



NOTICE & ORDER

Use Permit Conditions of Approval

November 22, 2023

Stephen W. Kistler
Cathleen Belden
PO Box 317
Bodega, CA 94922-0317

Re: Violation of Planning Project PLP10-0050
WRM Record: WRM22-0042
Site: 14701 Bodega Highway, Bodega
APN: 026-120-006

An investigation by this Department has revealed that you have failed to comply with groundwater monitoring requirements of the use permit on your property at the above location for the year 2022. Note, groundwater monitoring data is managed under Water Resources Monitoring Number WRM22-0042. A copy of the request for groundwater monitoring data and payment, as well as a copy of the conditions of approval of your use permit, are attached for your review.

The following condition of approval is in violation:

Failure to submit the Groundwater Monitoring Self-Inspection Form

Under Sonoma County Code Section 26-92-150, it is unlawful, prohibited, and a violation to violate any term or condition of any permit or approval granted by this Department. Violations of Chapter 26 subject you to civil penalties and the assessment of the cost of abatement pursuant to Sonoma County Code Sections 1-7 and 1-7.1.

You are directed to complete the online groundwater monitoring self-inspection form and pay associated fees within 30 days from the date of this Notice & Order. Go to <https://sonomaco.gqapplications.com/prod/WRM?inspectionId=1344833&customID=WRM22-0042&accelaID=0> to access the online form. A paper copy of the groundwater self-inspection form can be requested by emailing PermitSonoma-WRM@sonoma-county.org. **Please include the Use Permit number and WRM Record number in the title of your email.** Invoices associated with the WRM Record may be paid online at PermitSonoma.org > Online Permitting > Pay Fees. Staff costs of \$214.00 have also been assessed.



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November 22, 2023
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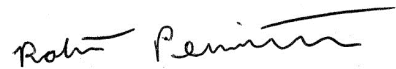
Failure to comply will result in the assessment of civil penalties equal to 5 times the cost of the Use Permit.

You have the right to appeal this administrative decision to the Hearing Officer in accordance with Sonoma County Code Section 1-7.3(a). The appeal must be submitted in writing within 10 calendar days from the date of this letter.

If the Hearing Officer finds that a violation of County Code exists on your property, civil penalties as well as abatement costs incurred by the County, including the cost of the Hearing Officer, will be charged to the property owner(s) of record and an abatement lien recorded against the title of the property. Continued failure to comply may result in revocation of the Use Permit.

If you have any questions or would like to discuss this matter further, you can reach me at (707) 565-1352.

Sincerely,



Robert Pennington
Professional Geologist
Natural Resources Division

Attachments

VCM23-1030/VPL23-0470





COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403-2829
 (707) 565-1900 FAX (707) 565-1103

Application Fees / Invoice # 487591 on 11/22/2023 for: WRM22-0042

Site Address: 14701 BODEGA HWY, Bodega [TWI]	Activity Type: Water Resource Monitoring
APN: 026-120-006	Initialized By: ADMIN
Fire District: Gold Ridge FPD	Insp Area: 07
Valuation: \$0.00	Ag/Comm/Res:
Description:	

Owner:

Applicant:

Fee Item	Description	Account Code	Total Fee
0220-000	Violation Penalty Fee	26010116-43201-10005	\$53.50
0224-000	CE Penalty (Zoning)	26010116-43201-10005	\$160.50
Invoiced Fees:			\$214.00
Total Paid:			\$244.00
Project Balance Due:			\$214.00

When validated below, this is your receipt

Refunds of fees paid may be made pursuant to Section 108.6 of Appendix 1 of the California Building Code and adopted model codes, subject to the following:

- 1) 100% of a fee erroneously paid or collected.
- 2) 90% of the plan review fee when an application for a permit is withdrawn or cancelled or expires or becomes void before any plan review effort has been expended. No portion of the plan review fee shall be refunded when any plan review effort has been expended.
- 3) 90% of the building, plumbing, electrical, and/or mechanical fee may be refunded when a permit is withdrawn, or cancelled or expires or becomes void before any work was done and before any inspections are performed. No portion of these fees shall be refunded when any work was done and/or any inspections have been performed.
- 4) Application for refund must be made within one year.



