



Mitigated Negative Declaration Re-circulated

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

This MND is being re-circulated to discuss and incorporate additional mitigation measures and monitoring as a result of testimony and letters received for the November 13, 2008, hearing before the County of Sonoma Board of Zoning Adjustments, in addition to project modifications by the applicant, pursuant to Section 15073.5 (a) & (b)(1) of CEQA Guidelines. The project revision is discussed in the project description below, and the revised mitigations are in the Biological Resources Section, specifically Section 4a.

Publication Date: October 12, 2009
Adoption Date: To be determined
State Clearinghouse: October 12, 2009
Project Deemed Complete Date: October 1, 2009

SCH #: 2008102040 (previous)

This statement and attachments constitute the **Mitigated Negative Declaration** as proposed for or adopted by the Sonoma County decision-making body for the project described below.

File No.: UPE07-0008 **Planner:** David Hardy

Project Name: Henry Cornell Winery

Project Description:

The applicant's request is for a winery with a maximum annual production capacity of 10,000 cases on 245 Wappo Road. The proposal includes construction of an 18,670 square foot building and a 8,670 square foot cave for barrel storage. The project would require a substantial amount of grading (approx. 13,000 cubic yards) to terrace the site for the proposed buildings and excavate the cave. The plans indicate space for approximately 22 parking spaces. A new water tank would be constructed for fire protection and domestic use. The building and caves would contain all winery operations and equipment. Excess soils not re-used at the winery site would be disposed off-site at a location approved to receive them.

Tasting would be by appointment only. According to the proposal statement, a maximum of 15 visitors at a time would be hosted. There would be three full time employees, with four additional employees to help during harvest and crush. Crushing operations would take place outside on a crush pad. Normal hours of operation (non-crush) would be 8:00 a.m. to 5:00 p.m., Monday through Friday. The process wastewater would be treated using a small patented aerobic treatment system and stored in a water tank for disposal by means of drip irrigation in the Cornell vineyards. Domestic wastewater from staff and customers would be processed using a conventional septic system with disposal in a leach field located at 560 Wappo Road. Plumbing for the wastewater will be placed in Wappo Road; the line will extend 3,000 feet from the winery treatment site. The existing wells on the ridge to the northeast will supply the winery with water. The wells are located approximately 1,600 feet east of and 120 feet higher in elevation than the septic leach field. Stems and pomace would be disced back into the vineyard and not burned.

A 540 square foot kitchen is proposed in the 2,640 square foot hospitality area of the winery. The kitchen use will be limited to wine industry sales and marketing representatives for wine and food pairings at a frequency of ten dinners per year with a maximum number of ten dinner guests at one time. No special events are proposed.

Project Revision:

A significant project revision affects water usage. Since the hearing in 2008, Mr. Cornell acquired the adjacent property at 100 Wappo Road, APN 028-250-007. The 15-acre property has a General Plan designation of Rural Residential, 15-acre density, and a zoning designation of RR (Rural Residential), B6-15 acre density, BR (Biotic Resource), and SR (Scenic Resource). Located on the north bank of Mark West Creek, the property abuts St. Helena Road, and formerly had a St. Helena Road address. The property contains a 1,900 square foot, three-bedroom house and a pond. To offset winery water use, the applicant proposes to demolish the existing residence at 100 Wappo Road and to relinquish in perpetuity: a) rights to install a vineyard at 100 Wappo Road, b) the right to build any new structure on 100 Wappo Road for which a building permit is required, and c) the riparian rights to withdraw water directly from Mark West Creek, all of which would be formalized in a deed restriction or easement granted to the County of Sonoma or some other public agency.

The other project revision is relocation of the septic system to a location at 560 Wappo Road, the northernmost parcel of the Cornell holdings. The system would be located in a stand of Douglas fir trees, in much the same environment as the original site, but without landslide potential. The site was reviewed by RGH Consultants, who concluded that it is situated "on a relatively stable ridgetop and outside of landslides and steeply sloping terrain. Our stability analysis indicates that the leachfield site is stable under static and seismic conditions both before and after the leachfield is constructed." A percolation test for the system was approved by the PRMD Well and Septic Division staff on June 23, 2009 (Permit #SEV09-0223).

Project Location: 100, 245, and 560 Wappo Road, Santa Rosa
APNs 028-250-007, 028-260-041 and -025

Environmental Finding:

The proposed project could not have a significant effect on the environment and the adoption of a Mitigated Negative Declaration is appropriate. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered.

Initial Study: Attached

Other Attachments:

1. Revised Project dated August 20, 2009 from Geary, Shea, O'Donnell, Grattan and Mitchell with Response to Questionnaire dated September 14, 2009 from Thomas Atterbury, and Maps, Site Plan and Elevations
2. Review of Preliminary Geologic Study Report dated July 2, 2008 from Kleinfelder
3. Review of Supplemental Groundwater Study dated March 5, 2008 from Kleinfelder
4. Preliminary Geologic Study Report dated May 31, 2006 from RGH Consultants
5. Supplemental Groundwater Availability Study dated August 2006 by Todd Engineers
6. Response to Board of Zoning Adjustments comments dated September 21, 2009 by RGH Consultants
7. Review of response to Board of Zoning Adjustments comments dated October 1, 2009 from Kleinfelder
8. Letter of response to Mit Neg Dec from Dept. of Fish and Game dated November 24, 2008
9. Letter of response to Mit Neg Dec from North Coast Regional Water Quality Control Board dated November 25, 2008
10. Letter of response to Mit Neg Dec from Dept. of Water Resources dated December 3, 2008
11. Notice of Inspection dated November 5, 2008 from Dept. of Forestry and Fire Protection

12. Response to Mit Neg Dec dated November 9, 2008 from Stacy K.Li
13. Letter from Jim Doerksen dated November 13, 2008
14. Geologic review of updated RGH Geologic Report dated November 11, 2008 from the Engineering Geologist
15. Letter to Board of Zoning Adjustments dated November 13, 2008 from Friends of the Mark West Watershed

Decision-making Body: Sonoma County Board of Zoning Adjustments

Lead Agency: Sonoma County Permit and Resource Management Department

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

ENVIRONMENTAL CHECKLIST FORM

FILE #: UPE07-0008
PROJECT: Henry Cornell Winery

PLANNER: Dave Hardy
DATE: October 8, 2009

LEAD AGENCY: Sonoma County Permit and Resource Management Department

PROJECT LOCATION: 100, 245, and 560 Wappo Road, Santa Rosa
APNs 028-250-007, 028-260-041 and -025

APPLICANT NAME: W. Guy Davis

APPLICANT ADDRESS: 52 Front Street, Healdsburg, CA 95448

GENERAL PLAN DESIGNATION: Resource and Rural Development, 100 acre density (245 and 560 Wappo Road)
Rural Residential, 15 acre density (100 Wappo Road)

