be regularly used by one or more persons to receive or wait to receive a service or make a transaction whether or not such service includes the exchange of money, including, for example, ATMS, bank teller windows, public telephones, ticket lines, bus stops and cab stands.

"Smoke" means the gases, ~~or~~ particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human ~~inhalation-consumption~~ of the byproducts, ~~except~~

~~when the combusting material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke and vapors from Electronic Smoking Device Paraphernalia. “Smoke” does not include the byproducts of any device or product that has been approved for therapeutic purposes by the U.S. Food and Drug Administration (FDA).~~

“Smoking” means igniting, inhaling, exhaling, burning-, vaping, operating, or carrying any lighted cigar, cigarette, pipe, hookah, electronic smoking devices or Tobacco Product.

“Tobacco Product” includes any product or formulation of matter containing biologically active amounts of nicotine or synthetic nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, including but not limited to electronic smoking devices.

“Unenclosed Area” means any area that is not an Enclosed Area.

(Ord. No. 5953, § 1, 10-4-2011; Ord. No. _____, § 1, <date>.)

(b) Section 32-8, Posting requirements, is amended to read:

Sec. 32-8. – Posting and Ash Receptacle requirements.

(a) “No smoking” signs or the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building, including points of ingress, by the owner, operator, manager, Employer or person having control of such building where Smoking is prohibited by this chapter.

(b) A person who owns, operates, or otherwise controls the use of any place where Smoking is prohibited by this chapter shall not knowingly or intentionally permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of Smoking waste within the area.

(Ord. No. 5953, § 1, 10-4-2011; Ord. No. _____, § 1, <date>.)

(c) Section 32-11, Other applicable laws, is amended to read:

Sec. 32-11. Other applicable laws.

This chapter shall not be interpreted or construed to permit ~~smoking~~ Smoking where it is otherwise restricted by other applicable laws. It is not the intent of this chapter to regulate Smoking where such regulation has been preempted by state or federal laws. If the Board of Supervisors, or its designee, determines that a provision included herein has become preempted by federal or state law, that preempted provision shall be automatically rescinded from this chapter. Such rescission shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 5953, § 1, 10-4-2011; Ord. No. _____, § 1, <date>.)

SECTION II. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it 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 III. 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 Supervisors 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 Supervisors of the County of Sonoma introduced on the 10th day of June, 2014, and finally passed and adopted this 24th day of June, 2014, on regular roll call of the members of said Board by the following vote:

Supervisors:

| | | | | |
|--------|-------|----------|-----------|----------|
| 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 Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 32 OF THE SONOMA COUNTY CODE PROHIBITING ELECTRONIC SMOKING DEVICES IN CERTAIN PUBLIC PLACES AND MAKING OTHER CONFORMING CHANGES

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Chapter 32 of the Sonoma County Code is hereby amended as follows:

(a) Section 32-3, Definitions, is amended to read:

Sec. 32-3. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section, unless it is apparent from the context that they have a different meaning.

"Business" means any sole proprietorship, joint venture, corporation or other business entity.

"County" means the County of Sonoma, State of California.

"Designated Smoking Area" means a designated portion of an Unenclosed Area where smoking may be allowed. The smoking area must meet all of the following criteria:

- (a) Must be located at least 25 feet in any direction from any operable doorway, window, vent or other opening into an Enclosed Area;
- (b) Must be located at least 25 feet from Unenclosed Recreational Areas that are primarily used by children;
- (c) Must be located at least 25 feet from Unenclosed Areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths and sports fields;
- (d) Must be no more than five percent (5%) of the total Unenclosed Area for which it is designated; and
- (e) Must be clearly identified by conspicuous signs, and have ash receptacles, such as ash trays or ash cans, within the area for proper disposal of smoking waste.

"Dining Area" means any area, including picnic areas and sidewalks, which is available to or customarily used by the general public or an Employee, which is designed, designated or regularly used for consuming food or drink.

"Electronic Smoking Device" means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic Smoking Device" does not include any product specifically approved by the United States Food and Drug Administration for the use in the mitigation, treatment, or prevention of disease.

"Electronic Smoking Device Paraphernalia" means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers,

and any other item designed for the preparation, storing, charging, or use of Electronic Smoking Devices.

"Employee" means any person who is employed by any Employer in consideration for direct or indirect monetary wages or profit and any person who volunteers his or her services for an Employer.

"Employer" means any person, partnership, Business, corporation, including municipal corporation or nonprofit entity, who employs the services of one or more Employees, including owner-operated entities.

"Enclosed Area" means all space between a floor and ceiling where the space is closed in on all sides by solid walls or windows that extend from the floor to the ceiling. An Enclosed Area may have openings for ingress and egress, such as doorways or passageways. An Enclosed Area includes all areas within that space, such as hallways and areas screened by partitions that do not extend to the ceiling or are not solid.

"Place of Employment" means any area under the control of an Employer that an Employee or the public may have cause to enter in the normal course of operations, regardless of the hours of operation. Places of Employment include, but are not limited to, indoor work areas, bars, restaurants, at least seventy-five percent (75%) of the guest rooms in any hotel and motel, vehicles used for Business purposes, taxis, Employee lounges and break rooms, conference and banquet rooms, bingo and gaming facilities, long-term health care facilities, warehouses, retail or wholesale tobacco shops, and private residences used as licensed child care or health care facilities when Employees, children or patients are present during business hours. The places specified in subdivisions (d)(1)-(8), (12)-(14) of the Labor Code section 6404.5 are Places of Employment for purposes of this division and are regulated as specified in this chapter. The places specified in subdivision (d)(9)-(11) of the Labor Code are not Places of Employment for purposes of this chapter.

"Public Event" means any event on public or private property open to the general public regardless of any fee or age requirement, including but not limited to fairs, festivals, parades, farmers markets and concerts. This does not prohibit the establishment of a Designated Smoking Area as defined in this section.

"Reasonable Distance" means a distance that ensures that occupants of an area in which Smoking is prohibited are not exposed to Smoke created by smokers outside the area. This distance shall be a minimum of twenty-five (25) feet.

"Recreational Area" means any Unenclosed Area, owned or operated by the County, open to the general public for recreational purposes, including, but not limited to, parks, picnic areas, playgrounds, parking lots, sports athletic facilities, walking paths, gardens, hiking trails, campgrounds, bike paths, horseback riding trails, athletic fields, skateboard parks and beaches.

"Service Area" means any area, Enclosed or Unenclosed, designed to be regularly used by one or more persons to receive or wait to receive a service or make a transaction whether or not such service includes the exchange of money, including, for example, ATMS, bank teller windows, public telephones, ticket lines, bus stops and cab stands.

"Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human consumption of the byproducts. The term "Smoke"

includes, but is not limited to, tobacco smoke and vapors from Electronic Smoking Device Paraphernalia. “Smoke” does not include the byproducts of any device or product that has been approved for therapeutic purposes by the U.S. Food and Drug Administration (FDA). “Smoking” means igniting, inhaling, exhaling, burning, vaping, operating, or carrying any lighted cigar, cigarette, pipe, hookah, electronic smoking devices or Tobacco Product.

“Tobacco Product” includes any product or formulation of matter containing biologically active amounts of nicotine or synthetic nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, including but not limited to electronic smoking devices.

“Unenclosed Area” means any area that is not an Enclosed Area.

(Ord. No. 5953, § 1, 10-4-2011; Ord. No. ____, § 1, <date>.)

(b) Section 32-8, Posting requirements, is amended to read:

Sec. 32-8. – Posting and Ash Receptacle requirements.

(a) “No smoking” signs or the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building, including points of ingress, by the owner, operator, manager, Employer or person having control of such building where Smoking is prohibited by this chapter.

(b) A person who owns, operates, or otherwise controls the use of any place where Smoking is prohibited by this chapter shall not knowingly or intentionally permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of Smoking waste within the area.

(Ord. No. 5953, § 1, 10-4-2011; Ord. No. ____, § 1, <date>.)

(c) Section 32-11, Other applicable laws, is amended to read:

Sec. 32-11. Other applicable laws.

This chapter shall not be interpreted or construed to permit Smoking where it is otherwise restricted by other applicable laws. It is not the intent of this chapter to regulate Smoking where such regulation has been preempted by state or federal laws. If the Board of Supervisors, or its designee, determines that a provision included herein has become preempted by federal or state law, that preempted provision shall be automatically rescinded from this chapter. Such rescission shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 5953, § 1, 10-4-2011; Ord. No. ____, § 1, <date>.)

SECTION II. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it 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 III. 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 Supervisors 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 Supervisors of the County of Sonoma introduced on the 10th day of June, 2014, and finally passed and adopted this 24th day of June, 2014, on regular roll call of the members of said Board by the following vote:

Supervisors:

| | | | | |
|--------|-------|----------|-----------|----------|
| 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 Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors

**SUMMARY OF A PROPOSED ORDINANCE OF THE BOARD OF
SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA,
AMENDING CHAPTER 32 OF THE SONOMA COUNTY CODE PROHIBITING
ELECTRONIC SMOKING DEVICES IN CERTAIN PUBLIC PLACES AND
MAKING OTHER CONFORMING CHANGES**

On June 10, 2014, the Board of Supervisors of the County of Sonoma will consider a proposed ordinance that would amend Chapter 32 of the Sonoma County Code to prohibit Electronic Smoking Devices in certain public places and would make other conforming changes.

The proposed ordinance would make the following changes to Chapter 32 of the Sonoma County Code:

1. It would add a definition of “Electronic Smoking Device” to Section 32-3.
2. It would add a definition of “Electronic Smoking Device Paraphernalia” to Section 32-3.
3. It would amend the definitions of “Smoke” and “Smoking” in Section 32-3.
4. It would add a definition of “Tobacco Product” to Section 32-3.
5. It would amend Section 32-8 by adding subsection (b) to prohibit ash receptacles from being placed in areas where smoking is prohibited.

Copies of the proposed ordinance are available for public inspection during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California.

Veronica A. Ferguson
Clerk of the Board of Supervisors

By: _____
Deputy Clerk



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 65
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Christina Rivera

Supervisorial District(s):

County-wide

Title: Human Resources Management System Financing Term Renewal

Recommended Actions:

Approve resolution authorizing a 1-year renewal of an existing County note in the principal amount of \$875,000 issued to finance the completion of the Human Resources Management System (HRMS).

Executive Summary:

Staff is recommending term renewal of the note used to complete the financing for the Human Resources Management System Project (HRMS).

The HRMS project was approved to address the inconsistencies of human resources related systems across the various departments, developed in the absence of a comprehensive centralized system, and to replace the existing G.E.A.C. payroll system, a mainframe computer application developed in 1975.

After financing options were reviewed by staff, on October 12, 2010 the Board approved total borrowing of \$3.6 million through a County note issued to the County Treasury pool at an annual rate of 50 basis points above the interest rate earned by the County Treasurer in his "pooled investment account", rounded up to the nearest tenth. The most recent published rate was 0.660% for the quarter ending March 31, 2014. The 50 basis point premium provides the Treasury pool with a return consistent with that of other recent County notes such as for Airport properties.

The original note expired in June 2011. Today's request is to exercise the fourth and final renewal option in the amount of \$875,000, in accordance with the financing plan adopted in 2010.

Each county program contributes towards system maintenance cost including the annual principal and interest payment through budgeted HRMS rates.

| | | | |
|--|---|------------------------------|------------------------------|
| Prior Board Actions: | | | |
| 6/4/13, 6/19/12 and 7/12/11: Resolution approving the 1-year renewals of existing HRMS note. 10-12-10: Resolution authorizing the issuance and sale of a \$3.6 million note to finance the HRMS. | | | |
| Strategic Plan Alignment Goal 3: Invest in the Future | | | |
| This item invests in systems and infrastructure which increases efficiency and saves resources in the long-term. | | | |
| Fiscal Summary - FY 14-15 | | | |
| Expenditures | | Funding Source(s) | |
| Budgeted Amount | \$ 886,000 | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 886,000 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 886,000 | Total Sources | \$ 886,000 |
| Narrative Explanation of Fiscal Impacts (If Required): | | | |
| The FY 14-15 principal payment is \$875,000. Interest on the note calculates quarterly and is estimated not to exceed \$11,000 in FY 14-15. The total FY 14-15 programmed principal and interest payment of \$886,000 will be recovered through the HRMS rates charged to departments and agencies using the 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: | | | |
| Resolution and 1-year note expiring on June 15, 2015. | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| None. | | | |



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Authorizing The Issuance And Sale Of A Note In The Principal Amount Of \$875,000 To Finance
The Completion Of The Human Resources Management System Project.**

Whereas, The County of Sonoma (County) is in need of a cash advance to finance the completion of the Human Resources Management System Project; and

Whereas, the County is authorized pursuant to Government Code Section 53850 and following to borrow money on a temporary basis, provided such borrowed amount does not exceed eighty-five percent (85%) of the estimated amount of anticipated revenues that will be used to pay back the loan; and

Whereas, the Treasurer for the County of Sonoma is authorized pursuant to Government Code Section 53601(d) to invest in a note and desires to loan such funds to the County.

Now, Therefore, Be It Resolved that this Board hereby finds, determines, declares, and orders as follows:

1. The Note. The \$875,000 Note authorized by this Resolution shall be designated "Sonoma County Human Resources Management System Series 2014-1 Note" (hereinafter "the Note") and is being issued pursuant to the provisions of Government Code Section 53850 et seq. The amount of the Note is less than eighty-five percent (85%) of the estimated revenue the County of Sonoma ("County") anticipates receiving in this fiscal year from certain revenues that will be used to pay back the Note.

2. Security. The account receivable constituting the security on which the Note is being issued is the revenues from charges to user departments and agencies through the County's annual cost plan. In addition, the County pledges to pay the Note from any and all revenue lawfully available to the County for repayment.

3. The Project. The Project consists generally of purchasing and installing a new software system for human resources and payroll functions, configuring the software to County

Resolution #

Date:

Page 2

business requirements, and training personnel in its use. This is the fourth and final renewal request.

4. Authorization to Borrow and Issue Note. Pursuant to the provisions of Section 53850 and following of the Government Code, the County shall borrow the principal sum of \$875,000 and shall issue a single \$875,000 principal amount Note to evidence said indebtedness, which Note is hereby authorized to be issued for the purpose hereinabove set forth. The Board delegates to the County Administrator the authority to sell and deliver the Note to the County Treasurer in exchange for the principal sum of \$875,000. The Note shall be issued in registered form, shall be dated July 1, 2014 and shall mature on June 15, 2015. The Note shall bear interest at the rate earned by funds invested by the Sonoma County Treasurer in his "pooled investment account" as calculated quarterly, plus 50 basis points rounded up to the nearest tenth. Payment shall be due at the time of maturity of the Note. The interest on and principal of the Note shall be payable in lawful money of the United States of America at the Office of the County Treasurer of Sonoma County, California.

5. Note to be Callable and Redeemable. The Note shall be callable and redeemable in whole or in part at any time following its issuance and before maturity by the Board giving the registered owner of the Note thirty (30) days' prior written notice. The price of redemption shall be the prorated unpaid balance of principal and accrued interest at the date of redemption without penalty or premium.

6. Form of Note. The Note shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF CALIFORNIA
COUNTY OF SONOMA
HUMAN RESOURCES MANAGEMENT SYSTEM
SERIES 2014-1 SONOMA COUNTY
(SUBJECT TO CALL AND REDEMPTION)
NOTE

\$875,000

Resolution #

Date:

Page 3

The County of Sonoma, duly organized and existing under and pursuant to the Constitution and laws of the State of California, for value received hereby promises to pay to the registered owner the principal sum not to exceed \$875,000 on June 15, 2015, and to pay interest on such principal sum from the date hereof at the rate earned by funds invested by the Sonoma County Treasurer in his "pooled investment account" as calculated in the most recent calendar quarter, plus 50 basis points rounded up to the nearest tenth. The principal of this Note and accumulated interest due shall be payable to the registered owner only upon presentation of this Note at maturity. Both the principal of and interest on this Note are payable in lawful money of the United States of America at the Office of the Sonoma County Treasurer.

This Note, in the principal amount of \$875,000, represents the entire Note issue of the Series 2014-1 Note issue, and is issued under and pursuant to the laws of the State of California, including the provisions of Section 53850 and following, of the California Government Code (the "Law"), and pursuant to a resolution (the "Resolution") adopted by the Board of Supervisors of the County of Sonoma. Reference is hereby made to the Resolution for a specific description of the security therein provided for the payment of the principal of and interest on this Note, to all of the provisions of which the registered owner hereof by his acceptance of this Note hereby consents and agrees, and each subsequent registered owner of this Note has recourse to all of the provisions of the Resolution and the Law and is bound thereby.

The Board hereby covenants and warrants that it will pay promptly, when due, the principal of this Note and interest accruing hereon, all in accordance with the terms hereof and the terms and provisions set forth in the Resolution.

It is hereby certified that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Note, together with all indebtedness and obligations of the County, does not exceed any limit prescribed by the Resolution or the laws of the State of California.

This Note is subject to call and redemption in whole or in part at any time prior to maturity without penalty or premium by the Department giving the registered owner thirty (30) days' prior written notice thereof.

IN WITNESS WHEREOF, the County of Sonoma has caused this Note to be signed in its name by the Chairman of the Board of Supervisors and countersigned by the Clerk of the Board, and has caused this Note to be dated _____, 2014.

Chair, Board of Supervisors

ATTEST:

Veronica Ferguson, Clerk of the Board

7. Authority to Execute Note. The Chair of the Board of Supervisors who may be in office at the date of the Note or at any time thereafter prior to the delivery of the Note to the purchasers thereof is hereby authorized and directed as such officer to sign by his manual signature the Note and the Clerk of the Board who may be in office at the date of the Note or any time thereafter prior to such delivery of the Note is hereby authorized and directed as such officer to countersign by use of her manual signature the Note. If any officer whose signature or countersignature appears upon the Note ceases to be an officer of the Board before the delivery of the Note to the purchasers, his or her signature or countersignature shall nevertheless be valid and of the same force and effect as if he or she had remained such officer. The Auditor-Controller Treasurer-Tax Collector is authorized to make any and all budget or accounting adjustments necessary to implement to issuance and repayment of this Note.

8. Proceeds of Sale of the Note Dedicated to the Project. The purchase price of the Note (except for the accrued interest received thereon) shall be deposited forthwith upon receipt in a special fund designated to be "Human Resources Management System" which fund has been established and is being administered by the County Auditor. All monies in said fund shall be applied to the payment of costs and expenses of the construction of the Project described in the recital paragraphs of this Resolution, including costs of issuance of the Note.

Supervisors:

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

So Ordered.

UNITED STATES OF AMERICA
STATE OF CALIFORNIA
COUNTY OF SONOMA
HUMAN RESOURCES MANAGEMENT SYSTEM
SERIES 2014-1 SONOMA COUNTY
(SUBJECT TO CALL AND REDEMPTION)

NOTE

\$875,000

The County of Sonoma, duly organized and existing under and pursuant to the Constitution and laws of the State of California, for value received hereby promises to pay to the registered owner the principal sum not to exceed \$875,000 on June 15, 2015, and to pay interest on such principal sum from the date hereof at the rate earned by funds invested by the Sonoma County Treasurer in his "pooled investment account" as calculated in the most recent calendar quarter, plus 50 basis points rounded up to the nearest tenth. The principal of this Note and accumulated interest due shall be payable to the registered owner only upon presentation of this Note at maturity. Both the principal of and interest on this Note are payable in lawful money of the United States of America at the Office of the Sonoma County Treasurer.

This Note, in the principal amount of \$875,000, represents the entire Note issue of the Series 2014-1 Note issue, and is issued under and pursuant to the laws of the State of California, including the provisions of Section 53850 and following, of the California Government Code (the "Law"), and pursuant to a resolution (the "Resolution") adopted by the Board of Supervisors of the County of Sonoma. Reference is hereby made to the Resolution for a specific description of the security therein provided for the payment of the principal of and interest on this Note, to all of the provisions of which the registered owner hereof by his acceptance of this Note hereby consents and agrees, and each subsequent registered owner of this Note has recourse to all of the provisions of the Resolution and the Law and is bound thereby.

The Board hereby covenants and warrants that it will pay promptly, when due, the principal of this Note and interest accruing hereon, all in accordance with the terms hereof and the terms and provisions set forth in the Resolution.

It is hereby certified that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Note, together with all indebtedness and obligations of the County, does not exceed any limit prescribed by the Resolution or the laws of the State of California.

This Note is subject to call and redemption in whole or in part at any time prior to maturity without penalty or premium by the Department giving the registered owner thirty (30) days' prior written notice thereof.

IN WITNESS WHEREOF, the County of Sonoma has caused this Note to be signed in its name by the Chairman of the Board of Supervisors and countersigned by the Clerk of the Board, and has caused this Note to be dated _____, 2014.

Chair, Board of Supervisors

ATTEST:

Veronica Ferguson, 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: 66
(This Section for use by Clerk of the Board Only.)

To: County Administrator's Office

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Fair & Exposition, Inc.

Staff Name and Phone Number:

Tawny Tesconi 545-4218

Supervisorial District(s):

1st

Title: Sonoma County Fair & Exposition Note Renewal

Recommended Actions:

Approve resolution authorizing issuance of a 1-year renewal of an existing note in the principal amount of \$1,000,000 issued and sold to the Sonoma County Treasurer to pay the Sonoma County Fair & Exposition, Inc. share of the settlement related to a photovoltaic installation project.

Executive Summary:

In 2006, as part of a group of county fairs acting through the California Fairs Financing Authority ("CFFA"), the Sonoma County Fair financed the purchase of a photovoltaic electric system. CFFA anticipated refinancing the debt with then favorable bond financing; however, as an unexpected casualty of the financial downturn, the bond financing became unavailable. CFFA was unable to make the payments it had committed to make, and a lawsuit, involving all of the county fairs involved in the purchase, including the Sonoma County Fair, ensued. A settlement was reached in June of 2012, and the County assisted the Fair by issuing a note in the amount of \$1.2 million so that the Fair could participate in the settlement. The County Treasurer purchased the Note as an investment for the Treasury Pool, utilizing a short-term financing mechanism that allows annual renewals for up to five years should the Fair and the County wish to extend the repayment term of the Note. The debt forgiven by the negotiated settlement exceeded \$3 million, resulting in a savings of approximately \$1.3 million. The Fair has pledged revenue from the Fair Enterprise Fund to repay the Note, most recently making a principal payment of \$200,000 On June 2, 2014.

Request for Renewal of the Note: The Fair Board requests the Board renew the Note for the term July 1, 2014, until June 15, 2015. This is the second renewal request since the Note was issued in 2012. The Fair Board requests this extension because it would significantly hinder Fair operations if the Fair paid the full amount of the Note by June 30, and the original board item anticipated that the Fair Board would request a series of renewal extensions to afford the Fair time to pay down the debt. The Treasurer has indicated a willingness to purchase the new Note. The Treasurer has requested that the interest rate be a fixed rate equal to the most recent quarterly pooled earnings rate plus .5 percent

rounded up to the nearest .10%. The renewed Note will be guaranteed by the County General Fund.

Risk of Non-Payment: There is little risk of non-payment by the Sonoma County Fair. The Fair has paid their obligated debt service of over \$240,000 annually on the previous note for three years without missing a payment. The Fair typically has reserves in excess of \$1.75 million and has annual revenues of over \$9.0 million.

Prior Board Actions:

6-11-2013 Resolution authorizing the renewal of a note to the Treasury in the amount of \$1,200,000.

Strategic Plan Alignment Goal 3: Invest in the Future

A lower financing rate makes the Fair more economically sustainable.

Fiscal Summary – Calendar 2014

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|----------------------|------------------|
| Budgeted Amount | \$ 24,000 | | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 24,000 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 24,000 | Total Sources | \$ 24,000 |

Narrative Explanation of Fiscal Impacts (If Required):

The budgeted amount represents interest expense on an outstanding \$1.2 million note. The rate of interest used for budgetary purposes equals approximately 2% per annum. The funding source for interest payments is from net revenues derived from operating activity at the Fairgrounds. A principal pay down of \$200,000 has been budgeted to be made within the 2014-2015 fiscal year. Interest expense on the outstanding balance of the \$1.0 million note has been included within the 2014-2015 fiscal year.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|---|-----------------------|-----------------------|
| NONE | | | |
| | | | |

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: June 10, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY FAIR AND EXPOSITION, INC. (FAIR), SANTA ROSA, CALIFORNIA, REQUESTING THAT THE COUNTY OF SONOMA (COUNTY) AUTHORIZE RENEWED ISSUANCE OF A NOTE THAT SECURED FUNDS TO EFFECT SETTLEMENT OF THE COMPLAINT OF PNC EQUIPMENT FINANCE, LLC V. CALIFORNIA FAIRS FINANCING AUTHORITY ET AL (UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CASE NO. CV 11-03768), AGREEING TO REPAY SAID NOTE RENEWAL FROM THE FAIR ENTERPRISE FUND, AND AUTHORIZING THE FAIR MANAGER TO TAKE SUCH FURTHER ACTION AS IS REASONABLY NECESSARY TO EFFECT THE SALE OF THE NOTE RENEWAL AND ENSURE REPAYMENT FROM THE FAIR ENTERPRISE FUND

WHEREAS, pursuant to Government Code Section 25905 and that certain Agreement between the County of Sonoma (“County”) and Sonoma County Fair and Exposition, Inc. (the “Fair”) dated October 1, 2010 (the “Agreement”), the County appointed the Fair as its agent for the purposes of (a) conducting an annual County Fair and (b) managing, using, possessing, and operating the Fairgrounds; and

WHEREAS, as the statutorily designated agent of the County, the Fair acts as a quasi-public entity; and

WHEREAS, Section 1 of the County/Fair Agreement authorizes and empowers the Fair “to do all things necessary and proper under the law, its Articles of Incorporation, Bylaws, and this Agreement” in discharging its obligations under the County/Fair Agreement; and

WHEREAS, Section 12 of the County/Fair Agreement further authorizes the Fair to purchase and sell real property, goods, and services; and

WHEREAS, in the discharge of its duties under the Agreement, the Fair entered into an agreement with the California Fairs Financing Authority (“CFFA”) in or about September 2006 (“the Sonoma Fair Use Agreement”) to purchase certain photovoltaic

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electric systems (the "Sonoma Photovoltaic Equipment") and had said equipment installed at the Sonoma County Fairgrounds; and

WHEREAS, a dispute arose between the various parties involved in the financing of the purchase and installation of the Sonoma Photovoltaic Equipment due to an alleged failure of CFFA to forward funds paid by the Fair to the master lender, PNC Equipment Finance, LLC ("PNC"), resulting in the filing of a lawsuit against the Fair; and

WHEREAS, on March 15, 2012, following a settlement conference, the Sonoma County Fair Board of Directors (the "Fair Board") adopted Resolution 2012-101 authorizing the Fair Manager to effect full and final settlement of the complaint with all parties thereto; and

WHEREAS, the terms of said settlement required, among other things, that the Fair pay off the remaining balance of \$1,400,000 due PNC on the Sonoma Photovoltaic Equipment under the Lease with CFFA in exchange for both (i) CFFA extinguishing the Sonoma Fair Use Agreement and transferring title to the Sonoma Photovoltaic Equipment to the Fair and (ii) PNC releasing its security interest in the Sonoma Photovoltaic Equipment; and

WHEREAS, settling this matter saved the Fair more than \$1,300,000 over the life of the Sonoma Fair Use Agreement; and

WHEREAS, to effect settlement of this matter without compromising its cash flow position, the Fair Board asked that the County issue a note on its behalf in the principal amount of \$1,200,000 (the "Note") and agreed to repay the Note from revenue from the Fair Enterprise Fund; and

WHEREAS, the County Treasurer is authorized pursuant to Government Code Section 53601(d) to invest in such notes and purchased the Note as a short-term investment (with a term of one year) and further indicated he would consider purchasing renewals of the Note up to a maximum of five (5) years; and

WHEREAS, the County is authorized pursuant to Government Code Section 53850 and following to borrow money on a temporary basis, provided such borrowed amount does not exceed eighty-five (85%) of the estimated amount of anticipated revenues that will be used to pay back the loan; and

WHEREAS, pursuant to Section 4 of the Agreement, "[a]ll debts and obligations lawfully incurred by [the] Fair are the debts and obligations of [the] County," and, thus, the Fair Note will be guaranteed by the County General Fund; and

WHEREAS, on June 19, 2012, the Fair Board adopted a resolution requesting the County issue the Note and pledging the revenues raised through operation and maintenance of the annual County Fair and the Fairgrounds ("The Fair Enterprise Fund") for repayment of the Note; and

WHEREAS, on June 19, 2012, the Sonoma County Board of Supervisor authorized the issuance of the Note in the principal amount of \$1,200,000 payable on June 30, 2013

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for the purposes of executing the settlement agreement with PNC and indicated its willingness to authorize the purchase of renewals of the Note up to a maximum of five (5) years at the discretion of the County Treasurer;

WHEREAS, on June 11, 2013, the Sonoma County Board of Supervisor authorized the issuance of a 1-year renewal of an existing note in the principal amount of \$1,200,000 issued and sold to the Sonoma County Treasurer to pay the Fair's share of the settlement related to a photovoltaic installation project;

WHEREAS, in June 2014, the Fair expects to make a principal payment of \$200,000 in partial settlement of SONOMA COUNTY FAIR SERIES 2013-1 SONOMA COUNTY note.

WHEREAS, the County Treasurer has restated his willingness to purchase a renewal of the Note for a term of one (1) year at a fixed interest rate equal to the most recent quarterly pooled investment account earnings rate plus an additional 0.5 of 1.00 percent rounded up to the nearest .10 percent; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. **Renewal Authorized.** The Board of Supervisors hereby authorizes the issuance of a renewal of the Note in the total principal amount of \$1,000,000.
2. **The Note.** The \$1,000,000 Note authorized by this Resolution shall be designated "Sonoma County, Fair Series 2014-1 Note" and is being issued pursuant to the provisions of Government Code Section 53850 et seq. The amount of the Note is less than eighty-five percent (85%) of the estimated revenue the County anticipates receiving in this fiscal year from certain revenues that will be used to pay back the Note.
3. **Security.** The account receivable constituting the security on which the Note is being issued is the anticipated revenue from the Fair Enterprise Fund. In addition, the County pledges to pay the Note from any and all revenue lawfully available to the County for repayment, including, without limitation, the County General Fund.
4. **The Project.** The Project consisted of the payment in full of the outstanding balance of a loan issued by PNC for the Sonoma Photovoltaic Equipment.
5. **Authorization to Borrow and Issue Note.** Pursuant to the provisions of Government Code Section 53850 and following, the County shall borrow the principal sum of \$1,000,000 and shall issue a single \$1,000,000 principal amount note to evidence said indebtedness, which Note is hereby authorized to be issued for the purpose hereinabove set forth. The Note shall be issued in registered form, shall be dated July 1, 2014, and shall mature on June 15, 2015. The Note shall bear interest at a rate earned by funds invested by the Sonoma County Treasurer in his "pooled investment account" at a fixed rate equal to the most recent quarterly pooled earnings rate plus 0.5 of 1 percent rounded up to the nearest .10%. Payment shall be due at the time of maturity of the Note. The interest on principal of the Note shall be payable in lawful money of the United States of America at the office of the County Treasurer of Sonoma County, California. Upon issuance of the Note and delivery to the Treasurer, the 2013 Note shall be retired.

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6. **Note to be Callable and redeemable.** The Note shall be callable and redeemable in whole or in part at any time following its issuance and before maturity by the Board of Supervisors upon giving the registered owner of the Note thirty (30) days' prior written notice. The price of redemption shall be the prorated unpaid balance of principal and accrued interest at the date of redemption without penalty or premium.
7. **Form of Note.** The Note shall be substantially the following form:

**UNITED STATES OF AMERICA
STATE OF CALIFORNIA
SONOMA COUNTY FAIR SERIES 2014-1 SONOMA COUNTY
(SUBJECT TO CALL AND REDEMPTION)
NOTE**

No. _____ \$1,000,000

The County of Sonoma, duly organized and existing under and pursuant to the Constitution and the laws of the State of California, for value received hereby promises to pay to the registered owner the principal sum of \$1,00,000 on June 30, 2015, and to pay interest on such principal sum from the date hereof at the rate earned by funds invested by the Sonoma County Treasurer in his "pooled investment account" at a fixed rate equal to the most recent quarterly pooled earnings rate plus 0.5 of 1 percent rounded up to the nearest .10%. The principal of this Note and accumulated interest due shall be payable to the registered owner only upon presentation of this Note at maturity. Both the principal of an interest on this Note are payable in lawful money of the United States of America at the Office of the Sonoma County Treasurer.

This Note, in the principal amount of \$1,000,000, represents the entire Note issue of the Series 2013-1 Note issue, and is issued under and pursuant to the laws of the State of California, including the provisions of Government Code Section 53850 and following (the "Law"), and pursuant to a resolution (the "Resolution") adopted by the Board of Supervisors of the County of Sonoma. Reference is hereby made to the Resolution for a specific description of the security therein provided for the payment of the principal of and interest on this Note, to all of the provisions of which the registered owner hereof by his acceptance of this Note hereby consents and agrees, and each subsequent registered owner of this Note has resource to all of the provisions of the Resolution and the Law and is bound thereby.

The Board hereby covenants and warrants that it will pay promptly, when due, the principal of this Note and interest accruing hereon, all in accordance with the terms hereof and the terms and provisions set forth in the Resolution and the applicable Law.

It is hereby certified that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Note,

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together will all indebtedness and obligations of the County, does not exceed any limit prescribed by the Resolution or the laws of the State of California.

This Note is subject to call and redemption in whole or in part at any time prior to maturity without penalty or premium by the County giving the registered owner thirty (30) days' prior written notice thereof.

IN WITNESS WHEREOF, the County has caused this Note to be signed in its name by the Chair of the Board of Supervisors and countersigned by the Clerk of the Board, and has caused this Note to be dated July 1, 2014.

Chair, Board of Supervisors

ATTEST:

Clerk of the Board

- 8. Authority to Execute Note.** The Chair of the Board of Supervisors who may be in office at the date of the Note or at any time thereafter prior to the delivery of the Note to the purchasers thereof is hereby authorized and directed as such officer to sign by his or her manual signature the Note and the Clerk of the Board who may be in office at the date of the Note are any time there after prior to such delivery of the Note is hereby authorized and directed as such officer to countersign by use of her manual signature the Note. If any officer whose signature or countersignature appears upon the Note ceases to be an officer of the Board before the delivery of the Note to the purchasers, his or her signature or countersignature shall nevertheless be valid and of the same force and effect as if she had remained such officer.

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: 67
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

Department or Agency Name(s): BOS

Staff Name and Phone Number:

Efren Carrillo 565-2241

Supervisorial District(s):

Fifth

Title: Fee Waiver

Recommended Actions:

Approve fee waiver in the amount of \$1513 for permit fees associated with the Graton Community Club's sidewalk improvement project. (Fifth District)

Executive Summary:

The Graton Community Club, a 501(c)3 public benefit non-profit, embarked on accessibility upgrades to their building at the intersection of Edison Street and Graton Road in 2013. As part of their project, they upgraded the public sidewalk and made improvements to the corner intersection path of travel to increase accessibility. Their project encroached on the public street. This fee waiver will cover the costs of the required permits for the improvements.

Prior Board Actions:

None.

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

Fiscal Summary - FY 13-14

| Expenditures | | Funding Source(s) | |
|---------------------------|----------------|--------------------------|----------------|
| Budgeted Amount | \$ | | \$ |
| Add Appropriations Req'd. | \$ 1513 | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ 1513 |
| | \$ | | \$ |
| Total Expenditure | \$ 1513 | Total Sources | \$ 1513 |

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):

None.

Attachments:

Fee Waiver Application

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

None.

SUBMIT TO:
 Board of Supervisors
 575 Administration Dr, Ste 100A
 Santa Rosa, CA 95403

COUNTY OF SONOMA

RECEIVED
 JUN 04 2014
 BOARD OF SUPERVISORS
 COUNTY OF SONOMA
 For Board of Supervisors Use Only

Fee Waiver/Board Sponsorship Request Form

1. Contact information for individual requesting fee waiver/sponsorship:

Name: JODY JAMES
First Middle Last
 Mailing Address: P.O. BOX 758 GRATON CA 95444
Number, Street, Apt/Suite City State Zip
 Phone: (707) 823-2866 Email: gratonia@hotmail.com
Area Code, Number

2. Name of Community Based Organization, Non-Profit, or Government Agency for which fee waiver/sponsorship is requested:

Name: GRATON COMMUNITY CLUB, A 501c NON-PROFIT
 Mailing Address: P.O. BOX 115 GRATON CA 95444
Number, Street, Apt/Suite City State Zip
 Phone: (707) 829-5314 Email: info@gratoncommunityclub.org
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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Project/activity/event location (select all that apply) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| District office to receive request (select only one) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 |
|--------------------------|---------------|---------------|
| PRMD | BLD 13 - 2691 | 143- |
| PRMD | ENC 14 - D169 | 1370- |
| | | |
| | | |

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 |
|--------------------|--------------------------|-------------|----------------|
| 1/1 | --- | UNKNOWN | --- |
| / / | | | |
| / / | | | |
| / / | | | |

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.

Christa R. Dunk
Authorized Signature

PRESIDENT
Title

6/4/2014
Date

Letter of Explanation – Fee Waiver/Board Sponsorship Request Form
GRATON COMMUNITY CLUB, June 4, 2014

Item 5: Project Description

This is a **revision to a barrier removal project** for the entryway of the Graton Community Club (GCC), located at 8996 Graton Road, Graton, which involves redesign and construction of the PROW to accommodate required changes. Under a verbal agreement with the County, and for the benefit of the County, GCC has agreed to include the PROW in its project scope to make the property, public sidewalk and public street parking accessible to all users. At present, both the PROW and the private property pose hazards for wheelchair/cane/impaired users.

The new ramp projects into the PROW. The existing elevation changes between the property and sidewalk are being adjusted to provide a barrier-free patio-like surface. The initial construction of the barrier removal project in 2013 under County-approved plans did not incur encroachment permit fees. However, according to County inspectors, the original plans did not resolve all issues and reengineering was needed to meet standards and County requirements, at a significant cost increase to GCC.

Those benefiting from completion of this project are the community as a whole, and the County in meeting its goal of rectifying non-conforming PROW issues.

By: Jody James
GCC/BarrierRemoval 06-14



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: 77
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: June 10, 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: Windsor Oaks Winery, PRMD File No. PLP12-0009.

Recommended Actions:

Re-open the public hearing, adopt the revised Mitigated Negative Declaration, and approve the Resolution denying an appeal and upholding the Board of Zoning Adjustments' approval for a phased Use Permit and Design Review for the expansion of an existing winery, with modified Conditions of Approval.

Executive Summary:

Background

On March 25, 2014, the Board of Supervisors heard the appeal of the Board of Zoning Adjustments approval of the Use Permit and Design Review for the winery expansion. After taking testimony from all interested persons, the Board closed the public hearing and took a 5-0 straw vote denying the appeal and upholding the Board of Zoning Adjustments' approval of a phased Use Permit and Design Review for the expansion of an existing winery and tasting room facility with modified Conditions of Approval as discussed below in this staff report.

Modified Conditions of Approval

At the March 25, 2014 hearing the Board modified the following Conditions of Approval (modification indicated in bold below):

Modified

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. **The proposed valley gutters shall be set back a minimum of 400 feet in the north and south directions from the adjacent neighbors' existing riding arena located on APN 161-010-040, east of Windsor Oaks Road.***

New Conditions Added:

- Condition No. 92** *Prior to final occupancy of the Phase I development, the Permit-Holder shall use rubberized asphalt on Windsor Oaks Road in the areas adjacent to the neighbors' properties identified as 10119 and 10451 Liberty Oak Lane, APN 161-010-040 and APN 161-010-039, respectively.*
- Condition No. 93** *Prior to final occupancy of the Phase I development, in the area of Windsor Oaks Road that curves to the west, the Permit-Holder shall enhance the proposed landscaping to increase the density by adding medium-sized in height olive trees at maturity and plant 15 gallon containers, at minimum.*
- Condition No. 94** *Prior to final occupancy of the Phase I development, the Permit-Holder shall install a minimum of three speed limits signs of 20 mph (miles per hour) and three "quiet-zone" signs along the entire length of Windsor Oaks Road. Subject to review and approval by PRMD –Project Review staff.*
- Condition No. 95** *The contracts for weddings held at the winery facility shall include a clause stating the bride and groom shall be responsible for alerting their guests that the access roadway of Windsor Oaks Road is limited to a 20 mph speed limit and considered an agricultural, quiet zone.*
- Condition No 96** *To further protect the existing Valley Oak trees located along Windsor Oaks Road that lie within the applicants' fee owned parcel, the proposed landscape plan for Windsor Oaks Road shall include drought tolerant plants and plants compatible with Valley Oak trees. An arborist shall approve the landscape and irrigation plans for Windsor Oaks Road prior to the plans being submitted to PRMD and the Design Review Committee for the final design review process. After road improvements are completed, an arborist shall monitor the health conditions of the existing Valley Oak trees along Windsor Oaks Road, within the applicants' fee owned parcel, for a minimum of five years, and if necessary, require the Permit-Holder to complete appropriate measures to enhance the health and longevity of any Valley Oak trees along Windsor Oaks Road within the applicants' fee owned parcel.*

The Re-Opening of the Public Hearing

After the March 25, 2014, Board hearing, the applicant requested that the public hearing be re-opened in order for the Board to consider more detailed road and landscaping plans, and further explanation of the impact, if any, on the health of oak trees along Windsor Oaks Road. On May 13, 2014, detailed road improvement plans and narrative prepared by Steve Martin and preliminary landscape plans prepared by MacNair Landscape Architecture were submitted to PRMD (Exhibits B, C, and D). Steve Martin provides the following details of the road use and improvements to Windsor Oaks Road as follows:

1. The existing gravel road is approximately 12' wide with 4' compacted base shoulders, 24" of compacted sub-base with geo-textile stabilization fabric below. The road was reconstructed in

- 2002 and was built from the existing grade upward. Geotextile fabric was used at the base of the road section in lieu of over-excavation and re-compaction of the soil in order to not disrupt roots of adjacent oak trees.
2. Underground gas line and electrical conduits for convenience power and lighting were installed on the west side of the road (opposite side of the existing oak trees) in 2002, at the time of the prior road improvements.
 3. The proposed new road section is designed for two way traffic:
 - a. 18' wide road surface (chip seal sections and rubberized asphalt section)
 - b. 1' aggregate base shoulders
 4. Improvements to the existing road section will include:
 - a. Scarify existing road surface and shoulders to remove minor vegetation.
 - b. Placement and compaction of 2"+ of Class II Aggregate Base across 20' wide section for leveling and chip seal preparation.
 - c. Double chip-seal surfacing over Class II AB and existing compacted sub-base for a road width of 18' (approximately STA 0+00 to STA 13+50, STA 20+50 to STA 26+60).
 - d. Rubberized asphalt surfacing over Class II AB and existing compacted sub-base for a road width of 18' along the road meander (approximately STA 13+50 to STA 20+50).
 - e. Roadway alignment will follow existing road centerline except at road meander.
 - f. Concrete valley gutters (3) to be placed at stations 7+50, 11+50 and 23+50.
 5. Road improvements will utilize existing sub-base (except at meander) resulting in no over-excavation of the existing soil and impact to tree roots.
 6. Rubberized asphalt is being used along the meander to further reduce vehicle tire noise.
 7. Concrete valley gutters and road curves are designed for speed control of vehicles.
 8. Posted speed signs stating 20 MPH will be placed at entry and mid-distance of road length.
 9. There will be no change in drainage. Runoff will continue to sheetflow across road surface to existing roadside swale.
 10. New landscaping will be installed along both sides of the road for both beautification and screening. Landscape improvements include:
 - a. New open fence with evergreen climbing vines along both sides of driveway
 - b. Shrubs at base of fence
 - c. Groundcover between road shoulder and fence
 - d. Olive grove between property line and road at road meander.
 11. Selected plantings (flowers, vines, groundcover) will be non-toxic to horses and drought tolerant. The selected plants and associated irrigation are designed to have no adverse impact to the existing oak trees.
 12. Winery employees and public visitors will utilize Windsor Oaks Road for ingress and egress to the winery facility.

In addition, *Arborscience*, the arborist for Windsor Oaks Winery, prepared an addendum letter dated May 8, 2014 (Exhibit E), responding to the concerns raised in the letter submitted by the appellants' arborist, Bruce W. Hagen, on March 21st for the March 25th Board hearing. *Arborscience* certifies that proposed road improvements will not have adverse impacts to existing oak trees due to the fact that the existing road bed is already well established, and no further changes to the porosity or moisture-holding capacity of the soils will result from the project. *Arborscience* states that paving the road will likely improve the health of the subject trees by virtually eliminating dust normally generated by dry-season

use of the road and increasing the moisture holding capacity of the soil beneath the road.

Revised Mitigated Negative Declaration

A Revised Mitigated Negative Declaration has been prepared by PRMD staff discussing the detailed road improvement plans for Windsor Oaks Road and preliminary landscape and irrigation plans for the areas along Windsor Oaks Road. Further, the Revised Mitigated Negative Declaration incorporates the acoustical information prepared by Frank Hubach Associates, submitted by the appellants, and the acoustical information prepared by Illingworth & Rodin and submitted by the applicant. The acoustical information was previously provided to the Board and discussed during the Board hearing on March 25th. Both the sound consultants provided testimony at the March 25th hearing (Frank Hubach and Fred Swinth of Illingworth and Rodin) and concluded that the vehicular noise on Windsor Oaks Road at the property line boundary would not exceed the Daytime noise standard under Table NE-2 of the Noise Element of the General Plan and no further mitigation measures are required. However, horse experts explained that even though the noise generated from vehicles on Windsor Oaks Road would not exceed the Daytime Noise Standards in the General Plan, horses by their very nature are flight animals and are unpredictable to which even the slightest sight or sound could startle them. Therefore, as extra precautions to protect riders in the adjacent riding arena, the project’s Conditions of Approval were modified by the Board requiring: valley gutters (speed dips) be installed along Windsor Oaks Road, but set back 400 feet in both directions from the riding arena; the Windsor Oaks Road alignment be curved out to the west to provide a greater distance from the adjacent riding arena; the use of rubberized asphalt on Windsor Oaks Road in the areas adjacent to neighbors’ properties; and speed limit and “quiet zone” signs be placed along Windsor Oaks Road.

Staff Recommendation:

In summary, all potential impacts of the proposed project have been mitigated to less than significant. Staff recommends that the Board of Supervisors adopt the Resolution denying the appeal and the revised Mitigated Negative Declaration and approve the Use Permit and Design Review for the winery expansion with modified Conditions of Approval included as Attachment A to this staff report.

Prior Board Actions:

On March 25, 2014 the Board took a straw vote (5-0-0) to deny the appeal and uphold the Board of Zoning Adjustments’ decision to approve the project with modified Conditions of Approval.

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): | | | |
| None | | | |
| Attachments: | | | |
| <p>Exhibit A: Board of Supervisors Resolution and Conditions of Approval (to be provided by County Counsel)</p> <p>Exhibit B: Road Improvement plans for Windsor Oaks Road, prepared by Steve Martin & Associates, dated May 13, 2014.</p> <p>Exhibit C: Narrative of Road Improvements for Windsor Oaks Road, prepared by Steve Martin & Associates, dated May 8, 2014.</p> <p>Exhibit D: Preliminary Landscape Plans for the area along Windsor Oak Road, prepared by MacNair Landscape Architects, dated May 7, 2014.</p> <p>Exhibit E: Arborist Addendum Letter, prepared by ARBORSCIENCE, dated May 8, 2014. (Correction on June 2, 2014).</p> <p>Separate Attachment: Revised Mitigated Negative Declaration</p> | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| March 25, 2014 Board of Supervisors item and attachments | | | |



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: 14- _____

PLP12-0009 Traci Tesconi

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Denying An Appeal From A Decision Of The Sonoma County Board Of Zoning Adjustments, Adopting A Revised Mitigated Negative Declaration And Mitigation Monitoring Program, And Approving A Two-Phased Use Permit And Design Review For The Expansion Of An Existing Winery (File # UP7851 – Windsor Oaks Winery) To Increase Maximum Annual Production To 100,000 Cases, Enlarge One Of The Existing Winery Buildings, Add A New Winery Building, Add Public And Private Tasting, Retail Sales, And Public Tours, And 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, And 3 Weddings With 100 Guests, And A Total Of 10 Industry-Wide Event Days Per Year With A Maximum Of 300 Guests, On 471.89 Acres Located At 10810 Hillview Road, Windsor; APN 086-100-016 And APN 161-020-043; Supervisorial District No. 4

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 Windsor Oaks Associates, LP (“the Applicant”) filed Application PLP12-0009 with the Sonoma County Permit and Resource Management Department (“PRMD”) pursuant the Sonoma County General Plan 2020 (“the General Plan”) and the Sonoma County Zoning Code (“the Zoning Code”) requesting a two-phased use permit and design review for the expansion of an existing winery (File # UP7851 – Windsor Oaks Winery) on 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 Area), SR (Scenic Resources), VOH (Valley Oak Habitat), and AR (Agriculture and Residential), B6 - 5 acre density, VOH (Valley Oak Habitat) (“the Project Site”). As heard and considered by the Board, Phase I includes increasing the winery’s maximum annual production capacity from 43,000 cases to 100,000 cases; 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 the same; 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, and 3 weddings with 100 guests, and a total of 10 industry-wide event days per year with a maximum of 300 guests. Phase II includes a new 8,360 square foot winery and tasting room building with barrel storage, public tasting, VIP (private) tasting, administrative offices, hospitality areas, and a commercial kitchen (collectively “the Project”).

Section 2. Procedural History.

2.1 After accepting Application PLP12-0009 as complete for processing, PRMD determined that a mitigated negative declaration was required for the Project to comply with the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines, and the Environmental Quality Ordinance of Sonoma County.

2.2 PRMD released a mitigated negative declaration for the Project (“the MND”) for public and agency review on September 27, 2013. The MND assesses the potential environmental effects of the implementation of the Project and identifies means to eliminate or substantially reduce potential impacts.

2.3 The Sonoma County Board of Zoning Adjustments (“the Board of Zoning Adjustments”) conducted a public hearing on the MND and the Project on October 17, 2013. At the hearing, the Board of Zoning Adjustments heard and received all relevant oral and written testimony and evidence presented or filed regarding the MND and the Project. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board of Zoning Adjustments closed the hearing, discussed the MND and the Project, and, on a 5-0 vote, adopted the MND and approved the Project. As part of its approval of the Project, the Board of Zoning Adjustments eliminated a proposed concert or play at the winery and reduced the number agricultural promotional events and industry-wide events.

2.4 Within the time and manner prescribed by law, Dave and Joy Koch (“the Appellants”) appealed the action of the Board of Zoning Adjustments on the MND and the Project to the Board (“the Appeal”).

2.5 The Board conducted a public hearing on the Appeal 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 Appeal, the MND, and the Project. 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 Appeal, the MND, and the Project, and, on a 5-0 straw vote, determined to deny the Appeal, adopt the MND, and approve the Project. County Counsel and PRMD staff were directed to return to the Board with a resolution reflecting the consideration and actions of the Board.

2.6 Following the Board’s straw vote, the Applicant’s engineer submitted detailed engineered road improvement plans for Windsor Oaks Road, the Applicant’s landscape architect submitted a preliminary landscape plan for the areas along Windsor Oaks Road, and the Applicant’s arborist submitted an addendum arborist letter responding to concerns raised by the

Appellants' arborist. PRMD staff revised the MND ("the Revised MND") to incorporate this new information as well as acoustical information previously provided to the Board by the Applicant and the Appellants regarding vehicular noise on Windsor Oaks Road. PRMD staff determined that the revisions were not substantial and that recirculation of the Revised MND was not required. PRMD staff further determined that the Board hearing should be reopened for the limited purpose of receiving testimony and evidence on the new information submitted by the Applicant and the Revised MND.

2.7 The Board reopened the Board hearing on June 10, 2014, for the limited purpose of considering the new information submitted by the Applicant and the Revised MND. At the re-opened Board hearing, the Board heard and received all relevant oral and written testimony and evidence presented or filed regarding the new information submitted by the Applicant and the Revised MND. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the re-opened Board hearing ("the final close of the Board hearing"), discussed the Appeal, the Revised MND, and the Project, and determined to deny the Appeal, adopt the Revised MND, and approve the Project, as provided herein.

2.8 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 Appeal, the Revised MND, and the Project.

2.9 The Board's decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the final close of the Board hearing ("the record of these proceedings"). By Board Rule, any information submitted after the final close of the Board hearing has been deemed late and not considered by the Board.

Section 3. CEQA Compliance.

3.1 The Board has reviewed and considered the information contained in the MND and the Revised MND, together with comments received during the public review process and at the Board hearing, prior to making the following findings.

3.2 PRMD completed the MND and, beginning on September 27, 2013, made the MND available for review and comment. A notice of intent to adopt the MND was published on September 27, 2013, and the period for receipt of comments on the MND remained open until October 17, 2013. PRMD completed the Revised MND and, beginning on May 22, 2014, made the Revised MND available to the public. A notice of intent to adopt the Revised MND was published on May 22, 2014.

3.3 State CEQA Guidelines section 15073.5 requires a lead agency to recirculate a negative declaration for further review and comment when the negative declaration must be substantially revised after public notice of its availability has been given but prior to its adoption. Recirculation is not required where new information is added to the negative declaration which merely clarifies or amplifies or makes insignificant modifications to the negative declaration.

The Board recognizes that the Revised MND incorporates information obtained from the Applicant and the Appellants since the MND was completed, and contains additions, clarifications, and other modifications.

The Board finds that the additional information and corresponding modifications to the MND do not constitute substantial revisions requiring recirculation of the Revised MND. Specifically, the Board finds that the additional information does not show that:

(1) A new, avoidable significant effect has been identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or

(2) The County has determined that proposed mitigation measures or project revisions will not reduce potential effects to less than significant and new measures or revisions must be required.

The Board further finds that recirculation is not required because the additional information and corresponding modifications to the MND are (i) project revisions added in response to comments on project effects identified in the MND; (ii) additional measures or conditions of approval that are not required by CEQA, do not create new significant effects, and are not necessary to mitigate an avoidable significant effect; or (iii) new information that merely clarifies, amplifies, or make insignificant modifications to the MND. Specifically, the Board finds that:

(1) The additional information regarding the road improvements to Windsor Oaks Road clarifies and amplifies the analysis and conclusion in the MND that potential impacts to Valley Oak trees will be less than significant.

(2) The additional information regarding traffic noise on Windsor Oaks Road clarifies and amplifies the analysis and conclusion in the MND that traffic noise impacts on surrounding land uses will be less than significant.

(3) The project revisions to move part of Windsor Oaks Road farther away from the Appellants' riding arena and provide landscape buffering were added in response to comments by the neighbors made after the close of the public comment period on the MND. In addition, at the Board hearing, the Board made minor modifications to the conditions of approval regarding Windsor Oaks Road, including placing valley gutters a minimum of 400 feet in both directions from the Appellants' riding arena and placing 20 mph speed limit signs, using rubberized asphalt on the portion of Windsor Oaks Road adjacent to the Appellants' riding arena, using appropriately dense landscaping, using drought-tolerant trees and plants, and requiring persons using the winery for weddings to inform wedding guests that the neighborhood around Windsor Oaks Road is considered a "quiet zone." These modifications to the conditions of approval were included to further address the neighbors' concerns and are not necessary to mitigate traffic noise, which has already been determined to be less than significant.

Based on the foregoing, and having reviewed the information contained in the Revised MND and in the record of these proceedings, the Board hereby finds that no substantial revision has been made to the MND since public notice was given of its availability. The Board further finds that no new impacts requiring mitigation have been identified and no previously identified mitigation measures or project revisions have been determined to be ineffective. Therefore, recirculation of the Revised MND is not required.

3.4 The Board finds that the Revised 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 Revised MND and to approve the Project, the Board has reviewed and considered, as a whole, the evidence and analysis presented in the Revised MND, the evidence and analysis presented in the comments on the MND and Revised MND, and the responses prepared by the Applicant's consultants and by PRMD staff addressing those comments. The Board concurs with those responses. The Board has gained a well-rounded understanding of the environmental issues presented by the Project and its findings are based on full appraisal of all of the evidence contained in the Revised MND, as well as the evidence and other information in the record of these proceedings addressing the MND and Revised MND.

3.5 The Board finds that the Revised MND has been completed in compliance with CEQA and the State CEQA Guidelines. The Board concurs with and adopts the findings in the Revised MND.

The Board has considered the comments received after release of the MND, but before the final close of the Board hearing, regarding project impacts and finds that those comments do not raise a fair argument that the Project may have a significant environmental impact.

The Board makes the following specific findings regarding potential impacts on Valley Oak trees from road improvements and landscaping on Windsor Oaks Road and potential traffic noise impacts on neighboring land uses:

(1) The Board finds that the Project will not have any significant effect on Valley Oak trees along Windsor Oaks Road as a result of proposed improvements to the road and landscaping. According to the Applicant's engineer, the existing gravel road consists of a 12-foot-wide travel lane with 4-foot-wide compacted based shoulders on each side, for a total width of 20 feet. This 20-foot-wide roadway is underlain by 24 inches of compacted sub-base with geotextile stabilization fabric below. The road was reconstructed in 2002 and was built from the existing grade upward. Geotextile fabric was used at the base of the road section in lieu of over-excavation and re-compaction of the soil specifically to avoid disrupting the roots of the adjacent Valley Oak trees. Underground gas line and electrical conduits for convenience power and lighting were installed on the west side of the road opposite the Valley Oak trees when the road was reconstructed in 2002, and no further excavation for utilities is needed. The proposed road improvements will utilize the existing sub-base described above, resulting in no over-excavation of the existing soil or impact to tree roots. The road will be resurfaced by placement and compaction of aggregate base over the 20-foot-wide roadway and double chip-seal surfacing, for a road width of 18 feet with 1-foot-wide shoulders. There will be no change to drainage, and runoff will continue to sheetflow across the road surface to an existing roadside swale. The

section of Windsor Oaks Road that will be moved farther away from the Appellants' riding arena (referred to as "the meander" in the Revised MND) is outside the area where there are Valley Oak trees.

According to the preliminary landscaping plans submitted by the Applicant's certified landscape architect, dated May 7, 2014, new landscaping and any associated irrigation along Windsor Oaks Road will have no adverse impact on the existing Valley Oak trees. Installation of landscaping will be coordinated with a licensed, certified arborist, and plantings will be compatible with the existing oak trees and require minimal excavation and irrigation.

A consulting arborist for the Appellants, Bruce Hagen, submitted a letter dated March 19, 2014, stating his concerns about the potential impacts on Valley Oak trees from road improvements and landscaping. Mr. Hagen acknowledged being at a disadvantage in making his comments because he had not seen a tree preservation plan, details of the proposed road construction or any engineered drainage facility, or a landscape plan. Mr. Hagen's analysis assumed the proposed road improvements would require extensive excavation, which he concluded would cause serious injury to the trees, opining that "the only practical way to prevent serious injury is to avoid excavation within the root zones." In addition, he concluded that landscaping and irrigation under the trees would likely cause "appreciable" root damage. Mr. Hagen's letter does not constitute substantial evidence that the Project may have a significant impact on Valley Oak trees because (A) Mr. Hagen's comments were based on incorrect assumptions without benefit of review of any plans or details regarding the proposed road improvements and landscaping; (B) contrary to Mr. Hagen's assumptions, the improvements to Windsor Oaks Road in the area of the existing oak trees will be constructed on the existing roadway and no additional excavation is required for road or drainage improvements or utility lines; (C) the proposed landscaping in the area of the Valley Oak trees is limited to plants that are compatible with oak trees and have low water requirements; (D) irrigation of landscaping will be by drip irrigation and will be avoided where existing trees are sensitive to irrigation; (E) new plantings beneath existing oak trees will be limited to sizes that require minimal excavation; and (F) all plantings will be coordinated with a licensed, certified arborist. The Applicant's arborist, Kent Julin of Arborscience, reviewed the landscaping plan and road improvement plans, visited the site with the Applicant's engineer, and prepared a rebuttal of Mr. Hagen's letter in a report dated May 8, 2014 (corrected on 6-2-14), concluding that no damage would occur to the existing oak trees as a result of road improvements and landscaping.

The additional documentation provided by the Applicant demonstrates that neither the proposed road improvements nor the proposed landscaping along Windsor Oaks Road would damage the existing Valley Oak trees. Adequate road base and drainage are already in place and the proposed road improvements in the area of the Valley Oak trees will not require additional excavation. Installation of landscaping will be coordinated with a licensed, certified arborist, and plantings are designed to be compatible with the existing Valley Oak trees and require minimal excavation and irrigation. As a result, there is no substantial evidence that the Project, as approved herein, will result in a significant adverse impact to Valley Oak trees.

(2) The Board finds that traffic noise generated by the Project's use of Windsor Oaks Road as an access driveway will not have any significant effect on neighboring land uses, including horses on the Appellants' property. The MND found that noise generated by the Project, including Project-associated traffic on Windsor Oaks Road, would not exceed the applicable noise standards set forth in Table NE-2 of the General Plan and therefore concluded that Project impacts from noise would be less than significant. The Appellants have not disputed that Project noise would not exceed the General Plan standard. However, the Appellants' noise consultant, Frank Hubach Associates ("FHA"), submitted documents challenging the significance determination of the MND, suggesting that traffic noise on Windsor Oaks Road could adversely affect horses in the Appellants' riding arena even if the noise remained below the significance threshold established in the General Plan. The FHA documents stated that a sudden increase in noise levels or impulsive noise greater than 3dBA over background levels "has been suggested as the point where impulsive noise can significantly affect horses."

The Applicant's noise consultant, Illingworth & Rodkin ("I & R"), prepared a focused noise study dated February 14, 2014, to address traffic noise on Windsor Oaks Road. The I & R focused noise study considered a worst case noise exposure with horses at the corners of the Appellants' riding arena closest to the roadway, and concluded that traffic noise at these locations would not only be below the applicable General Plan standard, but would be below the existing level of noise from traffic on Liberty Oak Lane to which horses on the Appellants' property are already exposed.

The Board concurs with the findings in the I & R focused noise study, as well as I & R's responses to comments on the study, dated March 20, 2014, and the conclusions of the Revised MND that traffic noise on Windsor Oaks Road will remain below both the applicable threshold of significance for noise and the levels of noise to which horses on the Appellants' property are already exposed. In addition to noise exposure from traffic on both Liberty Oak Lane and Arata Lane, the Appellants' riding arena also abuts another neighbor's property to the south at a side yard improved with a driveway, outdoor parking area, garage, and basketball hoop. Horses on the Appellants' property are therefore already exposed to impulsive noise from residential vehicles such as door slams as well as other residential noise sources such as lawn mowers and outdoor recreation. The Board finds that there is no substantial evidence in the record demonstrating that the impact to the Appellants' horses from traffic noise on Windsor Oaks Road would be significant. The Board finds that the documents submitted by FHA do not constitute substantial evidence that the Project may have a significant impact on the Appellants' horses because they fail to demonstrate that the Project will result in any noise in excess of levels to which the horses are already exposed. The Board notes that although the impact is less than significant, additional conditions of approval to address the Appellants' concerns have been included and agreed to by the Applicant, including placing proposed valley gutters a minimum of 400 feet in both directions away from the Appellants' riding arena, placing 20 mph speed limit signs, using rubberized asphalt on the portion of Windsor Oaks Road adjacent to the Appellants' riding arena, planting appropriately dense landscaping, and requiring persons using the winery for weddings to inform wedding guests that the neighborhood around Windsor Oaks Road is considered a "quiet zone."

3.6 The Board finds that all impacts associated with the Project will be mitigated to less than significant with the adoption of the mitigation identified in the Revised MND and that there is no substantial evidence in the record of these proceedings to support a contrary conclusion. The Board further finds that the Revised MND reflects the Board's independent judgment and analysis.

3.7 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. A mitigation monitoring program for the Project ("the Mitigation Monitoring Program") is incorporated into the conditions of approval imposed herein. The 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 With respect to the Project's compliance with the General Plan, the Board finds as follows:

(a) The Project Site is designated Land Intensive Agriculture in the General Plan Land Use Element. Permitted uses in the Land Intensive Agriculture land use category include agricultural production, agricultural support uses, and visitor serving uses as provided in the General Plan Agricultural Resources Element. The following goals, objectives, and policies in the General Plan Agricultural Resources Element apply to the Project.

(1) General Plan Policy AR-4a provides, in part, that the primary use of any parcel within the three agricultural land use categories (Land Intensive Agriculture, Land Extensive Agriculture, and Diverse Agriculture) shall be agricultural production and related processing, support services, and visitor serving uses. The Project is consistent with this provision of the General Plan Agricultural Resources Element. The Project Site is over 470 acres in size and the existing primary use is agricultural production (existing vineyard) and related processing (existing winery). Under the Project, the Project Site will continue to be used for agricultural production (existing vineyard) and related processing (expanded winery), and related visitor serving uses (tasting room and events) will be added.

(2) General Plan Goal AR-5 provides that agricultural production shall be facilitated 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. General Plan Objective AR-5.1 provides that county agricultural production shall be facilitated by allowing agricultural processing facilities and uses in all agricultural land use categories. General Plan Policy AR-5a provides that facilities that process agricultural products shall be provided in the three agricultural land use categories only where the processing supports and is proportional to agricultural production on-site or in the local area. General Plan Policy AR-5c provides that storage, bottling, canning, and packaging facilities are to be permitted 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. The Project is consistent with these provisions of the General Plan Agricultural Resources Element. The Project Site contains 230 acres of premium vineyard. The Project will allow grapes grown on-site and in the local area to be processed on-site. The Project includes some on-site case goods storage. Most case goods storage and all distribution will be located at a separate, off-site warehouse facility. Shipments to the off-site warehouse facility will be on the order of 96 trips per year. The off-site warehouse facility will allow the Project to coordinate case goods shipments with glass deliveries for more efficient shipping and backhaul capabilities. The Project includes on-site bottling with a bottling truck. The Project's on-site fermenting, aging, and storage of wine in barrels or cases will total approximately 14,834 square feet. This equates to approximately .15 square feet of storage space per case of wine (at the maximum annual production capacity of 100,000 cases). The Project's storage area is less than other previously-approved winery projects and therefore appears to be sized appropriately.

(3) General Plan Policy AR-5g provides that 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, General Plan Policy AR-5g provides that the following factors shall be considered: (i) Whether the 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; (ii) Whether the uses would draw water from the same aquifer and be located within the zone of influence of area wells; and (iii) Whether the uses would be detrimental to the rural character of the area. The Project is consistent with this provision of the General Plan Agricultural Resources Element. Based on the traffic impact study prepared by the Applicant's traffic engineer and the conditions of approval imposed herein, the Project will not result in road access conflicts and the traffic generated by the Project will not exceed the level of service established in the General Plan Circulation and Transit Element's objectives. Further, a groundwater availability study prepared for the Project concluded that the existing and future annual groundwater demand from the Project would be slightly less than .4 acre feet per year. Average annual recharge is estimated to be about 15 acre-feet per year, which indicates that recharge would normally be expected to meet or exceed the Project's groundwater demand. Finally, the Project Site is over 400 acres in size and the Project's new winery and tasting room building would not be visible from nearby residences or from the roadway. The Project is small in scale compared to the large vineyard areas and open space grass lands on the Project Site.

(4) General Plan Policy AR-6a provides that visitor serving uses 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, shall be permitted in the agricultural land use categories. General Plan Policy AR-6d establishes the following guidelines for the approval of visitor serving uses in agricultural areas: (i) The use promotes and markets only agricultural products grown or processed in the local area; (ii) The use is compatible with and secondary and

incidental to agricultural production activities in the area; (iii) The use will not require the extension of sewer and water; (iv) The use is compatible with existing uses in the area; (v) Hotels, motels, resorts, and similar lodging are not allowed; (vi) 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; and (vii) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts. The Project is consistent with these provisions of the General Plan Agricultural Resources Element. The Project's events are considered agricultural promotional events. Their purposes include wine education, release of new wines, and food and wine pairings to increase wine club membership and wine sales. The Project's weddings are a marketing tool to capture a larger market of potential customers and wine club members. Wines produced on the site will be served at these functions creating name brand and label recognition. The Project's tasting room will promote grapes grown and processed on-site or in the local area. The primary agricultural production activity on the Project Site is vineyards for the processing of wine. The Project will be served by on-site septic and water well; extension of sewer and water lines will not be required. The Project's tasting room hours will be limited. The Project does not include overnight marketing or lodging accommodations. Finally, the Project includes a tasting room, tours, retail sales, and events intended to help sell and promote wine produced on site.

(b) Based on the preceding, the Board finds that the Project, as approved herein, is consistent with the goals, objectives, and policies of the Agricultural Resources Element and the General Plan. The Board further finds that the Project's tasting room and events will not constitute a detrimental concentration of visitor serving uses in the area of the Project Site.

4.2 With respect to the Project's compliance with the Zoning Code, the Board finds as follows:

(a) The Project Site is zoned LIA (Land Intensive Agriculture). Processing of agricultural products of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning agricultural products grown or processed on site are allowed in the LIA zoning district, subject to the issuance of a use permit and compliance with General Plan Policies AR-5c and AR-5g. Tasting rooms and other temporary seasonal or year-round sales and promotion of agricultural products grown or processed in the county are also allowed in the LIA zoning district, subject to the issuance of a use permit and compliance with General Plan Policies AR-6d and AR-6f. Based on the discussion in Section 4.1 of this resolution, the Board finds that the Project meets the criteria in General Plan Policies AR-5c and AR-5g and General Plan Policies AR-6d and AR-6f

(b) The Board finds that the establishment, maintenance, and operation of the Project, as approved herein, will not under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the area, nor be detrimental or injurious to property

and improvements in the neighborhood or the general welfare of the area. The circumstances that support this finding are as follows:

(1) The expanded winery shall be 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 shall be limited to 11 am to 5 pm, industry-wide events shall be limited to the tasting room hours of 11 am to 5 pm. The expanded winery shall be limited to 22 agricultural promotional events per year consisting of 8 events with a maximum of 60 guests per event, 10 events with a maximum of 100 guests per event, one event with a maximum of 300 guests, and three weddings with a maximum of 100 guests per wedding. The expanded winery shall be limited to participation in 10 industry-wide event days per year with a maximum of 300 guests per event day.

(2) 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.

(3) The Project's production traffic shall use Hillview Road and its guest and employee traffic shall use Windsor Oaks Road.

(4) The Project's increased wine production, tasting room, and events have been found consistent with the existing Conservation Easement covering the Project Site, provided the uses take place in the appropriate designated areas.

(5) The Project Site is large enough to accommodate all on-site parking needs and at least four parking attendants shall 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.

(6) The Applicant shall provide 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 Applicant 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.

(7) The Applicant shall place valley gutters along Windsor Oaks Road as a traffic calming measure. The valley gutters shall be set back a minimum of 400 feet in the north and south directions from the Appellants' riding arena located on APN 161-010-040, east of Windsor Oaks Road.

(8) The Applicant shall use rubberized asphalt on the portions of Windsor Oaks Road shown on the Windsor Oaks Road Plan, dated 5-13-14.

(9) The final alignment of Windsor Oaks Road shall curve to the west to provide an additional buffer between the roadway and the Appellants' residence and riding arena. On the

portion of Windsor Oaks Road that curves to the west, the Applicant shall enhance landscaping by planting medium-sized in height olive trees at maturity on the east side of the road.

(10) The Applicant shall install a minimum of two speed limits signs of 20 mph (miles per hour) from Station 11-50 to Station 23-50 of Windsor Oaks Road, and three “quiet-zone” signs along the entire length of Windsor Oaks Road.

(11) All contracts for weddings held at the winery facility shall include a clause stating that the bride and groom are responsible for alerting all of their guests to adhere to the posted speed limit and quiet zone signs along Windsor Oaks Road.

(12) To further protect the existing Valley Oak trees along Windsor Oaks Road, the landscape plan for Windsor Oaks Road shall include plants compatible with Valley Oak trees and having low water use requirements. An arborist shall approve the landscape and irrigation plans for Windsor Oaks Road prior to the plans being submitted to PRMD and the Design Review Committee for the final design process. After road improvements for Windsor Oaks Road are completed, an arborist shall monitor the conditions of the existing Valley Oak trees along Windsor Oaks Road and within the Applicant’s fee title parcel for a minimum of five years and, if necessary, require the Applicant to complete appropriate measures to enhance the health and longevity of any Valley Oak trees along Windsor Oaks Road and within the Applicant’s fee title parcel.

(c) Based on the preceding, the Board finds that the Project, as approved herein, is consistent with the LIA zoning district.

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 Appeal is denied.
3. The Revised MND is adopted. PRMD is directed to file a notice of determination in accordance with CEQA and the State CEQA Guidelines.

4. The Project is approved, subject to the conditions of approval set forth in Exhibit “A,” attached hereto and incorporated herein by this reference.

5. The Mitigation Monitoring Program set forth in Exhibit “A” is adopted. PRMD is directed to undertake monitoring in accordance with the Mitigation Monitoring Program to ensure that required mitigation measures and project revisions are complied with during project implementation.

6. 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.

**RESOLUTION TO BE PROVIDED BY COUNTY
COUNSEL**

**Board of Supervisors
Draft Conditions of Approval**

| | | | |
|-------------------|------------------------------|------------------|----------------------------------|
| Date: | June 10, 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 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 Permit-Holder 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 Permit-Holder shall place valley gutters for traffic calming along Windsor Oaks Road subject to approval by PRMD staff. However, the proposed valley gutters shall be setback a minimum of 400 feet in both the north and south direction from the adjacent neighbors' existing riding arena located on APN 161-010-040, east of Windsor Oaks Road.
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. Prior to final occupancy of the Phase I development, the Permit-Holder shall use rubberized asphalt on Windsor Oaks Road in the areas adjacent to the properties identified as 10119 and 10451 Liberty Oak Lane, APN 161-010-040 and APN 161-010-039, respectively.
93. Prior to final occupancy of the Phase I development, in the area of Windsor Oaks Road that is curved out further to the west, the Permit-Holder shall enhance the proposed landscaping to increase the density by adding more medium-sized in height Olive trees at maturity and plant 15 gallon containers at a minimum.
94. Prior to final occupancy of the Phase I development, the Permit-Holder shall install a minimum of three speed limits signs of 20 mph (miles per hour) and three "quiet-zone" signs along the entire length of Windsor Oaks Road, subject to review and approval by PRMD-Project Review staff.
95. The contracts for weddings held at the winery facility shall include a clause stating the bride and groom shall be responsible for alerting their guests that the access roadway of Windsor Oaks Road is limited to a 20 mph speed limit and considered an agricultural, quiet zone.
96. To further protect the existing Valley Oak trees located along Windsor Oaks Road that lie within the Permit-Holder's fee owned parcel, the proposed landscape plan for Windsor Oaks Road shall

- include drought tolerant plants and plants compatible with Valley Oak trees. An arborist shall approve the landscape and irrigation plans for Windsor Oaks Road prior to the plans being submitted to PRMD and the Design Review Committee for the final design process. After road improvements are completed, an arborist shall monitor the conditions of the existing Valley Oak trees along Windsor Oaks Road, within the Permit-Holder's fee owned parcel, for a minimum of five year, and if necessary, require the Permit-Holder to complete appropriate measures to enhance the health and longevity of any Valley Oak trees along Windsor Oaks Road and within the Permit-Holder's fee owned parcel.
97. 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.
 98. 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).
 99. 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.
 100. 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>.
 101. 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.
 102. 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.
 103. 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.

104. 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.

105. 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.

106. 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.

107. 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."

108. 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.

109. 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>.

110. 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.
111. 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.
112. 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.
113. 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.
114. 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.

115. 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.

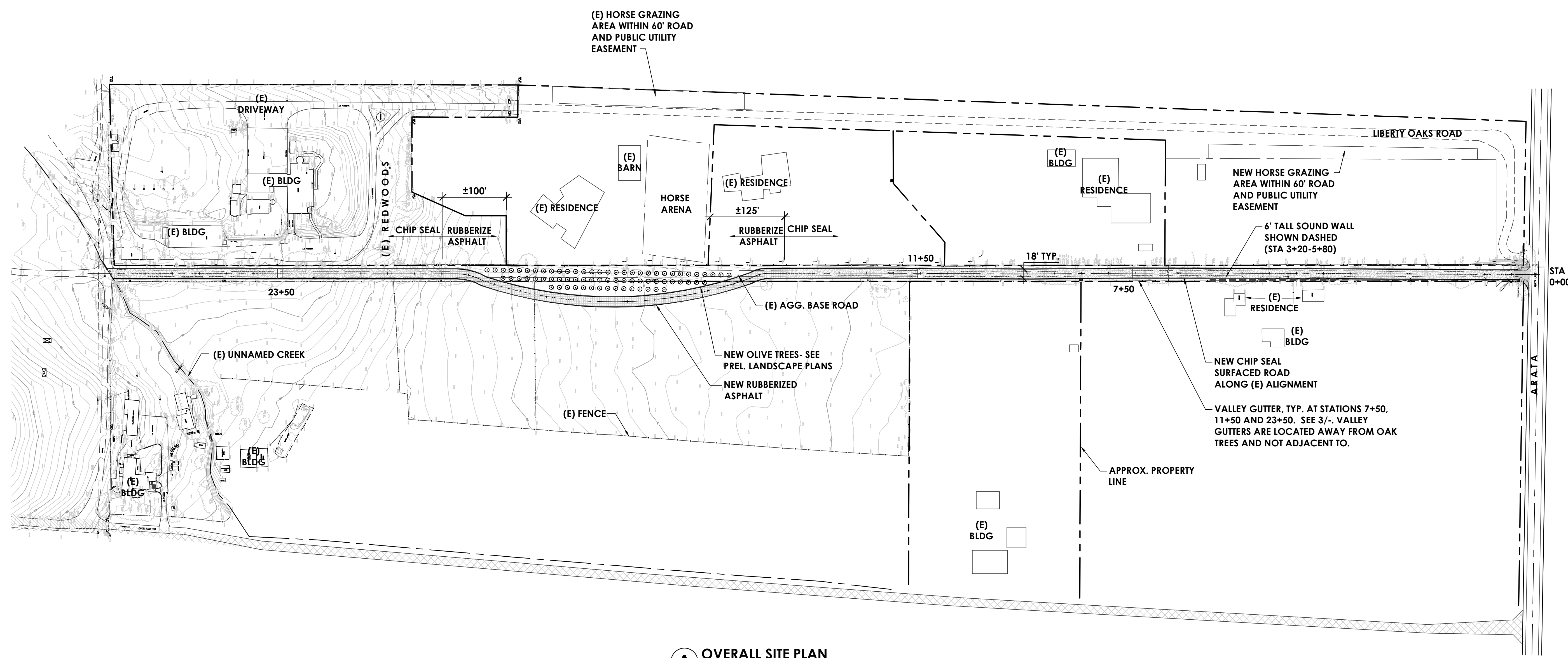
116. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation 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.

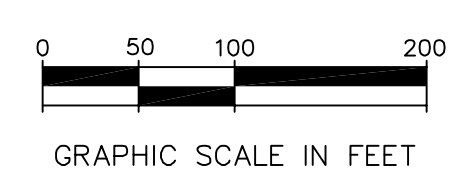
Phase I development must be completed prior to the issuance of building permits for the Phase II development. Phase II development shall be completed within five (5) years after the date of the granting of the Use Permit, however, upon a written request by the applicant, prior to the expiration of the 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.



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A OVERALL SITE PLAN SCALE: 1"=100'-0"



USE PERMIT
WINDSOR OAKS ROAD PLAN

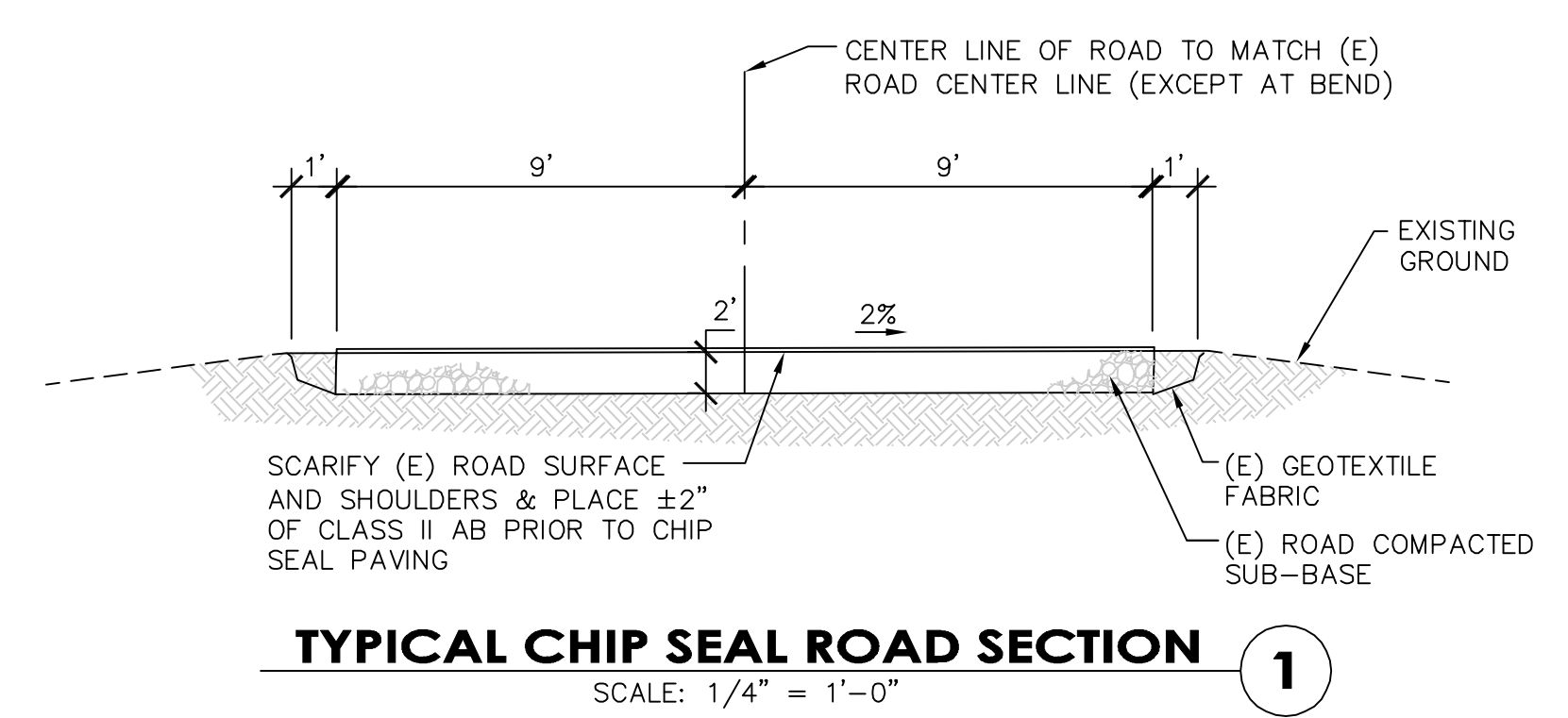
WINDSOR OAKS WINERY
 Renovation to an Existing Building and
 Construction of a New Winery Building
 10810 Hillview Road Windsor, CA 95492
 AP# 086-100-16

REVISIONS

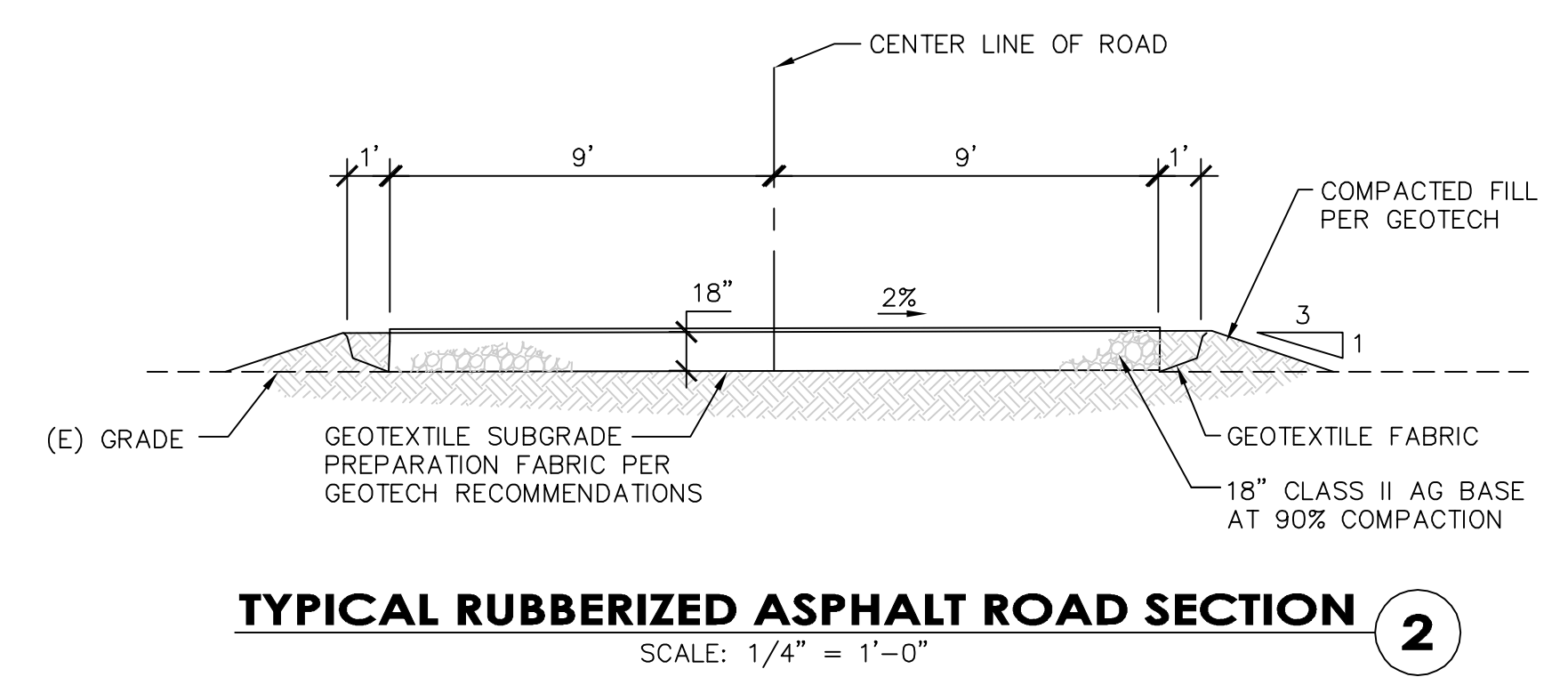
| DATE | DESCRIPTION |
|----------|-----------------|
| 10.15.13 | Ent. Imp. |
| 4.24.14 | Final Road |
| 5.7.14 | Revised per BOS |
| 5.13.14 | Add Horse Areas |

JOB NO. SMA 2011-009
 DATE OCTOBER 3, 2012
 DRAWN CM CHKD SM
 FILE NO. 1109-UP11
 SHEET

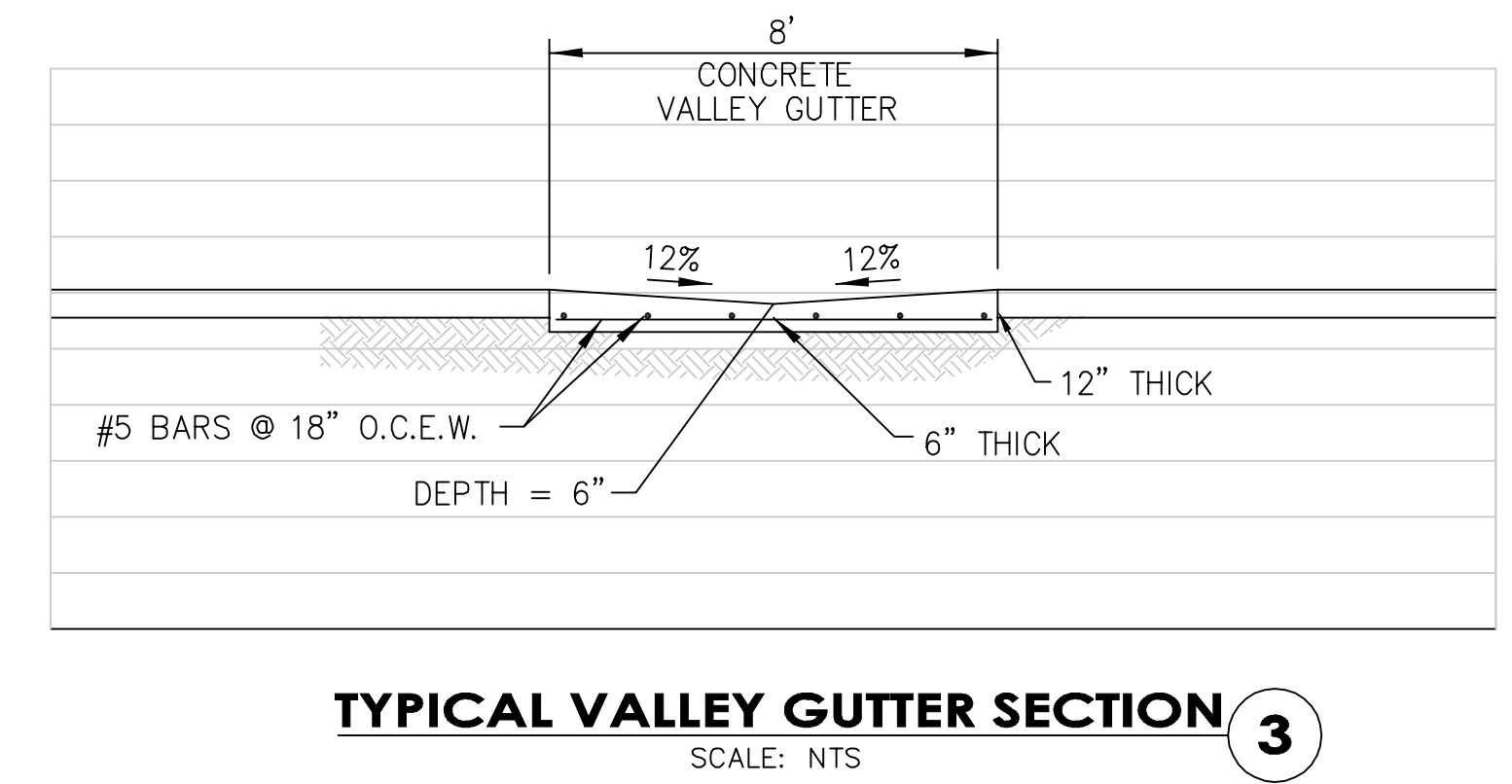
UP6



TYPICAL CHIP SEAL ROAD SECTION 1 SCALE: 1/4" = 1'-0"



TYPICAL RUBBERIZED ASPHALT ROAD SECTION 2 SCALE: 1/4" = 1'-0"

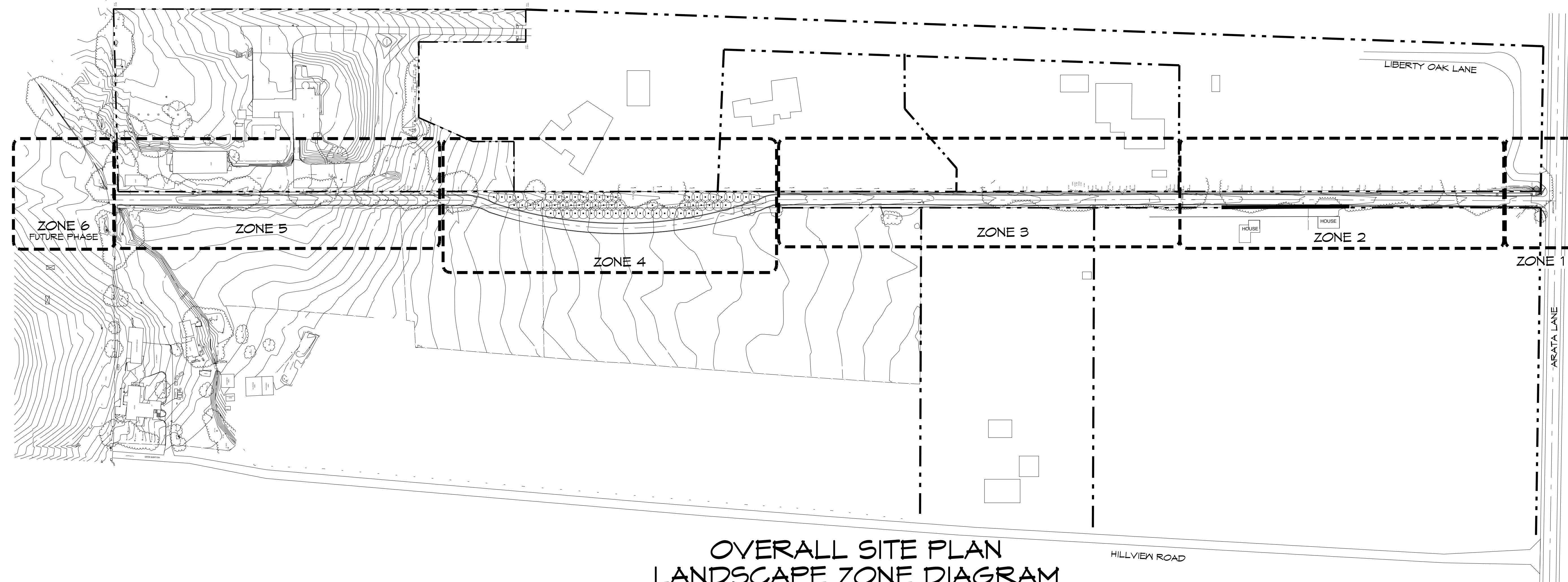


TYPICAL VALLEY GUTTER SECTION 3 SCALE: NTS

Windsor Oaks Road Narrative

Windsor Oaks Road is located in the 30' wide parcel of land that connects Arata Lane to Windsor Oaks Vineyard, and is under same ownership. Details of the road use and improvements are as follows:

1. Existing gravel road is approximately 12' wide with 4' compacted base shoulders 24" of compacted sub-base with geotextile stabilization fabric below. The road was reconstructed in 2002 and was built from the existing grade upward. Geotextile fabric was used at the base of the road section in lieu of over-excavation and re-compaction of the soil in order to not disrupt roots of adjacent oak trees.
2. Underground gas line and electrical conduits for convenience power and lighting was installed on the west side of the road (opposite side of the existing oak trees) in 2002, at the time of the prior road improvements.
3. Proposed new road section is designed for two way traffic:
 - a. 18' wide road surface (chip seal sections and rubberized asphalt section)
 - b. 1' aggregate base shoulders
4. Improvements to the existing road section will include:
 - a. Scarify existing road surface and shoulders to remove minor vegetation.
 - b. Placement and compaction of 2"+ of Class II Aggregate Base across 20' wide section for leveling and chip seal preparation.
 - c. Double chip-seal surfacing over Class II AB and existing compacted sub-base for a road width of 18' (approximately STA 0+00 to STA 13+50, STA 20+50 to STA 26+60).
 - d. Rubberized asphalt surfacing over Class II AB and existing compacted sub-base for a road width of 18' along the road meander (approximately STA 13+50 to STA 20+50).
 - e. Roadway alignment will follow existing road centerline except at road meander.
 - f. Concrete valley gutters (3) to be placed at stations 7+50, 11+50 and 23+50.
5. Road improvements will utilize existing sub-base (except at meander) resulting in no over-excavation of the existing soil and impact to tree roots.
6. Rubberized asphalt is being used along the meander to further reduce vehicle tire noise.
7. Concrete valley gutters and road curves are design for speed control of vehicles.
8. Posted speed signs stating 20 MPH will be placed at entry and mid-distance of road length.
9. There will be no change in drainage. Runoff will continue to sheetflow across road surface to existing roadside swale.
10. New landscaping will be installed along both sides of the road for both beautification and screening. Landscape improvements include:
 - a. New open fence with evergreen climbing vines along both sides of driveway
 - b. Shrubs at base of fence
 - c. Groundcover between road shoulder and fence
 - d. Olive grove between property line and road at road meander
11. Plantings (flowers, vines, groundcover e.g.) selected will be non-toxic with minimal water use requirements and the plantings, and any associated irrigation, are designed to have no adverse impact to the existing oak trees.
12. Winery employees and public visitors will utilize Windsor Oaks Road for ingress and egress to the winery facility.



OVERALL SITE PLAN LANDSCAPE ZONE DIAGRAM



DESIGN INTENT

THE GOAL OF THIS DESIGN IS TO CREATE A RICH AND PROGRESSIVE VISUAL EXPERIENCE. THE EXISTING RURAL CHARACTER WILL BE MAINTAINED AND EXISTING TREES AND LIVESTOCK WILL BE PROTECTED UTILIZING A SERIES OF LOW, OPEN FENCES, SOUND WALL AND COMPATIBLE PLANT MATERIAL. THE NATIVE TREE POPULATION WILL BE SUPPLEMENTED WITH ADDITIONAL TREE PLANTING INCLUDING AN OLIVE ORCHARD AND TREE ROWS BORDERING THE DRIVEWAY TO FURTHER ENHANCE THE RURAL QUALITY. LANDSCAPE INTENSITY WILL INCREASE PROGRESSIVELY ALONG THE DRIVEWAY STARTING AT THE SOUTH END AT ARATA LANE WHERE MINIMAL LANDSCAPE IS PROPOSED AND CONTINUING TO THE NORTH END OF THE DRIVEWAY WHERE THE LANDSCAPE TREATMENT WILL TRANSITION TO REFLECT THE LANDSCAPE OF THE ESTATE. ALL PROPOSED PLANTING AND PROPOSED FENCE AND SOUNDWALL DESIGN SHALL BE COORDINATED WITH A LICENSED, CERTIFIED ARBORIST.

PLANTING GOALS

- MINIMIZE IMPACT TO THE EXISTING OAKS THROUGH USE OF APPROPRIATE PLANT MATERIAL COMPATIBLE WITH OAKS
- PLACEMENT AND USE OF PLANT MATERIAL WITH NO DETRIMENTAL IMPACT TO LIVESTOCK
- USE LOW WATER REQUIRING PLANTS
- RETAIN RURAL CHARACTER OF SURROUNDING LANDSCAPE
- AESTHETICALLY PLEASING
- AVOID IRRIGATION WHERE EXISTING OAKS ARE SENSITIVE TO IRRIGATION; USE OF DRIP IRRIGATION FOR PLANTS IN OAK AREAS.

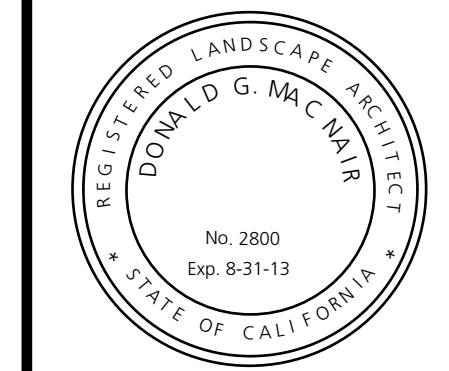
- ZONE 1** ENTRY: MINIMAL LANDSCAPE IMPROVEMENTS: ADD ACCENT TREES AT ARATA LANE; ADD IMPROVED FENCE TO EAST SIDE OF DRIVEWAY
- ZONE 2** PASTURE/ RESIDENTIAL: BEGIN PRIVATE DRIVEWAY; INSTALL NEW ENTRY GATE/COLUMNS; THIS ZONE SHOULD IDENTIFY THE WINERY ACCESS YET BE UNDERSTATED. INSTALL NEW FENCES ON BOTH SIDES OF DRIVEWAY AND SOUNDWALL ON WEST SIDE. MAINTAIN VIEWS OF PASTURE TO THE EAST. A SOLID WOOD FENCE SHALL BE INSTALLED BETWEEN THE SOUNDWALL AND THE ENTRY COLUMN ON THE WEST SIDE OF THE DRIVEWAY. PLANTING SHOULD BE MINIMAL TO THE EAST. GROUNDCOVER PLANTING AND VINES ON THE PROPOSED SOUNDWALL. VINES SHALL BE PLANTED ON THE EAST SIDE FENCE ADJACENT TO THE HORSE PASTURE. GROUNDCOVER AND SHRUB MAY BE PLANTED AT NON-TREE AREAS ALONG EAST SHOULDER. IRRIGATION ON THE EAST SIDE WOULD BE MINIMAL AND PLANTINGS NON-TOXIC TO HORSES*.
- ZONE 3** RESIDENTIAL ZONE: CONTINUE NEW FENCES ON BOTH SIDES OF THE DRIVEWAY. ON EAST SIDE, PLANTING WILL BE MINIMAL WHERE THERE ARE EXISTING OAKS. IN OPEN AREAS, NEW LANDSCAPE PLANTING IS PROPOSED FOR BOTH SIDES OF THE DRIVEWAY TO PROVIDE A SENSE OF CONTINUITY FROM ZONE 2 CONTINUING TO THE UPCOMING OLIVE ORCHARD. PLANTING ON WEST SHOULD BE SIMILAR TO ZONE 2, WITH EMPHASIS ON SCREENING AND FOCUS ON THE DRIVEWAY AHEAD.

- ZONE 4** OLIVE ORCHARD: THIS IS WHERE THE DRIVEWAY DEPARTS FROM THE LINE OF SIGHT. OLIVES SHALL BE PLANTED ON THE EAST SIDE OF THE DRIVEWAY TO DEMARCATATE A TRANSITION FROM THE MORE CASUAL, RURAL DRIVEWAY TO MORE FORMAL LANDSCAPE PRESENTATION. THE OLIVES, PLANTED CLOSELY, WOULD PROVIDE A LOW, DENSE SCREEN PROTECTING THE EASTERLY NEIGHBOR'S VIEWS TO THE WEST. AS THE DRIVEWAY BENDS BACK TO THE ORIGINAL ALIGNMENT, A VISITOR WOULD EXIT THE OLIVE ORCHARD AND THE LINE OF SITE WOULD BE TOWARDS VINEYARDS AND THE FUTURE FORMAL ENTRY AHEAD.
- ZONE 5** TRANSITION ZONE: AT THIS ZONE, THE LANDSCAPE WOULD BECOME MORE LUSH, LAYERED WITH A GREATER VARIETY OF PLANTS. THE EMPHASIS WOULD BE INCREASED FORMALITY YET THE RURAL QUALITY OF THE EXISTING TREES AND ADJACENT PASTURES WOULD BE PRESENT. THIS WOULD BE THE LAST ZONE BEFORE THE FORMAL WINERY ENTRANCE.
- ZONE 6** FORMAL ENTRANCE: THE MAIN GATE AND ASSOCIATED ENTRY STRUCTURE WILL BE LOCATED AT THIS LOCATION. THIS WILL BE BEYOND THE DRIVEWAY AND WILL BE THE VISUAL TERMINUS TO THE DRIVEWAY. THIS WILL BE WHERE THE WINERY GUEST WILL ENTER THE VINEYARDS AND COUNTRYSIDE OF THE ESTATE.

* FROM CORNELL UNIVERSITY DATA BASE "PLANTS POISONOUS TO LIVESTOCK", INCLUDING HORSES.

REFER TO SHEET L-5 FOR TYPICAL PLANT LEGEND

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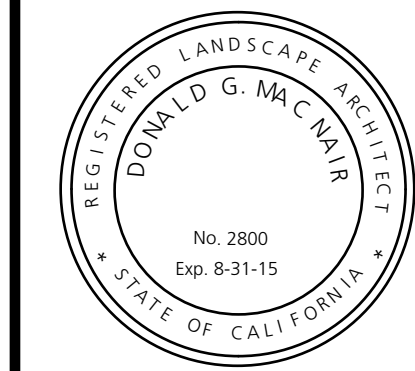


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WINDSOR OAKS WINERY
DRIVEWAY CONCEPT PLAN
WINDSOR,
CALIFORNIA

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 100'
DRAWN: DM
SHEET

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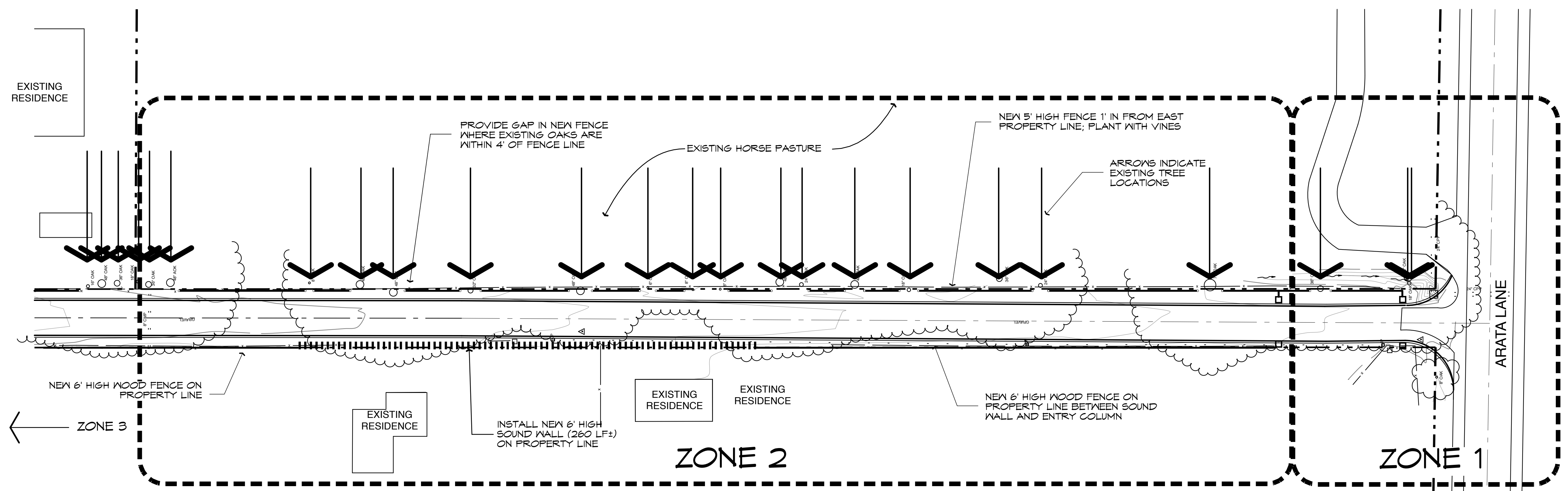
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DRIVEWAY PLAN
ZONES 1 & 2

WINDSOR OAKS WINERY
DRIVEWAY CONCEPT PLAN
WINDSOR, CALIFORNIA

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 100'
DRAWN: DM
SHEET

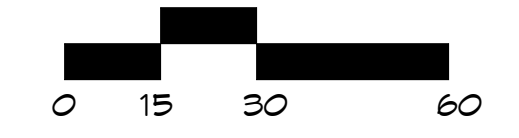
L-2



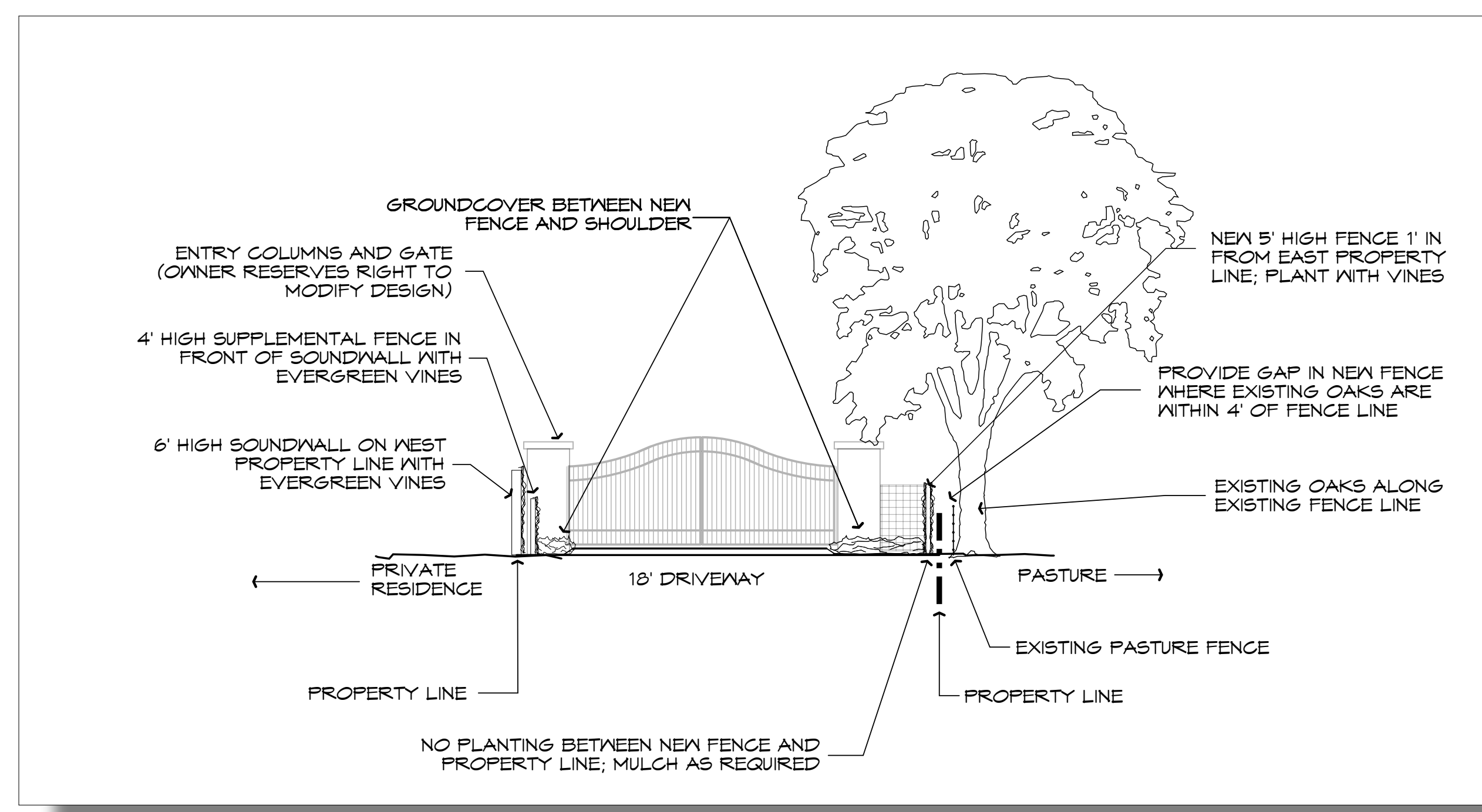
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ENTRY; SHARED EASEMENT MINIMAL LANDSCAPE IMPROVEMENTS; ADD ACCENT TREES AT ARATA LANE; ADD IMPROVED FENCE TO EAST SIDE OF DRIVEWAY

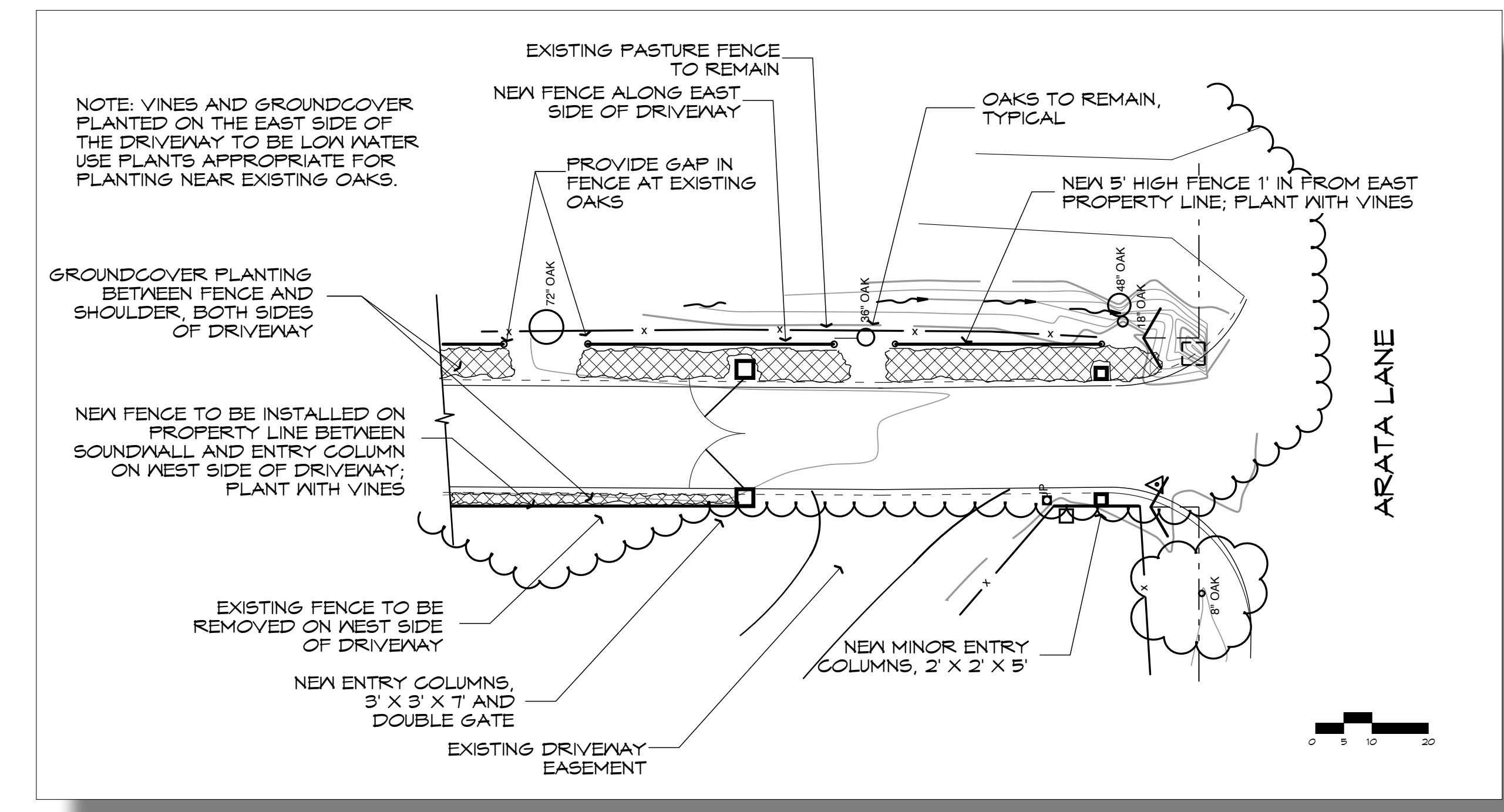
DRIVEWAY PLAN
ZONES 1 & 2



REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

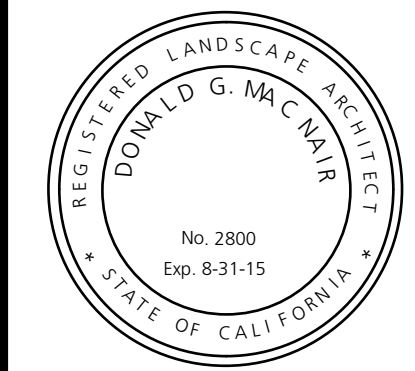


ZONE 2
TYPICAL SECTION
SCALE 1/8" = 1'-0"



ZONE 1
PLAN DETAIL
SCALE 1" = 20'

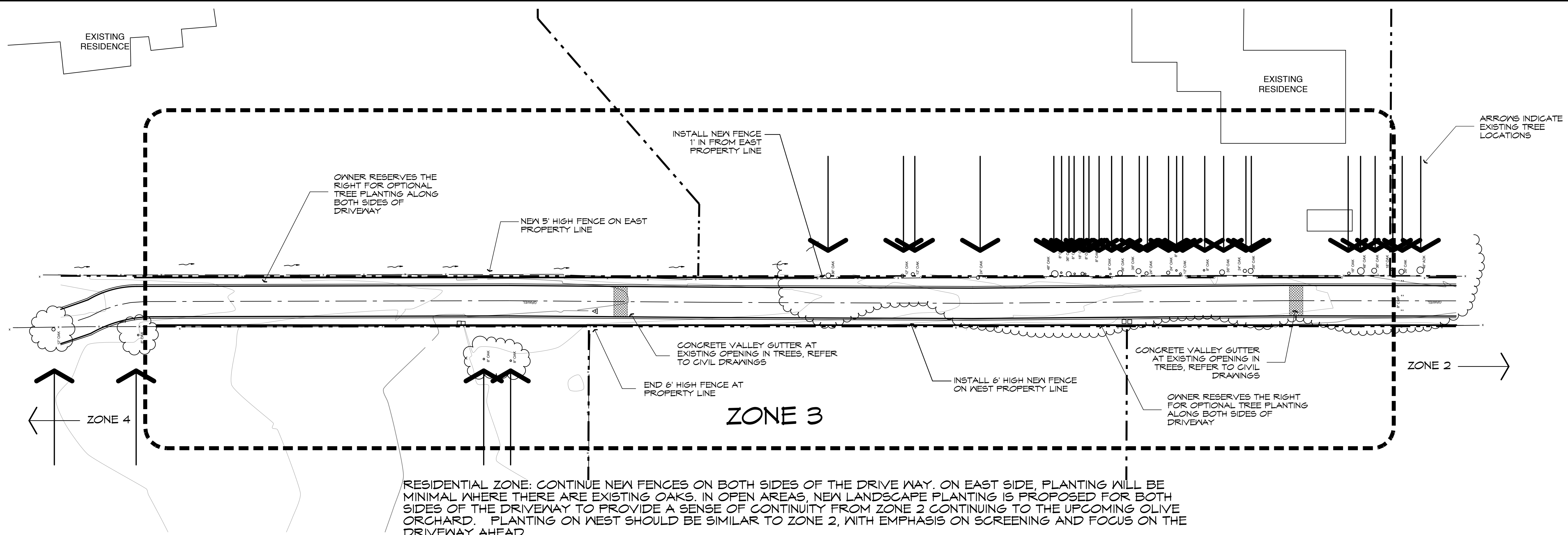
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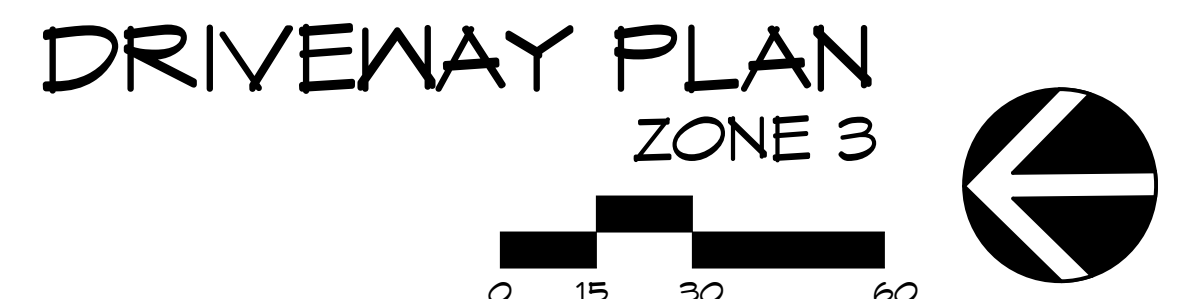
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DRIVENWAY PLAN
ZONE 3

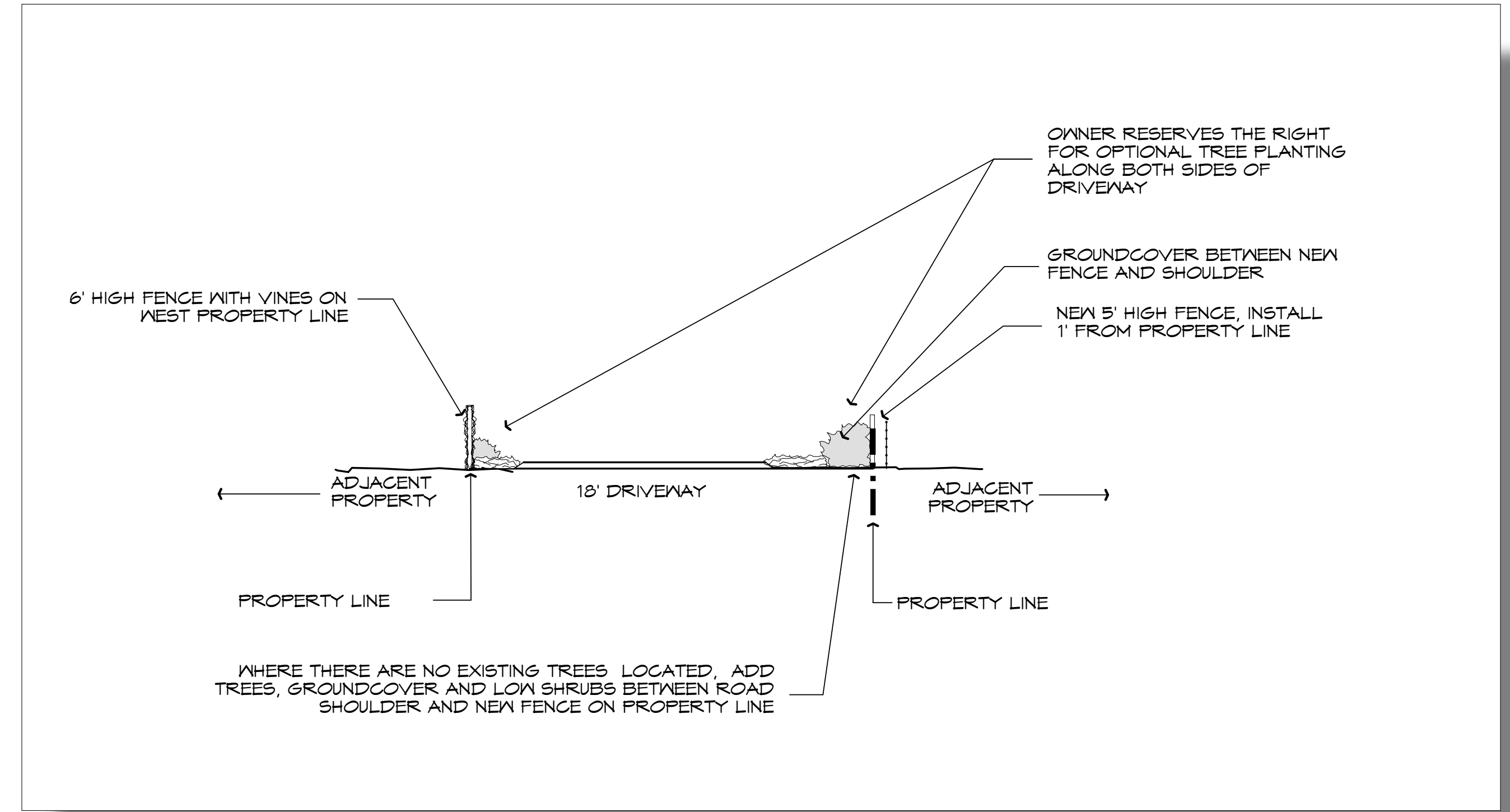
WINDSOR OAKS WINERY
DRIVENWAY CONCEPT PLAN
WINDSOR, CALIFORNIA



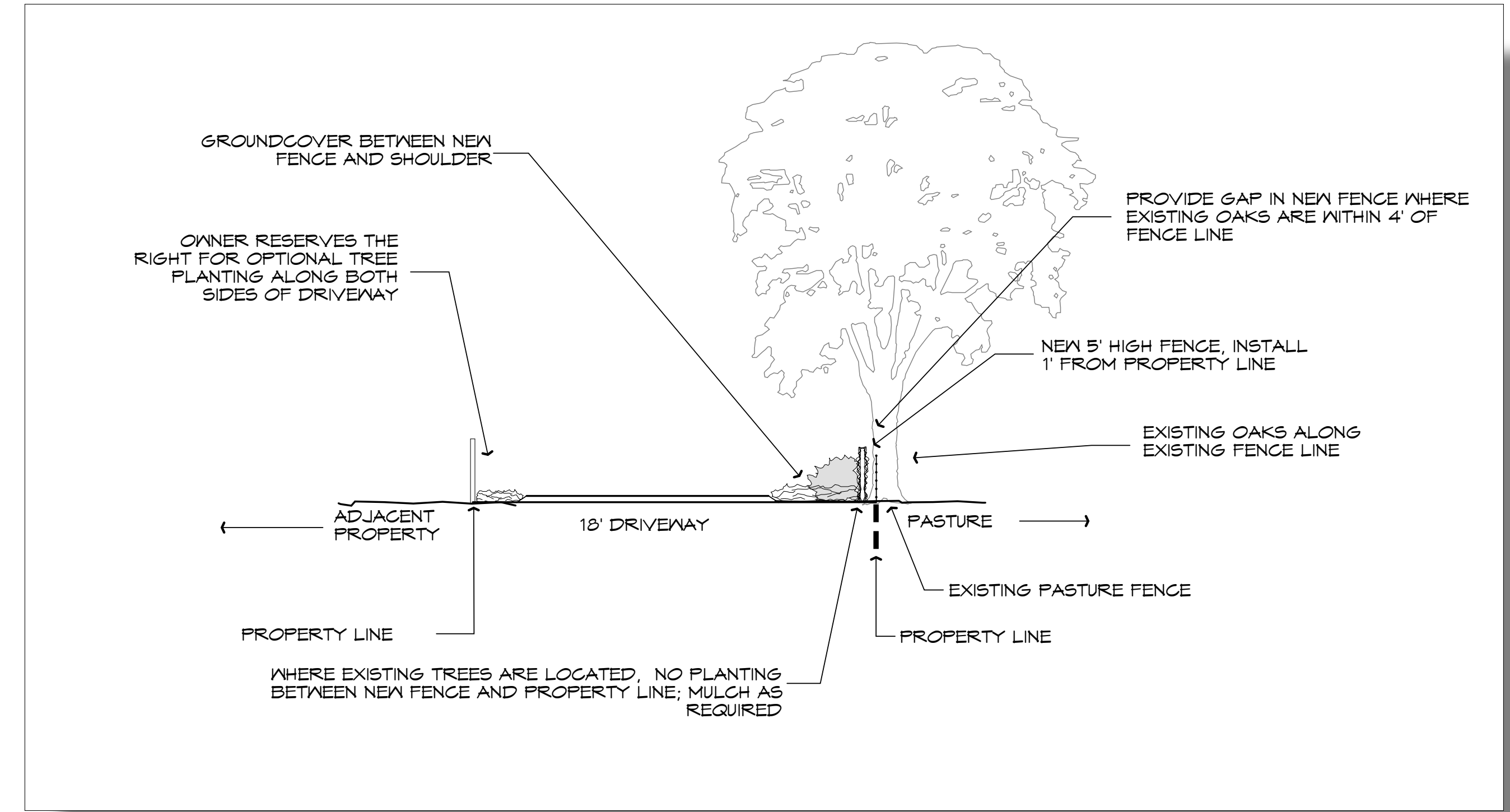
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REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

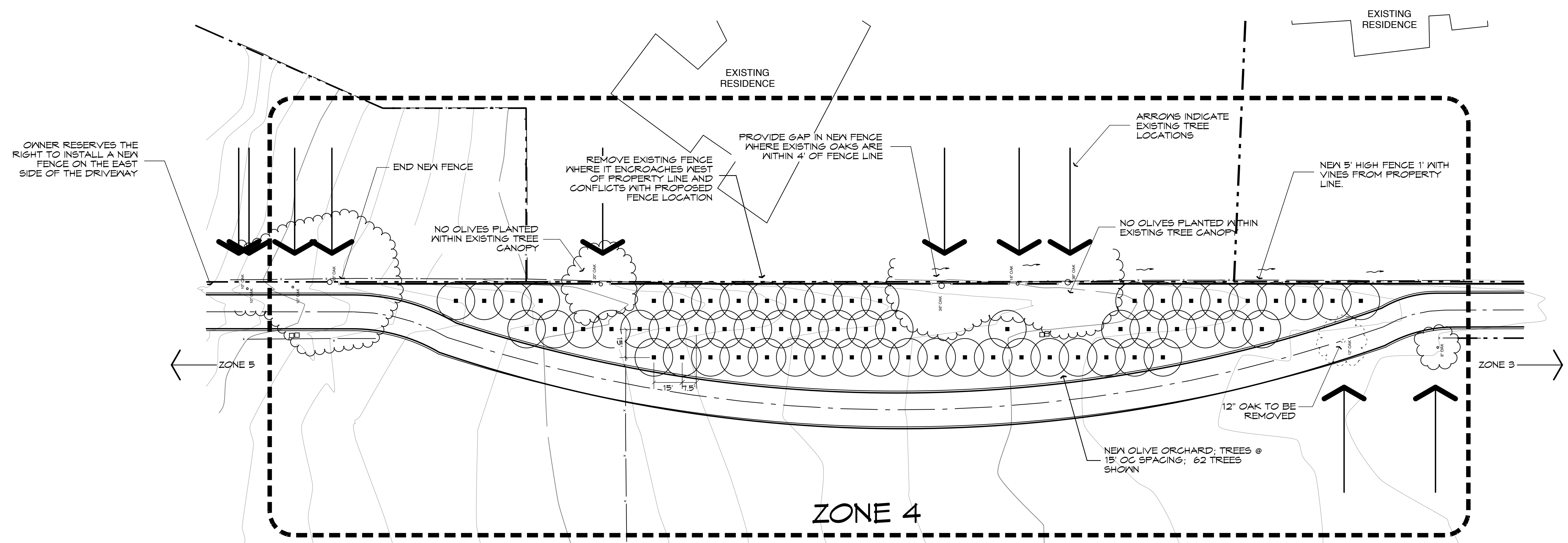


ZONE 3
TYPICAL SECTION
NO EXISTING TREES
SCALE 1/8" = 1'-0"



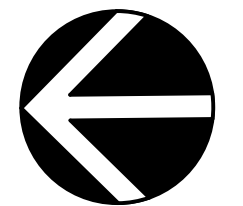
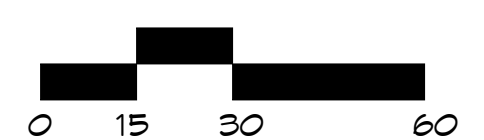
ZONE 3
TYPICAL SECTION
EXISTING TREES
SCALE 1/8" = 1'-0"

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 30'
DRAWN: DM
SHEET

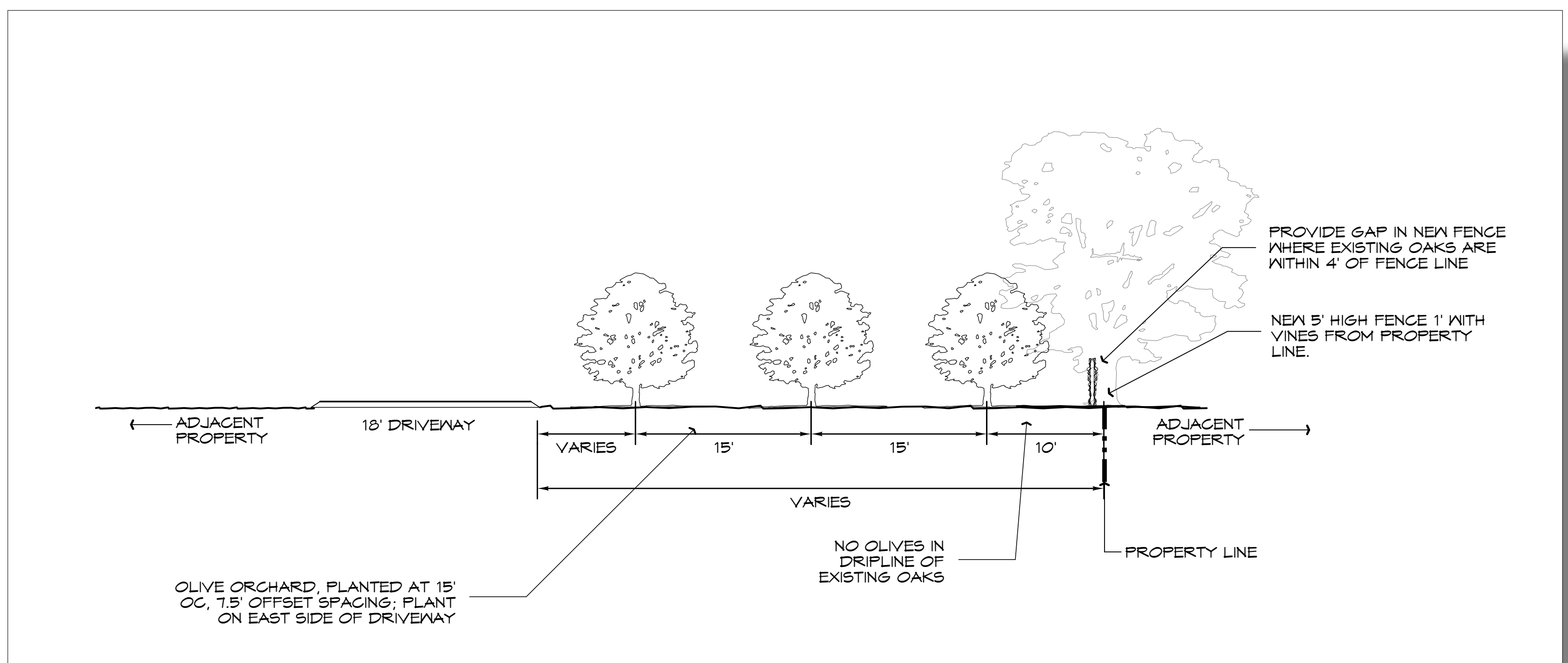


OLIVE ORCHARD: THIS IS WHERE THE DRIVEWAY DEPARTS FROM THE LINE OF SIGHT. OLIVES SHALL BE PLANTED ON THE EAST SIDE OF THE DRIVEWAY TO DEMARCAT A TRANSITION FROM THE MORE CASUAL, RURAL DRIVEWAY TO MORE FORMAL LANDSCAPE PRESENTATION. THE OLIVES, PLANTED CLOSELY, WOULD PROVIDE A LOW, DENSE SCREEN PROTECTING THE EASTERLY NEIGHBOR'S VIEWS TO THE WEST. AS THE DRIVEWAY BENDS BACK TO THE ORIGINAL ALIGNMENT, A VISITOR WOULD EXIT THE OLIVE ORCHARD AND THE LINE OF SITE WOULD BE TOWARDS VINEYARDS AND THE FUTURE FORMAL ENTRY AHEAD.

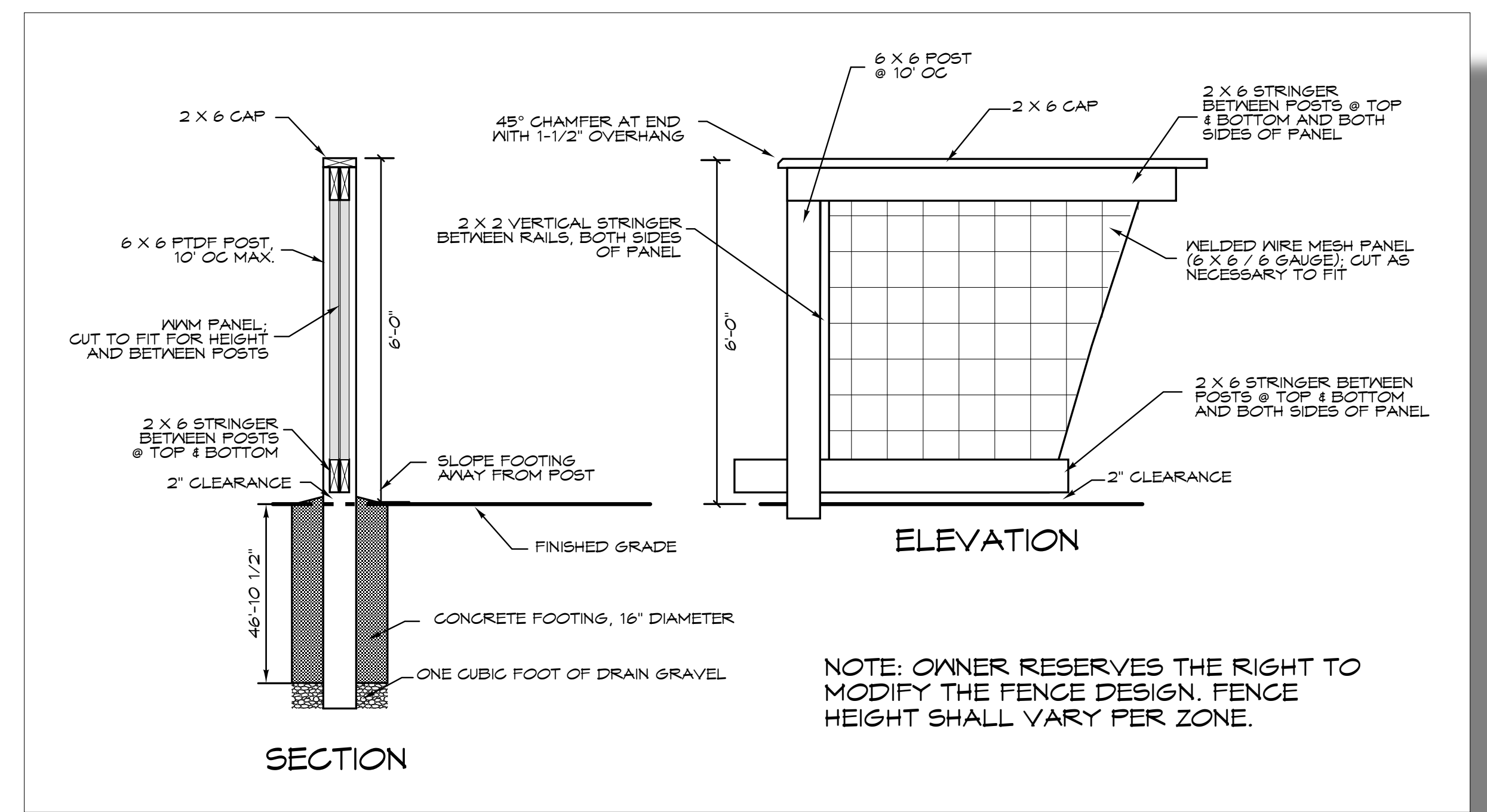
**DRIVEWAY PLAN
ZONE 4**



REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO THIS SHEET FOR FENCE DESIGN DETAIL

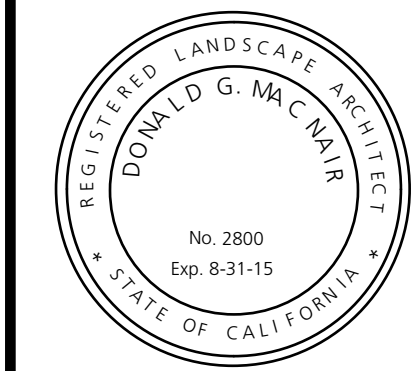


**ZONE 4
TYPICAL SECTION**
SCALE 1/8" = 1'-0"



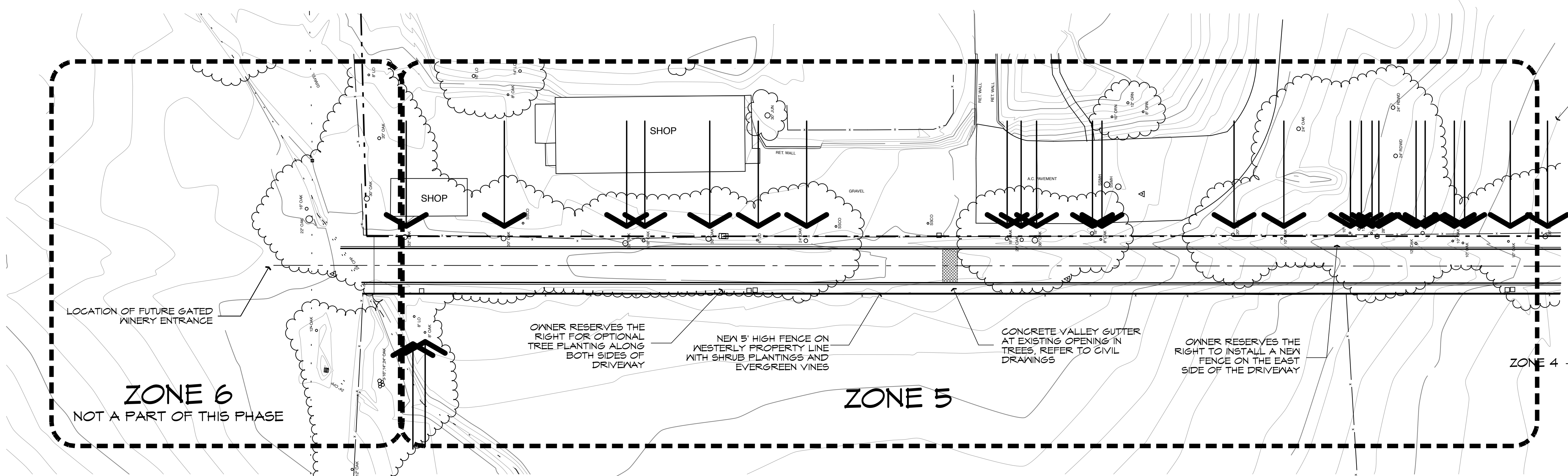
TYPICAL HOG WIRE FENCE DETAIL

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WINDSOR OAKS WINERY
 DRIVEWAY CONCEPT PLAN
 WINDSOR, CALIFORNIA



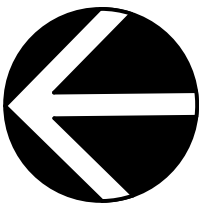
ARROWS INDICATE EXISTING TREE LOCATIONS

LOCATION OF FUTURE GATED WINERY ENTRANCE
 FUTURE PHASE

OWNER RESERVES THE RIGHT FOR OPTIONAL TREE PLANTING ALONG BOTH SIDES OF DRIVEWAY
 NEW 5' HIGH FENCE ON WESTERLY PROPERTY LINE WITH SHRUB PLANTINGS AND EVERGREEN VINES
 CONCRETE VALLEY GUTTER AT EXISTING OPENING IN TREES, REFER TO CIVIL DRAWINGS
 OWNER RESERVES THE RIGHT TO INSTALL A NEW FENCE ON THE EAST SIDE OF THE DRIVEWAY

TRANSITION ZONE: AT THIS ZONE, THE LANDSCAPE WOULD BECOME MORE LUSH, LAYERED WITH A GREATER VARIETY OF PLANTS. THE EMPHASIS WOULD BE INCREASED FORMALITY YET THE RURAL QUALITY OF THE EXISTING TREES AND ADJACENT PASTURES WOULD BE PRESENT. THIS WOULD BE THE LAST ZONE BEFORE THE FORMAL WINERY ENTRANCE.

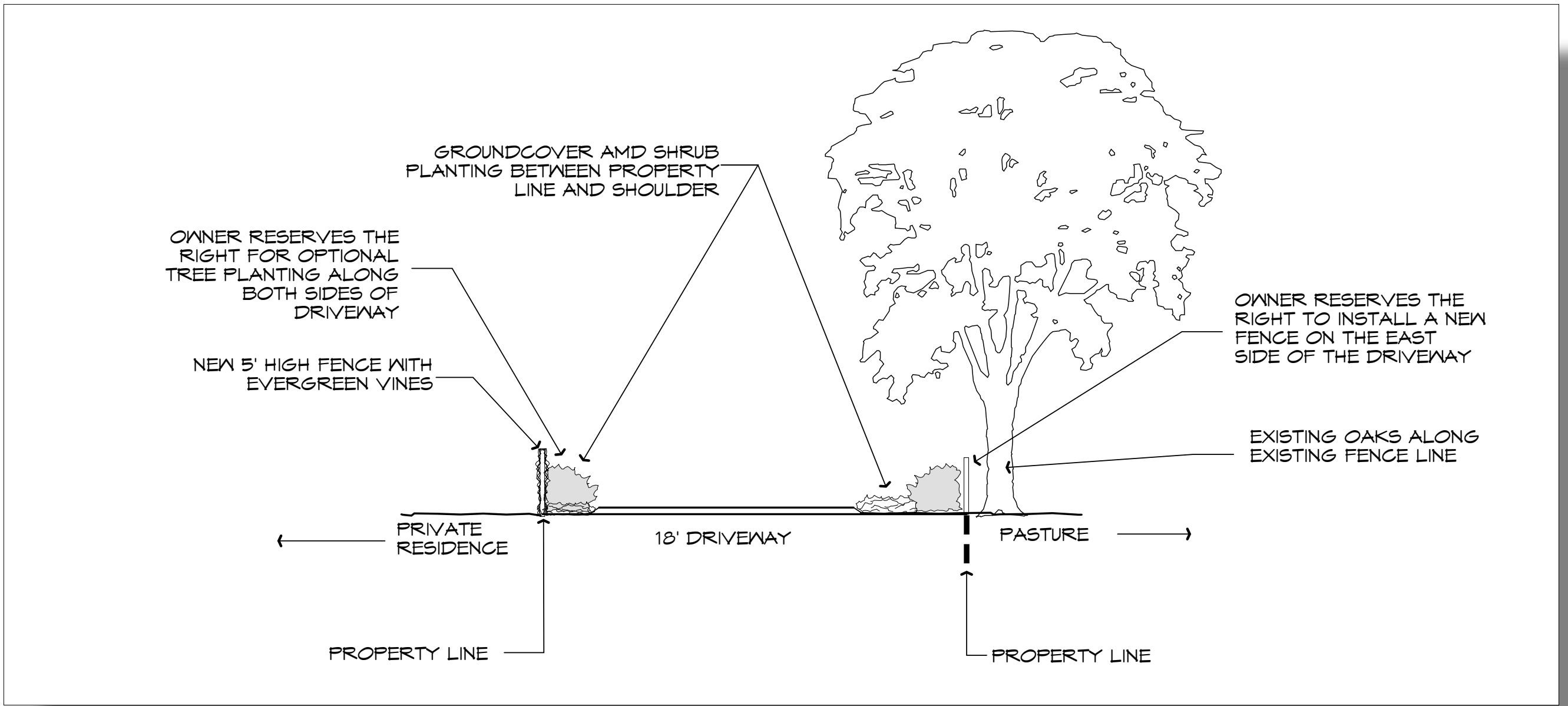
DRIVEWAY PLAN ZONE 5



REFER TO THIS SHEET FOR TYPICAL PLANT LEGEND
 REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

TYPICAL PLANT LEGEND

| BOTANICAL NAME | COMMON NAME | REMARKS | WATER USE PER WUCOLS III | COMPATIBLE WITH OAKS* | LANDSCAPE ZONES |
|---|----------------------------|--|--------------------------|-----------------------|-----------------|
| TREES | | | | | |
| ARBUTUS UNEDO | STRAWBERRY TREE | MULTI TRUNK FORM, OPTIONAL PLANTING | L | YES | 1 |
| CERCIS OCCIDENTALIS | WESTERN REDBUD | CALIFORNIA NATIVE, OPTIONAL PLANTING | VL | YES | 1, 2, 3, 5 |
| CERCIS RENIFORMIS 'OKLAHOMA' | OKLAHOMA REDBUD | OPTIONAL PLANTING | L | | 1 |
| LAGERSTROEMIA x FAURIEI 'TUSCARORA' | TUSCARORA GRAPE MYRTLE | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 1 |
| OLEA EUROPAEA | OLIVE | ORCHARD TREES, VARIETY & SIZE TO BE DETERMINED | VL | | 4 |
| QUERCUS AGRIFOLIA | COAST LIVE OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | VL | YES | 3, 5 |
| QUERCUS NELLGOSGII | CALIFORNIA BLACK OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 3, 5 |
| QUERCUS LOBATA | VALLEY OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 3, 5 |
| SHRUBS | | | | | |
| ARBUTUS UNEDO 'ELFIN KING' | STRAWBERRY TREE | | L | YES | 1, 2, 3, 5 |
| ARCTOSTAPHYLOS D. 'HOWARD MCMINN' | VINE HILL MANZANITA | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| BERBERIS THUNBERGII 'CHERRY BOMB' | RED-LEAF JAPANESE BARBERRY | | L | | 1, 2, 3, 5 |
| BERBERIS THUNBERGII 'CRIMSON PYGMY' | BARBERRY | | L | | 1, 2, 3, 5 |
| CEANOTHUS 'CONCHIA' | CEANOTHUS | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| CEANOTHUS 'DARK STAR' | CEANOTHUS | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| ERYSIMUM 'BOWLES MAUVE' | WALLFLOWER | | L | | 1, 2, 3, 5 |
| FREMONTODENDRON C. 'CALIFORNIA GLORY' | FLANNEL BUSH | CALIFORNIA NATIVE | VL | YES | 1, 2, 3, 5 |
| LAVANDULA 'OTTO QUAST' | LAVENDER | | L | | 1, 2, 3, 5 |
| LAVANDULA INTERMEDIA 'GROSSO' | LAVENDER | | L | | 1, 2, 3, 5 |
| LEPTOSPERMUM SCOPARIUM 'RUBY GLOW' | NEW ZEALAND TEA TREE | | M | | 1, 2, 3, 5 |
| LOROPETALUM CHINENSE 'RAZZLEBERRY' | NCN | | L | | 1, 2, 3, 5 |
| LOROPETALUM CHINENSE 'RUBY' | CHINESE FRINGE FLOWER | | L | | 1, 2, 3, 5 |
| MYRTUS COMMUNIS 'COMPACTA' | DWARF MYRTLE | | L | YES | 1, 2, 3, 5 |
| NANDINA DOMESTICA 'COMPACTA' | COMPACT HEAVENLY BAMBOO | | L | YES | 1, 2, 3, 5 |
| NANDINA DOMESTICA 'MOYES RED' | HEAVENLY BAMBOO | | L | YES | 1, 2, 3, 5 |
| PHORMIUM TENAX 'DAZZLER' | NEW ZEALAND FLAX | | L | | 1, 2, 3, 5 |
| POLYSTICHUM MUNITUM | SWORD FERN | CALIFORNIA NATIVE | M | | 1, 2, 3, 5 |
| PRUNUS LAUROCERASUS 'OTTO LUYKEN' | ENGLISH LAUREL | | M | YES | 3, 5 |
| RHAMNUS CALIFORNICA 'MOUND SAN BRUNO' | DWARF COFFEEBERRY | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| RHAPHOLEPIS INDICA 'JACK EVANS' | INDIA HAWTHORN | | L | | 1, 2, 3, 5 |
| RIBES SANGUINEUM 'KING EDWARD VII' | PINK WINTER CURRANT | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| ROSES - 'MEIDLAND RED' | RED MEIDLAND ROSE | MAY BE SUBSTITUTED FOR RHAPHOLEPIS | L | | 1, 2, 3, 5 |
| ROSMARINUS O. 'TUSCAN BLUE' | ROSEMARY | | L | YES | 1, 2, 3, 5 |
| SALVIA LEUCANTHA 'PURPLE VELVET' | MEXICAN BUSH SAGE | | L | YES | 1, 2, 3, 5 |
| SARCOCOCCA RUSCIFOLIA | FRAGRANT SARCOCOCCA | | L | YES | 1, 2, 3, 5 |
| XYLOSMA CONGESTUM 'COMPACTA' | COMPACT XYLOSMA | | L | YES | 1, 2, 3, 5 |
| GROUNDCOVER | | | | | |
| ARCTOSTAPHYLOS 'EMERALD CARPET' | NCN | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| CEANOTHUS GLORIOSUS 'ANCHOR BAY' | CEANOTHUS | CALIFORNIA NATIVE | VL | YES | 1, 2, 3, 5 |
| COTONEASTER DAMMERI 'CORAL BEAUTY' | COTONEASTER | | L | YES | 1, 2, 3, 5 |
| ERIGERON KARVINSKIANUS | SANTA BARBARA DAISY | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| VINES | | | | | |
| CLYTOSTOMA CALLISTEGOIDES | VIOLET TRUMPET VINE | | M | | 1, 2, 3, 5 |
| HARDEMBERGIA VIOLACEA 'HAPPY WANDERER' | NCN | | M | YES | 1, 2, 3, 5 |
| PARTHENOCESSUS QUINQUEFOLIA | VIRGINIA CREEPER | | M | | 1, 2, 3, 5 |
| PARTHENOCESSUS TRICUSPIDATA | BOSTON IVY | | M | | 1, 2, 3, 5 |
| ROSA BANKSIAE 'LUTEA' | YELLOW BANKS ROSE | | L | | 1, 2, 3, 5 |
| ROSES 'CLIMBING' | NCN | | M | | 1, 2, 3, 5 |
| VITUS CALIFORNICA 'RUSSIAN RIVER' | CALIFORNIA GRAPE | CALIFORNIA NATIVE | L | | 1, 2, 3, 5 |
| PERENNIALS | | | | | |
| BUDDLEIA 'BLUE CHIP' | DWARF BUTTERFLY BUSH | | L | YES | 1, 2, 3, 5 |
| KNIPHOFIA UVARIA | RED-HOT-POKER | | M | YES | 1, 2, 3, 5 |
| PENSTEMON HETEROPHYLLUS 'BLUE BEDDER' | PENSTEMON | CALIFORNIA NATIVE | M | YES | 1, 2, 3, 5 |
| GRASSES | | | | | |
| CALAMAGROSTIS ARUNDINACEA 'KARL FOERSTER' | FEATHER REED GRASS | | L | | 1, 2, 3, 5 |
| DESCHAMPSIA CAESPITOSA 'NORTHERN LIGHTS' | GRASS(NCN) | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| FESTUCA CALIFORNICA | CALIFORNIA FESCUE | | L | YES | 3, 5 |
| FESTUCA IDAHOENSIS 'SISKIYOU' | IDAHO FESCUE | CALIFORNIA NATIVE | L | | 3, 5 |
| HELICTOTRICHON SEMPERVIRENS | BLUE OAT GRASS | | L | YES | 1, 2, 3, 5 |
| MULLENBERGIA CAPILLARIS 'REGAL MIST' | PINK MUHLY | | L | | 1, 2, 3, 5 |
| NASSELLA PULCHRA | PURPLE STIPA | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| NASSELLA TENUISSIMA | MEXICAN FEATHER GRASS | | L | | 1, 2, 3, 5 |
| PENNISETUM ALOPECUROIDES 'HAMEIN' | DWARF FOUNTAIN GRASS | | L | YES | 1, 2, 3, 5 |
| PENNISETUM ORIENTALE 'KARLY ROSE' | ORIENTAL FOUNTAIN GRASS | | M | | 1, 2, 3, 5 |
| OTHER | | | | | |
| MULCH: FIR BARK, 1/2" TO 1-1/2" | | | | | |



ZONE 5 TYPICAL SECTION

SCALE 1/8" = 1'-0"

PLANTING PIT EXCAVATION NOTE

ALL PLANTS INSTALLED BENEATH EXISTING OAK CANOPIES SHALL BE LIMITED IN SIZE TO #1 SIZE AND #5 SIZE CONTAINERS. PLANTING PIT SIZE FOR #1 SIZE CONTAINERS SHALL NOT EXCEED 6" IN DEPTH OR 12" IN DIAMETER. PLANTING PIT SIZE FOR #5 SIZE CONTAINERS SHALL NOT EXCEED 9" IN DEPTH AND 20" IN DIAMETER.

*FROM THE CALIFORNIA OAK FOUNDATION PUBLICATION "COMPATIBLE PLANTS UNDER & AROUND OAKS", 2007 ELECTRONIC EDITION.

DATE: 5/7/14
 JOB: 2014-16
 SCALE: 1" = 30'
 DRAWN: DM
 SHEET

ARBORIST REPORT

**Windsor Oaks Road
Sonoma County, CA
(APN: 086-100-16)**

Prepared for:
**Robert Stein
Windsor Oaks Vineyard & Winery
10810 Hillview Road
Windsor, CA 95492**

Prepared by:
**ARBORSCIENCE
Post Office Box 111
Woodacre, CA 94973**

May 8, 2014
(correction on 6-2-14)



ASSIGNMENT

Robert Stein hired **ARBORSCIENCE** to evaluate oaks growing along Windsor Oaks Road that runs from Arata Lane northward, between Hillview Road and Liberty Oak Lane just north of Windsor. This evaluation is related to proposed improvements on this private road. I conducted my field inspections on March 21 and April 1, 2014. In addition, I reviewed the Windsor Oaks Road Plan by Steve Martin Associates dated 5-7-14 and the Windsor Oaks Road Landscape plans by MacNair Landscape Architecture. Finally, I addressed concerns raised by Bruce Hagen in his arborist report dated March 19, 2014 (attached).

SCOPE OF WORK AND LIMITATIONS

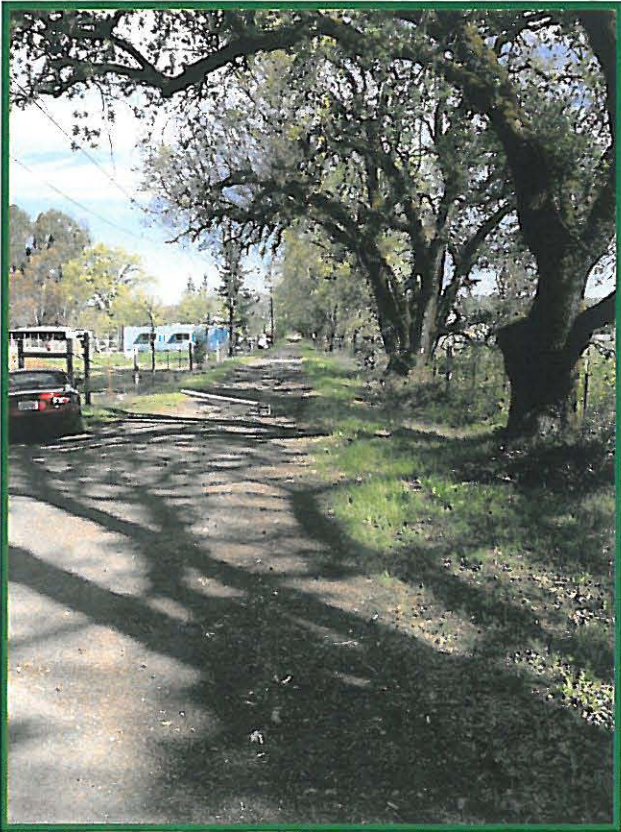
Information regarding property boundaries, land and tree ownership was obtained from Jeannie VandeWeg of Steve Martin Associates, Inc. and verified using County of Sonoma Assessor parcel data. I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. Observations and conclusions regarding the subject trees and site conditions were made by me, independently, based on my education, experience, and inspection of the site. Unless expressed otherwise, information contained in this report covers only those items examined and reflects the condition of those items at the time of inspection. My inspection was limited to visual examination of accessible tree components from the ground. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

LOCATION

The subject oaks are growing within 15 feet of the edge of Windsor Oaks Road that extends approximately 2,600 feet north from Arata Lane in unincorporated Sonoma County, California (APN: 086-100-16).

DESCRIPTION OF THE SUBJECT TREES

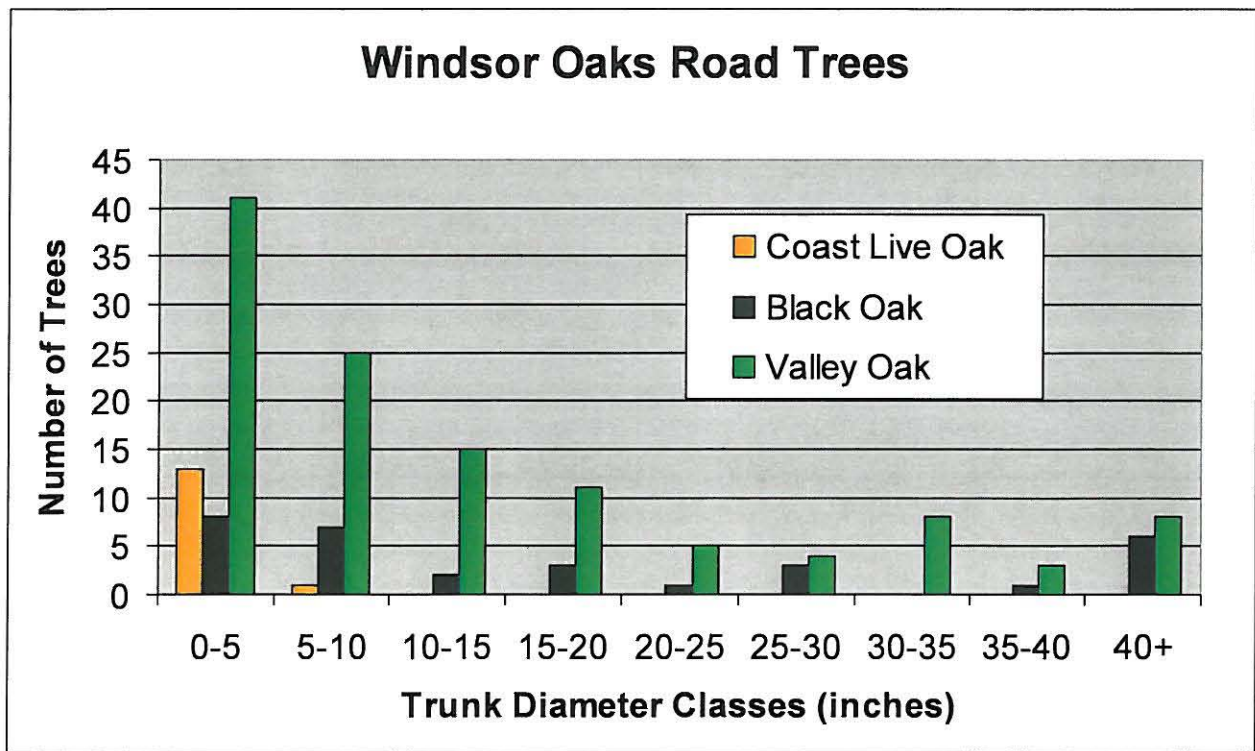
The subject oaks include 120 valley oaks (*Quercus lobata*), 31 black oaks (*Quercus kelloggii*), and 14 coast live oaks (*Quercus agrifolia*). These trees range in diameter at breast height (dbh) from 1" to more than 40". Refer to the graph on Page 3 that summarizes the distribution of trunk diameters. Most of the subject trees are on the east side of the road.



The largest and oldest oaks (>30") consist of healthy, established mature valley and black oaks that were likely planted as a windrow. Some of these oaks were cut to the ground in the past and subsequently re-sprouted, which would explain why they have multiple trunks. Trunk decay on these larger trees may lead to partial tree failure in the future.

The moderately sized oaks (10" to 30") probably seeded in from the original row of oaks. These trees generally have single trunks and are exceptionally healthy. Two oaks have died just west of an east-west trending line of coast redwoods (*Sequoia sempervirens*). I suspect that these deaths are related to an unidentified abiotic cause that is not related to road improvements implemented 12 years ago.

The smaller valley and black oaks (<10") are the most recent volunteers and are exceptionally healthy. The coast live oaks consist of a younger cohort (less than 5" dbh) on the northeast segment of the road. All of these small oaks should be thinned to promote proper spacing and pruned to create good architecture for the future appearance and safety of the road.



PROPOSED PROJECT

The proposed project consists of adding a 18-foot-wide¹ chip-seal and rubberized asphalt surface over an existing, 18-inch-thick compacted road base bed that is underlain by geotextile fabric. The existing road base was compacted to 90% and has

¹ Corrected road width from 16' to 18' reference made on 6-2-14.

been in place for 12 years.² I understand that all below-ground utilities were installed along the road 12 years ago.

Landscaping with associated irrigation and roadside fencing are planned for Windsor Oaks Road.³ This proposed work will be done in five (5) distinct Zones extending from Arata Lane northward to a formal main gate to the winery. The palette of proposed plants includes low-water use plants that will be compatible with existing oaks along the road. Fencing, including a sound wall, will be built using post-and-grade-beam construction to minimize impacts to oak roots.

CONCLUSIONS AND CERTIFICATION

Based on my review of the Windsor Oaks Road Plan by Steve Martin Associates dated 5-7-14 and the Windsor Oaks Road Landscape plans by MacNair Landscape Architecture, I certify that proposed road improvements will not have adverse impacts to existing oak trees. The existing road bed is already well established; no further changes to the porosity or moisture-holding capacity of the soils will result from the project. Paving the road will likely improve the health of the subject trees by virtually eliminating dust normally generated by dry-season use of the road and increasing the moisture holding capacity of the soil beneath the road.

Sincerely,

ARBORSCIENCE



Kent R. Julin, Ph.D.
ISA Certified Arborist #WE-8733A
ISA Tree Risk Assessor Qualified

² Personal Communication with Doug Lumgair, Windsor Oaks Winery, 3-21-14

³ Windsor Oaks Winery Driveway Plans by MacNair Landscape Architecture, 5pp.

ARBORSCIENCE'S RESPONSES (**BOLD, ITALICS, ARIAL FONT**) TO BRUCE HAGEN'S MARCH 19, 2014 LETTER (STANDARD, TIMES ROMAN FONT)

Arborist Report

Prepared by:
Bruce W. Hagen
Consulting Arborist
Certified Arborist WE0243A
Registered Professional Forester 2440
Submitted: March 19, 2014

RE: Windsor Oaks Road Construction project

Client:

Joy Zamoyski-Koch and David Koch
10119 Liberty Oak Lane
Windsor, CA 95492

I was hired by the Joy Zamoyski-Koch and her husband, David Koch who reside at 10119 Liberty Oak Lane, Windsor, CA, to address possible adverse affects to an existing windrow of Valley Oaks along the eastern side of the road easement that borders their property from the proposed Windsor Oaks road construction project. I was not asked to survey the trees, measure their diameters, record other pertinent information, or assess their health and structural condition. Nonetheless, most of the trees appear to be in good condition. Two, though, are in decline, but could survive for decades.

Decline in two (2) trees noted above was not caused by road improvements implemented 12 years ago. Coast redwoods growing east of the road are also declining. I suspect a soil-related, abiotic cause.

From what I understand, the Windsor Oaks road project involves grading and excavation to prepare a stable road bed, widening the existing aggregate road, installing an engineered drainage facility, excavating rolling dips to slow traffic, paving, and installing conduits for utilities along the road. Furthermore, it involves extensive landscaping. All of these construction-related activities will undoubtedly cause significant root damage and possibly destabilize some of the trees.

The proposed project does not involve grading and excavation to prepare a stable road bed. A new surface will be placed on an established, compacted road base. Rolling dips will be created within the existing road base prism. Utilities along the road were installed 12 years ago. Trees along the road will not be destabilized by the proposed work.

I'm at a bit of a disadvantage here because I have not seen a tree preservation plan for Windsor Oaks Road project, addressing measures the contractor is proposing to protect the trees during and

following construction. Furthermore, I have not seen a detail of the proposed road construction or the engineered drainage facility. Nor have I seen a landscape plan to determine potential problems. **Impacts to existing trees cannot be fully evaluated without reviewing construction and landscaping plans.**

I know that the current un-maintained county road is to be widened to at least 17 feet. With an apron along both sides, it will probably be closer to 20 feet wide. The entire easement is just 30 feet, so that puts the road bed excavation and trenching for conduits within 10 feet of the mature trees. Some of the trees are even closer. Depending on the depth of excavation and location of trenching for any utilities, this will likely sever a substantial portion of the trees' root systems, and possibly cause root instability. If the drainage ditch is deepened or re-contoured, additional damage is likely. The road widening will also compact additional soil within the root zone, impairing root development and function, and limiting root regeneration under the road. Compacted soil contains less air and water, and is largely impenetrable to tree roots. Additional root damage can result if a continuous footing is used for the proposed sound wall in front of the Honsa property. The use of rolling dips to lower traffic speed will require deeper excavation and additional root disturbance closer to the adjacent trees, to facilitate drainage. The road grade near the entry point will have to be lowered to match that of Arata Lane, This will have some impact on the trees closest to Arata Lane. From what I've read, the road is to be paved or an asphalt seal applied to the compacted aggregate. Either method will reduce percolation of water into the root zone below.

Windsor Oaks Road is not a County road. The proposed project would place a 16-foot-wide surface on an existing road bed. No road bed excavation and trenching will be done. All work including preparation of the road base and installation of utilities was completed 12 years ago. No continuous footing is proposed for the sound wall or fencing. This will be post and beam construction.

The installation of extensive landscaping along with the requisite irrigation system under and around the oaks is also cause for concern. Significant damage will be done to the root system closest to the trunk by digging holes for the planting stock—the larger the planting stock, the greater the root damage. Density of plantings is also an issue. Without having seen the landscape plan, I can't address the compatibility of the specified planting list with the existing oaks. Nor can I comment on where and how the irrigation system is to be installed. I also question the appropriateness of installing landscaping around the native oaks because the irrigation needed to sustain the new landscape plants will create conditions favoring the development of root disease, or exacerbate any root disease already at the site. Root disease commonly occurs on the roots of oaks but typically remains inactive until trees are very old, become stressed by drought or restricted uptake water as a result of root loss, or when irrigated during the summer months. Dry soil conditions that normally prevail in natural stands of oaks during the summer largely prevent root disease pathogens from developing. Root disease in these oaks is far more likely to develop or become active and spread when the root zone, particularly close to the trunk, if landscaping with irrigation is installed. Another issue is that landscaping under the oaks is unlikely to be successful, considering the dense shade from the leafy canopies above and strong competition from the oaks roots. If landscaping is to be installed it would be far better to use native, shade and drought-adapted plants known for their compatibility with native oaks.

Proposed landscaping consists of plants that are compatible under oaks. Irrigation pipes will be installed at or just beneath the soil surface to minimize damage to nearby oaks.

There are three windrows of primarily Valley Oaks (*Quercus lobata*) running north from Arata Lane. One is along the east side of the Liberty Oaks Lane, another further eastward, and the remaining one along the planned Windsor Oaks Road easement. The trees are quite old and important visually, historically, and environmentally. Their importance to wildlife should also be a consideration. These trees help to define the transition between the suburban development south of Arata Lane with the rural, agricultural and open space areas north of the road. The oaks along the proposed Windsor Oaks road run from Arata Lane to just beyond the second parcel along Liberty Oaks Lane. There are several oaks in the easement bordering the parcel where the Koch family lives, as well.

The trees at one time were quite large, but cut, perhaps around the turn of the century, and allowed to resprout from the stumps. Consequently, they have developed multiple trunks, some of which are close to 30-inches in diameter.

The proximity of the proposed construction project will likely cause significant root injury which could result in mortality or premature decline, unless alternative building methods are used. Considering the size and age of the trees, there should be no disturbances within their driplines (width of the crowns, as measured by the lateral extension of extent of their foliage). Ideally, root protection zones for mature trees like these should be equal to about 1.25 feet for each inch of trunk diameter. Since these are multi-stemmed trees you have to adjust accordingly. If we assume that the average tree has an adjusted diameter of about four feet (this is done by combining the areas of all the stems to calculate an adjusted diameter (divide the combined area of the stems by pi, the square root of this number is the radius, and multiplying that by 2 gives the diameter). At the very least, root cutting should not be done within 5 times the diameter of the tree (ANSI A300, Part 8- Root and Root Zone Management. This is the new industry standard recently published by the American National Standards Institute). So for a 48-inch diameter tree that distance is 20 feet. This is just not doable in this case. The only practical way to prevent serious injury is to avoid excavation within the root zones.

Oak trees along Windsor Oaks Road appear quite healthy and do not show any symptoms of decline caused by road improvements 12 years ago. Proposed work will not disturb the root systems of the existing trees.

In summary:

- This project as described in the plans that I've reviewed will likely cause serious damage to the oaks unless mitigated by alternate building methods.

The proposed project will not result in serious damage to oaks. Surfacing a pre-existing, compacted road base will not disturb tree roots.

- The extensive root loss will probably cause some mortality and initiate decline with some noticeable dieback.

Proposed work will not result in extensive root loss. No road-related construction decline is apparent following roadwork completed 12 years ago.

- The two declining trees I mentioned will probably succumb within a few years.

These two trees are declining not as a result of road building work in the past.

- Some of the trees may topple as a result of loss of structural roots, so there is a real liability issue for the owner and a risk factor for passing vehicles and the adjacent homes and residents.

The proposed project will not result in the loss of structural roots.

- Landscaping under the oaks is not recommended and would likely cause appreciable root damage and result in root disease problems down the road.
- Construction-related damage and root disease issues introduced by the installation of landscaping and irrigation, and the stress induced by major root loss may take up to a decade to become fully evident. Some trees die within a year or two, others progressively decline until they succumb to lethal attack by insects or disease-causing pathogens.

It is a common practice to safely plant and maintain ornamental plants under oaks. Most of the genera in the Windsor Oaks Road project plant legend are listed in the California Oak Foundation's book: Compatible Plants Under and Around Oaks by Hagen et al. Other plants listed in the plan require little water. Olive trees will be planted outside oak driplines.



Figure 1. View of proposed road from Arata Lane to the left (looking west)



Figure 2. View of trees along proposed road further north.



Figure 3. View of trees and homes further north.



Figure 4. View of trees in front of the Honsa home.



Figure 5. View of windrow north of 1st parcel.



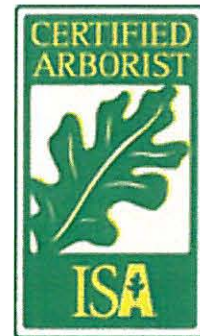
Figure 6. View of windrow east of the Liberty Oak Rd.

KENT R. JULIN, PH.D.
ISA Certified Arborist WE-8733A
ISA Tree Risk Assessment Qualified
Registered Professional Forester #2648



Areas of Professional Interest and Expertise

- ❖ Arboriculture and Urban Forest Management
- ❖ Tree Management Plans
- ❖ Species Selection and Planting Specifications
- ❖ Tree Care Specifications
- ❖ Tree Protection Plans
- ❖ Wildland-Urban Interface Fuels Management
- ❖ Vegetation Analysis, Evaluation, and Management
- ❖ Soil Erosion Mitigation and Planning
- ❖ Pest and Disease Diagnosis
- ❖ Tree Structural Hazard Assessments
- ❖ Tree Forensics and Tree-Ring Studies
- ❖ Tree Appraisal (Valuation of partial and total loss)



Education

Ph.D. Forestry, University of Washington, Seattle 1988
M.S. Forestry, University of Washington, Seattle 1983
B.S. Forest Resources Management, Humboldt State University, Arcata 1981

Professional Experience

2010 – Present Principal Consulting Arborist and Forester
ARBORSCIENCE, Woodacre CA

1998 – 2013 Forester, Marin County Fire Department, Woodacre, CA

2006 – 2010 Associate Consulting Arborist and Forester,
Urban Forestry Associates, San Rafael, CA

1995 – 1998 Research Forester, USDA Pacific Northwest Research Station,
Juneau, AK

1989 – 1995 Senior Environmental Scientist, Harding Lawson Associates, Novato

1981 – 1988 Graduate Research Assistant, University of Washington, Seattle, WA



Revised 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: 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).

Note: The applicant had originally 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.

Revision date: May 21, 2014

On October 24, 2013, the Board of Zoning Adjustments' decision was appealed by Dave and Joy Koch [the Appellants], who reside adjacent to the project site at Liberty Oak Lane in Windsor.

On March 25, 2014, the Board of Supervisors took a straw vote 5-0 upholding the Board of Zoning Adjustments decision approving the modified project and made minor modifications to the Conditions of Approval, as follows:

Modified 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. The proposed valley gutters shall be set back a minimum of 400 feet in the north and south directions from the adjacent neighbors' existing riding arena located on APN 161-010-040, east of Windsor Oaks Road.

New Conditions Added:

- Prior to final occupancy of the Phase I development, the Permit-Holder shall use rubberized asphalt on Windsor Oaks Road in the areas adjacent to the properties identified as 10119 and 10451 Liberty Oak Lane, APN 161-010-040 and APN 161-010-039, respectively.
- Prior to final occupancy of the Phase I development, in the area of Windsor Oaks Road that curves to the west, the Permit-Holder shall enhance the proposed landscaping to increase the density by adding medium-sized in height olive trees at maturity and planting a minimum of 15 gallon containers.
- Prior to final occupancy of the Phase I development, the Permit-Holder shall install a minimum of three speed limits signs of 20 mph (miles per hour) and three "quiet-zone" signs along the entire length of Windsor Oaks Road. Subject to review and approval by PRMD –Project Review staff.
- The contracts for weddings held at the winery facility shall include a clause stating the bride and groom shall be responsible for alerting their guests that the access roadway of Windsor Oaks Road is limited to a 20 mph speed limit and considered an agricultural, quiet zone.
- To further protect the existing Valley Oak trees located along Windsor Oaks Road that lie within the applicants' fee owned parcel, the proposed landscape plan for Windsor Oaks Road shall include drought tolerant plants and plants compatible with Valley Oak trees. An arborist shall approve the landscape and irrigation plans for Windsor Oaks Road prior to the plans being submitted to PRMD and the Design Review Committee for the final design review process. After road improvements are completed, an arborist shall monitor the health conditions of the existing Valley Oak trees along Windsor Oaks Road, within the applicants' fee owned parcel, for a minimum of five year, and if necessary, require the Permit-Holder to complete appropriate measures to enhance the health and longevity of any Valley Oak trees along Windsor Oaks Road within the applicants' fee owned parcel

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.

INTRODUCTION:

The Sonoma County Permit and Resource Management Department (PRMD) prepared a Mitigated Negative Declaration (“MND”) for the Windsor Oaks Winery project, which was approved by the Board of Zoning Adjustments on October 17, 2013. The Board’s decision was timely appealed to the Board of Supervisors by neighbors of the proposed project, who claimed the project would have significant impacts on Valley Oak trees along Windsor Oaks Road and on the safety of riders using the riding arena adjacent to Windsor Oaks Road. The applicant has provided additional documentation, including complete engineered road improvement plans and landscaping plans for Windsor Oaks Road, a revised arborist report addressing potential impacts to Valley Oak trees along the road, and an acoustical study of Windsor Oaks Road noise. In addition, the applicant has proposed revisions to the project to address these issues, and additional revisions have been required by the Board of Supervisors. This Revised MND has been prepared by PRMD to address this new information and the revised project. The Revised MND clarifies that the proposed road improvements would not impact any of the existing Valley Oaks trees along Windsor Oaks Road, all of which are located within the applicants’ fee-owned parcel, and explains that the noise generated by vehicles along Windsor Oaks Road would not exceed the noise standards of the General Plan Noise Element or significantly impact adjacent residential or agriculture uses. No new mitigation measures are needed to address these less-than-significant impacts.

In addition, new attachments have been included to the Revised Mitigated Negative Declaration as it relates to Aesthetics, Biological Resources, and Noise. For a complete list of all existing and new attachments see Page 9 and Page 10 of this initial study checklist.

CEQA Standard for the Revised MND

The new information added to this Revised MND does not require recirculation of the document. State CEQA Guidelines Section 15073.5 provides that recirculation of an MND is not required when (1) new project revisions are added in response to written or verbal comments on project effects identified in the MND; (2) measures or conditions of approval are added that are not required by CEQA, do not create new significant effects, and are not necessary to mitigate an avoidable significant effect; and (3) new information is added to the MND which “merely clarifies, amplifies, or makes insignificant modifications” to the document. (CEQA Guidelines, sec. 15073.5

(c)(2),(3),and (4).) The additional information added to this document regarding the road improvements to Windsor Oaks Road clarifies the analysis of potential impacts to Valley Oak trees and amplifies the existing conclusion that impacts will be less than significant. The additional information regarding traffic noise on Windsor Oaks Road similarly clarifies and amplifies the analysis and conclusion that traffic noise impacts on surrounding land uses will be less than significant. The project revisions to move part of Windsor Oaks Road farther away from the adjacent riding arena and provide additional landscape buffering were added in response to comments by the neighbors made after the close of the public comment period on the MND. The Board of Supervisors at the March 25, 2014 hearing made minor modification to the *Conditions of Approval* including placing the valley gutters 400 feet in both directions from the neighbors' riding arena, placing a 20 mph speed limit signs, using rubberized asphalt, to increase density in the proposed landscaping and use drought tolerant trees and plants, and requiring the bride and groom to inform wedding guests that the neighborhood around Windsor Oaks Road is considered a "quiet zone" Modifications to the conditions are not necessary to mitigate traffic noise because it has already been determined to be less than significant, but are included to further address the neighbors' concerns. No new impacts requiring additional mitigation have been identified and no previously-identified mitigation measures or project revisions have been determined to be ineffective. Accordingly, the changes to the MND are not "substantial revisions" within the meaning of State CEQA Guidelines section 15073.5(b), and recirculation is not required.

DETAILED BACKGROUND FOR PROJECT

On October 17, 2013, the Board of Zoning Adjustments adopted the original Mitigated Negative Declaration and 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, the Board of Zoning Adjustments' decision was appealed by Dave and Joy Koch [the Appellants], who reside adjacent to the project site at Liberty Oak Lane in Windsor.

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. And, the continued Board of Supervisors hearing for the appeal was duly noted on the March 25, 2014 Board of Supervisors agenda.

On March 25, 2014, at its regularly scheduled meeting, the Board of Supervisors heard the appeal of the Board of Zoning Adjustments approval of the Use Permit and Design Review for the winery expansion. After extensive public testimony and Board discussion, the Board voted 5-0 on a straw vote to deny the appeal and uphold the Board of Zoning Adjustments decision to approve the project. The Board also made minor modifications to the Conditions of Approval, as

explained above in this initial study checklist.

EXISTING USES

The project site is 479.89 acres, but surrounded by land also owned by Windsor Oaks totaling 710 acres. Approximately 230 acres is 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. feet). 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

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.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Project Application and Description |
| <input checked="" type="checkbox"/> | Initial Data Sheet |
| <input checked="" type="checkbox"/> | County Planning Department's Sources and Criteria Manual |
| <input checked="" type="checkbox"/> | Sonoma County General Plan and Associated EIR |
| <input type="checkbox"/> | Specific or Area Plan <u>none</u> |
| <input checked="" type="checkbox"/> | Sonoma County Zoning Ordinance |
| <input type="checkbox"/> | Sonoma County Rare Plant Site Identification Study |
| <input checked="" type="checkbox"/> | Project Referrals from Responsible Agencies |
| <input checked="" type="checkbox"/> | State and Local Environmental Quality Acts (CEQA) |
| <input checked="" type="checkbox"/> | Full record of previous hearings on project in File |
| <input checked="" type="checkbox"/> | Correspondence received on project. |
| <input checked="" type="checkbox"/> | Project Plans submitted for PLP12-0009 |
| <input checked="" type="checkbox"/> | Other technical reports: |
| | 1. A Cultural Resources Study, prepared by Tom Origer & Associates, dated February 9, 2012 (MND Attachment Page 4) |
| | 2. Greenhouse Gas Analysis, prepared by URS Corporation, dated July 2012(MND Attachment Page 31) |
| | 3. Assessment of Groundwater Availability, prepared by Michael S. Malone, dated April 4, 2013. (MND Attachment Page 62) |

4. Draft Traffic Impact Study, prepared by W-Trans, dated April 11, 2012 (MND Attachment Page 95)
5. Final Traffic Impact Study, prepared by W-Trans, dated April 11, 2012 (MND Attachment Page 131).
6. Preliminary Standard Urban Storm Water Mitigation Plan (SUSMP), prepared by Steve Martin & Associates. (MND Attachment Page 173).
7. Wastewater Feasibility Study with Attachment I, Attachment II: Wastewater System Design Criteria, Evaluation, & Calculations, prepared by Steve Martin & Associates (MND Attachment Page 175).
8. Preliminary Engineering and Planning Information, prepared by Steve Martin & Associates (MND Attachment Page 201).
9. Preliminary Design Review Committee Action sheet, dated May 1, 2013 (MND Attachment Page 209).
10. Letter of Consistency from the Sonoma County Agricultural Preservation and Open Space District, prepared by Jacob Newell, dated March 4, 2013. (MND Attachment Page 212).
11. Second Letter of Consistency from the Sonoma County Agricultural Preservation and Open Space District, prepared by Jacob Newell, dated April 26, 2013 (MND Attachment Page 214).
12. Windsor Oaks Conservation Easement Designation Areas Map (MND Attachment Page 216).
13. Engineered Improvement Plans and narrative for Windsor Oaks Road, prepared by Steve Martin & Associates, dated May 13, 2014 (MND Attachment Page 217).
14. Preliminary Landscape Plans for Windsor Oaks Road, prepared by MacNair Landscape Architects, dated May 7, 2014 (MND Attachment Page 219).
15. 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 (MND Attachment Page 224).
16. Letter from Stephen Butler, Law Office of Clements, Fitzpatrick, & Kenworthy, dated March 20, 2014 (MND Attachment Page 225).
17. Addendum letter from Michael P. Merrill, Law Office of Merrill, Arnone, and Jones, LLP, dated March 12, 2014 and addendum letter of the Sound Wall Interim Analysis, prepared by Frank Hubach Associates, dated March 12, 2014 (MND Attachment Page 227).
18. Arborist letter, prepared by Bruce W. Hagen, submitted by Michael P. Merrill on behalf of Dave and Joy Koch, dated March 19, 2014 (MND Attachment Page 230).
19. Arborist Report, prepared by ARBORSCIENCE on behalf of Windsor Oaks Winery, dated March 24, 2014 (MND Attachment Page 235).
20. Addendum Arborist letter, prepared by ARBORSCIENCE on behalf of Windsor Oaks Winery, dated May 8, 2014 (MND Attachment Page 240).
21. Acoustical Study - Windsor Oaks Winery Entry Road Noise, prepared by Illingworth and Rodkin, dated February 14, 2014 (MND Attachment Page 251).
22. Addendum Acoustical Response Letter dated March 30, 2014 prepared by Illingworth and Rodkin (MND Attachment Page 262).

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 |
|---|--------------------------------|---|------------------------------|-----------|

| | | | | |
|--|--|---|--|--|
| | | X | | |
|--|--|---|--|--|

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. In addition, the applicant has submitted preliminary landscape plans dated May 7, 2014 that show, among other things, that the native tree population will be preserved and supplemented with additional tree planting, including a new olive orchards and trees bordering the driveway to further enhance the site's rural quality.

The final design review process is not the deferral of mitigation, but the implementation of it. The proposed project elements 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. 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 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 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.

Impact Significance After Mitigation:

Implementation of the above-identified mitigation measures would reduce aesthetic impacts to a less than significant level and comply with the Valley Oak Habitat Ordinance by ensuring that the applicant meets the Design Review Committee requirements that the landscape plans for both Phase I and Phase II add more native oaks and use more oaks and native species in the Phase I landscaping plans to have it appear more natural and mature. Further, the project site remains under a perpetual Conservation Easement with the Sonoma County Agricultural Preservation and Open Space District.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

Comment:

1.b. No Impact. The project site is not on a state scenic highway. There are no historic buildings on the site.

Mitigation: None required

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |

Comment:

1.c. Less than Significant with Mitigation Incorporation (Refer to Mitigation Measure listed in item 1.a. above in this initial study).

Mitigation: None required

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area? | 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 a.m. 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. <p>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.</p> | | | | |
| <p>Mitigation: Refer to mitigation is 1.a. (1) above in this initial study.</p> | | | | |

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 |
| <p>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.</p> | | | | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 Agriculture 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 such gatherings is 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, vintner association lunches, 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.

On October 17, 2013, the Board of Zoning Adjustments adopted the original Mitigated Negative Declaration and approved the phased Use Permit and Design Review, but reduced the total number of agricultural promotional events and did not approve a play or concert at the winery facility.

Mitigation: None required

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|---|--------------------------------|---|------------------------------|-----------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
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| timberland zoned Timberland Production (as defined by Government Code Section 51104(g)? | | | | X |
| <p>Comment: 2.c. No Impact. The project site is not under the TP (Timberland Production) zoning district.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| 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 |
| <p>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.</p> | | | | |
| <p>Mitigation: None required.</p> | | | | |
| 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:

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| 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 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

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| 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

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| 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.

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| 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 |
| <p>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.</p> | | | | |
| 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 |
| <p>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:</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>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.</p> | | | | |
| Mitigation: None required | | | | |

4. BIOLOGICAL RESOURCES *Would the project:*

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|--|--------------------------------|---|------------------------------|-----------|
| 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.

Streamside Conservation Areas. The foundation of the General Plan’s protective policies is the establishment of Streamside Conservation Areas along both sides of designated streams. The General Plan specifically states that all lands within Streamside Conservation Areas be included in zoning. The Streamside 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 either planted in vineyard or consists of open grasslands and woodlands. 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

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| <p>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.</p> <p>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.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| <p>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?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: 4. b. Less than Significant Impact. The project does not involve any work within or near riparian corridor.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| <p>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?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: 4. c. Less than Significant Impact: The project does not involve any direct removal, filling, or hydrological interruption of any federally protected wetlands.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| <p>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?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

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| | | | | |
| <p>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.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| 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 | |
| <p>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.</p> <p>However, existing Valley Oak trees are located within the smaller fee owned parcel (APN 161-020-043) which includes the second access roadway referred to as Windsor Oaks Road. The neighbors who reside to the east of Windsor Oaks Road provided a letter from Bruce W. Hagen, Consulting Arborist, dated March 19, 2014, stating his concerns about the potential impact to Valley Oak trees that could be caused by road improvements to Windsor Oaks Road. Mr. Hagen acknowledged being at a disadvantage in making his comments, not having seen “a tree preservation plan for Windsor Oaks Road project, addressing measures the contractor is proposing to protect the trees during and following construction; . . . a detail of the proposed road construction or the engineered drainage facility; . . . or a landscape plan to determine potential problems.” Mr. Hagen assumed that road improvements would require extensive excavation which would cause serious injury to the trees, opining that “the only practical way to prevent serious injury is to avoid excavation within the root zones.” In addition, he concluded that landscaping and irrigation under the oaks would likely cause “appreciable” root damage.</p> <p>In response to the concerns raised by Mr. Hagen, on May 13, 2014, the applicants’ engineer, Steve Martin Associates, submitted to PRMD detailed engineered road improvement plans and the applicants’ arborist, ARBORSCIENCE, submitted an addendum arborist letter responding to the concerns raised by the appellants’ arborist, Mr. Hagen. In addition, Don Mac Nair of Mac Nair Landscape Architecture, provided a preliminary landscape plan for the areas along Windsor Oaks Road. Also, Steve Martin submitted a “Windsor Oaks Road Narrative” with the engineered road improvements plans, summarizing key points about the proposed road improvements. The narrative explains that the existing gravel road is approximately 12 feet wide with 4 foot compacted base shoulders on each side (i.e., a total of 20 feet), underlain by 24” of compacted sub-base with geotextile stabilization fabric below. The road was reconstructed in 2002 and was built from the existing grade upward. Geotextile fabric was used at the base of the road section in lieu of over-excavation and re-compaction of the soil in order to not disrupt roots of adjacent oak trees. Underground gas line and electrical conduits for convenience power and lighting were installed on the west side of the road (opposite side of the existing oak trees) in 2002, at the time of the prior road improvements. Road improvements will utilize existing sub-base, resulting in no over-excavation of the existing soil and impact to tree roots. There will be no change in drainage, and runoff will continue to sheetflow across the road surface to an existing roadside swale. Road</p> | | | | |

improvements for the existing roadway will include placement and compaction of aggregate base over the 20-foot-wide roadway, double chip-seal surfacing for a road width of 18 feet with 1-foot shoulders. The proposed new road section (identified as the meander) is outside the area where there are Valley Oaks. The meander will include an 18-foot-wide road surface with chip-seal and rubberized asphalt to reduce vehicle tire noise, with three concrete valley gutters to control vehicle speed. Posted speed signs stating 20 MPH will be placed at the entry and mid-distance of the road length. New landscaping will be installed along both sides of the road, including a new open fence with evergreen climbing vines along both sides of driveway; shrubs at base of fence; ground-cover planted between road shoulder and fence; and an olive grove between property line and road at road meander. Plantings (flowers, vines, groundcover e.g.) selected will be non-toxic with minimal water use requirements and the plantings, and any associated irrigation, are designed to have no adverse impact to the existing oak trees.

Staff analysis

The additional documentation provided by the applicant demonstrates that neither the proposed road improvements for Windsor Oaks Road nor the proposed landscaping along Windsor Oaks Road would damage the existing Valley Oaks trees or require the removal of existing Valley Oaks trees within this area. Adequate road base and drainage improvements are already in place and the proposed road improvements will not require additional excavation. Overall, the project will actually increase the Valley Oak tree population in Sonoma County because the final landscape plans for the project requires native oaks to be included in the landscaping plans for both Phase I and Phase II and more oaks and native species in the Phase I landscaping plans to have it appear more natural and mature.

Mitigation: None required

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|--|--------------------------------|---|------------------------------|-----------|
| 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 |
| 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. | | | | |
| Mitigation: None required | | | | |
| ii. Strong seismic ground shaking? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| 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 | | | | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| <p>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 set forth 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> | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? | 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</p> | | | | |

flooding and further erosion impacts, and increase soil erosion on and off site which could adversely impact downstream water quality.

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.

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.

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.

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.

Mitigation: None required

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

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.

Mitigation: None required

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 |

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.

Mitigation: None required

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 | |

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.

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 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 |

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.

Mitigation: None required

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 |
| 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. | | | | |
| Mitigation: None required | | | | |
| 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 |
| Comment: 8. d. No Impact: The project site is not identified as a hazardous materials site under Government Code Section 65962.5. | | | | |
| 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 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. 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 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 standards or waste discharge requirements? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No 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

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| (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. | | | | |
| 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)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | 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 <i>Assessment of Groundwater Availability Report Proposed Windsor Oaks Winery Modification</i> [Report], prepared by Michael S. Malone, Consulting Geologist. The Report provides, in part, the following information:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> | | | | |

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.

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| 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 | |
| <p>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:</p> <p>Grading required: Phase II - Cut Max: <u>2,000 CY</u> Fill Max: <u>2,000 CY</u> Fill Area: <u>0.25 AC</u> Approx. Total Yds: <u>4,000 CY</u> Area of Disturbance: <u>1.0 AC</u></p> <p>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.</p> <p>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.</p> <p>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 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> | | | | |
| Mitigation: None required. | | | | |
| d). Substantially alter the existing drainage pattern of the site or area, | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |

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| 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? | | | 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> | | | | |
| 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? | 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</p> | | | | |

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.

Mitigation: None required.

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| 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 | |

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.

Mitigation: None required.

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| 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 | |

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.

Mitigation: None required.

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| i). Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

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.

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| Mitigation: None required. | | | | |
| j). Inundation by seiche, tsunami, or mudflow? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| 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. | | | | |
| Mitigation: None required. | | | | |

10. LAND USE AND PLANNING *Would the project*

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| a) Physically divide an established community? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| 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. | | | | |
| Mitigation: None required. | | | | |
| 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. | | | | |

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.

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: Geysler 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

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| 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. c. 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:*

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|--|--------------------------------|---|------------------------------|-----------|
| 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 |
| | | | | |

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.

Mitigation: None required.

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| 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 result in:*

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| 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> <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;</p> <p>Policy NE-1c: <i>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.</i></p> <p>Limit exceptions to the following:</p> <ol style="list-style-type: none"> (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.

On February 19, 2014, the appellants' attorney, Michael P. Merrill, submitted a letter and a Sound Wall Interim Analysis, dated February 18, 2014, prepared by Frank Hubach Associates, Inc. (Refer to Exhibit D). Hubach summarized the benefits of sound walls along Windsor Oaks Road, and stated that the reduction in traffic noise is the goal, which can be achieved primarily with distance and/or sound walls. Hubach stated 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 stated 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. He also alleged that 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 opined that speed control techniques such as speed bumps or valley gutters can be counterproductive and create undesirable impulsive noise.

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, requiring appropriate setbacks from property lines.

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 posted speed limit of 20 mph and a maximum speed of 25 mph. 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 (Leq) noise levels ranged from 45 to 54 dBA, with an average daytime Leq of 50 dBA, and the daytime ambient (L90) noise levels ranged from 40 to 50 dBA, with an average daytime L90 of 46 dBA. The day-night average noise level (Ldn) 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 explained 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 using 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 explained 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 also found 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).

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. Both sound consultants agree that the vehicular noise generated onto Windsor Oaks Road would not exceed the noise level standards set forth in Table NE-2 of the General Plan. Nonetheless, it is recognized that horses are flight animals and, like any livestock, may react to unexpected even sights or sounds. However, the neighbors' horses are currently grazed in areas close to Arata Lane, and in several areas parallel and immediately adjacent to Liberty Oak Lane. The neighbors' riding arena also abuts another neighbor's property on the side yard improved with a garage and basketball hoop. Therefore, the neighbors' horses are well acclimated to vehicle sounds and other residential noises such as vehicles, trucks, delivery trucks, leaf blowers, lawn movers, and weed eaters. Given the nearby uses to which the horses are already exposed, vehicular traffic on Windsor Oaks Road is unlikely to cause noise that will be dangerous to the horses. The fact that the neighbors have voluntarily chosen to graze their horses immediately adjacent to Liberty Oak Lane strongly demonstrates that the horses are acclimated to vehicle noises, and that horses using the riding arena will not be significantly impacted by traffic on Windsor Oaks Road or its meander. However, to further ensure that a horse in the neighbors' riding arena will not be startled by a vehicle traveling on Windsor Oaks Road, the applicant has offered to alter the road design to curve away from the neighbors' rear property line and provide a landscape buffer between the road and the neighbors' horse arena. In addition, the applicant will install valley gutters to further control speed on the Windsor Oaks Road, on either side of the meander and away from the riding arena. Windsor Oaks Road is designed with a curvature providing a greater distance from the neighbors' rear property line which includes the riding arena. The landscape buffer is comprised of a dense olive orchard planted between the edge of Windsor Oaks Road to the fence line. As a result, the project will not result in any significant adverse noise impacts related to neighboring horses.

Apart from noise impacts on horses, 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. However, through the public hearing process, decision making bodies (Board of Zoning Adjustments and Board of Supervisors on the appeal)

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. 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.

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 | |

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.

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> | | | | |
| <p>Mitigation: None required</p> | | | | |
| <p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</p> | 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: <i>“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.</i> 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.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| <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 expose people residing or working in the project area to excessive noise levels?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>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.</p> | | | | |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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 example, through extension of roads or other infrastructure)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| 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. | | | | |
| Mitigation: None required | | | | |
| 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 |
| 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. | | | | |
| Mitigation: None required | | | | |
| 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:*

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| <p>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:</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

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:

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.

ii. Police: The Sonoma County Sheriff provides police protection services.

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.

iv. Parks: See Comment 15.a.

v. Other public facilities: no other public facilities would be adversely impacted by this project.

Mitigation: None required

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 |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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. | | | | |
| Mitigation: None required | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| 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. | | | | |
| Mitigation: None required | | | | |

16. TRANSPORTATION / TRAFFIC *Would the project:*

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| 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.

$$\text{Truck Trips} = \frac{720 \text{ tons}}{8 \text{ tons/truck}} = 90 \text{ trips annually}$$

$$\text{Truck Trips} = 90 \text{ trips in 8 weeks of crush} = 11.2 \text{ trucks per week on average}$$

- 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

$$\text{Truck Trips} = \frac{100,000 \text{ cases/yr}}{1300 \text{ cases/truck trips (80\% eff)}} = 96 \text{ trips/year}$$

Truck Trips = 96 trips/year

10 months = 9.6 trips/
(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 = .50 (100,000 cases/yr) = 52 trips/year
24 cases/barrel (40 barrels/truck trips)

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-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. While the parking supply is adequate for daily operation, overflow parking areas will be needed for special events.

W-Trans 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 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 | Potentially Significant Impact | Less than Significant with | Less than Significant Impact | No impact |
|--|--------------------------------|----------------------------|------------------------------|-----------|

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | | Mitigation Incorporation | | |
| | | | X | |
| <p>Comment: 16. b. Less than Significant Impact. Refer to discussion above in this initial study in item 16.a.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| 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 |
| <p>Comment: 16. c. No Impact. The project would have no effect on air traffic patterns.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| 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 | |
| <p>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.</p> | | | | |
| <p>Mitigation: None required</p> | | | | |
| 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</p> | | | | |

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.

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.

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.

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.

Mitigation: None required

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

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.

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.

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.

Mitigation: None required

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| g) Result in inadequate parking capacity? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

Comment:

16. g. 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.

Mitigation: None required

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 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.

Mitigation: None required

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | 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 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 |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| Comment: 17. e. No Impact. The project is not served by a wastewater treatment provider. | | | | |
| Mitigation: None required | | | | |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| 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) | | | | |
| Mitigation: None required | | | | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| 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. | | | | |
| Mitigation: None required | | | | |

18. MANDATORY FINDINGS OF SIGNIFICANCE

| | | |
|--|------------|-----------|
| 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? | YES | NO |
| | | X |

| | | |
|---|-------------------|------------------|
| <p><u>Comment:</u> 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 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 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>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</p> | <p>NO</p> |
| | <p>X</p> | |
| <p><u>Comment:</u> 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>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <p>YES</p> | <p>NO</p> |
| | <p>X</p> | |
| <p><u>Comment:</u> No. The project would not result in any significant adverse changes to the existing environment. Based on the discussion and information provide in this initial study, the project environmental effects will not cause substantial adverse effects on human beings, either directly or indirectly. Mitigation for</p> | | |

| | |
|---|--|
| <p>Aesthetics have been incorporated where necessary to reduce potential visual and exterior lighting impacts to a less-than-significant level, and conditions have been incorporated into the project under Traffic and Noise to further reduce impacts on neighbors and other human beings. 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 pad 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. 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. Horses on the adjacent property are already exposed to equal or greater noise from surrounding land uses than will be generated by the project and accordingly, the potential safety impact to riders in the adjacent riding arena is less than significant. However, in an abundance of caution, the Conditions of Approval require that valley gutters (speed dips) be installed along Windsor Oaks Road, but set back 400 feet in both directions from the riding arena; that the road alignment curve out to the west to provide a greater distance from the adjacent riding arena; that rubberized asphalt be placed on the road in the areas adjacent to the nearby neighbors, and that 20 mph speed limit and "quiet zone" signs be placed along Windsor Oaks Road.</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.

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

MEMO P/LP 12-0009
 APN-086-102-016/161-020-043

AUTHORIZED SIGNATURE *[Signature]*

PAY TO THE ORDER OF Sonoma County Clerk

TWO THOUSAND TWO HUNDRED SIX & 25/100

DOLLARS \$ 2,206.25

10/30/13

STEVE MARTIN ASSOCIATES, INC
 130 S. MAIN STREET STE. 201
 SEBASTOPOL, CA 95472
 (707) 824-9730

citibank
 CITIBANK N.A. BR #892
 P.O. BOX 80698
 CHICAGO, IL 60680
 90-7118-3211

7620

Security features. Details on back.

OFFICIAL RECEIPT
 COUNTY OF SONOMA
 SANTA ROSA, CALIFORNIA

2158102

PAYMENT METHOD
 CASH
 CHECK
 EFT

DATE Dec. 30 20 13

RECEIVED FROM Steve Martin Associates, Inc

ADDRESS 10300 Hilltop Rd. Ukiah, CA

AMOUNT RECEIVED Two Thousand Two Hundred Six & 25/100 \$ 2,206.25

FOR PLP 12-0009 With one check for Record fee for Mt. Neg. Dec.

PRINCE
 DEPARTMENT, DISTRICT, OR AGENCY

[Signature]
 BY

QUADRUPPLICATE - DEPARTMENT COPY

SCA-004 (8/10)

**A Cultural Resources Study of Portions of the
Property at 10810 Hillview Road, Windsor
Sonoma County, California**

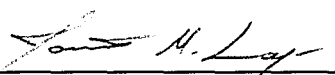
Lauren Del Bondio
and
Janine M. Loyd, M.A./R.P.A.

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
(707) 584-8300 (fax)

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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FIGURES

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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.

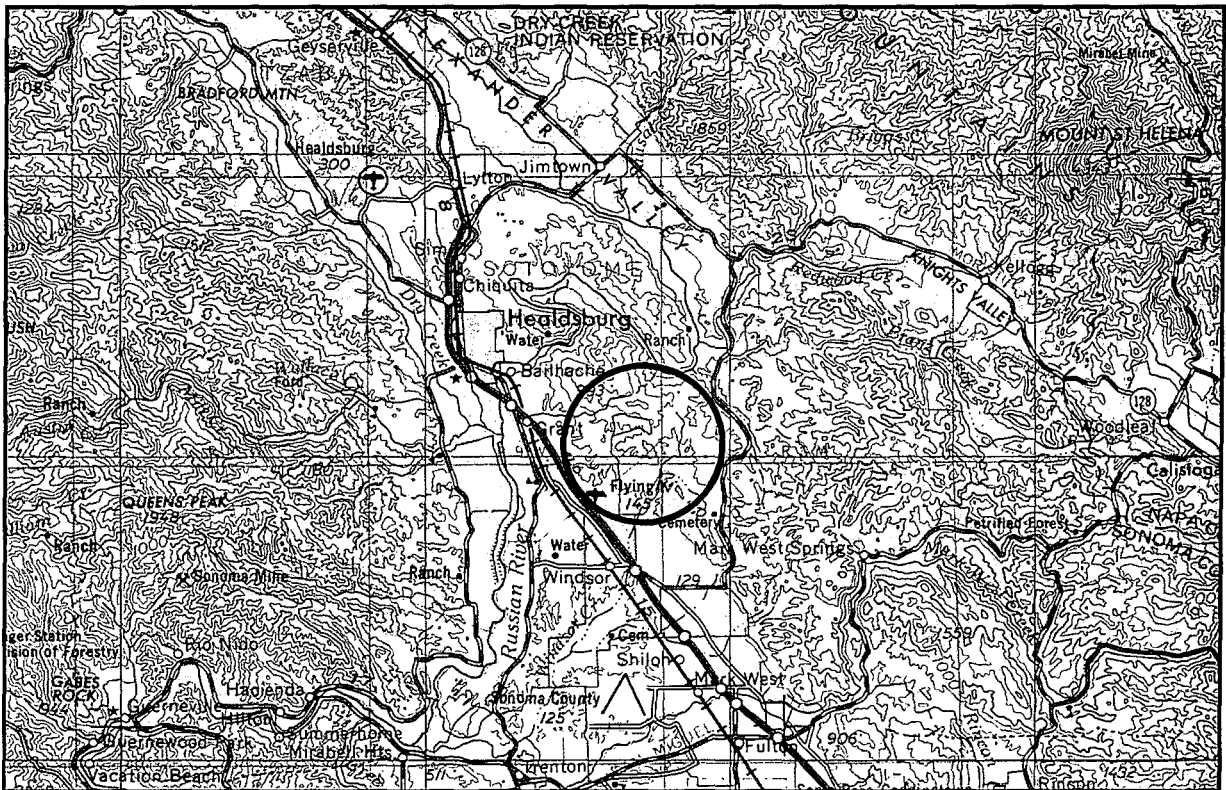


Figure 1. Project vicinity (adapted from the 1970 Santa Rosa 1:250,000-scale USGS map).

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.

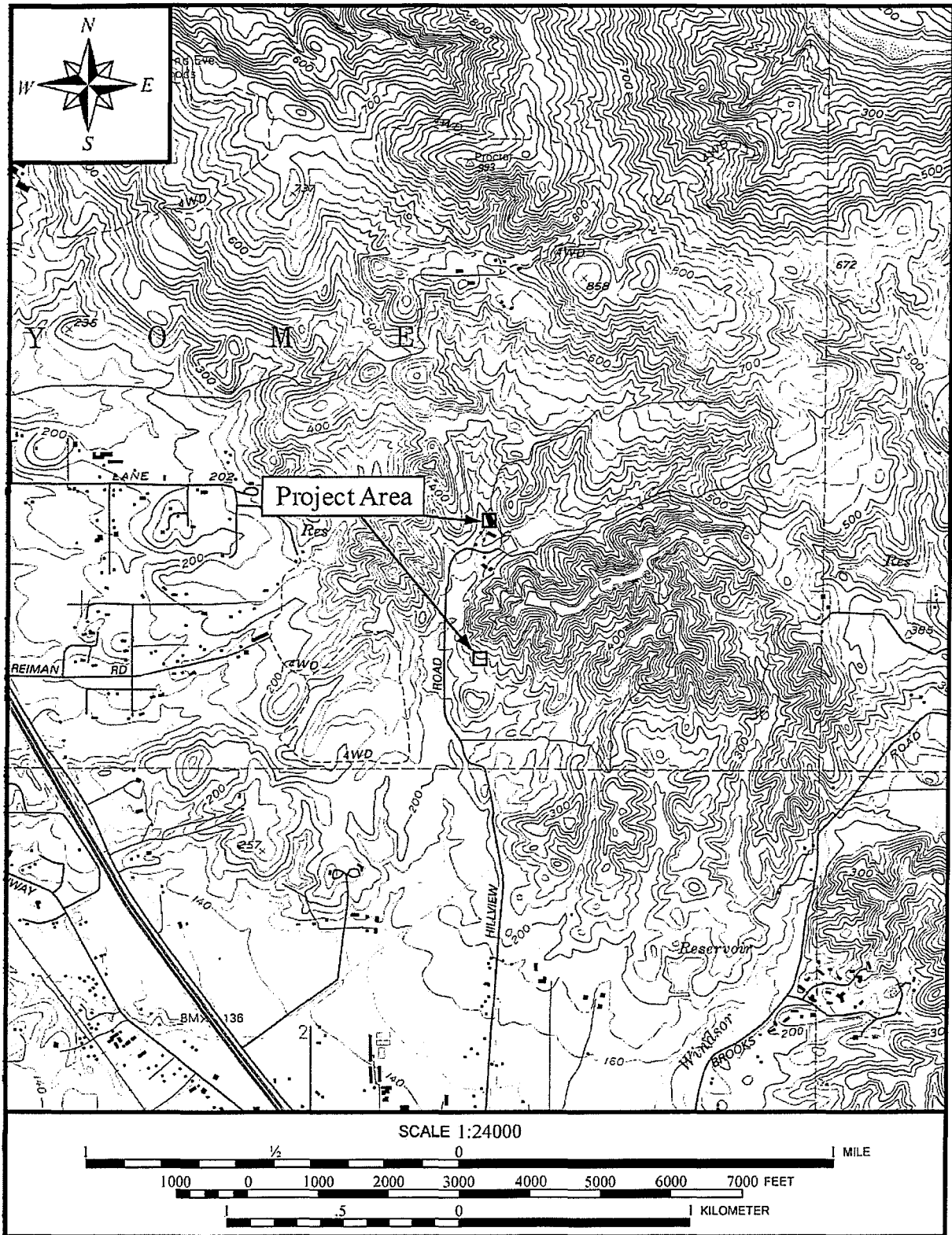


Figure 2. Study location (adapted from the 1993 Healdsburg 7.5' USGS topographic map).

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.

Bell and Heymans

1888 *Map of Sonoma County, California*. Bell and Heymans, San Francisco.

Bowers, A.

1867 *Map of Sonoma County*. 2nd ed. A. Bowers.

DeGeorgey, A.

2011a Primary Record for P-49-4352 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

2011b Primary Record for P-49-4367 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

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.

Fredrickson, D.

1984 The North Coastal Region. In *California Archaeology*, edited by M. Moratto. Academic Press, San Francisco.

General Land Office

1857 Plat of the Sotoyome Rancho. Department of the Interior, Washington, D.C.

Hoover, M., H. Rensch, E. Rensch, W. Abeloe

1966 *Historic Spots in California*. 3rd edition. Stanford University Press. Stanford.

