

RESOLUTION NO. 04-1037

DATED: November 2, 2004

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, MAKING AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING A MITIGATION MONITORING PROGRAM, AND APPROVING A PROJECT CONSISTING OF AMENDMENTS AND TECHNICAL CORRECTIONS TO THE GENERAL PLAN AS PART OF THE THIRD AMENDMENT OF THE GENERAL PLAN LAND USE ELEMENT FOR 2004, AN AMENDMENT TO THE NORTH SONOMA VALLEY SPECIFIC PLAN, ZONE CHANGES AND TECHNICAL CORRECTIONS TO THE COUNTY ZONING MAP, A USE PERMIT FOR 50-ROOM INN/SPA/ RESTAURANT, A USE PERMIT FOR A 10,000 CASES PER YEAR WINERY WITH PUBLIC TASTING, RETAIL SALES, AND SPECIAL EVENTS, AND AN ELEVEN LOT SUBDIVISION AND LOT LINE ADJUSTMENTS FOR PROPERTY LOCATED AT 7945, 7619, 7661, 7925, 7955, 7965, AND 8025 HIGHWAY 12, KENWOOD, APNS 051-010-013, 051-010-017, 051-020-006, 051-020-019, 051-020-032, 051-020-043, AND 051-020-045; ZONED DA (DIVERSE AGRICULTURE), B7 (FROZEN LOT SIZE), SR (SCENIC RESOURCES)/K (RECREATION AND VISITOR SERVING COMMERCIAL), SR (SCENIC RESOURCES)/RRD (RESOURCES AND RURAL DEVELOPMENT), B6-60 ACRE DENSITY, SR (SCENIC RESOURCES); SUPERVISORIAL DISTRICT NO. 1 (PLP 01-0006)**

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**RESOLVED**, that the Board of Supervisors of the County of Sonoma (“the Board of Supervisors” or “the Board”) hereby finds and determines as follows:

**SECTION 1  
PROPOSED PROJECT AND PROCEDURAL HISTORY**

1.1 Graywood Ranch LLC (“the Project Applicant”) filed Application PLP 01-0006 with the County’s Permit and Resource Management Department (“PRMD”) for the legislative amendments, land use permits, land divisions, and lot line adjustments necessary to develop a 50-room inn, spa, and restaurant, a 10,000 cases per year winery,

and 11 residential lots on the eastern 186 +/- acres (“the Project Site”) of the 476-acre Graywood Ranch (“the Graywood Ranch”), located at 7945, 7619, 7661, 7925, 7955, 7965, and 8025 Highway 12, Kenwood, APNs 051-010-013, 051-010-017, 051-020-006, 051-020-019, 051-020-032, 051-020-043, and 051-020-045; zoned DA (Diverse Agriculture), B7 (Frozen Lot Size), SR (Scenic Resources)/K (Recreation and Visitor Serving Commercial), SR (Scenic Resources)/RRD (Resources and Rural Development), B6-60 acre density, SR (Scenic Resources); Supervisorial District No. 1. As heard and considered by the Board, Application PLP 01-0006 included the following components (collectively “the Proposed Project”):

(a) Amendments and technical corrections to the 1989 Sonoma County General Plan (“the General Plan”) consisting of the following (collectively “the General Plan Amendment”):

(1) An amendment to the land use map changing the designation on 20 acres of the Project Site from Diverse Agriculture, 17 acre density, to Recreation and Visitor Serving Commercial.

(2) An amendment to the land use map changing the designation on 25 acres of the Project Site from Recreation and Visitor Serving Commercial to Diverse Agriculture, 17 acre density.

(3) An amendment revising General Plan Policy LU-14r (“Policy LU-14r”) to read:

The “Diverse Agriculture”, “Resource and Rural Development”, and “Recreation and Visitor Serving Commercial” designations applied to the Graywood Ranch (APN 051-020-006, 010, 019, 032, 043, 045; 051-101-013, 017) are intended to accommodate an approved development consisting of the following:

For the easterly 186 +/- acres as shown on the approved Development Plan/Tentative Map:

A maximum of 11 residential lots of varying acreage with one primary single family dwelling on each parcel.

A 50-room inn and spa with a 125 seat restaurant open to the public within approximately 20 +/- acres of K (Recreation & Visitor Serving Commercial) zoning and on its own parcel.

A winery with incidental retail sales, public tasting, and special events on its own parcel.

For the westerly 290 +/- acres: A maximum of six residential lots of varying acreage including three existing dwelling units subject to a separate application.

(4) A technical correction to land use map to increase the area designated Recreation and Visitor Serving Commercial on APN 051-020-019 from approximately five acres to 25 acres.

(b) An amendment to the North Sonoma Valley Specific Plan land use map changing the designation of 20 acres located on a portion of the Inn/Spa/Restaurant Parcel (Lot B) from Open Land and Residential to Recreation (“the Specific Plan Amendment”).

(c) Zone changes and technical corrections to the county zoning map consisting of the following (collectively “the Zoning Amendment”):

(1) A zone change on 106 acres of the Project Site from DA (Diverse Agriculture), B7 (Frozen Lot Size), SR (Scenic Resources) to DA (Diverse Agriculture), B6-17 acre density, SR (Scenic Resources) and from RRD (Resources and Rural Development), B7 (Frozen Lot Size), SR (Scenic Resources) to RRD (Resources and Rural Development), B6-100 acre density, SR (Scenic Resources).

(2) A zone change on 20 acres of the Project Site from DA (Diverse Agriculture), B7 (Frozen Lot Size), SR (Scenic Resources) to K (Recreation and Visitor Serving Commercial), SR (Scenic Resources).

(3) A zone change on 25 acres of the Project Site from K (Recreation and Visitor Serving Commercial), SR (Scenic Resources) to DA (Diverse Agriculture), B6-17 acre density, SR (Scenic Resources).

(4) A technical correction to the county zoning map increasing the area zoned K (Recreation & Visitor Serving Commercial) on APN 051-020-019 from approximately five acres to 25 acres.

(5) A technical correction to the county zoning map changing the zoning on 164.32 acres north of the Rancho Los Guilicos grant line from RRD (Resources and Rural Development), B6-60 acre density to RRD (Resources and Rural Development), B6-100 acre density consistent with the General Plan land use designation.

(6) A technical correction to the county zoning map removing the B7 (Frozen Lot Size) designation from the entire Graywood Ranch.

(d) A use permit for an inn/spa/restaurant (“the Inn/Spa/Restaurant Use Permit”) served by a package wastewater treatment plant on a single parcel (“the Inn/Spa/Restaurant Parcel”) authorizing the following uses (“the Inn/Spa/Restaurant”):

(1) A 50-room inn with accessory retail shops, administrative offices, meeting rooms, and swimming pool. The inn will include a main lodge building and 19 cottages comprising approximately 85,000 square feet of floor area, a projected occupancy of 100 persons per night, a total of 119 employees (average 55 on-site), and 102 parking spaces.

(2) A spa for inn guests and the public. The spa will be located in a separate building from the inn and will include eight individual treatment rooms in separate cottages, several hot tubs and small pools. Parking will be shared with the inn.

(3) A restaurant for inn guests and the public. The restaurant will include a seating capacity of 75 inside and 50 outside (125 total seats) and an accessory lounge serving inn guests and the public. Parking will be shared with the inn.

(e) A use permit for a winery (“the Winery Use Permit”) served by a package wastewater treatment plant on a single parcel (“the Winery Parcel”). The Winery Use Permit authorizes the following uses (collectively “the Winery”):

(1) A winery open to the public with an annual production capacity of 10,000 cases. The winery will have a maximum floor area of approximately 37,000 square feet and will include a tasting room with art gallery, retail wine sales, up to 20 special events per year with maximum 200-person attendance, and 147 parking spaces. Proposed events include weddings, meetings, winemaker dinners, and charitable auctions.

(2) A “country store” for ancillary retail sales. The store shall have a maximum floor area of 3,000 square feet of building area. The store may be a separate building or attached to the winery building. The store shall be primarily for the sale of Sonoma County agricultural products such as fruits, vegetables, jams, jellies, cheeses, oils, and herbs, and related retail goods. A maximum of 33% of the store’s floor area may be devoted to storage and support. A minimum of 90% of the remaining floor area shall be devoted to the sale of agricultural products grown primarily in Sonoma County. Related retail goods may occupy a maximum of 10% of the retail floor area.

(f) A tentative map for an 11 lot subdivision (“the Tentative Map”) and lot line adjustments between four existing parcels to divide the Project Site into a total of 13 parcels (“the Subdivision”).

1.2 PRMD staff determined that an environmental impact report (“EIR”) was required for the Proposed Project to comply with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines. The County contracted with an environmental study team led by Nichols-Berman Environmental Planning to prepare the EIR. In addition to Nichols-Berman Environmental Planning, the environmental study team included Crane Transportation Group (“the EIR traffic consultant”), Vallier Design Associates (“the EIR visual consultant”), Herzog Geotechnical, Environmental Collaborative, Pacific Legacy, Questa Engineering Corporation, Donald Ballanti, and Sound Solutions (collectively “the EIR consultant”).

1.3 A draft EIR was completed for the Proposed Project (“the Draft EIR”) and circulated for public and agency review and comment in May and June 2003.

1.4 The Sonoma County Planning Commission (“the Planning Commission”) conducted a duly noticed public hearing on the Draft EIR on June 5, 2003. At the hearing, the Commission heard and received all relevant oral and written testimony and evidence presented or filed, and considered the Draft EIR. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the hearing and gave its comments on the Draft EIR.