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
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REQUEST FOR GROUNDWATER INFORMATION AND PAYMENT

WRM Record: **WRM22-0042**
Parent Permit(s): PLP10-0050
Property: 14701 BODEGA HWY, BODEGA
Subject: Well Monitoring Requirements and Annual Invoice

KISTLER STEVE AND BELDEN CATHLEEN
PO BOX 317
BODEGA, CA 94922-0317

Dear KISTLER STEVE AND BELDEN CATHLEEN:

This letter is a request for **2022** groundwater data. Final conditions of approval and/or standard operating procedures relevant to the above referenced Parent Permit require monitoring of the project well(s) and water use for the project. Included with this letter is a **Groundwater Monitoring Invoice for 2022**.

Please be aware that Permit Sonoma is transitioning to an online data submittal process. The Water Resources Monitoring (WRM) record referenced above has been created for this purpose and will be used to track groundwater monitoring data from this date forward.

A message was sent to any email on the Parent Permit for the owner or operator. The message included instructions and a link to an online monitoring form. If you did not receive an email, please send an email message to **PermitSonoma-WRM@sonoma-county.org** requesting a link to the online form, and please reference the WRM record number in your request.

Invoices associated with WRM may be paid online at: PermitSonoma.org > Online Permitting > Pay Fees

If your project was **not operative**, or there is another reason data is not available, please return a signed copy of the affidavit for 2022.

If you have any questions please contact Robert Pennington at **(707) 565-1352** or send an email to **PermitSonoma-WRM@sonoma-county.org**

Please return information to:

ATTN: Accounting Department
Permit and Resource Management
2550 Ventura Avenue
Santa Rosa, CA 95403-2829



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

2022 ANNUAL GROUNDWATER MONITORING INVOICE
Water Resources Monitoring Record – WRM22-0042
Parent Permit(s) – PLP10-0050
Total Fee DUE By January 31, 2023: \$ 244.00

Owner: KISTLER STEVE AND BELDEN CATHLEEN
Property: 14701 BODEGA HWY, BODEGA

Dear Property Owner:

If you are currently operating under the provisions of an approved Use Permit, an approved cannabis project, or a cannabis project operating under penalty relief, County code or project conditions of approval require that you submit a Groundwater Monitoring Report on an annual basis. Invoices and groundwater monitoring data should be submitted by January 31, 2023. Your groundwater monitoring data should be consistent with County guidelines "Monitoring Guidelines for Large Capacity Water Wells". These guidelines are available on our website at PermitSonoma.org then search for Large Capacity.

Failure to submit groundwater monitoring fees and annual reporting in a timely manner may result in modification or revocation of your Use Permit due to non-compliance with your Use Permit Conditions of Approval. Projects operating under penalty relief may be removed from the penalty relief program for non-compliance.

If your Use Permit is approved and you have not begun to operate, please sign and return the enclosed affidavit stating that the project has not begun operation.

If you are no longer operating the approved use and have no intention of operating in the future, please sign the enclosed affidavit stating that the use has ceased and we will contact you about possible options regarding the Use Permit.

If you have any questions, please feel free to contact Robert Pennington at (707) 565-1352 or email to PermitSonoma-WRM@sonoma-county.org. Please have the WRM file number at the top of this page available when you call. Thank you for your continued cooperation with the monitoring program.

-----Please Pay Online--or--Detach and return this stub with your payment-----

2022 GW Monitor Fee: \$ 244.00 Invoice Number: 463602 WRM22-0042
Invoice Date: 12/16/2022
Parcel Number: 026-120-006
System Size: Large
Total Amount Due: \$ 244.00

Remit payment coupon with check (payable to PRMD) to: PRMD Attn: Accounting Dept.
--OR-- Pay by Credit Card at PermitSonoma.org 2550 Ventura Avenue
Santa Rosa, CA 95403-2829

KISTLER STEVE AND BELDEN CATHLEEN
PO BOX 317
BODEGA, CA 94922-0317



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

Groundwater Well Monitoring Program

AFFIDAVIT FOR WATER RESOURCE MONITORING – WRM22-0042
PARENT PERMIT(S) – PLP10-0050
HAS NOT COMMENCED, HAS CEASED, or GROUNDWATER MONITORING
is NOT CONDITIONED

Owner: KISTLER STEVE AND BELDEN CATHLEEN
Property: 14701 BODEGA HWY, BODEGA

_____The approved Parent(s) associated with the Permit **WRM22-0042** has not commenced as of this date. I understand that when the use commences I will comply with the terms of the Permit conditions of approval which require groundwater monitoring on an annual basis.

