

Proposed Subsequent Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department

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

Publication Date:	August 2, 2024
Public Review Period:	August 2, 2024 - September 3, 2024
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Permit Sonoma File Number:	UPE17-0049
Prepared by:	Hannah Spencer
Phone:	(707) 565-1928

Pursuant to Section 15162 of the State CEQA Guidelines, this proposed Subsequent Mitigated Negative Declaration to the original Croix Estates Winery Project (File No. UPE06-0022) and the attached Initial Study, constitute the environmental review conducted by the County of Sonoma as lead agency for the proposed project described below:

Project Name: Croix Estate Winery Expansion

Project Applicant/Operator: Jason Williams/Venge Land Ventures LLC

Project Location/Address: 1406 Wood Road, Fulton CA 95439

APN: 034-030-032

General Plan Land Use Designation: Diverse Agriculture 10

Zoning Designation: DA (Diverse Agriculture) B6-10 (10 acres per dwelling unit) with combining zones for SR (Scenic Resources) and VOH (Valley Oak Habitat)

Decision Making Body: Sonoma County Board of Zoning Adjustments

Appeal Body: Sonoma County Board of Supervisors

Project Description: See Item III, below

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

Table 1. Summary of Topic Areas

Topic Area	Abbreviation*	Yes	No
Aesthetics	VIS	X	
Agriculture & Forestry Resources	AG		X
Air Quality	AIR	X	
Biological Resources	BIO	X	
Cultural Resources	CUL	X	
Energy	ENERGY		X
Geology and Soils	GEO	X	
Greenhouse Gas Emission	GHG		X
Hazards and Hazardous Materials	HAZ		X
Hydrology and Water Quality	HYDRO	X	
Land Use and Planning	LU		X
Mineral Resources	MIN		X
Noise	NOISE	X	
Population and Housing	POP		X
Public Services	PS		X
Recreation	REC		X
Transportation	TRANS	X	
Tribal Cultural Resources	TCR	X	
Utilities and Service Systems	UTL		X
Wildfire	FIRE		X
Mandatory Findings of Significance	MFS		X

RESPONSIBLE AND TRUSTEE AGENCIES

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

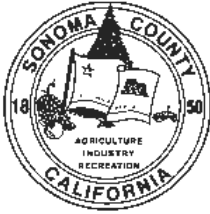
Table 2. Agency	Activity	Authorization
Bay Area Air Quality Management District (BAAQMD)	Stationary air emissions	BAAQMD Rules and Regulations (Regulation 2, Rule 1 – General Requirements; Regulation 2, Rule 2 – New Source Review; Regulation 9 – Rule 8 – NOx and CO from Stationary Internal Combustion Engines; and other BAAQMD administered Statewide Air Toxics Control Measures (ATCM) for stationary diesel engines
North Coast Regional Water Quality Control Board (NCRWQCB)	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cogen) – Waste Discharge requirements, general permit or waiver
	Wetland dredge or fill	Clean Water Act, Section 404

State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
California Department of Fish and Wildlife	Incidental take permit for listed plant and animal species; Lake or streambed alteration	California Endangered Species Act (CESA), Section 2081 of the Fish and Game Code; Section 1600 of the Fish and Game Code
U. S. Fish and Wildlife Service (FWS) and or National Marine Fisheries Service (NMFS)	Incidental take permit for listed plant and animal species	Endangered Species Act
Sonoma County Public Infrastructure	Traffic and road improvements	Sonoma County Municipal Code, Chapter 15
Sonoma County Environmental Health	Retail Food Facility Permit	Sonoma County Municipal Code, Chapter 14

ENVIRONMENTAL FINDING:

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

Hannah Spencer
Prepared by: Hannah Spencer August 1, 2024



Initial Study

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

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

I. INTRODUCTION:

Jason Williams proposes to modify a use permit for an existing winery to increase production and add public tasting at Croix Estate Winery located on a 10-acre parcel at 1406 Wood Road, Fulton. A referral letter was sent to the appropriate local, state and federal agencies and interest groups who may wish to comment on the project.

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

Information on the project is also based on the Mitigated Negative Declaration (MND) that was prepared and posted for the original project Use Permit File No. UPE06-0022 in 2007. The 2007 County adopted MND and Notice of Determination is provided for review under Attachment 1.

Please contact Hannah Spencer, Planner, at (707) 565-1928 or Hannah.Spencer@sonoma-county.org, for more information.

II. EXISTING FACILITY

The 10-acre property contains 9-acres of vineyard and Croix Estate Winery which is approved by Use Permit File No. UPE06-0022 for a 2,000 square foot steel winery building with a maximum annual case production capacity of 5,000 cases, wine tasting and wine and food pairing by appointment only for a maximum of 20 visitors at any one time, and 10 annual industry-wide events with a maximum of 20 visitors at any one time. Bottling trucks are used for bottling wines on the west side of the winery building. Currently, the landowner holds industry-wide events on weekends and all tasting during events occurs outside in a tented area. No outdoor amplified sound, overnight stays, or off-site parking is allowed by the original use permit. The winery is permitted for two fulltime employees and 12-15 seasonal employees. Permitted hours of operation are 8 a.m. to 6 p.m., daily, except during harvest when additional hours may be required. All wastewater is disposed of in an onsite septic system. There is a 7,268 sq ft parking area to the west of the existing winery barn. Other structures on the property include a 2,500 square foot single-family dwelling, a water tower and a shed.

Figure 1. Vicinity Map

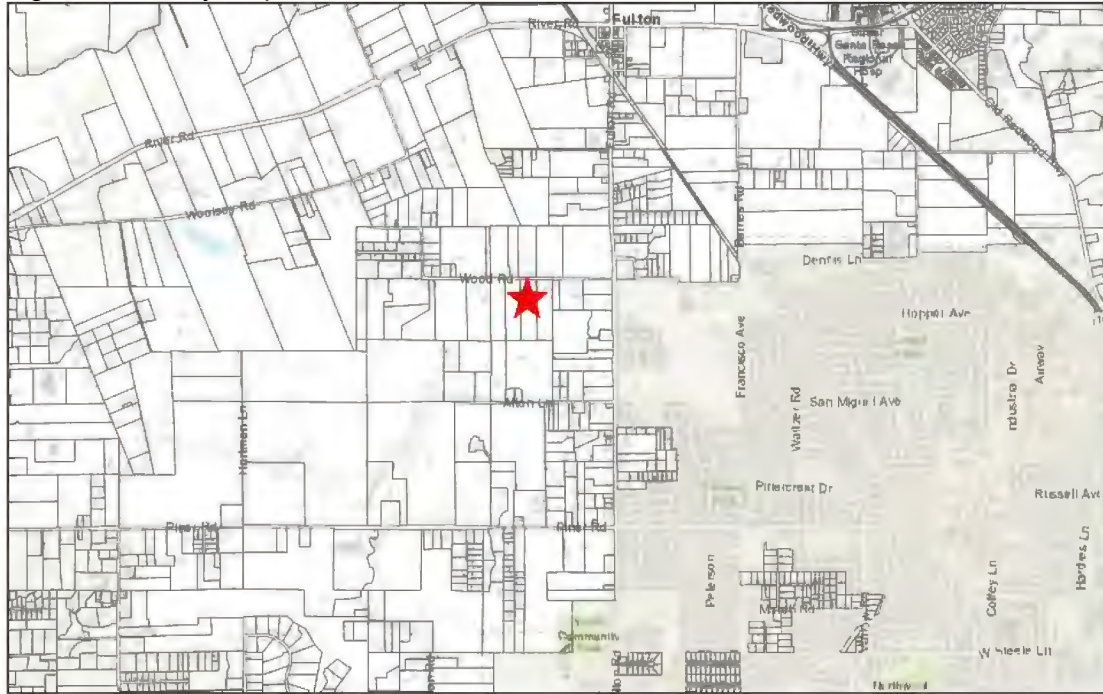


Figure 2: Subject Property and Surrounding Areas



III. PROJECT DESCRIPTION

On October 24, 2017, the applicant submitted Use Permit application File No. UPE17-0049 to modify the existing Croix Estate Winery Use Permit File No. UPE06-0022 to:

1. Increase maximum annual wine case production from 5,000 to 10,000 cases.
2. Construct a new 15,780 (gross) sq ft barrel storage building to include:
 - a. Conditioned space:
 - i. 75 sq ft restroom
 - ii. 457 sq ft breakroom / lab
 - iii. 338 sq ft case good storage
 - iv. 5,338 sq ft barrel storage
 - b. Unconditioned space:
 - i. 3,075 sq ft fermentation
 - ii. 786 sq ft utility enclosure
 - iii. 1,975 sq ft crush pad
3. Construct a new 1,797 (gross) sq ft detached tasting room pavilion to include:
 - a. Conditioned space:
 - i. 495 sq ft tasting room
 - ii. 712 sq ft private tasting rooms A and B
 - iii. 125 sq ft case good storage
 - iv. 174 sq ft staff workstations
 - v. 147 sq ft restroom
 - b. Unconditioned space:
 - i. 98 sq ft mechanical room
4. Convert an existing 2,500 sq ft residence to function as part of the winery with:
 - a. 521 sq ft of office administration space
 - b. 568 sq ft for private tasting
 - c. 264 sq ft kitchen to be used for an employee breakroom and prep for wine and food pairings and events
 - d. 278 sq ft of storage area
5. Increase total number of full-time employees from 2 to 7
6. Construct associated site improvements:
 - a. Repave existing driveway
 - b. New driveway to barrel storage building
 - c. New parking area for 8 additional spaces
 - d. Utilize existing permitted septic systems
 - e. additional landscaping

Approximately 35,000 sq ft of vineyard (0.8 acre) will be removed to accommodate the proposed barrel storage building leaving the remaining 8.2 acres of active vineyard intact.

