

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

TUESDAY

OCTOBER 14, 2014

8:30 A.M.

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

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

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

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

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

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

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

Public Transit Access to the County Administration Center:

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

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

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

APPROVAL OF THE CONSENT CALENDAR

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

PUBLIC COMMENT

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

8:30 A.M. CALL TO ORDER

PLEDGE OF ALLEGIANCE

I. APPROVAL OF THE AGENDA

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

II. BOARD MEMBER ANNOUNCEMENTS

III. CONSENT CALENDAR

(Items 1 through 20)

PRESENTATIONS/GOLD RESOLUTIONS

(Items 1 through 5)

PRESENTATIONS AT THE BOARD MEETING

1. Adopt a Gold Resolution declaring October as Anti-Bullying month in the County of Sonoma. (Fifth District)
2. Adopt a Gold Resolution recognizing National Disability Employment Awareness Month, October 2014. (Third District)

PRESENTATIONS AT A DIFFERENT DATE

3. Adopt a Gold Resolution celebrating the return of William-Sonoma to its original building and home in the City of Sonoma. (First District)
4. Adopt a Gold Resolution celebrating the 25th anniversary of the Bay Area Ridge Trail. (Third District)
5. Adopt a Gold Resolution honoring Ted and Pat Eliot for their Leadership in Environmental Stewardship. (First District)

SONOMA COUNTY WATER AGENCY

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

6. Dry Creek Habitat Enhancement Demo, Phase II –
Approve and authorize the General Manager to execute Change Orders to a contract with Hanford Applied Restoration & Conservation: Change Order #9 in the amount of \$74,925 for an additional ½ ton of rip-rap backfill material; Change Order #8 in amount of \$265,815 for construction of an additional riffle; Change Order #18 in amount not to exceed \$120,000 for construction of an additional boulder field.

BOARD OF SUPERVISORS

7. Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for Fiscal Year 2014-15: The 6th Street Playhouse, \$1,500. (Third District)

CONSENT CALENDAR (Continued)

8. Approve the Updated Board Meeting Calendar for 2014.

DISTRICT ATTORNEY

9. District Attorney 2014 Grants – Adopt two Resolutions:
- (A) Authorize the District Attorney to sign a grant agreement with the California Office of Emergency Services to participate in the State Victim/Witness Assistance Program, in the amount of \$280,744, for the term July 1, 2014 through June 30, 2015; and
 - (B) Authorize the District Attorney to sign a grant agreement with the California Office of Traffic Safety to participate in the State Alcohol and Drug Impaired Driver Vertical Prosecution Program in the amount of \$421,312 for the term October 1, 2014 through September 30, 2015.

FIRE AND EMERGENCY SERVICES

10. Adopt a 30-day extension of the Resolution proclaiming a drought emergency in Sonoma County.

GENERAL SERVICES

11. Award of Job Order Contracting -
- (A) Authorize the Chair to execute a Job Order Contract with Flint Builders, Inc. (Roseville) for a contract maximum of \$3,000,000; and A.E. Nelson Construction (Rohnert Park), Bay West Construction (Santa Rosa) and Murray Building, Inc. (Sonoma) for a contract maximum of \$1,500,000 each. The contract term for all of the above will be for one calendar year from the effective date of Notice to Proceed or when Job Orders totaling the maximum contract amount have been completed, whichever occurs first.
 - (B) Adopt a Resolution delegating the authority to approve Job Orders issued under the above Job Order Contracts to The County Administrator, General Services Director, and Deputy Director of Facilities Development and Management with specific limits indicated and ordering that projects consistent with the purposes of Job Order Contracting be performed.
12. Authorize the Purchasing Agent to execute a one year Blanket Purchase Order (“BPO”) agreement with National Document Solutions for management of forms and related services; contract term shall be one year with four one year options to extend. Annual amount not to exceed \$125,000.

HUMAN RESOURCES

13. Authorize the Director of Human Resources to execute an amendment to the agreement with 3E Company for Countywide automated Safety Data Sheet access for products used by County employees, increasing the current two year agreement amount from \$21,500 to \$56,360 for the term July 1, 2013 through June 30, 2015.

CONSENT CALENDAR (Continued)**HUMAN SERVICES**

14. Sonoma County Area Agency on Aging Supplemental Nutrition Assistance Program (SNAP-Ed) Education Obesity Prevention Contract –
- (A) Adopt a Resolution authorizing the Director of Human Services to sign and execute the Sonoma County Area Agency on Aging SNAP-Ed Standard Agreement #SP-1415-27 with the California Department of Aging for Fiscal Year 2014-15 in the amount of \$62,580, and to execute future agreement amendments to adjust for revenue changes.
- (B) Authorize the Director of Human Services to execute the service provider contract #AA-NCCWB-SNAP-1415 with the Northern California Center for Well-Being (NCCWB) with Area Agency on Aging funding totaling \$50,078 for management of the Supplemental Nutrition Assistance Program Education Obesity Prevention for Fiscal Year 2014-15, and to authorize amendments to the agreement that do not increase the amount of payment more than \$25,000 from the original agreement amount.

MISCELLANEOUS

15. Approve the Minutes of the Meeting of September 9, 2014 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Occidental County Sanitation District, Russian River County Sanitation District, South Park County Sanitation District, Sonoma County Water Agency, and Board of Supervisors; and Approve the Minutes of the Meeting of September 9, 2014 for the Sonoma Valley County Sanitation District.

REGIONAL PARKS

16. Authorize the Chair to approve an amendment to the 2011 War Memorial Dam Funding Agreement with the City of Healdsburg to reflect the actual completion date and extend the guarantee that the dam will be raised for five years through 2019. (Fourth District)
17. Authorize the Director of Regional Parks to execute a Revocable License Agreement with North Coast Fisheries, LLC. for the use of property located at Mason's Marina, 1820 Westshore Road, Bodega Bay, for an initial term of 3 years from November 1, 2014 through October 31, 2017, with an option to renew for two consecutive 3 year periods. (4/5 vote required) (Fifth District)

SHERIFF'S OFFICE

18. Forensic Pathology Services Agreements with Secondary Service Providers not to exceed \$407,675 -
- (A) Authorize the Chair to execute a Specialized Forensic Services Agreement with the County of Sacramento for a three-year term from November 1, 2014 through October 31, 2017.
- (B) Ratify the Agreement for Pathology Services with United Forensic Services, P.C. executed on July 29, 2014 for a term of one year from July 1, 2014 through June 30, 2015.

CONSENT CALENDAR (Continued)

TRANSPORTATION AND PUBLIC WORKS

19. Salmon Creek Water Collection and Treatment System Improvement Project (CSA #41) - Authorize the Chair to sign Amendment No. 1 to Agreement for Purchase and Sale of Easement providing payment of \$820.52 for additional use of a temporary construction easement for a total cost of \$5,782.08; lands of Jackson Marital Trust, APN 101-011-026), Project No. W06724. (Fifth District)

APPOINTMENTS/REAPPOINTMENTS

(Item 20)

20. Appoint Mali Kigasari to the Community Development Committee, effective October 14, 2014 with the term running coterminous with the appointing Supervisor. (First District)

IV. REGULAR CALENDAR

(Items 21 through 25)

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

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

21. Approve and Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District to execute contracts with the following entities for a term of October 14, 2014 through June 30, 2017:
- (A) A contract between the District and the Laguna de Santa Rosa Foundation for \$20,250, procuring Learning Laguna classroom and field-based science and watershed education programs for 18 schools and 450 students from schools in Santa Rosa, Cotati, Rohnert Park, and Sebastopol.
 - (B) A contract between the District and the LandPaths for \$707,725, procuring 216 “In Our Own Back Yard” (IOOBY) classroom and field-based science and agricultural education programs for 1,350 elementary students 4 times a school year; and 110 county-wide community outings serving 4200 participants of all ages.
 - (C) A contract between the District and Gold Ridge Resource Conservation District for \$279,734, procuring 45 classroom and field-based agricultural and natural science education programs serving 1,575 elementary students; 9 teen-centered FARMS leadership field trips serving 90 students grades 9 through 12; and 18 county-wide Agricultural Heritage Outings serving 630 participants of all ages.
 - (D) A contract between the District and Sonoma Ecology Center for \$150,132, procuring 90 classroom and field-based science and agricultural education programs for 2,753 elementary students in the Sonoma Valley; an in-depth EnviroLeader Vocational Training program for 60 students grades 9 through 12; and 42 Community Outings in the Sonoma Valley serving 1,090 participants of all ages.
22. Accept the 2014 funding recommendations for the inclusion of seven new funding projects into the District’s Matching Grant Program.

SONOMA COUNTY WATER AGENCY

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

23. **10:00 A.M.** – Conduct a Public Hearing pursuant to California Government Code Section §4217.10 et seq. -
- (A) Make certain findings as described in this Summary Report; and authorize the Sonoma County Water Agency’s General Manager to execute an energy service contract for \$504,008 with Solar Works for the design and construction of the Sonoma Valley Photovoltaic 100 kW Project, and
 - (B) Authorize the Water Agency’s General Manager to file Notice of Exemption under the California Environmental Quality Act (CEQA) on behalf of the Water Agency.

REGULAR CALENDAR (Continued)

SONOMA COUNTY WATER AGENCY

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

AND

SONOMA VALLEY COUNTY SANITATION DISTRICT

(Directors: Gorin, Rabbitt, Rouse)

24. Floating Solar Lease Agreements -
- (A) Authorize the Sonoma County Water Agency's General Manager to execute the Lease Agreements for the Floating Solar Project for 42 acres total on six recycled water ponds.
 - (B) Authorize the Water Agency's General Manager to file Notice of Exemption for execution of the Lease Agreements under the California Environmental Quality Act on behalf of the Water Agency and Sonoma Valley County Sanitation District. (2/3 vote required)(First and Fourth Districts)

BOARD OF SUPERVISORS

25. Waive fees in the amount of \$760.50 for the Russian River Sister's free Christmas dinner at the Guerneville Veteran's Memorial Building on December 25, 2014. (Fifth District)

V. CLOSED SESSION CALENDAR

(Items 26 through 29)

26. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - County Counsel. (Gov't. Code Section 54957(b)(1)).
27. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - Director of Human Resources. (Gov't. Code Section 54957(b)(1)).
28. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - Director of Agricultural Preservation and Open Space District. (Gov't. Code Section 54957(b)(1)).
29. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiators: Wendy Macy/Carol Allen. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).

VI. REGULAR AFTERNOON CALENDAR

(Items 30 through 35)

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

30. Report on Closed Session.
31. **PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA** (Comments are restricted to matters within the Board's jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.)
32. Permit and Resource Management Department: Review and possible action on the following:
- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
 - b) Acts and Determinations of Project Review and Advisory Committee
 - c) Acts and Determinations of Design Review Committee
 - d) Acts and Determinations of Landmarks Commission
 - e) Administrative Determinations of the Director of Permit and Resource Management

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

33. **2:10 P.M. – PLP14-0043 - (First District)**
- a) APPLICANT: Paul Curreri (Lot A) and Sonoma County Regional Parks (Lot B)
 - b) LOCATION: 13600 (Lot A) and 13360 (Lot B) Highway 12, Glen Ellen
 - c) ASSESSOR'S PARCEL NO.: 054-270-034, 054-150-011 and 054-150-012.
 - d) ENVIRONMENTAL DOCUMENT: Categorical Exemption.
- REQUEST: Conduct a Public Hearing and Adopt a Resolution approving the proposed General Plan Amendment and Area Plan Amendment, and Adopt a related Ordinance rezoning the affected property, and approve a Lot Line Adjustment to transfer approximately 29 acres of the 35 acre Curreri property to the existing Sonoma Valley Regional Park.
34. **2:10 P.M. – PLP12-0016 – (First District)**
- a) APPLICANT: Nathan Belden
 - b) APPELLANT: Parker, Rodney, LaGoy
 - c) LOCATION: 5561 Sonoma Mountain Road, Santa Rosa
 - d) ASSESSOR'S PARCEL NO.: 049-030-010.
 - e) ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration.
- REQUEST: Conduct a Public Hearing and Approve a Resolution denying the appeal, adopting the Mitigated Negative Declaration, and upholding the Board of Zoning Adjustments approval of a Use Permit and Design Review.

35. **ADJOURNMENTS**

NOTE: The next regular meeting will be held on October 21, 2014.

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

- 1. December 2nd (PM) - General Plan Amendment/Zone Change, ZCE13-0003.



County of Sonoma
Agenda Item
Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Efren Carrillo

Supervisorial District(s):

Fifth

Title: Gold Resolution

Recommended Actions:

Approve a gold resolution declaring October as Anti-Bullying month in the County of Sonoma. (Fifth District)

Executive Summary:

The Exchange Club has been raising awareness of this issue in Sonoma County for several years.

Prior Board Actions:

Approval

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

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

None.

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

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County of Sonoma
State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Recognizing The National Exchange Club And Proclaiming October 2014 As Anti-Bullying
Month In The County Of Sonoma.**

Whereas, over 3.2 million students are victims of bullying each year; and 17% of American students report being bullied 2 to 3 times a month or more within a school semester; and

Whereas, 71% of students believe that schools respond poorly to bullying, with a high percentage of students believing that adult help is infrequent and ineffective; and , 90% of students report incidents of bullying as a problem at their school; and less than 9% of 4th through 8th graders report being victims of bullying; and 1 out of 10 students drop out of school because of repeated bullying; and

Whereas, as boys age they are less and less likely to feel sympathy for victims of bullying. In fact, they are more likely to add to the problem than solve it; and

Whereas, physical bullying increases in elementary school, peaks in middle school and declines in high school. Verbal abuse, on the other hand, remains constant; and

Whereas, the National Exchange Club is recognized and has been honored for its national program on the Prevention of Child Abuse; and

Now, Therefore, Be It Resolved the Sonoma County Board of Supervisors acknowledge The Exchange Club of Santa Rosa for their efforts to bring awareness to this mounting problem among our youth as it begins their Anti-Bullying Campaign in the month of October.

Supervisors:

Resolution #

Date:

Page 2

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
Agenda Item
Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 7, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Shirlee Zane
(707) 565-2241

Supervisorial District(s):

Third District

Title: Gold Resolution

Recommended Actions:

Approve a Gold Resolution recognizing National Disability Employment Awareness Month, October 2014

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 14-15

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

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



County of Sonoma

State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, State Of California, Recognizing National Disability Employment Awareness Month, October, 2014.

Whereas, people with disabilities represent a strong and important component of Sonoma County's workforce; and

Whereas, workplaces fostering flexible work environments to welcome the talents of all people, including people with disabilities, is a critical part of any effort to build an inclusive community and thriving economy; and

Whereas, work means more than a paycheck; it offer's purpose and the opportunity to lead an independent, self-directed life; and

Whereas, raising young people with disabilities to expect to work and succeed; creating inclusive workspaces to employ people with disabilities; and empowering people with disabilities creates a cycle of inclusion; and

Whereas, we have made great strides toward providing equal employment opportunities in America, more can be done to ensure that Americans with disabilities have equal opportunity to contribute their skills and talents for their benefit and society as a whole; and

Whereas, the County of Sonoma reflects its commitment to these tenets as an equal opportunity employer and through the Human Services Department's Job Link employment search services that include resources for individuals with disabilities; and with its participation in the Sonoma County Mayors' Committee for Employment of People with Disabilities and their annual Best Practices Awards Ceremony on October 15, 2014 recognizing and celebrating the success of local employers, employees, and service providers in employing individuals with disabilities; and

Whereas, the County of Sonoma wishes to recognize and commend the Sonoma County employers for their best management practices:

Resolution #

Date:

Page 2

- Trader Joe's Santa Rosa Cleveland Ave.
- Accessible Mobility Center.
- Costco.
- Cal Skate.

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors does hereby recognize October 2014 as National Disability Employment Awareness Month. We call on all Americans to celebrate the contributions of individuals with disabilities in our workplace and communities, and to promote employment of individuals with disabilities to foster a cycle of inclusion, whereby, each American is recognized for his or her accomplishments and abilities.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: No Vote Required

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Susan Gorin, 565-2241

Supervisorial District(s):

First

Title: Gold Resolution

Recommended Actions:

Adopt a Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Celebrating the return of William-Sonoma to its original building and home in the City of Sonoma

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Not Applicable

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

Resolution

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

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County of Sonoma

State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Celebrating the return of Williams-Sonoma to its original building and home in the City of Sonoma

WHEREAS; Williams-Sonoma is widely regarded as one of the most successful retailers of high quality products for the home. Indeed, Williams-Sonoma was founded on a big dream in a small store and with a concept that first disrupted and then redefined how America entertains ; and

WHEREAS, on September 15, 1956 Chuck Williams opened his first Williams-Sonoma store at 603 Broadway in the City of Sonoma. Set just south of the iconic Plaza, Williams' store was 628 square feet featured high quality kitchenware that was both functional and beautiful. His use of both American and European designers, changed the paradigm of how America entertains at home; and,

WHEREAS, the store was a huge success and Mr. Williams soon ran out of space and relocated to San Francisco where his business grew exponentially over the next several years; and,

WHEREAS, in 1971, Williams-Sonoma introduced its first cookware catalog and now includes over 250 stores nationwide; and,

WHEREAS, Mr. Williams is an editor or contributor to nearly every cookbook that Williams-Sonoma release and involved with the production of more than 100 cookbooks; and,

WHEREAS, what began as a big dream in a small store bloomed into an empire that elevated the way America thinks about food and entertaining; and,

WHEREAS, in 2012, Mr. Williams repurchased 603 Broadway, thus marking the return of Williams-Sonoma to the community of Sonoma; and

WHEREAS, the new address will be 599 Broadway, but the building is the same and is remodeled to include a showroom, museum, retail shop, an open air edible garden, and cooking school; and,

WHEREAS, on October 2-4, 2014 Sonoma will celebrate the birth of Williams-Sonoma and honor the legacy of Chuck Williams' a mere few days before his 99th birthday; and

WHEREAS; we, the community of Sonoma, are thrilled to welcome Williams-Sonoma home; and

Now, Therefore, Be It Resolved that The Board Of Supervisors Of The County Of Sonoma, State Of California, Celebrate the return of Williams-Sonoma to its original building and home in the City of Sonoma

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
Agenda Item
Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Shirlee Zane
(707) 565-2241

Supervisorial District(s):

Third District

Title: Gold Resolution

Recommended Actions:

Gold Resolution celebrating the 25th anniversary of the Bay Area Ridge Trail

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 14-15

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

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



County of Sonoma

State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Celebrating And Honoring The Bay Area Ridge Trail Council On Its 25th Anniversary

Whereas, the Bay Area Ridge Trail Council's mission is to plan, promote and sustain a connected hiking, cycling and equestrian trail on the ridgelines around San Francisco Bay – linking people, parks and open spaces for today and future generations; and

Whereas, the Ridge Trail Council provides an exemplary model of regional partnerships and advocacy with 75 public agencies having endorsed the Ridge Trail; and

Whereas, the Ridge Trail Council is a leader in inspiring, recognizing, and encouraging volunteers and has one of the most successful programs in outdoor recreation with volunteers engaged in activities from planning, to coordinating with other agencies and partners, to outreach and event support; and

Whereas, over 345 Ridge Trail miles are open today with 23 primary miles in Sonoma County dedicated through 2014 and another six miles in Sonoma County scheduled to be dedicated by Spring 2015; and

Whereas, with a total of 50 planned miles in Sonoma County, the Ridge Trail Council is committed to completing the remaining 20 miles and at the same time and with our local partners, assist in protecting the land the trail passes through, creating a continuous natural corridor linking the already protected areas with additional critical open spaces; and

Whereas, Ridge Trail Council staff has collaborated with Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks and the Sonoma Land Trust in negotiations with private landowners for trail segments and every agency partner is committed to helping complete Sonoma's remaining Ridge Trail miles; and

Whereas, trails connect people and communities to each other, to parks and open space, to home, work and recreation, and to countless areas of cultural and historic interest; and

Whereas, trails offer untold opportunities to observe, learn about, and care for the environment, they also offer economic benefits such as increased tourism, especially with long-distance trails, and increased property values.

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors does hereby commend and congratulate the Bay Area Ridge Trail Council for the outstanding achievements that have been accomplished over the past 25 years, achievements to be proud of for generations to come.

Supervisors:

Resolution #

Date:

Page 2

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: No Vote Required

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Susan Gorin, 565-2241

Supervisorial District(s):

First

Title: Gold Resolution

Recommended Actions:

Adopt a resolution from the Sonoma County Board of Supervisors, State Of California, Honoring Ted and Pat Eliot for their Leadership in Environmental Stewardship

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Not Applicable

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

--

Attachments:

Resolution

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

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County of Sonoma

State of California

Date: October 4, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Honoring Ted and Pat Eliot for their Leadership in Environmental Stewardship

Whereas, Ted and Pat Eliot have been on the forefront of Environmental Stewardship in Sonoma County. Prior to settling on Sonoma Mountain some 30+ years ago, they led lives full of adventure, accomplishment, and public service. The Eliots are the parents of four children born in four countries and each enjoyed successful and varied careers prior to focusing on environmental conservation in Sonoma County; and,

Whereas, in the 1970s, when Ted Eliot was serving as the last American diplomat in Afghanistan prior to the Soviet occupation, they were alerted to a 50 acre property for sale on Sonoma Mountain. Pat so loved her childhood memories of this place, they purchased it sight unseen before moving here full-time in the 1980s; and,

Whereas, their collective energy, vision, advocacy, and passion has led to the preservation of more than 70,000 acres of open space; and

Whereas, the Eliots have spent decades devoted to both preservation and gaining public access to some of the most pristine and bucolic lands in Sonoma County. Two projects are celebrated today: Jack London State Historic Park and the East Slope Bay Area Ridge Trail; and

Whereas, Pat and Ted were early financial supporters of Jack London State Park (JLSP), a factor that proved critical in the successful transition to self-sustaining management by the Valley of the Moon Natural History Association (VMNHA). The Eliots helped facilitate a major gift from Sonoma Mountain Preservation that ensured the success of the new model for park management; and

Whereas, Pat has been a leader in the JLSP Mounted Assistant Unit, a volunteer organization that helps patrol the back country of the park, thus providing a system that alerts the management to any perceived suspicious activity or trails in need of repair. This function is critical for ensuring the safety of visitors; and

Whereas, both Pat and Ted Eliot were instrumental in making the East Slope Bay Area Ridge Trail a reality. It took 18 years to complete the transaction – a feat that is a testimonial to their tenacity and dedication. Jack London State Park will be the only access point for the trail, thus cleaving the accomplishment of the trail to the park and both will be under the management of VMNHA.; and

Whereas, the East Slope Bay Area Ridge Trail will offer a sweeping view down the Sonoma Valley and as far as the San Francisco Bay, The trail will extend the existing ridge trail in Jack London State Park, winding through oak groves and grassland across several pieces of private property to a scenic overlook offering expansive views down the Sonoma Valley; and

Resolution #

Date:

Page 2

Whereas, private landowners are key the trail and the Eliots are amongst those who agreed to allow access across their land. This section is named the "Eliot Loop" and acts as a connector to the greater Bay Ridge Trail, thus fulfilling a 20 year dream of the Eliots to allow the public to experience the beauty of the land; and

Whereas, Theodore Roosevelt once said "Here is your country. Cherish these natural wonders, cherish the natural resources, cherish the history and romance as a sacred heritage, for your children and your children's children. Do not let selfish men or greedy interests skin your country of its beauty, its riches or its romance"; and

Whereas, Roosevelt could have easily described the life's work for Pat and Ted Eliot. There is little doubt that that girl who grew up riding horses on Sonoma Mountain, and the teenager who would have preferred ornithology over diplomatic life, have impacted not only our lives, but also the lives of our children's children. For this and many other deeds, we cherish and honor them; and,

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors, State Of California, Honors Ted and Pat Eliot for their Leadership in Environmental Stewardship

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Greg Guensch 547-1972

Supervisorial District(s):

Fourth

Title: Dry Creek Habitat Enhancement Demo, Phase II – Change Orders

Recommended Actions:

Approve and authorize the General Manager to execute Change Orders to a contract with Hanford Applied Restoration & Conservation: Change Order #9 in the amount of \$74,925 for an additional ½ ton of rip-rap backfill material; Change Order #8 in amount of \$265,815 for construction of an additional riffle; Change Order #18 in amount not to exceed \$120,000 for construction of an additional boulder field.

Executive Summary:

BACKGROUND

The Dry Creek Habitat Enhancement Demonstration Project, Phase II (Project) consists of construction of habitat modifications within the Dry Creek Valley along Dry Creek from approximately half a mile upstream of Lambert Bridge Road to half a mile downstream of Lambert Bridge Road, northwest of the City of Healdsburg in Sonoma County, California. Work includes habitat modification, new side channels, ponds, alcoves, and rock weir riffles; enhancements to existing pools through selective grading, installation of woody debris, log jams, and large boulders as anchor material; large-scale bank stabilization; vegetation planting; installation of erosion control measures; excavation; and dewatering. Construction of this project is required for the Water Agency to meet the requirements set forth in the Russian River Biological Opinion. The Board awarded the Project on April 16, 2013 to the lowest bidder, Hanford Applied Restoration & Conservation in the amount of \$4,085,512. After completion of the Project, the Russian River Biological Opinion requires creation of 2 additional miles of habitat enhancements by 2017. These required habitat enhancements are in the preliminary design phase, and Water Agency staff have identified preferred project locations and are meeting with property owners

Change Order #9 for Additional Rip Rap

The additional rip-rap material is required in multiple locations on the job site to stabilize disturbed areas, protect areas subject to potential erosion, and to armor the ends of the Mascherini bank

reconstruction. The Mascherini bank reconstruction is an approximately 600-foot long bank repair using natural materials such as logs, boulder rip-rap, biodegradable erosion fabric, selected on-site soils, and native vegetation. This type of repair secures the bank from further erosion while creating habitat for fish and riparian animals. The rip-rap is \$83.25 per ton; 900 additional tons are required to complete the work, totaling \$74,925.

Change Orders #8 and #18 for Additional Riffle and Boulder Field

The Project originally included constructed riffles (elevated rocky portions of the streambed) in the reach between the Rued properties and the Van Alyea property, which extends from Lambert Bridge to approximately 1200 feet upstream. These features were important for increasing the water level in a backwater habitat feature on the Van Alyea property and for enhancing rearing and spawning habitat in this relatively uniform reach of the creek. The riffles were removed from the original design as a result of difficulties acquiring the property rights needed to install them. In recent months, the Water Agency has secured agreements for the rights necessary to complete construction of these riffles. After a re-evaluation of the constructability and function of the riffles in the original design, Water Agency staff and the engineering consultant (Inter-Fluve, Inc.) recommend construction of one riffle and a boulder field. A boulder field was recommended because it provides more microhabitat areas and velocity refuges for the target fish than a riffle would, while still creating a pooling effect upstream, and can be constructed with substantially less impact to the creek than the riffle would have required. The cost for construction of the riffle is a lump sum of \$265,815. Construction of the boulder field will be paid for on a time and materials basis, not to exceed \$120,000. All work associated with the riffle and boulder field will be in the reach of Dry Creek upstream of Lambert Bridge between the Rued and Van Alyea properties.

Prior Board Actions:

4-16-13 Approval of construction contract with Hanford Applied Restoration and Conservation for construction of Dry Creek Habitat Enhancement Demonstration Project Phase II

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Dry Creek Habitat Enhancement Project as a whole promotes economic and environmental stewardship by restoring critical habitats for endangered salmonids in the Russian River Watershed, satisfying the requirements of the Biological Opinion in the most economically efficient and environmentally beneficial manner, and securing the ability to use Dry Creek to effectively convey water from Warms Springs Dam at flow rates that meet present and future needs. The Project also benefits the local and regional economy by providing jobs, demand for materials and equipment, and potential to attract visitors to the sites.

Water Agency Water Supply Goals and Strategies, Goal 3: Ensure that water will be available to customers at all times, including during short- term emergencies, such as earthquakes, and long-term challenges caused by extended droughts and global climate change.

Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 460,740	Water Agency Gen Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 460,740
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 460,740	Total Sources	\$ 460,740
Narrative Explanation of Fiscal Impacts (If Required):			
Funds for these change orders will be appropriated in the first quarter FY 14-15 consolidated budget adjustment.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items "On File" with the Clerk of the Board:			
1. Change Order #9 2. Change Order #8 3. Construction Change Request #18			



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Shirlee Zane, 565-2241

Supervisorial District(s):

Third

Title: Disbursement of FY 14-15 Third District Advertising Funds.

Recommended Actions:

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for FY 14/15: The 6th Street Playhouse, \$1,500.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The Third District has reviewed applications and wishes to recommend the following FY 14/15 advertising grant award:

- 1.) The 6th Street Playhouse for advertising and promotion of the Festival of New Plays on the Vine; grant award of \$1,500.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.

Prior Board Actions:

8/12/14, 9/9/14 – Awarded FY 14/15 Category E grants.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 1,500		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 1,500
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 1,500	Total Sources	\$ 1,500

Narrative Explanation of Fiscal Impacts (If Required):

Funds are included in the FY 14/15 budget.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

FY 14/15 Grant Award Agreement Template

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

None.

AGREEMENT

THIS AGREEMENT made and entered into this ___ day of June, 2014, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the Sonoma County Farm Trails, (hereinafter ADVERTISER).

WITNESSETH:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under **Category E** – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2014 to June 30, 2015, COUNTY shall pay to ADVERTISER the total sum of **\$XXX.00** (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2014 and June 30, 2015. Receipts must be remitted to the COUNTY by July 31, 2015. If receipts are not submitted by July 31, 2015, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2015. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2014 to June 30, 2015:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

Additionally, any Advertising conducted utilizing funds provided under this agreement must identify the "County of Sonoma – Board of Supervisors" as a sponsor. ADVERTISER may also include the Sonoma County seal logo on materials, although the seal may not replace the language noted in this section.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER agrees to accept all responsibility for loss or damage to any person or entity, including COUNTY, and to indemnify, hold harmless, and release COUNTY, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Advertiser, that arise out of, pertain to, or related to Advertiser's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. Merger: This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.
17. AIDS Discrimination: ADVERTISER agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.
18. No Third Party Beneficiaries: Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
19. Extra or Changed Work: Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

DATE: _____

By _____
(Enter name of Grantee)



County of Sonoma
Agenda Item
Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Board of Supervisors 565-2241

Supervisorial District(s):

Title: Board of Supervisors Calendar Revisions of Meetings for 2014

Recommended Actions:

Approve the County of Sonoma Board of Supervisors updated calendar of meetings for the year 2014.

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

Board of Supervisors 2014 Revised meeting calendar

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

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County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

January 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 New Year's Holiday			
5	6	7 8:30 a.m. Board Meeting	8	9	10	11
12	13	14 8:30 a.m. Board Meeting	15	16	17	18
19	20 Martin Luther King Jr. Holiday	21 No Meeting Board Strategic Planning Retreat	22	23	24 State of the County	25
26	27	28 8:30 a.m. Board Meeting	29	30	31	

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

February 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 8:30 a.m. Board Meeting	5	6	7	8
9	10	11 8:30 a.m. Board Meeting	12 Lincoln's Birthday Holiday	13	14	15
16	17 President's Day Holiday	18 No Meeting	19	20	21	22
23	24	25 8:30 a.m. Board Meeting	26	27	28	

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

March 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 No Meeting	5	6	7	8
9	10	11 8:30 a.m. Board Meeting	12	13	14	15
16	17	18 8:30 a.m. Board Meeting	19	20	21	22
23	24	25 8:30 a.m. Board Meeting	26	27	28	29
30	31					

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

April 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		No Meeting	2	3	4	5
6	7 1	8 8:30 a.m. Board Meeting	9	10	11	12
13	14	15 8:30 a.m. Board Meeting	16	17	18	19
20	21	22 8:30 a.m. Board Meeting	23	24	25	26
27	28	29 No Meeting	30			

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

May 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 8:30 a.m. Board Meeting	7	8	9	10
11	12	13 8:30 a.m. Board Meeting	14	15	16	17
18	19	20 8:30 a.m. Board Meeting	21	22	23	24
25	26 Memorial Day Holiday	27 No Meeting	28	29	30	31

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

June 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 <i>No Meeting</i>	4	5	6	7
8	9	10 <i>8:30 a.m. Board Meeting</i>	11	12	13	14
15	16 <i>Budget Hearings</i>	17 <i>8:30 a.m. Board Meeting</i> <i>Budget Hearings</i>	18 <i>Budget Hearings</i>	19 <i>Budget Hearings</i>	20 <i>Budget Hearings</i>	21
22	23 <i>Budget Hearings</i>	24 <i>8:30 a.m. Board Meeting</i> <i>Budget Hearings</i>	25 <i>Budget Hearings</i>	26 <i>Budget Hearings</i>	27 <i>Budget Hearings</i>	28
29	30					

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

July 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		No Meeting	2	3	4 Independence Day Holiday	5
6	7 1	8 No Meeting	9	10	11	12
13	14	15 No Meeting	16	17	18	19
20	21	22 8:30 a.m. Board Meeting	23	24	25	26
27	28	29 8:30 a.m. Board Meeting	30	31		

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

August 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						2
3	4	5 8:30 a.m. Board Meeting	6	7	8	9
10	11	12 8:30 a.m. Board Meeting	13	14	15	16
17	18	19 8:30 a.m. Board Meeting	20	21	22	23
24	25	26 No Meeting	27	28	29	30
31	1					

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

September 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Labor Day Holiday	2 No Meeting	3	4	5	6
7	8	9 8:30 a.m. Board Meeting	10	11	12	13
14	15	16 8:30 a.m. Board Meeting	17	18	19	20
21	22	23 8:30 a.m. Board Meeting	24	25	26	27
28	29	30 1 P.M. Board Meeting - PM ONLY				

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

October 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 8:30 a.m. Board Meeting	8	9	10	11
12	13	14 8:30 a.m. Board Meeting	15	16	17	18
19	20	21 8:30 a.m. Board Meeting	22	23	24	25
26	27	28 No Meeting	29	30	31	

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

November 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 No Meeting Election' Day	5	6	7	8
9	10	11 No Meeting Veterans' Day Holiday	12	13	14 1 P.M. Board Meeting - PM ONLY	15
16	17	18 No Meeting	19	20	21	22
23	24 8:30 a.m. Board Meeting	25 8:30 a.m. Board Meeting	26	27 Thanksgiving Day Holiday	28 Thanksgiving Day Holiday	29
30						

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

December 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 8:30 a.m. Board Meeting	3	4	5	6
7	8	9 8:30 a.m. Board Meeting	10	11	12	13
14	15	16 No Meeting	17	18	19	20
21	22	23 No Meeting	24	25 Christmas Day Holiday	26	27
28	29	30 No Meeting	31			



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): District Attorney's Office

Staff Name and Phone Number:

Cindy Williams 565-2818

Supervisorial District(s):

1, 2, 3, 4, 5

Title: District Attorney 2014 Grants

Recommended Actions:

Adopt two resolutions: (1) Authorizing the District Attorney to sign a grant agreement with the California Office of Emergency Services, to participate in the State Victim/Witness Assistance Program, in the amount of \$280,744, for the term July 1, 2014, through June 30, 2015; and (2) Authorizing the District Attorney to sign a grant agreement with the California Office of Traffic Safety, to participate in the State Alcohol and Drug Impaired Driver Vertical Prosecution Program, in the amount of \$421,312, for the term October 1, 2014, through September 30, 2015.

Executive Summary:

Board approval and authorization is necessary to allow the District Attorney to participate in two 2014 grant programs: The Victim/Witness Assistance Program, funded by the California Office of Emergency Services in the amount of \$280,744, and the Alcohol and Drug Impaired Driver Vertical Prosecution Program, funded by the California Office of Traffic Safety, in the amount of \$421,312.

The California Office of Emergency Services Agency Grant

The California Office of Emergency Services (CalOES) Victim/Witness Assistance grant award provides funds to support the salaries and benefits for 2.0 FTE Victim Witness Advocate positions and a 0.60 Victim Services Division Director. District Attorney's Office has participated in the Victim/Witness Assistance Program annually since 1986, and receives an award amount based on available combined State and Federal pass-through funds. This year, the CalOES Victim/Witness Assistance grant award is \$280,744, for the term July 1, 2014, to June 30, 2015, which is an increase from the FY 2013/14 award of \$265,987.

California Penal Code Section 13835 mandates services to meet the needs of victims and witnesses of crime through funding local and victim/witness services programs. Staff funded through this grant provide comprehensive mandatory and optional services to crime victims and witnesses for all types of

crimes, whether or not the suspect has been identified. Objectives under this grant include providing advocacy for the majority of crime victims who go through the criminal justice system, in both adult and juvenile cases, as soon as possible after the crime occurs; contacting and offering services to victims where prosecution is not being pursued, but where the victims still qualify for service; collaborating with law enforcement, community based organizations, and other victim service organizations to provide the most comprehensive response to meet the needs of crime victims in Sonoma County; and providing community outreach and training to law enforcement, community based organizations, and the community at large on the services available to crime victims through the Sonoma County District Attorney's Victim Services Division.

State of California Office of Traffic Safety: DUI Vertical Prosecution

The California Office of Traffic Safety (OTS) Alcohol and Drug Impaired Driver Vertical Prosecution grant award provides funds to support the salaries and benefits for 2.0 FTE Deputy District Attorney III positions. This is the third consecutive year that Sonoma County District Attorney's Office has been selected as a grant participant to the Alcohol and Drug Impaired Driver Vertical Prosecution Program: District Attorney's Office has been awarded a one-year year Office of Traffic Safety grant in the amount of \$421,312 to the Sonoma County District Attorney's Office for the term October 1, 2014, to September 30, 2015.

Grant funds are used to support the vertical prosecution of DUI cases—a model in which a designated prosecution team handles DUI cases throughout each step of the criminal process, as opposed to a more traditional model which coordinates the case management of cases over a general prosecution team. The vertical model affords the prosecution team the ability to specialize in DUI cases and the overall program provides the opportunity to increase the capabilities of the team and the department by obtaining and delivering specialized training to prosecutors, DA investigators, and local law enforcement.

DUI-related cases represent a significant amount of workload in Sonoma County—almost 15% of all the cases received by the Sonoma County DA's Office on an annual basis. In the past two years of funding, more than 2,700 cases have been prosecuted by the new DUI Vertical Prosecution team, exceeding grant projections of 1,000 cases per year. This is the third year of funding under the State's DUI Vertical Prosecution Program, and the District Attorney's Office anticipates that Sonoma County will participate in the program until 2016. Contracts are renewed on a year-by-year basis.

Matching Funds are Not Required.

Matching funds are not required for the Victim/Witness Assistance Program or the Alcohol and Drug Impaired Driver Vertical Prosecution Program.

Prior Board Actions:

Agreements with CalOES have been approved annually since the inception of this program in 1986; OTS DUI Vertical Prosecution grant: 11/13/2012, accepted OTS DUI Vertical Prosecution grant for the term Oct. 1 2012- Sept 30 2013.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community			
Funds for the Victim/Witness Assistance Program support a county-wide, comprehensive system of mandatory and optional services to crime victims and witnesses for all types of crimes; funds for the DUI Vertical Prosecution Program provide additional public safety resources to prosecute drivers who operate vehicles under the influence of drugs or alcohol, creating a safer environment for those sharing the roads.			
Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 596,728	County General Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 596,728
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 596,728	Total Sources	\$ 596,728
Narrative Explanation of Fiscal Impacts (If Required):			
Grant awards (CalOES: \$280,744 annual award, OTS: \$315,984 for three fiscal quarters) were anticipated for this fiscal year and are already included in the FY 14/15 budget. Due to the OTS grant being on the Federal grant year cycle (Oct-Sept), the final quarter of OTS funding, in the amount of \$105,328, will be included in the FY 15/16 budget.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
No staffing impacts			
Narrative Explanation of Staffing Impacts (If Required):			
Not applicable			
Attachments:			
Two resolutions			
Related Items "On File" with the Clerk of the Board:			
None			



County of Sonoma
State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing County of Sonoma to Participate in the Victim/Witness Assistance Program, and Authorizing The District Attorney to Sign an Agreement with the California Office of Emergency Services (CalOES), for FY 14/15, in the Amount of \$280,744.

Whereas, the Sonoma County District Attorney desires to continue a certain project designated as the Victim Services Division, as the provider of comprehensive and emergency victim and witness services in Sonoma County; and

Whereas, the Victim Services Division is to be funded in part from funds made available through a Victim/Witness Assistance Program grant award made available through California Governor's Office of Emergency Services (hereinafter referred to as CalOES); and

Whereas, CalOES has allocated \$280,744 to the County of Sonoma for FY 14/15.

Now, Therefore, Be It Resolved, that the District Attorney of the County of Sonoma is authorized, on behalf of this body, to accept a grant for the Victim/Witness Assistance Program from CalOES and is authorized to execute on behalf of the Sonoma County Board of Supervisors the Grant Award Agreement including any extensions or modifications thereof.

Be It Further Resolved that grant funds received hereunder shall not be used to supplant expenditures controlled by this body, and will hold CalOES harmless from any claims that arise from the use of grant monies.

It Is Agreed, that any liability arising out of the performance of this Grant Award contract, including civil court actions for damages, shall be the responsibility of the grantee and the authorizing agency. The State of California and CalOES disclaim responsibility for any such liability.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Authorizing The District Attorney to Sign an Agreement with the California Office of Traffic
Safety (OTS), for Federal Fiscal Year 14/15, in the Amount of \$421,312.**

Whereas, the Sonoma County District Attorney desires to continue a certain project designated as the District Attorney's Office Vertical DUI Prosecution Program; and

Whereas, the Vertical DUI Prosecution Program is designated to be funded in part from a State Alcohol and Drug Impaired Driver Vertical Prosecution Program grant award made available through the California Office of Traffic Safety (hereinafter referred to as OTS); and

Whereas, OTS has allocated of \$421,312 to the County of Sonoma for the term October 1, 2014, to September 30, 2015.

Now, Therefore, Be It Resolved that the District Attorney of the County of Sonoma is authorized, on behalf of this body, to accept a grant for the State Alcohol and Drug Impaired Driver Vertical Prosecution Program from OTS and is authorized to execute on behalf of the Sonoma County Board of Supervisors the Grant Award Agreement including any extensions or modifications thereof.

Be It Further Resolved that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Resolution #

Date:

Page 2



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors, County of Sonoma

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Fire and Emergency Services

Staff Name and Phone Number:

Al Terrell / 565-1152

Supervisorial District(s):

All Districts

Title: Extension of Proclamation of Local Emergency Due to Drought Conditions

Recommended Actions:

Adopt a 30 Day extension of the Resolution proclaiming a drought emergency in Sonoma County.

Executive Summary:

The Board of Supervisors proclaimed a local emergency due to drought conditions at the February 25, 2014, Board meeting. That resolution covers the entire Sonoma County (County) Operational Area, including all nine cities and special districts. Subsequent 30 day extensions were approved on March 25, April 22, May 20, June 17, June 24, July 22, August 19, and September 16, 2014. Drought conditions still persist throughout the County. The Director of Emergency Services recommends that the Board approve the proclamation extending the local emergency for another 30 days. This is the maximum period allowed by law that an emergency can be extended. It is likely that an additional extension renewal will be submitted again within 30 days, unless conditions improve markedly. Should conditions improve, Fire and Emergency Services (FES) will request the Board formally terminate the emergency.

Drought

Sonoma County continues to be listed as "Exceptional Drought", the highest of the four drought ratings used by the U.S. Drought Monitor published by U.S. Department of Agriculture. A Department of Water Resources (DWR) State climatologist has observed that the continuing dryness, above average temperatures, water rights curtailment actions, decreasing water levels, specifically in Lake Mendocino, have contributed to increasingly 'exceptional' drought conditions in our Operational Area.

On September 17, Tom Vilsack, Secretary of the US Department of Agriculture designated a disaster due to agricultural losses caused by drought in 42 California counties, of which one is Sonoma County, and 15 contiguous counties. This designation makes small, non-farm businesses eligible to apply for low interest federal disaster loans for the US Small Business Administration to help meet financial obligations and operating expenses. This declaration is in addition to a prior designation for businesses engaged primarily in farming and ranching through the Farm Services Agency earlier this year.

On September 19, Governor Brown issued an executive order making funding available through California Disaster Assistance Act (CDAA) to streamline efforts to provide water for drinking and sanitation to

households currently without running water, extend the state's prohibition on price gouging during emergencies and directs state agencies to work together to identify acute drinking water shortages and work with local agencies to implement solutions.

The Water Agency reports that regional water supply reservoirs remain well below average water supply capacities, with Lake Sonoma at 61 percent, and Lake Mendocino at 27.1 percent.

Fire Update

The emergency proclamation remains in place for the state of California due to the effects of wildfires in El Dorado, Amador, Butte, Humboldt, Lassen, Madera, Mariposa, Mendocino, Modoc, Shasta, and Siskiyou counties that have burned thousands of acres, destroyed homes and other structures, and damaged critical infrastructure.

As of September 29, 2014, the following significant fires were actively burning in Northern California:

1. The King Fire started in El Dorado County on September 10, 2014, and had burned 99,099 acres and was 89% contained.
2. The Happy Camp Complex started in Klamath National Forest on August 14, 2014, and had burned 132,733 acres and was 97% contained.

The proclamation extending the existence of a local emergency will enable the County to receive disaster related assistance from the State and Federal governments. There are several State and Federal grant programs available to an assortment of departments, agencies, special districts, and individuals affected by the drought conditions. Although not currently available through the Gubernatorial Proclamation, future reimbursement for emergency response and coordination activities may later become available through the California Disaster Assistance Act (CDAA). The CDAA would allow for reimbursement of up to 75% of costs incurred under a locally proclaimed emergency. The County has enacted financial measures to track response costs that would allow for reimbursement should it become available in the future.

Prior Board Actions:

- 09/16/2014: 30 Day extension of proclamation.
- 08/19/2014: 30 Day extension of proclamation.
- 07/22/2014: 30 Day extension of proclamation.
- 06/24/2014: 30 Day extension of proclamation.
- 06/17/2014: 30 Day extension of proclamation.
- 05/20/2014: 30 Day extension of proclamation.
- 04/22/2014: 30 Day extension of proclamation.
- 03/25/2014: 30 Day extension of proclamation.
- 02/25/2014: Proclamation of a local emergency due to drought conditions.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The recommended actions support the conservation of vital resources necessary for the health, safety, and continued economic growth of the County and its citizens.

Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ -0-	County General Fund	\$ -0-
Add Appropriations Req'd.	\$ -0-	State/Federal	\$ -0-
	\$	Fees/Other	\$ -0-
	\$	Use of Fund Balance	\$ -0-
	\$	Contingencies	\$ -0-
	\$		\$
Total Expenditure	\$ -0-	Total Sources	\$ -0-
Narrative Explanation of Fiscal Impacts (If Required):			
No specific budget action is requested through this item. Costs associated with emergency response planning and activity, including costs associated with staffing the Emergency Operations Center, requesting mutual aid, and other necessary measures are being tracked through the County's financial system.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
Resolution (A1)			
Related Items "On File" with the Clerk of the Board:			
None.			

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County of Sonoma
State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____

Santa Rosa, CA 95403

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Extending A Proclamation Of Local Emergency Due To Drought Conditions In The County Of Sonoma And Requesting Immediate State and Federal Assistance. (All Districts)

Whereas, the State of California is experiencing one of the driest winters in recorded history; and

Whereas, on January 17, 2014, the Governor of the State of California proclaimed a State of Emergency for the State of California due to drought conditions; and

Whereas, on January 24, 2014, the United States Department of Agriculture designated the County of Sonoma, along with many other California counties, a natural disaster area due to drought; and

Whereas, the adverse environmental, economic, health, welfare and social impacts of the drought pose an imminent threat of disaster and threaten to cause widespread potential harm to people, businesses, agriculture, property, communities, wildlife and recreation in the County of Sonoma; and

Whereas, Section 8630, Article 14 of the California Emergency Services Act requires that Board of Supervisors of the County of Sonoma review, at least every 30 days until such local emergency is terminated, the need for continuing the local emergency; and

Whereas, a period of local emergency presently exists in the County of Sonoma in accordance with the proclamation thereof by the Board of Supervisors on the 25th day of February, 2014, as a result of persistent drought conditions; and

Whereas, the Board of Supervisors of the County of Sonoma has reviewed the need to continue the existence of this local emergency.

Now, Therefore, Be It Resolved by Board of Supervisors of the County of Sonoma, State of California, as follows:

It Is Proclaimed and Ordered, pursuant to Government Code section 8558 and Chapter 10 of the Sonoma County Code, that a local emergency has existed throughout the County of Sonoma because of drought conditions since January 17, 2014; and

It Is Further Proclaimed and Ordered, that during the existence of this local emergency, the powers, functions and duties of the Director of Emergency Services and the emergency management organization of the Sonoma County Operational Area shall be those prescribed by Federal law; State law; by ordinances, resolutions and the Code of the County of Sonoma; and by the Sonoma County/Operational Area Emergency Operations Plan approved the Board of Supervisors; and

It Is Requested that the Governor of the State of California waive regulations that may hinder response and recovery efforts, make available California Disaster Assistance Act funding for the State of Emergency proclaimed on January 17, 2014, and seek all available forms of Federal disaster assistance and relief programs, to include a Presidential Declaration of Emergency; and

Be It Further Resolved pursuant to Government Code section 8630, the Board of Supervisors shall review the need for continuing this local emergency at least once every 30 days until the Board of Supervisors terminates the local emergency; and

Be It Further Resolved that a copy of this extension of the emergency proclamation be forwarded to the State Director of the Office of Emergency Services and all State and Federal legislators representing the County of Sonoma.

Supervisors:

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

So Ordered.



County of Sonoma Agenda Item Summary Report

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

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

To: Sonoma County Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): General Services

Staff Name and Phone Number:

Mark DeBacker: 707-565-3195

Supervisorial District(s):

All

Title: Award of Job Order Contracting

Recommended Actions:

- 1) Authorize the Chair to execute a Job Order Contract with Flint Builders, Inc. (Roseville) for a contract maximum of \$3,000,000; and A.E. Nelson Construction (Rohnert Park), Bay West Construction (Santa Rosa) and Murray Building, Inc. (Sonoma) for a contract maximum of \$1,500,000 each. The contract "term" for all of the above will be for one calendar year from the effective date of Notice to Proceed or when Job Orders totaling the maximum contract amount have been completed, whichever occurs first.
- 2) Adopt a resolution delegating the authority to approve Job Orders issued under the above Job Order Contracts to The County Administrator, General Services Director, and Deputy Director of Facilities Development and Management with specific limits indicated and ordering that projects consistent with the purposes of Job Order Contracting be performed.

Executive Summary:

The purpose of this report is to request that the Board award the annual contracts which will be part of the Job Order Contract (J.O.C.) program established by the Board of Supervisors July 13, 2010. Awarding the contracts allows General Services to use the J.O.C. process as a means of performing qualifying work as approved by your Board. The Public Contracting Code requires that J.O.C be bid and awarded annually.

A Job Order Contract is an annual, competitively bid, firm fixed unit price, non-specific scope contract used for the performance of repair and remodeling construction work, including renovation, alteration, painting, and repair to more expediently perform capital work. The Job Order Contracting process eliminates or reduces the level of front end work relative to plan development, bidding, and resource contracting resulting in a reduction in the time required to develop and deliver qualified work. Job order contracting does not eliminate competitive bidding. It does however allow a public entity to solicit competitive bids for qualified work efforts in one annual solicitation and allows the entity to award

contracts to multiple contractors for services to be provided as needed. The work to be performed under a J.O.C. is authorized through individual job orders that reflect the specified work scope and the fixed unit cost prices that apply, adjusted by an adjustment factor. The adjustment factor is the competitive determinant in deciding which contractors are selected to receive annual contracts. The use of J.O.C for qualified work is managed and monitored to balance the desire to expedite and streamline project delivery with safeguarding optimum project costing.

Having a J.O.C. program in place does not preclude a public entity from bidding a specific project individually or from using in-house resources for capital work within the limitations allowed by the State Public Contract Code. In short, Job Order Contracting provides the means of having an “on-call” contractor(s) on hand.

Local Impact of J.O.C.

Upon implementation of the initial J.O.C. contract, staff was directed to monitor and track the impact J.O.C would have on the use of local resources and materials. The County of Sonoma established its’ initial J.O.C. program in 2010. Subsequently the County has used J.O.C. for the past five years engaging a total of 23 J.O.C. prime contractors to deliver 125 projects with an aggregated value of over \$21M. In the five years that J.O.C. has been utilized by the County, the “local” construction “spending” (for labor and materials) linked to the use J.O.C. has increased from 15% in year one to 96% in year four. These results reflect a positive impact on the local economy and the engagement of local resources. This impact is primarily attributed to the flexibility the program affords prime contractors relative the selection and use of subcontractors. In addition successful J.O.C. contractors need to be expedient and effective in mobilizing and resourcing themselves upon receipt of a J.O.C. work order and since these resources are only needed upon receipt of a Job Order prime contractors normally seek local, available and expedient support resources. In addition the County is allowed to provide feedback to the J.O.C. prime contractor regarding the quality and expediency of a potential subcontractor’s previous work which may further encourage the use of qualified local resources.

Bid Package

Four different J.O.C. contracts were bid. These included one contract for a maximum amount of \$3,000,000 and three contracts for a maximum amount of \$1,500,000 each.

These maximum amounts are not guaranteed or funded amounts. Each contract commits a minimum amount of \$25,000 that is paid for by specific project budgets. Use of the J.O.C. beyond the minimum amount depends on available work, responsiveness and performance of the contractor and specific requirements of the project and availability of approved funding.

Work executed under a J.O.C. is based on a book of unit prices for thousands of construction activities, which include the material and labor costs for each activity. This unit costs are periodically adjusted to reflect construction market conditions and/or the introduction of new technology and best practices. . A contractor that is under a J.O.C contract and is requested to submit a cost proposal for a specific scope of work, will identify the quantity of the construction activities needed for a project, and utilize the unit price indicated in the price book to determine the cost of the work. The contractor then multiplies that cost by an Adjustment Factor, which represents a modification to the unit prices to cover their profit and overhead, to reach the total cost for that scope of work.

In submitting a bid for a J.O.C. contract, bidders submit their price Adjustment Factors that will be applied to each unit price. The J.O.C. contract is awarded to the responsive and responsible bidder submitting the lowest Adjustment Factor. In order to account for differing work conditions, the bidders were requested to submit two different Adjustment Factors. These are:

- Adjustment Factor 1: for work done during normal working hours.
- Adjustment Factor 2: for work done during other than normal working hours.

These factors are combined to determine an “Award Criteria Factor” which is the basis for the award. The lowest bid is the bid with lowest Award Criteria Factor for that contract. This method of selecting the low bid was fully described in the bid documents and complies with the Public Contract Code. In order to spread the work among the contractor community, facilitate participation by both large and small contractors and give the County more flexibility in using J.O.C., bids were solicited for five J.O.C. contracts and each contractor was advised that they could hold only one J.O.C. for any contract year. All contractors awarded a J.O.C. contract must also adhere to prevailing wage regulations as set forth in Public Contract Code and/or County public contracting award policies.

Contractors awarded a J.O.C. contract must adhere to all County and State requirements that are mandated by the Public Contract Code or locally adopted polices such as the use of prevailing wage, insurance, worker compensation and workforce training.

Bid Results

Bids were received on September 2, 2014. A total of six bidders submitted bids on the four contracts, which were reviewed and evaluated by staff. Based on the evaluation of the bids utilizing the selection method described above, the following is a list of contractors identified as the lowest responsive and responsible bidders, as well as unsuccessful- no award bidders:

Contract	Lowest Bidder	Award Criteria Factor
Contract 1 (J.O.C. 2014-01 \$3,000,000)	Flint Builders, Inc.	1.0600
Contract 2 (J.O.C. 2014-02 \$1,500,000)	A.E. Nelson Construction	1.0830
Contract 3 (J.O.C. 2014-03 \$1,500,000)	Bay West Construction	1.0888
Contract 4 (J.O.C. 2014-04 \$1,500,000)	Murray Building, Inc.	1.0972
No award	Danco Builders	1.1119
No award	Helmer and Sons	1.1564

Schedule

The expiration of the current J.O.C. contracts is November 5, 2014. The new contracts will have a one-year term from the date of the Notice to Proceed, providing an uninterrupted J.O.C. program through November 6, 2015.

J.O.C. Program Management

Capital projects delivered using the J.O.C. program are approved by our Board before they can be

initiated. This approval is either received through the annual capital project budget process or during the fiscal year by General Services submitting a Board Report which describes the proposed project scope, budget, schedule, and funding source for Board approval.

Prior Board Actions:

2007: Board approval of JOC Pilot Program.
 2008: Resolution authorizing Notice Inviting Bids for JOC.
 2009: Board approval for extending JOC Pilot Program.
 2010: Board approval authorizing JOC Program be made permanent.
 2013: Authorize Chair to execute consultant agreement with the Gordian Group.

Strategic Plan Alignment Goal 3: Invest in the Future

Awarding J.O.C. contracts positions the County to quickly respond to the County’s construction needs in an efficient and cost effective manner, while promoting the use of local labor.

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

There is no separate funding required for the J.O.C. program. The program and the associated contract values are funded by individual capital projects and budgets approved by the Board through the annual Capital Budget process. These projects typically include repair and remodeling construction work. The use of the J.O.C. contracts, including the minimum amounts, will be paid by approved and funded project budgets. The execution of these contracts has no additional specific financial impact attributed to the use of the J.O.C. process.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Staffing impacts are to significantly reduce the time and resources required to secure contract services to deliver selected project work. Project development and procurement work efforts are reduced along with post award project coordination and management.

Attachments:

Attachment A: Resolution authorizing Deputy Director of Facilities Development and Management or Director of General Services Director, and County Administrator to issue Individual Job Orders.
Attachment B: JOC Status for 13/14.

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

Notice of Intent to Award



County of Sonoma

State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Delegating The Authority To Approve Job Orders Issued Under The Job Order Contract
(Project Nos. J.O.C.-2014-01, J.O.C.-2014-02, J.O.C.-2014-03, J.O.C.-2014-04) And Ordering
That Projects Consistent With The Purposes Of Job Order Contracting Be Performed.**

Whereas, on July 13th, 2010 the Sonoma County Board of Supervisors established the Job Order Contract Program.

Whereas, the job order contract is an annual competitively-bid, fixed price, indefinite quantity contract for the performance of minor construction work, including renovation, alteration, painting, and repair; and

Whereas, the job order contract establishes firm unit pricing that allows discrete scopes of work (Job Orders) to be performed expeditiously without having to individually bid each such scope of work; and

Whereas, the streamlined delivery process for construction work under the job order contract will result in substantial savings of time and will reduce costs related to project design and oversight; and

Whereas, additional savings of time and cost can be realized by delegating to the General Services Director and the Deputy Director of Facilities Development and Management or Associate Architect, and County Administrator the authority to issue individual Job Orders; and

Whereas, such a delegation of authority is consistent with the purposes of the job order contracting method, as authorized by Public Contract Code Section 20128.5.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma finds, determines, and declares as follows:

1. All of the above recitals are true and correct; and
2. The Deputy Director of Facilities Development and Management or Associate Architect is hereby authorized to issue individual job orders with values up to \$125,000 so long as the job orders remain within the parameters specified in the contract documents for Job Order Contracts Nos. J.O.C.-2014-01, J.O.C.-2014-02, J.O.C.-2014-03, J.O.C.-2014-04 and so long as there is a sufficient appropriation for the Job Order; and
3. The General Services Director is hereby authorized to issue individual job orders with values from \$125,000 to \$250,000 so long as the job orders remain within the parameters specified in the contract documents for Job Order Contracts Nos. J.O.C.-2014-01, J.O.C.-2014-02, J.O.C.-2014-03, J.O.C.-2014-04 and so long as there is a sufficient appropriation for the Job Order; and
4. The County Administrator is hereby authorized to issue individual job orders with values above \$250,000 so long as the job orders remain with the parameters specified in the contract documents for Job Order Contracts Nos. J.O.C.-2014-01, J.O.C.-2014-02, J.O.C.-2014-03, J.O.C.-2014-04 and so long as there is a sufficient appropriation for the Job Order; and

In accordance with Public Contract Code section 20128.5, the Deputy Director of Facilities Development and Management is hereby ordered to administer job order projects consistent with the scope and purposes of the Job Order Contracts Nos. J.O.C.-2014-01, J.O.C.-2014-02, J.O.C.-2014-03, J.O.C.-2014-04

Supervisors:

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

So Ordered.

JOC Contracts Status

Term to November 5, 2014

9/29/14

AE Nelson Construction	Contract Cap	\$1,000,000	Total Encumbered:	\$995,155.95	Contract Balance:	\$4,844.05
	Project #	Project Name	Encumbered 9/17/14	Spent 8/26/14	Balance 8/26/14	
	7201A	La Plaza Relocation	\$82,228.00	\$82,228.00	\$0.00	
	7201A	La Plaza Relocation	\$203,915.58	\$203,915.58	\$0.00	
	7210U10	FDM Restroom ADA	\$71,473.17	\$71,473.17	\$0.00	
	14919C	TPW Stonypoint Vaults	\$21,814.16	\$21,814.16	\$0.00	
	14919D	Central Landfill Water Line Moves	\$60,474.36	\$60,474.36	\$0.00	
	14919D	Central Landfill Water Line Moves	\$20,799.95	\$20,799.95	\$0.00	
	7201A	LaPlaza Relocation	\$3,276.35	\$3,276.35	\$0.00	
	14919D	Central Landfill Water Line Moves	\$49,583.10	\$49,583.10	\$0.00	
	15919B	Sonoma Landfill Stormwater	\$446,736.00		\$446,736.00	
	15919B	Sonoma Landfill Stormwater	\$34,855.28		\$34,855.28	
					\$0.00	
					\$0.00	

Bay West Construction	Contract Cap	\$1,500,000	Total Encumbered:	\$1,288,971.62	Contract Balance:	\$211,028.38
	Project #	Project Name	Encumbered 9/4/14	Spent 8/26/14	Balance 8/26/14	
	7210U11	County Ctr Addtl Curb Cuts	\$98,629.70	\$98,629.70	\$0.00	
	14917B	JJC Armory Bullet Proofing	\$12,279.95	\$12,279.95	\$0.00	
	7308	REDCOM Expansion	\$25,861.00	\$25,861.00	\$0.00	
	6806	MADF Rec Yard Resurfacing	\$35,501.40	\$33,726.33	\$1,775.07	
	14923B	JJC Intercom (Sheriff funding)	\$100,000.00	\$100,000.00	\$0.00	
	14020	JJC Intercom	\$34,408.00	\$23,118.10	\$11,289.90	
	7210U11	County Ctr Addtl Curb Cuts	\$2,877.16	\$2,877.16	\$0.00	
	6806	MADF Rec Yard Resurfacing	\$792.00	\$752.40	\$39.60	
	14909B	HOJ Cafe Remodel	\$51,966.47	\$51,966.47	\$0.00	
	14909B	HOJ Cafe Remodel Addtl Work	\$6,223.48	\$6,223.48	\$0.00	
	7404	NCDF Gate Operators	\$63,534.00	\$60,357.30	\$3,176.70	
	7404	NCDF Fencing	\$429,421.35		\$429,421.35	
	7406A	Sonoma Road Yard ADA	\$5,447.78		\$5,447.78	
Anticipated	Steve Fiano	CRA Toilet Rooms Barrier Removal	\$250,000.00		\$250,000.00	
	John Brencic	REDCOM ADA Upgrades	\$22,594.67		\$22,594.67	
	15919B	Sonoma Landfill Storm	\$131,547.00	\$30,899.70	\$100,647.30	
	7210T05	Sonoma Road Yard Tile Work	\$1,164.10		\$1,164.10	
	7308	REDCOM ADA Upgrades	\$4,723.56		\$4,723.56	
Anticipated	Dale Wittman	15919B Sonoma Land Fill Addtl Work	\$12,000.00		\$12,000.00	

Mark Scott Construction	Contract Cap	\$3,000,000	Total Encumbered:	\$234,537.36	Contract Balance:	\$2,765,462.64
	Project #	Project Name	Encumbered 8/26/14	Spent 8/26/14	Balance 8/26/14	
	7604	HOJ Probation TI	\$84,537.36		\$84,537.36	
Ray Anticipated		7407A CMP Boiler Burner Replacement	\$150,000.00		\$150,000.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	

Murray Building	Contract Cap	\$1,000,000	Total Encumbered:	\$945,801.41	Contract Balance:	\$54,198.59
	Project #	Project Name	Encumbered 8/26/14	Spent 8/26/14	Balance 8/26/14	
	6601BB	Petaluma Vets Investigation	\$106,129.36	\$106,129.36	\$0.00	
	6601BB	Petaluma Vets Investigation	\$3,870.85	\$3,870.85	\$0.00	
	7406A	FJC Probation TI	\$114,901.92		\$114,901.92	
	7411	MADF Emergency Roof Repairs	\$102,899.28		\$102,899.28	
	6805A	MADF Expansion Wall Reseal	\$40,000.00		\$40,000.00	
Anticipated	John Hubiak	15919A Airport Tower Reroof	\$40,000.00		\$40,000.00	
Anticipated	Steve Fiano	Grace Pavillion Toilet Room ADA	\$303,000.00		\$303,000.00	
Anticipated	John B	7410 Firing Range Improvements	\$225,000.00		\$225,000.00	
Anticipated	John B	7406A FJC Additional Work	\$10,000.00		\$10,000.00	
					\$0.00	

Total \$3,464,466.34



County of Sonoma Agenda Item Summary Report

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

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

To: Sonoma County Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): General Services

Staff Name and Phone Number:

Linda Rodecap: 707-565-2433

Supervisorial District(s):

All

Title: Forms Management Services

Recommended Actions:

Authorize the Purchasing Agent to execute a one year Blanket Purchase Order (“BPO”) agreement with National Document Solutions for management of forms and related services; contract term shall be one year with four one-year options to extend. Annual amount not to exceed \$125,000.

Executive Summary:

The General Services Purchasing Division contracts for forms management and related services for all County of Sonoma departments. Forms Management Services include the preparation, printing, and warehousing of forms that cannot be printed in house by Reprographics. In addition, these services also include the maintenance of current stock and delivery of such stock to departments. The vendor will work directly with County departments, respond to requests to update forms, assist with the creation of new forms, and help to determine the appropriate quantity of forms to print and stock.

General Services Purchasing Division solicited proposals for Forms Management Services on August 12, 2014 through our Online Purchasing System. Solicitation was sent to 20 local forms vendors. Additionally, the Forms Management RFP was advertised on the Purchasing Internet site. Two vendors responded with proposals: the incumbent, National Document Solutions and American Business Solutions. Both interested vendors demonstrated their ability to provide the County with a Forms Management System. The proposals illustrated each vendor’s types of services offered, level of quality, as well as total cost for the various forms. The evaluation committee selected National Document Solutions based on the company’s demonstrated ability to provide both the high level of quality and service required. Additionally, National Document Solutions is a local firm based in Santa Rosa, their customer service center and warehouse are located on site. American Business Solutions is located in Santa Rosa; however, their warehouse is located in Healdsburg and their customer service is located in Minnesota. The overall price bid by National Document Solutions was less than American Business Solutions.

Average expenditures for Forms Management over the last three years is \$86,510.23 and are included in each department's budget. Due to market volatility of paper, suppliers are unwilling to hold prices fixed for longer than one year. To account for potential future cost increases if contracts are extended, staff is recommending increasing the Not-to-Exceed amount to \$125,000.

Prior Board Actions:

September 22, 2009: the Board of Supervisors authorized the Purchasing Agent to execute a one-year agreement with four one-year renewal options with American Solutions for Business Incorporated (Name change occurred to National Print and Promotional Marketing). April 6, 2004 item number 26, the Board authorized Purchasing Agent to execute a one-year agreement with four one-year renewal options, and March 24, 2009 item number 23, the Board approved the extension of existing contract with Golden Pacific Systems through September 30, 2009.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

To supply the County with an efficient and cost effective forms management option which works directly with Reprographics to provide the best options for print services.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 125,000	County General Fund	\$ 125,000
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 125,000.	Total Sources	\$ 125,000.

Narrative Explanation of Fiscal Impacts (If Required):

No current fiscal impact: Cost is subject to each department's respective use of this service. Due to the increased volatility of the paper market, staff is proposing a not-to-exceed amount of \$125,000 to cover possible increases in paper costs. Yearly County expenditures have increased from \$71,747 to a peak of \$95,466.44 over the last 3 years.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):
Results of Non-Approval: N/A
Attachments:
Attachment A: Scope of Work
Related Items “On File” with the Clerk of the Board:
Request for Proposal 3 signed copies of Professional Services Agreement.

SCOPE OF SERVICES
Forms Management

Exhibit A

- ◆ Preparation, printing and warehousing of County forms
- ◆ Distribution of forms directly to using County departments (desktop delivery)
- ◆ Consult with County departments regarding appropriate quantity of forms to print and stock
- ◆ Assist County department personnel in updating current forms
- ◆ Consultation with County departments on reorder quantities, form changes & new items
- ◆ Work directly, and in conjunction with, the County's internal printing services department
- ◆ Suggest new ideas for cost reduction (and increased productivity) to County departments



County of Sonoma Agenda Item Summary Report

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

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

To: Sonoma County Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Resources

Staff Name and Phone Number:

Marcia Chadbourne, 707-565-2473

Supervisorial District(s):

All

Title: Amendment to Agreement for Material Safety Data Sheet (MSDS) Management Services

Recommended Actions:

Authorize the Director of Human Resources to execute an amendment to the agreement with 3E Company for County-wide automated Safety Data Sheet access for products used by County employees, increasing the current two year agreement amount from \$21,500 to \$56,360 for the term July 1, 2013 through June 30, 2015.

Executive Summary:

The requested Board action authorizes the Director of Human Resources to execute an amendment to the current agreement with 3E Company to increase the contract amount for the term of the agreement through June 30, 2015.

3E provides software and administrative services of Material Safety Data Sheets (MSDSs) for products used by County employees in the workplace. Material Safety Data Sheets are required by manufacturers and suppliers of hazardous chemicals and substances, and outlines the potential hazards, safe use and handling, proper storage, and emergency response procedures for each product. Services of 3E Company include procurement of MSDSs based on chemical inventories prepared by each department, development of online MSDS library for each County department and work location, provides 24/7 "on-demand" access to County employees via the intranet, internet, FAX or phone, and archives obsolete MSDS documents for future reference.

The County as an Employer is responsible for MSDS access, retention, and employee training as required by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS), a federal regulation which provides employees with the "right-to-know" about potential workplace hazards and the identity of chemicals in the workplace. On May 25, 2012, the HCS was updated to align with the United Nations Globally Harmonized System of Classification and Labeling of chemicals (GHS). The GHS was originally adopted by the United Nations in 2003 and includes a unified international framework for required information and provides a format for all Material Safety Data Sheets, which have been renamed Safety Data Sheets (SDSs). Employers have until July 1, 2015 to comply with revised requirements related to workplace availability of GHS compliant SDS documents.

Following implementation of the new standard, Human Resources-Risk Management (HR-Risk) assessed the impact of the revised HCS on County operations and developed a project plan to assist departments in complying

with these changes. A major component of this project was identification of a more efficient and effective method to update and manage SDSs, which historically were in paper form and located in binders throughout various County departments. HR-Risk conducted a comprehensive analysis working with key departments, including Information Systems who provided technical guidance to identify online solutions. Based on input received and the requirements of the revised federal regulations, staff completed extensive research to identify automated SDS management systems which best address regulatory, technical, and functional requirements for County operations.

Through an informal Request for Information process, staff conducted an assessment of available software, and invited four vendors to provide cost proposals and demonstrations. An evaluation of the cost proposals and system demonstrations resulted in the selection of 3E Company's software solution. 3E's software was the only system that effectively supported the County's approach to managing inventories at the department level, demonstrating the easiest navigation between sites and inventories, allowing for an unlimited number of administrators and SDS uploads, and providing the ability to back up, search, and print SDSs by department. In addition, 3E's system was the only software that provides alerts when a manufacturer revises an SDS, and their annual maintenance cost per SDS was the lowest of the four vendors considered.

The initial contract negotiated with the 3E Company totaled \$21,500 for the first two years and was executed by the County's Purchasing Agent. This agreement amount was based upon an initial estimate of 1,500 SDS's, and included annual services and set up costs for the first year of \$13,000, and \$8,500 for on-going services during the second year. Once departments began the extensive process of creating and/or updating chemical inventories, 3E began procuring and loading SDSs for the chemicals stored at each work location. Based upon this extensive work, departments began to realize their initial estimates fell short, and 3E notified the County in June the contract limit was going to be exceeded. Based upon this notification, only \$13,000 has been expended and the project was suspended pending your Board's authorization to amend the agreement.

To date, 14 department inventories (including the largest departments) have been completed. Based upon updated estimates, it appears up to 7,000 chemical products will be identified and categorized this fiscal year. Thus, 3E agreed to renegotiate second year costs to \$39,300 for up to 7,000 SDSs, which is approximately \$5.60 per SDS.

The contract amendment increases the maximum contract amount from \$21,500 to \$56,360 for the period of July 1, 2013 through June 30, 2015. Approval of this Amendment will allow the County to continue to utilize the services of 3E Company to complete the initial project and to provide this new occupational safety and health information resource for County employees and the public we serve. This amendment will also provide staff time to evaluate options to enter into a master intergovernmental agreement that the CSAC Excess Insurance Authority, (CSAC-EIA), who is currently negotiating with 3E Company or, in the alternative, conduct a formal public solicitation process for SDS management services prior to July 1, 2015.

Prior Board Actions:

None

Strategic Plan Alignment

Goal 1: Safe, Healthy, and Caring Community

Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 43,360		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 43,360
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 43,360	Total Sources	\$ 43,360
Narrative Explanation of Fiscal Impacts (If Required):			
Costs associated with occupational safety and health projects are budgeted in the self-insured workers compensation department within the Insurance Internal Service Fund and there are sufficient appropriations in the budget to cover this additional expense.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Not applicable			
Attachments:			
None			
Related Items "On File" with the Clerk of the Board:			
Amendment to Agreement for Services with 3E Company			



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Diane Kaljian- (707) 565-5950
Lori Holaday – (707) 565-5984

Supervisorial District(s):

All

Title: Sonoma County Area Agency on Aging Supplemental Nutrition Assistance Program Education (SNAP-Ed) Obesity Prevention Contract

Recommended Actions:

1. Adopt a resolution authorizing the Director of Human Services to sign and execute the Sonoma County Area Agency on Aging SNAP-Ed Standard Agreement #SP-1415-27 with the California Department of Aging for FY 2014-15 in the amount of \$62,580 and to execute future agreement amendments to adjust for revenue changes.
2. Authorize the Director of Human Services to execute the service provider contract #AA-NCCWB-SNAP-1415 with the Northern California Center for Well-Being (NCCWB) with Area Agency on Aging funding totaling \$50,078 for management of the Supplemental Nutrition Assistance Program Education Obesity Prevention for FY 2014-15 and authorize amendments to the agreement that do not increase the amount of payment more than \$25,000 from the original agreement amount.

Executive Summary:

Supplemental Nutrition Assistance Program Education (SNAP-Ed) is a California Department of Aging evidence-based program with the goal to reduce the prevalence of obesity and the onset of related chronic diseases among low-income older adults ages 60 years plus. This is new funding for a new program through the Sonoma County Area Agency on Aging. This item requests approval of a contract between the Sonoma County Area Agency on Aging (AAA) and the California Department of Aging (CDA) for the Area Agency on Aging to receive a total of \$62,580 through FY 14-15, \$12,502 of which will be maintained within the AAA for oversight and administration of the program and contract, and \$50,078 is recommended to be subcontracted with the Northern California Center for Well-Being to provide Supplemental Nutrition Assistance Program Education (SNAP-Ed) Obesity Prevention to older adults in low-income communities at congregate nutrition sites.

Area Agency on Aging (AAA) FY 2014-2015 SNAP Ed

In FY 2014-15, California Department of Aging is coordinating with Area Agencies on Aging to provide Supplemental Nutrition Assistance Program Education (SNAP-Ed) Obesity Prevention to older adults in low-income communities at congregate nutrition sites. This is a new service being provided by AAAs this fiscal year. The Sonoma County AAA is partnering with the Sonoma County Department of Health Services which coordinates the SNAP-Ed program for other targeted populations in the county. California’s SNAP-Ed program is federally funded by the United States Department of Agriculture (USDA) and administered at the state level by the California Department of Social Services (CDSS).

A competitive process was initiated by the Sonoma County Area Agency on Aging in May 2014, and the Northern California Center for Well-Being (NCCWB) was selected to implement the SNAP-ED Obesity Prevention program in Sonoma County. NCCWB staff received required training and materials to provide the CDA-approved nutrition education classes and series to low-income seniors at identified congregate dining sites. The performance goal for Sonoma County is a minimum of 240 participants to complete the SNAP-Ed series and 300 participants to complete the single session class during the contract period.

It is usual for the California Department of Aging to modify funding during each fiscal year for existing senior services. When those additional funds are allocated to the Sonoma County Area Agency on Aging, it is imperative that there be flexibility to modify contract funding to service providers expediently in order to assure continuity of services. The AAA requests authorization for the Director of the Human Services Department to amend and execute future contracts to accept unanticipated revenues, also known as “one-time-only” funding that do not increase the amount of payment more than \$25,000 from the original agreement amount.

Prior Board Actions:

There are no prior actions. SNAP-Ed is new funding for a new program of the Sonoma County Area Agency on Aging.

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

To provide services to seniors, age 60 and over, that assist with maintaining health, independence, and ability to remain at home.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$ 62,580	State/Federal	\$ 62,580
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 62,580	Total Sources	\$ 62,580

Narrative Explanation of Fiscal Impacts (If Required):

Funding for this contract is from federal sources. There are no county general fund dollars included in these contracts. Funds will be included in the FY 14-15 1st Quarter Consolidated Budget.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Resolution

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

Agreement SP-1415-27
Contract AA-NCCWB-SNAP-1415



County of Sonoma
State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, to authorize Director of Human Services to sign and execute Standard Agreement SP-1415-27 with the California Department of Aging for FY 2014-15 in the amount of \$62,580 and authorize the Director of the Human Services Department to execute future agreement amendments to adjust for revenue changes.

Whereas, the Sonoma County Area Agency on Aging designated by the California Department of Aging; and

Whereas, the Sonoma County Area Agency on Aging receives funds from the California Department of Aging in order to operate the Supplemental Nutrition Assistance Program Education Obesity Prevention program to older adults in low income communities at congregate nutrition sites;

Whereas, standard agreements must be executed with the state before funds become available for Sonoma County;

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma authorizes the Director of Human Services to sign and execute Standard Agreement SP-1415-27 in the amount of \$62,580 with the California Department of Aging for FY 2014-15 and authorizes the Director of Human Services Department to execute future agreement amendments to adjust for revenue changes.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Board of Supervisors (707) 565-2241

Supervisorial District(s):

Title: Minutes of September 9, 2014

Recommended Actions:

Approval.

Executive Summary:

Approval of Minutes –

- (A) Minutes of the Meeting of September 9, 2014 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Sonoma County Water Agency, and Board of Supervisors; and
- (B) Minutes of the Meeting of September 9, 2014 of the Sonoma Valley County Sanitation District

Prior Board Actions:

None.

Strategic Plan Alignment Not Applicable

Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$
Narrative Explanation of Fiscal Impacts (If Required):			
N/A			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			
Attachments:			
Minutes			
Related Items "On File" with the Clerk of the Board:			
None			

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

TUESDAY

SEPTEMBER 9, 2014

8:30 A.M.

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

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

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

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

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

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

Public Transit Access to the County Administration Center:

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

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

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

APPROVAL OF THE CONSENT CALENDAR

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

PUBLIC COMMENT

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

8:30 A.M. CALL TO ORDER

8:30 A.M. Chairman Rabbitt called the meeting to order.

Supervisors Present: Susan Gorin, David Rabbitt, Mike McGuire, Efren Carrillo

Supervisor Absent: Shirlee Zane

Staff Present: Veronica A. Ferguson, County Administrator and Bruce Goldstein, County Counsel

Chairman Rabbitt presiding.

PLEDGE OF ALLEGIANCE

I. APPROVAL OF THE AGENDA (Items may be added or withdrawn from the agenda consistent with State law)

Items Pulled From the Agenda:

Agenda Item 7, Farmhouse Inn Expansion, will be continued to a future Board meeting date.

Agenda Item 35, Review and approve the Fire Services Ad Hoc Committee Project Charter, is a duplicate of Item 32 and is removed from the agenda.

As noted at the end of the agenda, the Belden Barns Winery hearing will be continued to the next Board meeting on September 16, 2014.

Supervisor Zane is in Washington DC working with legislators and Water Agency staff to move forward an initiative to develop resiliency for droughts and floods by utilizing forecast informed reservoir operations. The project is expected to provide water supply, flood control and ecosystem benefits.

II. BOARD MEMBER ANNOUNCEMENTS

Supervisor Carrillo invited the public to a demolition of the Roseland shopping center and groundbreaking ceremony on September 11, 2014 at 4:00 p.m.; he attended a CSAC Board of Directors meeting, and shared the advisory measures adopted; and solicited the Board to support Proposition 1, Water Bond.

Supervisor Gorin expressed sadness to see the Roseland bowling alley demolished; suggested the Board have a briefing on how ground water legislation impacts our County once it's signed by the Governor; thanked those involved with last week's special meeting on the Napa earthquake and our County emergency declaration; will hold a future town hall meeting in about one month regarding emergency preparedness and procedures; and attended meetings with the Sonoma Development Center, and future needs to rebuild Highway 37.

BOARD MEMBER ANNOUNCEMENTS (Continued)

Supervisor McGuire thanked Regional Parks for helping to host the Maddux Ranch community meeting; shared that there is interest from additional airlines as we expand our airport runway; and announced there will be a Cloverdale meeting near where a mountain lion was recently spotted.

Supervisor Rabbitt visited Napa the day after the earthquake, as well as attending a meeting on the Loma Prieta earthquake recovery; he met with the Indian Gaming Committee in Sacramento, and a town hall meeting of Congressman Huffman about a possible postal office branch closure; and asked that the Board send a letter opposing cut backs, and that other possible savings be identified.

III. CONSENT CALENDAR (Items 1 through 31)

Agenda Item 25, all-way stop controls at Westside Road intersection, will be continued to the next Board meeting on September 16th.

Public Speaker:

Colleen Fernald

PRESENTATIONS/GOLD RESOLUTIONS (Items 1 through 4)

PRESENTATIONS AT THE BOARD MEETING

1. Adopt a Gold Resolution proclaiming September 27, 2014 as Russian River Cleanup Day in Sonoma County. (Fourth and Fifth Districts)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0345

2. Adopt a Gold Resolution proclaiming September 15, 2014 through October 15, 2014 as Latino Heritage Month in Sonoma County. (Fifth District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0346

3. Adopt a Gold Resolution proclaiming September as National Preparedness Month for Sonoma County, and commemorating the sacrifices and heroic actions of those impacted on September 11, 2001. (Fire and Emergency Services)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0347

CONSENT CALENDAR (Continued)

PRESENTATIONS AT A DIFFERENT DATE

4. Adopt a Gold Resolution honoring and acknowledging Lieutenant Matthew Stapleton upon the occasion of his retirement from the Petaluma Police Department after 26 years of exemplary service. (Second District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0348

SONOMA COUNTY WATER AGENCY

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

5. Authorize the Chair to execute a contract with Diede Construction, Inc. in the amount of \$1,995,000 for construction of the Westside Facility (9703 Wohler Road), and delegate authority to the General Manager of the Water Agency to execute the agreement and release of any and all claims, if required.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

6. Bus Transportation Services and Grant Award –
 - (A) Authorize the General Manager of the Water Agency to execute an agreement with West County Transportation Authority for student transportation for the water education program for the amount of \$112,800; agreement terminates on June 30, 2017.
 - (B) Authorize the General Manager to accept a \$43,539 financial assistance award from the Department of Commerce to partially fund one year of the Headwaters2Ocean water education program; award period is from August 1, 2014 to June 30, 2015.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

7. Sale of Easements for the Farmhouse Inn Expansion - Consider execution of an Easement and Real Property Purchase Agreement and an Easement Agreement with Bartolomei Tommervik Bartolomei Properties, LLC, and consider finding and determining that the proposed transfer is for an adequate consideration, will not adversely affect the Water Agency in any respect, will not have a significant adverse effect on the environment; and consider taking the following actions:

(A) Authorize the Chair to execute an Easement and Real Property Purchase Agreement setting forth the terms and conditions for the sale of easements described and granted by the Easement Agreement; and

(B) Authorize the Chair to execute an Easement Agreement conveying easement rights to Bartolomei Tommervik Bartolomei Properties, LLC a California limited liability company for deposit into escrow, pending closing in accordance with the terms of the Easement and Real Property Purchase Agreement; and

CONSENT CALENDAR (Continued)

Item #7 Continued

- (C) Authorize the General Manager of the Water Agency to execute such documents and take such actions as may be required for the Water Agency to meet its obligations under the terms of the Easement and Real Property Purchase Agreement; and
- (D) Authorize the General Manager of the Water Agency to file a Notice of Determination with respect to these actions, in accordance with the California Environmental Quality Act. An agenda item for final action will be presented to the Board on September 16, 2014. (4/5th vote required)

This item will return to the Board at a future date.

SONOMA VALLEY COUNTY SANITATION DISTRICT

(Directors: Gorin, Rabbitt, Rouse)

- 8. Authorize the Chair to execute a contract with TerraCon Constructors, Inc. for \$247,852 (expected completion date January, 26, 2015), for construction of the North Bay Water Reuse Program, Sonoma Valley County Sanitation District, McGill Road Recycled Water Pipeline, and to delegate authority to the General Manager of the Water Agency on behalf of the District, and to execute the agreement and release of any and all claims, if required. (First District) (2/3rd vote required)

Board Action: Approved as Recommended with the word "fragmented" removed from the charter.

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Sonoma Valley County Sanitation District

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin

ABSENT: Mayor Rouse

BOARD OF SUPERVISORS

- 9. Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotion activities for Fiscal Year 2014-15: The Actors' Theater for Children, \$500; Sonoma County Bach Society, \$500; Buck Institute for Research on Aging for the 2014 North Bay Science Discovery Day, \$500; Children's Museum of Sonoma County, \$500; Sonoma County Farm Trails, \$2,000; Mentor Me Petaluma, \$1,000; Petaluma Arts Center, \$1,000. (Second District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

CONSENT CALENDAR (Continued)

10. Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entities for advertising and promotion activities for Fiscal Year 2014-15: Actors' Theater for Children, \$500; Children's Museum of Sonoma County, \$2,000; Council on Aging Services for Seniors, \$1,000; Sunny Hills Services, \$500; and Law Enforcement Chaplaincy of Sonoma County, \$1,250. (Third District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

COUNTY ADMINISTRATOR

11. Authorize the Chair to execute the First Amendment to the Personal Services Agreement with John Hartwig as Director of Information Systems to extend the term for three years (September 20, 2014 through September 20, 2017).

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

12. Approve the Board of Supervisor's responses to the Fiscal Year 2013-14 Grand Jury Report.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

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

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

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

COUNTY CLERK-RECORDER-ASSESSOR

14. General District Election Appointments - Adopt a Resolution appointing nominees in lieu of election to the Office of Director of their respective districts.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0349

CONSENT CALENDAR (Continued)

15. Adopt the Resolution authorizing consolidation of all jurisdictions that have submitted requests for consolidation, as required by Elections Code §10400, and have measures placed before the voters or sufficient nominees to require elections to be held on November 4, 2014.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0350

DISTRICT ATTORNEY

16. Adopt a Resolution to authorize the Chair to execute a Federal Equitable Sharing Agreement and Certification with the U.S. Department of Justice and the U.S. Department of Treasury for Fiscal Year 2013-14. (Countywide)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0351

FIRE AND EMERGENCY SERVICES

17. Authorize the Chair to execute an agreement between Sonoma County Fire and Emergency Services and the Novato Fire Protection District to provide mutual automatic response to emergency incidents in the Lakeville area of CSA 40, and the northeastern and northwestern areas of the District; the agreement terminates on July 31, 2015.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

GENERAL SERVICES/CLERK-RECORDER-ASSESSOR

18. New lease for the Clerk-Recorder-Assessor warehouse storage at 3033 Coffey Lane, Santa Rosa, California –

(A) Authorize the Clerk to publish a notice, declaring the Board's intent to execute a lease with Woodstock Properties, LLC, for approximately 15,145 sq. ft. of storage space at 3033 Coffey Lane, Unit E, Santa Rosa, for the County Clerk-Recorder-Assessor, for an initial rate of \$0.45 per sq. ft. per month (approximately \$6,815 per month, or \$81,780 per year), which is subject to adjustment as more particularly described in the proposed lease, for a 7-year initial term, with two, 5-year extension options;

(B) Authorize the General Services Director, or his Deputy, to execute a letter-agreement with Woodstock Properties, LLC, whereby the Landlord of said building will begin construction of tenant improvements in advance of the execution of the proposed lease, and the County agrees to reimburse such costs, not to exceed \$175,315, if the proposed lease is not executed by October 15, 2014.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

CONSENT CALENDAR (Continued)

GENERAL SERVICES/COUNTY COUNSEL

19. Authorize the Chair to execute the Legal Services Agreement with Burke, Williams and Sorensen, LLP, Attorneys at Law, to provide advisory and representation services regarding the fuel cell plan for one year, with two one-year extension options per approval by County Counsel, and a not-to-exceed amount of \$150,000 in total. (4/5th vote required)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

GENERAL SERVICES/HUMAN SERVICES

20. Authorize the General Services Director to execute a lease amendment with Parkway Properties 14, LLC, for the Human Services Department/CalFresh and Medi-Cal programs, for approximately 3,457 sq. ft., in the building located at 520 Mendocino Avenue, Santa Rosa, for an additional \$5,768 per month, or \$69,220 per year, for a term concurrent with the existing lease, to expire on October 31, 2020, with options to extend the term through October 31, 2029.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

GENERAL SERVICES/PROBATION

21. Probation Day Reporting Program Lease Assignment and License to BI - Authorize the Clerk to publish a notice pursuant to Government Code Section 6063 declaring the Board's intention to execute the assignment and amendment of a commercial lease with BI, Incorporated, for County acceptance of the rights and obligations under the existing lease between BI and Southport Land and Commercial Company for approximately 5,840 square footage of office space at 2400 County Center Drive, Suite A, Santa Rosa, with a monthly rent of \$6,815.28, plus the cost of utilities and common area maintenance estimated at \$1,100 per month. The term of the assignment is scheduled to commence November 1, 2014 and to expire January 31, 2016.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

HEALTH SERVICES/TRANSPORTATION AND PUBLIC WORKS

22. Sonoma County Safe Routes to School Program –
(A) Authorize the Director of Health Services to execute a grant agreement with Kaiser Foundation Hospitals to accept \$20,000 in grant revenue to continue implementation of the Sonoma County Safe Routes to School Program for the period of July 1, 2014 through June 30, 2015;

CONSENT CALENDAR (Continued)

Item #22 Continued

- (B) Authorize the Director of Health Services to execute the second amendment to an agreement with Sonoma County Bicycle Coalition to continue implementation of bicycle and pedestrian education and support services for elementary and middle schools as part of the Sonoma County Safe Routes to School Program, increasing the contract by \$44,200 resulting in a new total not-to-exceed amount of \$600,200, and extending the term end date from September 30, 2014 to January 31, 2015;
- (C) Adopt a Resolution of Local Support authorizing the Director of Transportation and Public Works to submit an application to the Metropolitan Transportation Commission for \$872,000 in funding from the Federal Active Transportation Program to implement the Sonoma County Safe Routes to School High School Pilot Program.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0352

HUMAN RESOURCES/
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

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

AND

SONOMA COUNTY WATER AGENCY

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

AND

COMMUNITY DEVELOPMENT COMMISSION

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

AND

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

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

- 23. Authorize the Director of Human Resources to execute Amendment No. 02 to the Agreement for Consulting Services with Pacific ADA Center/Center on Disability at the Public Health Institute, for website remediation services including training for ADA compliance, increasing the contract maximum from \$25,000 to \$100,000 and extending the term of the agreement through June 30, 2016.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

SONOMA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

- 24. Authorize the approval of regulations to maintain the retirement system's IRS tax qualified plan status as adopted by the Sonoma County Employees' Retirement Association (SCERA) Board of Retirement, pursuant to Government Code Section 31525.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

CONSENT CALENDAR (Continued)

TRANSPORTATION AND PUBLIC WORKS

25. Adopt a Resolution establishing all-way stop controls at the intersection of Westside Road (#8001) and Westside Road (#80146).

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

26. Refuse Enterprise - Short-Term Operation of Central Landfill Disposal Site and County Transfer Stations.

(A) Approve and authorize the Chair to sign the Agreement for Operation of the County Transfer Stations with The Ratto Group of Companies, Inc., to allow for the term of the agreement to continue on a month-to-month basis until the Master Operations Agreement is effectuated.

(B) Approve and authorize the Chair to sign the Third Amendment to the Agreement for Resumption of Disposal Operations at the Central Landfill and Landfill Re-Permitting services, with Keller Canyon Landfill, Inc., to allow for the term of the agreement to continue on a month-to-month basis until the Master Operations Agreement is effectuated and adding additional tasks to the scope of work.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

TRANSPORTATION AND PUBLIC WORKS

AND

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

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

27. Authorize the Air Pollution Control Officer of the Northern Sonoma County Air Pollution Control District to execute a Lease Agreement with the Wilcox Family Trust, for the Glenbrook Monitoring Site located at 14531 Bottle Rock Road (APN 011040-48), Cobb Area, Lake County, California, for use by the Geysers Air Monitoring Program, for an amount of \$1,900 annually with a term ending August 1, 2019, with an option to extend the term of the agreement by two years in one year increments.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

CONSENT CALENDAR (Continued)

MISCELLANEOUS

28. Approve the Minutes - (A) Minutes of the Meeting of July 29, 2014 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Occidental County Sanitation District, Russian River County Sanitation District, South Park County Sanitation District, Sonoma County Water Agency, and Board of Supervisors; and (B) Minutes of the Meeting of July 29, 2014 of the Sonoma Valley County Sanitation District.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

APPOINTMENTS/REAPPOINTMENTS

(Items 29 through 31)

29. Approve the Appointment of Albert Lerma to the Sonoma County Transportation Authority Citizens Advisory Committee for a two year term effective September 9, 2014 through September 9, 2016. (Fifth District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

30. Approve the Appointment of Laura Van Waardenburg to the Commission on the Status of Women for a two year term effective September 9, 2014 through September 9, 2016. (First District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

31. Approve the Appointment of Caren Montante to the Commission on the Status of Women for a two year term effective September 9, 2014 through September 9, 2016. (Second District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

The Board recessed: 9:57 a.m.

The Board reconvened: 10:06 a.m.

IV. REGULAR CALENDAR (Items 32 through 37)

COUNTY ADMINISTRATOR/FIRE AND EMERGENCY SERVICES

32. Review and Approve the Fire Services Ad Hoc Committee Project Charter

Presenters:

Chris Thomas, Assistant County Administrator
Al Terrell, Fire Chief
Christopher Helgren, Emergency Manager

Public Speakers:

Brian Elliott
Bonnie Plakos
Wilbert Horne

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

TRANSPORTATION AND PUBLIC WORKS

33. Termination of County Maintenance on Reclamation Road between Post Miles 10.00 and 10.58 at the corner of Lakeville Highway and Highway 37 –

(A) Conduct a Public Hearing to determine if Reclamation Road between County Post Miles 10.00 and 10.58 is necessary for the public convenience.

(B) Adopt a Resolution terminating the maintenance of Reclamation Road, County Post Miles 10.00-10.58, reducing the County Maintained mileage by .58 mile.

(C) Approve the installation of a private gate on Reclamation Road (#36001) at Post Mile 10.58. (Second District)

Presenter:

Tom O'Kane, Deputy Director of Engineering and Maintenance

Public Hearing opened: 11:22 a.m.

Public Speaker:

Julian Meisler, Sonoma Land Trust

Public Hearing closed: 11:24 a.m.

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution 14-0354

REGULAR CALENDAR (Continued)

HUMAN SERVICES/PROBATION

34. Title IV-E Waiver Funding and Reinvestment Opportunity –
- (A) Approve a Memorandum of Understanding between California Department of Social Services and the Human Services Department for the Title IV-E California Well-Being Project.
 - (B) Authorize the Director of the Human Services Department to work with the Auditor/Controller to establish a special revenue fund for IV-E Waiver Reinvestment Funds to be used in accordance with County policy.

Presenters:

Jerry Dunn, Human Services Director
Nick Honey, Human Services Division Director
David Cook, Deputy Chief, Probation Department

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

COUNTY ADMINISTRATOR/FIRE AND EMERGENCY SERVICES

35. Review and approve the Fire Services Ad Hoc Committee Project Charter

(This is the same as Item 32, and is removed from the agenda.)

HUMAN RESOURCES

36. Pursuant to Government Code §7522.56, approve the appointment of Jill Hager, as a Risk Management Analyst II Retiree Extra-Help, in order to fill a critically needed position within 180 days of her retirement, and approve an appointment date as early as September 9, 2014.

Presenters:

Marcia Chadbourne, Risk Manager
Jeannie Groen, Risk Manager Analyst

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

REGULAR CALENDAR (Continued)

BOARD OF SUPERVISORS

37. Approve Board Sponsorship of \$2,500 for Slow Food Russian River to operate a community apple press at Luther Burbank Experiment Farm. (Fifth District)

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

The Board recessed into closed session: 12:12 P.M.

V. CLOSED SESSION CALENDAR (Items 38 through 41)

38. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation - Roberto Ardon vs. County of Sonoma, Workers' Compensation Appeals Board Nos. ADJ8376697, ADJ6900461. (Gov't. Code Section 54956.9(d)(1)).

Board Action: Ardon's Workers Compensation settlement approved as follows: Stipulation and Award at 8% of injury dated 4/23/08; and Stipulation and Award at 51%, date of injury 3/18/12, with direction to Risk Manager to execute documents necessary to complete settlement.

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

39. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Initiation of Litigation - Name of Case: Dry Creek Rancheria Band of Pomo Indians. (Gov't. Code Section 54956.9(d)(4)).

Direction given to Counsel and Staff.

40. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Potential Litigation (Gov't. Code Section 54956.9(d)(4)).

Board Action: Authorized initiation of litigation

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

41. The Board of Directors of the Sonoma County Community Development Commission will consider the following in closed session: Conference with Real Property Negotiator - Property: 17301 Hwy. 12, Sonoma, California 95476, APN 056-201-066; Agency Negotiator: Kathleen H. Kane, Executive Director, Community Development Commission; Negotiating Parties: Optionee - Sonoma County Community Development Commission; Optionor - Celestina Vailetti and Marco Vailetti, Successor Trustees of the Vailetti Family Living Trust dated July 5, 1995; Under Negotiation: Terms and conditions of potential exercise of right of first refusal on property. (Gov't. Code Section 54956.8).

Board Action: the Community Development Commission Board decided not to exercise its right of first refusal to purchase the real property located at 17301 Highway 12 in Sonoma and instructed the CDC executive director to inform the property owner.

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

VI. REGULAR AFTERNOON CALENDAR (Items 42 through 46)

2:12 P.M. - RECONVENE FROM CLOSED SESSION

Supervisors Present: Susan Gorin, David Rabbitt , Mike McGuire, Efren Carrillo

Supervisor Absent: Shirlee Zane

Staff Present: Veronica Ferguson, County Administrator and Bruce Goldstein, County Counsel

42. Report on Closed Session.

2:12 P.M. Counsel Goldstein reported on Closed Session Items #38-41.

43. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA (Comments are restricted to matters within the Board's jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.)

2:13 P.M. Public Comment Opened

Speakers:

Deborah

Rachel Lamb

Maria Stubbert

Mary Morrisson

Richard Hannan

John Jenkel

Michael J. Wall

Magick

Michael Rothenberg

Mary Moore

Susan Lamont

Marni Wroth

Thomas Bonfigli

Ellen Zebrowski

Sheila Blanc

Peter Tscherneff

Keith Rhinehart

Ana Salgado

Michael Hilbur

Colleen Fernald

Thomas Morabito

3:29 P.M. Public Comment Closed

REGULAR AFTERNOON CALENDAR (Continued)

44. Permit and Resource Management Department: Review and possible action on the following:
- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
 - b) Acts and Determinations of Design Review Committee
 - c) Acts and Determinations of Project Review and Advisory Committee
 - d) Administrative Determinations of the Director of Permit and Resource Management

3:30 P.M. Accepted Acts and Determinations

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

3:30 P.M. David Hurst, Chief Deputy County Counsel replaced Bruce Goldstein, County Counsel.

PERMIT & RESOURCE MANAGEMENT DEPARTMENT

45. Technical Amendments to the 2020 General Plan Public Safety Element; GPA13-0001. Conduct a Public Hearing and Adopt a Resolution finding that the proposed amendments are within the scope of the General Plan 2020 Program Environmental Impact Report, and incorporating the proposed amendments into the General Plan 2020 Public Safety Element to:
- (A) Update hazard maps and information;
 - (B) Add a program to implement the Hazard Mitigation Plan; and
 - (C) Add a discussion of wildland fire hazards to meet State requirements.

3:31 PM

Presenters:

David Schiltgen, Land Use Planner, PRMD

Jennifer Barrett, Deputy Planning Director, PRMD

Sandi Potter, Environmental Review Manager, PRMD.

3:54 P.M. Public Hearing Opened

Speakers:

Deborah

Michael Hilbur

3:54 P.M. Public Hearing Closed

Board Action: Approved as Recommended

AYES: David Rabbitt, Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: Shirlee Zane

Approved by Resolution No. 14-0355

46. ADJOURNMENTS

4:07 P.M. The Board adjourned the meeting in memory of David Berto, Devin James Chiappari, Cormac Slater O'Toole, Dusty Destruel, Frank Jilka, and Robert Von Weidlich. The meeting was adjourned to September 16, 2014 at 8:30 A.M.

PLEASE NOTE:

THE FOLLOWING HEARING WILL BE CONTINUED TO SEPTEMBER 16, 2014.

- a) APPLICANT: Nathan Belden, Owner
- b) APPELLANT: Parker, Rodney, LaGoy
- c) LOCATION: 5561 Sonoma Mountain Road, Santa Rosa
- d) ASSESSOR'S PARCEL NUMBER: 049-030-010.
- e) ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration
- f) REQUEST: Conduct a Public Hearing and Adopt a Resolution denying the appeal, adopting the Mitigated Negative Declaration, and upholding the Board of Zoning Adjustments approval of a Use Permit and Design Review for the Belden Barns Winery, PRMD File No. PLP12-0016. (First District)



County of Sonoma Agenda Item Summary Report

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

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

To: Sonoma County Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Regional Parks

Staff Name and Phone Number:

Bert Whitaker

Supervisorial District(s):

Fourth

Title: Healdsburg Veterans Memorial Dam Funding Agreement

Recommended Actions:

Authorize the Chair of the Board to approve an amendment to the 2011 War Memorial Dam Funding Agreement with the City of Healdsburg to reflect the actual completion date and extend the guarantee that the dam will be raised for a five years, through 2019.

Executive Summary:

In 2011 the Board of Supervisors approved an Agreement with the City of Healdsburg to provide Regional Parks with \$55,000 in one-time funding for repairs to the Healdsburg War Memorial dam in exchange for a guarantee that Regional Parks would raise the dam annually for a minimum of five years. Per the Agreement repairs were to be completed by November 1, 2011 with guarantees that the dam would be raised through summer 2016. Unfortunately regulatory permit requirements delayed repairs until summer 2014, making compliance with all terms of the Agreement impossible to accomplish within the term of the original Agreement. Repair work was completed in August 2014. The proposed Amendment to the Agreement reflects the actual completion date for repairs and guarantees the annual raising of the dam for five years through 2019. Repairs to the dam were mandated by the California Department of Water Resources Division of Safety of Dams and the U.S. Army Corp of Engineers as a precondition for a permit to raise the Healdsburg War Memorial dam.

Prior Board Actions:

4-20-10 Board of Supervisors approved a Professional Services Agreement with LTD Engineering to complete safety design and inspection work on the Healdsburg War Memorial Dam.
3-15-11 Board of Supervisors authorized the Chair to execute an Agreement with the City of Healdsburg to fund improvements to the Healdsburg War Memorial Dam.
1-15-13 Board of Supervisors approved an amendment to the 2010 Professional Services Agreement with LTD Engineering to expand the scope of engineering services to meet additional regulatory requirements.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This Agreement provides revenues that will help Regional Parks provide services to the public.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 55,000		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 55,000
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 55,000	Total Sources	\$ 55,000

Narrative Explanation of Fiscal Impacts (If Required):

Total cost of repairs are estimated at \$80,000. With this Agreement the City of Healdsburg will fund \$55,000 and the balance will come from HVMB day use revenues and FY14-15 appropriations.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

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

Amendment #1 War Memorial Dam Funding.pdf



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors of Sonoma County

Board Agenda Date: October 14, 2014

Vote Requirement: 4/5

Department or Agency Name(s): Regional Parks

Staff Name and Phone Number:

James Nantell (707) 565-2946

Supervisorial District(s):

District 5

Title: Approve Use of Mason's Marina Fish Buying Dock by North Coast Fisheries

Recommended Actions:

Authorize the Director of Regional Parks to execute a Revocable License Agreement with North Coast Fisheries, LLC. for the use of property located at Mason's Marina, 1820 Westshore Road, Bodega Bay, for an initial term of 3 years, from November 1, 2014 through October 31, 2017 with an option to renew for two consecutive 3 year periods.

Executive Summary:

The County is the owner of real property known as Mason's Marina, located at 1820 Westshore Road, Bodega Bay, CA. The Marina currently serves commercial fishing boats as well as recreational vessels, including sailboats and motor launches.

The Regional Parks Department has been managing the Marina since April, 2012, after the expiration of the previous lease with Leon O. Mason and Olivia Mason. The prior tenants had entered into a sub-lease with North Coast Fisheries, Inc. in 2000 to lease a portion of Mason's Marina consisting of a small paved parking area and the southernmost dock used for fish-buying. That sub-lease expired concurrent with the Masons' lease in 2012. In January of 2013 the Board of Supervisors approved a Revocable License Agreement for one year (retroactively to April 1, 2012) with an option to extend for one additional year. In March of 2014 the Board of Supervisors authorized the Director of Regional Parks to extend the agreement with North Coast Fisheries on a month-to-month basis while Regional Parks prepares a competitive bid process for the property. Staff continues to make repairs to the remaining docks thus making them available for berthing by recreational and commercial boats.

Long term use of Mason's Marina may include expanded park and recreation activities such as increased recreational boating and use as a hub for hiking, biking, whale and dolphin watching, kayaking, and other watercraft activities. In the meantime, use of a portion of the Marina for fish buying will provide

income to the County and support the local fishing industry while the County considers additional long term uses.

On June 20, 2014 Regional Parks issued a Request For Proposals (RFP) for the use of the Mason’s Fish Buying Dock. The RFP was distributed to over 60 fish buying companies in Northern California, and posted on the County Purchasing Web site and at Bodega Bay Marinas. On July 11, 2014 two companies participated in the pre-bid conference and walk through. On August 7, 2014, the final date for submittal of proposals, Regional Parks received one proposal from North Coast Fisheries, LLC. Pacific Choice Seafood Company, the second company that participated in the earlier pre-bid meeting, confirmed that it had decided not to submit a proposal.

North Coast Fisheries, LLC (NCF) is based locally in Sonoma County and purchases fish from the fishing vessels returning to Bodega Bay with their catch. NCF processes these fish at their processing plant in Santa Rosa for sale to local markets as well as more distant distribution. As stated above, NCF is an established tenant with equipment and structures installed on the dock, and established working relationships with the local fishing population.

The initial term of the Revocable License Agreement is 3 years, commencing November 1, 2014 and expiring on October 31, 2017 with an option for the Director of Regional Parks to extend the agreement for up to two consecutive three year periods. Consideration will consist of wharfage fees shown in the table below, which compares current rates to those contained in the new agreement. Wharfage fees are based on Fish and Game landing tags and will not be less than \$3,500 per month. Total revenue will be based on the seasonal catch of a variety of species. In addition, NCF will pay for all water and electrical usage.

	North Coast Current Agreement	North Coast New Agreement
Salmon, Crab	.04/lb.	.12/lb.
Black cod, sword fish and other ground fish	.04/lb.	.10/lb.
Squid, sardines, herring, mackerel, & all wet fish off loaded with pump	NA	\$5/ton
Tuna	\$25/ton	\$10/ton
Monthly Minimum	2500	3500
Note: Tuna purchases at Spud Point are insignificant.		

As illustrated in the table below, results of the RFP should generate in excess of \$100,000 in additional revenue which is consistent with the direction of the “Bodega Bay Opportunities – Business Improvement Proposal and Potential Long Term Strategies” that was reviewed and accepted by the Board of Supervisors at their July 29, 2012 meeting. Projected revenue based on last year’s fish purchases and using the new rates is \$175,446, a \$116,678 increase.

Projected Revenue Based on Fish Wharfage for 2013

	Sablefish	Halibut	Albacore	Salmon	Crab	Total Annual
Price/lb. new proposal	0.10	0.10	0.05	0.12	0.12	
Total Revenue at new price	\$4,456	\$42	\$26	\$33,975	\$136,947	\$175,446

Prior Board Actions:

January 15, 2013 the Board authorized the Director of Regional Parks to execute a Revocable License Agreement with North Coast Fisheries, LLC for the use of property located at Mason’s Marina, 1820 Westshore Road, Bodega Bay, for an initial term of 1 year, from April 1, 2012 through March 31, 2013 with an option to renew for 1 year with revenues of \$30,000 per year.

January 29, 2013 the Board accepted the staff report “Bodega Bay Opportunities – Business Improvement Proposal and Potential Long Term Strategies” which outlined changes to improve marina operations and proposed high level vision and recommendations for the future of Bodega Bay recreation.

March 25, 2014 The Board authorized the Director of Regional Parks to extend the current Revocable License Agreement with North Coast Fisheries, LLC for the use of the Mason’s Marina fish-buying dock, on a month-to-month basis for a minimum payment of \$2,500 per month, while Regional Parks prepares a competitive bid process for the property.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

By entering into this agreement the County will further support the economic vitality of our local fishing fleet. Supporting the fishing population by having a local fish buyer and processor who will foster a strong and viable fishing economy based on mandated sustainable fishing practices.

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

Rent will exceed \$42,000 per year depending on the catch, verified by Landing Reports filed by North Coast Fisheries, LLC with the California Department of Fish and Game. This revenue is budgeted for FY14-15. Based on the previous year's fish buying records, the total projected revenue would be \$175,000. That would result in a \$116,000 increase over the previous year's wharfage revenues.

Staffing Impacts

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

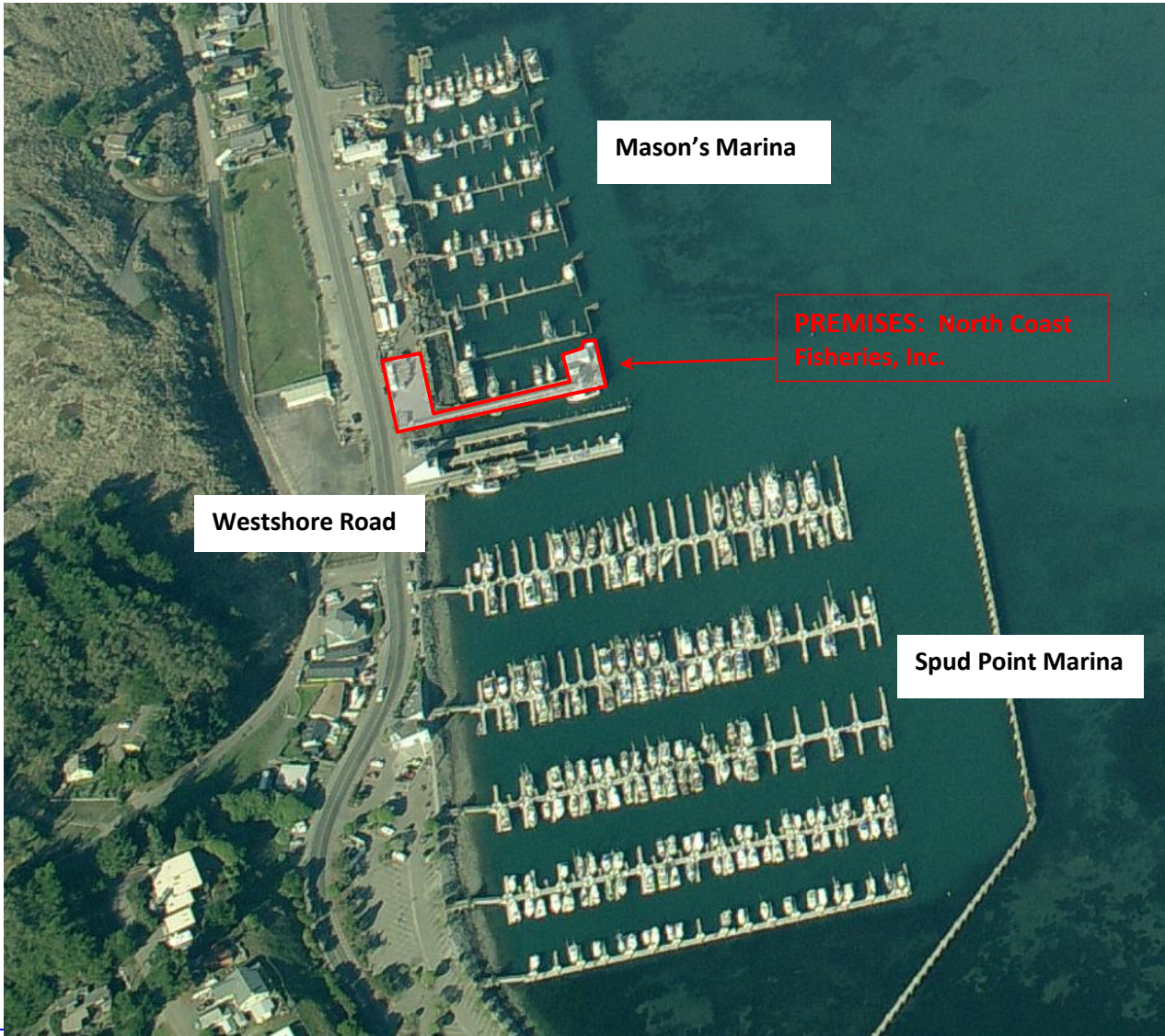
Narrative Explanation of Staffing Impacts (If Required):

Attachments:

1. Map of Marina and Fish Buying Dock

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

Revocable License Agreement



Attachment 1 - MAP



County of Sonoma Agenda Item Summary Report

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

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

To: Sonoma County Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Christel Querijero 565-3923

Supervisorial District(s):

All

Title: Forensic Pathology Services Agreements with Secondary Service Providers

Recommended Actions:

1. Authorize the Chair of the Board of Supervisors to execute a Specialized Forensic Services Agreement with the County of Sacramento for a three-year term from November 1, 2014 through October 31, 2017
2. Ratify the Agreement for Pathology Services with United Forensic Services, P.C. executed on July 29, 2014 for a term of one year from July 1, 2014 through June 30, 2015

Executive Summary:

This item requests authorization for the Board Chair to execute a Specialized Forensic Services Agreement with the County of Sacramento for a three-year term beginning November 1, 2014. The item also requests that the Board ratify the one-year Agreement for Pathology Services with United Forensic Services, P.C. (UFS), which the Sheriff executed on July 29, 2014 for a one-year term beginning July 1, 2014. Although the County has an active, non-exclusive agreement with Forensic Medical Group (FMG), these secondary agreements are necessary to ensure uninterrupted service provision in the event that FMG is unable to perform these services or keep up with caseload demands.

Background. As the Sheriff-Coroner for Sonoma County, the Sheriff's Office is responsible for performing investigations to determine cause of death on certain deceased persons in Sonoma County. As part of this investigative process, the Sheriff contracts for forensic pathology services. Forensic pathology services consist of medical examinations performed on deceased persons to determine the cause of death. Such exams may include medical record evaluation, external exams, autopsies, on scene examinations, and/or postmortem examination of sudden infant death syndrome cases (SIDS).

FMG is currently under contract to provide services through June 30, 2017. FMG was awarded contracts as a result of Requests for Proposals (RFPs) issued in February 2003 and November 2011. Proposal evaluation criteria in 2011 included an assessment of the vendors' professional experience, overall qualifications, experience handling sensitive issues, ability and approach to providing services, assessment of the pathologists' affiliations, the organization, references, anticipated cost, and availability to begin providing services as needed. By contract, FMG provides the County with one primary pathologist and two relief pathologists.

In FY 13-14, Coroner's Bureau operations staff identified performance issues with FMG related to staffing challenges and delays in receiving final reports. While working with FMG to resolve these performance issues, the Sheriff's Office has aggressively pursued alternative service providers in order to ensure the availability of reliable back-up resources. Efforts to identify back-up resources were stymied by the scarcity of forensic pathologists in the North Bay. The Sheriff's Office approached proposers to the 2011 RFP to determine their interest and ability to provide secondary services without success. Other counties in the region have also experienced difficulties securing pathology service providers. Contra Costa County issued an RFP for forensic pathology and autopsy services in May 2014 and received no responses. Lake County issued an RFP in July 2014 and received two proposals. Negotiations to secure services stalled with Alameda County over contract provisions regarding how Alameda's contracted pathologists would provide services, and later, a change in Alameda's Coroner's Office workload capacity.

The exhaustive search to identify secondary forensic pathology service resources has produced two practicable, if not optimal, solutions in the form of two service agreements, one with another county and the other with a private company.

United Forensic Services. After a lengthy contract negotiation period, UFS and the Sheriff's Office's, with support from County Counsel agreed on terms for a service contract. Under the Agreement for Pathology Services with UFS, UFS will provide the same scope of services as FMG with the exception of histological testing, which will be provided by an external laboratory under a separate contract. Autopsy rates under the UFS Agreement are 20% higher than FMG's rates. Unlike FMG's Agreement, payment terms for autopsy services in the UFS Agreement specify a split payment; UFS will be eligible for a percentage of total payment upon completion of the procedure, and will receive the balance of payment upon submission of the associated final autopsy report. Although the Agreement with UFS was executed in July given the urgent need to secure a back-up service provider, to date, no services have been provided under the Agreement. Delays have been caused by UFS' difficulty in hiring the pathologist who is expected to be assigned to work on Sonoma County's cases. At this time, the Sheriff's Office still anticipates that UFS will be able to provide services prior to the end of the term of the Agreement. Since UFS' autopsy rates are higher than FMG's, there will be a fiscal impact if cases are shifted to UFS. Since it is still unknown when this might occur, the Sheriff's Office most conservatively estimates that UFS could handle as many as 160 cases, i.e. approximately \$39,000 in additional costs. No additional expenditure appropriations are requested at this time. The Sheriff's Office will attempt to absorb these unanticipated costs as much as possible and will provide an update through six-month and nine-month projection submissions.

County of Sacramento. The County of Sacramento has indicated its willingness and the capacity to provide secondary pathology services to Sonoma County. The Sheriff's Office requests authorization for the Board Chair to execute Sacramento County's standard Specialized Forensic Services Agreement for the term from November 1, 2014 through October 31, 2017. Your Board's approval is required given the mutual indemnification language in the Agreement. As with the UFS Agreement, the scope of services in the County of Sacramento's Specialized Forensic Services Agreement is similar to FMG's Agreement. All services under the Agreement will be provided at Sacramento County's facilities. Sonoma County will be responsible for arranging transport and all transport-related costs. Sacramento's autopsy case rates are 190% higher than FMG's rates. Given the significantly higher costs per case and the distance between the Counties' facilities, the Sheriff's Office intends to request services from Sacramento only as absolutely necessary and when both UFS and FMG are unable to provide services.

Request for Proposals. The term of the UFG Agreement is for one year only. The Sheriff's Office intends to issue a new RFP for forensic pathology services in mid-October 2014. The timeline outlined in the RFP assumes that the Sheriff's Office will be able to request your Board's authorization to enter into a new agreement near the end of April 2015.

Prior Board Actions:			
6/12/12 – Board authorized a five-year Agreement for Forensic Pathology Services with Forensic Medical Group			
4/11/11- Board authorized an Amendment to the Agreement for Forensic Pathology Services with Forensic Medical Group to extend the term for one year in order to allow for an RFP process to be completed.			
Since 2000, the Board approved multiple Agreements and related Amendments for forensic pathology services between Forensic Medical Group and the County of Sonoma.			
Strategic Plan Alignment		Goal 1: Safe, Healthy, and Caring Community	
Authorizing the secondary agreements for forensic pathology services agreements will help to ensure continuity of service to Sonoma County citizens and will promote a safe and caring community.			
Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 0	County General Fund	\$ 0
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 0	Total Sources	\$ 0
Narrative Explanation of Fiscal Impacts (If Required):			
The FY 14-15 Sheriff's Office adopted budget includes \$407,675 for autopsy services. Although autopsy rates for both providers are higher than those of the current provider, no additional expenditure appropriations are requested at this time. The Sheriff's Office will attempt to absorb any additional costs as much as possible within its adopted budget and will provide an update through projections submissions to the CAO.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			

Attachments:
A. Specialized Forensic Services Agreement with County of Sacramento B. Agreement for Forensic Pathology Services with United Forensic Group
Related Items "On File" with the Clerk of the Board:
Agreement for Forensic Pathology Services with Forensic Medical Group

SPECIALIZED FORENSIC SERVICES AGREEMENT

This Specialized Forensic Services Agreement is made and entered into as of this ___th day of _____, 2014, by and between the COUNTY OF SACRAMENTO (herein referred to as SACRAMENTO) and the COUNTY OF SONOMA, (herein referred to as SONOMA COUNTY), of which both parties are political subdivisions of the State of California,

RECITALS

WHEREAS, the SACRAMENTO County Coroner's Office has been authorized to negotiate agreements for Specialized Forensic Services with surrounding Counties and local Health Care facilities to reduce operational costs; and

WHEREAS, SONOMA COUNTY has determined that it is necessary to obtain a contractor to provide Specialized Forensic Autopsy Services (Autopsy, Support and Morgue Services) for "Rule out Homicide", "Homicide" and "Sudden Infant Death Syndrome" cases on an "as requested" basis for the SONOMA COUNTY Sheriff/Coroner's Office; and

WHEREAS, the SACRAMENTO County Coroner's Office has the facilities, staff and resources to provide such services;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, SACRAMENTO and SONOMA COUNTY agree as follows:

I. SCOPE OF SERVICES

SACRAMENTO agrees to furnish personnel and equipment necessary to provide autopsy, support and morgue service for "Rule out Homicide", "Homicide", and "Sudden Infant Death Syndrome" cases on an "as requested" basis for the SONOMA COUNTY Sheriff/Coroner's Office. Services shall include, but not limited to those set forth in Exhibit "A", marked "Scope of Services", incorporated herein and made by reference a part hereof. If a service is performed by SACRAMENTO that is an additional service, not described in Exhibit "A", but is mutually agreed upon between SACRAMENTO and SONOMA COUNTY in advance, the price shall be in accordance with SACRAMENTO's current list pricing schedule.

II. TERM

This Agreement shall be effective and commence on November 1, 2014 and upon being fully executed by both parties hereto and shall expire on October 31, 2017.

III. NOTICE

Any notice, demand, request, consent, or approval that either party hereto may or is required to give the other pursuant to this Agreement shall be in writing and shall be either personally delivered or sent by mail, addressed as follows:

SACRAMENTO:
Sacramento County Coroner
Kimberly D. Gin, Coroner
4800 Broadway, Suite 100
Sacramento, CA 95820-1530

SONOMA COUNTY:
Sonoma County Sheriff's Office
Attn: Sheriff's Administration
2796 Ventura Avenue
Santa Rosa, CA 95403

Either party may change the address to which subsequent notice and/or other communications can be sent by giving written notice designating a change of address to the other party, which shall be effective upon receipt.

IV. COMPLIANCE WITH LAWS

SACRAMENTO and SONOMA COUNTY shall observe and comply with all applicable Federal, State, and County laws, regulations and ordinances.

V. GOVERNING LAWS AND JURISDICTION

This Agreement shall be deemed to have been executed and to be performed within the State of California and shall be construed and governed by the internal laws of the State of California. Any legal proceedings arising out of or relating to this Agreement shall be brought in either Sacramento County, California or SONOMA COUNTY County, California.

VI. STATUS OF CONTRACTOR

It is understood and agreed that SACRAMENTO and SONOMA COUNTY, are independent parties contracting solely for the purpose of effectuating this Agreement, and neither party, nor any agents, representatives or employees of that party, shall be considered agents, representatives or employees of the other party. In no event shall this Agreement be construed as establishing a partnership or joint venture or similar relationship between the parties hereto.

VII. CONFIDENTIALITY

Each party, its agents, representatives and employees agrees to keep strictly confidential and hold in trust all confidential information of the other party and not reveal any confidential information to any third party without the express written consent of the other party.

VIII. CONFLICT OF INTEREST

SACRAMENTO and SONOMA COUNTY officers and employees shall not have a financial interest, or acquire any financial interest, direct or indirect, in any business, property or source of income which could be financially affected by or otherwise conflict in any manner or degree with the performance of services required under this Agreement.

IX. NONDISCRIMINATION IN EMPLOYMENT, SERVICES, BENEFITS & FACILITIES

SACRAMENTO and SONOMA COUNTY covenant that there shall be no discrimination on the basis of race, national origin, religion, creed, sex, age, veteran status, or handicap in connection with the performance of this Agreement.

X. INDEMNIFICATION

SACRAMENTO shall defend, indemnify, and hold harmless SONOMA COUNTY, its Board of Supervisors, officers, directors, agents, employees, subcontractors AND

VOLUNTEERS from and against all demands, claims, actions, liabilities, losses, damages and costs, including reasonable attorney's fees, arising out of or resulting from the performance of this Agreement, caused by the negligent or intentional acts or omissions of SACRAMENTO'S officers, directors, agents, employees, or volunteers.