1.5 A final EIR was completed for the Proposed Project (“the Final EIR”) and released to the public in February 2004.

1.6 PRMD staff prepared a staff report to the Planning Commission on the Final EIR and the Proposed Project, dated March 18, 2004 (“the March 18<sup>th</sup> Staff Report”), and a memorandum to the Planning Commission on the Proposed Project, dated May 20, 2004 (“the May 20<sup>th</sup> Staff Memorandum”).

1.7 The Planning Commission conducted duly noticed public hearings on the Final EIR and the Proposed Project on March 18, 2004, April 1, 2004, and May 20, 2004. At the hearings, the Planning Commission heard and received all relevant oral and written testimony and evidence presented or filed, and considered the Final EIR, the March 18<sup>th</sup> Staff Report, and the May 20<sup>th</sup> Staff Memorandum. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony on May 20, 2004, the Commission left the hearing open until 5:00 p.m. on June 7, 2004, for the submission of written testimony only, and continued the matter for decision to June 17, 2004.

1.8 PRMD staff prepared a memorandum to the Planning Commission on the Proposed Project, dated June 17, 2004 (“the June 17<sup>th</sup> Staff Memorandum”).

1.9 The Planning Commission conducted a public meeting on the Final EIR and the Proposed Project on June 17, 2004. At the meeting, the Planning Commission considered and discussed the June 17<sup>th</sup> Staff Memorandum, the Final EIR, and the Proposed Project. At the conclusion of its discussion, the Planning Commission, on a 4-1 straw vote, voted to recommend that the Board certify the Final EIR and approve the Proposed Project with specified findings and conditions of approval. PRMD staff was directed to return to the Planning Commission with a resolution reflecting the consideration and actions of the Planning Commission on July 15, 2004.

1.10 The Planning Commission adopted Resolution No. 04014 on July 15, 2004, recommending certification of the Final EIR with a statement of overriding considerations for nighttime lighting in a visually sensitive area and approval of the Proposed Project with conditions and mitigation measures.

1.11 PRMD staff prepared a memorandum to the Board on the Proposed Project, dated August 10, 2004 (“the August 10<sup>th</sup> Staff Memorandum”).

1.12 The Board conducted a duly noticed public hearing on the Final EIR and the Proposed Project on August 10, 2004. At the hearing, the Board heard and received all relevant oral and written testimony and evidence presented or filed, and considered the August 10<sup>th</sup> Staff Memorandum, the Final EIR, and the Proposed Project. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, discussed the Final EIR and the Proposed Project, and, on a 4-0-1 straw vote, voted to certify the Final EIR, make and adopt a statement of overriding considerations, adopt a mitigation monitoring program, and approve the Proposed Project, as revised by the Project Applicant at the hearing. County Counsel was directed to return to the Board with a resolution reflecting the consideration and actions of the Board. The Board has had an opportunity to review and consider the findings, determinations, declarations, and orders contained herein, and finds that they accurately set forth the intentions of the Board with respect to the Final EIR and the Proposed Project.

1.13 The General Plan Amendment is part of the third amendment of the General Plan Land Use Element for 2004. In addition to the General Plan Amendment, the changes to the General Plan included in the third amendment of the General Plan Land Use Element for 2004 are as follows:

(a) PLP 02-0090/Saunders: An amendment to the Land Use Map changing the designation on the property located at 175 Airport Boulevard, Santa Rosa, APNs 039-025-026 and 028, from Limited Commercial to Urban Residential, 9 dwelling units/acre.

(b) PLP 03-0044/Air: An amendment to the Land Use Map changing the designation on the property located at 477 West Dry Creek Road, Healdsburg, APN 089-150-016, from Resources and Rural Development, 20 acre density, to Land Intensive Agriculture, 20 acre density.

(c) PLP 04-0005/Martin: An amendment to the Land Use Map changing the designation on property located at 2490 and 2450 Sweetwater Springs Road, Healdsburg, portions of APNs 110-200-012 and 015, from Resources and Rural Development, 160 acre density, to Land Extensive Agriculture, 100 acre density.

## **SECTION 2 CEQA COMPLIANCE**

2.1 The Final EIR consists of the Draft EIR and the Response to Comments on the Draft EIR of February 2004 (“the Response to Comments”). The Board makes the following corrections and clarifications to the Final EIR:

(a) The reference to Alternative 4 on line 4 of the first full paragraph on page 9.0-217 of the Response to Comments should be to Alternative 5.

(b) The reference to Impact 5.2-4 on line 9 of the first full paragraph under “traffic and circulation” on page 9.0-223 of the Response to Comments should be deleted. Impact 5.2-4 is not an impact.

(c) The conclusion relating to Impact 5.1-1 is modified as set forth in Exhibit “A” to this Resolution.

(d) Section 3 of this Resolution contains a discussion of the General Plan, the North Sonoma Valley Specific Plan, and the Sonoma County Zoning Ordinance and this Board’s interpretation of certain policies and provisions of those plans and ordinance. The Board’s discussion in Section 3 of this Resolution is intended to clarify any contrary interpretations set forth in the Final EIR.

2.2 The Draft and Final EIRs were completed, noticed, and circulated for public review and agency review and comment in accordance with all procedural and

substantive requirements of CEQA, the State CEQA Guidelines, and the County's CEQA Ordinance.

2.3 The Final EIR constitutes an adequate, accurate, objective, and complete EIR 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.

2.4 To respond to issues raised during the Planning Commission hearings and to provide additional mitigation of impacts identified in the Final EIR, the Project Applicant made a number of revisions to the Proposed Project in the course of those hearings. The revisions, which were the subject of public comment at the August 10<sup>th</sup> Board hearing, consist of the following:

(a) The installation of center left turn lanes at the intersection of Randolph Avenue and between the entrance to Project Site and Lawndale Road (collectively "the Center Turn Lanes"). This change will reduce traffic impacts associated with the Proposed Project. An archaeological survey and a roadside biotic survey determined that the right-of-way work would not result in environmental impacts, particularly as the majority of the work will be performed within the existing right-of-way.

(b) The elimination of 10 special events per year. This change will reduce traffic and noise impacts associated with special events.

(c) The elimination of the events pavilion as a separate structure. Events will now be held inside the winery or on the winery grounds. This change will reduce the foot print of structures on the Project Site and reduce conflicts between agriculture and visitor serving uses.

(d) Combining the Art Gallery with the winery thus eliminating a freestanding building on the Project Site that was to be used as an Art Gallery. This change will reduce the foot print of structures on the Project Site and reduce conflicts between agriculture and visitor serving uses.

(e) Contribution to the Sonoma County Affordable Housing Trust Fund or payment of the affordable housing in-lieu fee then in effect. This change will provide funding for off-site affordable housing.

(f) Application of lighting standards normally used for areas with intrinsically dark landscapes. Examples of such areas include National Parks, areas of

outstanding natural beauty, and residential areas where the inhabitants have expressed a strong desire that all light trespass be strictly limited. This change will reduce visual and aesthetic quality impacts associated with nighttime lighting from the Proposed Project.

2.5 At the August 10<sup>th</sup> Board hearing, the Project Applicant made a final revision to the Proposed Project by making a voluntary, irrevocable offer to dedicate in fee the area generally north of the Los Guilicos grant line containing Sonoma Ceanothus and the surrounding chaparral and mixed evergreen forest. This change will place in public ownership and further protect all or almost all of the expanded Sonoma Ceanothus preserve shown in Exhibit 5.6-3 of the Draft EIR. The Board considers the Project Applicant's irrevocable offer an essential part of the Proposed Project and has relied on the offer in deciding to approve the Proposed Project without a condition of approval requiring the dedication. At the August 10<sup>th</sup> Board hearing, the Project Applicant also provided additional details on components of the lighting mitigation offered by the Project Applicant during the Planning Commission hearings.

2.6 The Board finds that the revisions discussed in Sections 2.4 and 2.5 of this Resolution do not constitute "significant new information" within the meaning of CEQA so as to require recirculation of the Final EIR inasmuch as the changes do not disclose any of the following:

(a) A new significant environmental impact resulting from the Proposed Project or from a new mitigation measure proposed to be implemented. All of the changes either reduce the scope of the Proposed Project, provide additional benefit without resulting in new or more severe environmental effects or further reduce impacts previously identified.

(b) A substantial increase in the severity of an environmental impact that will not be mitigated to a level of insignificance through adopted mitigation measures. Evidence in the record supports the conclusion that lighting and traffic impacts were not substantially more severe than originally identified.

(c) A feasible project alternative or mitigation measure that clearly would lessen the significant environmental impacts of the Proposed Project, but the Project Applicant will not adopt it. The Center Turn Lanes, which would lessen traffic impacts if approved by Caltrans, were proposed and agreed to by the Project Applicant.

(d) That the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that public review and comment on the Draft EIR was in effect meaningless. This is clearly not the case. The Draft EIR was very thorough.

Additional findings relating to the Board's decision that recirculation of the Final EIR was not necessary may be found in Section 2.14 of this Resolution.

2.7 During the scoping process for the Draft EIR, some environmental impacts were dismissed with "no impact" responses on the initial study for the Proposed Project, on the ground that there was no fair argument that such impacts would occur. The Board finds that there is no substantial evidence in the record that the decision made during the scoping process to dismiss such theoretical impacts was erroneous, nor is there any substantial evidence that any impact that might arguably be anticipated to occur has not been adequately examined in the Final EIR.

