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Proposed Initial Study/Negative Declaration

Publication Date: February 14, 2025
Public Review Period: February 14 -March 17,2025
State Clearinghouse Number:
Permit Sonoma File Number: **UPE22-0025**
Prepared by: Claudette Diaz at
Phone: (707) 565-7387

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: Ektimo Wines

Project Applicant/Operator: Ektimo Vineyards and Wines, LLC

Project Location/Address: 4950 Ross Road, Sebastopol, CA 95472

APN: 084-160-002

**General Plan
Land Use Designation:** Diverse Agriculture (DA) 10 (10-acre density)

Zoning Designation: Diverse Agriculture (DA) 10-acre density (B6 10), Local Guidelines Highway 116 (LG/116) Scenic Resources - Scenic Landscape Unit (SR)

Decision Making Body: Board of Zoning Adjustments (BZA)

Appeal Body: Board of Supervisors (BOS)

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

Topic Area	Abbreviation*	Yes	No
Aesthetics	VIS		X
Agriculture & Forestry Resources	AG		X
Air Quality	AIR	X	
Biological Resources	BIO	X	
Cultural Resources	CUL		X
Energy	ENERGY		X
Geology and Soils	GEO	X	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	TRANS		X
Tribal Cultural Resources	TCR		X
Utilities and Service Systems	UTL		X
Wildfire	FIRE		X
Mandatory Findings of Significance	MFS		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 list the agencies and other permits that will be required to construct and/or operate the project.

Agency	Activity	Authorization
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
California Department of Fish and Wildlife	Lake or streambed alteration	Fish and Game Code, Section 1600
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 Public Infrastructure (SPI)	Traffic and road improvements	Sonoma County Section 15 Municipal Code,
Sonoma County Environmental Health	Retail Food Facility Permit	Sonoma County Municipal Code, Chapter 14

ENVIRONMENTAL FINDING:

Based on the evaluation in the attached Initial Study, I find that the project described above could not have a significant effect on the environment, and a Negative Declaration is proposed.



2/14/25

Prepared by: Claudette Diaz

Date



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:

The applicant, Ektimo Vineyards and Wines, LLC, proposes a modification to an existing winery use permit (Permit Sonoma file no. UP85-11380) to recognize an existing tasting room and to allow for up to four agricultural promotional events per year and participation in up to seven industry-wide events per year.

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 Claudette Diaz, Planner with Permit Sonoma. Information on the project was provided by Ektimo Vineyards and Wines, LLC. 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 Sonoma [Records Section](#).

Please contact Claudette Diaz, Planner, at (707) 565-7387 or Claudette.Diaz@sonoma-county.org, for more information.

II. EXISTING FACILITY

The project site, APN 084-160-002, is approximately 20.31 acres in size and located at 4950 Ross Road in Sebastopol. The parcel is zoned DA (Diverse Agriculture) B6 10 (10 acres per dwelling) with combining districts for LG/116 (Local Guidelines Highway 116) and SR (Scenic Resources- Scenic Landscape Unit). The General Plan land use designation is DA 10 (Diverse Agriculture, 10-acre density).

The project site is developed with two winery production buildings, a single-family dwelling, a mobile home, a retention pond, and 10 acres of vineyards. Surrounding land uses include active vineyards to the north and west, rural ranchettes to the east, and fallow orchard and commercial wine processing facility to the south.

Figure 1- Vicinity Map

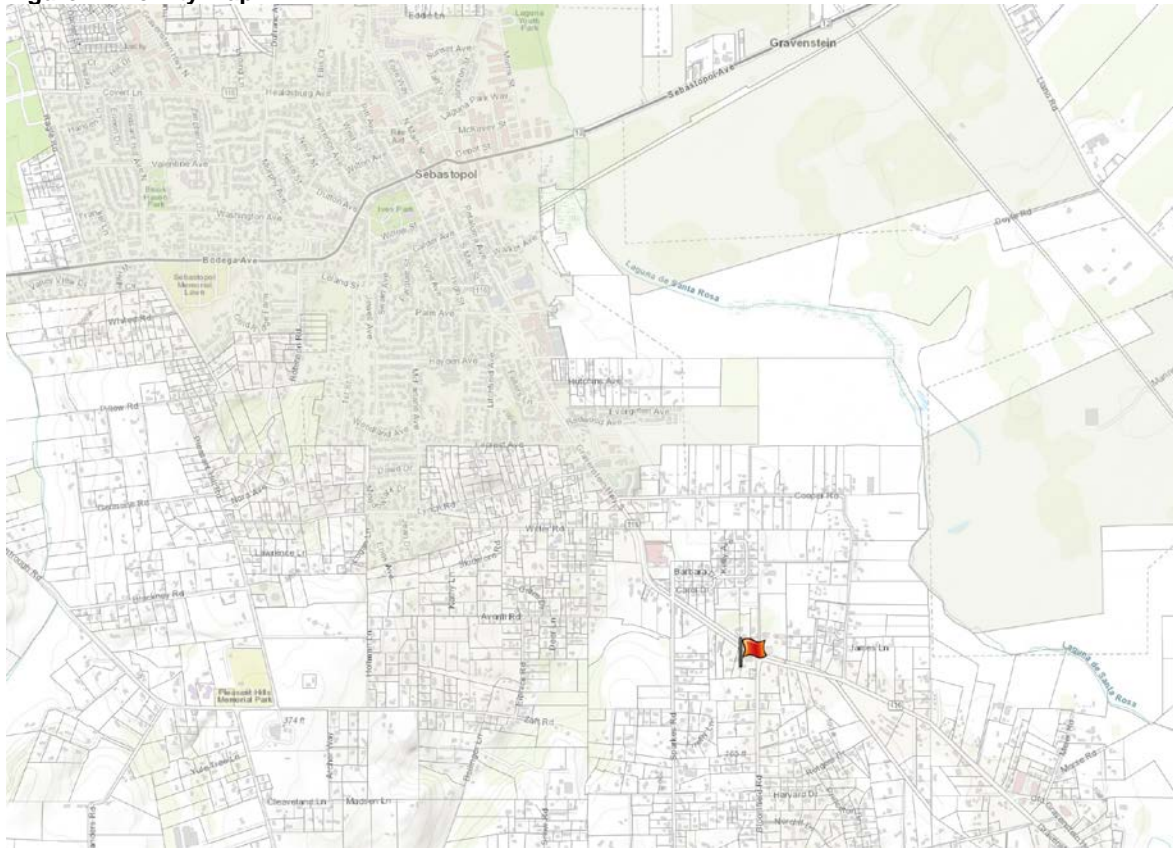
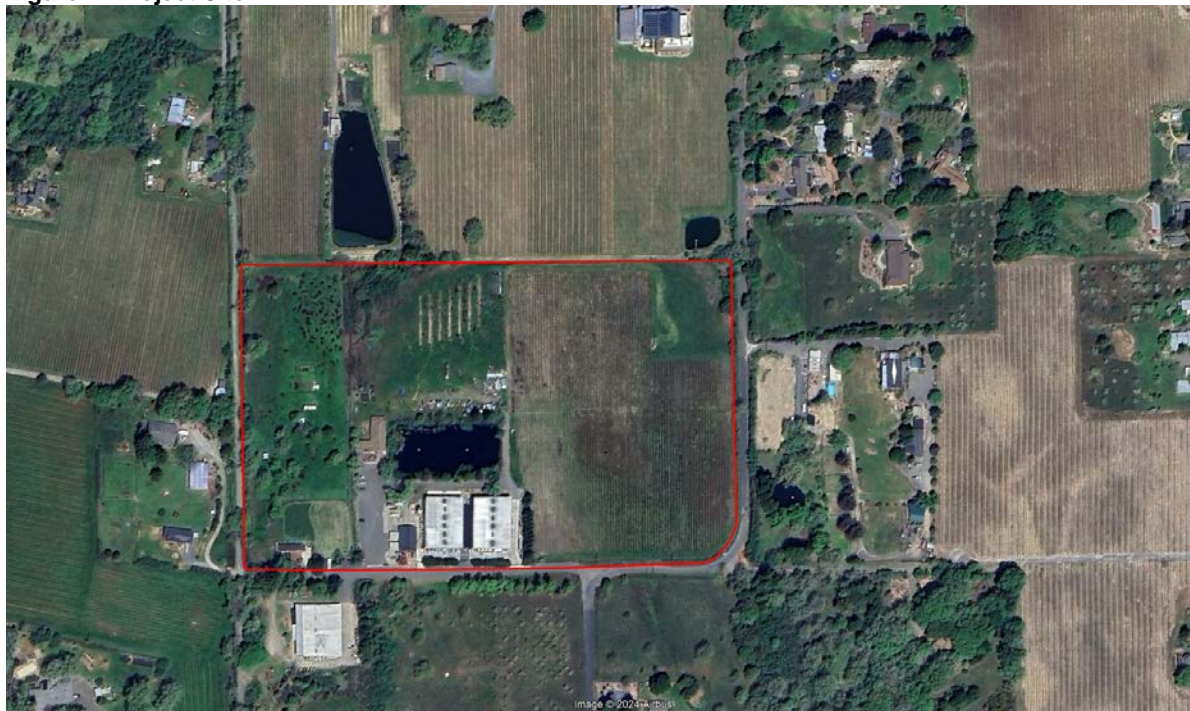