ZONING: RRD (Resource and Rural Development), B6-100 acre density, BR (Biotic Resources) (245 and 560 Wappo Road)
RR (Rural Residential), B6-15 acre density, BR (Biotic Resource) SR (Scenic Resource) (100 Wappo Road)

DESCRIPTION OF PROJECT:

The applicant's request is for a winery with a maximum annual production capacity of 10,000 cases on 245 Wappo Road. The proposal includes construction of an 18,670 square foot building and a 8,670 square foot cave for barrel storage. The project would require a substantial amount of grading (approx. 13,000 cubic yards) to terrace the site for the proposed buildings and excavate the cave. The plans indicate space for approximately 22 parking spaces. A new water tank would be constructed for fire protection and domestic use. The building and caves would contain all winery operations and equipment. Excess soils not re-used at the winery site would be disposed offsite at a location approved to receive them.

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SURROUNDING LAND USES AND SETTING: Briefly describe the project's surroundings:

The winery site at 245 Wappo Road is largely undeveloped other than the access road and an existing single family residence. The house is several hundred feet southwest of the winery site, which is located on a knoll adjacent to the access road. The knoll was grubbed and cleared in 2005, and erosion control measures put in some places at the top of drainages. One or more ravines separates the winery site from the house area. The only vineyard on the parcel is a small one associated with the residence. Most of the vineyard that will supply the winery is located on abutting land owned by Cornell. The winery site is not located in a designated scenic resource area, although the southern portion of the property at 100 Wappo Road is located within a County-designated scenic corridor along St. Helena Road. There is a small area of biotic resources/critical habitat areas (reflecting the serpentine soils in the area that support unique plant species) at the southern edge of the 245 Wappo Road site, but it is over 600 feet away from the proposed winery. The property at 100 Wappo Road is almost entirely within the biotic resource/critical habitat area; the property at 560 Wappo Road does not have the BR (Biotic Resource) zoning designation.

Land use in the project vicinity is rural. The south side of Mark West Creek is largely forest land along most of St. Helena Road. The north side of the road is interspersed with forest and chaparral scrub, some of the latter having been cleared for pasture and for vineyards. The nearest off-site neighboring dwellings are more than 1,300 feet to the south of the winery site. A winery with a maximum annual production capacity of 6,000 cases was approved in August of 2002 on Mattei Road, another private road off of St. Helena Road about two miles west of the site. Parcels in this area range from over 120 acres to less than five acres in size. Zoning is RRD (Resources and Rural Development), with 100 acre density. The entire upper Mark West Creek watershed has been designated a Priority Conservation Area by the Association of Bay Area Governments (ABAG).

Other Public Agencies whose approval is required (e.g. permits, financing approval, or participation agreement): Regional Water Quality Control Board

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 by the checklist on the following pages.

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, all potentially significant effects were previously analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards and potential impacts have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. There are no changes in the project, no new information related to potential impacts, and no changes in circumstances that would require further analysis pursuant to Section 15162 of CEQA Guidelines, therefore no further environmental review is required.

The environmental documents which constitute the Initial Study and provide the basis and reasons for this determination are attached or referenced herein, and hereby made a part of this document.

Incorporated Source Documents

In preparation of the Initial Study checklist, the following documents were referenced/developed, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

- Project Application and Description
- Initial Data Sheet
- Sonoma County General Plan and Associated EIR
- Specific or Area Plan
- Sonoma County Zoning Ordinance
- Sonoma County Rare Plant Site Identification Study
- Project Referrals from Responsible Agencies
- State and Local Environmental Quality Acts (CEQA)
- UPE03-0092 File
- Supplemental Groundwater Availability Study, Todd Engineers, August 2006
- Groundwater Letter updates, Todd Engineers, April 27, 2007, and June 12, 2007
- Preliminary Geologic Study, RGH Consultants, Inc. May 31, 2007, updated April 22, 2008 and September 21, 2009
- Review of Supplemental Groundwater Studies by Kleinfelder, dated March 8, 2008
- Review of RGH Reports by Kleinfelder, dated July 2, 2008 and October 1, 2009
- A Cultural Resources Survey, Eileen Steen and Thomas M. Origer, M.A., March 12, 2007

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17 at the end of the checklist, "Earlier Analysis" may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following: a) Earlier Analysis Used. Identify and state where they are available for review. b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the

project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measure identified, if any, to reduce the impact to less than significance.

1. **AESTHETICS** Would the project:

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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- a) Have a substantial adverse effect on a scenic vista? _____ X _____

Comment: The area to be developed is not visible from any public view sheds or scenic vistas.

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

Comment: The project is not in a designated scenic resource area, is not visible from public offsite areas, and is not on a state scenic highway.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings? _____ X _____

Comment: The new building and cave will not substantially degrade the existing visual character or quality of the site and its surroundings. Removal of the residence at 100 Wappo Road could enhance the visual character by removing a man-made feature of no aesthetic significance.

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

1.d. Less than Significant with Mitigation Incorporation. The proposal for a winery will include new exterior lighting. To ensure that new sources of light do not adversely the impact the area, the following mitigation measure has been incorporated into the project:

Mitigation Measure 1.d: Prior to issuance of building permits, an exterior lighting plan shall be submitted for review and approval by PRMD Project Review staff. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot shall be full cut-off fixtures and shall not exceed four feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.

Mitigation Monitoring 1.d: The Permit and Resource Management Department shall not issue the building permit until an exterior night lighting plan has been reviewed and approved by PRMD Project Review staff and is 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 RESOURCES

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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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. 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? | _____ | _____ | _____ | _____ <u>X</u> _____ |
|--|-------|-------|-------|----------------------|

Comment: According to the Sonoma County Important Farmlands Map -2000 (database), the site is designated "Grazing and Other Land". The facility will be used for processing of agricultural products. The project would not convert prime land to a non-agricultural use.

- | | | | | |
|--|-------|-------|-------|----------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | _____ | _____ | _____ | _____ <u>X</u> _____ |
|--|-------|-------|-------|----------------------|

Comment: The proposed project would not conflict with the zoning as agricultural processing is an allowed use in the RRD zoning district with use permit approval. The project site is not under a Williamson Act contract.

- | | | | | |
|---|-------|-------|-------|-------|
| c) Involve other changes in the existing environment which, due to their location | _____ | _____ | _____ | _____ |
|---|-------|-------|-------|-------|

or nature, could result in conversion of Farmland to non-agricultural use? _____ X

Comment: The proposed facility would be used for processing of agricultural products. The project would not convert prime farmland, unique farmland, or farmland of statewide importance to a non-agricultural use.

