



## ***Proposed Mitigated Negative Declaration***

Publication Date: February 26, 2024  
Public Review Period: February 26, 2024 - March 27, 2024

State Clearinghouse Number:  
Permit Sonoma File Number: **PLP22-0023**  
Prepared by: Jen Chard  
Phone: (707) 565-2336

Pursuant to Section 15071 of the State CEQA Guidelines, this proposed Negative Declaration and the attached Initial Study, constitute the environmental review conducted by the County of Sonoma as lead agency for the proposed project described below.

**Project Name:** Marietta Farms Winery and Tasting Room

**Project Applicant/Operator:** Scot Bilbro, Etta Farm, LLC

**Project Location/Address:** 11971 Old Redwood Hwy, Healdsburg

**APN:** 086-120-047

**General Plan Land Use Designation:** Land Intensive Agriculture, 60 acre density

**Zoning Designation:** Land Intensive Agriculture (LIA), 60 acre density (B6 60) with combining districts for Scenic Resources (SR) and Valley Oak Habitat (VOH)

**Decision Making Body:** Board of Zoning Adjustments (BZA). Action by BZA is appealable within 10 calendar days.

**Appeal Body:** Sonoma County Board of Supervisors

**Project Description:** **See Item III, below**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation” as indicated in the attached Initial Study and in the summary table below.

**Table 1. Summary of Topic Areas**

| <b>Topic Area</b>                  | <b>Abbreviation</b> | <b>No</b> | <b>Yes</b> |
|------------------------------------|---------------------|-----------|------------|
| Aesthetics                         | VIS                 |           | X          |
| Agricultural & Forest Resources    | AG                  | X         |            |
| Air Quality                        | AIR                 |           | X          |
| Biological Resources               | BIO                 |           | X          |
| Cultural Resources                 | CUL                 |           | X          |
| Energy                             | ENE                 | X         |            |
| Geology and Soils                  | GEO                 |           | X          |
| Greenhouse Gas Emission            | GHG                 | X         |            |
| Hazards and Hazardous Materials    | HAZ                 | X         |            |
| Hydrology and Water Quality        | HYDRO               |           | X          |
| Land Use and Planning              | LU                  | X         |            |
| Mineral Resources                  | MIN                 | X         |            |
| Noise                              | NOISE               |           | X          |
| Population and Housing             | POP                 | X         |            |
| Public Services                    | PS                  | X         |            |
| Recreation                         | REC                 | X         |            |
| Transportation                     | TRAF                | X         |            |
| Tribal Cultural Resources          | TCR                 |           | X          |
| Utility and Service Systems        | UTL                 | X         |            |
| Wildfire                           | WILD                | X         |            |
| Mandatory Findings of Significance |                     | X         |            |

**RESPONSIBLE AND TRUSTEE AGENCIES**

The following lists other public agencies whose approval is required for the project, or who have jurisdiction over resources potentially affected by the project.

Table 2.

| <b>Agency</b>   | <b>Activity</b>  | <b>Authorization</b>  |
|---|--|---|
| Northern Sonoma County Air Pollution Control District (NSCAPCD)                       | Stationary air emissions   | Emissions thresholds from BAAQMD Rules and Regulations (Regulation 2, Rule 1 – General Requirements; Regulation 2, Rule 2 – New Source Review; Regulation 9 – Rule 8 – NOx and CO from Stationary Internal Combustion Engines; and other BAAQMD administered Statewide Air Toxics Control Measures (ATCM) for stationary diesel engines |
| U. S. Army Corps of Engineers   | Permits for activities that involve any discharge of dredged or fill material into “waters of the United States,” including wetlands | Clean Water Act, Section 401  |
| North Coast Regional Water Quality Control Board (NCRWQCB)                            | Discharge or potential discharge to waters of the state  | California Clean Water Act (Porter Cologne) – Waste Discharge requirements, general permit or waiver  |
|   | Wetland dredge or fill   | Clean Water Act, Section 404  |
| State Water Resources Control Board   | Generating stormwater (construction, industrial, or municipal)   | National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI   |
| California Department of Fish and Wildlife  | Incidental take permit for listed plant and animal species; Lake or streambed alteration   | California Endangered Species Act (CESA), Section 2081 of the Fish and Game Code; Section 1600 of the Fish and Game Code  |
| U. S. Fish and Wildlife Service (FWS) and or National Marine Fisheries Service (NMFS) | Incidental take permit for listed plant and animal species   | Endangered Species Act  |
| Sonoma County Public Infrastructure   | Traffic and road improvements  | Sonoma County Municipal Code, Chapter 15  |
| Sonoma County Environmental Health  | Retail Food Facility Permit  | Sonoma County Municipal Code, Chapter 14  |

**ENVIRONMENTAL FINDING:**

Based on the evaluation in the attached Expanded Initial Study, I find that the project described above will not have a significant adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are included as conditions of approval for the project and a Mitigated Negative Declaration is proposed. The applicant has agreed in writing to incorporate identified mitigation measure into the project plans.



## ***Expanded Initial Study***

### **Sonoma County Permit and Resource Management Department**

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

## **I. INTRODUCTION:**

Scot Bilbro and Etta Farm, LLC propose a Use Permit and Design Review for a new winery (Marietta Farms) including a tasting room within the existing single family dwelling, a new agricultural workshop building used for small scale storage and processing and a space for seminars related to agricultural production and winemaking, a new winery building used for production, storage, and administration with an annual production of 75,000 cases and up to 22 events per year with a maximum of 300 attendees on the 16.3 +/- acre parcel. A referral letter was sent to the appropriate local, state and federal agencies and interest groups who may wish to comment on the project.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Jen Chard, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Scot Bilbro. Technical studies were provided by qualified consultants to support the conclusions in this Expanded Initial Study. Technical studies, other reports, documents, and maps referred to in this document are available for review through the Project Planner, or the Permit and Resource Management Department (Permit Sonoma) Records Section.

Please contact Jen Chard, Planner, at (707) 565-2336, for more information.

## **II. EXISTING FACILITY**

The subject site is located 1 mile northwest of the Town of Windsor and 2 miles southeast of the City of Healdsburg in unincorporated Sonoma County (Figure 1).

The proposed project will utilize a former agricultural farm located on Old Redwood Hwy approximately 0.40 mile north of the Old Redwood Hwy/Eastside Road intersection. The site includes three existing structures, including a 1,900+/- sq ft single family residence, a large barn, and an agricultural support structure. These structures are currently used to support and store vineyard maintenance and harvesting equipment. Additionally, the site contains two existing wells and an existing septic system for domestic wastewater disposal. The property is currently planted with 5 acres of vineyards with plans for an additional 4 acres to be planted. There is an unnamed seasonal stream, that dissects the property from the northeast corner to middle west property line, a seasonal wetland annual/perennial grassland, and several mature trees including Valley Oak trees. Access to the site is currently provided by a driveway off of Old Redwood Hwy.

Figure 1: Vicinity Map



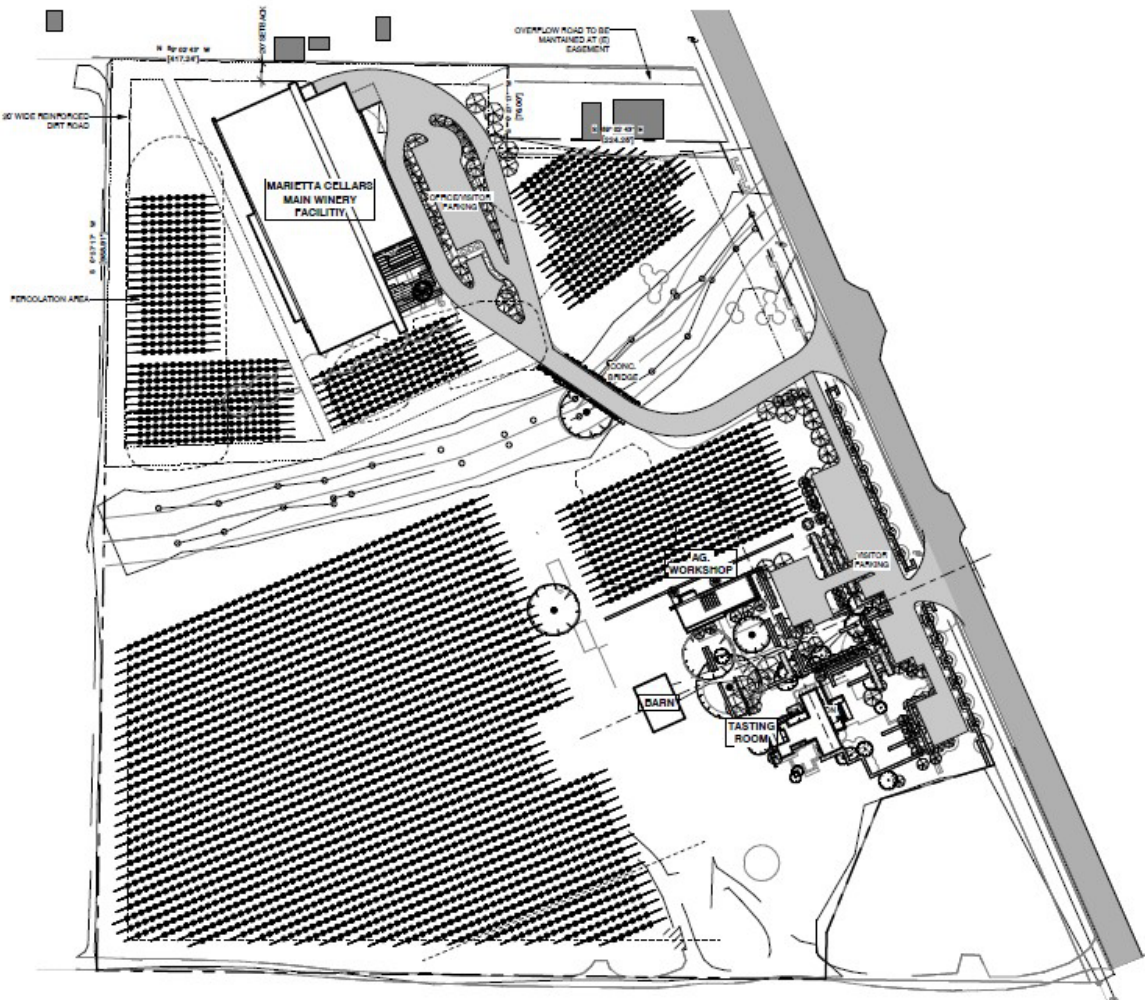
Figure 2: Subject Property and Surrounding Areas



### III. PROJECT DESCRIPTION

The project is a request for: a Use Permit and Design Review for a new winery (Marietta Farms) including a tasting room withing the existing single family dwelling, a new agricultural workshop building used for small scale storage and processing and a space for seminars related to agricultural production and winemaking, a new winery building used for production, storage, and administration with an annual production of 75,000 cases and up to 22 events per year with a maximum of 300 attendees on the 16.3 +/- acre parcel.

Figure 3: Proposed Site Plan for Marietta Farms Winery (See Attachment 1)



#### **Use Permit for Marietta Farms Winery:**

The Marietta Farms Winery proposes a new 29,370 square foot production building (Figure 4) that will include 11,029 square feet for tank storage, 3,081 square feet of unconditioned work area, 8,839 square feet for barrel storage and 1,932 square feet for bottling for annual wine production of 75,000 cases per year. The existing 2,100 square foot single family dwelling will be converted to a 671 square feet of tasting space, a 287 square foot commercial kitchen, 705 square feet of support spaces and 450 square feet on the second story with no public access (Figure 5). The new 1,260 square foot Agricultural Workshop building will include 910 square feet of workshop space for small scale barrel storage, processing of fruit, vegetables and flowers and 350 square feet of space for seminars related to agricultural production and winemaking (Figure 6). The site will also retain an existing approximately 2,000 square foot barn and accessory agricultural support structure. A new parking lot is proposed around the new productions facility and tasting room building and will contain 34 parking spaces (including 3 accessible spaces). The new winery facility is expected to accommodate 50 guests per day.

Figure 4: Proposed Floor Plan for the New Winery Production Building (see Attachment 1)

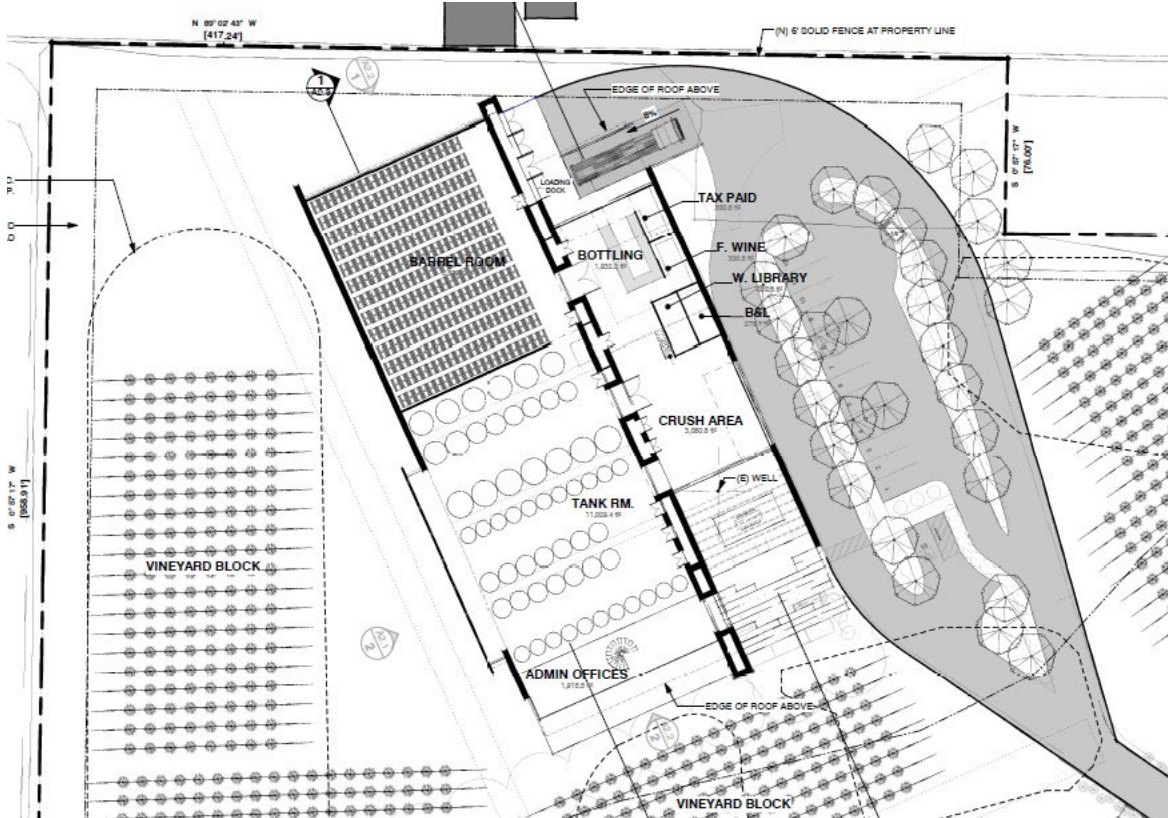


Figure 5: Proposed Tasting Room Floor Plan (see Attachment 2)