Hoover, M., H. Rensch, E. Rensch, W. Abeloe, and D. Kyle

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.

McIntire and Lewis

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.

Peugh, E.

1934 *Official Map of Sonoma County, California*. County of Sonoma, California.

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.

2001b Primary Record for P-49-2816 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

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.

State of California Department of Parks and Recreation

1976 *California Inventory of Historic Resources*. Department of Parks and Recreation, Sacramento.

Stewart, O.

1943 *Notes on Pomo Ethnography*. University of California Publications in American Archaeology and Ethnology. Vol. 40. Berkeley.

Thompson, T.H. & Co.

1877 *Historical Atlas of Sonoma County, California*. T.H. Thompson & Co., Oakland, California.

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

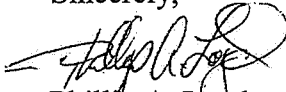
Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

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

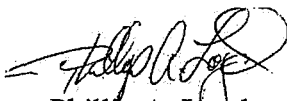
Dear Mr. Hopkins:

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.

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

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

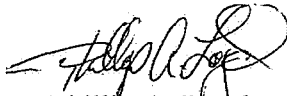
Dear Mr. Sarris:

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

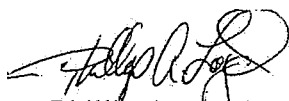
Dear Mr. Sarris:

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

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

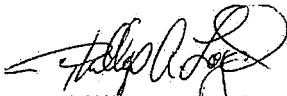
Dear Ms. Mejia:

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.

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
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.

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



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.

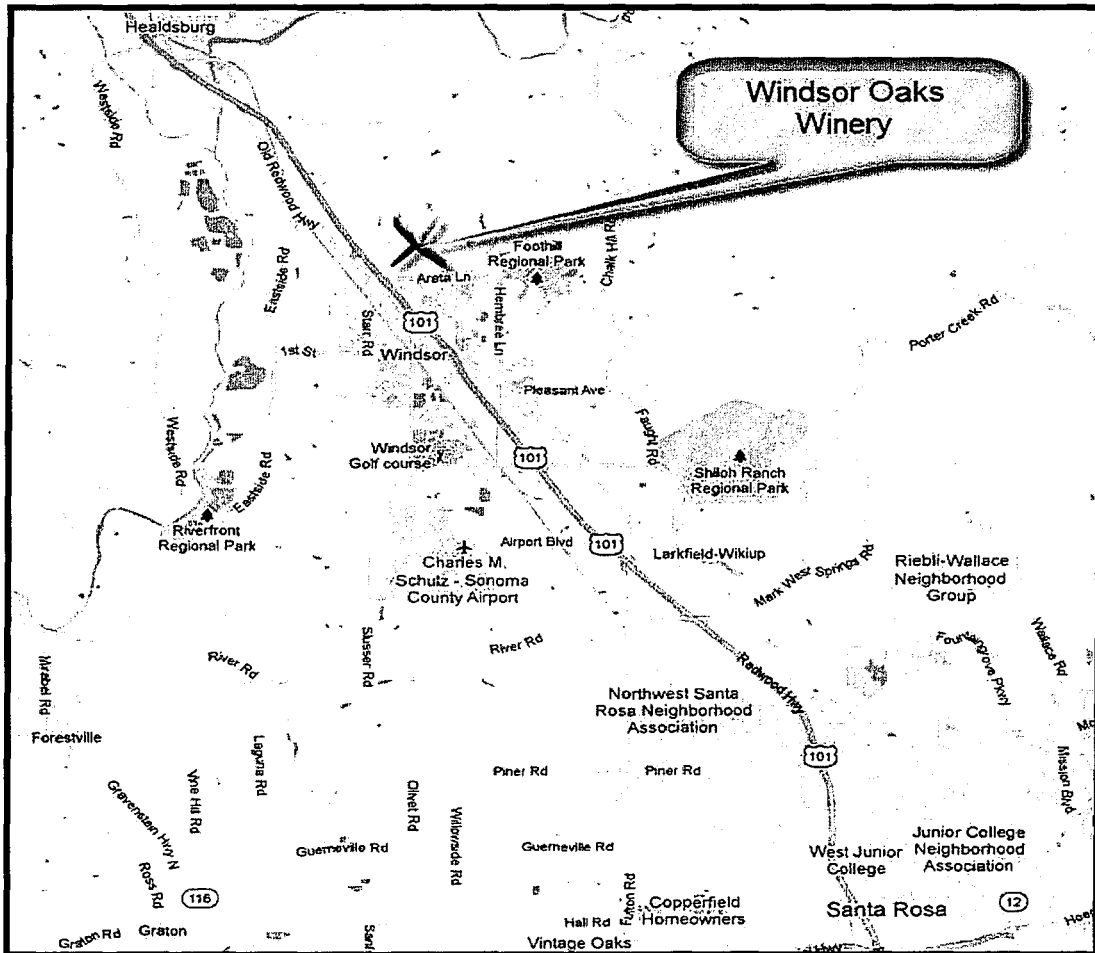


Figure 1. Windsor Oaks Winery Location

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

NND ATTACHMENT PAGE 43

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 Road Diesel | 24.72 |
| Fine Grading On Road Diesel | 0.00 |
| Fine Grading Worker Trips | 1.72 |
| Asphalt 04/16/2013-04/30/2013 | 7.00 |
| Paving Off-Gas | 0.00 |
| Paving Off Road Diesel | 5.39 |
| Paving On Road Diesel | 0.11 |
| 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

MND ATTACHMENT PAGE 44

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> |
|---------------|------------|
|---------------|------------|

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 1000 sq ft | No. Units | Total Trips | Total VMT |
|------------------------|---------|-----------|-------------------------|-----------|-------------|-----------|
| General light industry | | 2.91 | | 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 |

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 |
| Urban Trip Length (miles) | 10.8 | 7.3 | 7.5 | 9.5 | 7.4 |
| Rural Trip Length (miles) | 16.8 | 7.1 | 7.9 | 14.7 | 6.6 |
| Trip speeds (mph) | 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 |

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

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) |
| | |

| 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 1, this included 102.38 megawatt-hours per year and 75 million Btus per year, based on

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

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 |

| | | | |
|---------------------------------------|------|------|------|
| % of Trips - Residential | 32.9 | 18.0 | 49.1 |
| | | | |
| % of Trips - Commercial (by land use) | | | |
| General light industry | 50.0 | 25.0 | 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 | |

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% | |

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.

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

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

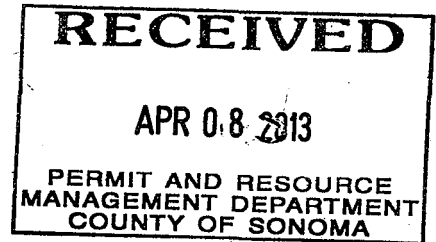
Refrigerant use for Phase II’s cold storage winery operations was estimated based on a similar winery’s use of 400 pounds per year to annually produce 32,000 cases of wine. This ratio of cold storage refrigerant usage/cases of wine (0.0125) was multiplied by the Windsor Oaks’s Phase II wine production 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

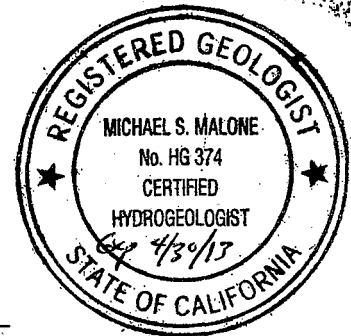
Windsor Oaks Associates LP
P.O. Box 883
Windsor, California 95492

by

A handwritten signature in black ink, 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
(707) 829-5511

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,

4

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 |
|--------------|--------------|--------------|--------------|--------------|

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 its 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.

REFERENCES

Blake, Jr., M.C., R.W. Graymer, and R.E. Stamski, *Geologic Map and Map Database of Western Sonoma, Northernmost Marin, and Southernmost Mendocino Counties, California*. U.S. Geological Survey Misc. Field Studies Map MF-2402.

California Department of Water Resources, June 1983, *Evaluation of Ground Water Resources: Sonoma County, Volume 5, Alexander Valley and Healdsburg Area*, Bulletin 118-4.

California Department of Water Resources, Sept. 1982, *Evaluation of Ground Water Resources: Sonoma County, Volume 2, Santa Rosa Plain*, Bulletin 118-4.

Delatte, Marc. P., 2011, *Preliminary Geologic Map of the Healdsburg 7.5' Quadrangle, Sonoma County, California: A Digital Database*, Version 1.0, California Geological Survey.

Driscoll, Fletcher G., 1986, *Groundwater and Wells*, published by U.S. Filter/Johnson Screens.

Groundwater Resources Association (GRA), April 26, 2004, *Low Yield Aquifer Testing Seminar*.

Brelji and Race Laboratories, Chemical Analysis, Upper Well, 3-8-74.

Bryant, W.A. and Earl Hart, 2007, *Fault Rupture Zones in California*, Special Publication 42, Interim Revision 2007, California Geological Survey.

Huffman, M.E. and C.F. Armstrong, 1980, *Geology for Planning in Sonoma County*, California Division of Mines and Geology Special Report 120.

Kulongoski, J.T., Belitz, Kenneth, Landon, M.K., and Farrar, Christopher, 2010, *Status and understanding of groundwater quality in the North San Francisco Bay groundwater basins, 2004: California GAMA Priority Basin Project*. U.S. Geological Survey Scientific Investigations Report 2010-5089, 88 p.

Metzger, L.F., Farrar, C.D., Koczot, K.M. and Reichard, E.G., 2006, *Geohydrology and Water Chemistry of the Alexander Valley, Sonoma County, California*, U.S. Geological Survey Scientific Investigations Report 2006-511.

Rantz, S.E., 1972, *Runoff Characteristics of California Streams*, Geological Survey Water-Supply Paper 2009-A.

Smith, Rhonda with the U.C. Cooperative Extension, December 2002, *Sonoma County Climactic Zones* from "The Varietal Winegrape Production Short Course".

Sonoma County Water Agency (SCWA), 2003, *County Wide Rainfall, Sonoma County, California*.

USDA, 1972, *Soil Survey, Sonoma County, California*, U.S. Dept. of Agriculture

Air Photos

Sonoma County Assessor office files:

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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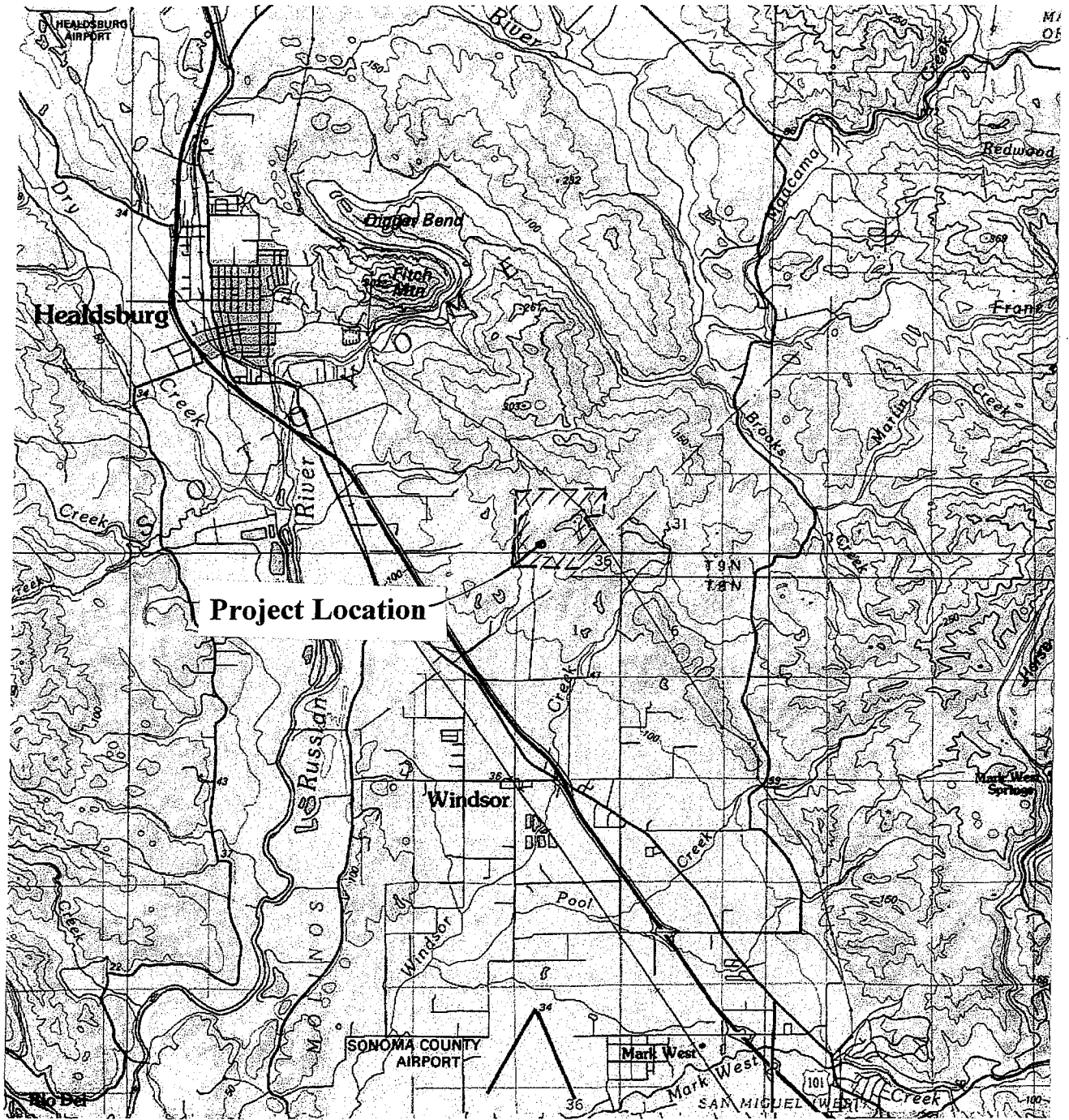
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3

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APPENDICES

Appendix A – General Characteristics of Wells in the Project Vicinity



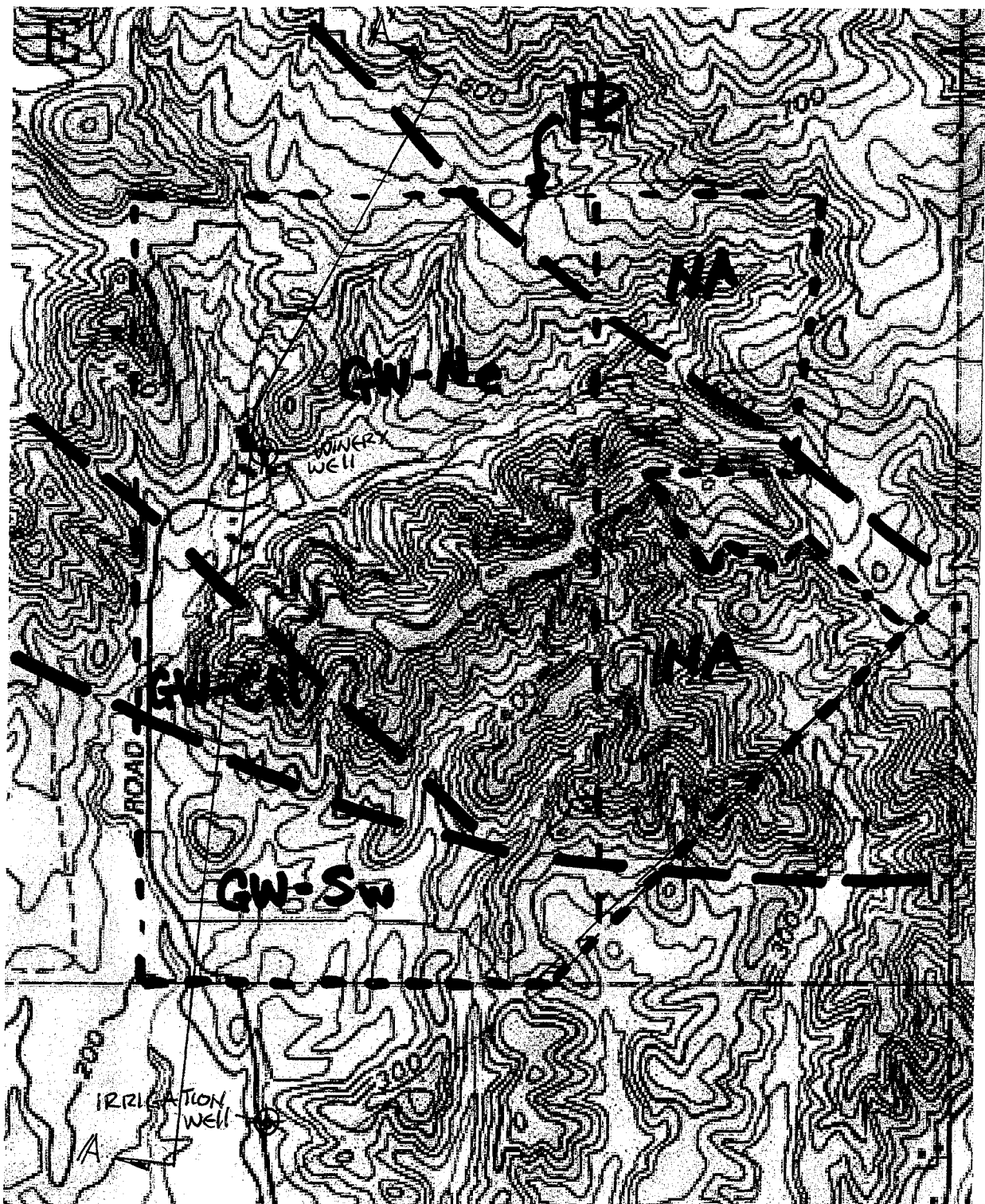
SCALE:
1" = 1/2 mi.

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Job No: SON13-199
Date: MARCH 28, 2013
Appr: *MS Malone*

PROJECT LOCATION
WINDSOR OAKS WINERY
10510 HILLVIEW RD.
WINDSOR, CALIFORNIA

PLATE
1



SCALE:
1" = 1000'

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Date: MARCH 28, 2013
Appr: *MSM*

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)

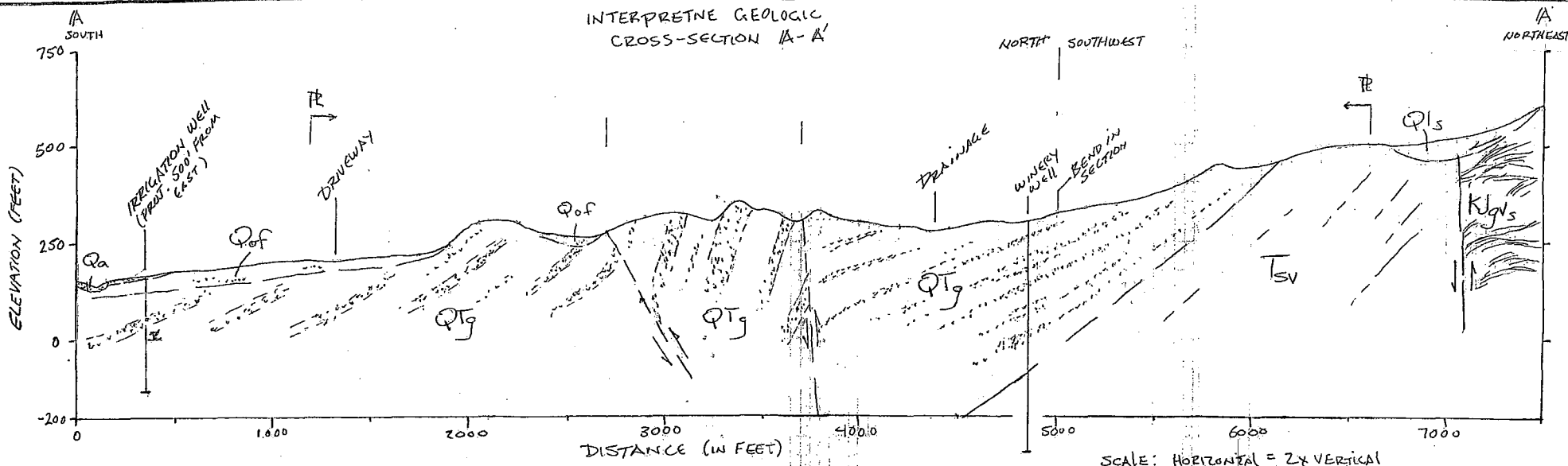
| Initial Discharge (gpm) | |
|--|---|
| Formation - Tsv No. of Wells = 3 Range = 40 to 100 Average = 60 | Formation - QTg No. of Wells = 19 Range = 10 to 440 Average = 47 Mod. Ave = 26 |
| Specific Capacity (gpm/ft) | |
| Formation - Tsv No. of Wells - 3 Range - 0.40 - 0.95 Average - 0.60 | Formation = 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

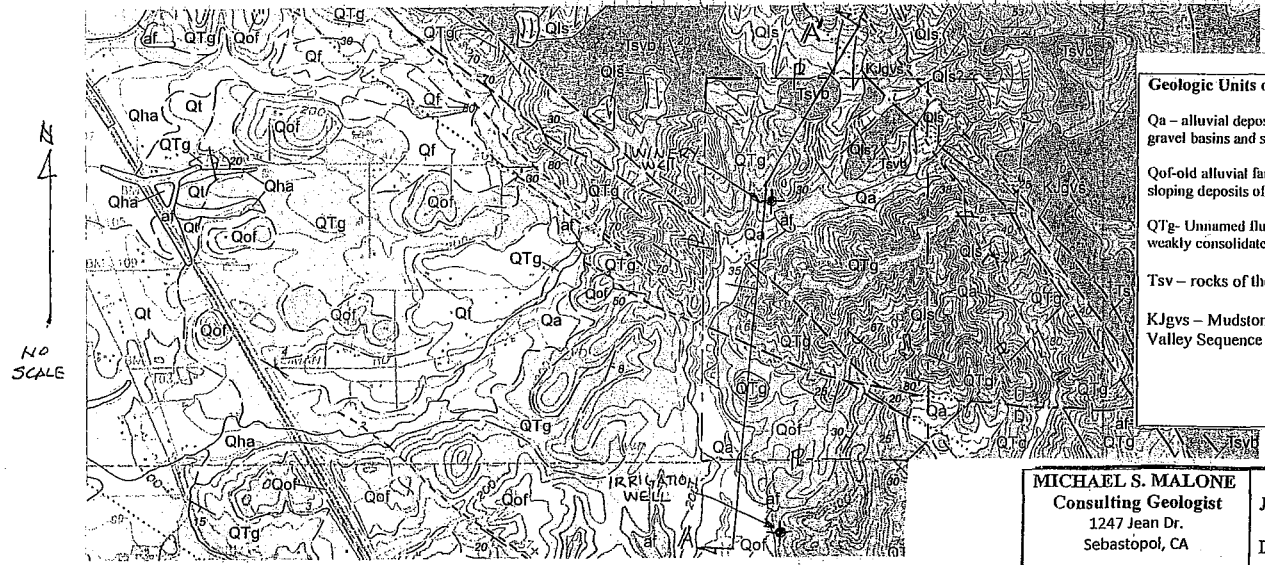
Table A3. Summary of Pumping Test Results

| <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 |

INTERPRETIVE GEOLOGIC
CROSS-SECTION A-A'



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 |

NOTE: GEOLOGY FROM DELATTE, 2011

| | | | |
|---|-----------------------------|---|------------|
| MICHAEL S. MALONE Consulting Geologist 1247 Jean Dr. Sebastopol, CA (707) 829-5511 | Job No: <u>SON13-199</u> | GEOLOGIC MAP & INTERPRETIVE GEOLOGIC CROSS-SECTION A-A' WINDSOR OAKS WINERY 10510 Hillview Rd WINDSOR, CALIFORNIA | PLATE 2 |
| | Date: <u>MARCH 28, 2013</u> | | |
| | Appr: <u>[Signature]</u> | | |



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-824-9707

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 | C1 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

Michelle Indur
Steve Martin & Assoc

Date

7/29/2013

cc:



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

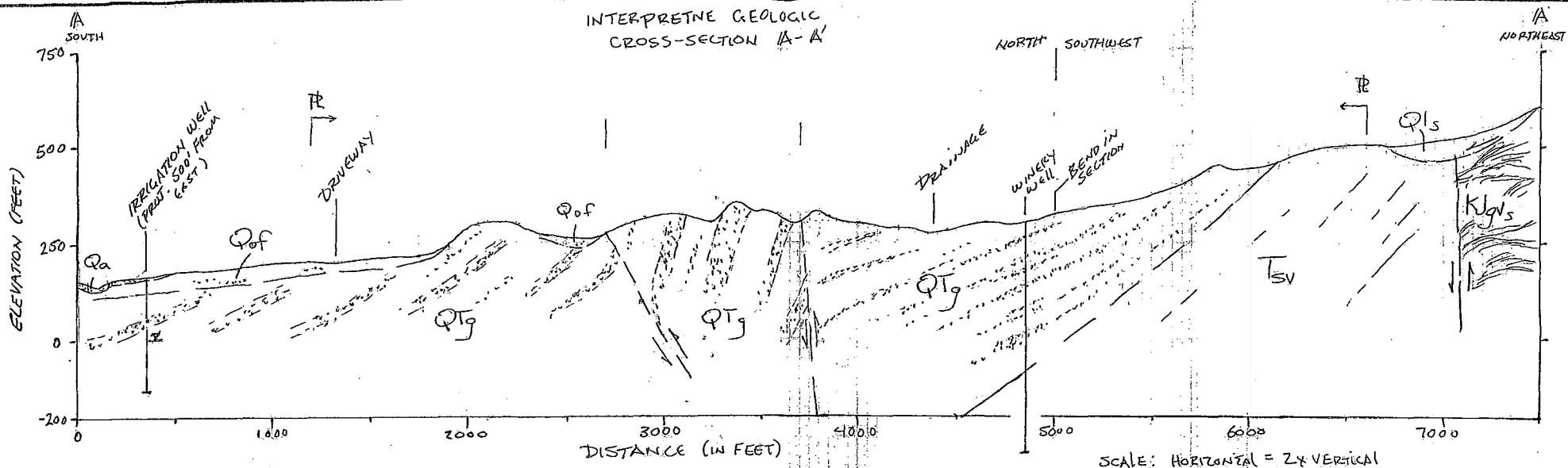
Arsenic $\mu\text{g/L}$ 4.2*
(Std. Mthds. 20th ed. 3113 B)
Nitrate mg/L 4.6**
(EPA Mthd. 300.0)

* Within the required limit of 10 $\mu\text{g/L}$.
** Within the required limit of 45 mg/L .

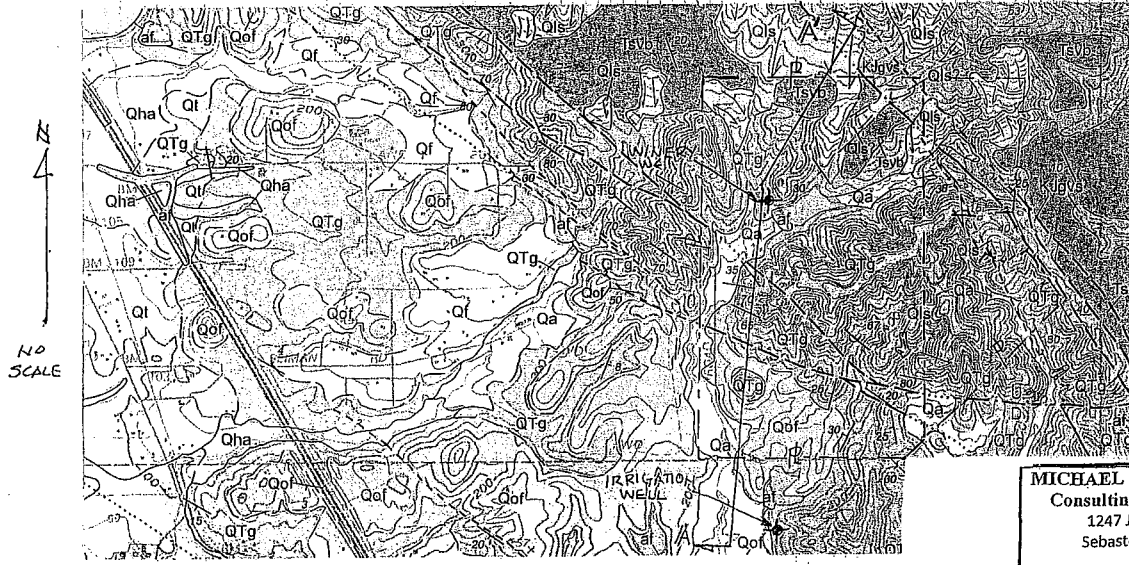
VERY TRULY YOURS,

BRELJE AND RACE LABORATORIES, INC.

ANN HILL, LABORATORY MANAGER
AH:dml



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) |
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| 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 18, 2013</u> Appr: <u>[Signature]</u> | GEOLOGIC MAP & INTERPRETIVE GEOLOGIC CROSS-SECTION A-A' WINDSOR OAKS WINERY 10510 Hillview RD WINDSOR, CALIFORNIA | PLATE <u>2</u> |
| | NOTE: GEOLOGY FROM Delatte, 2011 | | |

MIND ATTACHMENT PAGE 94



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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.

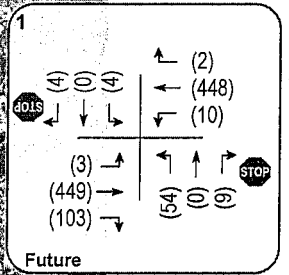
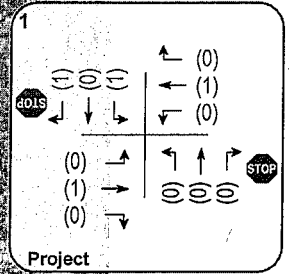
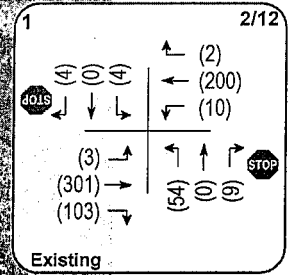
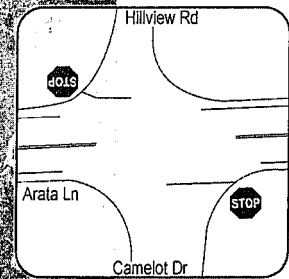
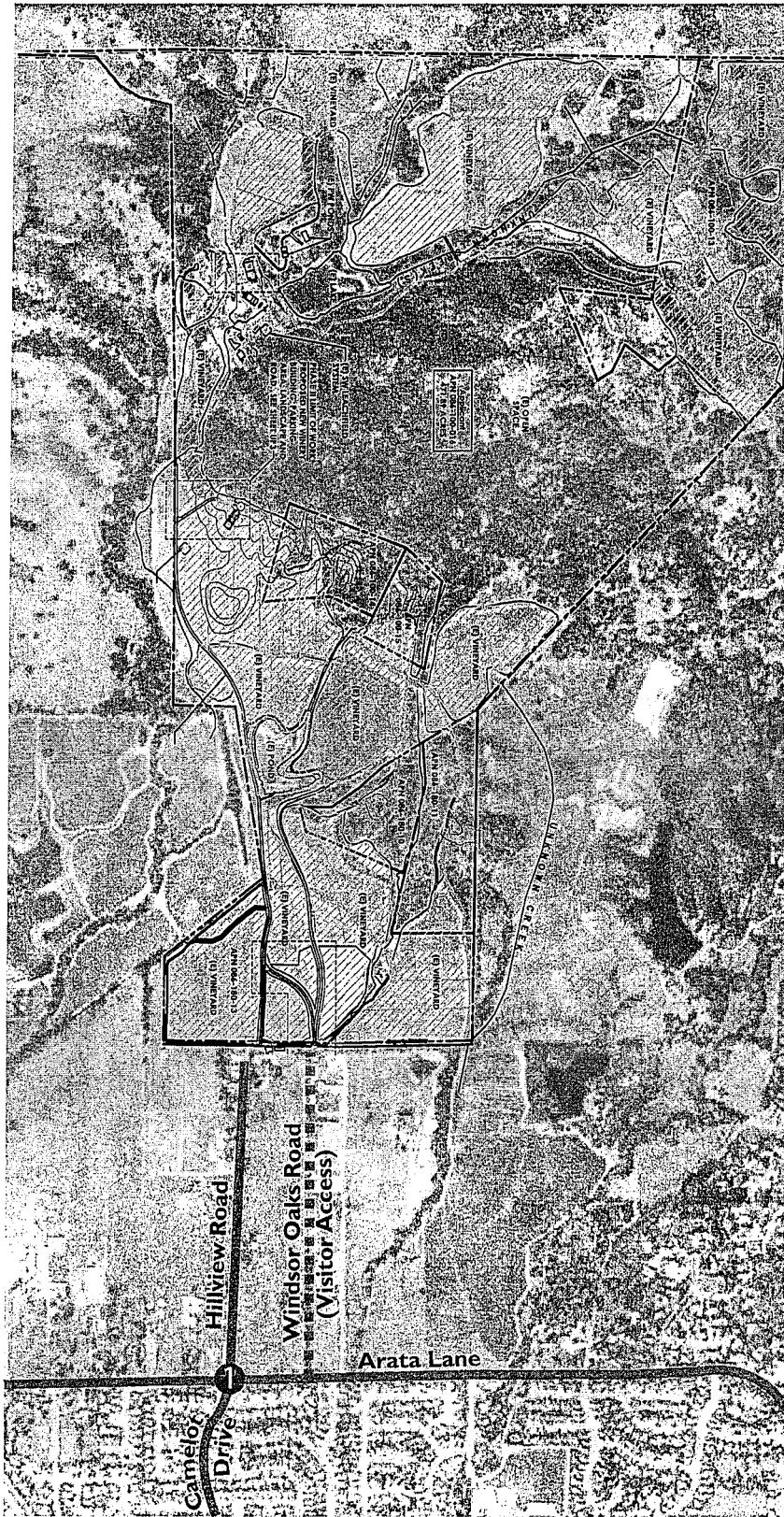
Prelude

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

436sox.ai 3/12

North
 Not to Scale

Windsor Oaks Winery Traffic Impact Study
 County of Sonoma

Figure I
 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

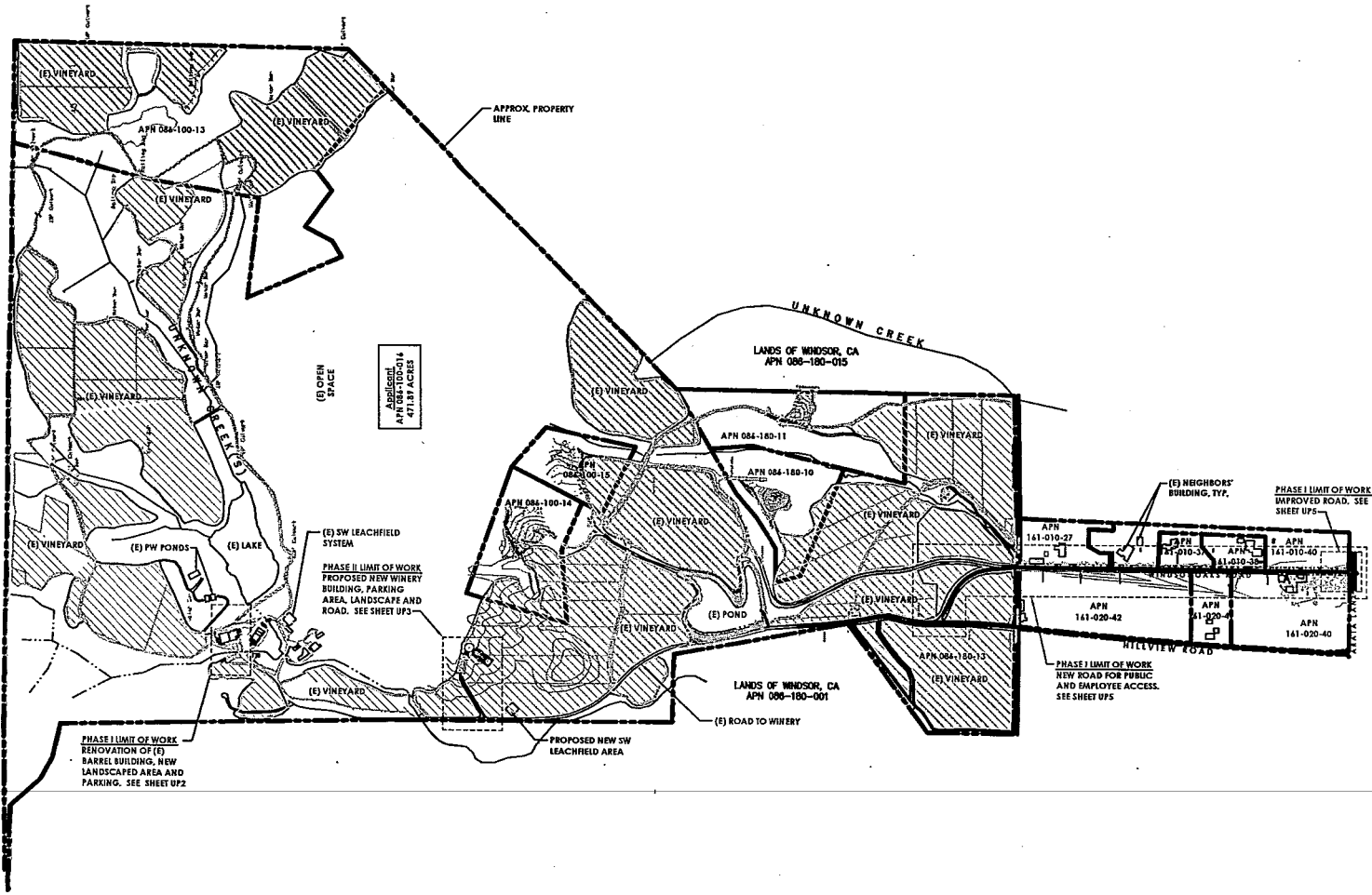
The proposed Windsor Oaks Winery expansion project would bring the production level from 43,000 annual cases to 100,000 cases with a tasting room and participation in up to 30 wine marketing special events annually in two phases. The project site is shown in Figure 2.

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.



▲ North
 ▲ Not to Scale

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.

Table with columns: Critical Gap Module, Critical Gp, FollowUpTim. Rows include values for critical gaps and follow-up times.

Table with columns: Capacity Module, Cnflct Vol, Potent Cap., Move Cap., Volume/Cap. Rows include capacity and volume-related metrics.

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 level of service and delay metrics.

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 % Of Trips | Total |
|--------------|-----------------|--------|----------------|---------|----------|----------|-----------|------------------|----------|
| 1 | Zone.1 | 1.00 | Winery Product | 0.00 | 3.00 | 0 | 3 | 3 42.9 | 3 |
| | Zone 1 Subtotal | | | | | 0 | 3 | 3 42.9 | 3 |
| 2 | Zone 2 | 1.00 | Winery Visitor | 2.00 | 2.00 | 2 | 2 | 4 57.1 | 4 |
| | Zone 2 Subtotal | | | | | 2 | 2 | 4 57.1 | 4 |
| TOTAL | | | | | | 2 | 5 | 7 100.0 | 7 |

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:
Cnflct 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 xxxxx 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 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 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 1 0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol: 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
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 xxxx xxxxx xxxxx 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.

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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

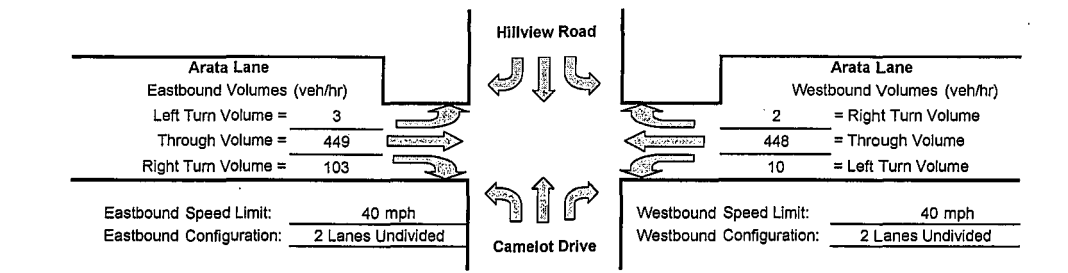
Turn Lane Warrant Worksheets

Turn Lane Warrant Analysis - 4 Legged Intersections

Study Intersection: Arata Lane/Hillview Road-Camelot Drive

Study Scenario: Future plus Project (PM Peak)

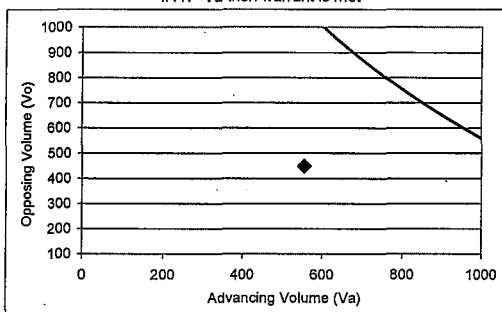
Direction of Analysis Street: East/West



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

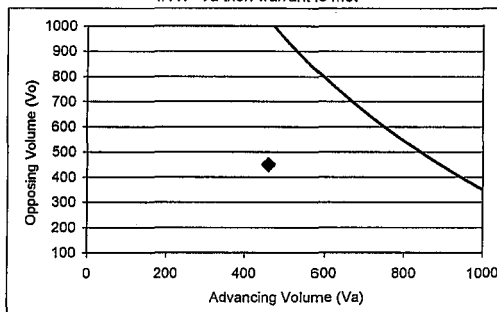
Left Turn Lane Warranted: **NO**

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.

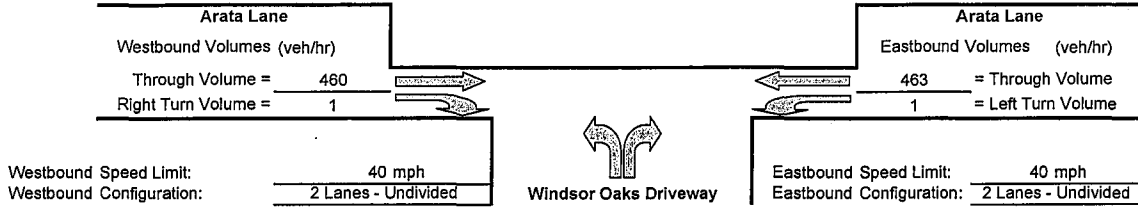
The right turn lane and taper analysis is based on work conducted by Cottrell in 1981. The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

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 | | |
| - | | |

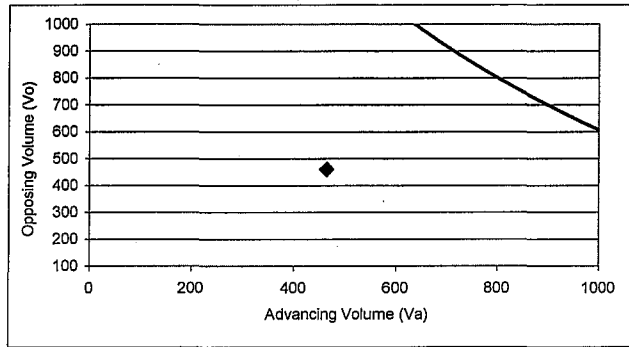
Right Turn Taper Warranted: **NO**

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

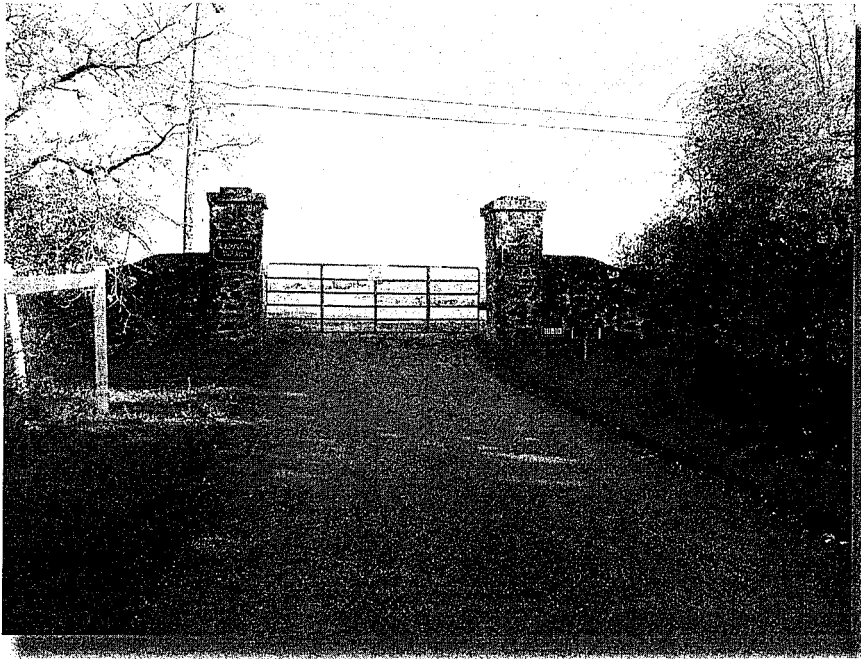


◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

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

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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.

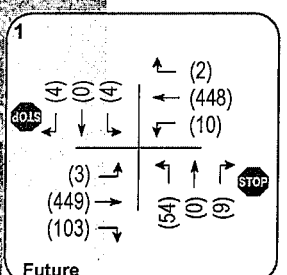
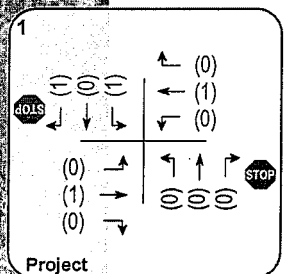
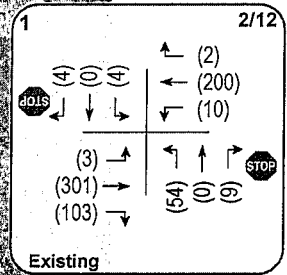
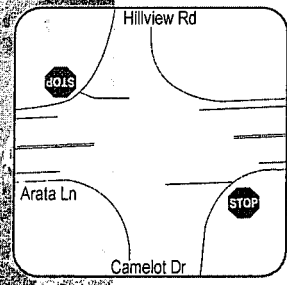
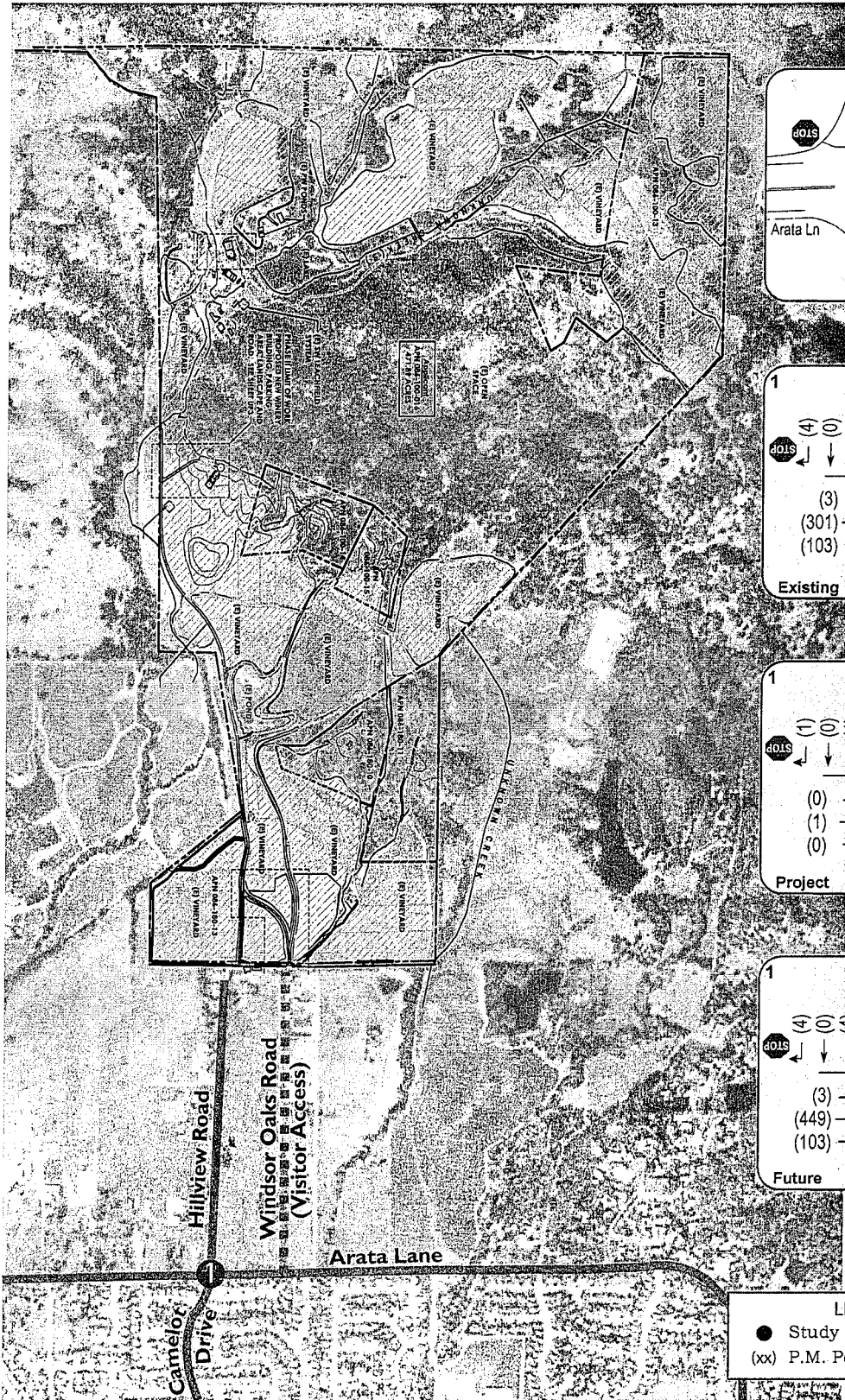
Prelude

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

436sox.ai 3/12

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

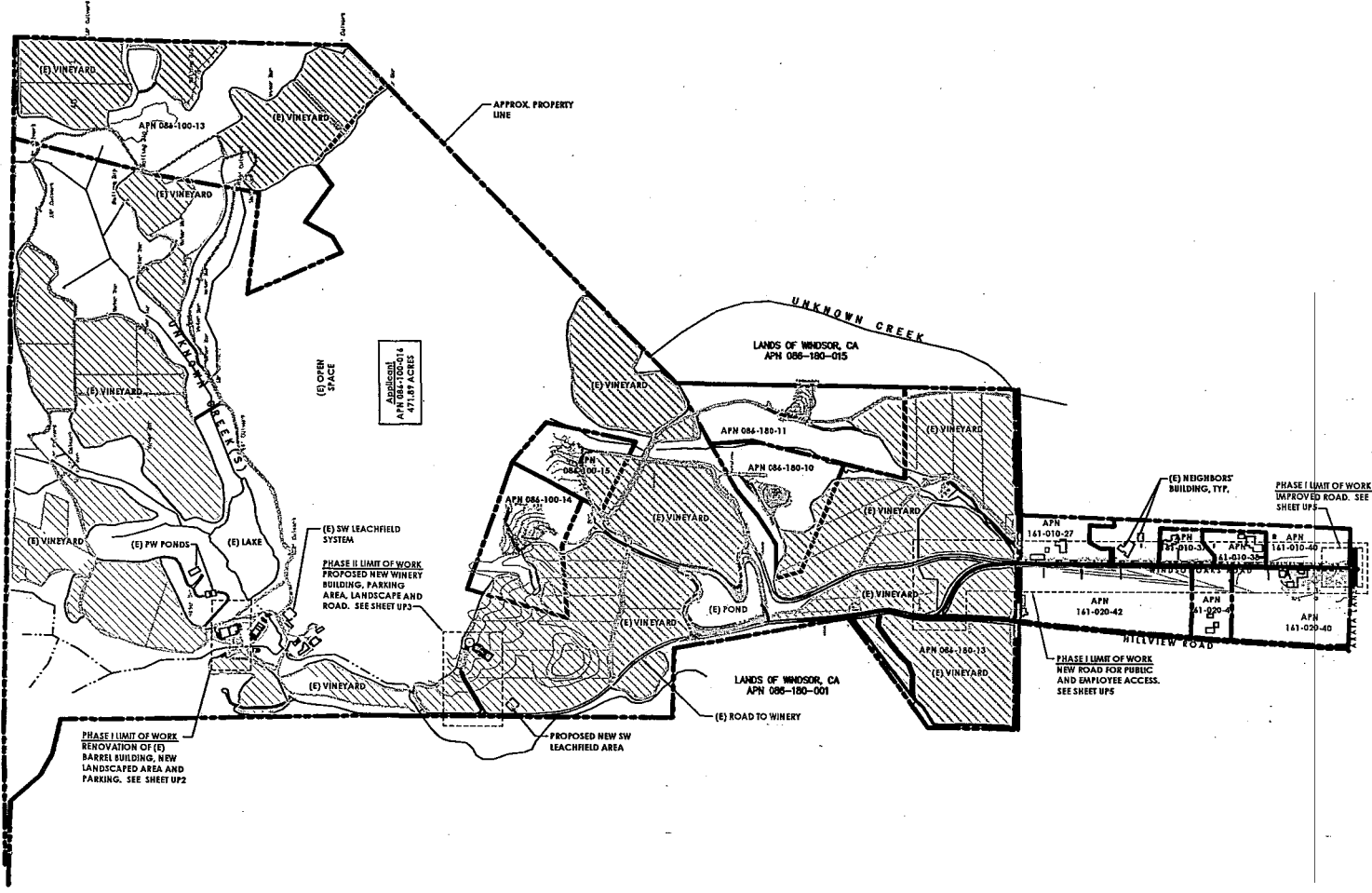
The proposed Windsor Oaks Winery expansion project would bring the production level from 43,000 annual cases to 100,000 cases with a tasting room and participation in up to 30 wine marketing special events annually in two phases. The project site is shown in Figure 2.

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.



▲ North
▲ Not to Scale

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

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]

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
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 4 0 4 3 333 114 11 221 2
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 60 0 10 4 0 4 3 333 114 11 221 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: 644 643 390 647 699 223 224 xxxx xxxxx 447 xxxx xxxxx
Potent Cap.: 389 395 663 387 366 822 1357 xxxx xxxxx 1124 xxxx xxxxx
Move Cap.: 383 390 663 378 362 822 1357 xxxx xxxxx 1124 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 xxxxx xxxx xxxxx 7.7 xxxx xxxxx 8.2 xxxx xxxxx
LOS by Move: * * * * * A * * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxxx 407 xxxx xxxx 517 xxxx xxxx xxxx xxxx xxxxx
SharedQueue:xxxxx 0.6 xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:xxxxx 15.7 xxxxx xxxxx 12.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shared LOS: * C * * B * * * *
ApproachDel: 15.7 12.1 xxxxxxx xxxxxxx
ApproachLOS: C B * *

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 | 1.00 Winery Product | | | 0.00 | 3.00 | 0 | 3 | 3 | 42.9 |
| | Zone 1 Subtotal | | | | | 0 | 3 | 3 | 42.9 |
| 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
PHF Adj: 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:
Cnflct 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: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 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

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:xxxx xxxx xxxxx xxxx 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 xxxx xxxx 329 xxxx xxxx xxxx xxxx xxxxx
SharedQueue:xxxxx 1.0 xxxxx xxxxx 0.1 xxxxx xxxxx xxxx xxxxx xxxx xxxx xxxxx
Shrd ConDel:xxxxx 24.2 xxxxx xxxxx 16.2 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

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 5 0 5 3 450 103 10 449 2
Reduct Vol: 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:xxxx xxxx xxxxx xxxx 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 xxxx xxxx 329 xxxx xxxx xxxx xxxx xxxxx
SharedQueue:xxxxx 1.0 xxxxx xxxxx 0.1 xxxxx xxxxx xxxx xxxx xxxxx
Shrd ConDel:xxxxx 24.4 xxxxx xxxxx 16.3 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.

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 | | | | | | | | | | | 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 |

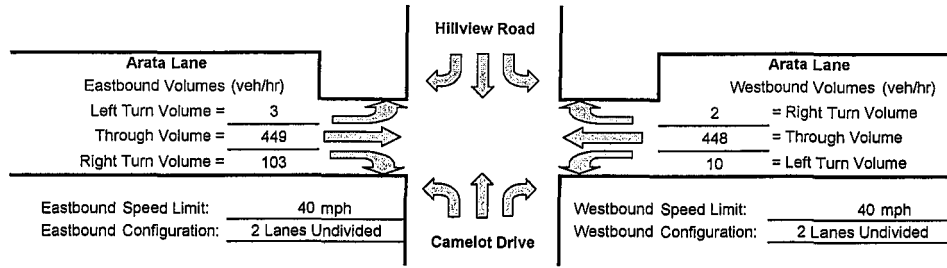
Appendix E

Turn Lane Warrant Worksheets

Turn Lane Warrant Analysis - 4 Legged Intersections

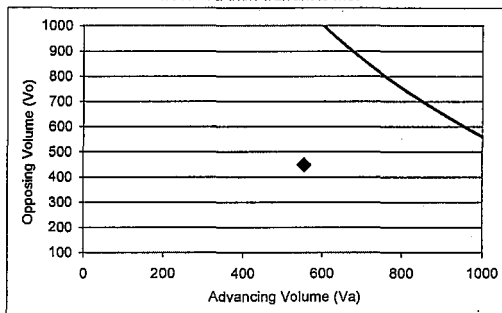
Study Intersection: Arata Lane/Hillview Road-Camelot Drive
 Study Scenario: Future plus Project (PM Peak)

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

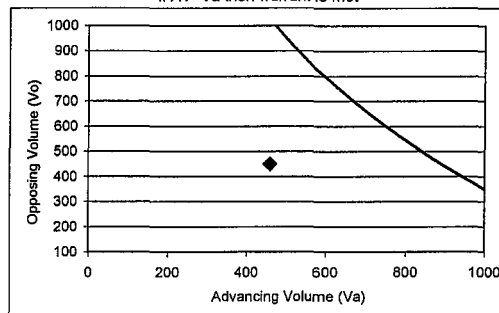
Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

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

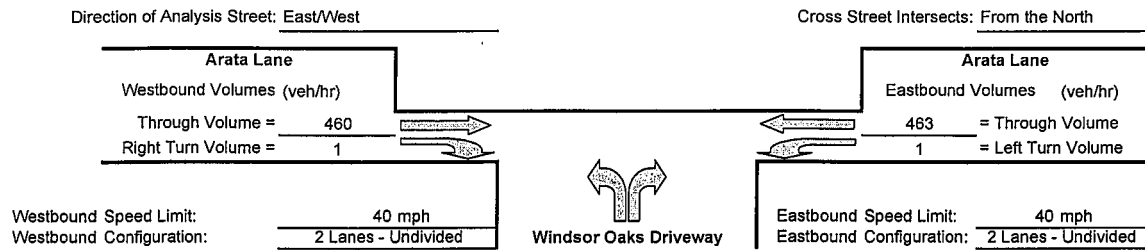
Advancing Volume Threshold AV = -
 Advancing Volume V_a = 460
 If $AV < V_a$ then warrant is met: -

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)



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 | | |

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 | | |

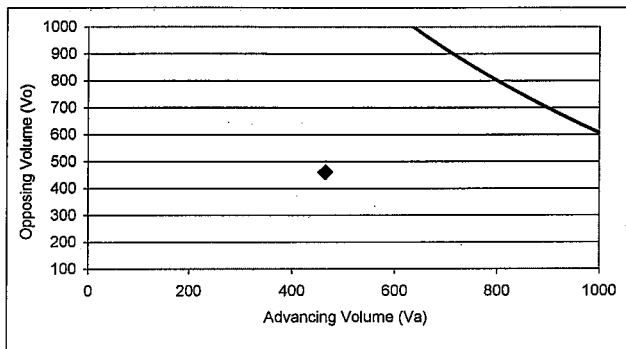
Right Turn Taper Warranted: NO

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

To: Alex Rosas From: Steve Martin
Project: Windsor Oaks Winery Date: January 8, 2013
Project No.: 2011009 No. of Pages: 1
Re: PLP12-0009
Preliminary SUSMP

Alex,

The purpose of this memo is to address the need for a Preliminary SUSMP, per the requirements of Sonoma County's MS4 permit issued by the North Coast Regional Water Quality Control Board, for the Windsor Oaks Winery Use Permit Modification (PLP12-0009). Based on the developed and redeveloped total impervious area being under 1.0 acres as well as the new parking are being under 10,000 SF and less than 25 spaces, it is our understanding and determination that a preliminary SUSMP is not required to be prepared for the referenced Use Permit application.

Please note the following project information:

- The existing access road on WO property (extension of Hillview Road) will continued to be used for access to both Phase I and Phase II uses. In addition, 2,600 LF of the existing gravel 12' wide road from Arata Lane to WO Vineyard (under same ownership) will be widened to 16' width and utilized for public access to the winery. The road is planned to be surfaced with Class II permeable base in the widened section and heavy chips over the full width (no seal coat). The road will therefore be a permeable surface.
- Approximately 800 LF of new road will be constructed connecting Windsor Oaks Road to the existing WO access road. This road will also be constructed with Class II permeable base and heavy chip surfacing (no seal coat).
- The existing WO access road may require some maintenance, which will involve application of Class II permeable base and heavy chip surfacing (no seal coat).

Summary of impervious surface areas for both phases of the project are as follows:

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
10²~~3~~10 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 "Steve Martin", is written over a solid 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)

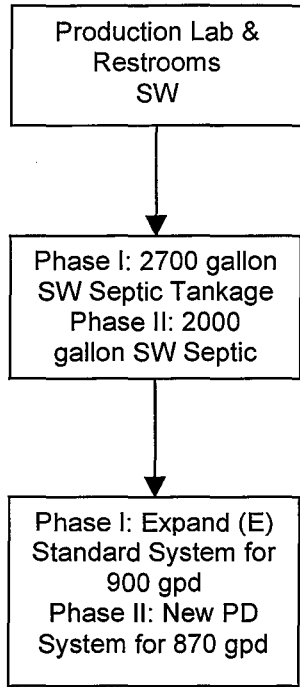
606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

ATTACHMENT I

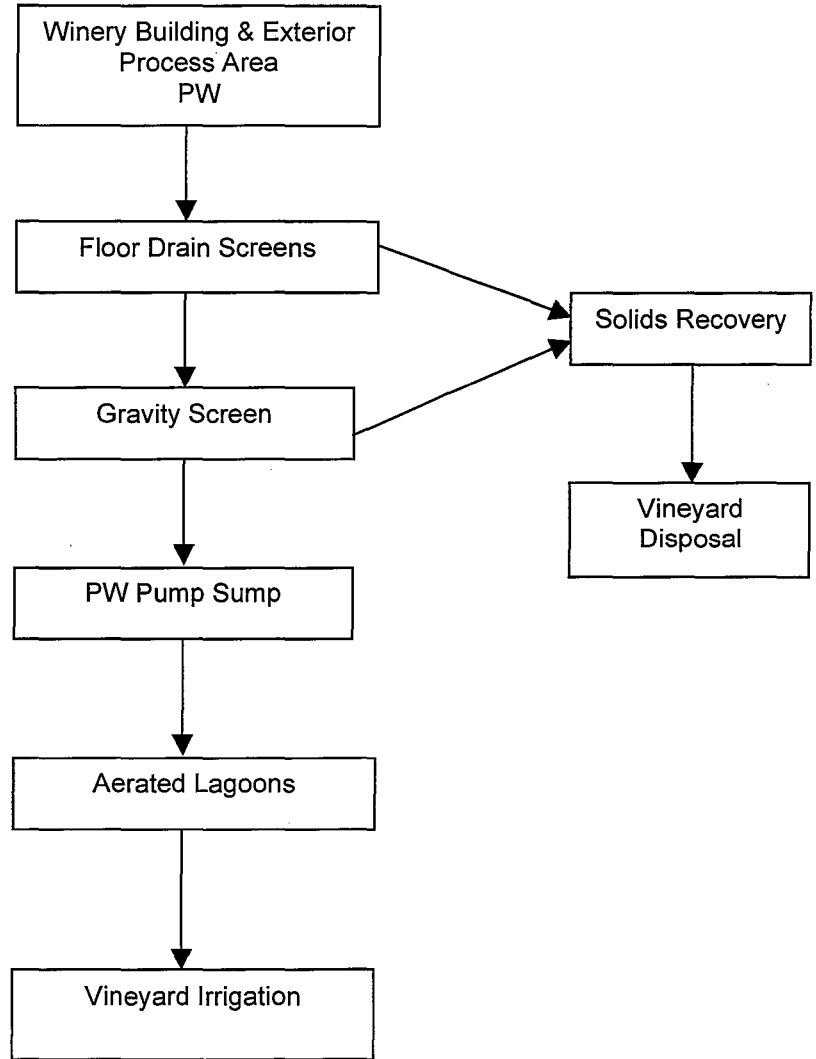
**SANITARY & PROCESS WASTEWATER
MANAGEMENT SYSTEM
FLOW DIAGRAM**

**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 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 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:

Size for peak day (harvest weekend day w/ event):

$$\begin{aligned} V &= 1,125 \text{ gal} + (.75) \times Q \\ &= 1,125 \text{ gal} + (.75) \times (870 \text{ gpd}) \\ &= \mathbf{1,777.5 \text{ gallons}} \end{aligned}$$

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
60 days = 6,000 gpd PW

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 |
| Geysers 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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805-541-9730

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> |
|---------------------------------------|--|--|

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> |
|---------------------------------------|--|--|

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 <u>2011009</u> DATE: <u>2/23/12</u> BY: <u>SMM</u> CHK: _____ SHEET <u>OF</u> |
|--|---|---|

| MONTH | ET _o | K _c | ET | PPT | IRRIGATION DEMAND | | PERCOLATION APPLIED | | ASSIMILATIVE CAPACITY | | EFFLUENT APPLIED | | EXCESS CAP. |
|--------------|-----------------|----------------------|--------------|--------------|-------------------|-------------|---------------------|-------------|-----------------------|-------------|------------------|-------------|-------------|
| | IN | VINEYARD Constant | IN | IN | IN | MG | IN | MG | IN | MG | MG | IN | MG |
| January | 0.8 | 0.00 | 0.00 | 10.59 | 0.00 | 0.000 | 0.20 | 0.109 | 0.20 | 0.109 | 0.080 | 0.147 | 0.029 |
| February | 1.2 | 0.00 | 0.00 | 8.56 | 0.00 | 0.000 | 0.25 | 0.136 | 0.25 | 0.136 | 0.110 | 0.203 | 0.026 |
| March | 2.4 | 0.00 | 0.00 | 7.05 | 0.00 | 0.000 | 0.20 | 0.109 | 0.20 | 0.109 | 0.090 | 0.166 | 0.019 |
| April | 3.4 | 0.16 | 0.54 | 3.32 | 0.00 | 0.000 | 0.20 | 0.109 | 0.20 | 0.109 | 0.090 | 0.166 | 0.019 |
| May | 5.0 | 0.58 | 2.90 | 1.58 | 1.32 | 0.715 | 0.00 | 0.000 | 1.32 | 0.715 | 0.100 | 0.184 | 0.615 |
| June | 5.9 | 0.71 | 4.19 | 0.46 | 3.73 | 2.028 | 0.00 | 0.000 | 3.73 | 2.028 | 0.120 | 0.221 | 1.908 |
| July | 7.1 | 0.64 | 4.54 | 0.07 | 4.48 | 2.434 | 0.00 | 0.000 | 4.48 | 2.434 | 0.123 | 0.227 | 2.310 |
| August | 6.2 | 0.45 | 2.79 | 0.11 | 2.68 | 1.456 | 0.00 | 0.000 | 2.68 | 1.456 | 0.000 | 0.000 | 1.456 |
| September | 4.6 | 0.26 | 1.20 | 0.71 | 0.49 | 0.264 | 0.00 | 0.000 | 0.49 | 0.264 | 0.080 | 0.147 | 0.184 |
| October | 2.7 | 0.07 | 0.19 | 2.92 | 0.00 | 0.000 | 0.35 | 0.190 | 0.35 | 0.190 | 0.170 | 0.313 | 0.020 |
| November | 1.2 | 0.00 | 0.00 | 6.19 | 0.00 | 0.000 | 0.35 | 0.190 | 0.35 | 0.190 | 0.175 | 0.322 | 0.015 |
| December | 0.7 | 0.00 | 0.00 | 9.19 | 0.00 | 0.000 | 0.25 | 0.136 | 0.25 | 0.136 | 0.135 | 0.249 | 0.001 |
| TOTAL | 41.2 | | 16.35 | 50.75 | 12.69 | 6.90 | 1.80 | 0.98 | 14.49 | 7.87 | 1.27 | 2.35 | 6.60 |

IRRIGATION AREA =

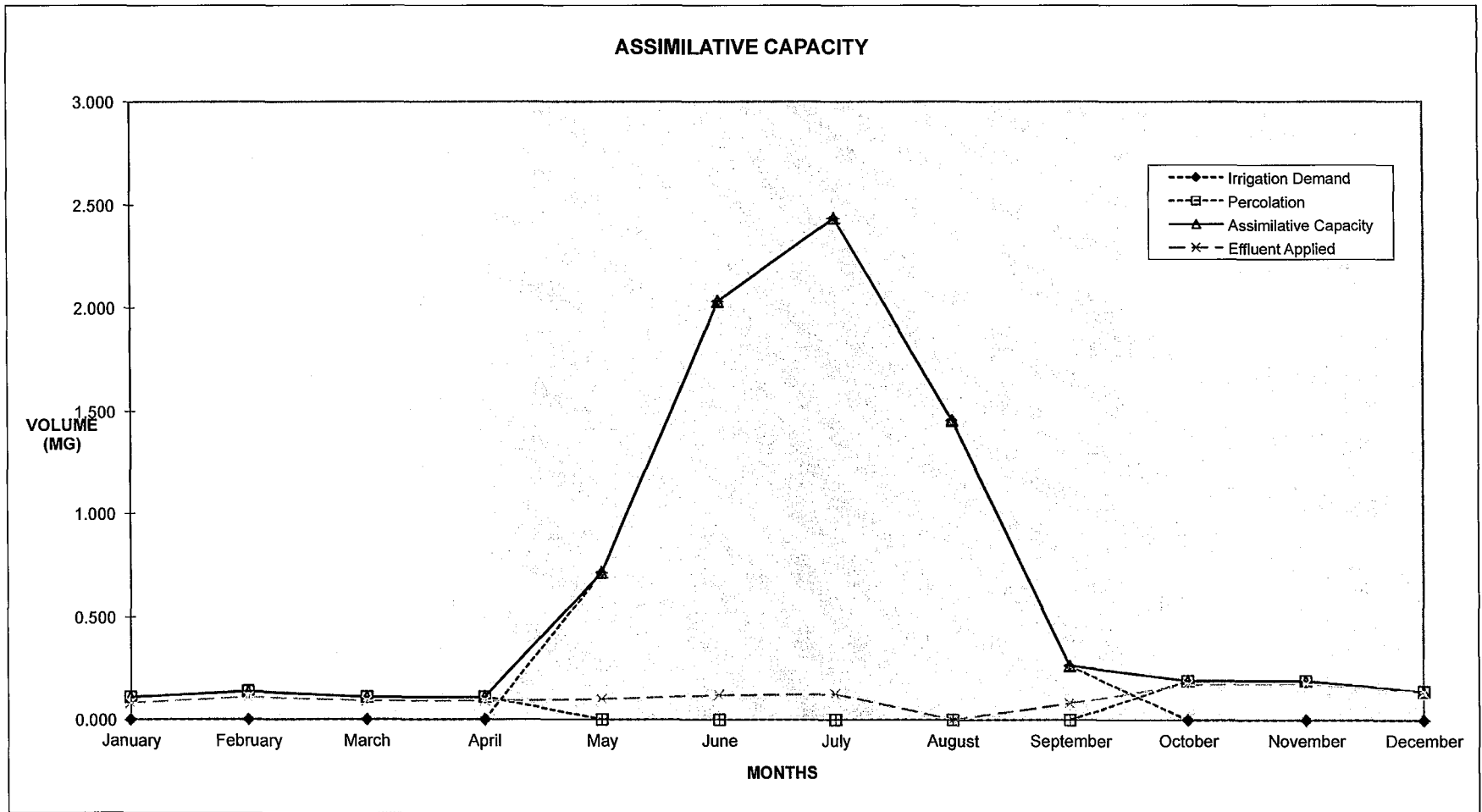
NOTES:

- 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 K_c coefficients for vineyard from Table 5-12, reference cited above.
- 3 ET=ET_o x K_c
- 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.

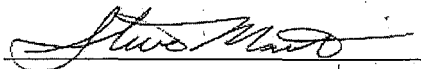
The water supply to the facility is from an existing on site well with a rated yield of 100 GPM minimum (this well is also artesian at 8 GPM during the summer months). For the new winery improvements, required fire water storage will be provided in new above ground tanks and filled from the existing 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.

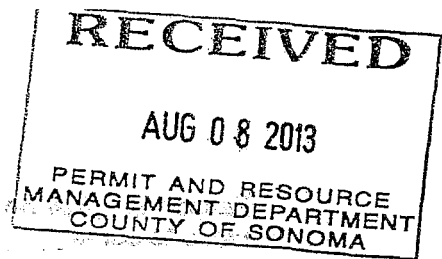
$$\text{Truck Trips} = \frac{.50 (100,000 \text{ cases/yr})}{24 \text{ cases/barrel (40 barrels/truck trips)}} = 52 \text{ trips/year}$$

$$\text{Truck Trips} = 52 \text{ trips/6 months} < \underline{9/\text{month}}$$

- 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.



**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."

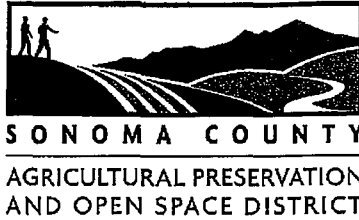
Please note that Easement Agreement, Section 11(c) (iii), provides for liquidated damages due the District "for a change in use prohibited by this Agreement, whether or not it involves an improvement, an amount equal to any economic gain realized by GRANTOR."

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."

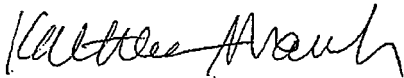
In order to clarify the purpose of the tours, your representative Steve Martin met with District staff on March 19, 2013, and provided additional details. Mr. Martin indicated that there are three kinds of tours proposed, all of which relate to the permitted agricultural operations on the Property: 1) 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.

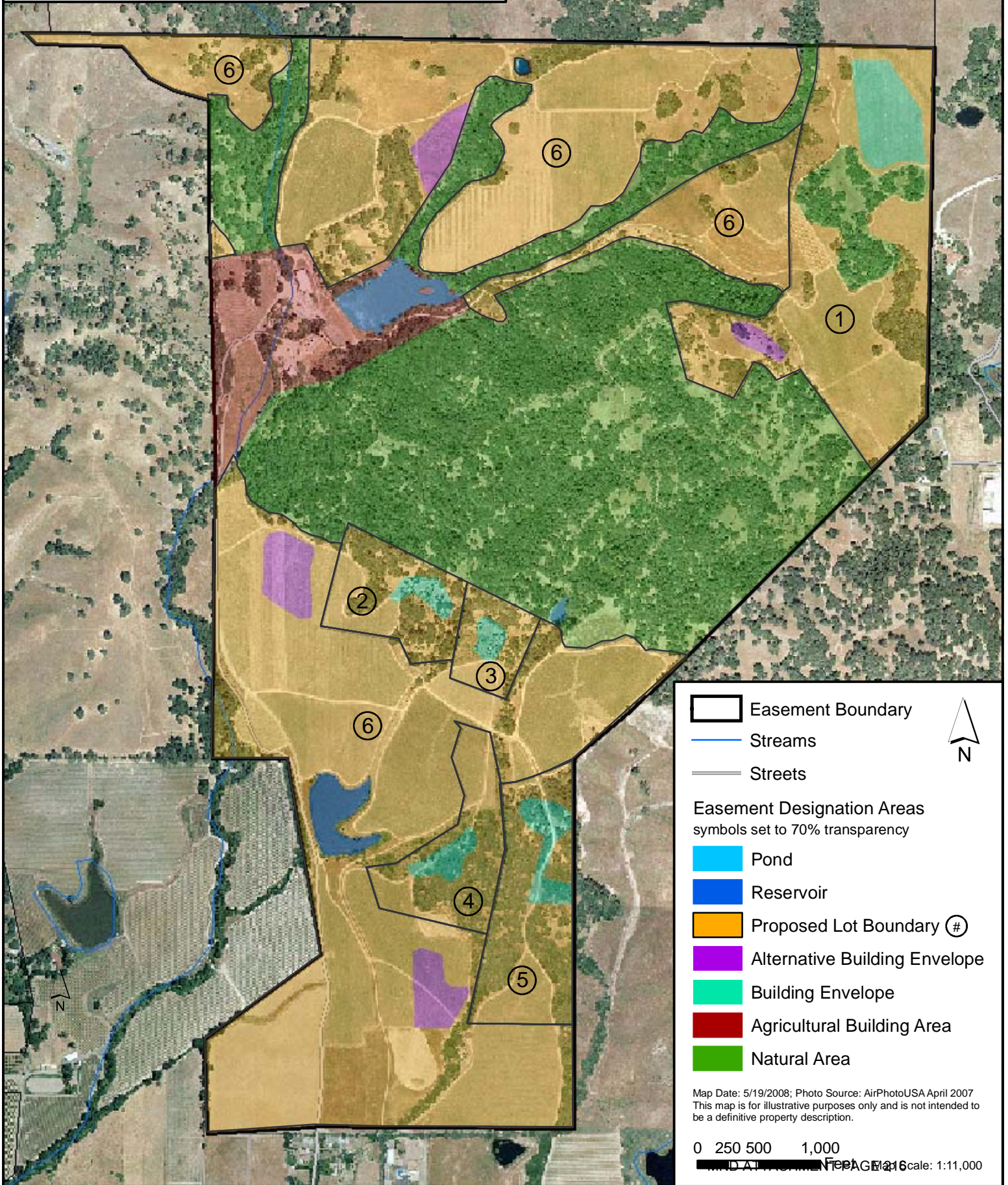
Kathleen Marsh
Stewardship Coordinator

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
 Easement Boundary

Streams
 Streams

Streets
 Streets

Easement Designation Areas
 symbols set to 70% transparency

Pond
 Pond

Reservoir
 Reservoir

Proposed Lot Boundary (#)
 Proposed Lot Boundary (#)

Alternative Building Envelope
 Alternative Building Envelope

Building Envelope
 Building Envelope

Agricultural Building Area
 Agricultural Building Area

Natural Area
 Natural Area

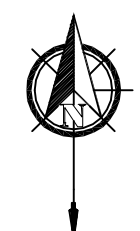
Map Date: 5/19/2008; Photo Source: AirPhotoUSA April 2007
 This map is for illustrative purposes only and is not intended to be a definitive property description.

0 250 500 1,000
 Feet
 Scale: 1:11,000

Windsor Oaks Road Narrative

Windsor Oaks Road is located in the 30' wide parcel of land that connects Arata Lane to Windsor Oaks Vineyard, and is under same ownership. Details of the road use and improvements are as follows:

1. Existing gravel road is approximately 12' wide with 4' compacted base shoulders 24" of compacted sub-base with geotextile stabilization fabric below. The road was reconstructed in 2002 and was built from the existing grade upward. Geotextile fabric was used at the base of the road section in lieu of over-excavation and re-compaction of the soil in order to not disrupt roots of adjacent oak trees.
2. Underground gas line and electrical conduits for convenience power and lighting was installed on the west side of the road (opposite side of the existing oak trees) in 2002, at the time of the prior road improvements.
3. Proposed new road section is designed for two way traffic:
 - a. 18' wide road surface (chip seal sections and rubberized asphalt section)
 - b. 1' aggregate base shoulders
4. Improvements to the existing road section will include:
 - a. Scarify existing road surface and shoulders to remove minor vegetation.
 - b. Placement and compaction of 2"+ of Class II Aggregate Base across 20' wide section for leveling and chip seal preparation.
 - c. Double chip-seal surfacing over Class II AB and existing compacted sub-base for a road width of 18' (approximately STA 0+00 to STA 13+50, STA 20+50 to STA 26+60).
 - d. Rubberized asphalt surfacing over Class II AB and existing compacted sub-base for a road width of 18' along the road meander (approximately STA 13+50 to STA 20+50).
 - e. Roadway alignment will follow existing road centerline except at road meander.
 - f. Concrete valley gutters (3) to be placed at stations 7+50, 11+50 and 23+50.
5. Road improvements will utilize existing sub-base (except at meander) resulting in no over-excavation of the existing soil and impact to tree roots.
6. Rubberized asphalt is being used along the meander to further reduce vehicle tire noise.
7. Concrete valley gutters and road curves are design for speed control of vehicles.
8. Posted speed signs stating 20 MPH will be placed at entry and mid-distance of road length.
9. There will be no change in drainage. Runoff will continue to sheetflow across road surface to existing roadside swale.
10. New landscaping will be installed along both sides of the road for both beautification and screening. Landscape improvements include:
 - a. New open fence with evergreen climbing vines along both sides of driveway
 - b. Shrubs at base of fence
 - c. Groundcover between road shoulder and fence
 - d. Olive grove between property line and road at road meander
11. Plantings (flowers, vines, groundcover e.g.) selected will be non-toxic with minimal water use requirements and the plantings, and any associated irrigation, are designed to have no adverse impact to the existing oak trees.
12. Winery employees and public visitors will utilize Windsor Oaks Road for ingress and egress to the winery facility.



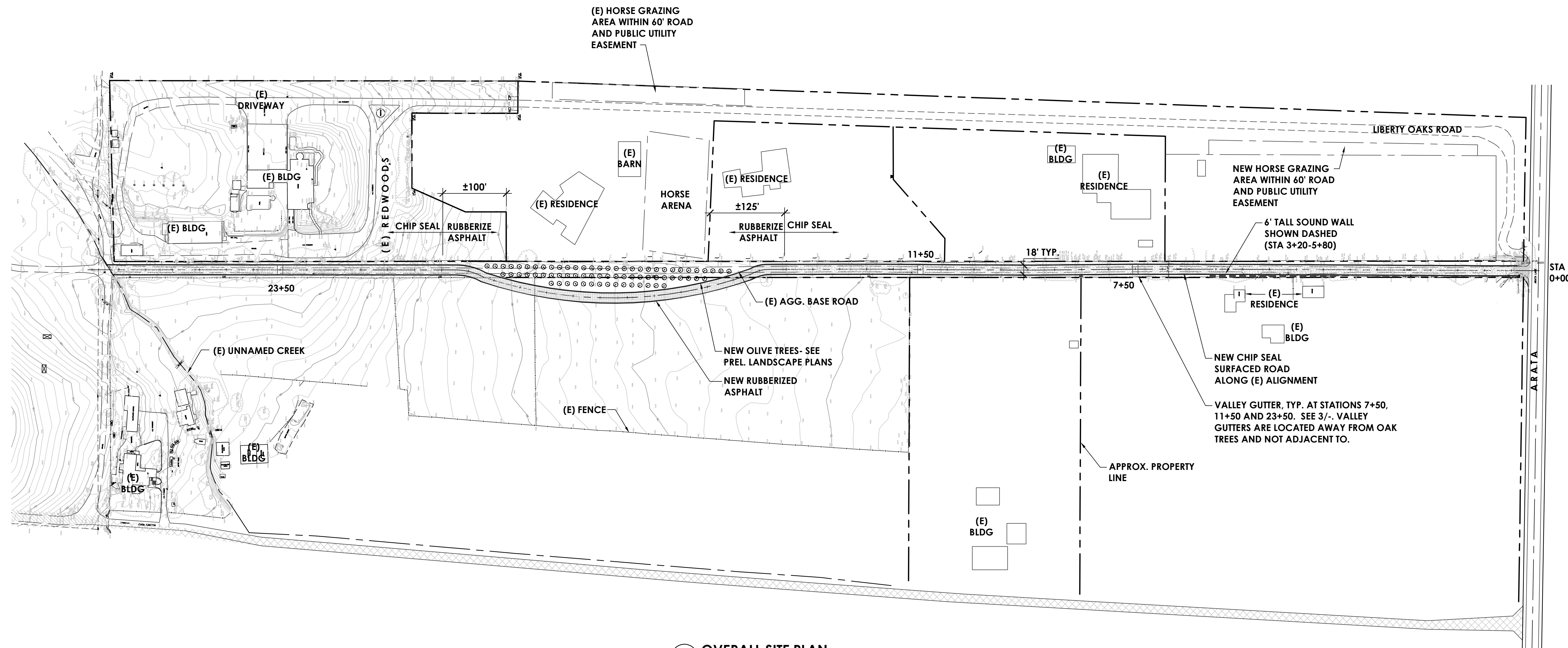
SMA

Steve Martin Associates, Inc.

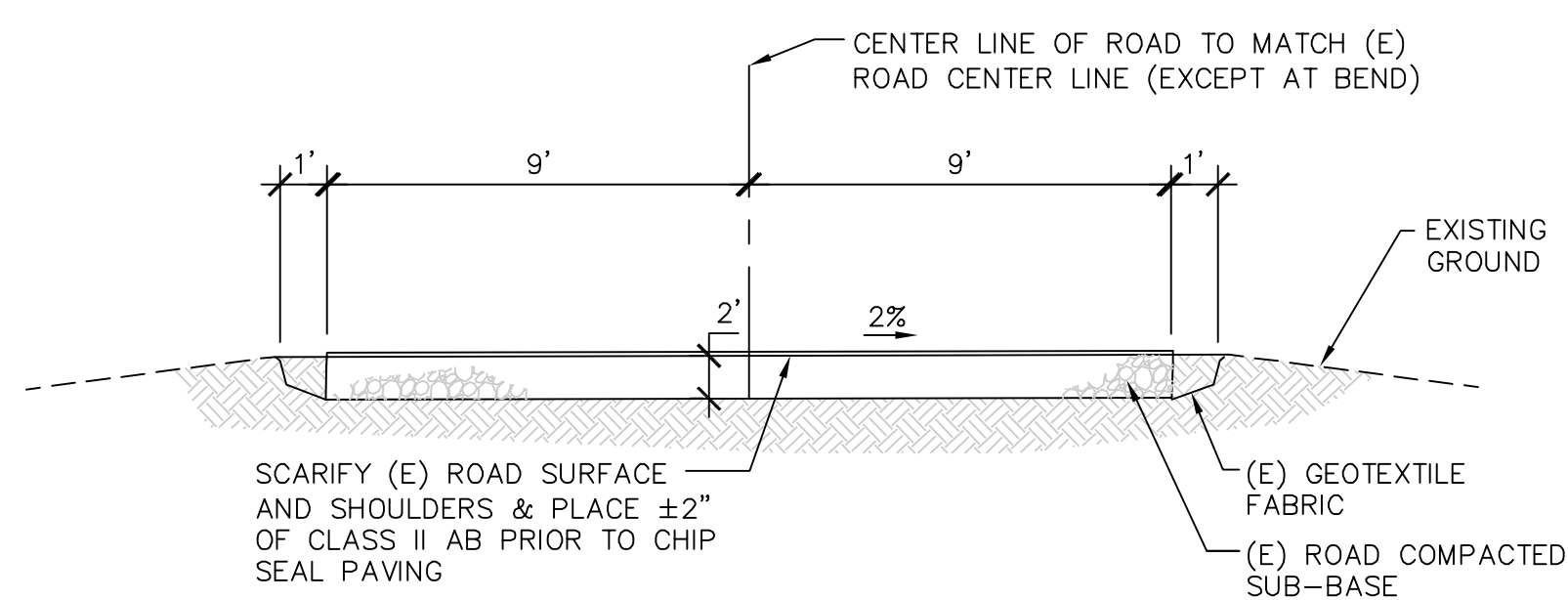
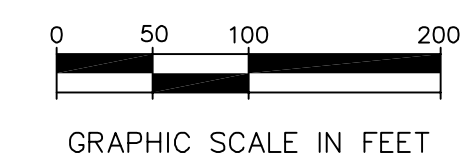
NORTHERN CALIFORNIA:
130 S. Main Street, Ste 201
Sebastopol, CA 95472
(707) 824-9730
Fax (707) 824-9707

CENTRAL COAST:
606 Alamo Pintada Rd.
Suite 3-221
Solvang, CA 93463
(805) 541-9730

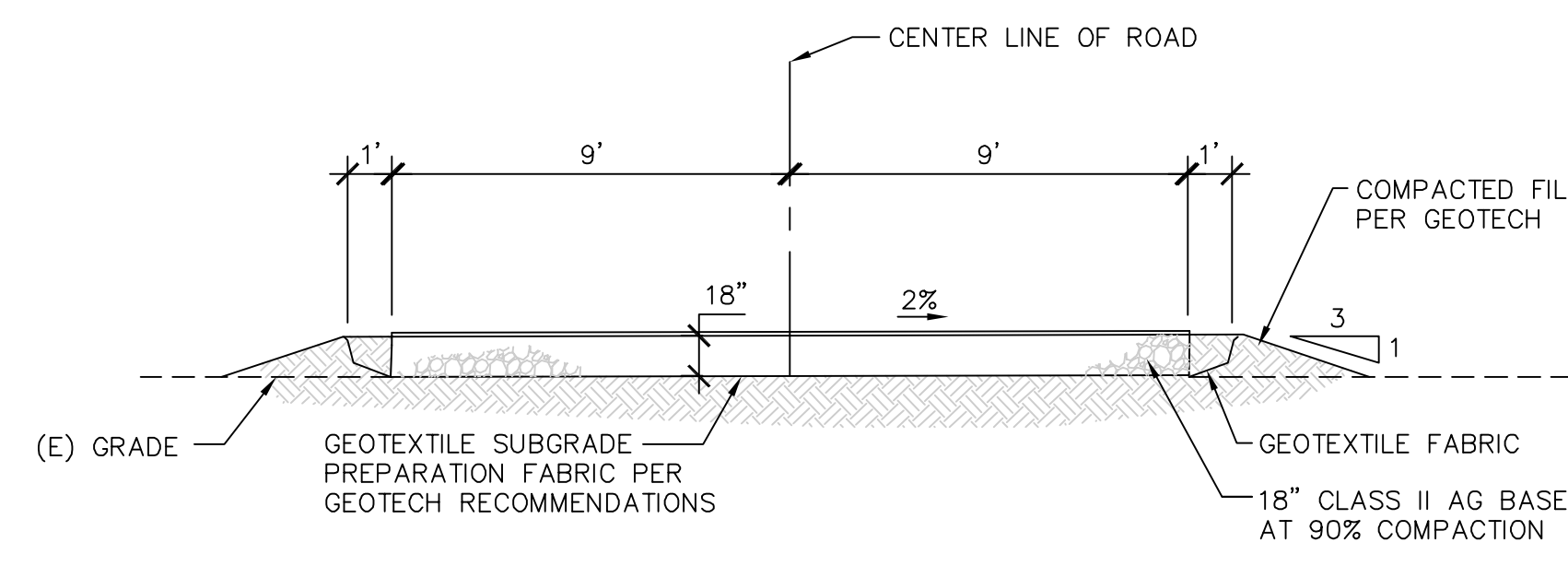
www.SMAAssociates.net



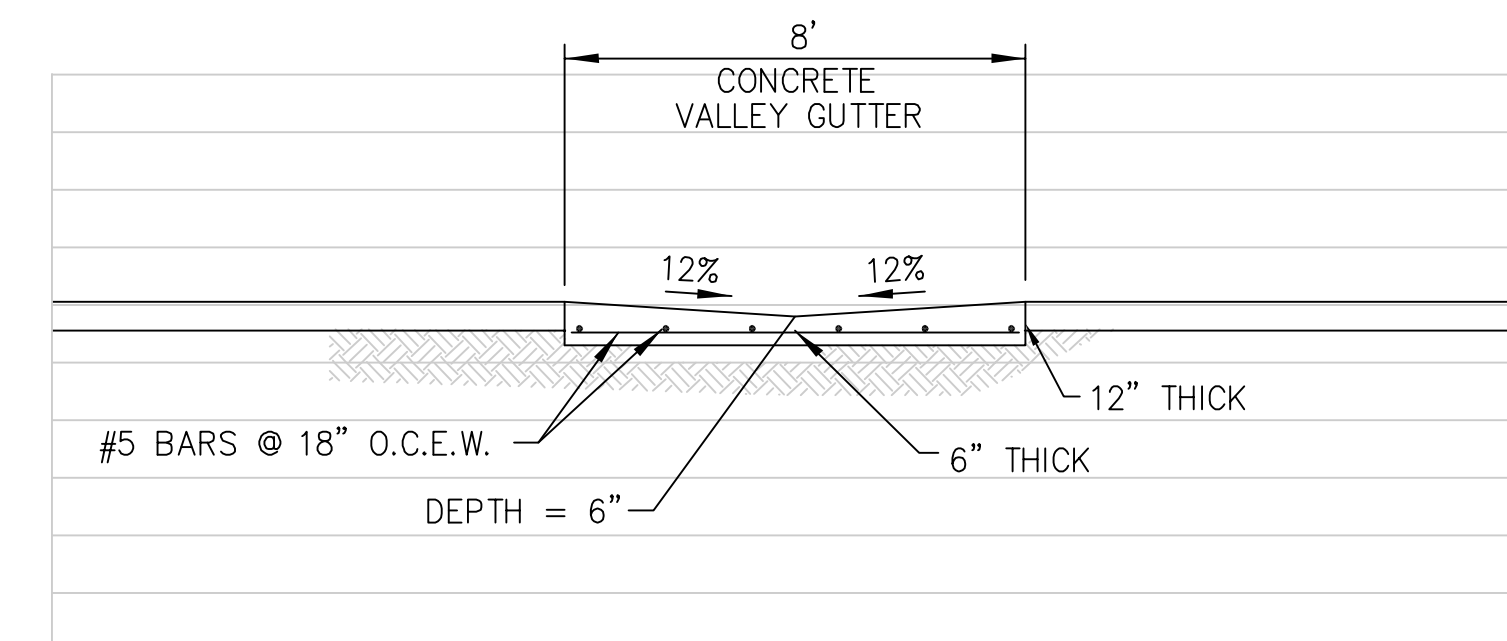
A OVERALL SITE PLAN SCALE: 1"=100'-0"



TYPICAL CHIP SEAL ROAD SECTION 1 SCALE: 1/4" = 1'-0"



TYPICAL RUBBERIZED ASPHALT ROAD SECTION 2 SCALE: 1/4" = 1'-0"



TYPICAL VALLEY GUTTER SECTION 3 SCALE: NTS

USE PERMIT

WINDSOR OAKS ROAD PLAN

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

REVISIONS

| DATE | DESCRIPTION |
|----------|-----------------|
| 10.15.13 | Ent. Imp. |
| 4.24.14 | Final Road |
| 5.7.14 | Revised per BOS |
| 5.13.14 | Add Horse Areas |

JOB NO. SMA 2011-009

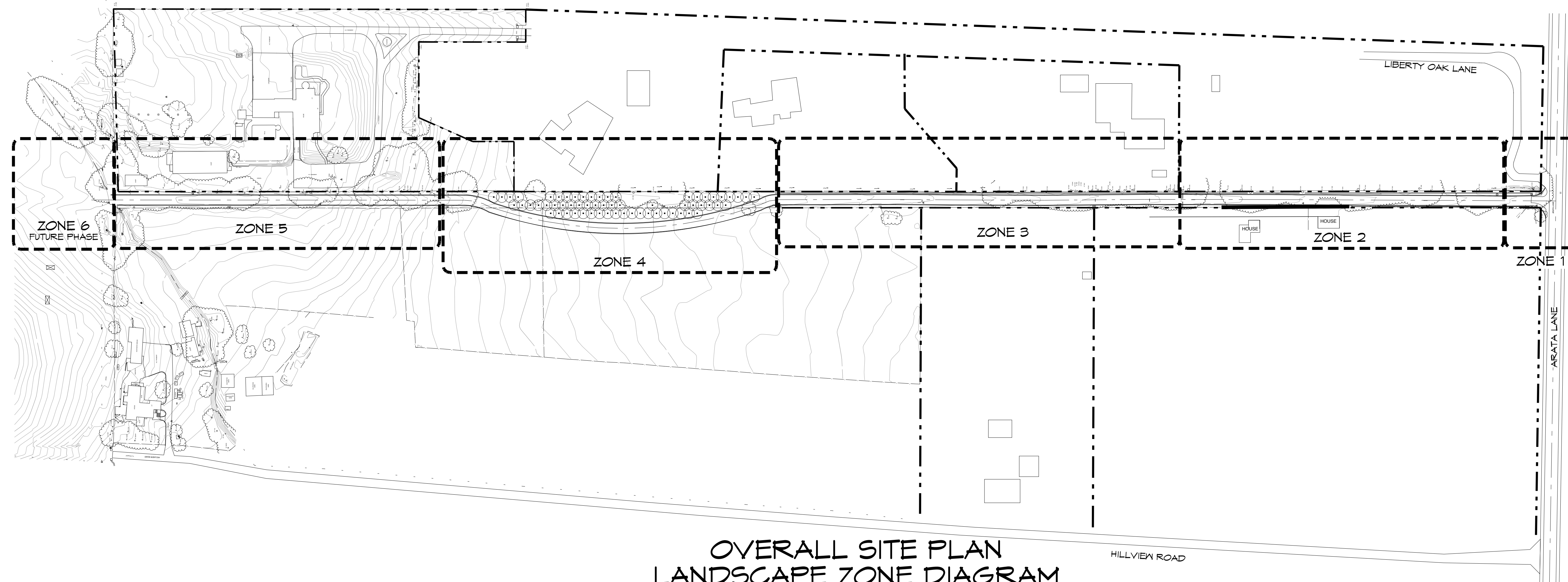
DATE OCTOBER 3, 2012

DRAWN CM CHKD SM

FILE NO. 1109-UP11

SHEET

UP6



OVERALL SITE PLAN LANDSCAPE ZONE DIAGRAM



DESIGN INTENT

THE GOAL OF THIS DESIGN IS TO CREATE A RICH AND PROGRESSIVE VISUAL EXPERIENCE. THE EXISTING RURAL CHARACTER WILL BE MAINTAINED AND EXISTING TREES AND LIVESTOCK WILL BE PROTECTED UTILIZING A SERIES OF LOW, OPEN FENCES, SOUND WALL AND COMPATIBLE PLANT MATERIAL. THE NATIVE TREE POPULATION WILL BE SUPPLEMENTED WITH ADDITIONAL TREE PLANTING INCLUDING AN OLIVE ORCHARD AND TREE ROWS BORDERING THE DRIVEWAY TO FURTHER ENHANCE THE RURAL QUALITY. LANDSCAPE INTENSITY WILL INCREASE PROGRESSIVELY ALONG THE DRIVEWAY STARTING AT THE SOUTH END AT ARATA LANE WHERE MINIMAL LANDSCAPE IS PROPOSED AND CONTINUING TO THE NORTH END OF THE DRIVEWAY WHERE THE LANDSCAPE TREATMENT WILL TRANSITION TO REFLECT THE LANDSCAPE OF THE ESTATE. ALL PROPOSED PLANTING AND PROPOSED FENCE AND SOUNDWALL DESIGN SHALL BE COORDINATED WITH A LICENSED, CERTIFIED ARBORIST.

PLANTING GOALS

- MINIMIZE IMPACT TO THE EXISTING OAKS THROUGH USE OF APPROPRIATE PLANT MATERIAL COMPATIBLE WITH OAKS
- PLACEMENT AND USE OF PLANT MATERIAL WITH NO DETRIMENTAL IMPACT TO LIVESTOCK
- USE LOW WATER REQUIRING PLANTS
- RETAIN RURAL CHARACTER OF SURROUNDING LANDSCAPE
- AESTHETICALLY PLEASING
- AVOID IRRIGATION WHERE EXISTING OAKS ARE SENSITIVE TO IRRIGATION; USE OF DRIP IRRIGATION FOR PLANTS IN OAK AREAS.

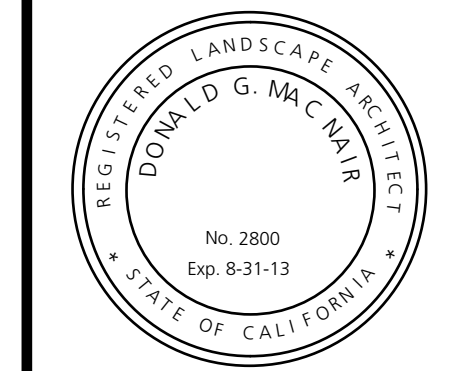
- ZONE 1** ENTRY: MINIMAL LANDSCAPE IMPROVEMENTS: ADD ACCENT TREES AT ARATA LANE; ADD IMPROVED FENCE TO EAST SIDE OF DRIVEWAY
- ZONE 2** PASTURE/ RESIDENTIAL: BEGIN PRIVATE DRIVEWAY; INSTALL NEW ENTRY GATE/COLUMNS; THIS ZONE SHOULD IDENTIFY THE WINERY ACCESS YET BE UNDERSTATED. INSTALL NEW FENCES ON BOTH SIDES OF DRIVEWAY AND SOUNDWALL ON WEST SIDE. MAINTAIN VIEWS OF PASTURE TO THE EAST. A SOLID WOOD FENCE SHALL BE INSTALLED BETWEEN THE SOUNDWALL AND THE ENTRY COLUMN ON THE WEST SIDE OF THE DRIVEWAY. PLANTING SHOULD BE MINIMAL TO THE EAST. GROUNDCOVER PLANTING AND VINES ON THE PROPOSED SOUNDWALL. VINES SHALL BE PLANTED ON THE EAST SIDE FENCE ADJACENT TO THE HORSE PASTURE. GROUNDCOVER AND SHRUB MAY BE PLANTED AT NON-TREE AREAS ALONG EAST SHOULDER. IRRIGATION ON THE EAST SIDE WOULD BE MINIMAL AND PLANTINGS NON-TOXIC TO HORSES*.
- ZONE 3** RESIDENTIAL ZONE: CONTINUE NEW FENCES ON BOTH SIDES OF THE DRIVEWAY. ON EAST SIDE, PLANTING WILL BE MINIMAL WHERE THERE ARE EXISTING OAKS. IN OPEN AREAS, NEW LANDSCAPE PLANTING IS PROPOSED FOR BOTH SIDES OF THE DRIVEWAY TO PROVIDE A SENSE OF CONTINUITY FROM ZONE 2 CONTINUING TO THE UPCOMING OLIVE ORCHARD. PLANTING ON WEST SHOULD BE SIMILAR TO ZONE 2, WITH EMPHASIS ON SCREENING AND FOCUS ON THE DRIVEWAY AHEAD.

- ZONE 4** OLIVE ORCHARD: THIS IS WHERE THE DRIVEWAY DEPARTS FROM THE LINE OF SIGHT. OLIVES SHALL BE PLANTED ON THE EAST SIDE OF THE DRIVEWAY TO DEMARCATATE A TRANSITION FROM THE MORE CASUAL, RURAL DRIVEWAY TO MORE FORMAL LANDSCAPE PRESENTATION. THE OLIVES, PLANTED CLOSELY, WOULD PROVIDE A LOW, DENSE SCREEN PROTECTING THE EASTERLY NEIGHBOR'S VIEWS TO THE WEST. AS THE DRIVEWAY BENDS BACK TO THE ORIGINAL ALIGNMENT, A VISITOR WOULD EXIT THE OLIVE ORCHARD AND THE LINE OF SITE WOULD BE TOWARDS VINEYARDS AND THE FUTURE FORMAL ENTRY AHEAD.
- ZONE 5** TRANSITION ZONE: AT THIS ZONE, THE LANDSCAPE WOULD BECOME MORE LUSH, LAYERED WITH A GREATER VARIETY OF PLANTS. THE EMPHASIS WOULD BE INCREASED FORMALITY YET THE RURAL QUALITY OF THE EXISTING TREES AND ADJACENT PASTURES WOULD BE PRESENT. THIS WOULD BE THE LAST ZONE BEFORE THE FORMAL WINERY ENTRANCE.
- ZONE 6** FORMAL ENTRANCE: THE MAIN GATE AND ASSOCIATED ENTRY STRUCTURE WILL BE LOCATED AT THIS LOCATION. THIS WILL BE BEYOND THE DRIVEWAY AND WILL BE THE VISUAL TERMINUS TO THE DRIVEWAY. THIS WILL BE WHERE THE WINERY GUEST WILL ENTER THE VINEYARDS AND COUNTRYSIDE OF THE ESTATE.

* FROM CORNELL UNIVERSITY DATA BASE "PLANTS POISONOUS TO LIVESTOCK", INCLUDING HORSES.

REFER TO SHEET L-5 FOR TYPICAL PLANT LEGEND

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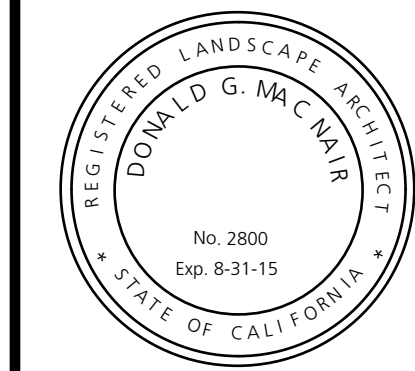


MACNAIR
LANDSCAPE
ARCHITECTURE
POST OFFICE BOX 251
KENWOOD, CA 94542
TEL (925) 833-2388
FLA #2800
don@macnairlandscapes.com

WINDSOR OAKS WINERY
DRIVEWAY CONCEPT PLAN
WINDSOR,
CALIFORNIA

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 100'
DRAWN: DM
SHEET

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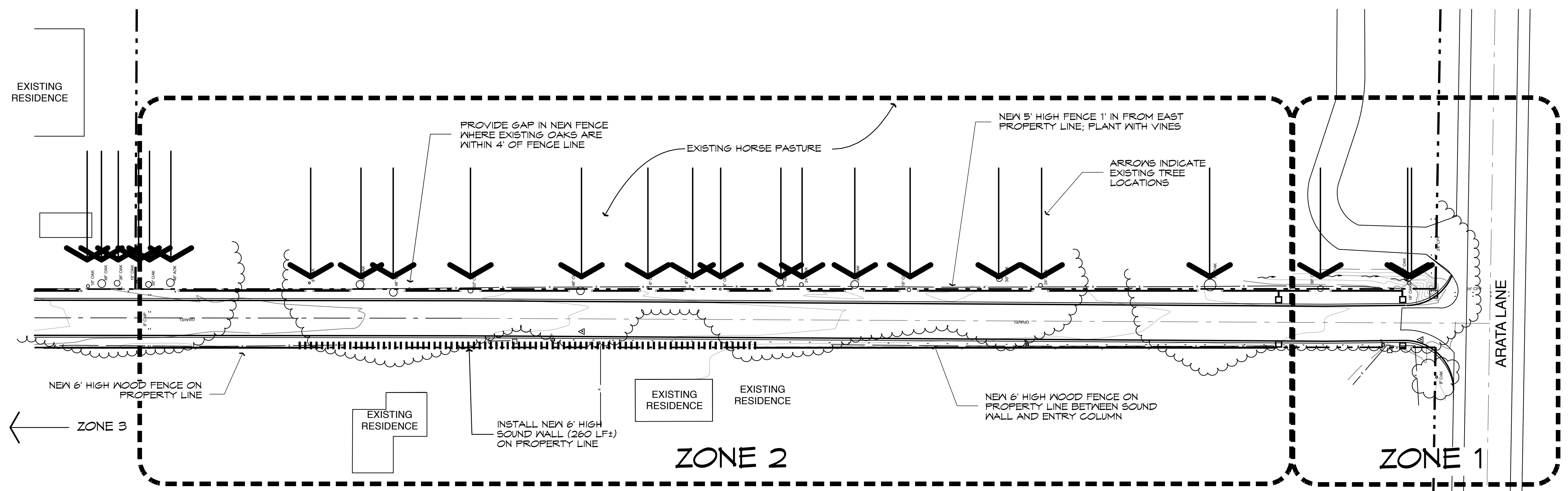


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DRIVENWAY PLAN
ZONES 1 & 2

WINDSOR OAKS WINERY
DRIVENWAY CONCEPT PLAN
WINDSOR, CALIFORNIA

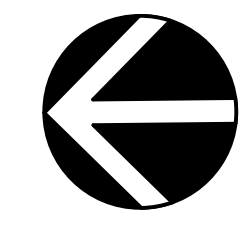
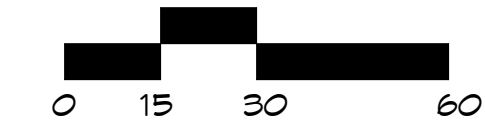
DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 100'
DRAWN: DM
SHEET



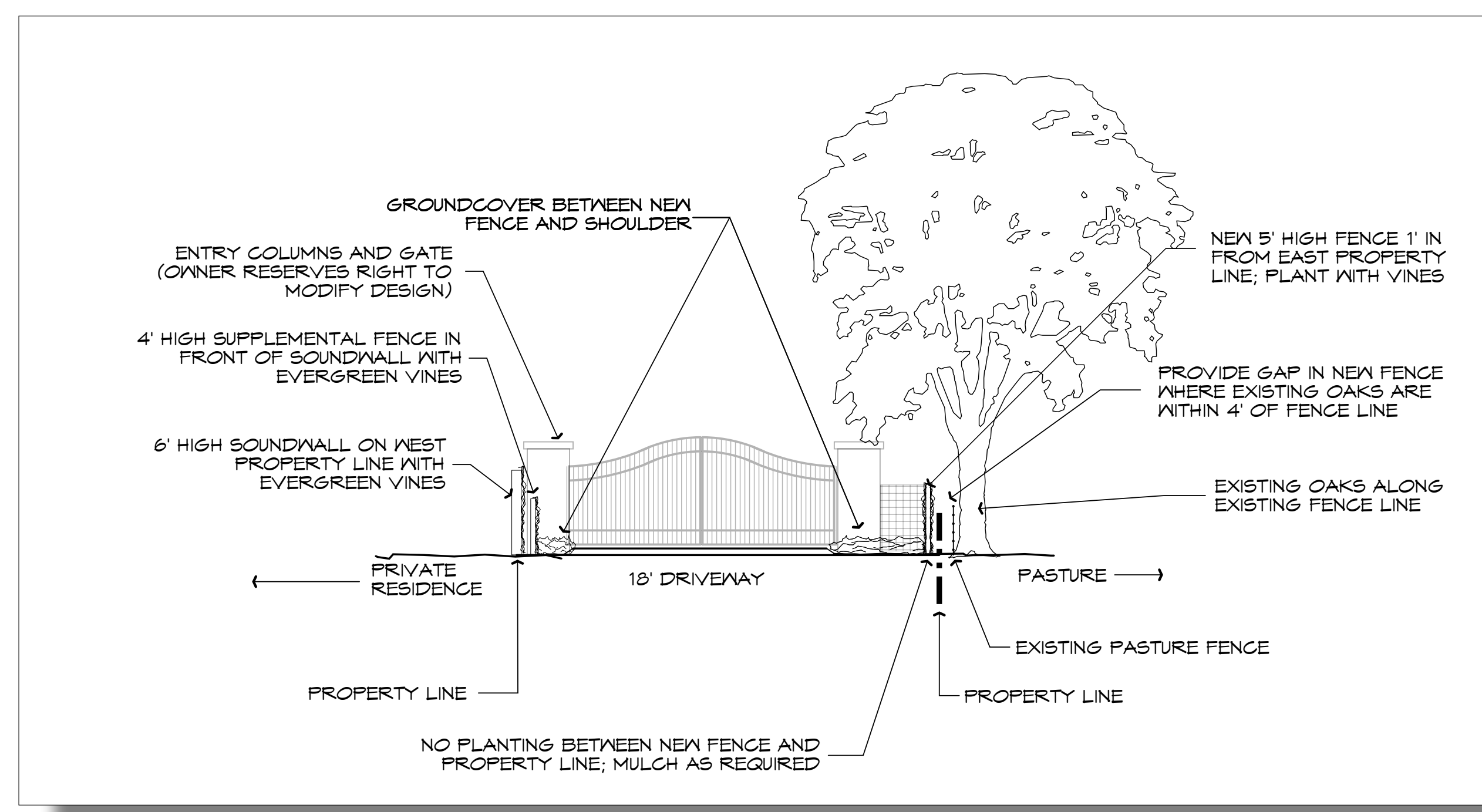
PASTURE/ RESIDENTIAL: BEGIN PRIVATE DRIVEWAY; INSTALL NEW ENTRY GATE/COLUMNS; THIS ZONE SHOULD IDENTIFY THE WINERY ACCESS YET BE UNDERSTATED. INSTALL NEW FENCES ON BOTH SIDES OF DRIVEWAY AND SOUNDWALL ON WEST SIDE. MAINTAIN VIEWS OF PASTURE TO THE EAST. A SOLID WOOD FENCE SHALL BE INSTALLED BETWEEN THE SOUNDWALL AND THE ENTRY COLUMN ON THE WEST SIDE OF THE DRIVEWAY. PLANTING SHOULD BE MINIMAL TO THE EAST, GROUNDCOVER PLANTING AND VINES ON THE PROPOSED SOUNDWALL. VINES SHALL BE PLANTED ON THE EAST SIDE FENCE ADJACENT TO THE HORSE PASTURE. GROUNDCOVER PLANTED AT NON-TREE AREAS ALONG EAST SHOULDER. IRRIGATION ON THE EAST SIDE WOULD BE MINIMAL AND PLANTINGS NON-TOXIC.

ENTRY; SHARED EASEMENT MINIMAL LANDSCAPE IMPROVEMENTS; ADD ACCENT TREES AT ARATA LANE; ADD IMPROVED FENCE TO EAST SIDE OF DRIVEWAY

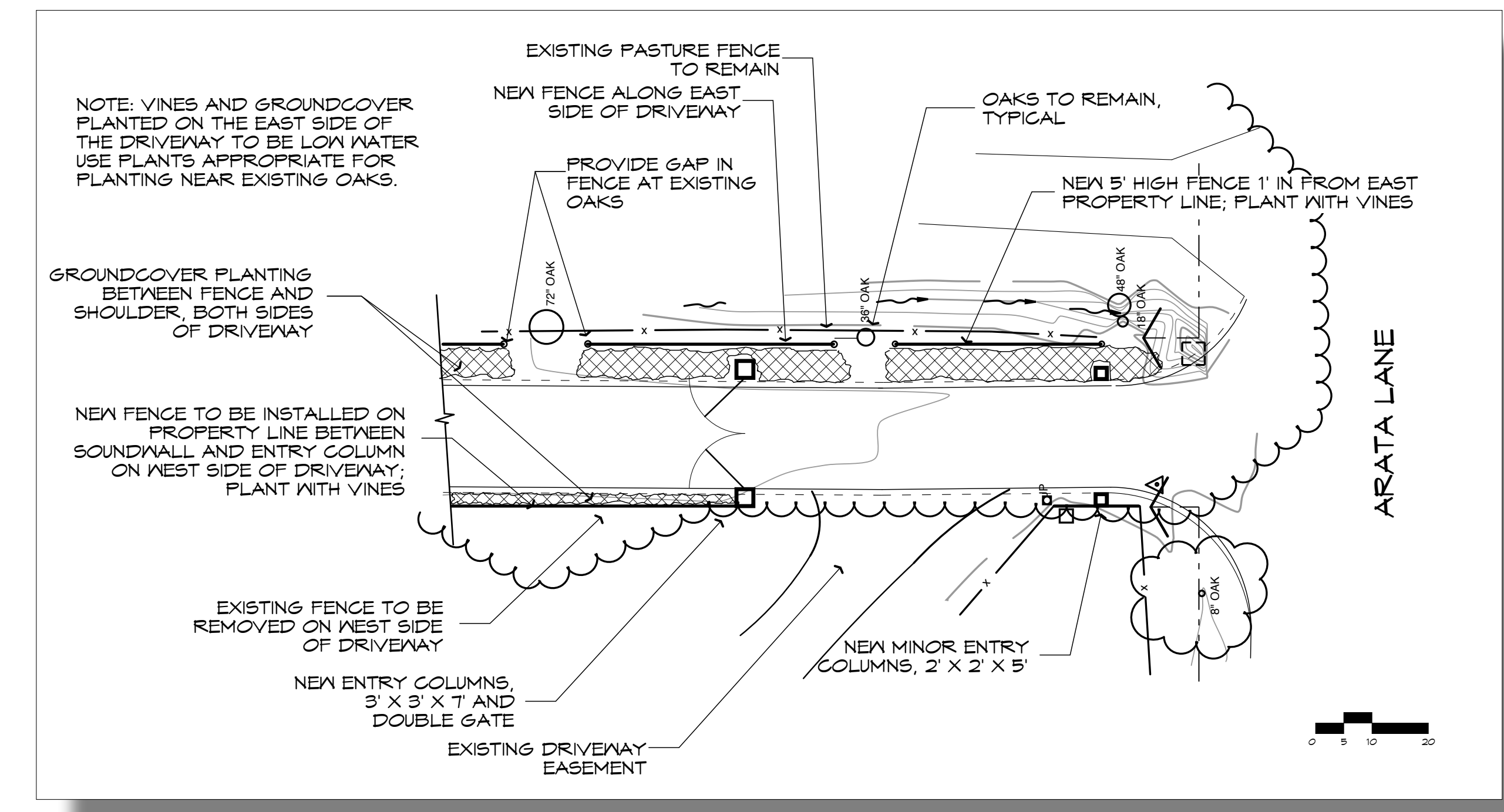
DRIVENWAY PLAN
ZONES 1 & 2



REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

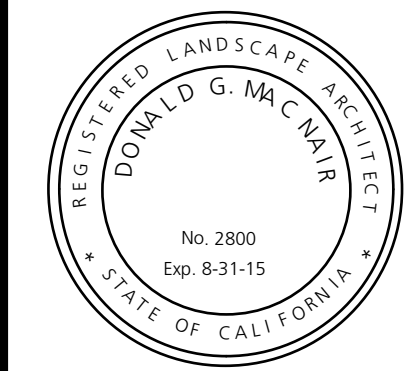


ZONE 2
TYPICAL SECTION
SCALE 1/8" = 1'-0"



ZONE 1
PLAN DETAIL
SCALE 1" = 20'

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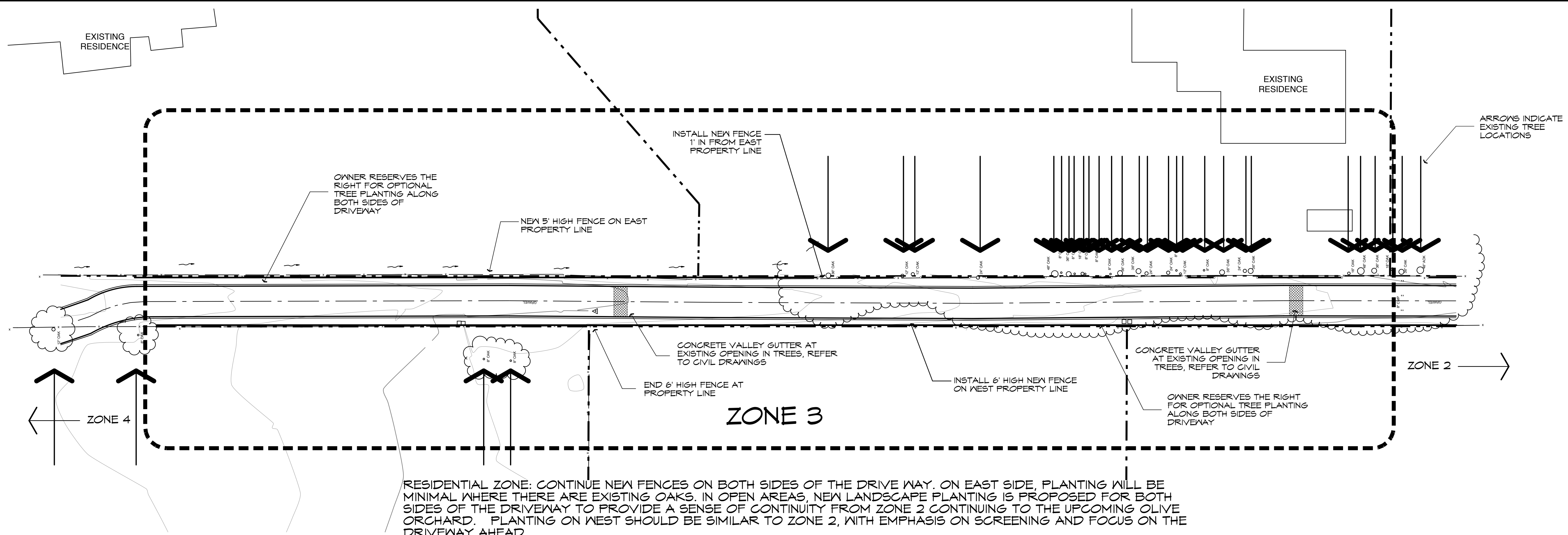
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TEL: (707) 822-2288
814 A Street
don@macnairlandscapes.com

DRIVENWAY PLAN
ZONE 3

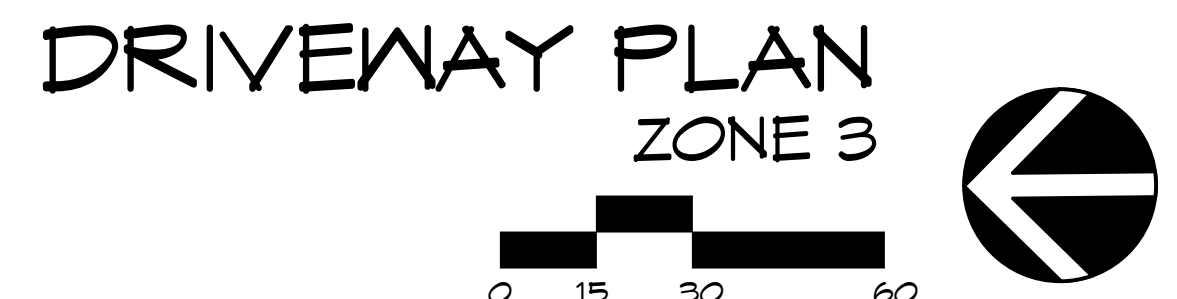
WINDSOR OAKS WINERY
DRIVENWAY CONCEPT PLAN
WINDSOR, CALIFORNIA

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 30'
DRAWN: DM
SHEET

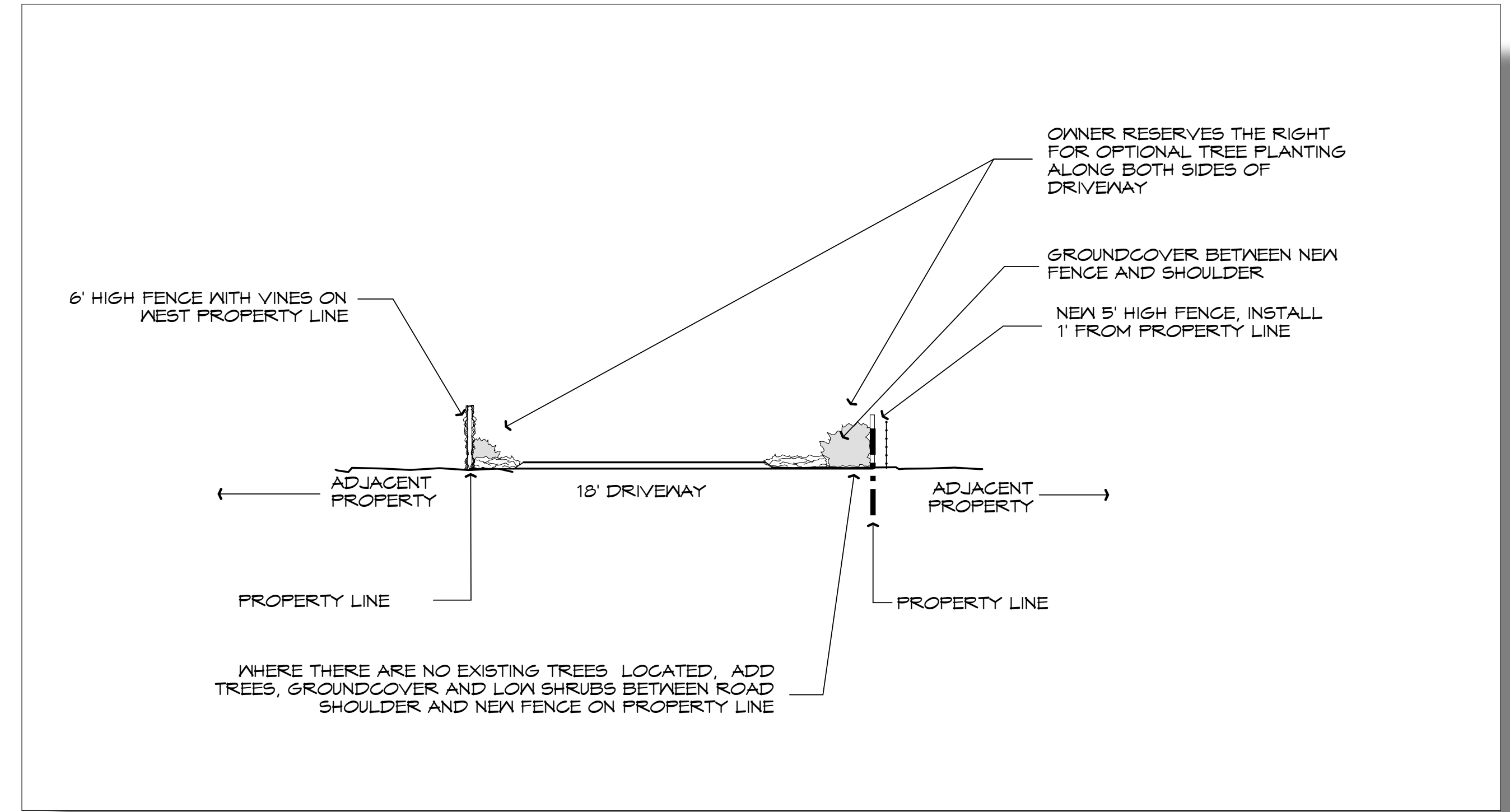
L-3



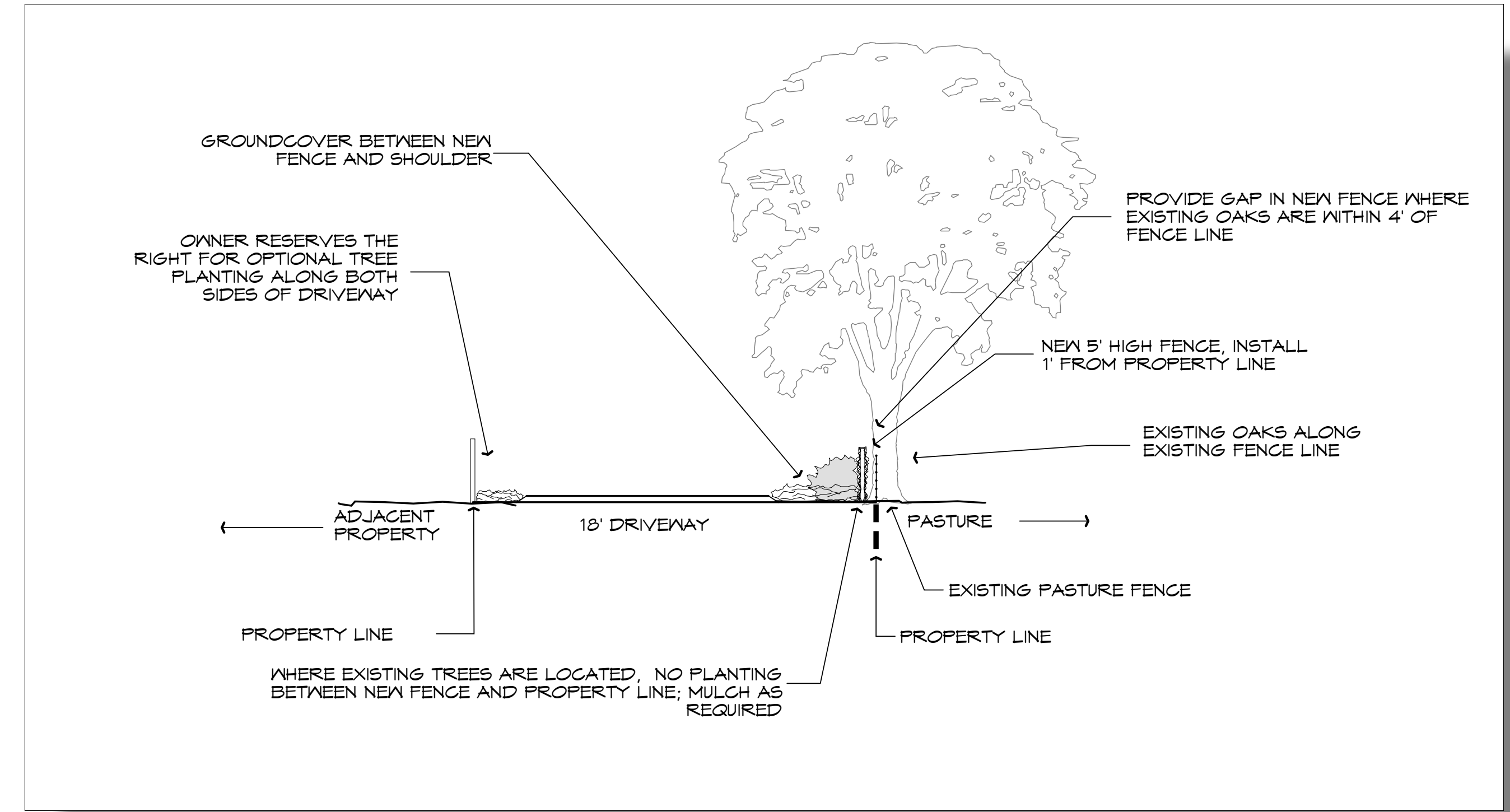
RESIDENTIAL ZONE: CONTINUE NEW FENCES ON BOTH SIDES OF THE DRIVEWAY. ON EAST SIDE, PLANTING WILL BE MINIMAL WHERE THERE ARE EXISTING OAKS. IN OPEN AREAS, NEW LANDSCAPE PLANTING IS PROPOSED FOR BOTH SIDES OF THE DRIVEWAY TO PROVIDE A SENSE OF CONTINUITY FROM ZONE 2 CONTINUING TO THE UPCOMING OLIVE ORCHARD. PLANTING ON WEST SHOULD BE SIMILAR TO ZONE 2, WITH EMPHASIS ON SCREENING AND FOCUS ON THE DRIVEWAY AHEAD.



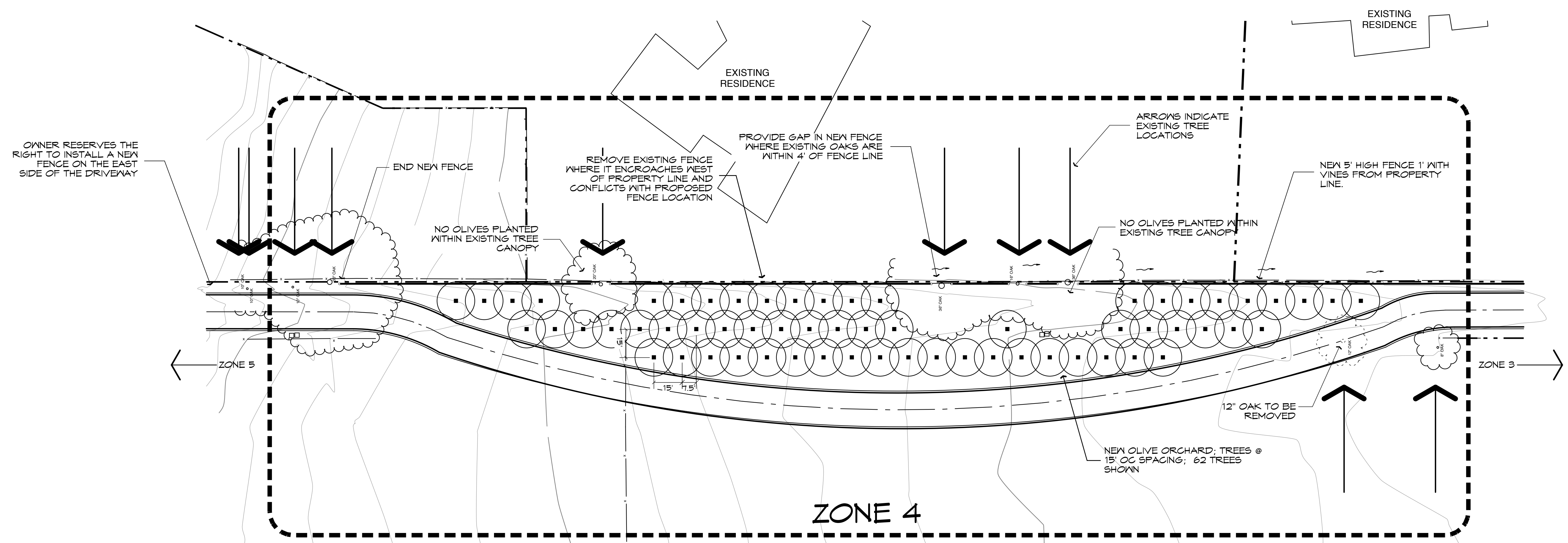
REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL



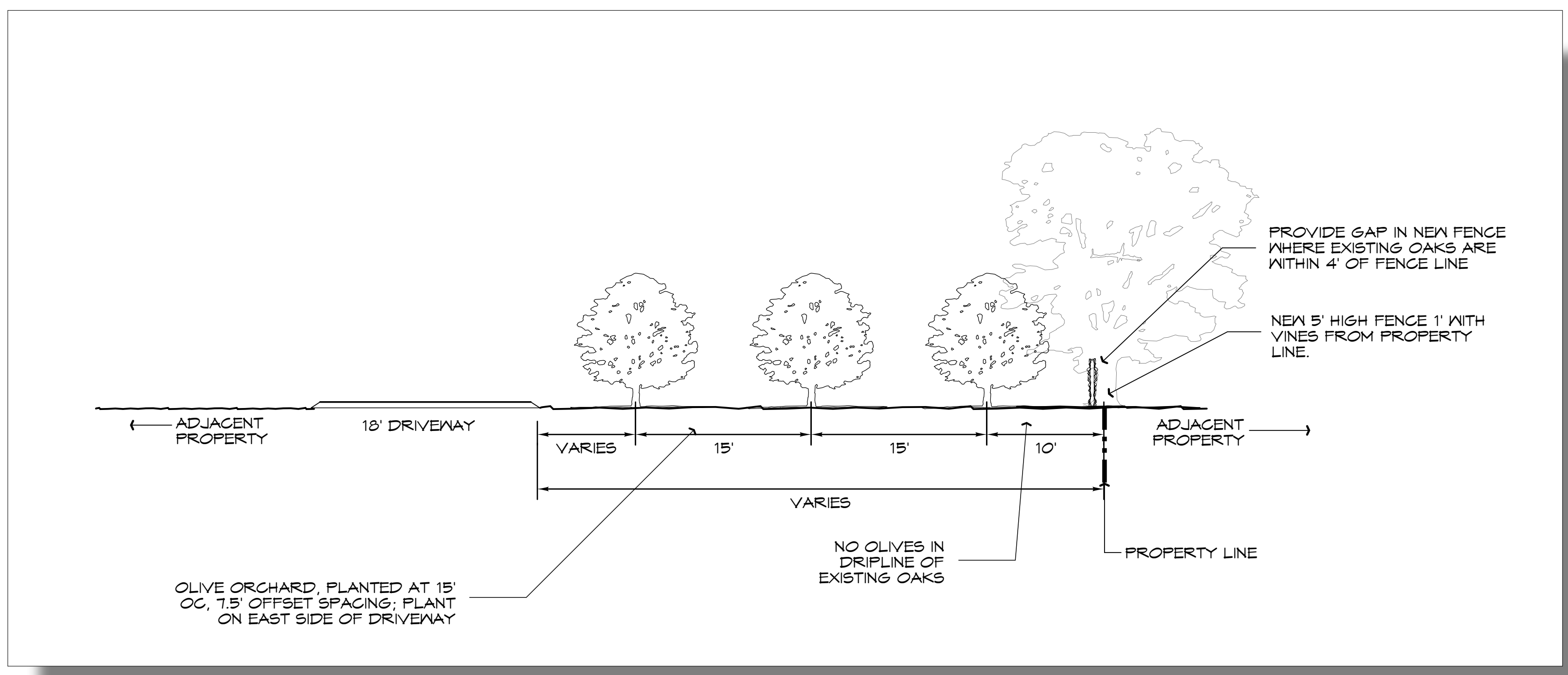
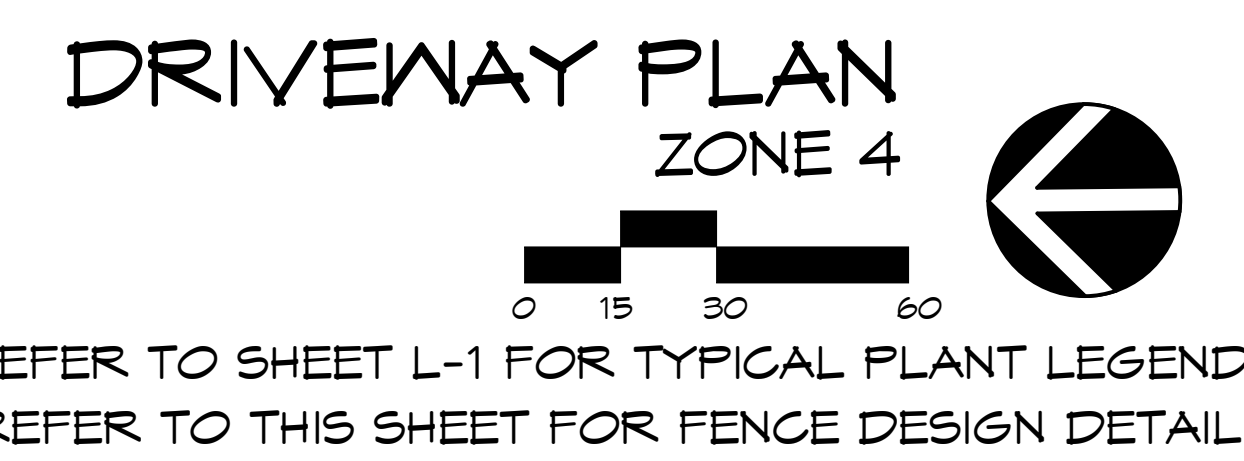
ZONE 3
TYPICAL SECTION
NO EXISTING TREES
SCALE 1/8" = 1'-0"



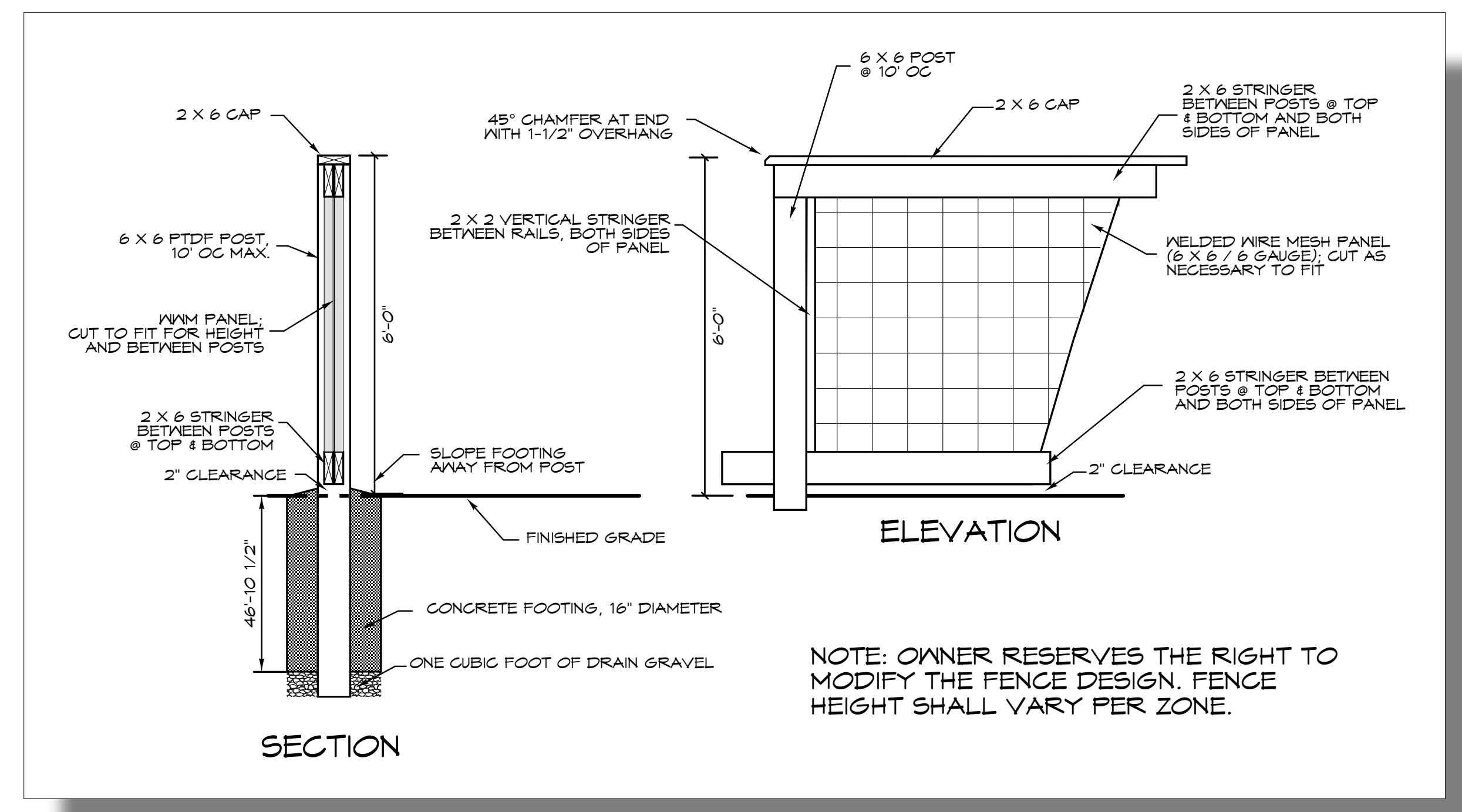
ZONE 3
TYPICAL SECTION
EXISTING TREES
SCALE 1/8" = 1'-0"



OLIVE ORCHARD: THIS IS WHERE THE DRIVEWAY DEPARTS FROM THE LINE OF SIGHT. OLIVES SHALL BE PLANTED ON THE EAST SIDE OF THE DRIVEWAY TO DEMARCAT A TRANSITION FROM THE MORE CASUAL, RURAL DRIVEWAY TO MORE FORMAL LANDSCAPE PRESENTATION. THE OLIVES, PLANTED CLOSELY, WOULD PROVIDE A LOW, DENSE SCREEN PROTECTING THE EASTERLY NEIGHBOR'S VIEWS TO THE WEST. AS THE DRIVEWAY BENDS BACK TO THE ORIGINAL ALIGNMENT, A VISITOR WOULD EXIT THE OLIVE ORCHARD AND THE LINE OF SITE WOULD BE TOWARDS VINEYARDS AND THE FUTURE FORMAL ENTRY AHEAD.

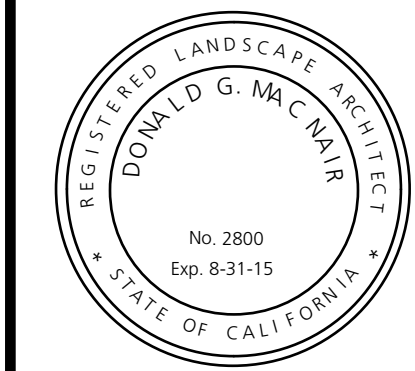


ZONE 4
TYPICAL SECTION
SCALE 1/8" = 1'-0"



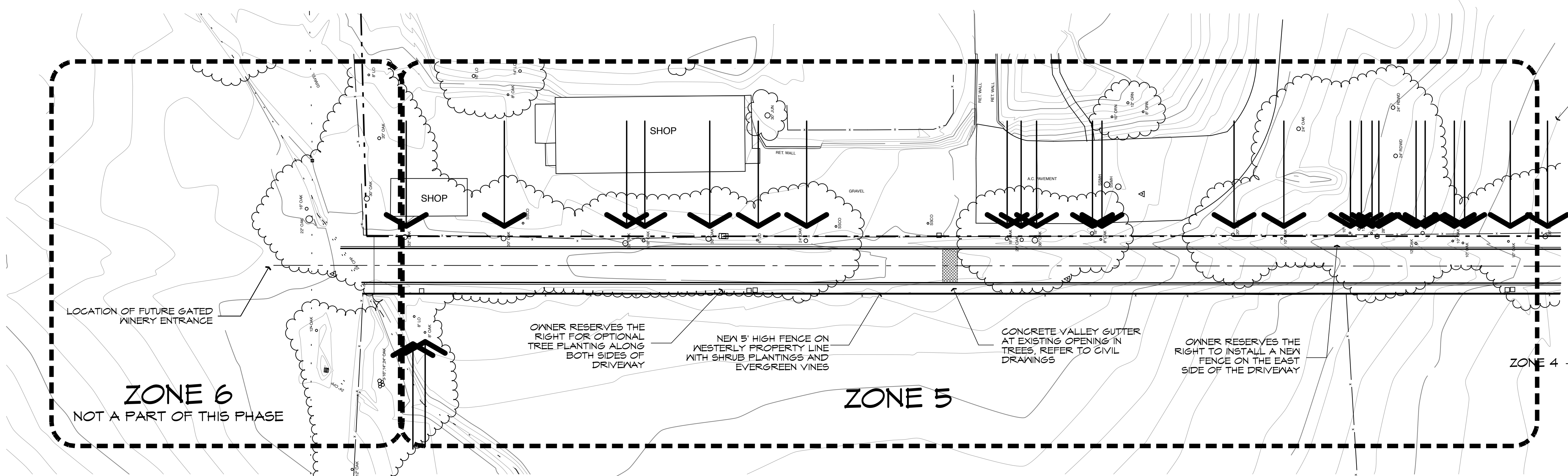
TYPICAL HOG WIRE FENCE DETAIL

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WINDSOR OAKS WINERY
 DRIVEWAY CONCEPT PLAN
 WINDSOR, CALIFORNIA



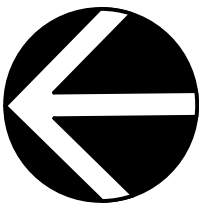
ARROWS INDICATE EXISTING TREE LOCATIONS

LOCATION OF FUTURE GATED WINERY ENTRANCE
 FUTURE PHASE

OWNER RESERVES THE RIGHT FOR OPTIONAL TREE PLANTING ALONG BOTH SIDES OF DRIVEWAY
 NEW 5' HIGH FENCE ON WESTERLY PROPERTY LINE WITH SHRUB PLANTINGS AND EVERGREEN VINES
 CONCRETE VALLEY GUTTER AT EXISTING OPENING IN TREES, REFER TO CIVIL DRAWINGS
 OWNER RESERVES THE RIGHT TO INSTALL A NEW FENCE ON THE EAST SIDE OF THE DRIVEWAY

TRANSITION ZONE: AT THIS ZONE, THE LANDSCAPE WOULD BECOME MORE LUSH, LAYERED WITH A GREATER VARIETY OF PLANTS. THE EMPHASIS WOULD BE INCREASED FORMALITY YET THE RURAL QUALITY OF THE EXISTING TREES AND ADJACENT PASTURES WOULD BE PRESENT. THIS WOULD BE THE LAST ZONE BEFORE THE FORMAL WINERY ENTRANCE.

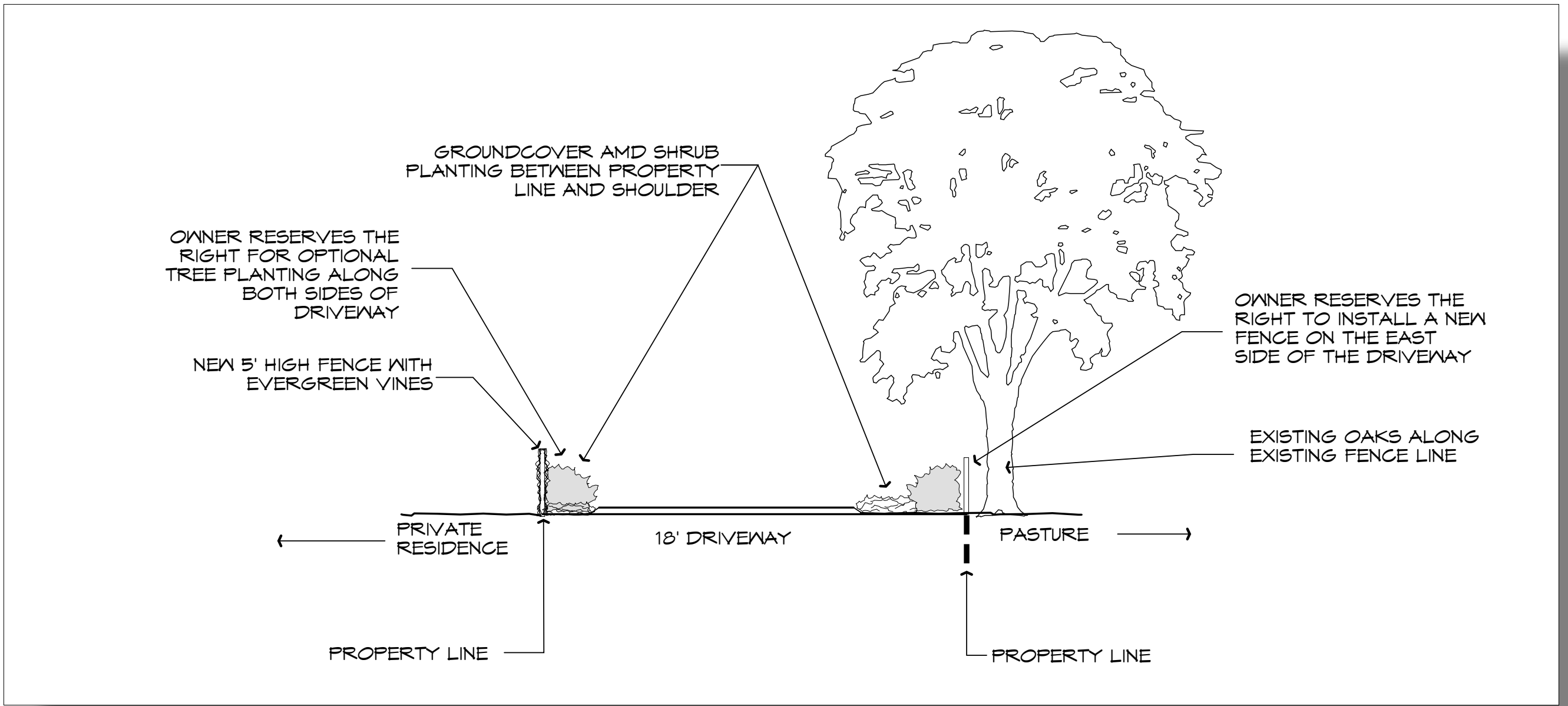
DRIVEWAY PLAN ZONE 5



REFER TO THIS SHEET FOR TYPICAL PLANT LEGEND
 REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

TYPICAL PLANT LEGEND

| BOTANICAL NAME | COMMON NAME | REMARKS | WATER USE PER WUCOLS III | COMPATIBLE WITH OAKS* | LANDSCAPE ZONES |
|---|----------------------------|--|--------------------------|-----------------------|-----------------|
| TREES | | | | | |
| ARBUTUS UNEDO | STRAWBERRY TREE | MULTI TRUNK FORM, OPTIONAL PLANTING | L | YES | 1 |
| CERCIS OCCIDENTALIS | WESTERN REDBUD | CALIFORNIA NATIVE, OPTIONAL PLANTING | VL | YES | 1, 2, 3, 5 |
| CERCIS RENIFORMIS 'OKLAHOMA' | OKLAHOMA REDBUD | OPTIONAL PLANTING | L | | 1 |
| LAGERSTROEMIA x FAURIEI 'TUSCARORA' | TUSCARORA GRAPE MYRTLE | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 1 |
| OLEA EUROPAEA | OLIVE | ORCHARD TREES, VARIETY & SIZE TO BE DETERMINED | VL | | 4 |
| QUERCUS AGRIFOLIA | COAST LIVE OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | VL | YES | 3, 5 |
| QUERCUS NELLGOSGII | CALIFORNIA BLACK OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 3, 5 |
| QUERCUS LOBATA | VALLEY OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 3, 5 |
| SHRUBS | | | | | |
| ARBUTUS UNEDO 'ELFIN KING' | STRAWBERRY TREE | | L | YES | 1, 2, 3, 5 |
| ARCTOSTAPHYLOS D. 'HOWARD MCMINN' | VINE HILL MANZANITA | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| BERBERIS THUNBERGII 'CHERRY BOMB' | RED-LEAF JAPANESE BARBERRY | | L | | 1, 2, 3, 5 |
| BERBERIS THUNBERGII 'CRIMSON PYGMY' | BARBERRY | | L | | 1, 2, 3, 5 |
| CEANOTHUS 'CONCHIA' | CEANOTHUS | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| CEANOTHUS 'DARK STAR' | CEANOTHUS | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| ERYSIMUM 'BOWLES MAUVE' | WALLFLOWER | | L | | 1, 2, 3, 5 |
| FREMONTODENDRON C. 'CALIFORNIA GLORY' | FLANNEL BUSH | CALIFORNIA NATIVE | VL | YES | 1, 2, 3, 5 |
| LAVANDULA 'OTTO QUAST' | LAVENDER | | L | | 1, 2, 3, 5 |
| LAVANDULA INTERMEDIA 'GROSSO' | LAVENDER | | L | | 1, 2, 3, 5 |
| LEPTOSPERMUM SCOPARIUM 'RUBY GLOW' | NEW ZEALAND TEA TREE | | M | | 1, 2, 3, 5 |
| LOROPETALUM CHINENSE 'RAZZLEBERRY' | NCN | | L | | 1, 2, 3, 5 |
| LOROPETALUM CHINENSE 'RUBY' | CHINESE FRINGE FLOWER | | L | | 1, 2, 3, 5 |
| MYRTUS COMMUNIS 'COMPACTA' | DWARF MYRTLE | | L | YES | 1, 2, 3, 5 |
| NANDINA DOMESTICA 'COMPACTA' | COMPACT HEAVENLY BAMBOO | | L | YES | 1, 2, 3, 5 |
| NANDINA DOMESTICA 'MOYES RED' | HEAVENLY BAMBOO | | L | YES | 1, 2, 3, 5 |
| PHORMIUM TENAX 'DAZZLER' | NEW ZEALAND FLAX | | L | | 1, 2, 3, 5 |
| POLYSTICHUM MUNITUM | SWORD FERN | CALIFORNIA NATIVE | M | | 1, 2, 3, 5 |
| PRUNUS LAUROCERASUS 'OTTO LUYKEN' | ENGLISH LAUREL | | M | YES | 3, 5 |
| RHAMNUS CALIFORNICA 'MOUND SAN BRUNO' | DWARF COFFEEBERRY | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| RHAPHOLEPIS INDICA 'JACK EVANS' | INDIA HAWTHORN | | L | | 1, 2, 3, 5 |
| RIBES SANGUINEUM 'KING EDWARD VII' | PINK WINTER CURRANT | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| ROSES - 'MEIDLAND RED' | RED MEIDLAND ROSE | MAY BE SUBSTITUTED FOR RHAPHOLEPIS | L | | 1, 2, 3, 5 |
| ROSMARINUS O. 'TUSCAN BLUE' | ROSEMARY | | L | YES | 1, 2, 3, 5 |
| SALVIA LEUCANTHA 'PURPLE VELVET' | MEXICAN BUSH SAGE | | L | YES | 1, 2, 3, 5 |
| SARCOCOCCA RUSCIFOLIA | FRAGRANT SARCOCOCCA | | L | YES | 1, 2, 3, 5 |
| XYLOSMA CONGESTUM 'COMPACTA' | COMPACT XYLOSMA | | L | YES | 1, 2, 3, 5 |
| GROUNDCOVER | | | | | |
| ARCTOSTAPHYLOS 'EMERALD CARPET' | NCN | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| CEANOTHUS GLORIOSUS 'ANCHOR BAY' | CEANOTHUS | CALIFORNIA NATIVE | VL | YES | 1, 2, 3, 5 |
| COTONEASTER DAMMERI 'CORAL BEAUTY' | COTONEASTER | | L | YES | 1, 2, 3, 5 |
| ERIGERON KARVINSKIANUS | SANTA BARBARA DAISY | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| VINES | | | | | |
| CLYTOSTOMA CALLISTEGOIDES | VIOLET TRUMPET VINE | | M | | 1, 2, 3, 5 |
| HARDEBERGIA VIOLACEA 'HAPPY WANDERER' | NCN | | M | YES | 1, 2, 3, 5 |
| PARTHENOCESSUS QUINQUEFOLIA | VIRGINIA CREEPER | | M | | 1, 2, 3, 5 |
| PARTHENOCESSUS TRICUSPIDATA | BOSTON IVY | | M | | 1, 2, 3, 5 |
| ROSA BANKSIAE 'LUTEA' | YELLOW BANKS ROSE | | L | | 1, 2, 3, 5 |
| ROSES 'CLIMBING' | NCN | | M | | 1, 2, 3, 5 |
| VITUS CALIFORNICA 'RUSSIAN RIVER' | CALIFORNIA GRAPE | CALIFORNIA NATIVE | L | | 1, 2, 3, 5 |
| PERENNIALS | | | | | |
| BUDDLEIA 'BLUE CHIP' | DWARF BUTTERFLY BUSH | | L | YES | 1, 2, 3, 5 |
| KNIPHOFIA UVARIA | RED-HOT-POKER | | M | YES | 1, 2, 3, 5 |
| PENSTEMON HETEROPHYLLUS 'BLUE BEDDER' | PENSTEMON | CALIFORNIA NATIVE | M | YES | 1, 2, 3, 5 |
| GRASSES | | | | | |
| CALAMAGROSTIS ARUNDINACEA 'KARL FOERSTER' | FEATHER REED GRASS | | L | | 1, 2, 3, 5 |
| DESCHAMPSIA CAESPITOSA 'NORTHERN LIGHTS' | GRASS(NCN) | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| FESTUCA CALIFORNICA | CALIFORNIA FESCUE | | L | YES | 3, 5 |
| FESTUCA IDAHOENSIS 'SISKIYOU' | IDAHO FESCUE | CALIFORNIA NATIVE | L | | 3, 5 |
| HELICTOTRICHON SEMPERVIRENS | BLUE OAT GRASS | | L | YES | 1, 2, 3, 5 |
| MULLENBERGIA CAPILLARIS 'REGAL MIST' | PINK MUHLY | | L | | 1, 2, 3, 5 |
| NASSELLA PULCHRA | PURPLE STIPA | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| NASSELLA TENUISSIMA | MEXICAN FEATHER GRASS | | L | | 1, 2, 3, 5 |
| PENNISETUM ALOPECUROIDES 'HAMEIN' | DWARF FOUNTAIN GRASS | | L | YES | 1, 2, 3, 5 |
| PENNISETUM ORIENTALE 'KARLY ROSE' | ORIENTAL FOUNTAIN GRASS | | M | | 1, 2, 3, 5 |
| OTHER | | | | | |
| MULCH: FIR BARK, 1/2" TO 1-1/2" | | | | | |



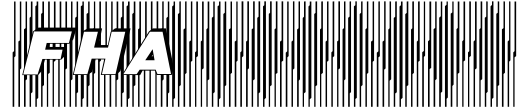
ZONE 5 TYPICAL SECTION

SCALE 1/8" = 1'-0"

PLANTING PIT EXCAVATION NOTE

ALL PLANTS INSTALLED BENEATH EXISTING OAK CANOPIES SHALL BE LIMITED IN SIZE TO #1 SIZE AND #5 SIZE CONTAINERS. PLANTING PIT SIZE FOR #1 SIZE CONTAINERS SHALL NOT EXCEED 6" IN DEPTH OR 12" IN DIAMETER. PLANTING PIT SIZE FOR #5 SIZE CONTAINERS SHALL NOT EXCEED 9" IN DEPTH AND 20" IN DIAMETER.

DATE: 5/1/14
 JOB: 2014-16
 SCALE: 1" = 30'
 DRAWN: DM
 SHEET



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.

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SANTA ROSA, CALIFORNIA 95403
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TELEPHONE: (707) 523-1181

STEPHEN K. BUTLER

March 20, 2014

HAND DELIVERED

County of Sonoma Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

Re: *Windsor Oaks Winery/PRMD File No. PLP12-0009*
Board Hearing of March 25, 2014

Dear Chairman Rabbitt and Members of the Board:

The purpose of this letter is to respond to the comments made in the two noise reports submitted by Frank Hubach Associates, Inc ("FHA"). Although it is not entirely clear from the two reports, to the extent that FHA is trying to contend that an increase of greater than 3dB above the ambient noise level constitutes a significant effect on the environment for purposes of CEQA, the reports' conclusions are misguided.

It is well settled that a public agency may, within its jurisdiction, define what constitutes a significant effect on the environment. (*Citizens for Responsible Equitable Environmental Dev. v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335, 336). In determining whether a noise impact is significant, the County has historically and consistently used Table NE-2 of the General Plan and, in noise impacted areas, the standards set forth in Policy NE-1B. As long as the specifically delineated noise standards of the General Plan are complied with, there is absolutely no basis for arguing that an increase greater than 3dB where horses are present constitutes a significant effect on the environment. Additionally, CEQA regulation section 15382 defines a significant effect on the environment as a "substantial, adverse change." An increase greater than 3dB resulting from a project which otherwise complies with the specifically delineated noise standards found in the General Plan's Noise Element should not be characterized as a "significant effect" for purposes of CEQA.

When evaluating the proposed project's impacts, the County need not take a myopic view but may weigh the significance of an impact by looking at the overall effect. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1353). Additionally, common sense is an important consideration at all levels of CEQA review, including the determination whether a project's impacts are significant in light of the broader context in which they will occur. (*Practice Under the California Environmental Quality Act*, Second Edition, Kostka and Zischke §6.45, p 354.2). If one drives nearly anywhere in Sonoma County, you will see scores of horses and stables which are proximate to both public and private roads. Indeed, if you drive up the private road providing access to both the Koch and

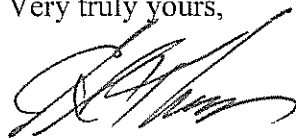
Stein properties, you will see that the Koches' horse operation grazes horses immediately adjacent to the roadway and also little more than 100 feet from Arata Lane, a designated "Boulevard" in the Windsor General Plan. That same driveway serves four single-family dwellings with roughly 40 vehicle trips a day in addition to truck, tractor and vehicular trips associated with the Koches' horse operation. That operation would, of necessity, generate trips associated with hay deliveries, veterinarians, ferriers, owners of boarded horses, training clients, FedEx and UPS to name a few. It can be readily seen that this driveway, immediately adjacent to grazing horses, accommodates a similar level of traffic to the total of 53 trips projected for the winery access road, which is well further removed from the horse operation. Clearly, the Koches' own horses are well acclimated to traffic noise. For the five other horses which the Koches are allowed to board, presumably they travel to the Koch property by way of a horse trailer on area freeways or busy County roads. It simply defies common sense and logic to argue that these horses are not acclimated to an increase in ambient traffic noise greater than 3dB.

Last, when the Koches purchased their property, they were well aware that the road adjacent to their property provided access to the Windsor Oaks Winery. In fact, they discussed with Mr. Stein the possibility of using that access road for their own residence. Given this knowledge, and given the fact that the Koches have chosen to place their arena on the property line and within the setback area with knowledge that it is more proximate than necessary to a known access road, they cannot now effectively argue that the use of that access road significantly affects their horses or horse operation.

Also attached for your information is the March 20, 2014, Illingworth & Rodkin, Inc. supplemental noise analysis responding to the March 12, 2014, FHA noise report.

Thank you for your thoughtful consideration of these comments.

Very truly yours,



STEPHEN K. BUTLER

SKB/pd

enclosure

c(w/enc.): David Hurst

Sonoma County Counsel's Office

Jeffrey Brax

Sonoma County Counsel's Office

Dean Parsons

Sonoma County PRMD

Traci Tesconi

Sonoma County PRMD

client

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

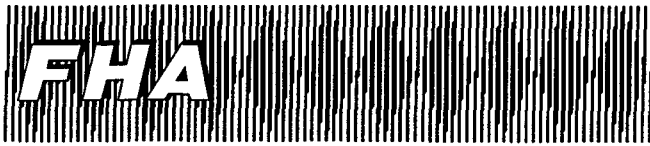
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**Windsor Oaks Winery
Appeal Comments
PRMD file PLP12-0009
12 March 2014**

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.

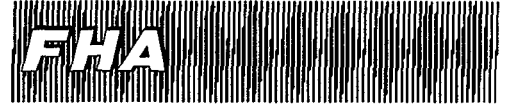
Although both FHA and IR cite the findings of others where 3 dB above the ambient is the threshold for startling a horse, the IR report considers noise effects on horses, but does not address the criterion of 3 dB sudden increase of noise above the ambient. IR argues that vehicles on Liberty Oak Lane 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

J:\66401\B\WindsorAppealComments2.wpd

Arborist Report

Prepared by:
Bruce W. Hagen
Consulting Arborist
Certified Arborist WE0243A
Registered Professional Forester 2440
Submitted: March 19, 2014

RE: Windsor Oaks Road Construction project

Client:

Joy Zamoyski-Koch and David Koch
10119 Liberty Oak Lane
Windsor, CA 95492

I was hired by the Joy Zamoyski-Koch and her husband, David Koch who reside at 10119 Liberty Oak Lane, Windsor, CA, to address possible adverse affects to an existing windrow of Valley Oaks along the eastern side of the road easement that borders their property from the proposed Windsor Oaks road construction project. I was not asked to survey the trees, measure their diameters, record other pertinent information, or assess their health and structural condition. Nonetheless, most of the trees appear to be in good condition. Two, though, are in decline, but could survive for decades.

From what I understand, the Windsor Oaks road project involves grading and excavation to prepare a stable road bed, widening the existing aggregate road, installing an engineered drainage facility, excavating rolling dips to slow traffic, paving, and installing conduits for utilities along the road. Furthermore, it involves extensive landscaping. All of these construction-related activities will undoubtedly cause significant root damage and possibly destabilize some of the trees.

I'm at a bit of a disadvantage here because I have not seen a tree preservation plan for Windsor Oaks Road project, addressing measures the contractor is proposing to protect the trees during and following construction. Furthermore, I have not seen a detail of the proposed road construction or the engineered drainage facility. Nor have I seen a landscape plan to determine potential problems.

I know that the current un-maintained county road is to be widened to at least 17 feet. With an apron along both sides, it will probably be closer to 20 feet wide. The entire easement is just 30 feet, so that puts the road bed excavation and trenching for conduits within 10 feet of the mature trees. Some of the trees are even closer. Depending on the depth of excavation and location of trenching for any utilities, this will likely sever a substantial portion of the trees' root systems, and possibly cause root instability. If the drainage ditch is deepened or re-contoured, additional damage is likely. The road widening will also compact additional soil within the root zone, impairing root

development and function, and limiting root regeneration under the road. Compacted soil contains less air and water, and is largely impenetrable to tree roots. Additional root damage can result if a continuous footing is used for the proposed sound wall in front of the Honsa property. The use of rolling dips to lower traffic speed will require deeper excavation and additional root disturbance closer to the adjacent trees, to facilitate drainage. The road grade near the entry point will have to be lowered to match that of Arata Lane, This will have some impact on the trees closest to Arata Lane. From what I've read, the road is to be paved or an asphalt seal applied to the compacted aggregate. Either method will reduce percolation of water into the root zone below.

The installation of extensive landscaping along with the requisite irrigation system under and around the oaks is also cause for concern. Significant damage will be done to the root system closest to the trunk by digging holes for the planting stock—the larger the planting stock, the greater the root damage. Density of plantings is also an issue. Without having seen the landscape plan, I can't address the compatibility of the specified planting list with the existing oaks. Nor can I comment on where and how the irrigation system is to be installed. I also question the appropriateness of installing landscaping around the native oaks because the irrigation needed to sustain the new landscape plants will create conditions favoring the development of root disease, or exacerbate any root disease already at the site. Root disease commonly occurs on the roots of oaks but typically remains inactive until trees are very old, become stressed by drought or restricted uptake water as a result of root loss, or when irrigated during the summer months. Dry soil conditions that normally prevail in natural stands of oaks during the summer largely prevent root disease pathogens from developing. Root disease in these oaks is far more likely to develop or become active and spread when the root zone, particularly close to the trunk, if landscaping with irrigation is installed. Another issue is that landscaping under the oaks is unlikely to be successful, considering the dense shade from the leafy canopies above and strong competition from the oaks roots. If landscaping is to be installed it would be far better to use native, shade and drought-adapted plants known for their compatibility with native oaks.

There are three windrows of primarily Valley Oaks (*Quercus lobata*) running north from Arata Lane. One is along the east side of the Liberty Oaks Lane, another further eastward, and the remaining one along the planned Windsor Oaks Road easement. The trees are quite old and important visually, historically, and environmentally. Their importance to wildlife should also be a consideration. These trees help to define the transition between the suburban development south of Arata Lane with the rural, agricultural and open space areas north of the road. The oaks along the proposed Windsor Oaks road run from Arata Lane to just beyond the second parcel along Liberty Oaks Lane. There are several oaks in the easement bordering the parcel where the Koch family lives, as well.

The trees at one time were quite large, but cut, perhaps around the turn of the century, and allowed to resprout from the stumps. Consequently, they have developed multiple trunks, some of which are close to 30-inches in diameter.

The proximity of the proposed construction project will likely cause significant root injury which could result in mortality or premature decline, unless alternative building methods are used. Considering the size and age of the trees, there should be no disturbances within their driplines (width of the crowns, as measured by the lateral extension of extent of their foliage). Ideally, root protection zones for mature trees like these should be equal to about 1.25 feet for each inch of trunk diameter. Since these are multi-stemmed trees you have to adjust accordingly. If we assume that the average tree has an adjusted diameter of about four feet (this is done by combining the areas of all the stems to calculate an adjusted diameter (divide the combined area of the stems by pi, the square root of this number is the radius, and multiplying that by 2 gives the diameter). At the very least, root cutting should not be done within 5 times the diameter of the tree (ANSI A300, Part 8- Root and Root Zone Management. This is the new industry standard recently published by the American National Standards Institute). So for a 48-inch diameter tree that distance is 20 feet. This is just not doable in this case. The only practical way to prevent serious injury is to avoid excavation within the root zones.

In summary:

- This project as described in the plans that I've reviewed will likely cause serious damage to the oaks unless mitigated by alternate building methods.
- The extensive root loss will probably cause some mortality and initiate decline with some noticeable dieback.
- The two declining trees I mentioned will probably succumb within a few years.
- Some of the trees may topple as a result of loss of structural roots, so there is a real liability issue for the owner and a risk factor for passing vehicles and the adjacent homes and residents.
- Landscaping under the oaks is not recommended and would likely cause appreciable root damage and result in root disease problems down the road.
- Construction-related damage and root disease issues introduced by the installation of landscaping and irrigation, and the stress induced by major root loss may take up to a decade to become fully evident. Some trees die within a year or two, others progressively decline until they succumb to lethal attack by insects or disease-causing pathogens.



Figure 1. View of proposed road from Arata Lane to the left (looking west)



Figure 2. View of trees along proposed road further north.



Figure 3. View of trees and homes further north.



Figure 4. View of trees in front of the Honsa home.



Figure 5. View of windrow north of 1st parcel.



Figure 6. View of windrow east of the Liberty Oak Rd.

ARBORIST REPORT

**Windsor Oaks Road
Sonoma County, CA
(APN: 086-100-16)**

Prepared for:
**Robert Stein
Windsor Oaks Vineyard & Winery
10810 Hillview Road
Windsor, CA 95492**

Prepared by:
**ARBORSCIENCE
Post Office Box 111
Woodacre, CA 94973**

March 24, 2014



ASSIGNMENT

Robert Stein hired **ARBORSCIENCE** to evaluate the oaks growing along Windsor Oaks Road that runs from Arata Lane northward, between Hillview Road and Liberty Oak Lane just north of Windsor. This evaluation is related to proposed chip-seal surface improvements on this private road. I conducted my field inspection on March 21, 2014.

SCOPE OF WORK AND LIMITATIONS

Information regarding property boundaries, land and tree ownership was obtained from Jeannie VandeWeg of Steve Martin Associates, Inc. and verified using County of Sonoma Assessor parcel data. I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. Observations and conclusions regarding the subject trees and site conditions were made by me, independently, based on my education, experience, and inspection of the site. Unless expressed otherwise, information contained in this report covers only those items examined and reflects the condition of those items at the time of inspection. My inspection was limited to visual examination of accessible tree components from the ground. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

LOCATION

The subject oaks are growing within 15 feet of the edge of Windsor Oaks Road that extends approximately 2,600 feet north from Arata Lane in unincorporated Sonoma County, California (APN: 086-100-16).

DESCRIPTION OF THE SUBJECT TREES

The subject oaks include 120 valley oaks (*Quercus lobata*), 31 black oaks (*Quercus kelloggii*), and 14 coast live oaks (*Quercus agrifolia*). These trees range in diameter at breast height (dbh) from 1" to more than 40". Refer to the graph on Page 3 that summarizes the distribution of trunk diameters. Most of the subject trees are on the east side of the road.

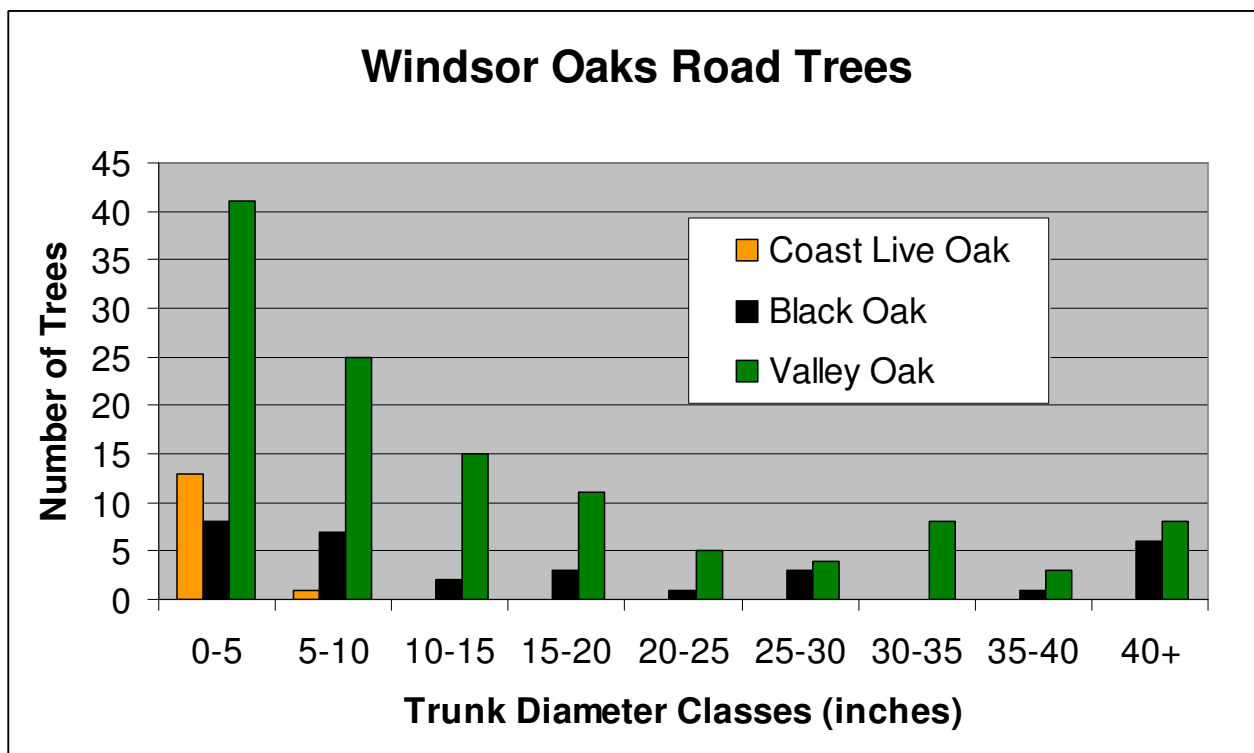
The largest and oldest oaks (>30") consist of healthy, established mature valley and black oaks that were likely planted as a



windrow. Some of these oaks were cut to the ground in the past and subsequently re-sprouted, which would explain why they have multiple trunks. Trunk decay on these larger trees may lead to partial tree failure in the future.

The moderately sized oaks (10” to 30”) probably seeded in from the original row of oaks. These trees generally have single trunks and are exceptionally healthy. Two oaks have died just west of a east-west trending line of coast redwoods (*Sequoia sempervirens*). I suspect that these deaths are related to an unidentified abiotic cause that is not related to the existing road.

The smaller valley and black oaks (<10”) are the most recent volunteers and are exceptionally healthy. The coast live oaks consist of a younger cohort (less than 5” dbh) on the northeast segment of the road. All of these small oaks should be thinned to promote proper spacing and pruned to create good architecture for the future appearance and safety of the road.



PROPOSED PROJECT

The proposed project consists of adding a 12-foot-wide by 6-inch-thick chip-seal surface over an existing, 18-inch-thick compacted road base bed that is underlain by geotextile fabric. The existing road base was compacted to 90% and has been in place for more than 10 years.¹ I understand that no below-ground utilities will be installed along the road.

¹ Personal Communication with Doug Lumgair, Windsor Oaks Winery, 3-21-14

CONCLUSIONS AND CERTIFICATION

I certify that the proposed chip-seal road improvement project will affect neither the systemic health nor structural stability of the subject trees. The existing road bed is already well established; no further changes to the porosity or moisture-holding capacity of the soils will result from the project. Paving the road will likely improve the health of the subject trees by reducing dust normally generated by dry-season use of the road and increasing the moisture holding capacity of the soil beneath the road.

Sincerely,

ARBORSCIENCE



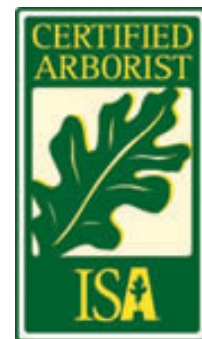
Kent R. Julin, Ph.D.
ISA Certified Arborist #WE-8733A
ISA Tree Risk Assessor Qualified

KENT R. JULIN, PH.D.
ISA Certified Arborist WE-8733A
ISA Tree Risk Assessment Qualified
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Areas of Professional Interest and Expertise

- ❖ Arboriculture and Urban Forest Management
- ❖ Tree Management Plans
- ❖ Species Selection and Planting Specifications
- ❖ Tree Care Specifications
- ❖ Tree Protection Plans
- ❖ Wildland-Urban Interface Fuels Management
- ❖ Vegetation Analysis, Evaluation, and Management
- ❖ Soil Erosion Mitigation and Planning
- ❖ Pest and Disease Diagnosis
- ❖ Tree Structural Hazard Assessments
- ❖ Tree Forensics and Tree-Ring Studies
- ❖ Tree Appraisal (Valuation of partial and total loss)



Education

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2010 – Present Principal Consulting Arborist and Forester
ARBORSCIENCE, Woodacre CA

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1995 – 1998 Research Forester, USDA Pacific Northwest Research Station,
Juneau, AK

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1981 – 1988 Graduate Research Assistant, University of Washington, Seattle, WA

ARBORIST REPORT

**Windsor Oaks Road
Sonoma County, CA
(APN: 086-100-16)**

Prepared for:
**Robert Stein
Windsor Oaks Vineyard & Winery
10810 Hillview Road
Windsor, CA 95492**

Prepared by:
**ARBORSCIENCE
Post Office Box 111
Woodacre, CA 94973**

May 8, 2014



ASSIGNMENT

Robert Stein hired **ARBORSCIENCE** to evaluate oaks growing along Windsor Oaks Road that runs from Arata Lane northward, between Hillview Road and Liberty Oak Lane just north of Windsor. This evaluation is related to proposed improvements on this private road. I conducted my field inspections on March 21 and April 1, 2014. In addition, I reviewed the Windsor Oaks Road Plan by Steve Martin Associates dated 5-7-14 and the Windsor Oaks Road Landscape plans by MacNair Landscape Architecture. Finally, I addressed concerns raised by Bruce Hagen in his arborist report dated March 19, 2014 (attached).

SCOPE OF WORK AND LIMITATIONS

Information regarding property boundaries, land and tree ownership was obtained from Jeannie VandeWeg of Steve Martin Associates, Inc. and verified using County of Sonoma Assessor parcel data. I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. Observations and conclusions regarding the subject trees and site conditions were made by me, independently, based on my education, experience, and inspection of the site. Unless expressed otherwise, information contained in this report covers only those items examined and reflects the condition of those items at the time of inspection. My inspection was limited to visual examination of accessible tree components from the ground. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

LOCATION

The subject oaks are growing within 15 feet of the edge of Windsor Oaks Road that extends approximately 2,600 feet north from Arata Lane in unincorporated Sonoma County, California (APN: 086-100-16).

DESCRIPTION OF THE SUBJECT TREES

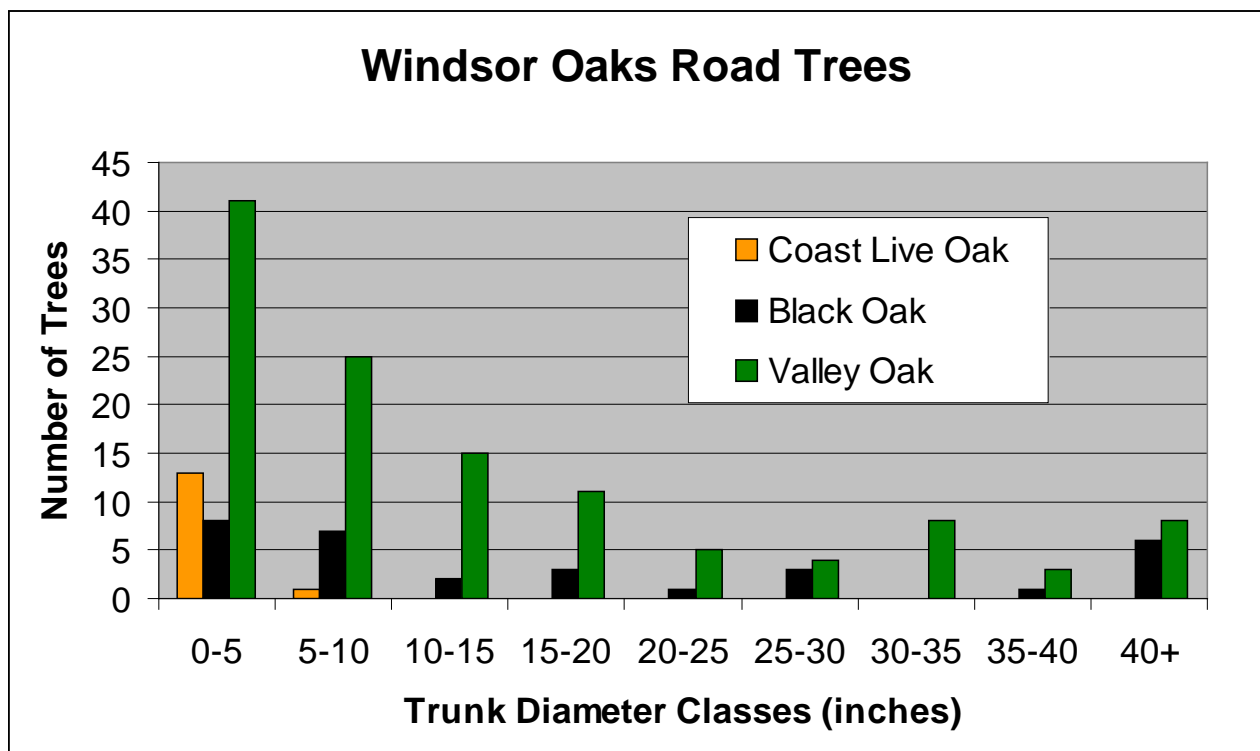
The subject oaks include 120 valley oaks (*Quercus lobata*), 31 black oaks (*Quercus kelloggii*), and 14 coast live oaks (*Quercus agrifolia*). These trees range in diameter at breast height (dbh) from 1" to more than 40". Refer to the graph on Page 3 that summarizes the distribution of trunk diameters. Most of the subject trees are on the east side of the road.



The largest and oldest oaks (>30") consist of healthy, established mature valley and black oaks that were likely planted as a windrow. Some of these oaks were cut to the ground in the past and subsequently re-sprouted, which would explain why they have multiple trunks. Trunk decay on these larger trees may lead to partial tree failure in the future.

The moderately sized oaks (10" to 30") probably seeded in from the original row of oaks. These trees generally have single trunks and are exceptionally healthy. Two oaks have died just west of an east-west trending line of coast redwoods (*Sequoia sempervirens*). I suspect that these deaths are related to an unidentified abiotic cause that is not related to road improvements implemented 12 years ago.

The smaller valley and black oaks (<10") are the most recent volunteers and are exceptionally healthy. The coast live oaks consist of a younger cohort (less than 5" dbh) on the northeast segment of the road. All of these small oaks should be thinned to promote proper spacing and pruned to create good architecture for the future appearance and safety of the road.



PROPOSED PROJECT

The proposed project consists of adding a 16-foot-wide chip-seal and rubberized asphalt surface over an existing, 18-inch-thick compacted road base bed that is underlain by geotextile fabric. The existing road base was compacted to 90% and has

been in place for 12 years.¹ I understand that all below-ground utilities were installed along the road 12 years ago.

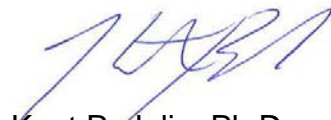
Landscaping with associated irrigation and roadside fencing are planned for Windsor Oaks Road.² This proposed work will be done in five (5) distinct Zones extending from Arata Lane northward to a formal main gate to the winery. The palette of proposed plants includes low-water use plants that will be compatible with existing oaks along the road. Fencing, including a sound wall, will be built using post-and-grade-beam construction to minimize impacts to oak roots.

CONCLUSIONS AND CERTIFICATION

Based on my review of the Windsor Oaks Road Plan by Steve Martin Associates dated 5-7-14 and the Windsor Oaks Road Landscape plans by MacNair Landscape Architecture, I certify that proposed road improvements will not have adverse impacts to existing oak trees. The existing road bed is already well established; no further changes to the porosity or moisture-holding capacity of the soils will result from the project. Paving the road will likely improve the health of the subject trees by virtually eliminating dust normally generated by dry-season use of the road and increasing the moisture holding capacity of the soil beneath the road.

Sincerely,

ARBORSCIENCE



Kent R. Julin, Ph.D.
ISA Certified Arborist #WE-8733A
ISA Tree Risk Assessor Qualified

¹ Personal Communication with Doug Lumgair, Windsor Oaks Winery, 3-21-14

² Windsor Oaks Winery Driveway Plans by MacNair Landscape Architecture, 5pp.

ARBORSCIENCE'S RESPONSES (**BOLD, ITALICS, ARIAL FONT**) TO BRUCE HAGEN'S MARCH 19, 2014 LETTER (STANDARD, TIMES ROMAN FONT)

Arborist Report

Prepared by:

Bruce W. Hagen

Consulting Arborist

Certified Arborist WE0243A

Registered Professional Forester 2440

Submitted: March 19, 2014

RE: Windsor Oaks Road Construction project

Client:

Joy Zamoyski-Koch and David Koch

10119 Liberty Oak Lane

Windsor, CA 95492

I was hired by the Joy Zamoyski-Koch and her husband, David Koch who reside at 10119 Liberty Oak Lane, Windsor, CA, to address possible adverse affects to an existing windrow of Valley Oaks along the eastern side of the road easement that borders their property from the proposed Windsor Oaks road construction project. I was not asked to survey the trees, measure their diameters, record other pertinent information, or assess their health and structural condition. Nonetheless, most of the trees appear to be in good condition. Two, though, are in decline, but could survive for decades.

Decline in two (2) trees noted above was not caused by road improvements implemented 12 years ago. Coast redwoods growing east of the road are also declining. I suspect a soil-related, abiotic cause.

From what I understand, the Windsor Oaks road project involves grading and excavation to prepare a stable road bed, widening the existing aggregate road, installing an engineered drainage facility, excavating rolling dips to slow traffic, paving, and installing conduits for utilities along the road. Furthermore, it involves extensive landscaping. All of these construction-related activities will undoubtedly cause significant root damage and possibly destabilize some of the trees.

The proposed project does not involve grading and excavation to prepare a stable road bed. A new surface will be placed on an established, compacted road base. Rolling dips will be created within the existing road base prism. Utilities along the road were installed 12 years ago. Trees along the road will not be destabilized by the proposed work.

I'm at a bit of a disadvantage here because I have not seen a tree preservation plan for Windsor Oaks Road project, addressing measures the contractor is proposing to protect the trees during and

following construction. Furthermore, I have not seen a detail of the proposed road construction or the engineered drainage facility. Nor have I seen a landscape plan to determine potential problems. **Impacts to existing trees cannot be fully evaluated without reviewing construction and landscaping plans.**

I know that the current un-maintained county road is to be widened to at least 17 feet. With an apron along both sides, it will probably be closer to 20 feet wide. The entire easement is just 30 feet, so that puts the road bed excavation and trenching for conduits within 10 feet of the mature trees. Some of the trees are even closer. Depending on the depth of excavation and location of trenching for any utilities, this will likely sever a substantial portion of the trees' root systems, and possibly cause root instability. If the drainage ditch is deepened or re-contoured, additional damage is likely. The road widening will also compact additional soil within the root zone, impairing root development and function, and limiting root regeneration under the road. Compacted soil contains less air and water, and is largely impenetrable to tree roots. Additional root damage can result if a continuous footing is used for the proposed sound wall in front of the Honsa property. The use of rolling dips to lower traffic speed will require deeper excavation and additional root disturbance closer to the adjacent trees, to facilitate drainage. The road grade near the entry point will have to be lowered to match that of Arata Lane, This will have some impact on the trees closest to Arata Lane. From what I've read, the road is to be paved or an asphalt seal applied to the compacted aggregate. Either method will reduce percolation of water into the root zone below.

Windsor Oaks Road is not a County road. The proposed project would place a 16-foot-wide surface on an existing road bed. No road bed excavation and trenching will be done. All work including preparation of the road base and installation of utilities was completed 12 years ago. No continuous footing is proposed for the sound wall or fencing. This will be post and beam construction.

The installation of extensive landscaping along with the requisite irrigation system under and around the oaks is also cause for concern. Significant damage will be done to the root system closest to the trunk by digging holes for the planting stock—the larger the planting stock, the greater the root damage. Density of plantings is also an issue. Without having seen the landscape plan, I can't address the compatibility of the specified planting list with the existing oaks. Nor can I comment on where and how the irrigation system is to be installed. I also question the appropriateness of installing landscaping around the native oaks because the irrigation needed to sustain the new landscape plants will create conditions favoring the development of root disease, or exacerbate any root disease already at the site. Root disease commonly occurs on the roots of oaks but typically remains inactive until trees are very old, become stressed by drought or restricted uptake water as a result of root loss, or when irrigated during the summer months. Dry soil conditions that normally prevail in natural stands of oaks during the summer largely prevent root disease pathogens from developing. Root disease in these oaks is far more likely to develop or become active and spread when the root zone, particularly close to the trunk, if landscaping with irrigation is installed. Another issue is that landscaping under the oaks is unlikely to be successful, considering the dense shade from the leafy canopies above and strong competition from the oaks roots. If landscaping is to be installed it would be far better to use native, shade and drought-adapted plants known for their compatibility with native oaks.

Proposed landscaping consists of plants that are compatible under oaks. Irrigation pipes will be installed at or just beneath the soil surface to minimize damage to nearby oaks.

There are three windrows of primarily Valley Oaks (*Quercus lobata*) running north from Arata Lane. One is along the east side of the Liberty Oaks Lane, another further eastward, and the remaining one along the planned Windsor Oaks Road easement. The trees are quite old and important visually, historically, and environmentally. Their importance to wildlife should also be a consideration. These trees help to define the transition between the suburban development south of Arata Lane with the rural, agricultural and open space areas north of the road. The oaks along the proposed Windsor Oaks road run from Arata Lane to just beyond the second parcel along Liberty Oaks Lane. There are several oaks in the easement bordering the parcel where the Koch family lives, as well.

The trees at one time were quite large, but cut, perhaps around the turn of the century, and allowed to resprout from the stumps. Consequently, they have developed multiple trunks, some of which are close to 30-inches in diameter.

The proximity of the proposed construction project will likely cause significant root injury which could result in mortality or premature decline, unless alternative building methods are used. Considering the size and age of the trees, there should be no disturbances within their driplines (width of the crowns, as measured by the lateral extension of extent of their foliage). Ideally, root protection zones for mature trees like these should be equal to about 1.25 feet for each inch of trunk diameter. Since these are multi-stemmed trees you have to adjust accordingly. If we assume that the average tree has an adjusted diameter of about four feet (this is done by combining the areas of all the stems to calculate an adjusted diameter (divide the combined area of the stems by pi, the square root of this number is the radius, and multiplying that by 2 gives the diameter). At the very least, root cutting should not be done within 5 times the diameter of the tree (ANSI A300, Part 8- Root and Root Zone Management. This is the new industry standard recently published by the American National Standards Institute). So for a 48-inch diameter tree that distance is 20 feet. This is just not doable in this case. The only practical way to prevent serious injury is to avoid excavation within the root zones.

Oak trees along Windsor Oaks Road appear quite healthy and do not show any symptoms of decline caused by road improvements 12 years ago. Proposed work will not disturb the root systems of the existing trees.

In summary:

- This project as described in the plans that I've reviewed will likely cause serious damage to the oaks unless mitigated by alternate building methods.

The proposed project will not result in serious damage to oaks. Surfacing a pre-existing, compacted road base will not disturb tree roots.

- The extensive root loss will probably cause some mortality and initiate decline with some noticeable dieback.

Proposed work will not result in extensive root loss. No road-related construction decline is apparent following roadwork completed 12 years ago.

- The two declining trees I mentioned will probably succumb within a few years.

These two trees are declining not as a result of road building work in the past.

- Some of the trees may topple as a result of loss of structural roots, so there is a real liability issue for the owner and a risk factor for passing vehicles and the adjacent homes and residents.

The proposed project will not result in the loss of structural roots.

- Landscaping under the oaks is not recommended and would likely cause appreciable root damage and result in root disease problems down the road.
- Construction-related damage and root disease issues introduced by the installation of landscaping and irrigation, and the stress induced by major root loss may take up to a decade to become fully evident. Some trees die within a year or two, others progressively decline until they succumb to lethal attack by insects or disease-causing pathogens.

It is a common practice to safely plant and maintain ornamental plants under oaks. Most of the genera in the Windsor Oaks Road project plant legend are listed in the California Oak Foundation's book: Compatible Plants Under and Around Oaks by Hagen et al. Other plants listed in the plan require little water. Olive trees will be planted outside oak driplines.



Figure 1. View of proposed road from Arata Lane to the left (looking west)



Figure 2. View of trees along proposed road further north.



Figure 3. View of trees and homes further north.



Figure 4. View of trees in front of the Honsa home.



Figure 5. View of windrow north of 1st parcel.



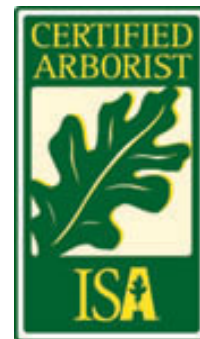
Figure 6. View of windrow east of the Liberty Oak Rd.

KENT R. JULIN, PH.D.
ISA Certified Arborist WE-8733A
ISA Tree Risk Assessment Qualified
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Areas of Professional Interest and Expertise

- ❖ Arboriculture and Urban Forest Management
- ❖ Tree Management Plans
- ❖ Species Selection and Planting Specifications
- ❖ Tree Care Specifications
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- ❖ Wildland-Urban Interface Fuels Management
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- ❖ Pest and Disease Diagnosis
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- ❖ Tree Appraisal (Valuation of partial and total loss)



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Urban Forestry Associates, San Rafael, CA

1995 – 1998 Research Forester, USDA Pacific Northwest Research Station,
Juneau, AK

1989 – 1995 Senior Environmental Scientist, Harding Lawson Associates, Novato

1981 – 1988 Graduate Research Assistant, University of Washington, Seattle, WA

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

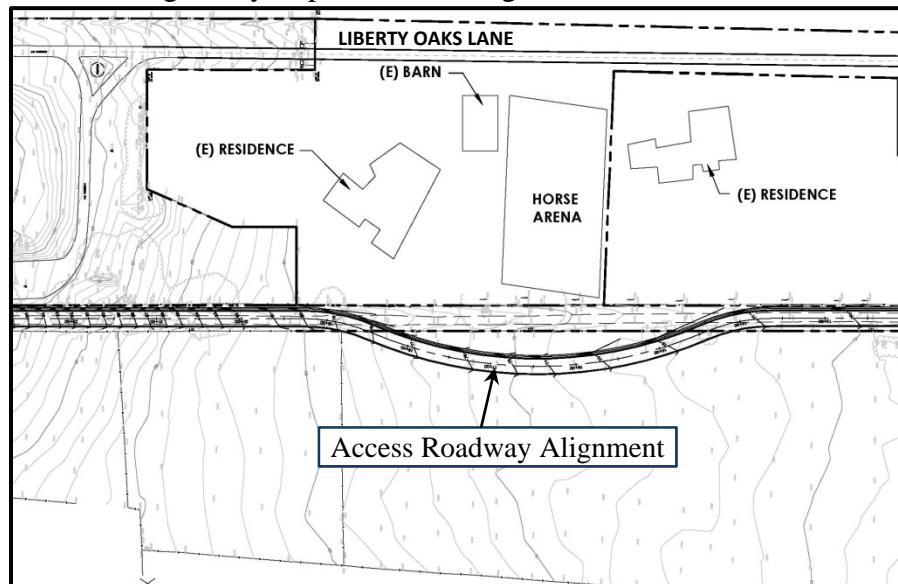


Figure 1: Proposed Access Road and Koch Property

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.

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

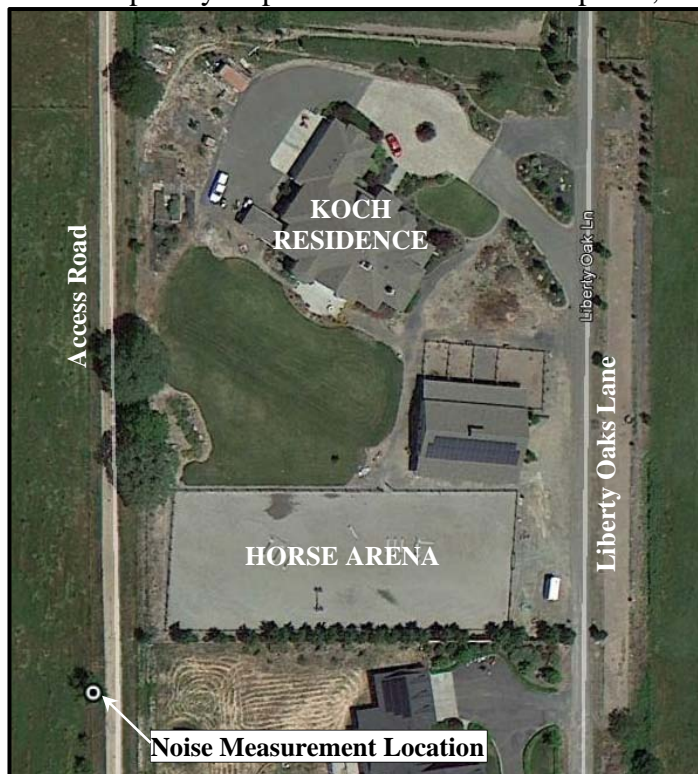
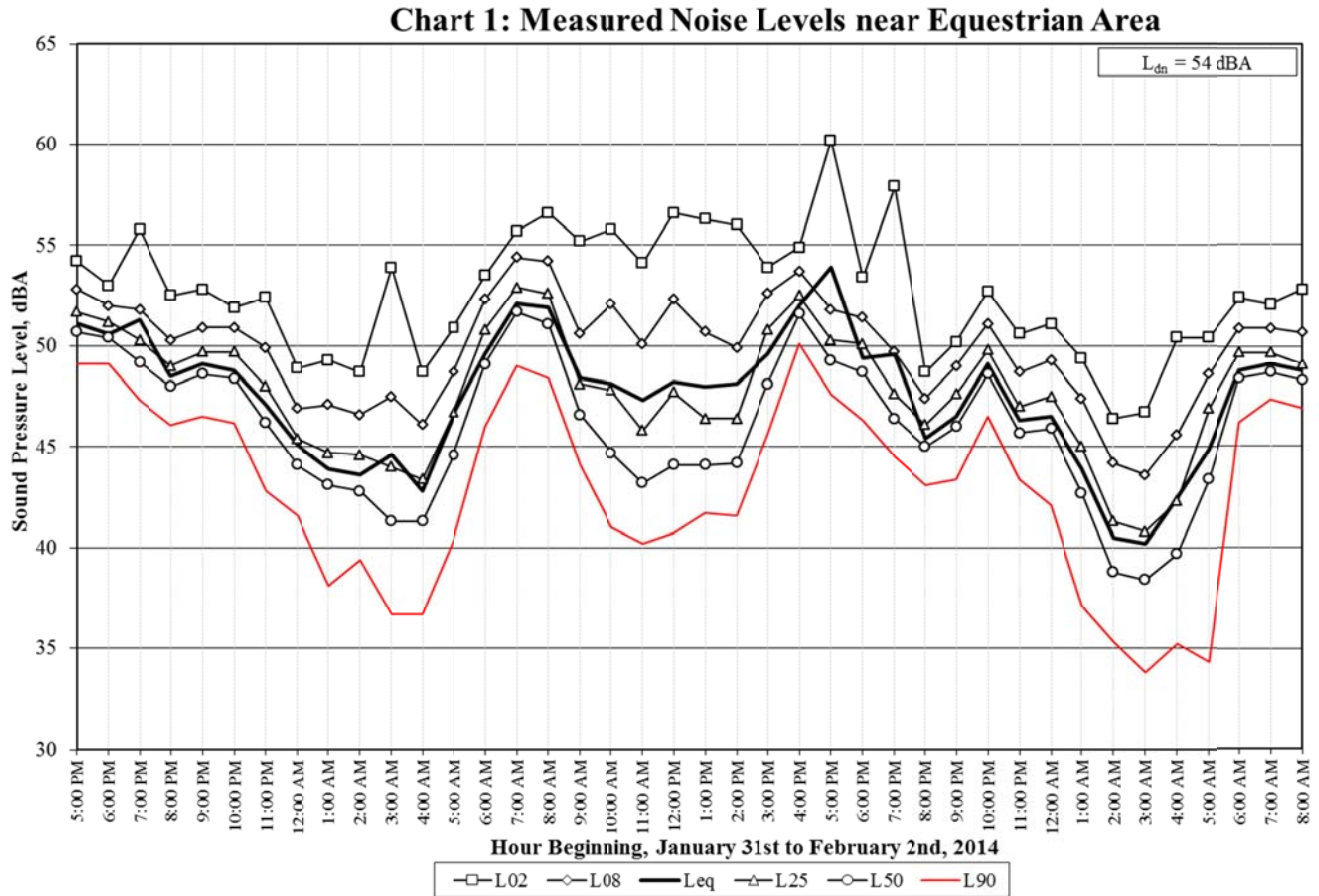


Figure 1: Noise Measurement Location

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

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.

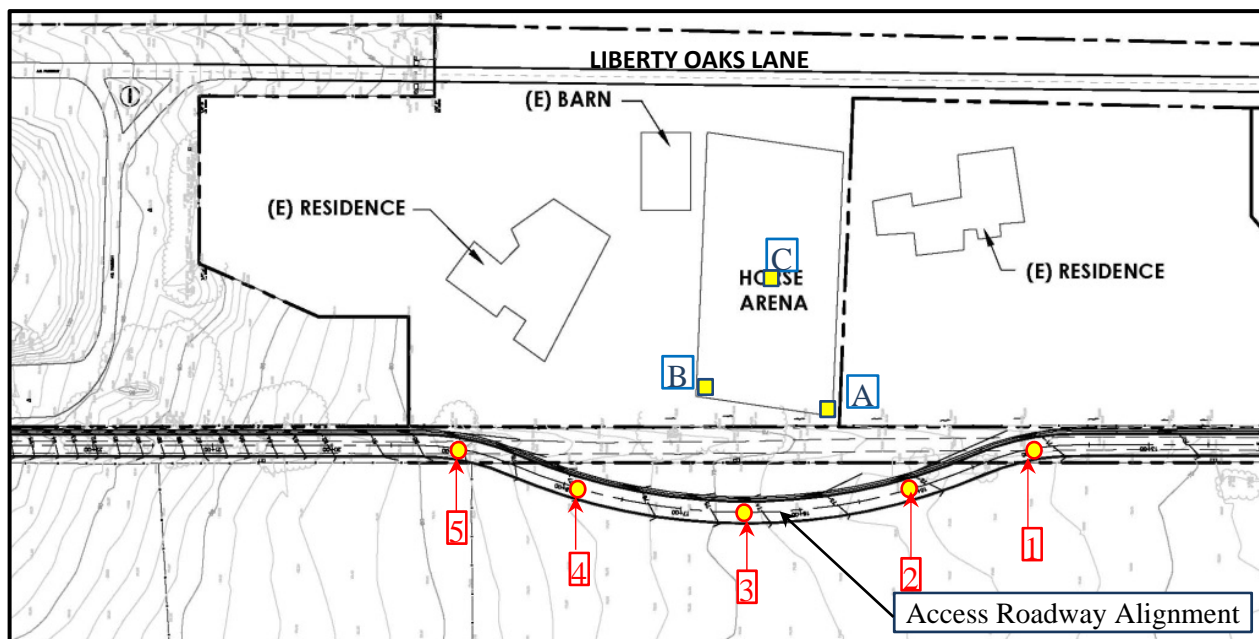


Figure 2: Project Area with Noise Modeling Locations

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.

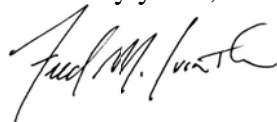
Table 2: Horse Arena Sound Levels Produced by Vehicles on Access Road

| 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

| 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 |
| | 40 | | |
| Soft Whisper (5') | 30 | Quiet Bedroom | |
| | 30 | | |
| | 20 | Recording Studio | |
| | 20 | | |
| | 10 | | Threshold of Hearing |
| | 10 | | |
| | 0 | | |

Typical Sound Levels Measured In The Environment And Industry

Table 2

ILLINGWORTH & RODKIN, INC./Acoustical Engineers

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

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Petaluma, California 94954

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March 20, 2014

Mr. Steve Martin
SMA Steve Martin Associates, Inc.
130 South Main Street
Sebastopol, CA 95472
Via Email: steve@smassociates.net, Clare@SMAssociates.net

**SUBJECT: Windsor Oaks Winery Entry Road Noise
Response to Comments on Acoustical Study**

Dear Steve:

Illingworth & Rodkin, Inc. (I&R) has the following responses to the comments on our Acoustical Study of the Windsor Oaks Winery Entry Road Noise and the Executive Summary prepared by Sonoma County Staff regarding the appeal and the noise issues associated with Windsor Oaks Winery Entry Road prepared by Frank Hubach Associates, Inc. (FHA):

Comment 1:

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.

Response 1:

I&R's significance criteria used the L_{08} daytime Sonoma County Noise Element standard to evaluate noise impacts on the residential use of the Koch property. To evaluate a criterion for the startle response and safety of horses, we considered the level over ambient (note we used L_{90} not L_{50}), which the horses already experience due to the noise of vehicles which currently use Liberty Oaks Lane. Because the decibel level associated with the County Standard was lower than the determined level over ambient, I&R used the decibel level associated with the County Standard as the Criteria for impact determination to conduct a more conservative analysis¹. Therefore, while we reference daytime L_{08} levels in our criteria, our analysis also considers the maximum noise levels of individual vehicle passbys to determine noise impacts on horses.

¹ It should be noted that in the I&R analysis considered that passing vehicles may exceed ambient levels by 10 dBA on the Koch property, and adjusted County Standards downward by 5 dBA per NE-1c(3). Nowhere else in the Noise Element of the General Plan is an increase in ambient noise considered to be significant where project noise otherwise complies with County standards.

Comment 2:

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).

Response 2:

It should first be noted that I&R's sound level of 59 dBA at 50 feet is for a vehicle traveling at 25 mph not 30 mph at referenced by FHA. Furthermore, the California Vehicle Noise Reference Energy Mean Emissions Levels (REMELS) algorithm² predicts the sound level of 63 dBA for an automobile traveling at 30 mph at 50 feet, which is not such a sharp contrast to the 66 dBA level referenced by FHA.

However, if one were to assume that the horses in the equestrian area are already exposed to noise levels of 66 dBA (the eastern portion of the horse arena is positioned about 50 feet from the centerline of Liberty Oaks), then the horses currently experience, and thus are likely habituated to, vehicle noise 20 dBA over the measured ambient (L₉₀) level of 46 dBA. This easily confirms I&R's use of a more than 10 dBA increase causing a startle response in horses at the arena, and causes one to consider if a greater increase should be used as a criteria to judge the onset of a startle response.

Comment 3:

The mid-day ambient noise level has been measured as 41.8 dBA L₅₀ by FHA and lower than IR's reported 48 dBA L₅₀. The FHA measurement was at the center of the Koch property and IR's was on Hillview Road and closer to Arata Lane.

Response 3:

I&R's measurement was not on Hillview Road, but on the un-named access road on the west side of the horse arena, which will be used for the Windsor Oaks Winery access road. Also, while I&R's measurement was somewhat closer to Arata lane than a measurement made at the center of the Koch property (approximately 1,475 feet versus an estimated 1,700 feet), given these fairly large distances the variation in Arata Lane traffic noise between these two locations would be less than 1 dBA, which is less than significant difference.

Additionally, I&R's measurement survey was completed on an hourly basis (per County Standards) over a multiday period, and included a full weekend day, while the FHA measurement was conducted for an undisclosed 'mid-day' period of time during an undisclosed day. The duration of the 42 dBA³ L₅₀ FHA measurement is unknown. The measurement could have either been made during quieter periods during a given hour, or during a quieter hour during the day.

Furthermore, I&R reported the daytime hourly L₅₀ level as ranging from 43 dBA to 52 dBA (re: Table 1), with a daytime average level of 48 dBA. Given that sound level meters can typically only accurately measure environmental noise levels to within about plus or minus 1 dBA the lower end of this range is essentially equal to the level measured by FHA.

²The REMELS algorithm predicts average vehicle noise levels, not the loudest or the quietest vehicle levels

³The use of decimal points when reporting decibel levels is generally avoided since reporting extra significant digits can give a sense of greater accuracy than is possible with averaged environmental noise measurements.

Comment 4:

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.