3. AIR QUALITY

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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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? _____ X

Comment: The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD) The District does not meet federal or state standards for ozone precursors, and has adopted an ozone Attainment Plan and a Clean Air Plan describing steps that will be taken to bring air quality in the district into compliance with federal and state Clean Air Acts' ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides and volatile organic compounds(hydrocarbons)). The project will not conflict with the District's air quality plans to reduce emissions from new uses.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? _____ X

Comment: State and federal standards have been established for "criteria pollutants": ozone precursors, carbon monoxide, sulfur dioxide and particulates (PM10 and PM2.5). The pollutants NOx (nitrogen oxides) and hydrocarbons form ozone in the atmosphere in the presence of sunlight. Significance thresholds for ozone precursors, carbon monoxide and particulates have been established by BAAQMD. The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines must also be considered. BAAQMD generally does not recommend detailed NOx and hydrocarbon air quality analysis for projects generating less than 2,000 vehicle trips per day. Given the low traffic generation of the project (only 15 guests and seven employees are allowed at one time, in addition to some seasonal grape delivery) relative to the screening criteria, ozone precursor emissions would be less than significant.

Detailed air quality analysis for carbon monoxide is generally not recommended unless a project would generate 10,000 or more vehicle trips a day, or contribute more than 100 vehicles per hour to intersections operating at LOS D, E or F with project traffic. Given the low traffic generation of the project relative to the screening criteria, carbon monoxide emissions would be less than significant.

Project architectural drawings dated June 20, 2008, prepared by Backen Gillam Architects show a fireplace between the hospitality area and the fermentation room. Wood smoke from fireplaces and wood stoves are sources of pollutants receiving increasing scrutiny and generating numerous complaints to the BAAQMD. Although constituting a very small percentage of the total PM10

emissions on an annual basis, wood smoke is a major contributor to reduced visibility and reduced air quality on winter evenings in both urban and rural areas. Sonoma County building regulations restrict fireplaces to natural gas fireplaces, pellet stoves and EPA-Certified wood burning fireplaces or stoves. With the regulatory restriction on fireplace design, this would be a less than significant impact.

- c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

_____ X _____

Comment: The BAAQMD is a non-attainment area for ozone precursors and particulate matter (PM). See 3b for a discussion of ozone. PM₁₀ is a criteria pollutant that is closely monitored in the BAAQMD. Readings in the district have exceeded state standards on several occasions in the last several years. The high PM₁₀ readings occurred in the winter and are attributed to the seasonal use of wood burning stoves.

The project will not have a significant operational long-term effect on PM₁₀, because all surfaces will be paved or landscaped, and dust generation will be insignificant when the project is completed. However, there could be a significant short-term emission of dust (which would include PM₁₀) during construction. These emissions could be significant at the project level, and would also contribute to a cumulative impact.

The impact could be reduced to less than significant by including dust control as described in the following mitigation measure:

Mitigation Measure AIR-1: The following dust control measures will be included in the project:

- A. Water or other dust palliative will be applied to unpaved portions of the construction site, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
- 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 any visible soil that has been carried onto them from the project site.

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

- d) Expose sensitive receptors to substantial pollutant concentrations?

_____ X _____

years. The letter notes that RWQCB staff was called to the site in September 2005 regarding the brush clearing, and staff estimated that approximately five acres had been cleared. However, the work did not require a construction stormwater permit because the site had not been graded. "Upon re-inspection, staff found that all the piles of woody debris had been removed and that sufficient erosion and sediment controls had been placed."

The letter discusses the relationship of brush clearing and maintaining tree canopy, as well as water use, relative to maintaining the habitat for salmonids in Mark West Creek. It also urged a larger view of the watershed:

"It became evident from public comment during the public hearing that the cumulative impacts of land use changes within the upper Mark West Creek watershed are significantly impacting water quality and beneficial uses of water within this watershed. This reflects the potential need for a full environmental assessment, including an assessment of cumulative impacts, of the Mark West Creek watershed to determine how water quality and all beneficial uses of water are affected, prior to approval of new developments in this area....

"...Balancing beneficial uses within this upper watershed may be accomplished by reducing water use during critically dry years by a policy of cessation of groundwater pumping at specified dates, providing for additional onsite water storage during periods of high winter flows, and creating overstory again by planting trees to provide canopy and help reduce soil erosion and infiltrate stormwater runoff. Balancing domestic and agricultural water usage while maintaining sufficient flows to sustain viable fish populations is the goal and will require community based solutions."

The dust control Mitigation Measure from the Air Quality section will serve to reduce fine sediments from the project during construction. In addition, the following two measures will provide long-term avoidance of fine sediments from the project reaching the creek.

Mitigation Measure BIO-1: The following fine sediment dust and erosion control measures will be included in the project:

To the extent that he has legal control over the access road, the applicant shall pave Wappo Road from the winery down to St. Helena Road. Finish paving may be completed after construction of the winery and wine cave, but preliminary work on the surface that will contain dust shall be completed prior to commencement of construction of the cave.

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

Comment: The new structures will not impact candidate, sensitive, or special status species because the project does not include modifications to any wetland or special habitat. A comment letter from the Friends of the Mark West Watershed noted that the project might have effect on certain species of ceanothus. DFG, in their Nov.24, 2009, letter, observed that substantial vegetation removal prior to filing of the subject application posed potentially significant impacts to terrestrial wildlife and plants. PRMD staff biologist Richard Stabler visited the site in March 2009 and observed that there was Rincon ridge ceanothus on the property, but downhill of the winery construction site. To offset some of the vegetation removal and to provide better geologic stability and erosion control, the following mitigation measure is included to require use of native plants in the project landscaping and to require a landscape plan that will restore some of the habitat adversely affected by the pre-project grubbing. This condition, coupled with the best management practices for erosion control, are the best ways to avoid sedimentation of the creeks that could adversely affect fish, and should reduce potential impacts

Comment: The winery site is over 600 feet from any critical habitat area or biotic resource, and the biotic resource designation is related to plant species adapted to serpentine soils. The site has previously been grubbed in 2005. The RGH geologic report says that the winery site topsoils consist mainly of a "loam that exhibits moderate plasticity." The site is not in a Valley Oak Preservation area. No significant trees would be removed as a result of the project.

- 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? _____ _____ X _____

Comment: There are no known regional or state habitat conservation plans for this area. The distance of the development from the biotic resource area as a protection measure is consistent with the Franz Valley Specific Plan and the Sonoma County General Plan.