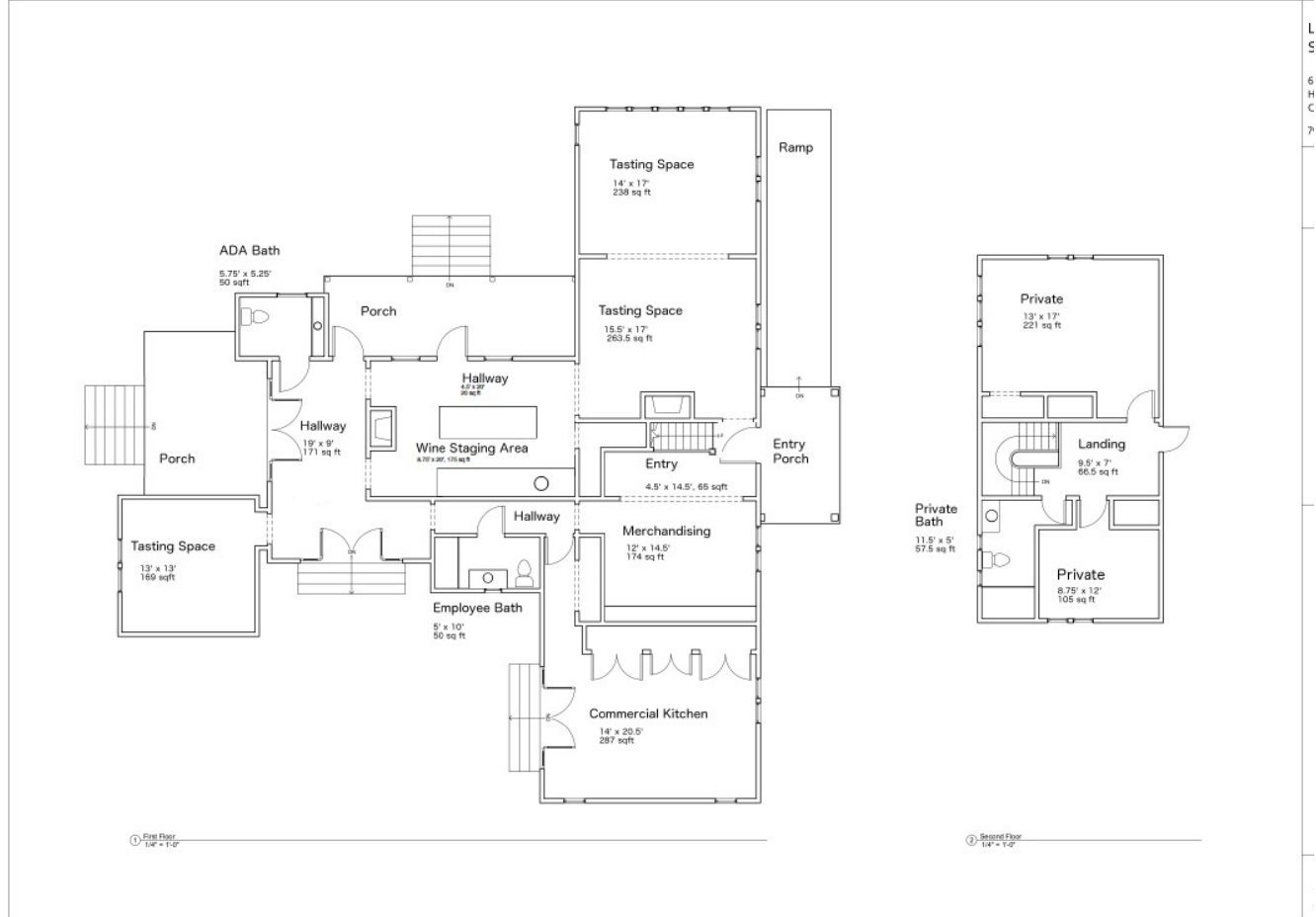
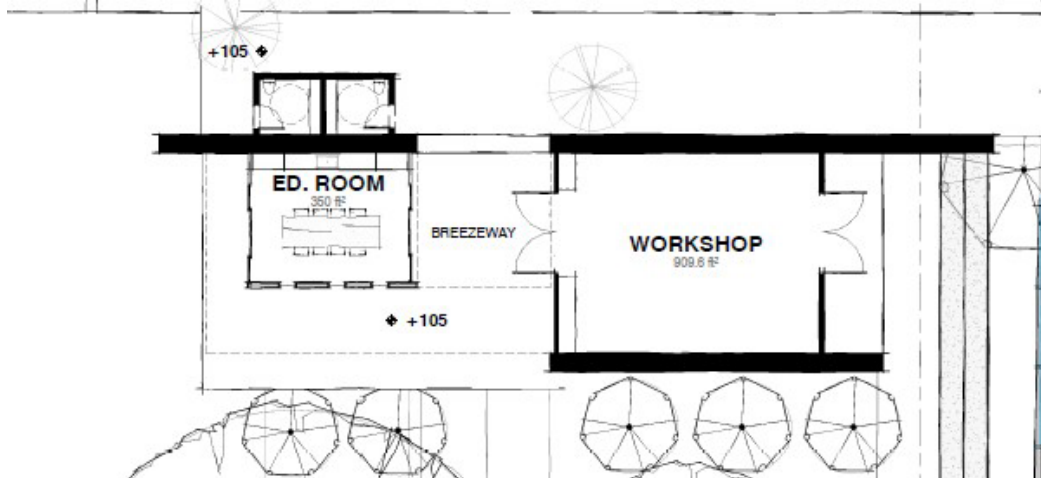


Figure 6: Proposed Agricultural Workshop Floor Plan (See Attachment 1)



**Proposed Hours of Operation:**

- Winery operation hours - 7:00 am to 6:00 pm, 7 days a week
- Winery Harvest Season hours - 7:00 am to 6:00 pm, 7 days a week
- Tasting room and Agricultural Workshop hours - 10:00 am to 5:00 pm, 7 days a week
- Event hours - 10:00 am to 9:30 pm; cleanup by 10:00 pm
- Tours of the vineyards for the general public held during normal tasting room hours only.

**Proposed Winery Events:**

| Number of Events | Maximum Attendees | Time of Week | Time of Day | Amplified Music |
|------------------|-------------------|--------------|-------------|-----------------|
| 3                | 50                | Weekday      | Daytime     | Yes             |
| 2                | 50                | Weekday      | Evening     | Yes             |
| 2                | 100               | Weekday      | Evening     | Yes             |
| 1                | 50                | Weekend      | Daytime     | Yes             |
| 5                | 100               | Weekend      | Daytime     | Yes             |
| 1                | 200               | Weekend      | Daytime     | Yes             |
| 2                | 300               | Weekend      | Daytime     | Yes             |
| 2                | 50                | Weekend      | Evening     | Yes             |
| 3                | 100               | Weekend      | Evening     | Yes             |
| 1                | 150               | Weekend      | Evening     | Yes             |

**Proposed Food Service:**

- Food and Wine Pairings (no meals) may be provided during permitted tasting hours as part of normal business activities. Food and wine pairing will be pre-prepared samples or tastes produced from food products from the local area. Food will be from a pre-fixed pairing menu and only during tasting room hours. There is no restaurant or deli service provided.

**Proposed Employees:**

- Tasting room, Winery, and Events: 14 full-time employees during normal operations, 6 event employees for events less than 150 people and 12 event employees for events exceeding 150 people
- Tasting room and Winery during harvest: 16 full-time employees



**Access and Parking:**

Vehicular and emergency access to the winery site will be established with construction of a new driveway off of Old Redwood Hwy. Additionally, a new vehicular bridge crossing the unnamed seasonal stream and wetland features will be constructed onsite to provide access to the new winery building. Access to the Tasting Room and Agricultural Workshop will be via the existing entrance to the site with improvements for the new commercial use.

Approximately 34 parking spaces for employees and guests will be located around the winery site as well as the tasting room and agricultural workshop building. Additional parking to accommodate special events would be accommodated by overflow parking between vineyard rows and along driveways. Shuttling is not anticipated to be used to support events. Parking attendants would be used to direct onsite traffic on event days. Enforcement of on-street parking restrictions are a condition of approval for the project.

**Water, Wastewater, and Waste Disposal:**

The water supply for the winery production and irrigation for the vineyards will be met via an existing on-site groundwater well on the property. An additional existing on site groundwater well will provide the potable water demands for the tasting room and agricultural workshop. The total water usage for the project will be approximately 5.52-acre feet annually.

Wastewater disposal will be obtained through county approved septic systems. Preliminary pre perc inspections, groundwater tests and perc tests have been performed through county permitting. The proposed septic system for the tasting room and agricultural workshop will be required to meet the needs of the 5<sup>th</sup> largest event peak sanitary waste of 1,830 gallons per day. Events exceeding this peak sanitary waste will be conditioned to provide temporary sanitary facilities. The proposed septic system for the winery production facility will be required to meet the need of peak harvest sanitary waste of 4,500 gallons per day.

All solid waste disposal will meet county requirements and conditions of approval for the project will enforce requirements.

**Energy:**

The project will meet the most current requirements for renewable energy use under the California Energy Code (Title 24, Part 6). The project proposes use of solar and no natural gas or propane.

**Construction:**

Construction will occur within two years after project approval. Before commencement of construction activities, the project applicant would be required to obtain construction permit approvals, including grading and building permits. Next, site work including rough grading and infrastructure (utilities and roadways) would be completed. Finally, construction of buildings would be completed and landscaping. Grading activities are anticipated to generally be balanced on the site.

## IV. SETTING

The subject site is located 1 mile northwest of the Town of Windsor and 2 miles southeast of the City of Healdsburg in Unincorporated Sonoma County. Most the surrounding parcels have similar development build outs, single family dwelling units, accessory structures, agricultural structures vineyards and wineries. The parcel north of the project site is developed with timber processing facility and has a base zoning of Limited Rural Industrial (M3) and a land use designation of Limited Industrial (LI). All other adjacent parcels share the same Land Intensive Agriculture (LIA) Land Use designation and LIA base zoning district or Diverse Agriculture (DA) Land use designation and DA base zoning.

## V. ISSUES RAISED BY THE PUBLIC OR AGENCIES

On October 21, 2022, Permit Sonoma circulated a referral packet to inform and solicit comments from selected relevant local, state and federal agencies, local Tribes, neighbors within 300 feet of the project site; and to special interest groups that were anticipated to take interest in the revised project. Comments were received from:

- Permit Sonoma Building Division
- Permit Sonoma Fire Prevention
- Permit Sonoma Natural Resources Division
- Permit Sonoma Grading and Stormwater Division
- Sonoma Public Infrastructure formerly Department of Transportation of Public Works
- Sonoma County Health

Referral agency comments included recommended mitigated measures and standard conditions of approval for the project.

Assembly Bill 52 Project Notifications were sent to the Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Torres Martinez Desert Cahuilla Indians, Mishewal Wappo Tribe of Alexander Valley, Middletown Rancheria Band of Pomo Indians, Lytton Rancheria of California, Kashia Pomos Stewarts Point Rancheria and Federated Indians of Graton Rancheria. No Tribe requested formal consultation on the proposed project.

No Public Comments on the proposed project have been received to date.

## VI. EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts of this project based on the criteria set forth in the State CEQA Guidelines and the County's implementing ordinances and guidelines. For each item, one of four responses is given:

**No Impact: The project would not have the impact described.** The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

**Less Than Significant Impact:** The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

**Less Than Significant with Mitigation Incorporated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

**Potentially Significant Impact:** The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The Initial Study includes a discussion of the potential impacts and identifies mitigation measures to substantially reduce those impacts to a level of insignificance where feasible. All references and sources used in this Initial Study are listed in the Reference section at the end of this report and are incorporated herein by reference.

The Scot Bilbro has agreed to accept all mitigation measures listed in this Initial Study as conditions of

approval for the proposed project, and to obtain all necessary permits, notify all contractors, agents and employees involved in project implementation and any new owners should the property be transferred to ensure compliance with the mitigation measures.

## 1. AESTHETICS:

**Except as provided in Public Resources Code Section 21099, would the project:**

**a) Have a substantial adverse effect on a scenic vista?**

Comment:

The project site is within the Sonoma County's Scenic Resource Combining District for a Community Separator.

All structures located within a Community Separator (CS) are subject to the standards in Zoning Code Section 26-64-020 and General Plan Policy ORSC-2d, which require that all structures within an CS use natural landforms and existing vegetation to screen them from view from public roads. If necessary, Zoning Code Section 26-64-020 specifies that new landscaping used for screening should be comprised of native, fire resistant plants and trees.

The proposed development would be partially screened by existing vegetation of coast live oaks and native shrubs along Old Redwood Highway. To further reduce the view from the public road the proposed landscape plans include installing additional trees along Old Redwood Hwy, and additional trees and shrubs surrounding the proposed parking areas and winery production facility.

The project complies with the Zoning Code's maximum building height of 35 feet. The total square footage of building footprints is approximately 35,730 square feet or 0.82 acres. Zoning standards for LIA Zoning provide for a 5% maximum lot (building) coverage; the project will comply with this standard with five percent lot coverage. The project would also meet all zoning setback standards for new buildings from the property lines and the road centerline.

Pending final Design Review action, staff finds that the proposed design is generally consistent with the applicable Design Guidelines and design provisions within County Code. To ensure compliance with the Zoning Code's criteria for developing in a Community Separator, a mitigation measure has been incorporated into the project requiring final DRC approval on the project site plan, building elevations, colors and materials, signage, lighting plan, landscaping and irrigation plans prior to any grading and building permit issuance.

Significance Level:

Less than Significant Impact with Mitigation Incorporated

**Mitigation VIS-1:**

Prior to issuance of building permits, the project site plan, building elevations, colors and materials, signage, lighting plan, landscaping and irrigation plans shall be submitted for design review by the Design Review Committee.

**Mitigation Monitoring VIS-1:**

The Permit and Resource Management Department shall not issue the Building Permit until the project site plan, building elevations, colors and materials, signage, lighting plan, landscaping and irrigation plan has been submitted that is consistent with the approved plans and County standards. Permit Sonoma 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.

**b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?**

Comment:

The parcel is not located on a site visible from a state scenic highway.