_____The approved Parent(s) associated with the Permit **WRM22-0042** has ceased and we have no intention of operating the use in the future.

_____The approved Parent(s) associated with the Permit **WRM22-0042** does not include conditions of Groundwater Monitoring

_____The Parent cannabis operation(s) associated with the Permit **WRM22-0042** was not in operation in **2022**

Other Comment:

Property Owner / Authorized Representative

Date

Please print name

Telephone number

Mailing Address (If different from above)

City, State, and Zip Code

Remit affidavit to: PRMD Attn: Accounting Dept - 2550 Ventura Ave - Santa Rosa, CA 95403-2829

Final Conditions of Approval

Date: December 9, 2010

File No.: PLP10-0050 (UPE09-0087/ZPE10-0108)

Applicant: Stephen W. Kistler

APN: 026-120-006 and -007

Address: 14701 Bodega Highway, Bodega

Project Name: Kistler-Bodega Ranch Winery

Project Description: Request for a Use Permit for a new winery with a maximum annual production capacity of 7,500 cases to include a 18,870 square foot production/processing building with a subterranean barrel storage room, a 1,200 square foot bottling building, a 2,200 square foot case good/mechanical building, and a 2,640 square foot detached related winery-office building. Wine tasting/tours would be by appointment only with participation in industry-wide events. No special events, concerts, or weddings are proposed. This also includes a request for a Zoning Permit for a minor timber conversion totaling 2.99 acres to remove timber for a portion of the proposed winery facility and future vineyard on 258.24 acres.

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1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,010.25 (or latest fee in effect at time of payment) because a Negative Declaration was prepared, for a total of \$2,060.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

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

BUILDING:

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

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.

HEALTH:

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

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT :

Water:

4. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2007 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.
5. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County

requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.

6. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
7. If a water supply permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
8. Prior to building permit issuance and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of 1 gallon per minute for each project activity (e.g. special events, tasting room, and for each residence or second unit) conducted during the dry season (July 15 through October 1). (*Testing procedures for 1-2 project activities = 8-12 hour test, 3-4 activities = 18-24 hour test, and 72 hour test for 5 or more activities*).
9. Prior to the issuance of any building permit and vesting the Use Permit, an easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 p.m. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

10. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. Portable toilets may be used for the four largest tasting by appointment only and industry-wide events, and for events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate tasting by appointment only and industry-wide events shall be sized on the fifth largest event as follows: 5 to 10 events shall provide 25% of the 5th largest event, 11 to 25 events shall provide 50% of the 5th largest event, and 26 events or more shall require 100% of the 5th largest event. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Division that all required septic system testing and design elements have been met.

11. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast /San Francisco Bay Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation and vesting the Use Permit.
12. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits. For planned tenant improvements, installed central water and wastewater lines the length of the building with appropriate breakout floor design is acceptable.
13. Prior to building permit issuance and vesting the Use Permit, sewage disposal system(s) shall be evaluated relative to the proposed subterranean barrel storage. If the floor of the subterranean barrel storage is lower than any wastewater disposal field or septic tanks, a minimum of a 50 foot set back from any tanks, sumps and the septic disposal field shall be maintained. The Project Review Health Specialist shall receive a topographic map by a Civil Engineer, Surveyor or REHS depicting the septic system and wine cave components for review.

Consumer Protection:

14. Prior to the issuance of building permits, vesting the Use Permit and the start of any construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control license).
- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged nonpotentially hazardous beverages and crackers).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An E-mail of approval from the Environmental Health Division or a copy of the plan check approval shall be presented to The PRMD Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Vector Control:

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

Solid Waste:

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

of the solid waste requirements.