2.8 The Final EIR discloses that the Proposed Project poses the following environmental impacts that are less-than-significant and do not require mitigation: Impact 5.1-2 Agricultural Lands; Impact 5.1-5 Cumulative Compatibility with Adjacent Land Use Impacts; Impact 5.1-6 Growth Inducing Impacts; Impact 5.2-3 Roadway Operation with Proposed Project and No Special Events; Impact 5.2-6 Roadway Operation with Proposed Project and Average Size Event; Impact 5.2-7 Left Turn Lane Storage Demand on the Eastbound SR 12 Approach to the Project Access Road; Impact 5.2-9 Project Access Road Intersection Impacts; Impact 5.2-10 Roadway Hazards; Impact 5.2-11 SR 12/Project Access Road Intersection Safety Impacts; Impact 5.2-12 Internal Pedestrian Access; Impact 5.2-13 Emergency Access; Impact 5.3-4 Increased Peak Flows to Sonoma Creek Resulting in Increased Flooding; Impact 5.3-6 Impacts from Placing Housing/Structures in 100-Year Flood Hazard Area; Impact 5.3-7 Impacts from Inundation by Seiche, Tsunami, or Mudflow; Impact 5.4-5 Impacts to Groundwater Hydrology; Impact 5.4-6 Cumulative Impacts from Wastewater Treatment and Disposal; Impact 5.5-1 Adequacy of Water Supply; Impact 5.5-2 Impacts from the Construction of New or Expanded Water Treatment Facilities; Impact 5.5-3 Impacts to Groundwater Recharge and Aquifer Level; Impact 5.5-4 Impacts to Neighboring Wells and Springs from Well Interference; Impact 5.5-5 Cumulative Water Supply Impacts; Impact 5.5-6 Cumulative Biological Impacts; Impact 5.7-1 Impacts from Fault Rupture; Impact 5.8-1 View from State Route 12 at Lawndale Road looking North; Impact 5.8-2 View from Adobe Canyon Road looking Northwest, impact 5.10-2 Project Carbon Monoxide Impacts; Impact 5.10-3 Regional Emissions; plus potential impacts identified as not significant in Section 7.4 (Effects of No Significance) of the Draft EIR.

2.9 The Final EIR discloses that the Proposed Project poses certain significant or potentially significant adverse environmental impacts that can be mitigated to less than significant levels. Those impacts are fully and accurately summarized in Exhibit "A" to this Resolution, attached hereto and incorporated herein by this reference. The Board finds that changes or alterations have been required in, or incorporated into, the Proposed

Project through the conditions of approval imposed herein on the Inn/Spa/Restaurant, the Winery, and the Subdivision (collectively “the Conditions of Approval”) which will, in fact, mitigate those impacts to less than significant levels as set forth in Exhibit “A” to this Resolution. The Board therefore determines that the significant adverse environmental impacts of the Proposed Project summarized in Exhibit “A” to this Resolution have been eliminated or reduced to a point where they would clearly have no significant effect on the environment.

2.10 The Final EIR discloses that the Proposed Project poses certain significant or potentially significant adverse environmental impacts that, even after the inclusion of mitigation measures, may not, or cannot, be avoided if the Proposed Project is approved. Those impacts, which relate to traffic and lighting, are fully and accurately summarized in Exhibit “B” to this Resolution, attached hereto and incorporated herein by this reference.

With respect to traffic impacts, the Board finds that the significant adverse traffic impacts of the Proposed Project summarized in Exhibit “B” to this Resolution would be mitigated to less than significant levels if the mitigation measure incorporated into the Conditions of Approval providing for installation of the Center Turn Lanes is implemented. However, given that the ultimate approval of the Center Turn Lanes is within the jurisdiction of Caltrans and not the County, there is some uncertainty as to whether Caltrans will ultimately issue the permits and accept the improvements called for in the mitigation measure. Accordingly, the Board has included findings in Exhibit “B” to this Resolution that traffic impacts would potentially be significant unavoidable impacts.

With respect to lighting impacts, the Board believes that evidence in the record could support a conclusion that the significant adverse lighting impacts of the Proposed Project summarized in Exhibit “B” to this Resolution have been substantially lessened to the point where they will, in fact, be mitigated to less than significant levels by the mitigation measure incorporated into the Conditions of Approval requiring the application of lighting standards normally used for areas with intrinsically dark landscapes. The Ferguson Observatory, in the general vicinity of the Proposed Project, was satisfied that the use of these lighting standards would address potential impacts to the night sky. However, while it is clear that the required lighting standards will substantially reduce light trespass impacts, it is not certain that they would be effective enough to reduce night lighting impacts to a less than significant level. Accordingly, out of an abundance of caution, the Board determines that night lighting impacts would be significant and unavoidable.

It should be noted that the Draft EIR discloses a potential significant unmitigated land use impact associated with General Plan Objective CT 2-2. As explained in detail in Exhibit “A” to this Resolution, the Board finds that this potential impact is less than significant.

2.11 As to the significant environmental effects of the Proposed Project identified in the Final EIR and this Resolution that are not avoided or substantially lessened to a point less than significant, the Board finds that specific economic, social, or other considerations make additional mitigation of those impacts infeasible, in that all feasible mitigation measures have been incorporated into the Proposed Project, and make project alternatives infeasible. The Board further finds that it has balanced the benefits of the Proposed Project against its unavoidable environmental risks and determines that the benefits of the Proposed Project outweigh the unavoidable adverse environmental effects. The Board further determines that the unavoidable adverse environmental effects of the Proposed Project are acceptable, that there are overriding considerations which support the Board’s approval of the Proposed Project, and that those considerations are identified in Exhibit “C” to this Resolution, attached hereto and incorporated herein by this reference (“the Statement of Overriding Considerations”).

2.12 The Final EIR describes a range of reasonable alternatives. Those alternatives are fully and accurately summarized in Exhibit “D” to this Resolution, attached hereto and incorporated herein by this reference. Those alternatives, however, cannot feasibly achieve certain objectives of the Proposed Project for the reasons set forth in Exhibit “D” to this Resolution. The Board therefore determines that all of the alternatives summarized in Exhibit “D” to this Resolution are infeasible.

2.13 To ensure that the project revisions and mitigation measures identified in the Final EIR are implemented, the Board is required by CEQA and the State CEQA Guidelines to adopt a mitigation monitoring program on the revisions the Board has required in the Proposed Project and the measures the Board has imposed to mitigate or avoid significant environmental effects. The mitigation monitoring program for the Proposed Project (“the Mitigation Monitoring Program”) is set forth in the Conditions of Approval. The Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA, the State CEQA Guidelines, and the County’s CEQA Ordinance.

2.14 The Board makes the following additional findings relating to the Final EIR and its environmental determinations with respect to the Proposed Project:

(a) A number of commentors on the Proposed Project raised questions regarding the visual simulation methodology and the accuracy of the photo simulations prepared by the EIR visual consultant. In response to comments raised in connection with the Draft EIR, the County directed the EIR visual consultant to prepare a second visual analysis. The methodology of the second visual simulation is described in Master Response A in Section 9.3 of the Response to Comments. The Project Applicant was requested to provide additional information in connection with that analysis, including substantial information on proposed tree removal associated with the Proposed Project. Story poles were erected and a public site visit was conducted. In addition to the two separate visual analyses, Master Response C in Section 9.3 of the Response to Comments details the peer review of the visual exhibits prepared and submitted by opponents of the Proposed Project. Errors and mischaracterizations were identified in these exhibits which overstated the visual impacts of the Proposed Project. At the conclusion of this additional visual analysis, the Final EIR concluded and the record supports a finding that the Proposed Project will not have a significant daytime visual impact. The siting of the proposed structures, design components, and tree removal assessment information set forth in Master Response D in Section 9.3 of the Response to Comments demonstrate that daytime visual impacts have been and will continue to be mitigated to a less than significant level.

(b) Several commentors on the Proposed Project stated that the list of cumulative projects in the Draft EIR was substantially understated. Master Response E set forth in Section 9.3 of the Response to Comments reviewed and responded to these criticisms. PRMD staff reviewed the list of other projects in the vicinity of the Project Site provided by several commentors to determine the accuracy of the list of cumulative projects in the Draft EIR and reviewed PRMD files to ensure that all potential cumulative projects in the vicinity of the Project Site were reviewed. Based on the review of this information, PRMD staff determined that two additional projects should be added to the list of cumulative projects. Those two projects were added to the Final EIR and their cumulative contribution to potential impacts was discussed in revised Section 3.3 of the Draft EIR set forth in Master Response E in Section 9.3 of the Response to Comments. Nothing set forth in the revised cumulative analysis compelled recirculation of the Final EIR when measured against the standards outlined in Section 15088.5 of the State CEQA Guidelines.

Much of the discussion regarding the list of cumulative projects related to additional projects that should have been included or additional areas that should have been part of the review of potential traffic impacts. Beyond finding that the Final EIR includes all relevant projects and area, the Board finds that the Final EIR's cumulative impact analysis incorporates an assumption of growth of traffic on Highway 12 which, if

anything, overstates impacts, and that this growth factor operates as a fail safe approach that results in all potential cumulative traffic impacts being included in the analysis regardless of specific projects or areas.

(c) The Final EIR found, and the Board concurs, that traffic impacts from the Proposed Project were not significant, or are mitigated to a level of insignificance, except for left turn movements off of two intersections, during limited peak times. Traffic was a major issue of discussion at both the Planning Commission and Board hearings on the Final EIR and the Proposed Project. As a result of comments made on the traffic section of the Draft EIR, additional traffic analysis was undertaken by the EIR traffic consultant and Whitlock and Weinberger Transportation, Inc. (“the Project Applicant’s traffic consultant”) and, based on that analysis, substantial additional traffic information appears in the Response to Comments and elsewhere in the record. The additional traffic analysis resulted in the identification of a new mitigation measure for the left turn movements in the form of the Center Turn Lanes, which were included in the Proposed Project to further avoid and substantially lessen project impacts to the maximum extent feasible. The Center Turn Lanes were proposed by the Project Applicant and were discussed with Caltrans staff at a meeting that included the EIR traffic consultant, the Project Applicant’s traffic consultant, and PRMD staff. At the conclusion of that meeting, it was agreed that the proposed additional left turn mitigation would reduce all peak traffic impacts of the Proposed Project to a less than significant level if the Center Turn Lanes were constructed. Final approval of the Center Turn Lanes is vested in the jurisdiction of Caltrans. Caltrans has specifically expressed its intent to approve the Center Turn Lanes as well as its opinion that the Center Turn Lanes will not only mitigate any potential traffic impacts of the Proposed Project, but will actually improve traffic conditions. Even if Caltrans does not approve the Center Turn Lanes, any remaining traffic impacts of the Proposed Project would be limited to two intersections at discrete time periods.