Significance Level:

No Impact

**c) In non-urbanized areas substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Comment:

The character of the 16.3-acre site and surrounding lands is agricultural and rural development. Using the County’s Visual Assessment Guidelines, staff characterized the project site as having High visual sensitivity because it is located in the Scenic Resources Combining District and classified as a Community Separator. The project’s visual dominance can be categorized as Co-Dominant because the proposed tasting room parking will make the project visible from public view. Utilizing the Visual Assessment Guidelines’ matrix (Attachment 3), the project’s visual impact will be significant unless mitigated.

| Sensitivity | Visual Dominance      |                       |                       |                       |
|-------------|-----------------------|-----------------------|-----------------------|-----------------------|
|             | Dominant              | Co-Dominant           | Subordinate           | Inevident             |
| Maximum     | Significant           | Significant           | Significant           | Less than significant |
| High        | Significant           | <b>Significant</b>    | Less than significant | Less than significant |
| Moderate    | Significant           | Less than significant | Less than significant | Less than significant |
| Low         | Less than significant | Less than significant | Less than significant | Less than significant |

As discussed under item 1.a above, a mitigation measure has been incorporated into the project that requires the site plan, building elevations, walls and fences, signage, lighting plan, landscaping and irrigation plans receive final design review approval by the Design Review Committee to ensure compliance with the Zoning Code criteria for building in a Community Separator prior to issuance of building permits. With final Design Review, the project will not cause a significant visual impact.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation: See Mitigation Measure VIS-1

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?**

Comment:

The project will add new structures to the site and thus introduce new sources of light and glare. The County’s standard development regulations under Article 82 of the Zoning Code (Design Review), minimizes the impact of new development by ensuring that exterior lighting is designed to prevent glare, and preclude the trespass of light on to adjoining properties and into the night sky.

The above mentioned Mitigation Measure requires the lighting plan to be reviewed and approved by

the Design Review Committee. The project will require exterior lighting as necessary to comply with the California Building Code. A standard condition of approval requires "All new exterior lighting to be dark sky compliant, 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. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Prior to final occupancy of the cave portal, the applicant is required to demonstrate compliance with exterior lighting requirements by providing PRMD photograph documentation of all exterior light fixtures installed". By incorporating mitigation measures and standard conditions of approval, the project will not result in a new source of substantial light or glare which would adversely affect day or nighttime view in the area.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation: See Mitigation Measure VIS-1

## 2. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Would the project:**

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Comment:

The site currently contains approximately 5 acres of vineyard. According to the Sonoma County Important Farmlands Map, the project site is designated as a combination of Prime, Statewide Importance and Other land. There are currently approximately 16 acres of important farmland on the site. The project proposes a new winery building and related improvements totaling 0.82 acres and the location of this new development is in the areas designated as "Other Land" onsite and therefore no conversion of the Prime or Statewide importance land will take place. The project involves a new winery and tasting room and is consistent with the permitted uses of the General Plan and Zoning Code, provided that a Use Permit is obtained. The primary use of the site would remain in agricultural production with related agricultural processing and agricultural promotional visitor serving uses. All existing vineyards will remain intact, and no designated farmland will be converted to non-agricultural use. Therefore, the project would not convert a significant amount of important farmland to non-agricultural use and therefore potential impacts are less than significant.

Significance Level:

Less than Significant Impact

- b) **Conflict with existing zoning for agricultural use, or Williamson Act Contract?**

Comment:

The project site is zoned LIA (Land Intensive Agriculture) which allows Agricultural Processing, Tasting Rooms and Winery Events with a Conditional Use Permit and is not under a Williamson Act

contract.

Applicable Zoning Requirements:

Section 26-18-030 Ag Processing:

LIA, LEA, DA, AR zones: the use must be sized to accommodate, but not exceed, the needs of the on-site growing or processing operation. (general plan policy AR-5c). The proposed Winery does not propose any storage areas that would exceed the needs of the proposed 75,000 case production.

To approve an Agricultural Processing facility in the LIA, LEA, DA, or AR zone that processes products grown off-site, the review authority must find that the facility will be consistent with general plan policy AR-5g. The proposed Winery will be consistent with this policy with the proposed mitigation measure incorporated and as assessed in the visual assessment of the project.

Section 26-18-210 Tasting Rooms:

Shall not require the extension of sewer and water.

Must be consistent with general plan policy AR 6-d and AR 6-f. (see discussion in Planning and Land Use section)

The project has been determined to be consistent with the Zoning Ordinance as the project proposes a 75,000 case winery that processes grapes grown onsite and from Sonoma County. The proposed wine tasting room and events promote products processed on site and from the local area, is secondary and incidental to the agricultural production activities on site, and are compatible with existing uses in the area. The winery and tasting uses will not be detrimental to the rural character of the area.

Significance Level:

No Impact

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

Comment:

The project site is not under the TP (Timberland Production) zoning district, therefore the project will not conflict with, or cause the rezoning of, forest land or timberland zoned Timberland Production.

Significance Level:

No Impact

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

Comment:

The project does not result in a loss of forest land or conversion of forest land to non-forest use as the project site does not contain forest land nor any timber resources.

Significance Level:

No Impact

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?**

Comment:

The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use. The project site will remain zoned Land Intensive Agriculture and the existing commercial vineyard will remain on the site.

Significance Level:  
No Impact

### 3. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Comment:

The project is within the jurisdiction of the Northern Sonoma County Air Pollution Control District (NSCAPCD). The NSCAPCD does not have an adopted air quality plan because it is in attainment for all federal and state criteria pollutants, although the District occasionally exceeds state standards for PM<sub>10</sub>.

Significance Level:  
Less than Significant Impact

b) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?**

Comment:

The project is located in the NSCAPCD jurisdiction, a region that is in attainment for criteria pollutants under applicable state and federal ambient air quality standards, however, PM<sub>10</sub> is a criteria pollutant that is closely monitored in the NSCAPCD. Readings in the district have exceeded state standards on several occasions in the last few years. The high PM<sub>10</sub> readings occurred in the winter and are attributed to the seasonal use of wood burning stoves. Since the geographic area under the NSCAPCD jurisdiction is in attainment for all criteria air pollutants, meaning there have been no violations of State or Federal air quality standards, no CEQA thresholds of significance have been set for the NSCAPCD. NSCAPCD does, however, suggest the use of the Bay Area Air Quality Management District (BAAQMD) CEQA thresholds and mitigation measures.

The project will have no long-term effect on PM<sub>10</sub>, because all surfaces will be paved, gravel, landscaped or otherwise treated to stabilize bare soils, and operational dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM<sub>2.5</sub> and PM<sub>10</sub>) during construction. These emissions could be significant at the project level, and could also contribute to a cumulative impact. This impact would be reduced to less than significant by including dust control measures as described in mitigation measure below.

Although the project will generate some ozone precursors from project trip generation, an average of 84 new daily vehicle trips and an average of 1 daily winery truck trips, the project will not have a significant cumulative effect on ozone because it will not generate substantial traffic resulting in significant new emissions of ozone precursors (ROG and NO<sub>x</sub>, See table below). See discussion in 3 (a) above. An Air Quality Assessment prepared by James A Reyff of Illingworth & Rodkin, Inc is provided in Attachment 4.

| Scenario                                       | ROG            | NO <sub>x</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
|--|----------------|-----------------|------------------|-------------------|
| Operation Emissions                            |                |                 |                  |                   |
| From CalEEMod                                  | 0.32           | 0.25            | 0.25             | 0.07              |
| Wine Fermentation                              | <u>2.87</u>    | <u>0.00</u>     | <u>0.00</u>      | <u>0.00</u>       |
| Total  | 3.19 tons      | 0.25 tons       | 0.25 tons        | 0.07 tons         |
| <i>Significance Thresholds (tons per year)</i> | <i>40 tons</i> | <i>40 tons</i>  | <i>15 tons</i>   | <i>10 tons</i>    |
| <i>Exceed Threshold?</i>                       | No             | No              | No               | No                |

Significance Level:  
Less than Significant with Mitigation Incorporated

**Mitigation Measure AIR-1:**

The following dust control measures shall be included in the project:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

**Mitigation Monitoring AIR-1:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on all construction plans including plans for building and grading.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

Comment:

Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The nearest sensitive receptor is a residential area located approximately 160 feet away from winery production site.

Although there will be no long term increase in emissions, during construction there could be significant short term dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by the mitigation measure described in item 3b above.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation: See Mitigation Measure AIR-1

**d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)**

Comment:

The BAAQMD's CEQA Air Quality Guidelines (2022) identifies land uses associated with odor complaints to include, but are not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants.

Construction equipment may generate odors during project construction. The impact would be less than significant as it would be a short-term impact that ceases upon completion of the project.



The proposed Winery may generate objectional odors due to the pomace from grape crushing which can create objectionable odors if not handled properly. This impact would be reduced to less than significant by including odor controls as described in the following mitigation measure.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation Measure AIR-2:**

Implement Odor Controls for Winery Operations.

Pomace and other waste products from processing of grapes shall be disposed of within two days of processing in a manner that does not create nuisance odor conditions, or attract nuisance insects or animals. Disposal options include composting and land applied and disked into the soil on vineyards or agricultural land owned or controlled by the project applicant or immediate off-site disposal (no storage of waste product on site).

**Mitigation Monitoring AIR-2:** Permit Sonoma staff to verify installation of odor control measures prior to final occupancy. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it's determined by Permit Sonoma staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by Permit Sonoma. (Ongoing)

## 4. BIOLOGICAL RESOURCES:

### Regulatory Framework

The following discussion identifies federal, state and local environmental regulations that serve to protect sensitive biological resources relevant to the California Environmental Quality Act (CEQA) review process.

#### Federal

##### ***Federal Endangered Species Act (FESA)***

FESA establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The USFWS and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) are charged with implementing and enforcing the FESA. USFWS has authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

Section 9 of FESA prohibits the unlawful "take" of any listed fish or wildlife species. Take, as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action." USFWS's regulations define harm to mean "an act which actually kills or injures wildlife." Such an act "may include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR § 17.3). Take can be permitted under FESA pursuant to sections 7 and 10. Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

### ***The Migratory Bird Treaty Act of 1918 (MBTA)***

The U.S. MBTA (16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is “unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof...” In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching.

### ***The Clean Water Act (CWA)***

The CWA is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board enforces Section 401.

#### **Section 404.**

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into “waters of the U.S.”. “Waters of the U.S. include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks. Wetlands are defined as those areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3(b)). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it is in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The EPA has veto authority over the USACE’s administration of the Section 404 program and may override a USACE decision with respect to permitting. Substantial impacts to waters of the U.S. may require an Individual Permit’s Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that such permit’s other respective conditions are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

#### **Section 401.**

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB). The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the “401 Certification” application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final until completion of environmental review under the CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat

that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

## State

### ***California Endangered Species Act (CESA)***

Provisions of CESA protect state-listed threatened and endangered species. The CDFW is charged with establishing a list of endangered and threatened species. CDFW regulates activities that may result in “take” of individuals (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Game Code (CFGC), but CDFW has interpreted “take” to include the killing of a member of a species which is the proximate result of habitat modification.

### ***Fish and Game Code 1600-1602***

Sections 1600-1607 of the CFGC require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions in the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

### ***Nesting Birds***

Nesting birds, including raptors, are protected under CFGC Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under CFGC Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under CFGC 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

### ***Non-Game Mammals***

Sections 4150-4155 of the CFGC protects non-game mammals, including bats. Section 4150 states “A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission”. The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under the CFGC.

### ***California Fully Protected Species and Species of Special Concern***

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibians and reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with “fully protected” species state that these species “...may not be taken or possessed at any time and no

provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species," although take may be authorized for necessary scientific research. This language makes the "fully protected" designation the strongest and most restrictive regarding the "take" of these species. In 2003, the code sections dealing with "fully protected" species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California Species of Special Concern (CSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under the CEQA during project review.

### ***Porter-Cologne Water Quality Control Act***

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, and it applies to both surface and ground water. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the RWQCBs develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as "waters of the State," include isolated waters that are not regulated by the USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., dirt) to waters of the State must file a Report of Waste Discharge and receive either waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

### **Local**

#### ***Sonoma County General Plan***

The *Sonoma County General Plan 2020* Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors.

#### ***Riparian Corridor Ordinance***

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

#### ***Valley Oak Habitat (VOH) Combining District***

The VOH combining district is established to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of *Sonoma County General Plan 2020* Resource Conservation Element Section 5.1. Design review approval may be required of projects in the VOH, which would include

measures to protect and enhance valley oaks on the project site, such as requiring that valley oaks shall comprise a minimum of fifty percent (50%) of the required landscape trees for the development project.

### ***Sonoma County Tree Protection Ordinance***

The Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Chapter 26, Article 88, Sec. 26-88-010 [m]) establishes policies for protected tree species in Sonoma County. Protected trees are defined (Chapter 26, Article 02, Sec. 26-02-140) as the following species: big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizenii*), madrone (*Arbutus menziesii*), oracle oak (*Quercus morehus*), Oregon oak (*Quercus garryana*), redwood (*Sequoia sempervirens*), valley oak (*Quercus lobata*), California bay (*Umbellularia californica*), and their hybrids.

## **Project Analysis**

### **Would the project:**

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Comment:

#### *Special-Status Species*

Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (The Service) Birds of Conservation Concern, and CDFW special-status invertebrates, are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under the California Environmental Quality Act (CEQA). In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Plant species on California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Bat species designated as "High Priority" by the Western Bat Working Group (WBWG) qualify for legal protection under Section 15380(d) of the CEQA Guidelines. Species designated High Priority" are defined as "imperiled or are at high risk of imperilment based on available information on distribution, status, ecology and known threats.

#### *Endangered Species Act*

The Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 *et seq.*) was enacted to provide a means to identify and protect endangered and threatened species. Under the Section 9 of the ESA, it is unlawful to take any listed species. "Take" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting a listed species. "Harass" is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. "Harm" is defined as an act which actually kills or injures fish or wildlife and may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. Actions that may result in "take" of a

federal-listed species are subject to The Service or National Marine Fisheries Service (NOAA Fisheries) permit issuance and monitoring. Section 7 of ESA requires federal agencies to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species. Any action authorized, funded, or carried out by a federal agency or designated proxy (e.g., Army Corps of Engineers) which has potential to affect listed species requires consultation with The Service or NOAA Fisheries under Section 7 of the ESA.

#### *Critical Habitat*

Critical habitat is a term defined in the ESA as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species but which are needed for the species' recovery are protected by the prohibition against adverse modification of critical habitat.

#### *Essential Fish Habitat*

Essential Fish Habitat (EFH) is regulated through the NMFS, a division of the National Oceanic and Atmospheric Administration (NOAA). Protection of Essential Fish Habitat is mandated through changes implemented in 1996 to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to protect the loss of habitat necessary to maintain sustainable fisheries in the United States. The Magnuson-Stevens Act defines Essential Fish Habitat as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" [16 USC 1802(10)]. NMFS further defines essential fish habitat as areas that "contain habitat essential to the long-term survival and health of our nation's fisheries" Essential Fish Habitat can include the water column, certain bottom types such as sandy or rocky bottoms, vegetation such as eelgrass or kelp, or structurally complex coral or oyster reefs. Under regulatory guidelines issued by NMFS, any federal agency that authorizes, funds, or undertakes action that may affect EFH is required to consult with NMFS (50 CFR 600.920).

#### **Staff Analysis:**

A Biological Resource Assessment (Attachment 5) was prepared by Darren Wiemeyer in 2021 for the proposed project. The study finds potential impacts to Special Status Plant Species, Western Pond Turtle, Foothill Yellow-Legged Frog, California Red-Legged Frog, nesting birds, bats, identified wetland and protected trees as discussed further below.

