

Final Conditions of Approval
(Revised November 24, 2015 to delete the allowance for a Hospitality Unit)

Date:	October 9, 2014	File No.:	PLP14-0004
Applicant:	Silver Oak Cellars	APN:	131-200-020
Address:	7370 Highway 128, Healdsburg		

Project Description: Expansion of an existing winery facility from a maximum annual production capacity of 41,000 cases to 120,000 cases, including construction of new buildings for production, barrel storage, public tasting, and a residence with a residence including three marketing accommodations and up to a maximum of 25 agricultural promotional event days per year with a range of 50 to 200 guests. In addition, one event day per year with a maximum of 1,000 guests with a limited term of five years is permitted. Prior to obtaining building permits, the applicant must submit a revised site plan for Final Design Review, demonstrating that the total land area devoted to the uses noted above, including event lawn areas, parking, landscaping and structures are less five acres and that there will not be an overall loss of land under production.

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Negative Declaration was prepared, for a total of \$2,206.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
2. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.

CONDITIONS TO BE MET PRIOR TO BUILDING PERMIT ISSUANCE AND CONSTRUCTION

BUILDING:

3. 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.
4. 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.
5. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

HEALTH:

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

Water:

6. 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) analysis results of a sample of the winery/wine tasting 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. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
7. Prior to the issuance of building permits 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 Drinking Water Program because it has determined that 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 Drinking Water Program 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 will take some time.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD.
8. Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

9. 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.

This project is approved for agricultural promotional events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100 % percent of the wastewater flow from an event with 200 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system, including the 27 employees listed in the traffic study.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

10. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy

or project operation and vesting the Use Permit.

11. Prior to demolition permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the “finalized” Abandonment 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 the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

13. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

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

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
- c. Note that this Use Permit requires that if any of the following items are new or replacement installations they shall be built to CalCode standards: all flooring, counter tops, restrooms and sinks in the food or beverage service area. The goal is to minimize the need to replace new materials when a small change in the menu triggers the need for a Food Facility permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Solid Waste:

14. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.

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 bringing the public onto a property with ponds. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

GRADING AND STORM WATER:

“The conditions below have been satisfied BY _____ DATE _____

16. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
17. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
18. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD’s best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
19. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
20. As part of the grading (improvement) 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.
21. 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. Crush pads and production areas shall be covered or drain directly to a proper waste disposal system. No diversion valves shall be allowed.
22. 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 covered or 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.
23. Grading and land disturbance shall be setback from streams a minimum of 50 feet from the top of

stream bank.

24. The project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

25. This proposal accesses the public road system using a road under State of California jurisdiction. The Developer shall obtain a State of California Encroachment Permit before making any improvements within State highway right-of-way. The commercial driveway must be constructed according to Caltrans standards highway Design manual, Chapter 200 Topic 205.
26. 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. The fee is computed multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance (Project ADT is the sum of case production ADT and permitted event ADT). The Developer will be credited with trips generated by the current use.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

27. Due to the scope of this project a Fire Services Pre-Construction meeting is required at the applicant's cost.
28. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
29. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
- a. Tent Permit. The owner or occupant shall obtain a Fire Code Operational Permit for the erection of any temporary tents which exceed 400 square feet in area, or the erection of any temporary canopies (open on all sides) which exceed 700 square feet in area, each time such structures are erected.
30. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to the following:
- a. Access roads: Approved (CFC) fire apparatus access roads shall be provided.
- i. Facilities having a gross building area of more than 62,000 square feet shall be provided with at least two separate and approved fire apparatus access roads.
- ii. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.

- iii. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) not less than 20 feet in width (26 feet for aerial access) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of all buildings as measured by an approved route around the exterior of the building or facility.
 - iv. Where a bridge is part of a fire apparatus road the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Approved signs indicating the load carrying capability of bridges shall be provided at each end of bridges.
 - v. Where gates or similar barriers are installed across access roads, gates shall be installed in compliance with fire regulations and provided with an approved lock as required by the fire code official.
- b. Premises Identification: Approved road names, address numbers, building numbers and other building identification shall be provided.
 - c. Fire Protection Water Supplies: An approved (NFPA 1142 and/or CFC) water supply system capable of supplying the required fire flow for fire protection shall be provided to premises.
 - i. Minimum fire flow shall not be less than 1500 gallons per minute.
 - ii. Fire hydrants shall be spaced not less than 500 feet apart along fire access routes.
 - d. Emergency Responder Radio Coverage. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building.
31. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with the California Fire Code as adopted and amended by Sonoma County Code.