PRIOR TO OCCUPANCY:

Water:

17. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. A water meter (or meters) to measure all groundwater extracted for the permitted use shall be installed on the water system. A site plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the Project Review Health Specialist at PRMD.

Mitigation Monitoring: PRMD shall not issue final occupancy on the winery buildings until a water meter or meters to measure all groundwater extracted has been placed on the water system and cleared by the Project Review Health Specialist at PRMD.

OPERATIONAL REQUIREMENTS:

Water:

18. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
19. A safe, potable water supply shall be provided and maintained.
20. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a water conservation plan, subject to review and approval by PRMD.

Mitigation Monitoring: The permit holder shall be responsible for monitoring quarterly the groundwater extracted for the winery use, and submit reports to PRMD in January of the following year. Failure to submit the quarterly reports would bring the winery facility out of compliance with the Use Permit's operational conditions, and may result in Use Permit modification or revocation proceedings.

21. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-Project Review at least once every five years.

Septic:

22. Maintain the annual operating permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable waste discharge requirements set by the Regional Water Quality Control Board.
23. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
24. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required.

Hazardous Materials Program:

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

Consumer Protection:

26. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division if required for the wine tasting activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged nonpotentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged nonpotentially hazardous beverages. Contact the Environmental Health Division at 565-6547 for information and instruction sheet.

Noise:

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

TABLE NE-2: Maximum Allowable Exterior Noise Exposures (adjusted)

Hourly Noise Metric ¹ , dBA	Daytime ² (7 a.m. to 10 p.m.)	Nighttime ² (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	40	35
L25 (15 minutes in any hour)	45	40
L08 (5 minutes in any hour)	50	45
L02 (1 minute in any hour)	55	50
<p>¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.</p> <p>² Both daytime and nighttime maximum dBA have been reduced 5 dBA due to music and voice associated with outdoor special events. Due to the low ambient noise level at the project site, the maximum noise level has also been reduced an additional 5 dBA.</p>		

Mitigation Monitoring: All noise complaints received by PRMD that appear to be valid will be investigated by PRMD staff. If such investigation reveals that noise standards have been or may be exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measure(s). Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If violations continue, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

28. Industry-wide event activities shall be limited to the tasting hours (10 a.m. to 5 p.m.).
29. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.

GRADING AND STORM WATER:

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

30. Grading and/or building permits require review and approval by the Grading and Storm Water Section of PRMD prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.

31. A drainage report for the proposed project shall be prepared by a civil engineer currently registered in the State of California and submitted with the grading and/or building permit application, and be subject to review and approval by the Grading and Storm Water Section of PRMD. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

32. The following development and redevelopment projects are required to implement post-construction treatment controls to mitigate all project-related storm water pollution:

- a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.\
- b. Roads and parking lots creating or replacing a combined total of 10,000 square feet or more of impervious surface.

Measures to mitigate the project impacts to the quality of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Storm Water Mitigation Plan shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading and Storm Water Section of PRMD prior to the issuance of any grading or building permits. Post-construction storm water features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.

33. Drainage improvements shall be designed by a civil engineer, registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria, and shall include the following:

- a. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading and Storm Water Section of PRMD for review and approval.
- b. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's Best Management Practices Guide, and abide by the standards and provisions of Chapters 11 and 11A of the Sonoma County Code and all other relevant laws and regulations.
- c. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
- d. Grading plans shall be prepared by a civil engineer registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures.
- e. Grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.

- f. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout. Residue or polluted runoff from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
- g. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment. Polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
- h. A Low Impact Development (LID) design approach shall be used to manage stormwater runoff. LID emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydro-logic controls to mimic the pre-development/pre-project hydro-logic regime of the watershed, to the extent feasible, through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

Mitigation Monitoring: PRMD shall not issue any grading or building permit for the winery buildings until the required drainage improvement, grading and erosion control plans, and Low Impact Development (LID) measures have been depicted on the grading plans, and reviewed and approved by the PRMD Grading and Storm Water Section.

- 34. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
- 35. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading/site plans.

