



## **COUNTY OF SONOMA**

### **PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

## **MEMO**

**Date:** April 16, 2015

**To:** Board of Zoning Adjustments

**From:** Traci Tesconi, Project Planner III

**Subject:** PLP05-0062; 4304 Dry Creek Road, Healdsburg  
Hale Winery and Tasting Room  
Continued public hearing

On February 19, 2015, a public hearing was held for the above referenced project before the Board of Zoning Adjustments. At the public hearing, public testimony was taken and the public hearing was closed. After discussion amongst the Planning Commissioners, it was decided that the applicant needed to provide additional on-site parking spaces to adequately accommodate guest vehicle parking during the agricultural promotional and industry-wide events. The item was continued to April 16<sup>th</sup> at 1:05 p.m. to evaluate the new parking plan and related noise information, as discussed below. It is recommended that the Board of Zoning Adjustments open the public hearing on the new information and after considering the testimony received take a final vote on the proposed project.

In this packet, please find the modified draft Conditions of Approval in both legislative format to easily identify the changes from the last hearing, as well as, a clean version to proceed with an action. Also, attached is the revised draft Resolution.

#### **Issue # 1: Additional On-Site Parking Spaces**

At the February 19, 2015 public hearing, the BZA directed the applicant to provide at least 40 parking spaces on the project site to accommodate the parking needs for agricultural promotional events and industry-wide events.

A revised Site Plan has been provided by the applicants' engineer, Atterbury & Associates, depicting 17 standard parking spaces and one handicap accessible parking spaces near the entrance of the tasting room, and 48 standard parking spaces in the front portion of the project site (Exhibit E). On-site parking provides a total of 65 standard parking spaces and one handicap accessible parking space. The four designated parking areas at the entrance of the tasting room will be improved with asphalt concrete with the remaining parking areas improved with decomposed granite.

W-Trans provided a letter, dated March 31, 2015, which states that they reviewed the new parking plan and concluded that adequate on-site parking can be provided to accommodate guest and employee parking requirements for even the largest events with 100 guests on the site at a given time (Exhibit J).

Staff recommends that the parking on site be limited to a total of 46 standard parking spaces and one-handicap parking space for several reasons. First, providing on-site parking to accommodate at least 40 guest vehicles and 6 employee vehicles is consistent with the Board of Zoning Adjustments' direction to the applicant at the previous hearing held on February 19<sup>th</sup>. Secondly, the removal of vines should be kept at a minimum in agricultural zones and land under a Land Conservation Contract, and parking areas within a scenic corridor should be limited in size.

## **Issue # 2: Additional Noise Assessment**

Illingworth and Rodkin reviewed the new parking plan for the proposed winery project. The expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 60 dBA L08 at the nearest receptor to the north (Residence 1) and 66 dBA L08 at the nearest receptor to the south (Residence 2). No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required. Illingworth and Rodkin explains that the noise sources such as engine starts and door slams would generate noise levels that would range from about 50 to 60 dBA at a distance of 50 feet. The predicted noise levels from these same sources would range from 44 to 54 dBA at a distance of 95 feet. Parking lot noise levels would be less than the adjusted daytime NE-2 noise level limit for sounds occurring between 5 minutes and 15 minutes in any one-hour period (L08 noise limit).

In addition, Illingworth and Rodkin addressed the slight changes to the Sonoma County General Plan Table NE-2 noise limits since 2006 and to address any new or substantially different noise impacts resulting from the noise assessment study prepared for the proposed winery project. The base noise limits for L50, L25, L08, and L02 have remained unchanged since 2006. The primary difference between the current noise limits as compared to the limits used in the 2006 noise analysis is due to the adjustment process. In 2006, the applicable standards in Table NE-2 were reduced by 5 dBA if the standards exceeded the ambient noise level by 10 or more decibels. The current protocol is to reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels. This results in a very subtle difference between the current assessment's methodology versus the 2006 assessment's methodology. Illingworth and Rodkin concludes that the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors.

## **Issue # 3: Elimination of the second vehicle-crossing of the seasonal stream**

At the February 19, 2015 public hearing, the BZA discussed whether the second seasonal stream vehicle-crossing was necessary for on-site circulation purposes

since there will be a driveway providing vehicle access to the winery and tasting room entrance. The applicants' engineer re-evaluated the on-site vehicle circulation. It was determined that the second vehicle stream crossing could be eliminated from the project site without impairing on site vehicle circulation (refer to Revised Site Plan – Exhibit B).

#### **Issue # 4: Modifications to the Draft Conditions of Approval**

At the February 19, 2015 public hearing, the BZA discussed the following project components and due to their concerns recommended changes to the draft conditions of approval, as discussed below:

Seasonal stream: The seasonal stream that bisects the front portion of the project site is in poor condition and restoration of its banks is needed. At the public hearing staff discussed that for the proposed vehicle stream crossing, permits are required from PRMD, as well as, the North Coast Regional Water Quality Control Board and California State Fish and Wildlife Department (refer to Condition No. 80). The applicants' engineer has met with the Regional Board staff and part of the Permit requirement is improving and restoring the stream bank. However, to ensure the necessary improvements to the stream banks are completed, the Draft Conditions of Approval have been modified to add the following Condition:

***Condition No. 90:*** *Prior to final or temporary occupancy of the winery and tasting room building, the applicant shall restore and improve the banks of the seasonal stream located in the front portion of the project site, subject to review and approval of all necessary permits by the State Department of Fish and Wildlife and North Coast Regional Water Quality Control Board.*

Weddings: The BZA also discussed that the proposed weddings were not considered agricultural promotional and recommended the two weddings be eliminated from the project. The Draft Conditions of Approval have been modified to eliminate the listing and discussion of weddings for the project site.

Outdoor amplified music: The BZA discussed that allowing outdoor amplified music at the project site would be a nuisance to nearby neighbors, even with the use of a sound-limiter on the winery's amplification system to maintain noise levels within the daytime noise level limits specified in the General Plan. The Draft Conditions of Approval have been modified to prohibit the use of outdoor amplified music or sound at the winery.

Industry-wide events: The BZA discussed that the eight industry-wide events being proposed for the winery is too many. There are existing wineries near the project vicinity that are also participating in industry-wide events. The BZA recommended that the number of industry wide events be reduced from eight to four total days.

Agricultural Promotional events: The BZA discussed that the charitable benefit dinners are allowed, but shall be included in the total number of agricultural promotional events. The BZA recommended that the total number of agricultural promotional event days be limited to 12 per year (ten events with 80 guests

maximum and two events with 100 guests maximum). The revised draft Ordinance and Conditions of Approval allow for a total of 16 event days per year at the winery, consisting of 12 agricultural promotion and four industry-wide events.

To provide the BZA further information related to increases in traffic in Dry Creek Valley during industry-wide event days, staff researched a recent Focused Traffic Impact Study prepared by TJKM, dated October 13, 2014, on behalf of the Dry Creek Valley Association for the Bella Winery hearing held in 2014 (UPE99-0088). The TJKM analysis indicates that traffic counts they took along a section on West Dry Creek Road, north of Yoakim Bridge Road, during an industry-wide event day (i.e. *Barrel Tasting*), which indicates an increase in traffic counts from 986 ADT (Average Daily Traffic) taken on a Saturday in October 2010 compared to traffic counts of 1,528 ADT taken on a Saturday in March 2011, an increase of 64% of the average daily traffic.

Commercial kitchen: A question was raised about whether a full commercial kitchen was needed to provide meals during agricultural promotional events. It is recommended that the kitchen within the tasting room be limited to a caterer kitchen and prohibit a stove, range, and exhaust hood. The Draft Conditions of Approval have been modified to eliminate the stove, range, and exhaust hood in Condition No. 103. The caterer's kitchen would include a sink, counter space, refrigeration, and warming ovens.

On March 10<sup>th</sup> and March 13<sup>th</sup>, PRMD staff received two letters from the applicants' attorney, John Mackie of Carle, Mackie, Powers, Ross LLP (refer to Exhibit I). In his letters, Mr. Mackie requests that the BZA reconsider their recommendation and allow eight industry wide event days proposed by his client since these events are an important part of the winery's wine marketing plan and the request for eight industry wide events is consistent with recent approvals for other wineries also located on Dry Creek Road and in a neighboring valley.

**Staff recommendation:**

Staff recommends the Board of Zoning Adjustments adopt the Revised Mitigated Negative Declaration and approve the project subject to the modified Conditions of Approval attached as herein as Exhibit B.

**LIST OF ATTACHMENTS:**

- Exhibit A: Draft Resolution
- Exhibit B: Draft Conditions of Approval
- Exhibit C: Draft Conditions of Approval (Legislative style)
- Exhibit D: Overall Revised Site Plan, prepared by Atterbury & Associates, dated 3-13-2015
- Exhibit E: Detailed Revised Site Plan, prepared by Atterbury & Associates, dated 3-13-2015
- Exhibit F: Detailed Revised Floor Plan and Landscape Plan, prepared by Atterbury & Associates, dated 3-13-2015
- Exhibit G: Elevation Plans, prepared by Atterbury & Associates, dated 2-5-2015
- Exhibit H: Noise Addendum Letter, prepared by Illingworth & Rodin, dated 3-13-2015

Exhibit I: Letters from John G. Mackie, of Carle, Mackie, Powers, Ross LLP, dated  
3-10-2015 and 3-12-2015  
Exhibit J: Letter from W-Trans, dated 3-31-2015

c: Kenneth and Diane Wilson, applicants  
Atterbury & Associates, Project Engineer  
Jeff Morse, Project Architect  
Rob Izzo, Project Manager  
File PLP05-0062



Resolution Number 15-

County of Sonoma  
Santa Rosa, California

April 16, 2015  
PLP05-0062 Traci Tesconi

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,  
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A  
REVISED MITIGATED NEGATIVE DECLARATION AND  
GRANTING A USE PERMIT AND DESIGN REVIEW TO  
KENNETH AND DIANE WILSON, FOR PROPERTY LOCATED  
AT 4304 DRY CREEK ROAD, HEALDSBURG; APN 090-200-008.

WHEREAS, the applicant, Kenneth and Diane Wilson, filed an application with the Sonoma County Permit and Resource Management Department to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for an approximate 17,000 square foot winery and public tasting room building and conversion of an existing 3,200 square foot barn to barrel storage with a 25,000 case maximum annual production capacity to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. The project site is under a Prime Land Conservation Contract (Williamson Act Contract), and located at 4304 Dry Creek Road, Healdsburg; APN 090-200-008; Address 4304 Dry Creek Road, Healdsburg; Zoned LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Revised Mitigated Negative Declaration was prepared for the Project and noticed for 30 days and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

WHEREAS, on February 19, 2015, the Board of Zoning Adjustments held a public hearing, took public testimony, and with a 5-0 vote, continued the hearing to April 16, 2015 directing the applicant to increase the number of on-site parking spaces on the project site and return with a revised Site Plan depicting the additional parking spaces and a noise assessment prepared by the noise consultant evaluating the anticipated noise levels from the new parking areas and determining consistency with the noise level standards in the General Plan 2020.