Figure 2- Project Site



III. PROJECT DESCRIPTION

PROJECT PROPOSAL:

The applicant, Ektimo Vineyards and Wines, LLC, requests a modification to an existing winery use permit (UP85-11380) to recognize an existing tasting room (indoors and outdoor patio) and to allow for up to four (4) agricultural promotional events per year and participation in up to seven (7) industry-wide events per year. The agricultural promotional events would occur on Saturdays and Sundays, from 10:00 a.m. to 10:00 p.m. available to the public by reservation only, with a maximum of 20 people on site at any one time. The industry-wide events would occur on Saturdays and Sundays from 10:00 a.m. to 5:00 p.m., available to the public by reservation only, with a maximum of 20 guests on site at any one time for no more than 100 guests per day. The tasting room would operate by appointment only from Tuesdays through Sundays between 10:00 a.m. and 4:00 p.m. with one full time tasting room employee and one additional part-time employee during events. The tasting room and all proposed events would occur within the tasting room and on the outdoor patio. No change in winery production is proposed, which is currently permitted for up to 40,000 cases. This Use Permit supersedes UP85-11380.

Table 1. Proposed Event Types

Event type	# of events per year	# of guests per event	Event location	Amplified Music/Sound
Industry Wide	7	100/ day 20/at any one time	Indoors and outdoor patio	No amplified sound.
Agricultural Promotional (i.e. wine club dinner & wine releases)	4	40/ day 20/ at any one time	Indoors and outdoor patio	No amplified sound.

Existing Uses:

In May 1985, the Board of Supervisors approved a Use Permit (UP85-11380) for the conversion of an apple and pear orchard and old lumber mill site to a winery production facility for up to 40,000 cases annually and associated winery production structures, to be developed over four phases. The project proposed three 9,000 square foot winery production facilities and screening landscaping. A condition of approval stated that, "In the event construction of the first phase has not begun within one (1) year after the date of the granting thereof or construction of the final phase has not begun within eight (8) years, such permit shall become automatically void and of no further effect." Only two 9,000 square foot structures were ultimately constructed. Retail sales and tastings were not permitted under this Use Permit. The two winery production buildings were constructed under Permit Sonoma files B-073774 and B-073775.

In November 2011, a Use Permit (UPE11-0090) was submitted to modify the UP85-11380's Conditions of Approval regarding the phasing of the winery building construction due to unbuilt phasing of the project and pending sale of the property. On November 11, 2011, former Permit Sonoma Director, Pete Parkinson, issued a letter discussing the status of the Use Permit approval under UP85-11380 and determining that the UP85-11380 was vested for a 40,000-case winery as well as for all facilities that existed on the site at the time of the letter. The applicant ultimately withdrew UPE11-0090 once the November 11, 2011, determination was provided.

In 2012, a Level 1 Vineyard permit (ACO12-0090) was issued for approximately 10 acres on the project site. In February 2013, a building permit (BLD13-0780) was issued to allow for the construction of improvements to a winery building. These improvements included updates to the restroom facility and

parking spots for ADA compliance.

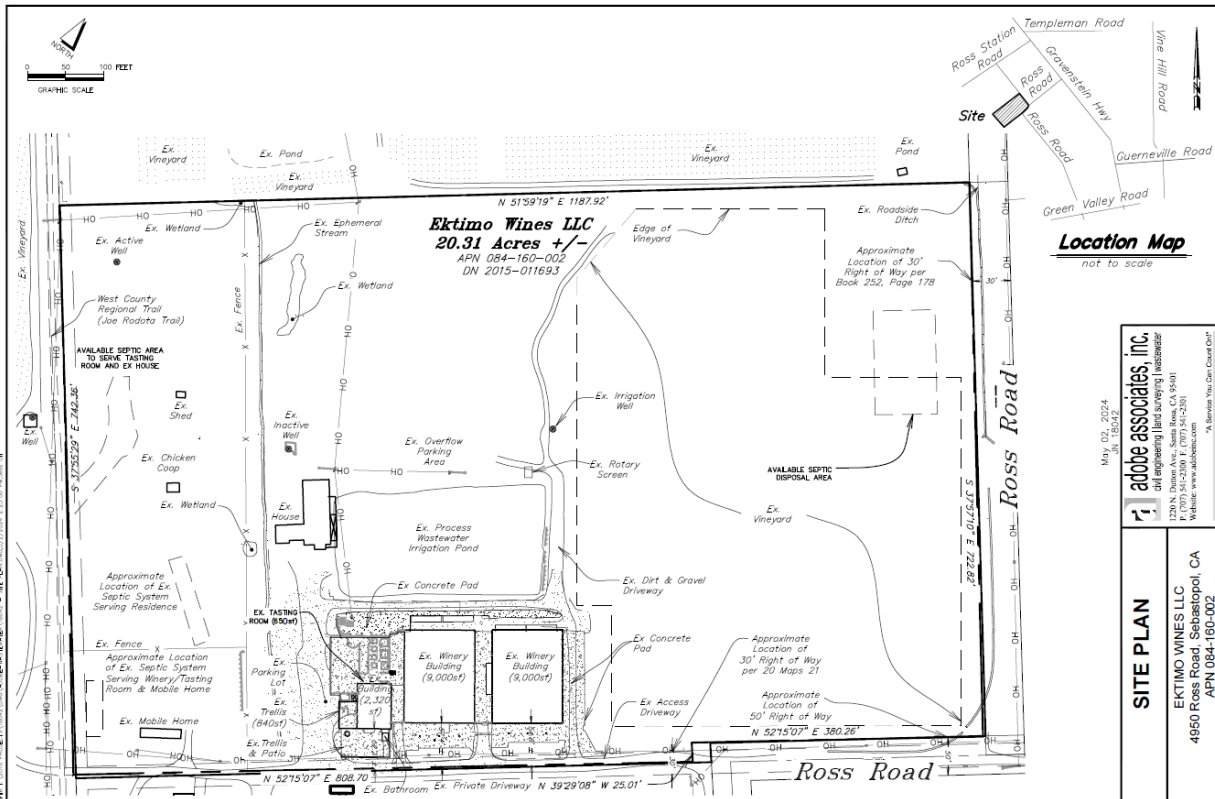
In 2017, the property owners applied for a Use Permit and Minor Subdivision application (file no. PLP19-0004). The Use Permit proposed to modify UP85-11380 to allow for a tasting room and retail sales and the subdivision proposed subdividing the 20.31-acre parcel into two 10.04 acre lots. The subdivision permit was ultimately withdrawn. The Use Permit was reapplied for in 2022 and assigned a new Use Permit file number, UPE22-0025.

In 2018, the project was issued a transient vacation rental permit (TVR18-0192) for the existing single-family dwelling on site.

In 2022, the applicant reapplied for the subject Use Permit (UPE22-0025) to allow for a tasting room within an existing structure on site and to allow for events on site and two new employees with no change in the production of 40,000 cases as allowed by UP85-11380. This Use Permit does not propose any new structures on site. Septic system upgrades are required to serve this use.

The existing and approved winery production facility (UPE85-11380) currently operates with a maximum of 5 employees Tuesday through Sunday, 10:00 a.m. through 4:00 p.m. and during harvest operates from 6:00 a.m. through 8:00 p.m. and serves up to 20 guests at any one time. A Type 02- Winegrower ABC license was issued in 2013. The proposed Use Permit would allow the applicant to legalize a tasting room and allow for events.

Figure 3. Site Plan



Existing Development:

- An 1,800 square foot Single Family Dwelling, completed by building permit number B-018134

- Mobile Home, completed by building permit number B-020745
- Two Winery Production Buildings, approximately 9,000 square feet each, completed by building permit number B-073774 and B-073775
- A 2,320 square foot storage building, completed by building permit number B-066149
 - ADA bathroom and ADA parking spot approved under BLD13-0780
 - A 581 square foot tasting room within the storage building
 - An attached 840 square foot outdoor tasting patio
- A (0.855-acre) water storage pond lies within the center of the property, completed by septic permit SEP18-0418 and building permits BLD19-5191 and BLD20-0008.

