

**AGENDA  
BOARD OF SUPERVISORS  
SONOMA COUNTY  
575 ADMINISTRATION DRIVE, ROOM 102A  
SANTA ROSA, CA 95403**

**TUESDAY**

**OCTOBER 23, 2012**

**8:30 A.M.**

---

(The regular afternoon session commences at 2:00 p.m.)

Valerie Brown	First District	Veronica A. Ferguson	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
Mike McGuire	Fourth District		
Efren Carrillo	Fifth District		

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

**Public Transit Access to the County Administration Center:**

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

**APPROVAL OF THE CONSENT CALENDAR**

The Consent Calendar includes routine financial and administrative actions, are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

**PUBLIC COMMENT**

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

## **8:30 A.M. CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

#### **I. APPROVAL OF THE AGENDA**

(Items may be added or withdrawn from the agenda consistent with State law)

#### **II. BOARD MEMBER ANNOUNCEMENTS**

#### **III. CONSENT CALENDAR**

(Items 1 through 28)

#### **PRESENTATIONS/GOLD RESOLUTIONS**

(Items 1 through 7)

##### **PRESENTATIONS AT BOARD MEETING**

1. Adopt a Gold Resolution proclaiming October 24, 2012 as Food Day in Sonoma County. (First District)
2. Adopt a Gold Resolution recognizing Lou Funk for his contributions to Sonoma County, in honor of his 100<sup>th</sup> birthday on November 1, 2012. (Third District)
3. Adopt a Gold Resolution supporting the American Cancer Society's Cancer Prevention Study-3. (Fourth District)
4. Adopt a Gold Resolution recognizing and honoring the Grand Opening of the Green Music Center on September 29, 2012. (Third District)
5. Adopt a Gold Resolution recognizing the 30<sup>th</sup> Anniversary of the Vietnam Veterans Memorial Grove at Sonoma State University on November 11, 2012, and honoring the soldiers of the Vietnam War. (Third District/Human Resources)
6. Adopt a Gold Resolution recognizing United Nations Day on October 24, 2012. (Third District)

##### **PRESENTATIONS AT DIFFERENT DATE**

7. Adopt a Gold Resolution honoring November 11, 2012 as "Veterans Day." (Human Services)

#### **AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT**

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

8. Authorize the General Manager to execute a contract with Advanced GeoEnvironmental, Inc. for an amount not to exceed \$31,180 for disposal of contaminated soil and concrete from a former sheep dip; the term of this agreement is October 24th, 2012 through September 1, 2013. (Fifth District)



CONSENT CALENDAR (Continued)

9. Adopt a Resolution authorizing the General Manager to enter into an agreement to receive mitigation funds of \$190,000 from the Sonoma County Transportation Authority for Riparian Habitat Enhancements at Cresta Ranch. (First and Fourth Districts)

**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT**

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

**AND**  
**REGIONAL PARKS**

10. Adopt a Concurrent Resolution to approve submission of an application for a \$300,000 grant from the Acres for America grant program to fund the acquisition of land for the Mark West Creek Regional Park and Open Space Preserve and authorizing the General Manager of the Sonoma County Agricultural Preservation and Open Space District to execute all documents which may be necessary to apply for and administer the grant. (First and Fourth Districts)

**COMMUNITY DEVELOPMENT COMMISSION**

(Commissioners: Brown, Rabbitt, Zane, McGuire, Carrillo)

11. Authorize Sonoma County Community Development Commission Executive Director to execute the first amendment to Right of First Refusal Agreement for 17310 Highway 12, Fetters Hot Springs. (First District)

**SONOMA COUNTY WATER AGENCY**

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

12. Authorize the Chair to execute an agreement with Horizon Water and Environment to provide environmental investigation and documentation services Local Hazard Mitigation Projects. (\$219,800; agreement terminates on March 31, 2014).

**SONOMA COUNTY WATER AND WASTEWATER FINANCING AUTHORITY**

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

13. Adopt a Resolution of the Sonoma County Water and Wastewater Authority establishing time and place of regular board meetings consistent with regular meetings of the County of Sonoma Board of Supervisors. (4/5 vote required) (First District)

**SONOMA VALLEY COUNTY SANITATION DISTRICT**

(Directors: Brown, Zane, Sanders)

14. Authorize the Chair to approve the second amended agreement with CDM Smith, Inc., in an amount not to exceed \$190,270, expanding the scope of work to include assistance during bidding and construction; modifying design scope, deliverables and schedule; and extending the agreement term by 21 months for a new not-to-exceed agreement total of \$1,073,745 and end date of June 30, 2014. (2/3 vote required) (First District)

**BOARD OF SUPERVISORS**  
**AND**  
**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT**  
**COMMUNITY DEVELOPMENT COMMISSION**  
**NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT**  
**SONOMA COUNTY WATER AGENCY**

(Directors/Commissioners: Brown, Rabbitt, Zane, McGuire, Carrillo)

15. Adopt a Concurrent Resolution amending the Salary Resolution No. 95-0926 to reflect salary reduction for Park Planning Manager, effective October 23, 2012; and to reflect salary reduction for Director of Transportation and Public Works, effective November 27, 2012; and Adopt a Resolution amending the Department Allocation List for the Human Services Department to reflect the deletion of 3.0 Full-Time Equivalent Mail Clerks, and the addition of 3.0 Full-Time Equivalent Materials Handlers, effective October 23, 2012.

**INFORMATION SYSTEMS**

16. Authorize the Information Systems Director to execute a professional services agreement with NexLevel Information Technology, Inc. for project management services for the period of October 23, 2012 through October 8, 2015, for an amount not to exceed \$1,404,000.

**HEALTH SERVICES**

17. Adopt a Resolution amending the First 5 Sonoma County Commission Bylaws.

**PERMIT AND RESOURCE MANAGEMENT**

18. Authorize the Chair to execute a contract with Affiliated Researchers, LLC in the amount of \$35,153 for hydrographic, topographic, and geotechnical services to be used in preparation for the Hanson Feasibility Study on the Middle Reach of the Russian River, Hanson Terrace Pits located at APNS 066-290-049, -050, -053, 066-200-011, -027, -049, 110-120-015, 110-110-016, 110-120-020 and -021, (PRMD File #ARM-036). (Fourth District)

**PROBATION**

19. Authorize the Chief Probation Officer to execute an agreement with Noble Software Group, LLC, to provide validated assessment tools, a web-based, fully-integrated software application, ongoing training, and software maintenance for the period of October 23, 2012 to October 22, 2015, in an amount not to exceed \$358,219.
20. Authorize the Chief Probation Officer to approve the first amendment to the agreement with Voorhis/Robertson Justice Services Inc. for Realignment consulting, which increases the contract by \$100,000, resulting in a new total not-to-exceed amount of \$124,999, and extends the term from September 7, 2012 to June 30, 2013.

CONSENT CALENDAR (Continued)

**SHERIFF'S OFFICE**

21. Authorize the Chair to execute an agreement with 3M Cogent, Inc. to perform automated fingerprint system services for the period of October 1, 2012 through June 30, 2015 for an amount not to exceed \$533,295.
22. Authorize the Sheriff to execute an agreement for Inmate Literacy & Language Skills classes between the County of Sonoma and the Sonoma County Library, for the period July 1, 2012 through June 30, 2015, for an amount not to exceed \$30,000.

**TRANSPORTATION AND PUBLIC WORKS**

23. Approve the purchase of four (4) gasoline powered, wheelchair accessible minibuses for Sonoma County Paratransit from A-Z Bus Sales Inc., not to exceed \$303,831.
24. Authorize the Chair to execute the third amendment to the November 18, 2008, agreement for environmental assessment services with RS&H California, Inc extending the term to June 30, 2014, and increasing the amount by \$741,452 for a total contract amount not to exceed \$3,181,620 for the Airport Master Plan Implementation project. (Fourth District)
25. Authorize the Chair to execute the second amendment to the January 31, 2012 agreement for design, land acquisition, and engineering services with Mead & Hunt, Inc., extending the term to December 31, 2014, and increasing the amount by \$948,674 for a total contract amount not to exceed \$4,353,580 for the Runway Safety Enhancement project and other related projects. (Fourth District)
26. Authorize the Airport Manager to execute an agreement with The Energy Alliance Association for an exterior lighting retrofit at the Charles M. Schulz – Sonoma County Airport in the amount of \$74,628, and the Financing Supplement to the Energy Efficiency Retrofit Program application and to execute any other documents related to the program implementation. (Fourth District)

**MISCELLANEOUS**

27. Approval of Minutes – Approve the Minutes of the meeting of October 9, 2012 for the following: (1) Agricultural Preservation and Open Space, Occidental County Sanitation District, Sonoma County Water Agency, and Board of Supervisors.

**APPOINTMENTS/REAPPOINTMENTS**

(Item 28)

28. Appoint Tim Lipinski to the Sweetwater Springs Water District from December 7, 2012 until December 6, 2016. (Fifth District)

**IV. REGULAR CALENDAR**

(Items 29 through 32)

**TRANSPORTATION AND PUBLIC WORKS**

29. Review and approve Roads Ad Hoc Committee list of projects and programs to be financed by the \$8 Million one-time Fiscal Year 2012-13 General Fund allocation: \$6.5 Million pavement preservation efforts; \$1.5 Million in rural road safety, demonstration, inspection and revolving loan financing; and Review and approve long-term funding strategies; and Receive status of pavement preservation efforts for Fiscal Year 2012-13 totaling \$20.4 Million financed with federal, state, tribal, local, and General Fund sources.

**SONOMA COUNTY WATER AGENCY**

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

30. **10:00 A.M.** – Santa Rosa Plain Groundwater Management Planning – Conduct a public hearing and adopt a Resolution of Intention to Prepare a Groundwater Management Plan for the Santa Rosa Plain of Sonoma County. (4/5 vote required)

**UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION /  
AGRICULTURAL COMMISSIONER / GENERAL SERVICES / HEALTH SERVICES /  
REGIONAL PARKS**

**AND**

**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT  
SONOMA COUNTY, SONOMA COUNTY WATER AGENCY**

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

31. **10:30 A.M.** – Sonoma County Healthy and Sustainable Food Action Plan –
- (1) Receive a report and by Resolution support and advance the Sonoma County Healthy and Sustainable Food Action Plan; and Direct staff to work with community partners to further develop and implement the Food Action Plan strategies and corresponding activities.
  - (2) Receive a report on Phase I and Phase II of the County Lands for Food Production Program and approve Phase I for implementation.

**COUNTY ADMINISTRATOR**

32. Receive a report on the Management Review of the Office of the Public Defender.

## **V. CLOSED SESSION CALENDAR**

(Items 33 through 37)

33. The Board of Supervisors, acting as the Governing Board for the Successor Agency to the Sonoma County Community Development Redevelopment Agency will consider the following in closed session: Conference with Legal Counsel – Initiation of Litigation – relating to California Department of Finance objections to obligations listed on Successor Agency’s Recognized Obligation Payment Schedules (Govt. Code Section 54956.9(c)).
34. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiator: Wendy Macy/Carol Allen/William Kay, Burke & Associates and Carol Stevens, Burke & Associates. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).
35. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation – Title: Director of Regional Parks Department (Govt. Code Section 54957).
36. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation – Title: Public Defender (Govt. Code Section 54957).
37. The Board of Supervisors will consider the following in closed session: Public Employee Appointment – Title: Director, Transportation and Public Works, and Director, Human Services Department (Govt. Code Section 54957).