WHEREAS, in accordance with applicable provisions of law, the Board of Zoning Adjustments held a public hearing on April 16, 2015, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Revised Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Revised Mitigated Negative Declaration and the Project; and

WHEREAS, on April 16, 2015, the Board of Zoning Adjustments approved the project with modifications, which included: eliminating the two weddings, eliminating any use of outdoor amplified sound or music, reducing the number of agricultural promotional events to allow twelve per year (10 with a maximum of 80 guests and two with a maximum of 100 guests); reducing the number of industry wide events to four total event days per year; prohibiting a stove, a range, and exhaust hood in the commercial kitchen located in the tasting room; and requiring a condition to restore the riparian function of the existing on-site seasonal stream, including bank stabilization.

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

following findings:

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories (Objective AR 5.1). Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a Use Permit in the LIA zoning district. The project is consistent with General Plan Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. Tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with Policies AR-6d, AR -1a, AR-4a, and AR-6a.
2. The primary potential land use conflicts associated with the proposed use for agricultural promotional events are exterior lighting, traffic, and noise. Conditions of approval have been incorporated into the project to reduce potential impacts to a less than significant level. Similar to findings made on recently approved projects, adding more winery and tasting room along Dry Creek Road does not result in an overconcentration because the project generated traffic will not result in road access conflicts and would not exceed the level of service for Dry Creek Road. And, unlike other rural roads in agriculturally-zoned areas, Dry Creek Road is a wide, well-maintained County roadway. In addition, the project site is located in a Zone 1 water area and the building design is in character with the rural area. The project is being considered under the Economic Stimulus Ordinance No. 5929 because the project was previously approved in 2007, with a one-year final extension of time approval in 2009, and since then only one winery and tasting room (UPE11-0088- Rued) has been approved in the immediate area on Dry Creek Road. The Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. The average number of approved events at wineries in Sonoma County is 20. The total number of agricultural events proposed at this winery site is a total of 16 event days including both industry-wide events and agricultural promotional events, which is below the County-wide average and below that of a recently approved winery (UPE11-0088 – Rued) in the immediate area also located on Dry Creek Road.
3. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows the following under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. Project conditions of approval prohibit the winery facility from being rented out to any third-party contracts.
4. The project is consistent with the Williamson Act because: 1) the project will be supportive of agricultural use on site and in the local area due to the processing facility's enhanced capabilities which would process more grapes than is currently possible; 2) the project would not affect the agricultural use on adjacent properties; 3) the property will



continue to be devoted to agricultural use because well over fifty percent of the property is planted in vines; 4) all other uses, including the winery, barrel storage, tasting room, associated parking, landscaping and outdoor activity area, are compatible with the agricultural use of the property and are consistent with the Williamson Act's principles of compatibility and the County's Uniform Rules for Agricultural Preserves, and will collectively occupy no more than 5 acres to ensure that they remain incidental to the primary use of the land for agriculture; 5) displacement of vines will be limited to 1.5 acres, and 0.64 acres of vines will be replanted on site, resulting in less than one acre of vines removed, ensuring a less than significant net loss of usable agricultural area ; 6) operation of a tasting room and other agricultural promotional events is consistent with the Williamson Act because they are marketing tools to help sell wine produced on-site and ensure the long term viability of the vineyard and winery; 7) no permanent structures solely devoted to agricultural promotional event activities will be constructed on the site, no special event will last more than two consecutive days, and overnight accommodations will not be provided in conjunction with any special event; and 8) the twelve agricultural promotional events and four industry-wide event days are annually limited in number, duration, and scope to ensure that any increase in the temporary human population drawn to the site will not hinder or impair agricultural operations.

5. Based upon the whole record (including the Initial Study and all comments received) there is no substantial evidence that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
  - a. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated, Dry Creek Road is adequate to support the use; the project will not compromise agricultural capability because the proposed use is related to agriculture, mitigations have been incorporated into the project to ensure that noise from construction, winery, and event activities meet the Daytime Noise limit standards established in the General Plan, with limited hours of event activities, and the conditions placed on the project to control noise. The use of outdoor amplified music or sound or loud acoustical musical instruments outdoors are not permitted. Other project related circumstances include that the project will not create a detrimental concentration of visitor-serving and recreational uses because project generated traffic will not result in road access conflicts and would not exceed the level of service, the project site is in an Area 1 water area, the use will be minimal and not detrimental, and the project meets the Scenic Landscape designation criteria, the winery building is located outside the 200-foot Scenic Corridor setback, and the building design will not be detrimental to the rural character of the area. It is required that the condition of the seasonal stream located on the project site be improved and stabilized to restore its riparian function.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Revised Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the Revised Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Revised Mitigated Negative Declaration reflects the independent judgment of the Board.

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

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:      Noes:      Absent:      Abstain:

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

SO ORDERED.

**Draft Conditions of Approval**

**Date:** April 16, 2015      **File No.:** PLP05-0062  
**Owner:** Kenneth and Diane Wilson      **APN:** 090-200-008  
**Address:** 4304 Dry Creek Road, Healdsburg

**Project Description:** Request to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for a winery and public tasting room (single building approximately 17,000 square feet) and conversion of the existing barn (approximately 3,200 square feet) to barrel storage with a 25,000 case maximum annual production capacity, to include public tasting, retail sales, twelve agricultural promotional events per year including (ten with 80 guests and two with 100 guests), and participation in industry-wide events totaling four event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. A total of 16 event days are permitted, including agricultural promotional events and industry wide events. The project site is under a Prime Land Conservation Contract (Williamson Act Contract).

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,181.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,231.25 made payable to Sonoma County Clerk** and submitted to the Permit and Resource Management Department (PRMD). If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

**BUILDING:**

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

**GRADING AND STORM WATER:**

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

5. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
6. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to

review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

7. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
8. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
9. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
10. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Any waste water conveyance system shall not be allowed to be combined with the storm water conveyance system.
11. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
12. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
13. Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
14. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
15. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for

the proposed project.

16. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
17. The applicant is responsible to contact the California Department of Fish & Wildlife and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

#### HEALTH:

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

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

##### Water:

18. Prior to building permit issuance the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

19. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform), arsenic and nitrate analysis results of a sample of the winery/wine tasting well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:
  - a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures.
  - b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
20. Prior to the issuance of building permits the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Drinking Water Program because it has determined that more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Drinking Water Program in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling will take

some time.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD.

21. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
22. Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

23. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for agricultural promotional events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100 % percent of the wastewater flow from an event with 50 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system, including the 6 employees listed in the traffic study.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

24. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
25. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of any existing wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel special events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate special events shall be 100% of 50 guests.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the

project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

26. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

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

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

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

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Noise:

28. NOTE ON GRADING, IMPROVEMENT, AND BUILDING PLANS: Construction activities associated with this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
  - c. There will be no start up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and

holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.

- d. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of each building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: PRMD staff shall ensure that the note listed above has been placed on all grading, building or improvement plans associated with the winery development prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

- 29. Prior to building permit issuance, the final design and location of the noise-generating mechanical equipment shall be reviewed and cleared by a professional sound consultant to ensure compliance with Table NE-2 in Condition #42. A letter from the professional sound consultant shall be included with the Building permit application for the winery building and a copy provided to the Project Review Environmental Health Specialist and Project Planner.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until the letter from the professional sound consultant approving the noise-generating mechanical equipment and location has been submitted to PRMD.

Solid Waste:

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

**PRIOR TO OCCUPANCY:**

Noise:

- 31. Prior to final or temporary occupancy approval of the winery and tasting room building, a professional sound consultant shall work with the project construction manager or electrician to oversee the installation of the winery's amplification equipment systems to ensure they have been properly fitted with a sound limiter(s), including personal computer speakers. Sound limiter(s) shall be correctly fitted ensuring that the Daytime Noise Standards will not be exceeded with any use of amplified music or sound indoors at the winery site, including the tasting room. Use of outdoor amplified sound or music is not permitted. This restriction does not apply to personal listening devices used by employees.

Mitigation Monitoring: Prior to final or temporary occupancy approval by PRMD of the winery building, a professional sound consultant shall submit letter to the Project Review Environmental Health Specialist and Project Planner at PRMD confirming that the winery's amplification equipment



system(s) has been correctly fitted with a sound limiter(s) ensuring that the Daytime Noise standard of the General Plan would not be exceeded with the use of amplified music or sound indoors at the winery site, including the tasting room.

Water:

32. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

**OPERATIONAL REQUIREMENTS:**

Water:

33. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
34. A safe, potable water supply shall be provided and maintained.
35. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
36. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

37. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
38. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
39. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
40. When permitted agricultural promotional events exceed 150 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
  - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
  - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment

system or public sewer.

- c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
- d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
- e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
- f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the agricultural promotional event and at future agricultural promotional events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
  1. The holding tank does not leak or overflow.
  2. Toilet paper is promptly replaced when the dispenser runs out.
  3. Water, paper towels and soap are promptly replaced when the hand washing units run out.
  4. The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
  5. Reliance upon portable toilets shall not create a public nuisance.

Consumer Protection:

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

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

Noise:

42. Noise shall be controlled in accordance with Table NE-2 as adjusted below and Policy NE-1c of the Sonoma County General Plan as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Residence 1 Daytime (7 a.m. to 10 p.m.)	Residence 2 Daytime (7 a.m. to 10 p.m.)
L50 (30 minutes in any hour)	45	47
L25 (15 minutes in any hour)	50	55
L08 (4 minutes 48 seconds in any hour)	55	60
L02 (72 seconds in any hour)	60	65

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was adjusted upward a maximum of 5 dBA at residence 2 due to high ambient conditions and then Table NE-2 was reduced at all locations by 5 dBA due to events consisting of speech and music.

Hourly Noise Metric <sup>1</sup> , dBA	Residence 1 Nighttime (10 p.m. to 7 a.m.)	Residence 2 Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	45
L25 (15 minutes in any hour)	50	50
L08 (4 minutes 48 seconds in any hour)	55	55
L02 (72 seconds in any hour)	60	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was not eligible for nighttime adjustments due to low ambient levels and no nighttime events are allowed.

43. Agricultural promotional events shall be limited to the hours of the Daytime Noise Standard noted above (currently 7:00 AM to 10:00 PM). Event guests shall exit the site by 9:00 pm. Clean up shall be completed and employee shall exit the site by 10:00 p.m. Industry-wide events shall be limited to the approved tasting room hours. No overnight accommodations are authorized by this Use Permit.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that events are being conducted past 9 p.m., or cleanup is occurring after 10:00 p.m., PRMD staff would investigate the complaint and if the condition is violated the Use Permit may be subject to modification or revocation proceedings, as appropriate.