A public walking and biking trail, the West County Trail, is abutting the westerly property boundary.

Vegetation:

The project site is relatively flat and includes 10 acres of vineyards (ACO12-0090).

Figure 4. Project Entrance and Parking Area



Proposed Hours of Operation:

- Tasting Room: 10 a.m. to 4 p.m., Tuesday through Sunday
- Agricultural Promotional Events: 10 a.m. to 9:30 p.m. (guests exiting site) with employees exiting by 10 p.m.
- Industry-Wide Events: 10 a.m. to 5:00 p.m.

Proposed Number of Employees:

- Tasting Room and Events: Not to exceed 2 employees (one full time employee and one part-time employee)
- Winery Production: Five employees (no change).

Parking:

All parking will be located on site in a paved area, west of the winery production buildings and tasting

room. The project currently has 30 parking spaces on site.

Food Service:

Cooking and preparation of food products and meals for the events will be prepared by caterers off site. Caterers will use their own facilities and equipment. There will be no on-site kitchen or cooking facilities.

Access:

All access and egress for vehicles and trucks would be via an existing improved entrance directly off of Ross Road and a 30-foot public access easement created through the Losson Ross Subdivision in 1907.

Figure 5. Ross Road Public Access



Sewage Disposal:

A existing septic system handles wastewater at the site. The septic system will require upgrades to serve the domestic wastewater and restrooms facilities located in the tasting room and to ensure that the system is of sufficient size to serve weekend tasting room guests and the largest events held at the property.

Water Supply:

An existing onsite well serves domestic water needs at the site.

IV. SETTING

The project site is located on a 20.31-acre parcel. The site has a DA (Diverse Agriculture) General Plan land use designation and a DA (Diverse Agriculture) B6 10 (10 acres per dwelling) with combining zones for LG/116 (Local Guidelines Highway 116) and SR (Scenic Resources- Scenic Landscape Unit) zoning designation. The 20.31-acre size is surrounded by a mix of parcels agricultural and residential uses.

Figure 5. General Plan Land Use

General Plan Land Use Map



Figure 6- Zoning Map

Zoning Map



V. ISSUES RAISED BY THE PUBLIC OR AGENCIES

Permit Sonoma drafted and circulated a referral packet on April 29, 2022, 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 project. Comments were received from:

- Permit Sonoma Building Division
- Permit Sonoma Fire Prevention
- Permit Sonoma Natural Resources Division
- Permit Sonoma Well and Septic
- Permit Sonoma Health
- Sonoma Public Infrastructure formerly Department of Transportation of Public Works
- Sonoma County's Department of Environmental 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.

Public Comment:

Permit Sonoma staff received two letters of public comment regarding potential increase in traffic, water consumption, and waste disposal. A traffic study was conducted and accepted by the Department of Sonoma Public Infrastructure and is further discussed in the Transportation section. A Water Supply, Use, and Conservation Assessment was completed in October 2022 and a wastewater treatment pond was approved under SEP18-0413, which are further discussed in the Hydrology and Water Quality section.

VI. OTHER RELATED PROJECTS

No proposed recreational or visitor-serving projects were identified within the vicinity.

VII. 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.

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:

A portion of the site, approximately 4.0 acres, is located in an area designated as visually sensitive by the Sonoma County General Plan. This area is located on the eastern portion of the lot and is designated as a Scenic Landscape Unit. This Use Permit does not propose any new structures. The

project proposes improvements to the septic system which will be placed underground and will not have a substantial adverse effect on a scenic vista.

Significance Level:

No Impact

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 highway¹. The nearest scenic highway is State Route 116 (SR 116) which is approximately 0.3 miles away. The project would not result in any impacts to scenic resources associated with 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:

As described in 1.a., approximately 4.0 acres of the site is designated as a Scenic Landscape Unit. No structures are located within the Scenic Landscape Unit and no new structures are proposed other than proposed improvements to the septic system.

The site is located within the Highway 116 Scenic Corridor Local Guidelines (LG/116) designated area. The purpose of the LG/116 is to provide for the protection and enhancement of the scenic corridor along Highway 116.

The project does not include any physical changes to existing structures or landscapes and will not degrade or alter the existing visual character of the site or the surrounding area.

Significance Level:

No Impact

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

Comment:

No new structures are proposed; however, new uses of the existing structures will introduce new sources of light and glare. Lighting of the facility, especially lighting of the parking lot, security and safety lighting, may affect nighttime views. 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 following standard condition of approval has been incorporated into the project: "All exterior lighting shall be "Dark-sky" compliant and fully shielded to avoid nighttime light pollution. Reference can be made to the International Dark Sky Association website for guidance on exterior lighting: www.darksky.org. All exterior lighting shall be downward facing, located at the lowest possible point

¹ CalTrans, Map Viewer website, "California Scenic Highways."
<https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a>, accessed 1/23/24

to the ground to prevent spill over onto adjacent properties, glare, nighttime light pollution and unnecessary glow in the rural night sky. Light fixtures shall not be located at the periphery of the property and shall not wash out structures on any portions of the project site. Security lighting shall be put on motion sensors. Flood lights and uplights are not permitted. Luminaries shall have a maximum output of 1000 lumens per fixture. Total illuminance beyond the property line, created by simultaneous operation of all exterior lighting, shall not exceed 1.0 lux. Color temperature of exterior light sources shall be 3000 Kelvin or lower.”

Significance Level:

Less than Significant Impact

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:

According to the California Department of Conservation's Sonoma County Important Farmland Map², the project site is designated as Farmland of Local Importance, Prime Farmland, and Unique Farmland. The project does not propose any new buildings and consists of secondary and incidental visitor-serving uses to support the existing onsite agricultural production and processing. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important to a non-agricultural use.

Significance Level:

No Impact

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

Comment:

The project site is zoned Diverse Agriculture and is not subject to a Williamson Act contract. Therefore, the project would not conflict with existing zoning or a Williamson Act contract.

Significance Level:

No Impact

² Department of Conservation, "California important Farmland Finder", <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed on 1/24/24.

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 in a Timberland Production zoning district, and no commercial timberland is present. Therefore, the project would not conflict with or cause 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 would not be located on land utilized or zoned for forest land, timberland, or timber production. Therefore, the project would not result in the loss or conversion of forest land.

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 proposed project does not include development that might result in a nuisance or conflict with other agricultural uses.

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 PM₁₀.

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, PM₁₀ 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 PM₁₀ 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 PM₁₀, 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_{2.5} and PM₁₀) 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.

The project would generate some criteria pollutants, primarily from vehicle trips. A Traffic Impact Study prepared by W-Trans (dated March 7, 2023) found that the tasting room is expected to generate fewer than 10 trips during a single hour, and therefore would have an imperceptible and therefore acceptable effect on traffic operations. Similarly, event attendees would be expected to generate a maximum of 20 trip per hour, which is presumed to also have an imperceptible and therefore acceptable effect on traffic operations.

The project will have no long-term effect on PM₁₀, because all surfaces associated with the tasting room and promotional event areas will be paved, gravel, landscaped or otherwise treated to stabilize bare soils, and operational dust generation will be insignificant.

Significance Level:

Less than Significant Impact 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. Several residences and wineries are present in the immediate area. However, as described above the project

would not generate substantial pollutant concentrations. The exposure of nearby sensitive receptors to project-generated pollutants would be less than significant.

Significance Level:

Less than Significant Impact

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.

Significance Level:

Less than Significant Impact 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. 26-88-015) establishes policies for protected tree species in Sonoma County. Protected trees are defined (, Chapter 26, Article 04, Section 26-04-020(P)(13) as the following species: Big Leaf Maple (*Acer macrophyllum*), Black Oak (*Quercus kelloggii*), Blue Oak (*Quercus douglasii*), Boxelder (*Acer negundo*), California Black Walnut (*Juglans californica*), California Buckeye (*Aesculus californica*), Canyon Live Oak (*Quercus chrysolepis*), Coast Live Oak (*Quercus agrifolia*), Cottonwood species (*Populus fremontii*, *P. trichocarpa*), Interior Live Oak (*Quercus wislizenii*), Madrone (*Arbutus menziesii*), Oregon Ash (*Fraxinus latifolia*), Oregon Oak (*Quercus garryana*), Red or White Alder (*Alnus rubra*, *A. rhombifolia*), Valley Oak (*Quercus lobata*), Willow species (*Salix laevigata*, *S. lucida*) 2) Softwoods: Cypress species (*Hesperocyparis macrocarpa*, *H. macnabiana*), Grand Fir (*Abies grandis*), Pine species (*Pinus attenuata*, *P. contorta*, *P. lambertiana*, *P. muricata*, *P. ponderosa*, *P. sabiniana*), Redwood (*Sequoia sempervirens*), Western Hemlock (*Tsuga heterophylla*).