## **VI. REGULAR AFTERNOON CALENDAR**

(Items 38 through 42)

### **2:00 P.M. - RECONVENE FROM CLOSED SESSION**

38. Report on Closed Session.
39. **PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA**  
(Comments are restricted to matters within the Board jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting.)
40. Permit and Resource Management Department: Review and possible action on the following:
- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
  - b) Acts and Determinations of Project Review and Advisory Committee
  - c) Acts and Determinations of Design Review Committee
  - d) Administrative Determinations of the Director of Permit and Resource Management

### **COUNTY ADMINISTRATOR**

41. **2:10 P.M.** – Approve the Comprehensive Intergovernmental Agreement with the Federated Indians of Graton Rancheria.

### **PERMIT AND RESOURCE MANAGEMENT**

42. **2:10 P.M.** – **GENERAL PLAN AMENDMENTS** – (1) Conduct separate public hearings on each of the five proposed General Plan amendments; (2) Adopt each Resolution approving the respective General Plan and related Area Plan Amendments; and (3) Adopt related ordinances rezoning affected properties.
- A. **PLP11-0015 – (FOURTH DISTRICT)**
- a. APPLICANT: Chalk Hill Road Partners
  - b. LOCATION: 13426 Chalk Hill Road, Healdsburg
  - c. ASSESSOR’S PARCEL NO.: 132-120-026
  - d. ENVIRONMENTAL DOCUMENT: Categorical Exemption, Section 15061(b)(3)
  - e. REQUEST: Conduct a public hearing and consider a proposed zone change and GP amendment on a 17.48 acre portion of a 153.67 acre property to fulfill conditions of an approved Lot Line Adjustment. These actions will eliminate split land use and zoning on the property and will not result in increased development potential.
- B. **PLP08-0102 – (FOURTH DISTRICT)**
- a. APPLICANT: Gustafson Family Vineyards
  - b. LOCATION: 9100 Stewarts Point Skaggs Springs Road, Healdsburg
  - c. ASSESSOR’S PARCEL NO.: 139-100-034
  - d. ENVIRONMENTAL DOCUMENT: Categorical Exemption, Section 15061(b)(3)
  - e. REQUEST: Conduct a public hearing and consider a proposed zone change and GP amendment on a 40.71 acre portion of the resulting 129.76 acre property to fulfill conditions of an approved Lot Line Adjustment. These actions will eliminate split land use and zoning on the property and will not result in increased development potential.

REGULAR AFTERNOON CALENDAR (Continued)

- C. **PLP11-0028 – (FOURTH DISTRICT)**  
a. APPLICANT: Francis Ford Coppola Winery LLC  
b. LOCATION: 300 Via Archimedes, Geyserville  
c. ASSESSOR'S PARCEL NO.: 140-030-031 and -030  
d. ENVIRONMENTAL DOCUMENT: Categorical Exemption, Section 15061(b)(3)  
e. REQUEST: Conduct a public hearing and consider a proposed zone change and GP amendment on 2.6 acres portions of two parcels to fulfill conditions of an approved Lot Line Adjustment. These actions will eliminate split land use and zoning on the property and will not result in increased development potential.
- D. **ZCE11-0018 – (ALL DISTRICTS)**  
a. APPLICANT: County of Sonoma  
b. LOCATION: County-wide  
c. ASSESSOR'S PARCEL NO.: Various  
d. ENVIRONMENTAL DOCUMENT: Categorical Exemption, Section 15061(b)(3)  
e. REQUEST: Conduct a public hearing and consider proposed technical corrections to address discrepancies between zoning and land use designations. The proposed project consists of various amendments to the General Plan and Airport Industrial Specific Plan to correct technical errors in those planning documents and related zone changes to the Official Zoning Database for consistency. The proposed Zone Changes do not reflect any substantive change in County land use policy.
- E. **PLP08-0029 – (FIFTH DISTRICT)**  
a. APPLICANT: Best Family Winery  
b. LOCATION: 2065 Highway 116 North, Sebastopol  
c. ASSESSOR'S PARCEL NO.: 130-262-031, -032  
d. ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration  
e. REQUEST: Conduct a public hearing and consider Adopting the attached Resolution Exhibit A approving: 1) a Subsequent Mitigated Negative Declaration; 2) a General Plan Text Amendment to Planning Area Policy LU-17q; and, 3) a Use Permit modification to Conditions of Approval (Exhibit A-1) for a previously approved winery and tasting room with special events requested by the Best Family Investors, LLC.

**NOTE:**

**The next meeting will be held on November 13, 2012 at 8:30 a.m.**

**Upcoming Hearings** (All dates tentative until each agenda is finalized)

1. November 13<sup>th</sup> (AM) – Ordinance establishing transfer of property base year values under government declared disaster
2. November 13<sup>th</sup> (AM) – TEFRA Hearing
3. November 13<sup>th</sup> (PM) – General Plan Amendments (Round 3)
4. November 20<sup>th</sup> (PM) – UPE07-0008; Cornell Winery Use Permit



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** <sup>1</sup>  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Clerk of the Board

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Supervisor Brown

**Staff Name and Phone Number:**

**Supervisorial District(s):**

565-2241

First

**Title:** Gold Resolution

**Recommended Actions:**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SONOMA COUNTY  
PROCLAIMING OCTOBER 24, 2012 AS FOOD DAY IN SONOMA COUNTY**

**Executive Summary:**

**Prior Board Actions:**

Food Day 2011

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

### Fiscal Summary - FY 12-13

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>



**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A – I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Gold Resolution

**Related Items "On File" with the Clerk of the Board:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SONOMA COUNTY  
PROCLAIMING OCTOBER 24, 2012 AS FOOD DAY IN SONOMA COUNTY**

**WHEREAS**, the health and well-being of our citizens is of primary concern for the County of Sonoma; and

**WHEREAS**, reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and

**WHEREAS**, supporting sustainable family farms and local agriculture benefits the local economy; and

**WHEREAS**, obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer so that the food we produce and consume is safe and fair for all; and

**WHEREAS**, expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and

**WHEREAS**, curbing junk food marketing aimed at children is of vital importance in order to combat rising obesity rates and raise a generation of health children; and

**WHEREAS**, protecting the environment and farm animals is necessary to sustain future generations.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Sonoma County does hereby proclaim Wednesday, October 24, 2012 as Food Day.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**



County of Sonoma  
Agenda Item  
Summary Report

**Agenda Item Number:** 2  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Supervisor Shirlee Zane

Third

**Title:** Gold Resolution

**Recommended Actions:**

Approve a Gold Resolution recognizing Lou Funk for his contributions to Sonoma County, in honor of his 100<sup>th</sup> birthday on November 1, 2012.

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment:** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

**Related Items “On File” with the Clerk of the Board:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Recognizing Lou Funk For His Contributions To Sonoma County In Honor Of His 100th Birthday.**

**Whereas**, all citizens have the opportunity to contribute to their communities throughout their lifespan, yet some individuals lead the way as exemplary role models; and

**Whereas**, Lou Funk served as an accomplished hospital administrator from 1949 to 1978 contributing to the development of a family practice residency at Sonoma Community Hospital in the 1970s; and

**Whereas**, upon his retirement, Lou Funk continued to give to his community through participation on the Salvation Army Board, Supervisor Committee for the Redwood Credit Union and for the past 16 years as a member of the Area Agency on Aging Advisory Council; and

**Whereas**, Lou Funk has benefited throughout his life from his early involvement in sports as a swim coach, life guard, Captain of the Baltimore Bullets and Events Coordinator for the Colts, and later spending 20 years as an official for the South Pacific JC swimming and track meets; and

**Whereas**, the Sonoma County Board of Supervisors recognizes Lou Funk for being a positive model of active aging and civic involvement, and for his exemplary contributions to Sonoma County;

**Now, Therefore, Be It Resolved** that the Sonoma County Board of Supervisors honors Lou Funk on the occasion of his 100th Birthday.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 3  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

**Supervisory District(s):**

Mike McGuire, 565-3758

Fourth District

**Title:** Gold Resolution

**Recommended Actions:**

Adopt a Resolution in supporting the American Cancer Society's Cancer Prevention Study-3.

**Executive Summary:**

**Prior Board Actions:**

None.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

### Fiscal Summary - FY 12-13

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

None.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Resolution.

**Related Items "On File" with the Clerk of the Board:**

Non.

Resolution No.

**County of Sonoma  
Santa Rosa, CA 95403**

Date: 10/23/2012

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, SUPPORTING THE AMERICAN CANCER SOCIETY'S CANCER PREVENTION STUDY 3, HELPING TO CREATE A WORLD WITH LESS CANCER AND MORE BIRTHDAYS**

**WHEREAS**, 2,470 Sonoma County residents will hear the words “you have cancer” this year; and

**WHEREAS**, nationally there are over 11 million cancer survivors and since the 1950's the American Cancer Society's Cancer Prevention studies have been helping to increase those numbers; and

**WHEREAS**, Cancer Prevention Study 1 helped to reveal the link between cigarette smoking and lung cancer. Further that, evidence gathered during Cancer Prevention Study 2 showed the significant impact of being overweight or obese on risk of cancer occurrence and death; and

**WHEREAS**, a new study population must be recruited for the next generation of research, namely the American Cancer Society's Cancer Prevention Study 3, members who will be studied for the next 20 to 30 years and the younger study population will have environmental and lifestyle exposures that may be meaningfully different from previous populations and will help further advance understanding of the factors that cause or prevent cancer; and

**WHEREAS**, the American Cancer Society is currently enrolling 300,000 participants for Cancer Prevention Study 3 and many people across the nation are participating as a way to honor someone they love who has cancer or who they have lost to cancer; and

**WHEREAS**, study participants will be between the ages of 30 – 65, never had cancer, must give a small blood sample and waist measurement at enrollment, and complete update surveys approximately every two years; and

**WHEREAS**, individuals interested in participating in the survey may do so at Redwood Regional Medical Group on Saturday, November 3, 2012, 8:00 am – 11:30 am; Wednesday, November 7, 2012, 4:00 pm - 7:30 pm, and Friday, November 9, 2012, 8:00 am – 11:30 am.

**NOW, THEREFORE, BE IT RESOLVED** that the Sonoma County Board of Supervisors does hereby support and encourage the community's participation in the American Cancer Society's Cancer Prevention Study 3.

Supervisors:

Zane:	Rabbitt:	McGuire:	Brown:	Carrillo:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**





## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 4  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Supervisor Shirlee Zane 565-2241

Third

**Title:** Gold Resolution

### Recommended Actions:

Approve a Gold Resolution recognizing and honoring the Grand Opening of the Green Music Center at Sonoma State University.