44. For winery operations nighttime truck deliveries are not allowed between 10 PM and 7 AM. The mobile bottling truck shall be parked behind the winery building with the rear of the bottling truck oriented to the west away from sensitive receptors (neighboring residences). Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from the nearest residence to the east. Trucks for winery operations shall only use the south driveway. No winery truck traffic is allowed on site with trailers or semi-trailers with kingpin to rear axle lengths exceeding 38 feet.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures, if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

45. Any use of the amplified music or sound, indoors, in conjunction with the tasting room use, agricultural promotional events, or industry wide held at the winery site shall be limited to only using the amplification equipment system(s) fitted with a sound limiter(s). No outdoor amplified music or sound is permitted.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

46. The use of quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) is allowed outdoors at the winery site when in compliance with the Noise Element of the Sonoma County General Plan. The use of very loud non-amplified musical instruments (such as horns, drums and cymbals) is not permitted outdoors at the winery site under any circumstance.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

Solid Waste:

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

Smoking:

48. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
49. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

**TRANSPORTATION AND PUBLIC WORKS:**

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

50. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of

sufficient width as necessary to create public right-of-way a total of thirty (30) feet wide on the Developer's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Dry Creek Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.

51. Right-of-way shall be dedicated as roadway easement. The Developer shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. The deed shall be recorded prior to clearance of this condition.
52. The Developer shall construct or install improvements described as follows:
  - a. Supplement the width of Dry Creek Road in the northbound direction to create the improved roadway described below. The maximum improved road width, measured between the roadway centerline and the new easterly edge of pavement, is 20 feet. The improvements shall include:
    1. A twelve (12) foot wide travel lane;
    2. A minimum 100-foot long, eight (8) foot wide paved shoulder, centered on the extension of the center of the Developer's new driveway entrance;
    3. Paved tapers at both ends of the widening; the taper length shall be based on Caltrans design requirements for left-turn lane approach tapers and a design speed of 30 miles-per-hour.
    4. Two (2) foot wide shoulder backing as needed along the new edge of pavement.
  - b. The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, re-striping, drainage facilities, metal beam guardrail, overhead utilities relocation, etc, all as necessary to create the required widths and structural section(s).
53. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The pavement design for Dry Creek Road shall be based on a Traffic Index (TI) of 10.0. A soils report for public road purposes is not required for a design based on an R-value of 5.0.
54. To allow for the smooth and safe movement of passenger vehicles and single-unit trucks entering and exiting the public road that provides access to the property, the Dry Creek Road entrance shall conform to AASHTO recommendations. More specifically, the Developer shall construct a driveway meeting the following criteria:
  - a. A minimum paved throat width of 24 feet;
  - b. Entrance curves having a minimum pavement radius of 40 feet; the entrance curves shall begin on a line that is 20 feet distant from, and parallel with, the physical centerline of Dry Creek Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
  - c. The driveway shall enter Dry Creek Road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
  - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Dry Creek Road.
  - e. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the edge of pavement. The portion of the entrance located within the public right-of-way shall be paved to

provide for a Traffic Index (T.I.) of 10.0.

- f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814 ([www.sonoma-county.org/tpw/pdf/const\\_std/814.pdf](http://www.sonoma-county.org/tpw/pdf/const_std/814.pdf)), for private road and driveway intersection details.
  - g. The entrance improvements shall be in place prior to commencement of the approved activity.
55. Prior to issuance of building permits, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
- a. The entrance shall be of sufficient width to accommodate two-way traffic.
  - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
  - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.
56. To provide for the orderly and efficient movement of vehicles entering the site, and to minimize traffic impacts on the public road, the Developer shall provide on-site traffic control for all events requiring overflow parking. Traffic control shall be located off of the public road.
57. The Developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
58. The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
59. Plan checking fees and inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
60. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
61. Plans for all required improvements shall be submitted to the office of the County Surveyor in PRMD for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Developer shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.
62. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
63. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

**FIRE AND EMERGENCY SERVICES:**

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

64. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
65. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
66. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
  - a. Tent Permit. The owner or occupant shall obtain a Fire Code Operational Permit for the erection of any temporary tents which exceed 400 square feet in area, or the erection of any temporary canopies (open on all sides) which exceed 700 square feet in area, each time such structures are erected.
67. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to the following:
  - a. Access roads: Approved (CFC) fire apparatus access roads shall be provided.
    1. Facilities having a gross building area of more than 62,000 square feet shall be provided with at least two separate and approved fire apparatus access roads.
    2. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.
    3. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) not less than 20 feet in width (26 feet for aerial access) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of all buildings as measured by an approved route around the exterior of the building or facility.
    4. Where a bridge is part of a fire apparatus road the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Approved signs indicating the load carrying capability of bridges shall be provided at each end of bridges.
    5. Where gates or similar barriers are installed across access roads, gates shall be installed in compliance with fire regulations and provided with an approved lock as required by the fire code official.
  - b. Premises Identification: Approved road names, address numbers, building numbers and other building identification shall be provided.
  - c. Fire Protection Water Supplies: An approved (NFPA 1142 and/or CFC) water supply system capable of supplying the required fire flow for fire protection shall be provided to premises.
    1. Minimum fire flow shall not be less than 1500 gallons per minute.
    2. Fire hydrants shall be spaced not less than 500 feet apart along fire access routes.

- d. Emergency Responder Radio Coverage. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building.
68. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with the California Fire Code as adopted and amended by Sonoma County Code.

**PLANNING:**

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

69. This Use Permit allows construction and operation of an 11,000 sq. ft. winery/fermentation barrel storage and 3,258 sq. ft. tasting room within a 17,000 sq. ft. building, and a 6,000 sq. ft. outdoor event area with a 25,000 case maximum annual production capacity, and the use of an existing barn (approximately 3,200 sq ft.) to store barrels. The use includes public tasting and retails sales. This Use Permit allows twelve agricultural promotional events per year (ten with a maximum of 80 guests and two with a maximum of 100 guests) (), , and participation in industry wide events totaling no more than four event days per year with a maximum of 100 guests on the site at a time up to a maximum of 300 guests per day on 40 acres. A maximum of number of 16 event days is permitted, including both agricultural promotional events and industry wide events. Events shall not occur more than two consecutive days. All events shall promote the agricultural product grown or processed on site. The uses shall be conducted in compliance with the proposal statement, site plan, technical reports and other submittals as modified by these approved conditions of approval. The project site is under a Land Conservation Contract. The Use Permit does not authorize overnight accommodations or concerts. The winery facility shall not be rented out to third parties for events.

The single winery building comprises of the following uses:

- Fermentation & laboratory (approximately 5,284 square feet)
- Barrel storage (approximately 5,000 square feet)
- Office & Administration ( approximately 2,028 square feet)
- Commercial kitchen (approximately 256 square feet)
- Tasting and retail (approximately 3,258 square feet)

Other site improvements:

- Outdoor special events area with outdoor wine bar (6,000 square feet).
- Outdoor Crush pad (1,600 square feet)
- Detached barrel storage building- conversion of existing barn (approximately 3,200 square feet)

70. The approved hours of operation are as follows:

Winery: 6:00 a.m. to 5:00 p.m., Monday thru Saturday (non-harvest season) and 7:00 am to 10:00 p.m., 7 days per week (harvest season)

Tasting room: 10:00 a.m. to 5:00 p.m., 7 days a week.

Ag Promotional Events: 2:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall be completed by 10:00 p.m.

Ag Promotional dinners: 6:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and



cleanup shall be completed by 10:00 pm

71. Employees: Five full-time employees, plus four seasonal employees during harvest.

Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP05-0062.

72. This Use Permit (PLP05-0062) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.

73. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.

#### **PRIOR TO GRADING OR BUILDING PERMIT ISSUANCE**

##### Planning Fees:

74. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
75. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

##### Design Review:

76. Prior to issuance of any grading permit for the winery development project, the Design Review Committee shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements. The building plans shall depict the building height elevations and design with building heights no higher than the range of 42 feet to 44 feet in height, as approved by the Design Review Committee on May 16, 2007. Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained. Furthermore, the applicant shall comply with the recommendations listed on the DRC Action Sheet, dated May 16, 2007, and any subsequent DRC recommendations.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify exterior building colors, landscape improvements, signage, and exterior lighting have been installed in accordance with approved plans.

77. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

78. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties or the night sky. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

79. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural) standards from Title 24 effective October 2005.

Other Requirements:

80. Prior to issuance of any grading or building permit, the applicant shall obtain all necessary permits or waivers for the proposed work in or near a waterway, specifically, the stream crossing necessary for the project's driveway and pedestrian bridge. Any stream crossing requires plans prepared by a Registered Civil Engineer. Besides a grading permit from PRMD, all applicable permits must be obtained from the State Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and the North Coast Regional Water Quality Control Board for a 401 Water Quality Certification (401 Certification) 404 Permit. The applicant shall implement the following Best Management Practices with any work in or near the stream, and the following:
- Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
  - Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
  - For any culvert or bridge crossings, silt fencing shall be installed prior to any grading activities. Silt fence consists of synthetic filter fabric (also called a geotextile)] and shall be installed around the periphery of the work area with openings provided for construction crew and equipment access only. This temporary fencing will prevent construction debris from entering the streambed.
  - Proper erosion control and other water quality Best Management Practices (BMPs) shall be implemented to avoid sedimentation and disturbance in the streambed and downstream.
  - All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and in a manner that will prevent potential runoff of petroleum products into the adjacent streambed. During construction, oil-absorbent and spill containment materials shall be on site at all time. All construction workers shall be properly trained and informed of how to use and where to find on site the oil-absorbent and spill-containment materials. Following construction each day, trash and construction debris shall be removed from the stream crossing area.
  - Following construction each day, trash and construction debris shall be removed from the stream crossing area.

- g. Only the minimum amount of vegetation will be pruned or removed that is necessary to install the culverts or bridges at the stream-crossing. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Root systems shall only be unearthed when necessary.

Mitigation Monitoring: PRMD shall not issue any grading or building permits, until the applicant has provided copies of all required permits from the State Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, and any documentation deemed necessary by the Grading & Storm Water Section of the Permit and Resource Management Department.

- 81. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
- 82. All building and/or grading permits shall have the following note printed on plan sheets:  
"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

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

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

**Construction Phase Requirements:**

84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
  - f. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
  - g. Limit traffic speeds on unpaved access roads to 15 mph.
  - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - i. Replant vegetation and ground cover in disturbed areas as quickly as possible. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the Permit Holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

85. The following Note shall be placed on Grading and Building Plans:

*"During all construction activities, any storage of flammable liquids shall be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Project Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill. Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment."*

Mitigation Monitoring: The Permit and Resource Management Department shall not issue a grading permit or building permit for the winery development until the above notes are printed on the building

and grading plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

86. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
87. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

#### PRIOR TO OCCUPANCY

88. Prior to final or temporary occupancy of the winery building, bicycle racks shall be installed near the parking lot (refer to the Sonoma County Parking Regulations –Zoning Code Sec. 26-86-010). One bicycle parking space be provided for every 5 spaces required for automobiles. Please use Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals ([http://drusilla.hsrc.unc.edu/cms/downloads/BikePark\\_Guidelines.pdf](http://drusilla.hsrc.unc.edu/cms/downloads/BikePark_Guidelines.pdf)).
89. For parking, the applicant shall maintain the two separate public parking areas, providing a total of 65 standard parking spaces and one handicap accessible parking space to serve the winery and tasting room uses. The front parking area, just east of the seasonal creek, contains 48 standard parking spaces. The second parking area located adjacent to the winery and tasting room building contains 17 standard parking spaces and one handicap- accessible parking space. An additional parking area will be located near the south end of the fermentation building, used for truck and employee parking, as depicted on the Parking Plan prepared by Atterbury & Associates, dated March 13, 2015. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
90. Prior to final or temporary occupancy of the winery and tasting room building, the applicant shall restore, stabilize, and improve as necessary, the seasonal streambanks located in the front portion of the project site, subject to review and approval of all necessary permits by the State Department of Fish and Wildlife and North Coast Regional Water Quality Control Board.