Oak Woodland Ordinance

The Oak Woodland Ordinance (Sonoma County Code of Ordinances, Chapter 26, Article 67, Section 26-67-020) addresses tree removal and development within Oak Woodlands on parcels located in the OAK Combining Zone. The ordinance allows for one-time woodland conversion up to half-acre, but otherwise requires a use permit for most larger-scale projects in Oak Woodlands.

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.

Special Status Wildlife-Nesting Birds

Birds and raptors are protected under the federal Migratory Bird Treaty Act (50 CFR 10.13). Their nest, eggs, and young are also protected under California Fish and Wildlife Code (§3503, §3503.5, and §3800). Fully protected raptors cannot be taken or possessed (that is, kept in captivity) at any time.

Staff Analysis:

The portions of the project constructed as of the date of application submittal are considered to be a part of the California Environmental Quality Act (CEQA) "baseline" for the project. Not part of the CEQA baseline are proposed improvements including a upgrading septic system and reserve area to serve the project.

The project site is fully developed with a single-family home and the winery facility, which includes two 9,000 square foot structures, paved parking areas, and vineyards. No new structures are proposed other than improvements to the septic system and reserve area.

The proposed location for the project's septic system is on the northeast corner of the parcel, an area that has been utilized for agricultural activities since 1993. The proposed location of the septic system is mapped as annual grasslands on Sonoma VegMap (2013), which was verified by a site visit by County of Sonoma staff Georgia McDaniel Planner III and Deborah Waller Senior Environmental Specialist on October 3, 2019. A roadside drainage is located adjacent to Ross Road but is separated from the proposed septic system location by a property fence and is approximately 60 feet away. Riparian habitat supporting willow and oaks trees is associated with this drainage, but its limits are approximately 50 feet away from the proposed septic location. The proposed septic location is approximately 600 feet from the property's agricultural wastewater treatment and storage ponds, separated by vineyards. A pond on the adjacent parcel to the north is located approximately 200 feet away.

A California Natural Diversity Database (CNDDDB, 2024) search did not show any recorded occurrences of special-status amphibians or reptiles within a 3-mile radius of the proposed septic system. However, a western pond turtle was observed on site during a site visit in 2018, by County of Sonoma Senior Environmental Specialist, Rich Stabler. A wetland delineation survey was conducted by Madrone Ecological Consulting in 2018 and 2019 and did not identify any wetlands meeting all three wetland parameter criteria (soils, hydrology, and vegetation), including sample points located in the vicinity of the proposed septic system in the northeast portion of the parcel.

No trees are proposed for removal. Conditions of Approval include County of Sonoma Tree Protection Construction Standards, including showing tree locations on improvement plans and temporary fencing tree's protected perimeter prior to construction.

Because the project involves improvements to the septic system and reserve area, there may be a potential impact to nesting birds. Potential impacts to nesting birds may be reduced to a less than significant level with Mitigation Measure BIO-1 that would require pre-construction surveys prior to site disturbance, including tree removal.

To address potential impacts from the construction of the septic system upgrades, the project includes Mitigation Measure BIO-1. BIO-2 and BIO-3.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Measure BIO-1 – Nesting Bird Surveys

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.

Mitigation Monitoring BIO-1:

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-2 – Western Pond Turtle

A qualified biologist familiar with the life history of the western pond turtle shall conduct a preconstruction survey for the western pond turtle and their nests within 48 hours of commencement of project activities. If western pond turtle or their nests are detected at any time, the County and CDFW shall be notified immediately. If found, western pond turtle shall be left to leave the area on its own accord or relocated by the qualified biologist, upon written approval by CDFW. Nests shall not be disturbed. A Western Pond Turtle Habitat Improvement Plan shall be prepared and approved in writing by CDFW if western pond turtle or their nests are found, as required by CDFW. If no western pond turtle or their nests are detected during the pre-construction survey, no additional protection measures are required.

Mitigation Monitoring BIO-2:

Results of preconstruction surveys for western pond turtle will be provided to Permit Sonoma prior to construction commencing.

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:

The project site is fully developed with a single-family home, two winery production buildings, and associated paved parking areas and landscaping. The project will require improvements to the septic system and reserve area. The existing site development and potential area for the septic system development are not located near any designated blue line streams shown on the USGS maps or any County designated streamside conservation areas. The riparian area associated with the Ross Road roadside drainage is more than 50 feet away from the proposed septic location and no trees are proposed for removal. County of Sonoma Tree Protection Construction Standards will be included on site and septic plans, and implemented as applicable, including temporary fencing of any nearby trees.

Significance Level:

Less than Significant

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.

An Aquatic Resources Delineation was conducted by Madrone Ecological Consulting on October 18,

2018 with additional wetland surveys conducted on June 7 2019. The results of the delineation were reported in the *Aquatic Resources Delineation Report for Ektimo Vineyards*, prepared by Madrone Ecological Consulting, dated June 19, 2019. The report divided the parcel into two (2) study areas, Study Area 1 and Study Area 2, with the septic system located in Study Area 2. No wetlands were observed in Study Area 2, and the closest wetlands in Study Area 1 on the west side of the parcel are approximately 800 feet away. The U.S. Army Corps of Engineers, San Francisco District issued an Approved Jurisdictional Determination (AJD) for Study Area 2 on December 17, 2019 indicating no wetlands or other jurisdictional waters. The drainage ditch parallel to Ross Road (identified as DD-1 in the delineation report and AJD letter) may be a waters of the State but is approximately 50 feet away from the proposed septic system.

The project will comply with all setback requirements from wetlands and drainage banks, natural or manmade, per the current County of Sonoma Onsite Wastewater Treatment System Regulations and Technical Standards (OWTS Manual) and obtain a Septic Permit prior to construction.

The proposed new septic system is proposed to be located outside, approximately over 500 feet away, from any state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.). Mitigation Measure BIO-2 and Conditions of Approval requiring Best Management Practice during the ground disturbance associated with the proposed project improvements will reduce the impact to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Measure

Mitigation Measure BIO-3: Wetland and Drainage Set-backs

The project will comply with all setback requirements from wetlands and banks (natural or manmade) per the current County of Sonoma Onsite Wastewater Treatment System Regulations and Technical Standards (OWTS Manual) and obtain a Septic Permit prior to construction.

Mitigation Monitoring

Mitigation Monitoring BIO-3:

Prior to issuance of any septic permit(s), the Project Review Division shall verify the project meets all setback requirements of the OWTS manual, especially the Site Evaluation Methods and Investigation Requirements, Criteria for Commercial, and Special/Cultural Events.

- 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 majority of the project parcel is fully developed with the winery facility, vineyards, and a single-family dwelling. Existing trees on the parcel could provide nesting habitat for birds, however, no new construction or tree removal is proposed and County of Sonoma Tree Protection Construction Standards are included as Conditions of Approval. Improvements to the septic system may be needed to accommodate the proposed tasting room and events. The incorporation of Mitigation Measure BIO-1 and BIO-2 would reduce the project impacts to a less than significant impact on wildlife corridors or nursery sites.

Significance Level:

Less than Significant Impact with Mitigation Incorporated

Mitigation Measure**Mitigation Measure BIO-1 and BIO-2**Mitigation Monitoring**Mitigation Monitoring BIO-1 and BIO-2**

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

Comment:

The project does not propose any new structural development or removal of trees. The nearest riparian corridor is located approximately 0.35 acres south of the project site. Therefore, the project would not conflict with any local resource protection policies or ordinances. No impact would occur.

Significance Level:

No Impact

- 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. There are no adopted habitat conservation plans or natural community conservation plans covering the project area, nor is the project site located in the Santa Rosa Plain Conservation Area. Therefore, the proposed project would not be subject to any habitat conservation plan or natural community conservation plan and would not conflict with any such plans.

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:

The project does not propose demolition, destruction, relocation, or alteration of any structure onsite or the immediate surroundings of existing structures, therefore there would not be a substantial adverse change causing an impact to a historical resource.

Significance Level:

No Impact

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

Comment:

On April 29, 2022, Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County to request consultation under AB-52. The request for consultation period

ended May 27, 2022. No requests for consultation were received.

Significance Level:
Less than Significant

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.

Significance Level:
Less than Significant

6. ENERGY

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 does propose any physical changes to the existing facilities other than minor tenant improvements to accommodate the tasting room and events. The tasting room and events would mean a greater number of people would be using the site's facilities at the same time, however, any increased energy consumption would have less than significant impacts.