Response 4:

A review of the Traffic Impact Study completed for the Windsor Oaks Winery project indicates that the project may result in 53 trips per day on the project access road. Though I&R is not a traffic engineering firm, we understand that traffic engineers typically consider each single family residence to generate 10 vehicle trips per day. Therefore, a private road limited to 4 residences, such as Liberty Oaks Lane, would have 40 trips per day. Additionally, considering the close proximity of the driveway of the home the south of the Koch residence to the horse arena and the vehicular trips generated by the Koch residence and their neighbor to the north along Liberty Oaks Lane, the horses in the arena could be considered to be exposed to 30 vehicle events per day under current conditions at a closer distance than the proposed winery access road. Based on these considerations, a comparison of the noise exposure from Liberty Oaks to that of the future access road on horses in the horse arena is relevant.

Comment 5:

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.

Response 5:

I&R does not argue that vehicles travel fast on Liberty Oaks Lane, we simply argue that vehicles already traveling on this roadway produce noise levels 10 dBA over ambient conditions in the area. This existing level over ambient is further confirmed with use of FHA's own estimation of horses in the current equestrian area (66 dBA at 50 feet, per comment and response 2 above), relative to the 46 dBA average ambient (L₉₀) daytime levels I&R measured (46 dBA), or even the 42 dBA median (L₅₀) levels FHA measured.

In terms of the use of the 3 dBA criteria cited from literature⁴, this relates to a sudden increase in noise levels or impulsive noise over background noise levels. Vehicular passbys at 25 or even 30 mph, do not really constitute a sudden increase in noise levels, since heightened noise from a passing vehicle would increase and decrease more gradually, not suddenly, as they approach and depart from the vicinity of the Horse Arena.

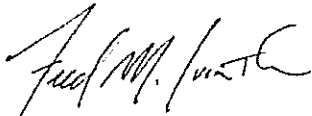
Our literature review also showed that horses can overcome the fear of noise phobias if they are gradually conditioned to them over time. Our consideration that horses in the Horse Arena are habituated to vehicular noise is based on a consideration that;

⁴ It should be noted that the review of the current knowledge regarding the effect of noise on horses was completed by I&R and shared with FHA prior to our independent analysis?

1. Vehicles currently pass the Horse Arena at 50 feet on Liberty Oaks Lane on a daily basis, and horses in the Arena would be used to noise from passing vehicles,
2. The driveway, outdoor parking area, and garage of the home immediately south of the Koch property are within 25 to 30 feet of the Horse Arena. Vehicle starts, door slams and other vehicle related noises from these areas would be expected to occur daily. This type of noise would be more potentially impulsive in nature noise and thus horses in the Arena would also be used to more sudden onset vehicular noise, and
3. Horses next to the winery access road on the northern portion of the Koch property did not startle or respond and continued to graze when I&R staff drove past them in a work truck operated by winery staff at an estimated speed of 25 to 30 mph to and from the set-up of the noise monitoring equipment adjacent to the Horse Arena.

This concludes Illingworth& Rodkin's responses to the comments on our Acoustical Study of the Windsor Oaks Winery Entry Road Noise and the Executive Summary prepared by Sonoma County Staff regarding the appeal and the noise issues associated with Windsor Oaks Winery Entry Road. 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.

Notice of Determination

Appendix D

To:

Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 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
Address: Resource Management Department
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
 (date)
 described project.

1. The project will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not] adopted for this project.
5. A statement of Overriding Considerations was was not] adopted for this project.
6. Findings were were not] 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

MEMO P/LP 12-0009
 APN-086-102-016/161-020-043

[Signature]
 AUTHORIZED SIGNATURE

PAY TO THE ORDER OF
 Sonoma County Clerk
 TWO THOUSAND TWO HUNDRED SIX & 25/100
 DOLLARS \$ 2,206.25

10/30/13

STEVE MARTIN ASSOCIATES, INC.
 130 S. MAIN STREET STE. 201
 SEBASTOPOL, CA 95472
 (707) 824-9730

citibank
 CITIBANK N.A. BR #892
 P.O. BOX 80698
 CHICAGO, IL 60680
 90-7118-3211

7620

Security features. Details on back.

OFFICIAL RECEIPT
 COUNTY OF SONOMA
 SANTA ROSA, CALIFORNIA

2158102

PAYMENT METHOD
 CASH
 CHECK
 EFT

DATE Dec. 30 20 13

RECEIVED FROM Steve Martin Associates, Inc
 ADDRESS 10300 Hilltop Rd. Ukiah, CA
 AMOUNT RECEIVED Two Thousand Two Hundred Six & 25/100 \$ 2,206.25
 FOR PLP 12-0009 With one check for Record fee for Mt. Neg. Dec.

PRINCE
 DEPARTMENT, DISTRICT, OR AGENCY

[Signature]
 BY

QUADRUPPLICATE - DEPARTMENT COPY

SCA-004 (8/10)

**A Cultural Resources Study of Portions of the
Property at 10810 Hillview Road, Windsor
Sonoma County, California**

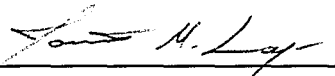
Lauren Del Bondio
and
Janine M. Loyd, M.A./R.P.A.

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
(707) 584-8300 (fax)

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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FIGURES

Figure 1. Project vicinity 1
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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.

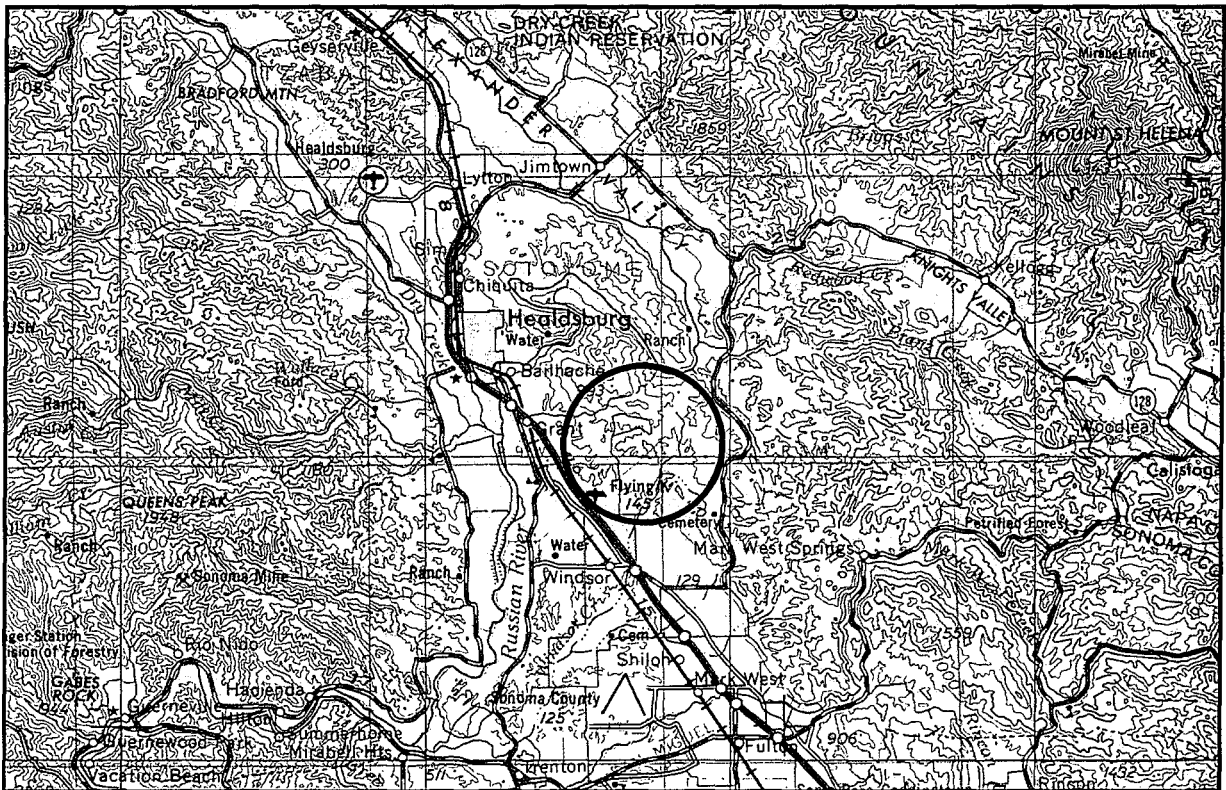


Figure 1. Project vicinity (adapted from the 1970 Santa Rosa 1:250,000-scale USGS map).

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.

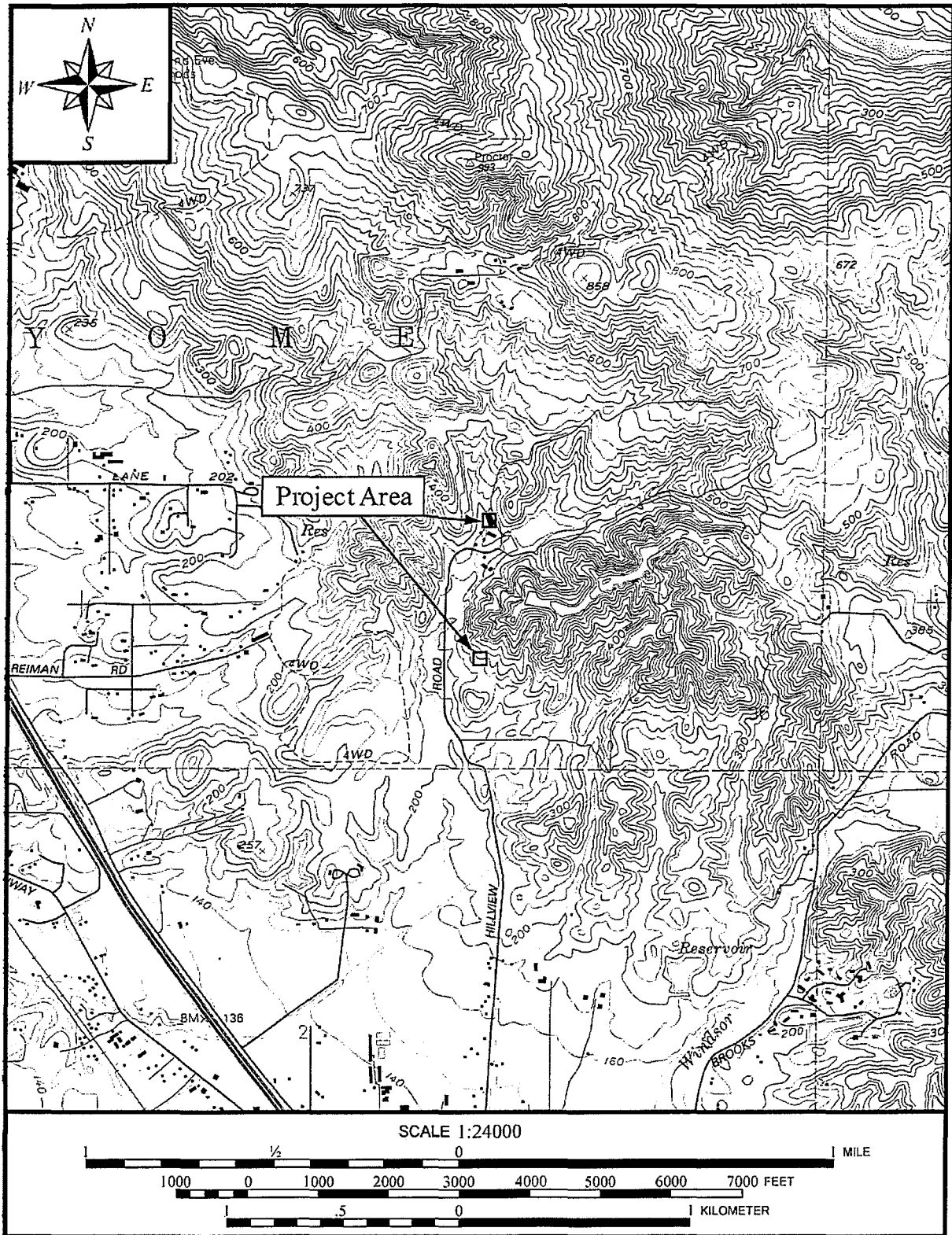


Figure 2. Study location (adapted from the 1993 Healdsburg 7.5' USGS topographic map).

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.

Bell and Heymans

1888 *Map of Sonoma County, California*. Bell and Heymans, San Francisco.

Bowers, A.

1867 *Map of Sonoma County*. 2nd ed. A. Bowers.

DeGeorgey, A.

2011a Primary Record for P-49-4352 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

2011b Primary Record for P-49-4367 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

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.

Fredrickson, D.

1984 The North Coastal Region. In *California Archaeology*, edited by M. Moratto. Academic Press, San Francisco.

General Land Office

1857 Plat of the Sotoyome Rancho. Department of the Interior, Washington, D.C.

Hoover, M., H. Rensch, E. Rensch, W. Abeloe

1966 *Historic Spots in California*. 3rd edition. Stanford University Press. Stanford.

Hoover, M., H. Rensch, E. Rensch, W. Abeloe, and D. Kyle

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.

McIntire and Lewis

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.

Peugh, E.

1934 *Official Map of Sonoma County, California*. County of Sonoma, California.

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.

2001b Primary Record for P-49-2816 on file at the Northwest Information Center, Sonoma State University, Rohnert Park.

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.

State of California Department of Parks and Recreation

1976 *California Inventory of Historic Resources*. Department of Parks and Recreation, Sacramento.

Stewart, O.

1943 *Notes on Pomo Ethnography*. University of California Publications in American Archaeology and Ethnology. Vol. 40. Berkeley.

Thompson, T.H. & Co.

1877 *Historical Atlas of Sonoma County, California*. T.H. Thompson & Co., Oakland, California.

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

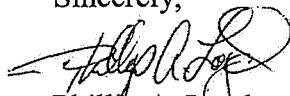
Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

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

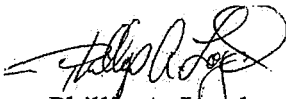
Dear Mr. Hopkins:

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.

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

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

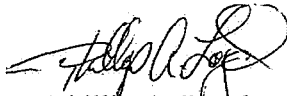
Dear Mr. Sarris:

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.

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

Frank Ross
Federated Indians of Graton Rancheria
PO Box 854
Novato, CA 94948

Re: Windsor Oaks Vineyard Project, Windsor, Sonoma County, California

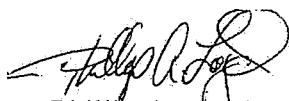
Dear Mr. Sarris:

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

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

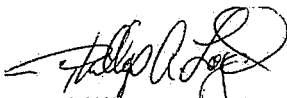
Dear Ms. Mejia:

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.

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
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.

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



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.

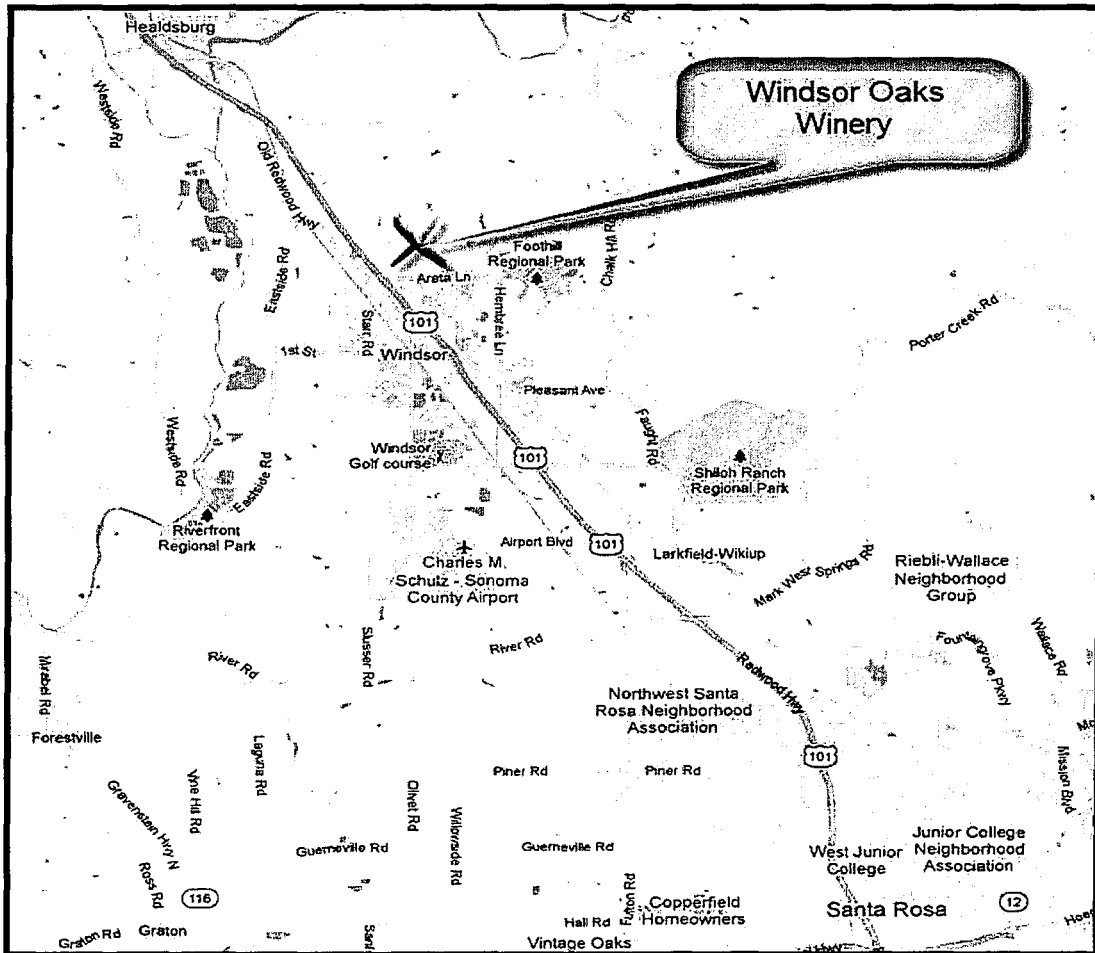


Figure 1. Windsor Oaks Winery Location

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

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

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

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> |
|---------------|------------|
|---------------|------------|

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 1000 sq ft | No. Units | Total Trips | Total VMT |
|------------------------|---------|-----------|-------------------------|-----------|-------------|-----------|
| General light industry | | 2.91 | | 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 |

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 |

Travel Conditions

| | 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

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) |
| | |

| 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 1, this included 102.38 megawatt-hours per year and 75 million Btus per year, based on

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

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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

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 |

| | | | |
|---------------------------------------|------|------|------|
| % of Trips - Residential | 32.9 | 18.0 | 49.1 |
| | | | |
| % of Trips - Commercial (by land use) | | | |
| General light industry | 50.0 | 25.0 | 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 | |

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% | |

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.

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

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 |

MND ATTACHMENT PAGE 60

BGM Refrigerants – Phase II

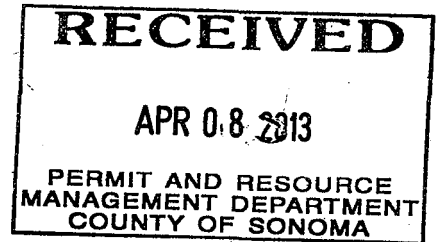
Refrigerant use for Phase II’s cold storage winery operations was estimated based on a similar winery’s use of 400 pounds per year to annually produce 32,000 cases of wine. This ratio of cold storage refrigerant usage/cases of wine (0.0125) was multiplied by the Windsor Oaks’s Phase II wine production 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

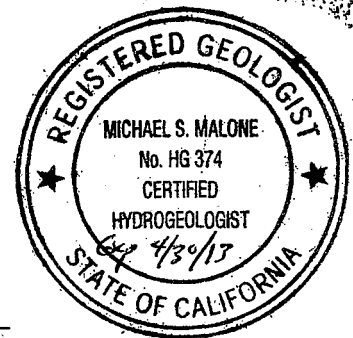
Windsor Oaks Associates LP
P.O. Box 883
Windsor, California 95492

by

A handwritten signature in black ink, 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
(707) 829-5511

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 increase 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 |
|--------------|--------------|--------------|--------------|--------------|

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.

REFERENCES

Blake, Jr., M.C., R.W. Graymer, and R.E. Stamski, *Geologic Map and Map Database of Western Sonoma, Northernmost Marin, and Southernmost Mendocino Counties, California*. U.S. Geological Survey Misc. Field Studies Map MF-2402.

California Department of Water Resources, June 1983, *Evaluation of Ground Water Resources: Sonoma County, Volume 5, Alexander Valley and Healdsburg Area*, Bulletin 118-4.

California Department of Water Resources, Sept. 1982, *Evaluation of Ground Water Resources: Sonoma County, Volume 2, Santa Rosa Plain*, Bulletin 118-4.

Delatte, Marc. P., 2011, *Preliminary Geologic Map of the Healdsburg 7.5' Quadrangle, Sonoma County, California: A Digital Database*, Version 1.0, California Geological Survey.

Driscoll, Fletcher G., 1986, *Groundwater and Wells*, published by U.S. Filter/Johnson Screens.

Groundwater Resources Association (GRA), April 26, 2004, *Low Yield Aquifer Testing Seminar*.

Brelji and Race Laboratories, Chemical Analysis, Upper Well, 3-8-74.

Bryant, W.A. and Earl Hart, 2007, *Fault Rupture Zones in California*, Special Publication 42, Interim Revision 2007, California Geological Survey.

Huffman, M.E. and C.F. Armstrong, 1980, *Geology for Planning in Sonoma County*, California Division of Mines and Geology Special Report 120.

Kulongoski, J.T., Belitz, Kenneth, Landon, M.K., and Farrar, Christopher, 2010, *Status and understanding of groundwater quality in the North San Francisco Bay groundwater basins, 2004: California GAMA Priority Basin Project*. U.S. Geological Survey Scientific Investigations Report 2010-5089, 88 p.

Metzger, L.F., Farrar, C.D., Koczot, K.M. and Reichard, E.G., 2006, *Geohydrology and Water Chemistry of the Alexander Valley, Sonoma County, California*, U.S. Geological Survey Scientific Investigations Report 2006-511.

Rantz, S.E., 1972, *Runoff Characteristics of California Streams*, Geological Survey Water-Supply Paper 2009-A.

Smith, Rhonda with the U.C. Cooperative Extension, December 2002, *Sonoma County Climactic Zones* from "The Varietal Winegrape Production Short Course".

Sonoma County Water Agency (SCWA), 2003, *County Wide Rainfall, Sonoma County, California*.

USDA, 1972, *Soil Survey, Sonoma County, California*, U.S. Dept. of Agriculture

Air Photos

Sonoma County Assessor office files:

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 1 | Project Location |
| Plate 2 | Geologic Map & Interpretive Geologic Cross-Section A-A' |
| Plate 3 | Map of Groundwater Resource Areas |

DISTRIBUTION

Copies Submitted: 2

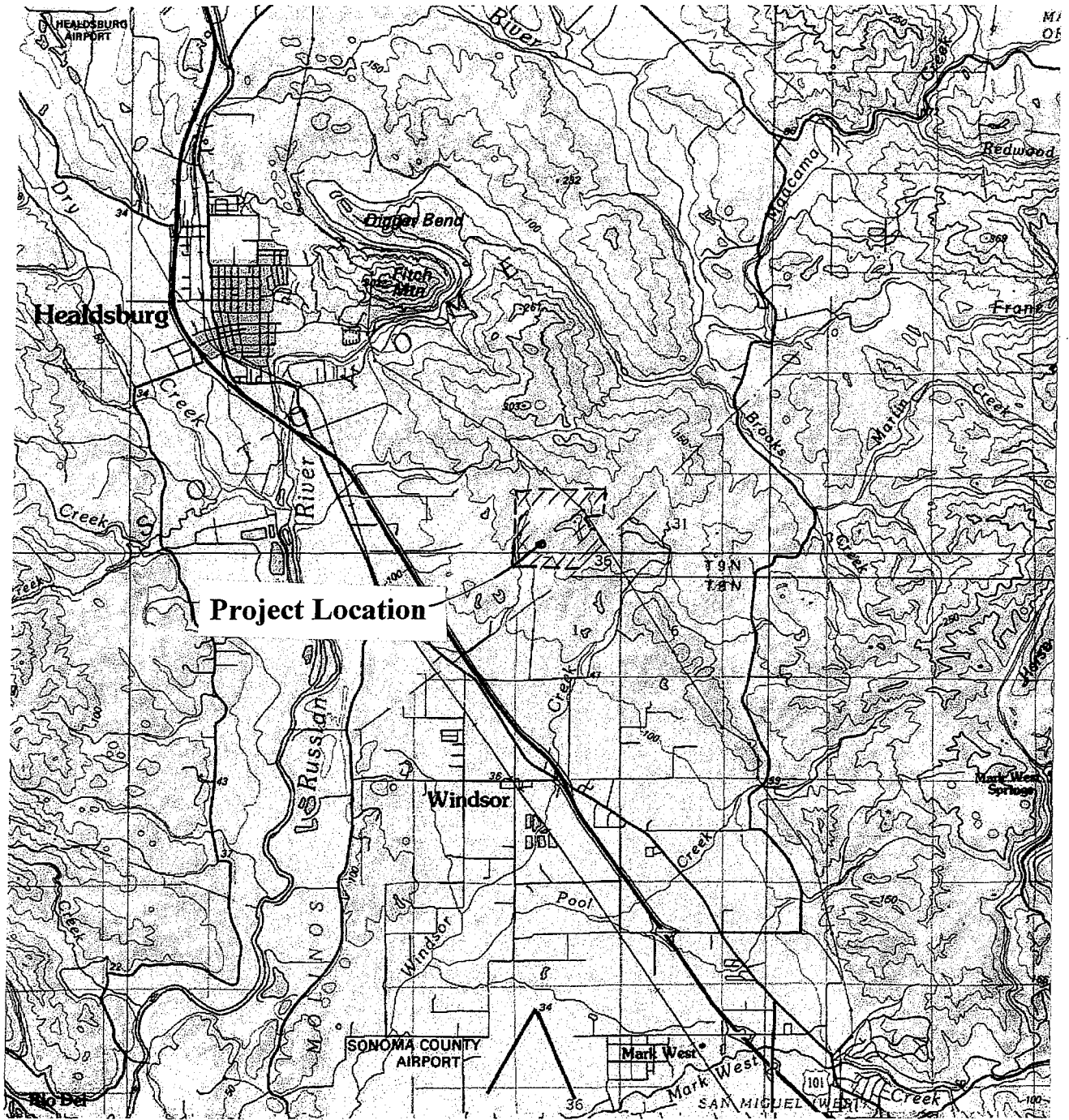
Windsor Oaks Winery
10810 Hillview Rd.
Windsor, CA 95472
Attn: Mr. Douglas Lungair

3

Steve Martin Associates, Inc.
130 South Main Street, Suite 201
Sebastopol, California 95472
Attn: Mr. Steve Martin, P.E.

APPENDICES

Appendix A – General Characteristics of Wells in the Project Vicinity



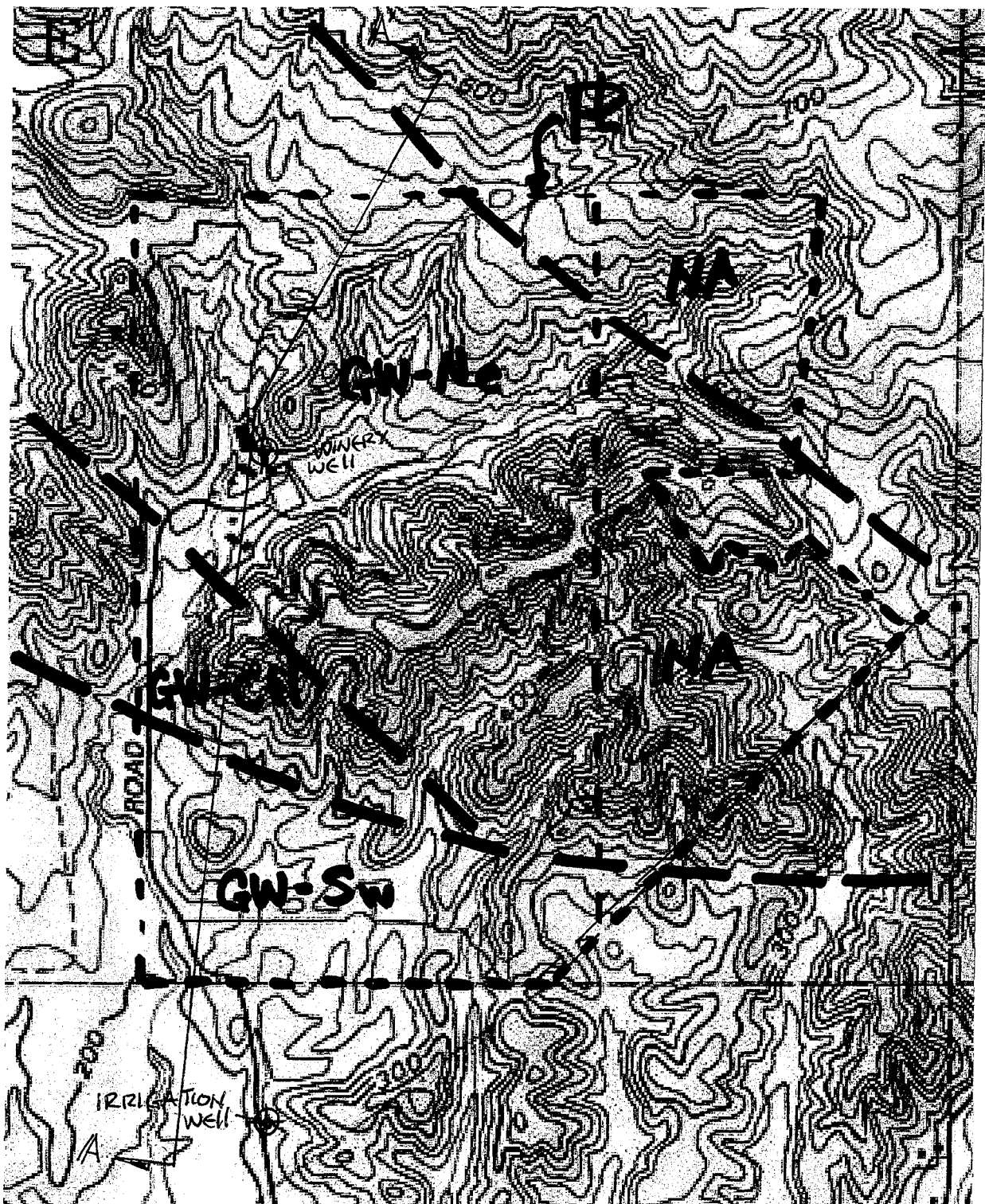
SCALE:
1" = 1/2 mi.

MICHAEL S. MALONE
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Job No: SON13-199
Date: MARCH 28, 2013
Appr: *MS Malone*

PROJECT LOCATION
WINDSOR OAKS WINERY
10510 HILLVIEW RD.
WINDSOR, CALIFORNIA

PLATE
1



SCALE:
1" = 1000'

MICHAEL S. MALONE
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Date: MARCH 28, 2013
Appr: *MSM*

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)

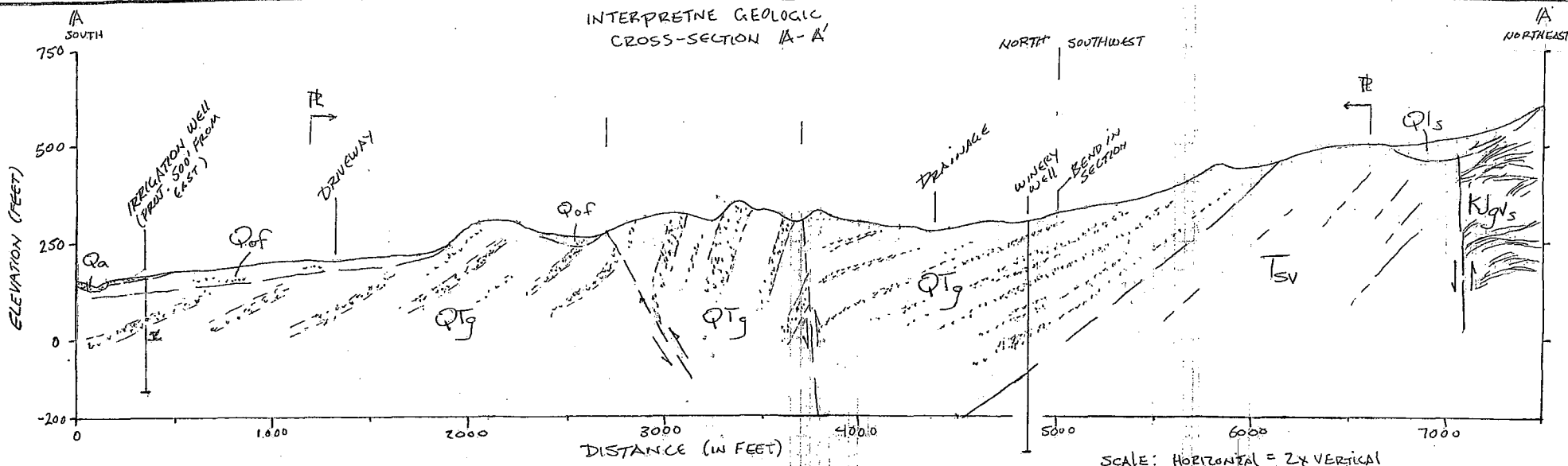
| Initial Discharge (gpm) | |
|--|---|
| Formation - Tsv No. of Wells = 3 Range = 40 to 100 Average = 60 | Formation - QTg No. of Wells = 19 Range = 10 to 440 Average = 47 Mod. Ave = 26 |
| Specific Capacity (gpm/ft) | |
| Formation - Tsv No. of Wells - 3 Range - 0.40 - 0.95 Average - 0.60 | Formation = 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

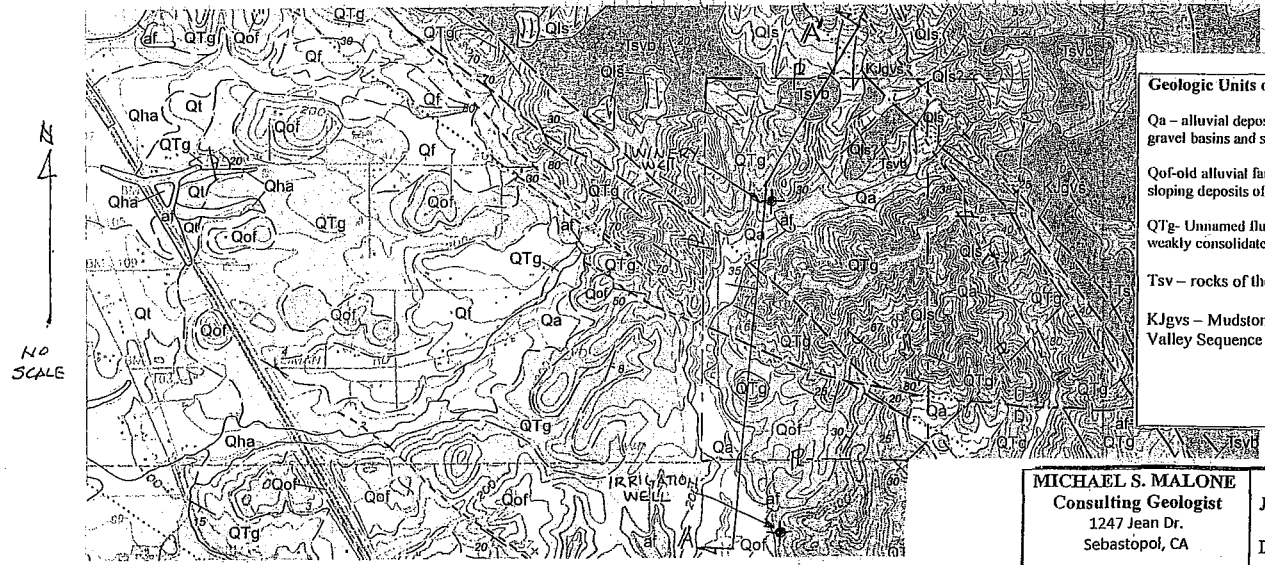
Table A3. Summary of Pumping Test Results

| <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 |

INTERPRETIVE GEOLOGIC
CROSS-SECTION A-A'



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 | A-A' cross section location |
| KJgs - 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: <i>[Signature]</i> | GEOLOGIC MAP & INTERPRETIVE GEOLOGIC CROSS-SECTION A-A' WINDSOR OAKS WINERY 10510 HILLVIEW RD WINDSOR, CALIFORNIA | PLATE 2 |
|---|---|---|------------|

NOTE: GEOLOGY FROM DELATTE, 2011



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-824-9707

CLIENT Windsor Oaks
SAMPLE POINT Well Head
COLLECTED BY Douglas Lurgan
LOG NO. 713 15400

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 | C1 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** |

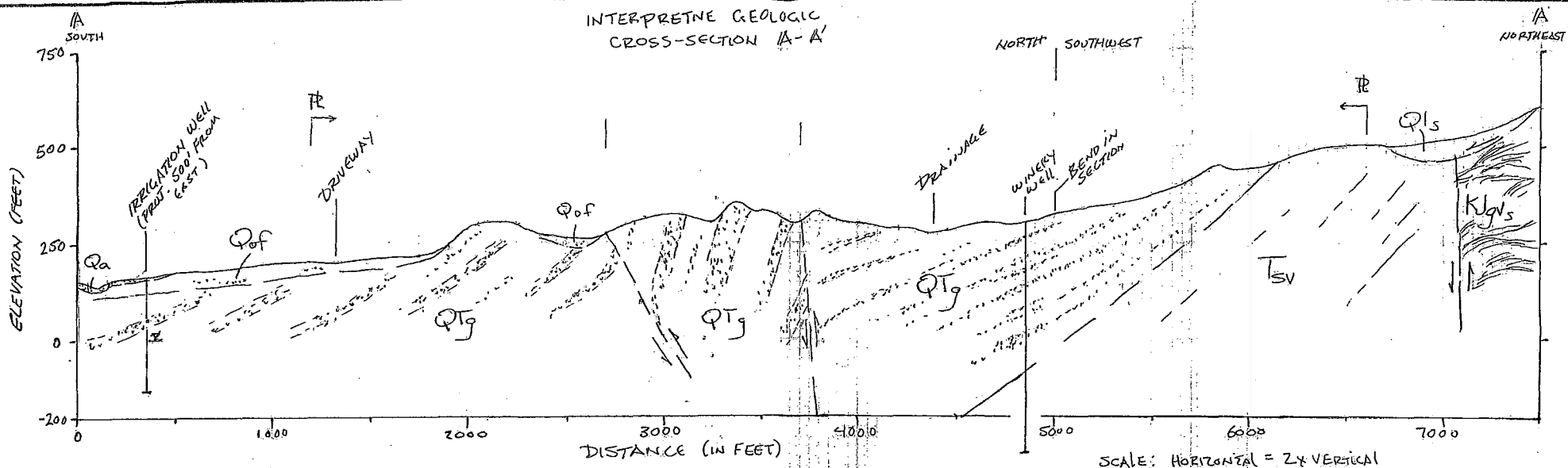
* Within the required limit of 10 $\mu\text{g/L}$.

** Within the required limit of 45 mg/L .

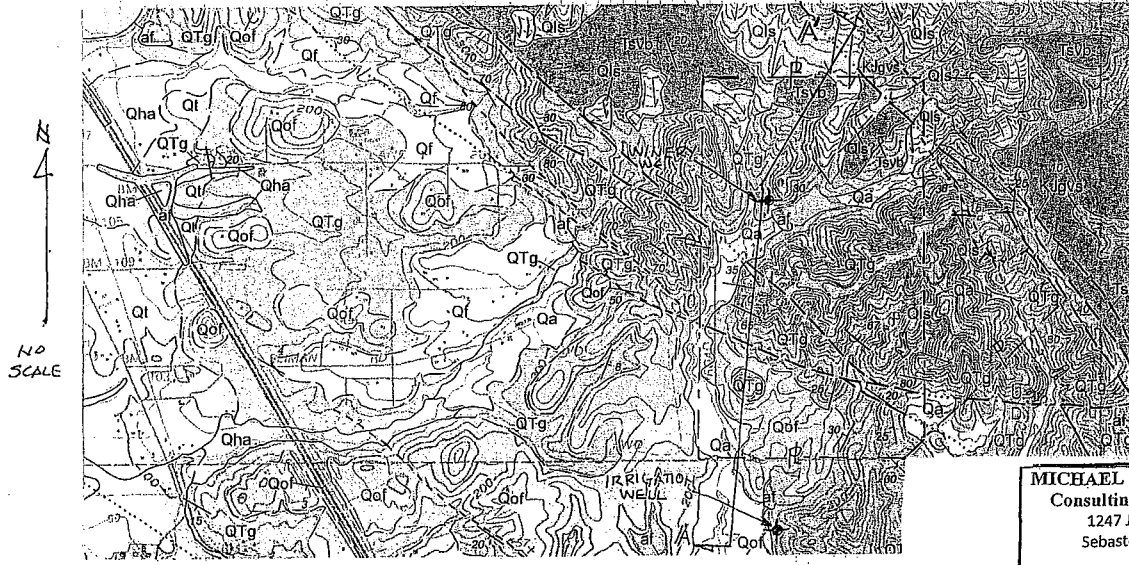
VERY TRULY YOURS,

BRELJE AND RACE LABORATORIES, INC.

ANN HILL, LABORATORY MANAGER
AH:dml



GEOLOGIC MAP



| EXPLANATION | |
|--|---|
| <p>Geologic Units of the Project Area</p> <p>Qa - alluvial deposits; poor to moderately sorted sand, silt and gravel basins and stream terraces</p> <p>Qof - old alluvial fan deposits (Pleistocene) dissected, gently sloping deposits of weathered sand and gravel.</p> <p>QTg - Unnamed fluvial deposits (early Pleistocene to Pliocene) weakly consolidated gravel, tuffaceous sand, silt and clay</p> <p>Tsv - rocks of the Sonoma Volcanics</p> <p>KJgvs - Mudstone, shale and sandstone of the Great Valley Sequence</p> | <p>Symbols</p> <p>30° strike and dip of bed (from Delatte, 2005)</p> <p>--- geologic contact, approx. located</p> <p>- - - fault; approx. location, queried where uncertain</p> <p>↔ cross section location</p> <p>⊕ well location</p> |

| | | | |
|--|--|---|----------------------------|
| <p>MICHAEL S. MALONE Consulting Geologist 1247 Jean Dr. Sebastopol, CA (707) 829-5511</p> | <p>Job No: <u>SON13-199</u> Date: <u>MARCH 18, 2013</u> Appr: <u>[Signature]</u></p> | <p>GEOLOGIC MAP & INTERPRETIVE GEOLOGIC CROSS-SECTION A-A'</p> <p>WINDSOR OAKS WINERY 10510 Hillview RD WINDSOR, CALIFORNIA</p> | <p>PLATE <u>2</u></p> |
|--|--|---|----------------------------|

NOTE: GEOLOGY FROM Delatte, 2011



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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.

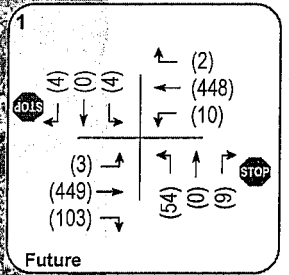
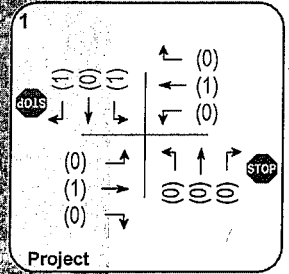
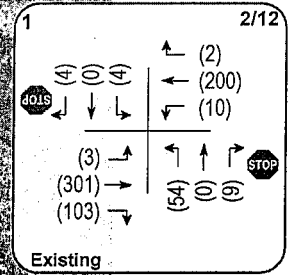
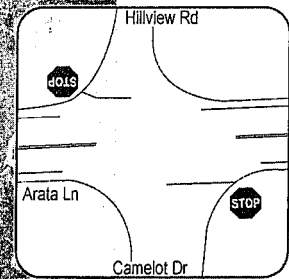
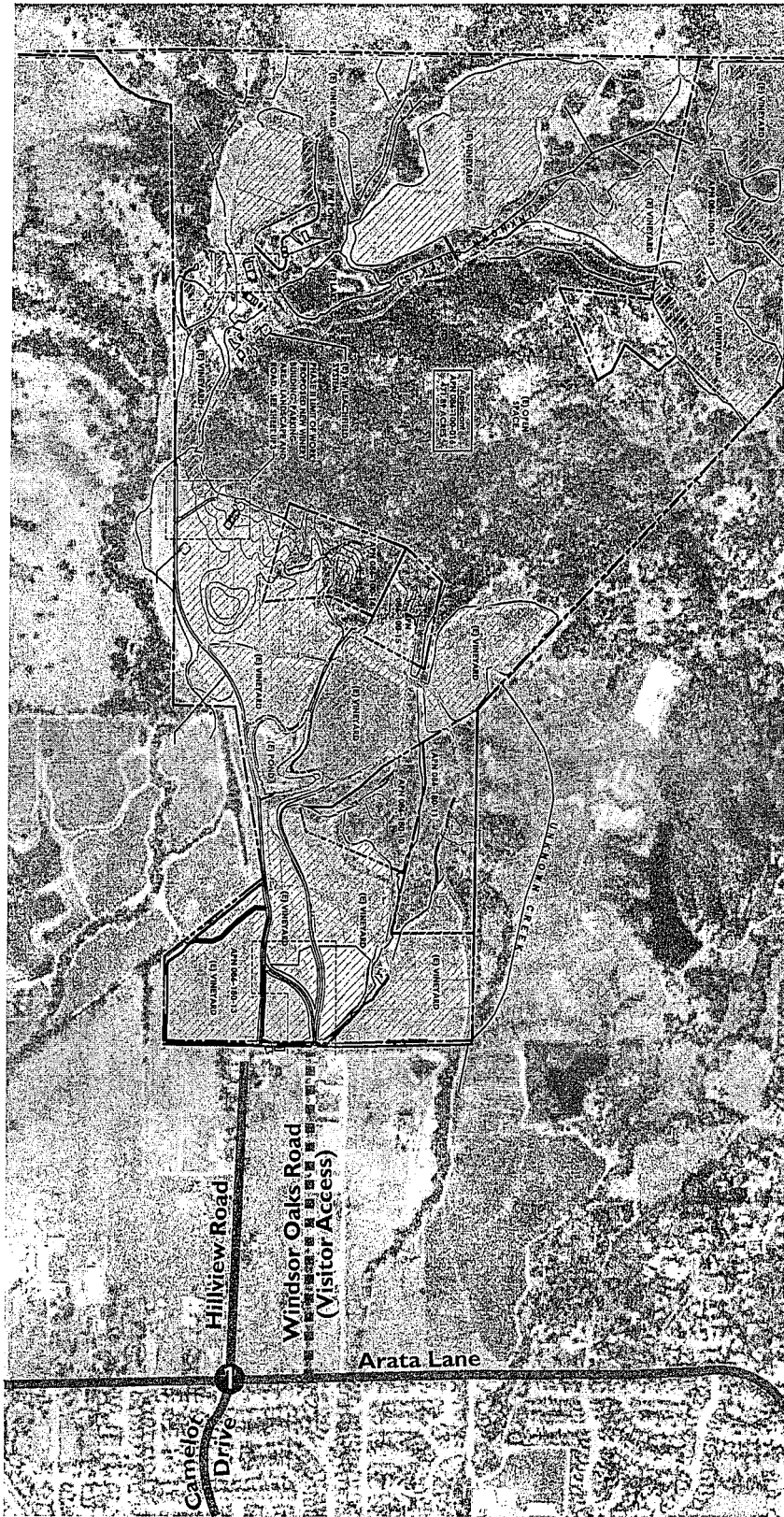
Prelude

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

436sox.ai 3/12

North
 Not to Scale

Windsor Oaks Winery Traffic Impact Study
 County of Sonoma

Figure I
 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

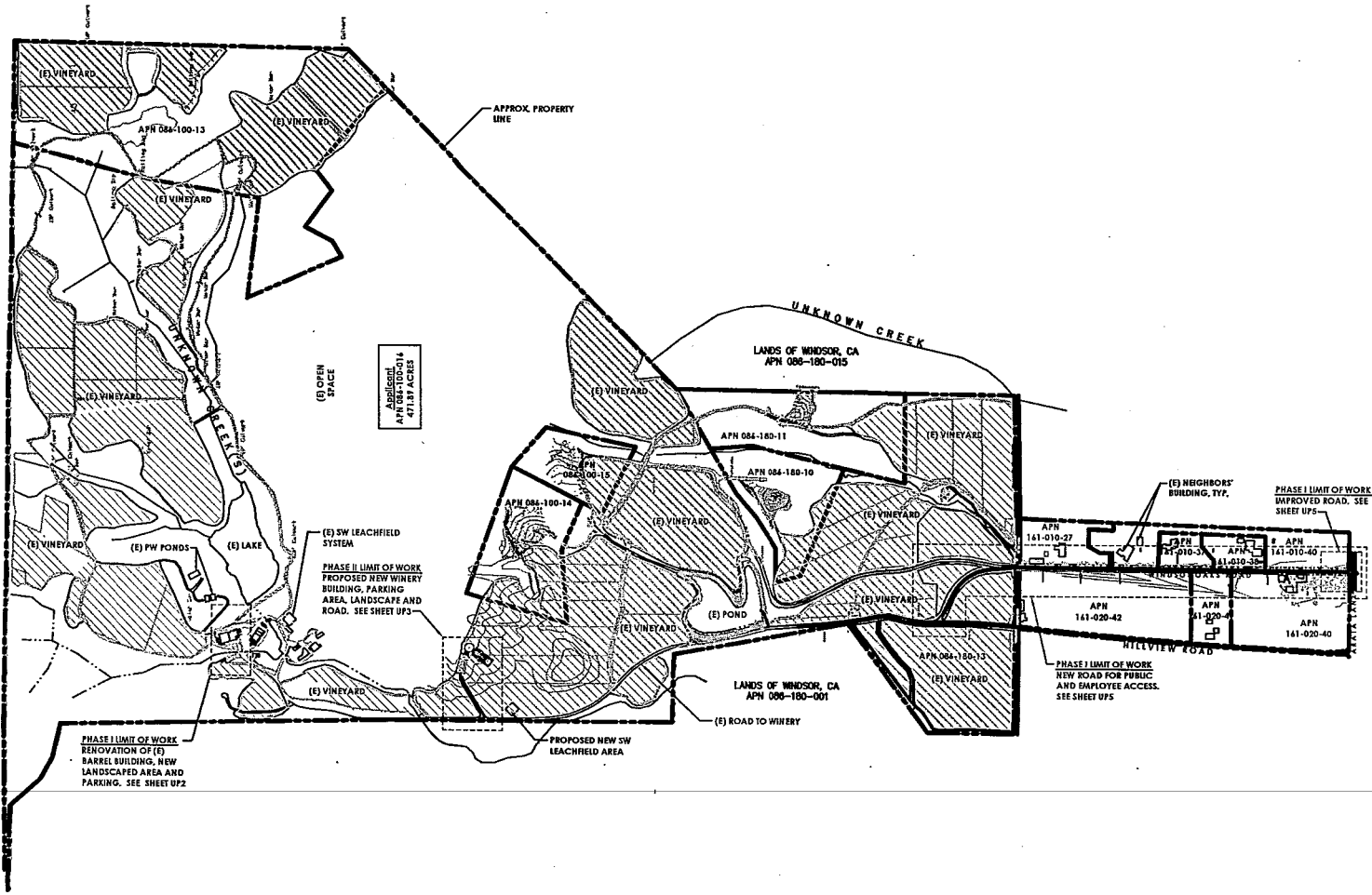
The proposed Windsor Oaks Winery expansion project would bring the production level from 43,000 annual cases to 100,000 cases with a tasting room and participation in up to 30 wine marketing special events annually in two phases. The project site is shown in Figure 2.

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.



▲ North
 ▲ Not to Scale

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 North Bound, South Bound, East Bound, West Bound movements and their respective controls and lane configurations.

Table with columns: Volume Module, Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Final Volume. Rows show traffic volume and adjustment factors for different approaches.

Table with columns: Critical Gap Module, Critical Gp, FollowUpTim. Rows show critical gap and follow-up time values for different movements.

Table with columns: Capacity Module, Cnflict Vol, Potent Cap., Move Cap., Volume/Cap. Rows show capacity and volume-to-capacity ratios for different movements.

Table with columns: Level Of Service Module, 2Way95thQ, Control Del, LOS by Move, Movement, Shared Cap., SharedQueue, Shrd ConDel, Shared LOS, ApproachDel, ApproachLOS. Rows show level of service and various delay and queue metrics.

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

Table with columns: Zone #, Subzone, Amount, Units, Rate In, Rate Out, Trips In, Trips Out, Total % Of Trips, Total. Includes Zone 1 (Winery Product) and Zone 2 (Winery Visitor) with subtotals and a TOTAL row.

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:
Cnflct 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: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
Shared Cap.: xxxx 405 xxxxx xxxx 516 xxxxx xxxx xxxx xxxxx xxxx xxxx xxxxx
SharedQueue:xxxxx 0.6 xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:xxxxx 15.7 xxxxx xxxxx 12.1 xxxxx xxxxx xxxxx xxxxx xxxxx 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 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
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
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 xxxx xxxxx xxxxx xxxx xxxxx
Shrd ConDel:xxxxx 24.4 xxxxx xxxxx 16.3 xxxxx xxxxx xxxxx xxxx 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.

MND ATTACHMENT PAGE 120

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

DRAFT

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

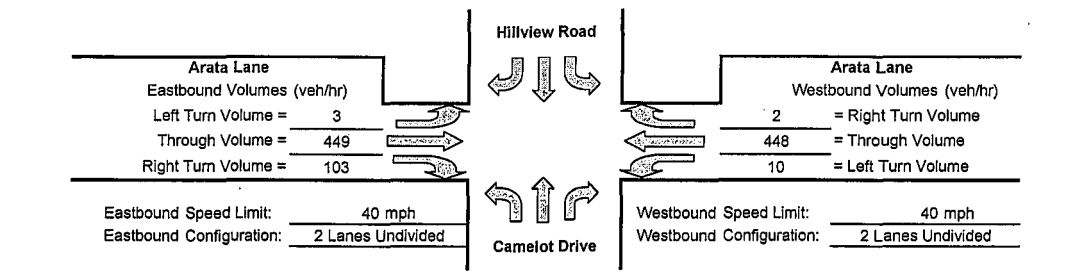
Turn Lane Warrant Worksheets

Turn Lane Warrant Analysis - 4 Legged Intersections

Study Intersection: Arata Lane/Hillview Road-Camelot Drive

Study Scenario: Future plus Project (PM Peak)

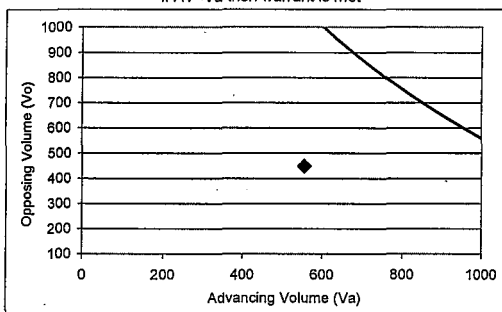
Direction of Analysis Street: East/West



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

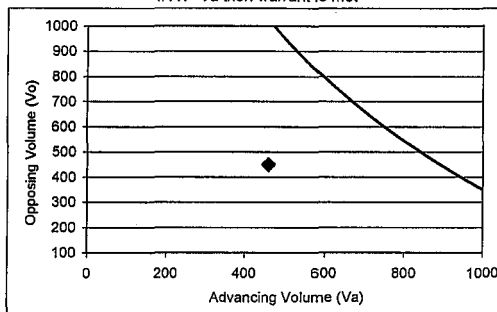
Left Turn Lane Warranted: NO

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.

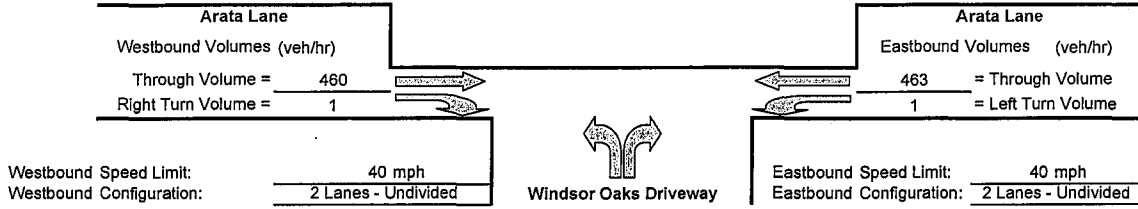
The right turn lane and taper analysis is based on work conducted by Cottrell in 1981. The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

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 -

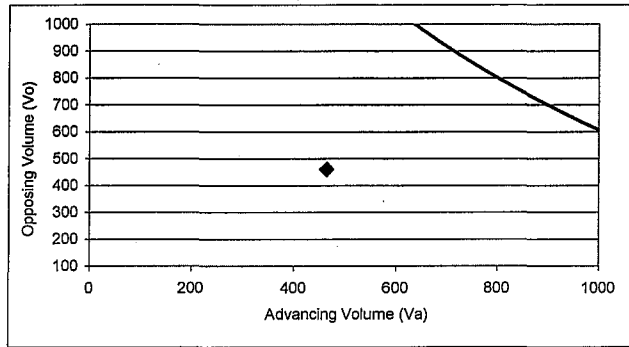
Right Turn Taper Warranted: NO

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

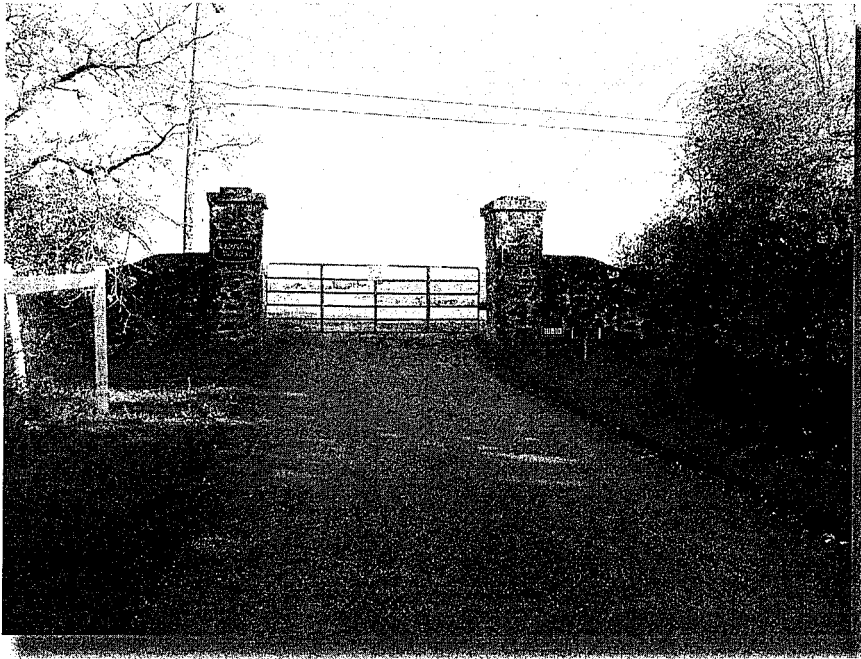


◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

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

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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.

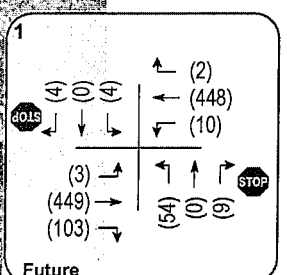
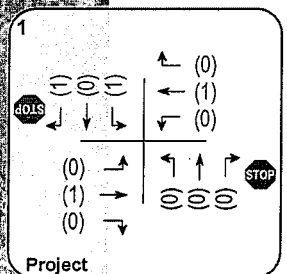
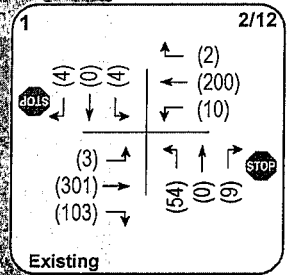
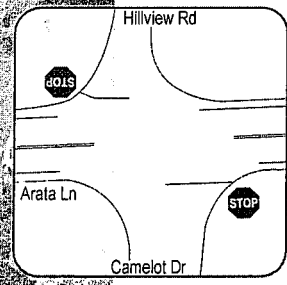
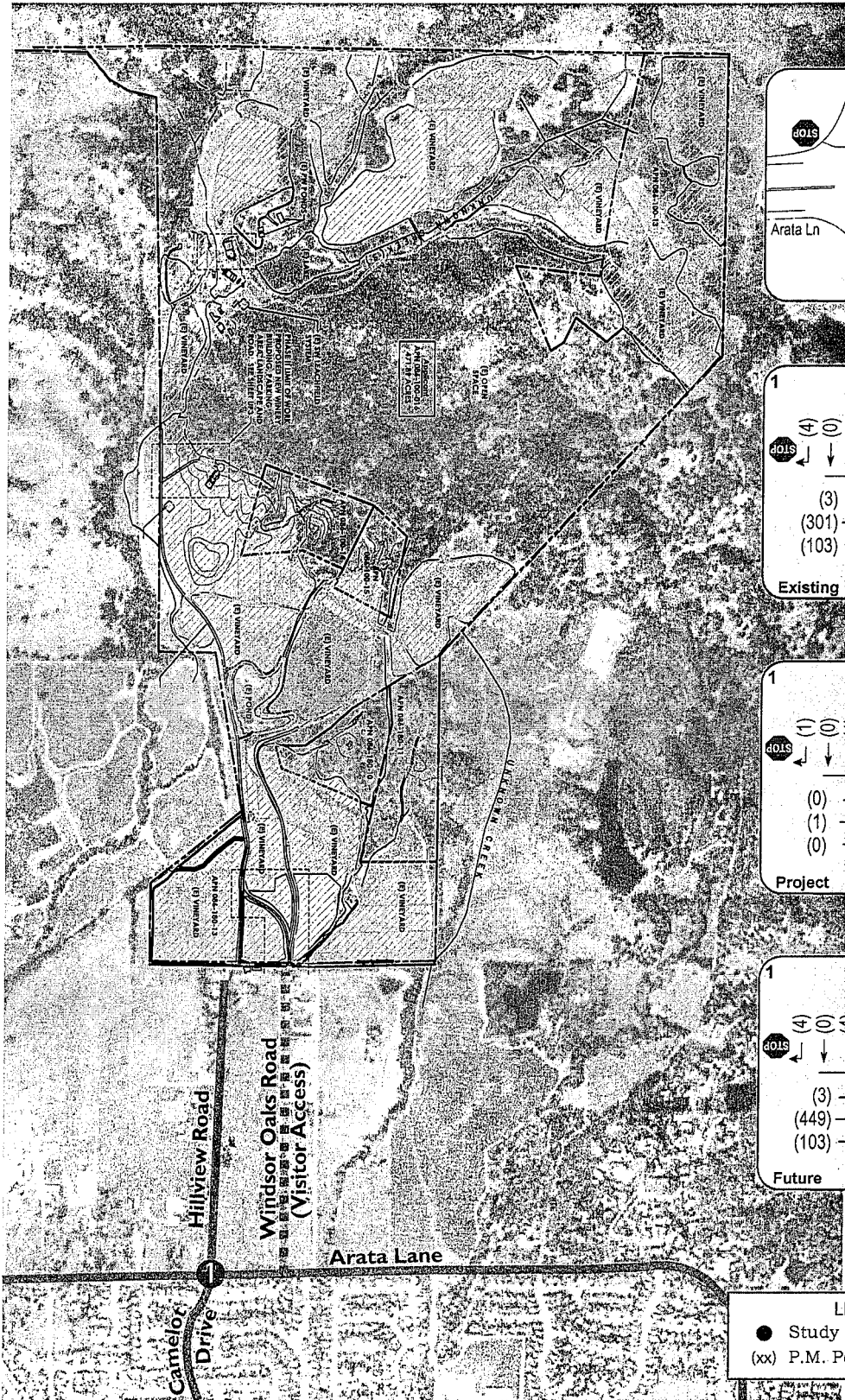
Prelude

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

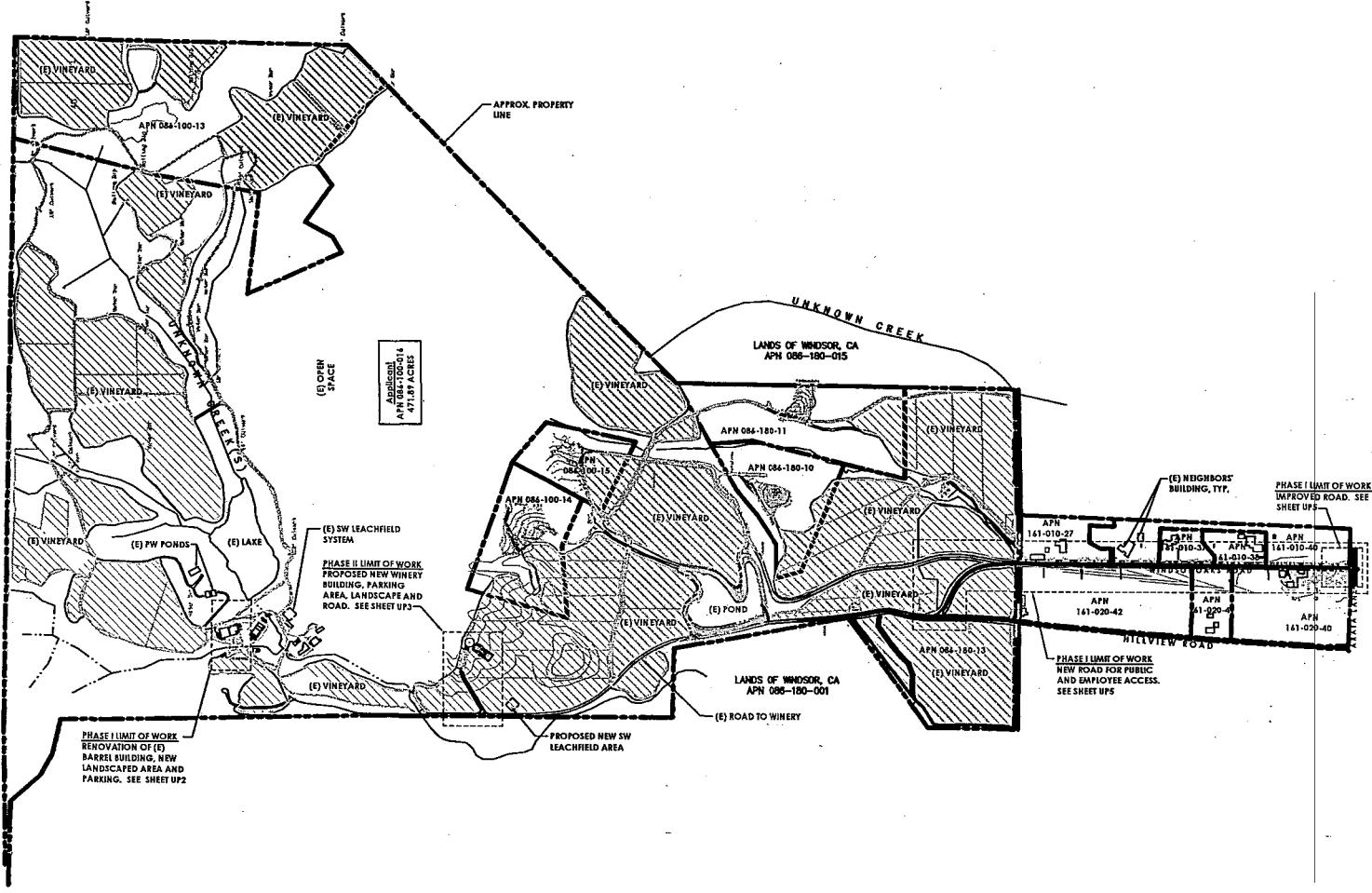
The proposed Windsor Oaks Winery expansion project would bring the production level from 43,000 annual cases to 100,000 cases with a tasting room and participation in up to 30 wine marketing special events annually in two phases. The project site is shown in Figure 2.

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.



▲ North
▲ Not to Scale

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

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]

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
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 4 0 4 3 333 114 11 221 2
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 60 0 10 4 0 4 3 333 114 11 221 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: 644 643 390 647 699 223 224 xxxx xxxxx 447 xxxx xxxxx
Potent Cap.: 389 395 663 387 366 822 1357 xxxx xxxxx 1124 xxxx xxxxx
Move Cap.: 383 390 663 378 362 822 1357 xxxx xxxxx 1124 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 xxxxx xxxx xxxxx 7.7 xxxx xxxxx 8.2 xxxx xxxxx
LOS by Move: * * * * * A * * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxxx 407 xxxx xxxx 517 xxxx xxxx xxxx xxxx xxxxx
SharedQueue:xxxxx 0.6 xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:xxxxx 15.7 xxxxx xxxxx 12.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shared LOS: * C * * B * * * *
ApproachDel: 15.7 12.1 xxxxxxx xxxxxxx
ApproachLOS: C B * *

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 | 1.00 Winery Product | | | 0.00 | 3.00 | 0 | 3 | 3 | 42.9 |
| | Zone 1 Subtotal | | | | | 0 | 3 | 3 | 42.9 |
| 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
PHF Adj: 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:
Cnflct 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:xxxxx 0.6 xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:xxxxx 15.7 xxxxx xxxxx 12.1 xxxxx xxxxx xxxxx xxxxx xxxxx 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]

Table with columns for Street Name, Approach, Movement, Control, Rights, Lanes. Rows include Camelot Dr-Hillview Rd and Arata Ln with various movement and control details.

Volume Module table with columns for Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Final Volume. Rows include Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Final Volume.

Critical Gap Module table with columns for Critical Gp, FollowUpTim. Rows include Critical Gp, FollowUpTim.

Capacity Module table with columns for Cnflct Vol, Potent Cap., Move Cap., Volume/Cap. Rows include Cnflct Vol, Potent Cap., Move Cap., Volume/Cap.

Level Of Service Module table with columns for 2Way95thQ, Control Del, LOS by Move, Movement, Shared Cap., Shared Queue, Shrd ConDel, Shared LOS, ApproachDel, ApproachLOS. Rows include 2Way95thQ, Control Del, LOS by Move, Movement, Shared Cap., Shared Queue, Shrd ConDel, Shared LOS, ApproachDel, ApproachLOS.

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]

Table with columns for Street Name, Approach, Movement, Control, Rights, Lanes. Rows include Camelot Dr-Hillview Rd and Arata Ln with various movement and control details.

Volume Module table with columns for Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Final Volume. Rows include Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Final Volume.

Critical Gap Module table with columns for Critical Gp, FollowUpTim. Rows include Critical Gp, FollowUpTim.

Capacity Module table with columns for Cnflct Vol, Potent Cap., Move Cap., Volume/Cap. Rows include Cnflct Vol, Potent Cap., Move Cap., Volume/Cap.

Level Of Service Module table with columns for 2Way95thQ, Control Del, LOS by Move, Movement, Shared Cap., Shared Queue, Shrd ConDel, Shared LOS, ApproachDel, ApproachLOS. Rows include 2Way95thQ, Control Del, LOS by Move, Movement, Shared Cap., Shared Queue, Shrd ConDel, Shared LOS, ApproachDel, ApproachLOS.

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 | | | | | | | | | | | 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

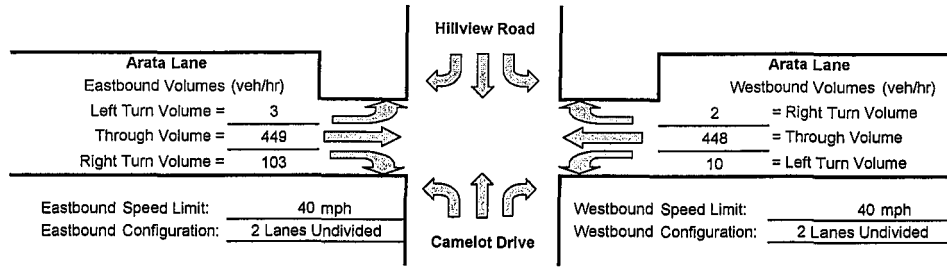
Turn Lane Warrant Worksheets

Turn Lane Warrant Analysis - 4 Legged Intersections

Study Intersection: Arata Lane/Hillview Road-Camelot Drive

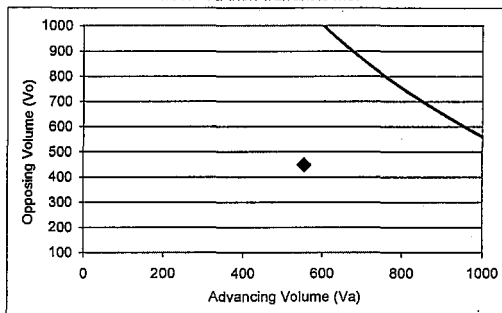
Study Scenario: Future plus Project (PM Peak)

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

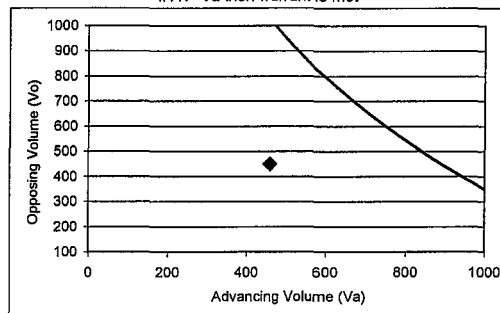
Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

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

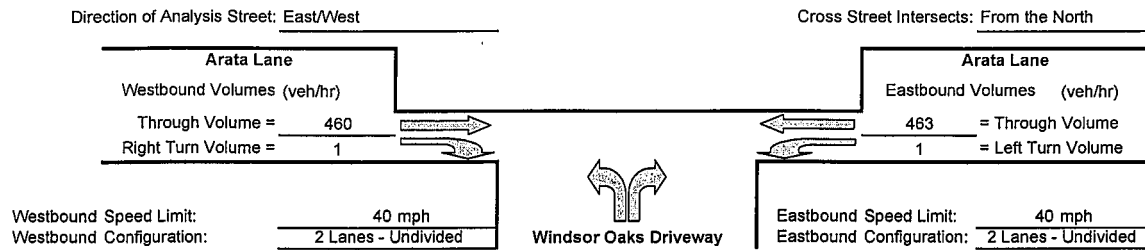
Advancing Volume Threshold AV = -
 Advancing Volume V_a = 460
 If $AV < V_a$ then warrant is met -

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)



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 | | |

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 | | |

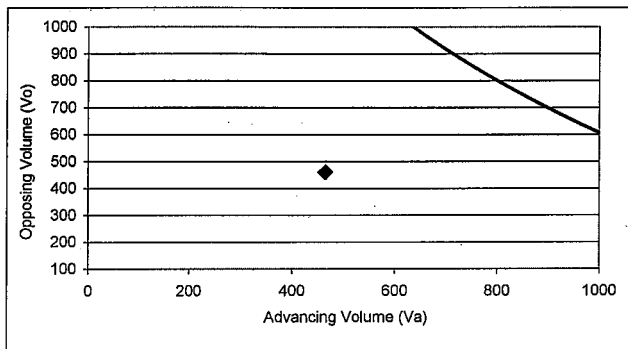
Right Turn Taper Warranted: NO

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

To: Alex Rosas From: Steve Martin
Project: Windsor Oaks Winery Date: January 8, 2013
Project No.: 2011009 No. of Pages: 1
Re: PLP12-0009
Preliminary SUSMP

Alex,

The purpose of this memo is to address the need for a Preliminary SUSMP, per the requirements of Sonoma County's MS4 permit issued by the North Coast Regional Water Quality Control Board, for the Windsor Oaks Winery Use Permit Modification (PLP12-0009). Based on the developed and redeveloped total impervious area being under 1.0 acres as well as the new parking area being under 10,000 SF and less than 25 spaces, it is our understanding and determination that a preliminary SUSMP is not required to be prepared for the referenced Use Permit application.

Please note the following project information:

- The existing access road on WO property (extension of Hillview Road) will continue to be used for access to both Phase I and Phase II uses. In addition, 2,600 LF of the existing gravel 12' wide road from Arata Lane to WO Vineyard (under same ownership) will be widened to 16' width and utilized for public access to the winery. The road is planned to be surfaced with Class II permeable base in the widened section and heavy chips over the full width (no seal coat). The road will therefore be a permeable surface.
- Approximately 800 LF of new road will be constructed connecting Windsor Oaks Road to the existing WO access road. This road will also be constructed with Class II permeable base and heavy chip surfacing (no seal coat).
- The existing WO access road may require some maintenance, which will involve application of Class II permeable base and heavy chip surfacing (no seal coat).

Summary of impervious surface areas for both phases of the project are as follows:

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
10²~~3~~10 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 "Steve Martin", is written over a solid 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)

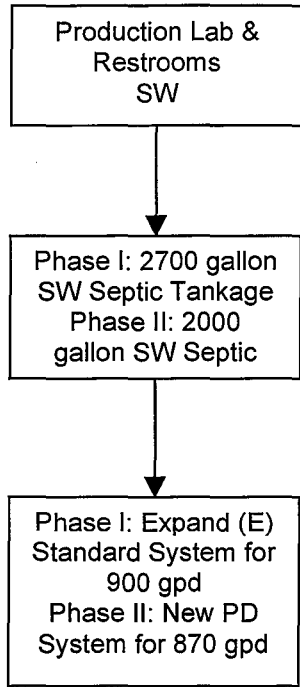
606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

ATTACHMENT I

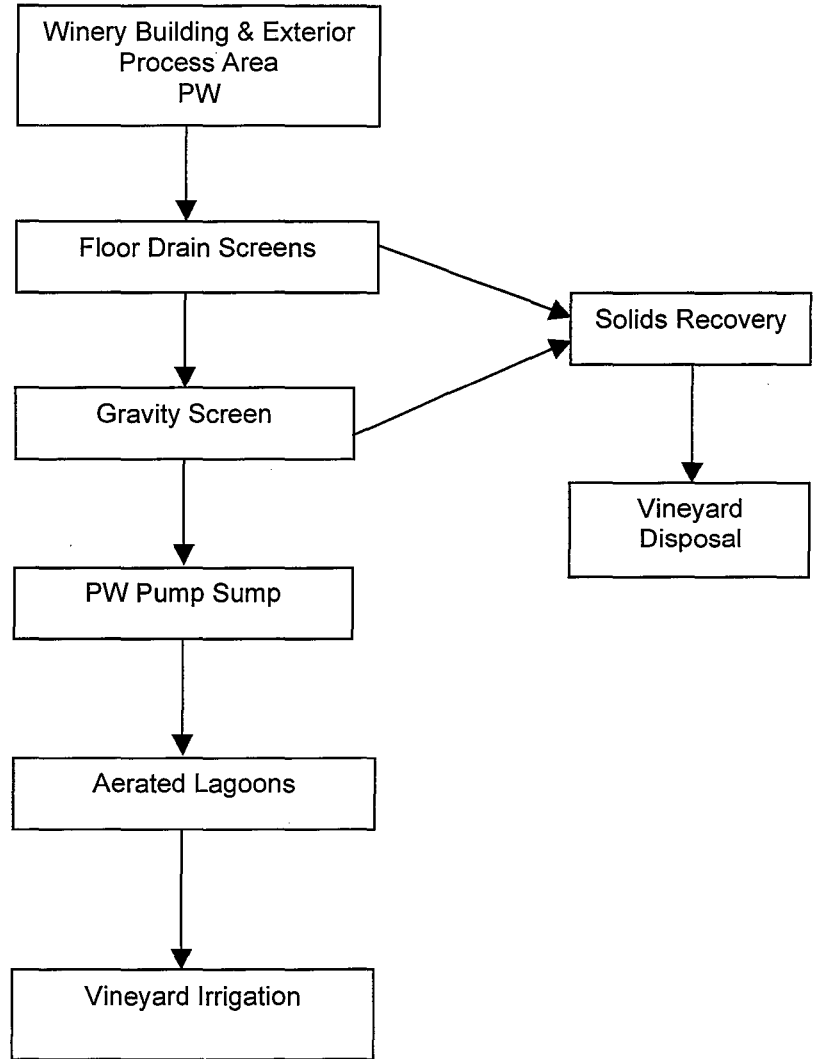
**SANITARY & PROCESS WASTEWATER
MANAGEMENT SYSTEM
FLOW DIAGRAM**

**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 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 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:

Size for peak day (harvest weekend day w/ event):

$$\begin{aligned} V &= 1,125 \text{ gal} + (.75) \times Q \\ &= 1,125 \text{ gal} + (.75) \times (870 \text{ gpd}) \\ &= \mathbf{1,777.5 \text{ gallons}} \end{aligned}$$

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 |
| Geysler 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

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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> |
|---------------------------------------|--|--|

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> |
|---------------------------------------|--|--|

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 <u>2011009</u> DATE: <u>2/23/12</u> BY: <u>SMM</u> CHK: _____ SHEET <u>OF</u> |
|--|---|---|

| MONTH | ET _o | K _c | ET | PPT | IRRIGATION DEMAND | | PERCOLATION APPLIED | | ASSIMILATIVE CAPACITY | | EFFLUENT APPLIED | | EXCESS CAP. |
|--------------|-----------------|----------------------|--------------|--------------|-------------------|-------------|---------------------|-------------|-----------------------|-------------|------------------|-------------|-------------|
| | IN | VINEYARD Constant | IN | IN | IN | MG | IN | MG | IN | MG | MG | IN | MG |
| January | 0.8 | 0.00 | 0.00 | 10.59 | 0.00 | 0.000 | 0.20 | 0.109 | 0.20 | 0.109 | 0.080 | 0.147 | 0.029 |
| February | 1.2 | 0.00 | 0.00 | 8.56 | 0.00 | 0.000 | 0.25 | 0.136 | 0.25 | 0.136 | 0.110 | 0.203 | 0.026 |
| March | 2.4 | 0.00 | 0.00 | 7.05 | 0.00 | 0.000 | 0.20 | 0.109 | 0.20 | 0.109 | 0.090 | 0.166 | 0.019 |
| April | 3.4 | 0.16 | 0.54 | 3.32 | 0.00 | 0.000 | 0.20 | 0.109 | 0.20 | 0.109 | 0.090 | 0.166 | 0.019 |
| May | 5.0 | 0.58 | 2.90 | 1.58 | 1.32 | 0.715 | 0.00 | 0.000 | 1.32 | 0.715 | 0.100 | 0.184 | 0.615 |
| June | 5.9 | 0.71 | 4.19 | 0.46 | 3.73 | 2.028 | 0.00 | 0.000 | 3.73 | 2.028 | 0.120 | 0.221 | 1.908 |
| July | 7.1 | 0.64 | 4.54 | 0.07 | 4.48 | 2.434 | 0.00 | 0.000 | 4.48 | 2.434 | 0.123 | 0.227 | 2.310 |
| August | 6.2 | 0.45 | 2.79 | 0.11 | 2.68 | 1.456 | 0.00 | 0.000 | 2.68 | 1.456 | 0.000 | 0.000 | 1.456 |
| September | 4.6 | 0.26 | 1.20 | 0.71 | 0.49 | 0.264 | 0.00 | 0.000 | 0.49 | 0.264 | 0.080 | 0.147 | 0.184 |
| October | 2.7 | 0.07 | 0.19 | 2.92 | 0.00 | 0.000 | 0.35 | 0.190 | 0.35 | 0.190 | 0.170 | 0.313 | 0.020 |
| November | 1.2 | 0.00 | 0.00 | 6.19 | 0.00 | 0.000 | 0.35 | 0.190 | 0.35 | 0.190 | 0.175 | 0.322 | 0.015 |
| December | 0.7 | 0.00 | 0.00 | 9.19 | 0.00 | 0.000 | 0.25 | 0.136 | 0.25 | 0.136 | 0.135 | 0.249 | 0.001 |
| TOTAL | 41.2 | | 16.35 | 50.75 | 12.69 | 6.90 | 1.80 | 0.98 | 14.49 | 7.87 | 1.27 | 2.35 | 6.60 |

IRRIGATION AREA =

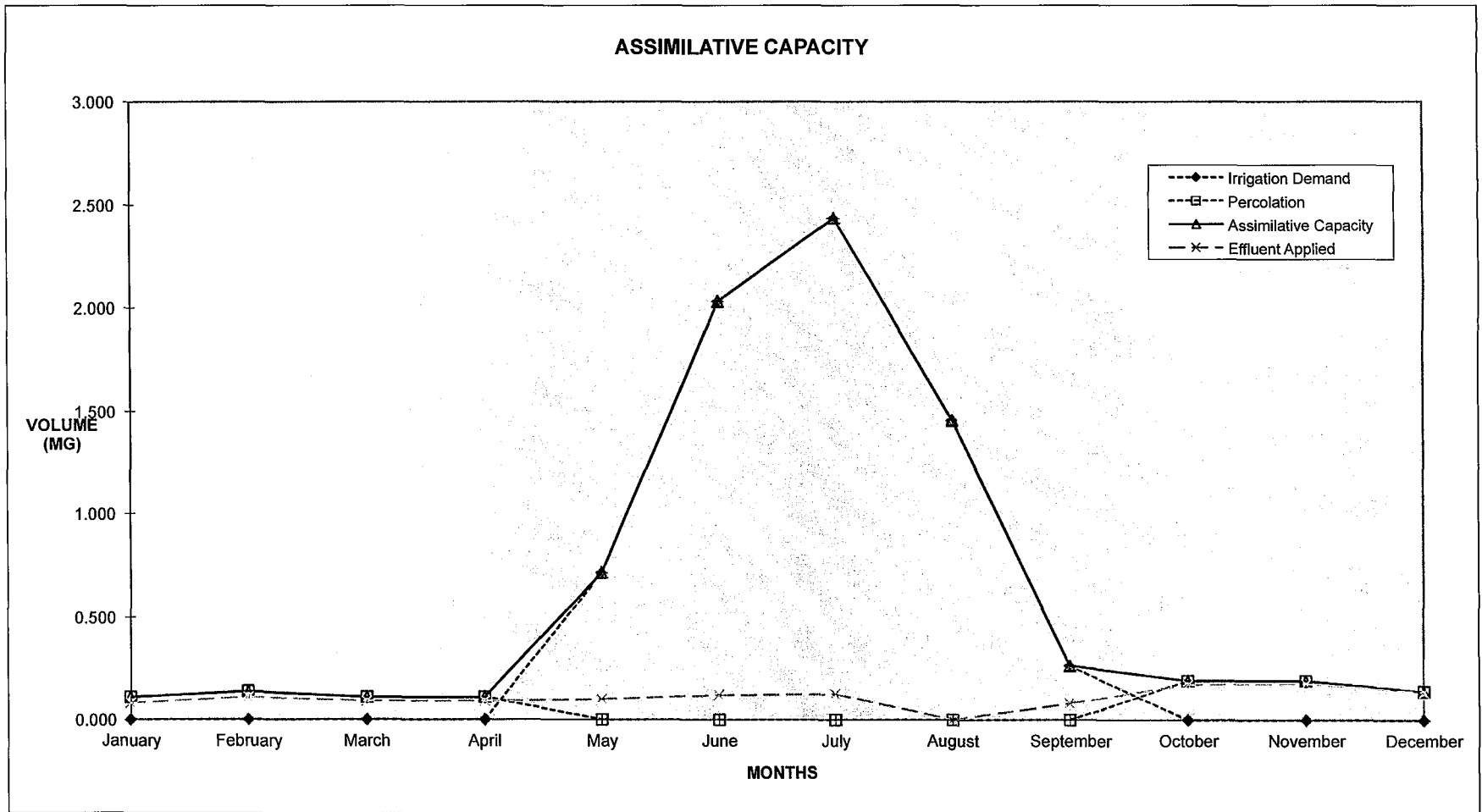
NOTES:

- 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 K_c coefficients for vineyard from Table 5-12, reference cited above.
- 3 ET=ET_o x K_c
- 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.

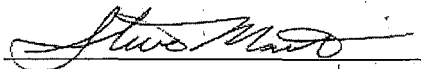
The water supply to the facility is from an existing on site well with a rated yield of 100 GPM minimum (this well is also artesian at 8 GPM during the summer months). For the new winery improvements, required fire water storage will be provided in new above ground tanks and filled from the existing 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.

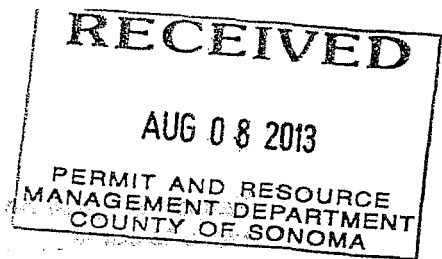
$$\text{Truck Trips} = \frac{.50 (100,000 \text{ cases/yr})}{24 \text{ cases/barrel (40 barrels/truck trips)}} = 52 \text{ trips/year}$$

$$\text{Truck Trips} = 52 \text{ trips/6 months} < \underline{9/\text{month}}$$

- 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.



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."

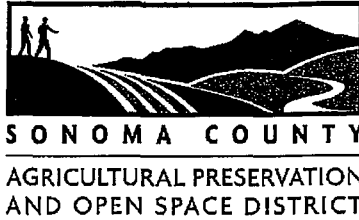
Please note that Easement Agreement, Section 11(c) (iii), provides for liquidated damages due the District "for a change in use prohibited by this Agreement, whether or not it involves an improvement, an amount equal to any economic gain realized by GRANTOR."

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."

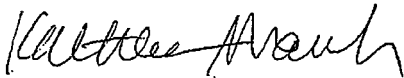
In order to clarify the purpose of the tours, your representative Steve Martin met with District staff on March 19, 2013, and provided additional details. Mr. Martin indicated that there are three kinds of tours proposed, all of which relate to the permitted agricultural operations on the Property: 1) 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.

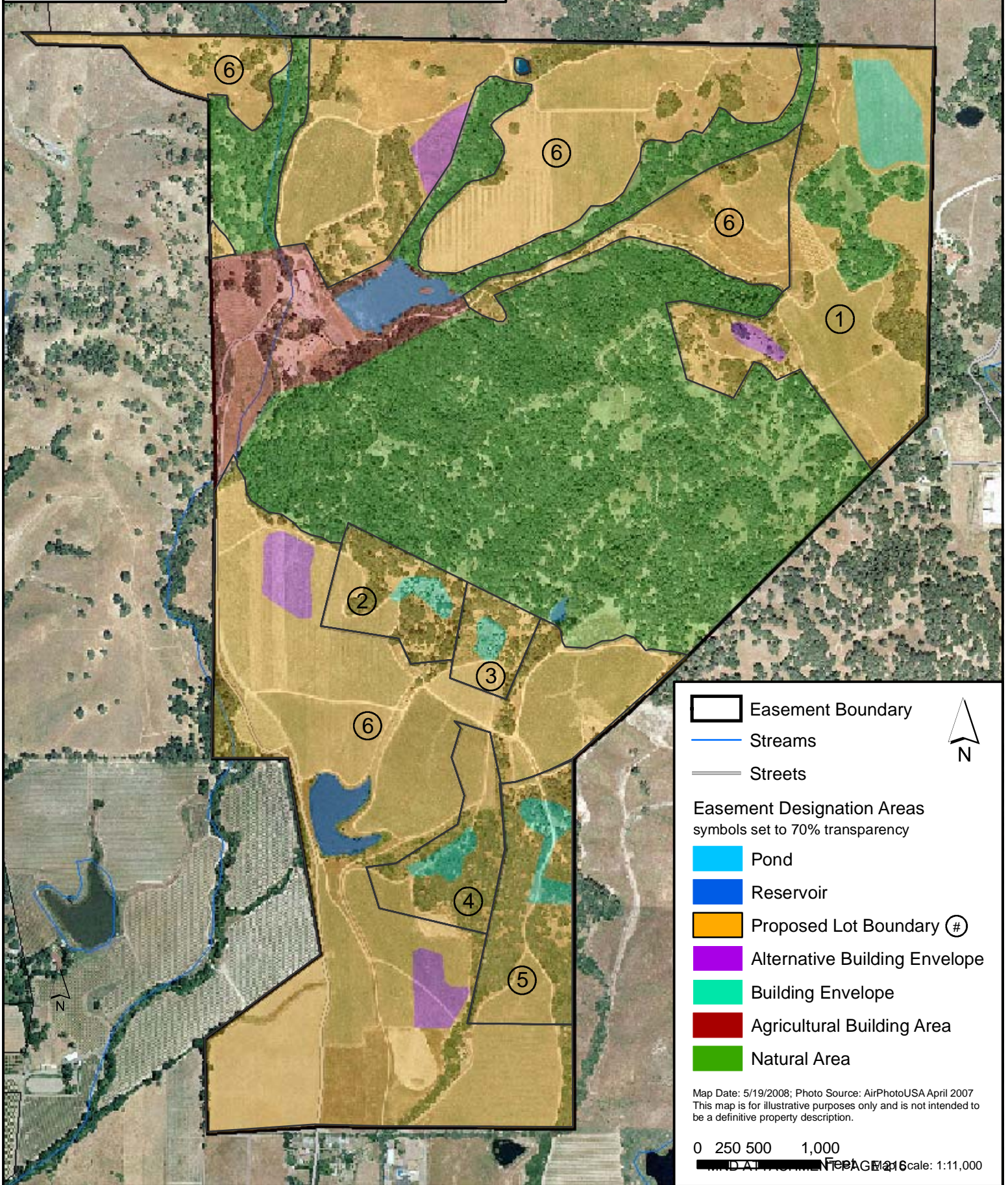
Kathleen Marsh
Stewardship Coordinator

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

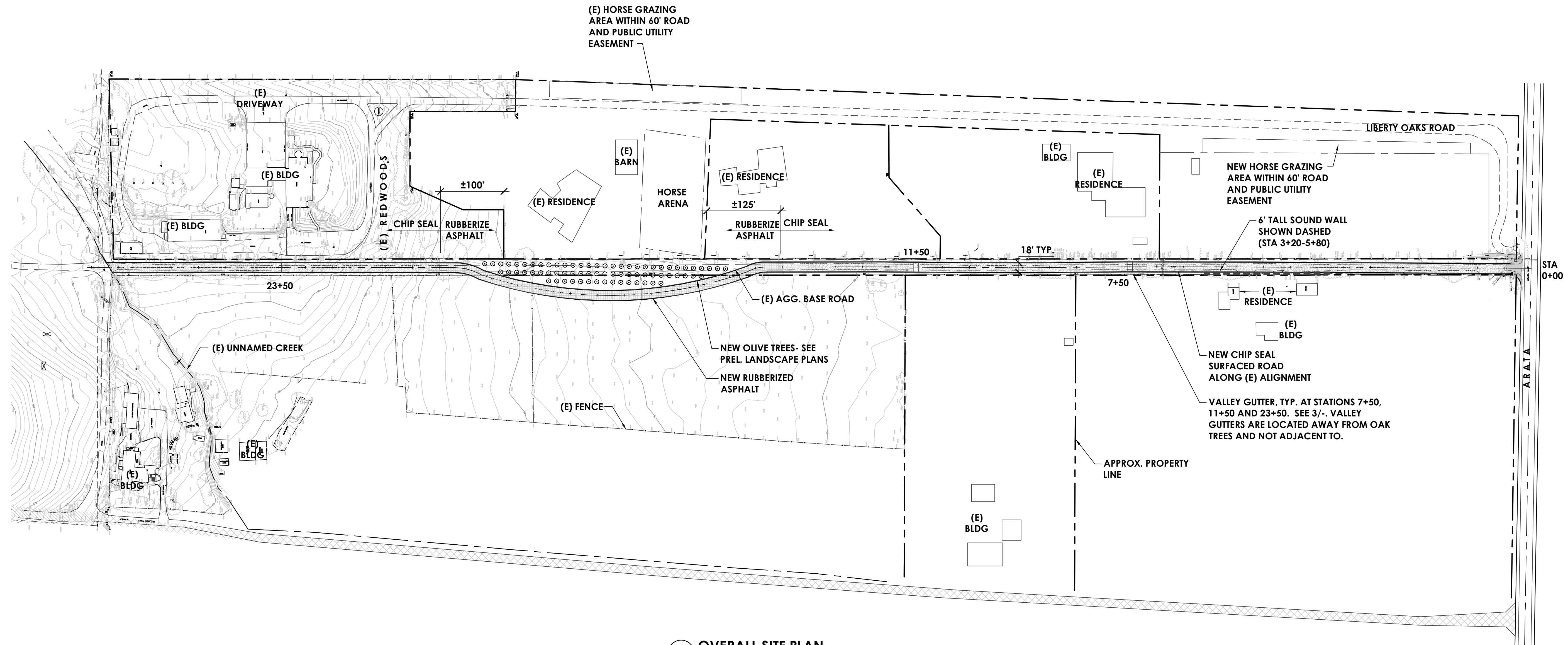
Map Date: 5/19/2008; Photo Source: AirPhotoUSA April 2007
 This map is for illustrative purposes only and is not intended to be a definitive property description.

0 250 500 1,000
 Scale: 1:11,000

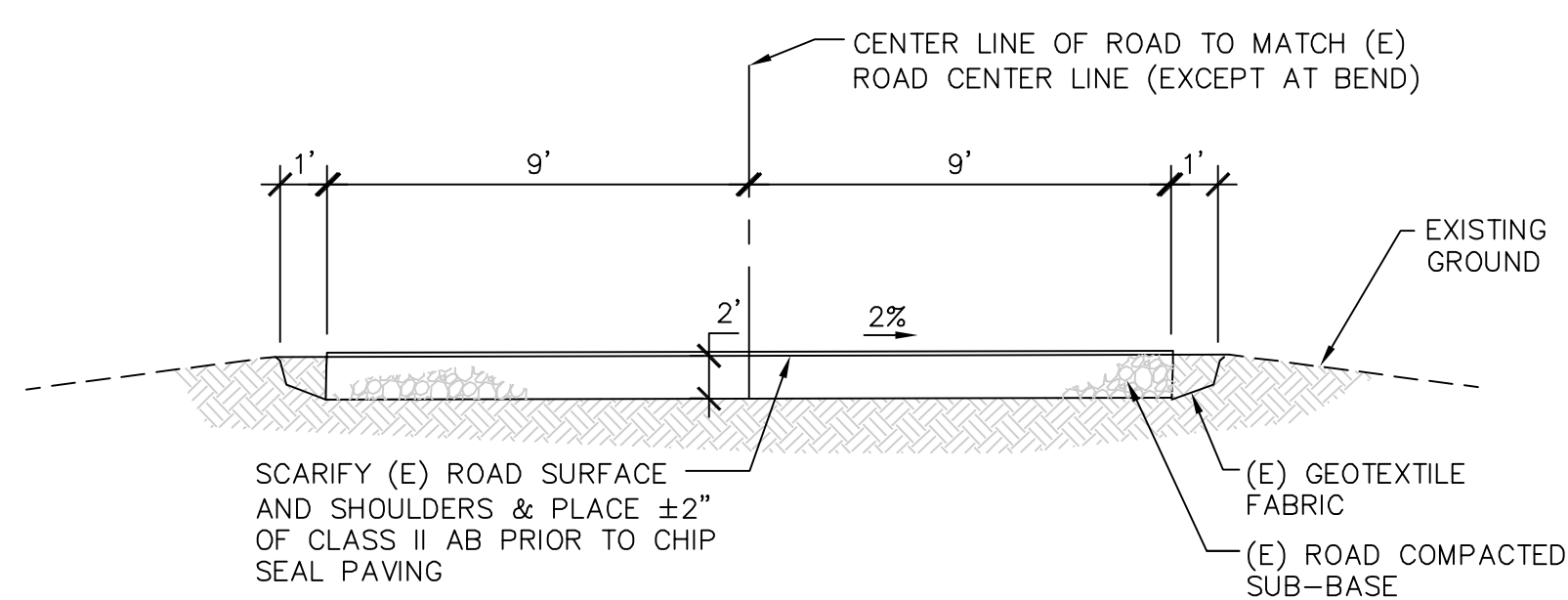
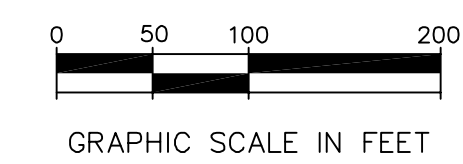
Windsor Oaks Road Narrative

Windsor Oaks Road is located in the 30' wide parcel of land that connects Arata Lane to Windsor Oaks Vineyard, and is under same ownership. Details of the road use and improvements are as follows:

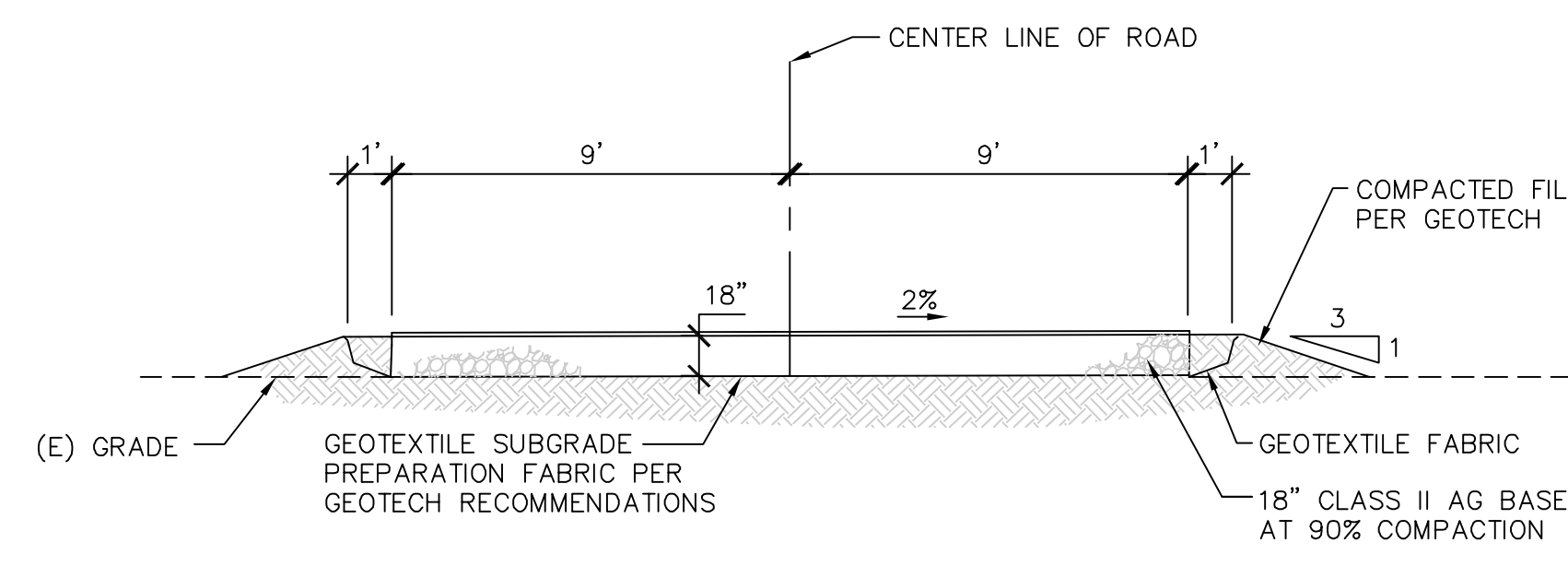
1. Existing gravel road is approximately 12' wide with 4' compacted base shoulders 24" of compacted sub-base with geotextile stabilization fabric below. The road was reconstructed in 2002 and was built from the existing grade upward. Geotextile fabric was used at the base of the road section in lieu of over-excavation and re-compaction of the soil in order to not disrupt roots of adjacent oak trees.
2. Underground gas line and electrical conduits for convenience power and lighting was installed on the west side of the road (opposite side of the existing oak trees) in 2002, at the time of the prior road improvements.
3. Proposed new road section is designed for two way traffic:
 - a. 18' wide road surface (chip seal sections and rubberized asphalt section)
 - b. 1' aggregate base shoulders
4. Improvements to the existing road section will include:
 - a. Scarify existing road surface and shoulders to remove minor vegetation.
 - b. Placement and compaction of 2"+ of Class II Aggregate Base across 20' wide section for leveling and chip seal preparation.
 - c. Double chip-seal surfacing over Class II AB and existing compacted sub-base for a road width of 18' (approximately STA 0+00 to STA 13+50, STA 20+50 to STA 26+60).
 - d. Rubberized asphalt surfacing over Class II AB and existing compacted sub-base for a road width of 18' along the road meander (approximately STA 13+50 to STA 20+50).
 - e. Roadway alignment will follow existing road centerline except at road meander.
 - f. Concrete valley gutters (3) to be placed at stations 7+50, 11+50 and 23+50.
5. Road improvements will utilize existing sub-base (except at meander) resulting in no over-excavation of the existing soil and impact to tree roots.
6. Rubberized asphalt is being used along the meander to further reduce vehicle tire noise.
7. Concrete valley gutters and road curves are design for speed control of vehicles.
8. Posted speed signs stating 20 MPH will be placed at entry and mid-distance of road length.
9. There will be no change in drainage. Runoff will continue to sheetflow across road surface to existing roadside swale.
10. New landscaping will be installed along both sides of the road for both beautification and screening. Landscape improvements include:
 - a. New open fence with evergreen climbing vines along both sides of driveway
 - b. Shrubs at base of fence
 - c. Groundcover between road shoulder and fence
 - d. Olive grove between property line and road at road meander
11. Plantings (flowers, vines, groundcover e.g.) selected will be non-toxic with minimal water use requirements and the plantings, and any associated irrigation, are designed to have no adverse impact to the existing oak trees.
12. Winery employees and public visitors will utilize Windsor Oaks Road for ingress and egress to the winery facility.



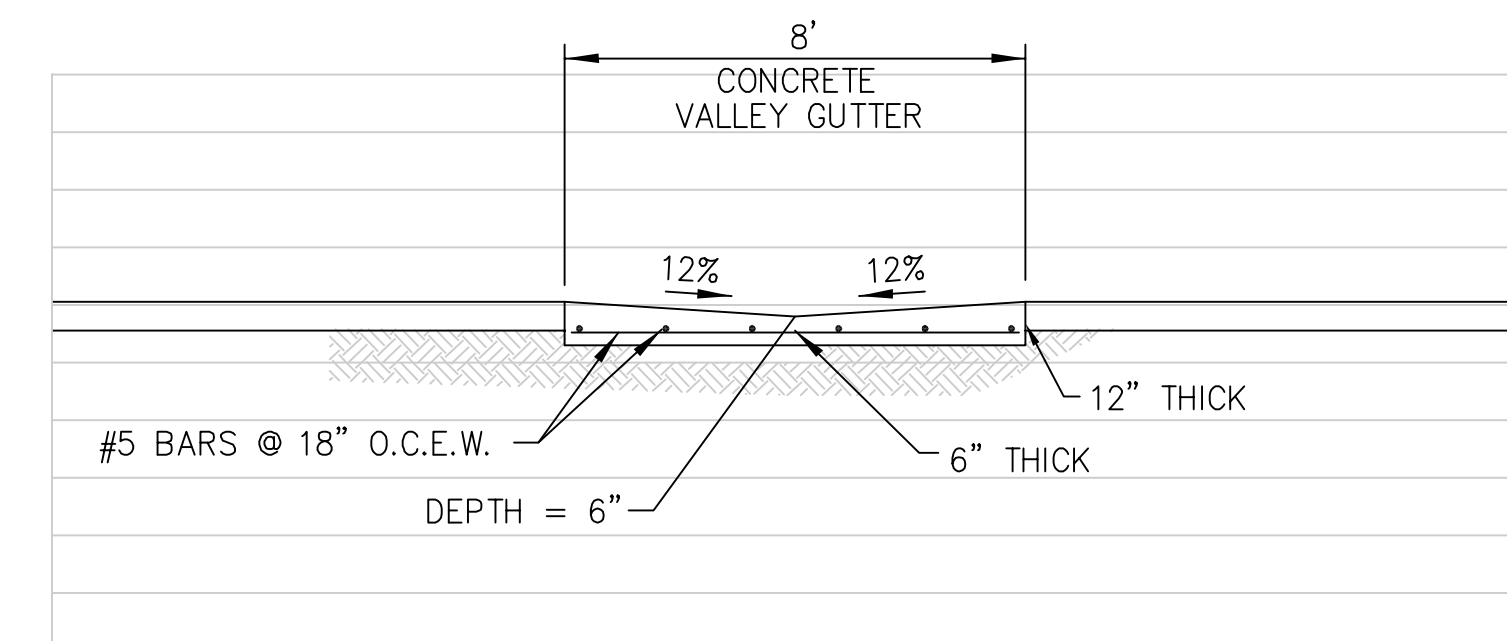
A OVERALL SITE PLAN SCALE: 1"=100'-0"



TYPICAL CHIP SEAL ROAD SECTION 1 SCALE: 1/4" = 1'-0"



TYPICAL RUBBERIZED ASPHALT ROAD SECTION 2 SCALE: 1/4" = 1'-0"



TYPICAL VALLEY GUTTER SECTION 3 SCALE: NTS

USE PERMIT

WINDSOR OAKS ROAD PLAN

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

REVISIONS

| DATE | DESCRIPTION |
|----------|-----------------|
| 10.15.13 | Ent. Imp. |
| 4.24.14 | Final Road |
| 5.7.14 | Revised per BOS |
| 5.13.14 | Add Horse Areas |

JOB NO. SMA 2011-009

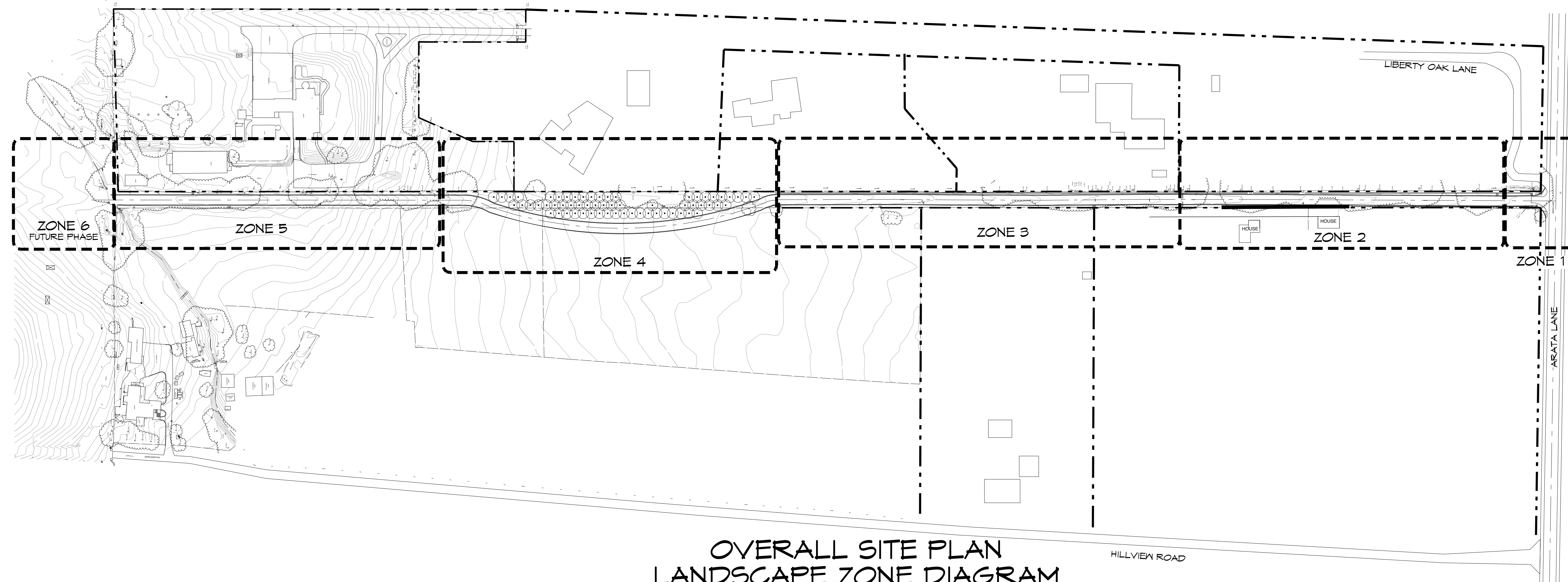
DATE OCTOBER 3, 2012

DRAWN CM CHKD SM

FILE NO. 1109-UP11

SHEET

UP6



OVERALL SITE PLAN LANDSCAPE ZONE DIAGRAM



DESIGN INTENT

THE GOAL OF THIS DESIGN IS TO CREATE A RICH AND PROGRESSIVE VISUAL EXPERIENCE. THE EXISTING RURAL CHARACTER WILL BE MAINTAINED AND EXISTING TREES AND LIVESTOCK WILL BE PROTECTED UTILIZING A SERIES OF LOW, OPEN FENCES, SOUND WALL AND COMPATIBLE PLANT MATERIAL. THE NATIVE TREE POPULATION WILL BE SUPPLEMENTED WITH ADDITIONAL TREE PLANTING INCLUDING AN OLIVE ORCHARD AND TREE ROWS BORDERING THE DRIVEWAY TO FURTHER ENHANCE THE RURAL QUALITY. LANDSCAPE INTENSITY WILL INCREASE PROGRESSIVELY ALONG THE DRIVEWAY STARTING AT THE SOUTH END AT ARATA LANE WHERE MINIMAL LANDSCAPE IS PROPOSED AND CONTINUING TO THE NORTH END OF THE DRIVEWAY WHERE THE LANDSCAPE TREATMENT WILL TRANSITION TO REFLECT THE LANDSCAPE OF THE ESTATE. ALL PROPOSED PLANTING AND PROPOSED FENCE AND SOUNDWALL DESIGN SHALL BE COORDINATED WITH A LICENSED, CERTIFIED ARBORIST.

PLANTING GOALS

- MINIMIZE IMPACT TO THE EXISTING OAKS THROUGH USE OF APPROPRIATE PLANT MATERIAL COMPATIBLE WITH OAKS
- PLACEMENT AND USE OF PLANT MATERIAL WITH NO DETRIMENTAL IMPACT TO LIVESTOCK
- USE LOW WATER REQUIRING PLANTS
- RETAIN RURAL CHARACTER OF SURROUNDING LANDSCAPE
- AESTHETICALLY PLEASING
- AVOID IRRIGATION WHERE EXISTING OAKS ARE SENSITIVE TO IRRIGATION; USE OF DRIP IRRIGATION FOR PLANTS IN OAK AREAS.

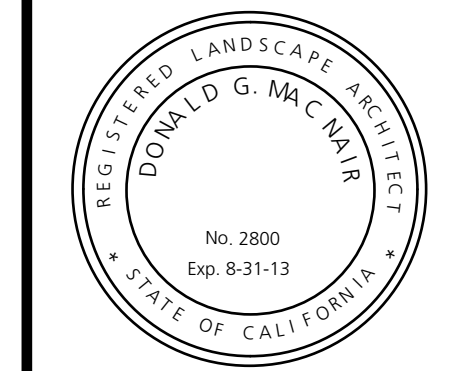
- ZONE 1** ENTRY: MINIMAL LANDSCAPE IMPROVEMENTS: ADD ACCENT TREES AT ARATA LANE; ADD IMPROVED FENCE TO EAST SIDE OF DRIVEWAY
- ZONE 2** PASTURE/ RESIDENTIAL: BEGIN PRIVATE DRIVEWAY; INSTALL NEW ENTRY GATE/COLUMNS; THIS ZONE SHOULD IDENTIFY THE WINERY ACCESS YET BE UNDERSTATED. INSTALL NEW FENCES ON BOTH SIDES OF DRIVEWAY AND SOUNDWALL ON WEST SIDE. MAINTAIN VIEWS OF PASTURE TO THE EAST. A SOLID WOOD FENCE SHALL BE INSTALLED BETWEEN THE SOUNDWALL AND THE ENTRY COLUMN ON THE WEST SIDE OF THE DRIVEWAY. PLANTING SHOULD BE MINIMAL TO THE EAST. GROUNDCOVER PLANTING AND VINES ON THE PROPOSED SOUNDWALL. VINES SHALL BE PLANTED ON THE EAST SIDE FENCE ADJACENT TO THE HORSE PASTURE. GROUNDCOVER AND SHRUB MAY BE PLANTED AT NON-TREE AREAS ALONG EAST SHOULDER. IRRIGATION ON THE EAST SIDE WOULD BE MINIMAL AND PLANTINGS NON-TOXIC TO HORSES*.
- ZONE 3** RESIDENTIAL ZONE: CONTINUE NEW FENCES ON BOTH SIDES OF THE DRIVEWAY. ON EAST SIDE, PLANTING WILL BE MINIMAL WHERE THERE ARE EXISTING OAKS. IN OPEN AREAS, NEW LANDSCAPE PLANTING IS PROPOSED FOR BOTH SIDES OF THE DRIVEWAY TO PROVIDE A SENSE OF CONTINUITY FROM ZONE 2 CONTINUING TO THE UPCOMING OLIVE ORCHARD. PLANTING ON WEST SHOULD BE SIMILAR TO ZONE 2, WITH EMPHASIS ON SCREENING AND FOCUS ON THE DRIVEWAY AHEAD.

- ZONE 4** OLIVE ORCHARD: THIS IS WHERE THE DRIVEWAY DEPARTS FROM THE LINE OF SIGHT. OLIVES SHALL BE PLANTED ON THE EAST SIDE OF THE DRIVEWAY TO DEMARCATATE A TRANSITION FROM THE MORE CASUAL, RURAL DRIVEWAY TO MORE FORMAL LANDSCAPE PRESENTATION. THE OLIVES, PLANTED CLOSELY, WOULD PROVIDE A LOW, DENSE SCREEN PROTECTING THE EASTERLY NEIGHBOR'S VIEWS TO THE WEST. AS THE DRIVEWAY BENDS BACK TO THE ORIGINAL ALIGNMENT, A VISITOR WOULD EXIT THE OLIVE ORCHARD AND THE LINE OF SITE WOULD BE TOWARDS VINEYARDS AND THE FUTURE FORMAL ENTRY AHEAD.
- ZONE 5** TRANSITION ZONE: AT THIS ZONE, THE LANDSCAPE WOULD BECOME MORE LUSH, LAYERED WITH A GREATER VARIETY OF PLANTS. THE EMPHASIS WOULD BE INCREASED FORMALITY YET THE RURAL QUALITY OF THE EXISTING TREES AND ADJACENT PASTURES WOULD BE PRESENT. THIS WOULD BE THE LAST ZONE BEFORE THE FORMAL WINERY ENTRANCE.
- ZONE 6** FORMAL ENTRANCE: THE MAIN GATE AND ASSOCIATED ENTRY STRUCTURE WILL BE LOCATED AT THIS LOCATION. THIS WILL BE BEYOND THE DRIVEWAY AND WILL BE THE VISUAL TERMINUS TO THE DRIVEWAY. THIS WILL BE WHERE THE WINERY GUEST WILL ENTER THE VINEYARDS AND COUNTRYSIDE OF THE ESTATE.

* FROM CORNELL UNIVERSITY DATA BASE "PLANTS POISONOUS TO LIVESTOCK", INCLUDING HORSES.

REFER TO SHEET L-5 FOR TYPICAL PLANT LEGEND

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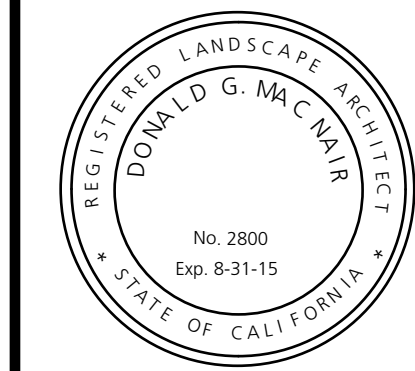


MACNAIR
LANDSCAPE
ARCHITECTURE
POST OFFICE BOX 251
KENWOOD, CA 95452
TEL (707) 833-2388
FLA #2800
don@macnairlandscapes.com

WINDSOR OAKS WINERY
DRIVEWAY CONCEPT PLAN
WINDSOR,
CALIFORNIA

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 100'
DRAWN: DM
SHEET

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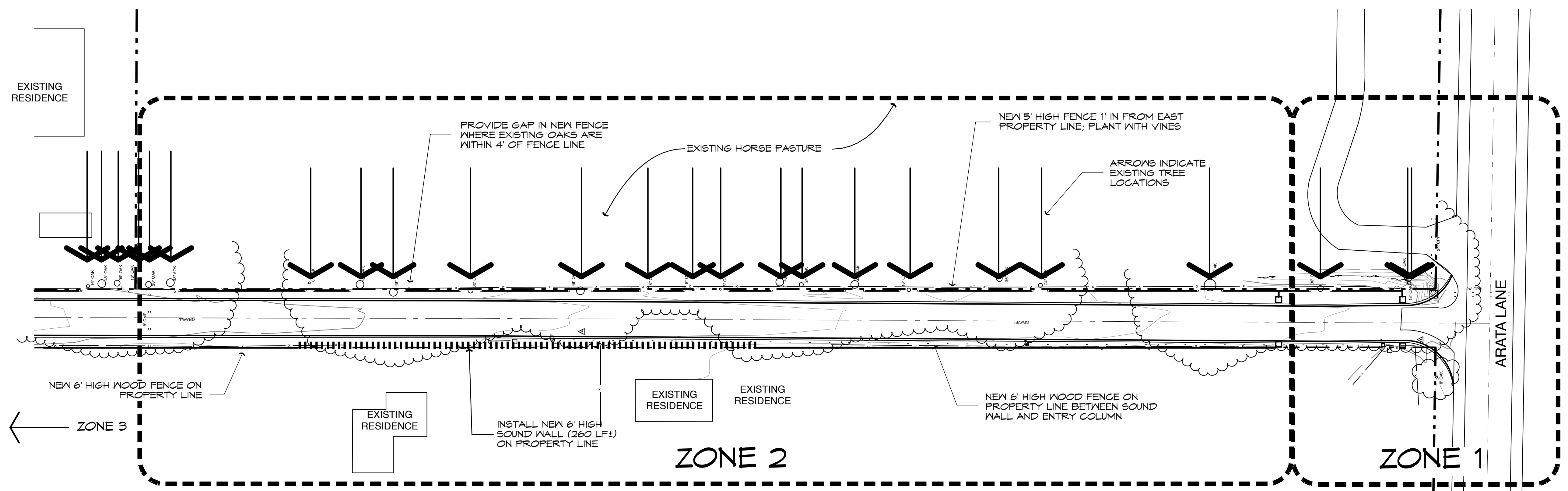


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DRIVEWAY PLAN
ZONES 1 & 2

WINDSOR OAKS WINERY
DRIVEWAY CONCEPT PLAN
WINDSOR, CALIFORNIA

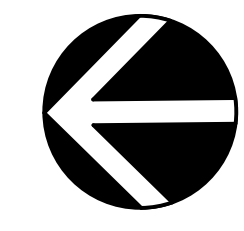
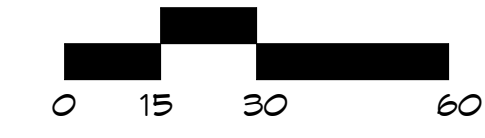
DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 100'
DRAWN: DM
SHEET



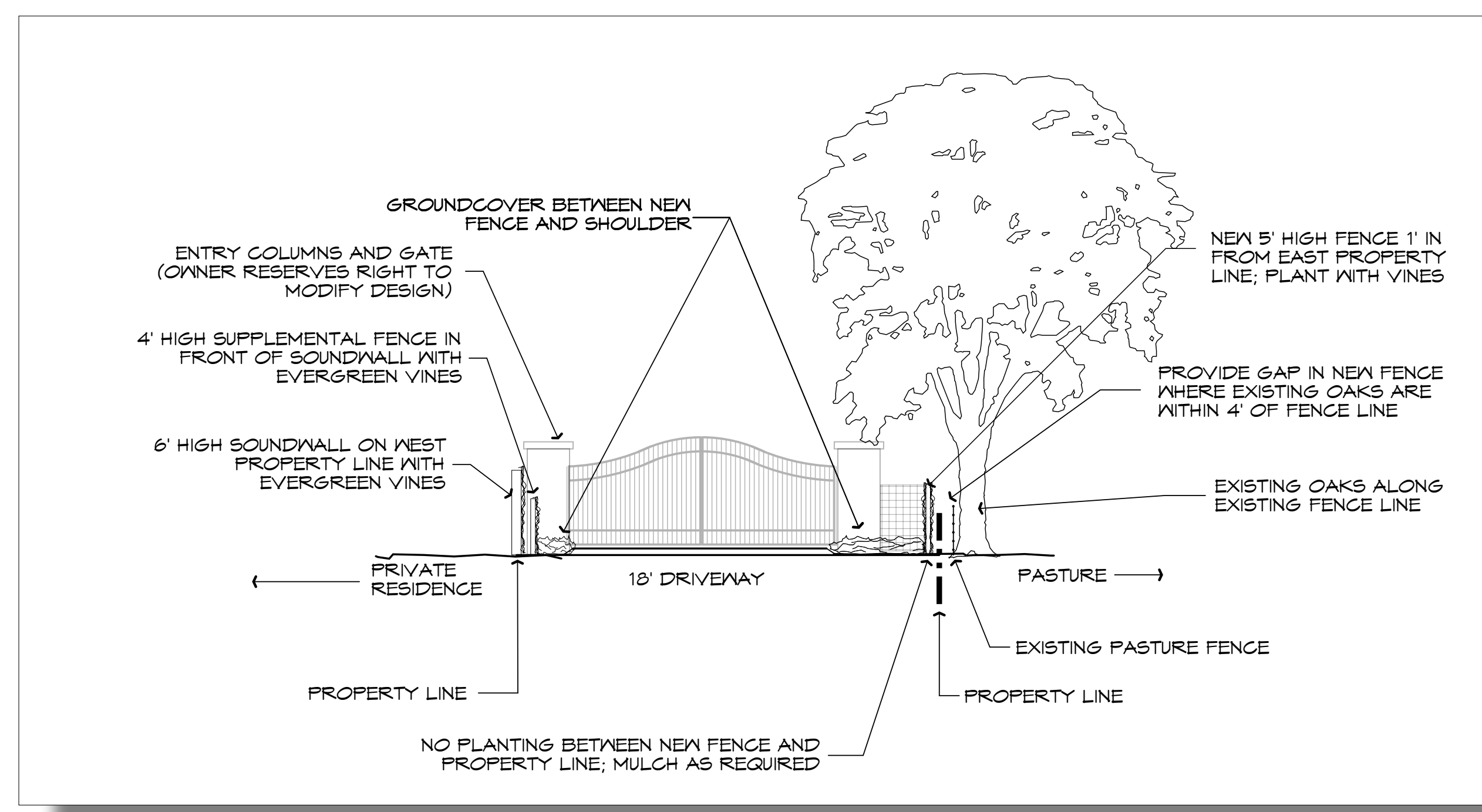
PASTURE/ RESIDENTIAL: BEGIN PRIVATE DRIVEWAY; INSTALL NEW ENTRY GATE/COLUMNS; THIS ZONE SHOULD IDENTIFY THE WINERY ACCESS YET BE UNDERSTATED. INSTALL NEW FENCES ON BOTH SIDES OF DRIVEWAY AND SOUNDWALL ON WEST SIDE. MAINTAIN VIEWS OF PASTURE TO THE EAST. A SOLID WOOD FENCE SHALL BE INSTALLED BETWEEN THE SOUNDWALL AND THE ENTRY COLUMN ON THE WEST SIDE OF THE DRIVEWAY. PLANTING SHOULD BE MINIMAL TO THE EAST, GROUNDCOVER PLANTING AND VINES ON THE PROPOSED SOUNDWALL. VINES SHALL BE PLANTED ON THE EAST SIDE FENCE ADJACENT TO THE HORSE PASTURE. GROUNDCOVER PLANTED AT NON-TREE AREAS ALONG EAST SHOULDER. IRRIGATION ON THE EAST SIDE WOULD BE MINIMAL AND PLANTINGS NON-TOXIC.

ENTRY; SHARED EASEMENT MINIMAL LANDSCAPE IMPROVEMENTS; ADD ACCENT TREES AT ARATA LANE; ADD IMPROVED FENCE TO EAST SIDE OF DRIVEWAY

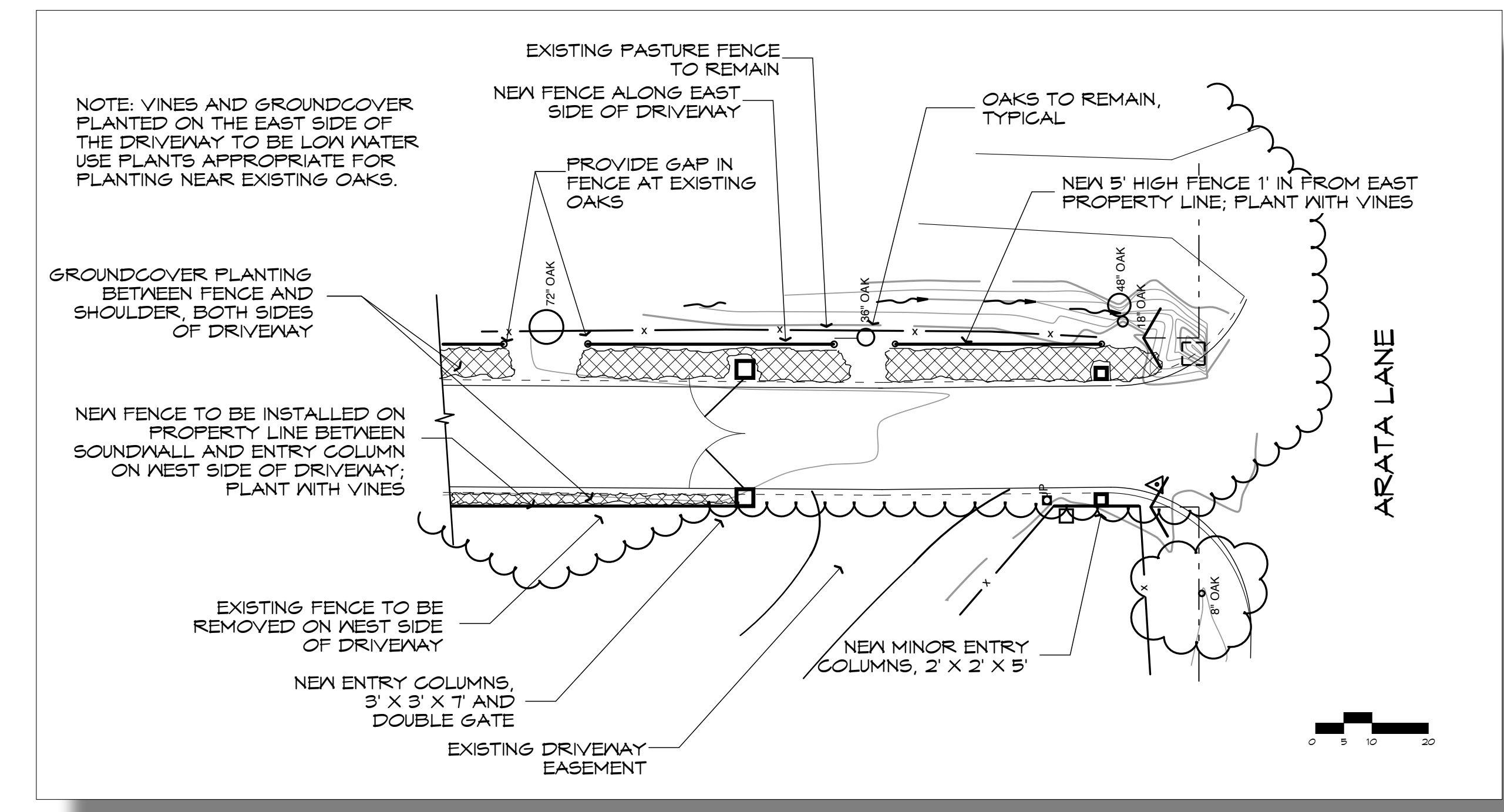
DRIVEWAY PLAN
ZONES 1 & 2



REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

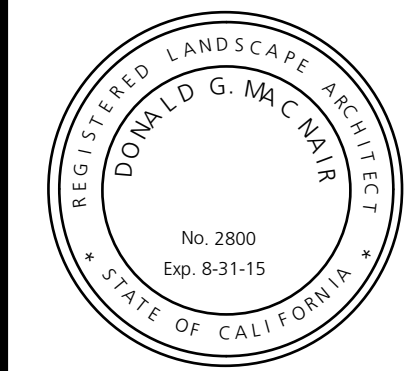


ZONE 2
TYPICAL SECTION
SCALE 1/8" = 1'-0"



ZONE 1
PLAN DETAIL
SCALE 1" = 20'

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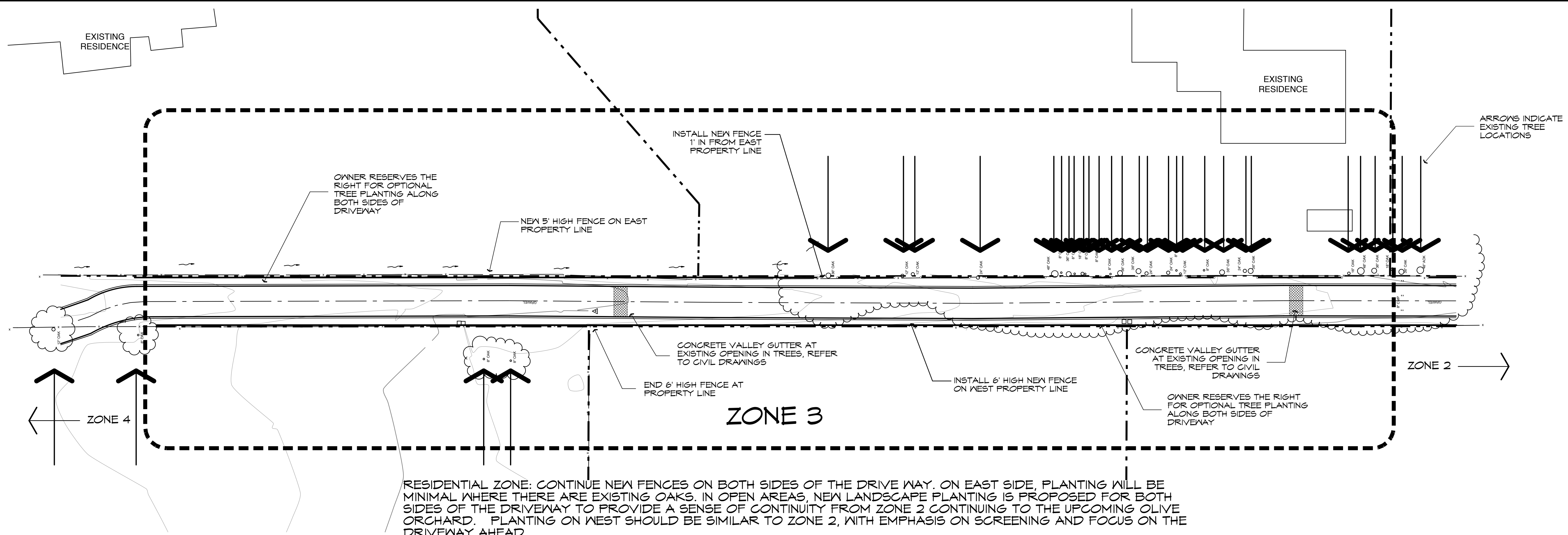
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DRIVENWAY PLAN
ZONE 3

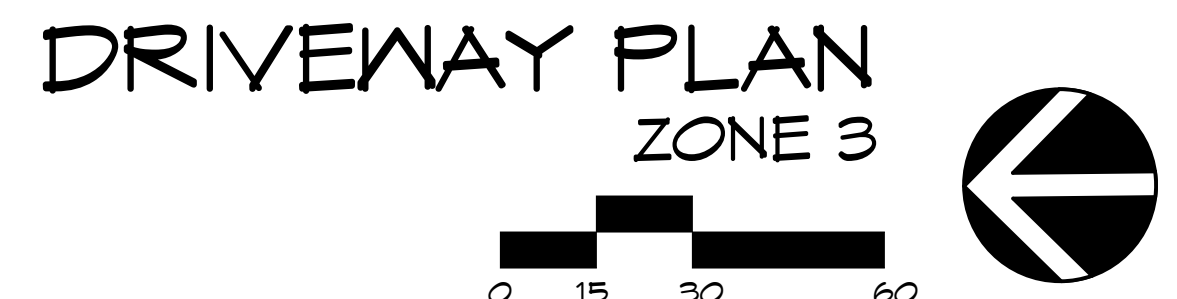
WINDSOR OAKS WINERY
DRIVENWAY CONCEPT PLAN
WINDSOR, CALIFORNIA

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 30'
DRAWN: DM
SHEET

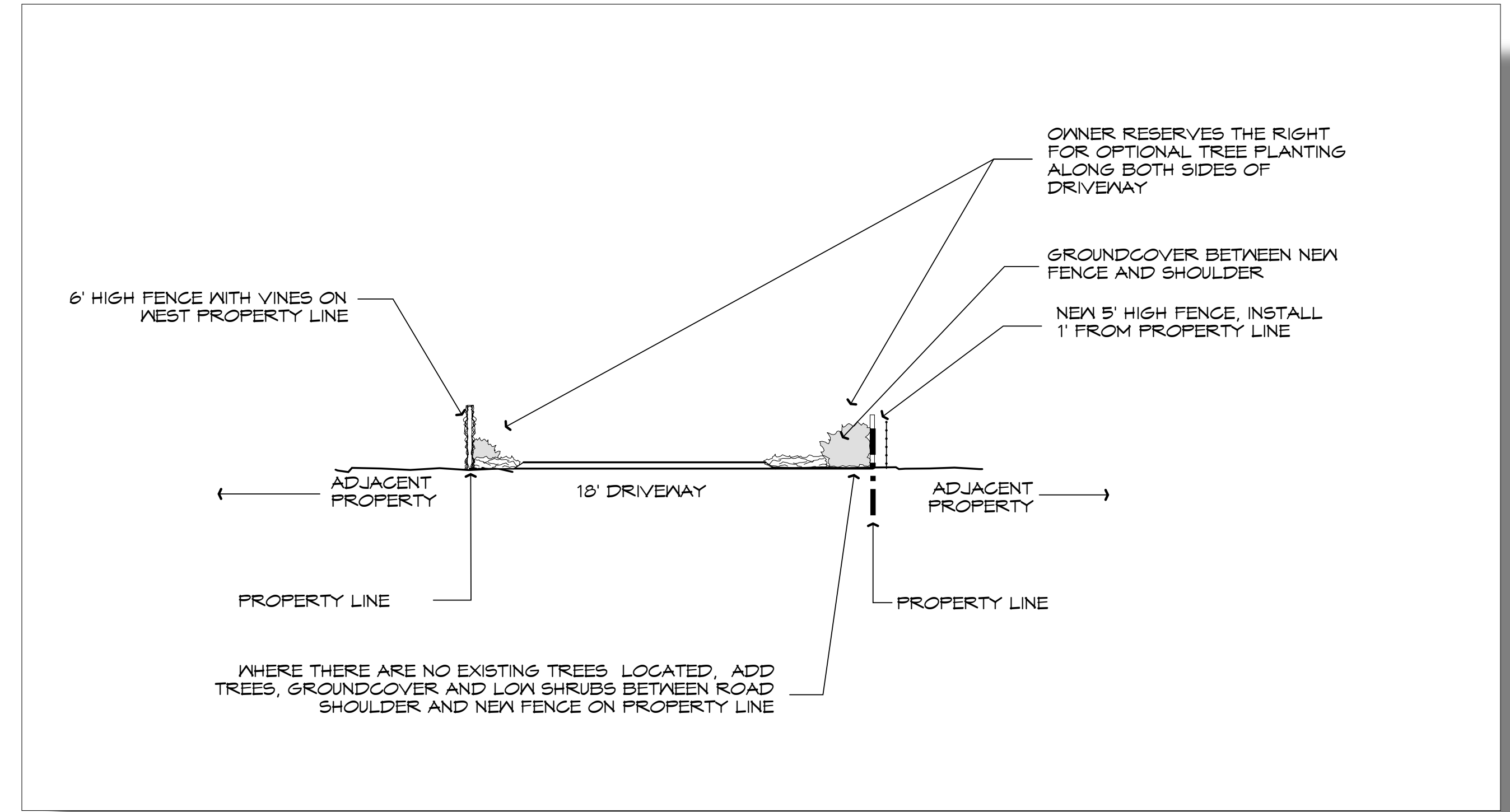
L-3



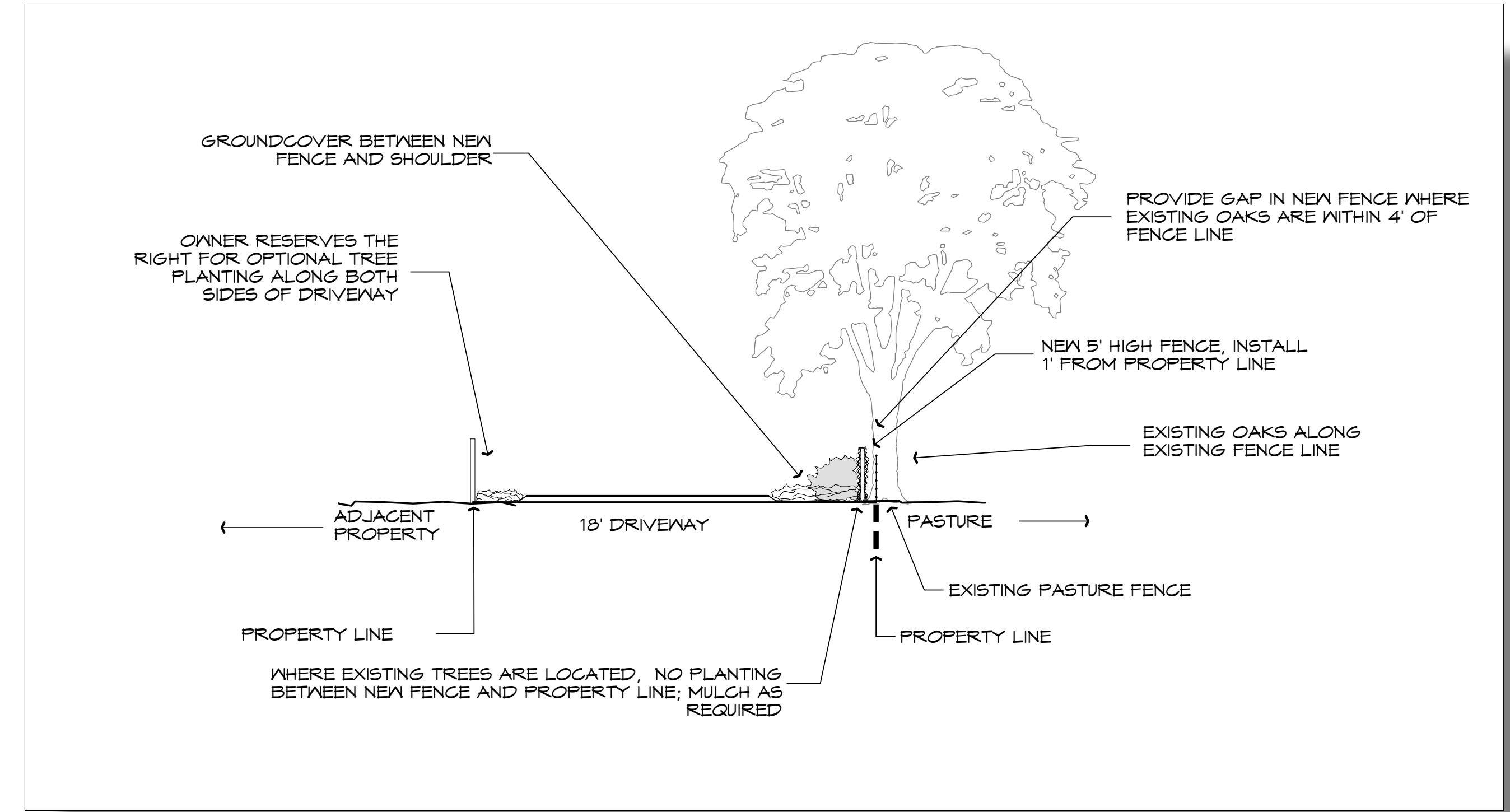
RESIDENTIAL ZONE: CONTINUE NEW FENCES ON BOTH SIDES OF THE DRIVEWAY. ON EAST SIDE, PLANTING WILL BE MINIMAL WHERE THERE ARE EXISTING OAKS. IN OPEN AREAS, NEW LANDSCAPE PLANTING IS PROPOSED FOR BOTH SIDES OF THE DRIVEWAY TO PROVIDE A SENSE OF CONTINUITY FROM ZONE 2 CONTINUING TO THE UPCOMING OLIVE ORCHARD. PLANTING ON WEST SHOULD BE SIMILAR TO ZONE 2, WITH EMPHASIS ON SCREENING AND FOCUS ON THE DRIVEWAY AHEAD.



REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

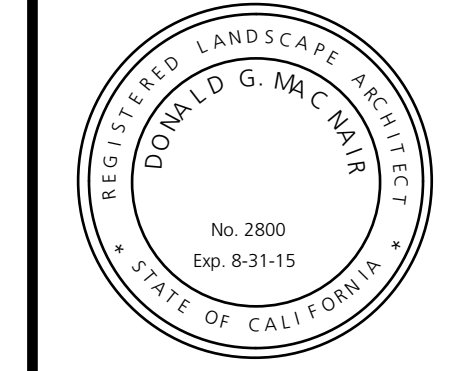


ZONE 3
TYPICAL SECTION
NO EXISTING TREES
SCALE 1/8" = 1'-0"



ZONE 3
TYPICAL SECTION
EXISTING TREES
SCALE 1/8" = 1'-0"

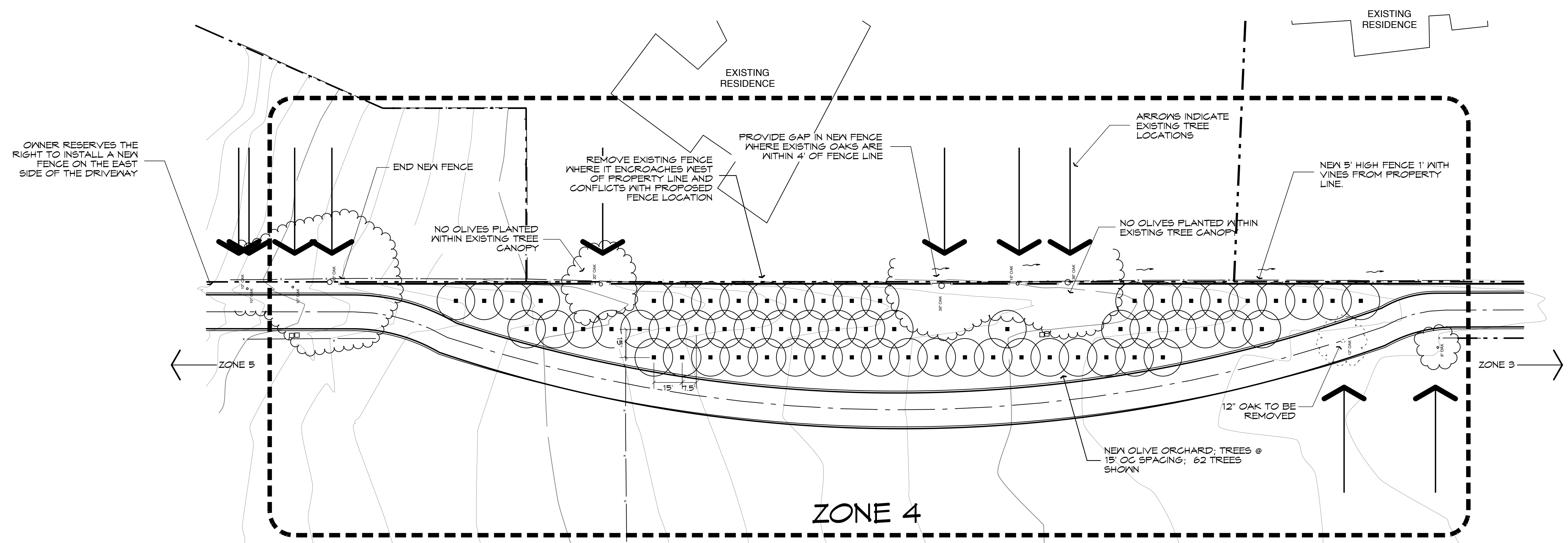
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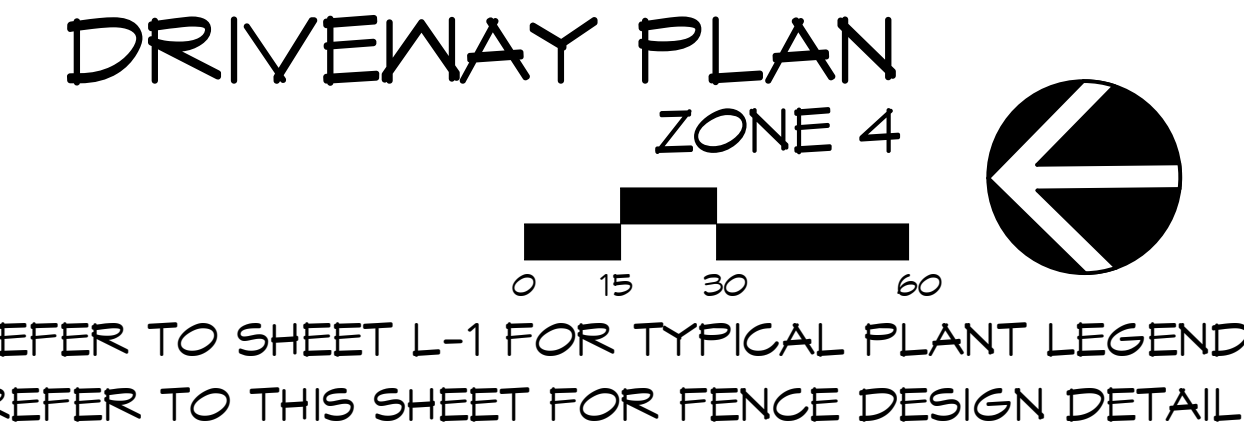
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don@macnairlandscapes.com

WINDSOR OAKS WINERY
DRIVEWAY CONCEPT PLAN
WINDSOR,
CALIFORNIA

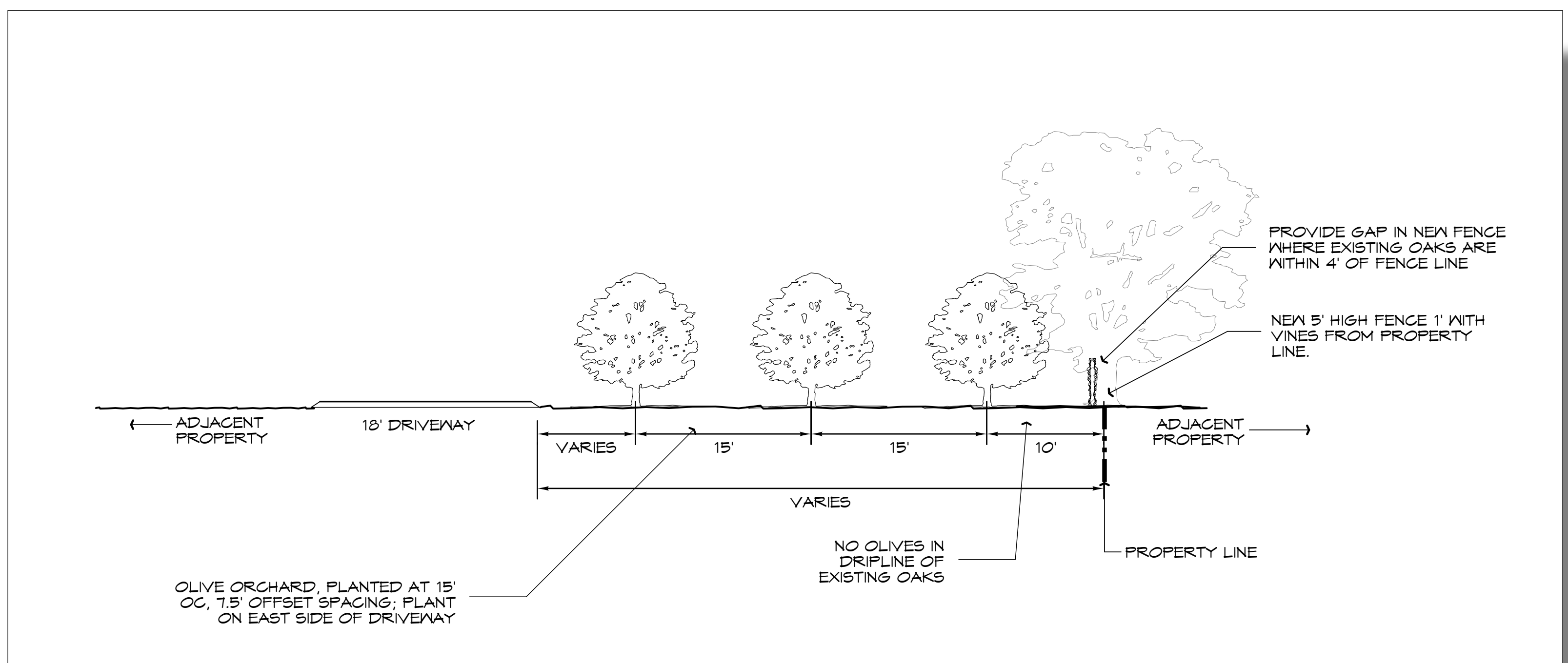
DRIVEWAY PLAN
ZONE 4



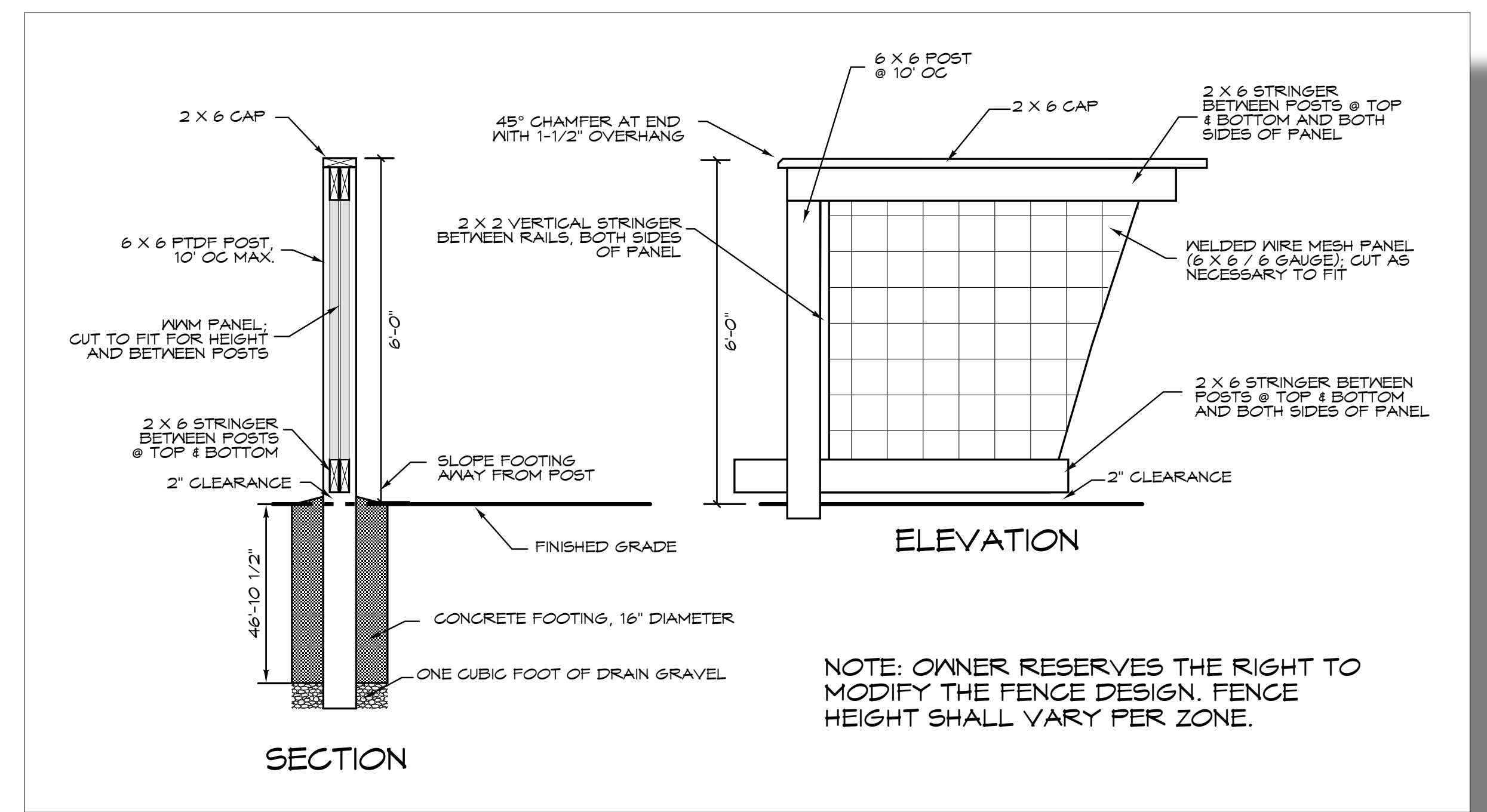
OLIVE ORCHARD: THIS IS WHERE THE DRIVEWAY DEPARTS FROM THE LINE OF SIGHT. OLIVES SHALL BE PLANTED ON THE EAST SIDE OF THE DRIVEWAY TO DEMARCAT A TRANSITION FROM THE MORE CASUAL, RURAL DRIVEWAY TO MORE FORMAL LANDSCAPE PRESENTATION. THE OLIVES, PLANTED CLOSELY, WOULD PROVIDE A LOW, DENSE SCREEN PROTECTING THE EASTERLY NEIGHBOR'S VIEWS TO THE WEST. AS THE DRIVEWAY BENDS BACK TO THE ORIGINAL ALIGNMENT, A VISITOR WOULD EXIT THE OLIVE ORCHARD AND THE LINE OF SITE WOULD BE TOWARDS VINEYARDS AND THE FUTURE FORMAL ENTRY AHEAD.



REFER TO SHEET L-1 FOR TYPICAL PLANT LEGEND
REFER TO THIS SHEET FOR FENCE DESIGN DETAIL



ZONE 4
TYPICAL SECTION
SCALE 1/8" = 1'-0"

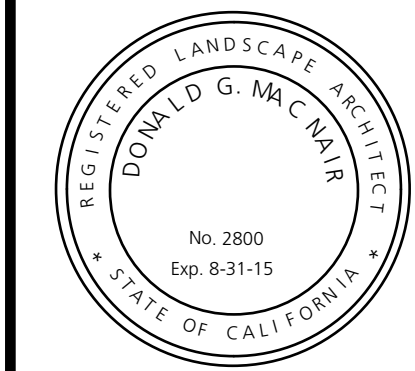


TYPICAL HOG WIRE FENCE DETAIL

NOTE: OWNER RESERVES THE RIGHT TO MODIFY THE FENCE DESIGN. FENCE HEIGHT SHALL VARY PER ZONE.

DATE: 5/7/14
JOB: 2014-16
SCALE: 1" = 30'
DRAWN: DM
SHEET

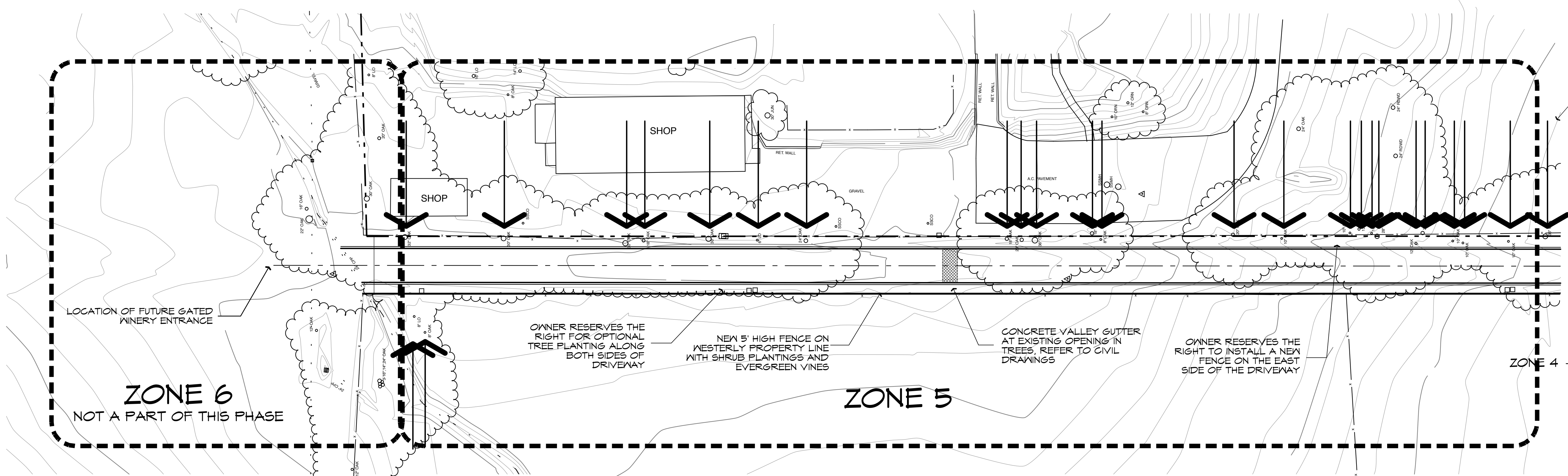
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WINDSOR OAKS WINERY
 DRIVEWAY CONCEPT PLAN
 WINDSOR, CALIFORNIA

DATE: 5/7/14
 JOB: 2014-16
 SCALE: 1" = 30'
 DRAWN: DM
 SHEET



ARROWS INDICATE EXISTING TREE LOCATIONS

LOCATION OF FUTURE GATED WINERY ENTRANCE
 FUTURE PHASE
ZONE 6
 NOT A PART OF THIS PHASE

OWNER RESERVES THE RIGHT FOR OPTIONAL TREE PLANTING ALONG BOTH SIDES OF DRIVEWAY
 NEW 5' HIGH FENCE ON WESTERLY PROPERTY LINE WITH SHRUB PLANTINGS AND EVERGREEN VINES
 CONCRETE VALLEY GUTTER AT EXISTING OPENING IN TREES. REFER TO CIVIL DRAWINGS
 OWNER RESERVES THE RIGHT TO INSTALL A NEW FENCE ON THE EAST SIDE OF THE DRIVEWAY

TRANSITION ZONE: AT THIS ZONE, THE LANDSCAPE WOULD BECOME MORE LUSH, LAYERED WITH A GREATER VARIETY OF PLANTS. THE EMPHASIS WOULD BE INCREASED FORMALITY YET THE RURAL QUALITY OF THE EXISTING TREES AND ADJACENT PASTURES WOULD BE PRESENT. THIS WOULD BE THE LAST ZONE BEFORE THE FORMAL WINERY ENTRANCE.

DRIVEWAY PLAN
ZONE 5

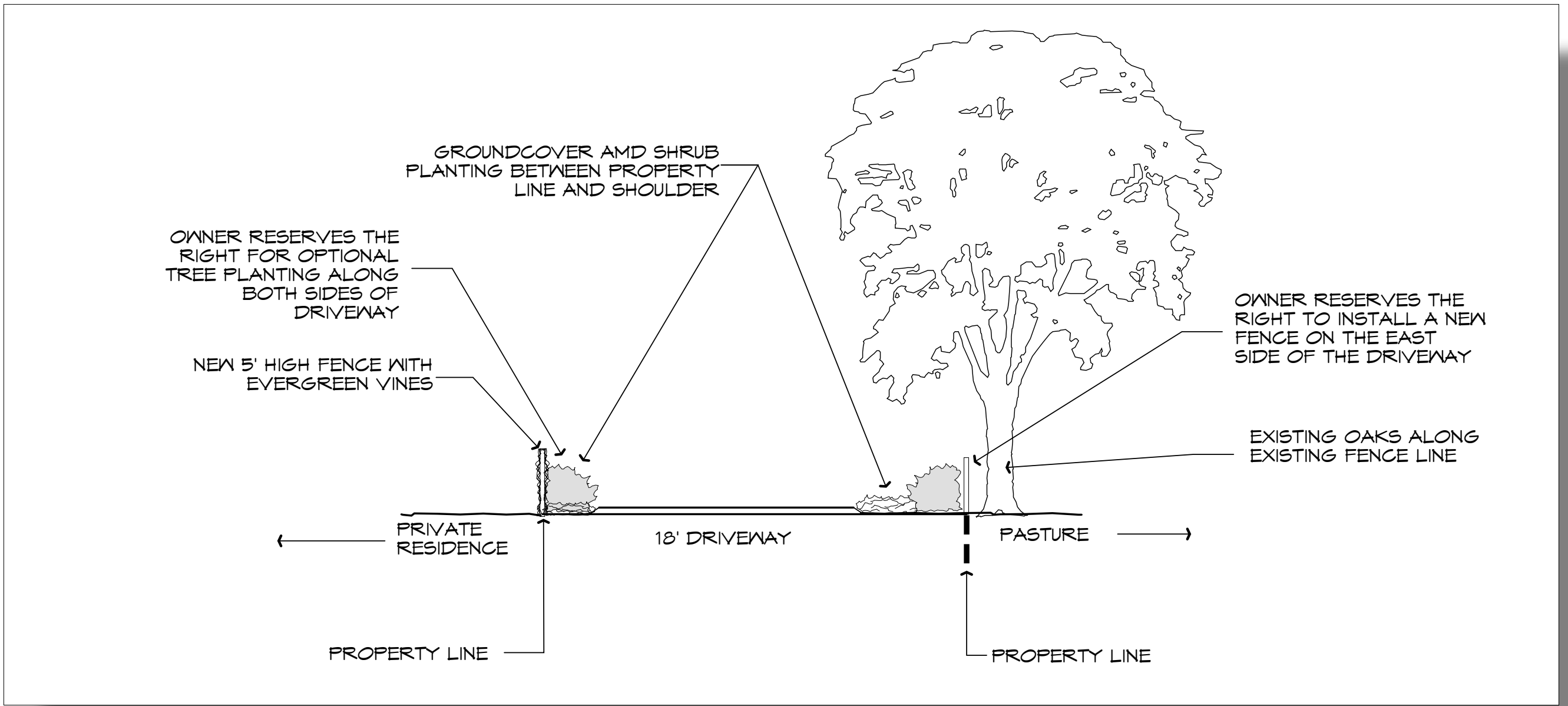


REFER TO THIS SHEET FOR TYPICAL PLANT LEGEND
 REFER TO SHEET L-4 FOR FENCE DESIGN DETAIL

TYPICAL PLANT LEGEND

| BOTANICAL NAME | COMMON NAME | REMARKS | WATER USE PER WUCOLS III | COMPATIBLE WITH OAKS* | LANDSCAPE ZONES |
|---|----------------------------|--|--------------------------|-----------------------|-----------------|
| TREES | | | | | |
| ARBUTUS UNEDO | STRAWBERRY TREE | MULTI TRUNK FORM, OPTIONAL PLANTING | L | YES | 1 |
| CERCIS OCCIDENTALIS | WESTERN REDBUD | CALIFORNIA NATIVE, OPTIONAL PLANTING | VL | YES | 1, 2, 3, 5 |
| CERCIS RENIFORMIS 'OKLAHOMA' | OKLAHOMA REDBUD | OPTIONAL PLANTING | L | | 1 |
| LAGERSTROEMIA x FAURIEI 'TUSCARORA' | TUSCARORA GRAPE MYRTLE | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 1 |
| OLEA EUROPAEA | OLIVE | ORCHARD TREES, VARIETY & SIZE TO BE DETERMINED | VL | | 4 |
| QUERCUS AGRIFOLIA | COAST LIVE OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | VL | YES | 3, 5 |
| QUERCUS NELLGOSGII | CALIFORNIA BLACK OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 3, 5 |
| QUERCUS LOBATA | VALLEY OAK | CALIFORNIA NATIVE, OPTIONAL PLANTING | L | YES | 3, 5 |
| SHRUBS | | | | | |
| ARBUTUS UNEDO 'ELFIN KING' | STRAWBERRY TREE | | L | YES | 1, 2, 3, 5 |
| ARCTOSTAPHYLOS D. 'HOWARD MCMINN' | VINE HILL MANZANITA | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| BERBERIS THUNBERGII 'CHERRY BOMB' | RED-LEAF JAPANESE BARBERRY | | L | | 1, 2, 3, 5 |
| BERBERIS THUNBERGII 'CRIMSON PYGMY' | BARBERRY | | L | | 1, 2, 3, 5 |
| CEANOTHUS 'CONCHIA' | CEANOTHUS | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| CEANOTHUS 'DARK STAR' | CEANOTHUS | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| ERYSIMUM 'BOWLES MAUVE' | WALLFLOWER | | L | | 1, 2, 3, 5 |
| FREMONTODENDRON C. 'CALIFORNIA GLORY' | FLANNEL BUSH | CALIFORNIA NATIVE | VL | YES | 1, 2, 3, 5 |
| LAVANDULA 'OTTO QUAST' | LAVENDER | | L | | 1, 2, 3, 5 |
| LAVANDULA INTERMEDIA 'GROSSO' | LAVENDER | | L | | 1, 2, 3, 5 |
| LEPTOSPERMUM SCOPARIUM 'RUBY GLOW' | NEW ZEALAND TEA TREE | | M | | 1, 2, 3, 5 |
| LOROPETALUM CHINENSE 'RAZZLEBERRY' | NCN | | L | | 1, 2, 3, 5 |
| LOROPETALUM CHINENSE 'RUBY' | CHINESE FRINGE FLOWER | | L | | 1, 2, 3, 5 |
| MYRTUS COMMUNIS 'COMPACTA' | DWARF MYRTLE | | L | YES | 1, 2, 3, 5 |
| NANDINA DOMESTICA 'COMPACTA' | COMPACT HEAVENLY BAMBOO | | L | YES | 1, 2, 3, 5 |
| NANDINA DOMESTICA 'MOYES RED' | HEAVENLY BAMBOO | | L | YES | 1, 2, 3, 5 |
| PHORMIUM TENAX 'DAZZLER' | NEW ZEALAND FLAX | | L | | 1, 2, 3, 5 |
| POLYSTICHUM MUNITUM | SWORD FERN | CALIFORNIA NATIVE | M | | 1, 2, 3, 5 |
| PRUNUS LAUROCERASUS 'OTTO LUYKEN' | ENGLISH LAUREL | | M | YES | 3, 5 |
| RHAMNUS CALIFORNICA 'MOUND SAN BRUNO' | DWARF COFFEEBERRY | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| RHAPHOLEPIS INDICA 'JACK EVANS' | INDIA HAWTHORN | | L | | 1, 2, 3, 5 |
| RIBES SANGUINEUM 'KING EDWARD VII' | PINK WINTER CURRANT | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| ROSES - 'MEIDLAND RED' | RED MEIDLAND ROSE | MAY BE SUBSTITUTED FOR RHAPHOLEPIS | L | | 1, 2, 3, 5 |
| ROSMARINUS O. 'TUSCAN BLUE' | ROSEMARY | | L | YES | 1, 2, 3, 5 |
| SALVIA LEUCANTHA 'PURPLE VELVET' | MEXICAN BUSH SAGE | | L | YES | 1, 2, 3, 5 |
| SARCOCOCCA RUSCIFOLIA | FRAGRANT SARCOCOCCA | | L | YES | 1, 2, 3, 5 |
| XYLOSMA CONGESTUM 'COMPACTA' | COMPACT XYLOSMA | | L | YES | 1, 2, 3, 5 |
| GROUNDCOVER | | | | | |
| ARCTOSTAPHYLOS 'EMERALD CARPET' | NCN | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| CEANOTHUS GLORIOSUS 'ANCHOR BAY' | CEANOTHUS | CALIFORNIA NATIVE | VL | YES | 1, 2, 3, 5 |
| COTONEASTER DAMMERI 'CORAL BEAUTY' | COTONEASTER | | L | YES | 1, 2, 3, 5 |
| ERIGERON KARVINSKIANUS | SANTA BARBARA DAISY | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| VINES | | | | | |
| CLYTOSTOMA CALLISTEGOIDES | VIOLET TRUMPET VINE | | M | | 1, 2, 3, 5 |
| HARDEMBERGIA VIOLACEA 'HAPPY WANDERER' | NCN | | M | YES | 1, 2, 3, 5 |
| PARTHENOCESSUS QUINQUEFOLIA | VIRGINIA CREEPER | | M | | 1, 2, 3, 5 |
| PARTHENOCESSUS TRICUSPIDATA | BOSTON IVY | | M | | 1, 2, 3, 5 |
| ROSA BANKSIAE 'LUTEA' | YELLOW BANKS ROSE | | L | | 1, 2, 3, 5 |
| ROSES 'CLIMBING' | NCN | | M | | 1, 2, 3, 5 |
| VITUS CALIFORNICA 'RUSSIAN RIVER' | CALIFORNIA GRAPE | CALIFORNIA NATIVE | L | | 1, 2, 3, 5 |
| PERENNIALS | | | | | |
| BUDDLEIA 'BLUE CHIP' | DWARF BUTTERFLY BUSH | | L | YES | 1, 2, 3, 5 |
| KNIPHOFIA UVARIA | RED-HOT-POKER | | M | YES | 1, 2, 3, 5 |
| PENSTEMON HETEROPHYLLUS 'BLUE BEDDER' | PENSTEMON | CALIFORNIA NATIVE | M | YES | 1, 2, 3, 5 |
| GRASSES | | | | | |
| CALAMAGROSTIS ARUNDINACEA 'KARL FOERSTER' | FEATHER REED GRASS | | L | | 1, 2, 3, 5 |
| DESCHAMPSIA CAESPITOSA 'NORTHERN LIGHTS' | GRASS(NCN) | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| FESTUCA CALIFORNICA | CALIFORNIA FESCUE | | L | YES | 3, 5 |
| FESTUCA IDAHOENSIS 'SISKIYOU' | IDAHO FESCUE | CALIFORNIA NATIVE | L | | 3, 5 |
| HELICTOTRICHON SEMPERVIRENS | BLUE OAT GRASS | | L | YES | 1, 2, 3, 5 |
| MULLEBERGIA CAPILLARIS 'REGAL MIST' | PINK MUPLY | | L | | 1, 2, 3, 5 |
| NASSELLA PULCHRA | PURPLE STIPA | CALIFORNIA NATIVE | L | YES | 1, 2, 3, 5 |
| NASSELLA TENUISSIMA | MEXICAN FEATHER GRASS | | L | | 1, 2, 3, 5 |
| PENNISETUM ALOPECUROIDES 'HAMEIN' | DWARF FOUNTAIN GRASS | | L | YES | 1, 2, 3, 5 |
| PENNISETUM ORIENTALE 'KARLY ROSE' | ORIENTAL FOUNTAIN GRASS | | M | | 1, 2, 3, 5 |
| OTHER | | | | | |
| MULCH: FIR BARK, 1/2" TO 1-1/2" | | | | | |

*FROM THE CALIFORNIA OAK FOUNDATION PUBLICATION "COMPATIBLE PLANTS UNDER & AROUND OAKS", 2007 ELECTRONIC EDITION.



ZONE 5
TYPICAL SECTION

SCALE 1/8" = 1'-0"

PLANTING PIT EXCAVATION NOTE

ALL PLANTS INSTALLED BENEATH EXISTING OAK CANOPIES SHALL BE LIMITED IN SIZE TO #1 SIZE AND #5 SIZE CONTAINERS. PLANTING PIT SIZE FOR #1 SIZE CONTAINERS SHALL NOT EXCEED 6" IN DEPTH OR 12" IN DIAMETER. PLANTING PIT SIZE FOR #5 SIZE CONTAINERS SHALL NOT EXCEED 9" IN DEPTH AND 20" IN DIAMETER.

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

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Board of Supervisors
Sonoma County
Page 2 of 2

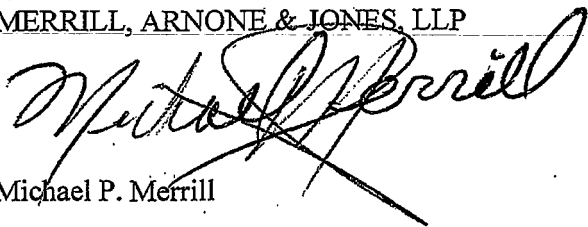
Although the Mitigated Negative Declaration for the Windsor Oaks Winery Project does not include a site-specific noise study, it does conclude, erroneously, that no mitigation is required. Further, the Mitigated Negative Declaration references the noise element of the Sonoma County General Plan which 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,

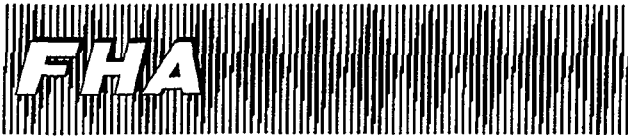
MERRILL, ARNONE & JONES, LLP



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.

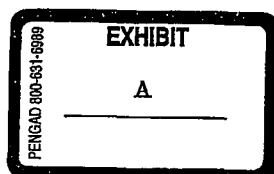
The attached spreadsheet summaries are for the sound wall at the property line (*PropLineWall2.pdf*) and an alternate following the new road and the curve (*RoadLineWall2.pdf*). The results are relative to the measured ambient noise level. Additional noise mitigation can be provided with rubberized asphalt 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.

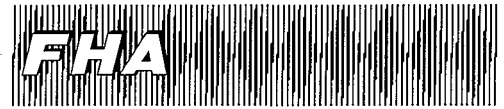
Frank Hubach Associates, Inc 4905 Central Ave, Ste 100
Richmond, CA 94804

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



An additional alternate using a shorter 6 feet high 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\InterimAnalyses3R.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.”

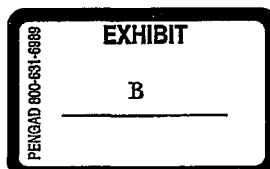
Based on the results of this study it appears that exposure to moderate level of constant noise, while causing increased heart rates and activity levels in the horses, does not cause adverse health effects.

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) Huybrechts, 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 = 12
 Distance
 predicted

| Position receive/source | Barrier Loss dB | Loss re: 25' dB | Total Loss dB | car @ 25' dBA | ambient dBA | above ambient 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

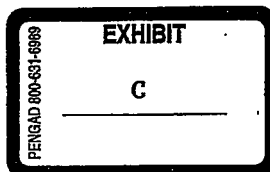
| | | | | | | |
|----------|-----------------|------|------|----|------|----|
| 150 feet | danger | 15.6 | 15.6 | 72 | 41.8 | 15 |
| 600 feet | marginal | 27.6 | 27.6 | 72 | 41.8 | 3 |
| 1760 | safe (1/3 mile) | 37.0 | 37.0 | 72 | 41.8 | -7 |

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

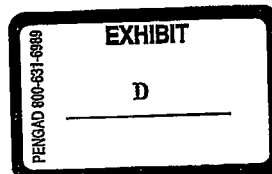
| Position receive/source | Distance | | | car @ 25' ambient | | predicted above ambient dBA | barrier at curve benefit dBA | predicted above ambient w/rubberized paving dBA |
|----------------------------|--------------------|--------------------|------------------|-------------------|------|-----------------------------------|------------------------------------|---|
| | Barrier Loss dB | Loss re: 25' dB | Total Loss dB | dBA | dBA | | | |
| 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

- +5 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

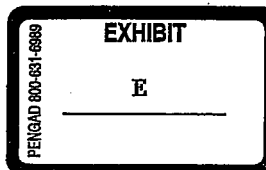
| Position receive/source | Barrier Loss dB | Distance | | car @ 25' ambient dBA | predicted above ambient dBA | barrier at curve benefit dBA | predicted above ambient w/rubberized paving dBA |
|----------------------------|--------------------|--------------------|------------------|--------------------------|-----------------------------------|------------------------------------|---|
| | | Loss re: 25' dB | Total Loss dB | | | | |
| A1 | 9.6 | 9.2 | 18.8 | 72 | 41.8 | 1 | 3 |
| A2 | 10.1 | 15.2 | 25.3 | 72 | 41.8 | 5 | 2 |
| B1 | 9.9 | 17.0 | 26.9 | 72 | 41.8 | 3 | 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 |
| B4 | 5.0 | 25.1 | 30.1 | 72 | 41.8 | 0 | -3 |
| B5 | 5.0 | 26.8 | 31.8 | 72 | 41.8 | -2 | -5 |

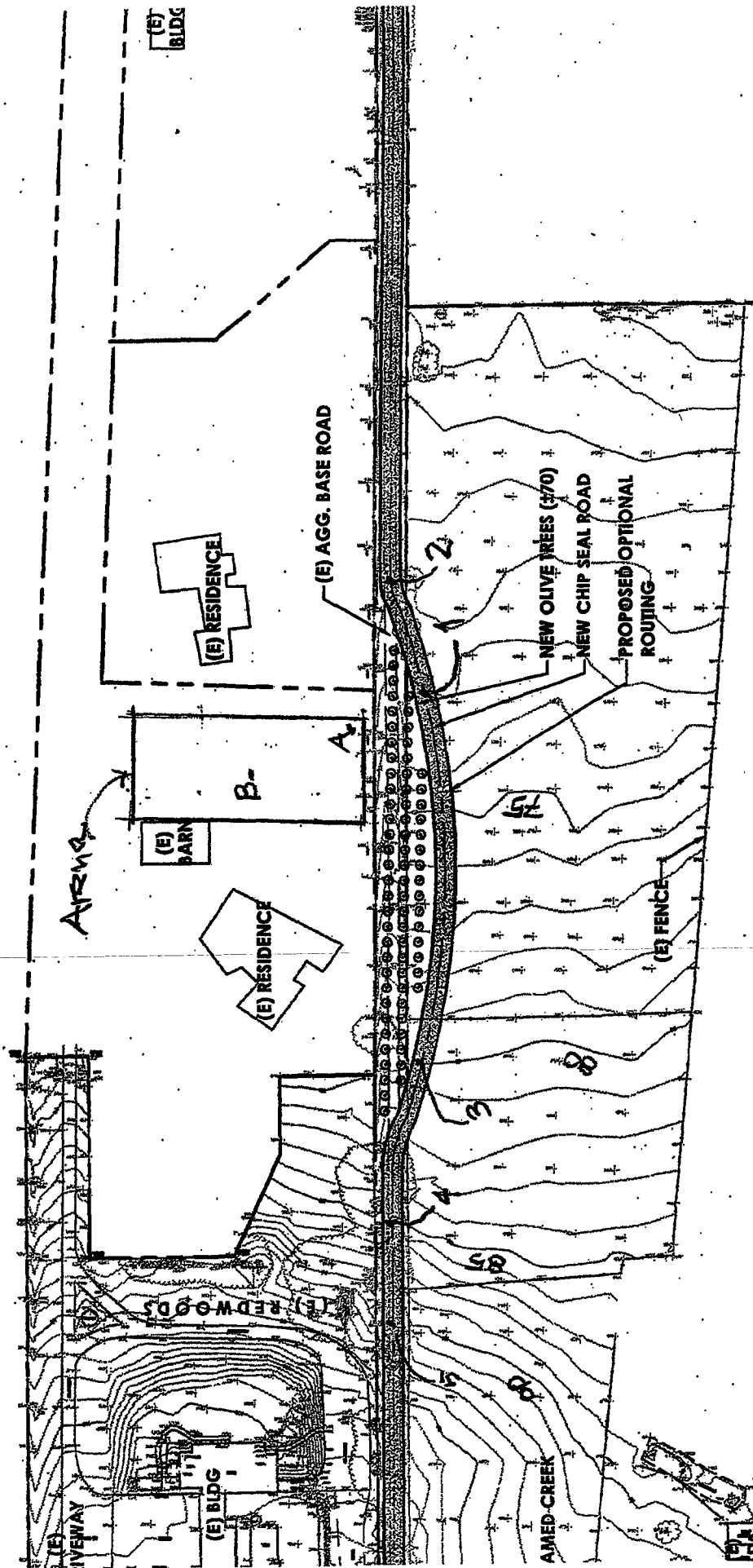
Joy Koch's equestrian distance ratings

| | | | | | | |
|----------|-----------------|------|------|----|------|----|
| 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





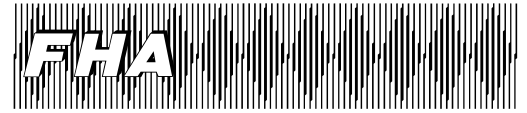
SOUND WALL STUDY

BJAN1A 664-01

PENGAD 800-831-8888

EXHIBIT

F



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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.

LAW OFFICES OF
CLEMENT, FITZPATRICK & KENWORTHY
INCORPORATED
3333 MENDOCINO AVENUE, SUITE 200
SANTA ROSA, CALIFORNIA 95403
FAX: 707 546-1360
TELEPHONE: (707) 523-1181

STEPHEN K. BUTLER

March 20, 2014

HAND DELIVERED

County of Sonoma Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

Re: *Windsor Oaks Winery/PRMD File No. PLP12-0009*
Board Hearing of March 25, 2014

Dear Chairman Rabbitt and Members of the Board:

The purpose of this letter is to respond to the comments made in the two noise reports submitted by Frank Hubach Associates, Inc ("FHA"). Although it is not entirely clear from the two reports, to the extent that FHA is trying to contend that an increase of greater than 3dB above the ambient noise level constitutes a significant effect on the environment for purposes of CEQA, the reports' conclusions are misguided.

It is well settled that a public agency may, within its jurisdiction, define what constitutes a significant effect on the environment. (*Citizens for Responsible Equitable Environmental Dev. v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335, 336). In determining whether a noise impact is significant, the County has historically and consistently used Table NE-2 of the General Plan and, in noise impacted areas, the standards set forth in Policy NE-1B. As long as the specifically delineated noise standards of the General Plan are complied with, there is absolutely no basis for arguing that an increase greater than 3dB where horses are present constitutes a significant effect on the environment. Additionally, CEQA regulation section 15382 defines a significant effect on the environment as a "substantial, adverse change." An increase greater than 3dB resulting from a project which otherwise complies with the specifically delineated noise standards found in the General Plan's Noise Element should not be characterized as a "significant effect" for purposes of CEQA.

When evaluating the proposed project's impacts, the County need not take a myopic view but may weigh the significance of an impact by looking at the overall effect. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1353). Additionally, common sense is an important consideration at all levels of CEQA review, including the determination whether a project's impacts are significant in light of the broader context in which they will occur. (*Practice Under the California Environmental Quality Act*, Second Edition, Kostka and Zischke §6.45, p 354.2). If one drives nearly anywhere in Sonoma County, you will see scores of horses and stables which are proximate to both public and private roads. Indeed, if you drive up the private road providing access to both the Koch and

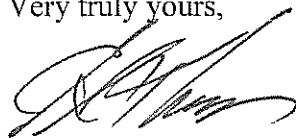
Stein properties, you will see that the Koches' horse operation grazes horses immediately adjacent to the roadway and also little more than 100 feet from Arata Lane, a designated "Boulevard" in the Windsor General Plan. That same driveway serves four single-family dwellings with roughly 40 vehicle trips a day in addition to truck, tractor and vehicular trips associated with the Koches' horse operation. That operation would, of necessity, generate trips associated with hay deliveries, veterinarians, ferrriers, owners of boarded horses, training clients, FedEx and UPS to name a few. It can be readily seen that this driveway, immediately adjacent to grazing horses, accommodates a similar level of traffic to the total of 53 trips projected for the winery access road, which is well further removed from the horse operation. Clearly, the Koches' own horses are well acclimated to traffic noise. For the five other horses which the Koches are allowed to board, presumably they travel to the Koch property by way of a horse trailer on area freeways or busy County roads. It simply defies common sense and logic to argue that these horses are not acclimated to an increase in ambient traffic noise greater than 3dB.

Last, when the Koches purchased their property, they were well aware that the road adjacent to their property provided access to the Windsor Oaks Winery. In fact, they discussed with Mr. Stein the possibility of using that access road for their own residence. Given this knowledge, and given the fact that the Koches have chosen to place their arena on the property line and within the setback area with knowledge that it is more proximate than necessary to a known access road, they cannot now effectively argue that the use of that access road significantly affects their horses or horse operation.

Also attached for your information is the March 20, 2014, Illingworth & Rodkin, Inc. supplemental noise analysis responding to the March 12, 2014, FHA noise report.

Thank you for your thoughtful consideration of these comments.

Very truly yours,



STEPHEN K. BUTLER

SKB/pd

enclosure

c(w/enc.): David Hurst

Sonoma County Counsel's Office

Jeffrey Brax

Sonoma County Counsel's Office

Dean Parsons

Sonoma County PRMD

Traci Tesconi

Sonoma County PRMD

client

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

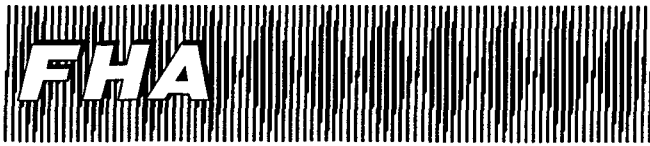
LAW OFFICES

3554 ROUND BARN BLVD., STE. 303

SANTA ROSA, CA 95403

(707) 528-2882 • FAX (707) 528-6015

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**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.

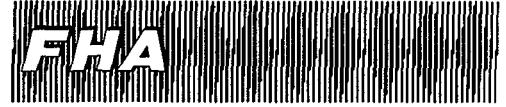
Although both FHA and IR cite the findings of others where 3 dB above the ambient is the threshold for startling a horse, the IR report considers noise effects on horses, but does not address the criterion of 3 dB sudden increase of noise above the ambient. IR argues that vehicles on Liberty Oak Lane 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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Arborist Report

Prepared by:
Bruce W. Hagen
Consulting Arborist
Certified Arborist WE0243A
Registered Professional Forester 2440
Submitted: March 19, 2014

RE: Windsor Oaks Road Construction project

Client:

Joy Zamoyski-Koch and David Koch
10119 Liberty Oak Lane
Windsor, CA 95492

I was hired by the Joy Zamoyski-Koch and her husband, David Koch who reside at 10119 Liberty Oak Lane, Windsor, CA, to address possible adverse affects to an existing windrow of Valley Oaks along the eastern side of the road easement that borders their property from the proposed Windsor Oaks road construction project. I was not asked to survey the trees, measure their diameters, record other pertinent information, or assess their health and structural condition. Nonetheless, most of the trees appear to be in good condition. Two, though, are in decline, but could survive for decades.

From what I understand, the Windsor Oaks road project involves grading and excavation to prepare a stable road bed, widening the existing aggregate road, installing an engineered drainage facility, excavating rolling dips to slow traffic, paving, and installing conduits for utilities along the road. Furthermore, it involves extensive landscaping. All of these construction-related activities will undoubtedly cause significant root damage and possibly destabilize some of the trees.

I'm at a bit of a disadvantage here because I have not seen a tree preservation plan for Windsor Oaks Road project, addressing measures the contractor is proposing to protect the trees during and following construction. Furthermore, I have not seen a detail of the proposed road construction or the engineered drainage facility. Nor have I seen a landscape plan to determine potential problems.

I know that the current un-maintained county road is to be widened to at least 17 feet. With an apron along both sides, it will probably be closer to 20 feet wide. The entire easement is just 30 feet, so that puts the road bed excavation and trenching for conduits within 10 feet of the mature trees. Some of the trees are even closer. Depending on the depth of excavation and location of trenching for any utilities, this will likely sever a substantial portion of the trees' root systems, and possibly cause root instability. If the drainage ditch is deepened or re-contoured, additional damage is likely. The road widening will also compact additional soil within the root zone, impairing root

development and function, and limiting root regeneration under the road. Compacted soil contains less air and water, and is largely impenetrable to tree roots. Additional root damage can result if a continuous footing is used for the proposed sound wall in front of the Honsa property. The use of rolling dips to lower traffic speed will require deeper excavation and additional root disturbance closer to the adjacent trees, to facilitate drainage. The road grade near the entry point will have to be lowered to match that of Arata Lane, This will have some impact on the trees closest to Arata Lane. From what I've read, the road is to be paved or an asphalt seal applied to the compacted aggregate. Either method will reduce percolation of water into the root zone below.

The installation of extensive landscaping along with the requisite irrigation system under and around the oaks is also cause for concern. Significant damage will be done to the root system closest to the trunk by digging holes for the planting stock—the larger the planting stock, the greater the root damage. Density of plantings is also an issue. Without having seen the landscape plan, I can't address the compatibility of the specified planting list with the existing oaks. Nor can I comment on where and how the irrigation system is to be installed. I also question the appropriateness of installing landscaping around the native oaks because the irrigation needed to sustain the new landscape plants will create conditions favoring the development of root disease, or exacerbate any root disease already at the site. Root disease commonly occurs on the roots of oaks but typically remains inactive until trees are very old, become stressed by drought or restricted uptake water as a result of root loss, or when irrigated during the summer months. Dry soil conditions that normally prevail in natural stands of oaks during the summer largely prevent root disease pathogens from developing. Root disease in these oaks is far more likely to develop or become active and spread when the root zone, particularly close to the trunk, if landscaping with irrigation is installed. Another issue is that landscaping under the oaks is unlikely to be successful, considering the dense shade from the leafy canopies above and strong competition from the oaks roots. If landscaping is to be installed it would be far better to use native, shade and drought-adapted plants known for their compatibility with native oaks.

There are three windrows of primarily Valley Oaks (*Quercus lobata*) running north from Arata Lane. One is along the east side of the Liberty Oaks Lane, another further eastward, and the remaining one along the planned Windsor Oaks Road easement. The trees are quite old and important visually, historically, and environmentally. Their importance to wildlife should also be a consideration. These trees help to define the transition between the suburban development south of Arata Lane with the rural, agricultural and open space areas north of the road. The oaks along the proposed Windsor Oaks road run from Arata Lane to just beyond the second parcel along Liberty Oaks Lane. There are several oaks in the easement bordering the parcel where the Koch family lives, as well.

The trees at one time were quite large, but cut, perhaps around the turn of the century, and allowed to resprout from the stumps. Consequently, they have developed multiple trunks, some of which are close to 30-inches in diameter.

The proximity of the proposed construction project will likely cause significant root injury which could result in mortality or premature decline, unless alternative building methods are used. Considering the size and age of the trees, there should be no disturbances within their driplines (width of the crowns, as measured by the lateral extension of extent of their foliage). Ideally, root protection zones for mature trees like these should be equal to about 1.25 feet for each inch of trunk diameter. Since these are multi-stemmed trees you have to adjust accordingly. If we assume that the average tree has an adjusted diameter of about four feet (this is done by combining the areas of all the stems to calculate an adjusted diameter (divide the combined area of the stems by pi, the square root of this number is the radius, and multiplying that by 2 gives the diameter). At the very least, root cutting should not be done within 5 times the diameter of the tree (ANSI A300, Part 8- Root and Root Zone Management. This is the new industry standard recently published by the American National Standards Institute). So for a 48-inch diameter tree that distance is 20 feet. This is just not doable in this case. The only practical way to prevent serious injury is to avoid excavation within the root zones.

In summary:

- This project as described in the plans that I've reviewed will likely cause serious damage to the oaks unless mitigated by alternate building methods.
- The extensive root loss will probably cause some mortality and initiate decline with some noticeable dieback.
- The two declining trees I mentioned will probably succumb within a few years.
- Some of the trees may topple as a result of loss of structural roots, so there is a real liability issue for the owner and a risk factor for passing vehicles and the adjacent homes and residents.
- Landscaping under the oaks is not recommended and would likely cause appreciable root damage and result in root disease problems down the road.
- Construction-related damage and root disease issues introduced by the installation of landscaping and irrigation, and the stress induced by major root loss may take up to a decade to become fully evident. Some trees die within a year or two, others progressively decline until they succumb to lethal attack by insects or disease-causing pathogens.



Figure 1. View of proposed road from Arata Lane to the left (looking west)



Figure 2. View of trees along proposed road further north.



Figure 3. View of trees and homes further north.



Figure 4. View of trees in front of the Honsa home.



Figure 5. View of windrow north of 1st parcel.



Figure 6. View of windrow east of the Liberty Oak Rd.

ARBORIST REPORT

**Windsor Oaks Road
Sonoma County, CA
(APN: 086-100-16)**

Prepared for:
**Robert Stein
Windsor Oaks Vineyard & Winery
10810 Hillview Road
Windsor, CA 95492**

Prepared by:
**ARBORSCIENCE
Post Office Box 111
Woodacre, CA 94973**

March 24, 2014



ASSIGNMENT

Robert Stein hired **ARBORSCIENCE** to evaluate the oaks growing along Windsor Oaks Road that runs from Arata Lane northward, between Hillview Road and Liberty Oak Lane just north of Windsor. This evaluation is related to proposed chip-seal surface improvements on this private road. I conducted my field inspection on March 21, 2014.

SCOPE OF WORK AND LIMITATIONS

Information regarding property boundaries, land and tree ownership was obtained from Jeannie VandeWeg of Steve Martin Associates, Inc. and verified using County of Sonoma Assessor parcel data. I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. Observations and conclusions regarding the subject trees and site conditions were made by me, independently, based on my education, experience, and inspection of the site. Unless expressed otherwise, information contained in this report covers only those items examined and reflects the condition of those items at the time of inspection. My inspection was limited to visual examination of accessible tree components from the ground. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

LOCATION

The subject oaks are growing within 15 feet of the edge of Windsor Oaks Road that extends approximately 2,600 feet north from Arata Lane in unincorporated Sonoma County, California (APN: 086-100-16).

DESCRIPTION OF THE SUBJECT TREES

The subject oaks include 120 valley oaks (*Quercus lobata*), 31 black oaks (*Quercus kelloggii*), and 14 coast live oaks (*Quercus agrifolia*). These trees range in diameter at breast height (dbh) from 1" to more than 40". Refer to the graph on Page 3 that summarizes the distribution of trunk diameters. Most of the subject trees are on the east side of the road.

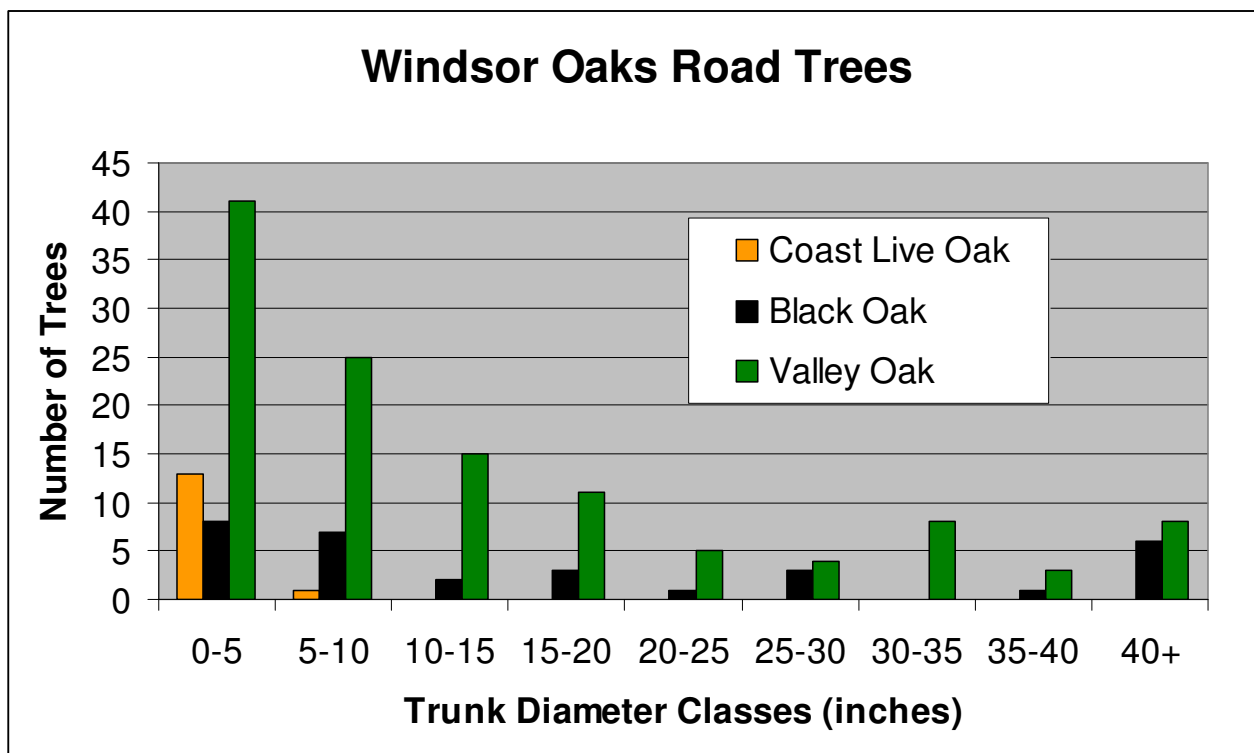
The largest and oldest oaks (>30") consist of healthy, established mature valley and black oaks that were likely planted as a



windrow. Some of these oaks were cut to the ground in the past and subsequently re-sprouted, which would explain why they have multiple trunks. Trunk decay on these larger trees may lead to partial tree failure in the future.

The moderately sized oaks (10" to 30") probably seeded in from the original row of oaks. These trees generally have single trunks and are exceptionally healthy. Two oaks have died just west of a east-west trending line of coast redwoods (*Sequoia sempervirens*). I suspect that these deaths are related to an unidentified abiotic cause that is not related to the existing road.

The smaller valley and black oaks (<10") are the most recent volunteers and are exceptionally healthy. The coast live oaks consist of a younger cohort (less than 5" dbh) on the northeast segment of the road. All of these small oaks should be thinned to promote proper spacing and pruned to create good architecture for the future appearance and safety of the road.



PROPOSED PROJECT

The proposed project consists of adding a 12-foot-wide by 6-inch-thick chip-seal surface over an existing, 18-inch-thick compacted road base bed that is underlain by geotextile fabric. The existing road base was compacted to 90% and has been in place for more than 10 years.¹ I understand that no below-ground utilities will be installed along the road.

¹ Personal Communication with Doug Lumgair, Windsor Oaks Winery, 3-21-14

CONCLUSIONS AND CERTIFICATION

I certify that the proposed chip-seal road improvement project will affect neither the systemic health nor structural stability of the subject trees. The existing road bed is already well established; no further changes to the porosity or moisture-holding capacity of the soils will result from the project. Paving the road will likely improve the health of the subject trees by reducing dust normally generated by dry-season use of the road and increasing the moisture holding capacity of the soil beneath the road.

Sincerely,

ARBORSCIENCE



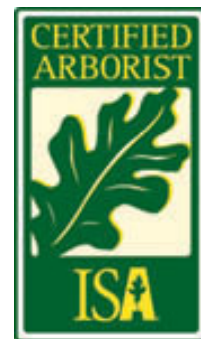
Kent R. Julin, Ph.D.
ISA Certified Arborist #WE-8733A
ISA Tree Risk Assessor Qualified

KENT R. JULIN, PH.D.
ISA Certified Arborist WE-8733A
ISA Tree Risk Assessment Qualified
Registered Professional Forester #2648



Areas of Professional Interest and Expertise

- ❖ Arboriculture and Urban Forest Management
- ❖ Tree Management Plans
- ❖ Species Selection and Planting Specifications
- ❖ Tree Care Specifications
- ❖ Tree Protection Plans
- ❖ Wildland-Urban Interface Fuels Management
- ❖ Vegetation Analysis, Evaluation, and Management
- ❖ Soil Erosion Mitigation and Planning
- ❖ Pest and Disease Diagnosis
- ❖ Tree Structural Hazard Assessments
- ❖ Tree Forensics and Tree-Ring Studies
- ❖ Tree Appraisal (Valuation of partial and total loss)



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1995 – 1998 Research Forester, USDA Pacific Northwest Research Station,
Juneau, AK

1989 – 1995 Senior Environmental Scientist, Harding Lawson Associates, Novato

1981 – 1988 Graduate Research Assistant, University of Washington, Seattle, WA

ARBORIST REPORT

**Windsor Oaks Road
Sonoma County, CA
(APN: 086-100-16)**

Prepared for:
**Robert Stein
Windsor Oaks Vineyard & Winery
10810 Hillview Road
Windsor, CA 95492**

Prepared by:
**ARBORSCIENCE
Post Office Box 111
Woodacre, CA 94973**

May 8, 2014
(correction on 6-2-14)

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ASSIGNMENT

Robert Stein hired **ARBORSCIENCE** to evaluate oaks growing along Windsor Oaks Road that runs from Arata Lane northward, between Hillview Road and Liberty Oak Lane just north of Windsor. This evaluation is related to proposed improvements on this private road. I conducted my field inspections on March 21 and April 1, 2014. In addition, I reviewed the Windsor Oaks Road Plan by Steve Martin Associates dated 5-7-14 and the Windsor Oaks Road Landscape plans by MacNair Landscape Architecture. Finally, I addressed concerns raised by Bruce Hagen in his arborist report dated March 19, 2014 (attached).

SCOPE OF WORK AND LIMITATIONS

Information regarding property boundaries, land and tree ownership was obtained from Jeannie VandeWeg of Steve Martin Associates, Inc. and verified using County of Sonoma Assessor parcel data. I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. Observations and conclusions regarding the subject trees and site conditions were made by me, independently, based on my education, experience, and inspection of the site. Unless expressed otherwise, information contained in this report covers only those items examined and reflects the condition of those items at the time of inspection. My inspection was limited to visual examination of accessible tree components from the ground. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

LOCATION

The subject oaks are growing within 15 feet of the edge of Windsor Oaks Road that extends approximately 2,600 feet north from Arata Lane in unincorporated Sonoma County, California (APN: 086-100-16).

DESCRIPTION OF THE SUBJECT TREES

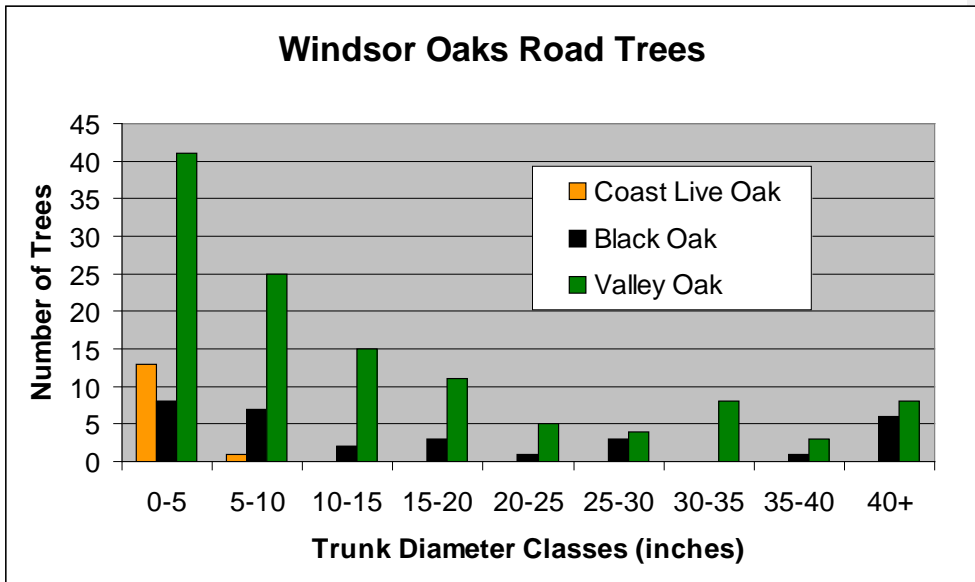
The subject oaks include 120 valley oaks (*Quercus lobata*), 31 black oaks (*Quercus kelloggii*), and 14 coast live oaks (*Quercus agrifolia*). These trees range in diameter at breast height (dbh) from 1" to more than 40". Refer to the graph on Page 3 that summarizes the distribution of trunk diameters. Most of the subject trees are on the east side of the road.



The largest and oldest oaks (>30") consist of healthy, established mature valley and black oaks that were likely planted as a windrow. Some of these oaks were cut to the ground in the past and subsequently re-sprouted, which would explain why they have multiple trunks. Trunk decay on these larger trees may lead to partial tree failure in the future.

The moderately sized oaks (10" to 30") probably seeded in from the original row of oaks. These trees generally have single trunks and are exceptionally healthy. Two oaks have died just west of an east-west trending line of coast redwoods (*Sequoia sempervirens*). I suspect that these deaths are related to an unidentified abiotic cause that is not related to road improvements implemented 12 years ago.

The smaller valley and black oaks (<10") are the most recent volunteers and are exceptionally healthy. The coast live oaks consist of a younger cohort (less than 5" dbh) on the northeast segment of the road. All of these small oaks should be thinned to promote proper spacing and pruned to create good architecture for the future appearance and safety of the road.



PROPOSED PROJECT

The proposed project consists of adding a 4618-foot-wide¹ chip-seal and rubberized asphalt surface over an existing, 18-inch-thick compacted road base bed that is underlain by geotextile fabric. The existing road base was compacted to 90% and has

¹ [Corrected road width from 16' to 18' reference made on 6-2-14.](#)

been in place for 12 years.² I understand that all below-ground utilities were installed along the road 12 years ago.

Landscaping with associated irrigation and roadside fencing are planned for Windsor Oaks Road.³ This proposed work will be done in five (5) distinct Zones extending from Arata Lane northward to a formal main gate to the winery. The palate of proposed plants includes low-water use plants that will be compatible with existing oaks along the road. Fencing, including a sound wall, will be built using post-and-grade-beam construction to minimize impacts to oak roots.

CONCLUSIONS AND CERTIFICATION

Based on my review of the Windsor Oaks Road Plan by Steve Martin Associates dated 5-7-14 and the Windsor Oaks Road Landscape plans by MacNair Landscape Architecture, I certify that proposed road improvements will not have adverse impacts to existing oak trees. The existing road bed is already well established; no further changes to the porosity or moisture-holding capacity of the soils will result from the project. Paving the road will likely improve the health of the subject trees by virtually eliminating dust normally generated by dry-season use of the road and increasing the moisture holding capacity of the soil beneath the road.

Sincerely,

ARBORSCIENCE



Kent R. Julin, Ph.D.
ISA Certified Arborist #WE-8733A
ISA Tree Risk Assessor Qualified

² Personal Communication with Doug Lumgair, Windsor Oaks Winery, 3-21-14

³ Windsor Oaks Winery Driveway Plans by MacNair Landscape Architecture, 5pp.

ARBORSCIENCE'S RESPONSES (**BOLD, ITALICS, ARIAL FONT**) TO BRUCE HAGEN'S MARCH 19, 2014 LETTER (STANDARD, TIMES ROMAN FONT)

Arborist Report

Prepared by:
Bruce W. Hagen
Consulting Arborist
Certified Arborist WE0243A
Registered Professional Forester 2440
Submitted: March 19, 2014

RE: Windsor Oaks Road Construction project

Client:

Joy Zamoyski-Koch and David Koch
10119 Liberty Oak Lane
Windsor, CA 95492

I was hired by the Joy Zamoyski-Koch and her husband, David Koch who reside at 10119 Liberty Oak Lane, Windsor, CA, to address possible adverse affects to an existing windrow of Valley Oaks along the eastern side of the road easement that borders their property from the proposed Windsor Oaks road construction project. I was not asked to survey the trees, measure their diameters, record other pertinent information, or assess their health and structural condition. Nonetheless, most of the trees appear to be in good condition. Two, though, are in decline, but could survive for decades.