PLANNING:

32. 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. The residence to be used for marketing accommodations shall be subject to Affordable Housing Fees.
33. Prior to building permit issuance the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
34. Prior to final design review or issuance of any grading, building, or other development permit, the applicant shall revise the project design to reduce the area devoted to compatible uses as defined in the County's Uniform Rules for Agricultural Preserves, including the winery, barrel storage, tasting room, residence/accommodation units and associated parking, landscaping and outdoor activity areas to less than 5 acres total land area. The tasting facility shall be reduced in size such that the area devoted to food service, dining for reserve tasting, food and wine pairing and events is less than the area devoted to tasting. The project design shall also comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, August 20, 2014 and any subsequent Committee recommendations. The Design Review Committee shall review the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to ensure any visual impact from the scale, mass and lighting of the structures is minimized through design and landscaping improvements; and to

ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Negative Declaration.

35. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. 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 lights shall be full cut-off fixtures and shall not exceed 4 feet in height. Lighting shall shut off automatically after closing and all security lighting shall be motion-sensor activated.
36. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. 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 and ground cover in disturbed areas as quickly as possible.
37. All grading permits shall have the following note printed on plan sheets:

“In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved

by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

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

38. Prior to occupancy of any winery related building, a planting plan and a copy of the Vineyard Planting (VESCO) permit from the Agricultural Commissioner's Office shall be submitted to PRMD demonstrating that there is no net loss of land in production.

CONDITIONS TO BE MET PRIOR TO OCCUPANCY:

Water:

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

Alternatively, PRMD will evaluate proposals to use existing nearby standby or auxiliary water wells as a substitute for the required monitoring well. Any proposal to use a substitute well must include at a minimum, a copy of the drillers log for both the production well and the substitute monitoring well, and a site plan with the GPS coordinates of both wells. The proposal must verify that the substitute well does not have a collapsed casing, and is suitable for groundwater level monitoring purposes.

40. Prior to occupancy, 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 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

PLANNING:

41. Prior to occupancy of the structures, bicycle racks/lockers shall be installed in the parking lot area near the tasting room and winery buildings. The Sonoma County Parking Regulations (Sec. 26 86 010 "Required Parking") require that one bicycle parking space be provided for every 5 spaces required for automobiles.

The Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (APBP), can be referenced which can be found online at the following website; http://www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf. Bicycle parking standards are also provided on pages 19 and 20 of the 2010 Sonoma County Bicycle and Pedestrian Plan, which can be found via the following link; <http://www.sonoma-county.org/prmd/docs/misc/bikeplandraft.pdf>.

ONGOING OPERATIONAL CONDITIONS

HEALTH:

“The conditions below have been satisfied BY _____ DATE _____

Water:

42. 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.
43. A safe, potable water supply shall be provided and maintained.
44. 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.
45. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

46. Maintain the Annual Operating Permit for any package treatment plant, 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.
47. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
48. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
49. When permitted agricultural promotional events exceed 200 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
 - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
 - c. Portable toilets shall be serviced as needed, but in no case less than once every seven

days.

- d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
- e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
- f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the agricultural promotional event and at future agricultural promotional events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.
 - ii) Toilet paper is promptly replaced when the dispenser runs out.
 - iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
 - iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
 - v) Reliance upon portable toilets shall not create a public nuisance.

Consumer Protection:

- 50. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and agricultural promotional event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6565 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6565 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

- 51. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

52. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.
53. Agricultural promotional events shall not consist of weddings, concerts, dances or personal/business parties, but shall consist of wine marketing events, wine pairing meals or events promoting a specific aspect of Sonoma County agriculture. Outdoor music shall be limited to 12 event days per year with a limited term of five years and shall not exceed the levels specified in Condition #51.