### Executive Summary:

### Prior Board Actions:

**Strategic Plan Alignment:** Goal 4: Civic Services and Engagement

### Fiscal Summary - FY 12-13

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A – I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

**Related Items "On File" with the Clerk of the Board:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Recognizing And Honoring The Grand Opening Of The Green Music Center At Sonoma State University.**

**Whereas**, Sonoma State University is deeply woven into the fabric of Sonoma County, where we are fortunate to have a dedicated community of donors and supporters who shared the vision to create a world class concert hall and performing arts center that would become the cultural centerpiece to our region; and

**Whereas**, Sonoma State University President Dr. Ruben Armiñana championed the cause and spent over 15 years working tirelessly to see that the Green Music Center progressed from a personal dream to a completed masterpiece; and

**Whereas**, the Green Music Center was built with funding and support from the people of the State of California and the California State University system, Maureen and Donald Green, Norma and Corrick Brown, Jean Schulz, Norma and Evert Person, Joan and Sandy Weill, and the generosity of hundreds more; and

**Whereas**, the mission statement of the Green Music Center is to create transformative experiences in the arts and education that promote active learning by all and contribute to the cultural and economic betterment of our community; and

**Whereas**, the Green Music Center is hereby recognized for its positive economic impact on Sonoma County, particularly the noteworthy stimulus its construction provided during the darkest months of the 2008-2012 recession; and

**Whereas**, 225 construction jobs were directly created by the \$145 million Green Music Center construction project, and the total number of jobs created, including indirect and induced effects, is estimated at 889, bringing the total amount of economic output created, including these effects, to \$233,311,056; and

**Whereas**, with the Grand Opening, 300 new student jobs were created, making Sonoma State University the largest employer of its own students

**Now, Therefore, Be It Resolved** that the Sonoma County Board of Supervisors does hereby recognize and honor the Grand Opening of the Green Music Center at Sonoma State University, a treasure that will enrich the lives of Sonoma County and Bay Area residents as well as visitors from around the world.

Resolution #  
Date: 10/23/2012  
Page 2

**Supervisors:**

Brown:            Rabbitt:            McGuire:            Carrillo:            Zane:  
Ayes:            Noes:            Absent:            Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 5  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Sonoma County Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Supervisor Shirlee Zane and Human Resources Department

**Staff Name and Phone Number:**

Christina Cramer, 707-565-2988

**Supervisory District(s):**

Third District – Supervisor Shirlee Zane

**Title:** Gold Resolution - Vietnam Veterans Memorial Grove, Sonoma State University

### Recommended Actions:

Adopt a Gold Resolution recognizing the 30<sup>th</sup> Anniversary of the Vietnam Veterans Memorial Grove at Sonoma State University on November 11, 2012, and honoring the soldiers of the Vietnam War.

### Executive Summary:

By the time the Vietnam War came to an end in April of 1975, over 58,200 U.S. service members had died in the conflict. Of those, 78 were from Sonoma County.

In November of 1982, a memorial was placed within a small peaceful grove at Sonoma State University and is dedicated, "TO PERPETUATE THE MEMORY OF THOSE MEN AND WOMEN OF SONOMA COUNTY WHO SERVED AND THOSE WHO GAVE THEIR LIVES IN VIETNAM." At the dedication of the Vietnam Veterans Memorial Grove at Sonoma State University 30 years ago, Bruce Voorhies read the names of those who left Sonoma County to go to war, and made the ultimate sacrifice.

On November 11<sup>th</sup>, 2012, a commemoration of those who served in Vietnam, and a celebration of the 30<sup>th</sup> anniversary of the memorial that was dedicated in their honor, will take place at the Vietnam Veterans Memorial Grove. Once again, the names of those who gave their lives will be read. It is the intent of the organizers of this event, and that of the County of Sonoma, to honor all those who served in Vietnam, and to assure their friends and loved ones that their service was meaningful, appreciated, and will never be forgotten.

### Prior Board Actions:

None

**Strategic Plan Alignment:** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**  
 N/A

<b>Staffing Impacts</b>			
<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**  
 Resolution

**Related Items "On File" with the Clerk of the Board:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Recognizing The 30th Anniversary Of The Vietnam Veterans Memorial Grove At Sonoma State University**

**Whereas**, we honor all those who have served our country in the armed forces; and

**Whereas**, many of those veterans returned with physical and/or mental disabilities; and

**Whereas**, many of those veterans returning from Vietnam faced discrimination due to their participation in the war; and

**Whereas**, during his speech given on the 50th anniversary of the beginning of the Vietnam War, President Obama remarked that the way Vietnam veterans were treated when they returned “was a national shame, a disgrace that should have never happened”; and

**Whereas**, this Board wishes to express their gratitude and appreciation for the sacrifices Vietnam veterans made for our country by bringing attention to the 30<sup>th</sup> Anniversary of the Memorial Grove at Sonoma State University; and

**Whereas**, the Vietnam Veterans Memorial at Sonoma State University is inscribed with the names of 78 men from Sonoma County and the five other counties that Sonoma State University serves, who made the ultimate sacrifice on behalf of our country; they are among the 58,000 from across the nation who lost their lives during the decade spanning 1965 – 1975.

**Now, Therefore, Be It Resolved** that the Sonoma County Board of Supervisors joins in the commemoration of the 30th anniversary of the Vietnam Veterans Memorial Grove at Sonoma State University on November 11, 2012.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 6  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

**Supervisory District(s):**

Supervisor Shirlee Zane 565-2241

Third

**Title:** Gold Resolution

**Recommended Actions:**

Approve a Gold Resolution recognizing United Nations Day on October 24, 2012.

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment:** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>



**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A – I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

**Related Items "On File" with the Clerk of the Board:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State  
Of California, Commemorating October 24, 2012 As United Nations Day**

**Whereas**, the United Nations was founded in 1945, and the anniversary of the day on which the UN Charter came into force is observed each year of October 24; and

**Whereas**, October 24, 2012 marks the 67th anniversary of when the United Nations Charter went into effect; and

**Whereas**, the central role of the United Nations is to promote peace and security, development and human rights around the world, and is vital now more than ever; and

**Whereas**, in September 2000, 189 nations, including the United States, agreed upon the eight Millennium Development Goals to meet the needs of the world's poorest nations; and

**Whereas**, the UN does not work alone but together with many specialized agencies, including: the World Health Organization (WHO); the Food and Agriculture Organization (FAO); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the United Nations Children's Fund (UNICEF); International Labour Organization (ILO); United Nations High Commissioner for Refugees (UNHCR); and United Nations Human Rights Council (UNHRC); and

**Whereas**, the United Nations Association of the United States of America (UNA-USA), in cooperation with other organizations, has declared "Solutions for a Prosperous World" as its theme for the 2012 United Nations Day commemorations.

**Now, Therefore, Be It Resolved** that the Sonoma County Board of Supervisors does hereby commemorate October 24, 2012 as United Nations Day.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 7  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Sonoma County Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Human Services Department

**Staff Name and Phone Number:**

Diane Kaljian 707-565-5950

**Supervisorial District(s):**

County-wide

**Title:** Veterans Day Recognition

### Recommended Actions:

Resolution honoring November 11, 2012 as "Veterans Day"

### Executive Summary:

Veterans Day was established in 1919 as Armistice Day to commemorate the signing of the peace agreement that ended World War I on the 11th hour of the 11th day of the 11th month of 1918. In proclaiming the holiday, U.S. President Woodrow Wilson said: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory." In 1938 a Congressional Act passed which made November 11 in each year a legal holiday, known as Armistice Day. In 1954, the veterans' service organizations urged Congress to change the word "Armistice" to "Veterans." President Eisenhower signed a bill establishing Veterans Day as a national holiday. He proclaimed: "In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose...."

There are over 33,000 Sonoma County Veterans whom we honor on Veterans Day, 73.6% are 55 or older, and 47.3% are 65 or older. 22.7% of Sonoma County Veterans are disabled. Though a majority of these Veterans may be eligible for medical care from the VA, only approximately 6,300 are enrolled (7,600 unique patients). Slightly more than 10% (3,497) of Veterans are receiving some form of disability compensation or non-service disability pension from the VA. Many Veterans are unaware of or do not use the benefits and services for which they are eligible.

The Sonoma County Veterans Service Office (CVSO) provides services to Sonoma County Veterans with the goal of ensuring that every one of the over 33,000 Veterans in Sonoma County is aware and has the opportunity to receive the services and benefits that they earned through their service to our nation. Over the years, the CVSO has played a primary role in Veterans receiving these benefits. There has been a 24% increase in claims filed by the CVSO over the past year. In FY 2011-12, the CVSO helped bring \$7.84M in new and retroactive VA compensation and pension benefits, including nearly \$740,000 in California Department of Veteran Affairs tuition fee waivers for the dependents of disabled California Veterans attending junior colleges, California State Universities, and the University of California. VA spending on benefits for Sonoma County residents is significant. In FY 2011, total VA spending was \$142M, including over \$64M on medical

Revision No. 20120629-9

Revision No. 20120628-8

care and \$64.6M on direct payments to Veterans in the form of service connected disability compensation and non-service connected disability pensions.

The CVSO collaborates with the US Department of Veteran Affairs (VA) Community-Based Outpatient Clinic, Santa Rosa; VA Vet Center; and the Sonoma County United Veterans Council. The United Veterans Council represents over 30 Sonoma County Veteran organizations and various community-based organizations, such as Vietnam Veterans of California. Veterans’ organizations and Veteran volunteers in the community work tirelessly along with the Veterans Service Office to help veterans get the benefits they are entitled to receive.

The Sonoma County Network of Care website is available to veterans to connect them with resources. [sonoma.networkofcare.org/veterans](http://sonoma.networkofcare.org/veterans). The Network of Care for Service Members, Veterans & Their Families is part of a growing awareness and effort to take a community approach to the needs of returning veterans, to ensure that they are a valuable part of a healthy community and that the community is a meaningful part of the health of the veteran. This public service brings together critical information for all components of the veterans' community, including veterans, family members, active-duty personnel, reservists, members of the National Guard, employers, service providers, and the community at large.

**The Veterans of Sonoma County are appreciative of the Board of Supervisors’ support of the Veterans Service Office and the Veteran community as a whole.**

**Prior Board Actions:**

Every year the Board of Supervisors honors Sonoma County Veterans for their service.

**Strategic Plan Alignment:** Goal 4: Civic Services and Engagement

To publically celebrate and honor veterans of the armed services for their patriotism, bravery, and loyal dedication to serving our country.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Resolution.

**Related Items "On File" with the Clerk of the Board:**

None.

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State  
Of California, Honoring November 11, 2012 As "Veterans Day."**

**Whereas**, throughout our nation's history, Sonoma County men and women have put on the uniform of our Armed Forces and have sworn an oath to support and defend our Constitution; and

**Whereas**, these courageous service members have a noble tradition of faithful and dedicated service to our Nation; and

**Whereas**, Veterans Day has been set aside as both a federal, state, and county holiday to honor our American patriots who answered the call of duty, preserving our freedoms, and often making the ultimate sacrifice; and

**Whereas**, we can never fully repay our debt of gratitude to the heroic men and women who served, were wounded, perished or remain missing in action as a result of their service; and

**Whereas**, the unwavering commitment of our Army, Navy, Marine Corps, Air Force, Coast Guard, and Merchant Marine service members has preserved our rights and freedoms and also preserved or established similar freedoms for millions of citizens of other nations; and

**Whereas**, we continue to draw inspiration from the heroism and dedication of those who currently serve and sacrifice for the cause of liberty and justice; and

**Whereas**, it is fitting that the citizens of Sonoma County honor America's military veterans, including the over 33,000 veteran citizens currently living in Sonoma County, through whose service and sacrifice we today enjoy freedom and liberty.