Substantial evidence developed in connection with the additional traffic analysis supports the Board’s decision to not recirculate the Final EIR. The Board notes that potential archaeological and safety impacts associated with the Center Turn Lanes were analyzed. Substantial evidence in the record, in the form of an archaeological report prepared by Archaeological Services, dated June 15, 2004, and traffic reports prepared by the Project Applicant’s traffic consultant, dated March 16, 2004 and June 7, 2004, support the Board’s conclusion that no recirculation of the Final EIR is required pursuant to Section 15088.5 of the State CEQA Guidelines by virtue of the inclusion of additional traffic mitigation measure in the form of the Center Turn Lanes. With respect to the safety impacts, the Board notes that the Project Applicant’s traffic consultant’s June 7, 2004 traffic report states, in part, as follows:

Collision data published by Caltrans indicates that there is actually very limited potential for collisions in a center turn lane. In fact, statewide collision rates indicate that 3-lane roadways (typically consisting of one lane in each direction and a center turn lane) consistently have lower collision rates than a 2-lane roadway in identical surroundings. For a rural area with speeds under 55 mph, the collision rate for a 3-lane cross-section is 23% lower than is experienced on 2-lane roadways (1.00 collisions per million vehicle miles [c\mvm] versus 1.3). In suburban areas the safety benefit is more pronounced, with a 3-lane section having a collision rate of 1.30 c\mvm, which is 56% lower than the 2.95 c\mvm rate for a 2-lane section. These collision rates provide evidence that installing a center turn lane results in reduced collision frequency in areas similar to Kenwood, where the speed limit is 45 mph, not an increase.

Further, it was stated by staff of Caltrans that they would expect improved safety conditions through the installation of center turn lanes. . . Therefore, the proposed measure can be expected to result in improved safety conditions on Highway 12.

(d) A number of commentors on the Proposed Project raised questions regarding the number of automobile accidents and overall safety on State Route 12. In response to the comments, the EIR traffic consultant conducted additional traffic safety analysis, which is set forth in Master Response G in Section 9.3 of the Response to Comments. In addition to State Route 12 in general, traffic safety issues related to the Proposed Project included access design and future alcohol consumption by patrons of the Inn/Spa/Restaurant and the Winery. The Final EIR discussed the potential traffic safety impact of adding additional traffic to State Route 12 as a result of the Proposed Project. The Final EIR stated that neither the County nor Caltrans had established a standard for determining whether an incremental increase in traffic on such a roadway causes a significant traffic safety impact, nor does Appendix G to the State CEQA Guidelines identify an increase in traffic on a roadway experiencing higher than average accident rates as an environmental factor that should be analyzed in an EIR. As a result, the Final EIR stated that this impact is not typically analyzed; instead, the traffic safety impact analysis was focused on impacts related to road and intersection capacity or specific road deficiencies or safety hazards that would be caused by a project. The Final EIR concluded, on page 9.0-48 of the Response to Comments, that with the roadway improvements proposed with the Proposed Project “the Proposed Project would not create new safety hazards on the State highway.” This conclusion is supported by the Project Applicant’s traffic consultant’s June 7, 2004 traffic report quoted above as well as the Project Applicant’s traffic consultant’s March 16, 2004 traffic report which notes that “in

fact, there is no direct correlation between traffic volumes and the incidence of collisions. Further, there is no evidence that merely increasing volumes leads to more collisions.” The Board is persuaded by and agrees with the evidence contained in the Project Applicant’s traffic consultant’s traffic reports with respect to traffic safety issues, Master Response G, accident statistics, the absence of a new or substantially more severe safety impact and the absence of secondary safety impacts accompanying the proposed center turn lanes.

With respect to project access safety design issues, Caltrans responded with a letter dated September 23, 2003, stating that the schematic design drawing for the access was adequate with slight modifications, which were required. Page 9.0-50 of the Response to Comments, the Final EIR notes, and the Board concurs, that no meaningful correlation can be identified between the establishment of a new winery and restaurant and the incidence of individuals driving while intoxicated. The Board finds that substantial evidence in the record supports the Board’s conclusion that no recirculation of the Final EIR is required in connection with traffic safety issues.

(e) Commentors on the Proposed Project raised concerns regarding the description of wastewater operations and treatment. In response to the comments, Master Responses H and I in Section 9.3 of the Response to Comments supplied additional information regarding operations and treatment. Information contained in those responses confirms the Board’s conclusion that wastewater treatment and disposal infrastructure associated with the Proposed Project will mitigate potential wastewater impacts to a less than significant level. Additional discussion of these issues may be found in Exhibit “A” to this Resolution.

(f) Commentors on the Proposed Project raised substantial concerns regarding potential groundwater impacts. In response to the comments, additional analysis was conducted in connection with groundwater availability, recharge and project use. Conclusions set forth in the Draft EIR regarding a lack of significant impact were confirmed by information contained in Master Responses J and K in Section 9.3 of the Response to Comments. The responses set forth detailed groundwater level information and a cumulative groundwater assessment. Technical data in the form of groundwater logs submitted by Richard Slade at the August 10<sup>th</sup> Board hearing also confirm the absence of groundwater impacts. Anecdotal testimony regarding well failures does not support a conclusion that the water table is declining in the area of the Proposed Project. The ability of groundwater to be recharged in the Project Site is much greater than water demand associated with the Proposed Project. Additionally, even though not required as mitigation, ongoing monitoring of groundwater elevations and quantities of groundwater extracted for the Proposed Project is required by the Conditions of Approval. The totality

of information developed in the Final EIR and in the record support the determinations of less than significant impact made in both Section 2.8 of this Resolution and in Exhibit “A” to this Resolution.

(g) Comments on the Draft EIR included suggestions that an additional alternative be examined which would analyze the environmental effects associated with placing a reduced size inn on the valley floor in the location of the proposed winery. In response to these comments, an additional alternative was added to the Final EIR. That alternative, Alternative 5, was substantially similar to Alternative 4, the reduced 24 unit inn proposal without the winery, except that Alternative 5 proposed that the 24 room inn would be constructed on the valley floor in the area that was originally proposed for the winery. No recirculation of the Final EIR is required by virtue of the addition of Alternative 5 because, in part, this alternative was not considerably different from others previously analyzed in the Draft EIR. Alternative 5 was a variation on Alternative 4 and the impacts and mitigation measures associated with Alternative 5 were similar to those already analyzed in the Draft EIR. Moreover, while Alternative 5 was analyzed as a good faith response to a specific suggestion for mitigating potential impacts, the Final EIR, with or without Alternative 5, contained a range of reasonable alternatives sufficient to satisfy CEQA requirements. As discussed in Exhibit “D” to this Resolution, Alternative 5, for a variety of reasons, was ultimately determined to be infeasible. For all of these reasons, no recirculation is required in connection with Alternative 5.

2.15 The Board finds that there is no evidence in the record that the changes included in the third amendment of the General Plan Land Use Element for 2004, when considered together, would result in cumulative environmental impacts in addition to those identified in the environmental documents for the changes.

### **SECTION 3**

#### **GENERAL PLAN, SPECIFIC PLAN, AND ZONING COMPLIANCE**

3.1 Policy LU-14r was included in the text of the Land Use Element of the General Plan as a planning area policy to specifically recognize the zone change, major subdivision, and development of the Graywood Ranch approved by the Board in 1984 (“the 1984 Graywood Ranch Project”). A project complying fully with the provisions of Policy LU-14r would be deemed consistent with the Land Use Element and land use map. The Proposed Project, however, requests changes to the original concept and therefore requires a general plan amendment to be approved.

3.2 The Board notes for the record that when the General Plan and accompanying land use maps were adopted in 1989, certain errors were made in

connection with Policy LU-14r and the land use map for the Project Site. First, the text of Policy LU-14r referred to a 35 room hotel instead of the 36 room hotel approved in the 1984 Graywood Ranch Project. Second, the text of Policy LU-14r made no express reference to the restaurant approved as part of the hotel development in the 1984 Graywood Ranch Project. Third, the land use map for the Project Site designated a five acre area as Recreation and Visitor Serving instead of the 25 acre area approved as part of the 1984 project approval for the Graywood Ranch Project. Because Policy LU-14r expressly states that it is intended to accommodate the 1984 Graywood Ranch Project and based on other evidence in the record, PRMD has determined that these variances from the 1984 Graywood Ranch Project were inadvertent errors. The Board finds that these errors should be technically corrected with the General Plan amendment approved herein and that they should not be deemed to be a significant modification of the General Plan. The Board further notes that Policy LU-14r references all of the assessor parcel numbers that make up the Project Site and that Policy LU-14r specifically states, “It is the intent of the general plan to: (1) exempt these parcels from the 10 acre minimum lot size requirement of the ‘Diverse Agriculture’ land use category; and (2) allow modification of the size and location of these parcels<sup>1</sup> without further amendment of the land use map.” The Board further notes that Policy LU-14r goes on to state, “Any proposal to increase the total number of lots or the size of the hotel shall require a general plan map and/or text amendment.”

