



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

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

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

Publication Date:  
Public Review Period: January 13, 2025, to  
February 13, 2025

State Clearinghouse Number:  
Permit Sonoma File Number: PLP22-0003  
Prepared by: Levan King Cranston  
Phone: (707) 565-2592

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:** Kutch Winery and Tasting Room

**Project Applicant/Operator:** Jamie Kutch and Kristen Green, Kutch Vineyards LLC

**Project Location/Address:** 190 Wilson Rd, Sebastopol, CA 95472

**APN:** 077-140-018

**General Plan Land Use Designation:** Diverse Agriculture, 20 acre density

**Zoning Designation:** Diverse Agriculture (DA), 20 acre density (B6 20), with combining district for Scenic Resources (SR)

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

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

**Table 1. Summary of Topic Areas**

<b>Topic Area</b>	<b>Abbreviation*</b>	<b>Yes</b>	<b>No</b>
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	
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.

<b>Table 2. Agency</b>	<b>Activity</b>	<b>Authorization</b>
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

Regional Water Quality Control Board (North Coast)	Discharge or potential discharge to waters of the state  Wetland dredge or fill	California Clean Water Act (Porter Cologen) – Waste Discharge requirements, general permit or waiver  Clean Water Act, Section 404
State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
California Department of Fish and Wildlife	Incidental take permit for listed plant and animal species; Lake or streambed alteration	California Endangered Species Act (CESA), Section 2081 of the Fish and Game Code; Section 1600 of the Fish and Game Code
Bay Area Air Quality Management District	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. Fish and Wildlife Service (FWS) and or National Marine Fisheries Service (NMFS)	Incidental take permit for listed plant and animal species	Endangered Species Act
Sonoma County Public Infrastructure	Traffic and road improvements	Sonoma County Municipal Code, Chapter 15
Sonoma County Environmental Health	Retail Food Facility Permit	Sonoma County Municipal Code, Chapter 14

**ENVIRONMENTAL FINDING:**

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



## ***Expanded Initial Study***

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

2550 Ventura Avenue, Santa Rosa, CA 95403

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

## **I. INTRODUCTION:**

Jamie Kutch and Kristen Green propose a Use Permit and Design Review for a new winery (Kutch Winery) including a new production building for wine and spirits for a maximum annual production of 12,000 cases of wine and 500 gallons of spirit per year, a new tasting room including a storage area, office, and patio area. The project proposes a covered crush pad, septic system, winery wastewater system, visitor parking area, and new driveway, on the 12.15+/- acre parcel. No agricultural promotional events or industry-wide events, or amplified noise are proposed as part of this Use Permit request. 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 Levan King Cranston, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Jamie Kutch, Kristen Green and Dean Parsons from Parsons & Associates. Technical studies were provided by qualified consultants to support the conclusions in this Expanded Initial Study. Technical studies, other reports, documents, and maps referred to in this document are available for review through the Project Planner, or the Permit and Resource Management Department (Permit Sonoma) [Records Section](#).

Please contact Levan King Cranston, Planner, at (707) 565-2592, for more information.

## **II. EXISTING FACILITY**

The subject property is located approximately 1 mile west of the City of Sebastopol in unincorporated Sonoma County (Figure 1).

The proposed project site 12.15+/- acres in size, will utilize agricultural land. The subject property is located on Wilson Road a shared private driveway approximately 600-feet north of Bodega Hwy. The site includes three existing structure, including an existing single-family residence, a barn, and agricultural storage structures. All of these existing improvements will remain on site. The site is currently served by an existing septic system for the residence, and two existing wells. The property is currently planted with 6.5 acres of vineyard and 2 acres of apple orchard. Access to the subject property is currently provided by an existing driveway off of Wilson Road, which connects to Bodega Hwy.

Figure 1: Vicinity Map

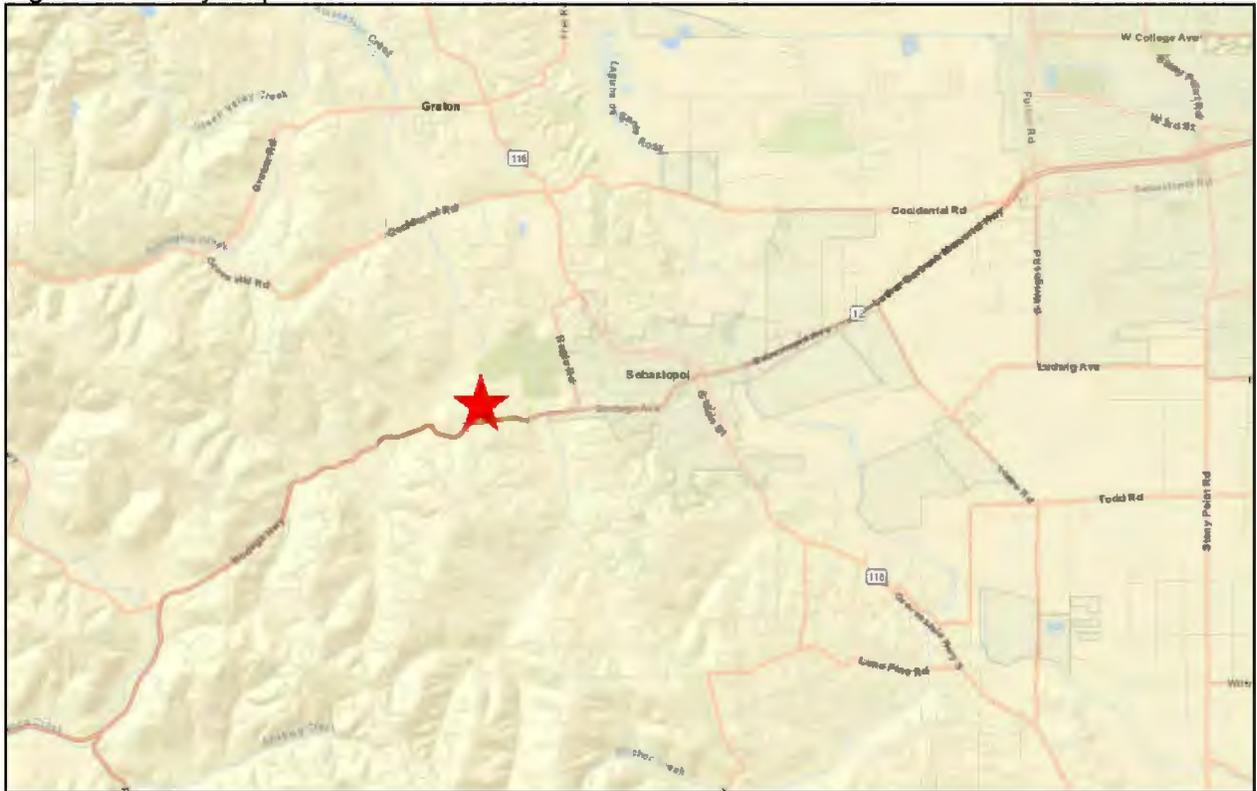


Figure 2: Subject Property and Surrounding Areas



### III. PROJECT DESCRIPTION

The project is a request for a Use Permit and Design Review for a new winery (Kutch Winery). Phase 1 of the proposed development includes a new winery building used for production, storage, and other related uses necessary to produce a maximum annual production of 500 gallons of distilled spirits from fruit grown on site, and a maximum annual production of 12,000 cases of wine, with 100% of grapes being sourced locally from the estate and other local vineyards within Sonoma County. Phase 2 of the proposed development includes construction of a new tasting room, with a patio, storage, office space. No agricultural promotional events or industry-wide events, or amplified noise are proposed. The project will be entirely located on the 12.15 +/- acre property.