Solid Waste:

54. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

55. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
56. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

57. This Use Permit grants approval to expand an existing winery facility to a maximum annual production capacity of 120,000 cases, including construction of production building, a barrel storage building, a building for tasting and 24 agricultural promotion event days, with a maximum of 100 participants, 11:00 a.m. to 9:00 p.m. (lunch or dinner) in the Tasting Building and associated loggia, one agricultural promotion event day with a maximum of 200 participants 11:00 a.m. to 7:00 p.m. in the tasting building and event lawn area east of the building and one release event with a maximum of 1,000 participants starting at 11:00 a.m. with the event closed to the public at 4:00 p.m. and to employees at 7:00 p.m. located in the tasting building and event lawn area east of the building. The release event is permitted for a limited term of five years after the first event which shall be subject to use permit renewal. No weddings or industry-wide events were requested and therefore are not permitted with this use permit. Pursuant to Uniform Rules, agricultural promotional event activities shall not last longer than two consecutive event days and shall not provide overnight accommodations. No permanent structure dedicated to such events shall be constructed or maintained on the contracted land.

Hours of operation are between 7:00 am until 6:00 pm., seven days a week for the production facility; 10:00 a.m. until 5:00 p.m. daily for the public use of the tasting room and 11:00 a.m. to 9:00 p.m. for the agricultural promotional events. A maximum of 30 full time and 5 part-time employees with 10 seasonal employees during harvest operations are permitted.

58. Pomace is to 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.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 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.

59. The applicant shall maintain 51 parking stalls in the production area, and 2 accessible parking stalls. The tasting facility shall have 35 standard parking stalls, 9 limousine parking stalls and 3 accessible parking stalls. The marketing accommodations building shall have 5 parking stalls. Event parking will be along the southern side of the driveway, around the maintenance building and on the vineyard roads. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
60. Staff Training. Within 90 days from issuance of a Certificate of Occupancy all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and

employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.

61. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food or menu items are prohibited in the tasting room, except within the reserve tasting room for food and wine pairings as noted in Condition #62. The following types of food service are allowed under this permit:
- a. Samples or tastes of pre-prepared packaged food, such as crackers, nuts or other palette cleansers, featuring local foods and food products offered in conjunction with wine tasting.
 - b. Prepared meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, such as wine club parties, and winemaker dinners, and with food and wine pairings as limited by condition #62. Such meals/appetizers may be prepared in a food preparation area prior to serving as described on the approved project floor plan. The preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 - 1) Retail sales of pre-packaged food featuring local foods and food products shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-packaged food available for on-site consumption only.
 - 3) No indoor seating area or table service is permitted in conjunction with retail sales of pre-packaged food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 4) No off-site signs advertising retail sales of pre-packaged food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
62. The square footage of the reserve tasting dining area shall be limited to no more than 15% of the floor area of the main tasting room up to a maximum of 640 square feet. Seating in the reserve tasting room shall be limited to 15 seats and no more than 15 persons twice a day. Food and wine pairings shall be selected by the winery with no menu options allowed. Such pairing shall be limited to small appetizer-like portions, are limited to no more than four days per week and no more than twice per day at specified times (11:00 a.m. and 2:00 p.m.) avoiding the lunch hour and shall not be open to drop in guests.
63. During the one annual release party event, two parking attendants shall be on duty to direct traffic to designated parking and remain on duty the entire day and one hour past conclusion of the event to direct traffic along the public road so that cars and shuttles may exit safely.
64. The one annual release party event shall occur in the first weekend in August of each year. Prior to scheduling any event with over 200 people on site, the applicant shall provide County Fire Services, PRMD Engineering Encroachment and the Sonoma County Bicycle Coalition and Pedestrian Advisory Committee (SBCPAC) and other sponsor's of bicycle events with written information on the release day party event's annual date and timing to avoid conflicts with other large events, including cycling events.
65. The days and hours for agricultural promotional events shall be subject to review and approval by an Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for all agricultural

promotional events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.

66. Two-Year Review. A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
67. The applicant shall post signs in the tasting room and event venues that the winery is in an agricultural area which is subject to noise from agricultural equipment, dust, fumes and spraying of herbicides and pesticides.
68. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.
69. Prior to any work within 100 feet of Sausal Creek, including wastewater disposal, the applicant shall submit a letter from the State Department of Fish and Wildlife finding that the project meets with their approval.
70. Any disposal of process or other water shall not be permitted to pool or run off the site.
71. 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.
72. 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. The use shall be operated in accordance with the proposal statement dated September 23, 2014 and site plan dated July 21, 2014 located in File No. PLP14-0004. This Use Permit shall supersede all prior Use Permit approvals, including UP 7851.
73. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any

modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

74. 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.
75. 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.
76. In any case where a Use Permit has not been used within two (2) years after October 9, 2014, the 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.