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COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

DATE: April 14, 2009 at 2:15 p.m.

TO: Board of Supervisors

FROM: Sigrid Swedenborg, Project Planner

SUBJECT: PLP08-0087, Pech Merle Winery for Ruby Dog LLC

Action of the Board of Zoning Adjustments:

At its regularly scheduled meeting on February 26, 2009, the Board of Zoning Adjustments, with a 5-0 vote, approved the request by Pech Merle Winery for Ruby Dog LLC, for a Use Permit and Design Review for a winery with a maximum annual production capacity of 40,000 cases with public tasting and 30 special events annually on a 15 acre property located at 4543 Dry Creek Road, Healdsburg; APN 090-210-024; Zoning LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat); Supervisorial District No. 4.

On March 6, 2009, an appeal of the decision was filed with the Board of Supervisors by Walt Dieden.

ISSUES DISCUSSED AT THE PUBLIC HEARING

Issue #1: Events

One of the primary issues discussed at the hearing was about the requested number of events. Several speakers requested that the Board of Zoning Adjustments (BZA) limit the number of events to 15. A concern was raised that the facility was more of an events center than a winery. There was a discussion about parking for the events, that it is in an open field with a pervious surface and couldn't be used during the rainy season; so the events would primarily be held during the six-month dry period. This would mean that events would be held at the site almost every weekend.

Resolution

The BZA discussed the issue and added a condition to the project, allowing for the requested 30 special events annually, but limiting them to 20 events with 100 participants and no more than 10 events with a maximum of 200 participants. The 200 participant events may not occur on consecutive weekends, excluding industry-wide activities, and the facility may only be rented out for events four times a year. The BZA allowed participation in a maximum of six industry-wide events, which are considered separate from special events

Issue #2: Source of Fruit

Many speakers brought up the subject of where the grapes would be coming from for the winery. There was a concern that fruit would be imported and that the facility would not use Dry Creek grapes. Speakers stated they were concerned that only 2.5 acres were planned to be planted on site. Staff noted that there is not a requirement or a correlation between grapes grown and processed on a site. A request was made that the project be conditioned with a requirement that the majority of grapes processed on-site come from the Dry Creek Valley. The applicant stated that they plan on using grapes from Dry Creek Valley, but didn't want to be the first winery in the County to have a specific limitation on grape sources.

Staff noted that the General Plan policies and Zoning Code allow processing only for products grown on-site or in the local area. Furthermore, the County declined to establish a percentage requirement in the General Plan because the Planning Commission felt it should be considered as part of the Zoning Code update. The practice has been to require the operators to abide by their proposal statements indicating the predominant source of fruit but to allow flexibility for change in market conditions.

Resolution

The BZA added a condition requiring that the facility process grapes grown primarily in the local area. This language is consistent with policies in the General Plan and Zoning Ordinance, and has been used on many Use Permits.

ISSUES RAISED WITH APPEAL

Issue #1: Events

The BZA granted the request for 30 special events annually, but established some limitations. The appellant states that events should be reduced to 15 per year, with no more than four events with more than 100 people. Staff has determined that the number of permitted special events at wineries approved by the County generally has been within the range of 24 to 64 annually. The request for 30 annual events is within this range. In November of 2006, a Use Permit for a winery, about one mile from this site, was approved with an allowance for 30 special events annually.

Issue #2: Production Capacity of the Winery

The appellant states that the size of the proposed winery and hospitality center is "out of balance" with the size of the property. The appellant states that the winery production capacity should be 30,000 cases instead of the approved 40,000 cases. There are no real grounds for the reduction in production capacity. As long as the applicant is able to dispose of all process and domestic wastewater on-site, is within the lot coverage requirements and meets all other potential site constraints, the request for the 40,000 case winery can be approved. There is no evidence that these requirements cannot be met.

Issue #3: Private Road

The appellant states that the proposed roadway is inadequate to handle project related traffic. The existing road has a 12-foot gravel surface. It serves the subject site, and one parcel to the north. The proposed road would be 24 feet wide, 150 feet from Dry Creek Road and 20 feet wide, to just past the ponds. Two-way traffic can easily pass at that width. The intersection of the proposed roadway and Dry Creek Road must conform to AASHTO standards including a minimum throat width of 24 feet, and 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. This will ensure safety for traffic entering and exiting the site.