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

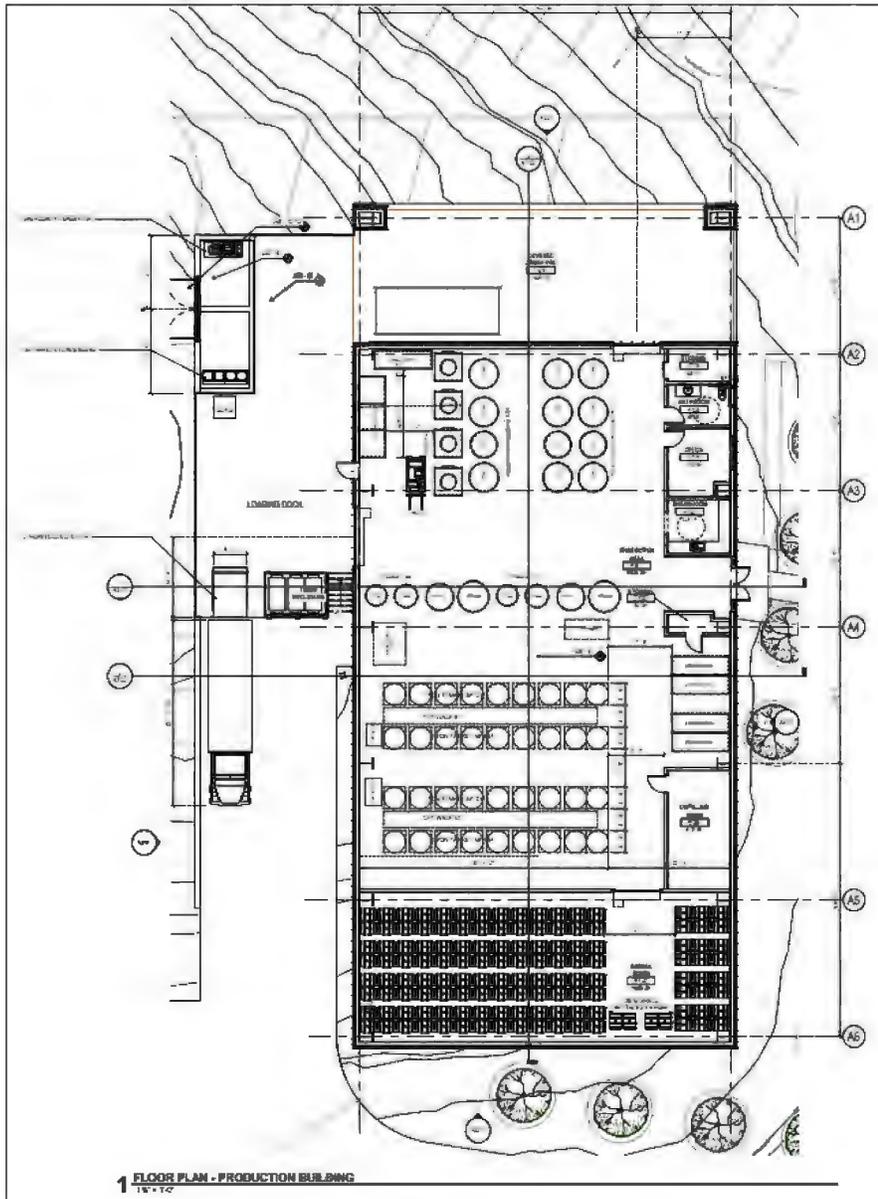
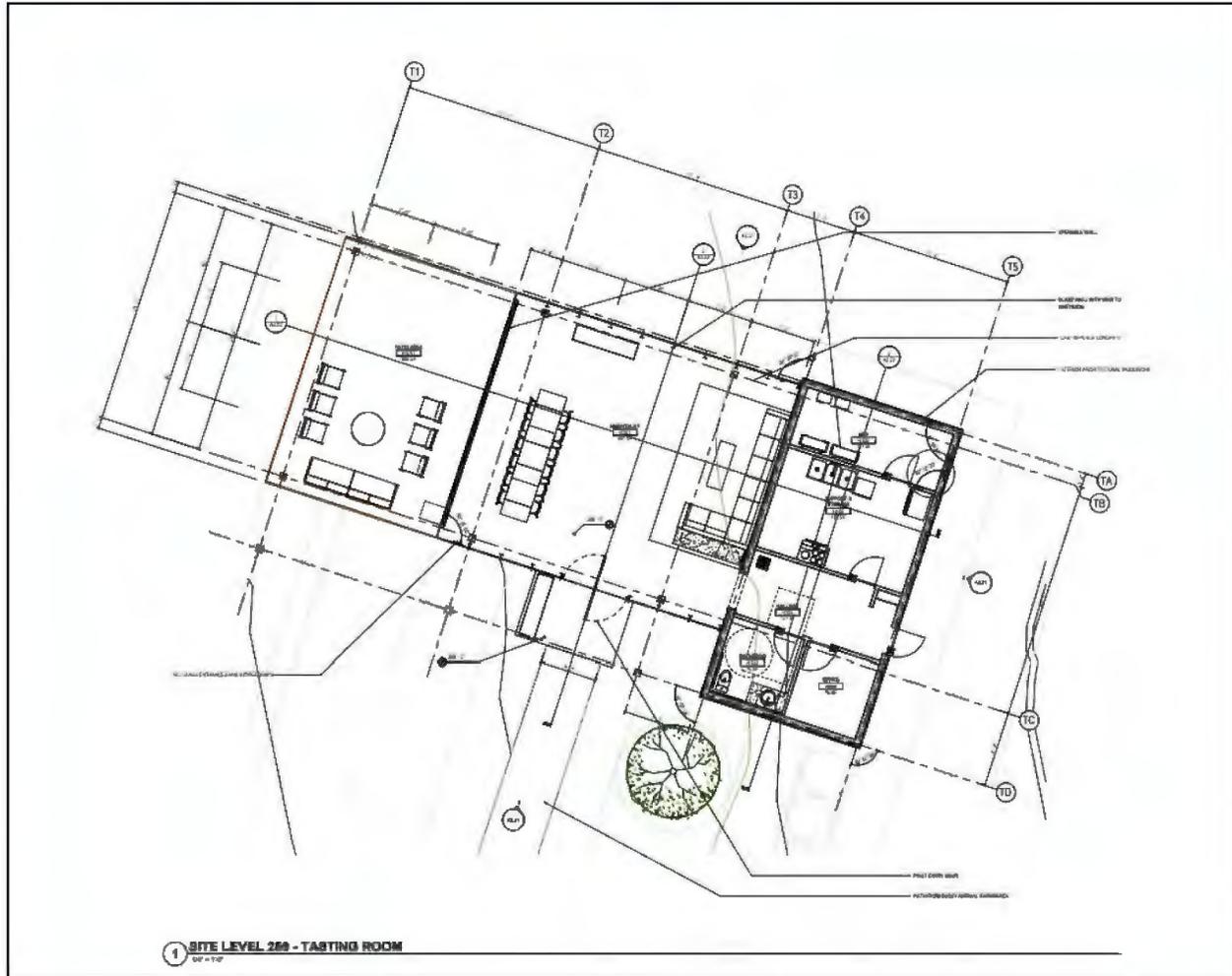


Figure 5: Proposed Tasting Room Floor Plan (see Attachment 1)



#### PROJECT SITE AND SURROUNDING LANDS:

The 12.15+/- acre project site is north of the intersection of where Wilson Road a shared private driveway meets Bodega Highway, approximately 1 mile west of the City Sebastopol. The project site is approximately 1 mile west of the City of Sebastopol. The area consists of large predominately flat parcels used for agriculture. The property is bounded by other agricultural properties planted in vineyard and other crops. Single-family residences are located to the north, vineyards located to the east and south, and forested land with some single family dwelling located to the west. This is predominately a Zone 2 Water Availability Area.

The project includes a 10 week harvest season for grapes and fruit on site. The project intends to keep the existing single-family dwelling and existing agricultural structures.

The project will be served by an existing 698 foot deep well constructed in 2021 located near the southeast corner of the site. This existing well provides domestic and production water to the winery, tasting room, and vineyard irrigation. The subject property is generally level with elevations varying from 259-276 feet in elevation. The property slopes down slightly to the west however the property is predominately flat. Zoning is DA (Diverse Agriculture) with 20 acre density. The West Sonoma Union High School is located approximately 2 miles east of the project site. Parcels in this area of the County range in size from 0.25 acres to 150 acres.

Design Style: The architecture design uses earth tones to blend with the natural environment of rural Sonoma County. Exposed concrete, cedar siding and metal roof will be used for the exterior materials of the single story tasting room. The production building will have exposed concrete, cool grey stone, and a raw steel canopy. The siting of the proposed structures is located at the base of a slope located at the southwest corner of the site, and therefore will be less visible due to the topographic depreciation of the land. The production building provides a barrel room of 1,956 square feet. All processing and aging of wine and spirits will be done indoors.

Existing Uses: The property is developed with an existing 1,090 square foot residence, 1,475 square foot barn, 1,170 square foot former chicken coop/storage building, 160 square foot shed housing two water tanks, septic system, and well. Approximately 6.5 acres of on-site vineyard consist of Pinot Noir grapes and will produce approximately 32.5 tons of grapes/year and will be processed on-site. In addition, there is approximately 2 acres of existing apple orchard on site intended to be used for spirits. However, 1 acre will be removed to accommodate development of this project.

Farming Operations: A 6.5 acre Pinot Noir vineyard and approximately 2 acres of apple orchard are farmed on site, however, 1 acre of apple orchard will be removed to provide land for this project. Additional fruit trees will be planted around the proposed winery/tasting room. The property will practice organic farming and intend to operate at a high-level regarding quality and sustainability.

Topography: The subject property ranges in elevation from 276 feet in the east, to 242 feet in the southwest portion of the property. The average slope is approximately 3 percent, with development located at the lowest area of the property.

Drainage: The project site is sloped from east to west and drains into an un-named tributary of Atascadero Creek (see biological study mapping). Atascadero Creek flows to the northeast approximately 1,700 feet from the project well.

Vegetation: The proposed winery/tasting room development area is in the southwest corner of the site, covered with non-native grasses and apple trees. Located off site and to the west is a drainage area, with willows and oak trees. None of the offsite trees will be affected by the project.