**Now, Therefore, Be It Resolved** that the Sonoma County Board of Supervisors does hereby recognize November 11, 2012, as Veterans Day and call upon all citizens to honor those men and women who have answered the call of service to protect this great nation.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 8  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma County Agricultural Preservation and Open Space District

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Agricultural Preservation and Open Space District

**Staff Name and Phone Number:**

**Supervisory District(s):**

Sarah Bailly 565-7354

Fifth District

**Title:** Poff Ranch Soil and Concrete Disposal Contract

### Recommended Actions:

Authorize the General Manager to execute a contract with Advanced GeoEnvironmental, Inc. for an amount not to exceed \$31,180 for disposal of contaminated soil and concrete from a former sheep dip; the term of this agreement is October 24th, 2012 through September 1, 2013.

### Executive Summary:

The District purchased Poff Ranch in 2007 from a private owner who grazed the property with sheep for several years. As part of the acquisition of the property, the District hired Trans Tech Consultants to complete a Phase 1 Environmental Site Assessment (ESA) of the property. An area previously used to apply insecticide on sheep to prevent parasite infestation was identified in the Phase 1 report; this area is known as a sheep dip. Because sheep dip areas can be a potential source of arsenic, organophosphorus, and organochlorine pesticide contamination to soils and groundwater, Trans Tech Consultants completed soil samples in August of 2007. The results indicated shallow soil organochlorine pesticide impact as well as arsenic, exceeding the established California Human Health Screening Levels (CHHSLs) set by the California EPA in 2005. In September 2008, Trans Tech Consultants completed a Remedial Action Plan for the District, outlining necessary remediation for the contaminated site. In October 2011, under the General Manager's authority the District contracted with Advanced GeoEnvironmental (AGE) for an amount of \$10,390.00 to conduct the remediation, investigation, and sampling of the contaminated site. This included excavating the concrete, soil, and water in and around the former sheep dip, sampling and analyzing this concrete, soil and water, and conducting surface samples to determine proper disposal. It was determined to be necessary to temporarily store all excavated materials safely on site until the proper disposal method was determined, based on results of the sampling conducted. The District amended the contract, adding an additional \$3,935.00 to backfill the excavated area, remove the waste water and secure the stockpile. At the beginning of September 2012 AGE sampled the contaminated area again, in an effort to ascertain the proper disposal method. To complete this work a second amendment to the contract was executed adding \$790.00. This sample confirmed the excavated soil is characterized as California-Hazardous Waste (Class I) and will need to be hauled to a landfill specifically permitted for hazardous waste. This landfill is located in Buttonwillow, California. The concrete is

contaminated at lower levels than the soil and is considered a Class II waste that will be hauled to a landfill in Pittsburg, California.

Therefore the District is recommending the approval of the attached agreement with AGE to haul the excavated soil and concrete to the appropriate landfills, as described above, for an amount not to exceed \$31,180.00. The term of this agreement is October 24<sup>th</sup>, 2012 through September 1, 2013.

**Prior Board Actions:**

On September 1, 2007, by Resolution No. 07-0736, the District Board of Directors approved the fee title acquisition of the Poff Ranch Property.

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

The Poff Ranch Property is anticipated to be open to the public for recreation in the future. As a public entity, the District is completing its due diligence by removing and properly disposing of the contaminated soil and concrete.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 31,180	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 31,180
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 31,180</b>	<b>Total Sources</b>	<b>\$ 31,180</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The District has this expense budgeted in its FY 12/13 budget for land maintenance (697029-6175). The funding source is sales tax revenue.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**



**Attachments:**

1. Advanced GeoEnvironmental Analytical Results, September 14<sup>th</sup>, 2012
2. Agreement for Professional Services with Advanced GeoEnvironment for Soil and Concrete Disposal on Poff Ranch

**Related Items "On File" with the Clerk of the Board:**

None



6814 Rosecrans Avenue. Paramount, CA 90723-3146  
 Telephone: (562) 272-2700 Fax: (562) 272-2789

## ANALYTICAL RESULTS\*

**CTEL Project No:** CT214-1209032  
**Client Name:** Advanced Geo Environmental, Inc.  
 837 Shaw Road  
 Stockton, CA 95215  
**Attention:** Mr. Bill Little

**Phone:**(209) 467-1006  
**Fax:** (209) 467-1118

**Project ID:** Global ID:  
**Project Name:** Poff Ranch

**Date Sampled:** 09/07/12 @ 16:10 p.m.  
**Date Received:** 09/10/12 @ 10:00 am  
**Date Analyzed:** 09/12/12  
**Date Reported:** 09/14/12

**Matrix:** Soil

**Laboratory ID:** 1209-032-1  
**Client Sample ID:** SP1,2,3  
**Dilution** 50

		Method	Units:	Detection Limit
4,4'-DDD	ND	EPA 8081A	ug/Kg	1.0
4,4'-DDE	ND	EPA 8081A	ug/Kg	1.0
4,4'-DDT	ND	EPA 8081A	ug/Kg	1.0
Aldrin	ND	EPA 8081A	ug/Kg	1.0
alpha-BHC	ND	EPA 8081A	ug/Kg	1.0
alpha-Chlordane	ND	EPA 8081A	ug/Kg	1.0
beta-BHC	540	EPA 8081A	ug/Kg	1.0
Chlordane	ND	EPA 8081A	ug/Kg	2.0
delta-BHC	ND	EPA 8081A	ug/Kg	1.0
Dieldrin	ND	EPA 8081A	ug/Kg	1.0
Endosulfan I	ND	EPA 8081A	ug/Kg	1.0
Endosulfan II	ND	EPA 8081A	ug/Kg	1.0
Endosulfan sulfate	ND	EPA 8081A	ug/Kg	1.0
Endrin	ND	EPA 8081A	ug/Kg	1.0
Endrin aldehyde	210	EPA 8081A	ug/Kg	1.0
Endrin ketone	ND	EPA 8081A	ug/Kg	1.0
gamma-BHC	ND	EPA 8081A	ug/Kg	1.0
gamma-Chlordane	ND	EPA 8081A	ug/Kg	1.0
Heptachlor	ND	EPA 8081A	ug/Kg	1.0
Heptachlore epoxide	ND	EPA 8081A	ug/Kg	1.0
Methoxychlor	ND	EPA 8081A	ug/Kg	5.0
Toxaphene	23000	EPA 8081A	ug/Kg	85

ND = Not Detected at the indicated Detection Limit

Greg Tejirian  
 Laboratory Director

\*The results are base upon the sample received.

Cal Tech Environmental Laboratories, Inc. ELAP ID #: 2424

TOTALLY DEDICATED TO CUSTOMER SATISFACTION

# CAL TECH Environmental Laboratories



6814 Rosecrans Avenue, Paramount, CA 90723-3146  
Telephone: (562) 272-2700 Fax: (562) 272-2789

## QA/QC Report

Method: 8081A  
Matrix: Soil  
Date Analyzed: 9/12/2012  
Units: ug/Kg

Perimeters	LCS	LCSD	Spike Added	LCS % Rec.	LCSD % Rec.	Limits	RPD
gamma-BHC	19.3	19	20	97	95	70-130	2
Heptachlor	22.7	22.5	20	114	112	70-130	2
Aldrin	19.8	19.9	20	99	100	70-130	1
Dieldrin	22.1	21.8	20	110	109	70-130	1
Endrin	18.8	18.5	20	94	92	70-130	2
4,4'-DDT	23.3	23.6	20	116	118	70-130	2

LCS: Laboratory Control Standard

LCSD: Laboratory Control Standard Duplicate

RPD: Relative Percent Difference of LCS and LCSD



AGREEMENT FOR PROFESSIONAL SERVICES

This agreement ("Agreement") is by and between the Sonoma County Agricultural Preservation and Open Space District, a public agency (hereinafter "District"), and Advanced GeoEnvironmental, Inc., a corporation (hereinafter "Consultant"), and is effective upon the date of execution.

RECITALS

WHEREAS, Consultant represents that it is a duly qualified consulting company experienced in the areas of environmental consulting and related services; and

WHEREAS, in the judgment of the General Manager of the District, it is necessary and desirable to employ the services of Consultant for assistance with site remediation, disposal of contaminants, and investigation on the District property formerly known as Poff Ranch;

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. SCOPE OF SERVICES.

1.1 Consultant's Specified Services.

Consultant shall perform the services described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit A and pursuant to Article 7, Prosecution of Work. In the event of a conflict between the body of this Agreement and Exhibit "A", the provisions in the body of this Agreement shall control.

1.2 Cooperation With District. Consultant shall cooperate with District and District staff in the performance of all work hereunder. Consultant shall coordinate the work with the District's Project Manager. Contact information and mailing addresses:

<b>DISTRICT PROJECT MANAGER</b>	<b>CONSULTANT</b>
Stuart Martin	Name: Robert Marty
Phone: 707.565.7362      FAX: 707.565.7359	Phone: 209.467.1006      FAX: 209.467.1118
Email: Stuart.Martin@sonoma-county.org	Email: rmarty@advgeoenv.com
Sarah Bailly	
Phone: 707.565.7354      FAX: 707.565.7359	
Sarah.Bailly@sonoma-county.org	Advanced GeoEnvironmental, Inc.
747 Mendocino Avenue, Suite 100	837 Shaw Road
Santa Rosa, CA 95401	Stockton, CA 95215

1.3 Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by District shall not operate as a waiver or release. If District determines that any of Consultant's work is not in accordance with such level of competency and standard of care, District, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with District to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time District, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from District.

b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by District to be key personnel whose services were a material inducement to District to enter into this Agreement, and without whose services District would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of District.

c. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2. PAYMENT.

For all services and incidental costs required hereunder, Consultant shall be paid in accordance with the following terms:

Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in Exhibit B, provided, however, that total payments to Consultant shall not exceed \$10,390.00 without the prior written approval of District. Expenses not expressly authorized by the Agreement shall not be reimbursed.

2.1 Invoices. Consultant shall submit its bills in arrears on a monthly basis and/or upon final acceptance of all work in a form approved by District's Project Manager. The bills shall show or include:

- a. Consultant Name: Advanced GeoEnvironmental, Inc.
- b. Name of Project: Remediation and Investigation/ Poff Ranch
- c. Copies of all subconsultant/subcontractor invoices, if any
- d. **District's Contract No. 664**  
**Index No. 697029; Sub-Object No. 6169**  
**District Cost Coding No. D4028021**
- e. Description of tasks performed with itemized description of services rendered by date
- f. The time in quarter hours devoted to the task
- g. The hourly rate or rates of the persons performing the task
- h. Copies of receipts for reimbursable materials/expenses, if any

3. TERM OF AGREEMENT. The term of this Agreement shall be from the Effective Date to October 31, 2012, unless terminated earlier in accordance with the provisions of Article 4 below.

4. TERMINATION.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, District shall have the right, in its sole discretion, to terminate this Agreement by giving five days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, District may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.