#### Special Status Plant Species:

There are a number of rare, endangered, threatened, and/or otherwise sensitive plants that are generally known from this region, most of which grow in rocky, serpentine, chaparral, or wooded habitats, or in wetland habitats, ranging from perennial marshes to vernal pools and other seasonal wetlands. In particular, there are four state and federally listed vernal pool plants that have (at least historically) been reported from seasonal wetlands known in the region although extant populations or habitats are not known from project vicinity. These include Burke's goldfields (*Lashtenia burkei*), Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculanus*), and many-flowered navarretia (*Navarretia pliantha*). All of these species are generally vernal pool obligate species although they have been found occasionally in other wetland habitat contexts. They have the potential to occur in the seasonal wetland swale or seasonal drainage that occur at the center of the site.

Other than the artificial and altered wetland habitats on the site, non-native annual grassland / ruderal habitat is the most prevalent habitat type at the site. It is dominated by non-native annual grasses and weedy annual and perennial forbs that have replaced native perennial grasslands as a result of past agricultural and grazing uses. Dominant plant species that remain within the vineyard rows consist of wild oat (*Avena fatua*), perennial ryegrass (*Festuca perennis*), rip-gut brome (*Bromus diandrus*), soft chess (*Bromus mollis*), sheep sorrel (*Rumex acetosella*), clovers (*Trifolium* spp.), smooth catsear (*Hypochaeris glabra*) and English plantain (*Plantago lanceolata*), spring vetch (*Vicia sativa*), and red-stemmed filaree (*Erodium cicutarium*).

Implementation of Mitigation Measure BIO-1 would avoid any potential impacts on special status plants or sensitive natural plant communities to a less-than-significant level by requiring standard construction fencing and signage practices and pre-construction surveys ensure that measures recommended by the biologist or CDFW to avoid sensitive habitat or species are followed.

### Special Status Wildlife Species

#### **American Badger**

American badger (*Taxidea taxus*) generally occur in open pasture and grassland habitats and are most abundant in drier open stages of most shrub, forest and herbaceous habitats with friable soils on uncultivated ground. They dig their own burrows and prey primarily on burrowing rodents. The site provides limited, but potentially suitable habitat for this species. However, there were no large burrows observed at the site which would greatly limit the likelihood that this species occurs at the site. There are no CNDDDB occurrences of this species within 5-miles of the site. It is unlikely that this species utilizes habitats at the site because of the lack of large burrows. This species was not observed at the site. Therefore, it has been determined that there will be no significant impact to this species as a result of the proposed project.

#### **Western Pond Turtle**

Western pond turtle (*Emys marmorata*) occurs in reservoirs, ponds, vernal pools, brackish estuaries, sloughs, drainage ditches, and perennial streams. They require basking sites and suitable upland habitat adjacent to aquatic habitats for egg-laying. Basking sites are typically logs, small islands and docks. The upland areas typically used by this species include sandy banks or grassy open fields. The seasonal wetland and seasonal drainage at the site provides very limited, but potentially suitable habitat for this species as it lacks long duration pools and basking sites and is quite small for a seasonal stream. There are several CNDDDB occurrences of this species within 5-miles of the site, with the nearest being approximately 2.1-miles to the northwest of the site in Dry Creek. This species was not observed at the site. The proposed bridge will avoid impacts to the seasonal wetland, seasonal drainage, riparian scrub or riparian woodland habitat, which provides suitable habitat for this species. Adequate development setbacks to the seasonal wetland and seasonal drainage and installation of maintenance of appropriate erosion and sediment control measures during construction activities will prevent significant indirect impacts to this species habitat. However, construction activities associated with the proposed bridge has the potential to impact this species, in the event it occurs at the site.

Implementation of Mitigation Measure BIO-2 would reduce potential impacts on western pond turtle to a less-than-significant level by requiring preconstruction surveys and the protection of western pond turtles from construction-related injury, mortality, or other disturbance.

#### **Foothill Yellow-Legged Frog**

Foothill yellow-legged frog (*Rana boylei*) occurs in shallow streams with a rocky substrate, undercut banks and exposed roots. They need at least some cobble-sized substrate for egg-laying. This species typical stays within the confines of a stream channel and its riparian corridor. The seasonal drainage provides very limited, yet potentially suitable habitat for this species. However, this species

is found in foothill regions to the west and east of the Santa Rosa Plain, so it is highly unlikely that this species would utilize this small seasonal drainage. There are several CNDDDB occurrences of this species within 5-miles of the site with the nearest occurrence located approximately 2.3-miles to the west of the site in the Mill Creek watershed. This species was not observed at the site. The proposed bridge will avoid impacts to the seasonal wetland, seasonal drainage, riparian scrub or riparian woodland habitat, which provides suitable habitat for this species. Adequate development setbacks to the seasonal wetland and seasonal drainage and installation of maintenance of appropriate erosion and sediment control measures during construction activities will prevent significant indirect impacts to this species habitat. However, construction activities associated with the proposed bridge has the potential to impact this species, in the event it occurs at the site.

Implementation of Mitigation Measure BIO-2 would reduce potential impacts on foothill yellow-legged frog to a less-than-significant level by requiring preconstruction surveys and the protection of foothill yellow-legged frog from construction-related injury, mortality, or other disturbance.

### **California Red-Legged Frog**

California red-legged frog (*Rana draytonii*) occurs in low-gradient stream reaches, ponds, reservoirs, vernal pools, and brackish lagoons. Breeding occurs from November through April, and eggs are laid in standing or slow-moving shallow water in floating masses attached to vegetation. The larvae require 3.5 to 7 months to reach metamorphosis, which usually occurs between July and September (Jennings and Hayes 1994). Adults prefer deep (>2ft. depth), standing or slow-moving water with dense, shrubby riparian vegetation, especially Arroyo willow (*Salix lasiolepis*) or dense emergent vegetation such as bulrush (*Scirpus* spp.) and cattail (*Typha* sp.). Both adults and juveniles routinely leave the water to forage in riparian areas, and some are known to move long distances (up to 2 miles) overland during the rainy season, and can be found within streams up to 2 miles from breeding sites (USFWS 2000). The primary constituent elements for California red-legged frogs are aquatic and upland areas where suitable breeding and non-breeding habitat is interspersed throughout the landscape and is interconnected by un-fragmented dispersal habitat. Specifically, to be considered to have the primary constituent elements an area must include two (or more) suitable breeding locations, a permanent water source, associated uplands surrounding these water bodies up to 91 meters (300 feet) from the water's edge, all within 2 kilometers (1.25 miles) of one another and connected by barrier-free dispersal habitat that is at least 91 meters (300 feet) in width. The site is located within the potential range, but is not within any listed critical habitat areas for California red-legged frog. There are no CNDDDB occurrences within 5-miles of the site. There is no suitable breeding habitat for this species in the seasonal drainage at the site as this species prefers stock ponds, marshes and ponds with emergent vegetation. However, the seasonal drainage and the riparian scrub and riparian woodland habitat do provide suitable foraging, refuge and dispersal habitat. The non-native annual grassland and ruderal areas at the site provides very limited habitat suitability for foraging and refuge habitat. This species was not observed at the site. The proposed bridge will avoid impacts to the seasonal wetland, seasonal drainage, riparian scrub or riparian woodland habitat, which provides suitable habitat for this species. Adequate development setbacks to the seasonal wetland and seasonal drainage and installation of maintenance of appropriate erosion and sediment control measures during construction activities will prevent significant indirect impacts to this species habitat. However, construction activities associated with the proposed bridge has the potential to impact this species, in the event it occurs at the site.

Implementation of Mitigation Measure BIO-2 would reduce potential impacts on California Red-legged frog to a less-than-significant level by requiring preconstruction surveys and the protection of California Red-legged frog from construction-related injury, mortality, or other disturbance.

### **Nesting Raptors, Special-Status Birds, and Birds**

Habitat for four of special-status bird species occurs in the vicinity of the project site: Cooper's Hawk, Tricolored Blackbird, Burrowing Owl and White-tailed Kite.

Cooper's hawk (*Accipiter cooperii*) is generally found in dense stands of live oak, riparian deciduous,



or other forest habitats near water. Habitats at the site provides suitable foraging habitat for this species and larger trees at the site may provide potentially suitable nesting habitat for this species. There are no CNDDDB occurrences of this species within 5-miles of the site. This species was not observed at the site.

Tri-colored blackbird (*Agelaius tricolor*) is a highly colonial species and is largely endemic to California. It requires open water, protected nesting substrate and a foraging area with insect prey. It is known to nest in freshwater marshes with dense emergent vegetation. The seasonal wetlands and seasonal drainage provides potentially suitable habitat for this species, but it does not contain aquatic emergent vegetation such as cattails. It is unlikely that this species utilizes habitats at the site. There are no CNDDDB occurrences of this species within 5 miles of the site. This species was not observed at the site.

Burrowing owl (*Athene cunicularia*) occurs in open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Burrowing owl is a subterranean nester which is dependent upon burrowing mammals, most notably, the California ground squirrel. The site provides very limited, but potentially suitable habitat for this species. The small to medium burrows at the northern end of the site, may be ground squirrel burrows. However, there was no evidence that burrowing owls were using these burrows and there were not in an elevated location surrounded by open grasslands, which greatly limits the likelihood that this species occurs on the site. There are no CNDDDB occurrences of this species within 5-miles of the site (Figure 5). It is unlikely that this species occurs at the site because of the lack of medium to large burrows. This species was not observed at the site.

White-tailed kite (*Elanus leucurus*) is generally found in rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodlands. They typically nest in oak trees with dense tops. The site provides suitable foraging habitat for this species and the larger oak trees at the site provides suitable nesting habitat for this species. There is a CNDDDB occurrence of this species approximately 2.8-miles to the north of the site. There is some likelihood that this species could initiate nesting at the site. This species was not observed at the site.

The proposed project will avoid impacts to any trees at the site. The Marietta bridge aspect of the proposed project will avoid impacts to the seasonal wetland, seasonal drainage, riparian scrub and riparian woodland habitat at the site. The proposed project will result in the loss of potentially suitable foraging habitats for these species. Winery development activities may disturb these species if they initiate nesting at the site. Therefore, it has been determined that there may be a significant impact to these species as a result of the proposed project without appropriate avoidance and mitigation measures.

Implementation of Mitigation Measure BIO-3 would reduce impacts on nesting raptors, special-status birds, and other birds to a less-than-significant level because preconstruction surveys would be conducted, and active raptor and other bird nests would be protected from construction activities.

### **Special-Status Bat Species**

All special-status bat species, including several bat species which do not have special status, but have potential to occur in habitats at the site, have been included in this evaluation of habitat suitability and discussion of potential impacts. All bat species have state protection during nesting and roosting seasons. The following bat species are included in this habitat assessment: Pallid Bat (*Antrozous pallidus*), Townsend's Big-Eared Bat (*Corynorhinus townsendii*), Western red bat (*Lasiurus blossevillii*), Hoary Bat (*Lasiurus cinereus*), Fringed Myotis (*Myotis thysanodes*), Long-legged Myotis (*Myotis volans*) and Yuma Myotis (*Myotis yumanensis*).

Bats are known to utilize a vast variety of habitat types for foraging and several types of structures for nesting and roosting including trees, cliffs, rock outcrops, buildings, bridges, caves and mines. The habitats at the site provides suitable foraging habitat for bats. Several of the larger trees at the site within the valley oak woodland and riparian woodland provide potentially suitable habitat for roosting

as they exhibit cavities, fissures or exfoliating bark. Some of the agricultural structures could also provide suitable roosting habitat. There is some likelihood that bat species roost in the larger trees that exhibit these habitat features at the site, especially the large eucalyptus trees and large valley oak trees.

There are several CNDDDB occurrences of special-status bat species within 5-miles of the site. These species include pallid bat and Townsend's big eared bat. It is somewhat likely that several of the other special-status bat species utilize habitats within the vicinity of the site. Bat species were not observed at the site. The larger trees at the site exhibited suitable roosting habitat in the form of cavities and flaking bark.

Implementation of Mitigation Measure BIO-4 would reduce impacts on special-status bats to a less-than-significant level because preconstruction surveys would be conducted, and active bat roosts would be protected from construction activities.

### **Special-status Invertebrates**

The western bumble bee and obscure bumble bee are the only two special-status invertebrate species reported to occur in the region that could possibly occur at the project site, but neither of these two species have been reported to occur within five miles of the site. There is some likelihood that these species utilize less disturbed habitats at the site, but the proposed development areas provide very limited habitat value for this species because of the lack of floral resources and undisturbed underground nest sites. This species was not observed at the site. Therefore, it has been determined that there will be no significant impact to this species as a result of the proposed project.

#### Significance Level:

Less than Significant with Mitigation Incorporated

#### **Mitigation Measure BIO-1:**

**Special Status Plant Species Surveys.** A qualified biologist shall conduct a focused-level pre-construction survey of the project site prior to construction activities for *Lashtenia burkei* (April-June), *Blennosperma bakeri* (March-April), *Limnanthes vincularis* (April-May), and *Navarretia plieantha* (April-June), and for other CESA-listed species. If special-status plants are observed, their locations shall be mapped and Permit Sonoma and CDFW shall be contacted to determine if additional mitigation measures are needed to avoid impacts on the species.

**Sensitive Natural Plant Community Surveys.** A qualified biologist shall conduct a pre-construction survey of the remnant grasslands on the project site prior to construction activities using relevant CDFW and CNPS releve-protocols or other equivalent quantitative vegetation survey methods (e.g., transect/quadrat) to be able to calculate relative cover of native and non-native species in the remnant grassland areas and determine if sensitive natural native grassland is present on the project site. If present Permit Sonoma and CDFW shall be contacted to determine if additional mitigation measures are needed to avoid impacts on these habitats.

No later than 7 days prior to initiation of construction, and throughout the construction process for the project, orange construction fencing and a double-row of staked wattles shall be installed around the construction facing perimeters of the seasonal wetland swale, seasonal drainage and potential native grassland areas and signs posted at least every 50 feet that state (DO NOT ENTER, HABITAT AREA).

#### **Mitigation Monitoring BIO-1:**

Prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of construction fencing, sign installation and pre-construction surveys and ensure that measures recommended by the biologist or CDFW to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-2:**

Western Pond Turtle, Foothill Yellow-Legged Frog and California Red-Legged Frog Surveys. A Qualified Biologist shall conduct a pre-construction survey for the Western Pond Turtle, Foothill Yellow-Legged Frog or California Red-Legged Frog and their nests within 48 hours of the commencement of project activities. If these species or their nests are detected at any time CDFW shall be notified immediately, and the Qualified Biologist shall relocate them to appropriate habitat within the stream it was found. The project shall prepare and implement a Western Pond Turtle, Foothill Yellow-Legged Frog or California Red-Legged Frog Habitat Improvement Plan, any of these species or their nests are found, if required and approved by CDFW.

**Mitigation Monitoring BIO-2:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the surveys have been completed and, if any Western Pond Turtle, Foothill Yellow-Legged Frog or California Red-Legged Frog are found, CDFW has been notified and a Habitat Improvement Plan has been prepared and implemented prior to starting Project activities.

**Mitigation Measure BIO-3:**

The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related vegetation removal and site disturbance:

- (a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.
- (b) If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. In addition, the qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest on the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (e.g., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted on the project site and within 100 feet of the construction limits for nesting non-raptors and 500 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.
- (c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 100 feet of non-raptor nests and 500 feet of raptor nests. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW

that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice-weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction related activities that have the potential to disturb any active nests during the nesting season.