Decline in two (2) trees noted above was not caused by road improvements implemented 12 years ago. Coast redwoods growing east of the road are also declining. I suspect a soil-related, abiotic cause.

From what I understand, the Windsor Oaks road project involves grading and excavation to prepare a stable road bed, widening the existing aggregate road, installing an engineered drainage facility, excavating rolling dips to slow traffic, paving, and installing conduits for utilities along the road. Furthermore, it involves extensive landscaping. All of these construction-related activities will undoubtedly cause significant root damage and possibly destabilize some of the trees.

The proposed project does not involve grading and excavation to prepare a stable road bed. A new surface will be placed on an established, compacted road base. Rolling dips will be created within the existing road base prism. Utilities along the road were installed 12 years ago. Trees along the road will not be destabilized by the proposed work.

I'm at a bit of a disadvantage here because I have not seen a tree preservation plan for Windsor Oaks Road project, addressing measures the contractor is proposing to protect the trees during and

following construction. Furthermore, I have not seen a detail of the proposed road construction or the engineered drainage facility. Nor have I seen a landscape plan to determine potential problems.

Impacts to existing trees cannot be fully evaluated without reviewing construction and landscaping plans.

I know that the current un-maintained county road is to be widened to at least 17 feet. With an apron along both sides, it will probably be closer to 20 feet wide. The entire easement is just 30 feet, so that puts the road bed excavation and trenching for conduits within 10 feet of the mature trees. Some of the trees are even closer. Depending on the depth of excavation and location of trenching for any utilities, this will likely sever a substantial portion of the trees' root systems, and possibly cause root instability. If the drainage ditch is deepened or re-contoured, additional damage is likely. The road widening will also compact additional soil within the root zone, impairing root development and function, and limiting root regeneration under the road. Compacted soil contains less air and water, and is largely impenetrable to tree roots. Additional root damage can result if a continuous footing is used for the proposed sound wall in front of the Honsa property. The use of rolling dips to lower traffic speed will require deeper excavation and additional root disturbance closer to the adjacent trees, to facilitate drainage. The road grade near the entry point will have to be lowered to match that of Arata Lane. This will have some impact on the trees closest to Arata Lane. From what I've read, the road is to be paved or an asphalt seal applied to the compacted aggregate. Either method will reduce percolation of water into the root zone below.

Windsor Oaks Road is not a County road. The proposed project would place a 16-foot-wide surface on an existing road bed. No road bed excavation and trenching will be done. All work including preparation of the road base and installation of utilities was completed 12 years ago. No continuous footing is proposed for the sound wall or fencing. This will be post and beam construction.

The installation of extensive landscaping along with the requisite irrigation system under and around the oaks is also cause for concern. Significant damage will be done to the root system closest to the trunk by digging holes for the planting stock—the larger the planting stock, the greater the root damage. Density of plantings is also an issue. Without having seen the landscape plan, I can't address the compatibility of the specified planting list with the existing oaks. Nor can I comment on where and how the irrigation system is to be installed. I also question the appropriateness of installing landscaping around the native oaks because the irrigation needed to sustain the new landscape plants will create conditions favoring the development of root disease, or exacerbate any root disease already at the site. Root disease commonly occurs on the roots of oaks but typically remains inactive until trees are very old, become stressed by drought or restricted uptake water as a result of root loss, or when irrigated during the summer months. Dry soil conditions that normally prevail in natural stands of oaks during the summer largely prevent root disease pathogens from developing. Root disease in these oaks is far more likely to develop or become active and spread when the root zone, particularly close to the trunk, if landscaping with irrigation is installed. Another issue is that landscaping under the oaks is unlikely to be successful, considering the dense shade from the leafy canopies above and strong competition from the oaks roots. If landscaping is to be installed it would be far better to use native, shade and drought-adapted plants known for their compatibility with native oaks.

Proposed landscaping consists of plants that are compatible under oaks. Irrigation pipes will be installed at or just beneath the soil surface to minimize damage to nearby oaks.

There are three windrows of primarily Valley Oaks (*Quercus lobata*) running north from Arata Lane. One is along the east side of the Liberty Oaks Lane, another further eastward, and the remaining one along the planned Windsor Oaks Road easement. The trees are quite old and important visually, historically, and environmentally. Their importance to wildlife should also be a consideration. These trees help to define the transition between the suburban development south of Arata Lane with the rural, agricultural and open space areas north of the road. The oaks along the proposed Windsor Oaks road run from Arata Lane to just beyond the second parcel along Liberty Oaks Lane. There are several oaks in the easement bordering the parcel where the Koch family lives, as well.

The trees at one time were quite large, but cut, perhaps around the turn of the century, and allowed to resprout from the stumps. Consequently, they have developed multiple trunks, some of which are close to 30-inches in diameter.

The proximity of the proposed construction project will likely cause significant root injury which could result in mortality or premature decline, unless alternative building methods are used. Considering the size and age of the trees, there should be no disturbances within their driplines (width of the crowns, as measured by the lateral extension of extent of their foliage). Ideally, root protection zones for mature trees like these should be equal to about 1.25 feet for each inch of trunk diameter. Since these are multi-stemmed trees you have to adjust accordingly. If we assume that the average tree has an adjusted diameter of about four feet (this is done by combining the areas of all the stems to calculate an adjusted diameter (divide the combined area of the stems by pi, the square root of this number is the radius, and multiplying that by 2 gives the diameter). At the very least, root cutting should not be done within 5 times the diameter of the tree (ANSI A300, Part 8- Root and Root Zone Management. This is the new industry standard recently published by the American National Standards Institute). So for a 48-inch diameter tree that distance is 20 feet. This is just not doable in this case. The only practical way to prevent serious injury is to avoid excavation within the root zones.

Oak trees along Windsor Oaks Road appear quite healthy and do not show any symptoms of decline caused by road improvements 12 years ago. Proposed work will not disturb the root systems of the existing trees.

In summary:

- This project as described in the plans that I've reviewed will likely cause serious damage to the oaks unless mitigated by alternate building methods.

The proposed project will not result in serious damage to oaks. Surfacing a pre-existing, compacted road base will not disturb tree roots.

- The extensive root loss will probably cause some mortality and initiate decline with some noticeable dieback.

Proposed work will not result in extensive root loss. No road-related construction decline is apparent following roadwork completed 12 years ago.

- The two declining trees I mentioned will probably succumb within a few years.

These two trees are declining not as a result of road building work in the past.

- Some of the trees may topple as a result of loss of structural roots, so there is a real liability issue for the owner and a risk factor for passing vehicles and the adjacent homes and residents.

The proposed project will not result in the loss of structural roots.

- Landscaping under the oaks is not recommended and would likely cause appreciable root damage and result in root disease problems down the road.
- Construction-related damage and root disease issues introduced by the installation of landscaping and irrigation, and the stress induced by major root loss may take up to a decade to become fully evident. Some trees die within a year or two, others progressively decline until they succumb to lethal attack by insects or disease-causing pathogens.

It is a common practice to safely plant and maintain ornamental plants under oaks. Most of the genera in the Windsor Oaks Road project plant legend are listed in the California Oak Foundation's book: Compatible Plants Under and Around Oaks by Hagen et al. Other plants listed in the plan require little water. Olive trees will be planted outside oak driplines.



Figure 1. View of proposed road from Arata Lane to the left (looking west)



Figure 2. View of trees along proposed road further north.



Figure 3. View of trees and homes further north.



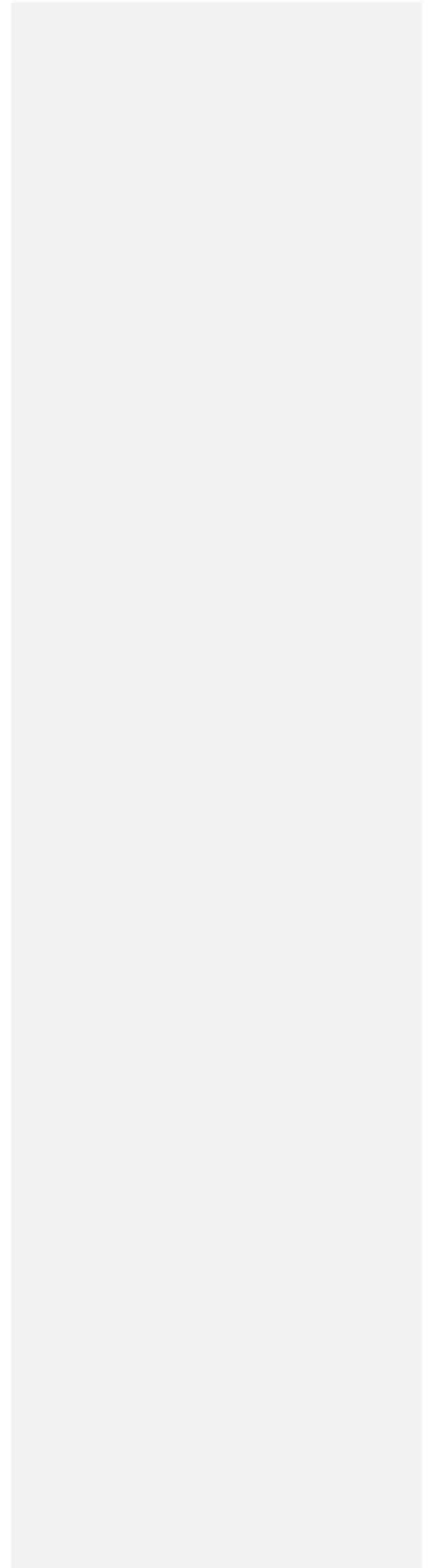
Figure 4. View of trees in front of the Honsa home.



Figure 5. View of windrow north of 1st parcel.

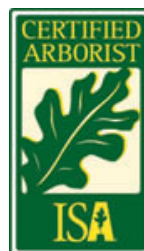


Figure 6. View of windrow east of the Liberty Oak Rd.



KENT R. JULIN, PH.D.

*ISA Certified Arborist WE-8733A
ISA Tree Risk Assessment Qualified
Registered Professional Forester #2648*



Areas of Professional Interest and Expertise

- ❖ Arboriculture and Urban Forest Management
- ❖ Tree Management Plans
- ❖ Species Selection and Planting Specifications
- ❖ Tree Care Specifications
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- ❖ Wildland-Urban Interface Fuels Management
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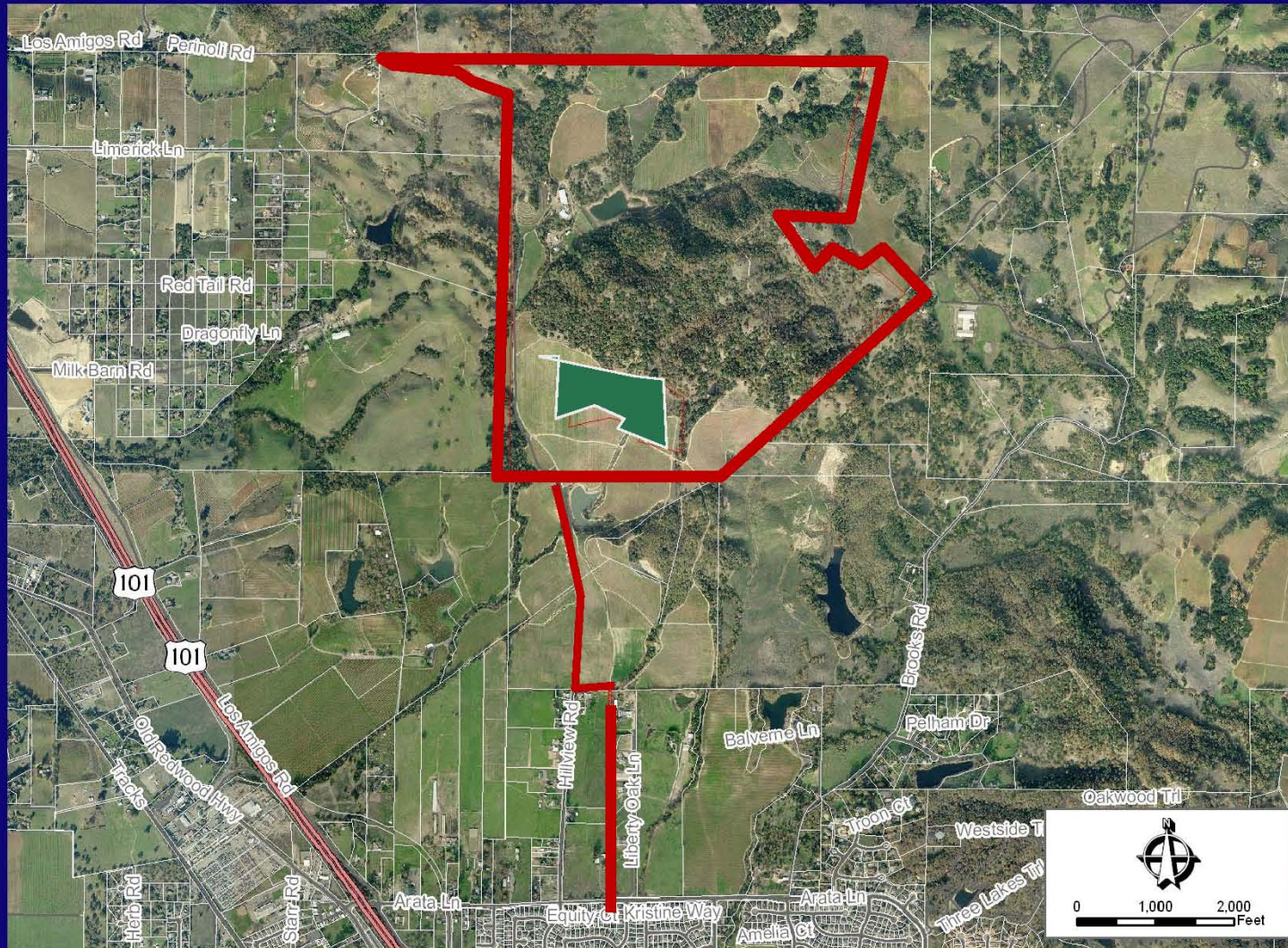
1981 – 1988 Graduate Research Assistant, University of Washington, Seattle, WA



PRMD

Activity #PLP12-0009

Aerial View



PRMD

Activity #PLP12-0009

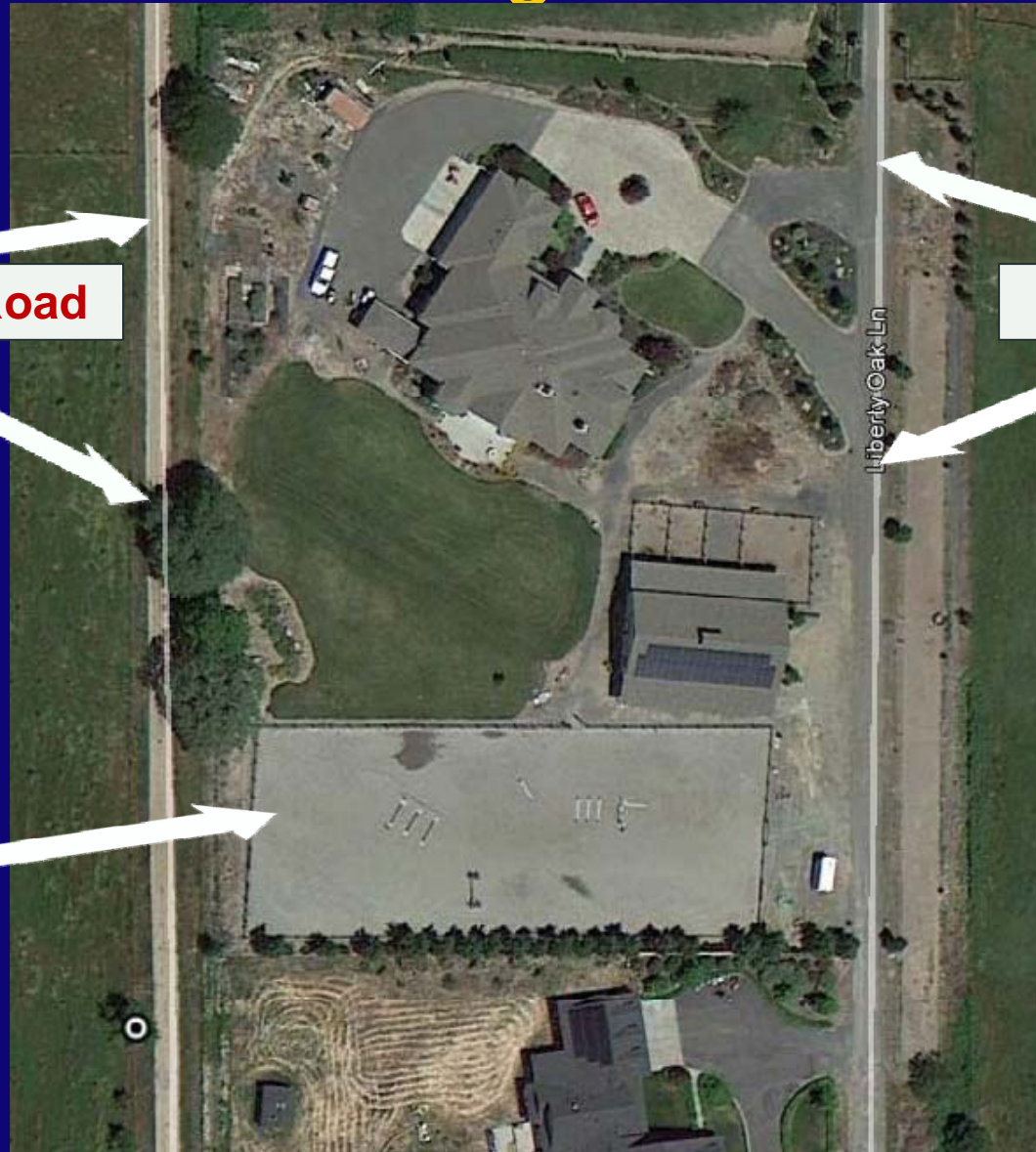
Summary of BZA Approval

Two-phased Use Permit and Design Review for the existing winery facility allowing:

- An increase wine production to 100,000 cases per year
- Add public and private tasting, retail sales, and tours.
- Enlarge the existing 12,600 square foot winery building by 2,000 square feet.
- 22 agricultural promotional events per year consisting of:
8 events w/ 60 guests, 10 events w/ 100 guests, one w/ 300 guests, three weddings w/ 100 guests, and industry-wide events consisting of 10 total event days w/ 300 maximum guests.
- Phase II includes a new, second winery building 8,380 square foot winery building.



Windsor Oaks Rd, Liberty Oak Ln, and Riding Arena



Windsor Oaks Road

Liberty Oak Lane

**Riding
Arena**



PRMD

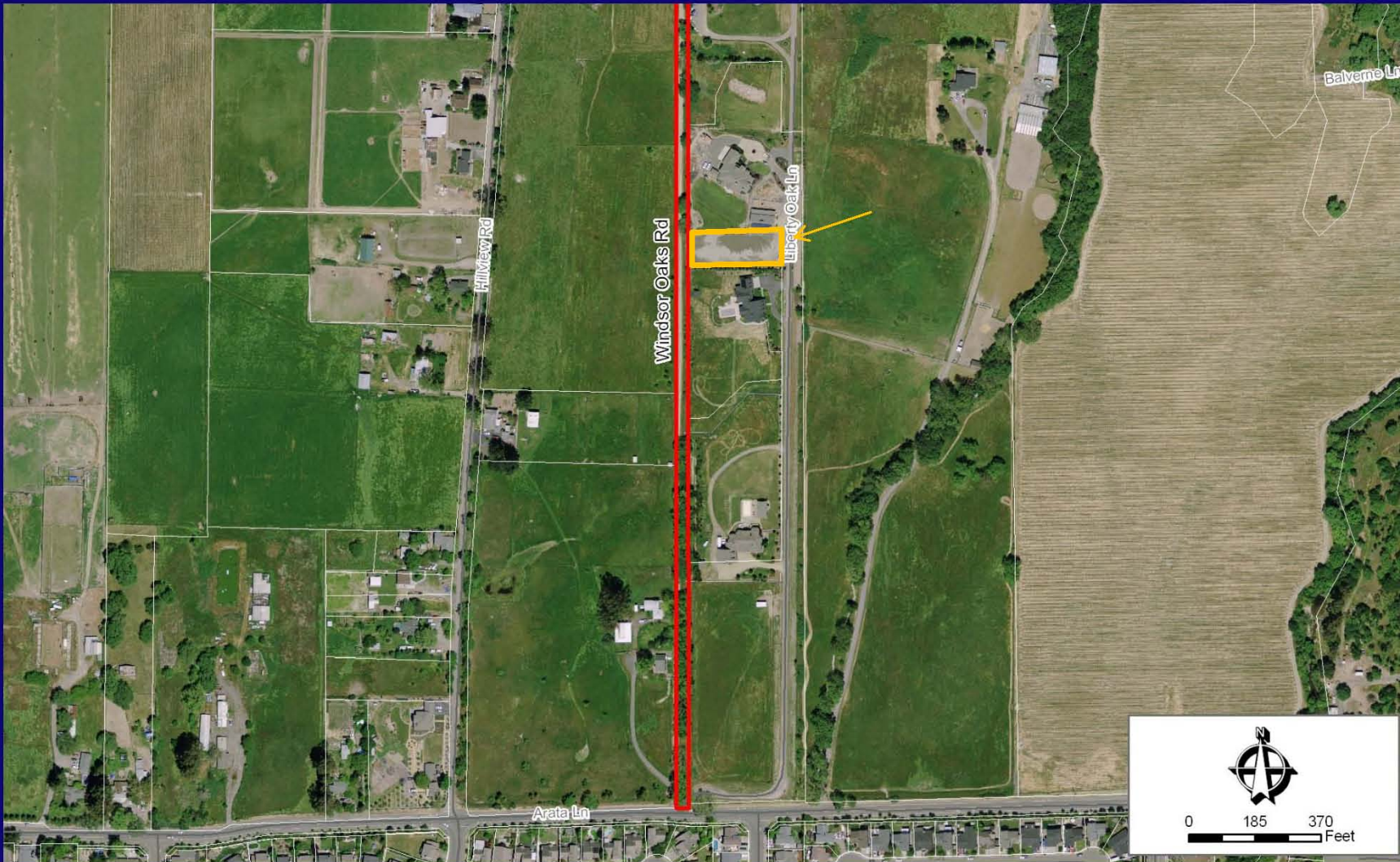
Activity #PLP12-0009

Conditions modified by Board on 3/25/14

- Setback valley gutters a minimum of 400 feet in the north and south directions from neighbors' riding arena.
- Use rubberized asphalt on Windsor Oaks Road [Road] in the areas adjacent to the neighbors' on Liberty Oak Lane.
- Increase density of olive trees for landscape buffer.
- Install 3 speed limits signs [20 mph] and 3 "quiet-zone" signs along Road.
- Increase density of olive trees landscape buffer.
- Wedding guests be made aware of speed limit and agricultural quiet-zone along Road through contracts.
- Landscape plan for Road to include drought tolerant plants, compatible w/ Valley Oak trees. Arborist to review plans and monitor health of Valley Oak trees min. of 5 years.



Windsor Oaks Road and Arata Lane



PRMD

Activity #PLP12-0009

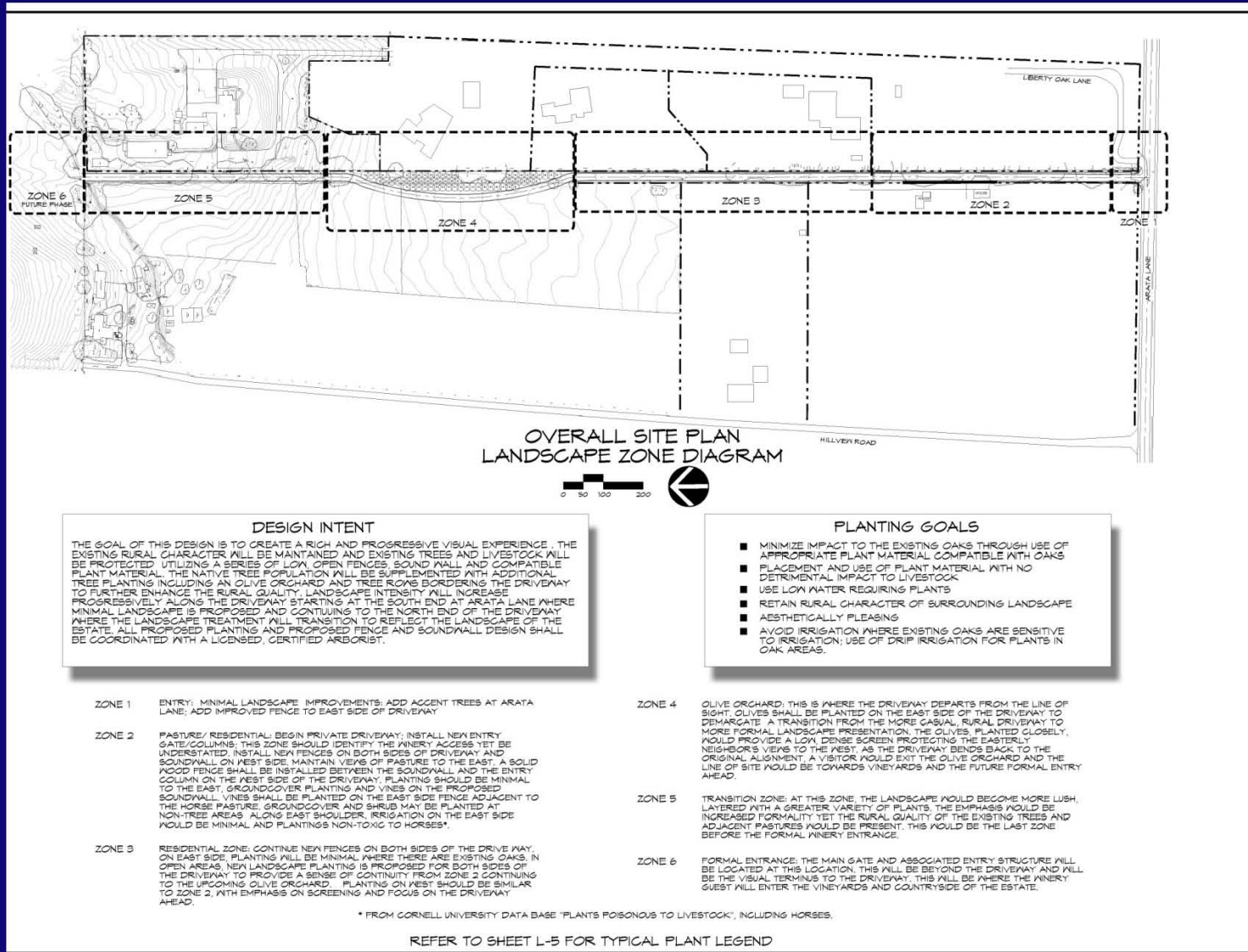
Windsor Oaks Rd curvature and trees



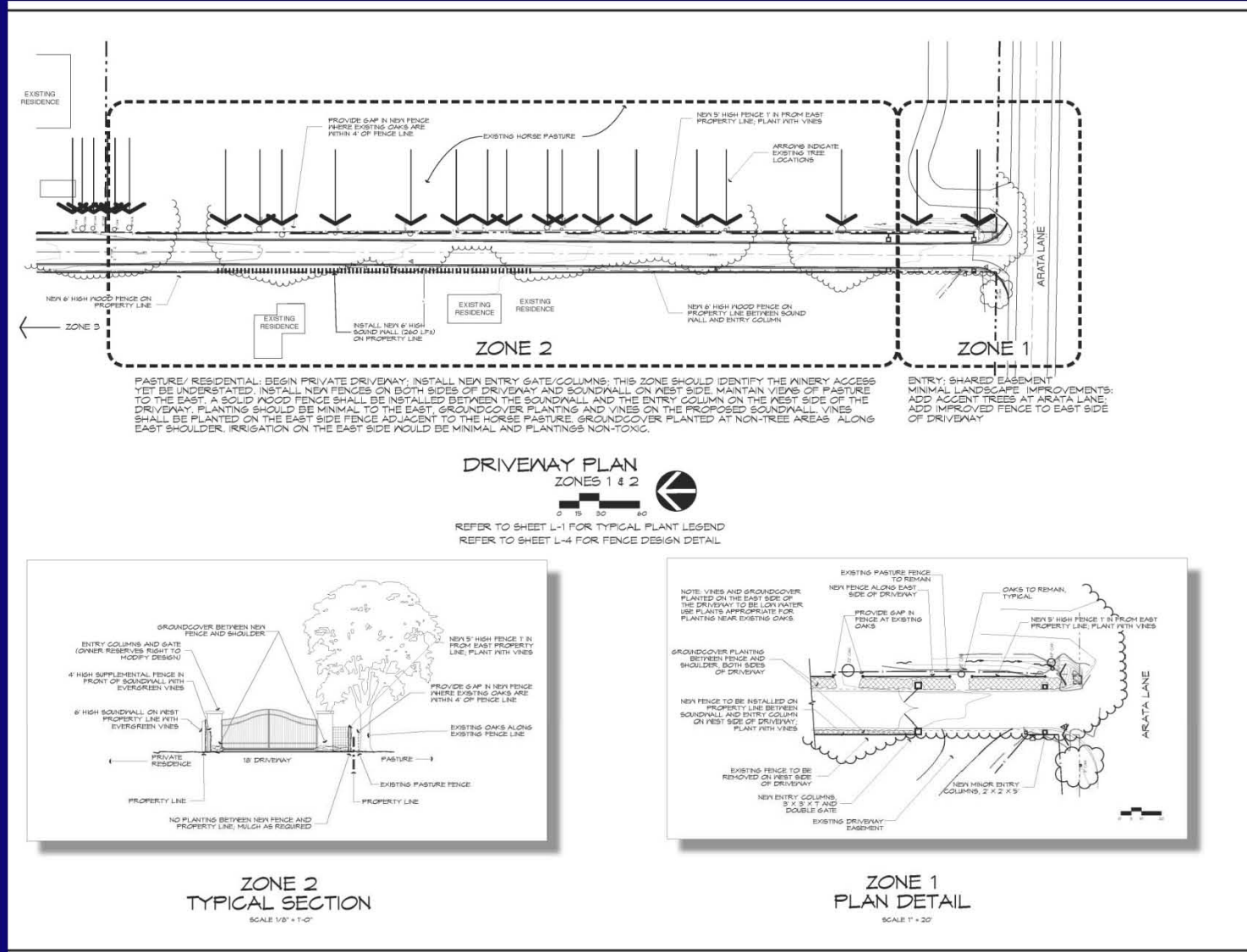
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Activity #PLP12-0009

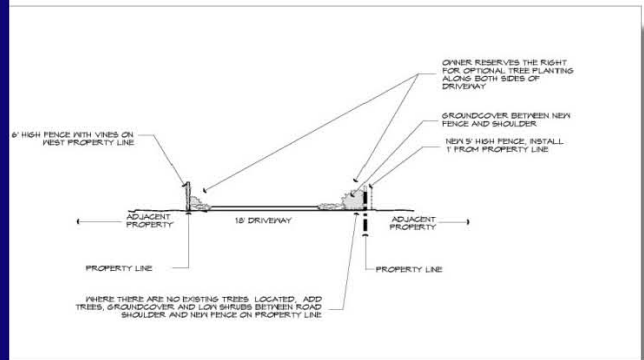
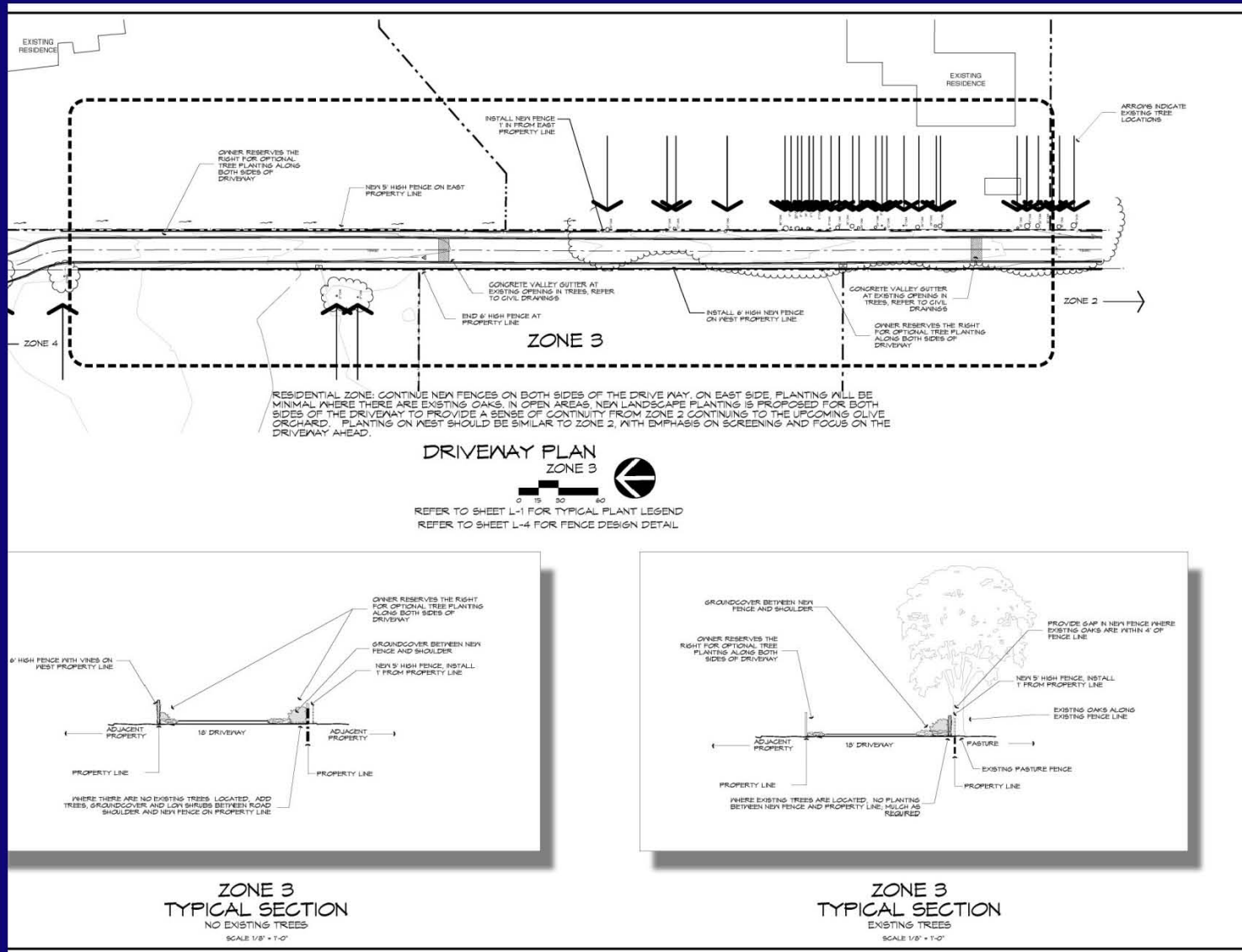
Overall Landscape Plan



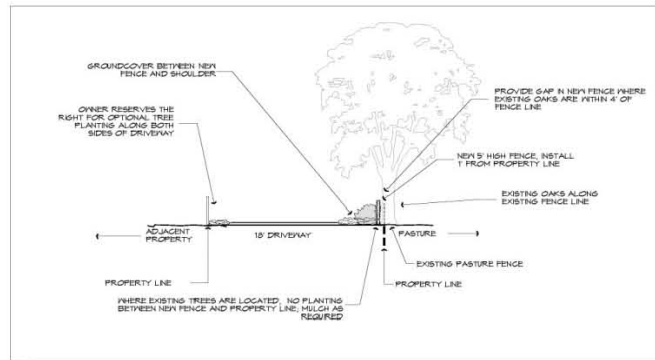
Landscape- south end of Rd (Zones 1 & 2)



Landscape Plan- south of Rd curvature (Zone 3)



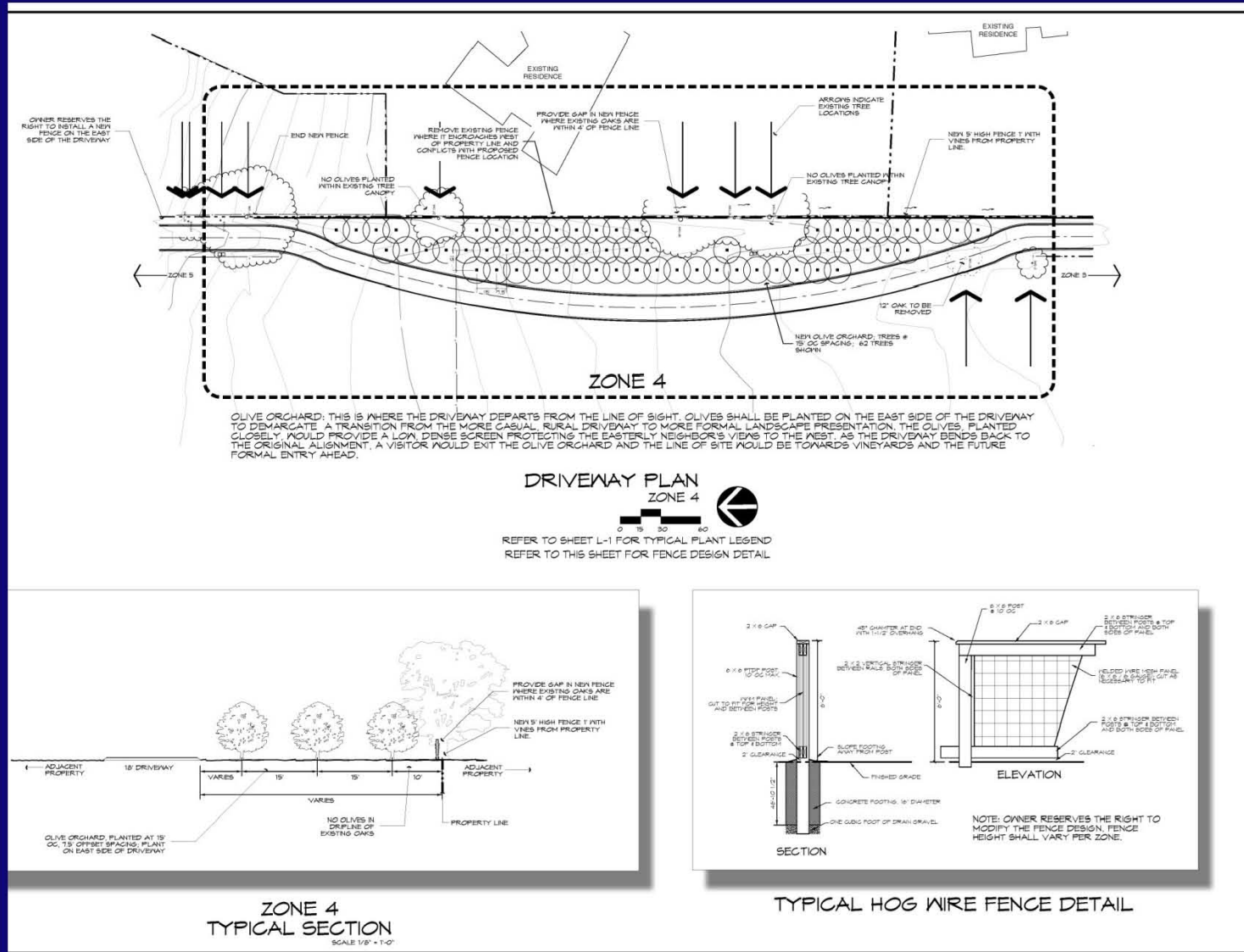
ZONE 3
TYPICAL SECTION
NO EXISTING TREES
SCALE 1/8" = 1'-0"



ZONE 3
TYPICAL SECTION
EXISTING TREES
SCALE 1/8" = 1'-0"



Landscape Plan at Curvature of Road (Zone 4)



New Access Road – Windsor Oaks Rd



PRMD

Activity #PLP12-0009

Driveway location off Arata for Windsor Oaks Rd



PRMD

Activity #PLP12-0009

End of Windsor Oaks Road to access winery



PRMD

Activity #PLP12-0009

New Windsor Oaks Rd & Liberty Oak Ln Entrances



PRMD

Activity #PLP12-0009

Dead-end of Hillview Road with Winery Entrance



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: 78
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Dean Parsons 565-1948

Supervisorial District(s):

First and Fourth

Title: First General Plan Amendment Package for 2014

Recommended Actions:

Conduct separate public hearings and adopt Resolutions approving the General Plan and Area Plan Land Use Amendments and related Ordinances rezoning affected property for the following two items:

- A: General Plan Amendment, Franz Valley Area Plan Amendment, Zone Change and Use Permit for a retreat facility with up to 18 guests on a 162.30 acre parcel; 3770 Langtry Road, Santa Rosa; Jared and Velisa Pickard, owners; First Supervisorial District.
- B: General Plan Amendment, Area Plan Amendment to the West Santa Rosa Specific Plan, and Zone Change on a 5.99 acre parcel; 2971 Guerneville Road, Santa Rosa; Ron and Teresa Wallace, owners; Fourth Supervisorial District.

Executive Summary:

The Board is requested to consider the Planning Commission's recommendation on the first General Plan Amendment package for 2014 containing two proposed projects with an individual Memo, Draft Resolution, and Draft Ordinance for each item. State law limits the number of times each mandatory element of the General Plan can be amended to four times a year, but allows unrelated items to be considered together in one amendment package. The Planning Commission recommends approval of both items, finding that each furthers the goals, objectives, and policies of the General Plan and is in the public interest. Each item must be acted upon by opening a separate public hearing, closing the public hearing and conducting a vote.

ITEM #A:

File No.: PLP13-0019
Staff: Misti Harris
Applicant: Jared and Velisa Pickard
Env. Doc.: Mitigated Negative Declaration
Location: 3770 Langtry Road, Santa Rosa
APNs: 030-080-009 and 028-270-038 Supervisorial District: 1

Description: Request for: 1) a General Plan Amendment to the Land Use Map for a 162 acre parcel from the Land Extensive Agriculture to the Resources and Rural Development land use designation with the same 200-acre density; 2) an Amendment to the Franz Valley Area Plan Land Use Map from the Land Extensive Agriculture 100-200-acre density to the Resource Conservation 100-200 acre density land use designation; 3) a Zone Change from the Land Extensive Agriculture, 200-acre density to the Resources and Rural Development, 200-acre density zoning district; and 4) a Use Permit for a retreat facility with a main lodge/dining hall, spa and exercise room, 18 guest units and associated outbuildings.

The purpose of this amendment is to allow the proposed retreat facility which is not an allowed use in the Land Extensive Agriculture zoning district. A Use Permit is included for the use in the Resource and Rural Development zone with conditions of approval attached to ensure compatibility. The site meets the designation criteria for the change in land use designation and zone change and is suitable for the retreat use.

ITEM #B:

File No.: PLP12-0030
Staff: Blake Hillegas
Applicant: Ron and Teresa Wallace
Env. Doc.: Negative Declaration
Location: 2971 Guerneville Road, Santa Rosa
APNs: 034-101-049 Supervisorial District: 4

Description: Request for: 1) a General Plan Amendment to the Land Use Map for a 5.99 acre parcel from the Rural Residential, 5-acre density to the Diverse Agricultural, 10-acre density land use designation; 2) an Amendment to the West Santa Rosa Specific Plan Land Use Map from the Rural Residential 5-acre density to the Agricultural and Residential 10-acre density land use designation; and 3) a corresponding Zone Change from Rural Residential, 5-acre density, to the Diverse Agricultural, 10-acre density, with the same combining zones including Scenic Resource (SR), Valley Oak Habitat (VOH) districts.

The purpose of this amendment and zone change is to allow a wholesale tree nursery which is a permitted use in the Diverse Agriculture zone but is not allowed in the Rural Residential zoning district. No use permit is required for the tree nursery and thus there are no conditions of approval. Agricultural uses are considered compatible within the zoning district and appropriate to the area with frontage on a major arterial roadway.

The site meets the designation criteria in the General Plan and the proposed use as a wholesale tree nursery is an adaptive reuse of existing structures that were part of a former egg farm.

Prior Board Actions:

None.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Board of Supervisors has endorsed the continuation of the General Plan policies to support agriculture production and processing, while protecting the environment. The GPA's will align public services with community needs.

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):

Planning application fees for this project address PRMD processing costs.

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:

General Plan Amendment Memos with attachments for Item A, and Item B.

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

Item A and Item B: Full sized plans.



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

DATE: June 10, 2014 at 2:10 p.m.

TO: Board of Supervisors

FROM: Misti Harris, Project Planner

SUBJECT: Hearing to consider a proposed nature retreat facility; Application No. PLP13-0019; Jared and Velisa Pickard, applicants; First District.

Action Requested of the Board of Supervisors:

Your Board is requested to conduct a public hearing to consider the Planning Commission's recommendation on the proposed nature retreat facility with a main lodge/dining/kitchen building, nine guest units, exercise studio, and associated outbuildings on a 162.30 acre parcel. At the conclusion of the hearing, your Board can decide whether to adopt the Mitigated Negative Declaration and approve the General Plan Amendment, Area Plan Amendment, Zone Change, and Use Permit with conditions, deny the project, or otherwise modify the project. Staff recommends your Board approve the project with the recommended conditions.

Prior Actions:

On November 20, 2013, the Design Review Committee recommended preliminary project approval.

On April 3, 2014, the Planning Commission (PC), with a 5-0 vote, recommended that the Board of Supervisors approve the request by Jared and Velisa Pickard for a nature retreat facility with the recommended conditions of approval.

Location, Zoning and Project Description:

The subject property is located at 3770 Langtry Road, Santa Rosa; APNs 030-080-009 and 028-270-038. The base zoning is LEA (Land Extensive Agriculture), B6-200 acre density with a BR (Biotic Resources) combining zone.

The proposed project is a request for: 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district; and 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate the proposed use on a 162.30 acre parcel.

The proposed Be Here nature retreat facility includes:

1. Construction of the retreat facility, which consists of:
 - a. Main lodge with three guest units, guest lounge and dining area, commercial kitchen, and spa treatment room (15,427 square feet);

- b. Six guest units (723 to 857 square feet each);
 - c. Exercise studio (2,196 square feet); and
 - d. Related outbuildings, gardens, parking, access, and utility improvements;
2. Maximum 18 overnight guests;
 3. Maximum 12 non-overnight guests five days each year, not to exceed two days in a month;
 4. Maximum 30 non-overnight guests four days each year only during low guest occupancy;
 5. Nature, wellness, educational, and agricultural guest activities;
 6. Incidental lumber milling and agricultural production and processing;
 7. Dedication of a 100-acre conservation easement, likely to Sonoma Land Trust; and
 8. Land management emphasizing environmental restoration and fire safety.

ISSUE RAISED AT THE PUBLIC HEARING

Issue #1: Lodging in the RRD (Resources and Rural Development) Zoning District

A member of the public stated his support for the project, his opposition to a hotel, and questioned what happens if the property changes ownership. A Commissioner later asked about the appropriateness of lodging in the RRD zoning district.

Resolution

Although stated elsewhere in the conditions, the Planning Commission revised condition number 67 to read, "*The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP13-0019 as modified by these conditions.* This Use Permit allows a year-round nature retreat facility..." This language clarifies that the applicant and any future owners must run the retreat facility as it was approved by the County. Any changes or expansion in the future would require a Use Permit modification.

The RRD zoning district allows lodging and visitor serving uses that do not interfere with or detract from the purposes of that district. The purpose of the RRD zoning district is to protect lands for timber production, geothermal production, mining, natural resources, and agricultural production. Further, the purpose is to allow very low density housing and recreational and visitor serving uses where they are compatible with natural resources and there are adequate public services.

The project is consistent with the RRD zoning district. The project is a visitor serving use that protects the site's forest, creek, and other natural resources. It has enough water, septic capacity, access, and fire protection. See Exhibit F, the Planning Commission staff report, for a detailed analysis.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing to consider the project and, at the conclusion of the project, adopt the Mitigated Negative Declaration and approve the request for a General Plan Amendment, Area Plan Amendment, Zone Change, and Use Permit with Conditions of Approval.

List of Attachments:

Draft Board of Supervisors Resolution, General Plan Amendment and Area Plan Amendment Maps

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Draft Ordinance and Sectional District Map

EXHIBIT C: Vicinity Map

EXHIBIT D: Planning Commission Resolution No. 14-008

EXHIBIT E: Planning Commission Draft Minutes dated April 3, 2014

EXHIBIT F: Planning Commission Staff Report dated April 3, 2014

EXHIBIT G: Proposal Statement dated March 2014

EXHIBIT H: Public Comment Letters

EXHIBIT I: Mitigated Negative Declaration

On File with the Clerk: Full Sized Project Plans.



County of Sonoma

State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

PLP13-0019 Misti Harris

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting a Mitigated Negative Declaration And Approving A General Plan Amendment, Area Plan Amendment, Zone Change, And Use Permit As Requested By Jared And Velisa Pickard For Be Here, For Property Located At 3770 Langtry Road, Santa Rosa; APN's 030-080-009 And 028-270-038.

Resolved, that the Board of Supervisors of the County of Sonoma ("the Board") hereby finds and determines as follows:

Whereas, Jared And Velisa Pickard For Be Here, filed an application ("Proposed Project") with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate the proposed use on a 162.30 acre parcel located at 3770 Langtry Road, Santa Rosa; APN's 030-080-009 and 028-270-038; Zoned LEA (Land Extensive Agriculture), B6-200 acre density, BR (Biotic Resources); Supervisorial District No. 1; and

Whereas, a Mitigated Negative Declaration was prepared and circulated for public review on February 28, 2014 for the proposed project in accordance with all appropriate laws and guidelines; and

Whereas, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on April 3, 2014, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

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

Whereas, in accordance with the provisions of law, the Board held a public hearing on June 10, 2014, at which time all interested persons were given an opportunity to be heard on

the Proposed Project; and

Whereas, the Proposed Project is the first item of the first amendment of the General Plan Land Use Element for 2014.

Whereas, the first land use amendment of the General Plan Land Use Element for 2014 does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

Whereas, the Board makes the following findings with respect to the Proposed Project's Mitigated Negative Declaration:

1. The Mitigated Negative Declaration was prepared, noticed, and circulated for public and agency review in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.

2. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and, therefore, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. The Board certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project.

3. Based on the record of these proceedings, the Board finds that there is no substantial evidence before it that the Proposed Project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

Whereas, the Board makes the following findings concerning the Proposed Project:

1. The proposed change in General Plan land use from Land Extensive Agriculture (LEA) to Resources and Rural Development (RRD) for the 162.30-acre site is consistent with the General Plan designation criteria because a) the site is steeply sloped, heavily forested, contains a seasonal creek and spring-fed pond, and is located in a high fire hazard area, b) watersheds, fish, and wildlife habitat will be protected, c) the site has historically been used for timber production and a residence, but not agriculture, and d) the site is generally surrounded by land designated RRD and bounded by land with this designation to the west and south.

2. The General Plan Amendment to change the land use designation of the 162.30 acre site from the LEA 200-acre density to the RRD 200-acre density is in the public interest because it would generate transient-oriented tax (TOT), which contributes to the County's affordable housing program; promote land and biodiversity conservation, including

Resolution #

Date: June 10, 2014

Page 3

preservation of 100 acres in a conservation easement; improve fire safety and neighborhood security; promote community and provide natural resources education for local and non-local visitors; and support artists, non-medical alternative health and exercise practitioners, and similar occupations.

3. Amendment of the Franz Valley Area Plan land designation of the 162.30 acre site from Land Extensive Agriculture to Resource Conservation is consistent with the policies of the plan promoting resource conservation and respects site constraints. The 1979 Franz Valley Specific Plan designated the subject property Resource Conservation 100 – 200 acre density. The Amendment returns the subject property to this designation. Conservation and the enhancement of the area's natural resources are the guiding principles for inclusion in the Franz Valley Area Plan Resource Conservation land use designation. The Resource and Rural Development (RRD) zoning district is the companion zoning district for this land use category. The scale and intensity, resource conservation qualities, and the offering of a conservation easement on ±61% of the project site demonstrates consistency with the resource conservation principals and therefore the Resource Conservation land use designation of the Franz Valley Area Plan.

4. The proposed use is consistent with the intent and purpose of the RRD zoning district because it is a lodge that is an allowed use in the RRD zoning district subject to Use Permit approval, provides protection of lands needed for protection of the watershed, wildlife habitat, and biotic resources, and does not increase density.

5. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. 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.

6. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:

a. A Traffic Study dated September 27, 2013, was prepared for the proposed project by W-Trans. The study determined that according to design standards published by AASHTO, Langtry Road currently meet the very low-volume road criteria and is projected to continue to meet this criteria under future conditions. The study concluded that sight distance at the project access driveway is adequate and did not recommend any road improvements. Sonoma County Public Works deferred commenting to Napa County because most of Langtry Road is located in and maintained by that county. The Napa County Department of Public Works reviewed the Traffic

Study prepared by W-Trans and conditioned the proposed project to ensure the marketing material directing guests to the subject site from Napa County be reviewed and approved by Sonoma County staff as part of the building permit review process.

b. The Initial Study found that greenhouse gas emissions will be less than significant. The applicant includes a number of measures to reduce greenhouse gases as part of the proposal to construct and operate a nature retreat facility. These measures meet the County General Plan objectives to reduce greenhouse gas emissions.

c. The rural character of the area will be preserved. The retreat facility structures are not visible from the public right-of-way. Lighting will be fully shielded, downward-cast, and Dark Sky compliant to prevent off-site lighting impacts and ensure preservation of the rural night sky. There will be no noise impacts as a result of the project. No events or outdoor amplified music are proposed or allowed. The only motorized activities would be vehicles used to access the site, ranch vehicles, and golf carts for maintenance and transporting clients as needed. Noise impacts from construction are limited and temporary. The project includes placing approximately 100 of the 162 acres in a conservation easement.

d. Adequate emergency access and fire protection measures are included in the project proposal and conditions of approval. These measures include improving the driveway as needed to provide adequate emergency vehicle access, installing a 30,000 gallon water tank, making the on-site 29 acre-foot pond accessible to emergency vehicles, implementing a vegetation management plan, and meeting all required Fire Safe Standards.

Now, Therefore, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Mitigated Negative Declaration is adopted. PRMD is directed to file a Notice of Determination in accordance with CEQA and the State CEQA Guidelines.
3. The Proposed Project is approved as follows:
 - a. The General Plan Amendment is approved as part of the first amendment of the General Plan Land Use Element for 2014.
 - b. The General Plan Amendment is approved to amend the land use designation on APNs 030-080-009 and 028-270-038 from Land Extensive Agriculture 200-acre density to Resources and Rural Development 200-acre density.

Resolution #
Date: June 10, 2014
Page 5

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.



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: Be Here Retreat Center
File Number: PLP13-0019 **APNs:** 030-080-009 and 028-270-038
Project Location Address: 3770 Langtry Road, Santa Rosa
Lead Agency: Sonoma County Permit and Resource Management Department
Decision Making Body: Sonoma County Board of Supervisors
Project Applicant: Jared and Velisa Pickard

Project Description: Request for: 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate proposed use on a 162.30 acre parcel.

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 contact Planner Misti Harris at Misti.Harris@sonoma-county.org or 707-565-1352.

Mitigation Measures: Included in attached Initial Study. The project applicant has agreed to implement all mitigation measures.

Introduction: The applicants, Jared and Velisa Pickard, propose to construct and operate a nature retreat facility on a 162.30 acre parcel located at 3770 Langtry Road, Santa Rosa. The retreat would serve a maximum of 18 overnight guests with 10 non-overnight guests, and a maximum of 30 people for community outreach when there are no guests at the retreat, four times a year. No events are proposed. Guest activities would be low impact and non-motorized (e.g., hiking, kayaking, yoga, natural resource education). The request requires a General Plan amendment, Specific Plan amendment, Zone Change, and Use Permit to allow this visitor-serving use.

The Lead Department is the Permit and Resource Management Department. A referral letter was sent to the appropriate local, State, and Federal agencies and interest groups who may wish to comment on the project.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Misti Harris, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Jared and Velisa Pickard. 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.

Please contact Misti Harris, Planner II at Misti.Harris@sonoma-county.org or (707) 565-1352 for more information.

EXISTING FACILITY

The project site is developed with a single-family dwelling and several outbuildings. The house is served by a gravel driveway off Langtry Road, and much of the site is served by old logging roads. The vast majority of the site is steeply sloped and heavily forested. An unnamed tributary to Santa Rosa Creek bisects the site.

PROJECT DESCRIPTION

Request for a General Plan Amendment, Specific Plan Amendment, Zone Change, and Use Permit for a nature retreat facility on a 162.30-acre parcel (APNs 028-270-038 and 030-080-009). The proposal includes remodeling a single-family home into the main house with the three guest units, three duplex style cottages providing six guest units, a movement studio, and related outbuildings and site improvements. Site improvements consist of upgrading existing access to meet Fire Safe Standards and landscaping around the main house and cottages. Construction and improvements would occur primarily in already disturbed areas. No events are proposed. The project includes dedication of the western portion of the land, approximately 100 acres, in a conservation easement.

The project would consist of the following improvements:

- Main House (15,427 square feet): A remodeled existing single-family residence, to include three guest rooms (units), guest lounge, dining area, a commercial kitchen (not open to the public), and a treatment room. The kitchen would be used for guest meal preparation and the processing of products grown on site or in the local area, such as, jams, drying of herbs, curing of meat. The treatment room would allow various spa-type treatments to be provided to guests.
- Cottages (723 to 857 square feet per guest unit): Three cottages housing six guest units (no kitchens). One two-unit cottage is proposed on an existing solar panel clearing, requiring no to limited tree cutting and minimal grading. The two additional two-unit cottages would be carefully integrated into the site to minimize the need for road access and tree removal.
- Movement Studio (2,196 square feet): A barn-like structure for group and/or individual exercise and educational classes on wellness and nutrition.
- Barn (4,268 square feet): An agricultural structure built on an existing foundation to house animals and store agricultural equipment.
- Accessory Building: A building to store and maintain equipment used on-site.

- Utilities: On-site septic and wells, electricity, gas, solar panels, and gas fire places.
- Access and Parking Area: Existing roadways, driveway, and trails, will be upgraded as required by the Sonoma County Fire Safe Standards. A graded parking area would be provided for guests, visitors and employees

The year-round, all-inclusive retreat facility would focus on natural resource-based and wellness activities. Likely guest activities are listed below. Additional specialty activities such as a three-day water-colorists retreat with a local artist, for example, will be available during specialized retreats. The only motorized activities would be vehicles used to access the site, ranch vehicles, and golf carts for maintenance and transporting clients as-needed.

- Hiking
- Mountain biking
- Guided nature walks. Electric- vehicles will be used for those needing assistance.
- Movement Studio – state of the art facility for a wide range of exercising options, such as, training with traditional exercise equipment, yoga, tai chi, Pilates, and sport specific training.
- Wildlife Education
- Traditional craftwork with native plants and roots
- Mushroom Foraging Education
- Education on Forrest Management (developing old growth canopy)
- Cooking lessons with on-site or guest Chef
- Mindful Eating lessons: A combination of meditation, self-awareness, and eating to educate guests on healthy diets, and teaches them what really happens when you digest food.
- Movie Night: Special screenings, documentaries, etc.
- Working with the farmer: Education, seed saving, learn about heirlooms, growing food in a wild lands environment, planting seeds, propagating native species, working in the nursery
- Farm to table: Harvest food in the garden with the farmer and take it inside for a custom cooking lesson with the chef (and a meal)
- Relaxation: The entire property will be treated as a sanctuary, meaning that there will be a number of locations set up as meditation and relaxation points in the garden, and in the woods at large. For example, a bench over-looking a scenic vista.
- Guided Star Watching during particular stellar events
- Infrastructure tour: Learn all about our alternative energy and building methods- solar, rain water harvest for gardens and livestock, rammed earth building from site, custom timber work from site.
- Massage
- Steam Room/Sauna
- Guided Meditation
- Aromatherapy with oils infused from onsite botanicals
- Apothecary Lessons: Making of tinctures, oils and balms from onsite botanicals and herbs
- Watsu: A special spa treatment done inside the hot tub
- Facials, manicure, pedicure
- Boulderling: Small natural rock outcroppings can be used to teach the basics of boulderling, an important skill for mountain climbing, and a great workout
- Pond activities: Stand up paddle board, kayak, swimming

A maximum of 49 people would ever be on-site, and an average of 21 people would on-site at any given time. The project would serve a maximum of 18 overnight guests, plus 10 non-overnight guests an average of five days per month, plus a maximum of 30 people, likely schoolchildren, when there are no guests at the retreat a maximum of four times a year. A

maximum of four full-time staff, two of whom live on an adjacent parcel, and eight part-time staff would be employed. The average expected guest occupancy is 60%, so the number of employees on-site at any given time would adjust accordingly.

The proposal includes one week long and one weekend long (3 day) retreat per month, plus one two-week long retreat per year. Retreats account for 134 days per year. Off-site outings during retreat days will be scheduled in advance, and guests will be transported by the retreat center van. The remaining 234 days will be available for regular guests. Given the nature of the retreat facility, conservatively, the applicant estimates that 25% of the guests will stay one night, 50% of the guests will stay two nights, and 25% of the guests will stay three nights. An occupancy rate of 60% is considered average for guest occupancy. A minimum of a two-night stay during most of the calendar year is likely.

The proposal emphasizes farm-to-table food production and education. To that end, guests are provided breakfast, lunch, and dinner prepared from on-site food sources as much as possible. Farm animals will be raised for land maintenance (grazing) and food. The applicant expects to maintain approximately 25 chickens, 15 goats, 15 sheep, two pigs, and piglets. The proposal also includes a garden and on-site composting.

The subject site is zoned LEA (Land Extensive Agriculture), B6-200 acre density, BR (Biotic Resources). The proposal includes a rezone to RRD (Resources and Rural Development) B6-200 acre density, BR (Biotic Resources) to allow the retreat facility.

Figure 1 Vicinity Map

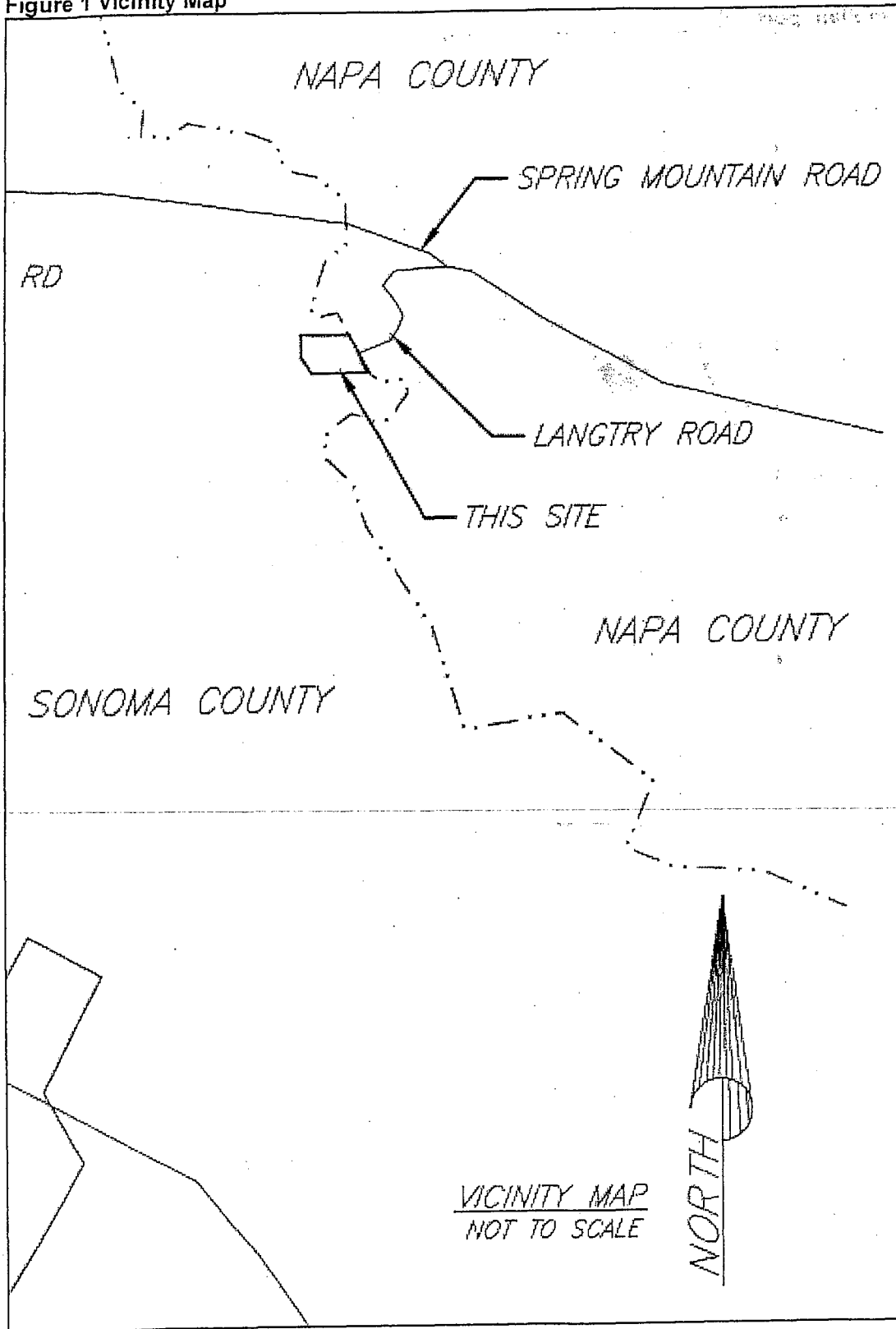
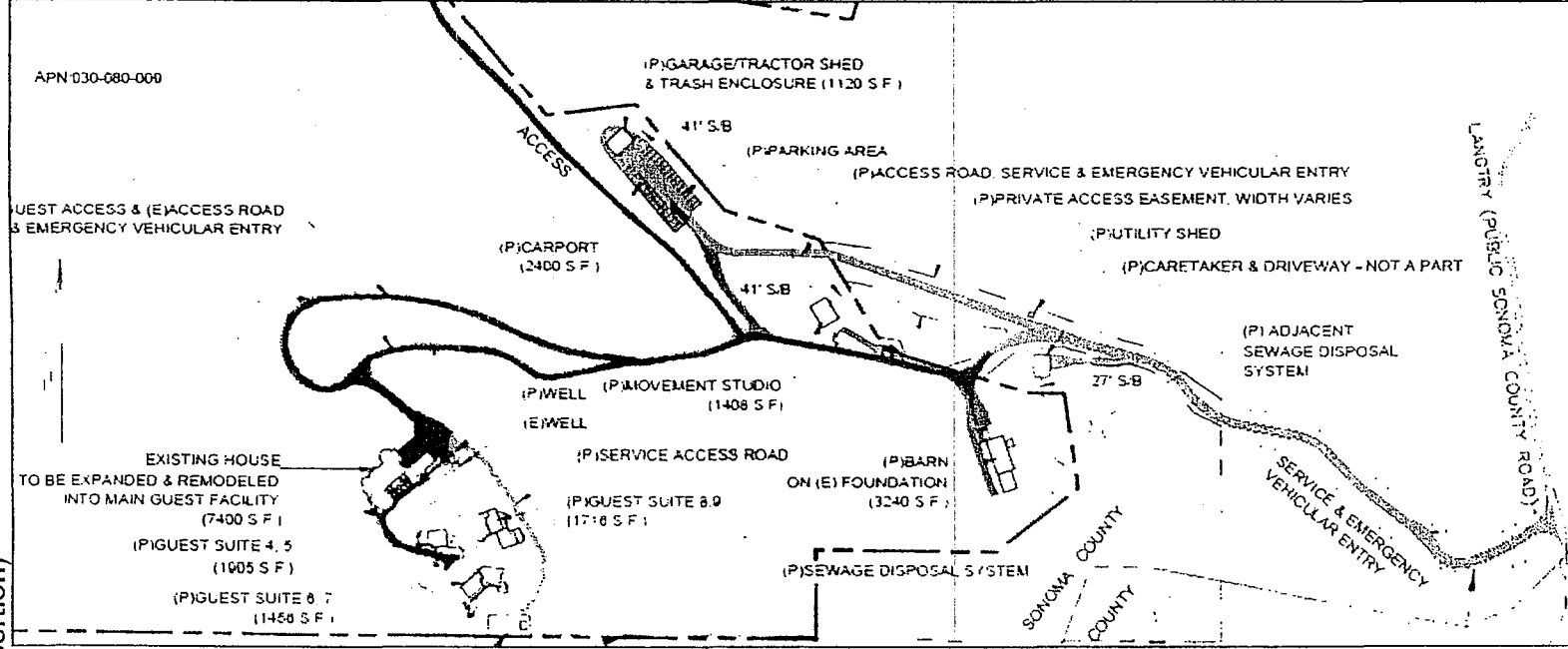


Figure 2 Site Plan (portion)



SETTING

The 162.30-acre site is steeply sloped and heavily vegetated with primarily Douglas Fir and Madrone forests. Approximately 79% of the site consists of slopes that are 30% or greater. An unnamed tributary to Santa Rosa Creek traverses the upper portion of the site. The site is presently developed with a single-family dwelling, pond, and related utilities.

The subject site is located in the eastern part of the county on Langtry Road, a dead end road that traverses Sonoma and Napa Counties. The easternmost portion of the site is located within several hundred feet of the Sonoma/Napa County line. The site is bounded on all sides by similarly sized properties with similar terrain and, likely, natural resources. A large amount of land, approximately 689 acres, is developed with vineyard on several parcels in both counties to the northeast and east. Cain Cellars, a 492-acre parcel developed in vineyard, is located in Napa County to the southeast. A few smaller agriculture/residential parcels also lie to the east. With the exception of a 165-acre parcel developed in vineyard, parcels to the north, west, and south are heavily forested. Surrounding parcels located within Sonoma County are zoned RRD (Resources and Rural Development) and LEA (Land Extensive Agriculture).

ISSUES RAISED BY THE PUBLIC OR AGENCIES

A referral packet was drafted and circulated to inform and solicit comments from selected relevant local, State, and Federal agencies; and to special interest groups that were anticipated to take interest in the project. The following issues were raised:

- Traffic analysis and Spring Hill Rd. x Langtry Rd. intersection (Napa County Public Works)
- Groundwater availability (PRMD Health Specialist)

Approximately 25 letters of support were received from the public; no members of the public attended the Preliminary Design Review Committee meeting.

OTHER RELATED PROJECTS

There are no known private or public projects in the area that may affect the proposed project.

RESPONSIBLE AND TRUSTEE AGENCIES

The following permits are required from other public agencies:

If the project disturbs more than one acre, then the State Water Resources Control Board (SWRCB) requires filing a Notice of Intent (NOI) with their agency to be covered under the National Pollutant Discharge Elimination system (NPDES) General Permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP).

Grading and building permits - Sonoma County Permit and Resource Management Department (PRMD) Sonoma County requires that grading and building permits be obtained for construction of the project. The lessee and DTPW will coordinate to submit grading and drainage plans and obtain the permits prior to construction of the project.

The Sonoma County Fire and Emergency Services Department will require operational permits, building permits, recordation of a covenant for access and vegetation management.

The Sonoma County Environmental Health Department, Public Health Division, will require the following permits and/or approvals:

- A retail food facility permit from Sonoma County Environmental Health
- A well permit from the California Department of Public Health Drinking Water Program
- Approval from the California Department of Food & Agriculture-Milk & Dairy for any dairy processing
- Processed Food Registration from the California State Food and Drug Branch for any canning processing
- Approval from the California Department of Food and Agriculture, Meat and Poultry Division, for any meat drying/curing or smoking processing

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. Sources used in this Initial Study are listed on the last page.

The applicants, Jared and Velisa Pickard, 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 type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural & Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" 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 checked="" 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
- Franz Valley Area Plan
- Sonoma County Zoning Ordinance
- Project Referrals from Responsible Agencies
- State and Local Environmental Quality Acts (CEQA)
- Correspondence received on project.
- Other technical reports:
 - Tree Preservation and Protection Plan, Horticultural Associates, July 18, 2013
 - Arboreal Value Calculation, Horticultural Associates, September 30, 2013
 - A Cultural Resources Evaluation for the Be Here Now Project, Archaeological Resource Service, June 27, 2013 (Confidential. On file with PRMD)
 - Biological Resources Report for the Be Here Now, Ted Winfield and Associates, July 25, 2013
 - Preliminary Geologic Evaluation, PJC & Associate, July 18, 2013
 - Focused Traffic Study, W-Trans, September 27, 2013
 - Groundwater Availability Evaluation, PJC & Associates, July 29, 2013

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 |
| | | | | X |
| <p>Comment: The project is not in an area designated as visually sensitive by the Sonoma County General Plan. It is not located on a scenic hillside, nor would it involve tree removal, construction, or grading that would affect a scenic vista. The proposed buildings would be screened from view from public roads by existing vegetation.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>Comment: The project is not located on a site visible from a state scenic highway.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: The project is not visible from the public right-of-way, and is very slightly visible from one neighboring property. The buildings are sited in existing developed portions of the site as much as possible to minimize tree removal and visual disruption. Exterior colors and materials consist of earth tones and natural materials, including rammed earth and natural stone. Therefore, the impact to the existing visual quality of the site and surroundings is less than significant.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: The PRMD Design Review Committee granted preliminary design review approval on November 20, 2013. New lighting will be installed in association with the construction of the lodge, guest houses, and related outbuildings. A standard condition of approval has been included to ensure the Design Review Committee reviews the exterior lighting plan and ensures lighting is fully shielded, downward cast, and Dark Sky compliant. Therefore, light and glare impacts will be less than significant.</p> | | | | |

Mitigation: None.

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: No Impact. The parcel is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. It is designated as Grazing and Other Land. There are no agricultural activities on the site. The site was used for logging in the 1940s and 1950s, and has been used as a residence since the 1980s. The previous owner had a maximum of nearly 20 horses, which is not enough to be considered an agricultural use.

Limited agricultural production and processing will occur as part of retreat facility activities. The proposal emphasizes farm-to-table food production and education. To that end, guests are provided breakfast, lunch, and dinner prepared from on-site food sources as much as possible. Farm animals will be raised for land maintenance (grazing) and food. The applicant expects to maintain approximately 25 chickens, 15 goats, 15 sheep, two pigs, and piglets. The proposal also includes a garden and on-site composting.

Mitigation: None.

| 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: The project site is located in the Land Extensive Agriculture zoning district, which allows a variety of agricultural activities and related residential development, and is not included in a Williamson Act contract. The request includes a rezoning to Resources and Rural Development because a retreat facility is not allowed in the governing zoning district. The project will not impact nearby agricultural activities (vineyards).

As depicted on the soils map supplied by UC Davis, the subject property consists primarily of Felton gravelly loam, Goulding clay loam, and Maymen-Millsholm-Lodo association. According to the U S Department of Agriculture Soil Survey Sonoma County, 1972, all of these soils have a

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| <p>capability index (soil class) of VII or VIII. These soil classes are not considered highly productive agricultural soils. Furthermore, the historic use of the property has been limited to residential use and the keeping of several horses.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| <p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>Comment: The site meets the definition of "forest land." California Public Resources Code section 12220(g) defines forest land as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." The project includes a request for rezoning from Land Extensive Agriculture to Resources and Rural Development, which allows the project with a Use Permit. The project will ensure the property remains primarily as forest land. The site is not zoned Timberland Production.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| <p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: The site meets the definition of "forest land." California Public Resources Code section 12220(g) defines forest land as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits."</p> <p>The project will ensure the property remains primarily as forest land. The project is a retreat facility based on nature appreciation and education and, accordingly, relies on maintaining a high quality natural environment. Further, the project proposal includes the placement of 100 acres of land into a conservation easement to guarantee permanent preservation. Tree removals are limited to those necessary to construct the retreat buildings, and construction is proposed in already disturbed areas to the maximum extent feasible.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| <p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>Comment: See Item 2d. The project will ensure the property remains primarily as forest land. There are no current agricultural operations.</p> | | | | |

Mitigation: None.

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:

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| 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: The project is within the jurisdiction of the Bay Area Air Quality Management District. The District does not meet the Federal or State standards for ozone, and has adopted an ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air Acts. These plans include measures to achieve compliance with both ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides and volatile organic compounds). The project will not conflict with the District's air quality plan because the proposed use will not emit significant quantities of ozone precursors or involve construction of transportation facilities that are not addressed in the adopted transportation plan.

Mitigation: None.

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|--|--------------------------------|---|------------------------------|-----------|
| 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: State and federal standards have been established for criteria pollutants and ozone precursors, carbon monoxide, sulfur dioxide and particulates (PM10 and PM2.5). The pollutants NOx (nitrogen oxides) and hydrocarbons form ozone in the atmosphere in the presence of sunlight. Significance thresholds for ozone precursors, carbon monoxide and particulates have been established by BAAQMD. The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines must also be considered. BAAQMD generally does not recommend detailed NOx and hydrocarbon air quality analysis for projects generating less than 2,000 vehicle trips per day. Given the low traffic generation of the project (19 average daily trips) relative to the screening criteria, ozone precursor emissions would be less than significant.

Detailed air quality analysis for carbon monoxide is generally not recommended unless a project would generate 10,000 or more vehicle trips a day, or contribute more than 100 vehicles per hour to intersections operating at LOS D, E or F with project traffic. Given the low traffic generation of the project (19 average daily trips) relative to the screening criteria, carbon monoxide emissions would be less than significant. If project traffic is sufficient to require calculation of CO emissions, use the methods outlined in the BAAQMD manual, Section 3.

Wood smoke from fireplaces and wood stoves are sources of pollutants receiving increasing scrutiny and generating numerous complaints to the BAAQMD. Although constituting a very small percentage of the total PM10 emissions on an annual basis, wood smoke is a major

contributor to reduced visibility and reduced air quality on winter evenings in both urban and rural areas. Sonoma County building regulations restrict fireplaces to natural gas fireplaces, pellet stoves and EPA-Certified wood burning fireplaces or stoves. With the restriction on fireplace design, this would be a less than significant impact.

Mitigation: None.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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: The Bay Area is a non-attainment area for ozone and PM10 (fine particulate matter). The project will not have a cumulative effect on ozone because it will not generate significant traffic (19 average daily trips) which would result in new emissions of ozone precursors (hydrocarbons and NOx). The project will have no long-term effect on PM10, because all surfaces subject to vehicular traffic will be finished with pavement, gravel, or similar product. Other disturbed areas would be landscaped or allowed to revegetate, and dust generation will be insignificant. Existing logging roads and hiking trails would remain unfinished and only be subject to vehicular traffic in an emergency.

However, there could be a significant short-term emission of dust (which would include PM10) during construction. These emissions could be significant at the project level, and would also contribute to a cumulative impact. The impact could be reduced to less than significant by including dust control measures as described in the mitigation measure below.

Mitigation Measure 3.c.1: The following dust control measures will be included in the project:

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

Mitigation Monitoring 3.c.1: Prior to issuance of grading or building permits, PRMD staff shall ensure that the dust control measures are listed on all site alteration, grading, building or improvement plans.

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|--|--------------------------------|---|------------------------------|-----------|
| 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: The project is a nature retreat facility. The project will not create substantial pollutant concentrations, nor are sensitive receptors located near the project. Sensitive receptors are facilities where sensitive receptor groups (e.g., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Such uses are typically schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals, and medical clinics.

Mitigation: None.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 |
| <p>Comment: The project is a nature retreat facility. Activities that could produce an odor include farm animals (approximately 25 chickens, 15 goats, 15 sheep, two pigs, and piglets), cooking, processing agricultural products (e.g., drying herbs, making jam, curing meat), and spa services. These activities may produce minimal odors and would only be noticeable to those people on the site.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |

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 Wildlife or U.S. Fish and Wildlife Service? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |

Comment: A Biological Resources Report was prepared for the proposed project by Ted Winfield and Associates with input from Laurence P. Stromberg, Ph.D., on July 25, 2013. This report found several special-status species may be impacted by the proposed project, and that all potential impacts can be reduced to a less than significant level with mitigation.

Plants

One special-status plant species was found occurring at several locations at the project site during the special-status plant surveys: Napa false indigo. Napa false indigo is listed by the California Native Plant Society (CNPS) as a list 1B.1 species. The species is not listed by the State or Federal government. Plants were observed within the areas that would be directly affected by construction of the proposed project and in areas directly adjacent to these areas. The plants in these adjacent areas could be affected during construction due to encroachment by workers and equipment, and during operation by visitors hiking through areas supporting this plant. Ongoing fuel reduction activities have already affected some of the plants in the area. An estimated one dozen plants may be directly affected by construction or the ongoing fuel reduction program.

Impacts to Napa false indigo will be mitigated to less than significant levels through mitigation measures 4.a.1 – 4.a.3.

Amphibians

The California red-legged frog is listed as Federally Threatened and a California Species of Special Concern. Suitable breeding habitat for the California red-legged frog is not present at the project site or within 1,500 feet of the project site. The nearest known location of the California red-legged frog is location approximately 1.3 miles south southeast of the project site. Although the California red-legged frog has been reported to move up to 1.86 miles from its breed sites, the frog's movements tend to be much shorter, moving to the nearest suitable habitat with sufficient moisture to sustain the frog during the warmer, drier months of the year. The open

nature of the ground surface beneath the relatively dense tree canopy at the project site combined with the lack of fossorial mammal activity to provide aestivation opportunities for migrating frogs reduces the suitability of the upland areas at the project site for the California red-legged frog. Although impacts to the California red-legged frog are not considered significant, a mitigation measure will provide an extra measure of assurance that the project will not significantly affect the California red-legged frog.

Impacts to the California red-legged frog will be mitigated to less than significant levels through mitigation measure 4.a.4.

Birds

Northern Spotted Owl

The loss of habitat resulting from fuel reduction program and construction of the proposed Project will result in the removal of less than an acre of forested habitat type preferred by the Northern spotted owl (Douglas-fir Alliance), which constitutes minimal loss of potential foraging habitat for the Northern spotted owl. Based on the assessment of habitat loss and the Project impact area's locations in relation to the known Northern spotted owl nest territories, the closest of which over one mile away, the loss of less than one acre of suitable foraging habitat would not be considered a significant impact to Northern spotted owls.

Regarding noise impacts, the project impact area does have a direct line of sight to the nearest Northern spotted owl nest territory and no topographic features between the source (project impact area) and receiver (Northern spotted owl nest site) would attenuate construction-related noise levels. The distance to the nearest reported Northern spotted owl nesting site is over one mile from the proposed project site, which is substantially greater than the approximately 132 feet distance determined to result in visual harassment from human activities (USFWS, 1996), and well outside the harassment distance determined using the USFWS (1996) guidance.

Therefore, impacts to the Northern spotted owl are less than significant.

Other special-status bird species

The vegetation communities at the proposed project site support potentially suitable nesting habitat for a number of special-status bird species, including Cooper's hawk, sharp-shinned hawk, grasshopper sparrow, Bell's sage sparrow, long-eared owl, oak titmouse, Vaux's swift, olive-sided flycatcher, Nuttall's woodpecker, purple martin, and Allen's hummingbird. In addition, other bird species protected under the Migratory Bird Treaty Act and the California Fish and Game Code could nest at or in the vicinity of the proposed Project site.

Construction activities could adversely affect nesting birds through the direct loss of individuals, injury, or disturbance. Because the nesting season is a critical period for maintenance of bird populations, the physical removal or harm to nests or disturbance activities that cause birds to abandon an active nest, would be a potentially significant impact.

In addition to nesting habitat, the vegetation communities on and in the vicinity of the proposed Project site support potentially suitable roosting and foraging habitat for special-status bird species including a number of birds of prey (e.g., Golden eagle, Cooper's hawk, etc.). If such species are roosting or foraging within habitats on or in the vicinity of the site, increased noise and vibrations from construction vehicles, equipment, and personnel could cause minor alteration in these birds' behavior. Roosting or foraging birds may be flushed due to the construction-related disturbances, or may avoid suitable habitat on or in the vicinity of the proposed Project site due to such disturbances. The ongoing fuels management program creates periodic disturbances at the proposed project site and is part of the established baseline for the proposed project site. Construction-related disturbances would be temporary and suitable roosting and foraging habitat is present throughout the adjoining areas of the applicant's property. For these reasons, impacts on roosting and foraging birds would be less than significant.

Conversion of previously undeveloped lands on the project site would result in the loss of

potentially suitable nesting, roosting, and foraging habitat for a number of special-status bird species. This loss, however, would be minimal, totaling less than one acre, and adequate nesting, roosting, and foraging habitat in the vicinity of the proposed project site would remain relatively undisturbed. The loss of potential nesting, roosting, and foraging habitat for special-status birds would therefore be less than significant.

Following development of the proposed project, special-status birds could be directly and indirectly impacted by increased human-related disturbances caused by the operation of the proposed retreat facility. One of the purposes of the proposed project is to foster an understanding and appreciation of the surrounding natural habitats and wildlife that rely on these habitats through education and direct experience and study. Such disturbances are not anticipated to adversely affect nesting, roosting, or foraging birds.

Impacts to other special-status bird species will be mitigated to less than significant levels through mitigation measure 4.a.5.

Mammals

The project will result in the loss of potential roosting habitat for several special-status bat species. The special-status bat species with a reasonable likelihood of roosting in the vicinity of the project site include pallid bat, silver-haired bat, hoary bat and long-legged myotis. Additional special-status bat species have the potential to forage in the vicinity of the project site.

Impacts to special-status bat species will be mitigated to less than significant levels through mitigation measure 4.a.6.

Mitigation Measure 4.a.1: Prior to construction existing Napa false indigo plants outside the direct impact area will be protected by fencing to prevent inadvertent encroachment into the area by workers or equipment. A mandatory worker's education program will be conducted by a qualified biologist prior to construction to inform the workers about the Napa false indigo plant and other special-status plants that could also be encountered during construction.

Mitigation Monitoring 4.a.1: Prior to issuance of any grading permit, a qualified biologist shall provide a letter to the PRMD Project Planner confirming that protective fencing has been installed around Napa false indigo plants outside the direct impact area, and that he/she has conducted the mandatory worker's education program about Napa false indigo and other special-status plants.

Mitigation Measure 4.a.2: Following construction, the existing Napa false indigo plants will be mapped and an educational brochure prepared for guests at the facility that describes the plant, its status, and instruct those hiking around the property to avoid trampling the plant. Hiking trails developed in the area will avoid areas where this species is located to the extent practicable. Plants located nearest the guest cottages will have information signs posted near the plant to allow the guest to learn what the plant looks like so that they can avoid trampling it as they move about the property.

Mitigation Monitoring 4.a.2: Prior to occupancy, a qualified biologist shall provide to the PRMD Project Planner a map of existing Napa false indigo plants, the education brochure, photos of the informational signs, and a letter confirming he/she has inspected hiking trails to ensure the plant has been avoided to the maximum extent practicable.

Mitigation Measure 4.a.3: Three dozen Napa false indigo plants will be propagated by a professional native plant nursery or a professional horticulturalist with experience propagating native plants, and planted at selected locations nearest to where plants will be directly affected by construction. These plants will be monitored for five years to document establishment of the plants. At the end of five years additional plantings will occur if any of the shrubs died during the monitoring period.

Mitigation Monitoring 4.a.3: Prior to occupancy, a qualified biologist shall provide to the PRMD Project Planner a letter and photos documenting 36 professionally propagated Napa false indigo plants have been planted near the construction areas, and confirming the plants will be monitored for five years. Five years after the planting date, a qualified biologist shall submit to the PRMD Project Planner the monitoring results and evidence that additional plantings were installed, if necessary.

Mitigation Measure 4.a.4: Pre-construction surveys will be conducted by a qualified biologist approved by USFWS will be conducted within 14 days before construction begins. If any California red-legged frogs are found, the biologist will capture the frog or frogs for relocation to a suitable area, and will immediately contact USFWS in Sacramento. No construction will occur until the agency has determined what measures will be necessary to protect additional California red-legged frogs in the area from harm during construction activities. Such measures may include installing frog-proof fencing around the construction and staging areas, with additional fencing at night across access roads, and a requirement that the qualified biologist or a biological monitor trained by the qualified biologist be present throughout the construction period. These measures, coupled with Best Management Construction Practices to control storm water runoff, dust control, prohibitions against leaving foods that might attract predators, etc., will reduce potential construction impacts to California red-legged frogs.

Mitigation Monitoring 4.a.4: Within 14 days of the start of any construction, a qualified biologist shall perform pre-construction surveys for California red-legged frog and shall provide his/her written findings to the PRMD Project Planner. If any California red-legged frogs are found, the biologist will follow the protocol described in the Initial Study.

Mitigation Measure 4.a.5: A pre-construction survey for nesting birds, including raptors, will be performed 14 days prior to the start of construction. A qualified avian biologist will conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities at the Project site to locate any active nests on or adjacent to the Project site. If land-clearing activities can be performed outside of the nesting season (generally between September 1 and January 31) no preconstruction surveys for nesting birds are warranted.

Pre-construction surveys will be conducted no more than 14 days prior to the start of construction or ground disturbing activities if the activities occur during the nesting season (February 1 to August 31). Preconstruction surveys will be repeated at 30-day intervals until construction has started. Active nests will be identified, located, and described and protective measures will be implemented. Protective measures will include establishment of clearly delineated (i.e., Visi-barrier, orange construction fencing) exclusion zones around each nest site. The barrier will be installed at least 300 feet from the dripline of the raptor nests or nest trees and 50 feet from passerine nests or nest trees. The active nest sites within exclusion zones will be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance or nest abandonment. The barriers marking exclusion zones will remain in place until the young have left the nest and are foraging independently or if the nest is no longer active.

Mitigation Monitoring 4.a.5: Within 14 days of the start of any construction, tree pruning, tree removal, or ground-disturbing activities, a qualified avian biologist shall perform pre-construction surveys for raptor and passerine nests on or adjacent to the project site and shall provide his/her written findings to the PRMD Project Planner. If land-clearing activities can be performed outside of the nesting season (generally between September 1 and January 31) no preconstruction surveys for nesting birds are warranted. If active nests are found, the biologist will follow the protocol described in the Initial Study.

Mitigation Measure 4.a.6: A qualified bat biologist will perform a survey prior to the scheduled construction and at the appropriate time of year, as to determine the species of bat(s) and type of roosts present at the Project site. For purposes of this Project, a "qualified bat biologist" is defined as a bat biologist, who holds a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle and collect bats. The survey will take place when bats

are present, identifiable, and conducted at time when the type of roost can be determined (i.e., day roost, night roost, maternity roost).

If no evidence of bats is found during the pre-construction bat surveys than no further mitigation would be required. If, however, evidence of bats is found the following mitigation measures will be implemented.

If the bat species are discovered or if evidence of recent prior occupation is established, construction shall be scheduled such that the activities minimize impacts to bats. Hibernation sites with evidence of prior occupation will be sealed before the hibernation season (November - March), and nursery sites will be sealed before the nursery season (April - August). If the site is occupied, then the action will occur either prior to or after the hibernation season for hibernacula and after August 15 for nursery colonies. Construction will not take place as long as the site is occupied.

If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals will be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFW), by opening the roosting area to allow airflow through the cavity. Demolition will then follow at least one night after initial disturbance for airflow. This action will allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

Mitigation Monitoring 4.a.6: A qualified bat biologist shall perform a pre-construction survey before construction at the appropriate time of year (i.e., when bats are present, identifiable, and when the type of roost can be identified) and provide written findings to the PRMD Project Planner. If evidence of bats is found, then the biologist will follow the protocol described in the Initial Study.

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| 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: A blue line creek, which is an unnamed tributary to Santa Rosa Creek, traverses the property and is located approximately 3,000 feet north of the construction area. This creek is a designated riparian corridor in the Sonoma County General Plan with a 50-foot setback. There is no construction or vegetation removal proposed within the creek setback area, nor within approximately 3,000 feet. The biological report did not identify any sensitive natural communities.

Mitigation: None.

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|--|--------------------------------|---|------------------------------|-----------|
| 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: The biological report did not identify any wetlands as defined by Section 404 of the Clean Water Act on the project site.

Mitigation: None.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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: The project site does contain wildlife movement corridors and provides habitat for a variety of animals. In addition to the special-status species discussed in 4.a. above, it is likely that the following animals are present on the site: jackrabbit, western gray squirrel, mule deer, mountain lion, bobcat, coyote, grey fox, striped skunk, spotted skunk, brush rabbit, opossum, Townsend chipmunk, western harvest mouse, deer mouse, brush mouse, Trowbridge shrew, and shrew-mole.

The project proposes minimal site disturbance and includes 100 acres in a conservation easement. The project does not include fencing or significant barricades to wildlife; therefore, wildlife movement corridors will not be impacted.

Mitigation: None.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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: There are three local policies or ordinances that protect biological resources: the Biotic Resources (BR) overlay, creek setbacks, and the tree preservation ordinance. With mitigation, the project will comply with these regulations.

A portion of the site is zoned Biotic Resources (BR) and a 50-foot creek setback applies to both sides of the blue line creek. No work is proposed within these areas; therefore, there is no impact to the BR or creek setbacks.

A Tree Preservation and Protection Plan was prepared for the project by Horticultural Associates on July 18, 2013. A supplemental Arboreal Value Chart and Calculations was prepared by Horticultural Associates on September 30, 2013. A total of 69 trees (madrone, fir, and oaks) with an arboreal value of 164 will be removed to accommodate construction of buildings and access upgrades. Development is proposed on already disturbed areas to the maximum extent feasible.

The County tree ordinance allows tree removals to be considered in two ways: the number of removals in the development area (Chart A), or the number of removals compared to the number of trees on-site (Chart B). The Tree Preservation and Protection Plan evaluated trees located in the development area (Chart A) given the subject property is large and heavily forested. It recommends the applicant plant 328 15-gallon trees, or 82 24"-boxed trees, or pay \$32,800 in-lieu fees, or a combination of these options, to comply with Chart A requirements. Utilizing Chart B, one could argue that a very small percentage of total trees on the site are being removed and, therefore, the tree ordinance requires no replacement trees.

Although code compliance can be achieved without planting replacement trees, mitigation should still be required to offset the environmental impact of removing 69 native trees. Given the project is well designed to avoid tree removal to the maximum extent feasible, a mitigation value of 1:1 is reasonable. This means the applicant must plant 69 15-gallon native trees, or 35 24"-boxed native trees, or pay \$13,800 in mitigation fees, or a combination of these options. This requirement is listed as a mitigation measure.

The Tree Preservation and Protection Plan recommends a comprehensive tree protection program to ensure long-term survival of protected trees. In summary, the program requires:

- Driplines located by a qualified arborist
- Tree protection fencing installed prior to construction, and maintained during construction
- Pruning in compliance with the International Society of Arboriculture standards
- Proper trenching techniques
- Proper root pruning and cutting, when necessary
- Limited grade changes and fill near and within driplines
- Specific foundation construction design within driplines, if necessary
- Fertilization and pest control, if necessary
- Planting limitations within driplines

Trees to be removed in the project area are included on the list of host species for the plant pathogen *Phytophthora ramorum*, more commonly known as Sudden Oak Death. Sudden Oak Death (SOD) is a plant disease that is becoming a serious threat to many native tree and shrub species within California and southern Oregon. Section 3700 of the California Code of Regulations has established a quarantine that restricts the movement of potential hosts and host material of SOD. Sonoma County is considered to be an infected county, and known infected trees occur on the project site. The spread of this pathogen as a result of this project could result in significant impacts to the resources listed under this question. With the implementation of the following mitigation measures, the potential impact of spreading SOD would be reduced to less than significant.

Mitigation Measure 4.b.1: Prior to occupancy, the applicant shall pay in-lieu fees, or provide evidence of replanted trees, or a combination of the two, in order to mitigate for tree removals. Specifically, the applicant must plant 69 15-gallon native trees, or 35 24"-boxed native trees, or pay \$13,800 in-lieu fees, or a combination of these options.

Mitigation Monitoring 4.b.1: Prior to occupancy, the applicant shall pay in-lieu fees, or provide evidence of replanted trees, or a combination of the two, to the PRMD Project Planner in order to mitigate for tree removals.

Mitigation Measure 4.b.2: Prior to issuance of a ground-disturbing permit, the applicant shall implement the tree protection program described in the Tree Preservation and Protection Plan dated July 18, 2013. Protection measures include, but are not limited to, properly identifying driplines, installing tree protection fencing, limitations on grade changes, and trenching techniques.

Mitigation Monitoring 4.b.2: Prior to issuance of a ground-disturbing permit, a qualified arborist shall provide written confirmation to the PRMD Project Planner that the tree protection program described in the Tree Preservation and Protection Plan dated July 18, 2013 has been implemented.

Mitigation Measure 4.b.3: All Sudden Oak Death host species plants and plant parts that are pruned or cut at the project site as part of this project must be disposed of within the limits of Sonoma County. Foliage that is chipped on site shall not be placed where it can enter waterways.

Mitigation Monitoring 4.b.3: Prior to occupancy, a qualified arborist shall provide written confirmation to the PRMD Project Planner that Sudden Oak Death host species plants and plant parts removed as part of the project were disposed of within Sonoma County, and that any chipped foliage placed on-site did not enter waterways.

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| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
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| regional, or state Habitat Conservation Plan? | | | | X |
| Comment: There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans applicable to the project site. | | | | |
| Mitigation: None. | | | | |

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: A Cultural Resources Evaluation was prepared for the proposed project on June 27, 2013 by Archaeological Resource Service. The study revealed that no historical resources were identified for the site. No additional studies were requested as a result of this project. | | | | |
| Mitigation: None. | | | | |
| 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: See item 5(a) above. No potentially significant archaeological resources were identified on the site. However, the project could uncover such materials during construction. The project will be conditioned with the standard archaeological condition that requires 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. | | | | |
| Mitigation: None. | | | | |
| 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: No paleontological resource has been identified on the property. | | | | |
| Mitigation: None. | | | | |

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| 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 |
| <p>Comment: No burial sites are known in the vicinity of the project, and most of construction area is already disturbed. In the event that human remains are unearthed during construction, State law requires that the County Coroner be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity would cease until the Coroner permitted work to proceed. If the remains were determined to be prehistoric, the find would be treated as an archaeological site and the condition of approval described in item 5(b) above would apply.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |

6. GEOLOGY AND SOILS: *Would the project:*

| | | | | |
|--|--------------------------------|--|------------------------------|--------------------|
| <p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>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.</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact X |
| <p>Comment: The project site is not within a fault hazard zone as defined by the Alquist-Priolo fault maps.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| <p>ii. Strong seismic ground shaking?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation X | Less than Significant Impact | No impact |
| <p>Comment: All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. According to the General Plan Figure PS-1e, the project site is subject to strong ground shaking in a seismic event, and a fault line runs through the adjacent property to the east. The design and construction of each 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. In addition, the following mitigation measure requires compliance with the recommendations in the project geotechnical report. Therefore, the project would not expose people to substantial risk of injury from seismic shaking.</p> | | | | |

Mitigation 6.a.ii.1: The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the project geotechnical report (PJC & Associates dated July 18, 2013). The geotechnical engineer shall submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Prior to final of the grading permit the geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring 6.a.ii.1: PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

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| iii. Seismic-related ground failure, including liquefaction? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

Comment: According to the General Plan Figure PS-1e, the project site is not located within an area subject to liquefaction.

Mitigation: None.

| | | | | |
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| iv. Landslides? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

Comment: According to the General Plan Figure PS-1e, a portion of the site is located in a very high landslide area. A Preliminary Geologic Evaluation was prepared for the project by PJC & Associates on July 18, 2013. This report states there is a northwest trending landslide mapped west of the proposed building sites. A portion of this mapped landslide extends into the western portion of the property, along the southern slopes of the unnamed tributary of Santa Rosa Creek. However, mapping performed at this scale is generally completed by review of aerial photographs, with no verification through subsequent fieldwork or subsurface exploration. Furthermore, the proposed building envelopes are located on relatively level to gently sloping topography, which appears stable with no visible signs of active slope instability or recent global slope movements. During field reconnaissance, the geology team did not observe any geomorphic features indicative of past earth movement within proposed building areas. However, they did note the presence of an isolated slump feature located along a portion of the existing access road, approximately 500 feet north of the proposed accessory building and parking area. Due to the distance and topographic location of the nearest proposed structure, the slump feature does not pose a significant threat to the proposed structures. Therefore, the impact is less than significant.

Mitigation: None.

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| b) Result in substantial soil erosion or the loss of topsoil? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
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| | | | X | |
| <p>Comment: 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 as 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. See further discussion of related issues (such as maintenance of required post construction water quality facilities) under section 9 Hydrology and Water Quality.</p> | | | | |
| <p>Mitigation: None.</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 in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: The project site is subject to seismic shaking as described in item 6.a.ii. above. No further mitigation is required.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |

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| 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: The geologic evaluation prepared for the project did not identify expansive soils on the property. A more detailed geotechnical investigation is required for building permit issuance; if any subsurface expansive soils are discovered, they can be easily mitigated through engineering techniques.</p> | | | | |
| <p>Mitigation: None.</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: The project site is not in an area served by public sewer. There is currently one septic leach field serving the single family dwelling. A new leach field is required to serve the proposed project. The geologic investigation did not reveal soils that would not support additional septic disposal area.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |

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 | |
| <p>Comment: Greenhouse Gas Emissions (GHG) - Greenhouse gases trap heat in the atmosphere. Increases in greenhouse gases due to human activity are associated with Global Climate Change (aka "Global Warming"), that is, the change in the average weather on earth, as measured by wind patterns, storms, precipitation and temperature. The primary greenhouse gases are CO₂, methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). Considered the most important greenhouse gas, CO₂ is the reference gas for climate change and emissions of greenhouse gases in general are often reported as CO₂ equivalents (CO₂e).</p> <p>The California Air Resources Board ("CARB") is required by the Global Warming Solutions Act of 2006 to design and implement emissions limits, regulations, and other statewide measures to reduce statewide greenhouse gas emissions to 1990 levels by 2020. The Act does not indicate what role local land use planning should play in the statewide strategy or how environmental review under CEQA is implicated. In October, 2007, CARB published the Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration. None of the early action measures address how local agencies should address</p> | | | | |

greenhouse gas emissions associated with land use applications.

The Bay Area Air Quality Management District drafted a significance threshold of 1,100 metric tons of CO₂e per year for determining the project's GHG emissions impact. That draft threshold was adopted by BAAQMD in June 2010, but called into question by an order issued March 5, 2012, in *California Building Industry Association v. BAAQMD* (Alameda Superior Court Case No. RG10548693). The order requires BAAQMD to set aside its approval of all the significance thresholds adopted in June 2010 until it has conducted further environmental review under CEQA. However, the claims made in the case concerned the environmental impacts of adopting the thresholds, that is, how the thresholds would indirectly affect land use development patterns. Those issues are not relevant to the scientific soundness of the BAAQMD's analysis of what levels of GHG emissions should be deemed significant.

The County agrees that the GHG emissions threshold is supported by substantial evidence. Moreover, the threshold will not cause any indirect impact in terms of land use development patterns insofar as this project is concerned, because the proposal to develop the nature retreat facility was not influenced by the BAAQMD thresholds. Accordingly, the County as lead agency has elected to continue to use a GHG emissions threshold of 1,100 metric tons of CO₂e per year to evaluate project emissions.

Regarding local efforts on GHG reductions, the Sonoma County Board of Supervisors recently adopted the Sonoma County Climate Protection Campaign which sets a target to reduce GHG emissions to 25% below 1990 levels by the year 2015. 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.

For purposes of the Mitigated Negative Declaration, the project would be considered to have a significant impact on greenhouse gases if it would conflict with the state goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by the California Global Warming Solutions Act of 2006. There is currently no indication that the project would conflict with the Act's timeline. In addition, the County's Climate Protection Campaign has yet to establish emissions targets to reduce GHGs in Sonoma County. However, the Climate Protection Campaign has provided a list of projects that are effective and under local control that will reduce Greenhouse Gases if they are implemented. The Plan's solutions involve four major categories: 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; 4. Protect forests and farmlands, sequester carbon, and convert waste into energy. The following project components are consistent with Climate Action Plan solutions and will ensure that there is not a cumulative contribution to Greenhouse Gas emissions as a result of this project:

- Rainwater harvesting for garden and farm animals
- Using on-site resources for construction materials
- Using electric vehicles for on-site for guest transportation
- Non-motorized guest activities
- Net Zero Energy Use through on-site solar panels, efficient building systems, and electric vehicle charging stations for guests
- Permanent forest protection
- Carbon sequestration through biochar processing and tree preservation
- Composting, material reuse, and recycling
- Growing and harvesting foods on-site
- Resident owners

On November 2, 2010, the Board of Supervisors approved all state mandated model codes including the new California Green Building Standards Code (CalGreen). Sonoma County's

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| existing green building ordinance and energy efficiency ordinance were modified to accommodate the new CalGreen code, and to replace the existing green point rated systems, Build-It-Green and LEED for both new residential and non-residential construction respectively. The ordinances became effective January 1, 2011. Compliance with this ordinance meets the aforementioned State regulations. | | | | |
| Mitigation: None. | | | | |
| 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: See Item 7a. above. | | | | |
| Mitigation: None. | | | | |

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 |
| <p>Comment: The construction and use of a nature retreat facility would not generate or produce hazardous materials. The building permit will include analysis by the Department of Emergency Services to ensure that the project complies with Fire Safe Standards.</p> <p>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.</p> | | | | |
| Mitigation: None. | | | | |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |

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| involving the release of hazardous materials into the environment? | | | | X |
| Comment: The construction and use of a nature retreat facility would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment. | | | | |
| Mitigation: None. | | | | |
| 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 |
| Comment: There are no existing or proposed schools within 0.25 miles of the project site. | | | | |
| Mitigation: None. | | | | |
| 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 |
| Comment: The project site was not identified on, or in the vicinity of, any parcels on lists compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances, and the California Integrated Waste management Board. | | | | |
| Mitigation: None. | | | | |
| 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 |
| Comment: The site is not within an airport land use plan as designated by Sonoma County. | | | | |
| Mitigation: None. | | | | |
| 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: There are no known private airstrips within the vicinity of the proposed project.

Mitigation: None.

| | | | | |
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| 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: 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 the County. The site is accessed directly from Langtry Road. In any case, the project would not change existing circulation patterns significantly, and would have no effect outside the area.

Mitigation: None.

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| 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: Sonoma County General Plan Figure PS-1e identifies this site is located in a high wildland fire area. The application was referred to Sonoma County Department of Emergency Services and Napa County Fire because that agency would respond to calls for service.

The Sonoma County Fire Marshal supports the project proposal with conditions given the relatively small maximum number of people on-site (i.e., 49 people or less). Fire conditions require the site meet Sonoma County Fire Safe Standards and the applicants provide access mitigation (e.g., driveway turnouts) due to steep portions of the driveway. The applicants have cleared access to the on-site pond and will continue fuel load reduction activities. The proposal includes construction of a 30,000 gallon water storage tank, in addition to the existing 10,000 gallon tank, to serve the project and neighbors during a fire.

Mitigation: None.

9. HYDROLOGY AND WATER QUALITY *Would the project:*

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

Comment: A seasonal unnamed tributary to Santa Rosa Creek crosses the upper portion of the site. There are no wetlands on-site. The project was reviewed by the Sonoma County PRMD Storm Water and Grading Section. This project is subject to Low Impact Development (LID) standards and a final Standard Urban Storm Water Mitigation Plan (SUSMP) will be submitted

with the grading and/or building permit application. The conditions of approval reflect these requirements. Erosion and sediment control methods are described in 6(b), above. If the project disturbs more than one acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements.

Mitigation: None.

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)?

| Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|--------------------------------|---|------------------------------|-----------|
| | | X | |

Comment: The project will develop a new on-site water supply well. This well will be constructed with an annular seal to comply with the State's public water supply standard. The project is located within the Santa Rosa Creek watershed and lies within the General Plan Zone 3 and 4 Groundwater Availability Area. Accordingly, the applicant submitted a Groundwater Availability Evaluation, prepared by PJC & Associates and dated July 29, 2013. This evaluation found there is sufficient groundwater supply for the project, the drawdown will be negligible to non-existent, and neighboring wells will not be impacted.

Mitigation: None.

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: See Comment 9.a. The project will not substantially alter the existing drainage pattern on or off of the project property. A seasonal, unnamed tributary to Santa Rosa Creek crosses the northern portion of the site. This creek will not be altered and the majority of development is approximately 3,000 feet away. Some access improvements are located closer to the creek, but are generally maintaining a distance of a few hundred feet.

The County's grading ordinance requires all grading, drainage improvement, and new construction incorporate construction and permanent control measures to minimize, if not prevent, erosion and sediment. In addition, the project will be required to file a Stormwater Pollution Prevent Plan (SWPPP) with the State to show how the project will deploy construction site controls to prevent on- or off-site erosion or siltation. These existing requirements will help to ensure the project will have a less than significant impact on water quality.

Mitigation: None.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a

| Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
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| stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | | X |
| Comment: See section 9.c, above. There will be no modification of an existing waterway, nor would the project create runoff that would result in off-site or on-site flooding. | | | | |
| Mitigation: None. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: See section 9.d, above. | | | | |
| Mitigation: None. | | | | |
| f) Otherwise substantially degrade water quality? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: See section 9.a and 9.c. The project does not involve other changes in the environment that could result in substantially degrading water quality. | | | | |
| Mitigation: | | | | |
| Mitigation Monitoring: | | | | |
| 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 |
| Comment: The project site is not located in a flood hazard area. | | | | |
| Mitigation: None. | | | | |
| 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 | | | | |
| Comment: The project site is not located in a flood hazard area. | | | | |
| Mitigation: None. | | | | |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project site is located near the top of the Mayacamas Mountains and is not located in an area subject to flooding as a result of dam failure. | | | | |
| Mitigation: None. | | | | |
| j) Inundation by seiche, tsunami, or mudflow? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project site is located near the top of the Mayacamas Mountains, approximately 30 miles east of the Pacific Ocean and 25 miles north of the San Pablo Bay. There are no large lakes in the vicinity. Therefore, there is no impact from seiche, tsunami, or mudflow. | | | | |
| Mitigation: None. | | | | |

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 |
| Comment: The project would not divide a community. | | | | |
| Mitigation: None. | | | | |
| 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 | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

| | | | | |
|--|--|--|--|--|
| <p>ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</p> | | | | |
| <p>Comment: With approval of the requested amendments, the project will not conflict any applicable planning document and will not conflict with any policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The proposal includes a General Plan Amendment from Land Extensive Agriculture to Resources and Rural Development, a corresponding Specific Plan Amendment from the Land Extensive Agriculture (LEA) 100-200 acre density to the Resource Conservation (RC) 100-200 acre density designation, and a corresponding Zone Change from Land Extensive Agriculture (LEA) B6-200 acre density to Resources and Rural Development (RRD) B6-200 acre density.</p> <p>General Plan The proposed General Plan land use designation and zoning of the parcels would be RRD with a residential density of 200 acres per unit. The General Plan states the purpose of this land use designation and zoning is to:</p> <ol style="list-style-type: none"> 1) Protect timberlands needed for commercial timber production under the California Timberland Productivity Act, 2) Protect lands needed for geothermal resource production, 3) Protect lands for aggregate resource production as identified in the Aggregate Resources Management Plan, 4) Protect natural resource lands including, but not limited to watershed, fish and wildlife habitat and biotic areas, 5) Protect against intensive development of lands constrained by geologic hazards, steep slopes, poor soils or water, fire and flood prone areas, biotic and scenic areas, and other constraints, 6) Accommodate agricultural production activities but limit such activities on timberland, or 7) Protection of county residents from proliferation of growth in areas where there are inadequate public services and infrastructure, including water supply and safe wastewater disposal. | | | | |
| <p>The RRD zoning regulation implements the General Plan RRD land use designation and permits uses or activities associated with natural resource production and protection and rural uses that have a minimum impact on the environment. Lodging and other recreational and visitor serving uses, including the proposed use, are allowed in the RRD zoning district with approval of a Use Permit provided they do not interfere with or detract from the purposes of this district.</p> <p>As proposed, the project would not interfere with or detract from the purposes of the RRD zoning district. The site is heavily forested and has a seasonal creek and a spring-fed pond. The biological study found that habitat consists of Douglas Fir alliance, Madrone alliance, and annual grassland. This habitat could support a variety of special status bird species (e.g., Northern spotted owl, Cooper's hawk) and bat species.</p> <p>The land would be managed in a holistic, effective manner to protect habitat and promote environmental conservation values, as described in the project proposal statement. Given the site's physical constraints and in an effort to minimally disturb the land, construction is proposed on already disturbed areas to the maximum extent possible. Further, approximately 100 acres would be permanently protected in a conservation easement.</p> <p>The site is heavily constrained by geologic hazards, steep slopes, fire hazard, and biotic resources. The project includes minimal development primarily on already disturbed areas. It would increase the on-site population from two people to a maximum of 49 people during 100% occupancy (e.g., retreat guests and employees). Retreat guests would occupy the guest suites on a temporary (one night to two weeks) basis and utilize the retreat facility amenities accordingly. Development is proposed well outside the biotic resource areas, and human</p> | | | | |

intrusion within those areas would be limited to trail maintenance, if any, and pedestrian and bicyclist activities.

The proposal emphasizes farm-to-table food production and education. To that end, guests are provided breakfast, lunch, and dinner prepared from on-site food sources as much as possible. Farm animals will be raised for land maintenance and food. The applicant expects to maintain approximately 25 chickens, 15 goats, 15 sheep, two pigs, and piglets. The proposal also includes a garden and on-site composting.

The project will result in minimal population increase, and has access to sufficient public services and infrastructure. Law enforcement and Fire/EMS personnel can provide adequate services. The applicant has been working with County Fire staff to reduce the fuel load and ensure the driveway meets access standards. Neither Fire nor Public Works recommend road improvements. Given the site's remote location and the Spring Hill / Langtry Roads intersection design, the applicant will instruct guests to arrive from Napa County instead of Sonoma County. This route will ensure they travel fewer miles in a remote area, utilize better maintained roads, and avoid turning onto Langtry Road at an acute angle. There is sufficient water supply on-site, and ample opportunity for septic leachfield(s).

The proposed project would not involve the loss of timber, would not interfere with geothermal resource production, the site is not identified as an aggregate resource site in the Aggregate Resources Management Plan, and watersheds, fish, and wildlife habitat will be protected. There is adequate water supply as demonstrated by the hydrogeology report. The proposed project is compatible with natural resource conservation practices because low intensity uses would take place at the project site.

Franz Valley Area Plan

The project, including the amendment, is consistent with the Area Plan. The proposed Area Plan land use amendment from Land Extensive Agriculture (LEA) 100-200 acre density to Resource Conservation (RC) 100-200 acre density is consistent with the proposed RRD200 General Plan land use designation. The site is generally surrounded by land designated RC and LEA. The site is bounded by land designated RC to the west and south and LEA to the north and east. The project implements the following Area Plan policies promoting conservation, community character, and safety:

- Preserve the rural character of the area.
- Maintain the rural character of roads while providing for necessary maintenance and limited safety improvements, especially with regard to school bus requirements and safety of children.
- Review proposed development with regard to its effects on plant and animal life.
- Encourage the preservation and enhancement of wildlife habitat areas representative of the flora and fauna of the area and necessary for preservation of rare and endangered species.
- Recognize that replanting and good vegetation management of appropriate native vegetation will help restore and maintain the natural qualities of the area.
- Limit or prohibit residential development in areas of high or extreme fire, geologic, and seismic hazards.

The site is located within the Santa Rosa Creek Planning Unit. The Area Plan describes this area as essentially being a Resources and Conservation area. Conservation and the enhancement of the area's natural resources are the guiding principles for inclusion in the Resource Conservation category. When rezoning land in this unit, the Area Plan requires the County to "protect parcel's suitabilities and sensitivities and demonstrate mitigation of parcel's constraints." While a full analysis of these items is in the Initial Study, the following table responds to the applicable site issues and opportunities:

| Suitabilities | Response |
|----------------------------|---|
| Resource Conservation area | The site will be redesignated as Resource Conservation, consistent with this Planning |

| | |
|---------------------------|---|
| | Unit. |
| Groundwater recharge area | The site is not identified as a recharge area. |
| Constraints | |
| Steep slopes | Development is proposed on already disturbed, flatter portions of the site. |
| Geologic hazards | The applicant must comply with the project's geotechnical report. |
| Fire Hazard | The project includes the Fire Marshal's recommended conditions. |
| Water Availability | The project's groundwater availability study demonstrates that sufficient groundwater is available. |
| Sensitivities | |
| Riparian Corridors | Development is neither proposed nor allowed within the creek setback. |

Zoning

As conditioned, the project is consistent with the proposed RRD zoning district. The request for a zone change from the Land Extensive Agriculture (LEA) to the Resources and Rural Development (RRD) zoning district is to allow the project as a "recreational or visitor serving use." The site is generally surrounded by land zoned RRD. It is bounded by land zoned RRD to the south and west, and land zoned LEA to the north and east. The project is consistent with the intent of the RRD zoning district because it provides protection of lands needed for protection of the watershed, wildlife habitat, and biotic resources. The proposal is small enough in scope and carefully conditioned to ensure appropriate use of natural resources and available public services. There is no change in density.

There will be no loss in agricultural operations if this project is approved. No agriculture operations are presently occurring, nor is there evidence they have ever occurred at this site. Since the late 1980s, the site was used as a single-family house with horse breeding not exceeding 20 horses. Logging operations occurred in the late 1940s to mid 1950s. Limited agricultural production and processing will occur as part of retreat facility activities.

It appears the site was zoned for agriculture based on a property owner's request, not on its physical characteristics. During the 1989 General Plan Update, this property and all other properties designated Resource Conservation in the 1979 Franz Valley Specific Plan were being considered for redesignation to Resource and Rural Development (RRD) 200-acre density. The RRD land use designation would have resulted in the properties being rezoned out of an agricultural-based (A-1) zoning district to a resource-based (RRD) zoning district. The owner of the subject property at that time requested her properties remain agriculturally zoned and requested an increase in density. The Board of Supervisors left her properties, including the subject site, in agricultural zoning but denied the request for increased density.

Potential future uses in the proposed RRD zoning district that could result in compatibility concerns would be subject to separate Zoning Permit or Use Permit review and conditions to mitigate potential impacts.

Mitigation: None.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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: See Item 4f. above. 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.

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 |
| | | | | X |

Comment: There is no known mineral resource on the project site.

Mitigation: None.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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 |
| | | | | X |

Comment: The project site is not a mineral resource recovery site.

Mitigation: None.

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 | |

Comment: 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. Conditions of approval recommended by the Project Review Health Specialist will ensure noise does not exceed General Plan standards.

Mitigation: None.

| | | | | |
|--|-------------|-----------|-----------|-----------|
| b) Exposure of persons to or generation of | Potentially | Less than | Less than | No impact |
|--|-------------|-----------|-----------|-----------|

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| excessive ground borne vibration or ground borne noise levels? | Significant Impact | Significant with Mitigation Incorporation | Significant Impact | |
| | | | X | |
| <p>Comment: The project includes construction activities that may generate ground borne vibration and noise, including rammed earth construction. 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> | | | | |
| <p>Mitigation: None.</p> | | | | |
| 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: The project is a nature retreat facility, which will not generate a substantial amount of noise. Activities are non-motorized and no amplified music is proposed outdoors. Therefore, the increase in ambient noise levels is less than significant.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| 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: Noise will be generated by the construction activities, including rammed earth construction. This impact will cease when construction is finished, and the following mitigation measure will ensure the impact is less than significant.</p> | | | | |
| <p>Mitigation Measure 12.d. 1: Construction activities for this project shall be restricted as follows:</p> <ul style="list-style-type: none"> a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use. b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical. c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone | | | | |

number for public contact.

d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.

e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

f) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring 12.d.1: Prior to issuance of ground-disturbing permits, the PRMD Project Planner shall ensure that the construction noise mitigation measures are listed on all site alteration, grading, building, or improvement plans. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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: The site is not within an airport land use plan as designated by Sonoma County.

Mitigation: None.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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: There are no known private airstrips within the project area.

Mitigation: None.

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 example, through extension of roads or other infrastructure)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| Comment: The project would not include construction of a substantial amount of homes, businesses or infrastructure and, therefore, would not induce substantial population growth. | | | | |
| Mitigation: None. | | | | |
| 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 |
| Comment: No housing will be displaced by the project. The single-family dwelling located on the project site will be replaced with a new single-family dwelling on an adjacent property. | | | | |
| Mitigation: None. | | | | |
| 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 |
| Comment: No people will be displaced by the project. The applicants are living in the single-family dwelling on the project site temporarily, and will permanently reside in the new single-family dwelling on an adjacent property. | | | | |
| Mitigation: None. | | | | |

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 | |
| Comment: Construction of the project would not require new or physically altered government facilities. The project would provide a maximum of four full-time and eight part-time jobs, and promote local artists and craftspeople during featured retreats. As discussed in the remainder of this section, the impact to public services would be less than significant. | | | | |
| Mitigation: None. | | | | |
| i. Fire protection? | Potentially Significant | Less than Significant | Less than Significant | No Impact |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| | Impact | with Mitigation Incorporation | Impact | |
| | | | X | |
| <p>Comment: The County Fire Marshal reviewed the project description and requires that the project comply with Fire Safe Standards, including fire protection methods such as site access, sprinklers in buildings, alarm systems, extinguishers, and vegetation management. The project referral was also provided to Napa County Fire because it would provide the first response; that agency did not provide any recommendations.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| ii. Police? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>Comment: The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting from the nature retreat facility. Site and neighborhood safety will be increased because of the project's hands-on management and security.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| iii. Schools, parks, or other public facilities? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>Comment: The project will not result in an increased demand in park or school use. Standard development fees to offset potential impacts to public services include school and park mitigation fees.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| iv. Parks? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>Comment: The project will not result in an increased demand in park use.</p> | | | | |
| <p>Mitigation: None.</p> | | | | |
| v. Other public facilities? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |

| | | | | |
|--|--|--|---|--|
| | | | X | |
| Comment: The project includes a recommended condition for a traffic mitigation fee to offset road impacts. No other public facilities would be impacted. | | | | |
| Mitigation: None. | | | | |

15. RECREATION *Would the project:*

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact |
| | | | | X |
| Comment: The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities. The project is a nature retreat facility; customers would most likely take advantage of the project's hiking/biking trails and extensive activities list instead of visiting a park. | | | | |
| Mitigation: None. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact |
| | | | | X |
| Comment: See item 15.a, above. | | | | |
| Mitigation: None. | | | | |

16. TRANSPORTATION / TRAFFIC *Would the project:*

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact |
| | | | X | |
| Comment: A Traffic Study dated September 27, 2013, was prepared for the proposed project by W-Trans. The project site is accessed by Langtry Road and is approximately 2.4 miles southeast of the intersection of Langtry Road and Spring Mountain Road. Langtry Road is a winding road varying in width between 13 and 20 feet. According to design standards published by the | | | | |

American Association of State Highway and Transportation Officials (AASHTO) Langtry Road currently meets the very low-volume road criteria and is projected to continue to meet this criteria under future conditions. The study found there was one reported collision between 2005 and 2011 and no safety issues were identified from the data; Langtry Road meets AASHTO standards for a very low-volume road, which allows less than optimal road conditions to continue if there is no documented historical safety issue; and that sight distance at the project driveway on Langtry Road is adequate. No road improvements are recommended.

Vehicle counts were taken near the site for one week, and showed that weekday traffic on Langtry Road is 117 vehicle trips per day, and weekend traffic is 45 vehicle trips per day. The traffic study states that an average of 19 vehicle trips per day, which is 16% of existing average, would be generated as a result of the project. Peak traffic generation for the project would be expected to occur on a day when all nine rooms are occupied and the 10 additional day visitors are in attendance for a specific activity, such as a dinner. Using occupancy of 1.5 persons per vehicle, ten vehicles would make one round trip each for the activity, or generate 14 trip ends. Assuming one round trip for the guests in each of the rooms, another 18 trip ends would be generated. Finally, assuming that two of the four full-time and all eight part-time staff travel to the site (two full-time staff live on the adjacent parcel), 20 trip ends would be generated. Based on these assumptions, on a peak day the site could be expected to generate as many as 52 trip ends, with up to 16 of these (7 activity attendees, five guests arriving, and four employees departing) during a single hour.

It should be noted that activities that would draw the maximum number of outside attendees are only intended to occur during a retreat, so would not be on a day when guests are either arriving or departing. Despite application of these very conservative assumptions, the trip generation is still well below the level that would be considered significant.

The following project components will reduce and manage traffic:

- On-site soil will be used for rammed earth construction and timber from vegetation management practices will be used for structural and cosmetic building components. The applicant estimates this will result in approximately 500 fewer truck trips than conventional construction.
- All-inclusive services will encourage guests to stay on-site for the duration of their visit. Three to seven day visits are typical.
- Food will be grown and processed on-site. Although this component is aimed at agriculture education and appreciation, it will eliminate the need for food deliveries. Instead, a staff member can purchase groceries in a car as needed.
- All contractors and employees will be subject to the retreat center's written policy for safe conduct on Langtry Road.
- Before guest arrival, retreat staff will educate guests about safe driving on rural roads and direct them to arrive from Napa County, which is easier to navigate.

The Sonoma County Department of Public Works recommended Napa County Public Works review the traffic study because Langtry Road is primarily located in Napa County. Napa County Public Works recommends a condition of approval requiring the applicant's material directing visitors to the retreat facility be reviewed by Sonoma County PRMD Planning and Napa County Public Works. This condition has been incorporated into the project's recommended conditions of approval.

Given the expected number of vehicle trips and project conditions, the impact from additional traffic will be less than significant.

Mitigation: None.

| | | | | |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| b) Conflict with an applicable congestion management program, including, but not | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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? | | Incorporation | | |
| | | | X | |
| Comment: See 16a., above. | | | | |
| Mitigation: None. | | | | |
| 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: The project would have no effect on air traffic patterns. | | | | |
| Mitigation: None. | | | | |
| 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 | |
| <p>Comment: The traffic study identified two design features that staff believes may be challenging for visitors to the retreat facility: the geometry of Langtry Road and the intersection of Spring Mountain Road and Langtry Road. Langtry Road is windy and narrow, measuring 13 – 20 feet in width and 2.4 miles in length from Spring Mountain Road to the project driveway. The study considered the intersection of Spring Mountain Road / Langtry Road at staff's request. The study finds it is difficult to navigate traveling eastbound from Sonoma County because Langtry Road intersects Spring Mountain Road at an acute angle. Smaller passenger vehicles can make the turn, but it would be difficult for larger vehicles, especially trucks, to navigate.</p> <p>Both Fire and Napa County Public Works concurred that there are no feasible improvements to the Spring Mountain Road / Langtry Road intersection. The study finds this design feature is not a significant impact, and recommends visitors to the site be directed to arrive from Napa County so they can make an easy left turn onto Langtry Road. This recommendation is included in the project proposal.</p> <p>Traffic hazards will not be substantially increased as a result of this project.</p> | | | | |
| Mitigation: None. | | | | |
| e) Result in inadequate emergency access? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

Comment: The application was referred to Sonoma County Department of Emergency Services and Napa County Fire because that agency would respond to calls for service. Napa County Fire did not provide comments. The Sonoma County Fire Marshal was not concerned about the project assuming the number of people on-site never exceeds 49 and the recommended conditions of approval are incorporated into the project approval. In an emergency, the first responders would arrive from Napa County. These responders can easily turn on to Langtry Road.

The site is accessed by a private driveway off Langtry Road, a public road. The applicant is working with Fire staff to improve the site driveway to meet current Fire Safe Standards. The Fire Marshal expects to approve the access with a mitigated signoff because certain sections of the driveway exceed maximum slope. The Fire Marshal can approve certain small deviations from Fire Safe Standards if other measures are included (e.g., vehicle turnouts, hydrants). As conditioned, there is no impact to emergency access.

Mitigation: None.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

Comment: The limited amount of traffic associated with the use would not conflict with bicycle or pedestrian facilities, plans, or policies.

Mitigation: None.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| g) Result in inadequate parking capacity? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

Comment: Sufficient parking is available on-site.

Mitigation: None.

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: The project would not exceed wastewater treatment requirements. See the discussion in Section 9, Hydrology, above.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| Mitigation: None. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project will not require or result in the construction of new or expanded water or wastewater treatment facilities. Water will be provided by on-site wells and waste will be disposed of through an on-site septic system. | | | | |
| Mitigation: None. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: The project would not require or result in the construction of new or expanded storm water drainage facilities that could cause significant environmental effects. See discussion in Section 9, Hydrology, above. | | | | |
| Mitigation: None. | | | | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: The project site is located in Groundwater Zones 3 (Marginal groundwater availability) and 4 (Areas with low or highly variable water yield). Accordingly, the applicant submitted the required hydrogeology report. This report found that sufficient groundwater is available to serve the project. See the discussion in Section 9, Hydrology, above. | | | | |
| Mitigation: None. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The site is not served by a wastewater treatment provider. | | | | |
| Mitigation: None. | | | | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: 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. The project proposal includes composting, which will reduce the amount of waste generated. | | | | |
| Mitigation: None. | | | | |
| g) Comply with Federal, State, and local statutes and regulations related to solid waste? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: Sonoma County has access to adequate permitted landfill capacity to serve the proposed project. | | | | |
| Mitigation: None. | | | | |

18. MANDATORY FINDINGS OF SIGNIFICANCE

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |
| Comment: See comments and related mitigation measures, in sections 4.a, 4.e, 6.b, and 9.a. The project will include the above referenced mitigation measures to ensure it will not have any direct or indirect adverse effects that would 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. | | | | |
| 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 | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

| | | | | |
|---|---------------------------------------|--|-------------------------------------|------------------|
| <p>projects, and the effects of probable future projects)?</p> | | | | |
| <p>Comment: The project consists of a low-intensity visitor-serving use on the property that is consistent with the 2020 General Plan. Although this project was not foreseen in the General Plan 2020 EIR because of the requested General Plan amendment, there is no change in density and a more impactful use could be allowed under the current General Plan designation and Land Extensive Agriculture zoning district. Specifically, an applicant could apply for a Use Permit to develop the subject property with a campground with up to 30 sites, an animal processing plant or fertilizer plant, a number of assembly uses, or perform a timberland conversion to plant a vineyard or other crop. The project does not have cumulatively considerable impacts when viewed with past projects (vineyards and rural residential land uses), current projects (none in the nearby area), and probable future projects (none).</p> | | | | |
| <p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</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> | | |
| <p>Comment: See comments and related mitigation measures: 3.c, 6.a.ii, and 12.d. This initial study found the project may have potentially significant impacts on human beings for air quality, ground-shaking, and noise impacts. The project will reduce each of these impacts to a less than significant level by including the mitigation measures listed in the referenced topic areas. Therefore, the project does not have an environmental effect which will cause substantial adverse effects on human beings, either directly or indirectly.</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. Assessor's 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 2020 (as amended), Sonoma County Board of Supervisors, September 23, 2008.
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 Permit and Resource Management Department, August 24, 2010.

RECEIVED

AUG - 5 2013

**PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT
COUNTY OF SONOMA**

HORTICULTURAL
Associates

Consultants in Horticulture and Arboriculture

**TREE PRESERVATION AND
PROTECTION PLAN**

BE HERE NOW
3770 Langtry Road
St. Helena, CA

Prepared for:

Be Here Now, LLC
3770 Langtry Road
St. Helena, CA 94574

Prepared By:

John C. Meserve
Consulting Arborist and Horticulturist
International Society of Arboriculture
ISA Certified Arborist WE #0478A,
ISA tree Risk Assessment Qualified

July 18, 2013

July 19, 2013

Jared and Velisa Pickard
Be Here Now
3770 Langtry Road
St. Helena, CA 94574

Re: Completed *Tree Preservation and Mitigation Report*, 3770 Langtry Road, St Helena, CA

Justin,

Attached you will find our *Tree Preservation and Mitigation Report* for the above noted project site. A total of 36 trees were evaluated based on their trunk diameter and location in relation to the proposed areas of construction. This inventory includes all trees that are 9 inches or greater in trunk diameter when measured at 4.5 feet above adjacent grade. This property includes hundreds of other surrounding trees and they have not been included in this survey because they are not expected to be impacted in any way by proposed construction activities.

Each tree in this report was evaluated and documented for species, size, health, and structural condition. We have provided our estimate of the development impact expected on each tree, based on the conceptual site plan that we worked with, as well as recommendations for preservation or removal. The *Tree Location Plan* shows the location and numbering sequence of all trees.

This report is intended to be a basic inventory of trees present at this site, which includes a general review of tree health and structural condition using visual analysis. No in-depth evaluation has occurred, and assessment has included only external visual examination without probing, drilling, coring, root collar examination, root excavation, or dissecting any tree part. Failures, deficiencies, and problems may occur in these trees in the future, and this inventory in no way guarantees or provides a warranty for their condition.

Summary of Expected Impacts

It appears that twenty four trees can be preserved due to their locations away from the proposed areas of construction. One tree is recommended for removal due to its existing poor condition because it could become hazardous, even though it is in a preservable

location. Eleven trees will require removal to build the project, although some modification to the present design might allow some of these to be preserved.

Summary of Native Tree Species Present

All trees included in the inventory are native to the site. This population is primarily Douglas Fir (*Pseudotsuga menziesii*), with Tanbark Oak (*Lithocarpus densiflorus*) Black Oak (*Quercus lobata*), Madrone (*Arbutus menziesii*) and coast Live Oak (*Quercus agrifolia*) also present.

Assumptions

The development plan that was supplied for our use did not include information regarding grading, drainage, utility locations, or septic field locations. If there are to be access road improvements that will impact trees these have not been considered as well. Assumptions were made regarding grading that will be necessary, in the absence of a grading plan.

Pathways that are 6 feet wide, and a service road that will be 9 feet wide, will be meandered through trees with a sensitivity to placement that will be focused on minimal impacts. These impacts can be reviewed at a later date if necessary.

General Site Observations

The property has been widely infected with the Sudden Oak Death (SOD pathogen (*Phytophthora ramorum*)) and many dead and dying trees have been removed already to reduce the further spread of this disease.

Underbrush and fuel ladders have been removed throughout the site to reduce the existing fuel load and limit the possibility of future fires, or spread of fire from adjacent lands.

Many established ornamental trees and shrubs are present surrounding the existing residence, and I understand that many of these will be transplanted prior to remodeling for use in other areas of the project.

I understand that all trees in the vicinity of the proposed project have been inoculated with beneficial bacterial micro flora in an effort to improve tree vitality and help offset the potential future impacts of construction.

The larger subject property is being actively tended and managed with obvious attention to the care of existing native and ornamental trees, and the environment in general. These activities are clearly evident throughout the greater area of the property and indicate that an ethic of land stewardship is associated with the proposed project.

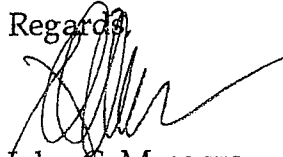
Specific Recommendations for Perimeter Trees

Extensive mitigation work is planned around the large black oak in front of the existing residence (#28) to offset previous improvements that may be detrimental to tree health. The existing decomposed gravel area around the tree has been placed on fill soil, and this gravel and fill soil will be carefully removed back down to native grade and incorporated into the future design of the area. A 4 inch layer of chipped bark mulch will then be placed over the soil surface to promote active root growth and health.

A shop and parking area is proposed in the vicinity of trees #34 and #35 and these activities will occur outside the dripline of both trees.

Please feel free to contact me if you have questions regarding this report, or if further discussion is required.

Regards,


John C. Meserve
Consulting Arborist and Horticulturist
Member, American Society of Consulting Arborists
International Society of Arboriculture;
ISA Certified Arborist, WE #0478A
ISA Tree Risk Assessment Qualified



[Faint, illegible handwritten text, possibly a table or list of data.]

TREE INVENTORY CHART

TREE INVENTORY
3770 LANGTRY ROAD
ST. HELENA

JULY 18, 2013

| Tree # | Species | Common Name | Trunk (dbh ± inches) | Height (± feet) | Radius (± feet) | Health 1 - 5 | Structure 1 - 4 | Impacts 1 - 3 | Recommendations |
|--------|--------------------------------|--------------|----------------------|-----------------|-----------------|--------------|-----------------|---------------|-------------------|
| 1 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 11 | 25 | 16 | 4 | 3 | 2 | 1, 6, 7, 8, 9 |
| 2 | <i>Quercus kelloggii</i> | Black Oak | 26.5 | 22 | 20 | 4 | 2 | 1 | 1, 6, 7, 8, 9 |
| 3 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 27 | 70 | 20 | 2 | 2 | 1 | 3 |
| 4 | <i>Arbutus menziesii</i> | Madrone | 11 | 35 | 20 | 4 | 3 | 3 | 2 |
| 5 | <i>Arbutus menziesii</i> | Madrone | 9.5 | 40 | 20 | 4 | 3 | 3 | 2 |
| 6 | <i>Arbutus menziesii</i> | Madrone | 8 | 40 | 20 | 4 | 3 | 3 | 2 |
| 7 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 25 | 85 | 20 | 4 | 3 | 3 | 1, 6, 7, 8, 9, 12 |
| 8 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 31 | 90 | 20 | 4 | 3 | 2/3 | 1, 6, 7, 8, 9, 12 |
| 9 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 33 | 90 | 20 | 4 | 3 | 2/3 | 2 |
| 10 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 41 | 100 | 20 | 4 | 3 | 3 | 2 |
| 11 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 28 | 95 | 20 | 4 | 3 | 2 | 1, 6, 7, 8, 9 |
| 12 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 29 | 95 | 20 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 13 | <i>Arbutus menziesii</i> | Madrone | 23 | 50 | 20 | 3 | 3 | 1 | 1, 6, 7, 8, 9 |
| 14 | <i>Lithocarpus densiflorus</i> | Tan Bark Oak | 12 | 50 | 16 | 4 | 3 | 3 | 2 |
| 15 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 24 | 70 | 15 | 4 | 3 | 3 | 2 |
| 16 | <i>Lithocarpus densiflorus</i> | Tan Bark Oak | 17 | 50 | 18 | 4 | 3 | 3 | 2 |
| 17 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 29 | 100 | 15 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 18 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 38 | 100 | 20 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 19 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 19 | 60 | 20 | 4 | 2 | 1 | 1, 6, 7, 8, 9 |
| 20 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 33 | 95 | 18 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 21 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 31 | 95 | 20 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 22 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 11.5 | 70 | 20 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 23 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 21 | 80 | 15 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 24 | <i>Arbutus menziesii</i> | Madrone | 9.5 | 25 | 15 | 4 | 3 | 2 | 1, 6, 7, 8, 9 |
| 25 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 34 | 100 | 18 | 4 | 3 | 2/3 | 1, 6, 7, 8, 9, 12 |
| 26 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 34.5 | 100 | 20 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 27 | <i>Lithocarpus densiflorus</i> | Tan Bark Oak | 12.5 | 50 | 15 | 4 | 3 | 2/3 | 1, 6, 7, 8, 9, 12 |
| 28 | <i>Quercus kelloggii</i> | Black Oak | 20+19 | 40 | 25 | 4 | 3 | 1/2 | 1, 6, 7, 8, 9 |
| 29 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 27 | 90 | 20 | 4 | 3 | 3 | 2 |
| 30 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 32.5 | 90 | 20 | 4 | 3 | 2 | 1, 6, 7, 8, 9 |

TREE INVENTORY
 3770 LANGTRY ROAD
 ST. HELENA

JULY 18, 2013

| Tree # | Species | Common Name | Trunk (dbh ± inches) | Height (± feet) | Radius (± feet) | Health 1-5 | Structure 1-4 | Impacts 1-3 | Recommendations |
|--------|------------------------------|----------------|----------------------|-----------------|-----------------|------------|---------------|-------------|-----------------|
| 31 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 32 | 100 | 20 | 4 | 3 | 3 | 2 |
| 32 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 20 | 80 | 20 | 4 | 3 | 3 | 2 |
| 33 | <i>Quercus agrifolia</i> | Coast Live Oak | 12 | 30 | 16 | 3 | 3 | 1 | 1, 6, 7, 8, 9 |
| 34 | <i>Arbutus menziesii</i> | Madrone | 52 | 70 | 20 | 4 | 3 | 1 | 1, 6, 7, 8, 9 |
| 35 | <i>Arbutus menziesii</i> | Madrone | 14.5 | 50 | 20 | 4 | 3 | 2 | 1, 6, 7, 8, 9 |
| 36 | <i>Psuedotsuga menziesii</i> | Douglas Fir | 25.5 | 70 | 20 | 4 | 3 | 3 | 1, 6, 7, 8, 9 |

KEY TO TREE
INVENTORY CHART

KEY TO TREE INVENTORY CHART

Tree Number

Each tree has been identified in the field with an aluminum tag and reference number. Tags are attached to the trunk at approximately eye level. The *Tree Location Plan* illustrates the location of each numbered tree.

Species

Each tree has been identified by genus, species and common name. Many species have more than one common name.

Trunk

Each trunk has been measured or estimated, in inches, to document its diameter, at 4.5 feet above adjacent grade. Trunk diameter is a good indicator of age, and is commonly used to determine mitigation replacement requirements.

Height

Height is estimated in feet, using visual assessment.

Radius

Radius is estimated in feet, using visual assessment. Since many canopies are asymmetrical, it is not uncommon for a radius estimate to be an average of the canopy size. Some canopies are too small to accurately reflect a reasonable area of root system. Therefore, the radius provided in this report may not reflect the actual size of the canopy as a result.

Health

The following descriptions are used to rate the health of a tree. Trees with a rating of 4 or 5 are very good candidates for preservation and will tolerate more construction impacts than trees in poorer condition. Trees with a rating of 3 may or may not be good candidates for preservation, depending on the species and expected construction impacts. Trees with a rating of 1 or 2 are generally poor candidates for preservation.

- (5) Excellent - health and vigor are exceptional, no pest, disease, or distress symptoms.
- (4) Good - health and vigor are average, no significant or specific distress symptoms, no significant pest or disease.
- (3) Fair - health and vigor are somewhat compromised, distress is visible, pest or disease may be present and affecting health, problems are generally correctable.
- (2) Marginal - health and vigor are significantly compromised, distress is highly visible and present to the degree that survivability is in question.
- (1) Poor - decline has progressed beyond the point of being able to return to a healthy condition again. Long-term survival is not expected. This designation includes dead trees.

Structure

The following descriptions are used to rate the structural integrity of a tree. Trees with a rating of 3 or 4 are generally stable, sound trees which do not require significant pruning, although cleaning, thinning, or raising the canopy might be desirable. Trees with a rating of 2 are generally poor candidates for preservation unless they are preserved well away from improvements or active use areas. Significant time and effort would be required to reconstruct the canopy and improve structural integrity. Trees with a rating of 1 are hazardous and should be removed.

- (4) Good structure - minor structural problems may be present which do not require corrective action.
- (3) Moderate structure - normal, typical structural issues which can be corrected with pruning.
- (2) Marginal structure - serious structural problems are present which may or may not be correctable with pruning, cabling, bracing, etc.
- (1) Poor structure - hazardous structural condition which cannot be effectively corrected with pruning or other measures, may require removal depending on location and the presence of targets.

Development Impacts

Considering the proximity of construction activities, type of activities, tree species, and tree condition - the following ratings are used to estimate the amount of impact on tree health and stability. Most trees will tolerate a (1) rating, many trees could tolerate a (2) rating with careful consideration and mitigation, but trees with a (3) rating are poor candidates for preservation.

- (3) A significant impact on long term tree integrity can be expected as a result of proposed development.
- (2) A moderate impact on long term tree integrity can be expected as a result of proposed development.
- (1) A minor impact on long term tree integrity can be expected as a result of proposed development.

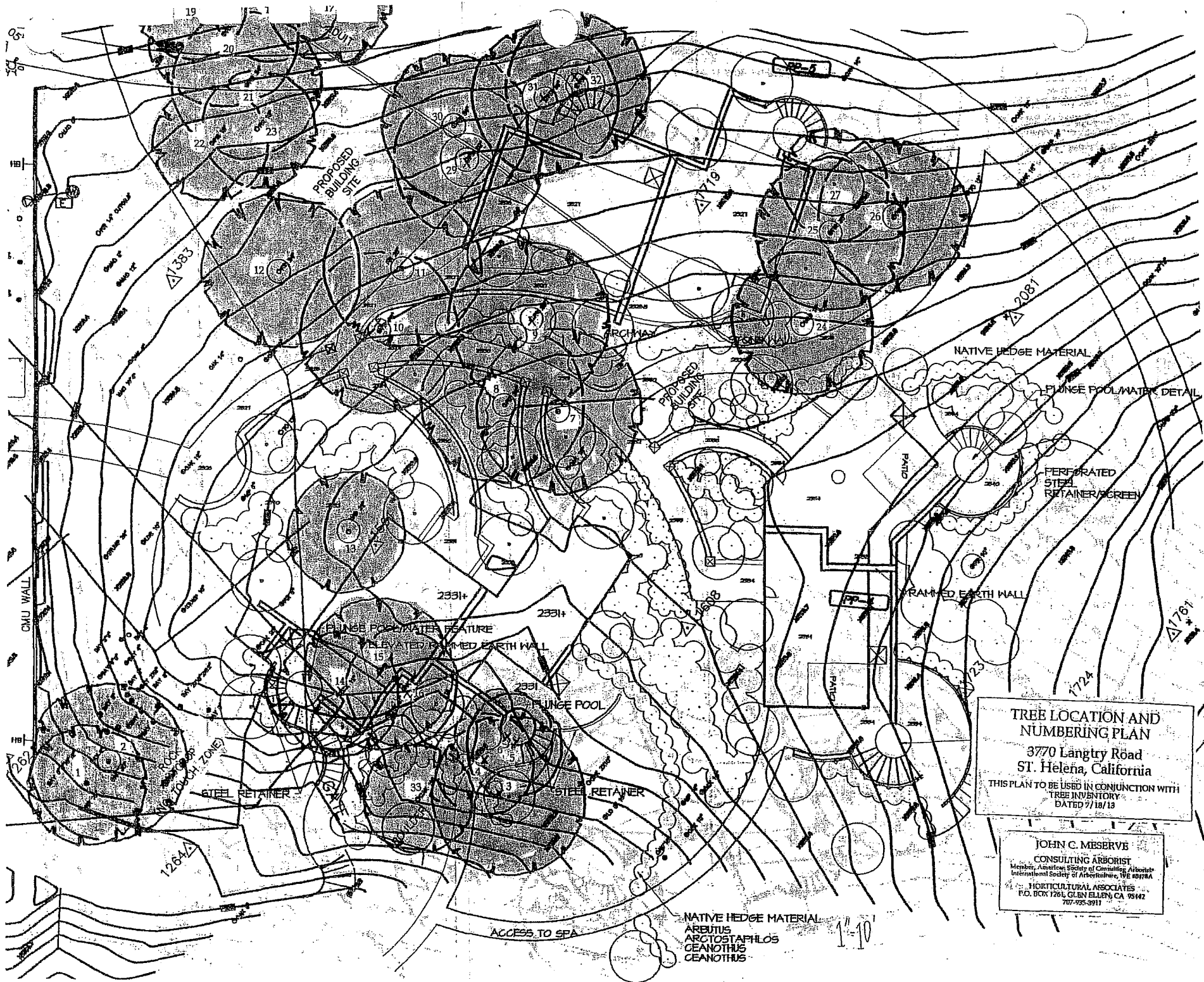
Recommendations

Recommendations are provided for removal or preservation. For those being preserved, protection measures and mitigation procedures to offset impacts and improve tree health are provided.

- (1) Preservation appears to be possible.
- (2) Removal is required due to significant development impacts.
- (3) Removal is required due to poor health or hazardous structure.
- (4) Removal is required due to significant development impacts and poor existing condition.

- (5) Removal is recommended due to poor species characteristics.
- (6) Install temporary protective fencing at the edge of the dripline, or edge of approved construction, prior to beginning grading or construction. Maintain fencing in place for duration of all construction activity in the area.
- (7) Maintain existing grade within the fenced portion of the dripline. Route drainage swales and all underground work outside the dripline.
- (8) Place a 4" layer of chipped bark mulch over the soil surface within the fenced dripline prior to installing temporary fencing. Maintain this layer of mulch throughout construction.
- (9) Prune to clean the canopy, per International Society of Arboriculture pruning standards.
- (10) Prune to thin the canopy, per International Society of Arboriculture pruning standards.
- (11) Prune to raise the canopy, per International Society of Arboriculture pruning standards.
- (12) Monitor health and stability on a regular basis after construction is completed.

TREE LOCATION PLAN



**TREE LOCATION AND
NUMBERING PLAN**

**3770 Langtry Road
St. Helena, California**

THIS PLAN TO BE USED IN CONJUNCTION WITH
TREE INVENTORY
DATED 7/18/13

JOHN C. MESERVE

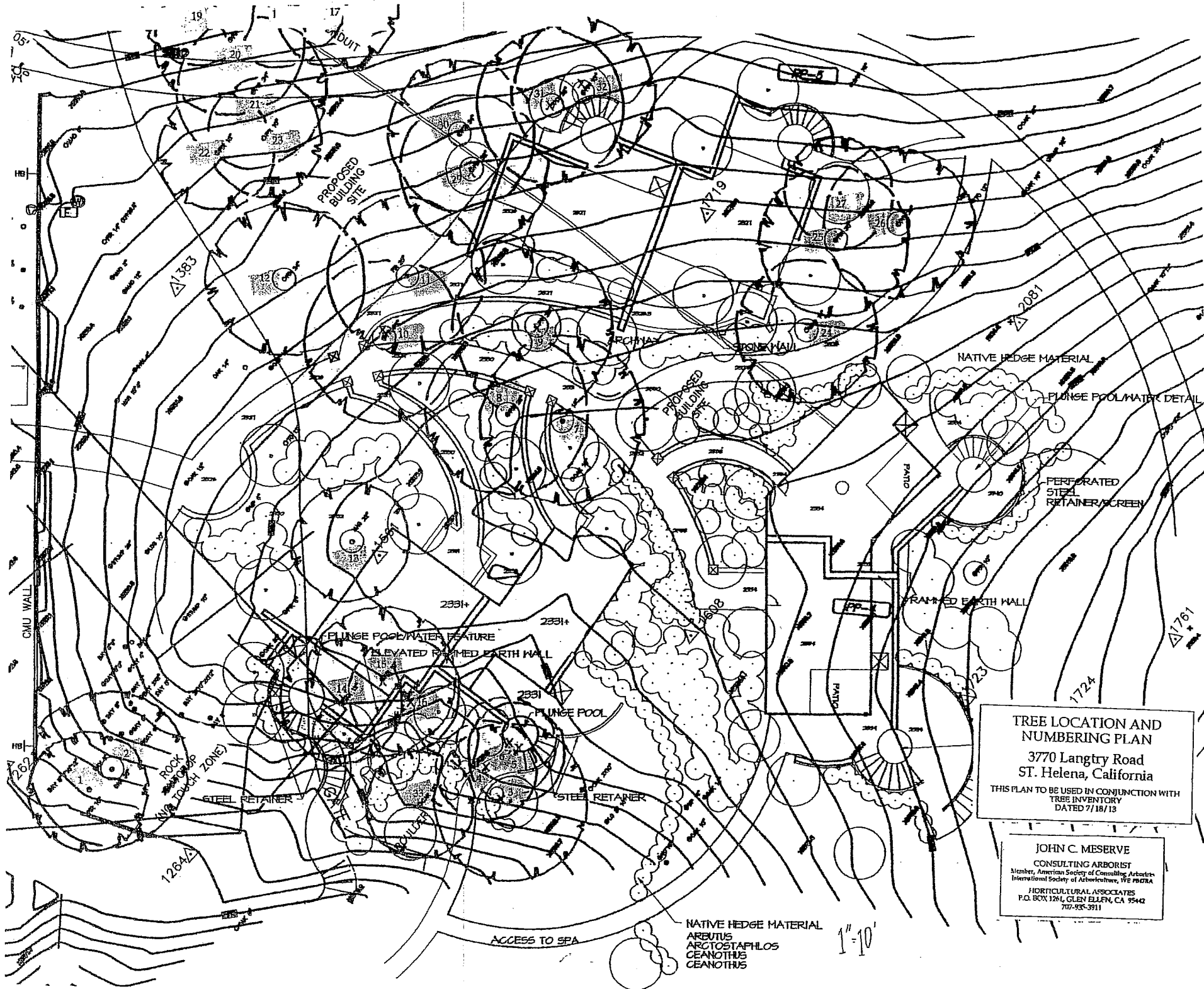
CONSULTING ARBORIST

Member, American Society of Consulting Arborists
International Society of Arboriculture, No. 43978A

HORTICULTURAL ASSOCIATES

P.O. BOX 1261, GLEN ELLLEN, CA 95042

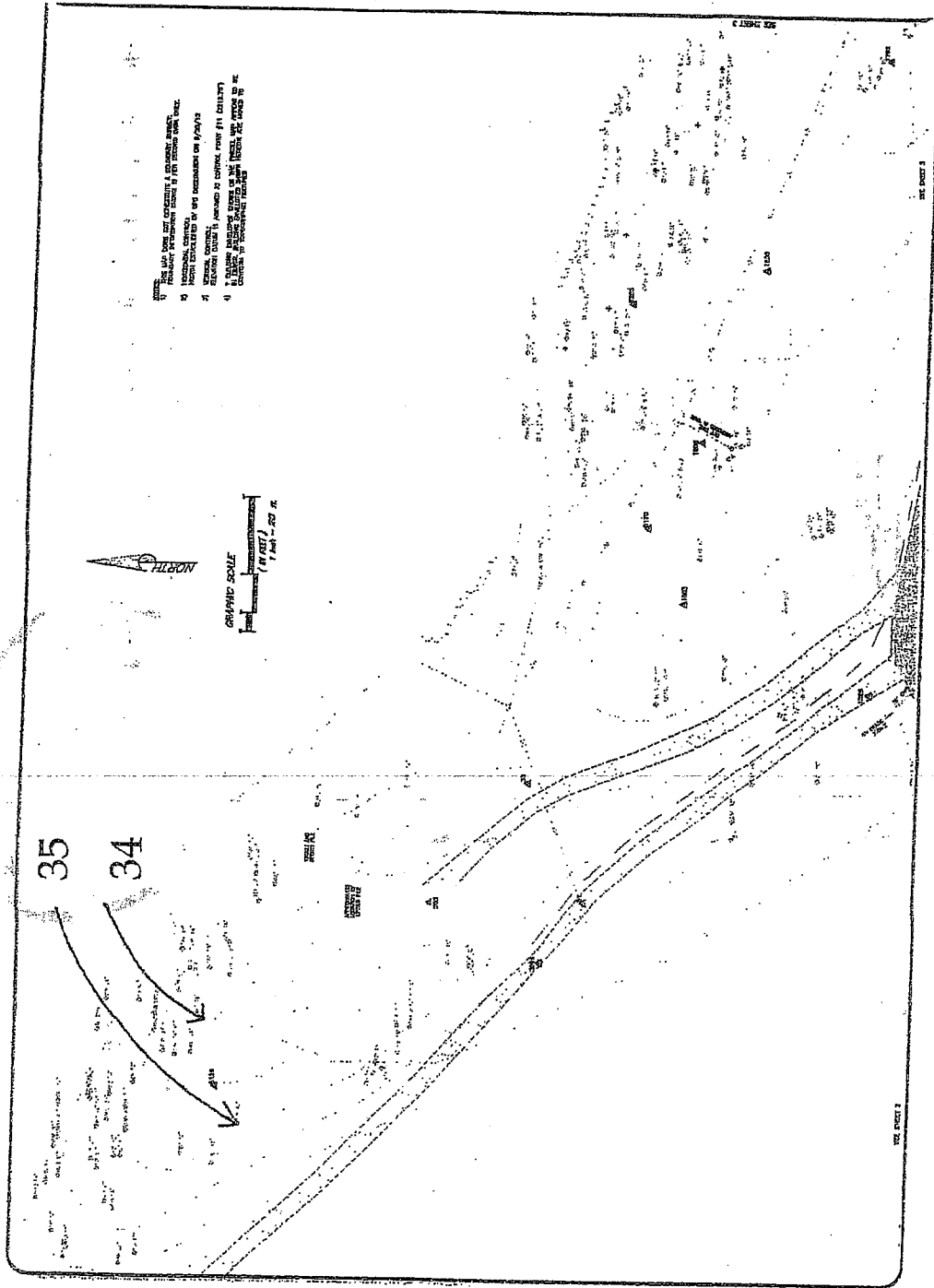
707-935-5911



TREE LOCATION AND NUMBERING PLAN
 3770 Langtry Road
 St. Helena, California
 THIS PLAN TO BE USED IN CONJUNCTION WITH
 TREE INVENTORY
 DATED 7/18/13

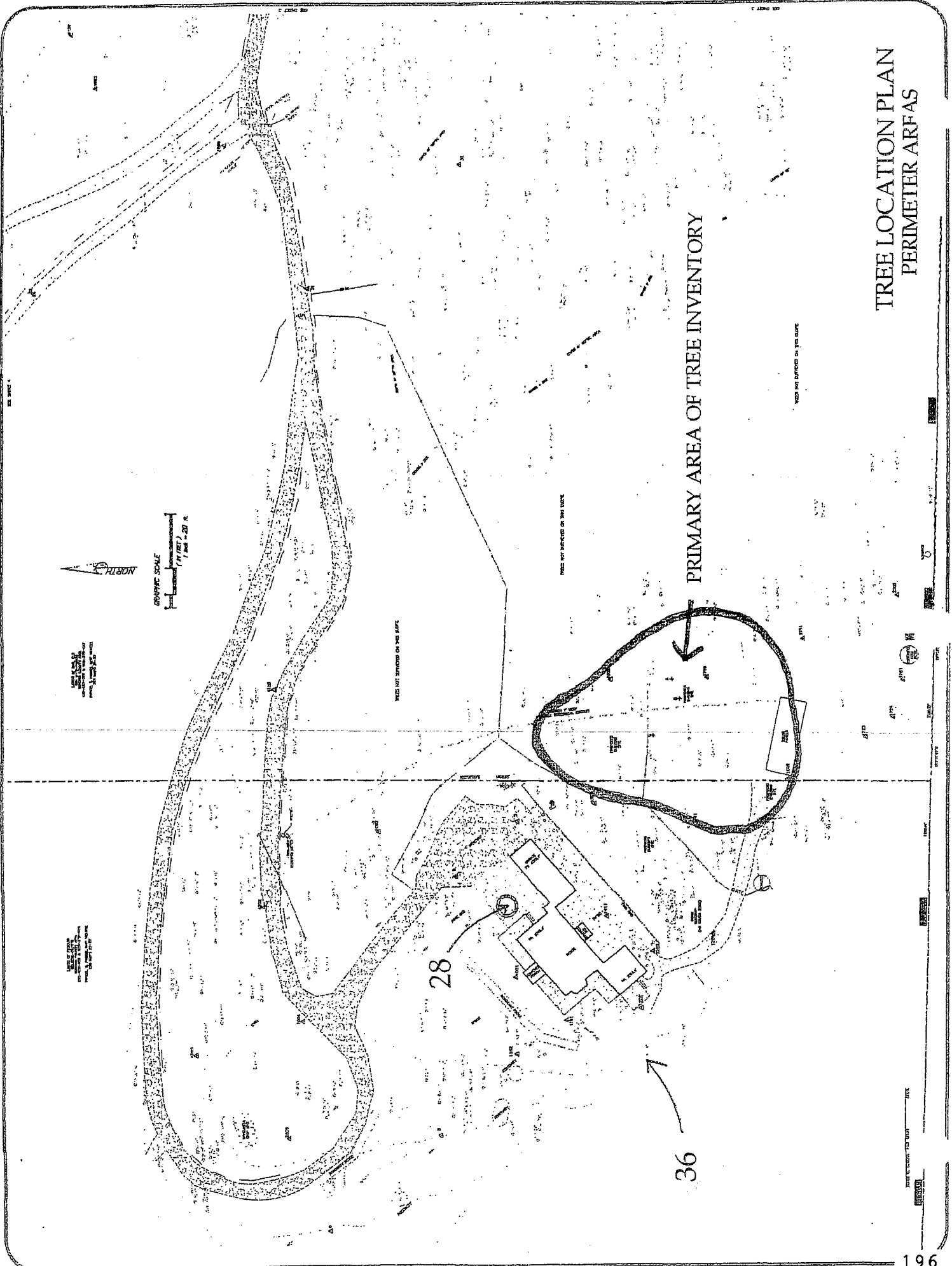
JOHN C. MESERVE
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 Member, American Society of Consulting Arborists
 International Society of Arboriculture, WE #9278A
 HORTICULTURAL ASSOCIATES
 P.O. BOX 1264, GLEN ELLEN, CA 95042
 707-935-3911

NATIVE HEDGE MATERIAL
 ARBUTUS
 ARCTOSTAPHYLOS
 CEANOTHUS
 CEANOTHUS
 1"=10'



**TREE LOCATION PLAN
PERIMETER AREAS**

TREE LOCATION PLAN
PERIMETER ARFAS



PRIMARY AREA OF TREE INVENTORY

28

36

NORTH

GRAPHIC SCALE
1" = 200'

TRES NOT INVENTED ON THIS DATE

TRES NOT INVENTED ON THIS DATE

TRES NOT INVENTED ON THIS DATE

TRES NOT INVENTED ON THIS DATE

TRES NOT INVENTED ON THIS DATE

TREE PRESERVATION GUIDELINES

GENERAL TREE PROTECTION GUIDELINES

INTRODUCTION

Great care must be exercised when development is proposed in the vicinity of established trees of any type. The trees present at construction sites require specialized protection techniques during all construction activities to minimize negative impact on their long term health and vigor. The area immediately beneath and around canopy driplines is especially critical, and the requirements and procedures that follow are established to protect short and long term tree integrity. The purpose of this protection guideline is therefore to define the procedures that must be followed during any and all phases of development in the immediate vicinity of designated and protected trees.

Established, mature trees respond in a number of different ways to the disruption of their natural conditions. Change of grade within the root system area or near the root collar, damage to the bark of the trunk, soil compaction above the root system, root system reduction or damage, or alteration of summer soil moisture levels may individually or collectively cause physiological stress leading to tree decline and death. The individual impacts of these activities may cause trees to immediately exhibit symptoms and begin to decline, but more commonly the decline process takes many years, with symptoms appearing slowly and over a period of time. Trees may not begin to show obvious signs of decline from the negative impacts of construction until many years after construction is completed. It is not appropriate to wait for symptoms to appear, as this may be too late to correct the conditions at fault and to halt decline.

It is therefore critical to the long-term health of all protected trees that a defined protection program be established before beginning any construction activity where protected trees are found. Once incorporated at the design level, it is mandatory that developers, contractors, and construction personnel understand the critical importance of these guidelines, and the potential penalties that will be levied if they are not fully incorporated at every stage of development.

The following guidelines are meant to be utilized by project managers and those supervising any construction in the vicinity of protected trees including grading contractors, underground contractors, all equipment operators, construction personnel, and landscape contractors. These protection guidelines are presented in a brief outline form to be applied to each individual activity that occurs during development activities. It is left to project managers to implement these protection measures. Questions which

arise, or interpretation of guidelines as they apply to specific site activities, must be referred to the designated project arborist as they occur.

TREE PROTECTION ZONE

1. The canopy dripline is illustrated on the Improvement Plans and represents the area around each tree, or group of trees, which must be protected at all times with tree protection fencing. No encroachment into the dripline is allowed at any time without approval from the project arborist, and unauthorized entry may be subject to civil action and penalties.
2. The dripline will be designated by the project arborist at a location determined to be adequate to ensure long term tree viability and health.

TREE PROTECTION FENCING

1. Prior to initiating any construction activity on a construction project, including demolition or grading, temporary protective fencing shall be installed at each site tree. Fencing shall be located at the dripline designated by the project arborist or illustrated on the Improvement Plans.
2. Fencing shall be minimum 4' height at all locations, and shall form a continuous barrier without entry points around all individual trees, or groups of trees. Barrier type fencing such as *Tensar* plastic fencing is recommended, but any fencing system that adequately prevents entry will be considered for approval by the project arborist. The use of post and cable fencing is not acceptable.
3. Fencing shall be installed in a professional manner with steel fence posts (standard quality farm 'T' posts work well) placed no more than 8 feet on center. Fencing shall be attached to each post at 5 locations with plastic electrical ties, metal tie wire, or flip tie. See fencing detail.
4. Fencing shall serve as a barrier to prevent encroachment of any type by construction activities, equipment, materials storage, or personnel.
5. All encroachment into the fenced dripline must be approved in writing and supervised by the project arborist. Approved dripline encroachment may require additional mitigation or protection measures that will be determined by the project arborist at the time of the request.
6. Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area at all times until project is complete, and shall instruct

personnel and sub-contractors as to the purpose and importance of fencing and preservation.

7. Fencing shall be upright and functional at all times from start to completion of project. Fencing shall remain in place and not be moved or removed until all construction activities at the site are completed.

TREE PRUNING AND TREATMENTS

1. All recommendations for pruning or other treatments must be completed prior to acceptance of the project. It is strongly recommended that pruning be completed prior to the start of grading to facilitate optimum logistics and access.
- 2.
3. All pruning shall be conducted in conformance with International Society of Arboriculture pruning standards, and all pruning must occur by, or under the direct supervision of, an arborist certified by the International Society of Arboriculture.

GRADING AND TRENCHING

1. Any construction activity that necessitates soil excavation in the vicinity of preserved trees shall be avoided where possible, or be appropriately mitigated under the guidance of the project arborist. All contractors must be aware at all times that specific protection measures are defined, and non conformance may generate stop-work orders.
2. The designated dripline is defined around all site trees to be preserved. Fences protect the designated areas. No grading or trenching is to occur within this defined area unless so designated by the Improvement Plan, and where designated shall occur under the direct supervision of the project arborist.
3. Trenching should be routed around the dripline whenever possible. Where trenching has been designated within the dripline, utilization of underground technology to bore, tunnel or excavate with high-pressure air or water will be specified. Hand digging will be generally discouraged unless site conditions restrict the use of alternate technology.
4. All roots greater than one inch in diameter shall be cleanly hand-cut as they are encountered in any trench or in any grading activity. The tearing of roots by equipment of any type shall not be allowed. Mitigation treatment of pruned roots shall be specified by the project arborist as determined by the degree of root pruning, location of root pruning, and potential exposure to desiccation. No pruning paints or sealants shall be used on cut roots.

5. Where significant roots are encountered mitigation measures such as supplemental irrigation and/or organic mulches may be specified by the project arborist to offset the reduction of root system capacity.
6. Retaining walls are effective at holding grade changes outside the area of the dripline and are recommended where necessary. Retaining walls shall be constructed in post and beam or drilled pier construction styles where they are necessary near or within a dripline.
7. Placement of fill soils is generally discouraged within the dripline, but in some approved locations may be approved to cover up to 30% of this area. The species and condition of the tree shall be considered, as well as site and soil conditions, and depth of fill. Retaining walls should be utilized to minimize the area of fill within the dripline. Type of fill soil and placement methods shall be specified by the project arborist.
8. Grade changes outside the dripline, or those necessary in conjunction with retaining walls, shall be designed so that drainage water of any type or source is not diverted toward or around the root crown in any manner. Grade shall drain away from root crown at a minimum of 2%. If grading toward the root collar is unavoidable, appropriate surface and/or subsurface drain facilities shall be installed so that water is effectively diverted away from root collar area.
9. Approved fill soils within the dripline may also be mitigated using aerated gravel layers and/or perforated aeration tubing systems, as specified by the project arborist.
10. Tree roots will be expected to grow into areas of soil fill, and quality of imported soil shall be considered. Ideally, fill soil should be site soil that closely matches that present within the root zone area. When import soil is utilized it must be the same or slightly coarser texture than existing site soil, should have a pH range comparable to site soils, and generally should have acceptable chemical properties for appropriate plant growth. A soil analysis is recommended prior to importation to evaluate import soil for these criteria.
11. Grade reduction within the designated dripline shall be generally discouraged, and where approved, shall be conducted only after careful consideration and coordination with the project arborist.
12. Foundations of all types within the dripline shall be constructed using design techniques that eliminate the need for trenching into natural grade. These techniques might include drilled piers, grade beams, bridges, or cantilevered structures. Building footprints should generally be outside the dripline whenever possible.

DRAINAGE

The location and density of native trees on many sites may be directly associated with the presence of naturally occurring water, especially ephemeral waterways. Project design, especially drainage components, should take into consideration that these trees may begin a slow decline if this naturally present association with water is eliminated.

TREE DAMAGE

Any form of tree damage which occurs during the demolition, grading, or construction process shall be evaluated by the project arborist. Specific mitigation measures will be developed to compensate for or correct the damage. Fines and penalties may also be levied.

Measures may include, but are not limited to, the following:

- pruning to remove damaged limbs or wood
- bark scoring to remove damaged bark and promote callous formation
- alleviation of compaction by lightly scarifying the soil surface
- installation of a specific mulching material
- supplemental irrigation during the growing season for up to 5 years
- treatment with specific amendments intended to promote health, vigor, or root growth
- vertical mulching or soil fracturing to promote root growth
- periodic post-construction monitoring at the developer's expense
- tree replacement, or payment of the established appraised value, if the damage is so severe that long term survival is not expected

FERTILIZATION

1. Native trees generally do not require supplemental fertilization unless exhibiting a deficiency symptom. Following completion of construction any tree that exhibits symptoms of a specific nutrient deficiency shall be fertilized to compensate for the deficiency. Soil or tissue analysis may be required to identify the deficiency.
2. Distressed trees, or trees damaged by construction in any way, may be detrimentally affected by supplemental fertilization. The decision to fertilize, and with what

fertilizers, shall be made by the project arborist based on conditions and appearance observed at the completion of the project.

PEST CONTROL

A close visual examination for tree pests shall be conducted by the pruning contractor as he completes recommended pruning procedures. If a serious infestation is present, that was not apparent from ground observation, then pest control measures may be considered. However, the simple presence of tree pests does not warrant the use of chemical pesticides. Only a serious infestation, capable of causing tree decline, would warrant pesticide use. The use of organic sprays or pesticidal soaps is the preferred method for treating any serious pest infestation.

WEED CONTROL

No specific measures are recommended for weed control, and the presence of weeds should not be considered problematic in relation to continued tree health. However, use of contact weed killers and pre-emergent weed killers are generally not recommended due to their potential for root system damage if improperly applied.

DISEASE CONTROL

No specific measures are recommended for disease control unless noted in the Tree Protection and Preservation Plan. All disease control measures should be based on observation of actual conditions in the tree canopy.

MULCHING

Trees will generally benefit from the application of a 4 inch layer of chipped bark mulch over the soil surface within the greater root zone area. Ideal mulch material is a chipped bark containing a wide range of particle sizes. Bark mulches composed of shredded redwood, bark screened for uniformity of size, or chipped lumber will not function as beneficially. Rock and gravel mulches are generally discouraged due to their minimal benefit.

PLANTING UNDER EXISTING TREES

1. The installation of lawn beneath established native trees is strongly discouraged because it has the potential to initiate serious disease. If planting is required for aesthetic or functional purposes, the use of drought tolerant, woody species is most appropriate. Species should be selected for their ability to survive with minimal or no water through the summer months after the initial establishment period. Only drip irrigation should be utilized within the canopy dripline to minimize summer water in the root zone.

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2. Many non-native trees will tolerate summer irrigation well and suitable landscape planting and irrigation may actually be beneficial.

1980-1981 Yearly Report of the Board of Directors

INTERNATIONAL ASSOCIATION OF ARBORICULTURISTS

TREE PRUNING STANDARDS

American National Standard

*for Tree Care Operations —
Tree, Shrub, and Other Woody Plant
Management —
Standard Practices (Pruning)*

ANSI A300 (Part 1)-2008 Pruning
Revision of ANSI A300 (Part 1)-2001



American National Standard for Tree Care Operations —

Tree, Shrub, and Other Woody Plant Management — Standard Practices (Pruning)

1 ANSI A300 standards

1.1 Scope

ANSI A300 standards present performance standards for the care and management of trees, shrubs, and other woody plants.

1.2 Purpose

ANSI A300 performance standards are intended for use by federal, state, municipal and private entities including arborists, property owners, property managers, and utilities for developing written specifications.

1.3 Application

ANSI A300 performance standards shall apply to any person or entity engaged in the management of trees, shrubs, or other woody plants.

2 Part 1 – Pruning standards

2.1 Purpose

The purpose of Part 1 – *Pruning* is to provide performance standards for developing written specifications for pruning.

2.2 Reasons for pruning

The reasons for tree pruning may include, but are not limited to, reducing risk, managing tree health and structure, improving aesthetics, or achieving other specific objectives. Pruning practices for agricultural, horticultural production, or silvicultural purposes are exempt from this standard unless this standard, or a portion thereof, is expressly referenced in standards for these other related areas.

2.3 Implementation

2.3.1 Specifications for pruning should be written and administered by an arborist.

2.3.1.1 Specifications should include location of tree(s), objectives, methods (types), and extent of pruning (location, percentage, part size, etc).

2.3.2 Pruning specifications shall be adhered to.

2.4 Safety

2.4.1 Pruning shall be implemented by an arborist, familiar with the practices and hazards of pruning and the equipment used in such operations.

2.4.2 This performance standard shall not take precedence over applicable industry safe work practices.

2.4.3 Performance shall comply with applicable Federal and State Occupational Safety and Health standards, ANSI Z133.1, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and other Federal Environmental Protection Agency (EPA) regulations, as well as state and local regulations.

3 Normative references

The following standards contain provisions, which, through reference in the text, constitute provisions of this American National Standard. All standards are subject to revision, and parties to agreements based on this American National Standard shall apply the most recent edition of the standards indicated below.

ANSI Z60.1, Nursery stock
ANSI Z133.1, Arboriculture – Safety requirements
29 CFR 1910, General industry ¹⁾
29 CFR 1910.268, Telecommunications ¹⁾
29 CFR 1910.269, Electric power generation, transmission, and distribution ¹⁾
29 CFR 1910.331 - 335, Electrical safety-related work practices ¹⁾

4 Definitions

4.1 **arboriculture:** The art, science, technology, and business of commercial, public, and utility tree care.

¹⁾ Available from U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210

4.2 arborist: An individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants.

4.3 arborist trainee: An individual undergoing on-the-job training to obtain the experience and the competence required to provide for or supervise the management of trees and other woody plants. Such trainees shall be under the direct supervision of an arborist.

4.4 branch: A shoot or stem growing from a parent branch or stem (See Fig. 4.4).

4.4.1 codominant branches/codominant leaders: Branches or stems arising from a common junction, having nearly the same size diameter (See Fig. 4.4).

4.4.2 lateral branch: A shoot or stem growing from another branch (See Fig. 4.4).

4.4.3 parent branch or stem: A tree trunk or branch from which other branches or shoots grow (See Fig. 4.4).

4.4.4 scaffold branch: A primary branch that forms part of the main structure of the crown (See Fig. 4.4).

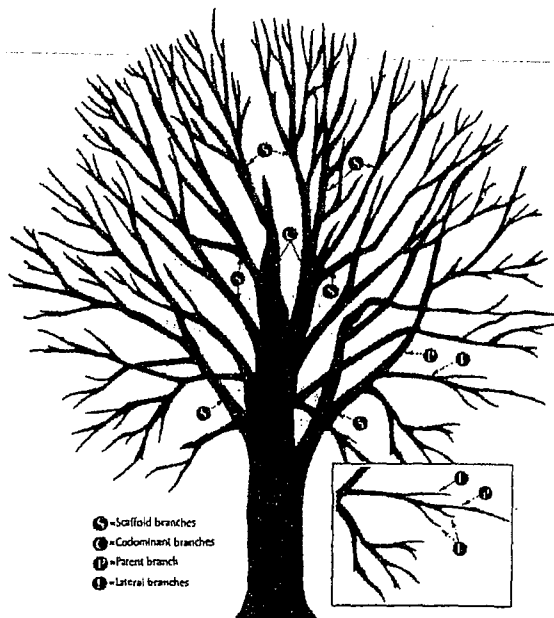


Figure 4.4 Standard branch definitions.

4.5 branch bark ridge: The raised area of bark in the branch crotch that marks where the branch and parent stem meet. (See Figs. 5.3.2 and 5.3.3).

4.6 branch collar: The swollen area at the base of a branch.

4.7 callus: Undifferentiated tissue formed by the cambium around a wound.

4.8 cambium: The dividing layer of cells that forms sapwood (xylem) to the inside and inner bark (phloem) to the outside.

4.9 clean: Selective pruning to remove one or more of the following non-beneficial parts: dead, diseased, and/or broken branches (7.2).

4.10 climbing spurs: Sharp, pointed devices strapped to a climber's lower legs used to assist in climbing trees. (syn.: gaffs, hooks, spurs, spikes, climbers)

4.11 closure: The process in a woody plant by which woundwood grows over a pruning cut or injury.

4.12 crown: Upper part of a tree, measured from the lowest branch, including all the branches and foliage.

4.13 decay: The degradation of woody tissue caused by microorganisms.

4.14 espalier: The combination of pruning, supporting, and training branches to orient a plant in one plane (6.5).

4.15 establishment: The point after planting when a tree's root system has grown sufficiently into the surrounding soil to support growth and anchor the tree.

4.16 facility: A structure or equipment used to deliver or provide protection for the delivery of an essential service, such as electricity or communications.

4.17 frond: A leaf structure of a palm.

4.18 heading: The reduction of a shoot, stem, or branch back to a bud or to a lateral branch not large enough to assume the terminal role.

- 4.19 interfering branches:** Crossing, rubbing, or upright branches that have the potential to damage tree structure and/or health.
- 4.20 internode:** The area between lateral branches or buds.
- 4.21 job briefing:** The communication of at least the following subjects for arboricultural operations: work specifications, hazards associated with the job, work procedures involved, special precautions, electrical hazards, job assignments, and personal protective equipment.
- 4.22 leader:** A dominant, typically upright, stem – usually the main trunk. There can be several leaders in one tree.
- 4.23 lion's tailing:** The removal of an excessive number of inner and/or lower lateral branches from parent branches. Lion's tailing is not an acceptable pruning practice (6.1.7).
- 4.24 live crown ratio:** Crown height relative to overall plant height.
- 4.25 mechanical pruning:** A pruning technique where large-scale power equipment is used to cut back branches (9.3.2).
- 4.26 method:** A procedure or process for achieving an objective.
- 4.27 peeling:** The removal of dead frond bases without damaging living trunk tissue at the point they make contact with the trunk. (syn.: shaving)
- 4.28 petiole:** A stalk of a leaf or frond.
- 4.29 pollarding:** Pruning method in which tree branches are initially headed and then reduced on a regular basis without disturbing the callus knob (6.6).
- 4.30 pruning:** The selective removal of plant parts to meet specific goals and objectives.
- 4.31 qualified line-clearance arborist:** An individual who, through related training and on-the-job experience, is familiar with the equipment and hazards in line clearance and has demonstrated the ability to perform the special techniques involved. This individual may or may not be currently employed by a line-clearance contractor.
- 4.32 qualified line-clearance arborist trainee:** An individual undergoing line-clearance training under the direct supervision of a qualified line-clearance arborist. In the course of such training, the trainee becomes familiar with the equipment and hazards in line clearance and demonstrates ability in the performance of the special techniques involved.
- 4.33 raise:** Pruning to provide vertical clearance (7.3).
- 4.34 reduce:** Pruning to decrease height and/or spread (7.4).
- 4.35 remote area:** As used in the utility pruning section of this standard, an unpopulated area.
- 4.36 restoration:** Pruning to redevelop structure, form, and appearance of topped or damaged trees (6.3).
- 4.37 rural area:** As used in the utility pruning section of this standard, a sparsely populated place away from large cities, suburbs, or towns but distinct from remote areas.
- 4.38 shall:** As used in this standard, denotes a mandatory requirement.
- 4.39 shoot:** Stem or branch and its leaves, especially when young.
- 4.40 should:** As used in this standard, denotes an advisory recommendation.
- 4.41 specifications:** A document stating a detailed, measurable plan or proposal for provision of a product or service.
- 4.42 sprouts:** New shoots originating from epicormic or adventitious buds, not to be confused with suckers. (syn.: watersprouts, epicormic shoots)
- 4.43 standard, ANSI A300:** The performance parameters established by industry consensus as a rule for the measure of extent, quality, quantity, value or weight used to write specifications.
- 4.44 stem:** A woody structure bearing buds, foliage, and giving rise to other stems.
- 4.45 structural pruning:** Pruning to improve branch architecture (6.2).

4.46 stub: Portion of a branch or stem remaining after an internodal cut or branch breakage.

4.47 subordination: Pruning to reduce the size and ensuing growth rate of a branch or leader in relation to other branches or leaders.

4.48 sucker: Shoot arising from the roots.

4.49 thin: pruning to reduce density of live branches (7.5).

4.50 throw line: A small, lightweight line with a weighted end used to position a climber's rope in a tree.

4.51 topping: Reduction of tree size using internodal cuts without regard to tree health or structural integrity. Topping is not an acceptable pruning practice (6.1.7).

4.52 tracing: The removal of loose, damaged tissue from in and around the wound.

4.53 trunk: The main woody part of a tree beginning at and including the trunk flare and extending up into the crown from which scaffold branches grow.

4.54 trunk flare: 1. The area at the base of the plant's trunk where it broadens to form roots. 2. The area of transition between the root system and trunk (syn.: root flare).

4.55 urban/residential areas: Populated areas including public and private property that are normally associated with human activity.

4.56 utility: A public or private entity that delivers a public service, such as electricity or communications.

4.57 utility space: The physical area occupied by a utility's facilities and the additional space required to ensure its operation.

4.58 vista/view prune: Pruning to enhance a specific view without jeopardizing the health of the tree (6.4).

4.59 wound: An opening that is created when the bark of a live branch or stem is cut, penetrated, damaged, or removed.

4.60 woundwood: Partially differentiated tissue responsible for closing wounds. Woundwood develops from callus associated with wounds.

5 Pruning practices

5.1 Tree inspection

5.1.1 An arborist or arborist trainee shall visually inspect each tree before beginning work.

5.1.2 If a condition is observed requiring attention beyond the original scope of the work, the condition should be reported to an immediate supervisor, the owner, or the person responsible for authorizing the work.

5.1.3 Job briefings shall be performed as outlined in ANSI Z133.1, subclause 3.1.4.

5.2 Tools and equipment

5.2.1 Equipment, tools, and work practices that damage living tissue and bark beyond the scope of normal work practices shall be avoided.

5.2.2 Climbing spurs shall not be used when entering and climbing trees for the purpose of pruning.

Exceptions:

- when branches are more than throw-line distance apart and there is no other means of climbing the tree;
- when the outer bark is thick enough to prevent damage to the inner bark and cambium;
- in remote or rural utility rights-of-way.

5.3 Pruning cuts

5.3.1 Pruning tools used in making pruning cuts shall be sharp.

5.3.2 A pruning cut that removes a branch at its point of origin shall be made close to the trunk or parent branch without cutting into the branch bark ridge or branch collar or leaving a stub (see Figure 5.3.2).

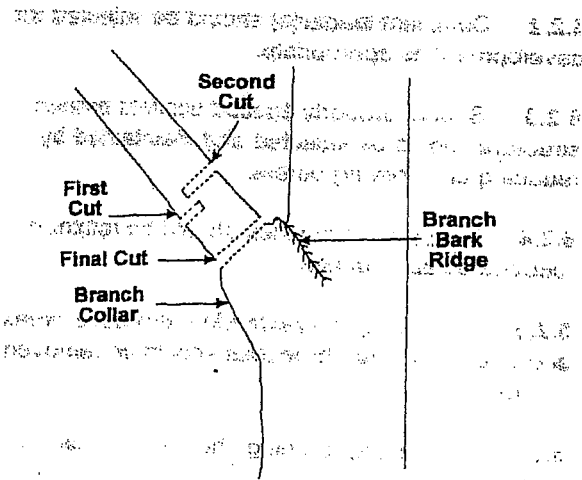


Figure 5.3.2. A cut that removes a branch at its point of origin. (See Annex A – Pruning cut guideline).

5.3.3 A pruning cut that reduces the length of a branch or parent stem shall be made at a slight downward angle relative to the remaining stem and not damage the remaining stem. Smaller cuts shall be preferred (see Fig. 5.3.3).

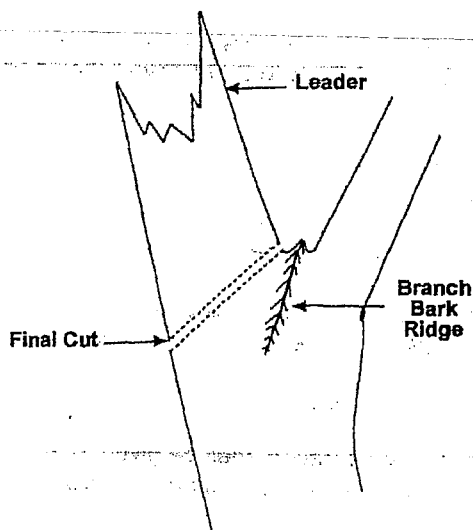


Figure 5.3.3. A cut that reduces the length of a branch or parent stem.

5.3.4 When pruning to a lateral, the remaining lateral branch should be large enough to assume the terminal role.

5.3.5 The final cut should result in a flat surface with adjacent bark firmly attached.

5.3.6 When removing a dead branch, the final cut shall be made just outside the collar of living tissue.

5.3.7 Tree branches shall be removed in such a manner so as to avoid damage to other parts of the tree or to other plants or property. Branches too large to support with one hand shall be precut to avoid splitting of the wood or tearing of the bark (see Figure 5.3.2). Where necessary, ropes or other equipment shall be used to lower large branches or portions of branches to the ground.

5.3.8 A cut that removes a branch with a narrow angle of attachment should be made from the outside of the branch to prevent damage to the parent branch (see Figure 5.3.8).

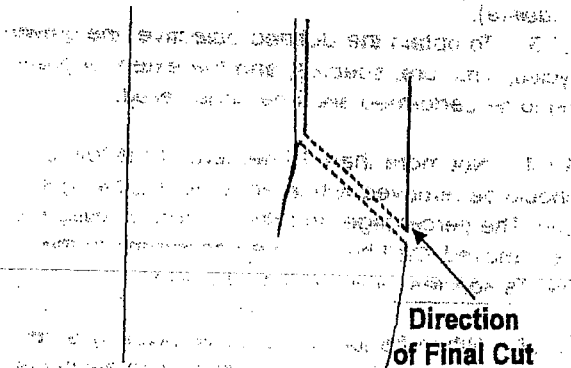


Figure 5.3.8. A cut that removes a branch with a narrow angle of attachment.

5.3.9 Severed branches shall be removed from the crown upon completion of the pruning, at times when the tree would be left unattended, or at the end of the workday.

5.4 Wound treatment

5.4.1 Wound treatments shall not be used to cover wounds or pruning cuts, except when necessary for disease, insect, mistletoe, or sprout control, or for cosmetic reasons.

5.4.2 Wound treatments that are damaging to tree tissues shall not be used.

5.4.3 When tracing wounds, only loose, damaged tissue shall be removed.

6 Pruning objectives

6.1 Pruning objectives shall be established prior to beginning any pruning operation.

6.1.1 Objectives should include, but are not limited to, one or more of the following:

- Risk reduction
- Manage health
- Clearance
- Structural improvement/correction
- View improvement/creation
- Aesthetic improvement
- Restoration

6.1.2 Established objectives should be specified in writing (See Annex B – *Specification writing guideline*).

6.1.3 To obtain the defined objective, the growth cycles, structure, species, and the extent of pruning to be performed shall be considered.

6.1.4 Not more than 25 percent of the foliage should be removed within an annual growing season. The percentage and distribution of foliage to be removed shall be adjusted according to the plant's species, age, health, and site.

6.1.5 When frequent excessive pruning is necessary for a tree to avoid conflicts with elements such as infrastructure, view, traffic, or utilities, removal or relocation of the tree shall be considered.

6.1.6 Pruning cuts should be made in accordance with section 5.3 *Pruning cuts*.

6.1.7 Topping and lion's tailing shall be considered unacceptable pruning practices for trees.

6.2 **Structural:** Structural pruning shall consist of selective pruning to improve tree and branch architecture primarily on young- and medium-aged trees.

6.2.1 Size and location of leaders or branches to be subordinated or removed should be specified.

6.2.2 Dominant leader(s) should be selected for development as appropriate.

6.2.3 Strong, properly spaced scaffold branch structure should be selected and maintained by reducing or removing others.

6.2.4 Temporary branches should be retained or reduced as appropriate.

6.2.5 Interfering, overextended, defective, weak, and poorly attached branches should be removed or reduced.

6.2.6 At planting, pruning should be limited to cleaning (7.2).

6.3 **Restoration:** Restoration shall consist of selective pruning to redevelop structure, form, and appearance of severely pruned, vandalized, or damaged trees.

6.3.1 Location in tree, size range of parts, and percentage of sprouts to be removed should be specified.

6.4 **Vista/view:** Vista/view pruning shall consist of the use of one or more pruning methods (types) to enhance a specific line of sight.

6.4.1 Pruning methods (types) shall be specified.

6.4.2 Size range of parts, location in tree, and percentage of foliage to be removed should be specified.

6.5 Espalier

6.5.1 Branches that extend outside the desired plane of growth shall be pruned or tied back.

6.5.2 Ties should be replaced as needed to prevent girdling the branches at the attachment site.

6.6 Pollarding

6.6.1 Consideration shall be given to the ability of the individual tree to respond to pollarding.

6.6.2 Management plans shall be made prior to the start of the pollarding process for routine removal of sprouts.

6.6.3 Heading cuts shall be made at specific locations to start the pollarding process. After the initial cuts are made, no additional heading cuts shall be made.

6.6.4 Sprouts growing from the cut ends of branches (knuckles) should be removed annually during the dormant season.

7 Pruning methods (types)

7.1 One or more of the following methods (types) shall be specified to achieve the objective.

7.2 Clean: Cleaning shall consist of pruning to remove one or more of the following non-beneficial parts: dead, diseased, and/or broken branches.

7.2.1 Location of parts to be removed shall be specified.

7.2.2 Size range of parts to be removed shall be specified.

7.3 Raise: Raising shall consist of pruning to provide vertical clearance.

7.3.1 Clearance distance shall be specified.

7.3.2 Location and size range of parts to be removed should be specified.

7.3.3 Live crown ratio should not be reduced to less than 50 percent.

7.4 Reduce: Reducing shall consist of pruning to decrease height and/or spread.

7.4.1 Consideration shall be given to the ability of a species to tolerate this type of pruning.

7.4.2 Location of parts to be removed or clearance requirements shall be specified.

7.4.3 Size of parts should be specified.

7.5 Thin: Thinning shall consist of selective pruning to reduce density of live branches.

7.5.1 Thinning should result in an even distribution of branches on individual branches and throughout the crown.

7.5.2 Not more than 25 percent of the crown should be removed within an annual growing season.

7.5.3 Location of parts to be removed shall be specified.

7.5.4 Percentage of foliage and size range of parts to be removed shall be specified.

8 Palm pruning

8.1 Palm pruning should be performed when fronds, fruit, or loose petioles may create a dangerous condition.

8.2 Live healthy fronds should not be removed.

8.3 Live, healthy fronds above horizontal shall not be removed. Exception: Palms encroaching on electric supply lines (see Fig. 8.3a and 8.3b).

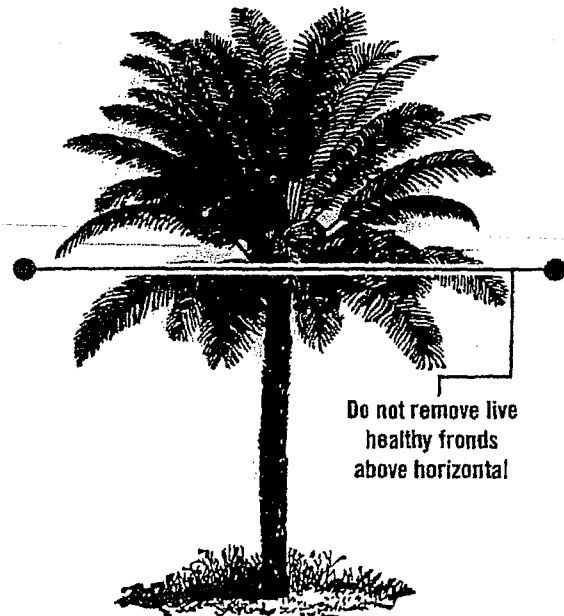


Figure 8.3a Frond removal location.

ARBOREAL VALUE CHART AND CALCULATIONS
 3770 LANGTRY ROAD, ST. HELENA, CA
 September 30, 2013

ARBOREAL VALUE CHART

| TRUNK DIAMETER | REMOVED TREES | WEIGHTED VALUE | ARBOREAL VALUE |
|------------------|---------------|----------------|----------------|
| 6 to 11.5 | 13 | 1 | 13 |
| 12 to 17.9" | 35 | 2 | 70 |
| 18 to 23.9" | 8 | 3 | 24 |
| 24 to 35.9" | 8 | 4 | 32 |
| 35.9 and greater | 5 | 5 | 25 |
| TOTAL | 69 | | 164 |

CALCULATIONS

Arboreal Value = 164

164 x 2 fifteen gallon trees = 328 x fifteen gallon trees

or

164 x \$200 in-lieu fee = \$32,800

or

164 divided by 2 = 82 x 24" boxed trees

or

82 x \$400 in lieu-fee = \$32,800

HORTICULTURAL ASSOCIATES
 P.O. BOX 1261
 GLEN ELLEN, CA 95442
 797-935-3911

ARBOREAL VALUE CHART AND CALCULATIONS
INVENTORY OF TREES TO BE REMOVED
September 30, 2013

SHEET C-11

Madrone- 2x14"
Tan Oak- 10"
Fir- 10"
Fir- 10"
Madrone- 14"
Madrone- 20"
Madrone- 16"
Fir- 24"
Tan Oak- 10"
Tan Oak- 16+12"
Fir- 20
Oak- 2x16"
Fir- 14"
Fir- 12"
Fir- 10"
Madrone- 14"
Tan Oak- 24"
Tan Oak- 3x12"
Fir- 28"
Oak- 3x16"
Tan Oak- 10+16+36"
Tan Oak- 12"
Tan Oak- 12"
Tan Oak- 12"
Oak- 12"
Oak- 12"
Madrone- 12"
Madrone- 16"
Madrone- 16"
Live Oak- 12"
Oak- 10"
Oak- 10"
Oak- 12"
Fir- 12"
Madrone- 12"
Fir- 12"
Fir- 12"
Oak- 20"
Oak- 18"

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Fir- 10"
Tan Oak- 14"
Tan Oak- 12"
Tan Oak- 2x11"
Madrone-10"
Tan Oak- 16"
Big Leaf Maple- 10"
Madrone- 10+30"
Fir -16"
Tan Oak-18"
Live Oak- 10"
Tan Oak- 14"
Tan Oak- 12"

SHEET C- 13

Oak- 6"
Fir- 42"
Big Leaf Maple- 12"
Oak-14+10"
Oak- 14"
Oak- 16"
Fir- 10"
Madrone- 16"

SHEET C-14

Oak- 14"
Oak- 3x16"
Fir- 24
Oak- 2x12"
Oak-12"
Oak- 16"
Oak-10+12"
Live Oak- 10+12"
Madrone- 6+8"

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BIOLOGICAL RESOURCES REPORT

FOR THE BE HERE NOW

Prepared for:

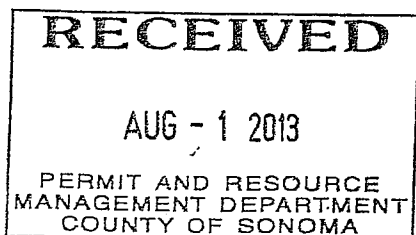
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July 25, 2013

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1.0 INTRODUCTION

Be Here Now, LLC (Applicant) is proposing to construct and operate a natural resources/wellness retreat facility to protect and enhance existing natural resource values of the site and provide an opportunity for guests to enjoy these resources in a serene environment (Project). The facility will include accommodations and associated facilities for a limited number of overnight guests, hiking trails primarily located along existing ranch roads, and group exercise opportunities.

1.1 SITE LOCATION

The Project site (Figure 1), which is part of APNs 028-270-038, 030-080-009, 028-270-037 and 030-080-008, is located in the upper northeast section of Franz Valley. The Napa County line forms a portion of the site's eastern boundary. The Project site is accessed from the northeast and the southeast via private access easements off of Langtry Road, a rural County Road. The project address is 3770 Langtry Road.

1.2 RECENT AND CURRENT LAND USE

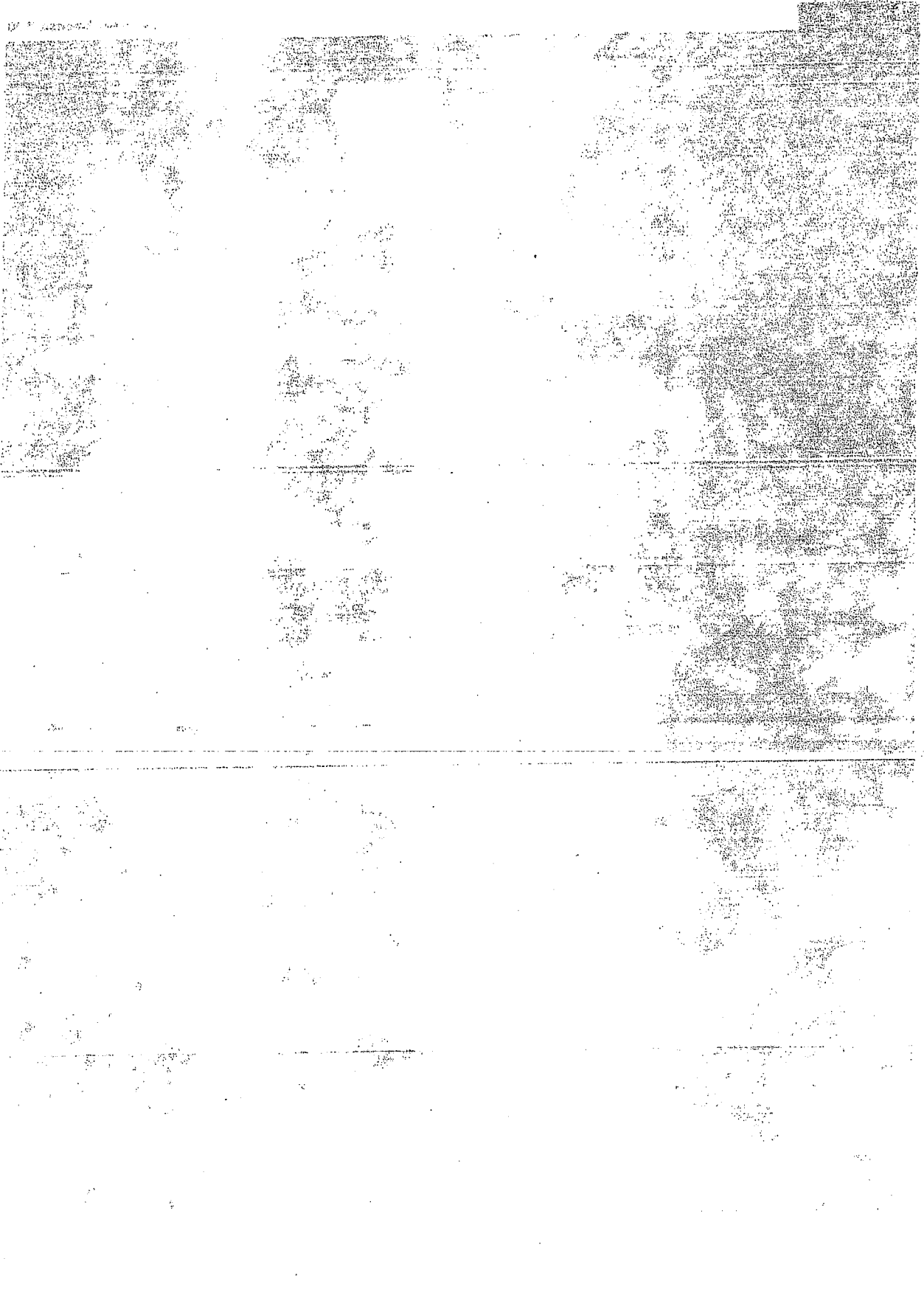
Logging and ranch roads, including areas that were cleared for turn-around and staging, exist throughout the property where the Project site is located. Based on an arborist's assessment of the site, the property was extensively logged in the late 1940's to mid-1950.

A single-family residence along with associated garage, barn, septic system, well, solar array, pond, horse pasture and landscaping occur within the Project site. The pasture area was used for the raising and breeding of horses for personal use. An on-site manager was responsible for site management. Currently, the property is used for residential use and the home office of the Applicant.

The areas surrounding the Project site include rural residences, vineyards, and undeveloped wooded areas (Figure 2). Most of the vineyard development in the vicinity of the Project site is east of the site. There are four ponds within one mile of the Project site, three to the north and one to the east. The closest pond is approximately 1,500 feet north of the Project site.

1.3 PHYSICAL SITE CONDITIONS

The Project site is heavily vegetated with significant slopes. The overall property on which the Project site is located has an elevation of $\pm 1200'$ msl at northwest portion of the property, trending southeasterly to an elevation of $\pm 2300'$ msl on the southeast corner of property. An unnamed fork of Santa Rosa Creek traverses the upper portion of the property, approximately 3,000 feet north of the Project site.



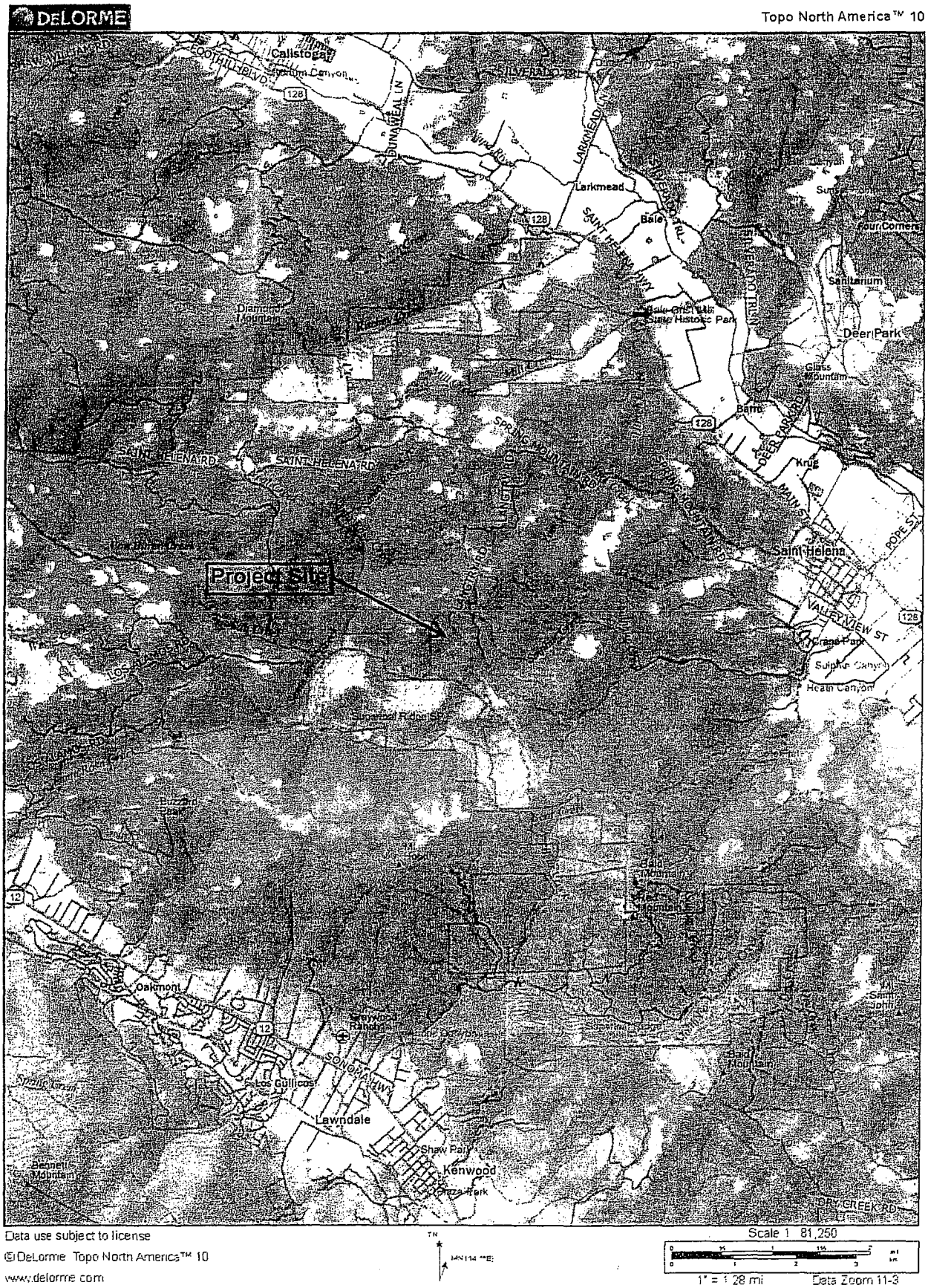


Figure 1. Project location.

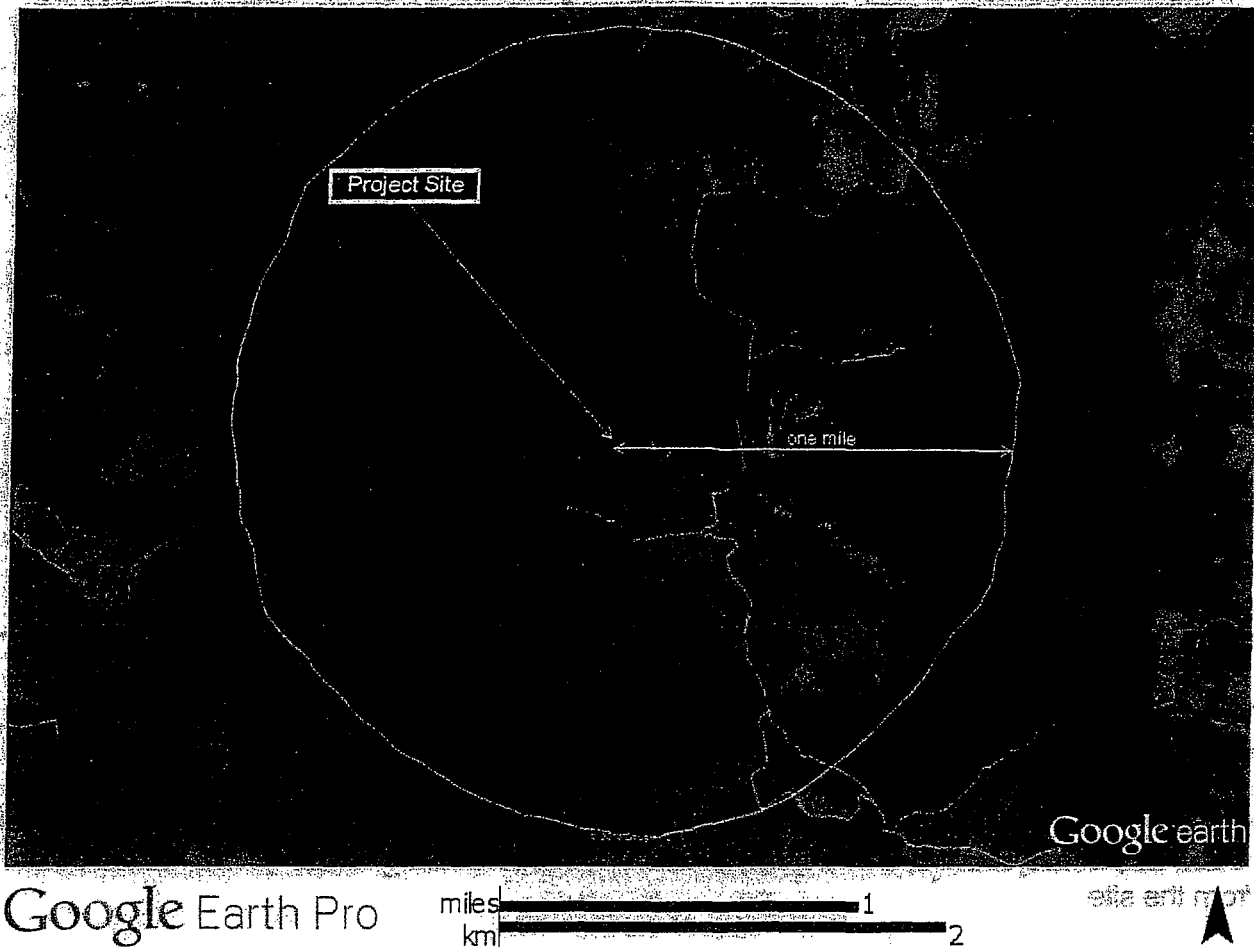


Figure 2. Project vicinity.

1.4 PROJECT DESCRIPTION

The proposed Project will consist of a main residential facility, three cottages, a barn, a movement studio, an accessory building for storage and maintenance of equipment, utilities, a parking area for guests, visitors and employees and upgrading of existing roadways to comply with Sonoma County Fire Safety Standards. The existing residential structure will be remodeled and become the main residential facility.

One of the cottages will be constructed in an existing disturbed (cleared) area associated with the existing solar panels, and the other two cottages will be integrated into the existing site to minimize the need for removal of trees and access road construction. The barn will be constructed on an existing foundation, and will be used for the housing of animals and storage of agricultural equipment. The movement studio will be a barn-like structure that will be used for group and/or individual exercise and may be used as an educational classroom.

The utilities for the Project will include on-site septic system, wells and facilities to supply electricity and natural or propane gas for the Project. The parking lot will be graded but will not be covered with an impervious surface so that rainfall and runoff can percolate into the ground and not runoff the surface. Existing roadways will be upgraded to comply with

Sonoma County Fire Safety Codes, and only the surface of roadways exceeding 10% slope will be covered by asphalt or concrete. The remainder of the roadways will be graveled.

Runoff water will be collected, wherever feasible, and stored to be used to irrigate the gardens that will be planted around the Project area and as drinking water for animals maintained at the site.

The Project will support a number of outdoor activities for the guests, which may include hiking, mountain biking, guided nature walks, wildlife education, traditional craftwork with native plants and roots, mushroom foraging education, education on forest management, establishment of an on-site vegetable garden, establishment of meditation and relaxation points in the garden and throughout the forested area, and teaching skills for mountain climbing.

Electric vehicles will be used to provide transportation for employees and guest for moving around the Project area. There will be no off-haul of soil materials generated during construction of the facilities. The excess soil material will be utilized for on-site rammed earth walls and retaining walls in the main residential facility and in the gardens.

Wood cut as part of the fuel reduction activities is being/will be milled on-site and incorporated into the design of the main residential facility. As a result of the on-site re-use of natural material generated during construction and maintenance activities there will be a significant reduction in the number of truck trips to and from the Project site, including on the roads at the Project site and adjacent areas, to move building material and waste to and from the site.