Based on the foregoing language, the Board finds that Policy LU-14r was flexible with respect to the location of the various residential, visitor serving and agricultural components of the project anticipated by the policy. Accordingly, the movement of the location of the Inn/Spa/Restaurant from the location of the hotel and restaurant approved in 1984 does not represent a significant General Plan modification wholly unanticipated by Policy LU-14r. The Proposed Project’s location of the Inn/Spa/Restaurant on the plateau does not represent a significant departure from the development specifically anticipated by General Plan Policy LU-14r. Also, with respect to the issue of alleged intensification of uses on the Project Site, the Board finds that the Proposed Project’s reduction of three residential parcels otherwise anticipated by General Plan Policy LU-14r is a reasonable exchange for the 14 additional hotel rooms and the spa and restaurant open to the public. Due to the clustered nature of the visitor serving uses, grading associated with three additional residences on the Project Site can be viewed as more intensive and disruptive to the site. In sum, the Board finds that the General Plan Amendment is consistent with the intent of Policy LU-14r and is in harmony and consistent with the remainder of the General Plan.

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<sup>1</sup> “These parcels” refer to the residential parcels, the hotel and restaurant parcel, and the winery parcel.

3.3 In Resolution No. 04014, the Planning Commission, as part of its recommendations to the Board on the Proposed Project, determined that the General Plan Amendment includes relatively minor changes from the original Policy LU-14r and reflects the general intent of that policy. The Board concurs with the Planning Commission's determination. In addition, as discussed in Section 2.10 of this Resolution and the Statement of Overriding Considerations, the Proposed Project will bring substantial benefits to the county and those benefits override and outweigh the unavoidable significant environmental impacts of the Proposed Project.

3.4 Based on the record of these proceedings, the Board deems it to be in the public interest to approve the General Plan Amendment and finds that the General Plan Amendment is consistent with the goals, objectives and policies of the General Plan. The Board further finds that the changes included in the third amendment of the General Plan Land Use Element for 2004, as specified in Section 1.10 of this Resolution, when considered together, do not alter the goals, objectives, and policies of the General Plan and that these changes are in harmony with the rest of the General Plan.

3.5 With the General Plan Amendment, the Proposed Project is consistent with the General Plan for the following reasons:

(a) The Land Use Element of the General Plan contains a specific policy for the Project Site, Policy LU-14r. The Proposed Project is consistent with the intent of that policy and, therefore, consistent with the Land Use Element.

(b) The Open Space Element of the General Plan calls for retaining the scenic character of important scenic landscape units, retaining visual/scenic character, and preserving roadside landscapes which have a high visual quality. The Proposed Project is located in a visually sensitive area as all portions of the Project Site are within either a Scenic Landscape Unit or a Community Separator, and Highway 12 is designated as a Scenic Corridor in this area by the General Plan and the State of California. The Proposed Project includes the planting of landscape screening, careful use of building materials and colors, careful architectural design and sighting, formation of an architectural review board through the homeowners association, and review of building and landscape design, lighting, parking, colors and materials, etc. by the County's Design Review Committee. As discussed in Section 2.4 of this Resolution, the Proposed Project will be subject to lighting standards normally used for areas with intrinsically dark landscapes. These standards are the most stringent ever imposed on a project in the unincorporated area of the county. The Proposed Project also includes a number of biotic preserves, including Valley Oak and riparian habitat, as well as the dedication of an open space easement over the portions of the Project Site outside the building envelopes. The

Proposed Project also includes a critical trail link set forth in the Open Space Element and provides the opportunity to expand Hood Mountain State Park. Based on the foregoing, the Board finds that the Proposed Project is consistent with the Open Space Element.

(c) The General Plan Agricultural Resources Element contains objectives and policies that are intended to limit the conflicts between agricultural uses and non-agricultural uses such as residential or commercial uses. The Proposed Project involves the placement of a visitor serving land use (the Inn/Spa/Restaurant) proximate to lands with an agricultural land use designation. The Final EIR identified this as a potential impact as guests might be subject to noise, dust, pesticide applications, and other facts of agricultural uses of the land. The Proposed Project is located on a large parcel that includes land designated for recreation and visitor serving uses. The Inn/Spa/Restaurant will be set back from the property boundary and a vegetation screen consisting mostly of evergreen trees will provide buffering from the agricultural uses on the adjacent parcel. Additionally, mitigation measures have been included in the Proposed Project to reduce the impacts related to conflicts between agricultural uses and urban uses. The Agricultural Resources Element also contains policies encouraging the promotion of agriculture and agricultural products grown in Sonoma County. The Board finds that the Winery specifically meets this policy as it directly promotes agriculture in Sonoma County. The Board also finds that the Inn/Spa/Restaurant supports agriculture by promoting tourism in Sonoma County which is focused on agriculture. The Board also finds that the Inn/Spa/Restaurant will be located on the portion of the Project Site not suitable for agricultural production. Based on the foregoing, the Board finds that the Proposed Project is consistent with the Agricultural Resources Element.

(d) The General Plan Circulation Element contains objectives and policies that call for maintaining a Level of Service C on County highways, collectors and arterials (specifically, Objective CT-2.1 and CT-2.2). The Final EIR suggested that the Proposed Project would be potentially inconsistent with General Plan Policy CT-2.2 and that, in connection with such potential inconsistency, a significant unmitigated impact would remain in relation to this General Plan Objective. The Board finds, however, that the Proposed Project is consistent with both General Plan Objectives CT-2.1 and CT-2.2 and that there is no significant environmental impact associated with these General Plan Objectives. The rationale for the Board's conclusion is set forth at the beginning of Exhibit "A" to this Resolution.

(e) The General Plan Public Facilities Element contains objectives and policies related to wastewater management in unincorporated areas of the county. These objectives focus on ensuring that wastewater management facilities are adequate to meet projected needs and are provided in a manner that preserves riparian habitats, supports

water-dependent resources, enhances recreational opportunities, and preserves and enhances water quality and the environment. Many areas of the county do not have wastewater management systems (publicly-operated wastewater collection, treatment, and disposal facilities); thus development must rely on individual septic systems and small wastewater treatment systems (privately owned and operated package sewage treatment systems). Policy PF-1i discusses the approval of new wastewater management systems and new small wastewater treatment systems in unincorporated areas of the county. Policy PF-1i provides, “Consider approval of new wastewater management systems in unincorporated areas only when it is necessary to resolve an existing public health hazard. Avoid new small wastewater treatment systems which serve multiple uses under separate ownership on separate parcels.” The Board finds that the first sentence of Policy PF-1i is inapplicable to the Proposed Project and that the proposed use of two small wastewater treatment systems to remove nitrates from the Proposed Project’s wastewater prior to disposal in conventional leach fields is consistent with second sentence of Policy PF-1i: each system planned for the Proposed Project will be located on the same parcel as the use it will serve, and only one use will be served by each system. Moreover, by pre-treating the nitrate through the use of the small wastewater treatment systems, superior groundwater protection can be achieved. It is also important to note that the Proposed Project does not include any proposal for above-ground wastewater disposal or the use of sewage ponds to store treated water. Potential odor impacts associated with these types of uses are thus avoided. Based on the foregoing, the Board finds that the Proposed Project is consistent with the Public Facilities Element.<sup>2</sup>

3.6 The Board makes the following additional General Plan, Specific Plan and Zoning findings in connection with the Proposed Project:

(a) In establishing overall County policies relating to the placement of recreation and visitor serving commercial uses in the unincorporated area, the Board specifically included criteria in the General Plan finding that lodging facilities with up to 50 rooms per site were appropriate in areas, such as the Project Site, where no public sewer or water was available. It was not the intent of the General Plan in recognizing the 1984 Graywood Ranch Project through Policy LU-14r to state or imply that 36 rooms, as opposed to 50 rooms, was the appropriate maximum number of rooms for the Project Site. Indeed, as noted in Section 3.2 of this Resolution, the text of Policy LU-14r specifically anticipates that an increase in the number of rooms might be sought. Policy LU-14r requires, however, that such an increase be pursued, as was the case with the

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<sup>2</sup> An exhaustive discussion of the Board’s interpretation of Policy PF-1i and its use of the term “avoid” in the General Plan may also be found in Resolution No. 99-1374, dated October 19, 1999.

Proposed Project, through a general plan amendment so that the propriety of the increase may be considered.

(b) An issue was raised with respect to the consistency of the Inn/Spa/Restaurant with General Plan Objective OS-1.2 (“Objective OS-1.2”), which states “Retain a rural character and promote low intensities of development in community separators. Avoid their annexation or inclusion in spheres of influence for sewer and water service providers.” No annexation or inclusion of the Inn/Spa/Restaurant Parcel in the sphere of influence of a sewer and/or water service provider is proposed as part of the Proposed Project. To the extent that any portion of the Inn/Spa/Restaurant Parcel is located within the Northeast Santa Rosa Community Separator (“the Community Separator”), its location does not contravene Objective OS-1.2 because the Proposed Project is within the numerical range of visitor serving units allowed in rural areas by the General Plan, and is substantially similar, in terms of intensity, to the 1984 Graywood Ranch Project. Moreover, given the size of the Project Site and the Proposed Project’s preservation of open space outside of designated building envelopes, the Proposed Project’s coverage of the Project Site constitutes a low intensity of development. Additionally: (i) the number of residential parcels anticipated by Policy LU-14r has also been reduced to offset the increase in the size of the Inn; (ii) the area of visitor serving commercial has actually been reduced by 5 acres from that area specifically anticipated by LU-14r; and (iii) the design of the Inn/Spa/Restaurant and its coordination with the Winery (and its country store selling primarily Sonoma County agricultural products) maintains the rural character of the Project Site. Wineries are very much part of the Sonoma County’s rural environment. Therefore, the Board finds the Proposed Project consistent with Objective OS-1.2.