Mitigation Monitoring: PRMD shall not issue any grading permit or approve Improvement plans until all waterway setbacks, including but not limited to building setbacks, grading setbacks, riparian corridor setbacks or biotic resources setbacks, have been accurately shown and noted on the plans.

- 36. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway to the maximum extent possible. The protective construction fence shall be shown and noted on the grading/site plans.

Mitigation Monitoring: PRMD shall not issue any grading permit involving construction activities near a waterway until the protective construction fence is shown and noted on the grading/site plans.

- 37. If the cumulative land disturbance of the project is equal to or greater than one acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading and Storm Water Section of PRMD prior to issuance of any grading permit for the proposed project.

38. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading and Storm Water Section of PRMD prior to issuance of any permit for the proposed project.
39. The applicant is responsible to contact the California Department of Fish & Game and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading and Storm Water Section of PRMD prior to issuance of any permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

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

40. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to Bodega Highway shall conform to the following criteria:
 - a. A minimum paved throat width of 24 feet,
 - b. Entrance curves having a minimum pavement radius of 25 feet,
 - c. The driveway shall enter Bodega Highway as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Bodega Highway.
 - e. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
 - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details.
 - g. Entrance improvements shall be constructed prior to occupancy.
41. Prior to any removal of timber allowed under this permit or prior to issuance of any building permits for the proposed winery facility, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
 - a. The entrance shall be of sufficient width to accommodate two-way traffic.
 - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
 - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.

Mitigation Monitoring: The permit holder shall not initiate the removal of timber approved under this permit, and PRMD shall not issue any building permit for any structures related to the proposed winery facility until the project's driveway entrance has been stabilized meeting the Department of Transportation and Public Works requirements in order to accommodate on site construction activity.

42. To ensure adequate sight distance is maintained at the project driveway, any winery signage, or new vegetation, shall be low lying or located back from the right of way so as not to impact sight

lines for vehicles approaching or exiting the project driveway. In addition, existing vegetation shall be maintained to not impact sight lines for vehicles approaching or exiting the project driveway.

Mitigation Monitoring: Failure to install new winery signage or vegetation, or to maintain existing vegetation as to not impact sight lines for vehicles approaching or exiting the project driveway will be considered a violation of the Use Permit conditions. If violations continue, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

43. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
44. The developer shall obtain an encroachment permit from PRMD prior to constructing any improvements within County road right-of-way.

FIRE AND EMERGENCY SERVICES:

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

45. Provide emergency vehicle access to all structures in accordance with Sonoma County Fire Safe Standards and the California Fire Code.
46. Knox Locks/Boxes are required at gated vehicle entrances and the main entrance to buildings containing fire sprinkler systems or fire alarm systems.
47. Where a public water supply is not available an on-site fire protection system is required. Systems shall include a water storage tank, underground piping, fire hydrants and fire pumps as required by Sonoma County Fire Safe Standards and NFPA Installation Standards.
48. A fire pump is required for private water systems having more than one fire hydrant.
49. Fire flow shall meet the requirements of the California Fire Code.
50. A plan submittal and building permit is required for fire protection installations. Plans shall include all necessary details per NFPA Standards.
51. Fire sprinkler systems are required in all new construction and where there is a change of occupancy that creates a new use of a higher hazard as defined by the California Building Code.
52. A monitored fire alarm system is required for buildings having fire sprinkler systems.
53. Fire Lanes: C.V.C. 22500.1. In addition to Section 22500, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device along the edge of any highway, at any curb, or in any location in a publicly or privately owned or operated off-street parking facility, designated as a fire lane by the fire department or fire district with jurisdiction over the area in which the place is located.
54. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE".
55. Address signage is required per Fire Safe Standards.

56. When required a hazardous materials inventory and or business plan shall be provided to the So. Co. Hazardous Materials Division.