Proposed Building and Uses: The proposed production building involves a collection of uses located inside which include a distilling room intended to produce 500 gallons of spirits per year from fruit grown on site, a wine barrel room (1,956 square feet), office (150 square feet), bathroom (98 square feet), storage (127 square feet), and wine production area (6,106 square feet). The tasting room is in a separate building, which includes a wine tasting hospitality area (861 square feet), office (75 square feet), bathroom (75 square feet), support and storage room (193 square feet), and patio area (506 square feet).

Winery/Tasting Room Employees: 4 full-time employees, and 4 additional part-time seasonal employees during harvest.

Winery Operating Hours: Non-Harvest Season: Monday-Friday, 7 am-5 p.m.

Harvest Season (10 weeks/year): All winery processing fruit will arrive between the hours of 7:00am – 10:00 p.m., seven days per week.

Parking: The tasting room parking lot has 14 parking spaces, intended for visitors and employees, including ADA parking. Tastings will be by appointment only, and typically average eight appointments per day, the equivalent of 24 visitors per day.

Access: All access and egress for vehicles and trucks would be via a proposed new driveway connecting onto Wilson Road a shared private driveway.

Trash Enclosure: A trash enclosure will be located on the west side of the winery production building in the loading dock area to accommodate waste and recycling.

Project Wastewater & Pomace Disposal: Two standard septic systems have been designed to

accommodate all winery process wastewater and domestic needs (see attached Septic Report and Winery Wastewater Septic Design Calculations dated March 10, 2022, and Site Plan with Septic fields dated March 23, 2022, prepared by Munselle Civil Engineering). The septic systems will be subject to approval of a Septic Permit by the Well and Septic Section of Permit Sonoma.

Two winery processing wastewater leach fields will be located east of the parking lot with a reserve area, and the winery domestic leachfield will be located on the north side of the winery driveway near the driveway intersection with Wilson Road. The septic system for the existing residence is located south of the residence and east of the winery domestic leachfield. Solid waste (grape pomace) will be spread in the on-site vineyard and disced into the soil.

Domestic wastewater disposal: Sanitary sewage would be via an on-site septic system.

Water supply: On-site wells.

Casegood storage: Winery storage needs are sized to accommodate barrel and case good storage for a winery with a maximum annual production of 12,000 cases. The winery facility is also sized to process apples grown on site into a maximum annual production of 500 gallons of spirits per year. The project proposes a total of 1,945 square feet to be designated for casegood storage.

Landscape:

Drought tolerant landscaping will be installed around the winery and tasting room. It will include a pollinator garden located between the winery and tasting room, fruit trees placed between the winery building and tasting room and parking lot, and a landscape screen to screen the facility from property located to the south. The tasting room will include a living roof. The new driveway serving the winery/tasting room will include a landscaped entry gate at Wilson Road. A sign will be installed at the winery/tasting room driveway entry to notify guests where to enter the site.

Construction: Construction phasing is anticipated to occur in two phases. The first phase includes the new 10,531 square foot production building. The second phase includes a new 1,954 square foot tasting room. All new construction on the project site will conform to Fire Safe Standards related to fire sprinklers, emergency vehicle access, and water supply.

## **IV. SETTING**

The 12.15+/- acre project site is north of the intersection of where Wilson Road meets Bodega Highway, approximately 1 mile west of the City Sebastopol, and is located in Unincorporated Sonoma County. The area consists of large predominately flat parcels used for agriculture, with some single-family dwellings. The property is bounded by other agricultural properties planted in vineyard and other crops. Single-family dwellings are located to the north and have a base zoning of DA (Diverse Agriculture) and Diverse agriculture land use designation. Other properties nearby are developed with planted vineyards located to the east and south, and forested land with some single-family dwelling located to the west, all of which share DA (Diverse Agriculture) zoning, and Diverse Agriculture land use designation.

## **V. ISSUES RAISED BY THE PUBLIC OR AGENCIES**

A referral packet was drafted and circulated to inform and solicit comments from selected relevant local, state and federal agencies; and to special interest groups that were anticipated to take interest in the project.

On February 9, 2022, Permit Sonoma circulated a referral packet to inform and solicit comments from selected relevant local, state, and federal agencies, local Tribes, neighbors within 300 feet of the project site; and to special interest groups what were anticipated to take interest in the revised project.

Comments were received from:

- Permit Sonoma Fire Prevention
- Permit Sonoma Grading and Stormwater
- Permit Sonoma Natural Resources Division
- Sonoma Public Infrastructure
- State of California Water Board
- Northwest Information Center

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

Assembly Bill 52 Project Notifications were sent to a collection of local Tribes, in which one Tribe responded stating the project is outside of their Aboriginal Territory and another Tribe requested no further consultation. A second Tribe requested a second Tribe requested a phase 1 archeological study be performed for the project, this tribe reviewed the findings of the completed study and confirmed they are comfortable with standard conditions of approval for this project. A third Tribe confirmed the project area is within their ancestral territory and requested a higher level of consultation discussed in more detail in sections 5 and 18 of this Initial Study.

Early Neighborhood Notification was mailed on February 16, 2022, to property owners within 300-feet of the subject property. Public comments received raised concerns about the projects impact to traffic on Wilson Road and groundwater use.

## VI. OTHER RELATED PROJECTS

There are no known private or public projects in the area that may affect the proposed project.

## 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.

The owner, Jamie Kutch and Kristen Green, has agreed to accept all mitigation measures listed in this

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

## 1. AESTHETICS:

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

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

Comment:

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

All structures located within a Scenic Landscape Unit are subject to the standards in Zoning Code Section 26-64-020 and General Plan Policy ORSC-2d. If necessary, Zoning Code Section 26-64-020 specifies that new landscaping used for screening should be comprised of native, fire resistant plants and trees. The proposed wine production building will be constructed with earth tone materials, with the roof, exterior walls, and trim in cool grey stone metal. There will be exposed concrete as part of the retaining wall, and a raw steel canopy. The wine tasting room will have vertical cedar exterior siding, a grey metal roof, with some exposed concrete, all of which embrace dark and earth tones.

The proposed development would be partially screened by existing vegetation located on the adjacent parcel to the west. This property includes an assortment of large trees on site. A collection of low and moderate water use fruit trees are located near the site for the proposed production building and wine tasting building. A planting screen is proposed along the southern property line creating a visual buffer between the proposed winery related structures, and the neighboring property.

The project complies with the Zoning Code's maximum height of 35 feet. The total square footage of building footprints is approximately 15,380 square feet. Zoning standards for DA Zoning provide for a 10% maximum lot (building) coverage; the project site is 12.5 acres in size, therefore the project will comply with this standard. The project would also meet all zoning setback standards for new building from the property lines and the road centerline.

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

Significance Level:

Less than Significant Impact with Mitigation Incorporated.

**Mitigation VIS-1:**

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

**Mitigation Monitoring VIS-1:**

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

property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions.

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

Comment:

The subject property is located approximately 650-feet from Bodega Hwy; however, this is not a designated State Scenic Highway. In any case, the project's visibility will be limited because of existing vegetative screening on the subject property and neighboring property, and distance. The site's access road, Wilson Road a private road which sits at approximately 276-feet in elevation at the project site, while the winery building and tasting room will be at a 259-foot and 268-foot finished floor elevation, respectively. The proposed development will be visible from Wilson Road, however the production building will be sited approximately 540-feet away, and at lower elevation than Wilson Road, and the winery will be sited approximately 375-feet from Wilson road, and is single story with a maximum of 12.5-feet in height. The proposed project will not be visible from Bodega Highway.

Significance Level:

Less than significant

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

Comment:

The character of the 12.15 acre subject property and surrounding lands is agriculture and rural development. Using the County's Visual Assessment Guidelines, staff characterized the project site as having High visual sensitivity because it is located in the Scenic Resource Combing District and classified as a Scenic Landscape Unit. The project's visual dominance can be categorized as Co-Dominant because the proposed production building, tasting room, and parking lot will be visible from public view. Utilizing the Visual Assessment Guidelines' matrix (Attachment 2), the project's visual impact will be significant unless mitigated.

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

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

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation:**

See Mitigation Measure VIS-1

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

Comment:

The project will add new structures to the site and thus introduce new sources of light and glare. All exterior lighting for this project will be motion activated or on a timer, downward directed, and dark sky compliant. The County's standard development regulations under Article 82 of the Zoning Code (Design Review), minimizes the impact of new development by ensuring that exterior lighting is designed to prevent glare, and preclude the trespass of light on to adjoining properties and into the night sky.