- (d) Specifically, with regards to potential burrowing owl wintering habitat in the remnant annual/perennial grasslands and else-where on the project site, a pre-wintering season survey shall be conducted by a qualified biologist during any year in which construction activities will occur between September 1 and January 31 following the 2012 CDFW Staff Report on Burrowing Owl Mitigation focusing on vegetation type and height, suitable burrows (with an opening of 11 cm in diameter and a depth greater than 150 cm, burrow surrogates culverts, piles of concrete, rubble, piles of soil, pipes, etc.) and the presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material, and the presence of burrowing owl individuals or pairs. If evidence of burrowing owls is detected, the locations shall be mapped and Permit Sonoma and CDFW shall be contacted to determine if additional mitigation measures are needed to avoid impacts on the species.

**Mitigation Monitoring BIO-3:**

Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

**Mitigation Measure BIO-4:**

Bat Protection: Prior to any tree or building removal, a qualified bat biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 days prior to tree or building removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting two-step tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

**Mitigation Monitoring BIO-4:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the results of the bat habitat assessment have been submitted to CDFW for written acceptance prior to starting Project activities.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Comment:

All blueline streams shown on the USGS maps are designated for protection in the Sonoma County General Plan. The seasonal swale and seasonal wetland are not designated with Sonoma County Riparian Corridor Ordinance setbacks, however removal of riparian vegetation must comply with General Plan policies that govern riparian corridors for a distance of 50 ft. from the top of the highest bank.

**Objective OSRC-8.1:** Designate all streams shown on USGS 7.5 minute quadrangle topographic maps as of March 18, 2003, as Riparian Corridors and establish streamside conservation areas along these designated corridors.

**Policy OSRC-8a:** Classify "Riparian Corridors" designated in the Open Space and Resource Conservation Element as follows:

- (1) "Russian River Riparian Corridor" is the corridor adjacent to the main stem of the Russian River, excluding lands located within the Urban Residential, Commercial, Industrial, or Public-Quasi Public land use categories or within the jurisdiction of a city.
- (2) "Flatland Riparian Corridors" are the corridors adjacent to designated streams in the 1989 General Plan that flow through predominantly flat or very gently sloping land, generally with alluvial soil. This classification excludes areas located within the "Russian River Riparian Corridor" or within the Urban Residential, Commercial, Industrial, or Public/Quasi-Public land use categories.
- (3) "Other Riparian Corridors" are the corridors adjacent to all designated streams not included in (1) or (2) above.\*

**Policy OSRC-8b:** Establish streamside conservation areas along both sides of designated Riparian Corridors as follows, measured from the top of the higher bank on each side of the stream as determined by PRMD:

- (1) Russian River Riparian Corridor: 200'
- (2) Flatland Riparian Corridors: 100'
- (3) Other Riparian Corridors: 50'\*

The mitigation measure below is designed to ensure project consistency with Sonoma County General Plan policies for designated riparian corridors.

In addition to consistency with Sonoma County General Plan, per Sonoma County Code Section 11.14.110 all grading must be 50 feet from the identified wetland. This setback would be satisfied by the mitigation measure below.

Riparian scrub and riparian woodland habitat occurs at the site in association with the seasonal drainage. Dominant plant species consist of valley oak (*Quercus lobata*) and Himalayan berry. Riparian scrub and riparian woodland habitat is a sensitive habitat type that falls within the jurisdiction of the CDFW.

Proposed construction of the new winery buildings and related improvements are more than 50 ft from the stream and wetland features except for the new vehicular bridge that will be used to cross the unnamed seasonal stream and wetland features to access the new winery building. The proposed bridge will avoid impacting the riparian scrub and riparian woodland habitats within the seasonal drainage at the site as the bridge will span over the seasonal drainage and the two bridge abutments will be outside of the top of bank and Ordinary High-Water mark. Mitigation Measure BIO-5 and Conditions of Approval requiring Best Management Practice during the construction and grading associated with the construction will reduce the impact to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure BIO-5:**

No vegetation will be pruned or removed within 50 ft. from the top of the highest bank along the unnamed seasonal swale and seasonal wetland. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Any pruning that is done, including for utility line clearance, will conform to the American National Standard for Tree Care Operation Tree, Shrub, and Other Woody Plant Maintenance Standard Practices, Pruning (ANSI A300 Part 1)-2008 Pruning), and the companion publication Best Management Practices: Tree pruning (ISA 2008). Roots will only be unearthed when necessary. Once construction is completed, the disturbed area from the construction shall be replanted to restore herbaceous, shrub and tree riparian vegetation.

**Mitigation Monitoring BIO-5:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the 50-foot riparian setback is identified on the building, grading, and improvement plans and plans for the restoration of the areas disturbed by the construction of the bridge are submitted to Permit Sonoma for review.

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Comment:

**Regulatory Framework**

The Army Corps of Engineers (Corps) regulates “Waters of the United States”, including adjacent wetlands, under Section 404 of the federal Clean Water Act. Waters of the United States include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. Potential wetland areas are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act. Areas that are inundated for sufficient duration and depth to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high water mark (OHWM). The discharge of dredged or fill material into a Waters of the U.S. (including wetlands) generally requires a permit from the Corps under Section 404 of the Clean Water Act.

“Waters of the State” are regulated by the Regional Water Quality Control Board (Water Board) under the State Porter-Cologne Water Quality Control Act. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the State. RWQCB jurisdiction includes “isolated” wetlands and waters that may not be regulated by the ACOE under Section 404 (such as roadside ditches). Section 401 of the Clean Water Act specifies that any activity subject to a permit issued by a federal agency must also obtain State Water Quality Certification (401 Certification) that the proposed activity will comply with state water quality standards. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to Waters of the State, the Water Board has the option to regulate the dredge and fill activities under its state authority through its Waste Discharge Requirements (WDR) program.

Per Sonoma County Code Section 11.14.110 all grading must be 50 feet from the identified wetland. This setback would be satisfied by BIO-5 above.

As discussed above, there are two aquatic resources mapped on the project that are waters of the

state and/or waters of the United States: one wetland ditch and one wetland swale/drainage. Direct impacts to these aquatic resources are not proposed and construction and pre-construction best management practices, (fencing, wattles, and signage) are proposed in Mitigation Measure BIO-1.

Implementation of Mitigation Measures BIO-6 and BIO-7 would prevent direct impacts on the ephemeral drainage swale. This impact would be less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure BIO-6:**

The applicant shall obtain Regional Water Quality Control Board and Army Corp of Engineers Section 401 certification and 404 permit and other applicable agency's permits and approval of final project plans (e.g. CDFW 1600 permit) that may affect the any of the aquatic resources on the project site especially the Wetland and ephemeral drainage swale for construction activities associated with improvements and landscaping for the project driveway and bridge construction activities will include the use of temporary fencing and water quality controls to protect this feature (BIO-1).

**Mitigation Monitoring BIO-6:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff permit(s) from the Regional Water Quality Control Board and Army Corp of Engineers and other applicable agencies (e.g. CDFW 1600 permit) or is provided or documentation that no such permit(s) are required is provided.

**Mitigation Measure BIO-7:**

Prior to the issuance of building permits, grading permits, or advertising for construction bids, and appropriate disposal site shall be identified. The contractor will be required to provide evidence to the County that the site does not affect wetlands or other protected resources such as trees or rare plant communities. Surplus concrete rubble or pavement that cannot be reused at the project site shall either be disposed of at an acceptable and legally permitted disposal site or taken to a permitted concrete and/or asphalt recycling facility.

**Mitigation Monitoring BIO-7:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until contractor provides evidence of appropriate disposal locations and plans.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Comment:

The property is located within a much larger tract of agricultural/viticultural and lightly developed land northwest of urban development in Windsor. The property includes a seasonal swale and wetland that supports riparian woodland and corridor. The corridor presumably serves as a movement and habitat corridor for an array of wildlife, and provides a linkage between the baylands of Sonoma and Napa Counties and other rural areas to the north. Ephemeral streams (even when dry) and associated vegetation within the property presumably provide very localized movement and shelter habitat for common wildlife species. The proposed project does not include tree removal in these designated areas and is designed to avoid streams and wetlands on the property and therefore is not anticipated to interfere with the movement of wildlife.

The previous Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6 and BIO-7 will reduce impacts to a level that would be less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6 and BIO-7

- e) **Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?**

Comment:**Tree Protection Ordinance**

Chapter 26, Article 88. Sec. 26-08-010 (m) of the Sonoma County Code contains a tree protection ordinance (Sonoma County 2013). The ordinance designates 'protected' trees as well as provides mitigation standards for impacts to protected trees.

**Sonoma County General Plan**

The *Sonoma County General Plan 2020* (Sonoma County 2008) Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors. Policy OSRC-8b establishes streamside conservation areas along designated riparian corridors.

**Riparian Corridor Ordinance**

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

The proposed new construction of the winery and agricultural workshop do not require the removal of any trees. The construction of the vehicular bridge may require tree removal and the Mitigation Measure below will reduce that potential impact to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure BIO- 8:**

The applicant shall provide a final landscape plan demonstrating compliance with the County's Tree Protection Ordinance, including tree replacements consistent with Ordinance requirements.

**Mitigation Monitoring BIO-8:**

The applicant shall provide the final landscape plan prior to issuance of a grading permit, with tree plantings confirmed by Permit Sonoma site inspection prior to issuance of an occupancy permit.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?**

Comment:

Habitat Conservation Plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan.



Significance Level:  
No Impact

## 5. CULTURAL RESOURCES:

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

Comments:

A Historical Resource Study was performed by Eileen Barrow, M.A. of Tom Origer and Associates on April 21, 2023 (Attachment 6). The project was also evaluated by the Sonoma County Landmarks Commission on October 3, 2023. The Landmarks Commission agreed with the findings made in the Historical Resource Study (discussed below).

This complex was evaluated for inclusion on the California Register of Historical Resources (California Register). Briefly, a resource eligible for the California Register is one that meets one of the following criteria.

- *Criterion 1: Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.*
- *Criterion 2: Is associated with the lives of persons important to local, California, or national history.*
- *Criterion 3: Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of a master, or possesses high artistic values.*
- *Criterion 4: Has yielded, or may be likely to yield, information important to the prehistory or history of the local area, California, or the nation.*

In addition to meeting one or more of the above criteria, eligibility for both the California Register requires that a resource retains sufficient integrity to convey a sense of its significance or importance. Seven elements are considered key in considering a property's integrity: location, design, setting, materials, workmanship, feeling, and association.

The context used for this property was Sonoma County Agriculture. The following conclusions were reached regarding the property's eligibility for the California Register as an individual resource.

Historic Resource Study Conclusions:

- **Criterion 1:** The R. A. Petray Complex is associated with the most important aspect of Sonoma County's economy, agriculture. Viticulture and dairy farming played a major role in the county's agricultural development and continue to make significant contributions. To meet Criterion 1, the R. A. Petray Complex would need to be an exemplary model of these resource types. For viticulture, Ransom Petray is listed as growing grapes but was not a well-known winemaker or producer as some people in the Healdsburg area were, such as the Seghesios, the Simis, and the Foppianos. Given R. A. Petray was not a notable winemaker or producer and the property ceased growing grapes many years ago, the property does not meet Criterion 1 for its association with grape growing and winemaking. For its association with dairying, very little was found beyond Beaumont's child Richard entering cows into various fairs and Wortham presenting to delegates of the California Jersey Cattle Club about the future of Jersey cow dairying. Given the small dairy was not

well known during its time of operation and ceased its commercial operations 50 years ago, it does not meet Criterion 1.

- Criterion 2: The R. A. Petray Complex is best associated with Ransom Petray, who owned and farmed the property for nearly 50 years. While Ransom was a locally notable person, as were his children, his contributions to the agricultural history of Sonoma County is minimal and does not elevate him to a position of significance under Criterion 2.
- Criterion 3: Criterion 3 speaks to the architectural significance of a property. It appears that the house on the property was constructed in 1883, not 1867 as was originally thought (HTEX 1883; Langhart Museum 1983). Since its original construction, the building has had two wings added to the north and south sides, some additions towards the rear, and the incorporation of an adjacent tank house. Though the house still retains some of its wood-framed windows and minimal Italianate elements, the additions and other alterations detract from the building's original farmhouse look. Given the alterations that have taken place, it no longer would qualify for inclusion on the California Register under Criterion 3. Though the barn roof is of a somewhat unique shape for this area, it is not unique enough to raise it to a level that would make it eligible for inclusion on the California Register for its architecture. The remaining outbuildings are ubiquitous vernacular farm buildings that do not meet Criterion 3.
- Criterion 4. This property does not meet Criterion 4. Criterion 4 generally applies to archaeological resources or resources that, through study of construction details, can provide information that cannot be obtained in other ways. The dairy buildings and the building foundation possess no intrinsic qualities that could answer questions or provide important information about our history.

Research and field examination of the buildings at 11971 Old Redwood Highway has shown that the property is not eligible for inclusion on the California Register as none of the eligibility criteria were met.

Significance Level:

Less than Significant Impact

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

Comment:

On November 17, 2022 Permit Sonoma referred the project application to Native American Tribes within Sonoma County to request consultation under AB-52 (the request for consultation period ended December 16, 2022). No requests for consultation were received.

There are no known archaeological resources on the site, but the project could uncover such materials during construction. Consistent with the CEQA Guidelines the following mitigation measure has been incorporated into the project.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure TCR-1

Mitigation Monitoring

See Mitigation Monitoring TCR-1

**c) Disturb any human remains, including those interred outside of dedicated cemeteries?**

Comment:

The project site is not located within vicinity of any known unique paleontological resource or site or unique geologic. As described in Section 5.b) above, mitigation measures are in place to protect any paleontological resources or prehistoric, historic or tribal cultural resources that may be encountered during ground-disturbing work.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure TCR-1

Mitigation Monitoring

See Mitigation Monitoring TCR-1

## 6. ENERGY:

**Would the project:**

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Comment:

The project will not result in significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Standard construction practices will be used.

**Construction:**

Energy would be required to operate and maintain construction equipment and transport construction materials. The one-time energy expenditure required to construct the infrastructure associated with the projects would be nonrecoverable. Most energy consumption would result from operation of off-road construction equipment and on-road vehicle trips associated with commutes by construction workers and haul trucks trips. The energy needs for project construction would be temporary and are not anticipated to require additional capacity or substantially increase peak or base period demands for electricity and other forms of energy. Associated energy consumption would be typical of that associated with winery projects of this size in a rural setting. Although the one-time energy expenditure required to construct the project would be nonrecoverable, it would not be consumed in a wasteful, inefficient, or unnecessary manner.

**Operational:**

The projects would increase electricity consumption in the region relative to existing conditions. However, the projects would be built according to the latest Title 24 Building Energy Efficiency Standards). Increased energy use would occur as a result of increased electricity for building and facility operations and vehicle-based visitation to the project sites. Operation of the project would be typical of tasting room and winery operations requiring electricity for lighting, and climate control, and miscellaneous appliances. Transportation energy demand from the implementation of the projects would be reduced by federal and State regulations including the Low Carbon Fuel Standard, Clean Car Standards, and Low Emission Vehicle Program. The sites would also include onsite renewable energy generation from photovoltaic solar panels to supplement the project's energy demand as well as EV charging facilities. Any additional energy use would be supplied by Sonoma Clean Power, which provides increased levels of renewable energy sourced energy from typical energy supplied by an investor-owned utility. Furthermore, the projects would not use natural gas or propane as an energy source.