4.3 Delivery of Work Product and Final Payment Upon Termination.

In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to District all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to District an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.4 Payment Upon Termination. Upon termination of this Agreement by District, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if District terminates the Agreement for cause pursuant to Section 4.2, District shall deduct from such amount the amount of damage, if any, sustained by District by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Directors has the authority to terminate this Agreement on behalf of the District. In addition, the District's General Manager, on consultation with District Counsel, has the authority to terminate this Agreement on behalf of District.

5. INDEMNIFICATION. Consultant agrees to accept responsibility for loss or damage to any person or entity, including District, and to defend, indemnify, hold harmless, and release District, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant hereunder, whether or not there is concurrent negligence on District's part, but, to the extent required by law, excluding liability due to District's conduct. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. INSURANCE. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described in Exhibit C, which is attached hereto and incorporated herein by this reference.

7. PROSECUTION OF WORK. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.



8. EXTRA OR CHANGED WORK. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the District General Manager in a form approved by County Counsel. The Board of Directors must authorize all other extra or changed work. The General Manager must authorize all extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, District personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the District.

9. REPRESENTATIONS OF CONSULTANT.

9.1 Standard of Care. District has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by District shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of District and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits District provides its employees. In the event District exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold District harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case District is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish District with proof of payment of taxes on these earnings.

9.4 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to District for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if requested to do so by District, Consultant shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with District disclosing Consultant's or such other person's financial interests.

9.6 Statutory Compliance. Contractor agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the District's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.9 Assignment Of Rights. Consultant assigns to District all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to District in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as District may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written

permission of District. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of District.

9.10 Ownership And Disclosure Of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents (“documents”), in whatever form or format, assembled or prepared by Consultant or Consultant’s subcontractors, consultants, and other agents in connection with this Agreement shall be the property of District. District shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to District all such documents, which have not already been provided to District in such form or format, as District deems appropriate. Such documents shall be and will remain the property of District without restriction or limitation. Consultant may retain copies of the above- described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of District.

9.11 Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

10. DEMAND FOR ASSURANCE. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits District’s right to terminate this Agreement pursuant to Article 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT:

Sue Jackson, Administrative Aide  
Sue.Jackson@sonoma-county.org  
747 Mendocino Avenue, Ste 100  
Santa Rosa, CA 95401

TO: ADVANCED GEOENVIRONMENTAL, INC.

Robert Marty, President  
837 Shaw Road  
Stockton, CA 95215

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

### 13. MISCELLANEOUS PROVISIONS.

13.1 No Waiver of Breach. The waiver by District of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and District acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the

other. Consultant and District acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8 Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the latest date below.

/

/

/

/

/

/

ADVANCED GEOENVIRONMENTAL,  
INC.

By: [Signature]

Name: ROBERT MARTY  
Please Print

Title: PRESIDENT

Date: 09-01-11

SONOMA COUNTY AGRICULTURAL  
PRESERVATION & OPEN SPACE  
DISTRICT

By: [Signature]  
William J. Keene, General Manager

Date: 9/15/11

APPROVED AS TO SUBSTANCE

By: [Signature]  
Project Manager

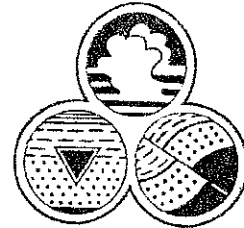
Date: 8-30-2011

CERTIFICATES OF INSURANCE  
ON FILE WITH DISTRICT

By: [Signature]  
Administrative Aide

Date: 9/15/11

# *Advanced* GeoEnvironmental, Inc.



28 July 2011  
AGE-NC Proposal No. 11-3825

EXHIBIT A

Ms. Kathleen Marsh  
Sonoma County Agricultural Preservation and Open Spaces District  
747 Mendocino Avenue, Suite 100  
Santa Rosa, CA 95401-4850

**Subject: Proposal for Remediation and Investigation  
Former POFF RANCH Property  
Jenner, California**

Dear Ms. Marsh:

*Advanced* GeoEnvironmental, Inc. (AGE) is pleased to present this proposal for remediation and investigation at the former Poff Ranch property, near Jenner, California.

AGE is a full-service environmental consulting firm and holds an "A" General Contractors License, a "C-57" Water Well Drilling License and a Hazardous Substance Removal Certificate. (A-Haz). All AGE employees and on-site subcontractors have appropriate OSHA Hazwoper 40-hour training and annual updates.

## **1.0. BACKGROUND/SCOPE OF WORK**

It is our understanding that the property was utilized for sheep grazing for a number of years. Operations at the site included at sheep-dip area, as identified in a *Phase I Environmental Site Assessment*, completed by Trans Tech Consultants. The sheep dip area included a concrete pad and trenches. In August 2007, soil samples were reportedly collected from the sheep dip area; laboratory analysis indicated that concentrations of organochlorine pesticides and arsenic exceeded the California Human Health Screening Levels (CHHSLs), established by the California EPA in 2005.

As indicated in the *Request For Proposals (RFP)*, dated 15 July 2011, the scope of work will include the following items:

- Pumping of any remaining water within the trench. Water will be stored in drum(s) on-site pending laboratory analysis of samples.
- Collection of a water sample from the pumped trench water. Laboratory analysis of the water sample for organochlorine pesticides and arsenic.

- Demolition of remaining portions of concrete pad. Concrete will be stored on-site pending analysis and disposal options.
- Collection of two samples from the concrete for analysis. Laboratory analysis of the concrete sample for organochlorine pesticides and arsenic.
- Excavation of soil from the wash pad and trench area. Soil will be excavated approximately 10 feet laterally and two feet in depth from the wash pad area. The trench area will be enlarged two feet laterally and two feet in depth.
- Collection of soil samples from the excavated areas. Collection of soil samples from the excavated soils. Laboratory analysis of the soil samples for organochlorine pesticides and arsenic.
- Inspection of the exposed areas at the site to ensure contaminants are not spread.
- Regulatory consultation and permitting (if necessary).
- Completion of other remediation tasks under the direction of SCAPOSD staff.

In addition to the above tasks identified in the RFP, AGE will include the following items:

- Preparation of a Work Plan and Site Health and Safety Plan. The Work Plan will detail the excavation areas, excavation procedures and will identify proposed sampling locations and methodology.
- Preparation of a Technical Report of the remediation and sampling efforts. The Report will be reviewed and signed by a California Professional Geologist.

## **2.0. COSTS**

The estimated cost for completion of the Scope of Work will be **\$10,390.00**. All costs quoted are based on the scope of work as discussed above and on our Standard Schedule of Charges; all costs will be billed to the Client on a time and materials basis. Additional services beyond the scope of this proposal, including consultation and liaison time, will be billed on a time and materials basis, in accordance with our Standard Schedule of Charges.

Upon award of contract to AGE, we will provide the appropriate insurance documents with the SCAPOSD named as "additionally insured". AGE will maintain the insurance throughout the duration of the project.



### **3.0. EXCLUSIONS**

The following items are not included in this proposal:

- Excavation of additional soil.
- Treatment or disposal of soil, water or concrete.
- Additional site assessment.
- Additional sampling and/or laboratory analysis.
- Regulatory oversight or permit fees.
- Other costs not specifically stated in this proposal.

### **4.0. ASSUMPTIONS**

This proposal assumes the following:

- Access to the site will be secured by the Client.
- All activities at the site can be performed during normal working hours.
- All costs incurred due to regulatory directives, after this proposal, shall be assumed by the Client.
- Expense incurred because of unusual or unanticipated ground conditions (such as fill, hard soil, rock, etc.) shall be paid for by the Client as extra work.
- Regulatory approval of the work plan, if required.
- Client will identify any on-site underground utilities prior to beginning field work.

### **5.0. SCHEDULE**

The work outlined in this proposal can be initiated upon receipt of authorization to proceed from the SCAPOSD. AGE will begin work on the project within five days of receipt of authorization to proceed.

### **6.0. LIMITATIONS**

Should there be any regulatory objections to the project or unanticipated regulatory

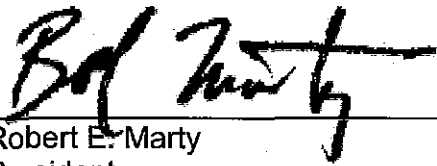
28 July 2011  
AGE-NC Proposal No. 11-3825  
Page 4 of 4

requirements, only the fees for services performed to that time will be billed based on our Standard Schedule of Charges. Should the regulatory agencies require additional sampling or other services beyond the scope presented herein, the scope of work will need to be expanded at an additional cost submitted in written form prior to any actual work performed.

The opportunity to prepare this proposal is greatly appreciated. If you have any questions regarding this proposal or the services we provide, please call our office at 1-800-511-9300.

Sincerely,

**Advanced GeoEnvironmental, Inc.**



---

Robert E. Marty  
President

Attachments:      Detailed Cost Breakdown  
                         Contract for Consulting Services

**Detailed Cost Breakdown - Proposal No. 11-3825  
Former Poff Ranch Sheep Dip Area  
Jenner, California**

**Scope of Work:** Pumping and disposal of trench water; demolition of sheep dip concrete pad area; collection of shallow soil samples; excavation of up to 15 yards of impacted soil around the wash pad and trench areas; stockpiling of excavated materials on-site; laboratory analysis of soil, water and concrete samples for disposal purposes; regulatory consultation and permitting, if necessary; coordination and planning with SCAPOSD and regulatory agencies; preparation of a report documenting the remediation efforts.

Task No.	Description	Units	Quantity	Unit Cost	Cost
<b>1</b>	<b>PLANNING/PERMITTING/COORDINATION</b>				
	Scheduling/Coordination: Project Manager	hrs	4.0	\$120.00	\$480.00
	Pre-Excavation Site Visit/Utility Clearance	hrs	4.0	\$120.00	\$480.00
	Work Plan Preparation/Site Health and Safety Plan	unit	1.0	\$600.00	\$600.00
	Regulatory Coordination	hrs	1.0	\$105.00	\$105.00
<b>2</b>	<b>EXCAVATION AND DEMOLITION</b>				
	Staff Geologist/Scientist	hrs	12.0	\$90.00	\$1,080.00
	Technician	hrs	12.0	\$70.00	\$840.00
	Backhoe/Operator	day	1.0	\$1,450.00	\$1,450.00
	Bobcat/Concrete Breaker/Operator	day	1.0	\$1,600.00	\$1,600.00
	Equipment Mob/Demob	unit	1.0	\$450.00	\$450.00
	Trench Pumping (50-Gallons)	unit	1.0	\$50.00	\$50.00
	Drum (for storage of trench water)	unit	1.0	\$50.00	\$50.00
	Misc. Equipment/Supplies	unit	1.0	\$350.00	\$350.00
Support Vehicle	day	1.0	\$60.00	\$60.00	
<b>3</b>	<b>LABORATORY ANALYSIS</b>				
	Organochlorine Pesticides (8 soil + 2 concrete + 1 water)	ea	11.0	\$150.00	\$1,650.00
	Arsenic (8 soil + 2 concrete + 1 water)	ea	8.0	\$15.00	\$120.00
	Laboratory Shipping	unit	1.0	\$70.00	\$70.00
<b>4</b>	<b>REPORT PREPARATION</b>				
	Staff Geologist	hrs	4.0	\$90.00	\$360.00
	Project Geologist	hrs	2.0	\$105.00	\$210.00
	Principal Geologist	hrs	1.0	\$145.00	\$145.00
	Draftsman	hrs	2.0	\$65.00	\$130.00
	Clerical	hrs	2.0	\$55.00	\$110.00
<b>Total Estimated Cost:</b>					<b>\$10,390.00</b>
<b>Note:</b>	<i>If additional time/materials/subcontract services are required to complete the scope of work,, the final invoice will be adjusted accordingly.</i>				



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 9  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma County Agricultural Preservation and Open Space District

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sonoma County Agricultural Preservation and Open Space District

**Staff Name and Phone Number:**

**Supervisory District(s):**

Sheri J. Emerson, Stewardship Program Manager  
565-7358

1, 4

**Title:** Agreement with Sonoma County Transportation Authority for Mitigation Funds for Riparian Habitat Enhancements at Cresta Ranch

### **Recommended Actions:**

Adopt a resolution authorizing the General Manager to enter into an agreement to receive mitigation funds from the Sonoma County Transportation Authority for riparian habitat enhancements at Cresta Ranch.