2.0 BIOLOGICAL RESOURCES

2.1 SURVEY PROCEDURES

2.1.1 Vegetation Surveys

The vegetation surveys were floristic in nature and consisted of walking wandering transects throughout the survey areas and recording each species observed. Specimens of plant species that could not be identified to species or for which a question existed about taxonomic identification were collected and identified later in the lab. The Project survey area is shown in Figure 3.

The limits and characteristics of the Alliances were mapped and described in the field during vegetation and special-status plant surveys conducted on March 28, April 16, April 24, May 9, June 11, and July 1, 2013 by Drs. Ted P. Winfield and Laurence P. Stromberg. The visits were scheduled to cover the flowering period of plant species expected to occur in and around the Project site, with a focus on special-status plant species.

2.1.2 Wildlife Surveys

Site surveys were conducted to identify birds and mammals present in and around the Project site (Figure 3) with a focus on nesting birds, especially raptors, and the presence of special-status species of birds and mammals and/or suitable habitat for these species. These surveys were conducted on the morning of March 28 and May 15, 2013.

Surveys were performed for nesting passerine birds within the entire Project site including a 50-foot buffer surrounding the Project site for passerine birds, and within a 300-foot buffer for birds of prey (i.e. hawks, owls, etc.). The bird surveys were conducted along wandering transects through the different habitats stopping frequently to view the area with binoculars.

The understory of the Douglas-fir and Madrone Alliances had recently been subject to fuel reduction activities to lessen the potential for fire in the Project area. This activity has reduced the diversity of habitat beneath the canopy trees, but in the case of the Douglas-fir Alliance, which is dominated by dense tanoak canopy, the understory vegetation was relatively sparse.

The trees and shrubs within the survey area were inspected. In the grassland habitat, the ground was searched for ground nesting bird nests. If a bird was seen, its behavior was observed to determine if it was actively nesting in the area. Such behavior generally includes collecting nesting materials, bringing food items to a nest and vocalizations to attract a mate and to establish or defend a nesting territory.

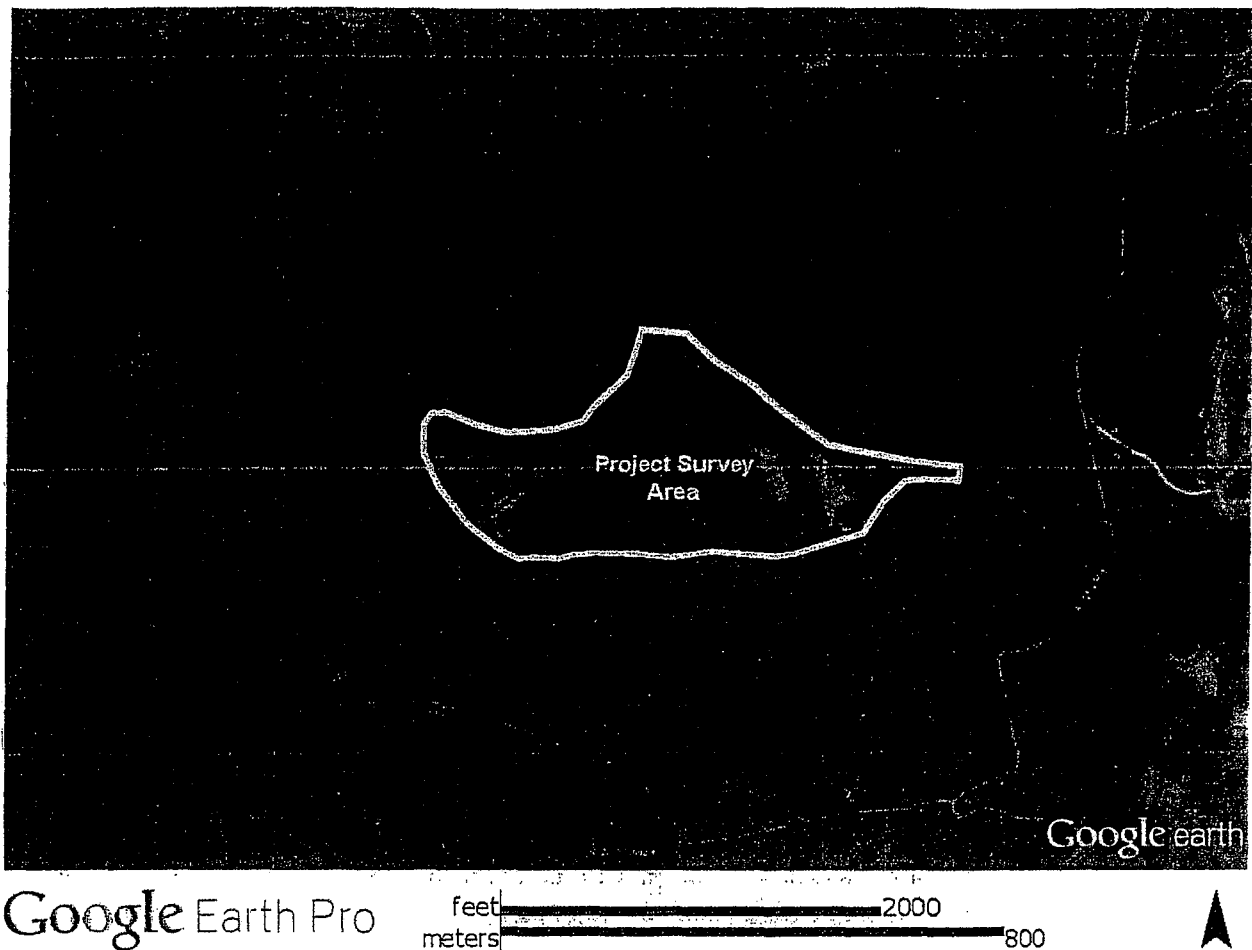


Figure 3. Project site survey area.

2.2 VEGETATION TYPES (ALLIANCES)

The vegetation on the Project site and immediately surrounding area has been characterized following conventions presented in the Manual of California Vegetation, which was produced through the collaboration of the California Native Plant Society and the California Department of Fish and Game (Sawyer et al 2009) to classify and describe vegetation types. An Alliance, as described in Sawyer et al (2009), is a “classification unit of vegetation, containing one or more associations and defined by one or more diagnostic species, often of high cover, in the uppermost layer or the layer with the highest canopy cover.” An Association is defined as a “vegetation classification unit defined by a diagnostic species, characteristic range of species, composition, physiognomy, and distinctive habitat conditions” (Jennings et al. 2006, cited in Sawyer et al. 2009). No minimum area has been established for membership in any of the Alliances or Associations. No minimal number of trees or shrubs is, therefore, required for the recognition of a particular Alliance or Association on the ground. No relationship exists between the recognition of a stand as belonging to a particular Alliance or Association and its representation on a map. The minimal area of recognized and mapped units need not be the same.

Two vegetation Alliances are present on the Project site and in the immediate surrounding area (Figure 4). These are the Douglas-fir (*Pseudotsuga menziesii*) Alliance and the Madrone (*Arbutus menziesii*) Alliance. In northern California, stands belonging to the Douglas-fir and the Madrone Alliance often occur intermixed. The intermixing occurs throughout the project site and immediately surrounding area. A third vegetation type, annual grassland, occurs at the Project site but has not been assigned to any Alliance because none of the herbaceous species reaches a relative cover of at least 50 percent as Annual Grassland Alliance membership requires (Sawyer et al 2009). This habitat type is described without assignment to an Alliance or Association.

Several vegetation Alliances are represented by stands of a range of size in the Project area. Figure 4 shows aggregations of the primary Alliances represented in the Project area, including the Project site and immediate surrounding land. Not all the Alliances are shown on the map. Many are too small given the scale of the map. Others are intermixed in a complex pattern. Still others are not distinguishable on the base photograph used for the map.

The vegetation over most of the Project site belongs to the Douglas-fir and Madrone Alliances. Annual grassland occurs in and immediately around the foundation of the old barn and the proposed activity studio, and along the south side of the proposed access road.

2.2.1 Douglas-fir (*Pseudotsuga menziesii*) Alliance (

In the Douglas-fir Alliance, Douglas-fir is a dominant or co-dominant tree species, contributes at least 50 percent relative cover to the canopy, and is reproducing successfully as indicated by saplings in the understory. Co-dominant or subdominant hardwood species include black oak (*Quercus kelloggii*), big-leaf maple (*Acer macrophyllum*), madrone (*Arbutus menziesii*), interior live oak (*Quercus wislizenii*), tan oak (*Lithocarpus densiflora*), and California bay (*Umbellularia californica*). The largest trees are Douglas-fir. Several trees have diameters at breast height (dbh) of more than 20 inches. One California bay exceeds 18 inches dbh and several tan oaks exceed 10 inches diameter dbh. The big-leaf maple, interior live oak, and madrone are smaller and shorter. Sapling madrone and tan oak in the understory are often multi-stemmed with a range in dbh of two to eight inches. Most of the tree species are present in the understory of the two Alliances but seedling and smaller reproduction is mostly tan oak.

2.2.2 Madrone (*Arbutus menziesii*) Alliance

On the Project site, the Madrone Alliance is characterized by co-dominant madrone and tan oak. Madrone and tan oak are the largest trees in the Madrone Alliance. California bay and Douglas-fir are also present. Tree reproduction is primarily tan oak.

The ground-layer vegetation covers considerably less than one percent of the ground surface. The fuels control operation has eliminated many of the understory plants but the total cover was less than one percent prior to the operation in both Alliances. The dominant

species include poison oak (*Toxicodendron diversiloba*), California rose (*Rosa californica*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), sweet cicely (*Ozmozhiza chilensis*), and meadow rue (*Thalictrum fendleri*).

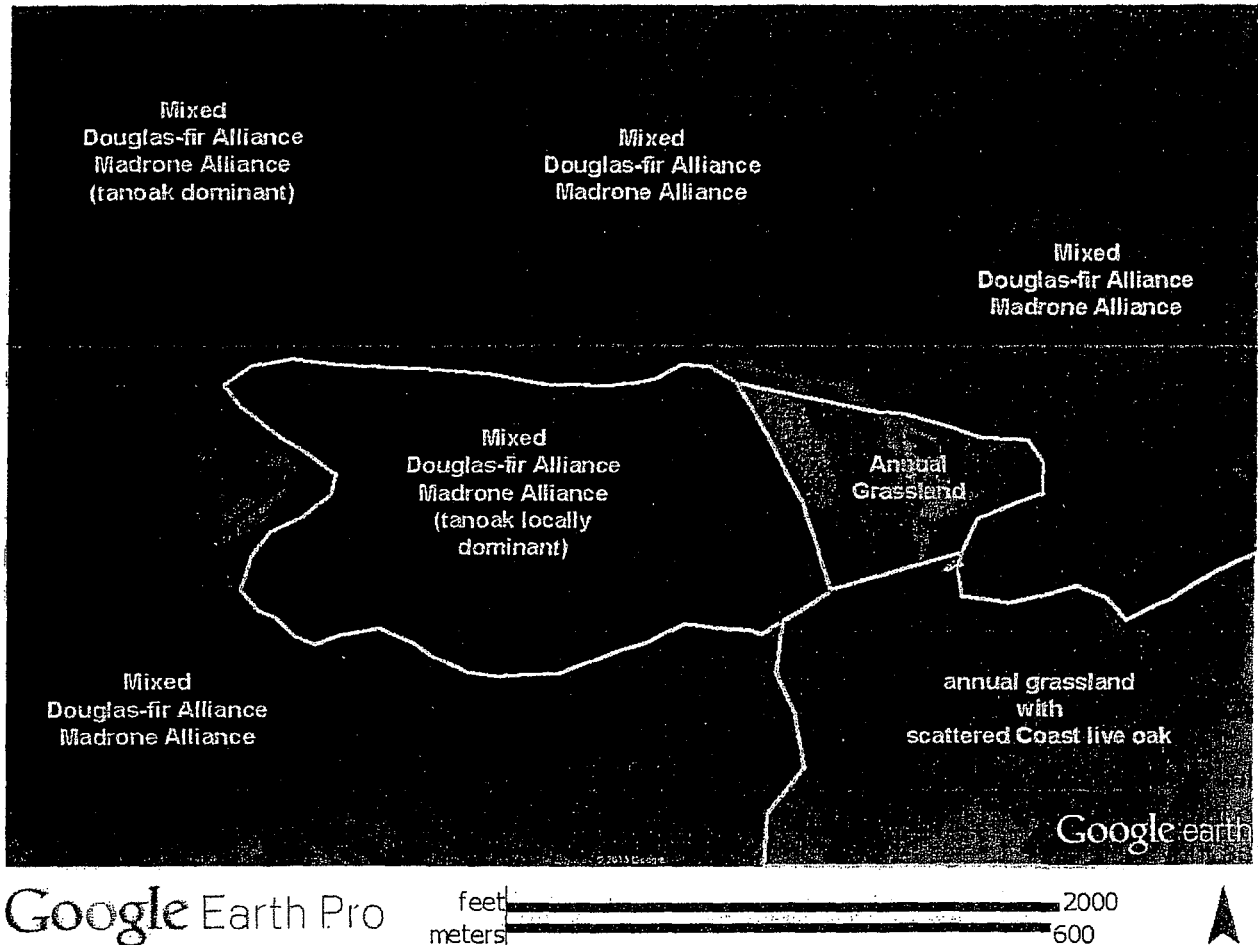


Figure 4. Map of vegetation cover types (Alliances) at the Project site and surrounding area.

2.2.3 Annual Grassland

Annual Grassland supports a wide variety of plant species, mostly annuals, but no species is dominant over the entire area. The common to most abundant species include slender oats (*Avena barbata*), hedge mustard (*Sisymbrium officinale*), field hedge parsley (*Torilis arvensis*), ripgut brome (*Bromus diandrus*), miniature lupine (*Lupinus bicolor*), hare barley (*Hordeum murinum*), wild radish (*Raphus sativus*), common mullein (*Verbascum thapsus*), and English plantain (*Plantago lanceolata*).

2.3 WILDLIFE

2.3.1 Birds

Bird species that were identified in the vicinity of the Project site through visual observation or audio detection include turkey vulture (*Cathartes aura*), Cooper's hawk (*Accipiter*

cooperii), red-tailed hawk (*Buteo jamaicensis*), California quail (*Callipepla californica*), Anna's hummingbird (*Calypte anna*), northern flicker (*Colaptes auratus*), hairy woodpecker (*Picoides villosus*), western kingbird (*Tyrannus verticalis*), black phoebe (*Sayornis nigricans*), scrub jay (*Aphelocoma coerulescens*), Steller's jay (*Cyanocitta stelleri*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), plain titmouse (*Parus inornatus*), chestnut-backed chickadee (*Parus rufescens*), pileated woodpecker (*Dryocopus pileatus*), dark-eyed junco (*Junco hyemalis*), chipping sparrow (*Spizella passerina*), golden-crowned sparrow (*Zonotrichia atricapilla*), lesser goldfinch (*Spinus psaltria*), and rufus-sided towhee (*Pipilo erythrophthalmus*).

No passerine birds were observed actively nesting within the Project site and a 50-foot buffer area and no larger birds, including birds of prey, were observed actively nesting within the Project site and a 300-foot buffer area. Many birds were observed during these surveys and some did exhibit nesting behavior, primarily in the form of territorial calls, but no bird was observed flying from or back to a nest or transporting nesting material.

One stick nests for western gray squirrels was observed adjacent to the Project site near the proposed employee parking area, but it did not appear that they were being used by any bird species.

2.3.2 Mammals

The Project site and vicinity provides habitat for a variety of mammals of all sizes although few mammals were observed during the wildlife surveys. Black-tailed jackrabbit (*Lepus californicus*), and western gray squirrel (*Sciurus griseus*) were observed and there were indications that mule deer (*Odocoileus hemionus*) utilize the Project site. Signs of fossorial mammal activity were sparse at the Project site.

The Project site likely is utilized by a variety of mammals, including mountain lion (*Felis concolor*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), grey fox (*Urocyon cinereoargenteus*), striped skunk (*Mephitis mephitis*), spotted skunk (*Spilogale putorius*), brush rabbit (*Sylvilagus bachmani*), and opossum (*Didelphis marsupialis*). Other mammals that could be expected to utilize the Project site include Townsend chipmunk (*Eutamias townsendi*), western harvest mouse (*Reithrodontomys megalotis*), deer mouse (*Peromyscus maniculatus*), brush mouse (*Peromyscus boylei*), Trowbridge shrew (*Sorex trowbridgei*) and shrew-mole (*Neurotrichus gibbsi*).

Based on the habitats present at the Project site and immediately surrounding, the Project site a variety of bats could be expected to utilize the site for roosting, foraging and breeding. The trees at and around the Project site provides potentially suitable roosting and breeding site for several bat species, but there was a general lack of obvious cavity and crevices to support tree dwelling bats. Habitat for bats preferring rocky outcrops and cliffs, or that require nearby water is lacking at the Project site, limiting the potential occurrence of these bat species at the Project site.

Based on the habitats present at the Project site and immediate surrounding area several bats could potentially occur at the Project site, including the long-eared myotis (*Myotis evotis*), long-legged myotis (*Myotis volans*), California myotis (*Myotis californicus*), silver-

haired bat (*Lasiurus noctivagans*), red bat (*Lasiurus seminolus*), big brown bat (*Eptesicus fuscus*), and hoary bat (*Lasiurus cinereus*).

2.4 SPECIAL-STATUS SPECIES

2.4.1 Special-status Plants

The California Natural Diversity Database (CNDDDB 2013) and CNPS (California Native Plant Society) Online Inventory of Rare and Endangered Plants were searched for information on special-status plants for Santa Rosa, Calistoga, Kenwood and Mark West Springs, Saint Helena, Santa Rosa, Rutherford, Cotati, Glen Ellen and Sonoma USGS Quadrangle maps. Special-status plant species are defined in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*¹ to include all plant species that meet one or more of the following criteria:

- Listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) or candidates for possible future listing as threatened or endangered under FESA (50 CFR §17.12).
- Listed or candidates for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (Fish and Game Code §2050 *et seq.*).
- Listed as rare under the California Native Plant Protection Act (Fish and Game Code §1900 *et seq.*). A plant is **rare** when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens (Fish and Game Code §1901).
- Meet the definition of rare or endangered under CEQA §15380(b) and (d). Species that may meet the definition of rare or endangered include the following:
 - ♦ Species considered by the CNPS to be “rare, threatened or endangered in California” (Lists 1A, 1B and 2);
 - ♦ Species that may warrant consideration on the basis of local significance or recent biological information;
 - ♦ Some species included on the CNDDDB *Special Plants, Bryophytes, and Lichens List* (California Department of Fish and Game 2008; now California Department of Fish and Wildlife – CDFW).
- Considered a **locally significant species**, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include a species at the outer limits of its known range or a species occurring on an uncommon soil type.

¹ California Department of Fish and Game. Protocols for surveying and evaluating impacts to special status native plant populations and natural communities. November 24, 2009.

A total of fifty-five special-status plants were identified as occurring in the Project region (Table 1). The list of these special-status plant species, their flowering period, habitat preference, and potential to occur at the Project site is presented in Table 2. Figure 5 shows the location of special-status plants identified in the CNDDDB as occurring in the Project region.

While marginally suitable habitat is present at the site for several of the species that occur in habitat types present at the Project site, suitable habitat for most of special-status species is not present, and these species, therefore, are not likely to be affected by the Project. Species occurring in vernal pools (and associated swales) and other types of wetlands, alkali flats and geothermally altered soils, on serpentine soils, in bogs, marshes, swamps and riparian areas, chaparral, woodland habitats, and coastal prairie, none of which are present on the Project site.

Table 1. List of special-status plant species reported to occur in the Project region.

| SCIENTIFIC NAME | COMMON NAME | FEDERAL | STATE | CNPS |
|--|-------------------------------------|---------|-------|------|
| <i>Allium peninsulare</i> var. <i>franciscanum</i> | Franciscan onion | | | 1B.2 |
| <i>Alopecurus aequalis</i> var. <i>sonomensis</i> | Sonoma alopecurus | E | | 1B.1 |
| <i>Amorpha californica</i> var. <i>napensis</i> | Napa false indigo | | | 1B.2 |
| <i>Amsinckia lunaris</i> | bent-flowered fiddleneck | | | 1B.2 |
| <i>Anomobryum julaceum</i> | slender silver moss | | | 2.2 |
| <i>Arctostaphylos bakeri</i> ssp. <i>bakeri</i> | Baker's manzanita | | R | 1B.1 |
| <i>Arctostaphylos canescens</i> ssp. <i>sonomensis</i> | Sonoma canescent manzanita | | | 1B.2 |
| <i>Arctostaphylos stanfordiana</i> ssp. <i>decumbens</i> | Rincon Ridge manzanita | | | 1B.1 |
| <i>Astragalus claranus</i> | Clara Hunt's milk-vetch | E | T | 1B.1 |
| <i>Balsamorhiza macrolepis</i> | big-scale balsamroot | | | 1B.2 |
| <i>Blennosperma bakeri</i> | Sonoma sunshine | E | E | 1B.1 |
| <i>Brodiaea californica</i> var. <i>leptandra</i> | narrow-anthered California brodiaea | | | 1B.2 |
| <i>Calystegia collina</i> ssp. <i>oxyphylla</i> | Mt. Saint Helena morning-glory | | | 4.2 |
| <i>Carex albida</i> | Sonoma white sedge | E | E | 1b.1 |
| <i>Ceanothus confusus</i> | Rincon Ridge ceanothus | | | 1B.1 |
| <i>Ceanothus divergens</i> | Calistoga ceanothus | | | 1B.2 |
| <i>Ceanothus purpureus</i> | holly-leaved ceanothus | | | 1B.2 |
| <i>Ceanothus sonomensis</i> | Sonoma ceanothus | | | 1B.2 |
| <i>Centromadia parryi</i> ssp. <i>parryi</i> | pappose tarplant | | | 1B.2 |
| <i>Chorizanthe valida</i> | Sonoma spineflower | E | E | 1b.1 |
| <i>Downingia pusilla</i> | dwarf downingia | | | 2.2 |

| SCIENTIFIC NAME | COMMON NAME | FEDERAL | STATE | CNPS |
|--|------------------------------|---------|-------|------|
| <i>Erigeron greenei</i> | Greene's narrow-leaved daisy | | | 1B.2 |
| <i>Eryngium constancei</i> | Loch Lomond button-celery | E | E | 1B.1 |
| <i>Eryngium pinnatisectum</i> | Tuolumne button-celery | | | 1B.2 |
| <i>Fritillaria liliacea</i> | fragrant fritillary | | | 1B.2 |
| <i>Gratiola heterosepala</i> | Boggs Lake hedge hyssop | | E | 1B.2 |
| <i>Hemizonia congesta</i> ssp. <i>congesta</i> | white seaside tarplant | | | 1B.2 |
| <i>Hesperolinon bicarpellatum</i> | two-carpellate western flax | | | 1B.2 |
| <i>Hesperolinon sharsmithiae</i> | Sharsmith's western flax | | | 1B.2 |
| <i>Hesperolinon tehamense</i> | Tehama County western flax | | | 1B.3 |
| <i>Horkelia tenuiloba</i> | thin-lobed horkelia | | | 1B.2 |
| <i>Lasthenia burkei</i> | Burke's goldfields | E | E | 1B.1 |
| <i>Lasthenia conjugens</i> | Contra Costa goldfields | E | | 1B.1 |
| <i>Layia septentrionalis</i> | Colusa layia | | | 1B.2 |
| <i>Legenere limosa</i> | legenere | | | 1B.1 |
| <i>Leptosiphon jepsonii</i> | Jepson's leptosiphon | | | 1B.2 |
| <i>Limnanthes vinculins</i> | Sebastopol meadowfoam | E | E | 1B.1 |
| <i>Lupinus sericatus</i> | Cobb Mountain lupine | | | 1B.2 |
| <i>Microseris paludosa</i> | marsh microseris | | | 1B.2 |
| <i>Navarretia leucocephala</i> ssp. <i>bakeri</i> | Baker's navarretia | | | 1B.1 |
| <i>Navarretia leucocephala</i> ssp. <i>plieantha</i> | many-flowered navarretia | E | E | 1B.2 |
| <i>Penstemon newberryi</i> var. <i>sonomensis</i> | Sonoma beardtongue | | | 1B.3 |
| <i>Plagiobothrys strictus</i> | Calistoga popcorn-flower | E | T | 1B.1 |
| <i>Pleuropogon hooverianus</i> | North Coast semaphore grass | | T | 1B.1 |
| <i>Poa napensis</i> | Napa blue grass | E | E | 1B.1 |
| <i>Rhynchospora globularis</i> | round-headed beaked-rush | | | 2.1 |
| <i>Sidalcea hickmanii</i> ssp. <i>napensis</i> | Napa checkerbloom | | | 1B.1 |
| <i>Sidalcea oregano</i> ssp. <i>hydrophilia</i> | Marsh checkerbloom | E | E | 1B.1 |
| <i>Sidalcea oregana</i> ssp. <i>valida</i> | Kenwood Marsh checkerbloom | E | E | 1B.1 |
| <i>Streptanthus hesperidis</i> | green jewel-flower | | | 1B.2 |
| <i>Trichostema ruygtii</i> | Napa bluecurls | | | 1B.2 |
| <i>Trifolium amoenum</i> | showy rancheria clover | E | | 1B.1 |

| SCIENTIFIC NAME | COMMON NAME | FEDERAL STATE | CNPS |
|---------------------------------|----------------------|---------------|------|
| <i>Trifolium hydrophilum</i> | saline clover | | 1B.2 |
| <i>Triquetrella californica</i> | coastal triquetrella | | 1B.2 |
| <i>Viburnum ellipticum</i> | oval-leaved viburnum | | 2.3 |

STATUS: Federal - E = Endangered; State - E = Endangered; T = Threatened; R= Rare
Table 2. Habitat affinity and occurrence of special-status species at the Project Site.

| Scientific Name Common Name | Flowering Period | Habitat | Potential for Occurrence at Project Site |
|--|---------------------|--|--|
| <i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan onion | May-June | •Cismontane woodland •Valley and foothill grassland /clay, volcanic, often serpentinite | Unlikely. Woodland habitat not present in project impact area. |
| <i>Alopecurus aequalis</i> var. <i>sonomensis</i> Sonoma alopecurus | May-July | •Marshes and swamps •Riparian scrub | Unlikely. Suitable habitat not present in project impact area. |
| <i>Amorpha californica</i> var. <i>napensis</i> Napa false indigo | Apr-July | •Broadleafed upland forest (openings) •Chaparral •Cismontane woodland | Present. Observed at several locations in the project impact area and adjacent areas. |
| <i>Amsinckia lunaris</i> bent-flowered fiddleneck | Mar-June | •Coastal bluff scrub •Cismontane woodland •Valley and foothill grassland | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Anomobryum julaceum</i> slender silver moss | | •Broadleafed upland forest •Lower montane coniferous forest •North Coast coniferous forest/damp rock and soil on outcrops, usually on roadcuts | Unlikely. Suitable habitat not present in project impact area. |
| <i>Arctostaphylos bakeri</i> <i>ssp. bakeri</i> Baker's manzanita | Feb-Apr | •Often serpentinite •Chaparral •Broadleafed upland forest | Unlikely. Suitable habitat not present in project impact area. |
| <i>Arctostaphylos</i> <i>canescens</i> <i>ssp.</i> <i>sonomensis</i> Sonoma canescent manzanita | Jan-June | •Chaparral •Lower montane coniferous forest, sometimes serpentinite | Unlikely. Suitable habitat not present in project impact area. |
| <i>Arctostaphylos</i> <i>stanfordiana</i> <i>ssp.</i> <i>decumbens</i> Rincon Ridge manzanita | Feb-Apr(May) | •Chaparral (rhyolitic) •Cismontane woodland | Unlikely. Suitable habitat not present in project impact area. |
| <i>Astragalus claranus</i> Clara Hunt's milk-vetch | Mar-May | •Chaparral (openings) •Cismontane woodland •Valley and foothill grassland/serpentinite or volcanic, rocky, clay | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Balsamorhiza</i> <i>macrolepis</i> big-scale balsamroot | Mar-June | •Chaparral •Cismontane woodland •Valley and foothill grassland/sometimes serpentinite | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |

| Scientific Name Common Name | Flowering Period | Habitat | Potential for Occurrence at Project Site |
|--|---------------------|--|---|
| <i>Blennosperma bakeri</i> Sonoma sunshine | Mar-May | <ul style="list-style-type: none"> •Valley and foothill grassland (mesic) •Vernal pools •Broadleafed upland forest | Unlikely. Suitable habitat not present in project impact area. |
| <i>Brodiaea leptandra</i> narrow-anthered brodiaea | May-July | <ul style="list-style-type: none"> •Chaparral •Cismontane woodland •Lower montane coniferous forest •Valley and foothill grassland/volcanics | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Calystegia collina ssp. oxyphylla</i> Mt. Saint Helena morning-glory | Apr-June | <ul style="list-style-type: none"> •Serpentine •Chaparral •Lower montaine coniferous forest •Valley and foothill grassland/volcanics | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Carex albida</i> Sonoma white sedge | May-July | <ul style="list-style-type: none"> •Bogs and fens •Marshes and swamps (freshwater) •Closed-cone coniferous forest | Unlikely. Suitable habitat not present in project impact area. |
| <i>Ceanothus confusus</i> Rincon Ridge ceanothus | Feb-June | <ul style="list-style-type: none"> •Chaparral •Cismontane woodland/volcanic or serpentine | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Ceanothus divergens</i> Calistoga ceanothus | Feb-Apr | <ul style="list-style-type: none"> •Chaparral (serpentine or volcanic, rocky) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Ceanothus purpureus</i> holly-leaved ceanothus | Feb-June | <ul style="list-style-type: none"> •Chaparral •Cismontane woodland/volcanic, rocky | Unlikely. Suitable habitat not present in project impact area. |
| <i>Ceanothus sonomensis</i> Sonoma ceanothus | Feb-Apr | <ul style="list-style-type: none"> •Chaparral (sandy, serpentine or volcanic) •Chaparral | Unlikely. Suitable habitat not present in project impact area. |
| <i>Centromadia parryi ssp. parryi</i> pappose tarplant | May-Nov | <ul style="list-style-type: none"> •Coastal prairie •Meadows and seeps •Marshes and swamps (coastal salt) •Valley and foothill grassland (vernally mesic)/often alkaline | Unlikely. Suitable habitat not present in project impact area. |
| <i>Chorizanthe valida</i> Sonoma spineflower | June-Aug | <ul style="list-style-type: none"> •Coastal prairie (sandy) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Downingia pusilla</i> dwarf downingia | Mar-May | <ul style="list-style-type: none"> •Valley and foothill grassland (mesic) •Vernal pools | Unlikely. Suitable habitat not present in project impact area. |
| <i>Erigeron greenii</i> Greene's narrow-leaved daisy | May-Sept | <ul style="list-style-type: none"> •Chaparral (serpentine or volcanic) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Eryngium constancei</i> Loch Lomond button-celery | Apr-June | <ul style="list-style-type: none"> •Vernal pools | Unlikely. Suitable habitat not present in project impact area. |

| Scientific Name Common Name | Flowering Period | Habitat | Potential for Occurrence at Project Site |
|---|-------------------------|---|--|
| <i>Eryngium pinnatisectum</i> Tuolumne button-celery | May-Aug | <ul style="list-style-type: none"> •Cismontane woodland •Lower montane coniferous forest •Vernal pools/mesic | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Fritillaria liliacea</i> fragrant fritillary | Feb-Apr | <ul style="list-style-type: none"> •Cismontane woodland •Coastal prairie •Coastal scrub •Valley and foothill grassland/often serpentinite | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Gratiola heterosepala</i> Boggs Lake hedge hyssop | Apr-Aug | <ul style="list-style-type: none"> •Clay •Marshes and swamps (lake margins) •Vernal pools | Unlikely. Suitable habitat not present in project impact area. |
| <i>Hemizonia congesta</i> <i>ssp. congesta</i> white seaside tarplant | Apr-Nov | <ul style="list-style-type: none"> •Valley and foothill grassland/sometimes roadsides | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Hesperolinon bicarpellatum</i> two-carpellate western flax | May-June | <ul style="list-style-type: none"> •Chaparral (serpentinite) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Hesperolinon sharsmithiae</i> Sharsmith's western flax | May-July | <ul style="list-style-type: none"> •Chaparral (serpentinite) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Hesperolinon tehamense</i> Tehama County western flax | May-July | <ul style="list-style-type: none"> •Serpentinite •Chaparral •Cismontane woodland | Unlikely. Suitable habitat not present in project impact area. |
| <i>Horkelia tenuiloba</i> thin-lobed horkelia | May-Aug | <ul style="list-style-type: none"> •Mesic openings, sandy •Broadleaved-upland-forest •Chaparral •Valley and foothill grassland | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Lasthenia burkei</i> Burke's goldfields | Apr-June | <ul style="list-style-type: none"> •Meadows and seeps (mesic) •Vernal pools | Unlikely. Suitable habitat not present in project impact area. |
| <i>Lasthenia conjugens</i> Contra Costa goldfields | Mar-June | <ul style="list-style-type: none"> •Cismontane woodland •Playas (alkaline) •Valley and foothill grassland •Vernal pools/mesic | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Layia septentrionalis</i> Colusa layia | Apr-May | <ul style="list-style-type: none"> •Chaparral •Cismontane woodland •Valley and foothill grassland/sandy, serpentinite | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Legenere limosa</i> legenere | Apr-June | <ul style="list-style-type: none"> •Vernal pools | Unlikely. Suitable habitat not present in project impact area. |
| <i>Leptosiphon jepsonii</i> Jepson's leptosiphon | Mar-May | <ul style="list-style-type: none"> •Chaparral •Cismontane woodland/usually volcanic | Unlikely. Suitable habitat not present in project impact area. |
| <i>Limnanthes vinculans</i> Sebastopol meadowfoam | Apr-May | <ul style="list-style-type: none"> •Meadows and seeps •Valley and foothill grassland •Vernal pools /vernally mesic | Unlikely. Suitable habitat not present in project impact area. |

| Scientific Name Common Name | Flowering Period | Habitat | Potential for Occurrence at Project Site |
|--|------------------|---|--|
| <i>Lupinus sericatus</i> Cobb Mountain lupine | Mar-June | <ul style="list-style-type: none"> • Broadleafed upland forest • Chaparral • Cismontane woodland • Lower montane coniferous forest • Closed-cone coniferous forest | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Microseris paludosa</i> marsh microseris | Apr-Jun(Jul) | <ul style="list-style-type: none"> • Cismontane woodland • Coastal scrub • Valley and foothill grassland • Cismontane woodland • Lower montane coniferous forest | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Navarretia leucocephala</i> ssp. <i>bakeri</i> Baker's navarretia | Apr-July | <ul style="list-style-type: none"> • Meadows and seeps • Valley and foothill grassland • Vernal pools/mesic | Unlikely. Suitable habitat not present in project impact area. |
| <i>Navarretia leucocephala</i> ssp. <i>plieantha</i> many-flowered navarretia | May-June | <ul style="list-style-type: none"> • Vernal pools (volcanic ash flow) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Penstemon newberryi</i> var. <i>sonomensis</i> Sonoma beardtongue | Apr-Aug | <ul style="list-style-type: none"> • Chaparral (rocky) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Plagiobothrys strictus</i> Calistoga popcorn-flower | Mar-June | <ul style="list-style-type: none"> • Meadows and seeps • Valley and foothill grassland • Vernal pools/alkaline areas near thermal springs | Unlikely. Suitable habitat not present in project impact area. |
| <i>Pleuropogon hooverianus</i> North Coast semaphore grass | Apr-June | <ul style="list-style-type: none"> • Open areas, mesic • Broadleafed upland forest • Meadows and Seeps • North Coast coniferous forest | Unlikely. Suitable habitat not present in project impact area. |
| <i>Poa napensis</i> Napa blue grass | May-Aug | <ul style="list-style-type: none"> • Meadows and seeps • Valley and foothill grassland/alkaline, near thermal springs | Unlikely. Suitable habitat not present in project impact area. |
| <i>Rhynchospora globularis</i> round-headed beaked-rush | July-Aug | <ul style="list-style-type: none"> • Marshes and swamps (freshwater) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Sidalcea hickmanii</i> ssp. <i>napensis</i> Napa checkerbloom | Apr-June | <ul style="list-style-type: none"> • Chaparral /rhyolitic | Unlikely. Suitable habitat not present in project impact area. |
| <i>Sidalcea oregana</i> ssp. <i>hydrophila</i> marsh checkerbloom | July-Aug | <ul style="list-style-type: none"> • Meadows and seeps • Riparian forest/mesic | Unlikely. Suitable habitat not present in project impact area. |
| <i>Sidalcea oregana</i> ssp. <i>valida</i> Kenwood Marsh checkerbloom | June-Sept | <ul style="list-style-type: none"> • Marshes and swamps (freshwater) | Unlikely. Suitable habitat not present in project impact area. |
| <i>Streptanthus hesperidis</i> green jewel-flower | May-July | <ul style="list-style-type: none"> • Serpentinite • Chaparral (openings) • Cismontane woodland | Unlikely. Suitable habitat not present in project impact area. |

| Scientific Name Common Name | Flowering Period | Habitat | Potential for Occurrence at Project Site |
|---|---------------------|---|--|
| <i>Trichostema ruygtii</i> Napa bluecurls | June-Oct | <ul style="list-style-type: none"> •Chaparral •Cismontane woodland •Lower montane coniferous forest •Valley and foothill grassland •Vernal pools | Unlikely. Suitable habitat not present in project impact area. |
| <i>Trifolium amoenum</i> two-fork clover | Apr-July | <ul style="list-style-type: none"> •Coastal bluff scrub •Valley and foothill grassland (sometimes serpentinite) | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |
| <i>Trifolium hydrophilum</i> saline clover | Apr-June | <ul style="list-style-type: none"> •Marshes and swamps •Valley and foothill grassland (mesic, alkaline) •Vernal pools | Unlikely. Suitable habitat not present in project impact area. |
| <i>Triquetrella californica</i> coastal triquetrella | | <ul style="list-style-type: none"> •Coastal bluff scrub •Coastal scrub/soil | Unlikely. Suitable habitat not present in project impact area. |
| <i>Viburnum ellipticum</i> oval-leaved viburnum | May-June | <ul style="list-style-type: none"> •Chaparral •Cismontane woodland •Lower montane coniferous forest | Unlikely. Marginally suitable habitat present but not observed during vegetation surveys. |

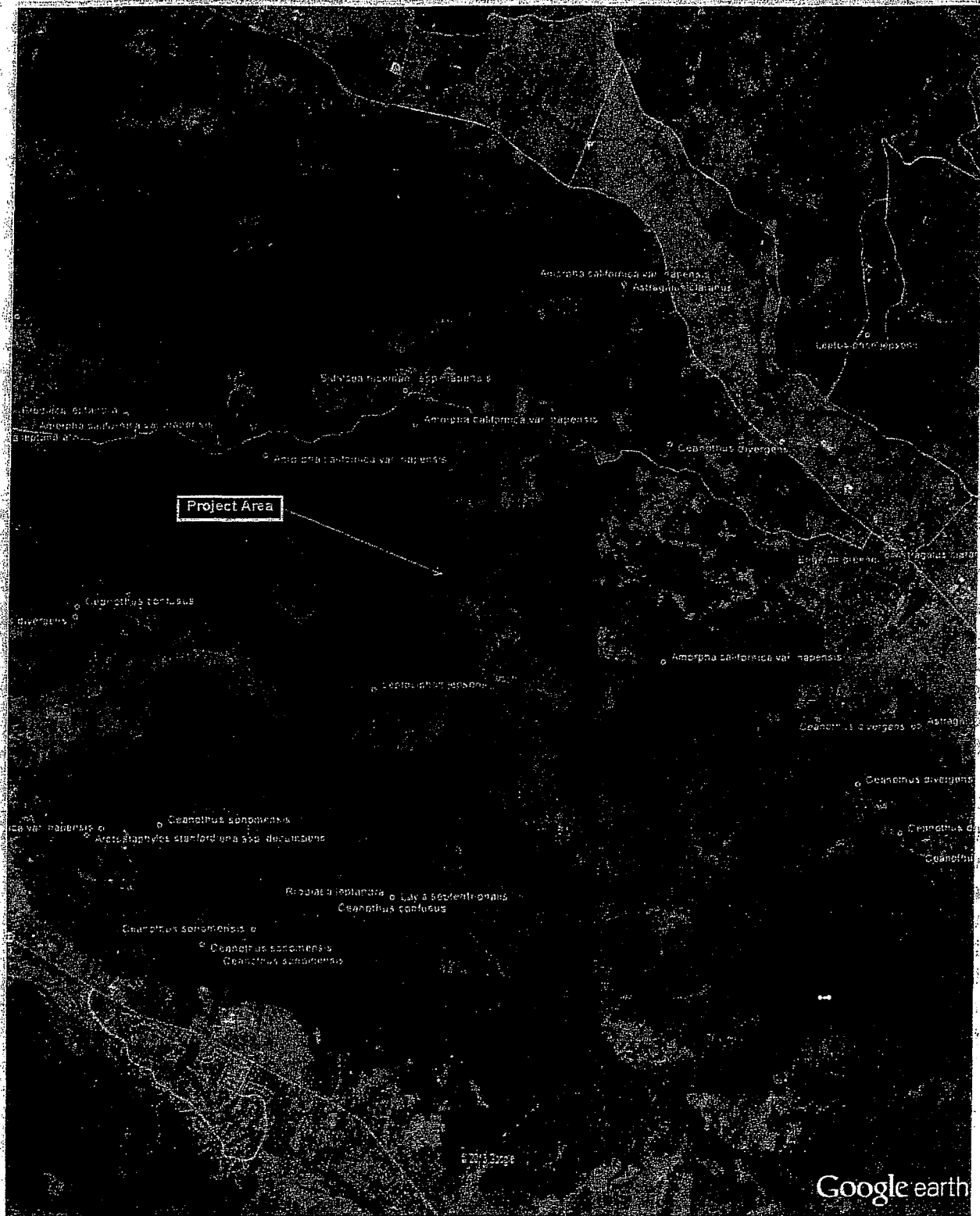
Only one special-status species was observed at the Project site. A large number of Napa false indigo (*Amorpha californica* var. *napensis*) plants were observed scattered in the understory of both tree-dominated Alliances. Many seem to have sprouted from the base following removal of the above-ground parts of the plants in the areas that have subject to fuel reduction activities.

Napa false indigo is listed by CNPS as a list 1B.1 species. The species is not listed by the state or federal government. According to CNPS, many of the known colonies occur on privately owned land and the species is threatened by development and habitat alteration, including conversion of native habitat to vineyards and expansion of existing vineyards.

Napa false indigo is a perennial deciduous shrub with leaves, the main axes of which are characterized by prickle-like glands. The inflorescence is generally scattered and characterized by typically one flower per stem. The longest calyx lobe is between 0.5 and 1 mm in length. The plants are generally glabrous, a condition that distinguishes it from other varieties of the same species.

Napa false indigo occurs in small colonies at elevations below 2,000 m primarily in Napa, Lake, Sonoma, and Marin Counties although the species has been observed in Monterey County.

Napa false indigo occurs in chaparral and mixed evergreen forest. It has been found in wooded canyons and on north- and south-facing slopes. It has been found growing in association with buckbrush (*Ceanothus cuneatus*) in chaparral and in the understories of woodlands and forest habitat dominated by Douglas-fir, madrone, California bay, and black oak. At the Project site it was found primarily in areas dominated by tanoak, madrone and Douglas-fir.



Google Earth Pro

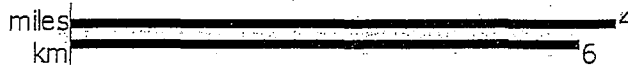


Figure 5. Location of special-status plants identified in the CNDDDB as occurring in Project region.

2.5 SPECIAL-STATUS WILDLIFE

Special-status species of wildlife reported to occur in the region of the Project site were identified primarily from the CNDDDB (CNDDDB 2013). The CNDDDB search was conducted for the following USGS quadrangles: Calistoga, Kenwood and Mark West Springs, Saint Helena, Santa Rosa, Rutherford, Cotati, Glen Ellen and Sonoma. Additionally, a list of species potentially affected by the project was obtained from the USFWS website (http://www.fws.gov/sacramento/es/spp_list.htm) maintained by the Sacramento Fish and Wildlife Office for the same quadrangles.

Special-status species include those species listed as *threatened* or *endangered*, proposed for listing as *threatened* or *endangered*, or candidates for listing as *threatened* or *endangered* under the FESA or CESA, or identified as *fully protected species* or *species of special concern* by the CDFW. Additional protections are extended to certain bird species through the Migratory Bird Treaty Act of 1918, which makes it unlawful to destroy active bird nests, eggs, and young. Section 3503.5 of the California Fish and Game Code also makes it unlawful to take, possess or destroy birds in the Falconiformes (birds of prey, vultures, eagles, falcons) and Strigiformes (owls) families, which can include nest disturbance from construction and other activities.

The CNDDDB list identifies particular locations where special-status species have been found within the selected quadrangles whereas the USFWS list is not an occurrence list but a general list intended to identify all the FESA-listed, proposed, or candidate species that could potentially be affected by a project within selected USGS quadrangle maps or an entire county. Additional information on species habitat requirements include unpublished CDFW reports, consultants' reports, scientific literature, field guides and general references for birds, mammals, reptiles and amphibians.

The database search identified the presence of a number of special-status animals within the region but nothing within one mile of the Project site. Species unlikely to occur in the vicinity of the Project site due to the lack of preferred or suitable habitat, such as whales, abalone, California tiger salamanders, etc., were deleted from the list of special-status wildlife species obtained from the CNDDDB. The list of special-status reptiles, amphibians, birds and mammals that could potentially occur in the Project area and the Project site are listed in Table 4. Additional wildlife species not identified in the CNDDDB data output were included in this table if they are known to occur in the region and were determined to potentially utilize habitat types at the Project site. These species include loggerhead shrike, Cooper's hawk, long eared owl, yellow-breasted chat and barn owl.

Figure 6 shows the location of special-status wildlife species in the Project region based on the CNDDDB records.

Table 3. List of special-status species of reptiles and amphibians, birds, and mammals, their status, habitat affinity and potential occurrence at Project site.

| SCIENTIFIC NAME COMMON NAME | STATUS | HABITAT TYPE | POTENTIALLY PRESENT |
|---|----------|---|------------------------|
| REPTILES & AMPHIBIANS | | | |
| <i>Emys marmorata</i> Western pond turtle | CSC | Aquatic habitats, including ponds, marshes, rivers, streams & irrigation ditches; needs basking sites and suitable upland habitat for egg laying | NO |
| <i>Rana boylei</i> Foothill yellow-legged frog | CSC | Partly shaded shallow streams & riffles with a rocky substrate in a variety of habitats; need some cobble-sized substrate for egg-laying, 15 weeks to attain metamorphosis | NO |
| <i>Rana draytonii</i> California red-legged frog | FT, CSC | Lowlands & foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation; requires 11 to 20 weeks of permanent water for larval development, must have access to aestivation habitat | NO |
| BIRDS | | | |
| <i>Accipiter cooperii</i> Cooper's hawk | CSC | Dense stands of live oak, riparian deciduous, or other forest habitats | NO |
| <i>Accipiter striatus</i> Sharp-shinned hawk | CSC | Ponderosa pine, black oak, riparian deciduous, mixed conifer, and Jeffrey pine habitats. Prefers, but not restricted to, riparian habitats | YES |
| <i>Agelaius tricolor</i> Tricolored blackbird | CSC | Emergent wetlands; feeds in croplands and grasslands | NO |
| <i>Athene cunicularia</i> Burrowing owl | CSC | Open, dry annual or perennial grasslands, deserts & scrublands characterized by low-growing vegetation; subterranean nester dependent upon burrowing mammals | NO |
| <i>Aquila chrysaetos</i> Golden eagle | SFP, CSC | Rolling foothills, mountain areas, sage-juniper flats, desert; nests on cliffs | YES |
| <i>Ardea herodias</i> Great blue heron | CSC | Shallow estuaries and fresh and saline emergent wetlands | NO |
| <i>Asio otus</i> Long-eared owl | CSC | Occur in dense, mixed forests and tall shrublands, usually next to open spaces, such as grasslands and meadows; | YES |
| <i>Coccyzus americanus occidentalis</i> Western yellow-billed cuckoo | SE | Nests in riparian forests along the broad, lower flood-bottoms of larger river systems | NO |
| <i>Cypseloides niger</i> Black swift | CSC | Montane habitats; sea cliffs and caves; nests in colonies | YES |

| SCIENTIFIC NAME COMMON NAME | STATUS | HABITAT TYPE | POTENTIALLY PRESENT |
|---|----------|---|------------------------|
| <i>Elanus leucurus</i> White-tailed kite | SFP, CSC | Coastal and valley lowlands; rarely found away from agricultural areas | NO |
| <i>Falco mexicanus</i> Prairie falcon | CSC | Distributed from grasslands to alpine meadows, but associated primarily with perennial grasslands, savannahs, rangeland, some agricultural fields, and desert scrub areas. Not found in northern coastal fog belt, or along the coastline | NO |
| <i>Falco peregrinus anatum</i> American peregrine falcon | ST, SFP | Breeds mostly in woodland, forest, and coastal habitats; riparian areas and coastal and inland wetlands are important habitats yearlong | YES |
| <i>Haliaeetus leucocephalus</i> Bald eagle | SFP, CSC | Seacoasts or near rivers and lakes; nests in tall trees or on cliffs | NO |
| <i>Icteria virens</i> Yellow-breasted chat | CSC | Occurs in dense riparian thickets bordering streams, small ponds and swampy ground dominated by vine tangles, willows and lush, low shrubbery interspersed by taller trees | NO |
| <i>Lanius ludovicianus</i> Loggerhead shrike | CSC | Common resident and winter visitor in lowlands and foothills throughout California. Prefers open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. Highest density occurs in open-canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. | NO |
| <i>Progne subis</i> Purple martin | CSC | An uncommon to rare, local summer resident in a variety of wooded, low-elevation habitats throughout the state; a rare migrant in spring and fall, absent in winter. Uses valley foothill, montane hardwood, montane coniferous and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood. | YES |
| <i>Strix occidentalis caurina</i> Northern spotted owl | FT, CSC | Dense, old-growth, multi-layered mixed conifer, redwood, and Douglas-fir habitats; nearest observations are greater than one mile from the Project site. | NO |
| <i>Tyto alba</i> Barn owl | CSC | Open habitats including grassland, chaparral, riparian, and other wetlands | YES |
| MAMMALS | | | |
| <i>Antrozous pallidus</i> Pallid bat | CSC | Grasslands, shrublands, woodlands, and forests; common in open, dry habitats with | YES |

| SCIENTIFIC NAME COMMON NAME | STATUS | HABITAT TYPE | POTENTIALLY PRESENT |
|---|--------|---|------------------------|
| <i>Corynorhinus townsendii</i> townsendii Townsend's western big-eared bat | CSC | rocky areas for roosting; prefers rocky outcrops, cliffs, and crevices with access to open habitats for foraging. All but subalpine and alpine habitats. Requires caves, mines, tunnels, buildings or other human-made structures for roosting. | YES |
| <i>Lasiorycteris noctivagans</i> Silver-haired bat | CSC | Primarily found along the coast and montane forests; roosts in hollow trees beneath exfoliating bark abandoned woodpecker holes and rarely under rocks; need drinking water. | YES |
| <i>Myotis evotis</i> Long-eared myotis | CSC | Occurs in nearly all brush, woodland, and forest habitats, from sea level to at least 2700 m (9000 ft), but coniferous woodlands and forests seem to be preferred. | YES |
| <i>Myotis thysanodes</i> Fringed myotis | CSC | Optimal habitats are pinyon-juniper, valley foothill, hardwood and hardwood-conifer. Roosts in caves, mines, buildings, and crevices. | YES |
| <i>Myotis volans</i> Long-legged myotis | CSC | Mainly coniferous forests. Roosts in trees, crevices, and buildings. | YES |
| <i>Taxidea taxus</i> American badger | CSC | Uncommon, permanent resident found throughout most of the state, except in the northern North Coast area. Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. | NO |

STATUS: FE – federally Endangered; FT – federally Threatened; FC – federal Candidate; SE – state
Endangered; SFP – state Fully Protected; CSC – California Species of Special Concern



Figure 6. Location of special-status wildlife based on CNDDDB records (CNDDDB 2013).

2.5.1 Reptiles & Amphibians

The special-status reptile and amphibian species with the greatest potential to occur at the Project site is the California red-legged frog. The California red-legged frog is a federally threatened species and California species of special concern. The nearest reported occurrence of California red-legged frog to the Project area is a recent observation at a vineyard located at the head of a tributary to Sulfur Creek (F. Gardipee, USFWS, personal communication, April 15, 2011), which is a tributary to the Napa River, approximately 1.3 miles (approximately 2.09 km) south southeast of the Project site. There are no other reported occurrences of the California red-legged frog within five miles of the Project site. Critical habitat has been established for the California red-legged frog but the Project site is outside any of the critical habitat units listed for Sonoma and Napa Counties (USFWS 2010).

The California red-legged frog is primarily a pond frog found in humid forests, woodlands, grasslands and along streams, especially there is dense cover provided by cattails, bulrushes or other plants (Stebbins 2003). During the breeding season the California red-legged frog can be found associated with permanent water sources, such as marshes, streams, lakes, reservoirs, ponds and other water sources, but will also frequent seasonal water sources. During the non-breeding season some frogs will remain at the breeding sites and dispersal distances are typically less than 1,640 feet (0.5 km) while other frogs will disperse up to 6,562 to 9,843 (approximately 1.24 to 1.86 miles, or two to three kilometers) to other habitats that remain moist and cool during the summer months, such as coyote bush (*Baccharis pilularis*) and California blackberry (*Rubus ursinus*) thickets, and root masses associated with willow (*Salix* sp.) and California bay trees (*Umbellularia californica*) (Fellers 2013).

The habitat for juvenile California red-legged frogs appears to be similar to habitat occupied by adults although some spatial segregation of adult and juvenile frogs occurs in riparian areas during the non-breeding season (Fellers 2013).

California red-legged frogs use ponds, pools or other similar waters for breeding during the wet season, which is generally December through March (Fellers and Kleeman 2007). During the rest of the year the frogs utilize ponds, riparian areas and other aquatic or moist habitats.

Fellers and Kleeman (2007) evaluated seasonal habitat use by California red-legged frogs in Marin County by radio tracking a number of frogs and documenting their movements for nearly two years. Their study area was located in Marin County in Greater Olema Valley, Big Lagoon and Tomales Point, and all of the study sites, which included both seasonal and permanent ponds, were within 6 kilometers (3.73 miles) of the coast. The key findings are summarized below:

- There were small scale movements by frogs throughout the year but longer movement coincided with winter rains, although some frogs did not move until their seasonal habitat was on the verge of completely drying.

- In general, frogs moved toward the breeding ponds with the onset of heavy winter rains and departed from the breeding ponds at varying times throughout the rainy season, and some frogs remained at the permanent ponds all year.
- Some individuals remained at the breeding ponds all year, but a substantial number of frogs moved to nonbreeding areas even when the ponds at the breeding sites retained water.
- Because the study sites are within an area where there summer fog is common, the authors concluded that the frogs could move throughout much of the summer without little risk of desiccation.
- Frogs at their main study site that moved more than 30 meters moved a median distance of 150 meters (492 feet), which was the approximate distance to the nearest suitable nonbreeding habitat.
- Distance moved by migrating frogs ranged from 30 to 1,400 meters (approximately 98 to 4,593 feet) and generally in a straight line. Migrating frogs will cross non-habitat areas (e.g., grazed fields) to reach suitable non-breeding habitat.
- While some of the frogs left the breeding ponds shortly after laying eggs (median = 12 days for females, 42.5 days for males), many individuals remained until the site was nearly dry.

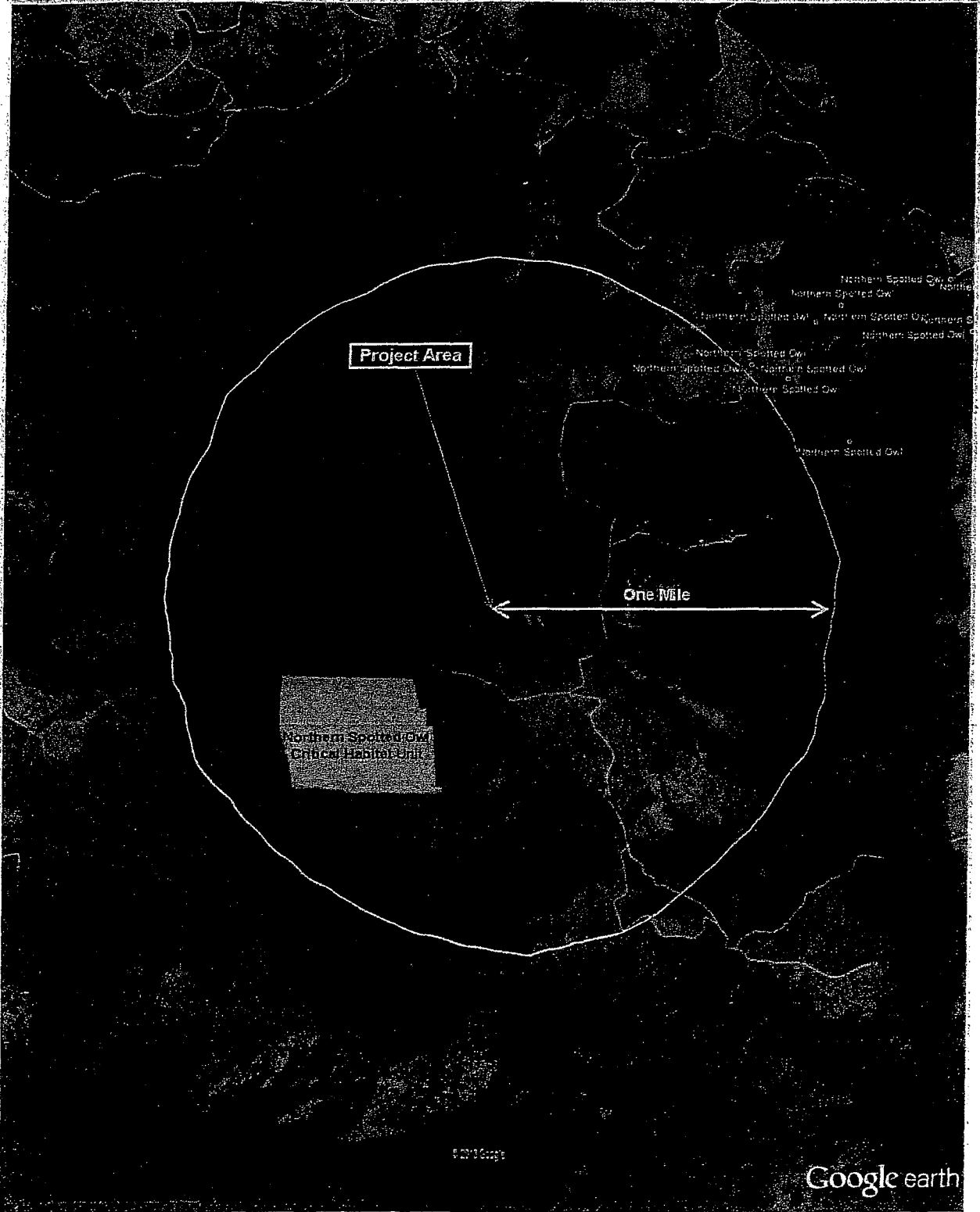
Habitat for the California red-legged frog is lacking at the Project site. The nearest potential habitat is located approximately 1.3 miles south southeast of the Project site. While California red-legged frogs are known to migrate up to approximately 1.86 miles (approximately 3 km), the open and dry nature of the understory on the forested habitats in and around the Project site and presence of maintained vineyards between the pond and the Project site would make any migrating frogs highly susceptible to predation. Further, there are no seasonally moist habitat areas at the Project site that would provide suitable non-breeding habitat for the frog. It is unlikely that the California red-legged frog occur at the Project site.

2.5.2 Birds

There are a number of special-status birds listed in Table 3, including the northern spotted owl. The bird species listed in Table 3 are primarily those identified in the CNDDDB records with the addition of Cooper's hawk, a California species of special concern, which was observed within the bird survey area. Many of the passerine bird species occurring in the area are considered by CDFW as species of special concern due to loss of habitat and other factors. Table 3 includes some of the California species of concern that are not listed in the CNDDDB that area could potentially occur in the Project area but this list is not exclusive.

The northern spotted owl is listed under FESA as a threatened species. Critical habitat has been designated for the northern spotted owl but the Project site is not within any of the designated critical habitat units in the region. The nearest critical habitat unit is approximately 0.33 miles southwest of the Project site, but no spotted owls have been reported as occurring in the critical habitat unit (CNDDDB 2013) (Figure 7). The reported

occurrences of northern spotted owls in the Project region are all greater than one mile from the Project site (Figure 8).



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km

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Figure 7. Location of northern spotted owl critical habitat unit in vicinity of Project site.

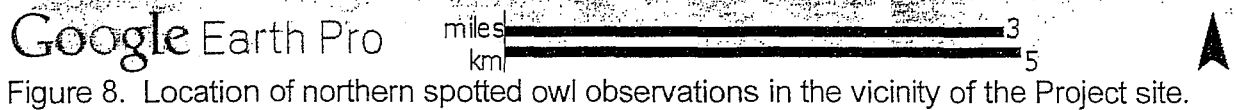
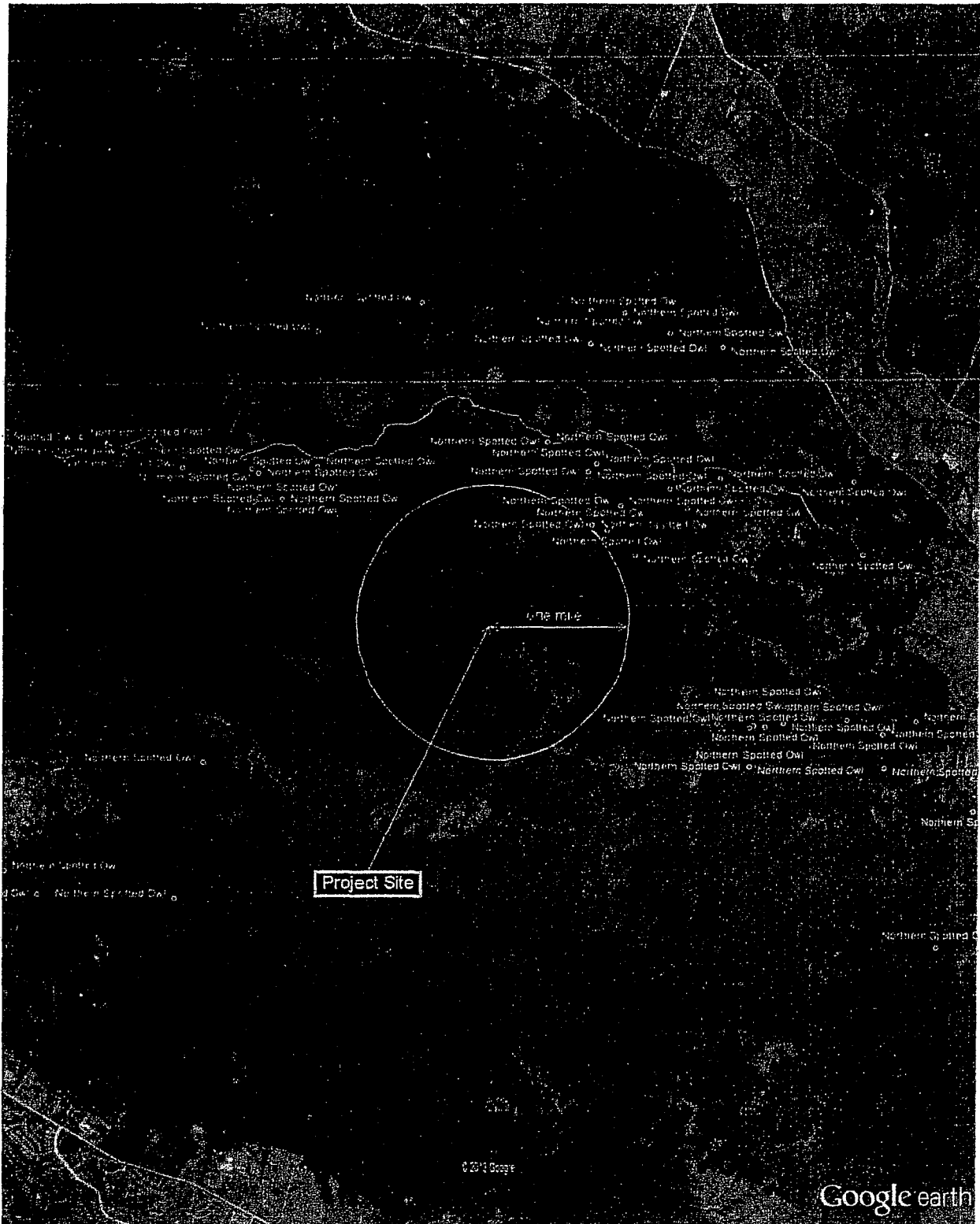


Figure 8. Location of northern spotted owl observations in the vicinity of the Project site.

2.5.3 Mammals

The special-status species of mammals identified in the CNDDDB record for the region are dominated by several species of bats. All six of the special-status bat species listed in Table 3, which are all California species of special-concern, have the potential to occur at the Project site. Trees and man-made features are the most likely feature where these bats could potentially occur.

The pallid bat and fringed myotis are the two species with occurrences closest to the Project site (Figure 6). The pallid bat, however, appears to prefer rocky outcrops, cliffs and crevices, habitat features lacking at the Project site, with access to open habitats for foraging. The most likely species of special-status bats to utilize the habitats at the Project site are the long-eared myotis, long-legged myotis, fringed myotis and silver-haired bat.

3.0 IMPACTS AND MITIGATION MEASURES

Project impacts to biological resources and measures to mitigate these impacts are described below. The significance of the anticipated impacts of the Project was evaluated following the criteria established in Appendix G of the CEQA Guidelines (California Natural Resources Agency 2010). According to these criteria, the Project would have a significant effect on a biological resource if it would:

- 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;
- 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;
- 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;
- 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

The determination of impact significance is based on whether the particular impact is "substantial," which consists of three components: the magnitude and duration of the affect; the uniqueness of the affected resource; and the susceptibility of the affected resource to disturbance.

The following analysis of impacts addresses both direct and indirect effects to the affected biological resources resulting from the construction and operation of the proposed Project. This analysis is based on the Project plans, the current condition of the Project impact area/site, and regulations and guidelines that cover the affected biological resources.

3.1 IMPACTS ON VEGETATION AND SPECIAL-STATUS PLANT SPECIES

Impact 1. The proposed Project could have a substantial adverse effect on special-status plant species, either through direct impact to the species or through modification of habitat. This impact would be less than significant with mitigation.

One special-status plant species was found occurring at several locations at the Project site during the special-status plant surveys, Napa false indigo. Plants were observed within the areas that would be directly affected by construction of the proposed Project and in areas directly adjacent to these areas. The plants in these adjacent areas could be affected during construction due to encroachment by workers and equipment, and during operation by visitors hiking through areas supporting this plant. Ongoing fuel reduction activities have already affected some of the plants in the area. An estimated one dozen plants may be directly affected by construction or the ongoing fuel reduction program.

Mitigation 1A. Prior to construction existing plants outside the direct impact area will be protected by fencing to prevent inadvertent encroachment into the area by workers or equipment. A mandatory worker's education program will be conducted by a qualified biologist prior to construction to inform the workers about the Napa false indigo plant and other special-status plants that could also be encountered during construction.

Mitigation 1B. Following construction, the existing plants will be mapped and an educational brochure prepared for guests at the facility that describes the plants, its status and instruct those hiking around the property to avoid trampling the plant. Hiking trails developed in the area will avoid areas where this species is located to the extent practicable. Plants located nearest the guest cottages will have information signs posted near the plant to allow the guest to learn what the plant looks like so that they can avoid trampling it as they move about the property.

Mitigation 1C. Three dozen plants will be propagated by a professional native plant nursery or a professional horticulturalist with experience propagating native plants, and planted at selected locations nearest to where plants will be directly affected by construction. These plants will be monitored for five years to document establishment of the plants. At the end of five years additional plantings will occur if any of the shrubs died during the monitoring period.

4.2 IMPACTS ON SPECIAL-STATUS AMPHIBIANS

Impact 2. The proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on California red-legged frog. This would be a less than significant impact.

Suitable breeding habitat for the California red-legged frog is not present at the Project site or within 1,500 feet of the Project site. The nearest known location of the California red-legged frog is location approximately 1.3 miles south southeast of the Project site. Although the California red-legged frog has been reported to move up to 1.86 miles from its breed sites, the frog's movements tend to be much shorter, moving to the nearest suitable habitat with sufficient moisture to sustain the frog during the warmer, drier months of the year. The open nature of the ground surface beneath the relatively dense tree canopy at the Project site combined with the lack of fossorial mammal activity to provide aestivation opportunities for migrating frogs reduces the suitability of the upland areas at Project site for the California red-legged frog. Although impacts to the California red-legged frog are not considered significant, the following mitigation measure will provide an extra measure of assurance that the Project will not significantly affect the California red-legged frog.

Mitigation 2. Pre-construction surveys will be conducted by a qualified biologist approved by USFWS will be conducted within 14 days before construction begins. If any California red-legged frogs are found, the biologist will capture the frog or frogs for relocation to a suitable area, and will immediately contact USFWS in Sacramento. No construction will occur until the agency has determined what measures will be necessary to protect additional California red-legged frogs in the area from harm during construction activities. Such measures may include installing frog-proof fencing around the construction and staging areas, with additional fencing at night across access roads, and a requirement that the qualified biologist or a biological monitor trained by the qualified biologist be present throughout the construction period. These measures, coupled with Best Management Construction Practices to control storm water runoff, dust control, prohibitions against leaving foods that might attract predators, etc., will reduce potential construction impacts to California red-legged frogs.

4.3 IMPACTS ON BIRDS AND MAMMAL SPECIES

Impact 3. The proposed Project could have a substantial direct and/or indirect effect to the Northern spotted owl. This would be a less than significant impact.

Habitat Loss. The loss of habitat resulting from fuel reduction program and construction of the proposed Project will result in the removal of less than an acre of forested habitat type preferred by the Northern spotted owl (Douglas-fir Alliance), which constitutes minimal loss of potential foraging habitat for the Northern spotted owl.

The area of potential habitat that will be lost due to construction of the Project site is over one mile from the nearest reported Northern spotted owl occurrence. These distances are well beyond the 500-foot no disturbance buffer required around active Northern spotted owl nests. There is adequate foraging and nesting habitat for Northern spotted owls, primarily in the Douglas-fir Forest Alliance in the vicinity of the Project site to sustain any existing breeding pairs of Northern spotted owls that may nest in areas closer to the proposed Project site.

Based on the assessment of habitat loss and the Project impact area's locations in relation to the known Northern spotted owl nest territories, the loss of less than one acre of suitable foraging habitat would not be considered a significant impact to Northern spotted owls.

Noise Disturbance. Noise disturbance from construction and operation of the Project has the potential to negatively affect nesting Northern spotted owls. The impact of noise from certain activities on nesting Northern spotted owls may be considered harassment and could be significant if noise levels reach specified decibel (dB) levels; the threshold dependent upon the distance between the Northern spotted owl nest and noise source. Elevated sound and visual disturbance of forest wildlife species, especially as they affect the Northern spotted owl, has received increased attention, remain a complex, controversial, and poorly understood subject (USFWS 1996).

Noise disturbance as a result of development of the Project was evaluated according to the USFWS guidance document *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California* (USFWS, 1996). This guidance document attempts to quantify the effects of elevated sound levels and visual proximity of human activities to owls (and murrelets) and primarily applies to these species within their suitable forest habitats in northwestern California.

While NSOs may be disturbed by many human activities, such disturbance rises to the level of harassment under a limited range of conditions. Based on this guidance document, harassment is assumed to occur when Northern spotted owls demonstrate behavior that suggests that the safety or survival of individuals are at significant risk, or that a reproductive effort is potentially lost or compromised. Examples of this behavior include, but are not limited to:

- An adult or juvenile flushed from a nest during the incubation, brooding, or fledging period potentially resulting in egg failure or reduced juvenile survival;
- An adult abandons a feeding attempt of a dependent juvenile for an entire daily feeding period potentially resulting in malnutrition or starvation of the young;
- An adult delaying attempts to feed dependent birds on multiple occasions during the breeding season, potentially reducing the growth or likelihood of survival of young.

The USFWS (1996) considers elevated noise level or visual detection by Northern spotted owls of human activities near active nests or dependent offspring as factors contributing these behaviors. The USFWS suggests that the above behaviors may manifest when: (a) the action-generated sound level experienced by the individual owl substantially exceeds pre-project ambient conditions by 20 dB or more; (b) when the total sound level, including the combined existing ambient and activity-generated sound, is very high (i.e., exceeds 90 dB, as experienced by the animal); or (c) when visual proximity of human activities occurs within 40 m of an active nest site (USFWS 1996).

The USFWS (1996) document provides guidance for determining the effect of noise on Northern spotted owls based on distance between the noise source and the known Northern spotted owl location, which provides an estimate as to whether or not a particular Northern spotted owl can be considered subject to harassment due to sound and/or visual disturbance.

For the purpose of evaluating the potential impact of noise on Northern spotted owls, the USFWS (1996) has defined six different noise levels, as follows:

Low: Typically 61-70 dB, and generally limited to sound from small power tools, light vehicular traffic at slow speeds on paved surfaces, non-gas-powered recreational activities, and residential activities, such as those associated with small parks, visitor centers, bike paths, and residences. Includes most hand tools and battery operated, hand-held tools.

Moderate: Typically 71-80 dB, generally characterized by the presence of passenger vehicles and street-legal motorcycles, small trail cycles (not racing), small gas-powered engines (e.g., lawn mowers, small chain saws, portable generators), and high-tension power lines. Includes electric hand tools (except circular saws, impact wrenches and similar).

High: Typically 81-90 dB, and would include medium- and large-sized construction equipment, such as backhoes, front end loaders, large pumps and generators, road graders, dozers, dump trucks, drill rigs, and other moderate to large diesel engines. Would include high speed highway traffic including RVs, large trucks and buses, large street legal and trail (not racing) motorcycles. Also includes power saws, large chainsaws, pneumatic drills and impact wrenches, and large gasoline-powered tools.

Very High: Typically 91-100 dB, and is generally characterized by impacting devices, jackhammers, racing or Enduro-type motorcycles, compression ("jake") brakes on large trucks, and trains. This category includes both vibratory and impact pile drivers (smaller steel or wood piles) such as used to install piles and guard rails, and large pneumatic tools such as chipping machines. It may also include largest diesel and gasoline engines, especially if in concert with other impacting devices. Felling of large trees (defined as dominant or subdominant trees in mature forests), truck horns, yarding tower whistles, and muffled or underground explosives are also included.

Extreme: Typically 101-110 dB. Generally includes use of ground-level, unmuffled explosives, pile driving of large steel piles, low-level over flights or hovering of helicopters, and heavily amplified music.

Sound Levels Exceeding 110 dB: These sound levels, typified by sources such as jet engines and military over flights, large sirens, open air (e.g., treetop) explosives, and double rotor logging helicopters, are special situations requiring site- and situation-specific analysis, and are not covered by the analytical methods provided herein.

The current noise level at the Project site, based on these definitions ranges from Low to Moderate, with the Low noise levels dominating for much of the year. During construction of the Project, the noise level will increase to High. Once construction is completed, the noise levels associated with the retreat will again fall to the Low to Moderate range.

The methodology described in the guidance document was used to estimate the approximate distance at which noise generated by the Project would be considered harassment based on the USFWS guidance (1996). Assuming that the ambient noise level before and after construction is Moderate and construction noise level is High, and using Table 1 of the USFWS guidance document (1996) to estimate the approximate distance at which noise generated by a project exceeds the ambient noise conditions and constitutes harassment, the so-called harassment distance for the Project would be 165 feet (approximately 50 m). The closest reported Northern spotted owl occurrences are over one mile from the proposed Project site and well outside the distance where the noise level would constitute harassment of nesting Northern spotted owls.

The Project impact area does have a direct line of sight to the nearest Northern spotted owl nest territory and no topographic features between the source (Project impact area) and receiver (Northern spotted owl nest site) would attenuate construction-related noise levels. The distance to the nearest reported Northern spotted owl nesting site is over one mile from the proposed Project site, which is substantially greater than the approximately 132 feet (40 meter) distance determined to result in visual harassment from human activities (USFWS, 1996), and well outside the harassment distance determined using the USFWS (1996) guidance.

Mitigation 3. No mitigation necessary.

Impact 4. Construction of the proposed Project could have a substantial direct and/or indirect effect on special-status birds. This impact would be less than significant with mitigation.

The vegetation communities at the proposed Project site support potentially suitable nesting habitat for a number of special-status bird species, including Cooper's hawk, sharp-shinned hawk, grasshopper sparrow, Bell's sage sparrow, long-eared owl, oak titmouse, Vaux's swift, olive-sided flycatcher, Nuttall's woodpecker, purple martin, and Allen's hummingbird. In addition, other bird species protected under the Migratory Bird Treaty Act and the California Fish and Game Code could nest at or in the vicinity of the proposed Project site.

Construction activities, such as vegetation clearing and grubbing, grading, and construction of the proposed Project facilities, could adversely affect nesting birds through the direct loss of individuals, injury, or disturbance. Because the nesting season is a critical period for maintenance of bird populations and the physical removal or harm to nests, or disturbance activities that cause birds to abandon an active nest, would be a potentially significant impact.

In addition to nesting habitat, the vegetation communities on and in the vicinity of the proposed Project site support potentially suitable roosting and foraging habitat for special-

status bird species including a number of birds of prey (e.g., Golden eagle, Cooper's hawk, etc.). If such species are roosting or foraging within habitats on or in the vicinity of the site, increased noise and vibrations from construction vehicles, equipment, and personnel could cause minor alteration in these birds' behavior. Roosting or foraging birds may be flushed due to the construction-related disturbances, or may avoid suitable habitat on or in the vicinity of the proposed Project site due to such disturbances. The ongoing fuels management program creates periodic disturbances at the proposed Projects site and is part of the established baseline for the proposed Project site. Construction-related disturbances would be temporary and suitable roosting and foraging habitat is present throughout the adjoining areas of the Applicant's property. For these reasons, impacts on roosting and foraging birds would be less than significant.

Conversion of previously undeveloped lands on the Project site would result in the loss of potentially suitable nesting, roosting, and foraging habitat for a number of special-status bird species. This loss, however, would be minimal, totaling less than one acre, and adequate nesting, roosting, and foraging habitat in the vicinity of the proposed Project site would remain relatively undisturbed. The loss of potential nesting, roosting, and foraging habitat for special-status birds would therefore be less than significant.

Following development of the proposed Project, special-status birds could be directly and indirectly impacted by increased human-related disturbances caused by the operation of the proposed Facility. One of the purposes of the proposed Project is to foster an understanding and appreciation of the surrounding natural habitats and wildlife that rely on these habitats through education and direct experience and study. Such disturbances are not anticipated to adversely affect nesting, roosting, or foraging birds.

Mitigation 4. A pre-construction survey for nesting birds, including raptors, will be performed 14 days prior to the start of construction. A qualified avian biologist will conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities at the Project site to locate any active nests on or adjacent to the Project site. If land-clearing activities can be performed outside of the nesting season (generally between September 1 and January 31) no preconstruction surveys for nesting birds are warranted.

Pre-construction surveys will be conducted no more than 14 days prior to the start of construction or ground disturbing activities if the activities occur during the nesting season (February 1 to August 31). Preconstruction surveys will be repeated at 30-day intervals until construction has started. Active nests will be identified, located, and described and protective measures will be implemented. Protective measures will include establishment of clearly delineated (i.e., Visi-barrier, orange construction fencing) exclusion zones around each nest site. The barrier will be installed at least 300 feet from the dripline of the raptor nests or nest trees and 50 feet from passerine nests or nest trees. The active nest sites within exclusion zones will be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance or nest abandonment. The barriers marking exclusion zones will

remain in place until the young have left the nest and are foraging independently or if the nest is no longer active.

South of the nest, a single bird was observed to be foraging. It foraged eastward in a field of tall grass. In the same area, several other birds were observed to be foraging.

10 birds were observed to be foraging in the field. They were observed to be foraging in a field of tall grass. In the same area, several other birds were observed to be foraging.

10 birds were observed to be foraging in the field. They were observed to be foraging in a field of tall grass. In the same area, several other birds were observed to be foraging.

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Impact 5. Construction of the proposed Project could have a substantial direct and/or indirect effect on special-status birds. This impact would be less than significant with mitigation.

The Project will result in the loss of potential roosting habitat for several special-status bat species. The special-status bat species with a reasonable likelihood of roosting in the vicinity of the Project site include pallid bat, silver-haired bat, hoary bat and long-legged myotis. Additional special-status bat species have the potential to forage in the vicinity of the Project site.

Mitigation 5. A qualified bat biologist will perform a survey prior to the scheduled construction and at the appropriate time of year, as to determine the species of bat(s) and type of roosts present at the Project site. For purposes of this Project, a "qualified bat biologist" is defined as a bat biologist, who holds a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle and collect bats. The survey will take place when bats are present, identifiable, and conducted at time when the type of roost can be determined (i.e., day roost, night roost, maternity roost).

If no evidence of bats are is found during the pre-construction bat surveys than no further mitigation would be required. If, however, evidence of bats is found the following mitigation measures will be implemented.

If the bat species are discovered or if evidence of recent prior occupation is established, construction shall be scheduled such that the activities minimize impacts to bats. Hibernation sites with evidence of prior occupation will be sealed before the hibernation season (November - March), and nursery sites will be sealed before the nursery season (April - August). If the site is occupied, then the action will occur either prior to or after the hibernation season for hibernacula and after August 15 for nursery colonies. Construction will not take place as long as the site is occupied.

If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals will be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFW), by opening the roosting area to allow airflow through the cavity. Demolition will then follow at least one night after initial disturbance for airflow. This action will allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

WATER RESOURCES

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4.0 REFERENCES

Baldwin, B.G (Convening Ed). 2012. The Jepson manual, higher plants of California. Second Edition. University of California Press, Berkeley, California.

California Department of Fish and Game (CDFG). 2009. Protocols for surveying and evaluating impacts to special status native plant populations and natural communities. November 24, 2009.

California Natural Resources Agency. 2010. California Environmental Resources Evaluation System: CEQA Guidelines, as amended March 18, 2010. 52p.

CNDDDB 2013. Reported occurrences of special-status species for USGS 7.5-minute topographic quadrangles for Calistoga, Kenwood and Mark West Springs, Saint Helena, Santa Rosa, Rutherford, Cotati, Glen Ellen and Sonoma. California Natural Diversity Database, Department of Fish and Game. Commercial version for March, 2013, updated with July, 2013 version.

Fellers, G.M., and P.M. Kleeman 2007. California red-legged frog (*Rana draytonii*) movement and habitat use: Implications for conservation. *Jour. Herpetology* 41(2): 276-286).

Fellers, G.M. 2013. AmphibiaWeb: Information on amphibian biology and conservation. [web application]. 2013. Berkeley, California: AmphibiaWeb. Available: <http://amphibiaweb.org/>. (Accessed: Jun 14, 2013).

Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A manual of California Vegetation. Second Edition. California Native Plant Society Press, Sacramento, CA.

Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. Third edition. Houghton Mifflin Company, Boston, Massachusetts.

U.S. Fish and Wildlife Service (USFWS). 1996. Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.

U.S. Fish and Wildlife Service (USFWS). 2010. Revised critical habitat for the California Red-Legged Frog. Final Rule. Federal Register 75(51): 12815-12959. U.S. Fish and Wildlife Service, Region 1. Portland, Oregon. 16 September 2008.

| Family | Specific Name | Common Name |
|--------------------------------|---|----------------------|
| Aceraceae | <i>Acer macrophyllum</i> | big-leaf maple |
| Anacardiaceae | <i>Toxicodendron diversiloba</i> | poison oak |
| Apiaceae | <i>Ozmorhiza chilensis</i> | sweet cicely |
| | <i>Sanicula bipinnata</i> | poison sanicle |
| | <i>Torilis arvensis</i> | field hedge parsley |
| Asclepiadaceae | <i>Asclepias cordifolia</i> | heartleaf milkweed |
| Asteraceae | <i>Achillea millefolium</i> | common yarrow |
| | <i>Achyrachaena mollis</i> | blow wives |
| | <i>Anisocarpus madioides</i> | woodland madia |
| | <i>Baccharis pilularis</i> var. <i>consanguinea</i> | coyote brush |
| | <i>Carduus pycnocephalus</i> | Italian thistle |
| | <i>Cirsium vulgare</i> | bull thistle |
| | <i>Hypochaeris radicata</i> | rough cat's ear |
| | <i>Senecio vulgaris</i> | common groundsel |
| | <i>Taraxacum officinale</i> | common dandelion |
| | Brassicaceae | <i>Brassica rapa</i> |
| <i>Capsella bursa-pastoris</i> | | shepherd's purse |
| <i>Hirschfeldia incana</i> | | shortpod mustard |
| <i>Raphanus raphanistrum</i> | | jointed charlock |
| <i>Raphanus sativus</i> | | wild radish |
| <i>Sisymbrium officinale</i> | | hedge mustard |
| Caprifoliaceae | <i>Lonicera involucrata</i> | twinberry |
| Caryophyllaceae | <i>Cerastium glomeratum</i> | sticky chickweed |
| | <i>Silene gallica</i> | common catchfly |
| | <i>Stellaria media</i> | common chickweed |
| Cyperaceae | <i>Carex gracilior</i> | slender sedge |
| Ericaceae | <i>Arbutus menziesii</i> | madrone |
| | <i>Arctostaphylos</i> sp. | manzanita |
| Fabaceae | <i>Amorpha californica napensis</i> | false indigo |
| | <i>Lathyrus jepsonii</i> var. <i>californicus</i> | California pea |
| | <i>Lotus corniculatus</i> | bird's-foot trefoil |
| | <i>Lotus micranthus</i> | deer vetch |
| | <i>Lupinus bicolor</i> | miniature lupine |
| | <i>Lupinus nanus</i> | dwarf lupine |
| | <i>Medicago polymorpha</i> | bur clover |
| | <i>Trifolium barbigerum</i> | bearded clover |
| | <i>Trifolium ciliolatum</i> | tree clover |
| | <i>Trifolium hirtum</i> | rose clover |
| | <i>Trifolium hybridum</i> | alsike clover |
| <i>Trifolium incarnatum</i> | crimson clover | |
| <i>Trifolium subterraneum</i> | subterranean clover | |

| Family | Specific Name | Common Name |
|-----------------|--|---------------------------|
| | <i>Vicia cracca</i> | bird vetch |
| | <i>Vicia sativa</i> | common vetch |
| Fagaceae | <i>Lithocarpus densiflorus</i> var. <i>densiflorus</i> | tan oak |
| | <i>Quercus kelloggii</i> | black oak |
| | <i>Quercus wizlesenii</i> | interior live oak |
| Geraniaceae | <i>Erodium botrys</i> | broadleaf filaree |
| | <i>Erodium cicutarium</i> | common stork's bill |
| | <i>Geranium dissectum</i> | cut-leaf geranium |
| Grossulariaceae | <i>Ribes victoris</i> | Victor's gooseberry |
| Hydrophyllaceae | <i>Nemophilla menziesii</i> | baby blue eyes |
| Hypericaceae | <i>Hypericum concinnum</i> | gold wire |
| Iridaceae | <i>Iris</i> sp. | Unidentified iris |
| Lamiaceae | <i>Stachys ajugoides</i> | hedge nettle |
| Lauraceae | <i>Umbellularia californica</i> | California bay |
| Liliaceae | <i>Calochortus amabilis</i> | Diogenes' lantern |
| | <i>Chlorogalum pomeridianum</i> | soap plant |
| | <i>Dichelostemma congestum</i> | oakow |
| Onagraceae | <i>Clarkia</i> sp. | ornamental |
| Poaceae | <i>Aira caryophyllea</i> | annual (silver) hairgrass |
| | <i>Avena barbata</i> | slender oats |
| | <i>Briza minor</i> | little rattlesnake grass |
| | <i>Bromus carinatus</i> | California brome |
| | <i>Bromus diandrus</i> | ripgut brome |
| | <i>Bromus hordeaceus</i> | soft chess |
| | <i>Cynosurus echinatus</i> | dogtail grass |
| | <i>Danthonia californica</i> | California oatgrass |
| | <i>Festuca myuros</i> | rattail fescue |
| | <i>Hordeum murinum</i> | hare barley |
| | <i>Lolium multiflorum</i> | ryegrass |
| | <i>Poa annua</i> | Annual bluegrass |
| Pinaceae | <i>Pseudotsuga menziesii</i> | Douglas fir |
| Pittosporaceae | <i>Pittosporum toberi</i> | Japanese mock orange |
| Plantaginaceae | <i>Plantago lanceolata</i> | English plantain |
| Portulacaceae | <i>Calandrinia ciliata</i> | Red maids |
| | <i>Claytonia perfoliata</i> | Miner's lettuce |
| Primulaceae | <i>Anagallis arvensis</i> | Scarlet pimpernel |
| Pteridaceae | <i>Pteridium aquilinum</i> | bracken fern |
| | <i>Polystichum munitum</i> | swordfern |
| Ranunculaceae | <i>Delphinium</i> sp. | ornamental larkspur |
| | <i>Ranunculus californicus</i> | California buttercup |

| Family | Specific Name | Common Name |
|------------------|--|-----------------------|
| | <i>Ranunculus orthorhynchus bloomeri</i> | Bloomer's buttercup |
| | <i>Thalictrum fendleri</i> | meadow rue |
| Rosaceae | <i>Photinia fraseri</i> | Fraser's photinia |
| | <i>Rosa californica</i> | California wild rose |
| | <i>Rubus ursinus</i> | California blackberry |
| Rubiaceae | <i>Galium aparine</i> | bedstraw |
| Scrophulariaceae | <i>Verbascum thapsus</i> | common mullein |
| | <i>Veronica arvensis</i> | corn speedwell |
| Violaceae | <i>Viola glabella</i> | pioneer violet |



PJC & Associates, Inc.

Consulting Engineers & Geologists

PRELIMINARY GEOLOGIC EVALUATION

REPORT

PRELIMINARY GEOLOGIC EVALUATION
PROPOSED PICKARD DEVELOPMENT

3770 LANGTRY ROAD
SANTA ROSA, CALIFORNIA

JOB NO. S698.03

PREPARED FOR:

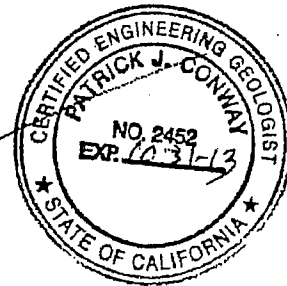
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July 18, 2013

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PRELIMINARY GEOLOGICAL EVALUATION
PROPOSED PICKARD DEVELOPMENT
3770 LANGTRY ROAD
SANTA ROSA, CALIFORNIA

1. INTRODUCTION

PJC & Associates, Inc. (PJC) is pleased to present the results of our preliminary geological evaluation for the Pickard property located at 3770 Langtry Road in Santa Rosa, California. The approximate location of the property is shown on the Site Location Map, Plate 1. The proposed project site location is located near the southern boundary of the parcel and corresponds to GPS coordinates of N 38.2316° by W 122.6610°. Based on the information provided by you, the information provided by your representative, Mr. Justin Adler and the preliminary site plan prepared by Hogan Land Services, dated March 5, 2013, it is our understanding that it is proposed to construct a new retreat facility on the project Parcel 2, (APN 028-270-038 & 030-080-009).

Our services were completed in accordance with our authorization of additional services, dated June 10, 2013. The purpose of our evaluation was to determine the feasibility of the proposed development from a geologic standpoint and to recommend supplemental geotechnical services for design and construction of the project. No subsurface exploratory work was performed for this scope of the project. However, PJC is preparing a site specific geotechnical investigation. Based on the results of our work, we judge that the project is feasible from a geologic standpoint, provided the recommendations presented in this report are followed:

2. PROJECT DESCRIPTION

The project was in the preliminary planning stages at the time of this report. Based on the information provided by you and Mr. Adler and the preliminary site plan prepared by Hogan Land Services, dated March 5, 2013, the proposed project will consist of constructing a new retreat facility. We anticipate that the new retreat facility will consist of renovating the existing single family residence into a main guest lodge, constructing three guest cottages, an agricultural barn, a movement studio, and accessory building, as shown on the Site Plan Plate 2. Design details of the structures have not been determined at this time and will be developed at a later date. For the purpose of this report, we assume that the structures will consist of wood frame construction with light structural loads.

The retreat facility will be accessed by a private driveway extending west from Langtry Road. It is our understanding that the retreat facility will be serviced by municipal utilities, proposed private on-site septic systems and proposed and existing private on-site water wells.

Site grading and drainage plans were not available at the time of this report. We anticipate that future grading may consist of cuts and fills of approximately five feet or less to provide level building areas and adequate gradients for control of surface drainage. We do not expect that major grading (>5000 cubic yards) will be performed at the site.

3. SCOPE OF SERVICES

The purpose of this study was to evaluate the geologic conditions at the site and provide an opinion on the feasibility of the project from a geologic standpoint. No subsurface exploration or detailed geologic mapping was performed for this scope of the project. Specifically, our work included the following:

- a. Review pertinent geologic data from various sources, and aerial photographs of the site. The data was used in the assessment of regional and local faulting, seismicity, landslide potential, distribution of rock and soil units, and other potential geologic hazards at the site.
- b. Conduct a surficial reconnaissance by our geologist to observe topography and surface soils.
- c. Preparation of a report presenting our opinions on the feasibility of the project and our recommendations for additional geological and geotechnical work.

4. SITE CONDITIONS

- a. General. The subject property is located in a heavily forested, rural and agricultural area west of Saint Helena, and west of the Napa-Sonoma County line. The site is located approximately two miles southwest of the intersection of Spring Mountain Road and Langtry Road. The entire parcel consists of approximately 163 acres. The site is generally bounded by undeveloped land and single family residences on large lots. At the time of our investigation, the site was occupied by an existing single family residence, a solar panel array, a private driveway, small auxiliary farm structures and private earthen access roads. There is an existing domestic well located approximately 50 feet northeast of the existing residence. The

remaining portions of the site were undeveloped and covered in native grasses, shrubs and scattered evergreen, manzanita and oak trees.

b. Topography. The site is located within mountainous terrain of the Mayacamas Mountains, just west of the Napa-Sonoma County line. Generally, the parcel consists of relatively level to steeply sloping topography. Maximum slope gradients, located along the southwest and west facing hillsides of the northwest and southern areas, respectively, contain isolated areas of steep gradients on the order of one and one-half horizontal to one vertical (1.5H:1V). However, the proposed building areas are located on areas of relatively level to gently sloping topography, near the top of the northwest-southeast trending ridgelines at the southern end of the site. According to the United States Geological Survey (USGS) Calistoga and Kenwood, California, 7.5 Minute Quadrangle Maps (Topographic), site elevations vary from approximately 2,300 feet above mean sea level (MSL) near the southeastern area of the site, to approximately 1,100 feet within the unnamed tributary of Santa Rosa Creek at the western border of the site.

c. Drainage. Site drainage appears to consist of sheet flow and surface infiltration. Numerous small drainage swales channel sheet flow off the site. However, there is an unnamed, dotted blue line tributary of Sonoma Creek which transects the site from east to west, and discharges water off the property to Santa Rosa Creek. Furthermore, the unnamed tributary drains to an intermediary pond, prior to discharge into Santa Rosa Creek. The pond is located at the northeast corner of the parcel. Regional drainage is provided by Santa Rosa Creek, which is located approximately 300 feet from the western property boundary of the parcel.

d. Groundwater. We did not observe the presence of any active springs on the property. Groundwater below the site is likely derived from bedrock aquifers within the Late Miocene to Early Pliocene volcanic deposits of the Sonoma Volcanics Series, as well as the Jurassic to Cretaceous greywacke sandstones of the Franciscan Complex. The Sonoma Volcanics has highly variable specific yields and is considered to be a good water producer where unwelded tuffs, scoria, and volcanic sediments are present. The Franciscan Complex is generally considered a poor water producer with low specific yields, and contains limited quantities of water in fractures. Furthermore, shallow perched groundwater conditions can occur in the area. This condition, if present, likely varies with seasonal rainfall and other factors, and likely dissipates following seasonal rainfall.

The existing well is viable, and according to a recent yield test performed by Ray's Well Testing, dated March 16, 2012, the well has a stabilized flow rate of 15 gallons per minute (gpm). One additional well has been proposed to service proposed development. Impacts on local groundwater from the development of the new wells are not addressed in this report.

5. REGIONAL GEOLOGIC SETTING

The site is located in the Coast Ranges Geomorphic Province of California. This province is characterized by northwest trending topographic and geologic features, and includes many separate ranges, coalescing mountain masses and several major structural valleys. The province is bounded on the east by the Great Valley and on the west by the Pacific Ocean. It extends north into Oregon and south to the Transverse Ranges in Ventura County.

The structure of the northern Coast Ranges region is extremely complex due to continuous tectonic deformation imposed over a long period of time. The initial tectonic episode in the northern Coast Ranges was a result of plate convergence, which is believed to have begun during the late Jurassic period. This process involved eastward thrusting of oceanic crust beneath the continental crust (Klamath Mountains and Sierra Nevada) and the scraping off of materials that are now accreted to the continent (northern Coast Ranges). East-dipping thrust and reverse faults were believed to be the dominant structures formed.

Right lateral, strike slip deformation was superimposed on the earlier structures beginning mid-Cenozoic time, and has progressed northward to the vicinity of Cape Mendocino in Southern Humboldt County (Hart, Bryant and Smith, 1983). Thus, the principal structures south of Cape Mendocino are northwest trending, nearly vertical faults of the San Andreas system.

According to published geologic literature and our geologic reconnaissance, the majority of the property is underlain by a northwest-southeast trending band of two members of the Sonoma Volcanics Series (Tss & Tst). The Tss unit is described as volcanic sedimentary deposit consisting of unconsolidated, interbedded and intertonguing tuffaceous sand, silt, volcanic gravel, tuff, clay and diatomite. The Tst unit, located primarily in a small northern portion of the parcel is described as locally welded or partly welded pumicitic ash-flow tuff, with intercalated agglomeritic tuff and andesitic or basaltic lava flows with tuff breccia, bedded tuff and pumicitic tuff. A small area within the southwest corner of the property is mapped within the KJfs member of the Franciscan Complex. The KJfs member of the Franciscan Complex consists of

sheared shale and sandstone that contains generally resistant masses of chert, high grade metamorphic rock, variable shattered sandstone and greenstone, metagreenstone, and generally less resistant serpentinite. A Regional Geologic Map is presented on Plate 3.

6. FAULTING

Geologic structures in the region are primarily controlled by northwest trending faults. No known active fault passes through the site. However, according to Special Report 120, an unnamed thrust fault transects a portion of the northeast corner of the property from southeast to northwest. However, no evidence of previous ground displacement on the site due to fault movement was observed during our field exploration. Furthermore, based on published known active fault maps, the site is not located in the Alquist-Priolo Earthquake Fault Studies Zone. Based on our research, the five closest known potentially active faults to the site are the Rodgers Creek, the Maacama, the West Napa, the Hunting Creek and the Green Valley faults. The Rodgers Creek fault is located nine miles to the southwest, the Maacama fault is located nine miles to the northwest, the West Napa fault is located 11 miles to the southeast, the Hunting Creek fault is located 15 miles to the northeast and the Green Valley fault is located 19 miles southeast of the site. Table 1 outlines the nearest known active faults and their associated maximum magnitude. Regional faults are presented on Plate 4.

**TABLE 1
CLOSEST KNOWN ACTIVE FAULTS**

| Fault Name | Distance from Site (Miles) | Maximum Earthquakes (Moment Magnitude) |
|---------------|----------------------------|--|
| Rodgers Creek | 9 | 7.0 |
| Maacama | 9 | 6.9 |
| West Napa | 11 | 6.5 |
| Hunting Creek | 15 | 6.9 |
| Green Valley | 19 | 6.9 |

EQFAULT Ver 3.0, computer program, Blake, Thomas.

7. SEISMICITY

The North Bay Area is located in a highly active seismic region. The site could be affected by an earthquake with its epicenter on any of the major faults in the Bay Area. It is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate to major earthquake during the lifetime of any construction on the site.

In the event of an earthquake, seismic risk to a structure will depend upon several factors, including the distance of the structure from the epicenter and source fault, the characteristics of the earthquake, the subsurface and

groundwater conditions underlying the structure, the design of the structure, and the quality of construction. In the event of a large or major earthquake, particularly on the Rodgers Creek or Maacama fault, the project may be susceptible to ground rupture, ground shaking and seismic related ground failures. The potential of the existence of geologic hazards at the site are discussed in the following sections of this report.

8. SEISMIC CONSIDERATIONS AND POTENTIAL GEOLOGIC HAZARDS

The site is located within a region subject to high level of seismic activity. Therefore, the site will probably experience ground shaking within the lifetime of any improvements and structures constructed at the site. The following discussion presents the possible earthquake effects and other potential geologic hazards which could result in damage to the structures constructed at the site.

- a. Fault Rupture. Rupture of the ground surface is expected to occur along known active fault traces. No known active fault passes through the site. The contact of the older Franciscan Complex overlying the younger Sonoma Volcanic Series near the northeastern boundary of the property may indicate the presence of a thrust fault. However, according to the available literature, the thrust fault is not considered active. Therefore, the likelihood of ground rupture at the site due to faulting is considered to be low.
- b. Ground Shaking. The site has been subjected in the past to ground shaking by earthquakes on the active fault systems that traverse through the region. It is believed that a moderate to large earthquake with significant ground shaking will occur in the region sometime within the next several decades. Therefore, it must be assumed that the site will be subjected to seismic ground shaking during the design life of the project. Therefore, the structures will be required to be designed to resist the effects of seismic ground motion as established in the current building codes.
- c. Lateral Spreading and Lurching. Lateral spreading is normally induced by vibration of near-horizontal alluvial soil layers adjacent to an exposed face. Lurching is an action, which produces cracks or fissures parallel to streams or banks when the earthquake motion is at right angles to them. There are no creek embankments adjacent to any of the building sites. Existing creek banks on the parcel are located approximately 1500 feet from the proposed structures, along the unnamed tributary of Santa Rosa Creek. Therefore, we judge that the potential for lateral spreading at the site impacting the development is low.

- d. Liquefaction. Based on the geologic mapping and our visual observations, it is likely that the building site is underlain by shallow bedrock. The bedrock which underlies the site likely extends to great depths beneath the site. Therefore, it is judged that liquefaction is not likely to occur at the site.
- e. Differential Compaction. Differential compaction is a phenomenon where loose, non-saturated granular soils experience densification and subsequent ground settlement due to ground shaking by a seismic event. We did not observe any surface soil deposits that could be susceptible to differential compaction. Therefore, we expect that the potential of differential compaction at the site would be low. However, this should be verified by a subsurface investigation.
- f. Expansive Soils. No evidence indicative of expansive soils, such as desiccation cracks, was observed at the property. Based on our visual observations, surface soils at the site consist of sandy silts with low expansion potential. However, PJC is performing a site specific geotechnical investigation which will address the potential for subsurface expansive soils, if present. If they are present, they can be easily mitigated by engineering techniques.
- g. Subsidence. One well is present on the property, with tentative plans for a second. Large amounts of groundwater are not currently being withdrawn for subsidence to be a concern. Furthermore, the hard bedrock deposits of the Sonoma Volcanics and Franciscan Complex that underlie the site are not typically susceptible to subsidence.
- h. Volcanic Hazards. The nearest potentially active volcanic area is in the vicinity of Clear Lake in Lake County, approximately 37 miles northwest of the site. Lava flows originating from the Clear Lake volcanic area could not conceivably reach the vicinity in and around the property. The westerly prevailing winds from the coast would probably prevent any large amounts of ash from reaching the project site during or after a major eruption in Lake County or elsewhere.
- i. Tsunamis. The property is located approximately 30 miles east of the Pacific Ocean. Therefore, the threat of tsunami inundation is nonexistent.
- j. Seiches. San Pablo Bay is located approximately 25 miles south of the site. The threat of damage from seich waves is nonexistent.

- k. Waste Disposal. There is currently one existing septic leach field servicing the existing residence. It is our understanding that a new leach field will be constructed to accommodate the proposed project. At the time of our investigation, a potential septic area east and downslope from the existing residence was investigated by Hogan Land Services for leach field suitability. Therefore, there will be the addition of leach field effluent into the ground from the new septic systems.
- l. Dam Failure Inundation. Based on our review of topographic data, there are no reservoirs up slope of the site. Therefore, we judge that the potential of flooding at the site due to dam failure is low to nonexistent.
- m. Flooding. According to the Sonoma County Flood Zone Map, the site is located in Zone D, in an area of undetermined but possible flood hazard. However, based on the sites topographic setting, we judge that the risk of flooding at the site is low to nonexistent.
- n. Erosion. No areas of active erosion or large sediment transport off the property was observed near the proposed building envelopes.
- o. Slope Stability. According to Special Report 120, Relative Slope Stability Map, prepared by California Division of Mines and Geology (Huffman and Armstrong, 1980), there is a northwest trending landslide mapped west of the proposed project building site. A portion of this mapped landslide extends into the western portion of the property, along the southern slopes of the unnamed tributary of the Santa Rosa Creek. However, mapping performed at this scale is generally completed by review of aerial photographs, with no verification through subsequent fieldwork or subsurface exploration. Furthermore, the proposed building envelopes are located on relatively level to gently sloping topography and appears stable with no visible signs of active slope instability or recent global slope movements. During our field reconnaissance on January 30, 2013, we did not observe any geomorphic features indicative of past earth movement, such as landslide scraps, debris flows, or earth slumps near or within the proposed building areas. However, we did note the presence of an isolated slump feature located along a portion of the existing access road, approximately 500 feet north of the proposed accessory building and parking area. Due to the distance and topographic location of the nearest proposed structure, the slump feature does not pose a significant threat to the proposed structures. Furthermore, the access road is outside the scope of the proposed project. However, if this portion of the access road

isolated areas of potential instability on slopes greater than 3H:1V. These areas are located a significant distance from the proposed building envelopes and not likely to pose any threat to the proposed development. A regional slope stability map is presented on Plate 5.

9. CONCLUSIONS AND RECOMMENDATIONS

We judge that the project is feasible from a geologic standpoint. The primary geologic and geotechnical considerations in the planning and design of the site are the presence of weak and porous colluvial soils and their potential for downhill creep on slopes steeper than 5H:1V.

As development plans proceed, a detailed more thorough geotechnical investigation, including subsurface exploration and laboratory testing, should be performed. This information will be analyzed to provide specific geotechnical conclusions and recommendations regarding soil and geologic conditions within the planned building areas, foundation design criteria, slab-on-grade floor recommendations, and geotechnical engineering drainage recommendations and cut and fill grading guidelines, as applicable. Generally, the site appears geologically stable. Prior to detailed construction design, additional slope stability and soil analysis will be conducted within the building sites to affirm lack of landslide potential and liquefaction.

10. LIMITATIONS

The conclusions and recommendations discussed in this report are preliminary, and should be reviewed and modified following subsequent detailed subsurface exploration, laboratory testing, and geotechnical engineering evaluation, when site specific building and improvements designs have been completed.

September 27, 2013

Mr. Jared Pickard
3770 Langtry Road
St. Helena, CA 94574

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

Focused Traffic Study for 3770 Langtry Road Project

Dear Mr. Pickard;

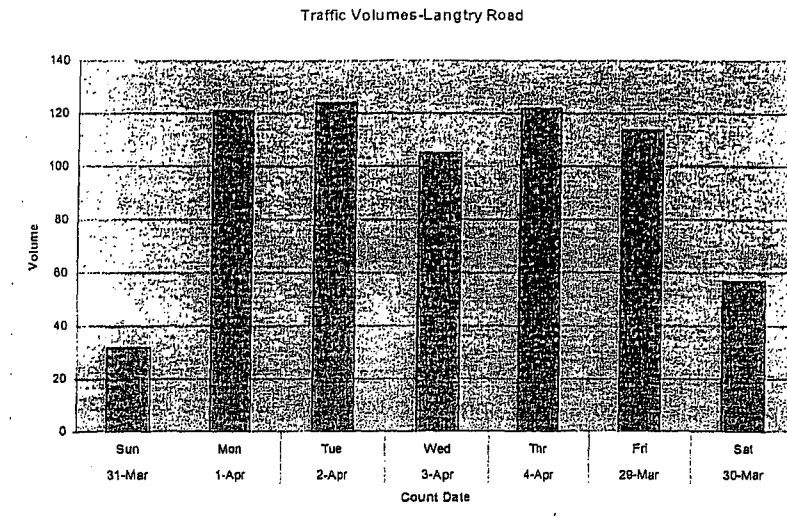
Whitlock & Weinberger Transportation, Inc. (W-Trans) has completed a focused analysis that addresses the potential traffic impacts relative to a nine unit "eco-tourism" lodge to be located at 3770 Langtry Road in the County of Sonoma. Because the project would generate on average fewer than 25 trips during peak hours (and in fact on a daily basis), only a focused analysis was prepared. The issues that are likely to generate public concern are associated with travel along Langtry Road, so our review focuses on the suitability of this roadway to accommodate the additional traffic that the project would be expected to generate.

It should be noted that a draft version of this analysis was provided to both the County of Sonoma and County of Napa for review. Comments from Mr. Rick Marshall of Napa County's Public Works Department as provided in a letter dated August 14, 2013, to Ms. Misti Harris of Sonoma County's Permit & Resource Department, as well as verbal comments from Ms. Harris as relayed in an email message from you dated September 13, 2013, were addressed for this final report.

Existing Conditions

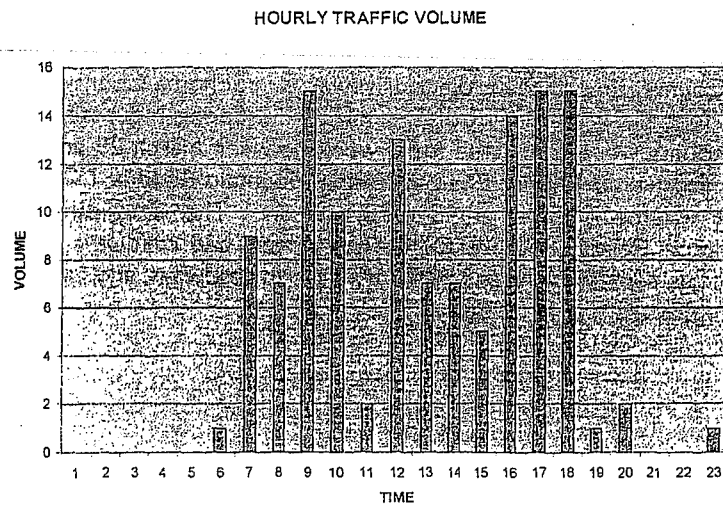
Langtry Road is a very-low volume narrow country road in hilly terrain. It has a single access and is located mostly in Napa County, though the project driveway is in Sonoma County. Langtry Road varies in width from 13 to 20 feet along the length of 2.4 miles from Spring Mountain Road to the project access. Traffic volume counts were conducted for a week between March 29 and April 4, 2013. The average weekday traffic volume on Langtry Road at Spring Mountain Road is 117 vehicle trips per day and the weekend traffic volume is lower at 45 trips per day. The American Association of State Highway and Transportation Officials (AASHTO) defines streets and roadways with an average daily traffic (ADT) of 400 vehicles per day or less as very-low volume roadways, and Langtry Road meets this criteria. Daily traffic volumes are shown in Figure 1.

Figure 1 – Daily Traffic Volumes



On a daily basis, and using volumes from Tuesday, April 2, which was one of the highest volume days counted, it was noted that there is a morning peak on Langtry Road that occurs at 9 a.m. (15 vehicles) and a smaller noon peak with 13 vehicle trips per hour. The evening peak occurs between 4 and 6 p.m. when 15 vehicles were recorded during both hours of this two-hour time period. Figure 2 shows the hourly traffic volumes for Tuesday, April 2, 2013.

Figure 2 – Hourly Traffic Volume on April 2, 2013



Speed data was also collected as part of the traffic volume count data. The data showed that the average speed on Langtry Road near Spring Mountain Road was 25 miles per hour (mph) and the critical speed (85th percentile) was 31 mph over the week that counts were conducted. Speed data at one

location near Spring Mountain Road is not indicative of speeds over the length of the road. During a field visit a record of travel speeds was recorded using GPS over the 2.4-mile length of Langtry Road and speeds ranged from 17 to 23 mph depending upon the location.

Collision History

The collision history for the study area was reviewed and evaluated to determine if there are any existing critical safety issues. Data was obtained from the California Highway Patrol, which maintains the Statewide Integrated Traffic Records System (SWITRS). Data for the six-year period from January 2005 through December 2011 was reviewed. During this period, there was one reported collision on Langtry Road; it involved a vehicle hitting a fixed object while turning. There were no multiple vehicle collisions in the project area and no existing safety issues identified from the data.

Project Description

A nine-unit destination retreat lodge is proposed. In addition the lodge will offer yoga instruction, talks on sustainability, food preparation and similar activities. Activities are expected to be attended primarily by guests of the lodge, though a few outside participants are assumed. The business plan envisions four full time staff, of which two will live on-site and serve as managers.

Trip Generation

The *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers (ITE), 2012, lacks sufficient information to develop the expected trip generation for this project. The trip generations for the various aspects of the project were instead based upon an understanding of the project. Lodging activity varies from season to season, with peak activity occurring during summer and fall.

As the proposed lodge will be in a relatively remote location and provide breakfast, lunch and dinner as part of the lodging fee, guests are not expected to travel to area restaurants as a rule. Guests will likely take most meals at the lodge, minimizing trips outside the lodge. Guests of the lodge can be expected to occasionally visit wineries and other attractions in the area, though these trips would typically be a site-sponsored outing in a large van for retreat guests and private car service for regular guests.

The trips associated with guests were broken down into those attending retreats and regular guests. Monthly retreats are expected to include a one-week retreat and a three-day retreat. Additionally, one two-week retreat is planned annually. Full occupancy of all nine rooms was assumed for retreats, though it is reasonable to anticipate that there will frequently be vacancies during these events. When there is not a retreat, an average occupancy of 60 percent was assumed. Retreat guests are expected to generate a total of 2,505 trips per year, or an average of 7 trips per day.

Full time staff members were broken into two groups, resident and non-resident staff. Resident staff is typically couples or partners that are either owners or managers. The two other full time staff members as well as eight part-time staff are expected to arrive in the morning and leave in the early evening. Part-time staff were factored to reflect that reduced occupancy requires less staff, resulting in an average of 15 trips per day associated with employees.

Additionally, 10 outside guests were assumed to come to the site five times per month for special occasions or to join guests for meals. Using average vehicle occupancy of 1.5 persons per vehicle, these outside guests would generate an average of 2 daily vehicle trips.

Based on the information presented above, the average trip generation for the project is 24 trips daily. It should be noted, however, that five of these trips currently exist and were included in the traffic counts obtained on Langtry Road. There is an existing home on the site that is occupied and generates trips associated with the residents as well as maintenance personnel and guests. Aside from the guests, these functions were included in the trip estimate for the project since you and your wife are the current residents and will be the two full-time on-site employees. The maintenance personnel will be needed for the project as well. After deducting these five existing trips from the anticipated project trips, the net increase in trips on Langtry Road is expected to average 19 trips per day.

Peak traffic generation for the project would be expected to occur on a day when all nine rooms are occupied and there is some kind of special event with 10 non-guests in attendance. Using occupancy of 1.5 persons per vehicle, ten vehicles would make one round trip each for the event, or generate 14 trip ends. Assuming one round trip for the guests in each of the rooms, another 18 trip ends would be generated. Finally, assuming that two of the four full-time and all eight part-time staff travel to the site (two full-time staff live on-site), 20 trip ends would be generated. Based on these assumptions, on a peak day the site could be expected to generate as many as 52 trip ends, with up to 16 of these (7 event attendees and five guests arriving and four employees departing) during a single hour.

It should be noted that events that would draw the maximum number of outside attendees are only intended to occur during a retreat, so would not be on a day when guests are either arriving or departing. Despite application of these very conservative assumptions, the trip generation is still well below the level that would be considered significant.

Details of the trip generation derivation are provided in the enclosed spreadsheet.

Project Impacts

The project is expected to add an average of 19 daily trips to Langtry Road, which represents an average increase of approximately 16 percent. Under these conditions with project traffic added, the volume of traffic on Langtry Road will remain well below the threshold for a very low-volume road. Although residents along Langtry Road may notice an increase in traffic volumes, especially on days when there are events that draw non-guests to the site, the addition of project related trips will have a less than significant impact due to the existing volumes being so minimal.

Adequacy of Langtry Road to Accommodate Added Trips

A Policy on Geometric Design of Highways and Streets by AASHTO provides the following guidance on the need to adhere strictly to design criterion on roadways carrying 400 or fewer trips per day.

"This publication provides guidance and is intended to form a comprehensive reference manual for assistance in administrative, planning, and educational efforts pertaining to design formulation. As indicated in the forward of the document, "The fact that new design values are presented herein does not imply that existing streets and highways are unsafe, nor does it mandate the initiation of improvement projects. . . The intent of this policy is to provide guidance to the designer by referencing a recommended range of values for critical dimensions. Sufficient flexibility is permitted to encourage independent designs tailored to particular situations. The larger values within the ranges will normally be used where the social, economic, and environmental impacts are not critical."

Since the collision history indicates that there is not an existing safety issue and the volume remains well below the 400-vehicles per day threshold for a very low-volume road with traffic added that reflects a

peak day for the project, it appears reasonable to anticipate that Langtry Road will continue to operate adequately resulting in a less-than-significant impact due to project-added traffic.

Consideration was also given to the intersection of Langtry Road and Spring Mountain Road. Langtry Road intersects Spring Mountain Road at an acute angle to the north leg of Spring Mountain Road. Drivers coming from Sonoma County via St. Helena Road would need to make a very sharp right turn to access Langtry Road. While smaller passenger vehicles could make this turn, it would be difficult for drivers of larger vehicles and especially trucks to negotiate.

Recommendation: Although not a significant impact, to minimize potential impacts at this intersection it is recommended that guests be directed to come to the site from St. Helena, and that instruction specifically note that they should not use St. Helena Road. Enclosed is a copy of the proposed communication protocol that we understand you anticipate using to advise guests of the advised travel route.

Site Access

Access to the lodge site was evaluated based upon design standards published by AASHTO in *Guidelines for Geometric Design of Very Low-Volume Local Roads*, which is intended for streets with an average daily traffic (ADT) of 400 vehicles per day or less. This guide is intended to supplement AASHTO's *A Policy on Geometric Design of Highways and Streets*. Langtry Road currently meets this very low-volume criterion and is projected to continue to meet this criterion under future conditions. Furthermore, even with the very conservative assumptions regarding additional traffic from the proposed lodge, Langtry Road is expected to continue to be classified as a very low-volume road.

Langtry Road does not have a posted speed limit, though it does have an advisory speed limit of 15 mph, and due to the low volume of traffic it was not possible to conduct a radar speed survey to determine the typical travel speed. However, speed data was collected near Spring Mountain Road as part of the volume counts and a floating car analysis was performed over the 2.4-mile length to the project access. Considering the narrow, winding configuration, a design speed of 25 mph was used for analysis purposes; however, slower speeds are generally expected in narrow sections and on curves. Given that only one collision was reported on Langtry Road in seven years it appears that the roadway is operating within acceptable limits.

Sight distance at the project access driveway was reviewed. Based upon a design speed of 25 mph, 125 feet of stopping sight distance is needed for a motorist to exit the driveway safely. The available sight distance measured from the driveway to the east is 415 feet while to the west the sight distance measured is 135 feet. In all cases, the sight distance requirement is satisfied.

Emergency Access

We understand that you have met with emergency response providers from Sonoma County, you have accepted their suggestions for fuel reduction efforts, and your project will comply with or exceed all of their regulations. It is further understood that contact has been made with emergency response providers from Napa County and you fully intend to work with them to address any concerns they may have.

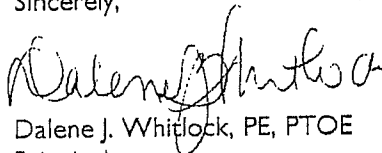
Conclusions and Recommendations

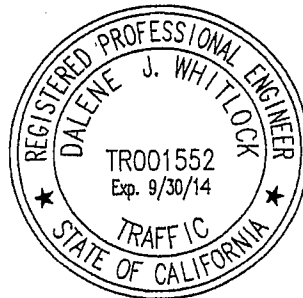
- The retreat lodge project has the potential to generate an average of 20 daily vehicle trips per day.

- Access to the site is taken from Langtry Road, which is a winding, 13 to 20 foot wide road with a very low volume of about 120 vehicles per day near its terminus in Napa County.
- For the seven-year period of 2005-2011 there was only one reported collision on Langtry Road and no existing safety issues were identified from the data.
- Langtry Road meets AASHTO standards for a very low-volume road, which permits less than optimal conditions to remain on an existing road if there is no documented historical safety issue.
- Since there is no significant history of collisions on Langtry Road, no improvements to the road are recommended.
- Sight distance at the project access driveway onto Langtry Road is adequate.

Please call if you have any questions regarding our analysis. Thank you for giving us the opportunity to provide these services.

Sincerely,


Dalene J. Whitlock, PE, PTOE
Principal



DJW/djw/SOX463.LI

Enclosures: Trip Generation Derivation Spreadsheet
Communications Protocol

Be Here Now Traffic

Retreats

| Retreat Type | # Retreats | Rooms Sold | Trips | | Total Trips |
|-------------------------------------|------------|------------|--------------|-----------|-------------|
| | | | Arrival/Dept | Outings | |
| 1 wk long retreat per month | 12 | 108 | 216 | 48 | 264 |
| 1 3-day wknd long retreat per month | 12 | 108 | 216 | 24 | 240 |
| 1 2-wk long every winter | 1 | 9 | 18 | 8 | 26 |
| Retreats - Year Total | 25 | 225 | 450 | 80 | 530 |

Retreat Assumptions

- ¹ Retreats account for 134 days per year and for this example are assumed to be sold out.
- ² Rooms sold can have two guests to a room, most likely couples who will be coming together.
- ³ Off-property outings will be scheduled and guests will be taken in our van. We are estimating 2 outings for week long retreats, 1 outing for 3-day weekend retreats, & 4 outings for the one 2-week long retreat.

Regular Guests (Non-Retreat) at 60% occupancy

| Guest Type | Room Nights | Rooms Sold | Arrival/Dept | Trips | | Total Trips |
|---|--------------|------------|--------------|-------------------------|--------------------------|--------------|
| | | | | Off Property Once (50%) | Off Property Twice (50%) | |
| Reg.Rm Nights @ 60% occ. ⁴ | 1247 | | | | | |
| Guest Stays 1 Night @ 25% ⁵ | 312 | 312 | 624 | | | 624 |
| Guest Stays 2 Nights @ 50% ⁶ | 624 | 312 | 624 | 312 | - | 936 |
| Guest Stays 3 Nights @ 25% ⁷ | 312 | 104 | 208 | 104 | 104 | 416 |
| Non-Retreat Guests - Yr Tot | 1,247 | 728 | 1,455 | 416 | 104 | 1,975 |

Regular Guests Assumptions

- * 60% is a conservative occupancy rate based on local tourism seasonality. Industry norms are closer to 40-50%.
- ⁴ Using 60% occupancy for the 231 days that are non-retreat days translates to 1247 room nights.
- ⁵ Single Night Guests: 25% will be single night guests who will not make any trips off property except when departing.
- ⁶ Two Night Guests: 50% will be two night guests. 50% of these guests will leave once during their stay.
- ⁷ Three Night Guests: 25% will be three night guests. 50% of these guests will leave once and 25% will go off property twice during their stay.

Be Here Now Traffic

Day Visitors⁸

| | Avg Non-Guests/Month | Trips per Month ⁹ | Total Trips |
|--------------------|----------------------|------------------------------|-------------|
| Day Visitors Trips | 50 | 67 | 800 |

Day Visitor Assumptions

⁸ The project description calls for an additional 10 guests 5 times per month on average based on the possibility that overnight guests might occasionally receive local visitors at meal times. This number also accomodates locals attending retreats who do not desire overnight lodging.

⁹ Using an average vehicle occupancy of 1.5 persons per vehicle.

Employees

| Employee Type | # of Emp | Trips/Day | Trips | | Total Trips |
|-----------------------------------|-----------|-----------|--------------|---------------|--------------|
| | | | Full Time | Occupancy 60% | |
| Full Time Employees ¹⁰ | 4 | 8 | 2,000 | | 2,000 |
| Part Time Employees ¹¹ | 8 | 16 | | 3,504 | 3,504 |
| Employee Totals | 12 | 24 | 2,000 | 3,504 | 5,504 |

Employee Assumptions

¹⁰ Full time employees are accounted for 5 days a week at 50 weeks per year.

¹¹ Part time employees are expected to fluctuate with occupancy. I.E.: at x% occupancy, x% of the part time work force will be scheduled.

Be Here Now Traffic

Existing Home Traffic¹²

| | Avg Trips Per Day | Total Trips |
|---|-------------------|--------------|
| Proprietor ¹³ | 3.0 | 1,095 |
| Gardener/Land Manager ¹⁴ | 1.1 | 417 |
| Cleaning ¹⁵ | 0.6 | 209 |
| Personal Visitors ¹⁶ | 2.0 | 730 |
| Existing Home Totals | 6.7 | 2,451 |
| Traffic Absorbed by BHN Operations | 4.7 | 1,721 |

Current Home Traffic Assumptions

- ¹² The existing home creates a certain amount of traffic currently. This traffic should be backed out of traffic projections since the purpose of this traffic study is to look at the incremental increase in traffic that the project will create.
- ¹³ Both proprietors will live on property and work full time at Be Here Now.
- ¹⁴ Gardener/Land Manager come 4 times per week.
- ¹⁵ House Cleaner comes 2 times per week.
- ¹⁶ Personal Visitors (dinner parties, family, etc) are credited to the single family residence, not BHN.

Be Here Now Traffic Summary

| Traffic Type | Total Trips |
|--|--------------|
| Retreats | 530 |
| Non-Retreat Guests | 1,975 |
| Day Visitors | 800 |
| Employees | 5,504 |
| Existing Traffic Absorbed by BHN | 1,721 |
| Total Incremental Annual Trips | 7,088 |
| Average Incremental Trips per Day | 19 |

Guests

Step 1: Phone

Guests will receive a pre-arrival phone call in order to cover a wide range of issues regarding their stay (activities, spa, food allergies, special requests etc). At this time we will let them know the best way to drive to the property from wherever their place of origin is (Napa, Santa Rosa, SFO, OAK, Mendocino etc). At this time we will not only let them know the best direction to reach us from, but we also let them know that our road is a quiet residential street and they should drive very cautiously. We will make this point seem very important on the pre-arrival call so it will still be fresh in their minds as they arrive.

Step 2: Email

Below is an example email that guests will receive 2 days before arriving at Be Here Now.

Only two more days before you are with us at *be here now*—we all look forward to welcoming you in our home!

Just as a reminder to our earlier phone conversation, Langtry Road, the road we live on, is a beautiful but very windy and narrow residential road. For the safety of everyone please drive very cautiously, and pull over to let faster vehicles pass.

If you are coming from San Francisco, Napa County, or Sonoma County, the best way to access our property is from the East, through the town of St. Helena. From downtown St. Helena you can follow the directions on our site up Spring Mountain Road, making an easy left turn onto Langtry Road.

We cannot wait to host you on the mountain!

All the best,

The Pickards
Be Here Now

Of course, whatever taxi and limo services we develop relationships with will also know the best and safest way to access the property.

Staff

Be Here Now will have a zero tolerance policy with its staff for misconduct on Langtry Road. In the Staff handbook it will clearly outline BHN's "safe conduct on Langtry policy", which will stipulate, amongst other things, that their

responsibilities begin at the corner of Langtry Road and Spring Mountain Road, not at our property. They will be told to be excessively respectful of the neighbors, and to always pick up litter found anywhere on the road. They are also going to be told it is better to be late than to speed on Langtry. Safety first!

In the employee handbook:

Staff who lives in Sonoma County should *always* take Calistoga Road to Petrified Forrest Road to Highway 29 South (as opposed to coming up and over St. Helena Road.) This is a safer and smoother route, with less chance of encountering a road closure during inclement weather. The time difference is negligible, and most people find this route to be a far more enjoyable and less windy option. It also allows for a much easier left turn onto Langtry Road as opposed to the more challenging right turn.

If you must make the right turn onto Langtry Road, please flash your hazard lights and make sure no vehicles are coming in either direction or exiting Langtry Road before making your right turn.



PJC & Associates, Inc.

Consulting Engineers & Geologists

July 29, 2013

S698.02

Be Here Now
c/o Hogan Land Services
Attention: Adam Rivera
541 Farmers Lane
Santa Rosa, CA 95405

Subject: **Groundwater Availability Evaluation
Proposed Be Here Now Retreat Facility
3770 Langtry Road
Santa Rosa, California**

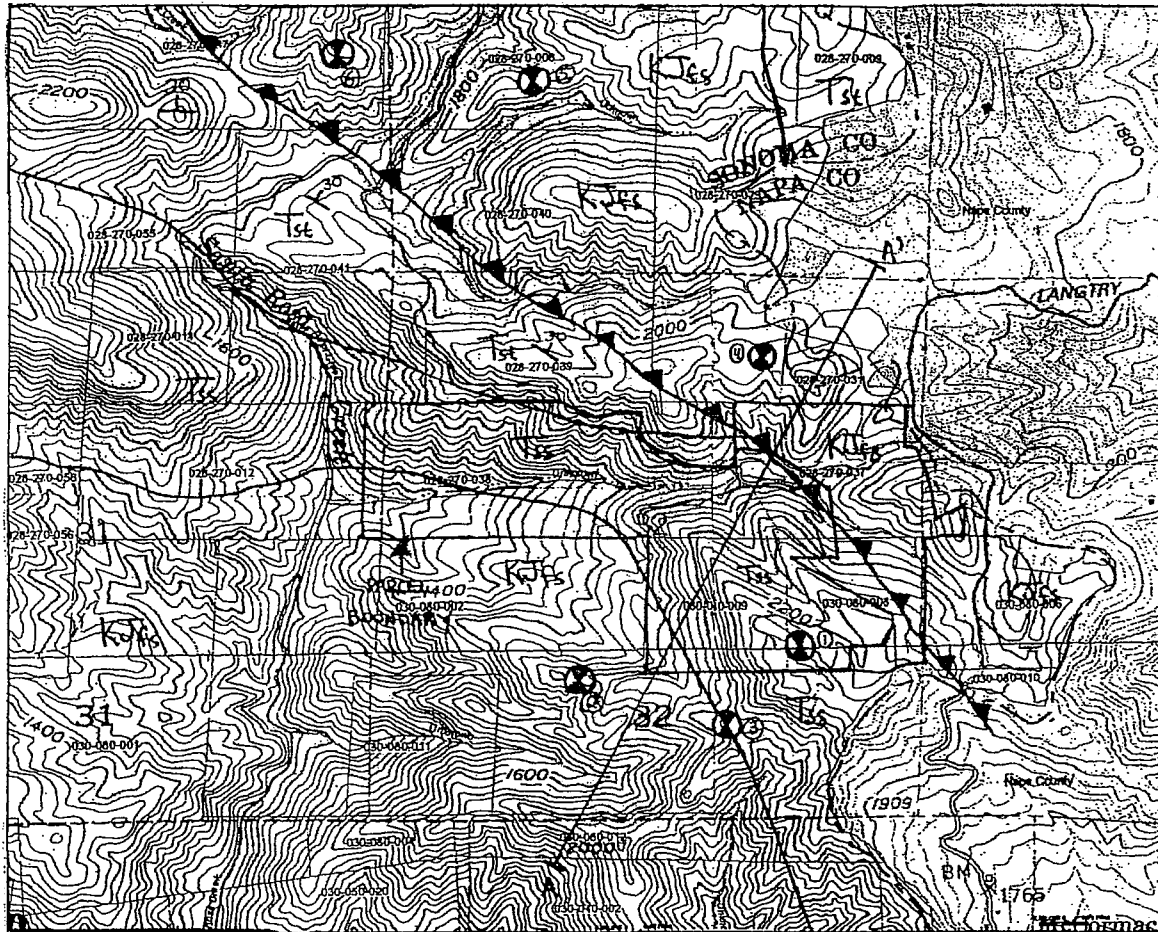
1. INTRODUCTION

PJC & Associates, Inc. (PJC) is pleased to submit this report which presents the results of our hydrogeologic investigation to determine groundwater availability for the proposed retreat facility located at 3770 Langtry Road in Santa Rosa, California. The approximate location of the site is shown on the Site Map, Plate 1. Based on the information provided by you, information provided by your representative, Mr. Justin Adler, information provided by your land use consultant, Ms. Jean Kapolchok, and the information and preliminary site plans prepared by Hogan Land Services, it is our understanding that the project will consist of constructing a new retreat facility on the project Parcel 2, (APN 028-270-038 & 030-080-009). We anticipate that the new retreat facility will consist of renovating the existing single family residence into a main guest lodge, constructing three guest cottages, an agricultural barn, a movement studio, and an accessory building. The project will be serviced by underground municipal utilities, private on-site septic sewer systems, an existing, onsite domestic water well, and a proposed additional water well.

2. SCOPE OF SERVICES

Our services were completed in accordance with our proposal dated March 4, 2013. The scope of our investigation included the following tasks:

- a. Geologic reconnaissance of the site.
- b. Research to determine the locations, depths and production of wells on the subject parcels and on neighboring properties.
- c. Review of data from the Department of Water Resources concerning project wells and wells near to the project site.



LEGEND

- Approx. Location of Domestic Wells
- Tst -Sonoma Volcanics; Pumicitic Ash Flow
- Tss -Sonoma Volcanics; Sedimentary Volcanic Deposits
- KJfs -Franciscan Complex; Sheared Shale & Sandstone
- Thrust Fault; Sawteeth on upper plate
- Dip & Strike of Bedding
- Cross-Section Line

1" = 1000'



SITE MAP
 PROPOSED RETREAT FACILITY
 3770 LANGTRY ROAD
 SANTA ROSA, CALIFORNIA

Proj. No:
 S898.02
 Date: 06/13
 App'd By:
 PJC



PJC & Associates
 Consulting Engineers & Geologists

PLATE
 1

Research and analyses of groundwater hydrogeology of the site and its vicinity.

Preparation of this report with our findings and conclusions regarding the potential hydrogeologic impacts of the project.

3. SITE CONDITIONS

a. General. The subject property is located in a heavily forested, rural and agricultural area west of Saint Helena, and west of the Napa-Sonoma County line. The project parcel is located approximately two miles southwest of the intersection of Spring Mountain Road and Langtry Road. The entire subject property consists of approximately 223 acres and is comprised of two parcels: parcel 1 (APN 028-270-037 & 030-080-008) and the subject parcel 2 (APN 028-270-038 & 030-080-009). The property is generally bounded by undeveloped land and single family residences on large lots. Isolated vineyard blocks are located north and southeast of the property. Langtry Road and the Napa-Sonoma County line generally border the property to the southeast. It is our understanding that the proposed project will be confined to 163 acres adjusted from Parcel 2 and Parcel 1. At the time of our investigation, development was generally confined to parcel 2, and consisted of an existing single family residence, a solar panel array, a private driveway, small auxiliary farm structures and private earthen access roads. Parcel 1 and the remaining portions of parcel 2 were undeveloped and covered in native grasses, shrubs and scattered evergreen, manzanita and oak trees. It is our understanding that it is proposed to develop an additional well on parcel 2 to help service the proposed project.

The site is accessed via a private driveway which extends west off of Langtry Road, which is located approximately one-quarter mile east of the existing residence.

b. Topography. The parcels are located within mountainous terrain of the Mayacamas Mountains, just west of the Napa-Sonoma County line. The parcels generally consist of gently to steeply sloping topography with maximum estimated natural gradients of one and one-half horizontal to one vertical (1.5H:1V). However, localized areas of gently sloping topography are located near the tops of the northwest-southeast trending ridgelines of parcel 2. According to the United States Geological Survey (USGS) Calistoga and Kenwood, California, 7.5 Minute Quadrangle Maps (Topographic), site elevations vary from approximately 2300 feet above mean sea level (MSL) near the southern property boundary of parcel 2, to approximately 1,100 feet at the southwestern corner of parcel 2.

c. Drainage. Site drainage appears to consist of sheet flow and surface infiltration. Numerous small drainage swales channel sheet flow off the site. However, there is an unnamed, dotted blue line tributary of Santa

Rosa Creek which transects parcel 1 and 2 from east to west, and discharges water off the property to Santa Rosa Creek. Furthermore, the unnamed tributary drains to an intermediary pond, prior to discharge into the Santa Rosa Creek. The pond is located at the northeast corner of parcel 2. Regional drainage is provided by Santa Rosa Creek, which is located approximately 300 feet from the western property boundary of parcel 2.

- d. Existing Land Use: The subject property is located within the Land Extensive Agricultural area (LEA) with a 200 acre per unit density. The property is located within the Zone 3 marginal groundwater availability area. However, the property is generally surrounded by parcels zoned in the Resources and Rural Development area (RRD), and within the Zone 4 groundwater availability area with low or highly variable water yield. It is our understanding that for the purposes of this project, it is desired to rezone the subject property from LEA to RRD. At the time of this report, the rezoning process was still in the development stage. In general, the surrounding areas of the subject property are largely undeveloped, and consist of single family residences on large lots, and isolated areas developed in vineyard. At the time of our investigation, development was limited to parcel 2, and consisted of an existing single family residence, a solar panel array, small auxiliary farm structures, and landscape areas. An existing, onsite well currently services the property.
- e. Proposed Land Use: It is proposed to construct a low-intensity, resource preservation/enhancement based retreat facility on the subject parcel 2 (APN: 028-270-038 & 030-080-009), which will be supplied by the existing onsite well, as well as a proposed future commercial well. The retreat facility will consist of remodeling the existing residence to include three guest units, dining areas with a commercial kitchen and a spa treatment area. Furthermore, the retreat facility will also include the construction of three guest cottages, an agricultural barn, a storage building and a movement/yoga studio. For the purposes of this report, it is assumed that at a later date an additional single family residence and guest house may be constructed on the currently undeveloped parcel 1.

Due to the scope and the preservation/enhancement efforts of the proposed project, we do not anticipate the development of vineyards on the property. Furthermore, the majority of the subject property consists of heavily forested, steeply sloping topography with areas of outcropping bedrock which would preclude mass development of vineyards.

4. LOCAL GEOLOGY AND HYDROGEOLOGY

The Geologic information portrayed on Plate 1 was obtained from The Geologic Map of Northern Sonoma County, Special Report 120, compiled by Richard D. Knox and Michael E. Huffman, and as well as our previous work performed at the site on January 30, 2013.

The subject property is underlain by bedrock deposits of the Sonoma Volcanics Series (Tss & Tst) and the Franciscan Complex (Kjfs). The hydrogeologic conditions at the site are governed by these two geologic formations within a localized watershed. The watershed limits are provided on the Watershed Map, Plate 2. The Hydrogeologic Cross Section, provided on Plate 3, is a generalized interpretation of the hydrogeology, geologic structure and orientation of rock units in the area based on surface geology mapped during our site visit, available well log data and our geologic literature review.

The majority of the subject property consists of two units of the Sonoma Volcanic Series. The Sonoma Volcanics has highly variable specific yields and is considered to be a good water producer where unwelded tuffs, scoria, and volcanic sediments are present. The project well #1 is located within the Tss unit of the Sonoma Volcanics. The Tss unit is described as volcanic sedimentary deposit consisting of unconsolidated, interbedded and intertonguing tuffaceous sand, silt, volcanic gravel, tuff, clay and diatomite. The Tst unit, located primarily in a small northern portion of parcel 2 is described as locally welded or partly welded pumicitic ash-flow tuff, with intercalated agglomeritic tuff and andesitic or basaltic lava flows with tuff breccia, bedded tuff and pumicitic tuff.

The southwest area of parcel 2 and the northeast areas of Parcel 1 are mapped within the Kjfs member of the Franciscan Complex. The Franciscan Complex is generally considered a poor water producer with low specific yields, and contains limited quantities of water in fractures. This unit consists of sheared shale and sandstone that contains generally resistant masses of chert, high grade metamorphic rock, variable shattered sandstone and greenstone, metagreenstone, and generally less resistant serpentinite.

The site is generally located within an area of active seismicity. The nearest mapped active fault is the Rodgers Creek Fault, which is located approximately nine miles southwest of the site. According to Special Report 120, an unnamed thrust fault transects the subject property from southeast to northwest, through parcel 1 and near the northeast boundary between parcel 1 and parcel 2. No evidence of previous ground displacement on the site due to fault movement was observed during our field exploration. Furthermore, based on the available literature, the fault is not considered active and is not located in the Alquist-Priolo Earthquake Fault Studies Zone.

5. WELLS AND WATER SOURCES

In order to assess the availability of groundwater in the area, and the potential for negative effects on nearby wells, it is necessary to establish a cumulative impact area (CIA) around the subject property. For the purposes of this report, the CIA was conservatively estimated to include the area within the localized watershed. The factors used to determine the CIA are topography, hydrologic divides and watersheds, aquifer conditions and proximity to nearby wells.

There is one project well (well #1) associated with the subject property, with an additional well planned for the future. At the time of this report, the location of the new well has not been determined. However, it is our understanding that the new well will be located near the existing well. The approximate, existing well location is shown on the Site Map, Plate 1. Records of drilling and testing of the project well were provided by the property owner. Additional information of wells on nearby properties was provided by the State of California Department of Water Resources. Of these additional wells, the closest well is located approximately 1000 feet southwest of the site.

The project well is the only well within the CIA that is located within the Sonoma Volcanics. Therefore, aquifer conditions could vary greatly from the nearest neighboring wells and the project well. The contacts between the geologic units and the mapped thrust fault are generally considered to be aquifer barriers, but it is likely that some degree of aquifer communication within the watershed exists between the geologic units and the thrust fault. Therefore, because all the geologic units and the mapped thrust fault are represented within the subject property, all known wells within the CIA were used for comparison and analysis purposes. Furthermore, two additional wells (5 & 6) located outside the CIA were utilized to further assess the aquifer conditions of the KJfs member of the Franciscan Complex. Project well records, and records of well drilling on relatively nearby properties are included in Table 1 and are presented in Appendix A. The locations of wells on adjoining properties are also plotted on Plate 1. However, when exact locations of neighboring wells were unable to be determined, well locations were inferred based on aerial photos, topography or assumed to be near the center of the parcel.

- a. Local Well Log Data: Drillers' reports of the project well, and the nearest surrounding wells in the vicinity of the project parcels record static water levels between 40 and 290 feet below the existing ground surface (see Table 1). The limited well log data indicates that the project well developed in the Sonoma Volcanics is viable, while wells developed in the Franciscan Complex have highly variable yields between one and one-half to 75 gallons per minute (gpm), and specific capacities from 0.03 to 0.65 gpm/ft.

Based on the published geologic literature and the well drillers logs, the Sonoma Volcanics and Franciscan Complex are considered to be confined aquifers. Well logs indicate that groundwater levels for wells #2 and #4 were first encountered at 100 feet below the surface. Subsequently the water level rose to the potentiometric/standing water level of 90 feet below the existing ground surface. First encountered water levels were not recorded for the remaining wells. Based on well log data provided by the Department of Water Resources, dry holes can be encountered within the KJfs member of the Franciscan Complex. However, this aquifer is highly variable, and it is not uncommon to find a viable well after relocating or drilling deeper.

TABLE 1

| Well ID # (Plate 1) | Year of construction | Total Depth, ft | Static Wtr Level, ft | 1 st Encountered Wtr. Lvl, ft | Driller's Yield, gpm | Specific Capacity (gpm/ft) |
|------------------------|-------------------------|--------------------|-------------------------|--|----------------------------|----------------------------------|
| 1 | 1989 | 460 | 290 | n/a | 15 | 0.65 |
| 2 | 1991 | 240 | 90 | 100 | 15 | 0.08 |
| 3 | 1997 | 350 | 40 | n/a | 10 | 0.03 |
| 4 | 1969 | 152 | 90 | 100 | 1.5 | 0.10 |
| 5 | 1976 | 200 | 45 | n/a | 30 | 0.19 |
| 6 | 1986 | 260 | 83 | n/a | 75 | 0.42 |

6. GROUNDWATER SUPPLY

- a. Groundwater Storage: The following groundwater storage calculations assume that the aquifers underlying the CIA are confined aquifers. This model assumes that there is some groundwater communication between aquifers contained within the Sonoma Volcanics (Tss & Tst) units and the KJfs member of the Franciscan Complex. The volume of groundwater storage in the CIA is equal to the sum of groundwater in storage for the Sonoma Volcanics aquifer and the Franciscan Complex aquifer. The volume of groundwater stored in the aquifers is equal to the volume of the saturated aquifers multiplied by the specific yield. The volume of the saturated aquifers is calculated by multiplying the area of the geologic unit within the impact area by the saturated thickness. The CIA for groundwater storage is estimated at 765 acres. The thicknesses of the saturated aquifers for the purposes of this report are equal to the length of the perforated portions of the well casings.

According to the project well log data within the Sonoma Volcanics, the perforated portions of the well casings are from 260 feet to 460 feet. Therefore, the thickness of the Sonoma Volcanics saturated aquifer is assumed to be 200 feet. The area of Sonoma Volcanics within the CIA is estimated at 413 acres. Therefore, the volume of the saturated Sonoma Volcanics aquifer within the CIA is 82,600 acre-feet (413 acres x 200 feet = 82,600 acre-feet). According to the Evaluation of Groundwater Resources, Bulletin 118-4, the specific yield of the Sonoma Volcanics is considered highly variable, generally 15% or less. Using a conservative value of 5%, a groundwater storage of 4,130 acre-feet (82,600 acre-feet x 0.05 = 4,130 acre-feet) is calculated.

According to well log data within the KJfs unit of the Franciscan Complex, the perforated portions of the well casings have an average thickness of 145 feet. The area of KJfs within the CIA is estimated at 352 acres. Therefore, the volume of the saturated KJfs aquifer within the CIA is 51,040 acre-feet (352 acres x 145 feet = 51,040 acre-feet). According to

the Evaluation of Groundwater Resources, Bulletin 118-4, the specific yield of the Franciscan Complex is considered low, and is generally 3% or less. Using a conservative value of 1%, a groundwater storage of 510 acre-feet (51,040 acre-feet x 0.01 = 510 acre-feet) is calculated.

- b. Groundwater Recharge; Groundwater recharge for the project parcel was developed as part of a water budget, as follows:

Inflows (rainfall) = Outflows (surface runoff + evapotranspiration + groundwater recharge)

This simply states that rainfall on the ground surface either runs off, infiltrates into the soil to be later evaporated or transpired by plants, or recharges the underlying aquifer.

Mean annual precipitation at the project parcel is approximately 45 inches, according to the Sonoma County Water Agency Rainfall Map, Plate 4. Mean annual surface runoff at the project parcel is estimated to be 25 inches or 56% of annual precipitation (McKee and others, 2003). According to McKee (2003, p. 30), annual actual evapotranspiration (ET_a) for the North Bay averages 16.3 inches.

Groundwater recharge cannot be directly measured. It is estimated from the water budget (Table 2), as follows:

Rainfall = surface runoff + evapotranspiration + groundwater recharge

Thus, by rearranging the equation:

Rainfall - surface runoff - evapotranspiration = groundwater recharge

$$45 - 25 - 16.3 = 3.7 \text{ inches}$$

TABLE 2

| | |
|--|-------|
| Mean Annual Rainfall, inches/year | 45 |
| Evapotranspiration, percent | 36% |
| Surface Runoff, percent | 56% |
| Groundwater Recharge, percent | 8% |
| Cumulative Impact Area, acres | 765 |
| Total Annual Precipitation, acre-feet/year | 2,868 |
| Evapotranspiration, acre-feet/year | 1,032 |
| Surface Runoff, acre-feet/year | 1,606 |
| Groundwater Recharge, acre-feet/year | 230 |

7. GROUNDWATER DEMAND

Water demand for the project parcel will be equivalent to domestic/commercial water use plus vineyard irrigation demand.

a. Domestic/Commercial Water Use: Domestic water use for an individual family dwelling varies considerably based on landscape irrigation and the number of occupants. The proposed project for the retreat facility will require water use in excess of a typical dwelling unit (DU). Commercial water use for the retreat facility was determined to be approximately 3.5 acre-feet/yr (afy), and calculated to include usage for guests, full and part time workers, and spa facilities. The water usage for the retreat facility will be primarily provided by the proposed new well. The majority of water usage for irrigation of landscape and small-scale farming is to be provided by rainwater capture and the existing on-site well. Typically, water use for an individual family dwelling ranges from 0.5 to 1.0 afy. The parcels within the CIA also have a potential for second dwelling units. Therefore, groundwater demand for the individual dwelling units (DU's) within the CIA is conservatively estimated at 1.5 afy. At the time of this report, domestic water use for the subject property is confined to the existing single family residence on parcel 2. Domestic water use at build out is calculated as the number of existing/potential DU's multiplied by 1.5 afy. The existing/potential DU's is based on the maximum number of DU's within the CIA that can be created by subdividing existing parcels under the applicable zoning densities. Current zoning precludes the possibility of subdividing any of the parcels within the CIA. There are seven existing/potential DU's within the CIA. Therefore, the estimated domestic water use at build out, not including the subject property, is conservatively estimated at 10.5 afy (7 x 1.5 afy).

b. Vineyard Irrigation Demand: There are no plans to develop the subject property for vineyard use. At the time of our investigation, vineyard cultivation within the CIA was non-existent. The majority of vineyard development in the area is outside the CIA, primarily northeast and southeast of the subject property within Napa County, and west beyond Santa Rosa Creek. Irrigation demands for vineyards in Sonoma County are commonly cited to be a maximum of 0.5 acre feet/acre/yr. Based on our site reconnaissance, aerial photos and available topographic information, potential suitable acreage for vineyard development within the CIA is considered minimal (conservatively estimated to be less than 90 acres) due to potential building envelopes, leach fields, creeks and required setbacks. Furthermore, significant areas of the subject property are not suitable for cultivation because they are densely forested or are too steep and rocky.

c. Livestock Demand: Based on our reconnaissance and review of aerial photos, the land within the CIA is not being utilized for any significant amounts of livestock. Furthermore, determining the actual numbers of

livestock in the CIA is not considered practical. The CIA is primarily heavily forested, with significant areas consisting of steeply sloping topography. Therefore, the amount of land suitable for livestock is considered minimal with negligible groundwater usage.

Total expected/potential groundwater demand for the subject property and within the CIA is equal to the sum of domestic/commercial water use and vineyard irrigation use.

TABLE 3*

| Proposed water use for retreat facility, gallons per day (gpd)** | |
|---|--------------|
| 6 main house guests @ 480 gpd | |
| 12 cottage guests @ 960 gpd | |
| 15 non-overnight guest @ 225 gpd | |
| 6 full-time workers @ 90 gpd | |
| 6 part-time workers @ 90 gpd | |
| 18 kitchen guests: 3 meals/day @ 378 gpd | |
| 2 onsite manager/residents @ 300 gpd | |
| 18 guests, laundry service @ 270 gpd | |
| 18 guests, spa services @ 360 gpd | |
| Total demand (gpd) = 3,153 gpd | |
| Total proposed water use for retreat facility, afy | 3.5 |
| Potential domestic water use for parcel 1, afy | 1.5 |
| Existing/potential domestic water use for neighboring parcels (7 DU's), afy | 10.5 |
| Total existing/potential water use for CIA (8 DU's), afy | 12.0 |
| Existing vineyard irrigation demand for CIA, afy | 0.0 |
| Potential vineyard irrigation demand for CIA (90 acres), afy | 45.0 |
| Potential landscape and farming irrigation for retreat facility, afy | 0.5 |
| Total existing/potential water use for vineyard irrigation, afy | 45.5 |
| Total existing/potential groundwater demand, afy | 61.0 |
| Groundwater recharge, afy | 230 |
| Groundwater in storage, Sonoma Volcanics | 4,130 |
| Groundwater in storage, Franciscan Complex | 510 |
| Total Groundwater in storage, afy | 4,640 |

*Groundwater demand, recharge and storage. The table shows that total groundwater demand is significantly less than groundwater recharge and a small fraction of groundwater storage.

**Proposed daily water usage for retreat facility provided by Hogan Land Services.

8. GROUNDWATER DEMAND OF NEARBY PARCELS

It is important to consider the potential impacts of the existing well on the subject property to the existing wells on nearby properties within the CIA. There is one existing well on the subject property, with an additional well planned for future development. At the time of this report, the location of the new well has not been determined. However, it is our understanding that it is planned to drill the new well in close proximity to the existing well. Drawdown interference on neighboring wells from the subject property was determined using data from well #1 on the

project parcel, as well as the proposed future well. For the purposes of this report, we assume that the future well will have similar conditions to the existing well. PJC was able to obtain well log information on three additional wells (2, 3, & 4) for neighboring properties within the CIA. Due to the significant distance from the project well, wells 5 & 6 were not included in the drawdown interference calculations. Well locations on the Site Map, Plate 1 were inferred when exact locations were unavailable, and based on either probable locations or the center of the parcel.

The calculated drawdown interference at each of these wells is less than one foot. This amount of interference is considered to be negligible as it is generally less than five percent of the total pumping drawdown in each of these wells. The pumping interference calculations were based on the assumption that the proposed future well will be drilled in close proximity to the existing well. However, in the event that the proposed future well is drilled elsewhere on the property, a maximum five percent drawdown interference on neighboring wells should be maintained. Wells 2 & 3 are generally good performing wells with high yields and are located approximately 500 feet from the subject property boundary. We judge that 500 feet will be a sufficient distance to maintain less than five percent drawdown interference. However, well 4 is considered to have a poor yield of 1.5 gpm, and is located approximately 800 feet from the northeast property boundary. In order to maintain less than five percent drawdown, the proposed future well should be located at least 1,100 feet from well 4.

TABLE 4

| Well No. | Distance From Well #1 (ft) | Drawdown Interference (ft) |
|----------|-------------------------------|-------------------------------|
| 2 | 2,000 | 0.5 |
| 3 | 1,000 | 0.8 |
| 4 | 2,500 | 0.3 |

Drawdown interference was calculated using the Theis equation and the following assumptions:
 Duration of pumping = 6 months (length of the dry season);
 Well 1 (plus future well) average dry season discharge = 3.8 gpm or 5,472 gpd
 (1.5 times the annual average discharge of 2.5 gpm or 4.0 acre-feet/year);
 Storage coefficient = 0.005; for a confined aquifer
 Transmissivity = 1,462 gpd/ft or 195 ft²/day
 (300 times the specific capacity of 0.65 gpm/ft; Heath, 1989, p.61.)

9. GROUNDWATER QUALITY

In order to assess the groundwater quality for the on site project well #1, two groundwater samples were taken on March 16, 2012 and tested for bacteria, arsenic, iron, and nitrates by Analytical Sciences. According to the California Department of Health Services, the recommended drinking water standards for bacteria (Coliform & E. Coli) is less than 1 MPN/100mL, less than 10 micrograms per liter for arsenic, less than 300 micrograms per liter for iron and less than 45 milligrams per liter for nitrates. Laboratory testing results showed bacteria levels

to absent in 100 milliliters of sample water, arsenic levels at the site to be 2.0 micrograms per liter, iron levels from the treated sink to be 40 micrograms and nitrate levels were not detected. Therefore, based on laboratory testing, the groundwater quality at the site is judged to be acceptable and within tolerable limits.

10. SURFACE WATER / AQUATIC HABITAT

Policy Wr-2e requires that the scope of the groundwater assessment encompass potential impacts to surface waters and aquatic habitats. In this regard, it is considered highly unlikely that the proposed use of the existing well will have any effect on the aquatic or riparian habitats based upon the depth of the underlying aquifer systems.

11. CONCLUSIONS-GROUNDWATER AVAILABILITY

The preceding analysis of hydrogeologic data pertaining to groundwater supply at 3770 Langtry Road indicates that the project well draws from a confined bedrock aquifer. The project aquifer is recharged via direct precipitation on the ground surface area of the CIA and the localized, upper Santa Rosa Creek watershed.

The project aquifer has in excess of 4,640 acre-feet of groundwater in storage. Average annual aquifer recharge is calculated to be 230 acre-feet/yr. Total potential groundwater demand and withdrawal from the project aquifer within the CIA is expected to be 61.0 acre-feet/year, (see Table 3). The demand is significantly less than the groundwater recharge of 230 acre-feet per year and less than 1.5% of groundwater storage. We judge that drawdown interference from the increased demand to be negligible to non-existent, and should not negatively impact neighboring wells, provided the future well is drilled at least 1,100 feet from well 4. Furthermore, the aquifer is not expected to be in a state of overdraft, and the demand associated with the proposed retreat facility are not expected to have a negative impact on groundwater supply in the area.

12. LIMITATIONS

This report has been prepared for the exclusive use of Mr. Jared Pickard for the proposed project described in this report. Our services consist of professional opinions and conclusions developed by a certified engineering geologist in accordance with generally-accepted engineering geologic principles and practices. We provide no other warranty, either expressed or implied. Our conclusions and recommendations are based upon the information provided us regarding the proposed project and professional judgment. Conditions and cultural features described in the text of this report are those existing at the time of our field work and may not necessarily be the same or comparable at other times.

The scope of our services did not include an environmental assessment or an investigation of the presence or absence of hazardous, toxic or corrosive materials in the soil, surface water, groundwater or air, on or below, or around the site, nor did it include an evaluation or investigation of the presence or absence of wetlands.

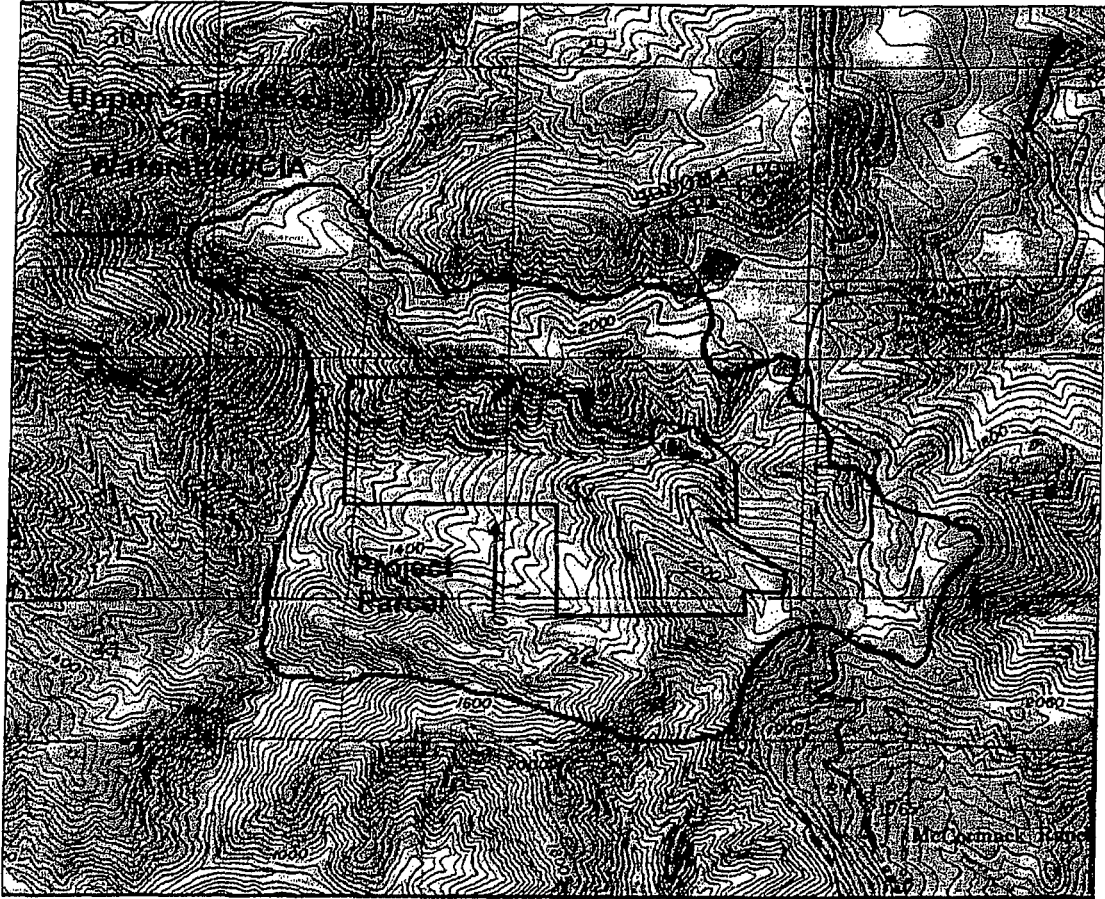
We trust that this is the information that you require at this time. If you have any questions concerning the content of this letter, please call.

Sincerely,

PJC & Associates, Inc.

Donald A. Whyte
Project Geologist

Patrick J. Conway
Certified Engineering Geologist
CEG 2452, California



SCALE: 1:24,000

REFERENCE: USGS CALISTOGA CALIFORNIA QUADRANGLE, DATED 1998.
USGS KENWOOD CALIFORNIA QUADRANGLE, DATED 1980.



PJC & Associates, Inc.
Consulting Engineers & Geologists

WATERSHED MAP
PROPOSED RETREAT FACILITY
3770 LANGTRY ROAD
SANTA ROSA, CALIFORNIA

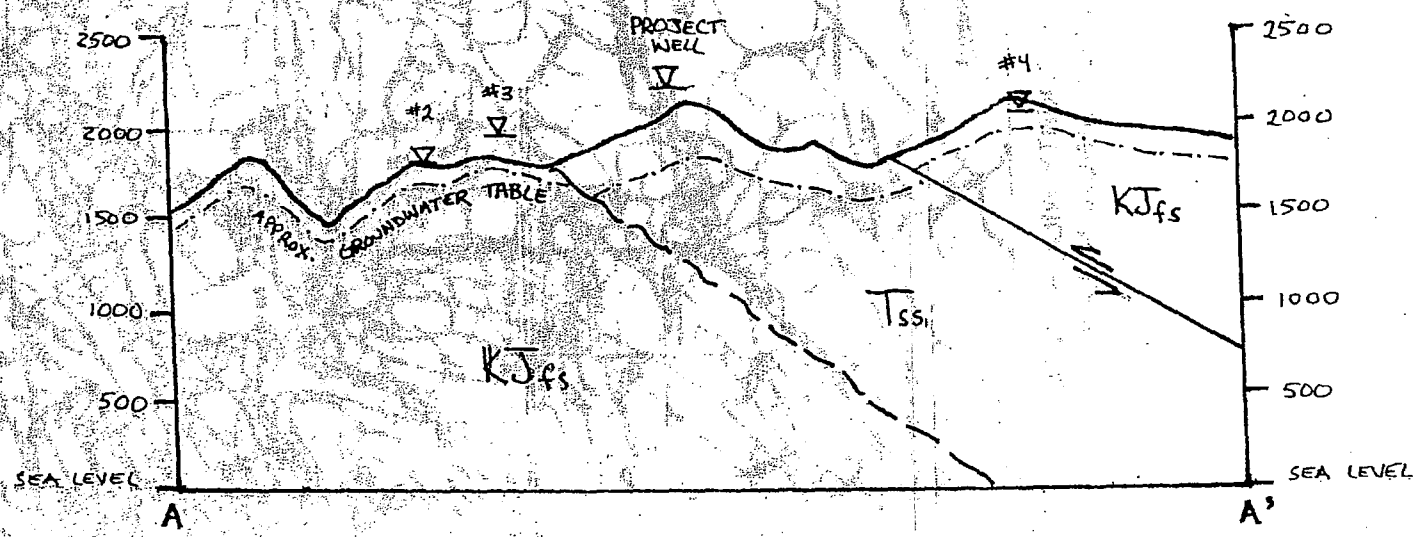
PLATE

2

Proj. No: S698.02


Date: 7/13

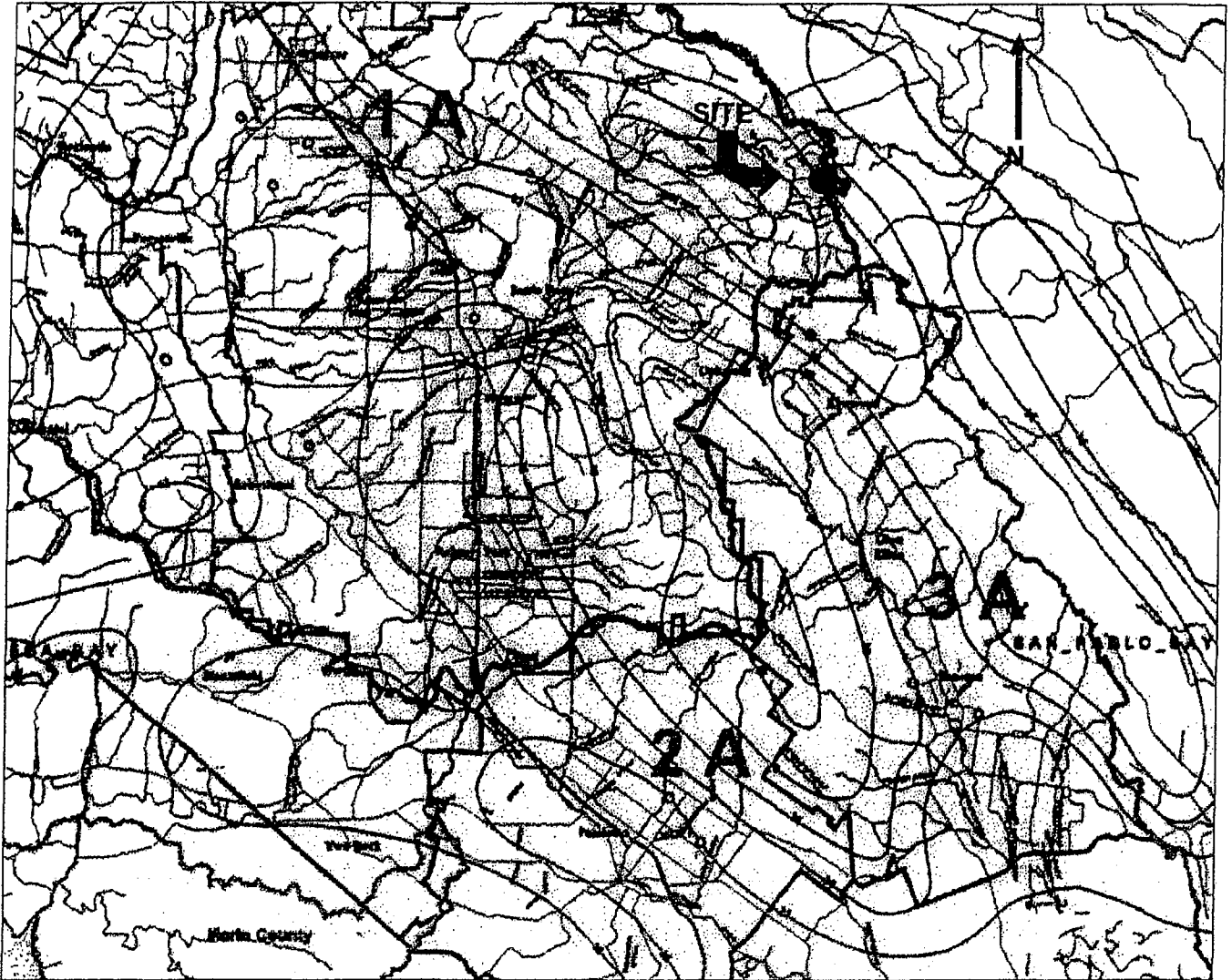
App'd by: PJC



1" = 1000'

SW ← → NE

| | |
|--|----------------------|
| HYDROGEOLOGIC X-SECTION PROPOSED RETREAT FACILITY 3770 LANGTRY ROAD SANTA ROSA, CALIFORNIA | Proj. No: S698.02 |
| | Date: 06/13 |
| | App'd By: PJC |
|  PJC & Associates Consulting Engineers & Geologists | PLATE 3 |



REFERENCE: COUNTY WIDE RAINFALL MAP, PREPARED BY SONOMA COUNTY WATER AGENCY, JANUARY, 2008



PJC & Associates, Inc.
Consulting Engineers & Geologists

RAINFALL MAP
 PROPOSED RETREAT FACILITY
 3770 LANGTRY ROAD
 SANTA ROSA, CALIFORNIA

PLATE

4

Proj. No: S698.02

Date: 7/13

App'd by: PJC

REFERENCES

1. Geologic Map of the Santa Rosa Quadrangle, Scale: 1:250,000, compiled by D.L. Wagner and E.J. Bortugno, 1982.
2. Geology for Planning in Sonoma County, Special Report 120, California Division of Mines and Geology, 1980.
3. "Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada", California Department of Conservation Division of Mines and Geology, Dated February 1998.
4. "Evaluation of Ground Water Resources Sonoma County", Department of Water Resources, Bulletin 118-4, February 1982
5. Heath, Ralph C., 1989, Basic Ground-Water Hydrology. USGS Water-Supply Paper 2220.
6. McKee, L., Leatherbarrow, J., Newland, S., and Davis, J., 2003, A review of urban runoff processes in the Bay Area: Existing knowledge, conceptual models, and monitoring recommendations. A report prepared for the RMP Sources, Pathways and Loading Workgroup. San Francisco Estuary Regional Monitoring Program for Trace Substances. SFEI Contribution 66. San Francisco Estuary Institute, Oakland, CA.
7. Grimestad, G., 1981, Inverse Solutions of the Theis Equation Determined with Programmable Calculators: *Groundwater*, v. 19, no. 4, 5 p.
8. Fetter, C.W., *Applied Hydrogeology*, 4th Edition, Prentice Hall, New Jersey, 2001.
9. Lardy, G. and Stoltenow, C., *Livestock and Water*, AS-954, North Dakota State University, 1999.
10. Blake, T.F. (2000), EQFAULT version 3.0 software program.
11. County Wide Rainfall Map, prepared by the Sonoma County Water Agency, dated January 10, 2008.
12. County of Sonoma GIS database, PRMD Active Map.

APPENDIX A

WELL DRILLING DATA

Confidential, on file with PRMD



sonoma county
DEPARTMENT OF HEALTH SERVICES
PUBLIC HEALTH DIVISION

Rita Scardaci, PHN, MPH – Director
Ellen Bauer, PhD, MPP – Division Director

March 25, 2014

Misti Harris
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

RE: UPDATE PLP13-0019, a request on two lots totaling 222.9 acres for : 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an amendment to the Franz Valley Area Plan from the LEA 100-200 acre density to the RD 100-200 are density land use designation; 3) a Zone Change from the LEA, B6-200 acre density to the RRD, B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate the proposed use. This property is located at 3770 Langtry Road, Santa Rosa.

Ms. Harris,

Thank you for the opportunity to comment on this project. This request is for a General Plan Amendment, Zone Change and a Use Permit as described above. Upon reviewing the Mitigated Negative Declaration additional Environmental Health conditions pertain to this project.

If a public pool/spa/therapy (watsu) pool is proposed, a review and approval of the building plans for any public pool is required prior to issuance of a public pool permit.

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

If you have any questions, please call me at (707) 565-6534 or email at jennifer.lyle@sonoma-county.org

Sincerely,

Jennifer Lyle
Environmental Health Specialist III

C: Karen Holbrook MD MPH, Interim Health Officer County of Sonoma
Christine Sosko, Director of Environmental Health
Leslye Choate, Supervising Environmental Health Specialist



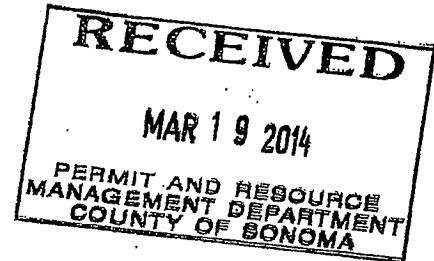
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2210 West College Ave
Santa Rosa, CA 95401
(707) 576-2344
Website: www.fire.ca.gov



March 18, 2014

County of Sonoma
Permit and Resource Management Department
c/o Misti Harris
2550 Ventura Ave
Santa Rosa, CA 95403



Reference: Be Here Retreat Center PLP13-0019

Dear Ms. Harris:

The California Department of Forestry and Fire Protect (CAL FIRE) appreciates the opportunity to review and provide the following input on this proposed project. The proposed project may have an impact upon our department's resource management responsibilities and our authority to issue the appropriate timber harvesting permit.

The property may be located on forestland as defined by the California Forest Practice Act. Be advised that if trees are removed as part of the project, the landowner may be required to apply for a Timberland Conversion Permit or Exemption and file a Timber Harvesting Plan (THP) with CAL FIRE. These documents must be prepared by a Registered Professional Forester (RPF), and when approved, tree removal must be done by a Licensed Timber Operator (LTO). The landowner should contact the Sonoma-Lake-Napa Unit Forester at the address and telephone number indicated above for specific information as to what may be required for this project.

In addition, any development must comply with Public Resource Code (PRC) 4290 and California Code Regulations (CCR) 1270-1276 which address fire and life safety regulations. These regulations include, but are not limited to the following issues: roadway design and length, driveway grades, dead-end road lengths, turnarounds, turnouts, signage, and emergency water standards.

Sincerely,

KIMBERLEY SONE
Division Chief, Resource Management

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

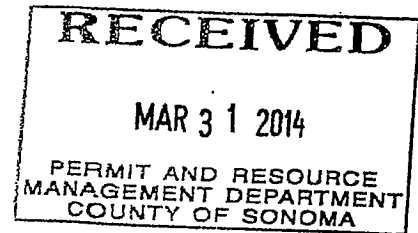
CAIN

VINEYARD AND WINERY
SPRING MOUNTAIN DISTRICT
NAPA VALLEY



31 March 2014

Misti Harrison
Project Planner
Permit and Resource Management Department [PRMD]
Sonoma County



Re: PLP13-0019 - 3770 Langtry Road, St. Helena, CA 94574
aka "3770 Langtry Road, Santa Rosa"

Dear Ms. Harrison:

Cain Vineyard and Winery is located on parcels adjacent to and very nearby the Picard's proposed Be Here project at 3770 Langtry Road. We operate our business and own land primarily in Napa County, although we also own a small parcel in Sonoma County (APN 030-080-010). Our address is 3800 Langtry Road, St. Helena, CA 94574. In many ways, Cain is one of the nearest neighbors to this project. Our mailbox is located in Sonoma County, directly across Langtry Road from the Picard's driveway and the required notification sign. Although we did receive an early notification from you in 2013 concerning this project, I am not sure that we have continued to receive notice from Sonoma County PRMD of the status of your review of this proposed project. In fact, until the sign went up, I was unaware that the project would be coming before the Planning Commission this week. We request that you put us back on your notification list concerning the planning process for the Be Here project at 3770 Langtry Road, PLP13-0019.

Having been out of your loop, I have only recently come to your offices to read the documents in your file on this project, so I apologize for sending you my comments at this late date.

With some 90 acres of vineyard (on 549 acres total), 20,000 cases of wine production, 25 employees (including 8 people living on the property), and some 1500 visitors annually, Cain has had the largest impact on Langtry Road, and the potential for significant impact on our Sulphur Creek Watershed. Therefore we are particularly sensitive to the impacts we have or might have on our neighborhood, our community, and on the environment. For this reason, since 1991, when I took over management of Cain, we have voluntarily limited our visitor traffic, we have voluntarily installed meters on all of our water wells, we were early-adopters of Laurel Marcus' "Fish Friendly Farming" (developed in Sonoma before Napa), all of our employees have company sponsored healthcare insurance, and of course, we farm our vineyard organically. These are just a few examples of our commitment to operate our vineyard and winery in an environmentally and socially responsible manner.

In principle, we support the Pickards and their good intentions for Langtry Road and this remote part of Sonoma County. I am very impressed with the amount of work that both they and you have done to plan and review this project. This seems particularly appropriate given the sensitive nature of the location. I imagine that it might be highly unusual to locate a multi-unit transient occupancy facility - ie a hotel - in any part of an area zoned RRD, especially one so remote as this.

Because we've been doing this for over twenty years, we recognize that no activity is without impact, and that despite our best intentions, any business activity involving visitors, services and employees is certain to have impacts. Moreover, despite everyone's best intentions, the only operative factors can be the laws of Sonoma County, the State of California, and the conditions attached to the Use Permit.

So your careful review is extremely valuable at this time. It's important to get it right, or as right as possible.

Based upon what I've been able to locate in your file, I would like to offer the following comments and suggestions:

I don't believe that the project is completely and accurately documented at this time. I think that it would be inappropriate to proceed with approval of the Mitigated Negative Declaration before resolving the questions I raise in this letter and potentially other issues that have not yet been raised due to the fact that review and formal comment seems to have excluded Napa County. I have been and will continue to be in correspondence with Napa County on this subject.

Primarily, it should be clearly noted that this project borders Napa County, will obtain all of its services through and from Napa County, and will undoubtedly impact Napa County. For this reason, I applaud your early correspondence with Napa County Planning, Building and Resources Development Department [PBRD] concerning the Pickard's project.

In the wording of the proposal, in the Negative Declaration, and in the Staff Report, there seems to be some potential for confusion regarding of the location of the project and its impacts on the local community and environment. The location of this project should be clearly identified, together with the fact that this project is, for all intents and purposes on the Sonoma/Napa County line, that all access and most conventional services will be obtained from both public and private entities in Napa County. Napa County PBRD and Napa County landowners should remain on any and all notification lists for this project and any subsequent proposed modifications to the project.

I have identified a few examples of this potential confusion:

- A) Project Location: Based upon the current parcel definition (after the lot-line adjustment) is this project still clearly denoted as having the potential to impact Langtry Road and neighboring residents Napa County? Does your notification list continue to include Napa County PBRD and neighboring landowners on Langtry Road?
- B) Project Address: Three different addresses have been used - only one of which is the address which historically has been used by convention. Why three addresses?
- C) Langtry Road: At least 85% is a Napa County Public Road. What is the status of that portion of Langtry Road in Sonoma County, ie is it a Sonoma County Public Road?

Finally, I think that it is essential to clearly address the issue of Inter-County Cooperation: How do Sonoma PRMD and Napa PBRD work together to evaluate and permits projects that impact both counties? The process needs to be documented and become a permanent part of the Use Permit.

A) Project Location:

Although the project is located entirely within Sonoma County, in many ways, it has the characteristics of a Napa County project. All access will come through Napa County. All services and emergency response will be delivered both from and via Napa County:

Here are a few examples:

EMT: St. Helena Fire Dept. (*note response by private EMT service)

Fire: St. Helena Fire Dept;

CalFire, St. Helena - Big Tree Road.

Police: Napa County Sheriff

Traffic Accidents: California Highway Patrol: Napa Office

Solid Waste Disposal: Upper Valley Disposal, St. Helena

Electricity: PG&E service comes from the St. Helena substation

Impacts will clearly include more than just traffic, though not being a planner, I can't begin to imagine all the possibilities.

You are to be commended for alerting Napa County to this project and having the traffic study reviewed by Napa County Public Works.

I believe that in its initial phases, this project was initially envisaged to be located on two parcels, APN 030-080-008 and APN 030-080-009. APN 030-080-008 borders Napa County, and would therefore have included within the area of potential impact landowners and residents of Napa County on Langtry Road. Perhaps it was on this basis that you initially notified some Napa County landowners, and referred this project to Napa County PBRD.

Subsequent to the initial review, it seems that a revised proposal has created a lot-line adjustment between these two parcels, APN 030-080-008 and APN 030-080-009, so that the project would be located solely on APN 030-080-009. It seems possible that since APN 030-080-009 does not touch Napa County, the area of potential impact has been reduced to exclude residents and landowners in Napa County. Perhaps that is why we have not received anything from you recently.

If the area identified as potentially subject to impact has changed, this can only be on paper, and not on the ground. Though the project formally no longer touches Napa County, the physical placement and impacts remain the same.

My suggestion here is that you continue to include Langtry Road, and nearby Napa County parcels within the area of potential impact. Moreover Sonoma County should continue to confer with Napa County in reviewing this project. In addition, when the use permit is approved, one condition should be that any subsequent application to modify the use permit would also be reviewed by Napa County PBRD.

B) Project Address:

Project documents are confusing in that they refer to at least three different addresses for the same property:

3770 Langtry Road, Kenwood (no zip code)
3770 Langtry Road, Santa Rosa (no zip code)
3770 Langtry Road, St. Helena, CA 94574

[There is now an additional address at this site: 3790]

Note that only the St. Helena address includes a zip code. The alternate addresses have no zip code as USPS does not deliver to this address either from Kenwood or from Santa Rosa.

Can project applicants and planners designate location addresses as matter of preference, or is there some generally recognized system within Sonoma County PRMD? As a matter of common practice, does Sonoma County PRMD usually identify a project with multiple addresses for the same parcel? Does the Department normally create an address which is in conflict with, and precisely not that used by the US Postal Service?

I recognize that there is some precedent for the Kenwood address, since your department's database of streets does list Langtry as being within the Kenwood community: <http://www.sonoma-county.org/prmd/vh/vh-str-l.htm>. Still it is difficult to see the connection as "community." Today, travel to Kenwood can only be via a series of private dirt roads and locked gates. In essence, as a community, these days, there is zero communication between Kenwood and Langtry Road. Other than the current planning

documents, I don't believe that there is any precedent whatsoever for the Santa Rosa address. Also, it should be noted that the Sonoma County Department of Transportation and Public Works does not list Langtry Road in the Postmile Book.

The correct address as used by the US Postal Service is:
3770 Langtry Road, St. Helena, CA 94574.

All of the mail on Langtry is delivered from the St. Helena Post Office, without distinction of the county in which the mailbox is located.

In practice, I believe, that for emergency services, such as calls to 9-1-1, one would only want to use the St. Helena address.

Also, conventional search engines such as Google Maps, list the St. Helena address. What address would one want to give the various contractors, subcontractors and delivery people? Why not keep the address on the building permits consistent with the jobsite address? What purpose is being served by using multiple addresses?

My obvious suggestion here is that to avoid confusion, all planning documents and electronic data should all refer to the same address(es). If it is deemed appropriate to use more than one address for the same parcel, Sonoma County PRMD should always make note of and be sure to include in all documents the official USPS address: 3770 Langtry Road, St. Helena, CA 94574.

C) Description of Langtry Road:

As with the street address, the description of Langtry Road varies throughout the planning documents, yet because of the project location and Langtry Road being the sole access, it seems important to precisely and accurately identify Langtry Road in both Napa and Sonoma Counties.

Langtry Road begins at Spring Mountain Road in Napa County, approximately 3.5 miles above the beginning of Spring Mountain Road at Madrona Street in St. Helena, and 1.7 miles below the Napa-Sonoma County Line, where Spring Mountain Road becomes St. Helena Rd. in Sonoma County. Langtry Road continues 2.15 miles through Napa County before it reaches Sonoma County. Of the 2.4 miles along Langtry required to reach this project, more than 2 miles traverse Napa County. In other words, nearly 90% of the road lies in Napa County. Moreover, it appears possible that in fact only the Napa County portion may be a County Public Road.*

*As far as I have been able to determine through discussion with Sonoma County Department of Transportation and Public Works, no portion of Langtry Road is a Sonoma County Public Road, despite more than one indication to the contrary various plan documents.

Only the Traffic Study seems to identify Langtry Road in an unambiguous, straightforward manner:

"Langtry Road is a very-low volume narrow country road in hilly terrain. It has a single access and is located mostly in Napa County, though the project driveway is in Sonoma County."

Recommendation: (From Traffic Study) "Although not a significant impact, to minimize potential impacts, it is recommended that guests be directed to come to the site from St. Helena, and that instruction specifically note that they should not use St. Helena Road."

In the Mitigated Negative Declaration, the description of Langtry Road appears to be ambiguous, and seems to suggest that a significant portion, or much of it might be located in Sonoma County:

"The subject site is located in the eastern part of the county on Langtry Road, a dead end road that traverses Sonoma and Napa counties. The easternmost portion of the site is located within several hundred feet of the Sonoma/Napa County line."

Although this is vague and technically accurate, the wording appears to suggest that Langtry road traverses equally both Sonoma County and Napa County, and that it might originate in Sonoma. Obviously this is not the case. Langtry Road originates in Napa County and traverses Napa County to end at the Sonoma County line. It is indeed a dead-end road, however where it ends as a County Public Road might be subject to further investigation.

Despite the specific recommendation in the Traffic Report, the Staff Report describes Langtry Road as if primary access to the site would be from or through Sonoma County. The first route proposed implicitly ignores the recommendation from the Traffic Study that guests be directed to come via the City of St. Helena, in Napa County. The second alternative suggests that guests might still be coming from Sonoma County, when clearly the best and most common access to St. Helena is via the City of Napa and then up the Napa Valley.

"Site Characteristics: Site access consists of a dirt driveway off Langtry Road, which intersects with Spring Mountain Road in Napa County. From Sonoma County, a traveler can take St. Helena Road, which changes names to Spring Mountain Road [1], to Langtry road. Alternatively, one can take Calistoga Road to Highways 29/128 [2] down to St. Helena, then up Spring Mountain Road to Langtry Road."

My notes:

[1] Spring Mountain Road is in Napa County.

[2] Besides Spring Mountain Road, this route includes both Calistoga and St. Helena, as well as a major segment of Hwy 29 in Napa County.

Langtry Road is listed and maintained by Napa County Public Works (up to the Sonoma County line) as a Napa County Public Road.

Although Langtry Road is listed in the database of Sonoma County Department of Permitting, Resource Management and Development, Langtry Road is not identified or recorded as a Sonoma County Public Road by Sonoma County Transportation and Public Works.

Sonoma County Public Works does not list Langtry Road in the Sonoma County Post Mile Book as a Sonoma County Public Road.

Langtry Road is not maintained by Sonoma County Public Works.

It is entirely possible, indeed likely, that there is no agreement between Napa and Sonoma Counties concerning the maintenance of Langtry Road.

It is also possible that there is no recorded Public Right of Way for Langtry Road in the lands of Sonoma County. Clearly this is a matter of interest to not only for this project, but also for Cain and all landowners who must traverse the Sonoma County portion of Langtry Road to gain access to their parcel(s).

Inter-County Cooperation:

I believe that when a development project impacts more than one county, each county should have a documented role in evaluating the impacts. I have no idea how this is managed under CEQA. My understanding is that neither Napa PBRD nor Sonoma PRMD have an established procedure or channel for such cooperation. The cases that arise might be relatively rare. For this reason, I am particularly impressed that you took the initiative to reach across the county line to confer with your colleagues at Napa PBRD.

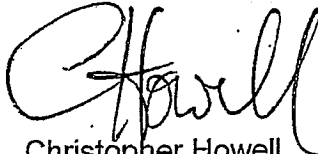
If there has been no established procedure for the two counties, Sonoma and Napa, to work together on projects such as this, you are pioneering a new area of your profession. Congratulations, and Thank You! I have been and will continue to be in correspondence with Napa PBRD on this issue.

For the case of this project, here is my suggestion: Since the development is solely within the lands of Sonoma County, clearly the Sonoma County PRMD must be the lead agency

in evaluating and permitting the project. But since this project clearly has the potential to impact traffic (and other CEQA factors?) on and near to Langtry Road in Napa County, Napa County PBRD should also provide a documented review of relevant factors to the project. It may be that they simply provide written comment. Or, it might be more complete for Napa to identify a limited list of CEQA factors they have determined are relevant to the Napa jurisdiction and issue a Negative Declaration with respect to these identified factors. If this is new territory, you will have to create these procedures in the course of working on projects such as this. But, create these procedures, we must.

Thank you very much for your attention to these issues, questions and suggestions. Again, I apologize for submitting these thoughts at such a late date and wish that I had been more cognizant of the planning process as it transpired, so that I could have discussed this more fully with you in person.

Sincerely yours,



Christopher Howell

Winemaker/General Manager
Cain Vineyard & Winery
Cain Cellars, Inc.

31 March 2014

Sonoma County PRMD
2550 Ventura Ave
Santa Rosa CA 95403

Re: Be Here: Farm and Nature Sanctuary

Dear Committee Member,

As Sonoma County property owners, we fully support ecologically sensitive and sustainable business concepts. Be Here: Farm and Nature Sanctuary encapsulates this philosophy. We feel this project should be approved for the following reasons:

1. The placement of a conservation easement on a significant portion of the property will preserve the rural land in perpetuity.
2. The agricultural philosophy of biodynamic farming and utilization of heirloom species is the future of the food industry.
3. Be Here: Farm and Nature Sanctuary will emphasize and promote these vital concepts through education.

We appreciate the forward thinking approach and actions taken by Sonoma County regarding land and agriculture management. The goals and objectives of this project are a perfect match for the county and its residents. We strongly urge your approval of the Be Here project.

We look forward to learning of your decision on this matter.

Respectfully,

Patricia Aresty
Jeffrey Aresty

2336 West Dry Creek Road
Healdsburg, CA 95448

To Whom it May Concern,

We would like to submit this letter of strong support for the Be Here Farm and Nature Sanctuary on Spring Mountain in eastern Sonoma. As local residents in Saint Helena, we fully welcome the addition to our community and to the North Bay Area.

We have had the opportunity to view the property, along with the planned vision for the building site and biodynamic garden, and offer our full backing for the project. The philosophy, management, and care of the guesthouse & nature sanctuary will not only provide a positive educational experience for the guests, but will also have a low impact footprint on the surrounding environment. The rehabilitation of the existing land into a productive biodynamic farm, and its protection from future enterprises is paramount.

We remain strong supporters of the Be Here Farm & Nature Sanctuary, and although we are unable to attend and speak at the hearing, please consider this letter a representation of our voices at the meeting.

Sincerely,

Ryan & Ryann Calder

Saint Helena, CA

March 31, 2014

County of Sonoma
Permit & Resource Management
2550 Ventura Avenue
Santa Rosa, California 95403

Attn: Sonoma County PRMD

Re: Be Here Farm and Nature Sanctuary

I recently conducted a site visit at the above project. The purpose of the visit was to review the vegetation management and fire safety measures that are in place or proposed to be created for the project and to provide any suggestions for improvement for fire safety. I was also provided photos of the property that were taken prior to my visit.

Fuel Modification

The fuel reduction measures undertaken on the property are dramatic. The clearing of ladder fuels, thinning of small firs and the removal dead fuel was very apparent throughout the property.

These fuel reduction efforts clearly provide an increased level of safety for occupants on site, responding firefighters, defensible space for structures on the property and to the surrounding properties.

Fire and Life Safety Measures

The project as presented includes several key provisions for fire and life safety. These provisions include additional water supply for fire suppression, fuel management breaks and safe areas of refuge for occupants and firefighters, improvement of access roads, and upgrades to the electrical distribution system on the property.

The measures described above clearly minimize the potential loss from wildfire exposure and provide a reasonable degree of fire and life safety.

Vern Losh
Vern Losh and Associates
707-540-2929
vlosh@aol.com

Greetings Sonoma County:

Sonoma County is blessed with an amazing climate with fertile soils that has a rich history in agriculture. We are all connected to agriculture but modern day farming has taking this connection away from many of us.

My name is Nick Zetts and I have been an organic farmer for over a decade in various places in the world, including Sonoma County, and I am in total support of Be Here Farm. The world needs visionaries who can reconnect people in various fashions to the land and to create the understanding that is vital to a maintaining a healthy agricultural ecosystem.

Jared and Velisa's vision is important to me, for local issues, regional issues, and global issues. These two young visionaries are here to make some amazing positive impacts on the local community and the land that keeps us fed. When we encounter creative visionaries who have something of value to offer to the greater population we should let that person do it. Thank you for your consideration in reading my opinion on Jared and Velisa and I look forward to working with them in the future.

Sincerely,
Nick Zetts
Organic Farmer
Calistoga, CA
nzetts@hotmail.com
804-837-5724

To whom it may concern:

I have been involved with Be Here for the better part of two years in a risk management capacity and must say that I am impressed. Not only from a risk management standpoint but from the vantage point of a fire fighter and citizen of Be Here's local area. First on the risk management front, I visited the Be Here property well before Jared and Velisa Pickard purchased the property. I was on an underwriting and rating inspection for another prospective buyer that was in contract on the property. At that time the property had some huge challenges. The vegetation had not been managed at all and the density and growth of ladder fuels made for a very high risk area and also threatened the home and other outbuildings on the property. The access with roads and encroaching brush was not managed either.

Now, several years later and to the dedication and huge capital investment of Be Here, a significant amount of brush management has taken place and has transformed the area. Ladder fuels have been removed, brush surrounding and encroaching on roads have been eliminated and access to escape routes and safety zones have been established and maintained. From a risk management standpoint Be Here has transformed the property significantly, and has implemented significant policies procedures and protocols to reduce the risk of fires. I have been a fire fighter for over five years now locally and can say that their work has made it not only safer and more manageable from the threat of vegetation fires for their property but also the surrounding properties neighboring their parcels.

From the perspective of a local citizen, I must say that everything Be Here has presented to me with their plans for the property has left me impressed. Their sensitivity to minimally impact all aspects surrounding their project has proven to be paramount in all their planning and decision making. My grandparents moved to St. Helena in 1983 to retire and my family fell in love with the town and moved up to St. Helena in 1985. Since then we have seen change and also a lot of proposed change, and by and far most projects that have been approved and also rejected by the city of St. Helena and Napa and Sonoma counties has been well managed, and I think Be Here fits that test as well.

The incredible thing about Be Here's approach and plans is that they are being completely transparent on what they want to accomplish and are not asking for five times greater of a project in hopes that they will get half or a quarter approved. There is no secret that the size and location of their property would be envy of many property and resort developers who would want to push the envelope to maximize the size of their project and thus their return on their investment. Be Here's plans are much different from that approach, in that they want an experience for their guests that is low in guest volume and low in impact. This means less road traffic from guests and staff, less buildings, and less water use. Every aspect of what they want to do has the sensitivity to minimally impact the land, the environment and most importantly to their

surrounding neighbors. Jared and Velisa have taken an active roll in getting involved in local events and groups to support the community as well and I think that speaks very highly as well. All of these attributes leads me to believe that Be Here will be a great addition to the area.

Respectfully submitted,

Cameron R. Crebs
1346 Sylvaner Ave.
St. Helena, CA 94574

Brittany Cole Bush, Contract Grazing Manager, Star Creek Land Stewards

My name is Brittany Cole Bush and I am the contract grazing manager for a land stewardship and grazing business called Star Creek Land Stewards, serving Northern California in targeted grazing programs for vegetation management and fire hazard reduction with sheep and goats. We serve large public agencies as well as private land owners to site-specifically create and perform perceptive grazing services.

I had the opportunity to assess and review the landscape and vegetation of the *Be Here* property in October to determine if small ruminants would be an optimum stewardship choice for the properties ecological land management and fire hazard reduction goals. Upon review I determined that a select number of sheep and/or goats would be an ideal resource to manage vegetation on the property, as well as to increase diversity and resilience of the desirable vegetative populations and to reduce the risk of undesirable and invasive plant species encroachment while improving soil health. Due to the challenges that land gradient poses in using other forms of mechanical vegetation management paired with the ecological system goals at the *Be Here* property, my recommendation is that the use of a carefully managed herd would prove to be an optimum prescription for long-term stewardship of the land.

As both a young agrarian and a dedicated land stewardship professional, I am in support of the *Be Here* project in Sonoma County. It's intentions are to not only steward the land with all valuable ecological systems in mind but are to share, educate and create invaluable unique experiences to its guests.

Through showcasing the integration of agriculture, ecology, and wellbeing, *Be Here* as an active agro-ecological, experiential learning and simply-living center placed Sonoma County will continue to set the bar for the regions incredibly rich and diverse natural landscapes and world-class food experiences.

To learn more about the grazing services we perform or to answer any questions regarding my consultation with the proprietors of *Be Here* and my recommendations please feel free to contact me at: brittanycolebush@gmail.com / [\(858\) 688-3351](tel:(858)688-3351). Our businesses website can be visited at: starcreeklandstewards.org

To the Sonoma County Planning Department,

My name is Zach Schmidt, and I am the owner and operator of Zach Schmidt Land Management.

I was hired to perform an ecologically based forest restoration effort for the Be Here project on 60 acres of densely overgrown 3rd growth forest, which was of very high fire threat as a result of past logging efforts on the land.

This restoration effort has made a dramatic improvement to the forest ecosystem, and the Pickards went the extra mile in every aspect in order to protect the long-term health of the ecosystem, always choosing to take a more sensitive approach on the land often at the expense of the bottom line. They are definitely one of the most environmentally conscious land stewards I have ever worked with.

I can be reached at my email below if you have any questions.

Thank you very much,

Zach Schmidt

zachschiidt101@gmail.com



HALLECK VINEYARD

March 21, 2013

To Whom It May Concern,

I have lived in Sonoma County for 23 years and have been farming for 21. In generational terms, I am a newcomer. But I represent a culture that has forged a different relationship to the land than previous generations. I am an organic farmer of grapes: a vintner. I grow and make wine. I raised my family of three sons with my wife on this land. It made sense from day-one to protect them all.

I first visited Be Here last week. When I walked the property and spoke with Jared and Valisa, it was apparent that we shared common values regarding this earth that sustains us. I am confident from listening to their vision and witnessing the work performed over the last two years, that they, too, are not developers.

Be Here is a labor of conservation. They are caring for the land as one would for one's family, I fully support this project. I applaud their selection of place and the relationship they are forging with it. It is an example to be followed.

Ross Halleck
Halleck Vineyard

Misti Harris

From: J.B. Pickard [jared.pickard@gmail.com]
Sent: March 21, 2014 7:09 PM
To: Misti Harris; Jean Kapolchok
Subject: 36th letter of support

Hi Misti,

Copied below is our 36th letter of support from Craig Anderson, the Executive Director of LandPaths, which I'm sure you know is one of Sonoma's most well respected land based organizations.

Is there anything specific you want me to do with the letters that come in post March 19th? Should I send you a "day of" support package on April 3rd?

Thanks,

Jared

Be Here: Farm and Nature Sanctuary (PLP13-0019)

Letter of support from Craig Anderson, Executive Director of LandPaths

From: Craig Anderson <Craig@landpaths.org>

Date: March 21, 2014 at 4:29:41 PM PDT

To: Craig Anderson <Craig@landpaths.org>

Subject: Re: Agriturismo Vision

I think the idea of Be Here is both revolutionary and in the same moment based in old fashioned common sense.

That is, treat both people and the land with respect, raise clean food while increasing soil fertility and provide a local economic engine.

I think the intention as the project has been stated is a good one, and I wish the Pickards well with it. Further, I hope that LandPaths has the opportunity to work with them in providing land-centered, overnight stays for residents and visitors alike.

Craig

jbp :: bh

jared benjamin pickard

be here :: proprietor

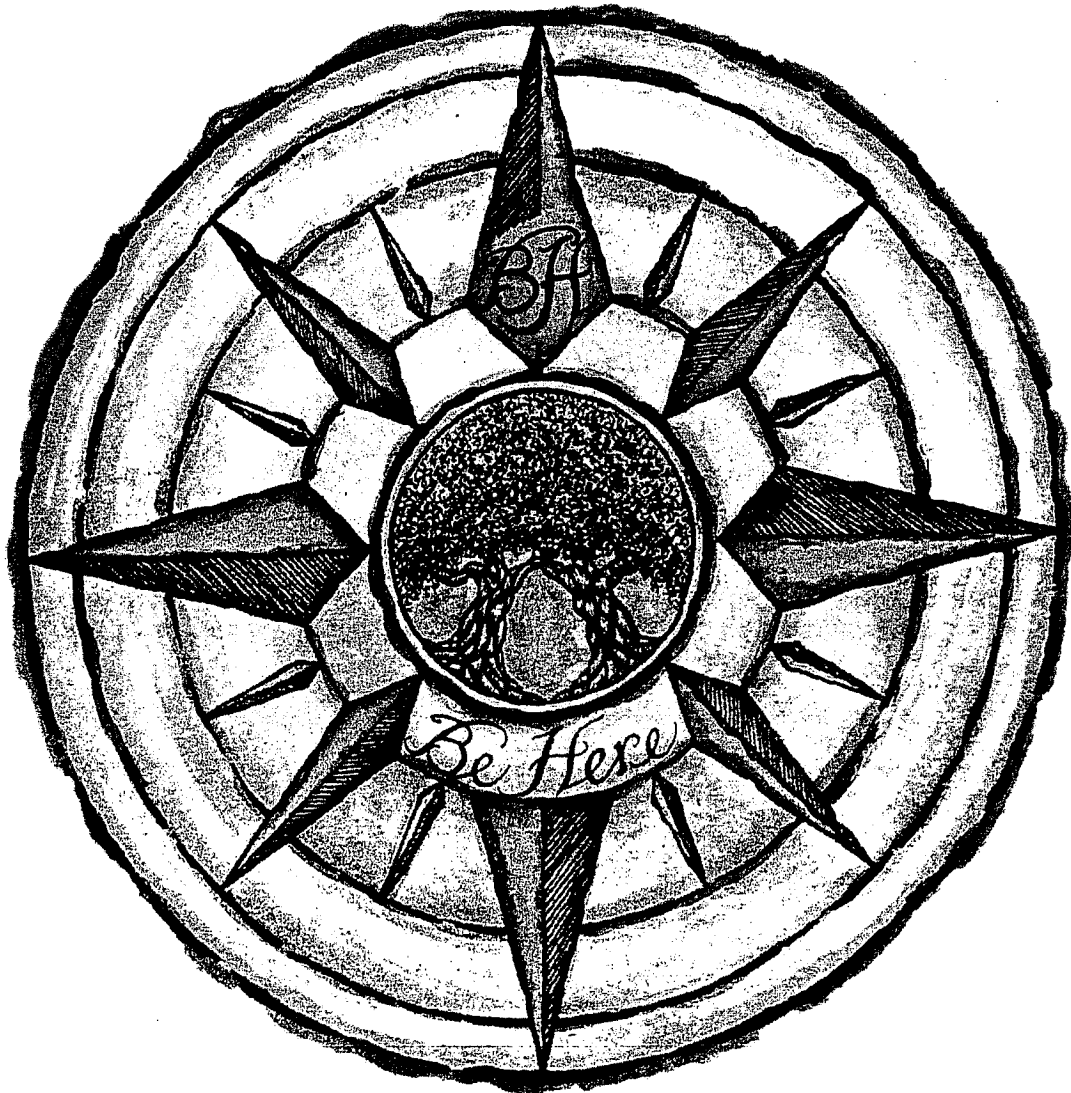
(p) 707-963-1902

(c) 646-468-1066

i'm high on cooking dot com

Community Support Package

Be Here: Farm and Nature Sanctuary



(PLP13-0019)

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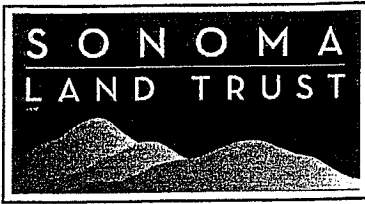
1. Sonoma Land Trust,
2. Occidental Arts and Ecology Center
3. Friends of Mark West Watershed
4. Sonoma Ecology Center
5. AMR NAPA (first responder)
6. Farm Trails
7. Francis & Alexander
8. Coturri Winery
9. Napa Valley Bee Company
10. Long Meadow Ranch and Farmstead LLC
11. Nature Select Foods
12. Slow Food Sonoma Valley
13. Slow Food USA
14. Fare Resources
15. Harmony Farm Supply
16. LandPaths, Craig Anderson

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18. John Gantner
19. Casidy Ward
20. Jenni Karakasevic
21. Mark and Carolyn Butler
22. Maria Franchi
23. Bob Torres

Letters from Sonoma and Napa County locals

24. Vern Losh (former SC Fire Marshall/Chief)
25. Todd Lands (former SC Deputy Sheriff)
26. David Katz
27. Michael Presley
28. Stephen Barber
29. Belinda Andrews
30. Evelyn Baltazar
31. Matteo Silverman
32. Gary Jenanyan
33. Cheryl Atkins
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41. Brittany Cole Bush
42. Cameron Crebs
43. Ryan and Ryann Calder
44. Zach Schmidt



822 Fifth Street
Santa Rosa, California 95404
(707) 526-6930
www.sonomalandtrust.org

March 10 2014

Misti Harris
Sonoma County Permit & Resource
Management Department
2550 Ventura Ave
Santa Rosa, CA 95403

Re: Be Here Now Farm and Sanctuary

Dear Misti,

Jared and Velisa Pickard have approached Sonoma Land Trust with an offer to donate a conservation easement on approximately 105 acres (APN 028-270-038 and a portion of 030-080-009, as outlined in green on the attached map) of their 165-acre property on Langtry Road. We understand that Jared and Velisa are in the process of seeking approvals to create a nine bedroom guesthouse, "beyond organic" farm, and retreat center on the remainder of the property and donation of a conservation easement is not required by Sonoma County as mitigation for the proposed development on the remainder of the property.

The property, located near the crest of the Mayacamas Mountains, is in an area that has been identified by Sonoma Land Trust and other local and regional conservation organizations as providing important wildlife habitat and watershed land. We visited the proposed conservation easement area last month and, based on the significant natural resources we observed – intact forest and chaparral and a reach of a tributary to Santa Rosa Creek – we are in the process of evaluating acceptance of the conservation easement.

It is evident that Jared and Velisa share our goal of permanently protecting and caring for the land as wildlife habitat and we appreciate the opportunity to work with them.

I expect we will complete our evaluation process in April, please don't hesitate to contact me at (707) 526-6930 ext. 103 or wendy@sonomalandtrust with any questions.

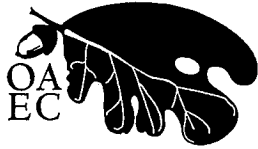
Sincerely,

Wendy Eliot
Conservation Director

Cc: Jared Pickard
Supervisor Susan Gorin

... to protect the land forever





Occidental Arts & Ecology Center

15290 Coleman Valley Road • Occidental, CA 95465

tel: (707) 874-1557 • fax (707) 874-1558

www.oaec.org • www.oaecwater.org

February 7, 2014

County of Sonoma Planning Commission
575 Administration Drive
Santa Rosa, California 95403

Dear Members of the Planning Commission,

We are writing to provide The Occidental Arts and Ecology Center's (OAEC) support and organizational endorsement of The Be Here Project (PLP13-0019). Additionally, the undersigned are specifically familiar with the project's laudable aspirations and ecologically sound plans. Given such, we each possess the personal belief that the Be Here Project (BH) would represent a positive contribution to our community, while also enhancing the experience of those visiting Sonoma County.

BH's objectives of modeling sustainability and providing environmental education to visitors are completely aligned with our mission. Valuing OAEC's long-term experience with sustainable development in Sonoma County, BH has leveraged our staff knowledge, in conjunction with those of other respected professionals in the area, to consult on and help guide their plans for holistic land management and sustainable agriculture. It is from this extensive engagement that we can personally attest to the proprietors' integrity and commitment to the property's ecological health and balance.

Over the past year, we have witnessed definitive and substantial ecological improvements to BH's land that clearly reflect their commitment to a regenerative model of agriculture and development. Specifically, BH's goal of restoration is based on replicating natural systems that stresses biological diversity, the appropriateness of native species, and the integrated relationship between healthy soil, air and water.

Our support of BH's plans is furthered by the project's unique goal of sharing these ecological practices with visitors through demonstration and education. This objective of deeper education to foster ecological literacy in our Bay Area population complements OAEC's long-term efforts to achieve the same in the western portion of the County. This geographical linking and networking should buttress Sonoma County's already rapid progress toward being a leader in sustainable development and ecological agriculture, while enhancing its reputation as a sustainability-conscious tourist destination. In short, we feel BH would provide clear benefit to the community and visitors alike.

Thank you for consideration of BH and for your own positive contributions to the community.

Sincerely,

Dave Henson
Executive Director

Brock Dolman
Director, The WATER Institute

Tynes Viar, Ph.D.
Director of Development



*A watershed community
dedicated to preserving, protecting,
and restoring the Mark West Creek and its watershed
as a natural and community resource.*

Friends of the Mark West Watershed
6985 Saint Helena Road
Santa Rosa, CA 95404
info@markwestwatershed.org
Tel: 707-538-5307
www.markwestwatershed.org

March 10, 2014

Sonoma County Planning Commission
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: FMWW Support for the Be Here Retreat Center, PLP13-0019

Dear Planning Commission Members,

This letter is to urge, in the strongest possible terms, your approval of the Use Permit and associated Franz Valley and General Plan amendments for the Be Here Retreat, PLP13-0019.

The applicants were kind enough to join us at our most recent Friends of the Mark West Watershed general meeting and to describe in detail the existing nature and condition of their property, the outstanding stewardship improvements they have already undertaken, and the facility they hope to build and operate.

The retreat is nature based, environmentally sensitive and a clear benefit to the open space and resource values of the surrounding area. It includes a 100-acre conservation easement covering more than half of the property.

The Friends of the Mark West Watershed welcome the proposed Be Here Retreat to our neighborhood and look forward to working with Jared and Velisa Pickard in the future.

Thank you very much for considering FMWW's point of view on this matter.

Sincerely,

Harriet Buckwalter
FMWW Co-Chair

Linda Sartor
FMWW Co-Chair

cc: Susan Gorin
Misti Harris
Jared and Velisa Pickard
Jean Kapolchec



SONOMA ECOLOGY CENTER

Protecting the beauty and biodiversity of Sonoma Valley

March 10, 2014

Re: Application by Jared and Velisa Pickard, Be Here Now Farm and Nature Sanctuary

To Whom It May Concern:

As a representative of Sonoma Ecology Center, I was asked to visit and comment on an application by the Pickard family to Sonoma County for a family-managed 9-room guesthouse, farm, and nature preserve northeast of Kenwood along the watershed divide boundary separating Napa and Sonoma counties. The project is on the Sonoma side.

After 2 hours walking the property with Mr. Pickard, and having him provide detailed answers to many pointed questions about land and resource management and the proposed project, I am very comfortable recommending the project for approval.

The family has a broad vision that places sustainability above other actions on the property, and it shows. The site has had extensive work managed by the family over the last several months. They sought expert advice and made extensive use of it at all sites we visited. Development is being limited to existing disturbed areas. Waste materials from onsite are being used for construction and soil amendment. Runoff is carefully managed for sediment removal and infiltration, and used to reduce groundwater use in garden areas. Native plants and animals are being monitored and supported. Downstream neighbors, like Sugarloaf Ridge State Park, are being considered in upstream land use. Conservation is employed in all areas, from water and energy use indoors, to farm operations and construction. In short, the site is being developed with an exemplary knowledge of multi-benefit actions, where every task solves more than one need and references a sustainability goal for the site and its surroundings.