Thus, the projects' energy consumption from construction, building operation, and transportation

would not be considered wasteful, inefficient, or unnecessary.

Significance Level:  
Less than Significant Impact

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

Comment:

As noted above, the projects' facilities and buildings would comply with the latest Title 24 Building Energy Efficiency Standards, which are intended to increase the energy efficiency of new development projects in the state and move the State closer to its zero-net energy goals. The project would be automatically enrolled as a member of the SCP, which serves as the Community Choice Aggregate (CCA) for the County. SCP works in partnership with PG&E to deliver GHG-efficient electricity to customers within its member jurisdictions. The project would also be all electric and provide EV charging facilities consistent with state efforts (e.g., 2022 Scoping Plan Update) for energy efficiency and fossil fuel use reduction. Implementation of the projects would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Significance Level:  
Less than Significant Impacts

## **7. GEOLOGY AND SOILS:**

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Existing geologic conditions that could affect new development are considered in this analysis. Impacts of the environment on the project are analyzed as a matter of County policy and not because such analysis is required by CEQA.

Comment:

The site is not located in an Alquist-Priolo fault zone or on a known fault based on the Safety Maps in the Sonoma County General Plan. The Uniform Building Code has been developed to address seismic events in California and development which complies with the Code will result in buildings which should withstand the most severe reasonably anticipated seismic event.

Significance Level:  
Less than Significant Impact

- ii. Strong seismic ground shaking?**

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. By applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Project conditions of approval require that

building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would therefore not expose people to substantial risk of injury from seismic shaking. The following mitigation measures will ensure that potential impacts are reduced to less than significant levels.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation GEO-1:**

All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code). All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

**Mitigation Monitoring GEO-1:**

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 requirement.

**iii. Seismic-related ground failure, including liquefaction?**

Comment:

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting ground failure. Areas of Sonoma County most at risk of liquefaction are along San Pablo Bay and in alluvial valleys. The subject site is not identified on the map in Safety Element (PS-1c) as Very High, High or Medium Liquefaction Hazard Areas.

Significance Level:

Less than Significant Impact

**iv. Landslides?**

Comment:

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials landslides are a hazard. According to the Geotechnical Review (Attachment 7) the project includes structures located within a landslide hazard area. Building or grading could destabilize slopes resulting in slope failure. All structures will be required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements. Implementation of Mitigation Measures GEO-1, above would reduce any impacts to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure GEO-1

Mitigation Monitoring

See Mitigation Monitoring GEO-1

**b) Result in substantial soil erosion or the loss of topsoil?**

Comment:

The project includes grading, cuts and fills which require the issuance of a grading permit. Unregulated grading, both during and post construction, has the potential to increase the volume of runoff from a site which could have adverse downstream flooding and further erosion impacts, and increase soil erosion on and off site which could adversely impact downstream water quality.

County grading ordinance design requirements, adopted County grading standards and best management practices (such as silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, will be applied to the project, and are specifically designed to prevent soil erosion and loss of topsoil.

The County adopted grading ordinances and standards and related conditions of approval which enforce them are specific, and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, Low Impact Development (LID) and any other adopted best management practices. Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met.

Significance Level:

Less than Significant Impact

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Comment:

The project site is subject to seismic shaking and other geologic hazards as described in item 6.a.ii, iii, and iv, above.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure GEO-1

Mitigation Monitoring

See Mitigation Monitoring GEO-1

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Comment:

Potential impacts will be addressed through appropriate structural design and construction standards. Soil stability is further addressed in the project preliminary geotechnical study, prepared by Robert Di Jorio with PJC& Associates, Inc. on October 22, 2021 (Attachment 7), which found that, based on subsurface borings and soils testing, that soils on the project site are weak, porous and highly expansive. It is recommended that a minimum of 30 inches of surface soils be removed and replaced with engineered fill material. The project will also be conditioned to require building permits to be approved in compliance with Building Code standards.

Significance Level:

Less than Significant Impact

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

Comment:

The project site is not in an area served by public sewer. Preliminary documentation provided by the applicant and reviewed by the Permit Sonoma Project Review Health Specialist indicates that the soils on site could support a septic system and the required expansion area.

Significance Level:

No Impact

**f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Comment:

A Historical and Archeological Resources Survey was prepared for the project by professional archaeologists on April 21, 2023 (Attachment 6).

Significance Level:

No Impact

## **8. GREENHOUSE GAS EMISSIONS:**

**Would the project:**

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Comment:

Section 15064.4 of the State CEQA Guidelines assists lead agencies in determining the significance of the impacts of GHG emissions. Section 15064.4 gives lead agencies the discretion to assess emissions quantitatively or qualitatively. The CEQA Guidelines do not establish a threshold of significance. Lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or other experts, so long as any threshold chosen is supported by substantial evidence.

The Bay Area Air Quality Management District's (BAAQMD) 2022 Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects acknowledges that evaluating climate impacts under CEQA can be challenging because global climate change is inherently a cumulative problem, rather than the result of a single source of greenhouse gas (GHG) emissions. With that in mind, the BAAQMD has recommended thresholds of significance as to whether a proposed project would have a "cumulatively considerable" contribution to the significant cumulative impact on climate change.

For land use development projects, the BAAQMD recommends using an approach which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. Using this approach, a project that is consistent with and would contribute its "fair share" towards achieving those long-term climate goals can be found to have a less-than-significant impact on climate change under CEQA because the project would, in effect, help to solve the problem of global climate change. Applying this approach, the Air District has analyzed what will be required of new land use development projects to achieve California's long-term climate goal of carbon neutrality by 2045.

Because GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas that the BAAQMD evaluated to ensure that a project can and will do its fair share to achieve carbon neutrality. With respect to building energy use, the BAAQMD recommends replacing natural gas with electric power and eliminating inefficient or wasteful energy usage. This will support California's transition away from fossil fuel-based energy sources and will

bring a project's GHG emissions associated with building energy use down to zero as the state's electric supply becomes 100 percent carbon free. With respect to transportation, the BAAQMD recommends that projects be designed to reduce project-generated Vehicle Miles Travelled (VMT) and to provide sufficient electric vehicle (EV) charging infrastructure to support a shift to EVs over time.

The BAAQMD has found, based on this analysis, that a new land use development project being built today either must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or must incorporate the following design elements to achieve its "fair share" of implementing the goal of carbon neutrality by 2045:

- A. Projects must include, at a minimum, the following project design elements:
  1. Buildings
    - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
  2. Transportation
    - a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's (OPR) 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA:
      - i. Residential projects: 15 percent below the existing VMT per capita
      - ii. Office projects: 15 percent below the existing VMT per employee
      - iii. Retail projects: no net increase in existing VMT
    - b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

There is currently no applicable local GHG reduction strategy, such as an adopted Climate Action Plan, for Sonoma County. Therefore, the applicants provided an Air Quality and GHG Analysis prepared by James A. Reyff of Illingworth & Rodkin, Inc. on August 8, 2022 and revised in July 2023 (Attachment 9) and the project was analyzed under criterium A above and discussed below.

**Buildings:** As discussed in the Energy Section 6a, the project does include new construction and the new construction has the potential to result in wasteful, inefficient or unnecessary energy usage. Plans for the buildings do not include the use of natural gas appliances or natural gas plumbing. The new 29,370 square foot winery production facility, 1,260 square foot agricultural workshop and updates to the existing single family dwelling for the tasting room conversion will require compliance with the latest Title 24 Building Energy Efficiency Standards. The project also proposes solar arrays and the use of Sonoma Clean Power as their utility provider. Therefore, impacts due to energy consumption would be less than significant.

**Transportation:** The tasting room and winery project does not include new residences, office buildings, or commercial retail, and therefore, does not contribute any VMT to these three land use categories of concern. (Note that "commercial retail" refers to commercial retail spaces, not to a small ancillary retail space associated with another land use). The project would include commercial use of the new 29,370 square foot winery production facility, 1,260 square foot agricultural workshop and updates to the existing single family dwelling for the tasting room conversion and would conservatively generate a maximum of 87 average daily trips.

As discussed in the Transportation Section 17b, VMT refers to the amount and distance of automobile travel attributable to a project. The County of Sonoma has not yet adopted specific VMT policies or thresholds of significance. However, the OPR Technical Advisory includes a screening threshold for small projects that generate or attract fewer than 110 trips per day, stating this level of vehicle activity may generally be assumed to result in a less than significant transportation impact. The project proposes a



maximum of 87 average daily trips. The project also proposes to implement a local hiring plan (at least 50% of employees from local area), so although distance travelled for employee trips has not been estimated, it is reasonable to assume that employees would primarily be hired from the local area and would generate relatively few travel miles associated with in-county commuter trips.

The maximum average daily trip number of 87 is far below the OPR threshold of 110, and distance-related vehicle miles are also anticipated to be low due to the proposed plan to hire from the local workforce. Therefore, the project is expected to have a less than significant VMT impact.

The latest California Green Building Standards Code (CALGreen) was published in 2022 and went into effect on January 1, 2023. The 2022 CALGreen Tier 2 requirements for EV charging stations apply to new non-residential buildings and require that off-street EV capable spaces be provided for a new non-residential development project with 10 or more parking spaces (note there are separate EV requirements for residential projects). Per the provided GHG analysis the applicant is committed to complying with measures for providing electrical vehicle charging stations.

The BAAQMD 2022 guidance does not propose construction-related climate impact thresholds, stating that GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions, and that land use project thresholds are better focused on addressing operational GHG emissions, which represent the vast majority of project GHG emissions. Therefore, construction related GHG would not exceed established thresholds.

Because the project does not propose the use of natural gas, would use minimal energy, does not include new residential, office, or retail uses, would generate low VMT, and meets 2022 CALGreen requirements for EV charging stations, the project would contribute its "fair share" towards achieving the State's long-term climate goals, and therefore, would have a less-than-significant impact on climate change.

Significance Level:

Less than Significant Impact

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Comment:

The County does not have an adopted Climate Action Plan but has adopted a Climate Change Action Resolution (May 8, 2018) which resolved to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050, and noted twenty strategies for reducing GHG emissions, including increasing carbon sequestration, increasing renewable energy use, and reducing emissions from the consumption of goods and services. The project has proposed to incorporate many GHG reduction strategies, including:

1. Increase building energy efficiency.
  - a. The project is compliant as it would meet any appropriate State and local building code requirement for energy efficiency.
  - b. LED lighting systems would be installed.
  - c. Lighting timers and dimmers will be utilized.
  - d. Night air cooling would be utilized as there would be no new air conditioning use.
2. Increase renewable energy use.
  - a. Project plans would include generation of onsite solar power and storage.
  - b. Sonoma Clean Power will be the electrical utility provider for the site, which has a greater reliance on renewable power sources.
3. Electrical energy usage.
  - a. EV charging stations will be installed at the parking lots, in accordance with County guidelines.
4. Reduce travel demand through focused growth.
  - a. The project is a local winery that will use onsite fruit and source local fruit to produce wine on site.

- b. Project would provide bicycle parking facilities.
- c. The project is anticipated to generate traffic below 110 trips daily and would be below screening thresholds for vehicle miles travelled impacts.
- 5. Increase solid waste diversion.
  - a. The project is compliant as it would meet the County and local recycling goals
- 6. Reduce water consumption.
  - a. The project would include low flow water fixtures and water efficient irrigation systems.
  - b. Any new landscape would be drought tolerant.
  - c. The landscaping plan will meet the County's WELO requirements.
  - d. The barrels will be steam cleaned.
- 7. Increase carbon sequestration.
  - a. The current site has limited amount of vegetation. The project landscaping will increase productive vegetation that sequesters carbon.

By incorporating these GHG reduction strategies, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Significance Level:

No Impact

## 9. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Comment:

Small amounts of potentially hazardous materials will be used on this project such as fuel, lubricants, and cleaning materials. Proper use of materials in accordance with local, state, and federal requirements, and as required in the construction documents, will minimize the potential for accidental releases or emissions from hazardous materials. This will assure that the risks of the project uses impacting the human or biological environment will be reduced to a less than significant level. There will be no increase in traffic as a result of this project, thus an increase in exposure due to the risks of transporting hazardous materials will not change as a result of the project.

Significance Level:

Less than Significant Impact

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Comment:

The project proposes construction for the new 29,370 square foot winery production facility, 1,260 square foot agricultural workshop, updates to the existing single family dwelling for the tasting room conversion and subsequent site improvements to support the new uses. The project would not generate or produce substantial quantities of hazardous material or unsafe conditions. During construction activities there could be spills of hazardous materials. To address this possibility, the project is required to comply with all applicable hazardous materials handling and storage requirements and would use qualified contractors for construction. See Item 9.a. above.

Significance Level:

Less than Significant Impact

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Comment:

The project does not involve hazardous emissions or handle hazardous materials. There is not an existing or proposed school within 0.25 miles of the site.

Significance Level:

No Impact

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Comment:

The project site was not identified on, or in the vicinity of, any parcels on lists compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances Control, and the CalRecycle Waste Management Board Solid Development Waste Information System (SWIS). The project area is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Significance Level:

No Impact

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

Comment:

The site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan (ALUC).

Significance Level:

No Impact

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Comment:

The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. In any case, the project would not change existing circulation patterns significantly, and would have no effect on emergency response routes.

Significance Level:

No Impact

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

Comment:

According to the Safety Element of the General Plan, the project site is not located in a high wildland fire hazard area. The construction of new structures in accordance with current building standards would decrease the fire risk to structures on the project parcel. The County Fire Marshal's fire safe requirements require that new structures be installed with fire sprinklers with the intent to contain or prevent fires from spreading. In addition, standard conditions of approval include that the facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California

Fire Code with safety plans, emergency procedures, and employee training programs; shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency; shall provide emergency water supply for fire protection available and accessible in locations, quantities and delivery rates as specified in the California Fire Code; and establish defensible space. All of the fire safe conditions of approval will ensure that the winery and tasting rooms projects would reduce the exposure of people and property to fire hazards to a degree the risk of injury or damage is less than significant. The project would not expose people to significant risk from wildland fires.

Significance Level:

Less than Significant Impact

## 10. HYDROLOGY AND WATER QUALITY:

Would the project:

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

Comments:

With regard to wastewater discharge requirements, the project site is not located in an area served by public sewer. Septic systems and leachfields would be installed to treat domestic wastewater for the proposed winery, agricultural workshop and tasting room. This systems would comply with the Building Regulations listed in Chapter 7 of the Sonoma County Code of Ordinances which would require that approval be obtained from the well and septic section of Permit Sonoma for any onsite disposal system. The septic systems and leachfields would be subject to the provisions of the County of Sonoma OWTS Manual which provides the regulations, procedural and technical details governing septic tanks, including soil capability. The site would be evaluated for soil depth, depth to groundwater, soil percolation rates, and other soil properties related to septic systems. In addition, the septic systems would also be subject to the County's Sewers and Sewage Disposal Ordinance, Chapter 24 of the Sonoma County Code of Ordinances. The ordinance requires that the septic tank meet the International Association of Plumbing and Mechanical Officials PS-1 design standard and would require a permit for maintenance and cleaning of the system. These requirements have been developed to ensure protection of groundwater resources, human health, and the environment.