- | | | | | |
|---|--------------------------------------|---|------------------------------------|--------------|
| 5. CULTURAL RESOURCES Would the project: | Potentially
Significant
Impact | Less than
Significant
with
Mitigation
Incorporation | Less than
Significant
Impact | No
Impact |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | _____ | _____ | _____ | <u> X </u> |

Comment: A Cultural Resources Survey was done on the site, and no historical resources were found on the site.

- | | | | | |
|--|-------|--------------|-------|-------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | _____ | <u> X </u> | _____ | _____ |
|--|-------|--------------|-------|-------|

Comment: No archaeological resources were found on the project site. The following mitigation ensures that should resources be uncovered, they will be appropriately protected. No paleontological resources or unique geologic features are evident on site.

Mitigation Measure 5.b All building and/or grading permits shall have the following note printed on 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 shall be halted in the vicinity of the find and County PRMD Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic 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 and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be

at the applicant's sole expense.

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

Mitigation Monitoring 5.b: 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.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? _____ X _____ _____

Comment: The project includes digging a cave. Paleontological resources may be found during this excavation.

Mitigation Measure 5.c: If paleontological artifacts are found during site development, all earthwork in the vicinity of the find shall cease, and PRMD staff shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of PRMD Project Review staff and the paleontologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No earthwork in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and Project Review staff. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site regarding the procedures to follow in the event that artifacts are found including contact information for PRMD.

Mitigation Monitoring 5.c: Staff shall check plans for notation of the condition, prior to issuance of grading permits and shall conduct site inspections as necessary during construction. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site.

- d) Disturb any human remains, including those interred outside of formal cemeteries? _____ X _____ _____

Comment: There was no evidence that the site contains a burial site.

Mitigation Measure 5.d: If human remains are encountered, excavation or disturbance of the location shall be halted immediately in the vicinity of the find, and the County Coroner contacted. If the Coroner determines the remains are Native American, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will identify the person or persons believed to be most likely descended from the deceased Native American. The NAHC will then work with the applicant on re-interring the remains. The applicant shall be responsible for all costs incurred in the removal, identification and reburial of the remains. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site regarding the procedures to follow in the event that human remains are found including contact information for the County Coroner's Office.

Mitigation Monitoring 5.d: Staff shall check plans for notation of the condition, prior to issuance of grading permits and shall conduct site inspections as necessary during construction.

6. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Expose people or structures to 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.	_____	_____X_____	_____	_____

Comment: A Preliminary Geotechnical Study Report of the site was prepared by RGH consultants, Inc., dated May 31, 2007, and updated April 22, 2008. As a result of comments at the public hearing (see Waldbaum, Nov. 11, 2008) and further site investigations, the applicant revised the project description to relocate the septic system away from a potential landslide. RGH prepared an additional report dated September 21, 2009, to address slope stability. The 2009 updated RGH report was reviewed on behalf of the County of Sonoma by Kleinfelder in a letter by William McCormick and Terry Craven prepared October 1, 2009.

In the 2009 report, RGH concludes that the winery can be safely built in the proposed location:

"As discussed previously, there is a dormant landslide at the winery site and the portion of the landslide beneath the winery will be removed and replaced as a buttressed fill. For the conditions at the site, the first most likely failure during and earthquake would be a failure of a portion of the debris within the dormant landslide. The next likely scenario would be the reactivation of the existing dormant landslide feature. Therefore, our seismic analysis was focused on evaluating the reactivation of the existing landslide and its impact on the buttressed fill constructed for the winery....

"Based on our slope stability analysis under long-term static conditions and seismic conditions, the landslide can be remediated by excavating the debris to its full depth and rebuilding the slope as a drained, buttressed fill. For this type of repair, a level keyway will be excavated into bedrock at the toe of the repair, and subdrains constructed to dewater the keyway. Subsequent level benches will be excavated into firm bedrock, and the excavated landslide debris replaced as compacted fill to the top of the landslide. Subsequent subdrains will be installed at the rear of the benches every 25 feet vertically and as recommended by RGH during construction."

The RGH report was reviewed by the County-retained firm of Kleinfelder, and their comments are conveyed in a letter dated October 1, 2009, signed by principal engineering geologist William McCormick and Principal Geotechnical Engineer Terry Craven. They conclude:

"It is our opinion that the RGH response dated September 21, 2009 (in conjunction with the preliminary report dated April 22, 2008) adequately addresses the issues raised by the BZA and has demonstrated the geologic and geotechnical feasibility of the project....

"In our opinion the geotechnical methodology used in evaluating the winery site is consistent with standard geotechnical practice and adequately demonstrates that a stable site can be developed through construction of a buttress fill. During final design it is our opinion that the consultant should consider reducing the strength properties of the existing slide debris and should include groundwater in the slope stability model."

iv) Landslides? _____ , X _____

Comment: The Schematic Map of Areas Subject to Safety Policy Requirements of the 1989 Sonoma County General Plan (Figure PS-1e) indicates that the site is within the area of high to moderate potential for landslides. The RGH report notes that previous mapping indicates three major landslides in the vicinity. In addition, RGH encountered active, dormant, and ancient landslides on the property. "The dormant landslide on the north-northeast extends onto the northern end of the new proposed winery configuration, a portion of the cave, and roadway...Preliminarily, we estimate the middle and lower portions of this landslide to be in the 15- to 25-foot depth range but will need to be verified during a site specific geotechnical study." The report observes that "Creep and creep prone soils and shallower landslides can be mitigated during the normal course of grading. Avoiding or setting structures back from landslides is also a feasible mitigation. The dormant translational landslide on the north-northeastern portion of the proposed winery will require reconstructing portions or the entire landslide, depending on the planned grading, as drained, buttressed fills bearing below the landslide plane." The use of buttressed fills and reconstructing landslides are to be addressed during a detailed site-specific report.

Members of the public have raised concerns about a landslide in a ravine southwest of the project site that caused the deposition of several thousand cubic yards of soil into the North Fork of Mark West Creek in approximately January 2006. Staff of the Regional Water Quality Control Board observed effects of sedimentation downstream of the slide.

RGH observed that the slide area is underlain by volcanic bedrock and covered by water-absorbing soil. Prolonged rainfall in December 2005 culminated with nearly 10 inches of rain between Christmas and New Year's Eve, a day on which four inches of rain fell. "Hundreds of landslides occurred in the region in response to this rainfall. Heavy rains fell well into March and April with a combined total of about 15 inches. In March, rain fell during 25 of 31 days of the month and 16 of the first 17 days of April were rainy." RGH concludes:

"In summary, the landslide occurred from several factors including the slope steepness (2:1 to 1/2:1), an impermeable surface (bedrock) that keeps rainwater in the soil mass, an unsupported bank (free face) at the top of the watercourse and intense and prolonged rainfall that was greater than is typically experienced in this area. However, the water source at the landslide was from the immediate drainage area upslope and from direct rainfall, and not from channeled or concentrated flow from the ravines at the winery site. These ravines bypass the subject landslide area and drain directly from the winery site into the watercourse downhill, and we did not observe evidence that surface water overtopped the ravine banks. Therefore, we judge that neither surface runoff from the winery site nor grubbing contributed to the subject landslide."