The above-mentioned Mitigation Measure requires the lighting plan to be reviewed and approved by the Design Review Committee. The project will require exterior lighting as necessary to comply with the California Building Code. A standard condition of approval requires "All new exterior lighting to be dark sky compliant, low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Prior to final occupancy of the cave portal, the applicant is required to demonstrate compliance with exterior lighting requirements by providing PRMD photograph documentation of all exterior light fixtures installed". By incorporating mitigation measures and standard conditions of approval, the project will not result in a new source of substantial light or glare which would adversely affect day or nighttime view in the area.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measure VIS-1

## **2. AGRICULTURE AND FOREST RESOURCES:**

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

**Would the project:**

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

Comment:

The site currently contains approximately 10 acres of vineyard, and orchard. According to the Sonoma County Important Farmlands Map, the project site is designated as Prime Farmland, Unique Farmland, and Farmland of Local Importance. There is currently approximately 11 acres of Prime Farmland, approximately 0.1 acres of Unique Farmland and approximately 0.75 acres of Farmland of Local Importance on the site. The project proposes a new winery, tasting room and related improvements totaling approximately 1 acre. This development will take place in the areas designated

for Prime Farmland and Farmland of Local Importance. The project involves a new production building and tasting room and is consistent with the General Plan and Zoning Code, provided that a Use Permit is obtained. No change in the land use or zoning is proposed. The primary use of the site would remain agricultural production. A total of 1 acre of apple orchard would be converted to accommodate for the production building, tasting room, and driveway which would not be considered a significant loss of land devoted to agricultural production. A total of 1-acre of planted apple orchard, and 6.5-acres of planted vineyard will remain, which accounts for approximately 61% of the 12.15-acre property. This land will continue to be used for agricultural production in conjunction with the proposed winery project. The wine production building and barrel storage are agricultural support uses to the onsite vineyard operation. The project would not convert a significant amount of important farmland to non-agricultural use and therefore potential impacts are less than significant.

Significance Level:

Less than Significant Impact

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

Comment:

The project site is zoned Diverse Agriculture (DA) which allows Agricultural Processing, and Tasting Rooms with a Conditional Use Permit and is not under Williamson Act Contract.

Applicable Zoning Requirements:

Section 26-18-030 Ag Processing:

LIA, LEA, DA, AR zones: the use must be sized to accommodate, but not exceed, the needs of the on-site growing or processing operation. (general plan policy AR-5c). The proposed Winery does not propose any storage areas that would exceed the needs of the proposed maximum annual production of 12,000 cases of wine, and maximum annual production of 500 gallons of spirits. A total of 6.5-acres of planted vineyard and 1-acre of apple orchard will remain, with a total of 1,956-sqft of barrel room storage 6,106-sqft production area introduced as part of this project.

To approve an Agricultural Processing facility in the LIA, LEA, DA, or AR zone that processes products grown off-site, the review authority must find that the facility will be consistent with general plan policy AR-5g. The proposed Winery will be consistent with this policy with the proposed mitigation measure incorporated and as assessed in the visual assessment of the project. The winery will process grapes grown both on and off site. 6.5-acres would typically produce 2,158 cases of wine per year therefore this facility is expected to process 9,842 cases from grapes grown offsite but within Sonoma County.

Section 26-18-210 Tasting Rooms:

Shall not require the extension of sewer and water.

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

The project has been determined to be consistent with the Zoning Ordinance as the project proposes a winery with a maximum annual production of 12,000 cases of wine, processing grapes grown onsite and from Sonoma County, and a maximum annual production of 500 gallons of spirit from fruit grown on site. The proposed wine tasting room promote products processed on site and from the local area, and is secondary and incidental to the agricultural production activities on site and are compatible with existing uses in the area. The winery and tasting uses will not be detrimental to the rural character of the area.

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use. The project site will remain zoned Diverse Agriculture.

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 Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for state and federal ozone standards, the state PM 10 standard, and the state and federal PM 2.5 standard. The District has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air Acts. These plans include measures to achieve compliance with both ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides (NOx) and volatile organic compounds, also referred to as Reactive Organic Gases (ROG)). The project is consistent with the District's air quality plans because the proposed use is well below the emission thresholds for ozone precursors or involve construction of transportation facilities that are not addressed in an adopted transportation plan (see discussion in 1 (b) below).

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 will not have a cumulative effect on ozone because it will not generate substantial traffic which would result in substantial emissions of ozone precursors (ROG and NO<sub>x</sub>). See discussion above in 3 (a). The project will have no long-term effect on PM<sub>2.5</sub> and PM<sub>10</sub>, because all surfaces will be paved gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM<sub>2.5</sub> and PM<sub>10</sub>) during construction. These emissions could be significant at the project level, and could also contribute to a cumulative impact.

Although the project will generate some ozone precursors from new vehicle trips of approximately 46 daily trips and 2 truck trips, the project will not have a cumulative effect on ozone because it will not generate substantial traffic resulting in significant new emissions of ozone precursors (ROG and NO<sub>x</sub>). See discussion in 3 (a) above.

**Table 2. Annual Operational Air Pollutant Emissions**

<b>Scenario</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Annual Project Operational emissions	0.58 tons	0.11 tons	0.09 tons	0.03 tons
<i>BAAQMD Thresholds (tons per year)</i>	<i>10 tons</i>	<i>10 tons</i>	<i>15 tons</i>	<i>10 tons</i>
Daily Project Operational emissions	3.2 lbs/day	0.6 lbs/day	0.5 lbs/day	0.2 lbs/day
<i>BAAQMD Thresholds (lbs/day)</i>	<i>54 lbs/day</i>	<i>54 lbs/day</i>	<i>82 lbs/day</i>	<i>54 lbs/day</i>
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure AIR-1:**

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

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

**Mitigation Monitoring AIR-1:**

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

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

Comment:

Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The nearest sensitive receptor is a residential area located approximately 3,500 feet away from the winery production site.

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation: See Mitigation Measure AIR-1

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

Comment:

The project is considered an odor generating use, however, based on the screening distances for this use (BAAQMD Guidelines, May 2017), the project would not result in a significant odor impact.

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

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

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure AIR-2:**

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

**Mitigation Monitoring AIR-2:**

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

## **4. BIOLOGICAL RESOURCES:**

### **Regulatory Framework**

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

Federal

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

FESA establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The USFWS and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) are

charged with implementing and enforcing the FESA. USFWS has authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

Section 9 of FESA prohibits the unlawful “take” of any listed fish or wildlife species. Take, as defined by FESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action.” USFWS’s regulations define harm to mean “an act which actually kills or injures wildlife.” Such an act “may include “significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR § 17.3). Take can be permitted under FESA pursuant to sections 7 and 10.

Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

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

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

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

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

### **Section 404.**

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

respective conditions are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

#### **Section 401.**

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The "401 Certification" is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB). The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the "401 Certification" application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final until completion of environmental review under the CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

#### **State**

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

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

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

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

##### ***Nesting Birds***

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

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

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

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

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibians and reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with “fully protected” species state that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with “fully protected” species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

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

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

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

### **Local**

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

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

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

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

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

The VOH combining district is established to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of *Sonoma County General Plan 2020* Resource Conservation Element Section 5.1. Design review approval may be required of projects in the VOH, which would include measures to protect and enhance valley oaks on the project site, such as requiring that valley oaks shall comprise a minimum of fifty percent (50%) of the required landscape trees for the development project.

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

The Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Chapter 26, Article 88, Sec. 26-88-015 (D) establishes policies for protected tree species in Sonoma County. Protected trees are defined (Chapter 26, Article 02, Sec. 26-04-020) 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*) and their hybrids.

## **Project Analysis**

### **Would the project:**

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

Comment:

#### *Special-Status Species*

Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (The Service) Birds of Conservation Concern, and CDFW special-status invertebrates, are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they

are given special consideration under the California Environmental Quality Act (CEQA). In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Plant species on California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Bat species designated as "High Priority" by the Western Bat Working Group (WBWG) qualify for legal protection under Section 15380(d) of the CEQA Guidelines. Species designated "High Priority" are defined as "imperiled or are at high risk of imperilment based on available information on distribution, status, ecology and known threats.

#### *Endangered Species Act*

The Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 *et seq.*) was enacted to provide a means to identify and protect endangered and threatened species. Under the Section 9 of the ESA, it is unlawful to take any listed species. "Take" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting a listed species. "Harass" is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. "Harm" is defined as an act which actually kills or injures fish or wildlife and may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. Actions that may result in "take" of a federal-listed species are subject to The Service or National Marine Fisheries Service (NOAA Fisheries) permit issuance and monitoring. Section 7 of ESA requires federal agencies to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species. Any action authorized, funded, or carried out by a federal agency or designated proxy (e.g., Army Corps of Engineers) which has potential to affect listed species requires consultation with The Service or NOAA Fisheries under Section 7 of the ESA.

#### *Critical Habitat*

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

#### *Essential Fish Habitat*

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

agency that authorizes, funds, or undertakes action that may affect EFH is required to consult with NMFS (50 CFR 600.920).

**Staff Analysis:**

A Biological Resource Assessment (Attachment 3) was prepared by Charles A. Patterson Plant Ecologist on June 11, 2021, for the proposed project. The bio study identified a semi riparian woodland located off site, and a man-made ditch draining to the ephemeral creek also off site. The study finds potential impacts to Special Status Plant Species, Pacific Pond Turtle, nesting birds, bats, and protected trees as discussed further below. Although the bio study is not recommending mitigation, permit Sonoma recommends these measures.