### **Executive Summary:**

In 2007, the Sonoma County Agricultural Preservation & Open Space District (District) purchased the 340-acre Cresta Ranch (Attachment 1) for \$3,060,000. The property includes a key riparian corridor at the confluence of Mark West and Porter Creeks and provides important habitat for terrestrial, avian, and aquatic species, including federally listed Coho salmon and steelhead trout. The property provides scenic vistas along Mark West/Porter Creek Road, and has a long history of sustainable grazing management.

Together with other protected lands in the area, this purchase provides a continuous wildlife habitat connection in the Mark West Creek watershed. The District plans to transfer the property along with two adjoining properties to Sonoma County Regional Parks to create a future 1,146-acre Regional Park and Open Space Preserve. In the interim, the District is working in partnership with the Sotoyome Resource Conservation District, the Friends of the Mark West Watershed, Sonoma County Regional Parks, Southern Sonoma County Resource Conservation District, and other partners to manage and enhance the natural resources on the property, including riparian habitat enhancement, native plant revegetation, assessment and monitoring of terrestrial and aquatic habitats, erosion control, and invasive species management.

### Airport Boulevard Interchange Project

Sonoma County Transportation Authority (S.C.T.A.) and Sonoma County Transportation and Public Works (T.P.W.) are partnering to deliver the U.S. Highway 101 Airport Boulevard Interchange project ("Interchange Project") with construction to begin in summer of 2012. This Sonoma County project is funded by Measure M, County traffic mitigation

funds, and State Proposition 1.B. (Corridor Mobility Improvement Account and State-Local Partnership Program) funds. The project design is almost completed, permits are in the process of being obtained, and right-of-way is being acquired.

As part of the permit process, resources agencies require that construction impacts to riparian areas be mitigated. Specifically, the North Coast Regional Water Quality Control Board and California Department of Fish and Game are requiring that riparian mitigation projects be developed either on-site or off-site along Mark West Creek. S.C.T.A., T.P.W., and Caltrans are developing a riparian mitigation plan on-site that should address some of the Interchange Project's riparian construction impacts, but not all. S.C.T.A., T.P.W., and Caltrans need to develop an off-site riparian mitigation project on Mark West Creek as well to satisfy resource agency requirements. S.C.T.A. and Caltrans staff approached District staff about contributing funding towards a District riparian enhancement project on Mark West Creek at the Cresta Ranch, to satisfy the off-site riparian mitigation requirements.

On February 7, 2012, the District Board of Directors adopted a resolution that authorized the General Manager to enter into negotiations towards an agreement with S.C.T.A. that would provide mitigation funds to a riparian enhancement project at the Cresta Ranch property. Negotiations have since been completed, and the proposed agreement (Attachment 2) includes \$190,000 in funding for:

- Planting and maintenance of willows and other native riparian plant species along Mark West Creek;
- Project planning, management, and administrative services; and
- Placement of land use restrictions onto the planted areas to maintain the areas of natural habitat.

The District will retain control of the project, but will not be taking on any liability for the success or failure of the mitigation.

At this time, the District does not have a formal policy with respect to acceptance of mitigation funding. On January 24, 2012, the Board created an Ad Hoc Committee to consider mitigation projects on County, District, and Water Agency lands. District staff is currently developing a mitigation policy for District-protected lands. Development of this policy will be coordinated with the Ad Hoc Mitigation Committee. The S.C.T.A proposal, however, is time-sensitive. Staff believes that it is appropriate to enter into an agreement at this time, in light of the District's existing plans for riparian enhancement work on Cresta Ranch. The S.C.T.A. funding would facilitate the District's efforts for restoration and preservation of the natural resources of the Cresta Ranch property.

Until a District mitigation policy is approved by the Board, the District Advisory Committee has requested that the General Manager bring mitigation project proposals to the Committee for consideration. The Committee considered the terms of the proposed funding agreement at their September 27, 2012 meeting. A summary of the Committee's discussion is provided as Attachment 3.

#### **Prior Board Actions:**

On February 7, 2012, the Board adopted a resolution authorizing the General Manager to enter into negotiations towards an agreement with the Sonoma County Transportation Authority that would provide mitigation funds to a riparian enhancement project at the Cresta Ranch property. On October 23, 2007, the Board approved the acquisition of the 340-acre Cresta Ranch property.

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 190,000	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 190,000
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 190,000</b>	<b>Total Sources</b>	<b>\$ 190,000</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The District has this expense budgeted in its FY 12/13 budget for capital improvements. The funding source is offsetting revenue from S.C.T.A.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

1. Resolution
2. Map of the Cresta Ranch property
3. Agreement between the Sonoma County Agricultural Preservation and Open Space District and the Sonoma County Transportation Authority for mitigation funding for the riparian habitat enhancement project at Cresta Ranch
4. Summary of District Advisory Committee discussion from September 27, 2012

**Related Items "On File" with the Clerk of the Board:**



**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, State of California, Authorizing the General Manager to enter into an agreement to receive mitigation funds from the Sonoma County Transportation Authority for Riparian Habitat Enhancements at the Cresta Ranch Property.**

**Whereas**, in 2007, the Sonoma County Agricultural Preservation and Open Space District (“District”) purchased the 340-acre Cresta Ranch; and

**Whereas**, Cresta Ranch includes a key riparian corridor at the confluence of Mark West and Porter Creeks and provides important habitat for terrestrial, avian and aquatic species; and

**Whereas**, the District is working with other public agencies and non-profits to manage and enhance the natural resources on the Cresta Ranch property, including riparian habitat enhancement, native plant revegetation, assessment and monitoring of terrestrial and aquatic habitats, erosion control and invasive species management; and

**Whereas**, pursuant to voter-approved Measure M and State Proposition 1.B, the Sonoma County Transportation Authority (“S.C.T.A.”) is undertaking highway safety and traffic improvements at US Highway 101 Airport Blvd Interchange (“the Interchange Project”);

**Whereas**, S.C.T.A. has a need for offsite mitigation planting along Mark West Creek to fulfill requirements for compensatory mitigation related to construction impacts of the Interchange Project; and

**Whereas**, S.C.T.A., to satisfy mitigation requirements for the Interchange Project, has proposed an Agreement with the District to fund a portion of the District’s riparian enhancement project on the Cresta Ranch property, including funding for the planting and maintenance of willows and other native riparian plant species along Mark West Creek, for project planning, management and administrative services, and for the placement of land use restrictions onto the planted areas to maintain the areas as natural habitat; and

**Whereas**, S.C.T.A. proposes that all riparian enhancement work funded by that agency will be undertaken in accordance with a management plan that reflects requirements by the regulatory permits issued for the Interchange Project and is acceptable to the District; and

**Whereas**, within the parameters of the management plan, the District will retain full control over the riparian enhancement project on the Cresta Ranch property; and



Resolution #  
Date: 10/23/2012  
Page 2

**Whereas**, the District will assume no liability for success or failure of the riparian enhancement project for S.C.T.A. mitigation purposes; and

**Whereas**, the proposed funding from S.C.T.A. will facilitate the District's own plans for enhancement of the natural resources of the Cresta Ranch property;

**Now, Therefore, Be It Resolved** that the District's Board of Directors hereby authorizes and directs the General Manager of the District to execute an agreement between the District and S.C.T.A. for the funding and implementation of a riparian enhancement project on Cresta Ranch consistent with the provisions of this resolution.

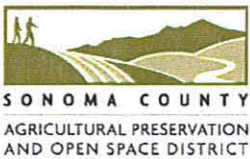
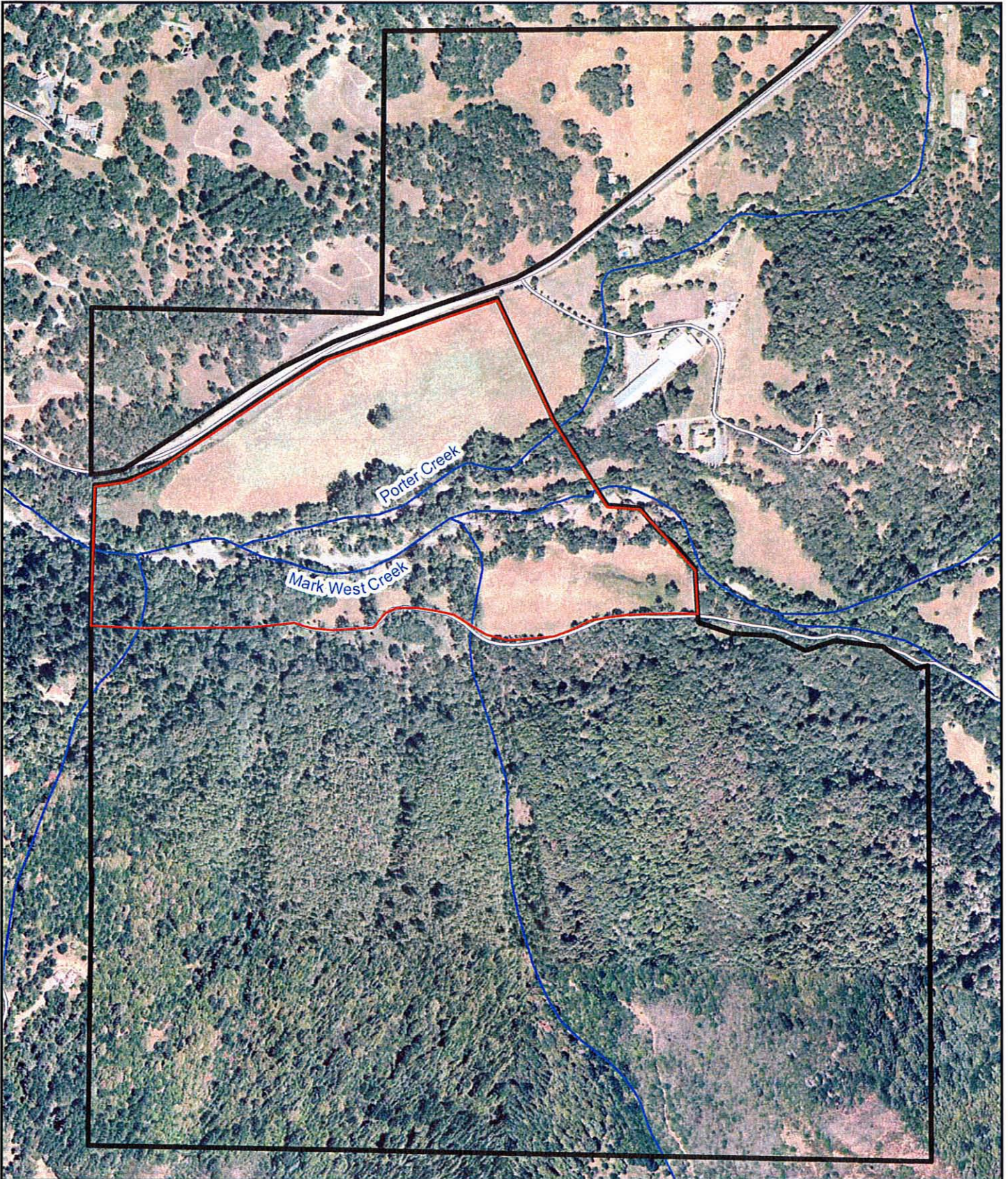
**Directors:**

Brown:                Rabbitt:                McGuire:                Carrillo:                Zane:

Ayes:                Noes:                Absent:                Abstain:

**So Ordered.**








Cresta Property



Map Date: 3/17/2010  
Photo Source: Digital Globe 2007  
This map is for illustrative purposes only and is not intended to be a definitive property description.