PLANNING:

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

57. This Use Permit and Zoning Permit is for a winery and a minor timber conversion. The maximum annual production capacity for the new winery is 7,500 cases. The winery facility includes a 18,870 square foot production/processing building with a subterranean barrel storage room, a 1,200 square foot bottling building, a 2,200 square foot case good/mechanical building, and a 2,640 square foot detached related winery-office building. Wine tasting/tours would be by appointment only between 10:00 a.m. to 5:00 p.m., five days a week. The winery is permitted to participate in up to six industry-wide events per year during tasting/tours hours of operation. The permitted hours of operation for the winery are 7:00 a.m. to 6:00 p.m., Monday through Friday (year round) and 6:00 a.m. to 10:00 p.m., seven (7) days a week during harvest/crush season. No special events, concerts, or weddings are permitted. For the minor timber conversion a total of 2.99 acres of timber shall be removed. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP10-0050 as modified by these conditions.
58. This Use Permit (PLP10-0050) shall supercede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
59. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
60. The applicant shall pay all applicable development fees prior to issuance of building permits.
61. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
62. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
63. The following notes shall be included on building or grading plans for ground disturbing activities:
- "During construction activities, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project

Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated."

Mitigation Monitoring: PRMD shall not approve any building/grading permits for ground disturbing activities until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement to cease construction if archaeological materials are found during ground disturbing activities. The project planner shall work with the applicant in reviewing and revising construction plans if archaeological materials are found. (Ongoing during construction)

64. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dripline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

65. The project shall comply with all provisions of the County Water Efficient Landscaping Ordinance.

66. All project construction activities shall be limited to the project footprint, as approved under the Use Permit; and timber removal shall be limited to the approved minor timber conversion Zoning Permit. Best Management Practices including silt and erosion control measures must be implemented to protect off-site movement of sediment and dust during construction and post - construction. Best Management Practices must be implemented throughout the construction period such as retaining ground cover litter, monitoring for invasive species, providing mulch for bare ground and standard erosion and dust control. During any road improvements from November 1 to April 1st, silt fence should be installed on down slope side of access road in areas less than 200 feet from the unnamed drainages on the project site.

Mitigation Monitoring: The permit holder shall oversee all project construction to ensure that ground disturbing activities are limited to the project footprint, as depicted on the plans approved under the Use permit and minor timber conversion permits. The permit holder shall be responsible for implementing Best Management Practices during construction and post-construction; and if any road improvements are being done from November 1 to April 1st shall ensure that silt fence has been installed on down slope side of access road in areas less than 200 feet from the unnamed drainages of the project site. Failure to comply with this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

67. Native trees, including any Valley Oak trees, to be removed greater than 6" DBH shall be mitigated by planting at a minimum of 3:1 on-site and maintained for a minimum of three years with a success rate of at least 80%.

Mitigation Monitoring: The permit holder shall ensure that any native trees removed, including any Valley Oak, greater than 6" DBH are mitigated by planting at a minimum of 3:1 on-site and maintained for a minimum of 3 years with a success rate of at least 80%. Failure to comply with

this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

68. Any construction activities on the project site between the dates of March 1st through July 31st will require a pre-construction raptor survey(s) by a qualified wildlife biologist. Typical nesting season for raptors is (March 1st through July 31st). A qualified wildlife biologist shall conduct pre-construction surveys of all potential nesting habitat for birds within 500 feet of earthmoving activities. If active bird nests are found during preconstruction surveys, the wildlife biologist shall ensure a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged. Surveys for nesting birds shall be conducted within 14 days prior to tree removal and or ground breaking on the project site.

Mitigation Monitoring: The permit holder shall be responsible for arranging to have a qualified wildlife biologist conduct pre construction raptor surveys as specified above. A qualified wildlife biologist shall conduct pre-construction surveys of all potential nesting habitat for birds within 500 feet of earthmoving activities. If active bird nests are found during preconstruction surveys, the wildlife biologist shall ensure a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged. Surveys for nesting birds shall be conducted within 14 days prior to tree removal and or ground breaking on the project site. Failure to comply with this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

69. Construction fencing and signage to read, "*Environmentally Sensitive Area*" shall be installed along the existing creek crossings to ensure that no construction equipment, fill or any material, staging or storage does not occur in the area.