#### OPERATIONAL REQUIREMENTS:

91. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
  - a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
  - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
  - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors from pomace stockpiling and/or disposal, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

92. Parking of vehicles and/or trucks associated with this winery facility is not permitted along any public or private roadways.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that vehicles and/or trucks associated with this winery facility are being parked along public roadways, PRMD staff will investigate the complaint and if the condition is violated the use permit may be subject to modification.

93. For both the industry-wide events and the agricultural promotional events, at least two parking attendants shall be on duty to direct and guide the on-site parking of guest vehicles. Parking attendants shall remain on duty throughout the duration of the events.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that parking attendants are not on duty during industry-wide events or agricultural promotional events, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

94. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

95. 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.
96. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
97. Two-Year Review. A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use

Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.

98. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.
99. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
100. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.
101. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
102. Staff Training. Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.
103. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
  - a. Tasting Room: Samples or tastes of pre-packaged non-potentially hazardous foods, such as crackers, nuts or other palette cleansers, featuring local foods and food products offered in conjunction with wine tasting.
  - b. Ag Promotional Event Meals: Prepared meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, such as winemaker dinners. Such meals/appetizers may be prepared in a food preparation area prior to serving as described on the approved project floor plan. The preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), and refrigeration. The outdoor pizza oven is not allowed.
  - c. Food and Wine Pairing: Food and wine pairing may occur in conjunction with agricultural promotional events. Food and wine pairings shall be selected by the winery with no menu options allowed. Such pairing shall be limited to small appetizer-like portions

d. Retail Sales: Retail sales of pre-packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:

1. Retail sales of pre-packaged food featuring local foods and food products shall be permitted only during tasting room hours as approved by this Use Permit.
2. Retail sales of pre-packaged food available for on-site consumption only.
3. No indoor seating area or table service is permitted in conjunction with retail sales of pre-packaged food. Outdoor seating areas are permitted for use as outdoor picnic areas.
4. No off-site signs advertising retail sales of pre-packaged food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.

104. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

105. 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.



**Draft Conditions of Approval**

**Date:** April 16, 2015      **File No.:** PLP05-0062  
**Owner:** Kenneth and Diane Wilson      **APN:** 090-200-008  
**Address:** 4304 Dry Creek Road, Healdsburg

**Project Description:** Request to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for a winery and public tasting room (single building approximately 17,000 square feet) and conversion of the existing barn (approximately 3,200 square feet) to barrel storage with a 25,000 case maximum annual production capacity, to include public tasting, retail sales, ~~sixteen~~ **twelve** agricultural promotional events per year including (~~twelve~~ **ten** with 80 guests, ~~two weddings per year with 100 guests,~~ and two charitable benefit dinners with 100 guests), and participation in industry-wide events totaling ~~eight~~ **four** event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. ~~For a total of 24~~ **16 total** event days **are permitted, including** with combined agricultural promotional events and industry wide events. The project site is under a Prime Land Conservation Contract (Williamson Act Contract).

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,181.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,231.25 made payable to Sonoma County Clerk** and submitted to the Permit and Resource Management Department (PRMD). If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

**BUILDING:**

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

**GRADING AND STORM WATER:**

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

5. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.

6. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
7. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
8. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
9. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
10. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Any waste water conveyance system shall not be allowed to be combined with the storm water conveyance system.
11. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
12. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
13. Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
14. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
15. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit).

Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

16. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
17. The applicant is responsible to contact the California Department of Fish & Wildlife and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

#### HEALTH:

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

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

##### Water:

18. Prior to building permit issuance the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

19. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform), arsenic and nitrate analysis results of a sample of the winery/wine tasting well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:
  - a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures.
  - b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
20. Prior to the issuance of building permits the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Drinking Water Program because it has determined that more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the

State Drinking Water Program in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling will take some time.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD.

21. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
22. Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

23. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for agricultural promotional events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100 % percent of the wastewater flow from an event with 50 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system, including the 6 employees listed in the traffic study.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

24. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
25. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of any existing wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel special events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate special events shall be 100% of 50 guests.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both

soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

26. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

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

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

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

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Noise:

28. NOTE ON GRADING, IMPROVEMENT, AND BUILDING PLANS: Construction activities associated with this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.

- c. There will be no start up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
- d. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of each building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: PRMD staff shall ensure that the note listed above has been placed on all grading, building or improvement plans associated with the winery development prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

- 29. Prior to building permit issuance, the final design and location of the noise-generating mechanical equipment shall be reviewed and cleared by a professional sound consultant to ensure compliance with Table NE-2 in Condition #42. A letter from the professional sound consultant shall be included with the Building permit application for the winery building and a copy provided to the Project Review Environmental Health Specialist and Project Planner.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until the letter from the professional sound consultant approving the noise-generating mechanical equipment and location has been submitted to PRMD.

#### Solid Waste:

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

#### **PRIOR TO OCCUPANCY:**

##### Noise:

- 31. Prior to final or temporary occupancy approval of the winery and tasting room building, a professional sound consultant shall work with the project construction manager or electrician to oversee the installation of the winery's amplification equipment systems to ensure they have been properly fitted with a sound limiter(s), including personal computer speakers. Sound limiter(s) shall be correctly fitted ensuring that the Daytime Noise Standards will not be exceeded with any use of amplified music or sound, ~~either indoors or outdoors~~ at the winery site, including the tasting room. **Use of outdoor amplified sound or music outdoors is not permitted.** This restriction does not apply to personal listening devices used by employees.

Mitigation Monitoring: Prior to final or temporary occupancy approval by PRMD of the winery building, a professional sound consultant shall submit letter to the Project Review Environmental Health Specialist and Project Planner at PRMD confirming that the winery's amplification equipment system(s) has been correctly fitted with a sound limiter(s) ensuring that the Daytime Noise standard of the General Plan would not be exceeded with the use of amplified music or sound either indoors or outdoors at the winery site, including the tasting room.

Water:

32. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

**OPERATIONAL REQUIREMENTS:**

Water:

33. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
34. A safe, potable water supply shall be provided and maintained.
35. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
36. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

37. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
38. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
39. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
40. When permitted agricultural promotional events exceed 150 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
  - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.

- b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
- c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
- d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
- e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
- f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the agricultural promotional event and at future agricultural promotional events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
  1. The holding tank does not leak or overflow.
  2. Toilet paper is promptly replaced when the dispenser runs out.
  3. Water, paper towels and soap are promptly replaced when the hand washing units run out.
  4. The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
  5. Reliance upon portable toilets shall not create a public nuisance.

Consumer Protection:

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

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

Noise:

42. Noise shall be controlled in accordance with Table NE-2 as adjusted below and Policy NE-1c of the Sonoma County General Plan as measured at the exterior property line of any affected residential or sensitive land use:



TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Residence 1 Daytime (7 a.m. to 10 p.m.)	Residence 2 Daytime (7 a.m. to 10 p.m.)
L50 (30 minutes in any hour)	45	47
L25 (15 minutes in any hour)	50	55
L08 (4 minutes 48 seconds in any hour)	55	60
L02 (72 seconds in any hour)	60	65
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was adjusted upward a maximum of 5 dBA at residence 2 due to high ambient conditions and then Table NE-2 was reduced at all locations by 5 dBA due to events consisting of speech and music.		

Hourly Noise Metric <sup>1</sup> , dBA	Residence 1 Nighttime (10 p.m. to 7 a.m.)	Residence 2 Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	45
L25 (15 minutes in any hour)	50	50
L08 (4 minutes 48 seconds in any hour)	55	55
L02 (72 seconds in any hour)	60	60
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was not eligible for nighttime adjustments due to low ambient levels and no nighttime events are allowed.		

43. Agricultural promotional events shall be limited to the hours of the Daytime Noise Standard noted above (currently 7:00 AM to 10:00 PM). Event guests shall exit the site by 9:00 pm. Clean up shall be completed and employee shall exit the site by 10:00 p.m. Industry-wide events shall be limited to the approved tasting room hours. No overnight accommodations are authorized by this Use Permit.

**Mitigation Monitoring:** If the Permit and Resource Management Department receives complaints that events are being conducted past 9 p.m., or cleanup is occurring after 10:00 p.m, PRMD staff would investigate the complaint and if the condition is violated the Use Permit may be subject to modification or revocation proceedings, as appropriate.

44. For winery operations nighttime truck deliveries are not allowed between 10 PM and 7 AM. The mobile bottling truck shall be parked behind the winery building with the rear of the bottling truck oriented to the west away from sensitive receptors (neighboring residences). Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from the nearest residence to the east. Trucks for winery operations shall only use the south driveway. No winery truck traffic is allowed on site with trailers or semi-trailers with kingpin to rear axle lengths exceeding 38 feet.

**Mitigation Monitoring:** If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures, if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The

owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

45. Any use of the amplified music or sound, indoors or outdoors, in conjunction with the tasting room use, weddings, charitable dinners, agricultural promotional events, or industry wide held at the winery site shall be limited to only using the amplification equipment system(s) fitted with a sound limiter(s).  
**No outdoor amplified music or sound is permitted. outdoors.**

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

46. The use of quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) is allowed outdoors at the winery site when in compliance with the Noise Element of the Sonoma County General Plan. The use of very loud non-amplified musical instruments (such as horns, drums and cymbals) is not permitted outdoors at the winery site under any circumstance.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

#### Solid Waste:

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

#### Smoking:

48. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
49. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

#### **TRANSPORTATION AND PUBLIC WORKS:**

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

50. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width as necessary to create public right-of-way a total of thirty (30) feet wide on the Developer's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Dry Creek Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
51. Right-of-way shall be dedicated as roadway easement. The Developer shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. The deed shall be recorded prior to clearance of this condition.
52. The Developer shall construct or install improvements described as follows:
  - a. Supplement the width of Dry Creek Road in the northbound direction to create the improved roadway described below. The maximum improved road width, measured between the roadway centerline and the new easterly edge of pavement, is 20 feet. The improvements shall include:
    1. A twelve (12) foot wide travel lane;
    2. A minimum 100-foot long, eight (8) foot wide paved shoulder, centered on the extension of the center of the Developer's new driveway entrance;
    3. Paved tapers at both ends of the widening; the taper length shall be based on Caltrans design requirements for left-turn lane approach tapers and a design speed of 30 miles-per-hour.
    4. Two (2) foot wide shoulder backing as needed along the new edge of pavement.
  - b. The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, re-striping, drainage facilities, metal beam guardrail, overhead utilities relocation, etc, all as necessary to create the required widths and structural section(s).
53. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The pavement design for Dry Creek Road shall be based on a Traffic Index (TI) of 10.0. A soils report for public road purposes is not required for a design based on an R-value of 5.0.
54. To allow for the smooth and safe movement of passenger vehicles and single-unit trucks entering and exiting the public road that provides access to the property, the Dry Creek Road entrance shall conform to AASHTO recommendations. More specifically, the Developer shall construct a driveway meeting the following criteria:
  - a. A minimum paved throat width of 24 feet;
  - b. Entrance curves having a minimum pavement radius of 40 feet; the entrance curves shall begin on a line that is 20 feet distant from, and parallel with, the physical centerline of Dry Creek Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
  - c. The driveway shall enter Dry Creek Road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
  - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Dry Creek Road.