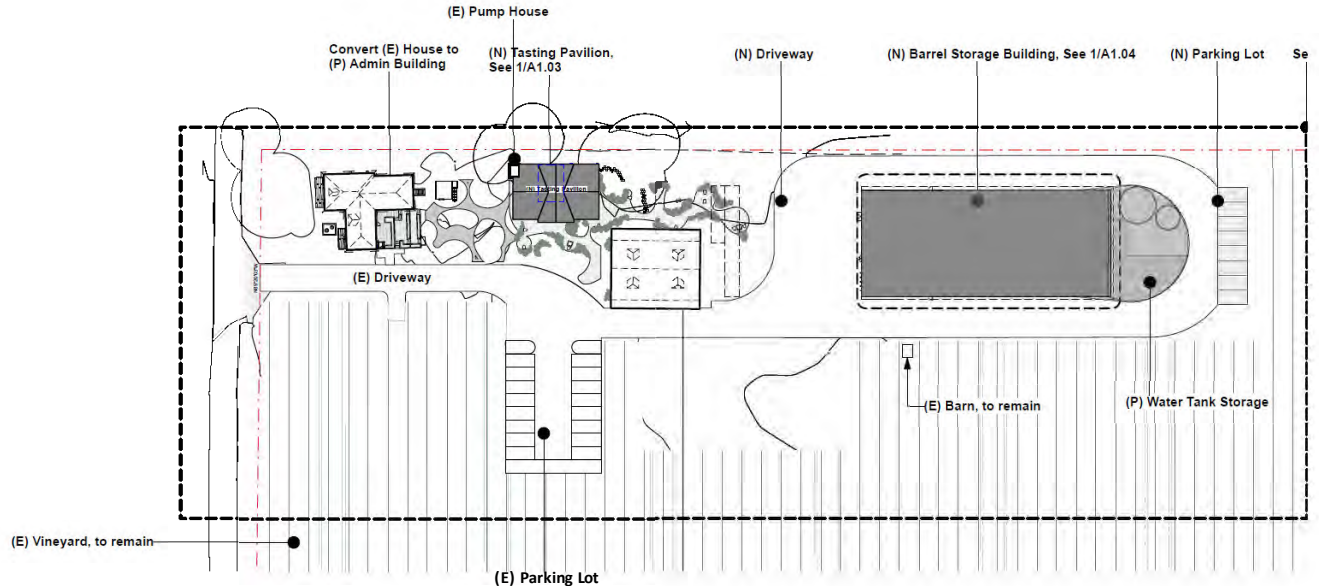
Approximately 1,200 wine cases per year can be produced using grapes grown onsite. The remaining 8,800 annual wine case production will use grapes grown offsite located in 11 vineyards within the Russian River AVA, and 5 other vineyards within Sonoma County.

The Use Permit Modification request does not include outdoor amplified sound, overnight stays, and off-site parking. There are no changes to the following pre-approved uses:

- Seasonal employee count of 12-15.
- By-appointment only wine tasting with a maximum of 20 visitors at any one time.

- 10 annual industry-wide events with a maximum of 20 visitors at any one time.
- Hours of operation from 8 a.m. to 6 p.m., daily, except during harvest when additional hours may be required.

Figure 3. Proposed Site Plan



A complete set of proposed project site and floor plans are provided under Attachment 2.

IV. SETTING

The project property is in the Santa Rosa Plain, approximately 0.3 miles northwest of the City of Santa Rosa city limits at 1406 Wood Road in Fulton, Sonoma County. The project property consists of a 10-acre parcel identified as Assessor's Parcel Number 034-030-032. The site is relatively flat, approximately 130 feet above sea level and contains a 9-acre vineyard, an existing winery approved for a 5,000 annual case production, and a residence with accessory structures. The property and surrounding parcels are designated by the Sonoma County General Plan as Diverse Agriculture with a 10-acre density. Surrounding uses consist of vineyards, single family dwellings and accessory structures, open space and grassland on parcels ranging from 2 acres to 30 acres in size. Approximately 0.3 miles south of the project property is an unnamed tributary to the Santa Rosa Flood Control Channel which ultimately drains into the Laguna De Santa Rosa. The area is in a priority groundwater basin and is subject to the Santa Rosa Plain Conservation Strategy.

V. ISSUES RAISED BY THE PUBLIC OR AGENCIES

On September 17, 2019, Permit Sonoma circulated a referral packet to inform and solicit comments from selected relevant local, state and federal agencies, local Tribes, neighbors within 300 feet of the project site; and to special interest groups that were anticipated to take interest in the revised project. Comments were received from:

- Permit Sonoma Fire Prevention
- Permit Sonoma Natural Resources Division
- Permit Sonoma Grading and Stormwater Division
- Permit Sonoma Well & Septic Division

- Permit Sonoma Natural Resources Division
- Sonoma County Public Infrastructure
- Sonoma County Agricultural / Weights & Measures
- California Department of Fish and Wildlife

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

Assembly Bill 52 Project Notifications were sent to the Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Torres Martinez Desert Cahuilla Indians, Mishewal Wappo Tribe of Alexander Valley, Middletown Rancheria Band of Pomo Indians, Lytton Rancheria of California, Kashia Pomos Stewarts Point Rancheria and Federated Indians of Graton Rancheria. One Tribe engaged in formal consultation under AB52 (see Section 18. Tribal Cultural Resources below).

Public Comments on the proposed project have expressed concerns with potential increases in noise and traffic, the existing condition of Wood Rd., and duration of project construction.

VI. OTHER RELATED PROJECTS

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

VII. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

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

The Project Applicant, Jason Williams, has agreed to accept all mitigation measures listed in this Initial Study as conditions of approval for the proposed project, and to obtain all necessary permits, notify all contractors, agents and employees involved in project implementation and any new owners should the property be transferred to ensure compliance with the mitigation measures.

1. AESTHETICS:

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

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

Comment:

The project site is within the Sonoma County's Scenic Resource Combining District for a Scenic Landscape Unit. All structures located within a Scenic Landscape Unit are subject to the standards in Zoning Code Section 26-64-020 and General Plan Policy ORSC-2d, which require that all structures within a Scenic Landscape Unit use natural landforms and existing vegetation to screen them from view from public roads. If necessary, Zoning Code Section 26-64-020 specifies that new landscaping used for screening should be comprised of native, fire resistant plants and trees.

The 2007 MND included discussion of Aesthetics and found potential construction-related impacts could occur that could be reduced to less than significant by requiring final design review prior to building permit issuance and mitigation measures for reducing new sources of light (see 1.b below). The proposed barrel storage building, tasting room pavilion, and associated site improvements would be located further from Wood Road than existing structures onsite and designed to compliment existing structures. The project proposes earthtone exterior colors and materials to blend in with the surrounding area including standing seam metal roofing in dark grey, siding with a stone and mortar finish, siding in Corten steel (rust color), and siding in brake metal panels (dark grey color). The existing residence will retain its reclaimed/aged Douglas Fir wood vertical siding, metal window frames, and dark grey shingle roof. The existing winery buildings are briefly viewable from Wood Road but are predominantly protected from view by the existing fencing and landscaping of trees, bushes and vineyard. The proposed location of the new production building is located in a portion of the site which is not visible from Wood Road.

The project proposes new building heights of 16 feet (tasting pavilion) and 28 feet 7 inches (new barrel storage building) which comply with the Zoning Code's maximum building height of 35 feet. The square footage of building footprints will collectively total approximately 22,080 square feet, or 5% of the property. Zoning Development standards for DA Zoning District provide for a 10% maximum lot (building) coverage; therefore, the project will comply with this standard. The project would also meet all zoning setback standards for new buildings from the property lines and the road centerline.

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

Significance Level:

Less than Significant Impact with Mitigation Incorporated

Mitigation VIS-1:

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

Mitigation Monitoring VIS-1:

The Permit and Resource Management Department shall not issue Building Permits until the project site plan, building elevations, colors and materials, signage, lighting plan, landscaping and irrigation

plan has been submitted that is consistent with the approved design review plans and County standards. Permit Sonoma shall not sign off final occupancy on Building Permits until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved design review plans and conditions.

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

Comment:

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

Significance Level:

No Impact

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

Comment:

The character of the 10-acre site and surrounding lands is agricultural and rural development. Using the County's Visual Assessment Guidelines, staff characterized the project site as having High visual sensitivity because it is located in the Scenic Resources Combining District and classified as a Scenic Landscape Unit. The project's visual dominance most closely aligns with subordinate visual characteristics because the project is minimally visible from public view – can be seen but does not attract attention – and generally repeats the form, line, color, texture and night lighting of its surroundings. As such, potential aesthetic impacts resulting from development of the proposed winery expansion project are expected to be less than significant.

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

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation: See Mitigation Measure VIS-1

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

Comment:

The 2007 MND included discussion of Aesthetics and found potential construction-related impacts could occur that could be reduced to less than significant with mitigation and monitoring.

Mitigation measures included in the 2007 MND (listed below) to mitigate potential impacts related to light and glare to a less than significant level by ensuring new sources of light do not adversely affect the area. The following Mitigation Measure remains valid for the proposed winery expansion project because project will add new structures to the site.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation: See Mitigation Measure VIS-2

Mitigation Measure VIS-2:

Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review by PRMD or the Design Review Committee. 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 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 security lighting shall be motion-sensor activated.

Mitigation Monitoring VIS-2:

The Permit and Resource Management Department shall not issue the building permit until an exterior night lighting plan has been reviewed, approved and found to be consistent with the approved plans and County Design Standards. The Permit and Resource Management Department 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, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance or procedures to revoke the permit and terminate the use shall be initiated.

2. AGRICULTURE AND FOREST RESOURCES:

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

Would the project:

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

Comment:

The site currently contains approximately 9 acres of vineyard. According to the Sonoma County Important Farmlands Map, the project site contains approximately 8.8 acres of designated Farmland

of Statewide Importance. It is estimated that approximately 35,000 sq ft of vineyard (0.8 acre) of important farmland would have to be converted to develop the project which would not be considered a significant loss of land devoted to agricultural production. The primary use of the site (8.2 acres) will continue to be devoted to an actively farmed vineyard. The proposed barrel storage building is an agricultural support use to the onsite vineyard operation, as well as local vineyard operations within Sonoma County. The proposed tasting pavilion will be located outside of any important farmlands. Additionally, the proposed increase in agricultural processing of 5,000 wine cases to 10,000 wine cases per year is consistent with the General Plan. No change in the land use or zoning is proposed.