SONOMA COUNTY shall defend, indemnify and hold harmless SACRAMENTO, its Board of Supervisors, officers, directors, agents, employees, subcontractors and volunteers from and against all demands, claims, actions, liabilities, losses, damages, and costs, including reasonable attorney's fees, arising out of or resulting from the performance of this Agreement, caused by the negligent or intentional acts or omissions of SONOMA COUNTY'S officers, directors, agents, employees, subcontractors or volunteers..

It is the intention of SONOMA COUNTY and SACRAMENTO that the provisions of this paragraph be interpreted to impose on each party responsibility to the other for the acts and omissions of their respective officers, directors, agents, employees, volunteers, Board of Supervisors, and subcontractors. It is also the intention of SONOMA COUNTY and SACRAMENTO that, where fault is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate cost of any damage attributable to the fault of that party, its officers, directors, agents, and employees, volunteers, Board of Supervisors and subcontractors.

XI. INSURANCE

SACRAMENTO and SONOMA COUNTY finance their liability, property and workers' compensation risks through a combination of self-insurance and insurance. Both parties are knowledgeable of each entity's risk financing programs and agree to rely on these programs to pay for any liabilities, losses, costs, suits, claims, judgments, expenses, fines or demands of any kind that may arise under the terms of this Agreement

XII. COMPENSATION AND PAYMENT OF INVOICES LIMITATIONS

- A. Compensation under this Agreement shall be per the provisions set forth in Exhibit b, or Exhibit b as modified by SACRAMENTO in accordance with express provisions in this Agreement.
- B. SACRAMENTO shall submit an invoice to SONOMA COUNTY on a quarterly basis, upon verification of services provided. Invoices shall be submitted to SONOMA COUNTY no later than the fifteenth (15th) day of the month following the invoice period, and SONOMA COUNTY shall pay SACRAMENTO within thirty (30) days after receipt of an appropriate and correct invoice.
- C. SONOMA COUNTY shall maintain for four years following termination of this agreement full and complete documentation of all services and payments associated with performing the services covered under this Agreement. Payment documentation shall include: Dates of Service, County Case Numbers, and Decedents Names.

XIII. SUBCONTRACTS, ASSIGNMENT

SACRAMENTO shall obtain prior written approval from SONOMA COUNTY before assigning or transferring, in whole or in part, this Agreement or any of its rights, duties or obligations under this Agreement. Any assignment or transfer without such consent shall be null and void. SACRAMENTO remains legally responsible for the performance of all contract terms including work performed by third parties under subcontracts. Any subcontracting will be subject to all applicable provisions of this Agreement. SACRAMENTO shall be held responsible by SONOMA COUNTY for the performance of any subcontractor whether approved by SONOMA COUNTY or not.

XIV. AMENDMENT AND WAIVER

Except as provided herein, no alteration, amendment, variation, or waiver of the terms of this Agreement shall be valid unless made in writing and signed by both parties. Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent, or any other right hereunder. No interpretation of any provision of this Agreement shall be binding upon SACRAMENTO and SONOMA COUNTY unless agreed in writing by the SACRAMENTO COUNTY CORONER and SONOMA COUNTY SHERIFF-CORONER and counsel for both parties.

XVI. SUCCESSORS

This Agreement shall insure to the benefit of, and be binding upon, SACRAMENTO and SONOMA COUNTY and their respective successors.

XVII. TIME

Time is of the essence of this Agreement.

XVIII. INTERPRETATION

This Agreement shall be deemed to have been prepared equally by both of the parties, and the Agreement and its individual provisions shall not be construed or interpreted more favorably for one party on the basis that the other party prepared it.

XIX. DISPUTES

In the event of any dispute out of or relating to this Agreement, the parties shall attempt, in good faith, to promptly resolve the dispute mutually between themselves. If the dispute cannot be resolved by mutual agreement, nothing herein shall preclude either party's right to pursue remedy or relief by civil litigation, pursuant to the laws of the State of California.

XX. TERMINATION

A. Should either party fail to substantially perform its obligations in accordance with this Agreement, the other party may notify the defaulting party of such default in writing and provide twenty-four (24) hours to cure the default. If such default is not cured within said twenty-four (24) hour period, the party that gave notice of default may terminate this Agreement upon no less than twenty-four (24) hours

advance written notice. The foregoing notwithstanding, neither party waives the right to recover damages against the other for breach of this Agreement.

- B. Either party may terminate this Agreement for any reason by providing the other party at least thirty (30) days advance written notice of termination and specifying the actual date of termination in the written notice.
- C. If this AGREEMENT is terminated, SACRAMENTO shall be paid for any services completed and provided prior to notice of termination and any services necessary to complete pending autopsies.

XXI. PRIOR AGREEMENTS

This Agreement constitutes the entire contract between SACRAMENTO and SONOMA COUNTY regarding the subject matter of this Agreement. Any prior agreements, whether oral or written, between SACRAMENTO and SONOMA COUNTY regarding the subject matter of this Agreement is hereby terminated effective immediately upon full execution of this Agreement.

XXII. DUPLICATE COUNTERPARTS

This Agreement may be executed in duplicate counterparts. The Agreement shall be deemed executed when it has been signed by both parties.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written above.

**COUNTY OF SACRAMENTO, a
political subdivision of the State
of California**

**COUNTY OF SONOMA COUNTY, a
political subdivision of the State
of California**

By _____
Chair, Board of Supervisors
SACRAMENTO County

By _____
Chair, Board of Supervisors
SONOMA County

ATTEST:

By _____
Clerk of the Board of Supervisors
SACRAMENTO County

By _____
Clerk of the Board of Supervisors
SONOMA County

REVIEWED AND APPROVED BY SACRAMENTO AND SONOMA COUNTY COUNSEL

By _____
Deputy County Counsel
SACRAMENTO County

By _____
Deputy County Counsel
SONOMA County

**EXHIBIT A to Agreement
between the COUNTY OF SACRAMENTO,
hereinafter referred to as "SACRAMENTO", and the
COUNTY OF SONOMA, hereinafter referred to as "SONOMA COUNTY"**

SCOPE OF SERVICES

1. SACRAMENTO shall provide autopsy support and morgue services for "Rule Out Homicide", "Homicide", and "Sudden Infant Death Syndrome" cases for SONOMA COUNTY.
2. SACRAMENTO shall provide licensed physicians to perform all required autopsies and other postmortem examinations Monday through Friday. The licensed physicians shall be:
 - a. Board certified or Board eligible forensic pathologists, as defined by the American Board of Pathology, or
 - b. Physicians that are training under the supervision of a forensic pathologist (such as a resident that is training to become a forensic pathologist).
3. SACRAMENTO will be open for intake and initial processing of bodies twenty-four (24) hours per day, seven days per week, including holidays. SACRAMENTO's normal autopsy hours shall be 9:30 a.m. and 1:30 p.m., Monday through Friday, including all legal County Holidays.
4. The intent of the parties is that autopsies will be performed in a timely manner. When an autopsy cannot be performed promptly upon receipt of the body Monday through Friday, a pathologist shall do a preliminary examination; report any unusual findings to the SONOMA COUNTY Coroner and schedule an autopsy to take place within the next normal autopsy day.
5. SACRAMENTO will perform autopsies in special necessity cases, where an autopsy is required outside of normal working hours, upon mutual agreement with the SONOMA COUNTY Sheriff/Coroner. These cases will be billed at the same rate of \$2,950.00 per case.
6. SACRAMENTO shall provide a determination as to the cause of death in all cases referred by SONOMA COUNTY for autopsy or consultation. Determinations may include the conduct of autopsies, gross and microscopic examination of tissues, and preparation of written reports. These cases will be billed at the same rate of \$2,950.00 per case.
7. SACRAMENTO shall provide a pathologist at death scenes where necessary and approved by SONOMA COUNTY.
8. Pathology Reports:
 - a. SACRAMENTO shall be responsible for transcription and preparation of autopsy reports.
 - b. SACRAMENTO shall be responsible for preparing an interim report of findings, in a timely manner, sufficient to be acceptable at a preliminary judicial

hearing in any case in which a defendant has been charged with a felony related to the cause of death of a decedent.

- c. Autopsy reports shall be due to SONOMA COUNTY within thirty (30) days following the receipt of toxicology reports by SACRAMENTO.

9. Minimum expected autopsy service:

- a. A report of the necropsy findings, including external examinations, internal organ description, microscopic studies, pathologic diagnosis, analysis of toxicology reports, cause of death, and other significant conditions that relate.
- b. Collection of body fluids and tissue for toxicology analysis.
- c. Photographs of homicides and any unusual cases.
- d. Diagrams of important external findings on homicide victims.
- e. Collection of evidence for the laboratory examinations.
- f. Routine interpretation of x-rays.

SACRAMENTO will perform all required autopsies, gross and microscopic examination of the tissue, review of toxicological reports, as well as written reports, in facilities provided by SACRAMENTO, unless an exception is agreed to by the parties to his Agreement.

Autopsy cases that involve highly infectious or toxic agents may be limited in scope, with concurrence of the SACRAMENTO County Coroner and the SONOMA COUNTY Sheriff/Coroner.

10. In addition to autopsies, the pathologists shall provide review of investigator's reports, medical reports, and toxicology results in all Coroner cases to assist in the proper determination of case disposition.

11. SACRAMENTO shall make available staff involved with a SONOMA COUNTY case to testify in court or similar proceedings.

12. SACRAMENTO shall obtain prior authorization from SONOMA COUNTY and provide the following specialized services to SONOMA COUNTY:

- a. Histology
- b. Forensic Odontology
- c. Entomology
- d. Clinical Chemistry
- e. Forensic Radiology
- f. Forensic Neuropathology
- g. Forensic Toxicology

SONOMA COUNTY will compensate SACRAMENTO for the cost of such additional services as deemed necessary for the proper autopsy and determination of findings in an individual case.

13. If SONOMA COUNTY determines to utilize specialized services other than those used by SACRAMENTO, subject specimens will be collected by SONOMA COUNTY or its designated agents.

14. SONOMA COUNTY agrees to provide transportation of decedent to SACRAMENTO's facility along with relevant medical records and investigative reports.

15. SONOMA COUNTY agrees to remove remains from control of SACRAMENTO within five (5) days of autopsy or alternatively reimburse SACRAMENTO thirty-five dollars (\$35.00) per day following the fifth day after autopsy.
16. SONOMA COUNTY shall have the discretion to allow persons to be present at any postmortem examination as provided in Government Code Section 27491.4. Unless authorized by SONOMA COUNTY personnel those persons other than SACRAMENTO personnel shall not be present at any postmortem examination. SONOMA COUNTY peace officers will be allowed access to autopsies.

PROTOCOL FOR AUTOPSY REQUEST

1. An "Out of County Autopsy Request" form must be completed by SONOMA COUNTY and transmitted either electronically or by fax to SACRAMENTO prior to transport of the body to the SACRAMENTO Morgue.
2. SONOMA COUNTY will deliver all remains in a sealed body bag that is identified with the decedent's name (if known) and case number.
3. Special requests for body processing, autopsy instructions, or disposition of the body should be made in advance and approved by the Supervising Deputy Coroner or Coroner of SACRAMENTO County.
4. The following forms and reports should be faxed to SACRAMENTO or brought with the decedent on the date of the autopsy:
 - Coroner's Investigative Report;
 - Agency Investigative Report (i.e. Sheriff's or Police Department);
 - Medical records, if applicable; and
 - Laboratory forms for toxicology referral.
5. All evidence, including toxicology samples, radiology films, decedent property, etc., will be given to SONOMA COUNTY following completion of the autopsy. SONOMA COUNTY is financially responsible for all toxicology testing, for ensuring that toxicology samples are delivered to the laboratory selected by SONOMA COUNTY, and for sending a copy of the toxicology report to SACRAMENTO so the findings can be incorporated into the final autopsy report.
6. SONOMA COUNTY may take pictures of the decedent prior to the start of the internal autopsy. Upon request, agencies may be permitted to take photographs during the actual autopsy. The Forensic Pathologist will routinely take photographs of all homicide and rule out homicide cases. Copies of these pictures will be given to SONOMA COUNTY on compact disc.
7. The body will be released to the requesting agency at the completion of the autopsy. Cases processed as homicides or rule out homicides will be held by SACRAMENTO for 24 hours after completion of the autopsy. Exceptions to this 24-hour guideline will be made on a case-by-case basis and must be approved by the Forensic Pathologist and the Coroner or Supervising Deputy Coroner of SACRAMENTO.
8. SONOMA COUNTY will be responsible for all news media and family inquiries.

**EXHIBIT B to Agreement
between the COUNTY OF SACRAMENTO,
hereinafter referred to as "SACRAMENTO", and the
COUNTY OF SONOMA, hereinafter referred to as "SONOMA COUNTY"**

COMPENSATION, BILLING AND PAYMENT OF INVOICES

1. For services provided herein, SONOMA COUNTY agrees to pay SACRAMENTO, quarterly, in arrears. Payment shall be made within thirty (30) days following SONOMA COUNTY's receipt and approval of itemized invoice(s) detailing services rendered. For the purposes hereof, the billing rate shall be \$2,950.00 per autopsy service, including one copy of the autopsy report.
2. Additional copies of reports or other services shall be payable at the standard fee schedule of the Coroner as set by the SACRAMENTO County Board of Supervisors.
3. SONOMA COUNTY will compensate SACRAMENTO for the cost of additional services deemed necessary to conduct the autopsy and make a determination of the cause of death in an individual case. These would include the following:

- Histology
- Forensic Odontology
- Entomology
- Clinical Chemistry
- Forensic Radiology
- Forensic Neuropathology
- Forensic Toxicology

SACRAMENTO shall provide detail of these costs and they shall be included on the Invoice for the case.

4. The total amount of this AGREEMENT shall not exceed \$ 400,000.

AGREEMENT FOR FORENSIC PATHOLOGY SERVICES

This agreement ("Agreement"), dated as of July 29, 2014 ("Effective Date"), is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and United Forensic Services, P.C., a California corporation (hereinafter "Contractor").

RECITALS

WHEREAS, Contractor represents that it is a duly qualified and licensed provider of forensic pathology services and experienced in autopsies and related services; and

WHEREAS, in the judgment of the Sheriff-Coroner, it is necessary and desirable to employ the services of Contractor for forensic pathology services.

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

AGREEMENT

1. Scope of Services.

1.1 Contractor's Specified Services. Upon request of the Sheriff-Coroner or designee, Contractor shall perform the services described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), within the times or by the dates provided for in Exhibit "A" and pursuant to Article 7, Prosecution of Work. In the event of a conflict between the body of this Agreement and Exhibit "A", the provisions in the body of this Agreement shall control.

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

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

pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

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

1.5 Background Investigation. Upon signing this Agreement, Contractor shall provide a list of all persons who are expected to or will provide services to County under this Agreement. All such persons must submit to a background investigation and be approved by the Sheriff's Office before performing any such services. As part of this background investigation, all pathologists who may perform services under this Agreement shall submit resumes accounting for all time from medical school to the present, and also disclosing any disciplinary or corrective actions, all licenses in any state or country, and any lapse in licensure. Such persons shall submit a consent and waiver form permitting County to obtain personal employment/professional qualification information from third parties, and releasing such third parties from any and all liability for disclosing such information to County. All personal information provided will be maintained by the County in strictest confidence to the extent allowed by law. No person shall perform any services contemplated herein unless and until approval has been obtained in writing from the Sheriff's Office.

1.6 Confidentiality. The services to be performed by Contractor under this Agreement necessarily involve private matters of a personal nature for the citizens of Sonoma County. For this reason, neither Contractor nor any persons performing services under this Agreement on its behalf may disclose, disseminate, copy or publish any private information obtained during the course of performing services under this Agreement, unless such disclosure is required by law or necessary to effectuate the terms of this Agreement.

2. Compensation.

2.1 Payment. For all services and incidental costs required hereunder, Contractor shall be paid in accordance with Exhibit B, attached hereto and incorporated herein by this reference, regardless of the number of hours or length of time necessary for Contractor to complete the services. Contractor shall not be entitled to any additional payment for any expenses incurred in completion of the services. Upon completion of the work, Contractor shall submit its bill[s] for payment in a form approved by the County's Auditor and the Sheriff's Office. The bill[s] shall identify the services completed and the amount charged. Unless otherwise noted in this agreement, payments shall be made within the normal course of county business after presentation of an invoice in a form approved by the County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by the County.

2.2 Withholding. Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the County shall withhold seven percent of the income paid to Contractor for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Contractor does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

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

3. Term of Agreement. The term of this Agreement shall be from July 1, 2014 to June 30, 2015 unless terminated earlier in accordance with the provisions of Article 4 below.

4. Termination.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, either party shall have the right to terminate this Agreement by giving written notice of such termination, stating the effective date and presenting such notice of termination at least sixty (60) days in advance of such effective date

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

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

4.4 Payment Upon Termination. Upon termination of this Agreement by County, Contractor shall be entitled to receive full payment for all services satisfactorily rendered up to the date of termination; provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Contractor.

4.5 Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or Sheriff-Coroner, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. Indemnification. Contractor agrees to accept all responsibility for loss or damage to any person or entity, including County, and to indemnify, hold harmless, and release County, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Contractor, that arise out of, pertain to, or relate to Contractor's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Contractor agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to such Contractor's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Contractor's obligations under this Section apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Contractor's expense, subject to Contractor's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Contractor or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts. This indemnity provision survives the Agreement.

6. Insurance. With respect to performance of work under this Agreement, Contractor shall maintain and shall require all of its subcontractors, contractors, and other agents to maintain, insurance as described in Exhibit C, which is attached hereto and incorporated herein by this reference

7. Prosecution of Work. The execution of this Agreement shall constitute Contractor's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Contractor's performance of this Agreement shall be extended by a number of days equal to the number of days Contractor has been delayed.

8. Extra or Changed Work. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors/Purchasing Agent must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Contractor to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Contractor shall be entitled to no compensation whatsoever for the performance of such work. Contractor further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the County.

9. Representations of Contractor.

9.1 Standard of Care. County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

9.2 Status of Contractor. The parties intend that Contractor, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Contractor is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4, above, Contractor expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Contractor agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Contractor agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Contractor's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Contractor agrees to furnish County with proof of payment of taxes on these earnings.

9.4 Records Maintenance. Contractor shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to County for inspection at any reasonable time. Contractor shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if requested to do so by County, Contractor shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with County disclosing Contractor's or such other person's financial interests.

9.6 Statutory Compliance. Contractor agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Contractor shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Contractor agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

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

9.10 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Contractor or Contractor's subcontractors, contractors, and other agents in connection with this Agreement shall be the property of County. County shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Contractor shall promptly deliver to County all such documents, which have not already been provided to County in such

form or format, as County deems appropriate. Such documents shall be and will remain the property of County without restriction or limitation. Contractor may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of County.

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

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery, by U.S. Mail or courier service, or by e-mail. Notices, bills, and payments shall be addressed as follows:

TO: COUNTY: Sonoma County Sheriff's Office
Administration Division
2796 Ventura Avenue
Santa Rosa, CA 95403
Ph: (707) 565-2781
Fax: (707) 565-6018
e-mail: Sheriff-Coroner@sonoma-county.org

TO: CONTRACTOR: Joseph I. Cohen, M.D., Forensic Pathologist and President
United Forensic Services, P.C.
444 Ignacio Boulevard, Suite 325
Novato, CA 94949
Office: (877) 372-6436
Cell: (951) 369-0546

Fax: (951) 346-3245
drjosephcohen@aol.com

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Contractor and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Contractor and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

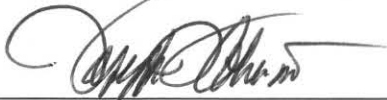
13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

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

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

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

UNITED FORENSIC SERVICES, P.C.

By: 
Joseph I. Cohen, M.D., President and
authorized agent of United Forensic
Services, P.C.

Date: 06-25-14

COUNTY OF SONOMA

By: 
Sheriff-Coroner

Date: 7/21/14

APPROVED AS TO FORM FOR COUNTY:

By: 
Deputy County Counsel

Date: 7/14/14

**CERTIFICATES OF INSURANCE ON
FILE WITH SHERIFF'S OFFICE:**

By: 

Date: 7/11/14

Exhibit A

Scope of Work

1. Contractor's Responsibilities. During the term of this Agreement, Contractor shall provide a Board Certified Forensic Pathologist to perform the following services to County upon the request of the Sheriff's Office. Board certified pathologists must be used to perform the majority of services under this agreement. The use non-board certified pathologists from time to time shall be determined by the Sheriff or designee.
 - a. Case Evaluation: Contractor shall provide case evaluation services, and shall consult with investigators, family members of decedents, and private medical doctors, at the request of an authorized representative of the Sheriff's Office, to assist in determining whether specific cases require Coroner inquiry pursuant to Government Code Section 27491.
 - b. External Exam: Contractor shall perform external examinations of decedents, when an autopsy examination is not necessary, to provide the cause of death according to the California Death Registry. External examination may include viewing the body, examining medical records, medical history, and similar information. If such external examination reveals questions or issues that in the opinion of Contractor require an autopsy to be performed, Contractor shall immediately advise the Sheriff's Office's representative concerning the need for an autopsy. In all cases, the final determination as to the extent of the examination or autopsy shall rest with an authorized representative of the Sheriff's Office.
 - c. Autopsy: Contractor shall perform autopsies when determined necessary by an authorized representative of the Sheriff's Office. Such autopsy services shall also include:
 - i. Triage: Contractor shall participate in case triage discussions.
 - ii. Viewing: Autopsies may be viewed by individuals or agency representatives (such as Public Health or other relevant individuals/agencies), who may not be involved in the investigation or prosecution of case. Such individuals or agency representatives must obtain authorization from the Sheriff's Office prior to viewing any autopsy.
 - iii. Explanation of Procedures: If authorized by the Sheriff's Office, Contractor shall explain autopsy procedures and respond to questions during the autopsy.
 - iv. Training: Contractor may provide medical training during such autopsies, provided it does not interfere with performance of work required; however, any fee, if applicable, for such training services shall be addressed exclusively by Contractor and the party requesting such services.
 - d. Laboratory Testing: Contractor shall order toxicological, bacteriological, serological, or similar testing studies from laboratories when reasonable or necessary to assist in

determining cause of death. The Sheriff's Office shall select the laboratories and pay for such laboratory services.

- e. Histology: Contractor shall order histology testing studies from laboratories when reasonable or necessary to assist in determining cause of death. The Sheriff's Office shall select the laboratories and pay for such laboratory services.
- f. Transcription: Contractor shall provide transcription services.
- g. On-the-Scene Examination: Contractor shall view the bodies of decedents at the scene of death and/or perform other investigative services (such as interviewing/examining witnesses) when requested by an authorized representative of the Sheriff's Office to respond during and after normal working business hours.
- h. Examination Report: Contractor shall provide a complete typewritten final report within sixty (60) calendar days after receipt of clinical test results and consultation reports necessary to close the case. The report must contain the following information:
 - i. Name of individual tested, identifying information (such as age, sex, and other vital statistics), and applicable Coroner case number.
 - ii. Date external examination concluded or date and time of autopsy.
 - iii. Description of external examination of individual/records.
 - iv. When an autopsy was performed, a description of the internal examination, noting the weight and condition of specific organs and condition of internal body systems. As applicable, the report will include: significant positive findings, and relevant negative findings; list of gross diagnoses; description of any microscopic examination; summary of laboratory tests (with copies of test reports completed by UFS attached); intervals for mechanisms of death; diagrams of injuries (with photographs attached as appropriate); and any other information considered pertinent by Contractor.
 - v. Summary of relevant historical and scene information (when appropriate), results/findings from examinations performed, and determination of probable cause of death.
 - vi. Any other information required by applicable state /federal laws or regulations.
 - vii. Signature of an authorized Forensic Pathologist licensed to practice medicine in the State of California.
- i. Report Delays and Penalty: If Contractor does not provide a final report within the time frame specified in item (h), the County may impose a penalty by reducing the payment due on the next invoice as follows:

- i. Autopsy report (full procedure): \$100 per 30 calendar day period past due, up to value of report payment.
 - ii. External examination report: \$32.50 per 30 calendar day period, up to value of report payment.
 - iii. The report penalty may be waived at the discretion of the Sheriff-Coroner or designee based upon factors such as case complexity or the need for additional laboratory testing.
- j. Sudden Unexpected Infant Death Cases (SUID): Contractor shall perform procedures necessary to comply with Government Code Section 27491.41 or any other laws or regulations applicable to post-mortem examination of sudden, unexpected infant death cases.
- k. County Committee Meetings: Contractor shall attend monthly meetings associated with the Countywide Child Death Review and Domestic Violence Death Review committees and, other related meetings that may be scheduled and participate in associated discussions as appropriate, unless unable to attend due to unforeseen illness, mandatory appearance requirements, or other emergency or urgent circumstances preventing attendance.
- l. Business Meetings: Contractor shall attend meetings that are related to the legal or public health functions of the Sheriff's Office when deemed necessary by an authorized representative of the Sheriff's Office.
- m. Transportation: Contractor shall provide and pay for transportation of Contractor's employees and subcontractors.
- n. Expert Witness: Contractor shall testify as an expert witness when subpoenaed to do so at any legal proceeding arising in connection with cases in which Contractor has conducted an examination. The County of Sonoma or other entity or individual requesting the appearance of Contractor shall pay any fee as may be agreed upon with Contractor, or as provided by law for such appearance.
- o. Anatomical Gifts: Contractor shall cooperate and support the authorized removal and disposition of human tissue from bodies of deceased persons as authorized by the California Uniform Anatomical Gift Act; consult with physicians or transplant personnel when a request for donor tissue is made in a case falling under the jurisdiction of the Coroner; and advise the Sheriff's Office's representative whether such a procedure would adversely affect the subsequent documentation of injuries or determination of cause or manner of death.
- p. Staff Training: Contractor shall provide education and training services for Sheriff's Office personnel as may be mutually agreed upon by Contractor and the Sheriff's Office. Such services may include, but are not necessarily limited to, instructing personnel, particularly Investigations and Coroner Bureau Detectives, regarding

medical safety issues or information required by the pathologist for effective evaluation of Coroner cases.

- q. Advice/Retention: Contractor shall advise the Sheriff's Office concerning the necessity of retaining specimens and tissue samples, and their recommended retention periods.
- r. Chain of Custody: Contractor shall maintain evidence chain of custody, as required by the Sheriff's Office, by obtaining and protecting evidence on or about decedents in such a way that it will be legally admissible in a court of law.
- s. Prior Case Review: Contractor shall perform a review, written report, and/or expert testimony of cases where a Pathologist not associated with Contractor performed the exam.
- t. Minimum Staffing: In order to adequately meet the County's forensic pathologist needs, Contractor shall assign one, full time pathologist to the County Sheriff's Office. Any additional part time or temporary pathologists shall be assigned as deemed necessary by the County and Contractor.
- u. Availability: Contractor shall be available during normal business hours and off hours to consult with representatives of the Sheriff's Office regarding Coroner activities.

2. Responsibilities of County: County shall have the following responsibilities under the Agreement:

- a. Facility/Equipment: County shall provide, equip, and maintain a facility in which autopsies and any other postmortem examinations are to be performed.
- b. Operational Supplies: County shall provide supplies and equipment necessary for conducting required examinations. This includes, but is not necessarily limited to, protective supplies, (such as gowns, gloves, aprons, face shields, boots, and shoe covers); containers for bodies and tissue samples; items used in performance of autopsies (such as syringes, scalpels, scissors, forceps, chisels, knives, saws, and photographic film); and cleaning supplies (such as soaps, detergents, and disinfectants).
- c. Forensic Assistant: County shall provide a forensic assistant to support the performance of autopsies (specific work hours to be established by mutual agreement of Contractor and the Sheriff's Office). In special situations, mutually-agreed, forensic assistants may be provided by the contractor at the rate listed in Exhibit B, Pathology Service Rates.
- d. Laboratory Services: County shall provide direct payment to authorized laboratory contractor(s) for services ordered.
- e. Histology Services: County shall provide direct payment to authorized laboratory contractor(s) for services ordered.

- f. Additional Pathologists: County shall provide direct payment to additional pathologists that may be required to handle any disaster situation, involving ten or more deaths occurring during a single incident.
- g. Conflict Of Interest Cases: County shall obtain and pay for the services of another pathologist, of County's choice, if such services are deemed necessary by the Sheriff's Office particularly for deaths presenting a potential conflict of interest (including, but not necessarily limited to, those involving an officer of the Sheriff's Office or those occurring in the County jail).
- h. Forensics Contractors: County shall obtain and pay for Contractors in forensic neuropathology, forensic anthropology, forensic odontology, and any other specialty as may be deemed necessary by the Sheriff's Office for a small number of unusual and extraordinary cases that cannot otherwise be adequately concluded.
- i. Specimen/Tissue Storage: County shall provide for the storage of specimens and tissue samples that Contractor considers necessary to retain as evidence or for full her testing.

Exhibit B
Pathology Services Rates

1. Rates. The following rates shall apply for the term of this Agreement:

Autopsy Rates:	Procedure Payment	Report Payment
Autopsy (other than homicide and other select cases, noted below):	\$1,140	\$285
Homicide (e.g. firearm, stab wounds, blunt force, strangulation)	\$2,400	\$600
Non-homicide autopsies in which Dr. Joseph Cohen is specifically requested as the Pathologist	\$1,600	\$400
Sudden Unexpected Infant Death (SUID) Cases	\$1,600	\$400
Private "family request" autopsy	\$2,400	\$600
External Examination	\$520	\$130

Other Pathology Service Rates	Price	Unit
Natural Death External Evaluation (NDEE)	\$275	per case
On-the Scene Examination	\$500	per hour
Prior Case Review	\$500	per hour
Forensic Assistant (External)	\$100	per case
Forensic Assistant (Internal)	\$125	per case

Exhibit C

Insurance Requirements

With respect to performance of work under this Agreement, Contractor shall maintain and shall require all of its subcontractors, contractors, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Contractor from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Contractor has employees.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. *Required Evidence of Insurance*: Certificate of Insurance.

If Contractor currently has no employees, Contractor agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should any employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Umbrella Liability Insurance. If Contractor maintains higher limits than the specified minimum limits, County requires and shall be entitled to coverage for the higher limits maintained by Contractor.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County. Contractor is responsible for any deductible or self-insured retention and shall fund it upon County's written request, regardless of whether Contractor has a claim against the insurance or is named as a party in any action involving the County.
- d. County of Sonoma, its Officers, Agents and Employees, Attn: Sheriff's Office, 2796 Ventura Avenue, Santa Rosa, CA 95403 shall be additional insureds for liability arising out of operations by or on behalf of the Contractor in the performance of this agreement.
- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.

- f. The policy definition of “insured contract” shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the “f” definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between County and Contractor and include a “separation of insureds” or “severability” clause which treats each insured separately.
- h. *Required Evidence of Insurance:*
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limits: \$1,000,000 combined single limit per accident.
- b. Insurance shall apply to all owned autos. If Contractor currently owns no autos, Contractor agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall apply to hired and non-owned autos.
- d. *Required Evidence of Insurance:* Certificate of Insurance.

4. Professional Liability/Errors and Omissions Insurance

- a. Minimum Limit: \$1,000,000 per occurrence.
- b. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County.
- c. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
- d. Coverage applicable to the work performed under this Agreement shall be continued for two (2) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
- e. *Required Evidence of Insurance:* Certificate of Insurance.

5. Standards for Insurance Companies

Insurers shall have an A.M. Best's rating of at least A:VII.

6. Documentation

- a. The Certificate of Insurance must include the following reference: Agreement for Forensic Pathology Services.
- b. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Contractor agrees to maintain current Evidence of Insurance on file with County for the entire term of this Agreement and any additional periods if specified in Sections 1 – 4 above.
- c. The name and address for Additional Insured endorsements and Certificates of Insurance is: Sonoma County Sheriff's Office, 2796 Ventura Avenue, Santa Rosa, CA 95403.
- d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a

policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.

- e. Contractor shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

7. Policy Obligations

Contractor's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

8. Material Breach

If Contractor fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Contractor resulting from said breach. Alternatively, County may purchase the required insurance, and without further notice to Contractor, County may deduct from sums due to Contractor any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen (707) 565-2231

Supervisorial District(s):

Fifth District

Title: Salmon Creek Water Collection and Treatment System Improvement Project (CSA #41)

Recommended Actions:

Authorize Chair to sign Amendment No. 1 to Agreement for Purchase and Sale of Easement providing payment of \$820.52 for additional use of a temporary construction easement for a total cost of \$5,782.08; lands of Jackson Marital Trust (APN 101-011-026); Project No. W06724.

Executive Summary:

The Department of Transportation and Public Works is requesting the Board to authorize the Chair to sign Amendment No. 1 to Agreement for Purchase and Sale of Easement to provide payment of compensation to the Jackson Marital Trust for the County's occupation of a temporary construction easement for two months (\$410.26/month) beyond the time limits specified in the original Agreement for Purchase and Sale of Easement. The easement area was required to provide a site for interim water system storage and treatment facilities at Salmon Creek while the County performed work to upgrade the community's permanent facilities due to insufficient space at the permanent facility location. The Department recently completed the CSA #41 Salmon Creek Water District system improvements project.

The easement expired on January 31, 2014, but the County exercised its option to rent the site on a month-by-month basis for an additional six (6) months as provided in the Agreement. The Board of Supervisors did not grant authority to make payments for additional months of rental beyond June 30, 2014. Due to construction time delays, it was necessary to retain some interim improvements on the easement site beyond June 30, 2014. Consequently, the property owner is entitled to compensation for the additional time the County occupied the property. All remaining improvements were removed before August 31, 2014.

The Temporary Construction Easement occupied a 2,999 square foot portion of the property in order to accommodate the interim water system facilities. Based upon a Waiver Valuation, compensation to the property owner was determined to be \$2,500 for the initial period (six months) of the temporary easement plus \$2,461.56 (\$410.26 per month) for the additional six (6) months beyond January 31,

2014. \$820.52 is owed to the property owner for the County's additional two (2) months of rental incurred beyond June 30, 2014 which brings the total cost for the easement to \$5,782.08. The property owner has agreed to accept the above amount as compensation for the additional period of rental of the site and has signed all necessary right-of-way documents.

The Amendment No. 1 to the Agreement has been approved as to form by County Counsel.

Prior Board Actions:

5/21/13 Resolution No. 13-0208: Approved acquisition/payment for a temporary construction easement from the Jackson Marital Trust.

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

System wide improvements were necessary to continue to provide drinking water that meets the State of California safe drinking water standards to the Salmon Creek Water District community.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 820.52		\$
Add Appropriations Req'd.	\$	State/Federal	\$ 820.52
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 820.52	Total Sources	\$ 820.52

Narrative Explanation of Fiscal Impacts (If Required):

Appropriations for this expense will be added as part of the first quarter budget adjustments to Salmon Creek Construction Project.

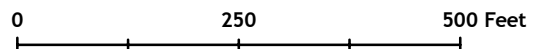
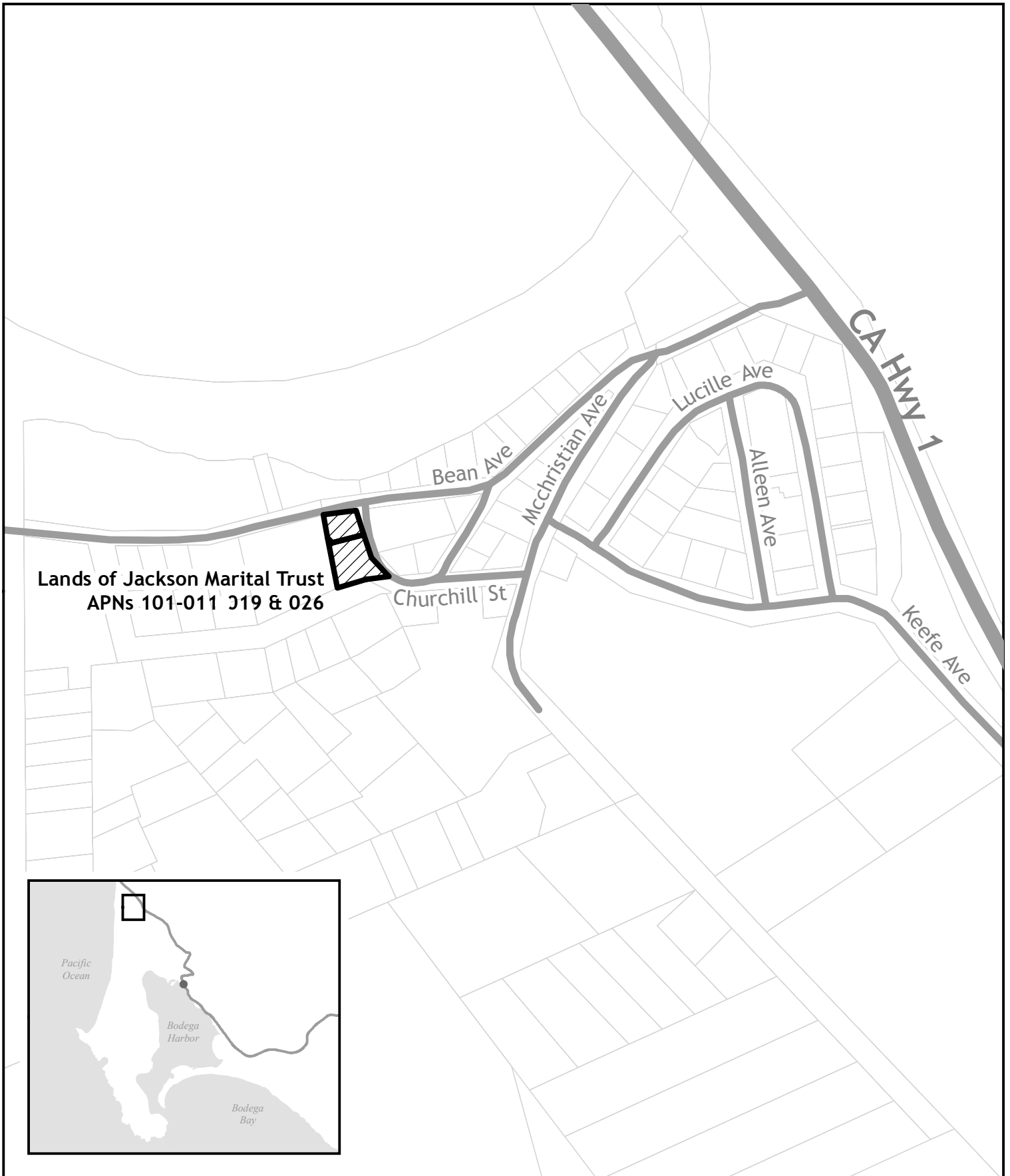
Staffing Impacts

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

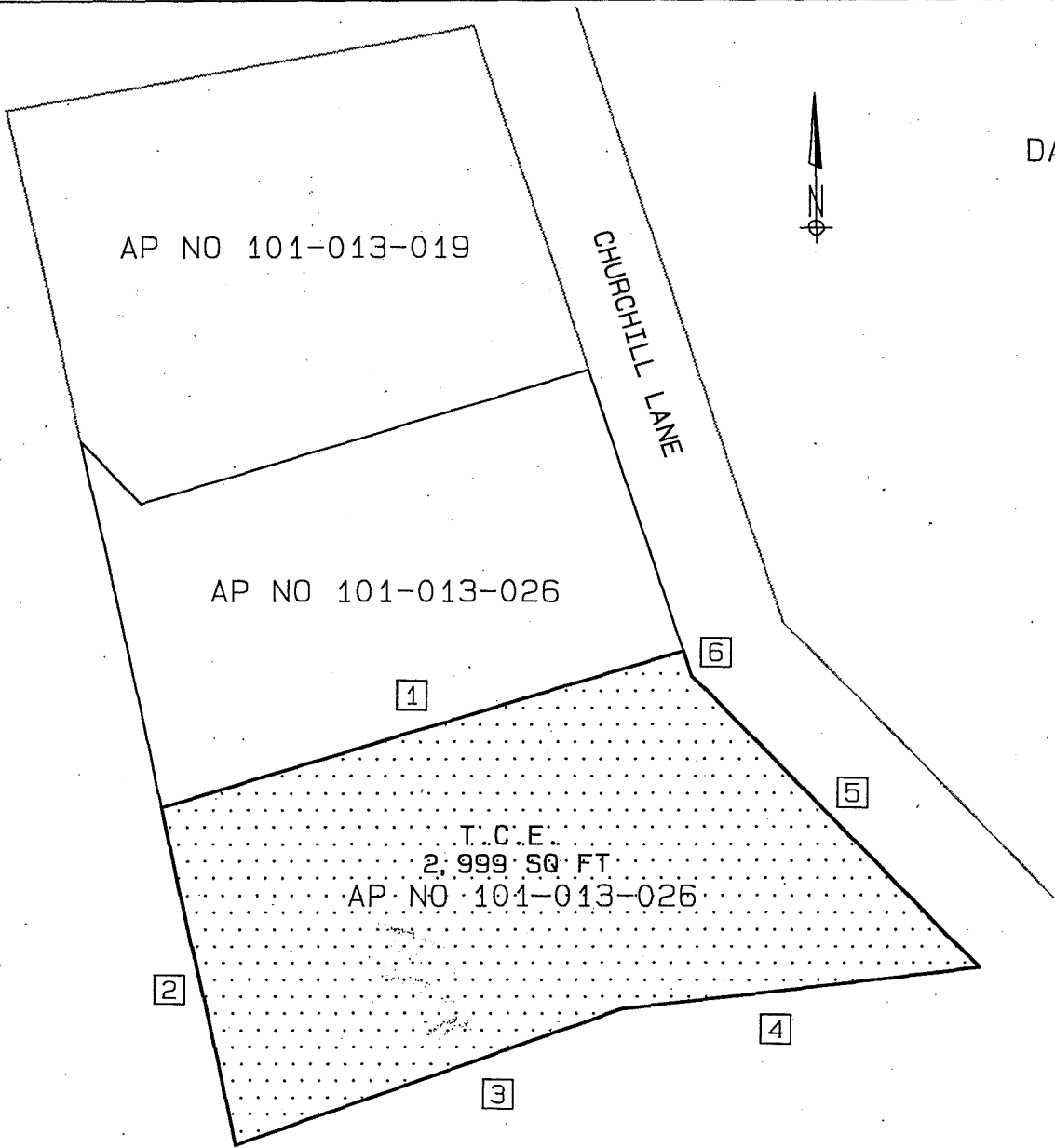
Narrative Explanation of Staffing Impacts (If Required):

Attachments:
Location Map; Acquisition Map; Amendment No. 1 to Agreement for Purchase and Sale of Easement.
Related Items "On File" with the Clerk of the Board:
None.

Location Map



ACQUISITION MAP



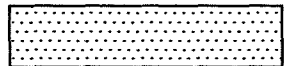
DAVID K. JACKSON, TRUSTEE
 DOC NO 2012 097832
 AP NO 101-013-026

COURSE TABLE

T.C.E.

- 1 S73°10'08"W 63.34'
- 2 S11°45'00"E 40.85'
- 3 N70°11'09"E 47.74'
- 4 N83°10'21"E 41.75'
- 5 N43°59'47"W 47.73'
- 6 N17°41'44"W 3.00'

LEGEND



T.C.E ACQUISITION AREA

PROJECT: SALMON CREEK WATER TREATMENT PLANT			
DATE: APRIL 2013	SCALE: NONE	APN 101-013-026	JOB NO. W06724

AMENDMENT No. 1 TO AGREEMENT FOR PURCHASE AND SALE OF EASEMENT

This first amendment to the Agreement for Purchase and Sale of Easement ("Agreement"), executed on May 21, 2013, is made this _____ day of _____ by and between the County of Sonoma, on behalf of County Service Area No. 41, Salmon Creek Zone of Benefit (hereinafter referred to as "COUNTY") and David S. Jackson, Successor Trustee of the Jackson Marital Trust created under the Trust established by written declaration dated June 26, 1991, (hereinafter referred to as "GRANTOR").

It is agreed between the parties as follows:

1. The parties hereto acknowledge COUNTY continued to occupy a portion of GRANTOR's property acquired by COUNTY as a Temporary Construction Easement (identified as the area in Exhibit "A") beyond the easement expiration date of January 31, 2014. COUNTY consequently exercised its option to extend its rental and use of the property until June 30, 2014, per the terms of the original Agreement. COUNTY has paid and/or is in the process of paying GRANTOR the sum of \$410.26 for each month of continued occupation of the easement area up to June 30, 2014, per the terms of the original Agreement.
2. It is acknowledged by the parties hereto that COUNTY continued to occupy said temporary easement area for an additional two (2) months beyond the expiration of the easement extension period (June 30, 2014) and, therefore, compensation is owed GRANTOR for the months of July and August, 2014. The parties hereto agree that said compensation for the months of July and August, 2014, shall be \$410.26 per month which is the amount of compensation agreed upon in the original Agreement for rental extensions of the easement area. Therefore, the total compensation for the months of July and August, 2014, is \$820.52. As of August 27, 2014, COUNTY's use of the easement area has ceased. COUNTY shall not be required or obligated to make any other payments in connection with or as a result of this amended Agreement, the acquisition of the subject property acquired hereunder, and the public project for which the subject property is acquired.
3. GRANTOR agrees that the purchase price as stated above is full compensation and settlement for all claims of every kind and nature including, but not limited to, the fair market value of the subject property and all improvements thereon including improvements pertaining to the realty, loss of goodwill, if any, severance and other damages, if any, any bonus value in the lease, if there is any lease, and relocation assistance and benefits. GRANTOR further agrees that said payment hereunder is in full and fair consideration for, and in complete settlement of, any and all claims for damage, loss, or expenses that have arisen or may arise on account of the actions contemplated herein, including but not limited to any and all litigation expenses, fees, and costs relating thereto, and all damages and claims, if any, resulting from the public project and the actions contemplated herein.

4. All other terms of the original Agreement shall remain in effect.

5. This writing is intended both as the final expression of the amended Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the amended Agreement, pursuant to California Code of Civil Procedure Section 1856. No modification of this amended Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

- CONTINUED ON NEXT PAGE -

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

GRANTOR: David S. Jackson, Successor Trustee of the Jackson Marital Trust created under the Trust established by written declaration dated June 26, 1991

By: David S. Jackson
David S. Jackson, Successor Trustee

Date: 9/12/14

COUNTY OF SONOMA:

By: _____
Chair, Board of Supervisors

Date: _____

Attest:

By: _____
Clerk, Board of Supervisors

Reviewed as to Substance:

By: _____
Director, Department of
Transportation and Public Works

Date: _____

Approved as to Form:

By: _____
County Counsel

Date: _____

By: _____
Right of Way Manager

Date: _____

By: _____
Project Engineer

Date: _____

EXHIBIT "A"

RECORDING REQUESTED BY

COUNTY OF SONOMA
.....

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

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

APN 101-011-026(PTN)

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

GRANT OF EASEMENT

**DAVID S. JACKSON, Successor Trustee of the Jackson Marital Trust,
created under the Trust established by written declaration dated June 26, 1991**

**GRANT(S) TO: THE COUNTY OF SONOMA,
A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA,
on behalf of COUNTY SERVICE AREA NO. 41,
SALMON CREEK ZONE OF BENEFIT,**

A Temporary Construction Easement ("subject property") on, under, over, and across the lands described below. The temporary uses hereby granted to COUNTY include the right to install, inspect, maintain, and remove improvements associated with the installation of the Salmon Creek Water System's temporary water storage, pumping and treatment facilities, and related piping and electrical connections, and the right of access to said facilities. Said temporary facilities will be in use while upgrades to the water system's permanent storage and treatment facilities are under construction elsewhere.

The Temporary Construction Easement shall expire on January 31, 2014.

It is mutually agreed and understood that the subject property will be left in a neat and professional manner.

The lands within the easement are more particularly described as:

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

SEE EXHIBIT "A" ATTACHED

DAVID S. JACKSON, Successor Trustee

Dated _____

Exhibit "A"

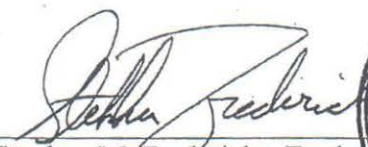
Being a portion of the lands of David S. Jackson, Successor Trustee of the Jackson Marital Trust, created under the Trust established by written declaration dated June 26, 1991 as described in a deed recorded as Document Number 2010-097832 of Official Records of Sonoma County, being more particularly described as follows:

Commencing at a ½" iron pipe, tagged LS 7362 as shown on that Record of Survey recorded in Book 677 of Maps, Page 44, Sonoma County Records, as being the easterly corner of Lot 1 and Lot 2 of Block E of the map of McChristian's Subdivision said map being recorded in Book 46 of Maps, Page 33, Sonoma County Records; thence along the east line of said Lot 2, South 7°41'44" East, 35.00 feet to the Point of Beginning; thence South 73°10'08" West, 63.34 feet to the west line of said lands of Jackson; thence along said west line South 11°45'00" East, 40.85 feet to the most southerly corner of said lands of Jackson; thence along the south line of said lands of Jackson North 70°11'09" East, 47.74 feet; thence North 83°10'21" East, 41.75 feet to the east line of Lot 3 of Block E of said McChristian's Subdivision; thence along the east line of said Lot 3 and Lot 2, North 43°59'47" West, 47.73 feet; thence North 17°41'44" West, 3.00 feet to the Point of Beginning.

Containing 2998.93 SQ FT, more or less.

Basis of bearings: That Record of Survey recorded in Book 677 of Maps, Page 44, Sonoma County Records.

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


Stephen M. Fredericks, Expires 12/31/2014



A.P.N. 101-011-026
Revised 04/01/2013



County of Sonoma
Agenda Item
Summary Report

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

Agenda Item Number: 20
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Susan Gorin, 565-2241

Supervisorial District(s):

First District

Title: Appointment

Recommended Actions:

Appoint Mali Kigasari to the Community Development Committee, effective 10/14/2014 with the term running coterminous with the appointing Supervisor. (First District).

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 14-15

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

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



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 21
(This Section for use by Clerk of the Board Only.)

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

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Sorrel Allen 565-7347
Sheri Emerson 565-7358

Supervisorial District(s):

All

Title: Agricultural and Conservation Education Program

Recommended Actions:

Approve and Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District (District) to Execute:

- 1) A contract between the District and the Laguna de Santa Rosa Foundation for **\$20,250**, procuring *Learning Laguna* classroom and field-based science and watershed education programs for 18 schools and 450 students from schools in Santa Rosa, Cotati, Rohnert Park, and Sebastopol. The contract term is October 14, 2014 through June 30, 2017.
- 2) A contract between the District and the LandPaths for **\$707,725**, procuring 216 "In Our Own Back Yard" (IOOBY) classroom and field-based science and agricultural education programs for 1,350 elementary students 4 times a school year; and 110 county-wide community outings serving 4200 participants of all ages. The contract term is October 14, 2014 through June 30, 2017.
- 3) A contract between the District and Gold Ridge Resource Conservation District for **\$279,734**, procuring 45 classroom and field-based agricultural and natural science education programs serving 1,575 elementary students; 9 teen-centered FARMS leadership field trips serving 90 students grades 9 through 12; and 18 county-wide Agricultural Heritage Outings serving 630 participants of all ages. The contract term is October 14, 2014 through June 30, 2017.
- 4) A contract between the District and Sonoma Ecology Center for **\$150,132**, procuring 90 classroom and field-based science and agricultural education programs for 2,753 elementary students in the Sonoma Valley; an in-depth EnviroLeader Vocational Training program for 60 students grades 9 through 12; and 42 Community Outings in the Sonoma Valley serving 1,090 participants of all ages. The contract term is October 14, 2014 through June 30, 2017.

Executive Summary:

One of the strategies identified in the Board-approved *Balancing Multiple Objectives*, the District's 2012-2015 Workplan, is to "provide opportunities for the public to engage in caring for District-protected lands." The

District's Agricultural and Conservation Education Program is integral in creating these opportunities for members of the public to experience the lands they've protected by providing experiential education, interpretation, vocational, and stewardship models for residents of all ages to learn about the District, Sonoma County habitats and species, land conservation and stewardship, and local agriculture.

In July, the District solicited a Request for Proposals (R.F.P.) for the 2014-17 Agricultural and Conservation Education Program seeking the expertise of highly qualified organizations with longstanding relationships in diverse local communities to deliver top-notch educational programming, designed to:

- Engage a broad diversity of county residents and visitors of all ages and cultural backgrounds in the stewardship and enjoyment of the lands owned, managed, and/or protected by the District that are otherwise primarily closed to the public.
- Increase awareness and relevance among students, parents, teachers, families and members of the general public of the District's mission and accomplishments within the following categories, (1) farms and ranches, (2) greenbelts and scenic hillsides, (3) water, wildlife, and natural areas, and (4) recreation and education.
- Demonstrate the multiple benefits of Sonoma County working lands and natural areas.
- Demonstrate the positive relationship between scenic open space, ecosystem resiliency, local agriculture, and community health.
- Provide resources and workshops allowing local farmers and ranching experts to showcase their agricultural and natural resource management practices to the broader public to demonstrate Sonoma County's agricultural heritage and the ways in which it supports our local economy and environment.
- Cultivate a connection to the outdoors and to local agriculture among K-12 students throughout Sonoma County, exploring the important relationship between healthy agricultural systems, a healthy environment, and healthy communities.
- Inspire the next generation of conservation leaders by promoting youth leadership in the local food and land conservation movements, and introducing career pathways in agriculture and conservation.

The District received a total of four proposals, one being a partnership between two organizations submitting a single, comprehensive proposal, rather than submitting a separate response. The selection committee, comprised of both District staff and representatives from other County departments and other organizations, ranked the proposals using a quantitative scoring process with weighted criteria. Examples of the R.F.P. criteria included organizational capacity, alignment with District's goals, geographic reach and socioeconomic diversity, best practices, cultural relevance, impact beyond participants, and cost relative to scope of service.

All four proposals ranked high in the selection process. Each proposed a diverse, yet balanced, approach to community engagement through agricultural and environmental education, utilized a variety of partners, and offered innovative in-depth programming to a specific audience or population including at-risk youth, E.S.L. (English as a Second Language) students, young adults, ranchers and farmers, underserved groups, and Latino families. Programming occurs on District-protected properties either county-wide or in a key region or watershed.

The District has decided to partner with all four providers for portions of the Program. While offering broad public outreach and engagement opportunities for all residents of Sonoma County, the District is committed to working with these providers to address opportunity gaps referenced in *A Portrait of Sonoma County: Sonoma*

County Human Development Report 2014. In leveraging individual providers' strengths such as bilingual and diverse program staff and outreach materials, strong community networks, and strategies for staying relevant and addressing social and socioeconomic barriers, the District can most effectively get all Sonoma County residents outside to enjoy the agricultural, natural and cultural resource, scenic and recreational lands it protects.

The District recommends that the Board approve the following contracts to implement its Agricultural and Conservation Education Program through June 30, 2017.

- 1) Gold Ridge Resource Conservation District (\$93,244 per year for three years), through its TEAM: Teaching Environmental and Agricultural Memories Program, will annually provide 15 in-class and field trips to working farms, dairies, and ranches for 3-5th grade classes (525 students) in at least 8 Sonoma County communities: Santa Rosa (including Roseland), Petaluma, Sebastopol, Occidental, Guerneville, Forestville, Monte Rio, and Graton. Using Federal Free and Reduced Lunch data and findings in *A Portrait of Sonoma County: Sonoma County Human Development Report 2014*, Gold Ridge will provide 50% of these trips for underserved schools. In partnership with Sonoma R.C.D., through its FARMS Leadership Program, Gold Ridge R.C.D. will annually provide 30 teens, grades 9 through 12, from schools in Windsor, Santa Rosa, Sebastopol, and Petaluma field trips to District-protected working farms, ranches, and dairies in North to South Sonoma County. The field trips will promote youth leadership and will introduce career pathways in agriculture and natural resource management. In partnership with Sonoma R.C.D., through its Agricultural Heritage Series, Gold Ridge R.C.D. will annually provide six County-wide agricultural heritage workshops and tours on District-protected properties for participants of all ages. The participant level in the Agricultural Heritage Outings is expected to exceed 630 people.
- 2) Laguna de Santa Rosa Foundation (\$6,750 per year for three years), through its *Learning Laguna* program will annually provide six 3rd-5th grade classes (150 students) from Santa Rosa, Cotati, Rohnert Park, Windsor, and Sebastopol in-class and field visits on District-protected properties within the Laguna de Santa Rosa. Fifty percent of the schools participating state that 50% or more of their student population fall below science proficiency and into the socio-economically disadvantaged category of the School Accountability Report Card.
- 3) LandPaths (\$235,908 per year for three years), through its IOOBY and Community Outings Programs, will annually provide up to 20 classes and 450 students grades 1-6th in seven Sonoma County cities in-class and field visits at least four times during the school year on District-protected properties, including Bayer Farm, Doerksen/Ranchero Mark West, Healdsburg Ridge Open Space Preserve, Petaluma Marsh, Taylor Mountain Open Space Preserve, Laguna Uplands and the Estero Americano. Schools are selected based on Federal free and reduced lunch data and proximity to open space property. Through its interpretive Community Outings, LandPaths will annually provide 39 outings with a variety of innovative themes, including *Vamos Afuera*, a program designed and marketed for Latino families, to connect 1400 diverse Sonoma County residents of all ages to County-wide District protected lands primarily closed to the public.
- 4) Sonoma Ecology Center (\$50,044 per year for three years), through its Wildlife Defenders & Growing Discoveries Environmental Education modules will annually provide 30 classes and 900 students in-class and field visits on District-protected properties in the Sonoma Valley for 2nd-4th grade classes; through its EnviroLeaders vocational training program, Sonoma Ecology Center will annually provide 20 teens a semester long vocational training program, comprised of approximately 36 meetings where teens, grades 9 through 12, are directly engaged in work and learning on District-protected lands to develop job skills and explore career pathways in agricultural and environmental stewardship; through its Community Outings will annually provide 14 educational and interpretive outings to District-protected properties with 363 participants of all ages in the Sonoma Valley. Sonoma Ecology Center will partner with La Luz and

Boys and Girls Club to engage diverse families and non-traditional groups.

Data from *A Portrait of Sonoma County: Sonoma County Human Development Report 2014* will help guide the school selection process and community outreach strategy to ensure that all communities receive access to these outdoor opportunities. A number of social media tools, bilingual marketing and outreach materials, eblast and online newsletters, and direct community outreach efforts are used to collectively publicize these educational programs to reach a broad base of Sonoma County residents. Target outreach areas include Roseland and Rohnert Park and the Fetters Springs/Agua Caliente West region of Sonoma. All community programs are marketed on the District website and the websites of partner organizations, as well as advertised in local newspapers, and on public radio stations. Many of the marketing materials are bilingual and all marketing efforts convey a cohesive message to the public about the District's work to protect the public investment and to educate about public benefits of land conservation. However each partner organization specializes in performing outreach to specific geographic areas, and in engaging specific audiences or populations such as families, disadvantaged youth, and the Latino communities, as well as broadly reaching the general public.

The registration process is user-friendly. Each community outing listing contains a registration and contact information for the group leader, and interested members of the public can register by phone or by email directly with the respective group leader. At the end of each program, participant sign up lists and evaluations are shared with the District staff for relationship building and for future outreach efforts. These partnerships provide a cost-effective and efficient service that connects Sonoma County residents to District-protected lands and provides an opportunity for the public to experience the agricultural, natural and cultural resource, scenic, and recreational benefits of land conservation.

The success and effectiveness of these programs will be measured qualitatively using survey and pre/post questionnaires from participants, students, teachers, and parents (home community) and quantitatively by tracking outcomes such as total # of participants, demographics, % target communities served, and # of new and returning participants. These qualitative and quantitative metrics will be tied to short and long term program goals. The District will work closely with each provider to integrate more evidence-based evaluation practices and to gain a better understanding of the overall effectiveness of their different educational models, from the one touch learning opportunity to the repeat exposure (multiple field trips) to vocational and career pathway training. Each youth experiential education program currently has far more demand than capacity, so we do know just how integral a part of the public school science curriculum these programs are.

In partnership with the District through June 30, 2017, these providers will showcase over 48 District-protected Conservation Easements and 9 District-owned fee lands County-wide, collectively engaging a total of 6,278 students through 477 field trips and 5,920 members of the public through 170+ educationally-themed hikes, celebration events, and workshops geared towards all age groups. The District will work closely with these organizations to provide key messaging and educational materials to increase awareness and relevance for the District's mission and accomplishments among and beyond these 12,198 students, parents, teachers, and members of the general public.

The total cost for these three-year educational contracts shall not exceed \$1,157,841.

Prior Board Actions:

The District has approved similar contracts in recent years, including on:

- Board Action #2 7/14/2009 Public Outings Program
- Board Action #3 7/14/2009 School Outings Program
- Board Action #1 10/20/2009 Public Outings Program

- Board Action #1 6/22/2010 Public Outings Program
- Board Action #1 9/14/2010 Environmental Education Program
- Board Action #14 9/13/2011 Agricultural and Environmental Education Program
- Board Action #6 6/25/2013 Public Outings Program Contract Amendments

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Agricultural and Conservation Education program expands educational and recreational opportunities on District lands to all sectors of the County’s communities. By partnering with agencies and other non-profits, the District can meet strategic recreation, education and land stewardship goals. These programs increase our capacity to provide access to District-protected lands, connect people to the land, and foster an appreciation of the County’s farming history and rural character. The education programming effectively promotes an awareness of the partnership between agricultural and natural resource conservation and expands opportunities for stewardship of natural resources.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 385,947		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 385,947
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 385,947	Total Sources	\$ 385,947

Narrative Explanation of Fiscal Impacts (If Required):

The District has this expense budgeted in its FY 14-15 budget. Its funding source is sales tax revenue.

\$385,947, or approximately 1/3 of the total contract amount (\$1,157,841) will be encumbered annually throughout contract term.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:
1. Program Summary Chart 2. Gold Ridge Resource Conservation District Contract 3. Laguna de Santa Rosa Foundation Contract 4. LandPaths Contract 5. Sonoma Ecology Center Contract
Related Items "On File" with the Clerk of the Board:

2014-17 Agricultural and Conservation Education Program Summary

Provider	Type of Program	Number of Programs	Number of Participants	Cost	Cost/Program	Cost/Person	Geographic Reach	Target Demographic**
Sonoma Ecology Center	Community Outings	42	1,090	\$ 61,314	\$ 1,298	\$ 56	Sonoma Valley: 5-8 properties	Boys & Girls Clubs, La Luz, Latinos/underserved
Sonoma Ecology Center	Education (grades 2-4) Vocational (grades 9-12)	198	2,813	\$ 88,818	\$ 2,480	\$ 32	Sonoma Valley: properties & schools	50% or more underserved schools, disadvantaged teens
				\$150,132				
LandPaths	Education (grades 1-6)	216	1,350*	\$324,000	\$ 1,500	\$ 60	County-wide: Schools in 7 Sonoma County cities	75% underserved schools
LandPaths	Community Outings	110	4,200	\$383,725	\$ 3,625	\$ 91	County-wide	Outreach to low income & Latinos
				\$707,725				
Gold Ridge RCD	Education TEAMS (grades 3-5) FARMS (grades 9-12)	45	1,665	\$216,329	\$ 4,006	\$ 129	West Sonoma County: Schools in 8 Sonoma County cities	50% or more underserved schools
Gold Ridge RCD	(Agricultural Heritage Series)	18	630	\$ 63,405	\$ 3,522	\$ 100	County-wide	Broad outreach, increase to Latinos
				\$279,734				
Laguna Foundation	Education (grades 2-4)	18	450	\$ 20,250	\$ 281	\$ 45	Laguna de Santa Rosa: Schools in Cotati, RP, Windsor, Sebastopol	50% underserved schools
				\$ 20,250				
Totals		647	10,848	\$1,157,841				

* 4 field trips a year for 1,350 students = 5,400 participant contact points, therefore \$60 per student per outing

** Target demographic and community outreach strategies will be based off of key findings in *A Portrait of Sonoma County: Sonoma County Human Development Report 2014 and Federal Free and Reduced lunch data*

AGREEMENT FOR CONSULTING SERVICES

This agreement ("Agreement"), effective upon the date of execution ("Effective Date") is by and between the Agricultural Preservation and Open Space District, a California special district, (hereinafter "District"), and Gold Ridge Resource Conservation District, a legal subdivision of the State of California (hereinafter "Consultant").

RECITALS

WHEREAS, Consultant represents that it is a duly qualified consultant, experienced in field-based agricultural and environmental education programming, and related services; and

WHEREAS, in the judgment of the General Manager of the District, it is necessary and desirable to employ the services of Consultant for assistance with educational field trips, community hikes, tours, events and workshops on various District properties in the Sonoma Valley.

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

AGREEMENT

I. Scope of Services.

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

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

DISTRICT PROJECT LEAD	CONSULTANT
Name: Sorrel Allen	Name: Brittany Heck
Address: 747 Mendocino Avenue – Suite 100 Santa Rosa, CA 95401	Address: 2776 Sullivan Road Sebastopol, CA 95472
Phone: 707-565-7347	Phone: 707-823-5244
FAX: 707-565-7359	FAX:
Email: sorrel.allen@sonoma-county.org	Email: brittany@goldridgercd.org

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

1.4 Assigned Personnel.

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

2. Payment

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

Consultant shall be paid on a time and material/expense basis in accordance with the Budget set forth in Exhibit A, attached hereto and incorporated herein by reference, provided, however, that total payments to Consultant for the term of the contract shall not exceed Two Hundred Seventy Nine Seven Hundred Thirty Four Dollars (\$279,734) without the prior written approval of District. Total payments to Consultant for the each year of the contract shall not exceed Ninety Three Thousand Two Hundred Forty Five Dollars (\$93,245). Three months prior to the commencement of each fiscal year covered by this Agreement, Consultant shall submit to District for District's approval a proposed budget for the upcoming fiscal year. The annual

budget shall contain additional detail regarding work to be performed in the upcoming fiscal year, and shall not replace or amend the Agreement budget as set forth in Exhibit A.

Consultant shall submit its invoices in arrears on a monthly basis in a form approved by District's General Manager or designee. A detailed progress report that adheres to the guidelines provided by the Public Engagement Specialist will be submitted with each invoice. Expenses not expressly authorized by the Agreement shall not be reimbursed. The invoices shall show or include, at a minimum, the following information:

- Name of Project: Agricultural and Conservation Education Program
- District Contract Number: 894
- Copies of all subconsultant/subcontractor invoices, if any
- A narrative description of the task(s) performed tied directly to the costs, including the property name and project identification
- Data gathered through program sign-in forms, including number of people served (youth and adults), number of project hours, and additional demographic information
- The date and time (in quarter hours) of the services performed
- The hourly rate or rates of the persons performing the task
- Copies of receipts for reimbursable materials/expenses, if any, and
- Any other information requested by the District

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

Pursuant to California Revenue and Taxation Code Section 18662, the District shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this Agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify as any of the foregoing, District requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If Consultant is qualified as any of the foregoing, then the District requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts contained therein. By signing Form 587 or Form 590, the Consultant agrees to promptly notify the District in writing of any changes in the facts contained therein. Forms shall be sent to the District pursuant to Section 12. To reduce the amount withheld, Consultant shall provide District with a determination letter from the State of California expressly allowing reduced withholding.

3. Term of Agreement. The term of this Agreement shall be from the date of execution to June 30, 2017, unless terminated earlier in accordance with the provisions of Section 4.

4. Termination.

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

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

4.3 Delivery of Work Product and Final Payment Upon Termination.

In the event of termination, Consultant, within fourteen (14) days following the date of termination, shall deliver to District all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to District an invoice with the information required by Section 2.

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

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

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including District, and to defend, indemnify, hold harmless, and release District, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against District based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 5 apply whether or not there is concurrent negligence on District's part, but to the extent required by law, excluding liability due to

District's conduct. District shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit B, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Modifications to Agreement. Extra or changed work or other modifications to this Agreement shall not be effective unless and until such change is evidenced by a writing signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the District's General Manager in a form approved by District Counsel. The District's Board of Directors must authorize all other modifications to this Agreement. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, District personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the District.

9. Representations of Consultant.

9.1 Standard of Care. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by District shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of District and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits District provides its employees. In the event

District exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to defend, indemnify, and hold District harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case District is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish District with proof of payment of taxes on earnings under this Agreement.

9.4 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to District for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall do work under this Agreement for Consultant. In addition, if requested to do so by District, Consultant shall complete and file, and shall require any other person doing work under this Agreement for Consultant to complete and file a "Statement of Economic Interest" with District disclosing Consultant's or such other person's financial interests.

9.6 Statutory Compliance. Consultant agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the District's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

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

9.10 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of District. District shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to District all such documents, which have not already been provided to District in such form or format, as District deems appropriate. Such documents shall be and will remain the property of District without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of District.

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

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

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Section 10 limits District's right to terminate this Agreement pursuant to Section 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Invoices and Making Payments. All notices, invoices, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, invoices, and payments shall be addressed as follows:

TO DISTRICT:	Sonoma County Agricultural Preservation and Open Space District 747 Mendocino Avenue Santa Rosa, CA 95401 Phone: 707-565-7366 Fax: 707-565-7359
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Invoices may be electronically submitted to: aposd-accounts.payable@sonoma-county.org

TO CONSULTANT:	Brittany Heck Goldridge Resource Conservation District 2776 Sullivan Road Sebastopol, CA 95472 Phone: 707-823-5244
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When a notice, invoice, or payment is given by a generally recognized overnight courier service, the notice, invoice or payment shall be deemed received on the next business day. When a copy of a notice, invoice, or payment is sent by facsimile or email, the notice, invoice, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, invoice, or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, invoices and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. District's choice not to exercise, or delay in exercising, any right, power or privilege under this Agreement shall not operate as a waiver; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof. Waiver by District of a breach of any provision of this Agreement must be in writing and shall not operate or be construed as a waiver of any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction and Severability. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that

any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and District acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and District acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the City of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

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

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

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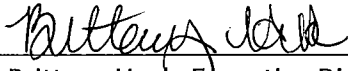
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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

GOLDRIDGE RESOURCES CONSERVATION DISTRICT

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

By: 
Brittany Heck, Executive Director

By: _____
William J. Keene, General Manager

Date: 9.19.2014

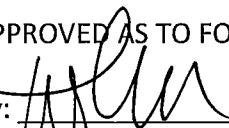
Date: _____

APPROVED AS TO SUBSTANCE FOR DISTRICT

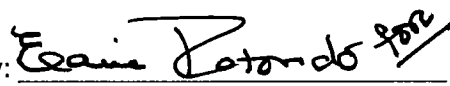
By: 
Sorrel Allen, Public Engagement Specialist

Date: 9/26/14

APPROVED AS TO FORM FOR DISTRICT

By: 
Elizabeth Coleman, Deputy County Counsel

CERTIFICATES OF INSURANCE ON FILE WITH THE DISTRICT

By: 
Sue Jackson, Administrative Aide

Date: 9/16/14

SEP 29 2014

EXHIBIT A

Scope of Work: Gold Ridge RCD (with Sonoma RCD as a subcontractor)

For SCAPOSD Agricultural and Conservation Education Program 2014-17

Task 1: TEAM (Teaching Environmental and Agricultural Memories)

- 15 field trips led annually on District protected lands in Western Sonoma County for 3rd, 4th, and 5th grade classes around Sonoma County focused on the Roseland area, West Sonoma County, and North Sonoma County
- 1,575 students engaged in 45 field trips during the 3-year period
- In-class presentations to all participating classes, sharing property specific information and teaching school children about the role agriculture and the District's work in agriculture and natural resource land conservation plays in our local economy

Task 1 Deliverables & Milestones

- Provide an annual list of schools participating in the TEAM program, showing selection criteria and assessment of need and engagement
- Perform targeted outreach to schools with high rates of Free and Reduced Lunch, located in close proximity to open space properties, and located in areas of greater need referenced in *A Portrait of Sonoma County: Sonoma County Human Development Report 2014*
- Provide all educational and evaluation materials to District Staff for review and integration of District messaging
- Expand programming to include the "Cool School" afterschool program serving low income families in the Santa Rosa Area
- Expand program to include one new District property located in North Sonoma County serving schools from Geyserville, Healdsburg, and Windsor
- Expand curriculum to include new District property and FARMS Leadership mentorship
- 3 new schools served each year
- One new field trip each season
- 50% or more trips for "underserved schools" using the Portrait of Sonoma as a guide
- Collect testimonials from students, teachers, and partners and provide them to the District on a regular basis
- Work with the District to expand impact beyond the students, creating pathways for families to participate in the District's work
- Photo releases are signed by students/parent or guardian and provided to the District upon request for every participating TEAM student

Task 2: FARMS Leadership Program

- 3 FARMS field trips annually for 30 high school students (9th-12th grade classes) from schools in Windsor, Santa Rosa, Sebastopol, and Petaluma.
- Field trips will showcase District-held Agricultural Conservation Easements ranging from North to South Sonoma County

Task 2 Deliverables & Milestones

- Enhance curriculum and update evaluation and assessment tools to measure students' increased knowledge of local agriculture, farmers and food, and the District's role in protecting these properties and resources
- Submit all educational and evaluation materials to District Staff for review and integration of District messaging and core curriculum
- Evaluate potential to bring on one new school
- Visit one new District property each year
- Collect testimonials from students, teachers, and partners and provide them to the District on a regular basis
- Collect ongoing participant outcomes and evaluation data that meets the District's requirements
- Share Leadership/Action projects with the District staff
- All FARMS materials, including promotional materials, newsletters, and press releases include District's logo and messaging
- Photo releases are signed by students/parent or guardian and provided to the District upon request for every participating FARMS cohort
- Collaborate with the District in creating a key multimedia educational and promotional video

Task 3: Agricultural Heritage Outings

- 18 County-Wide Agricultural Heritage Outings, workshops, and tours led with over 630 participants on District protected properties not open to the public

Task 3 Deliverables & Milestones

- Annually, 6 outings led, with approximately 210 participants (18 outings in a 3-year period for 630 participants)
- Conduct quarterly program planning and prioritizing with the District
- Submit a Quarterly description of planned outings including themes, properties, and descriptions on the following schedule:

August 15	for outings scheduled: September-November
November 15	for outings scheduled: December-February
February 15	for outings scheduled: March-May
May 15	for outings scheduled: June-August
- Develop an outreach plan that allows for a diverse participant base, scaling up outreach for the areas and populations of greatest need using *A Portrait of Sonoma County: Sonoma County Human Development Report 2014* census findings, increasing targeted outreach to the Latino community
- Develop programming for one new District property each year
- Develop Promotional and Marketing Materials that include the District's logo and key messages and work with the District on a multimedia educational video

- Enhance curriculum and update evaluation and assessment tools to measure increased knowledge of local agriculture, farmers and food, and the District's role in protecting agricultural, recreational, cultural and natural resource properties
- Integrate District's core messaging and District-protected map into all program scripts
- Submit ongoing invoices, participant/outing outcomes data, and summary reports using the District's invoice template and reporting requirements-copies of the sign in sheets are to be included with each invoice
- Ensure that photo releases are signed by participants and provided to the District upon request for every outing
- Provide annual analysis of outings/ themes by popularity and % participation to inform planning goals for the following year
- Satisfy the minimum of 10 participants per every educational outing by overbooking each event or reschedule the outing

EXHIBIT A

BUDGET: Gold Ridge RCD 2014-17

Educational Program	Staff Cost*	Subcontractor cost	Non-staff cost *	Total Cost per Field Day	Total Cost per person	Estimated # of Participants per trip	District funded Field Days	Total Billed to District	Expected Match contribution ***
TEAM	\$112,705	\$50,210	\$16,836	\$4,220.46	\$ 120.58	35	45	\$ 179,750.60	\$ 10,170.00
FARMS Leadership	\$5,610	\$30,968		\$9,540.22	\$ 318.01	30	9	\$ 36,578.00	\$ 49,284.00
Community Outing	\$8,880	\$52,975	\$1,551	\$3,687.54	\$ 105.36	35	18	\$ 63,405.80	\$ 2,970.00
Total 2014-15	\$31,798.65	\$33,538.25	\$4,596.70				18		
Total 2015-16	\$50,877.84	\$53,661.20	\$7,354.72				28		
Total 2016-17	\$44,518.11	\$46,953.55	\$6,435.38				26		
TOTAL COST 2014-2017	\$127,195	\$134,153	\$18,387				72	\$ 279,734.40	\$ 62,424.00

*Staff costs include: Personnel services. See staff rates sheet

** Non Staff costs include: Curriculum Development and Sonoma RCDs time in Program Deleverables

*** Expected match contribution includes staff time from RCDs

EXHIBIT A

Rate sheet

staff title	hourly rate	role
Gold Ridge RCD		
Conservation Planner	\$97	Field Trip Station Leader
Project Manager	\$84	TEAM Project Manager
Executive Director	\$103	Project Oversight and Field Trip Station Leader
Educational Specialist	\$56	Field Trip Station Leader and Project Coordinator
Lead Scientist	\$102	Field Trip Station Leader
Ecologist	\$93	Field Trip Station Leader
Sonoma RCD		
Executive Director	\$110	Project Oversight
Program Director	\$96	Project Oversight
Project Manager	\$91	FARMS Project Manager and Field Trip Leader
District Administrator	\$85	Project Administration

Exhibit B

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance.

If Consultant currently has no employees as defined by the Labor Code of the State of California, Consultant agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, District requires and shall be entitled to coverage for the higher limits maintained by Consultant.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by District. Consultant is responsible for any deductible or self-insured retention and shall fund it upon District's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the District.

Sonoma County Agricultural Preservation and Open Space District Insurance Requirements

- d. Sonoma County Agricultural Preservation and Open Space District, its officers, agents and employees shall be additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this Agreement.
- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "f" definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a "separation of insureds" or "severability" clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

5. Documentation

- a. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with District for the entire term of this Agreement and any additional periods if specified in Sections 1, 2 or 3 above.
- b. The name and address for Additional Insured endorsements and Certificates of Insurance is: Sonoma County Agricultural Preservation and Open Space District, its officers, agents, and employees, 747 Mendocino Avenue, Santa Rosa, CA 95401.
- c. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- d. Consultant shall provide immediate written notice if: (1) any of the required insurance

Sonoma County Agricultural Preservation and Open Space District Insurance Requirements

policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.

- e. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

6. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

7. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. District, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, District may purchase the required insurance, and without further notice to Consultant, District may deduct from sums due to Consultant any premium costs advanced by District for such insurance. These remedies shall be in addition to any other remedies available to District.

Special District Risk
Management Authority

Maximizing Protection
Minimizing Risk.

1112 I Street, Suite 300
Sacramento, California 95814-2865
T 916.231.4141
F 916.231.4111
Toll-free 800.537.7790
www.sdrma.org



This endorsement changes the Liability Coverage Agreement. Please read it carefully.

COVERAGE PERIOD: 7/1/2014 through 7/1/2015

MEMBER AGENCY

Gold Ridge Resource Conservation District
2776 Sullivan Road
Sebastopol, California 95472

ADDITIONAL COVERED PARTY

Sonoma County Agricultural & Open Space District
747 Mendocino Avenue, Suite 100
Santa Rosa, California 95401

This endorsement modifies the Liability Coverage Agreement provided under the following:

Personal Injury and Property Damage Liability Coverage – General Liability

General Issuer: Special District Risk Management Authority - Coverage LCA-SDRMA-2014-15
Coverage Limits: \$2,000,000 per Occurrence

Personal Injury and Property Damage Liability Coverage – General Liability

General Issuer: Special District Risk Management Authority - Coverage LCA-SDRMA-2014-15
Coverage Limits: \$1,000,000 per Occurrence

It is hereby agreed that this endorsement is added to the Liability Coverage Agreement issued to **Gold Ridge Resource Conservation District** by Special District Risk Management Authority ("SDRMA") adding the following as an **Additional Covered Party**.

The Sonoma County Agricultural Preservation and Open Space District, its officers, agents and employees are named as additional covered parties for liability arising out of the operations by or on behalf of the covered member with respect to the Poff Management Agreement.

The coverage afforded by this ENDORSEMENT shall be primary with respect to any other valid and collectible insurance the Sonoma County Agricultural Preservation and Open Space District may possess, including any self insured retention the Sonoma County Agricultural Preservation and Open Space District may have, and any other insurance the Sonoma County Agricultural Preservation and Open Space District does possess shall be considered excess insurance only and shall not be called upon to contribute with this coverage but only with respect to liability arising out of the ongoing operations of the Member Agency named above and provided further that this coverage does not apply to the sole negligence of the additional covered party named above. Coverage shall not be extended for the active negligence of the additional named party in any case where an agreement to indemnify the additional named party would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

All other terms and conditions remained unchanged.

Coverage provided by this endorsement, under the terms, conditions and exclusions contained in the Liability Coverage Agreement issued by SDRMA to Gold Ridge Resource Conservation District shall not be reduced or canceled without thirty (30) days written notice given to the Sonoma County Agricultural Preservation and Open Space District via certified mail.

THIS ENDORSEMENT CHANGES THE LIABILITY COVERAGE AGREEMENT. PLEASE READ IT CAREFULLY.

The inclusion of more than one **Covered Party** shall not operate to impair the rights of one **Covered Party** against another **Covered Party** and the coverages afforded shall apply as though separate policies have been issued to each **Covered Party** except that the inclusion of more than one covered party shall not increase the limit of liability of SDRMA.

Effective date of this endorsement is: July 1, 2014

SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

Signed by:

Gregory C. Hall, ARM
Chief Executive Officer

An alliance committed to serving
California's independent special districts
www.allspecialdistricts.com

California Special Districts Association
1112 I Street, Suite 200
Sacramento, California 95814-2865
Toll-free 877.924.CSDA (2732)
Fax 916.442.7889

CSDA Finance Corporation
1112 I Street, Suite 200
Sacramento, California 95814-2865
Toll-free 877.924.CSDA (2732)
Fax 916.442.7889

Issue Date
07/01/2014

NON-MEMBER'S CERTIFICATE OF COVERAGE

11024

This is to certify that coverages listed below have been issued to the Member named below for the period indicated. This certificate is not an insurance policy or an agreement of coverage and does not amend, extend or alter the coverage afforded by the agreements listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage described herein is subject to all the terms, exclusions, and conditions of the specific coverage document.



This certificate of coverage evidences the limits of liability in effect at the inception of the agreements shown; limits shown may have been reduced by paid claims. This certificate is issued as a matter of information only and confers no rights upon the certificate holder.

Participating Member:
Gold Ridge Resource Conservation District
2776 Sullivan Road
Sebastopol, CA 95472

Member Number:
PLP-7718

Entity Affording Coverage:
Special District Risk Management Authority
1112 'I' Street, Suite 300
Sacramento, California 95814
800.537.7790 www.sdrma.org

Type of Coverage	Policy Number	Effective Date	Expiration Date	Limits
<input checked="" type="checkbox"/> General Liability	LCA-SDRMA-201415	07/01/2014	07/01/2015	Per Occurrence \$1,000,000
<input checked="" type="checkbox"/> Auto Liability	LCA-SDRMA-201415	07/01/2014	07/01/2015	Per Occurrence \$1,000,000 Property Damage \$1,000 Deductible

Description; All listed coverage is in effect only for the time period specified.

The Sonoma County Agricultural Preservation and Open Space District, its officers, agents and employees are named as additional covered parties for all liability arising out of the ongoing and completed operations by or on behalf of the covered member in the performance of the agreement for services.

Cancellation: Should any of the above-described policies be cancelled before the expiration dates thereof, the issuing company will endeavor to mail 30 days written notice to the above-named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company.

Certificate Dates:	Effective Date 07/01/2014	Expiration Date 07/01/2015	Certificate Type:	<input checked="" type="checkbox"/> Additional Covered Party <input type="checkbox"/> Evidence of Coverage	<input type="checkbox"/> Loss Payee
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CERTIFICATE HOLDER
The Sonoma County Agricultural Preservation and Open Space District
747 Mendocino Avenue, Suite 100
Attn: Elaine Rotondo/Sue Jackson
Santa Rosa, CA 95401

Gregory S. Hall - Chief Executive Officer

Issue Date
07/01/2014

NON-MEMBER'S CERTIFICATE OF COVERAGE

102



This is to certify that coverages listed below have been issued to the Member named below for the period indicated. This certificate is not an insurance policy or an agreement of coverage and does not amend, extend or alter the coverage afforded by the agreements listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage described herein is subject to all the terms, exclusions, and conditions of the specific coverage document.

This certificate of coverage evidences the limits of liability in effect at the inception of the agreements shown; limits shown may have been reduced by paid claims. This certificate is issued as a matter of information only and confers no rights upon the certificate holder.

Participating Member:
Gold Ridge Resource Conservation District
2776 Sullivan Road
Sebastopol, CA 95472

Member Number:
PLP-7718

Entity Affording Coverage:
Special District Risk Management Authority
1112 'I' Street, Suite 300
Sacramento, California 95814
800.537.7790 www.sdrma.org

Type of Coverage	Policy Number	Effective Date	Expiration Date	Limits
<input checked="" type="checkbox"/> General Liability	LCA-SDRMA-201415	07/01/2014	07/01/2015	Per Occurrence \$2,000,000
<input checked="" type="checkbox"/> Auto Liability	LCA-SDRMA-201415	07/01/2014	07/01/2015	Per Occurrence \$1,000,000

Description: All listed coverage is in effect only for the time period specified.

The Sonoma County Agricultural Preservation and Open Space District, its officers, agents and employees are named as additional covered parties for liability arising out of the operations by or on behalf of the covered member with respect to the Poff Management Agreement.

Cancellation: Should any of the above-described policies be cancelled before the expiration dates thereof, the issuing company will endeavor to mail 30 days written notice to the above-named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company.

Certificate Dates:	Effective Date 07/01/2014	Expiration Date 07/01/2015	Certificate Type: <input checked="" type="checkbox"/> Additional Covered Party <input type="checkbox"/> Loss Payee <input type="checkbox"/> Evidence of Coverage
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CERTIFICATE HOLDER
The Sonoma County Agricultural Preservation and Open Space District
747 Mendocino Avenue, Suite 100
Santa Rosa, CA 95401

Gregory S. Hall - Chief Executive Officer

Issue Date
07/01/2013

MEMBER'S CERTIFICATE OF COVERAGE

1102



This is to certify that coverages listed below have been issued to the Member named below for the period indicated. This certificate is not an insurance policy or an agreement of coverage and does not amend, extend or alter the coverage afforded by the agreements listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage described herein is subject to all the terms, exclusions, and conditions of the specific coverage document.

This certificate of coverage evidences the limits of liability in effect at the inception of the agreements shown; limits shown may have been reduced by paid claims. This certificate is issued as a matter of information only and confers no rights upon the certificate holder.

Participating Member:
Gold Ridge Resource Conservation District
2776 Sullivan Road
Sebastopol, CA 95472

Member Number:
PLP-7718

Entity Affording Coverage:
Special District Risk Management Authority
1112 'I' Street, Suite 300
Sacramento, California 95814
800.537.7790 www.sdrma.org

Type of Coverage	Policy Number	Effective Date	Expiration Date	Limits
<input checked="" type="checkbox"/> General Liability Personal Injury and Property Damage	LCA-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$2,500,000
<input checked="" type="checkbox"/> Public Officials and Employees Errors Occurrence Form	LCA-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$2,500,000 General Aggregate \$2,500,000
<input checked="" type="checkbox"/> Personal Liability Coverage for Board Members Occurrence Form	LCA-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$500,000 General Aggregate \$500,000
<input checked="" type="checkbox"/> Employment Practices Liability Occurrence Form	LCA-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$2,500,000 General Aggregate \$2,500,000
<input checked="" type="checkbox"/> Employee Benefits Liability Occurrence Form	LCA-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$2,500,000 General Aggregate \$2,500,000
<input checked="" type="checkbox"/> Employee Dishonesty Coverage	EDC-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$400,000
<input checked="" type="checkbox"/> Auto Liability Personal Injury and Property Damage	LCA-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$2,500,000
<input type="checkbox"/> Auto Physical Damage				
<input checked="" type="checkbox"/> Uninsured / Underinsured Motorists	UMI-SDRMA-201314	07/01/2013	07/01/2014	Each Accident \$750,000
<input type="checkbox"/> Trailer Coverage				
<input checked="" type="checkbox"/> Property Coverage Includes Fire, Theft and Flood	PPC-SDRMA-201314	07/01/2013	07/01/2014	Per Occurrence \$1,000,000,000 Replacement cost for Scheduled Property
<input checked="" type="checkbox"/> Boiler and Machinery Coverage	BMC-SDRMA-201314	07/01/2013	07/01/2014	Each Occurrence \$100,000,000 Replacement cost for Scheduled Property
<input type="checkbox"/> Workers' Comp.				

Description: All listed coverage is in effect only for the time period specified.


Gregory S. Hall - Chief Executive Officer

12 (Policy Provisions: WC 00 00 B)

46

LR INFORMATION PAGE

WEC WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY

INSURER: HARTFORD INSURANCE COMPANY OF THE MIDWEST
ONE HARTFORD PLAZA, HARTFORD, CONNECTICUT 06155

NCCI Company Number: 20605
Company Code: G



*1500257LR46120101 12043

Suffix
LARS RENEWAL
04

POLICY NUMBER: 57 WEC LR4612
Previous Policy Number: 57 WEC LR4612

HOUSING CODE: SC

1. Named Insured and Mailing Address: GOLD RIDGE RESOURCES CONSERVATION
(No., Street, Town, State, Zip Code) DISTRICT

FEIN Number: 942466509
State Identification Number(s):
2776 SULLIVAN RD
SEBASTOPOL, CA 95472

UIN:

The Named Insured is: CORPORATION
Business of Named Insured: ENGINEERS & ENGINEERING SERVIC
Other workplaces not shown above: AS STATED AND ELSEWHERE IN CALIFORNIA

2. Policy Period: From 11/30/13 To 11/30/14
12:01 a.m., Standard time at the insured's mailing address.

Producer's Name: NORTHWEST INSURANCE AGENCY INC

175 WEST COLLEGE AVE
SANTA ROSA, CA 95401

Producer's Code: 554414

Issuing Office: THE HARTFORD
3600 WISEMAN BLVD.
SAN ANTONIO TX 78251
(800) 447-7649

Total Estimated Annual Premium: \$3,610
Deposit Premium: \$3,610
Policy Minimum Premium: \$1,320 CA (INCLUDES INCREASED LIMIT MIN. PREM.)

Audit Period: ANNUAL

Installment Term:

The policy is not binding unless countersigned by our authorized representative.

Countersigned by

Authorized Representative

Date

3. A. Workers Compensation Insurance: Part one of the policy applies to the Workers Compensation Law of the states listed here: CA

B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in Item 3.A. The limits of our liability under Part Two are:

Bodily injury by Accident	\$1,000,000	each accident
Bodily injury by Disease	\$1,000,000	policy limit
Bodily injury by Disease	\$1,000,000	each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:

ALL STATES EXCEPT ND, OH, WA, WY, AND
STATES DESIGNATED IN ITEM 3.A. OF THE INFORMATION PAGE.

D. This policy includes these endorsements and schedule:

WC 99 00 05 WC 00 04 21C WC 00 04 22A WC 04 03 03 WC 04 04 22
SEE ENDT

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Classifications Code Number and Description	Premium Basis Total Estimated Annual Remuneration	Rates Per \$100 of Remuneration	Estimated Annual Premium
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(SEE ATTACHED SCHEDULES)

CA TERRITORIAL DIFFERENTIAL PREMIUM 9687 (1.075)			243
CA SMALL POLICY CREDIT 9.00 PERCENT (9701)			-314
TOTAL ESTIMATED ANNUAL STANDARD PREMIUM			3,171
EXPENSE CONSTANT (0900)			200
TOTAL ESTIMATED STATE SURCHARGE			166
TERRORISM (9740)	365,000	.020	73
TOTAL ESTIMATED ANNUAL PREMIUM			3,610

Total Estimated Annual Premium:	\$3,610
Deposit Premium:	\$3,610
Policy Minimum Premium:	\$1,320 CA (INCLUDES INCREASED LIMIT MIN. PREM.)

Interstate/Intrastate Identification Number:

Labor Contractors Policy Number:

NAICS:
SIC: 8711
UIN:
NO. OF EMP: 000010



SCHEDULE OF OPERATIONS

This Schedule of Operations forms a part of the policy effective on the inception date of the policy unless another date is indicated below:

INSURER: HARTFORD INSURANCE COMPANY OF THE MIDWEST

Company Code: G

Policy Number: 57 WEC LR4612 **Schedule Number:** 01-04-01

Effective Date: 11/30/13 Effective hour is the same as stated on the Information Page of the policy.

Named Insured and Location Address of operations covered by this schedule:

GOLD RIDGE RESOURCES CONSERVATION DISTRICT
2776 SULLIVAN ROAD
SEBASTOPOL CA 95472

FEIN: 942466509

UIN:

NAICS:

SIC: 8711

NO. OF EMPL: 000010

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

*1500257LR46120101 12044

Classifications Code Number and Description	Premium Basis Total Estimated Annual Remuneration	Rates Per \$100 of Remuneration	Estimated Annual Premium
8601 ENGINEERS-CONSULTING-MECHANICAL, CIVIL, ELECTRICAL AND MINING ENGINEERS AND ARCHITECTS-NOT ENGAGED IN ACTUAL CONSTRUCTION OR OPERATION-INCLUDING OUTSIDE SALESPERSONS AND CLERICAL OFFICE EMPLOYEES	234,000	.70	1,638
8742 SALESPERSONS - OUTSIDE	85,400	.87	743
8810 CLERICAL OFFICE EMPLOYEES-N O C	37,900	.66	250
9101 COLLEGES OR SCHOOLS - PRIVATE - NOT AUTOMOBILE SCHOOLS - ALL EMPLOYEES OTHER THAN PROFESSORS, TEACHERS OR PROFESSIONAL EMPLOYEES - INCLUDING CAFETERIAS	7,700	7.93	611

Countersigned by _____

Authorized Representative

Form WC 99 00 05 (1) Printed in U.S.A.
Process Date: 10/12/13

Policy Expiration Date: 11/30/14

AGREEMENT FOR CONSULTING SERVICES

This agreement ("Agreement"), effective upon the date of execution ("Effective Date") is by and between the Agricultural Preservation and Open Space District, a California special district, (hereinafter "District"), and Laguna de Santa Rosa Foundation, a non-profit corporation (hereinafter "Consultant").

RECITALS

WHEREAS, Consultant represents that it is a duly qualified consultant, experienced in field-based agricultural and conservation education programming, and related services; and

WHEREAS, in the judgment of the General Manager of the District, it is necessary and desirable to employ the services of Consultant for assistance with educational field trips on various District properties in the Laguna de Santa Rosa watershed.

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

AGREEMENT

I. Scope of Services.

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

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

DISTRICT PROJECT LEAD	CONSULTANT
Name: Sorrel Allen	Name: David Bannister
Address: 747 Mendocino Avenue – Suite 100 Santa Rosa, CA 95401	Address: 900 Sanford Road Santa Rosa, CA 95401
Phone: 707-565-7347	Phone: 707-527-9277
FAX: 707-565-7359	FAX:
Email: sorrel.allen@sonoma-county.org	Email: david@lagunafoundation.org

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

1.4 Assigned Personnel.

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

2. Payment

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

Consultant shall be paid on a time and material/expense basis in accordance with the Budget set forth in Exhibit A, attached hereto and incorporated herein by reference, provided, however, that total payments to Consultant for the term of the contract shall not exceed Twenty Thousand Two Hundred Fifty Dollars (\$20,250.00) without the prior written approval of District. Three months prior to the commencement of each fiscal year covered by this Agreement, Consultant shall submit to District for District's approval a proposed budget for the upcoming fiscal year. The annual budget shall contain additional detail regarding work to be performed in the upcoming fiscal year, and shall not replace or amend the Agreement budget as set forth in Exhibit A.

Consultant shall submit its invoices in arrears on a monthly basis in a form approved by District's General Manager or designee. A detailed progress report that adheres to the guidelines provided by the Public Engagement Specialist will be submitted with each invoice. Expenses not expressly authorized by the Agreement shall not be reimbursed. The invoices shall show or include, at a minimum, the following information:

- Name of Project: Agricultural and Conservation Education Program
- District Contract Number: 893
- Copies of all subconsultant/subcontractor invoices, if any
- A narrative description of the task(s) performed tied directly to the costs, including the property name and project identification
- Data gathered through program sign-in forms, including number of people served (youth and adults), number of project hours, and additional demographic information
- The date and time (in quarter hours) of the services performed
- The hourly rate or rates of the persons performing the task
- Copies of receipts for reimbursable materials/expenses, if any, and
- Any other information requested by the District

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

Pursuant to California Revenue and Taxation Code Section 18662, the District shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this Agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify as any of the foregoing, District requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If Consultant is qualified as any of the foregoing, then the District requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts contained therein. By signing Form 587 or Form 590, the Consultant agrees to promptly notify the District in writing of any changes in the facts contained therein. Forms shall be sent to the District pursuant to Section 12. To reduce the amount withheld, Consultant shall provide District with a determination letter from the State of California expressly allowing reduced withholding.

3. Term of Agreement. The term of this Agreement shall be from the date of execution to June 30, 2017, unless terminated earlier in accordance with the provisions of Section 4.

4. Termination.

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

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

4.3 Delivery of Work Product and Final Payment Upon Termination.

In the event of termination, Consultant, within fourteen (14) days following the date of termination, shall deliver to District all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to District an invoice with the information required by Section 2.

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

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

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including District, and to defend, indemnify, hold harmless, and release District, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against District based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 5 apply whether or not there is concurrent negligence on District's part, but to the extent required by law, excluding liability due to District's conduct. District shall have the right to select its legal counsel at Consultant's expense,

PSA Rev F April 2012-SCAPOSD

subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit B, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Modifications to Agreement. Extra or changed work or other modifications to this Agreement shall not be effective unless and until such change is evidenced by a writing signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the District's General Manager in a form approved by District Counsel. The District's Board of Directors must authorize all other modifications to this Agreement. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, District personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the District.

9. Representations of Consultant.

9.1 Standard of Care. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by District shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of District and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits District provides its employees. In the event District exercises its right to terminate this Agreement pursuant to Article 4, above,

Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to defend, indemnify, and hold District harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case District is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish District with proof of payment of taxes on earnings under this Agreement.

9.4 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to District for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall do work under this Agreement for Consultant. In addition, if requested to do so by District, Consultant shall complete and file, and shall require any other person doing work under this Agreement for Consultant to complete and file a "Statement of Economic Interest" with District disclosing Consultant's or such other person's financial interests.

9.6 Statutory Compliance. Consultant agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the District's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

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

9.10 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of District. District shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to District all such documents, which have not already been provided to District in such form or format, as District deems appropriate. Such documents shall be and will remain the property of District without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of District.

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

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

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Section 10 limits District's right to terminate this Agreement pursuant to Section 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Invoices and Making Payments. All notices, invoices, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, invoices, and payments shall be addressed as follows:

TO DISTRICT:	Sonoma County Agricultural Preservation and Open Space District 747 Mendocino Avenue Santa Rosa, CA 95401 Phone: 707-565-7366 Fax: 707-565-7359
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Invoices may be electronically submitted to: apospd-accounts.payable@sonoma-county.org

TO CONSULTANT:	David Bannister Laguna de Santa Rosa Foundation 900 Sanford Road Santa Rosa, CA 95401 Phone: 707-527-9277
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When a notice, invoice, or payment is given by a generally recognized overnight courier service, the notice, invoice or payment shall be deemed received on the next business day. When a copy of a notice, invoice, or payment is sent by facsimile or email, the notice, invoice, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, invoice, or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, invoices and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. District's choice not to exercise, or delay in exercising, any right, power or privilege under this Agreement shall not operate as a waiver; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof. Waiver by District of a breach of any provision of this Agreement must be in writing and shall not operate or be construed as a waiver of any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction and Severability. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that

any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and District acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and District acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the City of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

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

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

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

CONSULTANT

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE DISTRICT

By: 
David Bannister, Executive Director

By: _____
William J. Keene, General Manager

Date: 9/22/14


Date: _____

APPROVED AS TO SUBSTANCE FOR DISTRICT

By: 
Sorrel Allen, Public Engagement Specialist

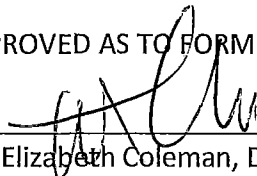
Date: 9/25/14

CERTIFICATES OF INSURANCE ON
FILE WITH THE DISTRICT

By:  ^{FDE}
Sue Jackson, Administrative Aide

Date: 9/30/14

APPROVED AS TO FORM FOR DISTRICT

By: 
Elizabeth Coleman, Deputy County Counsel

Date: 9-30-2014

EXHIBIT A

Budget: Laguna de Santa Rosa Foundation, *Learning Laguna* Program

For SCAPOSD's Agricultural and Conservation Education Program 2014-17

Educational Program	Staff Cost	Non-staff cost *	Total Cost per Field Day	District Funded Field Days	Total Billed to District	Expected Match contribution
Learning Laguna						
Total 2014-15	\$903	\$220	1123	24	\$6750	\$20203 (Soft: \$500 Hard: \$15,000 In-kind: \$4,500)
Total 2015-16	\$903	\$220	1123	24	\$6750	\$20203 (Soft: \$500 Hard: \$15,000 In-kind: \$4500)
Total 2016-17	\$903	\$220	1123	24	\$6750	20203 (Soft: \$500 Hard: \$15,000 In-kind:\$4500)
TOTAL COST 2014-2017					\$20, 250	\$60609

***Non Staff Costs**

Non-staff outing costs include: liability insurance (\$28.75 per); mileage (\$NA); mailing, (\$2.50 per); communications, software and IT equipment (\$20.13 per); Learning Laguna supplies (\$62.50 per); Volunteer continuing education and recognition (\$33.33 per) Bus scholarship program management (72.92 per)

Rate Sheet

Title	Hourly rate	Role
Education Programs Director	\$34.62 (\$29.16 per hour + associated labor costs of \$5.46 per hour = \$34.62) (Approximately 25 hours per event)	Volunteer management (including initial recruitment and training and continuing education), program scheduling, site preparation, teacher management & preparation, materials management and development, curriculum updates, website management, budget management, grant writing and management, bus scholarship allocation management, classroom and field teaching as needed, training & program evaluation
Bookkeeper	\$37.50 per hour (approximately 1 hour per)	Financial management, bus scholarship funds management

Scope of Work: Laguna Foundation, *Learning Laguna* Program

For SCAPOSD's Agricultural Conservation and Education Program 2014-17

Task 1: Learning Laguna

- Provide 6 classes with in-class and experiential education field visits annually on District protected lands located in the Laguna de Santa Rosa Watershed for 3rd, 4th, and 5th grade classes from schools in Santa Rosa, Cotati, Rohnert Park, Windsor, and Sebastopol
- 450 students engaged in 18 field trips in the 3-year contract period
- Provide in-class lessons conducted to all participating classes, sharing property specific information and teaching school children about the importance of the Laguna and the role the District's work in agriculture, recreational, cultural, and natural resource land conservation plays in the protection and preservation of the Laguna de Santa Rosa watershed

Task 1 Deliverables & Milestones

- Submit an annual list of schools served through the *Learning Laguna* program, showing selection assessment of need and engagement
- Develop assessment and evaluation tools to measure impact and changes in participants' understanding and appreciation of the land, including its agricultural, recreational, natural and cultural resources and the District's role in its protection and preservation within the context of the Laguna de Santa Rosa watershed
- Submit timely invoices and reports using the invoice and reporting templates provided by the District
- Track student outcomes to Districts standards and report this data with every invoice
- Perform targeted outreach to schools with high rates of Free and Reduced Lunch and located in areas where there are known opportunity gaps, referencing *A Portrait of Sonoma County: Sonoma County Human Development Report 2014*
- Email all educational and promotional materials to District Staff for review and integration of District key messaging and learning objectives
- Collect testimonials from students and teachers and provide them to the District on a regular basis
- Work in concert with the District to expand impact beyond the students, creating pathways for families to learn about and participate in the District's work
- Ensure that photo releases are signed by students/parent or guardian and provided to the District upon request for every participating *Learning Laguna* student
- Collaborate with the District in creating a key multimedia educational and promotional video

Exhibit B

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance.

If Consultant currently has no employees as defined by the Labor Code of the State of California, Consultant agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, District requires and shall be entitled to coverage for the higher limits maintained by Consultant.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by District. Consultant is responsible for any deductible or self-insured retention and shall fund it upon District's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the District.

Sonoma County Agricultural Preservation and Open Space District Insurance Requirements

- d. Sonoma County Agricultural Preservation and Open Space District, its officers, agents and employees shall be additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this Agreement.
- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "f" definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a "separation of insureds" or "severability" clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

5. Documentation

- a. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with District for the entire term of this Agreement and any additional periods if specified in Sections 1, 2 or 3 above.
- b. The name and address for Additional Insured endorsements and Certificates of Insurance is: Sonoma County Agricultural Preservation and Open Space District, its officers, agents, and employees, 747 Mendocino Avenue, Santa Rosa, CA 95401.
- c. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- d. Consultant shall provide immediate written notice if: (1) any of the required insurance

Sonoma County Agricultural Preservation and Open Space District Insurance Requirements

policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.

- e. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

6. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

7. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. District, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, District may purchase the required insurance, and without further notice to Consultant, District may deduct from sums due to Consultant any premium costs advanced by District for such insurance. These remedies shall be in addition to any other remedies available to District.

AGREEMENT FOR CONSULTING SERVICES

This agreement ("Agreement"), effective upon the date of execution ("Effective Date") is by and between the Agricultural Preservation and Open Space District, a California special district, (hereinafter "District"), and LandPaths, a non-profit corporation (hereinafter "Consultant").

RECITALS

WHEREAS, Consultant represents that it is a duly qualified consultant, experienced in field-based agricultural and environmental educational programming, and related services; and

WHEREAS, in the judgment of the General Manager of the District, it is necessary and desirable to employ the services of Consultant for assistance with educational field trips, community hikes, tours, events, and workshops on various District properties.

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

AGREEMENT

I. Scope of Services.

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

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

DISTRICT PROJECT LEAD	CONSULTANT
Name: Sorrel Allen	Name: Craig Anderson
Address: 747 Mendocino Avenue – Suite 100 Santa Rosa, CA 95401	Address: 618 4 th Street #217 Santa Rosa, CA 95401
Phone: 707-565-7347	Phone: 707-544-7284
FAX: 707-565-7359	FAX:
Email: sorrel.allen@sonoma-county.org	Email: craig@landpaths.org

1.3 Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a

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

1.4 Assigned Personnel.

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

2. Payment

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

Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in Exhibit B, attached hereto and incorporated herein by reference, provided, however, that total payments to Consultant for the term of the contract shall not exceed Seven Hundred One Thousand Seven Hundred Twenty-Five Dollars (\$701,725.00) without the prior written approval of District. Total payments to Consultant for the first year of the contract (date of execution – June 30, 2015) shall not exceed Two Hundred Fifty Four Thousand Five Hundred Dollars (\$254,500.00). Total payments to Consultant for the second year of the contract (through June 30, 2016) shall not exceed Two Hundred Forty Two Thousand Five Hundred Dollars (\$242,500.00). Total payments to Consultant for the third and final year of the contract (through June 30, 2017) shall not exceed Two Hundred Four Thousand Seven Hundred Twenty-Five Dollars (\$204,725.00). Three months prior to the commencement of each fiscal year

covered by this Agreement, Consultant shall submit to District for District's approval a proposed budget for the upcoming fiscal year.

Consultant shall submit its invoices in arrears on a monthly basis in a form approved by District's General Manager or designee. A detailed progress report that adheres to the guidelines provided by the Public Engagement Specialist will be submitted with each invoice. Expenses not expressly authorized by the Agreement shall not be reimbursed. The invoices shall show or include, at a minimum, the following information:

- Name of Project: Agricultural and Conservation Education Program
- District Contract Number: 896
- Copies of all subconsultant/subcontractor invoices, if any
- A narrative description of the task(s) performed tied directly to the costs, including the property name and project identification
- Data gathered through program sign-in forms, including number of people served (youth and adults), number of project hours, and additional demographic information
- The date and time (in quarter hours) of the services performed
- The hourly rate or rates of the persons performing the task
- Copies of receipts for reimbursable materials/expenses, if any, and
- Any other information requested by the District

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

Pursuant to California Revenue and Taxation Code Section 18662, the District shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this Agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify as any of the foregoing, District requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If Consultant is qualified as any of the foregoing, then the District requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts contained therein. By signing Form 587 or Form 590, the Consultant agrees to promptly notify the District in writing of any changes in the facts contained therein. Forms shall be sent to the District pursuant to Section 12. To reduce the amount withheld, Consultant shall provide District with a determination letter from the State of California expressly allowing reduced withholding.

3. Term of Agreement. The term of this Agreement shall be from the date of execution to June 30, 2017, unless terminated earlier in accordance with the provisions of Section 4.

4. Termination.

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

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

4.3 Delivery of Work Product and Final Payment Upon Termination.

In the event of termination, Consultant, within fourteen (14) days following the date of termination, shall deliver to District all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to District an invoice with the information required by Section 2.

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

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

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including District, and to defend, indemnify, hold harmless, and release District, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against District based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 5 apply whether or not there is concurrent negligence on District's part, but to the extent required by law, excluding liability due to

District's conduct. District shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit C, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Modifications to Agreement. Extra or changed work or other modifications to this Agreement shall not be effective unless and until such change is evidenced by a writing signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the District's General Manager in a form approved by District Counsel. The District's Board of Directors must authorize all other modifications to this Agreement. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, District personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the District.

9. Representations of Consultant.

9.1 Standard of Care. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by District shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of District and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits District provides its employees. In the event

District exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to defend, indemnify, and hold District harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case District is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish District with proof of payment of taxes on earnings under this Agreement.

9.4 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to District for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall do work under this Agreement for Consultant. In addition, if requested to do so by District, Consultant shall complete and file, and shall require any other person doing work under this Agreement for Consultant to complete and file a "Statement of Economic Interest" with District disclosing Consultant's or such other person's financial interests.

9.6 Statutory Compliance. Consultant agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the District's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

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

9.10 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of District. District shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to District all such documents, which have not already been provided to District in such form or format, as District deems appropriate. Such documents shall be and will remain the property of District without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of District.

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

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

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Section 10 limits District's right to terminate this Agreement pursuant to Section 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Invoices and Making Payments. All notices, invoices, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, invoices, and payments shall be addressed as follows:

TO DISTRICT:	Sonoma County Agricultural Preservation and Open Space District 747 Mendocino Avenue Santa Rosa, CA 95401 Phone: 707-565-7366 Fax: 707-565-7359
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Invoices may be electronically submitted to: aposd-accounts.payable@sonoma-county.org

TO CONSULTANT:	Craig Anderson LandPaths 618 4 th Street #217 Santa Rosa, CA 95404 Phone: 707-544-7284
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When a notice, invoice, or payment is given by a generally recognized overnight courier service, the notice, invoice or payment shall be deemed received on the next business day. When a copy of a notice, invoice, or payment is sent by facsimile or email, the notice, invoice, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, invoice, or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, invoices and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. District's choice not to exercise, or delay in exercising, any right, power or privilege under this Agreement shall not operate as a waiver; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof. Waiver by District of a breach of any provision of this Agreement must be in writing and shall not operate or be construed as a waiver of any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction and Severability. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that

any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and District acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and District acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the City of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

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

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

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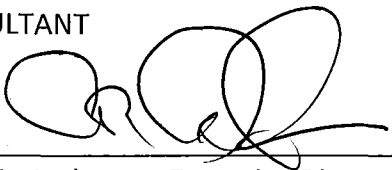
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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT

By: 
Craig Anderson, Executive Director

Date: 9-24-14

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE DISTRICT

By: _____
William J. Keene, General Manager

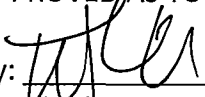
Date: _____

APPROVED AS TO SUBSTANCE FOR DISTRICT:

By: 
Sorrel Allen, Public Engagement Specialist

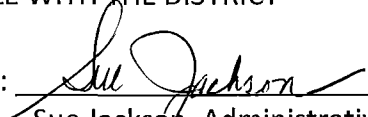
Date: 9-23-14

APPROVED AS TO FORM FOR DISTRICT:

By: 
Elizabeth Coleman, Deputy County Counsel

Date: 9-29-14

CERTIFICATES OF INSURANCE ON
FILE WITH THE DISTRICT

By: 
Sue Jackson, Administrative Aide

Date: 9/23/14

Exhibit A

Scope of Work: LandPaths

For SCAPOSD Agricultural and Conservation Education Program 2014-2017

Task 1: IOOBY In Our Own Backyard

- Provide in-class and experiential learning field visits for up to 20 classes, grades 1-6th in seven Sonoma County cities, comprising of 400-500 students making 64 field trips annually to District properties located within each schools' watershed– 1350 students served in a 3-year period.
- 1) Provide four themed-field visits per class during the school year on District-protected properties, including Bayer Farm, Doerksen/Ranchero Mark West, Healdsburg Ridge Open Space Preserve, Petaluma Marsh, Taylor Mountain Open Space Preserve, Laguna Uplands and the Estero Americano. These field trips will showcase the diversity of properties protected by the District and engage students in scientific discovery, agricultural and conservation lessons, and meaningful stewardship projects. Field trip themes include:
 - Introduction IOOBY field day (Discovery and Exploration)
 - Watershed IOOBY field day
 - Habitat IOOBY field day
 - Stewardship IOOBY field day

Task 1 Deliverables & Milestones

- Provide all educational and evaluation materials to District staff for review and integration of District messaging
- Adapt assessment and evaluation tools to measure impact and changes in students' understanding and appreciation of the land, including its agricultural, recreational, natural and cultural resources and the District's role in its protection and preservation.
- Develop an annual outreach and school selection criteria plan addressing participant diversity and demographic goals and planning for maximum program impact in key underserved areas of Sonoma County using *A Portrait of Sonoma County: Sonoma County Human Development Report 2014* census data and Federal Free and Reduced Lunch data.
- Track IOOBY and student outcomes to Districts standards
- Submit regular invoices using the District's invoice and reporting templates, sharing qualitative and quantitative program and participant outcomes with the District on an ongoing basis
- Ensure that photo releases are signed by students parent or guardian and provided to the District for every participating class upon request
- Curricula meets common core and next generation science standards and includes District's core concepts
- Include District's logo and messaging in all IOOBY materials, including promotional materials, newsletters, letters to parents, and press releases
- Work with the District to expand impact beyond the students, creating pathways for families to learn about and participate in District's programs on this and other protected properties
- Collaborate with the District in creating a multimedia educational and promotional video

Task 1 Tables: Schools and Outcomes

Task 2: Community Outings Program

- Provide 110 outings in a three year period, with 4,200 participants on District Protected Properties –all, with the exception of higher profile District celebration events, taking place on District properties not open to the public.

Task 2 Deliverables & Milestones

- Annually, 37-39 outings led: 24 standard Outings; 8 Partner Outings; 4 Stewardship Outings; and 3 Higher Profile Events
- Approximately 1400 participants annually
- Mailing list increased by 10% annually, baseline = 12,000
- Submit a quarterly outings schedule, complete with themes, properties, descriptions and registration link, according to the following schedule:

August 15	for outings scheduled: September-November
November 15	for outings scheduled: December-February
February 15	for outings scheduled: March-May
May 15	for outings scheduled: June-August
- Adapt promotional and marketing materials to include the Districts logo and key messages
- Enhance educational outings curricula and update evaluation and assessment tools to measure increased knowledge of local agriculture, farmers and food, and the District's role in protecting agricultural, recreational, cultural and natural resource properties
- Track participant outcomes and evaluation data to Districts standards, including tracking the # of youth on community outings
- Integrate District's core messaging clearly into all program scripts, using the County-wide District protected lands map as a visual
- Submit ongoing invoices and reports in a timely manner using District invoice and reporting templates. Note: copies of the sign in sheets are to be included with each invoice
- Submit annual outreach plan for District approval. The plan will address diversity and demographic goals and plan for maximum program impact in the key underserved areas of Sonoma County, referencing *A Portrait of Sonoma County: Sonoma County Human Development Report 2014*
- Conduct quarterly program planning and prioritizing with the District
- Satisfy the minimum of 10 participants per every outing by overbooking each event and rescheduling the outing when the registration or anticipated participation is too low.
- Provide annual analysis of outings/ themes by popularity and % participation to inform planning goals for the following year
- Collaborate with the District in creating key a multimedia educational and promotional video
- Ensure that photo releases are signed by participants or parent or guardian for minors on every outing and provided to the District upon request
- Collaborate with the District in creating a multimedia educational and promotional video

Full Day Outdoor Experiences	District Supported 2014-2015	District Supported 2015-2016	District Supported 2016-2017
Teachers	20 teachers making 80 field trips	18 teachers making 72 field trips	16 teachers making 64 field trips
Parents	230	200	186
Volunteers	16 (approximately 100 field trips)	14 (approximately 100 field trips)	12 (approximately 90)
Students	2,000 (500 students making 4 field trips each)	1800 (450 students, 4 field trips)	1600 (400 students, 4 field trips)
Total (person field day)	2410	2172	1940

IOOBY SCHOOLS 2014-15

School	Grade	Site
Alexander Valley	3	Healdsburg Ridge
Bellevue	4	Bayer Farm, Taylor Mountain
Brooks Elementary	4	River Front Regional Park
Cali	6	River Front Regional Park
Cinnabar	3	Ellis Creek
Flowery	3	Glen Oaks Ranch
Helen Lehman	6	Rancho Mark West
Hidden Valley	6	Rancho Mark West
Lincoln	3	Rancho Mark West
Luther Burbank	3	Taylor Mountain, Colgan Creek, Jacob's Ranch
Meadowview	3	Bayer Farm, Taylor Mountain
River Montessori	1,2,3	Ellis Creek
Steele Lane	3	Rancho Mark West
SunRidge	4	Laguna Uplands, Estero Americano
Reach	3,4	Laguna Uplands, Estero Americano
Waldo Rohnert	4	Jacob's Ranch

EXHIBIT B

BUDGET for 2014-17 Agricultural & Conservation Education Programs: In Our Own Backyard (IOOBY), Community Outings

Field Trip	Staff Cost per field day	Non-staff cost per field day	Total Cost per field day	District Funded Field Days	Total Billed to OSD	Volunteer Contribution*
Introduction IOOBY Field day (Discovery and Exploration)	\$1,184	\$316	\$1,500	20	\$30,000	\$18,148
Watershed IOOBY Field day	\$1,000	\$250	\$1,250	20	\$25,000	\$18,148
Habitat IOOBY Field day	\$1,000	\$250	\$1,250	20	\$25,000	\$18,148
Stewardship IOOBY Field day	\$1,500	\$500	\$2,000	20	\$40,000	\$36,296
Standard Educational Outings	\$3,000	\$250	\$3,250	24	78,000	\$39,460
Partner Education Outings	\$2,000	\$1,000	\$3,000	8	24,000	
Stewardship Outings	\$3,500	\$500	\$4,000	4	16,000	\$28,190
Higher Profile Events	\$5,000	\$500	\$5,500	3	16,500	\$1,355
Total 2014-15	\$210,680	\$43,820		119	\$254,500	\$159,745
Total 2015-16	\$201,312	\$41,188		111	\$242,500	
Total 2016-17	\$175,219	\$70,506		96	\$210,725	
TOTAL COST 2014-2017	587,211	155,514			\$707,725	

* Volunteer Contribution based on volunteer hour valued at \$22.55, a rate provided by the SCAPOSD with the standard ranging between \$15.00 - \$26.34. Volunteer Contribution is included in the Total Cost.

LandPaths 2014/2015 Rate Sheet

Staff Title	Hourly Rate	Role
Executive Director	\$115	Oversight, innovation
Managing Director	\$ 80	Management, District meetings, innovation, evaluation, research on trends and impact strategies
Program Director	\$ 75	<p>Innovation, District meetings, outreach, <i>Outings</i> coordination and facilitation (bilingual), <i>Outings</i> Advisory Team, evaluation</p> <p><i>IOOBY</i> Teacher outreach, volunteer leadership development, curriculum development and stewardship planning</p>
Project Manager	\$ 55	Innovation, outreach, <i>Outings</i> coordination and facilitation (bilingual), District meetings
Program Coordinator	\$ 45	<p>Innovation, <i>Outings</i> coordination and facilitation, <i>Outings</i> Advisory Team, District meetings</p> <p>Lead and assist <i>IOOBY</i> school class visits and field-based learning, evaluation tracking, safety plan, and educational and stewardship supplies coordination</p>
Program Assistant	\$ 35	Outings Registration and processing, data entry, data reporting

Exhibit C

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance.

If Consultant currently has no employees as defined by the Labor Code of the State of California, Consultant agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, District requires and shall be entitled to coverage for the higher limits maintained by Consultant.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by District. Consultant is responsible for any deductible or self-insured retention and shall fund it upon District's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the District.

Sonoma County Agricultural Preservation and Open Space District Insurance Requirements

- d. Sonoma County Agricultural Preservation and Open Space District, its officers, agents and employees shall be additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this Agreement.
- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of “insured contract” shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the “f” definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a “separation of insureds” or “severability” clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

5. Documentation

- a. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with District for the entire term of this Agreement and any additional periods if specified in Sections 1, 2 or 3 above.
- b. The name and address for Additional Insured endorsements and Certificates of Insurance is: Sonoma County Agricultural Preservation and Open Space District, its officers, agents, and employees, 747 Mendocino Avenue, Santa Rosa, CA 95401.
- c. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- d. Consultant shall provide immediate written notice if: (1) any of the required insurance

policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.

- e. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

6. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

7. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. District, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, District may purchase the required insurance, and without further notice to Consultant, District may deduct from sums due to Consultant any premium costs advanced by District for such insurance. These remedies shall be in addition to any other remedies available to District.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/19/2014

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

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

PRODUCER Gene Gaffney Ins Services, Inc P.O. Box 428 Occidental, CA 95465 Fawn Nekton	CONTACT NAME: Angela Gianni PHONE (A/C, No, Ext): 707-874-2666 E-MAIL ADDRESS: angela@gaffneyins.com	FAX (A/C, No): 707-874-1233
	INSURER(S) AFFORDING COVERAGE	
INSURED LandPaths 618 4th St, Ste 217 Santa Rosa, CA 95404	INSURER A: NonProfits' Insurance Alliance	
	INSURER B: New York Marine &	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		2014-08768	07/01/2014	07/01/2015	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
							MED EXP (Any one person) \$ 20,000
							PERSONAL & ADV INJURY \$ 1,000,000
A	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			2014-08768	07/01/2014	07/01/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10000			2014-08768-UMB	07/01/2014	07/01/2015	EACH OCCURRENCE \$ 1,000,000
							AGGREGATE \$ 1,000,000
							\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WC201400005082	02/01/2014	02/01/2015	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

RE: All contract services of the named insured for the certificate holder The Agricultural Preservation and Open Space District, its officers, agents and employees, are named as additional insured per the attached CG2010.

CERTIFICATE HOLDER

CANCELLATION

Sonoma County Agricultural Preservation & Open Space District 747 Mendocino Avenue Ste 100 Santa Rosa, CA 95401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Angela Gianni</i>
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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
The Agricultural Preservation and Open Space District, its officers, agents and employees	Various
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

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

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

AGREEMENT FOR CONSULTING SERVICES

This agreement ("Agreement"), effective upon the date of execution ("Effective Date") is by and between the Agricultural Preservation and Open Space District, a California special district, (hereinafter "District"), and Sonoma Ecology Center, a corporation (hereinafter "Consultant").

RECITALS

WHEREAS, Consultant represents that it is a duly qualified consultant, experienced in field-based agricultural and conservation education programming, and related services; and

WHEREAS, in the judgment of the General Manager of the District, it is necessary and desirable to employ the services of Consultant for assistance with educational field trips, community hikes, tours, events and workshops on various District properties in the Sonoma Valley.

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

AGREEMENT

I. Scope of Services.

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

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

DISTRICT PROJECT LEAD	CONSULTANT
Name: Sorrel Allen	Name: Richard Dale
Address: 747 Mendocino Avenue – Suite 100 Santa Rosa, CA 95401	Address: PO Box 1486 Eldridge, CA 95401
Phone: 707-565-7347	Phone: 707-996-0712
FAX: 707-565-7359	FAX:
Email: sorrel.allen@sonoma-county.org	Email: richard@sonomaecologycenter.org

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

1.4 Assigned Personnel.

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

2. Payment

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

Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in Exhibit A, attached hereto and incorporated herein by reference, provided, however, that total payments to Consultant for the term of the contract shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00) without the prior written approval of District. Total payments to Consultant for the first year of the contract (date of execution – June 30, 2015) shall not exceed Fifty Three Thousand Dollars (\$53,000). Total payments to Consultant for the second year of the contract (July 1, 2015 - June 30, 2016) shall not exceed Fifty Thousand Dollars (\$50,000). Total payments to Consultant for the third and final year of the contract (July 1, 2016- June 30, 2017) shall not exceed Forty Seven Thousand Dollars (\$47,000). Three months

prior to the commencement of each fiscal year covered by this Agreement, Consultant shall submit to District for District's approval a proposed budget for the upcoming fiscal year.

Consultant shall submit its invoices in arrears on a monthly basis in a form approved by District's General Manager or designee. A detailed progress report that adheres to the guidelines provided by the Public Engagement Specialist will be submitted with each invoice. Expenses not expressly authorized by the Agreement shall not be reimbursed. The invoices shall show or include, at a minimum, the following information:

- Name of Project: Agricultural and Conservation Education Program
- District Contract Number: 895
- Copies of all subconsultant/subcontractor invoices, if any
- A narrative description of the task(s) performed tied directly to the costs, including the property name and project identification
- Data gathered through program sign-in forms, including number of people served (youth and adults), number of project hours, and additional demographic information
- The date and time (in quarter hours) of the services performed
- The hourly rate or rates of the persons performing the task
- Copies of receipts for reimbursable materials/expenses, if any, and
- Any other information requested by the District

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

Pursuant to California Revenue and Taxation Code Section 18662, the District shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this Agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify as any of the foregoing, District requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If Consultant is qualified as any of the foregoing, then the District requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts contained therein. By signing Form 587 or Form 590, the Consultant agrees to promptly notify the District in writing of any changes in the facts contained therein. Forms shall be sent to the District pursuant to Section 12. To reduce the amount withheld, Consultant shall provide District with a determination letter from the State of California expressly allowing reduced withholding.