-  Stream
-  District Property Boundary
-  Potential Habitat Restoration Area



Contract Number: SCTA12016

**AGREEMENT BETWEEN THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT AND THE SONOMA COUNTY TRANSPORTATION AUTHORITY FOR MITIGATION FUNDING FOR THE RIPARIAN HABITAT ENHANCEMENT PROJECT AT CRESTA RANCH**

This Agreement, dated \_\_\_\_\_, 2012 ("Effective Date"), is by and between the Sonoma County Agriculture Preservation and Open Space District ("DISTRICT") and the Sonoma County Transportation Authority ("AUTHORITY").

**RECITALS**

- A. DISTRICT desires to make riparian improvements, as set forth in Exhibit A, along Mark West Creek at the Cresta Ranch property, hereinafter referred to as "CRESTA PROJECT".
- B. AUTHORITY, Caltrans, and Sonoma County are required to mitigate riparian construction impacts to Mark West Creek associated with the Highway 101 North B/Airport Blvd Interchange project; hereinafter referred to as "NORTH-B PROJECT".
- C. DISTRICT has developed conceptual riparian planting and monitoring/maintenance plans for the CRESTA PROJECT, attached hereto as Exhibit A and incorporated herein by this reference (hereinafter "Cresta Property Habitat Enhancement Plan"). Implementation of the CRESTA PROJECT in a manner consistent with the Cresta Property Habitat Enhancement Plan is expected to be acceptable mitigation for meeting Section 401 and 1602 permit compliance and mitigation requirements set by the North Coast Regional Quality Control Board (NCRWQCB) and the Department of Fish and Game for the NORTH-B PROJECT (hereinafter "the NORTH-B PROJECT riparian mitigation requirements").
- D. AUTHORITY desires to fund DISTRICT's efforts in designing, planting, maintaining, monitoring, and reporting the CRESTA PROJECT, as estimated in Exhibit B, including attachments of Rob Evens proposal dated 6/2/2012, as a means of satisfying the NORTH-B PROJECT riparian mitigation requirements.

**SECTION I**

**AUTHORITY AGREES:**

1. Total AUTHORITY Contribution. To provide to DISTRICT up to \$190,000 in Measure M Highway 101 program funds to fully implement, maintain, monitor, and report on the CRESTA PROJECT, as set forth in Section II, and in accordance with Exhibits A and B. Said payment shall include reimbursement to DISTRICT for a prorated portion of the costs of acquisition of the Cresta Property (calculated by dividing the total acquisition cost by the number of property acres, and multiplying that amount by the number of acres encompassed within the CRESTA PROJECT), as well as staff time and contract management costs incurred in connection with the CRESTA PROJECT.
2. Payment Schedule. Payment will be made to the District in the full amount of \$190,000 within 30 calendar days of execution of this Agreement. The District may draw upon these funds to implement,

maintain, monitor, and report on the CRESTA PROJECT in accordance with Paragraphs 1 and 2 of Section II

3. **Additional Funding.** To respond within 30-days of any request by DISTRICT for additional funds needed to complete the CRESTA PROJECT by either providing additional funding, requesting modification of the scope of the CRESTA PROJECT to reduce its costs, or requesting termination of this Agreement, in accordance with Paragraph 3 of SECTION III.
4. **Communications.** To facilitate communication between the DISTRICT, California Department of Transportation, California Department of Fish and Game and the North Coast Regional Water Quality Control Board as needed to allow the AUTHORITY to verify that the work at the CRESTA PROJECT will meet the AUTHORITY'S needs for mitigation for the NORTH-B PROJECT
5. **Notice of Audit.** To provide timely notice to DISTRICT if an audit is to be conducted.
6. **Inspections.** To inspect and approve the CRESTA PROJECT as follows:
  - A. Inspect and approve project after notice from District that project construction is complete in accordance with Paragraph 1 of Section II.
  - B. Final project inspection and approval after notice from District that project maintenance, monitoring and reporting is complete in accordance with Paragraph 2 of Section II.

## **SECTION II**

### **DISTRICT AGREES:**

1. **CRESTA PROJECT Implementation.** To perform the following work necessary to fully implement the CRESTA PROJECT:
  - A. Prepare plan drawings, notes, and planting list for the CRESTA PROJECT consistent with the Conceptual Plans.
  - B. Construct the CRESTA PROJECT, consistent with the Cresta Property Habitat Enhancement Plan, including but not limited to planting trees and other vegetation.
  - C. Notify AUTHORITY of completion of construction of the CRESTA PROJECT. If upon inspection of the CRESTA PROJECT by AUTHORITY, AUTHORITY identifies a deficiency in which the PROJECT as constructed is not consistent with the Cresta Property Habitat Enhancement Plan, DISTRICT agrees to remediate the deficiency. To the extent the cost to remediate the deficiency exceeds \$190,000, and the deficiency has not been caused by negligence of DISTRICT, its employees or agents, DISTRICT shall request additional funding in accordance with Paragraph 5 of Section II.
  - D. Establish protective land use restrictions (protective easement or similar recorded document) over planted areas along Mark West Creek within the area of the CRESTA

PROJECT, prior to or at the time of transfer of fee-title to Sonoma County Regional Parks or another receiving entity. The recorded land use restrictions shall preserve riparian habitat, allow for low intensity agricultural and recreational uses, and prevent uses and activities incompatible with riparian habitat preservation.

2. CRESTA PROJECT Maintenance, Monitoring, and Reporting. To perform the following work necessary to provide maintenance, monitoring, and reporting of CRESTA PROJECT, for a period of five years after completion of construction.
  - A. Maintain the trees and other vegetation consistent with the Cresta Property Habitat Enhancement Plan for a period of five-years after completion of construction.
  - B. Monitor plant establishment and provide annual reports pursuant to Exhibit B to AUTHORITY for a period of five-years after completion of construction.
  - C. Meet the success criteria, planting implementation and maintenance for plantings within the boundaries of the Cresta Project as outlined in the portions of the final Mitigation and Monitoring Plan and the following regulatory permits issued for the State Route 101 Airport Boulevard/Fulton Road Interchange Complex Modification and Windsor Soundwall Project: Water Quality Certification WDID No. 1B11101WNS) dated March 13, 2012; California Department of Fish and Game Incidental Take Permit No. 2081-2011-068-03 issued April 23, 2012, and amended on September 6, 2012; U.S. Army Corps of Engineers Nationwide Permit File No. 2011-00168N dated July 11, 2012; and California Department of Fish and Game Streambed Alteration Agreement No. 1600-2011-0186-R3, dated April 23, 2012.
  - D. Notify AUTHORITY of completion of maintenance, monitoring and reporting period for the CRESTA PROJECT. If upon final inspection of the CRESTA PROJECT by AUTHORITY, AUTHORITY identifies a deficiency in which the PROJECT as maintained is not consistent with the Cresta Property Habitat Enhancement Plan, DISTRICT agrees to remediate the deficiency. To the extent the cost to remediate the deficiency exceeds \$190,000, and the deficiency has not been caused by negligence of DISTRICT, its employees or agents, DISTRICT shall request additional funding in accordance with Paragraph 5 of Section II
3. Quarterly Progress Reporting. To provide progress reports to AUTHORITY at least every 3 months from the date of initial payment pursuant to Paragraph 2 of Section I until completion of construction. Each such report shall detail the status of project plans and specifications, and construction of the CRESTA PROJECT. Reports shall show the estimated or actual dates to start and complete each phase of work, the project expenditures to-date, and the amount of funding remaining.
4. Additional Scope. To promptly notify AUTHORITY if it desires to perform additional riparian restoration or enhancement work within the area of the CRESTA PROJECT beyond that provided in the Cresta Property Habitat Enhancement Plan. All work proposed shall be consistent with the Plan and not inconsistent with DISTRICT's other obligations in this Agreement.
5. Additional Funding. To promptly notify AUTHORITY and request additional funding if the estimated cost to complete the CRESTA PROJECT exceeds the project budget provided for in Paragraph 1 of Section I.

6. Final Accounting. To submit a final accounting to AUTHORITY regarding the implementation, maintenance, monitoring and reporting of the CRESTA PROJECT within 60-days of full project completion in accordance with Paragraphs 1 and 2 of Section II. At the time of final accounting, DISTRICT shall refund any monies remaining from the deposit paid to DISTRICT pursuant to Paragraph 2 of Section I.
7. Compliance with Laws. With regard to administering and completing the CRESTA PROJECT, DISTRICT shall at all times comply with all applicable laws and regulations of the United States, the State of California, the County, and other regulatory agencies.
8. Records. To allow AUTHORITY to audit all expenditures relating to the implementation and maintenance, monitoring and reporting of the CRESTA PROJECT in accordance with Paragraphs 1 and 2 of Section II, including for the duration of the construction of the CRESTA PROJECT and for five (5) years following completion of that construction.
9. Limitation of Responsibility. DISTRICT's obligations under this Agreement are only as expressly set forth in this Agreement. DISTRICT has no responsibility for mitigation of the NORTH B PROJECT or for ensuring that the CRESTA PROJECT satisfies any mitigation or other requirement imposed by any public agency in connection with the NORTH-B PROJECT, including but not limited to the NORTH-B PROJECT riparian mitigation requirements.

### SECTION III

#### IT IS MUTUALLY AGREED:

1. Amendments to Agreement

This Agreement may be amended by mutual consent expressed in writing of the parties.

2. Indemnification

Except as provided in Paragraph 9 of Section II, each party shall indemnify, defend, protect, hold harmless, and release the other, its officers, agents, and employees, from and against any and all claims, loss, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees and witness costs) arising from or in connection with, or caused by any act, omission, or negligence of such indemnifying party in connection with the CRESTA PROJECT or this Agreement. This indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under workers' compensation acts, disability benefit acts, or other employee benefit acts.