Significance Level:

Less than Significant Impact

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

Comment:

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

Applicable Zoning Requirements:

Section 26-18-030 Ag Processing:

LIA, LEA, DA, AR zones: the use must be sized to accommodate, but not exceed, the needs of the on-site growing or processing operation (General Plan policy AR-5c). The proposed Winery does not propose any storage areas that would exceed the needs of the proposed 10,000 case production.

Section 26-18-210 Tasting Rooms:

Shall not require the extension of sewer and water.

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

The project has been determined to be consistent with the Zoning Ordinance as the request for the use permit modification would increase the preapproved annual wine case production of 5,000 cases to 10,000 cases per year, using grapes grown onsite and from Sonoma County. No changes to the existing preapproved visitor serving uses are proposed. The new wine tasting room building will be used to accommodate the preapproved number of customers (20 people at any one time) and continue to promote products processed on site and from the local area. The increase in production and new tasting space will not be detrimental to the rural character of the area.

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

The project does not result in a loss of forest land or conversion of forest land to non-forest use as the

project site does not contain forest land nor any timber resources.

Significance Level:

No Impact

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

Comment:

The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use. The project site will remain zoned Diverse Agriculture, the existing commercial vineyard will remain excepting the minor conversion needed to accommodate the production building (.8 acres), and the primary use of the site will remain devoted to agricultural production and agricultural supports uses.

Significance Level:

No Impact

3. AIR QUALITY:

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

Would the project:

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

The project will not have a cumulative effect on ozone because it will not generate substantial traffic which would result in substantial emissions of ozone precursors (ROG and NO_x). See discussion above in 3 (b). The project will have no long-term effect on PM_{2.5} and PM₁₀, because all surfaces will be paved gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM_{2.5} and PM₁₀) during construction. These emissions could be significant at the project level, and

could also contribute to a cumulative impact. This impact would be reduced to less than significant by including dust control measures as described in mitigation measure AIR-1 below.

Although the project will generate some ozone precursors from the 10 new daily employee vehicle trips (resulting from adding 5 new employees) and an average increase of one daily winery truck trip (resulting from the increase in wine case production), the project will not have a cumulative effect on ozone because it will not generate substantial traffic resulting in significant new emissions of ozone precursors (ROG and NOx). See discussion in 3 (b) above.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

This impact would be reduced to less than significant by including dust control measures as described in the following mitigation measure:

Mitigation Measure AIR-1:

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

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

Mitigation Monitoring AIR-1:

PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits.

c) Expose sensitive receptors to substantial pollutant concentrations?

Comment:

Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The nearest sensitive receptor is a residence located approximately 80 feet away from the new tasting room building site and approximately 280 feet away from the winery production building site.

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation: See Mitigation Measure AIR-1

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

Comment:

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

Construction equipment may generate odors during project construction. The impact would be less

than significant as it would be a short-term impact that ceases upon completion of the project.

The proposed wine case production increase may generate objectional odors due to the pomace from grape crushing which can create objectionable odors if not handled properly. The 2007 MND analyzed Air Quality and required the mitigation measure listed below to reduce potential odor-related impacts to a less than significant level. This mitigation measures remains valid for the proposed winery expansion project.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Measure AIR-2:

To ensure that no neighbors are affected by odors caused by the residues of the grape crush, all residues must be removed from the site or composted in remote areas of the property farthest away from neighboring properties.

Mitigation Monitoring AIR-2:

If the Permit and Resource Management Department receives complaints regarding objectionable odors, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

4. BIOLOGICAL RESOURCES:

Regulatory Framework

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

Federal

Federal Endangered Species Act (FESA)

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

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

The Migratory Bird Treaty Act of 1918 (MBTA)

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

The Clean Water Act (CWA)

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

Section 404.

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

Section 401.

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

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

State

California Endangered Species Act (CESA)

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

Fish and Game Code 1600-1602

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

Nesting Birds

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

Non-Game Mammals

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

California Fully Protected Species and Species of Special Concern

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibians and

reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with “fully protected” species state that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with “fully protected” species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

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

Porter-Cologne Water Quality Control Act

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

Local

Sonoma County General Plan

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

Riparian Corridor Ordinance

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

Valley Oak Habitat (VOH) Combining District

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

Sonoma County Tree Protection Ordinance

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

Project Analysis

Would the project:

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

Comment:

Special-Status Species

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

Endangered Species Act

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

or injures fish or wildlife and may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. Actions that may result in "take" of a federal-listed species are subject to The Service or National Marine Fisheries Service (NOAA Fisheries) permit issuance and monitoring. Section 7 of ESA requires federal agencies to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species. Any action authorized, funded, or carried out by a federal agency or designated proxy (e.g., Army Corps of Engineers) which has potential to affect listed species requires consultation with The Service or NOAA Fisheries under Section 7 of the ESA.

Critical Habitat

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

Essential Fish Habitat

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

Staff Analysis:

The project site is located in an area of the Santa Rosa Plain that is designated as Critical Habitat for California Tiger Salamander by the Santa Rosa Plain Conservation Strategy. In 2005, the property and surrounding area became subject to the Santa Rosa Plain Conservation Strategy. The purpose of the Santa Rosa Plain Conservation Strategy (Conservation Strategy) is to create a long-term conservation program sufficient to mitigate potential adverse effects on listed species due to future development on the Santa Rosa Plain.

The original project 2007 MND included discussion of Biological Resources. Potential impacts of the project were considered and found to be less than significant and/or have no impact. No mitigation was required as part of approval of the original use permit. As part of the original permit, a site assessment for the California Tiger Salamander was prepared by Kjeldsen Biological Consulting. Additionally, biologists surveyed the site on foot on May 11 and 16 of 2006. During the site visit it was noted that the habitat/plant community on the site consists of ruderal vegetation that is associated with years of agricultural use and that hydrology on the site has been altered for many

years.

The 2006 biological study concluded that the project site did not include any riparian habitat or sensitive natural community, contained limited potential for CTS upland habitat and no breeding habitat (therefore, would not interfere with movement of migratory fish or wildlife species). The biologists preparing the study determined that locating the original winery building on an area already disturbed by an old building that has been demolished and the septic system being placed in a heavily impacted area was not likely to impact CTS populations in Sonoma County.

The current project proposes a new 1,797 sq ft tasting room pavilion, a new 15,780 sq ft barrel storage building, associated driveway improvements, and new parking spaces for 8 vehicles would be located within areas of the property that have already been disturbed and/or developed by gravel parking areas, maintained landscaping and hardscapes, an existing shed, and an actively maintained vineyard.

On June 7, 2023, WRA Environmental Consultants conducted an assessment of the 10-acre project parcel to determine whether the Project will have a significant impact on land that has value as habitat for endangered, rare or threatened species, and/or whether these species would be otherwise affected by the development (Attachment 3). WRA examined the project parcel for indicators of wetlands, streams, and areas with an Ordinary High Water Mark (OHWM) (i.e., streams, rivers, ponds) potentially under the jurisdiction of the Corps, RWQCB, and CDFW, as well as other sensitive biological communities. WRA's findings are summarized below.

Special Status Plant Species:

WRA completed a search of the databases described above and found that dozens of special-status plant species have documented occurrences within the vicinity of the Study Area. Of the nearby documented special-status species, all are either unlikely or have no potential to occur within the Study Area for one or more of the following reasons:

- The Study Area does not contain hydrologic conditions (e.g., freshwater, brackish, or salt marsh) necessary to support the special-status plant(s);
- The Study Area does not contain edaphic (soil) conditions (e.g., serpentine or volcanics) necessary to support the special-status plant(s);
- The Study Area does not contain vegetation communities (e.g., chaparral, vernal pools) associated with the special-status plant(s);
- The Study Area and surrounding area is developed and habitat for special-status plant species is limited;
- The species was not observed during the site visit which was conducted during the bloom period of the species.

No impacts to special-status plants are anticipated; therefore, no recommendations or mitigation measures are warranted for special-status plants.

Special-Status Wildlife Species:

WRA completed a search of the databases described above and found more than 50 special-status wildlife species have documented occurrences within the vicinity of the Study Area. Of these special-status wildlife species documented in the region, four species have a moderate or greater potential to occur and are discussed in detail below. One state and federal listed species, California Tiger Salamander (CTS) is discussed due to its listed status. Non-status nesting birds and bat maternity roosts, which are provided protections under various regulations are also discussed.

- **Townsend's western big-eared bat, (*Corynorhinus townsendii townsendii*), CDFW Species of Special Concern, Western Bat Working Group- High Priority. Moderate Potential.**

This species ranges throughout western North America from British Columbia to central Mexico. Its local distribution is strongly associated with the presence of caves, but roosting also occurs

within man-made structures including mines and buildings. While many bats species wedge themselves into tight cracks and crevices, big-eared bats hang from walls and ceilings in the open. Males roost singly during the spring and summer months while females aggregate in the spring at maternity roosts to give birth. Females roost with their young until late summer or early fall, until the young become independent, flying and foraging on their own. In central and southern California, hibernation roosts tend to be made up of small aggregations of. Foraging typically occurs along edge habitats near streams and wooded areas, where moths are the primary prey. The buildings and trees on the site may support roosting by this species. Potential impacts to Townsend's western big-eared bat will be reduced to less than significant by incorporating Mitigation Measure BIO-1 below.

- **Fringed myotis (*Myotis thysanodes*), Western Bat Working Group- High Priority. Moderate Potential.**

The fringed myotis ranges through much of western North America from southern British Columbia, Canada, south to Chiapas, Mexico and from Santa Cruz Island in California, east to the Black Hills of South Dakota. This species is found in desert scrubland, grassland, sage-grass steppe, old-growth forest, and subalpine coniferous and mixed deciduous forest. Oak and pinyon-juniper woodlands are most commonly used. The fringed myotis roosts in colonies from 10 to 2,000 individuals, although large colonies are rare. Caves, buildings, underground mines, rock crevices in cliff faces, and bridges are used for maternity and night roosts, while hibernation has only been documented in buildings and underground mines. The buildings and trees on the site may support roosting by this species. Potential impacts to Fringed myotis will be reduced to less than significant by incorporating Mitigation Measure BIO-1 below.