3. Term of Agreement. The term of this Agreement shall be from the date of execution to June 30, 2017, unless terminated earlier in accordance with the provisions of Section 4.

4. Termination.

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

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

4.3 Delivery of Work Product and Final Payment Upon Termination.

In the event of termination, Consultant, within fourteen (14) days following the date of termination, shall deliver to District all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to District an invoice with the information required by Section 2.

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

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

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including District, and to defend, indemnify, hold harmless, and release District, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against District based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section 5 apply whether or not there is concurrent negligence on District's part, but to the extent required by law, excluding liability due to

District's conduct. District shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit B, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Modifications to Agreement. Extra or changed work or other modifications to this Agreement shall not be effective unless and until such change is evidenced by a writing signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the District's General Manager in a form approved by District Counsel. The District's Board of Directors must authorize all other modifications to this Agreement. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, District personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the District.

9. Representations of Consultant.

9.1 Standard of Care. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by District shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of District and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits District provides its employees. In the event

District exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to defend, indemnify, and hold District harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case District is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish District with proof of payment of taxes on earnings under this Agreement.

9.4 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to District for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall do work under this Agreement for Consultant. In addition, if requested to do so by District, Consultant shall complete and file, and shall require any other person doing work under this Agreement for Consultant to complete and file a "Statement of Economic Interest" with District disclosing Consultant's or such other person's financial interests.

9.6 Statutory Compliance. Consultant agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the District's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

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

9.10 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of District. District shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to District all such documents, which have not already been provided to District in such form or format, as District deems appropriate. Such documents shall be and will remain the property of District without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of District.

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

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

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Section 10 limits District's right to terminate this Agreement pursuant to Section 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Invoices and Making Payments. All notices, invoices, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, invoices, and payments shall be addressed as follows:

TO DISTRICT:	Sonoma County Agricultural Preservation and Open Space District 747 Mendocino Avenue Santa Rosa, CA 95401 Phone: 707-565-7366 Fax: 707-565-7359
--------------	--

Invoices may be electronically submitted to: apospd-accounts.payable@sonoma-county.org

TO CONSULTANT:	Richard Dale Sonoma Ecology Center P O Box 1486 Eldridge, CA 95401 Phone: 707-996-0712
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When a notice, invoice, or payment is given by a generally recognized overnight courier service, the notice, invoice or payment shall be deemed received on the next business day. When a copy of a notice, invoice, or payment is sent by facsimile or email, the notice, invoice, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, invoice, or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, invoices and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. District's choice not to exercise, or delay in exercising, any right, power or privilege under this Agreement shall not operate as a waiver; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof. Waiver by District of a breach of any provision of this Agreement must be in writing and shall not operate or be construed as a waiver of any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction and Severability. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that

any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and District acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and District acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the City of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

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

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

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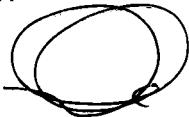
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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE DISTRICT

By: 
Richard Dale, Executive Director

By: _____
William J. Keene, General Manager

Date: _____

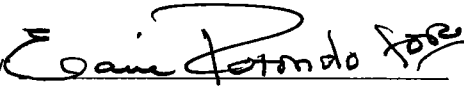
Date: _____

APPROVED AS TO SUBSTANCE FOR DISTRICT

By: 
Sorrel Allen, Public Engagement Specialist

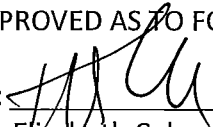
Date: 9-26-14

CERTIFICATES OF INSURANCE ON
FILE WITH THE DISTRICT

By: 
Sue Jackson, Administrative Aide

Date: 9/16/14

APPROVED AS TO FORM FOR DISTRICT

By: 
Elizabeth Coleman, Deputy County Counsel

Date: 9-29-14

EXHIBIT A

BUDGET: Sonoma Ecology Center - Agricultural and Conservation Education Program 2014-17

Educational Program	Staff Cost* (excludes Soft Match)	Non-staff cost * (excludes Soft Match)	Total Cost per Field Day	District Funded Field Days	Total Participants	Total Billed to District
Wildlife Defenders & Growing Discoveries	\$ 59,311.20	\$ 2,439.00	\$ 686.11	90 classrooms	2753	\$ 61,750.20
EnviroLeaders	\$ 24,167.39	\$ 2,900.00	\$ 451.12	60 teens	60	\$ 27,067.39
Community Outings	\$ 58,514.49	\$ 2,800.00	\$ 1,459.87	42 outings	1090	\$ 61,314.49
Total 2014-15						\$ 53,044.03
Total 2015-16						\$ 50,044.03
Total 2016-17						\$ 47,044.02
TOTAL COST 2014-2017						\$ 150,132.08

Expected Match contribution ***		
Hard Match (Mead Foundation, City of Sonoma, Sonoma Valley Unified School District, SEC Appeal, Cal Parks Foundation, Team Sugarloaf, Foundation for Sustainability and Innovation)	Soft Match (administrative support, existing supplies and equipment)	In-kind (Volunteer hrs @ \$26.34 based on independentsect or.org CA value)
\$ 60,200.00	\$ 32,500.00	\$ 68,813.25
\$ 69,000.00	\$ 32,500.00	\$ 68,813.25
	\$ 10,000.00	\$ 4,214.40
\$ 129,200.00	\$ 75,000.00	\$ 141,840.90

EXHIBIT A

RATE SHEET

Sonoma Ecology Center

<i>Staff</i>		
Biologist	\$ 92.73	Lead wildflower outings
Restoration Ecologist	\$ 77.27	Project management; invoicing
Communications Specialist	\$ 85.00	Produce, translate, review all outreach materials
Education Program Manager	\$ 92.73	Primary k-12 educator
Restoration Program Manager	\$ 92.73	Lead outings
Executive Director	\$ 105.09	Lead outings; landowner relations
Restoration Specialist	\$ 55.64	Lead outings
Educator	\$ 64.91	EnviroLeader supervisor; educator; co-leader on hikes
Educator	\$ 55.64	Classroom & field educator; co-leader on hikes

EXHIBIT A



SONOMA ECOLOGY CENTER

Protecting the beauty and biodiversity of Sonoma Valley

Scope of Work: Sonoma Ecology Center

For SCAPOSD Agricultural and Conservation Education Program 2014-17

Task 1: Community Outings

- 42 total outings on District-protected properties, with 1090 participants
 - 9 with La Luz for Latino families
 - 8 with Boys and Girls Club
- 4 new sites on District-protected properties that are otherwise closed to the public
 - Secure access with landowners
 - Identify hike route and discussion topics

Task 1 Deliverables and Milestones:

- Annually, 14 outings led, with approximately 363 participants.
- Submit a Quarterly description of planned outings including themes, properties, and descriptions according to the following schedule:

August 15	for outings scheduled: September-November
November 15	for outings scheduled: December-February
February 15	for outings scheduled: March-May
May 15	for outings scheduled: June-August
- All educational, promotional, and marketing materials are reviewed by District and updated with District's logo and key messages
- Assessment and evaluation tools (including survey form) are updated to measure impact and changes in participants' understanding and appreciation of the land, including its agricultural, recreational, natural and cultural resources and the District's role in its protection and preservation
- Summary report of surveys provided one month after the end of each quarter
- Participant and outings outcomes tracked to Districts standards and reported with each invoice using the District provided invoice and reporting templates – copies of the sign in sheets are to be included with each invoice
- District's core messaging and District-protected lands map is integrated into all program scripts and educational materials
- Annual outreach plan is submitted for District approval - addressing diversity and demographic goals and planning for maximum program impact by addressing gaps in opportunities in the Fetters Springs/Agua Caliente West area of Sonoma, referencing *A Portrait of Sonoma County: Sonoma County Human Development Report 2014* and using the Federal Free and Reduced Lunch data
- Quarterly program planning and prioritizing with the District
- Photo releases are signed by parent or guardian and provided to the District for every participating class upon request

PO Box 1486, Eldridge, CA 95431 • (707) 996-0712 • fax (707) 996-2452
Sonoma Garden Park • 19996 7th St E, Sonoma 95476 • (707) 996-4883
Sugarloaf Ridge State Park • 2605 Adobe Canyon Rd, Kenwood, CA 95452 • (707) 833-5712
info@sonomaecologycenter.org • www.sonomaecologycenter.org

- The minimum of 10 participants requirement is satisfied per every outing by overbooking the event or SEC staff reschedule the outing
- Provide annual analysis of properties/themes by popularity and % participation to inform planning goals for the following year
- Integrate District's core messaging and District-protected map into all program spiels
- Collaborate with the District in creating a key multimedia educational and promotional video
- Bilingual communications staff will target promotions and translate materials to make community outings accessible to people around the county increasing participation from the Latino community

Task 2: Environmental Science Education

- Offer environmental education programming to schools in the Sonoma Valley, providing a high quality supplement to their 2nd and 4th grade science curricula's through in-class and field-based experiential learning connecting over 2753 students to the agricultural, recreational, natural and cultural resource lands protected by the District
- Participating Schools include Dunbar Elementary, Woodland Star Charter, El Verano School, Flowery Elementary School, Prestwood Elementary School, Sassarini Elementary, Sonoma Charter School, Crescent Montessori School, St. Francis Solano Catholic School, Presentation School, Kenwood Elementary School

Task 2 Deliverables and Milestones:

- Over 900 students participating in field trip activities for 2nd and 4th grade module each school year, 2753 total
- Quarterly calendar of field trips submitted to the District one month prior to start of quarter
- Field trip lesson plan developed, includes District core messaging
- Assessment and evaluation tools updated to integrate the District's goal of measuring impact and changes in students' understanding and appreciation of the land, including its agricultural, recreational, natural and cultural resources and the District's role in its protection and preservation.
- Summary report of evaluation and assessment outcomes submitted at the end of each school year.
- Work with the District to expand impact beyond the students, creating pathways for families to participate in District's programs
- Annual outreach and school selection criteria plan submitted addressing diversity and demographic goals and planning for maximum program impact by addressing gaps in opportunities in the Fetters Springs/Agua Caliente West area of Sonoma, referencing *A Portrait of Sonoma County: Sonoma County Human Development Report 2014* findings and using Federal Free and Reduced Lunch data
- Quarterly program planning and prioritizing with the District
- guided by the Portrait of Sonoma findings and planning for maximum program impact
- Photo releases are signed by parent or guardian and provided to the District upon request
- All educational materials, including promotional and marketing materials, newsletters, letters to parents, sent to District for review and integration of District's logo and messaging
- Collaborate with the District in creating a key multimedia educational and promotional video
- All materials provided to students are made available in English and Spanish.
- Program activities are based on educational research on best practices for multicultural education and teaching to diverse student bodies that include English learners, such as activities utilizing hands-on learning group activities, engaging visuals, games, movement, and music.

- Educators present culturally and locally relevant examples to connect information with students' personal experiences.

Task 3: EnviroLeaders Vocational Training

- 60 EnviroLeaders involved in a semester long vocational, job skills, agricultural and natural resource training program on District Conservation Easements and Fee properties

Task 3 Deliverables and Milestones:

- A total of 60 teens participate in the program during the project period
- Enhance curriculum and update evaluation to measure progress towards short & long-term goals
- Promotional and marketing materials
- Updated evaluation forms to integrate District's goal of measuring impact and changes in students' understanding and appreciation of the land, including its agricultural, recreational, natural and cultural resources and the District's role in its protection and preservation
- Summary report of evaluation and assessment material at the end of each school year
- Summary report of each season's activities
- Photo releases are signed by student/parent or guardian and provided to the District upon request
- Outreach presentations will be performed at Sonoma Valley High Schools, Hanna Boys Center, and Creekside High School, and flyers distributed to students at Social Advocates for Youth and Sonoma Valley Teen Center
- Stewardship activity results will be provided to the District with regular reporting
- Collaborate with the District in creating a key multimedia educational and promotional video

Task 3 Example schedule- meetings & activities

- Enviroleader meetings will be held twice a week for a total of 9hrs. During the school year, Enviroleaders meet on Wednesday afternoons 3:00-6:00 and Saturday's from 8:30-1:30pm. The program is a semester long, 3 months, with a total of approximately 36 meetings. Meeting location generally starts at the Sonoma Garden Park.
 - Meetings include-
 - Garden work: Prepping beds, planting, harvest, pruning orchards, weeding, composting, assisting in harvest market, working in nursery sprouting acorns and other native plants, develop drought tolerant landscaping strategies while working in demonstration garden.
 - Co-organizing and facilitating Creek Clean-up events in Sonoma
 - Sugarloaf Park management: basic carpentry on historic park buildings, trail maintenance/building, event/hike coordination
 - Habitat Restoration: Seed collecting and propagation, planting and maintaining young plantings, and vegetation management.
 - Education Day- Office visit, shadowing different programs/staff and learning about career opportunities in environmental field, documentary showing followed by construct debate on farming styles.
 - Visit to local grange- Sit in at Young Farmers Guild meeting at Sonoma Valley Grange

- Unique learning opportunities
 - Installation of rain catchment system
 - Installation of hedgerows
- Leadership/Empowerment
 - Facilitating/Coordinating Creek Clean-up events
 - Running the Saturday Morning Harvest Market
 - ELI's in their second term will be given additional leadership opportunities to assist in training and coordination of new cohort.
- Experiences and Curriculum
 - Educational debate on our current Agricultural systems
 - Documentary Viewing of Food, Inc.
 - Round table discussion with Young Farmers Guild
 - The strategies for drought tolerant landscaping with Mark Newhouser
 - Native plants of Sonoma Valley with Cassandra Liu

**The impact in the community that will be achieved through the efforts of the EnviroLeaders will be captured through SEC volunteer records and activity results, including lbs. of trash removed from creeks, # of plants planted, etc. Activity results can be provided to the District with regular reporting.

Exhibit B

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance.

If Consultant currently has no employees as defined by the Labor Code of the State of California, Consultant agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, District requires and shall be entitled to coverage for the higher limits maintained by Consultant.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by District. Consultant is responsible for any deductible or self-insured retention and shall fund it upon District's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the District.

- d. Sonoma County Agricultural Preservation and Open Space District, its officers, agents and employees shall be additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this Agreement.
- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of “insured contract” shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the “f” definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a “separation of insureds” or “severability” clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

5. Documentation

- a. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with District for the entire term of this Agreement and any additional periods if specified in Sections 1, 2 or 3 above.
- b. The name and address for Additional Insured endorsements and Certificates of Insurance is: Sonoma County Agricultural Preservation and Open Space District, its officers, agents, and employees, 747 Mendocino Avenue, Santa Rosa, CA 95401.
- c. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- d. Consultant shall provide immediate written notice if: (1) any of the required insurance

policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.

- e. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

6. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

7. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. District, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, District may purchase the required insurance, and without further notice to Consultant, District may deduct from sums due to Consultant any premium costs advanced by District for such insurance. These remedies shall be in addition to any other remedies available to District.



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 22
(This Section for use by Clerk of the Board Only.)

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

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Misti Arias, 565-7264

Supervisorial District(s):

Title: 2014 Matching Grant Program: Funding Recommendations for Projects

Recommended Actions:

Accept 2014 funding recommendations for the inclusion of seven new funding projects into the District's Matching Grant Program.

Executive Summary:

Background

Through the Sonoma County Agricultural Preservation and Open Space District's (District) Expenditure Plan, Sonoma County's voters have authorized the District to fund urban open space, restoration, and recreation projects through a competitive Matching Grant Program (Program). Projects can be located within or near cities or other urbanized areas of the county. Examples of projects identified in the Expenditure Plan include urban greenspace, trails, athletic fields, and riparian restoration along creeks and rivers.

Since 1994, this unique Program has provided over \$30 million in funding towards projects in all of the county's nine incorporated Cities and in multiple unincorporated areas, allowing our partners to leverage that funding to develop diverse and innovative projects throughout Sonoma County's communities. A few examples include the Windsor Town Green, the Prince Memorial Greenway and Bayer Neighborhood Park and Gardens in Santa Rosa, and the protection and enhancement of Petaluma Marsh. The Program is now offered every two years.

The Program budget allocation is decided prior to the opening of each grant cycle, and is determined by analyzing changes in revenue, the District's current fund balance, and financial projections. In early 2014, the District identified a budget not to exceed \$3 million for the 2014 grant cycle. The District received seven applications for projects located within or near the cities of Santa Rosa, Petaluma, Sebastopol, and Sonoma (see attached countywide projects map). All seven applicants and projects were deemed eligible per the Program Guidelines, and the applications had a total funding request of just over \$3.6 million.

During the application evaluation process, staff and the Ad Hoc Matching Grant subcommittee of the District's Advisory Committee (which also includes a member of the District's Fiscal Oversight Commission), reviewed and evaluated applications using the Program's approved Guidelines and evaluation criteria. District staff met twice with the subcommittee, and achieved consensus on all of the funding recommendations.

Before funding recommendations can be made to the Board, they are first considered by the District's Advisory Committee. At their regular meeting on August 28, 2014, the Advisory Committee voted to accept all staff/subcommittee funding recommendations, which includes full funding to five projects, and partial funding to two projects, for a total of \$2,582,715 (see below). Projects are considered individually to evaluate how well they fulfill the Program's goals and criteria; examples include an analysis of project readiness, match funding security, contribution toward geographic and applicant diversity, and public support. Although the partial funding recommendations do not utilize the full Program budget for this cycle, they reflect a thoughtful and thorough evaluation by staff and the subcommittee to determine the most appropriate funding amounts in consideration of identified goals and criteria for each project.

Next Steps

The Board's acceptance of projects into the Matching Grant Program does not in itself guarantee funding, but rather represents a commitment by the District to work with the project applicants to meet all Program requirements for the proposed grant. Project implementation will then occur in accordance with the Program Guidelines. Funding disbursement for Matching Grant projects is contingent upon future approvals by both the Fiscal Oversight Commission and the District's Board of Directors, and other terms including the execution of a Matching Grant Agreement, Conservation Easement, and in some cases a Recreation Covenant.

The Matching Grant Agreement identifies the roles and responsibilities of the District and the grantee, and includes requirements that must be met in order for the District to disburse funds. The Conservation Easement is a permanent legal agreement that encumbers project lands and ensures preservation of the property's open space values by prohibiting incompatible development. A Recreation Covenant is also a permanent agreement generally required of recreation projects; it ensures that properties will remain open to the public for park and open space use in perpetuity.

The District will administer the next Matching Grant Program cycle in 2016.

(Continued on next page.)

Summary of 2014 Applications and Recommendations

Project*	Applicant/ Partner	Type of Project	Size	District Grant Request	Funding Recommendation
Denman Reach Phase 3	City of Petaluma	Acquisition	2.1 ac	\$50,000	\$50,000
Nathanson Creek Preserve Restoration	Sonoma Ecology Center/ City of Sonoma	Restoration	0.78 ac	\$166,485	\$166,485
Sebastopol Skategarden Expansion Project	City of Sebastopol	Recreation Development	0.53 ac	\$381,853	\$381,853
SMART Pathway Payran St. to South Point Blvd.	Sonoma Marin Area Rail Transit	Recreation Development	1.16-mile trail	\$400,000	\$400,000
Roseland Village Public Space	Sonoma County Community Development Commission	Recreation Development	1 ac	\$500,000	\$500,000
Lower Colgan Creek Restoration Project Phase 3	City of Santa Rosa	Restoration	0.28 miles of creek and trail	\$995,360	\$617,710
Moorland Park	Sonoma County Regional Parks	Acquisition/ Recreation Development	4.22 ac	\$1,125,000	\$466,667
			Total	\$3,618,698	\$2,582,715

*Projects are listed in ascending order of grant request.

RECOMMENDED FOR FULL FUNDING

1. DENMAN REACH PHASE 3

APPLICANT: City of Petaluma

LOCATION: Project is located on the Petaluma River along Industrial Avenue, in northwestern Petaluma and just west of Hwy 101.

FUNDING REQUEST: \$50,000

MATCH: \$323,000 towards acquisition

- SECURE: \$323,000 from CA Natural Resources Agency River Parkways Program

TOTAL PROJECT COST: \$373,000

SCOPE: Acquisition of a 2.1-acre parcel that is pivotal to the completion of a larger 23.5-acre riparian restoration, public trail, environmental education, and flood control project on the Petaluma River.

The City of Petaluma has successfully purchased four parcels downstream as part of Denman Reach Phases 1 & 2, and has completed river bank flood-control terracing and restoration efforts, construction of a public trail, and installation of interpretive signs on those parcels. Acquisition of this 2.1-acre parcel will complete Denman Reach Phase 3, which will allow the City to complete construction of additional flood terraces that will connect to the existing terraces downstream, and will allow for an extension of the existing multi-use trail. Total riparian and trail length will be approximately 0.9 miles. The Denman Reach project is identified within the City-adopted Petaluma River Access and Enhancement Plan.

2. NATHANSON CREEK PRESERVE RESTORATION

APPLICANT: Sonoma Ecology Center (S.E.C.) and City of Sonoma as co-applicants

LOCATION: On MacArthur Street one block east of Broadway/Hwy 12 in the City of Sonoma.

FUNDING REQUEST: \$166,485

MATCH: \$317,000 towards construction of the bio-basin, project management, and maintenance

- SECURE: \$300,000 from the C.A. Natural Resources Agency Urban Streams Restoration Program, \$5,000 from the City of Sonoma
- PENDING: \$8,000 from Sonoma County Water Agency grant, \$4,000 in-kind from volunteers

TOTAL PROJECT COST: \$483,485

SCOPE: Riparian revegetation along Nathanson Creek, construction of a public A.D.A.-accessible observation deck, and interpretive signage on a project that will also consist of the construction of a bio-basin for flood control and storm water infiltration. The project completes restoration along Nathanson Creek within the Nathanson Creek Preserve.

Acquisition of this parcel was a 1997 Matching Grant Project in which the District granted the City of Sonoma 50% of the acquisition cost (\$85,000). The District currently holds and monitors a conservation easement over the 0.78-acre property. Nathanson Creek is within the Sonoma Creek watershed, which provides habitat for native threatened and endangered species including steelhead trout, Chinook salmon, and California freshwater shrimp. The project will build upon the work already completed on the rest of Nathanson Creek Preserve, a riparian restoration and environmental education project along the Creek on parcels owned by the City of Sonoma and the Sonoma Valley Unified School District. S.E.C., the City, and the School District have collaborated for 18 years within the Preserve to restore habitat,

build trails, and provide environmental education and activities.

3. SEBASTOPOL SKATEGARDEN EXPANSION

APPLICANT: City of Sebastopol

LOCATION: Adjacent to existing Skategarden on Laguna Park Way, across from the Barlow center.

FUNDING REQUEST: \$381,853

MATCH: \$381,854 for construction, final design, permitting, and operation and maintenance

- SECURE: \$247,304 from City of Sebastopol, \$134,550 from CA Parks-Related Housing grant program

TOTAL PROJECT COST: \$763,707

SCOPE: Expansion of the Sebastopol Skategarden to enhance community park resources. District funds would go toward final design, permitting, and construction. The property is City-owned, is currently a vacant lot, and is directly adjacent to the existing Skategarden.

The Matching Grant Program has funded the Skategarden in two previous cycles—acquisition in 2004 and construction in 2008. District funding and the match from those cycles have been fully spent to complete the project. The existing Skategarden is a heavily-used and broadly supported community resource; it includes skate ramps and community garden plots. Local youth help steward the park and organize a mural project to discourage graffiti and vandalism. The City has completed extensive public outreach for input on park expansion plans. Improvements will provide low-intensity and passive family recreation opportunities, and will include a meadow, pathways, picnic areas, water fountains, benches, and landscaping.

4. SMART PATHWAY – PAYRAN TO SOUTH POINT

APPLICANT: Sonoma Marin Area Rail Transit District (SMART)

LOCATION: Along train tracks between Payran St. and South Point Blvd. in northwestern Petaluma.

FUNDING REQUEST: \$400,000

MATCH: \$2,124,516 for construction, final design, and permitting

- SECURE: \$44,807 from Measure Q (SMART), \$150,000 from Measure M (SCTA)
- PENDING: \$1,929,709 from Active Transportation Program

TOTAL PROJECT COST: \$2,524,516

SCOPE: Construction of 1.16 miles of the SMART pathway, an 8-foot, A.D.A.-compliant, asphalt multi-use and non-motorized path. The pathway will include a bridge over the Petaluma River and pass under Highway 101, connecting east and west Petaluma.

SMART is building discrete sections of the pathway along the railroad tracks that will have the most immediate benefit to the community and that are currently feasible. In the 2012 Matching Grant cycle, the District recommended funding a 0.8-mile segment of the pathway, from Hearn to Bellevue Avenues in southwest Santa Rosa (at a partial funding amount of \$282,760). The project documents are currently being negotiated with the District, and that section of the pathway is under construction with a completion date set for spring of 2015. This Petaluma segment is identified as a priority in the Regional Bicycle Network, Petaluma Bicycle and Pedestrian Plan, and the Sonoma County Outdoor Recreation Plan. Off-road paths are needed in this area to walk and bike over the Petaluma River and under

Highway 101 safely. The western portion of the pathway will provide access to the future SMART Station, Copeland St. Transit Mall, and numerous schools. The eastern portion will provide access to a signalized crossing of North McDowell Blvd. that will allow for a safe connection to the Petaluma campus of Santa Rosa Junior College.

5. ROSELAND VILLAGE PUBLIC SPACE

APPLICANT: Sonoma County Community Development Commission

LOCATION: In the vacant former-Albertson's parking lot on Sebastopol Road, just west of Dutton Avenue in southwest Santa Rosa.

FUNDING REQUEST: \$500,000

MATCH: \$733,333 for construction

- SECURE: \$733,333 through the County's Reinvestment and Revitalization Fund

TOTAL PROJECT COST: \$1,233,333

SCOPE: Planning and construction of a public gathering place (such as a plaza) on approximately one acre in the Roseland Village Shopping Center. Components desired by the public include greenspace and a garden area, an area for a farmer's market and community events, and community art elements. The plaza will facilitate access from Sebastopol Road to the Joe Rodota Trail.

The Sebastopol Road Urban Vision Plan was adopted by Sonoma County and the City of Santa Rosa in 2007, together with General Plan amendments needed to implement its concepts. The Plan includes a public open space, flanked by mixed-use buildings that will include affordable housing and commercial uses. The Plan was created with significant community input, and the one-acre public space was specifically identified as a high priority. The City of Santa Rosa and the County are currently collaborating on a Roseland Area Specific Plan as part of the anticipated City annexation of Roseland. The planning process has integrated the goals and priorities of the Sebastopol Road Urban Vision Plan, including the public space at this location. The empty parking lot is currently used for various community events, such as Roseland's Cinco de Mayo celebration.

RECOMMENDED FOR PARTIAL FUNDING

1. LOWER COLGAN CREEK RESTORATION PROJECT PHASE 3

APPLICANT: City of Santa Rosa

LOCATION: On Colgan Creek between Hearn and Bellevue Avenues in southwest Santa Rosa.

FUNDING REQUEST: \$995,360

MATCH: \$1,394,320 for restoration

- SECURE: None
- PENDING: \$617,710 from City Storm Water Enterprise Funding (anticipated July 2015), \$776,610 from other sources unknown at time of application.

TOTAL PROJECT COST: \$2,389,680

SCOPE: Restoration of 1.4 miles of channelized Lower Colgan Creek to increase the creek's meander pattern and enhance riparian habitat. The project also includes a bicycle and pedestrian path along the creek. This request is to fund restoration work and the construction of the pathway on 0.28 miles of the reach identified in the Lower Colgan Creek Restoration Concept Plan; the City's Phase 2 of 3 total.

This project is a component of the Lower Colgan Creek Restoration Concept Plan, which was adopted by the City into the Citywide Creek Master Plan, and is being undertaken by the City in partnership with the Sonoma County Water Agency. Lower Colgan Creek occurs on the Santa Rosa Plain, an area of ecological significance and is subject to a conservation strategy that is designed to protect habitat for the endangered CA tiger salamander and four rare plant species. The project will enhance habitat, increase groundwater infiltration, decrease flooding, and enhance a migration corridor. The full project will also construct a 1.4-mile trail that connects to schools, neighborhoods, a Regional Parks trail and a planned neighborhood park. The District has recommended Matching Grant funding for this project in two previous cycles (2007 and 2008)—a total of \$2,336,940 for acquisitions needed to implement the restoration project. The Matching Grant Agreement and Conservation Easement negotiation with the City are still ongoing for that prior funding, and the City is currently implementing restoration of the Phase 1 reach.

Staff is recommending partial funding due primarily to the following factors:

- District has recommended funding for this project in two previous cycles. To date the City has not completed all acquisitions intended to be funded by the District; grant funding and match have not been fully expended.
- City does not currently have any secure matching funds; \$617,710 is anticipated from City Storm Water Enterprise Funding in 2015.
- *Staff recommends partial Matching Grant funding in an amount not to exceed \$617, 710, that will need to be matched 1:1 by the anticipated storm water funding.*

2. MOORLAND PARK

APPLICANT: Sonoma County Regional Parks

LOCATION: Two parcels located at the intersection of Moorland Avenue and West Robles Avenue in southwest Santa Rosa.

FUNDING REQUEST: \$1,125,000 for acquisition, planning, permitting, and construction

MATCH: \$1,125,000 for acquisition, planning, permitting, construction, and operations and maintenance

- SECURE: \$471,300 grant from Housing-Related Park funds
- PENDING: \$153,700 anticipated from future fundraising and County General Funds, and \$500,000 of in-kind operations and maintenance costs (5 years) by Regional Parks.

TOTAL PROJECT COST: \$2,250,000

SCOPE: Acquisition and construction of a public park in the Moorland neighborhood which will include a memorial for Andy Lopez, as well as recreation elements identified in a future community outreach process.

At the December 3, 2013 Board of Supervisor's meeting, where the Andy Lopez shooting was discussed by the Board and the community, the Board directed Regional Parks to explore plans and financing options to create a park on the vacant site where Andy Lopez died. The site is in an area of southwest Santa Rosa that is underserved for parks, and the City of Santa Rosa has identified the need for a community park at this location in the Santa Rosa General Plan. The project has demonstrated support from community members that wish to see the park incorporate a memorial for Andy Lopez, as well as from local and State elected officials and the local school district. The property is located within the

Santa Rosa Plain, an area of ecological significance and is subject to a conservation strategy that is designed to protect habitat for the endangered California tiger salamander (C.T.S.) and four rare plant species.

Staff is recommending partial funding due primarily to the following factors:

- Regional Parks and the seller have yet to reach agreement on the sale of the property. Therefore, it is still unknown if the landowner is a willing seller of the property.
- Park planning is pre-conceptual at this time; Regional Parks will not begin the planning process until after successful property acquisition.
- *Staff recommends partial Matching Grant funding that can be used exclusively for property acquisition and project planning. The recommended funding amount is based on the estimated total \$350,000 acquisition cost, plus an additional \$116,667 for project planning (25% of the total grant amount is the maximum that can be used for project planning per the Program Guidelines). This project will remain eligible to apply in future Matching Grant cycles for park construction funds.*

Prior Board Actions:

On September 18, 2012, the Board accepted staff and subcommittee funding recommendations and accepted six projects into the Matching Grant Program.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Matching Grant Program is most closely aligned with the following outcome under Strategic Plan Goal 2: *“Protect, maintain & manage parks, public lands & open space systems that promote recreation, health, agricultural viability & protects watersheds, promotes biodiversity & contributes to economic vitality.”*

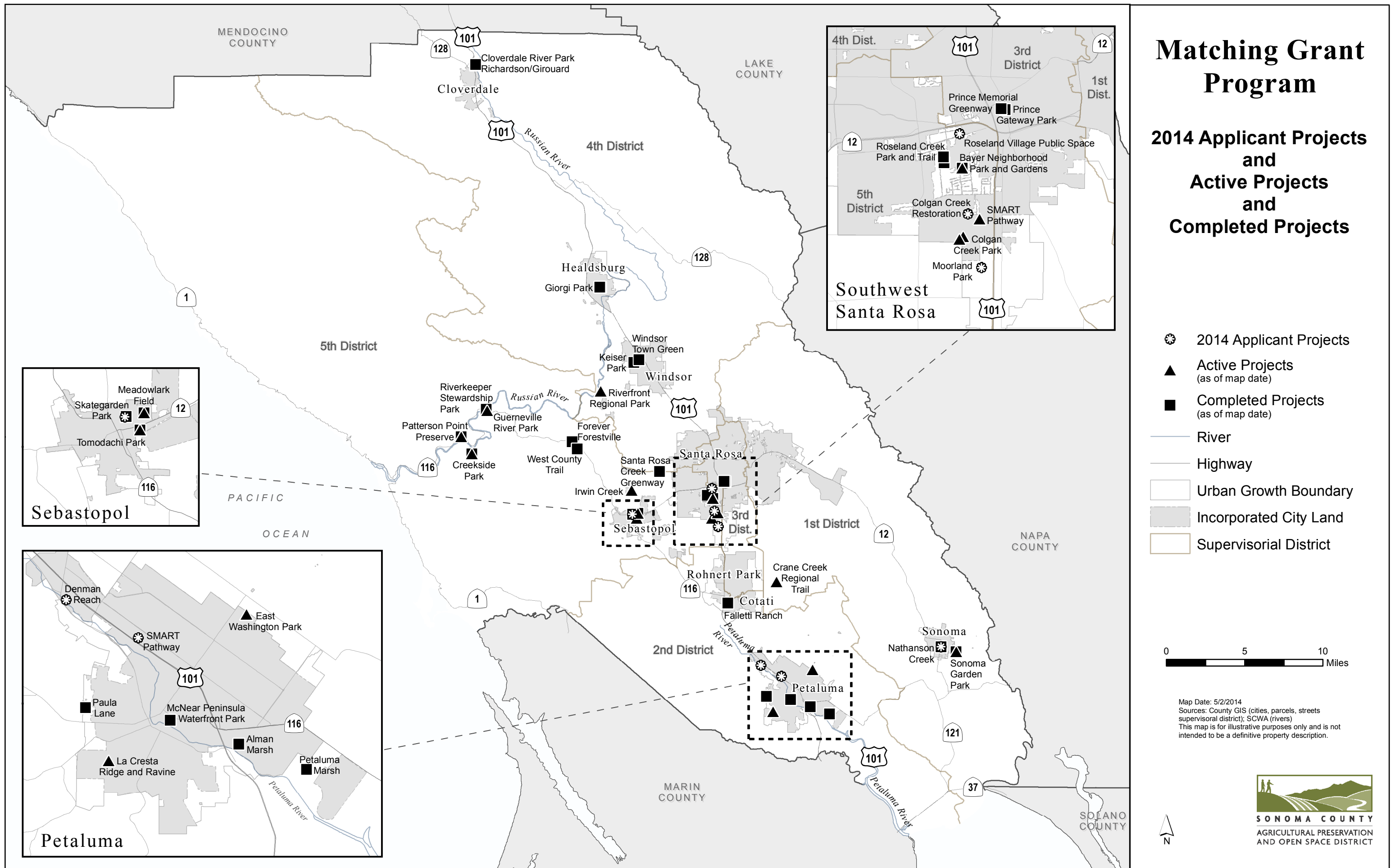
Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$ 2,582,715	State/Federal	\$
	\$	Fees/Other	\$ 2,582,715
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

It is unlikely that all of the funds for these projects will be expended in FY14-15, however the contracts will be encumbered for the full amounts due to the funding of the projects being from one-time grants. This program is biennial; there was no budget to roll over from the last fiscal year. The budget adjustment will be submitted with the Quarter 2 Consolidated Budget Adjustments.

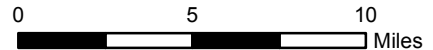
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
1. Matching Grant Program Countywide Projects Map			
Related Items “On File” with the Clerk of the Board:			
2014 Matching Grant Program Applications (7) [NOTE: Five of seven applicants submitted revised budgets after the time of initial application—none of the revisions were the result of substantial changes to project components or structure. Revised budgets for Nathanson Creek Preserve, Sebastopol Skategarden Expansion, Roseland Village Public Space, and the SMART Pathway have been appended to the original applications.]			



Matching Grant Program

2014 Applicant Projects and Active Projects and Completed Projects

- ✱ 2014 Applicant Projects
- ▲ Active Projects (as of map date)
- Completed Projects (as of map date)
- River
- Highway
- Urban Growth Boundary
- Incorporated City Land
- Supervisorial District



Map Date: 5/2/2014
 Sources: County GIS (cities, parcels, streets supervisorial district); SCWA (rivers)
 This map is for illustrative purposes only and is not intended to be a definitive property description.





County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 23
(This Section for use by Clerk of the Board Only.)

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Rebecca Simonson 524-6435

Supervisorial District(s):

First

Title: Sonoma Valley Photovoltaic 100 kW

Recommended Actions:

1. Hold public hearing pursuant to California Government Code Section §4217.10 et seq.; make certain findings as described in this Summary Report; and authorize the Sonoma County Water Agency's (Water Agency) General Manager to execute an energy services contract for \$504,008 with Solar Works for the design and construction of the Sonoma Valley Photovoltaic 100 kW Project.
2. Authorize the Water Agency's General Manager to file Notice of Exemption under the California Environmental Quality Act (CEQA) on behalf of the Water Agency.

Executive Summary:

This item recommends the authorization for the Water Agency's General Manager to execute an energy services contract with Solar Works for \$504,008 for the design and construction of the Sonoma Valley Photovoltaic 100 kW Project (Agreement), located at the Sonoma Valley County Sanitation District Wastewater Treatment Plant. Pursuant to the Agreement, Solar Works would design and construct the solar photovoltaic system and would provide maintenance for five years.

HISTORY OF ITEM/BACKGROUND

The Water Agency issued a Request For Proposals (RFP) in July 2013 for a design-build solar energy project at the Sonoma Valley County Sanitation District Wastewater Treatment Plant. The intent of the RFP was to develop an approximate 100kW solar array to supplement the existing 928 kW system at the site.

Sonoma Valley Treatment Plant (SVTP) has a 928 kW solar photovoltaic (PV) system that is not net-metered because the site uses power from its Joint Powers Authority (JPA) Power and Water Resources Pooling Authority (PWRPA) instead of PG&E. PWRPA does not offer net-metering, so any solar energy being produced instantaneously that exceeds the needs of the wastewater treatment plant is given away to the grid and is not credited back the electricity bill. The California Independent System Operator imposes a threshold on PWRPA requiring that a PV facility must have a rated nameplate capacity of

1MW in order to get credit for the energy that is currently being lost to the grid for free. Since the current solar PV system is below the 1MW threshold, whenever the current 928 kW solar array generates more energy than the SVTP needs at that moment, the energy is given free to the grid. This project would bring the total PV system capacity at the wastewater treatment plant over 1MW so that the energy produced can be credited to the Water Agency's Power Resources Fund, which aggregates all power production and consumption across all Water Agency enterprises. Sonoma Valley County Sanitation District would host the solar PV system at SVTP; the Water Agency's Power Resources Fund would fund the project and the Water Agency would own and operate the solar PV system.

It should be noted that while solar energy is being lost to the grid through the current arrangement and would not be lost under PG&E net-metering rules, the total cost of energy as a PWRPA customer is still less than it would be if the site was net-metered with PG&E rates.

FINANCIAL ANALYSIS

Currently, 286,262 kWh of solar electricity generated at SVTP is lost to the grid over the duration of the year, which equals approximately \$27,000/yr. This project would not only recoup this money, but would generate more electricity and save additional money for the Water Agency.

A portion of the project costs are proposed to be paid out of PWRPA rebate funds. PWRPA rebate funds are generated from a portion of the Water Agency billed rates that are allocated specifically for energy saving projects of this nature. The funds help pay for the design and construction costs of this project and other energy savings projects. If these funds are not utilized, the money is taken back by PWRPA.

As set forth in the attached analysis, the photovoltaic project would save an estimated \$34,650 per year with current electricity rates. Assuming that the total cost of the project does not exceed \$504,008, the payback period of the project is 6 years with the PWRPA rebate of \$311,417 and 16 years without the PWRPA rebate. Given the project has an estimated useful life of 25 years, this project has significant financial benefit to the Water Agency.

PROJECT PROCUREMENT

Government Code section 4217.12 authorizes a public agency to enter into an energy service contract (like the proposed Agreement) on terms that the governing body determines are in the best interests of the public agency, provided that the public agency makes this determination at a public hearing and finds that the anticipated costs for energy under the proposed energy service contract will be less than the anticipated marginal costs to the public agency for the energy in the absence of the contract.

Specific to this project, Staff recommends the Board make the following determination and findings:

1. The work performed pursuant to the proposed contract will result in a reduction of energy costs for the Water Agency totaling approximately \$1,258,000 over the course of its twenty five years, as set forth in Attachment "A", Financial Analysis, attached hereto and incorporated herein; and
2. Based on the foregoing, the Project will result in the installation of a system constituting an "energy conservation facility" as that term is used in Government Code Section 4217.11(e) and therefore the Project may be performed as an "energy service contract" as that term is used in

Government Code Section 4217.11(f); and

3. As required by Government Code Section 4217.12, notice was given at least two weeks in advance of this meeting that a public hearing on the possible award of the proposed energy service contract would be conducted at this meeting; and
4. The proposed Agreement with Solar Works is in the best interest of the Water Agency.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed project is categorically exempt under the CEQA Guidelines, Sections 15303 (d)(e) New Construction or Conversion of Small Structures and 15304 (f) Minor Alteration to Land... All project work will be conducted within the existing Sonoma Valley County Sanitation District's property. Minor alterations to land will be limited to grading of less than 10% and trenching. No disturbance to seasonal wetlands or the removal of any healthy, mature, scenic trees will occur.

In conclusion, Staff recommends the Board take the following actions:

1. Hold public hearing as noticed and required by Government Code section 4217.12.
2. Make the determination and findings as described above.
3. Authorize the General Manager to execute the Agreement with Solar Works for the design and construction of the Sonoma Valley Photovoltaic 100 kW Project.
4. Authorize the Water Agency's General Manager to file Notice of Exemption under the California Environmental Quality Act on behalf of the Water Agency.

The Water Agency's Energy Policy, adopted by the Board on March 22, 2011, directs the Water Agency to provide "carbon free water" by reducing overall energy use, improving system efficiency, and developing and utilizing renewable energy sources. This renewable energy project would further this goal.

Prior Board Actions:

None

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This project would allow for local clean renewable energy to be generated within the County.

Water Agency Energy Goals and Strategies, Goal 1: Provide "carbon free water" by reducing overall energy use, improving system efficiency, and developing and utilizing renewable energy sources.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 504,008	Water Agency Gen Fund	\$ 504,008
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 504,008	Total Sources	\$ 504,008

Narrative Explanation of Fiscal Impacts (If Required):

In the Water Agency's consolidated budgetary adjustment coming to the Board in November 2014, an additional \$125k would be added to the power fund from the general fund to cover Water Agency labor charges during construction and to cover the encumbrance for the five year maintenance agreement. There are adequate funds in the Water Agency's Power Resources Fund to cover this Design-Build Agreement.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Financial Analysis (A)

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

1. Project Manual with Agreement
2. Financial Analysis Calculations
3. Notice of Exemption



SVCSO: 100 kW Solar PV Project

Purpose of Study

Sonoma Valley Treatment Plant (SVTP) has a 928 kW solar PV system that is not net metered. The site uses PWRPA power and is not a PG&E customer. PG&E net metering allows the customer's meter to keep track of both electricity consumed and any excess electricity generated by the PV system that is sent back to the utility grid. Over a year, the customer is charged only for the net amount of electricity used from the utility over-and-above the amount of electricity generated by their PV system. The SVTP PV system under PWRPA is not net-metered and is currently charged for instantaneous energy used and is not credited for any excess electricity generated by the PV system at any given time. California Independent System Operator (CAISO) rules imposed on PWRPA dictate that a PV facility must have a rated nameplate capacity of 1MW AC in order to schedule it and wheel the energy generation back to the facility (i.e. get credit for the energy). Since the solar PV system is below the 1MW threshold, whenever the current 928 kW solar array generates more energy than the Plant needs at that moment, the energy is given free to the grid (or lost to grid).

This study demonstrates the cost savings of installing further solar PV to reach a capacity of 1MW.

SVTP Annual Energy Use

Refer to Figure 1

2013 annual hourly energy use for the Sonoma Valley Treatment Plant is shown to the right.

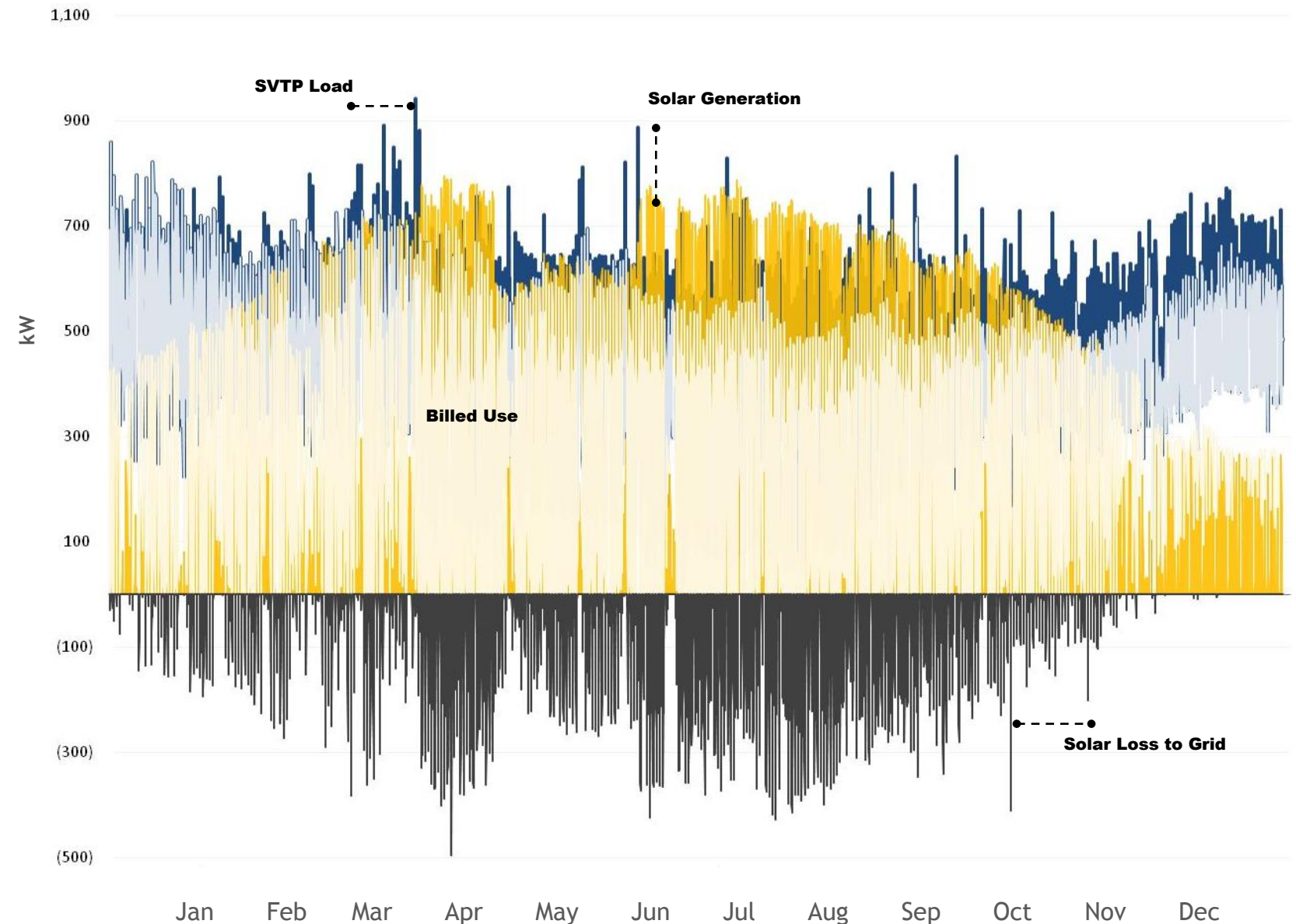
The graph shows:

- **SVTP Load:** The amount of electricity the plant needs to operate
- **Solar Generation:** The total amount of electricity the solar PV array generates
- **Billed Use:** The amount of electricity the plant needs minus the amount of solar energy generated at that hour
- **Solar Loss to Grid:** The amount of solar electricity that exceeds the amount needed by the plant at that hour.

Table 1- Annual Energy Use

	MWh			
	SVTP load	Solar Generation	Billed Use	Solar Loss to Grid
2013	4,046	1,614	2,719	286

Figure 1- 2013 SVCSO Treatment Plant Hourly Electricity Load



SVCSD: 100 kW Solar PV Project

Current PV Energy Loss

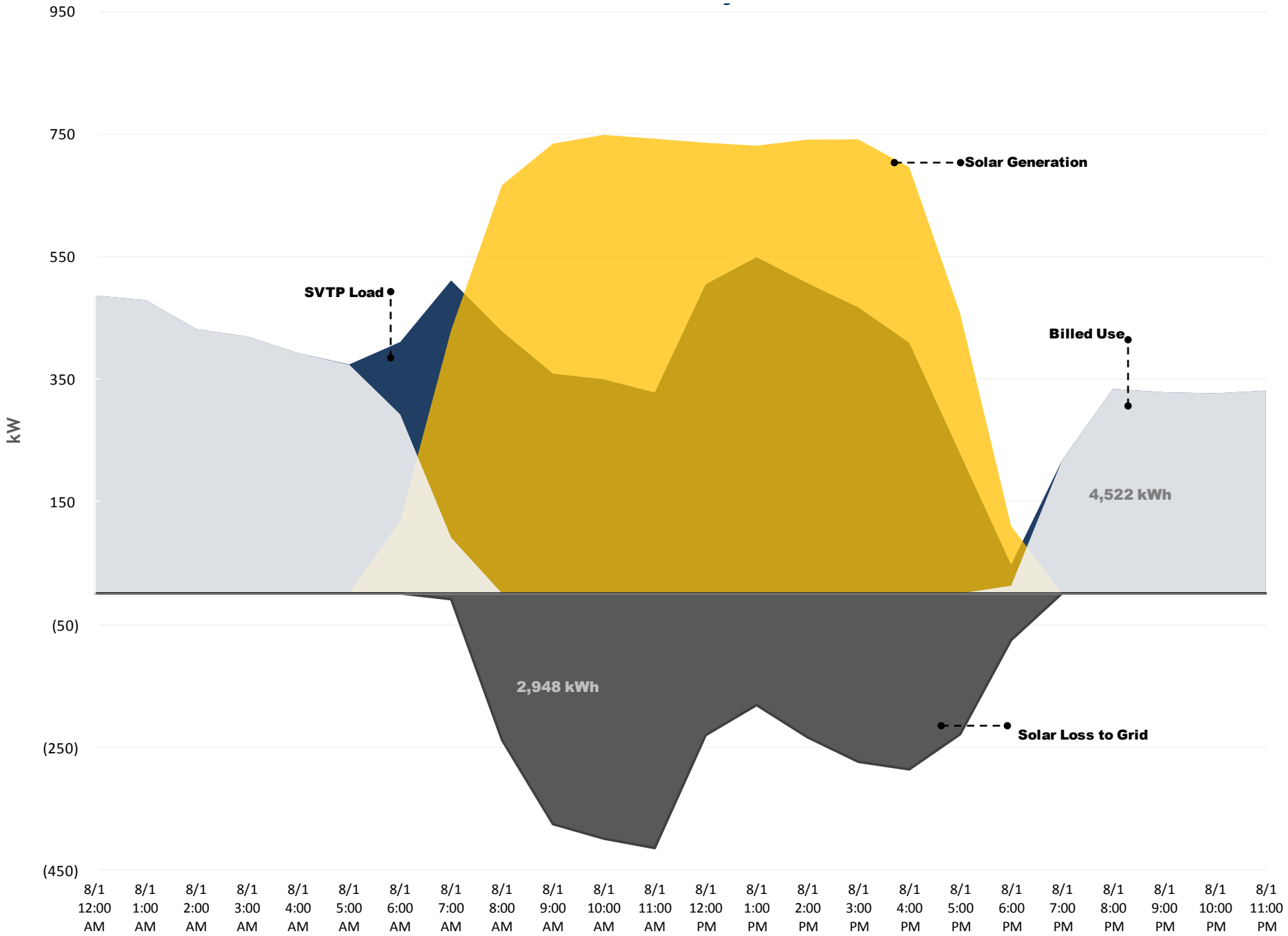
Solar Loss to Grid Data

17.74% of the total amount of solar electricity currently generated is lost to the grid over the duration of the year. Below is the monthly breakdown of solar generation lost to grid.

Jan	8.76%
Feb	8.92%
Apr	24.36%
May	13.27%
June	22.11%
July	27.01%
Aug	27.29%
Sept	19.82%
Oct	8.60%
Nov	2.85%
Dec	0.04%
Total	17.74%

Figure 2 to the right demonstrates the energy loss profile on a peak summer day. The daily loss on a peak summer day is just under 3,000 kWh.

Figure 2- Summer Peak Profile (most solar loss in a given day)



Additional 100 KW PV Savings

Energy and Savings Comparison

Table 2- Additional 100 kW PV

PWRPA Rates			Current scenario				Added 100 kW Scenario				Added 100 kW Savings			
			Billed kWh	Solar Loss to Grid kWh	Solar Loss to Grid \$	Solar kWh	100 kW Solar kWh	Total Solar kWh	Billed kWh	Solar excess to grid (kWh)	Billed kWh savings	Billed \$ savings	CAISO charges	Solar credited (\$)
Jan-June \$/kWh	OFF PEAK	\$ 0.07000	832,800	21,735	\$1,521	127,073	13,693	140,766	827,453	30,080	5,347	\$374	\$267	\$1,657
	ON PEAK	\$ 0.09705	298,614	73,988	\$7,181	326,968	35,234	362,202	284,809	95,417	13,805	\$1,340	\$688	\$7,839
	SUPER PEAK	\$ 0.12000	257,312	43,440	\$5,213	386,749	41,676	428,425	238,385	66,188	18,927	\$2,271	\$814	\$6,956
July-Dec \$/kWh	OFF PEAK	\$ 0.04500	773,755	25,738	\$1,158	131,240	14,142	145,382	769,271	35,397	4,483	\$202	\$276	\$1,065
	ON PEAK	\$ 0.09676	302,544	57,570	\$5,571	279,356	30,103	309,459	288,326	73,455	14,218	\$1,376	\$588	\$6,013
	SUPER PEAK	\$ 0.10000	253,524	63,790	\$6,379	362,559	39,069	401,628	240,165	89,500	13,359	\$1,336	\$763	\$7,616
Total			2,718,549	286,262	\$27,023	1,613,945	173,916	1,787,861	2,648,409	390,038	70,140	\$6,899	\$3,397	\$31,147
											Billed \$ + sold \$ savings		\$34,649.08	
											100kW PV cost		\$504,008	
											P3 funds		-\$311,417	

Currently, the SVTP is losing the equivalent of \$27,023/yr of solar energy generation that is not credited to the facility. If an additional 100kW AC was added to the current solar PV system, the total nameplate capacity would be greater than 1MW and the excess energy could be wheeled (credited) to the facility.

Conclusion

Approximately 286,262 kWh/yr of solar energy is currently given away free to the grid from the SVTP solar PV system.

An additional 100kW of solar panels would allow the Water Agency to recoup these losses and get credit for the energy generation. Over a 25-yr time period, the additional 100kW of solar would generate:

- Billed savings and Solar credits= \$1,258,134
- Capital cost, CAISO charges, maintenance costs and inverter replacement costs= \$470,483 (with PWRPA P3 funds); \$811,900 (without PWRPA P3 funds)
- Net Present Value= \$183,522 (with PWRPA P3 funds); \$103,972 (without PWRPA P3 funds)
- Payback = 6 yrs (with PWRPA P3 funds); 16 yrs (without PWRPA P3 funds)

The analysis is based on the following assumptions:

- An annual 0.73% solar power production panel degradation
- An annual 3% electricity rate escalation
- A 6% discount factor for the time value of money
- An annual maintenance of \$10,000 after the first 5 year maintenance contract expires
- A \$30,000 inverter replacement cost at year 15



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 24
(This Section for use by Clerk of the Board Only.)

To: Board of Directors, Sonoma County Water Agency, Sonoma Valley County Sanitation District

Board Agenda Date: October 14, 2014

Vote Requirement: 2/3 - SVCSD

Department or Agency Name(s): Sonoma County Water Agency and Sonoma Valley County Sanitation District

Staff Name and Phone Number:

Rebecca Simonson 524-6435

Supervisory District(s):

First and Fourth

Title: Floating Solar Lease Agreements

Recommended Actions:

1. Authorize the Sonoma County Water Agency's (Water Agency) General Manager to execute the Lease Agreements for the Floating Solar Project for 42 acres total on six recycled water ponds.
2. Authorize the Water Agency's General Manager to file Notice of Exemption for execution of the Lease Agreements under the California Environmental Quality Act on behalf of the Water Agency and Sonoma Valley County Sanitation District.

Executive Summary:

This item recommends authorization for the Water Agency's General Manager to execute the Lease Agreements for the Floating Solar Project.

The Lease Agreements would allow a solar developer (Pristine Sun) to utilize the recycled water pond areas to build floating solar photovoltaic systems. The photovoltaic system is expected to be operational by Fall of 2016. The purpose of the photovoltaic systems is to generate renewable electric power and related environmental attributes (Renewable Energy Certificates and carbon credits) to be sold to the Water Agency. Pristine Sun would finance, design, construct, own, operate, monitor and maintain the floating solar photovoltaic systems. Pristine Sun would then sell the power generated from the solar arrays to the Water Agency through a Power Purchase Agreement. This structure allows the Water Agency to purchase renewable power and transfer the responsibility of capital financing, ownership, operations and maintenance to Pristine Sun. The Water Agency intends to then resell the power to a third party (likely to be the Sonoma Clean Power Authority). The Water Agency will negotiate with the third party to re-coup its project development and other costs.

The Lease Agreements would give Pristine Sun a leasehold interest in portions of six ponds: Airport Larkfield Wikiup (ALWSZ) Sanitation Zone North and South Ponds, and Sonoma Valley County Sanitation District Reservoirs 1, 2, 4 and 5.

HISTORY OF ITEM/BACKGROUND

The Water Agency issued a Request for Proposals (RFP) on April 7, 2014 for a Power Purchase Agreement (PPA) to purchase solar energy from floating solar photovoltaic (PV) arrays on recycled water ponds owned and/or operated by the Water Agency. The intent of the RFP was to develop floating solar arrays on up to seven separate ponds.

Four proposals were received by the Water Agency on June 10, 2014. The Water Agency staff evaluated proposals and selected Pristine Sun as the proposer with whom to begin negotiating development of their proposed project. Pristine Sun proposes to utilize six of the seven ponds identified by the Water Agency. Pristine Sun proposes to exclude ALWSZ Ocean View (Site D) reservoir due to site constraints. Their proposal includes the lease of 42 acres spread out amongst the six ponds. The proposed floating systems together total 15.63 MW DC, which would produce 23,906 MWh/yr at a fixed power purchase price for 25 years. In addition to being a local and innovative source of clean renewable power, the Pristine Sun proposal price is amongst the lowest power purchase prices in the market today for solar power. Though the proposal price is favorable, the final price is not yet finalized and will depend on a number of factors including utility interconnection requirements. Water Agency will negotiate a final PPA and return to the Board for approval of the PPA and an agreement with SCPA or other third party to reimburse SCWA for its project development and other costs.

In order for this project to proceed to the design stages and begin the interconnection process with PG&E, the Water Agency needs to execute Lease Agreements with Pristine Sun, to demonstrate to PG&E that Pristine Sun has legal control over the sites.

The Lease Agreements require the tenant, Pristine Sun, be solely responsible for obtaining any environmental impact review, permit, entitlement, approval, authorization or other rights necessary for the project, including but not limited to documents required to comply with the California Environmental Quality Act (CEQA). The Water Agency has prepared two Notices of Exemption (NOE) in accordance with CEQA for the execution of two Lease Agreements: the first between the Water Agency and Pristine Sun and a second between the Sonoma Valley County Sanitation District and Pristine Sun to proceed with site investigation activities and project design.

The Lease Agreements contain preliminary legal descriptions of the areas upon which the solar sites will be developed. Once Pristine Sun's detailed designs of their systems have been laid out and approved by the Water Agency and other permitting authorities such as County of Sonoma Permit and Resource Management Department, Water Agency staff would return to the Board for approval of an amended Lease Agreement with complete legal descriptions of the complete solar systems. Similarly, once Pristine Sun's detailed designs of their systems have been laid out, evaluated under CEQA, and approved by the required permitting authorities, Water Agency staff would return to the Board for approval of a power purchase agreement and authorization to file a Notice of Determination under CEQA.

If the project does not move forward in whole or in part (due to unforeseen technical issues, interconnection problems, or inability of Pristine Sun to obtain required permits), the Lease Agreements terminate by their own terms, and Pristine Sun would have no ongoing interest in those ponds on which the project would not be constructed.

The Water Agency’s Energy Policy, adopted by the Board on March 22, 2011, directs the Water Agency to “continue to seek and develop more reliable sources of electricity for the region, including participating in local energy projects and programs that promote self-sufficiency and make North Bay residents less dependent on outside energy sources.” Leasing Water Agency and Sanitation District operated recycled water pond surface space to Pristine Sun to allow them to begin the development of the project would further this goal.

Floating solar PV provides the best opportunity for the Water Agency to encourage local renewable energy development, primarily because the areas are previously disturbed, have limited visibility in the landscape, and the lease rate for the areas are the lowest, reasonably- priced land value in the region.

Water Agency staff recommends the Board authorize the Water Agency’s General Manager to execute the Lease Agreements for the Floating Solar Project for 42 acres total on ponds on two ALWSZ recycled water ponds and four SVCS D recycled water ponds. Water Agency owns the ALWSZ, so one of the lease agreements would be between Water Agency and Pristine Sun. The other lease agreement would be between SVCS D and Pristine Sun, since SVCS D owns those recycled water ponds, but Water Agency operates SVCS D facilities.

Prior Board Actions:

None

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This project would allow for local clean renewable energy to be generated within the County at a stable and competitive purchase price.

Water Agency Energy Goals and Strategies, Goal 2: Pursue funding and development of renewable energy projects of broad regional benefit to generate revenue, lower county-wide emissions profile, and reduce long term rate exposure risk to consumers.

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

The Lease Agreements would generate approximately \$18,200 in revenue per year for the Airport Larkfield Wikiup Sanitation Zone and approximately \$14,200 in revenue per year for Sonoma Valley County Sanitation District.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

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

1. Lease Agreements between Water Agency and Pristine Sun for Airport Larkfield Wikiup Sanitation Zone South Pond
2. Lease Agreements between Water Agency and Pristine Sun for Airport Larkfield Wikiup Sanitation Zone North Pond
3. Lease Agreements between SVCSD and Pristine Sun for Pond R1
4. Lease Agreements between SVCSD and Pristine Sun for Pond R2
5. Lease Agreements between SVCSD and Pristine Sun for Pond R4
6. Lease Agreements between SVCSD and Pristine Sun for Pond R5
7. Draft Notice of Exemption on behalf of Water Agency
8. Draft Notice of Exemption on behalf of Sonoma Valley County Sanitation District

pa\\S:\CL\Agenda\agrees\10-14-2014 WA Floating Solar Lease Agreements_summ.docm

CF/46-0-21 RFP (Power Purchase Agree for Floating Solar Photovoltaic at Sonoma County Water Agency Ponds) TW No (ID 5021)



County of Sonoma
Agenda Item
Summary Report

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

Agenda Item Number: 25
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Efren Carrillo

Supervisorial District(s):

Fifth

Title: Fee Waiver

Recommended Actions:

Waive fees in the amount of \$760.50 for the Russian River Sister's free Christmas dinner at the Guerneville Veteran's Memorial Building on December 25th, 2014. (Fifth District)

Executive Summary:

This annual free Christmas dinner has been hosted by various River area non-profits for many years

Prior Board Actions:

Approval

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

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 760.50	County General Fund	\$ 760.50
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 760.50	Total Sources	\$ 760.50

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

SUBMIT TO:
 Board of Supervisors
 575 Administration Dr, Ste 100A
 Santa Rosa, CA 95403

COUNTY OF SONOMA

For Board of Supervisors Use Only

Fee Waiver/Board Sponsorship Request Form

1. Contact information for individual requesting fee waiver/sponsorship:

Name: MARY MOUNT and Teresa Spring Russian River Sisters
First Middle Last

Mailing Address: PO 1463 FORESTVILLE CA 95436
Number, Street, Apt/Suite City State Zip

Phone: (707) 887-7374 Email: mmmary13@comcast.net
Area Code, Number

2. Name of Community Based Organization, Non-Profit, or Government Agency for which fee waiver/sponsorship is requested:

Name: Russian River Sisters of Perpetual Indulgence

Mailing Address: Please use above
Number, Street, Apt/Suite City State Zip

Phone: () - Email: rrspi - vivacious@yahoo.com
Area Code, Number

3. Please indicate by check mark the supervisory district in which the organization or agency submitting this request is located, where the project/activity/event will be held, and the district office to whom you would like to submit this request:

Board Member and District	Susan Gorin District 1	David Rabbitt District 2	Shirlee Zane District 3	Mike McGuire District 4	Efren Carrillo District 5
Entity or organization location (select all that apply)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Project/activity/event location (select all that apply)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
District office to receive request (select only one)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. Type of Community Based Organization, Non-profit, or Government Agency for which the fee waiver/sponsorship is requested:

- City Special District Other Local Government
 School Non-profit or CBO

Other (please specify): _____

5. Please provide a description of the project/activity/event for which a fee waiver/sponsorship is being requested on a separate sheet of paper. Please include the number of individuals who will participate or be served, etc.

6. Please indicate if this is a one-time or annual event: One Time Annual

7. Type and amount of fee waiver/sponsorship requested. Please list all County fees you are requesting be waived/sponsored in conjunction with this project/activity/event. Please attach a copy of an estimate or receipt from the County Department or Veteran's Building Operator documenting the amount of each fee you are requesting be waived/sponsored.

Department Assessing Fee	Type of Fee	Amount of Fee
	Paperwork attached	\$60.50

8. If your Community Based Organization, Non-Profit, or Governmental Agency has received a fee waiver/sponsorship for a similar project/activity/event in the past, please list below:

Date of Fee Waiver	Department Assessing Fee	Type of Fee	Amount of Fee
12/25/14		Proposed fee waiver	
/ /		attached	\$60.50
/ /		} FOR CHRISTMAS DINNER FOR } THE NEEDY & POOR }	
/ /			

9. Does the organization or agency for which the fee waiver/sponsorship is requested receive funding from any of the following sources? If so, please specify:

- Property Tax Sales Tax Special Assessment
 User Fees

Other (please specify): N/A

10. If you checked any of the boxes in number 9 above, please provide an explanation and supporting documentation regarding the inability of the organization or agency to pay the fees which you are requesting be waived/sponsored. Please attach to this form and submit with your request.

11. Will the organization or agency be charging an entry fee or be requesting a donation for the project/activity/event for which you are requesting a fee waiver/sponsorship? If so, please provide an explanation detailing why the fees to be waived/sponsored cannot be recovered through the entry fee. Please attach to this form and submit with your request.

MSN
 Authorized Signature
9 1301 2014
 Date

SISTER CLAIRE VOYANTE
 Title
 and
SISTER VIVACIOUS
AKA MARY MOUNT \$ 887-7374
 (707)
TERESA SPRING
 (925) 451-9082



Sonoma County Veterans Memorial Buildings
 126 First Street West
 Sonoma CA 95476
 (707) 938-4105 - Tel / (707) 938-1122 - fax

CONFIRMATION

Customer	Reservation: 9116
Mary Mount Russian River Sisters of Perpetual Indulgence P. O. Box 811 Guerneville, CA 95446 U.S.A.	Event Name: Christmas Dinner for Needy Status: Confirmed Phone: 707-887-7374-H Fax: 707-869-4217-W Event Type: Meal

Bookings / Details	Quantity	Price	Amount
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CHEWING GUM, GLITTER, CONFETTI, CANDLES, AND SHOES ON THE WALL(S) ARE NOT PERMITTED IN OUR FACILITIES AT ANY TIME.

HOURS RESERVED MUST INCLUDE DECORATION, SET-UP AND CLEAN-UP.

CHANGES TO THIS RESERVATION MAY BE MADE UP TO 30 DAYS PRIOR TO THE EVENT DATE

ADDITIONAL CHARGES WILL BE INCURRED IF YOUR EVENT RUNS BEYOND CONTRACTED HOURS. A \$50.00 FEE WILL BE CHARGED IF CONTRACT REQUIREMENTS ARE NOT MET 30 DAYS PRIOR TO EVENT DATE OR IF CHANGES OF ANY KIND ARE REQUESTED LESS THAN 30 DAYS BEFORE EVENT DATE FAILURE TO PAY DEPOSIT ON TIME WILL RESULT IN CANCELLATION OF YOUR RESERVATION - THE REINSTATEMENT FEE IS \$50.00

Thursday, December 25, 2014

7:00 AM - 8:00 PM Dinner (Confirmed) Guerneville Auditorium

Room Charge: (13 hours @ 17.00/hr)	1	221.00	221.00
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Holiday Surcharge (50%):

Guerneville Holiday Surcharge	1	110.50	110.50
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7:00 AM - 8:00 PM Dinner (Confirmed) Guerneville Club Room

Room Charge: (13 hours @ 13.00/hr)	1	169.00	169.00
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Holiday Surcharge (50%):

Guerneville Holiday Surcharge	1	84.50	84.50
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7:00 AM - 8:00 PM Dinner (Confirmed) Guerneville Kitchen

Room Charge: (13 hours @ 9.00/hr)	1	117.00	117.00
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Holiday Surcharge (50%):

Guerneville Holiday Surcharge	1	58.50	58.50
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Subtotal	760.50
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Grand Total	760.50
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GRAND TOTAL MAY NOT REFLECT ALL POSSIBLE CHARGES

Any balance due must be paid in full no later than 30 DAYS PRIOR to the event date.

AMOUNT DUE: \$

Bookings / Details

Quantity

Price

Amount

Sign

Date

Cancellation:

If the event is cancelled 90 days or more from the date held, 50% of the deposit shall be retained by the County (General Services Department).

If the event is cancelled between 30-90 days of the date held, the entire deposit shall be retained.

If the event is cancelled 15-30 days of the date held 50% of the Rental Fee will be retained.

If the event is cancelled within 15 days of the event 100% of the Rental Fee will be retained.

CLEANING/DAMAGE DEPOSITS:

The entire cleaning/damage deposit will be forfeited if ANY of the following occur:

GUM IS FOUND IN THE FACILITY (FLOOR, ETC.)

GLITTER IS FOUND IN THE FACILITY

ALCOHOL IS BROUGHT INTO FACILITY DURING A "NON-ALCOHOL" EVENT



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 33
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Dean Parsons 565-1948

Supervisorial District(s):

First

Title: Second General Plan Amendment Package for 2014; General Plan/Area Plan Amendments, Zone Change, and Lot Line Adjustment; PLP14-0043.

Recommended Actions:

Conduct a public hearing and approve General Plan and Area Plan Amendments, a Zone Change, and Lot Line Adjustment for property located at 13600 and 13360 Highway 12, Glen Ellen; Paul Curreri and Sonoma County Regional Parks owners; APN 054-270-034, 054-150-011 and -012.

Executive Summary:

State law limits the number of times each mandatory element of the General Plan can be amended to four times a year. The Board is requested to consider the Planning Commission's recommendation on the second General Plan Amendment for 2014.

Project Description:

The purpose of this project is fee acquisition by the Sonoma Land Trust of an approximate 29-acre portion of the 35 acre Curreri property and immediate transfer of the property to Sonoma County Regional Parks Department to expand Sonoma Valley Regional Park. The purchase price will be funded equally by the Gordon and Betty Moore Foundation and the Open Space District.

By Lot Line Adjustment, approximately 29 acres will be added to the existing 203 acre Sonoma Valley Regional Park located adjacent and immediately south of the Curreri property (see Exhibit C). The Curreri property is to be reduced from 35 to 6.39 acres and will continue as a rural residential use with three existing residences accessed from Garric Avenue and Curreri Road.

A separate action by the Board of Supervisors and the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District is scheduled for October 21, 2014, to take necessary actions for the County to acquire the Curreri Property in fee and for the District to concurrently acquire a conservation easement and recreation covenant.

Sonoma Valley Regional Park will continue to be accessed from an existing driveway/parking lot served by Highway 12. No changes are proposed to existing vehicular access for either of the two resulting parcels. The existing parking lot serving the park will continue to serve parking needs for park visitors. With the additional 29 acres, the proposed project would result in a 15% increase in the size of the existing park. No new development is proposed at this time on the resulting 6.39 acre Curreri property or the additional park land other than trail enhancement.

The proposed Lot Line Adjustment requires a General Plan Amendment, Area Plan amendment, and Zone Change to allow the existing Curreri property to be reduced from 35 to 6.35 acres in size. The General Plan land use designation for the resulting 6.39 acre Curreri parcel would change from Land Intensive Agriculture 20 acre density to Rural Residential five acre density with a corresponding Zone Change from Rural Residential five acre density SR (Scenic Resource). The 29 acres adjusted to the park requires a Public-Quasi Public General Plan land use designation with a corresponding Public Facilities, SR (Scenic Resources), B7 (Frozen Lot Size) zoning designation.

Project Location, General Plan and Zoning:

The subject site is located at 13600 and 13360 Highway 12, Glen Ellen; APN 054-270-034 and APN 054-150-011 & 012. The existing Curreri property has a base zoning designation of Land Intensive Agriculture with a SR (Scenic Resources) combining district. The existing 203 acre Sonoma Regional Valley Park has a PF (Public Facilities) zoning designation.

Action Requested of the Board of Supervisors:

Approve the proposed Lot Line Adjustment to transfer approximately 29 acres of land from Paul and Yvette Curreri's 35 acre property to the existing Sonoma Valley Regional Park located immediately to the south. The proposed Project requires the following:

- 1) General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to RR (Rural Residential) 5 acre density on 6.39 acres (APN 054-270-034) for continued residential use, and a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to PQP (Public-Quasi Public) on 29 acres (APN 054-270-034) for Park use;
- 2) Amendment to the North Sonoma Valley Area Plan to change the North Sonoma Valley Area Plan designation for Parcel A (28.97 acres) from Open Land and Residential 10-20 acre density to the Recreational Land Use designation, and the 6.39 acre Lot A from Open Land and Residential 10-20 acre density to the Rural Residential 1-5 acre density land use; and
- 3) Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources), to RR (Rural Residential), 5 acre density, SR (Scenic Resources) on 6.39 acres (APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to PF (Public Facilities), SR (Scenic Resources), B7 (Frozen Lot Size) on 29 acres (APN 054-270-034).

Background:

The Sonoma Land Trust was approached by the Sonoma Ecology Center and several of the immediate neighbors in 2012 to determine the level of interest in participating in a conservation-based acquisition transaction for the property. In early 2013, Sonoma Land Trust began collaborating with Sonoma County Regional Parks Department, and secured funding commitments from the Sonoma County Agricultural

Preservation and Open Space District and the Gordon and Betty Moore Foundation to acquire approximately 29 acres of the property, thereby protecting and securing access to the primary western ridge line of the park. The subject parcel is highly vulnerable to estate and vineyard development, which are the dominant land uses in the area. Sonoma Land Trust and the parcel owner entered into a purchase and sale agreement in October 2013, which has been extended through October 2014 to complete all necessary project conditions and contingencies.

Protection of the subject parcel will further conservation goals by preserving habitat within the Sonoma Valley Wildlife Corridor (SVWC), a crucial linkage for wildlife movement between Sonoma Mountain and the Mayacamas. Due to dense residential and vineyard development to the north and south, the wildlife corridor comes to a narrow pinch point near the subject parcel and the Sonoma Developmental Center. The loss of this specific property's habitat and open space would severely limit future wildlife movement across the Sonoma Valley.

Planning Commission Public Hearing:

Neighbors expressed concern about potential future development of the resulting 6.39 acre Curreri parcel. They also had concerns about current tenants and animals living on site.

Planning Commission and Staff Response:

Recommended conditions of approval (see Exhibit E, Conditions of Approval - #3) require any future replacement of the three existing nonconforming residences on the resulting Curreri parcel to conform to General Plan and zoning density and development standards. Prior to their replacement, the three existing residences can remain until such time when one or more is replaced by the owner. At the time of replacement, one of the three existing residences must be removed and one residence has the potential of being legalized as a Second Dwelling Unit.

Any replacement dwellings must conform to water and septic standards in effect at the time of building permit issuance. Due to the age and condition of the existing residences they will likely be replaced in the future. The property owner has completed septic perc tests and the site can support a total of four bedrooms for future residential development. The bedrooms could be located entirely within a future primary dwelling or divided among a primary dwelling unit and a Second Dwelling Unit.

The recommended General Plan and Zoning designation (Rural Residential, five acre density) would not allow further subdivision of the resulting 6.39 acre residential parcel (this designation requires a minimum of 10 acres to subdivide). Such zoning also prohibits any additional residential units.

Staff explained that animals are allowed subject to limits in the Zoning Code. The Planning Commission explained that any issues relating to tenant noise and the care of on-site animals should be reported to appropriate agencies but such issues are not related to the land use decision before the Commission.

Planning Commission Recommendation: The Planning Commission recommends the Board of Supervisors approve the General Plan and Area Plan amendments, Zone Change, and Lot Line Adjustment.

Prior Board Actions:			
None.			
Strategic Plan Alignment		Goal 1: Safe, Healthy & Caring Community & Goal 2: Economic and Environmental Stewardship	
The proposed project will create additional recreational opportunities for the public by expanding the existing Sonoma Valley Regional Park by approximately 29 acres. Expanded recreational opportunities also promote healthy communities by providing additional area for exercise and relaxation. The park addition also maintains and protects open space and existing habitat and wildlife corridors in an area that is subject to great development pressure.			
Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$
Narrative Explanation of Fiscal Impacts (If Required):			
Planning application fees for this project address PRMD processing costs.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
Draft Board of Supervisors Resolution with Conditions of Approval and General Plan Amendment Map Exhibit A: Draft Ordinance and Sectional District Map Exhibit B: Applicant Proposal Statement			

Exhibit C: Lot Line Adjustment Site Plan prepared by Cinquini & Passarino, Inc. Land Surveying
Exhibit D: Vicinity Map
Exhibit E: Letter from Ms. Ebinger, dated September 24, 2014
Exhibit F: Planning Commission Resolution No. 14-018
Exhibit G: Draft Planning Commission Minutes Dated September 25, 2014
Exhibit H: Planning Commission Staff Report Dated September 25, 2014

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

None.



County of Sonoma

State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____

PLP14-0043 Dean Parsons

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Finding The Proposed Project Exempt From CEQA And Approving A General Plan Amendment, Area Plan Amendment, Zone Change, And Lot Line Adjustment As Requested By Paul Curreri and Sonoma County Regional Parks, For Property Located At 13600 and 13360 Highway 12, Glen Ellen; APN's 054-270-034, 054-150-011 and 054-150-012.

Resolved, that the Board of Supervisors of the County of Sonoma ("the Board") hereby finds and determines as follows:

Whereas, Paul Curreri and Sonoma County Regional Parks Department filed an application ("Proposed Project") with the Sonoma County Permit and Resource Management Department for a Lot Line Adjustment to transfer 28.97 acres of undeveloped grazing land owned by Curreri to the existing 203 acre Sonoma Valley Regional Park. The application includes the following components: 1) a General Plan Amendment to modify the General Plan designation of a 6.39 acre portion of the site (Lot A – Curreri) from LIA (Land Intensive Agriculture) 20 acre density to RR (Rural Residential) 5 acre density (APN 054-270-034), and a General Plan Amendment from LIA (Land Intensive Agriculture) 20 acre density to PQP (Public-Quasi Public) on 28.97 acres (Parcel A -APN 054-270-034); 2) an amendment to the North Sonoma Valley Area Plan to change the North Sonoma Valley Area Plan designation for Parcel A (28.97 acres) from Open Land and Residential 10-20 acre density to the Recreational Land Use designation, and the 6.39 acre Lot A from Open Land and Residential 10-20 acre density to the Rural Residential 1-5 acre density land use designation; and 3) a Zone Change from LIA (Land Intensive Agriculture), B6-20 acre density to RR (Rural Residential), B6-5 acre density, SR (Scenic Resource) on 6.39 acres (Lot A - APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource) to PF (Public Facilities), SR (Scenic Resource), B7 (Frozen Lot Size) on 28.97 acres (Parcel A - APN 054-270-034). The requested General Plan and Area Plan Amendments and Zone Changes are required to implement the requested Lot Line Adjustment between two parcels 35.36 acres (Curreri) and 203 acres (Lot B - Park) resulting in two parcels 6.39 acres (Lot A - Curreri) and 233 acres in size (Lot B - Sonoma Valley Regional Park). The properties are located at 136000 and 13360 Highway 12, Glen Ellen; APNs 054-270-034, 054-150-011 and 054-150-012; Supervisorial District No. 1 (the "Proposed Project"); and

Whereas, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on September 25, 2014, and with a 4-0-1 vote recommended that the Board approve the Proposed Project; and

Whereas, the Planning Commission's recommendation on the Proposed Project has been reviewed and considered by the Board; and

Whereas, in accordance with the provisions of law, the Board held a public hearing on October 14, 2014, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

Whereas, the Proposed Project is the second amendment of the General Plan Land Use Element for 2014, and

Whereas, the second land use amendment of the General Plan Land Use Element for 2014 does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

Whereas, the Board makes the following findings with respect to the Proposed Project's Categorical Exemption:

1. Section 15061(b)(3) of the California Code of Regulations provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
2. Sections 15313 (Acquisition of Lands for Wildlife Conservation Purposes), 15316(a) (Transfer of Ownership of Land in Order to Create Parks), 15317 (Open Space Contracts or Easements), and 15325(a), (c), & (f) (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions) of the California Code of Regulations also apply to this Project because the 29 acres transferred to the existing park will be used for park purposes and will maintain and preserve an important existing wildlife corridor in the Glen Ellen vicinity. As a separate action, the Sonoma County Open Space District will secure a Conservation Easement on the 29 acre acquisition.
3. Based on the record of these proceedings, the Board finds that there is no substantial evidence before it that the Proposed Project will have a significant effect on the environment and that the Project is exempt from CEQA.

Whereas, the Board makes the following findings concerning the Proposed

Project:

1. The project is consistent with the Sonoma County General Plan because it transfers 28.97 acres from private to public park use (Sonoma Valley Regional Park) consistent with the Goals, Objectives and Policies of the General Plan specific to the preservation of open space, scenic, and biotic resources. This public park addition will result in a reduction in development potential and additional protection for the adjusted 28.97 acres currently designated by the Sonoma County General Plan as a Community Separator and Habitat Connectivity Corridor. As a part of this project, a conservation easement and recreation covenant over the transferred property will be conveyed to the Sonoma County Agricultural Preservation and Open Space District, providing further protection to the currently undeveloped portion of the site.
2. The project is consistent with the amended North Sonoma Valley Area Plan designation of Recreational land use designation for the 28.97 acre portion of the site to be adjusted to the existing park site Open Land and Residential 10-20 acre density land use, and the 6.39 acre Lot A to the Rural Residential 1-5 acre density land use.
3. The Lot Line Adjustment is consistent with Chapter 25, Section 25-70.5 (Lot Line Adjustment approval criteria) of the Sonoma County Code. The project has been conditioned to require any future residential development of the resulting 6.39 acre parcel to conform to current zoning, building and septic regulations.
4. The Lot Line Adjustment transfers 28.97 acres of land to the existing 203 acre Sonoma Valley Regional Park (totaling 233 acres) which is a 15% increase in public park size.

Now, Therefore, Be It Resolved based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The project is exempt from CEQA in accordance with CEQA and the State CEQA Guidelines.
3. The Proposed Project is approved as follows:

- a. The General Plan Amendment is approved as the second amendment of the General Plan Land Use Element for 2014.
- b. The General Plan Amendment is approved to amend the land use designation as follows: (1) the 6.39 acre Lot A is amended from LIA (Land Intensive Agriculture) 20 acre density to RR (Rural Residential) 5 acre density (APN 054-270-034), and (2) the 28.97 acre Parcel A is amended from LIA (Land Intensive Agriculture) 20 acre density to PQP (Public-Quasi Public) (APN 054-270-034).
- c. The North Sonoma Valley Area Plan is amended as follows: (1) the 28.97 acre Parcel A being added to the Park is amended from Open Land and Residential 10-20 acre density to the Recreational land use designation; and (2) the 6.39 acre Lot A is amended from Open Land and Residential 10-20 acre density to the Rural Residential 1-5 acre density land use.
- d. The Lot Line Adjustment is approved subject to the Conditions of Approval contained in Exhibit "A," attached hereto, and incorporated herein by reference.

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

Supervisors:

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

So Ordered.

**BOARD OF SUPERVISORS
CONDITIONS OF APPROVAL**

Exhibit A

Date: October 14, 2014

File No.: PLP14-0043

Applicant: Cinquini and Passarino Inc.

APNs: 054-270-034, 054-150-011, -012

Owners: Paul Curreri and Sonoma County Regional Parks

Address: 13600 and 13360 Highway 12, Glen Ellen

Project Description: The purpose of the Lot Line Adjustment is to transfer 28.61 acres of undeveloped grazing land from Lot A to Lot B to expand the existing Sonoma Valley Regional Park. The project requires the following: 1) a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to RR (Rural Residential) 5 acre density on 6.39 acres (APN 054-270-034) for continued residential use, and a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to PQP (Public-Quasi Public) on 28.97 acres (APN 054-270-034) for Park use; 2) an amendment to the North Sonoma Valley Area Plan to change the North Sonoma Valley Area Plan designation for Parcel A (28.97 acres) from Open Land and Residential 10-20 acre density to the Recreational Land Use designation, and the 6.39 acre Lot A from Open Land and Residential 10-20 acre density to the Rural Residential 1-5 acre density land use; 3) a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to RR (Rural Residential), 5 acre density, SR (Scenic Resources) on 6.39 acres (APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to PF (Public Facilities), SR (Scenic Resources) on 28.61 acres (APN 054-270-034); and 4) a Lot Line Adjustment between two parcels 35.36 acres and 203 acres, resulting in two parcels 6.39 acres and 232 acres in size.

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

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

1. Provide by means of a (topographic) Plot Plan drawn to a 1"=20' scale, that the existing Lot A (APN 054-270-034) contains sufficient area to accommodate the proper private sewage disposal systems for the existing houses on the parcel and 200% unencumbered future reserve area for each of the septic systems. The plan shall include the location of any existing and potential domestic well site(s). The plan is to be prepared by a registered Civil Engineer or Environmental Health Specialist. This demonstration may be modified or waived by the District Specialist if the consultant can clearly demonstrate that adequate primary and reserve sewage disposal area is available.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

2. 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 the Sonoma County Permit and Resource Management Department (PRMD) from the County Fire Marshal/Local Fire Protection District.

EXHIBIT A
TO RESO

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

3. Any future requests for replacement of any of the three residences located on the resulting 6.39 acre residential parcel shall conform to General Plan and Zoning development standards which allows a primary residence and a second dwelling unit. To conform to such requirements, one of the three existing residences must be removed and one residence potentially has the option of being converted to a second dwelling unit subject to approval of a Zoning Permit. All other building and septic code requirements shall also be met at the time of any future development.
4. Submit verification to PRMD that taxes and/or assessments, which are a lien and termed as payable, are paid to the Sonoma County Treasurer-Tax Collector's Department (Treasurer-Tax Collector) on all parcels affected by the adjustment. The Treasurer-Tax Collector knows the amount of the tax due.
5. A draft description, prepared by a licensed land surveyor or civil engineer authorized to practice land surveying, showing the combination of lots or transfer of property shall be submitted to the County Surveyor for approval. The following note shall be placed on the deed(s): "The purpose of this deed is for a Lot Line Adjustment for the combination of a portion of the Lands of Curreri as described by deed recorded under Document No. 2005-026605, Sonoma County Records Department, APN 054-270-034 with the Lands of County of Sonoma as described by deed recorded under Document No. 3456 O.R. 474, Sonoma County Records Department, APN 054-150-011 and -012. This deed is pursuant to PLP14-0043 on file with PRMD. It is the express intent of the signatory hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels." It is the responsibility of the surveyor/engineer preparing the deeds to insure that the information contained within the combination note is correct. Note: The Sonoma County Surveyor may modify the above described note.
6. After approval by the Sonoma County Surveyor (Surveyor), a grant deed or deeds shall be prepared and submitted to PRMD for approval prior to recording. An approval stamp will be placed on the face of the grant deed or deeds.
7. A site plan map of the Lot Line Adjustment shall be prepared by a licensed surveyor or civil engineer and attached to the deed(s) to be recorded. The site plan shall be subject to the review and approval of the Surveyor. The following note shall be placed on said plan: "THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. Any errors or omissions on this exhibit shall not affect the deed description."
8. After approval by PRMD the grant deeds shall be recorded with the Sonoma County Records Department and a copy of the deed(s) shall be submitted to PRMD.
9. The property owners shall execute a Right-to-Farm Declaration on a form provided by PRMD to be submitted before the Lot Line Adjustment is cleared by PRMD for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the PRMD approved Lot Line Adjustment grant deed(s) to reflect the newly configured parcels.
10. 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.
11. The applicant shall include these Conditions of Approval on separate sheets of each plan set to be submitted for building and grading permit applications.

12. All building and/or grading permits shall have the following note printed on plan sheets:

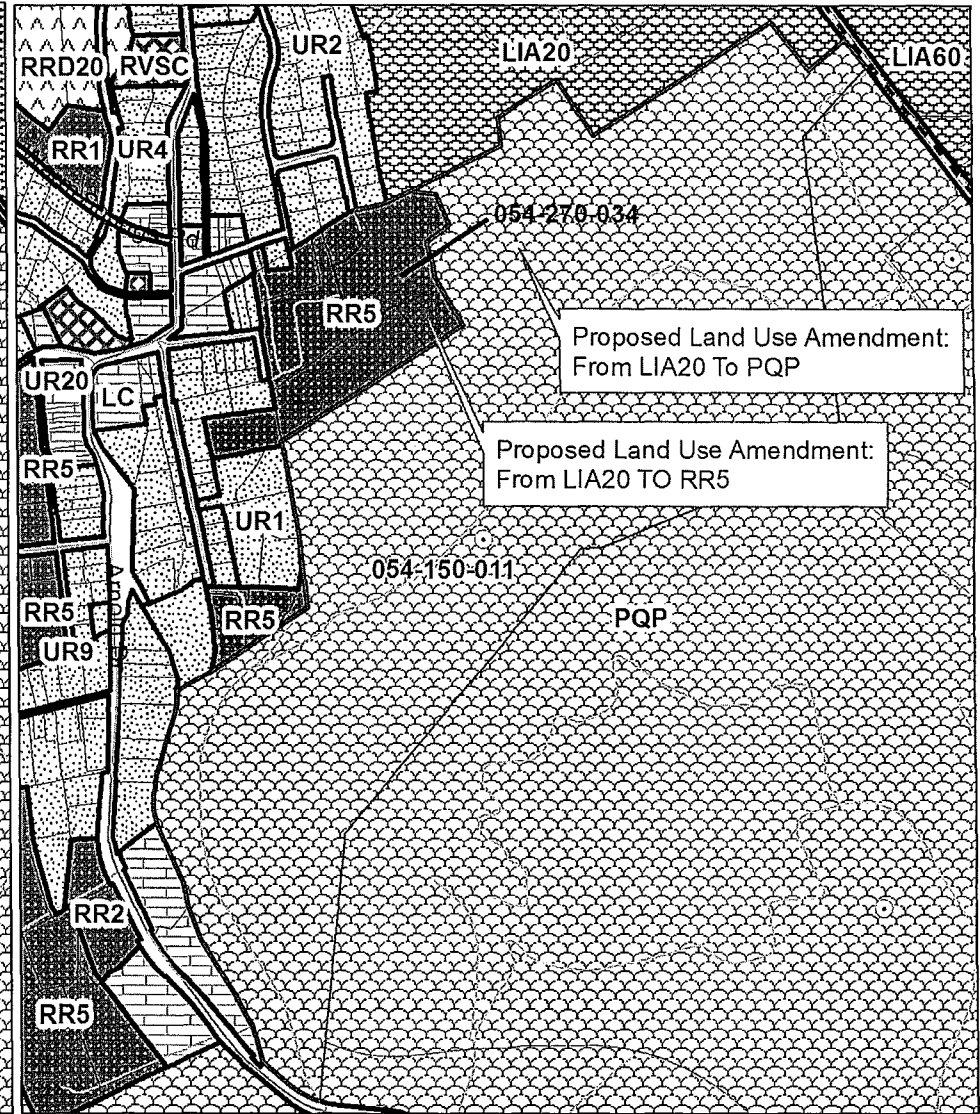
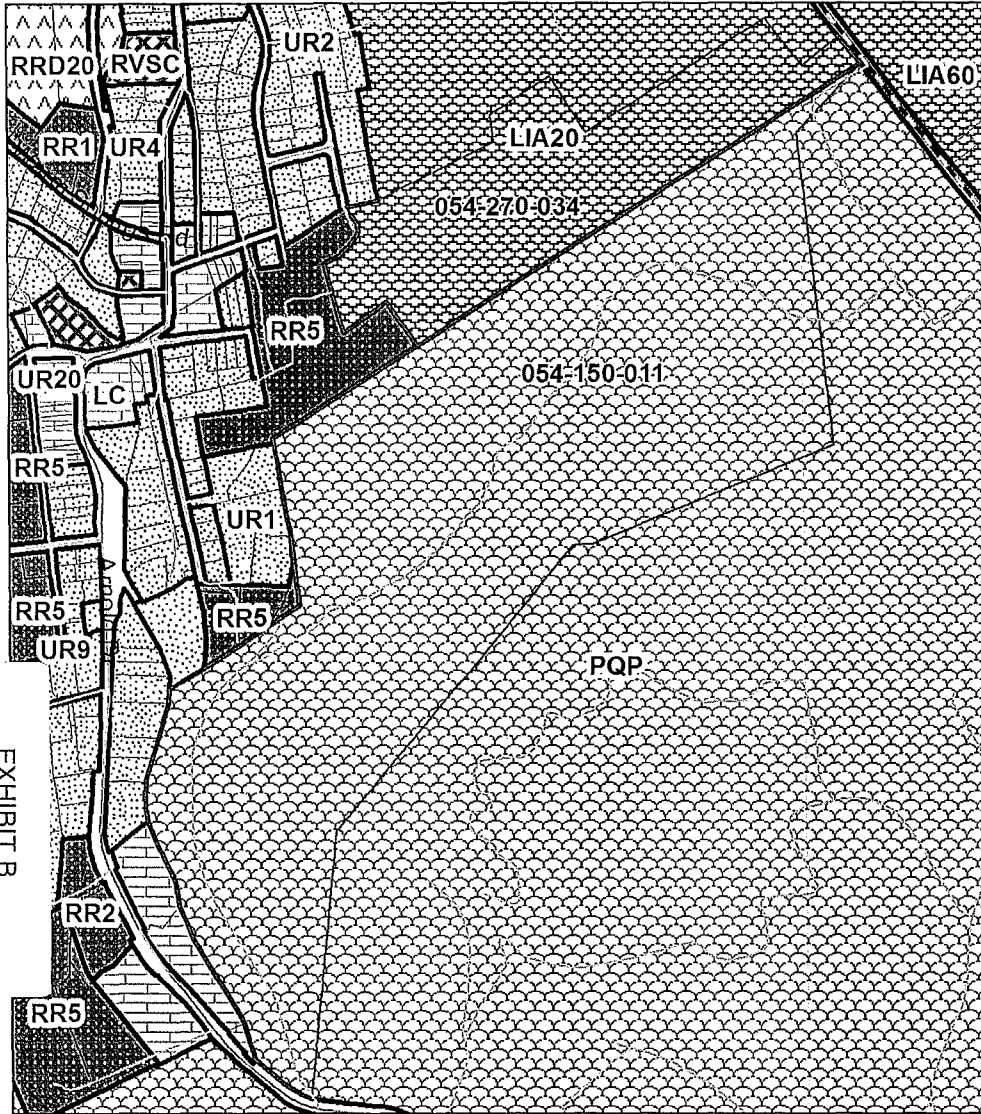
"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and PRMD - Project Review staff shall be notified 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, fire pits, 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 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. 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.

Existing General Plan Land Use

Proposed General Plan Land Use



Proposed Land Use Amendment:
From LIA20 To RR5

Proposed Land Use Amendment:
From LIA20 TO RR5

EXHIBIT B
TO RESO

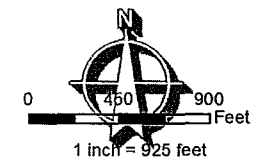
General Plan Land Use

- | | | | | | |
|--|---|--|--------------------------------------|--|-----------------------|
| | Diverse Agriculture | | General Commercial | | Planning Area Policy |
| | Land Extensive Agriculture | | Limited Commercial | | AH Affordable Housing |
| | Land Intensive Agriculture | | Limited Commercial Traffic Sensitive | | |
| | Resource and Rural Development | | General Industrial | | |
| | Rural Residential | | Limited Industrial | | |
| | Urban Residential | | Public / Quasi Public | | |
| | Recreation / Visitor-Serving Commercial | | | | |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

Base Map Data

- | | |
|--|-----------------------------|
| | Assessor Parcel |
| | Coastal Commission Boundary |
| | Urban Service Areas |
| | Highways |
| | Intermittent Stream |
| | Perennial Stream |



FILE: PLP 14-0043
APNs: 054-150-011 &
054-270-034
Resolution No. TBA

Permit and Resource Management Department
Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1965 Fax (707) 565-1103

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM LIA (LAND INTENSIVE AGRICULTURE), B6-20 ACRE DENSITY), SR (SCENIC RESOURCES) TO RR (RURAL RESIDENTIAL), B6-5 ACRE DENSITY SR (SCENIC RESOURCE) DISTRICTS ON 6.39 ACRES (APN 054-270-034), AND A ZONE CHANGE FROM LIA (LAND INTENSIVE AGRICULTURE), B6-20 ACRE DENSITY, SR (SCENIC RESOURCES) TO PF (PUBLIC FACILITIES), SR (SCENIC RESOURCES), B7 (Frozen Lot Size) ON 28.97 ACRES (APN 054-270-034) FOR PROPERTY LOCATED AT 13600 AND 13360 HIGHWAY 12, GLEN ELLEN, APN 054-270-034, 054-150-011 AND 054-150-012.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property with a Zone Change from LIA (Land Intensive Agriculture), B6-20 acre density), SR (Scenic Resources) to RR (Rural Residential), B6-5 acre density, SR (Scenic Resources) Zoning Districts on 6.39 acres (APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resources) to PF (Public Facilities), SR (Scenic Resources), B7 (Frozen Lot Size) on 28.97 acres (APN 054-270-034), also known as 13600 and 13360 Highway 12, Glen Ellen, APN 054-270-034, 054-150-011 and 054-150-012. File No. PLP14-0043. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

SECTION II: The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) Section 15061(b)(3) of the California Code of Regulations provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In addition, the following additional exemptions also apply to the subject project: Sections 15313 (Acquisition of Lands for Wildlife Conservation Purposes), 15316(a) (Transfer of Ownership of Land in Order to Create Parks), 15317 (Open Space Contracts or Easements), and 15325(a), (c), & (f) (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions) because the 29 acres transferred to the existing park will be used for park purposes and will maintain and preserve an important existing wildlife corridor in the Glen Ellen vicinity. As a separate action, the Sonoma County Open Space District will secure a Conservation Easement on the 29 acre acquisition.

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

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

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 14th day of October, 2014, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Zane McGuire: Carrillo: Rabbitt:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Veronica A. Ferguson
Clerk of the Board of Supervisors

June 5, 2014

Permit Resource and Management Department2250 Ventura Ave
Santa Rosa, CA 95403**Re: Lot Line Adjustment between APN 066-230-092 & 093
General Plan Amendment
Zoning Change**PROPOSAL STATEMENT

The purpose of this Lot Line Adjustment is to transfer 28.61 acres of land from Paul and Yvette Curreri to Sonoma County Regional Parks to increase the size of Sonoma Valley Regional Park.

We have been notified by the Sonoma County Planning Department that in order to accomplish this proposed lot line adjustment, the General Plan will need to be amended and the Zoning for Lot A and Parcel A will need to be changed.

LOT LINE ADJUSTMENT

Parcel A is 28.61 acres to be transferred from Lot A to Lot B (see map for details) resulting in the following changes in acreage:

	APN	EXISTING PARCEL SIZE	PROPOSED PARCEL SIZE
Lot A	054-270-034	35.36 acres	6.75 acres
Lot B	054-150-011 & 012	± 203 acres*	± 232 acres*

*Lot B has not been surveyed in its entirety. Areas shown for Lot B are calculated from compiling record data.

GENERAL PLAN

Currently, Lot A has a General Plan use of Land Intensive Agriculture. Yvette and Paul Curreri live on the westerly most portion of this land which they access from Garlic Avenue. The land immediately east of their dwellings all the way to Highway 12 is currently open land with no improvements (see map for details) making it a perfect addition to Sonoma Valley Regional Park, Lot B. The Park has a General Plan use of Public/Quasi Public. To accommodate this proposed lot line adjustment, Parcel A (the land to be transferred from Lot A to Lot B) will need to be changed from a use of Land Intensive Agriculture to Public/Quasi Public making it consistent with the use of the Sonoma Valley Regional Park. As a result of the lot line adjustment, Lot A will be 6.75 acres and should be changed to a use of Rural Residential to make it consistent with the physical use of the land.

There are no anticipated changes in noise, traffic, or site appearance due to this proposed General Plan Amendment. The land to be transferred will forever be a part of the Sonoma County Regional Parks and will not be improved upon.

Permit Resource and Management Department

2250 Ventura Ave

Santa Rosa, CA 95403

Page 2

ZONING CHANGE

Lot A is currently zoned as LIA B6 20. Parcel A will need to be changed from LIA B6 20 to PF B7 to be consistent with Sonoma Valley Regional Park. As a result of the lot line adjustment, Lot A will be 6.75 acres and should be changed from LIA B6 20 to RR B6 5 to make it consistent with the adjoining properties to the west.

In summary, the following changes are proposed for this project:

LOT A

Owner	Paul & Yvette Curreri
APN	054-270-034
Existing Size	35.36 acres
Proposed Size	6.75 acres
Existing Zoning	LIA B6 20
Proposed Zoning	RR B6 5
Existing General Plan Use	Land Intensive Agriculture
Proposed General Plan Use	Rural Residential

LOT A

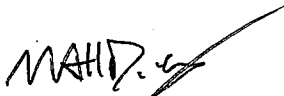
Owner	Sonoma County Regional Parks
APN	054-150-011 & 012
Existing Size	± 203 acres
Proposed Size	± 232 acres
Existing Zoning	PF B7
Proposed Zoning	PF B7 (no change)
Existing General Plan Use	Public/Quasi Public
Proposed General Plan Use	Public/Quasi Public (no change)

PARCEL A

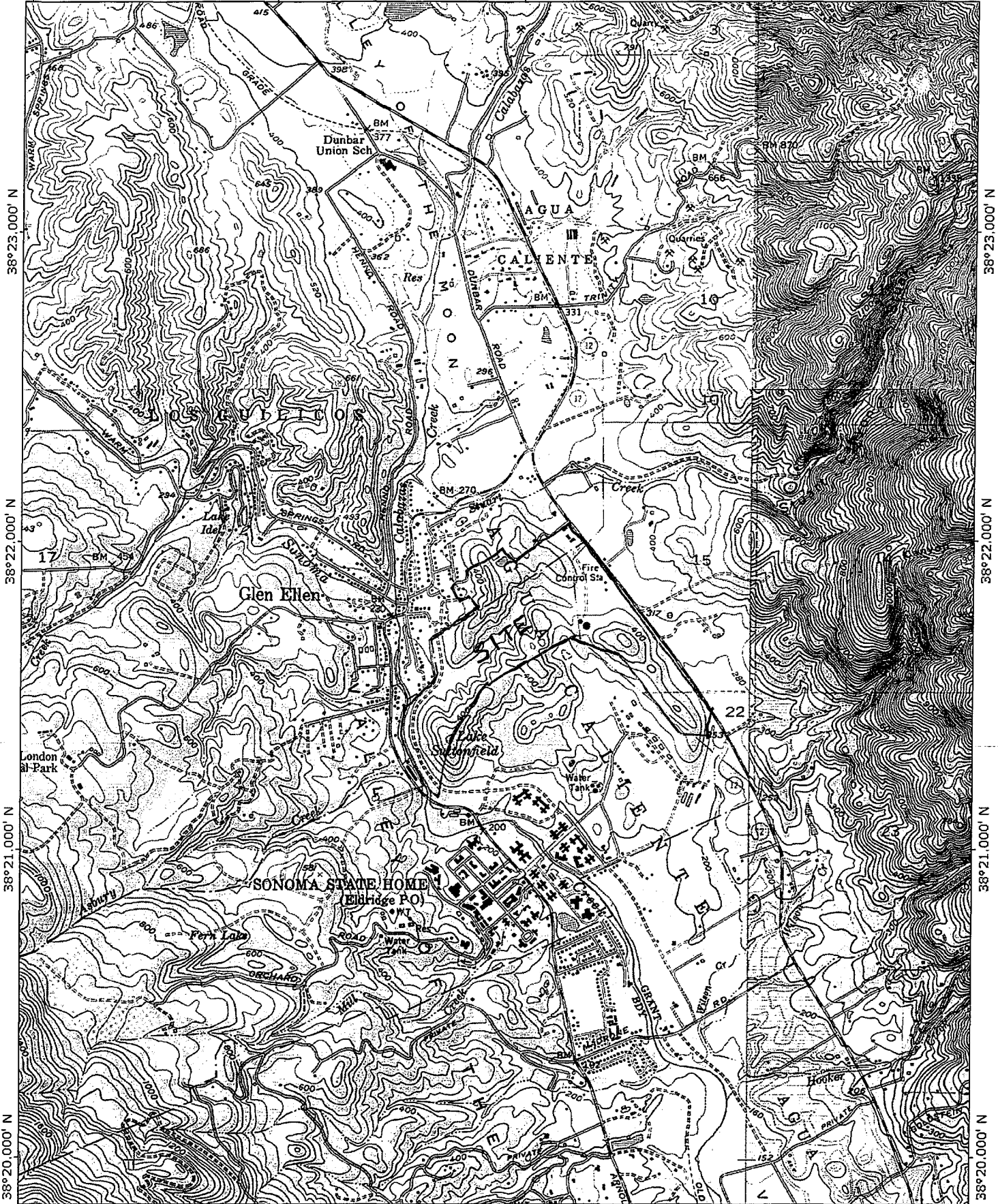
Land to be transferred from Lot A to Lot B	
Size	28.61
Existing Zoning	LIA B6 20
Proposed Zoning	PF B7
Existing General Plan Use	Land Intensive Agriculture
Proposed General Plan Use	Public/Quasi Public

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,
CINQUINI & PASSARINO, INC.



Mathew Dudley, Staff Surveyor
1360 N. Dutton Ave, Ste 150
Santa Rosa, CA 95401
(707) 542-6268



38°23.000' N

38°22.000' N

38°21.000' N

38°20.000' N

38°23.000' N

38°22.000' N

38°21.000' N

38°20.000' N

Curreri Addition to Sonoma Valley Regional Park Transaction Summary – August 2014

Property Details

Address: 13600 Hwy 12, Glen Ellen, 95442
APN: 054-270-034
Acreage: 33.56
Landowners: Paul N. & Yvette N. Curreri



Project Objective: fee acquisition of a 28.97-acre portion of the Curreri property by Sonoma Land Trust, and immediate transfer of the property to Sonoma County Regional Parks Department to expand Sonoma Valley Regional Park.

Introduction

The Curreri property is located in the Sonoma Valley near Glen Ellen, and is adjacent to the 202-acre Sonoma Valley Regional Park. Sonoma Land Trust was approached by the Sonoma Ecology Center and several of the immediate neighbors in 2012 to determine our interest in participating in a conservation-based acquisition transaction for the property. The Curreris had incurred significant debt on the property, and if not for a loan from the neighbors in 2012, the property would have been sold through foreclosure. The neighbors (Guerrazzi, Rector and Johnson) all have access agreements to the Regional Park across the Curreri property, and they were very concerned about the Curreri property being heavily developed in a manner similar to the neighboring property (Dolan- Parcel No. 054-270-010).

In early 2013, SLT began collaborating with Sonoma County Regional Parks Department, and secured funding commitments from the Sonoma County Agricultural Preservation & Open Space District and the Gordon and Betty Moore Foundation to acquire approximately 28.97 acres of the property, thereby protecting and securing access to the primary western ridge line of the Park. As stated, the property is highly vulnerable to estate and vineyard development which are the dominant land uses in the area. SLT and the Curreris entered into a purchase and sale agreement in October 2013, which has been extended through October 2014 to complete all necessary project conditions and contingencies.

Protection of the property will further conservation goals by preserving habitat within the Sonoma Valley Wildlife Corridor (SVWC), a crucial linkage for wildlife movement between Sonoma Mountain and the Mayacamas. Due to dense residential and vineyard development to the north and south, the SVWC comes to a narrow pinch point near the Curreri property and the Sonoma Developmental Center. The loss of this specific property's habitat and open space would severely limit future wildlife movement across the Sonoma Valley.

Proposed Transaction Description

- SLT will acquire 28.97 acres of the Curreri property for \$1,110,054.
- A lot line adjustment and General Plan Amendment will be executed to expand Sonoma Valley Regional Park by 28.97 acres and create a 6.39 acre legal lot that will be retained by the Curreris
- The purchase price will be funded equally by the Gordon and Betty Moore Foundation and the Open Space District
- The Open Space District will retain a conservation easement on the 28.97 acres
- Through escrow, SLT will convey the property to Sonoma County Regional Parks
- Completing the acquisition is contingent on the County approving design of a septic system that will allow for a 4 bedroom (minimum) single family dwelling. SLT is assisting the landowners in siting and designing the septic system.

Public Access & Recreation

- Property shares a significant border with Sonoma Valley Regional Park, will expand the Park's area by 15%, and secures access to the Park's primary western ridge line.
- The existing trail network on the property provides immediate access and connections to Regional Park trails.
- Public access can be provided using existing developing access roads, parking lots, and restrooms. The additional trails to manage will have minimal impacts on staff resources and will provide further incentive for the public to become Regional Park Members.
- The iconic, oak studded hills provide superb sweeping views of Sonoma Valley, Sonoma Mountain, the Mayacamas Mountains, and the San Pablo & San Francisco Bays. The property is highly visible from the Regional Park, Sonoma Mountain, Glen Ellen, and the Bouverie Preserve. Property is on Hwy 12, a designated scenic corridor, and has a Scenic Resource zoning overlay.

Property Description

- Provides valuable undeveloped habitat for wildlife and is a crucial property in maintaining wildlife permeability within the SVWC – a critical east-west portion of the Blue Ridge to Marin Coast Linkage identified within the Bay Area Critical Linkages project. In addition, the corridor is one of only two habitat corridors designated by the Sonoma County 2020 General Plan.
- A diverse assemblage of wildlife occurs in the area including mountain lion, bear, fox, bobcat, as well as a wide array of special-status bird, amphibian and reptile species.
- Contains numerous oak species, including blue, black, live, hybrid, and more.
- There is a year-round spring-fed pond on the property

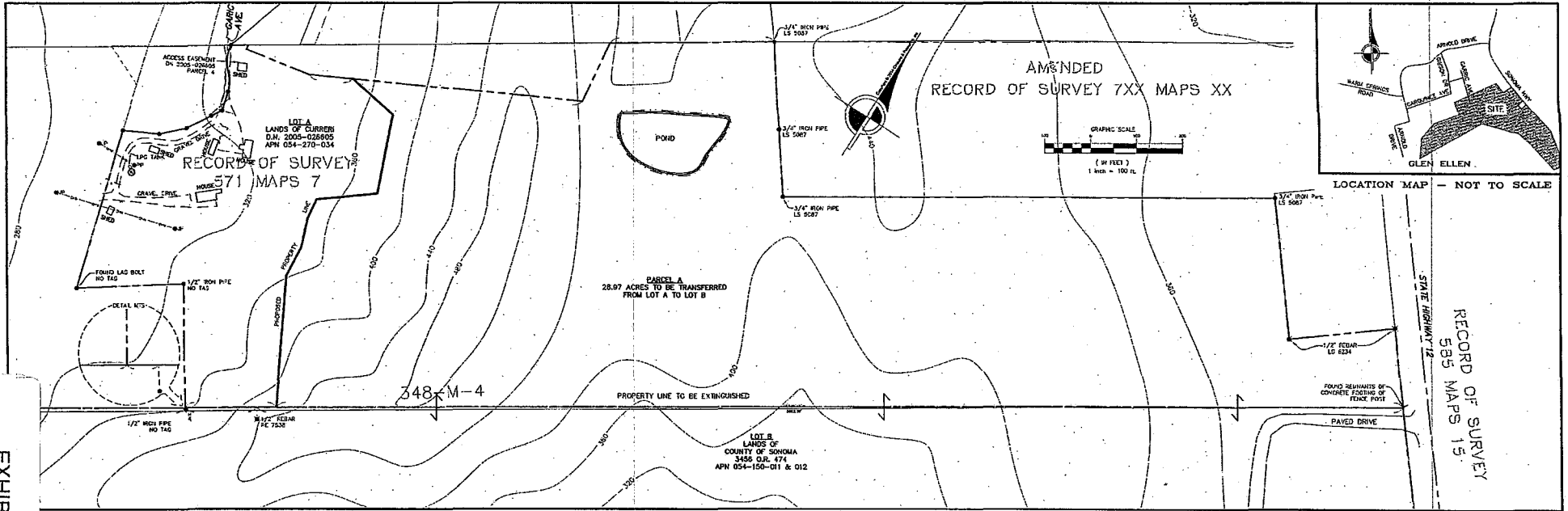


EXHIBIT C

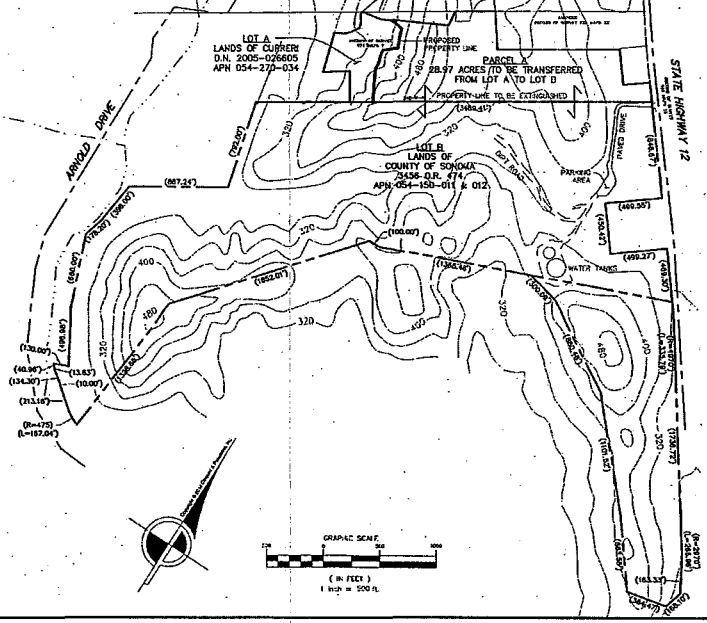
BASIS OF BEARINGS
 S77°04'59"W BETWEEN FOUND 3/4" IRON PIPES AS SHOWN ON A RECORD OF SURVEY RECORDED IN BOOK 745 OF MAPS AT PAGE 23, SONOMA COUNTY RECORDS.

VERTICAL DATUM
 ELEVATIONS SHOWN HEREON WERE TRACED FROM A USGS QUADRANGLE TOPOGRAPHIC MAP.

PURPOSE
 IT IS THE INTENT OF THIS LOT LINE ADJUSTMENT TO TRANSFER LAND FROM THE CURRERI PROPERTY TO THE ADJOINING COUNTY PARK.

SURVEYOR'S STATEMENT
 THIS LOT LINE ADJUSTMENT SITE MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION IN MAY, 2014 AT THE REQUEST OF SONOMA LAND TRUST. THE SET PIPES SHOWN HEREON WILL BE DOCUMENTED IN A RECORD OF SURVEY AND FILED IN SONOMA COUNTY RECORDS IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

James M. Wickley
 JAMES M. WICKLEY P.L.S. 9335
 DATE: *May 14, 2014*



LOT A	
OWNER	PAUL NORMAN CURRERI AND YVETTE H. CURRERI
ADDRESS	562 6TH STREET WEST SONOMA, CA 95476
PHONE NUMBER	(707) 337-9744
SITE ADDRESS	13600 HIGHWAY 12 GLEN ELLEN, CA 95442
APN	054-270-034 2005-026605
EXISTING SIZE	35.36 ACRES
PROPOSED ZONING	LIA BB 20 RR B8 S
EXISTING GENERAL PLAN USE	LAND INTENSIVE AGRICULTURE
PROPOSED GENERAL PLAN USE	RURAL RESIDENTIAL

LOT B	
OWNER	SONOMA COUNTY REGIONAL PARKS
ADDRESS	2300 COUNTY CENTER DR. SANTA ROSA, CA 95403
PHONE NUMBER	(707) 565-1107
SITE ADDRESS	13630 HIGHWAY 12 GLEN ELLEN, CA 95442
APN	054-150-011 & 012
EXISTING RECORD SIZE	± 203 ACRES
PROPOSED RECORD SIZE	± 233 ACRES
ZONING	PF B7
GENERAL PLAN USE	PUBLIC/QUAS PUBLIC
ZONING AND GENERAL PLAN TO REMAIN UNCHANGED	

* LOT B HAS NOT BEEN SURVEYED IN ITS ENTIRETY. LOT B AREAS AND BOUNDARIES SHOWN HEREON ARE CALCULATED FROM COMPLETING THE FOLLOWING RECORD DATA:
 CORRECTION USED TO SONOMA COUNTY 3456 OR 474
 RECORD OF SURVEY 269 MAPS 42
 RECORD OF SURVEY 526 MAPS 40-44

LEGEND

- SELECT PROPERTY BOUNDARY
- PROPOSED BOUNDARY LINE
- BOUNDARY LINE TO BE EXTINGUISHED
- ROAD CENTERLINE
- ADJOINERS PROPERTY BOUNDARY
- NOT TO SCALE
- SET 1/2" IRON PIPE TAGGED PLS 4206
- FOUND 1/2" IRON TAGGED LS 4623 UNLESS OTHERWISE NOTED
- FOUND REBAR, SIZE AND TAG NOTED
- DN DOCUMENT NUMBER
- D.R. OFFICIAL RECORDS
- APN ASSESSOR PARCEL NUMBER

PARCEL A	
OWNER	PAUL NORMAN CURRERI AND YVETTE H. CURRERI
SIZE	28.97 ACRES
EXISTING ZONING	LIA BB 20 PF B7
EXISTING GENERAL PLAN USE	LAND INTENSIVE AGRICULTURE
PROPOSED GENERAL PLAN USE	PUBLIC/QUAS PUBLIC
PARCEL A TO BE TRANSFERRED FROM LOT A TO LOT B	

Job Name:	CURRERI - SONOMA LAND TRUST	DRAWN BY: MD	CHECKED BY: MD
Scale:	AS SHOWN	DATE:	05/14/2014
Sheet:	1 OF 1	JOB NUMBER:	4282-14
Drawn File:	D:\WORKING\4282-14-01-01.dwg	DATE:	05/14/2014
Drawn:	J.M.W.	DATE:	05/14/2014

LOT LINE ADJUSTMENT SITE PLAN

CINQUINI & PARTNER, INC.
 LAND SURVEYING & BOUNDARY
 1359 N. Dutton Ave. #100 Santa Rosa, CA 95401
 Phone: (707) 547-0766 Fax: (707) 542-2106
 WWW.CINQUINIANDPARTNER.COM

Vicinity Map

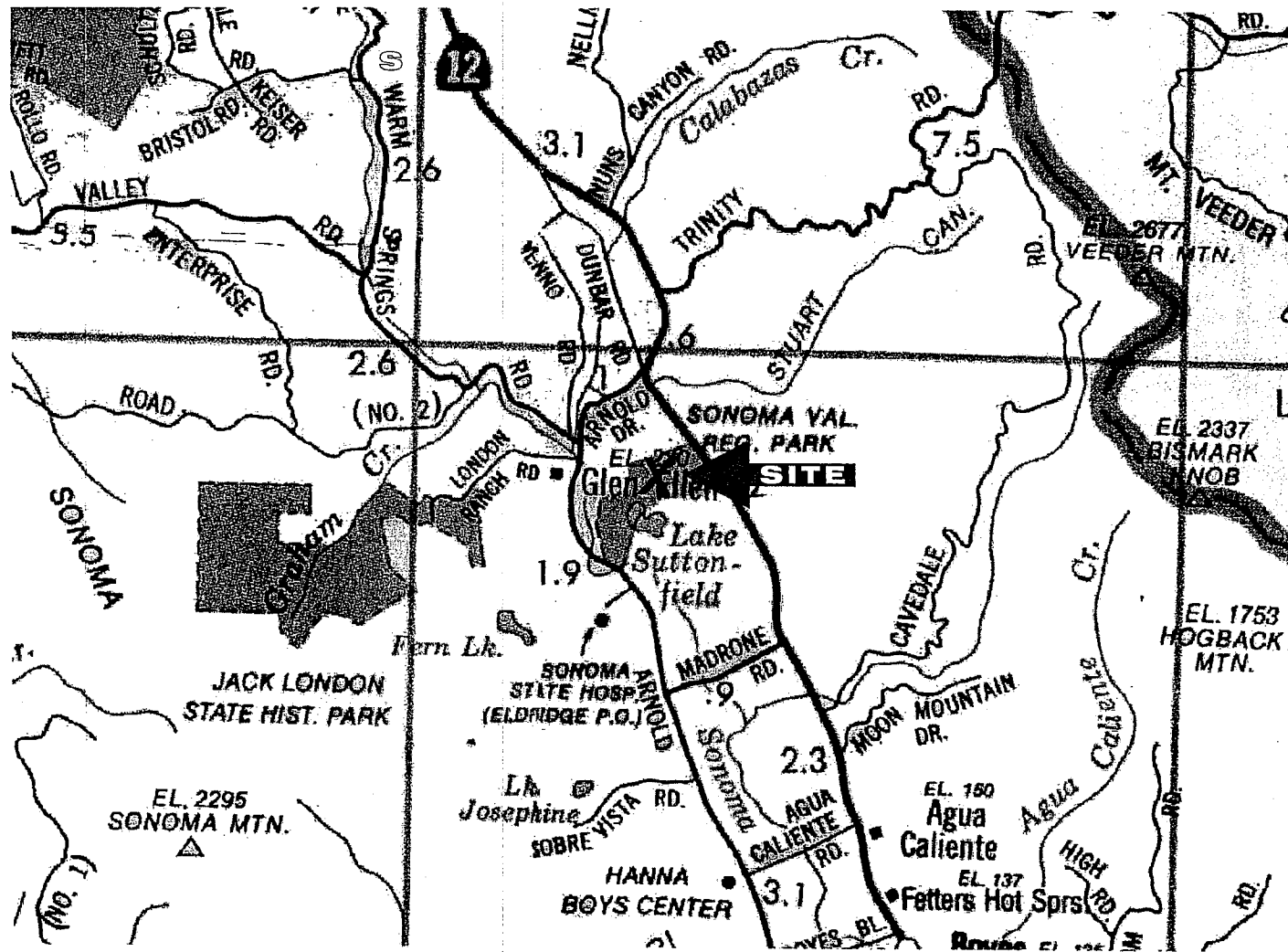


EXHIBIT D



PRMD

Activity #PLP14-0043

Dear Permit Committee:

I am a tenant, residing for five years at 918 Carquinez Ave, Glen Ellen.

My property is directly adjacent to Paul Currier's three cabins off Garrick Ave in Glen Ellen.

Since I could not be present today for the hearing due to work commitments, I am submitting this testimony instead.

Herein are my past complaints and future concerns about property use / permit issues for the Currier property.

Thank you.

EXHIBIT E

Tara Currier

Concerns about future usage of Paul Currier's properties (6 acres):

9.24.2014

Tennants that are:

unsupervised
unboundaried
inconsiderate
unresponsive
uncooperative
unconcerned about their
impact on the surrounding
neighborhood.

The last tenant:

- ① Four unhappy, bored, unattended, unsupervised dogs. Kept outside 12 hours daily on a very small porch, barking OFTEN incessantly for hours, with no one home, no limits set.
- ② Two roosters, permanently housed in tiny cock-fighting rooster cages. These roosters cried tortured cries throughout the day, every day for many months, until one neighbor

Made a formal complaint with Animal Control.

③ A single sheep, with no shelter, kept in a tiny pen.

④ Tenant proudly reported that he was actively, daily, feeding twelve feral cats. Several other neighbors subsequently have trapped many of these cats. Those remaining are now still reproducing and struggling to find food.

⑤ Multiple changing cars and "co-tenants" coming and going to this property, creating traffic and security concerns for neighbors.

ultimately, my main concern
is noise. Unattended tenants
with unsupervised animals

OR

Some kind of ongoing, undeclared,
uncontained building project
which slips through the
cracks, and creates traffic,
dust, and continuous noise.

I see Paul Curreri as a good
person; I am grateful
for his sale to the
Sonoma Land Trust. I believe
he has good intentions.

At the same time, I have
watched him be what I perceive
to be an absentee landlord,
who rents to irresponsible

neighbors and leaves the neighborhood to deal with the consequences.

Since the best predictor of future behavior is past behavior ... I am very concerned about what limits are in place to support the neighbors and the neighborhood in the future, in regard to Paul Currier's use of these / this property.