- e. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the edge of pavement. The portion of the entrance located within the public right-of-way shall be paved to provide for a Traffic Index (T.I.) of 10.0.
  - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814 ([www.sonoma-county.org/tpw/pdf/const\\_std/814.pdf](http://www.sonoma-county.org/tpw/pdf/const_std/814.pdf)), for private road and driveway intersection details.
  - g. The entrance improvements shall be in place prior to commencement of the approved activity.
55. Prior to issuance of building permits, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
- a. The entrance shall be of sufficient width to accommodate two-way traffic.
  - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
  - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.
56. To provide for the orderly and efficient movement of vehicles entering the site, and to minimize traffic impacts on the public road, the Developer shall provide on-site traffic control for all events requiring overflow parking. Traffic control shall be located off of the public road.
57. The Developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
58. The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
59. Plan checking fees and inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
60. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
61. Plans for all required improvements shall be submitted to the office of the County Surveyor in PRMD for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Developer shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.
62. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
63. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

**FIRE AND EMERGENCY SERVICES:**

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

64. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
65. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
66. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
  - a. Tent Permit. The owner or occupant shall obtain a Fire Code Operational Permit for the erection of any temporary tents which exceed 400 square feet in area, or the erection of any temporary canopies (open on all sides) which exceed 700 square feet in area, each time such structures are erected.
67. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to the following:
  - a. Access roads: Approved (CFC) fire apparatus access roads shall be provided.
    1. Facilities having a gross building area of more than 62,000 square feet shall be provided with at least two separate and approved fire apparatus access roads.
    2. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.
    3. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) not less than 20 feet in width (26 feet for aerial access) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of all buildings as measured by an approved route around the exterior of the building or facility.
    4. Where a bridge is part of a fire apparatus road the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Approved signs indicating the load carrying capability of bridges shall be provided at each end of bridges.
    5. Where gates or similar barriers are installed across access roads, gates shall be installed in compliance with fire regulations and provided with an approved lock as required by the fire code official.
  - b. Premises Identification: Approved road names, address numbers, building numbers and other building identification shall be provided.
  - c. Fire Protection Water Supplies: An approved (NFPA 1142 and/or CFC) water supply system capable of supplying the required fire flow for fire protection shall be provided to premises.

1. Minimum fire flow shall not be less than 1500 gallons per minute.
  2. Fire hydrants shall be spaced not less than 500 feet apart along fire access routes.
  - d. Emergency Responder Radio Coverage. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building.
68. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with the California Fire Code as adopted and amended by Sonoma County Code.

#### PLANNING:

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

69. This Use Permit allows construction and operation of an 11,000 sq. ft. winery/fermentation barrel storage and 3,258 sq. ft. tasting room within a 17,000 sq. ft. building, and a 6,000 sq. ft. outdoor event area with a 25,000 case maximum annual production capacity, and ~~conversion the use of an existing barn (approximately 3,200 sq. ft.) to barrel storage store barrels. The use includes to include public tasting and retails sales. This use permit~~ Use Permit allows ~~twelve a maximum of twelve ten~~ agricultural promotional events per year ~~(ten with a maximum of 80 guests and two with a maximum of 100 guests)~~ year with a maximum of 80 guests ~~(ten with 80 guests)~~, ~~two weddings per year with 100 guests, two agricultural promotional events/community benefit dinners with 100 guests, and participation in industry wide events totaling no more than eight four~~ event days per year with a maximum of 100 guests on the site at a time up to a maximum of 300 guests per day on 40 acres. **A maximum of number of for a total of 24 16 event days is permitted, including both with combined** agricultural promotional events and industry wide events. Events shall not occur more than two consecutive days. All events shall promote the agricultural product grown or processed on site. The uses shall be conducted in compliance with the proposal statement, site plan, technical reports and other submittals as modified by these approved conditions of approval. The project site is under a Land Conservation Contract. The Use Permit does not authorize overnight accommodations or concerts. The winery facility shall not be rented out to third parties for events.

The single winery building comprises of the following uses:

- Fermentation & laboratory (approximately 5,284 square feet)
- Barrel storage (approximately 5,000 square feet)
- Office & Administration ( approximately 2,028 square feet)
- Commercial kitchen (approximately 256 square feet)
- Tasting and retail (approximately 3,258 square feet)

Other site improvements:

- Outdoor special events area with outdoor wine bar (6,000 square feet).
- Outdoor Crush pad (1,600 square feet)
- Detached barrel storage building- conversion of existing barn (approximately 3,200 square feet)

70. The approved hours of operation are as follows:

Winery: 6:00 a.m. to 5:00 p.m., Monday thru Saturday (non-harvest season) and 7:00 am to 10:00 p.m., 7 days per week (harvest season)

Tasting room: 10:00 a.m. to 5:00 p.m., 7 days a week.

~~Weddings: 1:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall be completed by 10:00 p.m.~~

Ag Promotional Events: 2:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall be completed by 10:00 p.m.

Ag Promotional dinners: 6:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall be completed by 10:00 pm

71. Employees: Five full-time employees, plus four seasonal employees during harvest.

Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP05-0062.

72. This Use Permit (PLP05-0062) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.

73. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.

#### **PRIOR TO GRADING OR BUILDING PERMIT ISSUANCE**

##### Planning Fees:

74. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
75. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

##### Design Review:

76. Prior to issuance of any grading permit for the winery development project, the Design Review Committee shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements. The building plans shall depict the building height elevations and design with building heights no higher than the range of 42 feet to 44 feet in height, as approved by the Design Review Committee on May 16, 2007. Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained. Furthermore, the applicant shall comply with the recommendations listed on the DRC Action Sheet, dated May 16, 2007, and any subsequent DRC recommendations.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project

Planner to verify exterior building colors, landscape improvements, signage, and exterior lighting have been installed in accordance with approved plans.

77. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

78. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties or the night sky. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

79. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural) standards from Title 24 effective October 2005.

Other Requirements:

80. Prior to issuance of any grading or building permit, the applicant shall obtain all necessary permits or waivers for the proposed work in or near a waterway, specifically, the stream crossing necessary for the project's driveway and pedestrian bridge. Any stream crossing requires plans prepared by a Registered Civil Engineer. Besides a grading permit from PRMD, all applicable permits must be obtained from the State Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and the North Coast Regional Water Quality Control Board for a 401 Water Quality Certification (401 Certification) 404 Permit. The applicant shall implement the following Best Management Practices with any work in or near the stream, and the following:
- Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
  - Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
  - For any culvert or bridge crossings, silt fencing shall be installed prior to any grading activities. Silt fence consists of synthetic filter fabric (also called a geotextile) and shall be installed around the periphery of the work area with openings provided for construction crew and equipment access only. This temporary fencing will prevent construction debris from entering the streambed.
  - Proper erosion control and other water quality Best Management Practices (BMPs) shall be implemented to avoid sedimentation and disturbance in the streambed and downstream.



- e. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and in a manner that will prevent potential runoff of petroleum products into the adjacent streambed. During construction, oil-absorbent and spill containment materials shall be on site at all time. All construction workers shall be properly trained and informed of how to use and where to find on site the oil-absorbent and spill-containment materials. Following construction each day, trash and construction debris shall be removed from the stream crossing area.
- f. Following construction each day, trash and construction debris shall be removed from the stream crossing area.
- g. Only the minimum amount of vegetation will be pruned or removed that is necessary to install the culverts or bridges at the stream-crossing. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Root systems shall only be unearthed when necessary.

**Mitigation Monitoring:** PRMD shall not issue any grading or building permits, until the applicant has provided copies of all required permits from the State Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, and any documentation deemed necessary by the Grading & Storm Water Section of the Permit and Resource Management Department.

- 81. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
- 82. All building and/or grading permits shall have the following note printed on plan sheets:  
 "In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

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

- 83. **A Water Conservation Plan shall be submitted for all buildings and landscaping prior to building permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand to the maximum extent feasible and enhance water resource recovery to maintain sustainable water supplies. Measures that must be evaluated include: installation of low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems**

and graywater reuse. Landscaping plans must comply with the County Water Efficient Landscape Ordinance. Prior to Building Permit Issuance a Landscape Permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Verification from a qualified irrigation specialist that landscaping plan complies with the County Ordinance shall be provided prior to building permit issuance. The measures in the plan shall be implemented by the applicant and verified by PRMD staff prior to Certificate of Occupancy or operation of the use. Prior to building permit issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. See form PJR-091 on PRMD's website

<http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.

#### Construction Phase Requirements:

84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
  - f. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
  - g. Limit traffic speeds on unpaved access roads to 15 mph.
  - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - i. Replant vegetation and ground cover in disturbed areas as quickly as possible. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the Permit Holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

85. The following Note shall be placed on Grading and Building Plans:

*"During all construction activities, any storage of flammable liquids shall be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Project Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the*

*hazardous materials to storm water drains or surface waters. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill. Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment."*

**Mitigation Monitoring:** The Permit and Resource Management Department shall not issue a grading permit or building permit for the winery development until the above notes are printed on the building and grading plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

86. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
87. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

#### PRIOR TO OCCUPANCY

88. Prior to final or temporary occupancy of the winery building, bicycle racks shall be installed near the parking lot (refer to the Sonoma County Parking Regulations –Zoning Code Sec. 26-86-010). One bicycle parking space be provided for every 5 spaces required for automobiles. Please use Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals ([http://drusilla.hsrc.unc.edu/cms/downloads/BikePark\\_Guidelines.pdf](http://drusilla.hsrc.unc.edu/cms/downloads/BikePark_Guidelines.pdf)).
89. For parking, the applicant shall maintain the two separate public parking areas, providing a total of ~~fourteen~~ **47** ~~65~~ standard parking spaces and one handicap accessible parking space to serve the winery and tasting room uses. **The front parking area,** ~~First parking area would be located in the front portion of the project site, just east of the seasonal creek, contains 48 with 10 standard parking spaces. The sSecond parking area would be located adjacent to the winery building adjacent to the and -tasting room building contains 17 with four standard parking spaces and one handicap-accessible parking space. An additional parking area will be located near the south end of the fermentation building, used for truck and employee parking, – Overflow parking for the larger industry wide events would be along the existing vineyard roads as depicted on the Overflow-Parking Plan prepared by Atterbury & Associates, dated March 13, 2015.~~ Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
90. Prior to final or temporary occupancy of the winery and tasting room building, the applicant shall restore, stabilize, and improve as necessary, the seasonal streambanks located in the front portion of the project site, subject to review and approval of all necessary permits by the State Department of Fish and Wildlife and North Coast Regional Water Quality Control Board.