Significance Level:
Less than Significant Impact

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

Comment:
In 2003, the California Energy Commission (CEC), the California Power Authority, and the California Public Utilities Commission (CPUC) jointly adopted an Energy Action Plan (EAP) that listed goals for California's energy future and set forth a commitment to achieve these goals through specific actions (CEC 2003). In 2005, the CEC and CPUC approved the EAP II, which identified further actions to meet California's future energy needs, mainly focused on the energy and natural gas sectors (CEC 2005).

Operation of the tasting room will result in energy use similar to any visitor-serving facility, including powering of lighting, heating/cooling systems, and storage. No conflicts with a state or local plan for renewable energy or energy efficiency have been identified.

Significance Level:
No Impact

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.**

Comment:

The site is not located in an Alquist-Priolo fault zone or on a known fault based on the latest Earthquake Hazard Zone maps³. 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:

No 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. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that could occur during a seismic event. However, 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. Standard conditions of approval require that building permits be obtained for all construction (including internal tenant improvements and changes of occupancy) and that the project meets 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 Impact with Mitigation Incorporated

Mitigation Measure GEO-1

All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the Drainage and Storm Water Management Ordinance (Chapter 11, 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.

³ California Department of Conservation, "EQ Zapp: California Earthquake Hazard Zone Application", <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed July 2, 2024.

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. According to the General Plan Public Safety Element Liquefaction Hazard Areas Map (Figure PS-1c)⁴, the project site is considered to have Very Low Susceptibility. As stated above, the structures are subject to engineering standards of the California Building Code, which require that the project meet all standard seismic and soil test/compaction requirements. Therefore, the potential impact from liquefaction would be less than significant.

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. The project is located in a minimal slope area. According to the General Plan Public Safety Element Landslide Hazard Areas Map (Figure PS-1d)⁵, the project site has a Slope Class of 0 and is not located in a designated Landslide Hazard Area.

Significance Level:

No Impact

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

The project includes minor ground disturbance septic system upgrades. Ground disturbance and related grading activities are subject to erosion and sediment control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County Code), which requires implementation of flow control best management practices to reduce runoff. The Ordinance requires treatment of runoff from the two year storm event. Required inspection by Permit Sonoma staff ensures that all grading and erosion control measures are constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential water quantity impacts at a less than significant level during and post construction.

In regard to water quality impacts, 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, are specifically designed to maintain potential water quality impacts at a less than significant level during project construction.

⁴ Sonoma County General Plan 2020, Public Safety Element, Figure PS-1c, <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetymaps/publicsafetyliquefactionhazardareas>, accessed January 10, 2024.

⁵ Sonoma County General Plan 2020, Public Safety Element, Figure PS-1d, <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetymaps/publicsafetydeep-seatedlandslidehazardareas>, accessed January 10, 2024.

For post construction water quality impacts, adopted grading permit standards and best management practices require that storm water to be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include storm water treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

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 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 not located within a High or Very High Liquefaction Hazard Area or a designated Landslide Hazard Area in Figure PS-1c Liquefaction Hazard Areas map⁶. The project site is generally flat, therefore, the potential impact from landslides or liquefaction would be less than significant.

Significance Level:

Less than Significant Impact

- 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:

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. For the proposed project, soils at the site have not been tested for their expansive characteristics. No substantial risks to life or property would be created from soil expansion at the proposed project, even if it were to be affected by expansive soils.

Structures are subject to engineering standards of the California Building Code, which require that the project meet all standard seismic and soil test/compaction requirements. Any new construction must comply with the Building Code Standards and therefore, no substantial risks to life or property would result from the soil expansion potential on the project site.

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:

⁶ Sonoma County General Plan 2020, Public Safety Element, Figure PS-1c, <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetymaps/publicsafetyliquefactionhazardareas>, accessed January 10, 2024

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. Permit Sonoma's Well & Septic section reviewed the project and conditioned the project to apply for a new septic permit to accommodate the proposed use.

Significance Level:

Less than Significant Impact

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

Comment:

No cultural resource study was required for this project. The project site is already significantly disturbed by 10 acres of vineyards and wine production related infrastructure. Required ground disturbance is related to septic system upgrades. There have been no unique geologic features identified on site. Standard Tribal Cultural Resource mitigation requiring notes on maps for the required building permits will reduce the impacts to less than significant.

Significance Level:

Less than Significant

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.

Buildings: As discussed in the Energy Section 6a, the project does not include any new construction except minor tenant improvements to bring the tasting room up to building code standards and to the septic system upgrades. Plans for the building do not include the use of natural gas appliances or natural gas plumbing. The 650 square foot tasting room remodel and updates will require compliance with the latest Title 24 Building Energy Efficiency Standards. Therefore, impacts due to energy consumption would be less than significant.

Transportation: The tasting room and septic system upgrades 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 an existing 650 square foot tasting room would conservatively generate a maximum of 20 average daily trips and up to 80 trips during events.

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 20 average daily trips and up to 80 trips during events.

The maximum average daily trip number of 20 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). The project proposed is exempt from the 2022 requirements because it is a remodel of an existing non-residential structure.

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. Additionally, project construction activities would be minimal, consisting of internal tenant improvements to reconfigure the existing 650 square foot tasting room to bring it up to current code standards.

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 adopted twenty goals for reducing GHG emissions, including increasing building energy efficiency and renewable energy use, promoting sustainable agriculture, and reducing emissions from the consumption of good and services. Most of the identified strategies are aimed at new development, and therefore, do not directly apply to the proposed project, which does not include any new construction with minor expansion of current operations. 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:

Less than Significant 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:

The project does not include routine transport, use, or disposal of hazardous materials.

Significance Level:

No 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 would not generate or produce substantial quantities of hazardous material or unsafe conditions.

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:

There are no schools within one-quarter mile of the proposed project.

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:

A review of the following databases (commonly known as the Cortese List) was conducted on April 3, 2024.

1. The State Water Resources Control Board Geotracker database⁷,
2. The California Department of Toxic Substances Control EnviroStar database (formerly known as Calsites)⁸, and
3. The CalRecycle Solid Waste Information System (SWIS)⁹.

No record of hazardous materials sites are located within 1,000 feet of the project site.

Significance Level:

No Impact

⁷ The State Water Resources Control Board Geotracker database, "https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=4950+Ross+Road%2C+Sebastopol," accessed April 3, 2024.

⁸ The California Department of Toxic Substances Control Envirostar database, "https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=4950+Ross+Road%2C+Sebastopol," accessed April 3, 2024.

⁹ The CalRecycle Solid Waste Information System database, "https://www2.calrecycle.ca.gov/SolidWaste/Site/Search," accessed by April 3, 2024.

- 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 closest public use airport, Charles M. Schulz- Sonoma County Airport, is located over 5 miles away. The project site is not within the Airport Safety Zones and therefore, would not result in a safety hazard or in excessive noise for people working in the project area.

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. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section 17, Transportation, for further discussion of emergency access and project traffic.

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:

The project site is located in the Local Responsibility Area and is not within a designated Fire Hazard Severity¹⁰. The project would be required to comply with Sonoma County Code Fire Safe Standards (Chapter 13). Therefore, the project would not be likely to expose people or structures to a significant risk of loss, injury or death involving 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?**

Comment:

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 tasting room. This system 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

¹⁰ Calfire, "Fire Hazard Severity Zones in State Responsibility Area" maps, <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>, accessed July 2, 2024.

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.

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:

A majority of the project site is located within a Class 2-Major Natural Recharge groundwater availability area, while 4 acres is located within a Class-3 Marginal Groundwater area. The site is not located within a priority groundwater basin. A Water Supply, Use, and Conservation Assessment¹¹ was completed in October 2022 for the proposed project by Hurvitz Environmental Consulting in accordance with General Plan Policy WR-2e and County Policy 8-1-14 and reviewed by Permit Sonoma's Natural Resource division. The report identifies the cumulative amount of development and uses allowed in the area and assesses the impact of the proposed project's groundwater use on overdraft conditions, land subsidence, surface water resources, and neighboring wells.

The report found that the onsite water use includes vineyard irrigation, wine processing and manufacturing, tasting room events, a vacation rental, employees and goats. The estimated annual water demand for the entire site is 6.09 acre-feet/year with vineyard irrigation accounting for nearly $\frac{3}{4}$ of the sites annual water use. The site is completely reliant upon groundwater resources from two onsite wells to meet their water demands. Based on the production reported from the two site wells (67gpm combined) there appears to be sufficient water to meet these site demand. The Wilson Grove Formation aquifer beneath the site is approximately 150-feet thick and likely produces most of the water obtained from the two wells. The aquifer is considered to be unconfined to semiconfined and recharge to the aquifer likely occurs primarily from rainfall and nearby stream flow with some recharge also occurring from the onsite reservoir. The two groundwater wells onsite produce a combined 67gpm (50gpm and 17gpm) and appear to be sufficient to meet the sites operational demands. Water conservation methods are employed onsite including recycling of the wine process and manufacturing water into an onsite pond that is used for enhanced aquifer recharge. While the water in the reservoir is not currently used, we estimate that the direct groundwater offset for the

¹¹ ¹¹ Hurvitz, Lee S., Certified Hydrogeologist, "Water Supply, Use, and Conservation Assessment", by Hurvitz Environmental Consulting, dated October 7, 2022.

enhanced aquifer recharge onsite is 0.5 acre-feet/year.