The previously stated tenant problems were reported to Paul by several neighbors. He acted only when pushed to the wall and / or directly concerned about this land sale; or formal complaints

to Animal Control about
to be made. Or so it
appeared to neighbors.

I hope that this matter
can be resolved in a way
that works for all concerned
to create / support a peaceful,
quiet, beautiful, safe
neighborhood environment for
years to come.

Thank you.

Terry Ebinger
Tenant

918 Carquinez Avenue
(property owned by Gemini family
directly adjacent to
Carrera "cabins").
PO BOX 250, Glen Ellen, CA 95442

Resolution Number 14-018

County of Sonoma
Santa Rosa, California

September 25, 2014
PLP14-0043 Dean Parsons

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THAT THE PROJECT AS REQUESTED BY PAUL CURRERI AND SONOMA COUNTY REGIONAL PARKS, IS EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AND AREA PLAN AMENDMENTS, ZONE CHANGE, AND LOT LINE ADJUSTMENT FOR PROPERTY LOCATED AT 136000 AND 13360 HIGHWAY 12, GLEN ELLEN; APNs 054-270-034, 054-150-011 and 054-150-012.

WHEREAS, the applicant, James Dickey of Cinquini and Passarino, Inc., filed an application with the Sonoma County Permit and Resource Management Department for a Lot Line Adjustment to transfer 28.61 acres of undeveloped grazing land owned by Curreri to the existing 203 acre Sonoma Valley Regional Park. The application includes the following components: 1) a General Plan Amendment to modify the General Plan designation of a 6.39 acre portion of the site (Lot A – Curreri) from LIA (Land Intensive Agriculture) 20 acre density to RR (Rural Residential) 5 acre density (APN 054-270-034), and a General Plan Amendment from LIA (Land Intensive Agriculture) 20 acre density to PQP (Public-Quasi Public) on 28.97 acres (Parcel A - APN 054-270-034); 2) an amendment to the North Sonoma Valley Area Plan to amend the land use of the 28.97 acre Parcel A being adjusted to the Park from Open Land and Residential 10-20 acre density to the Recreational land use designation, and the 6.39 acre Lot A to the Rural Residential 1-5 acre density land use designation; and 4) a Zone Change from LIA (Land Intensive Agriculture), B6-20 acre density to RR (Rural Residential), B6-5 acre density, SR (Scenic Resource) on 6.39 acres (Lot A - APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource) to PF (Public Facilities), SR (Scenic Resource), B7 (Frozen Lot Size) on 28.97 acres (Parcel A - APN 054-270-034). The requested General Plan and Area Plan Amendments and Zone Changes are required to implement the requested Lot Line Adjustment between two parcels 35.36 acres (Curreri) and 203 acres (Lot B - Park) resulting in two parcels 6.39 acres (Parcel A - Curreri) and 232 acres in size (Parcel B – Sonoma Valley Regional Park). The properties are located at 136000 and 13360 Highway 12, Glen Ellen; APNs 054-270-034, 054-150-011 and 054-150-012; Supervisorial District No. 1; and

WHEREAS, Section 15061(b)(3) of the California Code of Regulations provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on September 25, 2014, at which time all interested persons were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does make the following findings:

1. The project is consistent with the Sonoma County General Plan because it transfers 28.97 acres from private to public park use (Sonoma Valley Regional Park) consistent with the Goals, Objectives and Policies of the General Plan specific to the preservation of open space, scenic, and biotic resources. This public park addition will result in a reduction in development potential and additional protection for the adjusted 28.97 acres currently designated by the Sonoma County General Plan as a Community Separator and Habitat Connectivity Corridor. As a part of this project, a conservation easement and recreation covenant over the transferred property will be conveyed to the Sonoma County Agricultural Preservation and Open Space District, providing further protection to the currently undeveloped portion of the site.
2. The project is consistent with the amended North Sonoma Valley Area Plan designation of Recreational land use designation for the 28.97 acre portion of the site to be lot line adjusted to the existing park site.
3. The project is consistent with the 1.5 acre minimum lot size requirement for the proposed RR (Rural Residential) zoning designation for the resulting 6.39 acre residential lot, and PF (Public Facilities), SR (Scenic Resources) designation on the 28.61 acres transferred to the park.
4. The Lot Line Adjustment is consistent with Chapter 25, Section 25-70.5 (Lot Line Adjustment approval criteria) of the Sonoma County Code. The project has been conditioned to require any future residential development of the resulting 6.75 acre residential parcel to conform to current zoning, building and septic regulations.
5. Sonoma County Subdivision transfers 28.97 acres of land to the existing 203 acre Sonoma Valley Regional Park (totaling 232 acres) which is a 15% increase in public park size.
6. The project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the project to be exempt from CEQA and approve the requested General Plan Amendment, Zone Change, Lot Line Adjustment and Amendment to the North Sonoma Valley Area Plan.

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

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

Commissioner Fogg	Aye
Commissioner Cook	Aye
Commissioner Liles	Absent
Commissioner Lynch	Aye
Commissioner Montoya	Aye

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

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

SO ORDERED.



Sonoma County Planning Commission

DRAFT MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: September 25, 2014
Meeting No.: 14-10

ROLL CALL

Dick Fogg
Paula Cook
Jason Liles, Absent
Tom Lynch
Shawn Montoya, Chair

STAFF MEMBERS

Jennifer Barrett
Dean Parsons
Chelsea Holup, Secretary
Jeff Brax, Chief Deputy County Counsel

1:00 p.m.: Call to order and Pledge of Allegiance.

Approval of Minutes - N/A

Correspondence

Board of Zoning Adjustments/Board of Supervisors Actions

Commissioner Announcements/Disclosures

PLANNING COMMISSION REGULAR CALENDAR

Item No.: 1
Time: 1:05 p.m.
File: PLP14-0043
Applicant: Cinquini and Passarino Inc.
Owners: Paul Curreri (Lot A) and Sonoma County Regional Parks (Lot B)
Staff: Dean Parsons
Env. Doc: Categorical Exemption, Section 15061(b)(3)
Proposal: The purpose of this Lot Line Adjustment (Project) is to transfer 28.61 acres of land from Paul and Yvette Curreri to Sonoma County Regional Parks to increase the size of Sonoma Valley Regional Park.

The Project requires the following: 1) a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to RR (Rural Residential) 5 acre density on 6.39 acres (APN 054-270-034) for continued residential use, and a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to PQP (Public-Quasi Public) on 28.97 acres (APN 054-270-034) for Park use; 2) an amendment to the North Sonoma Valley Area Plan specific to the 28.97 acre portion of Lot A being dedicated to Lot B to change the North Sonoma Valley Area Plan designation from Open Land and Residential 10-20 acre density to the Recreational Land Use designation; for the 28.97 acre Parcel a, and the 6.39 acre Lot A is amended from Open Land

and residential 10-20 acre density to the Rural Residential 1-5 acre density Land Use 3) a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to RR (Rural Residential), 5 acre density, SR (Scenic Resources) on 6.39 acres (APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to PF (Public Facilities), SR (Scenic Resources), B7 (Frozen Lot Size) on 28.61 acres (APN 054-270-034); and 4) a Lot Line Adjustment between two parcels 35.36 acres and 203 acres, resulting in two parcels 6.39 acres and 232 acres in size.

Location: 13600 (Lot A) and 13360 (Lot B) Highway 12, Glen Ellen
APN: 054-270-034, 054-150-011 and -012
District: 1
Zoning: Curreri: LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources)
Regional Park: PF (Public Facilities), B7 (Frozen Lot Size)

Staff presented report incorporated herein by reference.

Commissioner questions:

Commissioner Lynch: Is this land being donated to Regional Parks? Can the house be remodeled in the future? How is the project funded?

Staff: The project is funded jointly by the Open Space funds and Land Trust. The house can be remodeled but no additions are allowed. If a new SFD was proposed it would require the owners to convert one building to a second dwelling unit.

Applicant:

John Macall with Land Trust and James Dickey with Cinquini and Passarino Inc. Engineering.

We have been working since 2012 on this project and intend to purchase through a private foundation and Land Trust. We will then transfer to Regional Parks immediately. One of the three (3) homes is not occupied.

Commissioner Montoya: Draft conditions of approval require proof of that Lot A contains sufficient area to accommodate proper sewage disposal systems for the existing residences.

Applicant: There has been a perc test indicating Lot A can accommodate four (4) bedrooms.

Public comments opened at 1:19 p.m.

Rick Snow: What will happen with the current three (3) units. There is no plan or resolution. Not clear on the RR 5 acre designation. Can it be split up in the future? Will the owner be allowed to build another house? There are no provisions for sewer. Can that be Grandfathered in? What are the set backs?

Staff: The property is legal non-conforming. If they removed any the three homes they would need to bring Lot A into conformance with density standards and one unit could be legalized as a Second dwelling Unit.. RR 5 means there is one unit allowed for 5 acres.

They would not be allowed to subdivide and would not be allowed to build a 4th dwelling

They would be allowed one main house with a 2nd unit if they decided to replace the three existing dwelling units.

Rick Snow: Could the three existing houses qualify for low income housing?

Commissioner Montoya: The septic system will be addressed later.

Rick Snow: I don't understand changing the zoning without an upgrade of the sewer?

Deputy Director Jennifer Barrett: The parcel is on septic not sewer.

Diana Hindley: I am a neighbor and support the project. I have concerns with the remaining parcel with the well because water is a big issue right now. I think the zoning change is a good idea. Is there any agricultural restrictions that would come into play with the new zoning?

Staff: No agricultural restrictions but there would be limits on amount of animals allowed on the property.

Diana Hindley: Presented a letter from her neighbor Terry Edinger. She has concerns regarding current tenants on the property and lack of supervision.

Diana Hindley: Will Regional Parks fence the property line to distinguish the park from the private parcel?

Staff: Regional Parks will put a fence on new property lines to separate the park from the residential parcel. Access to private property would not change.

Diana Hindley: Not clear on what Scenic Resource means.

Staff: The site is located in a Scenic landscape unit. And the Scenic Resource designation requires Design Review for new development. The Scenic resource would remain.

Mark Johnson: Supports project and it will benefit the existing wildlife corridor.

Applicant: Thanks to Dean and staff for making this project go forward quickly and smoothly. Do not know about well capacity. Not sure what the current status of the well capacity is. Perked for a 4 bedroom house. I believe they could request city water service.

Staff: Yes they could hook up to Valley of Moon Water District but we are not requiring them to do so.

Commissioner Montoya: They would be allowed four (4) bedrooms total, in terms of septic capacity.

Public hearing closed:

Commissioner Lynch: Are there any code enforcement issues?

Staff: No

Commissioner Lynch: How far apart could the 2nd unit be located from the main house?

Deputy Director Jennifer Barrett: They must be clustered close together.

Commissioner Fogg: Motioned to accept Staff's proposal. **Commissioner Cook** seconded.

Commissioner Cook: Recommended to the neighbors if there is a code violation it should be reported to PRMD Code Enforcement.

Commissioner Montoya: There are plenty of safe guards in place if the owner decides to rebuild. I believe this a real win for people with more open space for the public.

Staff: We will be taking this item to the Board of Supervisors on October 14, 2014 at 2:10 p.m.

Action: **Commissioner Fogg** moved to recommend approval to the Board of Supervisors as recommended by staff. Seconded by **Commissioner Cook** and passed with a 4-0-1 vote.

Appeal Deadline: N/A
Resolution No.: 14-018

Vote:

Commissioner Fogg: Aye

Commissioner Cook: Aye

Commissioner Liles: Absent

Commissioner Lynch: Aye

Commissioner Montoya: Aye

Ayes: 4

Noes: 0

Absent: 1

Abstain: 0



Sonoma County Planning Commission **STAFF REPORT**

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

FILE: PLP14-0043
DATE: September 25, 2014
TIME: 1:05 p.m.
STAFF: Dean Parsons, Project Planner

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicants: Cinquini and Passarino Inc.

Owners: Paul Curreri (Lot A) and Sonoma County Regional Parks (Lot B)

Location: 13600 (Lot A) and 13360 (Lot B) Highway 12, Glen Ellen
APNs: 054-270-034, 054-150-011 and -012
Supervisorial District No. 1

Subject: General Plan Amendment, North Sonoma Valley Area Plan Amendment, Zone Change and Lot Line Adjustment

PROPOSAL: The purpose of this Lot Line Adjustment (Project) is to transfer 28.97 acres of land from Paul and Yvette Curreri to Sonoma County Regional Parks to increase the size of Sonoma Valley Regional Park.

The Project requires the following: 1) a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to RR (Rural Residential) 5 acre density on 6.39 acres (APN 054-270-034) for continued residential use, and a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to PQP (Public-Quasi Public) on 28.97 acres (APN 054-270-034) for Park use; 2) an amendment to the North Sonoma Valley Area Plan specific to the 28.97 acre portion of Lot A being dedicated to Lot B to change the North Sonoma Valley Area Plan designation from Open Land and Residential 10-20 acre density to the Recreational Land Use designation; 3) a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources), to RR (Rural Residential), 5 acre density, SR (Scenic Resources) on 6.39 acres (APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to PF (Public Facilities), SR (Scenic Resources), B7 (Frozen Lot Size) on 28.97 acres (APN 054-270-034); and 4) a Lot Line Adjustment between two parcels 35.36 acres and 203 acres, resulting in two parcels 6.39 acres and 232 acres in size.

Environmental Determination: Categorical Exemption, Section 15061(b)(3) – General Exemption, No Environmental Impact

**Current General
Plan Land Use****Designation:**

Curreri: Land Intensive Agriculture 20 acre density
Regional Park: Public Quasi Public

Current Area Plan**Land Use Designation:**

Open Land & Residential 10-20 acre density

Current Zoning:

Curreri: LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources)
Regional Park: PF (Public Facilities), B7 (Frozen Lot Size)

Land Conservation**Contract:**

N/A

**Application Complete
for Processing:**

August 11, 2014

RECOMMENDATION:

Planning Commission recommendation to the Board of Supervisors to determine that the project is exempt from CEQA pursuant to Section 15061(b)(3) and approve the proposed General Plan Amendment, North Sonoma Valley Area Plan Amendment, Zone Change and Lot Line Adjustment.

ANALYSIS**Background:**

The subject parcel is located in the Sonoma Valley near Glen Ellen, and is adjacent to the existing 203 acre Sonoma Valley Regional Park. The Sonoma Land Trust was approached by the Sonoma Ecology Center and several of the immediate neighbors in 2012 to determine the level of interest in participating in a conservation-based acquisition transaction for the property.

In early 2013, Sonoma Land Trust began collaborating with Sonoma County Regional Parks Department, and secured funding commitments from the Sonoma County Agricultural Preservation and Open Space District and the Gordon and Betty Moore Foundation to acquire approximately 28.97 acres of the property, thereby protecting and securing access to the primary western ridge line of the park. The subject parcel is highly vulnerable to estate and vineyard development which are the dominant land uses in the area. Sonoma Land Trust and the parcel owner entered into a purchase and sale agreement in October 2013, which has been extended through October 2014 to complete all necessary project conditions and contingencies.

Protection of the subject parcel will further conservation goals by preserving habitat within the Sonoma Valley Wildlife Corridor (SVWC), a crucial linkage for wildlife movement between Sonoma Mountain and the Mayacamas. Due to dense residential and vineyard development to the north and south, the wildlife corridor comes to a narrow pinch point near the subject parcel and the Sonoma Developmental Center. The loss of this specific property's habitat and open space would severely limit future wildlife movement across the Sonoma Valley.

As a part of this project, a conservation easement and recreation covenant over the 29 acre property will be conveyed to the Sonoma County Agricultural Preservation and Open Space District.

Project Description:

The intent of this project is to facilitate the addition of 28.97 acres from the Curreri parcel (Parcel A) to the existing Sonoma Valley Regional Park (Lot B) (see Exhibit G). The project will result in a 15% increase in the size of the Sonoma Valley Regional Park. No new development is proposed at this time on the resulting 6.39 acre Curreri property or the additional park land other than trail enhancement.

This project requires the following: 1) a General Plan Amendment from LIA (Land Intensive Agriculture) 20 acre density to RR (Rural Residential) 5 acre density on 6.39 acres (Lot A - APN 054-270-034) for continued residential use, and a General Plan Amendment from LIA (Land Intensive Agriculture) 20 density to PQP (Public-Quasi Public) on 28.97 acres (Parcel A - APN 054-270-034) for public park use; 2) an amendment to the North Sonoma Valley Area Plan specific to the 28.97 acre portion being dedicated to Lot B to change the area plan land use designation from Open Land and Residential 10-20 acre density to the Recreational land use designation; 3) a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to RR (Rural Residential), 5 acre density, SR (Scenic Resources) on 6.39 acres (APN 054-270-034), and a Zone Change from LIA (Land Intensive Agriculture), 20 acre density, SR (Scenic Resources) to PF (Public Facilities), SR (Scenic Resources), B7 (Frozen Lot Size) on 28.97 acres (APN 054-270-034); and 4) a Lot Line Adjustment between two parcels 35.36 acres (Curreri) and 203 acres (park), resulting in two parcels 6.39 acres, 232 acres in size.

Site Characteristics:

The subject parcels are located on gently sloping terrain south of Glen Ellen. Both parcels contain a mixture of hardwood forest and open grass land habitats. Adjacent uses include agriculturally designated and zoned parcels to the north and east, residentially zoned parcels to the west and parcels designated as public facilities (Sonoma State Hospital) to the immediate south of the subject parcels.

The subject parcels both have frontage on Highway 12 which currently provides vehicular, pedestrian and bicycle access to the existing park. Lot B (the existing Sonoma Valley Regional Park) also has frontage on Arnold Drive which provides pedestrian and bicycle access at the western edge of the park.

Lot A (Curreri) is developed with three (3) single-family residences and two (2) outbuildings which are concentrated at the western portion of the parcel. The existing residences on proposed Lot A are served by one well and separate septic systems, all of which are located entirely within the proposed lot. The remaining 28.97 acres to be transferred to the park are undeveloped and contain open grassland, mixed hardwood forest, a small spring-fed pond, and existing hiking trails.

Lot B is the existing 203 acre Sonoma Valley Regional Park which is owned and operated by Sonoma County Regional Parks. The park is developed with hiking, walking and equestrian trails, a dog park as well as picnic facilities. The southwestern portion of Lot B is directly adjacent to Sonoma Creek and Lake Suttonfield (a man-made reservoir) is located approximately 500 feet to the south on an adjacent parcel owned by the State of California/Sonoma Developmental Center.

Surrounding Land Use and Zoning:

Adjacent land uses consist of parcels that are rural residential and agricultural, developed with single-family dwellings, grazing land and vineyards. The 535 acre Bouverie Preserve is located east and across Highway 12 from the project site. The 1,670 acre Sonoma Developmental Center is located adjacent to and immediately south of the existing park property.

DISCUSSION OF ISSUES**Issue #1:** General Plan, Area Plan, and Zoning Consistency

The project requires a 6.39 acre portion of the Curreri property (Lot A) to be amended from the LIA (Land

Intensive Agriculture) 20 acre density designation to the RR (Rural Residential) 5 acre density designation. The remaining 28.97 acre portion of the Curreri property (Parcel A) will be dedicated to the existing park (Lot B) requiring an amendment from the existing LIA designation to the PQP (Public Quasi Public) designation. Zone changes will be consistent with the proposed General Plan land uses and will maintain the SR (Scenic Resources) overlay on the current 35.36 acre Curreri property.

One of the primary concerns with General Plan, Zone Change, Area Plan Amendments and Lot Line Adjustments is specific to limiting or reducing development potential. On Lot A, the proposed Rural Residential 5 acre density designation on the remaining 6.39 acre Curreri residential parcel will prohibit future subdivision and limit residential development to existing. Dedication of 28.97 acres to Lot B will result in a 15% increase in the size of the Sonoma Valley Regional Park. As a result the project will not result in additional development potential; in fact it will significantly decrease development potential as the project will transfer of 28.97 acres from private ownership to public park use. Therefore, the project is in conformance with the General Plan, North Sonoma Valley Area Plan, Zoning Ordinance, and Subdivision Ordinance.

The following General Plan goals, objectives and policies support the application as proposed:

Policy LU-3d: *Maintain a 10 acre or lower density in areas just outside designated Urban Service Boundaries. Where the Land Use Map indicates a higher density in such an area, avoid further density increases.**

GOAL LU-5: *Identify important open space areas between and around the county's cities and communities. Maintain them in a largely open or natural character with low intensities of development.*

Objective LU-5.1: *Retain low intensities of use in Community Separators between and around cities and communities as designated in the Open Space and Resource Conservation Element.*

Objective LU-5.2: *Encourage formation of programs to preserve the visual and scenic character of Community Separators.*

Objective LU-9.3:

Agricultural lands not currently used for farming but which have soils or other characteristics that make them suitable for farming shall not be developed in a way that would preclude future agricultural use.

GOAL LU-10:

The uses and intensities of any land development shall be consistent with preservation of important biotic resource areas and scenic features.

Policy LU-10b: *Use incentives to encourage voluntary easements when considering development on lands with important biotic or scenic resources.*

Policy LU-11f: *Encourage conservation of undeveloped land, open space, and agricultural lands, protection of water and soil quality, restoration of ecosystems, and minimization or elimination of the disruption of existing natural ecosystems and flood plains.**

GOAL OSRC-1:

Preserve the visual identities of communities by maintaining open space areas between cities and communities.

Objective OSRC-1.1:

Preserve important open space areas in the Community Separators shown on Figures OSRC-5a through OSRC-5i of the Open Space and Resource Conservation Element.

Objective OSRC-1.2:

Retain a rural character and promote low intensities of development in Community Separators. Avoid their annexation or inclusion in spheres of influence for sewer and water service providers.

Objective OSRC-1.3:

Provide opportunities for consideration of additional development in Community Separators in exchange for permanent open space preservation and other overriding, substantial additional public benefits.

Objective OSRC-1.4:

Preserve existing specimen trees and tree stands within Community Separators.

GOAL OSRC-3:

Identify and preserve roadside landscapes that have a high visual quality as they contribute to the living environment of local residents and to the County's tourism economy.

GOAL OSRC-7:

Protect and enhance the County's natural habitats and diverse plant and animal communities.

Objective OSRC-17.1:

Provide for adequate parklands and trails primarily in locations that are convenient to urban areas to meet the outdoor recreation needs of the population, while not negatively impacting agricultural uses.

Policy AR-2d: *Use voluntary purchase or voluntary transfer of development rights programs to limit intrusion of residential development into agricultural lands. If these programs are used, amendments of the Land Use Map or rezonings shall not be used to lower density in anticipation of conferring transfer or purchase rights.**

Consistent with the above General Plan goals, objectives and policies, other factors that support the approval of this project are as follows:

1. Figure OSRC-5i of the Sonoma County General Plan 2020 identifies both Lot A and Lot B as Community Separators and Habitat Connectivity Corridor designated parcels. The proposed project will increase the size of Sonoma Valley Regional Park by 28.97 acres to a total of 232 acres. This dedication will result in additional protection for lands designated as Community Separators and Habitat Connectivity Corridor parcels from future potential development.

The existing zoning for Lot A includes a Scenic Resources Combining District. The purpose of this district is as follows:

...to preserve the visual character and scenic resources of lands in the county and to implement the provisions of Sections 2.1, 2.2 and 2.3 of the general plan open space element.

The 28.97 acres to be acquired and added to the existing park is highly visible, both as the hillside backdrop for the town of Glen Ellen and from Highway 12, which is a General Plan-identified Scenic Corridor. The property has approximately 170 feet of frontage along Highway 12 with views from Highway 12 to the top of the near ridgeline. A conservation easement and recreation covenant will protect the property's natural resources and allow low-intensity public outdoor recreation and education. Development is limited to only trails, picnic tables, restrooms, and similar improvements. Preserving this roadside landscape will also have a high visual quality that contributes to the living environment of local residents and to the County's tourism economy.

2. None of the parcels associated with this project site are under a Land Conservation Contact (Williamson Act Contract).
3. The project will provide the following public access, recreational and natural resource benefits:

- a. The subject parcel is directly adjacent to Sonoma Valley Regional Park and the project will expand the park's area by 15%, and will secure access to the park's primary western ridge line.
- b. The subject parcel has an existing trail network which will provide public access and connections to existing Sonoma Valley Regional Park trails.
- c. Public access can be provided using existing Sonoma Valley Regional Park access roads, parking lots, and restrooms.
- d. The project provides valuable undeveloped habitat for wildlife and is a crucial property in maintaining wildlife permeability within the Sonoma Valley Wildlife Corridor – a critical east-west portion of the Blue Ridge to Marin Coast Linkage identified within the Bay Area Critical Linkages project. In addition, the corridor is one of only two habitat corridors designated by the Sonoma County 2020 General Plan.
- e. A diverse assemblage of wildlife occurs in the area including mountain lion, bear, fox and bobcat, as well as a wide array of special-status bird, amphibian and reptile species.
- f. The project site contains numerous oak species, including blue, black, live, hybrid, and more. This project will result in additional protection and conservation for these resources.

Issue #2: Non-Conforming Residences – Lot A

Lot A is currently developed with three single-family residences. The residences are non-conforming in terms of the current General Plan/Zoning 20 acre density designation which allows a primary dwelling unit and a Second Dwelling Unit. Any replacement of residences on the resulting 6.39 acre parcel must comply with current zoning standards which could include the loss of a residence and a possible option to convert one residence to a Second Dwelling Unit. This requirement is reflected in the recommended project conditions of approval (Exhibit A).

Issue #3: Environmental Analysis

Staff finds that this project, which consists of a General Plan Amendment, Area Plan Amendment, Zone Change and Lot Line Adjustment, is exempt from the provisions of CEQA pursuant to Section 15061(b)(3). This section exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The project will result in amendments to land use designations and a Lot line Adjustment between two parcels (APN 054-270-034, 054-150-011) for the purpose of dedicating land to the Sonoma County Regional Parks Department. No development or removal of vegetation is proposed with this project, the project will result in significantly less development potential on each project parcel and the proposed land use amendments are consistent with adjacent land uses. Accordingly, staff finds that it can be seen with certainty that there is no possibility that the General Plan Amendment, Area Plan Amendment, Zone Change and Lot Line Adjustment for this project may have a significant effect on the environment.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend the Board of Supervisors approve the proposed General Plan Amendment, Area Plan Amendment, Zone Change and Lot Line Adjustment, and exempt the project from CEQA pursuant to Section 15061(b)(3) of the California Code of Regulations.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the Sonoma County General Plan because it transfers 28.97

acres from private to public park use (Sonoma Valley Regional Park) consistent with the Goals, Objectives and Policies of the General Plan specific to the preservation of open space, scenic, and biotic resources. This public park addition will result in a reduction in development potential and additional protection for the adjusted 28.97 acres currently designated by the Sonoma County General Plan as a Community Separator and Habitat Connectivity Corridor. As a part of this project, a conservation easement and recreation covenant over the transferred property will be conveyed to the Sonoma County Agricultural Preservation and Open Space District, providing further protection to the currently undeveloped portion of the site.

2. The project is consistent with the amended North Sonoma Valley Area Plan designation of Recreational land use designation for the 28.97 acre portion of the site to be lot line adjusted to the existing park site.
3. The project is consistent with the 1.5 acre minimum lot size requirement for the proposed RR (Rural Residential) zoning designation for the resulting 6.39 acre residential lot, and PF (Public Facilities), SR (Scenic Resources) designation on the 28.97 acres transferred to the park.
4. The Lot Line Adjustment is consistent with Chapter 25, Section 25-70.5 (Lot Line Adjustment approval criteria) of the Sonoma County Code. The project has been conditioned to require any future residential development of the resulting 6.39 acre residential parcel to conform to current zoning, building and septic regulations.
5. The Lot Line Adjustment transfers 28.97 acres of land to the existing 203 acre Sonoma Valley Regional Park (totaling 233 acres) which is a 15% increase in public park size.
6. The project is exempt from CEQA pursuant to Section 15061(b)(3).

LIST OF ATTACHMENTS

EXHIBIT A:	Draft Conditions of Approval
EXHIBIT B:	Draft Ordinance and Sectional District Map
EXHIBIT C:	Proposal Statement
EXHIBIT D:	Vicinity Map
EXHIBIT E:	General Plan Map
EXHIBIT F:	Zoning Map
EXHIBIT G:	Aerial Map
EXHIBIT H:	Lot Line Adjustment Site Plan prepared by Cinquini & Passarino, Inc. Land Surveying
EXHIBIT I:	Draft Resolution and General Plan Map

Separate Attachment for Commissioners: Large scale maps



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 34
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 14, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Melinda Grosch 707-565-2397

Supervisorial District(s):

First

Title: Appeal of the Board of Zoning Adjustments' approval of a Use Permit and Design Review for Belden Barns Winery and Cheese Creamery; Appellants: Parker, Rodney, LaGoy; PRMD File No. PLP12-0016.

Recommended Actions:

Conduct a public hearing and approve a resolution denying the appeal, adopting the Mitigated Negative Declaration, and upholding the Board of Zoning Adjustments approval of a Use Permit and Design Review for the Belden Barns Winery. The project is located at 5561 Sonoma Mountain Road, Santa Rosa; APN: 049-030-010.

Executive Summary:

Project Description:

The project consists of a request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting, and ten Agricultural Promotional events per year. The 55-acre parcel is located approximately 1.5 miles east of the intersection of Pressley Road and Sonoma Mountain Road. The parcel is currently developed with an old farmstead that includes three dwellings (one legal conforming dwelling and two Legal Non-Conforming dwellings that were constructed in the late 1800's early 1900's), a barn, and several other out buildings. The parcel is planted with 20 acres of grapes and an area of approximately three acres for vegetables is currently under development. Areas for pasture, orchard, and additional grape planting have been studied. No cows or goats are currently on-site as their purchase is pending the approval of this permit. The property is under a Land Conservation (Williamson) Act contract.

The proposed project is to be phased as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added to the main part of the barn for the

creamery and 530 square feet will be added to the milking shed portion of the barn.

2. The existing 1,178 square foot Primary Residence will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new Primary Residence. The existing Legal Non-Conforming 2,490 square foot residence will be demolished and a new 4,270 square foot residence is to be constructed for the owner. This residence will also include tasting/hospitality, commercial kitchen, and farmstead administrative space on the ground floor.
3. Prior to issuance of the building permit for the new Primary Residence the 1,780 square foot garage with second story residence will be demolished.

Employees: Four full-time and two part-time during the non-harvest season increasing to six full-time during harvesting and bottling, not including agricultural workers.

Agricultural promotional events are proposed to commence with Phase 1 of the project as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200
10	Total Events per Year		

Phase II: (Start Time: 3 to 4 years from approval)

1. Construct the new 8,300 square foot winery building adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn for the creamery.

Employees: Will be increased to five full-time and four part-time during the non-harvest season

increasing to seven full-time during harvesting and bottling, not including agricultural workers.

Hours of Operation (for both Phases):

Hours of operation for winery processing/administrative functions are seven days a week, 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest. Processing may exceed these hours as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

Project Location, General Plan and Zoning:

The subject property is located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010. The base zoning district is LIA (Land Intensive Agriculture). The Combining Zone district for the property is SR (Scenic Resources). Zoning and General Plan consistency are discussed in the Board of Zoning Adjustments December 19, 2013 Staff Report. The property is under a Land Conservation (Williamson) Act Contract.

Application History:

In December 2013, the Board of Zoning Adjustments heard the request for a new agricultural processing facility. After substantial testimony from opponents of the project, the Board of Zoning Adjustments continued the item to a date and time uncertain in order for staff to provide additional information on: 1) traffic generation, safety and roadway conditions; 2) special Bennett Valley Area Plan policies; 3) potential impacts to raptors; 4) groundwater impacts; 5) clarification on how the phasing will be implemented and vested; and 6) comments relative to the Mitigated Negative Declaration.

On March 13, 2014, the Board of Zoning Adjustments heard the request for the second time and found that the issues raised had been adequately addressed, adopted the Mitigated Negative Declaration, and approved the project based on the findings and subject to the conditions contained in Exhibit A.

On March 24, 2014 Don & Donna Parker, Amy Rodney, and Byron LaGoy (the Appellants) filed a timely appeal to the Board of Supervisors.

Issues Raised With the Appeal:

With their appeal the Appellants submitted correspondence raising the following issues discussed at the Board of Zoning Adjustments hearings:

Road Safety: Multiple people commented on potential safety issues related to the rural road system in the area. Primary concerns focus on the narrow width, inadequate site distances on many road curves in the vicinity, use by bicyclists and pedestrians, and potential inebriated drivers.

Analysis: The applicant's traffic consultant reviewed accident data for the area where the winery is proposed. Overall, the accident rate is lower than for similar roadways throughout the state. The consultant recommends that brush adjacent to Sonoma Mountain Road and east of the site must be kept trimmed to maintain adequate site distance. Improvements that will be required at the driveway into the property (driveway width, curve radii, vegetation removal, etc.) will help to ensure that those turning into or out of the property do not cause a hazard on Sonoma Mountain Road.

As specified in Condition of Approval No. 98 below, winery staff will be required to receive training in how to manage alcohol consumption to minimize customers becoming inebriated. This is a standard condition of approval required for all winery tasting rooms.

98. 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.

The Sonoma County Bicycle and Pedestrian Plan adopted by the Board of Supervisors, August 24, 2010 indicates that Sonoma Mountain Road is a Class III roadway meaning that bicycles will share the travel lane with automobiles and pedestrians will use the roadside shoulders. No improvements for bicycles or pedestrians are included in the Plan. As indicated above, conditions of approval requiring safety improvements at the project driveway and regular trimming of brush along the roadway will improve site distance at the driveway which will provide safer road conditions for all users of the road.

Road Condition and Wear and Tear: Many of the comments received from neighbors discuss the condition of Sonoma Mountain Road and the lack of maintenance and repairs. These comments focus on the further road deterioration that would be caused by the additional traffic that the project will generate.

Analysis: The transportation consultant notes that the project will likely result in a reduction of heavy truck traffic as grapes will no longer need to be hauled off-site for processing. The fact that the grapes grown on-site will now be processed on-site rather than shipped to an off-site winery will result in a decrease in truck traffic. For the proposed 10,000 cases of wine and the current yield of grapes, about 100,000 pounds of grapes will need to be imported and will require about 50 one-way truck trips to haul them to the site. The current on-site grape yield averages 200,000 pounds of grapes which would require approximately 100 one-way truck trips to haul to an off-site winery for processing. Therefore, the on-site winery will reduce the number of truck trips associated with processing from 100 to 50 because the grapes grown on-site will also be processed on-site. Even with the additional trips needed to import some milk for the creamery the number of trips will be significantly reduced from the current number.

Light vehicles such as passenger vehicles and pickups do not significantly contribute to wear and tear on roads. While this type of traffic will increase, it should not worsen the existing condition of Sonoma Mountain Road.

The applicant will be required to pay traffic mitigation fees that are based on the size of the building and the intensity of the use. These fees are intended to off-set cumulative traffic impacts countywide.

Traffic Generation Relative to Total Traffic on Sonoma Mountain Road: The appellants state that traffic generated by this project is excessive and will overwhelm the existing narrow rural road system, and will exacerbate existing problems in combination with traffic generated by the Zen Center and the planned opening of the park (currently in transition from the Sonoma County Agricultural Preservation and Open Space District to Regional Parks and referred to as Sonoma Mountain North Slope) to the west of the project site (between Pressley and the entrance to the project site).

Analysis: The applicant's traffic consultant, W-Trans, was the consultant for the park and the Zen Center as well as this project. Traffic generated by the Zen Center project was analyzed as a part of the traffic study for the proposed project. The traffic study for the Zen Center looks at all the roadway curves and makes some recommendations for additional signage on curves that have inadequate site distances. That study also notes that even with the additional trips the average daily traffic is low enough to result in the road being classified as a very low volume roadway.

Inadequacy of the Traffic Report: The appellants state that the traffic study is too narrowly focused on the area immediately around the Belden Barns driveway, it used an unrealistic speed limit, and wrongly classified Sonoma Mountain Road as a Rural Minor Collector when it should be a rural byway.

Analysis: The applicant's traffic consultant (W-Trans) provided additional comments on July 9, 2014. The memo specifically addresses speed limits, roadway classification, the focus area of the traffic study, and expected truck traffic. The memo is attached as "Exhibit G." The consultant states that the speed limit is not 20 miles per hour but that is posted as an advisory speed limit in certain strategic areas. This is confirmed by Public Works who stated in a July 10, 2014 e-mail:

"If a road does not have a posted speed limit it is governed/enforced under the Basic Speed law and maximum speed law, which is 55 MPH for County roads. The advisory speeds are just that, advisory; however, they are used by the CHP to enforce the Basic Speed law component, which requires drivers to operate vehicles in a manner safe for the conditions."

The traffic study is a "focused traffic study" because the small number of peak hour trips do not warrant a more extensive study. However, the vehicle trips generated by the project are distributed over the nearby roadway system serving the site and no significant impacts were noted.

Appropriateness of the Proposed Facility for the Location: The appellants have stated that they feel the proposed facility is too commercial, too large, and generally does not fit in with the rural nature of the area.

Analysis: A farmstead selling a wide range of products grown and processed on-site is not unusual for a rural area. The production numbers for both wine - 10,000 cases/ year - and cheese - 10,000 pounds/year - are relatively small compared to Sonoma County Industry norms. The average number of cases produced per year for a winery in Sonoma County is 121,531 cases, with a maximum size of 4,900,000 cases. The average number of events at wineries in Sonoma County is 20 and the average number of attendees is 326 people. So by comparison this is a relatively small facility.

The 20 acres of grapes planted on the site will produce roughly 80% of the wine processed on-site depending on the yield in any given year. In Sonoma County there is no criteria requiring all grapes processed in the winery to be grown on-site. A winery may import all, only a portion, or none of the grapes used in processing as long as at least some of the grapes are grown in Sonoma County.

Milk will likely need to be imported as the area available for pasture on-site is not large enough to accommodate the 10 cows, 50 sheep, or 100 goats necessary to produce the amount of milk needed to produce 10,000 pounds of cheese. The applicant intends to pasture as many animals as practical on-site. Importing all 12,000 gallons of milk required for the cheese would require approximately three of the 4,000 gallon milk tanker trucks and trips for cheese tasting are assumed to be part of the overall number of trips for wine tasting.

The site plan includes a couple of acres near the winery/farm complex for a small vegetable garden and orchard area. Chickens will also be raised in this general area. Produce and eggs will be made available for sale and used in the winemaker dinners. While this is a more minor aspect of the proposal it is important to the owners/applicants in providing a diverse farmstead and sourcing from the site as much as possible.

Inadequacy of the Mitigated Negative Declaration: A neighbor opposing the project, Bill McNearney, raised several questions about the Mitigated Negative Declaration and the Staff Report. Mr. McNearney's comments focus on the current condition of the roads and lack of mitigation measures to resolve the impacts of increased traffic on the road system. (See Exhibit B)

Mr. McNearney's questions the assumption that events generate an average of 2.5 persons per vehicle. For many years the accepted average vehicle occupancy has been 2.5 persons per vehicle for Sonoma County events. It has been field verified by W-Trans at various winery events throughout the County over a number of years, and is a standard also used by other traffic engineers.

Mr. McNearney states that the volume of traffic on other roads connecting to Sonoma Mountain Road will be heavily impacted by traffic generated by Belden Barns.

Analysis: Trips at the entrance to the site represent the maximum number of trips for the project. The average daily trip generation is 61 trips. These will then be dispersed onto the other roadways as people come or go in different directions. Trips generated by those travelling to and from the winery wouldn't all travel on Enterprise, Pressley, and Sonoma Mountain Roads simultaneously. Volumes are low relative to the roadway capacity even if all trips go in one direction.

Mr. McNearney states that the traffic data is out of date.

Analysis: Traffic counts were made by the traffic consultant, W-Trans, on Sonoma Mountain Road at the project site so they were not relying entirely on the traffic data that is kept by Public Works. Counts for other roads in the vicinity were not recounted because volumes are so low.

The consultant also used the Public Works capacity rating for the roadway system. That classification states that roads such as Sonoma Mountain Road should be able to handle 5,000 vehicles per day. W-

Trans completed actual traffic counts on Sonoma Mountain Road in front of the project of 360 average daily trips (ADT). W-Trans was the traffic consultant for the park project and made a count for that project at a location west of the site on Sonoma Mountain Road of 822 ADT. The addition of the predicted trips for both projects – 81 for the park and 61 for Belden Barns – would not exceed the capacity of the roadway. Trips from the Zen Center are already included in traffic counts as the uses that have been applied for under the current application have been ongoing for many years and the Zen Center project does not propose an increase in the number of traffic trips.

Mr. McNearney states that the consultant and staff have ignored the current condition of Sonoma Mountain Road's paving and its many other physical shortcomings (e.g. sharp curves, steep hills, narrow lanes, lack of shoulders, etc.) in their assessment of safety. Mr. McNearney requests that the Sonoma County Department of Transportation and Public Works (TPW) review the proposal.

Analysis: TPW reviewed the project and recommended conditions #54 through #59. These conditions require signage during agricultural promotional events, driveway width and paving, encroachment permits, traffic mitigation fees, and sight distance.

Mr. McNearney discusses the lack of funding for road maintenance.

Analysis: Road maintenance is a problem countywide. To date the Board has not placed a moratorium on new development related to lack of road maintenance. New projects, including the subject project, are required to mitigate road impacts associated with the project. As discussed above this project is conditioned to make improvements at the project driveway. At the time of building permit issuance new development pays a traffic mitigation fee for capacity improvements. The Board of Zoning Adjustments did not establish any additional conditions related to roadways for this project.

Mr. McNearney disputes the accident information reported by the California Highway Patrol.

Analysis: While this data likely does not include all the accidents on any stretch of road it is the only source of documented accidents. W-Trans provided the following information:

"... there may be unreported collisions, either with other vehicles, fixed objects, or animals, unless those crashes are reported there is no way that we can include them in our analysis. Further, since the rates we compare them to are also only based on reported collisions, it results in a reliable way of determining if the road is generally operating safely or not. In this instance the collision rate was below the statewide average, so crashes are occurring at a rate that is relatively typical. Again, the poor condition of the roadway does not mean that there is a safety problem, and in fact results in lower speeds and therefore a reduced number of crashes."

Mr. McNearney states that bicyclists were not adequately addressed as the Mitigated Negative Declaration only discusses safety around the entrance to the proposed winery and cheese making facility.

Analysis: The project was sent to the Bicycle and Pedestrian Advisory Committee for comments and conditions. No comments or conditions were received. Based on the Class III classification of Sonoma

Mountain Road in the Bicycle Plan, no significant changes are planned for this road to further accommodate bicycles. The road is used by bicyclists because it is a scenic rural road and does connect to the San Francisco Ridge Trail and proposed trails on Open Space properties.

Mr. McNearney states that Section 8 of the Mitigated Negative Declaration is incomplete as it does not discuss hazards to bicycles and pedestrians.

Analysis: Section 8 of the Mitigated Negative Declaration discusses hazardous materials and impacts to and from airports which may be in the area of a project. This project does not involve hazardous materials and there are no airports in the vicinity. Section 16(f) discusses bicycles and pedestrians. Although Sonoma Mountain Road is used by bicyclists and pedestrians it is not a major bicycle and pedestrian facility and no bicycle or pedestrian improvements are planned at this time. Many County roadways serving wineries offering events also serve bicyclists and pedestrians. Motorists are required to share the road with bicyclists and pedestrians and no significant impacts to bicyclists and pedestrians have been determined as a result of this project.

Mr. McNearney makes the following statements about Sonoma Mountain Road in his letter:

- a. He states that the County plans to allow Sonoma Mountain Road to deteriorate until it goes back to being a gravel road.
- b. He asserts that numerous petitions asking the Board to fix Sonoma Mountain Road have brought no results.
- c. He argues that there is no planned widening or repaving of Sonoma Mountain Road, no plans for a Class 1 bicycle and pedestrian facility (i.e., separated from vehicle lanes); inebriated drivers increase road hazards; and wildlife cross the road creating additional hazards.
- d. Staff's acceptance of the traffic report may expose the County to "serious legal liability."

Analysis: These same comments were reviewed by the Board of Zoning Adjustments and they were discussed at the hearing.

Non-Compliance with the Bennett Valley Area Plan: The Bennett Valley Area Plan does include a Bennett Valley Scenic Corridor which is substantially different than the Scenic Corridor designation that is applied throughout the County. The appellant states that no construction may occur within the Visual Corridor unless it makes the parcel unbuildable. Further, the appellant contends that if the owner of a parcel constrained by the Visual Corridor has any existing development no additional development need be allowed.

Analysis: The appellants' representation of the use and interpretation of the Bennett Valley Visual Corridor is based on a previous interpretation of the Area Plan by the Bennett Valley Design Review Committee. The Area Plan indicates that site development can occur on a site if located outside of the Visual Corridor or within the Visual Corridor if the strict application of the prohibition on development within the Visual Corridor makes the parcel unbuildable.

The subject property has both a Scenic Corridor designation (Sonoma Mountain Road is a Scenic Corridor) and is within the Bennett Valley Scenic Corridor. The site has an existing historic farm complex located within the Bennett Valley Scenic Corridor (but outside the standard Scenic Corridor established by the General Plan – see the site plan attached as Exhibit H). The farm complex is sited at the base of a small hill which sits at the base of a more elevated area forming a shoulder of Sonoma Mountain.

On-site review of the proposed location versus the area outside the Visual Corridor was conducted with the applicant's engineer and Design Review Committee staff. The Bennett Valley Visual Corridor was established to minimize visual impacts to public views and private views and is intended to be used as a tool to help accomplish this goal. It is also helpful to remember that the area plan visual corridor was established through a "windshield survey" not through actual on the ground plotting. Consistent with requirements of the SR (Scenic Resources) zoning designation, staff also completes an on-site visual analysis of existing and proposed development. When reviewing this site staff determined that visual impacts would be greater if development was placed outside of the existing historic farm complex, which lies within the designated visual corridor. Areas outside of the visual corridor are primarily at a higher elevation and would create more of a negative visual impact than integrating new structures within the existing farm complex.

The Bennett Valley Area Plan includes the following interpretive language for use with the plan.

STANDARDS - APPLICATION

Review of any proposed development should consider each of the standards described below. Each standard should be applied to the maximum extent feasible, recognizing that in some cases these standards when applied to a particular project may be contradictory. General Plan policies shall apply where the development guidelines conflict with the General Plan. The Design Review Committee should consider the total impact of the project in determining the extent to which each standard should be applied.

Strict adherence to the setback established by the Bennett Valley Visual Corridor in this area would result in the winery building being visible from both Sonoma Mountain Road and adjoining properties. Staff determined that the placement of a large winery structure on a ridge conflicts with the intent of both the General Plan's designation of the area as a Scenic Landscape Unit and the Bennett Valley Area Plan's premium on protecting both public and private views. The building is placed well outside of the standard 200 foot setback established by Sonoma Mountain Road's designation as a Scenic Corridor in the General Plan. The Bennett Valley Scenic Corridor is over 1,000 feet deep on this and the adjoining property to the west but is roughly half that distance for most of the other parcels along Sonoma Mountain Road in this area. After deliberation the Design Review Committee recommended that the new winery building be placed with the other buildings in the existing farm complex to minimize the visual impacts of the additional development.

Additionally, a portion of the area outside the Visual Corridor has been identified as an area of active landslide potential. The previous property owner discovered this when they were attempting to replace the single family dwelling with a new dwelling. Their geologist declared the area to be unsuitable for development due to the landslide. Ultimately they received permission in April 2003 to construct a dwelling in the area of the existing farm complex but the dwelling was never constructed.

Despite the proposed new development being located in the Visual Corridor staff and the Board of Zoning Adjustments recommended new development be constructed within the existing farm complex as a means of minimizing visual impacts associated with the project.

Water Availability: The appellants state that wells in the area are running dry and that neighbors have had to have water trucked in.

Analysis: This argument cannot be verified at this time as no well records were submitted for the parcels where this problem has occurred. This can be difficult to determine since well information is proprietary and is thus not available without owner consent.

A groundwater study was prepared by E.H. Boudreau, Registered Geologist #3000 in August 2013. The study concluded that the project would not result in a negative impact to the groundwater basin. The study was based on an evaluation of the groundwater basin, average annual rainfall, and estimated recharge. PRMD staff reviewed and accepted this study.

Increased Impervious Surfaces: The appellants state that the project will result in excessive additional impervious surfaces which decrease groundwater recharge.

Analysis: The applicant's geologist, E.H. Boudreau, reviewed the water balance and recharge potential with the project as proposed and determined that there is no significant impact to the property's recharge capacity. Additionally, current practices for drainage and erosion control keep runoff from leaving the property through drainage swales and other methods of slowing and impounding water to allow it to percolate into the ground. These "best practice" methods will be required as part of the grading and construction for this project.

Air Quality: The appellants state that the winery will generate many new car trips which will contribute to greenhouse gas emissions.

Analysis: The project will result in a reduction in heavy truck traffic from the current situation since bulk grapes will not be shipped off-site for processing. The passenger traffic is not enough to trigger the need for air quality analysis under the current standards (2,000 vehicle trips per day) established by the Air Quality Management District. Additionally, most winery visits are not generated solely by a single winery but are trips that are on the road to visit multiple wineries in one day.

Staff Recommendation:

Staff recommends that the Board hold a public hearing to consider the appeal and at the conclusion of the hearing deny the appeal and uphold the Board of Zoning Adjustments approval of the requested Use Permit.

Prior Board Actions:

None

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Use Permit process provides the opportunity for a winery to process grapes grown on the site and reduce the tonnage of grapes that are currently hauled off site for processing. In addition, the Use

Permit allows processing of milk into cheese and promotion of the wine, cheese and farm products (eggs, vegetables, etc.) produced on-site through tasting facilities and agricultural promotional events. These direct marketing and educational tools help increase sales directly to consumers, increase their wine club membership, and provide label recognition for the winery and cheese in a competitive market. According to this year's report by the Sonoma County Economic Development Board, winegrowers and wineries contributed more than \$13.4 billion to the local economy based on 2012 figures.

Fiscal Summary - FY 14-15

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

Narrative Explanation of Fiscal Impacts (If Required):

None. The costs of the permit process are paid by the applicant.

Staffing Impacts

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Draft Resolution Denying the Appeal
- Exhibit A: Conditions of Approval
- Exhibit B: Appeal Form and Letters from Boulton, Parker, and McNearney
- Exhibit C: Board of Zoning Adjustments Resolution No. 14-005
- Exhibit D: Board of Zoning Adjustments Actions dated March 13, 2014
- Exhibit E: Board of Zoning Adjustments Actions dated December 19, 2013
- Exhibit F: Board of Zoning Adjustments Staff Report dated March 13, 2014

Attachment D to March 13, 2014 Board of Zoning Adjustments Packet:
Board of Zoning Adjustments Staff Report dated December 19, 2013
Mitigated Negative Declaration

Exhibit G: Traffic Studies and Reviews

Exhibit H: Site Plan

Exhibit I: Letter from Nathan Belden to Supervisor Gorin dated June 6, 2014

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



County of Sonoma
State of California

Date: October 14, 2014

Item Number: _____

Resolution Number: _____

Melinda Grosch PLP12-0016

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Adopting A Mitigated Negative Declaration And Denying An Appeal Of A Board Of Zoning
Adjustments Approval Of A Request For A Use Permit For A New Phased Agricultural
Processing Facility With A Maximum Annual Production Of 10,000 Cases Of Wine And 10,000
Pounds Of Cheese, Retail Sales And Tasting, And Ten Agricultural Promotional Events Per Year
On A 55-Acre Parcel Located At 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010;
Supervisory District 1.**

Whereas, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and ten Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

Whereas, on December 19, 2013 Board of Zoning Adjustments conducted a public hearing and heard and received all relevant oral and written testimony and evidence presented or filed regarding the project. All interested persons were given an opportunity to be heard and continued the hearing to a date and time uncertain; and

Whereas, on March 13, 2014 in accordance with the provisions of law, the Board of Zoning Adjustments conducted a continued public hearing and received all relevant oral and written testimony and evidence presented or filed regarding the project. All interested persons were given an opportunity to be heard. At the conclusion of the public hearing, the Board of Zoning Adjustments closed the public hearing, discussed the project, and on a 5 – 0 vote adopted the Mitigated Negative Declaration and approved the project; and

Whereas, on March 24, 2014 the appellants, Don and Donna Parker, Amy Rodney, and Byron LaGoy filed a timely appeal of the Board of Zoning Adjustments' approval of the project; and

Whereas, the Board conducted a duly noticed public hearing on the Appeal on September 9, 2014. At the Board hearing, the Board heard and received all relevant testimony and evidence presented orally or in writing regarding the Appeal. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed the Appeal, and denied the Appeal, found the Mitigated Negative Declaration had been prepared according to State and local CEQA Guidelines and approved the Project, subject to the conditions of approval imposed herein.

Whereas, the Board of Supervisors makes the following findings:

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1 intended to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the Land Intensive Agriculture designation. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.

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. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.

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, because mitigation measures have been incorporated into the project as Conditions of Approval. These

mitigation measures have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:

a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and ten agricultural promotional events per year with a maximum of 200 persons at two of the events, 100 people at three events, and 60 at the remaining five events.

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

b. The proposed project is located in a SR (Scenic Resource) Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The Bennett Valley Plan also includes language which allows for an assessment of whether the strict adherence of the policies would result in a conflict with the General Plan or the intent of the Bennett Valley Plan. This language is found under the heading "Standards – Application" and reads as follows:

Review of any proposed development should consider each of the standards described below. Each standard should be applied to the maximum extent feasible, recognizing that in some cases these standards when applied to a particular project may be contradictory. General Plan policies shall apply where the development guidelines conflict with the General Plan. The Design Review Committee should consider the total impact of the project in determining the extent to which each standard should be applied.

The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (the DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies. Strict adherence to the setback established by the Bennett Valley Visual Corridor in this area would result in the winery building being visible from both Sonoma Mountain Road and adjoining properties. Staff determined that the placement of a large winery structure on a ridge conflicts with the intent of both the General Plan's designation of the area as a Scenic Landscape Unit and the Bennett Valley Area Plan's premium on protecting both public and private views. Additionally, the conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the DRC as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acre site. In addition, agricultural promotional events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building. No permanent structure

dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.

d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.

e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project.

f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.

g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community; will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means; will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites because the project site does not contain any unique habitat, or unique plant or animal populations; and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small less than nine inch coastal live oak will be removed. No other trees will be

impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback prohibiting disturbance or development along the drainage. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the existing barn.

h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.

i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.

j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.

k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disked into the vineyard soil as a soil

conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.

l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.

m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

Now, Therefore, Be It Resolved that based on the foregoing findings and determinations and the record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Appeal is denied.
3. The Use Permit is subject to the Conditions of Approval, including a Mitigation Monitoring Program as shown in Exhibit "A," attached hereto, and incorporated herein by reference.
4. The Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval are adopted. 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 Negative Declaration reflects the independent judgment of the Board.

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

Resolution #
Date: October 14, 2014
Page 8

Supervisors:

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

So Ordered.

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

6. Mitigation 6.a.ii.2.

The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring:

PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

7. Mitigation 12.a.iii:

Construction activities for this project shall be restricted as follows:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary it shall be subject to approval by PRMD. 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) If required, pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible. The nearest off-site dwelling is more than 600 feet away thus locating noise generating equipment in areas shielded by on-site buildings will provide adequate noise protection.

Mitigation Monitoring:

PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. 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)

HEALTH:

The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

8. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2007 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.

9. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
10. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
11. 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.
12. Prior to building permit issuance for Phase I and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of five gallons per minute.
13. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

14. 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.

The project description includes Agricultural Promotional event 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 25% percent of the wastewater flow from an outdoor event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. Note that indoor events such as dinners are expected to provide septic system capacity for 100% of the event, as these guests are not expected to exit the building to use 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 Section that all required septic system testing and design elements have been met.

15. 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.
16. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system to be retained. The septic system shall be evaluated for the ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel that will be plumbed to an existing septic system.

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.

17. 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:

18. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, 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, prepackaged non-potentially hazardous beverages and crackers).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Solid Waste:

19. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that 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.

Vector Control:

20. 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 or operation of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

21. Prior to occupancy, the 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:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

24. 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.
25. 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:

26. Maintain the Annual Operating Permit for any alternative (mound, at grade, pre-treatment 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.
27. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
28. 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.
29. When permitted events exceed 25 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 Agricultural Promotional event and shall be promptly serviced and removed within 48 hours after the 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 event as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.

- ii) Toilet paper is promptly replaced when the dispenser runs out.
- iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

- 30. 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:

- 31. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division 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 Division 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 Division 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.

- 32. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Noise:

- 33. Mitigation 12.a.i.
Noise shall be controlled in accordance with Table NE-2 as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

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

Mitigation Monitoring:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. 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)

34. 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.
35. No indoor amplified sound shall be heard from the property line.
36. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Smoking:

37. 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.
38. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

GRADING AND STORM WATER:

The conditions below have been satisfied BY _____ DATE _____

39. 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.
40. 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.
41. The following development and redevelopment projects are subject to storm water Low Impact Development (LID) regulations:
 - a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
 - b. All development and redevelopment projects that include four or more houses.
 - c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

If the proposed project, and reasonably foreseeable future development, exceeds the thresholds noted above, then measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. LID/SUSMP features must be installed per approved plans and specifications, and working properly prior to finalizing the grading permit and associated building permits.

42. 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.
43. 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.

44. 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.

45. 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.

46. 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.

47. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.

48. Mitigation 9.a:

This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Grading and Storm Water Section of the Permit and Resource Management Department.

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

49. Mitigation 9.c.:

Prior to grading or building permit issuance, construction details for all storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Storm water best management practices must be installed per approved plans and specifications, and working properly prior to each rainy season (October 15 each year) and remain functional throughout the rainy season. The Permit and Resource Management Department will verify storm water best management practice installation and functionality, through inspections, throughout the life of the construction permit(s).

Storm water best management practices shall be designed and installed pursuant to adopted Sonoma County Best Management Practice Guide.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the plans meet all storm water best management practices. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

50. Mitigation 9.d.:

Prior to grading or building permit issuance, construction details for all post-construction storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Post-construction storm water best management practices shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide.

The owner/operator shall maintain the required post-construction best management practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction best management practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

Mitigation Monitoring:

Post-construction storm water best management practices shall be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. The Permit and Resource Management Department will verify post-construction storm water best management practice installation and functionality, through inspections, prior to finalizing the permit(s).

51. Mitigation 9.e.:

The construction plans shall include a storm water drainage system that adequately addresses the impacts and design features discussed above, in substantial conformance with the final drainage report. The design and sizing of the storm water drainage system shall be in compliance with the adopted Sonoma County Water Agency Flood Control Design Criteria, 1983 or most recently revised edition.

A final drainage report for the proposed project shall be prepared for this project. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The final drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

The construction plans and final drainage report shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application and/or improvement plans, as applicable, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the final drainage improvements are in compliance with the final drainage report. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

52. Mitigation 9.f.:

The project shall be subject to a setback of 30 feet from the top of the bank as established in Policy OSRC-8b (Riparian Corridor Setback) of the Sonoma County General Plan. (Note: If existing riparian vegetation extends beyond the numerical setback distance, then the setback shall be established at the drip line of the existing riparian vegetation or offsite mitigation shall be required.)

The project shall be subject to County Code Section 7-14.5 Stream setback for structures requiring a building permit as well as to County Code Section 11.16.120 setback for streams. No structure shall be setback less than 30 feet from the top of the bank.

The development plans shall present the setbacks associated with each of the county code sections detailed above.

The development plans shall be subject to review and approval by the Grading & Storm Water Section, the Building Division and/or the Planning Division of the Permit and Resource Management Department prior to the issuance of any building or grading permits.

Mitigation Monitoring:

Grading and Storm Water Section Staff shall ensure that all plans provide evidence that the appropriate setback to the drainage along the eastern side of the property is maintained for all building and grading permits. The project planner shall ensure that all landscaping and other activities are setback from the drainage appropriately.

53. 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 Use.

TRANSPORTATION AND PUBLIC WORKS:

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

54. "Special Event Ahead" signage shall be employed during the course of events. Signs conforming to Sonoma County Standard Drawing No. 710 shall be placed in advance of the Applicant's entrance in order to alert all traffic to the possibility of traffic congestion (www.sonoma-county.org/tpw/pdf/const_std/710.pdf).
55. Prior to issuance of any building permit, or temporary or final occupancy: To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, winery access to Sonoma Mountain Road shall conform to AASHTO recommendations. More specifically, the Developer shall construct a commercial driveway entrance meeting the following criteria:
- a. A minimum paved throat width of 20 feet (measured 30 feet from edge of pavement);
 - b. Entrance curves having a minimum pavement radius of 25 feet, the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Sonoma Mountain Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Sonoma Mountain 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 entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.

- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/pdf/const_std/814.pdf).
- 56. 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.
- 57. The Applicant shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 58. Mitigation Measure 16.a.i.:
Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Mitigation Monitoring:

Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.

- 59. Mitigation Measure 16.a.ii.:
The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Sonoma Mountain Road. To enhance sight distance, Department of Transportation and Public Works recommends the removal of vegetation and select eucalyptus trees located along the edge of pavement west of the existing driveway.

Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed subject to approval of the Sonoma County Department of Transportation and Public Works to ensure that the sight distance is maintained.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. Annually, the project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.

FIRE AND EMERGENCY SERVICES:

“The conditions below have been satisfied BY _____ DATE _____

- 60. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

61. This Use Permit is for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional event per year. See the details of the events below. Only one event may be a wedding, which can only be held during the summer months (June to September). The nine authorized promotional events must promote and market agricultural products grown or processed in the County and be secondary and incidental to agricultural production. Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional event must end by 9:30 p.m. with all clean up completed by 10:00 p.m. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0016. The site is a 55-acre parcel located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phasing of the project is as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing Legal Non-Conforming 2,490 square foot residence will be demolished. A new 4,270 square foot residence for the owner which will include the tasting/hospitality, commercial kitchen, and administrative space on the ground floor will be constructed. The existing Primary Dwelling will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new primary dwelling.
3. Prior to issuance of the building permit for the new primary residence demolish the 1,780 square foot garage with second story residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling, not including agricultural workers.

Phase II: (Start Time: 3 to 4 years from approval)

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn, for the creamery.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling, not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member’s Events	Jan. – Dec.	60
2	Distributors’ Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member’s Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

- 62. The facility shall not be rented out to third parties for events
- 63. The days and hours for Agricultural Promotional 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 Agricultural Promotional 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.
- 64. All events shall be coordinated with the Sonoma Mountain Zen Center so that events are not scheduled on the same dates.
- 65. Mitigation 12.a.ii.
Agricultural Promotional events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan. All events shall end by 9:30 p.m. so that guests can leave the site by 10:00 p.m.

Mitigation Monitoring:
Any complaints about events outside the hours established by the Noise Element of the General Plan shall be investigated and if events are held or allowed to continue outside the allowed hours of operation then enforcement actions may be undertaken up to and including potential revocation.
- 66. Currently there are one primary and two legal non-conforming dwelling units on-site. Prior to issuance of a building permit for any building containing dwelling units applications to designate each dwelling on site as a qualifying type of unit that complies with both the Zoning designation and the Williamson Act contract shall be submitted and receive approval.
- 67. This Use Permit (PLP12-0016) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
- 68. 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.
- 69. 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.

70. 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, 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.
71. Condition Compliance Fee. Prior to commencement of event activities, the owner/operator shall submit a Condition Compliance Review fee deposit sufficient to cover the review of event activities as described above.
72. 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.
73. 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.
74. 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.
75. Mitigation Measure 5.b.
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."

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

76. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
77. The applicant shall maintain a minimum of 96 parking spaces on-site to serve the agricultural processing facility, tasting room, and events. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. No parking on Sonoma Mountain Road is allowed.
78. No tour buses are allowed.
79. A sign shall be installed at the end of the driveway that states "Left Turn Only."
80. Construction of new or expanded residential and non-residential development shall be subject to Affordable Housing and Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
81. 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.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

82. Mitigation 7.a.iv.:
Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code).

Mitigation Monitoring:

Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.

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

83. Mitigation 1.c.i:
Prior to issuance of building permits the applicant shall submit the building and landscaping plans for final Design Review.

Mitigation Monitoring:

The Design Review Committee will ensure that the buildings are appropriately sited and screened from view from public roadways and adjoining properties in conformance with the Bennett Valley

Design guidelines. Building and grading permits shall not be issued until they have been approved by the Design Review Committee.

84. Mitigation 1.c.ii.:

Additional trees and shrubs shall be planted along Sonoma Mountain Road to more completely screen the new winery building from the road. Additional orchard trees should be located on the north side of the new winery building, the existing dance hall, and along that area to the west to provide screening and breakup the northerly façade of the new winery and dwelling/tasting facility. The roadside plantings shall be reviewed by the transportation consultant Whitlock & Weinberger to ensure that sight distances at the driveway are not impaired by the new vegetation.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide the project planner with a detailed landscaping plan showing the location, type, irrigation lines, and sizes of all new landscaping and orchard plantings. These plans must be approved by the planner, the transportation consultant, and the Design Review Committee.

85. Mitigation 1.d.:

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

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit 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 require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

86. Mitigation Measure 3.c.:

The following dust control measures will be included in the project:

- A. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
- B. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- C. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
- D. Water or other dust palliative will be applied to stockpiles of soil as needed to control dust.

Mitigation Monitoring:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

87. Mitigation 3.e.:

Disposal of pomace and other waste products from processing of agricultural materials 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. Agricultural waste products 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. Agricultural waste products shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
- c. Agricultural waste products shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the waste to be used by the County's composting program.

Agricultural waste products 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 by petroleum products, heavy metals, pesticides or any other material that renders the material unsuitable for composting with subsequent land application. Land application, placement of waste into a composting facility or disposal shall occur within two weeks of the end of processing.

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.

88. Mitigation 4.a.i.:

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

Mitigation Monitoring:

Prior to issuance of demolition/reconstruction permits for the barn a copy of the study shall be provided to the project planner.

89. Mitigation 4.a.ii.:

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendations from a bat and bird specialist, appropriate exclusion devices shall be installed to prevent roosting bats and nesting owls from being in the facility when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

Mitigation Monitoring:

Prior to issuance of permits for demolition/reconstruction for the barn the applicant's consultant shall provide documentation that the replacement roosting facilities have been installed along with the exclusion devices to prevent bats and owls from reoccupying the barn. Monitoring reports shall be submitted to the project review planner as they are prepared.

90. Mitigation 4.a.iii.:

A riparian (streamside conservation area) line shall be established 30-feet from the top of the bank of drainage on the easterly side of the construction area. "NOTE ON PLANS": Structures, equipment, roads, utility lines, parking lots, lawns, agricultural uses (planting, grazing, etc.), grading, fill, and excavation shall be prohibited in this conservation area.

Mitigation Monitoring:

The setback line shall be shown on the plans and prohibits activities within the creek setback.

91. Mitigation 7.a.i.:

All new buildings shall be constructed in conformance with CalGreen at the Tier 1 level of compliance. These standards apply to both new residential and non-residential construction excepting remodels and additions, and result in buildings that are more energy efficient and reduce GHG emissions.

Mitigation Monitoring:

CalGreen + Tier 1 compliance became mandatory in Sonoma County when it was adopted and approved by the Board of Supervisors and California Energy Commission; the ordinance effective date was January 1, 2011. Building permits will not be approved without compliance with this ordinance.

92. Mitigation 7.a.ii.:

The applicant shall install solar panels on the new winery buildings or ground mounted panels to provide a part of the energy which will be required for the proposed uses.

Mitigation Monitoring:

The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the applicant has carried out the installation of the solar panels to the project planner.

93. Mitigation 7.a.iii.:

The applicant shall prepare an idle time reduction plan to reduce the time that trucks making deliveries or picking up products or grapes spend with engines idling. For diesel engines idle times shall be no longer than 5 minutes.

Mitigation Monitoring:

The idle time reduction plan shall be submitted to the project planner who will verify that it meets the minimum standards established by State of California's Commercial Vehicle Idling Regulations.

94. Mitigation 8.a.:

During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.

A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill.

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring:

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

responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

95. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). 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.
96. 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.
97. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
98. 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.
99. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting, Agricultural Promotional event, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with Agricultural Promotional event, wine club meals and winemaker dinners. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 - 1) Retail sales of pre-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.

100. 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.

101. 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.

102. 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.

103. This Use Permit is approved for phased project development:

Phase I:

Phase I shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase I may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Phase II:

Phase II is not automatically vested with Phase I. Phase II shall be vested by obtaining the necessary permits and starting construction within two (2) years from the date of occupancy and operation of Phase I of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit for Phase II shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase II may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

**Planning Commission/Board of Zoning Adjustments
Appeal Form**

PJR-021

To: Board of Supervisors
County of Sonoma, State of California

File # PLPrZ-0016

Appeal is hereby made by: Don + Donna Parker + Amy Rodney + Byron LaGoy
Please Print

Mailing Address: Parkes - 5412 Sonoma Mtn. Rd., Santa Rosa, CA 95404

Rodney + LaGoy - 5400 Sonoma Mtn. Rd., Santa Rosa, CA 95404

Phone: Parkes - 707-528-9484 ~~707-528-9484~~ 571-0400 Email: Parkes - donna@winepro.com
Rodney/LaGoy - 707-528-9484 Email: Rodney/LaGoy - blagoy@sonic.net

The Sonoma County Planning Commission / Board of Zoning Adjustments (circle one) on

March 13, 20 14, approved denied (circle one) a request by

Nathan Belden for Use Permit +

Design Review ... See attached Project Description / Draft Conditions of Approval

located at: 5561 Sonoma Mtn. Rd., Santa Rosa, CA 95404

APN 049 - 030 - 010 Zoned LIA B640/40 Supervisorial District 1

This appeal is made pursuant to Sonoma County Code Chapter 26 Section 26-92-160 for the following specific reasons:

Water availability, road safety, road condition, road wear, traffic volume, inappropriate location for project, and all objections voiced in attached documents.

Date: 3/24/2014 Appellant: Byron LaGoy + Don Parker
Amy Rodney + Donna Parker
Signature

Appeal Fee: See current PRMD Project Review Fee Schedule

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

This appeal was filed with the Permit and Resource Management Department on the 24th day of March, 20 14, receipt of which is hereby acknowledged.

Scott J. Hunsperger
PRMD Staff

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

CMuller S:\Handouts\PJR\PJR-021 Planning Commission 87A Appeal Form and 02/17/14

EXHIBIT B

Draft Conditions of Approval

Date: March 13, 2014 File No.: PLP12-0016
Applicant: Nathan Belden APN: 049-030-010
Address: 5561 Sonoma Mountain Road, Santa Rosa

Project Description: a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, including retail sales and tasting of wine and cheese and other farmstead products by appointment only, and 10 Agricultural Promotional events on a 55 +/- acre parcel.

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

- 1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,181.25 (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 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:

The conditions below have been satisfied BY _____ DATE _____

- 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 construction company shall post a sign that includes the 24-hour a day/7-day a week phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.
5. Mitigation 6.a.ii.1. All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

All construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring:

Also Opposing Beldens' Proposal **PLP12-0016**

1. Michael Guest and Alexander Nevarez, 255 Sonoma Ridge Rd., Santa Rosa, CA
2. Bill McNearney and Gail Eva Young, 5350 Sonoma Mtn. Rd., Santa Rosa, CA
3. Woody and Judy Witwicki, 5370 Sonoma Mtn. Rd., Santa Rosa, CA
4. Sandra Macneill and Claire Arnesen, 4320 Sonoma Mtn. Rd., Santa Rosa, CA
5. Nicholas van Krijdt, Judith Ann Corba, Bill Washburn, 240 Sonoma Ridge Rd., Santa Rosa, CA
6. James and Rebecca Casciani, 5800 Sonoma Mtn. Rd., Santa Rosa, CA
7. Robert and Edie Phillips, ~~6640~~⁶⁵⁴¹ Sonoma Mtn. Rd., Santa Rosa, CA
8. Scott McIntosh, 6607 Sonoma Mtn. Rd., Santa Rosa, CA
9. Toby and Sally Rosenblatt, 6465 Sonoma Mountain Rd., Santa Rosa, CA
10. Victor and Peggy Colli, 5030 Sonoma Mtn. Rd., Santa Rosa, CA
11. Ken and Karen Adelson, 6640 Sonoma Mtn. Rd., Santa Rosa, CA
12. Dan Viele, 145 Mountain Meadow Ln., Santa Rosa, CA
13. Tamara Boulton, 4740 Pressley, Santa Rosa, CA
14. Sydney Walker, 5180 Sonoma Mtn. Rd., Santa Rosa, CA
15. Kirsten Cutler, 5650 Sonoma Mtn. Rd., Santa Rosa, CA
16. Bonnie Kreger, 8800 Bennett Valley Rd., Santa Rosa, CA
17. Hilary Burton, 5700 Sonoma Mtn. Rd., Santa Rosa, CA
18. Mary Dowdall, 6573 Birch Drive (Bennett Valley), Santa Rosa, CA
19. Joan Maroni, 4363 La Granda, Santa Rosa, CA
20. Michael and Helen Bates, 6471 Sonoma Mtn. Rd., Santa Rosa, CA

Attachment -3/Baultbee

March 10, 2014

To: Melinda Grosch, Sonoma County PRMD and
Sonoma County Board of Zoning Adjustments Commissioners

RE: PLP12-0016

Dear Melinda and Commissioners,

I am concerned that this requested project is much too much for the isolated area in which it is proposed and is potentially precedent setting. This project does not appear to meet the letter or intent of the Bennett Valley Area Plan. The proposed size and usage and the attendant impacts are detrimental to the rural expectations of area residents. The Bennett Valley Area Plan, which is the governing document for this area, calls for retention and preservation of the rural character and it reflects the environmental and economic constraints, suitabilities and sensitivities of the area. Our Scenic Corridor was/is parcel-specific, unlike the General Plan's.

This parcel has been, over the years, maintained in agriculture that has blended harmoniously with the neighboring residents. This proposal seems to be much more of a commercial venture

The increased traffic this project would bring has been raised as a grave concern. I concur. However, given that the traffic study which was submitted for this project is incredibly flawed, I think that it is inadmissible and needs to be completely redone. The basic premise on which the study was based is grossly wrong.

First of all, the study poses that the prima facie speed limit is 55 mph because there is no posted speed limit. However, within the staff packet is a picture clearly showing that the posted speed limit is 20 mph. Because of this error, the study was based upon 40 mph for analysis purposes--a completely erroneous assumption, inaccurate at best. Additionally, CT-4e states that the AASHTO document (here used) is to be used as a guide BUT "where these guidelines conflict with adopted design guidelines for a local community . . . or with rural or community character, utilize the flexibility provisions in the AASHTO guidelines to avoid these conflicts . . ." (The suggestion for lengthy clearance alongside SMR would be contrary to the Plan's requirement for preservation of the scenic quality of the roadways and apparently AASHTO's.)

Second, the report says that Sonoma Mountain Road is classified as a Rural Minor Collector in the Sonoma County General Plan 2020. This is completely INCORRECT. Sonoma Mountain Road, Pressley Road and Enterprise Road have always been classified as rural byways (per the Bennett Valley Plan and under the new terminology, local rural roads) and do not show up on the county transportation maps as collectors. Only two (2) roads within Bennett Valley are classified as Collectors and they are Bennett Valley Road and Grange/Crane Canyon Roads. (In the Bennett Valley Plan, Petaluma Hill Road was also classified as a Collector.)

Third, the study was so narrowly focused that it did not take into consideration any impacts on the roads that provide ingress and egress to this very isolated location--e.g., Pressley Road, Upper Sonoma Mountain Road, Enterprise Road and Lower Sonoma Mountain Road. GPS mapping sends traffic from Napa and the far East Bay through Sonoma and onto Upper Sonoma Mountain Road to this site. From the south, including San Francisco, Oakland and San Jose the route is via Pressley Road. From the north or west, traffic is sent via Lower Sonoma Mountain Rd. The narrow focus of the traffic

study conveniently avoids the significant negative impact on neighboring roads leading to the site. This very limited study skews the collision/accident history too, making it look innocuous and is nowhere reflective of the impact even a few additional vehicles (let alone all the ones proposed) would have on the quality of life, the roadways themselves and the safety of the residents (not to mention wildlife). Additionally, it would seem that obtaining accident information from the Highway Patrol would provide a better reflection of information on local roads rather than referencing Caltrans' Collision Data on State Highways. Therefore, the traffic study is so flawed, inaccurate and so limited in scope that it should not be used to assess traffic impacts. All roadways leading to the project site should have been studied and included in the impact report. And the information on which these analyses were based should have been accurate. *[see next page]

In addition to these egregious errors, there appears to be no reflection of the trucking into and out of the area due to the proposed cheese making or farm produce "sale." In Mr. Boudreau's letter, he notes that most milk will be brought in (and since there are no longer any dairies close by, one would have to assume that the supply would be coming from a distance.) Also, as Mr. Boudreau noted, there is a very limited area for cows or sheep grazing (2 and 10 respectively) so it's obvious that the milk will primarily come from off-site. Truck traffic is very hard on roads that were never designed to handle truck traffic and because of the extremely curvy and steep inclines, the noise level can easily exceed that which is expected in a rural environment. **[see next page]

I respectfully remind you that the Bennett Valley Plan states that "the character of the road system is a vital component of the rural character of Bennett Valley. The character of the existing public road system shall be retained . . ." "Intensity of land use shall reflect the conditions, character and capacity of roads." "The scenic quality of all transportation routes within Bennett Valley is a vital component of the rural character, and shall be protected."

The General Plan refers numerous times to the diverse rural character of So. Co, the unique qualities of various areas and the requirement that where there are Area Plans or Local Area Development Guidelines, those guidelines take precedence over countywide rural character design guidelines. Also in cases of conflict, the more restrictive policy or standard should apply. (e.g. General Plan 2.6, GP Policy LU-1a, CT-4i.) Rural character compatibility is also brought up in Ag Element 2.5.

Additionally, other areas within the General Plan could use stronger emphasis. Policy OSRC-6a includes "Paved areas are minimized and allow for informal parking areas. . . Exterior lighting and signage is minimized." While this general topic is covered in the report, the size of the area included here raises concern that even minimized could be intrusive and problematic. Parking: The large amount of surface that is proposed to be given over to new and additional roadways as well as parking creates a concern over the impact on the recharge capability of the land in an already identified marginal water availability area. At minimum, areas for general, event or owner/employee parking should be either gravel OR a pervious blacktop type surface so that the water table recharge can continue without too much diminishment. (Chip seal is impervious) Also the suggested widening of the interior roadways seems to be unwarranted even according to the text of the traffic report. Solar while great, should be located on rooftops so as not to impede the recharge capability of the land.

Percolation: In talking to a previous owner, he noted that they had had great difficulty getting perc for even one house, let alone a larger one and even more structures. Why was the difficulty of percolation not identified – the usage proposed is tremendously greater than what has historically been identified on this site? Anything that cannot be taken care of on-site would have to be trucked out, adding even further to the traffic problem

*Per AASHTO Road classifications. Definitions: Local Roads serve individual homes, farms and businesses and feed into the collector network. . . . In all classifications road width is flexible, and can be modified to suit local conditions, where necessary.” Rural Local Road: For roads with design speeds of less than 40 mph and volumes under 400 vehicles per day, the standard road width is 22 ft., with the exception of steep or hilly terrain, where the width may be reduced. Policy CT-4j – “. . . Local Roads as routes that are intended to provide access to property and to carry LOCAL traffic to Collector Roads. . . . “

**Traffic study – breakdown of trips does not appear to include the number of truck trips involved in bringing in milk for cheese production, silage for animals, or truck traffic necessary to remove any sewage/waste that cannot be accommodated on-site. Nor does it reasonably recognize the number of auto trips for public tastings.

Objective AR-5.3: Ensure that agriculture-related support uses allowed on agricultural lands are only allowed when demonstrated to be necessary for and proportional to agricultural production on site or in the local area.” (Even when recently planted grapes mature, total amount of cases from onsite wouldn’t even be half the total capacity of requested winery size. In addition the amount of cheese production would be mostly produced from material brought in from off-site) This doesn’t appear to meet the above Objective.

As for the staff report/attachments, I have great concern that the Bennett Valley Area Plan was seldom referenced in the documents when it is the definitive document on this case. Examples are statements within the staff report as well as a letter from Mr. Martin that incorrectly state what the Bennett Valley Plan calls for or allows. For instance, Staff report pg. 7. “The applicant has provided reasons that he feels the proposal is consistent with the exceptions allowed in the Bennett Valley Design Guidelines for the placement of structures in the Visual Corridor. The primary reason is the area outside the Visual Corridor designation is geologically unstable due to an historic landslide. “ This is not an exception given in the BV Design Guidelines. (And interestingly enough, a prior long time owner wasn’t aware of the landslide.) Nor does the staff report provide rationale that “the proposed development is consistent with the standard Scenic Corridor setback (which should not apply here) . . . and is consistent with . . . other setback criteria established by the Land Intensive Agriculture zoning designation.” This seems irrelevant since it is incompatible with the setback criteria in the Bennett Valley Area Plan and its intent.

As for Mr. Martin’s rationale, it appears that he does not understand the Bennett Valley Plan or its intent and usage over the many years it has been in place.

1. While it is admirable that a proposed new structure (agricultural and very large) would, in his opinion, not be seen from the roadway or neighboring properties, he is missing the most important part which relates to the requirement of building outside the visual/scenic corridor.

2. The cluster development clause was related to future parcel development and primarily aimed at the implementation of the PA table.

3. This has nothing to do with justifying building within the designated scenic/visual corridor.

4. Rural character is much more than agricultural buildings.

5. The "open vista" was conceivably not there at the time of the Plan's adoption. An open vista could be created by tree removal . . . and as such has no bearing on the sanctity of the scenic/visual corridor designation. One needs to go by the wording of the Plan regarding the Scenic/Visual Corridor and what is or is not permitted in the mapped area..

6. Again, regardless of the proposal and whether a new structure could be or not be seen from a public roadway now, the proposal is well within the adopted, designated Scenic/Visual Corridor - and, in fact, it is much closer to the roadway (consequently even more within the visual corridor) than the existing structures which are there because were grandfathered in as pre-existing (to the Plan) structures.

To be exact - The Bennett Valley Plan reads: . . . minimum setbacks shall be consistent with the So. Co. Subdivision Ordinance, the general Plan or the Bennett Valley Plan, whichever is more restrictive. "No NEW structures shall be sited within visual corridors, riparian corridors or unique biotic resource areas as designated on the Critical Open Space Map of the Bennett Valley Plan, except in the visual corridor where the ENTIRE parcel is included within such designation or except in the visual corridor where said structure is a fence or agricultural appurtenance. Where the entire parcel is included in a visual corridor area, or where said structure is an agricultural appurtenance greater than 200 sq. ft., the BV/NSMDRCommittee shall condition the approval of such structure(s) to mitigate adverse effects to the open space resource"

In this case, it would appear that the winery building would qualify for an exemption AS LONG AS adverse effects to the open space were mitigated. HISTORICALLY, such mitigations meant locating the structures at the back of the parcels -an area farthest away from the road. A very good historical example would be along the straight stretch of Bennett Valley Road between west of Grange and Sonoma Mountain Road. (In Mr. Belden's case, he's moving further INTO the scenic/visual corridor which would be contrary to the intent of the BV Plan.)

As a point of clarification, I spoke with a very senior planner a number of years ago about the parameters of building outside the specified Scenic/Visual corridor to ascertain how it would be applied. I was told that if the parcel was totally within the Scenic/Visual Corridor and undeveloped, the law says that you cannot make a parcel unbuildable. However, once a single-family dwelling was allowed, no further buildings need be permitted, regardless of how many buildings one would want to put on a parcel. If there was any part of the parcel NOT in the scenic/visual corridor, the only building location would be OUTSIDE the scenic/visual corridor as mapped on the Bennett Valley Plan maps.

Note: a number of years ago the Board of Supervisors heard an appeal of a county decision denying building within the visual corridor (a non-agricultural structure) and they also denied the appeal. The statement was made by the then Supervisor that the Plan was very clear that there would be no building within the designated corridor. (This parcel was not completely within the scenic visual corridor.)

Some additional issues:

Size of structures: The increase in the amount of square footage being proposed is quite sizeable. Where before we had ample room for the owner and family plus workers, we are now being confronted with an operation that will increase by 12,175 sf of structures, not including added ag. housing. Where before we had a small amount of parking (hence little additional impervious surfaces) we now have an additional large driveway with another large turn around as well as many more parking spaces for all the hired help and visitors PLUS a huge parking lot for special events.

Wildlife: Attention needs to be given to additional wildlife protection and especially to the large avians of which Dave Steiner used to speak – the golden eagles that inhabited this area.

Retail Sales and Special Events: With all the items that the proposal is “covering” it sounds more like a commercial venture under the cloak of agriculture . . . wine, cheese, fruit, vegetables, eggs, etc. – sounds almost like a mini-mart. Retail Sales and Special Events are a slippery slope and tend to be the most problematic when it comes to traffic concerns and abuses.

Color of buildings: They need to meet the requirements of blending into the natural surroundings to the maximum extent, not matching the existing buildings.

Smoking: Because of the high fire danger in the area, this facility should be a “no smoking” facility – not a place with ash receptacles outside.

Appointment only?: What would be the restrictions? Number of persons and cars per appointment? Total number of people and cars per hour or day?

Text of the Original Bennett Valley Plan: Due to the reduced text and thus reduced explanations and background info from the original Plan, the opening page of the downsized version specifically states that a copy of the original, complete text will be kept on file at the County and should be used as a reference should any questions arise or clarification be needed.

In conclusion, because this location is geographically isolated, you really can't import extra traffic and not expect to have a significant impact on the rural, scenic, quiet quality of the area. A lot of added traffic, especially truck traffic, is a bane to the way of life in this area. In the past the Steiner Vineyards did not create a good deal of traffic with the only “extra” traffic being during harvest. FYI, there have been for many, many years two (2) other wineries within the Bennett Valley area – Laurel Glen (on upper Sonoma Mtn. Rd. and Coturri (on Enterprise Rd.). Neither of them has had tastings or regular special events. Both are and have been profitable. This proposal, by comparison to them, is like night verses day. It's simply too much for the area to contain and is like trying to fit a square peg into a round hole. The infrastructure is just not here. Nor does the proposal meet with the intent of the Plan that has governed and protected this area for over 30 years. Perhaps in a location which is on a Collector or Arterial Road and in a flat location, this proposal would find acceptance and meet the criteria governing that local area. Here it just does not fit.

Thank You.

Sincerely,
Tamara Boulton

Attachment - 4 / Parker

From: Donna Parker <Donna@winepro.com>
Subject: **Fwd: Fwd: Letter to Melinda Grosch and Board of Zoning Adjustments**
Date: February 26, 2014 4:01:41 PM PST
To: Byron LaGoy <blagoy@sonic.net>

----- Original Message -----

Subject: Fwd: Letter to Melinda Grosch and Board of Zoning Adjustments
Date: Wed, 26 Feb 2014 16:01:02 -0800
From: Donna Parker <Donna@winepro.com>
To: Melinda.grosch@sonoma-county.org, Susan.gorin@sonoma-county.org
CC: David.Rabbitt@sonoma-county.org, Shirlee.Zane@sonoma-county.org, "- MikeMcguire"@sonoma-county.org, Efren.Carrillo@sonoma-county.org

Melinda:

Please distribute copies of this letter to the Commissioners of the Board of Zoning Adjustments. Thank you.

Re: PLP12-0016, an application by Belden Farms, 5561 Sonoma Mtn. Rd., for a Use Permit

To the attention of First District Supervisor Susan Gorin, Commissioners on the Board of Zoning Adjustments, and Melinda Grosch, Permit and Resource Management staff:

Some of us have written to you before. To the extent that we are writing again, it is for the purpose of addressing additional information reviewed or received since we last wrote.

We have found the W-Trans traffic study, commissioned by the Beldens in support of their application for a Use Permit to be flawed in several respects, beginning with the assertion that the Beldens' proposal will result in little new traffic to a little used road:

1. The W-Trans traffic study focuses only on the 1.5 mile section of Sonoma Mountain Road between Pressley Road and the entrance to Belden Farms, and was limited to addressing "trip generation of the proposed project as well as adequacy of the parking supply."
2. The study notes that Sonoma Mountain Road "in the vicinity of the project site" is "narrow, approximately 20 feet wide, . . . with no center line or edge line stripping." The study fails to note that the road is about at its widest right in front of the project site. The road to the west of the Belden's driveway, down to Pressley, is typically 15-17 feet wide. We frequently observe that when two SUV size vehicles pass each other going in opposite directions, one pulls to the side of the road and stops, or slows to a crawl, leaving perhaps a foot of clearance between the two vehicles as they pass.
3. The W-Trans report does not address the road to the east of the Belden property at all, where the road narrows to as little as 9 feet in width at Cooper's Grove, less than half a mile from the Belden's driveway. Anyone familiar with wine tasting in this area of Sonoma County knows that, other than Matanzas on Bennett Valley Road, the next wineries are all in Kenwood, Glen Ellen and Sonoma. There is as much chance of wine-tasters coming from one direction on Sonoma Mountain Road as the other. The W-Trans report only deals with traffic to the east of the Beldens' driveway in terms of safety for drivers coming from the east with the intention of turning into the property as a destination.
4. The W-Trans report does not anywhere address the condition of Sonoma Mountain Road, and the impact on that condition from the increase in traffic in the Beldens' proposal. Nowhere does it say that Sonoma Mountain Rd. is the second worst road in the county. Nowhere does it say who will be responsible for fixing the road in response to further deterioration as a consequence of additional traffic. Nowhere does it address the cumulative effect of traffic from the new Open Space trailhead approximately half a mile west of the Belden's driveway and that created by Beldens' proposal if

granted the Use Permit they seek.

Though Commissioner Cook remarked at the 12/19/2013 hearing that we need not worry about the granting of a Use Permit to the Beldens creating a precedent, because the Board considers the cumulative impact of each new application, the W-Trans traffic study, dated August 19, 2013, on which the Board is relying, nowhere addresses the combined impact of traffic on Sonoma Mountain Rd. resulting from the Beldens' project and the already approved Open Space project.

The W-Trans traffic study estimates 360 week day uses by cars going one way or the other on Sonoma Mountain Rd. over the 1.5 miles between the Belden's driveway and Pressley Rd. The figure drops to 340 uses a day on weekends. The Open Space project estimates a low of 42 uses a day during the week, and 60 a day on the weekend, or an increase in traffic on Sonoma Mountain Rd. of 12-18% a day. The W-Trans traffic study conducted on behalf of the Beldens estimates a daily increase in traffic on Sonoma Mountain of 71 single uses, whether coming to or leaving the Belden property, an increase in traffic of approximately 20% a day. The cumulative impact on Sonoma Mountain Rd. is a daily increase in traffic between the two projects of 32-38%! This increase does not distinguish between automobile and the more damaging construction truck traffic. Nor do these figures reflect the increase in traffic for the 10, 60-200 person special events a year in the Belden proposal, where vehicles carrying 2.5 persons each are estimated to make approximately 180 trips between coming and going for a 200 person event. The cumulative impact on one of the two worst roads in the county cannot by any stretch of imagination be considered "insignificant". The 12-18% increase in traffic to the Open Space trailhead in itself constitutes a significantly increased impact on the condition of Sonoma Mountain Rd.

More personally, in his letter of December 18, 2013 to Supervisor Gorin and the Permit Dept., one of our neighbors reports that he spent a recent Saturday counting 42 cars, 6 light trucks, and 7 groups of cyclists passing his property, across the street from the Beldens, in an hour.

5. With regard to safety, the W-Trans traffic study again only looks at the accident rate between Pressly and the Belden property (1.5 miles). No attention is given to traffic coming from the east of their property. Moreover, the study relies on a survey that was conducted between January, 2006, and December, 2010. **Sonoma Mountain Road was closed to through traffic just east of the Zen Center from December, 2005 through May, 2009, because rains had washed out the road.** All of us who live on Sonoma Mountain Rd. are keenly aware of how much safer we felt walking and driving on our road as a result of the reduced traffic during those years. Furthermore, the fact that it took 3 ½ years to repair the collapsed road says something significant about the likelihood of substantial repairs at any time for Sonoma Mountain Rd.

And how can a report on traffic safety neglect to even mention the impact of alcohol consumption on driving? Google the impact of alcohol consumption on driver safety and extensive research on the impairment of driving skills appears. A typical report identifies affected faculties: Judgment (with as little as .02 alcohol); concentration, coordination, comprehension, visual acuity impaired up to 32%; impaired ability to judge distance; reaction time up to 15 to 25% slower resulting in accidents that would have been avoided without the factor of alcohol. Add alcohol to the character of Sonoma Mountain Rd. - more than a narrow road, it is winding, with blind curves, drop-offs, in terrible condition, with little to no prospects for significant improvement in the foreseeable future - and the question looms: How can a traffic report on a tasting room and winery project ignore these realities? More traffic means more accidents; more alcohol means fewer "near misses" and more accidents. The brief reference to traffic accidents in the W-Trans traffic study reveals an understandable ignorance of the many close brushes that many of us have had with traffic on Sonoma Mountain Rd.

Referring again to our neighbor's letter of December 18th, he suggests that there is a "shameful" concern in the Beldens' documentation only for the safety of those who are visiting Belden Farms - not for those of us who live here, and not for those who regularly use the road for a range of purposes. There is no discussion in the Belden report of how to mitigate the impact on safety for the rest of us posed by production trucks, wedding parties, retail customers, dining event guests, and wine-tasters driving the full stretch of Sonoma Mountain Rd. to the Beldens' facility - the same road the rest of us travel to access our homes. Without a full investigation of these factors, and absent any mitigation of their impact on neighboring residents, we have to agree with our neighbor's conclusion, that granting the Beldens the Use Permit they seek represents a serious failure in government oversight and protection.

6. Though Sonoma Mountain Rd. is a scenic by-way, the W-Trans report does not at all consider the many bicycle riders and walkers who use the road.

The Bennett Valley Plan, about which Commissioner Fogg asked for more information at the 12/19/2013 hearing,

says: "The character of the road system is a vital component of (the) rural character of Bennett Valley" and "Intensity of land use shall reflect the conditions, character and capacity of roads." The Bennett Valley plan also says, "Commercial development is not considered appropriate to the rural character of Bennett Valley." While construction of a winery and tasting room are not considered "commercial development" in an area designated by the county for residential and intensive agricultural purposes, those constructions are nonetheless a "for profit" use that compromises the rural nature of Bennett Valley in ways at odds with the intent of the Bennett Valley plan, creating in effect an "intensity of land use" that is significant in its damage to the "character and capacity of roads" that are "a vital component of (the) rural character of Bennett Valley". The Beldens' proposal is fundamentally at odds with the residential and intensive agricultural designation of Bennett Valley in general, and Sonoma Mountain Rd. in particular. There are currently no active "for profit" operations on Sonoma Mountain Rd. No tasting rooms, no weddings (a non-agricultural activity), no party events. There is no reason to think that the noise created by these various events will not be at odds with the designated residential nature on Sonoma Mountain Rd. The changes proposed for the Zen Center, we have been assured, have to do with bringing buildings up to code, not to changing the events nature of its long-approved operations. A tasting and sales facility such as the Beldens propose would seem to be more logically suited to the downtown area, or one of the many wine tasting corridors that pervade Sonoma County. This opinion is endorsed by Sonoma Mountain residents actively involved in the wine industry for many years.

These matters were not considered in the Beldens' traffic study; and it is our understanding that the since the December 19th hearing there has been no effort made, nor is there any intention of requiring the Dept. of Transportation and Public Works, to make an independent assessment of the impact of additional traffic on the condition and safety of Sonoma Mountain Rd. An assessment that would take into consideration the impact of alcohol use on drivers, the cumulative effect of other projects in the area of the Beldens, the condition of the road, the character of the road and intention of the Bennett Valley Plan. If the Department of Transportation has truly not been asked to do such an assessment, then there is insufficient data on which to grant the Use Permit requested by the Beldens.

One Commissioner noted that the Board strongly relies on experts. Why then is the Board not asking its own experts to assist in gathering information that is vital to a consideration of whether the Beldens should or should not be granted the Use Permit they have applied for?

Commissioner Cook made a comment during the 12/19/2013 hearing to the effect that the Beldens should not suffer because of the condition of the road. That is backwards thinking. This is not about the Beldens. They are nice people with a dream. This is about whether or not they have chosen an appropriate place to realize that dream, and the evidence strongly suggests Sonoma Mountain Rd. is not a suitable place for their dream as it is currently conceived.

This matter deserves to be thoroughly and accurately researched rather than decided on the basis of incomplete and inaccurate information. That has not occurred to this point. We ask that you give this matter the attention it deserves. Thank you.

Some of the Sonoma Mountain Road residents concerned with the problems created in granting the Beldens a Use Permit include:

Don and Donna Parker,
Amy Rodney and Byron LaGoy,
Alexander Nevarez and Michael Guest,
Bill McNearney and Gail Eva Young,
David and Judy Witwicki,
Sandra Macneill and Claire Arnesen,
Nicholas van Krijdt,
Judith Ann Corba,
Bill Washburn,
James and Rebecca Casciani,
Robert and Edie Phillips,
Scott McIntosh,
Toby and Sally Rosenblatt,
Victor and Peggy Colli,
Ken and Karen Adelson

Objections to Negative Declaration for Use Permit application PLP12-0016

16 December 2013

Melinda Grosch, Planner
Sonoma County Permit & Resource Management Dept.
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Neighborhood Objections to Staff Report and Negative Declarations for Use Permit application PLP12-0016

We are writing to join our neighbors in strenuously protesting several items in the Staff Report, the Negative Declaration and some of the proposed remediation measures in the Use Permit application PLP12-0016 from Nathan Belden for a new phased agricultural processing facility, including retail sales and special events, at 5561 Sonoma Mountain Road.

Negative Declaration Environmental Checklist item 16 Transportation/Traffic:

The Belden's, their consultants, and the Sonoma County Permit & Resource Management Dept. have failed to acknowledge the condition of the road. As a result, the plan includes no remediation measures to effectively respond to the poor condition of Sonoma Mountain Road beyond an insignificant amount of brush removal near the project entrance. Nothing is included that could remediate the road's inability to safely accept any quantity of additional vehicular traffic and statements to the contrary are plainly false and misleading.

The Sonoma County Department of Transportation and Public Works Pavement Preservation Program report lists Sonoma Mountain Road in the bottom percentile of County-wide roads and describes it this way:

"Pavements have extensive amounts of distress and require major rehabilitation or reconstruction. Pavements in this category significantly affect the speed and flow of traffic. Pavements may need reconstruction, and at worst can be extremely difficult to drive."

A serious deficiency in the Negative Declaration is the absence of commentary by the **Sonoma County Department of Transportation and Public Works**. We and our neighbors want to know why the environmental checklist does not include the negative impact on the road itself and its long term maintenance.

In support of their plans, the Owner obtained the services of Whitlock & Weinberger Transportation, Inc who prepared a traffic study that concluded that the new daily trips would be minimal.

Objections to Negative Declaration for Use Permit application PLP12-0016

We believe their report is inadequate for the following reasons:

1. The methodology used to generate their results appears to be flawed and should be re-visited since it predicts ridiculously low traffic counts for the types of retail and industrial activities proposed.
 - a. The idea that a retail establishment is going to engage in advertising and marketing to attract customers and then turn away those same customers who drive all the way out to their facility and drop in without an appointment stretches credulity.
 - b. It is not logical or possible for events of 60 to 200 visitors to generate so few vehicles. Rarely are automobiles occupied by 2.5 people on average, for example.
 - c. The most objectionable error is the omission of traffic counts for more distant locations along the road. Since there is no other way to or from their destination, Traffic Vehicle Counts must include the much higher volume that turns off at Pressley Road because both Pressley and the lower stretch of Sonoma Mountain Road will be negatively impacted. Enterprise Road is also heavily impacted but appears nowhere in the analysis. It is convenient but misleading for this project's traffic engineers to include only data for vehicles that may pass in front of the property itself.
 - d. The traffic study does not include current traffic data that is readily available from the County Department of Transportation. Current vehicle counts are much higher on average and at peak hours because of the number of seasonal laborers employed at the vineyards and the continual construction work on new homes. Traffic is also high on the weekends because of sight seers since this is one of the most beautiful scenic areas in California.
1. Their traffic report's authors omit observations about the safe capacity of the road and neglect to include pertinent observations about its current condition and prospects for improvement.
 - a. In addition to the obvious pavement condition, sub-standard features include its narrow width; unsafe sight lines over steep grades and around tight corners; and the lack of pavement markings.
 - b. The proposed mitigation to **checklist item 16.d** is particularly insensitive to the actual overall environmental impact since this property's traffic will increase the hazardous conditions at numerous tight corners and

Objections to Negative Declaration for Use Permit application PLP12-0016

steep grade changes from Warm Springs Road all the way to Bennett Valley Road.

- c. Sonoma Mountain Road fails in every category of engineering standard for a public roadway designed to handle commercial and industrial traffic and approval of such a use on a road in this condition is unconscionable. We believe a review by the Sonoma County Department of Transportation and Public Works will confirm our opinion.
2. The consultant also may not be aware that the County does not have the revenue to allow for proper maintenance of this road. My wife and I have seen ditching and brushing maintenance occur only once since we moved here in 1997 and the County has no plans (or funds) to do anything more than minor pot-hole filling in the foreseeable future. There is no mention of this in either the Staff Report or the Negative Declaration.
3. We strongly object to the section of the report on **Collision History**. The number of accidents in the referenced reports is not accurate and the numbers for all types of accidents in the last 3 years since the arbitrary cutoff date selected has gone up dramatically. While our experience is anecdotal, we believe the official reports are not accurate. There are numerous bicycle falls caused by potholes that are not reported. There are also frequent deer collisions that are not reported. As most of those who live here can tell you, walking or biking on the road is dangerous at certain times of day. There are too many vehicles and they generally drive too fast for the poor road conditions. The number of near-misses is also very high.
4. **Checklist item 16.f** omits the impact on bicycle safety except at the site entrance itself. Bicyclist will be negatively affected along the entire length of the road by the increase in vehicle traffic. Bicycle/Vehicle traffic accidents and fatalities in Sonoma County are rising fast partly because of the poor road conditions. They will continue to get worse if projects like this are approved.
5. The traffic consultant's report leaves out any mention of bicycle and pedestrian traffic. Safety for these other uses must be considered but the report only assumes vehicular traffic. **Checklist item 8** of the Environmental Checklist omits the significantly greater hazard imposed on the people who use Sonoma Mountain Road by the traffic this will bring and includes no mitigation measures.
6. The traffic report states that the road is classified as a Rural Minor Collector that it is narrow with no center line or edge line striping. What is missing from that section of the report is the assessment of the County's own Department of

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Transportation and Public Works assessment of the road as not meeting its own standards and as not worth saving under current budget constraints. The latest plans are to fill pot-holes as money is available but allow the road to continue to deteriorate until it is little more than a severely eroded, pot-holed gravel road.

7. A number of residents have submitted petitions demanding that the road be fixed but we have seen no realistic proposals for funding this expensive work.
8. For obvious reasons, remediation plans do not include road widening or re-paving, nor inclusion of a much needed bike/walking path safely separated from the traffic lanes. This is of particular concern if drivers are inebriated after visiting the proposed wine tasting events. This rural road is often crossed by deer and other wildlife which pose a danger to vehicular traffic.
9. By accepting the traffic report with these serious deficiencies, we believe county staff may have exposed the County of Sonoma to serious legal liability.

Checklist items 18.b (cumulative impacts) & 18.c (human impacts)

1. Neither of these important items is addressed in any way and this project will cause negative effects in the form of further damage to the environment as described elsewhere in this protest letter and will almost certainly have human impacts in the form of injury and possible loss of life to other users of the road.
2. Additional heavy truck traffic will rapidly degrade further the already deteriorated condition of the pavement, and pose a safety hazard to other users of the road. This will also inevitably increase the future cost of road maintenance and repairs to local taxpayers. Further evidence of the road's terrible condition is reflected in having been recently voted one of the worst in the county.
3. There are other environmental impacts that have not been convincingly addressed, such as:
 - a. Depletion and/or pollution of the aquifer is not adequately addressed because the consultant apparently was not required to contact a larger number of local residents, many of whom have had well failures since the increase in agricultural wells in the immediate area.
 - b. The inaccuracies in the noise pollution section are difficult to understand. There are other nearby wine and dairy processing facilities that we tolerate and they employ very (very) noisy machinery. And they are allowed to make quite a racket any time of the day or night. We can probably live with that as a cost of living in a scenic agricultural zone especially since the durations are

Objections to Negative Declaration for Use Permit application PLP12-0016

usually short but we do not understand why the authors have included such unrealistically low decibel numbers in this submittal.

- c. We are concerned about the increase in trash along the road caused by more visitors since the County does not have funds to routinely pick up trash. Currently a group of neighbors volunteer to do this occasionally.

We would like an explanation of the pages in the negative declaration entitled "**Analy Cheer & Dance 2013-2014**" with a roster of names and contact information followed by a handwritten note. Is this one of the proposed uses for the facility?

Promoting the location of industrial and commercial activities in this remote location, as proposed, runs counter to the Board of Supervisor's climate protection efforts. The **Negative Declaration Environmental Checklist Item 7** includes no mention of or remediation of the effects of the resulting multiple long vehicle trips to and from this remote location which will increase air pollution and increase carbon emissions from vehicle exhausts.

The **Negative Declaration Environmental Checklist Item 14, Public Services** includes statements that the project, as proposed will have no affect on police and fire protection. Yet other published County reports from these same departments that are not included or referenced but are publicly available, note that these same departments are under-funded and short-staffed at present with no prospects for increased funding. Virtually the only emergency services on Sonoma Mountain Road are provided by volunteer fire and EMT personnel. In **Checklist item 16.e**, no mention is made that Sonoma Mountain Road itself does not meet the County Fire Safe Standards because of lack of brushing and the inability of fire trucks to safely turn around, for example.

At present, the county lacks the revenue to provide adequate road maintenance, litter removal, brushing and ditching, and Sheriff Patrols are rare. There are sections of the road that are in danger or washing out and, just in the last few years, there have been two major road closures caused by washed out sections, one of which closed a section of the road for several years.

Overhanging tree limbs along most of the road are picturesque but cause large trucks to shy away from the road edges to avoid hits. This has caused a number of accidents and near-misses at locations where sight lines are limited.

It is difficult to imagine how the County of Sonoma PRMD department can support additional commercial traffic on Sonoma Mountain Road without requiring adequate remediation of the impact on the environment and infrastructure. It would seem to amount to "bad planning" on the part of a department whose role is to safeguard the community from just such poor decisions.

Objections to Negative Declaration for Use Permit application PLP12-0016

We do not believe it should be the Owner's responsibility solely to mitigate the problems that have been caused by long term delayed maintenance on our roads because the cost would obviously be prohibitive. But we do believe that the community and our local agencies in our name must not allow this inappropriate land use until the community decides to provide the revenue to fix the road.

We understand that, as employees of the County, the staff is bound by the policies and procedures of the department. We also understand that those policies only require that the applicant research effects on properties within a limited radius of their project and that neighbors are required to be notified only within a limited distance from the project address. We recognize that the Owner and their consultants have used these rules to their own advantage in preventing people who will be negatively affected by this project from participating or even knowing that this has been in the works for quite a while. The Beldens have been misled into believing that they have a good chance of approval and have spent a considerable amount of money on consultants and plans to date. We believe staff may have been negligent in allowing this to proceed to this point.

That said, the County Board of Supervisors elected representatives answer to a wider cross-section of the community and we hereby appeal your recommendation to them. We recommend that the Board impose a general moratorium on rural projects that are served by failing infrastructure until such time as the political climate changes in the County and its residents are willing to accept the costs and tax burdens that come with having and maintaining a safe environment and infrastructure.

The Beldens must be encouraged to fulfill their dream a different way that is more harmonious with current limitations. They can certainly use their property under current zoning for agricultural and light processing uses that do not significantly add to the vehicular traffic and take their raw and finished goods to industrial and retail venues that are better served by the available infrastructure. This alternative would constitute good land use planning.

In conclusion, the Staff Report and the Negative Declaration for this project are seriously flawed and have not been properly prepared. Neighbors have not been notified and their comments and those of all affected have been ignored. There are serious technical errors in the staff report and we insist that it be revised to reflect the full impact of this project along with appropriate and reasonable mitigation measures. We do not see any way that a project like this can be approved until the road is properly widened and repaired but will be willing to continue to participate constructively in community discussions. Please contact us at your earliest convenience to discuss.

Objections to Negative Declaration for Use Permit application PLP12-0016

Sincerely yours,



Bill McNearney & Gail Eva Young
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707-566-8208

cc: Nate and Lauren Belden, 5561 Sonoma Mountain Road 94114, Byron LaGoy and Amy Rodney (blagoy@sonic.net), Don & Donna Parker (Donna@winepro.com), Scott McIntosh (ivyglen@msn.com), Cathy Sowell (catsowell@vom.com), Mary Neuer Lee (maryneuerlee@gmail.com), Bennett Valley Community Association, Craig Harrison, President, P.O. Box 2666, Santa Rosa, CA 95404, Brian Mutert (BMutert@Stratagem.com), Sandra Macneill (smacneill1@aol.com), Claire Arneson (caaom@aol.com), Victor Colli (vcolli@sbcglobal.net), Supervisor David Rabbitt (David.Rabbitt@sonoma-county.org), Supervisor Shirlee Zane (Shirlee.Zane@sonoma-county.org), Supervisor Mike McGuire (MikeMcguire@sonoma-county.org), Supervisor Efren Carrillo (Efren.Carrillo@sonoma-county.org), Susan Gorin (susan.Gorin@sonoma-county.org)

Resolution Number 14-005

County of Sonoma
Santa Rosa, California

March 13, 2014
PLP12-0016 Melinda Grosch

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO
NATHAN BELDEN, FOR PROPERTY LOCATED AT 5561
SONOMA MOUNTAIN ROAD, SANTA ROSA; APN 049-030-010.

WHEREAS, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

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

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on December 19, 2013, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments continued the public hearing to a date and time uncertain; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held the continued public hearing on March 13, 2014, at which time all interested persons were given an opportunity to be heard.

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

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the Land Intensive Agriculture designation. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.

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. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan

prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large

trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.

- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.
- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and

supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.

- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

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

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

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

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

THE FOREGOING RESOLUTION was introduced by Commissioner Fogg, who moved its adoption with modified Conditions, seconded by Commissioner Lynch, and adopted on roll call by the following vote 5-0:

Commissioner	Fogg	Aye
Commissioner	Bennett	Aye
Commissioner	Cook	Aye
Commissioner	Liles	Aye
Commissioner	Lynch	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.



Sonoma County Combined Planning Commission
and Board of Zoning Adjustments
ACTIONS

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: March 13, 2014
Meeting No.: 14-002

ROLL CALL

Commissioners

Don Bennett
Paula Cook
Jason Liles
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Scott Hunsperger
Sigrid Swedenborg
Melinda Grosch
Sue Dahl, Secretary
David Hurst, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Approval of Minutes -

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda

PLANNING COMMISSION UNCONTESTED CALENDAR

Item No.1 Time: 1:05 p.m. File: PLP14-0002
Applicant: Ken Petro / Darryl Thurner Staff: Scott Hunsperger
Env. Doc: Categorical Exemption
Proposal: Request for: 1) a General Plan Amendment from RR (Rural Residential), 2 acre density to DA (Diverse Agriculture), 20 acre density on 0.21 acres (APN 130-180-002, respectively), and DA (Diverse Agriculture), 20 acre density to RR (Rural Residential), 2 acre density on 0.21 acres (APN 130-180-091, respectively); and 2) an amendment to the West Sebastopol Specific Plan from the Rural Residential to the Intensive Agriculture land use designation on 0.21 acres, and from the Intensive Agriculture to the Rural Residential land use designation on 0.21 acres; and 3) a corresponding Zone Change from RR (Rural Residential), B6-2 acre density to DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion) on 0.21 acres and DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion) to RR (Rural Residential), B6-2 acre density

EXHIBIT D

on 0.21 acres as required by a Condition of Approval of a previously approved Lot Line Adjustment (LLA12-0034).
 Location: 3410 and 3316 Frei Road, Sebastopol
 APN: 130-180-002 and -091 Supervisorial District: 5
 Zoning: RR (Rural Residential) B6, 2 acre density and DA (Diverse Agriculture) B6 – 20 acre density, SR (Scenic Resources), Z (Second Dwelling Unit Exclusion)

Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Liles** and passed with a 5—0 vote.

Appeal Deadline: n/a
 Resolution No.: 14-004

Fogg: aye	Bennett: aye	Cook: aye	Liles: aye	Lynch: aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

Item No.2 Time: 1:05 File: ZCE13-0014
 Applicant: Homeworks Staff: Traci Tesconi
 Env. Doc: Categorical Exemption
 Proposal: Request for a Zone Change to remove the Z (Second Unit Exclusion) Zoning District on a 8.42 acre parcel.

Location: 505 Dusty Lane, Sebastopol
 APN: 061-130-098 Supervisorial District: 5
 Zoning: DA (Diverse Agriculture), B6 – 20 acre density, Z (Second Dwelling Unit Exclusion)

Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Cook** and passed with a 5—0 vote.

Appeal Deadline: n/a
 Resolution No.: 14-005

Fogg: aye	Bennett: aye	Cook: aye	Liles: aye	Lynch: aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

BOARD OF ZONING ADJUSTMENTS AND PLANNING COMMISSION REGULAR CALENDAR

Item No.3 Time: 1:05 p.m. File: UPE13-0037
 Applicant: Brian Paulson Staff: Sigrid Swedenborg
 Env. Doc: Negative Declaration
 Proposal: Request for a Water Agency educational center on a 10 acre parcel.
 Location: 9560 Westside Road, Forestville
 APN: 110-140-003 Supervisorial District: 5
 Zoning: RRD (Resources and Rural Development), B6 – 60 acre density, BR (Biotic Resources), F1 (Primary Floodplain), F2 (Secondary Floodplain), SR (Scenic Resources), VOH (Valley Oak Habitat)

Action: **Commissioner Lynch** moved to approve the request with modified conditions. Seconded by **Commissioner Bennett** and passed with a 5-0 vote.

Appeal Deadline: ten days
 Resolution No.: 14-004

Fogg: aye	Bennett: aye	Cook: aye	Liles: aye	Lynch: aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

Item No.4 Time: 1:30 p.m. File: PLP12-0016

Con-t from: December 19, 2013
Applicant: Nathan Belden Staff: Melinda Grosch
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese and retail sales of agricultural products, tasting by appointment only, and 10 special events annually on a 55 acre parcel.
Location: 5561 Sonoma Mountain Road, Santa Rosa
APN: 049-030-010 Supervisorial District: 1
Zoning: LIA (Land Intensive Agriculture), B6-40 acre density/40 minimum, and SR (Scenic Resource).
Action: **Commissioner Fogg** moved to approve the project with modified conditions. Seconded by **Commissioner Lynch** and passed with a 5-0 vote.
Appeal Deadline: ten days
Resolution No.: 14-005

Fogg: aye Bennett: aye Cook: aye Liles: aye Lynch: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Item No.5 Time: 2:00 p.m. File: ORD11-0001
Con-t from: March 6, 2014
Applicant: County of Sonoma Staff: Sandi Potter
Env. Doc:
Proposal: Adopt an ordinance for temporary economic stimulus automatically extending time extensions for land use entitlements and extending an exception to the land use limitations for vacation rentals in the LIA zone.
Location: Countywide
APN: Various Supervisorial District: all
Zoning: All
Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors of the mini-stimulus ordinance as proposed by staff which includes a one-year automatic extension of time for entitlements not expired that have not expired and a two year extension of the exception ordinance for vacation rentals in LIA. Seconded by **Commissioner Bennett** and passed with a 5-0 vote.
Appeal Deadline: na
Resolution No.: 14-006

Fogg: aye Bennett: aye Cook: aye Liles: aye Lynch: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0



Sonoma County Board of Zoning Adjustments **ACTIONS**

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: December 19, 2013
Meeting No.: 13-012

ROLL CALL

Commissioners

Shawn Montoya
Paula Cook
Jason Liles (absent)
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Sigrid Swedenborg
Melinda Grosch
Sue Dahl, Secretary
Jeff Brax, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Minutes Approved – October 24, 2013

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.2 Time: 2:00 p.m. File: PLP12-0016
Applicant: Nathan Belden Staff: Melinda Grosch
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese annually and retail sales of agricultural products, tasting by appointment only, and 10 special events annually on a 55 acre parcel.

Location: 5561 Sonoma Mountain Road, Santa Rosa
APN: 049-030-010 Supervisorial District:
Zoning: LIA (Land Intensive Agriculture), B6-40 acre density/40 minimum, and SR (Scenic Resource).

Action: **Commissioner Fogg** moved to continue the item off calendar. Item will be renoticed. Seconded by **Commissioner Cook** and passed with a 4-0-1 vote
Appeal Deadline: n/a
Resolution No.: n/a

Fogg: aye	Lynch: aye	Liles: absent	Cook: aye	Montoya: aye
Ayes: 4	Noes: 0	Absent: 1	Abstain: 0	



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

MEMO

Date: March 13, 2014
To: The Board of Zoning Adjustments
From: Melinda Grosch, Planner III
Subject: PLP12-0016, 5561 Sonoma Mountain Road, Santa Rosa

Prior Actions:

On December 19, 2013, the Board of Zoning Adjustments, with a 5-0 vote, continued the proposed winery and cheese processing facility off-calendar so that the applicant could provide additional information on the following issues: 1) roads and traffic generation; 2) the Bennett Valley Area Plan's guidelines relative to this site; 3) the project's potential impacts on raptors; 4) a more thorough explanation of the potential impact on groundwater from this project; 5) how the phasing will be implemented; and 6) a discussion of the inadequacies of the Mitigated Negative Declaration and staff report raised by Bill McNearney.

DISCUSSION OF ISSUES

Background:

The applicant is requesting a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales of farm products, wine, cheese and other farm product tastings by appointment only, and 10 Agricultural Promotional events per year on a 55 +/- acre parcel.

Issue #1: Traffic

In response to the numerous concerns raised by the neighbors the Board of Zoning Adjustments requested further information on traffic and the operation of Sonoma Mountain Road.

Additional Information

The applicant's consultant, W-Trans, provided some additional information directly responding to the issue of the condition of the road, the number of trips, and safety. For a winery the majority of traffic is passenger vehicles and light trucks. There will also be some farm equipment and heavy trucks during certain times of the year. However, these will probably be similar to or less than the number of trips that are currently needed to haul the grapes grown on-site to an off-site processing facility. W-Trans states, "The type of traffic that this project will generate will have little effect on the structural integrity of the road, regardless of its condition. It is noted that poor pavement generally results in slower traffic speeds, which translates to better safety conditions, not a negative safety impact."

The Sonoma County Transportation and Public Works Department concurs with the W-Trans assessment that this project will have little impact on the structural integrity of the roadway. They note that the ASTHO recommended width for the type of rural roadway represented by Sonoma Mountain Road and the traffic volumes it carries or will carry is 18 feet. Roadways of this width typically aren't painted with a centerline or shoulder stripes.

The issue of road safety and condition is raised frequently with projects under review by the Board of Zoning Adjustments. Ultimately, the Board is asked to make policy decisions relative to this issue. The road is similar to many other rural county roads many of which have a variety of agricultural uses located on them. The difference between allowed agricultural uses and processing and those uses which include visitors is the key. The Board of Zoning Adjustments must make a determination about whether this road can accommodate additional traffic and whether it is an appropriate facility for additional visitor traffic.

Resolution

Other than the driveway improvements and brush trimming along Sonoma Mountain Road no other roadway improvements are included in the conditions. However, payment of a traffic mitigation fee that is based on the size of the building and the intensity of the use will also be required.

Issue #2: Bennett Valley Area Plan

The Board of Zoning Adjustments asked staff to review the Bennett Valley Area Plan for any policies that might apply to the proposed project.

Additional Information

Staff reviewed the Bennett Valley Area Plan that is currently in effect and the previous plans. There are no policies that are specific to the parcel but there are several policies besides the Scenic Design Guidelines that are relevant to the discussion of this proposal.

VI. CIRCULATION

The character of the road system is a vital component of rural character of Bennett Valley.

- (1) The character of the existing public road system shall be retained. Improvements should be made in the interest of safety.*
- (2) Development shall be sited with minimum impact on the view from the road.*
- (3) Intensity of land use shall reflect the conditions character and capacity of roads.*

The proposed project is not proposing any changes in the road that will change the rural character of the road. The proposed winery building is to be located within the existing farm complex and screened with additional vegetation to minimize its visibility from Sonoma Mountain Road.

G. TO PRESERVE AND PROTECT AGRICULTURE

- (1) *Encourage utilization of Land Conservation Act of 1965 as amended.*
- (2) *Retain appropriately low densities.*

A winery and cheese processing facility are considered compatible uses under the Uniform Rules for Agricultural Preserves. Compatible uses must be limited to 5 acres or 15% of the total acreage, whichever is less. Here the 5 acre standard applies. Compatible uses occupy approximately 2.2 acres (4%) which is within the allowable area for compatible uses.

No change in the residential density designation of 40 acres per dwelling unit is proposed.

H. TO AVOID INCREASING HAZARD ON INADEQUATE ROADS

- (1) *Retain low density until road upgraded.*
- (2) *Encourage road trust funds to maintain establishment of and improve roads consistent with the transportation policy.*

This proposal does not include an increase in residential density designations. Despite the long tenure of part 2 of this policy a "road trust fund" has not been established in the Bennett Valley area, however, countywide traffic impact fees are allocated to each district along with any contributions for specific projects.

Resolution

As indicated above, a standard condition of approval requires payment of traffic mitigation fees for all new projects. This fee is intended to offset cumulative traffic impacts from new development. Traffic Impact Fees are generally a proportional share of the costs and usually need to be combined with other funds for a project to be undertaken.

Issue #3: Potential Impacts on Raptors

The Board of Zoning Adjustments asked if the project would have an impact on raptors.

Additional Information

During the original review the applicant was asked to have a biological assessment prepared for the property. The consultants, Kjeldsen Biological Consulting prepared a biological assessment of the project in May 2013. As a part of that evaluation they reviewed the area proposed for construction and areas of the property that might be affected by the development of the project. They state: "No raptor activity or nests were observed on or near the proposed project site." Staff had been particularly concerned about the potential for owls and bats in the old barn structure. Again, none were observed using the barn for roosting or nesting.

Resolution

Staff has included a condition of approval requiring another bat and owl survey be conducted just before construction starts on the old barn, and if raptors are found conditions would limit construction activities until after the nesting season.

Issue #4: Groundwater

The Board of Zoning Adjustments asked that additional information be provided on the groundwater use and its potential impacts on the groundwater table.

Additional Information

The site is located in a Groundwater Availability Area Zone III. Therefore, during the initial evaluation of the project staff requested a hydrological study. The applicant had a hydrological study prepared by E.H. Boudreau, a registered geologist. He reviewed production records of the current well and geology of the area. Additionally, survey questionnaires were mailed to the owners of wells on nearby properties. Mr. Boudreau also gathered information on the average annual rainfall and the size of the capture area for the groundwater basin where Belden Barns is located. Based on the information gained from these sources Mr. Boudreau determined that the proposed winery will not have an impact on the groundwater table. Current drought conditions were not discussed.

Resolution

Several conditions of approval/mitigation measures address this issue. Conditions requiring high efficiency plumbing fixtures and water efficient landscaping, well yield testing, and well monitoring are all applied to this project. The vineyards are irrigated with water from an on-site pond that captures sheet flow during the rainy season.

Issue #5: Phasing

The Board of Zoning Adjustments requested clarification of how the phasing will work, especially how the conditions will help the project planner keep track of phasing.

Additional Information

The applicant has proposed that the first phase be completed in the first two years. During this phase the existing barn will be renovated and have about 1,000 square feet of space added to it to accommodate both a creamery and wine processing. Two legal non-conforming residences will be demolished. A new 4,270 square foot residence for the owner will become the primary, conforming residence inhabited by the owner. The applicant also proposes using this structure as the hospitality and tasting area. This will allow the applicant to establish their winery and creamery but production will be limited due to space constraints. In addition to demolition of the two legal non-conforming units the existing primary dwelling will need to be designated as a Farm Family unit, occupied by an immediate family member or an Agricultural Employee unit before the new dwelling can be constructed. This will bring the property into

conformance with the allowable residential density and the Land Conservation Contract which limits the number of dwelling units.

The second phase of the project will start 3 to 4 years from approval of the Use Permit with the construction of the 8,300 square foot winery. A further 1,090 square feet of space added to the existing barn/creamery, completing its conversion to a milking parlor, creamery, and cheese processing facility. The applicant has also proposed two additional dwellings for Agricultural Employees. These cannot be approved at this time as there is inadequate agriculture on the site to support them. If enough additional agriculture has been established on the parcel by the time that the new winery is to be constructed then these units could be approved. Each agricultural Employee unit will require its own zoning permit and agreement that must be approved and signed by the Director of the Permit and Resource Management Department.

Resolution

In order to ensure that the phasing occurs on the proposed timeline the conditions specify when each phase must start. After review by staff Condition 99 has been separated into two parts and Condition 100 now provides direction on phasing and vesting. The original text was modified and now reads as follows:

“This Use Permit is approved for phased project development:

Phase I:

Phase I shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase I may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Phase II:

Phase II is not automatically vested with Phase I. Phase II shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the vesting of Phase I of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit for Phase II shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase II may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.”

Issue #6: Mitigated Negative Declaration and Staff Report

A neighbor opposing the project, Bill McNearney, raised the following questions about the Mitigated Negative Declaration and the Staff Report (in this section additional information is included under each of Mr. McNearney's comments):

Mr. McNearney's comments focus on the current condition of the roads and lack of mitigation measures to resolve the impacts of increased traffic on the road system.

In response to the first #1 in McNearney's letter, item "b" 2.5 is the accepted average vehicle occupancy for Sonoma County events used by all transportation engineers. It has been field verified by W-Trans at various winery events throughout the County over a number of years.