Staff inspected the landslide in the spring of 2009 and concurs that the landslide area appears to be in a different ravine from the winery site, downstream of the winery site ravines.

Mitigation Measure 6.a.iv: The Project shall comply with all recommendations contained in the Preliminary Geologic Study prepared by RGH Consultants, Inc. dated April 22, 2008 and September 21, 2009. Compliance with these recommendations would reduce geology and soils impacts to a less-than-significant level. In addition, a detailed, site-specific Geotechnical Study shall be prepared and submitted with grading and construction plans. Said Study shall address all issues raised in the Preliminary Geologic Study and review by Kleinfelder, and shall insure that the construction of the winery is engineered to eliminate the probability of downward creep, erosion, landslides, and soil/bedrock expansion.

Mitigation Monitoring 6.a.iv: Prior to approval of the grading, drainage, and construction plans for the project, PRMD Project Review staff shall ensure that the Geotechnical Study is submitted for Engineering Division Review and Approval.

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

Comment: The proposed winery construction would require grading and could result in a minor loss of topsoil. The RGH report observes that "the natural drainages of the site trend westerly into a deep ravine that trends southwesterly through the northwestern portion of the subject parcel (referred to herein as the North Fork of Mark West Creek). The ravine trends off the parcel and into a second south-westerly-flowing intermittent blue-line stream that empties into Mark West Creek off the property. Mark West Creek is a perennial blue-line stream that flows westerly adjacent to St. Helena Road."

The revised 2009 project description estimates approximately 13,010 cubic yards of excavation and approximately 6,670 cubic yards of fill on the project site. The net 6,340 cubic yards of excavated soils would be removed off site to an authorized and permitted recipient. The RGH report states that uncontrolled erosion "could induce sloughing, new landsliding or landslide reactivation." The report also states that the "long-term satisfactory performance of winery improvements and roadways constructed on hillsides results primarily from strict control of surface runoff and subsurface seepage. The site's surface soils have a moderate to high erosion potential depending on slope inclination." To avoid these problems, the report recommends that roof downspouts from the winery should discharge into closed glued pipes that empty away from steep and/or potentially unstable areas. Discharge for downspout points, roadway culverts and ditches and storm drain outfalls will need to be protected against erosion and sloughing by installing energy dissipaters and then piping the collected waters downhill to planned discharge facilities.

In addition to these measures, the mitigations identified in the Biological Resources section will help reduce long term fine sediments from erosion that could adversely affect the fishery habitat.

Mitigation Measure: See BIO-1 and BIO-2 IN Section 4.a. above and also 6.a.iv. above

Mitigation Monitoring: See BIO-1 and BIO-2 IN Section 4.a. above and also 6.a.iv. above

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

Mitigation Measure 6b: All surplus and excavated soils shall be retained onsite subject to the provisions of 6.a.iv above. All surplus soils that cannot be used on the project site shall be disposed of at an acceptable disposal site. If any areas outside the project site are used for disposal or stockpiling of soil or other materials, the contractor shall be required to demonstrate that the site has all the required permits, including, if applicable, a grading permit.

Mitigation Monitoring 6b: The contractor shall be required to provide evidence to the County that the disposal site does not affect wetlands under the jurisdiction of the Army Corps of Engineers, or that the site has the appropriate permits.

- 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? _____ X _____

Comment: See response to 6.a.iv.

- 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? X

Comment: 6a.iv. above.

- 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? X

Comment: The domestic wastewater is proposed to be disposed in a new leach field approximately 2,000 feet north of the proposed winery on a knoll at 560 Wappo Road. The applicant's civil engineer conducted percolation tests at the site of the proposed domestic wastewater leach field pursuant to a PRMD site evaluation permit (SEV09-0223). The test results were reviewed by the environmental health specialist for that area, and the proposed location was approved on June 23, 2009, for eventual construction of a system designed by a registered environmental health specialist or civil engineer. The system would be located in a stand of Douglas fir trees, in much the same environment as the original site, but without landslide potential. The site was reviewed by RGH Consultants, who concluded that it is situated "on a relatively stable ridgetop and outside of landslides and steeply sloping terrain. Our stability analysis indicates that the leachfield site is stable under static and seismic conditions both before and after the leachfield is constructed."

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:
 Significant
 Impact

Potentially Significant with Mitigation Incorporation	Less than Significant Impact	Less than Impact	No
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- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? X

Comment: The processing and fermentation of the grapes to wine includes the use and maintenance of machinery and equipment that require the transport, use, and disposal of hazardous materials (e.g. oils, diesel, solvents, lubricates, etc.) The vineyard was approved and installed several years ago, but pesticides and herbicides are still used and stored on the project site. The Sonoma County Agricultural Commissioners Office regulates the storage and use of herbicides and pesticides by requiring an annual issuance of a Pesticide I.D. and classes be taken by person applying such hazardous materials for agricultural uses such as the vineyard operation. A referral describing the project was sent to the Department of Emergency Services which required that the project comply with Fire Safe Standards for commercial development. The project itself (the winery) does not produce or generate hazardous materials. A referral describing the project was also sent to the Environmental Health Specialist-Project Review which required compliance with hazardous waste generator laws and submittal of copies of appropriate permits.

- 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? X

Comment: The use of any hazardous materials by the winery and vineyard will not be of sufficient volatility or quantity to cause a hazard to the public. These materials are commonly used in the wine industry and will be handled according to existing regulations and codes.

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

Comment: The subject property is not within a one-quarter mile of an existing or proposed school.

- 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? _____ X

Comment: The site is not identified as a hazardous materials sites under Government Code Section 65962.5.

- 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 for people residing or working in the project area? _____ X

Comment: The project is not in close proximity to an airport.

- f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? _____ X

Comment: The project is not located within the vicinity of a known private airstrip.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? _____ X

Comment: There will be no impacts on emergency responses or evacuation plans as a result of the project.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? _____ X _____

Comment: According to the Safety Element of the General Plan, the project site is located in an area with very high or high potential for large wildland fires. The site is located on a knoll where substantial brush clearing has occurred, providing a significant buffer around the proposed facility. The project must conform to Fire Safe Standard requirements for commercial uses related to fire sprinklers, emergency vehicle access, and water supply. These standard provisions reduce the potential exposure to people or structures to a less than significant impact.