The report concluded that the project will have sufficient water supply and storage to meet the existing demands of the site including vineyard irrigation, process and manufacture of wine, a tasting room, occasional agricultural promotional events, and a vacation rental onsite. Current water conservation methods including the recycling of wine processing water, and enhanced aquifer recharge through an onsite retention pond, help to offset some of the groundwater demand. Thus, impacts to the groundwater resources would be less than significant as a result of the project.

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:

The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operation would not result in increased erosion or siltation.

Significance Level:

No Impact

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

Comment:

The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operations would not result in increased surface runoff or flooding.

Significance Level:

No 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:

The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operations would not result in increased surface runoff.

Significance Level:

No Impact

iv. Impede or redirect flood flows?

Comment:

The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operations would not impede or redirect flood flows.

Significance Level:

No Impact

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

Comment:

The project site is not located within a 100-year flood hazard area or in an area that would be subject to flooding as a result of a levee or dam failure (Sonoma County General Plan Figure PS-1f)¹². The project site is not located near a large isolated body of water that may be affected by a seiche, or within an area mapped as being at risk to tsunamis.

Significance Level:

No Impact

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

Comment:

The proposed project is not expected to conflict with water quality control plans. There is no sustainable groundwater management plan applicable to the site.

Significance Level:

Less than Significant Impact

11. LAND USE AND PLANNING:

Would the project:

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 Diverse Agriculture. This land use designation is intended to enhance and protect lands best suited for enhancement and protection of land where soil, climate, and water conditions support farming but where small acreage intensive farming and part time farming activities are predominant. 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 Diverse Agriculture Zoning designation agricultural crops and grazing operations are principally permitted uses, which are the primary use of

¹² Sonoma County General Plan 2020, Public Safety Element, Figure PS-1f, <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetymaps/publicsafetydamfailureinundationhazardareas>, accessed January 10, 2024.

the parcel. The proposed tasting room and events are considered accessory to the primary use, which is grape growing and wine production. The uses are consistent with the applicable Zoning Code sections and applicable General Plan Policies.

The project does not conflict with general plan policies adopted for the purpose of avoiding or mitigating an environmental effect, such as those related to scenic cultural or biotic resource protection, noise, or transportation.

On March 14, 2023, the Board of Supervisors adopted the Winery Events Ordinance, which established winery definitions and standards in Zoning Code Section 26-18-260. The project was deemed complete prior to the Winery Events Ordinance going into effect. Ordinance 6404 included a pipeline provision which exempted applications deemed complete prior to the date the ordinance went into effect. The project complies with most of the Development Criteria and Operating Standards as shown in Table 2, however, does not comply with the Noise Attenuation Setbacks. Section 26-18-260 of the Sonoma County Code allows for exceptions to those setbacks when a project-specific noise study determines that the project will comply with the noise thresholds in the Sonoma County General Plan Noise Element due to intervening structures or natural features, available open land on noise sensitive parcels, or by incorporating mitigation measures. A Noise Study¹³ was prepared by Illingworth and Rodkin, Inc., which recommended that no amplified speech or amplified music performances be allowed during the proposed events. The project does not propose any amplified noise and therefore, will not conflict with any General Plan policy intended to reduce environmental impacts.

¹³ Svinth INCE Assoc AIA, Fred M., "Environmental Noise Assessment Ektimo Winery," prepared by Illingworth & Rodkin Inc., dated April 9, 2019 and amended on April 26, 2024.

Table 2- Winery Events Ordinance Operating Standards

Operating Standards	Winery Events Ordinance	Proposed Project
Hours of Operations		
<i>Tasting Room</i>	10:00 a.m.-5:00 p.m.	10:00 a.m. - 4:00 p.m.
<i>Winery Visitor Serving Activities</i>	Sales Activities: 10:00 a.m. - 5:00 p.m. Wine Trade Activities: 8:00 a.m. - 10:00 p.m.	The project does not propose to exceed the hours of operations for sales activities or wine trade activities.
<i>Winery Events</i>	Agricultural Promotional Events: 10:00 a.m. - 10:00 p.m. Industry-Wide Events: 10:00 a.m.-5:00 p.m.	Agricultural Promotional Events: 10:00 a.m. - 10:00 p.m. Industry- Wide Events: 10:00 a.m. - 5:00 p.m.
Event Rentals	Now allowed to be rented out to third parties	The project does not propose to rent out to third parties.
On-Site Parking	1 parking space/2.5 guests 1 parking space/ employee	The project proposes 30 parking spaces.
Food Service	Prepared meals featuring local foods and food products is allowed in conjunction with wine trade activities and winery events.	The project proposes to offer food prepared by caterer during events.
Traffic Management	Traffic management and parking plans are required to address the maximum number of people visiting during visitor serving activities and winery events.	The project proposes one staff member to conduct traffic management during events. A maximum of 20 people on site at any one during events.
Noise Attenuation Setbacks *		
<i>Parking Lots</i>	450 ft	300 ft; The project complies with General Plan Noise Element Table NE-2.
<i>Outdoor Areas involving groups of people or non-amplified music (i.e. acoustic)</i>	625 ft	375 ft; The project complies with General Plan Noise Element Table NE-2.
<i>Outdoor areas involving amplified music, or loud instruments such as brass instruments, horns, or drums</i>	1,600 ft	The project does not propose amplified noise. The project complies with General Plan Noise Element Table NE-2.
*Exceptions to the setbacks listed above may be allowed when a project-specific noise study prepared in accordance with the Permit and Resource Management Department Guidelines for the Preparation of Noise Analysis determines the project will comply with the Sonoma County General Plan Noise Element due to intervening structures or natural features, available open land on noise sensitive parcels, or by incorporating noise mitigation measure		

The project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect, including in the Sonoma County General Plan and zoning ordinance.

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).

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)¹⁴ (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:

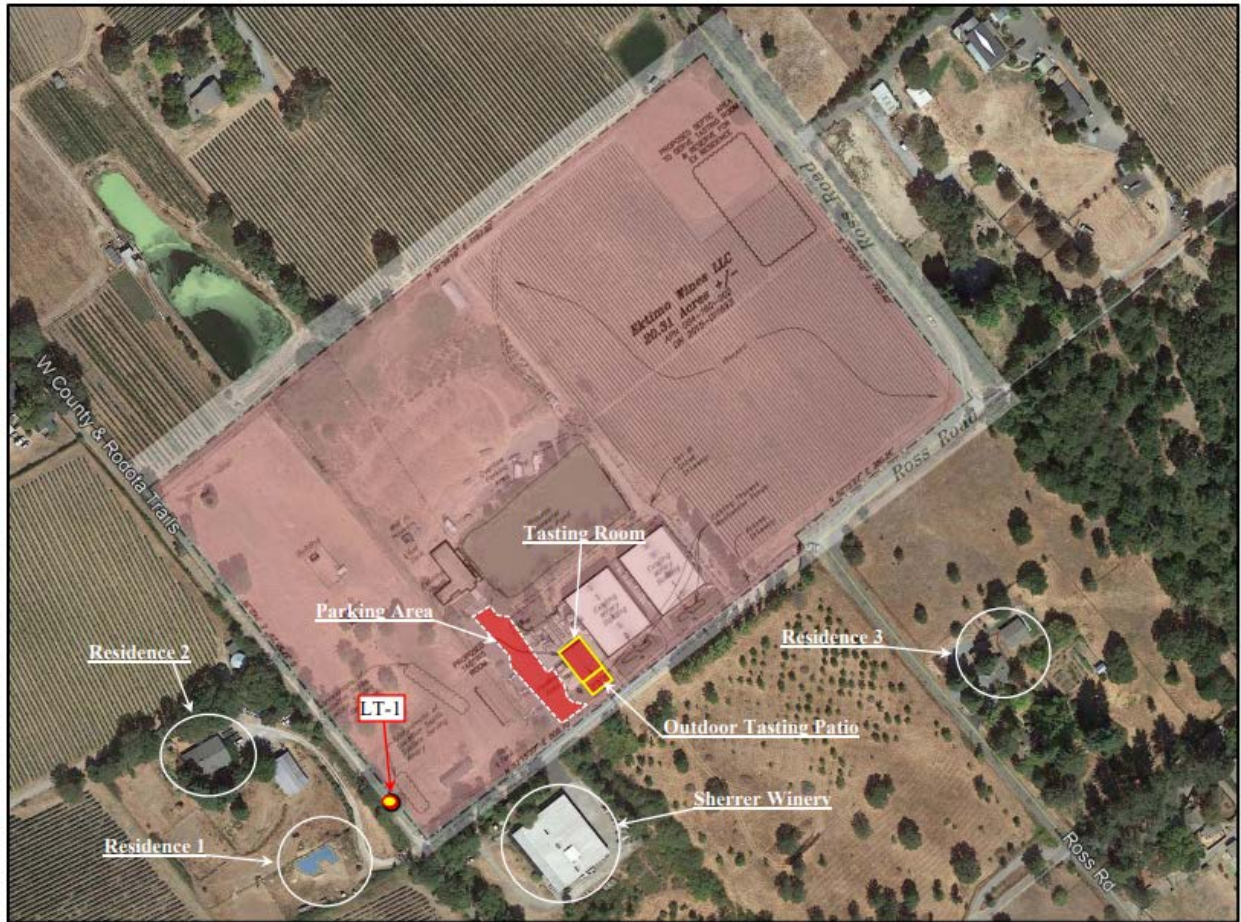
An “Environmental Noise Assessment Ektimo Winery”¹⁵ dated April 9, 2019, amended on April 26, 2024, was prepared by Illingworth and Rodkin, Inc. The analysis was conducted to document existing noise conditions at the property line of the nearest noise sensitive use to the proposed tasting room and event activities. The study included on-site noise monitoring and modeling for projected noise conditions based on the proposed project.