Item "c" McNearney states that the volume of traffic on other roads connecting to Sonoma Mountain Road will be heavily impacted by traffic generated by Belden Barns. Trips at the entrance to the site represent the maximum number of trips for the project. The average daily trip generation is 61 trips. These will then be dispersed onto the other roadways as people come or go in different directions. Trips generated by those travelling to and from the winery wouldn't all travel on Enterprise, Pressley, and Sonoma Mountain Roads simultaneously. Volumes are low relative to the roadway capacity even if all trips go in one direction.

Item "d" McNearney states that the traffic data is out of date. Traffic counts were made by the traffic consultant, W-Trans, on Sonoma Mountain Road at the project site so they were not relying entirely on the traffic data that is kept by Public Works. Counts for other roads were not recounted but volumes were so low that they will not be impacted even if volumes are much higher than the last counts. The consultant also used the Public Works capacity rating for the roadway system. That classification states that roads like Sonoma Mountain Road should be able to handle 5,000 vehicles per day. W-Trans made actual counts on Sonoma Mountain Road in front of the project of 360 vehicles per day. W-Trans was the traffic consultant for the park project and made a count for that project at a different location on Sonoma Mountain Road of 822 vehicles per day. The addition of the predicted trips for both projects – 81 for the park and 61 for Belden Barns – would not exceed the capacity of the roadway. Trips from the Zen Center are already included in traffic counts as the uses that have been applied for under the current application have been ongoing for many years.

For the second #1 in McNearney's letter, items "a" to "c," Mr. McNearney states that the consultant and staff have ignored the current condition of the roads paving and its many other physical shortcomings (e.g. sharp curves, steep hills, narrow lanes, lack of shoulders, etc.) in their assessment of safety. Mr. McNearney requests that the Sonoma County Department of Transportation and Public Works review the proposal. This was done during the review of the project by other agencies and conditions were provided by the Public Works Department (see conditions #54 through #59).

Item #2 Mr. McNearney discusses the lack of funding for maintenance. This is a problem countywide. To date the Board has not placed a moratorium on new development related to lack of road maintenance. New development pays a traffic mitigation fee for capacity improvements, however, long term maintenance does not have adequate funding.

Item #3 Mr. McNearney disputes the accident information reported by the California Highway Patrol. While this data likely does not include all the accidents on any stretch of road it is the only source of documented accidents. W-Trans provided the following information:

"... there may be unreported collisions, either with other vehicles, fixed objects, or animals, unless those crashes are reported there is no way that we can include them in our analysis. Further, since the rates we compare them to are also only based on reported collisions, it results in a reliable way of determining if the road is generally operating safely or not. In this instance the collision rate was below the statewide average, so crashes are occurring at a rate that is relatively typical. Again, the poor condition of the roadway does not mean that there is a safety problem, and in fact results in lower speeds and therefore a reduced number of crashes."

Item #4 Mr. McNearney states that bicyclists were not adequately addressed as the Mitigated Negative Declaration only discusses safety around the entrance to the proposed winery and cheese making facility. The project was sent to the Bicycle and Pedestrian Advisory Committee for comments and conditions. No comments or conditions were received. Based on the Class III classification of Sonoma Mountain Road in the Bicycle Plan no significant changes are planned for this road to further accommodate bicycles. The road is used by bicyclists because it is a scenic rural road and does connect to the San Francisco Ridge Trail and proposed trails on Open Space properties.

Item #5 Mr. McNearney states that section 8 of the Mitigated Negative Declaration is incomplete as it does not discuss hazards to bicycles and pedestrians. Section 8 of the Mitigated Negative Declaration discusses hazardous materials and impacts to and from airports which may be in the area of a project. This project does not involve hazardous materials and there are no airports in the vicinity. Section 16(f) discusses bicycles and pedestrians. Although Sonoma Mountain Road is used by bicyclists and pedestrians it is not a major bicycle and pedestrian facility and no bicycle or pedestrian improvements are planned at this time.

The following points are statements about Sonoma Mountain Road:

Item #6 Mr. McNearney states that the County plans to allow Sonoma Mountain Road to deteriorate until it goes back to being a gravel road.

Item #7 Mr. McNearney states that numerous petitions asking the Board to fix Sonoma Mountain Road have brought no results.

Item #8 Mr. McNearney states: No planned widening or repaving, no plans for a Class 1 bicycle and pedestrian facility (i.e., separated from vehicle lanes), inebriated drivers increase the hazards, and wildlife cross the road creating additional hazards.

Item #9 Staff's acceptance of the traffic report may expose the County to "serious legal liability."

STAFF RECOMMENDATION

Staff recommends the Board of Zoning Adjustments approve the requested Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales of farm products, wine, cheese and other farm product tastings by appointment only, and 10 Agricultural Promotional events per year on a 55 +/- acre parcel.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the Land Intensive Agriculture designation. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.
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. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:

a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the

applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project.

- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.
- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project

engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.

- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.
- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement and Addendums – Six Pages
- EXHIBIT C: Board of Zoning Adjustments Minutes December 19, 2013
- EXHIBIT D: Board of Zoning Adjustments Staff Report December 19, 2013
- EXHIBIT E: Two E-mails from W-Trans Jan 21 and January 24, 2014
- EXHIBIT F: Correspondence Received since December 19, 2013
- EXHIBIT G: Draft Resolution

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

6. Mitigation 6.a.ii.2.

The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring:

PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

7. Mitigation 12.a.iii:

Construction activities for this project shall be restricted as follows:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary it shall be subject to approval by PRMD. 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) If required, pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible. The nearest off-site dwelling is more than 600 feet away thus locating noise generating equipment in areas shielded by on-site buildings will provide adequate noise protection.

Mitigation Monitoring:

PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. 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)

HEALTH:

The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

8. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2007 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.

9. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
10. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
11. 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.
12. Prior to building permit issuance for Phase I and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of five gallons per minute.
13. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

14. 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.

The project description includes Agricultural Promotional event 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 25% percent of the wastewater flow from an outdoor event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. Note that indoor events such as dinners are expected to provide septic system capacity for 100% of the event, as these guests are not expected to exit the building to use 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 Section that all required septic system testing and design elements have been met.

15. 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.
16. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system to be retained. The septic system shall be evaluated for the ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel that will be plumbed to an existing septic system.

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.

17. 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:

18. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, 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, prepackaged non-potentially hazardous beverages and crackers).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Solid Waste:

19. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that 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.

Vector Control:

20. 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 or operation of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

21. Prior to occupancy, the 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:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

24. 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.
25. 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:

26. Maintain the Annual Operating Permit for any alternative (mound, at grade, pre-treatment 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.
27. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
28. 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.
29. When permitted events exceed 25 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 Agricultural Promotional event and shall be promptly serviced and removed within 48 hours after the 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 event as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.

- ii) Toilet paper is promptly replaced when the dispenser runs out.
- iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

- 30. 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:

- 31. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division 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 Division 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 Division 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.

- 32. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Noise:

- 33. Mitigation 12.a.i.
Noise shall be controlled in accordance with Table NE-2 as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

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

Mitigation Monitoring:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. 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)

34. 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.
35. No indoor amplified sound shall be heard from the property line.
36. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Smoking:

37. 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.
38. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

GRADING AND STORM WATER:

The conditions below have been satisfied BY _____ DATE _____

- 39. 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.
- 40. 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.
- 41. The following development and redevelopment projects are subject to storm water Low Impact Development (LID) regulations:
 - a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
 - b. All development and redevelopment projects that include four or more houses.
 - c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

If the proposed project, and reasonably foreseeable future development, exceeds the thresholds noted above, then measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. LID/SUSMP features must be installed per approved plans and specifications, and working properly prior to finalizing the grading permit and associated building permits.

- 42. 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.
- 43. 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.

44. 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.
45. 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.
46. 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.
47. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
48. Mitigation 9.a:
This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Grading and Storm Water Section of the Permit and Resource Management Department.

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

49. Mitigation 9.c.:
Prior to grading or building permit issuance, construction details for all storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Storm water best management practices must be installed per approved plans and specifications, and working properly prior to each rainy season (October 15 each year) and remain functional throughout the rainy season. The Permit and Resource Management Department will verify storm water best management practice installation and functionality, through inspections, throughout the life of the construction permit(s).

Storm water best management practices shall be designed and installed pursuant to adopted Sonoma County Best Management Practice Guide.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the plans meet all storm water best management practices. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

50. Mitigation 9.d.:

Prior to grading or building permit issuance, construction details for all post-construction storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Post-construction storm water best management practices shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide.

The owner/operator shall maintain the required post-construction best management practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction best management practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

Mitigation Monitoring:

Post-construction storm water best management practices shall be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. The Permit and Resource Management Department will verify post-construction storm water best management practice installation and functionality, through inspections, prior to finalizing the permit(s).

51. Mitigation 9.e.:

The construction plans shall include a storm water drainage system that adequately addresses the impacts and design features discussed above, in substantial conformance with the final drainage report. The design and sizing of the storm water drainage system shall be in compliance with the adopted Sonoma County Water Agency Flood Control Design Criteria, 1983 or most recently revised edition.

A final drainage report for the proposed project shall be prepared for this project. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The final drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

The construction plans and final drainage report shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application and/or improvement plans, as applicable, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the final drainage improvements are in compliance with the final drainage report. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

52. Mitigation 9.f.:

The project shall be subject to a setback of 30 feet from the top of the bank as established in Policy OSRC-8b (Riparian Corridor Setback) of the Sonoma County General Plan. (Note: If existing riparian vegetation extends beyond the numerical setback distance, then the setback shall be established at the drip line of the existing riparian vegetation or offsite mitigation shall be required.)

The project shall be subject to County Code Section 7-14.5 Stream setback for structures requiring a building permit as well as to County Code Section 11.16.120 setback for streams. No structure shall be setback less than 30 feet from the top of the bank.

The development plans shall present the setbacks associated with each of the county code sections detailed above.

The development plans shall be subject to review and approval by the Grading & Storm Water Section, the Building Division and/or the Planning Division of the Permit and Resource Management Department prior to the issuance of any building or grading permits.

Mitigation Monitoring:

Grading and Storm Water Section Staff shall ensure that all plans provide evidence that the appropriate setback to the drainage along the eastern side of the property is maintained for all building and grading permits. The project planner shall ensure that all landscaping and other activities are setback from the drainage appropriately.

53. 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 Use.

TRANSPORTATION AND PUBLIC WORKS:

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

54. "Special Event Ahead" signage shall be employed during the course of events. Signs conforming to Sonoma County Standard Drawing No. 710 shall be placed in advance of the Applicant's entrance in order to alert all traffic to the possibility of traffic congestion (www.sonoma-county.org/tpw/pdf/const_std/710.pdf).
55. Prior to issuance of any building permit, or temporary or final occupancy: To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, winery access to Sonoma Mountain Road shall conform to AASHTO recommendations. More specifically, the Developer shall construct a commercial driveway entrance meeting the following criteria:
- a. A minimum paved throat width of 20 feet (measured 30 feet from edge of pavement);
 - b. Entrance curves having a minimum pavement radius of 25 feet, the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Sonoma Mountain Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Sonoma Mountain 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 entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.

- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/pdf/const_std/814.pdf).
- 56. 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.
- 57. The Applicant shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 58. Mitigation Measure 16.a.i.:
Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Mitigation Monitoring:

Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.

- 59. Mitigation Measure 16.a.ii.:
The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Sonoma Mountain Road. To enhance sight distance, Department of Transportation and Public Works recommends the removal of vegetation and select eucalyptus trees located along the edge of pavement west of the existing driveway.

Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed subject to approval of the Sonoma County Department of Transportation and Public Works to ensure that the sight distance is maintained.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. Annually, the project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

- 60. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

61. This Use Permit is for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional event per year. See the details of the events below. Only one event may be a wedding, which can only be held during the summer months (June to September). The nine authorized promotional events must promote and market agricultural products grown or processed in the County and be secondary and incidental to agricultural production. Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional event must end by 9:30 p.m. with all clean up completed by 10:00 p.m. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0016. The site is a 55-acre parcel located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phasing of the project is as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing Legal Non-Conforming 2,490 square foot residence will be demolished. A new 4,270 square foot residence for the owner which will include the tasting/hospitality, commercial kitchen, and administrative space on the ground floor will be constructed. The existing Primary Dwelling will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new primary dwelling.
3. Prior to issuance of the building permit for the new primary residence demolish the 1,780 square foot garage with second story residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling, not including agricultural workers.

Phase II: (Start Time: 3 to 4 years from approval)

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn, for the creamery.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling, not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

62. The facility shall not be rented out to third parties for events
63. The days and hours for Agricultural Promotional 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 Agricultural Promotional 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.
64. Mitigation 12.a.ii.
 Agricultural Promotional events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan. All events shall end by 9:30 p.m. so that guests can leave the site by 10:00 p.m.
- Mitigation Monitoring:
 Any complaints about events outside the hours established by the Noise Element of the General Plan shall be investigated and if events are held or allowed to continue outside the allowed hours of operation then enforcement actions may be undertaken up to and including potential revocation.
65. Currently there are one primary and two legal non-conforming dwelling units on-site. Prior to issuance of a building permit for any building containing dwelling units applications to designate each dwelling on site as a qualifying type of unit that complies with both the Zoning designation and the Williamson Act contract shall be submitted and receive approval.
66. This Use Permit (PLP12-0016) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
67. 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.
68. 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.

69. 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, 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.
70. Condition Compliance Fee. Prior to commencement of event activities, the owner/operator shall submit a Condition Compliance Review fee deposit sufficient to cover the review of event activities as described above.
71. 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.
72. 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.
73. 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.
74. Mitigation Measure 5.b.
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."

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

75. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
76. The applicant shall maintain a minimum of 96 parking spaces on-site to serve the agricultural processing facility, tasting room, and events. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
77. Construction of new or expanded residential and non-residential development shall be subject to Affordable Housing and Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
78. 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.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

79. Mitigation 7.a.iv.:
Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code).

Mitigation Monitoring:

Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.

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

80. Mitigation 1.c.i:
Prior to issuance of building permits the applicant shall submit the building and landscaping plans for final Design Review.

Mitigation Monitoring:

The Design Review Committee will ensure that the buildings are appropriately sited and screened from view from public roadways and adjoining properties in conformance with the Bennett Valley Design guidelines. Building and grading permits shall not be issued until they have been approved by the Design Review Committee.

81. Mitigation 1.c.ii.:
Additional trees and shrubs shall be planted along Sonoma Mountain Road to more completely screen the new winery building from the road. Additional orchard trees should be located on the north side of the new winery building, the existing dance hall, and along that area to the west to provide screening and breakup the northerly façade of the new winery and dwelling/tasting

facility. The roadside plantings shall be reviewed by the transportation consultant Whitlock & Weinberger to ensure that sight distances at the driveway are not impaired by the new vegetation.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide the project planner with a detailed landscaping plan showing the location, type, irrigation lines, and sizes of all new landscaping and orchard plantings. These plans must be approved by the planner, the transportation consultant, and the Design Review Committee.

82. Mitigation 1.d.:

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

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit 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 require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

83. Mitigation Measure 3.c.:

The following dust control measures will be included in the project:

- A. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
- B. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- C. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
- D. Water or other dust palliative will be applied to stockpiles of soil as needed to control dust.

Mitigation Monitoring:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

84. Mitigation 3.e.:

Disposal of pomace and other waste products from processing of agricultural materials 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. Agricultural waste products 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. Agricultural waste products shall be sold, traded or donated to willing soil amendment or

composting companies that prepare organic material for use in land application.

- c. Agricultural waste products shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the waste to be used by the County's composting program.

Agricultural waste products 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 by petroleum products, heavy metals, pesticides or any other material that renders the material unsuitable for composting with subsequent land application. Land application, placement of waste into a composting facility or disposal shall occur within two weeks of the end of processing.

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.

85. Mitigation 4.a.i.:

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

Mitigation Monitoring:

Prior to issuance of demolition/reconstruction permits for the barn a copy of the study shall be provided to the project planner.

86. Mitigation 4.a.ii.:

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendations from a bat and bird specialist, appropriate exclusion devices shall be installed to prevent roosting bats and nesting owls from being in the facility when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

Mitigation Monitoring:

Prior to issuance of permits for demolition/reconstruction for the barn the applicant's consultant shall provide documentation that the replacement roosting facilities have been installed along with the exclusion devices to prevent bats and owls from reoccupying the barn. Monitoring reports shall be submitted to the project review planner as they are prepared.

87. Mitigation 4.a.iii.:

A riparian (streamside conservation area) line shall be established 30-feet from the top of the bank of drainage on the easterly side of the construction area. "NOTE ON PLANS": Structures, equipment, roads, utility lines, parking lots, lawns, agricultural uses (planting, grazing, etc.), grading, fill, and excavation shall be prohibited in this conservation area.

Mitigation Monitoring:

The setback line shall be shown on the plans and prohibits activities within the creek setback.

88. Mitigation 7.a.i.:

All new buildings shall be constructed in conformance with CalGreen at the Tier 1 level of compliance. These standards apply to both new residential and non-residential construction excepting remodels and additions, and result in buildings that are more energy efficient and reduce GHG emissions.

Mitigation Monitoring:

CalGreen + Tier 1 compliance became mandatory in Sonoma County when it was adopted and approved by the Board of Supervisors and California Energy Commission; the ordinance effective date was January 1, 2011. Building permits will not be approved without compliance with this ordinance.

89. Mitigation 7.a.ii.:

The applicant shall install solar panels on the new winery buildings or ground mounted panels to provide a part of the energy which will be required for the proposed uses.

Mitigation Monitoring:

The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the applicant has carried out the installation of the solar panels to the project planner.

90. Mitigation 7.a.iii.:

The applicant shall prepare an idle time reduction plan to reduce the time that trucks making deliveries or picking up products or grapes spend with engines idling. For diesel engines idle times shall be no longer than 5 minutes.

Mitigation Monitoring:

The idle time reduction plan shall be submitted to the project planner who will verify that it meets the minimum standards established by State of California's Commercial Vehicle Idling Regulations.

91. Mitigation 8.a.:

During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.

A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill.

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring:

Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

92. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). 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 of automatically after closing and

- security lighting shall be motion sensor activated.
93. 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.
94. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
95. 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.
96. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
- a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting, Agricultural Promotional event, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with Agricultural Promotional event, wine club meals and winemaker dinners. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 - 1) Retail sales of pre-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
97. 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.
98. 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.

99. 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.

100. This Use Permit is approved for phased project development:

Phase I:

Phase I shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase I may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Phase II:

Phase II is not automatically vested with Phase I. Phase II shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the vesting of Phase I of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit for Phase II shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase II may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Belden Barns Winery & Farmstead

Belden Barns

Proposed New Winery and Farmstead Facilities
5561 Sonoma Mountain Road
Santa Rosa, Sonoma County

Proposal Statement

The proposed Belden Barns Winery and Farmstead involves the development of new winemaking, hospitality and farmstead food production facilities on our 55 acre parcel located at 5561 Sonoma Mountain Road near Santa Rosa, California. The facilities will be owner-operated dedicated primarily to the production of ultra-premium Pinot Noir, Syrah, Sauvignon Blanc and Gruner Veltliner as well as various farmstead products including fresh/preserved vegetables/fruits, eggs, charcuterie and cheeses.

The facilities will be located on our vineyard property known as Steiner Vineyard, which was first planted in 1973 and is a historically important vineyard in the Sonoma Mountain/Bennett Valley AVAs. The vineyard currently has 16.0 acres of producing vines, 4.0 acres of vines under development, irrigation reservoir, pasture, fruit orchard, vegetable plots, barns and residences. It is our desire to have a quiet farmstead operation and winemaking facility. And while an ultimate production of 10,000 cases of wine and 10,000 lbs of cheese is requested, the production at our facilities will begin small and grow to match the success of producing world class wines in conjunction with farmstead products and farmstead themed experiences.

Tastings and tours will be by appointment with retail sales direct to customers. We plan on having agricultural promotional events to introduce potential and current customers to our wines and farmstead products including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings and other agricultural promotional gatherings. The proposed winery will produce wines primarily from our estate vineyard and other local vineyards in the region. The farmstead production will utilize vegetables, fruit, eggs and milk produced sustainably on site and from surrounding producers. For reference, 10,000 pounds of cheese production utilizes the milk production of 10 cows / 50 sheep / 100 goats. The sustainable carrying capacity of our pasture supports fewer animals than our targeted cheese production implies, so we plan to source a portion of milk for cheese production from local producers.

The facility development is planned to be a phased project. Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650SF – 1st Floor, 650 SF 2nd Floor) nestled into the topography adjacent to the new hospitality building and demolished garage/residence. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090SF wing to an existing barn. This new construction will include a milking parlor, micro creamery, cheese making room and affinage rooms for cheese and charcuterie aging. Due to tree coverage and use of topography each phase of development will be minimally visible from Sonoma Mountain Road and is located 420± feet from the existing road and 640± feet from the closest neighboring residence. The winery design and layout has been driven by the function and the criteria for gentle handling of fruit, gentle wine processing, minimized power usage and reduced exposure of the structure. All building designs are agrarian in character with the existing residence, barns and surrounding agricultural area.

Related infrastructure includes minor improvements to the existing entrance on Sonoma Mountain Road, process wastewater treatment system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.

Belden Barns Winery & Farmstead

During Phase I, we plan on having 4 full-time employees and 2 part-time employees To support the proposed Phase II winery and farmstead facilities during non-harvest, we anticipate maintaining a staff of 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling. Visitation for both phases will be by appointment and visitors anticipated are to be on the order of 20 for an average day and 60 for a peak day. Operating hours shall be 7 AM to 6 PM Monday through Friday off harvest and 6 AM to 10 PM Monday through Sunday during harvest season.

It is our intention to create a small, quiet farmstead and winery facility that produces outstanding, unique wines and farmstead products from Sonoma County. In turn, we hope to celebrate and support local agriculture and Sonoma County's economy. The new facilities are designed to have minimal impact to the land with use of existing structures, sustainable materials and systems, and an architectural style that blends with the surroundings and existing structures in the area.

Memorandum

To: Melinda Grosch From: Steve Martin
Project: Belden Barns Winery & Farmstead Date: August 7, 2012
Project No.: 2011014 No. of Pages: 1
Re: Winery Siting Narrative

Melinda,

Per your request in our telephone conversation this week, we are providing a narrative regarding the supporting information and reasoning for the proposed new winery building location (within the BV Visual Corridor) at the Belden Barns Winery & Homestead project located at 5561 Sonoma Mountain Road. This written information is consistent with that discussed during our meeting in June. We also appreciate your recommendation of having Preliminary Design Review as soon as possible and prior to the additional requested studies completed due to the impacts of the DR decision on building location.

Building Locations

Phase I buildings utilize existing structures on the property.

- The existing SF barn will be renovated for the conversion of use to a small winery and creamery.
- The existing 2490 SF residence will be reconstructed and serve as both the owner's residence and separate tasting/hospitality space.
- These existing structures are part of the historical farmstead buildings and predate the BV Area Plan & Visual Corridor.

Phase II winery building is located within the existing farmstead building cluster.

- The new winery building is adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building).
- To minimize building exposure and natural earth cooling, the building is built into the hillside.
- The building is screened on three sides by the existing farmstead buildings and on the east side by the existing oak trees and heavily vegetated area.

Siting Information

The existing farmstead building cluster is within the Bennett Valley Visual Corridor. To minimize visual impacts to the area, existing structures are being utilized in Phase I and the Phase II winery building (with workforce housing) is nestled into grade within the cluster of existing buildings. The majority of the property is within the BV Visual Corridor with the south east corner area outside of the corridor. The property area outside the BV Visual Corridor is geologically unstable with a documented landslide surveyed and mapped by Giblin Associates in May, 2002. This area is unbuildable.

In 2002, extensive planning and coordination efforts were completed by PRMD Planning staff, Design Review, Giblin Associates and the prior owner (Steve & Kim Bachman) regarding the location of a new residence. This work concluded in PRMD and DR approving a house location within the BV Visual Corridor.

Supporting Information

The proposed location of the new winery building meets the Goals and Policies of the BV Area Plan although it is within the boundaries of the BV Visual Corridor.

- The proposed new building can not be seen from public roadways or neighboring properties. As stated above, it is screened by existing trees and vegetation as well as existing structures (see photo simulation and rendering)
- Cluster development is being accomplished with the building siting (Goals & Policies I.F.)
- Winery building includes two new workforce housing units satisfying both the Work Force Housing policy and the need for low cost housing (Goals & Policies II.A. & II.B.)
- The winery and farmstead supports the agriculture production on site and supports the "vital rural character" (Goals & Policies III.A.)
- The area of the property outside of the BV Visual Corridor is within an open vista. The proposed location of the winery building supports the Open Space and protects the open vista (Goals & Policies IV.A.)
- Views for public roads and the community are protected with the proposed new location since it can not be seen from any public view shed (Goals & Policies IV.C.)

Mitigation Measures within the BV Area Plan include "Maintain Visual Amenity". The proposed location complies as follows:

- Avoids skyline Development
- Is in harmony with the existing structures, area and natural surroundings
- Does not impact visual/scenic corridors
- Will adhere to the BV Design Guidelines (with exception of being within the corridor)
- Does comply with the General Plan and Zoning Ordinance.

Summary

The proposed Belden Barns Winery & Farmstead is responsibly designed to minimize visual impacts to the public and neighboring properties by utilizing existing farm structures and siting the Phase II building within the cluster of farm buildings. The Phase II building architecture is in concert with the existing buildings on site and the agrarian setting. As stated above the public view shed is not affected by the proposed project structures; the new building cannot be seen outside of the property and the existing structures are part of the natural surroundings. Public safety is protected by not attempting to build in the geologically unstable area that falls outside of the BV Visual Corridor.

I trust the above adequately addresses your request for a narrative summary supporting the building location within the BV Visual Corridor. I look forward to discussing the above and additional supporting photos, renderings, photo-simulations and related information with the DR committee.

Please call if you have any questions or comments.

Regards,



Steve Martin, P.E

cc: Nate Belden

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

September 19, 2012

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Melinda Grosch

Re: Belden Barns Winery &
Farmstead
PLP12-0016
APN 049-030-010
Project No. 2011014

Dear Melinda

The purpose of this letter is to review items discussed during our project meeting on June 19, 2012 in response to your letter dated June 12, 2012 regarding application incompleteness. In addition, we'll provide written response to items No. 1 through No. 7 per your email of today, 9-19-12, though some of these items were addressed at our meeting referenced above as well as in our preliminary Design Review submittal on August 23, 2012 and our Memorandum dated 9-7-12 regarding the requested narrative for the siting of the winery building within the Bennett Valley Visual Corridor.

1. A revised Site Plan showing all new construction outside the Bennett Valley Visual Corridor is not being provided. We had addressed this with you in our meeting on June 19, 2012, the subsequent design review application and further memorandum dated September 7, 2012, which provided the requested written narrative justifying the siting of the building within the BV Visual Corridor. Please set this project for preliminary Design Review as you recommended and have indicated is a first priority in the processing due to being in the visual corridor.
2. Design Review submittal package with the required items (photo simulations, site plans, building plans & elevations, etc.) and multiple copies was provided to you on 8-23-12.
3. Up to 10 special events per year with attendance levels of 60 to 200 people are requested with the UP application. No outdoor amplified music is planned for the events. The event breakdown is projected as follows:
 - 5 events at 60 people maximum
 - 3 events at 100 people maximum
 - 2 events at 200 people maximum

Anticipated event information is as follows:

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time</u> <u>Period</u>	<u>Attendees</u> <u>(maximum)</u>
Wine Club Member's Event	2	January - December	60
Distributors Tasting & Dinner	2	January - December	60

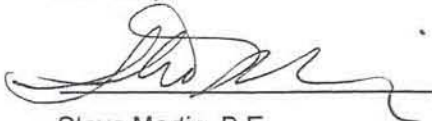
Chef Tastings & Dinner	1	January - December	60
Wine Club Member's Pick-up Event	1	March - October	100
Harvest Party	1	March - October	100
Wine & Farm Product Marketing Event (TBD)	1	March - October	100
Wedding	1	March - October	200
Wine & Farm Product Marketing Event (TBD)	1	March - October	200
TOTAL	10		

Belden Barns plans to participate in selective County-wide industry events.

4. Winery Hospitality Functions: the number of events, description and maximum number of people are as described in the table above. Normal tasting room hours and related visitation will be from 11:00 AM to 6:00 PM. Events described above will be during the time between 11:00 AM to 10:00 PM. Generally, the Wine Club Member events and Harvest Party will be during the day and the Tasting & Dinner functions will be from 5:00 PM to 10:00 PM.
5. Williamson Act Compliance Statement is attached.
6. The winery structure has two attached agricultural employees units. The 2-bedroom unit will be a replacement for the existing Ag Employee dwelling to be removed. The 1-bedroom unit is planned to be a Workforce Housing Unit in order to satisfy the pending Condition of Approval related to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
7. Signed At-Cost Agreement is attached.

I trust the above adequately addresses items #1 through #7 of your June 12, 2012 letter. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Nate Belden
attachments



Sonoma County Board of Zoning Adjustments

DRAFT MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: December 19, 2013
Meeting No.: 13-012

ROLL CALL

Commissioners

Shawn Montoya
Paula Cook
Jason Liles (absent)
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Sigrid Swedenborg
Melinda Grosch
Sue Dahl, Secretary
David Hurst, Chief Deputy County Counsel

ADA Accessibility:

1:00 PM Call to order and Pledge of Allegiance

Minutes Approved – October 24, 2013

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.1 Time:	1:05 p.m.	File:	UPE12-0071
Applicant:	Martin Ray Winery	Staff:	Sigrid Swedenborg
Env. Doc:	Mitigated Negative Declaration		
Proposal:	Request for a Use Permit to add 12 special events with a maximum attendance of 75 people to an existing legal, non-conforming winery.		
Location:	2191 Laguna Road, Sebastopol		
APN:	078-100-062	Supervisorial District:	5
Zoning:	DA (Diverse Agriculture) B6 20 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat)		
Action:	Commissioner Lynch moved to continue the item to February 6, 2014 at 1:05 p.m. Seconded by Commissioner Cook and passed with a 4-0-1 vote		

Appeal Deadline: n/a
Resolution No.:

Fogg: aye Lynch: aye Liles: aye Cook: aye Montoya: aye
 Ayes: Noes: Absent: Abstain:

Item No.2 Time: 2:00 p.m. File: PLP12-0016
Applicant: Nathan Belden Staff: Melinda Grosch
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese annually and retail sales of agricultural products, tasting by appointment only, and 10 special events annually on a 55 acre parcel.

Location: 5561 Sonoma Mountain Road, Santa Rosa
APN: 049-030-010 Supervisorial District: 1
Zoning: LIA (Land Intensive Agriculture), B6-40 acre density/40 minimum, and SR (Scenic Resource).

Melinda Grosch summarized the staff report, which is incorporated herein by reference.

Public Hearing Opened at 2:25

Nathan Belden, applicant, thanked staff and summarized the history of the property. He and his wife wish to establish a family business and raise a family at the property, and to be successful, a small business needs direct sales to remain sustainable. They won't proceed to Phase II of the project if they find they can't be successful. They now pay \$2,200 a ton to have their grapes crushed, and need their own processing facility. The Belden's also support sustainable wine classes and are involved in education. It is difficult to make a profit on a small scale agricultural endeavor. They hope to include young people in the learn-to-farm process, and help people to launch careers. The site is incredible, and Mr. Belden said he is aware of and concerned about road safety.

Mr. Belden indicated that he had done neighborhood outreach, and spoke at the Bennett Valley Community Association about the project. Most opposition is because of the traffic and road condition. He conceded by changing his application to tasting by appointment only to help mitigate this concern. The Beldens want to be good neighbors, and although there is still some opposition, they believe the project is a good project.

Steve Martin, SMA, thanked staff for the work. The project is very small project, asking for production of 10,000 cases of wine and 10,000 pounds of cheese. Martin reviewed the phasing and building locations. The water system was designed so that the entire facility will use only 546 gallons per day, which is the same amount of water as a four bedroom residence would use.

Deputy Director Barrett asked who would occupy the farm family unit. The applicant stated either his or his spouse's father. Barrett stated that the person occupying the farm family dwelling would have to be working the farm, and that it could not be used for overnight accommodations.

Commissioner Fogg remarked that there are open space easements on two sides of the property, and Martin said that although they were sent a referral for the project, Open Space District did not respond.

Brian Matert, Sonoma Mountain Road, is the closet neighbor and expressed concern about odor and noise. He said he did not receive a notice of public hearing and was not involved in the public outreach process, complained that there was not enough time to prepare for the hearing because of the season, and asked the project to be put off until he had more time for review. The road condition and safety were the biggest concern, as was increasing the amount of traffic because of the project. The road is very narrow. Matert said events should be restricted to promotion of their wine and no weddings should be allowed. The dance hall is a historic structure and its use should be limited. Matert expressed concern about rooflines impacting residences on hill, and added that 10,000 cases sounds like a lot to him.

Amy Rodney, Sonoma Mountain Road, 30 year resident, is a nearby neighbor and also complained that she had not received a notice of public hearing. She expressed concern that there were no geological or water studies included. She was concerned about traffic on the narrow country road, and noise impacts. She supports the letter submitted by Bill McNearney, and said there are two other projects in the works nearby: The Open space trail to Jack London Park and the Zen Center expansion. This will be a 3rd impact on the road, and there is no room as it is. Ms. Rodney said that precedent could be set for other wineries on the road. The Bennett Valley community was not notified till the last minute. The County's involvement is not transparent, which it should be. Rodney recommended denial until the McNearney letter was considered and addressed.

Fred Kluth, Sonoma Mountain Road resident, expressed concern about environmental impacts from the project and the open space projects. At Crane Canyon, people park on the road to get out of paying to park, causing congestion on the road. Many bike tours also use the road. No consideration was given to traffic coming from Glen Ellen. Mr. Kluth expressed concern about wine buses and possible conflict with the Bennett Valley Area Plan. There are many places on the road where it is only wide enough for one car. Mr. Kluth did not think the parcel could support a 10,000 case winery and cheese facility. He was concerned about the impacts of the rooflines on those living above the site.

Donna Parker, Sonoma Mountain Road resident for 26 years is the closest neighbor. She said the Beldens live in San Francisco and don't have to drive on the road every day like the full time residents. She received the initial notice about the intent to put in the project September of last year, and was shocked when she got the newest notice. Many neighbors were not aware of the timing. When the Beldens had their neighborhood meeting, only five neighbors were there. Sonoma Mountain Road from Warm Springs Road to Bennett Valley Road will be directly affected by proposal, and Enterprise Road, and residents deserve right to know about project. Parker said she called the Bennett Valley Community Association and they did not know about the project.

Jim Casciani, Sonoma Mountain Road, favors a cap on the number of cars allowed into the tasting room on a daily basis, and expressed concern about precedent because this is the first winery to have a tasting room on the mountain. It will affect traffic.

Craig Harrison, Sonoma Mountain Road, sent a letter from Bennett Valley Community Association, and thanked Belden for changing his business plan. Harrison is the President of "Save our Sonoma Roads." The BZA members are all appointed by the Board of Supervisors and the condition of Sonoma Mountain Road is atrocious. Sonoma County is an affluent county, and has the worst roads in the entire Bay Area. According to the Road Warrior column in the Press Democrat, Sonoma Mountain Road is one of the two worst roads in the county. A petition signed by 500 people complaining about roads was delivered to the supervisors. They are supposed to make a decision in January of how much of the \$8,000,000 transportation budget will go towards road repair. Harrison stated that the county officials have failed badly.

Scott MacIntosh, Sonoma Mountain Road 41 year resident, opposed the project based on road conditions and said that 10,000 cases of wine would require 149 tons of grapes, and they will have to be imported.

Eilene Berger, Sonoma Mountain Road, stated that the entire Sonoma Mountain Road is in a priority conservation area by the Metro Transportation Committee and ABAG, which allowed them to divert trans funds from roads to trailheads and bike lanes. The area is targeted for public access, which Berger had no problem with, but she expressed concern that transportation funds are being diverted from road repair to create trailheads.

Dixie van der Kamp, Sonoma Mountain Road, since 1989 stated that she supports maintaining the scenic rural nature and identity of the road. She expressed concern that parking will be visible, and wanted minimal signage that will not impact the rural setting. She asked if product will be imported, and added that this would influence her opinion about the project.

Noreen Belden thanked everyone for their time and input. The concern about road condition overshadows the project's benefit to the local community. The road needs work. The Beldens currently live in San Francisco, but plan to move to the property. The project will benefit the community by hosting family friendly events, and bringing people closer to agriculture and nature. The project will only generate 17 extra cars a day because of the tasting room, but they will have to import milk for the cheese. The Beldens hope to become closer with the neighbors because of the project.

Bill McNearney, Sonoma Mountain Road, asked the BZA to send the project back to planner and said the notification process was very poor, and the 300 foot requirement in rural areas is ridiculous. The planner should be directed to expand outreach, and the site was not posted. According to Mr. McNearney, it is insane to increase traffic on the road. The Planner did not mention consulting with Public Works in the mitigated negative declaration, and there were no written comments. Engineers would comment that the road can't support the additional traffic. The BZA is required to ensure projects are compatible with health safety and welfare of neighborhoods.

Michael Bates, Sonoma Mountain Road, said the road is in the worst shape it has been in for 30 years, and the idea that it will be improved is unrealistic since it was never laid out properly in the first place. The soils expand and pop the pavement surface. If widened, trees would have to be cut down. The project will affect quality of life by increasing traffic, and this will be directly related to commercial use. Bates expressed concern about party vans, limos, and said traffic would be difficult to control and once allowed, it would be hard to stop. While supporting the Beldens, Mr. Bates was very concerned about the impacts to traffic from the project.

Tom Hauck, Sonoma Mountain Road, complained at the lack of public notification and said he only recently found out about the project. He lives east of the site, and said the road is a disaster waiting to happen. Bike traffic is already a problem, and the new Open Space trailhead will generate traffic. Before deciding on this project, the other proposed projects need to be analyzed for traffic. While Mr. Hauck agreed that direct sales are the way to make a profit, more consumers will mean increased traffic. He opposed weddings and was concerned about the impact of commercial use on the road.

Tamara Boulton, Pressley Road, expressed concern about precedent, and said the project is too much for the area and is not consistent with the Bennett Valley Area Plan regarding property size and use. The impacts will be detrimental to the area residents. The plan calls for preservation of rural character, and is more specific than the General Plan. The Board has upheld the Bennett Valley Area Plan. The increase in traffic will change the scenic character of the road and the proposed tree cutting around the driveway is significant. Ms. Boulton supports agriculture, but sees the subject project as more of a commercial venture. The project will create safety concerns and if the County runs in to fix the problem, it could violate the area plan. The Plan has been around since 1978, and Sonoma Mountain Road is not the type of road to support commercial uses. The project may violate General Plan policy AR5(f), and the area is known for spotty water. The project could affect the water table. The lighted parking lot could cause visual and nighttime pollution. The traffic report failed to mention that there are Golden eagles on the property. Everything possible should be done to protect Cooper's Grove. Ms. Boulton thought that the traffic study was inadequate and did not take into consideration the narrowness of the road, the curves and the grade. The project needs further analysis before it is approved.

Nathan Belden, on rebuttal, thanked the speakers for their comments, said they are rational and he understands. He expressed frustration with the process, and has been working on it for two years. He is not sure, however, if proper notification would have changed anyone's point of view. He added that 10,000 cases is not a lot of wine and his acreage can generate enough grapes for that amount. Mr. Belden said that environmental issues are important to him, and he has been involved on many environmental committees. He acknowledged that there are raptors on the property, and he likes them because they keep the vineyards free from rodents. Mr. Belden stated that he hates overuse of land, and said that ten cows could produce enough milk for the cheese. He needs an economically viable project to support his investment in equipment and providing a cheesemaker. He intends to maintain the rural character of the area, and parking will not be visible from the road. He does not plan to have a lot of lighting. The family plans to move up to the property next May. Mr. Belden said that he did not agree about concern for traffic, as the tasting room would only result in about 3 cars an hour over a ten hour period.

Steve Martin, SMA, claimed that at ultimate capacity, with cheese making and maximum visitors, the project would add 61 trips per day (30 cars). Wineries don't start out at ultimate production, and the average residence adds about 10 trips per day to the road. The LOS is "A" in volume and delays. The project will not change the LOS. W-trans said would have to be 5 times higher to change the LOS. The W-trans traffic study was submitted and reviewed by Sonoma County Public Works peer review and they provided conditions. All traffic impacts have been mitigated, and most concern sight distance at the entrance, and include clearing and tree trimming.

Sonoma Mountain Road is typical for this county, about 18 feet wide, and the roads exist primarily for cars, not cyclists and pedestrians. The project was properly noticed and the owner met with neighbors. The full CEQA process was conducted. The project is an agricultural production facility, not a commercial use.

On site roads will be permeable, SUSMP and BMP's have been incorporated, and Martin did not think that the project would set precedent. There are no plans for wine buses, which actually end up decreasing net traffic. Counters put out for traffic study. Parking will not be visible, and signage is subject to Design Review and will be minimal. The collision report part of traffic study showed that accidents are under the state average on Sonoma Mountain Road.

Commissioner Fogg asked if the traffic study included the Zen Center and Open Space trailhead. Martin said that it did not.

Commissioner Fogg said he was unsure how the Bennett Valley Area Plan should affect his decision. While not seeing a General Plan or zoning conflict, he did ask for more information about the specific plan.

Commissioner Fogg wanted to expand the traffic study to include projected traffic from the Zen Center and Open Space trailhead and to include traffic coming from Glen Ellen and Bennett Valley. Consideration should be given to coordinating events with the Zen Center. The staff report needs to clarify that there will be no overnight accommodations, and the extra housing will only be used for agricultural personnel per county regulations.

Commissioner Fogg wanted Jon Tracy's input about the water use. Will a new well need to be drilled?

Commissioner Fogg stated that the BZA does not have much influence on road conditions. Its job is to enforce and interpret General Plan land use designations. The Board of Supervisors holds the power of the purse, and **Commissioner Fogg** recommended that people attend Board hearings when allocation of road funds are up for discussion.

Commissioner Fogg asked that the phasing process be clarified, and to be sure to include the two year review condition. He asked Counsel to review the challenges to the mitigated neg dec in the letter received late from Mr. McNearney dated December 16th. He asked staff to check to make sure that raptors, birds and bats are covered in the environmental document, and to address or make recommendations about signage.

Regarding noticing complaints, **Commissioner Fogg** remarked that what makes good noticing sense in an urban area does not make sense in rural areas. He suggested giving the applicant a list of the speaker names from the hearing, and to have town hall sessions. The world is settled on compromise.

Commissioner Fogg asked for more input from Public Works, and commented that when trees are cut down and road improvements done, often the speed limit increases, resulting in other problems.

Commissioner Fogg supported the comments made by Ms. Boulton, and asked staff to contact Open Space District for comments.

Commissioner Cook commented that the property is zoned LIA and the use is appropriate, and the residents should consider themselves lucky that this is the only winery in the area, as there are many areas of the county where the impacts are much more egregious. She opposes weddings on LIA lands, and supported getting people on the land to learn about ag. She acknowledged concern about the road and said the way to deal with it is to mitigate the number of cars. Sonoma County is a very difficult place to develop, and the owner had spent thousands. The BZA depends on the experts and it is hard to discount their reports. If people are unhappy with how projects are notified, then they should write letters to those in charge of the regulation. Commissioner Cook liked the design, and said that the conditions cover everything.

Commissioner Lynch concurred with the comments and added that you can't penalize the applicant for road conditions, which is a common complaint in the county. He thought the application was reasonable.

Commissioner Montoya commented that the Belden's 55 acres is zoned LIA, and they have property rights. He wished that Dalene Whitlock had been at the meeting as he had questions for her. He asked that she be invited to the next hearing.

Commissioner Fogg moved to continue the item off calendar. It will be renoticed to broader audience and include the associations. The public hearing will be reopened for new information.

Action: **Commissioner Fogg** moved to continue the item off calendar. Item will be renoticed.
Seconded by **Commissioner Cook** and passed with a 4-0-1 vote

Appeal Deadline: n/a
Resolution No.: n/a

Fogg: aye	Lynch: aye	Liles: absent	Cook: aye	Montoya: aye
Ayes: 4	Noes: 0	Absent: 1	Abstain: 0	



Sonoma County Board of Zoning Adjustments STAFF REPORT

Sonoma County Permit and Resource Management Department

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

FILE: PLP12-0016
DATE: December 19, 2013
TIME: 2:00 p.m.
STAFF: Melinda Grosch, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Nathan Belden

Owner: Nathan Belden

Location: 5561 Sonoma Mountain Road, Santa Rosa
APNs: 049-030-010 Supervisorial District No.: 1

Subject: Request for a Use Permit and Design Review

PROPOSAL: Request for a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales of farm products, wine, cheese and other farm product tastings by appointment only, and 10 Agricultural Promotional events per year on a 55 +/- acre parcel.

Environmental Determination: Mitigated Negative Declaration

General Plan: Land Intensive Agriculture 40 acre density

Specific/Area Plan: Bennett Valley Area Plan
Land Use:

Ord. Reference: Section 26-04-020 of the Sonoma County Code

Zoning: LIA (Land Intensive Agriculture) B6 40/40

Application Complete for Processing: September 3, 2013

RECOMMENDATION: Approve the request for a Use Permit and Design Review for a new agricultural processing facility and tasting room with events with mitigation measures and conditions.

ANALYSIS

Background:

The Belden Barns site is an old farm complex with three dwelling units and several old barns and other out buildings that are fairly typical of early 20th Century construction. One of the dwellings has already been remodeled and upgraded. The remaining buildings have been maintained over the years and some modifications have occurred but they remain much as they have always been. The site is currently planted in 25 acres of wine grapes, pasture, fruit orchard and vegetable plot and has a small area of land that could be grazed.

Several previous owners have tried to build new structures on this parcel that would have been located within the Bennett Valley Visual Corridor. One of the requests for construction of a new residence in this area was appealed to the Board of Supervisors and was ultimately denied. The second attempt to build a new residence by the subsequent owner was approved based on a geological study showing that the area located outside of the Visual Corridor is an old landslide and is geologically unstable. However, the house was never built and eventually the property was sold to Mr. Belden. Mr. Belden rebuilt one of the dwellings on site, slightly expanding the footprint but otherwise keeping the look of the structure intact.

Project Description:

The project consists of a request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting, and 10 Agricultural Promotional events per year. The 55-acre parcel is located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phase I utilize existing structures on the property.

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing 2,490 square foot residence will be replaced with a 4,270 square foot primary residence for the owner and will also house a tasting/hospitality area, commercial kitchen, and administrative office space.
3. Demolish the 1,780 square foot garage with a second floor residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling. Not including agricultural workers.

Phase II winery building is located within the existing farmstead building cluster.

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building).
2. Add 1,090 square feet to the existing barn.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling. Not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

Hours of Operation

Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

Site Characteristics:

The site slopes downward from the south towards the north. The existing buildings are all located on the northeasterly portion of the property. The site has been planted in vineyards which occupy roughly 25 acres of the site. There is an irrigation pond located in the southwestern portion of the property.

Surrounding Land Use and Zoning:

Land to the North: LIA B6 40/40 and RR (Rural Residential B6 15 acres per dwelling unit/ 5 acre minimum with the Z (Second Dwelling Unit Exclusion) and SR (Scenic Resources) combining districts. The parcel due north is planted in vineyard. Other parcels to the north are undeveloped with permanent crops but may be used for pasture.

Land to the East: DA (Diverse Agriculture B6-20 acres and RRD (Resources and Rural Development) B6-40 acres per dwelling unit/10 acres minimum with the BR(Biotic Resources) and SR (Scenic Resources) combining districts. The land is owned by the Sonoma County Agricultural Preservation and Open Space District and is open land not planted in crops.

Land to the South: LIA (Land Intensive Agriculture) B6-20 acres per dwelling/20 acres minimum and RRD (Resources and Rural Development) B6-40 acres per dwelling/40 acres minimum with the SR (Scenic Resources) combining districts. This land is owned by the Sonoma County Agricultural Preservation and Open Space District and is open land not planted in crops.

Land to the West: LIA (Land Intensive Agriculture) B6-20 acres per dwelling/20 acres minimum with the SR (Scenic Resources) combining district. There are vineyards to the immediate west and open lands not planted in crops.

DISCUSSION OF ISSUES

Issue #1: General Plan and Zoning Consistency

The property has a General Plan designation of Land Intensive Agriculture 40-acre density. The Zoning designation is LIA (Land Intensive Agriculture) with a density of 40-acres per dwelling unit and a 40-acre minimum parcel size and a SR (Scenic Resources) combining district. The LIA district allows a range of agricultural processing and promotional activities governed by a number of General Plan policies.

Policy AR-4a:

The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.

The parcel has approximately 25 of the 55 acres planted in vineyard and is under a Williamson Act Contract (see separate discussion of Williamson Act criteria below). Additional acreage will be devoted to grazing and approximately one acre is currently used for vegetables. The vegetable garden is planned for expansion and the addition of a small orchard. While the proposal includes events and retail activities the primary use of the property will continue to be agricultural production and processing.

GOAL AR-5:

Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.

The project proposal states that they would process grapes grown on-site and in the area and milk from animals pastured on site or in the area consistent with the General Plan goal.

Objective AR-5.1:

Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories.

The site is designated Land Intensive Agriculture and the expansion of the processing facility is a use permitted with a Use Permit in the LIA zone.

Policy AR-5a:

Provide for facilities that process agricultural products in all three agricultural land use categories only where processing supports and is proportional to agricultural production on site or in the local area.

The site has an agricultural land use designation, Land Intensive Agriculture. The site is planted with grapes that are to be used at the winery. The site is located in an area with other vineyards. The winery will support the vineyards on site and in the area. The cheese processing facility will process milk from animals pastured on-site and from other areas of Sonoma County supporting the remaining dairies in Sonoma County.

Policy AR-5c:

Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.

The proposal includes a case goods storage area of 470 square feet in the 8,300 square foot winery building. Case goods are considered a finished product, and should generally be stored in warehouses on industrial land rather than utilizing prime agricultural lands, however, some storage for direct sales is acceptable. The storage area is about 5% of the total floor area. This is less than the maximum of 15%

that has been allowed in some cases. The 5% is typical for wineries that include "direct to consumer" sales.

Policy AR-5f:

Use the following guidelines for approving zoning or permits for agricultural support services:

- (1) The use will not require the extension of sewer or water,*
- (2) The use does not substantially detract from agricultural production on-site or in the area,*
- (3) The use does not create a concentration of commercial uses in the immediate area, and*
- (4) The use is compatible with and does not adversely impact surrounding residential neighborhoods.*

Policy AR-6a:

Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production.

The tasting room and events would promote wine and cheese made on-site. Items sold in the tasting room include other products grown on-site such as fruits and vegetables and eggs. The project has been conditioned with a requirement that this policy must be met. The LIA (Land Intensive Agriculture) zoning district allows for tasting rooms, subject to the minimum criteria of General Plan Policies AR-6d and AR-6g and approval of a Use Permit. There are no other wineries on this section of Sonoma Mountain Road. The nearest wineries are Sable Vineyards and Katrina Wilhelm approximately 3-miles by road (roughly 2 miles "as the crow flies"). Both are located near the intersection of Bennett Valley Road and Sonoma Mountain Road and Bennett Valley Road. Sable Ridge is located off of Jamison Road and Katrina Wilhelm is located off of Batesole Drive. Sable Ridge is a processing only facility while Katrina Wilhelm includes a tasting room along with the processing. Neither is approved for events. There is not a concentration of wineries in this area.

The events establish name brand recognition for the winery. In the Sonoma County Zoning Ordinance the LIA district allows for promotion of agricultural products grown or processed in the county.

Policy AR-6d:

Follow these guidelines for approval of visitor serving uses in agricultural areas:

- (1) The use promotes and markets only agricultural products grown or processed in the local area.*

The proposed tasting facilities will primarily be used to promote wine and cheese produced on site. The project has been conditioned with a requirement that retail sales of products grown or processed in Sonoma County are permitted in the tasting room to the extent such items are clearly secondary, incidental, and related to the primary promotional products of wine and cheese produced on-site in accordance with General Plan Agricultural Resources Element policies.

- (2) The use is compatible with and secondary and incidental to agricultural production activities in the area.*

In this area the primary agricultural production activity is vineyards for the processing of wine. The winery would facilitate the processing of grapes into wine and the cheese facility will process milk from animals on-site and from elsewhere in Sonoma County into cheese. The farm complex will cover about 2.2 acres of the 55-acre site, therefore, it is considered incidental and secondary to agricultural activities on site and in the area.

- (3) The use will not require the extension of sewer and water.*

The Project Review Health Specialist requested that a groundwater study be prepared and one was prepared by E. H. Boudreau. Mr. Boudreau determined that it is not likely that the project would

substantially deplete groundwater supplies. This is a Zone 3 water availability area and the project should not cause a drop in water levels in nearby wells. The 55-acre parcel has adequate area for expansion of the septic system.

(4) The use is compatible with existing uses in the area.

Currently there are no other wineries on Sonoma Mountain Road in this area. The Sonoma Mountain Zen Center is located to the east of the subject property. The Zen Center has been in this location for many years and is currently going through a Use Permit process to cover some additional uses not included in the original permit.

(5) Hotels, motels, resorts, and similar lodging are not allowed.

There are no accommodations associated with this request.

(6) Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.

Events must be directly related to the promotion and marketing of the wine. The applicant states, "We plan to implement programming including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings, and other events to introduce potential and current customers to our wines and farmstead products."

Policy AR-6f:

Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

- (1) Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.*
- (2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*
- (3) Whether the above uses would be detrimental to the rural character of the area.*

Currently there are no nearby wineries or other visitor serving uses with the exception of the Sonoma Mountain Zen Center approximately 1.5 miles to the east and Cooper's Grove, a Sonoma County Agricultural Preservation and Open Space District property, is located between the two sites. The Cooper's Grove property has limited public access and generates very little in the way of traffic on Sonoma Mountain Road. There are no public improvements so it does not use water or have any septic system. The proposed project does not result in a local concentration of visitor and recreational uses that would impact agricultural uses. However, there may be impacts to the roadway as discussed in Issue # 5 below.

The Sonoma County Zoning Code Section 26-040-20 (Uses permitted with a use permit) includes the following sections which allow for processing and tasting rooms:

- (f) Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g;*

- (i) *Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of General Plan Policies AR-6d and AR-6f. This Subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);*

Issue #2: Bennett Valley Visual Corridor and Design

The current development, a potentially historic farm complex, is completely within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion (see Exhibit F- Overall Site Plan, on which the Bennett Valley Visual Corridor is mapped). The old farm complex buildings are all old enough to be potentially designated as a landmark. The proposal includes remodel of some of the structures but two of the single family dwellings will be demolished and replaced with units inside the new winery building. The new winery building is planned at 8,300 square feet with the building set into the slope somewhat to take advantage of natural earth cooling and screening provided by the existing building, trees, and the earth. Staff initially had serious reservations about the location of the new structure and its size as the Bennett Valley Visual Corridor specifically prohibits new development in this area. The applicant provided a site plan and photo-simulations showing that the building will be minimally visible from Sonoma Mountain Road. The applicant has provided reasons that he feels the proposal is consistent with the exceptions allowed in the Bennett Valley Design Guidelines for the placement of structures in the Visual Corridor. The primary reason is the area outside the Visual Corridor designation is geologically unstable due to an historic landslide. At 407 +/- feet from Sonoma Mountain Road, the proposed development is consistent with the standard Scenic Corridor setback and all proposed new construction is consistent with building height standards and other setback criteria established by the Land Intensive Agriculture zoning designation.

During a site visit staff did agree that the proposed buildings would be screened from view from public roads and parks by existing vegetation. The project has received preliminary review from the Design Review Committee. They recommended some changes to the style of the buildings, the driveways and parking areas, lighting, and colors, with additional information to be called out on the site and floor plans. The Design Review Committee requested that the Bennett Valley Visual Corridor be added to the site plan thus clearly showing the convergence of the slide area with the area outside the Visual Corridor. With these changes the Design Review Committee gave preliminary approval to the design aspects of the project and concluded that the proposed project meets the criteria to allow construction within the Bennett Valley Visual Corridor.

The project is to be brought back to the Design Review Committee after the Board of Zoning Adjustments' action. They will be reviewing all aspects of the project's conformance with requirements that all development be well screened, that the proposed colors and materials are harmonious with the existing old structures, and that appropriate native and agricultural plants are used for the landscaping.

Issue #3: Historic Structures

The project site has a number of existing structures including three dwellings, a barn and some other structures, one of which the applicant has determined is an old stage stop/dance hall building. Staff and the Northwest Regional Information Center at Sonoma State University were concerned that the buildings might have historic status. Two of the structures are to be demolished and replaced and the others are to be substantially remodeled thus potentially destroying the historical value of the structures if not the structures themselves. An historical evaluation of the farm complex was requested to help define this issue. The applicant hired Tom Origer & Associates and Vicki Beard M.A. reviewed the site and prepared the report, *Historical Evaluation of the Belden Barns Complex, 5561 Sonoma Mountain road, Santa Rosa, Sonoma County, California*, in March 2012.

According to the study the farm complex was started in the mid 1800's by Alexander Sutherland. Despite the age of the farm, the evaluation determined that most of the buildings have been heavily modified over the years and do not have any architectural features that have a significant historical context.

Additionally, neither the farm nor the Sutherland family is associated with a significant part of Sonoma County's history. The study thus concludes that the farm complex does not qualify as an historically significant resource.

Staff for the Landmarks Commission was asked to review the study to see if they agreed with the conclusion of the study. Based on the information in the study Landmarks staff determined that the project did not require review by the Landmarks Commission.

Issue #4: Number of Dwelling Units

Currently the property is developed with three residential units, one primary unit and two Legal Non-Conforming units. The two Legal Non-Conforming units will be demolished. The applicant is proposing one new primary unit (which will also house the tasting and hospitality functions) and two Agricultural Employee Units in the Winery building to replace the two Legal Non-Conforming residences (PLP06-0021). The existing primary dwelling will become a Farm Family Unit, resulting in a total of four dwelling units. The LIA (Land Intensive Agriculture) Zoning Designation provides for two types of dwellings that are related to agricultural uses of the property; one is a Farm Family Unit and the other is an Agricultural Employee Unit. The criteria for a Farm Family Unit are:

Sec. 26-04-010.(h). Permitted uses.

- (2) *One (1) detached farm family dwelling unit per lot provided that a Williamson Act contract is in effect and that the following requirements are met:*
- i. An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application,*
 - ii. A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the farm family dwelling shall become a nonconforming residential use;*

None of the units are currently designated as a Farm Family unit. However, the applicant is proposing to designate the existing primary as the Farm Family unit. Only members of the farming family may live in a Farm Family unit.

The criteria for Agricultural Employee Units are:

- (3) *One (1) dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:*
- i. At least fifty (50) dairy cows, dairy sheep, or dairy goats,*
 - ii. At least twenty (20) acres of grapes, apples, pears, prunes,*
 - iii. At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg-layers or three thousand (3,000) turkeys,*
 - iv. At least one hundred (100) non-dairy sheep, goats, replacement heifers, beef cattle, or hogs,*
 - v. At least thirty (30) mature horses,*
 - vi. Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials,*

- vii. *Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as Subsections (h)(3)(i) through (vi) of this section;*

No structure is currently designated as an Agricultural Employee structure. While an unlimited number of Agricultural Employee residences is possible if the property has enough qualifying agricultural uses, this property can only support one Agricultural Employee residence based on 25 acres of vines. The applicant is planning to add some additional agricultural uses. If another qualifying unit of agriculture is added then an additional Agricultural Employee unit can be added.

The applicant calls the one-bedroom unit in the Winery a "Workforce Housing" unit intended to meet the requirements of the Workforce Housing ordinance as reflected in Section 26-89-045 of the County Code. As the parcel is under a Williamson Act contract both units must comply with the restrictions on dwellings in the *Uniform Rules for Agricultural Preserves and Farmland Security Zones*. Therefore, the units must both qualify as Agricultural Employee Housing although they can still qualify as "Workforce Housing."

A condition of approval requires that all dwelling units comply with both the Williamson Act contract and Zoning Code criteria prior to issuance of any building permits for new dwelling units. At this time only three units are allowed. The fourth unit is contingent on additional qualifying agricultural uses being made of the property.

Issue #5: Biotic Resources

The California Natural Diversity Database does not list any species of concern for this site. Additionally, no tree removals will be involved in the construction of this site with the exception of one small live oak. A row of non-native cypress trees lines the driveway near the location of the proposed structures that may provide nesting habitat for birds. The property owner has installed raptor boxes in the vineyard but these are a fairly long distance from the proposed construction.

It is possible that the existing barn that is to be converted to the creamery is used by owls or bats. Since the barn has been in continuous use in conjunction with the agricultural uses of the land it is assumed that any owls or bats using the space are tolerant of some human activity. However, construction will likely result in disturbance to the physical space and thus displacement of any species in the area.

A study was requested and the report, *Biological Assessment, Belden Barns – Winery and Farmstead, 5560 Sonoma Mountain Road, Santa Rosa, CA 95404, APN 049-030-010*, was prepared in May 2013 by Kjeldsen Biological Consulting. The study looked for both plants and animals in the area where the new buildings, renovations, and driveways will be; a relatively small portion of the property.

The study concludes that the "project footprint is within a developed landscape or routinely disturbed agricultural lands, and as such will not significantly contribute to habitat loss or habitat fragmentation." Therefore, it is not anticipated that the proposed project will impact any special status plant or animal species. No special status species were observed during the study and no raptor nests were discovered in the trees nearest the proposed project site. However, staff was still concerned about the potential for the disturbance of owls and bats and mitigation measures have been included to ensure that there are no significant impacts on any that may be using the barn (Condition # 85 & 86).

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendation from a bat and bird specialist, appropriate exclusion devices shall be installed at to prevent roosting bats and nesting owls from being in the facility

when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

In addition the study notes that the drainage along the easterly property boundary is a sensitive habitat and will require protection during construction of the project. County policy requires a 50-foot setback to the top-of-bank of the "blue-line" streams identified by the US Geological Survey and this drainage is not shown as a blue-line stream. The report recommends a 30-foot buffer and protective fencing along the drip line of the riparian canopy.

Issue #6: Traffic

Sonoma Mountain Road is a narrow rural road with no shoulders in this area. Staff had concerns about adding traffic, especially event traffic, to this roadway. A traffic study was requested and in August 2013 a Focused Traffic Study was prepared for the project by Sam Lam and Dalene Whitlock of Whitlock & Weinberger Transportation, Inc. (W-Trans). The Study reached the following conclusions:

- i. The project would generate an average of 71 new daily trip ends over existing levels with 13 trips during the weekday p.m. peak hour and 6 during the weekend midday peak hour.
- ii. Internal roadways do not meet the minimum Fire Safe Standards for Sonoma County.
- iii. Sight distances at the project driveway are adequate for outbound right-turn and inbound left-turn movements.
- iv. Sight distance at the project driveway is inadequate for outbound left-turn movements.
- v. A westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- vi. Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- vii. The driveway entrance and internal roadways configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- viii. Adequate parking for employees, tasting room visitors, and Agricultural Promotional events has been included in the design of the project.

Sonoma Mountain Road in the vicinity of the project has very low traffic volumes and accident rates are below the state average for this type of roadway. The report recommends two actions to address on-site safety and sight distances from the driveway entrance onto Sonoma Mountain Road. The implementation of these two measures will reduce potential impacts to less than significant.

In order to resolve potential issues with the internal roadway/driveway W-Trans recommends widening all internal roadways/driveways to a 20-foot cross section or the installation of turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Site distances can be improved through some vegetation management along Sonoma Mountain Road. The consultant recommends that the applicant obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance

program will be developed in conjunction with Sonoma County Public Works to ensure that the sight distance is maintained.

Issue #7: Williamson Act Compliance

The site is included in a Prime Williamson Act contract entered into in 1974. Thus, there is the potential for conflicts with the Williamson Act. The maximum area of the property that can be devoted to buildings is 15% of the parcel with a maximum of 5 acres. The development will cover about 2.2 acres (4%) in the area that has always been the farm building complex. The applicant has prepared documentation of how they continue to maintain compliance with the Williamson Act.

- a. The parcel will continue to have a minimum of 25 acres planted in vineyards with several proposed additional agricultural uses, including grazing of dairy goats or cows, vegetable gardens, and an orchard.
- b. A minimum income level of \$1,000 per acre per year will be maintained.
- c. Other uses will be Compatible and all dwellings will be occupied by the owner or people occupied in the agricultural uses.

The new Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (adopted in 2011 and amended in 2013) includes provisions for determining whether a use is compatible. The following rules are the most relevant:

Uniform Rule 11.1 requires that prior to issuance of any permit for development or use of contracted land (other than qualifying agricultural or open space uses), PRMD must determine that the proposed development or use complies with the contract and the uniform rules.

Uniform Rule 8.0 - Compatible and Incompatible Uses, requires contracted land to be devoted to agricultural or open space uses. However, the County recognizes that it may be appropriate to allow other uses of contracted land that are compatible with the agricultural or open space uses on the land and the following two categories apply to this project:

8.3 Compatible Uses - Agricultural Contracted Land: Category B.2. Agricultural Support Services: Sale and marketing of agricultural commodities in their natural state or beyond, including winery tasting rooms, promotional activities, marketing accommodations, farmer's markets, stands for the sampling and sale of agricultural products, livestock auction or sale yards, and related signage.

8.3 Compatible Uses - Agricultural Contracted Land: Category G.1. Miscellaneous: Special events, when directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, provided that:

- a. *The events last no longer than two consecutive days and do not provide overnight accommodations; and*
- b. *No permanent structure dedicated to the events is constructed or maintained on the contracted land.*

The applicant has provided a Williamson Act Compliance statement showing that the property remains in compliance with the contract (see Exhibit N). Additional agricultural uses will be undertaken with the proposed project, including using approximately 10 to 15-acres for grazing of cattle or goats for milk for the cheese operation, approximately one and a half acres for a vegetable garden and orchard. The winery and cheese production are clearly compatible uses under Category B.2. and the promotional events and uses proposed fall under Category G.1.

The County has found that agricultural promotional events are a compatible use for agricultural land under Williamson Act Contracts because they are a marketing tool to insure the long term viability of wine sales or other agricultural products produced on site. Events which promote agricultural products grown or produced on site are usually similar to those produced or grown elsewhere in the County thus

agricultural promotional events at one site tend to promote the long-term viability of agriculture within the county. In these cases, agricultural promotional events require a Use Permit and are limited by conditions to prevent conflicts with agricultural operations. Because the events are limited by conditions, the temporary increase in population does not hinder the operations and is considered supportive of agriculture.

Agricultural Promotional events generally would not compromise agricultural capability because they are marketing tools to help sell wine, cheese, or other agricultural products produced on site which provides for the long term viability of the farm or ranch. The proposed Agricultural Promotional events would not affect agricultural capability or other surrounding contracted lands except in positive ways because Agricultural Promotional events help promote local agricultural products which enables the purchase of grapes, milk, vegetables, etc. from other growers, further promoting the local agricultural industry.

Issue #8: Geology

As noted under Issue 2, above, the site has an historic landslide area. Staff requested that the landslide area be examined to determine whether it could support development or not since the area of the slide is the area outside the Bennett Valley Visual Corridor. A study of the site was prepared by Reese & Associates in May 2013. The study is summarized in the report, *Preliminary Geologic Evaluation, Belden Barns Winery and Farmstead, Santa Rosa, California*. The report confirmed that there are two landslides on the property. The slides were identified as being 340 feet upslope of the area where development will occur. The report concludes "that these slides are a sufficient distance away from the proposed improvements such that no mitigation measures are warranted." Therefore, reusing existing buildings and locating new buildings within the existing farm complex will avoid the geological hazard and avoid disturbing the vineyards.

Brian F. Piazza, Staff Geologist and Jeffrey K. Reese, Civil Engineer of Reese & Associates also reviewed the area proposed for development. In the report they state that they "encountered about 2-feet of weak porous soils underlain by about 3 1/2-feet of highly expansive clays." The report offers three possible methods of resolving the issue of expansive soils. These are: 1) Removal of the weak soils and replacement with non-expansive fill, 2) Use of drilled piers and grade beams, and 3) post-tensioned or mat slab foundations. All of these are standard building methods used in Sonoma County for areas with unstable soils. These types of soils are relatively common in Sonoma County so methods of resolving them are well accepted and have proven to work well. Additionally, the Evaluation proposes a detailed geotechnical evaluation prior to design to address these issues.

Issue #9: Groundwater Availability/Impacts

The site is located in a Zone 3 Groundwater Availability Area, therefore a groundwater study to address General Plan requirements of WR-2e, a geological report prepared by a Registered Geologist, addressing Water Availability according to the General Plan requirements of WR-2e was requested. The policy reads as follows:

Policy WR-2e (formerly RC-3h): Require proof of groundwater with a sufficient yield and quality to support proposed uses in Class 3 and 4 water areas. Require test wells or the establishment of community water systems in Class 4 water areas. Test wells may be required in Class 3 areas. Deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin. Procedures for proving adequate groundwater should consider groundwater overdraft, land subsidence, saltwater intrusion, and the expense of such study in relation to the water needs of the project.

E.H. Boudreau, Registered Geologist #3000 was hired to prepare the study. In August 2013 a report titled, *Geology & Ground Water Potential, Belden Property, 5560 Sonoma Mountain Road, Santa Rosa*,

California, was provided to the Project Review Health Specialist. The Project Review Health Specialist had some questions about certain aspects of the study and requested additional information. An addendum to the study was prepared on October 11, 2013 and submitted to this department on October 11, 2013. The study reports that the vineyards are irrigated from the on-site, sheet flow fed pond and that water usage for the winery/tasting room, cheese making, orchards and garden, dwelling unit, and pastured animals is approximately 2.26 acre-feet per year, well below the estimated 14 acre-feet of annual recharge, therefore, there will be no impact to groundwater resources.

STAFF RECOMMENDATION

Approve the requested Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year. As modified by the conditions of approval and the mitigation measures.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the Land Intensive Agriculture designation. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.
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. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:

- a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.
- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be

provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.

- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.
- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with

General Plan Policy WR-2d. The proposed project is located within a “marginal” groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.

- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County’s water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.
- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement and Addendums – Six Pages
- EXHIBIT C: Vicinity Map
- EXHIBIT D: General Plan Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Overall Site Plan
- EXHIBIT G: Enlarged Site Plan Showing Area of Proposed Facilities
- EXHIBIT H: Building Elevations – Tasting Room and Replacement Dwelling – Two Pages
- EXHIBIT I: Floor Plan – Tasting Room and Replacement Dwelling
- EXHIBIT J: Building Elevations – Winery Building – Two Pages
- EXHIBIT K: Floor Plan – Winery Building
- EXHIBIT L: Floor Plan – Barn/Cheese Making Facility
- EXHIBIT M: DRC Action Sheet from November 7, 2012 – Six Pages
- EXHIBIT N: Williamson Act Contract Compliance Statement – Three Pages
- EXHIBIT O: Correspondence Received by December 12, 2013
- EXHIBIT P: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration and full size site plan and building elevations.

Draft Conditions of Approval

Date: December 19, 2013 **File No.:** PLP12-0016
Applicant: Nathan Belden **APN:** 049-030-010
Address: 5561 Sonoma Mountain Road, Santa Rosa

Project Description: a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, including retail sales and tasting of wine and cheese and other farmstead products by appointment only, and 10 Agricultural Promotional events on a 55 +/- acre parcel.

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,206.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

The conditions below have been satisfied BY _____ DATE _____

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 construction company shall post a sign that includes the 24-hour a day/7-day a week phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.
5. Mitigation 6.a.ii.1.
All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

All construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

6. Mitigation 6.a.ii.2.

The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring:

PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

7. Mitigation 12.a.iii:

Construction activities for this project shall be restricted as follows:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary it shall be subject to approval by PRMD. 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) If required, pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible. The nearest off-site dwelling is more than 600 feet away thus locating noise generating equipment in areas shielded by on-site buildings will provide adequate noise protection.

Mitigation Monitoring:

PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. 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)

HEALTH:

The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

8. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2007 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.

9. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
10. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
11. 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.
12. Prior to building permit issuance for Phase I and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of five gallons per minute.
13. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

14. 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.

The project description includes Agricultural Promotional event 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 25% percent of the wastewater flow from an outdoor event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. Note that indoor events such as dinners are expected to provide septic system capacity for 100% of the event, as these guests are not expected to exit the building to use 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 Section that all required septic system testing and design elements have been met.

15. 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.

16. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system to be retained. The septic system shall be evaluated for the ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel that will be plumbed to an existing septic system.

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.

17. 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:

18. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, 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, prepackaged non-potentially hazardous beverages and crackers).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Solid Waste:

19. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that 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.

Vector Control:

20. 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 or operation of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

21. Prior to occupancy, the 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:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

24. 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.
25. 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:

26. Maintain the Annual Operating Permit for any alternative (mound, at grade, pre-treatment 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.
27. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
28. 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.
29. When permitted events exceed 25 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 Agricultural Promotional event and shall be promptly serviced and removed within 48 hours after the 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 event as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.

- ii) Toilet paper is promptly replaced when the dispenser runs out.
- iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

30. 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:

31. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division 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 Division 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 Division 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.

32. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Noise:

33. Mitigation 12.a.i.
Noise shall be controlled in accordance with Table NE-2 as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

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

Mitigation Monitoring:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. 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)

- 34. 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.
- 35. No indoor amplified sound shall be heard from the property line.
- 36. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Smoking:

- 37. 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.
- 38. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

GRADING AND STORM WATER:

The conditions below have been satisfied BY _____ DATE _____

39. 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.
40. 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.
41. The following development and redevelopment projects are subject to storm water Low Impact Development (LID) regulations:
 - a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
 - b. All development and redevelopment projects that include four or more houses.
 - c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

If the proposed project, and reasonably foreseeable future development, exceeds the thresholds noted above, then measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. LID/SUSMP features must be installed per approved plans and specifications, and working properly prior to finalizing the grading permit and associated building permits.

42. 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.
43. 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.

44. 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.
45. 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.
46. 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.
47. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
48. Mitigation 9.a:
This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Grading and Storm Water Section of the Permit and Resource Management Department.

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

49. Mitigation 9.c.:
Prior to grading or building permit issuance, construction details for all storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Storm water best management practices must be installed per approved plans and specifications, and working properly prior to each rainy season (October 15 each year) and remain functional throughout the rainy season. The Permit and Resource Management Department will verify storm water best management practice installation and functionality, through inspections, throughout the life of the construction permit(s).

Storm water best management practices shall be designed and installed pursuant to adopted Sonoma County Best Management Practice Guide.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the plans meet all storm water best management practices. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

50. Mitigation 9.d.:

Prior to grading or building permit issuance, construction details for all post-construction storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Post-construction storm water best management practices shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide.

The owner/operator shall maintain the required post-construction best management practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction best management practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

Mitigation Monitoring:

Post-construction storm water best management practices shall be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. The Permit and Resource Management Department will verify post-construction storm water best management practice installation and functionality, through inspections, prior to finalizing the permit(s).

51. Mitigation 9.e.:

The construction plans shall include a storm water drainage system that adequately addresses the impacts and design features discussed above, in substantial conformance with the final drainage report. The design and sizing of the storm water drainage system shall be in compliance with the adopted Sonoma County Water Agency Flood Control Design Criteria, 1983 or most recently revised edition.

A final drainage report for the proposed project shall be prepared for this project. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The final drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

The construction plans and final drainage report shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application and/or improvement plans, as applicable, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the final drainage improvements are in compliance with the final drainage report. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

52. Mitigation 9.f.:

The project shall be subject to a setback of 30 feet from the top of the bank as established in Policy OSRC-8b (Riparian Corridor Setback) of the Sonoma County General Plan. (Note: If existing riparian vegetation extends beyond the numerical setback distance, then the setback shall be established at the drip line of the existing riparian vegetation or offsite mitigation shall be required.)

The project shall be subject to County Code Section 7-14.5 Stream setback for structures requiring a building permit as well as to County Code Section 11.16.120 setback for streams. No structure shall be setback less than 30 feet from the top of the bank.

The development plans shall present the setbacks associated with each of the county code sections detailed above.

The development plans shall be subject to review and approval by the Grading & Storm Water Section, the Building Division and/or the Planning Division of the Permit and Resource Management Department prior to the issuance of any building or grading permits.

Mitigation Monitoring:

Grading and Storm Water Section Staff shall ensure that all plans provide evidence that the appropriate setback to the drainage along the eastern side of the property is maintained for all building and grading permits. The project planner shall ensure that all landscaping and other activities are setback from the drainage appropriately.

53. 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 Use.

TRANSPORTATION AND PUBLIC WORKS:

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

54. "Special Event Ahead" signage shall be employed during the course of events. Signs conforming to Sonoma County Standard Drawing No. 710 shall be placed in advance of the Applicant's entrance in order to alert all traffic to the possibility of traffic congestion (www.sonoma-county.org/tpw/pdf/const_std/710.pdf).
55. Prior to issuance of any building permit, or temporary or final occupancy: To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, winery access to Sonoma Mountain Road shall conform to AASHTO recommendations. More specifically, the Developer shall construct a commercial driveway entrance meeting the following criteria:
- a. A minimum paved throat width of 20 feet (measured 30 feet from edge of pavement);
 - b. Entrance curves having a minimum pavement radius of 25 feet, the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Sonoma Mountain Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Sonoma Mountain 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 entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.

- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/pdf/const_std/814.pdf).
- 56. 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.
- 57. The Applicant shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 58. Mitigation Measure 16.a.i.:
Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Mitigation Monitoring:

Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.

- 59. Mitigation Measure 16.a.ii.:
The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Sonoma Mountain Road. To enhance sight distance, Department of Transportation and Public Works recommends the removal of vegetation and select eucalyptus trees located along the edge of pavement west of the existing driveway.

Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed subject to approval of the Sonoma County Department of Transportation and Public Works to ensure that the sight distance is maintained.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. Annually, the project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

- 60. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

61. This Use Permit is for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional event per year. See the details of the events below. Only one event may be a wedding, which can only be held during the summer months (June to September). The nine authorized promotional events must promote and market agricultural products grown or processed in the County and be secondary and incidental to agricultural production. Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional event must end by 9:30 p.m. with all clean up completed by 10:00 p.m. Three new dwelling units are proposed: one new primary dwelling and two Agricultural Employee Units. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0016. The site is a 55-acre parcel located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phasing of the project is as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing Legal Non-Conforming 2,490 square foot residence will be replaced with a 4,270 square foot residence for the owner which will include the tasting/hospitality, commercial kitchen, and administrative space. The existing Primary Dwelling will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant.
3. Demolish the 1,780 square foot garage with second story residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling, not including agricultural workers.

Phase II: (Start Time: 3 to 4 years from approval)

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn, for the creamery.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling, not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60

1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

62. The facility shall not be rented out to third parties for events
63. The days and hours for Agricultural Promotional 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 Agricultural Promotional 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.
64. Mitigation 12.a.ii.
 Agricultural Promotional events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan. All events shall end by 9:30 p.m. so that guests can leave the site by 10:00 p.m.

Mitigation Monitoring:

Any complaints about events outside the hours established by the Noise Element of the General Plan shall be investigated and if events are held or allowed to continue outside the allowed hours of operation then enforcement actions may be undertaken up to and including potential revocation.

65. Currently there are one primary and two legal non-conforming dwelling units on-site. Prior to issuance of a building permit for any building containing dwelling units applications to designate each dwelling on site as a qualifying type of unit that complies with both the Zoning designation and the Williamson Act contract shall be submitted and receive approval.
66. This Use Permit (PLP12-0016) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
67. 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.
68. 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.

69. 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, 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.
70. Condition Compliance Fee. Prior to commencement of event activities, the owner/operator shall submit a Condition Compliance Review fee deposit sufficient to cover the review of event activities as described above.
71. 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.
72. 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.
73. 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.

74. Mitigation Measure 5.b.

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."

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

75. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
76. The applicant shall maintain a minimum of 96 parking spaces on-site to serve the agricultural processing facility, tasting room, and events. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
77. Construction of new or expanded residential and non-residential development shall be subject to Affordable Housing and Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
78. 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.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

79. Mitigation 7.a.iv.:
Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code).

Mitigation Monitoring:

Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.

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

80. Mitigation 1.c.i:
Prior to issuance of building permits the applicant shall submit the building and landscaping plans for final Design Review.

Mitigation Monitoring:

The Design Review Committee will ensure that the buildings are appropriately sited and screened from view from public roadways and adjoining properties in conformance with the Bennett Valley Design guidelines. Building and grading permits shall not be issued until they have been approved by the Design Review Committee.

81. Mitigation 1.c.ii.:
Additional trees and shrubs shall be planted along Sonoma Mountain Road to more completely screen the new winery building from the road. Additional orchard trees should be located on the north side of the new winery building, the existing dance hall, and along that area to the west to provide screening and breakup the northerly façade of the new winery and dwelling/tasting facility. The roadside plantings shall be reviewed by the transportation consultant Whitlock & Weinberger to ensure that sight distances at the driveway are not impaired by the new vegetation.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide the project planner with a detailed landscaping plan showing the location, type, irrigation lines, and sizes of all new landscaping and

orchard plantings. These plans must be approved by the planner, the transportation consultant, and the Design Review Committee.

82. Mitigation 1.d.:

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

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit 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 require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

83. Mitigation Measure 3.c.:

The following dust control measures will be included in the project:

- A. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
- B. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- C. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
- D. Water or other dust palliative will be applied to stockpiles of soil as needed to control dust.

Mitigation Monitoring:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

84. Mitigation 3.e.:

Disposal of pomace and other waste products from processing of agricultural materials 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. Agricultural waste products 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. Agricultural waste products shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
- c. Agricultural waste products shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the waste to be used by the County's composting program.

Agricultural waste products 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 by petroleum products, heavy metals, pesticides or any other material that renders the material unsuitable for composting with subsequent land application. Land application, placement of waste into a composting facility or disposal shall occur within two weeks of the end of processing.

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.

85. Mitigation 4.a.i.:

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

Mitigation Monitoring:

Prior to issuance of demolition/reconstruction permits for the barn a copy of the study shall be provided to the project planner.

86. Mitigation 4.a.ii.:

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendation from a bat and bird specialist, appropriate exclusion devices shall be installed to prevent roosting bats and nesting owls from being in the facility when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

Mitigation Monitoring:

Prior to issuance of permits for demolition/reconstruction for the barn the applicant's consultant shall provide documentation that the replacement roosting facilities have been installed along with the exclusion devices to prevent bats and owls from reoccupying the barn. Monitoring reports shall be submitted to the project review planner as they are prepared.

87. Mitigation 4.a.iii.:

A riparian (streamside conservation area) line shall be established 30-feet from the top of the bank of drainage on the easterly side of the construction area. "NOTE ON MAP": Structures, equipment, roads, utility lines, parking lots, lawns, agricultural uses (planting, grazing, etc.), grading, fill, and excavation shall be prohibited in this conservation area.

Mitigation Monitoring:

The setback line shall be shown on the map and prohibits activities within the creek setback.

88. Mitigation 7.a.i.:

All new buildings shall be constructed in conformance with CalGreen at the Tier 1 level of compliance. These standards apply to both new residential and non-residential construction excepting remodels and additions, and result in buildings that are more energy efficient and reduce GHG emissions.

Mitigation Monitoring:

CalGreen + Tier 1 compliance became mandatory in Sonoma County when it was adopted and approved by the Board of Supervisors and California Energy Commission; the ordinance effective date was January 1, 2011. Building permits will not be approved without compliance with this ordinance.

89. Mitigation 7.a.ii.:

The applicant shall install solar panels on the new winery buildings or ground mounted panels to provide a part of the energy which will be required for the proposed uses.

Mitigation Monitoring:

The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the applicant has carried out the installation of the solar panels to the project planner.

90. Mitigation 7.a.iii.:

The applicant shall prepare an idle time reduction plan to reduce the time that trucks making deliveries or picking up products or grapes spend with engines idling. For diesel engines idle times shall be no longer than 5 minutes.

Mitigation Monitoring:

The idle time reduction plan shall be submitted to the project planner who will verify that it meets the minimum standards established by State of California's Commercial Vehicle Idling Regulations.

91. Mitigation 8.a.:

During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.

A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill.

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring:

Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

92. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). 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.

93. 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.

94. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.

95. 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.
96. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
- a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting, Agricultural Promotional event, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with Agricultural Promotional event, wine club meals and winemaker dinners. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 - 1) Retail sales of pre-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
97. 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.
98. 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.

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

This Use Permit is approved for phasing of the project development, whereas, Phase I development shall be commenced by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. Phase II development shall be commenced by obtaining the necessary permits and starting construction within three (3) years after the date of the granting of the Use Permit. Work on all phases shall be completed within six (6) years of the granting of the Use Permit. If the development has not been completed within the specified timeframe the Use 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 six (6) 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.

Belden Barns Winery & Farmstead

Belden Barns

Proposed New Winery and Farmstead Facilities
5561 Sonoma Mountain Road
Santa Rosa, Sonoma County

Proposal Statement

The proposed Belden Barns Winery and Farmstead involves the development of new winemaking, hospitality and farmstead food production facilities on our 55 acre parcel located at 5561 Sonoma Mountain Road near Santa Rosa, California. The facilities will be owner-operated dedicated primarily to the production of ultra-premium Pinot Noir, Syrah, Sauvignon Blanc and Gruner Veltliner as well as various farmstead products including fresh/preserved vegetables/fruits, eggs, charcuterie and cheeses.

The facilities will be located on our vineyard property known as Steiner Vineyard, which was first planted in 1973 and is a historically important vineyard in the Sonoma Mountain/Bennett Valley AVAs. The vineyard currently has 16.0 acres of producing vines, 4.0 acres of vines under development, irrigation reservoir, pasture, fruit orchard, vegetable plots, barns and residences. It is our desire to have a quiet farmstead operation and winemaking facility. And while an ultimate production of 10,000 cases of wine and 10,000 lbs of cheese is requested, the production at our facilities will begin small and grow to match the success of producing world class wines in conjunction with farmstead products and farmstead themed experiences.

Tastings and tours will be by appointment with retail sales direct to customers. We plan on having agricultural promotional events to introduce potential and current customers to our wines and farmstead products including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings and other agricultural promotional gatherings. The proposed winery will produce wines primarily from our estate vineyard and other local vineyards in the region. The farmstead production will utilize vegetables, fruit, eggs and milk produced sustainably on site and from surrounding producers. For reference, 10,000 pounds of cheese production utilizes the milk production of 10 cows / 50 sheep / 100 goats. The sustainable carrying capacity of our pasture supports fewer animals than our targeted cheese production implies, so we plan to source a portion of milk for cheese production from local producers.

The facility development is planned to be a phased project. Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650SF – 1st Floor, 650 SF 2nd Floor) nestled into the topography adjacent to the new hospitality building and demolished garage/residence. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090SF wing to an existing barn. This new construction will include a milking parlor, micro creamery, cheese making room and affinage rooms for cheese and charcuterie aging. Due to tree coverage and use of topography each phase of development will be minimally visible from Sonoma Mountain Road and is located 420± feet from the existing road and 640± feet from the closest neighboring residence. The winery design and layout has been driven by the function and the criteria for gentle handling of fruit, gentle wine processing, minimized power usage and reduced exposure of the structure. All building designs are agrarian in character with the existing residence, barns and surrounding agricultural area.

Related infrastructure includes minor improvements to the existing entrance on Sonoma Mountain Road, process wastewater treatment system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.

Belden Barns Winery & Farmstead

During Phase I, we plan on having 4 full-time employees and 2 part-time employees To support the proposed Phase II winery and farmstead facilities during non-harvest, we anticipate maintaining a staff of 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling. Visitation for both phases will be by appointment and visitors anticipated are to be on the order of 20 for an average day and 60 for a peak day. Operating hours shall be 7 AM to 6 PM Monday through Friday off harvest and 6 AM to 10 PM Monday through Sunday during harvest season.

It is our intention to create a small, quiet farmstead and winery facility that produces outstanding, unique wines and farmstead products from Sonoma County. In turn, we hope to celebrate and support local agriculture and Sonoma County's economy. The new facilities are designed to have minimal impact to the land with use of existing structures, sustainable materials and systems, and an architectural style that blends with the surroundings and existing structures in the area.

Supporting Information

The proposed location of the new winery building meets the Goals and Policies of the BV Area Plan although it is within the boundaries of the BV Visual Corridor.

- The proposed new building can not be seen from public roadways or neighboring properties. As stated above, it is screened by existing trees and vegetation as well as existing structures (see photo simulation and rendering)
- Cluster development is being accomplished with the building siting (Goals & Policies I.F.)
- Winery building includes two new workforce housing units satisfying both the Work Force Housing policy and the need for low cost housing (Goals & Policies II.A. & II.B.)
- The winery and farmstead supports the agriculture production on site and supports the "vital rural character" (Goals & Policies III.A.)
- The area of the property outside of the BV Visual Corridor is within an open vista. The proposed location of the winery building supports the Open Space and protects the open vista (Goals & Policies IV.A.)
- Views for public roads and the community are protected with the proposed new location since it can not be seen from any public view shed (Goals & Policies IV.C.)

Mitigation Measures within the BV Area Plan include "Maintain Visual Amenity". The proposed location complies as follows:

- Avoids skyline Development
- Is in harmony with the existing structures, area and natural surroundings
- Does not impact visual/scenic corridors
- Will adhere to the BV Design Guidelines (with exception of being within the corridor)
- Does comply with the General Plan and Zoning Ordinance.

Summary

The proposed Belden Barns Winery & Farmstead is responsibly designed to minimize visual impacts to the public and neighboring properties by utilizing existing farm structures and siting the Phase II building within the cluster of farm buildings. The Phase II building architecture is in concert with the existing buildings on site and the agrarian setting. As stated above the public view shed is not affected by the proposed project structures; the new building cannot be seen outside of the property and the existing structures are part of the natural surroundings. Public safety is protected by not attempting to build in the geologically unstable area that falls outside of the BV Visual Corridor.

I trust the above adequately addresses your request for a narrative summary supporting the building location within the BV Visual Corridor. I look forward to discussing the above and additional supporting photos, renderings, photo-simulations and related information with the DR committee.

Please call if you have any questions or comments.

Regards,



Steve Martin, P.E

cc: Nate Belden

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

September 19, 2012

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Melinda Grosch

Re: Belden Barns Winery &
Farmstead
PLP12-0016
APN 049-030-010
Project No. 2011014

Dear Melinda

The purpose of this letter is to review items discussed during our project meeting on June 19, 2012 in response to your letter dated June 12, 2012 regarding application incompleteness. In addition, we'll provide written response to items No. 1 through No. 7 per your email of today, 9-19-12, though some of these items were addressed at our meeting referenced above as well as in our preliminary Design Review submittal on August 23, 2012 and our Memorandum dated 9-7-12 regarding the requested narrative for the siting of the winery building within the Bennett Valley Visual Corridor.

1. A revised Site Plan showing all new construction outside the Bennett Valley Visual Corridor is not being provided. We had addressed this with you in our meeting on June 19, 2012, the subsequent design review application and further memorandum dated September 7, 2012, which provided the requested written narrative justifying the siting of the building within the BV Visual Corridor. Please set this project for preliminary Design Review as you recommended and have indicated is a first priority in the processing due to being in the visual corridor.
2. Design Review submittal package with the required items (photo simulations, site plans, building plans & elevations, etc.) and multiple copies was provided to you on 8-23-12.
3. Up to 10 special events per year with attendance levels of 60 to 200 people are requested with the UP application. No outdoor amplified music is planned for the events. The event breakdown is projected as follows:
 - 5 events at 60 people maximum
 - 3 events at 100 people maximum
 - 2 events at 200 people maximum

Anticipated event information is as follows:

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time</u> <u>Period</u>	<u>Attendees</u> <u>(maximum)</u>
Wine Club Member's Event	2	January - December	60
Distributors Tasting & Dinner	2	January - December	60

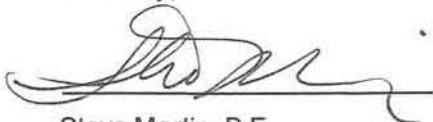
Chef Tastings & Dinner	1	January - December	60
Wine Club Member's Pick-up Event	1	March - October	100
Harvest Party	1	March - October	100
Wine & Farm Product Marketing Event (TBD)	1	March - October	100
Wedding	1	March - October	200
Wine & Farm Product Marketing Event (TBD)	1	March - October	200
TOTAL	10		

Belden Barns plans to participate in selective County-wide industry events.

4. Winery Hospitality Functions: the number of events, description and maximum number of people are as described in the table above. Normal tasting room hours and related visitation will be from 11:00 AM to 6:00 PM. Events described above will be during the time between 11:00 AM to 10:00 PM. Generally, the Wine Club Member events and Harvest Party will be during the day and the Tasting & Dinner functions will be from 5:00 PM to 10:00 PM.
5. Williamson Act Compliance Statement is attached.
6. The winery structure has two attached agricultural employees units. The 2-bedroom unit will be a replacement for the existing Ag Employee dwelling to be removed. The 1-bedroom unit is planned to be a Workforce Housing Unit in order to satisfy the pending Condition of Approval related to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
7. Signed At-Cost Agreement is attached.

I trust the above adequately addresses items #1 through #7 of your June 12, 2012 letter. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Nate Belden
attachments

Vicinity Map

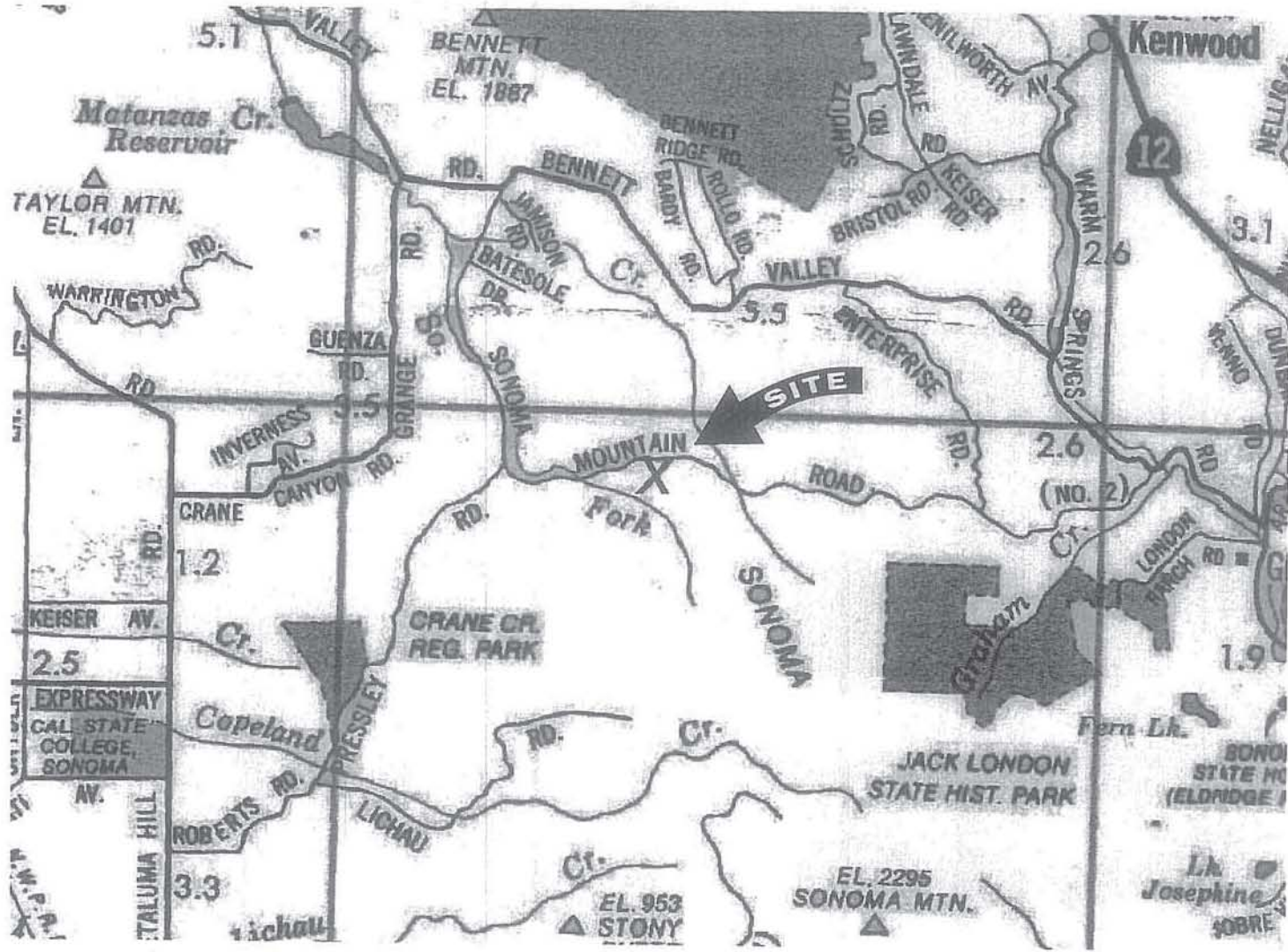


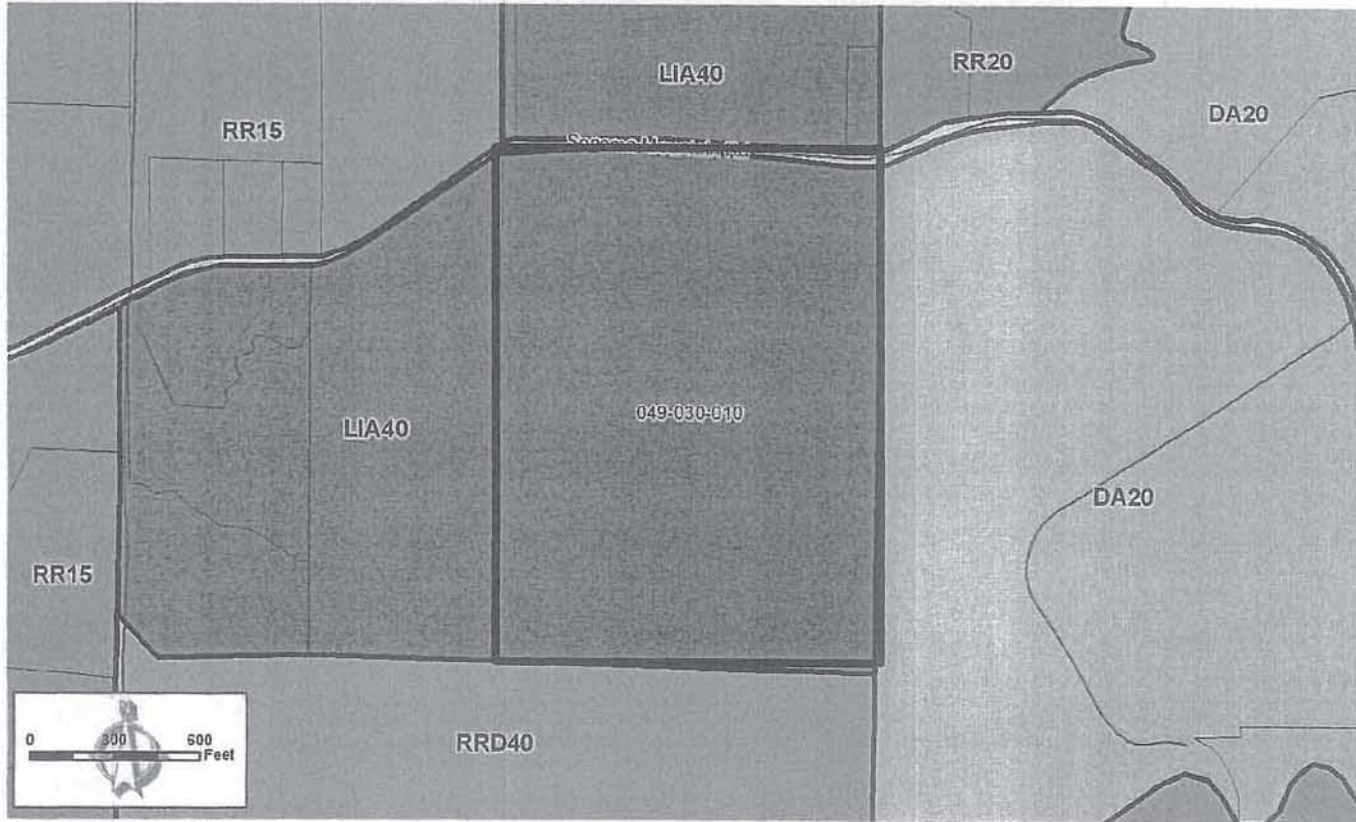
EXHIBIT C



PRMD

Activity #PLP12-0016

General Plan



General Plan Land Use

- | | |
|---|--------------------------------------|
| Diverse Agriculture | General Commercial |
| Land Extensive Agriculture | Limited Commercial |
| Land Intensive Agriculture | Limited Commercial Traffic Sensitive |
| Resources & Rural Development | General Industrial |
| Rural Residential | Limited Industrial |
| Urban Residential | Public / Quasi-Public |
| Recreation / Visitor-Serving Commercial | |

- Planning Area Policy
- Affordable Housing
- City

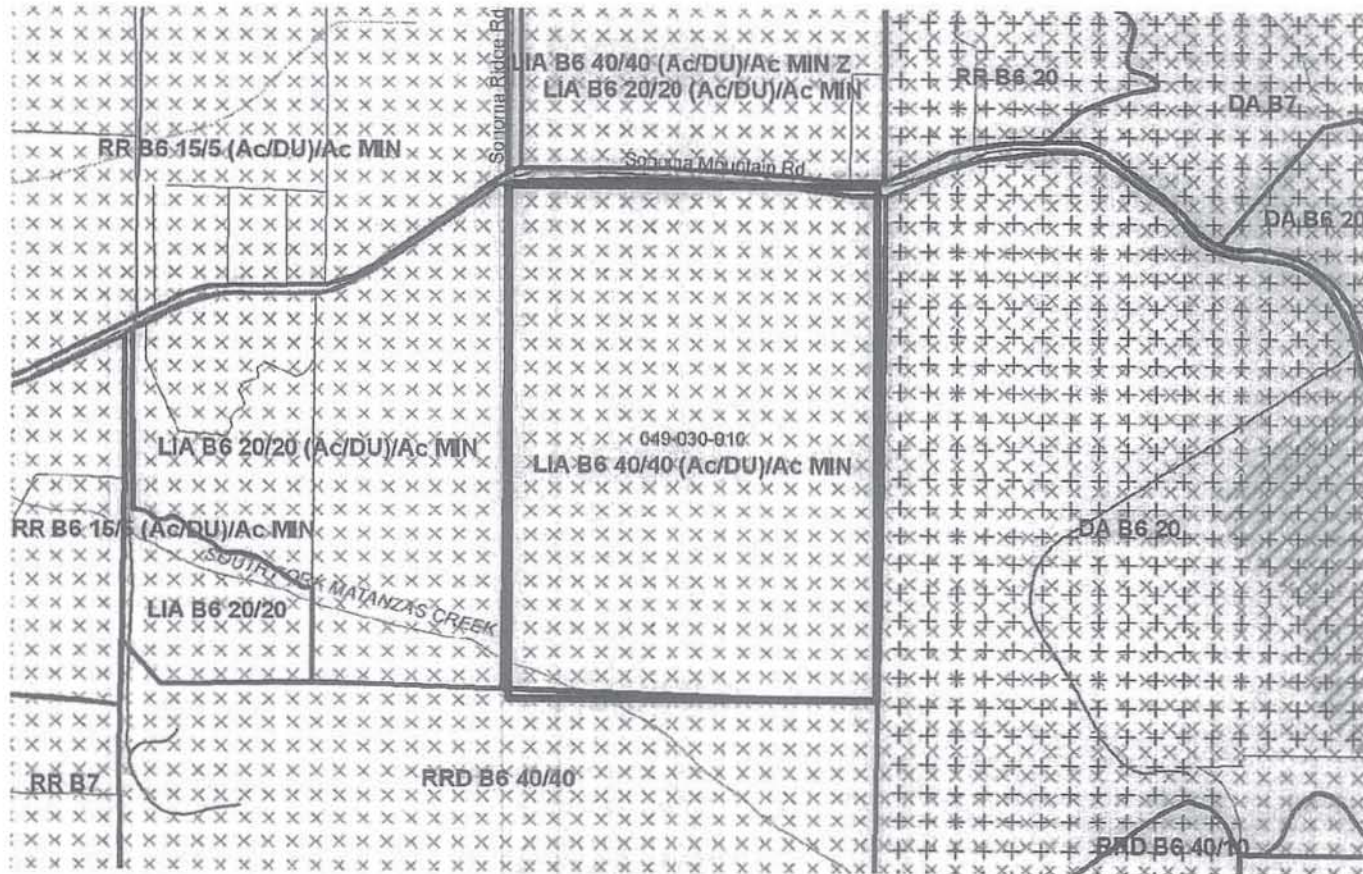
Base Map Data

- Coastal Commission Boundary
- Urban Service Area Boundary
- Highways
- Perennial Streams
- Intermittent Streams

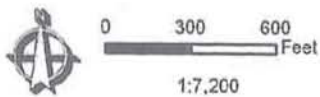
Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acre.



Zoning



Zoning and Combining Districts



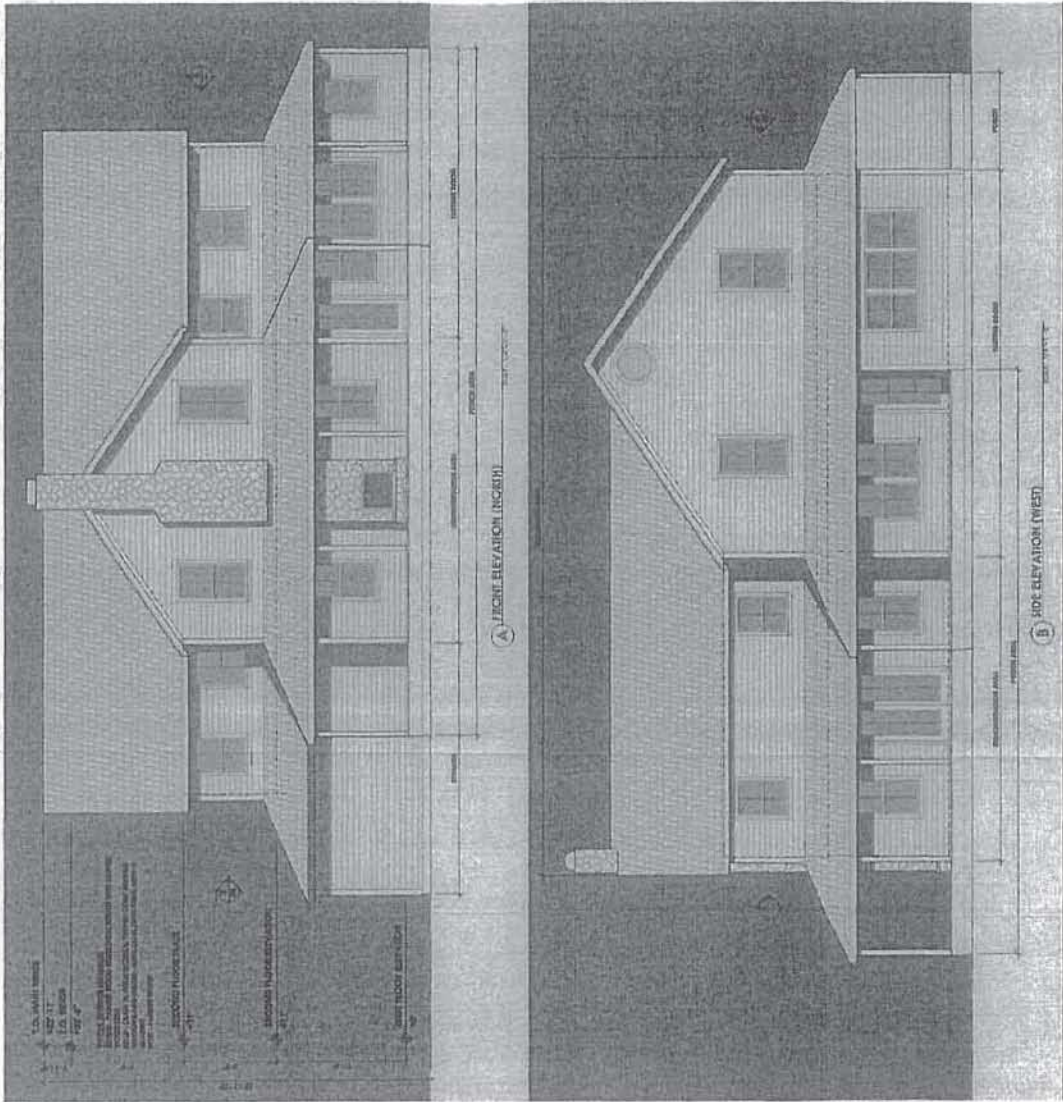
- | | | |
|-----------------------|------------------------|---------------------|
| City Limit | SD Scenic Design | MR Mineral Resource |
| AH Affordable Housing | SR Scenic Resource | G Geologic Hazard |
| LU Policy | VOH Valley Oak Habitat | F1 Floodway |
| HD Historic District | BR Biotic Resource | F2 Floodplain |



PRMD

Activity #PLP12-0016

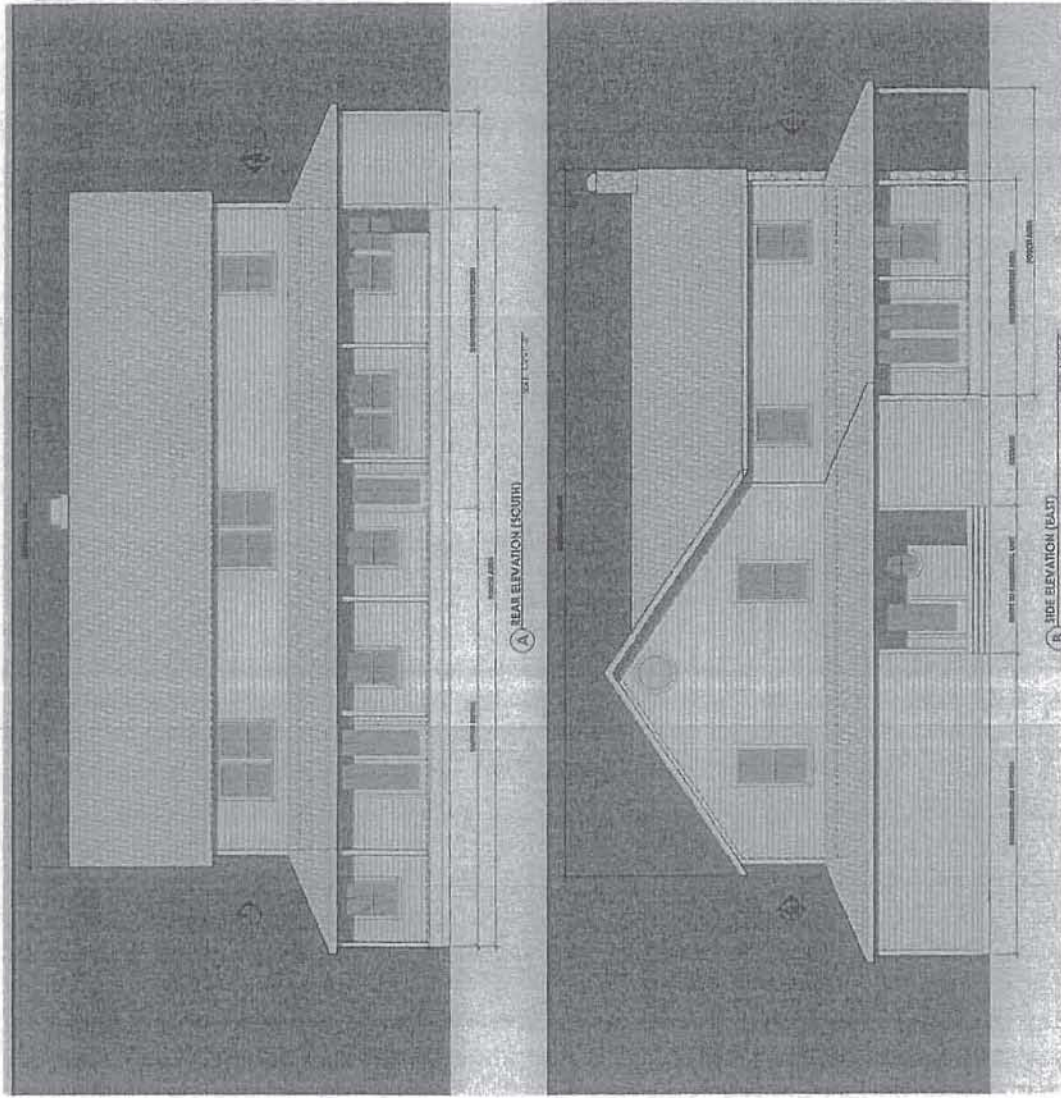
Replacement Dwelling and Tasting Room



Activity #PLP12-0016



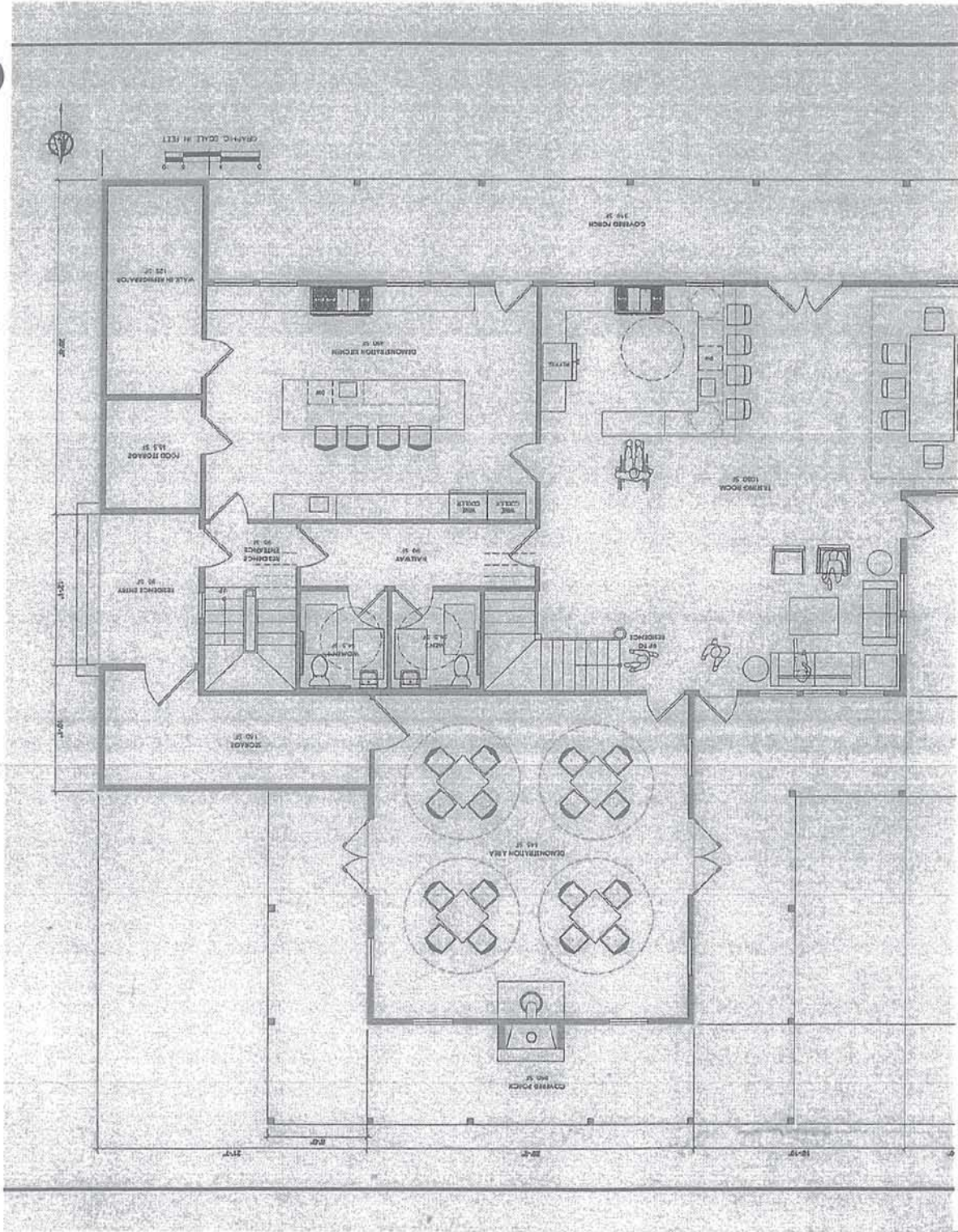
Replacement Dwelling and Tasting Room



PRMD

Activity #PLP12-0016

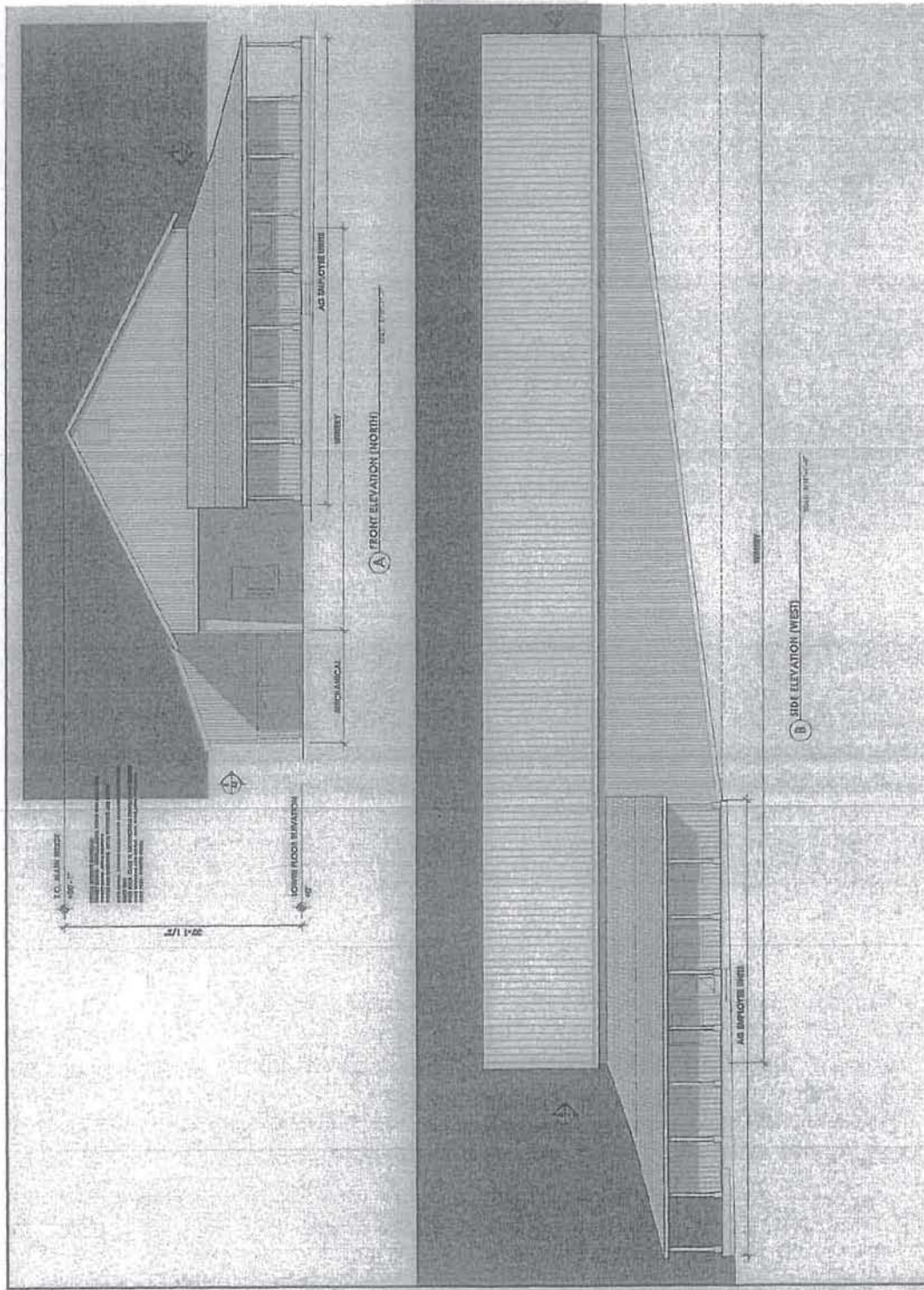
Hospitality Residence Building



Activity #PLP12-0016



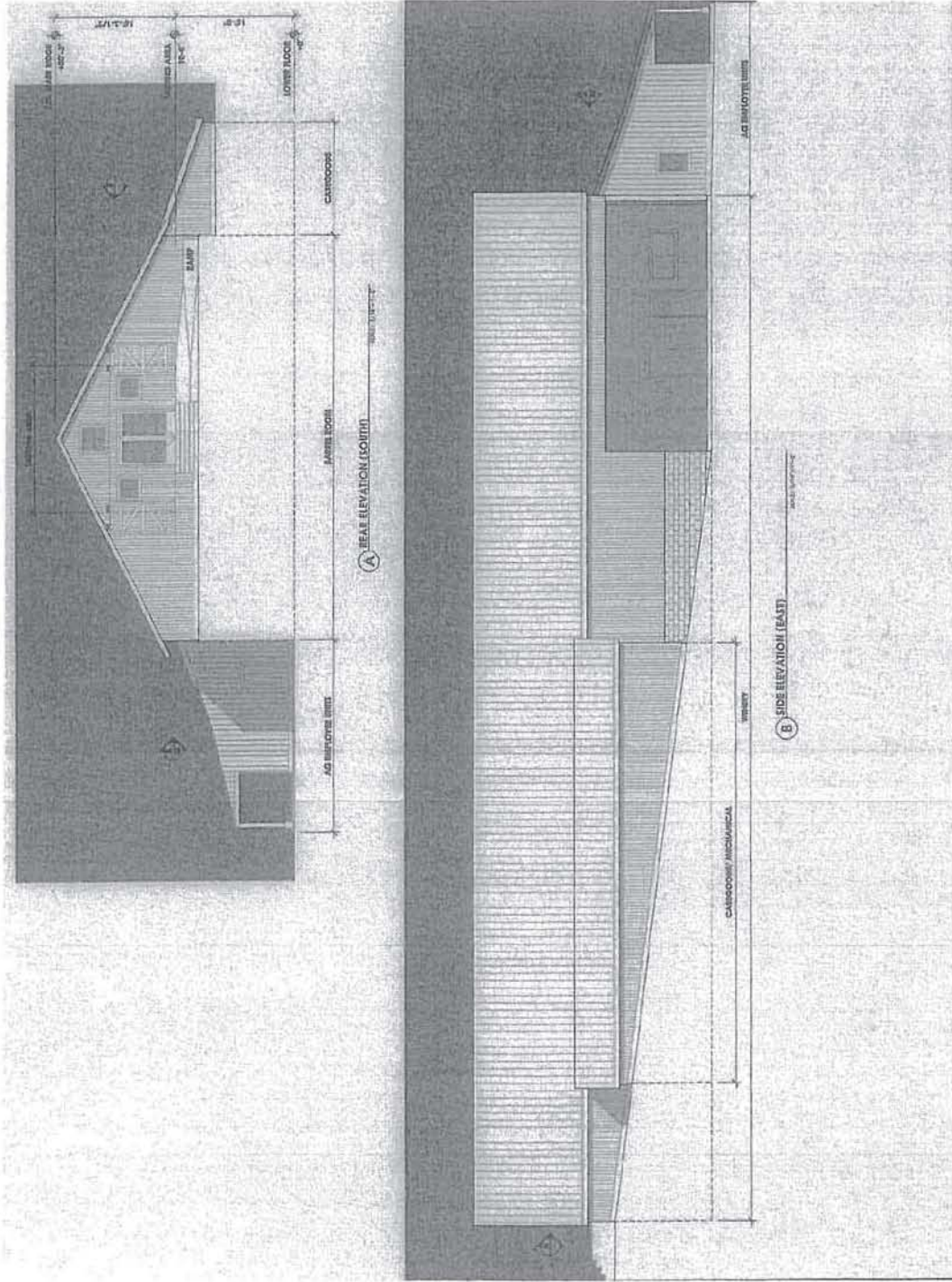
New Winery Building Elevations



PRMD

Activity #PLP12-0016

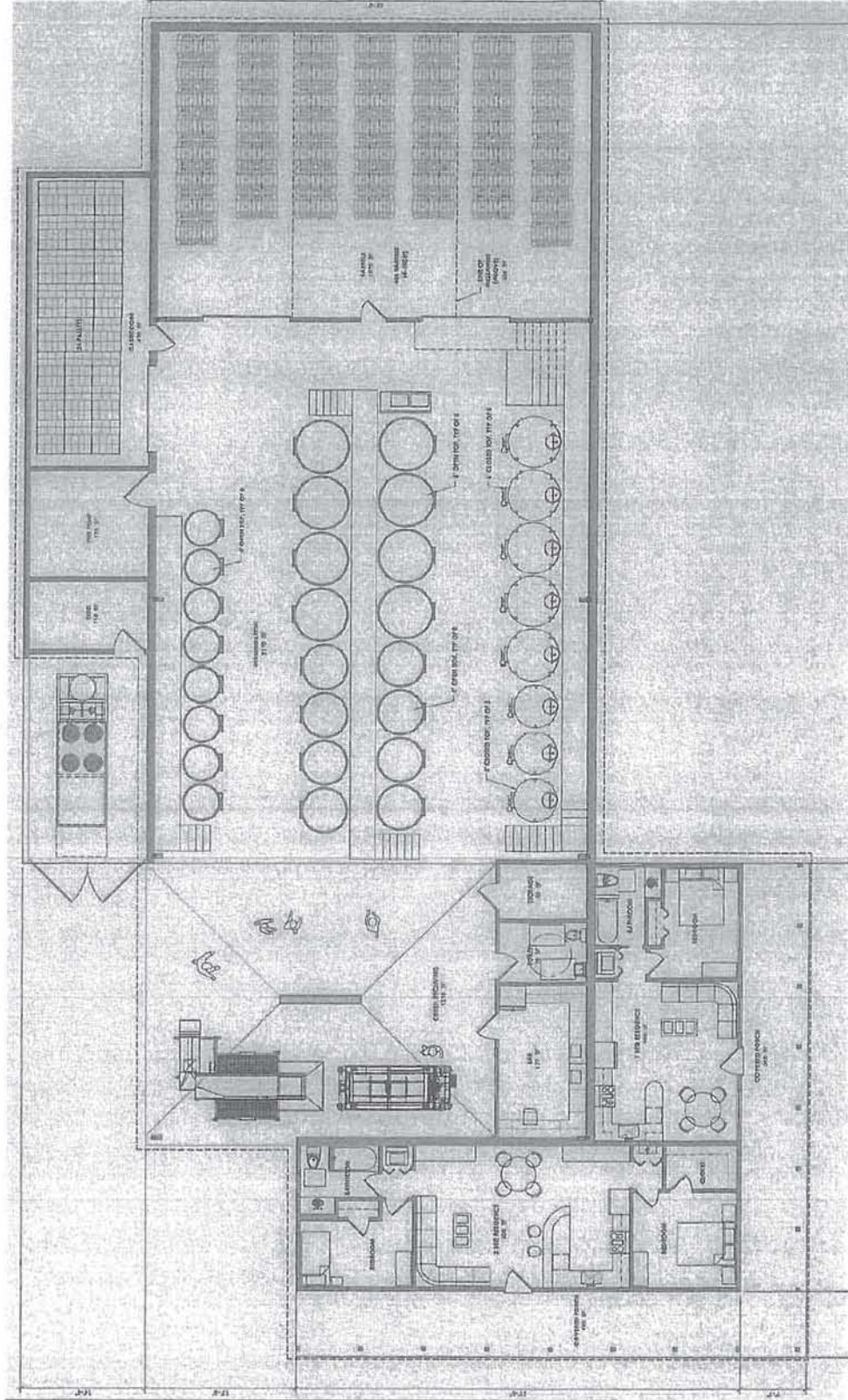
New Winery Building Elevations



PRMD

Activity #PLP12-0016

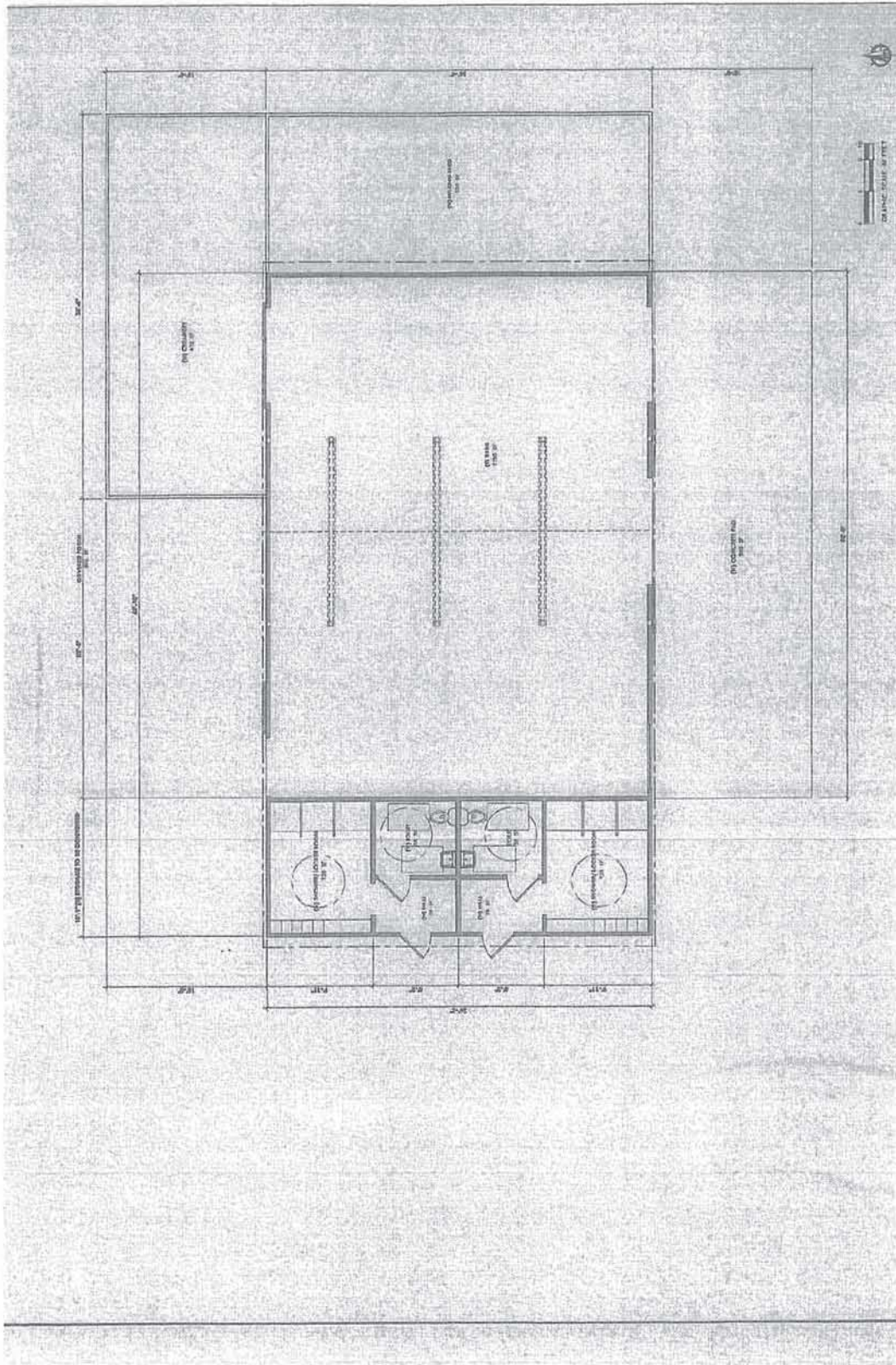
Winery Floor Plan



Activity #PLP12-0016



Barn Floor Plan



Activity #PLP12-0016



DESIGN REVIEW COMMITTEE RECORD OF ACTION
November 7, 2012

Item No.1 Time: 1:30 p.m. File: PLP12-0016
 Applicant: Nathan Beden Staff: Melinda Grosch
 Env. Doc.: N/A
 Proposal: Request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and production of 10,000 pounds of cheese annually and include retail sales and tasting by appointment only and including special events on a 55 acre parcel.
 Location: 5561 Sonoma Mountain Road, Bennett Valley
 APN: 049-030-010 Supervisorial District: 1
 Zoning: LIA (Land Intensive Agriculture), B6-40 acre/40 minimum, SR (Scenic Resource)
 DR Level: Preliminary
 Public Hearing: No

PEOPLE PRESENT

Design Review Committee: Staff: Melinda Grosch
 Don MacNair, Jim Henderson, Karin Theriault Applicant: Nathan & Lauren Belden
 Others: Steve Martin- Project Engineer

ENVIRONMENTAL DOCUMENT

- Negative Declaration
- Environmental Impact Report
- Not Applicable
- Categorically Exempt from CEQA

FINDINGS: N/A

PROJECT DESIGN:

- Final Review
- Advisory Comments
- Referral
- Preliminary Review

ACTION: PROJECT DESIGN NEEDS REVISION (AS INDICATED ON ATTACHED COMMENTS)

Details of Action

	Approved as Submitted	Approved as Conditioned	Bring Back on Regular Calendar	Bring Bank on Consent Prior to Issuance of Building Permit
Site Plan			X	
Building Design			X	
Elevation Drawings			X	
Bldg. Color Material		X		
Lndscp Design Draw			X	
Lndscp Const Doc			X	
Signs			X	
Grading	X			
Exterior Lighting			X	
Fence Design			X	
Signs			X	

Don MacNair: Jim Henderson: Karin Theriault
VOTE: 3 Ayes: 0 Noes: 0 Absent: 0 Abstain:

**DESIGN REVIEW RECORD OF ACTION SHEET
(COMMENTS)**

Applicant: Nathan Belden File: PLP12-0016
Address: 5561 Sonoma Mountain Rd., Bennett Valley Date: November 7, 2012

NOTE: THE APPLICANT IS URGED TO RESPOND UNDER EACH COMMENT AS TO HOW PLANS HAVE BEEN REVISED. IF A RECOMMENDED CHANGE IS NOT MADE, PLEASE INDICATE WHY. PLEASE SUBMIT YOUR RESPONSES WITH PLANS FOR FINAL DESIGN REVIEW.