Project conditions require that an application for additional wastewater discharge requirements 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 must be submitted to the Project Review Health Specialist prior to building permit issuance. In addition, prior to building permit issuance and occupancy, the applicant shall have a capacity/wastewater flow analysis by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted.

With regard to water quality, standard permitting procedures require a Grading Permit and associated Erosion Prevention and Sediment Control Plan for the proposed improvements and other movement of soils, to which all applicable standards and provisions of the Sonoma County Grading and Drainage Ordinance would apply.

Significance Level:

Less than Significant Impact

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Comment:

The project is located in the Santa Rosa Plain groundwater basin that is managed by the Santa Rosa Plain Groundwater Sustainability Agency in accordance with the Sustainable Groundwater Management Act. The Groundwater Sustainability Agencies are currently developing Groundwater Sustainability Plans which must be completed by 2022 and will provide a regulatory framework for managing groundwater use. Additionally, the site is within a Groundwater Class 1 – Major Groundwater Basin. The water supply for the winery production and irrigation for the vineyards will be met via an existing on-site groundwater well on the property. An additional existing on site groundwater well will provide the potable water demands for the tasting room and agricultural workshop. The total water usage for the project will be approximately 5.52-acre feet annually.

On November 22, 2022, Permit Sonoma's staff geologist reviewed the 2022 project water use estimate prepared by Munselle Engineering and groundwater basin records and determined the project would not result in a significant impact to groundwater resources. Therefore, a groundwater study was not required for the project.

The project is conditioned to require groundwater monitoring for new or expanded discretionary commercial and industrial uses using wells in accordance with General Plan Policy WR-2d.

Significance Level:

Less than Significant Impact

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

**i. would result in substantial erosion or siltation on- or off-site?**

Comment:

All buildings would be located above the 100-year floodplain. Some internal roadways, access roadway to Old Redwood Hwy, and landscaped areas would be situated within potential flooding areas related to the seasonal swale. However, no facilities that could be a source of contamination to water quality would be located within the potential flooding area. In accordance with Sonoma County Code section 7B-7, the project would be required to demonstrate that the proposed floodplain development, combined with all other existing and anticipated development would not increase the water surface elevation of the base flood event by more than one foot at any point. Additionally, for any grading permit within a flood hazard area, the application must provide certification by a registered engineer or architect that development in the floodplain meets county flood proofing standards, including the use of materials that are resistant to flood damage. Because the only flood plain development implemented by the project would be roadways and inert structures designed to meet County flood management and flood proofing standards, the potential for project elements to release pollutants due to inundation during a flood event would be less than significant.

Significance Level:

Less than Significant Impact

**ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;**

Comment:

The projects would comply with Sonoma County LID standards requiring 100 percent onsite infiltration of the design storm (1 inch of rain over 24 hours). The infiltration

features incorporated in the site designs would capture the stormwater runoff for most small to moderate precipitation events throughout the year as shown in Appendix A. In accordance with Sonoma County Code (Section 36.16.030) the projects drainage systems would be designed to maintain pre-project drainage patterns and to convey the 25-year design storm without causing on or offsite flooding. The drainage systems would be engineered to the specification of the Sonoma County Flood Management Design Manual (SCWA 2019a) and would undergo a comprehensive review by the Sonoma County Water Agency before permit approval. This review would ensure that the hydrologic analysis for the project considers the prescribed design storm, local precipitation rates, rainfall intensity, and runoff coefficients, and that the applicant has used an appropriate hydrologic baseline. The proposed drainage improvements must also demonstrate that the projects would not cause adverse flooding or drainage effects to existing or proposed structures or to adjacent properties. Because the Sonoma County permitting process includes protections through the drainage system design and review, the potential for the projects to result in on or offsite flooding would be less than significant.

Significance Level:

Less than Significant Impact

- iii. **create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

Comment:

See (a) and (c)(i) above.

Significance Level:

Less than Significant Impact

- iv. **Impede or redirect flood flows?**

Comment:

See (c)(i) and (c)(ii) above.

Significance Level:

Less than Significant Impact

- d) **In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

Comment:

The County used FEMA Flood Insurance Rate Maps to map flood hazard areas in General Plan 2020 in order to guide the placement of housing outside of flood and other natural hazard areas. According to Figure PS-1e of the General Plan, the proposed project site is outside of the 100-year Flood Hazard Area.

Existing flood hazards that could affect new development are considered in this analysis. Impacts of the environment on the proposed project are analyzed as a matter of County policy, not because such analysis is required by CEQA.

The proposed project creates 93,255 sf of new impervious surface, which could affect the quantity and/or quality of storm water run-off. However, the proposed project has been designed and/or conditioned to prevent and/or minimize the discharge of pollutants and waste after the proposed project is constructed (post-construction). There are numerous post-construction storm water best management practices that can be utilized to accomplish this goal. These range from project designs and/or Low Impact Development best management practices that minimize new impervious surfaces, disperse development over larger areas, and/or that create areas that allow

storm water to be detained, infiltrated, or retained for later use. Other post-construction storm water best management practices include storm water treatment devices based on filtering, settling or removing pollutants.

Low Impact Development is a site design strategy that seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. Low Impact Development techniques include the use of small scale landscape-based Best Management Practices such as vegetated natural filters and bioretention areas (e.g. vegetated swales and raingardens) to treat and infiltrate storm water runoff. Low Impact Development also requires preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation, and permeable soils. The applicant provided an Initial Storm Water Impact Development Submittal (Attachment 8)

The proposed project has been designed to address water quality through storm water treatment Best Management Practices and to also address water quantity through storm water flow control best management practices. Storm water treatment best management practices shall be designed to treat storm events and associated runoff to the 85 percentile storm event. Storm water flow control best management practices shall be designed to treat storm events and associated runoff to the channel forming discharge storm event which is commonly referred to as the two year 24 hour storm event.

Storm water treatment best management practices and storm water flow control best management practices are subsets of post-construction storm water best management practices. However, there is overlap between the two subsets. Post-construction storm water best management practices should utilize Low Impact Development techniques as the first priority.

The County has identified the preliminary location, type and approximate size of post-construction storm water treatment and flow control best management practices necessary for the proposed project. The location of the storm water best management practices are site specific and predicated by the development. The type and approximate size of the selected storm water best management practices are in accordance with the adopted Sonoma County Storm Water Low Impact Development Guide.

Proper operation and maintenance of post-construction storm water best management practices is needed to achieve the goal of preventing and/or minimizing the discharge of pollutants. The following mitigations will ensure the proper maintenance and operation of post-construction storm water best management practices.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure HYD-1:**

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 HYD-1:**

Permit Sonoma would verify post-construction storm water Best Management Practices installation and functionality, through inspections, prior to finalizing the permit(s).

- e) **Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Comment:

As discussed in (a) and (b) above this project is expected to be consistent with the requirements of the Sustainable Groundwater Management Plan and Groundwater Sustainability Plan.

Significance Level:  
Less than Significant Impact

## 11. LAND USE AND PLANNING:

### Would the project:

For the Land Use section analysis the environmental document should not state determinations of consistency, only that potential conflicts or non-conflict with policies exist. Once the relevant policies are identified describe the physical impacts related to these policies. Neighborhood character is not considered a CEQA impacts but physical changes to the environment such as noise, traffic, odor are CEQA impacts and should be evaluated in the appropriate CEQA sections.

#### a) Physically divide an established community?

Comment:  
The project would not physically divide a community. It does not involve construction of a physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that would impair mobility within an established community or between a community and outlying areas.

Significance Level:  
No Impact

#### b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Comment:  
The General Plan Land Use Designation on the project parcel is Land Intensive Agriculture. This land use designation is intended to enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land. The primary use of any parcel within one of the three agricultural land use categories must involve agricultural production and related processing, support services, and visitor serving uses. Within the Land Intensive Agriculture Zoning designation agricultural crop production and cultivation is principally permitted use, which is proposed to be the primary use of the parcel. The proposed uses of the agricultural processing (winery), tasting room and proposed events are considered accessory to the primary use. The secondary use of agricultural processing has been found consistent with the applicable Zoning Code sections and applicable General Plan Policies. See above section 2: Agriculture and Forest Resources. The secondary use of tasting room has been found consistent with the applicable Zoning Code sections and applicable General Plan Policies. See above section 2: Agriculture and Forest Resources.

The proposed project will allow agricultural processing of grapes to wine, tasting room and events on site and therefore would not impede on existing or future agriculture operations on site because the secondary uses are in direct conjunction of the onsite agricultural processing. The proposed project will align the existing use with Policy AR-4a by creating visitor serving uses in conjunction with the primary agricultural production use. No conflicts with other general plan policies related to scenic, cultural, or biotic resource protection, noise, or transportation have been identified.

No conflicts with Development Criteria or Operating Standards have been identified and no



exceptions or reductions to standards would be necessary to approve the project. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Significance Level:

Less than Significant Impact

## 12. MINERAL RESOURCES:

Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Comment:

The project site is not located within a known mineral resource deposit area (Sonoma County Aggregate Resources Management Plan, as amended 2010). Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist). Consult California Geologic Survey Special Report 205, Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-consumption region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California (California Geological Survey, 2013).

Significance Level:

No Impact

- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Comment:

The project site is not located within an area of locally-important mineral resource recovery site and the site is not zoned MR (Mineral Resources) (Sonoma County Aggregate Resources Management Plan, as amended 2010 and Sonoma County Zoning Code). No locally-important mineral resources are known to occur at the site.

Significance Level:

No Impact

## 13. NOISE:

Would the project:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Comment:

A noise monitoring survey was performed at the site in July 2022, conducted for the applicant by Illingworth & Rodkin, Inc (Attachment 10). The study included on-site noise monitoring and modeling for projected noise conditions based on the proposed project. The study specifically measured noise levels at three sensitive receptors (existing single family dwellings) at the shared property lines and 900 feet from the eastern property line.

The study found that the existing noise environment at the site results primarily from ambient noises

related to vehicular traffic on Old Redwood Hwy, voices of bicyclists on Old Redwood Hwy, sounds from the distant lumber yard and farm/pasture environments.

The future noise environment at the project site would include parking and onsite visitor traffic, winery truck traffic, winery operations and seasonal production activities, maintenance and forklift operations, tasting room activities and promotional event and activity noise.

Key findings of the noise study in consideration of the proposed project determined the following:

- Parking lot noise levels during daytime and nighttime hours will not exceed the County's NE-2 noise standard at the nearby residences.
- On-site truck operations noise levels during daytime and nighttime hours will exceed the County's NE-2 noise standard at the nearby residences.
- Mechanical equipment noise levels during daytime and nighttime hours will not exceed the County's NE-2 noise standard at the nearby residences.
- Crush related noise levels during daytime and nighttime hours will not exceed the County's NE-2 noise standard at the nearby residences.
- Bottling related noise levels during daytime and nighttime hours will not exceed the County's NE-2 noise standard at the nearby residences.
- Forklift and maintenance noise levels during daytime and nighttime hours will not exceed the County's NE-2 noise standard at the nearby residences.
- Wine tasting activity noise levels during daytime and nighttime hours will not exceed the County's NE-2 noise standard at the nearby residences.
- Outdoor event noise levels during daytime and nighttime hours will exceed the County's NE-2 noise standard at the nearby residences.
- Indoor event noise levels during daytime and nighttime hours will exceed the County's NE-2 noise standard at the nearby residences.

Noise impacts resulting from the project will be reduced to a level less than significant by incorporating the mitigation measures below.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation Measure NOISE-1:**

To reduce the sound levels from heavy truck operations to those which comply with County NE-2 standards at the residence along the northside of the property an approximately 230 foot long solid 6-foot-high noise barrier wall or fence should be installed on the shared property line to block the line of site from truck engine compartments, brakes and wheels to the outdoor use areas and ground floor windows of this home. To be effective as a noise barrier, this wall must be built without cracks or gaps in the face or large or continuous gaps at the base and have a minimum surface weight of 2.5 lbs. per sq. ft. Acceptable materials for such walls include a 2x4 wood framed wall with wood or stucco finishes, masonry block walls, and solid wood fencing. For a wood fences to meet these requirements, we typically recommend that the fence be double faced with butted vertical fence boards on each side with a continuous layer of 1/2" plywood. Using the plywood ensures continued effectiveness of the barrier with age, since wood slats alone have a tendency to warp and separate with age allowing gaps to form and the barrier effect of the wall to diminish.

**Mitigation Monitoring NOISE-1:**

Final design, location, and orientation shall be dictated by findings in the noise study and compliance with County code shall be demonstrated by an onsite noise measurement, with results submitted to Permit Sonoma, prior to issuance of occupancy permit.

**Mitigation Measure NOISE-2:**

Under normal use (non-crush season) conditions heavy trucks should not be allowed during nighttime hours (after 10 p.m. & before 7 a.m.). During crush season the nighttime

moratorium on heavy trucks should be observed with no trucks allowed to enter the site after 10 p.m. However, in recognition of the immediacy of the grape harvest, trucks that arrive on-site at the crush pad and truck parking area before the nighttime (10 p.m.) restriction begins, would be allowed to leave the facility during the nighttime hours (10 p.m.- 7 a.m.)

**Mitigation Monitoring NOISE-2:**

Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

**Mitigation Measure NOISE-3:**

To reduce the sound levels associated with outdoor or indoor amplified speech or music performances and outdoor or indoor large (300 person) events at the residence on the southside of the property, an approximately 200 foot long solid 6-foot-high noise barrier wall or fence should be installed on the shared property line to provide additional noise attenuation for these activities to the outdoor use areas and ground floor windows of this home. As noted for Mitigation Measure NOISE-1, to be effective as a noise barrier, this wall must be built without cracks or gaps in the face or large or continuous gaps at the base and have a minimum surface weight of 2.5 lbs. per sq. ft. and acceptable materials for such walls include a 2x4 wood framed wall with wood or stucco finishes, masonry block walls, and solid wood fencing.

**Mitigation Monitoring NOISE-3:**

Final design, location, and orientation shall be dictated by findings in the noise study and compliance with County code shall be demonstrated by an onsite noise measurement, with results submitted to Permit Sonoma, prior to issuance of occupancy permit.

Additionally, there will be short-term noise impacts from the construction activities. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary as Best Management standard Conditions of Approval to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life.

The County shall require that the construction crew adhere to the following, but not limited to, best management practices as a standard condition to reduce construction noise levels emanating from the site and minimize disruption and annoyance of existing sensitive-noise receptors in the project vicinity.