(c) An issue was raised with respect to the consistency of the Inn/Spa/Restaurant with General Plan Policy OS-1b (“Policy OS-1b”), which states, in pertinent part, “Avoid commercial or industrial uses in community separators other than those which are permitted by the agricultural or resource land use categories, . . . .” Policy OS-1b uses the word “avoid,” not “prohibit.” That change was made throughout the General Plan when it was adopted in 1989. The Board has previously found that the General Plan’s use of the word “avoid” does not constitute a mandatory prohibition. The Board reaffirms that finding here. Additionally, when the General Plan was adopted in 1989, a portion of the Project Site was designated Recreation and Visitor Serving Commercial even though it was within the Community Separator. Moreover, Policy LU-14r specifically contemplated uses of the nature now proposed by the Inn/Spa/Restaurant. Therefore, the Board finds the Proposed Project consistent with Policy OS-1b.

(d) An issue was raised with respect to the consistency of the Inn/Spa/Restaurant with General Plan Policy OS-1c (“Policy OS-1c”). Policy OS-1c allows additional or varied development within community separators on a case by case basis if certain criteria are met. The Proposed Project, however, does not seek “additional or varied development” within a community separator since the underlying land use designation would accommodate the intensity and density of development proposed. (The recreation and visitor serving commercial designation allows lodging facilities with up to 50 rooms per site.) As a result, the Project Applicant has not sought and did not need to seek to use Policy OS-1c for the Proposed Project. The Proposed Project does not need to rely on Policy OS-1c to be approved. Therefore, the Board finds Policy OS-1c inapplicable to the Proposed Project.

(e) An issue was raised with respect to the consistency of the Inn/Spa/Restaurant with General Plan Objective OS-2.1, which states “Retain a rural, scenic character in scenic landscape units with very low intensities of development. Avoid their inclusion within spheres of influence for public service providers.” A portion of the Inn/Spa/Restaurant Parcel will be located within the scenic landscape unit on the Project Site. However, the intensification of use associated with the Inn/Spa/Restaurant’s additional 14 rooms and spa and restaurant for inn guests and the public is offset by the Proposed Project’s reduction of three residential units that would have otherwise been allowed under Policy LU-14r. Moreover, as stated in the March 18<sup>th</sup> Staff Report, the proposed location of the Inn/Spa/Restaurant is on rocky soils unsuitable for agriculture. Thus, the location of the Inn/Spa/Restaurant within the scenic landscape unit furthers General Plan goals relating to agriculture by placing the commercial use on soils not appropriate for agriculture. Additionally, the design of the Proposed Project maintains the rural and scenic character of the Project Site. Two separate visual analyses were done concluding that County open space goals were not impugned. Lastly, the size of the Inn/Spa/Restaurant, 50 rooms, is specifically contemplated by overall General Plan policies relating to the placement of recreation and visitor serving commercial uses in unincorporated areas not served by public sewer and water. Since the Project Site already has a recreation and visitor serving commercial designation, development of a 50 room inn on the Project Site may be considered to be in harmony with other General Plan goals and objectives. Therefore, the Board finds the Proposed Project consistent with Objective OS-2.1. It should also be noted that the area of recreation and visitor serving commercial has actually been reduced by 5 acres from that area specifically anticipated by LU-14r. Last, due to the low percentage of the area actually being developed on the Project Site, the Proposed Project may be considered to be a very low intensity of development for purposes of Objective OS-2.1.

(f) An issue was raised with respect to the consistency of the Proposed Project with General Plan Policy OS-2c (“Policy OS-2c”). Policy OS-2c allows additional residential development within scenic landscape units on a case by case basis if certain criteria are met. As is the case with Policy OS-1c, the Proposed Project does not request “additional residential development” within a scenic landscape unit. The density of the Project Site was established by the land use map and land use categories. The Proposed Project does not need to avail itself of the benefits of Policy OS-2c to be approved. Therefore, the Board finds Policy OS-2c inapplicable to the Proposed Project.

(g) An issue was raised as to whether the Inn/Spa/Restaurant component of the Proposed Project contravenes the General Plan open space policies and corresponding sections of the Zoning Ordinance relating to avoidance of ridgeline development. The General Plan defines a ridgeline as “a line connecting the highest points along a ridge, and separating drainage basins or small scale drainage systems from one another.” Evidence in the record in the form of a letter from the Geoservices Group, dated August 9, 2004, indicates that the plateau upon which the Inn/Spa/Restaurant is to be located is not a “ridgeline” as that term is defined by the General Plan. The Final EIR is of accord. On page 4.0-13, the Final EIR states that “no part of the development is seen at or above the ridgeline.” The Board, in interpretation of the General Plan, finds that the plateau area is not a ridgeline. The ridgeline lies to the north, well beyond the plateau area. The provisions of the General Plan and Zoning Ordinance prescribing the avoidance of ridgeline development are intended to apply to projects that daylight above ridgelines into the sky. Therefore, the Board finds that the Inn/Spa/Restaurant component of the Proposed Project does not contravene the General Plan open space policies and corresponding sections of the Zoning Ordinance relating to avoidance of ridgeline development.

(h) An issue was raised as to whether the Inn/Spa/Restaurant component of the Proposed Project contravenes General Plan Policies AR-5e and AR-6g (“Policy AR-5e” and “Policy AR-6g,” respectively) due to the intensification of uses on the Project Site over the 1984 Graywood Ranch Project. On pages 4.0-19 and 4.0-20 of the Draft EIR, Policies AR-5e and AR-6g were discussed. That discussion erroneously assumed that wineries were either “commercial” or “visitor serving” uses for purposes of Policies AR-5e and AR-6g which led to erroneous conclusions regarding whether there was a concentration of such uses on site and in the area. The winery portion of the Proposed Project should not be considered as a commercial use for purposes of concluding that a concentration of commercial uses exist on the Project Site. Similarly, neither the onsite winery nor any of the wineries listed in the discussion on page 4.0-20 should be considered as “visitor serving” uses for purposes of concluding that a concentration of such uses exist. The Board has consistently construed its land use

regulations to conclude that wineries are agricultural uses, not visitor serving commercial uses. This conclusion is supported by Section 2.3.4 of the General Plan and Section 26-42-020 of the County's Zoning Ordinance. Wineries are allowed in agricultural land use categories; they are not included in General Plan policies or zoning regulations relating to recreation and visitor serving commercial uses. Wineries process agricultural products and are considered agricultural uses, regardless of whether they are accompanied by a tasting room. On this basis, the Board concludes that the Draft EIR erroneously stated that there was a concentration of commercial uses on the Project Site and a concentration of visitor serving uses in the area. The Proposed Project does not contravene Policies AR-5e and AR-6g.

Additionally, the Board concludes that even if there were a local concentration of commercial uses for purposes of Policy AR-5e, Policy AR-5e states that such uses should be avoided, not prohibited. The placement of the proposed recreation and visitor serving commercial uses on soils not suitable for agriculture is warranted given all of the benefits of the Proposed Project as set forth in the Statement of Overriding Considerations. The text of Section 2.6 of the General Plan also recognizes the importance of allowing specific, limited visitor serving uses in agricultural areas. Additionally, Policy AR-6g does not require denial of a project even if contravened. For all the reasons discussed above, the Board concludes that the Proposed Project should be approved notwithstanding the cautionary concerns expressed in Policies AR-5e and AR-6g.

(I) The March 18<sup>th</sup> Staff Report states that the placement of a winery on agriculturally designated land constitutes "additional development" requiring the imposition of an open space easement "over the entire property." The Board disagrees. Wineries are considered agricultural facilities. No easement is required in connection with the placement of a winery on agriculturally designated land. Therefore, the Project Applicant's offer to place an open space easement over the Winery Parcel as part of the Proposed Project is not required by the General Plan or other County policies. The proposed easement is a public benefit. Wineries are not recreation and visitor serving commercial uses; they are agricultural facilities as contemplated by the General Plan Agricultural Resources Element.

(j) The March 18<sup>th</sup> Staff Report states that PRMD staff has interpreted Section 26-64-020(b) to require that structures in scenic landscape units be screened "completely" from public view. The Board disagrees with PRMD staff's interpretation. The Board finds that complete screening is not necessary. The Board further finds that the appropriate standard is "substantially screened." The Board further finds that the substantial screening of the Inn/Spa/Restaurant required by the Conditions of Approval conforms to County requirements.

(k) The placement of the Inn/Spa/Restaurant on the plateau does not, in the Board's opinion, constitute an intensification of land use contravening General Plan open space policies. In fact, the Proposed Project reduces the actual recreation and visitor serving commercial acreage from 25 to 20 acres. The relocation of the site of the Inn/Spa/Restaurant from that approved as part of the 1984 Graywood Ranch Project, the expansion from 36 to 50 rooms, and the spa and public restaurant components do not, when measured against the accompanying reduction in residential density, constitute an intensification of use in violation of open space policies.

(l) General Plan Objective CT-2.1 allows levels of service lower than "C" where the County determines that a lower level of service is acceptable due to "environmental or community values existing in some portions of the County or where the project which would cause the lower level of service has an overriding public benefit which outweighs the increased congestion that would result." As more completely explained at the outset of Exhibit "A" to this Resolution, the benefits associated with the Proposed Project, as set forth in the Statement of Overriding Considerations, and the environmental and community values existing in the Sonoma Valley all independently support a finding of consistency with the General Plan Circulation and Transportation Element notwithstanding a level of service lower than C in that area.