Mitigation Monitoring: The permit holder shall be responsible for having construction fencing and signage, as specified above, installed along the existing creek crossings to ensure that no construction equipment, fill or any material, staging or storage does not occur in the area. Failure to comply with this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

70. All potential wetlands areas identified should be marked and surrounded by protective construction fencing prior to any ground-breaking activities. Turn out installation along the access road must avoid the upslope seeps and potential jurisdictional wetlands (refer to Sheet P4).

Mitigation Monitoring: The permit holder shall be responsible for having the wetland areas identified marked and surrounded by protective construction fencing prior to any ground-breaking activities. Turn out installation along the access road must avoid the upslope seeps "potential jurisdictional wetlands. Failure to comply with this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

71. To reduce potential impacts to the California Reg Legged frog, the Permit Holder shall following the following requirements during construction activities:

- a. Work should be conducted between April 1 and November 1 (Dry Season).
- b. Implementation of erosion control measures during and after project implementation.
- c. Any project construction from November 1 to April 1st the following will apply:
 - 1) Installation of silt fence (during access road construction) on down slope side of access road in areas less than 200 feet from the unnamed drainages on the site.

- b) No construction within 300 feet of drainages.
- c) No equipment within 300 feet of drainages.
- d) No burn piles within 300 feet of drainages.
- e) No herbicide allowed within 300 feet of drainages.

Mitigation Monitoring: The permit holder shall be responsible for following the requirements listed above during construction activities to reduce potential impacts to the California Reg Legged frog.

72. The applicant shall maintain a minimum of six standard and three handicap parking spaces on-site to serve the winery and tasting/tours by appointment only. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
73. On-site, overflow parking area(s) for a minimum of 50 vehicles shall be made available during industry wide events. Also during the industry wide events temporary signs be placed in appropriate areas directing vehicles to overflow parking areas on the project site. Off-site parking of vehicles and/or trucks associated with the winery or tasting room is prohibited along any public or private off site roadways.

Mitigation Monitoring: If PRMD receives complaints that signs have not been in place during industry-wide events to direct vehicles to overflow parking areas on the project site, or receives complaints that vehicles and/or trucks associated with the winery or industry-wide events are being parked off site along a public or private off site roadways, then PRMD staff would investigate the complaint(s) and if the condition is violated the Use Permit may be subject to modification proceedings.

74. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
75. All new structures, lighting and signs shall require final design review by (PRMD or Design Review Committee) prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
76. Any new exterior lighting for the winery and office buildings, and related parking areas shall be controlled by a time clock to operate only during the winery's approved hours of operation (7 a.m. to 6 p.m., Monday through Friday) and shut off automatically after closing to minimize nighttime lighting; with an exception to this requirement during harvest season when daily winery operations must begin earlier in the morning and extend into the nighttime. Lighting plans shall be designed to meet the Lighting Zone LZ2 (rural) standards from Title 24 effective October 2005. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.

Prior to issuance of a building permit for a winery related structure, an exterior lighting plan for the winery and office buildings, and related parking areas shall be submitted to the Design Review Committee for review and approval. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures.

Mitigation Monitoring: PRMD shall not issue a building permit for a winery related structure, until an exterior lighting plan has been reviewed and approved by the Design Review Committee and is consistent with the approved plans and County Design Standards. PRMD shall not sign off the building permit for occupancy until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, PRMD shall conduct a site inspection and

require the property be brought into compliance or procedures to revoke the Use Permit and terminate the use shall be initiated.

77. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
- a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Note: Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities a) through c) above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If PRMD receives complaints regarding objectionable odors, PRMD staff investigate the complaint and if the condition is being violated, shall require the property be brought into compliance. If odor complaints continue, PRMD may proceed with modifications or revocation of the Use Permit or procedures to revoke the Use Permit and terminate the use shall be initiated.

78. The permit holder shall be responsible for controlling dust and debris during all construction phases and during timber removal activities. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
 - h. Limit traffic speeds on unpaved access roads to 15 mph.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- j. Replant vegetation in disturbed areas as quickly as possible.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by PRMD Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying both tree harvesters and construction contractors about the requirement for dust control measures to be implemented. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

- 79. Prior to issuance of temporary or final occupancy of the winery or office buildings, a bicycle rack shall be provided and shown on the Site Plan in a location approved by the Design Review Committee. The Site Plan and building construction plans shall depict a minimum of 8 bicycle racks near the office building. Bicycle lockers may be substituted for bicycle racks spaces.