Issue #4: Adverse Impacts

Water Use - The appellant contends that the well that produces 15 gallons per minute is not adequate for the use. A Groundwater Availability Study was prepared for the project by The Geoservices Group. The study states that the winery would use about 4,000 gallons of water per day during peak crush. This equates to 2.8 gallons per minute. The area of cumulative impact is estimated to have more than 2,000 acre feet of groundwater in storage. The study concludes that the potential for adverse impacts to neighboring wells from on-site pumping appears to be low. The study was reviewed by the Project Review Health Specialist, who was satisfied by the conclusions reached in the document. The appellant has not identified specific deficiencies in the report nor have they submitted documentation prepared by an expert in geohydrology to dispute the finding of the professionally prepared study.

Pond Hazards - The appellant states that the ponds will have an offensive smell, vector incubation, groundwater contamination and visual repugnancy. Permits must be obtained from the Regional Water Quality Control Board related to the pond development and operation. To avoid odors, aerators must be used on a routine basis to keep the dissolved oxygen level within permissible limits, preferably at 2.0 mg/L or above. The aerators aid in limiting the potential for vector incubation. The control of odors on an ongoing basis will depend on appropriate monitoring of the treatment process and compliance with Wastewater Discharge Order. Complaints about odors from process wastewater ponds are extremely rare, in fact, with a discussion with Code Enforcement, we could only find two complaints. Ponds must be constructed in a way so that groundwater is not contaminated. Process wastewater is not pathogenic, being comprised of grape juice, stems and seeds. The project is conditioned with a requirement that, "A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District shall be submitted prior to the construction of any ponds. The Project Review Health Specialist shall receive a copy of the Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District." The concern that the ponds will be visually "repugnant" is highly subjective. The only people who will see the ponds are persons driving on the private road to get to the Chambers parcel, which has a Use Permit for a winery.

Parking - The appellant states that there are too many parking places. The overflow parking for events is proposed to be a field with a pervious surface. Valet parking would be used for events.

Noise - The appellant requests that a Noise Abatement Plan be submitted. The project is

conditioned with a requirement that special events be limited to between the hours of 10:00 a.m. and 9:00 p.m., in order to comply with the General Plan noise standards. Amplified sound and loud musical instruments are not permitted outdoors. If valid complaints about noise are submitted to PRMD, a process is in place to monitor and evaluate the events and require additional noise Mitigation Measures.

Drainage - The appellant contends that the facility will flood the adjacent property. Grading permits are required for the project and drainage impacts are analyzed by engineers at PRMD to make sure that project related drainage will not create damage, that there is an Erosion Control Plan and adverse impacts to the environment are minimized.

List of Attachments:

Draft Board of Supervisors Resolution

EXHIBIT A Draft Conditions of Approval

EXHIBIT B: Appeal Form

EXHIBIT C: Board of Zoning Adjustments Resolution Number 09-003

EXHIBIT D: Board of Zoning Adjustments Minutes dated February 26, 2009

EXHIBIT E: Board of Zoning Adjustments Staff Report dated February 26, 2009

EXHIBIT F: Letters

EXHIBIT G: Mitigated Negative Declaration

Resolution Number

County of Sonoma
Santa Rosa, California

April 14, 2009
PLP08-0087 Sigrid Swedenborg

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, DENYING THE APPEAL, THEREBY ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO PECH MERLE WINERY, FOR RUBY DOG LLC, FOR PROPERTY LOCATED AT 4543 DRY CREEK ROAD, HEALDSBURG; APN 090-210-024.

WHEREAS, the applicant, Pech Merle Winery, for Ruby Dog LLC, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a winery with a maximum annual production capacity of 40,000 cases with tasting, retail sales and 30 annual special events with a maximum of 200 people per event for property located at 4543 Dry Creek Road, Healdsburg; APN 090-210-024; Zoned LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, at its regularly scheduled meeting in February 26, 2009, the Board of Zoning Adjustments, with a 5-0 vote, approved the request; and

WHEREAS, on March 6, 2009, Walt Dieden filed an appeal of the decision with the Board of Supervisors; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on April 14, 2009, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors makes the following findings:

1. The proposed project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, but not limited to, Goal AR5, 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. The tasting room and events would promote wine made on site, consistent with policy AR-6d. The project also complies with Objective AR-5.1: facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories.
2. The proposed project is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained. Tasting rooms and promotional events are permitted separately from wineries under Section 26-04-020 of the Zoning Ordinance, also subject to a Use Permit approval.

3. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that Mitigation Measures are incorporated into the project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are requirements that: 1) traffic generated by the use will not have a significant effect on local public roads; 2) lighting shall be down cast, fully shielded and not wash out off site or into the night sky; 3) grape pomace must be disced into the vineyard soil as a soil conditioner and supplemental nutrient source or removed from the site; 4) the access driveway will be modified to meet AASHTO standards, 5) the 30 annual special events are limited to 20 events with up to 100 participants and no more than 10 events with a maximum of 200 participants which may not occur on consecutive weekends, and the facility may only be rented out for events four times a year and 6) parking for events is conditioned to be entirely on-site and not on public roads.

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

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the appeal, thereby granting the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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

SUPERVISORS VOTE:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

SO ORDERED.

Draft Board of Supervisors Conditions of Approval
EXHIBIT A

Date:	April 14, 2009	File No.:	PLP08-0087
Applicant:	Pech Merle Winery	APN:	090-210-024
Address:	4543 Dry Creek Road, Healdsburg		

Project Description: Request for a Use Permit for a winery with a maximum annual production capacity of 40,000 cases with public tasting, participation in six industry wide events and 30 annual special events.

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

BUILDING:

1. 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.
2. 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.

HEALTH:

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

PRIOR TO BUILDING PERMIT :

Water:

3. Prior to building permit issuance, the applicant shall cause the proposed water supply system to be evaluated for potential contamination or pollution via back-flow 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 1998 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.
4. Prior to building permit issuance, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
5. Prior to the issuance of building permits, complete an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may E-mail clearance directly to PRMD.
6. If a water supply permit is required, then the water supply well is required to have a 50-foot annular seal. 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.

7. Prior to building permit issuance the applicant shall abandon the existing well near the proposed Tasting Room under permit from the Well and Septic Section of PRMD or the applicant shall provide a letter to the Project Review Health Specialist indicating an acceptable proposed use of this water well. The proposed uses may not include the potable water supply for any of the activities granted in the Use Permit.
8. 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 and County Counsel prior to recordation.

Septic:

9. Prior to building permit issuance, 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 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. The system shall also be designed to provide septic capacity for the total number of guests at special events requested, up to a maximum of 250 guests, before resorting to portable toilets. 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 Division that all required septic system testing and design elements have been met.
10. 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 Regional Water Board Staff 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 Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from:
<http://www.swrcb.ca.gov/sbforms/index.html> and
http://www.waterboards.ca.gov/northcoast/publications_and_forms/forms.shtml

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any permits until the Project Review Health Specialist has received a letter of acceptance of an application for wastewater discharge from the North Coast Regional Water Quality Control Board.

11. Prior to building permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the Well and Septic Section of PRMD. The Project Review Health Specialist shall receive a copy of the "finalized" abandonment permit.
12. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits. For planned tenant improvements, installed central water and wastewater lines the length of the building with appropriate breakout floor design is acceptable.
13. Prior to building permit issuance, sewage disposal system(s) shall be evaluated relative to the proposed wine cave(s). If the floor of the wine cave(s) are lower than any wastewater disposal

field or septic tanks, a minimum of a 50-foot set back from any tanks or sumps and a 100-foot set back from wine caves to the septic disposal field shall be maintained. The Project Review Health Specialist shall receive a topographic map by a Civil Engineer, Surveyor or REHS depicting the septic system and wine cave components for review.

Consumer Protection:

14. Prior to the issuance of building permits and the start of any construction, the applicant shall apply for a food facility permit or exemption. Plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. The exemption requires:
 - a. Proof of a State Wine Grower License (Alcoholic Beverage Control 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 and certain palate cleansers such as prepackaged cheese, small pieces of bread, nuts, pretzels, crackers and the like). For example, a patron cannot purchase a bottle of wine and have a picnic on the premises of the winery; the only consumption of wine allowed would be at the tasting bar.
 - c. A statement that food and/or beverage, other than wine, will not be offered for sale for offsite consumption.
 - d. A statement that no fees will be charged for wine tasting or palate cleansers.

Contact the Environmental Health Division at 565-6544 for information. The PRMD Project Review Health Specialist shall receive a letter or e-mail of approval from the Environmental Health Division to verify compliance with requirements of the California Retail Food Code (CalCode).

Vector Control:

15. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction of any ponds. The Project Review Health Specialist shall receive a copy of the Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

16. Prior to occupancy, back-flow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by PRMD. The Project Review Health Specialist shall receive a letter from the Cross connection Control Specialist stating that back-flow prevention has been installed as recommended.
17. 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. A water meter (or meters) 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 Project Review Health Specialist at PRMD.