**Special Status Plant Species:**

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

**Pacific Pond Turtle**

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

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

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

**Special-Status Bat Species**

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

**Mitigation Measure BIO-1:**

Special Status Plant Species Surveys. If initial ground disturbance occurs during the flowering periods for Hayfield Tarplant (April - November), Bent-Flowered Fiddleneck (May- June), Brewers Milkvetch (April - June), White Seaside Tarweed (June - October), Bristly Linanthus (April - July) a qualified biologist shall conduct a pre-construction survey of the disturbance area prior to construction activities. Protocol-level surveys are required and must follow methodologies outlined in relevant agency protocols. If special-status plants are observed, their locations shall be mapped and CDFW shall be contacted to determine the appropriate mitigation measure to avoid impacts on the species.

**Mitigation Monitoring BIO-1:**

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

**Areas of special biological significance**

The study area sits within a broad expanse of semi-urban, semi-rural development, and many local creeks have been straightened or piped, and most significant natural habitats have been at least partially altered or diminished (if not completely converted to homesites, crops, or pasture). Some local creeks remain, but with ever narrower strips of riparian (or no) vegetation, squeezed between

rural and semi-urban land uses. The adjacent drainage ditch is considered here to be a habitat zone of potential 'special significance' (albeit relatively minor) because of its semi-aquatic and riparian qualities. This feature has some value and will be protected but does not warrant any extra precautions or additional (beyond standard) setbacks.

Based on the commonness of the habitats to be affected and very high degree of disturbance throughout the proposed planting footprints, no rare, endangered, or otherwise sensitive plants would be affected by the project. All agricultural areas necessary for the project are dominated by highly ruderal non-native grassland and apple trees, and as such, have extremely low potential to support any of the region's known rare or endangered plants. The detailed site surveys found only common plant species throughout the site especially within the planting footprint. The only area observed to possess even a remote possibility of supporting such species (the avoided ditch zone) is relatively common and subtly degraded as well and is not proposed to be disturbed anyway.

Any wildlife species of concern (e.g., raptors, waterfowl) that might occur in the general area would likely utilize numerous other neighboring habitats and undeveloped lands. The site's open grassland areas do not provide any critical or highly significant resources. The onsite grasslands and orchard aisles could be used occasionally by such species, but these ruderal grassy areas are not particularly suitable for or attractive to the region's sensitive species. The site is beyond the 1.3-mile radius from the nearest known CTS breeding site and is well outside the formally designated "Critical CTS Habitat" area set forth by the U.S. Fish and Wildlife Service. Red-legged frogs are known at least historically from certain wetlands and stream drainages in the general region; however, they are not close to the subject property. Further, the vineyard area would remain accessible and usable for any frogs that might be in the area.

Therefore, while the site, particularly the wetlands, could be used occasionally by certain sensitive species, this use would be very limited, and these habitats are not regarded as highly significant or sensitive in and of themselves. There are no conditions within the planting footprint that qualify as such 'areas of special biological significance', and the minor riparian corridor that occurs nearby would be fully avoided and protected.

Other Potentially Significant Biotic Issues:

Numerous trees and wooded areas occur in the region surrounding the site, but these pockets and narrow strips are scattered about within the semi-urban landscape, have already been at least somewhat degraded and reduced in size and diversity, and would not be significantly affected further by this project, directly or indirectly. No other potentially significant biological issues or concerns have been identified.

Potential Impacts of The Proposed Planting:

The proposed planting project here would directly affect several acres of non-native grassland and old apple orchard and would avoid any and all habitats of concern in the area (primarily the small nearby ditch). Loss (or conversion) of the grassland does not represent a significant adverse impact, either as a loss of (minor) open habitat, nor as a botanical resource. With avoidance of the ditch area, no significant natural biotic habitats, native species, or important general ecologic values would be lost or compromised by the proposed vineyard planting effort here. No wetlands or sensitive species would be adversely affected, and a 15–20 foot no-touch setback (buffer zone) would be adequate to protect the minor resource values contained along the ditch.

Significance Level:

Less than Significant with mitigation

Mitigation Measure BIO-2:

Provide for a 20-foot setback from the west property line to accommodate for separation between the project site and a small man-made ditch.

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

Comment:

All blueline streams shown on the USGS maps are designated for protection in the Sonoma County General Plan. Streamside Conservation Areas have been established in the riparian corridor overlay zone to protect riparian habitat. Removal of vegetation must comply with General Plan and Riparian Corridor Ordinance policies that govern riparian corridors for a distance of 50-feet. from the top of the highest bank.

The RC Combining Zone includes the applicable stream setback distance for development and as shown in the Table 1, below.

<b>Riparian Corridor Category</b>	<b>RC Development Zoning Setbacks (in feet)</b>
Russian River and some Area Plan streams	RC-200
Designated Flatland	RC-100
Other Flatland	RC-50
Upland	RC-50
Urban Areas	RC-50

The mitigation measures below are designed to ensure project consistency with Sonoma County General Plan policies for designated riparian corridors, including:

**Policy OS-5h:** Roadway construction should seek to minimize damage to riparian areas.

**Policy CT-1k:** Where practical, locate and design circulation improvements to minimize disturbance of biological resource areas and destruction of trees.

As provided in the findings from Biological Assessment dated June 11, 2021, prepared by Charles Patterson the only area of potential (jurisdictional) wetland conditions in the study area is the small ephemeral drainage ditch situated along the site's western edge. As a somewhat significant riparian/wetland feature that occurs right at the property line, this zone (which is technically offsite) would be completely avoided by any future planting project and is not located within the RC – Riparian Corridor Combining District. Thorough examination of the entire site revealed that aside from the small ditch, there are no other areas or features that would qualify as 'wetlands' or 'other waters' of the U.S. (or state). Based on close examination of the subject property, aside from the small west-side ditch, there are no wetlands or other waters onsite. Because of the small ditch's man-made nature and minor flows, it would be adequately protected with a nominal (15-20 foot) set-back.

Significance Level:

Less than Significant Impact with Mitigation

Mitigation Measure:

See mitigation measure BIO-3

- c) **Has 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.

However, the project may generate surplus soils for disposal off-site, and improper disposal of this material could affect off-site wetlands or other sensitive habitats. The impact can be reduced to less than significant by controlling the disposal of surplus soils, as required in the following mitigation measure.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure BIO-3:**

The applicant shall obtain Regional Water Quality Control Board and Army Corp of Engineers Section 401 certification and 404 permit and other applicable agency's permits and approval of final project plans (e.g. CDFW 1600 permit) that may affect any of the aquatic resources on the project site especially the Wetland and ephemeral drainage swale for construction activities associated with improvements and landscaping for the project construction activities will include the use of temporary fencing and water quality controls to protect this feature (BIO-3).

**Mitigation Monitoring BIO-3:**

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

**Mitigation Measure BIO-4:**

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

**Mitigation Monitoring BIO-4:**

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

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

Comment:

The site is located next to the municipality of Sebastopol, in the low hills west of the Santa Rosa Plain (SRP). The overall property is approximately 12 acres in size and has both an existing vineyard and apple orchard on site. The site also has a single-family dwelling, barn, storage building, and shed to house water tanks. The site sits atop a small minor hill that drains toward the north and west into a small ditch/channel, that then drains downslope to the west into an unnamed seasonal tributary to the Atascadero Creek, which flows northward about one-half mile to the east of the site.

As concluded in the submitted biotic study, a number of different raptors, bats, and other protected birds likely move through this area periodically and may forage or rest here temporarily. However, while the local orchards and grasslands do offer some foraging value, there are no highly significant habitats or other resources that are of high value for such species. The open grassy areas may be used for occasional foraging by sensitive or protected species; however, these species could still forage above the vines as well as throughout the nearby undeveloped areas.

If feasible, the removal of vegetation and commencement of ground-disturbing activities should occur only between September 1 and February 15 to avoid bird-nesting season. If it is not feasible to remove vegetation outside of bird-nesting season, the following Mitigation Measure BIO-5 will reduce impacts to a level that would be less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Measure BIO-5:**

1. Prior to issuance of building permits, grading permits, or advertising for construction bids, a qualified biologist shall conduct a bird-nesting survey no more than 5 days prior to ground-disturbing or vegetation removal activities in a specific construction work area. The area to be surveyed shall include all construction activity areas, including staging areas, and soils disposal and stockpiling areas, to a distance of 250-feet outside construction areas. Survey results will remain valid for a period of 5 days following the date of the survey.
2. If an active nest is found, consult with the California Department of Fish and Wildlife (Fish and Wildlife) to determine the appropriate buffer size and then establish the buffer zone using fencing, pin flags, yellow caution tape, or other agency approved material. Vegetation clearing and construction activities shall be postponed within the buffer zone; no construction-related activity shall be allowed to occur within this area until it is determined that the young have fledged, the nest is vacated, and there is no evidence of second nesting attempts. A qualified biologist shall regularly monitor the buffer area during construction activities to evaluate the nest(s).
3. If an active nest is found within the survey area after the completion of the preconstruction surveys and after construction activities have begun, all construction activities shall cease immediately until a qualified biologist has evaluated the nest and, if required, an agency - approved buffer zone has been created. If establishment of a buffer zone is not feasible, contact Fish and Wildlife for further avoidance and impact minimization guidelines (e.g., acceptable noise and activity guidelines).