- **Pallid bat (*Antrozous pallidus*); CDFW Species of Special Concern, Western Bat Working Group- High Priority. Moderate Potential.**

Pallid bat is broadly distributed throughout much of western North America and typically occurs in association with open, rocky areas. Occupied habitats are highly variable and range from deserts to forests in lowland areas and include higher-elevation forests. Roosting may occur singly or in groups of up to hundreds of individuals. Roosts must offer protection from high temperatures and are typically located in rock crevices, mines, caves, or tree hollows; manmade structures are also used, including buildings (both vacant and occupied) and bridges. Pallid bats are primarily insectivorous, feeding on large prey that is usually taken on the ground but sometimes in flight. The buildings and trees on the site may support roosting by this species. Potential impacts to Pallid bat will be reduced to less than significant by incorporating Mitigation Measure BIO-1 below.

- **California Tiger Salamander (*Ambystoma californiense*). California Endangered Species Act, Threatened; Federal Endangered Species Act, Endangered. Unlikely to Occur.**

Regulatory Background

The Sonoma County Distinct Population Segment (DPS) of CTS was listed as endangered on March 19, 2003 (USFWS 2003), and final critical habitat was designated on August 31, 2011. The Central Valley DPS is Federal listed as threatened, and CTS is listed as threatened state-wide under the California Endangered Species Act.

Life History and Habitat Requirements

CTS require both wetland and adjacent upland habitat to complete their life cycle. Subadult and adult CTS spend the dry summer and fall months of the year in upland refugia habitat in the burrows of small mammals, such as California ground squirrels (*Otospermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*) or in soil cracks. Once fall or winter rains begin, they emerge from the upland sites on rainy nights to feed and to migrate to breeding pools. Historically, CTS utilized vernal pools, but the species also currently breeds in stockponds.

Occurrence of CTS is significantly associated with occurrence of ground squirrels or other burrowing small mammals. CTS cannot persist without upland habitat. Adult CTS may migrate up to 2,200 meters (~1.4 miles) from their upland sites to breeding sites, but most CTS remain much closer to breeding sites, as was found in one study that showed 95% of salamanders remained within 630 meters of their breeding pool in Solano County (Trenham and Shaffer 2005).

Status of the Species in the Study Area

The project parcel is in Fulton, just outside the City of Santa Rosa, in an area that is dominated primarily by agriculture and undeveloped land. The project parcel (study area) contains lands that are developed via hardscape, landscaping and vineyard. Hardscaped and landscaped areas do not contain burrows that would be suitable to support CTS and no aquatic features that could support breeding are present on the project parcel. The nearest documented occurrence for CTS is about 0.6 miles south of the project parcel (CDFW 2023), at the Alton Lane mitigation bank. CTS in this location were introduced in 1996 and 2003-2004. The species still persists on the bank, but no CTS from the bank have ever been documented in areas surrounding the bank. The nearest natural occurrence of CTS is more than three miles to the south of the project parcel, beyond the documented dispersal capability of the species and on the opposite side of Santa Rosa Creek, which appears to form a natural barrier for CTS because no natural CTS population has ever been documented north of it (CDFW 2023).

Due to the project parcel not being within the documented natural range of occurrence for the species and because no CTS have ever been detected off the Alton Lane introduction site, there is no evidence to substantiate that the proposed project would be reasonably expected to result in any impact to CTS. For this reason, it is unlikely that the species would be detected or impacted by Project work and therefore no mitigation is required.

- **White-tailed kite (*Elanus leucurus*). CDFW Fully Protected Species. Moderate Potential.**

The white-tailed kite is resident in open to semi-open habitats throughout the lower elevations of California, including grasslands, savannahs, woodlands, agricultural areas and wetlands. Vegetative structure and prey availability seem to be more important habitat elements than associations with specific plants or vegetative communities. Nests are constructed mostly of twigs and placed in trees, often at habitat edges. Nest trees are highly variable in size, structure, and immediate surroundings, ranging from shrubs to trees greater than 150 feet tall (Dunk 1995). This species preys upon a variety of small mammals, as well as other vertebrates and invertebrates. This species is common in the area and has some potential to nest in the trees onsite. Potential impacts to White-tailed kite will be reduced to less than significant by incorporating Mitigation Measure BIO-2 below.

- **Non-status Nesting Birds and Maternity Roosting Bats**

Non-status native birds may utilize the vegetation and structures on the project parcel for nesting and thus could be disturbed by Project activities if they occur during the nesting season. The nesting season is typically defined as approximately February 1 to August 15. Avoidance of impacts to nesting birds, including any actions that cause birds to abandon nests and/or hatchlings, is required by California Fish and Game Code. Similarly, impacts to bat maternity roosts, regardless of the species of bat, would be potentially significant and will be avoided by conducting demolition work outside the maternity roost season, which generally falls in the same February to August timeframe, as described above for nesting birds. If demolition of buildings, vegetation/tree removal or ground disturbance occurs during the nesting/roosting season, the measures described in the following section will reduce potential impacts to maternity roosting bats and nesting birds to less than significant. Potential impacts to nesting birds and maternity roosting bats will be reduced to less than significant by incorporating Mitigation Measures BIO-1 and BIO-2 below.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Measure BIO-1:

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

Mitigation Monitoring BIO-1:

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

Mitigation Measure BIO-2:

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

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

Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice-weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction related activities that have the potential to disturb any active nests during the nesting season.

Mitigation Monitoring BIO-2:

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

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

Comment:

On June 7, 2023, WRA Environmental Consultants conducted an assessment of the 10-acre project parcel to determine whether the Project will have a significant impact on land that has value as habitat for endangered, rare or threatened species, and/or whether these species would be otherwise affected by the development (Attachment 3). WRA examined the project parcel for indicators of wetlands, streams, and areas with an Ordinary High Water Mark (OHWM) (i.e., streams, rivers, ponds) potentially under the jurisdiction of the Corps, RWQCB, and CDFW, as well as other sensitive biological communities. WRA determined the project parcel is comprised of non-sensitive, developed land cover types: hardscape, landscaping and vineyard. There is no riparian habitat or other potentially sensitive biological communities present on the project parcel or within vicinity of the proposed areas for construction. No impacts to sensitive biological communities are anticipated.

Significance Level:

Less than Significant Impact

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

Regulatory Framework

The Army Corps of Engineers (Corps) regulates "Waters of the United States", including adjacent wetlands, under Section 404 of the federal Clean Water Act. Waters of the United States include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. Potential wetland areas are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act. Areas that are inundated for sufficient duration and depth to exclude growth of hydrophytic

vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high water mark (OHWM). The discharge of dredged or fill material into a Waters of the U.S. (including wetlands) generally requires a permit from the Corps under Section 404 of the Clean Water Act.

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

Comment:

The project property is comprised of non-sensitive, developed land cover types: hardscape, landscaping and vineyard. There are no wetland features onsite.

Significance Level:

No Impact

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

Comment:

The property is located within a much larger tract of agricultural/viticultural and developed land west of urban development in City of Santa Rosa. The project parcel is comprised of non-sensitive, developed land cover types: hardscape, landscaping and vineyard. There are no riparian or wetland features onsite. Additionally, the proposed project does not include tree removal. Mitigation Measures BIO-1 and BIO-2 above will reduce potential impacts to wildlife species to a level that would be less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measures BIO-1 and BIO-2

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

Comment:

The project parcel is within the Valley Oak Habitat combining district and subject to Chapter 26, Article 67. Sec. 26-67-030 of the Sonoma Valley Code. Removal of Valley Oak trees requires mitigation in the form of replanting or payment of in-lieu fees. Tree removal of protected trees are also subject to Chapter 26, Article 88. Sec. 26-08-010 (m) of the Sonoma County Code (Tree Protection Ordinance). The ordinance designates ‘protected’ trees as well as provides mitigation standards for impacts to protected trees.

The project proposes construction of a new tasting room pavilion, barrel storage building, parking and associated driveway improvements near valley oak trees (located on neighboring parcel) and a cottonwood tree, maple tree, and ornamental plum tree. The building footprint locations are proposed

in areas of the property that are already disturbed by gravel parking, hardscape/landscaping and vineyard. Although no tree removal is anticipated for the project, Mitigation Measure BIO-3 below has been incorporated into the project to ensure all grading and construction activities comply with the Sonoma County Tree Protection Ordinance and Valley Oak Habitat Combining District.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Measure BIO-3:

The applicant shall provide a final landscape plan demonstrating compliance with the County's Tree Protection Ordinance and the County's Valley Oak Habitat Combining District, including tree replacements and/or in-lieu fees consistent with County Code requirements.

Mitigation Monitoring BIO-3:

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

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

Comment:

There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state Habitat Conservation Plans within the project area. Federally designated Critical Habitat and the project's consistency with the Santa Rosa Plain Conservation Strategy is discussed in 4(a) above.

Significance Level:

Less than Significant Impact

5. CULTURAL RESOURCES:

Would the project:

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

Comment:

The 2007 MND included discussion of Cultural Resources. Potential impacts of the project were considered and found to be less than significant and/or have no impact. No mitigation was required as part of approval of the original use permit. However, a standard condition of approval was required to include a note printed on plan sheets related to inadvertent discovery of archaeology features.

The original permit noted that the proposed winery building would be located on the same site as an old barn that had been demolished and was located in an area of the project site that was heavily disturbed. It was also noted that no existing buildings that have the potential to be considered a historical resource would be damaged or removed. Given that construction would not be occurring in a "new" area, potential impacts were determined to be less than significant.

In 2019, the applicant contracted with Evans & De Shazo Archaeology & Historic Preservation (EDS) to conduct a Cultural Resources Study (CRS) of the built-environment resources located within the Project Area that are at least 45 years of age are addressed in a report titled "*A Historic Resource Evaluation for the Proposed Croix Estate Winery Project Located at 1406 Wood Road, Fulton, Sonoma County, California*", prepared by EDS Principal Archaeologist Stacey De Shazo, M.A. in 2019.