OPERATIONAL REQUIREMENTS:

Water:

18. The property owner or lease holder shall have the back-flow prevention assembly tested by an American Water Works Association certified Back-flow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
19. A safe, potable water supply shall be provided and maintained.
20. 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 RC-3b of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.
21. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review at least once every five years.
22. If groundwater use exceeds 2.5 acre-feet per year, the operator/owner shall apply for a modification of the Use Permit to reflect the expanded use.

Septic:

23. Maintain the Annual Operating Permit for any package treatment plant, 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.
24. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
25. 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.

Hazardous Materials Program:

26. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

27. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division if required for the wine tasting and special event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Retail Food Facility Permit. However, State law requires that no food or beverage be sold for on-site consumption (including any charges for wine tasting), and that no food or beverage be sold for off-site consumption (except for bottles of wine) in order to qualify for the wine tasting exemption. The Local Health Officer does allow providing certain palate cleansers (such as prepackaged cheese, nuts, pretzels, crackers and the like) under this exemption.

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 Division at 565-6544 for further information.

28. Commercial food preparation facilities were not requested in this Use Permit and therefore are not authorized by this Use Permit. No prejudice against future food preparation facilities being authorized by future Building or Use Permits is implied.

Noise:

29. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

Limit exceptions to the following:

- a. 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.
 - b. 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.
 - c. Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
 - d. 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.
 - e. Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of the exterior property line of the adjacent noise sensitive land use where:
 - 1) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and
 - 2) There is available open land on those noise sensitive lands for noise attenuation.
30. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.
31. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The

owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

BUILDING:

Solid Waste:

32. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the Building Plan Check Section of PRMD. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

TRANSPORTATION AND PUBLIC WORKS:

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

33. The developer shall construct or install improvements described as follows:
- a. Supplement the width of Dry Creek Road on the opposite side to create the improved roadway described below. The improvements shall include:
 - 1) Twelve (12) foot wide travel lane,
 - 2) A minimum 100-foot long eight (8) foot wide paved shoulder, centered on the extension of the centerline of the applicant's 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, and
 - 4) Two (2) foot wide rock shoulder backing at edge of pavement.

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).

34. 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 Traffic Index (TI) to be used for the pavement design of Dry Creek Road is 10.0. This condition is waived with a design based on an R-value of 5.0.
35. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to Dry Creek Road shall conform to AASHTO standards. More specifically, the developer shall construct a driveway meeting the following criteria:
- a. A minimum 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 between the edge of the existing pavement and the right-of-way line or a minimum distance of 25 feet, whichever is greater,
 - f. Refer to County of Sonoma Department of Transportation and Public Works (DTPW) Construction Standard Drawing 814, latest revision, for private road and driveway intersection details,
 - g. Entrance improvements shall be constructed prior to occupancy, and
 - h. This condition shall be void if the existing entrance meets these requirements.
36. The developer shall install traffic control devices as required by DTPW, including items such as traffic signs, roadway striping, pavement markers, etc.
37. All improvements shall be constructed in accordance with DTPW Road Policy.
38. 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 50-foot interval between cross-sections.
39. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to PRMD, prior to signature of the Improvement Plans by the Director of DTPW.
40. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
41. The developer shall submit Improvement Plans for all required improvements to the Office of the County Surveyor at PRMD for review and approval. The Director of DTPW shall sign the Improvement Plans prior to the issuance of a grading, building or encroachment permit.
42. The developer shall obtain an encroachment permit from PRMD prior to constructing any improvements within County road right-of-way.
43. 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.

DRAINAGE REVIEW:

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

44. Drainage improvements shall be designed by a civil engineer, in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the improvement plans, and be submitted to the Drainage Review Section of PRMD for review and approval. Drainage improvements shall maintain sheet flow, maintain existing drainage patterns, or convert

concentrated flow to sheet flow to the maximum extent practicable. A Site Grading Plan and an Erosion Control Plan as part of the required improvement drawings.

Mitigation Monitoring: PRMD shall not issue a grading or building permit until evidence is submitted and approved by the Drainage Review Section of PRMD that the improvements have been designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval and are shown on the improvement drawings. The developer's engineer shall include a Site Grading Plan, and an Erosion Control Plan as part of the required improvement drawings.