Our organization does not have expertise in small-scale guesthouse operations, but I am comfortable that similar care will be taken to minimize impacts and maximize benefits to the land, neighbors, and guests.

Again, I am very comfortable providing a recommendation of support for this project.

Please feel free to contact me with questions.

Richard Dale,
Executive Director



January 28, 2014

Permit and Resource Management Department (PRMD)
Sonoma County
2550 Ventura Ave.
Santa Rosa, CA 95403

RE: Be Here Farm, Wellness Retreat – 3770 Langtry Road, St. Helena (Sonoma County)

Dear PRMD Staff:

This letter is written to advise your department that we have surveyed the above referenced property and found that it is easily accessible for Emergency Medical Services (EMS) response. As you know, the property is located in Sonoma County, but will be served via automatic aid response by Napa County based EMS and fire services. Furthermore, I have confirmed that this address is properly built-in to the CAD database at Napa Central Dispatch.

AMR Napa is the exclusive 9-1-1 EMS provider under contract with the County of Napa. We will provide emergency response services to this property with Advanced Life Support (ALS) ambulance and Quick Response Vehicle (QRV) resources.

Please contact me at (707) 501-5281 if you should require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce H. Lee', is written over a horizontal line.

Bruce H. Lee
General Manager
AMR Napa



January 10, 2014

To Whom It May Concern:

I am writing to express enthusiastic support for the Be Here Farm and Nature Sanctuary project. I am impressed by their emphasis on best farming practices, land conservation, education, and of course the production & sourcing of great local food.

For over forty years Farm Trails has promoted local agriculture and has worked to preserve Sonoma County's rural heritage. Be Here Farm sounds like a worthy project and a wonderful addition to our community of family farmers/producers.

Additionally, we at Farm Trails receive frequent requests from the public for information about farm stays. Agritourism is becoming increasingly popular, and we are excited to have another destination to recommend.

We hope that Be Here Farm's plans will be approved so they may implement their inspiring vision of creating a holistic, sustainable, mindfully stewarded sanctuary that enriches the land, the local community and the lives of those who pass through.

Sincerely,

Carmen

Carmen Snyder
Executive Director, Sonoma County Farm Trails
P.O. Box 452
Sebastopol, CA 95472
Carmen@farmtrails.org
707.837.8896

FRANCIS & ALEXANDER
CONSULTANCY AND RESOURCE FOR SPAS

December 11, 2013

On behalf of Francis & Alexander, we are writing to endorse the project Be Here located on Spring Mountain in Sonoma County, California.

This project is a true labor of love of the husband and wife team Jared and Velisa Pickard. Jared and Velisa share a strong commitment to sustainable practices and are devoted stewards of the land. They will live on the property and actively participate in the day to day operation of the proposed center. The project is planned to be a 9 bedroom guesthouse, an organic farm, a retreat center and a nature sanctuary, located on 165 acres of mountaintop in eastern Sonoma County. We see this as a low impact project that has the potential to introduce people to an earth friendly lifestyle of health and sustainability while generating TOT tax to the county.

Francis & Alexander is a partnership of Peggy Francis and Loma Alexander, long time residents of Napa Valley. We have been instrumental in the development of the several resort spas in Napa and Sonoma. In our years of consulting we have never seen the attention of detail put into the process of protecting the land that these people are doing. There is heart and soul in this project that is rare.

With our management company we employ a team of 38 therapists to provide spa services in 5 resort spas in Napa and Sonoma Valley.

If you have further questions please don't hesitate to ask us.

Sincerely,

Loma Alexander and Peggy Francis

COTURRI WINERY

P.O. BOX 396
Glen Ellen CA 95442
Sonoma County

To whom it May Concern,

I'm writing to lend my support to the Be Here concept and plan as laid out by Jared and Velisa Pickard. I have known the Pickard's before they even started this project. I have always been impressed in their obvious love, respect and dedication to the maintenance and progress in organic agricultural and land management. They have shown me a plan that will include these ideas and will allow a business to grow and flourish in a natural setting plus include a component of education. We need more projects like this one that promotes the diversification in agriculture which is so sadly lacking in our current monocultural vineyard practices.

I've been involved in the grape and wine industry for over 35 years and I'll be happy and encouraged to see this project move forward.

Sincerely

Tony Coturri

December 16, 2013

Napa Valley Bee Company
2127 West Lincoln Ave
Napa, CA 94558

To Whom It May Concern:

As the proprietors of Napa Valley Bee Company, we work to support the local economy and encourage environmentally-responsible business practices. Our enterprise is a small, family-owned business serving customers in Napa, Sonoma, and Marin counties. We supply bees from local genetic stock and do not use artificial chemical treatments in the raising and maintaining of our bee colonies.

Our company is aligned with other like-minded businesses in our region, which support small-scale, diversified agricultural endeavors. In particular, we have cultivated many relationships among the wine and culinary trades, which in aggregate, have shown great interest in environmental stewardship and in making use of local farm products.

We are supportive of Be Here (Project# PLP13-0019) for these reasons. The business is limited in scale, both in terms of the number of guests and the development impact. They embrace an organic and diversified approach to agriculture, which respects the land and local environment. Moreover, their investment in their guest house and farm is being conducted in a responsible fashion, with a generous allotment of up to 100 acres to be made available as a conservation easement. We thereby urge that this small business be allowed to obtain the necessary permits required to proceed.

Sincerely,

Rob Keller
Founder, Napa Valley Bee Company

Jason Grace
Partner, Napa Valley Bee Company

To the Sonoma County PRMD,

My name is Ted Hall, and I am the President and General Manager of Long Meadow Ranch & Affiliates, a local and family owned group of businesses producing ultra-premium wine, extra virgin olive oil, grass-fed beef, and organic fruits and vegetables on over 1500 acres of Northern California farmland. These products are showcased in our sustainable food, wine, and agricultural education destination located in St. Helena, CA, featuring our farm-to-table restaurant, Farmstead at Long Meadow Ranch.

I am writing to express my support for the Be Here project. Their project will feature sustainable agriculture, resource conservation, responsible land stewardship, and food education, all of which are topics we wish to proliferate in the community.

Thank you,

Ted Hall

--

Ted W. Hall
President & General Manager
Long Meadow Ranch & Affiliates
PO Box 477

Rutherford, CA 94573
tedhall@longmeadowranch.com
Office: +1 (707) 963-5268
Mobile: +1 (707) 732-6393
www.longmeadowranch.com

"Excellence through Responsible Farming"

Mostly, Ted also serves on the board of the St. Helena Farmers Market, is the chair of the Agricultural Education Advisory Committee for the St. Helena School District, a member of the Napa County Local Food Advisory Council, and an advisory board member of the Land Trust of Napa County. We are honored to receive his support.

January 11, 2013

To the attention of Sonoma County PRMD:

I am contacting you to provide a letter of support for the local business project, Be Here- Farm & Nature Sanctuary. I believe Be Here would be an exciting and much needed asset to our local community and area at large.

My name is Ivo Matijaca and I am the Owner and Founder of Nature Select Foods in Saint Helena. We are a natural and organic foods store that has been in business since 1997. Our mission is to provide our community and those who visit access to quality organic foods, natural body care & holistic health remedies. Upon learning about Be Here, we felt compelled to reach out and share our support for their project.

Be Here Farm and Natural Sanctuary is committed to better our Earth, the land and environment that is essential to our health. They are focused on educating visitors and inspiring healthy living which is empowering to make a difference locally and globally. I believe their project is meeting a great need to bring awareness to sustainability both now and in the future. Be Here would be a destination location which would attract people both locally and from afar to seek out ways to live better and be good stewards of the planet. Because of its small scale lodging, there would be minimal impact on traffic and the land.

As customers of our store, I have come to know Jared and Velisa Pickard, the founders of Be Here and I see their undivided commitment to living a healthy lifestyle and their passion for ecological sustainability.

Thank you for your time.

Best,

Ivo Matijaca

Nature Select Foods
1080 Main Street
Saint Helena, CA
94574
707.967.8545



Date: February 13, 2014

To: Sonoma County Permit and Resource Management Department

Re: Jared and Velisa Pickard, Langtry Road, Spring Mountain Project

I am a resident of Sonoma County and the current President/Chair of Slow Food Sonoma Valley, which is part of a global movement of supporting clean, good and fair food practices. Slow Food's mission is to support and connect to local projects that support education, sustainability, small local farmers, food producers and those preserving and protecting, and informing visitors and our neighboring communities of the rich and vital landscape of Sonoma County.

Recently, I was invited to visit with Jared and Velisa at their home on Langtry Road just outside St. Helena. We walked and listened to their vision for restoring and developing the property, which will include a nine-bedroom farm, and land based hospitality and wellness retreat on their 225 acres of property located on Spring Mountain, just outside St. Helena.

Their vision is to also make the development to be a learning-discovery center for children in local communities; many who may never have experienced a working organic farm to visit and have hands-on teaching through an outreach program within the local schools. We walked the land and were able to be up close and personal to understand what they have already done to restore this land with careful labor and expense restoring the natural habitat of floral, wildlife, and water resources. It was impressive and clear that this is their home and that they are passionate and committed to live and develop an appropriate retreat center that will gift others to experience the bounty of Spring Mountain. I support the efforts of their project to be approved for the necessary permits to restore and develop this property.

This project will be a great example for many generations to come based on the goal of the property to be not only a home for family; but a focus as a learning center for organic gardening, land conservation, and visitors to experience solitude from their normal suburban lifestyle. The project does not seem to have any impact on any neighboring homeowners. Again, the vision is to protect the environment, while introducing and educating visitors to the right practices for using what is available locally while honoring the land and developing it its fullest potential.

I support any permitting that Jared and Velisa Pickard are applying to further the development of this project.

Sincerely,

A handwritten signature in cursive script that reads "Margarita Ramirez-Dalton".

Margarita Ramirez-Dalton
President-Chair, Slow Food Sonoma Valley
460 La Quinta Lane, Sonoma California 95476



Slow Food USA

December 17, 2013

68 Summit Street, 2B
Brooklyn, NY

To Whom It May Concern:

My name is Megan Larmer, and I am the Manager of Biodiversity Programs for Slow Food USA. Slow Food USA is part of the global Slow Food network of over 150,000 members in more than 150 countries, with the mission of ensuring good, clean, and fair food for all.

I am writing about Be Here (PLP13-0019), and on behalf of Slow Food USA I want to support their efforts towards increasing biodiversity, protecting watersheds, preserving natural habitat, incorporating heirloom varieties, and educating the public about these topics. The founders of this project are valuable members of the global Slow Food community. I hope you approve their project.

Sincerely,

68 Summit Street, 2B
Brooklyn, NY 11231
+1 718 260 8000
www.slowfoodusa.org
Megan Larmer

FARE RESOURCES

CREATING VIABLE FOOD SYSTEMS

23 February 2014

To Whom it May Concern,

I'm writing to lend my support to the Be Here project (PLP13-0019) of Jared and Velisa Pickard. I have known the Pickards since they began their journey toward sustainable land stewardship. In their deep dedication to learning and respecting the natural ecology of any landscape, they are a couple that is clearly committed to best practices in all senses: for land, animal, and human. Having lived and worked with them over the last 6 years, from our organic farm and restaurant operations in Georgia, to our various entrepreneurial endeavors here in the Bay Area, my experience with the Pickards leaves me with the firm and confident opinion that the Be Here project will strive to protect the most valuable natural assets of their land, the community, and the surrounding environment. They have a holistic vision toward land and animal management and the human element of any development that I am sure will enable their project to be not only acceptable but a point of pride for the Sonoma County community. Furthermore I believe Be Here will add to the richness of our County's business with an example of truly integrated triple bottom line thinking: a business that places equal emphasis on profit, planet and people.

As a sustainable agriculturalists, winemakers, food industry entrepreneurs, social activists, and lifetime educators, we collectively see deep value in the project that the Pickards are bringing to fruition, as a model for our industry. It embodies Bay Area innovation and sensitivity toward our interaction with the land. As Sonoma County residents, our family deeply supports the work they are doing and would be happy to speak to any doubtful community member on their behalf.

Best,

Olivia & Giacomo Tincani
Partner, Fare Resources (San Francisco)/ Partner, La Basia Winery (Italy)

Randy & Steven Sargeant
3575 Matanzas Creek Lane
Santa Rosa, CA 95404

To whom it may concern:

It is with great pleasure and sincerest enthusiasm that Harmony Farm Supply and Nursery supports your project. This will be an incredible asset to the organic community. We need to have a "learning" farm within local proximity to afford an opportunity for individuals to immerse themselves in the process. This could also afford an educational opportunity for K-12 schools in our community. I also believe that your farm will become a focal point within the Sonoma County agriculture landscape that has gained attention in the national spotlight. The list of opportunities that this facility will offer to the Sonoma County Community would be lengthy.

If I can help your process in any way, please let me know.

Sincerely,

Rick Williams
General Manager
Harmony Farm Supply & Nursery
707/823-9125
rick@harmonyfarm.com

Misti, rick is the owner and general manager of Harmony Farm Supply in Sonoma County, the leading provider of organic vegetable starts and organic farming supplies since 1980. They are not only a leader in the community, but they are a major component of the AG community at large, acting as a hub of activity throughout the growing season.

Be Here: Farm and Nature Sanctuary (PLP13-0019)

Letter of support from Craig Anderson, Executive Director of LandPaths

From: Craig Anderson <Craig@landpaths.org>

Date: March 21, 2014 at 4:29:41 PM PDT

To: Craig Anderson <Craig@landpaths.org>

Subject: Re: Agriturismo Vision

I think the idea of Be Here is both revolutionary and in the same moment based in old fashioned common sense.

That is, treat both people and the land with respect, raise clean food while increasing soil fertility and provide a local economic engine.

I think the intention as the project has been stated is a good one, and I wish the Pickards well with it. Further, I hope that LandPaths has the opportunity to work with them in providing land-centered, overnight stays for residents and visitors alike.

Craig

Date: 12/3/2013
Address: 3775 Langtry Road, St. Helena
County: Sonoma and Napa Counties

To whom it may concern,

My name is Jack Watts, and I live at 3775 Langtry Road. I am writing to give my support for the proposed new guesthouse construction (PLP13-0019) by Jared and Velisa Pickard. I understand their vision for a land-based guesthouse, and I am supportive of their efforts.

I particularly aligned with their views on sustainable agriculture, as their efforts may help others in the neighborhood develop more appropriate crops for our local environment on Spring Mountain.

Thank you.

Jack Watts

Misti,

This letter is such a fantastic thing for us as Jack and Teri Watts are two of our contiguous neighbors. As you know, we are 3770 Langtry Rd and they are at 3775, which makes them quite close. There are no other driveways in between us and them. We are so happy to have their support!

MEMORANDUM

22 December 2013

To: Jared and Velisa Pickard (via Email)

From: John Gantner, School House Vineyard, 3549 Langtry Rd. St. Helena CA.

RE: Gate - Be Here Now project

Jared & Velisa,

Nancy & I do not oppose your project. We think well of you and Velisa, and believe you have a right to develop your property. We are not wildly happy about the great increase in the human population in this remote area that your project will cause, but as I've said already, we won't oppose you.

Now as to the gate, electric controls and power line easement, before you proceed we must enter a written agreement as to all of this. The plans & specs must be agreed to by me. So your attorney ought to contact me and you and I should talk. Anytime. No hurry.

Have a good holiday season.

Best regards,

John

Letter of support for Be Here Now (PLP13-0019)

Sent: 11/25/13

From: Casidy Ward

Email: casidy@q.com

Address: 8594 St. Helena Rd, Santa Rosa

County: Sonoma

To whom it may concern,

My name is Casidy Ward, and I am writing to give my support for the Be Here Now project (PLP13-0019). I understand their vision for a land-based guesthouse, and I am supportive of their efforts to grow crops and raise animals and provide a retreat experience in the mountains of Sonoma County.

Best wishes,
Casidy Ward

www.hiddenridgevineyard.com

twitter: hiddenridgewine

facebook: hidden ridge

pinterest: <http://pinterest.com/hiddenridgewine/>

skype: carefreecasidy

707-481-7021 c

707-307-7019 f

Misti,

Casidy and her husband own a nearly contiguous parcel of land. A thin strip of a neighbor's land separates us from being in direct contact. Their vineyard, the hidden ridge vineyard, has a wide view of our side of the mountain. They are not only a Spring Mountain vineyard, which makes them quite relevant to my Napa neighbors, but they are Sonoma County residents as well.

To the Sonoma County PRMD:

My name is Jenni Karakasevic, and my husband Marko and I are long-time Spring Mountain residents (my husband's family has owned property here since 1983, and I have been living here since 2004). Together we sell and promote our family's portfolio – Charbay Distillery and Winery.

I have had the pleasure of spending time with Jared and Velisa – their passion, drive & clear vision (with ample resources) have compelled me to write you to express my complete and heartfelt support for the Be Here project (PLP13-0019), and we hope you approve their plans. If you would like to ask me any questions, I can be reached at jenni@charbay.com.

Thank you so much for your time,

Jenni

Support Letter for Be Here, (PLP13-0019)
Sent: 11/25/13
From: Mark and Carolyn Butler
2900 Spring Mountain Rd, St. Helena, CA 94574

To whom it may concern,

My name is Mark Perry Butler, and I am writing to give my support for the Be Here project (PLP13-0019). I understand their vision for a land based guest house, and I am supportive of their efforts.

I am particularly aligned with their views on holistic land management and sustainable agriculture.

Thank you.

Mark and Carolyn Butler .

A handwritten signature in black ink, appearing to be 'Mark and Carolyn Butler', written in a cursive style.

Misti, here is another letter of support from two local Spring Mt residents. They live just down the road on Spring Mt Rd, but geographically on the map our parcels are even closer. Thanks!

To: Sonoma County planning department

I am a residence off of Spring mountain road on Dean York Lane and I support the Be Here project and their application with the Sonoma County Planning Department.

Maria Franchi M A R T I N D E S I G N 1118 Hunt Avenue Saint Helena, California 94574 p: 707/963.4141 x6 f: 707/963.4146

Misti, Maria is a resident of Spring Mt, just off spring mountain road.

To: Sonoma County planning department
PLP13-0019

I am a resident at the bottom of Spring Mountain rd. in St. Helena , and want to support the Be Here project and their application with the Sonoma County Planning Department

Bob Torres
Principal and Senior Vice President of Operations
Trincherro Family Estates
wk 707-963-5928 x2820
fax 707-963-9264 btorres@tfewines.com

1750 Dean York Lane
St. Helena , Ca. 94574

Misti, Bob is a resident of Spring Mountain, and lives just off Spring Mt Rd before the town of St. Helena

March 31, 2014

County of Sonoma
Permit & Resource Management
2550 Ventura Avenue
Santa Rosa, California 95403

Attn: Sonoma County PRMD

Re: Be Here Farm and Nature Sanctuary

I recently conducted a site visit at the above project. The purpose of the visit was to review the vegetation management and fire safety measures that are in place or proposed to be created for the project and to provide any suggestions for improvement for fire safety. I was also provided photos of the property that were taken prior to my visit.

Fuel Modification

The fuel reduction measures undertaken on the property are dramatic. The clearing of ladder fuels, thinning of small firs and the removal dead fuel was very apparent throughout the property.

These fuel reduction efforts clearly provide an increased level of safety for occupants on site, responding firefighters, defensible space for structures on the property and to the surrounding properties.

Fire and Life Safety Measures

The project as presented includes several key provisions for fire and life safety. These provisions include additional water supply for fire suppression, fuel management breaks and safe areas of refuge for occupants and firefighters, improvement of access roads, and upgrades to the electrical distribution system on the property.

The measures described above clearly minimize the potential loss from wildfire exposure and provide a reasonable degree of fire and life safety.

Vern Losh
Vern Losh and Associates
707-540-2929
vlosh@aol.com

To whom it may concern:

My name is Todd Lands, and I am a life-long resident of Sonoma County. I worked for the past 10 years as a Deputy Sheriff for Sonoma County. As a deputy, I was assigned to the SWAT team as well as patrol.

My duties as a deputy took me to many rural parts of the county, often large ranches and properties. One of the major concerns that the property owners had to deal with was trespassers coming onto their properties to grow marijuana.

Marijuana growers destroy water systems, land, and animals. The growers will dam and divert water systems so that they can use it to water their marijuana. This can take away from the natural course of the water, as well as deplete the limited amounts for the animals and plants.

When a marijuana grower comes onto the property, they cut down trees and bushes, dig holes for the plants, and litter the land with trash. The growers will surround the marijuana with fences, wires, and traps for animals and humans, causing damage to the trees and animals that come into contact with them. Once the plants are in the ground, the growers will add different chemicals to help them grow. These chemicals get into the ground and water where the animals eat and drink, poisoning them.

Animals suffer when it comes to marijuana grows. They can get poisoned by drinking the water where the poisons runoff, or can drink the poisons from the containers and trash. They can also eat the plants, poisoning them. Animals also get stuck in the fences and wires set as traps and blocks to keep them out of the grows. When an animal gets stuck in a fence or wire, it will either be killed by the grower or will eventually die in place.

While working for Be Here Properties, the owner, Jared Pickard, informed me of recent issues with marijuana growers on his property. He further explained that the Sonoma County Sheriff's SWAT team came to the property; located a large marijuana grow; and eradicated it. Jared asked me to go find the marijuana growing operation, and dismantle it.

I have spent numerous weekends hiking the Be Here Properties, locating several places the growers were stealing water. Several water lines were installed and ran for miles around the property. I further located about ten camp sites, two man-made water tanks, several individual grow sites, and drip irrigation that supported thousands of marijuana plant sites. These camps, tanks, and grows had trash and chemicals all around them. Some of the trash was buried in the ground, but most was spread across the mountains.

I removed all water lines, drip irrigation, camps, water tanks, and trash. By doing this I basically left the mountain as it had been naturally, before the growers came in and damaged it.

One of my biggest concerns throughout the project was I never saw animals anywhere near the grow sites. While hiking in other areas of the property, deer were everywhere. This led me to believe that any wild animal in the area of the grow had been killed.

Be Here Properties and Jared Pickard have gone above and beyond to remove the trash and damage to the mountains, trying to leave it as natural as possible. This in turn will allow the animals to live a normal and natural life. It will further allow the trees and bushes to grow and fill in the areas they were destroyed. Pickard's attention to detail and specific intent on taking care of the earth not only helps us but will make the property and area better for our children and future residents.

Thank you for your time.

Todd Lands

David Katz
2152 Orchard St.
Santa Rosa, CA 95404

December 02, 2013

Dear Planners:

I am writing to voice my support for the Be Here project (PLP13-0019). I understand and applaud their vision for a land-based guesthouse, and I am supportive of their efforts.

Their clear and strong commitment to sustainable development and to the enhancement of the local ecology of their site is a great example of the type of guest services we need in Sonoma County. Their site is now a logged-over "third growth" forest that they are proposing to restore and rehabilitate while using a very small portion of it for their facilities. This type of watershed restoration is vital to maintaining the health of ecosystems in our county.

This project has the additional benefit of providing some good, long-term local jobs in our rural area that is not just wine industry oriented, not to mention the very significant economic boost from their proposed buiding and site restoration.

I urge your favorable consideration of their project proposal.

I would be happy to respond to any questions.

Sincerely,

David Katz

Misit,

David is one of the founders of the Farallones Institute, which is the predecessor to the OAEC (Occidental Arts and Ecology Center). He is widely known in the area for his environmental conservation efforts. Thanks!

Letter of support for Be Here (PLP13-0019)

Sent: November 12, 2013

From: Michael Presley

Email: mwpgardens@hotmail.com

County of residence: Sonoma

Spring Mountain is a watershed apex for Napa River, Sonoma Creek and Mark West (Russian River). Meeting the young visionary stewards of this land peak, Jared and Velisa, has been a breath of fresh air for me as a land consultant and garden advisor.

The title 'be here ' permeates every question and action on the land through soil, water, wind, native plants and animals as well as cultivating a potential of organic food, health and experience for their family and guests.

In an area saturated with private vineyards and boutique wineries it is good to know some people are thinking and practicing in a manner honoring the biological diversity of such a rare and integral part of our shared watersheds.

Gratefully,

Michael Presley

Misti,

Michael Presley is a farmer, botanist, and educator who works in Sonoma and Napa Counties. He is also a garden designer, naturalist, and is developing apothecary products made from locally grown, organic plants.

1/11/14
738 Main Street
Saint Helen, CA

To whom it may concern,

My name is Stephen Barber, and I am writing to give my support for the Be Here Now project (PLP13-0019). I have viewed the property firsthand and understand their vision for a land-based guesthouse, and I am supportive of their efforts.

As executive chef of farmstead at long meadow ranch I am genuinely enthusiastic about this project as their views on holistic land management and sustainable agriculture align with ours.

Sincerely,



Stephen Barber
Executive Chef
Farmstead at long meadow ranch
Saint Helena, California

Misti, Chef Barber is the executive chef of Farmstead at Long Meadow Ranch, a local community leader in farm-to-table restaurants, food and wine education, and the support of local farmers.

They offer educational programs as well as interactive food and wine experiences just a bit down our mountain chain, as well as in the town of St. Helena.

I wholeheartedly support the Be Here Farm and what it stands for. Everything that Jared and Velisa are doing should be applauded for improving and preserving the natural beauty of Sonoma & Napa County. Responsible stewardship with some tourism is the ideal combination for this property. I know the Pickards have their work cut out for them, but in the end, I believe this will benefit everyone.

Sincerely,

Belinda Andrews
Santa Rosa, CA

Sonoma County Planning Department:

As a health conscious young adult, native to Sonoma County, I 100% support the Be Here project. I am pleased to know that Velisa and Jared are so passionate and willing to teach others about the beauty that Sonoma County has to offer. We should encourage people to come to our community, to learn and experience what we are so lucky to have on an everyday basis.

I feel that the Be Here Farm will benefit the community as well as those who chose to visit. I hope that you will approve and support this project

Sincerely,

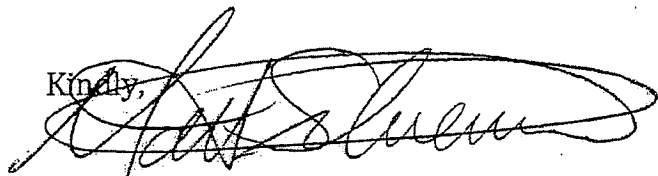
Evelyn Baltazar
Santa Rosa, CA
evelynbaltazar@gmail.com

1/18/2014

To whom it may concern:

As a resident and small business owner of Sonoma County, I would be happy if Be Here was able to conduct business in our county. I am a supporter of sustainable agriculture and thoughtful ways of using our natural environment that are mutually beneficial to the long-term health of it and our community in Sonoma and beyond. As a plant-based chef and avid gardener, I applaud the efforts of people who are striving to make little impact on nature while operating their businesses responsibly. Be Here's ideas for preservation/conservation, sustainable agriculture, and rehabilitation of nature are harmonious with the long-term health of Sonoma County and the immediate surrounding area. The knowledge that each guest takes away from their stay can foster new ideas here or in their communities; helping others start like-minded projects in the future too.

Kindly,

A handwritten signature in black ink, appearing to read 'Matteo Silverman', written over a horizontal line.

Matteo Silverman chef/owner Chalk Hill Cookery



January 20, 2014

Sonoma County
Permit and Resource Management Department
2550 Ventura Ave.
Santa Rosa, CA 95403

RE: Letter of Support
Be Here Farm, Wellness Retreat – 3770 Langtry Road, St. Helena (Sonoma County)

Dear PRMD:

This is a letter of support and acknowledgement for the Be Here Farm and Wellness Retreat proposed at the above address in Sonoma County.

I have been a working chef and chef/instructor in Napa Valley since 1976 and have been active in the process of encouraging and supporting organic farming and the conservation, stewardship and preservation of agricultural land for the past 35 years.

I have seen the architectural drawings and heard the proposed overview and witnessed how the Pickard family has conducted itself to date. Additionally, I have seen how they plan to continue to build out and operate their vision of a small, responsible, farm to table style wellness retreat.

I cannot imagine, nor have I seen a more conscientious approach to a project of this size and scope.

I, therefore, offer them my highest level of support.

Please do not hesitate to contact me for further comment, if necessary.

Sincerely,

Gary Jenanyan

GARY JENANYAN
Culinary Consulting & Design
P.O. Box 24 Oakville, CA USA
707-226-6366 voice 707-261-8968 fax
gary@jenanyandesign.com
www.jenanyandesign.com

1007 Hedgeside Ave.
Napa Ca, 94558
atkinscheryl@sbcglobal.net
March 3, 2014

Dear Sonoma County:

Let me begin by telling you a little about myself. I was born and raised in the Napa Valley, went to school here, fell in love and got married in a place I love to call home. I have also spent my whole life supporting my local valley heritage and will continue to do so for the rest of my life.

I met Jared and Velisa Pickard about a year ago. I have spent many hours, talking to Velisa about the Be Here project. I have never seen such dedication to nurture and preserve ecological balance on the land they have come to love. As a lifetime resident, I appreciate their love of their land and the way they strive to create balance and beauty. I know Jared and Velisa have gone to great lengths to clean up and prepare this land and design conservation values that will last years to come.

As a young couple, they are developing a unique idea for the future of green conservation living, of wellness and holistic balance. Something that we proud ourselves on in the valley and is so needed in our world today.

I commend Jared and Velisa for their loyalty and dedication to preserving and rehabilitating the land and I'm glad they are here.

I would also like to add their project is unique and something that will enrich our valley's future. I lived in Yountville for several years and although my town was and is often filled with visitors from all over the world. It is the back bone that makes our economy strong. While many cities are in crisis we flourish and grow every year and I'm proud of that.

If you haven't already guessed, I'm a huge supporter of the project and I hope you will do all you can to get this unique and well needed project off the ground and moving in the right direction of success and long-term conservation of the land

Respectfully yours,
Cheryl Atkins, CEO
Napa Valley Essentials

Attention: Permit Resource Management Department

I am writing to urge you to support Jared and Velisa Pickard's plans for the **Be Here Farm and Nature Sanctuary**. I encourage you to expedite these plans as this farm and sanctuary will be an excellent asset to the local community, addressing eco sensitive needs and the vitality of our region.

Jared and Velisa honor the beauty of their eastern Sonoma Spring Mountain property situated on the border of Napa County. Their desire is to share this incredible land as an ecological guest sanctuary. Their methodology is nurturing, educational and spiritual. They will create a green treasure in the area.

Their plans are designed for low impact on the land and surrounding environment. **Be Here Farm and Nature Sanctuary** is already in their second season of soil and native plant restoration.

Jared and Velisa have acquired the skill set and wisdom to develop a plan to improve the land and operate a farm and sanctuary. Their dedication, patience and thought process are impressive.

Jared and Velisa have been fortunate to have prize local talent educate them in working the land and designing the functions with a permaculture knowledge. The Renaissance couple went from in depth experience working in the financial world to manifesting positions managing high producing biodynamic farms and running guest services at a grand resort.

Guests to their sanctuary will take away a greater appreciation and sensitivity of holistic farmland stewardship approach to their life. **Be Here Farm and Nature Sanctuary** has the potential for being a

model that can be enjoyed, and serve as an inspiration for people to integrate into the world.

Slow Foods Sonoma Valley is very enthusiastic about the Be Here plan. This project is a living model of the principles of our organization. This beautiful land will be a place where guests can see where food comes from! Hopefully they will get their hands in "dirt" and plant seeds. They will understand the value of heirloom varieties and heritage breeds. Guests will also be able to learn food preparation incorporating the estate harvest.

Jared and Velisa also have a slow patient approach to understanding the time involved in preparing the Be Here Farm and Nature Sanctuary. They are aware that it will take a couple of years to create this with integrity.

It is nice to know people with vision for the land, integrity of intentions and the vigor to make it happen. I feel very fortunate to have them here in Sonoma County.

I look forward to their vision coming into full fruition. Already, I can hear the bees buzzing and the flowers blooming.

Sincerely;

Isa Jacoby

Local chef, local farm advocate, slow food member, 25 year Sonoma County property owner

3/11/14
738 Main Street
Saint Helen, CA

To whom it may concern,

My name is Kipp Ramsey, and I am writing to give my support for the Be Here project (PLP13-0019). I understand their vision for a land-based guesthouse, and I am supportive of their efforts.

As farm to table manager of farmstead at long meadow ranch I am genuinely enthusiastic about this project as their views on holistic land management and sustainable agriculture align with ours.

Sincerely,

Kipp Ramsey
Farm to table manager
Farmstead at long meadow ranch
Saint Helena, California

Robert Lane Hairston

P.O. Box 495, Cobb, CA 95426

707 889-4817

rlane@luxuryspatherapy.com

Statement of Support for Be Here (PLP13-0019)

I whole heartedly offer my support and strongly recommend Be Here (PLP13-0019) for approval. I trust the integrity, reverence, and sincerity of proprietors, Jared and Velisa Pickard to be extremely conscientious stewards of this sacred land. I respect their commitment providing the highest quality products and services which will enhance the high standards our entire region is famous for.

This business venture will also attract the highest quality employees dedicated to the highest standards of service for the nurturing and well-being of all who visit their land.

Sincerely:

Robert Lane Hairston



December 17, 2013



December 5, 2013

RE: Be Here Project
PLP13-0019

Dear Planning Commission-

I am writing to voice my support regarding Be Here (PLP13-0019). I commend their vision to create a land and resource based facility in which they are willing to invite, share and educate the public.

Jared and Velisa's approach to building, farming and land stewardship are like no other project I have worked on in my 18 years as a builder. With environmental rehabilitation in mind, Be Here continues to make conscious design decisions that are based on long-term goals, such as best management practices in land restoration and sustainable building, as opposed to designing more typical and economical structures (which focus on the short term).

I was so inspired by this project that my wife, our newborn and I have relocated from NJ to CA in order to be a part of this process.

Thank you

Justin Adler
President
HighLine Construction Management, Inc. – CA
HighLine Construction Management, LLC. – NJ

Justin@highlinemanagementllc.com

Misti, Justin is a general contractor who relocated his entire family from NJ to CA to take part in this project. He is now a permanent resident, contributing greatly to the community.

Greetings Sonoma County:

Sonoma County is blessed with an amazing climate with fertile soils that has a rich history in agriculture. We are all connected to agriculture but modern day farming has taking this connection away from many of us.

My name is Nick Zetts and I have been an organic farmer for over a decade in various places in the world, including Sonoma County, and I am in total support of Be Here Farm. The world needs visionaries who can reconnect people in various fashions to the land and to create the understanding that is vital to a maintaining a healthy agricultural ecosystem.

Jared and Velisa's vision is important to me, for local issues, regional issues, and global issues. These two young visionaries are here to make some amazing positive impacts on the local community and the land that keeps us fed. When we encounter creative visionaries who have something of value to offer to the greater population we should let that person do it. Thank you for your consideration in reading my opinion on Jared and Velisa and I look forward to working with them in the future.

Sincerely,
Nick Zetts
Organic Farmer
Calistoga, CA
nzetts@hotmail.com
804-837-5724



HALLECK VINEYARD

March 21, 2013

To Whom It May Concern,

I have lived in Sonoma County for 23 years and have been farming for 21. In generational terms, I am a newcomer. But I represent a culture that has forged a different relationship to the land than previous generations. I am an organic farmer of grapes: a vintner. I grow and make wine. I raised my family of three sons with my wife on this land. It made sense from day-one to protect them all.

I first visited Be Here last week. When I walked the property and spoke with Jared and Valisa, it was apparent that we shared common values regarding this earth that sustains us. I am confident from listening to their vision and witnessing the work performed over the last two years, that they, too, are not developers.

Be Here is a labor of conservation. They are caring for the land as one would for one's family, I fully support this project. I applaud their selection of place and the relationship they are forging with it. It is an example to be followed.

Ross Halleck
Halleck Vineyard

31 March 2014

Sonoma County PRMD
2550 Ventura Ave
Santa Rosa CA 95403

Re: Be Here: Farm and Nature Sanctuary

Dear Committee Member,

As Sonoma County property owners, we fully support ecologically sensitive and sustainable business concepts. Be Here: Farm and Nature Sanctuary encapsulates this philosophy. We feel this project should be approved for the following reasons:

1. The placement of a conservation easement on a significant portion of the property will preserve the rural land in perpetuity.
2. The agricultural philosophy of biodynamic farming and utilization of heirloom species is the future of the food industry.
3. Be Here: Farm and Nature Sanctuary will emphasize and promote these vital concepts through education.

We appreciate the forward thinking approach and actions taken by Sonoma County regarding land and agriculture management. The goals and objectives of this project are a perfect match for the county and its residents. We strongly urge your approval of the Be Here project.

We look forward to learning of your decision on this matter.

Respectfully,

Patricia Aresty
Jeffrey Aresty

2336 West Dry Creek Road
Healdsburg, CA 95448

Brittany Cole Bush, *Contract Grazing Manager, Star Creek Land Stewards*

My name is Brittany Cole Bush and I am the contract grazing manager for a land stewardship and grazing business called Star Creek Land Stewards, serving Northern California in targeted grazing programs for vegetation management and fire hazard reduction with sheep and goats. We serve large public agencies as well as private land owners to site-specifically create and perform perceptive grazing services.

I had the opportunity to assess and review the landscape and vegetation of the *Be Here* property in October to determine if small ruminants would be an optimum stewardship choice for the properties ecological land management and fire hazard reduction goals. Upon review I determined that a select number of sheep and/or goats would be an ideal resource to manage vegetation on the property, as well as to increase diversity and resilience of the desirable vegetative populations and to reduce the risk of undesirable and invasive plant species encroachment while improving soil health. Due to the challenges that land gradient poses in using other forms of mechanical vegetation management paired with the ecological system goals at the *Be Here* property, my recommendation is that the use of a carefully managed herd would prove to be an optimum prescription for long-term stewardship of the land.

As both a young agrarian and a dedicated land stewardship professional, I am in support of the *Be Here* project in Sonoma County. Its intentions are to not only steward the land with all valuable ecological systems in mind but are to share, educate and create invaluable unique experiences to its guests.

Through showcasing the integration of agriculture, ecology, and wellbeing, *Be Here* as an active agro-ecological, experiential learning and simply-living center placed Sonoma County will continue to set the bar for the regions incredibly rich and diverse natural landscapes and world-class food experiences.

To learn more about the grazing services we perform or to answer any questions regarding my consultation with the proprietors of *Be Here* and my recommendations please feel free to contact me at: brittanycobush@gmail.com / [\(858\) 688-3351](tel:(858)688-3351). Our businesses website can be visited at: starcreeklandstewards.org

To whom it may concern:

I have been involved with Be Here for the better part of two years in a risk management capacity and must say that I am impressed. Not only from a risk management standpoint but from the vantage point of a fire fighter and citizen of Be Here's local area. First on the risk management front, I visited the Be Here property well before Jared and Velisa Pickard purchased the property. I was on an underwriting and rating inspection for another prospective buyer that was in contract on the property. At that time the property had some huge challenges. The vegetation had not been managed at all and the density and growth of ladder fuels made for a very high risk area and also threatened the home and other outbuildings on the property. The access with roads and encroaching brush was not managed either.

Now, several years later and to the dedication and huge capital investment of Be Here, a significant amount of brush management has taken place and has transformed the area. Ladder fuels have been removed, brush surrounding and encroaching on roads have been eliminated and access to escape routes and safety zones have been established and maintained. From a risk management standpoint Be Here has transformed the property significantly, and has implemented significant policies procedures and protocols to reduce the risk of fires. I have been a fire fighter for over five years now locally and can say that their work has made it not only safer and more manageable from the threat of vegetation fires for their property but also the surrounding properties neighboring their parcels.

From the perspective of a local citizen, I must say that everything Be Here has presented to me with their plans for the property has left me impressed. Their sensitivity to minimally impact all aspects surrounding their project has proven to be paramount in all their planning and decision making. My grandparents moved to St. Helena in 1983 to retire and my family fell in love with the town and moved up to St. Helena in 1985. Since then we have seen change and also a lot of proposed change, and by and far most projects that have been approved and also rejected by the city of St. Helena and Napa and Sonoma counties has been well managed, and I think Be Here fits that test as well.

The incredible thing about Be Here's approach and plans is that they are being completely transparent on what they want to accomplish and are not asking for five times greater of a project in hopes that they will get half or a quarter approved. There is no secret that the size and location of their property would be envy of many property and resort developers who would want to push the envelope to maximize the size of their project and thus their return on their investment. Be Here's plans are much different from that approach, in that they want an experience for their guests that is low in guest volume and low in impact. This means less road traffic from guests and staff, less buildings, and less water use. Every aspect of what they want to do has the sensitivity to minimally impact the land, the environment and most importantly to their

surrounding neighbors. Jared and Velisa have taken an active roll in getting involved in local events and groups to support the community as well and I think that speaks very highly as well. All of these attributes leads me to believe that Be Here will be a great addition to the area.

Respectfully submitted,

Cameron R. Crebs
1346 Sylvaner Ave.
St. Helena, CA 94574

To Whom it May Concern,

We would like to submit this letter of strong support for the Be Here Farm and Nature Sanctuary on Spring Mountain in eastern Sonoma. As local residents in Saint Helena, we fully welcome the addition to our community and to the North Bay Area.

We have had the opportunity to view the property, along with the planned vision for the building site and biodynamic garden, and offer our full backing for the project. The philosophy, management, and care of the guesthouse & nature sanctuary will not only provide a positive educational experience for the guests, but will also have a low impact footprint on the surrounding environment. The rehabilitation of the existing land into a productive biodynamic farm, and its protection from future enterprises is paramount.

We remain strong supporters of the Be Here Farm & Nature Sanctuary, and although we are unable to attend and speak at the hearing, please consider this letter a representation of our voices at the meeting.

Sincerely,

Ryan & Ryann Calder

Saint Helena, CA

To the Sonoma County Planning Department,

My name is Zach Schmidt, and I am the owner and operator of Zach Schmidt Land Management.

I was hired to perform an ecologically based forest restoration effort for the Be Here project on 60 acres of densely overgrown 3rd growth forest, which was of very high fire threat as a result of past logging efforts on the land.

This restoration effort has made a dramatic improvement to the forest ecosystem, and the Pickards went the extra mile in every aspect in order to protect the long-term health of the ecosystem, always choosing to take a more sensitive approach on the land often at the expense of the bottom line. They are definitely one of the most environmentally conscious land stewards I have ever worked with.

I can be reached at my email below if you have any questions.

Thank you very much,

Zach Schmidt

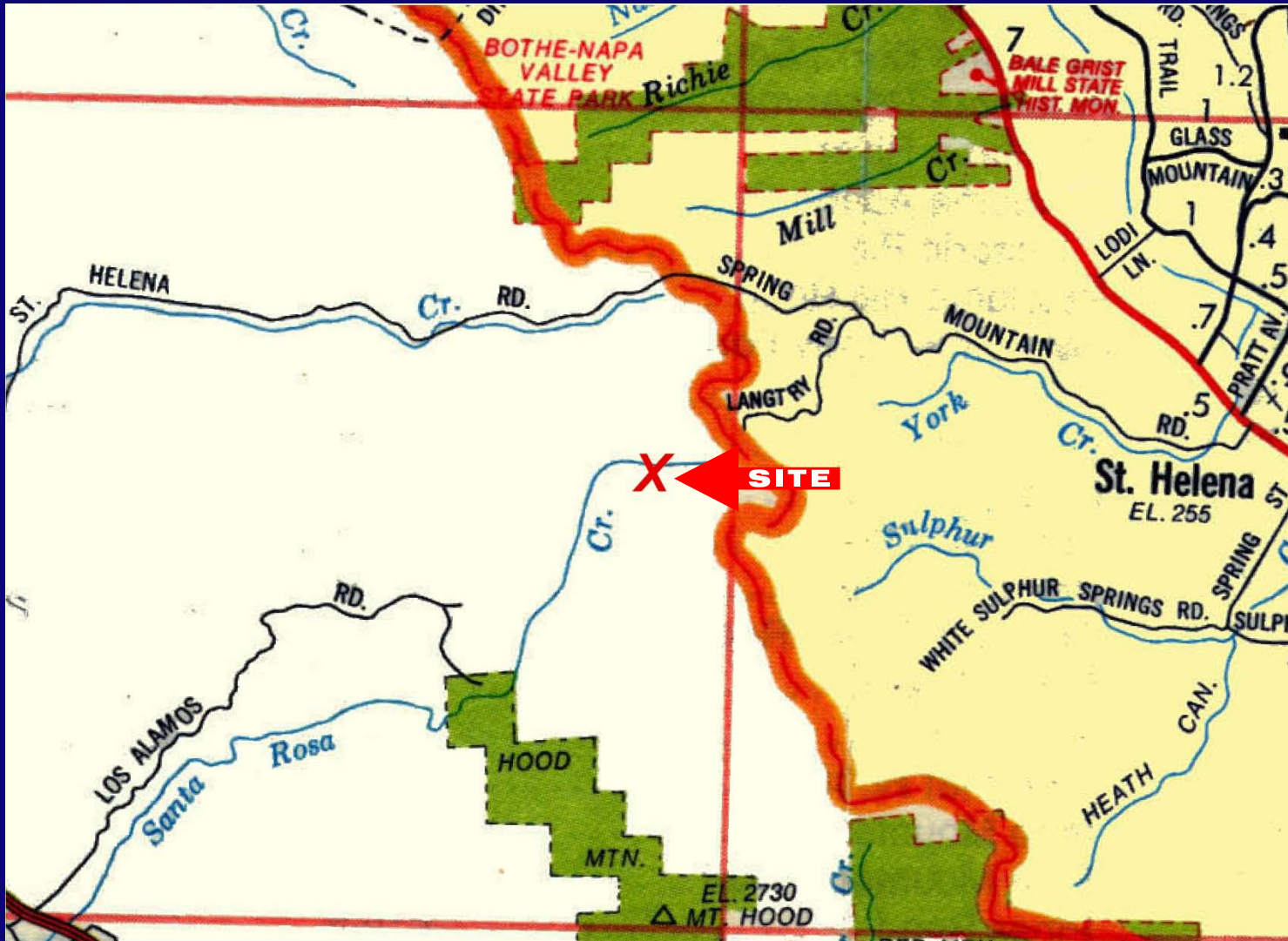
zachschiidt101@gmail.com



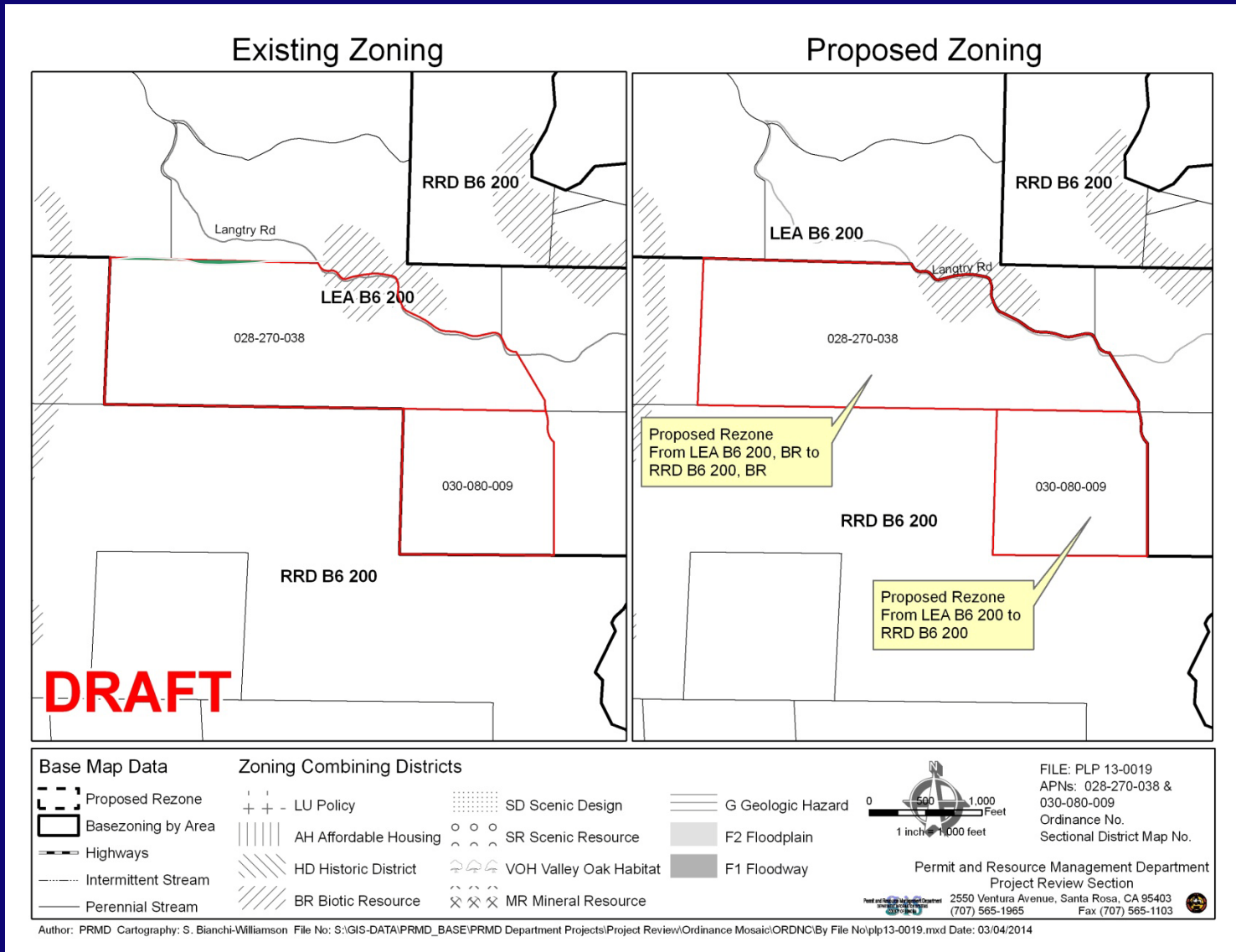
PRMD

PLP13-0019

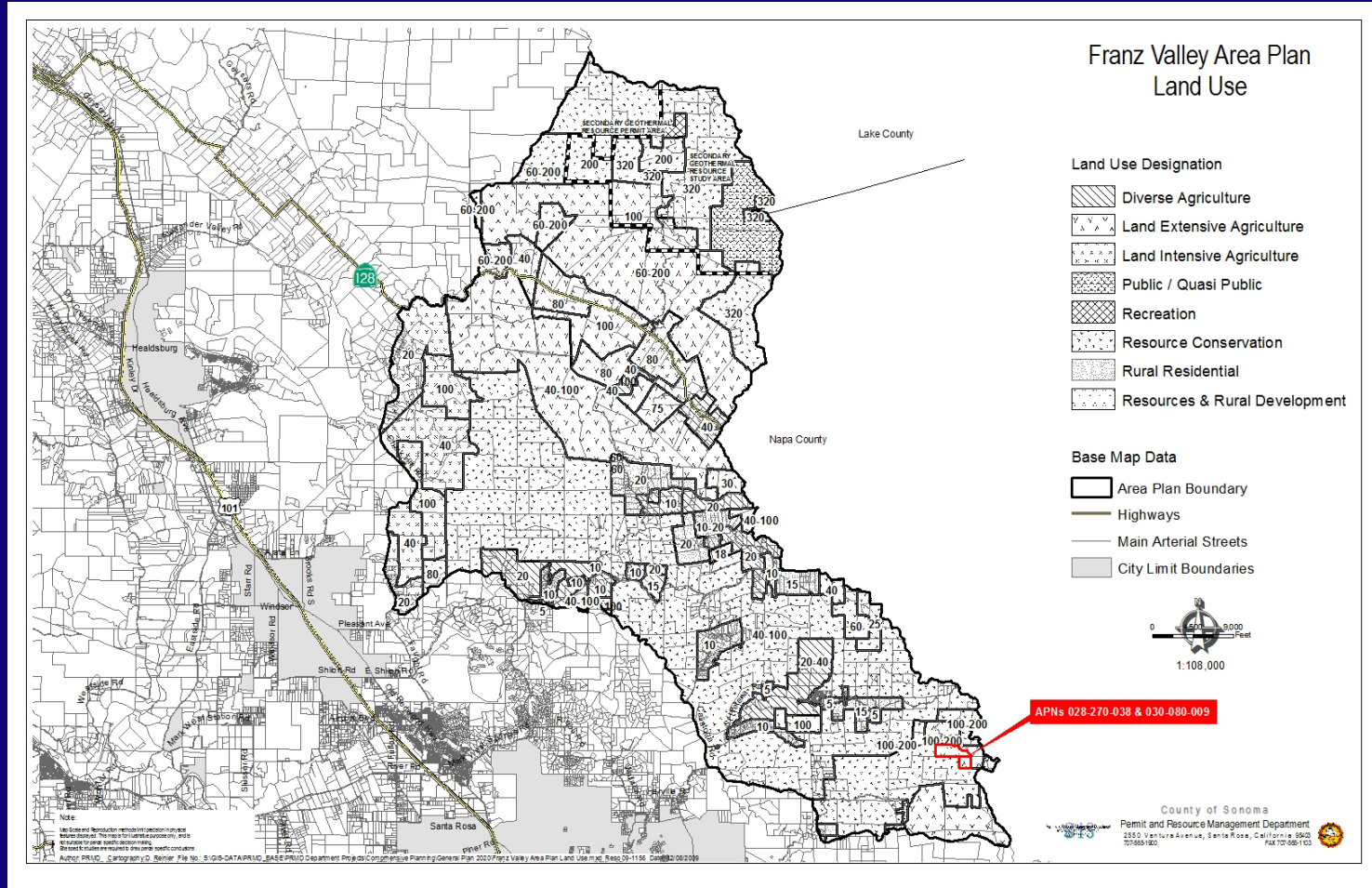
Vicinity Map



Existing and Proposed Zoning Map



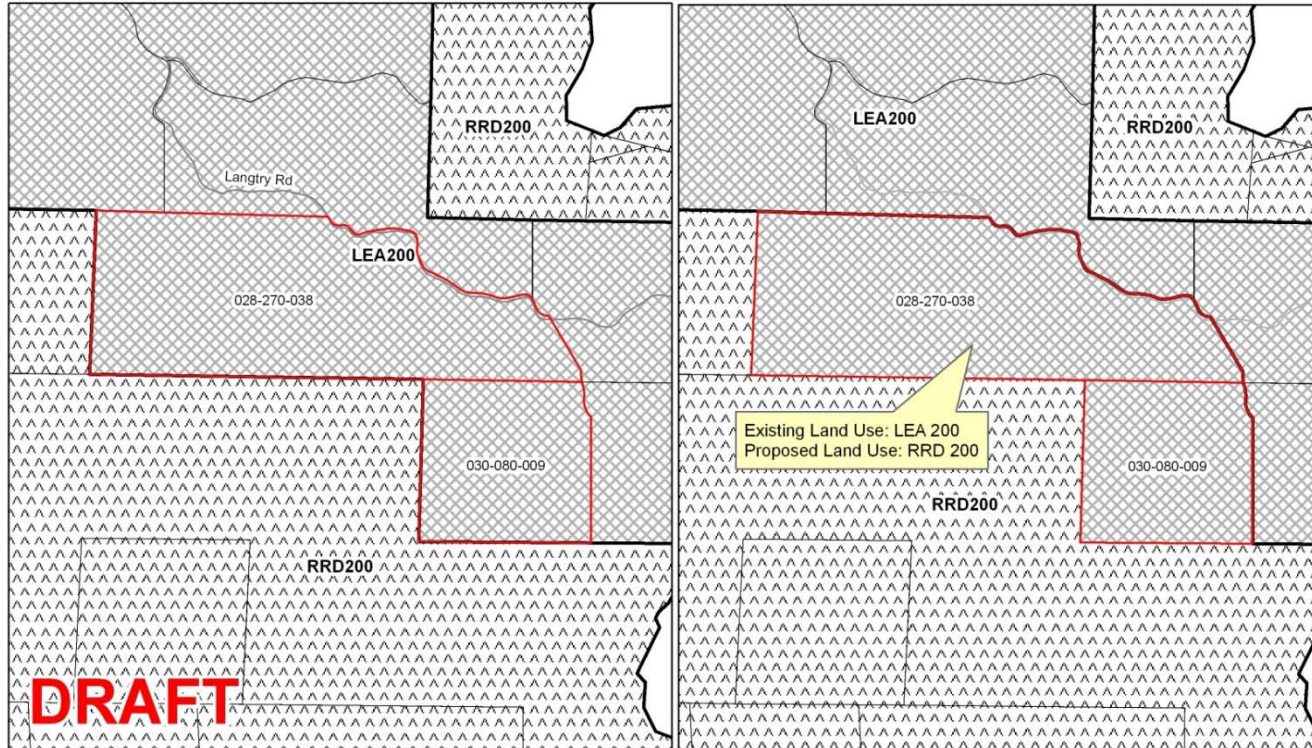
Franz Valley Area Plan Map



General Plan Land Use Map – Existing and Proposed

Existing General Plan Land Use

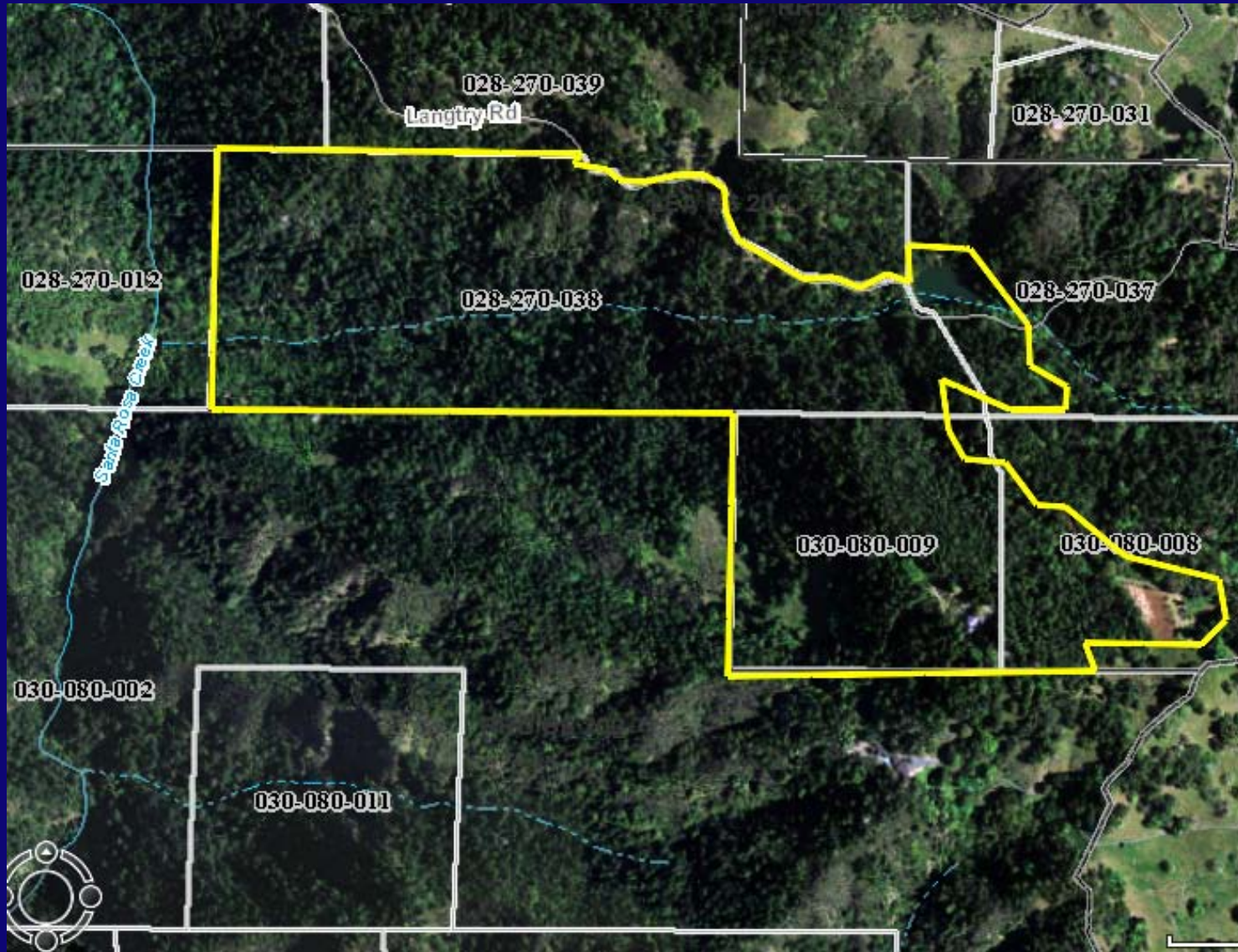
Proposed General Plan Land Use



| | | | | | | |
|--|--|--|--|---|--|--|
| <p>General Plan Land Use</p> <ul style="list-style-type: none"> Diverse Agriculture Land Extensive Agriculture Land Intensive Agriculture Resource and 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 | | <p>Base Map Data</p> <ul style="list-style-type: none"> Subject Property Coastal Commission Boundary Urban Service Areas Highways Intermittent Stream Perennial Stream Planning Area Policy AH Affordable Housing | | <p>1 inch = 1,000 feet</p> | | <p>FILE: PLP 13-0019 APNs: 028-270-038 & 030-080-009 Resolution No.</p> |
| <p>Author: PRMD Cartography: S. Bianchi-Williamson File No: S:\GIS-DATA\PRMD_BASE\PRMD Department Projects\Comprehensive Planning\Land Use\Land Use Amendments Proposed\PLP13-0019.mxd Date: 03/04/2014</p> | | <p><small>Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre</small></p> | | <p>Permit and Resource Management Department Project Review Section 2550 Ventura Avenue, Santa Rosa, CA 95403 (707) 565-1965 Fax (707) 565-1103</p> | | |



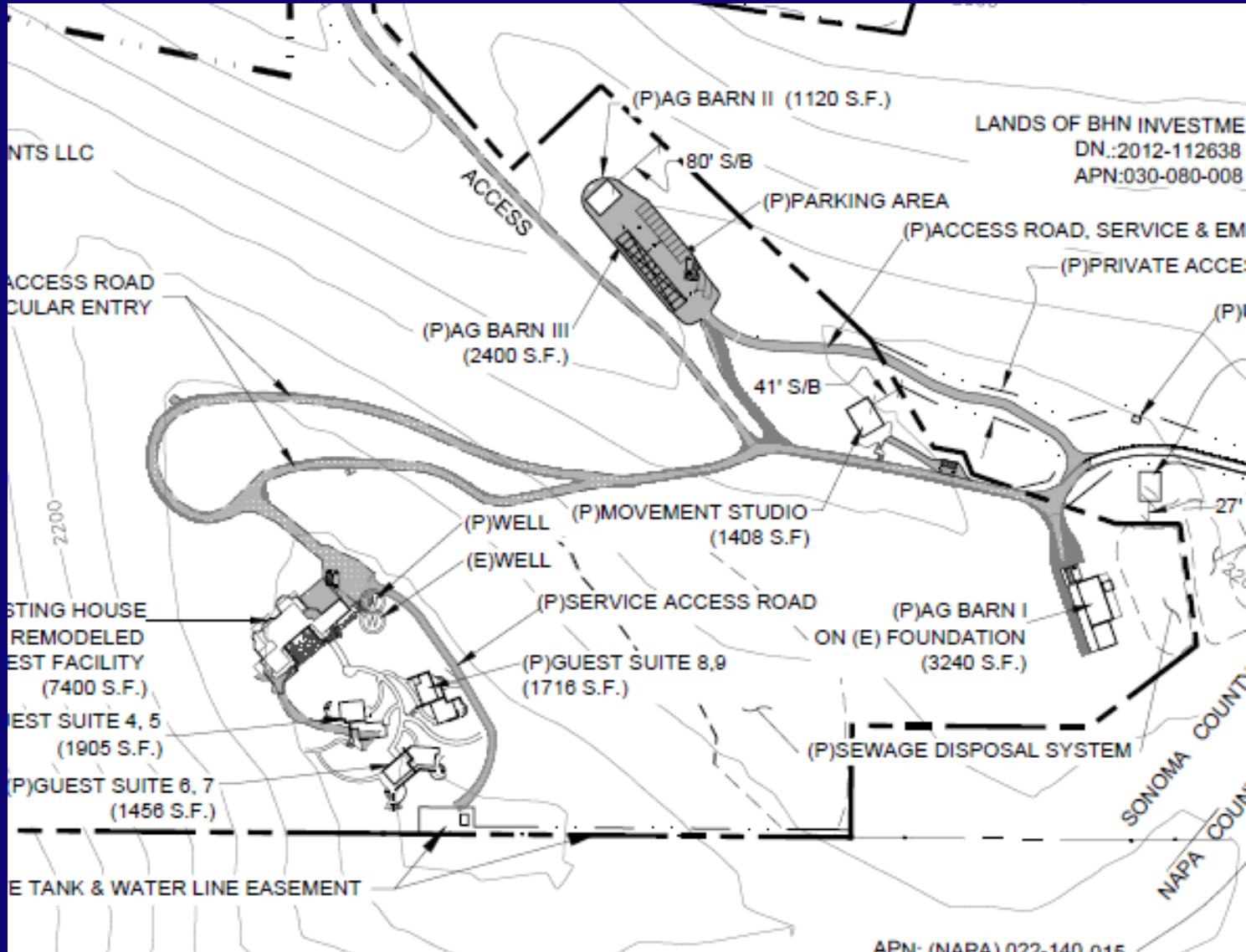
Aerial



PRMD

PLP13-0019

Site Plan



Main House Location



Main House



Guest Cabin Location



PRMD

PLP13-0019

Guest Cabins



PRMD

PLP13-0019

Key Issues

- Neighborhood Compatibility
- Fire Safety
- Traffic



Langtry Rd. Intersection



PRMD

PLP13-0019

Updates

- Neighbor Request for Revised Conditions of Approval



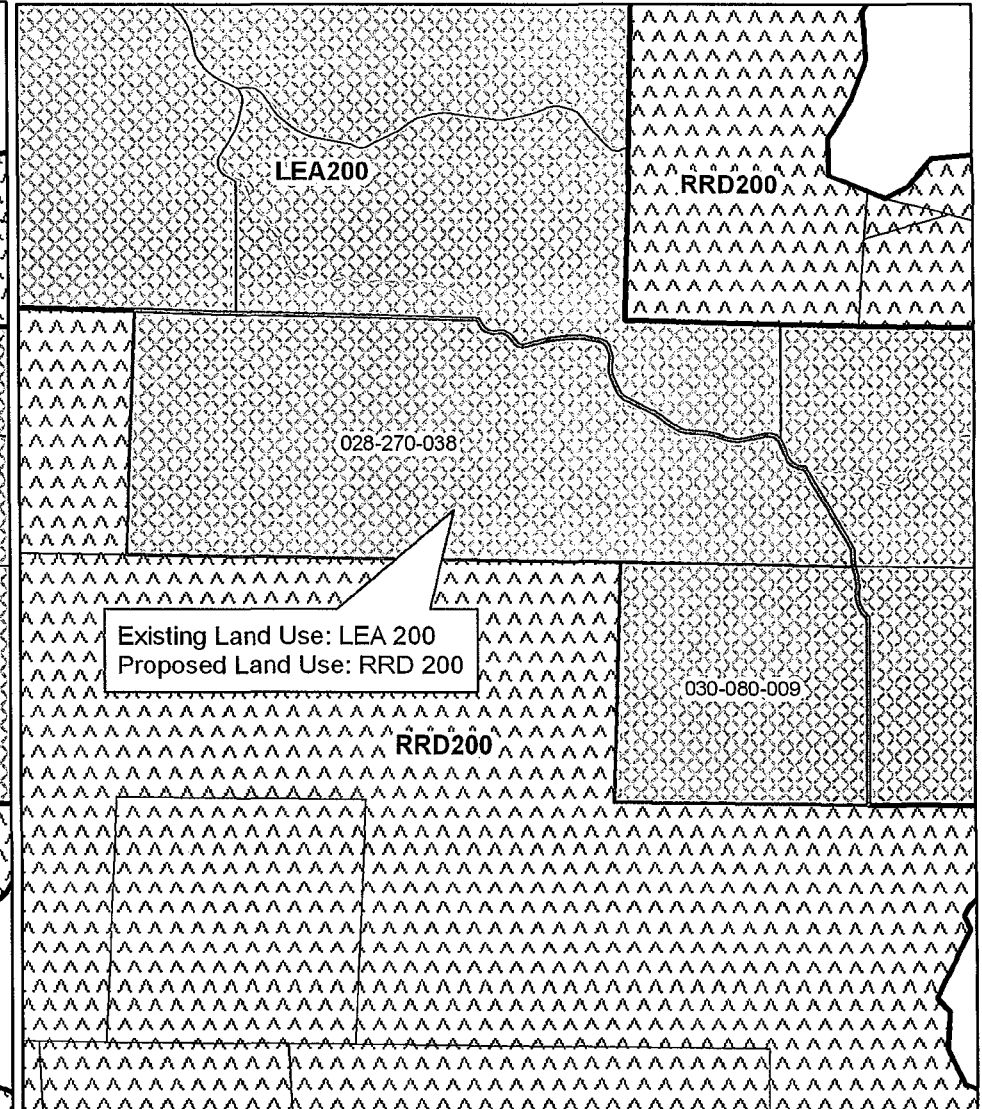
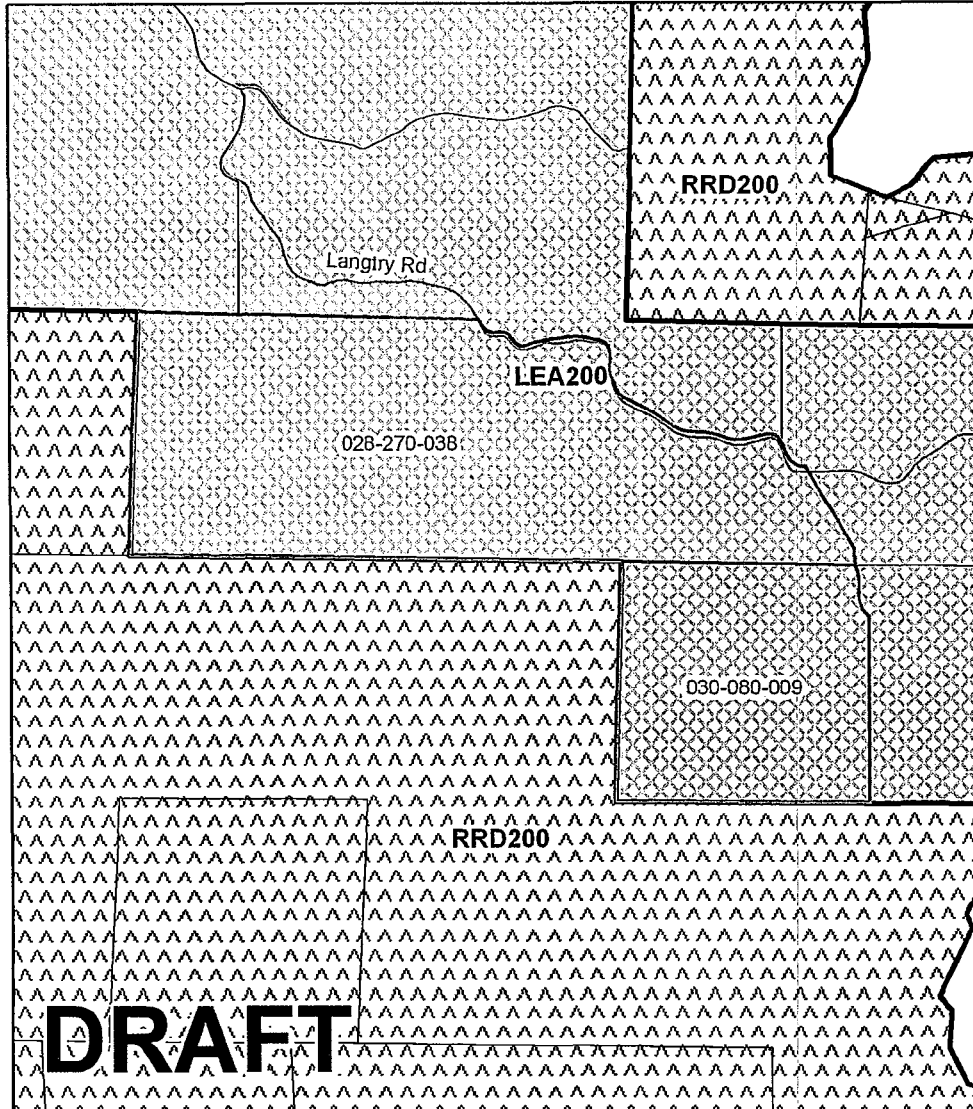


PRMD

PLP13-0019

Existing General Plan Land Use

Proposed General Plan Land Use



General Plan Land Use

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resource and Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial

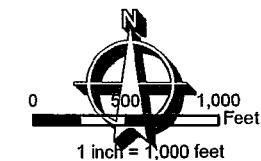
- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi Public

- Planning Area Policy
- AH Affordable Housing

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

Base Map Data

- Subject Property
- Coastal Commission Boundary
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream

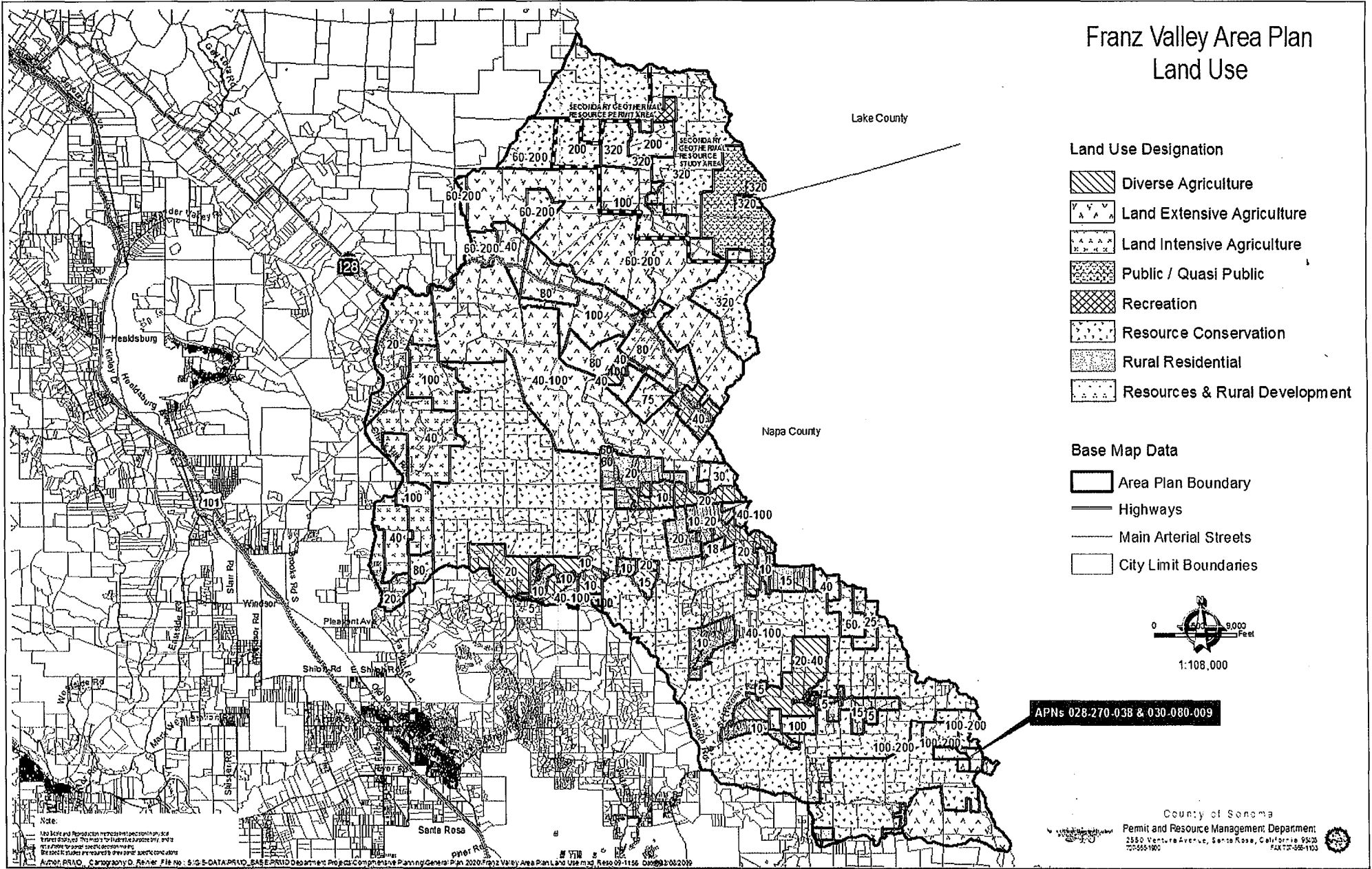


FILE: PLP 13-0019
 APNs: 028-270-038 &
 030-080-009
 Resolution No.

Permit and Resource Management Department
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403
 (707) 565-1965 Fax (707) 565-1103

Franz Valley Area Plan Land Use



Land Use Designation

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Public / Quasi Public
- Recreation
- Resource Conservation
- Rural Residential
- Resources & Rural Development

Base Map Data

- Area Plan Boundary
- Highways
- Main Arterial Streets
- City Limit Boundaries



APNs 028-270-038 & 030-080-009

Note:
This map and reproduction thereof are for informational purposes only and do not constitute a contract or warranty of any kind. The user assumes all liability for any use of this map. The user shall indemnify and hold the County of Sonoma harmless from all claims, damages, and expenses, including reasonable attorneys' fees, arising from any use of this map.

County of Sonoma
Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, California 95403
707-535-1900 Fax: 707-535-1103

SONOMA COUNTY BOARD OF SUPERVISORS

Conditions of Approval

Exhibit A

Date: June 10, 2014
Applicant: Jared and Velisa Pickard
Address: 3770 Langtry Road, Santa Rosa

File No.: PLP13-0019
APN: 030-080-009 and 028-270-038

Project Description: Request for: 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate proposed use on a 162.30 acre parcel.

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 \$2,231.25 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. 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.
4. The applicant shall apply for and obtain building related permits from PRMD for the conversions of the existing buildings to the proposed uses and the construction of all new structures. The necessary applications appear to be, but may not be limited to, accessibility report and building permits. The change of occupancy will require the existing structure to be brought up to current code for the proposed occupancy and the plans and calculations for the improvements prepared by a California licensed architect or engineer. Construction inspections shall occur and the building permit(s) finalized prior to occupancy of remodeled and/or new structures.
5. The current and proposed uses and occupancies of all existing and proposed building areas shall be accurately identified on the proposed plans.
6. The means of egress from the newly proposed and remodeled areas shall comply with the applicable sections of the California Building Code (CBC).
7. The fire-resistance rating of existing and proposed walls separating the proposed occupancies from adjacent uses shall comply with the applicable sections of the CBC.
8. A soils report is required for this project.
9. Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.

10. All newly constructed structures shall adhere to the mandatory and elective Tier 1 requirements of the California Green Building Standards Code (CalGreen).
11. The California Business & Professions Code requires plans and calculations affecting structural elements or required exiting provisions to be prepared by California licensed design professionals (architects, engineers).
12. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the 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, exterior routes of travel, accessible parking, and other accessible elements.
13. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

14. 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.

15. 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) and arsenic 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.
16. 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.

17. 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.
18. Prior to building permit issuance and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide a 72 hour yield test that indicates a minimum of 5 gallons per minute.
19. 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:

20. 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.

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.

21. In-room Jacuzzi tubs, hot tubs or any other over-size tub designed for use by two or more persons, or any common area Jacuzzi or hot tub, or Vichy Shower shall not be allowed unless they are specified in the septic system analysis and additional capacity in the septic system is allocated for their use.
22. Prior to demolition permit issuance for abandonment of the dwelling, the applicant shall obtain a permit to abandon the existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the "finalized" Abandonment Permit.
23. 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.

Consumer Protection:

24. 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 Environmental Health Division of the Health Services Department.

Contact the Environmental Health Division at 565-6565 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

25. Prior to the issuance of building permits for the spa, and the start of any spa construction, plans and

specifications for the spa must be submitted to, and approved by, the Department of Health Services, the Environmental Health & Safety Section. This condition also applies to restrooms, showers, equipment rooms and fences associated with the spa. Contact the Environmental Health & Safety Section at 565-6565 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health & Safety Section to verify compliance with requirements of the State of California regulations on public swimming pools and spas.

Vector Control:

26. 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 operation of the pond on APN 028-270-038 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.

PRIOR TO OCCUPANCY:

Water:

27. 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 Safety:

28. Recreational access to the pond by guests requires the maintenance of a Lifeboat with oars, oarlocks, not less than two life preservers and 200 feet of rope is to be present at the pond and reserved for emergency rescue use (Health and Safety Code Sections 115980 through 115995). At least one sign at each access point indicating that there is "No lifeguard on duty", as is required for public swimming pools without a lifeguard, is also required for this project.

Water:

29. 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.
30. A safe, potable water supply shall be provided and maintained.
31. 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.
32. 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.

Septic:

33. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32.

34. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
35. 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.

Consumer Protection:

36. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food. Note that no food service or food manufacturing 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, State Department of Food and Agriculture permit or building permit.
37. Obtain and maintain all required Public Spa Permits from the Sonoma County Environmental Health and Safety Section.
38. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food. Canned items require approval from the California State Food and Drug Branch.

Solid Waste:

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

Smoking:

41. Smoking is prohibited in any dining area, service area, 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.
39. 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.

SONOMA COUNTY DEPARTMENT OF HEALTH SERVICES:

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

40. A retail food facility permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans will be required prior to issuance of a retail food facility permit to operate.

41. All existing or new onsite water well(s) are required to apply for and maintain a state water well system permit as an approved potable water supply for the food facility areas. The well permit would be issued by the California Department of Public Health Drinking Water Program.
42. Any dairy processing is required to obtain California Department of Food & Agriculture-Milk & Dairy approval.
43. All approved source canning process that are to be sold or used for retail or commercial sales is required to obtain a Processed Food Registration from the California State Food and Drug Branch.
44. All approved source meat drying/curing or smoking processing for food products that are to be sold or used for retail or commercial sales is required to obtain approval from the California Department of Food and Agriculture, Meat and Poultry Division.
45. A public pool permit is required for any public pool, spa, therapy, or watsu pool. A review and approval of the building plans will be required prior to issuance of a public pool permit.
46. The on-site composting proposal requires review by the Local Enforcement Agency to determine if a Solid Waste Permit is required prior to commencing operations.

GRADING AND STORM WATER:

“The conditions below have been satisfied BY _____ DATE _____

47. 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.
48. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. 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.
49. The proposed project 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 site 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 and/or building permit application, 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.
50. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (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.

51. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, 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.
52. 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. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
53. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
54. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

55. Prior to issuance of any permit that 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.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

56. 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.
57. Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction; compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.
58. A building permit shall be obtained for any construction, or any change in the use or character of a building.
59. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code. The following Fire Code Operational Permit may be required at this facility:

- a. Residential occupancy housing 10 or more occupants
60. An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.
 61. Applicable Fire Code construction permits shall be obtained prior to any construction that would require such permit required by California Fire Code as adopted and amended by Sonoma County Code. The following Fire Code Construction Permits may be required for this project:
 - a. Automatic fire-extinguishing system
 - b. Fire alarm and detection systems and related equipment
 - c. Private fire hydrant
 - d. LP gas installation or modification
 - e. Temporary membrane structure, tent or canopy
 62. To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.
 - a. All roadways shall provide year-round unobstructed access to conventional drive vehicles, including sedans and fire engines as required by Sonoma County Fire Safe Standards.
 - b. Any roadway in private ownership that provides vehicular access to more than one (1) parcel, to a commercial building or agricultural operation on a single parcel, or to more than two (2) residential buildings or two (2) residential buildings, containing more than three (3) dwelling units, on a single parcel shall be served by a "Private Road" as defined by Sonoma County Code, and shall have a minimum of two (2) nine foot (9') traffic lanes providing two-way traffic flow.
 - i. Any existing road which was constructed and serving a legal parcel prior to January 1, 1992 may be permitted if grades of greater than ten percent (10%) have an asphalt concrete surface and approved turnouts are provided at approximately 500 foot intervals.
 - ii. This may be evaluated by onsite review and the width may be reduced to a minimum of 12-0 feet in width with turnouts and turnarounds as approved by the fire code official or meet minimum standards as listed in the Fire Safe Standards.
 - iii. Any requested site visits are subject to inspection fees at a rate approved by the current adopted fee schedule by the Sonoma County Board of Supervisors.
 - iv. The Property shall have a documented second means of EGRESS to allow for safe ingress and egress from the property during a wildland fire emergency.
 - c. All roadways shall be identified by approved road names posted on signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
 - d. All buildings shall be identified by approved address numbers, posted on signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
 - e. Any newly created or approved roadways, newly constructed roadways, extended roadways, and reconstructed or improved roadways shall be constructed and maintained in compliance with the California Fire Code, as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
 - f. An affirmative covenant, that includes a road maintenance agreement, which shall run with the lands in perpetuity shall be created for any roadway in private ownership that

provides vehicular access to more than one (1) parcel.

63. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.
 - a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.
 - b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.
64. To reduce the intensity of a conflagration by the installation of building fire protection features, the proposed project shall be in accordance with the California Fire Code as adopted and amended by Sonoma County Code and Sonoma County Fire Safe Standards.
 - a. Fire protection systems shall be installed within buildings and structures in compliance with California Fire Code as adopted and amended by Sonoma County Code.
 - b. Fire resistive construction and building set-backs shall be provided in compliance with the California Fire Code as adopted and amended by Sonoma County Code.
 - c. This site address and parcel falls in the State Responsibility Area defined and verified by CalFire GIS data.
65. To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire, and shall be in accordance with the California Fire Code as adopted and amended by Sonoma County Code and Sonoma County Fire Safe Standards.
 - a. In areas designated as high- or very-high fire severity areas, an approved vegetation management plan and agreement to perform annual maintenance shall be provided by the applicant and approved by the County Fire Marshal.
 - b. An affirmative covenant, that includes a vegetation management maintenance agreement approved by the County Fire Marshal, which shall run with the land in perpetuity, shall be provided.
66. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

67. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP13-0019 as modified by these conditions. This Use Permit allows a year-round nature retreat facility with the following structures and uses on the 162.30 acre parcel (APNs 030-080-009 and 028-270-038):
 - a. Improvements
 - i. Main Lodge (15,427 square feet): Remodeled single-family dwelling with three guest rooms (units), guest lounge, dining area, and a commercial kitchen and spa treatment room (not open to the general public).
 - ii. Guest Cottages (723 to 857 square feet per guest unit): Three structures housing six guest units (no kitchens).
 - iii. Exercise Studio (2,196 square feet): For group and/or individual exercise and educational classes.
 - iv. Barn (4,268 square feet): To house animals and store agricultural equipment.
 - v. Accessory: Buildings, utilities, access, gardens, and parking.
 - b. Uses

- i. Lodging and food preparation for guests and workers only.
- ii. Spa services (e.g., massage and facials)
- iii. Guest activities. Activities with little to no environmental and neighborhood impacts, such as hiking, bicycling, bouldering, kayaking, nature and agricultural education, wellness and movement classes, crafts, indoor movies, and use of electric vehicles. A complete list of activities is found in the project proposal statement dated March 2014.
- iv. Accessory agricultural production and processing of animals and plants for food and spa products, not including winemaking, distillation, or animal slaughtering.
- v. Incidental milling of fuel reduction timber for non-commercial, on-site use only (e.g., beams and furniture).
- vi. Land management.
- vii. This Use Permit does not allow cultural events, outdoor amplified music, or non-electric motorized activities (with the exception of vehicles used for typical transportation and maintenance activities).

68. Maximum site occupancy shall not exceed 49 people (e.g., guests, workers, etc.). Guests and visitors to the site are allowed by appointment or invite only; the site shall not be open to the general public. The retreat center hours of operation are 24 hours a day, seven days a week. This Use Permit allows a maximum of 18 overnight guests, plus 12 non-overnight guests five days a year and not to exceed two days a month, plus a maximum of 30 non-overnight guests a maximum of four days each year only when site occupancy does not exceed six guests. The 12 non-overnight guests must be invited by an overnight guest or directly related to the activity in which he/she is participating (e.g., a farmer participating in farm-to-table food preparation or a biologist participating in a hike and nature film viewing). Events, including weddings, are not allowed with this Use Permit.

Noise:

69. 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 |
| 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. | | |

- 70. No boats powered by internal combustion engines, jet skis, water skiing or other motorized recreational equipment shall be allowed on the pond.
- 71. 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.

72. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.

Amplified Music:

73. No indoor amplified sound shall be heard from the property line.

Planning Fees:

74. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
75. 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.
76. 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.

PRIOR TO BUILDING/GRADING PERMIT PHASE

77. The project proposal includes dedication of 100 acres of the project site in a conservation easement. Prior to building permit issuance, the applicant shall offer a conservation easement to Sonoma Land Trust or the Sonoma County Agricultural and Open Space District.
78. The Project Review planner shall review and approve the applicant's marketing material directing guests to the site from Napa County prior to building permit issuance.
79. 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.
80. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
81. 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."

82. Low-flow showerheads and faucet aerators shall be installed in all dwelling and guest units (Low water use toilets are currently required by State Law).
83. 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 dripline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
84. 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>.
85. The applicant shall register with the Auditor's office for payment of Transient Occupancy Taxes prior to issuance of building permits.
86. The following dust control measures will be included in the project:
 - a. Water or alternative dust control method shall be sprayed to control dust on unpaved construction, soil stockpiles, and staging areas during construction as directed by the County.
 - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
 - c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

Mitigation Monitoring: Prior to issuance of grading or building permits, PRMD staff shall ensure that the dust control measures are listed on all site alteration, grading, building or improvement plans.

87. Prior to construction, existing Napa false indigo plants outside the direct impact area will be protected by fencing to prevent inadvertent encroachment into the area by workers or equipment. A mandatory worker's education program will be conducted by a qualified biologist prior to construction to inform the workers about the Napa false indigo plant and other special-status plants that could also be encountered during construction.

Mitigation Monitoring: Prior to issuance of any grading permit, a qualified biologist shall provide a letter to the PRMD Project Planner confirming that protective fencing has been installed around Napa false indigo plants outside the direct impact area, and that he/she has conducted the mandatory worker's education program about Napa false indigo and other special-status plants.

88. Prior to issuance of a ground-disturbing permit, the applicant shall implement the tree protection program described in the Tree Preservation and Protection Plan dated July 18, 2013. Protection measures include, but are not limited to, properly identifying driplines, installing tree protection

fencing, limitations on grade changes, and trenching techniques.

Mitigation Monitoring: Prior to issuance of a ground-disturbing permit, a qualified arborist shall provide written confirmation to the PRMD Project Planner that the tree protection program described in the Tree Preservation and Protection Plan dated July 18, 2013 has been implemented.

89. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the project geotechnical report (PJC & Associates dated July 18, 2013). The geotechnical engineer shall submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Prior to final of the grading permit the geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring: PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

90. Construction activities for this project shall be restricted as follows:
- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
 - b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
 - c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
 - d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
 - e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: Prior to issuance of ground-disturbing permits, the PRMD Project Planner shall ensure that the construction noise mitigation measures are listed on all site alteration, grading, building, or improvement plans. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

Design Review:

91. All new structures, lighting, landscaping, and signs shall require final design review by the Design Review Committee prior to issuance of building permits. All exterior finishes shall be of non-

reflective materials and colors.

92. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review by the Design Review Committee. Exterior lighting shall be low mounted, downward casting, Dark Sky compliant, and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures; parking lot fixtures shall not exceed 20 feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. All exterior light fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
93. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas) standards from Title 24 effective October 2005.

Construction Phase:

94. Following construction, the existing Napa false indigo plants will be mapped and an educational brochure prepared for guests at the facility that describes the plant, its status, and instruct those hiking around the property to avoid trampling the plant. Hiking trails developed in the area will avoid areas where this species is located to the extent practicable. Plants located nearest the guest cottages will have information signs posted near the plant to allow the guest to learn what the plant looks like so that they can avoid trampling it as they move about the property.

Mitigation Monitoring: Prior to occupancy, a qualified biologist shall provide to the PRMD Project Planner a map of existing Napa false indigo plants, the education brochure, photos of the informational signs, and a letter confirming he/she has inspected hiking trails to ensure the plant has been avoided to the maximum extent practicable.

95. Three dozen Napa false indigo plants will be propagated by a professional native plant nursery or a professional horticulturalist with experience propagating native plants, and planted at selected locations nearest to where plants will be directly affected by construction. These plants will be monitored for five years to document establishment of the plants. At the end of five years additional plantings will occur if any of the shrubs died during the monitoring period.

Mitigation Monitoring: Prior to occupancy, a qualified biologist shall provide to the PRMD Project Planner a letter and photos documenting 36 professionally propagated Napa false indigo plants have been planted near the construction areas, and confirming the plants will be monitored for five years. Five years after the planting date, a qualified biologist shall submit to the PRMD Project Planner the monitoring results and evidence that additional plantings were installed, if necessary.

96. Pre-construction surveys for frogs will be conducted by a qualified biologist approved by USFWS will be conducted within 14 days before construction begins. If any California red-legged frogs are found, the biologist will capture the frog or frogs for relocation to a suitable area, and will immediately contact USFWS in Sacramento. No construction will occur until the agency has determined what measures will be necessary to protect additional California red-legged frogs in the area from harm during construction activities. Such measures may include installing frog-proof fencing around the construction and staging areas, with additional fencing at night across access roads, and a requirement that the qualified biologist or a biological monitor trained by the qualified biologist be present throughout the construction period. These measures, coupled with Best Management Construction Practices to control storm water runoff, dust control, prohibitions against leaving foods that might attract predators, etc., will reduce potential construction impacts to California red-legged frogs.

Mitigation Monitoring: Within 14 days of the start of any construction, a qualified biologist shall perform pre-construction surveys for California red-legged frog and shall provide his/her written findings to the PRMD Project Planner. If any California red-legged frogs are found, the biologist will follow the protocol described in the Initial Study.

97. A pre-construction survey for nesting birds, including raptors, will be performed 14 days prior to the start of construction. A qualified avian biologist will conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities at the Project site to locate any active nests on or adjacent to the Project site. If land-clearing activities can be performed outside of the nesting season (generally between September 1 and January 31) no preconstruction surveys for nesting birds are warranted.

Pre-construction surveys will be conducted no more than 14 days prior to the start of construction or ground disturbing activities if the activities occur during the nesting season (February 1 to August 31). Preconstruction surveys will be repeated at 30-day intervals until construction has started. Active nests will be identified, located, and described and protective measures will be implemented. Protective measures will include establishment of clearly delineated (i.e., Visi-barrier, orange construction fencing) exclusion zones around each nest site. The barrier will be installed at least 300 feet from the dripline of the raptor nests or nest trees and 50 feet from passerine nests or nest trees. The active nest sites within exclusion zones will be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance or nest abandonment. The barriers marking exclusion zones will remain in place until the young have left the nest and are foraging independently or if the nest is no longer active.

Mitigation Monitoring: Within 14 days of the start of any construction, tree pruning, tree removal, or ground-disturbing activities, a qualified avian biologist shall perform pre-construction surveys for raptor and passerine nests on or adjacent to the project site and shall provide his/her written findings to the PRMD Project Planner. If land-clearing activities can be performed outside of the nesting season (generally between September 1 and January 31) no preconstruction surveys for nesting birds are warranted. If active nests are found, the biologist will follow the protocol described in the Initial Study.

98. A qualified bat biologist will perform a survey prior to the scheduled construction and at the appropriate time of year, as to determine the species of bat(s) and type of roosts present at the Project site. For purposes of this Project, a “qualified bat biologist” is defined as a bat biologist, who holds a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle and collect bats. The survey will take place when bats are present, identifiable, and conducted at time when the type of roost can be determined (i.e., day roost, night roost, maternity roost).

If no evidence of bats is found during the pre-construction bat surveys than no further mitigation would be required. If, however, evidence of bats is found the following mitigation measures will be implemented.

If the bat species are discovered or if evidence of recent prior occupation is established, construction shall be scheduled such that the activities minimize impacts to bats. Hibernation sites with evidence of prior occupation will be sealed before the hibernation season (November - March), and nursery sites will be sealed before the nursery season (April - August). If the site is occupied, then the action will occur either prior to or after the hibernation season for hibernacula and after August 15 for nursery colonies. Construction will not take place as long as the site is occupied.

If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals will be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFW), by opening the roosting area to allow airflow through the cavity. Demolition will then follow at least one night after initial disturbance for airflow. This action will allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

Mitigation Monitoring: A qualified bat biologist shall perform a pre-construction survey before

construction at the appropriate time of year (i.e., when bats are present, identifiable, and when the type of roost can be identified) and provide written findings to the PRMD Project Planner. If evidence of bats is found, then the biologist will follow the protocol described in the Initial Study.

99. Prior to occupancy, the applicant shall pay in-lieu fees, or provide evidence of replanted trees, or a combination of the two, in order to mitigate for tree removals. Specifically, the applicant must plant 69 15-gallon native trees, or 35 24"-boxed native trees, or pay \$13,800 in-lieu fees, or a combination of these options.

Mitigation Monitoring: Prior to occupancy, the applicant shall pay in-lieu fees, or provide evidence of replanted trees, or a combination of the two, to the PRMD Project Planner in order to mitigate for tree removals.

100. All Sudden Oak Death host species plants and plant parts that are pruned or cut at the project site as part of this project must be disposed of within the limits of Sonoma County. Foliage that is chipped on site shall not be placed where it can enter waterways.

Mitigation Monitoring: Prior to occupancy, a qualified arborist shall provide written confirmation to the PRMD Project Planner that Sudden Oak Death host species plants and plant parts removed as part of the project were disposed of within Sonoma County, and that any chipped foliage placed on-site did not enter waterways.

USE PERMIT OPERATIONAL REQUIREMENTS

101. The use shall be operated in accordance with the proposal statement dated March 2014 and site plan located in File No. PLP13-0019 as modified by these conditions. This includes the environmentally superior construction and land management techniques discussed in the project proposal statement.
102. 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.
103. The applicant shall maintain a minimum of 20 parking spaces on-site to serve the nature retreat facility. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
104. 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.
105. 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 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.

106. 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.

107. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE LEA (LAND EXTENSIVE AGRICULTURE), B6-200 ACRE DENSITY, BR (BIOTIC RESOURCES) DISTRICT TO THE RRD (RESOURCES AND RURAL DEVELOPMENT), B6-200 ACRE DENSITY, BR (BIOTIC RESOURCES) ZONING DISTRICT FOR 162.30 ACRES LOCATED AT 3770 LANGTRY ROAD, SANTA ROSA; APN'S: 030-080-009 AND 028-270-038.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the from the LEA (Land Extensive Agriculture), B6-200 acre density, BR (Biotic Resources) to the RRD (Resources and Rural Development), B6-200 acre density, BR (Biotic Resources) zoning district(s) as stated in the attached exhibit applicable solely to the subject 162.30 acres located approximately 1/3 mile west of Langtry Road, also known as 3770 Langtry Road, Santa Rosa; APNs: 030-080-009 and 028-270-038. File No. PLP13-0019. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

SECTION II: Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. 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.

SECTION III: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it 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 IV: 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 Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 10th day of June, 2014, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Zane: McGuire: Carrillo: Rabbitt:

Ayes: Noes: Absent: Abstain:

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

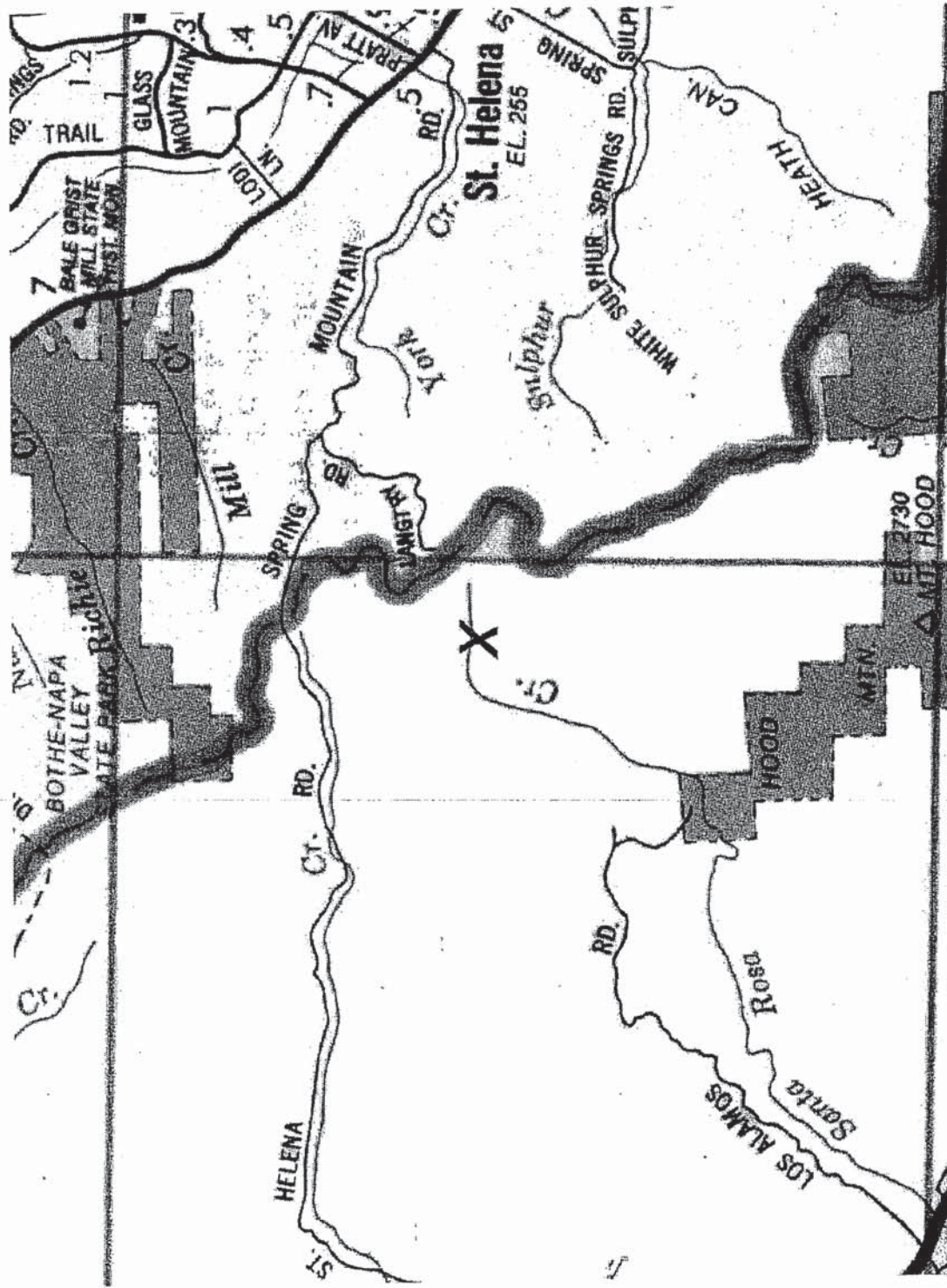
SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Veronica A. Ferguson
Clerk of the Board of Supervisors

Vicinity Map



PRMD

PLP13-0019

Resolution Number 14-008

County of Sonoma
Santa Rosa, California

April 3, 2014
PLP13-0019 Misti Harris

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE THE GENERAL PLAN AMENDMENT, AREA PLAN AMENDMENT, ZONE CHANGE, AND USE PERMIT AS REQUESTED BY JARED AND VELISA PICKARD, FOR OWNER BHN INVESTMENTS LLC, FOR PROPERTY LOCATED AT 3770 LANGTRY ROAD, SANTA ROSA; APN'S: 030-080-009 AND 028-270-038.

WHEREAS, the applicant, Jared and Velisa Pickard, for owner BHN Investments LLC, filed an application with the Sonoma County Permit and Resource Management Department for: 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate proposed use on a 162.30 acre parcel located at 3770 Langtry Road, Santa Rosa; APNs: 030-080-009 and 028-270-038; Supervisorial District No. 1 ("the Project"); and

WHEREAS, a Mitigated Negative Declaration was prepared and circulated for public review on February 28, 2014 for the proposed project in accordance with all appropriate laws and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on April 3, 2014, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission 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 Planning Commission makes the following findings:

1. The proposed change in General Plan land use from Land Extensive Agriculture (LEA) to Resources and Rural Development (RRD) for the 162.30-acre site is consistent with the General Plan designation criteria because a) the site is steeply sloped, heavily forested, contains a seasonal creek and spring-fed pond, and is located in a high fire hazard area, b) watersheds, fish, and wildlife habitat will be protected, c) the site has historically been used for timber production and a residence, but not agriculture, and d) the site is generally surrounded by land designated RRD and bounded by land with this designation to the west and south.

2. The General Plan Amendment to change the land use designation of the 162.30 acre site from the LEA 200-acre density to the RRD 200-acre density is in the public interest because it would generate transient-oriented tax (TOT), which contributes to the County's affordable housing program; promote land and biodiversity conservation, including preservation of 100 acres in a conservation easement; improve fire safety and neighborhood security; promote community and provide natural resources education for local and non-local visitors; and support artists, non-medical alternative health and exercise practitioners, and similar occupations.
3. Amendment of the Franz Valley Area Plan land designation of the 162.30 acre site from Land Extensive Agriculture to Resource Conservation is consistent with the policies of the plan promoting resource conservation and respects site constraints. The 1979 Franz Valley Specific Plan designated the subject property Resource Conservation 100 – 200 acre density. The Amendment returns the subject property to this designation. Conservation and the enhancement of the area's natural resources are the guiding principles for inclusion in the Franz Valley Area Plan Resource Conservation land use designation. The Resource and Rural Development (RRD) zoning district is the companion zoning district for this land use category. The scale and intensity, resource conservation qualities, and the offering of a conservation easement on $\pm 61\%$ of the project site demonstrates consistency with the resource conservation principals and therefore the Resource Conservation land use designation of the Franz Valley Area Plan.
4. The proposed use is consistent with the intent and purpose of the RRD zoning district because it is a lodge that is an allowed use in the RRD zoning district subject to Use Permit approval, provides protection of lands needed for protection of the watershed, wildlife habitat, and biotic resources, and does not increase density.
5. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. 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.
6. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. A Traffic Study dated September 27, 2013, was prepared for the proposed project by W-Trans. The study determined that according to design standards published by AASHTO, Langtry Road currently meet the very low-volume road criteria and is projected to continue to meet this criteria under future conditions. The study concluded that sight distance at the project access driveway is adequate and did not recommend any road improvements. Sonoma County Public Works deferred commenting to Napa County because most of Langtry Road is located in and maintained by that county. The Napa County Department of Public Works reviewed the Traffic Study prepared by W-Trans and conditioned the proposed project to ensure the marketing material directing guests to the subject site from Napa County be reviewed and approved by Sonoma County staff as part of the building permit review process.

- b. The Initial Study found that greenhouse gas emissions will be less than significant. The applicant includes a number of measures to reduce greenhouse gases as part of the proposal to construct and operate a nature retreat facility. These measures meet the County General Plan objectives to reduce greenhouse gas emissions.
- c. The rural character of the area will be preserved. The retreat facility structures are not visible from the public right-of-way. Lighting will be fully shielded, downward-cast, and Dark Sky compliant to prevent off-site lighting impacts and ensure preservation of the rural night sky. There will be no noise impacts as a result of the project. No events or outdoor amplified music are proposed or allowed. The only motorized activities would be vehicles used to access the site, ranch vehicles, and golf carts for maintenance and transporting clients as needed. Noise impacts from construction are limited and temporary. The project includes placing approximately 100 of the 162 acres in a conservation easement.
- d. Adequate emergency access and fire protection measures are included in the project proposal and conditions of approval. These measures include improving the driveway as needed to provide adequate emergency vehicle access, installing a 30,000 gallon water tank, making the on-site 29 acre-foot pond accessible to emergency vehicles, implementing a vegetation management plan, and meeting all required Fire Safe Standards.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the request for a General Plan Amendment, Specific Plan Amendment, Zone Change, and Use Permit subject to the Conditions of Approval in Exhibit "A," attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission 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 Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

Resolution # 14-008

April 3, 2014

Page 4

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

| | |
|---------------------------|-----|
| Commissioner Fogg | Aye |
| Commissioner Montoya | Aye |
| Commissioner Shahhosseini | 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.



*Sonoma County Combined Planning Commission
and Board of Zoning Adjustments*
DRAFT MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: April 3, 2014
Meeting No.: 14-03

ROLL CALL

Commissioners

Shawn Montoya
Komron Shahhosseini
Jason Liles
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Melinda Grosch
Scott Hunsperger
Misti Harris
Cynthia Demidovich
Sue Dahl, Secretary
Jeff Brax, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS
REGULAR CALENDAR**

Item No.4 Time: 1:15 p.m. File: PLP13-0019
Applicant: Jared and Velisa Pickard Staff: Misti Harris
Env. Doc: Mitigated Negative Declaration
Proposal: Request for: 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate proposed use on a 162.30 acre parcel.
Location: 3770 Langtry Road, Santa Rosa
APN: 030-080-009 and 028-270-038 Supervisorial District: 1
Zoning: LEA (Land Extensive Agriculture), B6-200 acre density, and LEA (Land Extensive Agriculture), B6-200 acre density, BR (Biotic Resources)

Misti Harris summarized the staff report, which is incorporated herein by reference.

Public Hearing Opened 1:55

Speakers: Jared Pickard, applicant, stated that he and his wife are deeply committed to land stewardship and want to promote global joy and vitality. The project incorporates low impact holistic land stewardship, health and well being and a good food cycle. They worked with Occidental Ecology Center on their watershed plan and have restored 60 acres. They have eliminated fire ladders and protected old growth forests, eradicated several pot fields that contained rubbish, weapons and hired two rangers to remove the pot.

They wish to provide an educational transformative outreach experience to guests. The buildings will not be visible from the public road, and they did neighborhood outreach and have 44 letters of support. A 100 acre conservation easement will be dedicated, and they have developed a watershed management plan. Mr. Pickard stated that they want to set a model example for forest restoration, education, fire safety, and the project will generate both jobs and TOT in the county.

Jean Kapolchok, stated that the applicants are passionate and committed to preservation of natural resources and neighborhood compatibility. The buildings will be placed on areas that are already disturbed, and there is a maximum of 18 overnight guests allowed. The request is consistent with the General Plan, and all the surrounding land is zoned RRD. The property meets all criteria to return the land to RRD.

Chris Howell, Langry Road, stated he was impressed with the project's incorporation of erosion control watershed protection, and sensitivity to the community as a whole. While supporting, he did ask what would happen if ownership changed and expressed opposition to a hotel.

David Katz, Santa Rosa, supported the project, which will be an exemplary model for others. The guest services will enhance and conserve natural resources and contribute to the economy.

Cameron Krebs, St Helena, supports the project. He had provided insurance to the applicant, which can be hard to find in rural areas due to improper management. The applicant has made significant improvements to access, have done fuel and vegetation management, and created fire escape routes and safety zones, reduced fuel. The applicants are good stewards of the land.

Ray Krauss, neighbor, supports the project. He is a member of the Friends of Mark West Watershed, expressed concern about the Franz Valley Area Plan, and wanted assurance that the project is consistent with the Franz Valley Area Plan.

Justin Adler, project manager, supports the request. He asked for those in the audience to show support by raising their hands and several people did. The project is a retreat, not a hotel, and while guests are there they go by a scripted schedule and do not come and go.

Ms. Kapolchok, stated that conditions regarding the use are incorporated into the project descriptions and conditions of approval, and any expansion would require a revision to the Use Permit.

Public Hearing closed at 2:30

Commissioner Lynch asked if the request was appropriate for RRD lands and Staff Parson said that lodging is allowed with a use permit.

Commissioners Montoya, Liles and Lynch complimented staff and the applicant for thoroughness and community outreach.

Changes to draft conditions

New condition 45 – "A public pool permit is required for any public pool, spa, therapy, or watsu pool. A review and approval of the building plans will be required prior to issuance of a public pool permit.

New condition 46 – “The on-site composting proposal requires review by the Local Enforcement Agency to determine if a Solid Waste Permit is required prior to commencing operations.

Condition 67 – Modified to state that the project will be consistent with proposal statement unless otherwise modified.

Action: **Commissioner Fogg** moved to adopt the mitigated negative declaration and recommend approval of the project as modified by staff to the Board of Supervisors. Seconded by **Commissioner Liles** and passed with a 5-0 vote.

Appeal Deadline: n/a
Resolution No.: 14-008

| | | | | |
|-----------|--------------|-------------------|------------|------------|
| Fogg: aye | Montoya: aye | Shahhosseini: aye | Liles: aye | Lynch: aye |
| Ayes: 5 | Noes: 0 | Absent: 0 | Abstain: 0 | |



Sonoma County Planning Commission **STAFF REPORT**

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

FILE: PLP13-0019
DATE: April 3, 2014
TIME: 1:15 p.m.
STAFF: Misti Harris, Project Planner

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: Jared and Velisa Pickard

Owner: BHN Investments LLC

Location: 3770 Langtry Road, Santa Rosa
APNs: 030-080-009 and 028-270-038 Supervisorial District No.: 1

Subject: General Plan Amendment, Area Plan Amendment, Zone Change, and Use Permit

PROPOSAL: Request for: 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate proposed use on a 162.30 acre parcel.

Environmental Determination: Mitigated Negative Declaration

General Plan: Land Extensive Agriculture 200 acre density

Specific/Area Plan: Franz Valley Area Plan
Land Use: Land Extensive Agriculture 100-200 acre density

Ord. Reference: N/A

Zoning: LEA (Land Extensive Agriculture), B6-200 acre density, and LEA (Land Extensive Agriculture), B6-200 acre density, BR (Biotic Resources)

Agricultural Preserve: N/A

Application Complete for Processing: October 17, 2013

RECOMMENDATION: Recommend that the Planning Commission recommend to the Board of Supervisors adoption of the Mitigated Negative Declaration and approval of the project with conditions.

ANALYSIS

Background:

The applicants applied for a pre-application review of the proposal in 2012 (PRE12-0005). After receiving detailed feedback from multiple departments, they modified their proposal and submitted a formal application in 2013. The Design Review Committee recommended preliminary approval of the project design on November 20, 2013.

Project Description:

Request for a General Plan Amendment, Area Plan Amendment, Zone Change, and Use Permit for a nature retreat facility on a 162.30-acre parcel (APNs 028-270-038 and 030-080-009). The proposal includes remodeling a single-family home into the main house with the three guest units, three duplex style cottages providing six guest units, an exercise studio, and related outbuildings and site improvements. Site improvements consist of upgrading existing access to meet Fire Safe Standards and landscaping around the main house and cottages. Construction and improvements would occur primarily in already disturbed areas. No events, such as weddings or conferences, are proposed. The project includes dedication of the western portion of the land, approximately 100 acres, in a conservation easement as a public benefit.

The project would consist of the following improvements:

1. **Main House (15,427 square feet):** A remodeled existing single-family residence, to include three guest rooms (units) totaling approximately 3,600 square feet, guest lounge, dining area, a commercial kitchen (not open to the general public), and a treatment room for various spa-type treatments to be provided to guests only. The kitchen would be used for guest meal preparation and the processing of products grown on site or in the local area, such as making jam, drying herbs, and curing meat.
2. **Cottages (723 to 857 square feet per guest unit):** Three cottages housing six guest units (no kitchens). One two-unit cottage is proposed on an existing solar panel clearing, requiring limited tree cutting and minimal grading. The two additional two-unit cottages would be carefully integrated into the site to minimize the need for road access and tree removal.
3. **Exercise Studio (2,196 square feet):** A barn-like structure for group and/or individual exercise and educational classes on wellness and nutrition.
4. **Barn (4,268 square feet):** An agricultural structure built on an existing foundation to house animals and store agricultural equipment.
5. **Accessory Building:** A building to store and maintain equipment used on-site.
6. **Utilities.** On-site septic and wells, electricity, gas, solar panels, and gas fire places.

7. Access and Parking Area. Existing roadways, driveway, and trails, will be upgraded as required by the Sonoma County Fire Safe Standards. A graded parking area would be provided for guests, visitors and employees

The year-round retreat facility would focus on on-site natural resource-based and wellness activities. Guest activities would include activities such as hiking, crafts, nature education, spa services, apothecary lessons, and kayaking in the on-site pond. Additional specialty activities, such as watercolor painting, will be available during specialized or themed retreats.

Although the applicants intend for each guest to stay on-site for the duration of his/her visit, it's possible that some guests will want to participate in off-site activities (e.g., wine tasting). In that instance, guests would be transported by retreat employees or a car service. The only motorized activities would be vehicles used to access the site, ranch vehicles, and golf carts for maintenance and transporting clients as needed.

A maximum of 49 people would be on-site, and an average of 21 people would be on-site at any given time, including employees. The project would serve a maximum of:

1. 18 overnight guests, and
2. 12 non-overnight guests a maximum of five days a year, not to exceed two days per month, and
3. Up to 30 people, likely schoolchildren, only when site occupancy does not exceed six guests a maximum of four times a year.

The non-overnight guests would be invited to the site to participate in specific activities, such as seminars, nature tours, wellness instruction, or dinners. The applicants envision the non-overnight guests would consist of nearby friends or family of the retreat guests who want to share their experience. Up to 12 non-overnight guests would be allowed. A maximum of four full-time staff, two of whom live on an adjacent parcel, and eight part-time staff would be employed. The average expected guest occupancy is 60%, so the number of employees on-site at any given time would adjust accordingly.

The proposal includes one one-week long and one weekend long (3 day) retreat per month, plus one two-week long retreat per year. Retreats account for 134 days per year. Off-site outings during retreat days will be scheduled in advance, and guests will be transported by the retreat center van. The remaining 234 days will be available for regular guests. Given the nature of the retreat facility, conservatively, the applicant estimates that 25% of the guests will stay one night, 50% of the guests will stay two nights, and 25% of the guests will stay three nights. An occupancy rate of 60% is considered average for guest occupancy. A minimum of a two-night stay during most of the calendar year is likely.

The proposal emphasizes farm-to-table food production and education. To that end, guests are provided breakfast, lunch, and dinner prepared from on-site food sources as much as possible. Farm animals will be raised for land maintenance (grazing) and food. The applicant expects to maintain approximately 25 chickens, 15 goats, 15 sheep, two pigs, and piglets. The proposal also includes a garden and on-site composting.

The subject site is zoned LEA (Land Extensive Agriculture), B6-200 acre density, BR (Biotic Resources). The proposal includes a rezone to RRD (Resources and Rural Development) B6-200 acre density, BR (Biotic Resources) to allow the retreat facility.

Site Characteristics:

The 162.30-acre site is steeply sloped and heavily vegetated primarily with Douglas Fir and Madrone forests. Approximately 79% of the site consists of slopes that are 30% or greater. An unnamed tributary to Santa Rosa Creek traverses the upper portion of the site. The site is presently developed with a

single-family dwelling, pond, and related utilities. Site access consists of a dirt driveway off Langtry Road, which intersects with Spring Mountain Road in Napa County. From Sonoma County, a traveler can take St. Helena Road, which changes names to Spring Mountain Road, to Langtry Road. Alternatively, one can take Calistoga Road to Highways 29/128 down to St. Helena, then up Spring Mountain Road to Langtry Road.

Surrounding Land Use and Zoning:

The subject site is located in the eastern part of the county. The easternmost portion of the site is located within several hundred feet of the Sonoma/Napa County line. The site is bounded on all sides by similarly sized properties with similar terrain and, likely, natural resources. A large amount of land, approximately 689 acres, is developed with vineyard on several parcels in both counties to the northeast and east. Cain Cellars, a 492-acre parcel developed in vineyard, is located in Napa County to the southeast. A few smaller agriculture/residential parcels also lie to the east. With the exception of a 165-acre parcel developed in vineyard, parcels to the north, west, and south are heavily forested. Surrounding parcels located within Sonoma County are zoned RRD (Resources and Rural Development) and LEA (Land Extensive Agriculture).

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

It appears the site was designated and zoned for agriculture based on a property owner's request, not on evaluation of its physical characteristics. During the 1989 General Plan Update, this property and all other properties designated Resource Conservation in the 1979 Franz Valley Specific Plan were being considered for redesignation in the General Plan to Resource and Rural Development (RRD) 200-acre density. The RRD land use designation would have resulted in the properties being rezoned out of an agricultural-based (A-1) zoning district to a resource-based (RRD) zoning district. The owner of the subject property at that time requested her properties remain agriculturally zoned and requested an increase in density. The Board of Supervisors left her properties, including the subject site, in agricultural zoning and redesignated those properties Land Extensive Agriculture (LEA) accordingly, but denied the request for increased density. The Franz Valley Area Plan was modified in 1993 (Resolution No. 93-0337) to achieve consistency with the General Plan.

The proposed designation to Resources and Rural Development (RRD) is consistent with the General Plan. The site is largely surrounded by land designated as RRD. The site is bounded by properties designated RRD on the west and south, and Land Extensive Agriculture (LEA) on the east and north. The project is consistent with the purpose and intent of the RRD designation because it promotes the following General Plan purposes:

1. Protect natural resources land, including but not limited to, watershed, fish and wildlife habitat and biotic areas,
2. Protect against intensive development of lands constrained by geologic hazards, steep slopes, poor soils or water, fire and flood prone areas, biotic and scenic areas, and other constraints,
3. Accommodate agricultural production activities but limit such activities on timberland,
4. Protection of County residents from proliferation of growth in areas where there are inadequate public services and infrastructure, including water supply and safe wastewater disposal.

The RRD zoning regulation implements the General Plan RRD land use designation and permits uses or activities associated with natural resource production and protection and rural uses that have a minimum impact on the environment. Lodging and other recreational and visitor serving uses, including the

proposed use, are allowed in the RRD zoning district with approval of a Use Permit provided they do not interfere with or detract from the purposes of this district.

As proposed, the project would not interfere with or detract from the purposes of the RRD zoning district. The site is heavily forested and has a seasonal creek and a spring-fed pond. The biological study found that habitat consists of Douglas Fir alliance, Madrone alliance, and annual grassland. This habitat could support a variety of special status bird species (e.g., Northern spotted owl, Cooper's hawk) and bat species.

The land would be managed in a holistic, effective manner to protect habitat and promote environmental conservation values, as described in the project proposal statement. Given the site's physical constraints and in an effort to minimally disturb the land, construction is proposed on already disturbed areas to the maximum extent possible. Further, approximately 100 acres would be permanently protected in a conservation easement.

The site is heavily constrained by geologic hazards, steep slopes, fire hazard, and biotic resources. It would increase on-site population from two people to a maximum of 49 people during 100% occupancy (e.g., retreat guests and employees). Retreat guests would occupy the guest suites on a transient (one night to two weeks) basis and utilize the retreat facility amenities accordingly. Development is proposed well outside the biotic resource areas, and human intrusion within those areas would be limited to trail maintenance, if any, and pedestrian and bicyclist activities.

The proposal emphasizes farm-to-table food production and education. To that end, guests are provided breakfast, lunch, and dinner prepared from on-site food sources as much as possible. Farm animals will be raised for land maintenance and food. The applicant expects to maintain approximately 25 chickens, 15 goats, 15 sheep, two pigs, and piglets. The proposal also includes a garden and on-site composting.

The project will result in minimal population increase, and has access to sufficient public services and infrastructure. Law enforcement and Fire/EMS personnel can provide adequate services. The applicant has been working with County Fire staff to reduce the fuel load and ensure the driveway meets access standards. Neither Fire nor Public Works recommend road improvements. Given the site's remote location and the Spring Hill / Langtry Roads intersection design, the applicant will instruct guests to arrive from Napa County instead of Sonoma County. This route will ensure they travel fewer miles in a remote area, utilize better maintained roads, and avoid turning onto Langtry Road at an acute angle. There is sufficient water supply on-site, and ample opportunity for septic leachfield(s).

The proposed project would not involve the loss of timber; would not interfere with geothermal resource production; the site is not identified as an aggregate resource site in the Aggregate Resources Management Plan; and watersheds, fish, and wildlife habitat will be protected. There is adequate water supply as demonstrated by the hydrogeology report. The proposed project is compatible with natural resource conservation practices because low intensity uses would take place at the project site.

Designation Criteria

Amendments to add the RRD land use designation must meet one or more of the following in addition to any applicable Land Use Policies for the Planning Area:

1. *Lands with severe constraints, such as steep slopes, areas with faults or landslides, high or very high fire hazard, marginal or unproven water availability, or limited septic capability.*

Discussion: The site is constrained by natural resources and hazards. It is steeply sloped and heavily forested and located in a high fire hazard area. Approximately 80% of the site has slopes that are 30% or steeper. A faultline runs through an adjacent property, and there is very high landslide potential on the southwestern portion of the site.

2. *Lands with natural resources, such as water, timber, geothermal steam, aggregate, soil, habitat, etc.*

Discussion: The site is heavily forested and has a seasonal creek and a spring-fed pond. The biological study found that habitat consists of Douglas Fir alliance, Madrone alliance, and annual grassland. This habitat could support a variety of special status bird species (e.g., Northern spotted owl, Cooper's hawk) and bat species.

3. *Lands with vulnerability to environmental impact.*

Discussion: The location, habitat, and potential to support special status bird and bat species make it vulnerable to environmental impact.

4. *To add lands for geothermal power generation facilities, the following criteria must be met:*

- a. *Agricultural lands or other land uses will not be adversely affected*
- b. *The natural resources of the area will be protected*
- c. *Adequate public services, including roads, will be available*

Discussion: Not applicable.

As proposed, the project is compatible with the surrounding neighborhood. Proposed structures are not visible from public roads; amplified music is proposed only indoors. Traffic will be minimal because of the relatively small maximum (49) and average (21) number of people on-site, events are not proposed, most guests will stay for at least two nights, the owners live next door, and nearly all activities would occur on-site. Retreat activities are for invited guests only and not available to the general public.

The proposed project would not involve the loss of timber; would not interfere with geothermal resource production; the site is not identified as an aggregate resource site in the Aggregate Resources Management Plan; and watersheds, fish, and wildlife habitat will be protected. There is adequate water supply as demonstrated by the hydrogeology report. The proposed project is compatible with natural resource conservation practices because low intensity uses would take place at the project site.

Planning Area Land Use Policies

Planning Area policies require consistency with the Franz Valley Area Plan. The proposal is consistent with this Area Plan; see the discussion in Issue #2, below.

Government Code Section 65358

Government Code 65358 states that the legislative body may amend an adopted general plan if it deems it to be in the public interest. Staff routinely asks applicants to demonstrate a public benefit in conjunction with requests to amend the General Plan to comply with the Government Code. The applicant identifies the following benefits:

1. Land Conservation. The project includes placing approximately 100 acres in a permanent conservation easement. Watershed and forestland enhancement and restoration will improve habitat both on-site and downstream.
2. Fire Safety. The applicant will continue to reduce the fuel load, allow the on-site pond to be used as an emergency water supply for nearby properties, and construct a 30,000 gallon water tank as emergency water supply for nearby properties.
3. Neighborhood Security. The project will bring eyes to the site and nearby properties from the applicant living on the adjacent parcel, perimeter checks, and visitor activities. This is especially important because the area is known for illegal marijuana cultivation.
4. Education. The project will exemplify sustainable construction and operations, which each visitor will experience and understand as a result of his/her stay. The proposal includes quarterly educational visits from schoolchildren or community groups.

5. Job Creation/Economic Stimulus. The project will employ and/or showcase professions not usually supported, including those in animal husbandry, healing/alternative health practitioners, and the arts. Generation of Transient-Oriented Tax (TOT) will contribute to the County's affordable housing fund.
6. Community. Local community groups and schools can visit during the off-season when there are no guests at the retreat facility.
7. Food. The project includes producing and processing organic food for guests. A portion of the food will be donated to local shelters or food banks.
8. Biodiversity. The project will honor the biological diversity of the site in an area famous for vineyards and boutique wineries.

Staff generally concurs with the applicant's benefit analysis, which is attached to the Project Proposal Statement (see Exhibit C).

Issue #2: Area Plan Consistency

The project, including the amendment, is consistent with the Area Plan. The proposed Area Plan land use amendment from Land Extensive Agriculture (LEA) 100-200 acre density to Resource Conservation (RC) 100-200 acre density is consistent with the proposed RRD200 General Plan land use designation. The site is generally surrounded by land designated RC and LEA. It is bounded by land designated RC to the west and south and LEA to the north and east. The project implements the following Area Plan policies promoting conservation, community character, and safety:

1. *Preserve the rural character of the area.*
2. *Maintain the rural character of roads while providing for necessary maintenance and limited safety improvements, especially with regard to school bus requirements and safety of children.*
3. *Review proposed development with regard to its effects on plant and animal life.*
4. *Encourage the preservation and enhancement of wildlife habitat areas representative of the flora and fauna of the area and necessary for preservation of rare and endangered species.*
5. *Recognize that replanting and good vegetation management of appropriate native vegetation will help restore and maintain the natural qualities of the area.*
6. *Limit or prohibit residential development in areas of high or extreme fire, geologic, and seismic hazards.*

The site is located within the Santa Rosa Creek Planning Unit of the Area Plan, which describes this area as essentially being a Resources and Conservation area. Conservation and the enhancement of the area's natural resources are the guiding principles for inclusion in the Resource Conservation category. When rezoning land in this unit, the Area Plan requires the County to "protect parcel's suitabilities and sensitivities and demonstrate mitigation of parcel's constraints." While a full analysis of these items is in the Initial Study, the following table responds to the applicable site issues and opportunities:

| Suitabilities | Response |
|----------------------------|---|
| Resource Conservation area | The site will be redesignated as Resource Conservation, consistent with this Planning Unit. |
| Groundwater recharge area | The site is not identified as a recharge area. |
| Constraints | |
| Steep slopes | Development is proposed on already disturbed, |

| | |
|----------------------|---|
| | flatter portions of the site. |
| Geologic hazards | The applicant must comply with the project's geotechnical report. |
| Fire Hazard | The project includes the Fire Marshal's recommended conditions. |
| Water Availability | The project's groundwater availability study demonstrates that sufficient groundwater is available. |
| Sensitivities | |
| Riparian Corridors | Development is neither proposed nor allowed within the creek setback. |

Issue #3: Zoning Code Consistency

As conditioned, the project is consistent with the proposed RRD zoning district. The request for a zone change from the Land Extensive Agriculture (LEA) to the Resources and Rural Development (RRD) zoning district is to allow the project as "lodging" and "other recreational or visitor serving use." The site is generally surrounded by land zoned RRD. It is bounded by land zoned RRD to the south and west, and land zoned LEA to the north and east. The project is consistent with the intent of the RRD zoning district because it provides protection of lands needed for protection of the watershed, wildlife habitat, and biotic resources. The proposal is small enough in scope and carefully conditioned to ensure appropriate use of natural resources and available public services. There is no change in density.

There will be no loss in agricultural operations if this project is approved and, in fact, agriculture use would increase with incidental agricultural production and processing. No agriculture operations are presently occurring, nor is there evidence they have ever occurred at this site. As depicted on the soils map supplied by UC Davis and located in the proposal statement, the subject property consists primarily of Felton gravelly loam, Goulding clay loam, and Maymen-Millsholm-Lodo association. According to the US Department of Agriculture Soil Survey Sonoma County, 1972, all of these soils have a capability index (soil class) of VII or VIII. These soil classes are not considered highly productive agricultural soils. Since the late 1980s, the site was used as a single-family house with horse breeding not exceeding 20 horses. Logging operations occurred in the late 1940s to mid 1950s.

Limited agricultural production and processing will occur as part of retreat facility activities in keeping with the spirit of a farm-to-table experience. The proposal includes incidental crop growing, animal keeping, and processing plants and animals for food only to serve the retreat operations. Animals would be taken to a State-certified slaughterhouse. After slaughtering, the meat and poultry will be butchered on-site for immediate use or cured for later use. Processing will occur in the kitchen. The curing process consists of grinding the meat, placing it in a casing, and hanging it in a stainless steel, temperature-controlled room for a specific amount of time. Food processing will be permitted by the County Department of Health or State Health Department, depending on which agency has jurisdiction over processing activities.

Issue #4: Use Permit Considerations

The County faces several issues when approving visitor-serving uses in rural or remote areas, including traffic, fire safety, and neighborhood compatibility. Each of these issues is discussed below.

Traffic

A traffic study was prepared by W-Trans. The study, dated September 27, 2013, addresses comments from Napa County Public Works and planning staff. The study considers an earlier project proposal that included a much higher number of non-overnight visitors: 10 non-overnight guests an average of five days each month. Since the proposal under consideration includes 12 non-overnight guests a maximum of five days each year and not to exceed two days a month, the expected traffic will be lower than analyzed.

Langtry Road is 2.4 miles from Spring Mountain Road to the site driveway. Langtry Road is unstriped and narrow, 13-20 feet in width. In narrower sections, one or both vehicles must utilize the shoulder to pass.

Vehicle counts were taken near the site for one week, and showed that weekday traffic on Langtry Road is 117 vehicle trips per day, and weekend traffic is 45 vehicle trips per day. The traffic study states that an average of 19 vehicle trips per day, which is 16% of existing average, would be generated as a result of the project. Peak traffic generation for the project would be expected to occur on a day when all nine rooms are occupied and the 10 additional day visitors are in attendance for a specific activity, such as a dinner. Using occupancy of 1.5 persons per vehicle, ten vehicles would make one round trip each for the activity, or generate 14 trip ends. Assuming one round trip for the guests in each of the rooms, another 18 trip ends would be generated. Finally, assuming that two of the four full-time and all eight part-time staff travel to the site (two full-time staff live on the adjacent parcel), 20 trip ends would be generated. Based on these assumptions, on a peak day the site could be expected to generate as many as 52 trip ends, with up to 16 of these (7 activity attendees, five guests arriving, and four employees departing) during a single hour.

The traffic study notes that the maximum of 10 non-overnight guests would arrive and depart from the site only during a retreat, so those trips would not occur on a day when overnight guests are either arriving or departing. Despite application of these very conservative assumptions, the trip generation is still well below the level that would be considered significant.

Although the number of expected vehicle trips is low, two potential safety issues remain: bringing visitors to a remote area of the county with rural roads, and the hairpin turn onto Langtry Road. To address these issues, the applicant proposes to direct all guests to arrive to the site from Napa County instead of Sonoma County. This will occur during the required pre-visit phone call and will ensure visitors travel fewer miles in a remote area, are advised of rural road conditions, utilize better maintained roads, and avoid turning onto Langtry Road at an acute angle. Both Fire and Napa County Public Works concurred that there are no feasible improvements to the Spring Mountain Road / Langtry Road intersection. The traffic study recommends that, although not a significant impact, guests are directed to arrive from Napa County so they can make an easy left turn onto Langtry Road.

To assess the viability of this solution, staff performed two site visits: one from Sonoma County and one from Napa County. Driving to the site from Sonoma County (Calistoga Road to St. Helena Road to Langtry Road), one travels approximately 10 miles from an urban setting in Santa Rosa to the Langtry Road turnoff. During this drive, the road quality noticeably degrades after turning onto St. Helena Road and heading eastbound. The road is narrow with little to no shoulder, usually rough, and the centerline is faded or worn off entirely in some spots. Notably, the turn onto Langtry Road is acute and, therefore, challenging to navigate.

Driving to the site from Napa County (Highway 29/128 to Madrona Avenue to Spring Mountain Road), one travels just over three miles from an urban setting in St. Helena to the Langtry Road turnoff. The road is in good condition with the occasional rough patch. The road is also narrow with little to no shoulder, but there are a few turnouts. The double yellow line is clearly visible.

The following project components will reduce and manage traffic:

1. On-site soil will be used for rammed earth construction for each building and timber from vegetation management practices will be used for structural and cosmetic building components. The applicant estimates this will result in approximately 500 fewer truck trips than conventional construction.
2. All-inclusive services will encourage guests to stay on-site for the duration of their visit. Three to seven day visits are typical.

3. Food will be grown and processed on-site. Although this component is aimed at agriculture education and appreciation, it will reduce the need for commercial food deliveries. It is anticipated that staff members will deliver food.
4. All contractors and employees will be subject to the retreat center's written policy for safe conduct on Langtry Road.
5. Before guest arrival, retreat staff will educate guests about safe driving on rural roads and direct them to arrive from Napa County, which is easier to navigate.

It is staff's opinion that the applicant has included all reasonable options for managing traffic. Sonoma County Public Works deferred comments to Napa County Public Works because access is primarily from Napa County. The Napa County Public Works staff member concurred with the traffic study, but commented that it was difficult to understand traffic from a "typical" day. He recommended one condition of approval: that the marketing material directing guests to the site from Napa County be reviewed and approved by Sonoma County staff. This recommendation is included in the conditions of approval.

Fire Safety

The subject site is remote and located in a high wildland fire zone. The maximum number of people on-site is limited to 49 people; an average of 21 people can be expected. The Fire Marshal was not concerned about the project assuming the number of people never exceeds 49 and the recommended Conditions of Approval are incorporated into the project approval. The applicant is working with Fire staff to improve the site driveway to meet current Fire Safe Standards. The applicant has also performed fuel load reduction activities, cleared access to the existing pond for fire suppression for the subject site and community, and intends to construct a 30,000 gallon water tank as an additional source of suppression to meet all requirements of the Fire Marshal.

Neighborhood Compatibility

The character of the Langtry Road area is remote and natural resource based with a fair amount of vineyard development. Given the physical and aesthetic nature of the area, the project should be limited in scale and minimal in physical impacts (e.g., traffic, noise, visual, cultural, and natural resources) to assure neighborhood compatibility. As proposed, the project is compatible with the surrounding area.

The project utilizes existing roads and new construction will occur primarily on previously disturbed areas. The main facility is a remodel of the existing residence, the guest units will blend with the natural environment, and the support structures are agrarian in design. The nearest residences are approximately 720 feet from the main house and 660 feet from the driveway.

The limited number of guest units and all-inclusive retreat operations will create less impact than typical visitor-serving or lodging uses. Guest stays will consist of weeklong and three-day retreats for approximately one-third of the calendar year; the majority of stays will be two days or more for the balance of the year. Although some guests will likely take advantage of nearby wine tasting and other activities, guests are generally less likely to leave the retreat facility because all meals and activities are provided on-site. A maximum of 10 non-overnight guests would visit the site only by appointment or invite, an average of five days each month. Daily operations and guest activities will be low intensity, outdoor music is limited to non-amplified music, and no events resulting in more than the allowable number of people described in the Use Permit conditions of approval would occur. The only motorized activities would be vehicles used to access the site, ranch vehicles, and golf carts for maintenance and transporting clients as needed.

Future Uses

The proposed project, if approved, will be held to the activities included in the project proposal, Use Permit conditions of approval, and mitigation measures. Should other future uses be proposed on the subject site for which a Zoning or Use Permit is required, they will be evaluated on their own merits and environmental impacts. For example, potential future uses in the RRD district that could result in

neighborhood interest are presently allowable under the site's existing LEA zoning district designation with a Zoning Permit. These could include pet fancier facilities, minor timberland conversions, small wind energy systems, and one-room bed and breakfast inns. Other uses requiring a Use Permit in the RRD district, which are not allowed in the LEA district, that could result in neighborhood interest include limited aggregate mining and major timberland conversions.

The zone change to RRD does not create a new precedent in the neighborhood because much of the area surrounding the site is already zoned RRD, including the properties bordering the project site to the south and west. If the zone change is approved, the subject property will have the same potential development opportunities and impacts as those surrounding properties.

Issue #5: Environmental Determination

The Initial Study and Mitigated Negative Declaration prepared for the project conclude that the proposed General Plan and Area Plan land use changes, rezoning, and Use Permit on 162.30 acres to accommodate a nature retreat facility would not result in significant environmental impacts. The Initial Study also concludes that potential future uses in the proposed RRD zoning district that could result in compatibility concerns would be subject to separate Zoning Permit or Use Permit review and conditions to mitigate potential impacts.

ALTERNATIVES

A potential alternative to the proposed General Plan amendment, Specific Plan amendment, and Zone Change would be to allow a modified version of the project under the current Land Extensive Agriculture (LEA) zoning district as a "campground" with a Use Permit. This designation would not likely allow the main lodge building, movement studio, and full scope of services. Therefore, features such as spa services, yoga instruction, cooking lessons, and meal preparation would likely be removed. This option would allow a less developed site unless the applicant chose to expand to the maximum allowable 30 campsites, and would eliminate the opportunity to provide an all-inclusive experience. The proposed amendments to allow the use as "lodging" allow the applicant to construct a permanent establishment offering full services and provide a wider variety of nature education and appreciation. A visitor can stay at the retreat facility without leaving the site during his/her visit, if desired.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Board of Supervisors adoption of a Mitigated Negative Declaration and approval of a request for 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate the proposed use on a 162.30 acre parcel.

FINDINGS FOR RECOMMENDED ACTION

1. The proposed change in General Plan land use from Land Extensive Agriculture (LEA) to Resources and Rural Development (RRD) for the 162.30-acre site is consistent with the General Plan designation criteria because a) the site is steeply sloped, heavily forested, contains a seasonal creek and spring-fed pond, and is located in a high fire hazard area, b) watersheds, fish, and wildlife habitat will be protected, c) the site has historically been used for timber production and a residence, but not

agriculture, and d) the site is generally surrounded by land designated RRD and bounded by land with this designation to the west and south.

2. The General Plan Amendment to change the land use designation of the 162.30 acre site from the LEA 200-acre density to the RRD 200-acre density is in the public interest because it would generate transient-oriented tax (TOT), which contributes to the County's affordable housing program; promote land and biodiversity conservation, including preservation of 100 acres in a conservation easement; improve fire safety and neighborhood security; promote community and provide natural resources education for local and non-local visitors; and support artists, non-medical alternative health and exercise practitioners, and similar occupations.
3. Amendment of the Franz Valley Area Plan land designation of the 162.30 acre site from Land Extensive Agriculture to Resource Conservation is consistent with the policies of the plan promoting resource conservation and respects site constraints.
4. The proposed use is consistent with the intent and purpose of the RRD zoning district because it is a lodge that is an allowed use in the RRD zoning district subject to Use Permit approval, provides protection of lands needed for protection of the watershed, wildlife habitat, and biotic resources, and does not increase density.
5. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. 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.
6. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. A Traffic Study dated September 27, 2013, was prepared for the proposed project by W-Trans. The study determined that according to design standards published by AASHTO, Langtry Road currently meet the very low-volume road criteria and is projected to continue to meet this criteria under future conditions. The study concluded that sight distance at the project access driveway is adequate and did not recommend any road improvements. Sonoma County Public Works deferred commenting to Napa County because most of Langtry Road is located in and maintained by that county. The Napa County Department of Public Works reviewed the Traffic Study prepared by W-Trans and conditioned the proposed project to ensure the marketing material directing guests to the subject site from Napa County be reviewed and approved by Sonoma County staff as part of the building permit review process.
 - b. The Initial Study found that greenhouse gas emissions will be less than significant. The applicant includes a number of measures to reduce greenhouse gases as part of the proposal to construct and operate a nature retreat facility. These measures meet the County General Plan objectives to reduce greenhouse gas emissions.
 - c. The rural character of the area will be preserved. The retreat facility structures are not visible from the public right-of-way. Lighting will be fully shielded, downward-cast, and Dark Sky compliant to prevent off-site lighting impacts and ensure preservation of the rural night sky. There will be no noise impacts as a result of the project. No events or outdoor amplified music are proposed or allowed. The only motorized activities would be vehicles used to access the site, ranch vehicles, and golf carts for maintenance and transporting clients as needed. Noise impacts

from construction are limited and temporary. The project includes placing approximately 100 of the 162 acres in a conservation easement.

- d. Adequate emergency access and fire protection measures are included in the project proposal and conditions of approval. These measures include improving the driveway as needed to provide adequate emergency vehicle access, installing a 30,000 gallon water tank, making the on-site 29 acre-foot pond accessible to emergency vehicles, implementing a vegetation management plan, and meeting all required Fire Safe Standards.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Draft Ordinance and Sectional District Map
- EXHIBIT C: Proposal Statement dated March 2014
- EXHIBIT D: Vicinity Map
- EXHIBIT E: Project Plans (10)
- EXHIBIT F: Public Comment Letters (Community Support Package)
- EXHIBIT G: Draft Resolution and General Plan Amendment Map and Franz Valley Area Plan Land Use Map

Separate Attachment for Commissioners: Mitigated Negative Declaration and full size maps

Be Here (BH)
General Plan Amendment
Specific Plan Amendment
Rezoning
Use Permit
Proposal Statement
March 2014

Applicant: Jared and Velisa Pickard
Dba Be Here Farm, LLC
3770 Langtry Road
Santa Rosa, CA

Owner: BHN Investments, LLC
Jared and Velisa Pickard, managing partners

Land Use Consultant: J. Kapolchok & Associates
843 Second Street
Santa Rosa, CA 95404

Land Surveyor/Engineers: Hogan Land Services
541 Farmers Lane
Santa Rosa, CA 95405

Architect: Design Resources Architects
1014 S. La Pointe Street
Boise, ID 83706

Location: 3770 Langtry Road
Santa Rosa, CA

APN: Portions of 028-270-038/030-080-009 (Parcel 2) and 028-270-037/030-080-008 (Parcel 1) (After the lot line adjustment)

Site Size: ±162.3 acres

General Plan: Land Extensive Agriculture/200

Franz Valley Area Plan: Land Extensive Agriculture

Zoning: LEA-B6-200

Proposal: The project applications consist of the following:

- General Plan Amendment from LEA-200 to RRD-200
- Area Plan Amendment from Land Extensive Agriculture to Resource Conservation
- Rezoning from LEA-B6-200 to RRD-B6-200
- Use Permit for a low intensity, resource preservation and enhancement based retreat facility (Section 26-10-020 (cc)).

I. PROJECT DESCRIPTION – USE PERMIT

SETTING

Location:

The subject property consists of an adjusted (portions of Parcel 1 and Parcel 2) parcel created under Minor Subdivision MS 160.822. The site is located in the upper northeast section of Franz Valley. The Napa County line forms a portion of the site's eastern boundary. The ±162.3-acre site is accessed from the northeast and the southeast via private access easements off of Langtry Road, a rural County Road. The project address is 3770 Langtry Road.

Topography:

The subject property is heavily vegetated and of significant slope having an elevation of ±1200' msl at northwest portion of the property, trending southeasterly to an elevation of ±2300' msl on the southeast corner of property. A dotted blue line creek, believed to be an unnamed fork of Santa Rosa Creek, traverses the upper portion of the site.

Surrounding Land and Land Uses:

Primarily, similar size parcels surround the subject property. Parcel 3 (± 65.45 acres), Parcel 4 (±86.31 acres) and Remaining Lands (±110 acres) of MS 160.822 are north of the subject parcels. North and east of MS 160.822 are large (±689 acres) land holdings consisting of multiple parcels within both Sonoma and Napa County, under single ownership, and developed in vineyard. Southeast of the subject property, within Napa County, is Cain Cellars, a ±492-acre parcel developed in vineyard. Smaller, agricultural/residentially developed parcels exist to the east.

Existing Physical Conditions:

Historic Uses:

Logging and ranch roads, including areas that were cleared for turn-around and staging, exist throughout the property. Based on an arborist's assessment of the site, the property was extensively logged in the late 1940's to mid 1950's.

Physical Improvements

The subject property is developed with a pond (State License No. 10340), access roads and internal ranch roads, as well as a single-family residence, garage, barn foundation, ornamental landscaping, fruit trees, pond, solar array panel, septic system, well, and driveway.

Recent Past and Existing Land Uses

After the recordation of MS 160.822 a single-family residence along with associated garage, barn, septic system, well, solar array, pond, horse pasture and landscaping were developed on the property. The site has been used residentially and for the raising and breeding of horses for personal use. An on-site manager was responsible for site management. Currently, the property is used for residential use and the home office of Be Here Farm, LLC.

PROJECT STATEMENT

The property was chosen for its beauty, natural resources, and serenity. Be Here (BH) desires to protect and enhance these qualities and share them with others on a low intensity scale. Therefore, the natural resources /wellness retreat experience BH wishes to create will be small in scale, educational, resource protective, as "green" and as non-invasive as possible. Expressions of this aesthetic are found in subsequent sections of this proposal statement.

PROJECT DESCRIPTION - DETAIL

A retreat facility having a maximum of 18 over-night guests, consisting of:

Physical Improvements

- Main House: A remodeled existing single-family residence, to include:
 - 3 guest rooms (units)
 - Guest lounge - library area
 - Dining area
 - Commercial kitchen/scullery for the preparation of meals (guests only, not open to the public) and the processing of products grown on site or in the local area, such as, jams, drying of herbs, curing of meat.
 - Treatment room: An area within the structure to house various spa-type treatments for guests of the facility.

- Cottages: 3 cottages housing 6 guest units; no kitchens
 - One, 2-unit cottage to be built on an existing solar panel clearing, requiring no to limited tree cutting and minimal grading.
 - Two additional 2-unit cottages, also sited in a previously disturbed area, will be carefully integrated into the site in order to minimize the needs for road access and tree removal.
- Barn:
 - Agricultural structure for the housing of animals and the storage of agricultural equipment. This is being built on an existing foundation.
- Movement Studio:
 - Barn-like structure to be used for group and/or individual exercise.
- Accessory Building/Barn:
 - A building to be used for the storage and maintenance of equipment used on site.
- Utilities
 - On-site septic and wells.
 - Electric, gas, solar and gas fire places, as permitted by Sonoma County codes.
- Parking
 - A graded parking area, which is sited in a previously disturbed area, for guests, visitors and employees.
- Roads
 - Existing roadways, driveway and trails, upgraded as required by the Sonoma County Fire Safe Standards

Operations

- Hours of Operations
 - The retreat facility will be opened year round.
- Employees
 - Six (6) full-time staff, two of which will be resident managers and up to six (6) part-time staff, depending on occupancy.

- Non-overnight guests - visitors
 - A maximum of 12 non-overnight guests, a maximum of 5 times per year.

- Non-overnight guests – Outings for local school children
 - A maximum of 30 school children transported by bus or van a maximum of 4 times per year.

- Parking
 - Guests will arrive at the Main House. After check-in, a valet will move the guest vehicles to a guest parking area adjacent to the accessory/ barn building.

- Meals
 - Breakfast, lunch and dinner will be offered. The cost of the three meals is included in the room rate.

- Occupancy
 - Retreats: One (1) week long and one (1) weekend long (3 day) retreat per month. Plus one (1) two week long retreat per year. Retreats account for 134 days per year. Off-site outings during retreat days will be scheduled in advance, and retreat guests will be taken in the BH van.

 - Regular Guests (Non-Retreat): The remaining 234 days will be available for regular guests. Given the nature of the retreat facility, conservatively, it is estimated that 25% of the guests will stay one night; 50% of the guests will stay two nights and 25% of the guests will stay three nights. An occupancy rate of 60% is considered average for guest occupancy. (Note: a minimum of a 2 –night stay during most of the calendar year is likely.)

- Activities: In addition to on-site meals, the following types of activities will be available to guests on an on-going basis. Additional specialty activities, such as a three-day water-colorists retreat with a local artist, for example, will be available during specialized retreats.
 - Hiking
 - Mountain biking
 - Guided nature walks. Electric vehicles will be used for those needing assistance.
 - Movement Studio – state of the art facility for a wide range of exercising options, such as, training with traditional exercise equipment, yoga, tai chi, Pilates, and sport specific training.
 - Wildlife and Natural Resources Education

- Cooking lessons with on-site or guest Chef
- Movie Night: Special screenings, documentaries, etc.
- Farm to table: Growing, harvesting and food preparation.
- Infrastructure tour: Learn all about our alternative energy and building methods- solar, rain water harvest for gardens and livestock, rammed earth building from site, custom timber work from site.
- Spa Services

LAND USE COMPATIBILITY

BH will be a low intensity, natural resource based retreat facility that is respectful of its physical surroundings, the rural character of the area and the surrounding neighbors. The main lodge will be a remodel of the existing residence and nearly all other structures and improvements will be constructed on previously disturbed areas. Likewise, a system of hiking trails will, for the most part, utilize existing ranch roads.

Natural Resource Conservation:

BH is committed to sustainable site design, habitat restoration and adaptive site management. The purpose of BH is to foster wellness and provide educational instruction, enjoyment and appreciation of the site's delicate eco-system.

- **Land Management:** ±162 acres of previously unmanaged, extremely overgrown land is now being managed holistically with goals of improving erosion conditions from old logging roads and rehabilitating the watershed over time. Since moving on to the land a severely degraded and compacted pasture has been rehabilitated, ensuring that nutrients and water are absorbed by the pasture and filtered by the native soil before entering the watershed at large. This is critical since this area sits at the very top of a large watershed.
- **Net Zero Energy:** The goal of BHN is to build a very efficient structure to reduce energy consumption as much as possible and then provide all energy needs by on-site solar electric and solar thermal systems. This will be accomplished through the following:
 - 80-90% of all lighting will be LED.
 - Radiant ceiling space conditioning for both heating and cooling is planned.
 - A geo exchange heat pump or an air to water heat pump will provide the warm and cool water required by the radiant ceiling system.
 - The space conditioning will be augmented by a heat recovery

ventilation system.

- Electric vehicles will provide transportation within the facility for both guests and staff. Three (3) electric car-charging stations will be provided for our guests.
 - The building itself will use roughly 1.5 times the insulation required by the State energy code, ensuring even less temperature loss through the building envelope.
 - Roof runoff water will be stored and utilized for irrigating our gardens and providing water to our farm animals.
- **Traffic Reduction through the utilization of on-site materials:** As will be discussed in a subsequent section on traffic, the utilization of on-site materials for construction will result in significant reduction in the impact of construction related traffic on the neighborhood.

NEIGHBORHOOD COMPATIBILITY

The 162.3-acre project site is primarily bordered to the north and east by a large natural resource and agricultural (vineyard) land use split by the Sonoma/Napa County line. Natural resource lands exist to the west and natural resource and vineyard land, again divided by the County line, exist to the south. Intermixed amongst these large land holdings are several residential parcels.

The character of the area is remote and natural resource based with a fair amount of vineyard development. Given the physical and aesthetic nature of the area, it is imperative for the proposed use to be limited in scale, hands-on in management, and minimal in physical impacts, such as, traffic, noise, visual and cultural and natural resources.

The project utilizes existing roads, new construction will occur primarily on previously disturbed areas and the main facility is a remodel of the existing residence. The cottages have been designed to blend with the natural environment and the support structures are agrarian in design.

The limited number of units, the design of the programs, that is, weeklong and three- day retreats accounting for approximately one-third of the calendar year and full service destination nature resort with the majority of the stays being two days or more for the balance of the year, dramatically reduces activity normally associated with a visitor serving/lodging use.

Amplified sound will be restricted to inside of the main lodge. Non-amplified music will be allowed both inside the lodge and in outdoor areas in the vicinity of

the lodge. Furthermore, the owners are the operators who will live full-time on the property and will be involved in every aspect of the daily goings-on.

TRAFFIC IMPACTS

In meeting with neighbors, traffic became a central concern. In response to this concern, BH will employ the following to reduce traffic impacts and increase traffic safety.

Construction Traffic

Physical Improvements

- **Walls and retaining walls**
 - No off haul from excavation: Excavation spoils will be utilized for onsite rammed earth walls and retaining walls in the main facility as well as in the garden. This, in turn, will also reduce the number of trucks delivering typical construction materials such as cement, insulation, siding, paint etc.

- **Timber**
 - All of the wood cut for fire safety/fuel load reduction is being custom milled and incorporated into the design of the main facility. This timber will be used for trim, beams, furniture, built-in closets, door and window frames, shelving etc. This results in an estimated reduction of 45 truckloads of timber and furniture from traveling on Langtry Rd.

- **Human Resources Management**
 - “Safe Conduct on Langtry Road” Policy: Any contractor working on the property will sign a legal contract that includes the “Safe Conduct on Langtry Road” policy. The contract will include a fine-based system for “safe Conduct” violations.

- Safe conduct is defined as:
 - Never drive faster than the posted 15mph suggested speed
 - Pull over to a stand still, or a safe passing speed, for any vehicle on Langtry Rd
 - Stay to the right side of the road on all portions of Langtry Rd, especially on turns
 - Pick up all trash spotted on any section of Langtry Rd
 - All contractors will be told that it is better to be late than to speed. Their responsibilities and safety awareness begin at the beginning of Langtry Rd, not at the beginning of our driveway. This is of critical importance.

Operations

- **Staff Traffic:** The Safe Conduct on Langtry Road Policy will apply to all employees of BH. Compliance with the policy will be monitored by the resident/on-site owners/operators.
- **Guest Traffic:** Our reservation process requires a pre-arrival telephone call. This will allow time to give clear and thorough instructions on where and how to drive on Langtry Rd.
 - **Airport transfer:** A large percentage of the guests are expected to arrive by hired car service. A relationship with one local car service that is well versed in safe conduct on Langtry Rd will be developed.
 - **Guest Experience:** The BH programs are designed so that all guests are enticed to “come and stay put”, including three meals a day covered by the cost of the room. It is BH’s belief that it would be illogical for a guest to pay for the amenities and not remain on site to utilize them. Be Here is intended to be a reclusive getaway.
 - **Retreats:** 1/3 of the calendar year (134 days) will consist of weekend-long (one/month on average), or weeklong (one/month on average) retreats, where guests will arrive only once and not leave until the end of the program unless it is in a site sponsored passenger van.
 - **Traffic and occupancy:** Average occupancy rates in the hospitality industry often run at 50%-60% throughout the year. It should be noted that part-time staff fluctuate with guest occupancy. This means that when there are a limited number of guest onsite, much of the staff will be absent as well.

- **Deliveries:** The on-site garden will be producing a majority of produce and protein served in the kitchen, reducing deliveries associated with food service. Additionally, composting of all food, paper, and cardboard means that the garbage output will be significantly reduced as well. The small room count means that most of the kitchen needs (not met by our garden) will be met by BH's chef simply grocery shopping in town, or at the farmer's market, thereby eliminating the need for large-scale wholesale providers. USPS, UPS and FedEx trucks, which are on Langtry Road already, will provide nearly all required deliveries.

2. **GENERAL PLAN AMENDMENT, FRANZ VALLEY AREA PLAN AMENDMENT AND REZONING**

GENERAL PLAN AMENDMENT

The request includes a General Plan Amendment from the Land Extensive Agriculture land use category to the Resource and Rural Development land use category. The 200-acre density and the Open Space element designation of Special Status Species Habitat remain unchanged.

Application for a resource related visitor-serving use is possible within the existing Land Extensive Agriculture (LEA) land use category. However, within this designation the use must be in the form of a campground. Although potentially feasible, a campground does not seem to be the most appropriate form for a visitor serving use when examined in the context of both the natural features of the property and the surrounding land uses. Furthermore, when the physical characteristics of the property are compared to the description of lands designated Resource and Rural Development (RRD) and the history of the existing land use designation is reviewed, the RRD designation becomes the most descriptive and appropriate land use designation.

History of the Land Extensive Agriculture Land Use Designation:

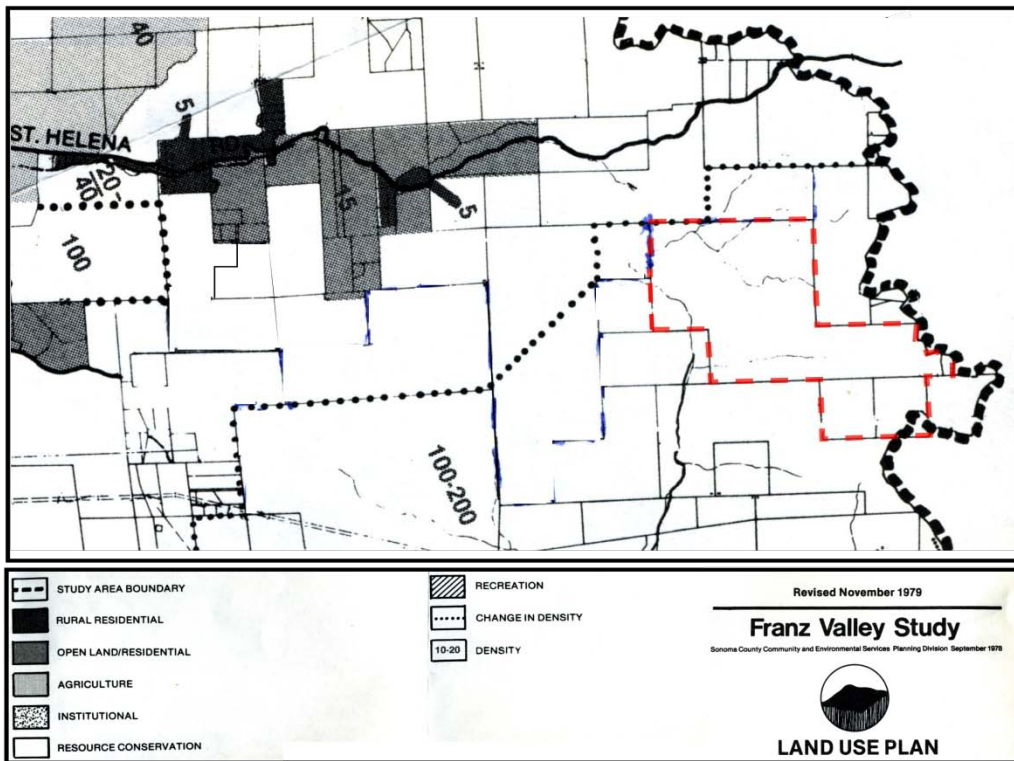
Prior to adoption of the 1989 General Plan, the subject property was part of a ±500 acre property (two legal parcels) designated Resource Conservation 100–200-acre in the Franz Valley Specific Plan, November 1979. The companion zoning was Primary Agriculture (A-1)-B6-J-200/40. The property was subsequently subdivided into four parcels and a remainder parcel under MS 160.822 (current configuration). The map was recorded on November 13, 1981.

During the 1989 General Plan Update, the subject property along with all of the surrounding properties designated Resource Conservation in the 1979 Franz Valley Specific Plan were recommended to be designated Resource and Rural Development (RRD) 200-acre density. The RRD land use designation would have resulted in the properties being rezoned out of an agricultural based (A-1) zoning

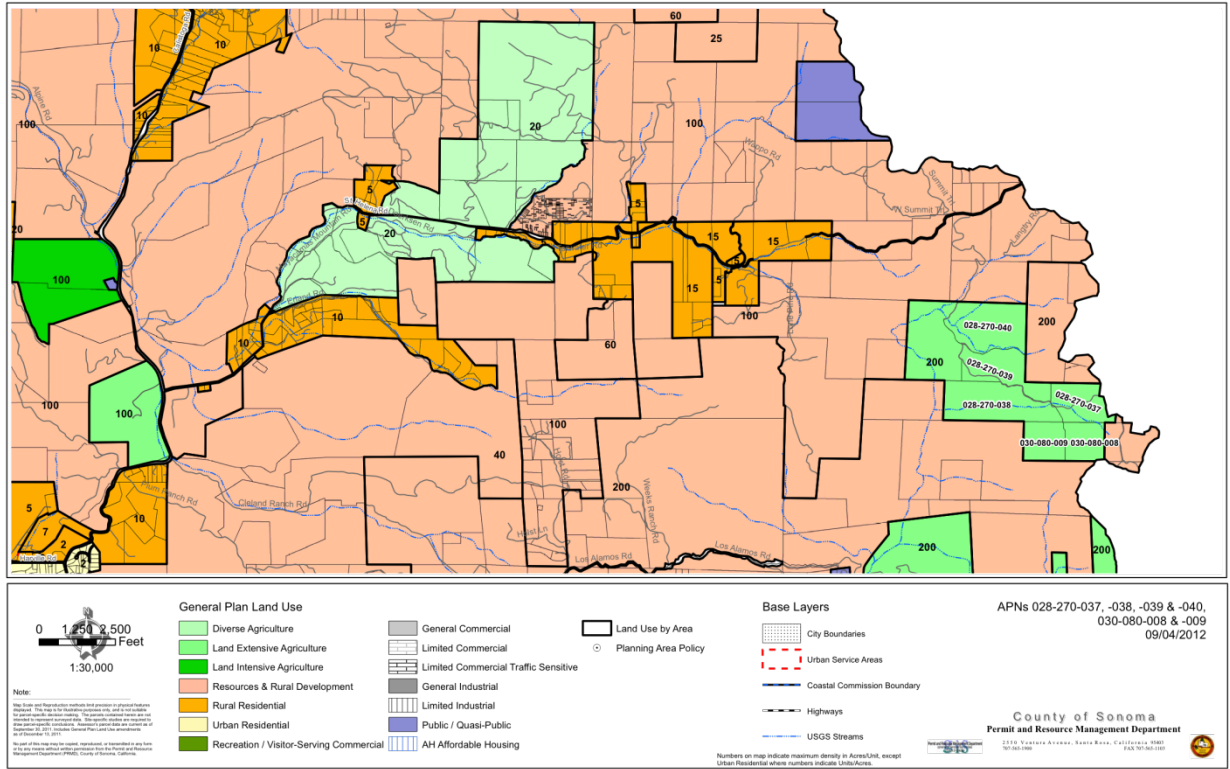
district to a resource based (RRD) zoning district. Being concerned over a potential loss of property rights adherent in an agricultural based zoning district, the property owner at the time, Marilyn Johnson, asked that the agricultural zoning remain and the density be increased to 40 acres. As is evidenced by the attached (Exhibit A), the land use designation was changed from the recommended Resource and Rural Development (RRD) category (Resource Conservation designation of the Franz Valley Specific Plan) to the Land Extensive Agriculture (LEA) category. The increase in density was not supported. Hence, the change from a resource based land use designation to an agricultural based land use designation was not done based on an analysis of the physical characteristics of the property but done to accommodate an individual property owner's concern over the potential impact of losing an agricultural zoning designation.

As depicted below, with very few exceptions, lands designated Resource Conservation in the Franz Valley Specific Plan mirror those lands designated Resource and Rural Development in the current Sonoma County General Plan 2020.

Franz Valley Specific Plan: Land Use Map



Sonoma County General Plan Land Use Map



Designation Criteria: Resource and Rural Development

Section 2.7 of the Sonoma County General Plan Land Use element establishes the criteria necessary to amend a land use designation to Resources and Rural Development. According to the general plan at least one of the following criteria must apply:

1. Lands with severe constraints such as steep slopes, areas with faults or landslides, “high” or “very high” fire hazard, marginal or unproven water availability, or limited septic capability,
2. Lands with natural resources, such as water, timber, geothermal steam, aggregate, soil, habitat, etc.,
3. Lands with vulnerability to environmental impact, and
4. Not applicable; criteria relates to geothermal power generation facilities.

Applicability:

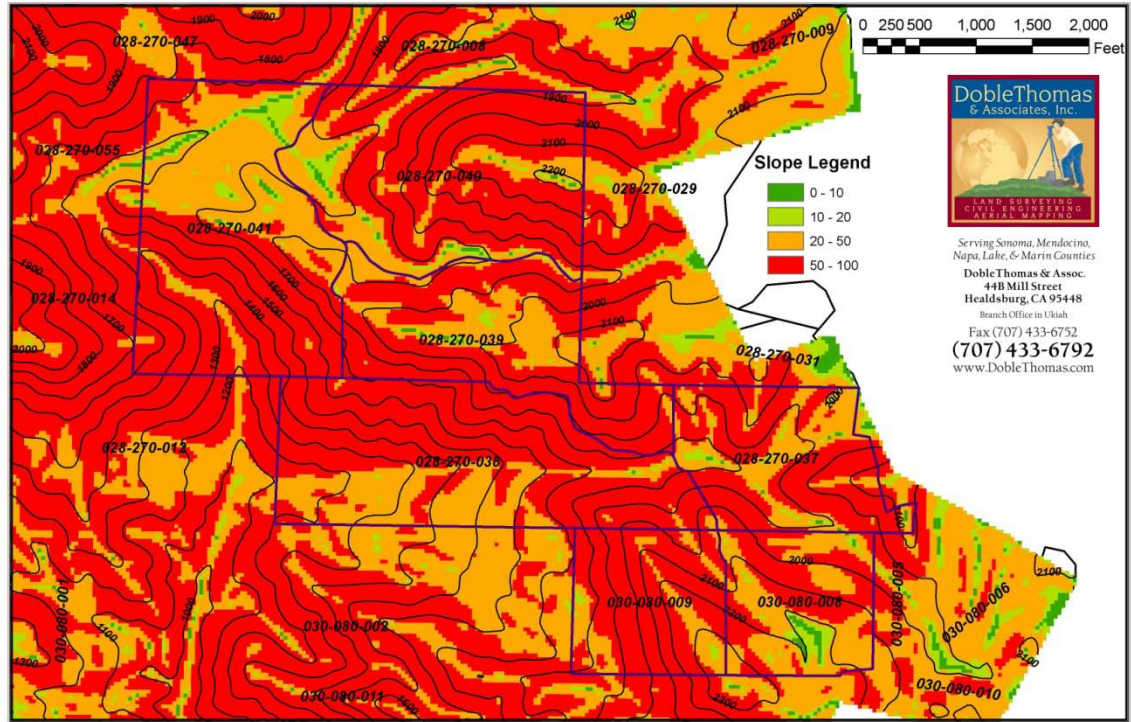
Three of the four criteria are applicable to the subject property.

1. Site Constraints: As depicted on the slope map shown below, the subject property is composed of steep slopes and is within the High Wildland Fire Hazard zone on the General Plan Public Safety Element map. Although the on-site well has demonstrated a sustained yield of 38 gallons per minute during and after a 24 hour pump test (on file with the PRMD Well and Septic Division), the property is shown to be located in a Class 4 area, designated as a Low or Highly Variable Water Yield, water availability zone.
2. Natural Resources: The site is rich in natural resources including timber, an un-named fork of Santa Rosa Creek, aggregate, and potentially sensitive species (to be determined through a biological reconnaissance.)
3. Vulnerability to Environmental Impact: The location, physical characteristics and biological richness of the subject property make it vulnerable to environmental impact.

The project has taken the site’s constraints, natural and environmental features into full consideration in its design. Great care has been taken to locate the development footprint in disturbed areas of the property wherever possible. Nearly all of the areas proposed for new construction are located on previously built or impacted areas. The project is intentionally limited in scale and best

management practices regarding water, energy and soil conservation will be implemented.

Slope Analysis Map



Land Use Element and Agricultural Resources Element

The project includes an amendment from an agricultural land use category to a natural resources land use category. Because agricultural based land use categories in the general plan were reserved for those properties that were either in productive agriculture or capable of productive agriculture, any amendment must demonstrate that the project site is not primarily an agricultural property. This directive is expressed in the following goals and objectives of the Land Use Element as well as the companion objectives and policies of the Agricultural Resources Element.

General Plan Land Use Element

- **Goal LU-9:** Protect lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agriculture.
- **Objective LU-9.1:** Avoid conversion of lands currently used for agricultural production to non-agricultural use.

- **Objective LU-9.3:** Agricultural lands not currently used for farming but which have soils or other characteristics that make them suitable for farming shall not be developed in a way that would preclude future agricultural use.

General Plan Agricultural Resources Element

- **Objective AR-3.1:** Avoid the conversion of agricultural lands to residential or non-agricultural commercial uses.
- **Policy AR-3f:** Avoid amendments of the land use map from an agricultural to a non-agricultural use category for the purpose of allowing increased residential density, which may conflict with agricultural production.

Agricultural productivity is largely dependant on slope and soil capability. As is evidenced by the Slope Analysis map shown above, the project site is composed primarily of slopes greater than 20%. A significant percentage of the land area has slopes 50% or greater.

Soil Classes I through IV are considered prime agricultural soils. As depicted on the soils map supplied by U C Davis, the subject property consist primarily of Felton gravelly loam, Goulding clay loam and Maymen-Millsholm-Lodo association. According to the U S Department of Agriculture Soil Survey Sonoma County, 1972 all of these soils have a capability index (soil class) of VII or VIII. These soil classes are not considered highly productive agricultural soils. Furthermore, the historic use of the property has been limited to residential use and the keeping of several horses. To the best of our knowledge, productive agricultural use has never occurred on site.

Public Benefit

Although the research suggests the General Plan land use designation of LEA came about from a property owner request, General Plan Amendments require a showing of public benefit. It is believed the granting of the entitlements for the requested low intensity retreat facility will result in the following improvements over an above that which is required to serve the project itself.

- **Land Conservation:**
 - Conservation Easement: BH will work with the Sonoma Land Trust or other land conservation partners to design a conservation easement on approximately 100 acres of the 162.3-acre site ($\pm 62\%$) to protect the site's natural resources and ensure that the stewardship of this acreage is based on sound ecological principles in perpetuity.

- Habitat Restoration: Enhancement and restoration of the watershed and forestlands at BH will aid in the establishment and improvement of permanent, long-term habitat for many species of wildlife. Of particular importance will be watershed benefits such as reduction of downstream deliveries of sediments in watercourses and land management approaches that will maximize rainfall percolation and reduce runoff.

All existing roads and trails will be designed and/or upgraded to follow all best practices to reduce erosion and maximize water infiltration. Extensive thinning and fuel reduction work in the forestlands will greatly reduce wildfire danger, providing both a safe haven for wildlife in the event of wildfire in the region, as well as improving forest health by managing towards the development of an old-growth forest.

- **Fire Safety:**

- The fire hazard potential has been reduced by: The upgrading and repair of an on-site, privately installed (not owned by PGE) power line, reducing the fuel load on approximately 40 acres of land in the vicinity of the access roads and residence, clearing invasive blackberries away from the 1-acre pond thereby making it accessible for fire emergencies.
- A 30,000-gallon water storage tank (in addition to the existing 10,000 gallon tank) will be built and made available as a community resource for any emergency.

- **Security:**

- Our neighborhood is a well-documented host for the illegal cultivation of marijuana. These growers are typically armed, are trespassing, and have a common history of leaving massive amounts of rubbish in their wake.
- Year-round use of the property will improve the overall security of the area. Perimeter searches will routinely be performed, which will benefit the neighboring properties as well as the retreat facility. As resident owners security of the area is increased significantly.

- **Resource Conservation:**

- BH will exemplify sustainable development. Structures are clustered, built on previously disturbed areas, and integrated into the landscape. Recycling, solar power, on-site food production, permaculture, use of native plants for landscaping, and forest management are essential elements of the project.

- **Job creation/economic stimulus:**

- BH will provide an outlet for many talented people in a wide range of industries: sustainable agriculture, animal husbandry, forestry, the healing arts, solar energy, artisanal furniture makers and sculptors. In addition, BH will generate TOT (transfer occupancy tax).
- **Good Food:**
 - Growing clean and healthy food without the use of chemicals is a passion for BH. BH intends to donate up to 10% of their vegetable crops to local shelters.

AREA PLAN AMENDMENT

The Franz Valley Area Plan, 2012 designates the site Land Extensive Agriculture (LEA). Hence, the request includes an amendment to the Franz Valley Area Plan from the Land Extensive Agriculture designation to the Resource Conservation designation. The general plan's LEA land use designation originated from the approval of an individual property owner request during the 1989 General Plan Update hearings. Her purpose was to retain an agricultural based land use designation on the subject and her immediately surrounding property. A like review of the origin of the LEA designation in the Franz Valley Area Plan is in order to determine if the designation was derived from an analysis of the site or a technical correction for consistency between the Area Plan and the General Plan.

The Franz Valley Area (formerly Specific) Plan has been modified three times since its adoption in 1979.

Modification #1: March 9, 1993 - Resolution Number 93-0337

The action undertaken by Resolution No. 93-0337 is described as a second phase of changes to specific plans, zoning ordinance text, zoning districts and technical corrections to achieve consistency with the 1989 General Plan. Phase 1, completed in 1990, involved the rezoning of parcels throughout the County to zoning districts that were consistent with the 1989 General Plan. This second phase (Franz Valley Area Plan Modification #1) included the updating and conversion of the Franz Valley Specific Plan and nine other Specific Plans to Area Plans.

The Introduction to the Franz Valley Area Plan (FVAP), 2012 states that the fundamental purpose of the 1993 revision to the FVAP was to achieve consistency with the 1989 General Plan: "In keeping with the above intent (consistency with the 1989 General Plan) the 1993 revisions of the Franz Valley Area Plan did not include exhaustive evaluation or reconsideration of the policies or designations contained in the plan. The scope of the revisions was limited to that necessary to achieve General Plan consistency." Given that the land use on the subject property was changed to LEA as part of the 1989 General Plan Update, and the subject and surrounding properties are not identified in the

Appendices or adopting Resolution as being separately considered, it is believed that the designation on the Franz Valley land use map was simply “corrected” to achieve conformance with the General Plan.

Modification #2: September 23, 2008 - Resolution Number 08-0808

Resolution No. 08-0808 is the adopting resolution for updated General Plan, GP 2020, included in the update were amendments to bring various Area Plans, including the Franz Valley Area Plan, into conformance with the updated General Plan. Although sections of the Franz Valley Area Plan were revised, there were no parcel specific modifications.

Modification #3: May 22, 2012 - Resolution Number 12-0280

Modification #3 consisted of technical corrections to the Open Space Plan Map, text of the Open Space and Land Use sections and updating information regarding historic, biological and geothermal resources. None of the technical corrections involved changes to the Land Use Map and there were no modifications on a parcel specific basis.

Summary

Based on the above, it is clear that the land use designation in the Franz Valley Area Plan for the subject and immediately surrounding property (former and current lands of Marilyn Johnson) was not changed based on a detailed site analysis. There was no determination that the original Specific Plan land use designation of Resource Conservation mischaracterized the subject property. Rather the land use changed was a carry-over from an action on the then property owner’s individual request during the 1989 General Plan Update.

Resource Conservation is the Appropriate Land Use Designation

The subject property is located within the FVAP Santa Rosa Creek Planning Unit. The FVAP describes this area as essentially being a Resources and Conservation area. Conservation and the enhancement of the area’s natural resources are the guiding principals for inclusion in the Resource Conservation category. The FVAP describes Resource Conservation Areas as follows:

Large blocks of lands of limited access and marginal economic productivity are extremely important for maintaining and building soil, recharging groundwater, producing oxygen and consuming carbon dioxide, moderating climate, and sustaining biological diversity and genetic adaptability to future change. An additional human benefit resulting from resource conservation areas is the preservation of some of the County for tranquility, the freedom from urban noise and congestion necessary for spiritual growth and artistic exploration. Scientific and

educational uses of these areas are also important. The mitigation of the cumulative effects of development in urban areas depends upon the protection and enhancement of these often overlooked resource conservation values in rural areas.¹

The purpose of Be Here is to promote wellness and to make the beauty, tranquility and wonder of the site available to others on a scale respectful of the site's constraints and the privacy of the neighbors. To educate their guests on the complexities and interrelationships of the site's natural resources and to protect, enhance and celebrate these resources through limited cultivation of agricultural products and the raising and maintaining of animals as a food source for on-site use, fuel-load reduction, soil management and erosion control, riparian protection and enhancement, and the implementation of water and energy conservation measures.

REZONING

The application includes a request for rezoning from the Land Extensive Agriculture/ 200-acre density (LEA-B6-200) zoning district to the Rural Residential/ 200-acre density (RRD-B6-200) zoning district. The RRD district allows low intensity visitor serving recreational uses if consistent with the protection of natural resources.

As described throughout this proposal, BH is committed to the protection and enhancement of the sites natural resources. It is a cornerstone of the operation and the thread that weaves through the retreat facility's operation. The proposed use is fully consistent with the purpose of the RRD district.

¹ Page 33: Franz Valley Area Plan 2012.



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

DATE: June 10, 2014 at 2:10 p.m.

TO: Board of Supervisors

FROM: Blake Hillegas, Project Planner

SUBJECT: Hearing to consider a General Plan Amendment, West Santa Rosa Specific Plan Amendment, and Zoning Amendment to accommodate a wholesale tree nursery; PLP12-0030; Ron Wallace, applicant; Supervisorial District No. 4.

Action Requested of the Board of Supervisors:

Conduct a public hearing to consider the Planning Commission's recommendation to approve the proposed General Plan Amendment, West Santa Rosa Specific Plan Amendment, and Zoning Amendment to accommodate a wholesale tree nursery. At the conclusion of the hearing, your Board can decide whether to adopt a Negative Declaration and approve the General Plan Amendment, West Santa Rosa Specific Plan Amendment, and Zoning Amendment, deny the project, or otherwise modify the project. Staff recommends your Board approve the project.

Prior Actions:

On February 6, 2014, the Planning Commission, with a 5-0 vote, recommended adoption of a Negative Declaration and approval of the General Plan Amendment, West Santa Rosa Specific Plan Amendment, and Zoning Amendment to accommodate a wholesale tree nursery on the 5.9 acre project site.

Location, Zoning and Project Description:

The 5.9 acre project site is located at 2971 Guerneville Road, Santa Rosa; APN 034-101-049. The site is designated by the General Plan as RR 5 (Rural Residential) 5-acre density. The base zoning is RR B6 5 (Rural Residential) 5-acre density, and combining zones include SR (Scenic Resource), VOH (Valley Oak Habitat). The site contains a former egg production and distribution facility with numerous old hen houses, brooder houses, a packaging building, a cold storage building, a sales building and an on-site septic system. Two-way paved access to the site is provided from Guerneville Road.

The project involves a request to: 1) amend the General Plan land use designation from the RR 5 (Rural Residential) 5-acre density to the DA 10 (Diverse Agricultural) 10-acre density; 2) amend the West Santa Rosa Specific Plan from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation; and 3) amend the zoning from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10 (Diverse Agriculture) 10-acre density, SR, VOH District.

A change in land use and zoning would provide the applicant the right to use the former egg production and distribution facility as a wholesale tree nursery. A Use Permit is not required and there are no use restrictions. The wholesale tree nursery involves growing trees, the occasional import of soil, pots and trees, and approximately two off-site deliveries of trees a week. There may also be occasional

wholesale customers coming to the site for pick-up. An existing two-way driveway would be utilized to serve the use. The business would be operated by the property owner/applicant with one part time employee. Hours of operation would be from 8:00 a.m. to 5:00 p.m. seven days a week. The applicant would use several of the existing 6,500 square foot hen houses as shade structures to grow trees. Some of the structures would be removed over time to accommodate growing additional trees. The business would utilize an existing septic system that is sized for the former egg processing facility. The applicant proposes to install substantial native oak tree and native shrub planting along the Guerneville Road scenic corridor as a public benefit.

ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING

Issue #1: General Plan Consistency

General Plan Designation Criteria for Amendments to add the DA land use designation must meet one or more of the following:

1. An existing pattern of small lots or a mixture of small and large parcels;
2. Soils suitable for crop production and adequate water for irrigation;
3. Historic or existing use for farming; and
4. Williamson Act contract, Type 1 or 2.

Resolution

The Planning Commission determined that the project meets the General Plan designation criteria because the property has historically been used for agricultural purposes and is within a diverse area characterized by a mixture of small and large parcel sizes. The property is not within an Agricultural Preserve, but contains soils which are suitable for crop production and dry or irrigated farming.

The Planning Commission also determined that the project is consistent with Santa Rosa Planning Area policies that encourage agricultural use and seek to prevent conversion of agricultural lands to rural residential use because the project permits agricultural use by changing the land use designation to Diverse Agriculture.

Issue #2: West Santa Rosa Specific Plan Consistency

The West Santa Rosa Specific Plan designates the site as Rural Residential 5-acre density. While the Specific Plan is scheduled to be repealed, until this happens, the Specific Plan is required to remain consistent with the General Plan.

Resolution

The Planning Commission determined that proposed Specific Plan land use amendment from Rural Residential 5-acre density to Agricultural Residential 10-acre density is consistent with the proposed DA 10 General Plan land use designation and implements policies of the Specific Plan by promoting agriculture.

Issue #3: Zoning

The DA Zoning allows wholesale nurseries as a permitted use provided there is at least one acre of propagating greenhouse or outdoor containers, whereas the RR District does not. The RR District does not allow growing in indoor greenhouses or similar structures which exceed 800 square feet in size. The proposal includes 1.4 acres of wholesale trees and includes plans for expansion to 3-4 acres. Because there is no Use Permit required for a wholesale tree nursery in the proposed DA zoning, no conditions of approval or mitigation measures can be attached to the project.

In comparison to the current RR zoning, the proposed DA zoning could allow more farm animals, agricultural support services, agricultural production and promotional uses, and larger greenhouse or similar structures for the indoor growing of plants. Potential outdoor cultivation would be the same under both districts.

If other future uses were proposed in the DA District for which a Zoning or Use Permit is required, further review and conditions would be implemented at that time. For example potential future DA uses that could result in neighborhood interest, such as horse boarding, confined livestock, processing of agricultural products such as a winery, visitor serving uses, or a retail nursery would all be regulated by a separate Zoning Permit or Use Permit.

Resolution

The Planning Commission determined that the proposed DA 10 zoning appropriately encourages continued agricultural use of the property and accommodates the proposed wholesale tree nursery because there is at least one acre of outdoor containers (potted trees). The Planning Commission also determined that the DA Zoning is appropriate in that potential intensification of agricultural use over time would be regulated through the Zoning or Use Permit process.

Issue #4: Public Interest

Government Code 65358 states that the legislative body may amend an adopted General Plan if it deems it to be in the public interest.

Resolution

To comply with the government code, staff routinely asks applicants to demonstrate a public benefit in conjunction with requests to amend the General Plan. The Planning Commission determined that the applicant's proposal to change the property's land use designation to agriculture and enhance the Guerneville Road scenic corridor by planting five 24-inch box size valley oak trees, fifteen 15-gallon valley oak trees, and 60 California myrtle shrubs were in the public interest.

List of Attachments:

- Draft Board of Supervisors Resolution and General Plan Amendment Map
- EXHIBIT A: Draft Ordinance and Sectional District Map
- EXHIBIT B: Vicinity Map
- EXHIBIT C: Site Plan
- EXHIBIT D: Aerial Photos (2)

June 10, 2014
File No. PLP12-0030
Page 4

EXHIBIT E: Site Photos (4)
EXHIBIT F: Planning Commission Resolution No. 14-001
EXHIBIT G: Draft Planning Commission Minutes dated February 6, 2014
EXHIBIT H: Planning Commission Staff Report dated February 6, 2014
EXHIBIT I: Negative Declaration

On File with the Clerk: Full sized plans



County of Sonoma
State of California

Date: June 10, 2014

Item Number: _____

Resolution Number: _____

PLP12-0030 Blake Hillegas

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting a Negative Declaration and Approving a 1) General Plan Amendment Changing The Land Use Designation On 5.99 Acres From The RR 5 (Rural Residential) 5-Acre Density Designation To The DA 10 (Diverse Agricultural) 10-Acre Density Designation; 2) West Santa Rosa Specific Plan Amendment From The RR 5 (Rural Residential) 5-Acre Density Designation To The AR 10 (Agricultural And Residential) 10-Acre Density Designation; And 3) Zoning Amendment From The RR B6 5 (Rural Residential) 5-Acre Density, SR (Scenic Resource), VOH (Valley Oak Habitat) District To The DA B6 10 (Diverse Agriculture) 10-Acre Density, SR, VOH District At 2971 Guerneville Road, Santa Rosa; APN 034-101-049.

Resolved, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

Whereas, the applicant, Ron Wallace, filed an application (“Proposed Project”) with the Sonoma County Permit and Resource Management Department for a 1) General Plan Amendment to change the land use on 5.99 acres from the RR 5 (Rural Residential) 5-acre density land use designation to the DA 10 (Diverse Agricultural) 10-acre density land use designation; 2) West Santa Rosa Specific Plan Amendment to change the land use from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation; and 3) a Zoning Amendment to change the zoning from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10 (Diverse Agriculture) 10-acre density, SR, VOH District at 2971 Guerneville Road, Santa Rosa; APN 034-101-049; Supervisorial District No 4; and

Whereas, an Initial Study and Revised Mitigated Negative Declaration was prepared and circulated for public review on January 13, 2014 for the proposed project in accordance with all appropriate laws and guidelines; and

Whereas, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on February 5, 2014, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

Whereas, the Planning Commission’s recommendation on the Proposed Project has

been reviewed and considered by the Board; and

Whereas, in accordance with the provisions of law, the Board held a public hearing on June 10, 2014, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

Whereas, the Proposed Project is the second item of the first amendment of the General Plan Land Use Element for 2014.

Whereas, the first land use amendment of the General Plan Land Use Element for 2014 does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

Whereas, the Board makes the following findings with respect to the Proposed Project's Negative Declaration:

1. The Negative Declaration was prepared, noticed, and circulated for public and agency review in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.

2. The Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and, therefore, constitutes an adequate, accurate, objective, and complete Negative Declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. The Board certifies that it has reviewed and considered the Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project.

3. Based on the record of these proceedings, the Board finds that there is no substantial evidence before it that the Proposed Project will have a significant effect on the environment and that the Negative Declaration reflects the independent judgment and analysis of the Board.

Whereas, the Board makes the following findings concerning the Proposed Project:

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

2. The proposed change in General Plan land use from Rural Residential to Diverse Agriculture for the 5.99-acre site is consistent with General Plan criteria to add this designation in that 1) there is existing pattern of small lots and a mixture of small

Resolution #

Date: June 10, 2014

Page 3

and large parcels in the area, 2) Soils and groundwater are suitable for agricultural use, and 3) the site has historically been used for agricultural because it was originally developed as an egg production facility and more recently used for bee hives and honey production.

3. Amendment of the General Plan to change the land use designation of the 5.99 acre site from RR 5 to DA 10 is in the public interest in that it would promote continued agricultural use of the property. Additionally, the applicant's proposal to install native oak trees and shrubs along the scenic Guerneville Road frontage is within the public interest.

4. Amendment of the West Santa Rosa Specific Plan land designation of the 5.99 acre site from RR 5 to AR 10 is consistent with policies of the plan promoting agricultural use and rural residential lifestyles.

5. 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: 1) The growing of trees on the property, occasional import of supplies, and wholesale distribution, as proposed, is compatible with surrounding agricultural and residential uses, and 2) potentially more intensive agricultural uses allowed in the DA district are regulated through the Zoning Permit and/or Use Permit process.

Now, Therefore, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Negative Declaration is adopted. PRMD is directed to file a Notice of Determination in accordance with CEQA and the State CEQA Guidelines.

3. The Proposed Project is approved as follows:

a. The General Plan Amendment is approved as part of the first amendment of the General Plan Land Use Element for 2014.

b. The General Plan Amendment is approved to change the land use on 5.99 acres from the RR 5 (Rural Residential) 5-acre density land use designation to the DA 10 (Diverse Agricultural) 10-acre density land use designation.

- c. The West Santa Rosa Specific Plan Amendment is approved to change the land use from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation.

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.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE RR B6 5 (RURAL RESIDENTIAL) 5-ACRE DENSITY, SR (SCENIC RESOURCE), VOH (VALLEY OAK HABITAT) DISTRICT TO THE DA B6 10 (DIVERSE AGRICULTURE) 10-ACRE DENSITY, SR, VOH DISTRICT FOR 5.99 ACRES LOCATED AT 2971 GUERNEVILLE ROAD, SANTA ROSA; APN 034-101-049; SUPERVISORIAL DISTRICT NO 4.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10 (Diverse Agriculture) 10-acre density, SR, VOH District for 5.99 acres (Land located on the north side of Guerneville Road 260 feet west of Abramson Road), also know as 2971 Guerneville Road, Santa Rosa; APN 034-101-049; Supervisorial District No 4; (PRMD File No. PLP12-0030). The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

SECTION II: Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

SECTION III: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it 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 IV: 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 Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 10th day of June 10, 2014, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Zane: McGuire: Carrillo: Rabbitt:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED

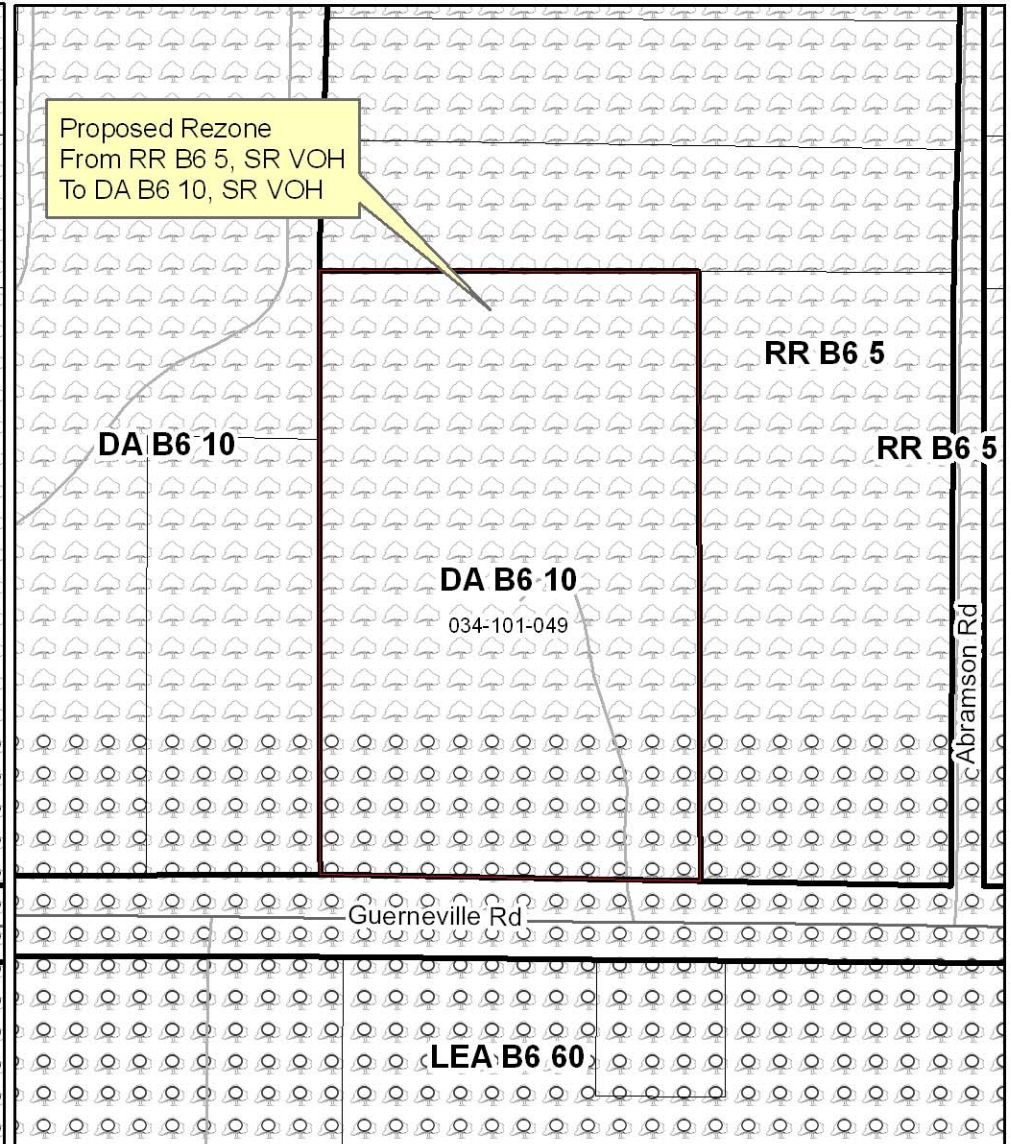
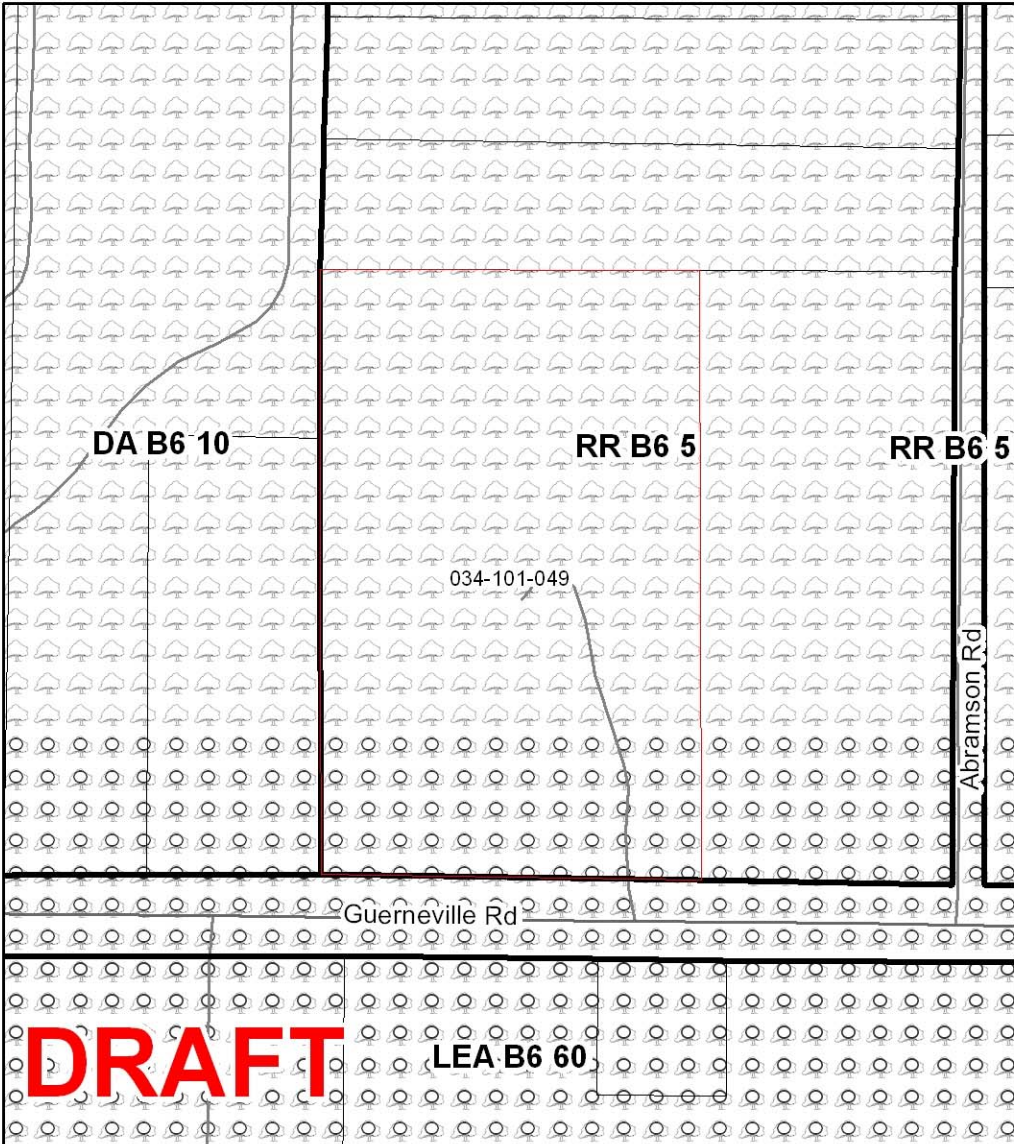
Chair, Board of Supervisors
County of Sonoma

ATTEST:

Veronica A. Ferguson
Clerk of the Board of Supervisors

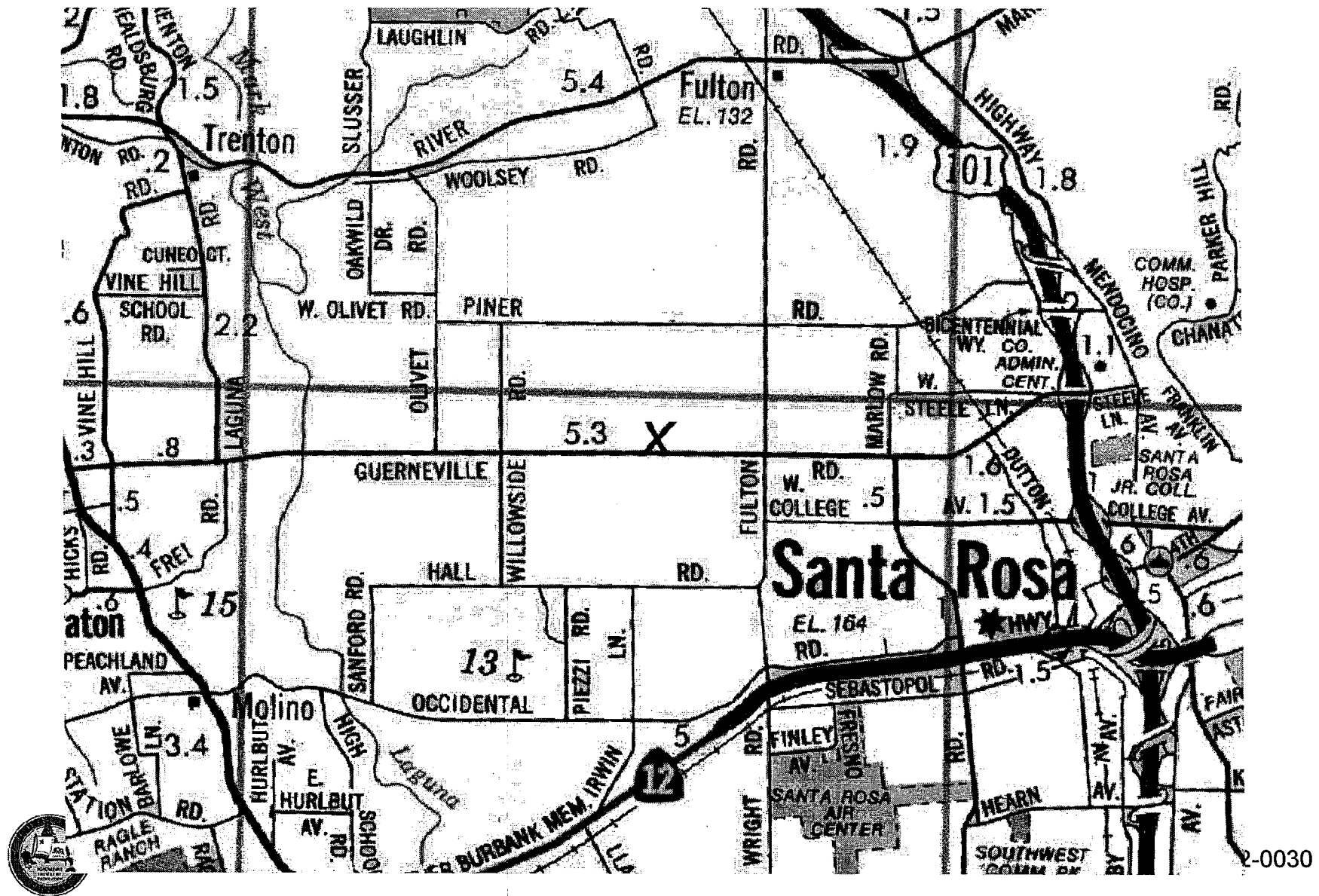
Existing Zoning

Proposed Zoning



| | | | | | |
|---|--|---|--|--|---|
| Base Map Data | | Zoning Combining Districts | | | FILE: PLP 12-0030 AP #: 034-101-049 Ordinance No. Sectional District Map No. |
| <ul style="list-style-type: none"> Proposed Rezone Basezoning by Area Highways Intermittent Stream Perennial Stream | <ul style="list-style-type: none"> LU Policy AH Affordable Housing HD Historic District BR Biotic Resource | <ul style="list-style-type: none"> SD Scenic Design SR Scenic Resource VOH Valley Oak Habitat MR Mineral Resource | <ul style="list-style-type: none"> G Geologic Hazard F2 Floodplain F1 Floodway | | |

Vicinity Map



500 Foot Aerial Photo



PRMD

Activity #PLP12-0030

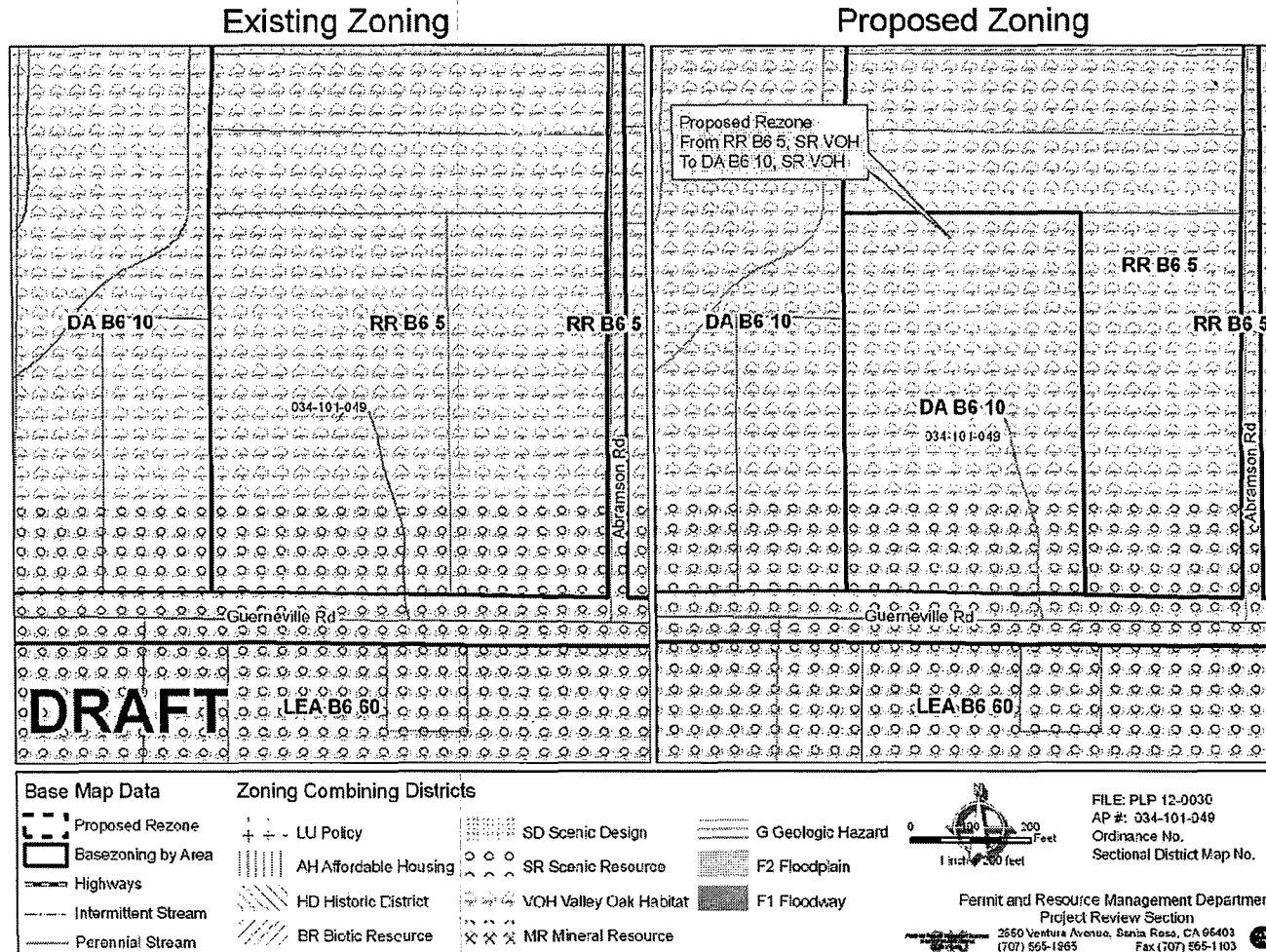
125 Foot Aerial Photo



PRMD

Activity #PLP12-0030

Existing and Proposed Zoning



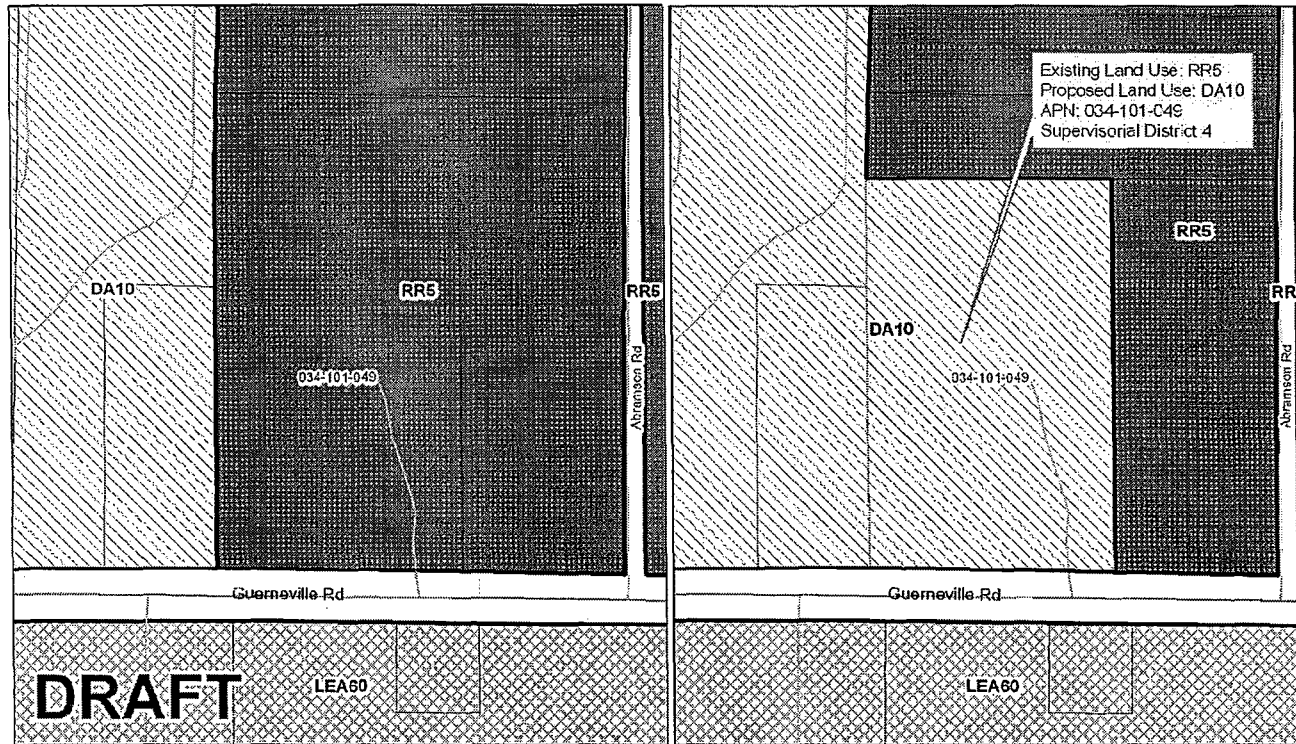
PRMD

Activity #PLP12-0030

Existing and Proposed General Plan Land Use

Existing General Plan Land Use

Proposed General Plan Land Use



| | | | | |
|--|--|---|---|--|
| General Plan Land Use Diverse Agriculture Land Extensive Agriculture Land Intensive Agriculture Resource and Rural Development Rural Residential Urban Residential Recreation / Visitor-Serving Commercial General Commercial Limited Commercial Limited Commercial Traffic Sensitive General Industrial Limited Industrial Public / Church Public | | Planning Area Policy AH Affordable Housing <small>Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre</small> | Base Map Data Subject Property Coastal Commission Boundary Urban Service Areas Highways Intermittent Stream Perennial Stream | 0 100 200 Feet 1 inch = 200 feet Permit and Resource Management Department Project Review Section 2550 Ventura Avenue, Santa Rosa, CA 95403 (707) 565-1965 Fax (707) 565-1103 |
|--|--|---|---|--|

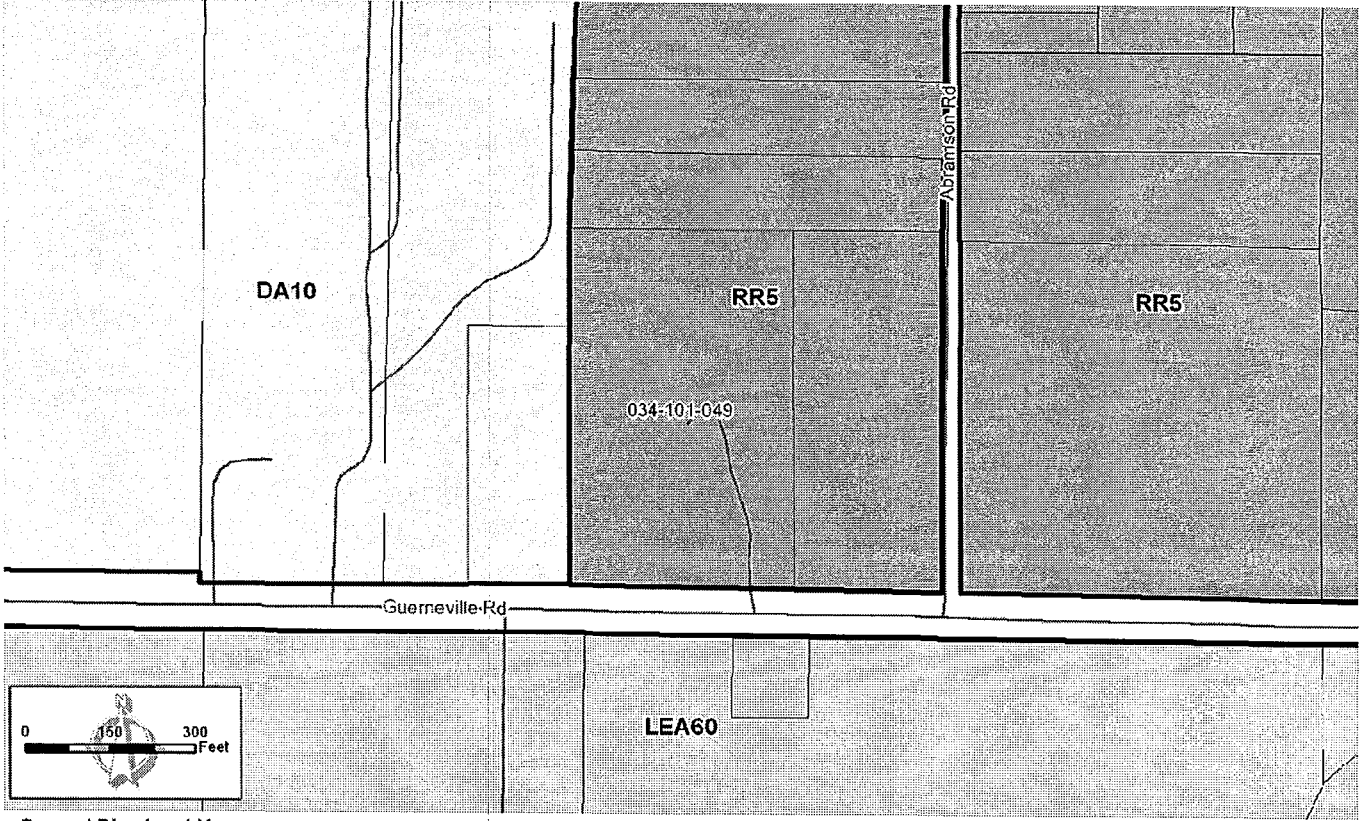
Author: PRMD Cartography, D. Reinier File No: S:\GIS-DATA\PRMD_BASE\Template Maps\GP LU Amendments\GP LU Existing Proposed Template.mxd Date: 09/26/2013



PRMD

Activity #PLP12-0030

General Plan



General Plan Land Use

- | | | |
|---|--------------------------------------|----------------------|
| Diverse Agriculture | General Commercial | Planning Area Policy |
| Land Extensive Agriculture | Limited Commercial | Affordable Housing |
| Land Intensive Agriculture | Limited Commercial Traffic Sensitive | City |
| Resources & Rural Development | General Industrial | |
| Rural Residential | Limited Industrial | |
| Urban Residential | Public / Quasi-Public | |
| Recreation / Visitor-Serving Commercial | | |

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.