SITE PLAN:

1. Modify proposed internal driveways so they are curved and look more natural on the site versus straight lines.

Response:

2. Revise the site plan to include distances to the nearest neighboring dwellings.

Response:

3. Revise the site plan to show where all outdoor activities, including special events, will take place. The outdoor locations shall also differentiate where amplified music/sound will occur.

Response:

4. Show the required bicycle parking area(s) on the site plan. Please note that the following is required for bicycle racks:

One bicycle rack space is required for every 15 employees with a minimum of eight bicycle rack spaces per location. Bicycle lockers may be substituted for the bicycle rack spaces. The bike rack(s)/locker(s) shall be installed prior to issuance of the Use Permit Operational Certificate. A "bicycle locker" is an individually locked weatherproof enclosure or supervised area within the occupied portion of a building providing protection from theft, vandalism and weather. A bike rack is defined as a securely mounted stand or other device constructed so as to enable the user to secure the bicycle by locking the frame and at least one wheel. Racks must be easily usable with both U-locks and cable locks. Racks must hold bicycles in a stable upright position and support bicycles so they resist falling over when bumped. Racks

supporting a bike by wheel only, such as standard 'wire racks', are not acceptable. Racks must hold bikes with at least two points of contact.

Response:

5. Revise the site plan to show the replacement gate location. Please note that Fire typically requires gates to be located 30 feet in from the front property line to ensure that emergency vehicles can pull safely off of the main road, stop, open the gate and proceed onto the property.

Response:

6. Revise the site plan to accurately show the location of the Bennett Valley Visual Corridor.

Response:

7. Revise the site plan to indicate how many acres of land are planted in vineyard, other crops and how much land area will be utilized for grazing.

Response:

8. Revise the site plan to show the Accessible parking area(s) and paths of travel.

Response:

ARCHITECTURE

1. Consider putting barn doors at the second story/northern portion of the new Phase II winery.

Response:

2. Put a scale and show height of winery on cross-section drawing.

Response:

3. Ensure that all proposed colors and materials are consistent with and complimentary to the existing buildings on the site.

Response:

4. Revise the floor plan of the tasting room to specifically identify all of the uses that will occur in the demonstration/prep kitchen.

Response:

5. If the existing gate at the entrance is to be replaced, provide a final gate design to include colors, materials and lighting information.

Response:

6. Consider applying a treatment to the exteriors of the new structures to achieve a weathered look.

Response:

LIGHTING

1. Provide an exterior lighting plan and cut sheets. Please note the following is required:

All exterior lighting shall be "Dark Sky Compliant" and fully shielded in order to avoid nighttime light pollution. Reference can be made to the International Dark Sky Association website for guidance on exterior lighting: www.darksky.org. All exterior lighting shall be downward facing, and located at the lowest possible point to the ground to prevent spill over onto adjacent properties, glare, nighttime light pollution and unnecessary glow in the rural night sky. Light fixtures shall not be located at the periphery of the property and shall not wash out structures or any portions of the project site. Security lighting shall be put on motion sensors. Flood lights and uplights are not permitted. Luminaires shall have a maximum output of 1000 lumens per fixture. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

Response:

LANDSCAPING:

1. Consider adding landscaping to site to ensure vehicles parked on site during special events are substantially screened to both public and private views.

Response:

2. Consider relocating the live oaks that will be removed for site development, to the northern portion of the site- at the gate entrance in order to help screen the Phase II winery and other new site development to Sonoma Mountain Road.

Response:

3. All landscaping is subject to compliance with the Sonoma County Water Efficiency Landscape Ordinance (WELO):

- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>
- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-092.pdf>
- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-001.pdf>
- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-011.pdf>

Response:

FENCING:

1. All permanent fencing shall be wildlife friendly, used sparingly and applied in a manner that is absolutely necessary for the protection of vegetation, Livestock, and property. Fencing will be installed so that wildlife linkages in the area are maintained.

Response:

SIGNS:

1. Please provide information about all proposed exterior on-site signs that includes the following details:
 - example drawings of each proposed sign.
 - dimensions of each sign shown on the drawings.
 - color samples of the signs.
 - letter sizes.
 - if the sign(s) are intended to be lit, provide information about where the lighting will be located and what type of lighting is intended to be used.

Response:

BENNETT VALLEY AREA PLAN:

1. The parcel is located in Bennett Valley and is therefore subject to the development criteria of the Bennett Valley Area Plan which includes the following:
 - Structures shall blend with existing landscape and vegetation to the maximum feasible extent.
 - Structures shall be sited so that they harmonize with the natural surroundings, including but limited to topography and vegetation, specifically:
 - (a) Roof lines shall follow established lines of land and/ or tree forms;
 - (b) Existing vegetation and landforms shall be utilized to screen structures from public view.
 - Structures shall utilize color, texture and materials that blend harmoniously with surrounding landscape. The following are recommended for harmonious development:
 - (a) Materials: natural wood siding or shingles and natural stone for exteriors;
 - (b) Colors: earth tone;
 - (c) Roofing: fire resistant but dark toned if visible
 - (d) Roofline: considered in relationship to the total composition of the structure with the landscape.

- Utilities shall be placed underground from source point, unless masked by existing vegetation.
- No new structure shall be sited within visual/ scenic corridors, riparian corridors or unique biotic resource areas as designated on the Critical Open Space Map of the Bennett Valley Area Plan except where the entire parcel is included in a visual/ scenic corridor, staff shall condition the approval of such structure(s) to mitigate adverse effects to the open space resource.
- The approval of a proposed use at a proposed site will have no significant adverse effect on adjacent property.

Response:

Landowners Statement of Compliance with the Williamson Act

PJR-049

Sonoma County Permit and Resource Management Department (PRMD) cannot take action on any application for a new structure or use on a parcel restricted by a Williamson Act Contract until sufficient evidence is presented to the County that the proposed new use or structure is consistent with the Williamson Act Contract. This questionnaire provides information that enables the County to make findings of compliance with the Contract.

Nathan L. Belden Trust
Property Owner's Name
527 Alvarado Street
Mailing Address
San Francisco CA 94114
City/Town State/Zip
415-577-8552
Phone Fax
nate@airpartners.com
E-mail address (optional)

5561 Sonoma Mountain Road
Site Address(es)
Santa Rosa, CA 95405
City/Town Zip
049-030-010
Assessor's Parcel Number(s)
PLP12-0016
File Number
Williamson Act Contract Number

1. Description of proposed project:

Phased winery and farmstead with ultimate
10,000 case wine production and 10,000 lbs cheese
production and public tasting, tours & retail sales.

2. Describe the size of each parcel under the contract and explain how the property is currently being used:

1 parcel of 55 acres in size

3. Describe all existing buildings on the property, including their size, location and use. Please show them on a site plan:

See attached Site Plan with table of
existing and proposed building area summary

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue ❖ Santa Rosa, CA ❖ 95403-2829 ❖ (707) 565-1900 ❖ Fax (707) 565-1103

cmuller

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08/29/07

Page 1 of 3

4. Will the proposed structure or use remove any land area from agricultural production: Yes No

5. Describe the agricultural operation; acres devoted to crop or livestock and annual income from the agricultural operation. What is your long-term intent for the property?

2.0 acres of vineyard
8.0 acres for livestock grazing
2.33 acres fruit & vegetable gardens

6. Explain how any new structures or operations on the parcel will affect the existing agricultural operations on the existing parcel or on adjoining or nearby lands. Does the use/structure displace any agricultural area or impair agricultural operations?

The new structures do not remove land from agricultural production. The new buildings allow for processing of the agricultural products grown on site.

7. Explain how your agricultural operations will not result in any lands being proposed for withdrawal from the Williamson Act:

Described above

8. The Landowner hereby makes the following representations:

- a. I acknowledge that the activity, use, or construction as proposed will be conducted in such a way as to maintain the agricultural viability of the parcel.
- b. I am aware of the provisions of the Williamson Act (Section 51250 of the California Government Code) and of the allowable uses on Williamson Act properties as defined by Sonoma County Code and the Sonoma County Rules and Regulations for Administration of Agricultural Preserves.
- c. I understand that AB1492 (Government Code Section 51250) defines specific and substantial penalties if construction on the parcel is found by the County of Sonoma or State of California to result in a material breach of the contract provisions.
- d. I acknowledge that the contract restricts residential use and that the Department of Conservation has indicated that: "Residences not incidental to an agricultural use are prohibited, and may trigger AB1492 penalties. These may include residences for persons or family members not involved with the agricultural use, or residence constructed on contracted parcels with no commercial-agricultural use."

Melinda Grosch

From: Byron LaGoy [blagoy@sonic.net]
Sent: November 20, 2013 8:39 AM
To: Melinda Grosch; Susan Gorin
Subject: December 5th Use Permit Hearing

11/20/2013

Re: PLP12-0016 application from Nathan Belden, 5561 Sonoma Mtn. Rd., requesting a Use Permit

Dear Ms. Grosch and Ms. Gorin,

My wife and I live less than a quarter mile from the Belden property. We attended a meeting at the Beldens' home on November 14th to hear about their plans for creating a farmstead on their property that would include a winery, public tasting room, cheese making business, and special events center. Though immediately impacted by their plans, we were not invited to the November 14th meeting. We knew nothing about the Beldens' plans until our next door neighbors, who received an invitation, told us about what seemed to be all but an accomplished fact. Our neighbors knew nothing about the Beldens' plans until shortly before they received the November 14th invitation. Though we have now heard that the county sent out an announcement concerning the prospective farmstead a year ago, neither our next door neighbors nor ourselves received such a notice.

We have lived on Sonoma Mountain Rd. for 30 years. While we can appreciate the Beldens' farmstead dream, we strongly feel, as part of the Sonoma Mountain Road community, the additional amount and kind of traffic it will create represents a danger to all of us on our road.

An article in the Press Democrat in 2012 identified Sonoma Mountain Rd. as one of the two worst roads in Sonoma County. On that part of the road between Pressley and Glen Ellen, there are places in which the road is both winding and a single lane. According to figures in the article, and the Beldens' projected increase in traffic if their farmstead, as presently proposed, is allowed, traffic use would increase by about 15%. We think that is a significant increase in use on a road of insufficient quality to adequately support present use. The coming and going of construction trucks, bottling and delivery trucks means additional use above the 15% figure. The existence of a public tasting room and special events guarantees, in our opinion, the presence of many inebriated drivers on Sonoma Mountain Rd. in the daylight and after dark. We think people will quickly decide that wine tasting jaunts between the Matanzas winery in Bennett Valley and the wineries in Glen Ellen, with a stop at the Beldens' for wine and cheese, are a good idea. We do not think that is a good idea, and a Use Permit that allows the creation of such a farmstead as the Beldens propose promises both excessive wear and tear to an already damaged road, danger to those already using that road, and sets an undesirable precedent for others who decide they want similar facilities on their property.

The same article in the Press Democrat referred to above said there are 200 cyclists a day on Sonoma Mountain Rd. A smaller number of us walk and jog on the road several days a week. An open space hiking trailhead near our home that goes all the way to Jack London State Park will be opening in the near future. The combination of wine tasting traffic and so many fragile bodies regularly encountering one another on our poorly maintained road seems like a dangerous combination to us. No one wants to be an inadvertent victim of the Belden's farmstead dream.

We are opposed to the granting of a Use Permit for the project as currently proposed by the Beldens. We understand that a decision on that Use Permit is scheduled for December 5th.

We request that date be re-set for late February/early March at the soonest in order for the Sonoma Mountain Rd. community to be adequately notified about what might be taking place, and to have a chance to review and discuss the ramifications. At present, and for whatever reasons, almost no one seems to be aware of the proposed Belden development; and those of us who do know have only just learned about it.

Thank you for your time.

Amy Rodney and Byron LaGoy

Melinda Grosch

From: Donna Parker [Donna@winepro.com]
Sent: November 21, 2013 3:13 PM
To: Susan Gorin; Melinda Grosch
Subject: Proposed Commercial Winery and Tasting Room - Sonoma Mountain Road

Dear Susan and Melinda:

November 20, 2013

Re: Proposed Commercial Winery and Tasting Room

5561 Sonoma Mountain Road

We live at 5412 Sonoma Mountain Road and have for the past 26 years. We just heard about a planned 10,000 case winery, with a Public Tasting Room, 10 annual events, and 10,000 lbs. of cheese production to be located at 5561 Sonoma Mountain Road. As applied for, this would not be an appointment only Tasting Room, but rather open to the public without appointment.

We just learned there is a public hearing scheduled for December 5th by the Sonoma County Board of Zoning Adjustments at which permission for this project could be given. None of the neighbors we have contacted know about this project, nor about the hearing on December 5th.

Sonoma Mountain Road has been identified as one of the worst roads in Sonoma County. A decision to allow the first open Commercial Winery and Public Tasting Room on this road is a very important decision. It affects everyone in Bennett Valley and on Sonoma Mountain Road, not just close neighbors. The winery/tasting room proposal does not address the further deterioration of Sonoma

Mountain Road that might be a consequence of constructing an 8,000 sf. winery and employee residences.

The County notification about this project in September of last year said the petitioner's intent was to have a tasting room by appointment only and no special events. That intention has changed significantly since notification was sent out, which is why we are asking for a postponement of the December 5th hearing. We are also asking for your support in our request for a continuation, which would give us time for the creation of a forum in which residents would have a fair opportunity to understand and participate in this important decision. A continuation would also allow the County time to properly notify residents of the proposed project.

Thank you for your time.

Don and Donna Parker

Melinda Grosch

From: Scott McIntosh [ivyglen@msn.com]
Sent: November 26, 2013 6:16 PM
To: Melinda Grosch
Subject: Request re-schedule hearing for PLP12-0016 application from Nathan Belden
Attachments: Photos for 5561-SMR-WINERY-CHEESE-PLP12-0016.pdf

Dear Melinda Grosch,

I am Scott McIntosh, living at 6607 Sonoma Mountain Road, Santa Rosa.

Today finding one Notice Of Public Hearing some distance from 5561 Sonoma Mountain Road I request the hearing scheduled for December 5, 2013 be re-scheduled after the new year perhaps in February 2014.

The Notice dated November 15, 2013 was just found with scant time during the Thanksgiving holiday week to research available information regarding the PLP12-0016 application from Nathan Belden.

As presented I am opposed to the application due to several issues including the impact on the second worse road in Sonoma County.

Thank You.

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The Sonoma County Permit and Resource Management Department has received application PLP12-0016 from Nathan Belden requesting a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese annually and including retail sales and tasting and limited special events on a 55 acre parcel located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoning LIA (Land Intensive Agriculture), 88-40 acre density/40 acre minimum, SR (Scenic Resources); Supervisorial District No. 1.

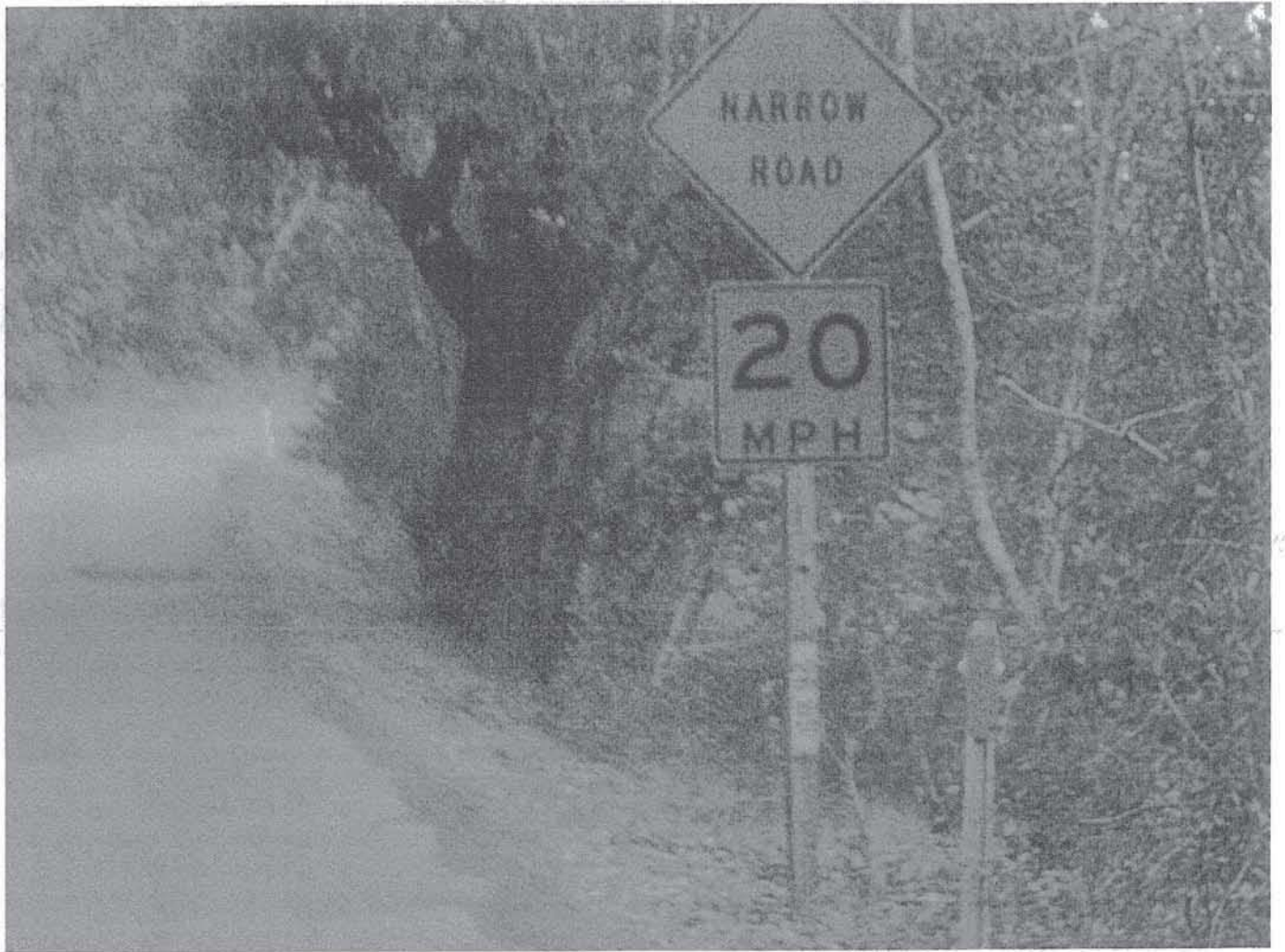
A Mitigated Negative Declaration, including mitigation measures agreed to by the applicant, has been prepared for the project to avoid or reduce to a less-than-significant level potentially significant adverse impacts on the environment. Potential environmental impacts have been identified in the following topic areas: Aesthetics, Agricultural & Forest Resources, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emission, Noise, and Transportation/Traffic.

The Sonoma County Board of Zoning Adjustments will conduct a public hearing to consider adoption of a Mitigated Negative Declaration and an action on the project and Conditions of Approval at 1:10 p.m. on December 5, 2013 in the hearing room at the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa.

If you challenge the decisions on the project in court, you may be limited to raising only those issues previously raised before the Board of Zoning Adjustments at the hearing or in written form delivered to the Board of Zoning Adjustments prior to or at the hearing.

Prior to the hearing, the project details and environmental documents may be reviewed at, or written comments submitted to the Permit and Resource Management Department, at 2550 Ventura Avenue, Santa Rosa, CA 95403. Contact Melinda Grosch via email at Melinda.Grosch@sonoma-county.org or at (707) 565-2397. In addition, you may contact the project applicant directly Nathan Belden at 415-577-8552.

Date: November 15, 2013







The photos above of Sonoma Mountain Road show a substandard road as of 11.26.2013.

The request to establish both a retail winery and major cheese production at the same location on Sonoma Mountain Road would degrade the road further.

A dramatic change in lifestyle for us would occur if a retail winery and cheese factory is granted a permit along our road. Most of us bought property on the road to enjoy the rural and farming area.

Scott McIntosh
6607 Sonoma Mountain Road
Santa Rosa

Melinda Grosch

From: Cathy Sowell [catsowell@vom.com]
Sent: November 26, 2013 3:11 PM
To: Melinda Grosch
Subject: December 5th hearing on Nathan Belden request for use permit

I have just received notice of the proposed meeting and wonder why this notice didn't go out sooner. There is very little time to research or investigate the impact of this project which is less than 2 mills from my home or to schedule to attend the meeting. Please advise when this notice was originally given and where it was published.

Melinda Grosch

From: Mary Neuer Lee [maryneuerlee@gmail.com]
Sent: November 26, 2013 6:44 PM
To: Melinda Grosch
Subject: 5561 Sonoma Mountain Road

Melinda,

We have lived at 6815 Enterprise Rd in Glen Ellen for 42 years. I agree with Scott McIntosh that this hearing (that I have only just now found out about) should be postponed until after the holidays. This is very short notice for a project that can significantly impact our road as well as Sonoma Mountain Road. We cannot afford the increase in traffic.

Traditionally, most vehicles will use Enterprise Rd from Santa Rosa as it is slightly wider than the Sonoma Mountain Rd access. Traffic here has increased significantly in the last 10 years with all the support vehicles for the huge homes being built on the mountain.

Please give us a chance to review this case before it is presented to the board.

Thank you,
Mary Neuer Lee
707-696-7471



Bennett Valley
Community Association

P.O. Box 2666, Santa Rosa, CA 95404
<http://bennettvalley.org>

November 27, 2013

Re: PLP12-0016, December 5, 2013 (Continued to December 19, 2013)

Sonoma County Board of Zoning Adjustments
c/o Melinda Grosch
2550 Ventura Avenue
Santa Rosa, CA 95403

Dear Board Members:

The Bennett Valley Community Association (BVCA) was established in 1970 (originally Bennett Valley Homeowners Association) and is dedicated to promoting and preserving the rural, residential character and natural environment of Bennett Valley. The BVCA serves as a local forum to discuss issues that affect our community. Many of our residents expressed concern that the proposal for a new phased agricultural processing facility for wine and cheese at 5561 Sonoma Mountain Road included a tasting room (7 days a week; 11- 5). See attached Notice of Public Hearing and Intent to Adopt a Mitigated Negative Declaration for PLP12-0016. The BVCA typically does not object to use permits for proposed wineries that allow tasting by appointment only. Matanzas Creek Winery, Bennett Valley Road, has the only open public tasting room in Bennett Valley.

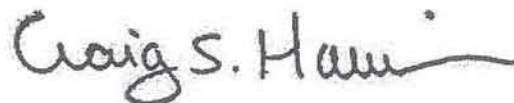
Nathan and Lauren Belden, project proponents, kindly accepted our invitation to explain their project and to respond to questions at our meeting on the evening of November 21. Subsequently by letter dated November 24 the Beldens informed the BVCA that they are revising their proposal to allow tasting by appointment only (attached). This revision resolves any issues that the BVCA might have raised, and we commend the Beldens for meeting with our community and being responsive to issues that concern our residents.

We recognize that the Board of Zoning Adjustments does not establish the policies for road maintenance in Sonoma County. However, we would be remiss not to take this opportunity to note that the horrid road conditions of Sonoma Mountain Road contributed greatly to the concerns about this project. The Department of Transportation and Public Works classifies

most of the 7.9 miles of this road to be in failed or failing condition. Similar issues have recently been raised with respect to a use permit at the Sonoma Mountain Zen Center (Santa Rosa Press Democrat, "Sonoma Mountain Road conditions at heart of controversy over Buddhist retreat's expansion," July 12, 2013). In addition, the Jacob's Ranch entry to the Sonoma Mountain North Slope Ridge Trail will soon be open to the public and allow access to this regional park. Earlier this month the "Road Warrior" named Sonoma Mountain Road and Springhill Road to be the worst roads in Sonoma county. We urge the members of this board to bring this chronic problem to the attention of county decision makers. The BVCA has been asking for the roads in our community to be fixed for almost a decade, and we hope that a significant portion of the \$8 million that is available in 2014 to fix local roads allocated to Sonoma Mountain Road.

Please contact me at charrison@hunton.com or (707) 573-9990 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Craig S. Harrison". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Craig S. Harrison
President

Attachments

cc Supervisor Susan Gorin

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The Sonoma County Permit and Resource Management Department has received application **PLP12-0016** from Nathan Belden requesting a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese annually and including retail sales and tasting and limited special events on a 55 acre parcel located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoning LIA (Land Intensive Agriculture), B6-40 acre density/40 acre minimum, SR (Scenic Resources); Supervisorial District No. 1.

A Mitigated Negative Declaration, including mitigation measures agreed to by the applicant, has been prepared for the project to avoid or reduce to a less-than-significant level potentially significant adverse impacts on the environment. Potential environmental impacts have been identified in the following topic areas: Aesthetics, Agricultural & Forest Resources, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emission, Noise, and Transportation/Traffic.

The **Sonoma County Board of Zoning Adjustments** will conduct a public hearing to consider adoption of a Mitigated Negative Declaration and an action on the project and Conditions of Approval at **1:10 p.m. on December 5, 2013** in the hearing room at the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa.

If you challenge the decisions on the project in court, you may be limited to raising only those issues previously raised before the Board of Zoning Adjustments at the hearing or in written form delivered to the Board of Zoning Adjustments prior to or at the hearing.

Prior to the hearing, the project details and environmental documents may be reviewed at, or written comments submitted to the Permit and Resource Management Department, at 2550 Ventura Avenue, Santa Rosa, CA 95403. Contact Melinda Grosch via email at Melinda.Grosch@sonoman-county.org or at (707) 565-2397. In addition, you may contact the project applicant directly Nathan Belden/415-577-8552.

Date: November 15, 2013

Nate and Lauren Belden
5561 Sonoma Mountain Road
Santa Rosa, CA 94114

November 24, 2013

Bennett Valley Community Association
4145 Grange Rd
Santa Rosa, CA 95404

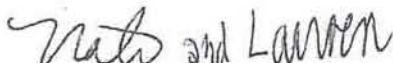
Dear BVCA Board,

Thank you for providing a forum for us to discuss the Belden Barns Winery and Farmstead project with your group and various Bennett Valley neighbors on Thursday, November 21st. It was apparent in the meeting that the permitting process for this particular project has required patience from all of us. As was the case in our home when hosting a handful of neighbors to discuss the project on November 14th, the BVCA Board members and attending neighbors primarily voiced concerns about traffic and road safety related to a new winery in Bennett Valley. Specific to our project, parties were concerned that our permit was submitted on the basis of "tasting open to the public." It was stated in the November 21st meeting that the BVCA Board and neighbors attending the meeting would not oppose our project if the tasting portion of our permit was changed to "tasting by appointment only."

Lauren and I are putting substantial mental and financial resources, not to mention dreams, into this project and want to give it every opportunity to succeed. We are hoping it will support our growing family for years to come and provide legitimate opportunities for farmers and food artisans. In this regard, we have felt that the flexibility and incremental opportunity of visitors to Belden Barns provided by "tasting open to the public" is very meaningful for our business in helping it to get off of the ground. Discussions taking place over the past two weeks have made us rethink our stance. Hosting and attending meetings with neighbors and the BVCA amplified the fact that we respect and share the community's concerns about traffic and road safety. We would be raising similar concerns if we were in our neighbor's shoes. Further, it's of primary importance to us to be good neighbors and we feel our business will not be successful without building a strong sense of community. While we feel changing the tasting portion of our permit to "by appointment only" will add stress to the start of our business, we have decided to make that change and feel it is the right thing to do.

We appreciate the role the BVCA played in this process. We also appreciate the levelheaded tone both the Board and neighbors have displayed. In the midst of a rocky discourse driven by an imperfect process, people spoke their minds in a respectful way and we appreciate that.

Best Regards,


Nate and Lauren Belden

Melinda Grosch

From: Byron LaGoy [blagoy@sonic.net]
Sent: December 02, 2013 9:42 AM
To: Melinda Grosch
Cc: Susan Gorin
Subject: December 5th Use Permit Hearing

12/2/2013

Re: PLP12-0016 application from Nathan Belden, 5561 Sonoma Mtn. Rd., requesting a Use Permit

Dear Ms. Grosch,

We are writing to confirm that the public hearing to consider the Belden's request for a Use Permit application for a winery, cheese manufacturing plant, public tasting room, and special events venue on Sonoma Mountain Road is still scheduled for 1:10 PM on December 5, 2013, at 2550 Ventura Ave., Santa Rosa.

One of our neighbors spoke with you in the last couple weeks regarding the possibility of a continuance for the December 5th hearing, as almost no one on Sonoma Mountain Road has heard about the Belden's plans. In your conversation with our neighbor, you said that the granting of a continuance wasn't possible prior to the December 5th hearing. While it's our understanding that many of our neighbors have now been apprised of the Belden's proposal, and have altered their plans for that day in order to attend the hearing, we are not quite sure the meeting scheduled for the 5th is still taking place.

There was a meeting of the Bennett Valley Community Association on November 21st that we were unable to attend because we were out of town. It's our understanding that the only people present at that meeting were the 6 members of the Association board, 3 residents of the Sonoma Mountain Road community, and the Beldens. And yet, a letter dated 11/27/2013 was sent, care of your attention, to the Sonoma County Board of Zoning Adjustments, in which the subject line said, Re: PLP12-0016, December 5, 2013 (Continued to December 19, 2013). We have no idea what the "Continued to December 19" is about. We have spoken to one of the three neighbors at that meeting, and they have no idea what the December 19th date reflects. As many of us have already altered our plans for December 5th in order to attend the hearing, and few know of any possible continuance to December 19th, we are writing to you to confirm that the December 5th hearing on the Belden's proposal is still scheduled to take place.

Thank you for your time.

Amy Rodney and Byron LaGoy

cc: Susan Gorin

Melinda Grosch

From: Brian Mutert [BMutert@Stratagem.com]
Sent: December 02, 2013 3:06 PM
To: Melinda Grosch
Subject: Objection to fast timing of public hearing on PLP12-0016

Melinda and the staff at the PRMD,

I own a property at 5767 Sonoma Mountain Rd. I just received notice that there is going to be a public hearing on Dec 5th regarding the Intent to Adopt a Mitigated Negative Declaration very close to my home. (application PLP12-0016 regarding a 10K case winery and a 10k lb cheese factory, retail sales and tasting room and special event facility at 5561 Sonoma Mtn Rd.).

I stridently object to this public hearing taking place so soon after getting notice to this large and unprecedented project on Sonoma Mountain Rd. It is clear that I am not the only one objecting to the fast timing of this hearing – especially since the time period between the included the Thanksgiving holiday. There is no way that the owners of the properties on Sonoma Mountain Rd have had sufficient time to review and prepare comments and/or objections to this project. Furthermore, your letter specifically states that our legal rights may be limited after this hearing.

Based on an existing business trip for later this week, I will not be able to attend the public hearing and the notice is too close for me to reschedule this trip.

Given the magnitude of this hearing on my property, I believe a phone call to me is warranted and the timing of the meeting should be postponed until at least after the holidays.

Thank you for your immediate reply.

Brian Mutert
415-637-4617 cell

Melinda Grosch

From: Matt Phillips [matt@ncvsllc.com]
Sent: December 03, 2013 2:19 PM
To: Melinda Grosch
Cc: Susan Gorin
Subject: Belden project on Sonoma Mountain Road

To Melinda Grosch & Susan Gorin,

My name is Matt Phillips. I live off of Sonoma Mountain Road in the 5500 block. I received a flyer in my mailbox within the last few days. The flyer is not signed; there is no way to know who put it in my mail box. Interestingly, my mail box is behind a closed gate and a half mile from the main road. The flyer was not mailed, it was delivered. So, if I got one, most likely everybody else on Sonoma Mountain Road did too. I am writing to you two, because the flyer provided your email addresses. If I had Mr. Belden's address, I would copy him on it too.

I don't know Nathan Belden. We have never met. Apparently his place is within a half mile of mine. I was not aware that he had applied to have a winery/creamery, tasting room, etc.

The flyer that was delivered to me makes it clear that I am to voice my *opposition* to Mr. Belden's application. The primary concern of the author of the flyer appears to be more traffic on an already terrible road, (potentially true) and the potential of drunk drivers on said terrible road. (already true regardless of the presence of a new, small winery) Some people drive drunk. It's a fact of life. Some hurt themselves or others; some get away with it. If there were a cop on every corner, and all wineries were outright banned, there would still be drunk drivers.

I spent almost \$3,000 rebuilding the front end of my heavy-duty, ¾ ton 4x4 pickup this year. The truck has 54,000 miles on it. Repairs like that should not have been needed until the truck had at least 150,000 miles on it. In addition, my sister was killed by a drunk driver on Petaluma Hill Road. I have direct and personal experience with bad roads and drunk drivers.

That said, Mr. Belden has purchased a piece of property in Sonoma County wine country. He wishes to create or improve the income potential of that property. As long as he is doing so legally, and complies with the obscene amount of regulations that have undoubtedly already been placed on him, he should have **EVERY RIGHT** to pursue his ambitions with his property. Conversely, his neighbors have no right to try and stop him.

If the issue is the condition of the road, the solution is simple: Fix the road. Sonoma County has the money to fix all of its roads correctly. The county has *chosen* to spend that money in other areas. Public safety pensions and health care seem to be the most ridiculous expenses, but there is also talk of yet another jail, (a halfway house is just a jail by another name) there is the dumb train, among many, many others. All of these projects that are funded by taxpayers have limited potential and serve to COST all of us money, but provide little or no return. In a county that survives on taxes provided by the wine industry and tourism, it seems entirely backwards that a winery trying to start up is being challenged.

Fix the roads and allow businesses to work and pay taxes. If you do, you'll create a better environment for people to live, work, visit and contribute to the tax base. If those things happen, then you can continue to pay six figure pensions to people who retire, after doing very little actual work, at 50 years old and on the backs of the rest of us who will never be able to retire at all.

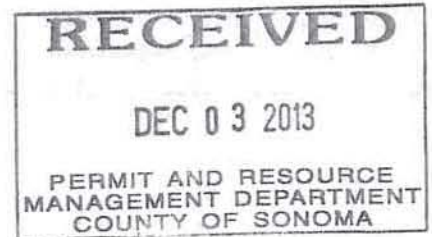
And by the way, if you put the road repairs out to competitive bids, with private companies who survive on good work without cost overruns or waste, you'll save the taxpayers millions and millions of dollars. A private construction company repaired a major land slide on Sonoma Mountain Road a few years back after the County Roads Department said it couldn't be repaired at all and simply closed the road to all traffic to and from Glen Ellen for over two years.

Respects,

Matt Phillips

Operations Manager
North Coast Vineyard Services LLC
100 Mary-Paige Lane
Santa Rosa, Ca. 95404
707-527-5682 Office
707-546-1154 Fax
matt@ncvslc.com
www.ncvslc.com

255 Sonoma Ridge Road
Santa Rosa, CA 95404
December 1, 2013



Re: Hearing to consider application PLP12-0016

To Whom It May Concern:

I write to express my deep concern about Belden Farms' application for approval of a processing facility to produce as much as 10,000 cases of wine and 10,000 pounds of cheese annually, and that would include retail sales, tastings, and special events.

As I will be out of town December 5 and thus am unable to attend the scheduled hearing, I hereby express my opposition to this application and ask that it be denied.

My opposition is based on numerous factors:

- Allowing said facility to be constructed and operated would accelerate the deterioration of Sonoma Mountain Road, posing dangers not only to those of us who reside in this area, but to the many cyclists who traverse this mountain pass daily.
- The noise created by these production facilities, some of which clearly would be year-round, would far exceed the seasonal harvest noises that those of us living in this agricultural area have come to expect and tolerate, thereby impinging on the peaceful enjoyment of the properties we have purchased.
- Lastly, creation of a large processing and, notably, retail operation on Sonoma Mountain Road is incompatible with, and would irrevocably change, the pastoral nature of this scenic byway, which county regulations heretofore have sought to preserve.

On several occasions, I have expressed to the Sonoma County Board of Supervisors that it is irresponsible to allow further commercial development of this area without attention to the serious and ongoing deterioration of Sonoma Mountain Road. To date, those legitimate concerns of safety have gone unaddressed. This proposal only deepens those concerns, and adds thereto the very real prospect that my reasonable expectations in purchasing my current property are not only being undermined by Mr. Belden, but knowingly defrauded by the county.

For these reasons, I urge that PRMD reject this application. Absent an adequate response, I am prepared to join others in bringing suit against the county to preclude its approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Guest".

Amb. (ret.) Michael Guest

Melinda Grosch

From: Sandra Macneill [smacneill1@aol.com]
Sent: December 07, 2013 11:10 AM
To: Melinda Grosch
Subject: Use Permit application PLP12-0016

To Melinda Grosch:

As a resident of Sonoma Mountain Road, I wish to register my opinion that the above-referred wine and cheese processing facility, with retail sales and special events, would put an undue burden on our already-deteriorating road, as well as increase the danger of driving, walking or bicycling on this road. It already feels dangerous at times to cross it on foot to reach my mailbox. I already need to drive with care to avoid bicyclists, residents walking their dogs, and wildlife. To add wine-tasters or event-attendees to the mix could only increase the hazards for the people who live here. Please consider the input of the public, our local zoning and our lack of road repair before ruling on this permit.

Thank you for your fair and complete consideration on this matter.

Sandra Macneill
4320 Sonoma Mountain Rd

Melinda Grosch

From: caaom@aol.com
Sent: December 08, 2013 8:14 AM
To: Melinda Grosch
Subject: Wine and Cheese Tasting

Dear Melinda Grosch,

I am deeply concerned about the proposal for allowing our neighbors to do such a business which would increase traffic on our already poorly maintained road: Sonoma Mountain Road. Please don't allow this to happen without also agreeing to improve our road. I am ambivalent about having this business here even with better roads, however. The traffic will increase and it is already dangerous to walk.

Thank you

Claire Arnesen
4320 Sonoma Mountain Rd
Santa Rosa, CA 95404

Melinda Grosch

From: victor colli [vcolli@sbcglobal.net]
Sent: December 12, 2013 9:10 AM
To: Melinda Grosch
Subject: Belden's use permit PLP12-0016

I have lived on Sonoma Mtn. Rd. since 1986. I walk the road from my house up past the Redwood grove at least 4 times weekly, passing Beldens's place. The road condition is the worst it has ever been. Traffic on the road requires me, in the widest part, to walk off the shoulder of the road so that two cars may pass. I can not believe that anyone would consider a project that certainly would increase traffic. As one continues to Glen Ellen the road is certainly only one lane. Those that know the road can avoid accidents, but those driving it for the first will find it challenging. As you well know those attending a wine and cheese event will most often have had some wine to drink prior to driving to Belden's. Granting this use permit is a recipe for disaster and a sure degeneration of an already terrible road.

Sincerely,

Victor Colli, 707-5750783

Resolution Number

County of Sonoma
Santa Rosa, California

December 19, 2013
PLP12-0016 Melinda Grosch

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO
NATHAN BELDEN, FOR PROPERTY LOCATED AT 5561
SONOMA MOUNTAIN ROAD, SANTA ROSA; APN 049-030-010.

WHEREAS, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

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

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on December 19, 2013, at which time all interested persons were given an opportunity to be heard.

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

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the Land Intensive Agriculture designation. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.
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. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries

under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.

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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the

proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.
- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through

direct removal, filling, hydrological interruption, or other means, will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.

- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.
- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.
- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.

- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

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

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

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

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

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

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

Melinda Grosch

From: Dalene Whitlock [dwhitlock@w-trans.com]
Sent: January 21, 2014 1:52 PM
To: Melinda Grosch
Cc: Steve Martin (steve@SMAssociates.net)
Subject: RE: Belden Barns

Melinda, Steve forwarded your message to me, and I've looked back at the study we did for Belden Barns to try and answer the questions asked.

First, our study doesn't include any operational analysis, so the presence or absence of trips from other projects is basically irrelevant in terms of the information already provided. However, to give Commissioner Fogg better information for his consideration of the project, here's some data that I hope you'll find useful.

The traffic study for the park project indicated that Sonoma Mountain Road could handle 5,000 vehicles per day based on the County's standard for rural roads. The count provided in that study was 822 vehicles per day (vpd); our counts done in April 2012 near the Belden Barns site showed 360 vpd. The two counts were likely done at different places, so I'm not sure any comparison between them is appropriate, but I provide both in case you want them. The park is expected to add 81 daily trips and the winery 61 daily trips, and regardless of which daily volume you add that to, it's still substantially less than the 5,000 vpd that the roadway can theoretically carry. The Zen Center existed when our counts were taken, so these trips are already included in the daily trip counts.

As far as directionality goes, we evaluated the need for both left-turn and right-turn lanes at the entrance to the winery assuming that 100 percent of the traffic came in both directions. Even under these conservative assumptions, we found that turn lanes are not warranted. Based on the information noted above, whether you add all of the project trips to the route toward Santa Rosa or Glen Ellen, the volumes are still well below the standard thresholds.

I hope this adequately answers the questions posed, but if you need anything further, please let me know.

Dalene

Dalene J. Whitlock, PE, PTOE, Principal
Whitlock & Weinberger Transportation, Inc. (W-Trans)
490 Mendocino Avenue, Suite 201
Santa Rosa, CA 95401
voice: (707) 542-9500 / cell: (707) 486-5792 / fax: (707) 542-9590
www.w-trans.com



Please consider the environment before printing 

Begin forwarded message:

From: Melinda Grosch <Melinda.Grosch@sonoma-county.org>
Subject: Belden Barns
Date: January 13, 2014 11:25:45 AM PST
To: "Steve Martin" <steve@smassociates.net>

Steve,

Has W-Trans had a chance to address Commissioner Fogg's comments/concerns?

Specifically:

Was traffic from the Zen Center and the new Park included in the traffic calculations?

Did the study look at traffic coming from both Santa Rosa side and Glen Ellen?

Thanks! And Happy New Year,

Melinda B. Grosch

Planner III

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue

Santa Rosa CA 95403

PH: 707-565-2397

FAX: 707-565-1103

e-mail: Melinda.Grosch@sonoma-county.org

Lobby Hours:

Monday through Thursday from 8:00 a.m. until 4:00 p.m.

The lobby is closed on Friday.

Melinda Grosch

From: Dalene Whitlock [dwhitlock@w-trans.com]
Sent: January 24, 2014 3:10 PM
To: Melinda Grosch
Cc: Steve Martin (steve@SMAAssociates.net)
Subject: Belden Barns
Attachments: Volume Comparison.pdf

Melinda, here are a few notes about the comments received in the letter from Bill McNearney and Gail Eva Young.

Much is made about the condition of the road, but this is not an issue that we would address in a traffic study unless the project will generate a substantial amount of truck traffic (such as a quarry). The type of traffic that this project will generate will have little effect on the structural integrity of the road, regardless of its condition. It is noted that poor pavement generally results in slower traffic speeds, which translates to better safety conditions, not a negative safety impact.

They commented about our use of 2.5 occupants per vehicle; this is a County standard, though we have verified it independently through the data we've gathered at various wineries over the years.

While I don't doubt that there may be unreported collisions, either with other vehicles, fixed objects, or animals, unless those crashes are reported there is no way that we can include them in our analysis. Further, since the rates we compare them to are also only based on reported collisions, it results in a reliable way of determining if the road is generally operating safely or not. In this instance the collision rate was below the statewide average, so crashes are occurring at a rate that is relatively typical. Again, the poor condition of the roadway does not mean that there is a safety problem, and in fact results in lower speeds and therefore a reduced number of crashes.

As regards cyclists, their presence on rural County roads is quite common, though typically limited to experienced cyclists who are accustomed to sharing the travel lane with motor vehicles. The poor pavement condition may deter some cyclists, but for those who choose to ride this route, they should encounter vehicular traffic moving at a slower pace because of the poor pavement conditions.

Finally, I requested counts from T&PW, and got counts from 2002 on. Attached is a simple spreadsheet showing these volumes. Note that near Bennett Valley Road, Sonoma Mountain Road carries more than 1500 vehicles per day, while the volumes near Pressley Road were almost one-third that high. The volumes on all of these roads are fairly low, but particularly on the section of Sonoma Mountain Road east of its intersection with Pressley Road, where the project is located.

I hope this is helpful in responding to Commissioner Fogg, but I'm planning on attending the hearing on February 20 in case there are further questions.

Dalene

Dalene J. Whitlock, PE, PTOE, Principal
Whitlock & Weinberger Transportation, Inc. (W-Trans)
490 Mendocino Avenue, Suite 201
Santa Rosa, CA 95401
voice: (707) 542-9500 / cell: (707) 486-5792 / fax: (707) 542-9590
www.w-trans.com

Location	Date	EB or NB	WB or SB	Total
Sonoma Mountain Road east of Pressley	Jun-02	392	324	716
	Oct-06	224	217	441
	May-10	245	229	474
	<i>AVERAGE</i>	<i>287</i>	<i>257</i>	<i>544</i>
Enterprise Road south of Bennett Valley Road	Jun-02	256	210	466
	Oct-06	171	146	317
	May-10	112	98	210
	<i>AVERAGE</i>	<i>180</i>	<i>151</i>	<i>331</i>
Pressley Road north of Lichau	Mar-02	573	567	1140
	Aug-02	501	723	1224
	Oct-06	463	512	975
	Sep-09	530	519	1049
	Sep-12	519	520	1039
	<i>AVERAGE</i>	<i>517</i>	<i>568</i>	<i>1085</i>
Sonoma Mountain Road east of Bennett Valley Road	Mar-02	831	918	1749
	Sep-06	754	783	1537
	Sep-09	689	677	1366
	Sep-12	730	660	1390
	<i>AVERAGE</i>	<i>751</i>	<i>760</i>	<i>1511</i>

Melinda Grosch

From: Donna Parker [Donna@winepro.com]
Sent: February 26, 2014 4:01 PM
To: Melinda Grosch; Susan Gorin
Cc: David Rabbitt; Shirlee Zane; "- MikeMcguire"@sonoma-county.org; Efen Carrillo
Subject: Fwd: Letter to Melinda Grosch and Board of Zoning Adjustments

Melinda:

Please distribute copies of this letter to the Commissioners of the Board of Zoning Adjustments. Thank you.

Re: PLP12-0016, an application by Belden Farms, 5561 Sonoma Mtn. Rd., for a Use Permit

To the attention of First District Supervisor Susan Gorin, Commissioners on the Board of Zoning Adjustments, and Melinda Grosch, Permit and Resource Management staff:

Some of us have written to you before. To the extent that we are writing again, it is for the purpose of addressing additional information reviewed or received since we last wrote.

We have found the W-Trans traffic study commissioned by the Beldens in support of their application for a Use Permit to be flawed in several respects, beginning with the assertion that the Beldens' proposal will result in little new traffic to a little used road:

1. The W-Trans traffic study focuses only on the 1.5 mile section of Sonoma Mountain Road between Pressley Road and the entrance to Belden Farms, and was limited to addressing "trip generation of the proposed project as well as adequacy of the parking supply."

2. The study notes that Sonoma Mountain Road "in the vicinity of the project site" is "narrow, approximately 20 feet wide, . . . with no center line or edge line stripping." The study fails to note that the road is about at its widest right in front of the project site. The road to the west of the Belden's driveway, down to Pressley, is typically 15-17 feet wide. We frequently observe that when two SUV size vehicles pass each other going in opposite directions, one pulls to the side of the road and stops, or slows to a crawl, leaving perhaps a foot of clearance between the two vehicles as they pass.

3. The W-Trans report does not address the road to the east of the Belden property at all, where the road narrows to as little as 9 feet in width at Cooper's Grove, less than half a mile from the Belden's driveway. Anyone familiar with wine tasting in this area of Sonoma County knows that, other than Matanzas on Bennett Valley Road, the next wineries are all in Kenwood, Glen Ellen and Sonoma. There is as much chance of wine-tasters coming from one direction on Sonoma Mountain Road as the other. The W-Trans report only deals with traffic to the east of the Beldens' driveway in terms of safety for drivers coming from the east with the intention of turning into the property as a destination.

4. The W-Trans report does not anywhere address the condition of Sonoma Mountain Road, and the impact on that condition from the increase in traffic in the Beldens' proposal. Nowhere does it say that Sonoma Mountain Rd. is the second worst road in the county. Nowhere does it say who will be responsible for fixing the road in response to further deterioration as a consequence of additional traffic. Nowhere does it address the cumulative effect of traffic from the new Open Space trailhead approximately half a mile west of the Belden's driveway and that created by Beldens' proposal if granted the Use Permit they seek.

Though Commissioner Cook remarked at the 12/19/2013 hearing that we need not worry about the granting of a Use Permit to the Beldens creating a precedent, because the Board considers the cumulative impact of each new application, the W-Trans traffic study, dated August 19, 2013, on which the Board is relying, nowhere addresses the combined impact of traffic on Sonoma Mountain Rd. resulting from the Beldens' project and the already approved Open Space project.

The W-Trans traffic study estimates 360 week day uses by cars going one way or the other on Sonoma Mountain Rd. over the 1.5 miles between the Belden's driveway and Pressley Rd. The figure drops to 340 uses a day on weekends. The Open Space project estimates a low of 42 uses a day during the week, and 60 a day on the weekend, or an increase in traffic on Sonoma Mountain Rd. of 12-18% a day. The W-Trans traffic study conducted on behalf of the Beldens estimates a daily increase in traffic on Sonoma Mountain of 71 single uses, whether coming to or leaving the Belden property, an increase in traffic of approximately 20% a day. The cumulative impact on Sonoma Mountain Rd. is a daily increase in traffic between the two projects of 32-38%! This increase does not distinguish between automobile and the more damaging construction truck traffic. Nor do these figures reflect the increase in traffic for the 10, 60-200 person special events a year in the Belden proposal, where vehicles carrying 2.5 persons each are estimated to make approximately 180 trips between coming and going for a 200 person event. The cumulative impact on one of the two worst roads in the county cannot by any stretch of imagination be considered "insignificant". The 12-18% increase in traffic to the Open Space trailhead in itself constitutes a significantly increased impact on the condition of Sonoma Mountain Rd.

More personally, in his letter of December 18, 2013 to Supervisor Gorin and the Permit Dept., one of our neighbors reports that he spent a recent Saturday counting 42 cars, 6 light trucks, and 7 groups of cyclists passing his property, across the street from the Beldens, in an hour.

5. With regard to safety, the W-Trans traffic study again only looks at the accident rate between Pressley and the Belden property (1.5 miles). No attention is given to traffic coming from the east of their property. Moreover, the study relies on a survey that was conducted between January, 2006, and December, 2010. **Sonoma Mountain Road was closed to through traffic just east of the Zen Center from December, 2005 through May, 2009, because rains had washed out the road.** All of us who live on Sonoma Mountain Rd. are keenly aware of how much safer we felt walking and driving on our road as a result of the reduced traffic during those years. Furthermore, the fact that it took 3 ½ years to repair the collapsed road says something significant about the likelihood of substantial repairs at any time for Sonoma Mountain Rd.

And how can a report on traffic safety neglect to even mention the impact of alcohol consumption on driving? Google the impact of alcohol consumption on driver safety and extensive research on the impairment of driving skills appears. A typical report identifies affected faculties: Judgment (with as little as .02 alcohol); concentration, coordination, comprehension, visual acuity impaired up to 32%; impaired ability to judge distance; reaction time up to 15 to 25% slower resulting in accidents that would have been avoided without the factor of alcohol. Add alcohol to the character of Sonoma Mountain Rd. - more than a narrow road, it is winding, with blind curves, drop-offs, in terrible condition, with little to no prospects for significant improvement in the foreseeable future - and the question looms: How can a traffic report on a tasting room and winery project ignore these realities? More traffic means more accidents; more alcohol means fewer "near misses" and more accidents. The brief reference to traffic accidents in the W-Trans traffic study reveals an understandable ignorance of the many close brushes that many of us have had with traffic on Sonoma Mountain Rd.

Referring again to our neighbor's letter of December 18th, he suggests that there is a "shameful" concern in the Beldens' documentation only for the safety of those who are visiting Belden Farms - not for those of us who live here, and not for those who regularly use the road for a range of purposes. There is no discussion in the Belden report of how to mitigate the impact on safety for the rest of us posed by production trucks, wedding

parties, retail customers, dining event guests, and wine-tasters driving the full stretch of Sonoma Mountain Rd. to the Beldens' facility - the same road the rest of us travel to access our homes. Without a full investigation of these factors, and absent any mitigation of their impact on neighboring residents, we have to agree with our neighbor's conclusion, that granting the Beldens the Use Permit they seek represents a serious failure in government oversight and protection.

6. Though Sonoma Mountain Rd. is a scenic by-way, the W-Trans report does not at all consider the many bicycle riders and walkers who use the road.

The Bennett Valley Plan, about which Commissioner Fogg asked for more information at the 12/19/2013 hearing, says: "The character of the road system is a vital component of (the) rural character of Bennett Valley" and "Intensity of land use shall reflect the conditions, character and capacity of roads." The Bennett Valley plan also says, "Commercial development is not considered appropriate to the rural character of Bennett Valley." While construction of a winery and tasting room are not considered "commercial development" in an area designated by the county for residential and intensive agricultural purposes, those constructions are nonetheless a "for profit" use that compromises the rural nature of Bennett Valley in ways at odds with the intent of the Bennett Valley plan, creating in effect an "intensity of land use" that is significant in its damage to the "character and capacity of roads" that are "a vital component of (the) rural character of Bennett Valley". The Beldens' proposal is fundamentally at odds with the residential and intensive agricultural designation of Bennett Valley in general, and Sonoma Mountain Rd. in particular. There are currently no active "for profit" operations on Sonoma Mountain Rd. No tasting rooms, no weddings (a non-agricultural activity), no party events. There is no reason to think that the noise created by these various events will not be at odds with the designated residential nature on Sonoma Mountain Rd. The changes proposed for the Zen Center, we have been assured, have to do with bringing buildings up to code, not to changing the events nature of its long-approved operations. A tasting and sales facility such as the Beldens propose would seem to be more logically suited to the downtown area, or one of the many wine tasting corridors that pervade Sonoma County. This opinion is endorsed by Sonoma Mountain residents actively involved in the wine industry for many years.

These matters were not considered in the Beldens' traffic study; and it is our understanding that the since the December 19th hearing there has been no effort made, nor is there any intention of requiring the Dept. of Transportation and Public Works, to make an independent assessment of the impact of additional traffic on the condition and safety of Sonoma Mountain Rd. An assessment that would take into consideration the impact of alcohol use on drivers, the cumulative effect of other projects in the area of the Beldens, the condition of the road, the character of the road and intention of the Bennett Valley Plan. If the Department of Transportation has truly not been asked to do such an assessment, then there is insufficient data on which to grant the Use Permit requested by the Beldens.

One Commissioner noted that the Board strongly relies on experts. Why then is the Board not asking its own experts to assist in gathering information that is vital to a consideration of whether the Beldens should or should not be granted the Use Permit they have applied for?

Commissioner Cook made a comment during the 12/19/2013 hearing to the effect that the Beldens should not suffer because of the condition of the road. That is backwards thinking. This is not about the Beldens. They are nice people with a dream. This is about whether or not they have chosen an appropriate place to realize that dream, and the evidence strongly suggests Sonoma Mountain Rd. is not a suitable place for their dream as it is currently conceived.

This matter deserves to be thoroughly and accurately researched rather than decided on the basis of incomplete and inaccurate information. That has not occurred to this point. We ask that you give this matter the attention it deserves. Thank you.

Some of the Sonoma Mountain Road residents concerned with the problems created in granting the Beldens a Use Permit include:

Don and Donna Parker,
Amy Rodney and Byron LaGoy,
Alexander Nevarez and Michael Guest,
Bill McNearny and Gail Eva Young,
David and Judy Witwicki,
Sandra Macneill and Claire Arnesen,
Nicholas van Krijdt,
Judith Ann Corba,
Bill Washburn,
James and Rebecca Casciani,
Robert and Edie Phillips,
Scott McIntosh,
Toby and Sally Rosenblatt,
Victor and Peggy Colli,
Ken and Karen Adelson

Melinda Grosch

From: joan maroni [jmaroni@att.net]
Sent: January 13, 2014 1:09 PM
To: Melinda Grosch
Subject: first email re Belden Barns Farm was sent before I finished spell check...please delete first email & read this one..thanks

Corrected email.....

Begin forwarded message:

From: joan maroni <jmaroni@att.net>
Subject: re: Belden Barns Winery
Date: January 13, 2014 at 1:06:05 PM PST
To: Melinda.Grosch@sonoma-county.org

Hello,

I am requesting that the matter of Belden Barns Winery be sent back to the Planning Department for further review. I have lived in the Bennett Valley area (off Sonoma Mountain Rd.) since 1972 and am disheartened to see all of the wineries and businesses being approved by Sonoma County Planning Department. This area has a history of wells going dry and adding, yet another water guzzling business in valley is not the way to preserve water during this drought. It is enough that the Zen Center was allowed to have a business in area and now that one business has been approved more want to come. This is not right for sure. There is a reason most of living in this rural area of Sonoma County chose to make our homes here and that is for the beautiful & serene rural landscape...not traffic traveling down (already deteriorated) roads out here. But more than the deterioration of roads is the matter of businesses being allowed to encroach on this rural area.

Thank you for your attention to this matter....
With Regards,
Joan Maroni

Melinda Grosch

From: hilary burton [llano@earthlink.net]
Sent: January 15, 2014 1:58 PM
To: Melinda Grosch
Subject: Belden Barns Winery proposal

Having reviewed the Belden Barns proposal at bennettvalley.org, we would strongly recommend that it be returned to the Planning Department for further study, especially concerning the increased traffic (3 cars per hour as projected by Belden would mean an increase of 75 cars daily during the peak hours of 11-5) and the geological concerns. Having lived on Sonoma Mountain Road for 30+ years, I have seen the effects of ground movement on my house first hand. We had a review done in the 1990's, shortly after the Hidden Acres problems were reported, and the area is far more unstable than suggested in the Belden review. And, as everyone who lives up here agrees, the road is already a disaster - it will take very little to make it completely unusable. Further in depth consideration should be given to this proposal.

Hilary D, Burton, Ph D.
Ernie Haskell, Registered Geologist, State of California
5700 Sonoma Mountain Road
Santa Rosa, CA 95404

Melinda Grosch

From: Mary Dowdall [marydowdallsmail@yahoo.com]
Sent: January 18, 2014 4:32 PM
To: Melinda Grosch
Subject: Belden Barns Winery (WHY?)

Dear Melinda,

I was suprized to find out that The Planning Department is even considering approving this project. Someone has not done their homework. Have you ever driven Sonoma Mountain Road? At one point it is a one-lane road for a car only! Not appropriate at all for any "commercial business" traffic. To quote the Belden's words "we are putting substantial mental and financial resources, not to mention dreams into this project."

Why would they do that knowing that Bennett Valley is a residential community. I am a second generation resident that has lived in Bennett Valley for forty years. What about OUR mental and financial resources that we have put into preserving this community. What about OUR dreams of preserving a non-commercial, rural area.

I am shocked that the Planning Department would even consider granting a zoning permit to the Beldens for a commercial project. Truly,how does having a winery, creamery, and hospitality facility help the residents of Bennett Valley? These roads are narrow, crumbling, windy and have no shoulder. They are not appropriate for this!!!

If the Beldens have so much mental and financial resources, they can use them to improve the roads that they will be burdening with a commercial business! Everyone else has had to "pay-to-play".

True Regards,

Mary Dowdall
6573 Birch Drive
Santa Rosa, CA (Bennett Valley)

Resolution Number

County of Sonoma
Santa Rosa, California

March 13, 2014
PLP12-0016 Melinda Grosch

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO
NATHAN BELDEN, FOR PROPERTY LOCATED AT 5561
SONOMA MOUNTAIN ROAD, SANTA ROSA; APN 049-030-010.

WHEREAS, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

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

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on December 19, 2013, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments continued the public hearing to a date and time uncertain; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held the continued public hearing on March 13, 2014, at which time all interested persons were given an opportunity to be heard.

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

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a use permit in the Land Intensive Agriculture designation. The project is consistent with Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.

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. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan

prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large

trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.

- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.
- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and

supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.

- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

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

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

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

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

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

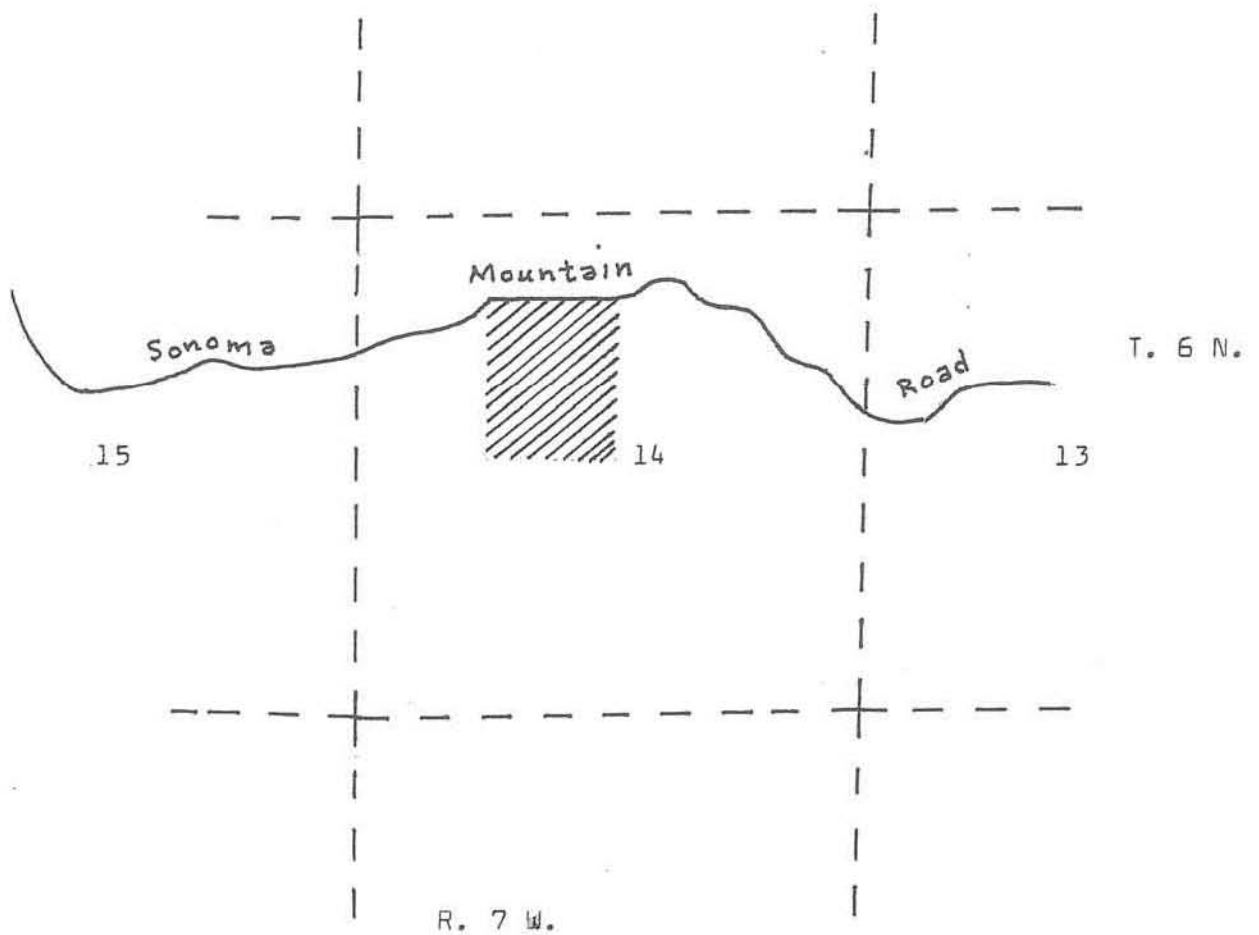
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

GEOLOGY
&
GROUND WATER POTENTIAL
BELDEN PROPERTY
5560 Sonoma Mountain Road
Santa Rosa, California



E. H. Boudreau
Registered Geologist #3000
1209 Beattie Lane
Sebastopol, CA 95472
August 2013

INTRODUCTION

The 55-acre Belden property is located about 5 miles southeast of Santa Rosa on the south side of Sonoma Mountain Road in the northwest quarter of section 14, T. 6 N., R. 7 W., MDB&M. There are now 20 acres of vines and 2 homes on the property, along with a very good well for the homes and a reservoir for irrigation. Plans are to erect a winery that will produce 10,000 cases of wine per year; in addition to the wine 10,000 pounds of cheese and a quantity of vegetables, eggs and fruits will be produced. The Sonoma County Permit & Resource Management Department wants to know if the property can produce sufficient water for the planned operations, and how wells on neighboring properties might be affected by Belden's increase of water use. I am the geologist who has been hired to answer PRMD' questions, and this report contains my observations on the geology, ground water and wells, along with my conclusions.

GENERAL GEOLOGY

The property is situated in the heart of the Sonoma Mountains, with property elevations ranging between about 900 to 1080 feet above sea level. Soil cover and landslides mask most of the bedrock and its details from view, but there are enough outcrops and drillers' logs to give a rough picture of the geologic situation. Some information on the surface geology of the region is shown on maps included with the California Division of Mines & Geology's Special Report 120, on a scale of one mile to the inch.

Figure 1 in this report shows the property boundaries, topography, and the sites of wells and dry holes, along with the location of the geologic cross section that cuts through it in a north 28 degrees east direction that is Figure 2. Figure 2 shows the possible relationships of the rocks at depth, as projected from available information.

There are 4 geologic units underlying the property, and they vary with respect to age, origin, thickness and lateral extent, structure, and water-bearing characteristics. From youngest to oldest they are landslides, the Glen Ellen Formation, the Sonoma Volcanics, and the Franciscan Formation.

Landslides

Landslides are masses of loose soil and portions of bedrock that have moved down-slope under the influence of gravity.

Glen Ellen Formation

The Glen Ellen is made up of continental sediments, mostly clay. There are some beds of sand. Maximum thickness about 400 feet.

Sonoma Volcanics

Underlying the Glen Ellen, and outcropping in the southwest corner of the property, with a great area outcropping to the south of the property, is the Mesozoic-age group of lavas and beds of tuff (volcanic ash) of the Sonoma Volcanics. This unit underlies much of eastern Sonoma and western Napa counties. It formed on an old landsurface from about 3 to 10 million years ago, and it could be over 1,000 feet thick. In between volcanic eruptions some beds of sediments were deposited.

Structure

During their long histories the rocks have been strongly deformed and broken during episodes of folding and faulting caused by stresses in Earth's crust. These actions, along with the non-uniform character of the rocks, have resulted in such a complex arrangement of the rocks that it is impossible to make exact predictions of the conditions at depth.

GROUND WATER & WELLS

All ground water in the area is derived from local rainfall that has percolated into the ground, and it exists in small pore spaces and small, open fractures in the zone of water-saturated rock below the water table. Depth to the water table varies with local geologic, topographic and hydrologic conditions. (In the Belden well I measured it at 75 feet.) Movement of the water is from high areas down to lower ones, with the levels being highest in the spring and lowest in the fall.

Belden Well

The Belden well was drilled by a previous owner after he had 3 dry holes drilled, whose depths were about 100 feet. Figure 3 is a diagram of the well, using information from the driller's log. It was drilled with air-rotary equipment to 715 feet and cased to 670. A blow test showed it to produce 500 gpm. Static level was at 120 feet when it was drilled in December 2001, while it was at 75 feet in August 2013. From 410 to 715 is in the Sonoma Volcanics, mostly lava, which was noted as "fractured" from 600 to 672.

Neighbors' Wells

There are 3 property owners to the north of Belden, across Sonoma Mountain Road. I sent each of them a questionnaire about their wells and

water useage, along with a stamped, self-addressed envelope. Only one, Raghu, replied. Also, I sent their addresses and AP numbers to the California Department of Water Resources, along with a signed PRMD form authorizing me to request drillers' logs of wells and dry holes on their properties. DWR sent me one driller's log, for the Cutler property. PRMD wants well information on neighbors' properties out to 300 feet from Belden.

Most of Raghu's answers are illegible. His present well gives 52 gpm, and 2 of his wells have gone dry since 2000. The water is high in iron, which probably contributed to plugging of the wells. No logs.

Figure 4 is a diagram of the Cutler well. It was drilled with air-rotary equipment in June 1980 to 270 feet, and cased to that depth. It is all in the Glen Ellen. Except for 30 feet of sand, the rock was clay. Static was at 65 feet, and it pumped 13 gpm for 4 hours with the pumping level at 150 feet.

Ground Water Principles

A well is successful when it penetrates permeable rock below the water table and usable amounts of water flow through the rock and into the well. The yield of the well depends on the amount of permeable rock present and its degree of permeability. If permeable rock is present, then the methods used in drilling, equipping, and developing the well often have a strong influence on its maximum yield, its operating characteristics, and its useful lifespan.

Permeability is a measure of the ease with which water moves through rock, and it is dependent on the amount and size of the pore spaces, or other openings, in the rock, and on how interconnected they are. The amount of water that a rock contains may have no bearing at all on how much it will yield, as a damp clay or shale can be more than 20% water by weight and still yield almost none of it to a well because the water is held in the rock by capillary forces. Clean sand and gravel have good permeability because of the great amount of pore space between the grains and the relatively large size of the pores.

As many formations are so highly consolidated (a result of original composition, cementation, and/or compaction), they have very little primary, or intergranular, porosity and permeability such as occur in loose sand and gravel. Successful wells in these formations usually have penetrated zones in the harder and more brittle types of rock (such as sandstone, chert, lava, some tuffs, granitics, and some metamorphics) in which faulting and/or fracturing have created some secondary porosity and permeability in the form of small, open fractures.

Usually, shale, serpentine, and clayey tuff do not contain open fractures because their softer and semi-plastic natures cause the breaks present in them to be squeezed shut by the pressure of the overlying rock; so, these rocks yield little or no water to wells.

There is no way outside of drilling to locate the exact positions of water-bearing fractures and to measure their yields; as the fracture pattern can be very erratic. The yield of a well in consolidated rock depends on the number, width, and extent of the fractures penetrated, and a dry hole will result if there are no open fractures. Many wells in such hard rock yield only a few gallons per minute, but there are some that produce hundreds.

Initial yields will decrease with sustained pumping if the permeable rock is only a small mass surrounded by impermeable rock (such as clay or shale) that blocks recharge of the pore spaces or fractures. At most, fractures make up only a few percent of the total volume of the rock, but that can be a large amount.

When exploring in essentially massive rock for small water-bearing fractures, a depth of about 300 feet is considered to be the point of diminishing returns for a domestic-type well. This is because the increasing pressure tends to seal off deep fractures.

It is impossible in advance of drilling to predict exactly how much usable water will be found beneath the surface, although with enough of the right information on the geologic conditions some rather accurate estimates can be made. As a great many wells have been drilled in the different formations in California, the general ranges in their water-bearing potential are known.

With favorable geology being what governs the availability of water in the ground, it follows that the most practical exploration technique that can be used in searching for usable amounts of it is to try to drill into the most potentially permeable rock available, and to avoid drilling in obviously impermeable rock. In complex situations, such as exist in many of the formations (either because of the way they were formed of mixtures of impermeable and permeable or potentially permeable rock, or because of intricate structure caused by folding and/or faulting), deciding to drill involves taking more or less of a risk; so, the new information being developed as the drilling proceeds must be studied and interpreted right along to see if further drilling is warranted.

If the rock is strong enough to stand in an open hole, then the air-rotary (using compressed air to remove the rock chips) is to be preferred over the mud-rotary (circulating a stream of water to which clay has been added) method

of drilling. With air, the locations, yields, and quality of the water-bearing zones can be known. Also, there is no risk of plugging the pore spaces or fractures with drilling mud and thus sealing off part of the water.

If mud must be used because of caving conditions in the hole, then it is best to use a self-destructing chemical mud rather than the commonly used bentonite clay. Before the well is cased, geophysical logs can be run to identify the permeable zones (gamma-ray or resistivity logs). A careful record should be kept of the rocktypes and their locations in the well, as with signs of water, so that the well can be properly designed. Periodic bail-testing of the well will help to identify permeable zones and their yields if mud is used to drill with.

Drilling mud should be flushed out with clean water before gravel packing, and development work should continue until the yield ceases to increase.

For maximum efficiency in sand and gravel, well screen should be used instead of perforated casing. Screen provides more open area, and the slot openings can be matched to the size of the sand or gravel. Also, it allows for a quicker and more thorough job of development.

Belden Water Use

Water for the vineyard of 20 acres having 20,000 vines using one gallon of water per day for 150 days in the year comes to 3,000,000 gallons per year, or 9.2 acre-feet. All of this water is surface water from the pond on the property.

Three people live in the newest home, which has no landscaping. Average water use per person in Sonoma County is 150 gallons per day, and so this is a ground water use of 0.5 acre-foot per year of ground water.

Neighbors' Water Use

For the 3 neighbors, 9 people could use 1.5 acre-feet of ground water per year for household purposes, although Raghu says he uses his well only for irrigation, but gave no figure for that.

Belden Proposed Water Use

Belden projects his peak yearly water use (domestic sanitary and process waste water flows) to be about 1.5 acre-feet per year, which will be gotten from the well.

Neighbors' Proposed Water Use

The neighbors did not supply any information.

Ground Water In Storage

Rainfall in the study area is about 2.5 acre-feet per year, or 138 acre-feet for the Belden property. If only 10% of this were available for ground water recharge this would be 14 acre-feet, 7 times highest use.

The 37 feet of sand and pumice in the Glen Ellen could be 20% water, for 385 acre-feet under the 55 acres. For the 225 feet of fractured lava with 5% water in storage, that comes to 260 acre-feet. Total water in storage to the depth of the Belden well about 645 acre-feet.

Inflow from the great area of Sonoma Volcanics to the south, and along Matanzas Creek, could amount to much more.

During the 1976-77 drought all the towns on surface water had to go on water rationing, while all the towns on ground water had no rationing.

SUMMARY & CONCLUSIONS

The Belden property is underlain by aquifers in the Glen Ellen Formation and the Sonoma Volcanics that might hold about 645 acre-feet of water. More water could probably be developed by drilling deeper in the Sonoma Volcanics. The water level in the Belden well has not dropped since it was drilled in 2001. The proposed increase in ground water is a mere 1.5 acre-feet. I do not see any problem with ground water availability related to the wine and cheese making in the future, for both Belden and his neighbors.

E. H. Boudreau
Registered Geologist
#3000

March 10, 2014

To: Melinda Grosch, Sonoma County PRMD and
Sonoma County Board of Zoning Adjustments Commissioners

RE: PLP12-0016

Dear Melinda and Commissioners,

I am concerned that this requested project is much too much for the isolated area in which it is proposed and is potentially precedent setting. This project does not appear to meet the letter or intent of the Bennett Valley Area Plan. The proposed size and usage and the attendant impacts are detrimental to the rural expectations of area residents. The Bennett Valley Area Plan, which is the governing document for this area, calls for retention and preservation of the rural character and it reflects the environmental and economic constraints, suitabilities and sensitivities of the area. Our Scenic Corridor was/is parcel-specific, unlike the General Plan's.

This parcel has been, over the years, maintained in agriculture that has blended harmoniously with the neighboring residents. This proposal seems to be much more of a commercial venture

The increased traffic this project would bring has been raised as a grave concern. I concur. However, given that **the traffic study which was submitted for this project is incredibly flawed**, I think that it is inadmissible and needs to be completely redone. The basic premise on which the study was based is grossly wrong.

First of all, the study poses that the prima facie speed limit is 55 mph because there is no posted speed limit. However, within the staff packet is a picture clearly showing that the posted speed limit is 20 mph. Because of this error, the study was based upon 40 mph for analysis purposes--a completely erroneous assumption, inaccurate at best. Additionally, CT-4e states that the AASHTO document (here used) is to be used as a guide BUT "where these guidelines conflict with adopted design guidelines for a local community . . . or with rural or community character, utilize the flexibility provisions in the AASHTO guidelines to avoid these conflicts . . ." (The suggestion for lengthy clearance alongside SMR would be contrary to the Plan's requirement for preservation of the scenic quality of the roadways and apparently AASHTO's.)

Second, the report says that Sonoma Mountain Road is classified as a Rural Minor Collector in the Sonoma County General Plan 2020. This is completely INCORRECT. Sonoma Mountain Road, Pressley Road and Enterprise Road have always been classified as rural byways (per the Bennett Valley Plan and under the new terminology, local rural roads) and do not show up on the county transportation maps as collectors. Only two (2) roads within Bennett Valley are classified as Collectors and they are Bennett Valley Road and Grange/Crane Canyon Roads. (In the Bennett Valley Plan, Petaluma Hill Road was also classified as a Collector.)

Third, the study was so narrowly focused that it did not take into consideration any impacts on the roads that provide ingress and egress to this very isolated location--e.g., Pressley Road, Upper Sonoma Mountain Road, Enterprise Road and Lower Sonoma Mountain Road. GPS mapping sends traffic from Napa and the far East Bay through Sonoma and onto Upper Sonoma Mountain Road to this site. From the south, including San Francisco, Oakland and San Jose the route is via Pressley Road. From the north or west, traffic is sent via Lower Sonoma Mountain Rd. The narrow focus of the traffic

study conveniently avoids the significant negative impact on neighboring roads leading to the site. This very limited study skews the collision/accident history too, making it look innocuous and is nowhere reflective of the impact even a few additional vehicles (let alone all the ones proposed) would have on the quality of life, the roadways themselves and the safety of the residents (not to mention wildlife). Additionally, it would seem that obtaining accident information from the Highway Patrol would provide a better reflection of information on local roads rather than referencing Caltrans' Collision Data on State Highways. Therefore, the traffic study is so flawed, inaccurate and so limited in scope that it should not be used to assess traffic impacts. All roadways leading to the project site should have been studied and included in the impact report. And the information on which these analyses were based should have been accurate. *[see next page]

In addition to these egregious errors, there appears to be no reflection of the trucking into and out of the area due to the proposed cheese making or farm produce "sale." In Mr. Boudreau's letter, he notes that most milk will be brought in (and since there are no longer any dairies close by, one would have to assume that the supply would be coming from a distance.) Also, as Mr. Boudreau noted, there is a very limited area for cows or sheep grazing (2 and 10 respectively) so it's obvious that the milk will primarily come from off-site. Truck traffic is very hard on roads that were never designed to handle truck traffic and because of the extremely curvy and steep inclines, the noise level can easily exceed that which is expected in a rural environment. **[see next page]

I respectfully remind you that the Bennett Valley Plan states that "the character of the road system is a vital component of the rural character of Bennett Valley. The character of the existing public road system shall be retained . . ." "Intensity of land use shall reflect the conditions, character and capacity of roads." "The scenic quality of all transportation routes within Bennett Valley is a vital component of the rural character, and shall be protected."

The General Plan refers numerous times to the diverse rural character of So. Co, the unique qualities of various areas and the requirement that where there are Area Plans or Local Area Development Guidelines, those guidelines take precedence over countywide rural character design guidelines. Also in cases of conflict, the more restrictive policy or standard should apply. (e.g. General Plan 2.6, GP Policy LU-1a, CT-4i.) Rural character compatibility is also brought up in Ag Element 2.5.

Additionally, other areas within the General Plan could use stronger emphasis. Policy OSRC-6a includes "Paved areas are minimized and allow for informal parking areas. . . Exterior lighting and signage is minimized." While this general topic is covered in the report, the size of the area included here raises concern that even minimized could be intrusive and problematic. Parking: The large amount of surface that is proposed to be given over to new and additional roadways as well as parking creates a concern over the impact on the recharge capability of the land in an already identified marginal water availability area. At minimum, areas for general, event or owner/employee parking should be either gravel OR a pervious blacktop type surface so that the water table recharge can continue without too much diminishment. (Chip seal is impervious) Also the suggested widening of the interior roadways seems to be unwarranted even according to the text of the traffic report. Solar while great, should be located on rooftops so as not to impede the recharge capability of the land.

Percolation: In talking to a previous owner, he noted that they had had great difficulty getting perc for even one house, let alone a larger one and even more structures. Why was the difficulty of percolation not identified – the usage proposed is tremendously greater than what has historically been identified on this site? Anything that cannot be taken care of on-site would have to be trucked out, adding even further to the traffic problem

*Per AASHTO Road classifications. Definitions: Local Roads serve individual homes, farms and businesses and feed into the collector network. . . . In all classifications road width is flexible, and can be modified to suit local conditions, where necessary.” Rural Local Road: For roads with design speeds of less than 40 mph and volumes under 400 vehicles per day, the standard road width is 22 ft., with the exception of steep or hilly terrain, where the width may be reduced. Policy CT-4j – “. . .Local Roads as routes that are intended to provide access to property and to carry LOCAL traffic to Collector Roads. . . .“

Traffic study – breakdown of trips does not appear to include the number of truck trips involved in bringing in milk for cheese production, silage for animals, or truck traffic necessary to remove any sewage/waste that cannot be accommodated on-site. Nor does it **reasonably recognize the number of auto trips for public tastings.

Objective AR-5.3: Ensure that agriculture-related support uses allowed on agricultural lands are only allowed when demonstrated **to be necessary for and proportional to** agricultural production on site or in the local area.” (Even when recently planted grapes mature, total amount of cases from onsite wouldn’t even be half the total capacity of requested winery size. In addition the amount of cheese production would be mostly produced from material brought in from off-site) This doesn’t appear to meet the above Objective.

As for the staff report/attachments, I have great concern that the Bennett Valley Area Plan was seldom referenced in the documents when it is the definitive document on this case. Examples are statements within the staff report as well as a letter from Mr. Martin that incorrectly state what the Bennett Valley Plan calls for or allows. For instance, Staff report pg. 7. “ The applicant has provided reasons that he feels the proposal is consistent with the exceptions allowed in the Bennett Valley Design Guidelines for the placement of structures in the Visual Corridor. The primary reason is the area outside the Visual Corridor designation is geologically unstable due to an historic landslide. “ This is **not** an exception given in the BV Design Guidelines. (And interestingly enough, a prior long time owner wasn’t aware of the landslide.) Nor does the staff report provide rationale that “the proposed development is consistent with the standard Scenic Corridor setback (which should not apply here) . . . and is consistent with . . . other setback criteria established by the Land Intensive Agriculture zoning designation.” This seems irrelevant since it is incompatible with the setback criteria in the Bennett Valley Area Plan and its intent.

As for Mr. Martin’s rationale, it appears that he does not understand the Bennett Valley Plan or its intent and usage over the many years it has been in place.

1. While it is admirable that a proposed new structure (agricultural and very large) would, in his opinion, not be seen from the roadway or neighboring properties, he is missing the most important part which relates to the requirement of building outside the visual/scenic corridor.

2. The cluster development clause was related to future parcel development and primarily aimed at the implementation of the PA table.

3. This has nothing to do with justifying building within the designated scenic/visual corridor.

4. Rural character is much more than agricultural buildings.

5. The “open vista” was conceivably not there at the time of the Plan’s adoption. An open vista could be created by tree removal . . . and as such has no bearing on the sanctity of the scenic/visual corridor designation. One needs to go by the wording of the Plan regarding the Scenic/Visual Corridor and what is or is not permitted in the mapped area..

6. Again, regardless of the proposal and whether a new structure could be or not be seen from a public roadway now, the proposal is well within the adopted, designated Scenic/Visual Corridor - and, in fact, it is much closer to the roadway (consequently even more within the visual corridor) than the existing structures which are there because were grandfathered in as pre-existing (to the Plan) structures.

To be exact - The Bennett Valley Plan reads: . . . minimum setbacks shall be consistent with the So. Co. Subdivision Ordinance, the general Plan or the Bennett Valley Plan, whichever is more restrictive. “No NEW structures shall be sited within visual corridors, riparian corridors or unique biotic resource areas as designated on the Critical Open Space Map of the Bennett Valley Plan, except in the visual corridor where the ENTIRE parcel is included within such designation or except in the visual corridor where said structure is a fence or agricultural appurtenance. Where the entire parcel is included in a visual corridor area, or where said structure is an agricultural appurtenance greater than 200 sq. ft., the BV/NSMDRCommittee shall condition the approval of such structure(s) to mitigate adverse effects to the open space resource”

In this case, it would appear that the winery building would qualify for an exemption AS LONG AS adverse effects to the open space were mitigated. HISTORICALLY, such mitigations meant locating the structures at the back of the parcels –an area farthest away from the road. A very good historical example would be along the straight stretch of Bennett Valley Road between west of Grange and Sonoma Mountain Road. (In Mr. Belden’s case, he’s moving further INTO the scenic/visual corridor which would be contrary to the intent of the BV Plan.)

As a point of clarification, I spoke with a very senior planner a number of years ago about the parameters of building outside the specified Scenic/Visual corridor to ascertain how it would be applied. I was told that if the parcel was totally within the Scenic/Visual Corridor and undeveloped, the law says that you cannot make a parcel unbuildable. However, once a single-family dwelling was allowed, no further buildings need be permitted, regardless of how many buildings one would want to put on a parcel. If there was any part of the parcel NOT in the scenic/visual corridor, the only building location would be OUTSIDE the scenic/visual corridor as mapped on the Bennett Valley Plan maps.

Note: a number of years ago the Board of Supervisors heard an appeal of a county decision denying building within the visual corridor (a non-agricultural structure) and they also denied the appeal. The statement was made by the then Supervisor that the Plan was very clear that there would be no building within the designated corridor. (This parcel was not completely within the scenic visual corridor.)

Some additional issues:

Size of structures: The increase in the amount of square footage being proposed is quite sizeable. Where before we had ample room for the owner and family plus workers, we are now being confronted with an operation that will increase by **12,175 sf of structures**, not including added ag. housing. Where before we had a small amount of parking (hence little additional impervious surfaces) we now have an additional large driveway with another large turn around as well as many more parking spaces for all the hired help and visitors PLUS a huge parking lot for special events.

Wildlife: Attention needs to be given to additional wildlife protection and especially to the large avians of which Dave Steiner used to speak – the golden eagles that inhabited this area.

Retail Sales and Special Events: With all the items that the proposal is “covering” it sounds more like a commercial venture under the cloak of agriculture . . . wine, cheese, fruit, vegetables, eggs, etc. – sounds almost like a mini-mart. Retail Sales and Special Events are a slippery slope and tend to be the most problematic when it comes to traffic concerns and abuses.

Color of buildings: They need to meet the requirements of blending into the natural surroundings to the maximum extent, not matching the existing buildings.

Smoking: Because of the high fire danger in the area, this facility should be a “no smoking” facility – not a place with ash receptacles outside.

Appointment only?: What would be the restrictions ? Number of persons and cars per appointment? Total number of people and cars per hour or day?

Text of the Original Bennett Valley Plan: Due to the reduced text and thus reduced explanations and background info from the original Plan, the opening page of the downsized version specifically states that a copy of the original, complete text will be kept on file at the County and should be used as a reference should any questions arise or clarification be needed.

In conclusion, because this location is geographically isolated, you really can't import extra traffic and not expect to have a significant impact on the rural, scenic, quiet quality of the area. A lot of added traffic, especially truck traffic, is a bane to the way of life in this area. In the past the Steiner Vineyards did not create a good deal of traffic with the only “extra” traffic being during harvest. FYI, there have been for many, many years two (2) other wineries within the Bennett Valley area – Laurel Glen (on upper Sonoma Mtn. Rd. and Coturri (on Enterprise Rd.). Neither of them has had tastings or regular special events. Both are and have been profitable. This proposal, by comparison to them, is like night verses day. It's simply too much for the area to contain and is like trying to fit a square peg into a round hole. The infrastructure is just not here. Nor does the proposal meet with the intent of the Plan that has governed and protected this area for over 30 years. Perhaps in a location which is on a Collector or Arterial Road and in a flat location, this proposal would find acceptance and meet the criteria governing that local area. Here it just does not fit.

Thank You.

Sincerely,
Tamara Boulbee

to maintain acceptable service rations, response times or other performance objectives for any of the public services:				
Comment: Construction of the project would not involve substantial adverse physical impacts associated with provision of government facilities as no new facilities will be required as a result of this project.				
Mitigation: No mitigation measures are required.				
i. Fire protection?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The County Fire Marshal reviewed the project description and requires that the expansion comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management, and management of flammable or combustible liquids and gases.				
Mitigation: No mitigation measures are required.				
ii. Police?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting from the new winery, tasting room, cheese processing facility, and farmstead.				
Mitigation: No mitigation measures are required.				
iii. Schools, parks, or other public facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: Development fees to offset potential impacts to public services include school and park mitigation fees.				
Mitigation: No mitigation measures are required.				
iv. Parks?	Potentially	Less than	Less than	No impact

	Significant Impact	Significant with Mitigation Incorporation	Significant Impact	
				X
Comment: Development fees to offset potential impacts to public services include school and park mitigation fees.				
Mitigation: No mitigation measures are required.				
v. Other public facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: Development fees to offset potential impacts to public services include school and park mitigation fees.				
Mitigation: No mitigation measures are required.				

15. RECREATION *Would the project:*

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.				
Mitigation: No mitigation measures are required.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The project does not include the construction or expansion of recreational facilities.				
Mitigation: No mitigation measures are required.				

16. TRANSPORTATION / TRAFFIC *Would the project:*

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
		X		
<p>Comment: In August 2013 Focused Traffic Study was prepared for the project by Sam Lam and Dalene Whitlock of Whitlock & Weinberger Transportation, Inc. (W-Trans). The Study reached the following conclusions:</p> <ul style="list-style-type: none"> i. The project would generate an average of 71 new daily trip ends over existing levels with 13 trips during the weekday p.m. peak hour and 6 during the weekend midday peak hour. ii. Internal roadways do not meet the minimum Fire Safe Standards for Sonoma County. iii. Sight distances at the project driveway are adequate for outbound right-turn and inbound left-turn movements. iv. Sight distance at the project driveway is inadequate for outbound left-turn movements. v. A westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway. vi. Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway. vii. The driveway entrance and internal roadways configuration will accommodate a heavy-duty 10-wheel bottling line truck. viii. Adequate parking for employees, tasting room visitors, and special events has been included in the design of the project. <p>Sonoma Mountain Road in the vicinity of the project has very low traffic volumes and accident rates are below the state average for this type of roadway. The report recommends two actions to address on-site safety and sight distances from the driveway entrance onto Sonoma Mountain Road. The implementation of these two measures will reduce potential impacts to less than significant.</p>				
<p>Mitigation Measure 16.a.i.: Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.</p>				
<p>Mitigation Monitoring: Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.</p>				
<p>Mitigation Measure 16.a.ii.: Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed in conjunction with Sonoma County Public Works to ensure that the sight distance is maintained.</p>				

<p>Mitigation Monitoring: Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. The project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.</p>				
<p>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: There is no longer a Congestion Management Plan for Sonoma County. However, the General Plan includes a goal of maintaining a Level of Service C for all roadway segments not specifically addressed in the General Plan. Level of Service on this segment of Sonoma Mountain Road is C or better even with the addition of the project traffic.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
<p>c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: The project would have no effect on air traffic patterns.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
		X		
<p>Comment: As discussed in 16.a. above, the sight distance to the east does not meet the minimum sight distance for the type of road and speeds traveled.</p>				
<p>Mitigation Measure: See 16.a.ii. above.</p>				
<p>e) Result in inadequate emergency access?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

<p>Comment: The proposed project will not affect emergency access to the site. On-site roadways and driveways do not meet the County Fire Safe Standards as discussed above in 16.a.</p>				
<p>Mitigation Measure: See 16.a.i. above.</p>				
<p>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
			X	
<p>Comment: Sonoma Mountain Road is designated as a future Class III bicycle facility. The <i>2010 Bicycle and Pedestrian Plan</i> provides the following information on Class III Bikeways:</p> <p><i>Class III Bikeways are intended to provide continuity to the County bicycle network. Bike routes are established along through routes not served by Class I or II bikeways or to connect discontinuous segments of Class I or Class II bikeways.</i></p> <p><i>Class III Bikeways are facilities shared with motor vehicles that provide connection to Class I and II bikeways through signage, and design, creating advantages for bicyclists not available on other streets. By law, bicycles are allowed on all roadways in California except on freeways when a suitable alternate route exists. However, Class III bikeways serve to identify roads that are more suitable for bicycles.</i></p> <p>The proposed project should not interfere with the designation of Sonoma Mountain Road as a Class III Bikeway as the modifications to the driveway entrance will require an encroachment permit which will ensure that the roadway is not impacted by the driveway.</p> <p>In addition the <i>2010 Bicycle and Pedestrian Plan</i> requires the installation of bike racks at new commercial sites: The following criteria apply and will become a condition of approval: Commercial and industrial uses over 10,000 gross square feet one bicycle rack space per 15 employees with a minimum of eight bicycle rack spaces per location. Bicycle lockers may be substituted for bicycle rack spaces and should be located near a main entrance with good visibility.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
<p>g) Result in inadequate parking capacity?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
				X
<p>Comment: The site plan shows up to 96 parking spaces which the consultant states will be adequate for the proposed uses. Additional or overflow parking could be located within the vineyards.</p>				
<p>Mitigation: No mitigation measures are required.</p>				

17. UTILITIES AND SERVICE SYSTEMS *Would the project:*

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: The project will be served by a private septic system installed under permits from the Permit and Resource Management Department. In addition a standard condition of approval requires that the applicant apply for and receive a Waste Discharge Permit from the North Coast Regional Water Quality Control Board. The permitting process ensures that there will be no impacts from wastewater treatment in the private septic system.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: The site is not served by a public water or wastewater treatment facility.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: There are no formal storm water drainage facilities in the area as the project is located in an agricultural area with limited impervious surfaces, large parcel sizes with natural vegetation or crops, etc. all of which allow storm water to percolate into the ground or sheet flow into existing natural drainage swales.</p> <p>The project has been reviewed by the Grading and Storm Water Section of the Permit and Resource Management Department. Eleven standard conditions of approval have been applied to the project regarding drainage and runoff these conditions will ensure that there no impacts from storm water runoff. See Section 9 above for an analysis of drainage and runoff.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

expanded entitlements needed?			X	
Comment: The site is served by a private well. A hydrologic study was prepared which reviewed groundwater resources for both the site and surrounding properties. It concluded that there would be no impacts. See 9.b above.				
Mitigation: No mitigation measures are required.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The site is served by a private septic system not a public wastewater treatment provider.				
Mitigation: No mitigation measures are required.				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that will result from the proposed project.				
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.				
Mitigation: No mitigation measures are required.				

18. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

<p>levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>				
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No impact</p>
			<p>X</p>	
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No impact</p>

Sources

1. PRMD staff evaluation based on review of the project site and project description.
2. PRMD staff evaluation of impact based on past experience with construction projects.
3. Sonoma County Important Farmland Map 1996. California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program.
4. Assessor's Parcel Maps
5. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
6. California Natural Diversity Database, California Department of Fish & Game.
7. Sonoma County General Plan 2020 (as amended), Sonoma County Board of Supervisors, September 23, 2008.
8. California Environmental Protection Agency - <http://www.calepa.ca.gov/SiteCleanup/corteseList/default.htm>; California Regional Water Quality Control Board - <http://geotracker.swrcb.ca.gov/>; California Dept of Toxic Substances Control http://www.dtsc.ca.gov/database/calsites/cortese_list.cfm, and Integrated Waste Management Board - <http://www.ciwmb.ca.gov/SWIS/Search.asp>
9. Alquist-Priolo Special Studies Zones; State of California; 1983.
10. Flood Insurance Rate Maps, Federal Emergency Management Agency.
11. Special Report 120, California Division of Mines and Geology; 1980.
12. General Plan Consistency Determination, (65402 Review), Sonoma County Permit & Resource Management Department.
13. Standard Specifications, State of California Department of Transportation, available online: <http://www.dot.ca.gov/hq/esc/oe/specs.html>
14. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning (ANSI A300 (Part 1)-2008 Pruning), American National Standard Institute (ANSI) and National Arborist Association (NAA), 2008;
15. Best Management Practices: Tree Pruning, International Society of Arboriculture (ISA), 2008.
16. Tree Protection and Replacement Ordinance (Ordinance No. 4014); Sonoma County.
17. Valley Oak Protection Ordinance (Ordinance No. 4991); Sonoma County, December 1996.
18. Heritage or Landmark Tree Ordinance (Ordinance No. 3651); Sonoma County.
19. Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments; May, 1995.
20. Soil Survey of Sonoma County, California, Sonoma County, U.S. Department of Agriculture; 1972.
21. Evaluation of Groundwater Resources, California Department of Water Resources; 1975.
22. Sonoma County Congestion Management Program, Sonoma County Transportation

Authority; December 18, 1995.

23. Sonoma County Aggregate Resources Management Plan and Program EIR, 1994.
24. Sonoma County Bikeways Plan, Sonoma County Permit and Resource Management Department, August 24, 2010.

Planning Application

PJR-001

File#: 1/012-0016

Type of Application:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Admin Cert. Compliance
<input type="checkbox"/> Ag/Timber Preserve
<input type="checkbox"/> Cert. of Compliance
<input type="checkbox"/> Cert. of Modification
<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Design Review Admin. | <input type="checkbox"/> Design Review Comm./Ind.
<input type="checkbox"/> Design Review Residential
<input type="checkbox"/> Design Review Signs
<input type="checkbox"/> General Plan Amendment
<input type="checkbox"/> Lot Line Adjustment
<input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Mobile Home Zoning Permit
<input type="checkbox"/> Ordinance Interpretation
<input type="checkbox"/> Second Unit Permit
<input type="checkbox"/> Specific/Area Plan Amendment
<input checked="" type="checkbox"/> Use Permit | <input type="checkbox"/> Variance
<input type="checkbox"/> Zone Change
<input type="checkbox"/> Zoning Permit
<input type="checkbox"/> Other: |
|--|--|---|--|

Applicant (Contact Person):

Name: Nathan L. Belden
 Mailing Address: 5561 Sonoma Mountain Road
 City/Town: Santa Rosa State/Zip: CA 95405
 Phone: 415-577-8552 Fax: _____
 Signature: [Signature] Date: May 23, 2012

Owner, if other than Applicant:

Name: Nathan L. Belden Trust
 Mailing Address: 527 Alvarado Street
 City/Town: San Francisco State/Zip: CA 94114
 Phone: 415-577-8552 Fax: _____
 Signature: [Signature] Date: May 23, 2012

Other Persons to be Notified: (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

<u>SMA - Steve Martin, P.E.</u>		Name		Name	
<u>130 South Main St., Suite 201</u>		Mailing Address		Mailing Address	
<u>Sebastopol</u>	<u>CA 95472</u>	City/Town	State/Zip	City/Town	State/Zip
<u>Project Manager/ Engineer</u>		Title		Title	
<u>(707) 824-9730</u>	<u>(707) 824-9707</u>	Phone	Fax	Phone	Fax

Project Information:

Address: 5561 Sonoma Mountain Road City/Town: Santa Rosa
 Assessor's Parcel Number(s): APN 049-030-010 Acreage: 55.0 acres

Project Description: New phased winery & farmstead with ultimate 10,000 case wine production, 10,000 lbs cheese production and public tasting, tours and retail sales.

Site Served by Public Water? yes no Site Served by Public Sewer? yes no Number of new lots proposed None

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

Planning Area: 9 Supervisorial District: 1 Current Zoning: LIAB-40/A General Plan Land Use: LIA-40
 Specific Plan: Barnett Valley Am. Plan S.P. Land Use: _____ Needs CEQA Review? yes no
 Commercial/Industrial Uses: (Enter numbers where applicable)
 Bldg. sq. ft. Existing: _____ Proposed: _____ Existing Employees: _____ New Employees: _____
 Residential Uses: (Enter numbers where applicable)
 New Single-Family Homes: _____ New Multi-Family Units: _____ New Second Units: _____
 New Manufactured Homes: _____ New Units For Sale: _____ New Units For Rent: _____ Density Bonus Units: _____
 Violation? yes no, Application resolve planning violation? yes no, Penalty applicable? yes no, CIVI Penalty Factor _____
 Previous Files: 11006-0021 (Design Review), ZPE06-0279 (Coastal Non-Compliance)
 Application accepted by Karen Theobald Date: 5-21-12

Sonoma County Permit and Resource Management Department
 2550 Ventura Avenue ♦ Santa Rosa, CA 95403-2829 ♦ (707) 555-1900 ♦ Fax (707) 555-1103

SR = scenic landscape
AS - Res. I

I:\small\proj\11\11006-0021-014_Belden Barns\Documents\Use Permit\Permit Application\052112.doc 5/21/2012

USE PERMIT – SUPPLEMENTAL APPLICATION INFORMATION

Existing site characteristics:

Existing use of property: Vineyard and residence Acreage: 55.0 acres

Proximity to creeks, waterways, and impoundment areas: 940' +/-

Vegetation on site: Vineyard

General Topography: Varies, sloping (5%-15%)

Surrounding uses to North: vineyards South: open space
East: agriculture West: vineyards

New buildings proposed (size, height, type): Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650SF – 1st Floor, 650 SF 2nd Floor) nestled into the topography. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090SF wing to an existing barn.
Number of employees (total): Phase I: 4 full-time employees and 2 part-time during non-harvest and 6 full-time employees during harvest and bottling. Phase II: during non-harvest, 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling.

Operating day: Monday-Sunday Hours of operation: 7:00 am-6:00 pm, non-harvest : 6:00 am- 10:00 pm harvest

Number of vehicles per day: 12

Water source: private wells Sewage disposal: onsite septic tank and underground leachfield systems

Provider, if applicable: N/A Provider, if applicable: N/A

Noise generated: Minimal noise generated from crush equipment and compressors

Grading required: Phase II - Cut Max: 2,000 CY Fill Max: 2,000 CY
Fill Area: 0.25 AC Approx. Total Yds: 4,000 CY
Area of Disturbance: 1.0 AC

Vegetation to be removed: Phase II - pasture

Will proposal require annexation to a district in order to obtain public services?

Yes No

Are there currently any hazardous materials (chemicals, oils, gasoline, etc.) stored, used, or processed on this site?

Yes No

Were there any hazardous materials used, store, or processed on this site?

Yes No

Will the use, storage, or processing of hazardous materials occur on this site in the future if this project is authorized?

Yes No

Additional information: See attached Preliminary Engineering and Planning Data.

Belden Barns Winery & Farmstead

Belden Barns
Proposed New Winery and Farmstead Facilities
5561 Sonoma Mountain Road
Santa Rosa, Sonoma County

Proposal Statement

The proposed Belden Barns Winery and Farmstead involves the development of new winemaking, hospitality and farmstead food production facilities on our 55 acre parcel located at 5561 Sonoma Mountain Road near Santa Rosa, California. The facilities will be owner-operated dedicated primarily to the production of ultra-premium Pinot Noir, Syrah, Sauvignon Blanc and Gruner Veltliner as well as various farmstead products including fresh/preserved vegetables/fruits, eggs, charcuterie and cheeses.

The facilities will be located on our vineyard property known as Steiner Vineyard, which was first planted in 1973 and is a historically important vineyard in the Sonoma Mountain/Bennett Valley AVAs. The vineyard currently has 16.0 acres of producing vines, 4.0 acres of vines under development, irrigation reservoir, pasture, fruit orchard, vegetable plots, barns and residences. It is our desire to have a quiet farmstead operation and winemaking facility. And while an ultimate production of 10,000 cases of wine and 10,000 lbs of cheese is requested, the production at our facilities will begin small and grow to match the success of producing world class wines in conjunction with farmstead products and farmstead themed experiences.

Tastings and tours will be by appointment with retail sales direct to customers. We plan on having agricultural promotional events to introduce potential and current customers to our wines and farmstead products including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings and other agricultural promotional gatherings. The proposed winery will produce wines primarily from our estate vineyard and other local vineyards in the region. The farmstead production will utilize vegetables, fruit, eggs and milk produced sustainably on site and from surrounding producers. For reference, 10,000 pounds of cheese production utilizes the milk production of 10 cows / 50 sheep / 100 goats. The sustainable carrying capacity of our pasture supports fewer animals than our targeted cheese production implies, so we plan to source a portion of milk for cheese production from local producers.

The facility development is planned to be a phased project. Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650SF - 1st Floor, 650 SF 2nd Floor) nestled into the topography adjacent to the new hospitality building and demolished garage/residence. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090SF wing to an existing barn. This new construction will include a milking parlor, micro creamery, cheese making room and affinage rooms for cheese and charcuterie aging. Due to tree coverage and use of topography each phase of development will be minimally visible from Sonoma Mountain Road and is located 420± feet from the existing road and 640± feet from the closest neighboring residence. The winery design and layout has been driven by the function and the criteria for gentle handling of fruit, gentle wine processing, minimized power usage and reduced exposure of the structure. All building designs are agrarian in character with the existing residence, barns and surrounding agricultural area.

Related infrastructure includes minor improvements to the existing entrance on Sonoma Mountain Road, process wastewater treatment system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.

Belden Barns Winery & Farmstead

During Phase I, we plan on having 4 full-time employees and 2 part-time employees. To support the proposed Phase II winery and farmstead facilities during non-harvest, we anticipate maintaining a staff of 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling. Visitation for both phases will be by appointment and visitors anticipated are to be on the order of 20 for an average day and 60 for a peak day. Operating hours shall be 7 AM to 6 PM Monday through Friday off harvest and 6 AM to 10 PM Monday through Sunday during harvest season.

It is our intention to create a small, quiet farmstead and winery facility that produces outstanding, unique wines and farmstead products from Sonoma County. In turn, we hope to celebrate and support local agriculture and Sonoma County's economy. The new facilities are designed to have minimal impact to the land with use of existing structures, sustainable materials and systems, and an architectural style that blends with the surroundings and existing structures in the area.

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

September 19, 2012

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Melinda Grosch

Re: Belden Barns Winery &
Farmstead
PLP12-0016
APN 049-030-010
Project No. 2011014

Dear Melinda

The purpose of this letter is to review items discussed during our project meeting on June 19, 2012 in response to your letter dated June 12, 2012 regarding application incompleteness. In addition, we'll provide written response to items No. 1 through No. 7 per your email of today, 9-19-12, though some of these items were addressed at our meeting referenced above as well as in our preliminary Design Review submittal on August 23, 2012 and our Memorandum dated 9-7-12 regarding the requested narrative for the siting of the winery building within the Bennett Valley Visual Corridor.

1. A revised Site Plan showing all new construction outside the Bennett Valley Visual Corridor is not being provided. We had addressed this with you in our meeting on June 19, 2012, the subsequent design review application and further memorandum dated September 7, 2012, which provided the requested written narrative justifying the siting of the building within the BV Visual Corridor. Please set this project for preliminary Design Review as you recommended and have indicated is a first priority in the processing due to being in the visual corridor.
2. Design Review submittal package with the required items (photo simulations, site plans, building plans & elevations, etc.) and multiple copies was provided to you on 8-23-12.
3. Up to 10 special events per year with attendance levels of 60 to 200 people are requested with the UP application. No outdoor amplified music is planned for the events. The event breakdown is projected as follows:
 - 5 events at 60 people maximum
 - 3 events at 100 people maximum
 - 2 events at 200 people maximum

Anticipated event information is as follows:

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time</u> <u>Period</u>	<u>Attendees</u> <u>(maximum)</u>
Wine Club Member's Event	2	January - December	60
Distributors Tasting & Dinner	2	January - December	60

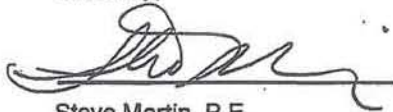
Chef Tastings & Dinner	1	January - December	60
Wine Club Member's Pick-up Event	1	March - October	100
Harvest Party	1	March - October	100
Wine & Farm Product Marketing Event (TBD)	1	March - October	100
Wedding	1	March - October	200
Wine & Farm Product Marketing Event (TBD)	1	March - October	200
TOTAL	10		

Belden Barns plans to participate in selective County-wide industry events.

4. Winery Hospitality Functions: the number of events, description and maximum number of people are as described in the table above. Normal tasting room hours and related visitation will be from 11:00 AM to 6:00 PM. Events described above will be during the time between 11:00 AM to 10:00 PM. Generally, the Wine Club Member events and Harvest Party will be during the day and the Tasting & Dinner functions will be from 5:00 PM to 10:00 PM.
5. Williamson Act Compliance Statement is attached.
6. The winery structure has two attached agricultural employees units. The 2-bedroom unit will be a replacement for the existing Ag Employee dwelling to be removed. The 1-bedroom unit is planned to be a Workforce Housing Unit in order to satisfy the pending Condition of Approval related to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
7. Signed At-Cost Agreement is attached.

I trust the above adequately addresses items #1 through #7 of your June 12, 2012 letter. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Nate Belden
attachments

Supporting Information

The proposed location of the new winery building meets the Goals and Policies of the BV Area Plan although it is within the boundaries of the BV Visual Corridor.

- The proposed new building can not be seen from public roadways or neighboring properties. As stated above, it is screened by existing trees and vegetation as well as existing structures (see photo simulation and rendering)
- Cluster development is being accomplished with the building siting (Goals & Policies I.F.)
- Winery building includes two new workforce housing units satisfying both the Work Force Housing policy and the need for low cost housing (Goals & Policies II.A. & II.B.)
- The winery and farmstead supports the agriculture production on site and supports the "vital rural character" (Goals & Policies III.A.)
- The area of the property outside of the BV Visual Corridor is within an open vista. The proposed location of the winery building supports the Open Space and protects the open vista (Goals & Policies IV.A.)
- Views for public roads and the community are protected with the proposed new location since it can not be seen from any public view shed (Goals & Policies IV.C.)

Mitigation Measures within the BV Area Plan include "Maintain Visual Amenity". The proposed location complies as follows:

- Avoids skyline Development
- Is in harmony with the existing structures, area and natural surroundings
- Does not impact visual/scenic corridors
- Will adhere to the BV Design Guidelines (with exception of being within the corridor)
- Does comply with the General Plan and Zoning Ordinance.

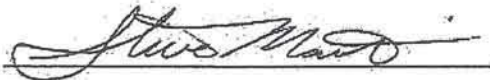
Summary

The proposed Belden Barns Winery & Farmstead is responsibly designed to minimize visual impacts to the public and neighboring properties by utilizing existing farm structures and siting the Phase II building within the cluster of farm buildings. The Phase II building architecture is in concert with the existing buildings on site and the agrarian setting. As stated above the public view shed is not affected by the proposed project structures; the new building cannot be seen outside of the property and the existing structures are part of the natural surroundings. Public safety is protected by not attempting to build in the geologically unstable area that falls outside of the BV Visual Corridor.

I trust the above adequately addresses your request for a narrative summary supporting the building location within the BV Visual Corridor. I look forward to discussing the above and additional supporting photos, renderings, photo-simulations and related information with the DR committee.

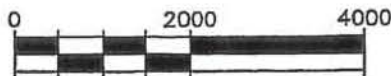
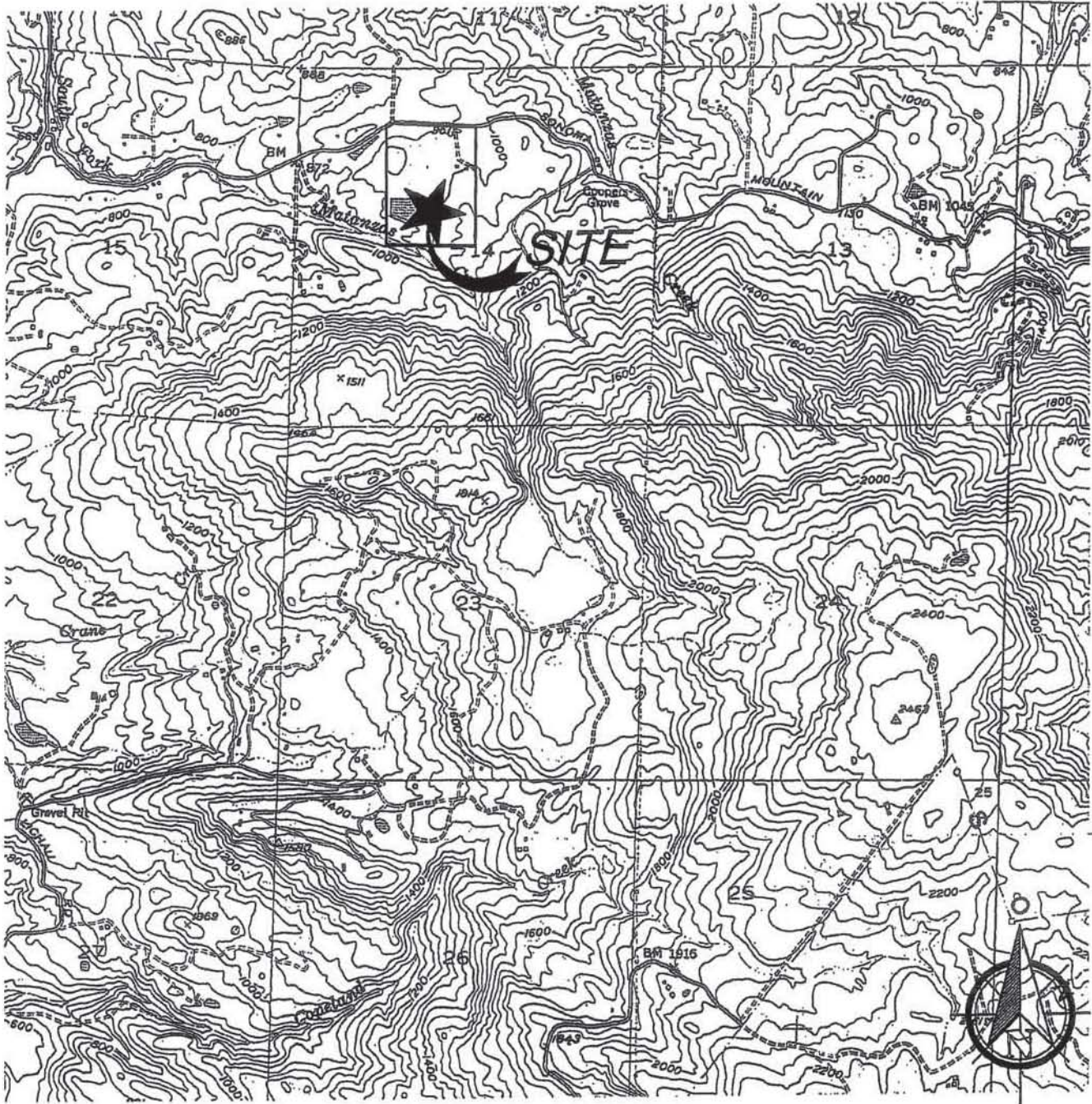
Please call if you have any questions or comments.