**Mitigation Monitoring BIO-5:**

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

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

Comment:

**Biotic Habitat (BH) Combining Zone**

The BH combining zone is established to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values and to implement the provisions of the General Plan Open Space and Resource Conservation Element, Area Plans and Specific Plans. Protection of these areas helps to maintain the natural vegetation, support native plant and animal species, protect water quality and air quality, and preserve the quality of life, diversity and unique character of the County.

**Tree Protection Ordinance**

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

**Sonoma County General Plan**

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

**Riparian Corridor Ordinance**

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

The proposed new construction of the production building and wine tasting room does require the removal of 1 of the existing 2 acres of planted apple trees on site. It is anticipated that the existing apple orchard has extremely low potential to support any of the region's known rare or endangered plants. It is not anticipated that the proposed project will be in conflict with any local policies or ordinances protecting biological resources.

Significance Level:

Less than Significant

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

Comment:

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

Significance Level:

No Impact

## 5. CULTURAL RESOURCES:

Would the project:

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

Comments:

In 2023, the applicant contracted with an archeological consulting firm to conduct a Cultural resources Study (CRS). The produced study identified several buildings to be present on the property, including a residence, barn, and a small outbuilding. While these structures appear to be 45 years or older, they have been extensively modified, and are not subject to modification due to this project. Therefore, these buildings were not recorded as a resource. The proposed construction will not impact the existing structures.

See Section 5 b) below and Section 18 (Tribal Cultural Resources) for further discussion on cultural resources.

Significance Level:

Less than significant.

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

Comment:

In accordance with Public Resources Code Section 21080.3.1 (Assembly Bill 52) a formal notification of the opportunity to consult on this use permit was sent to Native American Tribes within Sonoma County on February 9, 2022. Permit Sonoma staff met with the Federated Indians of Graton Rancheria's Tribal representatives for consultation over a series of meetings and conducted one site inspection. Both parties determined there is a possibility for tribal cultural resources to be found on-site during construction of the winery improvements. Therefore, mitigation measure TCR-1 will be implemented to reduce the potential impact to less than significant. This mitigation measure is also found in the project's conditions of approval.

Significance Level:

Less than Significant with Mitigation Incorporated.

**Mitigation:**

See Mitigation Measure TCR-1

**Mitigation Monitoring:**

See Mitigation Monitoring TCR-1

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

Comment:

The project site is located within an area of potential paleontological resources or site or unique geologic. As described in section 5. b) above, mitigation measures are in place to protect any paleontological resources, or prehistoric, historic or tribal cultural resources that may be encountered during ground-disturbing work.

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation:**

See Mitigation Measure TCR-1

**Mitigation Monitoring:**

See Mitigation Monitoring TCR-1

## 6. ENERGY:

Would the project:

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

**Comment:**

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

**Construction:**

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

**Operational:**

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

Thus, the projects' energy consumption from construction, building operation, and transportation would not be considered wasteful, inefficient, or unnecessary.

**Significance Level:**

Less than Significant Impact

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

**Comment:**

As noted above, the projects' facilities and buildings would comply with the latest Title 24 Building

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

Significance Level:

Less than Significant Impacts

## 7. GEOLOGY AND SOILS:

Would the project:

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

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

Comment:

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

Significance Level:

Less than Significant Impact

- ii. **Strong seismic ground shaking?**

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. By applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would therefore not expose people to substantial risk of injury from seismic shaking. The following mitigation measures will ensure that potential impacts are reduced to less than significant levels.

Significance Level:

Less than Significant Impact with Mitigation Incorporated

**Mitigation GEO-1:**

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

**Mitigation Monitoring GEO-1:**

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

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

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

**Significance Level:**

Less than Significant Impact

**iv. Landslides?****Comment:**

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials landslides are a hazard. According to Figure PS-1d the project is not located in the footprint of a mapped landslide or within a landslide hazard area building or grading could destabilize slopes resulting in slope failure. However, all structures will still be required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements. Implementation of Mitigation Measures GEO-1 above would reduce any impacts to less than significant.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure GEO-1

**Mitigation Monitoring**

See Mitigation Monitoring GEO-1

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

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

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)

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.

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. See further discussion of related issues (such as maintenance of required post construction water quality facilities) refer to the Hydrology and Water Quality.

Significance Level:

Less than Significant

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

Comment:

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

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure GEO-1

**Mitigation Monitoring**

See Mitigation Monitoring GEO-1

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

Comment:

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.

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

In 2023, the applicant contracted with an archeological consulting firm to conduct a Cultural resources Study (CRS). The produced study did not identify any unique paleontological resources however mitigation has been proposed and is discussed in more detail in section 5 and 18 of this initial study.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure TCR-1 and TCR-2

Mitigation Monitoring

See Mitigation Monitor TCR-1 and TCR-2

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

**Would the project:**

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

Comment:

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

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

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

Because GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas that the BAAQMD evaluated to ensure that a project can and will do its fair share to achieve carbon neutrality. With respect to building energy use, the BAAQMD recommends replacing natural gas with electric power and eliminating inefficient or wasteful energy

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

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

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

There is currently no applicable local GHG reduction strategy, such as an adopted Climate Action Plan, for Sonoma County. Therefore, the applicants provided an Air Quality and GHG Analysis prepared by James A. Reyff of Illingworth & Rodkin, Inc. on January 21, 2022 and revised in July 2023 (Attachment 9) and the project was analyzed under criterion A above and discussed below.

**Buildings:** As discussed in the Energy Section 6a, the project does include new construction and the new construction has the potential to result in wasteful, inefficient or unnecessary energy usage. Plans for the buildings do not include the use of natural gas appliances or natural gas plumbing. The new 10,531 square foot winery production facility, 1,954 tasting room will require compliance with the latest Title 24 Building Energy Efficiency Standards. The project also proposes solar arrays and the use of Sonoma Clean Power as their utility provider. Therefore, impacts due to energy consumption would be less than significant.

**Transportation:** The tasting room and winery project does not include new residences, office buildings, or commercial retail, and therefore, does not contribute any VMT to these three land use categories of concern. (Note that "commercial retail" refers to commercial retail spaces, not to a small ancillary retail space associated with another land use). The project would include commercial use of the new 10,531 square foot winery production facility, 1,954 square foot tasting room and would conservatively generate a maximum of 92 average daily trips.

As discussed in the Transportation Section 17b, VMT refers to the amount and distance of automobile travel attributable to a project. The County of Sonoma has not yet adopted specific VMT policies or thresholds of significance. However, the OPR Technical Advisory includes a screening threshold for small projects that generate or attract fewer than 110 trips per day, stating this level of vehicle activity may generally be assumed to result in a less than significant transportation impact. The project proposes a maximum of 92 average daily trips. The project also proposes to implement a

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

The maximum average daily trip number of 92 is below the OPR threshold of 110, and distance-related vehicle miles are also anticipated to be low due to the proposed plan to hire from the local workforce. Therefore, the project is expected to have a less than significant VMT impact.

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

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

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

Significance Level:

Less than Significant Impact

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

Comment:

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

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

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

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

Significance Level:

No Impact

## 9. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

The project proposes construction for the new 10,531 square foot winery production facility, 1,260 square foot tasting room and subsequent site improvements to support the new uses. The project would not generate or produce substantial quantities of hazardous material or unsafe conditions. During construction activities there could be spills of hazardous materials. To address this possibility, the project is required to comply with all applicable hazardous materials handling and storage requirements and would use qualified contractors for construction. See Item 9.a. above.

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

The subject property is located within an LRA and is serviced by the Gold Ridge fire protection district which is located approximately 2.2 miles away. The subject property is not located within a Fire Hazard Severity Zone and according to the Safety Element of the General Plan, the project site is not located in a high wildland fire hazard area. The anticipated fuel load on site will consist of an existing

residence, proposed winery and production building, 6.5-acres of irrigated vineyard, and approximately one acre of apple orchard. Tastings will be by appointment only, and typically average eight appointments/day and 24 visitors/day. There will be no agricultural promotional events or participation in industry wide events therefore reducing the opportunity for human caused fires to occur. The construction of new structures in accordance with current building standards would decrease the fire risk to structures on the project parcel. The County Fire Marshal's fire safe requirements require that new structures be installed with fire sprinklers with the intent to contain or prevent fires from spreading. In addition, standard conditions of approval include that the facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California Fire Code with safety plans, emergency procedures, and employee training programs; shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency; shall provide emergency water supply for fire protection available and accessible in locations, quantities and delivery rates as specified in the California Fire Code; and establish defensible space. All of the fire safe conditions of approval will ensure that the project as a whole would reduce the exposure of people and property to fire hazards to a degree where the risk of injury or damage is less than significant. The project would not expose people to a significant increase in risk from wildland fires.

Significance Level:

Less than Significant Impact

## 10. HYDROLOGY AND WATER QUALITY:

Would the project:

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

Comments:

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

Project conditions require that an application for additional wastewater discharge requirements be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board must be submitted to the Project Review Health Specialist prior to building permit issuance. In addition, prior to building permit issuance and occupancy, the applicant shall have a capacity/wastewater flow analysis by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted.