8. HYDROLOGY AND WATER QUALITY

Would the project:

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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- a) Violate any water quality standards or waste discharge requirements?

_____	_____	<u> X </u>	_____
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Comment: The proposed facility would generate wastewater from crushing, fermenting, bottling, and barrel washing. Wastewater is proposed to be irrigated into the vineyard. A referral describing the project was sent to the North Coast Regional Water Quality Control Board and the Project Review Environmental Health Specialist, which set conditions for the project's domestic and industrial wastewater disposal requirements. To ensure the project would not violate water quality standards or waste discharge requirements the applicant is required to 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. The Permit and Resource Management Department will 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.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?

_____	_____	<u> X </u>	_____
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Comment: A Geologic Report addressing groundwater availability was prepared by Todd Engineers, dated August 2006, along with subsequent update and clarification letters dated April 27, 2007, and June 12, 2007. According to the original report, "Cornell Farms plans to pump approximately between 3.82 and 3.98 acre feet per year (AFY; equivalent to about 2.5 gallons per minute [gpm] year-round) for groundwater from the two existing water supply wells. This usage includes irrigation for the 20-acre vineyard (2.28 gpm or 3.69 AFY) and for crushing and bottling operations, and light industrial requirements (0.18 gpm or 0.29 AFY)." In the April 27, 2007, supplement, Todd concludes:

"There will be no direct and short-term hydraulic impacts to Mark West Creek or its tributaries due to project groundwater pumping. The area of influence of the pumping well could be a radial distance that ranges between 102 and 505 feet from the well after 18 hours of pumping.... The distance between the well and Mark West Creek and its tributaries is greater than 500 feet. Groundwater pumped for the project is derived ultimately from precipitation on the local watershed and percolation of that water through the unsaturated zone to the water table through the pores and fractures of the underlying rock. Groundwater pumped for the project is not derived from surface water of Mark West Creek or its tributaries.

"However, we recognize that long-term and cumulative indirect impacts to Mark West Creek and its tributaries may occur from project groundwater pumpage to surface water courses over tens of decades. This long-term impact results from removing groundwater from the aquifer that would ordinarily and eventually support the base flows of Mark West Creek and its tributaries. The project requires about 4 acre feet per year of water and return flows to the aquifer are about 2 AFY; therefore, the net usage or a loss of base flow contribution is about 2 AFY. Considering that Mark West Creek has an average annual flow of 42,671 AFY and a dry year flow of 17,600 AFY....the net loss of 2 AFY is insignificant."

Todd's June 12, 2007, letter further states: "... the Cornell Farms LLC project will have no significant direct or indirect short- or long-term or cumulative hydrologic or hydraulic impact to groundwater or surface water resources in the Mark West Creek watershed."

These Todd Engineer reports were reviewed by the County's peer reviewer, Kleinfelder, who, in a letter March 5, 2008, stated: "We believe Todd makes a clear and concise description of the relationship between potential groundwater, groundwater conditions and withdrawals, and their interaction with the Mark West Creek. Their approaches are sound are within what would be considered acceptable practice and standard of care.....Our opinion is that the approach, description, calculations, and arguments in the reply Todd makes are well founded. They present a logical argument that the potential quantity of cumulative groundwater usage is a small percentage of the Mark West Creek contribution is a reasonable statement."

In response to these comments and the 2008 Mitigated Negative Declaration for the UPE07-0008 project, Christopher Bonds, Senior Engineering Geologist for the California Department of Water Resources responded in a letter dated December 3, 2008. His letter contains the following comments about the Mitigated Negative Declaration and associated technical reports:

"Based on my review of the MND and associated reports, and my technical experience in fractured rock hydrogeology, it is my opinion that the MND and associated documents do not adequately characterize the fractured bedrock aquifer underlying the proposed project and, therefore, no definitive statements regarding the potential project induced impacts to water resources can be made....The short-term airlift well test data used to evaluate the water supply for this project is not sufficient to accurately evaluate the long-term production rate of the project wells or the drawdown effects in neighboring wells or surface water features located in the vicinity of the proposed project."

He goes on to say that "Evaluation of groundwater resources in fractured bedrock is problematic due to the inherent difficulty in characterization of subsurface aquifer heterogeneity, fracture connectivity, and storativity." Thus, he recommends more in-depth aquifer testing of the project wells in order to more accurately estimate well yields and possible water level impacts to area wells and surface water features. He also recommends continued groundwater monitoring by PRMD in accord with PRMD Policy and Procedure 8-1-3.

Staff of the Regional Water Quality Control Board also expressed concern about water usage in their November 2008 letter, which states:

"It became evident from public comment during the public hearing that the cumulative impacts of land use changes within the upper Mark West Creek watershed are significantly impacting water quality and beneficial uses of water within this watershed. This reflects the potential need for a full environmental assessment, including an assessment of cumulative impacts, of the Mark West Creek watershed to determine how water quality and all beneficial uses of water are affected, prior to approval of new developments in this area....

"While the Regional Water Board realizes that solution may come out of an environmental assessment, solutions to existing water quantity issues can be employed by all landowners at this time. By carefully monitoring water usage, looking for additional opportunities for storage and using water saving principles, the existing situation will improve. The Board of Zoning Adjustments is aware of the fact that water is being trucked from late spring through early fall to one large landowner in the upper reaches of the water shed....Balancing beneficial uses within this upper watershed may be accomplished by reducing water use during critically dry years by a policy of cessation of groundwater pumping at specified dates, providing for additional onsite water storage during periods of high winter flows, and creating overstory again by planting trees to provide canopy and help reduce soil erosion and infiltrate stormwater runoff. Balancing domestic and agricultural water usage while maintaining sufficient flows to sustain viable fish populations is the goal and will require community based solutions."

As noted in the introduction to this review, the applicant has modified the project. The Cornell parcels with 25-acres (in 2009) of irrigated vineyard are served by two wells adjacent to the Cornell residence located at 420 Wappo Road. These wells are approximately 2,700 feet north of Mark West Creek and the well heads are located at an elevation approximately 382 feet above the level of the creek. The house at 100 Wappo Road is located less than 20 feet from the top of the bank of Mark West Creek, and the well that serves the property is located on the parcel approximately 650 feet north of the house, near a spring that feeds a pond on the property. The leach field for the house is located just north of the house, within 100 feet of the creek.

Water use for the winery that is the subject of this application was estimated at approximately 0.29 Acre Feet per Year (AFY) by Todd Engineers in their study of groundwater impacts from the project. A more project-specific figure of 0.42 AFY was developed by project engineer Tom Atterbury of Atterbury and Associates, as set forth in his letter dated September 14, 2009. His figures are developed in relation to the size the wastewater system. Mr. Atterbury calculates the winery's domestic use for employees, tasting room guests, and dinner guests at 39,550 gallons per year and the winery's production water use at 96,000 gallons per year, using PRMD methodology for sizing wastewater systems. The total use equates to 135,550 gallons per year or 0.42 AFY.