#### OPERATIONAL REQUIREMENTS:

9091. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:

- a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
- b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
- c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors from pomace stockpiling and/or disposal, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

9492. Parking of vehicles  
and/or trucks associated with this winery facility is not permitted along any public or private roadways.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that vehicles and/or trucks associated with this winery facility are being parked along public roadways, PRMD staff ~~would~~ investigate the complaint and if the condition is violated the use permit may be subject to modification.

9493. ~~For the larger~~ **both the industry-wide events and the agricultural promotional events and the two weddings**, at least two parking attendants shall be on duty to direct and guide the on-site parking of guest vehicles. Parking attendants shall remain on duty throughout the duration of the events.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that parking attendants are not on duty during ~~the larger industry-wide events~~ **or agricultural promotional events and the two weddings**, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

9494. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

9495. 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.

- ~~94~~96. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
- ~~94~~97. Two-Year Review. A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
- ~~97~~98. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.
- ~~94~~99. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
- ~~94~~100. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.
- ~~40~~101. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
- ~~40~~102. Staff Training. Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee

shall be maintained on the premises and presented upon request by a representative of the County.

103. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:

- a. Tasting Room: Samples or tastes of pre-packaged non-potentially hazardous foods, such as crackers, nuts or other palate cleansers, featuring local foods and food products offered in conjunction with wine tasting.
- b. Ag Promotional Event Meals: Prepared meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, such as ~~weddings and winemaker dinners~~. Such meals/appetizers may be prepared in a food preparation area prior to serving as described on the approved project floor plan. The preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), **and** refrigeration, ~~a stove or range, and an exhaust hood~~. The outdoor pizza oven is not allowed.
- c. Food and Wine Pairing: Food and wine pairing may occur in conjunction with **agricultural promotional events**. ~~industry-wide events only as proposed~~. Food and wine pairings shall be selected by the winery with no menu options allowed. Such pairing shall be limited to small appetizer-like portions
- d. Retail Sales: Retail sales of pre-packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
  1. Retail sales of pre-packaged food featuring local foods and food products shall be permitted only during tasting room hours as approved by this Use Permit.
  2. Retail sales of pre-packaged food available for on-site consumption only.
  3. No indoor seating area or table service is permitted in conjunction with retail sales of pre-packaged food. Outdoor seating areas are permitted for use as outdoor picnic areas.
  4. No off-site signs advertising retail sales of pre-packaged food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.

104. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

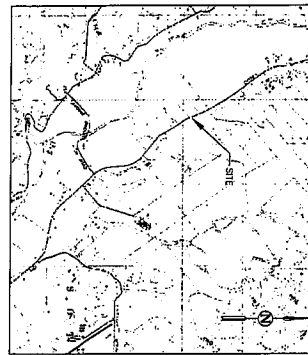
105. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the 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.

# **PLP05-0062** **USE PERMIT EXHIBITS** **HALES WINERY**

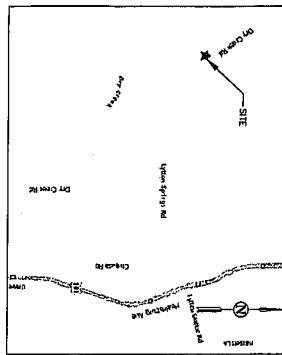
**4304 DRY CREEK ROAD, HEALDSBURG, CA 95448**

**ASSESSOR'S PARCEL NUMBERS:**  
**090-200-008**

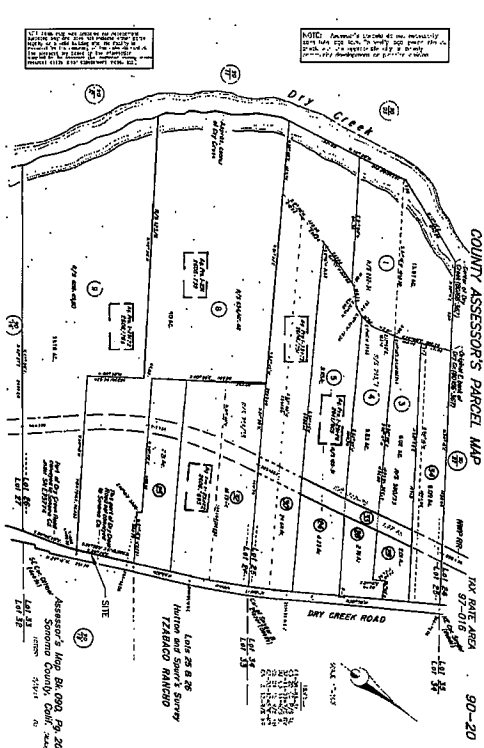
**OWNERSHIP: KENNETH & DIANE WILSON**  
**438 MATHEWSON STREET**  
**HEALDSBURG, CA 95448**



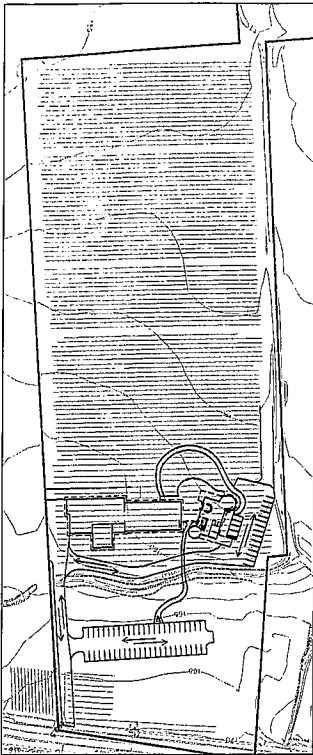
**QUAD MAP**



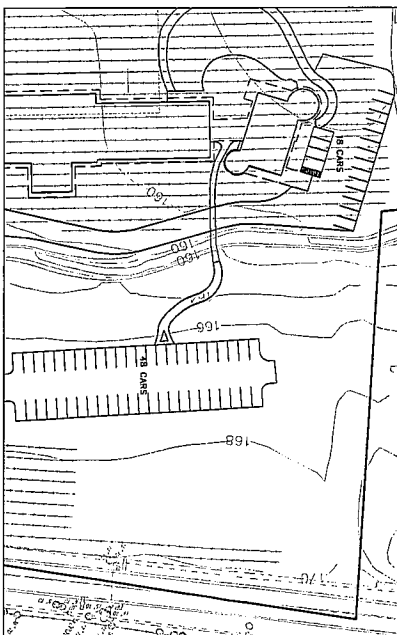
**LOCATION MAP**



**ASSESSOR'S PARCEL MAP**



**EVENT TRAFFIC AND CIRCULATION PLAN**



**EVENT PARKING LAYOUT**

- SHEET INDEX**
1. TITLE SHEET
  2. OVERALL SITE PLAN
  3. FLOOR PLAN - LANDSCAPE PLAN
  4. ELEVATIONS AND SECOND FLOOR PLAN