- Noise-generating construction activities should be restricted to between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday. No construction activities should occur on weekends or holidays. If work is necessary outside of these hours, the County should require the contractor to implement a construction noise monitoring program and, if feasible, provide additional mitigation as necessary (in the form of noise control blankets or other temporary noise barriers, etc.) for affected receptors. A sign(s) shall be posted on the site regarding allowable hours of construction.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Equipment shall be properly maintained and turned off when not in use.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable

power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Pile driving activities shall be limited to 7:00 a.m. to 5:00 p.m. week days only.
- 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.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise and take prompt action to correct the problem. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

The implementation of the reasonable and feasible standard Best Management controls outlined above would reduce construction noise levels emanating from the site by 5 to 10 dBA in order to minimize disruption and annoyance. With the implementation of these controls, and considering that construction is temporary, the impact would be reduced to a less-than-significant level.

Since these noise sources are temporary, limited in frequency and limited to daytime hours, they are not considered significant due to the implementation of standard Best Management Practices. Conditions of approval limit hours for site grading and construction to reduce any potentially significant impacts to less than significant.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

Comment:

The project includes construction activities that may generate minor ground borne vibration and noise. These levels would not be significant because they would be short-term and temporary, and would be limited to daytime hours. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground borne vibration or ground borne noise levels.

Significance Level:

Less than Significant Impact

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

Comment:

The site is not within an airport land use plan as designated by Sonoma County.

Significance Level:

No Impact

## 14. POPULATION AND HOUSING:

Would the project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Comment:

The project would not include construction of any homes, substantial number of businesses or infrastructure and therefore would not induce substantial population growth

Significance Level:

No Impact

- b) **Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?**

Comment:

No housing will be displaced by the project and no replacement housing is proposed to be constructed.

Significance Level:

No Impact

## 15. PUBLIC SERVICES:

Would the project:

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:**

Comment:

Construction of the project would not involve substantial adverse physical impacts associated with provision of public facilities or services and the impact would be less than significant.

Significance Level:

Less than Significant Impact

- i. **Fire protection?**

Comment:

Sonoma County Code requires that all new development meet Fire Safe Standards (Chapter 13). 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. This is a standard condition of approval and required by county code and impacts would be less than significant. Fire protection services will continue to be provided by the Sonoma County Fire Department.

Significance Level:

Less than Significant Impact

**ii. Police?**

Comment:

The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting from this project

Significance Level:

Less than Significant Impact

**iii. Schools?**

Comment:

The project itself would not contribute to an increase in the need for expanded or additional schools.

Significance Level:

Less than Significant Impact

**iv. Parks?**

Comment:

The project itself would not contribute to an increase in the need for expanded or additional parks.

Significance Level:

Less than Significant Impact

**v. Other public facilities?**

Comment:

The project itself would not contribute to an increase in the need for expanded or additional public facilities.

Significance Level:

Less than Significant Impact

## **16. 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?**

Comment:

The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities. The project will have no impact on the use of existing neighborhood and regional parks or other recreational facilities.

Significance Level:  
No Impact

- 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?**

Comment:

The project does not include a recreational facility and is of a project-type that does not require the construction or expansion of a recreational facility.

Significance Level:  
No Impact

## 17. TRANSPORTATION:

Would the project:

- a) **Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?**

Comment:

Three transportation-related plans have been adopted in Sonoma County: the Sonoma County General Plan 2020 Circulation Element, the Sonoma County Transportation Authority Comprehensive Transportation Plan (2009), and the Sonoma County Bikeways Plan. The project will not conflict with any of these plans.

Using the screening criteria established by the County of Sonoma Guidelines for traffic studies, which states that Permit Sonoma and Sonoma County Public Infrastructure are both responsible for the review and condition of private development projects. Traffic related conditions must be based on an analysis of the potential traffic impacts that establish a reasonable nexus between the impacts of the project and the required improvements or conditions. The applicant submitted a traffic study (Attachment 11) that met these guidelines and determined that the project would not cause a significant traffic impact to the study intersections.

The applicant submitted an initial Draft Traffic Study dated June 14, 2023, after peer review by Sonoma County Public Infrastructure and Final Traffic Study was submitted and accepted November 6, 2023. The traffic study findings are as follows:

- The proposed project is expected to generate 87 new daily trips, including 14 weekday p.m. peak hour trips and 69 Saturday p.m. peak hour trips.
- The lack of pedestrian facilities serving the project site is acceptable given the project's rural setting and type of land use. Bicycle and transit facilities serving the project site are adequate. The project would have a less-than-significant impact in terms of plans and policies for these modes.
- Based on OPR guidelines, the proposed project would have a less-than-significant impact on VMT.
- Adequate sight distances are available at the project driveways and left-turn lanes on Old Redwood Highway are not warranted. Addition of right-turn taper is not recommended at the project driveways as the existing bike lane is adequate to serve this purpose. The project would not cause vehicle queues at the study intersections to exceed the available storage space.

- Emergency access and circulation are anticipated to function acceptably, and traffic from the proposed project would be expected to have a less-than-significant impact on emergency response times.
- Both study intersections are expected to operate acceptably during the Saturday p.m. peak hour under Existing and Future conditions, with and without the project. The segment of Old Redwood Highway along the project frontage would also function acceptably with and without trips from a 300-person event.
- The proposed parking supply at the project site would be sufficient for peak demand on days with or without 300-person or smaller events.

Based on the findings, the traffic analysis provided one recommendation:

- Eight bicycle parking spaces should be included on the site plan.

Sonoma County Public Infrastructure provided Conditions of Approval for this project that require the applicant adhere to these recommendations.

Significance Level:

Less than Significant Impact

**b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (evaluation of transportation impacts of land use projects using vehicle miles traveled)?**

Comment:

Sonoma County does not have a congestion management program but LOS standards are established by the Sonoma County General Plan Circulation and Transit Element. See Item 17(a) above for a discussion of traffic resulting from project operation.

Senate Bill (SB) 743 established the change in vehicle miles traveled (VMT) as the metric to be applied to determining transportation impacts associated with development projects. As of the date of this analysis, Sonoma County has not yet adopted thresholds of significance related to VMT. As a result, project-related VMT impacts were assessed based on guidance published by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The OPR guidelines identify several criteria that may be used by jurisdictions to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to "small projects," which OPR identifies as generating fewer than 110 new vehicle trips per typical weekday. The trip generation for the project, including the winery, agricultural workshop, tasting room, as well as proposed events, were translated to annual average daily trips. Altogether, the project is expected to generate an average of about 87 daily trips, which falls well below the OPR threshold of 110 daily trips. As a result, it is reasonable to conclude that the project would have a less-than-significant impact on VMT.

Accordingly, the project is expected to have a less-than- significant impact on VMT for both employment and patron-related travel.

Significance Level:

Less than Significant Impact

**c) Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Comment:

The project would not increase hazards, since it maintains the existing alignment of the roadway.



Significance Level:  
No Impact

**d) Result in inadequate emergency access?**

Comment:

Development on the site must comply with all emergency access requirements of the Sonoma County Fire Safety Code (Sonoma County Code Chapter 13), including emergency vehicle access requirements. Project development plans are required to be reviewed by a Department of Fire and Emergency services Fire Inspector during the building permit process to ensure compliance with emergency access issues.

Applicant/contractor shall provide a Traffic Control Plan for review and approval by Sonoma County Fire and Emergency Services and Department of Transportation and Public Works prior to issuance of a building permit or award of bids. The Traffic Control Plan must address emergency vehicle access during construction and provide for passage of emergency vehicles through the project site at all times. Applicant/contractor shall notify local emergency services prior to construction to inform them that traffic delays may occur, and also of the proposed construction schedule.

Significance Level:  
Less than Significant Impact

**e) Result in inadequate parking capacity?**

Comment:

As discussed in the traffic study recommendations and conclusions above in section 17 (a), the proposed parking is adequate.

Significance Level:  
Less than Significant Impact

## **18. TRIBAL CULTURAL RESOURCES:**

### **State Regulations**

CEQA requires that a lead agency determine whether a project could have a significant effect on historical resources and tribal cultural resources (PRC Section 21074 [a][1][A]-[B]). A historical resource is one listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR, PRC Section 21084.1), a resource included in a local register of historical resources (PRC Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (PRC Section 15064.5[a][3]).

If a project can be demonstrated to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to permit any or all these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC, Section 21083.2[a], [b], and [c]).

Impacts to significant cultural resources that affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (*CEQA Guidelines* Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion or eligibility for inclusion in the CRHR (*CEQA Guidelines* Section 15064.5[b][2][A]).

## **California Public Resources Code**

Section 5097.5 of the California PRC states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this PRC section, "public lands" means lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, local agencies are required to comply with PRC 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others.

## **Codes Governing Human Remains**

The disposition of human remains is governed by Health and Safety Code Section 7050.5 and PRC sections 5097.94 and 5097.98 and falls within the jurisdiction of the Native American Heritage Commission (NAHC). If human remains are discovered, the county coroner must be notified within 48 hours, and there should be no further disturbance to the site where the remains were found. If the coroner determines the remains are Native American, the coroner is responsible to contact the NAHC within 24 hours. Pursuant to PRC Section 5097.98, the NAHC will immediately notify those persons it believes to be most likely descended from the deceased Native Americans so they can inspect the burial site and make recommendations for treatment or disposal.

**Would the project:**

**Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is: i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5030.1(k); or ii) a resource determined by the lead agency. In its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

On November 17, 2022, Assembly Bill 52 Project Notifications were sent to the Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Torres Martinez Desert Cahuilla Indians, Mishewal Wappo Tribe of Alexander Valley, Middletown Rancheria Band of Pomo Indians, Lytton Rancheria of California, Kashia Pomos Stewarts Point Rancheria and Federated Indians of Graton Rancheria. These Native American tribes were invited to consult on the project pursuant to Public Resources Code sections 21080.3.1 and 21080.3.2. No requests for consultation were received.

There are no known archaeological resources on the site, but the project could uncover such materials during construction. Consistent with the CEQA Guidelines the following mitigation measure has been incorporated into the project to ensure that no cultural or archaeological resources are unearthed during ground disturbing activities.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure TCR-1:**

All building and/or grading permits shall have the following note printed on grading or earthwork plan sheets:

**NOTE ON PLANS:** "If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code."

**Mitigation Monitoring TCR-1:**

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

## **19. UTILITIES AND SERVICE SYSTEMS:**

**Would the project:**

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Comment:

The project would not contribute to the need for construction of new water or wastewater treatment facilities, other than construction of new onsite private septic systems for domestic and winery process wastewater disposal.

Significance Level:

No Impact

- b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Comment:

The property is served by existing wells. Permit Sonoma staff Geologist has determined the site contains sufficient onsite water supplies available for the project. See section 10 above for a more detailed analysis.

Significance Level:

Less than Significant Impact

- c) **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?**

Comment:

The domestic wastewater systems for the site will be sized in accordance with the County of Sonoma OWTS Manual. The onsite septic would have sufficient capacity to treat the maximum domestic daily demand generated by the winery, agricultural workshop, tasting room and event space.

Significance Level:

Less than Significant Impact

- d) **Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Comment:

The proposed project would result in temporary solid waste generation during construction of the onsite improvements. Once operational, the projects would result in approximately 96.66 tons per year of solid waste from processing and from tasting room operations. The County's Central Disposal Site is permitted to receive a maximum of 2,500 tons per day and has a total capacity of 32,650,000 cubic yards. In May 2012, the landfill's remaining capacity was 9,076,760 cubic yards and the estimated closure year was 2034. Solid waste generated by the project would be minimal and would not be more than the capacity of local infrastructure. In addition, the project would comply with all policies, ordinances, and regulations related to solid waste diversion, including composting and recycling. The project would not impair the attainment of solid waste reduction or diversion goals.

Significance Level:

Less than Significant Impact

- e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Comment:

See discussion above under item (d).

Significance Level:

Less than Significant Impact

## 20. WILDFIRE:

**If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:**

- a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**

- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**
- c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk of that may result in temporary or ongoing impacts to the environment?**
- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Comment:

According to the Safety Element of the General Plan, the project site is not located in a high wildland fire hazard area.

The project is located in a Local Responsibility Area and is outside of the wildland high and very high fire hazard zones mapped by Wildland Fire Hazard Areas Figure PS 1-g of the Sonoma County General Plan 2020. The project is located in a relatively flat area and surrounded by developed agricultural row crops, some open lands, riparian corridors and rural residential uses. The winery, agricultural workshop and tasting room would add population to the site in the form of guests and employees. However, the site is roughly 3.7 miles from the Sonoma County Fire District Station #1, ensuring rapid response times in the event of an emergency. To facilitate locating an emergency and to avoid delays in emergency response, the project has been conditioned to require the site provides for safe access for emergency fire apparatus and civilian evacuation concurrently, and unobstructed traffic circulation during an emergency. Additionally, project conditions of approval require the project installs fire hydrants for fire suppression, and develop fire safety and emergency plans, as well as employee training programs consistent with the requirements of the 2013 California Fire Code and Sonoma County Code. New construction on the site must conform to County Fire Safe Standards building requirements. Fire Safe Standards include building requirements related to fire sprinklers, stairways to roofs, fire apparatus access roads, door panic hardware, fire resistant stairway enclosures, emergency water supply, and defensible space. The construction of new structures in accordance with current building standards should decrease the risk to structures on the project parcel and ensure that the resort project would reduce the exposure of people and property to fire hazards. See section 9.g above for additional conditions of approval to reduce the risk of injury or damage from wildfire.

There is no separate emergency evacuation plan for the County. Furthermore, the project would not cause an interference with emergency evacuations. The Fire Marshall will review the building plans to insure that the winery, agricultural workshop and tasting room will have adequate fire protection. The primary entrances off of Old Redwood Hwy includes a driveway system to provide for emergency vehicle ingress and egress.

Significance Level:

Less than Significant Impact

## **21. MANDATORY FINDINGS OF SIGNIFICANCE:**

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Comment:

Potential project impacts on special status plant and fish/wildlife species and habitat are addressed in Section 4. Implementation of the required mitigation measures (Mitigation Measures BIO-1, BIO-2,

BIO-3, BIO-4, BIO-5, BIO-6, BIO-7 and BIO-8) would reduce these potential impacts to a less-than-significant level. Potential adverse project impacts to cultural resources are addressed in Section 5. A standard condition of approval to ensure that cultural or archaeological resources are protected if unearthed during ground disturbing activities is provided in Section 18a. Implementation of this standard condition of approval would reduce any potential impacts to a less- than-significant level.

Significance Level:

Less than Significant Impact

- 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)?**

Comment:

No project impacts have been identified in this Initial Study that are individually limited but cumulatively considerable. The project would contribute to impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise and tribal resources, which may be cumulative off-site, but mitigations would reduce project impacts to less-than-significant levels.

Significance Level:

Less than Significant Impact

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Comment:

Proposed project operations have the potential to cause substantial adverse impacts on human beings, both directly and indirectly. However, all potential impact and adverse effects on human beings (resulting from aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise and tribal resources) were analyzed, and would be less than significant with the mitigations identified in the Initial Study incorporated into the project.

Significance Level:

Less than Significant Impact

## **Attachments**

1. Arch Set
2. Tasting Room Floorplan
3. Visual Assessment Guidelines
4. Air Quality Study
5. Biological Assessment
6. Historical Assessment
7. Geotech Study
8. Civil Prelim SUSMP
9. GHG Study
10. Noise Study
11. Traffic Study

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