Regards,



Steve Martin, P.E

cc: Nate Belden



GRAPHIC SCALE IN FEET

Scale: 1" = 2000'

PROJECT LOCATION MAP

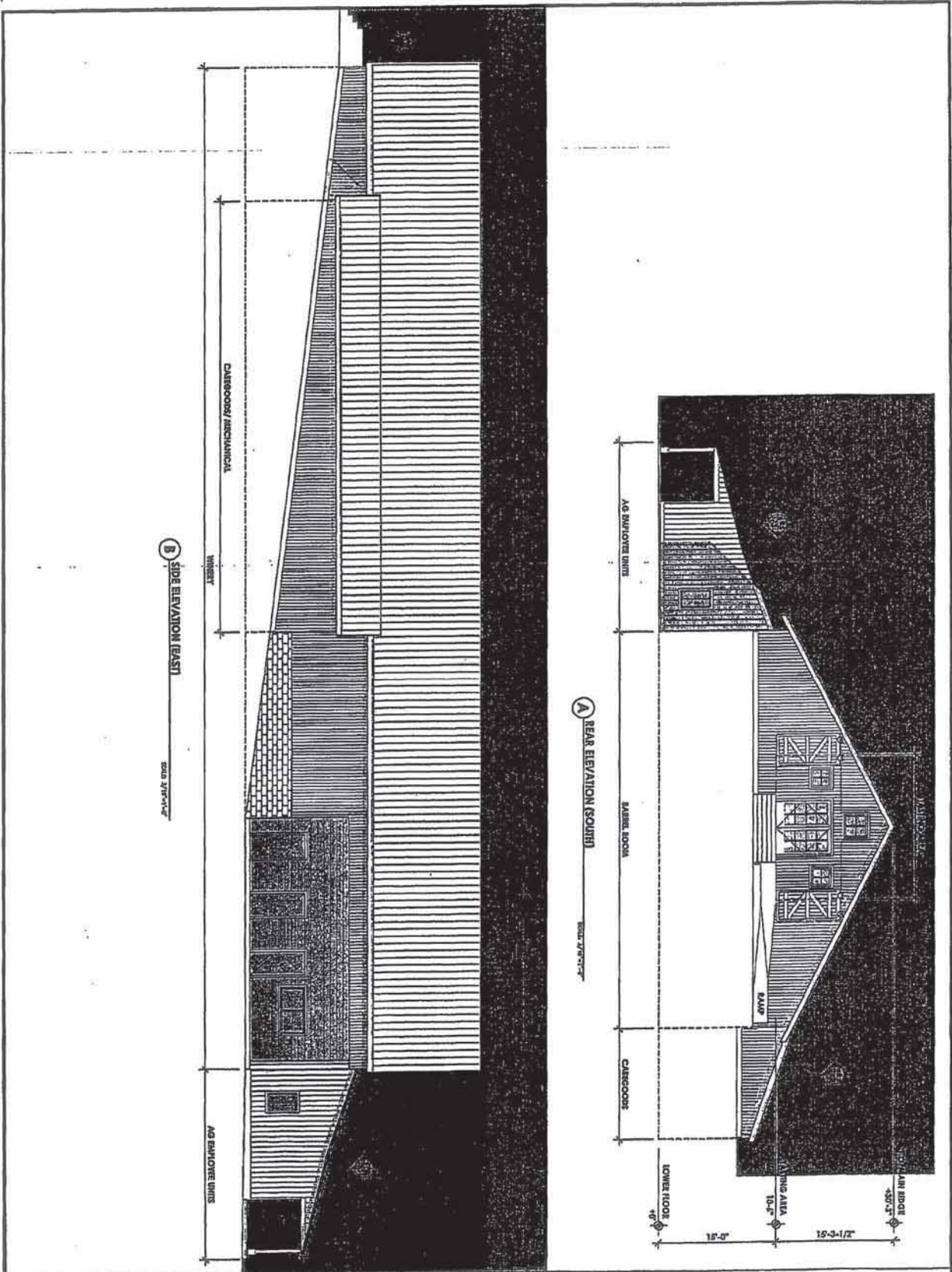
SMA

Steve Martin Associates
 130 South Main Street, Suite No. 201
 Sebastopol, CA 95472
 Office (707) 824-9730, Fax (707) 824-9707
 E-mail: www.SMAAssociates.Net

**Belden Barns
 Winery and Farmstead**
 5560 Sonoma Mountain Road
 Santa Rosa, CA 95404
 AP # 049-030-010

SMA 2011-014

05.30.12



REVISIONS	DATE	DESCRIPTION

BELDEN BARN
 Winery and Farmstead
 5580 Sonoma Mountain Road
 Santa Rosa, CA 95404
 AP # 049-030-010

USE PERMIT
 PROPOSED WINERY/
 AG EMPLOYEE UNITS
 EXTERIOR ELEVATIONS

SMA
 Structural Mechanical Architectural
 120 S. Main Street, 2nd Fl.
 Sebastopol, CA 95472
 Tel: (707) 823-8888
 Fax: (707) 823-8889
 www.smaarchitect.com
 002 Main Street, 2nd Fl.
 Sebastopol, CA 95472
 Tel: (707) 823-8888
 Fax: (707) 823-8889
 www.smaarchitect.com

A3

SMA
 Santa Maria Architects, Inc.
 130 S. Main Street, 5th Fl.
 Santa Maria, CA 93452
 (805) 922-1234
 Fax: (805) 922-1237
 www.smaarchitects.com

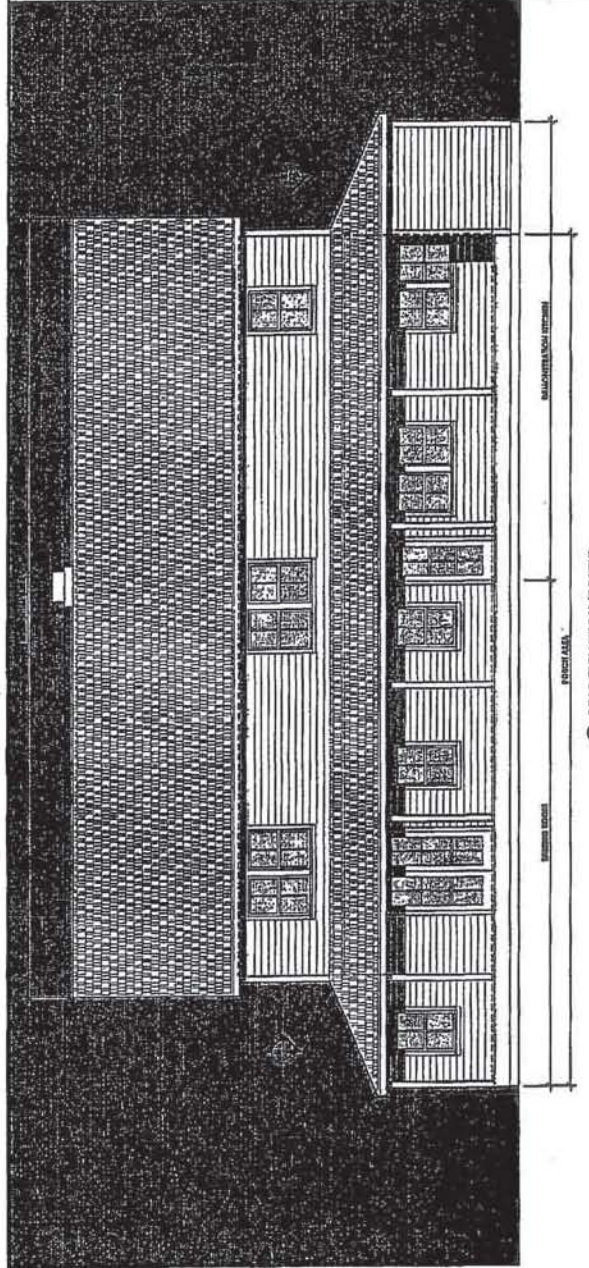
USE PERMIT
PROPOSED HOSPITALITY/
RESIDENCE BUILDING
EXTERIOR ELEVATIONS

BELDEN BARNS
 Winery and Farmstead
 5580 Sonoma Mountain Road
 Santa Rosa, CA 95404
 AP # 049-030-010

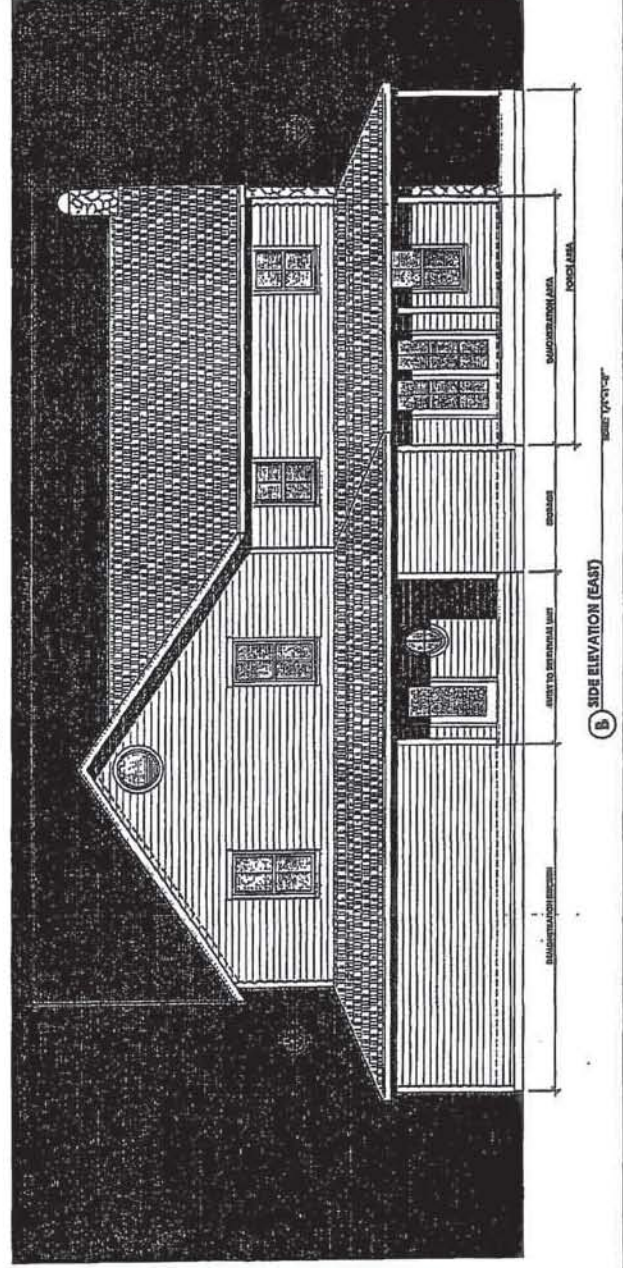
NO.	DATE	DESCRIPTION

DATE: 08/15/2017
 DRAWN BY: J. GARDNER
 CHECKED BY: J. GARDNER
 PROJECT: 17-000-001
 SHEET: A6

A6



A REAR ELEVATION (SOUTH)
 SCALE: 1/4" = 1'-0"



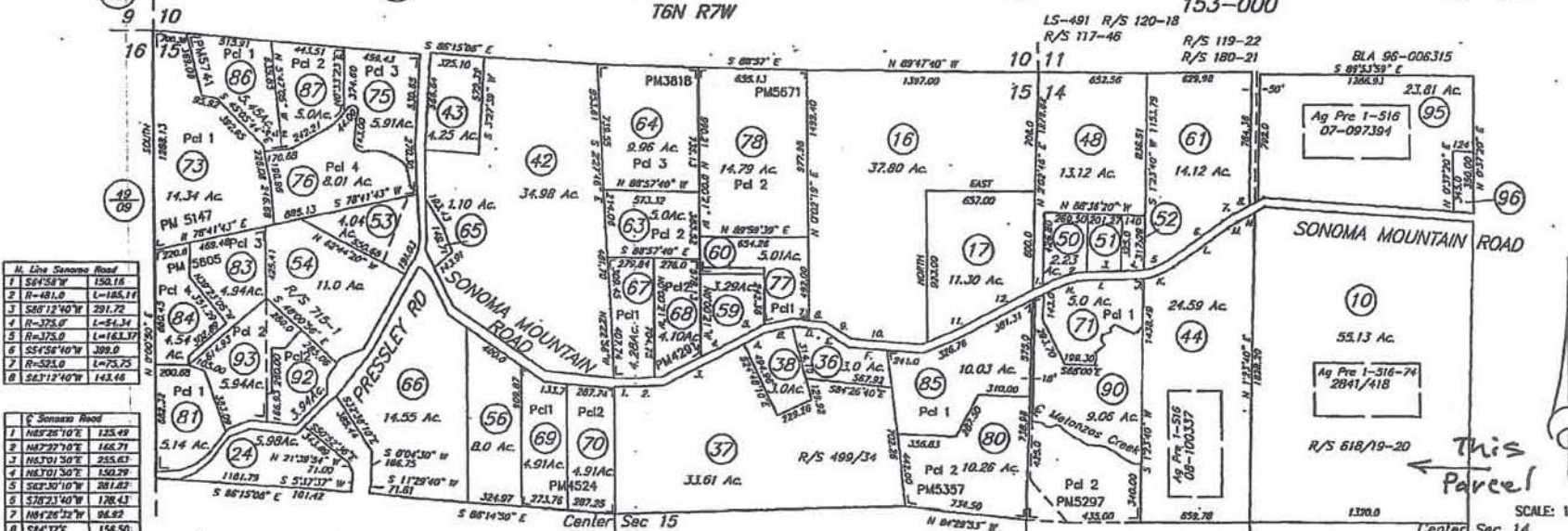
B SIDE ELEVATION (EAST)
 SCALE: 1/4" = 1'-0"

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA
153-000

49-03

T6N R7W



M Line Sonoma Road

1	S 64°54'W	150.18
2	N 48°18.0	L=185.14
3	S 67°12'40"W	291.72
4	N 72°5.0	L=54.34
5	N 37°5.0	L=163.37
6	S 54°56'40"W	390.0
7	R=32.0	L=75.25
8	S 62°12'40"W	143.46

C Sonoma Road

1	N 82°26'10"E	123.49
2	N 82°27'10"E	168.71
3	N 67°01'30"E	265.63
4	N 67°01'30"E	150.29
5	S 62°30'10"W	281.62
6	S 76°21'40"W	126.43
7	N 84°26'22"W	98.82
8	S 64°37'E	156.50
9	S 58°17'E	208.40
10	S 65°53'E	426.50
11	N 67°02'E	250.10
12	N 62°50'E	480.00

S Line Sonoma Road

A	N 85°11'50"E	148.88
B	N 85°11'50"E	169.09
C	N 85°11'50"E	3.80
D	S 41°00'30"E	205.02
E	S 54°52'30"E	240.46
F	N 85°12'50"E	210.91
G	N 84°58'E	175.72
H	R=43.0	L=174.85
I	N 85°12'40"E	291.72
J	R=42.0	L=51.47
K	R=42.0	L=185.29
L	N 54°35'40"E	390.0
M	R=42.0	L=68.53
N	N 85°12'40"E	143.46

Parcel Map No. 3818
REC. 07-03-73 IN BK. 193, MAPS, PGS. 37-00

Parcel Map No. 4291
REC. 02-21-74 IN BK. 203, MAPS, PGS. 46-00

Parcel Map No. 4524
REC. 09-10-74 IN BK. 213, MAPS, PGS. 17-00

Parcel Map No. 5147
REC. 10-06-76 IN BK. 240, MAPS, PGS. 02-03

Parcel Map No. 5297
REC. 10-19-76 IN BK. 240, MAPS, PGS. 29-00

Parcel Map No. 5671
REC. 05-10-77 IN BK. 251, MAPS, PGS. 13-00

Parcel Map No. 5357
REC. 09-12-77 IN BK. 258, MAPS, PGS. 03-04

Parcel Map No. 5805
REC. 11-03-77 IN BK. 280, MAPS, PGS. 16-00

Parcel Map No. 5741
REC. 08-25-78 IN BK. 274, MAPS, PGS. 03-00

NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.)

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

Assessor's Map Bk. 049, Pg. 03
Sonoma County, Calif. (A00)

KEY 2-28-09 KB

REVISED
01-04-07-P/O -LSL
02-28-08-AG-KB
03-28-08-R/S-KB
02-03-09-AG-KB

Ag Pre 1-516-74
2606/513
03-163621
W 1-1-07

BLA 95-006315
S 87°53'39"E
1366.93

Ag Pre 1-516
07-097394

Ag Pre 1-516-74
2841/418

R/S 618/19-20

This Parcel

SCALE: 1"=600'

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

TRANSMITTAL

PLP 12-0016

Project: **Belden Barns Winery**
Project No.: 2011014

Date: June 04, 2013

To: **Melinda Grosch**
County of Sonoma PRMD
2550 Ventura Avenue
Santa Rosa, CA 95401

Site:
APN# 049-030-010
5560 Sonoma Mountain Road
Santa Rosa, CA 95404

SENT VIA: Email Overnight Regular Mail Drop-off

Copies	Date	Description
1	06/03/13	Biological Assessment for APN#049-030-010

TRANSMITTED: For approval For your use As requested For review & comment

Dear Melinda,

See attached hard copy of the Biological Assessment prepared by Kjeldsen Biological Consulting.

Please call if you need anything else.

Sincerely,

Jeannie VandeWeg
Project Administrator

cc: File

*Start pg 12
in Initial St.*

BIOLOGICAL ASSESSMENT

**Belden Barns - Winery and Farmstead
5560 Sonoma Mountain Road
Santa Rosa, CA 95404
APN 049-030-010**



**Prepared
By
Kjeldsen Biological Consulting**

**For
Belden Barns Winery and Farmstead
Steiner Vineyard, LLC
May 24, 2013**

BIOLOGICAL ASSESSMENT

**Belden Barns Winery and Farmstead
5560 Sonoma Mountain Road
Sonoma County**

PROJECT NAME:

Belden Barns Winery and Farmstead
APN 049-030-010
5560 Sonoma Mountain Road
Santa Rosa, CA 95404
Sonoma County

PROJECT COORDINATOR:

Steve Martin Associates, Inc
130 South Main St. Suite 201
Sebastopol, CA 95472

REPORT PREPARED BY:

Kjeldsen Biological Consulting
923 St. Helena Ave.
Santa Rosa, CA 95404
(707) 544-3091
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kjeldsen@sonic.net

PERIOD OF SURVEY:

Spring-Summer 2013

BIOLOGICAL ASSESSMENT

**Belden Barns Winery and Farmstead
5560 Sonoma Mountain Road
Santa Rosa, CA 95404**

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BIOLOGICAL ASSESSMENT

**Belden Barns Winery and Farmstead
5560 Sonoma Mountain Road
Sonoma County**

EXECUTIVE SUMMARY

This study was conducted at the request of Belden Barns Winery and Farmstead, as background information for project permits from the Sonoma County Permit and Resource Management Department.

The project proposes the construction of a winery within an existing ranch complex (improved entrance, new winery road, improved driveway, new turnaround and parking spaces, winery building, replacement of residence, existing barn renovation and truck turnaround). The property is located southeast of the city of Santa Rosa, within the northwest edge of the USGS Glen Ellen Quadrangle, at 5560 Sonoma Mountain Road.

The purpose of this report is to identify biological resources that may be affected by the proposed project. The fieldwork studied the proposed project envelope and surrounding environment. The findings presented below are the results of fieldwork conducted in 2013 by Kjeldsen Biological Consulting:

- The project footprint is within a developed landscape that has had decades of different agricultural endeavors (the habitat of the project footprint is ruderal agricultural grassland that has been routinely disked and mowed). The proposed project site is at the old ranch headquarters that consists of residence, employee unit and agricultural barns and infrastructure;
- The project is not located within the designated area of the U.S.F.W.S. Sonoma California Tiger Salamander, Proposed Critical Habitat Unit 1 -Santa Rosa Plain.
- The project is not located in the designated area of the U.S.F.W.S Programmatic Biological Opinion (PBO) for the U.S. Army Corps of Engineers for Projects that May Affect Listed Plant Species on the Santa Rosa Plain;
- No habitat for special-status plant or animal species was identified on the project site. We find that it is unlikely that the proposed project would impact any of the special-status plants known for the Quadrangle or the region based on the habitat present and historic use within and associated with the project footprint;
- The proposed project will not significantly reduce habitat for any local special-status animals;
- No raptor activity or nests were observed on or near the proposed project site;
- The project footprint drains by sheet flow into an unnamed tributary of Matanzas Creek;

- A man made reservoir is near the project site. The reservoir is separated from the project;
- The project sewer system and storm water drainage will be conveyed to an engineered disposal system with in existing vineyards. There is no reason to expect any hydrologic or significant impacts to aquatic life in the watershed;
- There are no indications of the presence of Sensitive Natural Communities regulated by the California Department of Fish and Game or US Fish and Wildlife are present within or directly associated with the project footprint;
- The new access road is adjacent to an unnamed drainage with riparian vegetation. The project proposes a 30 ft setback;
- The proposed project will not substantially interfere with native wildlife species, wildlife corridors, or native wildlife nursery sites;
- The footprint of the project will not significantly contribute to habitat loss or habitat fragmentation; and
- The flora and fauna observed on and near the site are included as an Appendix.

Assessment of Impacts

The property and project site conditions are such that there is no reason to expect any impacts to special-status species on site or off site provided Best Management Practices are implemented. The primary biological concern is the protection and prevention of sediment release from the construction phase of the project. Standard Erosion control measures and BMPs will protect resource on site during and post-construction. No natural habitat will be removed or impacted by the proposed project.

Riparian vegetation along the drainage has the potential to be impacted if the proposed road or construction is proposed under the drip line of trees.

Recommendations

All project construction activities must be limited to the project footprint. Best Management Practices including silt and erosion control measures must be implemented to prevent off-site movement of sediment and dust during and post construction.

Construction fencing should be considered for installation along the edge of the new winery access road adjacent to the drainage along the buffer zone. No construction should be allowed under the canopy of the riparian zone adjacent to the proposed project. Construction fencing will ensure that no construction equipment, fill, staging or storage occurs in this area.

Project construction has the potential for disturbing raptors during breeding/bird nesting season (March 1 through July 31). A pre-construction survey of potential nesting raptor habitat within 500 feet of earthmoving activities should be conducted is construction begins during this time. Surveys should be conducted within 14 days prior to groundbreaking activities associated with road construction. If active nests are found during preconstruction surveys the project applicant should consult with the California Department of Fish and Game and obtain approval for appropriate buffers or delay construction until it is determined that all young have fledged.

BIOLOGICAL ASSESSMENT

Belden Barns Winery and Farmstead

A. PROJECT DESCRIPTION

A.1 Introduction

This study was conducted at the request of Belden Barns Winery and Farmstead, as background information for project permits from the Sonoma County Permit and Resource Management Department.

The property consists of vineyards and ranch infrastructure with landscape plantings, reservoir, agricultural grasslands and a small portion of upland oak woodlands. The project proposes improvement of existing house and infrastructure (improved entrance, new winery road, improved driveway, new turnaround and parking spaces, winery building, replacement of residence, existing barn renovation and truck turnaround.

The property is located 5560 Sonoma Mountain Road southeast of the city of Santa Rosa. The parcel is within the northwest edge of the USGS Glen Ellen Quadrangle. The surrounding land use consists of vineyards, rural residential housing, pasturelands and upland oak woodlands. Plate I provides a site and location map of the property. Plate III provides an aerial photograph of the property and Plate V presents the site plan for the project.)

A.2 Purpose

The purpose of this report is to identify biological resources that may be affected by the proposed project as listed below:

- To determine the presence of potential habitat for special-status species which would be impacted by the proposed project, including habitat types which may have the potential for supporting special-status species (target species that are known for the region, the Quadrangle and surrounding Quadrangles);
- To identify the presence of special-status plant species and assess the potential impact of the project on sensitive plants or sensitive plant habitat;
- To identify if the project will have a substantial adverse effect on Sensitive Habitats or Communities regulated by the California Department of Fish and Game;
- To identify and assess potential impacts to Federal or State protected wetlands as defined by Section 404 of the Clean Water Act; and
- To determine if the project will substantially interfere with native wildlife species, wildlife corridors, and or native wildlife nursery sites.

A.3 Definitions

Definitions related to or used in this report are attached in Appendix B.

B SURVEY METHODOLOGY

B.1 Project Scoping

The scoping for the project considered location and type of habitat and or vegetation types present on the property or associated with potential special-status plant species known for the Quadrangles, surrounding Quadrangles the County or the region. Our scoping also considered records in the most recent version of the Department of Fish and Wildlife California Natural Diversity Data Base (DFW CNDDDB Rare Find-4), Biogeographic Information and Observation System Online mapping tool, and the California Native Plant Society (CNPS) Electronic Inventory of Rare or Endangered Plants. "Target" special-status species are those listed by the State, the Federal Government or the California Native Plant Society or considered threatened in the region. Our scoping is also a function of our familiarity with the local flora and fauna as well as previous projects on other properties in the area.

The California Wildlife Habitat Relationships (WHR) System (Department of Fish and Wildlife) query was run to determine through habitat what potential species could be present on the project site.

Tables II and III present DFW CNDDDB Rare Find-3 species within five miles. We also considered species which are known for the nine surrounding Quadrangles, and would potentially be present based on habitat present on site.

B.2 Field Survey Methodology

Site plans and background materials for the project were provided by Steve Martin Associates, Inc. Fieldwork was conducted by walking the project footprint and the surrounding area on the property with two personnel (Chris K. Kjeldsen, and Daniel T. Kjeldsen). Our fieldwork analyzed the project site and surrounding habitat for special-status organisms or the presence of suitable habitat, which would support special-status organisms. The findings presented below are the results of fieldwork conducted on March 14, April 18, and May 16, 2013 by Kjeldsen Biological Consulting.

Plants Field surveys were conducted recording and identifying all species on the site and in the near proximity. Transects through the proposed project sites were made methodically by foot. Transects were established and scrutinized to cover topographic and vegetation variations within the study area. The Intuitive Controlled approach calls for the qualified surveyor to conduct a survey of the area by walking through it and around its perimeters, and closely examining portions where target species are especially likely to occur. The open nature of the site, historic and on going agricultural practices, and small size of the proposed development footprint facilitated our field studies.

The fieldwork for identifying special-status plant species is based on our knowledge and many years of experience in conducting special-status plant species surveys in the region. Plants were identified in the field or reference material was collected, when necessary, for verification using laboratory examination with a binocular microscope and reference materials. Herbarium specimens from plants collected on the project site were made when relevant. Voucher material for selected individuals is in the possession of the authors. All plants observed (living and/or remains from last season's growth) were recorded in field notes.

Typically, blooming examples are required for identification however; it is not the only method for identifying the presence of or excluding the possibility of rare plants. Vegetative morphology and dried flower or fruit morphology, which may persist long after the blooming period, may also be used. Skeletal remains from previous season's growth can also be used for identification. Some species do not flower each year or only flower at maturity and therefore must be identified from vegetative characteristics. Algae, fungi, mosses, lichens, ferns, Lycophyta and Sphenophyta have no flowers and there are representatives from these groups that are now considered to be special-status species, which require non-blooming identification. For some plants unique features such as the aromatic oils present are key indicator. For some trees and shrubs with unique vegetative characteristics flowering is not needed for proper identification. The vegetative evaluation as a function of field experience can be used to identify species outside of the blooming period to verify or exclude the possibility of special-status plants in a study area.

Habitat is also a key characteristic for consideration of special-status species in a study area. Many special-status species are rare in nature because of their specific and often very narrow habitat or environmental requirements. Their presence is limited by specific environmental conditions such as: hydrology, microclimate, soils, nutrients, interspecific and intraspecific competition, and aspect or exposure. In some situations special-status species particularly annuals may not be present each year and in this case one has to rely on skeletal material from previous years. A site evaluation based on habitat or environmental conditions is therefore a reliable method for including or excluding the possibility of special-status species in an area.

Animals were identified in the field by their sight, sign, or call. Our field techniques consisted of surveying the area with binoculars and walking the perimeter of the project site. Existing site conditions were used to identify habitat, which could potentially support special status species. All animal life was recorded and is presented in Appendix A.

Trees were surveyed to determine whether occupied raptor nests were present within the proximity of the project site (i.e., within a minimum 500 feet of the areas to be disturbed). Surveys consisted of scanning the trees on the property (500 ft +) with binoculars searching for nest or bird activity. Our search was conducted from the property and by walking under existing trees looking for droppings or nest scatter from nests that may be present that were not observable by binoculars.

Potential bat breeding habitat was surveyed for within 200 feet of the proposed project, by looking for roosting habitat in buildings that were accessible, rock outcrops, tree crevasses, and evidence of roosting.

Aerial photos were reviewed to look at the habitat surrounding the site and the potential for wildlife movement, or wildlife corridors from adjoining properties onto or through the site.

Wetlands The project site was reviewed to determine from existing environmental conditions with a combination of vegetation, soils, and hydrologic information if seasonal wetlands were present. Wetlands were evaluated using the ACOE's three-parameter approach: Vegetation, Hydrology, and Soils. Tributaries to Waters of the US are determined by the evaluation of continuity and "ordinary high water mark".

C RESULTS / FINDINGS

Our results and findings are based on our fieldwork, literature search, and the background material available for the project.

C.1 Biological Setting

The site is located in the North Coast Range Mountains, a geographic subdivision of the larger California Floristic Province (Hickman, 1993), which is strongly influenced by the Pacific Ocean. The region is in a climate Zone "Ocean influenced Northern and Central California" characterized as an area with ocean or cold air influence. The climate of the region is characterized by hot, dry summers and cool, wet winters, with precipitation that varies regionally from less than 30 to more than 60 inches per year. This climate regime is referred to as a "Mediterranean Climate". The average annual temperature ranges from 45 to 90 degrees Fahrenheit. The variations of abiotic conditions including geology results in a high level of biological diversity per unit area.

The photographs (Figures 1 to 5) below illustrate the study site.



05.15.2013

Figure 1. Existing driveway that will be improved. Planted Cypress. The view is to the north from the ranch headquarters. The new winery access road will be constructed in the ruderal grassland on the right.

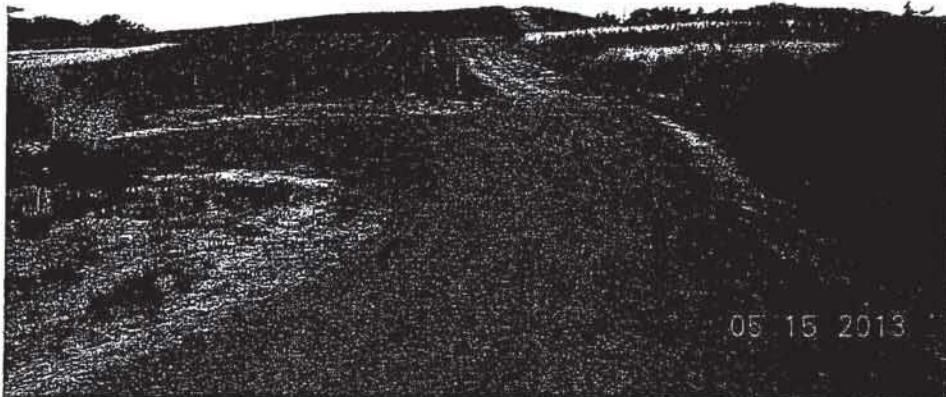


Figure 2. View to the west of the existing vineyards. The event parking will be located at the end of the existing gravel road along the vineyard access road in view.



Figure 3. Site for the proposed the new Winery Building.



Figure 4. The new winery access road will be constructed in the grasslands with a 30 ft setback from the creek with riparian vegetation on the right. View is to the north.

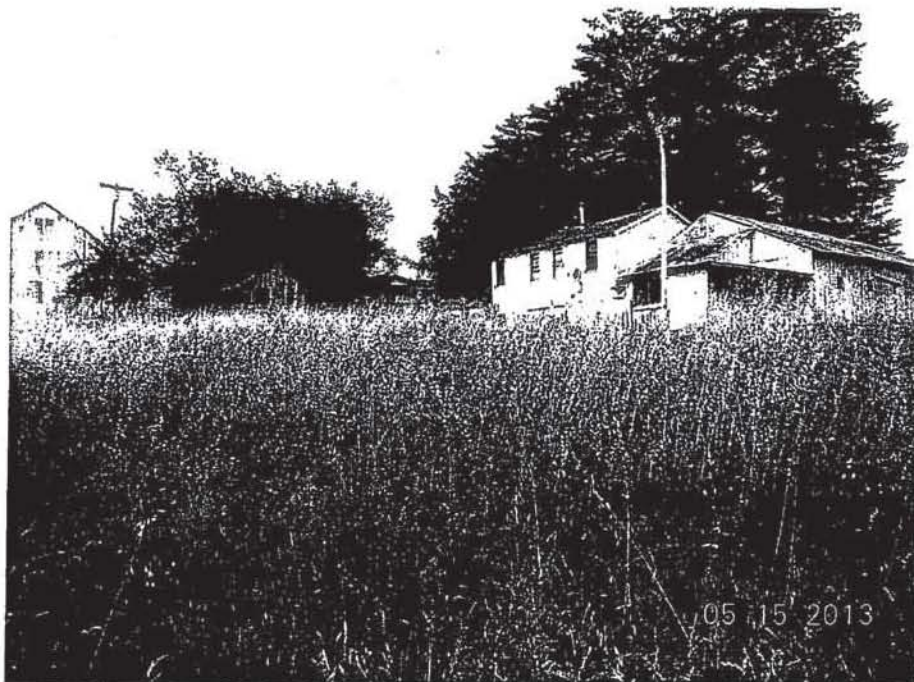


Figure 5. Winery location will be within the grasslands in the foreground. The buildings on the right will be renovated as well as the barn in the background.

C.2 Habitat Types Present

The vegetation of California has been considered to be a mosaic, with major changes present from one area to another, often with distinct changes within short distances. The variation in vegetation is a function of topography, geology, climate and biotic factors. It is generally convenient to refer to the vegetation associates on a site as a plant community or alliance. Biologists use habitat types or biotic communities for the plant and animals that are associated with a particular vegetation type in a region. Typically plant communities are identified or characterized by the dominant vegetation form or plant species present. There have been numerous community classification schemes proposed by different authors using different systems for the classification of vegetation. A basic premise for the designation of plant communities or associations is that in nature there are distinct plant populations occupying a site that are stable at any one time (climax community is a biotic association, that in the absence of disturbance maintains a stable assemblage over long periods of time). There is also evidence that vegetation on the site is part of a continuum without well-defined boundaries.

It is generally convenient to refer to the vegetation associates on a site as a plant community. There have been numerous plant community classification schemes proposed by different authors. There is also evidence that the vegetation in nature may part of a continuum without well-defined boundaries. For practical purposes and site descriptions plant communities/associations/alliances or habitat types are used. The 2009 Manual of California Vegetation (Sawyer) is the preferred system at present but much of the literature i.e. California Native Plant Society and CNDDB) use different systems.

The project footprint is entirely within a developed landscape that has been in agriculture use for decades. The footprint is either within or on hardscape or agricultural grasslands. The agricultural grasslands are classified according to Sawyer 2009 as Grassland Semi-Natural Herbaceous Stands with Herbaceous Layer (Annual Grasslands).

Grassland Semi-Natural Herbaceous Stands with Herbaceous Layer

Semi-Natural Herbaceous Grasslands are a result of decades of grazing and the introduction of non-native grasses and herbs. Sawyer uses the term "Semi-natural Stands to refer to non-native introduced plants that have become established and coexist with native species. Semi-natural stands are those dominated by non-native species that have become naturalized primarily as a result of historic agricultural practices and fire suppression or management practices for weed abatement and fire suppression. This includes what can be termed weeds, aliens, exotics or invasive plants in agricultural and nonagricultural settings. The Semi-natural Herbaceous Stand present within the proposed project is described below.

Avena (barbata, fatua) Semi-Natural Herbaceous Stands Wild oats grasslands. *Avena barbata* or *A. fatua* is dominant or co-dominant in the herbaceous layer. Emergent trees and shrubs may be present at low cover. Herbs <1.2 m; cover is open to continuous. Stands are present in waste places, rangelands, and openings in woodlands. The membership rules require *Avena ssp.* to be > 75% relative cover; other non-native <5% absolute cover, if present, in the herbaceous layer. *Avena* species are cool-season, annual grasses from Eurasia. These annual grasslands are common in the region.

The species observed on or near the project site are included as an attachment (Appendix A).

C.3 Special-Status Species

The flora and fauna observed during our study are presented in Appendix A.

The DFW CNDDDB does not show any records of special-status species of plants or animals for the project study site.

Tables I and II below list the “target” special status plants and animals known from the near vicinity of the project site. The tables provide the habitat associated with the taxon, seasonality of plant species and justification for concluding absence on the project site. Several species are associated with habitat present on portions of the site as noted in the table. Our scoping as presented above also includes the species shown in Appendix C.

The project is not located in the designated area of the U.S.F.W.S. Programmatic Biological Opinion (PBO) for the U.S. Army Corps of Engineers for Projects that May the Three Endangered Plant Species on the Santa Rosa Plain (Map provided by the U.S. Fish and Wildlife Service July 21, 2005). There are no wetlands, vernal pools, or seasonal drainages associated with the proposed project, and no habitat which would contain topographic, hydrologic, and geographic conditions of suitable habitat.

Plants

Table I. Analysis of potential “target” special-status plant species. The taxa included in the table are selected based on the DFW CNDDDB Rare Find 3 records for species known to occur within five miles of the project site (Plate II).

Scientific Name Common Name	Habitat Type or Plant Alliance	Habitat Present On Site	Flower Period	Species Observed	Justification for Concluding Absence on Project Site
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan Onion	Cismontane woodland, Valley and Foothill Grassland/Clay often Serpentine.	No	May- June	No	Absence of requisite edaphic conditions. Historic agricultural use precludes presence.
<i>Alopecurus aequalis</i> var. <i>sonomensis</i> Sonoma Alopecurus	Marshes and Swamps	No	May- July	No	Absence of requisite mesic habitat or substrate on project site.
<i>Amorpha californica</i> var. <i>napensis</i> Napa False Indigo	Cismontane Woodland	No	April- July	No	Absence of typical habitat and vegetation associates.
<i>Balsamorhiza</i> <i>macrolepis</i> var. <i>macrolepis</i> Big-scale Balsamroot	Chaparral, Cismontane Woodland, Valley and Foothill Grassland	No	March- June	No	Historic use of site precludes presence.

Scientific Name Common Name	Habitat Type or Plant Alliance	Habitat Present On Site	Flower Period	Species Observed	Justification for Concluding Absence on Project Site
<i>Blennosperma bakeri</i> Sonoma Sunshine	Valley and Foothill Grassland, Vernal Pools	No	March- May	No	Absence of requisite mesic habitat.
<i>Brodiaea leptandra</i> Narrow-anthered California Brodiaea	Broadleaved Upland Forest, Chaparral	No	May- July	No	Requisite microhabitat, edaphic requirements, native vegetation associates not present.
<i>Ceanothus divergens</i> Calistoga Ceanothus	Chaparral, Serpentine or Volcanic-Rocky.	No	May- Sep.	No	Absence of typical habitat and vegetation associates.
<i>Ceanothus sonomensis</i> Sonoma Ceanothus	Chaparral, Serpentine or rocky Volcanic	No	Feb.- March	No	Absence of typical habitat and vegetation associates.
<i>Centromadia parryi</i> ssp. <i>parryi</i> Pappose Tarplant	Grassland salt or alkaline marshes	No	March- June	No	Requisite mesic conditions absent.
<i>Downingia pusilla</i> Dwarf Downingia	Wetlands	No	March -May	No	Absence of requisite mesic habitat or substrate on project site precludes presence.
<i>Fritillaria liliacea</i> Fragrant Fritillary	Open Grasslands	No	Feb.- April	No	Historic agricultural use precludes presence
<i>Legenere limosa</i> Legenere	Vernal Pools	No	April- June	No	Absence of requisite mesic habitat.
<i>Leptosiphon jepsonii</i> Jepson's Leptosiphon	Chaparral, Cismontane Woodland, Valley and Foothill Grassland.	No	April- May	No	Requisite habitat absent on the site. Absence of requisite mesic habitat.
<i>Navarretia leucocephala</i> ssp. <i>bakeri</i> Baker's Navarretia	Meadows and Seeps Cismontane Woodland, Valley Foothill Grassland, Vernal Pools	No	May- July	No	Absence of typical habitat and vegetation associates.
<i>Pleuropogon hooverianus</i> North Coast Semaphore Grass	Broadleaved Upland Forest, meadows and seeps, marshes and swamps	No	May- Aug.	No	Mesic habitat not present on project site.

Scientific Name Common Name	Habitat Type or Plant Alliance	Habitat Present On Site	Flower Period	Species Observed	Justification for Concluding Absence on Project Site
<i>Sidalcea oregana</i> ssp. <i>valida</i> Kenwood Marsh Checkerbloom	Meadows and seeps, Riparian scrub mesic	No	June- Aug.	No	Requisite mesic habitat absent.
<i>Trifolium amoenum</i> Showy Rancheria Clover Two-fork Clover	Valley and Foothill Grassland	No	April- June	No	Historical use of the site precludes presence. This species is vulnerable to livestock grazing.
<i>Trifolium</i> <i>hydrophilum</i> Saline Clover	Marshes and Swamps Grassland	No	April- June	No	Absence of mesic habitat required for presence.
<i>Viburnum</i> <i>ellipticum</i> Oval- leaved Viburnum	Chaparral, Cismontane Woodland, Lower Coniferous Forest	No	May- June	No	Requisite habitat absent on the site or in the immediate vicinity.

The only special-status plant that is close to the project (approximately 1 mile west) is the North Coast Semaphore Grass. This grass is found in wetlands (meadows and seeps, marshes and swamps) which are not present on or near the project site. The project site is located within developed landscape or within ruderal semi-natural grassland. Special-status plant species associated with native grasslands are reasonably precluded from presence as a result of historic use of the area.

We found no evidence for the presence of the above referenced special-status species or any other special-status species known for the region. Based on habitat present associated with the proposed project, historic use, and vegetation observed on or near the project footprint we conclude that it is unlikely that any of the species shown in the table above, or known for the region, would be present, or have the potential to occurred on the project site.

The Valley and Foothill Grassland as per CNPS classification on the project site has been disturbed as a result of past agricultural uses. As shown above the Sawyer Classification considers the site to be Semi-natural grassland herbaceous alliance. There were no indications of undisturbed (non-invaded with European weed species) native grasslands present.

It is unlikely that proposed project would have a substantial impact to special-status plant species, either directly or through habitat modifications based on the lack of habitat required for their presence and the historical use of the project site.

Animals

Plate II illustrates the records of special-status animal species, which are present within a five-mile radius of the study site. There are no records of special-status animals for the project site. Table II

below provides information and findings relating to the special-status animals within the vicinity of the project site.

Table II. Analysis of special-status animals for the area. The taxa included in the table are selected based on DFW CNDDDB records within five miles of the project (Appendix B, C, and Plate II).

Scientific Name Common Name	Species Habitat	Habitat Present On the Project Site	Obs. on or Near Project Site	Justification for Concluding Absence on Project Site
<i>Agelaius tricolor</i> Tricolored Blackbird	Tule Marshes	No	No	Lack of habitat.
<i>Ambystoma californiense</i> California Tiger Salamander	Ephemeral Breeding pools with upland oak woodlands for estivation	No	No	Project is not within known range. No potential habitat on site.
<i>Antrozous pallidus</i> Pallid Bat	Roosts in Caves, buildings, woodlands, arid regions	No	No	No rock outcrops, bridges, large mature trees, or riparian vegetation removed by project. No signs of significant bat activity observed.
<i>Athene cunicularia</i> Burrowing Owl	Low lying grasslands	No	No	Lack of habitat. Species not observed.
<i>Caecidotea tomalensis</i> Tomales Isopod	Aquatic	No	No	Lack of suitable habitat. No aquatic habitat impacted.
<i>Coccyzus americanus occidentalis</i> Western Yellow-billed Cuckoo	Riparian Forest and Woodlands along Permanent Streams	No	No	Requisite habitat absent. Not associated with Project. Drainage is intermittent.
<i>Emys marmorata</i> Western Pond Turtle	Slow moving water or ponds	No	No	Reservoir on property contains potential habitat. Distance (Approx. 800 feet) precluded presence on project site. Species was not observed.
<i>Hydrochara rickseckeri</i> Ricksecker's Water Scavenger Beetle	Shallow Water, creeks ponds	No	No	Requisite aquatic habitat absent. Drainage is intermittent.
<i>Hydroporus leechi</i> Leech's Skyline Diving Beetle	Ponds	No	No	Requisite aquatic habitat absent. Drainage is intermittent.

Scientific Name Common Name	Species Habitat	Habitat Present On the Project Site	Obs. on or Near Project Site	Justification for Concluding Absence on Project Site
<i>Oncorhynchus mykiss irideus</i> Steelhead-central California Coast	Aquatic	No	No	Lack of aquatic habitat.
<i>Rana boylei</i> Foothill Yellow-legged Frog	Streams with pools	No	No	Lack of habitat precludes presence.
<i>Rana draytonii</i> California Red-legged Frog	Creeks, Rivers, Permanent flowing water.	No	No	Lack of habitat on project site. (Approx. 800 feet from potential habitat)
<i>Syncaris pacifica</i> California Freshwater Shrimp	Creeks and Estuaries below 300 ft.	No	No	Requisite habitat required for presence lacking.

Species with potential for presence near the project site are addressed below.

The project is not located within the designated area of the U.S.F.W.S. Sonoma California Tiger Salamander, Proposed Critical Habitat. Unit 1 -Santa Rosa Plain.

Western Pond Turtle (*Emys marmorata*). The western pond turtle is found throughout California and is listed by the State as a Species of Concern. It does not have Federal status. Suitable habitat consists of any permanent or nearly permanent body of water or slow moving stream with suitable refuge, basking sites and nesting sites. Refuge sites include partially submerged logs or rocks or mats of floating vegetation. Basking sites can be partially submerged rocks or logs, as well as shallow-sloping banks with little or no cover. Nesting occurs in sandy banks or in soils up to 100 meters away from aquatic habitat. The existing reservoir is not associated with the project and is approximately 800 feet from project activities. It was surveyed for pond turtles and we found no evidence for presence. If western pond turtle were present in the reservoir it is unlikely that they would move into or use habitat which will be impacted by the proposed project.

California Red-legged Frog (*Rana draytonii*) The California red-legged frog inhabits permanent or nearly permanent water sources (quiet streams, marshes, and reservoirs). They are highly aquatic and prefer shorelines with extensive vegetation. There are two recorded occurrences DFW CNDDDB within 5- miles of the property. The closest is approximately 1.5 miles to the south and 2 miles to the north. The reservoir on the property contains limited habitat for this species. The unnamed drainage on the east side of the property is seasonal which reasonably precludes presence of this species. The reservoir contains bullfrogs and has year round water. These two factors do not eliminate the possibility for the occurrence but significantly reduce the potential for survival of this species. The project site is not near the reservoir and does not contain habitat which would support this species. If frogs were present it would be unlikely that they would move into or use habitat which will be impacted by the proposed project. No aquatic or upland habitat for this species will be impacted by

the proposed project. We find that project will not have any adverse effects on California red-legged frogs should they be in the area.

Bats Any structure may support roosting bats or temporary roosts, no evidence of the presence of bats was found in the buildings on the property. Removal or remodeling of existing ranch buildings will not significantly impact roosting bats.

Pallid Bat (*Antrozous pallidus*): The Pallid Bat occupies a wide variety of habitats, such as grasslands, shrublands, and forested areas of oak and pine, but prefer rocky outcrops. The pallid bat roosts in caves, mines, crevices, and occasionally in hollow trees or buildings. They forage over open country. The large barn on the property is very open with large bay doors and therefore does not contain suitable roosting habitat. No roosts or evidence of their presence was observed during our field survey. The CNDDDB lists a sighting of the bat approximately 2 miles east of project. The proposed project will not have a significant impact on this species.

Based on habitat associated with the proposed project site we conclude that it is unlikely that any of the species shown in the table above, or others known for the region, would occur on the site given history of disturbance, and lack of proper hydrology/topography. It is unlikely that the project would negatively impact special-status animals or have any significant habitat loss for special-status animal species.

C.4 Discussion of Sensitive Habitat Types

The sensitive habitat types identified by the DFW CNDDDB for the quadrangles and surrounding quadrangles are the following; Coastal and Valley Freshwater Marsh, Northern Vernal Pool and Valley Needle Grass Grassland. The above referenced habitat types are not present on the project site. See Plate IV for the location of Biological Resources associated with the property.

• Riparian Vegetation

Riparian habitat and vegetation are by all standards considered sensitive. Riparian Vegetation functions to control water temperature, regulate nutrient supply (biofilters), bank stabilization, rate of runoff, wildlife habitat (shelter and food), release of allochthonous material, release of woody debris which functions as habitat and slow nutrient release, and protection for aquatic organisms. Riparian vegetation is also a moderator of water temperature has a cascade effect in that it relates to oxygen availability.

The proposed project does not include any removal of riparian vegetation. The riparian vegetation along the unnamed drainage on the east side of the property should be protected and avoided.

• Seasonal Wetland

Seasonal wetland generally denotes areas where the soil is seasonally saturated and/or inundated by fresh water for a significant portion of the wet season, and then seasonally dries during the dry season. To be classified as "Wetland," the duration of saturation and/or inundation must be long enough to cause the soils and vegetation to become altered and adapted to the wetland conditions. Varying degrees of pooling or ponding, and saturation will produce different edaphic and vegetative responses. These soil and vegetative clues, as well as hydrological features, are used to define the

wetland type. Seasonal wetlands typically take the form of shallow depressions and swales that may be intermixed with a variety of upland habitat types. Seasonal wetlands fall under the jurisdiction of the U.S. Army Corps of Engineers.

There are no seasonal wetlands associated with the footprint of the proposed project.

• **“Waters of the State”**

“Waters of the State” include drainages which are characterized by the presence of definable bed and bank that meet ACOE, and RWQCB definitions and or jurisdiction. Any discharge of storm water into “Waters of the State” will require ACOE, DFW, and RWQCB permits. The project as designed will handle all storm water on-site.

The present conditions show that the project footprint drains by sheet flow into an unnamed tributary of Matanzas Creek. This is seasonal drainage on the east side of the property that conveys storm water to a roadside ditch thence Matanzas Creek which is part of the Russian River water shed.

Any impact to the bed and or bank of this drainage will require agency consultation and permits from the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Regional Water Quality Control Boards for impacts to “Waters of the State”.

The project as proposed will not impact any “Waters of the State.”

• **Migratory Corridors or Habitat Links**

Wildlife Corridors are natural areas interspersed within developed areas that are important for animal movement, increasing genetic variation in plant and animal populations, reduction of population fluctuations, retention of predators of agricultural pests and for movement of wildlife and plant populations. Wildlife corridors have been demonstrated to not only increase the range of vertebrates including avifauna between patches of habitat but also facilitate two key plant-animal interactions: pollination and seed dispersal. Corridors also preserve watershed connectivity. Corridor users can be grouped into two types: passage species and corridor dwellers. The data from various studies indicate that wildlife corridors should be a minimum of 100 feet wide to provide adequate movement for passage species and corridor dwellers in the landscape.

The project will not negatively impact any migratory corridor or interrupt habitat linkage.

• **Trees**

The project footprint is within a developed landscape or ruderal grasslands. No trees are proposed to be removed along the entrance road.

One small native oak trees will be impacted by the proposed project.

• **Vernal Pools**

Vernal pools are a type of seasonal wetland distinct for California and the western US. Typically they are associated with seasonal rainfall or “Mediterranean climate” and have a distinct flora and fauna, an impermeable or slowly permeable substrate and contain standing water for a portion of the

year. They are characterized by a variable aquatic and dry regime with standing water during the spring plant growth regime. They have a high degree of endemism of flora and fauna.

The project is not associated with any vernal pools.

• **Nesting or Breeding Habitat, or Unique Plant Distributions or Populations**

Wildlife and bird nesting and breeding habitat as well as unique plant distributions or populations are protected and must be considered. Disruption or loss may require mitigation. The eucalyptus trees along Sonoma Mountain Road have the potential to support raptor nesting.

No nesting raptors were observed within the study area. We found no unique animal or plant populations associated with the project.

D. POTENTIAL BIOLOGICAL IMPACTS

The project footprint is within a developed landscape or routinely disturbed agricultural lands, and as such will not significantly contribute to habitat loss or habitat fragmentation.

D.1 Analysis of Potential Impacts to Special-status Species

The habitat impacted by the proposed project is such that there is little reason to expect impacts to special-status species on-site or off-site. Any potential off-site impacts will be less than significant with the use of standard erosion control measures and construction best management practices.

There is no reason to expect any significant negative impacts to special-status species, or locally significant biological resources by the proposed project.

D.2 Analysis of Potential Impacts on Sensitive Habitat

The sensitive habitat types identified in the DFW CNDDDB are not present or associated with the property.

The primary concern is the avoidance and protection of the riparian corridor and seasonal drainage on the east side of the property, which is a local biological resource. Construction equipment or grading underneath the canopy of trees has the potential to damage or kill the tree.

The 30-foot buffer zone setback and installation of construction fencing along the drip line during the construction phase of the project will protect this resource.

The project will not significantly impact any nesting or breeding habitats for wildlife in the area if recommendations stated below are followed. The project will not impact any potential seasonal wetlands, riparian habitat, or vernal pools.

D.3 Potential Off-site Impacts

There will be no significant off-site impacts to biological resources that are known for the region. Any off-site impacts will be less than significant provided best management and erosion control practices are followed.

D.4 Potential Cumulative Impacts

On a local or regional scale it is anticipated that any cumulative effects will be negligible or unquantifiable. The project footprint is within previously disturbed sites, and will not significantly contribute to habitat loss or habitat fragmentation. There is no reason to expect any species exclusion, isolation or extinction. There are no potential significant impacts to migratory corridors or wildlife nursery sites associated with the proposed project.

E. RECOMMENDATIONS TO AVOID IMPACTS

E.1 Significance

The significance of potential impacts is a function of the scope and scale of the proposed project within the existing Federal, State and Local regulations and management practices. The determination of significance of impacts to biological resources consists of an understanding of the project as proposed and an evaluation of the context in which the impact may occur. The extent and degree of any impact on-site or off-site must be evaluated consistent with known or expected site conditions. Therefore, the significance of potential impacts is assessed relevant to a site-specific scale and the larger regional context.

The project's effect on onsite or regional biological resources is considered to be significant if the project results in:

- Alteration of unique characteristics of the area, such as sensitive plant communities and habitats (i.e. serpentine habitat, wetlands, riparian habitat);
- Adverse impacts to special-status plant and animal species;
- Adverse impacts to important or vulnerable resources as determined by scientific opinion or resource agency concerns (i.e. sensitive biotic communities, special status habitats; e.g. wetlands);
- Loss of critical breeding, feeding or roosting habitat; and
- Interference with migratory routes or habitat connectivity.

E.2 Recommendations

All project construction activities must be limited to the project footprint. Best Management Practices including silt and erosion control measures must be implemented to prevent off-site movement of sediment and dust during and post construction.

Construction fencing should be considered for installation along the edge of the new winery access road adjacent to the drainage along the buffer zone. No construction should be allowed under the canopy of the riparian zone adjacent to the proposed project. Construction fencing will ensure that no construction equipment, fill, staging or storage occurs in this area.

Project construction has the potential for disturbing raptors during breeding/bird nesting season (March 1 through July 31). A pre-construction survey of potential nesting raptor habitat within 500 feet of earthmoving activities should be conducted is construction begins during this time. Surveys should be conducted within 14 days prior to groundbreaking activities associated with road construction. If active nests are found during preconstruction surveys the project applicant should consult with the California Department of Fish and Game and obtain approval for appropriate buffers or delay construction until it is determined that all young have fledged.

F. SUMMARY

Our floristic survey did not identify any evidence for or reason to believe that special-status species known for the Quadrangle, surrounding Quadrangles, the property, or the region would be impacted by the project. The proposed project site does not contain vegetation associates, habitat or edaphic conditions, which would support special-status species.

We find that the project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

With the project avoiding any construction or grading beneath the canopy of the riparian vegetation along the drainage on the east side of the project, we find that the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS.

We find that the project will not ^{have} a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means.

We find that the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The project site does not contain any unique habitat, or unique plant or animal populations.

We find that the project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances.

We conclude that the proposed project with the implementation of Best Management Practices and recommendations presented above will not result in any potentially significant adverse biological impacts to the environment on site or off site.

Should you have any questions, please do not hesitate to contact us at:

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Fax (707) 575-8030
Email kjeldsen@sonic.net

Kjeldsen Biological Consulting

G. LITERATURE CITED / REFERENCES

G.1 Literature Cited / References

- Arora, David, 1986. Mushrooms Demystified. Ten Speed Press.
- Bailey, L. H., 1951. Manual of Cultivated Plants. The MacMillan Company NY.
- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosati, and D.H. Wilkens, editors, 2012. The Jepson Manual Vascular Plants of California. U.C. Berkeley Press
- Barbe, G. D. 1991. Noxious Weeds of California. Department of Food and Agriculture, Sacramento, CA.
- Barbour, M.G. and J. Major, 1977. Terrestrial Vegetation of California. John Wiley and Sons, New York.
- Best, Catherine, et al. 1996. A Flora of Sonoma County, California Native Plant Society.
- Behler, John L. National Audubon Society Field Guide to North American Reptiles & Amphibians. May, 1996 Chanticleer Press, Inc., New York.
- Brodo, Irwin M., Sylvia Duran Sharnoff and Stephen Sharnoff, 2001. Lichens of North America. Yale University Press. 795 pp.
- California Department of Fish and Game California Natural Resource Agency Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities November 24, 2009.
- California Department of Fish and Game, Natural Diversity Database. Special Vascular Plants Bryophytes, and Lichens List. Biannual Publication.
- California Department of Fish and Game Natural Diversity Data Base Rare Find 3 May 1, 2013.
- California Native Plant Society. 2001. Inventory of Rare and Endangered Plants of California. Special Publication No 1, Sixth Edition.
- California Native Plant Society, Electronic Inventory of Rare and Endangered Vascular Plants of California. Online.
- California Native Plant Society, Botanical Survey Guidelines (Revised June 2, 2001).
- Grinnell, Joseph, Joseph Dixon, and Jean M. Linsdale. 1937. Fur-bearing Mammals of California. University of California Press, two Volumes.
- Hickman, James C. ed. 1993. The Jepson Manual Higher Plants of California. U. C. Berkeley Press.
- Hitchcock, A. S. 1950 Manual of the Grasses of the United States. U. S. Government Printing Office, Washington D. C.
- Holland, Robert. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game, Sacramento, CA.
- Holland, U. L. and D. J. Keil. 1995. California Vegetation. Kendall/Hunt Publ. Co. Dubuque Iowa.
- Howell, John Thomas et al. 2007. Marin Flora An Illustrated Manual of the Flowering Plants, Ferns and Conifers of Marin County. California California Academy of Sciences and California Native Plant Society, California Academy of Sciences.
- Ingles, Lloyd C., 1985. Mammals of the Pacific States. Stanford Press.
- Jameson, E. W. and H. J. Peeters, 2004. Mammals of California. Revised Edition. U.C. Press.
- Mason, Herbert L. 1957. A Flora of the Marshes of California.
- Matthews, Mary Ann, 1997. An Illustrated Field Key to the Flowering Plants of Monterey County. California Native Plant Society.

- Naiman R J, Decamps H, Pollock M. 1993. The role of riparian corridors in maintaining regional biodiversity. *Ecological Application* 3: 209-212. Naiman, Robert J. et al, 2005. Riparian: Ecology, Conservation, and Management of Streamside Communities. Elsevier.
- Norris, Daniel H. and James R. Shevock, 2004. Contributions Toward a Bryoflora of California: I. A specimen-Based Catalogue of Mosses. *Madrono* Volume 51, Number 1, pp: 1 to 131.
- Norris, Daniel H. and James R. Shevock, 2004. Contributions Toward a Bryoflora of California: II. A Key to the Mosses. *Madrono* Volume 51, Number 2, pp: 1 to 133.
- Peterson, Roger T. 1961, 1990. A Field Guide to Western Birds. Houghton Mifflin Co., Boston, MA.
- Peters, Hans and Pam Peters, 2005. Raptors of California California Natural History Guides. University of California Press, Berkeley and Los Angeles.
- Reed, Porter B. Jr. 1988. National List of Plant Species That Occur in Wetlands: 1988 California (Region 0) National Wetlands Inventory U. S. Fish and Wildlife Service.
- Sawyer, J. O., T. Keeler-Wolf and Julie M. Evans 2009. A Manual of California Vegetation Second Edition. California Native Plant Society, Sacramento, California.
- Schoenherr, Allan A. 1992. A Natural History of California. California Natural History Guides: 56. University of California Press, Berkeley.
- Schofield, W. B. 1969. Some Common Mosses of British Columbia. British Columbia Provincial Museum, Victoria, Canada.
- Schofield, W. B. 2002. Field Guide to Liverwort Genera of Pacific North America. University of Washington Press.
- Stebbins, Robert C., 1966. A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin.
- Stewart, John D and John O. Sawyer, 2001 Trees and Shrubs of California. University of California Press.
- Warner, Richard E. and Kathleen M. Hendrix., 1984. California Riparian Systems: Ecology, Conservation, and Productive Management. University of California Press.
- Wilson, Barbara L., et al., 2008. Field Guide to the Sedges of the Pacific Northwest. Oregon State University Press, Corvallis Oregon.

G.2 Names and Qualifications of Field Investigators.

Chris K. Kjeldsen, Ph.D., Botany, Oregon State University, Corvallis, Oregon. He has over thirty-five years of professional experience in the study of California flora. He was a member of the Sonoma County Planning Commission and Board of Zoning (1972 to 1976). He has over thirty years of experience in managing and conducting environmental projects involving impact assessment and preparation of compliance documents, Biological Assessments, DFW Habitat Assessments, DFW SB 34 Mitigation projects, COE Mitigation projects and State Parks and Recreation Biological Resource Studies. Experience includes conducting special-status species surveys, jurisdictional wetland delineations, general biological surveys, 404 and 1601-1603 permitting, and consulting on various projects. A full resume is available upon request. He has a valid DFW collecting permit.

Daniel T. Kjeldsen, B. S., Natural Resource Management, California Polytechnic State University, San Luis Obispo, California. He spent 1994 to 1996 in the Peace Corps managing natural resources in Honduras, Central America. His work for the Peace Corps in Central America focused on watershed inventory, mapping and the development and implementation of a protection plan. He has over ten years of experience in conducting Biological Assessments, DFW Habitat Assessments, ACOE wetland delineations, wetland rehabilitation, and development of and implementation of mitigation projects and mitigation monitoring. He has received 3.2 continuing education units MCLE 27 hours in Determining Federal Wetlands Jurisdiction from the University of California Berkeley Extension. Attended Wildlife Society Workshop Falconiformes of Northern California Natural History and Management California Tiger Salamander 2003, Natural History and Management of Bats Symposium 2005, Western Pond Turtle Workshop 2007, and Western Section Bat Workshop 2011. Laguna Foundation & The Wildlife Project Rare Pond Species Survey Techniques 2009. A full resume is available upon request.

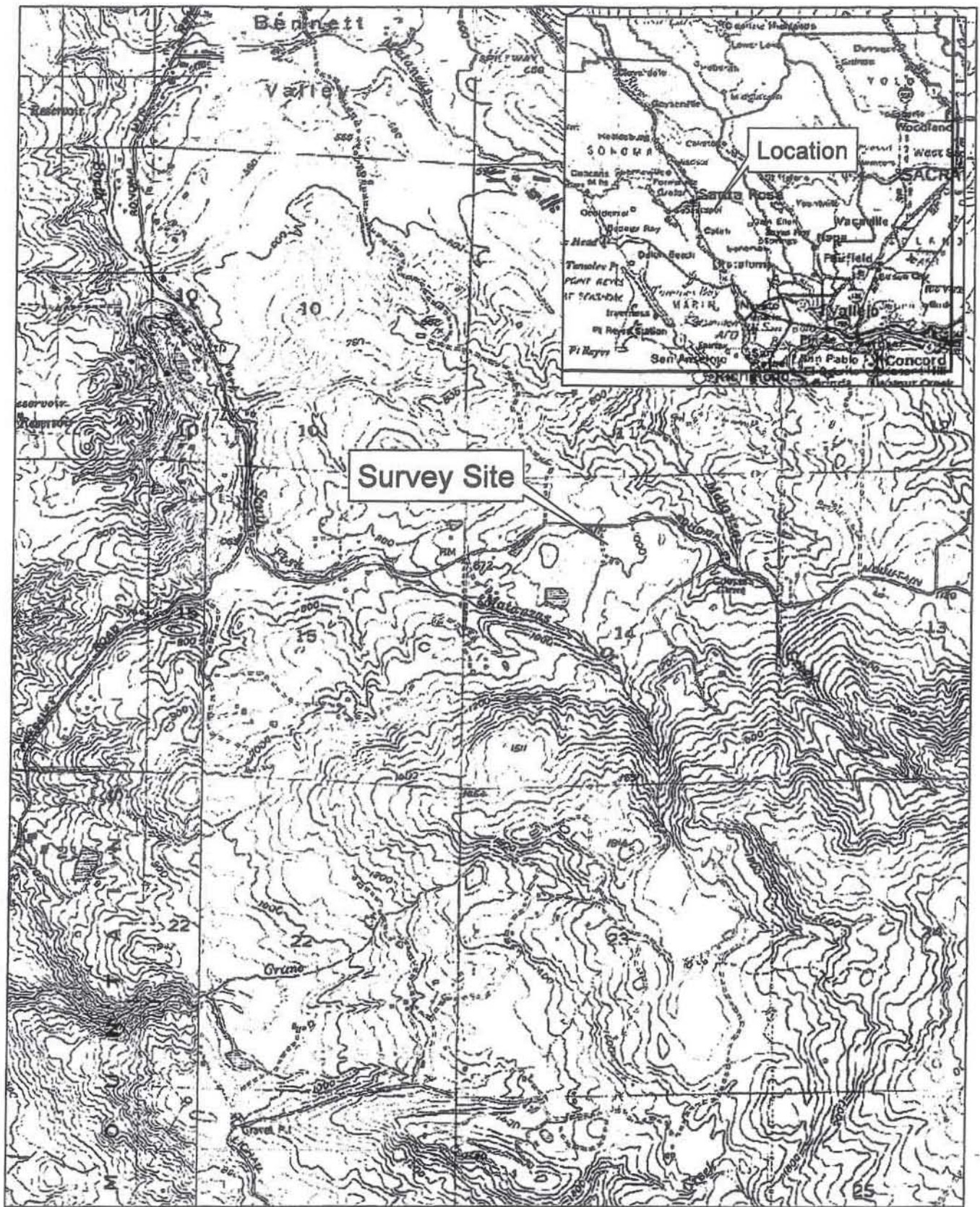


Plate I. Site / Location Map

(Glen Ellen Quadrangle)



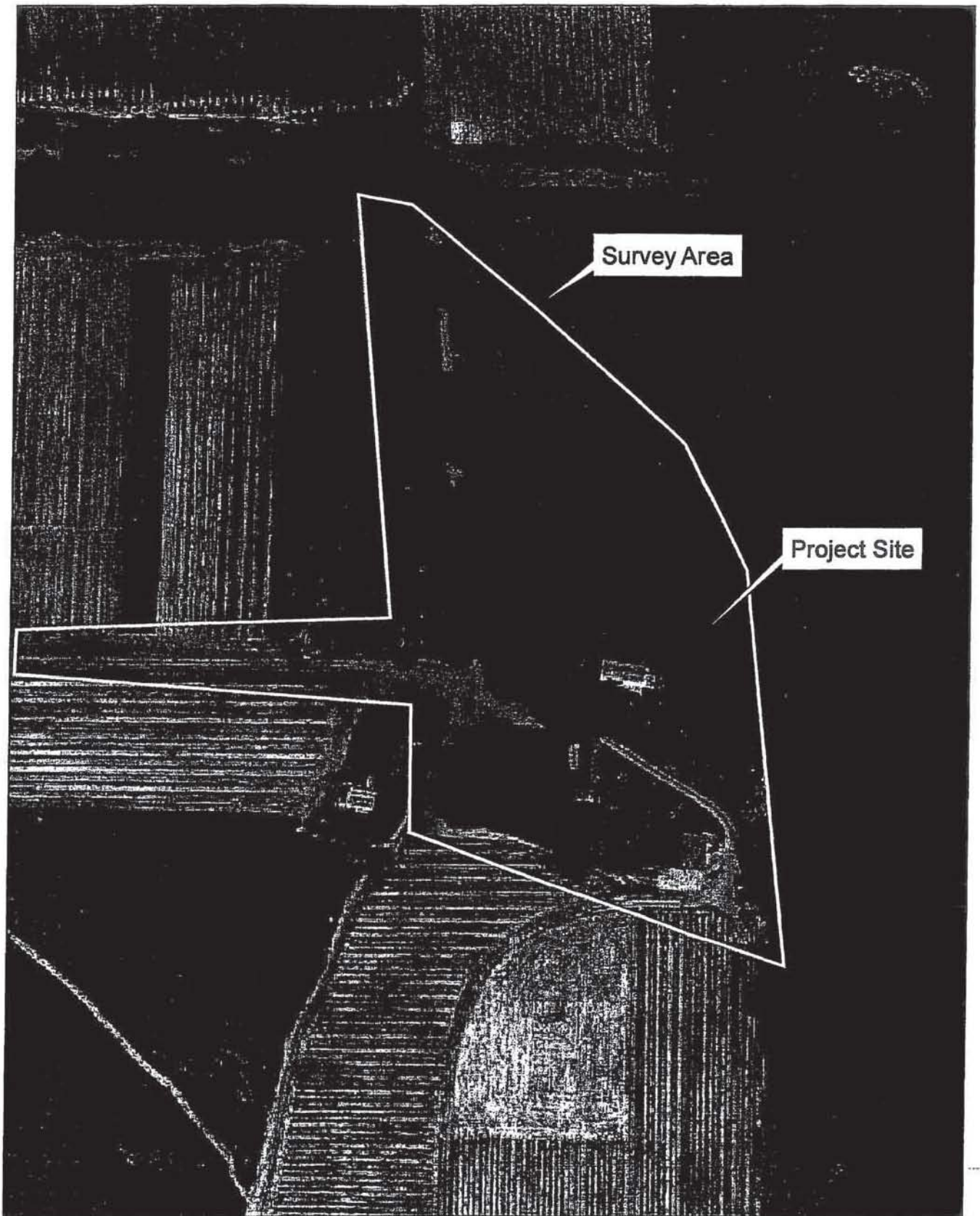


Plate III. Aerial Photo

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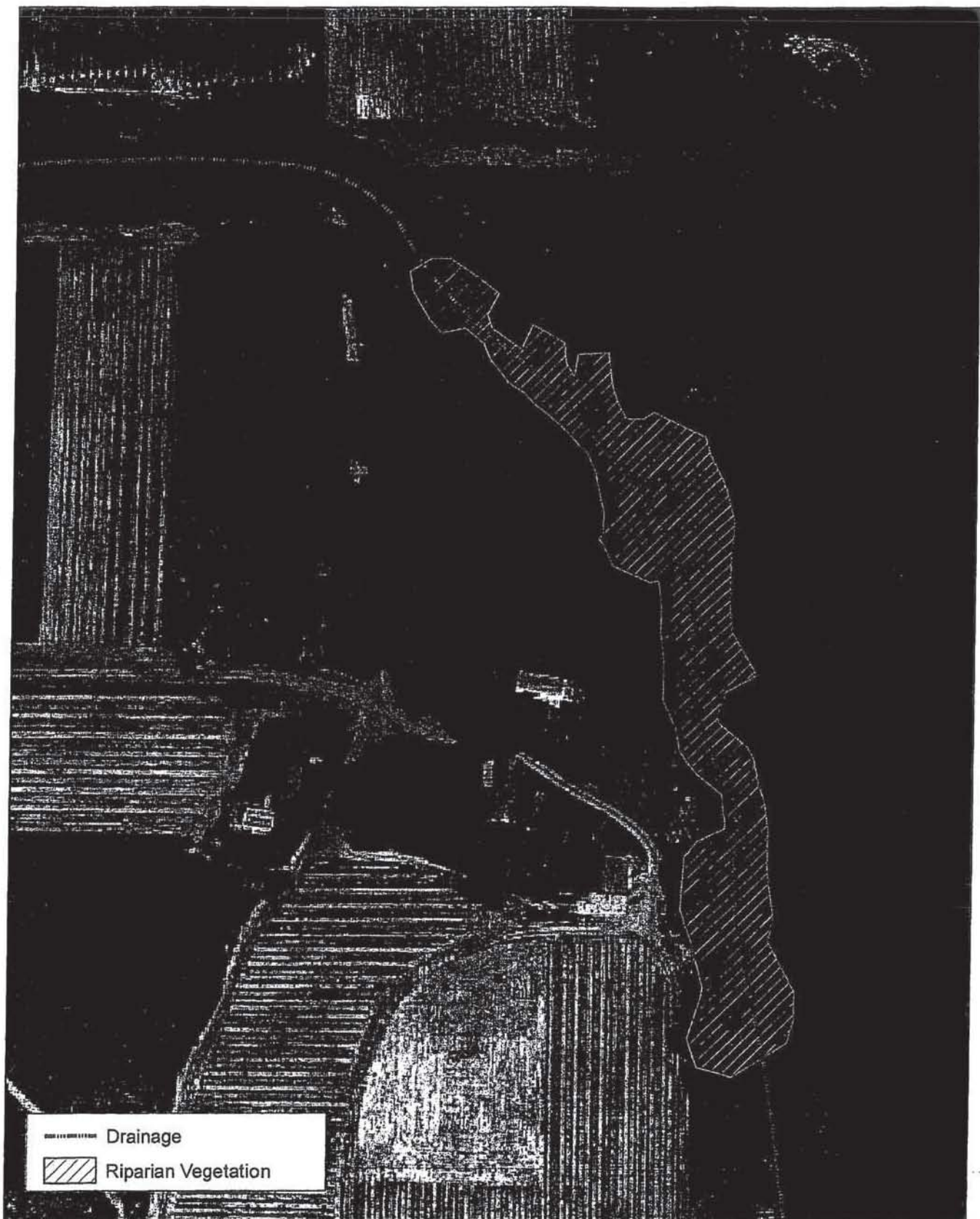


Plate IV. Biological Resources Map

1

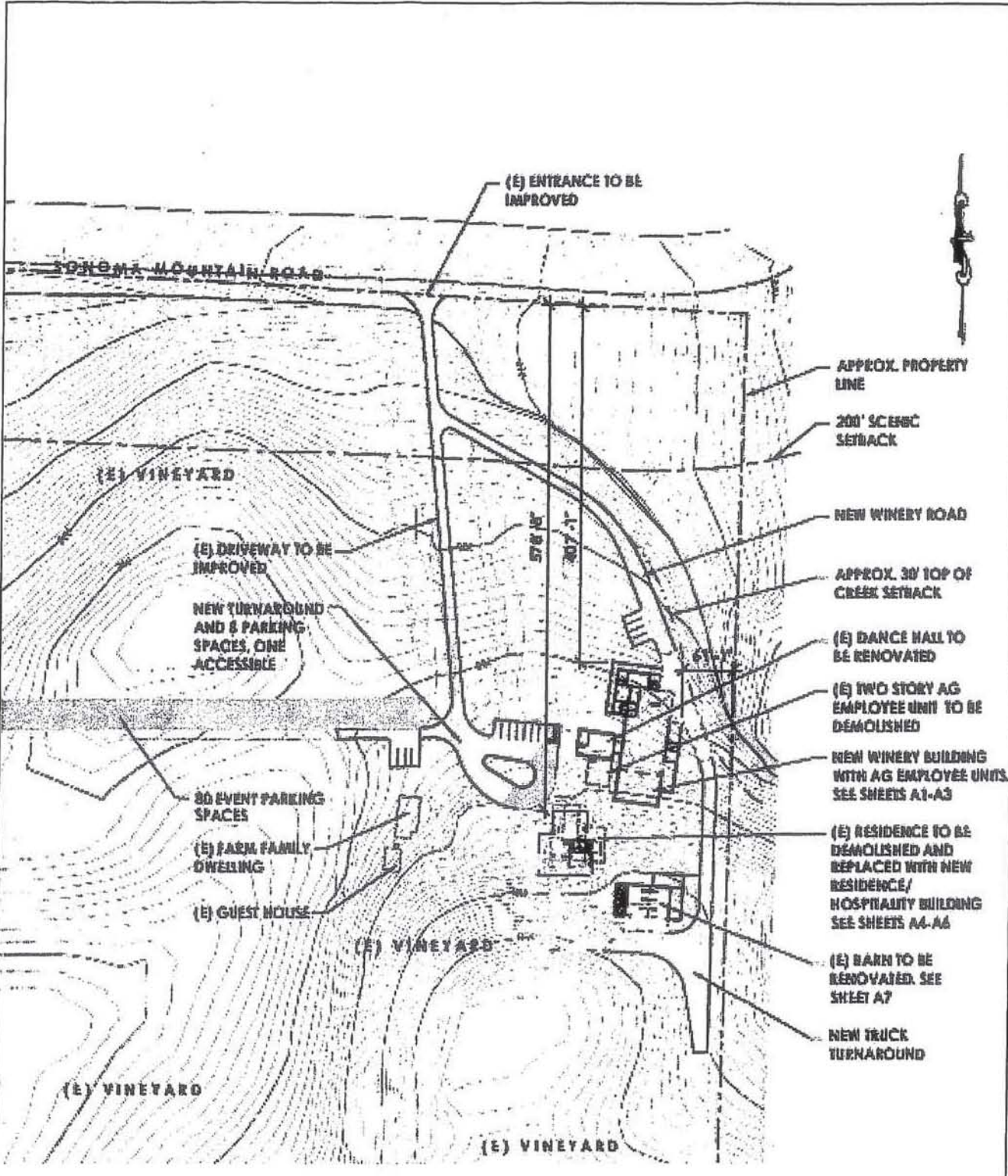


Plate V. Project Site Map

APPENDIX A
FLORA AND FAUNA

Plant Species Observed in the Vicinity of the Project Site

(Landscape plantings are not included unless they appear to have become naturalized and regenerating on site)

The nomenclature for the list of plants found on the project study areas and the immediate vicinity follows: Brodo, Irwin M., Sylvia Duran Sharnoff and Stephen Sharnoff, 2001, for the lichens; Arora - 1985, for the fungi; S Norris and Shevrock - 2004, for the mosses; Doyle and Stotler - 2006 for liverworts and hornworts and Hickman-1993, for the vascular plants.

Habitat type indicates the general associated occurrence of the taxon on the project site or in nature. **Abundance** refers to the relative number of individuals on the project site or in the region.

MAJOR PLANT GROUP		
Family	Genus	Habitat Type
Common Name		Abundance

NCN = No Common Name, * = Non-native, @= Voucher Specimen

FUNGI

Basidiomycota- Club Fungi

POLYPORACEAE

<i>Schizophyllum commune</i>	On Dead Wood	Common
Split-gill		
<i>Trametes versicolor</i>	On Dead Wood	Common
Turkey Tail		

MOSESSES

MINACEAE

<i>Alsia californica</i> (W.J. Hooker & Arnott)	Sullivant Coastal Forests	On Trees	Common
NCN			
<i>Dendroalsia abietina</i> (Hook.) Brit.	On Trees		Common
NCN			
<i>Funaria hygrometrica</i> Hedw.	Ruderal, Burned Areas		Common
NCN			
<i>Hedwigia stellata</i> Hedenas	Grasslands on Rocks		Common
NCN			
<i>Homalothecium nuttallii</i> (Wilson) Jaeger	Epiphytic on Trees		Common
NCN			
<i>Orthotrichum lyellii</i> Hook & Tayl.	Trees, Upper Canopy		Common
NCN			
<i>Scleropodium touretii</i> (Brid.) L. Koch.	On Tree Trunks		Common
NCN			

MAJOR PLANT GROUP

Family

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

LICHENS**FOLIOSE**

<i>Flavoparmelia caperata</i> (L.) Hale	On Trees	Common
NCN		
<i>Flavopunctilia flaventor</i> (Stirt.) Hale	On Trees	Common
NCN		
<i>Parmotrema perlatum</i> (Osbeck) Hale & Ahti= <i>P. chinense</i>	On Trees	Common
NCN		
<i>Phaeophyscia decolor</i> (Kashiw.) Essl.	On Rocks	Common
NCN		
<i>Physcia adscendens</i> (Fr.) H. Olivier	On Trees	Common
NCN		
<i>Xanthoparmelia cumberlandia</i> (Gyeln.) Hale	On Rocks	Common
NCN		
<i>Xanthoparmelia mexicana</i> (Gyeln.) Hale	On Rocks	Common
NCN		

FRUTICOSE

<i>Cladonia</i> ssp.	On Soil	Common
NCN		
<i>Cladonia fimbriata</i> (L.) Fr.	On Soil	Occasional
Pixie Cups		
<i>Evernia prunastri</i> (L.) Ach.	On Trees	Common
NCN		
<i>Ramalina farinacea</i> (L.) Ach.	On Trees	Common
NCN		
<i>Usnea intermedia</i> = <i>U. arizonica</i>	On Trees	Common
NCN		

CRUSTOSE

<i>Caloplaca bolacina</i> (Tuck.) Herre	On Rocks	Common
NCN		
<i>Leicidia atrobrunnea</i> (Ramond ex Lam. & DC.) Schaer.	On Rocks	Common
NCN		
<i>Leicidia tessellata</i> Flörke	On Rocks With Rings of Apothecia	Common
NCN		
<i>Ochrolechia organensis</i> H. Magn.	On Bark	Common
NCN		
<i>Pertusaria californica</i> Dibben	On Trees	Common
NCN		
<i>Thelomma californicum</i> (Tuck.) Tibell	On Fence Posts	Common
Lobed Nipple Lichen		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

NCN = No Common Name, * = Non-native, @= Voucher Specimen

	<i>Calandrinia ciliata</i> Ruiz & Pav. DC.	Grasslands	Common
	Red Maids		
	<i>Claytonia perfoliata</i> Willd. ssp. <i>perfoliata</i>	Woodlands, Riparian	Common
	Miners Lettuce		
MYRSINACEAE	Myrsinaceae Family		
	* <i>Anagallis arvensis</i> L.	Ruderal	Common
	Scarlet Pimpernel		
ONAGRACEAE	Evening-primrose Family		
	<i>Clarkia purpurea</i> (Curtis) Nels. & Macbr. subsp. <i>viminea</i>	Grasslands	Common
	NCN		
	<i>Epilobium brachycarpum</i> C. Presl	Ruderal Dry Areas	Common
	Willow Herb		
OXILIDACEAE	Oxalis Family		
	* <i>Oxalis pes-caprae</i> L.	Ruderal	Common
	Bermuda Buttercup		
PAPAVERACEAE	Poppy Family		
	<i>Eschscholzia californica</i> Cahm.	Grasslands	Common
	California Poppy		
PLANTAGINACEAE	Plantain Family		
	* <i>Plantago lanceolata</i> L.	Ruderal	Common
	English Plantain		
POLYGONACEAE	Buckwheat Family		
	* <i>Polygonum agyrocoleon</i> Kunze	Ruderal Wet Ground	Occasional
	Persian Wireweed		
	* <i>Rumex acetosella</i> L.	Ruderal	Common
	Sheep Sorrel		
	* <i>Rumex crispus</i> L.	Ruderal	Common
	Curly Dock		
RUBIACEAE	Madder Family		
	<i>Galium aparine</i> L.	Riparian, Ruderal	Common
	Goose Grass		
URTICACEAE			
	<i>Urtica dioica</i> L. subsp. <i>holosericea</i>	Riparian	Common
	Stinging Nettle		
VISCAACEAE	Mistletoe Family		
	<i>Phoradendron serotinum</i> (Raf.) Johnst. subsp. <i>tomentosum</i>	Riparian	Common
	Oak Mistletoe		

<u>MAJOR PLANT GROUP</u>		
Family		
Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @ = Voucher Specimen

VASCULAR PLANTS FERNS

AZOLLACEAE

Azolla microphylla Kaulf Aquatic Common
Mexican Mosquito Fern, Duckweed Fern

DRYOPTERIDACEAE

Dryopteris arguta (Kaulf.) Maxon Riparian Common
Coastal Wood Fern

PTERIDACEAE

Pentagramma triangularis (Kaulf.) G. Yatsk. subsp. *triangularis* Riparian Common
Goldback Fern

WOODSIACEAE

Athyrium filix-femina (L.) Roth Riparian Common
Western Lady Fern

VASCULAR PLANTS DIVISION CONIFEROPHYTA--GYMNOSPERMS

CUPRESSACEAE

Hesperocyparis macrocarpa (Hartw.) Bartel Domestic Introduction Occasional
Monterey Cypress

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE- TREES

MAGNOLIIDS

LAURACEAE

Umbellularia californica (Hook. & Arn.) Nutt. Riparian Occasional
California Laurel, Sweet Bay, Pepperwood, California Bay

EUDICOTS

BETULACEAE Birch Family

Alnus rhombifolia Nutt. Riparian Common
White Alder

FABACEAE Legume Family

**Acacia melanoxylon* R. Br. Escape Occasional
Black Wood Acacia

FAGACEAE Oak Family

**Castanea dentata* Borkh. Domestic Common
Chestnut

Quercus agrifolia Nee Riparian Common
Live Oak

Quercus garryana Hook. Riparian Common
Oregon Oak

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

NCN = No Common Name, * = Non-native, @= Voucher Specimen

ASTERACEAE (Compositae) Sunflower Family

<i>Achillea millefolium</i> L.	Ruderal	Common
Yarrow		
* <i>Anthemis cotula</i> L.	Ruderal	Common
Mayweed, Stinkweed, Dog-fennel		
* <i>Carduus pycnocephalus</i> L. subsp. <i>pycnocephalus</i>	Grasslands	Common
Italian Thistle		
* <i>Centaurea solstitialis</i> L.	Grasslands, Ruderal	Common
Yellow Star Thistle		
* <i>Cirsium vulgare</i> (Savi) Ten.	Grasslands, Ruderal	Common
Bull Thistle		
* <i>Helminthotheca echioides</i> (L.) Holub	Ruderal	Common
Ox-tongue (= <i>Picris echioides</i>)		
* <i>Hypochaeris glabra</i> L.	Ruderal	Common
Cat's Ear		
* <i>Hypochaeris radicata</i> L.	Ruderal	Common
Harry Cat's Ear		
* <i>Lactuca serriola</i> L.	Ruderal	Occasional
Prickly Lettuce		
* <i>Matricaria discoidea</i> DC.	Ruderal	Common
Pineapple Weed, Rayless Chamomile = <i>Chamomilla suaveolens</i>)		
* <i>Senecio vulgaris</i> L.	Ruderal	Occasional
NCN		
* <i>Silybum marianum</i> (L.) Gaertn.	Ruderal	Common
Milk Thistle		
* <i>Sonchus asper</i> (L.) Hill var. <i>asper</i>	Ruderal	Common
Prickly Sow Thistle		
* <i>Sonchus oleraceus</i> L.	Ruderal	Common
Common Sow Thistle		
* <i>Taraxacum officinale</i> F.H.Wigg	Ruderal	Common
Dandelion		

BRASSICACEAE Mustard Family

* <i>Brassica nigra</i> (L.) Koch	Ruderal	Common
Black Mustard		
* <i>Capsella bursa-pastoris</i> L.	Ruderal	Common
Shepherd's Purse		
* <i>Cardamine hirsuta</i> L.	Ruderal	Common
Bitter-cress		
<i>Cardamine oligosperma</i> Nutt.	Ruderal	Common
Bitter-cress		

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

JUNACEAE

<i>Juncus effusus</i> L. <i>pacificus</i> Rush	Seeps, Shorelines, Marshes	Common
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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--MONOCOTYLEDONAE-HERBS****AGAVACEAE Centuray Plant Family**

<i>Chlorogalum pomeridianum</i> (DC.) Kunth var. <i>pomeridianum</i> Soap Plant	Woodlands, Grasslands	Common
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AMARYLLIDACEAE Amaryllis Family

<i>Narcissus pseudonarcissus</i> L. Daffodil	Ruderal, Escape	Occasional
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IRIDACEAE Iris Family

<i>Iris douglasiana</i> Herb. Iris	Open Grassland, Meadows	Common
* <i>Iris pseudoacoris</i> L. Yellow Iris	Riparian	Common

MAMMALS**ORDER**

Common Name	Genus	Observed
CARNIVORA Coyote	<i>Canis latrans</i>	Scat
CERVIDAE Black-tailed Deer	<i>Odocoileus hemionus</i>	Sight
RODENTIA Pocket Gopher	<i>Thomomys bottae</i>	Sight

MAJOR PLANT GROUP		
Family	Genus	Habitat Type
	Common Name	Abundance

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	<i>Quercus kelloggii</i> Newb. Black Oak	Riparian	Common
	<i>Quercus lobata</i> Nee. Valley Oak	Riparian	Common
JUGLANDACEAE	Walnut Family		
	* <i>Juglans nigra</i> L. Black Walnut	Ruderal Escape	Common
MORACEAE	Mulberry Family		
	* <i>Ficus carica</i> L. Fig	Ruderal Escape	Occasional
MYRTACEAE	Myrtle family		
	* <i>Eucalyptus globulus</i> Labill Blue Gum	Ruderal Escape	Occasional
OLEACEAE	Olive Family		
	* <i>Ligustrum</i> ssp. Privet	Domestic Ruderal	Occasional
	* <i>Olea europaea</i> L. Olive	Domestic Ruderal	Occasional
ROSACEAE	Rose Family		
	* <i>Malus sylvestris</i> Mill. Apple	Escape	Occasional
	* <i>Prunus domestica</i> L. Prune	Escape, Ruderal	Occasional
	* <i>Prunus cerasifera</i> Ehrh. Cherry Plum	Escape, Ruderal	Occasional
	* <i>Pyrus communis</i> (L.) Pear	Escape or Domestic	Occasional
SALICACEAE	Willow Family		
	<i>Salix laevigata</i> Bebb. Red Willow	Riparian	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE-SHRUBS AND WOODY VINES

EUDICOTS

ANACARDIACEAE	Sumac Family		
	<i>Toxicodendron diversilobum</i> (Torry & Gray) Poison Oak	E.Green Riparian	Common
APOCYANACEAE	Dogbane Family		
	* <i>Nerium oleander</i> L. Oleander	Domestic Introduction	Common

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

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* <i>Vinca major</i> L. Periwinkle	Riparian, Ruderal	Common
ARALIACEAE Ginseng Family		
* <i>Hedra helix</i> L. English Ivy	Ruderal	Occasional
ASTERACEAE (Compositae) Sunflower Family		
<i>Baccharis pilularis</i> deCandolle Coyote Brush	Grasslands	Common
CAPRIFOLIACEAE Honeysuckle Family		
* <i>Lonicera japonica</i> Murray Japanese Honeysuckle	Escape, Shrub/Scrub	Occasional
<i>Symphoricarpos albus</i> (L.) SF Blake var. <i>laevigatus</i> Snowberry	Riparian	Common
LAMIACEAE Mint Family		
* <i>Lavandula staechas</i> L. Lavender	Roadside Wafe	Occasional
* <i>Rosmarinus officinalis</i> L. Rosemary	Domestic Introduction	Occasional
OLEACEAE Olive Family		
* <i>Ligustrum</i> ssp. Privet	Domestic Escape	Occasional
* <i>Syringa</i> ssp. Lilac	Domestic Escape	Occasional
ROSACEAE Rose Family		
* <i>Cotoneaster pannosus</i> Franchet. Cotoneaster	Ruderal	Common
<i>Heteromeles arbutifolia</i> (Lind.) M. Rome. Christmas Berry, Toyon	Edge of Riparian	Common
* <i>Rubus armeniacus</i> Focke Himalayan Blackberry	Ruderal	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--DICOTYLEDONAE-HERBS**

APIACEAE (Umbelliferae) Carrot Family

* <i>Dacus carota</i> L. Wild Carrot, Queen Anne's Lace	Ruderal Grasslands	Common
* <i>Foeniculum vulgare</i> Mill. Fennel	Ruderal	Common

MAJOR PLANT GROUP

Family

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

ASTERACEAE (Compositae) Sunflower Family

<i>Achillea millefolium</i> L.	Ruderal	Common
Yarrow		
* <i>Anthemis cotula</i> L.	Ruderal	Common
Mayweed, Stinkweed, Dog-fennel		
* <i>Carduus pycnocephalus</i> L. subsp. <i>pycnocephalus</i>	Grasslands	Common
Italian Thistle		
* <i>Centaurea solstitialis</i> L.	Grasslands, Ruderal	Common
Yellow Star Thistle		
* <i>Cirsium vulgare</i> (Savi) Ten.	Grasslands, Ruderal	Common
Bull Thistle		
* <i>Helminthotheca echinoides</i> (L.) Holub	Ruderal	Common
Ox-tongue (= <i>Picris echinoides</i>)		
* <i>Hypochaeris glabra</i> L.	Ruderal	Common
Cat's Ear		
* <i>Hypochaeris radicata</i> L.	Ruderal	Common
Harry Cat's Ear		
* <i>Lactuca serriola</i> L.	Ruderal	Occasional
Prickly Lettuce		
* <i>Matricaria discoidea</i> DC.	Ruderal	Common
Pineapple Weed, Rayless Chamomile = <i>Chamomilla suaveolens</i>)		
* <i>Senecio vulgaris</i> L.	Ruderal	Occasional
NCN		
* <i>Silybum marianum</i> (L.) Gaertn.	Ruderal	Common
Milk Thistle		
* <i>Sonchus asper</i> (L.) Hill var. <i>asper</i>	Ruderal	Common
Prickly Sow Thistle		
* <i>Sonchus oleraceus</i> L.	Ruderal	Common
Common Sow Thistle		
* <i>Taraxacum officinale</i> F.H. Wigg	Ruderal	Common
Dandelion		

BRASSICACEAE Mustard Family

* <i>Brassica nigra</i> (L.) Koch	Ruderal	Common
Black Mustard		
* <i>Capsella bursa-pastoris</i> L.	Ruderal	Common
Shepherd's Purse		
* <i>Cardamine hirsuta</i> L.	Ruderal	Common
Bitter-cress		
<i>Cardamine oligosperma</i> Nutt.	Ruderal	Common
Bitter-cress		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

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	<i>*Hirschfeldia incana</i> (L.) Lagr.-Fossat	Ruderal	Common
	Summer Mustard		
	<i>*Raphanus sativus</i> L.	Ruderal	Common
	Wild Radish		
EUPHORBIACEAE	Spurge Family		
	<i>Croton setigerus</i> Hook.	Ruderal	Common
	Turkey Mullein, Dove Weed (= <i>Eremocarpus setigerus</i>)		
FABACEAE (Leguminosae)	Legum Family		
	<i>Acemison micranthus</i> (Torr. & A. Gray)	Grasslands, Ruderal	Common
	Small Flowered Lotus (= <i>Lotus micranthus</i>)		
	<i>*Lathyrus odoratus</i> L.	Ruderal Escape	Occasional
	Sweet Pea		
	<i>*Lotus corniculatus</i> L.	Grasslands, Ruderal	Common
	Birdfoot Trefoil		
	<i>*Medicago arabica</i> (L.) Huds	Ruderal	Common
	Spotted Bur Clover		
	<i>*Trifolium hirtum</i> All.	Ruderal	Common
	Rose Clover		
	<i>Vicia americana</i> Wild. subsp. <i>americana</i>	Grassland	Common
	American Vetch		
	<i>*Vicia faba</i> L.	Ruderal	Common
	Broad Bean, Faba Bean		
	<i>*Vicia sativa</i> L. subsp. <i>nigra</i>	Grasslands, Ruderal	Common
	Narrow Leaved-vetch		
	<i>*Vicia villosa</i> Roth. subsp. <i>varia</i>	Ruderal	Common
	Hairy Vetch, Winter Vetch, Lana Vetch		
GERANIACEAE	Geranium Family		
	<i>*Erodium botrys</i> (Cav.) Bertol.	Grasslands	Common
	Broadleaf Filaree, Long-beaked Filaree		
	<i>*Geranium dissectum</i> L.	Grasslands	Common
	Common Geranium		
	<i>*Geranium molle</i> L.	Grasslands	Common
	Dove's Foot Geranium		
LAMIACEAE (Labiatae)	Mint Family		
	<i>Stachys ajugoides</i> Benth.	Moist Open Places	Occasional
	Hedge-nettle		
MALVACEAE	Mallow Family		
	<i>*Malva parviflora</i> L.	Ruderal	Common
	Cheeseweed, Mallow		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

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	<i>Calandrinia ciliata</i> Ruiz& Pav. DC.	Grasslands	Common
	Red Maids		
	<i>Claytonia perfoliata</i> Willd. ssp. <i>perfoliata</i>	Woodlands, Riparian	Common
	Miners Lettuce		
MYRSINACEAE	Myrsinaceae Family		
	* <i>Anagallis arvensis</i> L.	Ruderal	Common
	Scarlet Pimpernel		
ONAGRACEAE	Evening-primrose Family		
	<i>Clarkia purpurea</i> (Curtis) Nels.&Macbr. subsp. <i>viminea</i>	Grasslands	Common
	NCN		
	<i>Epilobium brachycarpum</i> C.Presl	Ruderal Dry Areas	Common
	Willow Herb		
OXILIDACEAE	Oxalis Family		
	* <i>Oxalis pes-caprae</i> L.	Ruderal	Common
	Bermuda Buttercup		
PAPAVERACEAE	Poppy Family		
	<i>Eschscholzia californica</i> Cahm.	Grasslands	Common
	California Poppy		
PLANTAGINACEAE	Plantain Family		
	* <i>Plantago lanceolata</i> L.	Ruderal	Common
	English Plantain		
POLYGONACEAE	Buckwheat Family		
	* <i>Polygonum agyrocoleon</i> Kunze	Ruderal Wet Ground	Occasional
	Persian Wireweed		
	* <i>Rumex acetosella</i> L.	Ruderal	Common
	Sheep Sorrel		
	* <i>Rumex crispus</i> L.	Ruderal	Common
	Curly Dock		
RUBIACEAE	Madder Family		
	<i>Galium aparine</i> L.	Riparian, Ruderal	Common
	Goose Grass		
URTICACEAE			
	<i>Urtica dioica</i> L. subsp. <i>holosericea</i>	Riparian	Common
	Stinging Nettle		
VISCACEAE	Mistletoe Family		
	<i>Phoradendron serotinum</i> (Raf.) Johnst. subsp. <i>tomentosum</i>	Riparian	Common
	Oak Mistletoe		

MAJOR PLANT GROUP		
Family		
Genus	Habitat Type	Abundance
Common Name		

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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-GRASSES

POACEAE Grass Family

* <i>Avena fatua</i> L. Wild Oat	Grasslands	Common
* <i>Bromus diandrus</i> Roth Ripgut Grass	Ruderal, Grasslands	Common
* <i>Bromus hordeaceus</i> L. Soft Chess, Blando Brome	Grasslands	Common
* <i>Cynosurus echinatus</i> L. Hedgehog, Dogtail	Ruderal	Common
* <i>Dactylis glomerata</i> L. Orchard Grass	Grasslands	Occasional
* <i>Festuca bromoides</i> L. Six-weeks Fescue (= <i>Vulpia bromoides</i>)	Ruderal, Moist Flats become Dry	Common
<i>Festuca microstachys</i> Nutt. NCN (= <i>Vulpia microstachys</i>)	Grasslands, Ruderal	Common
* <i>Festuca myuros</i> L. Rattail Fescue, Zorro Annual Fescue (= <i>Vulpia myuros</i>)	Grasslands	Common
* <i>Festuca perennis</i> (L.) Columubus & Sm. Perennial Rye Grass (= <i>Lolium multiflorum</i> , <i>L. perenne</i>)	Grasslands	Common
* <i>Holcus lanatus</i> L. Velvet Grass	Grasslands, Ruderal	Common
<i>Hordeum brachyantherum</i> Nevski subsp. <i>brachyantherum</i> Meadow Barley	Grasslands	Occasional
* <i>Phalaris aquatica</i> L. Harding Grass	Grasslands	Common
* <i>Poa annua</i> L. Annual Bluegrass	Grasslands	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-SEDGES AND RUSHES

CYPERACEAE Sedge Family

@ <i>Caryx praegracilis</i> Boott Black Creeper or Freway Sedge, Clustered Sedge	Moist areas	Occasional
<i>Eleocharis macrostachya</i> Britton Spike Rush	Riparian, Aquatic	Common
<i>Schoenoplectus californicus</i> (Mey.) Sojak Southernbull Rush, California Tule (= <i>Scirpus</i>)	Palustrine	Occasional

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

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JUNCACEAE

<i>Juncus effusus</i> L. <i>pacificus</i>	Seeps, Shorelines, Marshes	Common
Rush		

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--MONOCOTYLEDONAE-HERBS****AGAVACEAE Centuray Plant Family**

<i>Chlorogalum pomeridianum</i> (DC.) Kunth var. <i>pomeridianum</i>	Woodlands, Grasslands	
Soap Plant		Common

AMARYLLIDACEAE Amaryllis Family

<i>Narcissus pseudonarcissus</i> L.	Ruderal, Escape	Occasional
Daffodil		

IRIDACEAE Iris Family

<i>Iris douglasiana</i> Herb.	Open Grassland, Meadows	Common
Iris		
* <i>Iris pseudoacoris</i> L.	Riparian	Common
Yellow Iris		

Fauna Species Observed in the Vicinity of the Project Site

The nomenclature for the animals found on the project site and in the immediate vicinity follows: Mc Ginnis -1984, for the fresh water fishes; Stebbins -1985, for the reptiles and amphibians; and Udvardy and Farrand - 1998, for the birds; and Jameson and Peeters -1988 for the mammals.

AMPHIBIA AND REPTILIA

ORDER

Common Name	Genus	Observed
ANURA		
Bullfrog	<i>Rana catesbeiana</i>	X
SQUAMATA		
Western Fence Lizard	<i>Sceloporus occidentalis</i>	X

AVES

ORDER

Common Name	Genus	Observed
AVES		
Acorn Woodpecker	<i>Melanerpes formicivorus</i>	
American Robin	<i>Turdus migratorius</i>	X
Anna's Hummingbird	<i>Calypte anna</i>	X
Bufflehead	<i>Bucephala albeola</i>	X
Black Phoebe	<i>Sayornis nigricans</i>	X
California Quail	<i>Callipepla californica</i>	X
Common Crow	<i>Corvus brachyrhynchos</i>	X
Canada Goose	<i>Branta canadensis</i>	X
European Starling	<i>Sturnus vulgaris</i>	X
Green-winged Teal	<i>Anas crecca</i>	X
Red-tailed Hawk	<i>Cathartes aura</i>	X
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	X
Scrub Jay	<i>Aphelocoma coerulescens</i>	X
Spotted Towhee	<i>Pipilo erythrophthalmus</i>	X
Wild Turkey	<i>Meleagris gallopavo</i>	X

MAMMALS**ORDER**

Common Name	Genus	Observed
CARNIVORA		
Coyote	<i>Canis latrans</i>	Scat
CERVIDAE		
Black-tailed Deer	<i>Odocoileus hemionus</i>	Sight
RODENTIA		
Pocket Gopher	<i>Thomomys bottae</i>	Sight

APPENDIX B

Definitions used in Report and Regulatory Requirements

Definitions (Not all are relevant to this project)

Absolute Cover. The percentage of ground covered by the vertical projection of the plant crowns of a species or defined set of plants as viewed from above. The absolute cover of herbaceous plants includes any standing (attached to a living plant, and not lying on the ground) plant parts, whether alive or dead; this definition excludes litter and other separated plant material. The cover may include mosses, lichens and recognizable cryptogamic crusts.

Alliance. A classification unit of vegetation containing one or more associations and defined by one or more diagnostic species, often of high cover, in the uppermost layer or the layer with the highest canopy cover. Alliances reflect regional to subregional climates, substrates, hydrology and disturbance regimes.

Association. A vegetation classification unit defined by a diagnostic species, a characteristic range of species composition, physiognomy, and distinctive habitat conditions. Associations reflect local topo-edaphic climates, substrates, hydrology, and disturbance regimes.

Best Management Practices. Best management practices represent the construction or agricultural practices that are consistent with regulatory laws or industry standards which are prudent and consistent with site conditions.

Confidence Interval. The California Department of Fish and Game (DFW) California Natural Diversity Data Base (CNDDB) uses map polygon projections for indicating potential for occurrence of special-status plant populations around a recorded occurrence.

Critical Habitat. Critical habitat is by definition designated by U.S. Fish and Wildlife Service as essential for the existence of a particular population of species. The U.S. Fish and Wildlife Service designates critical habitat for special-status species as an area or region within which a species may be found. "Critical habitat" is defined as areas essential for the "conservation" of the species in question.

Dominance. The extent to which a species or growth form has a strong influence in a stand because of its size, abundance or cover.

Habitat Fragmentation. The issue of habitat fragmentation is of concern locally, nationally, and globally. The term habitat fragmentation refers to the loss of connections within the biosphere such that the movement, genetic exchange, and dispersal of native populations is restricted or prevented. Anthropogenic habitat fragmentation can be the result of a road construction, logging, agriculture, or urban growth. The practice of retaining or planning for "Corridors" is an attempt to address this

issue. Corridors that allow movement of wildlife through and around a site include stream and riparian areas and also areas that connect two or more sites of critical wildlife habitat.

Habitat Types. Habitat types are used by DFW to categorize elements of nature associated with the physical and biological conditions in an area. These are of particular importance for the wildlife they support, and they are important as indicators of the potential for special-status species.

Relative Cover. A measure of the cover of a species in relation to that of other species within a set area or sample of vegetation. This is usually calculated for species that occur in the same layer (stratum) of vegetation, and this measure can be calculated across a group of samples.

Riparian Corridor. Riparian corridors can be defined as the stream channel between the low-water and high-water marks plus the terrestrial landscape above the high water-mark (where vegetation may be influenced by elevated water tables or extreme flooding and by the ability of the soils to hold water; Naiman, et. al. 1993).

Riparian Corridor or Riparian Ecosystem. Riparian ecosystems occupy the ecotone between upland and lotic aquatic realms. Riparian corridors can be defined as the stream channel between the low- and high-water marks plus the terrestrial landscape above the high water-mark (where vegetation may be influenced by elevated water tables or extreme flooding and by the ability of the soils to hold water; Naiman, et. al. 1993).

Ruderal Habitat. Ruderal habitat is characterized by disturbance and the establishment and dominance of non-native introduced weed species. Ruderal plant communities are a function of or result of agricultural or logging practices. This habitat is typically found along graded roads, erosional surfaces or sites influenced by agricultural animal populations.

Sensitive Habitat. DFW Natural Diversity Data Base uses environmentally sensitive plant communities for plant populations that are rare or threatened in nature. Sensitive habitat is defined as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes. Sensitive Habitat also includes wetlands and tributaries to "Waters of the US" as defined by the Corps of Engineers (ACOE) and DFW seasonal streams DFW.

Serpentinite. Serpentinite or serpentine consists of ultramafic rock outcrops that due to the unique mineral composition support a unique flora often of endemics. Kruckeberg, 1984, indicates that the taxonomy and evolutionary responses to serpentines include "1) taxa endemic to serpentine, 2) local or regional indicator taxa, largely confined to serpentine in parts of their ranges, 3) indifferent or "bodenvag" taxa that range on and off serpentine, and 4) taxa that are excluded from serpentine." Serpentine outcrops or serpentinites support numerous special-status plant taxa.

Special-status Species. Special-status organisms are plants or animals that have been designated by Federal or State agencies as rare, endangered, or threatened. We have also included plant species listed by the CNPS as "target organisms." The target species for the Quadrangle are discussed below. Section 15380 of the California Environmental Quality Act [CEQA (September, 1983)] has a discussion regarding non-listed (State) taxa. This section states that a plant (or animal) must be treated as Rare or Endangered even if it is not officially listed as such. If a person (or organization) provides information showing that a taxa meets the State's definitions and criteria, then the taxa should be treated as such.

Standard Agricultural Practices. Standard agricultural practices are best management practices which are prudent as applied in the agricultural industry such as the use of regulated pesticides, methods of and timing of weed control, appropriate fertilizer application, irrigation management, frost protection, erosion control and soil conservation and management, and dust control among other practices.

Streams. The DFW definition of stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports wildlife, fish, or other aquatic life. This includes watercourses having a surface or subsurface flow that support or have supported riparian vegetation. DFW's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife.

Target organisms. Special-status species that are listed by: the California Department of Fish and recorded in the Natural Diversity Data Base for the Quadrangle and surrounding Quadrangles of the project site; the California Native Plant Society for the habitat present on the project site Quadrangle and surrounding Quadrangles; Federal Endangered and Threatened Species that Occur in the U.S.G.S. 7 1/2 Minute Quadrangle; our experience with the local flora and fauna; any species identified by local individuals that are considered to be rare in the region; and DFW Five Mile radius CNDDDB Rarefind 3 search.

Wetlands. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Many surface waters and wetlands in California meet the criteria for waters of the United States, including intermittent streams and seasonal lakes and wetlands.

Waters of the U.S. The term "Waters of the United States" refers to all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters such as interstate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use degradation or destruction of which could affect interstate or foreign commerce including any such waters [among which include], all impediments of waters otherwise defined as waters of the United States under this definition.

Waters of the State. The term "Waters of the State" Section 13050 (e) of the California Water Code defines "waters of the State as " any surface water or groundwater, including saline waters, within the boundaries of the state."

Vernal Pools. Vernal pools are a type of seasonal wetland distinct for California and the western US. Typically they are associated with seasonal rainfall or "Mediterranean climate" and have a distinct flora and fauna, an impermeable or slowly permeable substrate and contain standing water for a portion of the year. They are characterized by a variable aquatic and dry regime with standing water during the spring plant growth regime. They have a high degree of endemism of flora and fauna.

Regulatory Permits

Federal Regulations

Federal Endangered Species Act Pursuant to the federal Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA), have authority over projects that may affect the continued existence of a species that is federally listed as threatened or endangered. Section 9 of ESA prohibits the take of a federally listed species; take is defined, in part, as killing, harming, or harassment and includes habitat modification or degradation where it actually results in death or injury to wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

Section 404 of the Clean Water Act Section 404 of the Clean Water Act establishes a requirement to obtain a permit before any activity that involves any discharge of dredged or fill material into "waters of the United States," including wetlands. Waters of the United States include navigable waters of the United States, interstate waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries.

Army Corps of Engineers (ACOE) regulates and issues 404 permits for activities that involve the discharge of dredged or fill materials into waters of the United States. A Water Quality Certification 401 permit must also be obtain from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Board to the nine Regional Water Quality Control Boards (RWQCB).

State Regulations

California Endangered Species Act Pursuant to the California Endangered Species Act (CESA) and Section 2081 of the Fish and Game Code, a permit from Department of Fish and Game (DFW) is required for projects that could result in the take of a state listed threatened or endangered species. Under CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species, but the definition does not include "harm" or "harass," as the ESA does. As a result, the threshold for a take under CESA is higher than that under the ESA.

California Fish and Game Code Section 1600 – Lake and Streambed Alteration Permit. All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by DFW pursuant to Section 1600 of the California Fish and Game Code. Section 1600 states that it is unlawful for any person, government agency, state, local, or any public utility to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake or deposit or dispose of waste, debris, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake without first notifying DFW of such activity.

Porter-Cologne Water Quality Control Act Under the Porter-Cologne Water Quality Control Act, “waters of the state” fall under the jurisdiction of the RWQCB. Under the act, the RWQCB must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control non-point and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters of the state must meet waste discharge requirements of the RWQCB, which may be issued in addition to a water quality certification or waiver under Section 401 of the Clean Water Act.

APPENDIX C.

**California Native Plant Society Inventory of Special-Status Plants for the
Quadrangle and Surrounding Quadrangles**

**DFW CNDDDB Rare Find \$ Special-status Species Listed for the Quadrangle and
Surrounding Quadrangles**

**California Wildlife Habitat Relationship System Species Summary Report by
Habitat Present**

Status: search results: Thu May 23 2013 15:10:10 EDT

Your Quad Selection: Glen Ellen (501D) 3812235, Petaluma River (484A) 3812225, Petaluma (484B) 3812226, Rutherford (500B) 3812244, Sonoma (500C) 3812234, Sears Point (483B) 3812224, Kenwood (501A) 3812245, Santa Rosa (501B) 3812246, Cotati (501C) 3812236

scientific	common	family	CNPS
<u>Allium peninsulare</u> var. <u>franciscanum</u> 📷	Franciscan onion	Alliaceae	List 1B.2
<u>Alopecurus aequalis</u> var. <u>sonomensis</u> 📷	Sonoma alopecurus	Poaceae	List 1B.1
<u>Amorpha californica</u> var. <u>napensis</u> 📷	Napa false indigo	Fabaceae	List 1B.2
<u>Amsinckia lunaris</u> 📷	bent-flowered fiddleneck	Boraginaceae	List 1B.2
<u>Arctostaphylos bakeri</u> ssp. <u>bakeri</u> 📷	Baker's manzanita	Ericaceae	List 1B.1
<u>Arctostaphylos canescens</u> ssp. <u>sonomensis</u> 📷	Sonoma canescent manzanita	Ericaceae	List 1B.2
<u>Arctostaphylos stanfordiana</u> ssp. <u>decumbens</u> 📷	Rincon Ridge manzanita	Ericaceae	List 1B.1
<u>Astragalus claranus</u> 📷	Clara Hunt's milk-vetch	Fabaceae	List 1B.1
<u>Astragalus tener</u> var. <u>tener</u> 📷	alkali milk-vetch	Fabaceae	List 1B.2
<u>Balsamorhiza macrolepis</u> 📷	big-scale balsamroot	Asteraceae	List 1B.2
<u>Blennosperma bakeri</u> 📷	Sonoma sunshine	Asteraceae	List 1B.1

<u><i>Brodiaea leptandra</i></u>	narrow-anthered brodiaea	Themidaceae	List 1B.2
<u><i>California macrophylla</i></u> 🌱	round-leaved filaree	Geraniaceae	List 1B.1
<u><i>Carex albida</i></u> 🌱	Sonoma white sedge	Cyperaceae	List 1B.1
<u><i>Ceanothus confusus</i></u> 🌱	Rincon Ridge ceanothus	Rhamnaceae	List 1B.1
<u><i>Ceanothus divergens</i></u> 🌱	Calistoga ceanothus	Rhamnaceae	List 1B.2
<u><i>Ceanothus purpureus</i></u> 🌱	holly-leaved ceanothus	Rhamnaceae	List 1B.2
<u><i>Ceanothus sonomensis</i></u> 🌱	Sonoma ceanothus	Rhamnaceae	List 1B.2
<u><i>Centromadia parryi</i></u> ssp. <u><i>parryi</i></u> 🌱	pappose tarplant	Asteraceae	List 1B.2
<u><i>Chloropyron maritimum</i></u> ssp. <u><i>palustre</i></u>	Point Reyes bird's-beak	Orobanchaceae	List 1B.2
<u><i>Chloropyron molle</i></u> ssp. <u><i>molle</i></u>	soft bird's-beak	Orobanchaceae	List 1B.2
<u><i>Chorizanthe valida</i></u> 🌱	Sonoma spineflower	Polygonaceae	List 1B.1
<u><i>Delphinium bakeri</i></u> 🌱	Baker's larkspur	Ranunculaceae	List 1B.1
<u><i>Delphinium luteum</i></u> 🌱	golden larkspur	Ranunculaceae	List 1B.1
<u><i>Downingia pusilla</i></u> 🌱	dwarf downingia	Campanulaceae	List 2.2
<u><i>Erigeron biolettii</i></u> 🌱	streamside daisy	Asteraceae	List 3
<u><i>Erigeron greenei</i></u>	Greene's narrow-leaved daisy	Asteraceae	List 1B.2

<u>Eriogonum luteolum</u> var. <u>caninum</u> 🌿	Tiburon buckwheat	Polygonaceae	List 1B.2
<u>Fritillaria liliacea</u> 🌿	fragrant fritillary	Liliaceae	List 1B.2
<u>Hemizonia congesta</u> ssp. <u>congesta</u> 🌿	white seaside tarplant	Asteraceae	List 1B.2
<u>Hesperolinon congestum</u> 🌿	Marin western flax	Linaceae	List 1B.1
<u>Horkelia tenuiloba</u> 🌿	thin-lobed horkelia	Rosaceae	List 1B.2
<u>Lasthenia burkei</u> 🌿	Burke's goldfields	Asteraceae	List 1B.1
<u>Lasthenia conjugens</u> 🌿	Contra Costa goldfields	Asteraceae	List 1B.1
<u>Layia septentrionalis</u> 🌿	Colusa layia	Asteraceae	List 1B.2
<u>Legenere limosa</u> 🌿	legenere	Campanulaceae	List 1B.1
<u>Leptosiphon jepsonii</u> 🌿	Jepson's leptosiphon	Polemoniaceae	List 1B.2
<u>Lessingia hololeuca</u> 🌿	woolly-headed lessingia	Asteraceae	List 3
<u>Limnanthes vincularis</u> 🌿	Sebastopol meadowfoam	Limnanthaceae	List 1B.1
<u>Lupinus sericatus</u> 🌿	Cobb Mountain lupine	Fabaceae	List 1B.2
<u>Micropus amphibolus</u> 🌿	Mt. Diablo cottonweed	Asteraceae	List 3.2
<u>Microseris paludosa</u> 🌿	marsh microseris	Asteraceae	List 1B.2
<u>Navarretia leucocephala</u> ssp. <u>bakeri</u> 🌿	Baker's navarretia	Polemoniaceae	List 1B.1

<u>Navarretia leucocephala</u> ssp. <u>pliantha</u> 🌿	many-flowered navarretia	Polemoniaceae	List 1B.2
<u>Penstemon newberryi</u> var. <u>sonomensis</u> 🌿	Sonoma beardtongue	Plantaginaceae	List 1B.3
<u>Plagiobothrys mollis</u> var. <u>vestitus</u>	Petaluma popcorn-flower	Boraginaceae	List 1A
<u>Pleuropogon hooverianus</u> 🌿	North Coast semaphore grass	Poaceae	List 1B.1
<u>Polygonum marinense</u> 🌿	Marin knotweed	Polygonaceae	List 3.1
<u>Rhynchospora globularis</u>	round-headed beaked-rush	Cyperaceae	List 2.1
<u>Sidalcea calycosa</u> ssp. <u>rhizomata</u> 🌿	Point Reyes checkerbloom	Malvaceae	List 1B.2
<u>Sidalcea oregana</u> ssp. <u>valida</u> 🌿	Kenwood Marsh checkerbloom	Malvaceae	List 1B.1
<u>Trifolium amoenum</u> 🌿	two-fork clover	Fabaceae	List 1B.1
<u>Trifolium hydrophilum</u>	saline clover	Fabaceae	List 1B.2
<u>Triquetrella californica</u> 🌿	coastal triquetrella	Pottiaceae	List 1B.2
<u>Viburnum ellipticum</u> 🌿	oval-leaved viburnum	Adoxaceae	List 2.3



Selected Elements by Scientific Name
 California Department of Fish and Wildlife
 California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Adela oplerella</i> Opler's longhorn moth	IILEE0G040	None	None	G2G3	S2S3	
<i>Agelaius tricolor</i> tricolored blackbird	ABPBXB0020	None	None	G2G3	S2	SSC
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan onion	PMLIL021R1	None	None	G5T2	S2.2	1B.2
<i>Alopecurus aequalis</i> var. <i>sonomensis</i> Sonoma alopecurus	PMPOA07012	Endangered	None	G5T1Q	S1	1B.1
<i>Ambystoma californiense</i> California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	SSC
<i>Amorpha californica</i> var. <i>napensis</i> Napa false indigo	PDFAB08012	None	None	G4T2	S2.2	1B.2
<i>Amsinckia lunaris</i> bent-flowered fiddleneck	PDBOR01070	None	None	G2?	S2?	1B.2
<i>Andrena blennospermatis</i> Blennosperma vernal pool andrenid bee	IHYM35030	None	None	G2	S2	
<i>Antrozous pallidus</i> pallid bat	AMACC10010	None	None	G5	S3	SSC
<i>Arctostaphylos canescens</i> ssp. <i>sonomensis</i> Sonoma canescent manzanita	PDERI04066	None	None	G3G4T2	S2.1	1B.2
<i>Arctostaphylos stanfordiana</i> ssp. <i>decumbens</i> Rincon Ridge manzanita	PDERI041G4	None	None	G3T1	S1	1B.1
<i>Astragalus claranus</i> Clara Hunt's milk-vetch	PDFAB0F240	Endangered	Threatened	G1	S1	1B.1
<i>Astragalus tener</i> var. <i>tener</i> alkali milk-vetch	PDFAB0F8R1	None	None	G2T2	S2	1B.2
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S2	SSC
<i>Balsamorhiza macrolepis</i> big-scale balsamroot	PDAST11061	None	None	G2	S2	1B.2
<i>Blennosperma bakeri</i> Sonoma sunshine	PDAST1A010	Endangered	Endangered	G1	S1	1B.1
<i>Brodiaea leptandra</i> narrow-anthered brodiaea	PMLIL0C022	None	None	G2G3	S2S3.2	1B.2
<i>Caecidotea tomalensis</i> Tomales isopod	ICMAL01220	None	None	G2	S2	
<i>Calicina diminua</i> Marin blind harvestman	ILARAU8040	None	None	G1	S1	
<i>California macrophylla</i> round-leaved filaree	PDGER01070	None	None	G2	S2	1B.1
<i>Carex albida</i> white sedge	PMCPY030D0	Endangered	Endangered	G1	S1	1B.1



Selected Elements by Scientific Name
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 California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Ceanothus confusus</i> Rincon Ridge ceanothus	PDRHA04220	None	None	G2	S2.2	1B.1
<i>Ceanothus divergens</i> Callistoga ceanothus	PDRHA04240	None	None	G2	S2.2	1B.2
<i>Ceanothus purpureus</i> holly-leaved ceanothus	PDRHA04160	None	None	G2	S2	1B.2
<i>Ceanothus sonomensis</i> Sonoma ceanothus	PDRHA04420	None	None	G2	S2.2	1B.2
<i>Centromadia parryi ssp. parryi</i> pappose tarplant	PDAST4R0P2	None	None	G4T1	S1	1B.2
<i>Chloropyron maritimum ssp. palustre</i> Point Reyes bird's-beak	PDSCR0J0C3	None	None	G4?T2	S2.2	1B.2
<i>Chloropyron molle ssp. molle</i> soft bird's-beak	PDSCR0J0D2	Endangered	Rare	G2T1	S1	1B.2
<i>Chorizanthe valida</i> Sonoma spinyflower	PDPGN040V0	Endangered	Endangered	G1	S1	1B.1
<i>Coastal Brackish Marsh</i> Coastal Brackish Marsh	CTT52200CA	None	None	G2	S2.1	
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	ABNRB02022	Candidate	Endangered	G5T3Q	S1	
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	AMACC08010	None	None	G4	S2S3	SSC
<i>Cypseloides niger</i> black swift	ABNUA01010	None	None	G4	S2	SSC
<i>Danaus plexippus</i> monarch butterfly	IILEPP2010	None	None	G5	S3	
<i>Delphinium luteum</i> golden larkspur	PDRAN0B0Z0	Endangered	Rare	G1	S1	1B.1
<i>Downingia pusilla</i> dwarf downingia	PDCAM060C0	None	None	G2	S2	2.2
<i>Elanus leucurus</i> white-tailed kite	ABNKC06010	None	None	G5	S3	FP
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Erigeron greenei</i> Greene's narrow-leaved daisy	PDAST3M5G0	None	None	G2	S2	1B.2
<i>Fritillaria liliacea</i> fragrant fritillary	PMLILOV0C0	None	None	G2	S2	1B.2
<i>Geothlypis trichas sinuosa</i> saltmarsh common yellowthroat	ABPBX1201A	None	None	G5T2	S2	SSC
<i>Haliaeetus leucocephalus</i> bald eagle	ABNKC10010	Delisted	Endangered	G5	S2	FP



Selected Elements by Scientific Name
 California Department of Fish and Wildlife
 California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Hemizonia congesta ssp. congesta</i> white seaside tarplant	PDAST4R065	None	None	G5T2T3	S2S3	1B.2
<i>Hesperolinon congestum</i> Marin western flax	PDLIN01060	Threatened	Threatened	G2	S2	1B.1
<i>Horkelia tenuiloba</i> thin-lobed horkelia	PDROS0W0E0	None	None	G2	S2.2	1B.2
<i>Hydrochara rickseckeri</i> Ricksecker's water scavenger beetle	IICOL5V010	None	None	G1G2	S1S2	
<i>Hydroporus leechi</i> Leech's skyline diving beetle	IICOL55040	None	None	G1?	S1?	
<i>Lasthenia burkei</i> Burke's goldfields	PDAST5L010	Endangered	Endangered	G1	S1	1B.1
<i>Lasthenia conjugens</i> Contra Costa goldfields	PDAST5L040	Endangered	None	G1	S1	1B.1
<i>Laterallus jamalensis coturniculus</i> California black rail	ABNME03041	None	Threatened	G4T1	S1	FP
<i>Layia septentrionalis</i> Colusa layia	PDAST5N0F0	None	None	G2	S2.2	1B.2
<i>Legenere limosa</i> legenere	PDCAM0C010	None	None	G2	S2.2	1B.1
<i>Leptosiphon jepsonii</i> Jepson's leptosiphon	PDPLM09140	None	None	G2	S2	1B.2
<i>Limnanthes vincularis</i> Sebastopol meadowfoam	PDLIM02090	Endangered	Endangered	G1	S1	1B.1
<i>Linderiella occidentalis</i> California linderiella	ICBRA06010	None	None	G3	S2S3	
<i>Lupinus sericatus</i> Cobb Mountain lupine	PDFAB2B3J0	None	None	G2	S2.2	1B.2
<i>Melospiza melodia samuelis</i> San Pablo song sparrow	ABPBXA301W	None	None	G5T2?	S2?	SSC
<i>Microseris paludosa</i> marsh microseris	PDAST6E0D0	None	None	G2	S2.2	1B.2
<i>Navarretia leucocephala ssp. bakeri</i> Baker's navarretia	PDPLM0C0E1	None	None	G4T2	S2	1B.1
<i>Northern Coastal Salt Marsh</i> Northern Coastal Salt Marsh	CTT52110CA	None	None	G3	S3.2	
<i>Northern Vernal Pool</i> Northern Vernal Pool	CTT44100CA	None	None	G2	S2.1	
<i>Oncorhynchus mykiss irideus</i> steelhead - central California coast DPS	AFCHA0209G	Threatened	None	G5T2Q	S2	
<i>Penstemon newberryi var. sonomensis</i> Sonoma beardtongue	PDSCR1L483	None	None	G4T1	S2	1B.3



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Plagiobothrys mollis</i> var. <i>vestitus</i> Petaluma popcornflower	PDBOR0V0Q2	None	None	G4?TX	SX	1A
<i>Pleuropogon hooverianus</i> North Coast semaphore grass	PMPOA4Y070	None	Threatened	G2	S2	1B.1
<i>Pogonichthys macrolepidotus</i> Sacramento splittail	AFCJB34020	None	None	G2	S2	SSC
<i>Polygonum marinense</i> Marin knotweed	PDPGNL1C0	None	None	G2Q	S2	3.1
<i>Rallus longirostris obsoletus</i> California clapper rail	ABNME05016	Endangered	Endangered	G5T1	S1	FP
<i>Rana boylei</i> foothill yellow-legged frog	AAABH01050	None	None	G3	S2S3	SSC
<i>Rana draytonii</i> California red-legged frog	AAABH01022	Threatened	None	G4T2T3	S2S3	SSC
<i>Reithrodontomys raviventris</i> salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2	FP
<i>Riparia riparia</i> bank swallow	ABPAU08010	None	Threatened	G5	S2S3	
<i>Sidalcea calycosa</i> ssp. <i>rhizomata</i> Point Reyes checkerbloom	PDMAL11012	None	None	G5T2	S2.2	1B.2
<i>Sidalcea oregana</i> ssp. <i>vallda</i> Kenwood Marsh checkerbloom	PDMAL110K5	Endangered	Endangered	G5T1	S1	1B.1
<i>Sorex ornatus sinuosus</i> Suisun shrew	AMABA01103	None	None	G5T1	S1	SSC
<i>Speyeria zerene myrtleae</i> Myrtle's silverspot	IILEPJ6089	Endangered	None	G5T1	S1	
<i>Streptanthus hesperidis</i> green jewel-flower	PDBRA2G510	None	None	G2	S2	1B.2
<i>Syncaris pacifica</i> California freshwater shrimp	ICMAL27010	Endangered	Endangered	G1	S1	
<i>Talanites ubicki</i> Ubick's gnaphosid spider	ILARA98030	None	None	G1	S1	
<i>Taxidea taxus</i> American badger	AMAJF04010	None	None	G5	S4	SSC
<i>Trifolium amoenum</i> showy rancheria clover	PDFAB40040	Endangered	None	G1	S1	1B.1
<i>Trifolium hydrophilum</i> saline clover	PDFAB400R5	None	None	G2	S2	1B.2
<i>Triquetrella californica</i> coastal triquetrella	NBMUS7S010	None	None	G1	S1	1B.2
<i>Tryonia imitator</i> mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2G3	S2S3	



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Valley Needlegrass Grassland</i> Valley Needlegrass Grassland	CTT42110CA	None	None	G3	S3.1	
<i>Viburnum ellipticum</i> oval-leaved viburnum	PDCPR07080	None	None	G5	S2.3	2.3

Record Count: 86

CALIFORNIA WILDLIFE HABITAT RELATIONSHIPS SYSTEM
 Supported by
CALIFORNIA INTERAGENCY WILDLIFE TASK GROUP
 and maintained by the
CALIFORNIA DEPARTMENT OF FISH AND GAME
 Database Version: 8.2 (2008)

5/23/2013

SPECIES SUMMARY REPORT

1=Federal Endangered	3=California Endangered	7=California Species of Special Concern	11=BLM Sensitive
2=Federal Threatened	4=California Threatened	8=Federally-Proposed Endangered	12=USFS Sensitive
	5=California Fully Protected	9=Federally-Proposed Threatened	13=CDF Sensitive
	6=California Protected	10=Federal Candidate	14=Harvest

Note: Any given status code for a species may apply to the full species or to only one or more subspecies or distinct population segments.