The Project Area currently contains five buildings that are over 45 years of age, including a ca. 1910 house, ca. 1910 water tower, a ca. 1910 egg-washing barn, a ca. 1910 barn, and a ca. 1910 pump house (accessory building). As part of the proposed Project, the ca. 1910 water tower will be preserved, the ca. 1910 barn is proposed for demolition or will be relocated elsewhere within the property, the ca. 1910 egg-washing barn will be demolished to make room for the new barrel storage building, and the ca. 1910 house will be rehabilitation and the use changed from a single-family residence to a winery use for administration and private tastings.

EDS conclusion:

The ca. 1910 house was evaluated for individual eligibility for listing on the CRHR under the theme of Queen Anne architecture for the period of significance of 1910. The ca. 1910 water tower, ca. 1910 barn, ca. 1910 pump house, and ca. 1910 egg-washing building were considered under the theme of Vernacular architecture for the period of significance of 1910. In addition, the property as a whole including the ca. 1910 house, ca. 1910 water tower, ca. 1910 barn, ca. 1910 pump house, and ca. 1910 egg-washing barn were reviewed under the theme of early twentieth century orchard farming and chicken ranching practices in Fulton and Sonoma County for the period of significance from ca. 1910 to 1973. The evaluation determined that the none of the five buildings within the property that are 45 years in age meet any criteria for listing on the CRHR due to lack of overall integrity associated with the themes of orchard farming, chicken ranching, Queen Anne architecture, and Vernacular architecture.

Therefore, EDS determined that none of the five buildings or the property as a whole are considered historical resources under CEQA.

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

Significance Level:

Less than Significant Impact

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

Comment:

The applicant contracted with Evans & De Shazo Archaeology & Historic Preservation (EDS) to conduct a Cultural Resources Study (CRS) of the proposed project. The CRS, dated January 14, 2019, which included a field survey conducted on November 26, 2018. The CRS determined there is a high potential for buried historic-period archaeological resources to be present within the Project Area, and therefore recommended that an archaeological monitor be retained to be on site to monitor all project-related ground disturbing construction activities and that standard legal protocols are followed in the event of any accidental discovery of archaeological materials or human remains in the Project Area.

In February 2023, Permit Sonoma staff met with Tribal representatives for consultation under AB52. Both parties determined there is a possibility for tribal cultural resources to be found on-site during construction of the winery expansion and related improvements and determined that onsite monitoring (mitigation measure TCR-1) shall be implemented to reduce the potential impact to less than significant. This mitigation measure is also found in the project's conditions of approval. See Section 18 Tribal Cultural Resources below.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measure TCR-1

Mitigation Monitoring:

See Mitigation Monitoring TCR-1

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

Comment:

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measure TCR-1

Mitigation Monitoring:

See Mitigation Monitoring TCR-1

6. ENERGY:

Would the project:

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

Comment:

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

Construction:

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

Operational:

The project would increase electricity consumption in the region relative to existing conditions. However, the project would be built according to the latest Title 24 Building Energy Efficiency Standards). Increased energy use would occur as a result of increased electricity for building and facility operations and vehicle-based visitation to the project sites. Operation of the project would be typical of winery operations requiring electricity for lighting, and climate control, and miscellaneous appliances. Transportation energy demand from the implementation of the projects would be reduced by federal and State regulations including the Low Carbon Fuel Standard, Clean Car Standards, and

Low Emission Vehicle Program. Any additional energy use would be supplied by Sonoma Clean Power, which provides increased levels of renewable energy sourced energy from typical energy supplied by an investor-owned utility. Furthermore, the project does not include increased use of natural gas or propane as an energy source. The project proposes to convert an existing residence to winery offices. Conditions of Approval for the project require the landowner to replace gas appliances in the existing residence with electric appliances within 20 years to be consistent with the State's goals for carbon net neutrality by 2045.

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

Significance Level:

Less than significant

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

Comment:

As noted above, the project facility and buildings would comply with the latest Title 24 Building Energy Efficiency Standards, which are intended to increase the energy efficiency of new development projects in the state and move the State closer to its zero-net energy goals. The project would be automatically enrolled as a member of the SCP, which serves as the Community Choice Aggregate (CCA) for the County. SCP works in partnership with PG&E to deliver GHG-efficient electricity to customers within its member jurisdictions. The proposed winery building will be all electric and provide EV charging facilities consistent with state efforts (e.g., 2022 Scoping Plan Update) for energy efficiency and fossil fuel use reduction. Implementation of the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Conditions of Approval for the project require the landowner to replace gas appliances in the existing residence with electric appliances within 20 years to be consistent with the State's goals for carbon net neutrality by 2045.

Significance Level:

Less than significant

7. GEOLOGY AND SOILS:

Would the project:

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

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

Comment:

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

Significance Level:

Less than Significant Impact

ii. Strong seismic ground shaking?

Comment:

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation GEO-1:

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

Mitigation Monitoring GEO-1:

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

iii. Seismic-related ground failure, including liquefaction?

Comment:

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

Significance Level:

Less than Significant Impact

iv. Landslides?

Comment:

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials landslides are a hazard. The subject site is not identified in any deep-seated landslide hazard area on the map in Safety Element (PS-1d). Additionally, all structures will be required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements.

Significance Level:

Less than Significant Impact

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

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

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

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

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measure GEO-1

Mitigation Monitoring:

See Mitigation Monitoring GEO-1

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

Comment:

Potential impacts will be addressed through appropriate structural design and construction standards. For the proposed project, soils at the site have not been tested for their expansive characteristics. No substantial risks to life or property would be created from soil expansion at the proposed project, even if it were to be affected by expansive soils. The project will also be conditioned to require building permits to be approved in compliance with Building Code standards.

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

No, based on a report by Evans & De Shazo Archaeology & Historic Preservation (EDS) dated January 14, 2019, no known archaeological resources were found on the site.

Significance Level:

No Impact

8. GREENHOUSE GAS EMISSIONS:

Would the project:

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

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

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

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

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

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

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

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

There is currently no applicable local GHG reduction strategy, such as an adopted Climate Action Plan, for Sonoma County. Therefore, the project was analyzed under criterium A above and discussed below.

- Buildings: As discussed in the Energy Section 6a, the project does include new construction and the new construction is not expected to result in wasteful, inefficient or unnecessary energy usage. Plans for the new winery and tasting room pavilion buildings do not include the use of natural gas appliances or natural gas plumbing. The new 15,780 square foot barrel storage building, 1,797 square foot tasting room pavilion, remodel of the existing single family dwelling for winery administrative and tasting uses will require compliance with the latest Title 24 Building Energy Efficiency Standards. Conditions of Approval for the project require the landowner to replace the existing natural gas appliance in the residence with electric appliances within 20 years, consistent with the State's goals for carbon net neutrality by 2045. Additionally, the project will use Sonoma Clean Power as their utility provider. Therefore, impacts due to energy consumption would be less than significant.
- Transportation: The winery expansion project does not include new residences, office buildings, or commercial retail, and therefore, does not contribute any VMT to these three land use categories of concern. (Note that "commercial retail" refers to commercial retail spaces, not to a small ancillary retail space associated with another land use). The project would include commercial use of the new 15,780 square foot barrel storage building, 1,797 square foot tasting room pavilion, remodel of the existing single family dwelling for winery administrative and tasting uses, increase in case production from 5,000 annual cases to 10,000 cases, and 5 additional employees would generate an estimated of 10 new daily employee vehicle trips and an average increase of one daily winery truck trip (resulting from the increase in wine case production). The

project does not propose any changes to the preapproved visitor serving uses including wine tasting and agricultural promotional events which currently allow for a maximum of 20 people on site at any time for tasting and a maximum of 20 attendees per event.

As discussed in the Transportation Section 17b, VMT refers to the amount and distance of automobile travel attributable to a project. The County of Sonoma has not yet adopted specific VMT policies or thresholds of significance. However, the OPR Technical Advisory includes a screening threshold for small projects that generate or attract fewer than 110 trips per day, stating this level of vehicle activity may generally be assumed to result in a less than significant transportation impact. The project proposes a maximum of 10 average daily employee trips, which is far below the OPR threshold of 110. Therefore, the project is expected to have a less than significant VMT impact.

- The latest California Green Building Standards Code (CALGreen) was published in 2022 and went into effect on January 1, 2023. The 2022 CALGreen Tier 2 requirements for EV charging stations apply to new non-residential buildings and require that off-street EV capable spaces be provided for a new non-residential development project with 10 or more parking spaces (note there are separate EV requirements for residential projects). The winery expansion project proposes only 8 new parking spaces, and therefore is exempt from the 2022 CALGreen Tier 2 requirements for EV charging stations.

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

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

Significance Level:

Less than Significant Impact

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

Comment:

The County's adopted goals and policies include GP Policy OSRC-14.4 to reduce greenhouse gas emissions 25% below 1990 levels by 2015. Sonoma County emissions in 2015 were 9% below 1990 levels, while the countywide population grew 4%. In May 2018, the Board of Supervisors adopted a Resolution of Intent to Reduce Greenhouse Gas Emissions that included adoption of the Regional Climate Protection Agency's goal to further reduce greenhouse gas emissions by 40% below 1990 levels by 2030 and by 80% below 1990 levels by 2050, consistent with SB32 and AB197 climate pollution reduction targets. The Resolution of Intent included the following measures that can further reduce greenhouse gas emissions:

- Increase building energy efficiency
- Increase renewable energy use
- Switch equipment from fossil fuel to electricity
- Reduce travel demand through focused growth
- Encourage a shift toward low-carbon transportation options
- Increase vehicle and equipment fuel efficiency
- Encourage a shift toward low-carbon fuels in vehicles and equipment

- Reduce idling
- Increase solid waste diversion
- Increase capture and use of methane from landfills
- Reduce water consumption
- Increase recycled water and graywater use
- Increase water and waste-water infrastructure efficiency
- Increase use of renewable energy in water and wastewater systems
- Reduce emissions from livestock operations
- Reduce emissions from fertilizer use
- Protect and enhance the value of open and working lands
- Promote sustainable agriculture
- Increase carbon sequestration
- Reduce emissions from the consumption of goods and services

All new development is required to evaluate all reasonably feasible measures to reduce greenhouse gas emissions and enhance carbon sequestration. A standard condition of approval has been incorporated into the project, requiring the applicant submit a Greenhouse Gas Emissions Reduction Plan prior to building permit issuance. The plan shall include all reasonably feasible greenhouse gas emission reduction measures outlined above.