**EXHIBIT D**

<p>HALES WINERY - PLP05-0062  USE PERMIT EXHIBITS  TITLE SHEET  4304 DRY CREEK RD.  HEALDSBURG, CA 95448</p>	<p>APN 090-200-008</p>	<p><b>ATTERBURY &amp; ASSOCIATES, INC.</b>  Civil Engineering - Land Planning  16109 Healdsburg Avenue, Suite D, Healdsburg, CA 95448  Phone: (707) 432-0154; Fax: (707) 432-0150</p>	<table> <tr> <th>REVISION</th><th>DESCRIPTION</th><th>BY</th><th>DATE</th></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	REVISION	DESCRIPTION	BY	DATE																
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<p>DATE: 3/13/15  SCALE: AS SHOWN  DRAWN: MD  CHK: 03-05</p>	<p>Sheet: 1 OF 4</p>
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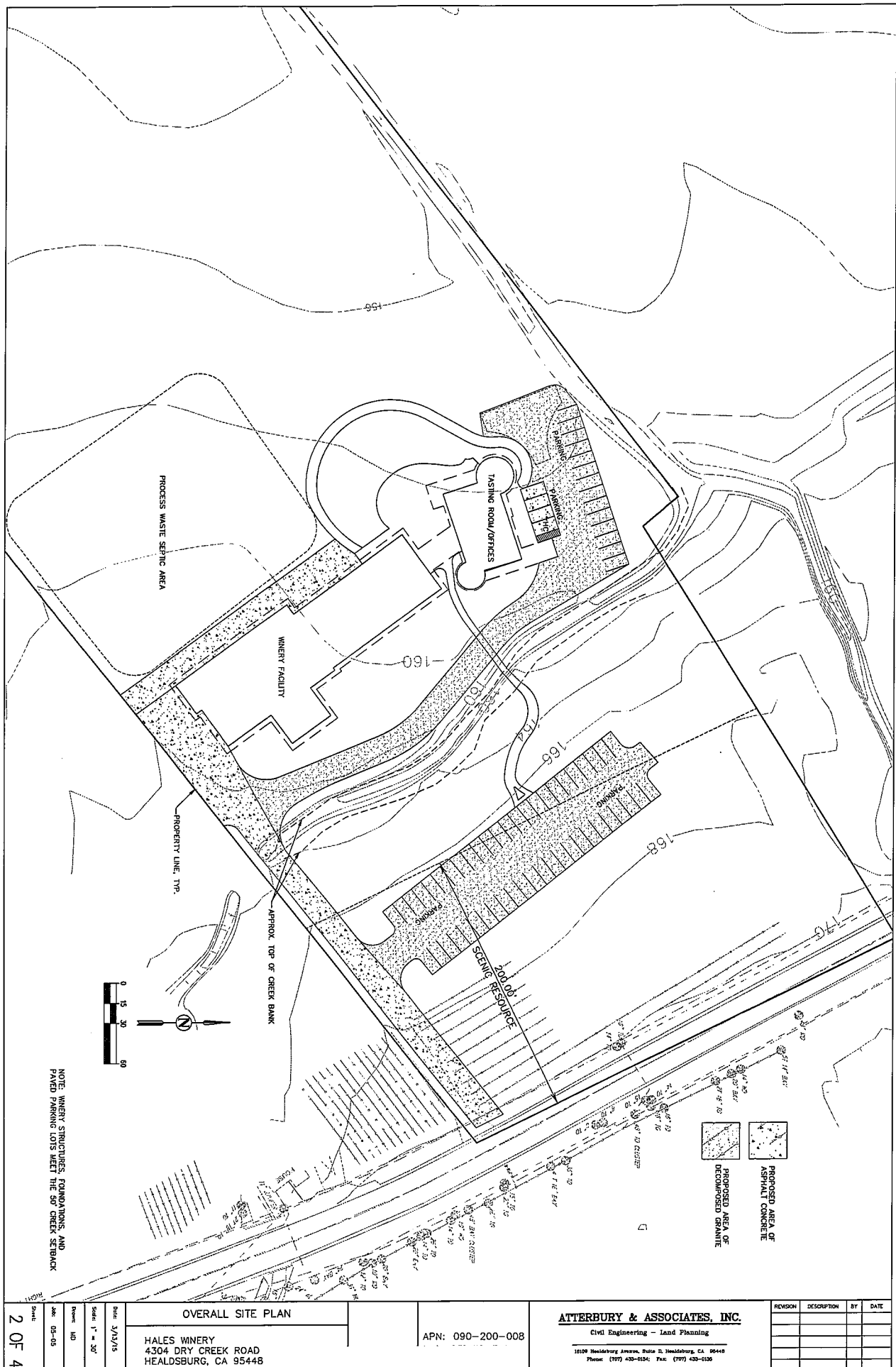
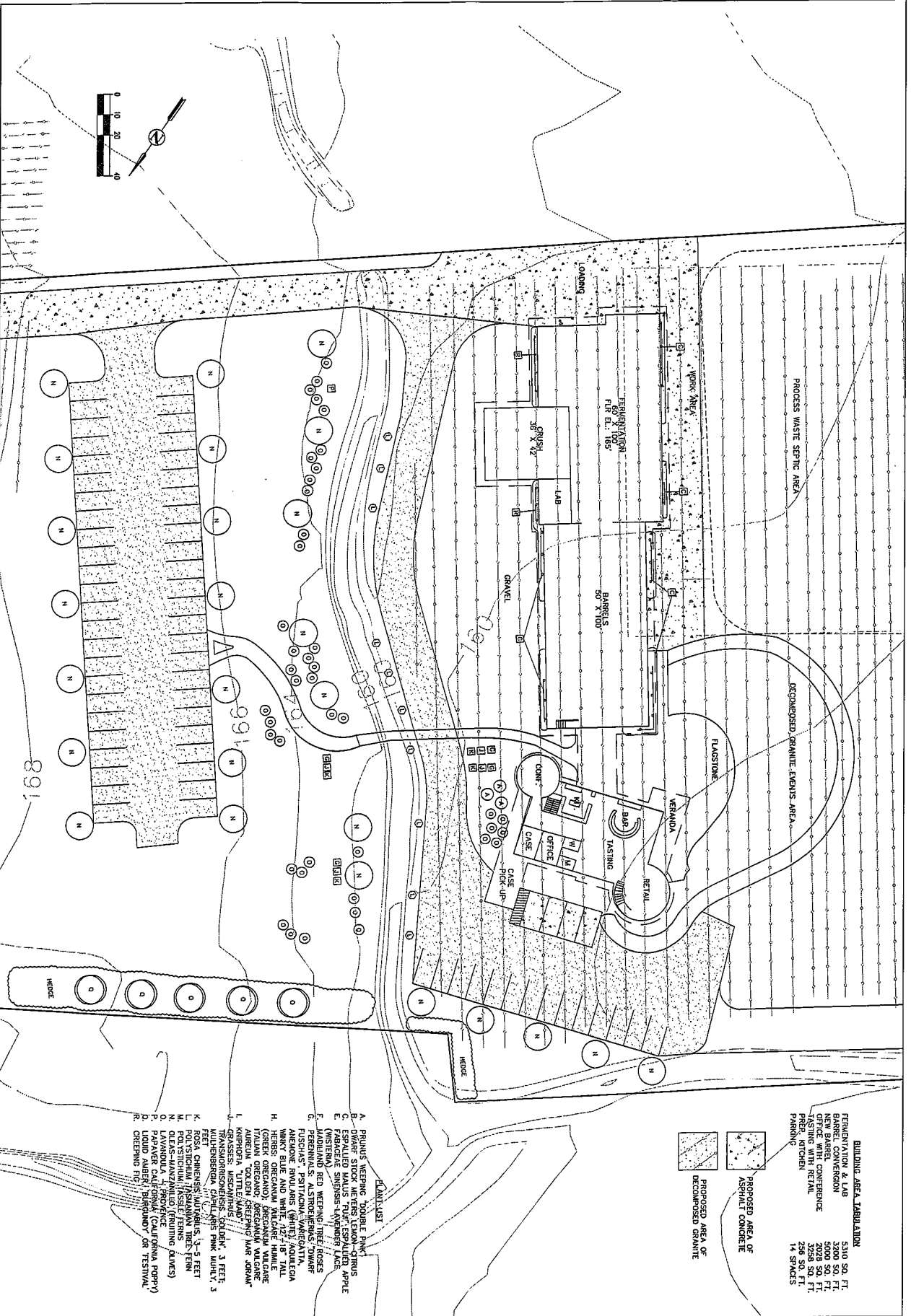
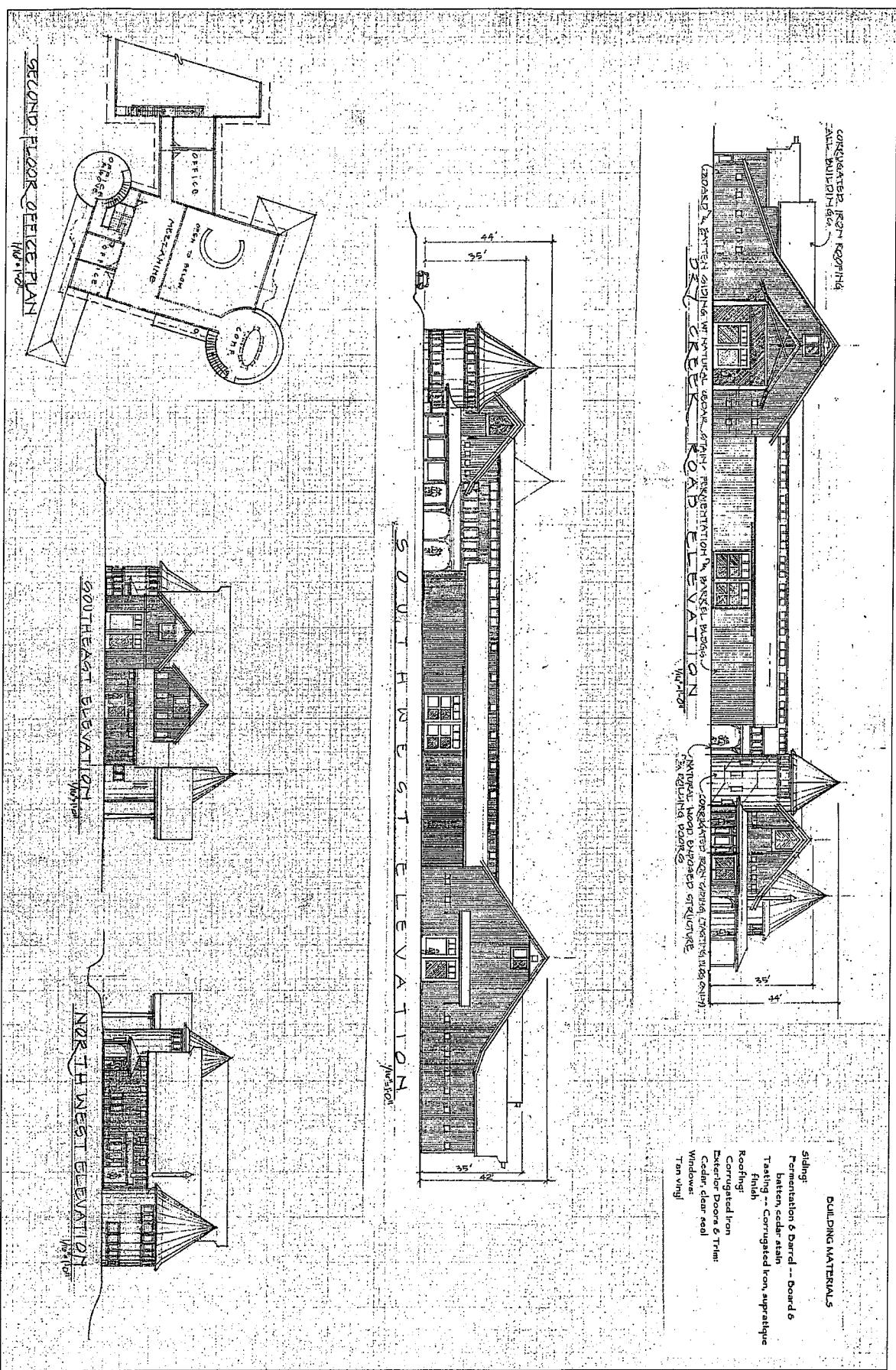


EXHIBIT E







- BUILDING MATERIALS**
- Siding:
    - Permentation & Barrel -- Board & batten cedar stain
    - Tasting -- Corrugated iron, spraytype finish
  - Roofing:
    - Corrugated iron
    - Exterior Doors & Trim: Cedar, clear red
    - Windows: Tan vinyl

Date: 3/1/85 Drawn: JAS. SHAW Check: JLD Date: 05-05		ELEVATIONS AND SECOND FLOOR PLAN HALES WINERY 4304 DRY CREEK ROAD HEALDSBURG, CA 95448		APN: 090-200-008		<b>ATTERBURY &amp; ASSOCIATES, INC.</b> Civil Engineering - Land Planning 1828 Healdsburg Avenue, Suite 2, Healdsburg, CA 95448 Phone: (707) 433-0204 Fax: (707) 433-4155		REVISION DESCRIPTION BY DATE
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EXHIBIT G

## Memo

**Date:** March 13, 2015  
**To:** Traci Tesconi, Planner III  
Sonoma County Permit and Resource Management Department  
**From:** Michael Thill, Principal Consultant  
Illingworth & Rodkin, Inc.  
**Subject:** Hales Winery, Sonoma County, CA (PLP05-0062) --

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This memo has been prepared at your request to address concerns regarding the slight changes to the Sonoma County General Plan Table NE-2 noise limits since 2006 and to address any new or substantially different noise impacts resulting from the proposed Hales Winery project.

### Regulatory Criteria

The Sonoma County General Plan 2020 Noise Element, adopted September 23 2008, sets forth policies to protect people from exposure to excessive noise. A site exposed to a noise level exceeding 60 dBA  $L_{dn}$  is considered "noise impacted". If the source of noise affecting a residential area is an adjacent property, rather than a transportation source, then the noise limits set forth in Table NE-2 of the General Plan, shown in Table 1, determines if a property is "noise impacted". Policy NE-1c provides the methodology to adjust the noise limits where applicable:

**Policy NE-1c:** Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

- (1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.
- (2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- (3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- (4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

**TABLE 1: Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)**

Hourly Noise Metric <sup>1</sup>	Maximum Exterior Noise Level Standards, dBA	
	Daytime	Nighttime
	7 AM to 10 PM	10 PM to 7 AM
L <sub>50</sub> (30 Minutes)	50	45
L <sub>25</sub> (15 Minutes)	55	50
L <sub>08</sub> (5 Minutes)	60	55
L <sub>02</sub> (1 Minute)	65	60
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L <sub>50</sub> is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L <sub>02</sub> is the sound level exceeded 1 minute in any hour.		