45. The design engineer shall include a Site Grading Plan and an Erosion Prevention/Sediment Control Plan, as part of the required Improvement Plans, which shall contain all pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment.
46. A building setback line along the waterway shall be measured from the toe of the stream bank outward, a distance of 2 ½ times the height of the stream bank plus 30 feet, or 30 feet outward from the top of the stream bank, whichever distance is greater. If the top of bank cannot be determined, then the building setback line may also be determined through hydraulic analysis.
47. Bridges and retaining walls require separate building permits.
48. Off-site drainage improvements may be required.
49. 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 Drainage Review Section of PRMD prior to permit issuance.
50. Work within stream banks may require permits from the Regional Water Quality Control Board, California Department of Fish and Game, and/or the U.S. Army Corps of Engineers.
51. The Outdoor Waste Receptacle Area shall be designed to prevent storm water from draining into it. Drainage for the site and trash enclosure area shall be designed in conformance with Best Management Practices (BMP) subject to the review and approval of PRMD staff. Design details for the on-site drainage system are subject to review and approval by the PRMD Flood and Drainage Review Section prior to issuance of grading and building permits.

PLANNING:

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

52. This Use Permit allows for a winery with a maximum annual production capacity of 40,000 cases with public tasting, participation in six industry wide events and 30 special events annually; 20 events with up to 100 participants and no more than 10 events with a maximum of 200 participants. The 200 participant events may not occur on consecutive weekends, excluding industry-wide activities, which are not counted towards the 30 permitted special events, and the facility may only be rented out for events four times a year. The project includes a 5,000 square foot hospitality building with a 4,262 square foot exterior terrace. The processing facility is a two story structure 67,000 square feet in size. The permitted hours of operation are from 10:00 a.m. to 5:00 p.m., seven days a week for the tasting room, between the hours of 10 a.m. and 9 p.m., for special events and from 7:00 a.m. to 6:00 p.m., for the winery except during harvest when additional hours may be required. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP08-0087 as modified by these conditions.
53. 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.

54. The applicant shall pay all applicable development fees prior to issuance of building permits.
55. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
56. Prior to building permit issuance the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
57. 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 \$1,993.00 (or latest fee in effect at time of payment) because a Negative Declaration was prepared, for a total of \$2,043.00 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
58. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
59. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
60. 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."

61. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
62. 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.
63. 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.
64. All new structures, lighting and signs shall require final design review prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors. Design review may be referred to the Design Review Committee for final review and approval.
65. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.

Mitigation Monitoring: PRMD shall not issue the building permit until an exterior night lighting plan has been reviewed and approved by the Design Review Committee and is consistent with the approved plans and County Design Standards. PRMD shall not sign off the Building Permit for occupancy 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, PRMD shall conduct a site inspection and require the property be brought into compliance or procedures to revoke the permit and terminate the use shall be initiated.

66. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
67. Pomace 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 a. through c. 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 PRMD receives complaints regarding objectionable odors, PRMD staff would investigate the complaint and if the condition is violated the Use Permit may be subject to modification.

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

- a. Samples or tastes of pre-prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
- b. Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
- c. Appetizers or meals featuring local foods and food products offered in conjunction with charitable events or weddings/special events.
- d. Appetizers or meals featuring local foods and food products offered in conjunction with marketing or promotional activities not open to drop-in guests or noticed to the general public.
- e. Retail sales of pre-prepared food not associated with the activities described in a), b), c), and d) above, is allowed subject to the following limitations:
 - 1) Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this permit.
 - 2) Retail sales of pre-prepared food shall be for on-site consumption only.
 - 3) No restaurant or deli service is provided.
 - 4) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 5) No off-site signs advertising retail sales of pre-prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to design review.

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

69. The following measures have been established to protect the wetland on site:

- a. Prior to any grading, the applicant shall install fencing 25 feet from the edge of the wetland.
- b. Straw wattles or other approved methods for erosion control shall be installed outside of the fence.
- c. Prior to any grading, signage shall be installed identifying the area as "Environmentally Sensitive Area."
- d. No change to the existing drainage into or out of the wetland is allowed.

Mitigation Monitoring: Prior to issuance of any grading permit, the applicant must submit evidence that the fencing and erosion control methods are in place. Grading plans shall depict the requirements or they will not be approved.

70. All grading and heavy construction activities shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Friday.

Mitigation Monitoring: Signs shall be placed at the job-site and notes placed on the plan set indicating the limited hours for grading and heavy construction activities. Any complaints received will be investigated and may result in stoppage of work at the site.

71. Special event parking shall be controlled by valets.

72. No winery/event parking is permitted on Dry Creek Road.

73. The facility shall process grapes grown primarily in the local area.

74. 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.

75. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. 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.

76. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

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

Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 9540

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 9540

They can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.