As discussed in section (a) above, the proposed project would not be expected to generate GHG emissions that exceed BAAQMD-recommended CEQA thresholds. The project, therefore, would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Significance Level:

Less than Significant Impact

9. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

The project proposes construction of a new 15,780 square foot barrel storage building, a 1,797 square foot tasting room pavilion, remodel of the existing single family dwelling for winery

administrative and tasting uses, an increase in case production from 5,000 annual cases to 10,000 cases, and subsequent site improvements to support the new uses. The project would not generate or produce substantial quantities of hazardous material or unsafe conditions. During construction activities there could be spills of hazardous materials. To address this possibility, the project is required to comply with all applicable hazardous materials handling and storage requirements and would use qualified contractors for construction. See Item 9.a. above.

Significance Level:

Less than Significant Impact

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

The project does not involve hazardous emissions or handle hazardous materials. Jack London Elementary School is approximately 0.5 miles from the project site. There are no existing or proposed schools located within 0.25 miles of the project.

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

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

Comment:

According to the Safety Element of the General Plan, the project site is not located in a high wildland fire hazard area. The construction of new structures in accordance with current building standards would decrease the fire risk to structures on the project parcel. The County Fire Marshal's fire safe requirements require that new structures be installed with fire sprinklers with the intent to contain or prevent fires from spreading. In addition, standard conditions of approval include that the facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California Fire Code with safety plans, emergency procedures, and employee training programs; shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency; shall provide emergency water supply for fire protection available and accessible in locations, quantities and delivery rates as specified in the California Fire Code; and establish defensible space. All of the fire safe conditions of approval will ensure that the project would reduce the exposure of people and property to fire hazards to a degree the risk of injury or damage is less than significant. The project would not expose people to significant risk from wildland fires.

Significance Level:

Less than Significant Impact

10. HYDROLOGY AND WATER QUALITY:

Would the project:

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

Comments:

The existing approved winery and tasting activities generate domestic wastewater from employees and customers attending wine tasting and events, and winery process wastewater from crushing, fermenting, bottling, and barrel washing. The existing winery building/tasting room is currently served by a septic system completed in 2012 under Permit Sonoma File No. SEP07-0780. The existing residence is served by a separate domestic septic system. Permit Sonoma has no septic installation records for the residential septic system however in 2017, Munselle Civil Engineering submitted a findings report prepared by Tom Connell, PE, under Permit Sonoma File No. WSR17-0350. The findings report describes the condition of the septic tank, its capacity of 800 gallons, and the associated leachfield located in the onsite vineyard. Munselle Civil Engineering concluded the system appeared to meet the criteria for a Sonoma County Class 3 system.

Standard project conditions of approval require the applicant obtain permits for the sewage disposal systems to verify that all required septic system testing and design elements have been met prior to building permit issuance for the project. The septic systems and leachfields would be subject to the provisions of the County of Sonoma OWTS Manual which provides the regulations, procedural and technical details governing septic tanks, including soil capability. The site would be evaluated for soil depth, depth to groundwater, soil percolation rates, and other soil properties related to septic systems. In addition, the septic systems would also be subject to the County's Sewers and Sewage Disposal Ordinance, Chapter 24 of the Sonoma County Code of Ordinances. The ordinance requires that the septic tanks meet the International Association of Plumbing and Mechanical Officials PS-1 design standard and would require a permit for maintenance and cleaning of the system. These requirements have been developed to ensure protection of groundwater resources, human health, and the environment.

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

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

The 2007 MND included discussion of Hydrology and Water Quality and required the mitigation measure below to ensure the winery facility would not violate water quality standards or waste discharge requirements. The following Mitigation Measure remains valid for the proposed winery expansion project because the project will generate an increase in domestic and winery process wastewater.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation HYD-1:

The applicant must submit a letter of acceptance of wastewater discharge requirements from the North Coast Regional Water Quality Control Board prior to obtaining building permits for any new construction.

Mitigation Monitoring HYD-1:

The Permit and Resource Management Department shall not issue any permits until the Project Review- Health Specialist has received a letter of acceptance of an application for wastewater discharge requirement from the North Coast Regional Water Quality Control Board.

Significance Level:

Less than Significant Impact

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

Comment:

The project is located in a Groundwater Availability Area Class 1, a Major Groundwater Basin, within the medium priority Santa Rosa Plain groundwater basin that is managed by the Santa Rosa Plain Groundwater Sustainability Agency in accordance with the Sustainable Groundwater Management Act. The water supply for the winery production and irrigation for the vineyards will be met via an existing on-site groundwater well on the property.

According to PRMD Policy 8-1-14, discretionary projects within medium or high priority groundwater basins are subject to requirements of General Plan Policy WR-2e. General Plan Policy WR-2e calls for a hydrogeologic study that details potential impacts to groundwater resources from the project. However, if the project results in no net increase in groundwater use, the requirement to submit a hydrogeologic study will be waived.

Permit Sonoma's staff Geologist reviewed the project and determined that the existing irrigation demand of the vineyard that will be removed through the project may be used to offset increased water use of the winery and landscaping.

The applicant submitted a water use assessment prepared by Munselle Civil Engineering, dated March 21, 2018 (updated July 15, 2024). Munselle's water use assessment found that the existing facility (winery, tasting room, events, landscaping, employees, vineyard irrigation) uses approximately 2.76 acre-feet of water per year. The project proposes to increase annual wine production from 5,000 to 10,000 cases and add 5 full-time employees. New construction will result in removal of approximately 0.8 acres of vineyard. All other visitor serving uses remain the same. Water use estimates are summarize below.

- Removal of 0.8 acres of vineyard would reduce irrigation water use from 784,975 gallons per year to 698,197 gallons per year.
- Increasing the number of full-time employees from 2 to 7 would increase water use from 37,050 gallons per year to 56,550 gallons per year.
- Increasing annual wine case production from 5,000 cases to 10,000 cases would increase water use from 50,000 gallons per year to 100,000 gallons per year.

The net result is a reduction in total water usage from 2.76 acre-feet per year to 2.67 acre-feet per year, therefore Permit Sonoma's staff Geologist determined the project would not result in a significant impact to groundwater resources and waived the groundwater study requirement.

Standard conditions of approval have been incorporated into the project, including groundwater well monitoring and meter calibration, compliance with Sonoma County's Water Efficient Landscape Ordinance (WELO), and a cap on annual total well water usage not to exceed the current use.

Significance Level:

Less than Significant Impact

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**
- i. **would result in substantial erosion or siltation on- or off-site?**
 - ii. **substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;**
 - iii. **create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**
 - iv. **Impede or redirect flood flows?**

Construction of the project will not substantially alter the drainage pattern on the site, which is fairly flat. No waterways will be altered. Standard project conditions of approval require that all grading and building permits receive review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance.

Standard conditions of approval for the winery expansion project require prior to grading permit issuance, the applicant submit a drainage report prepared by a civil engineer and demonstrate drainage improvements are designed in accordance with the Sonoma County Water Agency Flood Management Design Manual. Drainage improvements are required to maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit Sonoma's best management practices guide and all other applicable regulations. Existing drainage patterns must be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall

not adversely impact adjacent properties or drainage systems.

The site remains outside of any flood hazard area and is more than 1,500 feet away from the nearest intermittent stream (unnamed) which flows into the Santa Rosa Flood Control Channel. The closest designated Floodway and Floodplain is approximately 4,000 feet northwest of the project site.

The 2007 MND analyzed drainage and erosion control and required the mitigation measure listed below to ensure that drainage improvements are reviewed. This mitigation measures remains valid for the proposed winery expansion project.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation HYD-2:

Drainage review improvements shall be designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval and shall be shown of the improvement drawings. The developer's engineer shall include a site grading plan and an erosion control plan as part of the required improvement drawings.

Mitigation Monitoring HYD-2:

The Permit and Resource Management Department shall not issue a grading or building permit until evidence is submitted and approved by the Drainage Review section of PRMD that the improvements have been designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval and are shown on the improvement drawings. The developer's engineer shall include a site grading plan, and an erosion control plan as part of the required improvement drawings.

Significance Level:

Less than Significant with Mitigation Incorporated.

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

Comment:

The proposed project is not subject to seiche or tsunami. The project site is not located in an area subject to seiche or tsunami. Seiche is a wave in a lake triggered by an earthquake. Mudflow can be triggered by heavy rainfall, earthquakes or volcanic eruption. See discussion of landslide in 6.a.iv. above for areas with high potential for mudflow.

There are no blue line streams on the project site and the parcel is not in the 100-year flood zone or Special Flood hazard Area (SFHA) (*i.e.* the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year).

Significance Level:

Less than Significant

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

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

Significance Level:

Less than Significant Impact

11. LAND USE AND PLANNING:

Would the project:

a) Physically divide an established community?

Comment:

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

Significance Level:

No Impact

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

Comment:

The General Plan Land Use Designation on the project parcel is Diverse Agriculture. This land use designation is intended to enhance and protect land where soil, climate, and water conditions support farming but where small acreage intensive farming and part-time farming activities are predominant, and where farming may not be the principal occupation of the farmer; and implement the diverse agriculture land use category of the general plan and the policies of the Agricultural Resource Element.

The primary use of any parcel within one of the three agricultural land use categories must involve agricultural production and related processing, support services, and visitor serving uses. Within the Diverse Agriculture Zoning designation agricultural crop production and cultivation is principally permitted use, which is proposed to be the primary use of the parcel. The proposed winery expansion is considered accessory to the primary use. The secondary use of agricultural processing has been found consistent with the applicable Zoning Code sections and applicable General Plan Policies. See above section 2: Agriculture and Forest Resources.

No conflicts with other general plan policies related to scenic, cultural, or biotic resource protection, noise, or transportation have been identified.