The site is bordered by the West County Regional Parks trail and rural residential uses and vineyards to the west, a winery production facility (Sherrer Winery), agricultural lands, and rural residential uses to the south, agricultural lands and rural residential uses to the east, and vineyards to the north. The study specifically measured noise levels on the western property line of the site adjacent to the West County Regional Parks trails, which is the closest to existing residential uses near the project site. Noise levels measured at this site primarily resulted from typical residential, agricultural and woodland sounds with occasional voices of walkers and sound of riders on the adjacent West County Regional Parks trail and distant local traffic on Ross Road.

¹⁴ Sonoma County Aggregate Resources Management Plan, as amended in 2010, <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/aggregateresourcemanagement/mapsanddiagrams>, accessed November 22, 2023.

¹⁵ Svinth INCE Assoc AIA, Fred M., “Environmental Noise Assessment Ektimo Winery,” prepared by Illingworth & Rodkin Inc., dated April 9, 2019 and updated on April 26, 2024.

Figure 4. Project Site and Sensitive Land Uses



There are several operations associated with tasting room use and events at the proposed facility that will produce noise. These include:

1. Project Traffic,
2. Daily Tasting room activities, and
3. Promotional event noise

Automobile Parking and Traffic

Visitor traffic to and from the winery for wine tasting and events would use the existing private drive connection to Ross Road and park in the existing lot adjacent to the tasting room. The closest noise sensitive use outside of the project site are two single-family residences, located over 300 feet from the closest point of the tasting room access driveway. Other noise sensitive residential uses area over 600 feet from the driveway and parking area.

Considering this distance and that automobile speeds are expected to be limited to 20 mph on the access roadway, the highest average noise generated by automobile and light vehicles passing closest to any adjacent residences would produce sound levels of 40 dBA or less at the near property lines of the closest residences.

Given the small size of the facility and the events proposed, most visitor and event parking is expected to occur in the existing paved parking area adjacent to the tasting room, though if needed,

overflow parking will be accommodated north of the existing parking lot near the existing on-site (winery owned) single family residence. All parking areas would be 300 or more feet from the property line of nearest residence. The average maximum noise generated by automobile and light vehicle parking in the parking area would be between 42 dBA at the property line of the nearest residence, and lower at all other adjacent residences.

Given the small event sizes and current and expected number of tasting room visitors the maximum noise levels produced travel to and parking in the tasting room and event parking area discussed above are expected to occur for less than 5 minutes out of an hour on a typical day and fall in the 5 minutes per hour or L08 NE-2 daytime category of 60 dBA. Table 4, following, presents and summarizes the assessment of passenger vehicle noise.

Table 3- Visitor Passenger Vehicle L08 Noise Levels

	L₀₈ (Noise Level Exceeded 5 Minutes in an Hour), dBA at closest Adjacent Residence to Activity (Res. 1)
Unadjusted Table NE-2 Daytime Limit	60
Daytime Ambient Noise Levels (see Table 3)	45
Driveway/Parking Noise at Receiver	40/42
Operations Exceed Ambient by 10 dBA?	No
NE-2 Adjustment	0
Adjusted Table NE-2 Daytime Limit	60
Driveway/Parking Noise Exceeds NE-2?	No

Noise levels associated with automobiles and light vehicles using the project driveways and parking lots would not exceed the daytime Table NE-2 noise standards at the property lines of the closest adjacent residences.

Tasting Room and Patio Operational Noise

The project proposes an average of about 10 tasting room visits per day Tuesday through Fridays and a maximum of 25 people per day on Saturdays and Sundays. This usage would still result in a visitation rate of less than 8 tasters per hour.

Considering this usage rate, the sound levels within the tasting room could be up to 65 dBA at 10 feet with 5 to 10 patrons in raised conversation, and with a minimum rate of 12 dBA of interior to exterior structural sound attenuation, noise level at the exterior of the tasting room could reach a level 53 dBA under busy conditions. Under busy conditions the tasting room's L50 sound levels would be expected to be less than 35 dBA at the property line of the nearest residence, and lower at all other adjacent residences. Table 5 following presents and summarize the assessment of tasting room related noise versus County Noise Standards.

Table 4- Tasting Room L50 Noise Levels

	L₅₀ (Noise Level Exceeded 30 Minutes in an Hour), dBA at closest Adjacent Residence to Activity (Res. 1)
Unadjusted Table NE-2 Daytime Limit	50
Daytime Ambient Noise Levels (see Table 3)	39
Raised voices within Tasting Room	18
Raised voices within Tasting Patio	30
Operations Exceed Ambient by 10 dBA?	No
NE-2 Adjustment	0
Adjusted Table NE-2 Daytime Limit	50
Promotional Event Noise Exceeds NE-2?	No

Promotional Event Noise

The project proposes events on site within the tasting room and outdoor patio where no more than 20 people would be on site at any one time. Events held in the tasting room or adjacent winery buildings could be as close as 375 feet from the property line of the nearest residence. The center of tasting or event activities in the Tasting Patio could be as close as 390 feet from the near property line to Residence 1, as identified in Figure 8. Using this distance and a consideration that the events at the tasting room or winery buildings would receive at least the minimum rate (12dBA) of interior structural attenuation, the L50 sound levels for the typical noise source levels for events have been calculated at the near property lines of the closest adjacent residences. The noise assessment found that noise associated with agricultural promotional events at the winery would not exceed County NE-2 standards at the property lines of the closest adjacent residence, provided the events do not include amplified music or speech. The project does not propose either.

Table 5- Promotional Event L50 Noise Levels

	L₅₀ (Noise Level Exceeded 30 Min/hr.), dBA at closest Adjacent Residence to Activity (Res. 1)	
	Indoor Events	Outdoor Events
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels (see Table 3)	39	39
1. Amplified Music	38	50
2. Amplified Speech	37	49
3. Non-amplified (acoustic) Music	33	45
4. 20 Guests-Raised Conversation +Bkg. Music	18	30
5. 40 Guests-Raised Conversation +Bkg. Music	20	32
Operations Exceed Ambient by 10 dBA?	No (all)	Yes (1 & 2), No (3,4,&5)
NE-2 Adjustment	-0 (all)	-5 (1 & 2), -0 (3,4,&5)
Adjusted Table NE-2 Daytime Limit	50 (all)	45 (1 & 2), 50 (3,4,&5)
Promotional Event Noise Exceeds NE-2?	No	Yes (1 & 2), No (3, 4,&5)

Considering the findings shown in Table 6 noise associated with indoor Promotional Events would not result in noise levels which exceed the daytime NE-2 noise standards at the property lines of the closest adjacent residences. However, outdoor events with amplified music or speech would exceed the daytime NE-2 noise standards at the property line of Residence 1.

Tasting room and event noise from the winery will be in compliance with the Sonoma County General Plan Noise Standards and are not anticipated to result in a substantial increase in noise in the site vicinity or a significant impact.