The property acquired by Cornell at 100 Wappo Road is 15 acres in size (of which four acres might be suitable for vineyard development) and has a three-bedroom house. Water use for a three-bedroom house would be approximately 150 gallons per day per bedroom, or 450 gallons per day, or 164,250 gallons per year, or approximately 0.5 acre feet per year. This does not count water used for landscape irrigation, so the 0.5 AFY figure is probably low considering the 15-acre size of the parcel. Removing the house and the septic system also remove any potential for sub-surface leachate contaminating the creek.

The Conservation Easement as proposed goes further than just household use. It would remove the entire 15 acres from potential vineyard development, thus potentially conserving many more acre feet of water in close proximity to the creek (as well as avoiding the potential erosion issues related to vineyard development.)

So, removing of the house's water use from the watershed would immediately and fully offset impacts of the projected winery water use on the Mark West Creek watershed. Given the extraordinary offer of the Conservation Easement by Mr. Cornell, staff did not feel that additional studies were required on the complex hydro-geological relationships of the Cornell wells with those of the neighboring vineyards and Mark West Creek. As Mr. Bond from DWR noted, "Evaluation of groundwater resources in fractured bedrock is problematic due to the inherent difficulty in characterization of subsurface aquifer heterogeneity, fracture connectivity, and storativity." In a subsequent communication, he said that the Conservation Easement trade-off sounds reasonable.

- 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? _____

X

Comment: Construction of the project will not substantially alter the existing drainage pattern on the site. The project is located on a knoll and except for a fill site at the south of the winery building, avoids the drainage courses, which are to be used only as receptacles for water from rooftops and hard surfaces. The RGH Study identifies high erosion potential and recommends engineered site-specific drainage improvements to eliminate erosion and siltation in watercourses. See 6.a.iv above. In addition, standard measures for erosion control and management of the storm water runoff will reduce the level of impact to a less than significant level. Drainage review improvements are required to be designed by a geotechnical or civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval and must/are to be shown on the improvement drawings. The

developer's engineer has included a site preliminary grading plan and an erosion control plan, dated September 14, 2009. The Grading and Storm Water Section of the Permit and Resource Management Department reviewed the preliminary grading plan and determined that the project appears feasible. Final issuance of a grading or building permit cannot occur until evidence is submitted and approved by the Grading and Storm Water Section of PRMD verifies 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.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? X

Comment. See 8c.

- e) 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? X

Comment: See 8.a. above.

- f) Otherwise substantially degrade water quality? X

Comment: Refer to 8.a. and 8.c. above. The project development requires permits to be approved by the North Coast Regional Water Quality Control Board and the Well and Septic Section of PRMD for all wastewater disposal. Compliance with State and County Standards will insure that potential impacts to water quality will be avoided.

- g) Place housing within a 100-year hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? X

Comment: There is no housing associated with the project, other than removal of the house at the top of the bank of Mark West Creek.

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? X

Comment: No structures would be placed within any flood plains.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? X

Comment: The site is not in an area subject to flooding or below a levee or dam.

- j) Inundation by seiche, tsunami, or mudflow? X

Comment: The site is not subject to seiche, tsunami or mudflow.

9. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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a) Physically divide an established community?	_____	_____	_____	_____ <u>X</u> _____
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Comment: The project is located within an established rural vineyard area. The project would not alter the parcel's ownership, nor reconfigure existing parcels or roadways. Therefore, the project would not physically divide an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	_____	_____ <u>X</u> _____	_____	_____
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Comment: The request for a winery complies with the Resource and Rural Development General Plan designation and other goals and policies of the County's General Plan and conforms with the RRD zoning. Agricultural Processing is defined as, "Facilities for the processing of any agricultural product grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of any agricultural product grown or processed on site." The applicant has stated that grapes grown on-site will be used to make wine. The proposal is also consistent with the General Plan's Agricultural Element Goals, Objectives and Policies which include the following:

Goal AR 5: "Facilitate agricultural production by allowing certain agricultural support services to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural activity in the area."

The location is related to and serves primarily the agricultural activity of vineyards and the adjacent site is planted in vines.

The following Goals, Objectives and Policies of the Sonoma County General Plan apply to other issues of this project, namely geology, hydrology, and safety:

Goal LU-7: Prevent unnecessary exposure of people and property to environmental risks and hazards. Limit development on lands that are especially vulnerable or sensitive to environmental damage.

Objective LU-7.1: Restrict development in areas which are constrained by the natural limitations of the land, including by not limited to, flood, fire, geologic hazards, groundwater availability, and septic suitability.

RC-2b: Include erosion control measures for any discretionary project involving construction or grading near waterways or on lands with slopes over 10 percent.

RC-2d: Require a soil conservation program to reduce soil erosion impacts for discretionary projects which could increase waterway or hillside erosion. Design improvements such as roads and driveways to retain natural vegetation and topography to the extent feasible.

Objective RC-8.1: Identify sources of sediment and erosion and minimize their impact on local water courses.

RC-8c: Design public and private projects to minimize damage to the stream environment and to maintain instream flows.

Goal PS-1: Prevent unnecessary exposure of people and property to risks of damage or injury from earthquakes, landslides and other geologic hazards.

Objective PS-1.2: Regulate new development to reduce the risks of damage and injury from known geologic hazards to acceptable levels.

PS-1f: Require and review geologic reports prior to decisions on any project which would subject property or persons to significant risks from the geologic hazards shown on Figures PS-1a through PS-1i (pages 257 through 273) and related file maps and source documents. Geologic reports shall describe the hazards and include mitigation measures to reduce risks to acceptable levels. Where appropriate, require an engineer's or geologist's certification that risks have been mitigated to an acceptable level and, if indicated, obtain indemnification or insurance from the engineer, geologist, or developer to minimize County exposure to liability.

Comment: The issues covered by these policies and objectives are addressed elsewhere in this Initial Study in sections relating to Geology and Hydrology and Water Quality. A geotechnical report and a hydrogeological analysis were submitted and reviewed by consulting geologists retained by the County. The following measure addresses the implementation of said reports.

Mitigation Measure: See Mitigation Measure 6.a.iv above.

Mitigation Monitoring: See Mitigation Measure 6.a.iv above.

Goal PS-3.1: Prevent unnecessary exposure of people and property and property to risks of damage or injury from wildland and structural fires.

Objective PS3.2: Regulate new development to reduce the risks of damage and injury from known fire hazards to acceptable levels.