The base noise limits for L<sub>50</sub>, L<sub>25</sub>, L<sub>08</sub>, and L<sub>02</sub> have remained unchanged since 2006. The primary difference between the current noise limits as compared to the limits used in the 2006 noise analysis is due to the adjustment process. In 2006, the applicable standards in Table NE-2 were reduced by 5 dBA if the standards exceeded the ambient noise level by 10 or more decibels. The current protocol is to reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels. This results in a very subtle difference between the current assessment's methodology versus the 2006 assessment's methodology. However, the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors.

#### Parking Lot Noise

Based on our review of the floor plan-landscape plan dated March 2, 2015, we understand that the expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 60 dBA L<sub>08</sub> at the nearest receptor to the north (Residence 1) and 66 dBA L<sub>08</sub> at the nearest receptor to the south (Residence 2). Table 2 summarizes the assessment of parking lot noise resulting from the project.

**TABLE 2: Parking Lot L<sub>08</sub> Noise Levels**

NE-2 Limits, Ambient Noise Levels, and Adjustments	L <sub>08</sub> , dBA (Noise Level Exceeded 5 Minutes or more in any Hour)	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	60	60
Daytime Ambient Noise Levels	60	66
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+5
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	60	65
<b>L<sub>08</sub> Noise Levels</b>	<b>Residence 1</b>	<b>Residence 2</b>
Parking Lot	44 to 54	50 to 60
<b>Adjusted NE-2 Limits and Compliance</b>	<b>Residence 1</b>	<b>Residence 2</b>
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	60	65
Parking Lot Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	60	65
Parking Lot Noises Exceeds Adjusted NE-2?	No	No

Noise sources such as engine starts and door slams would generate noise levels that would range from about 50 to 60 dBA at a distance of 50 feet. The predicted noise levels from these same sources would range from 44 to 54 dBA at a distance of 95 feet. Parking lot noise levels would be less than the adjusted daytime NE-2 noise level limit for sounds occurring between 5 minutes and 15 minutes in any one-hour period (L<sub>08</sub> noise limit). No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required.

#### Seasonal Production Related Noise

The 2006 Environmental Noise Assessment identified noise impacts due to seasonal production related noise (crushing and bottling activities). Based on our current review, we understand that the crushing bottling areas are located as close as 220 feet from the residential property line to the south and 300 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 46 dBA L<sub>50</sub> at the nearest receptor to the north (Residence 1) and 52 dBA L<sub>50</sub> at the nearest receptor to the south (Residence 2).

Based on data gathered by Illingworth & Rodkin, Inc., noise levels generated during harvest are approximately 63 dBA L<sub>50</sub> at 50 feet assuming unshielded conditions. At the property line nearest the receiver to the north (Residence 1 – 300 feet), exterior noise levels generated during crush would be about 47 dBA L<sub>50</sub>. At the property line nearest the receiver to the south (Residence 2 – 220 feet), exterior noise levels would be about 50 dBA L<sub>50</sub>. Crushing noise levels would be equal to or less than the adjusted daytime NE-2 noise level limit for sounds occurring 30 minutes or more in any one-hour period (L<sub>50</sub> noise limit).

Bottling would occur inside a mobile bottling truck located at the crush loading area during daytime hours only. Noise levels at the rear of bottling trucks are approximately 67 dBA  $L_{50}$  at 50 feet assuming unshielded conditions. At the property line nearest the receiver to the north, exterior noise levels generated during bottling would be steady at about 51 dBA  $L_{50}$ . At the property line nearest the receiver to the south, exterior noise levels would be about 54 dBA  $L_{50}$ . Bottling noise levels would exceed the adjusted daytime NE-2 noise level limit for sounds occurring 30 minutes or more in any one-hour period ( $L_{50}$  noise limit) by 1 to 2 dBA. Table 3 summarizes the assessment of seasonal production related noise resulting from the project.

**TABLE 3: Seasonal Production  $L_{50}$  Noise Levels**

NE-2 Limits, Ambient Noise Levels, and Adjustments	$L_{50}$ , dBA (Noise Level Exceeded 30 Minutes or more in any Hour)	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	50	52
<b><math>L_{50}</math> Noise Levels</b>	<b>Residence 1</b>	<b>Residence 2</b>
Crushing	47	50
Bottling	51	54
<b>Adjusted NE-2 Limits and Compliance</b>	<b>Residence 1</b>	<b>Residence 2</b>
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	50	52
Seasonal Production Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	50	52
Crushing Noise Exceeds Adjusted NE-2?	No	No
Bottling Noise Exceeds Adjusted NE-2?	Yes (+1 dBA)	Yes (+2 dBA)

*Seasonal Production Related Noise Mitigation*

Draft Condition 44 states, "For winery operations nighttime truck deliveries are not allowed between 10 PM and 7 AM. The mobile bottling truck shall be parked behind the winery building with the rear of the bottling truck oriented to the west away from sensitive receptors (neighboring residences). Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from the nearest residence to the east. Trucks for winery operations shall only use the south driveway. No winery truck traffic is allowed on site with trailers or semi-trailers with kingpin to rear axle lengths exceeding 38 feet."

The implementation of Draft Condition 44 would reduce bottling noise levels below the NE-2 thresholds at Residence 1 and Residence 2. As a result, no new or substantially different noise impacts are expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of

Traci Tesconi  
March 13, 2015  
Page 5

approval are required for the project to comply with the noise standards established in the Sonoma County General Plan 2020 Noise Element.

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We trust that this information meets your needs. If you have any questions or needs for additional information, please do not hesitate to contact us.

(06-068)

**CMPR**

**CARLE, MACKIE, POWER & ROSS LLP**  
ATTORNEYS

**RECEIVED**

**MAR 12 2015**

**PERMIT AND RESOURCE  
MANAGEMENT DEPARTMENT  
COUNTY OF SONOMA**

March 10, 2015

Shawn Montoya, Chair  
Members of the Board  
SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS  
Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Re: PLP 05-0062; 4304 Dry Creek Road, Healdsburg, CA;  
APN 090-200-008

Dear Chair Montoya and Members of the BZA:

This firm represents Kenneth and Diane Wilson, applicants in the above-referenced use permit and design review application. As a result of the February 19, 2015, hearing, County staff and the applicants have been discussing amendments to the proposed conditions of approval and to the Mitigated Negative Declaration. These have focused on traffic, parking and further limiting events at the site.

We believe the staff and applicants have agreed on the increased parking and traffic controls and elimination of weddings, creek protections and certain additional operational rules for events.

The applicants have requested twenty (20) days for events at the site, of which twelve (12) days would be for agricultural promotion events and eight (8) days would be occupied with four (4) wine industry events. County staff is now proposing limiting the "industry events" to four (4) days, two (2) events.

We object to this limitation. We think it is unjustified and inequitably applied to the applicants. We can see no basis for singling out these applicants for this restriction. As you must be aware, many other wineries are not restricted in the number of "industry events" they may host or they are permitted more than proposed by staff for the subject winery. Even recently issued use permits for nearby wineries, such as Seifrick, Comstock and Silver Oak, do not have the same degree of limitation as proposed here.

**EXHIBIT I**

100 B Street, Suite 400, Santa Rosa, California 95401 • tel: (707) 526.4200 fax: (707) 526.4707

**C M P R L A W . C O M**



**CMPR**

CARLE, MACKIE, POWER & ROSS LLP

Shawn Montoya, Chair  
Members of the Board  
SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS  
March 10, 2015  
Page 2

We urge you to review your policies and practices and apply these consistently, fairly and equitably to this application.

We look forward to concluding your review at the April 16 meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John G. Mackie', with a stylized, flowing script.

John G. Mackie

JGM/hd

cc: Traci Tesconi ([traci.tesconi@sonoma-county.org](mailto:traci.tesconi@sonoma-county.org))  
Kenneth Wilson  
Rob Izzo, Ph.D.



CARLE, MACKIE, POWER & ROSS LLP  
ATTORNEYS

March 12, 2015

Shawn Montoya, Chair  
Members of the Board  
SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS  
Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Re: PLP 05-0062; 4304 Dry Creek Road, Healdsburg, CA;  
APN 090-200-008

Dear Chair Montoya and Members of the BZA:

This firm represents Kenneth and Diane Wilson, applicants in the above-referenced use permit and design review application. I sent you a letter dated March 10, 2015, that needs to be corrected.

I am reminded that Members of the BZA, and not the County staff, have been proponents of the reduction in permitted event days. As you know, going into the last BZA hearing, the application requested 24 event days: 12 for agricultural promotion, 8 industry event days, 2 weddings, and 2 community benefit dinners (i.e., scholarship events). You, the members of the BZA, requested that staff and the applicants meet to consider certain changes. Reduction in events is one of the conditions that is proposed to be changed. To some extent the applicants are amenable. Our objection, however, remains as to the extent of the requested reductions.

Very truly yours,

John G. Mackie

JGM/hd

cc: Traci Tesconi ([traci.tesconi@sonoma-county.org](mailto:traci.tesconi@sonoma-county.org))

Kenneth Wilson

Rob Izzo, Ph.D.



March 31, 2015

Ms. Traci Tesconi  
County of Sonoma  
Permit and Resource Management Department  
2250 Ventura Avenue  
Santa Rosa, CA 95403

Whitlock & Weinberger  
Transportation, Inc.

490 Mendocino Avenue  
Suite 201  
Santa Rosa, CA 95401

voice 707.542.9500  
fax 707.542.9590  
web www.w-trans.com

### **Parking Evaluation for Hale Winery**

Dear Ms. Tesconi;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has evaluated the anticipated supply of parking needed for a special event at Hale Winery, the adequacy of the proposed supply, and the potential for the increased supply to result in additional trips. This review is based on updated information provided by the applicant, Mr. Ken Wilson.

The maximum number of guests anticipated to be on-site at any one time is during a 100-person event. Additionally, six staff members were assumed to be needed for an event of this size. Using the normal occupancy of 2.5 guests per vehicle and one vehicle per employee, an event of this size would generate 46 parked vehicles. The parking supply as indicated by the applicant exceeds this number.

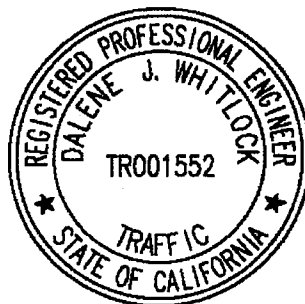
It is noted that additional parking has been incorporated into the site plan in response to public comments regarding the number of visitors that other wineries have experienced during industry-wide events. In response, questions have arisen regarding the potential for additional parking to result in more trips being generated. Parking does not, in and of itself, generate additional trips. Lack of parking can, however, result in additional turning movements during industry-wide events if guests arrive, find inadequate parking, and leave to go to another winery where parking is available. This does not change the number of vehicles on the road, and therefore the underlying traffic volume; it merely results in more movements onto and off of Dry Creek Road.

We hope this information adequately addresses the concerns as raised. Please contact us if you have any questions or if any additional information is needed.

Sincerely,

A handwritten signature in cursive script that reads "Dalene Whitlock".

Dalene Whitlock, PE, PTOE  
Principal



DJW/az/SOX249.L3