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

Significance Level:

Less than Significant Impact

12. MINERAL RESOURCES:

Would the project:

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

Comment:

The project site is not located within a known mineral resource deposit area (Sonoma County Aggregate Resources Management Plan, as amended 2010). Sonoma County has adopted the

Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist). Consult California Geologic Survey Special Report 205, Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-consumption region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California (California Geological Survey, 2013).

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

13. NOISE:

Would the project:

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

Comment:

A noise monitoring assessment was performed at the site in April 2019 and in August 2021 by Illingworth & Rodkin, Inc. The study included on-site noise monitoring and modeling for projected noise conditions based on the proposed project. The study specifically measured noise levels at four sensitive receptors (existing single-family dwellings) within proximity to the project. Illingworth & Rodkin Inc. found that the project generated traffic is not anticipated to result in a substantial increase in traffic noise along the roadway network. Parking lot activities, mechanical equipment, seasonal bottling and crush activities, and general maintenance would be in compliance with the Sonoma County limits. The project does not propose any changes to events or the number of visitors. Construction would be conducted within allowable hours and would occur over a period of less than one-year.

In 2021, Illingworth & Rodkin Inc. conducted noise monitoring of the outdoor garden tasting area proposed west of the tasting room building. The 2021 Noise Assessment studied a maximum of 10 people wine tasting and estimated that the existing solid wood fence, located along the property line adjacent to the proposed tasting room, provides a minimum of 5 dBA of noise reduction for the nearest receptor to the east. The 2021 Noise Assessment finds that noise generated from outdoor wine tasting noise will comply with the Sonoma County NE-2 noise limits at the nearest property line to the east and also at the unshielded receptors located approximately 275 feet west of the exterior deck.

Noise impacts resulting from the project will be reduced to a level less than significant by limiting the maximum number of people tasting outside and incorporating Mitigation Measures NOISE-1 through NOISE-3.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Measure NOISE-1:

Noise shall be controlled in accordance with the standards set in the Noise Element of the Sonoma County General Plan.

Mitigation Monitoring NOISE-1:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates the appropriate noise standard levels 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 noise complaints continue, PRMD shall investigate complaints. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

Mitigation Measure NOISE-2:

The outdoor tasting garden is limited to a maximum of 10 tasting room visitors at any one time.

Mitigation Monitoring NOISE-2:

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

Mitigation Measure NOISE-3:

Construction activities for this project shall be restricted as follows:

All plans and specifications or construction plans shall include the following notes:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 8:00 a.m. and 5:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on weekends and holidays. Limit work to non-motorized equipment on Sundays and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
- c) There will be no start up of machines nor equipment prior to 8:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 8:00 a.m nor past 5:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 5:00 p.m. on weekends and holidays and no servicing of equipment past 5:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer- and contractors mobile phone number for public contact 24 hours a day or during the hours outside of the restricted hours.
- d) Pile driving activities shall be limited to 8:00 a.m. to 5:00 p.m. weekdays only.
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

- d) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
- f) Prohibit all unnecessary idling of internal combustion engines.
- g) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring NOISE-3:

PRMD Project Review Division staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. PRMD staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

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

A noise monitoring assessment was performed at the site in April 2019 and in August 2021 by Illingworth & Rodkin, Inc. The study included on-site noise monitoring and modeling for projected noise conditions based on the proposed project. The study specifically measured noise levels at four sensitive receptors (existing single-family dwellings) within proximity to the project.

The study found that the nearest structures would be located 50 feet from heavy construction and 270 feet from vibratory pile driving. At a distance of 50 feet, groundborne vibration from construction is anticipated to generate vibration levels in the range of 0.001 to 0.0098 in/sec PPV. These vibration levels would range from barely to strongly perceptible, but would be well below the conservative 0.3 in/sec PPV vibration limit recommended by the California Department of Transportation (Caltrans) for buildings that are found to be structurally sound but where structural damage is a major concern (see Table A3). Vibratory pile driving would be anticipated to generate levels in the range of 0.012 to 0.054 in/sec PPV. These vibration levels would range from barely to distinctly perceptible, but would again be well below the conservative 0.3 in/sec PPV Caltrans vibration limit. Therefore, no mitigation is recommended.

Significance Level:

Less than Significant Impact

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

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

Significance Level:

No Impact

14. POPULATION AND HOUSING:

Would the project:

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

No Impact

15. PUBLIC SERVICES:

Would the project:

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

Comment:

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

Significance Level:

Less than Significant Impact

i. Fire protection?

Comment:

Sonoma County Code requires that all new development meet Fire Safe Standards (Chapter 13). The County Fire Marshal reviewed the project description and requires that the expansion comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases. This is a standard condition of approval and required by county code and impacts would be less than significant. Fire protection services will continue to be provided by the Sonoma County Fire Department.

Significance Level:

Less than Significant Impact

ii. Police?

Comment:

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

Significance Level:

Less than Significant Impact

iii. Schools?

Comment:

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

Significance Level:

Less than Significant Impact

iv. Parks?

Comment:

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

Significance Level:

Less than Significant Impact

v. Other public facilities?

Comment:

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

Significance Level:

Less than Significant Impact

16. RECREATION:

Would the project:

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

Comment:

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

Significance Level:

No Impact

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

Comment:

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

Significance Level:

No Impact

17. TRANSPORTATION:

Would the project:

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

Comment:

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

Using the screening criteria established by the County of Sonoma Guidelines for traffic studies, which states that Permit Sonoma and Sonoma County Public Infrastructure are both responsible for the review and condition of private development projects. Traffic related conditions must be based on an analysis of the potential traffic impacts that establish a reasonable nexus between the impacts of the project and the required improvements or conditions. The applicant submitted a traffic study (Attachment 8) that met these guidelines and determined that the project would not cause a significant traffic impact to the study intersections.

On March 17, 2020, W-Trans prepared a Trip Generation Study for the Croix Estates Winery Project. W-Trans' study area included Wood Road which is generally classified as a residential street. Along the project frontage, the road has two 12-foot travel lanes. W-Trans studied an annual production increase of 5,000-wine cases and construction of a new barrel storage building with six new parking spaces. The project will take access via the existing driveway and a connection to other on-site facilities. There are no proposed increases in annual events or daily visitors compared to what was approved under the original use permit, File No. UPE06-0022. W-Trans found the following:

- Because the proposed project would be expected to generate fewer than 10 new peak hour trips and River Road/Fulton Road is operating acceptably at LOS D or better during the weekday peak hours, per County of Sonoma *Guidelines for Traffic Impact Studies*, no further operational analysis is required.
- Based on the proposed increase in production, it is anticipated that an average of one net new truck trip would be generated daily. Applying a conservative PCE factor, this equates to three new passenger vehicles trips a day on average.
- Since the project would generate only one new truck trip, or three passenger vehicles, a day and the critical nearby intersection is operating acceptably the project is anticipated to have a minimal or no effect on traffic operation.

Approximately two years after W-Trans prepared the traffic trip generation study, the applicant revised the project description to add 5 full-time employees, expand the barrel storage building to 15,780 square feet, add a new 1,797 square foot detached tasting room pavilion, convert the existing residence to function as part of the winery, and construct 8 new parking spaces. By adding 5 employees, the project is expected to generate 10 new passenger vehicle trips a day on average.

On August 25, 2022, Sonoma County Public Infrastructure reviewed the project revisions and determined that a full traffic study was not required under the County of Sonoma's *Guidelines for*

Traffic Impact Studies. Sonoma Public Infrastructure provided standard Conditions of Approval which require the applicant to:

- Offer right-of-way to the County of Sonoma and of sufficient width as necessary to create public right-of-way a total of twenty five (25) feet wide on the Applicant's side of the road.
- Construct a driveway entrance such that it conforms to AASHTO standards and meets the County-required criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Wood Road) that provides access to the property.
- Locate driveway gates a minimum distance of 30 feet from the edge of the pavement, in accordance with Standard Detail 242, to comply with emergency vehicle access.

Significance Level:

Less than Significant Impact

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

Comment:

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

Senate Bill (SB) 743 established the change in vehicle miles traveled (VMT) as the metric to be applied to determining transportation impacts associated with development projects. As of the date of this analysis, Sonoma County has not yet adopted thresholds of significance related to VMT. As a result, project-related VMT impacts were assessed based on guidance published by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The OPR guidelines identify several criteria that may be used by jurisdictions to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to "small projects," which OPR identifies as generating fewer than 110 new vehicle trips per typical weekday. The trip generation for the project is expected to generate an average of 10 new passenger vehicle daily trips, which falls significantly well below the OPR threshold of 110 daily trips. As a result, it is reasonable to conclude that the project would have a less-than-significant impact on VMT.

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

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

No Impact

d) Result in inadequate emergency access?

Comment:

Development on the site must comply with all emergency access requirements of the Sonoma County

Fire Safety Code (Sonoma County Code Chapter 13), including emergency vehicle access requirements. Project development plans are required to be reviewed by Permit Sonoma Fire Prevention during the building permit process to ensure compliance with emergency access issues.

On August 8, 2022, Permit Sonoma Fire Prevention reviewed the project and issued standard conditions of approval relating to safe access for emergency fire equipment and civilian evacuation, and to allow unobstructed traffic circulation during a wildfire or other emergency.

Significance Level:

Less than Significant Impact

e) Result in inadequate parking capacity?

Comment:

The project property currently contains 17 standard parking spaces, one ADA parking space, and overflow parking areas. The project proposes to add 8 improved standard parking spaces (for a total of 24 standard parking spaces) to accommodate the addition of 5 new employees. The winery is limited to a maximum of 20 visitors at any one time for both wine tasting and events. The winery currently operates with 2 employees and 12-15 seasonal employees. The proposed total of 24 standard parking spaces would accommodate the winery's daily peak parking needs based on Sonoma County's 2023-adopted winery standards (Sec. 26-18-260 of the Zoning Code), which require one parking space per 2.5 visitors. The remaining 16 parking spaces will be used for the 7 full-time employees and average daily number of seasonal employees. Overflow parking is available onsite to accommodate the maximum number of seasonal employees, if needed.