(m) The Board finds that the special events authorized by the Winery Use Permit are consistent with General Plan policies governing agriculturally designated lands. Special events promote agricultural tourism which, in turn, strengthens the agricultural economy.

(n) The Board finds that the country store authorized by the Winery Use Permit is consistent with the Project Site's underlying agricultural land use designation given the requirement that 90% of the store's retail floor area must be devoted to Sonoma County agricultural products.

(o) General Plan Policy HE-4c ("Policy HE-4c") states that, as part of the forthcoming General Plan update, the Board must "consider amending General Plan and Zoning designations in order to increase opportunities for recreational and visitor serving uses, thus increasing County transient occupancy tax (TOT) revenues." Policy HE-4c goes on to state that these funds can be allocated to include, among other things, "a broad array of Housing Element programs that address needs identified in this Element." Since the Board has stated in the General Plan Housing Element that it wishes to consider more, not less, recreation and visitor serving sites, it is particularly important to effectively utilize the sites that currently exist. The development of the Project Site at 50 units is consistent with overall policies in the General Plan relating to recreation and

visitor serving commercial uses in unincorporated areas not served by public sewer and water. The failure to maximize the benefit associated with the Proposed Project would frustrate the County's desire to increase TOT revenues to underwrite a variety of County programs including parks, trails, and affordable housing.

(p) General Plan Policy LU-1a ("Policy LU-1a") calls for the repeal of the North Sonoma Valley Specific Plan and the review and updating of development guidelines contained therein as local area development guidelines. However, the County has not yet complied with Policy LU-1a's directive. Policy LU-1a goes on to state that until such a time that updated development guidelines are adopted, "any policies contained in [the North Sonoma Valley Specific Plan] shall continue to apply provided they are consistent with the General Plan." Given the language in Policy LU-1a, the General Plan is clearly the controlling document relating to land use consistency. The Proposed Project is consistent with the General Plan. Any ostensible policies set forth in the North Sonoma Valley Specific Plan that would frustrate the consistency determination made by the Board herein would not control.

In addition, the Board concurs with the Final EIR's analysis that the Proposed Project is, with the Specific Plan Amendment and identified mitigation, consistent with the North Sonoma Valley Specific Plan. The Board finds that the photo simulations have demonstrated that due to careful siting and other visual mitigation, the views of the Proposed Project do not contravene Goal D of the North Sonoma Valley Specific Plan. Placing the Inn/Spa/Restaurant on soils not suitable for agricultural production furthers Goal B of the North Sonoma Valley Specific Plan as does the placement of the residential units together off of the agriculturally suitable valley floor. The Board also notes that the North Sonoma Valley Specific Plan was adopted in 1980 and that the subdivision, winery, inn, and restaurant approved as part of the 1984 Graywood Ranch Project were found to be consistent with the North Sonoma Valley Specific Plan at that time. The Board also notes that the North Sonoma Valley Specific Plan, although loosely entitled a "specific plan," is not in fact a "specific plan" as that term is contemplated by the State Planning and Zoning Law.

3.7 In Resolution No. 04014, the Planning Commission, as part of its recommendations to the Board on the Proposed Project, determined that the Zoning Amendment was consistent with the policies for designating lands as DA (Diverse Agriculture) and K (Recreation and Visitor Serving). The Planning Commission further determined that locating the Inn/Spa/Restaurant on the plateau is appropriate as it locates this use out of the prime agricultural soils area. Alternatives reducing the scale of the Proposed Project and siting it on the valley floor were determined to be infeasible as the designated area could not accommodate all elements of the Proposed Project, or the

alternatives did not meet the project objectives. The Board concurs with the Planning Commission's determinations. The Board notes that the actual area zoned K (Recreation and Visitor Serving Commercial) by the Proposed Project is five acres less than the area which would have otherwise been approved in connection with the technical corrections to conform to the 1984 Graywood Ranch Project. The Board further notes that the lands zoned K (Recreation and Visitor Serving Commercial) by the Proposed Project have access to a State maintained arterial highway, are outside of lands suitable for agricultural production, and do not constitute an impermissible cluster of recreation and visitor serving commercial uses in the area. Based on the record of these proceedings, the Board deems it to be in the public interest to approve the Zoning Amendment.

3.8 With the General Plan Amendment, the Inn/Spa/Restaurant Parcel is designated Recreation and Visitor Serving Commercial and the Inn/Spa/Restaurant is expressly authorized by Policy LU-14r, as amended. Uses permitted in the Recreation and Visitor Serving Commercial land use category include indoor lodging, restaurants, and other uses oriented to the needs of visitors. The Inn/Spa/Restaurant is, therefore, consistent with the Recreation and Visitor Serving Commercial land use category's permitted uses.

3.9 With the Zoning Amendment, the Inn/Spa/Restaurant Parcel is zoned K (Recreation and Visitor Serving Commercial). Hotels, motels, and similar lodging facilities with a maximum of 200 rooms in designated urban service areas, 100 rooms in rural areas served by public sewer, and 50 rooms in all other areas are a conditional use (i.e., a use requiring a use permit with conditions of approval) in the K (Recreation and Visitor Serving Commercial) zoning district. The Inn/Spa/Restaurant is, therefore, consistent with the K (Recreation and Visitor Serving Commercial) zoning district's permitted uses.

3.10 With the General Plan Amendment, the Winery Parcel is designated Diverse Agriculture and the Winery is expressly authorized by Policy LU-14r, as amended. Uses permitted in the Diverse Agriculture land use category include agricultural production, agricultural processing, and visitor serving uses. The Winery is, therefore, consistent with the Diverse Agriculture land use category's purpose and permitted uses.

3.11 With the Zoning Amendment, the Winery Parcel is zoned DA (Diverse Agriculture). Processing of agricultural products of a type grown or produced primarily on site or in the local area, and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6g, are conditional uses (i.e., uses

requiring a use permit with conditions of approval) in the DA (Diverse Agriculture) zoning district. The Winery is, therefore, consistent with the DA (Diverse Agriculture) zoning district's permitted uses.

3.12 The establishment, maintenance, and operation of the uses and facilities included in the Proposed Project, as conditioned 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. The circumstances of this particular case are:

(a) The types of uses included in the Proposed Project were anticipated by the General Plan, and policy and land use designations were established to allow a similar type of project in this area.

(b) The Inn/Spa/Restaurant Use Permit and the Winery Use Permit will, as conditioned, provide for comprehensive control of the uses at the Project Site and incorporate all of the mitigation measures identified in the Final EIR to ensure that environmental quality is maintained. The use permit conditions include limits on the number and size of events, requirements for noise control, control of surface runoff, wastewater treatment and disposal, landscaping and design of facilities, design review of all development, control of nighttime lighting, mitigation of biological impacts, and ongoing monitoring. The Board notes that the standards for controlling nighttime lighting utilize sophisticated lighting criteria used in National Parks. The Board further notes that the County has never taken the position in the past, and the Board does not take the position now, that the mere introduction of a light source into an area in which no source previously existed would constitute an impact justifying denial under the general welfare standard.

(c) The country store authorized by the Winery Use Permit is appropriate given its proximity to and integration with the Winery.

(d) The mitigation measures for the Proposed Project include installation of highway improvements in the vicinity of the Project Site that address traffic and circulation effects. If, as expected, Caltrans approves the installation of the Center Turn Lanes, the Proposed Project will have a material beneficial effect on traffic and circulation in the area. Evidence in the record indicates that there have been a significant number of rear-end collisions in the area of the Proposed Project. Installation of the Center Turn Lanes will provide a safety area for cars waiting to make left hand turns, decreasing the likelihood of rear-end collisions. Additionally, evidence submitted in the Project Applicant's traffic consultant's March 16, 2004 and June 7, 2004 traffic reports

supports the conclusion that the Center Turn Lanes will not result in additional safety impacts and that the use of the Center Turn Lanes as proposed will result in a positive contribution to traffic and circulation in the area of the Proposed Project. The Board concurs with these conclusions. Even if, for any reason, the Center Turn Lanes are not installed, remaining traffic improvements required of the Proposed Project are sufficient to conclude that the Proposed Project does not contravene the general welfare standard as a result of the minimal potentially significant impacts identified in Exhibit “B” to this Resolution.

(e) The Project Applicant has proposed and the mitigation measures have been expanded to preserve areas for the following biotic resources: Valley Oaks, narrow-anthered California brodiaea, Sonoma ceanothus , native grasslands, and the riparian corridor. These measures ensure protection of the sensitive plant species found in these specialized habitat areas. Ongoing funding mechanisms required of the Proposed Project will ensure the perpetual care of these sensitive biotic areas.

(f) The Project Site will be subject to an Open Space Easement which will preclude any additional development and any development outside of the building envelopes.

#### **SECTION 4 SUBDIVISION MAP ACT AND COUNTY SUBDIVISION ORDINANCE COMPLIANCE**

4.1 The Board finds that the grounds for denial of tentative subdivision maps set forth in Government Code Section 66474 are not applicable to the Subdivision, as conditioned by the Conditions of Approval. Specifically, the Board finds as follows:

(a) With the General Plan Amendment, the Specific Plan Amendment, and the Conditions of Approval, the Tentative Map is consistent with the General Plan and the North Sonoma Valley Specific Plan.

(b) The Tentative Map’s design and the Subdivision’s improvements are consistent with the General Plan and the North Sonoma Valley Specific Plan. The topography of the Project Site is such that the residential dwelling units on the 11 lots can be effectively screened from public view and developed in accordance with County open space and other policies. Similarly, as discussed in detail elsewhere herein, the development on the Inn/Spa/Restaurant Parcel and the Winery Parcel is consistent with the General Plan and the North Sonoma Valley Specific Plan.