ID	SPECIES NAME	STATUS														
B117	NORTHERN GOSHAWK									7			11	12	13	
B121	SWAINSON'S HAWK					4									12	
B272	LONG-EARED OWL									7						
M117	DEER MOUSE									7						
R046	RUBBER BOA					4									12	
R053	STRIPED RACER			2		4										
R057	GOPHER SNAKE									7						
R059	CALIFORNIA MOUNTAIN KINGSNAKE									7					12	
R061	COMMON GARTER SNAKE				1		3		5	7						
	Total Number of Species:															



August 19, 2013

Mr. Steve Martin
Steve Martin Associates
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Transportation, Inc.

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Focused Traffic Study for the Belden Barns Winery Project

Dear Mr. Martin;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has prepared a traffic analysis relative to the proposed winery to be located at 5561 Sonoma Mountain Road in the County of Sonoma. The purpose of this letter is to address the likely trip generation of the proposed project as well as adequacy of the parking supply. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Project Description

The proposed Belden Barns Winery project consists of the development of a winery capable of producing 10,000 cases of wine and 10,000 pounds of cheese annually together with a tasting room that would be open daily. It is anticipated that 5,000 cases of wine would be produced from grapes grown on site, while the remaining 5,000 cases will come from grapes grown at local vineyards. It is also anticipated that half of the cheese will be made from milk produced by cows, sheep and goats raised on the property, while the other half of the milk will be imported. Participation in up to ten special events is proposed annually. The tasting room is proposed to be open from 10:00 a.m. to 5:00 p.m. daily, while winery operations would typically be between 7:00 a.m. and 6:00 p.m. Access to the project will be via an existing driveway on the south side of Sonoma Mountain Road approximately 1.5 miles east of Pressley Road.

Existing Conditions

Sonoma Mountain Road is classified as a Rural Minor Collector in the *Sonoma County General Plan 2020*. East of Pressley Road and in the vicinity of the project site, Sonoma Mountain Road is narrow, approximately 20 feet wide, running east-west with no center line or edge line striping. Travel speed and traffic count data was obtained using machine counters on April 26-30, 2012, west of the project site. Based on the data collected, Sonoma Mountain Road has an average daily traffic (ADT) volume of approximately 360 vehicles during weekdays and 340 vehicles during weekend days.

Although there is no posted speed limit for Sonoma Mountain Road near the proposed winery's frontage, the *prima facie* speed limit is 55 mph. However, based on speed data collected, the 85th percentile speed for traffic approaching the driveway was found to be approximately 40 mph. Therefore, 40 mph was utilized for analysis purposes.

A 20-acre vineyard currently exists on the site, of which four acres are being re-planted. Additionally, three single family houses and a guest house exist on the site. Of the three single family houses, one is

proposed to be demolished and replaced with a new single family house/hospitality building, one will be removed and replaced by two new residences attached to the winery building while the remaining residential unit will remain unchanged. The existing guest house will also remain unchanged. The site also has an existing barn and dance hall that are proposed to be renovated.

Collision History

The collision history for the study segment of Sonoma Mountain Road from Pressley Road to the project driveway was reviewed to determine any trends or patterns that indicate a safety risk that may be exacerbated by the addition of project traffic. The average annual collision rate was calculated based on records for January 2006 through December 2010 obtained through the California Highway Patrol and published in their *Statewide Integrated Traffic Records System (SWITRS)* reports.

The 1.5-mile segment of Sonoma Mountain Road had two reported collisions over the five-year study period for a calculated collision rate of 1.97 collisions/million vehicle miles (c/mvm). The statewide average collision rate for a rural two-lane road with a speed limit of less than 55 mph is 2.24 c/mvm. The calculated collision rate is lower than the statewide average for similar roadway segments, indicating that the roadway is operating within normal safety parameters. A copy of the spreadsheet showing the derivation of actual and statewide collision rates is enclosed.

Trip Generation

The County's Winery Trip Generation form, which is enclosed, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the anticipated production of cheese as well as the winery operation, and indicates that the winery will have a staff of eight persons who would be expected to generate an average of three trip ends each, or 24 trip ends total, per weekday. Truck traffic is expected to contribute an average of one trip end per weekday.

In addition, the tasting room will have one employee, generating an average of three trips per day. An average of 42 visitors per day is expected for tasting, with a high of 60 tasters during the summertime months and a low of about 30 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 33 daily trips are expected due to tasting. Data collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily generated winery trips occur during the p.m. peak hour and 13 percent during the weekend midday peak.

For purposes of estimating the number of trips associated with the three existing single family houses, *Trip Generation*, 8th Edition, Institute of Transportation Engineers, 2008, was used. Based on rates for Single Family Detached Housing (Land Use #210), a residence is expected to generate an average of about ten daily trips. Trips associated with the three existing single family houses are already included in existing background volumes and were therefore not considered to be new trips; however, these trips were included in the analysis of driveway operations. Since the existing guest house is not occupied on a consistent basis, it was not included in the trip generation estimate for existing conditions.

As shown in Table 1, the proposed winery project would be expected to generate an average of 71 new trip ends per day, including 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak			Weekend Midday Peak		
		Rate	Trips	Trips	In	Out	Trips	In	Out
Existing									
Single Family Home	3	9.57	30	3	3	0	3	3	0
Proposed									
Winery Employees	8	3	24	8	0	8	0	0	0
Truck Traffic	n/a	n/a	1	0	0	0	0	0	0
Tasting Visitors	42	0.8	33	3	1	2	4	2	2
Tasting Employees	1	3	3	1	0	1	1	1	0
Single Family Home	4	9.57	40	4	4	0	4	4	0
Total Proposed Trips			101	16	5	11	9	7	2
Total New Trips			71	13	2	11	6	4	2

Note: Trip generation does not include special events

Special Events

A total of ten special events are proposed at the project site. As indicated on the enclosed "Event Schedule" forms, two 200-person winery events per year are proposed along with three 100-person winery events and five 60-person winery events. It was assumed that a maximum sized 200-person event would require a staff of ten. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum sized 200-person event would be expected to generate 180 trip ends at the driveway, including 90 inbound trips at the start of the event and 90 outbound trips upon its conclusion.

Site Access

Access to the project will be provided via an existing driveway on Sonoma Mountain Road. Based on Sonoma County Fire Safe Standards, the driveway would need to be 20 feet wide for two-way access; however, the driveway width may be reduced to ten feet wide with a minimum vertical clearance of 15 feet if turnouts are provided every 400 feet or approximately midway if the total driveway is less than 800 feet long. Based on the site plan provided it is understood that the driveway will retain its existing width of 12 feet, while the roadway segment providing access to the new winery building is proposed to be 16 feet wide. It is therefore recommended that all internal roadways either be widened to a 20-foot cross section or include the appropriate number of turnouts to meet standards established by Sonoma County.

Sight Distance

Sight distance from the project's driveway on Sonoma Mountain Road was evaluated based on criterion contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines recommend sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches, and sight distances for drivers of vehicles stopped on the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a

vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left compared to turning right.

For a 40-mph design speed, sight distance to the west of at least 385 feet is needed to complete an outbound left turn. From the location of the existing driveway, sight distance to the west extends to approximately 200 feet west of the driveway. The sight lines are obstructed by vegetation along the south side of the road west of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the south side of Sonoma Mountain Road west of the project driveway to be cleared to achieve at least 385 feet of sight distance.

To complete an outbound left turn, which is expected to be the predominant movement for project traffic, 445 feet of sight distance is required, but clear sight lines of only approximately 400 feet are available. The sight lines are obstructed by vegetation along the north side of the road located approximately 400 feet east of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway be cleared to achieve at least 445 feet of sight distance.

Also measured was the stopping sight distance along the westbound Sonoma Mountain Road approach to determine if there is adequate sight distance available for a driver to react to a vehicle stopped in the through lane while waiting to complete an inbound left-turn movement. This would require 305 feet of sight distance, and 400 feet is available, which is adequate for speeds of up to 45 mph.

Any planned vegetation or frontage improvements that may be installed as a component of the project should be low lying or located back from the roadway to avoid further reducing sight lines.

Turn Lane Warrants

The need for turn lane channelization on Sonoma Mountain Road at the project driveway was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as an update of the methodology developed by the Washington State Department of Transportation.

Including all existing residential traffic and agricultural traffic, it is estimated that approximately 17 trips would occur during the weekday p.m. peak hour, of which up to five could be inbound trips, while during the weekend midday peak hour ten are expected to occur including eight inbound trips. Despite current traffic volumes on Sonoma Mountain Road being fairly evenly split in the eastbound and westbound directions, it is expected that the majority, if not all, of inbound project-related trips would access the site via eastbound right turns. However, to provide a worst-case scenario it was assumed that all inbound trips would access the site via a westbound left-turn.

Based on the prevailing speed of 40 mph, and current Sonoma Mountain Road segment volumes near the driveway, a left-turn lane would not be warranted during either the weekday p.m. or weekend midday peak periods.

Because inbound right turns are expected to dominate, analysis was performed that indicates that assuming all inbound trips are eastbound right turns, which is likely; neither a right turn lane nor taper would be warranted. Copies of the turn lane warrant calculation sheets are enclosed.

Internal Circulation

The ability for drivers of large vehicles to maneuver through the site was examined using the AutoTURN analysis software to simulate vehicle turning movements. Through discussions with the applicant, it is understood that the largest truck expected to access the site would be a bottling line truck. A heavy-duty ten-wheel truck was used to simulate the bottling line truck.

Based on the AutoTURN analysis it was determined that bottling line trucks would be able to enter and exit the site without the need for widening at the existing driveway location. On-site roadways are also expected to be sufficient to accommodate the circulation of the evaluated bottling line truck. Drivers of these larger trucks will need to utilize the truck turnaround area located south of the existing barn to complete the full circuit. A figure of the site plan showing maneuvering of the evaluated bottling line truck is enclosed.

Parking Adequacy

Daily Operations

The project site plan shows a total of 96 on-site spaces, including 16 permanent spaces for staff and visitors and 80 temporary spaces for attendees of special events.

Assuming that each employee drives to work in their own vehicle, nine spaces would be needed to accommodate the employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 17 daily vehicles associated with the tasting room visitors, or five vehicles, would be parked on-site during any single hour; therefore, a maximum of 14 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 16 permanent parking spaces, which would accommodate the typical guest and employee parking demand, with a surplus of two spaces.

Special Events

A maximum-sized special event with 200 guests would be expected to generate need for 80 parking spaces, plus an additional ten spaces for employees for a combined total of 90 parking spaces. Assuming that typical daily operations, such as tasting room visitors, would cease during participation of a maximum-sized special event, the proposed 96 permanent and temporary parking spaces would be able to accommodate the demand for event parking.

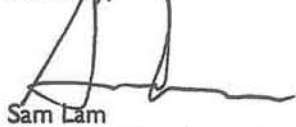
Conclusions and Recommendations

- The 40-mph speed was utilized for analysis purposes and was established with speed data collected near the project site's driveway. It was determined that the 85th percentile speed for traffic approaching the driveway was 40 mph.
- The 1.5-mile segment of Sonoma Mountain Road from Pressley Road to the project driveway has a collision rate that is lower than the average rate for similar facilities statewide.
- The proposed project would generate an average of 71 new daily trip ends over existing levels, which includes 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

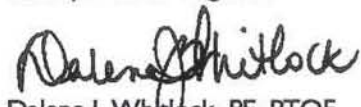
- Ten special events are proposed annually with attendance levels ranging from 60 to 200 people.
- It is recommended that all internal roadways be widened to a 20-foot cross section or else the appropriate number of turnouts should be constructed to meet standards established by Sonoma County.
- Sight distance at the project driveway is adequate for outbound right-turn and inbound left-turn movements, but is inadequate for outbound left-turn movements until vegetation is cleared.
- If vegetation is removed along the south side of Sonoma Mountain Road west of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- If vegetation is removed along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- Under the conservative assumption that all inbound trips would be made via left turns, a westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- It is expected that the proposed site configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- The proposed parking supply will be adequate to meet expected demands for employees, tasting room visitors and special event attendees.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Sam Lam
Transportation Engineer

Dalene J. Whitlock, PE, PTOE
Principal

DJW/std/SOX441.L1

- Enclosures:
- Collision Rate Spreadsheet
 - Belden Barns Winery Trip Generation Form
 - Special Event Schedule Form
 - Turn Lane Warrants
 - Vehicle Maneuvering Drawing

SEGMENT COLLISION RATE CALCULATIONS

Belden Barns Winery

Location: Sonoma Mountain Rd from Pressley Rd to the Project Driveway

Date of Count: Friday, April 27, 2012

ADT: 370

Number of Collisions: 2

Number of Injuries: 1

Number of Fatalities: 0

Start Date: January 1, 2006

End Date: December 31, 2010

Number of Years: 5

Highway Type: Conventional 2 lanes or less

Area: Rural

Design Speed: <=55

Terrain: Rolling/Mountain

Segment Length: 1.5 miles

Direction: East/West

$$\frac{\text{NUMBER OF COLLISIONS} \times 1 \text{ MILLION}}{\text{ADT} \times 365 \text{ DAYS PER YEAR} \times \text{SEGMENT LENGTH} \times \text{NUMBER OF YEARS}}$$

$$\frac{2}{370} \times \frac{1,000,000}{365 \times 1.5 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.97 c/mvm	0.0%	50.0%
Statewide Average*	2.24 c/mvm	2.2%	46.0%

ADT = average daily traffic volume
 c/mvm = collisions per million vehicle miles
 * 2007 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: Beiden Barns Winery
 Location: 5561 Sonoma Mountain Road
 Annual Full Production: 10000 cases of wine & 10,000 lbs of cheese

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	0	6	12	--	0	18	36	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	0	2	4	--	0	6	12	--
Sales	0	0	0	--	0	0	0	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	0	8	16	0	0	24	48	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 7; 7 truck(s) at 12 tons/truck Dates of Activity: August through October	0.00	0.05
Juice Importation Truck loads per year: None Dates of Activity:	0.00	0.00
Juice/Fruit Exportation Truck loads per year: None Dates of Activity:	0.00	0.00
Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed: on-site	0.00	0.00
Bottle Delivery Truck loads per year: 5 truck(s) at 1004 cases/truck Dates of Activity: January through June	0.00	0.04
Barrel Delivery Truck loads per year: 1 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.00	0.01
Finished Wine Transportation to storage/sales Truck loads per year: 10 truck(s) at 984 cases/truck Dates of Activity: January through December	0.00	0.08
Less Backhauls Truck loads per year: -3 truck(s) Dates of Activity: January through December	0.00	-0.02
Miscellaneous trips Truck loads per year: 122 trucks Dates of Activity: January through December	0.00	0.92
Totals	0.00	1.08

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	1	1	3	3
Vineyard Maintenance: Peak Season	0	0	0	0
Totals	1	1	3	3

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	42	0	33
Tasting Room Employees	0	1	0	3
Totals	0	43	0	36

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	N/A	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	N/A	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	N/A	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-5:00pm	N/A	7:00 am-6:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 5:00 pm	N/A	6:00 am-8:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	2
Special Events		
Other Trips (If Applicable)		
None		
Totals	0	2

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	0	24
Winery and Cheese Operations (truck traffic)	0	1
Vineyard Operations (employees)	3	3
Tasting Room Traffic (employees and visitors)	0	36
Event Traffic (employee and visitors)	0	2
Miscellaneous other traffic generators	0	0
Totals	3	66

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	57	57	68	65	66	72

Month	July	August	September	October	November	December
Total Trips	81	102	93	105	61	57

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 200 Guests**

Estimated total number of events of this type on ▾	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays			1									
Saturdays												
Sundays										1		

Estimated activity for typical (max?) event	7 to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery** PRMD File Number: _____

Type of event shown on this sheet: **Special Event – 100 Guests**

Estimated total number of events of this type on ▾	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays			1									
Saturdays						1						
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 60 Guests**

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thurs)												
Fridays	1									1		
Saturdays				1								1
Sundays							1					

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

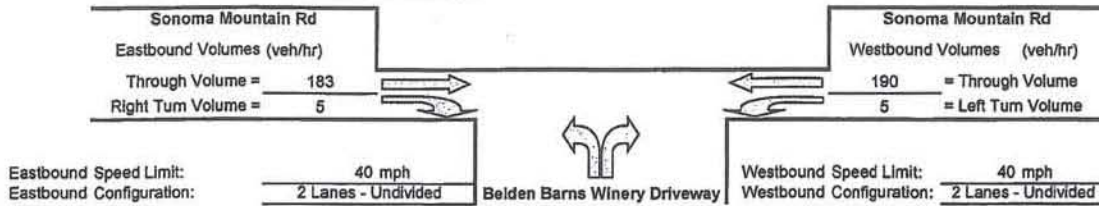
For Sunday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekday PM Peak Hour

Direction of Analysis Street: East/West

Cross Street Intersects: From the South



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = 1012.6
 Advancing Volume Va = 188
 If $AV < Va$ then warrant is met No

Right Turn Lane Warranted: NO

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 188
 If $AV < Va$ then warrant is met -

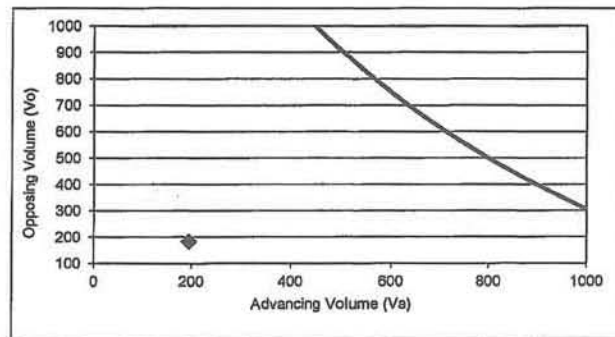
Right Turn Taper Warranted: NO

Westbound Left Turn Lane Warrants

Percentage Left Turns %lt 2.6 %

Advancing Volume Threshold AV 1151 veh/hr

If $AV < Va$ then warrant is met



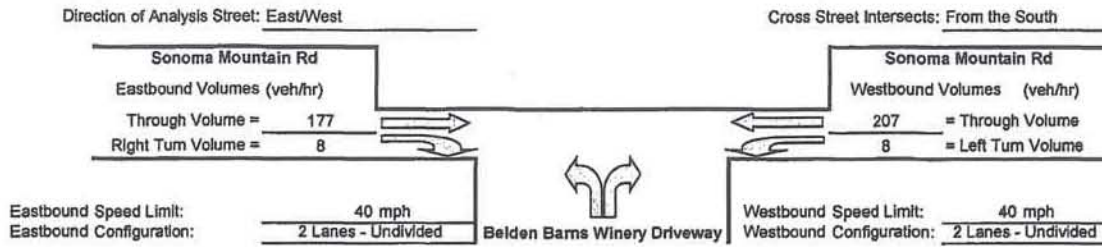
◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Bams Winery Driveway
 Study Scenario: Existing plus Project - Weekend Midday Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV = 990.1
Advancing Volume	Va = 185
If $AV < Va$ then warrant is met	

Right Turn Lane Warranted: NO

Eastbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

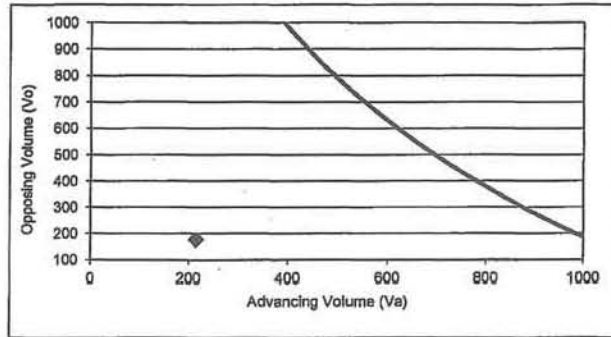
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV = -
Advancing Volume	Va = 185
If $AV < Va$ then warrant is met	

Right Turn Taper Warranted: NO

Westbound Left Turn Lane Warrants

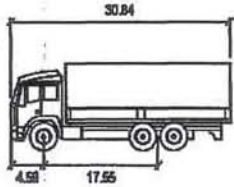
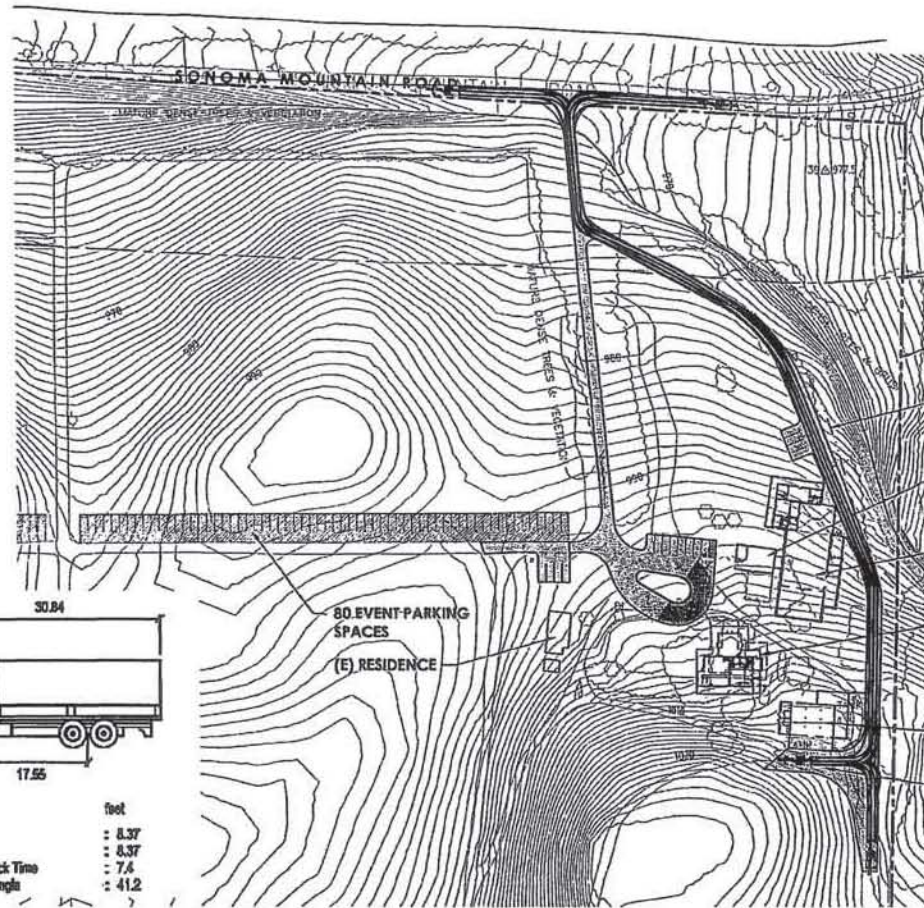
Percentage Left Turns %lt	3.7 %
Advancing Volume Threshold AV	1009 veh/hr
If $AV < Va$ then warrant is met	



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.



LOS	feet
Width	= 8.37
Track	= 8.37
Lock to Lock Time	= 7.4
Steering Angle	= 41.2



**Whitlock & Weinberger
Transportation, Inc**
490 Mendocino Ave, Suite 201
Santa Rosa, CA
(707)542-9500 Fax (707)542-9590

Belden Barn Winery AutoTURN Analysis

DRAWN: SL	SCALE: 1"=200'
DESIGN:	DATE: 5/23/12
SHEET 1 of 1 SHEETS	JOB NO.

134 LYSTRA COURT
TELEPHONE (707) 528-3078

REESE CONSULTING
& ASSOCIATES GEOTECHNICAL
ENGINEERS

SANTA ROSA, CA 95403
FACSIMILE (707) 528-2837

May 24, 2013

Job No. 539.1.3

Steiner Vineyards LLC
c/o Steve Martin Associates, Inc.
130 S. Main Street, Suite 201
Sebastopol, CA 95403

Report
Preliminary Geologic Evaluation
Belden Barns Winery and Farmstead
Santa Rosa, California

This letter presents the results of our preliminary geologic/geotechnical evaluation concerning the suitability of the currently proposed development from a geologic standpoint. The project site is located at 5560 Sonoma Mountain Road, in Sonoma County, California.

Located within the hillsides of Sonoma Mountain, the property contains six existing structures. Based on project plans prepared by Steve Martin Associates, Inc. (SMA), the structures consist of an existing main residence, guest house, family farm dwelling, barn, dance hall and employee unit. The plans indicate that the guest house and family farm dwelling will remain. The barn and dance hall will be renovated, while the existing main residence will be demolished and replaced with a new residence/hospitality building. Also, a new winery building with employee units is proposed. The proposed development would be served by a new winery road setback about 30 feet from an existing seasonal creek channel. The proposed winery and farmstead is shown on Plate 1.

PURPOSE AND SCOPE

This evaluation is intended to characterize, in a preliminary manner, the geologic and geotechnical conditions and hazards as they relate to the proposed development. The principle focus was on the possible presence and extent of landsliding. To accomplish this purpose, the following tasks were performed:

- Review of selected published geologic literature including available geotechnical engineering reports, fault and landslide maps pertinent to the project area. References reviewed are listed in the references section.

Steiner Vineyards LLC
c/o Steve Martin Associates, Inc.
May 24, 2013
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- Review of stereo-paired aerial photographs of the site and vicinity. Photos reviewed are listed in the references section.
- A geologic reconnaissance of the site and surrounding area to map the surface geologic conditions at the site.

Upon completion of our field work, geologic analyses were performed to develop preliminary conclusions and recommendations concerning:

1. The geologic setting and geologic hazards pertinent to the site.
2. Conclusions regarding the potential for geologic hazards, including landsliding and faulting to affect the proposed project.
3. Conceptual geotechnical engineering recommendations for site development.
4. Supplemental geotechnical engineering services.

BACKGROUND

During February and March 2002, Giblin Associates (GA) was on-site and performed geologic reconnaissance and was in the process of performing a soil investigation with particular focus on slope stability at a proposed new residence building site, for a different owner. Twenty test pits were excavated to explore subsurface conditions at possible building envelopes. Approximate test pit locations are shown on the attached Plate 1. Following the subsurface investigation, a memorandum was issued that contained a summary of their observations and geologic conclusions to date. The memorandum was dated with a revision of July 11, 2002. Our principal engineer and geologist served as project managers for GA during the investigation and co-authored that memorandum.

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Page Three

SITE CONDITIONS

General Site Description

The project site is located on the northwest flanks of Sonoma Mountain and the south portion of the Bennett Valley area. The property begins along the south side of Sonoma Mountain Road and extends about 1,850 feet south. Elevations on the property extend from about 880 to 1,080 feet above sea level. The proposed development is located within the northeast portion of the property within very gently sloping terrain. Located further south, the property ascends and consists of a series of low, hummocky knolls planted with vineyards. Further to the southwest, an irrigation pond is present.

Geology

During our site reconnaissance and review of GA's site exploration, rock materials of the Petaluma Formation were encountered beneath a relatively thin cover of soil. Published maps indicate the property is underlain by the poorly-consolidated, sedimentary rocks of the Pliocene-age Petaluma Formation (Fox, 1973). Based on the test pits excavated by GA, the Petaluma Formation appears comprised predominantly of weak mudstone, claystone and minor amounts of friable sandstone. Our review of published geologic maps, GA's field notes and interpretation of air photos indicates that bedding in the site vicinity strikes slightly north of west with moderate (30 degree) southerly dips.

Faulting and Seismicity

The project site is within the California Coast Ranges, a region of high seismic activity. In historic times numerous moderate and occasional large magnitude earthquakes have affected this region. Notable earthquakes that have caused major damage to Santa Rosa include the magnitude 7.9 California Earthquake of 1906 on the San Andreas fault (21 miles southwest of the site) and the 1969 Santa Rosa earthquakes on the Rodgers Creek fault. The 1969 earthquakes were of moderate magnitude with earthquake epicenters located near downtown Santa Rosa. In addition to the San Andreas and Rodgers Creek faults, several other faults in the region including the Green Valley (22½ miles to the northeast) and the West Napa (13 miles northeast) are considered capable of generating moderate to large earthquakes.

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No active faults are recognized within the project area. The closest active fault to the project is the Rodgers Creek fault located approximately 1.9 miles southwest of the project site.

Landslides and Slope Stability

Published geologic and slope stability maps provide several differing interpretations of landslides in the project area. The published maps available are small-scale and these types of maps typically rely heavily on interpretation of topographic features from aerial photographs supported by limited field mapping. The slope stability map accompanying Special Report 120 (1980) depicts a possible large, deep-seated landslide extending from the ridgeline (contour line 1,200 feet) just south of the proposed project area, as shown on the attached Plate 2.

Geologic maps published in 2003 (CGS, 2003) and 1973 (Fox and Sims) do not show any landslides that affect the property or adjacent areas. The fourth map reviewed (CDMG, 1971) depicts a landslide originating near the top of a ridgeline south of Sonoma Mountain Road and extending north into the southeast corner of the subject property (see Plate 2).

During our reconnaissance and review of the previous test pits performed by GA, the two low knolls located south of the barn at elevations about 1068 and 1056 feet are underlain by very weak, diatomaceous siltstone. The siltstone rocks are broken and weathered to the consistency of soil. Furthermore, the materials contained near vertical fractures 9 feet deep filled with topsoil. A contact was observed in Test Pit 19 between the broken rocks and what appeared to be in-place sandstone materials of the Petaluma Formation. It was reported that the contact was an approximate 3- to 6-inch thick plastic clay layer with a mat of roots. Also, the orientation of the contact was downward to the north consistent with a landslide slip surface.

GA then went on to excavate further test pits at the knoll located just above the existing barn at elevation 1,026 feet. This knoll was underlain by highly weathered sandstone, claystone, siltstone and conglomerate of the Petaluma Formation. Bedding was observed in the test pits that had a consistent east/west strike and moderate southerly dip. These materials were judged to be in-place.

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Following viewing and interpretation of air photos, our site visit and based on GA's test pits, the presence of two moderately large landslides was confirmed. The first landslide appears to be a relatively old earthflow-type slide that originates near elevation 1,200 feet and extends in the northwest direction, through the south and southwest portions of the property and possibly includes the irrigation pond, as shown on Plates 1 and 2. The other slide appears to be a younger earthflow near the south portion of the property. Our interpretative landslide map of the property is shown on Plate 2.

DISCUSSION AND PRELIMINARY CONCLUSIONS

The conceptual project plan prepared by SMA is considered feasible from an engineering geologic and geotechnical standpoint. The most significant geologic hazards and geotechnical constraints that affect the site include the following:

- A potential for very strong seismic shaking
- The presence of two landslides on the property
- Weak compressible soils and highly expansive clays

Seismic Ground Shaking

The proximity of the site to the active Rodgers Creek fault indicates that this fault is the design fault for the site. Estimates of expected ground shaking at the site from that fault's characteristic 7.0 magnitude earthquake would range from very strong to violent. Based on this potential, we conclude that the proposed structures should be designed and constructed in strict accordance with current building codes.

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Slope Instability

Two landslides are present on the property, as shown on the attached Plate 1. However, these slides are located about 340 feet upslope of the proposed improvements. We conclude that these slides are a sufficient distance away from the proposed improvements such that no mitigations measures are warranted. Furthermore, air photos and geologic maps reviewed for this investigation and the materials encountered in GA's test pits provide strong evidence that the proposed winery and farmstead site has not been subjected to past landsliding as shown on the slope stability map accompanying Special Report 120.

Weak Compressible Soil and Expansive Clays

Test Pit 12 of GA's subsurface investigation encountered about 2 feet of weak porous soils underlain by about 3½ feet of highly expansive clays. Our experience indicates that weak porous soils can undergo considerable strength loss and settlement when subjected to loads, particularly when saturated. Also, expansive clays can shrink and swell with seasonal variation in moisture content and can heave and distress lightly loaded footings and slabs. Therefore, we conclude that the weak, porous natural and expansive clays would not be suitable for foundation, slab or fill support in their present condition.

Satisfactory foundation support for structures can be obtained from a system of drilled piers and grade beams; however, spread footings bottomed on properly compacted fill could also be used. Where spread footings bottomed at minimum depth and conventional slab-on-grade floors are desired, it will be necessary to remove the existing porous soils for their full depth, and cover any expansive soils with a moisture confining blanket of approved on-site materials of low expansion potential or imported nonexpansive fill. If drilled piers and grade beams are used in conjunction with wood floors supported on joists above grade, removal of weak porous upper soils and expansive clays would not be needed. Alternatively, post-tensioned or mat slab foundations could also be considered for foundation support.

Supplemental Geotechnical Engineering Services

A detailed geotechnical investigation should be performed at the site to further evaluate the site conditions and to provide design level criteria for proposed improvements including site grading, foundation and retaining wall design, roadway pavement support and geotechnical engineering drainage.

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c/o Steve Martin Associates, Inc.
May 24, 2013
Page Seven


We trust this report provides you with the information you need at this time. If you have any questions or we can be of further assistance, please give us a call. The following plates are attached and complete this report.

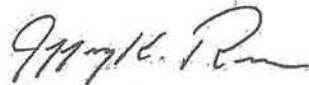
Plate 1 Site Plan Depicting Proposed Winery and Farmstead and Interpretative Geologic Map

Plate 2 Interpretative Landslide Map of the Property and Surrounding Area

Yours Very Truly,

REESE & ASSOCIATES


Brian F. Piazza
Staff Geologist


Jeffrey K. Reese
Civil Engineer No. 47753



BFP/JKR:nay/ra/Job No. 539.1.3
Copies Submitted: 3

Steiner Vineyards LLC
c/o Steve Martin Associates, Inc.
May 24, 2013
Page Eight

REFERENCES

- Association of Bay Area Governments, April 1995, The San Francisco Bay Area – On Shaky Ground, Publication No. P95001EQK
- California Division of Mines and Geology, February 1998, *Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada*, to be used with the 1997 Uniform Building Code.
- California Division of Mines and Geology, July 1, 1983, Glen Ellen Quadrangle Special Studies Zone Maps, 1 inch = 2,000 feet.
- Geologic Map and Map Database of Western Sonoma, Northernmost Marin, and Southernmost Mendocino Counties, California, by M. C. Blake, Jr., R. W. Graymer, and R. E. Stamski, U.S. Geological Survey, Miscellaneous Field Studies Map MF-2402.
- The "Geology for Planning in Sonoma County" maps, Special Report 120, California Division of Mines and Geology, 1980.
- Uniform Building Code California Division of Mines and Geology, February 1988, *Maps of Known Active Faults Near-Source Zones in California and Adjacent Portions of Nevada*, to be used with 1997 Uniform Building Code.
- National Science Foundation (NSF), *Open Topography. A Portal to High-Resolution Topography Data and Tools*, <http://www.opentopography.org/index.php>
- "Geology for Planning in the Sonoma Mountain and Mark West Riebli Road Areas," Sonoma County, California, 1971, California Division of Mines and Geology.
- "Preliminary Geologic Map of Eastern Sonoma County and Western Napa County, California," by K. F. Fox, Jr., J. D. Sims, J. A. Bartow, and E. J. Helley, 1973.
- Dwyer, M. J. and others, 1976, *Reconnaissance Photointerpretation Map of Landslides in 24 Selected 7.5 Minute Quadrangles in Lake, Napa, Solano and Sonoma Counties, California*, U.S. Geological Survey Open File Map.
- Memorandum, Summary of Observations and Conclusions, Bachman Residence, Sonoma County, California, dated May 13, 2002 (revised July 11, 2002), by Giblin Associates.

Air Photos

4-21-1971, 3088-101 and 102, black and white
05-03-1961, CSH 21B-144 and 145, 169 and 170 black and white

PCL XL error

Subsystem: KERNEL

Error: IllegalOperatorSequence

Operator: SetPageScale

Position: 1662

SMA Steve Martin Associates, Inc.

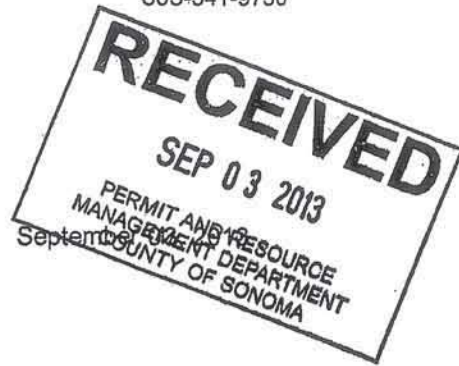
130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

TRANSMITTAL

Project: **Belden Barns Winery**
Project No.: 2011014

Date: September 3, 2013



To: **Melinda Grosch**
County of Sonoma PRMD
2550 Ventura Avenue
Santa Rosa, CA 95401

Site:
APN# 049-030-010
5561 Sonoma Mountain Road
Santa Rosa, CA 95404

SENT VIA: Email Overnight Regular Mail Drop-off

Copies	Date	Description
1	08/2013	Geology & Ground Water Study by E. H. Boudreau

TRANSMITTED: For approval For your use As requested For review & comment

Dear Melinda,

See attached hard copy of the Geology & Ground Water Study prepared by E. H. Boudreau.

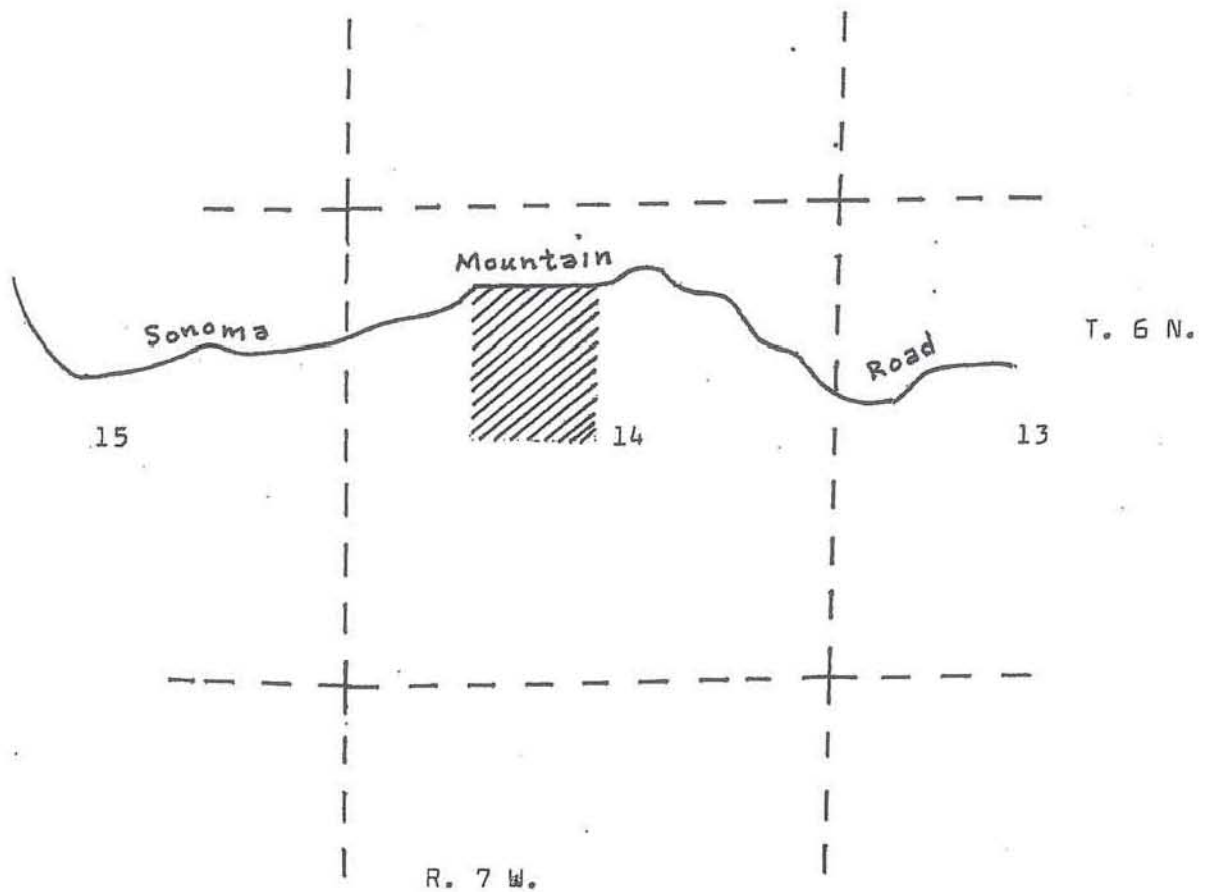
Please call if you have any questions or need additional information.

Sincerely,

Jeannie VandeWeg
Project Administrator

cc: File

GEOLOGY
&
GROUND WATER POTENTIAL
BELDEN PROPERTY
5560 Sonoma Mountain Road
Santa Rosa, California



E. H. Boudreau
Registered Geologist #3000
1209 Beattie Lane
Sebastopol, CA 95472
August 2013

INTRODUCTION

The 55-acre Belden property is located about 5 miles southeast of Santa Rosa on the south side of Sonoma Mountain Road in the northwest quarter of section 14, T. 6 N., R. 7 W., MDB&M. There are now 20 acres of vines and 2 homes on the property, along with a very good well for the homes and a reservoir for irrigation. Plans are to erect a winery that will produce 10,000 cases of wine per year; in addition to the wine 10,000 pounds of cheese and a quantity of vegetables, eggs and fruits will be produced. The Sonoma County Permit & Resource Management Department wants to know if the property can produce sufficient water for the planned operations, and how wells on neighboring properties might be affected by Belden's increase of water use. I am the geologist who has been hired to answer PRMD's questions, and this report contains my observations on the geology, ground water and wells, along with my conclusions.

GENERAL GEOLOGY

The property is situated in the heart of the Sonoma Mountains, with property elevations ranging between about 900 to 1080 feet above sea level. Soil cover and landslides mask most of the bedrock and its details from view, but there are enough outcrops and drillers' logs to give a rough picture of the geologic situation. Some information on the surface geology of the region is shown on maps included with the California Division of Mines & Geology's Special Report 120, on a scale of one mile to the inch.

Figure 1 in this report shows the property boundaries, topography, and the sites of wells and dry holes, along with the location of the geologic cross section that cuts through it in a north 28 degrees east direction that is Figure 2. Figure 2 shows the possible relationships of the rocks at depth as projected from available information.

There are 4 geologic units underlying the property, and they vary with respect to age, origin, thickness and lateral extent, structure, and water-bearing characteristics. From youngest to oldest they are landslides, the Glen Ellen Formation, the Sonoma Volcanics, and the Franciscan Formation.

Landslides

Landslides are masses of loose soil and portions of bedrock that have moved down-slope under the influence of gravity.

Glen Ellen Formation

The Glen Ellen is made up of continental sediments, mostly clay. There are some beds of sand. Maximum thickness about 400 feet.

Sonoma Volcanics

Underlying the Glen Ellen, and outcropping in the southwest corner of the property, with a great area outcropping to the south of the property, is the Mesozoic-age group of lavas and beds of tuff (volcanic ash) of the Sonoma Volcanics. This unit underlies much of eastern Sonoma and western Napa counties. It formed on an old landsurface from about 3 to 10 million years ago, and it could be over 1,000 feet thick. In between volcanic eruptions some beds of sediments were deposited.

Structure

During their long histories the rocks have been strongly deformed and broken during episodes of folding and faulting caused by stresses in Earth's crust. These actions, along with the non-uniform character of the rocks, have resulted in such a complex arrangement of the rocks that it is impossible to make exact predictions of the conditions at depth.

GROUND WATER & WELLS

All ground water in the area is derived from local rainfall that has percolated into the ground, and it exists in small pore spaces and small, open fractures in the zone of water-saturated rock below the water table. Depth to the water table varies with local geologic, topographic and hydrologic conditions. (In the Belden well I measured it at 75 feet.) Movement of the water is from high areas down to lower ones, with the levels being highest in the spring and lowest in the fall.

Belden Well

The Belden well was drilled by a previous owner after he had 3 dry holes drilled, whose depths were about 100 feet. Figure 3 is a diagram of the well, using information from the driller's log. It was drilled with air-rotary equipment to 715 feet and cased to 670. A blow test showed it to produce 500 gpm. Static level was at 120 feet when it was drilled in December 2001, while it was at 75 feet in August 2013. From 410 to 715 is in the Sonoma Volcanics, mostly lava, which was noted as "fractured" from 600 to 672.

Neighbors' Wells

There are 3 property owners to the north of Belden, across Sonoma Mountain Road. I sent each of them a questionnaire about their wells and

water useage, along with a stamped, self-addressed envelope. Only one, Raghu, replied. Also, I sent their addresses and AP numbers to the California Department of Water Resources, along with a signed PRMD form authorizing me to request drillers' logs of wells and dry holes on their properties. DWR sent me one driller's log, for the Cutler property. PRMD wants well information on neighbors' properties out to 300 feet from Belden.

Most of Raghu's answers are illegible. His present well gives 52 gpm, and 2 of his wells have gone dry since 2000. The water is high in iron, which probably contributed to plugging of the wells. No logs.

Figure 4 is a diagram of the Cutler well. It was drilled with air-rotary equipment in June 1980 to 270 feet, and cased to that depth. It is all in the Glen Ellen. Except for 30 feet of sand, the rock was clay. Static was at 65 feet, and it pumped 13 gpm for 4 hours with the pumping level at 150 feet.

Ground Water Principles

A well is successful when it penetrates permeable rock below the water table and usable amounts of water flow through the rock and into the well. The yield of the well depends on the amount of permeable rock present and its degree of permeability. If permeable rock is present, then the methods used in drilling, equipping, and developing the well often have a strong influence on its maximum yield, its operating characteristics, and its useful lifespan.

Permeability is a measure of the ease with which water moves through rock, and it is dependent on the amount and size of the pore spaces, or other openings, in the rock, and on how interconnected they are. The amount of water that a rock contains may have no bearing at all on how much it will yield, as a damp clay or shale can be more than 20% water by weight and still yield almost none of it to a well because the water is held in the rock by capillary forces. Clean sand and gravel have good permeability because of the great amount of pore space between the grains and the relatively large size of the pores.

As many formations are so highly consolidated (a result of original composition, cementation, and/or compaction), they have very little primary, or intergranular, porosity and permeability such as occur in loose sand and gravel. Successful wells in these formations usually have penetrated zones in the harder and more brittle types of rock (such as sandstone, chert, lava, some tuffs, granitics, and some metamorphics) in which faulting and/or fracturing have created some secondary porosity and permeability in the form of small, open fractures.

Usually, shale, serpentine, and clayey tuff do not contain open fractures because their softer and semi-plastic natures cause the breaks present in them to be squeezed shut by the pressure of the overlying rock; so, these rocks yield little or no water to wells.

There is no way outside of drilling to locate the exact positions of water-bearing fractures and to measure their yields; as the fracture pattern can be very erratic. The yield of a well in consolidated rock depends on the number, width, and extent of the fractures penetrated, and a dry hole will result if there are no open fractures. Many wells in such hard rock yield only a few gallons per minute, but there are some that produce hundreds.

Initial yields will decrease with sustained pumping if the permeable rock is only a small mass surrounded by impermeable rock (such as clay or shale) that blocks recharge of the pore spaces or fractures. At most, fractures make up only a few percent of the total volume of the rock, but that can be a large amount.

When exploring in essentially massive rock for small water-bearing fractures, a depth of about 300 feet is considered to be the point of diminishing returns for a domestic-type well. This is because the increasing pressure tends to seal off deep fractures.

It is impossible in advance of drilling to predict exactly how much usable water will be found beneath the surface, although with enough of the right information on the geologic conditions some rather accurate estimates can be made. As a great many wells have been drilled in the different formations in California, the general ranges in their water-bearing potential are known.

With favorable geology being what governs the availability of water in the ground, it follows that the most practical exploration technique that can be used in searching for usable amounts of it is to try to drill into the most potentially permeable rock available, and to avoid drilling in obviously impermeable rock. In complex situations, such as exist in many of the formations (either because of the way they were formed of mixtures of impermeable and permeable or potentially permeable rock, or because of intricate structure caused by folding and/or faulting), deciding to drill involves taking more or less of a risk; so, the new information being developed as the drilling proceeds must be studied and interpreted right along to see if further drilling is warranted.

If the rock is strong enough to stand in an open hole, then the air-rotary (using compressed air to remove the rock chips) is to be preferred over the mud-rotary (circulating a stream of water to which clay has been added) method

of drilling. With air, the locations, yields, and quality of the water-bearing zones can be known. Also, there is no risk of plugging the pore spaces or fractures with drilling mud and thus sealing off part of the water.

If mud must be used because of caving conditions in the hole, then it is best to use a self-destructing chemical mud rather than the commonly used bentonite clay. Before the well is cased, geophysical logs can be run to identify the permeable zones (gamma-ray or resistivity logs). A careful record should be kept of the rocktypes and their locations in the well, as with signs of water, so that the well can be properly designed. Periodic bail-testing of the well will help to identify permeable zones and their yields if mud is used to drill with.

Drilling mud should be flushed out with clean water before gravel packing, and development work should continue until the yield ceases to increase.

For maximum efficiency in sand and gravel, well screen should be used instead of perforated casing. Screen provides more open area, and the slot openings can be matched to the size of the sand or gravel. Also, it allows for a quicker and more thorough job of development.

Belden Water Use

Water for the vineyard of 20 acres having 20,000 vines using one gallon of water per day for 150 days in the year comes to 3,000,000 gallons per year, or 9.2 acre-feet. All of this water is surface water from the pond on the property.

Three people live in the newest home, which has no landscaping. Average water use per person in Sonoma County is 150 gallons per day, and so this is a ground water use of 0.5 acre-foot per year of ground water.

Neighbors' Water Use

For the 3 neighbors, 9 people could use 1.5 acre-feet of ground water per year for household purposes, although Raghu says he uses his well only for irrigation, but gave no figure for that.

Belden Proposed Water Use

Belden projects his peak yearly water use (domestic sanitary and process waste water flows) to be about 1.5 acre-feet per year, which will be gotten from the well.

Neighbors' Proposed Water Use

The neighbors did not supply any information.

Ground Water In Storage

Rainfall in the study area is about 2.5 acre-feet per year, or 138 acre-feet for the Belden property. If only 10% of this were available for ground water recharge this would be 14 acre-feet, 7 times highest use.

The 37 feet of sand and pumice in the Glen Ellen could be 20% water, for 385 acre-feet under the 55 acres. For the 225 feet of fractured lava with 5% water in storage, that comes to 260 acre-feet. Total water in storage to the depth of the Belden well about 645 acre-feet.

Inflow from the great area of Sonoma Volcanics to the south, and along Matanzas Creek, could amount to much more.

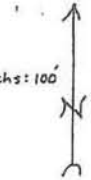
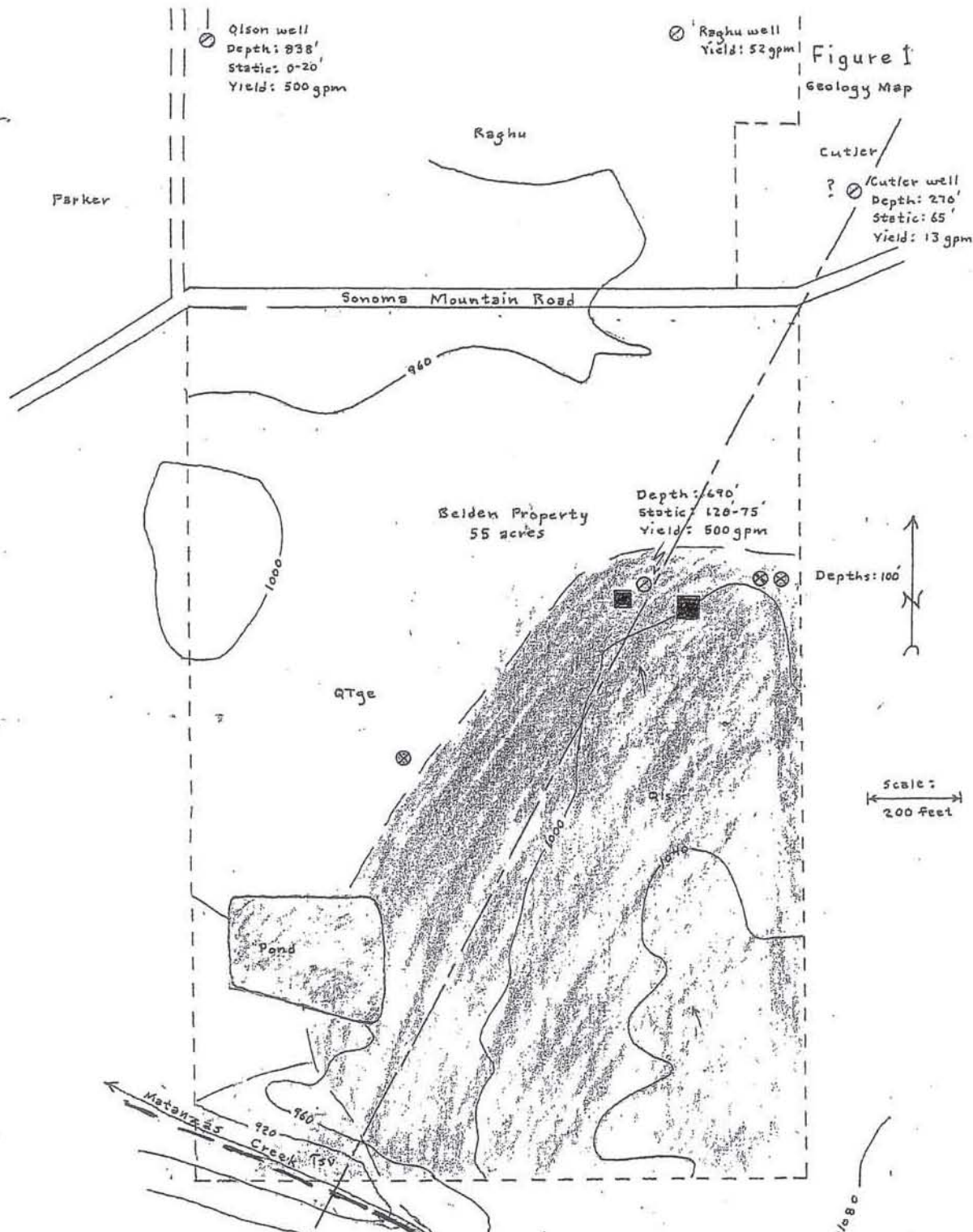
During the 1976-77 drought all the towns on surface water had to go on water rationing, while all the towns on ground water had no rationing.

SUMMARY & CONCLUSIONS

The Belden property is underlain by aquifers in the Glen Ellen Formation and the Sonoma Volcanics that might hold about 645 acre-feet of water. More water could probably be developed by drilling deeper in the Sonoma Volcanics. The water level in the Belden well has not dropped since it was drilled in 2001. The proposed increase in ground water is a mere 1.5 acre-feet. I do not see any problem with ground water availability related to the wine and cheese making in the future, for both Belden and his neighbors.

E. H. Bondreau
Registered Geologist
#3000

Figure 1
Geology Map



LEGEND









-  Landslide
-  Glen Ellen Formation
-  Sonoma Volcanics
-  Franciscan Formation
-  Geologic contact
-  Fault
-  Well
-  Dry hole

Figure 2
Cross Section

N 28° E →

← 5.28° W

← Belden Property →

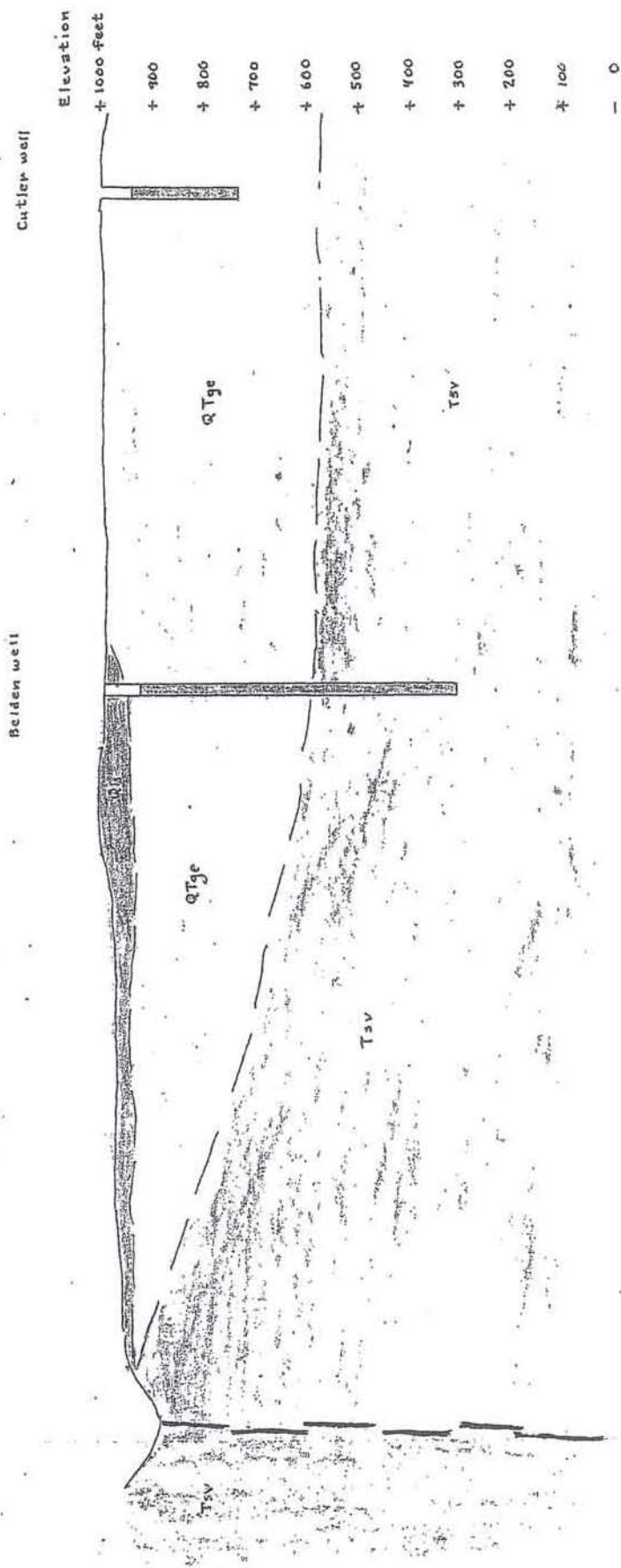


Figure 3
Well Diagram

Belden well
Fisch Brothers Drilling
Mud rotary drilled, December 2001
Tested 500 gpm with 500 feet of drawdown

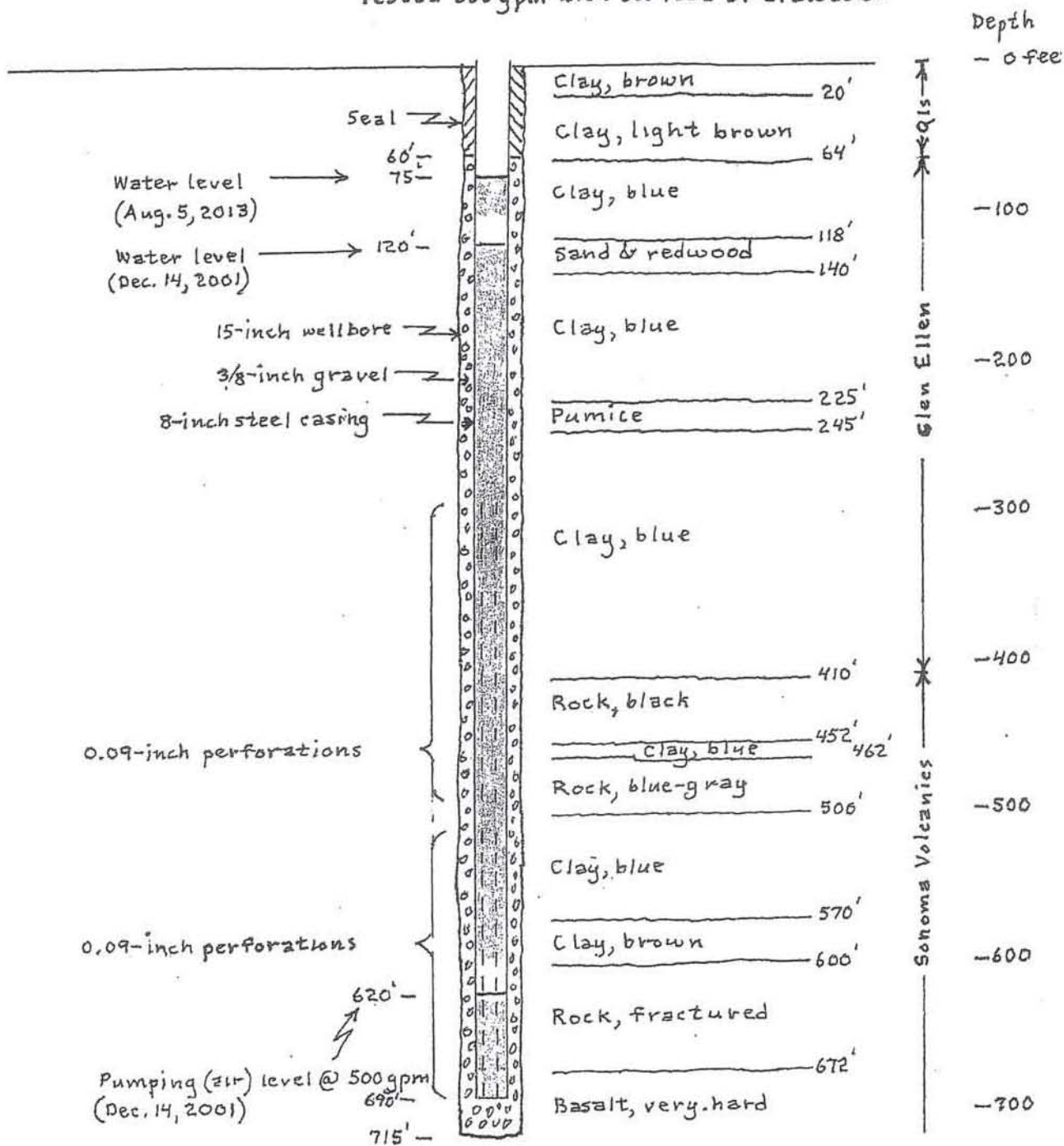
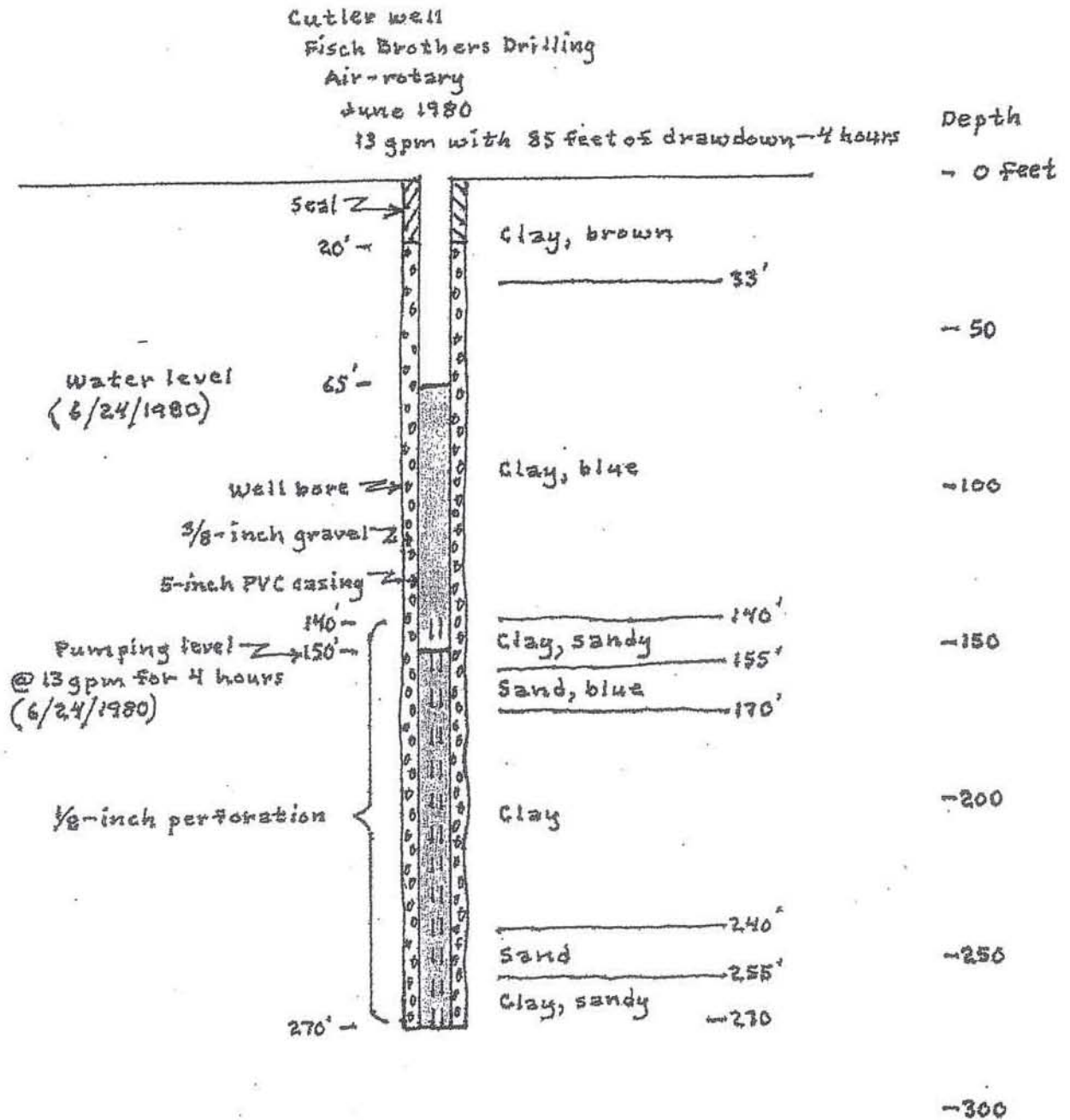


Figure 4
Well Diagram



August 16, 2013

E. H. Boudreau
1209 Beattie Lane
Sebastopol, CA 95472

California Department of Water Resources
3500 Industrial Blvd.
West Sacramento, CA 95691

Dear Sirs:

Please send me copies of all the drillers' logs you have for wells and dry holes on the below listed properties, all of which are located in section 14, T. 6 N., R. 7 W., MDB&M.

5412	Sonoma Mountain Road, Santa Rosa, CA	AP#049-030-061
5545	" " " " "	049-030-095
5561	" " " " "	049-030-010
5650	" " " " "	055-130-012
5650	" " " " "	049-030-096

Sincerely,

E. H. Boudreau
Registered Geologist
#3000

DEPARTMENT OF WATER RESOURCES

NORTH CENTRAL REGION OFFICE
3500 INDUSTRIAL BOULEVARD
WEST SACRAMENTO, CA 95691



August 20, 2013

Mr. Eugene H. Boudreau
1209 Beattie Lane
Sebastopol, California 95472

Dear Mr. Boudreau:

In response to your request, enclosed are copies of the Well Completion Reports for the wells at the following project:

Belden Barns Winery & Farmstead
Well Completion Report Numbers: 808728, 084200.

If you need additional information or have any questions, please contact Oleg Yakimov at (916) 376-9612 or fax (916) 376-9676.

Sincerely,

A handwritten signature in cursive script that reads "Dean R. Crippen".

Dean R. Crippen, P.E., Chief
Groundwater Supply Assessment
And Special Studies Section

Enclosure

August 16, 2013

E. H. Boudreau
1209 Beattie Lane
Sebastopol, CA 95472
Tel. (707) 824-8241

Dear Sir:

Nathan Belden, your neighbor at 5561 Sonoma Mountain Road, plans to build and operate a small winery on his property, along with some other activities. (See enclosed proposal.) Water for his vineyard comes from a pond, and a 690-foot well that tested 500 gpm will serve the other activities and residential use.

The Sonoma County Planning Department wants to know if he has enough water to support his proposed operations, and I am the geologist who has been hired to do the study, and as PRMD also wants to know how wells on neighboring properties might be affected by increased water use on the Belden property I have to collect information on them. So, I am sending you this questionnaire, with a self-addressed envelope, in hopes that you will fill it out and return it to me. My report will be available to the public when it is finished and submitted to PRMD.

Sincerely,

E. H. Boudreau

Registered Geologist #3000

WATER WELL INFORMATION

Well owner: Address:

Number of wells, dry holes, abandoned wells, and springs on the property
(Please locate on accompanying map):

Well use: Household Irrigation Livestock

Number of people served by well or wells:

Approximate amount of water used per year:

Years wells and dry holes were drilled:

Name of well drilling company:

Are drillers' logs available for the wells and dry holes? (If so, please
enclose copies.)

Well data:

Total depth: Cased depth: Method of drilling:

Static level (water table) when drilled:

Dates of other static level measurements, and levels:

Well yield in gallons per minute when drilled:

Present well yield:

Water quality:

Redevelopment work done on well, and results:

Reasons for abandoning any wells:

Seasonal fluctuation in the water table over the years:

May I measure the water level in your well? (Call 824-8241)

Comments:

How has your well performed during droughts?

Notes: Drillers' logs of wells and dry holes are on file with the
county Permit & Resources Management Department in Santa Rosa, and
also with the California Department of Water Resources in Sacramento.
Contact DWR at (916) 227-7632 and talk to Ann Roth. Also, well drillers
have copies of the logs.

October 11, 2013

E. H. Boudreau
1209 Beattie Lane
Sebastopol, CA 95472

Sonoma County Permit & Resource Management Dept.
2550 Ventura Avenue
Santa Rosa, CA 95403

Sirs:

PRMD says that my report of August 2013 for the Belden property does not have information on water use for the vineyard and the proposed winery, cheese factory, vegetable garden, fruits and animals.

First, the vineyard is irrigated with water from an pond that captures surface water. The pond covers an area of about 1.5 acres. Ground water is not pumped for the vineyard.

Second, the winery will use about 0.4 acre-foot of water per year, about which about half might percolate down into the ground water, from which it was pumped.

Third, the cheese factory will generate about 0.06 acre-foot of water per year, of which about half might percolate down into the ground water, from which it will come. Most of the milk will come from off-site.

Fourth, the garden and orchard might use one or two acre-feet per year. Two homes an acre-foot.

Fifth, the pasture would support 2 cows and 10 sheep, at 10 gpd for each cow and one gpd for each sheep, or 0.03 acre-foot per year.

So ground water net use could be about 2.26 acre-feet per year, as against an estimated 14 acre-feet of recharge on the property, 3.26 AF max.

Matanzas Creek is 1400 feet to the south of the Belden well, so I don't any interference with its flow from pumping of the Belden well.

E. H. Boudreau
Registered Geologist
#3000

May 31, 2012

Mr. Steve Martin
Steve Martin Associates
130 South Main Street, Suite 201
Sebastopol, CA 95472

Focused Traffic Study for the Belden Barns Winery Project

Dear Mr. Martin;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has prepared a traffic analysis relative to the proposed winery to be located at 5561 Sonoma Mountain Road in the County of Sonoma. The purpose of this letter is to address the likely trip generation of the proposed project as well as adequacy of the parking supply. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Project Description

The proposed Belden Barns Winery project consists of the development of a winery capable of producing 10,000 cases of wine and 10,000 pounds of cheese annually together with a tasting room that would be open daily. It is anticipated that 5,000 cases of wine would be produced from grapes grown on site, while the remaining 5,000 cases will come from grapes grown at local vineyards. It is also anticipated that half of the cheese will be made from milk produced by cows, sheep and goats raised on the property, while the other half of the milk will be imported. Participation in up to ten special events is proposed annually. The tasting room is proposed to be open from 10:00 a.m. to 5:00 p.m. daily, while winery operations would typically be between 7:00 a.m. and 6:00 p.m. Access to the project will be via an existing driveway on the south side of Sonoma Mountain Road approximately 1.5 miles east of Pressley Road.

Existing Conditions

Sonoma Mountain Road is classified as a Rural Minor Collector in the *Sonoma County General Plan 2020*. East of Pressley Road and in the vicinity of the project site, Sonoma Mountain Road is narrow, approximately 20 feet wide, running east-west with no center line or edge line striping. Based on counts obtained on April 26-30, 2012, west of the project site, Sonoma Mountain Road has an average daily traffic (ADT) volume of approximately 360 vehicles during weekdays and 340 vehicles during weekend days. The posted speed limit for Sonoma Mountain Road is 40 miles per hour (mph). Speed data was collected near the project site's driveway and it was determined that the 85th percentile speed for westbound traffic approaching the driveway was 40 mph, while eastbound travel had a critical speed of 39 mph. The 40 mph posted speed limit was utilized for analysis purposes.

A 20-acre vineyard currently exists on the site, of which four acres are being re-planted. Additionally, three single family houses and a guest house exist on the site. Of the three single family houses, one is proposed to be demolished and replaced with a new single family house/hospitality building, one will be removed and replaced by two new residences attached to the winery building while the remaining

residential unit will remain unchanged. The existing guest house will also remain unchanged. The site also has an existing barn and dance hall that are proposed to be renovated.

Collision History

The collision history for the study segment of Sonoma Mountain Road from Pressley Road to the project driveway was reviewed to determine any trends or patterns that indicate a safety risk that may be exacerbated by the addition of project traffic. The average annual collision rate was calculated based on records for January 2006 through December 2010 obtained through the California Highway Patrol and published in their *Statewide Integrated Traffic Records System (SWITRS)* reports.

The 1.5-mile segment of Sonoma Mountain Road had two reported collisions over the five-year study period for a calculated collision rate of 1.97 collisions/million vehicle miles (c/mvm). The statewide average collision rate for a rural two-lane road with a speed limit of less than 55 mph is 2.24 c/mvm. The calculated collision rate is lower than the statewide average for similar roadway segments, indicating that the roadway is operating within normal safety parameters. A copy of the spreadsheet showing the derivation of actual and statewide collision rates is enclosed.

Trip Generation

The County's Winery Trip Generation form, which is enclosed, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the anticipated production of cheese as well as the winery operation, and indicates that the winery will have a staff of eight persons who would be expected to generate an average of three trip ends each, or 24 trip ends total, per weekday. Truck traffic is expected to contribute an average of one trip end per weekday.

In addition, the tasting room will have one employee, generating an average of three trips per day. An average of 42 visitors per day is expected for tasting, with a high of 60 tasters during the summertime months and a low of about 30 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 33 daily trips are expected due to tasting. Data collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily generated winery trips occur during the p.m. peak hour and 13 percent during the weekend midday peak.

For purposes of estimating the number of trips associated with the three existing single family houses, *Trip Generation*, 8th Edition, Institute of Transportation Engineers, 2008, was used. Based on rates for Single Family Detached Housing (Land Use #210), a residence is expected to generate an average of about ten daily trips. Trips associated with the three existing single family houses are already included in existing background volumes and were therefore not considered to be new trips; however, these trips were included in the analysis of driveway operations. Since the existing guest house is not occupied on a consistent basis, it was not included in the trip generation estimate for existing conditions.

As shown in Table I, the proposed winery project would be expected to generate an average of 71 new trip ends per day, including 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak			Weekend Midday Peak		
		Rate	Trips	Trips	In	Out	Trips	In	Out
Existing									
Single Family Home	3	9.57	30	3	3	0	3	3	0
Proposed									
Winery Employees	8	3	24	8	0	8	0	0	0
Truck Traffic	n/a	n/a	1	0	0	0	0	0	0
Tasting Visitors	42	0.8	33	3	1	2	4	2	2
Tasting Employees	1	3	3	1	0	1	1	1	0
Single Family Home	4	9.57	40	4	4	0	4	4	0
Total Proposed Trips			101	16	5	11	9	7	2
Total New Trips			71	13	2	11	6	4	2

Note: Trip generation does not include special events

Special Events

A total of ten special events are proposed at the project site. As indicated on the enclosed "Event Schedule" forms, two 200-person winery events per year are proposed along with three 125-person winery events and five 60-person winery events. It was assumed that a maximum sized 200-person event would require a staff of ten. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum sized 200-person event would be expected to generate 180 trip ends at the driveway, including 90 inbound trips at the start of the event and 90 outbound trips upon its conclusion.

Site Access

Access to the project will be provided via an existing driveway on Sonoma Mountain Road. Based on Sonoma County Fire Safe Standards, the driveway would need to be 20 feet wide for two-way access; however, the driveway width may be reduced to ten feet wide with a minimum vertical clearance of 15 feet if turnouts are provided every 400 feet or approximately midway if the total driveway is less than 800 feet long. Based on the site plan provided it is understood that the driveway will retain its existing width of 12 feet, while the roadway segment providing access to the new winery building is proposed to be 16 feet wide. It is therefore recommended that all internal roadways either be widened to a 20-foot cross section or include the appropriate number of turnouts to meet standards established by Sonoma County.

Sight Distance

Sight distance from the project's driveway on Sonoma Mountain Road was evaluated based on criterion contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines recommend sight distances at

intersections, including stopping sight distances for drivers traveling along the major approaches, and sight distances for drivers of vehicles stopped on the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left compared to turning right.

For a 40-mph design speed, sight distance to the west of at least 385 feet is needed to complete an outbound right turn. From the location of the existing driveway, sight distance to the west extends beyond 700 feet, resulting in more than adequate sight distance for the outbound right turn maneuver.

To complete an outbound left turn, which is expected to be the predominant movement for project traffic, 445 feet of sight distance is required, but clear sight lines of only approximately 400 feet are available. The sight lines are obstructed by vegetation along the north side of a road located approximately 400 feet east of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway be cleared to achieve at least 445 feet of sight distance.

Also measured was the stopping sight distance along the westbound Sonoma Mountain Road approach to determine if there is adequate sight distance available for a driver to react to a vehicle stopped in the through lane while waiting to complete an inbound left-turn movement. This would require 305 feet of sight distance, and 400 feet is available, which is adequate for speeds of up to 45 mph.

Any planned vegetation or frontage improvements that may be installed as a component of the project should be low lying or located back from the roadway to avoid further reducing sight lines.

Turn Lane Warrants

The need for turn lane channelization on Sonoma Mountain Road at the project driveway was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program-(NCHRP) Report No. 279, Transportation Research Board, 1985, as well as an update of the methodology developed by the Washington State Department of Transportation.

Including all existing residential traffic and agricultural traffic, it is estimated that approximately 17 trips would occur during the weekday p.m. peak hour, of which up to five could be inbound trips, while during the weekend midday peak hour ten are expected to occur including eight inbound trips. Despite current traffic volumes on Sonoma Mountain Road being fairly evenly split in the eastbound and westbound directions, it is expected that the majority, if not all, of inbound project-related trips would access the site via eastbound right turns. However, to provide a worst-case scenario it was assumed that all inbound trips would access the site via a westbound left-turn.

Based on the 40 mph posted speed limit and current Sonoma Mountain Road segment volumes near the driveway a left-turn lane would not be warranted during either the weekday p.m. or weekend midday peak periods.

Because inbound right turns are expected to dominate, analysis was performed that indicates that assuming all inbound trips are eastbound right turns, which is likely; neither a right turn lane nor taper would be warranted. Copies of the turn lane warrant calculation sheets are enclosed.

Internal Circulation

The ability for drivers of large vehicles to maneuver through the site was examined using the AutoTURN analysis software to simulate vehicle turning movements. Through discussions with the applicant, it is understood that the largest truck expected to access the site would be a bottling line truck. A heavy-duty ten-wheel truck was used to simulate the bottling line truck.

Based on the AutoTURN analysis it was determined that bottling line trucks would be able to enter and exit the site without the need for widening at the existing driveway location. On-site roadways are also expected to be sufficient to accommodate the circulation of the evaluated bottling line truck. Drivers of these larger trucks will need to utilize the truck turnaround area located south of the existing barn to complete the full circuit. A figure of the site plan showing maneuvering of the evaluated bottling line truck is enclosed.

Parking Adequacy

Daily Operations

The project site plan shows a total of 96 on-site spaces, including 16 permanent spaces for staff and visitors and 80 temporary spaces for attendees of special events.

Assuming that each employee drives to work in their own vehicle, nine spaces would be needed to accommodate the employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 17 daily vehicles associated with the tasting room visitors, or five vehicles, would be parked on-site during any single hour; therefore, a maximum of 14 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 16 permanent parking spaces, which would accommodate the typical guest and employee parking demand, with a surplus of two spaces.

Special Events

A maximum-sized special event with 200 guests would be expected to generate need for 80 parking spaces, plus an additional ten spaces for employees for a combined total of 90 parking spaces. Assuming that typical daily operations, such as tasting room visitors, would cease during participation of a maximum-sized special event, the proposed 96 permanent and temporary parking spaces would be able to accommodate the demand for event parking.

Conclusions and Recommendations

- The 1.5-mile segment of Sonoma Mountain Road from Pressley Road to the project driveway has a collision rate that is lower than the average rate for similar facilities statewide.
- The proposed project would generate an average of 71 new daily trip ends over existing levels, which includes 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.
- Ten special events are proposed annually with attendance levels ranging from 60 to 200 people.

- It is recommended that all internal roadways be widened to a 20-foot cross section or else the appropriate number of turnouts should be constructed to meet standards established by Sonoma County.
- Sight distance at the project driveway is adequate for outbound right-turn and inbound left-turn movements, but is inadequate for outbound left-turn movements until vegetation is cleared.
- If vegetation is removed along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- Under the conservative assumption that all inbound trips would be made via left turns, a westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- It is expected that the proposed site configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- The proposed parking supply will be adequate to meet expected demands for employees, tasting room visitors and special event attendees.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,

Chris Helmer
Transportation Planner

Dalene J. Whitlock, PE, PTOE
Principal

DJW/ch/SOX441.L1

Enclosures: Collision Rate Spreadsheet
Belden Barns Winery Trip Generation Form
Special Event Schedule Form
Turn Lane Warrants
Vehicle Maneuvering Drawing

SEGMENT COLLISION RATE CALCULATIONS

Belden Barns Winery

Location: Sonoma Mountain Rd from Pressley Rd to the Project Driveway

Date of Count: Friday, April 27, 2012
 ADT: 370

Number of Collisions: 2
 Number of Injuries: 1
 Number of Fatalities: 0
 Start Date: January 1, 2006
 End Date: December 31, 2010
 Number of Years: 5

Highway Type: Conventional 2 lanes or less
 Area: Rural
 Design Speed: <=55
 Terrain: Rolling/Mountain

Segment Length: 1.5 miles
 Direction: East/West

NUMBER OF COLLISIONS x 1 MILLION

ADT x 365 DAYS PER YEAR x SEGMENT LENGTH x NUMBER OF YEARS

	2	x	1,000,000	
370	x	365	x	1.5
			x	5

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.97 c/mvm	0.0%	50.0%
Statewide Average*	2.24 c/mvm	2.2%	46.0%

ADT = average daily traffic volume
 c/mvm = collisions per million vehicle miles
 * 2007 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: Belden Barns Winery
 Location: 5561 Sonoma Mountain Road
 Annual Full Production: 10000 cases of wine & 10,000 lbs of cheese

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	0	6	12	—	0	18	36	—
Cellar / Storage	0	0	0	—	0	0	0	—
Administrative	0	2	4	—	0	6	12	—
Sales	0	0	0	—	0	0	0	—
Bottling	0	0	—	0	0	0	—	0
Other staff (describe):					0	0	0	0
Totals	0	8	16	0	0	24	48	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation		
Truck loads per year: 7; 7 truck(s) at 12 tons/truck	0.00	0.05
Dates of Activity: August through October		
Juice Importation		
Truck loads per year: None	0.00	0.00
Dates of Activity:		
Juice/Fruit Exportation		
Truck loads per year: None	0.00	0.00
Dates of Activity:		
Pomace Disposal		
Truck loads per year: 0; and 0 truck(s) at 0 tons/truck	0.00	0.00
Dates of Activity: August through October		
Disposed: on-site		
Bottle Delivery		
Truck loads per year: 5 truck(s) at 1904 cases/truck	0.00	0.04
Dates of Activity: January through June		
Barrel Delivery		
Truck loads per year: 1 truck(s) at 100 barrels/truck	0.00	0.01
Dates of Activity: July through September		
Finished Wine Transportation to storage/sales		
Truck loads per year: 10 truck(s) at 984 cases/truck	0.00	0.08
Dates of Activity: January through December		
Less Backhauls		
Truck loads per year: -3 truck(s)	0.00	-0.02
Dates of Activity: January through December		
Miscellaneous trips		
Truck loads per year: 122 trucks	0.00	0.92
Dates of Activity: January through December		
Totals	0.00	1.08

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (In average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	1	1	3	3
Vineyard Maintenance: Peak Season	0	0	0	0
Totals	1	1	3	3

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	42	0	33
Tasting Room Employees	0	1	0	3
Totals	0	43	0	36

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	N/A	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	N/A	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	N/A	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-5:00pm	N/A	7:00 am-6:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 5:00 pm	N/A	6:00 am-8:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	2
Special Events		
Other Trips (If Applicable)		
None		
Totals	0	2

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	0	24
Winery and Cheese Operations (truck traffic)	0	1
Vineyard Operations (employees)	3	3
Tasting Room Traffic (employees and visitors)	0	36
Event Traffic (employee and visitors)	0	2
Miscellaneous other traffic generators	0	0
Totals	3	66

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	57	57	69	65	66	72

Month	July	August	September	October	November	December
Total Trips	81	102	93	106	61	57

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 200 Guests**

Estimated total number of events of this type on ▾	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays			1									
Saturdays												
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound	
# guests / event	200												200
# employees / event	10												10
# guest vehicles / event	80												80
# employees / vehicles	1												1

For Saturday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events	Inbound											Outbound	
# guests / event	200												200
# employees / event	10												10
# guest vehicles / event	80												80
# employees / vehicles	1												1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 125 Guests**

Estimated total number of events of this type on ▾	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays			1									
Saturdays						1						
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	125											125
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	125											125
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	125											125
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 60 Guests**

Estimated total number of events of this type on ▾	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays	1									1		
Saturdays				1								1
Sundays							1					

Estimated activity for typical (max?) event	7 to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

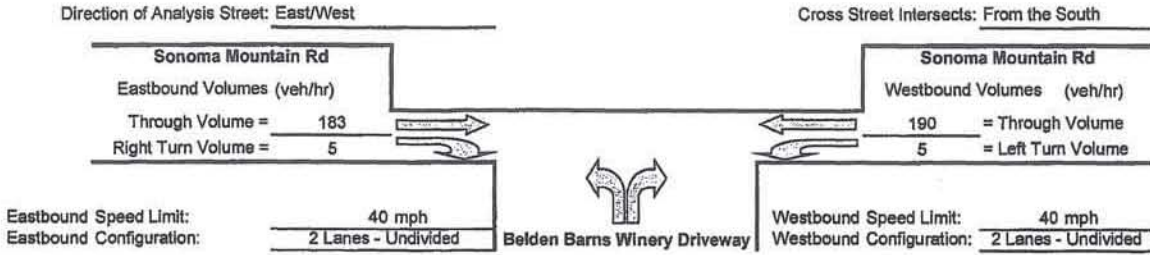
For Friday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekday PM Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV = 1012.6
Advancing Volume	Va = 188
If $AV < Va$ then warrant is met	
	No

Right Turn Lane Warranted: **NO**

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV = -
Advancing Volume	Va = 188
If $AV < Va$ then warrant is met	
	-

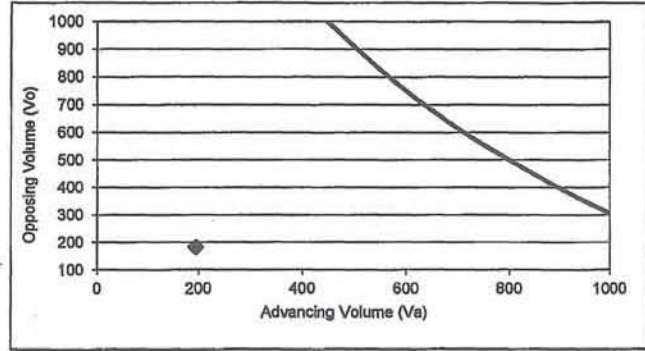
Right Turn Taper Warranted: **NO**

Westbound Left Turn Lane Warrants

Percentage Left Turns %lt 2.6 %

Advancing Volume Threshold AV 1151 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: **NO**

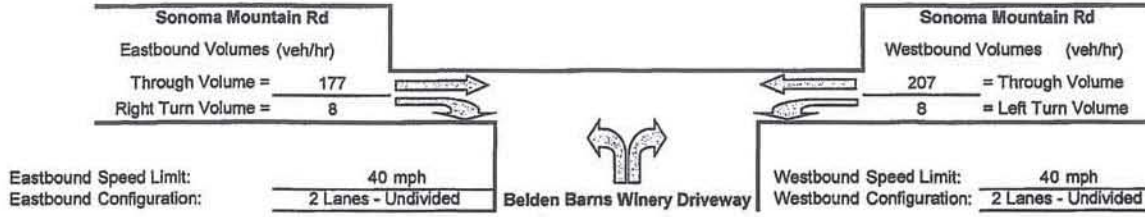
Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroorty in 1991.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekend Midday Peak Hour

Direction of Analysis Street: East/West

Cross Street Intersects: From the South



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane
 Advancing Volume Threshold AV = 990.1
 Advancing Volume Va = 185
 If $AV < Va$ then warrant is met No

Right Turn Lane Warranted: NO

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

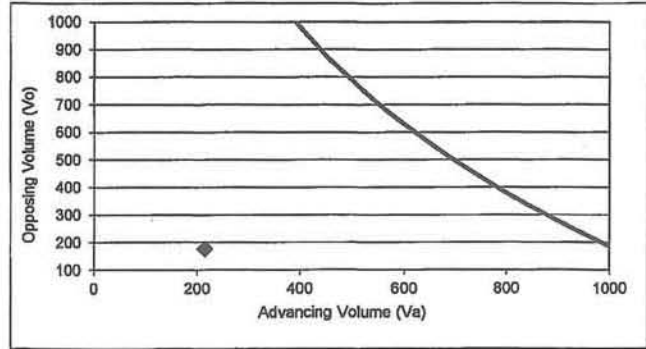
NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper
 Advancing Volume Threshold AV = -
 Advancing Volume Va = 185
 If $AV < Va$ then warrant is met -

Right Turn Taper Warranted: NO

Westbound Left Turn Lane Warrants

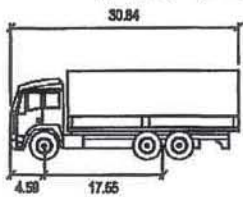
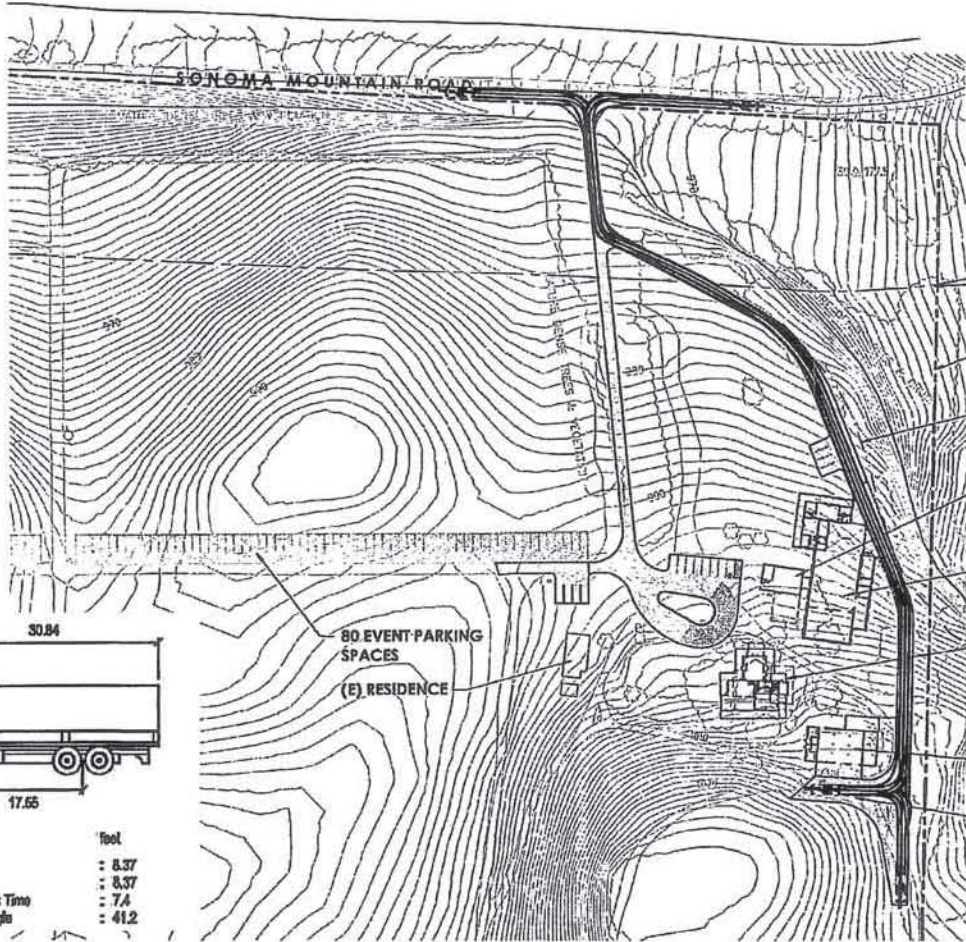
Percentage Left Turns %lt 3.7 %
 Advancing Volume Threshold AV 1009 veh/hr
 If $AV < Va$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.



LOS	foot
Width	: 8.37
Track	: 8.37
Lock to Lock Time	: 7.4
Steering Angle	: 41.2



**Whitlock & Weinberger
Transportation, Inc**
490 Mendocino Ave, Suite 201
Santa Rosa, CA
(707)542-9500 Fax (707)542-9590

Belden Barn Winery AutoTURN Analysis

DRAWN: SL	SCALE: 1"=200'
DESIGN:	DATE: 5/23/12
SHEET 1 of 1 SHEETS	JOB NO.



August 19, 2013

Mr. Steve Martin
Steve Martin Associates
130 South Main Street, Suite 201
Sebastopol, CA 95472

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
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web www.w-trans.com

Focused Traffic Study for the Belden Barns Winery Project

Dear Mr. Martin;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has prepared a traffic analysis relative to the proposed winery to be located at 5561 Sonoma Mountain Road in the County of Sonoma. The purpose of this letter is to address the likely trip generation of the proposed project as well as adequacy of the parking supply. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Project Description

The proposed Belden Barns Winery project consists of the development of a winery capable of producing 10,000 cases of wine and 10,000 pounds of cheese annually together with a tasting room that would be open daily. It is anticipated that 5,000 cases of wine would be produced from grapes grown on site, while the remaining 5,000 cases will come from grapes grown at local vineyards. It is also anticipated that half of the cheese will be made from milk produced by cows, sheep and goats raised on the property, while the other half of the milk will be imported. Participation in up to ten special events is proposed annually. The tasting room is proposed to be open from 10:00 a.m. to 5:00 p.m. daily, while winery operations would typically be between 7:00 a.m. and 6:00 p.m. Access to the project will be via an existing driveway on the south side of Sonoma Mountain Road approximately 1.5 miles east of Pressley Road.

Existing Conditions

Sonoma Mountain Road is classified as a Rural Minor Collector in the *Sonoma County General Plan 2020*. East of Pressley Road and in the vicinity of the project site, Sonoma Mountain Road is narrow, approximately 20 feet wide, running east-west with no center line or edge line striping. Travel speed and traffic count data was obtained using machine counters on April 26-30, 2012, west of the project site. Based on the data collected, Sonoma Mountain Road has an average daily traffic (ADT) volume of approximately 360 vehicles during weekdays and 340 vehicles during weekend days.

Although there is no posted speed limit for Sonoma Mountain Road near the proposed winery's frontage, the *prima facie* speed limit is 55 mph. However, based on speed data collected, the 85th percentile speed for traffic approaching the driveway was found to be approximately 40 mph. Therefore, 40 mph was utilized for analysis purposes.

A 20-acre vineyard currently exists on the site, of which four acres are being re-planted. Additionally, three single family houses and a guest house exist on the site. Of the three single family houses, one is

proposed to be demolished and replaced with a new single family house/hospitality building, one will be removed and replaced by two new residences attached to the winery building while the remaining residential unit will remain unchanged. The existing guest house will also remain unchanged. The site also has an existing barn and dance hall that are proposed to be renovated.

Collision History

The collision history for the study segment of Sonoma Mountain Road from Pressley Road to the project driveway was reviewed to determine any trends or patterns that indicate a safety risk that may be exacerbated by the addition of project traffic. The average annual collision rate was calculated based on records for January 2006 through December 2010 obtained through the California Highway Patrol and published in their *Statewide Integrated Traffic Records System (SWITRS)* reports.

The 1.5-mile segment of Sonoma Mountain Road had two reported collisions over the five-year study period for a calculated collision rate of 1.97 collisions/million vehicle miles (c/mvm). The statewide average collision rate for a rural two-lane road with a speed limit of less than 55 mph is 2.24 c/mvm. The calculated collision rate is lower than the statewide average for similar roadway segments, indicating that the roadway is operating within normal safety parameters. A copy of the spreadsheet showing the derivation of actual and statewide collision rates is enclosed.

Trip Generation

The County's Winery Trip Generation form, which is enclosed, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the anticipated production of cheese as well as the winery operation, and indicates that the winery will have a staff of eight persons who would be expected to generate an average of three trip ends each, or 24 trip ends total, per weekday. Truck traffic is expected to contribute an average of one trip end per weekday.

In addition, the tasting room will have one employee, generating an average of three trips per day. An average of 42 visitors per day is expected for tasting, with a high of 60 tasters during the summertime months and a low of about 30 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 33 daily trips are expected due to tasting. Data collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily generated winery trips occur during the p.m. peak hour and 13 percent during the weekend midday peak.

For purposes of estimating the number of trips associated with the three existing single family houses, *Trip Generation*, 8th Edition, Institute of Transportation Engineers, 2008, was used. Based on rates for Single Family Detached Housing (Land Use #210), a residence is expected to generate an average of about ten daily trips. Trips associated with the three existing single family houses are already included in existing background volumes and were therefore not considered to be new trips; however, these trips were included in the analysis of driveway operations. Since the existing guest house is not occupied on a consistent basis, it was not included in the trip generation estimate for existing conditions.

As shown in Table 1, the proposed winery project would be expected to generate an average of 71 new trip ends per day, including 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak			Weekend Midday Peak		
		Rate	Trips	Trips	In	Out	Trips	In	Out
Existing									
Single Family Home	3	9.57	30	3	3	0	3	3	0
Proposed									
Winery Employees	8	3	24	8	0	8	0	0	0
Truck Traffic	n/a	n/a	1	0	0	0	0	0	0
Tasting Visitors	42	0.8	33	3	1	2	4	2	2
Tasting Employees	1	3	3	1	0	1	1	1	0
Single Family Home	4	9.57	40	4	4	0	4	4	0
<i>Total Proposed Trips</i>			<i>101</i>	<i>16</i>	<i>5</i>	<i>11</i>	<i>9</i>	<i>7</i>	<i>2</i>
Total New Trips			71	13	2	11	6	4	2

Note: Trip generation does not include special events

Special Events

A total of ten special events are proposed at the project site. As indicated on the enclosed "Event Schedule" forms, two 200-person winery events per year are proposed along with three 100-person winery events and five 60-person winery events. It was assumed that a maximum sized 200-person event would require a staff of ten. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum sized 200-person event would be expected to generate 180 trip ends at the driveway, including 90 inbound trips at the start of the event and 90 outbound trips upon its conclusion.

Site Access

Access to the project will be provided via an existing driveway on Sonoma Mountain Road. Based on Sonoma County Fire Safe Standards, the driveway would need to be 20 feet wide for two-way access; however, the driveway width may be reduced to ten feet wide with a minimum vertical clearance of 15 feet if turnouts are provided every 400 feet or approximately midway if the total driveway is less than 800 feet long. Based on the site plan provided it is understood that the driveway will retain its existing width of 12 feet, while the roadway segment providing access to the new winery building is proposed to be 16 feet wide. It is therefore recommended that all internal roadways either be widened to a 20-foot cross section or include the appropriate number of turnouts to meet standards established by Sonoma County.

Sight Distance

Sight distance from the project's driveway on Sonoma Mountain Road was evaluated based on criterion contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines recommend sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches, and sight distances for drivers of vehicles stopped on the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a

vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left compared to turning right.

For a 40-mph design speed, sight distance to the west of at least 385 feet is needed to complete an outbound left turn. From the location of the existing driveway, sight distance to the west extends to approximately 200 feet west of the driveway. The sight lines are obstructed by vegetation along the south side of the road west of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the south side of Sonoma Mountain Road west of the project driveway to be cleared to achieve at least 385 feet of sight distance.

To complete an outbound left turn, which is expected to be the predominant movement for project traffic, 445 feet of sight distance is required, but clear sight lines of only approximately 400 feet are available. The sight lines are obstructed by vegetation along the north side of the road located approximately 400 feet east of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway be cleared to achieve at least 445 feet of sight distance.

Also measured was the stopping sight distance along the westbound Sonoma Mountain Road approach to determine if there is adequate sight distance available for a driver to react to a vehicle stopped in the through lane while waiting to complete an inbound left-turn movement. This would require 305 feet of sight distance, and 400 feet is available, which is adequate for speeds of up to 45 mph.

Any planned vegetation or frontage improvements that may be installed as a component of the project should be low lying or located back from the roadway to avoid further reducing sight lines.

Turn Lane Warrants

The need for turn lane channelization on Sonoma Mountain Road at the project driveway was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as an update of the methodology developed by the Washington State Department of Transportation.

Including all existing residential traffic and agricultural traffic, it is estimated that approximately 17 trips would occur during the weekday p.m. peak hour, of which up to five could be inbound trips, while during the weekend midday peak hour ten are expected to occur including eight inbound trips. Despite current traffic volumes on Sonoma Mountain Road being fairly evenly split in the eastbound and westbound directions, it is expected that the majority, if not all, of inbound project-related trips would access the site via eastbound right turns. However, to provide a worst-case scenario it was assumed that all inbound trips would access the site via a westbound left-turn.

Based on the prevailing speed of 40 mph, and current Sonoma Mountain Road segment volumes near the driveway, a left-turn lane would **not** be warranted during either the weekday p.m. or weekend midday peak periods.

Because inbound right turns are expected to dominate, analysis was performed that indicates that assuming all inbound trips are eastbound right turns, which is likely; neither a right turn lane nor taper would be warranted. Copies of the turn lane warrant calculation sheets are enclosed.

Internal Circulation

The ability for drivers of large vehicles to maneuver through the site was examined using the AutoTURN analysis software to simulate vehicle turning movements. Through discussions with the applicant, it is understood that the largest truck expected to access the site would be a bottling line truck. A heavy-duty ten-wheel truck was used to simulate the bottling line truck.

Based on the AutoTURN analysis it was determined that bottling line trucks would be able to enter and exit the site without the need for widening at the existing driveway location. On-site roadways are also expected to be sufficient to accommodate the circulation of the evaluated bottling line truck. Drivers of these larger trucks will need to utilize the truck turnaround area located south of the existing barn to complete the full circuit. A figure of the site plan showing maneuvering of the evaluated bottling line truck is enclosed.

Parking Adequacy

Daily Operations

The project site plan shows a total of 96 on-site spaces, including 16 permanent spaces for staff and visitors and 80 temporary spaces for attendees of special events.

Assuming that each employee drives to work in their own vehicle, nine spaces would be needed to accommodate the employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 17 daily vehicles associated with the tasting room visitors, or five vehicles, would be parked on-site during any single hour; therefore, a maximum of 14 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 16 permanent parking spaces, which would accommodate the typical guest and employee parking demand, with a surplus of two spaces.

Special Events

A maximum-sized special event with 200 guests would be expected to generate need for 80 parking spaces, plus an additional ten spaces for employees for a combined total of 90 parking spaces. Assuming that typical daily operations, such as tasting room visitors, would cease during participation of a maximum-sized special event, the proposed 96 permanent and temporary parking spaces would be able to accommodate the demand for event parking.

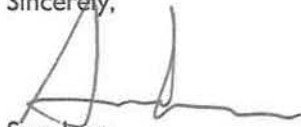
Conclusions and Recommendations

- The 40-mph speed was utilized for analysis purposes and was established with speed data collected near the project site's driveway. It was determined that the 85th percentile speed for traffic approaching the driveway was 40 mph.
- The 1.5-mile segment of Sonoma Mountain Road from Pressley Road to the project driveway has a collision rate that is lower than the average rate for similar facilities statewide.
- The proposed project would generate an average of 71 new daily trip ends over existing levels, which includes 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

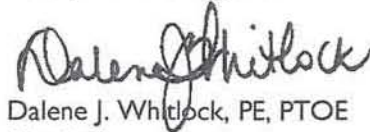
- Ten special events are proposed annually with attendance levels ranging from 60 to 200 people.
- It is recommended that all internal roadways be widened to a 20-foot cross section or else the appropriate number of turnouts should be constructed to meet standards established by Sonoma County.
- Sight distance at the project driveway is adequate for outbound right-turn and inbound left-turn movements, but is inadequate for outbound left-turn movements until vegetation is cleared.
- If vegetation is removed along the south side of Sonoma Mountain Road west of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- If vegetation is removed along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- Under the conservative assumption that all inbound trips would be made via left turns, a westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- It is expected that the proposed site configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- The proposed parking supply will be adequate to meet expected demands for employees, tasting room visitors and special event attendees.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Sam Lam
Transportation Engineer



Dalene J. Whitlock, PE, PTOE
Principal



DJW/std/SOX441.LI

- Enclosures:
- Collision Rate Spreadsheet
 - Belden Barns Winery Trip Generation Form
 - Special Event Schedule Form
 - Turn Lane Warrants
 - Vehicle Maneuvering Drawing

SEGMENT COLLISION RATE CALCULATIONS

Belden Barns Winery

Location: Sonoma Mountain Rd from Pressley Rd to the Project Driveway

Date of Count: Friday, April 27, 2012
ADT: 370

Number of Collisions: 2
Number of Injuries: 1
Number of Fatalities: 0
Start Date: January 1, 2006
End Date: December 31, 2010
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: <=55
Terrain: Rolling/Mountain

Segment Length: 1.5 miles
Direction: East/West

NUMBER OF COLLISIONS x 1 MILLION
ADT x 365 DAYS PER YEAR x SEGMENT LENGTH x NUMBER OF YEARS

$$\frac{2}{370} \times \frac{1,000,000}{365 \times 1.5 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.97 c/mvm	0.0%	50.0%
Statewide Average*	2.24 c/mvm	2.2%	46.0%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2007 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: Belden Barns Winery
 Location: 5561 Sonoma Mountain Road
 Annual Full Production: 10000 cases of wine & 10,000 lbs of cheese

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	0	6	12	--	0	18	36	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	0	2	4	--	0	6	12	--
Sales	0	0	0	--	0	0	0	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	0	8	16	0	0	24	48	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation		
Truck loads per year: 7; 7 truck(s) at 12 tons/truck	0.00	0.05
Dates of Activity: August through October		
Juice Importation		
Truck loads per year: None	0.00	0.00
Dates of Activity:		
Juice/Fruit Exportation		
Truck loads per year: None	0.00	0.00
Dates of Activity:		
Pomace Disposal		
Truck loads per year: 0; and 0 truck(s) at 0 tons/truck	0.00	0.00
Dates of Activity: August through October		
Disposed: on-site		
Bottle Delivery		
Truck loads per year: 5 truck(s) at 1904 cases/truck	0.00	0.04
Dates of Activity: January through June		
Barrel Delivery		
Truck loads per year: 1 truck(s) at 100 barrels/truck	0.00	0.01
Dates of Activity: July through September		
Finished Wine Transportation to storage/sales		
Truck loads per year: 10 truck(s) at 984 cases/truck	0.00	0.08
Dates of Activity: January through December		
Less Backhauls		
Truck loads per year: -3 truck(s)	0.00	-0.02
Dates of Activity: January through December		
Miscellaneous trips		
Truck loads per year: 122 trucks	0.00	0.92
Dates of Activity: January through December		
Totals	0.00	1.08

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	1	1	3	3
Vineyard Maintenance: Peak Season	0	0	0	0
Totals	1	1	3	3

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	42	0	33
Tasting Room Employees	0	1	0	3
Totals	0	43	0	36

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	N/A	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	N/A	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	N/A	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-5:00pm	N/A	7:00 am-6:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 5:00 pm	N/A	6:00 am-8:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic		
Special Events	0	2
Other Trips (If Applicable)		
None		
Totals	0	2

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	0	24
Winery and Cheese Operations (truck traffic)	0	1
Vineyard Operations (employees)	3	3
Tasting Room Traffic (employees and visitors)	0	36
Event Traffic (employee and visitors)	0	2
Miscellaneous other traffic generators	0	0
Totals	3	66

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	57	57	68	65	66	72

Month	July	August	September	October	November	December
Total Trips	81	102	93	105	61	57

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: Belden Barns Winery **PRMD File Number:** _____
Type of event shown on this sheet: Special Event - 200 Guests

Estimated total number of events of this type on ▾	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays			1									
Saturdays												
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event – 100 Guests**

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays			1									
Saturdays						1						
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 60 Guests**

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays	1									1		
Saturdays				1								1
Sundays							1					

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

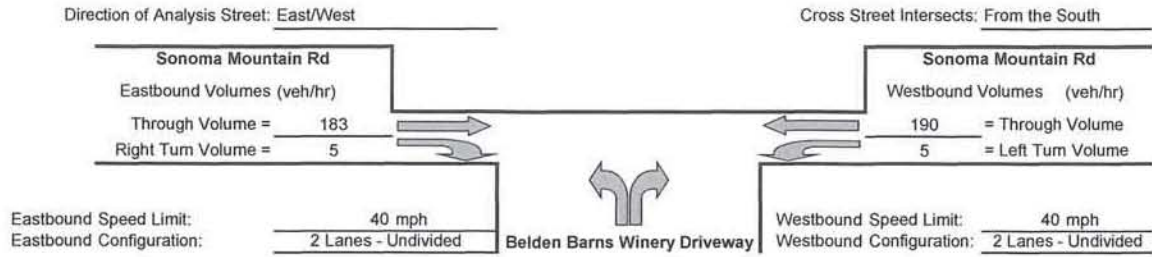
For Friday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekday PM Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	1012.6
Advancing Volume	Va =	188
If $AV < Va$ then warrant is met		

Right Turn Lane Warranted: **NO**

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

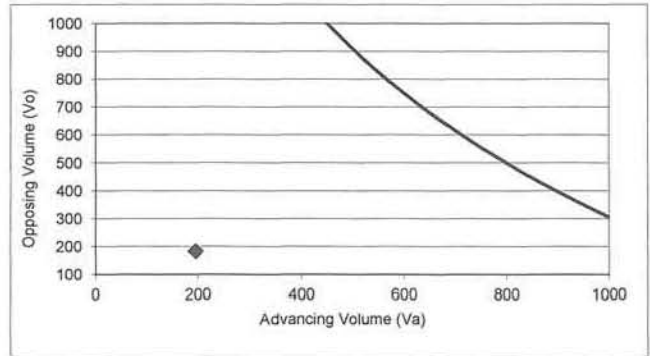
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	188
If $AV < Va$ then warrant is met		

Right Turn Taper Warranted: **NO**

Westbound Left Turn Lane Warrants

Percentage Left Turns %t	2.6 %
Advancing Volume Threshold AV	1151 veh/hr
If $AV < Va$ then warrant is met	



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

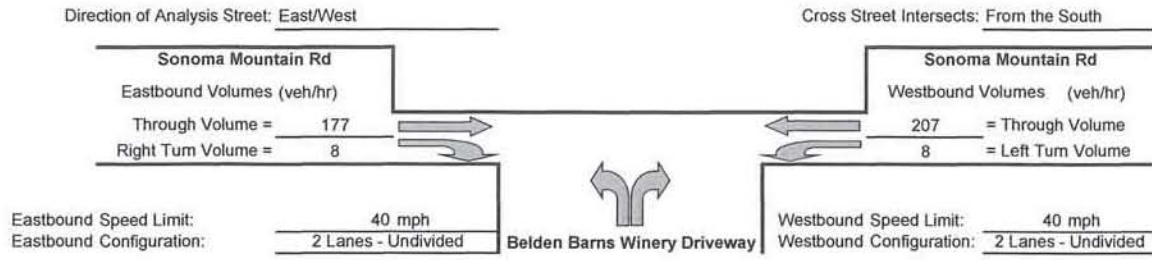
Left Turn Lane Warranted: **NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway

Study Scenario: Existing plus Project - Weekend Midday Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	990.1
Advancing Volume	Va =	185
If $AV < Va$ then warrant is met		

Right Turn Lane Warranted: **NO**

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

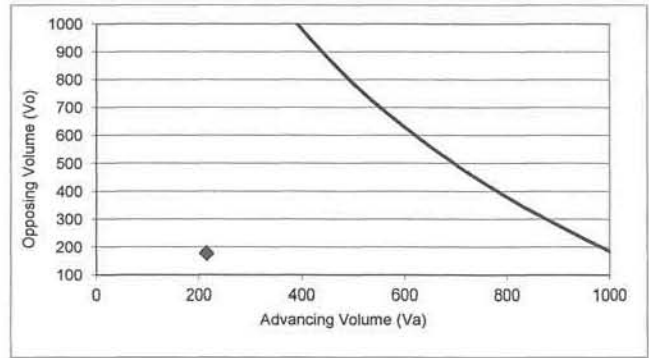
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	185
If $AV < Va$ then warrant is met		

Right Turn Taper Warranted: **NO**

Westbound Left Turn Lane Warrants

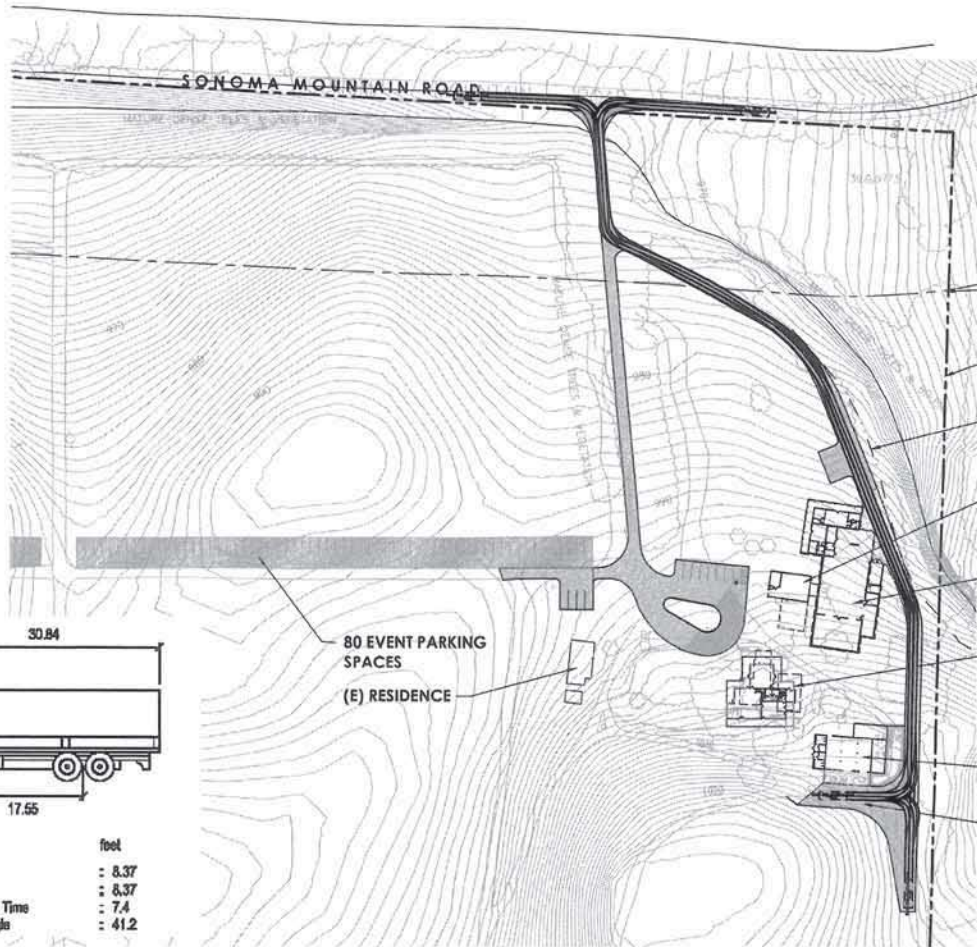
Percentage Left Turns %lt	3.7 %
Advancing Volume Threshold AV	1009 veh/hr
If $AV < Va$ then warrant is met	



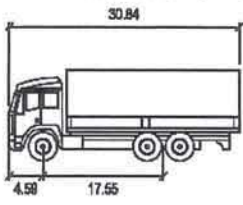
◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: **NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.



- 200' SCIENCE SETBACK LINE
- APPROX. PROPERTY LINE
- APPROX. 30' TOP OF CREEK SETBACK
- (E) DANCE HALL TO BE RENOVATED
- NEW WINERY BUILDING
- (E) RESIDENCE TO BE DEMOLISHED AND REPLACED WITH NEW RESIDENCE/ HOSPITALITY BUILDING
- (E) BARN TO BE RENOVATED
- TRUCK TURNAROUND



LOS	feet
Width	: 8.37
Track	: 8.37
Lock to Lock Time	: 7.4
Steering Angle	: 41.2

80 EVENT PARKING SPACES
(E) RESIDENCE



**Whitlock & Weinberger
Transportation, Inc**
490 Mendocino Ave, Suite 201
Santa Rosa, CA
(707)542-9500 Fax (707)542-9590

Belden Barn Winery AutoTURN Analysis

DRAWN: SL	SCALE: 1"=200'
DESIGN:	DATE: 5/23/12
SHEET 1 of 1 SHEETS	JOB NO.



August 14, 2014

Mr. Steve Martin
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Sebastopol, CA 95472

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Response to Further Comments on the “Focused Traffic Study for the Belden Barns Winery Project”

Dear Mr. Martin;

Subsequent to responding to various comments from neighbors of the Belden Barns site in a letter dated March 6, 2014, additional comments were received from Ms. Tamara Boutbee in an email dated March 10, 2014. Following are excerpts from her email that contained comments relative to our focused traffic study, which have been summarized and are shown in *italics* for ease of review, together with our responses.

1. *The traffic study states that the prima-facia speed limit is 55 mph, but within the staff packet there is a picture showing the speed limit is 20 mph, so the 40 mph that the study was based on is inaccurate at best.*

The posted speed limit is not 20 mph. The road is signed with an *advisory* speed of 20 mph, as indicated by yellow signs; however, drivers cannot be cited for speeds in excess of 20 mph based on this signing. Because greater sight distance is needed for a 40-mph approach than 20 mph, using the higher speed results in a more conservative analysis.

2. *Sonoma Mountain, Pressley Road and Enterprise Road have always been classified as rural byways and do not show up on the county maps as collectors.*

The description of the roadway classifications is provided as background information only. The commenter is correct that Sonoma Mountain Road was incorrectly identified as a Rural Minor Collector.

3. *The narrow focus of the traffic study conveniently avoids the significant negative impact on neighboring roads leading to the site.*

Given the limited number of trips that the project is expected to generate, the narrow focus area is appropriate. Projects that are expected to generate only 13 peak hour trips would not typically be subject to more than a focused traffic study.

4. *The truck traffic associated with the proposed cheese making and farm produce are not addressed. Truck traffic is very hard on roads that were never designed to handle truck traffic and because of the extremely curvy and steep inclines, the noise level can easily exceed that which is expected in a rural environment. The isolated location will have significant impact on rural, scenic, quiet quality of the area. The added traffic will be a bane on the way of life in this area.*

As noted in the text on Page 2 of our August 10, 2013, letter report, the trip generation for the cheese production was incorporated into the winery trip generation form. There is not a standard trip

generation rate for the cheese production, but the importation of milk in lieu of grape juice was used to estimate the potential truck trips.

For all of the proposed uses, including the cheese making, the project is expected to generate one truck trip every other day, on average. This road is already used by trucks on a daily basis to deliver mail and other goods. To a large extent the truck trips associated with the project will actually be existing FedEx or UPS trucks making an additional stop while already traveling along the road.

It is noted that West Dry Creek Road has a similar nature to Sonoma Mountain Road, including its narrow width, hilly terrain, and scenic beauty. It carries more than double the amount of traffic on a daily basis and serves numerous wineries. Based on the operational experience of this other Sonoma County roadway, it appears reasonable to anticipate that the added trips associated with the proposed project can be accommodated without jeopardizing the character and integrity of Sonoma Mountain Road.

5. *What would be the restrictions on appointment only? Total number of people and cars per hour or day?*

The trip generation estimate for the project was based on a maximum of 60 visitors per day, or an average of 42 visitors per day. This translates to 48 vehicle trips (24 vehicles entering and exiting) on a peak day, and 34 trips (17 inbound and 17 outbound) on an average day. Peak days are infrequent, and when they do occur, it is typically a weekend day during the summer months. Note that the level of visitation will be lower on most days.

Further, we understand that the applicant has modified the project description to reduce the number of promotional events. This would, in turn, reduce the volume of traffic generated on an annual basis, and thereby the project's traffic impacts, which were already deemed to be less-than-significant.

We hope this information is of use in reviewing the potential traffic impacts of the proposed project. Please call if you have any questions.

Sincerely,

Dalene J. Whitlock, PE, PTOE
Principal



DJW/djw/SOX441.L3

Nate and Lauren Belden
5561 Sonoma Mountain Road
Santa Rosa, CA 94114

June 6, 2014

Supervisor Susan Gorin
County of Sonoma
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

Supervisor Gorin,

As a result of the appeal of our Belden Barns Farmstead and Winery project, we have reached out to the appealing neighbors to further discuss and clarify issues from both sides. We feel the discussions have been productive. In some cases, we feel issues have been eliminated or minimized, and in other cases we have been able to put a finer point on certain complaints. While there are some portions of our proposed project that we are unwilling to change because we have a fundamental disagreement as to their impact on the community or feel a change would make our project economically unviable, there are some areas in which we feel our neighbors have made compelling points that we are in a position to address. Further, Lauren and I have reflected upon the family business we would like to achieve, the quality of neighbors we would like to be, the environment in which we want to raise our kids, and the energy we realistically have to bring to the table (certainly in the early, startup years), and those thoughts have informed the way in which we would be willing to alter our proposal.

The agricultural promotional events portion of our proposal has been troubling for some, and that is the portion of our proposal in which we feel we can make modifications. While we feel our agricultural promotional events list is modest compared to most Sonoma wineries, our neighbor conversations have forced us to look long and hard at the events we proposed. In the end, we feel that some of our proposed promotional events may not be necessary for our economic success, and others can be better shaped to fit the seasonal nature of what we are hoping to celebrate on our site in regard to farming, wine and agricultural experiences. Further, we feel there is a compelling argument to phase in our ag promotional events, with an initial reduced list of promotional events available immediately for the project and a second phase of events that are available to the project after three years of operation. By staging our event availability, we have time to get our feet under us as an operation and, importantly, the staging delays the availability of some promotional events until after the two-year review of our operation. We feel we have shown a willingness to listen to our neighbors and be responsive to their issues within the economic reality of our project. That mindset will remain as we move forward and as we receive input at the time of the review.

The following schedule outlines our proposed permit modifications as they relate to our promotional events roster:

BZA APPROVED AG PROMOTIONAL EVENTS ROSTER

<u>Events</u>	<u>Time of Year</u>	<u>Attendees (maximum)</u>
1 Wine Club Member's Event	Jan - Dec	60
2 Wine Club Member's Event	Jan - Dec	60
3 Distributors Tasting	Jan - Dec	60
4 Distributors Tasting	Jan - Dec	60
5 Chef Tastings & Dinner Event	Jan - Dec	60
6 Wine Club Pickup	Mar - Oct	100
7 Harvest Party	Mar - Oct	100
8 Marketing Event	Mar - Oct	100
9 Wedding	Mar - Oct	200
10 Wine & Farm Event	Mar - Oct	200
	Total	1,000

PROPOSED REVISED AG PROMOTIONAL EVENTS ROSTER

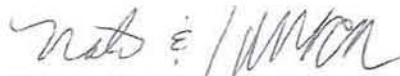
<u>Phase 1 Events</u>	<u>Time of Year</u>	<u>Attendees (maximum)</u>
1 Spring Wine & Farm Event	Mar - May	150
2 Summer Wine & Farm Event	Jun - Aug	150
3 Fall Wine & Farm Event	Sept - Nov	200
4 Winter Wine & Farm Event	Nov - Feb*	100
	Total	600
<u>Phase 2 Events</u>	<u>Time of Year</u>	<u>Attendees</u>
5 Wedding	Jan - Dec	150
6 Marketing Event	Jan - Dec	100
	Total	250
Grand Total		850

* November inclusion in Winter is by design.
We may want to hold our Winter event in that month.

A final aspect of our events that neighbors have highlighted is road safety – particularly safety at night. Safety is a primary focus for us, and we agree that nighttime driving in our area can be more challenging than in the day. As a result, we propose that all of our events, with the exception of one per annum, must conclude 30 minutes before published time of sunset for the day of each particular event.

With these modifications, we feel we have, again, shown a willingness to listen to our neighbors in the permitting process and respond to their concerns within the context of maintaining a family business that is economically sustainable.

Best Regards,

A handwritten signature in black ink, appearing to read "Nate & Lauren Belden". The signature is written in a cursive, flowing style.

Nate and Lauren Belden