The 2007 MND included discussion of adequate parking capacity and found potential parking-related impacts could occur that could be reduced to less than significant with mitigation and monitoring. The following Mitigation Measure remains valid for the proposed winery expansion project because project will continue to generate traffic from events.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Monitoring TRANS-1:

No parking is permitted on Wood Road. If the parking lot fills during any event, the applicant is required to place a movable sign along Wood Road stating that the winery is temporarily closed (or similar language) to prevent vehicle stacking and parking along the roadway.

Mitigation Monitoring TRANS-1:

If PRMD receives and can validate complaints that special events traffic has caused parking or queuing on Wood Road, PRMD will subject the Use Permit to modification or revocation.

18. TRIBAL CULTURAL RESOURCES:

State Regulations

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

If a project can be demonstrated to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to permit any or all these resources to be preserved in place or left in an

undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC, Section 21083.2[a], [b], and [c]).

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

California Public Resources Code

Section 5097.5 of the California PRC states:

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

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

Codes Governing Human Remains

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

Would the project:

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

Comment:

The 10-acre property currently contains 9-acres of vineyard and Croix Estate Winery which is approved by Use Permit File No. UPE06-0022 for a 2,000 square foot steel winery building with a maximum annual case production capacity of 5,000 cases, wine tasting and wine and food pairing by appointment only for a maximum of 20 visitors at any one time, and 10 annual industry-wide events with a maximum

of 20 visitors at any one time. All wastewater is disposed of in an onsite septic system. There is a 7,268 sq ft parking area to the west of the existing winery barn. Other structures on the property include a 2,500 square foot single-family dwelling, a water tower and a shed. A Mitigated Negative Declaration (MND) was prepared and posted for the original use permit on February 6, 2007, in accordance with CEQA. The original MND assessed the potential for cultural resources and required the following archeological discovery note is printed on all development permit plan sheets:

"In the event that archaeological features 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 should be halted in the vicinity of the find and County PRMD staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find. 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. 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 mitigation measures required for the discovery. No work shall commence until a mitigation plan is approved and completed subject to the review and approval of the archaeologist and Project Review staff.

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

On March 2, 2007, Permit Sonoma posted a Notice of Waiver of a Public Hearing for the Use Permit UPE06-0022 stating the department had determined the proposal was a minor land use alteration. No written objections were received about the project and the County adopted the MND and issued the Use Permit on March 28, 2007. The Notice of Determination was filed with the Office of Planning and Research and posted on November 30, 2009. Winery construction completed in 2009.

On October 24, 2017, the applicant submitted the subject Use Permit application File No. UPE17-0049 to modify the original Croix Estate Winery Use Permit to allow the following changes:

- Increase maximum annual wine case production from 5,000 to 10,000 cases.
- Construct a new 15,780 sq ft barrel storage building within an existing vineyard.
- Construct a new 1,797 sq ft detached tasting room pavilion.
- Convert an existing 2,500 sq ft residence to function as part of the administration and hospitality uses of the winery.
- Increase number of full-time employees from 2 to 7.
- Construct associated site improvements:
 - Repave existing driveway
 - Construct a new driveway to the new barrel storage building
 - Construct a new parking area for 8 additional vehicle spaces
 - Utilize existing permitted septic systems
 - Add additional landscaping

In accordance with Public Resources Code Section 21080.3.1 (Assembly Bill 52) a formal notification of the opportunity to consult on the use permit modification project was sent to Native American Tribes within Sonoma County on January 5, 2018. One Tribe responded stating the project is outside of their

Aboriginal Territory and another Tribe requested no further consultation. One Tribe requested that if the applicant discovers archaeological remains or resources during construction now or in the future, the applicant should immediately stop construction and notify the appropriate Federal Agency and the Tribe. One Tribe confirmed the project area is within their ancestral territory and requested a copy of an archeological survey for the project site. Permit Sonoma provided the Tribe with a copy of a 2019 Cultural Resources Study prepared by Evans & De Shazo, Inc. (EDS). The methods used to complete the cultural resources study included archival research at the Northwest Information Center (NWIC), Native American contact, and field inspection of the study area. The 2019 EDS Cultural Resources Study concluded the following:

- The review of historic maps of the Project Area and local research conducted for the Project indicates a high potential for buried historic-era archaeological resources to be present within the Project Area. This potential is due to the presence of buildings within the Project Area by ca. 1910.
- The review of geologic and soils data revealed that the Project Area has a low potential to contain buried prehistoric archaeological resources due to the age of the geologic landform on which the Project Area is situated (i.e. early to late Pleistocene), and the lack of buried A horizons.
- The field survey resulted in the identification of eight isolated historic-period artifacts, including seven undiagnostic fragments of whiteware and one fragment of milk glass, as well as one fruit tree. However, none of these resources were found to meet the definition of a Historical Resource under CEQA. Nevertheless, due to the presence of eight historic-period artifacts within the Project Area and the high potential for buried historic-period archaeological deposits to be present within the Project Area, Project-specific recommendations are warranted.

Due to the high potential for buried historic-period archaeological resources to be present within the Project Area, EDS recommends that an archaeological monitor be retained to be on site to monitor all project-related ground disturbing construction activities and that standard legal protocols are followed in the event of any accidental discovery of archaeological materials or human remains in the Project Area.

In February 2023, Permit Sonoma staff met with Tribal representatives for consultation under AB52. Both parties determined there is a possibility for tribal cultural resources to be found on-site during construction of the winery expansion and related improvements and determined that onsite monitoring (mitigation measure TCR-1) shall be implemented to reduce the potential impact to less than significant. This mitigation measure is also found in the project's conditions of approval.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure TCR-1:

A Tribal Monitor from the Federated Indians of Graton Rancheria, or in the event a tribal monitor is not available an archaeological monitor approved by the Federated Indians of Graton Rancheria shall be retained to be on site to monitor all project-related ground disturbing construction activities (i.e., grading, excavation, potholing, etc.) within previously undisturbed soils. In the event the Tribal Monitor identifies tribal cultural resources, the monitor shall be given the authority to temporarily halt construction in the immediate vicinity and within 50 feet of the discovery and to determine if it is a tribal cultural resource under CEQA in consultation with Permit Sonoma and, if necessary, the qualified archaeologist. Construction activities can continue in areas 50 feet away from the find and not associated with the cultural resource location. If the discovery proves to be significant, additional work such as testing or data recovery may be warranted. Any resources found should be treated with appropriate dignity and respect. At the completion of monitoring activities, all artifacts of Native American origin shall be returned to the culturally affiliated tribe through the tribal monitor.

Mitigation Monitoring TCR-1:

Prior to issuance of building or grading permits, the applicant shall provide appropriate agreements with

the Federated Indians of Graton Rancheria, or if unavailable an archaeological firm accepted by the Federated Indians of Graton Rancheria to Permit Sonoma for review and approval. Mitigation Measure TCR-1 shall be listed as a note on all grading and building plan sheets submitted for permitting. Prior to final inspections and use permit certificate issuance the applicant shall provide documentation in writing including photos demonstrating that the mitigation was implemented during construction activities.

19. UTILITIES AND SERVICE SYSTEMS:

Would the project:

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

Comment:

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

Significance Level:

No Impact

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

Less than Significant Impact

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

The County's Central Disposal Site is permitted to receive a maximum of 2,500 tons per day and has a total capacity of 32,650,000 cubic yards. In May 2012, the landfill's remaining capacity was 9,076,760 cubic yards and the estimated closure year was 2034. Solid waste generated by the project would be minimal and would not be more than the capacity of local infrastructure. In addition, the project would comply with all policies, ordinances, and regulations related to solid waste diversion, including composting and recycling. The project would not impair the attainment of solid

waste reduction or diversion goals.

Significance Level:

Less than Significant Impact

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

Comment:

See discussion above under item (d).

Significance Level:

Less than Significant Impact

20. WILDFIRE:

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

- a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**
- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**
- c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk of that may result in temporary or ongoing impacts to the environment?**

Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Comment:

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

The project is located in a Local Responsibility Area, served by Sonoma County Fire District, and is outside of the wildland high and very high fire hazard zones mapped by Wildland Fire Hazard Areas Figure PS 1-g of the Sonoma County General Plan 2020. The project is located in a relatively flat area and surrounded by developed agricultural row crops, some open lands, riparian corridors and rural residential uses. The winery would add population to the site by increasing full-time employees by 5. To facilitate locating an emergency and to avoid delays in emergency response, the project has been conditioned to require the site provides for safe access for emergency fire apparatus and civilian evacuation concurrently, and unobstructed traffic circulation during an emergency. Additionally, project conditions of approval require the project installs fire hydrants for fire suppression, and develop fire safety and emergency plans, as well as employee training programs consistent with the requirements of the 2013 California Fire Code and Sonoma County Code. New construction on the site must conform to County Fire Safe Standards building requirements. Fire Safe Standards include building requirements related to fire sprinklers, stairways to roofs, fire apparatus access roads, door panic hardware, fire resistant stairway enclosures, emergency water supply, and defensible space. The construction of new structures in accordance with current building standards should decrease the risk to structures on the project parcel and ensure that the resort project would reduce the exposure of people and property to fire hazards. See section 9.g above for additional conditions of approval to

reduce the risk of injury or damage from wildfire.

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

Significance Level:

Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE:

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

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

Significance Level:

Less than Significant Impact

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

Comment:

Proposed project operations have the potential to cause substantial adverse impacts on human beings, both directly and indirectly. However, all potential impact and adverse effects on human

beings (resulting from aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise and tribal resources) were analyzed, and would be less than significant with the mitigations identified in the Initial Study incorporated into the project.

Significance Level:

Less than Significant Impact

Attachments

1. 2007 Adopted MND for File No. UPE06-0022
2. Project Plans
3. Biological Study
4. Historic Structure Evaluation
5. Noise Study
6. SWLID Report
7. Water Use Calculations
8. Traffic Trip Generation Study

Evans & De Shazo Archaeology Historic Preservation, A Cultural Resources Study of the Proposed Croix Estate Winery Project at 1406 Wood Road, Fulton, Sonoma County, California, January 14, 2019 (This report is confidential and is not attached.)

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