(c) The Project Site is physically suitable for the type of development proposed by the Subdivision. Given the size of the Project Site and its topographic considerations, it can accommodate residential, commercial, and agricultural uses. Adequate water is available to serve all of the proposed uses and the Project Site can accommodate wastewater generated by all components of the Proposed Project.

(d) The Project Site is physically suitable for the density of development proposed by the Subdivision. The residential density of the Proposed Project is actually less than that anticipated by Policy LU-14r.

(e) As discussed in detail elsewhere herein, the Tentative Map's design and the Subdivision's improvements are not likely to cause substantial environmental damage or substantially or unavoidably injure fish or wildlife or their habitat.

(f) The Tentative Map's design and the Subdivision's improvements are not likely to cause serious public health problems. The Proposed Project's unavoidable significant impacts, which relate to visual and aesthetic quality and to traffic and circulation, are not the types of impacts that will cause serious public health problems.

(g) The Tentative Map's design and the Subdivision's improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the Subdivision. No easements of record have been identified or easements established by a judgment of a court of competent jurisdiction.

(h) The Subdivision meets the housing needs of the county and the public service needs of the Subdivision's residents. The public service needs of the Subdivision's residents are within the available physical and environmental resources of the affected service providers as discussed elsewhere herein.

4.2 The Board finds that the Tentative Map, as conditioned herein, complies with the County Subdivision Ordinance.

## **SECTION 5 EVIDENCE IN THE RECORD**

5.1 In making the findings and determinations set forth in Sections 1 through 4 of this Resolution and in Exhibits "A" through "D" to this Resolution, the Board, on occasion, references specific evidence in the record. No such specific reference is intended to be exclusive or exhaustive. Rather, the Board has relied on the totality of the evidence in the record of these proceedings in reaching its decisions herein.

**NOW, THEREFORE**, based on the foregoing findings and determinations and the record of these proceedings, the Board hereby 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 Final EIR is adopted and the Board of Supervisors certifies as follows:

(a) The Final EIR has been completed in compliance with CEQA.

(b) The Final EIR was presented to the Board and the Board reviewed and considered the information contained in the Final EIR prior to approving the Proposed Project.

(c) The Final EIR, as amended herein, reflects the independent judgment and analysis of the Board.

3. The Statement of Overriding Considerations is adopted as made in Section 2.10 and Exhibit “C” to this Resolution.

4. PRMD is directed to file a notice of determination in accordance with CEQA and the State CEQA Guidelines.

5. The Proposed Project is approved as follows:

(a) The General Plan Amendment is approved as a part of the third amendment of the General Plan Land Use Element for 2004.

(b) The Specific Plan Amendment is approved.

(c) The Zoning Amendment is approved by Ordinance No. 5520.

(d) The Inn/Spa/Restaurant Use Permit is approved, subject to the conditions of approval set forth in Exhibit “E” to this Resolution, attached hereto and incorporated herein by this reference.

(e) The Winery Use Permit is approved, subject to the conditions of approval set forth in Exhibit “F” to this Resolution, attached hereto and incorporated herein by this reference.

(f) The Subdivision is approved, subject to the conditions of approval set forth in Exhibit "G" to this Resolution, attached hereto and incorporated herein by this reference.

6. The Board hereby accepts the Project Applicant's irrevocable offer to dedicate in fee the area generally north of the Los Guilicos grant line containing Sonoma Ceanothus and the surrounding chaparral and mixed evergreen forest. A deed to this area will be executed and delivered prior to the issuance of a certificate of occupancy for the Inn/Spa/Restaurant.

7. The Mitigation Monitoring Program, as set forth in Exhibits "E," "F," and "G" to this Resolution, is adopted. PRMD is directed to undertake monitoring in accordance with Mitigation Monitoring Program to ensure that required project revisions and mitigation measures are complied with during project implementation.

8. The Clerk of the Board of Supervisors 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:**

**BROWN\_\_\_\_\_ KERNS\_\_\_\_\_ SMITH\_\_\_\_\_ KELLEY\_\_\_\_\_ REILLY\_\_\_\_\_**

**AYES   5   NOES \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT \_\_\_\_\_**

**SO ORDERED.**

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

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

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

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

**BUILDING:**

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

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

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

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

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

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

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

*Impact 5.7-3*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Impact 5.7-10.*

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

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

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

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

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

**DRAINAGE:**

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

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

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

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

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

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

15. Parking construction equipment over drip pans or absorbent materials, to capture dripping oil and/or other possible pollutants.
- b. Also required under the General Permit is the development and implementation of a monitoring program. The monitoring program shall include inspections (by a qualified professional appointed by the applicant/owner) of the construction site prior to anticipated storm events and after actual storm events. During storm events of extended duration, inspections shall be made during each 24-hour period. The inspections are used to identify areas contributing to storm water discharge, to evaluate the effectiveness of BMPs, and to determine whether additional BMPs or corrective maintenance are needed. All corrective maintenance and BMPs shall be made as soon as possible (provided working conditions are safe), and all necessary equipment, materials, and workers shall be available for rapid response. The SWPPP shall also include post-construction storm water management practices. Post-construction water quality impacts are mitigated under Mitigation Measure 5.3-2.
- c. The applicant shall obtain a County General Grading Permit for all components of the project from the Sonoma County Permit and Resource Management Department. The grading plan shall adhere to current Uniform Building Code and County of Sonoma requirements and shall employ sound construction practices. The amount of total grading on the project site shall be minimized, and the amount of development and grading for sloping areas of the project site shall be reduced. Pier foundations shall be used for structures where this could substantially reduce construction grading.
- d. The applicant's drainage plan shall include a County-approved erosion and sediment control plan to minimize the impacts from erosion and sedimentation during construction of all elements of the project. The drainage plan can be reviewed by the PRMD at the same time as the grading plan. The applicant will be responsible for obtaining coverage under the NPDES General Permit prior to commencement of construction activities. To obtain coverage, the applicant must file a Notice of Intent with the SFBWQCB. In addition, coverage under this permit shall not occur until the applicant develops an adequate SWPPP for the project. The applicant would also be responsible for obtaining County permits. Applicant shall submit a copy of the NOI, SWPPP, and erosion control plan to County at time of grading permit applications. This plan should conform to all standards adopted by the County. Many elements of the drainage plan would overlap with the SWPPP. This plan should include application of Best Management Practices, including, but not limited to, the following:
  1. Site construction practices including restricting grading to the dry season, specifying construction measures that minimize exposure of bare soil to rainfall, winterization, traffic control, and dust control.
  2. All improvement plans showing development within 100 feet of a stream course shall show a setback line along that waterway that shall be measured from the toe of the stream bank outward a distance of  $2 \frac{1}{2}$  times the height of the stream bank plus 30 feet, or 30 feet from the top of bank, whichever distance is greater. No grading, building, or other development permit shall be issued until evidence is submitted and approved by the PRMD Drainage Review Section that all structures meet or exceed the required setback along the waterway, unless it can be demonstrated to the satisfaction of PRMD and the Department of Fish & Game that a lesser setback will result in less impact to native vegetation or substantially less grading of steep and erodible slopes.
  3. Existing wetlands and the riparian setback shall be delineated on the Final Map as well as on the construction plans.
  4. Designing the access roads to use the minimum amount of grading necessary. Road grading and construction within 100-feet of all streams and major drainages shall be conducted

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

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

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

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

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

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

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

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

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

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

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

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

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

## HEALTH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36. Prior to building occupancy, all wastewater plumbing shall be connected to a sewage disposal system that has been constructed under permit for the proposed use by the Well and Septic Section of the Permit and Resource Management Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c) Disclosure Statements

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

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

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

(d) Monitoring Reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Impact 5.4-4.*

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

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

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

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

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

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

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

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

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

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

Limit exceptions to the following:

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

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

#### **PUBLIC WORKS:**

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

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

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

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

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

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

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

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

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

(1) Widen Randolph Avenue sufficiently to provide a right turn lane. Review design of the improvement with the Kenwood Fire Protection District to ensure adequate access and, if necessary, adequate alternative parking is provided.

(2) Widen Lawndale Road to provide a second northbound approach lane to SR 12.

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

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

(1) Prohibit parking of construction vehicles anywhere other than on-site.

(2) Plan for clean-up of any spills or debris along the construction truck delivery route.

(3) Prohibit parking within the dripline of oak trees and installation of protective fencing prior to issuance of grading, building or septic permits. *Impact 5.2-15.*

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

**Operational Conditions:**

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

67. No parking will be allowed along Highway 12.

**REGIONAL PARKS:**

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

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

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

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

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

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

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

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

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

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

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

**Operational Conditions:**

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

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

**DEPARTMENT OF EMERGENCY SERVICES:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PLANNING:**

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

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

Special events at the winery facility shall be restricted to:

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

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

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

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

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

88. Prior to issuance of permits, the applicant shall submit to the Permit and Resource Management Department a deposit of \$1,678 towards the cost of monitoring compliance with conditions and Mitigation Monitoring. PRMD staff will provide an estimate of costs at the time of application for building permits.
89. This "At Cost" entitlement (PCAS # 6314) is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
90. The applicant shall include these conditions of approval on a separate sheet(s) of blueprint plan sets to be submitted for building, grading and septic permit applications.
91. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a right-to-farm declaration on a form provided by PRMD.  
*Impact 5.1-4*
92. A declaration shall be recorded on the property to notify potential future buyers of the Inn or Winery parcels that they will be required to provide employees for the winery with the following notification at the time of hire: *Impact 5.1-4.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All lamps over 10 watts shall be fully shielded.

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

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

Maximum wattage of any lamp bulb shall be 100 watts.

*Impact 5.8-4*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Operational conditions:**

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

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

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

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

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

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

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

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.