With regard to water quality, standard permitting procedures require a Grading Permit and associated

Erosion Prevention and Sediment Control Plan for the proposed improvements and other movement of soils, to which all applicable standards and provisions of the Sonoma County Grading and Drainage Ordinance would apply.

Significance Level:

Less than Significant Impact with mitigation

**Mitigation Monitoring HYD-1- Grading Permits**

Permit Sonoma shall not issue the Grading Permit until the Drainage Review Section receives the NOI and the WDID.

**Mitigation HYD-2- Projects disturbing 1 acre or greater**

Construction activities which involve disturbing 1 or more acres of ground, including the project site and any off-site staging or disposal areas (consider these areas as totally disturbed), are subject to the requirements of the State Water Resources Control Board (SWRCB) NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. Applicants of construction projects must file for coverage under the General Construction Permit by submitting a complete Notice of Intent (NOI) package to the SWRCB; and developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must contain a site map that shows the construction site perimeter; existing and proposed buildings, lots, roadways, and storm water collection and discharge points; general topography both before and after construction; and drainage patterns across the project site. The SWPPP must include the Best Management Practices (BMPs) that the applicant will use to protect the quality of storm water runoff and the placement of those BMPs.

**Mitigation Monitoring HYD-2- Grading Permits**

Permit Sonoma shall not issue the Grading Permit until the Drainage Review Section receives confirmation that the NOI has been received by the SWRCB, and has reviewed the SWPPP.

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

Comment:

The proposed project does create impervious surfaces within a Groundwater Class 2 area, a major natural recharge area. As part of the technical studies included with this application a Net Zero Report prepared by EBA Engineering was submitted. It was determined that the proposed project's adjusted expected groundwater use is less than the existing adjusted groundwater use. The water savings can be attributed to proposed rainwater catchment, the installation of low-flow fixtures in all existing and proposed structures, and groundwater recharge from septic leach fiends and stormwater dissipators. Based on these findings, the project meets the Net Zero Guidelines and the proposed groundwater use should be considered minimal in nature.

On March 10, 2023 and June 2, 2023, Permit Sonoma's staff geologist reviewed the project's Net Zero estimate prepared by EBA Engineering and determined the project would not result in a significant impact to groundwater resource, and that with the proposed rates of water use and installation of defined infiltration trenches, the project is found to have zero net increase in groundwater use and is unlikely to have an adverse impact on groundwater resources or interconnected surface waters.

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

Significance Level:

Less than Significant Impact

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

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

Comment:

The subject property is not located within the F1 (Floodway) or F2 (Floodplain) combining districts. The proposed project includes rainwater catchment, and stormwater dissipators limiting the amount of stormwater flowing off site as the project intends to retain water for the purpose of meeting its Net Zero goals. It is not anticipated that the proposed development would have any impact on alteration of the course of a stream or river that could lead to potential erosion.

Significance Level:

Less than significant

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

Comment:

The proposed project includes rainwater catchment, and stormwater dissipators limiting the amount of stormwater flowing off site as the project intends to retain water for the purpose of meeting its Net Zero goals. The project will be conditioned to require a grading plan that includes storm water recharge features to be constructed and approved. The grading plan shall include design specifications in substantial conformance with the April 17, 2023 Updated Net Zero Report by EBA Engineering. All runoff from new impermeable surfaces shall be routed to infiltration trenches sized to enhance groundwater recharge and offset increases in groundwater use at a ratio of 2 to 1. The grading plan shall also meet all applicable standards and provisions of Sonoma County Code and all other relevant laws and regulations. The grading plan shall be reviewed and approved by Permit Sonoma's Engineering Division in coordination with Permit Sonoma's Natural Resources Division Professional Geologist. Due to this requirement, and overall design that the project will be a Net Zero development, it is not anticipated that the proposed development would result in flooding on or offsite.

Significance Level:

Less than significant

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

Comment:

See (c)(i) above

Significance Level:

Less than Significant

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

Comment:

See (c)(i) and (c)(ii)

Significance Level:

Less than significant

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

Comment:

The County used FEMA Flood Insurance Rate Maps to map flood hazard areas in General Plan 2020 in order to guide the placement of housing outside of flood and other natural hazard areas. According to Figure PS-1e of the General Plan, the proposed project site is outside of the 100-year Flood Hazard Area. The subject property is not located within the F1 (Floodway) or F2 (Floodplain) combining districts.

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

The proposed project creates a total of 46,632 square feet of impervious surfaces on this property, which could affect the quantity and/or quality of storm water run-off. However, the proposed project has been designed and/or conditioned to prevent and/or minimize the discharge of pollutants and waste after the proposed project is constructed (post-construction). There are numerous post-construction storm water best management practices that can be utilized to accomplish this goal. These range from project designs and/or Low Impact Development best management practices that minimize new impervious surfaces, disperse development over larger areas, and/or that create areas that allow storm water to be detained, infiltrated, or retained for later use. Other post-construction storm water best management practices include storm water treatment devices based on filtering, settling or removing pollutants.

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

The proposed project has been designed to address water quality through storm water treatment Best Management Practices and to also address water quantity through storm water flow control best management practices. Storm water treatment best management practices shall be designed to treat storm events and associated runoff to the 85 percentile storm event. Storm water flow control best management practices shall be designed to treat storm events and associated runoff to the channel forming discharge storm event which is commonly referred to as the two year 24 hour storm event. Storm water treatment best management practices and storm water flow control best management practices are subsets of post-construction storm water best management practices. However, there is overlap between the two subsets. Post-construction storm water best management practices should utilize Low Impact Development techniques as the first priority.

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

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

Significance Level:

Less than Significant with Mitigation Incorporated

**Mitigation Monitoring HYD-3**

The owner/operator shall maintain the required post-construction Best Management Practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction Best Management Practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

**Mitigation Monitoring HYD-3:**

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

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

Comment:

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

## **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 subject property is Diverse Agriculture. This land use designation is intended to enhance and protect land where soil, climate, and water conditions support farming but where small acreage intensive farming and part-time farming activities are predominant, and where farming may not be the principal occupation of the farmer. The primary use of any parcel shall be agricultural production and related processing, support services, and visitor serving uses. Within the Diverse Agriculture Zoning designation agricultural crop production and cultivation is principally permitted use, which is proposed to be the primary use of the parcel. The proposed uses of the agricultural processing (winery), and tasting room are considered accessory to the primary use. The secondary use of agricultural processing has been found consistent with the applicable Zoning Code sections and applicable General Plan Policies. The secondary use of tasting room has been found consistent with the applicable Zoning Code sections and applicable General Plan Policies.

The proposed project will allow agricultural processing of grapes to wine, and tasting room and therefore would not impede on existing or future agriculture operations on site because the secondary uses are in direct conjunction of the onsite agricultural processing. The proposed project will align the

existing use with Policy AR-4a by creating visitor serving uses in conjunction with the primary agricultural production use. No conflicts with other general plan policies related to scenic, cultural, or biotic resource protection, noise, or transportation have been identified.

No conflicts with Development Criteria or Operating Standards have been identified and no exceptions or reductions to standards would be necessary to approve the project. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Significance Level:

Less than Significant Impact

## 12. MINERAL RESOURCES:

Would the project:

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

## 13. NOISE:

Would the project:

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

Comment:

It was determined that the primary noise sources associated with the project are vehicle traffic, parking and on-site vehicle circulation, truck deliveries, mechanical equipment, crush related activities and bottling related activities. Vehicle traffic, parking operation, mechanical equipment and winery operations (crush related activities and bottling operations) would comply with the Sonoma County Table NE-2 noise thresholds.

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

Hourly Noise Metric <sup>1</sup> , dBA	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
L <sub>90</sub> (30 minutes in any hour)	50	45
L <sub>25</sub> (15 minutes in any hour)	55	50
L <sub>05</sub> (5 minutes in any hour)	60	55
L <sub>02</sub> (1 minute in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L<sub>90</sub> is the value exceeded 90% of the time or 30 minutes in any hour; this is the median noise level. The L<sub>02</sub> is the sound level exceeded 2 minutes in any hour.

Construction would be conducted within allowable hours and would occur over a period of three years. Pile driving is not anticipated as a method of construction. With implementation of standard best management practices this would be a Less-than Significant Impact.

The project will not increase transportation noise at the site, because the project will not generate a permanent increase in traffic volumes or shift travel lanes closer to any sensitive noise receptors.

Significance Level:

Less than Significant

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

No Impact

## 14. POPULATION AND HOUSING:

Would the project:

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

Comment:

The project would not include construction of a substantial amount 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:

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

Significance Level:

Less than Significant Impact

- i. **Fire protection?**

Comment:

The subject property is located within an LRA, and is specifically served by the Gold Ridge fire department, located approximately 2.2 miles from the subject property. Sonoma County Code requires that all new development meet Fire Safe Standards (Chapter 13). The County Fire Marshal reviewed the project description and requires that the expansion comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases. This is a standard condition of approval and required by county code and impacts would be less than significant.