Significance Level:

Less than Significant Impact

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

- 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 project is not located in the vicinity of a private airstrip or an airport land use plan and would not expose persons in the project area to excessive airport-related noise.

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 a substantial number of homes, 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:

The proposed project does not involve the construction of new housing, would not create a significant number of new employment opportunities, and would not be likely to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of Sonoma County. Therefore, the proposed project would not require construction of new or physically altered governmental facilities.

Significance Level:

Less than Significant Impact

i. Fire protection?

Comment:

Sonoma County Code requires that all new development meet Fire Safe Standards (Chapter 13). Permit Sonoma's Fire Prevention division reviewed the project description and required 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 District.

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:

No housing or residential units would be constructed as part of the project. Although additional employees are proposed as a part of this Use Permit, it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Therefore, the project would not introduce new school age children in the project area and would not necessitate or facilitate construction of new schools resulting in environmental impacts.

Significance Level:

Less than Significant Impact

iv. Parks?

Comment:

No residential units would be included in the project that would require the payment of parkland development fees. The proposed project does not involve the construction of new housing, which is the typical type of development that requires expansion of recreational facilities. Although additional employees are proposed with the project, it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur.

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 proposed project does not involve construction of recreational facilities or require the construction or expansion of facilities. See item 15.a. above.

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.

The County of Sonoma Guidelines for Traffic Studies states that Permit Sonoma and Sonoma County

Public 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 "Transportation Impact Study for the Ektimo Winery Tasting Room"¹⁶ dated March 2023, prepared by W-Trans, which was reviewed and accepted by the Department of Sonoma Public Infrastructure. The traffic study made the following findings:

- The tasting room would be expected to generate fewer than 10 trips during a single hour, so can reasonably be assumed to have an imperceptible and therefore acceptable effect on traffic operation. Similarly, event attendees for both the agricultural promotional events and the industry wide events would be expected to generate a maximum of 20 trips per hour, which is presumed to also have an imperceptible and therefore acceptable effect on traffic operation.
- The lack of on-street pedestrian and bicycle facilities is adequate given the project's rural setting and the proximity of the West County Regional Trail to the project site. Transit facilities serving the project site are adequate.
- Based on screening criteria from the California Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, the project can be expected to have a less-than-significant impact on vehicle miles traveled (VMT).
- Adequate sight distances are available at the intersection of the shared project driveway and Ross Road, and a left-turn lane is not warranted on Ross Road.
- The project is expected to have a less-than-significant impact on emergency response provided that the gated project driveway would be accessible by the fire department by a lock box or emergency release device.
- The parking supply at the project site would be adequate to meet anticipated demand.

Based on the findings, the traffic study provided the following recommendations:

- It is recommended that a "YIELD" sign (R1-2) be installed on the eastbound approach of the shared driveway to its intersection with Ross Road. The sign would clarify to drivers leaving the project site that they must yield to through traffic on Ross Road.
- The project should arrange with the fire department to ensure the gate can be opened during an emergency.

Sonoma County Public Infrastructure provided Conditions of Approval for this project that require the applicant to 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 level of service (LOS) standards are established by the Sonoma County General Plan Circulation and Transit Element. See Item 16(a) above for a discussion of traffic resulting from project construction and operation.

Under the provisions of Senate Bill (SB) 743, change in vehicle miles traveled (VMT) is the metric to be applied for determining transportation impacts associated with development projects. As of the date of this analysis, Sonoma County has not yet adopted its own thresholds of significance related to

¹⁶ Whitlock PE PTOE, Dalen J., Nathan Sharafian, EIT, "Transportation Impact Study for the Ektimo Winery Tasting Room", prepared by W-Trans, dated March 7, 2023.

VMT, so project-related VMT impacts were evaluated 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 likely to have a less-than-significant VMT impact and can be "screened" from further VMT analysis. One of these screening criteria pertains to small projects that generate fewer than 110 vehicle trips per day. As the proposed tasting room is expected to generate a maximum of 20 vehicle trips per day, it is reasonable to conclude the project would have a less-than-significant impact on VMT. It is noted that while up to 80 trips might be anticipated during days on which there is an industry-wide event, these trips would be shared among multiple wineries and would generate predominantly short trips from or to other local wineries and would still fall below the 110-trip threshold.

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 and would not create hazards from incompatible uses.

Significance Level:

Less than Significant Impact

d) Result in inadequate emergency access?

Comment:

Permit Sonoma's Fire Prevention division reviewed the project referral and provided conditions of approval to comply with the County Fire Safe Ordinance, including emergency access. Because no new construction or occupancy changes are proposed, the project was found to be consistent with fire safe standards, but the facility is subject to ongoing inspections to confirm compliance.

Significance Level:

Less than Significant Impact

e) Result in inadequate parking capacity?

Comment:

Sonoma County Code, Chapter 26, Article 86 (Parking Regulations) does not list an equivalent use for a tasting room or events. However, the Winery Events Ordinance, Section 26-18-260 adopted on March 14, 2023, requires one (1) parking space per two and one-half (2.5) guests and one (1) space per employee.

The project's peak parking demand was estimated based on the proposed employee count and maximum of 20 guests at any given time, including during event days. Assuming 2.5 occupants per vehicle and accounting for employees, approximately 12 parking spaces would be needed when demand is highest. The project site can accommodate 30 vehicles on the paved parking lot. The existing parking supply would be adequate to accommodate anticipated demand.

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.

Comment:

On April 29, 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 Pomo 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.

Significance Level:

Less than Significant

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 improvements to the septic system to accommodate the tasting room guests and proposed events.

Significance Level:

Less than Significant 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 and condition the project to require a well monitoring easement and ground water monitoring. 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 will need to be upgraded in order to accommodate the weekend tasting room guests and proposed events.

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:

Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from the proposed project. The project would not create solid waste in excess of the capacity of the County's solid waste system.

Significance Level:

Less than Significant Impact

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

Comment:

Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from the proposed project.

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?**

Comment:

The project would not impair implementation of an adopted emergency response plan. There is no adopted emergency evacuation plan for the County, and the project would not change existing circulation patterns or effect emergency response routes.

Significance Level:

Less than Significant

- 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?**

Comment:

Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The project site is located within a semi-urbanized developed area within an unforested valley. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers.

The project site is not located in a State Responsibility Area or a Very High Fire Hazard Severity Zone. The project site is located in the Local Responsibility Area and is not within a designated Fire Hazard Severity Zone.¹⁷

As discussed in section 9, application of County fire safe standards will offset any increased wildfire risk presented by prevailing winds or onsite fuel to a less than significant level.

Significance Level:

Less than Significant

- 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?**

Comment:

The project is required to provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code as adopted and amended by Sonoma County Code. The tenant improvements for the tasting room 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, emergency water supply, and defensible space. Construction activities allowed under an approved building permit in accordance with current building standards should decrease the risk to structures on the project parcel and ensure that the project would reduce the exposure of people and property to fire hazards.

Significance Level:

Less than Significant Impact

- 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:

The project site is relatively flat. Based on the lack of slopes present on the project site, the project would not 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.

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**

¹⁷ Calfire, "Fire Hazard Severity Zones in State Responsibility Area" maps, <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>, accessed July 2, 2024.

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 and BIO-2,) would reduce these 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 biological resources, cultural resources, geology, noise and tribal resources, which may be cumulative off-site, but mitigations would reduce project impacts to less-than-significant levels.

Section 15355 of the CEQA Guidelines state: Cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. No other reasonably foreseeable projects in the vicinity of the proposed project area were identified that might have overlapping or cumulative impacts.

Other visitor serving uses include a winery located on the adjacent parcel, APN 084-160-003, approved under PLP12-0034 which allowed for a private tasting room and winery production of 12,000 cases per year. No public tastings room or events are allowed on this site. A second winery is located 0.80 miles west of the project site, APN 084-190-001. This winery was approved under UP9294 (Resolution Number 9298), which allows for winery production and incidental tastings. No other proposed recreational or visitor serving projects were proposed within the vicinity (accessed via Ross Road).

The combined project contributions are not anticipated to rise to a cumulatively considerable level. The project would contribute to impacts related to air quality, biological resources, and geology, 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 air quality, biological resources, cultural resources, geology, 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

References

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4. Sonoma County General Plan 2020, Public Safety Element, Figure PS-1b, <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetymaps/publicsafetyearthquakefaultazardareas>, accessed January 10, 2024.
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13. The State Water Resources Control Board Geotracker database, <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=4950+Ross+Road%2C+Sebastopol>, accessed April 3, 2024.
14. Svinth INCE Assoc AIA, Fred M., "Environmental Noise Assessment Ektimo Winery," prepared by Illingworth & Rodkin Inc., dated April 9, 2019 and amended on April 26, 2024.
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