Mitigation Monitoring: PRMD shall not issue temporary or final occupancy of the winery or office buildings, until a bicycle rack is provided and shown on the site plan and building construction plans near the office building in a location approved by the Design Review Committee.

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

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

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

ZONING PERMIT CONDITIONS FOR MINOR TIMBER CONVERSION:

- 81. The removal of trees shall be done in accordance with approved minor timber conversion plan (prepared and stamped by Erickson Engineering, dated March 30, 2010). All grading and development on site shall be done in compliance with the County Tree Protection Ordinance,

including protection of trees during construction activities and tree removal activities with a chain link fence at the dripline, and replacement of damaged or removed trees. The project's grading plan shall detail all tree protection implementation measures.

Mitigation Monitoring: PRMD shall not sign off the grading permit for issuance until the grading plan clearly shows all tree protection measures (as required in the County Tree Protection Ordinance).

82. For the minor timber conversion, pre-tree removal surveys for Sonoma tree vole shall be conducted by a qualified wildlife biologist two weeks prior to tree removal. If nests are found, nest trees and screen trees should be retained until the young have left the nest.

Mitigation Monitoring: The permit holder shall be responsible for arranging to have a qualified wildlife biologist conduct pre- tree removal surveys for Sonoma tree vole two weeks prior to tree removal. If nests are found, nest trees and screen trees shall be retained until the young have left the nest. Failure to comply with this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

83. For the minor timber conversion, pre-tree removal surveys for bats shall be conducted by a qualified wildlife biologist two to three days prior to tree removal. If bats are discovered during the surveys, a buffer of 100 to 150 feet shall be established. Optimal time to remove trees is September 15 to October 15, and February 15 to April 1, according to Department of Fish and Game.

Mitigation Monitoring: The permit holder shall be responsible for arranging to have a qualified wildlife biologist conduct pre- tree removal surveys for bats two to three days prior to tree removal. If bats are discovered during the surveys then a buffer of 100 to 150 feet shall be established. Optimal time to remove trees is September 15 to October 15, and February 15 to April 1, according to Department of Fish and Game. Failure to comply with this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

84. The Northern Spotted Owl survey conducted on the project site (2010) are accepted until February 2011. If the timber removal work was to continue after February 2011, then a Northern Spotted Owl survey shall be conducted once again on the project site. If this survey finds new Northern Spotted Owl within 1.3 miles of the project boundary, the project site shall be surveyed again, and if a Northern Spotted Owl is discovered during the timber removal, work shall cease and USFWS shall be contacted.

Mitigation Monitoring: The permit holder shall be responsible for arranging to have a qualified wildlife biologist conduct Northern Spotted Owl surveys on the project site if the timber removal work will continue after February 2011. If this survey finds new Northern Spotted Owl within 1.3 miles of the project boundary, the project site would have to be surveyed again, and if a Northern Spotted Owl is discovered during the timber removal, work shall cease and USFWS shall be contacted.

85. No minor timberland conversion shall be conducted without a valid on-site copy of the Zoning Permit issued for the conversion. No minor timberland conversion shall include the cutting or removal of any old growth redwood unless a registered professional forester certifies in writing that the tree poses a serious danger to persons or property. No minor timberland conversion shall be conducted during the winter period unless it is carried out in accordance with Title 14, California Code of Regulations, Section 914.7, Subsections (a) and (b). All timberland conversion done on the site shall be in accordance with the provisions of Title 14, California Code of Regulations, Section 1104.1

Mitigation Monitoring: The permit holder shall be responsible for providing a copy of the Zoning Permit issued for the minor timber conversion, and to ensure that there is no cutting or removal of any old growth redwood unless a registered professional forester certifies in writing that the tree poses a serious danger to persons or property. Failure to comply with this requirement will be considered a violation of the Use Permit conditions. PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

86. A cover crop is required in the vineyard areas where timber has been removed
87. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
88. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

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

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