Significance Level:  
Less than Significant Impact

**ii. Police?**

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

Significance Level:  
Less than Significant Impact

**iii. Schools?**

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

Significance Level:  
No Impact

**iv. Parks?**

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

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

**v. Other public facilities?**

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

Significance Level:  
Less than Significant Impact

## **16. RECREATION:**

**Would the project:**

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

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

Significance Level:  
No Impact

- b) **Does the project include recreational facilities or require the construction or expansion of**

**recreational facilities which might have an adverse physical effect on the environment?**

Comment:

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

Significance Level:

No Impact

## **17. TRANSPORTATION:**

**Would the project:**

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

Comment:

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

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 applicant submitted an initial Draft Traffic Study dated July 5, 2022, after peer review by Sonoma County Public Infrastructure and Final Traffic Study was accepted on February 27, 2024. The traffic study findings are as follows:

- The proposed project is expected to generate 92 trips per day, including 15 trips during the weekday p.m. peak hours, and 73 trips during the weekend midday peak hour.
- Given the rural location of the project site, there are no pedestrian facilities on Bodega Highway in the project vicinity. The lack of facilities for pedestrians, bicyclists, and transit users is acceptable given the rural project setting.
- The project is anticipated to result in a less-than-significant transportation impact on VMT based on the small-project screening criteria published by the OPR.
- Existing sight lines at Bodega Highway/Wilson Road are adequate, in addition traffic volumes on Bodega Highway do not warrant a left-turn lane at Wilson Road.
- Emergency access is expected to function acceptably.

Based on the findings, the traffic analysis provided no additional recommendations.

Sonoma County Public Infrastructure provided Conditions of Approval for this project.

Significance Level:

Less than Significant Impact

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

Comment:

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

Senate Bill (SB) 743 established the change in vehicle miles traveled (VMT) as the metric to be applied to determining transportation impacts associated with development projects. As of the date of this analysis, Sonoma County has not yet adopted thresholds of significance related to VMT. As a result, project-related VMT impacts were assessed based on guidance published by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The OPR guidelines identify several criteria that may be used by jurisdictions to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to "small projects," which OPR identifies as generating fewer than 110 new vehicle trips per typical weekday. The trip generation for the project, including the winery, agricultural workshop, and tasting room, were translated to annual average daily trips. Altogether, the project is expected to generate an average of about 92 daily trips, which falls below the OPR threshold of 110 daily trips. As a result, it is reasonable to conclude that the project would have a less-than-significant impact on VMT.

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

No Impact

- d) Result in inadequate emergency access?**

Comment:

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

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

Significance Level:

Less than Significant Impact

- e) Result in inadequate parking capacity?**

Comment:

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

Significance Level:  
Less than Significant Impact

## 18. TRIBAL CULTURAL RESOURCES:

### State Regulations

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

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

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

### California Public Resources Code

Section 5097.5 of the California PRC states:

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

### 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).

### 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:

In accordance with Public Resources Code Section 21080.3.1 (Assembly Bill 52) a formal notification of the opportunity to consult on this Use Permit was sent to Native American Tribes within Sonoma County on February 9, 2022. Permit Sonoma staff met with the Federated Indians of Graton Rancheria Tribal representatives for consultation over a series of meetings and conducted one site inspection. Both parties determined there is a possibility for tribal cultural resources to be found on-site during construction of the winery improvements. Therefore, mitigation measure TCR-1 will be implemented to reduce the potential impact to less than significant. This mitigation measure is also found in the project's conditions of approval.

Significance Level: Less than Significant with Mitigation Incorporated

**Mitigation Measure TCR-1:**

A Tribal Monitor from the Federated Indians of Graton Rancheria which requested further consultation, or in the event a tribal monitor is not available an archaeological monitor approved by the Federated Indians of Graton Rancheria which requested further consultation shall be retained to be on site to monitor all project-related ground disturbing construction activities (i.e., grading, excavation, potholing, etc.) within previously undisturbed soils. In the event the Tribal Monitor identifies tribal cultural resources, the monitor shall be given the authority to temporarily halt construction in the immediate vicinity and within 100 feet of the discovery and to determine if it is a tribal cultural resource under CEQA in consultation with Permit Sonoma and, if necessary, the qualified archaeologist. Construction activities can continue in areas 100 feet away from the find and not associated with the cultural resource location. Any resources found should be treated with appropriate dignity and respect. At the completion of monitoring activities, all artifacts of Native American origin shall be returned to the culturally affiliated tribe through the tribal monitor.

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

**NOTE ON MAP:**

A Monitor from the Federated Indians of Graton Rancheria is required to be present during all grading or other ground-disturbing work. The Tribal Monitor must be present on site before the start of any ground-disturbing work, including scraping. In the event that cultural resources are discovered at any time during grading, scraping or excavation within the property, all work should be halted in the vicinity of the find. Tribal Cultural Resources (TCR) associated with sites may include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. The Tribal Monitor, Archaeological Monitor, and Permit Sonoma - Project Review Staff shall be notified. Permit Sonoma Staff should consult with the appropriate tribal representative(s) from the tribes known to Permit Sonoma to have interests in the area to determine if the resources qualify as Tribal Cultural Resources (as defined in Public Resource Code § 21074). If determined to be a Tribal Cultural Resource, Permit Sonoma would further consult with the appropriate tribal representative(s) and project proponents in order to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma shall refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma - Project Review Staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and Permit Sonoma Staff and County Coroner must be notified immediately pursuant to State

law so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code would be followed."

**Mitigation Monitoring TCR-1:**

Prior to issuance of building or grading permits, the applicant shall provide appropriate agreements with the Federated Indians of Graton Rancheria. Mitigation Measure TCR-1 shall be listed as a note on all grading and building plan sheets submitted for permitting. Prior to final inspections and use permit certificate issuance the applicant shall provide documentation in writing including photos demonstrating that the mitigation was implemented during construction activities.

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

**Would the project:**

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

Less than Significant Impact

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

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

Comment:

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

The project is located in a Local Responsibility Area and is outside of the wildland high and very high fire hazard zones mapped by Wildland Fire Hazard Areas Figure PS 1-g of the Sonoma County General Plan 2020. The project is located in a relatively flat area and surrounded by developed agricultural crops including orchards and a vineyard. The wine production building and tasting room would add population to the site in the form of guests and employees. However, the site is roughly 2 miles from the Sebastopol Fire Department, and 2.2 miles from the Gold Ridge Fire District, able to provide a response in the event of an emergency. To facilitate locating an emergency and to avoid delays in emergency response, the project has been conditioned to require the site provides for safe access for emergency fire apparatus and civilian evacuation concurrently, and unobstructed traffic circulation during an emergency. Additionally, project conditions of approval require the project installs fire hydrants for fire suppression, and develop fire safety and emergency plans, as well as employee training programs consistent with the requirements of the 2013 California Fire Code and

Sonoma County Code. New construction on the site must conform to County Fire Safe Standards building requirements. Fire Safe Standards include building requirements related to fire sprinklers, stairways to roofs, fire apparatus access roads, door panic hardware, fire resistant stairway enclosures, emergency water supply, and defensible space. The construction of new structures in accordance with current building standards should decrease the risk to structures on the project parcel and ensure that the resort project would reduce the exposure of people and property to fire hazards.

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

Significance Level:

Less than Significant Impact

## 21. MANDATORY FINDINGS OF SIGNIFICANCE:

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

Comment:

Potential project impacts on special status plant and fish/wildlife species and habitat are addressed in Section 4. Implementation of the required mitigation measures (Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5,) would reduce these potential impacts to a less-than-significant level. Potential adverse project impacts to cultural resources are addressed in Section 5. A Mitigation Measure (TCR-1) has been included to ensure that cultural or archaeological resources are protected if unearthed during ground disturbing activities is provided in Section 18a. Implementation of this Mitigation Measure would reduce any potential impacts to a less-than-significant level.

Significance Level:

Less than Significant Impact

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Comments:

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

Significance Level:

Less than Significant Impact

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

Comments:

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

Significance Level:

Less than Significant Impact

## **Attachments**

1. Architectural Plans & Site Plan
2. Tasting Room Floorplan
3. Production Building Floorplan
4. Visual Assessment Guidelines
5. Air Quality and GHG Emissions Analysis
6. Biological Assessment
7. Net Zero Report
8. Noise and Vibration Assessment Study
9. Transportation Impact Study

## References

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4. California Natural Diversity Database, California Department of Fish & Game. ADD LINK
5. PRMD, Sonoma County General Plan 2020 (as amended), September 23, 2008.
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8. Flood Insurance Rate Maps, Federal Emergency Management Agency <https://msc.fema.gov/portal>
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15. Heritage or Landmark Tree Ordinance, County Code Chapter 26D; Sonoma County.
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20. Sonoma County Aggregate Resources Management Plan and Program EIR, 1994.
21. Sonoma County Bikeways Plan, Sonoma County Permit and Resource Management Department, August 24, 2010.
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27. [Add cultural resource studies. PLP16-0054](#)