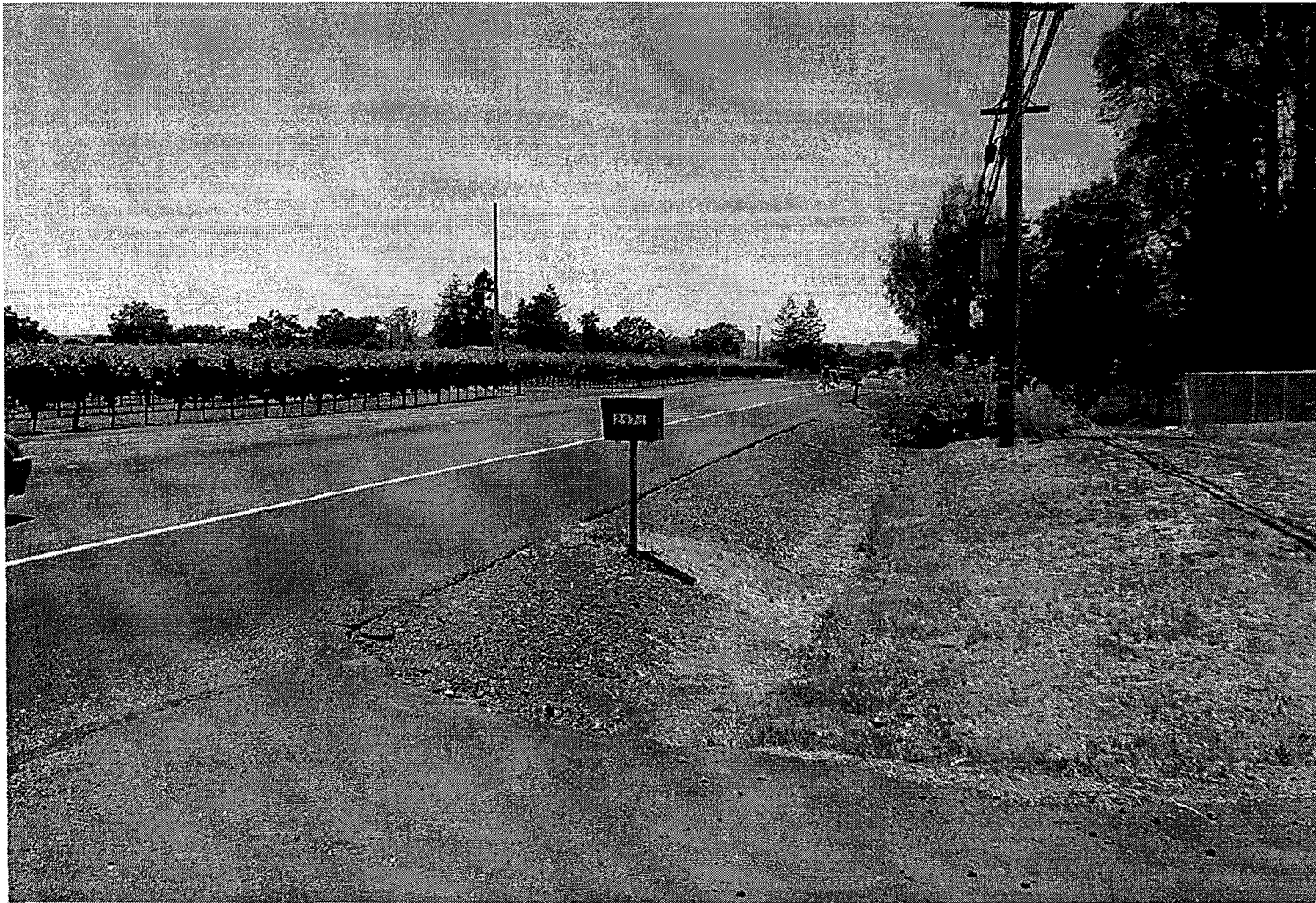
Road Frontage



PRMD

Activity #PLP12-0030

Road Frontage



PRMD

Activity #PLP12-0030

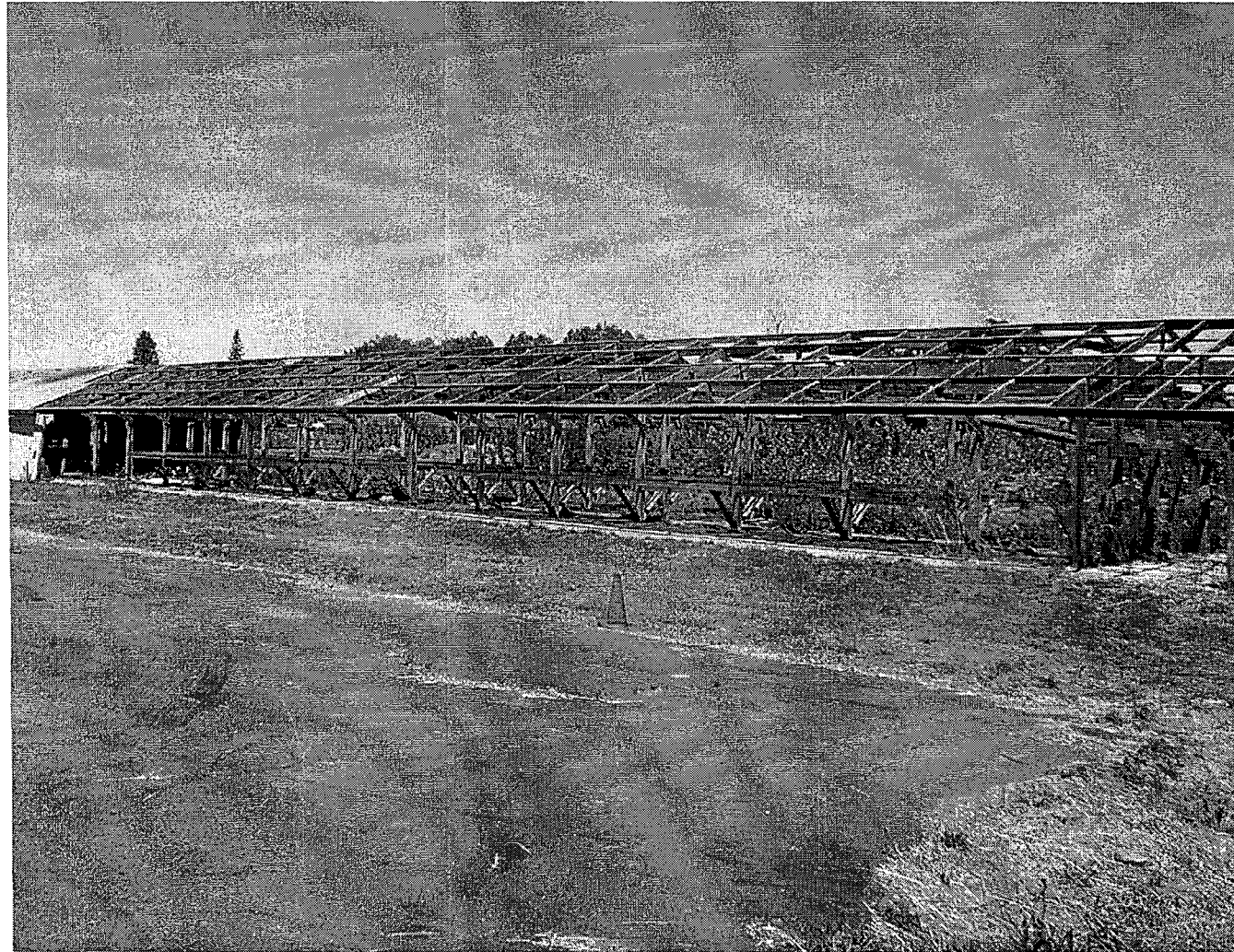
Frontage with Existing Bldg.



PRMD

Activity #PLP12-0030

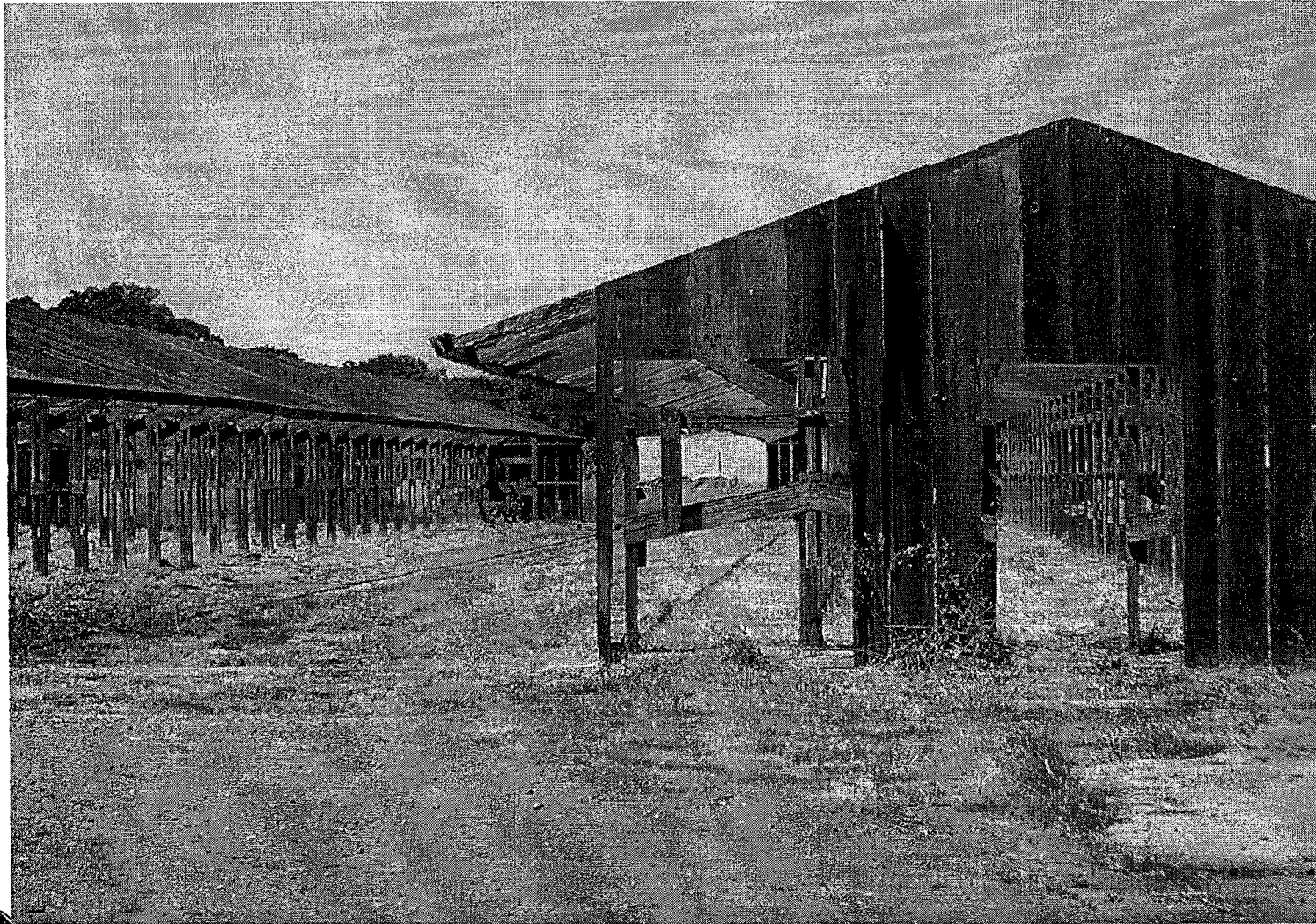
Former Hen House



PRMD

Activity #PLP12-0030

Former Hen Houses



PRMD

Activity #PLP12-0030

Wholesale trees



PRMD

Activity #PLP12-0030

Trees and easterly residential



PRMD

Activity #PLP12-0030

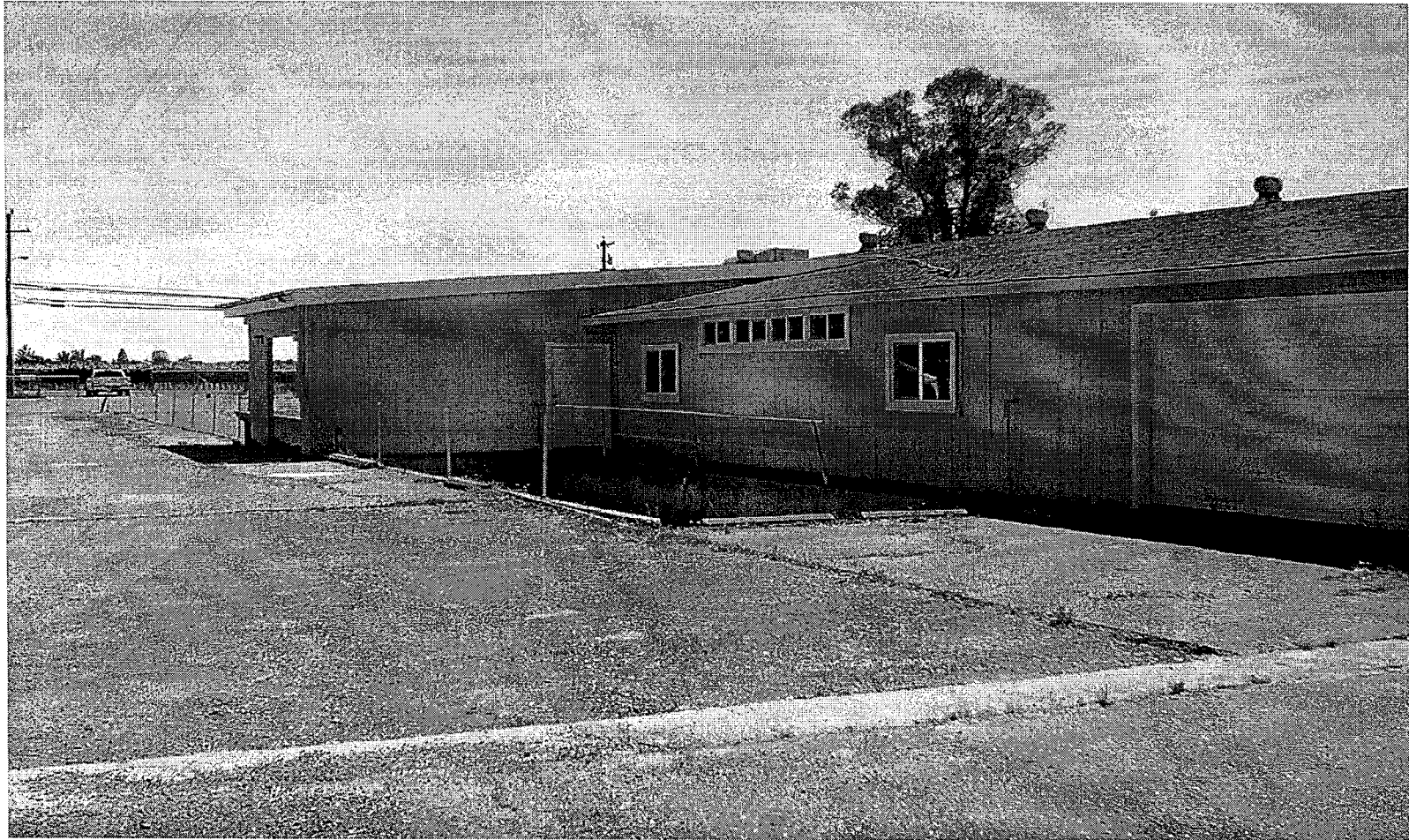
Residential to the West



PRMD

Activity #PLP12-0030

Former agricultural office and packaging



PRMD

Activity #PLP12-0030

Resolution Number #14-001

County of Sonoma
Santa Rosa, California

February 6, 2014
PLP12-0030 Blake Hillegas

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA RECOMMENDING TO THE BOARD OF SUPERVISORS ADOPTION OF A NEGATIVE DECLARATION AND 1) AMEND THE GENERAL PLAN LAND USE DESIGNATION ON 5.99 ACRES FROM THE RR 5 (RURAL RESIDENTIAL) 5-ACRE DENSITY TO THE DA 10 (DIVERSE AGRICULTURAL) 10-ACRE DENSITY, 2) AMEND THE WEST SANTA ROSA SPECIFIC PLAN FROM THE RR 5 (RURAL RESIDENTIAL) 5-ACRE DENSITY TO THE AR 10 (AGRICULTURAL AND RESIDENTIAL) 10-ACRE DENSITY DESIGNATION AND 3) AMEND THE ZONING FROM THE RR B6 5 (RURAL RESIDENTIAL) 5-ACRE DENSITY, SR (SCENIC RESOURCE), VOH (VALLEY OAK HABITAT) DISTRICT TO THE DA B6 10 (DIVERSE AGRICULTURE) 10-ACRE DENSITY, SR, VOH DISTRICT AT 2971 GUERNEVILLE ROAD, SANTA ROSA; APN 034-101-049; SUPERVISORIAL DISTRICT NO.4

WHEREAS, the applicant, Ron Wallace, filed an application with the Sonoma County Permit and Resource Management Department for a 1) a General Plan Land Use Amendment to change an 5.99 acre site from the RR 5 (Rural Residential) 5-acre density land use designation to the DA 10 (Diverse Agricultural) 10-acre density land use designation; 2) a land use amendment to the West Santa Rosa Specific Plan from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation; and 3) a Zone Change from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10 (Diverse Agriculture) 10-acre density, SR, VOH District at 2971 Guerneville Road, Santa Rosa; APN 034-101-049; Supervisorial District No 4; and

WHEREAS, a Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on February 6, 2014, at which time all interested persons were given an opportunity to be heard.

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

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

2. The proposed change in General Plan land use from Rural Residential to Diverse Agriculture for the 5.99-acre site is consistent with General Plan criteria to add this designation in that 1) there is an existing pattern of small lots and a mixture of small and large parcels in the area, 2) Soils and groundwater are suitable for agricultural use, and 3) the site has historically been used for agricultural in that it was originally developed as an egg production facility and more recently used for bee hives and honey production.
3. Amendment of the General Plan to change the land use designation of 5.99 acres from RR 5 to DA 10 is in the public interest in that it would promote continued agricultural use of the property. Additionally, the applicant's proposal to install native oak trees and shrubs along the scenic Guerneville Road frontage is within the public interest.
4. Amendment of the West Santa Rosa Specific Plan land use designation from RR 5 to AR 10 is consistent with policies of the plan promoting agricultural use and rural residential lifestyles.
5. 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: 1) The growing of trees on the property, occasional import of supplies, and wholesale sale and distribution, is compatible with surrounding agricultural and residential uses, and 2) potentially more intensive agricultural uses allowed in the DA district are regulated through the Zoning Permit and/or Use Permit process.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends the Board of Supervisors adopt the Negative Declaration. The Planning Commission 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 CEQA guidelines, and finds that the Negative Declaration reflects the independent judgment of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the requested General Plan Amendment , West Santa Rosa Specific Plan Amendment, and adopt the proposed Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the commission'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.

Resolution #14-001

February 6, 2014

Page 3

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

| | | |
|---------------|--------------|-----|
| Commissioner: | Fogg | Aye |
| Commissioner: | Montoya | Aye |
| Commissioner: | Shahhosseini | Aye |
| Commissioner: | Liles | Aye |
| Commissioner: | Davis | Aye |

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.



*Sonoma County Combined Planning Commission
and Board of Zoning Adjustments*
DRAFT MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: February 6, 2014
Meeting No.: 14-01

ROLL CALL

Commissioners

Shawn Montoya
Komron Shahhosseini
Jason Liles
Tom Lynch (#1)
Pam Davis (#2 and 3)
Pam Davis
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Sigrid Swedenborg
Blake Hillegas
Sue Dahl, Secretary
David Hurst, Chief Deputy County Counsel

1:00 PM Minutes Approved – November 21, 2013 - BZA

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda.

**PLANNING COMMISSION
REGULAR CALENDAR**

| | | |
|------------|---|-------------------------|
| Item No.3 | Time: 2:15 p.m. | File: PLP12-0030 |
| Applicant: | Teresa Meredith / Ron Wallace | Staff: Blake Hillegas |
| Env. Doc: | Negative Declaration | |
| Proposal: | Request for 1) a General Plan Amendment from the RR (Rural Residential) B6-5 acre density to the DA (Diverse Agriculture) B6-10 acre density land use designation, 2) amend the West Santa Rosa Specific Plan from the RR 5 (Rural Residential), 5 acre density, to the AR 10 (Agricultural Resources), 10 acre density, and 3) a corresponding Zone Change from the RR (Rural Residential), B6-5 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat) to the DA (Diverse Agriculture), B6-10 acre density, SR, VOH or other appropriate District to allow for a wholesale plant/tree nursery. | |
| Location: | 2971 Guerneville Road, Santa Rosa | |
| APN: | 034-101-049 | Supervisory District: 4 |

Zoning: RR (Rural Residential), B6-5 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat)

Blake Hillegas summarized the staff report which is incorporated herein by reference.

Commissioner Fogg asked if any neighbors had submitted comments. **Staff Hillegas** said they had not. **Commissioner Fogg** asked if there were residences on the property and **Staff Hillegas** said there were not.

Public Hearing Opened at 3:50 p.m.

Speakers: Ron Wallace, applicant, purchased the property and has made improvements. The dwelling that used to be there burned down in 1995. There were unpermitted improvements that he fixed and he also installed an ADA bathroom.

Public Hearing Closed at 3:55 p.m.

Commissioner Liles said that neighbors support the project and that the applicant cleaned up the property. He supports the request.

Commissioner Montoya applauded the applicants for their repurpose of the property, supports it and said it is a great project.

Action: **Commissioner Liles** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Shahhosseini** and passed with a 5-0 vote

Appeal Deadline: n/a

Resolution No.: 14-001

| | | | | |
|-----------|--------------|-------------------|------------|------------|
| Fogg: aye | Montoya: aye | Shahhosseini: aye | Liles: aye | Davis: aye |
| Ayes: 5 | Noes: 0 | Absent: 0 | Abstain: 0 | |



Sonoma County Planning Commission **STAFF REPORT**

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

FILE: PLP12-0030
DATE: February 6, 2014
TIME: 1:05
STAFF: Blake Hillegas, Project Planner

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

Appeal Period: 10 calendar days

SUMMARY

Applicant: Ron and Teresa Wallace

Owner: Same

Location: 2971 Guerneville Road, Santa Rosa
APNs: 034-101-049 Supervisorial District No.: 4

Subject: General Plan Amendment, Specific Plan Amendment, and Zone Change.

PROPOSAL: Request to 1) amend the General Plan land use designation on 5.99 acres from the RR 5 (Rural Residential) 5-acre density to the DA 10 (Diverse Agricultural) 10-acre density, 2) amend the West Santa Rosa Specific Plan from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation, and 3) amend the zoning from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10, SR, VOH District.

Environmental Determination: Negative Declaration

General Plan: RR 5 (Rural Residential) 5-acre density

Specific/Area Plan: West Santa Rosa Specific Plan
Land Use: RR 5 (Rural Residential) 5-acre density

Ord. Reference: 26-08-010 (d) and 26-96-010

Zoning: RR (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat)

Application Complete For Processing: July 20, 2013

RECOMMENDATION: Recommend that the Planning Commission recommend to the Board of Supervisors adoption of a Negative Declaration and approval of a request to 1) amend the General Plan land use designation on 5.99 acres from the RR 5 (Rural Residential) 5-acre density to the DA 10 (Diverse Agricultural) 10-acre density, 2) amend the West Santa Rosa Specific Plan from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation, and 3) amend the zoning from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10, SR, VOH District.

ANALYSIS

Background:

The property owner/applicant's proposal to operate a wholesale tree nursery is not permitted in the Rural Residential land use designation and zoning district. Therefore, the applicant has applied to amend the General Plan land use and zoning designations to Diverse Agricultural. The Diverse Agriculture designation/district allows a wholesale nursery as a permitted use. Since purchasing the property, the current owner has cleaned up the property and addressed a former building violation by obtaining building permits for 1000 square feet of agricultural office space and restrooms in a former egg packaging building.

Project Description:

The project involves a request to 1) amend the General Plan land use designation on 5.99 acres from the RR 5 (Rural Residential) 5-acre density to the DA 10 (Diverse Agricultural) 10-acre density, 2) amend the West Santa Rosa Specific Plan from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation, and 3) amend the zoning from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10, SR, VOH District.

A change in land use and zoning would provide the property owner/applicant the right to use a former chicken/egg production facility as wholesale tree nursery. The wholesale tree nursery would involve growing trees, the occasional import of soil, pots and trees, and approximately two off-site deliveries of trees a week. There may also be occasional wholesale customers coming to the site for pick-up. An existing two-way driveway would be utilized to serve the use. The business would be operated by the property owner/applicant with one part time employee. Hours of operation would be from 8:00 a.m. to 5:00 p.m. seven days a week. The applicant would use several of the existing 6,500 square foot hen houses as shade structures to grow trees. Some of the structures would be removed over time to accommodate growing additional trees. The business would utilize an existing on septic system that is sized for the former egg processing facility. The applicant proposes to install substantial native oak tree and native shrub planting along the Guerneville Road scenic corridor as a public benefit.

Site Characteristics:

The 5.99 acre site is designated as RR 5 (Rural Residential) 5-acre density and contains a former chicken and egg production facility with numerous old hen houses, brooder houses, a packaging building, a cold storage building, a sales building and an on-site septic system. Two-way paved access to the site is provided from Guerneville Road.

Surrounding Land Use and Zoning:

North: The properties to the north (2-4 acres in size) include rural residential single family homes in the RR 5 designation and include pasture and vineyard uses.

South: A half-acre and 69 acre parcels to the south are designated LEA 60 (Land Extensive Agricultural) 60-acre density and are developed as a farm house and vineyard.

East: The 3.6 acre Rural Residential designated property to the east is developed with one rural residential single family home.

West: The 2 and 7 acre parcels to the west include rural residential single family uses and a chicken ranch in the DA 10 designation.

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

Designation Criteria – Amendments to add the DA land use designation must meet one or more of the following in addition to any applicable Land Use Policies for the Planning Area:

(1) An existing pattern of small lots or a mixture of small and large parcels,

Discussion: The property is within an area characterized by a mixture of lot sizes, agricultural and residential land uses, and zoning designations. For example, the adjoining properties to the west consist of two parcels designated DA 10 which are 2 acres and 7 acres in size. Additional DA designated lands with a mixture of lot sizes exist further west and north. The adjoining properties to the north and east range in size from 2-4 acres and are designated RR 5. The adjoining properties situated on the south side of Guerneville Road are half-acre and 69 acres in size and designated LEA.

(2) Soils suitable for crop production and adequate water for irrigation,

Discussion: Soils of the site consist of Huicha Loam, which are suitable for crop production and dry or irrigated farming.

(3) Historic or existing use for farming, and

Discussion: The site was originally developed as a chicken and egg production facility and more recently used for bee hives and honey production.

(4) Williamson Act contract, Type 1 or 2.

Discussion: The site is not within an Agricultural Preserve or under a Williamson Act Contract.

Planning Area Land Use Policies

The project is located within the Santa Rosa Planning Area. One of the principal land use issues confronting the Santa Rosa Planning Area is pressure to convert agricultural lands to Rural Residential Use.

Discussion: The proposal is to convert 5.99 acres of Rural Residentially designated land to Diverse Agriculture. As a Rural Residential site with a 5-acre density one residential unit and a potential 2nd dwelling unit could be permitted and residential use would take precedent over agricultural use. The RR 5 designation does not allow for a wholesale nursery or greenhouses or similar structures for indoor growing to exceed 800 square feet in area.

Under the proposed Diverse Agriculture 10-acre density designation one residential unit, a 2nd dwelling unit, and an agricultural employee dwelling unit could be permitted, and agricultural use would take

precedent over residential uses. A wholesale nursery is permitted and the former hen houses could be reused as shade structures to grow tree starts as proposed by the applicant.

Due to the site's location outside of the Santa Rosa Urban Service area, proximity to substantial agricultural operations, and former use as a chicken/egg production facility, staff recommends that the proposed change in land use from Rural Residential to Diverse Agriculture is appropriate and consistent with Planning Area policies.

Government Code 65358

Government Code 65358 states that the legislative body may amend an adopted General Plan if it deems it to be in the public interest.

Discussion: Staff routinely asks applicants to demonstrate a public benefit in conjunction with requests to amend the General Plan to comply with the Government Code. The applicant proposes and staff supports the applicant's plan to enhance the Guerneville Road scenic corridor by planting 5-24" box size valley oak trees, fifteen 15-gallon size valley oak trees, and 60 California myrtle shrubs along scenic Guerneville Road as a public benefit of the project. It also appears to be in the public interest to promote long term agricultural viability of the property by redesignating the site to Diverse Agriculture.

Issue #2: West Santa Rosa Specific Plan Consistency

The West Santa Rosa Specific Plan designates the site as Rural Residential 5-acre density. While the Specific Plan is scheduled to be repealed, until this happens, the Specific Plan is required to remain consistent with the General Plan. The proposed Specific Plan land use amendment from Rural Residential 5-acre density to Agricultural Residential 10-acre density is consistent with the proposed DA 10 General Plan land use designation and implements policies of the plan promoting agriculture.

Issue #3: Zoning Consistency

Permitted Uses In comparison to the current RR zoning, the proposed DA zoning could allow more farm animals, agricultural support services, agricultural production and promotional uses such as wineries, and larger greenhouse or similar structures for the indoor growing of plants. Potential outdoor cultivation could be the same under both districts. However, the RR District does not permit a wholesale nursery. Nor does the RR zoning allow growing in indoor greenhouses or similar structures which exceed 800 square feet in size.

The proposed DA 10 zoning principally permits a wholesale tree nursery provided there is at least one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant material. The tree nursery currently includes 1.3 acres of outdoor container trees and is anticipated to grow to 3-4 acres of trees. Several of the former 6,500 square foot hen houses will be converted to shade structures for growing trees.

Because there is no Use Permit required for a wholesale tree nursery in the proposed DA zoning, no conditions of approval or mitigation measures can be attached to the project. However, should other future uses be proposed in the DA District for which a Zoning or Use Permit is required, further review and conditions would be implemented at that time. For example potential future DA uses that could result in neighborhood interest, such as horse boarding, confined livestock, processing of agricultural products such as a winery, visitor serving uses, or a retail nursery would all be regulated by a separate zoning permit or Use Permit.

Building Height and Setbacks The height of the existing buildings (16-26 feet) complies with the proposed DA zoning and current height standards of 35 feet. The existing buildings also comply with the 20-foot front and 10-foot side yard setbacks of the proposed DA District. In accordance with Zoning Code Section 26-080-030 (f) (9) the typical rear yard setback of 20-feet may be reduced to 10 feet for

agricultural buildings that are not used to house farm animals. Therefore, the current 15-foot rear yard setbacks of the former hen houses comply with zoning since they are no longer used to house farm animals.

Lot Coverage The existing structures formerly used as hen houses, and packaging/cold storage buildings cover 69,000 square feet (1.6 acres) of the 5.99 acre site and exceed the current maximum lot coverage requirement of 30,000 square feet. The existing building lot coverage is therefore considered nonconforming to zoning. Under Zoning Code Section 26-94-010, nonconforming structures may remain and be used for purposes that are consistent with zoning. The applicant plans to add shade covers to some of the former hen houses, but would not increase lot coverage. In fact, several of the existing buildings will be removed over time to make room for growing additional trees outside. Potential future construction would be limited due to current lot coverage constraints.

Lot Size

The existing 5.99 acre lot currently meets the minimum lot size of 1.5 acres for the RR Zoning District. The minimum lot size for the creation of new parcels in the proposed DA Zoning District is 10 acres, except that smaller lots may be created and clustered to maintain agricultural viability on other lots. The minimum 10 acre lot size does not apply to this project because the 5.99 acre lot currently exists and is not being created. There are numerous examples of existing DA zoned lots in the neighborhood that are less than the 10 acre minimum. Redesignation of the 5.99 acres site from RR to DA would promote long term agricultural use of the property in accordance with General Plan policies promoting agriculture.

Issue #4: Environmental Determination

The Initial Study and Negative Declaration prepared for the project conclude that the proposed rezoning and General Plan and Specific Plan land use changes on 5.99 acres to accommodate reuse of the former chicken/egg production facility as a wholesale tree nursery would not result in significant environmental impacts. The Initial Study also concludes that potential future uses in the DA District that could result in compatibility concerns would be subject to separate Zoning Permit or Use Permit review and conditions to mitigate potential impacts.

ALTERNATIVES

A potential alternative to the proposed General Plan amendment and Zone Change to the DA 10 District would be a Zone Change to the AR 5 (Agricultural Residential) 5-acre density District. A zone change to this district would not require a General Plan amendment because the current RR 5 land use designation implements the AR 5 Zoning District. While the AR 5 District allows a wholesale tree nursery, it does not permit the indoor growing of trees in a greenhouse or similar structure that exceeds 800 square feet in area. As noted, the applicant would convert several of the former 6,500 square foot hen houses to shade structures to grow shade tolerant trees. The DA designation also provides greater flexibility in the type of permitted agricultural uses, thereby increasing the probability that the property will remain in viable agricultural use.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Board of Supervisors, adoption of a Negative Declaration and approval of a request to 1) amend the General Plan land use designation on 5.99 acres from the RR 5 (Rural Residential) 5-acre density to the DA 10 (Diverse Agricultural) 10-acre density, 2) amend the West Santa Rosa Specific Plan from the RR 5 (Rural Residential) 5-acre density to the AR 10 (Agricultural and Residential) 10-acre density designation and 3) amend the zoning from the RR B6 5 (Rural Residential) 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) District to the DA B6 10, SR, VOH District.

FINDINGS FOR RECOMMENDED ACTION

1. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
2. The proposed change in General Plan land use from Rural Residential to Diverse Agriculture for the 5.99-acre site is consistent with General Plan criteria to add this designation in that 1) there is existing pattern of small lots and a mixture of small and large parcels in the area, 2) Soils and groundwater are suitable for agricultural use, and 3) the site has historically been used for agricultural because it was originally developed as an egg production facility and more recently used for bee hives and honey production.
3. Amendment of the General Plan to change the land use designation of the 5.99 acre site from RR 5 to DA 10 is in the public interest in that it would promote continued agricultural use of the property. Additionally, the applicant's proposal to install native oak trees and shrubs along the scenic Guerneville Road frontage is within the public interest.
4. Amendment of the West Santa Rosa Specific Plan land designation of the 5.99 acre site from RR 5 to AR 10 is consistent with policies of the plan promoting agricultural use and rural residential lifestyles.
5. 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: 1) The growing of trees on the property, occasional import of supplies, and wholesale distribution, as proposed, is compatible with surrounding agricultural and residential uses, and 2) potentially more intensive agricultural uses allowed in the DA district are regulated through the Zoning Permit and/or Use Permit process.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Ordinance and Sectional District Map
EXHIBIT B: Vicinity Map
EXHIBIT C: Aerial Photos
EXHIBIT D: Site Plan
EXHIBIT E: Existing and Proposed Zoning Maps
EXHIBIT F: Existing and Proposed General Plan Maps
EXHIBIT G: Draft Resolution

Separate Attachment for Commissioners: Negative Declaration and full size maps



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 constitute the Negative Declaration as proposed for or adopted by the County of Sonoma for the project described below:

Project Title: Wallace General Plan Amendment

File Number: PLP12-0030

APN: 034-101-049

Project Location Address: 2971 Guerneville Road

Lead Agency: County of Sonoma

Decision Making Body: Board of Supervisors

Project Applicant: Teresa and Ron Wallace

Project Description: The project involves a request to 1) change the General Plan land use designation on 5.99 acres from the RR 5 (Rural Residential) 5-acre density to the DA (Diverse Agricultural) 10-acre density and 2) change the zoning from RR (Rural Residential) B6 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) to the DA (Diverse Agriculture) B6 10-acre density, SR, VOH. A change in land use would provide the property owner/applicant the opportunity to use a former chicken/egg production facility as a wholesale tree nursery. The wholesale nursery would involve use of a minimum of 1-acre of the site for the raising of tree root stock in pots, occasional import of soil, pots and trees to the site. One of the former hen houses would be converted to a greenhouse to grow tree starts. The use would involve approximately two off-site deliveries of trees a week using small bobtail trucks. The existing driveway access to the site would remain in its current configuration. The applicant plans to install substantial native oak tree and native shrub planting along the Guerneville Road scenic corridor as a proposed public benefit of the project.

Environmental Finding:

Based on the attached Initial Study, the project as described above and in the attached Initial Study will not have a substantial adverse impact on the environment.

Initial Study: See attached. For more information call [Blake Hillegas](#) at 565-1392.

COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

ENVIRONMENTAL CHECKLIST FORM

This report is the Initial Environmental Study required by the California Environmental Quality Act (CEQA). The report was prepared by Blake Hillegas, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Ron Wallace.

Introduction: The project involves a change in the General Plan land use designation and zoning on 5.99 acres to accommodate the use of a former chicken farm/egg production facility as a wholesale tree nursery at 2971 Guerneville Road.

Project Title: Wallace General Plan Amendment

File Number: PLP12-0030

APN: 034-101-049

Project Location Address: 2971 Guerneville Road

Lead Agency: County of Sonoma

Decision Making Body: Board of Supervisors

Project Applicant: Teresa and Ron Wallace

A referral letter was sent to interest groups and local, state and federal agencies to solicit comments on the project. No comments or issues of concern have been raised.

Please contact Blake Hillegas at (707) 565-1392 for more information.

EXISTING FACILITY

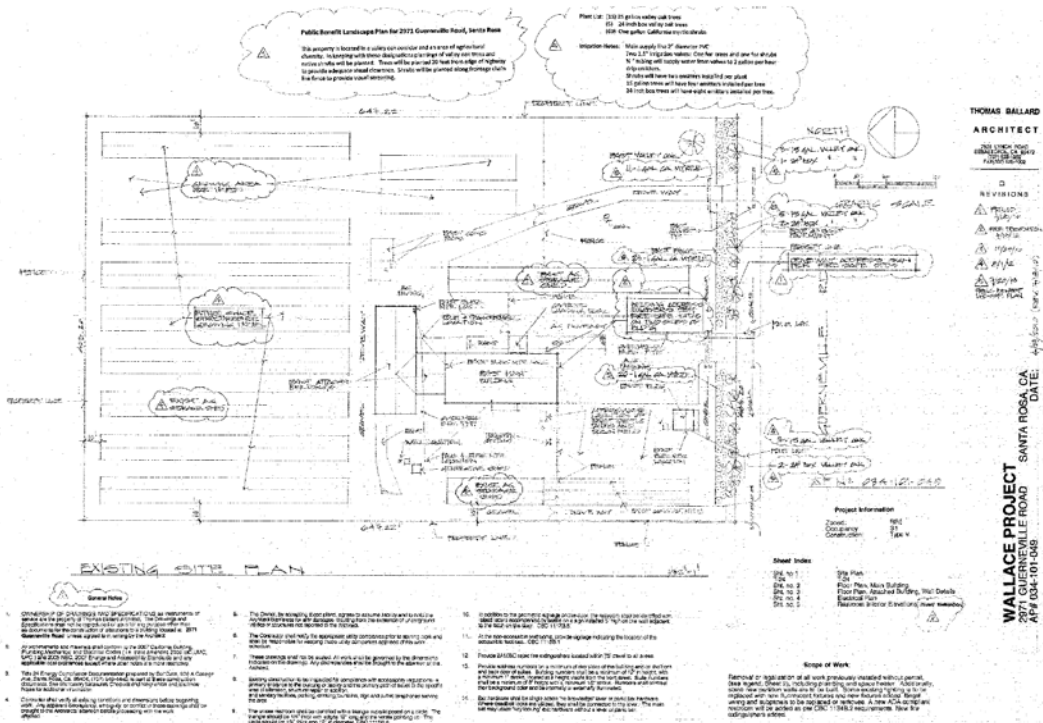
The 5.99 acre site contains an abandoned chicken/egg production facility with approximately 10 dilapidated chicken houses, 3 brooder houses a packaging building, cold storage and sales building.

PROJECT DESCRIPTION

The project involves a request to 1) change the General Plan land use designation on 5.99 acres from the RR 5 (Rural Residential) 5-acre density to the DA (Diverse Agricultural) 10-acre density and 2) change the zoning from RR (Rural Residential) B6 5-acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) to the DA (Diverse Agriculture) B6 10-acre density, SR, VOH. A change in land use would provide the property owner/applicant the opportunity to use a former chicken/egg production facility as a wholesale tree nursery. The wholesale nursery would involve use of a minimum of 1-acre of the site for the raising of tree root stock in pots, occasional import of soil, pots and trees to the site. One of the former hen houses would be converted to a greenhouse to grow tree starts. The use would involve approximately two off-site deliveries of trees a week using small bobtail trucks. The existing driveway access to the site would remain in

its current configuration. The applicant plans to install substantial native oak tree and native shrub planting along the Guerneville Road scenic corridor as a proposed public benefit of the project.

While alternative uses are not proposed at this time, the proposed DA designation/zoning district could potentially allow more live stock than the existing RR land use designation/zoning district or agricultural support uses and horse boarding facilities. However, these potential uses would be restricted through the zoning permit process to insure compatibility with surrounding uses. For example, horse boarding and confined live stock operations are regulated by zoning permit to address manure management, water quality, and other health considerations. Potential agricultural support uses such as processing services, maintenance and repair of farm machinery, veterinary clinics, and custom farming services are required to be subordinate uses with limited intensity, and could not occupy more than a 1/2 acre. Below is a site plan indicated the existing conditions and proposed improvements.



THOMAS BALLARD
 ARCHITECT

REVISIONS

1. 08/11/11
 2. 08/11/11
 3. 08/11/11
 4. 08/11/11
 5. 08/11/11

WALLACE PROJECT
 2077 GUERNEVILLE ROAD
 SANTA ROSA, CA
 DATE: 08/11/11

SETTING

The 5.99 acre site is designated as Rural Residential (RR) and contains a former egg production facility with numerous old chicken houses, brooder houses, a packaging building, a cold storage building and a small sales building. The properties to the north (2-4 acres in size) include rural residential single family homes in the Rural Residential designation and include pasture and vineyard uses. Properties to the west include rural residential single family uses in the Diverse Agriculture designation on a 2 acre parcel and contain a chicken farm on a 7 acre parcel. The 3.6 acre Rural Residential property to the east is developed as rural residential single family use. The Land Extensive Agricultural properties to the south are developed as a vineyard operation with a farm house.



ISSUES RAISED BY THE PUBLIC OR AGENCIES

Referrals were sent to local, state and federal agencies and an early notification letter was sent to surrounding property owners. No comments or concerns have been raised at this time.

OTHER RELATED PROJECTS

No other substantial projects have been identified in the immediate vicinity.

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 applicant has agreed to design his project to avoid all potentially significant impacts that could be associated with operation of a wholesale tree nursery.

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 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.

Environmental Checklist

Page 6

File PLP12-0030

- 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 West Santa Rosa
- 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.
- Other technical reports: None

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 |
| | | | | X |
| <p>Comment: Guerneville Road is a scenic corridor, but the project would not adversely impact scenic resources. No physical improvements are proposed other than converting a former hen house to a greenhouse, moving tree stock onto the property, and planting trees along the project frontage. Other agricultural uses allowed by right in the DA District would not adversely affect the scenic and rural character of the site. Uses allowed with a discretionary Use Permit would be subject to separate environmental review and analyzed based on project specific characteristics.</p> | | | | |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>Comment: The property is not located on a state scenic highway and does not contain scenic resources.</p> | | | | |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: The use of the site for growing tree stock and other permitted agricultural uses would not degrade the visual character of the site. In fact the applicant is proposing to provide native landscaping along the project frontage to improve the visual character of the scenic corridor.</p> | | | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | |
| <p>Comment: No new structures or lighting are proposed. New lighting would be subject to compliance with county design requirements.</p> | | | | |

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant, 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:

| | | | | |
|--|---------------------------------------|--|-------------------------------------|------------------|
| <p>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?</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> |
| <p>Comment: According to the Sonoma County Important Farmlands Map, the project site is designated as Other Land and is not designated as Prime Farmland, Unique Farmland, or Farmland of local or state wide importance. The proposed primary use of the site would be in agriculture as it involves growing trees as a wholesale tree nursery.</p> | | | | |
| <p>b) Conflict with existing zoning for agricultural use, or Williamson Act Contract?</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> |
| <p>Comment: The project site is not included in an Agricultural Preserve or restricted by a Williamson Act contract.</p> | | | | |
| <p>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))?</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> | |
| <p>Comment: A wholesale tree farm is not permitted in the Rural Residential Zoning District; hence the request to rezone and redesignate the property to Diverse Agricultural. The rezoning does not involve rezoning of forest land or timberland.</p> | | | | |
| <p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</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> |
| <p>Comment: The site is not forest land.</p> | | | | |
| <p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?</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> |
| <p>Comment: Redesignation of the site to Diverse Agriculture encourages the long term capacity of the property to be used for agricultural purposes.</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:

| | | | | |
|---|---------------------------------------|--|-------------------------------------|------------------|
| <p>a) Conflict with or obstruct implementation of the applicable air quality plan?</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> | |
| <p>Comment: Redesignation and Rezoning of the site from Rural Residential to Diverse Agriculture would allow use of the site as a wholesale tree nursery, as proposed, or potentially another agricultural use as noted in the project description. Potential air quality impacts that could be associated with the proposal would be dust from agricultural use or from auto or truck emissions. Substantial traffic, dust generation or unusual odors are not anticipated with the project given the limited size of the property. Traffic associated with the proposed wholesale tree farm would only involve occasional bobtail truck deliveries of bare root stock to the property, approximately two wholesale deliveries a week and 6 deliveries a year of soil and planting pots also using small bobtail trucks. This level of traffic would not result in conflicts with regional air quality plans or contribute substantially to an existing or projected air quality violation. In addition, the potential air quality impacts are not expected to be cumulatively considerable when considering existing and projected air quality conditions in the vicinity of the project.</p> <p>Alternative agricultural use of the property is anticipated to have similar truck traffic counts resulting in insignificant air quality impacts. Odor associated with alternative permitted agricultural uses such as grazing or other non-confined farm animals is not anticipated to result in substantial odor impacts. Potentially more intensive agricultural uses or agricultural support uses that could be considered in the DA designation, such as confined livestock, horsed boarding processing, visitor serving uses, or a retail nursery would require a Zoning Permit or Use Permit with separate environmental review.</p> | | | | |
| <p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</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> | |
| <p>Comment: See 3.a. above.</p> | | | | |
| <p>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)?</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> | |
| <p>Comment: See 3.a. above</p> | | | | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| d) Expose sensitive receptors to substantial pollutant concentrations? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: As noted above the rezoning and redesignation to the Diverse Agricultural Designation to accommodate a wholesale tree farm or other potential Diverse Agricultural use would not result in substantial pollution concentrations. The closest residence is situated 50 feet west of the property line and upwind of prevailing winds. The closest residence located to the east is situated 150 feet away from the property line.</p> | | | | |
| 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 | |
| <p>Comment: Comment: See 3.a. above.</p> | | | | |

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 | |
| <p>Comment: The site is located within the Santa Rosa Plain Conservation strategy area for the Federally and state protected California Tiger salamander. The site is within 1.3 miles of known breeding pools and within ½ mile of known occurrences. No wetlands, including vernal pools were evident during site inspection and the site is predominately developed with agricultural buildings associated with a prior egg production plant. Rezoning and redesignation of the site for agricultural use, including the wholesale tree nursery would not directly affect potential tiger salamander habitat. No construction would occur as a result of the proposed wholesale tree farm other than conversion of a prior hen house to a greenhouse. This would not result in land disturbance. The planting of trees associated with the wholesale tree farm is expected to be compatible with the conservation of the tiger salamander as are other permitted agricultural uses that could ultimately occur on the site such as grazing or crop production. All ministerial permit or land development is subject to compliance with the state and federal endangered species act. Other potential future development that would require discretionary permit approval, such as a winery or processing facility would be subject to a discretionary permit and separate environmental clearance.</p> | | | | |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | X | |
| 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: See 4.a. above. | | | | |
| 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: See 4.a. above. Continued use of the site for agricultural use would not to substantially impede the movement of any resident or migratory wildlife species. | | | | |
| 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: The project involves the planting of native oak trees along the property street frontage. No trees or other biological resources would be removed. | | | | |
| 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: See 4.a. above. | | | | |

5. CULTURAL RESOURCES *Would the project:*

| | | | | |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| in §15064.5? | | Incorporation | | |
| | | | X | |
| <p>Comment: The former egg production facility was constructed around 1960. The site is not designated as a Historic District and is not listed as a historic resource on a state or local register. The proposed agricultural rezoning and redesignation does not include demolition of existing buildings or new construction. Further, the facility does not appear to be a unique example of an egg processing facility or appear to have historical or cultural significance.</p> | | | | |
| 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 | |
| <p>Comment: No new construction is proposed.</p> | | | | |
| 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 |
| <p>Comment: The project does not involve excavation, except for planting new trees.</p> | | | | |
| 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 |
| <p>Comment: No excavation is proposed.</p> | | | | |

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: | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| 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. | | | | X |
| <p>Comment: The rezoning and redesignation of the site to agricultural use does not involve construction or exposed people to geologic risks. The site does not possess any unusual</p> | | | | |

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|---|--------------------------------|---|------------------------------|-----------|
| geologic conditions. No construction is proposed. | | | | |
| ii. Strong seismic ground shaking? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: See 6.a.i. | | | | |
| iii. Seismic-related ground failure, including liquefaction? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: See 6.a.i. | | | | |
| iv. Landslides? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: See 6.a.i. | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: Rezoning and redesignation of the site for agricultural use would not result in direct impacts to soil or cause erosion. Operation of a wholesale tree nursery would involve occasional soil imports, deliveries, and potting of trees. However, the scale of the operation would not result in erosion of soils. All potential agricultural uses on the property, such as crop cultivation would be required to comply with standard erosion prevention requirements. | | | | |
| 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 in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: See 6.a.i. | | | | |

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| | | | | |
| 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 |
| Comment: See 6.a.i | | | | |
| 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 | |
| Comment: Redesignation and Rezoning to agricultural zoning would not result in increased demand on the existing septic system. The existing septic system is sufficient to accommodate one employee associated with operation of the wholesale tree farm. | | | | |

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: Redesignation and Rezoning the property for agricultural use, including the proposed wholesale tree farm and other potential agricultural uses would not result in significant greenhouse gas emissions because traffic generation and fuel combustion would be limited and similar to and compatible with other agricultural and rural residential uses in the area. More intensive uses that could be permitted in the Diverse Agricultural district, such as a winery with visitor serving uses would be subject to Use Permit approval and separate environmental review. | | | | |
| 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: The proposal would not conflict with policies related to the reduction of greenhouse gas emissions. The close proximity of a wholesale tree supplier to an urban area like Santa Rosa would have the effect of reducing emissions from transport compared to a more distant supplier. | | | | |

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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: The redesignation and rezoning of the site to agricultural use, including the operation of a wholesale tree farm and potentially other agricultural uses would not result in a substantial risk associated with the routine use or transport of hazardous materials. | | | | |
| 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 | |
| Comment: There is no reasonably foreseeable risk of accidental release of hazardous materials associated with the project. | | | | |
| 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 |
| Comment: The project would not emit hazardous or acutely hazardous materials. The closest school is over a mile away. | | | | |
| 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 |
| Comment: The site is not listed as a toxic hazard site. | | | | |
| e) For a project located within an airport land use plan or, where such a plan has not | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No impact |

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| 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? | | Incorporation | | |
| | | | | X |
| 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: There are no known private airstrips within the vicinity of the proposed project. | | | | |
| 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: The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. | | | | |
| 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: The project would not expose people to risk from wildland fires. | | | | |

9. HYDROLOGY AND WATER QUALITY *Would the project:*

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: The site is a former chicken/egg production facility. Redesignation and rezoning of the site to allow continued agricultural use would not result in direct impacts to water quality. No sensitive water bodies exist on or adjacent to the site. The proposed wholesale tree farm would include a relatively small stockpile of planting mix and the potting of new tree stock. The proposed use of the site as a wholesale tree farm or other permitted agricultural use is statutorily required to comply with state and federal water quality standards, including covering soil stockpiles, as needed. Given the size of the site, potential sheet flow runoff from stockpiles is not expected to inter surface water flows. | | | | |
| b) Substantially deplete groundwater supplies or interfere substantially with | Potentially Significant Impact | Less than Significant with | Less than Significant Impact | No impact |

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| 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)? | | Mitigation Incorporation | | |
| | | | X | |
| <p>Comment: Trees would be periodically watered with a drip irrigation system during the dry season as needed. Drip irrigation systems do not typically utilize high volumes of water. The site is within a major groundwater basin and would continue to allow groundwater infiltration. The property has an existing well that produces approximately 37.5 gpm.</p> | | | | |
| 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 | |
| <p>Comment: Existing drainage patterns would not be altered.</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 manner which would result in flooding on- or off-site? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: Drainage from the site would continue to sheet flow and would not increase.</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: See 9.a.</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 |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| Comment: The project site is not located in a flood hazard area. | | | | |
| 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 |
| Comment: The project site is not located in a flood hazard area. | | | | |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project site is not located in an area subject to flooding as a result of dam failure. | | | | |
| j) Inundation by seiche, tsunami, or mudflow? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project is not in an area subject to impacts from a seiche, tsunami, or mudflow. | | | | |

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 |
| Comment: The project would not divide a community. | | | | |
| 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: The project involves a change in land use and zoning from the RR (Rural Residential) designation to the DA Diverse Agricultural designation. The purpose of the RR district is to | | | | |

preserve rural character in those areas best suited for residential development where residential use is given precedence over agricultural use. The purpose of the Diverse Agricultural District is to protect those areas where soil, climate, and water conditions support farming, where small acreage intensive farming is appropriate, but may not be the principal occupation of the farmer.

According to the General Plan, amendments to add the DA (Diverse Agricultural District) land use designation must meet at least one of the following and the Land Use Policies of the Planning Area:

- (1) An existing pattern of small lots or a mixture of small and large parcels,
- (2) Soils suitable for crop production and adequate water for irrigation,
- (3) Historic or existing use for farming, and
- (4) Williamson Act contract, Type 1 or 2.

The property meets 3 of the 4 criteria as follows:

- (1) The 5.99 acre parcel is within an area with various lot sizes, including numerous smaller parcels in the .5-2 acre range and parcels as large as 120 acres in the immediate area.
- (2) The soils are suitable for crop production as demonstrated by vineyard production in the immediate area. There is sufficient ground water because the parcel is situated within a major groundwater basin and parcels are large enough to allow adequate infiltration. The existing well on the property provides 37.5 gpm.
- (3) The site was historically used for an egg production facility and was most recently used for honey sales.

In addition, the project is consist with planning area policies and the West Santa Rosa Specific Plan that seek to protect agricultural lands and limit conversion to rural residential or other non agricultural use.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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: See 4.f. above. | | | | |

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 |
| | | | | X |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| Comment: There is no known mineral resource on the project site. | | | | |
| 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 |
| | | | | X |
| Comment: The project site is not a mineral resource recovery site. | | | | |

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 | |

Comment: The closest residence is situated 50 feet to the west. Other nearby residences are situated 150 feet to the south and east. No construction is proposed other than the eventual conversion of an existing hen house to a greenhouse. The proposed wholesale tree farm and other potential agricultural uses would typically operate during daytime hours and not result in unusual noise impacts. As required by the General Plan, 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:

| Hourly Noise Metric ¹ , dBA | Daytime (7 a.m. to 10 p.m.) | Nighttime (10 p.m. to 7 a.m.) |
|--|--------------------------------|----------------------------------|
| 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.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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 | |

Comment: The project would not result in ground born noise or vibration.

| | | | | |
|--|-------------|-----------|-----------|-----------|
| c) A substantial permanent increase in | Potentially | Less than | Less than | No impact |
|--|-------------|-----------|-----------|-----------|

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| ambient noise levels in the project vicinity above levels existing without the project? | Significant Impact | Significant with Mitigation Incorporation | Significant Impact | |
| | | | X | |
| Comment: See 12.a. | | | | |
| 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 | |
| Comment: Agricultural uses on the site may result in period noise sources but would not result in a substantial increase in ambient noise levels in the area, particularly due to noise associated with cars and trucks using Guerneville Road. | | | | |
| 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 |
| | | | | |
| Comment: The site is not within an airport land use plan or within two miles of a public airport. | | | | |
| 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: There are no known private airstrips within the project area. | | | | |

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 example, through extension of roads or other infrastructure)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project would not induce population growth. | | | | |
| 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 |
| Comment: The site does not contain a house and no housing will be displaced by the project. | | | | |
| 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 |
| Comment: No people will be displaced by the project. | | | | |

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 |
| | | | | |
| Comment: The project would not result in the demand for government facilities. | | | | |
| i. Fire protection? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: No construction is proposed. Any use of the property is required to comply with applicable County Fire Safe standards, such as access, vegetation management, and combustable and hazardous materials management. | | | | |
| ii. Police? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: The project will not result in the increase in demand for sheriff services. | | | | |
| iii. Schools, parks, or other public facilities? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| | | | X | |
| Comment: The project will not result in an increase in demand for schools, parks or other public facilities. | | | | |
| iv. Parks? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| v. Other public facilities? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | |
| Comment: No other public facilities would be impacted by the project. | | | | |

15. RECREATION *Would the project:*

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project would not increase the use of existing parks. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project would not necessitate the construction of recreational facilities. | | | | |

16. TRANSPORTATION / TRAFFIC *Would the project:*

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the 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 | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

| | | | | |
|--|---------------------------------------|--|-------------------------------------|------------------|
| <p>freeways, pedestrian and bicycle paths, and mass transit?</p> | | | | |
| <p>Comment: Traffic associated with the proposed wholesale tree farm is anticipated to involve occasional bobtail truck deliveries of bare root stock to the property. There is anticipated to be approximately 6 deliveries a year of soil and planting pots also using small bobtail trucks. The owner anticipates approximately two wholesale tree deliveries a week. This level of traffic would not result in a conflict with transportation goals or plans, including potential conflicts with pedestrians and bicyclists.</p> | | | | |
| <p>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?</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> | |
| <p>Comment: The limited amount of traffic associated with the project would not adversely impact regional transportation plans.</p> | | | | |
| <p>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?</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> |
| <p>Comment: The project would have no effect on air traffic patterns.</p> | | | | |
| <p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</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> | |
| <p>Comment: Agricultural zoning and agricultural use of the site, including the proposed wholesale tree farm would not generate a substantial amount of traffic. While the existing driveway does not meet current standards in terms of turning radii, the Department of Transportation and Public Works has determined that it will function safely based on the configuration of the roadway and driveway, limited project traffic, and good site distance.</p> | | | | |
| <p>e) Result in inadequate emergency access?</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> | |
| <p>Comment: County Fire and Emergency Services has not identified any issues with emergency access to the site.</p> | | | | |
| <p>f) Conflict with adopted policies, plans, or</p> | <p>Potentially</p> | <p>Less than</p> | <p>Less than</p> | <p>No impact</p> |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | Significant Impact | Significant with Mitigation Incorporation | Significant Impact | |
| | | | X | |
| Comment: The limited amount of traffic associated with the use would not conflict with bicycle or pedestrian facilities, plans, or policies. | | | | |
| g) Result in inadequate parking capacity? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: There are numerous existing on-site parking spaces and only one proposed employee. | | | | |

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: See Hydrology Section 9. above | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: The existing septic was sized for the former egg production facility, which had numerous employees. The existing system is more than adequate to accommodate the proposed use with one employee. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: See Hydrology Section 9. above. | | | | |
| d) Have sufficient water supplies available to | Potentially Significant | Less than Significant | Less than Significant | No impact |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | Impact | with Mitigation Incorporation | Impact | |
| | | | X | |
| Comment: See Hydrology Section 9. above. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The property is not connected to municipal sewer service. | | | | |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| Comment: 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 collection and disposal of waste that will result from the proposed project. | | | | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | |
| Comment: Sonoma County has access to adequate permitted landfill capacity to serve the proposed project. | | | | |

18. MANDATORY FINDINGS OF SIGNIFICANCE

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| <p>The project would not degrade the environment or adversely impact endangered animal or plant habitat or species in that it involves a wholesale tree farm or other agricultural use on an existing property that's developed with an egg production facility, including numerous buildings. The wholesale tree farm consists of growing trees in pots from root stock. No new buildings are proposed.</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> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>The project's individual impacts are limited such that they would not be cumulatively considerable or significant.</p> | | | | |
| <p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p>The project would not result in substantial adverse effects to humans.</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. Assessor's 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 2020 (as amended), Sonoma County Board of Supervisors, September 23, 2008.
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 Permit and Resource Management Department, August 24, 2010.



PRMD

Activity #PLP12-0030

Vicinity Map



500 Foot Aerial Photo



PRMD

Activity #PLP12-0030

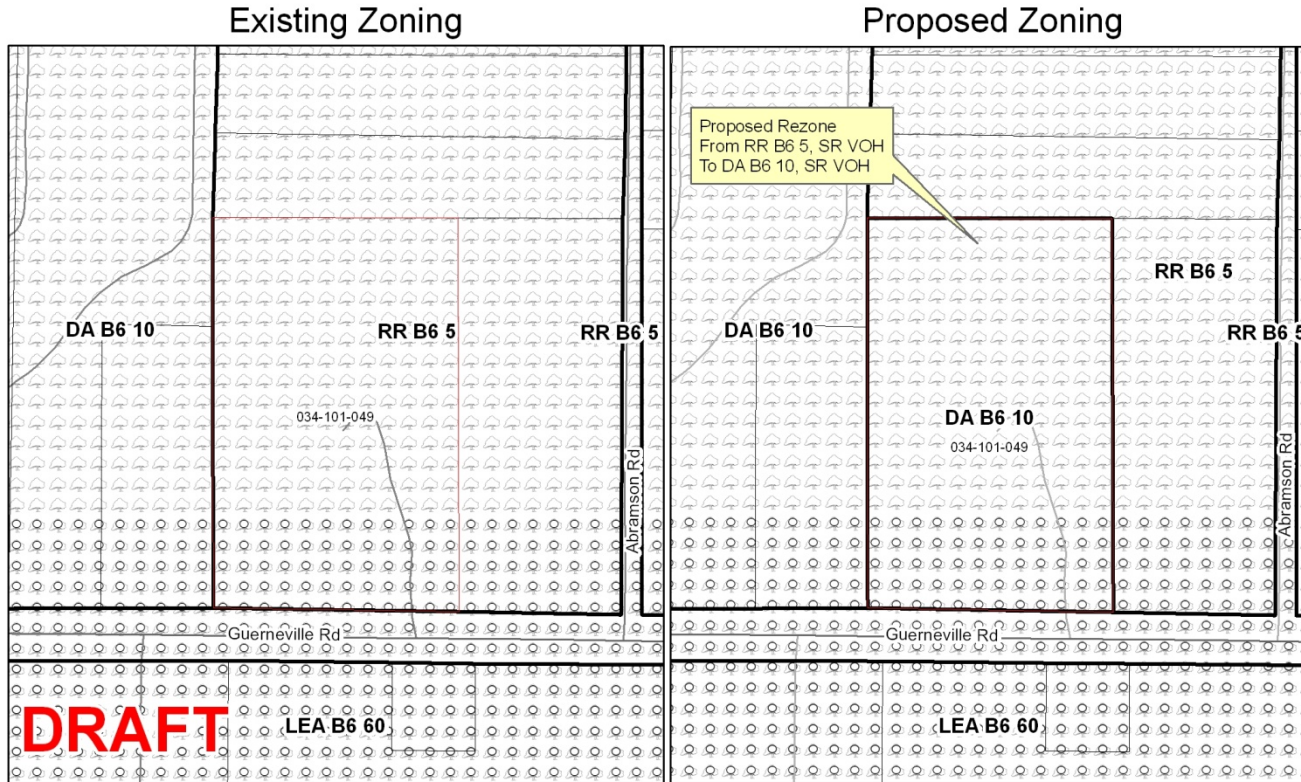
125 Foot Aerial Photo



PRMD

Activity #PLP12-0030

Existing and Proposed Zoning



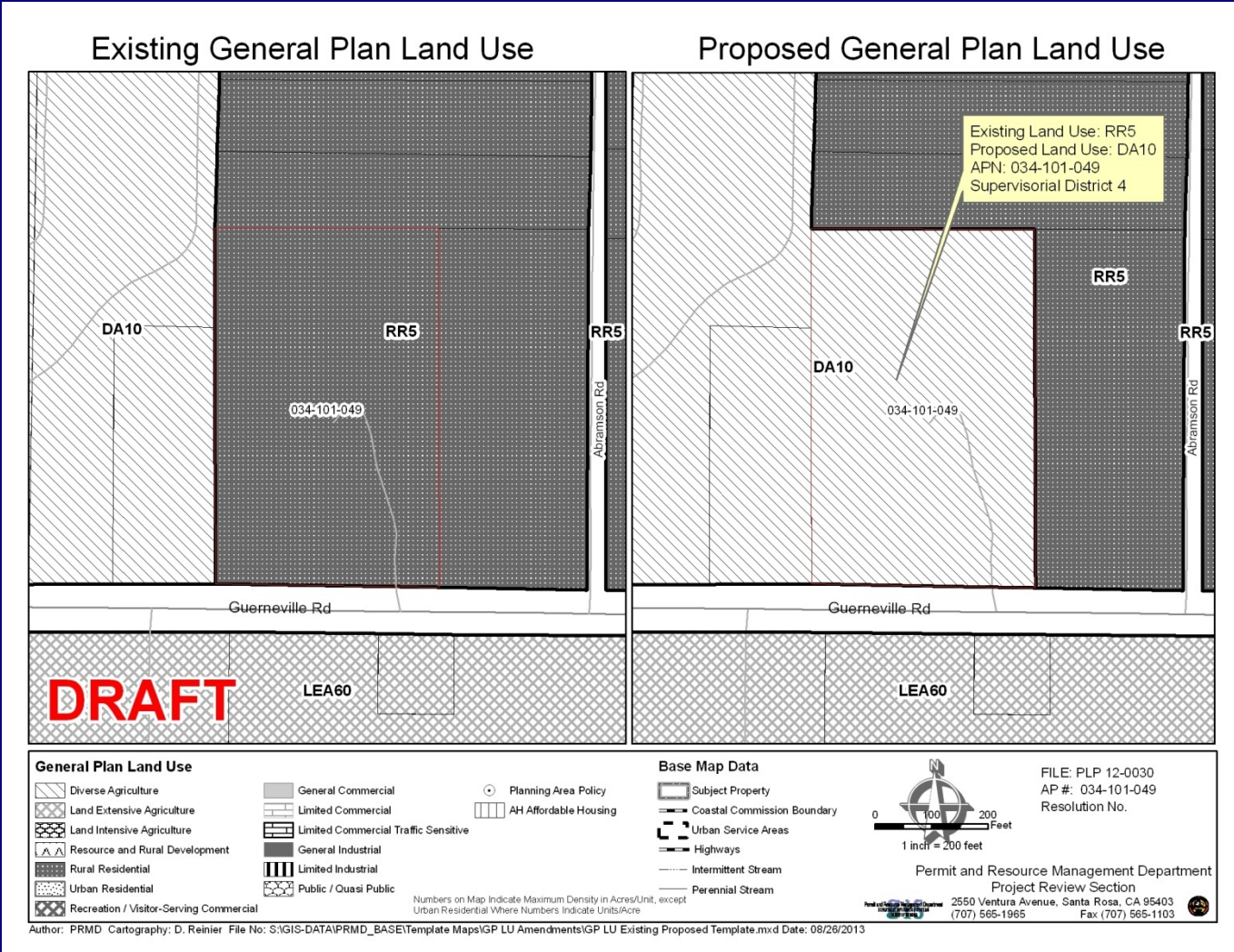
| | | | | | |
|---|--|---|---|--|---|
| Base Map Data | | Zoning Combining Districts | | | FILE: PLP 12-0030 AP #: 034-101-049 Ordinance No. Sectional District Map No. |
| Proposed Rezone Base zoning by Area Highways Intermittent Stream Perennial Stream | LU Policy AH Affordable Housing HD Historic District BR Biotic Resource | SD Scenic Design SR Scenic Resource VOH Valley Oak Habitat MR Mineral Resource | G Geologic Hazard F2 Floodplain F1 Floodway | | |

Author: PRMD Cartography: D. Reinier File No: S:\GIS-DATA\PRMD_BASE\PRMD Department Projects\Project Review\Ordinance Mosaic\ORDN\C\By File N\plp12-0030.mxd Date: 12/20/2013

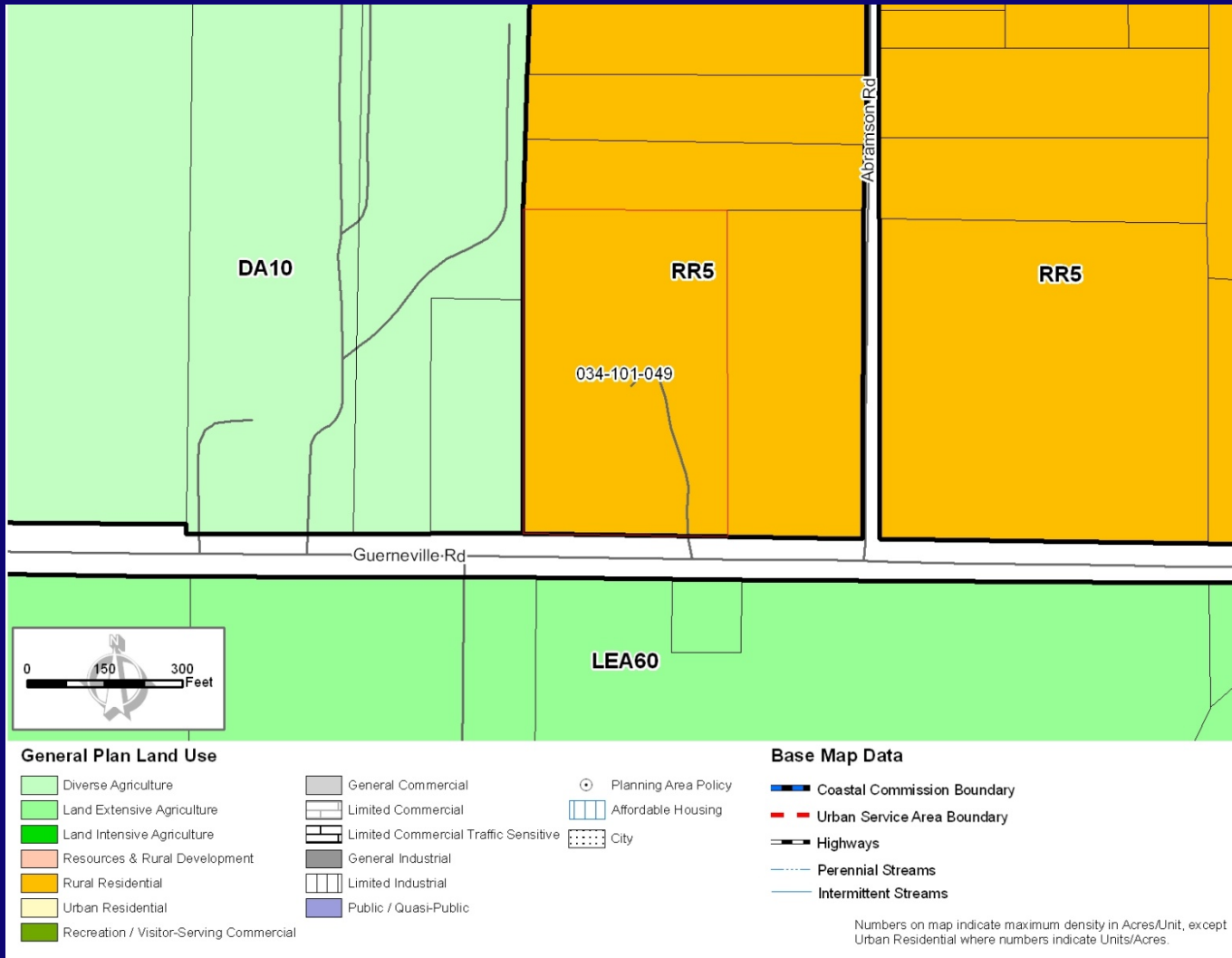
Permit and Resource Management Department
 Project Review Section
 2550 Ventura Avenue, Santa Rosa, CA 95403
 (707) 565-1965 Fax (707) 565-1103



Existing and Proposed General Plan Land Use



General Plan



Road Frontage



PRMD

Activity #PLP12-0030

Road Frontage



PRMD

Activity #PLP12-0030

Frontage with Existing Bldg.



PRMD

Activity #PLP12-0030

Former Hen House



PRMD

Activity #PLP12-0030

Former Hen Houses



PRMD

Activity #PLP12-0030

Wholesale trees



PRMD

Activity #PLP12-0030

Trees and easterly residential



PRMD

Activity #PLP12-0030

Residential to the West



PRMD

Activity #PLP12-0030

Former agricultural office and packaging



PRMD

Activity #PLP12-0030



PRMD

Activity #PLP12-0030



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 79
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: June 10, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Blake Hillegas (707) 565-1392

Supervisorial District(s):

First

Title: Sonoma Springs mixed use affordable housing project proposed along Highway 12 in Agua Caliente; PLP12-0038; MidPen Housing/Marco Vailetti, applicants.

Recommended Actions:

Conduct a public hearing to consider the Planning Commission's recommendation to approve a mixed use project with 6,450 square feet of neighborhood commercial space and 100 affordable rental housing units proposed at 17310 and 17366 Highway 12; APN's 056-201-100, -101, and -102.

At the conclusion of the hearing it is recommended that the Board:

- 1) Adopt a resolution approving a Mitigated Negative Declaration, General Plan Amendments, Area Plan Amendments, Design Review, and a Precise Development Plan Use Permit for a mixed use neighborhood commercial center and affordable rental housing project; and
- 2) Approve an Ordinance rezoning a portion of Parcel C to add the Planned Community base zoning district and the Traffic Sensitive combining district.

Executive Summary:

The Board is requested to consider the Planning Commission's recommendation to approve a mixed use affordable housing project as described in the attached Memo, Draft Resolution, and Draft Ordinance. The proposed project includes 40 senior and 60 family rental units that are 100% affordable to extremely low, very low, and low income households. While this action requires a General Plan amendment, which are generally limited by State Law, these limits do not apply to General Plan amendments for affordable housing projects where 25% of the units are affordable to low or moderate income households.

The Planning Commission recommends approval of the project, finding that impacts have been fully mitigated and the project furthers the goals, objectives, and policies of the General Plan, and is in the

public interest by providing a mix of affordable housing and commercial services, a segment of the Sonoma Valley Trail, community garden, and improved playground/recreation area for residents and school children.

Project Description:

The 6.76 acre site consists of three parcels located at 17310 and 17366 Highway 12 in the community of Agua Caliente (APN's 056-201-100, -101, and -102). The site is located within a Rural Investment Priority Development Area as designated by the County and Association of Bay Area Governments. The Sonoma Valley Charter School adjoins the project site to the north. Flowery Elementary School and Larson Park are located immediately to the south.

Description of entitlements:

- General Plan Amendments:
 - Parcel A (3.06 acre) from Urban Residential 6 units/acre (UR6) to Urban Residential 7 units/acre (UR7)
 - Parcel B (2.96 acre) from Urban Residential 6 units/acre (UR6) to Urban Residential 11 units/acre (UR11)
 - Parcel C (.74 acres) from Urban Residential 6 units/acre (.37 acres) and Urban Residential 3 units/acre (.18 acres), to Limited Commercial (LC), Traffic Sensitive (TS)

- Area Plan Amendments:
 - Parcel B (2.96 acre) from Residential Low Density (6-10) units/acre to Residential High Density (11-18) units/acre acre.
 - Parcel C (.74 acres) from Residential Low Density (6-10) units/acre to Commercial

- Zoning Changes:
 - Parcel C (.74 acres); add the Traffic Sensitive combining zone on .37 acres, change the zoning on .18 acres from Low Density Residential 3 units/acre to Planned Community Traffic Sensitive, and change the zoning on .19 acres from Limited Commercial to Planned Community Traffic Sensitive. The current Scenic Resource, Valley Oak Habitat, and Local Guidelines/Springs Combining Districts will remain.

- Design Review and a Precise Development Plan Use Permit to accommodate a mixed use neighborhood commercial center and Type A 100% density bonus affordable housing project including:
 - 40 affordable senior apartments, a community garden and joint use playground recreation area on Parcel A
 - 60 affordable family apartments on Parcel B, and
 - A 6,450 square foot commercial center on Parcel C
 - Segment of the Sonoma Valley Trail on all three parcels

Approval of these entitlements would increase the currently allowed base density on Parcels A and B from a total of 38 units to 50 units and expand the Limited Commercial Traffic Sensitive General Plan land use designation on Parcel C by .55 acres to accommodate a 6,450 square foot neighborhood

commercial center. Utilizing Sonoma County's Housing Opportunity Area Type A Affordable Housing Density Bonus Program, which allows a 100% density bonus for rental projects where 40% of the units are affordable to very low or low income households, the applicant seeks a 100% density bonus to construct 100 affordable rental apartments (60 family apartments and 40 senior apartments). The proposal includes a minimum of 22 units affordable to extremely low income households, 14 units affordable to very low income households, and 64 units affordable to low income households. By providing 100% affordability, including 18 family units at extremely low rents, the family housing project exceeds the General Plan requirement of 30% extremely low income units for projects receiving public funding. Both the family housing and the senior complexes are 100% affordable, which exceeds the minimum Zoning Code requirement of 40% very low or low income units for a Type A Affordable Housing Density Bonus project. Two units will be reserved for on-site managers of the family housing and senior complexes.

The project includes the upgrading of an existing 1.4 acre Sonoma Valley Charter School joint use playground, a new .3 acre community garden, and a segment of the Sonoma Valley Trail extending along the western boundary of the site, between Valetti Drive and Depot Road. The project will be coordinated amongst all three parcels, incorporate existing road access to an adjoining mobile home park, and tie into the County's Phase 2 Highway 12 improvement project anticipated to be under construction in 2014-15.

On February 14, 2014, the Design Review Committee held a public meeting and unanimously supported the project, subject to minor design enhancements that are incorporated as conditions of approval.

On February 26, 2014, the Sonoma Valley Citizens Advisory Committee (SVCAC) held a public meeting and unanimously supported the project.

On May 8, 2014, the Planning Commission held a public hearing and recommended (5-0) adoption of a Mitigated Negative Declaration and approval of the project subject to Conditions of Approval. State Law requires General Plan Amendments to be within the public interest. The Planning Commission determined the project to be consistent with the General Plan and within the public interest by providing a mix of affordable housing and commercial services, a segment of the Sonoma Valley Trail, a community garden, and an updated playground/recreation area for residents and school children.

Subsequent to the Planning Commission hearing, the applicant submitted a letter (Exhibit C of attached Memo) requesting a revision to the project and Draft Condition #90. The revision includes a reduction in number of extremely low income units in the senior complex from 12 to 4 units and the addition of 4 very low and 4 low income units. As revised, the senior complex would include 4 extremely low income units, 8 very low income units, and 28 low income units. The project remains 100% affordable and still exceeds the Zoning Ordinance Density Bonus regulations which require 40% of the units be affordable to very low or low income households.

The Permit and Resource Management and Community Development Commission support the request because the project remains 100% affordable, exceeds General Plan and Zoning requirements, and meets the public interest requirement by exceeding the minimum level of affordability required by the Affordable Housing Density Bonus Program.

In addition, the applicant has requested a revision to Draft Conditions of Approval #5 and #132, which

both require the project to be implemented in two years. The project phasing plan includes the construction of infrastructure and family housing in 2015-2016 and the senior housing in 2016-2017. Based on the construction phasing plan, the applicant requests the approval period for the senior housing project not commence until the family housing project is completed. Because the approval period in Condition #5 is repetitive with Condition #132, staff recommends that Condition #5 be deleted. It is recommended that Condition #132 include clarification that the two year approval period for the senior housing complex shall not commence until the family housing project building permits are finalized.

The proposed revisions to conditions are shown as ~~strikeout~~/**bold** in the Draft Conditions of Approval.

Prior Board Actions:

On November 12, 2013 the Board of Supervisors allocated \$750,000 toward the project from the County’s Fund for Housing. On March 18, 2014 the Board of Supervisors approved \$433,300 in (Home Investment Partnership (HOME) funds toward the project for fiscal year 2013-14. On May 6, 2014 the Board of Supervisors allocated \$258,273 in additional HOME Funds for the project for fiscal year 2014-15.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The approval of the project would accomplish redevelopment of underutilized urban land to provide affordable housing and commercial services to meet the needs of the community, while protecting the environment. Affordable housing is critical to economic development. Environmental stewardship is demonstrated by provision of compact development, a community garden, and proximity to services.

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):

Planning application fees for this project address PRMD processing costs.

| 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: | | | |
| Project Memo with attachments | | | |
| Related Items “On File” with the Clerk of the Board: | | | |
| Full Size Plans | | | |



County of Sonoma
State of California

Date: June 10, 2012

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting a Mitigated Negative Declaration and Approving a 1) General Plan Amendment to increase the density on 3.06 acres from Urban Residential 6 du/acre (UR6) to UR7 (Parcel A), increase the density on 2.96 acres from UR6 to UR11 (Parcel B), change the land use on a .37 acre portion and .18 portion of Parcel C (.74 acres) from UR6 and UR3 to Limited Commercial Traffic Sensitive; 2) South Sonoma Valley Area One Area Plan Amendment from Low Multi-Family 6-10 du/acre to High Multi-Family 11-16 du/acre for Parcel B and to Commercial for Parcel C; and 3) Precise Development Plan Use Permit and Design Review for a mixed use development with a 100% density bonus to accommodate 60 affordable family rental units, 40 affordable senior rental units, and a 6,450 square foot neighborhood commercial center on three parcels totaling 6.76 acres at 17310 and 17366 Highway 12, Agua Caliente; APN 056-201-100, -101, and -102; Supervisorial District No. 1.

Resolved, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

Whereas, the applicant, MidPen Housing and Marco Vailetti, filed an application (“Proposed Project”) with the Sonoma County Permit and Resource Management Department for a 1) General Plan Amendment to increase the density on 3.06 acres from Urban Residential 6 du/acre (UR6) to UR7 (Parcel A), increase the density on 2.96 acres from UR6 to UR11 (Parcel B), change the land use on a .37 acre portion and .18 portion of Parcel C (.74 acres) from UR6 and UR3 to Limited Commercial Traffic Sensitive; 2) South Sonoma Valley Area One Area Plan Amendment from Low Multi-Family 6-10 du/acre to High Multi-Family 11-16 du/acre for Parcel B and to Commercial for Parcel C; 3) Zoning Amendment for Parcel C to change the PC (Planned Community) SR (Scenic Resource) VOH (Valley Oak Habitat) LG/SPR (Local Guidelines/Springs) and R1 B6 3 (Residential Low Density 3 du/acre) SR VOH LG/SPR and LC TS (Traffic Sensitive) SR VOH LG/SPR Districts to the PC TS SR VOH LG/SPR District; and a 4) Precise Development Plan Use Permit and Design Review for a mixed use development with a 100% density bonus to accommodate 60 affordable family rental units, 40 affordable senior rental units, and a 6,450

Resolution #
Date: June 10, 2014
Page 2

square foot neighborhood commercial center on three parcels totaling 6.76 acres at 17310 and 17366 Highway 12, Agua Caliente; APN 056-201-100, -101, and -102; Supervisorial District No. 1; and

Whereas, an Initial Study and Mitigated Negative Declaration was prepared and circulated for public review on April 4, 2014 for the proposed project in accordance with all appropriate laws and guidelines; and

Whereas, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on May 8, 2014, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

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

Whereas, in accordance with the provisions of law, the Board held a public hearing on June 10, 2014, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

Whereas, the Proposed Project is not subject to California Government Code Section 65358 because the project includes at least 25 percent of the residential units affordable to low or moderate income households; and

Whereas, the land use amendments of the General Plan and South Sonoma Valley Area

One Plan are consistent with the goals, objectives and policies of the General Plan; and

Whereas, the Board makes the following findings with respect to the Proposed Project's Mitigated Negative Declaration:

1. The Mitigated Negative Declaration was prepared, noticed, and circulated for public and agency review in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.

2. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and, therefore, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration for the purposes of approving the Proposed Project consistent with state and local CEQA guidelines, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. The Board certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project. The Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

3. Based on the record of these proceedings, the Board finds that there is substantial evidence before it that all potential impacts can be mitigated to less than significant and mitigation measures have been incorporated as conditions of approval.

Whereas, the Board makes the following findings concerning the Proposed Project:

1. The project site meets General Plan criteria for increased density in the Urban Residential category of the General Plan in that the site is located in an Urban Service Area, adequate circulation, public services, and infrastructure are provided, the site is located in close proximity to commercial services, schools, parks and community services, and the project includes a segment of the planned Sonoma Valley Trail. The commercial portion of the project meets the General Plan criteria for the Limited Commercial Traffic Sensitive designation in that the site is within an Urban Service Area, close to other commercial uses and population concentrations, the commercial land use is limited in size and meets the Traffic Sensitive trip generation criteria, and the property has convenient access to a signalized intersection on Highway 12.

2. The residential development is consistent with the Urban Residential land use designations and General Plan Objective HE-1.1 encouraging the provision of affordable housing in that it provides 42 units toward the County's unmet need of 279 very-low income units and 58 units toward the County's unmet need of 90 low income units. The proposed based density of 7 du/acre (Parcel A) and 10.1 units/ acre (Parcel B) in conjunction with Type A Housing Opportunity Program 100% density bonus is justified and constitutes a public benefit due to the provision of a total of 100 affordable units, which is

more than double the number of affordable units mandated by zoning.

3. The proposed increase in density would increase holding capacity specifically to accommodate the proposed affordable housing project on an “infill” site. This is consistent with General Plan affordable housing, land use, and public service goals in that the increase in holding capacity is commensurate with growth projections because sufficient growth management rollover housing allocations exist in Sonoma Valley to accommodate the project.

4. Based upon the information contained in the Initial Study/Mitigated Negative Declaration and included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, in that mitigation measures (which have been agreed to by the applicant) are incorporated into the project which will reduce environmental impacts related to, air quality, biological resources, cultural resources, geological constraints, hazardous materials, noise, traffic, and public services to less than significant levels. 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.

5. The South Sonoma Valley Area Plan One Amendment for Parcel B changing the land use designation from Multiple Family 6-10 units an acre to 11-

16 units an acre to accommodate a base density of 10.1 units an acre is consistent with the proposed General Plan Amendment and policies of the General Plan and Area Plan encouraging increased densities and affordable housing within the area.

6. The South Sonoma Valley Area One Plan Amendment for Parcel C changing the land use on .74 acres from Residential Low Density 6-10 units an acre to Commercial is consistent with the proposed General Plan Amendment and policies of the General Plan and Area Plan encouraging limited commercial services that would serve increased densities to serve adjacent population centers which are connected by multi-modal transportation and pedestrian linkages.

7. The proposed rezoning of .74 acres of land zoned Planned Community, R1 B6 3 (Low Density Residential), and LC (Limited Commercial) TS (Traffic Sensitive) SR (Scenic Resource) VOH (Valley Oak Habitat) LG/SPR (Local Guidelines/Springs) Districts to the PC TS SR VOH LG/SPR District, to accommodate the proposed commercial development is consistent with the proposed General Plan and Area Plan Amendments and would implement policies encouraging additional neighborhood serving commercial services in close proximity to urban residential areas.

8. The uses, as conditioned, are consistent with the zoning districts in which they are located in that multiple family and commercial uses are allowed in the PC District by a Precise Development Plan Use Permit and zoning requirements are met in order to protect public, health safety, and welfare.

9. The requested incentive of a minor increase in height in the PC District to accommodate a 1'-10" height exception for the senior housing complex is compatible with the neighborhood and would not result in adverse health or safety problems, and is consistent with the R3 Zoning District height limits required in conjunction with the Density Bonus.

10. The establishment, maintenance or operation of the uses for which the application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:

a. The design would enhance the neighborhood by providing strongly integrated and compatible mix of senior housing, family housing, and neighborhood serving commercial uses, supported by existing and proposed public and private infrastructure and services, including improved roadways,

transit, schools, a playground, parks, and a community garden linked by a segment of the Sonoma Valley regional trail.

b. The project includes the improvement of Highway 12 with a center turn lane, bike lane, curb, gutter, sidewalk, and lighting, and street trees, where feasible. Sewer, water and storm drain facilities would be improved.

c. The project would pay school, parks, sewer, and traffic mitigation fees to help address area-wide service needs.

d. The project meets or exceeds parking requirements for both the commercial and residential projects.

Now, Therefore, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Mitigated Negative Declaration is adopted. PRMD is directed to file a Notice of Determination in accordance with CEQA and the State CEQA Guidelines.

3. The Proposed Project is approved as follows:

- a. The General Plan Amendment is approved to increase the density on 3.06 acres from Urban Residential 6 du/acre (UR6) to UR7 (Parcel A), increase the density on 2.96 acres from UR6 to UR11 (Parcel B), change the land use on a .37 acre portion and .18 portion of Parcel C (.74 acres) from UR6 and UR3 to Limited Commercial Traffic Sensitive as shown on the Attached General Plan Amendment Map Exhibit.
- b. The South Sonoma Valley Area One Plan Amendment is approved to change the land use from Low Multi-Family 6-10 du/acre to High Multi-Family 11-16 du/acre for Parcel B and to Commercial for Parcel C.
- c. Approve an Ordinance to change the Zoning on proposed rezoning of .74 acres of land zoned Planned Community, R1 B6 3 (Low Density Residential), and LC (Limited Commercial) TS (Traffic Sensitive) SR (Scenic Resource) VOH (Valley Oak Habitat) LG/SPR (Local Guidelines/Springs) Districts to the PC TS SR VOH LG/SPR District as shown on the exhibit attached to the proposed ordinance.
- e. Design Review and Precise Development Plan Use Permit for a mixed use development with a 100% density bonus to accommodate 60 affordable family rental units, 40 affordable senior rental units, and a 6,450 square

foot neighborhood commercial center on three parcels totaling 6.76 acres subject to Conditions of Approval listed in the attached Exhibit A.

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.



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

DATE: June 10, 2013 at 2:10 p.m.

TO: Board of Supervisors

FROM: Blake Hillegas, Project Planner

SUBJECT: Consider General Plan Amendments, Area Plan Amendments, Zoning Amendments, Design Review, and a Precise Development Plan Use Permit to accommodate a mixed use project, including a 6,450 square foot neighborhood commercial center and 100 affordable rental units at 17310 and 17366 Highway 12, Agua Caliente; File PLP12-0038; MidPen Housing/Marco Vailetti, applicants; Supervisorial District No. 1

Action Requested of the Board of Supervisors:

Conduct a public hearing to consider the Planning Commission's recommendation to approve a mixed use project with 6,450 square feet of neighborhood commercial space and 100 affordable rental housing units proposed at 3310 and 3360 Highway 12; APN's 056-201-100, -101, and -102.

At the conclusion of the hearing it is recommended that the Board:

- 1) Adopt a resolution approving a Mitigated Negative Declaration, General Plan Amendments, Area Plan Amendments, Design Review, and a Precise Development Plan Use Permit for a mixed use neighborhood commercial center and affordable rental housing project; and
- 2) Approve an Ordinance rezoning a portion of Parcel C to add the Planned Community base zoning district and the Traffic Sensitive combining district.

Prior Actions:

On May 8, 2014, the Planning Commission recommended (5-0) adoption of a Mitigated Negative Declaration and approval of the project finding that impacts have been fully mitigated, that the project furthers the goals, objectives, and policies of the General Plan and is in the public interest by providing a compatible mix of affordable housing and commercial services, a segment of the Sonoma Valley Trail, a community garden, and an updated playground/recreation area for residents and school children.

Location, Zoning and Project Description:

The 6.76 acre project site consists of three parcels located at 17310 and 17366 Highway 12 in Agua Caliente. Parcel A (3.06 acres) and Parcel B (2.96) acres are Zoned PC (Planned Community). Parcel C (.74 acres) is Zoned PC (Planned Community), R1 B6 3 (Low Density Residential 3 du/acre), and LC (Limited Commercial, TS (Traffic Sensitive). All three parcels contain the SR (Scenic Resource), VOH (Valley Oak Habitat), and LG/SPR (Local Guidelines/Springs) Combining Zoning Districts.

The project involves a mixed-use Planned Community in an area designated by the General Plan for a mix of commercial and multiple family residential uses. The project includes General Plan Amendments, Area Plan Amendments, Zone changes, Design Review, and a Precise Development Plan Use Permit. The proposed General Plan amendment would change the land use on .55 acres from Urban Residential to Limited Commercial Traffic Sensitive and increase the currently allowed base density on 6.02 acres from a total of 38 units to 50 units. Utilizing Sonoma County's Housing Opportunity Area Type A Affordable Housing Program, the applicant seeks a 100% density bonus to construct 100 rental apartments (60 family apartments and 40 senior apartments). The applicant proposes a minimum of 22 units restricted for rents affordable to extremely low income residents, 14 units affordable to very low income residents, and 64 units affordable to low income residents. Two units will be reserved for managers of the family housing and senior complexes.

Project Specifications include:

- Senior apartment units (Parcel A; 3.06 acres): 40 affordable (4 extremely low, 8 very low income, and 28 low income) senior apartment units in one 3-story, elevator served, courtyard building
 - Unit mix:
 - Thirty-seven (37) 1-bedroom/1-bath
 - Three (3) 2-bedroom/1-bath
 - Open Space
 - Porches or patios
 - Use of adjacent recreation area
 - Use of community garden
 - Bicycle/pedestrian trail
 - Courtyard
 - Amenities
 - Reception/management offices
 - Fitness room
 - Community room
 - Parlor
 - Laundry facilities
 - Bike parking
 - Bus stops

- Family apartment units (Parcel B; 2.96 acres): 60 affordable (18 extremely low, 6 very-low, and 36 low income) family apartment units (in four 3-story residential buildings of stacked flats).
 - Two 10-plex buildings
 - Two 20-plex buildings
 - Unit mix:
 - Seventeen (17) 1-bedroom/1-bath
 - Twenty-six (26) 2-bedroom/2-bath
 - Seventeen (17) 3-bedroom/2-bath
 - Open Space
 - Porches or patios
 - Use of adjacent school recreation area
 - Use of community garden
 - Bicycle/pedestrian trail
 - Tot lot

- Amenities
 - Reception/management offices
 - Conference/classrooms
 - Fitness room
 - Community room
 - Laundry facility
 - Bike parking
 - Bus stop
- Commercial (Parcel C; .74 acres): ±6,450 sq. ft. of retail commercial
 - Buildings
 - Two (2) single-story buildings
 - Bicycle racks
 - Pedestrian benches
- Multi-Use Playground (Parcel A): 1.4-acres, exclusive use by Sonoma Charter School during school hours. Available to residents after school, weekends and holidays.
- Community Garden (Parcel A): One-third of an acre. Member-based garden for area residents, Sonoma Charter School and residents of “Sonoma Springs”.
- Bicycle/Pedestrian Trail (Parcels A, B, and C): The installation of a segment of the Sonoma Valley Public Trail from Vailetti Road to Depot Road, which will run within an existing trail easement along the west side of the project site and the adjoining charter school property.

Project Phasing will consist of:

- Phase 1: 2014-2015; Site grading and construction of all infrastructure, including all underground utilities, Highway 12 utility tie-ins, upgrade joint-use school recreation area, community garden, and segment of Sonoma Valley Trail.
- Phase 2: 2015-2016; Construction of 60 unit family housing complex (Parcel B) and commercial center (Parcel C).
- Phase 3: 2016-2017; Construction of 40 unit senior housing complex.

ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING

Issue #1: General Plan Consistency

As a 100% affordable rental project, it includes 22 extremely low income units, 14 very low income units, 64 low income units, and 6,450 square feet of neighborhood commercial space. The family housing complex has been allocated funding from the County Fund for Housing and will exceed the

General Plan affordability requirements by providing at least 30% (18 units) affordable to extremely low income households. Both the family housing and the senior housing exceed the zoning Type A Density Bonus regulations requiring 40% affordability to very low or low income households. The project is situated along a major bus route, and will include a bus stop and pedestrian and bicycle facilities, including a segment of the Sonoma Valley Trail. The project will coordinate with the Phase II Highway 12 Improvement project and provide new road, sewer, water and storm drain facilities. The project will contribute \$300,000 toward sewer upgrades and has obtained a will serve letter from the Valley of the Moon Water District.

Commissioner Cook emphasized a desire to ensure some of the units would be available to tenants with special needs, including persons with disabilities. Commissioner Cook questioned whether the applicant would give preference to local residents when leasing the residential units.

Resolution

All 40 senior housing units qualify as special needs housing according to General Plan Policy. Elevators are proposed in the senior complex, such that all 40 units would be accessible to seniors and seniors with disabilities. In addition, 17 family rental units would be accessible to persons with disabilities. This exceeds the minimum building code accessibility requirement of 6 units in the family housing project. In addition, the building code requires that common use areas be accessible.

Mid Pen Housing has experience in executing marketing /lease-up plans containing local "live/work" preference requirements and has agreed to work with the Community Development Commission to carry out a local "live/work" preference program for this project in the context of their Affirmative Fair Marketing Plan.

The Planning Commission determined the project is consistent with General Plan goals, policies and objectives because it would provide medium density affordable housing to meet regional housing needs, including special needs housing. The Planning Commission determined that the proposed density would not exceed General Plan growth projections and can be supported by existing and proposed neighborhood commercial services, infrastructure, and public facilities, including transportation facilities, schools, and parks.

Finally, the Planning Commission also determined that the deeper level of affordability exceeds General Plan and Zoning requirements and this increased level of affordability to be within the public interest.

Issue #2: South Sonoma Valley Area One Plan Consistency

The South Sonoma Valley Area Plan designates the 6.76 acre project site as Low Multiple Family Residential 6-10 du/acre. To accommodate the 60 unit residential family housing project at 10.2 units an acre, Parcel B would be redesignated as High Multiple Family Residential 11-16 du/acre. In addition, the Area Plan residential land use designation on Parcel C (.74 acres) would be amended to Commercial to accommodate the proposed commercial project.

Resolution

The Planning Commission determined that these changes are consistent with Area Plan policies which encourage redevelopment with higher residential densities and mixed use, and recognize that long term

adjustments in land use are necessary to increase housing and commercial services in the area. The Planning Commission also determined that the proposed Area Plan amendments are consistent with the proposed General Plan and Zoning Amendments.

Issue #3: Zoning

As a Type A affordable housing density bonus project, compliance with the Planned Community and the R3 Medium Density zoning standards are required and density bonus incentives may be granted. The Planning Commission recommended an incentive be approved allowing the height of the senior housing complex to exceed the Planned Community zoning height limit of 35 feet by 1'-10". The Planning Commission determined that the project meets all other Planned Community and R3 Medium Density zoning standards, including the requirement for 200 square feet of usable recreational and leisure area for each dwelling unit. The open space requirement is met through the provision of over 26,000 square feet of recreation leisure space, including a minimum 60 square feet of patio/balcony space for each unit, community and fitness rooms, the Sonoma Valley Trail and the community garden. In addition the project includes the 1.4 acres of shared recreational open space available to residents during non-school hours.

The Planning Commission questioned whether the project met Zoning Code parking requirements and how potential overflow parking associated with the residential uses would be managed. The Zoning Code and State Density Bonus Law require the following parking:

| | <u>Senior Apartments</u> | <u>Family Housing</u> |
|----------|--------------------------|-----------------------|
| Required | 43 | 93 |
| Proposed | 57 | 112 |

The applicant explained that the proposed parking plan purposely exceeds required parking standards by 32 spaces based on their experience in managing multiple family complexes. MidPen will actively manage parking to ensure neighborhood impacts are minimized. MidPen typically screens tenants, monitors parking, and will issue resident and visitor parking passes as necessary. The project traffic engineer indicated that the proposed parking was commensurate with the project's parking demand.

Resolution

The Planning Commission determined that the number of parking spaces exceeded local and state requirements and the applicants program to actively manage parking would ensure compatibility.

Issue #4: Design Review

The Highway 12 Design Guidelines call for improving the aesthetic design and pedestrian orientation of the corridor by improvements in architecture, landscaping, and pedestrian circulation, and through the provision of activity hubs at strategic locations. The Design Review Committee determined that the proposed commercial center complies with the *Main Street Guidelines* by establishing an activity hub through placement of the commercial buildings adjacent to the highway corridor and by providing pedestrian orientation and amenity. The Design Review Committee also determined that the family apartments comply with the *Corridor Residential Guidelines* by complying with more traditional zoning setbacks and the provision of strong architectural articulation, landscaping, and pedestrian orientation along the Highway 12 corridor.

Resolution

The Planning Commission determined that the project is consistent with the Highway 12 Design Guidelines and County Guidelines based on the following:

1. The design appropriately relates to the Highway 12 frontage, other street frontages, and surrounding properties through appropriate building setbacks, pedestrian interest and scale, architectural articulation, and foreground/perimeter landscaping. Building entries are appropriate and within reasonable proximity to parking areas. Major and secondary entrances are provided near Highway 12.
2. Pedestrian circulation is appropriately emphasized in the project, including the street crossings of the Sonoma Valley Trail.
3. Parking areas are appropriately screened from Highway 12.
4. Joint use circulation, parking, and utilities are coordinated.
5. Privacy to the adjoining mobile home park is maintained in that the three story family apartments are setback a minimum of 31 feet from the westerly property line and an additional 40 feet from the closest mobile home to the west. Landscaping is proposed to visually soften the three story apartments from adjoining properties.
6. Orchard style tree planting is provided in parking areas.
7. Common and private open space is provided for each unit.
8. Visual interest, design compatibility, and human scale have been provided.

Issue #5: Applicant's request to Modify Conditions #5, #90, and #132.

Subsequent to the Planning Commission hearing, the applicant submitted a letter (Exhibit C) requesting a revision to the project and Draft Condition #90. The revision includes a reduction in the number of extremely low income units in the senior complex from 12 to 4 units. As revised, the senior complex would include 4 extremely low income units, 8 very low income units, and 27 low income units, and a managers unit. The project remains 100% affordable and still exceeds the Zoning Ordinance Density Bonus regulations which require 40% of the units be affordable to very low or low income units.

In addition, the applicant has requested a revision to Draft Conditions of Approval #5 and #132 asking that the two year approval period be applied individually to each phase of the project. The phasing plan includes infrastructure and family housing in 2015-2016 and the senior housing in 2016-2017.

The proposed revisions to conditions are shown as strikeout/bold in the Draft Conditions of Approval.

Resolution

The Permit and Resource Management and Community Development Commission support the request because the project exceeds General Plan and Zoning requirements, is within the public interest by providing 100% affordability, and the senior complex has not received public funding.

The approval period in Condition #5 is repetitive with Condition #132. Therefore, staff recommends that Condition #5 be deleted. To address the proposed phasing plan, it is recommended that Condition #132 include clarification that the two year approval period for the senior housing complex not start until a building permit is issued for the family housing project.

The proposed revisions to conditions are shown as ~~strikeout~~/**bold** in the Draft Conditions of Approval.

List of Attachments:

Draft Board of Supervisors Resolution and General Plan Amendment Map
EXHIBIT A: Draft Conditions of Approval
EXHIBIT B: Draft Ordinance and Sectional District Map
EXHIBIT C: May 27, 2014 letter from MidPen Housing
EXHIBIT D: Vicinity Map
EXHIBIT E: Aerial Photos
EXHIBIT F: Site Plan
EXHIBIT G: Site Landscape
EXHIBIT H: Pedestrian Circulation
EXHIBIT I: Highway 12 Plan View
EXHIBIT J: Senior Housing Plans
EXHIBIT K: Family Housing Plans
EXHIBIT L: Commercial Plans
EXHIBIT M: Elevation Perspectives
EXHIBIT N: Trail Section/Fencing
EXHIBIT O: Site Furniture/Fencing
EXHIBIT P: Site Photos
EXHIBIT Q: Correspondence
EXHIBIT R: Planning Commission Resolution No. 14-009
EXHIBIT S: Draft Planning Commission Minutes dated February 6, 2014
EXHIBIT T: Planning Commission Staff Report dated February 6, 2014
EXHIBIT U: Mitigated Negative Declaration

On File with the Clerk: Full sized plans

7. 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.
8. The contractor shall post a sign that includes the phone number for the current job manager for the benefit of neighbors. The job manager shall be available and responsive 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.
9. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report and supplemental investigation report (April 29, 2013) prepared by PJC & Associates. The geotechnical engineer shall sign the improvement plans and certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring: PRMD Plan Check staff and inspection staff will ensure plans are in compliance with geotechnical requirements.

SURVEYOR:

"The conditions below have been satisfied BY _____ DATE _____

10. The applicant shall retain a registered civil engineer to prepare road construction and drainage plans for submittal to the County Surveyor's Office in accordance with the current adopted Fire Safe Standards Ordinance, Sonoma County Subdivision Ordinance and the following:
 - a. Construct a private road for the two roadways labeled "Entry Drive" (26'4" and 26'8" wide), the roadway labeled "Rancho Drive" and the 24-ft. wide travel way north of Depot Road between the parking stalls as shown on the Precise Development Plan A 0.5, AA.0, AB.0, AC.0 dated 12/12/13. These are required and referenced below as common roadway access. The road shall have an Asphaltic Concrete surface at least 0.20 feet thick and be 18 feet wide, with two foot shoulders. The structural section of the road improvements shall be designed using a soils investigation which provides the basement soils R-value and expansion pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The traffic index to be used for the design is "4". The designer may use an R-value of "5" and a T.I. of "4" if he wishes to waive the soils investigation for the road section design. After plan approval, the subdivider shall construct the required improvements as shown on said plans. These requirements are the minimum. It is the design engineer's responsibility to design an adequate road for its intended use.
 - b. All engineering plans shall be drawn to a scale no smaller than 1" = 40 feet, shall show contours and cross-sections at a minimum of every 50 feet and extend at least 50 feet each side of the road.
 - c. Reciprocal access and maintenance easements shall be provided and widened as necessary to contain the road base, all cuts and fills and the required side drainage.
 - d. A grading permit shall be obtained prior to the start of any earthwork.
 - e. Any roadway structure plans approved by the PRMD shall be attached to, and become a part of, the projects improvement plans.

11. The Fire Marshall may require the applicant to make improvements which meet safety requirements and may include but are not limited to widening, turnouts and surfacing. These improvements shall meet Fire Safe Standards and plans for the said improvements shall be submitted to the County Surveyors Office for review and approval.

In complying with this condition, applicant shall provide the County Surveyor with a Mitigation Request form from the Department of Emergency Services listing the improvements required or stating that the road is acceptable as it exists.

12. The width of this/these roads may be altered (12 feet plus 2 foot shoulders is the minimum road width) with written approval of the County Fire Chief and the County Surveyor. Approval of a 12 foot road will require an inspection by the County Fire Chief and may require other conditions to mitigate the required road standards. This mitigation is for width only and cannot mitigate any other road conditions.

13. If a 12 foot road is approved, In order to provide emergency two-way access, passing turnouts shall be constructed at intervals not exceeding 300 feet or at locations approved by the County Fire Chief. The turnouts shall be constructed per the current adopted Fire Safe Standards Ordinance.

14. To ensure adequate emergency vehicle circulation, a turnaround shall be constructed near Building B1 and Building B2 as shown on page A0.5 of Precise Development Plan dated 12/12/13. Turnarounds may be circular or may be constructed as a hammerhead. The turnarounds shall be constructed per the current adopted Fire Safe Standards Ordinance. This condition may be altered or waived with written approval of the County Fire Chief and the County Surveyor. Any alteration or waiver of this condition may require other conditions to mitigate the required road standards.

15. A report prepared by a civil engineer which provides sufficient information to demonstrate that the existing private road labeled Rancho Drive does meet the Conditions of Approval may be submitted for approval by the County Surveyor. The report shall contain information regarding condition, width, alignment, grade, structural section, subgrade, base rock and asphalt compaction, surfacing and any other relevant information necessary to approve the report. If this cannot be demonstrated, the applicant shall retain a registered civil engineer to prepare road and drainage plans showing how the road is to be up-graded to meet the above stated standards. This condition cannot be mitigated by the Fire Marshall.

16. These conditions are not required to be included in the improvement plans with the exceptions of those entitled "NOTE ON PLANS".

17. Reciprocal easements for access, private and public utilities, and maintenance etc. shall be created for the common roadway access.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

18. Connection shall be made to public sewer and water. Prior to building permit issuance and vesting the Use Permit the applicant shall submit a "Will Serve Letter" for water and sewer to the Project Review Health Specialist to verify compliance, except for a connection to a County operated sewer system where clearance for the sewer will come from the PRMD Sanitation Section.

Solid Waste:

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

Noise:

20. Prior to the issuance of building permits, noise mitigations shall be photocopied from the Illingworth and Rodkin Noise Study dated November 22, 21013, and attached to the building plans for the residential units and for the commercial units submitted for plan check. The residential units shall meet an interior noise level of 45 dBA Ldn and the commercial units shall meet the Cal Green Building Code non-residential standards for sound transmission.
21. Prior to vesting the Use Permit, noise barrier walls for the school playfields shall be constructed in accordance with the Sound Report by Illingworth and Rodkin dated November 22, 2013, Figure 2 and page 8. The design and final construction of the barriers must be approved in writing by the consultant. Barrier height in relation to pad elevation must be certified by the project engineer. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound wall to the Sound Report requirements.

PRIOR TO OCCUPANCY:

Noise:

22. The commercial and residential buildings shall be constructed in accordance with the Sound Report by Illingworth and Rodkin dated November 22, 2013, pages 7 and 8. Prior to building occupancy the design and final construction of the sound Mitigation Measures must be approved in writing by the consultant. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound mitigations to the Sound Report requirements.

OPERATIONAL REQUIREMENTS:

Water:

23. A safe, potable water supply shall be provided and maintained.
24. Portable toilets and portable hand-washing facilities shall be placed and maintained for employees as needed on the construction sites, but in no case shall they be serviced less once per seven days. The permittee 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.

Hazardous Materials:

25. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements for the commercial building and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

26. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food.

Noise:

27. Noise shall be controlled in accordance with Table NE-2 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 and 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 72 seconds in any hour. | | |

28. Hours of operation for commercial uses, including deliveries from within the parking lot shall be limited to 7 am to 10 p.m.
29. 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.
30. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.

Smoking:

31. 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.
32. 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.

SANITATION:

“The conditions below have been satisfied BY _____ DATE _____

33. Each commercial tenant shall obtain a Sonoma County Water Agency Survey for Commercial/Industrial Wastewater Discharge Requirements from the Sonoma County Permit and Resource Management Department (PRMD) and shall submit the completed Survey, along with two (2) copies of the project site plan, floor plan and plumbing plan to the Engineering Division of PRMD. Tenants may be subject to pretreatment requirements, including the installation of grease traps and monitoring manholes. Accordingly, the applicant for the commercial building may want to consider installing separate waste lines for sanitary sewer and process waste.

If additional sewer pre-treatment and/or monitoring facilities are required by the Sonoma County Water Agency per this Survey, the Applicant shall comply with the requirements of the Survey prior to occupancy of the proposed retail space. The issuance of tenant improvement permits is contingent upon completion of the Survey.

34. All easements necessary for the installation of proposed sewer facilities shall be granted to the Sonoma Valley County Sanitation District by separate document, and shall be shown on the required Improvement Plans prior to approval of the Improvement Plans by the Engineering Division of P.R.M.D., or signing of improvement plans by the Sonoma County Water Agency. A copy of each and any easement for sewer construction shall be submitted with the Improvement Plans for the initial sewer design review.

35. The applicant shall submit improvement plans to the Sanitation Section of PRMD for review and approval of the sanitary sewer design. Improvement plans shall be blue line or black line drawings on standard bond paper, 24 inch by 36 inch in size, and prepared by a licensed civil engineer registered in the State of California. Sanitary sewer facilities shall be designed and Improvement Plans prepared in accordance with SCWA Design and Construction Standards for Sanitation Facilities. The Applicant shall pay Plan Checking fees to the Sanitation Section of PRMD prior to the start of Improvement Plan Review.

Please note that review of the sanitary sewer design is a separate review from that of the buildings, drainage and frontage improvements, and shall be performed by the Sanitation Section of the Permit and Resource Management Department under a separate permit.

The sewer design originals shall be signed by the SCWA General Manager/Chief Engineer prior to the issuance of any permits for construction of the sanitary sewer facilities. All sanitary sewer inspection permits shall be obtained from the Sanitation Section of PRMD prior to the start of construction.

36. The applicant shall obtain a Sewer Disconnect Permit from the Sanitation Section of the Sonoma County Permit and Resource Management Department (PRMD) when obtaining a Building Demolition Permit for the existing structure. Disconnection of the existing structure from the sewer shall be inspected by the Engineering Division of PRMD to ensure that disconnection is conducted in compliance with Health and Safety Codes, and to preserve any sewer connection credit that may currently be assessed to the property. Current disconnect fees are approximately \$900 per disconnect.

37. The applicant shall construct sanitary sewer mains and appurtenances in accordance with Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities, where applicable, and/or specific details, as shown on approved improvement plans.

38. No building shall be connected to the mainline sewer until the mainline sewer has been inspected and accepted by the Engineering Division of the Sonoma County Permit and Resource

Management Department (PRMD), and a Sewer Connection Permit has been issued for the building. A Sewer Completion Certificate is required PRIOR to Occupancy.

39. Prior to approval of the Improvement Plans, the applicant shall submit a letter from the Valley of the Moon Water District to the Sanitation Section of the Permit and Resource Management Department (PRMD), stating its ability and willingness to provide water service to the proposed project, and stating that the applicant and the water supplier have entered into an agreement for water service.
40. Prior to the start of construction within the County Right-of-Way of Depot Road, or other county roads, the applicant shall have a licensed general contractor in possession of a valid Public Road bond obtain an Encroachment Permit from the Permit and Resource Management Department (PRMD).
41. Prior to the start of construction within the State Highway 12 Right-of-Way the Applicant shall obtain an encroachment permit from Caltrans and shall submit a copy of the encroachment permit to the Permit and Resource Management Department (PRMD).
42. Sewer Use Fees for sewer service shall be calculated at the prevailing Sewer Connection and Annual Sewer Service Charge rates in effect at the time of sewer permit issuance.
43. All Sewer Fees per Sonoma Valley County Sanitation District Ordinances (latest revision) shall be paid to the Sanitation Section of the Sonoma County Permit and Resource Management Department (PRMD) prior to occupancy of the apartments or retail space. Based on the current Ordinances and fee schedule the estimated fees for the proposed uses, with the associated estimated Equivalent Single-Family Dwelling (ESD) units, are shown below:
 - a. Parcel APN 056-201-100, 40 Senior Apartments = 32.0 ESD
 - Connection fees are estimated at \$391,400
 - Annual Service fees are estimated at \$26,000
 - b. Parcel APN 056-201-101, 60 Family Apartments = 48.0 ESD
 - Connection fees are estimated at \$733,900
 - Annual Service fees are estimated at \$48,700
 - c. Parcel APN 056-201-102, 6,450 sf ft Neighborhood Commercial = 1.69 ESD
 - Connection fees are estimated at \$20,700
 - Annual Service fees are estimated at \$1,400
44. The applicant shall be responsible for the restoration of existing conditions including, but not limited to surfacing, landscaping, utilities and other public improvements that have been disturbed due to the construction of sanitary sewer facilities. Restoration shall be completed prior to the issuance of a Completion Notice, unless otherwise specifically approved in advance by the Permit and Resource Management Department.
45. The Applicant shall have “record drawings” prepared by the project engineer, in accordance with Section 6-05, of the Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities. The record drawings shall be submitted to the Engineering Division of the Permit and Resource Management Department (PRMD) for review and approval prior to acceptance of the sanitary sewer facilities.

SOUTH SONOMA VALLEY SANITATION DISTRICT/SONOMA COUNTY WATER AGENCY:

“The conditions below have been satisfied BY _____ DATE _____

46. The project shall install a holding tank near the downstream end of the new sewer main. The tank is to be sized for a minimum of 8 hours of wastewater originating from the project. The

Billing Basis from the District Rate Ordinance assumes a flow of 160 gallons per day per multiple family residential unit. At this rate, the required storage would be approximately 5,550 gallons. However, with new construction utilizing High Efficiency Fixtures, MidPen may document a smaller tank would be sufficient to store 8 hours of wastewater. The final calculations for the required size to accommodate 8 hours of storage will be verified during plan check. Design details will be established during plan check, and include at minimum:

- a. Holding tank with riser to the surface for evacuating the tank;
 - b. Overflow pipe from a manhole to the tank, set above the crown of the main; and
 - c. Gate valve on the main, downstream from the manhole with the overflow pipe.
47. Prior to issuance of a grading permit, the applicant shall submit wet weather mitigation fee of \$300,000 to the District. These funds will be used to:
- a. Develop offsite improvements that decrease inflow and infiltration into the existing sewer collection system offsetting at least a portion of the total peak wet weather flows from the project; and
 - b. For operation, maintenance, and upkeep costs attributable to the holding tank, including pumping sewage from the holding tank as needed during peak wet weather events.

VALLEY OF THE MOON WATER:

"The conditions below have been satisfied BY _____ DATE _____

48. The project is subject to compliance with the Valley of the Moon Water District's standard plans and specifications in addition to all applicable District policies and fees.

GRADING AND STORM WATER:

"The conditions below have been satisfied BY _____ DATE _____

49. The project is subject to the Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines. Post-construction storm water Best Management Practices (BMP's) to mitigate impacts to the quality of storm water discharges have been incorporated into the planned development. These post-construction BMP's shall not be altered or removed in any manner that may compromise their intended design. Prior to any changes to the location or design of the approved post-construction BMP's, the property owner(s) shall submit a revised Storm Water Mitigation Plan to the Permit and Resource Management Department (PRMD) for review."
50. The improvement plans shall delineate areas reserved for SUSMP/LID features as required by the Final Storm Water Mitigation Plan.
51. Storm drain easements are required to convey storm drainage through any neighboring private properties. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed project prior to grading or building permit issuance.
52. 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.
53. 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/building building permit application and/or 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. The drainage report shall also include an analysis of the existing downstream drainage conditions. If the analysis demonstrates inadequate capacity to handle the anticipated runoff from the proposed project, then improvements to the downstream drainage system shall be required.

Mitigation Monitoring: PRMD will not issue grading or site improvement permits until grading and drainage plans and reports have been submitted in accordance with the above measure.

54. 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 Boyes Springs/Agua Caliente Master Drainage Plan. Drainage improvements shall be shown on the grading/site plans and/or improvement plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations including the Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines. Drainage improvements shall not adversely affect adjacent properties or drainage systems.

Mitigation Monitoring: PRMD will not issue grading or site improvement permits until the plans have been designed to address this measure. Plan check and inspections will verify that construction is implemented consistent with plans.

55. The proposed project is subject to Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines and Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Storm Water Mitigation Plan (SWMP) shall be submitted with the grading/building permit application and/or improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department 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.

Post-construction BMP's shall not be altered or removed in any manner that may compromise their intended design. Prior to any changes to the location or design of the approved post-construction BMP's, the property owner(s) shall submit a revised Storm Water Mitigation Plan to the Permit and Resource Management Department (PRMD) for review and approval.

Mitigation Monitoring: The Permit and Resource Management Department will not sign off on grading or site improvement plans until a Final Standard Urban Stormwater Mitigation Plan is submitted for review and approval.

56. As part of the grading/site plans and/or 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. The Erosion and Sediment Control Plan shall include, but not be limited to the following measures as applicable:

- a. Throughout the construction process, ground disturbance shall be minimized and existing

vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.

- b. All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms, and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.
- c. All erosion control measures shall be installed according to the approved plans prior to the onset of the rainy season but no later than October 15th. Erosion control measures shall remain in place until the end of the rainy season, but may not be removed before April 15th.

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

- 57. The applicant shall provide grading/site plans and/or 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.
- 58. 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.
- 59. Storm drain easements shall be clearly shown and noted on the grading/site plans and/or improvement plans.
- 60. The project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.
- 61. The applicant is responsible to contact the California Department of Transportation and obtain any necessary permits or waivers for proposed work within Highway 12. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

- 62. This proposal accesses the public road system using a road under State of California jurisdiction. The Developer shall obtain a State of California Encroachment Permit before making any improvements within State highway right-of-way.

63. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a. As necessary to create public right-of-way a total of 25 feet wide on the Developer's side of the road, as measured from the centerline of the existing right-of-way, for the full length of the property's frontage on Depot Road. This condition shall be waived if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
64. Right-of-way shall be dedicated as roadway easement. The Developer shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded deed shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.
65. Construction of the frontage improvements shown on the plan titled "Highway 12 Corridor Project, Phase II (County Project)," on file with the Sonoma County Department of Transportation and Public Works (DTPW), shall be completed prior to occupancy of any portion of this development. In the event circumstances require the Developer to construct these improvements and pursuant to Section 26-98-670 of the County Code, the Department of Transportation and Public Works shall offer a reimbursement agreement to the Developer to help fund the cost of construction of said frontage improvements. In part, the reimbursement will consist of a credit against the Developer's required payment of a Traffic Mitigation Fee. Such reimbursement shall be limited in total to the actual cost of the improvements over and above the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development. This condition is void if the County Project is completed prior to occupancy of this development.
66. The Developer shall construct or install improvements on Depot Road described as follows:
 - a. Reconstruct the full-width of the westbound lane between the westerly boundary of Parcel C and the Depot Road conform limit of the County Project. The structural section shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The Traffic Index (TI) to be used for the pavement design is 7.0. A soils report for public road purposes is not required for a design based on an R-value of 5.0.
 - b. Mill out and replace 0.35' of asphalt concrete for the full lane width of the eastbound lane between the westerly boundary of Parcel C and the Depot Road conform limit of the County Project.
 - c. Standard A2-6, 2-foot wide concrete curb and gutter on the Developer's side of the road for the full length of the Developer's frontage; the face of curb shall be located 28 feet (measured perpendicularly) northerly of the existing curb on the southerly side of the street.
 - d. A five (5) foot wide sidewalk (exclusive of curb width) on the Developer's frontage; sidewalk warps shall be constructed to provide a clear 4-foot wide walkway in areas where mailboxes, utility poles, guy wires, driveway ramps and other obstructions are to be installed or now exist.
 - e. A high-visibility crossing at the intersection with the Central Sonoma Trail in compliance with California Manual on Traffic Control Devices requirements.
 - f. A curb-return type entrance to the parking lot having a minimum throat width of 20 feet at the back of sidewalk; refer to DTPW Construction Standard Drawing 806 (www.sonoma-

county.org/tpw/pdf/const_std/806.pdf). The easterly entrance curve shall have a minimum face-of-curb radius of 25 feet and the westerly return shall have a minimum 10-foot radius at face of curb. ADA compliant pedestrian ramps shall be constructed on both sides of the entrance. Note: A ramp-type driveway is an acceptable alternative.

- g. Depot Road improvements shall be completed concurrently with the onsite segment of the Central Sonoma Trail.
67. Ramps for persons with disabilities shall be constructed at all improved intersections in compliance with Caltrans Standard Drawing No. RSP A88A (2010) and County of Sonoma Department of Public Works Construction Standards 224A and 224B.
68. The Developer shall have designed and constructed storm drainage facilities in accordance with Sonoma County Water Agency design standards. Drainage facilities shall be reviewed and cleared by the Grading and Storm Water Section of the Permit and Resource Management Department.
69. An approved storm drain label shall be placed on all surface storm drain structures within the public right-of-way. The PRMD inspector will provide approved labels.
70. The Developer shall install:
 - a. Traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.; and;
 - b. Signs indicating parking is prohibited along the north side of Depot Road.
71. The Developer shall provide County standard street lighting at the following locations:
 - a. One light located on the south side of Vailetti Drive near the intersection with the northerly end of the Central Sonoma Trail;
 - b. One light located on the northerly side of Depot Road at the intersection with the Central Sonoma Trail.

Final pole locations and mast arm lengths will be provided by the DTPW Traffic Signal and Lighting Coordinator.
72. The property owner shall be responsible for the continued maintenance of trees, or other landscape items, placed within the public road rights-of-way.
73. The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
74. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
75. Prior to issuance of any building permit that 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.

76. Plans for all required improvements shall be submitted to the office of the County Surveyor in PRMD for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Developer shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.
77. 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.
78. The Developer shall enter into a Public Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1) year after County acceptance of the improvements as being complete.

FIRE AND EMERGENCY SERVICES:

“The conditions below have been satisfied BY _____ DATE _____

79. 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.
80. Fire apparatus access roads with an unobstructed width of not less than 20 feet, exclusive of shoulders, shall be provided and shall extend to within 150 feet of 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.
81. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads with a minimum unobstructed width of 26 feet exclusive of shoulders, located within a minimum of 15 feet and a maximum of 30 feet from the building positioned parallel to at least one entire side of the building.

REGIONAL PARKS:

“The conditions below have been satisfied BY _____ DATE _____

82. Dedicate a 15-foot wide public access easement (Easement Deed) to the County for the entire length of the Sonoma Valley Trail located on Parcels A, B, and C as identified on the project map. Regional Parks will need to review and approve the easement location, legal description, and plat survey before the grading permit is issued.
83. Provide a speed table at the Sonoma Valley Trail crossing on Rancho Drive or other traffic calming measures as approved by Regional Parks.
84. The project engineer shall demonstrate that the Trail interface at Vailetti Drive does not conflict with an existing PG&E pole. If there is a conflict, the applicant shall secure permission from the school district to adjust the trail interface.
85. The Trail improvement plans shall include directional sign specifications in accordance with Regional Parks Requirements.

- 86. The fence and landscaping adjacent to the Trail on Parcel C shall be subject to review and approval by Regional Parks. It is recommended that clematis be utilized on the retaining walls adjacent to the Trail.
- 87. The entire Trail on Parcels A, B, C, and Sonoma Charter School property will be constructed in the first phase of development.
- 88. The value of the Trail improvements on Parcels A, B, C, Sonoma Charter School property and Trail easement dedication on Parcels A, B, and C can be credited against the required park mitigation fees. Documentation such as an easement appraisal and construction contract for the Trail improvements is needed to verify the value. Any remaining park mitigation fees shall be paid to Regional Parks.
- 89. The paved Trail shall be designed and constructed per Caltrans standards. The minimum paved Trail width is 8 feet.

The Trail construction plans shall be submitted to Regional Parks Department with the improvement plan submittal in accordance with the current, Sonoma County Subdivision Ordinance, Fire Safe Standards and the following:

- a. The Trail shall have an Asphaltic Concrete surface at least 3 inches thick. The structural section of the Trail improvements shall be designed using a soils investigation which provides the basement soils R value and expansion pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The traffic index to be used for the design is "4". The designer may use an R value of "5" and a T.I. of "4" if he wishes to waive the soils investigation for the road section design. After plan approval, the subdivider shall construct the required improvements as shown on said plans. These requirements are the minimum. It is the design engineer's responsibility to design an adequate Trail for its intended use.
- b. A grading permit shall be obtained prior to the start of any earthwork. Once the grading permit is obtained, submit a construction schedule to Regional Parks Department prior to starting site work. Construction schedule shall identify the start and end dates for the Trail improvements so Parks staff can inspect the improvements during construction.
 - 1) Obtain a letter from Parks Department approving rough grade inspection prior to the placement of base rock.
 - 2) Submit compaction test reports for soils and base rock approved by soils engineer prior to paving the Trail improvements.
 - 3) Obtain a letter from Parks Department approving final grade inspection and accepting the completed Trail improvements prior to finalizing grading permit.

COMMUNITY DEVELOPMENT COMMISSION:

"The conditions below have been satisfied BY _____ DATE _____

- 90. The developer and the County CDC shall enter into Affordable Housing Agreements (AHA) for Parcel A and Parcel B to ensure the affordability of the units as follows:
 - a. Parcel A. A minimum of ~~12~~ 4 units affordable to extremely-low income households, ~~4-8~~ units affordable to very-low income households, and ~~8-12~~ units affordable to low-income households. The balance of the units (16) shall be made available for rent to low income households as noted in the proposal statement, except that 1 unit may be unrestricted for the use of a property manager.
 - b. Parcel B. A minimum of 18 units affordable to extremely-low income households, 6 units affordable to very-low income households, and 12 units affordable to low-income

households. The balance of the units (24) shall be made available for rent to low income households as noted in the proposal statement, except that 1 unit may be unrestricted for the use of a property manager.

The CDC shall record the AHA for each Parcel upon completion of all entitlement requirements by the developer and approval by PRMD. The terms of affordability for households and rents shall be as defined in the Zoning Ordinance. Low income units shall be restricted to low income households at 80% of Area Median Income (AMI), at affordable low income rents (30% of 60% AMI).

- 91. Following the completion of the entitlement approval process for the development, PRMD will send the CDC a referral that identifies the specific units that would be restricted as affordable units on Parcel A and Parcel B, the number of bedrooms of each unit, and the income group for which the units would be reserved (e.g. extremely-low income, very low-income, and low-income as defined in the Zoning Ordinance), the Conditions of Approval listing the incentives granted to the project, and any approved variations from the affordability requirements of the Housing Element or Zoning Code.
- 92. The CDC shall prepare the AHAs for Parcel A and Parcel B after PRMD delivers the approved Referral and the developer submits Affordable Housing Program Applications along with a \$500 application fee for each Parcel. The CDC will then provide a copy of the AHAs to the developer for review by its attorney prior to recording. Upon receipt of a letter Opinion of Counsel from the developer’s attorney, the CDC will record the AHAs.
- 93. There is a \$75/unit/year monitoring fee for each affordable unit under contract.

PLANNING:

“The conditions below have been satisfied BY _____ DATE _____

- 94. This Use Permit allows the applicant to construct the Sonoma Springs Mixed Use project in accordance with the Precise Development Plan and revised affordable housing proposal including 100 affordable units (100 percent density bonus) and 6,450 square feet of commercial space. Both the family housing and senior housing projects shall provide at least 30 units affordable to extremely-low income households, 10 units affordable to very-low income households, and 60 units affordable to low-income households. All ground floor units shall be ADA accessible and/or adaptable units. The development shall be constructed and operated in accordance with the proposal statement and Precise Development Plan located in File No. PLP12-0038 as modified by these conditions. The residential unit mix shall consist of the following:

60 Affordable Family Apartments including:

| 1-bedroom | 2-bedroom | 3-bedroom |
|-------------|-------------|---------------|
| 575 sq. ft. | 832 sq. ft. | 1,050 sq. ft. |
| 17 | 26 | 17 |

40 Affordable Senior Apartments including:

| 1-bedroom | 2-bedroom |
|-------------|-------------|
| 575 sq. ft. | 832 sq. ft. |
| 37 | 3 |

The project also includes management offices, community buildings, conference/classrooms, fitness rooms, a tot lot, bike parking and laundry facilities. Recreational and leisure space, including porches or patios, and a community garden are provided. A density bonus incentive is approved to allow the building height for the senior complex on Parcel A to exceed the PC Zoning District height limit of 35 feet by 1’-10”.

95. 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 Planning Commission, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

96. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
97. The project shall obtain Final Design Review Committee review and approval of the project. All items outlined in the Design Review Committee's February 19, 2014 Record of Action shall be addressed.
98. The plans for the sound wall along Highway 12 shall be revised to include foreground landscaping along the Highway 12 side of the wall including densely planted shrubs at a minimum 4 feet on center. The final design is subject to Design Review approval.
99. Street trees shall be included in the sidewalk on Highway 12 to the extent feasible as determined by PRMD.
100. Trees shall not be planted within the existing Sonoma Valley Sanitation sewer easement. Trees and shrubs planted near the easement shall include a continuous root barrier. The root barrier design detail shall be included on the construction plans.
101. Irrigation within the Trail easement shall be supplied from Parcels A, B, and C.
102. An open space easement acceptable to County Counsel shall be recorded prior to grading permit issuance for the perpetual shared use of the school playground by children and residents.
103. 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>.
104. Prior to issuance of grading permits, an outdoor lighting plan is required to be submitted for review and approval. The outdoor lighting plan shall include lighting of the Sonoma Valley trail from outside of the trail easement to avoid Regional Parks lighting and maintenance liability, unless otherwise permitted through a maintenance agreement. A photometric plan shall be provided to ensure lighting levels are compatible with the surrounding area.
105. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures.
106. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
107. The applicant shall demonstrate that the project exceeds 2010 CALGreen + Tier 1 Checklist Requirements by implementing an elective in each category beyond the statutory requirement to comply with General Plan Objective OSRC 14.4 to reduce greenhouse gas emissions below 1990 levels by 2015.
108. The applicant shall conduct a hazardous materials survey of building materials, including but not

limited to asbestos and lead containing materials and obtain a “J” number from the District. The survey report shall provide recommendations to demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) noticing, reporting, monitoring, containment and disposal requirements and include a 10 day notice to the District prior to demolition. Hazardous building materials demolition and disposal shall be subject to compliance with applicable state and federal regulations. If asbestos or lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during demolition activities. If asbestos or loose or peeling lead-based paint is identified, it shall be removed by qualified abatement contractors and disposed of in accordance with existing hazardous waste regulations.

Mitigation Monitoring: Prior to building permit issuance, the Sonoma County PRMD shall ensure that a survey of potentially hazardous building materials is conducted and “J” number is obtained from the BAAQMD.

109. NOTE ON PLANS: The following dust control air quality protection measures shall be included on the project plans and implemented during construction to reduce dust and diesel particulate matter and to ensure that adverse health impacts are avoided:

- Water all active construction grading areas at least twice daily and more often during windy periods.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas. Sweep streets daily (with water sweepers) if visible soil material is deposited onto adjacent roads.
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 15 mph.
- Suspend construction activities that cause visible dust plumes that extend beyond the construction site.
- A Disturbance Coordinator will be assigned to the Project at least for the full duration of demolition activities, grading, excavation, and building construction. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues (e.g., dust and odors) in a timely manner. The contact information for this Coordinator will be posted in plain view at the Project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules.
- Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0), shall be repaired immediately. Any equipment emitting dark smoke 3 minutes after start up is in violation of this measure.
- Properly tune and maintain equipment in accordance with manufacturer specifications.
- Reduce combustion emissions during construction as required in the California Air Resources Board Off-Road Diesel Rule. The "no idling" rule for in-use off-road diesel-fueled vehicles limits idling for such vehicles to no more than five minutes. Signs shall be clearly posted at the construction sites indicating the idle times for construction-related equipment shall be minimized and noting that no diesel equipment shall idle for more than five minutes. Idling necessary to accomplish work for which a vehicle was designed (such as operating a crane) is exempt from the rule (see rule for additional exemptions).
- During renovation and demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations or other regulatory requirements.

Mitigation Monitoring: PRMD will verify that the above requirements are included on the construction plans.

110. To ensure no take of individuals and be in compliance with CDFW and Sonoma County guidelines, additional seasonal surveys for special status plants shall be conducted. The January survey covered late flowering (winter) species. Two additional surveys, one in April and one in May are recommended to provide a comprehensive and full season of surveys. The project botanist shall report any and all special status plant occurrences to the CNDDDB for inclusion in the database.

If any special status plant species are found, the following mitigation measures will be implemented based on the status of the plant observed:

Endangered, Threatened, or Rare Species and their Habitats: The project shall either avoid take or obtain formal incidental take coverage with the required compensatory measures where avoidance cannot be achieved for the affected categories: state and federally listed or proposed species, state candidates for listing, and CNPS ranked species.

Listed or CNPS Rank 1A, 1B, and 2 species: The project applicant shall avoid, minimize, and/or compensate (in that order of preference) for any CNPS List 1A, List 1B and List 2 special status plant species that are found on the project site.

If special plant species are found on the project site, then the project applicant shall prepare a mitigation plan that describes the avoidance or compensatory mitigation measures that would be implemented for these populations. As a performance standard, the plan shall provide for no net loss in the quantity or quality of plant populations. The mitigation plan shall be submitted to the USFWS and/or CDFG for approval for federal and state-listed plants, respectively. The mitigation plan shall include the mitigation measures, which are adopted from the CNPS Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened and Endangered Plants (CNPS 1998), described below, or equally effective alternative measures:

- a. Mitigation for impacts to special status plants would include avoidance measures, when feasible, and compensatory mitigation when avoidance is not possible. Avoidance measures shall include buffer zones to avoid impacting listed plants; installing exclusion fencing around the existing plant populations prior to and during construction. Compensatory mitigation shall include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios shall be sufficient to achieve performance criteria of no net loss of plants. Post project monitoring shall verify that avoidance and mitigation measures are successful.
- b. If mitigation for impacts to special status plants occurs at a non-bank site, preference would be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity of the project site, mitigation for listed plants may be accomplished at a suitable site in Sonoma County that supports the impacted plant population.
- c. A long-term mitigation, monitoring, and management plan shall be developed for plant mitigation and submitted to the USFWS and/or CDFG for approval prior to initiation of construction activities. Mitigation sites shall be monitored for five years after installation. Depending on the actual case-by-case circumstances listed plants within the Project footprint may be salvaged and/or transplanted to a mitigation site approved by the CDFG and/or USFWS. When feasible, seed from plants unavoidably impacted shall be collected and preserved for planting on an approved mitigation site.
- d. Impacted plants shall be mitigated at the ratio of 2:1, or as required by resource agencies.
- e. All storage and staging areas shall be located outside of stands of listed plants.

Monitoring: PRMD will not sign off on grading or building permits until additional surveys are done and mitigation measures implemented as appropriate.

111. The following mitigation measures shall be followed in order to avoid or minimize impacts to passerines and raptors that may potentially nest in the trees:
- a. Grading or removal of nesting trees should be conducted outside the nesting season, which occurs between approximately February 15 and August 15.
 - b. If grading between August 15 and February 15 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird (both passerine and raptor) survey of the grasslands and adjacent trees shall be performed by a qualified biologist within 7 days of ground breaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent “take” of individual birds that could begin nesting after the survey.
 - c. If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
 - d. The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW.
 - e. To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude.
 - f. After the fencing is in place there will be no restrictions on grading or construction activities outside the prescribed buffer zones.

Mitigation Monitoring: PRMD will not sign off on grading or building permits until nesting surveys and avoidance measures have been implemented.

112. Tree removal must only occur during seasonal periods of bat activity, between March 1, or when evening temperatures are above 45F and rainfall less than 1/2" in 24 hours occurs, and April 15, prior to parturition of pups. The next acceptable period for tree removal with suitable roosting habitat is after pups become self-sufficiently volant – September 1 through about October 15, or prior to evening temperatures dropping below 45F and onset of rainfall wetter than 1/2" in 24 hours.
- a. Trees containing suitable potential bat roost habitat (cavities, crevices, exfoliating bark) shall not be removed until after February 28, 2012 (or after evening temperatures are above 45F and/or more than 1/2" of rainfall within 24 hours occurs), and before April 15, 2012. If tree removal is delayed, trees shall be removed after August 31, 2012 and before October 15, 2012. These seasonal restrictions ensure all bats are active (no winter torpid bats, no non-volant young).
 - b. Tree removal shall be conducted using a two-step process conducted over two consecutive days (e.g. Tuesday and Wednesday, or Thursday and Friday). With this method, small branches and small limbs not containing cavity, crevice or exfoliating bark habitat on habitat trees as identified by a qualified bat biologist (who must be present on the site during the first day of tree trimming or cutting) are removed first on Day 1, using chainsaws only (no dozers, backhoes, etc.). The following day (Day 2), the remainder of the tree is removed. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing bats to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habitation

and re-occupation of the altered tree.

- c. Trees containing suitable potential habitat must be trimmed on Day 1 under initial field supervision by a qualified bat expert to ensure that the tree cutters fully understand the process, and avoid incorrectly cutting potential habitat features or trees. After tree cutters have received sufficient instruction, the qualified bat biologist does not need to remain on the site. If different tree cutters will be conducting work on subsequent days, it may be necessary for the qualified bat biologist to return for additional instruction and supervision.
- d. Non-habitat trees and all other vegetation proposed for removal further than 25 feet from identified habitat trees may be removed immediately, using any suitable means that does not cause damage to the habitat tree.

Mitigation Monitoring: PRMD will not sign off on grading or building permits, except in accordance with the above time frame and specifications.

- 113. To prevent direct mortality of bats potentially roosting in the building, a qualified bat biologist possessing a Memorandum of Understanding with the CDFW for work with bats shall first conduct a habitat assessment of the building. This assessment may be conducted up to one year prior to demolition, but is optimally conducted 3-6 months in advance. If no live or dead bats, or evidence of past or present occupancy is observed by a qualified bat biologist, no further action may be required. If live bats or signs of bats are present or suitable habitat is present and accessible to bats, recommendations of the bat biologist for eviction shall be followed, including restrictions to the seasonal periods of bat activity as noted in Mitigation Measure 4.a.2.
- 114. The loss of Protected Trees shall be mitigated in accordance with the requirements set forth in the Sonoma County Zoning Ordinance. All other protected trees shall be mitigated in accordance with the County of Sonoma Tree Ordinance. Compliance shall be demonstrated through an analysis of arboreal value and the submittal of plans showing replacement trees and/or the payment of mitigation fees prior to grading permit issuance. The nine (9) Canary Island Date Palm Trees shall be preserved and replanted in accordance with all specifications listed in the "Palm Transplant Specification" section of the Horticultural Associates Tree Preservation and Mitigation Report dated December 6, 2013.

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 dripline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

Mitigation Monitoring: PRMD will not sign off on grading or building permit until compliance with Sonoma County Tree Protection Ordinance has been demonstrated through on-site replacement and/or the payment of mitigation fees. PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD will not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree mitigation and protection measures were complied with.

- 115. NOTE ON PLANS: "In the event that the 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 should be halted in the vicinity of the find and County PRMD staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from the 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."

Mitigation Monitoring: PRMD will not issue grading or building permits until the above notes are included on construction plans. PRMD will ensure implementation of this measure upon notification of potential discovery.

116. NOTE ON PLANS: "In the event that human remains are unearthed during construction, PRMD and the County Coroner shall be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity shall cease until the Coroner permits work to proceed. If the remains were determined to be prehistoric, the find shall be treated as an archaeological site and an archaeologist as well as all other appropriate agencies shall be contacted."

Mitigation Monitoring: PRMD will not issue grading or building permits until the above notes are included on construction plans. PRMD will ensure implementation of this measure upon notification of potential discovery.

117. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall sign the improvement plans and certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring: PRMD Plan Check staff and inspection staff will ensure plans are in compliance with geotechnical requirements.

118. NOTE ON PLANS: "The construction plans will require that any storage of flammable liquids be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters.

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

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

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

contain and clean up the spill.

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.”

Mitigation Monitoring: Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

119. The applicant shall implement standard traffic control procedures to minimize traffic congestion and traffic hazards and to maintain emergency vehicle access at all times. Encroachment permits shall be obtained where necessary. Construction flagging, signage, and other traffic control measures shall be in conformance with Caltrans Manual of Uniform Traffic Control Devices. Other traffic control measures shall include:
- If temporary lane or street closures are required, the applicant shall contact emergency response providers (i.e., hospitals, police, fire, and ambulance) to determine if the streets impacted are considered primary routes.
 - Where construction necessitates lane or street closures along emergency response routes, the applicant shall recommend and obtain approval of alternate routes or other means from the affected service providers, at a minimum of one week prior to construction. Residents, businesses and public facilities shall be also be given a minimum of one week notice of temporary street closures.
 - During construction, the applicant shall notify the service providers on a weekly basis of the timing, location, and duration of construction.
 - The applicant shall maintain pedestrian and vehicular access to public facilities, businesses, and residences along the street during peak commute hours and shall minimize the closure of pedestrian and vehicular access at other times. Peak commute hours are between 7:00 AM - 9:00 AM and 4:00 PM - 6:00 PM.

Mitigation Monitoring: PRMD will ensure that the construction plans include traffic control measures in accordance with the above standards. The applicant shall be responsible for notifying construction contractors about the requirement for traffic control.

120. Prior to issuance of a building permit for affected buildings a qualified acoustical professional shall review and approve completed building plans and elevations for the first row of family apartments adjacent to State Highway 12 to ensure compliance with State Building Code. The units shall be equipped with mechanical ventilation to allow the windows to remain closed at the residents' option.

Mitigation Monitoring: PRMD will not issue building permits for Building A or D on Parcel B until an acoustical consultant has provided written verification that the building plans comply with the acoustical consultant's recommendations.

121. Prior to issuance of a building permit a qualified acoustical professional shall review and approve completed building plans and elevations for the retail commercial buildings to ensure compliance with State Building Code.

Mitigation Monitoring: PRMD will not issue building permits for the retail buildings on Parcel C until an acoustical consultant has provided written verification that the building plans comply with the acoustical consultant's recommendations.

122. NOTE ON PLANS: “Construction activities for this project shall be restricted as follows:
- a. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on

weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.

- b. There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
- c. Prior to building permit issuance the applicant shall pay a \$300,000 dollar sewer manhole mitigation fee to the Sonoma County Water Agency to fund the projects fair share if cumulative impact. "

Mitigation Monitoring: PRMD will not issue building permits for new construction until the mitigation fee is paid.

- 123. This Use Permit PLP12-0038 shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
- 124. 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.

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.

- 125. The applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.

All development impact fees shall be paid prior to building permit issuance.

PRIOR TO OCCUPANCY:

- 126. A noise barrier with a minimum top of wall elevation of 6 feet above the adjacent playfield grade shall be construction according to the location and specifications outlined in the Noise Assessment report for Sonoma Springs prepared by Illingworth & Rodkin, Inc. dated November 22, 2013.

Mitigation Monitoring: PRMD will not issue grading permits for site improvements until the plans include details of the acoustical fencing in compliance with the noise consultant's recommendations.

- 127. The Rancho Vista mobile home park monument sign shall be re-located to a point that is no less than 15 feet behind the Rancho Drive stop bar, which will shift westward along with the widening of State Highway 12.

Mitigation Monitoring: Prior to issuance of grading permits for site improvement plans, PRMD will verify that sign relocation is included on the plans. Prior to building occupancy PRMD staff will inspect the site to ensure that the sign has been relocated.

OPERATIONAL:

128. The applicant shall maintain a minimum of 57 parking spaces on Parcel A, 112 parking spaces on Parcel B, and 33 parking spaces on Parcel C.
129. The commercial parcel is parked for General Retail at 1 parking space per 200 sq. ft. of floor area. Any retail or office use that generates a higher parking demand shall obtain a new Use Permit and demonstrate adequate parking
130. The applicant/owner shall be required to maintain in good condition all street and parking lot surfaces, lighting and landscaping, including public street frontage improvements to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be required prior to issuance of grading or building permits for maintenance and irrigation within the public right of way.
131. 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.

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

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Due to the proposed construction phasing of the project, the two year approval period for the senior housing complex on Parcel A does not start until building permits are issued for the family housing complex on Parcel B.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY CONSISTING OF .74 ACRE PARCEL C FROM PC (PLANNED COMMUNITY) SR (SCENIC RESOURCE) VOH (VALLEY OAK HABITAT) LG/SPR (LOCAL GUIDELINE/SPRINGS) AND R1 B6 3 (RESIDENTIAL LOW DENSITY 3 DU/ACRE) SR VOH LG/SPR AND LC TS (TRAFFIC SENSITIVE) SR VOH LG/SPR TO PC TS SR VOH LG/SPR DISTRICT(S) ON PROPERTY LOCATED AT 17366 HIGHWAY 12, FETTERS HOT SPRINGS APN 056-201-102

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property; .74 acre Parcel C from the PC (Planned Community), R1 B6 3 (Residential Low Density 3 du/acre), and LC (Limited Commercial) TS (Traffic Sensitive) SR (Scenic Resource) VOH (Valley Oak Habitat) LG/SPR (Local Guidelines/Springs) Districts to the PC TS SR VOH LG/SPR District for property located on the west side of Highway 12 and north of Depot Road, also known as 17366 Highway 12, portions of APN 056-201-102, File No. PLP12-0038. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

SECTION II: The Board of Supervisors certified that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, and adopted a Mitigated Negative Declaration in compliance with CEQA and State and County CEQA guidelines.

SECTION III: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it 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 IV: 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 Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this _____ day of _____, 2014, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Zane McGuire: Carrillo: Rabbitt:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED

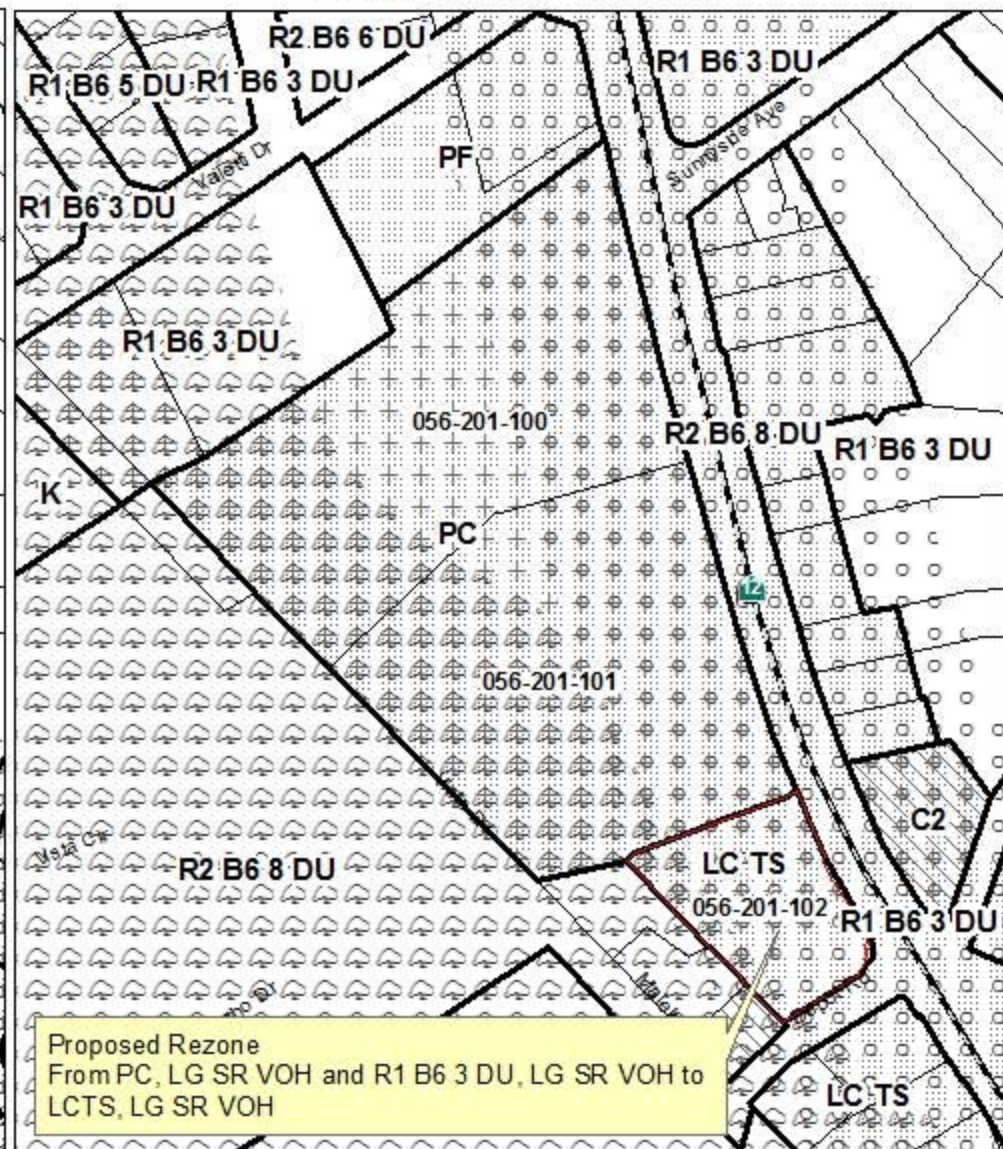
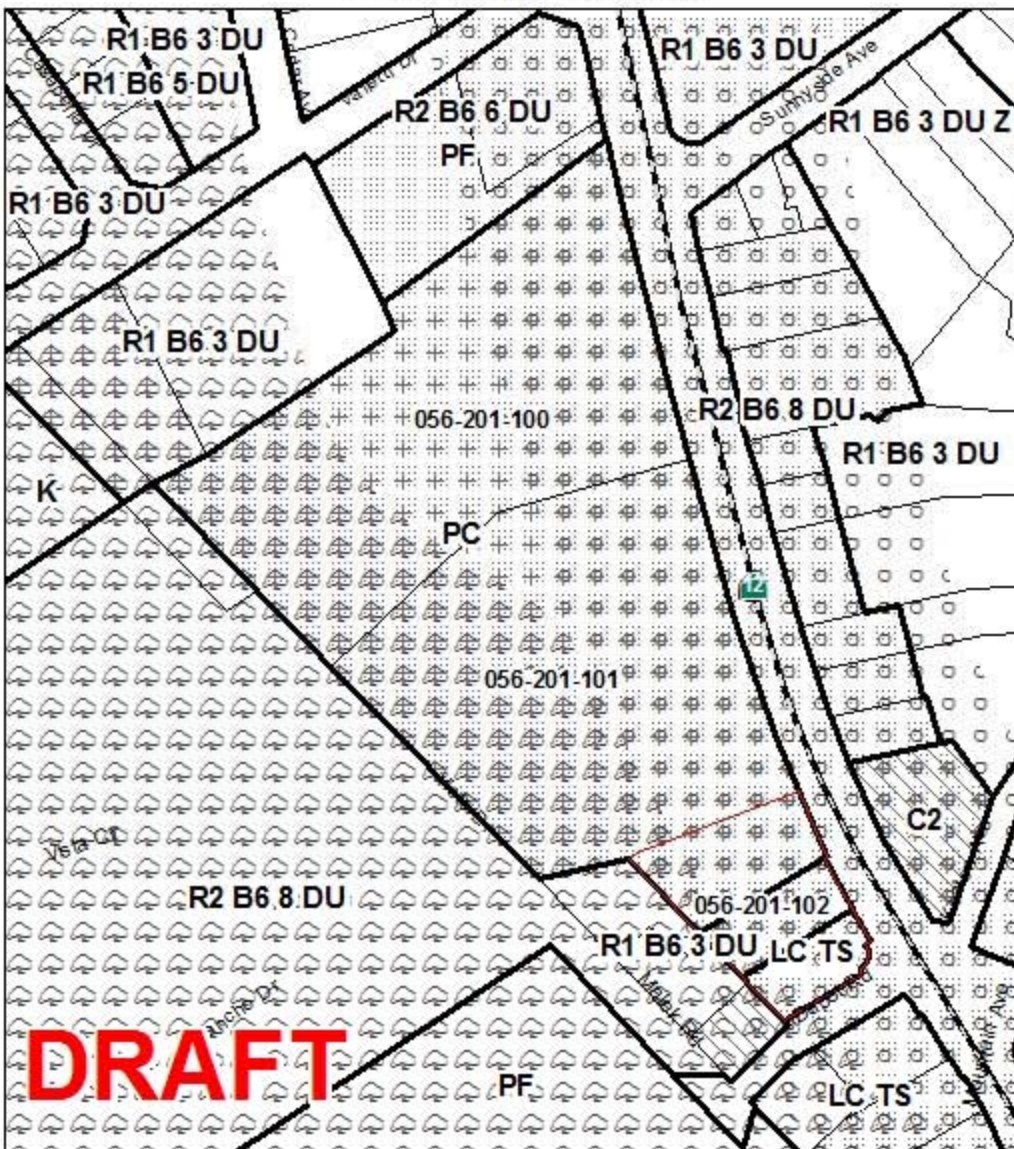
Chair, Board of Supervisors
County of Sonoma

ATTEST:

Veronica A. Ferguson
Clerk of the Board of Supervisors

Existing Zoning

Proposed Zoning



| | | | | | | | | | |
|---|--|---|--|--|--|---|--|---|--|
| Base Map Data Proposed Rezone Base zoning by Area Highways Intermittent Stream Perennial Stream | | Zoning Combining Districts LU Policy AH Affordable Housing HD Historic District BR Biotic Resource | | LG Local Guidelines SR Scenic Resource VOH Valley Oak Habitat MR Mineral Resource | | G Geologic Hazard F2 Floodplain F1 Floodway | | 0 100 200 Feet 1 inch = 200 feet | FILE: PLP 12-0038 APN: 056-201-102 Ordinance No. Sectional District Map No. |
| | | | | | | Permit and Resource Management Department Project Review Section 2550 Ventura Avenue, Santa Rosa, CA 95403 (707) 565-1965 Fax (707) 565-1103 | | | |

Memo

To: Blake Hillegas, PRMD
From: Scott Johnson, MidPen
Date: May 27, 2014
RE: Sonoma Springs – Senior Housing Rent Tiers and Phasing

Blake:

This memo follows up on our earlier call in connection to: 1) the affordable rental mix associated with MidPen's 40-unit Senior Housing project located on Parcel A, and 2) the Project's phasing plan and the performance timeframe associated with Conditions of the Use Permit

Senior Housing Rent Tiers: As we discussed, projects receiving a funding commitment through the County Fund For Housing program require that 30% of the residential units in that project be affordable to households earning 30% of the County's Average Median Income. MidPen's 60-unit Sonoma Springs Family Housing project (Parcel B) has received a funding commitment through the County Fund For Housing program. MidPen's Senior Housing project (Parcel A), on the other hand, has not.

Accordingly, MidPen requests that draft Condition of Approval #90 be modified as follows:

90. The developer and the County CDC shall enter into Affordable Housing Agreements (AHA) for Parcel A and Parcel B to ensure the affordability of the units as follows:

a. Parcel A: a minimum of ~~42~~ 4 units affordable to extremely-low income households, ~~4~~ 8 units affordable to very-low income households, and ~~8~~ 12 units affordable to low-income households. The balance of the units (16) shall be made available for rent to low-income households as noted in the proposal statement, except that 1 unit may be unrestricted for the use of a property manager.

b. Parcel B: a minimum of 18 units affordable to extremely-low income households, 6 units affordable to very-low income households, and 12 units affordable to low-income households. The balance of the units (24) shall be made available for rent to low-income households as noted in the proposal statement, except that 1 unit may be unrestricted for the use of a property manager.

The Family Housing affordability mix remains as previously specified, and no modification is proposed. We request a modification to the Senior Housing affordability mix, however, to preserve the Senior Housing's economic feasibility and to retain the

flexibility necessary to accommodate the Senior Housing project's still pending financial commitments.

Phasing: Because the Project is to be developed on a phased basis, we are requesting that Condition #5 and #132 be amended to allow for a performance timeframe consistent with the Mixed-Use Project's phasing plan. Condition #5 and #132 outline a 2 year (with 1 year extension option) term for the satisfaction of Use Permit conditions. We request that these conditions be amended to make clear that the timeframe applies individually and discretely to each of the following phases:

Phase 1: Upon completion of the County/ Cal-Trans Hwy 12 project along the Mixed-Use Project's frontage, Phase 1 consists of installation of backbone infrastructure, the Family Housing project, the Commercial project, the Playground, and the Bikeway.

Phase 2: Upon completion of Phase 1, the 2nd phase consists of the Senior Housing project and the Garden.

We appreciate your attention to this item. Please contact me should you have any questions or need any further information in order to take this into consideration.

Vicinity Map

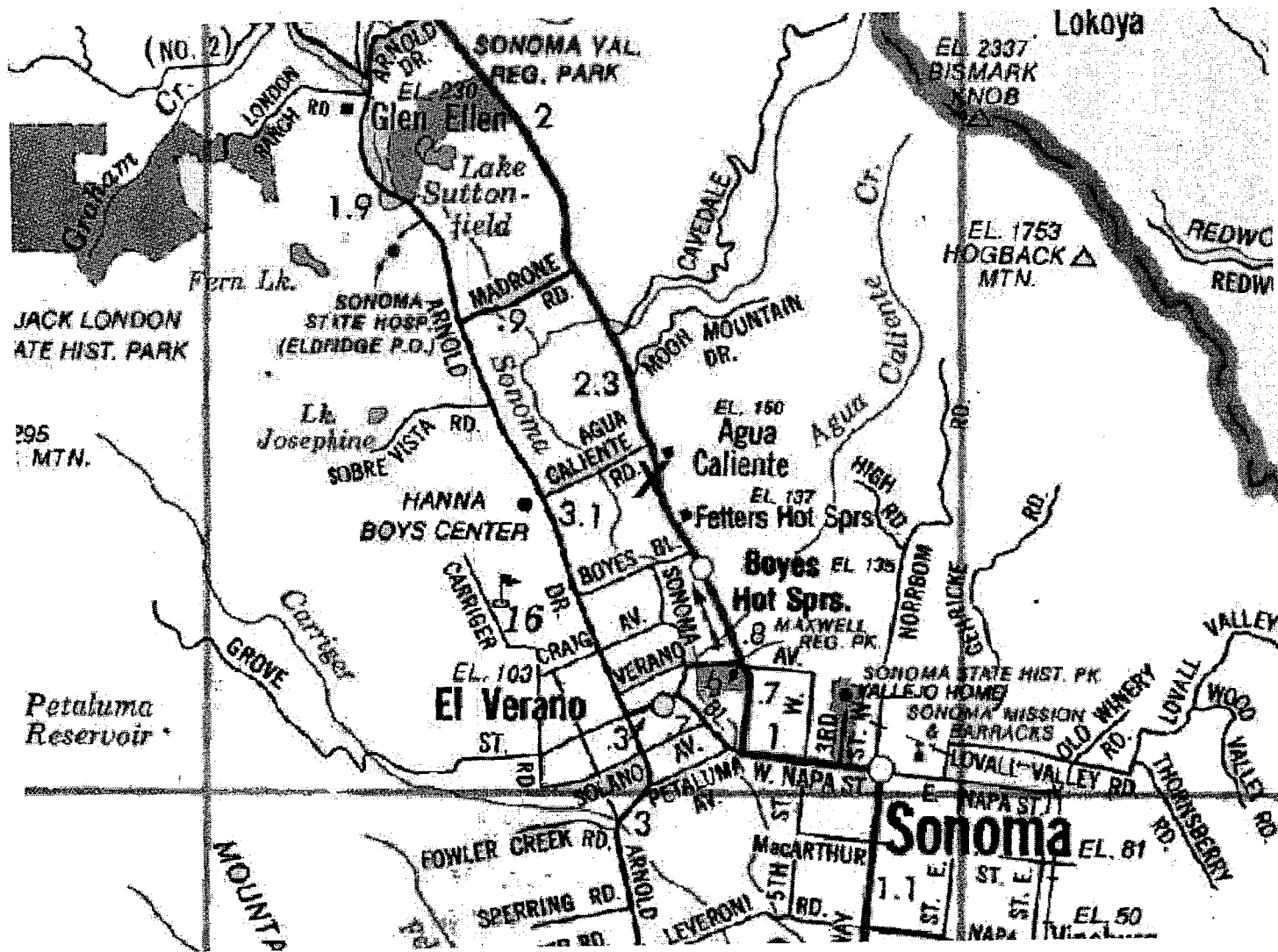


EXHIBIT D



PRMD

Activity # PLP12-0038

Aerial Photo



EXHIBIT E



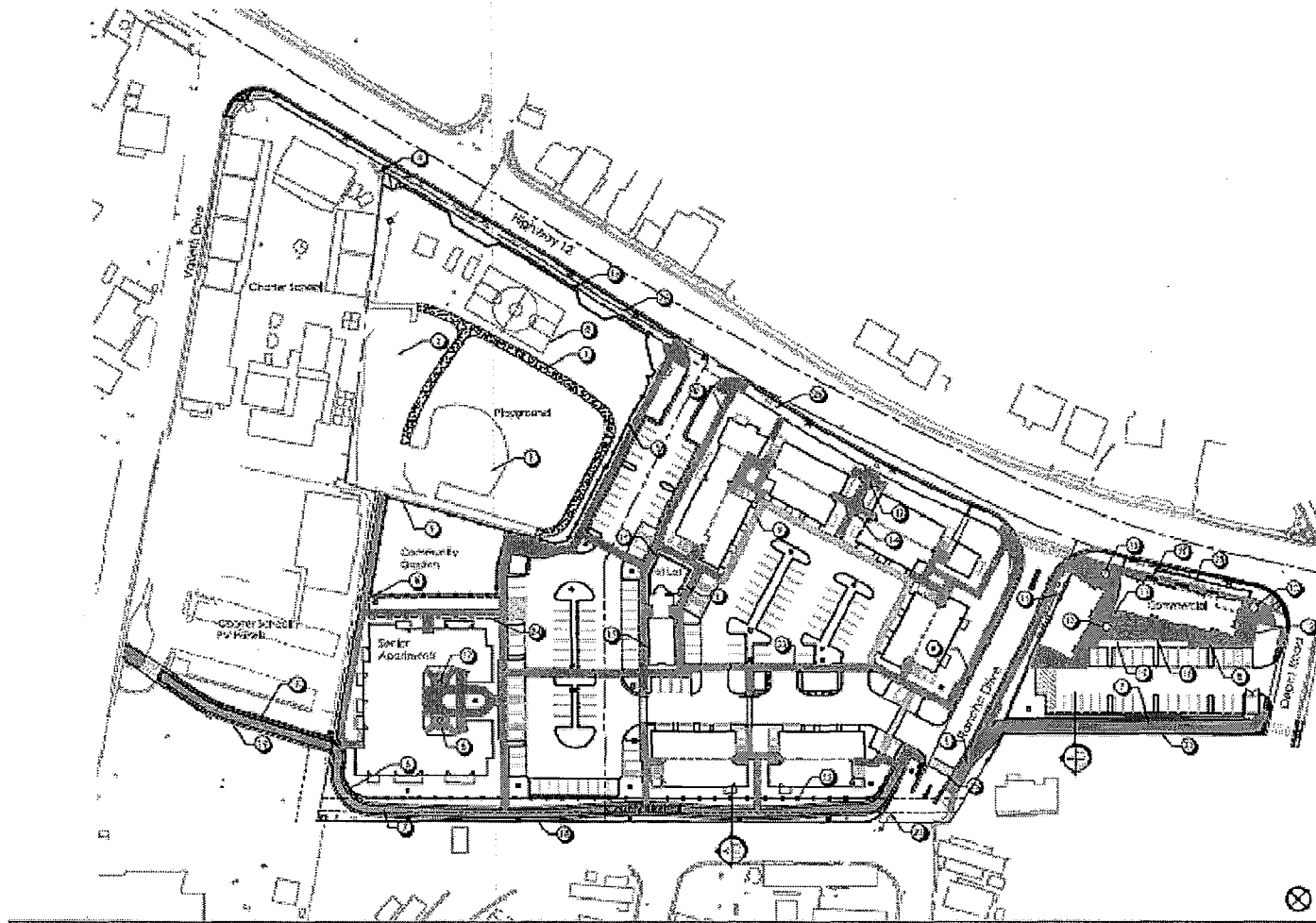
Activity # PLP12-0038

Parcels A, B, and C



Pedestrian circulation

EXHIBIT H

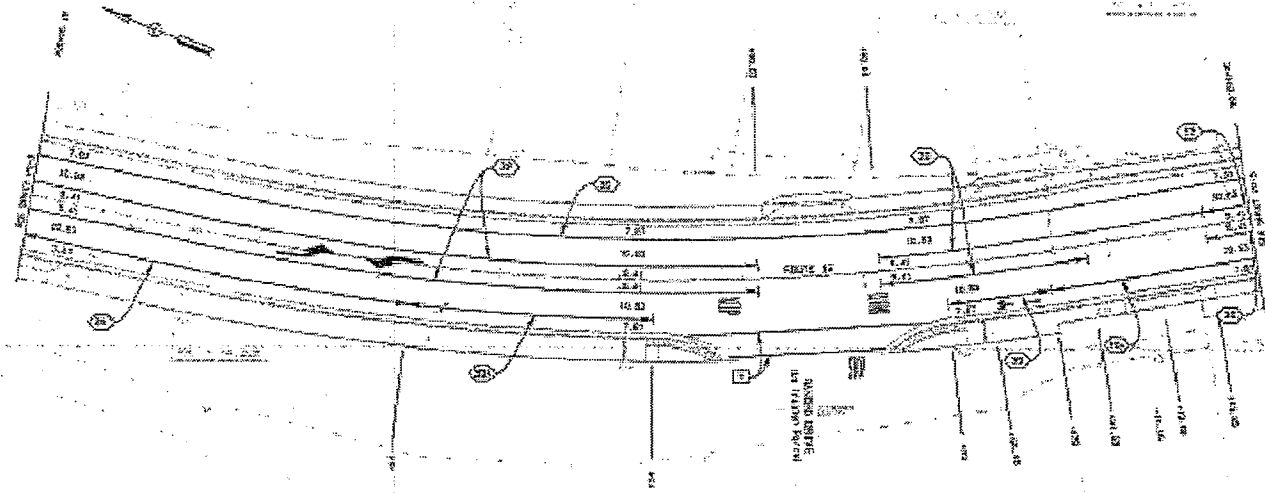


PRMD

Activity # PLP12-0038

Highway 12 at Rancho Drive

| | | | |
|--|-----|-----|----------|
| DATE | NO. | BY | SCALE |
| 03-12-2004 | 12 | PLP | 1" = 20' |
| PROJECT TITLE: HIGHWAY 12 AT RANCHO DRIVE DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 03-12-2004 SCALE: 1" = 20' SHEET NO. 12 OF 12 PROJECT NO. PLP12-0038 | | | |



| | |
|---|---------------------|
| CALIFORNIA DEPARTMENT OF TRANSPORTATION | |
| PROJECT NO. PLP12-0038 | DATE 03/12/04 |
| BY [Signature] | CHECKED [Signature] |

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SHOWN
PAVEMENT DELINEATION PLAN
 PD-4
 SCALE 1" = 20'

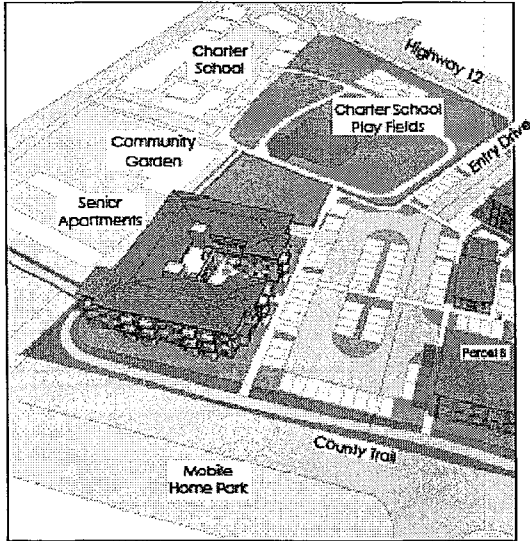
EXHIBIT 1



Activity # PLP12-0038

Senior Apartments

EXHIBIT J



Parcel A/ Birdseye View of Massing Model Looking East

Senior Apartments

10 apartment/ 57-15R averaging 600/75-35R of 864sf
 Community Room 1200sf/ Fitness Center 600sf/ Porch 400sf/ Project Offices, etc. 1400sf

The project is organized around a south facing landscaped courtyard wrapped with community uses and circulation. The Community Room and fitness center are at the head of the court with the project offices and conference facilities flanking the entrance.

All units have private outdoor balconies or patios. Parking (54 spaces including 4 ADA compliant spaces) is provided in an open lot around a circular driveway. Bicycles/tricycle parking (6 spaces) is provided on either side of the driveway. There are refuse and recycling rooms on each floor. Refuse & Recycling is taken by staff to the dumpster enclosure.

Community Garden

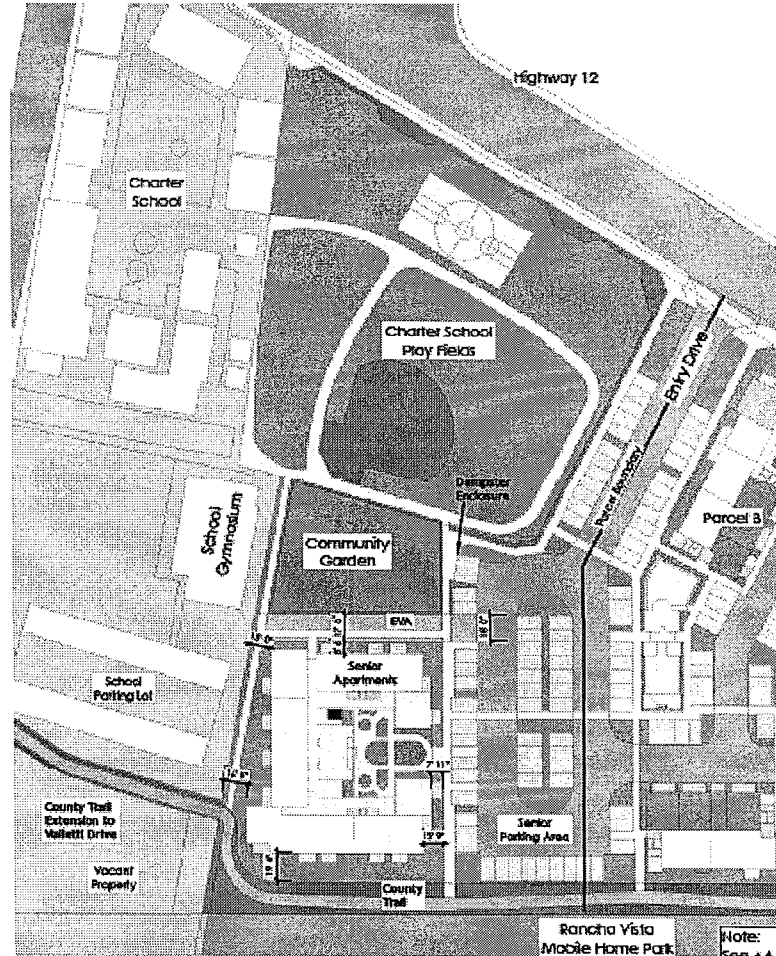
The community garden is an 9,440sf space adjacent to the senior apartments. The garden will be operated by a local non profit and will be open to use by the senior residents, the family apartments and the adjacent charter school as well as the larger community.

Charter School Play Field

The Charter School multi-use playground will be donated to the school, fenced and secured. The playground will be available to project residents during non-school daylight hours.

County Trail

The County Trail improvements will extend from Vollett Drive adjacent to the school parking area and across the western edge of Parcel A.



Parcel A/ Site Plan

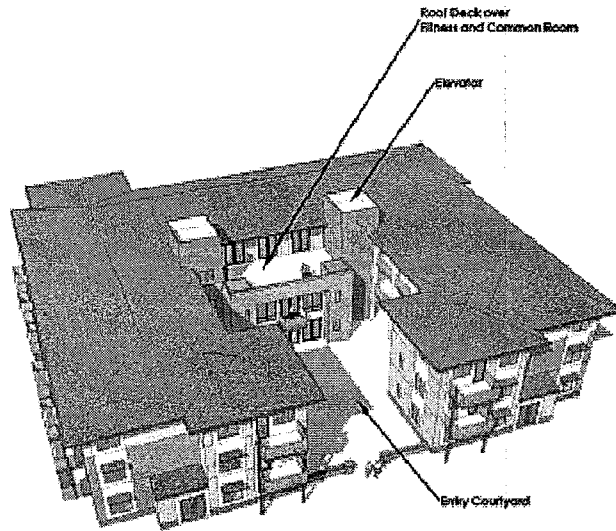
Note:
 See A.A.T for
 building
 dimensions



PRMD

Activity # PLP12-0038

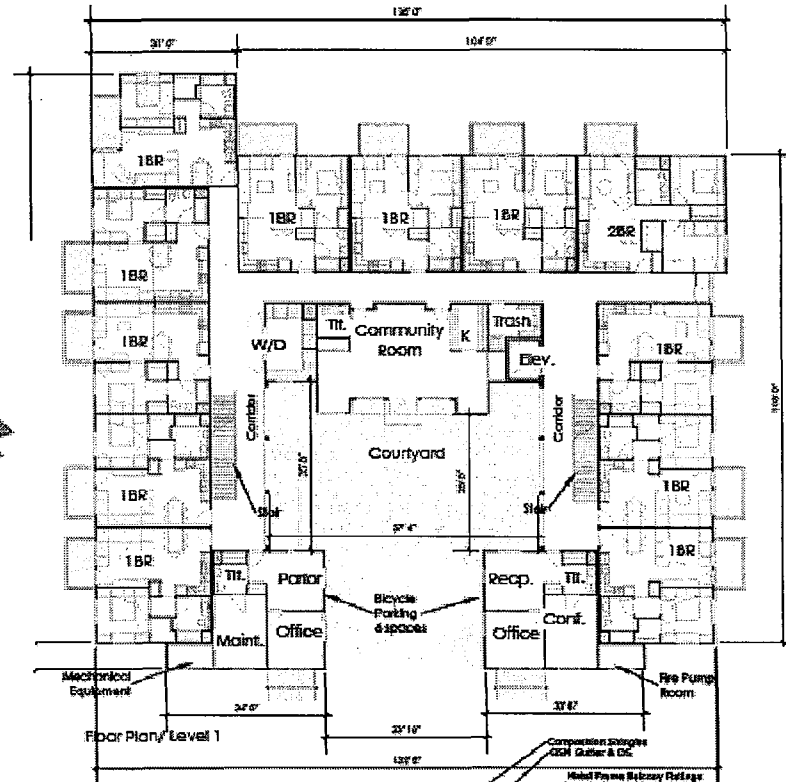
Senior Apartments



Bird's Eye View Looking North



West Elevation



South Elevation

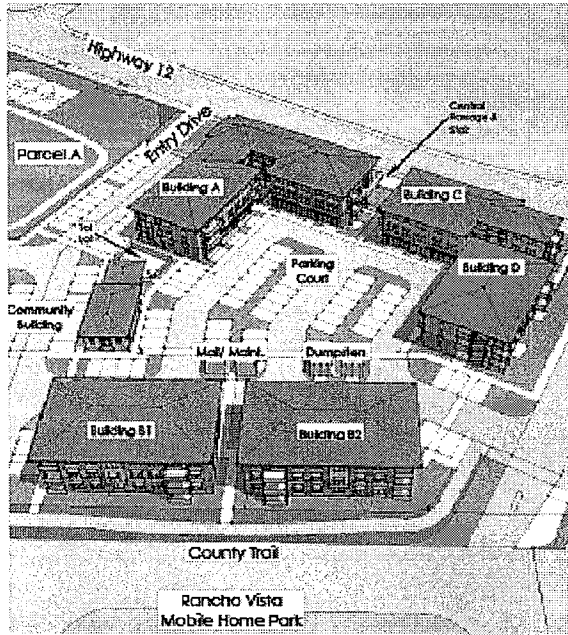


PRMD

Activity # PLP12-0038

Family Housing

EXHIBIT K



Parcel B/ Birdseye View Looking East

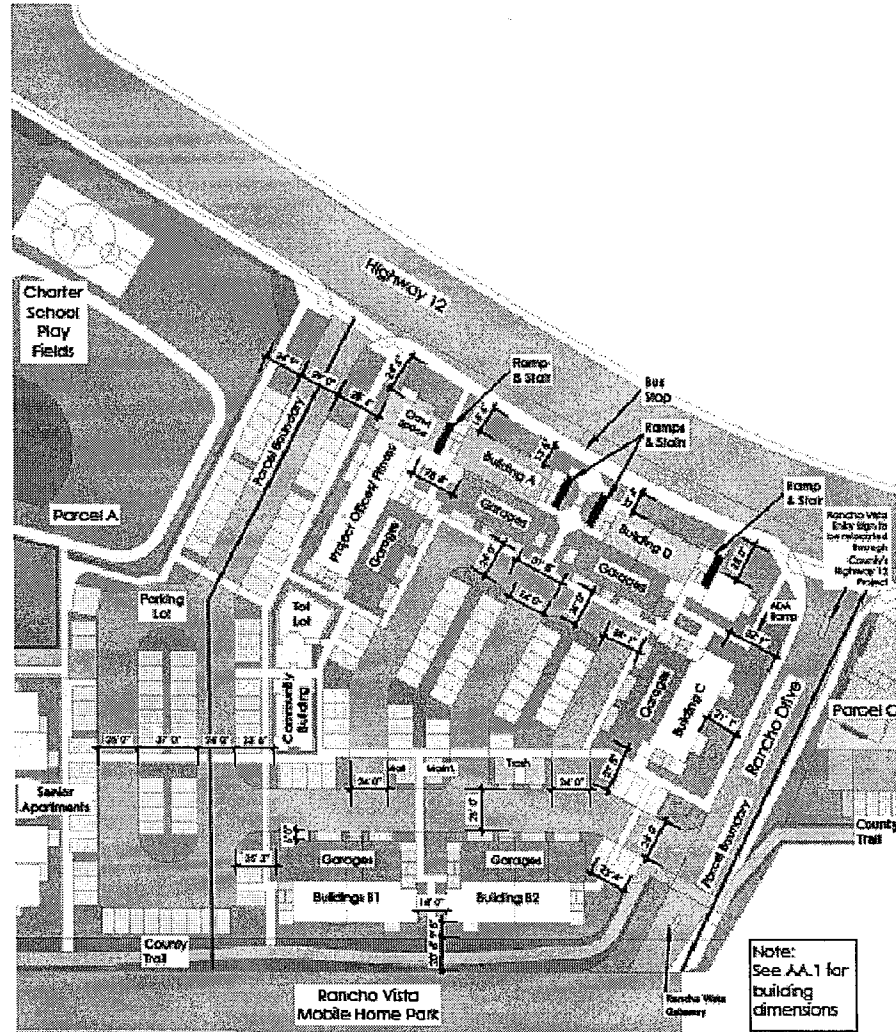
Family Apartments

10 apartments/ 19-1BR averaging 600sf/ 23-2BR averaging 880sf and 19 3BR averaging 1,050sf
Community Room 1473sf/ Fitness Center 704sf/ Laundry 414sf/ Project Offices, etc. 1,700sf

The project is organized as a ring of buildings around a central parking court. Buildings fronting on Highway 12 incorporate the grade change of the Highway embankment and as a result are two stories high when seen from the Highway and three stories from the project interior and have their 1st residential level on the second floor. Buildings consist of back to back stacked flats with access stairs at their ends. The basic module has four units per floor served by two stairs. Building joints line up the modules with common courtyard. The lower level of each of the buildings facing the parking court is occupied by truck under garages. All units have private outdoor balconies or patios. Parking is provided in the truck under garages 34 spaces as well as in the parking court (74 spaces). The parking ratio provides 2 spaces for each of the family apartments. Project offices and the fitness center are located at the base of Building A adjacent to the entry drive. A separate community building containing a common laundry area and community meeting room is located across from the project offices. A lot for younger children is located between the two.

County Trail

The County Trail improvements will extend from Volelli Drive adjacent to the school parking area across the western edge of Parcel A, crossing Rancho Drive through Parcel C to Depot Road.



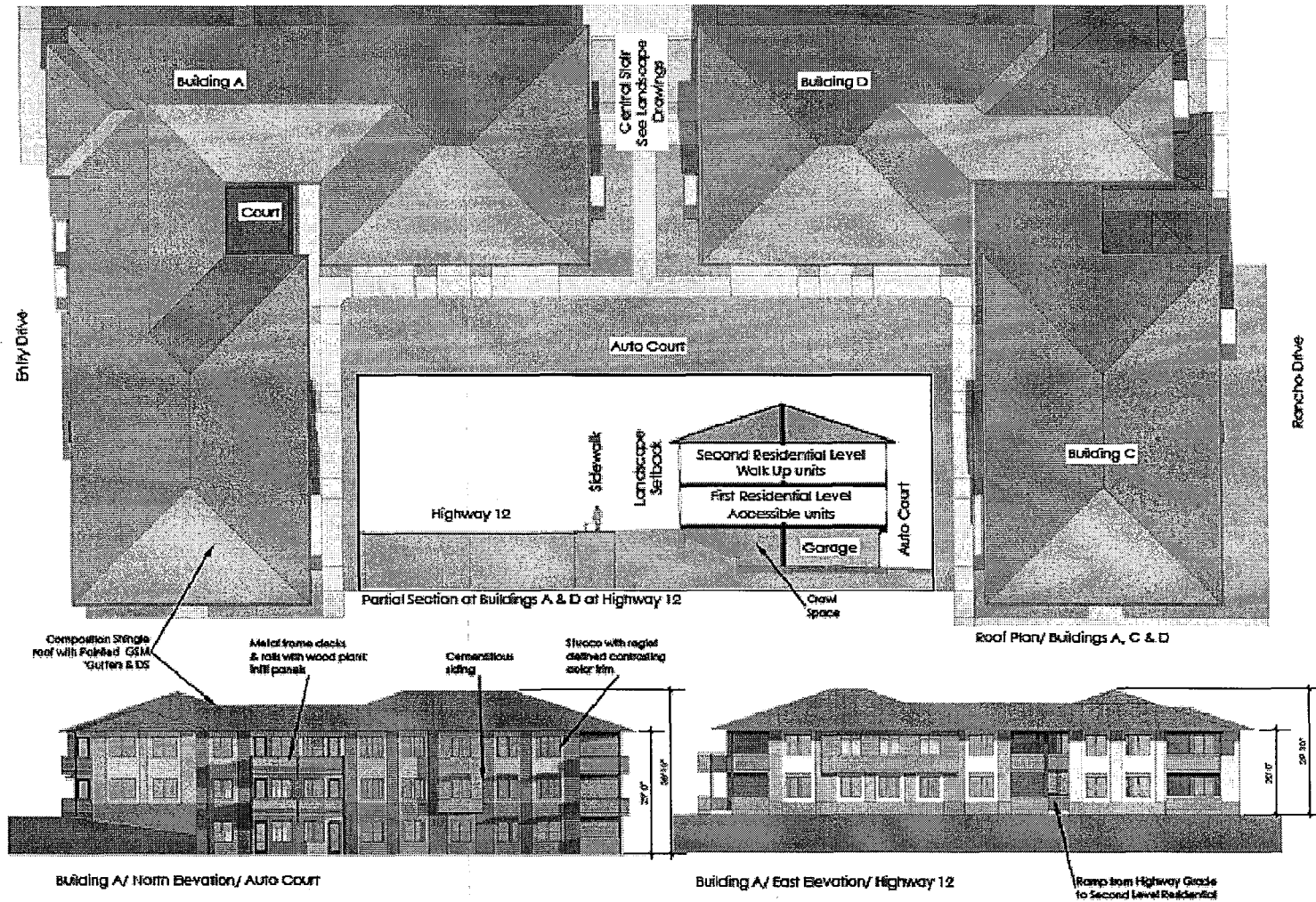
Parcel B/ Site Plan



PRMD

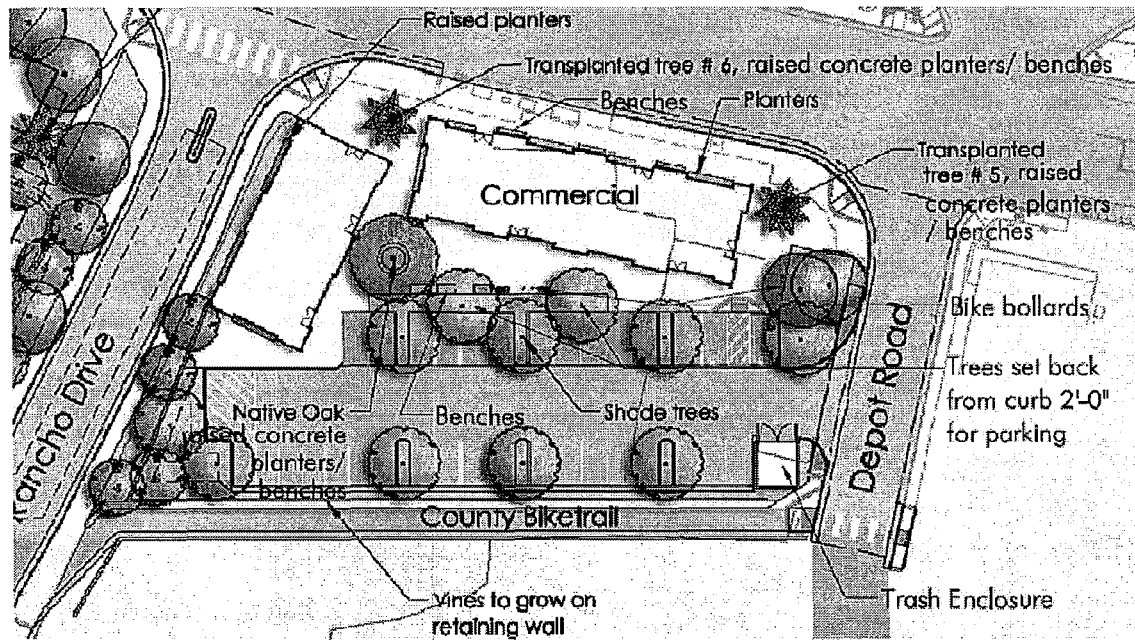
Activity # PLP12-0038

Highway 12 Elevation/Section



Commercial Site Plan

EXHIBIT L



1 SITE PLAN



STRATA
ARCHITECTURE

ARCHITECTURE
12700 Wilshire Blvd., Suite 200
Beverly Hills, CA 90210
Tel: 310.274.1111
Fax: 310.274.1112

SONOMA SPRINGS
EASTSIDE PLAN

- ▲ -
- ▲ -
- ▲ -

SONOMA SPRINGS
EASTSIDE PLAN

SEE PLAN

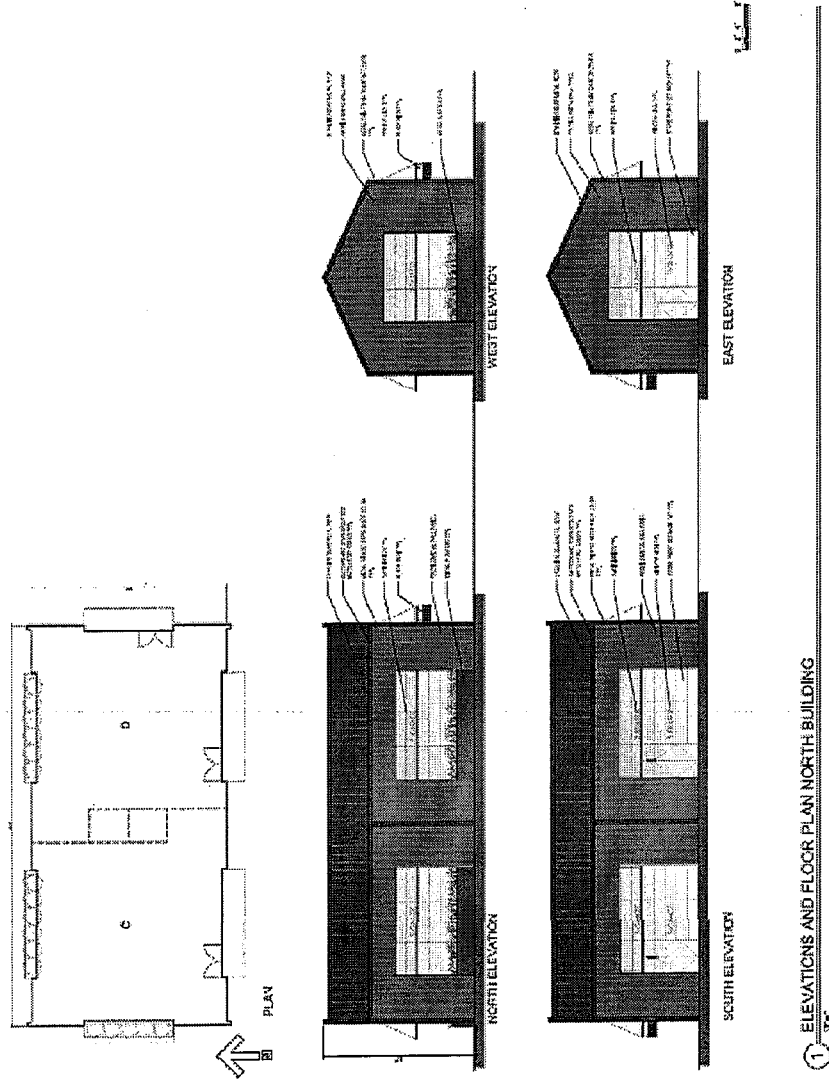
SONOMA SPRINGS
EASTSIDE PLAN
DATE: 08-18-11
DRAWN BY: [illegible]
CHECKED BY: [illegible]
SCALE: 1/8" = 1'-0"

AC.1
STANDARD



Elevations and Floor Plan

North Building



1 ELEVATIONS AND FLOOR PLAN NORTH BUILDING

STRATA
 ARCHITECTURE
 2000 N. 10th Street
 Phoenix, AZ 85016
 Phone: 602.998.1111
 Fax: 602.998.1112
 www.strataarch.com

PROJECT
 SONOMA SPRINGS
 BATHING

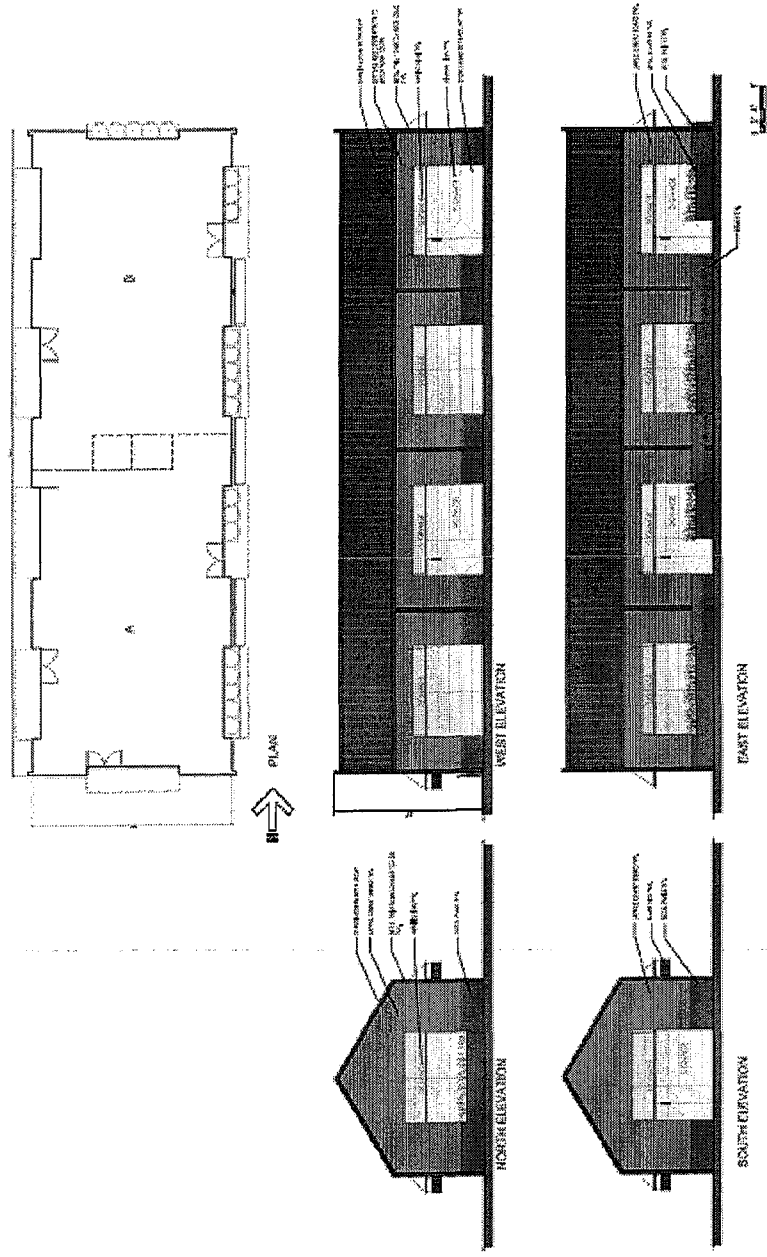
DATE
 08/14/12

SCALE
 1/8" = 1'-0"

AC.3
 ARCHITECT

Elevations and Floor Plan

South Building



1 ELEVATIONS AND FLOOR PLAN SOUTH BUILDING

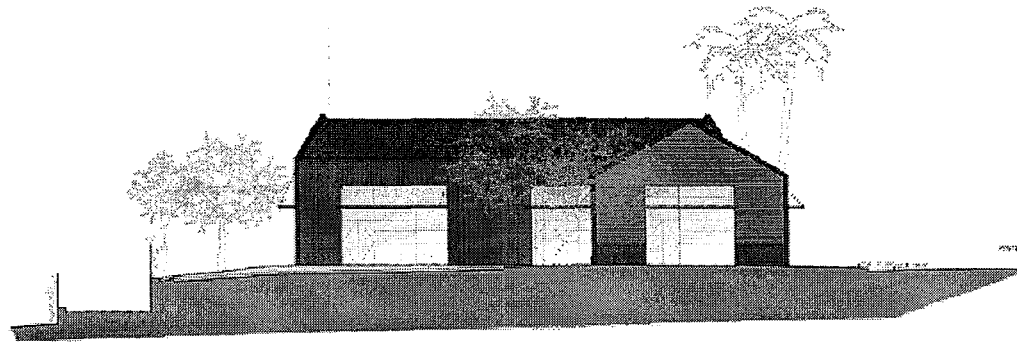


PRMD

Activity # PLP12-0038

Site Section with South Building Elevations

| |
|--|
| <p>SIGNAGE CONCEPT SIGN TO CONFORM TO HWY 12 DESIGN GUIDELINES:</p> <ul style="list-style-type: none"> • AWNING SIGNS • WINDOW SIGNS • BLADE SIGNS |
| <p>SOUTH BUILDING MATERIAL</p> <p>WALL MATERIALS</p> <ul style="list-style-type: none"> • LAPPED CEMENT BOARD • METAL PANELS • GLAZING <p>ROOF MATERIAL</p> <ul style="list-style-type: none"> • STANDING SEAM METAL ROOF <p>MISCELLANEOUS</p> <ul style="list-style-type: none"> • METAL PLANTERS • METAL GUTTERS AND DOWN SPOUTS |
| <p>NORTH BUILDING MATERIAL</p> <p>WALL MATERIALS</p> <ul style="list-style-type: none"> • PROFILE METAL WALL PANELS • GLAZING <p>ROOF MATERIAL</p> <ul style="list-style-type: none"> • STANDING SEAM METAL ROOF <p>MISCELLANEOUS</p> <ul style="list-style-type: none"> • METAL PLANTERS • METAL GUTTERS AND DOWN SPOUTS |



① SITE SECTION WITH SOUTH BUILDING ELEVATIONS

STRATA®
ARCHITECTURE

ARCHITECTURE

2015/2016/2017
2018/2019/2020
2021/2022/2023
2024/2025/2026
2027/2028/2029
2030/2031/2032

ARCHITECTURE

2015/2016/2017
2018/2019/2020
2021/2022/2023
2024/2025/2026
2027/2028/2029
2030/2031/2032

ARCHITECTURE

2015/2016/2017
2018/2019/2020
2021/2022/2023
2024/2025/2026
2027/2028/2029
2030/2031/2032

STRATA ARCHITECTURE
1000 S. GARDEN AVENUE
SUITE 100
DENVER, CO 80202

STRATA ARCHITECTURE
1000 S. GARDEN AVENUE
SUITE 100
DENVER, CO 80202

STRATA ARCHITECTURE

2015/2016/2017
2018/2019/2020
2021/2022/2023
2024/2025/2026
2027/2028/2029
2030/2031/2032

AC.5

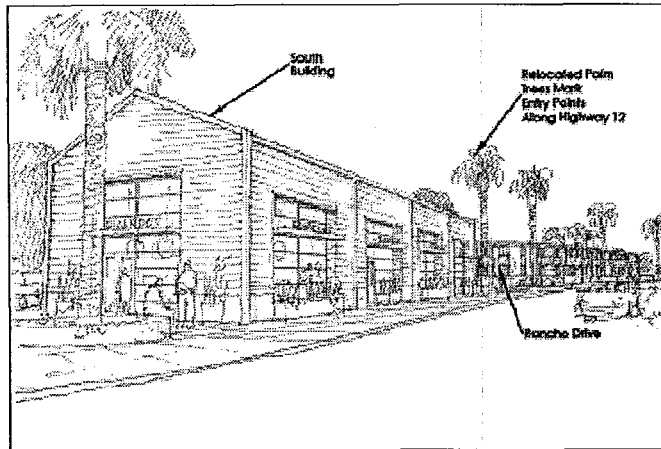
SCALE: 1/8" = 1'-0"



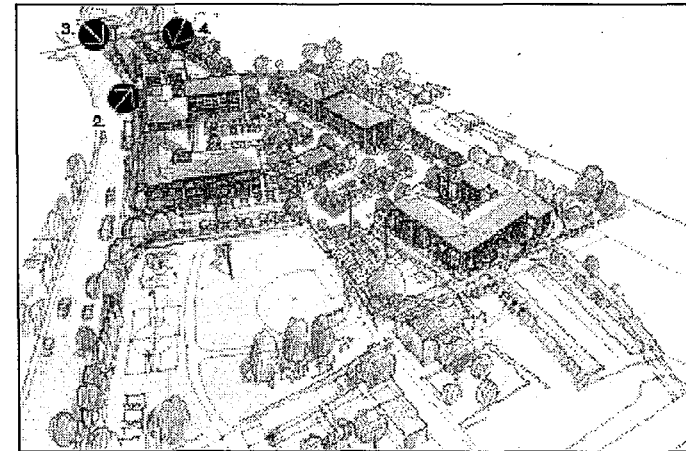
PRMD

Activity # PLP12-0038

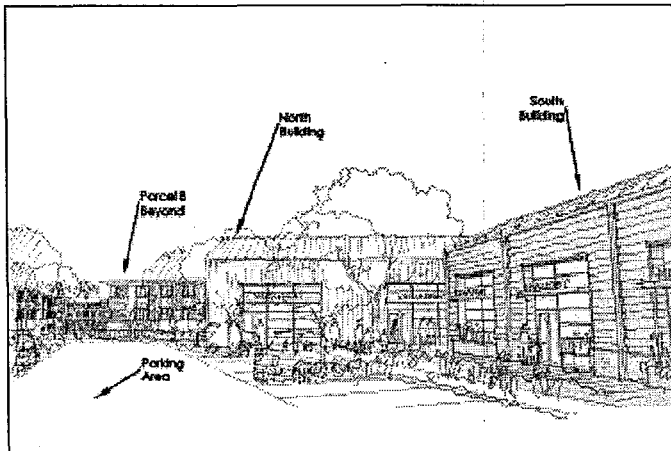
Perspectives



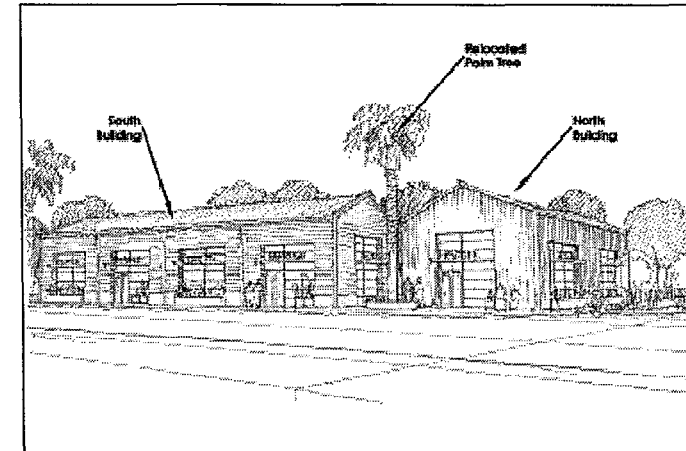
3. Looking North along Highway 12 From Parcel C to Parcel B



1. Bird's Eye Looking Southwest/ Sketch Key



4. Looking North from Depot Road Through The Commercial Parking Area



3. Looking West From Across Highway 12 at Rancho Drive

EXHIBIT M

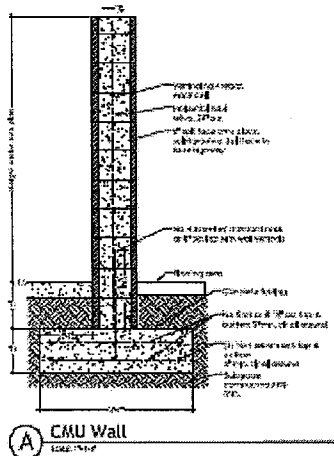


PRMD

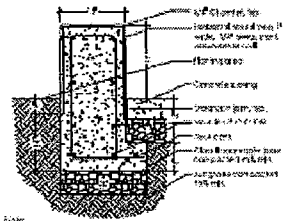
Activity # PLP12-0038

Site Furniture/Fencing

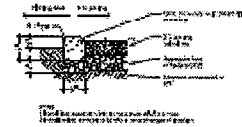
EXHIBIT O



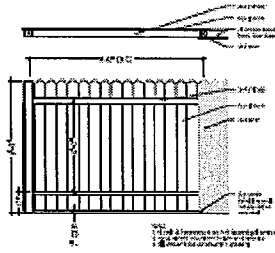
A CMU Wall
SCALE: 1/4" = 1'-0"



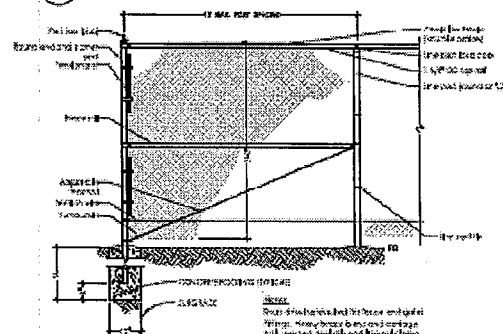
B CAST IN PLACE SEAT WALL
SCALE: 1/4" = 1'-0"



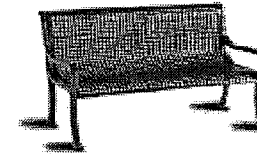
C 6" CONC. MOW STRIP AT D.G.
SCALE: 1/4" = 1'-0"



D 6' WOOD FENCE
SCALE: 1/4" = 1'-0"



E 5' NON-CLIMB FENCE
SCALE: 1/4" = 1'-0"



Woodloch Valley Courtyard Seales Bench
Model # CY400P with Vinyl
Vinyl Coated Steel Surface Mount. TBD

F 6' STEEL BENCH
SCALE: 1/4" = 1'-0"



Sitepark.com
Model # BB204 - 6'-1"
Color TBD

G BIKE BOLLARD
SCALE: 1/4" = 1'-0"



URBANSCAPE Model # 186325
Vinyl Coated Steel Receptacle With Liner and
Recycle Top or Regular Cover
Surface Mount, color TBD

H TRASH/RECYCLE
SCALE: 1/4" = 1'-0"

Detail
Forest Springs Masterplan
11.2
March
Geotrup Architects Associates, Inc.
4400 4
Vicksburg, MS 39180



PRMD

Activity # PLP12-0038

Highway 12



EXHIBIT P



PRMD

Activity # PLP12-0038

Highway 12



PRMD

Activity # PLP12-0038

Playground; Palms to be saved



PRMD

Activity # PLP12-0038

Oak Tree to be saved



PRMD

Activity # PLP12-0038

Fence at Commercial Site



PRMD

Activity # PLP12-0038



"Academic excellence through engaged learning"

May 6, 2014

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
Blake.Hillegas@sonoma-county.org
707-565-1392

Regarding: PLP12-0038 – Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

I have been authorized by our Governing Board to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

This development will have a tremendously positive impact for the students of Sonoma Charter School and we look forward to working both as neighbors and partners with the Sonoma Springs Mixed-Use Project. This project will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

At its public hearing on May 8th, we ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, we ask that the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project.