PS-3b: Consider the severity of natural fire hazards, potential damage from wildland and structural fires, adequacy of fire protection and mitigation measures consistent with this element in the review of projects.

PS-3d: Require on-site detection and suppression, including automatic sprinkler systems, where available services do not provide acceptable levels of protection.

Comment: The site is located on a knoll where substantial brush clearing occurred in 2005, providing a significant fire safe buffer around the proposed facility. The project must conform to Fire Safe Standard requirements for commercial uses related to fire sprinklers, emergency vehicle access, and water supply. These provisions reduce the potential exposure to people or structures to a less than significant level. No mitigation is required.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? _____

X

Comment: The project site is not within the Valley Oak Habitat Combining District. The project is not located within any other habitat conservation plan or natural community conservation plan area.

10. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?	_____	_____	_____	_____X_____

Comment: The project will not result in the loss of a mineral resource.

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?	_____	_____	_____	_____X_____
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Comment: The Sonoma County General Plan does not designate the project site as within a known mineral resource deposit area.

11. NOISE Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	_____	_____	_____X_____	_____

Comment: The Sonoma County Noise Element of the General Plan establishes objectives, policies and performance standards for noise producing land uses that may affect noise sensitive land uses and vice versa. Wineries are recognized as a source of community noise because they are typically located in quiet rural areas. Exterior noise primarily occurs during the crush season and is usually less than 60 dBA at distances greater than 300 feet. The Project Review Health Specialist reviewed the project and determined that no noise study was necessary based on the distance to the off-site nearest residence, which is approximately 1,300 feet from the proposed construction of the winery.

b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels?	_____	_____	_____X_____	_____
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Comment: Construction of the new building and cave may generate ground borne vibration and noise. These levels would not be excessive or significant as they would be limited to the construction period and would occur during normal business hours. In addition, the project site is more than 1,300 feet away from the nearest off site residences. Otherwise there are no other activities or uses associated with the project that would expose persons to or generate any excessive ground borne vibration or ground borne noise levels.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____X_____	_____
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Comment: See 11 a.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____X_____	_____
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physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	_____	_____	<u> X </u>	_____
Police protection?	_____	_____	_____	<u> X </u>
Schools?	_____	_____	_____	<u> X </u>
Parks? _____	_____	_____	<u> X </u>	_____
Other public facilities?	_____	_____	_____	<u> X </u>

Comment: The project will not require additional public services or new or physically altered governmental facilities. It must comply with all applicable fire codes including emergency access, water supply and appliances, building sprinklers, alarm systems, and extinguishers. All applicable fire protection measures would be required with any new construction. The project would not have a substantial adverse effect on associated governmental facilities, therefore potential impacts to these agencies is considered less than significant.

14. RECREATION

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?	_____	_____	_____	<u> X </u>

Comment: The proposed project is considered agricultural processing and is not a residential or recreational use. It would not cause an increase in the use of parks in the area.

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?	_____	_____	_____	<u> X </u>
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Comment: No recreation facilities are proposed.

15. TRANSPORTATION/TRAFFIC Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	_____	_____	<u> X </u>	_____

Comment: The site is accessed via by Wappo Road, a private road off of St. Helena Road northeast

of the City of Santa Rosa. The project would result in a negligible increase in daily volumes on the St. Helena Road inasmuch as use is limited to 15 tasting guests and seven employees. Additional truck traffic would occur during the fall harvest season, although the applicant has indicated that most (but not all) grapes will come from his own abutting properties. Excavation at the site will result in over 400 truck trips to haul soil offsite over the course of the construction project. Even with projected increase in traffic volumes, traffic would continue to operate at LOS A overall. The County General Plan requires that a LOS C be maintained as a standard. The project was reviewed by a representative of the Sonoma County Department of Public Works, who made a determination that roads serving the site were adequate. The applicant states that a reduction of agricultural truck traffic will occur because grapes will no longer be shipped off-site for processing.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Comment: See Comment 15.a.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Comment: The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

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

Comment: A determination has been made by the Transportation and Public Works Dept. that the project will not increase hazards.

- e) Result in inadequate emergency access?

Comment: With the review by Dept. of Emergency Services personnel on new construction for compliance with Fire Safe Standards, the project will not result in inadequate emergency access.

- f) Result in inadequate parking capacity?

Comment: The design provide approximately 22 parking spaces, which would be adequate to serve the intensity of the requested use.

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (E.g., bus turnouts, bicycle racks)?

Comment: The proposed project does not conflict with alternative transportation plans or policies.

16. **UTILITIES AND SERVICE SYSTEMS**
Would the project:

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality

- g) Comply with federal, state, and local statutes and regulations related to solid waste? _____ X

Comment: A referral describing the project was sent to the Project Review-Health Specialist, who required as a condition of approval that prior to issuance of any related building permit, the applicant shall submit a design for trash enclosures for review and approval to PRMD-Building as a part of the building permit process. This will ensure the winery facility complies with local regulations for solid waste.

17. MANDATORY FINDINGS OF SIGNIFICANCE

Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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- 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? _____ X _____

Comment: The project site is developed with existing structures, an adjacent vineyard, and fencing. The project development does not include any work within a creek. The project would not substantially interfere with the movement of migratory fish or wildlife species. Based on the above information it is concluded the project site has no habitat for sensitive species that could be affected by the project. Nevertheless, potential impacts from erosion of site sediment into a tributary of Mark West Creek is a concern relative to fish habitat, particularly salmonids. Mitigation measures to reduce erosion and siltation are included in the project to reduce impacts to less than significant.

- 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)? _____ X _____

Comment: Cumulative projects include the past removal of timber, planting of grapes, and construction of structures and other improvements on the site, as well as development of residential, agricultural, and winery uses in the project area. These projects have not resulted in any significant effects to which the project would make a cumulatively considerable contribution. All project impacts would be mitigated to a Less than Significant level on both a project and cumulative level. In particular, the Groundwater Study demonstrates that cumulative impacts would be less than significant, and the applicant has agreed to measures to completely offset his water use in the watershed. Traffic mitigation fees are required to be paid to assist with the overall County roadways maintenance costs. Nevertheless, potential cumulative impacts from erosion of site sediment into a tributary of Mark West Creek is a concern relative to fish habitat, particularly salmonids. Mitigation measures to reduce erosion and siltation are included in the project to reduce impacts to less than significant.

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

Comment: The project would result in only minimal changes to the existing environment. All impacts will be mitigated to less than significant. Mitigation Measure 1.d.1 requires that all new exterior lights be shielded, which would ensure that the project would not intensify any environment effect to the detriment of residents or employees in the area. Geologic issues are mitigated through the implementation of the Geologic Study and the required Geotechnical Study.