We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

We thank you for all consideration extended towards the Project proposal.

Sincerely,

Kevin Kassebaum
Director Sonoma Charter School

17202 Sonoma Highway, Sonoma CA 95476 • Tel: 707-935-4232 • Fax: 707-935-4207 • Email: scsoffice@scs.k12.ca.us

Governing Board: Chris McNairy, Jason Page, Lynda Allen, Melanie Luque, Emily Schiffman, Alejandra Cervantes, Patty Bongiovanni
Director: Kevin Kassebaum

EXHIBIT Q

Blake Hillegas

From: Rachel Cisneros [rcisneros@scs.k12.ca.us]
Sent: Wednesday, May 07, 2014 6:32 AM
To: Blake Hillegas
Subject: Sonoma Springs Mixed Use Project

Blake Hillegas, Planner III Sonoma County PRMD

*2550 Ventura Avenue
Santa Rosa, CA 95403-2829 Blake.Hillegas@sonoma-county.org 707-565-1392*

Regarding: PLP12-0038 – Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

We are writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

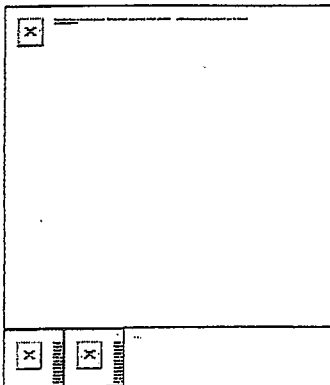
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We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

We thank you for all consideration extended towards the Project proposal.

Sincerely,

Rachel Cisneros



--
Notice to Recipient:

MOORE
RECYCLING ASSOCIATES INC.
Recycling Implementation Specialists

May 6, 2014

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
Blake.Hillegas@sonoma-county.org
707-565-1392

Regarding: PLP12-0038 – Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas,

As a business owner and home owner in the Springs, I am writing to express my strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

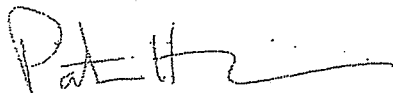
This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

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I request that my communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

I thank you for all consideration extended towards the Project proposal.

Sincerely,



Patty Moore

May 7, 2014

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829

Regarding: PLP12-0038 - Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

We are writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

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We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

We thank you for all consideration extended towards the Project proposal.

Sincerely,



William Utnehmer

May 7, 2014

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829

Regarding: PLP12-0038 - Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

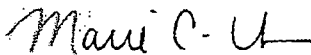
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We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.
We thank you for all consideration extended towards the Project proposal.

Sincerely,



Marie Claire Utnehmer

May 7, 2014

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
Blake.Hillegas@sonoma-county.org
707-565-1392

Regarding: PLP12-0038 – Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

We are writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

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We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

We thank you for all consideration extended towards the Project proposal.

Sincerely,

Debbie & James Chandler

Blake Hillegas

From: odile.deroin@neuf.fr
Sent: Wednesday, May 07, 2014 8:27 AM
To: Blake Hillegas
Subject: Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

We are writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

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We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

We thank you for all consideration extended towards the Project proposal.

Sincerely,
~~Odile Deroin~~

I am a french teacher who exchanged with Julie Macdonald, teacher in SCS, classroom 10, during 2 years, from 2009 to 2011... and I came and visited this school on september 2012.

Blake Hillegas

From: Christina Danner [christina@ocakes.com]
Sent: Wednesday, May 07, 2014 8:51 AM
To: Blake Hillegas
Cc: Steve Danner
Subject: Regarding: PLP12-0038 - Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

We are writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

At its public hearing on May 8th, we ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, we ask that the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project.

We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

We thank you for all consideration extended towards the Project proposal.

Sincerely,
Steve & Christina Danner

--
Christina Danner
Confectionery Artist
Occasional Cakes
www.OCakes.com
(707) 933-9438

Facebook: <https://www.facebook.com/ocakessonoma>
Blog: <http://ocakes.blogspot.com>
Reviews: <http://www.yelp.com/biz/occasional-cakes-sonoma>

Blake Hillegas

From: Caitlin Cornwall [caitlin@sonomaecologycenter.org]
Sent: Wednesday, May 07, 2014 9:47 AM
To: Blake Hillegas
Cc: Kevin Kassebaum; Scott Johnson (sjohnson@midpen-housing.org)
Subject: Sonoma Springs Mixed-Use Project

Dear Mr Hillegas,

I am writing in support of the Sonoma Springs Mixed-Use Project. I grew up in Sonoma County, and have lived in Sonoma Valley for the last 15 years. I know our community needs affordable housing that provides a high quality of life for residents. I work at Sonoma Ecology Center. I know our community needs its developments to be dense, and located inside already-developed areas, to protect the Valley's rural character and its wild lands. I'm a parent at Sonoma Charter School. The School will benefit enormously from the improvements to its grounds. One of the best features of the proposal is the efficiency of sharing recreational and open space between the School and the Sonoma Springs residents. I've attended a few of the meetings about the project; Mid-Pen has earned the trust of the School and the community.

Caitlin Cornwall
caitlin@sonomaecologycenter.org
House: (707) 938-9948
406 Haraszthy Drive, Sonoma, CA 95476

Blake Hillegas

From: Rachel Pedersen [Rachel_Pedersen@gap.com]
Sent: Wednesday, May 07, 2014 9:47 AM
To: Blake Hillegas
Subject: Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

I am writing to express my strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing. At its public hearing on May 8th, I ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, I ask that the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project.

I request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

Thank you for all consideration extended towards the Project proposal.

Sincerely,

Rachel Pedersen
Sonoma Charter School Parent
17862 Carriger Road, Sonoma

May 7, 14

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
Blake.Hillegas@sonoma-county.org
707-565-1392

Regarding: *PLP12-0038 – Sonoma Springs Mixed-Use Project*

Dear Mr. Hillegas:

We are writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

At its public hearing on May 8th, we ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, we ask that the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project.

*We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.
We thank you for all consideration extended towards the Project proposal.*

Sincerely,

*Tim Wetzel & Chris Ubick
Springs Residents, and Sonoma Charter School Parents*

Blake Hillegas

From: Kathy Pine [kathypine@cox.net]
Sent: Wednesday, May 07, 2014 10:47 AM
To: Blake Hillegas
Subject: PLP12-0038 - Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

We are writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

At its public hearing on May 8th, we ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, we ask that the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project.

We request that our communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

We thank you for all consideration extended towards the Project proposal.

Sincerely,
Tim & Kathy Pine
126 Palo Verde Ct.
Sonoma, CA 95465

MOORE
RECYCLING ASSOCIATES INC.
Recycling Implementation Specialists

May 7, 2014

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
Blake.Hillegas@sonoma-county.org
707-565-1392

Regarding: PLP12-0038 – Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas,

As a home owner and someone who works in the Springs, I am writing to express my strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

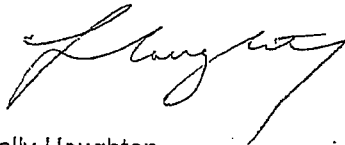
This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

At its public hearing on May 8th, I ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, I ask that the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project.

I request that my communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

I thank you for all consideration extended towards the Project proposal.

Sincerely,



Sally Houghton

Melanie Luque
17520 Highland Blvd.
Sonoma, CA 95476
707-815-2758

May 7, 2014

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
Blake.Hillegas@sonoma-county.org
707-565-1392

Regarding: PLP12-0038 – Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas,

I am writing this letter on behalf of my husband and three children. As homeowners in the Springs and parents to a student that attends Sonoma Charter School, I am writing to express our strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th.

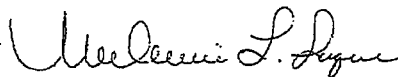
This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, and educational achievement and socio-economic wellbeing.

At its public hearing on May 8th, I ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, I ask that the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project.

I request that my communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

I thank you for all consideration extended towards the Project proposal.

Sincerely,



Melanie Luque

Blake Hillegas

From: Mark Hummel
Sent: Thursday, May 08, 2014 11:12 AM
To: Blake Hillegas
Subject: PLP12-0038 – Sonoma Springs Mixed-Use Project

Blake Hillegas, Planner III
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
Blake.Hillegas@sonoma-county.org
707-565-1392, 707-565-1392

Regarding: PLP12-0038 – Sonoma Springs Mixed-Use Project

Dear Mr. Hillegas:

Speaking both as a Springs Area resident and as a Sonoma Charter School parent, and independent of my position with General Services Department, I am writing to express strong support for the Sonoma Springs Mixed Use Project, scheduled for entitling consideration by the County Planning Commission on May 8th and the County Board of Supervisors on June 10th. This development will bring a multitude of benefits to the Springs community, among them improvements to affordable housing and transit choice, food security and community wellness, public recreation and open space, support for educational achievement, improved socio-economic wellbeing and dignity.

At its public hearing on May 8th, I too ask that the County Planning Commission adopt the Mitigated Negative Declaration with Conditions of Approval, and make a definitive recommendation for entitling approval. At the public hearing on June 10th, I also ask that PRMD encourage the County Board of Supervisors take final action on the same, as necessary to conclude all discretionary entitling approvals associated with the proposed Project. On behalf of my own family, I request that my communication be entered into the public record associated with both the Planning Commission and Board of Supervisors agenda items.

I thank you and your colleagues for all consideration extended towards the Project proposal.

Sincerely,

Mark Hummel, Architect - Planning Manager
AIA, LEED AP
Facilities Development and Management
General Services Department, Sonoma County

Blake Hillegas

From: Julie/Doug [funnytrees@hotmail.com]
Sent: Thursday, May 08, 2014 11:20 AM
To: Blake Hillegas
Subject: Letter of support for Mid-Pen project

Hi Mr. Hillegas

My name is Julie Calhoun and I am a parent at Sonoma Charter School as well as a resident of The Springs. I am writing in support of the Mid-Pen project. Not only will this project help The Springs Community, it will be so beneficial for our wonderful school, Sonoma Charter School. I have been at Sonoma Charter for 4 years and helped bring back our school garden. We are excited for the possibility of sharing a garden with the residents of the Mid-Pen project. It is exciting to hear all the ideas that have come about with this project. Our students would love to have a field with grass and a bigger garden shared by the community, a bike/walking path that safely leads our students and community members through the area would be lovely, also the idea of having either a sound proofing wall or possible living wall to help with the noise and exhaust from Highway 12 is wonderful. Our school and Community will benefit greatly if this project comes to fruition.

I look forward to watching this project move into the next stages.

Thank you for taking the time to read this.

Gratefully

Julie Calhoun

Resolution Number 14-009

County of Sonoma
Santa Rosa, California

May 8, 2014
PLP12-0038 Blake Hillegas

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND APPROVAL OF A GENERAL PLAN AMENDMENT, A SOUTH SONOMA VALLEY AREA ONE AREA PLAN AMENDMENT, A ZONING AMENDMENT, DESIGN REVIEW, AND A PRECISE DEVELOPMENT PLAN USE PERMIT AS REQUESTED SCOTT JOHNSON AND MARCO VAILETTI FOR PROPERTY LOCATED AT 17310 AND 17366 HIGHWAY 12, FETTERS HOT SPRINGS/AGUA CALIENTE; APN 056-201-100, -101, AND -102.

WHEREAS, the applicant, Scott Johnson, representing MidPen Housing and the property owner, Marco Valetti filed an application with the Sonoma County Permit and Resource Management Department to 1) amend the General Plan to increase the density on 3.06 acres from Urban Residential 6 du/acre (UR6) to UR7 (Parcel A), increase the density on 2.96 acres from UR6 to UR11 (Parcel B), change the land use on a .37 acre portion and .18 portion of Parcel C (.74 acres) from UR6 and UR3 to Limited Commercial Traffic Sensitive; 2) South Sonoma Valley Area One Area Plan Amendment from Low Multi-Family 6-10 du/acre to High Multi-Family 11-16 du/acre for Parcel B and to Commercial for Parcel C; 3) Zoning Amendment for a portion of Parcel C to change .37 acres from PC (Planned Community) SR (Scenic Resource) VOH (Valley Oak Habitat) LG/SPR (Local Guidelines/Springs) to PC TS (Traffic Sensitive) SR VOH LG/SPR District and .18 acres from R1 B6 3 (Residential Low Density 3 du/acre) SR VOH LG/SPR to PC TS SR VOH LG/SPR; and 4) Precise Development Plan Use Permit and Design Review to accommodate a mixed use development with a 100% density bonus to accommodate 60 affordable family rental units, 40 affordable senior rental units, and a 6,450 square foot neighborhood commercial center on three parcels totaling 6.76 acres on property located at 17310 and 17366 Highway 12, Fettes Hot Springs/Agua Caliente; APN 056-201-100, -101, and -102; Supervisorial District No. 1; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on May 8, 2014, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors adopt the Mitigated Negative Declaration. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The project site meets General Plan criteria for increased density in the Urban Residential category of the General Plan in that the site is located in an Urban Service Area, adequate circulation, public services, and infrastructure are provided, the site is located in close proximity to commercial services, schools, parks and community services, and the project includes a segment of the planned Sonoma Valley Trail. The commercial portion of the project meets the General Plan criteria for the Limited Commercial Traffic Sensitive designation in that the site is within an Urban Service Area, close to other commercial uses and population concentrations, the commercial land use is limited in size and meets the Traffic Sensitive trip generation criteria, and the property has convenient access to a signalized intersection on Highway 12.
2. The residential development is consistent with the Urban Residential land use designations and General Plan Objective HE-1.1 encouraging the provision of affordable housing in that it provides 40 units toward the county's unmet need of 279 very-low income units and 60 units toward the county's unmet need of 90 low income units. The proposed based density of 7 du/acre (Parcel A) and 10.1 units/ acre (Parcel B) in conjunction with Type A Housing Opportunity Program 100% density bonus is justified and constitutes a public benefit due to the provision of a total of 100 affordable units, which is more than double the number of affordable units mandated by zoning. To guarantee the public benefit, no less than 60 units will be under contract with the Community Development Commission, including 30 extremely-low, 10 very-low, and 20 low-income units. The balance of 40 affordable units provided to low income households are additional public benefit.
3. The proposed increase in density would increase holding capacity specifically to accommodate the proposed affordable housing project on an "infill" site. This is consistent with General Plan affordable housing, land use, and public service goals in that the increase in holding capacity is commensurate with growth projections in that sufficient growth management rollover housing allocations exist to accommodate the project.
4. Based upon the information contained in the Initial Study and included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, in that mitigation measures (which have been agreed to by the applicant) are incorporated into the project which will reduce environmental impacts related to, air quality, biological resources, cultural resources, geological constraints, hazardous materials, noise, traffic, and public services to less than significant levels. 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.
5. The South Sonoma Valley Area Plan One Amendment for Parcel B changing the land use designation from Multiple Family 6-10 units an acre to 11-18 units an acre to accommodate a base density of 10.1 units an acre is consistent with the proposed General Plan Amendment and policies of the General Plan and Area Plan encouraging increased densities and affordable housing within the area.
6. The South Sonoma Valley Area One Plan Amendment for Parcel C changing the land use on .74 acres from Residential Low Density 6-10 units an acre to Commercial is consistent with the proposed General Plan Amendment and policies of the General Plan

and Area Plan encouraging limited commercial services that would serve increased densities to serve population centers that are conveniently and connected by multi-modal transportation and pedestrian linkages.

7. The proposed rezoning of .56 acres of land zoned Urban Residential to the Planned Community, Scenic Resource, Valley Oak Habitat, Traffic Sensitive District, Local Guidelines/Springs to accommodate commercial development is consistent with the proposed General Plan and Area Plan Amendments and would implement policies encouraging additional neighborhood serving commercial services in close proximity to urban residential areas.
8. The uses, as conditioned, are consistent with the zoning districts in which they are located in that multiple family and commercial uses are allowed in the PC District by a Precise Development Plan Use Permit and zoning requirements are met in order to protect public, health safety, and welfare.
9. The requested incentive of a minor increase in height in the PC District to accommodate a 1'-10" height exception for the senior housing complex is compatible with the neighborhood and would not result in adverse health or safety problems, and is consistent with the R3 Zoning District height limits required in conjunction with the Density Bonus.
10. The establishment, maintenance or operation of the uses for which the application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. The design would enhance the neighborhood by providing strongly integrated and compatible mix of senior housing, family housing, and neighborhood serving commercial uses, supported by existing and proposed public and private infrastructure and services, including improved roadways, transit, schools, a playground, parks, and a community garden linked by a segment of the Sonoma Valley regional trail.
 - b. The project includes the improvement of Highway 12 with a center turn lane, bike lane, curb, gutter, sidewalk, and lighting, and street trees. Sewer, water and storm drain lines would also be improved and all utilities would be underground.
 - c. The project would pay school, parks, and traffic mitigation fees to help address area wide service needs.
 - d. The project meets or exceeds parking requirements for both the commercial and residential projects.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors approve the project subject to the attached Exhibit A Conditions of Approval.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the

Resolution #14-009

May 8, 2014

Page 4

Planning Commission 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 Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Fogg, 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 | Davis | Aye |

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.



*Sonoma County Combined Planning Commission
and Board of Zoning Adjustments*
DRAFT MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: February 6, 2014
Meeting No.: 14-01

ROLL CALL

Commissioners

Shawn Montoya
Komron Shahhosseini
Jason Liles
Tom Lynch (#1)
Pam Davis (#2 and 3)
Pam Davis
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Sigrid Swedenborg
Blake Hillegas
Sue Dahl, Secretary
David Hurst, Chief Deputy County Counsel

1:00 PM Minutes Approved – November 21, 2013 - BZA

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda.

**BOARD OF ZONING ADJUSTMENTS
REGULAR CALENDAR**

Item No. 1 Time: 1:05 p.m. File: UPE12-0071
Applicant: Martin Ray Winery Staff: Sigrid Swedenborg
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit to add 12 special events with a maximum attendance of 75 people per event to an existing legal, non-conforming winery.
Location: 2191 Laguna Road, Sebastopol
APN: 078-100-062 Supervisorial District: 5
Zoning: Zoned DA (Diverse Agriculture), B6 20 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat)

Sigrid Swedenborg summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners: **Commissioner Montoya** asked if staff supported the request, and Staff Swedenborg said that the site can handle the use, wastewater will be contained on site, and the Water Quality

Control Board had no objections. Page 9 of the mitigated negative declaration will be corrected, as the site does not have a riparian habitat.

Commissioner Lynch stated that neighbors expressed concern about the validity of the legal non-conforming status at the site. The need for a use permit was not triggered until the owners attempted to legalize the pavilion. This should trigger the need for a new environmental review with mitigations for traffic and noise impacts.

Counsel Hurst said he had reviewed the file in which the non-conforming determination was made, specifically the letter dated August 2001 written by Debra Watts. He stated that the legal non-conforming status was upholding the context of an appeal for a notice of violation about additional wine tanks that were put in, and the letter upheld the appeal by Conetech, (the owner at the time) that the additional tanks did not exceed ten percent. This was also noted by the hearing officer. Counsel Hurst does not believe that a determination of legal non-conforming limits on production activity at the winery was made. Numbers submitted by the applicant ranged from 3,000 to 8,000 tons crushed per year, and the winery never reached 9,000 tons. Counsel Hurst stated that, at this point, the County has not made a determination of non-conforming uses about the limits.

Commissioner Lynch wanted assurance that the entire operation was being addressed in the environmental document, since the proposal would double the current production capacity. He was uncomfortable with the non-conforming determination and said this was the first time in five years as a Planning Commissioner that he had encountered this type of situation. Counsel Hurst said he did not think the County was responsible.

Deputy Director Barrett asked Counsel if the BZA could determine if the facility is non-conforming use capacity based on the evidence. **Counsel Hurst** said they could make a determination if they had enough information.

Public Hearing Opened: 1:30

Speakers: Ron Dering, attorney for applicant, introduced winery staff. The applicant would like to use acoustical fabric to mitigate noise at the pavilion.

Bill Batchelor, winemaker at Martin Ray since 2003, said he had reviewed the conditions and objects to #13. The property is one of the oldest wineries in California. The primary footprint was built in the 1930's and many of the buildings have been there for 80 years. Martin Ray Winery assumed the lease in the 90's. Their reason to purchase the site was based on the County 2001 letter of non-conforming determination. Many upgrades and improvements have taken place based on that determination. There are no plans to expand beyond the current footprint. They plan to address traffic and lighting, and alarm noise from forklifts.

Commissioner Lynch asked if there are plans to change the footprint, and Mr. Batchelor said there are not, but they have made a lot of improvements, such as replacing redwood wine barrels with stainless steel tanks.

Fred Svinth, Illingworth and Rodkin sound consultant, did the noise study. He described the difference between fabric and solid wall for the pavilion, and said either would work fine.

Commissioner Lynch stated that the fabric may not mask all noise and cause problems with the neighbors. Mr. **Svinth** indicated that there was condition included for a two year review, and a solid wall could have windows which could impact the neighbors. **Commissioner Lynch** asked if the sound study included the entire operation, and Mr. **Svinth** said no, it only covered the pavilion.

Mary Radu, resident of Vine Hill School Road, lives within earshot of the pavilion area, which was built without permits. The neighborhood has been told the winery events are unpermitted, and neighbors are concerned about current and future noise, traffic and safety. Ms. Radu left Napa county four years ago for similar problems related to winery noise, and moved to the area, which is a quiet agricultural area. The County has a problem enforcing noise complaints on weekends, and the winery has loud amplified music at the pavilion, illegal parking, and she has had trespassers on her property. Radu strongly opposed 12 special events, asked for the number to be reduced. The noise from events, band music and loud party goers is creating problems for the neighborhood. Truck traffic is left sitting on Vine Hill School Road in middle of the road without the driver. The road is on a hill and this is unsafe. Trucks should access the site from Laguna Road, which should be the primary ingress and egress.

Neil Baker, neighbor, submitted two letters, and was not for or opposed to the project. There should be a winery at the site. The issue is the impacts from events. It is the responsibility of the BZA to review the project and to establish conditions. Truck traffic should not be allowed on Vine Hill School Road as it is unsafe. Forklift noise impacts the neighborhood. Special events should not be allowed at the pavilion where it can impact the neighbors.

Mr. Baker was stunned at the capacity of 650,000 cases that the applicant is asking for, stating that the current operation bears no resemblance to what was going on in 2001 during the abatement and non-conforming determination status. The 10% threshold has long since been exceeded. Approval of 650,000 cases will be a dramatic change from what has historically been done at the site. Many off site impacts will be created.

Sally Baker, Vine Hill School Road, expressed concern about truck traffic on her road. Live events have had a horrid impact on the neighbors. The BZA should consider the impacts of events on the whole neighborhood. The Sheriff does not respond when called. **Commissioner Liles** asked if she had met with the winery, and Ms. **Baker** said she had not.

Tom Padrick, Vine Hill School Road, has lived there for 30 years. The issue about non-conforming status should be cleared up before approving the permit. Winery traffic has increased over the years, and there has been little community outreach done by the winery. The quality of life has diminished.

Bob Hillman, Vine Hill School Road, said a complete use permit analysis should be done. While the property was sold as historical place, no one knows the average capacity. Tax records need to be checked and the entire operation be reviewed. Forklift beepers are intrusive and noise can affect blood chemistry. The noise is lessened since the winery flipped production to the other side and they have turned the site into pretty place for selling wine. Unfortunately, they moved the noise to his side. Hillman supports agriculture but opposes events. That no traffic study was required was offensive to the neighbors. His wife was run into a ditch by a truck on the road. The largest building on the site is currently empty, and they could move their bottling and shipping operation there. Noise studies need to be done. The preschool across the streets has had trucks back into their parking lot, which creates unsafe conditions for the kids.

Commissioner Liles asked Hillman if he had discussed the problem with the winery, and Mr. **Hillman** said it took a while for them to get back to him but yes, he has spoken to them.

Henry Crigler, Cuneo Court resident, lives a ¼ mile away from the winery and hears noise. He did not get notified about the hearing. Amplified music travels and can be heard a long way from where it originates, and bass tones are especially objectionable. The Sheriff does not respond to events, and Crigler wondered who would enforce parking during events.

Greg Falkenthal, Vine Hill School Road, supports agriculture and the right to farm, and stated that he understands the dramatic role of agribusiness in the Sonoma County economy. We need to balance winery needs with the needs of the community in which they are located. No one ever contact him, asked for support, or attempted to do outreach. Falkenthal expressed concern about the unpermitted activities. There has been a winery at the location a long time, although there are no grapes grown on site. All grapes are imported by truck. The winery is now a crush business and is exceeding its capacity. The big issue is credibility, much work was unpermitted, and the infrastructure for events was put in under the radar. The only reason the winery is here is because they got caught. Falkenthal questioned the intent behind a 700,000 stainless steel tank capacity, and said it would be a dramatic change in use. No expansion should be allowed without a new use permit.

Ron Dering, on rebuttal, stated many of the speakers are his friends and he has been around Forestville for a long time. There has been a winery at the site 120 years, and there was never a use permit. He processed one in 88 which was approved for 89,900 square feet of new storage, and which required improvement on Vine Hill School Road. The permit never went forward, and expired and fell back to legal non-conforming status.

Dering disagrees with County Counsel's claim that the legal non-conforming determination only applied to the tanks. The immediate predecessor bought the property in the 90's and received violations when they added storage tanks. They appealed and were allowed a one-time expansion to add 10%. Debra Watts issued a finding

of legal non-conforming use for the site. Cone tech's expansion did not violate standards, as the 6000 square feet addition of tanks was less than 10%. Staff has relied on this information, as well as Martin Ray Winery.

Dering stated that he is not sure how this situation got bent out of shape, and if he and staff if can't rely on numbers based on PRMD's statements from the past, we have a problem. The numbers clearly support the historic use of the site suggested in the staff report exist and that it has been determined to be a legal non-conforming use. That determination was never appealed. The appeal that Mr. Hurst and Mr. Baker are alluding to was the appeal of the addition of storage tanks, which was upheld. You have to have a legal non-conforming use to begin with before you can assert that there is a violation of it.

The letter of March 20, 2003 stated that the appeal was upheld. This was determined by staff, and has been relied on by staff. It can't be any clearer. If we can't rely on the numbers, then we have a problem.

Martin Ray wants to retain the existing numbers that were approved, as the historic precedence exists. The letter submitted by Mr. Baker stated that he is neither for or against the project, but the BZA must meaningfully consider all off and on site impacts related to continued use of the winery and to establish reasonable measures to mitigate impacts to sufficient levels. That is why we are here today, and the use permit is the greatest tool that neighborhoods, applicants, and the county have to assure that the operation of the facility meets everyone's needs.

There are 67 conditions in the permit, covering lighting, noise attenuation, prohibiting rock concerts, requiring that sound be restricted to a low volume and a restriction of 12 events with no more than 75 people. There is plenty of parking on site. The winery will modify forklift hours. Public Works has conditioned the project and Vine Hill School Road will be widened to 24 feet, or truck traffic will be moved solely to Laguna Road. There have been no events in the pavilion since it was built, and the applicant wants to comply with the conditions of approval.

Commissioner Liles asked about events at the pavilion, and Dering said that there was one family event in which Tom Martini got married, but no winery events have taken place there. However, special events and wine tasting are two different things, and the pavilion has been used for tasting. **Commissioner Liles** asked about the traffic flow, and Dering stated that the conditions will require all semi-truck traffic to be rerouted to the Laguna Road entrance until Vine Hill School Road improvements are done or the applicant asks to change the permanent entrance. Currently, trucks are using Laguna Road.

Mr. Batchelor stated that the gate to the entrance from Vine Hill School Road is locked and drivers are told to use the Laguna entrance. **Commissioner Liles** asked what events the applicant wishes to have, and Mr. Batchelor said they hope to have wine club parties, wine pick up, and to participate in industry wide events

Commissioner Lynch stated that the winery needs to establish best practices for parking and traffic, and keep trucks out of Childkind's driveway. It sounds as if trucks are being left unattended. The best management practices should be codified in the traffic conditions, and include the events. The applicant wants to retain the historic production capacity. **Deputy Director Barrett** asked if there are any records between 1960 and 1980 that hit the 9,000 ton mark. Bachelor said older records have been difficult to locate. **Deputy Director Barrett** said it was important to go back and look at the the use on the property at the time it became nonconforming to determine its nonconforming status.

Public Hearing Closed: 3:00

Commission Discussion:

Commissioner Lynch surmised that the applicant was trying to use legalizing the pavilion as an opportunity to codify the Use Permit and establish mitigations, with the intention that they can process 9,000 tons. If the application was withdrawn, they could be made to tear the pavilion down.

Commissioner Lynch did not feel he had enough information to make a decision, and **Deputy Director Barrett** added that the record was not clear and suggested continuance to give staff a chance to do more research.

Commissioner Montoya stated he would need more information about capacity before making his decision.

Commissioner Fogg suggested that the best practices for signage, traffic and noise attenuation need to be clarified, and include the impacts on Vine Hill School Road.

Commissioner Liles concurred that noise and traffic are the main concerns, and stated that the number of events are not usual. He suggested adding a condition that no weddings will be permitted, to clarify signage and industry wide events.

Commissioner Lynch expressed concern that a noise study may be needed which addresses the whole operation and increased production.

Commissioner Shahhosseini expressed concern that the BZA could be codifying the non-conforming use without the necessary oversight and studies. **Deputy Director Barrett** said it would be necessary to make a finding that the project is compatible with the neighborhood and to use the BZA's conditioning authority to do so.

Staff was directed to discuss the issue of non-conformance, and to look at CEQA for the increased intensity of use at the site, to find best management practices that work for the neighborhood. Staff was also directed to look at mitigation measures for protection of Vine Hill School Road, Laguna Road, and Childkind School in connection with additional noise and traffic that will occur from increased intensity of use at the site.

Action: **Commissioner Lynch** moved to continue the item off calendar. Seconded by **Commissioner Liles** and passed with a 5-0 vote.

Appeal Deadline: n/a
Resolution No.:

| | | | | |
|-----------|--------------|-------------------|------------|------------|
| Fogg: aye | Montoya: aye | Shahhosseini: aye | Liles: aye | Davis: aye |
| Ayes: 5 | Noes: 0 | Absent: 0 | Abstain: 0 | |

| | | | |
|------------------|--|-----------------------|-------------------|
| Item No. 2 Time: | 1:45 p.m. | File: | UPE13-0057 |
| Applicant: | James Rickards | Staff: | Sigrid Swedenborg |
| Env. Doc: | Negative Declaration | | |
| Proposal: | Request to increase production at an existing winery from 5,000 cases to 20,000 cases with a total of 17 events including one event with 800 people. | | |
| Location: | 24505 Chianti Road, Cloverdale | | |
| APN: | 118-070-019 | Supervisory District: | 4 |
| Zoning: | Zoned LIA (Land Intensive Agriculture), B6 40 acre density, SR (Scenic Resources), and VOH (Valley Oak Habitat) | | |

Sigrid Swedenborg summarized the staff report, which is incorporated herein by reference.

James Rikards, owner, stated his goal is to process his own fruit.

Public Hearing Opened and Closed: 3:45 p.m.

Commissioner Liles noted the confusion about what we call industry-wide events, and hopes this can be clarified. He supported the ten private and ten industry-wide events being requested, and said that the neighbors also support the project. **Commissioner Liles** asked staff to include the condition for two year review of the permit.

Staff Swedenborg said she would delete the 800 person event, and reflect that the maximum number of people allowed to be on site at any one time is 100 people.

Action: **Commissioner Liles** moved to approve the request and adopt the mitigated negative declaration with modified conditions. Seconded by **Commissioner Davis** and passed with a 5-0 vote.

Appeal Deadline: ten days
Resolution No.: 14-002

Fogg: aye Montoya: aye Shahhosseini: aye Liles: aye Davis: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

PLANNING COMMISSION REGULAR CALENDAR

Item No.3 Time: 2:15 p.m. File: PLP12-0030
Applicant: Teresa Meredith / Ron Wallace Staff: Blake Hillegas
Env. Doc: Negative Declaration
Proposal: Request for 1) a General Plan Amendment from the RR (Rural Residential) B6-5 acre density to the DA (Diverse Agriculture) B6-10 acre density land use designation, 2) amend the West Santa Rosa Specific Plan from the RR 5 (Rural Residential), 5 acre density, to the AR 10 (Agricultural Resources), 10 acre density, and 3) a corresponding Zone Change from the RR (Rural Residential), B6-5 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat) to the DA (Diverse Agriculture), B6-10 acre density, SR, VOH or other appropriate District to allow for a wholesale plant/tree nursery.
Location: 2971 Guerneville Road, Santa Rosa
APN: 034-101-049 Supervisorial District: 4
Zoning: RR (Rural Residential), B6-5 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat)

Blake Hillegas summarized the staff report which is incorporated herein by reference.

Commissioner Fogg asked if any neighbors had submitted comments. **Staff Hillegas** said they had not. **Commissioner Fogg** asked if there were residences on the property and **Staff Hillegas** said there were not.

Public Hearing Opened at 3:50 p.m.

Speakers: Ron Wallace, applicant, purchased the property and has made improvements. The dwelling that used to be there burned down in 1995. There were unpermitted improvements that he fixed and he also installed an ADA bathroom.

Public Hearing Closed at 3:55 p.m.

Commissioner Liles said that neighbors support the project and that the applicant cleaned up the property. He supports the request.

Commissioner Montoya applauded the applicants for their repurpose of the property, supports it and said it is a great project.

Action: **Commissioner Liles** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Shahhosseini** and passed with a 5-0 vote
Appeal Deadline: n/a
Resolution No.: 14-001

Fogg: aye Montoya: aye Shahhosseini: aye Liles: aye Davis: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0



Sonoma County Planning Commission **STAFF REPORT**

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

FILE: PLP12-0038
DATE: May 8, 2014
TIME: 1:05 p.m.
STAFF: Blake Hillegas, Project Planner

Board of Supervisors Hearing will be held at 2:10 p.m. on June 10, 2014 (or) a later date and will be noticed at that time.

SUMMARY

Applicant: Scott Johnson, MidPen Housing/Marco Vailletti

Owner: Marco Vailletti

Location: 17310 and 17366 Highway 12, Fetters Hot Springs/Agua Caliente
APNs: 056-201-100, -101, and -102 Supervisorial District No.: 1

Subject: General Plan Amendment, South Sonoma Valley Area One Area Plan Amendment, Zoning Amendment, Precise Development Plan Use Permit, and Design Review.

PROPOSAL: Request for a General Plan Amendments to increase the density on 3.06 acres (Parcel A) from Urban Residential 6 du/acre (UR6) to Urban Residential 7 du/acre (UR7), increase the density on 2.96 acres (Parcel B) from Urban Residential 6 du/acre (UR6) to Urban Residential 11 du/acre (UR11), change the land use on a .37 acre portion and .18 portion of Parcel C (.74 acres) from UR6 and UR3 to Limited Commercial Traffic Sensitive (LC TS); 2) a South Sonoma Valley Area Plan One Amendment from Low Multi-Family 6-10 du/acre to High Multi-Family 11-16 du/acre for Parcel B and to Commercial for Parcel C; 3) a Zoning Amendment for a portion of Parcel C to change .37 acres from PC (Planned Community) SR (Scenic Resource) VOH (Valley Oak Habitat) LG/SPR (Local Guidelines/Springs) to PC SR VOH TS (Traffic Sensitive) LG/SPR District and .18 acres from R1 B6 3 (Residential Low Density 3 du/acre) SR VOH LG/SPR to PC SR VOH TS LG/SPR; and 4) a Precise Development Plan Use Permit, and Design Review to accommodate a mixed use development with a 100% density bonus to accommodate 60 affordable family rental units, 40 affordable senior rental units, and a 6,450 square foot neighborhood commercial center on three parcels totaling 6.76 acres.

Environmental Determination: Mitigated Negative Declaration

General Plan: Parcel A (3.06 acres), Urban Residential 6 units/acre; Parcel B (2.96 acres), Urban Residential 6 units/acre; Parcel C (.74 acres), Urban Residential 6

units/acre, Urban Residential 3 units/acre and Limited Commercial Traffic Sensitive.

Specific/Area Plan:

South Sonoma Valley Area 1

Land Use:

Low Multiple Family Residential 6-10 units/acre.

Ord. Reference:

26-26-040 (b) and 26-89-050 F.

Zoning:

Parcel A; PC (Planned Community), SR (Scenic Resource), VOH (Valley Oak Habitat), LG/SPR (Local Guidelines/Springs)

Parcel B: PC (Planned Community), SR (Scenic Resource), VOH (Valley Oak Habitat), LG/SPR (Local Guidelines/Springs)

Parcel C: PC (Planned Community), SR (Scenic Resource), VOH (Valley Oak Habitat), LG/SPR (Local Guidelines/Springs); R1 (Low Density Residential), SR, VOH, LG/SPR; and LC (Limited Commercial), TS (Traffic Sensitive), SR, VOH, LG/SPR; Supervisorial District No. 1.

Application Complete for Processing:

January 18, 2014

RECOMMENDATION:

It is recommended that the Planning Commission recommend to the Board of Supervisors the adoption of a Mitigated Negative Declaration and approval of the General Plan Amendment; Area Plan Amendment; Zone changes; Precise Development Plan Use Permit; and Design Review.

ANALYSIS

Background:

On May 15, 2007, the Board of Supervisors approved a General Plan Amendment and Zone change to increase the density on 6.38 acres of the 6.76 acre project site from the UR3 designation to the UR6 designation, and a Precise Development Plan and density bonus to construct 52 for-sale single family units, including 10 low income and 1 moderate income units. The project was never pursued due to a downturn in the economy.

On November 12, 2012, MidPen Housing and Sonoma Valley Health Center filed an application for 60 affordable family apartments, a 15,400 square foot health center, and 7,500 square foot commercial center on the project site. The Sonoma Valley Health Center subsequently withdrew from the application.

On November 25, 2013, a lot line adjustment was administratively approved for three Parcels consisting of the project site, referred to as Parcel A, Parcel B, and Parcel C.

On December 18, 2013, MidPen Housing filed a revised application for the Sonoma Springs Mixed Use Project consisting of 60 affordable family apartments, 40 affordable senior apartments, and a 6,450 square foot commercial center on the 6.76 acre project site. The application was deemed complete on January 18, 2014.

In November 2013, the Board of Supervisors allocated \$750,000 toward the project from the County's Fund for Housing. In March 2014, the Board of Supervisors approved \$433,300 in (Home Investment Partnership (HOME) funds toward the project for fiscal year 2013-14. In February 2014, the Community Development Commission recommended approval of \$258,273 in additional HOME Funds for the project for fiscal year 2014-15, to be considered by the Board in May 2014.

In November, 2013, the Board of Supervisors also identified the “Springs” Area of Sonoma Valley as a Rural Investment Priority Development Area for inclusion in the Association of Bay Area Governments (ABAG’s) One Bay Area Plan to provide opportunity for transportation grant funding.

On February 14, 2014, the Design Review Committee held a public meeting to review the project. The Design Review Committee supported the project, including several minor design enhancements discussed further under Issue 7 below.

On February 26, 2014, the Sonoma Valley Citizens Advisory Committee (SVCAC) held a public meeting on the project. Several committee members and a neighbor expressed concern about density and traffic. However, the SVCAC unanimously recommended approval of the project recognizing the development review process would ensure the mitigation of traffic impacts.

Project Description:

The project involves a mixed-use planned community in an area designated by the General Plan for a mix of commercial and multiple family residential uses. The project includes General Plan Amendments, Area Plan Amendments, Zone changes, Design Review, and a Precise Development Plan Use Permit. The proposed General Plan amendment would increase the currently allowed base density from a total of 38 units to 50 units. Utilizing Sonoma County’s Housing Opportunity Area Type A Affordable Housing Program, the applicant seeks a 100% density bonus to construct 100 rental apartments (60 family apartments and 40 senior apartments). Under the Type A Affordable Housing Program, a total of 40% (40 units) are required to be affordable to very low or low income households. The applicant proposes a minimum of 30 units restricted for rents affordable to extremely low income residents and at least 10 units price restricted for rents affordable to very low income residents. The remaining 60 units will be affordable to low income residents. Two units will be reserved for managers of the family housing and senior complexes.

Additionally, the project includes a ±6,450 sq. ft. retail/commercial center, the upgrading of an existing ±1.4 acre Sonoma Valley Charter School joint use playground, a .3 acre community garden, and a segment of a public bicycle/pedestrian trail (Sonoma Valley Trail) along the western edge of the project site, extending between Vailetti Drive and Depot Road.

The project involves three separate legal parcels. Parcel A, 3.06 acres, is to be developed with the 40 senior rental units, a community garden and an upgraded joint use (school and resident) playground recreation area. Parcel B, 2.96, is to be developed with 60 family rental units. Parcel C, .74 acres in size, is to be developed with a 6,450 sq. ft. neighborhood commercial center. The project will be coordinated between parcels and will tie into the County’s Phase 2 Highway 12 sidewalk and roadway improvements anticipated to be under construction 2014-15.

The necessary entitlements include:

- General Plan Amendments:
 - Parcel A (3.06 acre) from Urban Residential 6 units/acre (UR6) to Urban Residential 7 units/acre (UR7)
 - Parcel B (2.96 acre) from Urban Residential 6 units/acre (UR6) to Urban Residential 11 units/acre (UR11)
 - Parcel C (.74 acres) from Urban Residential 6 units/acre (.37 acres), Urban Residential 3 units/acre (.18 acres), to Limited Commercial, Traffic Sensitive (LC TS)

- Area Plan Amendments:
 - Parcel A (3.06 acres); no change to Residential Low Density (6-10) units/acre
 - Parcel B (2.96 acre) from Residential Low Density (6-10) units/acre to Residential High Density (11-18) units/acre acre.

- Parcel C (.74 acres) from Residential Low Density (6-10) units/acre to Commercial
- Zoning Changes:
 - Parcel C (.74 acres); change .37 acres from PC, SR, VOH, LG/SPR to PC, TS, SR, VOH, LG/SPR and a .18 acre portion of Parcel C from R1 3 SR, VOH, LG/SPR to PC, TS, SR, VOH, LG/SPR
- Design Review and a Precise Development Plan to accommodate a mixed use Type A 100% density bonus affordable housing project including:
 - 40 affordable senior apartments, a community garden and joint use playground recreation area on Parcel A
 - 60 affordable family apartments on Parcel B, and
 - A 6,450 square foot commercial center on Parcel C

Project Specifications include:

- Family apartment units: 60 affordable (18 extremely low, 6 very-low, and 36 low income) family apartment units (in four 3-story residential buildings of stacked flats).
 - Two 10-plex buildings
 - Two 20-plex buildings
 - Unit mix:
 - Seventeen (17) 1-bedroom/1-bath
 - Twenty-six (26) 2-bedroom/2-bath
 - Seventeen (17) 3-bedroom/2-bath
 - Open Space
 - Porches or patios
 - Use of adjacent school recreation area
 - Use of community garden
 - Bicycle/pedestrian trail
 - Tot lot
 - Amenities
 - Reception/management offices
 - Conference/classrooms
 - Fitness room
 - Community room
 - Laundry facility
 - Bike parking
 - Bus stop
- Senior apartment units: 40 affordable (12 extremely low, 4 very low income, and 24 low income) senior apartment units in one 3-story, elevator served, courtyard building
 - Unit mix:
 - Thirty-seven (37) 1-bedroom/1-bath
 - Three (3) 2-bedroom/1-bath
 - Open Space
 - Porches or patios
 - Use of adjacent recreation area
 - Use of community garden
 - Bicycle/pedestrian trail
 - Courtyard
 - Amenities
 - Reception/management offices
 - Fitness room
 - Community room
 - Parlor

- Laundry facilities
- Bike parking
- Bus stops

- Commercial: ±6,450 sq. ft. of retail/business
 - Buildings
 - Two (2) single-story buildings
 - Bicycle racks
 - Pedestrian benches

- Multi-Use Playground: ±1.4-acres, exclusive use by Sonoma Charter School during school hours. Available to residents after school, weekends and holidays.

- Community Garden: One-third of an acre. Member-based garden for area residents, Sonoma Charter School and residents of “Sonoma Springs”.

- Bicycle/Pedestrian Trail: The installation of a segment of the Sonoma Valley Public Trail from Vailetti Road to Depot Road, which will run within an existing trail easement along the west side of the project site and the adjoining charter school property.

Project Phasing will consist of:

- Phase 1: 2014-2015; Site grading and construction of all infrastructure, including all underground utilities, Highway 12 utility tie-ins, upgrade joint-use school recreation area, community garden, and segment of Sonoma Valley Trail.

- Phase 2: 2015; Construction of 60 unit family housing complex (Parcel B) and commercial center (Parcel C).

- Phase 3: 2016; Construction of 40 unit senior housing complex.

Site Characteristics:

The 6.76 acre site is vacant and is located within a Rural Investment Area, on the west side of Highway 12, just south of Vailetti Drive and adjacent to the Sonoma Charter School in the community of Agua Caliente/Fetters Hot Springs. The project site is relatively flat, but gradually slopes down from Highway 12 to the northwest. Vegetation includes scattered oak, palm, eucalyptus and acacia trees. Approximately 1.4 acres of Parcel A is currently under a long term lease and will continue to be leased or dedicated to the adjoining Sonoma Charter School to be utilized as a recreation area for school children and residents. The southern portion of the property contains driveway access to the adjoining Rancho Vista Mobile Home Park. The site contains an embankment for the proposed Highway 12 widening project and new utilities have been placed underground along the Highway 12 frontage.

Surrounding Land Use and Zoning:

The Highway 12 corridor is characterized by a mix of commercial and residential uses fronting the highway, including single and multiple family uses located east of the project site. The Sonoma Valley Charter School adjoins the site to the north and the Rancho Vista Mobile Home Park adjoins the site to the west. Commercial and single and multiple family uses exist to the south. Flowery Elementary School and Larson Park are also situated to the south in close proximity to the project site.

North: PF (Public Facilities) LG/SPR (Local Guidelines/Springs) and R1 B6 3 (Single Family Residential); developed as Sonoma Valley Charter School

South: LC (Limited Commercial), TS Traffic Sensitive), LG/SPR (Local Guidelines/Springs); developed as commercial and single and multiple family residential

East: R2 B6 8 du/acre SR (Medium Density Residential), LG/SPR (Local Guidelines/Springs); Highway 12 and multiple family residential

West: R2 B6 8 du/acre (Medium Density Residential); developed as a mobile home park

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

As conditioned, staff finds the proposal consistent with applicable goals, objectives and policies of the General Plan. It is important to note that the applicant's Affordable Housing Proposal dated April 29, 2014, includes 30 units affordable to extremely low income residents and a minimum of 10 units affordable to very low income residents, exceeding General Plan density bonus and public funding requirements. In addition, the applicant proposes that the balance of 60 units be affordable to low income residents, including two manager units. This increased level of affordability is in the public interest and justifies the proposed General Plan General Amendment. The following goals, policies, and objectives are relevant to the project:

Land Use

Goal LU-3: Locate future growth within the Cities and unincorporated urban service areas in a compact manner using vacant "infill" parcels and land next to existing development and at the edge of these areas.

Objective LU-3.3: Encourage "infill" development within the expansion area of the cities and unincorporated communities.

LU-3b: In urban service areas, maintain a residential holding capacity that is as close as possible to projected growth. Consider denial of land use map amendments which add residential density if residential holding capacity exceeds projected growth, recognizing that future development may not use 100% of the capacity of all parcels.

Objective LU-4.1: Assure that development occurs only where physical services and infrastructure, including school and park facilities, public safety, access and response times, water and wastewater management systems, drainage and roads, are planned to be available in time to serve the projected development.

The production of housing, and population growth in the unincorporated Sonoma Valley are below General Plan 2020 growth projections. And, the County's regional affordable housing needs in the low and very-low income categories have not been met. The Sonoma Valley Growth Management Plan, which limits growth to approximately 90 units per year, have not been fully utilized over the past several years and affordable housing goals have not been met. Under the Growth Management Plan, unused allotments from prior years roll over from year to year. Accordingly, there are well over 100 allotments, including roll over allotments from previous years, to accommodate construction of the proposed housing units in 2015-16.

The proposed increase in density from UR6 to UR7 on 3.06 acres, UR6 to UR11 for 2.96 acres, and removal of UR3/UR6 on .56 acres would increase the total base density from 38 units to 50 units and associated holding capacity to serve the proposed affordable housing "infill" project. Staff has determined that the increase in holding capacity for the project site and 100% density bonus are commensurate with growth projections in that sufficient roll over housing allocations exist to accommodate the project in accordance with the Sonoma Valley Growth Management Plan. In addition, the increase in Limited

Commercial land use by .56 acres will provide additional neighborhood serving commercial uses which are immediately accessible from the project and existing neighborhoods. Staff recommends that it is appropriate to increase the General Plan land use density and intensity for the project and utilize growth management roll over allotments in that the project includes a deeper level of affordability than required by the General Plan and Zoning Ordinance and the project site is one of few remaining vacant infill parcels in the South Sonoma Valley unincorporated urban service area.

As an “infill” parcel located on along a major transportation corridor and in proximity to existing schools and parks, the proposed mix of affordable housing and supporting neighborhood commercial uses will reinforce existing land use and transportation relationships in accordance with General Plan policy. The project is a substantial investment in a Rural Investment Area as designated in ABAG’s One Bay Area Plan (former redevelopment area), and includes the construction of a segment of the Sonoma Valley Trail, a community garden, improvement of the Sonoma Valley Charter School joint use recreation area and new on-site sewer, water, and storm drain systems. As discussed further below, the project would contribute \$300,000 toward improvement in wet weather sewer capacity to mitigate project impacts. In addition, the project is required to exceed Cal Green Tier 1 building requirements to comply with General Plan policy calling for energy conservation and sustainability.

Housing

General Plan Housing Element **Objective HE-1.1** is to continue existing County and Community Development Commission efforts to provide affordable housing to meet regional housing needs. As demonstrated in the table below the County has an unmet regional housing need of 279 very-low income units through 2014. This project would provide at least 30 extremely-low and 10 very-low income units toward the unmet need in the very low income housing category. An additional 60 units would be provided in the low to very low income category, including two units housing on-site managers.

Table 1: Sonoma County’s Progress in Meeting its Regional Housing Needs 2007-2014 Reporting Period Ending 12/31/2013

| Income Group | Regional Housing Need 2007-2014 | Permits Issued 2007-2012 | Permits Issued 2013 | Need Met by County through 12/31/2013 | Remaining Need by end of 2014 | % of 2007-2014 Regional Housing |
|-----------------------|--|---------------------------------|----------------------------|--|--------------------------------------|--|
| Very-Low | 319 | 40 | 0 | 40 | 279 | 13% |
| Low | 217 | 121 | 6 | 127 | 90 | 59% |
| Moderate | 264 | 173 | 35 | 208 | 56 | 79% |
| Above Moderate | 564 | 639 | 88 | 727 | <88 > | 129% |
| Total: | 1,364 units | 973 units | 129 units | 1102 units | 262 units | 81% |

Policy HE 1a: Continue all existing County and CDC sponsored funding programs, including but not limited to Community Development Block Grant, Home Investment Partnership, Redevelopment Agency, and County Fund for Housing funding programs. Continue to require that at least 30% of the units assisted with CFH funds be affordable to extremely-low income households. Evaluate these existing programs in view of changing housing needs and policies, and seek opportunities for program expansion and more efficient use of limited resources.

According to this Policy, the project is required to provide 30 units affordable to extremely low income households because \$750,000 dollars of funds from the County Funds for Housing have been allocated to the project. The applicant has agreed to provide a minimum 30 units affordable to extremely low income households in conformance with this policy. In addition, the applicant is committed to providing an additional 10 units at very low income rents, and the remaining 60 units at low income rents.

Policy HE-1b: “Continue the County’s density bonus programs, including the state density bonus program and the County’s Programs...”

The site is not in a Housing Inventory site as designated by the General Plan. However, according to Zoning Code Section 26-89-050 F., the site meets the criteria for A Type A Housing Opportunity Area because it is designated and zoned as Urban Residential at a minimum density of 6-12 dwelling units per acre. The Type A Program allows a 100% density bonus provided that 40% of the units are affordable to low and very low income residents. With a base density of 50 units allowed after the proposed General Plan Amendment, a 100% density bonus would yield 100 units as proposed by the applicant. The project exceeds the 40% affordability requirement in that 100% of the units would be affordable, including 30 units at extremely low rents, 10 units at very low rents, and the balance of 60 units at low or very-low income rents.

A recorded housing agreement between the County Community Development Commission and the developer is required to ensure affordability for a minimum of 30 years. The Community Development Commission typically only places the mandated affordable units under contract in order to minimize annual monitoring costs for the non-profit. In this case, the mandated affordable units for the Type A program are 40 units, including 30 extremely low income units to meet obligations for public funding and 10 additional very low income units to address the Type A Affordable Housing Program requirement. The additional 60 low income units proposed by the applicant meet the public interest requirement for the General Plan Amendment and are required by Condition of Approval #93.

Open Space and Conservation

Goal OSRC-3: Identify and preserve roadside landscapes which have a high visual quality as they contribute to the living environment of local residents and to the county’s tourism economy.

The site is an urban infill property which is not located within a Community Separator or Scenic Landscape Unit. Although the site includes the SR (Scenic Resource) combining designation because it is on a scenic corridor, rural setbacks are not required for urban projects. Several mature oak trees formerly situated along Highway 12 have been removed as part of Phase I of the Highway 12 roadway and embankment improvements. The site still contains numerous trees scattered throughout the site, most of which would be removed due to development. One oak would be preserved near the community garden and oak trees would be incorporated into the landscape plan where feasible. Consistent with the County’s tree protection regulations, the applicant shall pay tree mitigation in-lieu fees to address tree removal. It is noted that the proposal includes relocating several of the canary island palm trees to focal points within the project.

Policy OSRC-5b: Use the following general urban design principles until Urban Design Guidelines specific to each Urban Service Area are adopted.

- (1) Promotion of pedestrian and/or bicycle use.
- (2) Compatibility with adjacent development.
- (3) Incorporation of important historical and natural resources.
- (4) Complementary parking out of view of the streetscape.

- (5) *Opportunities for social interaction with other community members.*
- (6) *Promotion of visible access to buildings and use areas.*
- (7) *Appropriate lighting levels.*

The project includes a Class I multi-use trail from Vailetti Drive to Depot Road and a Class II bike facility will be provided on Highway 12. The trail segment is consistent with the Sonoma County Bikeways Plan, the Central Sonoma Valley Bikeway Plan, and links the project with local schools, parks and neighborhoods. The design includes buildings with visible and physical access to Highway 12, visible access to building and use areas, parking predominantly out of view of the highway, and mature palm trees incorporated at focal points of the development. Condition of approval #104 requires that a detailed lighting plan, including a photometric analysis be provided for review and approval.

In agreement with the Regional Parks Department the applicant will install the regional trail segment and grant an easement to Regional Parks who will maintain the trail.

Circulation and Transit

GOAL CT-3: Establish a viable transportation alternative to the automobile for residents of Sonoma County through a safe and convenient bicycle and pedestrian transportation network, well integrated with transit that will reduce greenhouse gas emissions, increase outdoor recreational opportunities, and improve public health.

The project is on an infill site along a major transportation/transit corridor, where new side walk and a Class II bicycle lane is proposed. The project meets General Plan objectives and policies of this goal by providing residential density to support transit ridership and by providing neighborhood connectivity through the provision of a segment of the Sonoma Valley Regional Trail system. Project Condition # XX requires that a transit stop be installed on Highway 12. Bike parking is provided for both commercial and residential uses and pedestrian benches are included at the commercial center. Incorporating facilities which encourage pedestrian use and alternative modes of transportation will meet goals to minimize traffic impacts.

Objective CT-4.1: Maintain LOS C or better on roadway segments unless a lower LOS has been adopted as shown on Figure CT-3.

Objective CT-4.2: Maintain LOS D or better at roadway intersections.*A traffic report was prepared for the project which found that under the Short Term Cumulative Traffic Conditions, including the project, Highway 12 would operate at acceptable LOS, with the exception of the eastbound Agua Caliente Road left turn movement onto Highway 12. This project would result in an additional 8 seconds of delay for this movement which is already LOS F. This increase in delay has been identified as a congestion issue, but no unusual accident history exists at this location. Signalization of the Agua Caliente/Highway 12 intersection is a funded capital improvement project anticipated to be constructed in 2007. With signalization, this intersection will function at LOS B. Other Highway 12 improvements to be constructed by the project include the widening of Highway 12 to accommodate a center turn lane along the project frontage, a north bound transition lane at the northerly project street "A", a bike lane, and curb, gutter, and sidewalk. This project would also contribute traffic mitigation fees to fund other area wide transportation improvements.

Objective CT-4.3: Allow the above levels of service to be exceeded if it is determined to be acceptable due to environmental or community values, or if the project(s) has an overriding public benefit that outweighs lower levels of service and increased congestion.*

A Traffic Impact Study was prepared for the project by W-Trans, December 6, 2013. The study was supplemented with an April 14, 2014, letter adjusting trip generation for the commercial center. The study looked at existing conditions and project impacts in the near term, and long term cumulative scenarios for 6 study intersections on Highway 12, including the project's highway access. It is estimated that the project will generate 848 new daily vehicle trips of which 47 would be during the am peak and 65 would be during the pm peak. When the project's anticipated trip generation is added to existing conditions, near-term and long-term estimates, the project is consistent with the applicable policies of the Circulation and Transit Element, particularly objective CT-4.1, where volume capacity (v/c) ratios are used to determine appropriate corridor Levels of Service (LOS). According to the General Plan, the threshold corridor LOS for Highway 12 in the project area is a maximum volume capacity (v/c) ratio of 1.6 during the PM Peak hour in the northbound direction and v/c ratio of 1.5 during the PM Peak hour in the southbound direction. Currently, the Highway 12 corridor LOS is F in both directions during the PM Peak period with v/c ratios of 1.07 (northbound) and 1.09 (southbound). However, all of the study intersections are currently operating at LOS C or better, consistent with General Plan objective CT-4.2 policy calling for intersection LOS D or better.

In the near term these v/c ratios are expected to increase in the worst case PM peak period to 1.13 northbound and 1.14 southbound, while the study intersections are expected to continue to operate at LOS D or better. In the long term future cumulative scenario, all study intersections would continue to operate at LOS D or better and v/c ratios would increase to a worst case v/c ratio of 1.21 during the southbound AM peak and a v/c ratio of 1.15 in the southbound PM peak. These levels of service are in compliance with General Plan standard LOS D for intersections and corridor LOS and v/c ratios for the Highway 12 corridor of 1.6 (northbound) and 1.5 (southbound).

As stated in the W-Trans report, the project includes construction of pedestrian and bicycle facilities that will tie into the regional multimodal network, including connectivity to transit services and nearby schools and park facilities. It is also noted that the trip generation associated with the neighborhood commercial center is expected to comply with the TS (Traffic Sensitive) Combining District to be applied to Parcel C. The Traffic Sensitive Combining District is applied in commercial areas that are known to be constrained by traffic congestion. The intensity of use in the TS District is not permitted to exceed 18 pm peak hour trips per acre. Given the land area (.74 acres) devoted to the proposed commercial use, the permitted pm peak trip generation is 13 trips. The traffic analysis indicates the commercial portion of the project would generate 13 pm peak hour trips, including the internal capture of four trips given the mixed use aspect of the project.

Public Facilities

***Objective PF-1.1:** Plan for healthful water supplies and wastewater facilities adequate to serve the growth projected in the general plan.*

The Valley of the Moon Water District indicates that water is available to serve this project and has issued a will-serve letter.

Sanitation facilities are operated by the Sonoma County Water Agency. The proposed increase in density would increase the demand for sewer capacity. In consultation with water agency the applicant has obtained approval of a mitigation agreement to alleviate wet weather capacity issues associated with existing and proposed development. As required by the Sonoma County Water Agency, the project would contribute \$300,000 dollars to improve wet weather sewer capacity and mitigate impacts associated with the project. The Water Agency would use the money to rehabilitate numerous manholes in the collection system. Also the project would pay sewer connection and demand fees to cover sewer treatment.

***Goal PF-2:** Assure that park and recreation, public education, fire suppression and emergency medical, and solid waste services, and public utility sites are available to the meet future needs of Sonoma County residents.*

The project would increase demand for schools, fire, public safety, and other community services. Larson Park, Flowery Elementary School, and Sonoma Valley Charter School are situated adjacent to or within immediate proximity of the project. The appropriate service providers have been included in the development review process and have not raised concerns regarding capacity or service. The applicant is required to pay school and park mitigation impact fees to address increase in demand on these facilities.

The applicant is in the process of finalizing an agreement with the Sonoma Valley School District and Sonoma Valley Charter School to improve and ensure the long term joint use and maintenance of the 1.4 acre playground/recreation site.

Noise

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. The following noise policies are relevant to the project:

Policy NE-1b: *Avoid noise sensitive land use development in noise impacted areas unless effective measures are included to reduce noise levels. For noise due to traffic on public roadways, railroads and airports, reduce exterior noise to 60 dB Ldn or less in outdoor activity areas and interior noise levels to 45 dB Ldn or less with windows and doors closed. Where it is not possible to meet this 60 dB Ldn standard using a practical application of the best available noise reduction technology, a maximum level of up to 65 dB Ldn may be allowed but interior noise level shall be maintained so as not to exceed 45 dB Ldn. For uses such as Single Room Occupancy, Work-Live, Mixed Use Projects, and Caretaker Units, exterior noise levels above 65 dB Ldn or the Table NE-2 standards may be considered if the interior standards of 45 dB Ldn can be met. For schools, libraries, offices, and other similar uses, the interior noise standard shall be 45 dB Leq in the worst case hour when the building is in use.*

The project is located in a noise impacted area due to road noise from Highway 12. Therefore, an Environmental Noise Assessment was prepared by Illingworth & Rodkin, Inc. to address noise mitigation required for residential and recreational uses in compliance with the General Plan. The report found that the following components of the project would be exposed to future Ldn levels greater than 60dBA:

- The first row of family apartments (66dBA – estimated future).
- The school playfield at and around the basketball court (63dBA – estimated future)
- Neighborhood commercial buildings (66dBA – estimated future)

Therefore, the following mitigation measures are included as conditions of approval:

The first row of family apartments adjacent to State Highway 12;

- Shall be equipped with mechanical ventilation to allow the windows to remain closed at the residents' option.
- A qualified acoustical professional shall review completed building plans and elevations for the subject apartments to ensure compliance with State Building Code (Condition #120).

Neighborhood retail buildings:

- A qualified acoustical professional shall review completed building plans and elevations for the retail commercial buildings to ensure compliance with State Building Code (Condition #121).

School Playfield:

- A noise barrier with a minimum top of wall elevation of 6 feet above the adjacent playfield grade shall be constructed according to the location and specifications outlined in the Noise

Assessment report for Sonoma Springs prepared by Illingworth & Rodkin, Inc. dated November 22, 2013 (Condition # 126).

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 as measured at the exterior property line of any adjacent noise sensitive land use.

The project noise analysis did not identify any significant noise sources associated with operation of the project, including the neighborhood commercial center. However, noise associated with construction could result in significant impacts if not properly regulated. Therefore standard construction noise conditions of approval (Condition #122) are included that limit construction hours to 7 a.m. to 7 p.m. Monday – Friday and 9:00 a.m. 5:00 p.m. on weekends and holidays, and require staging areas to be situated away from existing adjacent residential uses.

Issue #2: South Sonoma Valley Area Plan Consistency

The South Sonoma Valley Area Plan designates the 6.76 acre project site as Low Multiple Family Residential 6-10 du/acre. To accommodate the 60 unit residential family housing project at 10.2 units an acre, Parcel B will need to be redesignated in the Area Plan as High Multiple Family Residential 11-16 du/acre. In addition, the Area Plan residential land use designation on Parcel C (.74 acres) needs to be amended to Limited Commercial to accommodate the proposed commercial project. These changes are consistent the Area Plan policies which encourage redevelopment with higher residential densities, mixed use, and the recognition that long term adjustments in land use may be necessary to increase housing and commercial services in the area. The Area Plan amendments are also consistent with the proposed General Plan and Zoning Amendments.

Issue #3: Zoning Consistency

Parcels A and B and a portion of Parcel C are currently zoned PC (Planned Community). Parcel C will be rezoned from PC; R1 B6 3 du/acre; and LC TS to PC (Planned Community). The SR, VOH, and LG/SPR Combining Districts on Parcel C will remain the same and the TS (Traffic Sensitive) District will be added to the entire parcel.

The PC Zoning District requires a Precise Development Plan Use Permit and includes standards for building intensity, lot coverage, building height, setback, and parking requirements.

PC District Standards

Building Intensity: The maximum permitted building intensity in the PC District is a function of the total maximum lot coverage (35%) multiplied by the maximum building height (35 feet). As such, compliance with lot coverage and building height requirements ensures compliance with the building intensity requirement.

The project complies with building lot coverage, building height, and maximum building intensity as follows:

| <u>Parcel A</u> | <u>Lot coverage</u> | <u>Height</u> |
|-----------------|---------------------|---------------------------------------|
| | 16% | 36'-10" to building ridgeline of roof |

The building on Parcel A complies with the 35% lot coverage requirement but the ridge height exceeds the 35-foot height limit by 1'-10". This variance from the height requirement necessitates an affordable housing density bonus concession as discussed under Issue #4 below. Due to the limited building lot coverage on Parcel A (16%), it is clear that the maximum building intensity would be met despite the slight increase in height.

| | | |
|-----------------|----------------------------|----------------------------------|
| <u>Parcel B</u> | <u>Lot coverage</u> 21% | <u>Height</u> 32'-1" to ridge |
| <u>Parcel C</u> | <u>Lot coverage</u> 20% | <u>Height</u> 27' to ridge |

Building Setbacks: Building Setbacks in the PC District are 20 feet from any road or as established by the Precise Development Plan and dwelling groups are required to comply with the R3 (High Density Residential) District standards. The Type A Density Bonus regulations also require compliance with the R3 Zoning District standards. As noted below the project complies with the R3 Zoning District standards as shown on the Precise Development Plan.

Parking

Thirty three parking spaces are provided for the 6,450 square foot commercial center, which meets the minimum zoning parking requirement for commercial use of 5 spaces per 1,000 square feet of floor area.

The PC District has separate residential parking requirements, including 1 covered and 1 guest parking space for each multiple family residence. Under this provision 200 parking spaces would be required. However, this parking requirement is superseded by State Density Bonus Law which establishes maximum parking requirements for affordable housing, and current Zoning Code parking standards applicable to affordable housing. The state and local parking standards are 1 space for each studio or 1-bedroom unit and 2 spaces for each 2- or more bedroom unit. The proposed residential development provides 169 parking spaces, including 36 covered parking spaces. This exceeds state and local requirements by 33 parking spaces.

R3 Zoning District Standards per Type A Density Bonus Requirements

Building Height

The maximum building height in the R3 Zoning District is 40 feet for a Housing Opportunity Type A project. The maximum building height proposed is 36'-10" for the senior housing complex on parcel A.

Lot Coverage

The maximum lot coverage on any of the parcels is 21%, which is well under the lot coverage allowance of 60% in the R3 District.

Setbacks

The residential projects meet or exceed the minimum 15-foot front, 15-foot street side, 5-foot side, and 10-foot rear yard setbacks of the R3 Zoning District.

Open Recreational/Leisure Space Requirement

The R3 District requires at least 200 square feet of usable recreational and leisure area for each dwelling unit, except 150 square feet is required for senior housing. Patios and balconies may be considered for up to 50% of the required open recreational and leisure area. Therefore, the gross area of recreational leisure area required for the project is 18,000 square feet or .41 acres. This requirement is met through the provision of over 26,000 square feet of recreation leisure space, including a minimum 60 square feet of patio/balcony space for each unit (3,000 square feet), community and fitness rooms (3,793 square feet), the Sonoma Valley Trail (10,200 square feet) and the community garden (10,000 square feet). In addition the project includes the 1.4 acres of shared recreational open space available to residents during non-school hours.

Issue #4: Affordable Housing Proposal/Density Bonus Incentives

Affordable housing regulations as identified in Zoning Code Article 89 allow a density bonus to be granted in conjunction with a Precise Development Plan. The Sonoma Springs Mixed Use project includes an affordable housing density bonus proposal under the County's Type A Density Bonus Housing Opportunity Area Program Section 26-89-050 F. Under this density bonus program, a density bonus of up to 100% of the base density may be granted in exchange for the provision of 40% of the units (40 units) affordable to low and very low income households.

The base density allowed under the proposed UR7 (Parcel A – 3.06 acres) and UR11 (Parcel B – 2.96 acres) designations is 50 units. A 100% density bonus yields 100 units as proposed by the developer. The minimum level of affordability would be 40% of 100 units or 40 units affordable to low and very low income units. The proposal is for a deeper level of affordability consisting of 30 units at extremely-low rents, 10 units at very-low income rents, and 60 units at low income rents.

Incentives

Incentives guaranteed for affordable housing projects include “fast-tracking” permits, concurrent processing of multiple permits, and preference in areas where growth management is in effect. In addition, the decision making body may grant two or more incentives for this project due to the level of affordability and based on the inclusion of senior housing.

The incentive necessary for the project includes the variation in building height of the senior complex, which exceeds the 35 foot height limit of the PC District by 1'-10". Staff recommends this incentive be granted because it would not result in adverse health or safety impacts.

Issue #5: Sonoma Valley Growth Management Program

The Sonoma Valley Growth Management Plan allows approximately 90 dwelling unit allotments to be issued per year, plus carryover allotments from prior years. Priority is given to affordable housing projects in urban service areas provided that a minimum of 44% of the units are affordable to low or very low income residents. As noted the project includes 100 affordable units, 60 of which would be placed under contract with the Sonoma County Community Development Commission.

Sonoma Valley Growth Management allotments have not been fully utilized over the past several years and affordable housing goals have not been met. Under the Growth Management Plan, unused allotments roll over from year to year. Accordingly, there are well over 100 allotments, to accommodate construction of the proposed housing units in 2015-16.

Issue #6: Highway 12 Design Guidelines/Visual Compatibility

General recommendations of the Highway 12 Design Guidelines are to improve the aesthetic design and pedestrian orientation of the corridor by improvements in architecture, landscaping, and pedestrian circulation and the provision of activity hubs at strategic locations. The guidelines include specific recommendations for various existing land use types including *Main Street*, *Country Commercial*, and *Corridor Residential*. The guidelines are intended to be flexible given the wide variation in land use and urban character along the corridor.

The segment of the corridor around Depot Road is designated as a *Main Street* area due to the existing and former buildings being oriented to and positioned close to the Highway. The proposed commercial center utilizes the *Main Street* design theme by establishing an activity hub through placement of the building adjacent to the highway corridor and by providing pedestrian orientation and amenity.

The area of the proposed family apartments is within the *corridor residential* area of the design guidelines. The *Corridor Residential* guidelines encourage buildings to meet more traditional zoning setbacks and

call for buildings to be articulated and in character with the surrounding neighborhood. Pedestrian orientation should be emphasized where possible.

The design of the family apartments includes strongly articulated and architecturally compatible two story elevations oriented to the highway which meet traditional multiple family residential setbacks of 15 feet. The complex includes multiple buildings with primary and secondary pedestrian access from the highway. Street trees are required to be incorporated in the 10-foot wide Highway 12 sidewalk to the greatest extent practicable.

Issue #7: Design Review Committee Comments

The Design Review Committee determined that the project is consistent with the Highway 12 and County Design Guidelines in the following areas:

1. The design appropriately relates to the Highway 12 frontage, other street frontages, and surrounding properties through appropriate building setbacks, pedestrian interest and scale, architectural articulation, and foreground/perimeter landscaping. Building entries are appropriate and within reasonable proximity to parking areas. Major and secondary entrances are provided near Highway 12.
2. Pedestrian circulation is appropriately emphasized in the project, including the street crossings of the Sonoma Valley Trail.
3. Parking areas are appropriately screened from Highway 12.
4. Joint use circulation, parking, and utilities are coordinated.
5. Privacy to the adjoining mobile home park is maintained in that the three story family apartments are setback a minimum of 31 feet from the westerly property line and an additional 40 feet from the closest mobile home to the west. Landscaping is proposed to visually soften the three story apartments from adjoining properties.
6. Orchard style tree planting is provided in parking areas.
7. Common and private open space is provided for each unit.
8. Visual interest, design compatibility, and human scale have been provided.

As recommended by the Design Review Committee, the following recommendations are included in the Conditions of approval to be addressed at Final Design Review

1. Existing mature palm trees shall be saved and replanted at major focal points of the development (as proposed).
2. Additional tree planting should be considered in extended rows of parking.
3. No shrubs or trees shall be planted within the Sonoma County Water Agency/Sonoma Valley Sanitation District sewer easement coinciding with the Sonoma Valley Trail. Root barriers shall be utilized for tree or shrub plantings near the sewer line.
4. Wheel stops are not allowed. Eliminate wheel stops in favor of increasing landscape areas and curbs.
5. Outdoor lighting, sign, and on-site furniture details need to be provided. Additional pedestrian amenities such as decorative or colored concrete, benches, planters (commercial), and trash receptacles should be provided. A bus stop bench and/or shelter shall be provided along the highway in front of the family apartments per Sonoma County Transit review and approval.
6. An outdoor lighting plan needs to be developed. The outdoor lighting plan should include lighting of the Sonoma Valley trail from outside of the trail easement to avoid Regional Parks lighting and maintenance liability. A photometric plan shall be provided to ensure lighting levels are compatible with the surrounding area.
7. Final landscape and irrigation plans shall demonstrate compliance with Water Efficient Landscape Policy.
8. Additional frontage landscape planters shall be considered at commercial buildings to visually soften hardscape areas improve building integration.

STAFF RECOMMENDATION

It is recommended that the Planning Commission recommend to the Board of Supervisors adoption of a Mitigated Negative Declaration and approval of the project subject to the attached findings and Conditions of Approval.

FINDINGS FOR RECOMMENDED ACTION

1. The project site meets General Plan criteria for increased density in the Urban Residential category of the General Plan in that the site is located in an Urban Service Area, adequate circulation, public services, and infrastructure are provided, the site is located in close proximity to commercial services, schools, parks and community services, and the project includes a segment of the planned Sonoma Valley Trail. The commercial portion of the project meets the General Plan criteria for the Limited Commercial Traffic Sensitive designation in that the site is within an Urban Service Area, close to other commercial uses and population concentrations, the commercial land use is limited in size and meets the Traffic Sensitive trip generation criteria, and the property has convenient access to a signalized intersection on Highway 12.
2. The residential development is consistent with the Urban Residential land use designations and General Plan Objective HE-1.1 encouraging the provision of affordable housing in that it provides 40 units toward the county's unmet need of 279 very-low income units and 60 units toward the county's unmet need of 90 low income units. The proposed based density of 7 du/acre (Parcel A) and 10.1 units/ acre (Parcel B) in conjunction with Type A Housing Opportunity Program 100% density bonus is justified and constitutes a public benefit due to the provision of a total of 100 affordable units, which is more than double the number of affordable units mandated by zoning. To guarantee the public benefit, no less than 60 units will be under contract with the Community Development Commission, including 30 extremely-low, 10 very-low, and 20 low income units. The balance of 40 affordable units provided to low income households are additional public benefit.
3. The proposed increase in density would increase holding capacity specifically to accommodate the proposed affordable housing project on an "infill" site. This is consistent with General Plan affordable housing, land use, and public service goals in that the increase in holding capacity is commensurate with growth projections in that sufficient growth management rollover housing allocations exist to accommodate the project.
4. Based upon the information contained in the Initial Study and included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, in that mitigation measures (which have been agreed to by the applicant) are incorporated into the project which will reduce environmental impacts related to, air quality, biological resources, cultural resources, geological constraints, hazardous materials, noise, traffic, and public services to less than significant levels. 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.
5. The South Sonoma Valley Area Plan Amendment for Parcel B changing the land use designation from Multiple Family 6-10 units an acre to 11-18 units an acre to accommodate a base density of 10.1 units an acre is consistent with the proposed General Plan Amendment and policies of the General Plan and Area Plan encouraging increased densities and affordable housing within the area.
6. The South Sonoma Valley Area Plan Amendment for Parcel C changing the land use on .74 acres from Residential Low Density 6-10 units an acre to Commercial is consistent with the proposed General Plan Amendment and policies of the General Plan and Area Plan encouraging

- limited commercial services that would serve increased densities to serve population centers that are conveniently and connected by multi-modal transportation and pedestrian linkages.
7. The proposed rezoning of .56 acres of land zoned Urban Residential to the Planned Community, Scenic Resource, Traffic Sensitive District to accommodate commercial development is consistent with the proposed General Plan and Area Plan Amendments and would implement policies encouraging additional neighborhood serving commercial services in close proximity to urban residential areas.
 8. The uses, as conditioned, are consistent with the zoning districts in which they are located in that multiple family and commercial uses are allowed in the PC District by a Precise Development Plan Use Permit and zoning requirements are met in order to protect public, health safety, and welfare.
 9. The requested incentive of a minor increase in height in the PC District to accommodate a 1'-10" height exception for the senior housing complex is compatible with the neighborhood and would not result in adverse health or safety problems, and is consistent with the R3 Zoning District height limits required in conjunction with the Density Bonus.
 10. The establishment, maintenance or operation of the uses for which the application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. The design would enhance the neighborhood by providing strongly integrated and compatible mix of senior housing, family housing, and neighborhood serving commercial uses, supported by existing and proposed public and private infrastructure and services, including improved roadways, transit, schools, a playground, parks, and a community garden linked by a segment of the Sonoma Valley regional trail.
 - b. The project includes the improvement of Highway 12 with a center turn lane, bike lane, curb, gutter, sidewalk, and lighting, and street trees. Sewer, water and storm drain lines would also be improved and all utilities would be underground.
 - c. The project would pay school, parks, and traffic mitigation fees to help address area wide service needs.
 - d. The project meets or exceeds parking requirements for both the commercial and residential projects.

LIST OF ATTACHMENTS

- EXHIBIT A: Conditions of Approval
EXHIBIT B: Draft Ordinance and Sectional District Map
EXHIBIT C: Vicinity Map
EXHIBIT D: Affordable Housing Proposal (Amended by Letter Dated April, 14 2014)
EXHIBIT E: Proposal Statement
EXHIBIT F: General Plan Map (Existing and Proposed)
EXHIBIT G: Zoning Map (Existing and Proposed)
EXHIBIT H: Precise Development Plan submittal including:
 - Cover Sheet
 - Aerial Photo
 - Opportunities and Constraints Map

- Site Photos
- Precise Development (Master Site) Plan
- Circulation Diagrams
- Parcel A Site Plan, Floor Plans, and Elevations
- Parcel B Site Plan, Floor Plans, and Elevations
- Parcel C Site Plan, Floor Plans, and Elevations
- Visual Perspectives
- Landscape Site Plan, Bikeway Sections, Furniture and Fence Details
- Landscape Planting Concept
- Civil drawings

EXHIBIT I: Sonoma Valley Citizens Advisory Committee Minutes

EXHIBIT J: Design Review Committee Record of Action

EXHIBIT K: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration, Environmental Studies and Full Size Plans



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: Sonoma Springs Mixed-Use Project

Project Location Address: 17310, 17360, and 17366 Sonoma Highway 12, Fetters Hot Springs, CA (APN 056-201-100, 101, 102 and 056-201-067 – trail extension only)

Lead Agency: County of Sonoma

Decision Making Body: Board of Supervisors

Project Applicant: MidPen Housing Corporation

Project Description: A mixed-use development consisting of a General Plan Amendment to 1) increase the density on 3.06 acres from 6-units an acre to 7-units an acre (Parcel A), 2) increase the density on 2.96 acres from 6-units an acre to 11 units an acre (Parcel B), and 3) change the land use on .18 from UR3 to LC and .37 acres from UR6 to LC; and a precise Development Plan Use Permit to accommodate a Mixed Use Development and 100% density bonus to accommodate 60 affordable family rental units, 40 affordable senior rental units, and a 6,500 square foot commercial/ retail building on three parcels totaling 6.76 acres. The project includes:

- 60 units of affordable family housing
- 40 units of affordable senior housing
- ± 6,500 sq. ft. retail/commercial complex
- ± .33-acre community garden
- ± 1.4 acres multi-use school playground
- Continuation of a public bikeway/trail improvements from Vailetti Road to Depot Road
- A tie and alignment to sidewalk and roadway improvements to be completed by the County under Phase 2 of the Sonoma County "Highway 12 Project" (environmental assessment and exemption adopted by the Caltrans on January 22, 2014).

Environmental Finding:

Basis on the attached Initial Study, the project 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 Blake Hillegas at 565-1392.

Mitigation Measures: Included in attached Initial Study. The project applicant has agreed to implement all mitigation measures.

Please contact Blake Hillegas, Project Planner, at (707) 565-1392 for more information.

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

ENVIRONMENTAL CHECKLIST INITIAL STUDY FORM

FILE #: PLP12-0038
PLANNER: Blake Hillegas
PROJECT: Sonoma Springs Mixed Use Development
DATE: March 12, 2014

LEAD AGENCY: Sonoma County Permit and Resource Management Department

PROJECT LOCATION: 17310, 17360, and 17366 Sonoma Highway 12, Fetters Hot Springs, CA
(APN 056-201-100, 101, 102 and 056-201-067 – trail extension only)

APPLICANT NAME: Scott Johnson, Applicant - MidPen Housing/Marco Vailetti, Property Owner

APPLICANT ADDRESS: 303 Vintage Park Drive, Suite 250 Foster City CA 94404

GENERAL PLAN DESIGNATION: UR6 (Urban Residential 6-units per acre) on 6.39 acres/UR3
(Urban Residential (3-units an acre) on .18 acres/and LC, (Limited Commercial) Traffic Sensitive
(TS) on .19 acres.

SPECIFIC/AREA PLAN: South Sonoma Area I

ZONING:

APN 056-201-100/ 3.06 acres: PC (Planned Community), SD (Scenic Design), SR (Scenic
Resource), VOH (Valley Oak Habitat)

APN 056-201-101/ 2.96 acres: PC (Planned Community), SD (Scenic Design), SR (Scenic
Resource), VOH (Valley Oak Habitat)

APN 056-201-102/ .74 acres: PC (Planned Community), SD (Scenic Design), SR (Scenic
Resource), VOH (Valley Oak Habitat)/R1 (Low Density Residential), SR (Scenic Resource), VOH
(Valley Oak Habitat/LC (Limited Commercial), TS (Traffic Sensitive), SR (Scenic Resource), and
VOH (Valley Oak Habitat);

INTRODUCTION:

MidPen Housing requests a 1) General Plan Amendment of reconfigured parcels (Parcels "A", "B" and "C" of approved LLA 12-0049), a rezoning of Parcel C, a Use Permit for a revised Precise Development Plan, a density bonus (Housing Program A) and Design Review to develop ±6.76 acres as a master planned mixed-use project consisting of 40-units of affordable rental housing restricted to seniors 55-years or older and 60-units of affordable, non-age restricted, rental housing. The project also includes the upgrading and minor expansion of an existing playground, creation of a community garden, construction of a public bicycle/trail along the western edge of the project site, continuing off-site to Vailetti Road, and development of a ±6,500 retail/commercial center. The project is located at 17310, 17360, and 17366 Sonoma Highway 12, Fetters Hot Springs, CA. A referral letter was sent to the appropriate local, state and federal

agencies and interest groups who may wish to comment on the project.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). Blake Hillegas, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division, prepared the report. MidPen Housing Corporation provided information on the project. Various consultants, as identified in the Initial Study, provided additional information. Technical studies referred to in this document are available for review at the Permit and Resource Management Department.

Please contact Blake Hillegas, Planner by telephone at (707) 565-1392 or by email at Blake.Hillegas@sonoma-county.org for more information.

EXISTING FACILITY

The ±6.76-acre site, consisting of three reconfigured parcels (LLA 12-0049), is developed with a ±1,800 sq. ft. commercial building and paved parking area adjacent to Depot Road. The project site includes an existing ±1.4-acre playground area which is leased to the Sonoma Charter School situated to the north. As depicted on the Site Context Map below, the subject property is bordered by: State Highway 12 to the east, the Rancho Vista Mobile Home Park to the west, the Sonoma Charter School to the north and Depot Road to the south. The subject property can be accessed from State Highway 12, Rancho Drive and Depot Road. Several oak, palm, acacia, and eucalyptus trees exist on the property, along with a remnant parking area from when the property contained the former Boyes Hot Springs Resort. According to the recent tree inventory, there are 74 trees on site. Twenty two of the oak trees are protected according to County Ordinance. Most of the oaks would be removed, except for those lying within the 1.4 acre playground site. A number of non-native palm trees would be transplanted to focal points of the proposed project.

Municipal water and sewer are available to the site. Public water is provided by Valley of the Moon Water District. Sonoma Valley Sanitation District will provide sewer service. The site drops at an embankment along Highway 12 and levels out. The majority of the site currently drains north to south in a westerly direction towards Rancho Drive. A drainage swale runs east to west along the northerly edge of the property.

















 North

 Sonoma Springs

 Mixed Use Project

 Masterplan

 Site Context

 Diagram

 1:50

 A0.2

 12/19/13

PROJECT DESCRIPTION

The project is the development of a mixed-use planned development in an area designated for Limited Commercial and Urban Residential uses. Utilizing Sonoma County's Opportunity Type A Housing Program, the applicant seeks to develop 40 units of affordable rental housing for seniors and 60 units of non-age restricted affordable rental housing. Additionally, the project includes a $\pm 6,500$ sq. ft. retail/commercial center, the upgrading and minor expansion of an existing ± 1.4 acre playground, a ± 0.3 -acre community garden, and the extension of a public bicycle/pedestrian trail along the western edge of the project site, continuing north to Vailetti Road.

The project involves three separate legal parcels recently re-configured under LLA 12-0049. Parcel A, ± 3.06 acres in size, is to be developed with the 40-units of affordable senior housing, the community garden and the upgraded playground. Parcel B, ± 2.96 acres in size, is to be developed with 60 units of affordable rental housing. Parcel C, ± 0.74 acres in size, is to be developed with the $\pm 6,500$ sq. ft. retail/commercial center. The project also includes the construction of a public bicycle/pedestrian trail along the western edge of the property, continuing off-site to Vailetti Road and a tie into the sidewalk and road improvements along State Highway 12 being performed under Phase 2 of the Sonoma County Highway 12 Project.

The necessary PRMD applications include:

- General Plan Amendment:
 - Parcel A from Urban Residential 6 units per acre (UR6) to Urban Residential 7 units per acre (UR7)
 - Parcel B from Urban Residential 6 units per acre (UR6) to Urban Residential 11 units per acre (UR11)
 - Parcel C from Urban Residential 6 units per acre (UR6), Urban Residential 3

units per acre (UR-3), and Limited Commercial – Traffic Sensitive (LC-TS) to Limited Commercial – Traffic Sensitive (LC-TS)

- Rezoning
 - Parcel A: PC,SD,SR,VOH - No zone change necessary
 - Parcel B: PC,SD,SR,VOH - No zone change necessary
 - Parcel C: Rezoning from PC, SR, VOH (± .37-acres portion of the property), R1 B6-3, SR, VOH (± .18-acres portion of the property and LC,TS,SR,VOH (±19-acres portion of the property) to PC, TS, SR, VOH.
- Use Permit for a Precise Development Plan
- Design Review
 - Referral and Final Design Review for the entire project.

Project Design Elements

- Non-age restricted units: 60 apartment units in four 3-story residential buildings of stacked flats.
 - Two 10-plex buildings
 - Two 20-plex buildings
 - Unit mix:
 - Seventeen (17) 1-bedroom/1-bath
 - Twenty-six (26) 2-bedroom/2-bath
 - Seventeen (17) 3-bedroom/2-bath
 - Open Space
 - Porches or patios
 - Use of adjacent playground
 - Use of Community Garden
 - Bicycle/pedestrian trail
 - Tot lot
 - Amenities
 - Reception/management offices
 - Conference/classrooms
 - Fitness center
 - Bike storage
 - Community building
 - Laundry facility
- Senior units: 40 apartment units in one 3-story, elevator served, courtyard building
 - Unit mix:
 - Thirty-seven (37) 1-bedroom/1-bath
 - Three (3) 2-bedroom/1-bath
 - Open Space
 - Porches or patios
 - Use of adjacent playground
 - Use of Community Garden
 - Bicycle/pedestrian trail
 - Courtyard
 - Amenities
 - Reception/management offices
 - Fitness center
 - Community Room
 - Parlor
 - Laundry facilities

It is anticipated that the project will be developed in three phases. Phase 1 consist of the installation of the project's infrastructure improvements. Phase 2 includes the affordable non-age restricted units (Parcel B), playground, community garden commercial complex and trail. Phase 3 consist of the senior housing component. All construction is predicated upon the completion of the Sonoma County/Caltrans Phase 2 Highway 12 improvements. Should the Highway 12 improvements be delayed, the project sponsor would need to construct their portion of the Highway 12 frontage.

SETTING

The project is located in the unincorporated community of Fetters Hot Springs, which lies in the center of urbanized communities referred to as "The Springs". "The Springs", consisting of Agua Caliente, Fetters Hot Springs, Boys Hot Springs, and El Verano run along the State Highway 12 corridor immediately northwest of the city of Sonoma. Land uses surrounding the project site consist of:

- South: Neighborhood commercial, a portion of the Rancho Vista Mobile Home Park and single-family residential uses.
- West: Rancho Vista Mobile Home Park, Flowery Elementary School, aquatic center an spa.
- East: State Highway 12 and single-family residential uses.
- North: Sonoma Valley Charter School, vacant residentially designated parcels.

ISSUES RAISED BY THE PUBLIC OR AGENCIES

No significant environmental issues have been raised at this time. Staff discussed the project with the San Francisco Bay Regional Water Quality Control Board (Water Board) in January 2014. The Water Board noted that the project was subject to Standard Urban Stormwater Mitigation requirements and was forwarded a copy of the project specific stormwater plan. The County Design Review Committee and Sonoma Valley Citizen Advisory Committee reviewed the project in February 2014. The Design Review Committee supported the project. The SVCAC raised concerns with density and traffic, but unanimously recommended approval of the project. In addition, a neighborhood meeting was held on February 19, 2014. No significant issues were raised at the neighborhood meeting. Consultation has occurred and issues regarding water system design and sewer capacity have been resolved. No outstanding environmental issues have been raised and comments were generally in support of the project.

OTHER RELATED PROJECTS

The County is expected to go to bid this year on the construction of Phase II of the Highway 12 Improvement Project, which will widen and add turn lanes, shoulders, and sidewalks on the highway from Boyes Blvd. to Aqua Caliente Rd.

RESPONSIBLE AND TRUSTEE AGENCIES

Sonoma County Permit and Resource Management Department (PRMD) Sonoma County Building Division, Grading and Stormwater, and Engineering Divisions
Sonoma County Water Agency
Valley of the Moon Water District
Sonoma Valley Sanitation District
Valley of the Moon Fire District
State Department of Transportation (Cal-Trans)
Bay Area Air Quality Management District (BAAQMD)
San Francisco Bay Area Regional Water Quality Control Board (SFRWQCB)

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. Sources used in this Initial Study are numbered and listed on pages 5 and 6.

The Project Applicant has 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 checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emission | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" 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 at the Permit and Resource Management Department and are incorporated by reference.

- Project Application and Description
- County Planning Department's Sources and Criteria Manual
- Sonoma County General Plan and Associated EIR
- Specific or Area Plan Sonoma Valley Area 1
- 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.
- Other technical reports:
 - Highway 12 Design Guidelines
 - Environmental Noise Assessment: Sonoma Springs Mixed-Use Project. Prepared by Illingworth & Rodkin, Inc. November 22, 2013
 - Traffic Impact Study for Sonoma Springs: Prepared by W-Trans, Consulting Traffic Engineers. December 6, 2013
 - A Cultural Resources Survey for the Sonoma Springs Mixed-Use Development: Prepared by Virginia Hagensicker, B.A. and Janine M. Origer, M.A./R.P.A. November 26, 2013: Revised January 16, 2014.
 - Design Level Geotechnical Investigation Proposed Aguas Calientes Village. Prepared by PJC & Associates November 29, 2004
 - Supplemental Geotechnical Investigation & Report Update: Sonoma Springs Proposed Mixed-Use Development: Prepared by PJC & Associates, Inc. April 29, 2013
 - Greenhouse Gas Emissions Assessment: Sonoma Springs Mixed Use Project: Prepared by Illingworth & Rodkin, Inc. December 11, 2013.
 - Tree Preservation and Mitigation Report: Sonoma Springs Sonoma, CA. Prepared by Horticultural Associates December 6, 2013.
 - Phase 1 Environmental Site Assessment: 17310-17360-17366 Hwy 12, Sonoma, CA Prepared by Harris & Lee Environmental Sciences, LLC December 1, 2013.
 - Preliminary Standard Urban Storm Water Mitigation Plan: Sonoma Springs. Prepared by Damon Morelli, PE EBA Engineering December 6, 2013
 - Habitat Assessment: Sonoma Springs Mixed Use Project. Prepared by Wildlife Research Associates and Jane Valerius Environmental Consulting February 6, 2014.

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 |
| | | | X | |
| <p><u>Comment:</u> The project fronts State Highway 12, a designated scenic corridor in the Sonoma County General Plan Open Space element. The zoning on the property includes both a Scenic Resources (SR) and a Valley Oak Habitat (VOH) combining district. However, the project site is not within a Community Separator or within a Scenic Landscape Unit designation. Because the site is within an urban service area, the project is not required to meet scenic corridor building setbacks and more conventional building setbacks are appropriate. The project site is subject to the Highway 12 Design Guidelines. Of particular relevance are those sections addressing the development node of Agua Caliente/Fetters Hot Springs, and the design characteristics of “Main Street” and “Corridor Residential.”</p> <p>Sight lines along the scenic corridor run east to west. The character of the corridor is mostly urban with buildings located close to Highway 12. The project site is currently open and contains 72 trees (22 protected) trees, including numerous valley oak trees and date palms. The site as viewed from surrounding areas looks abandoned with overgrown vegetation and numerous native and non-native trees. It is noted that, due to the mostly open character of the site, there are views of Sonoma Mountain to the west from motorists traveling the highway and a few homes above. The views from motorists would be disrupted by new development. However, these views are not considered a protected scenic vista given the urban character of the area, the urban land use designation, and because the Scenic Resource zoning setbacks do not apply to the site.</p> <p>Numerous trees were removed along the project frontage during recent construction of the Highway 12 embankment. Most of the remainder trees will be removed with project development except for a mature native valley oak tree in the play ground area and several palm trees that will be transplanted at focal points in the project. The removal of trees on the site would not result in a substantial adverse visual impact because the site is urban and many of the former oaks near the roadway were removed during construction of the Highway 12 embankment.</p> <p>Moving North to South, the State Highway 12 frontage will be developed with the joint use playground, non-age restricted apartment units and the neighborhood commercial center. The residential buildings fronting State Highway 12 are a maximum of 35 ft. in height and vary in setback from 15 ft. behind sidewalk to 25 ft. 11 inches. The two commercial buildings are 27 ft. in height. The South building fronts State Highway 12 and is setback 14-15 feet from the face of curb. The side or end of the North building faces State Highway 12 and has setback of 31 feet from the face of curb. Building design, orientation, height, and setbacks comply with the Highway 12 Design Guidelines. Trees will be planted in landscape areas along the project’s residential frontage and sidewalk street trees will be incorporated into the design if feasible.</p> <p>The project includes the continuation of an existing 6 ft. high cement plaster wall (300 ft.) from the Sonoma Valley Charter School to the northerly project access. This wall is proposed to be at the back of the new Highway 12 sidewalk next to the playground area. Conditions of approval require that landscaping pockets be included along the expanse of the wall for visual relief.</p> | | | | |
| h) Substantially damage scenic resources | Potentially | Less than | Less than | No impact |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | Significant Impact | Significant with Mitigation Incorporation | Significant Impact | |
| <p><u>Comment:</u> Most of the trees on the property are proposed to be removed, however, one oak would be saved and several palm trees would be transplanted to focal points of the development. The change in character of the site from an open field with trees to urban development is consistent with the General Plan. Further the site is not designated as scenic landscape unit or community separator in the Open Space element of the General Plan. Therefore the loss of trees is in significant from aesthetic standpoint. Nonetheless, protected trees (primarily oak trees) are required to be replaced in accordance with the Zoning Code (see Biology item 4) below.</p> | | | X | |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p><u>Comment:</u> See a. and b. for a discussion of changes in the site character.</p> <p>Regarding relationship to existing development, the project is subject to the County's Highway 12 Design Guidelines. The project is located within the Agua Caliente/Fetters Hot Springs sub-area of "The Springs". "Main Street" guidelines are applicable to the retail/business component of the project. "Corridor Residential" applies to the playground and residential components.</p> <p>Section 3.4 "The Agua Caliente/Fetters Hot Springs" Segment list Goals and Recommendations to provide additional retail opportunities and community focal points, safe pedestrian linkages and crossings, and resolving vehicular conflicts.</p> <p>The goal of the "Main Street" design guidelines is to create a pedestrian oriented downtown atmosphere within the existing development pattern. The stated goal of "Corridor Residential" is to protect residences from the impact of Highway 12 creating a positive relationship between commercial and residential development.</p> <p>The project provides an enhanced focal point near Depot Road and complies with the "Main Street" guidelines by providing additional retail opportunities, pedestrian amenities, and new landscaping oriented to the highway with parking behind the building. The residential portion of the project complies with the "Corridor Residential" guidelines in that the project design, scale, setback, and landscaping are compatible with the context of the area including the relationship of the residential units to the highway. The orientation of the residential buildings to the highway is consistent with the overall design concepts carried forward in the guidelines. The project provides strong pedestrian linkages between commercial and residential areas and connections to the broader community through the construction of a segment of the Sonoma Valley Regional Trail system, which will improve access to Flowery and Sonoma Charter Schools and Larson Park. The project also provides coordinated vehicular circulation by utilizing Rancho Drive and Depot Road for access.</p> <p>Although the Master Plan drawing for Parcel C (Sheet AC.0) appears to offer planter boxes on</p> | | | | |

the face of the building, no such treatment appears on the landscape plan. The commercial complex would achieve greater consistency with the "Main Street" guidelines by providing some setback and landscape treatment along the face of the south building. This is required as a condition of approval.

The residential complex along State Highway 12 meets the stated goal of "Corridor Residential" by providing a varying setback of 15 ft to 25 ft 11 inches from back of sidewalk and substantial tree planting along the State Highway 12 frontage. Community spaces are provided by the Common Facilities building, Community building and tot lot.

A 6 ft. cement wall is proposed along the length of the playground facing State Highway 12. Although the wall represents an important safety feature, the adjacency to the sidewalk and lack of landscaping may create a less than visually appealing experience for the pedestrian and the traveler. Pockets of landscaping along the wall are required as a condition of approval.

The project is subject to Final Design Review approval.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime view in the area? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

Comment: Lighting associated with the project will be consistent with standard lighting practices for projects in urban areas. The introduction of urban nighttime lighting in accordance with standard requirements would be compatible with nearby residential uses. As required by design review conditions of approval an exterior lighting plan shall be submitted for Design Review Committee review and approval. A photo metric study shall be provided demonstrating proposed lighting levels. Exterior lighting shall be fully shielded, compatible with existing lighting levels, and directed downward to prevent "wash out" onto adjacent properties. Floodlights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

2. AGRICULTURE AND FOREST RESOURCES: *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:
According to the Sonoma County Important Farmlands Map (2008) the site is considered Urban Built land and is not designated as Farmland. The subject property is within a municipal sewer and water district and designated for urban density development in the Sonoma County General Plan and by zoning.

| | | | | |
|--|--------------------------------|----------------------------|------------------------------|-----------|
| b) Conflict with existing zoning for agricultural use, or Williamson Act Contract? | Potentially Significant Impact | Less than Significant with | Less than Significant Impact | No impact |
|--|--------------------------------|----------------------------|------------------------------|-----------|

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| | | Mitigation Incorporation | | |
| | | | | X |
| <u>Comment:</u> The project site is zoned as PC (Planned Community) and LC (Limited Commercial) to accommodate urban residential and limited commercial land uses. The site is not under a Williamson Act contract. | | | | |
| c) Conflict with existing zoning for, or cause rezoning of, forestland (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 |
| <u>Comment:</u> The project development does not involve forest of timber land or land zoned as such. | | | | |
| d) Result in the loss of forestland or conversion of forestland to non-forest use? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <u>Comment:</u> The property is not forest nor is it adjacent to forestland. | | | | |
| e) Involve other changes in the existing environment that due to their location or nature could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <u>Comment:</u> The project is surrounded by urban residential or commercially designated property. The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forestland to non-forest use. | | | | |

3. AIR QUALITY: *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 | |
| <u>Comment:</u> The project is within the jurisdiction of the Bay Area Air Quality Management District. The District does not meet the Federal and State standards for ozone, and has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air Acts. These plans contain measures to achieve compliance with both ozone standards. The | | | | |

| | | | | |
|--|---------------------------------------|--|-------------------------------------|------------------|
| <p>plans deal primarily with emissions of ozone precursors (nitrogen oxide and volatile organic compounds). The project will not conflict with the District's air quality plan as noted under b) below because the proposed use will not emit significant quantities of criteria pollutants or ozone precursors as noted under b) below</p> | | | | |
| <p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</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> | | |
| <p>Comment: State and federal standards have been established for criteria pollutants and ozone precursors, carbon monoxide, sulfur dioxide and particulates (PM10 and PM2.5). The pollutants NOx (nitrogen oxides) and hydrocarbons form ozone in the atmosphere in the presence of sunlight. Significance thresholds for ozone precursors, carbon monoxide and particulates have been established by BAAQMD. The principal source of ozone precursors is vehicle emissions. BAAQMD generally does not recommend detailed NOx and hydrocarbon air quality analysis for projects generating less than 2,000 vehicle trips per day. According to the Traffic Impact Study prepared for the project by W-Trans, dated December 6, 2013, the project includes 100 midrise apartments and 6,500 square feet of retail development and will generate a total of 848 new vehicle trips per day. Given the low trip generation relative to the BAAQMD screening criteria, ozone precursor emissions would be less than significant.</p> <p>In addition, the project does not involve construction of housing or transportation facilities beyond the District's screening levels for criteria pollutants and precursors (494 dwelling units) or cumulative impacts addressed by the General Plan. According to the Sonoma Springs Mixed-Use Project Greenhouse Gas Emissions Assessment prepared by Illingworth & Rodkin, dated December 11, 2013, the project will generate a total of 871 MT Co2/yr, which is below the 1,100 MT GHG threshold established by the BAAQMD.</p> <p>Detailed air quality analysis for carbon monoxide is generally not recommended unless a project would generate 10,000 or more vehicle trips a day, or contribute more than 100 vehicles per hour to intersections operating at LOS D, E or F with project traffic. According to the Traffic Impact Study, the project would generate 47 a.m. peak hour trips and 65 p.m. peak hour trips. The commercial component would generate 17 p.m. peak hour trips. Of the 6 intersections studied in the Traffic Impact Report, only one intersection, Sonoma Highway/Rancho Drive Eastbound Approach operates at a LOS D in the p.m. peak condition.</p> <p>The project would not generate extensive levels of particulate matter in that it does not involve the movement of diesel trucks or diesel equipment, except during construction and wood burning is only permitted in EPA-Certified wood burning fireplaces. However, construction dust, if not properly regulated could result in significant cumulative impacts if not mitigated in accordance with Mitigation Measure 3.c. below.</p> <p>The project also includes the demolition of an ±1,800 sq. ft. commercial building. The building could contain lead-based paint, or asbestos that could become airborne during demolition. The applicant shall coordinate with the Bay Area Air Quality District and comply with federal and state regulations regarding containment.</p> | | | | |
| <p>Mitigation 3.b: Prior to demolition of the building, the applicant shall conduct a hazardous materials survey of building materials, including but not limited to asbestos and lead containing</p> | | | | |

materials and obtain a “J” number from the District. The survey report shall provide recommendations to demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) noticing, reporting, monitoring, containment and disposal requirements and include a 10 day notice to the District prior to demolition. Hazardous building materials demolition and disposal shall be subject to compliance with applicable state and federal regulations. If asbestos or lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during demolition activities. If asbestos or loose or peeling lead-based paint is identified, it shall be removed by qualified abatement contractors and disposed of in accordance with existing hazardous waste regulations.

Mitigation Monitoring: Prior to building permit issuance, the Sonoma County PRMD shall ensure that a survey of potentially hazardous building materials is conducted and “J” number is obtained from the BAAQMD.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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: The project will not have cumulatively considerable increase in criteria pollutants, including ozone precursors (hydrocarbons and NOx) in that reasonably foreseeable projects in the area are not substantial given past current and past projects in the area and General Plan build out.

The Bay Area is a non-attainment area for ozone and PM₁₀ and PM_{2.5} (fine particulate matter). The project will not have long-term effect on PM₁₀ and PM_{2.5}, because most surfaces will be paved or landscaped, and dust generation will be insignificant. However, there could be significant short-term emission of dust (which would include PM₁₀ and PM_{2.5}) during construction. These emissions would not be significant at the project level, but would contribute to a potentially cumulative considerable impact and therefore should be mitigated.

Mitigation Measure 3.c: The following dust control measures will be included in the project: The Applicant shall implement air quality protection measures recommended by the BAAQMD, including but not limited to those listed below, to reduce diesel particulate matter and PM_{2.5} from construction operations to ensure that short-term health impacts are avoided:

- Water all active construction grading areas at least twice daily and more often during windy periods.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas. Sweep streets daily (with water sweepers) if visible soil material is deposited onto adjacent roads.
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.

- Limit traffic speeds on any unpaved roads to 15 mph.
- Suspend construction activities that cause visible dust plumes that extend beyond the construction site.
- A Disturbance Coordinator will be assigned to the Project at least for the full duration of demolition activities, grading, excavation, and building construction. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues (e.g., dust and odors) in a timely manner. The contact information for this Coordinator will be posted in plain view at the Project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules.
- Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0), shall be repaired immediately. Any equipment emitting dark smoke 3 minutes after start up is in violation of this measure.
- Properly tune and maintain equipment in accordance with manufacturer specifications.
- Reduce combustion emissions during construction as required in the California Air Resources Board Off-Road Diesel Rule. The "no idling" rule for in-use off-road diesel-fueled vehicles limits idling for such vehicles to no more than five minutes. Signs shall be clearly posted at the construction sites indicating the idle times for construction-related equipment shall be minimized and noting that no diesel equipment shall idle for more than five minutes. Idling necessary to accomplish work for which a vehicle was designed (such as operating a crane) is exempt from the rule (see rule for additional exemptions).
- During renovation and demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations or other regulatory requirements.

Mitigation Monitoring: PRMD will verify that the above requirements are included on the construction plans.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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: There will be no substantial increase in long-term emissions near sensitive receptors, but during construction there could be significant dust or exhaust emissions that would affect nearby residents. Dust and exhaust emissions can be reduced to less than significant by the mitigations described in 3c above.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| <u>Mitigation:</u> See mitigations in 3c, above. | | | | |
| 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 | |
| <u>Comment:</u> Construction equipment may generate odors during project construction. The impact would be less than significant and it would be a short-term impact that ceases upon completion of the project. | | | | |

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:

Vegetation

Most of the Trees and vegetation on the property will be removed. Wildlife Research Associates and Jane Valerius Environmental Consulting prepared a Habitat Assessment report for the property (February 6, 2014). Also, a plant survey was conducted on January 27, 2014. According to the report, the vegetation on the property is highly altered and disturbed and non-native, except for numerous oak trees. One special-status plant, white seaside tarplant, was considered to have a low potential occurrence within the project study area. Accordingly, additional plant surveys are recommended and plant mitigation, as determined necessary, will be required as noted below. In addition, compliance with the County Tree Protection/Replacement Ordinance is required.

Birds

Several passerine (perching birds) species observed on site, such as California towhee and scrub jays, build stick nests in trees and shrubs, while others, such as the white-breasted nuthatch and chestnutbacked chickadee, nest in tree cavities. Though no raptors were observed during site inspection, trees on the site are also potential habitat for raptors. Therefore, disturbance during the nesting season (February 15- August 15) may result in the potential nest abandonment and mortality of young, which is considered a "take" of an individual. However, many of the species observed on the site were fledged juveniles from this year, which means that the nesting season has concluded in the project area. Nonetheless, construction shall occur outside of the nesting season unless nesting birds surveys are conducted and avoidance measures implemented.

Mammals

Removal of the identified trees may cause mortality of roosting bats. Many trees typically have

numerous cavities, crevices, or large areas of exfoliating bark making humane eviction, with one-way exits, extremely difficult if not impossible. This is particularly true of snags due to their extremely poor condition, however snags provide some of the most preferred and substantial bat tree roost habitat. Conducting visual cavity surveys to determine occupancy is only rarely possible due to difficulty with access and number of trees, and emergence surveys of potential roost trees is only feasible where a few habitat trees occur, because only 1-2 trees can be surveyed each night per observer. Importantly, because bats tend to switch tree roosts more frequently than more stable roosts such as caves, mines, rock outcrops, buildings, bridges, or culverts, negative results have extremely limited temporal validity (24-48 hours), which would result in multiple mobilizations by tree cutters in order to remove trees immediately after a negative survey.

Removal of the building may cause mortality of roosting bats. There is potential for pallid bats and Townsend's big-eared bats, both CSC species, but also for non-CSC bat species such as Brazilian free-tailed bats (*Tadarida brasiliensis*), Yuma myotis (*Myotis yumanensis*) and other *Myotis* species to potentially occur in the building. Demolition of the building may cause direct mortality of roosting bats that use the structures, if the building is removed during seasonal periods of inactivity (maternity season or winter), or without first conducting humane bat eviction or partial dismantling under supervision of a qualified bat biologist experienced with bats using man-made roosts. If large colonies of Brazilian free-tailed or Yuma myotis were to become established in the buildings, a significant impact to local breeding populations could occur if buildings are demolished without first conducting humane bat eviction or other appropriate measures.

Mitigation Measure 4.a: To ensure no take of individuals and be in compliance with CDFW and Sonoma County guidelines, additional seasonal surveys for special status plants shall be conducted. The January survey covered late flowering (winter) species. Two additional surveys, one in April and one in May are recommended to provide a comprehensive and full season of surveys. The project botanist shall report any and all special status plant occurrences to the CNDDDB for inclusion in the database.

If any special status plant species are found, the following mitigation measures will be implemented based on the status of the plant observed:

Endangered, Threatened, or Rare Species and their Habitats: The project shall either avoid take or obtain formal incidental take coverage with the required compensatory measures where avoidance cannot be achieved for the affected categories: state and federally listed or proposed species, state candidates for listing, and CNPS ranked species.

Listed or CNPS Rank 1A, 1B, and 2 species: The project applicant shall avoid, minimize, and/or compensate (in that order of preference) for any CNPS List 1A, List 1B and List 2 special status plant species that are found on the project site.

If special plant species are found on the project site, then the project applicant shall prepare a mitigation plan that describes the avoidance or compensatory mitigation measures that would be implemented for these populations. As a performance standard, the plan shall provide for no net loss in the quantity or quality of plant populations. The mitigation plan shall be submitted to the USFWS and/or CDFG for approval for federal and state-listed plants, respectively. The mitigation plan shall include the mitigation measures, which are adopted from the CNPS Policy on *Mitigation Guidelines Regarding Impacts to Rare, Threatened and Endangered Plants* (CNPS 1998), described below, or equally effective alternative measures:

1. Mitigation for impacts to special status plants would include avoidance measures, when feasible, and compensatory mitigation when avoidance is not possible. Avoidance measures shall include buffer zones to avoid impacting listed plants; installing exclusion fencing around the existing plant populations prior to and during construction. Compensatory mitigation shall include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios shall be sufficient to achieve performance criteria of no net loss of plants. Post project monitoring shall verify that avoidance and mitigation measures are successful.

2. If mitigation for impacts to special status plants occurs at a non-bank site, preference would be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity of the project site, mitigation for listed plants may be accomplished at a suitable site in Sonoma County that supports the impacted plant population.

3. A long-term mitigation, monitoring, and management plan shall be developed for plant mitigation and submitted to the USFWS and/or CDFG for approval prior to initiation of construction activities. Mitigation sites shall be monitored for five years after installation. Depending on the actual case-by-case circumstances listed plants within the Project footprint may be salvaged and/or transplanted to a mitigation site approved by the CDFG and/or USFWS. When feasible, seed from plants unavoidably impacted shall be collected and preserved for planting on an approved mitigation site.

4. Impacted plants shall be mitigated at the ratio of 2:1, or as required by resources agencies, for both individuals and area.

5. All storage and staging areas shall be located outside of stands of listed plants.

Monitoring: PRMD will not sign off on grading or building permits until additional surveys are done and mitigation measures implemented as appropriate.

Mitigation Measure 4.a.1: The following mitigation measures should be followed in order to avoid or minimize impacts to passerines and raptors that may potentially nest in the trees:

- 1) Grading or removal of nesting trees should be conducted outside the nesting season, which occurs between approximately February 15 and August 15.
- 2) If grading between August 15 and February 15 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird (both passerine and raptor) survey of the grasslands and adjacent trees shall be performed by a qualified biologist within 7 days of ground breaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent "take" of individual birds that could begin nesting after the survey.
- 3) If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
- 4) The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW.
- 5) To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude.
- 6) After the fencing is in place there will be no restrictions on grading or construction activities outside the prescribed buffer zones.

Monitoring: PRMD will not sign off on grading or building permits until nesting surveys and avoidance measures have been implemented.

Mitigation Measure 4.a.2: Tree removal must only occur during seasonal periods of bat activity, between March 1, or when evening temperatures are above 45F and rainfall less than 1/2" in 24 hours occurs, and April 15, prior to parturition of pups. The next acceptable period for tree removal with suitable roosting habitat is after pups become self-sufficiently volant – September 1 through about October 15, or prior to evening temperatures dropping below 45F and onset of rainfall greater than 1/2" in 24 hours.

1) Trees containing suitable potential bat roost habitat (cavities, crevices, exfoliating bark) shall not be removed until after February 28, 2012 (or after evening temperatures are above 45F and/or more than 1/2" of rainfall within 24 hours occurs), and before April 15, 2012. If tree removal is delayed, trees shall be removed after August 31, 2012 and before October 15, 2012. These seasonal restrictions ensure all bats are active (no winter torpid bats, no non-volant young).

2) Tree removal shall be conducted using a *two-step process conducted over two consecutive days* (e.g. Tuesday and Wednesday, or Thursday and Friday). With this method, small branches and small limbs not containing cavity, crevice or exfoliating bark habitat on habitat trees as identified by a qualified bat biologist (who must be present on the site during the first day of tree trimming or cutting) are removed first on Day 1, using chainsaws only (no dozers, backhoes, etc.). The following day (Day 2), the remainder of the tree is removed. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing bats to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habituation and re-occupation of the altered tree.

Trees containing suitable potential habitat must be trimmed on Day 1 under initial field supervision by a qualified bat expert to ensure that the tree cutters fully understand the process, and avoid incorrectly cutting potential habitat features or trees. After tree cutters have received sufficient instruction, the qualified bat biologist does not need to remain on the site. If different tree cutters will be conducting work on subsequent days, it may be necessary for the qualified bat biologist to return for additional instruction and supervision.

3) Non-habitat trees and all other vegetation proposed for removal further than 25 feet from identified habitat trees may be removed immediately, using any suitable means that does not cause damage to the habitat tree.

Monitoring: PRMD will not sign off on grading or building permits, except in accordance with the above time frame and specifications.

Mitigation Measure 4.a.3: To prevent direct mortality of bats potentially roosting in the building, a qualified bat biologist possessing a Memorandum of Understanding with the CDFW for work with bats shall first conduct a habitat assessment of the building. This assessment may be conducted up to one year prior to demolition, but is optimally conducted 3-6 months in advance. If no live or dead bats, or evidence of past or present occupancy is observed by a qualified bat biologist, no further action may be required. If live bats or signs of bats are present or suitable habitat is present and accessible to bats, recommendations of the bat biologist for eviction shall be followed, including restrictions to the seasonal periods of bat activity as noted in Mitigation Measure 4.a.2.

Monitoring: PRMD will not sign off on a building demolition permit until the above measures have been implemented.

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| 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 |
| <u>Comment:</u> There is no riparian habitat impacted by the proposed project. | | | | |
| 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 | |
| <u>Comment:</u> A study for the presence of wetlands was conducted under the Habitat Assessment report prepared for the project. According to the report, the site is dominated by upland plant species as evidenced by the herbaceous cover and tree cover. Soils on the site are not considered to be hydric soils and did not exhibit any hydric soil characteristics such as redox or mottles. There was no evidence of wetland hydrology even at areas that were in topographic depressions represented by the sample data points collected for the site. As a result there are no areas within the project study area that meet the definition of wetlands or of waters of the U.S. | | | | |
| 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 | |
| <u>Comment:</u> According to the Habitat Assessment report, the project location is considered to be within the North Coast Ecoregion of the California Essential Habitat Connectivity Project (Spencer, et al. 2010). No Natural Landscape Blocks (i.e., large, relatively natural habitat blocks that support native biodiversity), or Essential Connectivity Areas (i.e., areas essential for ecological connectivity between Natural Landscape Blocks) are identified in this portion of Sonoma County (Spencer, et al. 2010). Sonoma Creek is identified as a Riparian Connection that provides both terrestrial and aquatic connectivity (Spencer, et al. 2010). Wildlife connectivity of this site to other open lands in the area occurs for medium sized wildlife, such as raccoon. Raccoons will make use of the culvert underneath HWY 12 to reach the eastern portion of the Valley of the Moon and the mountains. Major roadways, such as Highway 12, affect wildlife and their movement (e.g., road mortality, habitat fragmentation and loss, and reduced connectivity). There is no natural connection between the site and Sonoma Creek for wildlife. Wildlife inured to human habitation, such as raccoon and opossum, may reach Sonoma Creek along the paved areas of the mobile home park and other developments. The proposed parcel will not impact any movement or migration corridors. | | | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as tree | Potentially Significant Impact | Less than Significant with | Less than Significant Impact | No impact |

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| preservation policy or ordinance? | | Mitigation Incorporation | | |
| | | X | | |
| <p><u>Comment:</u> The project will remove nearly all of the existing vegetation. Nine (9) Canary Island Date Palm trees will be preserved and relocated onsite. One Valley Oak tree will be preserved on the school recreation site. The loss of onsite vegetation will be mitigated in accordance with the Sonoma County Tree Ordinance. According to Horticultural Associates Tree Preservation and Mitigation Report dated December 6, 2013, the arboreal value of the site has been determined to be 62.</p> | | | | |
| <p><u>Mitigation:</u> The loss of Protected Trees shall be mitigated in accordance with the requirements set forth in the Sonoma County Zoning Ordinance. All other protected trees shall be mitigated in accordance with the County of Sonoma Tree Ordinance. The nine (9) Canary Island Date Palm Trees shall be preserved and replanted in accordance with all specifications listed in the "Palm Transplant Specification" section of the Horticultural Associates Tree Preservation and Mitigation Report dated December 6, 2013.</p> | | | | |
| <p><u>Monitoring:</u> PRMD will not sign off on grading or building permit until compliance with Sonoma County Tree Protection Ordinance has been demonstrated through on-site replacement and/or the payment of mitigation fees.</p> | | | | |
| 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 |
| <p><u>Comment:</u> 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.</p> | | | | |

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 | |
| <p><u>Comment:</u> A Cultural Resources Survey was prepared for the project by Tom Origer & Associates, dated November 26, 2013 and revised January 16, 2014. No Historic Resources as defined in Section 15064.5 were found. It was noted that the commercial/residential structure on the property would reach the 50-year mark in 2014. However, the building is without characteristics that would suggest inclusion in the California Register. The report further found that although the remaining Canary Island Date Palm trees do not meet the criteria for inclusion in the California Register they are a reminder of the historic resort use and show be retained. There remains a slight possibility that buried archaeological deposits could be present, and</p> | | | | |

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| accidental discovery could occur. There for mitigation is required under Mitigation Measure 5.b below. | | | | |
| 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: There are no known archaeological resources on the site, but the project could uncover such materials during construction. The following measure will reduce the impact to less than significant. | | | | |
| <p><u>Mitigation Measure 5.b:</u> In the event that the 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 should be halted in the vicinity of the find and County PRMD staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from the 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.</p> | | | | |
| <p><u>Mitigation Monitoring:</u> PRMD will not issue grading or building permits until the above notes are included on construction plans. PRMD will ensure implementation of this measure upon notification of potential discovery.</p> | | | | |
| 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: The site does not contain unique characteristics or geological features that would lead to potential for paleontological resources. Excavation on the site would be limited in depth. Therefore, no impacts are anticipated. | | | | |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No impact |

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| | | Incorporation | | |
| | | | X | |
| <p>Comment: No burial sites are known in the vicinity of the project. In the event that human remains are unearthed during construction, state law requires that the County Coroner be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity would cease until the Coroner permitted work to proceed. If the remains were determined to be prehistoric, the find would be treated as an archaeological site.</p> | | | | |
| <p>Mitigation 5.d: In the event that human remains are unearthed during construction, PRMD and the County Coroner shall be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity shall cease until the Coroner permits work to proceed. If the remains were determined to be prehistoric, the find shall be treated as an archaeological site and an archaeologist as well as all other appropriate agencies shall be contacted.</p> | | | | |
| <p>Monitoring: PRMD will not issue grading or building permits until the above notes are included on construction plans. PRMD will ensure implementation of this measure upon notification of potential discovery.</p> | | | | |

6. GEOLOGY AND SOILS: *Would the project:*

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| <p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>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.</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: A Design Level Geotechnical Investigation was prepared for a previous project on the subject property by PJC & Associates, dated November 29, 2004. PJC & Associates then prepared their Supplemental Geotechnical Investigation & Report Update for this specific project. The supplemental report, dated April 29, 2013, prepares a table of closest known active faults. The table, Table 1 on page 3 of the report, shows Rogers Creek fault as the closest fault at 4 miles away. The other two faults, West Napa and Green Valley are 8 and 17 miles away.</p> | | | | |
| <p>ii. Strong seismic ground shaking?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |
| <p>Comment: All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. According to the Sonoma</p> | | | | |

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|--|--------------------------------|---|------------------------------|-----------|
| <p>County General Plan 2035 Safety Policies map, the project site is not within a Very High seismic shaking area. The PJC & Associates Supplemental Investigation (2013) reports the property to be in a high seismic activity area related to the active faults that traverse the region. 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. 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. The following mitigation will ensure that potential impacts are reduced to less than significant levels.</p> | | | | |
| <p><u>Mitigation Measure 6 ii:</u> The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall sign the improvement plans and certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.</p> | | | | |
| <p><u>Mitigation Monitoring:</u> PRMD Plan Check staff and inspection staff will ensure plans are in compliance with geotechnical requirements.</p> | | | | |
| <p>iii. Seismic-related ground failure, including liquefaction?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p><u>Comment:</u> The Sonoma County General Plan 2035 Safety Policies map shows the property not to be in a high liquefaction zone. Likewise, the 2013 PJC supplemental report states that their field investigation revealed no loose, saturated, granular soil stratum at the site and the eastern portions of the site are underlain by bedrock that likely extends to a great depth below the site. Therefore, it is concluded that liquefaction is not likely to occur at the site. Although there is the presence of potential ground shaking due to active fault activity in the region, all structures will be required to meet all applicable building permit requirements. Based on standard permitting requirements, the project will have no significant risk of loss, injury or death from seismic ground failure including liquefaction.</p> | | | | |
| <p>iv. Landslides?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p><u>Comment:</u> 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>b) Result in substantial soil erosion or the</p> | Potentially | Less than | Less than | No impact |

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|---|--------------------------------|---|------------------------------|-----------|
| loss of topsoil? | Significant Impact | Significant with Mitigation Incorporation | Significant Impact | |
| | | | | X |
| <p>Comment: The project includes grading, cuts and fills which require the issuance of a grading permit. Based on the Project's preliminary grading plans and as reported in the Supplemental Geological Investigation and Report prepared by PJC & Associates, April 29, 2013, it is anticipated that site grading will consist of fills up to eight feet and minor cuts to achieve the desired pad and roadway grades and to provide adequate gradient for site drainage.</p> <p>The County adopted grading ordinances and standards as well as the performance standards listed in 9: "Grading and Earthwork" on pages 6 and 7 of the April 29, 2013 supplemental geologic investigation report prepared by PJC & Associates shall be incorporated as conditions of approval.</p> | | | | |
| <p>Mitigation Measure 6.b: All construction measures of the April 29, 2013 PJC & Associates Supplemental Geological Investigation and Report as outlined in #9. GRADING AND EARTHWORK shall be complied with. Areas specifically identified include: Demolition & Stripping and Excavation and Compaction.</p> | | | | |
| <p>Mitigation Monitoring: PRMD Plan Check staff will ensure plans are in compliance with grading and erosion control requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.</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 in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p>Comment: According to the General Plan 2035 Safety Policies map and the PJC & Associates report prepared for this project there is a low potential for landslide and liquefaction. Likewise as reported in section 7: Geologic Hazards & Seismic Considerations of the PJC & Associates report, there are no exposed faces or creek embankment adjacent to the site. Therefore, the potential for lateral spreading and lurching at the site is low.</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: The project soils were visually observed and laboratory tested (P1=19, 22 & E1=49) by the consulting Geotechnical Engineer from PJC & Associates. The clay soils were judged to have a low to moderate expansion potential. It is the professional opinion of the consulting geologist that the project is feasible from a geotechnical standpoint provided the</p> | | | | |

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| recommendations contained in the PJC & Associates report entitled Supplemental Geotechnical Investigation & Report Update Sonoma Springs, dated April 29, 2013 are followed. | | | | |
| <u>Mitigation 6.d</u> : All recommendations contained in the PJC & Associates report entitled Supplemental Geotechnical Investigation & Report Update Sonoma Springs, dated April 29, 2013 shall be followed. | | | | |
| <u>Mitigation Monitoring</u> : PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements. | | | | |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <u>Comment</u> : The Sonoma Valley Sanitation District provides wastewater disposal service to the project site. | | | | |

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 | |
| <p><u>Comment</u>: Greenhouse Gas Emissions (GHG) - Greenhouse gases trap heat in the atmosphere. Increases in greenhouse gases due to human activity are associated with Global Climate Change (aka "Global Warming"), that is, the change in the average weather on earth, as measured by wind patterns, storms, precipitation and temperature. The primary greenhouse gases are CO₂, methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). Considered the most important greenhouse gas, CO₂ is the reference gas for climate change and emissions of greenhouse gases in general are often reported as CO₂ equivalents (CO₂e).</p> <p>The California Air Resources Board ("CARB") is required by the Global Warming Solutions Act of 2006 to design and implement emissions limits, regulations, and other statewide measures to reduce statewide greenhouse gas emissions to 1990 levels by 2020.</p> <p>Regarding local efforts on GHG reductions, the Sonoma County Board of Supervisors recently adopted the Sonoma County Climate Protection Campaign, which sets a target to reduce GHG emissions to 25% below 1990 levels by the year 2015. The Climate Protection Campaign solutions involve four major categories: 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. On November 2, 2010, the Board of Supervisors approved all state mandated model codes including the new California Green Building Standards Code (CalGreen).</p> | | | | |

Sonoma County's existing green building ordinance and energy efficiency ordinance were modified to accommodate the new CalGreen code, and to replace the existing green point rated systems, Build-It-Green and LEED for both new residential and non-residential construction respectively. The ordinances became effective January 1, 2011. Updated standards were adopted in 2013. The next local 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.

This project analysis uses the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines screening criteria and thresholds of significance updated in May 2011. For purposes of the Mitigated Negative Declaration, the project would be considered to have a less than significant impact on greenhouse gases if emissions are less than the BAAQMD thresholds of significance. The BAAQMD recommends that that projects with emissions exceeding 1,100 metric tons per years of equivalent carbon dioxide emissions (CO₂e) should be considered significant if they have per capita emissions that exceed 4.6 metric tons of CO₂e per capita.

A Greenhouse Gas Emissions Assessment was prepared for the project by Illingworth & Rodkin, Inc. The report is titled Sonoma Springs Mixed Use Project – Greenhouse Gas Emissions Assessment, dated December 11, 2013. According to the report, the Project will emit an estimated 871 metric tons per year. This is below the 1,100MT threshold established by the Bay Area Air Quality Management District (BAAQMD). Therefore, the Project is considered to have less than a significant impact in regards to GHG emissions. Nonetheless, as standard practice, MidPen Housing implements sustainable design measures which exceed minimum building standards and therefore comply with General Plan policies regarding sustainability.

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| 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: According to the GHG report prepared for the project, the emissions generated by the project will be 21% lower than the threshold established by the BAAQMD).

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: The proposed project would be required to comply with all relevant Fire, Building and Health and Safety Codes, which would reduce the risk of upset. The proposed mixed-use project does not include chemicals, oils, lubricants, cleaning solvents and other associated agents. As such, the project is not expected to create a significant risk of upset or hazard to human health

and safety.

Fuels and other hazardous materials will be used during construction. Improper storage or handling of these materials could result in spills. The impact can be reduced to less than significant by requiring standard approved construction methods for handling hazardous materials.

Mitigation Measure 8.a: The construction plans will require that any storage of flammable liquids be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters.

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

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

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

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring: Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

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| 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 | | |

Comment: See comment and mitigation and monitoring under "Comment" in 8.a above.

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| 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 | | |

| | | | | |
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| <p><u>Comment:</u> A potential impact could exist during construction, including the impacts to nearby schools. Mitigation measures cited in 8.a. above would reduce potential impacts to less than significant. Seem Mitigation and Monitoring 8.a. above.</p> | | | | |
| <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?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p><u>Comment:</u> The project site was not identified on, or in the vicinity of, any parcels on lists compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances, and the California Integrated Waste management Board.</p> | | | | |
| <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?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p><u>Comment:</u> The project site is not located within an airport land use plan.</p> | | | | |
| <p>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?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p><u>Comment:</u> The project is not located within the vicinity of a private airstrip.</p> | | | | |
| <p>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |
| <p><u>Comment:</u> 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 the County. In any case, the project would not significantly change existing circulation patterns, and would have no effect outside the area.</p> <p>Construction activities may result in traffic delays possibly slowing emergency response vehicles or restricting access to residences or nearby businesses. This is a short-term construction related impact that will cease upon project completion. The following mitigation measures will reduce this impact to a level of less than significant.</p> | | | | |

Mitigation 8.g: The applicant shall implement standard traffic control procedures to minimize traffic congestion and traffic hazards and to maintain emergency vehicle access at all times. Encroachment permits shall be obtained where necessary. Construction flagging, signage, and other traffic control measures shall be in conformance with Caltrans 2006 Manual of Uniform Traffic Control Devices. Other traffic control measures shall include:

- If temporary lane or street closures are required, the applicant shall contact emergency response providers (i.e., hospitals, police, fire, and ambulance) to determine if the streets impacted are considered primary routes.
- Where construction necessitates lane or street closures along emergency response routes, the applicant shall recommend and obtain approval of alternate routes or other means from the affected service providers, at a minimum of one week prior to construction. Residents, businesses and public facilities shall be also be given a minimum of one week notice of temporary street closures.
- During construction, the applicant shall notify the service providers on a weekly basis of the timing, location, and duration of construction.
- The applicant shall maintain pedestrian and vehicular access to public facilities, businesses, and residences along the street during peak commute hours and shall minimize the closure of pedestrian and vehicular access at other times. Peak commute hours are between 7:00 AM - 9:00 AM and 4:00 PM - 6:00 PM.

Mitigation Monitoring: PRMD will ensure that the construction plans include traffic control measures in accordance with the above standards. The applicant shall be responsible for notifying construction contractors about the requirement for traffic control.

| | | | | |
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| 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: The project is located in an urbanized area. The project would not expose people to risk from wildland fires. It will not construct buildings that would be occupied by people or structures that would be affected by wildland fires. The project site is not within a designated urban wildland zone.

9. HYDROLOGY AND WATER QUALITY: *Would the project:*

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |

Comment: The project is in an urban area and will be connected to public sewer.

Construction of the project will disturb more than 1 acre of land and is subject to the National

Pollution Discharge Elimination System (NPDES) requirements for construction activities and Standard Urban Stormwater Mitigation Plan (SUSMP) and Low Impact Development (LID) requirements for post construction impacts.

A Stormwater Pollution Prevention Plan is required to be filed with the State Water Quality Control Board to demonstrate the protection of water quality during construction. County grading and erosion control ordinances require the implementation of best management practices, such as silt fencing, straw wattles, erosion containment areas, containment areas for potentially hazardous construction materials, and mandated limitations on work in wet weather to prevent potential water quality impacts.

The project is designed to meet the County's post construction urban stormwater Low Impact Development (LID) design criteria. To ensure adequate management of stormwater runoff, the project is designed to not substantially alter existing drainage patterns or capacities either on-site or off-site. Due to the tight configuration of the project site, 100% volume capture cannot be achieved. Instead, 100% treatment will be achieved and the Delta Volume will be captured for the project site. The "Delta Volume" is the difference in pre-development and post development stormwater volumes leaving the site for the 85th Percentile-24 hour storm event. This "Delta Volume" will be retained onsite and allowed to percolate back into the ground. The LID plan includes the pollution prevention measure such as disconnecting down spouts from the drainage system where feasible, use of interceptor trees throughout the site, and the use of bioretention areas (rain gardens), bioswales, and Filterra Tree units for filtering storm water before entering the storm drain system. (Preliminary Standard Urban Storm Water Mitigation Plan, EBA Engineering December 6, 2013; Habitat Assessment, Wildlife Research Associates and Jane Valerius Environmental Consulting February 6, 2014).

In addition, the County grading ordinance design and adopted best management practices require that storm water facilities be engineered to treat storm events in accordance with flood Water Agency flood control design criteria.

Conditions of approval require the submission of a Final LID storm water mitigation plan for review and approval. The review and approval of this plan will ensure compliance with County and the San Francisco Bay Regional Water Quality Control Board storm water mitigation requirements.

Mitigation 9.a: The project is subject to Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines and Low Impact Development (LID) regulations. Prior to issuance of a grading or building permit, the developer/applicant shall submit a Final Low Impact Development storm water mitigation plan and all required grading/site plans and drainage reports for review and approval. Post-construction BMP's shall not be altered or removed in any manner that may compromise their intended design. Prior to any changes to the location or design of the approved post-construction BMP's, the property owner(s) shall submit a revised Storm Water Mitigation Plan to the Permit and Resource Management Department (PRMD) for review and approval.

Monitoring: The Permit and Resource Management Department will not sign off on grading or site improvement plans until a Final Standard Urban Stormwater Mitigation Plan is submitted for review and approval.

Mitigation Measure 9.a.1: The developer/applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as part of the grading plan. The Plan shall include temporary erosion control measures to be used during construction of cut and fill slopes,

excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include, but not be limited to the following measures as applicable:

- 1) Throughout the construction process, ground disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
- 2) All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms, and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.
- 3) All erosion control measures shall be installed according to the approved plans prior to the onset of the rainy season but no later than October 15th. Erosion control measures shall remain in place until the end of the rainy season, but may not be removed before April 15th.

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

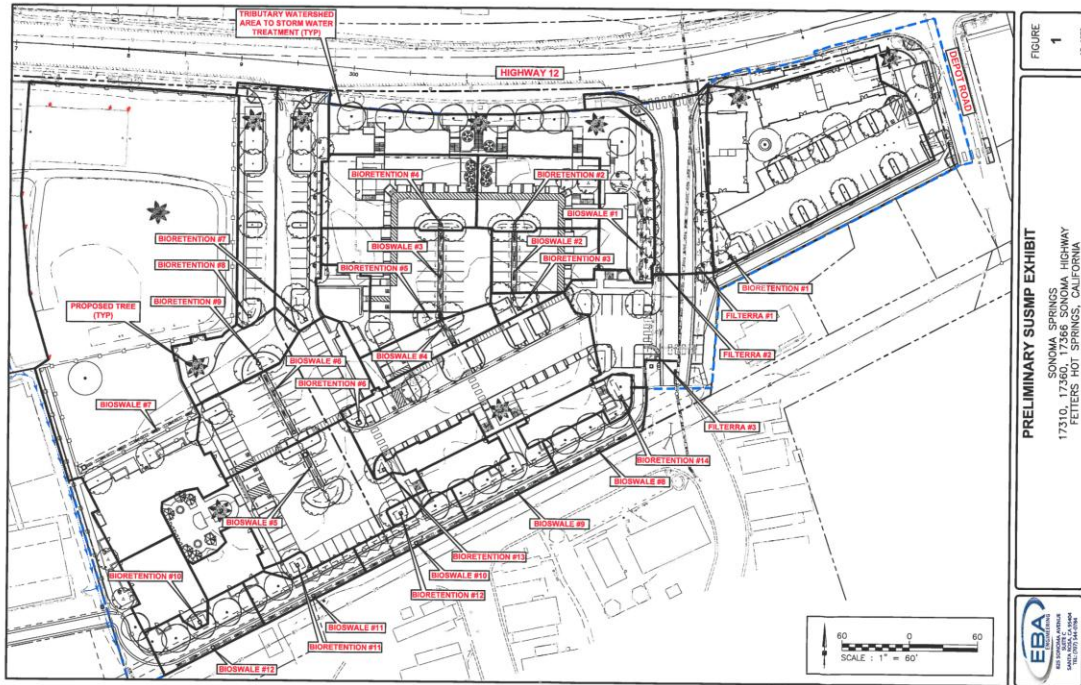
Mitigation Measure 9.a.2: A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading/building building permit application and/or improvement plans, and be subject to review and approval by the Grading & 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. The drainage report shall also include an analysis of the existing downstream drainage conditions. If the analysis demonstrates inadequate capacity to handle the anticipated runoff from the proposed project, then improvements to the downstream drainage system shall be required.

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 Boyes Springs/Agua Caliente Master Drainage Plan. Drainage improvements shall be shown on the grading/site plans and/or improvement plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations including the Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines. Drainage improvements shall not adversely affect adjacent properties or drainage systems.

Mitigation Monitoring: PRMD will not issue grading or site improvement permits until grading and drainage plans and reports have been submitted in accordance with the above measure.

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| 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)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

Comment: The project is located in a Zone 1 Ground Water Availability Zone. There is approximately 1.8 acres of impervious surface under existing conditions. At project build-out the amount of impervious surface will be ±4.00 acres. The General Plan identifies the site for urban residential and commercial uses. The project is consistent with the zoning as regards site coverage. The development will utilize municipal water and not draw groundwater. As depicted in the Figure below, numerous areas within the development are being used to retain as much water for on-site for infiltration as practicable.



| | | | | |
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| 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: The project development would retain an existing drainage swale situated along the northerly property line. Otherwise the existing sheet flow drainage pattern would be altered.

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| <p>Potential increases in storm flows necessitate the need for off-site storm drain improvements on the adjacent mobile home park. However there would be no alteration of a major waterway. Compliance with the above mitigation measures will insure that the potential erosion impacts will be mitigated. See Mitigation Measure and Monitoring 9.a.-9.a.2 above.</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 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><u>Comment:</u> See Mitigation Measure and Monitoring 9.a.-9.a.2 above.</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><u>Comment:</u> See Mitigation Measure and Monitoring 9.a.-9.a.2 above.</p> | | | | |
| <p>f) Otherwise substantially degrade water quality?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |
| <p><u>Comment:</u> The project would not otherwise adversely impact water Quality. See Mitigation Measure and Monitoring 9.a.-9.a.2 above.</p> | | | | |
| <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?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| <p><u>Comment:</u> The project site is not located within a flood hazard area.</p> | | | | |
| <p>h) Place structures within a 100-year flood hazard area, which would impede or redirect flood flows?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| Comment: The project site is not located within a flood hazard area. | | | | |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project site is not located in an area subject to flooding as a result of dam failure. | | | | |
| j) Inundation by seiche, tsunami, or mudflow? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |
| Comment: The project site is not located in an area subject to seiche or tsunami. Heavy rainfall, earthquakes or volcanic eruption can trigger mudflow. However, the project site is not located on steep slopes or in an area prone to landslides. | | | | |

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 |
| <u>Comment:</u> The project will be located on an infill site within an established residential and commercial community. The project will not result in physically dividing an established community. | | | | |
| 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 | |
| <u>Comment:</u> The project will require an amendment to the land use designation of the Sonoma County General Plan and a rezoning. The General Plan Amendments involves; 1) increasing the density on 3.06 acres from 6-units an acre to 7-units an acre (Parcel A), 2) increasing the density on 2.96 acres from 6-units an acre to 11 units an acre (Parcel B), and 3) changing the land use on .18 from UR3 to LC and .37 acres from UR6 to LC. This would result in a net potential | | | | |

increase in residential density of 15 units. The proposed total net increase in density is 13 units. With a 100 % increase in density allowed by Affordable Housing Regulations, the total increase in density would 26 units. However, instead of providing the minimum requirement of 40% affordability (40 units) the proposal is for 100% affordability (100 units). This level of affordability exceeds General Plan requirements for affordability and is consistent with other General Plan policies encouraging infill development at intensities commensurate with growth projections, services, and infrastructure. The rezoning of Parcel C from PC, SR, VOH (± .37-acres portion of the property), R1 B6-3, SR, VOH (± .18-acres portion of the property and LC,TS, SR,VOH (±19-acres portion of the property) to PC, TS, SR, VOH maintains the combining districts that are applied to mitigate or avoid potential environmental effects related to traffic, tree removal, and aesthetics. The requirements of the proposed zoning have been incorporated into the proposed development plans.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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: 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.

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 |
| | | | | X |

Comment: There is no known mineral resource on or in the vicinity of the project site.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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 |
| | | | | X |

Comment: The project site is not within a mineral resource recovery site.

12. NOISE: *Would the project:*

| | | | | |
|--|--------------------------------|----------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards | Potentially Significant Impact | Less than Significant with | Less than Significant Impact | No impact |
|--|--------------------------------|----------------------------|------------------------------|-----------|

| | | | | |
|---|---------------------------------------|--|-------------------------------------|------------------|
| <p>established in the local general plan or noise ordinance, or applicable standards of other agencies?</p> | | <p>Mitigation Incorporation</p> | | |
| | | <p>X</p> | | |
| <p>Comment: 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> <p>An Environmental Noise Assessment for the Project was prepared by Illingworth & Rodkin, Inc. to evaluate the project's compatibility with the existing noise environment project and recommend mitigation, as necessary, to reduce noise generated by traffic on Highway 12 to acceptable levels in accordance with the General Plan Noise element. The report found that the following components of the project would be exposed to future Ldn levels greater than 60dBA:</p> <ul style="list-style-type: none"> • The first row of non-age restricted apartments ("family apartments") (66dBA – estimated future). • The school playfield at and around the basketball court (63dBA – estimated future) • Neighborhood commercial buildings (66dBA – estimated future) <p>Therefore, beyond the standard requirement to comply with General Plan Table NE-2 standards the following project specific mitigation measures will ensure that the project will result in the reduction of noise in compliance with County standards and avoid significant adverse impacts to future residents and people using the school play area:</p> | | | | |
| <p><u>Mitigation Measure 12.a:</u> The first row of family apartments adjacent to State Highway 12;</p> <ul style="list-style-type: none"> • Shall be equipped with mechanical ventilation to allow the windows to remain closed at the residents' option. • A qualified acoustical professional shall review completed building plans and elevations for the subject apartments to ensure compliance with State Building Code. <p><u>Neighborhood retail buildings:</u></p> <ul style="list-style-type: none"> • A qualified acoustical professional shall review completed building plans and elevations for the retail commercial buildings to ensure compliance with State Building Code. <p><u>School Playfield:</u></p> <ul style="list-style-type: none"> • A noise barrier with a minimum top of wall elevation of 6 feet above the adjacent playfield grade shall be construction according to the location and specifications outlined in the Noise Assessment report for Sonoma Springs prepared by Illingworth & Rodkin, Inc. dated November 22, 2013. | | | | |
| <p><u>Mitigation Monitoring:</u> PRMD will not issue building permits for the retail buildings on Parcel C or Building A or D on Parcel B until an acoustical consultant has provided written verification that the building plans comply with the acoustical consultant's recommendations. PRMD will not issue grading permits for site improvements until the plans include details of the acoustical fencing in compliance with the acoustical consultant's recommendations. (Ongoing).</p> | | | | |
| <p>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</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: The project includes construction activities that may generate ground borne vibration and noise. Unregulated these noise sources could be significant. 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.

Mitigation Measure 12.b:

Construction activities for this project shall be restricted as follows:

- a) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
- b) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.

Mitigation Monitoring: PRMD will verify that these requirements are included on all construction plans. PRMD will verify that a sign with construction hours and contractor's contact information is installed. PRMD will verify that contractors comply with these requirements.

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|--|--------------------------------|---|------------------------------|-----------|
| 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 | |

Comment: The ambient noise level on State Highway 12 in the vicinity of the project is estimated to increase 1dBA in the next 20 years (Noise Assessment Report for Sonoma Springs). This is not considered a significant impact.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 | | |

Comment: Construction activity will result in a temporary increase in noise levels. This impact is considered less than significant with the incorporation of the mitigations outlined in 12.b. above.

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|---|--------------------------------|---|------------------------------|-----------|
| 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 | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | X |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| levels? | | | | |
| <u>Comment:</u> The project is not located within the Sonoma County Airport Land Use Plan or within two miles of a public airport. | | | | |
| 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 |
| <u>Comment:</u> The project is not located within the vicinity of a private airstrip. | | | | |

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 example, through extension of roads or other infrastructure)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p><u>Comment:</u> Under the existing General Plan land use designation for the properties 38 residential units could be constructed. Previously, 53 units were approved on the property. By exercising "Opportunity Type A" Program allowed through the Housing Element of the General Plan 76 residential units could be construction, 40% of which would be required to be income and/or age restricted.</p> <p>The proposed General Plan amendment would increase potential density by a net 15 units (38 to 53 units). By utilizing the Opportunity Type A Housing Program, the density could be increased to 106 units. The actual proposal is for 100 affordable units including 40 senior apartments and 60 family apartments. Utilization of the Type A Housing Program is encouraged by the General Plan to meet affordable housing goals. Implementation of a Type A project, however, is not common due to the challenges of constructing affordable housing. Therefore the increase in density and associated population increase associated with the project is not considered growth inducing and would have less than significant impacts.</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><u>Comment:</u> The project would not remove any housing, but would add housing at densities moderately above existing densities. While the project would convert .37 acres from UR6 to LC and .18 acres from UR3 to LC, resulting in a net loss of 3 potential units, the project includes a net increase in General Plan density of 15 units (38-53). As a Type A project, the density is proposed to increase from a potential of 76 units to 100 units.</p> | | | | |
| c) Displace substantial numbers of people. | Potentially | Less than | Less than | No impact |

| | | | | |
|---|--------------------|---|--------------------|---|
| necessitating the construction of replacement housing elsewhere? | Significant Impact | Significant with Mitigation Incorporation | Significant Impact | |
| | | | | X |
| Comment: The project does not displace any on-site residential use. | | | | |

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><u>Comment:</u> The project would result in construction of an off-site storm drain within an existing surface drainage area on the adjoining mobile home park to address storm water flows and the payment of mitigation fees to address existing wet weather infiltration into the existing sewer system. Improvement of the storm drain and sewer systems would be within existing alignments and would not result in substantial adverse physical impacts. The project would also tie into existing utilities along Highway 12. Project tie ins at Highway 12 will be coordinated with the Highway 12 improvement project that will be going to bid in 2014. Otherwise project infrastructure will be constructed on site. Valley of the Moon Water District has provided a will serve letter and the Sonoma County Water Agency/Sonoma Valley Sanitation District indicates sewer capacity exists for the project. Currently during storm events, storm water flows infiltrate the existing sewer system. Due to the increase in sewer demand of the project, wet weather infiltration should be reduced in an equal amount of the increase in sewer use. Accordingly, the applicant has agreed to pay a sewer mitigation fee to help fund long term sewer manhole improvements to correct storm water infiltration.</p> | | | | |
| <p><u>Mitigation 14.a:</u> Prior to building permit issuance the applicant shall pay a \$300,000 dollar sewer manhole mitigation fee to the Sonoma County Water Agency to fund the projects fair share if cumulative impact.</p> | | | | |
| <p><u>Mitigation Monitoring:</u> PRMD will not issue building permits for new construction until the mitigation fee is paid.</p> | | | | |
| i. Fire protection? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| <p><u>Comment:</u> The project would be served by the Valley of the Moon Fire District. Both the Valley of the Moon Fire and the County Fire Marshal have reviewed the project layout and conditioned the project for approval. The conditions requires compliance with Fire Safe Standards, including fire truck access and protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases. The applicant must also provide evidence to Sonoma County Fire that performance measures can be met.</p> | | | | |
| <p><u>Mitigation 14.a.i:</u> The PRMD and County Fire shall review all building construction plans for compliance with the Sonoma County Fire Safe Standards. PRMD shall confirm with Sonoma County Fire that acceptable evidence of compliance with minimum performance measures has been submitted.</p> | | | | |
| <p><u>Mitigation Monitoring:</u> The PRMD and County Fire shall review inspect the project for compliance with Fire Safe Standards prior to issuing a Final Occupancy permit.</p> | | | | |
| <p>ii. Police?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p><u>Comment:</u> The Sonoma County Sheriff will continue to serve this area. This area was anticipated for urban level development in accordance with the General Plan.</p> | | | | |
| <p>iii. Schools, parks, or other public facilities?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p><u>Comment:</u> The immediate area contains Flowery Elementary School, the Sonoma Valley Charter School, and Larson Park. Development fees to offset potential impacts to public services include statutory school and park mitigation fees. Additionally, the project will increase recreational opportunities and open space through the provision of a community room, tot lot, regional bike trail, community garden and a joint use playground.</p> | | | | |
| <p>iv. Parks?</p> | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <p><u>Comment:</u> As noted above, Larson Park exists in close proximity to the development. In addition, the project will add to recreational opportunities in the area by constructing a segment of the Sonoma Valley Regional trail through the property, a community garden, and improvement of a joint use playground.</p> | | | | |
| <p>v. Other public facilities?</p> | Potentially Significant Impact | Less than Significant with | Less than Significant Impact | No impact |

| | | | | |
|--|--|--------------------------|---|--|
| | | Mitigation Incorporation | | |
| | | | X | |
| Comment: There are no other public facilities that would be substantially impacted by the project. | | | | |

15. RECREATION: *Would the project:*

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <u>Comment:</u> The proposed project would increase the use of neighborhood parks. However, the increase in use would be partially offset through the provision of an on-site tot lot, joint use playground, regional bicycle/pedestrian trail connection and a community garden. The increase in demand for park and recreation facilities would be proportional to the proposed increase in density (78 units; existing density Type A to 100 units; proposed Type A). This increase in density and associate park use would not lead to substantial physical deterioration of public facilities. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <u>Comment:</u> The project includes recreational and open space facilities including a tot lot, community garden, joint use playground, and a segment of the Sonoma Valley Regional Trail. Construction of these facilities are evaluated in this initial study and would not result in adverse impacts to the environment. | | | | |

16. TRANSPORTATION / TRAFFIC: *Would the project:*

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

Comment: A Traffic Impact Study was prepared for the project by W-Trans, December 6, 2013. It is estimated that the project will generate 848 new daily vehicle trips of which 47 would be during the am peak and 65 would be during the pm peak. When the project's trip generation was added to existing conditions, current, near-term and long-term estimates, the project was consistent with the applicable policies of the Circulation and Transit Element, particularly Policy CT-4a, where volume capacity (v/c) ratios are used to determine appropriate corridor Levels of Service (LOS). According to the General Plan the acceptable corridor LOS for Highway 12 in the project area is a v/c ration of 1.6 during the PM Peak hour in the northbound direction and v/c ratio of 1.5 during the PM Peak hour in the southbound direction. Currently, the Highway 12 corridor is operating at LOS F in both directions during the PM Peak period with v/c ratios of 1.07 (northbound) and 1.09 (southbound). However, all of the study intersections are currently operating at LOS C or better, consistent with General Plan policy calling for intersection LOS D or better.

In the near term these v/c ratios are expected to increase to 1.09 and 1.10, while the study intersections are expected to continue to operate at LOS C or better.

In the long term future scenario, all study intersections would continue to operate at LOS D or better and v/c ratios would increase to 1.09 and 1.14 during the PM peak and 1.18 during the AM southbound direction. These levels of service are in compliance with General Plan standards LOS D for intersections and v/c ratios of 1.6 (northbound) and 1.5 (southbound) the Highway 12 corridor.

As stated in the W-Trans report, the project includes construction of pedestrian and bicycle facilities that will tie into the regional multimodal network, including connectivity to transit services and nearby schools.

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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: The project will complete a portion of the Central Sonoma Valley Trail between Vailetti Drive and Depot Road, making travel by walking and bicycling a viable and convenient means of travel for many of the project's residents, school children, visitors, and community garden members, while also improving walking and bicycling access for the existing neighborhoods surrounding the project site. The project is also well served by both local and regional transit stops located within one-quarter mile walking distance. These features will have a favorable impact on reducing congestion and furthers the applicable goals and policies in the Circulation and Transit element of the General Plan. The project is required to install a new Sonoma County bus stop along the Highway 12 frontage to encourage transit use by project residents. County planned Highway 12 improvements include an eight foot shoulder to be utilized as a Class II bike lane.

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|---|--------------------------------|---|------------------------------|-----------|

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| substantial safety risks? | | | | X |
| <u>Comment:</u> The project is not within the flight zone of either a municipal or private airport. | | | | |
| 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 | | |
| <u>Comment:</u> The County of Sonoma has a bid set of plans approved through Caltrans to widen Highway 12 from Boyes Blvd. to Agua Caliente Road, including the segment along the project frontage. The County has allocated funding for the project which is expected to break ground in 14. The improvements include two travel lanes, a center two-way left turn lane, and shoulders to accommodate bike lanes. This will improve traffic operation and safety. According to the Traffic Impact Study for Sonoma Springs prepared by W-Trans, December 2013, sight distance is acceptable at the new ingress/egress point onto Highway 12. However, sight distance would be impaired at the Rancho Vista Drive intersection unless the existing "Rancho Vista" sign is relocated 15' behind the travel lane stop bar. | | | | |
| <u>Mitigation Measure 16.d:</u> The Rancho Vista mobile home park monument sign shall be relocated to a point that is no less than 15 feet behind the Rancho Drive stop bar, which will shift westward along with the widening of State Highway 12. | | | | |
| <u>Mitigation Monitoring:</u> Prior to issuance of grading permits for site improvement plans, PRMD will verify that sign relocation is included on the plans. Prior to building occupancy PRMD staff will inspect the site to ensure that the sign has been relocated. | | | | |
| e) Result in inadequate emergency access? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | X | | |
| <u>Comment:</u> The project will add 47 new trips during the morning peak hour and 65 during the evening peak hour. The road improvements to State Highway 12 will improve operations and safety. The traffic impact report prepared for the project showed no appreciable change in the level of service when project traffic was added to existing conditions and estimated traffic in the near and long term cumulative scenarios. The project's on-site circulation has been designed to accommodate emergency vehicles. See Section 8. Hazards above for Mitigation regarding this topic. | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| <u>Comment:</u> The project is consistent with the Circulation and Transit Element of the General Plan and the Sonoma County 2010 Bicycle and Pedestrian Master Plan. The project will provide a new bus stop location and bicycle facilities. | | | | |
| g) Result in inadequate parking capacity? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <u>Comment:</u> The project plans include vehicle and bicycle parking which exceed the requirements of the Sonoma County Zoning Code by 33 parking spaces. Separate parking has not been provided for the Community Garden. However, the garden use is not anticipated to draw a significant number of people from beyond the immediate neighborhood. For those that do drive to the community garden, the proposed surplus parking would be adequate for the use. | | | | |

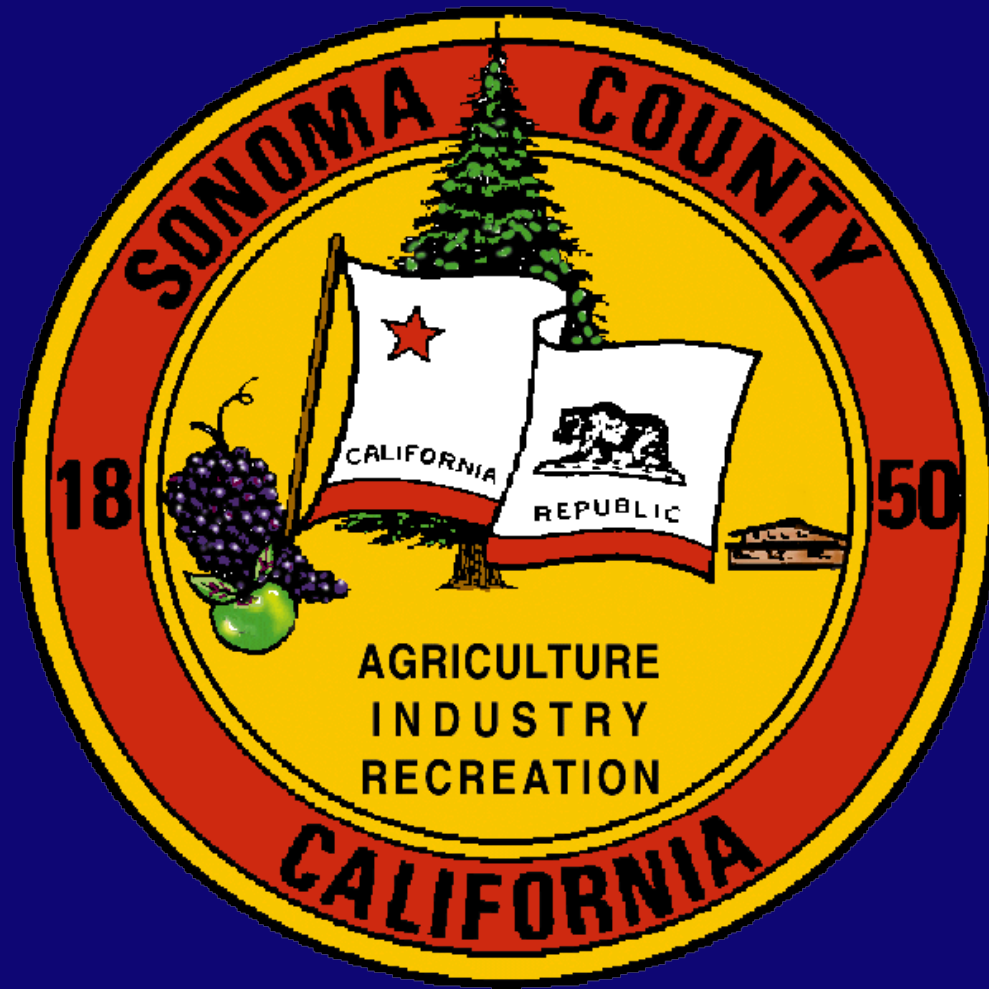
17. UTILITIES AND SERVICE SYSTEMS: *Would the project:*

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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 | |
| <u>Comment:</u> The project will be connected to the existing Sonoma Valley Sanitation District sewer system operated by the Sonoma County Water Agency. The Water Agency has not raised any treatment capacity issues | | | | |
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | X | |
| <u>Comment:</u> The Valley of the Moon Water District provides municipal water and has provided a will-serve letter for the project. Water improvements would be limited to on-site water laterals and mains. The Sonoma Valley Sanitation District, which is managed and operated by the Sonoma County Water Agency provides sanitation service in the area. The water agency has not identified any treatment capacity issues, though has identified necessary manhole improvements to correct an existing wet weather infiltration issue. Therefore, the project is required to pay a \$300,000 dollar mitigation fee as noted in 14.a. above. The construction of manhole improvements and onsite utilities would not result in adverse environmental impacts. | | | | |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |

| | | | | |
|---|--------------------------------|---|------------------------------|-----------|
| <p>construction of which could cause significant environmental effects?</p> | | | X | |
| <p><u>Comment:</u> The project requires on-site grading including the addition of fill to match street grades. The project also includes off-site drainage within an existing drainage way. However, the project will not substantially alter existing drainage patterns nor cause other adverse environmental impacts.</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><u>Comment:</u> See comment in 17.b. above.</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><u>Comment:</u> The project has been conditioned by the Sonoma County Water Agency, which manages and operates the sanitation system in the area. The water agency has agreed to serve the project and no treatment capacity issues have been identified.</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><u>Comment:</u> 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.</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><u>Comment:</u> Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.</p> | | | | |

18. MANDATORY FINDINGS OF SIGNIFICANCE

| | | | | |
|--|--------------------------------|---|------------------------------|-----------|
| 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? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | |
| | | | X | |
| The project does not have the potential to degrade the quality of the environment that would substantially reduce fish and wildlife habitat or species to below sustainable levels or eliminate or reduce the # of rare or endangered plant or animal species. | | | | |
| 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)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | |
| | | | X | |
| The projects cumulative impacts associated with the project, including but not limited to traffic, air quality, water quality, water supply, sewer capacity, and public facilities are considered in this initial study and can be reduce to less than significant with mitigation prescribed mitigation measures. | | | | |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
| | | | | |
| | | | X | |
| The project would not result in substantial direct or indirect adverse effects to human beings. | | | | |



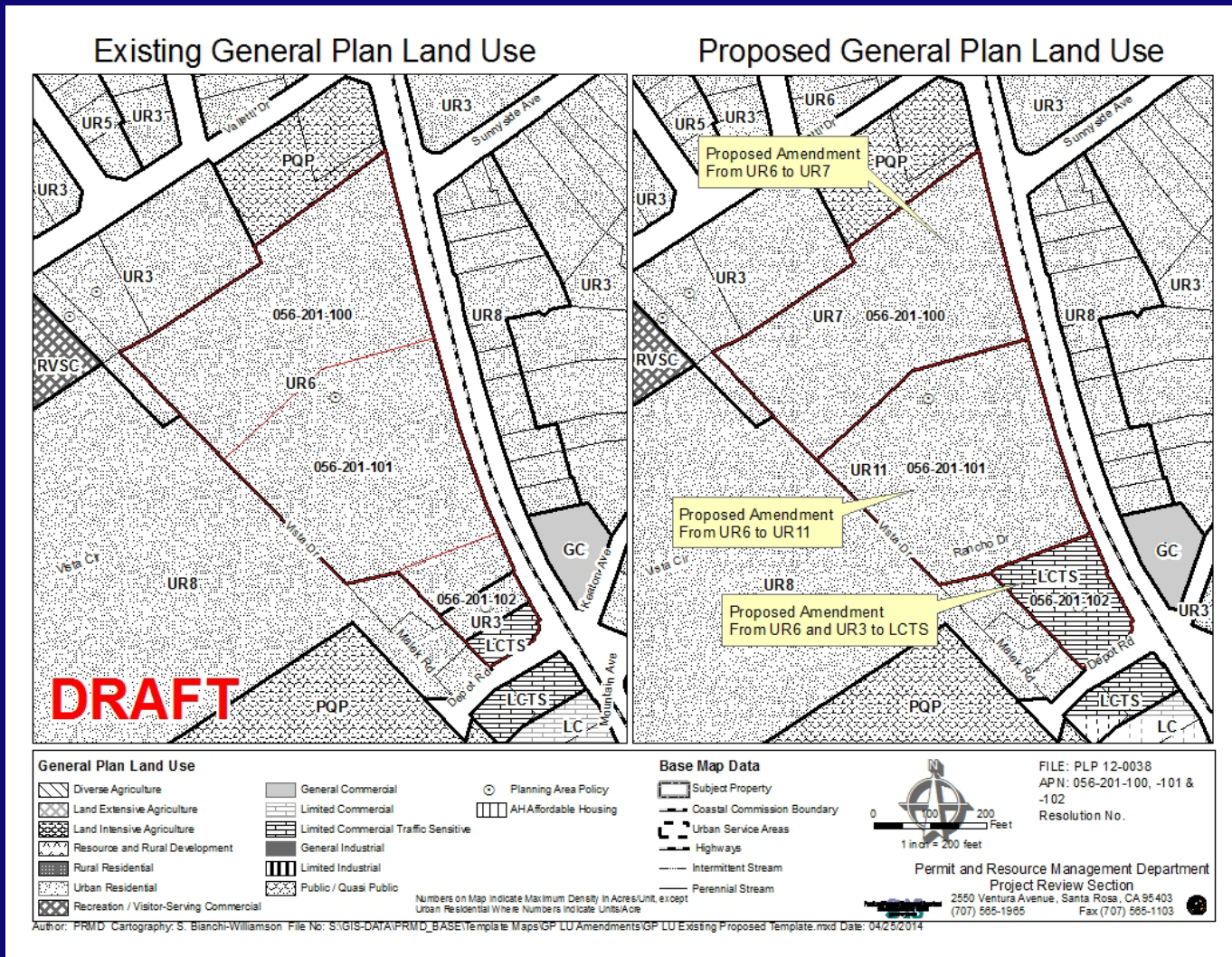
PRMD

Activity # PLP12-0038

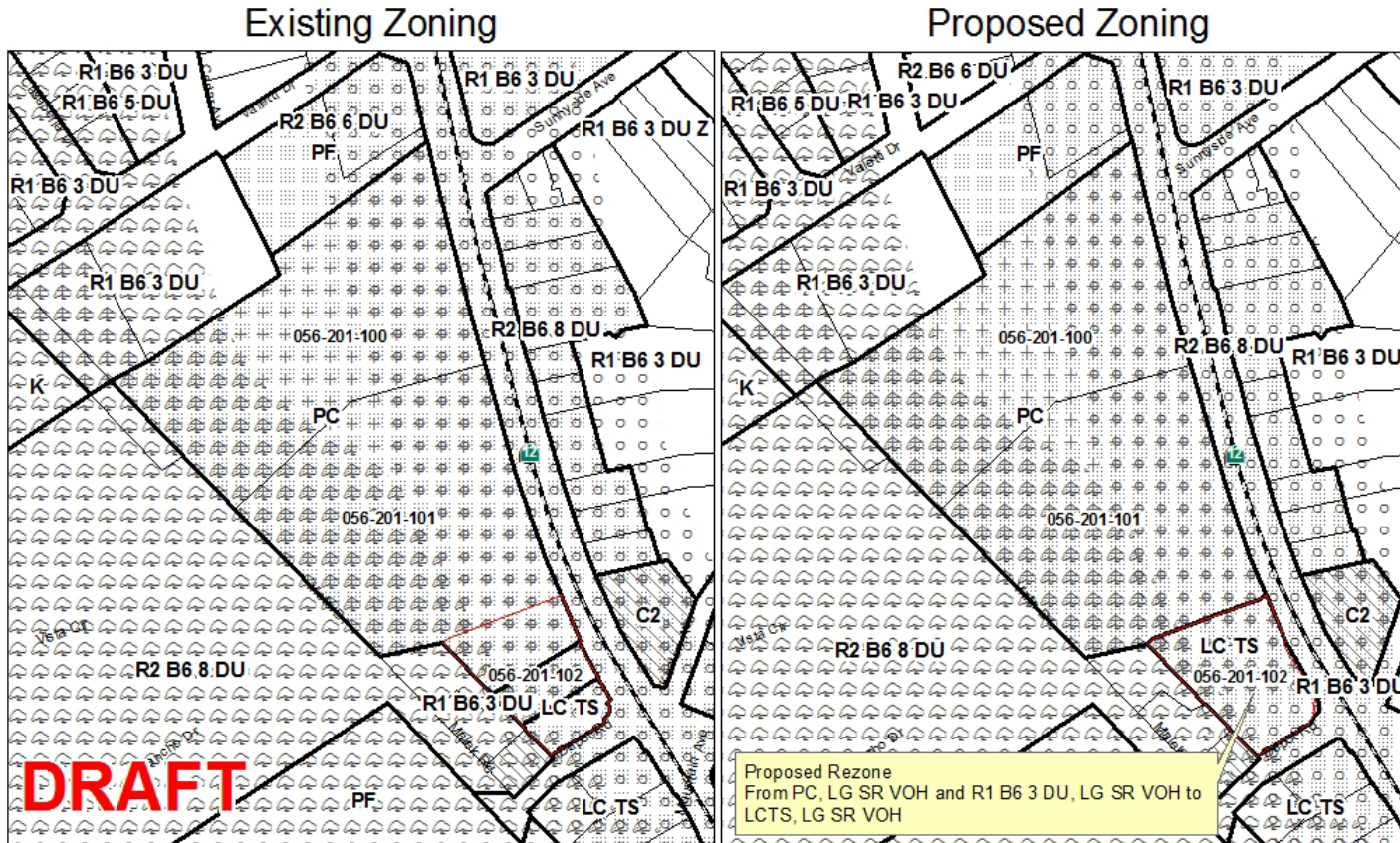
Vicinity Map



Existing and Proposed General Plan



Existing and Proposed Zoning



Base Map Data

- Proposed Rezone
- Base zoning by Area
- Highways
- Intermittent Stream
- Perennial Stream

Zoning Combining Districts

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource
- LG Local Guidelines
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource

- G Geologic Hazard
- F2 Floodplain
- F1 Floodway



FILE: PLP 12-0038
 APN: 056-201-102
 Ordinance No.
 Sectional District Map No.

Permit and Resource Management Department
 Project Review Section
 2550 Ventura Avenue, Santa Rosa, CA 95403
 (707) 565-1985 Fax (707) 565-1103

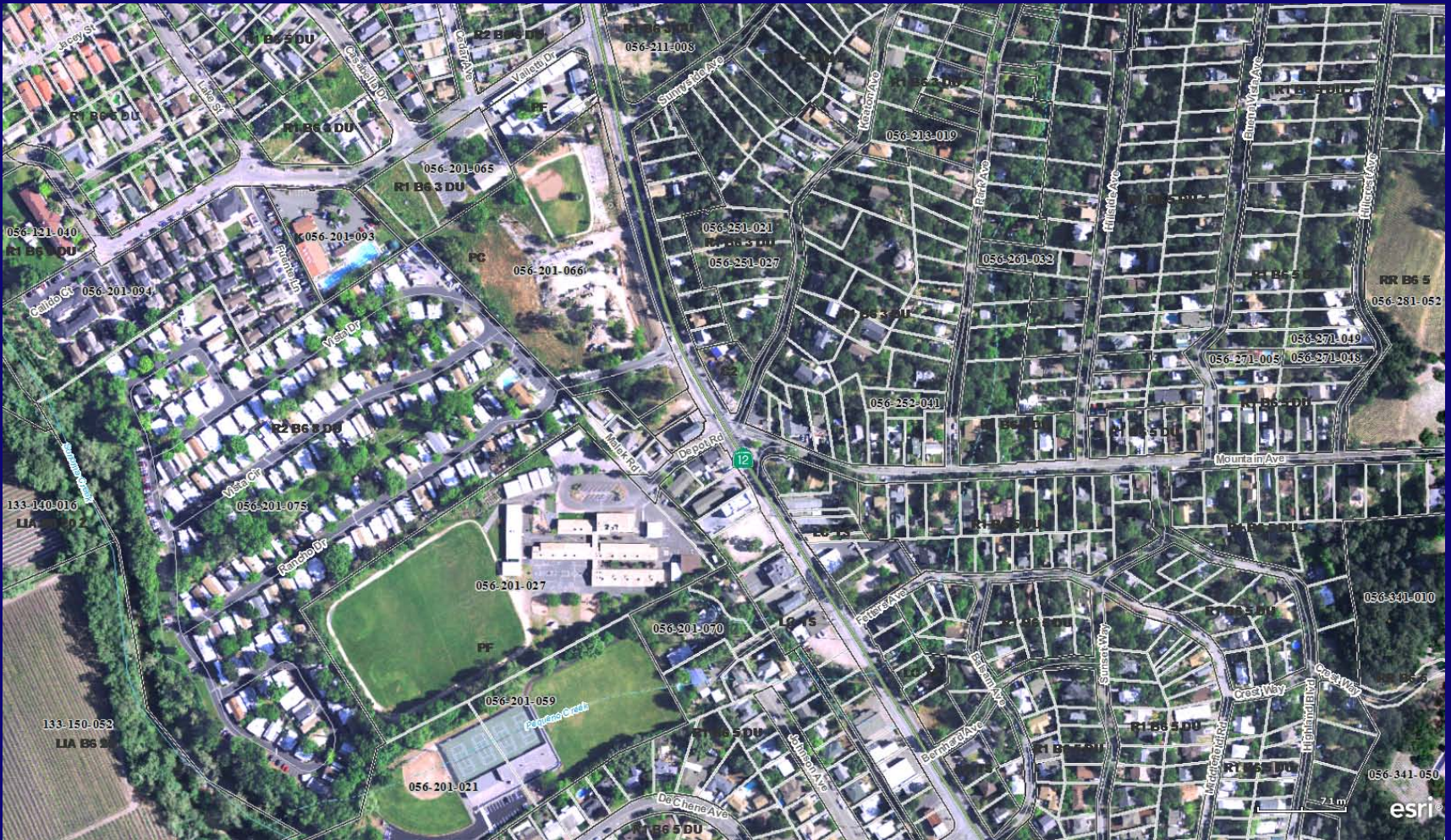
Author: PRMD Cartography: S. Bianchi-Williamson File No: S:\GIS-DATA\PRMD_BASE\Template Maps\Sect Dist Map Existing Proposed Template.mxd Date: 04/25/2014



Parcels A, B, and C



Aerial Photo



PRMD

Activity # PLP12-0038

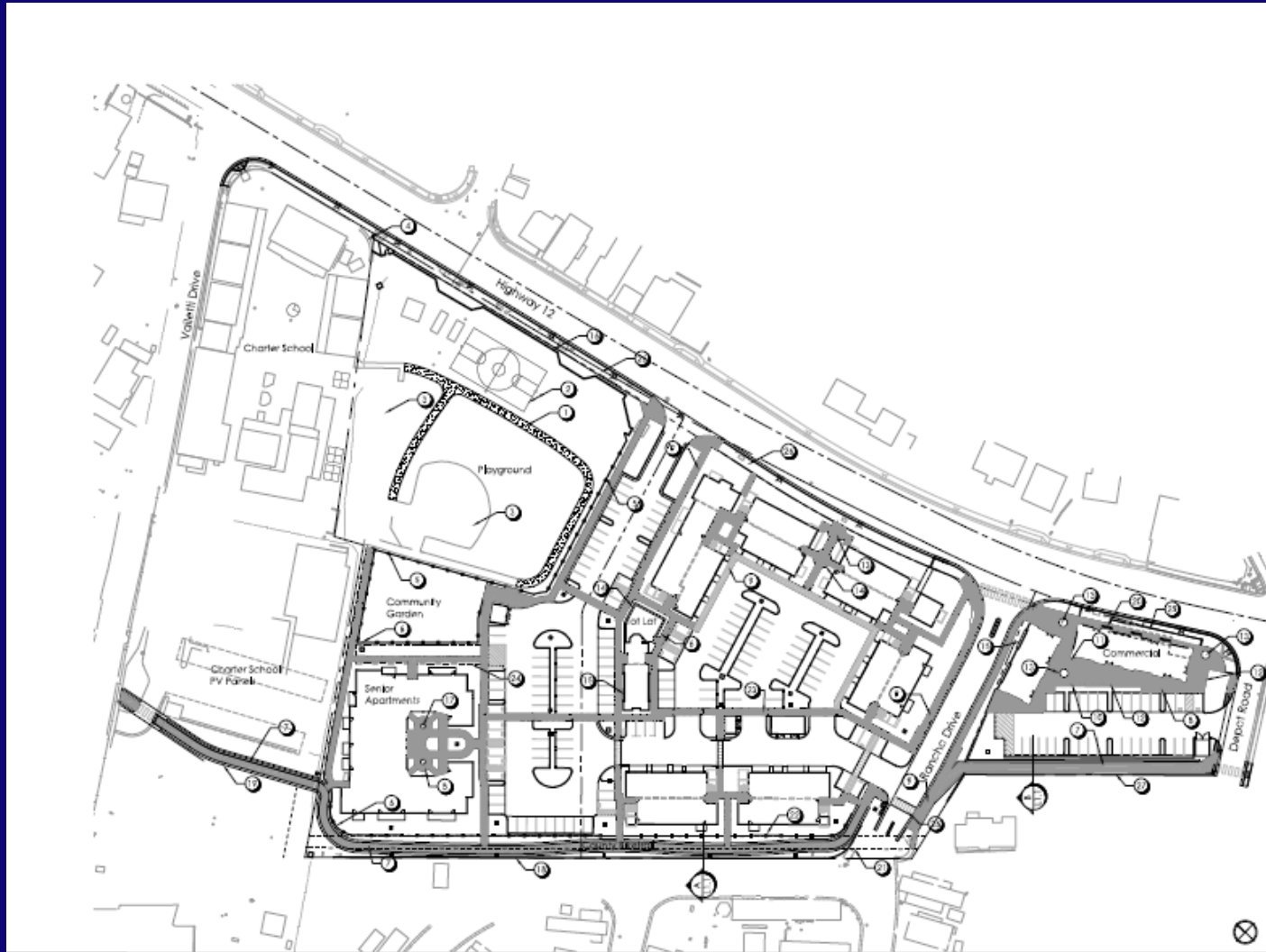
Site Plan



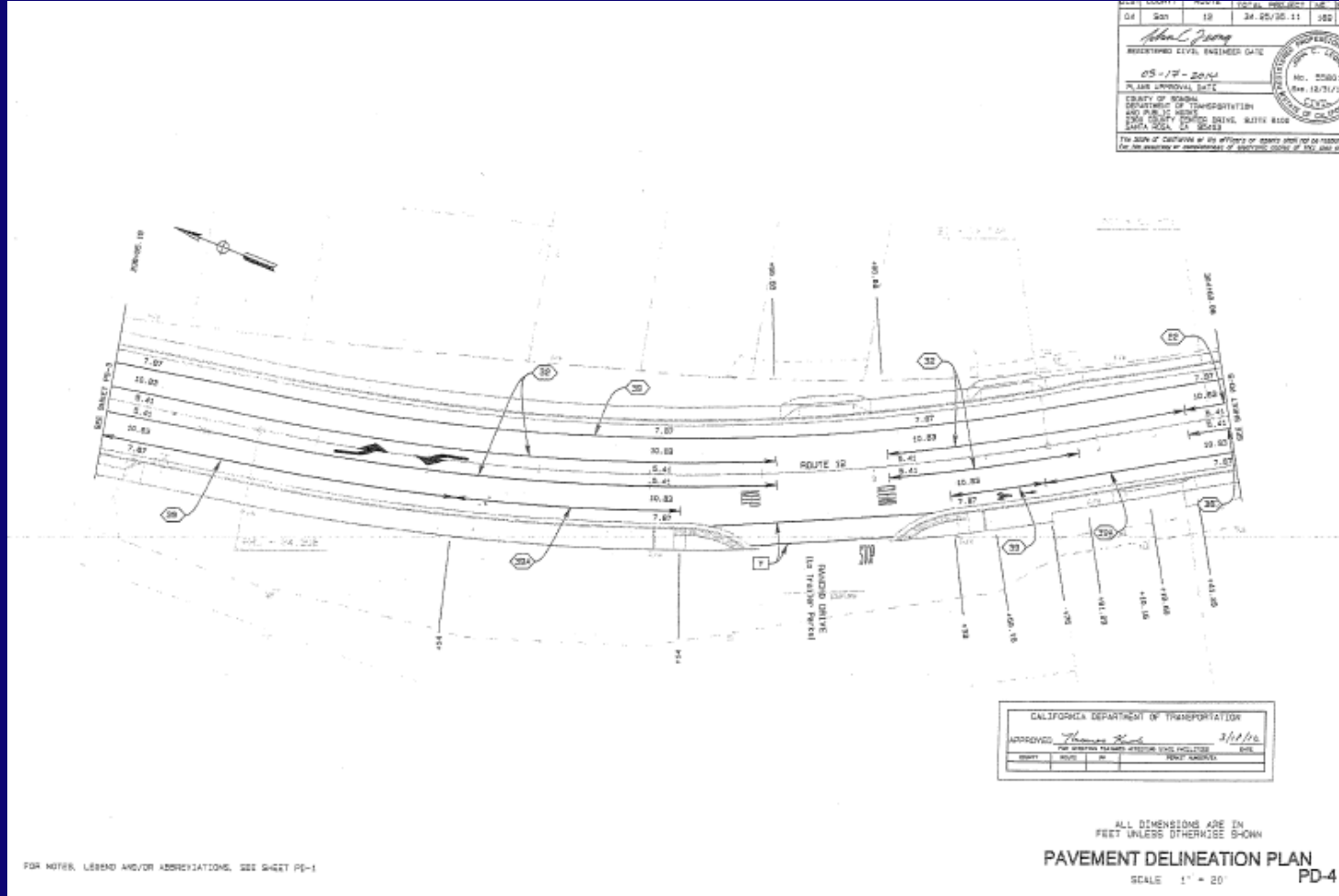
Note:
See AA.0, AB.0 & AC.0 for larger scale, dimensioned site plans for each parcel.



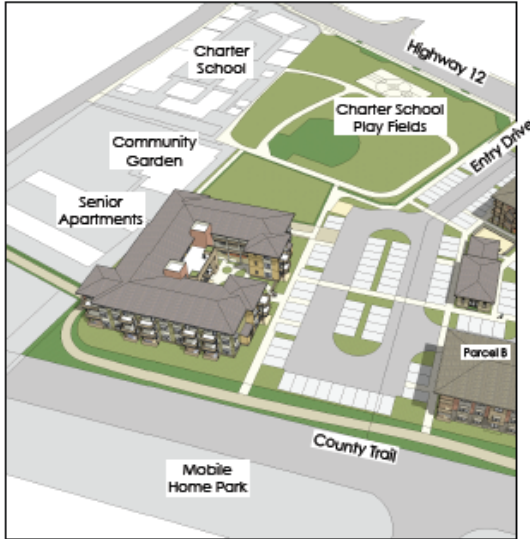
Pedestrian circulation



Highway 12 at Rancho Drive



Senior Apartments



Parcel A/ Birdseye View of Massing Model Looking East

Senior Apartments

40 apartments/ 37-1BR averaging 600sf/ 3- 2BR of 866sf
Community Room 1200sf/ Fitness Center 600sf/ Porch 400sf/ Project Offices, etc. 1400sf

The project is organized around a south facing landscaped courtyard wrapped with community uses and circulation. The Community Room and fitness center are at the head of the court with the project offices and conference facilities flanking the entrance.

All units have private outdoor balconies or patios. Parking (56 spaces including 4 ADA compliant spaces) is provided in an open lot around a circular driveway. Bicycle/ Tricycle parking (4 spaces) is provided on either side of the forecourt. There are refuse and recycling rooms on each floor. Refuse & Recycling is taken by staff to the dumpster enclosure.

Community Garden

The community garden is an 9,440sf space adjacent to the senior apartments. The garden will be operated by a local non profit and will be open to use by the senior residents, the family apartments and the adjacent charter school as well as the larger community.

Charter School Play Field

The Charter School multi-use playground will be deeded to the school, fenced and secured. The playground will be available to project residents during non-school daylight hours.

County Trail

The County Trail Improvements will extend from Valletti Drive adjacent to the school parking area and across the western edge of Parcel A.

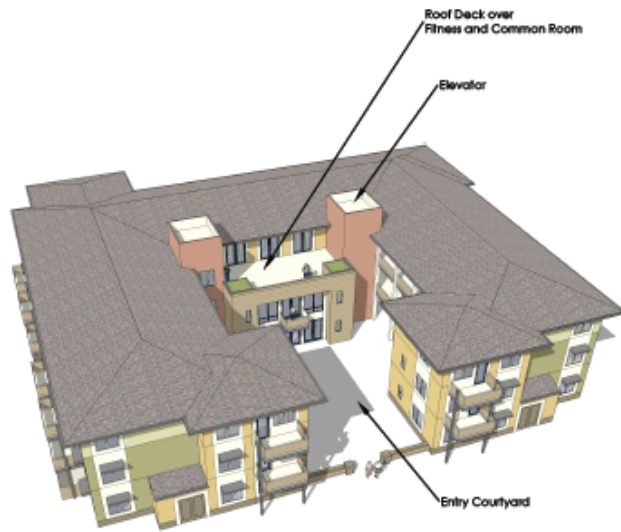


Parcel A/ Site Plan

Note:
See AA.1 for
building
dimensions



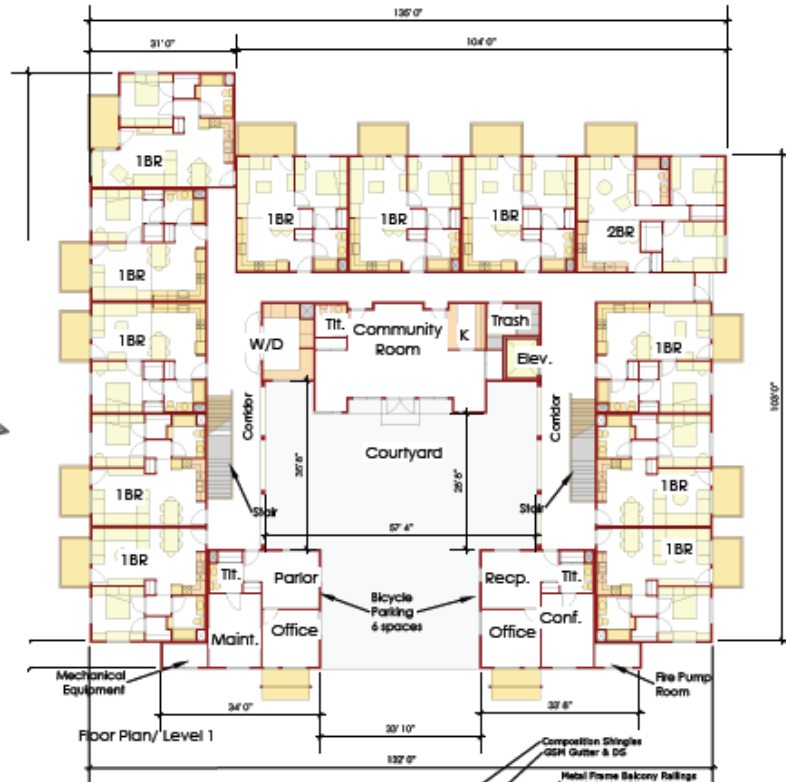
Senior Apartments



Bird's Eye View Looking North



West Elevation



South Elevation



Family Housing



Parcel B/ Birdseye View Looking East

Family Apartments

40 apartments/ 19-18R averaging 600sf/ 22-28R averaging 850sf and 19 3BR averaging 1,050sf
Community Room 1073sf/ Fitness Center 704sf/ Laundry 416sf/ Project Offices, etc. 1,700sf

The project is organized as a ring of buildings around a central parking court. Buildings fronting on Highway 12 incorporate the grade change of the Highway embankment and as a result are two stories high when seen from the Highway and three stories from the project interior and have their residential level on the second floor. Buildings consist of back to back stacked flats with access stairs at their ends. The basic module has four units per floor served by two stairs. Building A joins two of the modules with corner courtyard. The lower level of each of the buildings facing the parking court is occupied by truck under garages.

All units have private outdoor balconies or patios. Parking is provided in the truck under garages (36 spaces) as well as in the parking court (74 spaces). The parking ratio provides 2 spaces for each of the family apartments. Project offices and the fitness center are located at the base of Building A adjacent to the entry drive. A separate community building containing a common laundry area and community meeting room is located across from the project offices. A total lot for younger children is located between the two.

County Trail

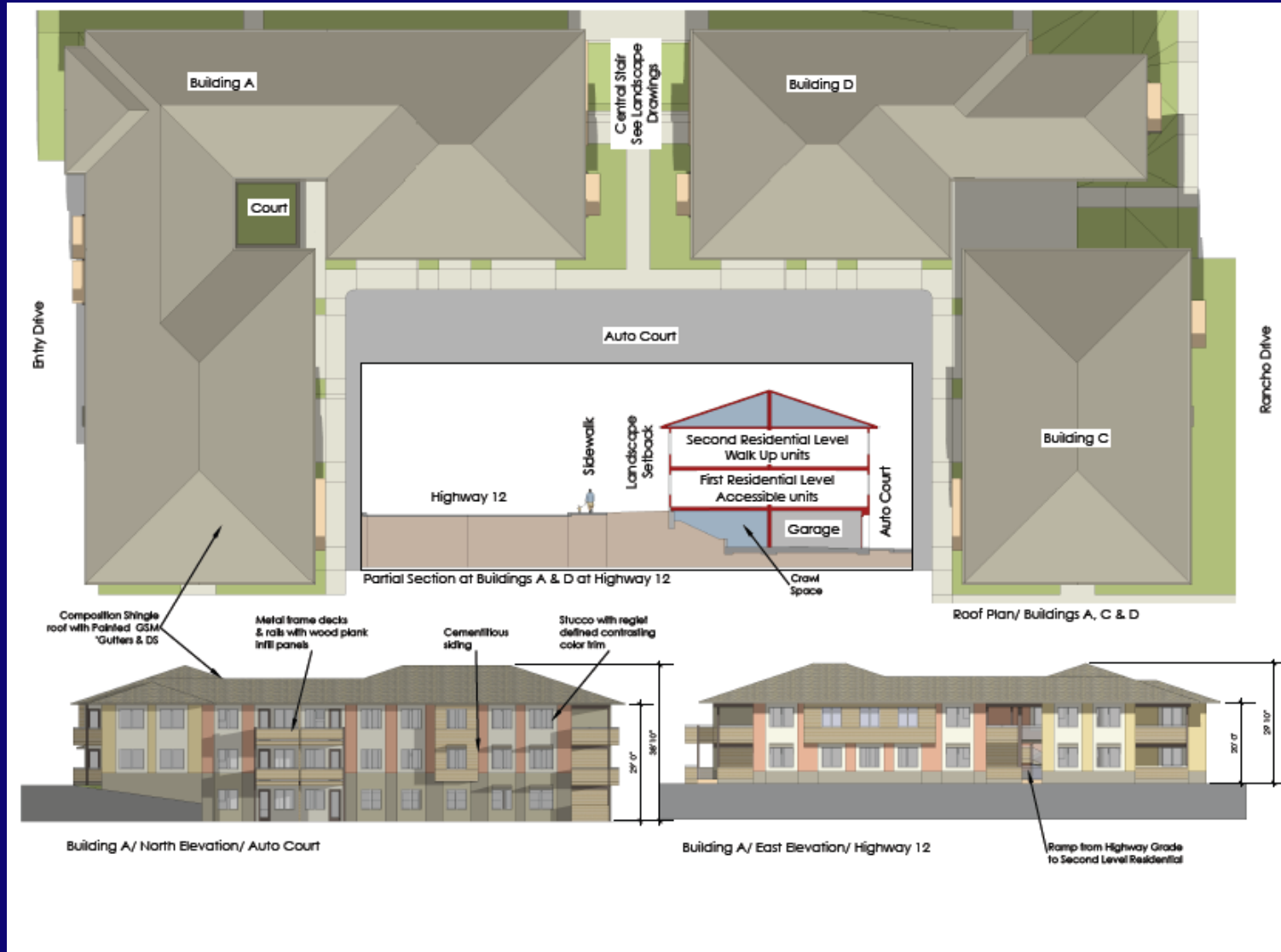
The County Trail Improvements will extend from Valetti Drive adjacent to the school parking area across the western edge of Parcel A, crossing Rancho Drive through Parcel C to Depot Road.



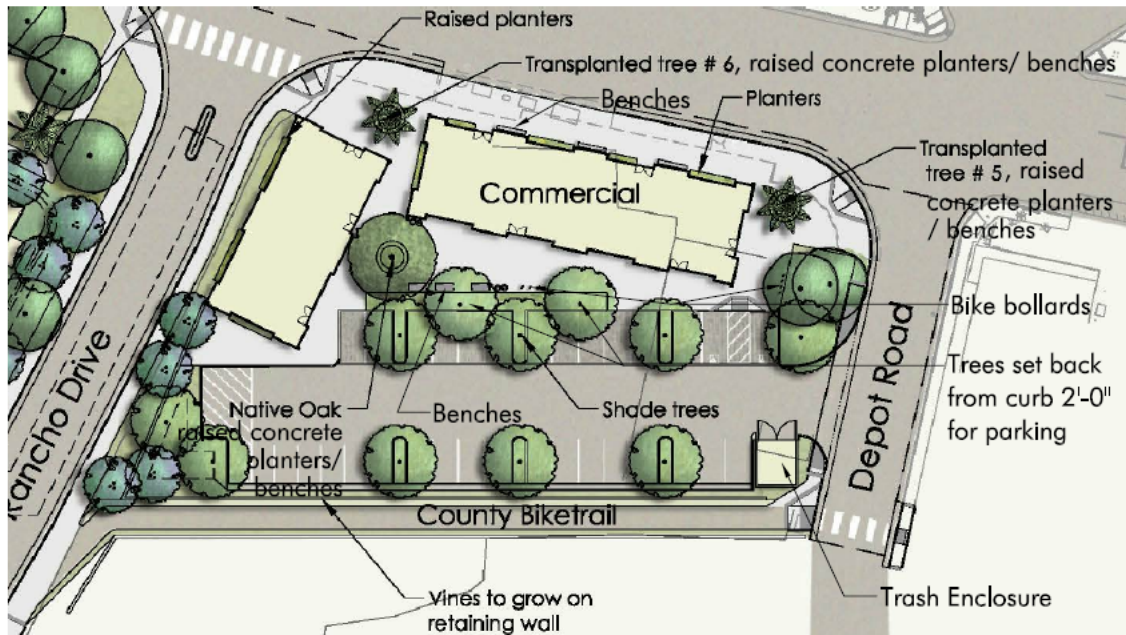
Parcel B/ Site Plan



Highway 12 Elevation/Section



Commercial Site Plan



1 SITE PLAN



STRATA
STRATEGIC DESIGN STUDIO

ARCHITECTURE

254 West Main Street
Sonoma, CA 94960-1542
P 707.226.7044
F 707.932.8478
www.stratastudio.com

LOCATION:
1500 S. COLLEGE AVE. Sonoma, CA
94960

APR 15/2012 08:00 AM 08:00 AM 08:00 AM

REVISIONS:

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SONOMA SPRINGS
MASTERPLAN

SHEET 112
SITE PLAN

SONOMA SPRINGS

CHECKED BY: MB
DRAWN BY: MB
SCALE:
DATE: APR 16, 2012
PROJECT NO: 10612

AC.1

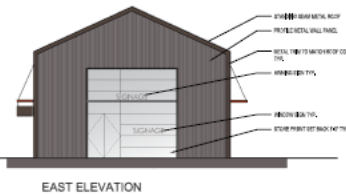
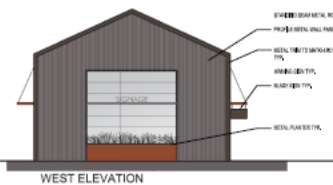
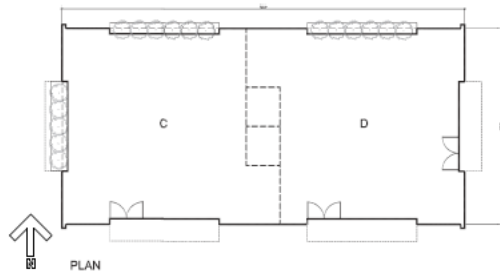
CONTRACT NO.



PRMD

Activity # PLP12-0038

Elevations and Floor Plan North Building



1 ELEVATIONS AND FLOOR PLAN NORTH BUILDING

STRATA
STRATEGIC DESIGN STUDIO

ARCHITECTURE

224 West Main Street
Sonoma, CA 94960-1478
P 707.253.7144
F 707.253.8478
www.stratahq.com

LOCATION

1320 N. COLLEGE & 132nd Avenue Highway
Petaluma, CA 94952

APNs: 034-001-044, 034-001-046 & 034-001-048

REVISIONS

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| 4 | .. | .. |

SONOMA SPRINGS
MASTERPLAN

SHEET 011
ELEVATIONS AND FLOOR PLAN
NORTH BUILDING

SONOMA SPRINGS

CHECKED BY: MB
DRAWN BY: MB
SCALE:
DATE: APR 18, 2013
PROJECT NO.: 130412

AC.3

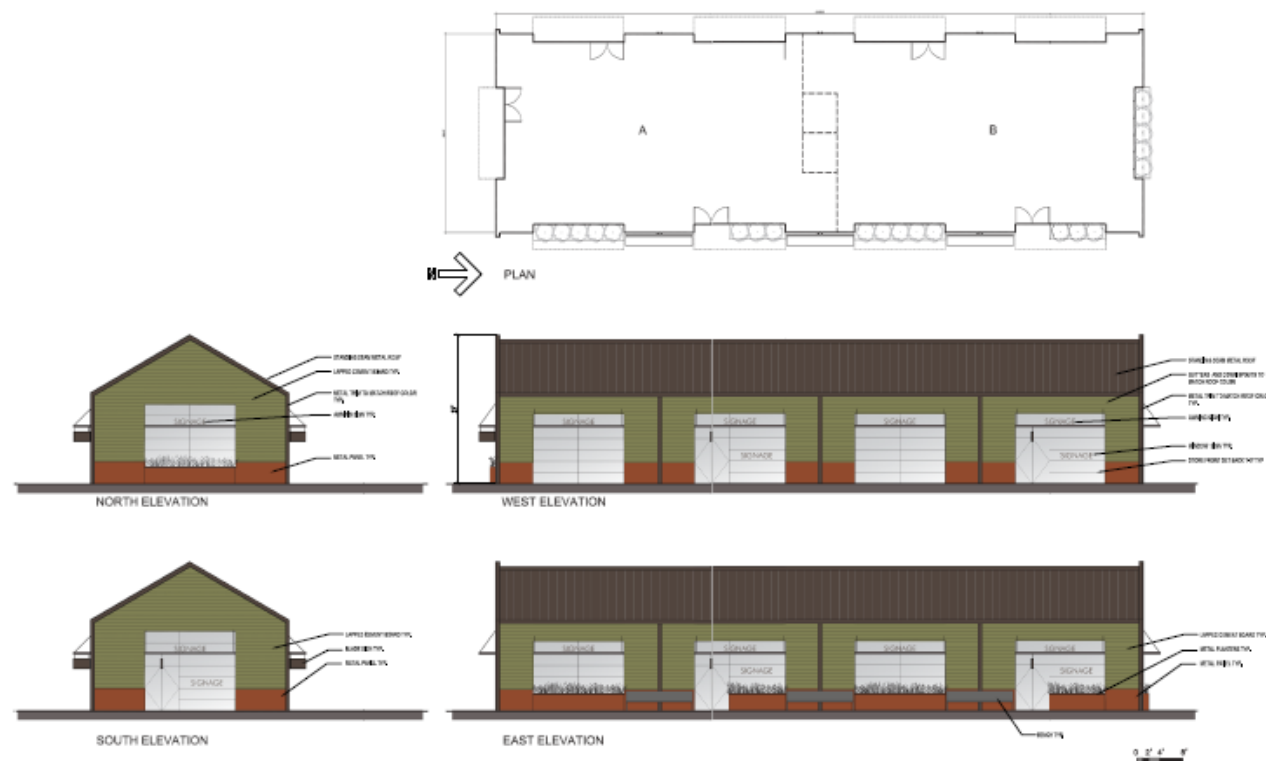
DRAWING NO.



PRMD

Activity # PLP12-0038

Elevations and Floor Plan South Building



① ELEVATIONS AND FLOOR PLAN SOUTH BUILDING



Site Section with South Building Elevations

SIGNAGE CONCEPT
SIGN TO CONFORM TO HWY 12
DESIGN GUIDELINES:

- AWNING SIGNS
- WINDOW SIGNS
- BLADE SIGNS

SOUTH BUILDING MATERIAL

WALL MATERIALS

- LAPPED CEMENT BOARD
- METAL PANELS
- GLAZING

ROOF MATERIAL

- STANDING SEAM METAL ROOF

MISCELLANEOUS

- METAL PLANTERS
- METAL GUTTERS AND DOWN SPOUTS

NORTH BUILDING MATERIAL

WALL MATERIALS

- PROFILE METAL WALL PANELS
- GLAZING

ROOF MATERIAL

- STANDING SEAM METAL ROOF

miscellaneous

- METAL PLANTERS
- METAL GUTTERS AND DOWN SPOUTS



① SITE SECTION WITH SOUTH BUILDING ELEVATIONS

STRATA
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ARCHITECTURE

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1234 N. 1234th & 1234th Avenue, Napa
Napa, CA 94558
PHONE
APN: 034-001-000-000-000 & 034-001-000

REVISIONS

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**SONOMA SPRINGS
MASTERPLAN**

**SHEET #11
SITE SECTION WITH SOUTH
BUILDING ELEVATIONS**

SONOMA SPRINGS

CHECKED BY: RB
DRAWN BY: MB
DATE: APR 18, 2014
PROJECT NO.: 150412

AC.5

DATE: APR 18, 2014



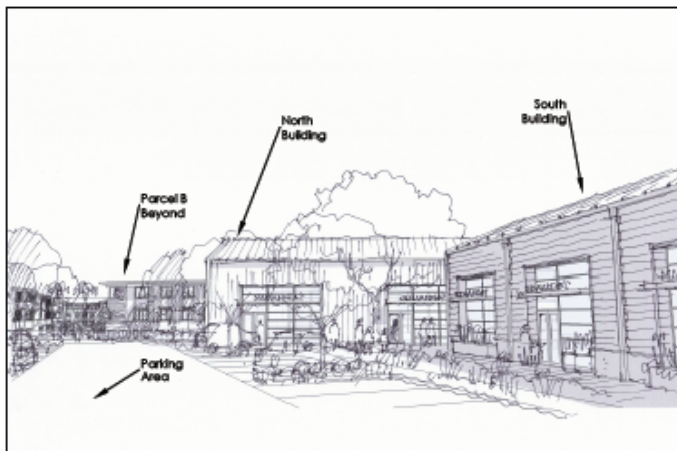
Perspectives



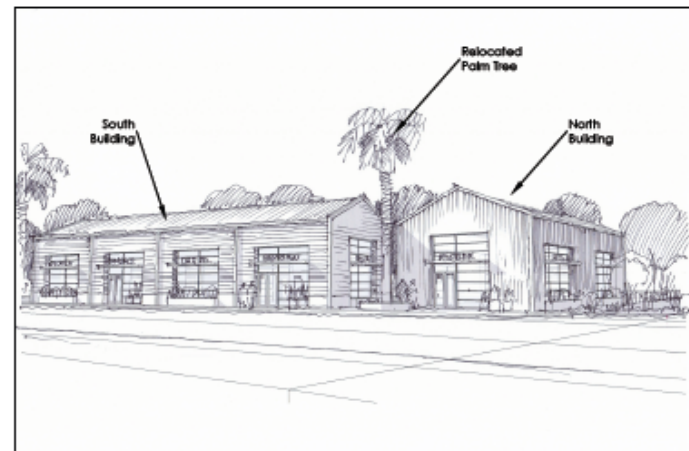
3. Looking North along Highway 12 From Parcel C to Parcel B



1. Bird's Eye Looking Southwest/ Sketch Key



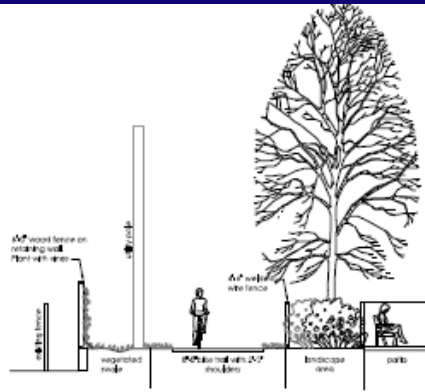
4. Looking North From Depot Road Through The Commercial Parking Area



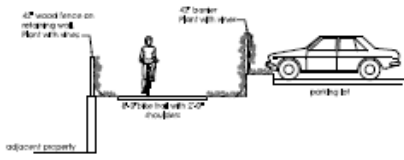
3. Looking West From Across Highway 12 at Rancho Drive



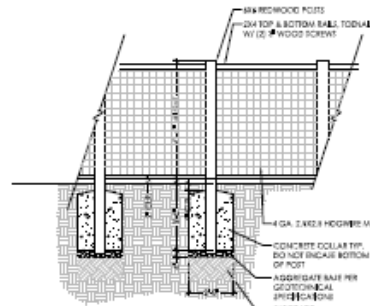
Trail Sections/Fencing Detail



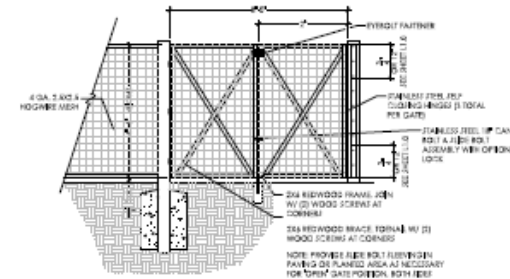
A SECTION A
SCALE: 1/8"=1'-0"



B SECTION B
SCALE: 1/8"=1'-0"



C Welded Wire Mesh Fence
SCALE: 1/8"=1'-0"



D Welded Wire Gate
SCALE: 1/8"=1'-0"

MASTERPLAN IRRIGATION STATEMENT

The Jonoma Springs Master Plan Project anticipates 5 separate Irrigation Designs to be submitted, separated into later date for each of the three proposed parcels A, B, and C.

Irrigation Points of connection will include:

- PARCEL A Senior Housing - Senior Housing and Common Area - will have a dedicated irrigation meter and reduced pressure backflow preventer.
- PARCEL A Community Garden - Sub-Parcel Common Area - will have a dedicated irrigation meter and reduced pressure backflow preventer.
- PARCEL A Highground Sub-Parcel Area - will have a dedicated irrigation meter and reduced pressure backflow preventer. The area will include turf grass planting beds.
- PARCEL B North Housing Common Area - will have a dedicated irrigation meter and reduced pressure backflow preventer.
- PARCEL C Commercial Area - will have a dedicated irrigation meter and reduced pressure backflow preventer.

IRRIWAY - The Irrigation will be dedicated to the County. Limited planting within the Irrigation will be temporary and impacted by adjacent projects on parcels A, B and C.

Irrigation will be designed to meet Sonoma County Water District Landscape Ordinance and will consist of the following components:

- Weather based, self-adjusting irrigation controller with sensor.
- Trillion to Billion sub-surface drip emitter, line backflow and relief (for turf areas only).
- Trails to be placed on separate valves.
- Isolation valves to be installed at point of connection, and before each valve or manifold.
- Pressure regulation to be installed.
- Appropriate valves to be installed for high zones of mid and low water use.
- Check valves to be installed to prevent low point discharge.
- Mainline piping to be class 100 PVC or schedule 40 PVC.
- Lateral piping to be class 200 PVC.
- Sealing to be schedule 40 PVC.

Details
Sonoma Springs Masterplan

L1.1

Moffet
Quadrigo Landscape Architecture, Inc
4023-14
Scale as shown



Highway 12



PRMD

Activity # PLP12-0038

Highway 12



PRMD

Activity # PLP12-0038

Playground; Palms to be saved



PRMD

Activity # PLP12-0038

Fence at Mobile Home Park



Fence at Mobile Home Park



PRMD

Activity # PLP12-0038

Oak Tree to be saved



PRMD

Activity # PLP12-0038

Fence at Commercial Site



PRMD

Activity # PLP12-0038

Sidewalk at Flowery School



PRMD

Activity # PLP12-0038

Homes across Highway 12



PRMD

Activity # PLP12-0038

Existing Storm Drain Inlet



PRMD

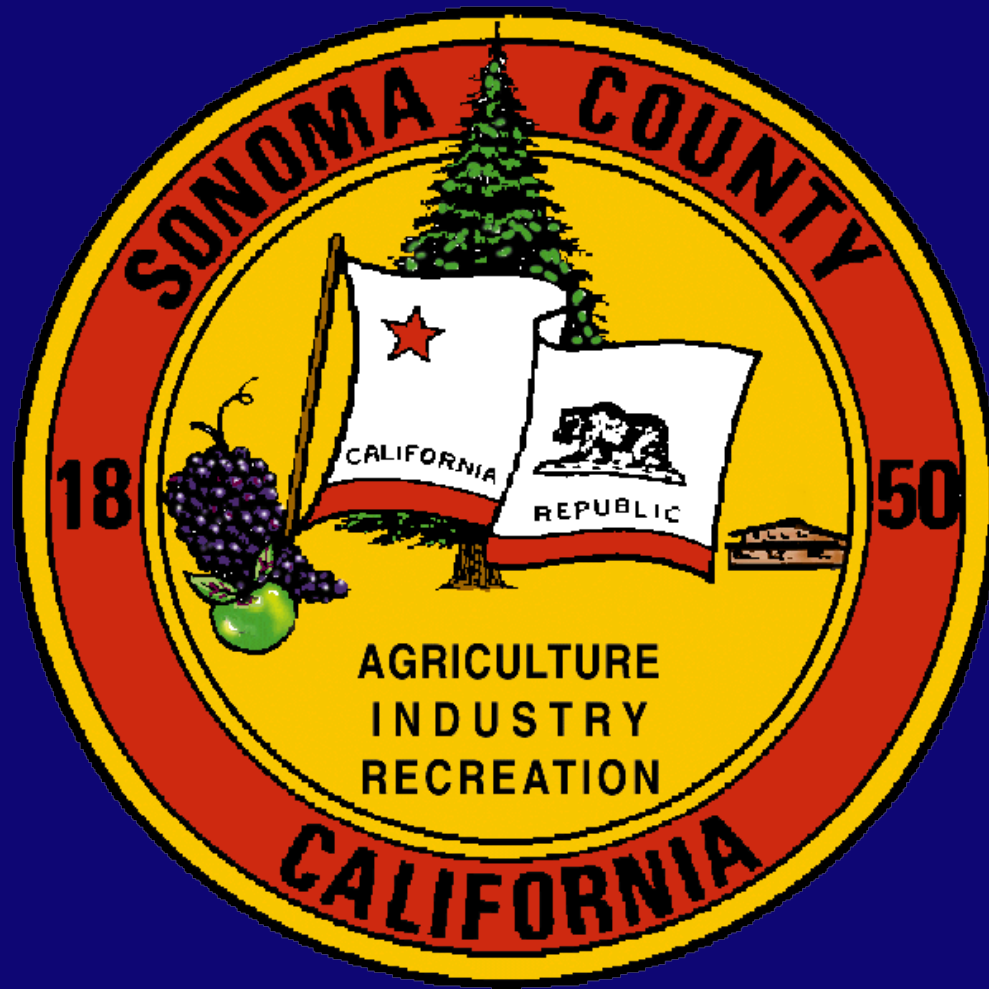
Activity # PLP12-0038

Existing Drainage to Mobile Home Park



PRMD

Activity # PLP12-0038



PRMD

Activity # PLP12-0038