3. Termination

This Agreement can be terminated only through mutual written consent of the parties. Upon request for termination by AUTHORITY, all work on the CRESTA PROJECT will be suspended to the greatest extent feasible. To the extent that DISTRICT continues work on the CRESTA PROJECT after receipt of a request for termination by AUTHORITY, all costs of such continued work shall be borne by DISTRICT, unless otherwise agreed by the parties. Upon termination of this Agreement, any monies remaining from the

payment made to DISTRICT pursuant to Paragraph 2 of Section I shall be returned to AUTHORITY. If the Agreement is terminated upon request of AUTHORITY because DISTRICT's work is not consistent with its obligations in this AGREEMENT, DISTRICT shall return to AUTHORITY funds expended on such inconsistent work.

4. Notice

Unless otherwise requested by a party, all notices, demands, requests, consents or other communications which may be or are required to be given by either party to the other shall be in writing and shall be deemed effective upon service. Notices shall be deemed to have been properly given when served on the party to whom the same is to be given by hand delivery, by facsimile, or by deposit in the United States Mail addressed to the party as follows:

AUTHORITY: Suzanne Smith  
Executive Director  
Sonoma County Transportation Authority  
490 Mendocino Avenue, Suite 206  
Santa Rosa, CA 95401

DISTRICT: Bill Keene  
General Manager  
Sonoma County Agricultural Preservation and Open Space District  
747 Mendocino Avenue, Suite 100  
Santa Rosa, CA 95401

5. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of California.

6. Entire Agreement

This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

7. Counterparts

This Agreement may be executed in counterparts or by facsimile.

/  
/  
/  
/

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date.

**SONOMA COUNTY AGRICULTURAL  
PRESERVATION AND  
OPEN SPACE DISTRICT**

By: \_\_\_\_\_  
William J. Keene, General Manager

Date: \_\_\_\_\_

**SONOMA COUNTY  
TRANSPORTATION AUTHORITY**

By: Valerie Brown  
Valerie Brown, Chair

Date: Oct 8, 2012

APPROVED AS TO FORM FOR DISTRICT:

By: Sam O'Leary  
County Counsel

APPROVED AS TO FORM FOR AUTHORITY:

By: Kate  
County Counsel

APPROVED AS TO SUBSTANCE FOR  
DISTRICT:

By: Sheri Emerson  
Sheri Emerson, Stewardship  
Program Manager

Date: 10/8/12

APPROVED AS TO SUBSTANCE FOR  
AUTHORITY:

By: Suzanne Smith  
Suzanne Smith  
Executive Director

Date: 10/8/12



EXHIBIT A

Cresta Property Habitat Enhancement Plan drawing, notes, and planting list  
(Mitigation Zones 3,5,6, and 7 only are to be funded by SCTA)

# EXHIBIT A

## Cresta Property Habitat Enhancement Plan

### Site Map

- ⊕ Gate
- ⊕ LWD Access
- Property Feature
- Proposed Fencing
- Fencing
- ⊕ Easement Boundary
- ⊕ Enhancement Zone
- ▨ Mitigation Zone: Riparian Habitat
- ▨ Mitigation Zone: Stream Habitat
- Oak cluster inside fence enclosure
- Himalayan Blackberry
- French Broom
- Spanish Broom
- Tree of Heaven
- Vinca
- ▨ Secondary Channel
- ▨ Wetland Swale
- ~ Intermittent Stream
- ~ Perennial Stream

Data Source:  
Sonoma County Agricultural Preservation  
& Open Space District

CalTrans

Data collection, Rob Evans,  
April 18 & 19, 2012

Resource Strategies, Inc./DigitalGlobe, 2009

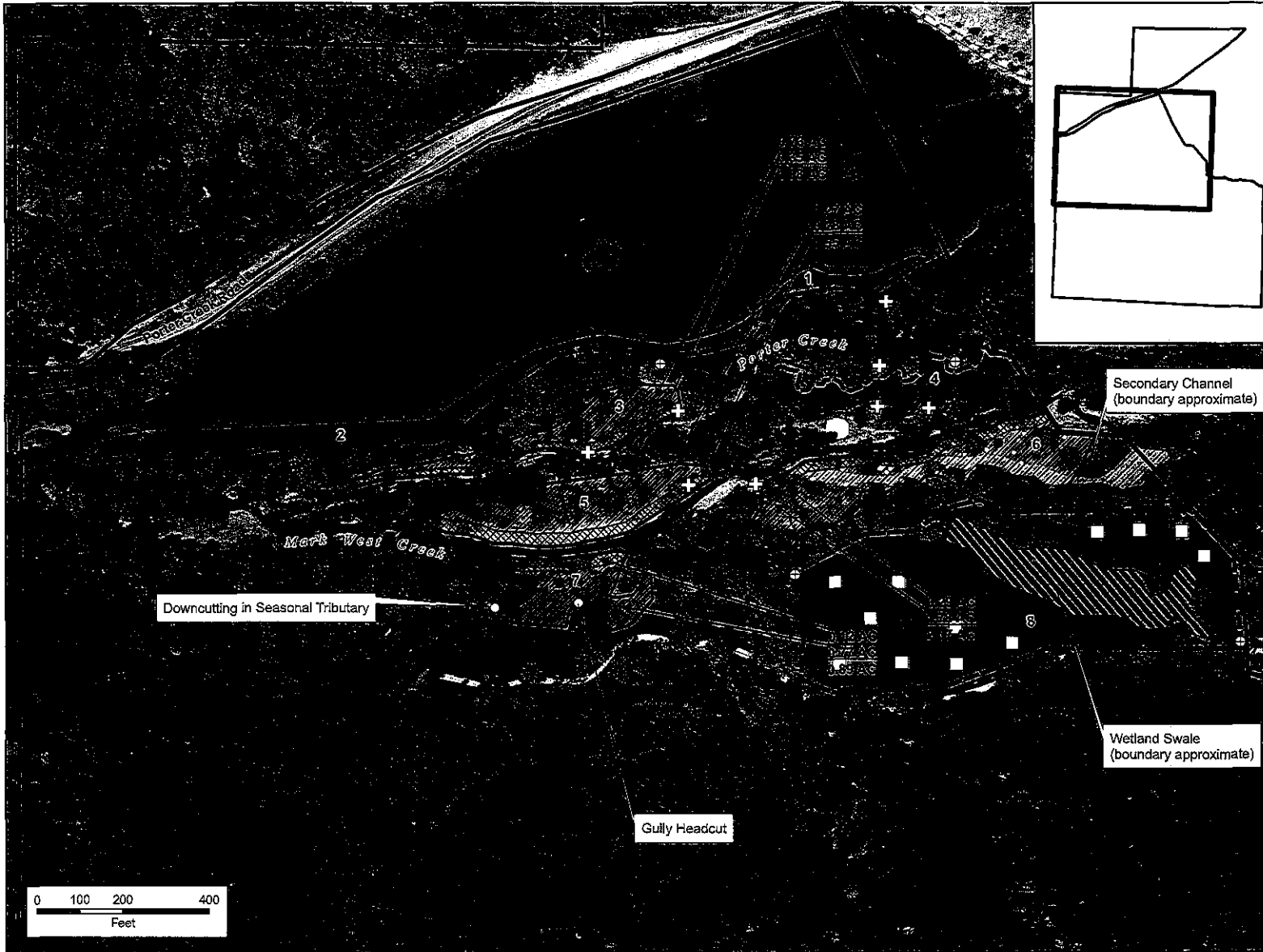
Map Date: May, 2012

Note: This map is for illustrative purposes only and  
is not intended to be a definitive property description.



**SONOMA COUNTY**  
AGRICULTURAL PRESERVATION  
AND OPEN SPACE DISTRICT

Prepared by: Katherine Gleith Consulting  
File location: Cresta\_Habitat\_Enhancement/Maps



**REVEGETATION PLANT LIST**

Scientific Name	Common Name	Flag Color	Zone									TOTAL	Container Size	Spacing (F.O.C.)
			Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8				
<b>SHRUBS</b>														
<i>Rosa californica</i>	California wild rose		0	0	0	20	40	0	5	36	101	tree band	4-6'	
<i>Sambucus mexicana</i>	blue elderberry		10	10	0	20	15	20	15	0	90	deepot	4-6'	
<b>TREES</b>														
<i>Acer macrophyllum</i>	big-leaf maple		0	0	20	15	25	15	0	0	75	supercell	10-15'	
<i>Aesculus californica</i>	California buckeye		0	0	0	10	5	5	0	0	20	treepot	10-30'	
<i>Fraxinus latifolia</i>	Oregon ash		10	0	10	20	10	15	10	8	83	supercell	10-30'	
<i>Quercus agrifolia</i>	coast live oak		0	0	0	25	10	10	20	0	65	deepot	10-30'	
<i>Quercus garryana</i>	Oregon oak		0	15	0	0	0	10	0	24	49	deepot	10-30'	
<i>Quercus lobata</i>	valley oak		30	15	10	25	25	15	10	18	148	deepot	15-30'	
<i>Umbellularia californica</i>	California bay laurel		0	0	0	15	10	10	15	0	50	supercell	10-30'	
<b>DORMANT CUTTINGS</b>														
<i>Salix sp.</i>	willow		0	0	230	0	532	200	86	0	1028	dormant cutting	12-18"	
<i>Populus fremontii</i>	cottonwood		0	0	0	0	20	0	10	0	30	dormant cutting	6-10'	
<b>TOTAL:</b>			<b>50</b>	<b>40</b>	<b>270</b>	<b>150</b>	<b>692</b>	<b>300</b>	<b>151</b>	<b>86</b>	<b>1739</b>			

Creek Habitat: liner feet (LF)				870		690	700	270			2,530 LF		
Creek Habitat: acres (AC)				0.35		0.28	0.29	0.12			1.04 AC		
Riparian Habitat				0.73		1.27	1.78	0.77			4.55 AC		
<b>Total Habitat</b>				<b>1.08</b>		<b>1.55</b>	<b>2.07</b>	<b>0.89</b>			<b>5.59 AC</b>		

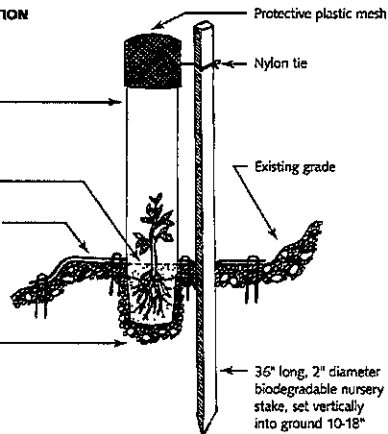
**PLANT PROTECTION TUBE INSTALLATION**  
(not to scale)

Plastic tube, 4.5" diameter by 24" high, set below grade to a 1-4" depth. Secure tube with stake and nylon tie

Liner plant crown at existing grade

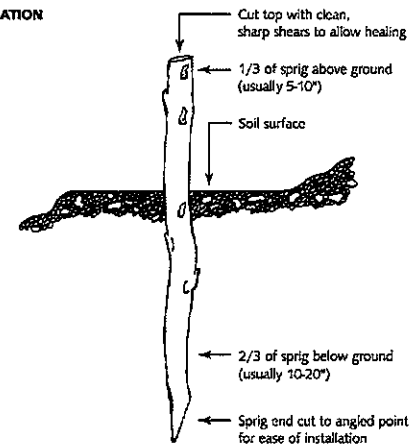
Woven black polypropylene weed control fabric or other weed control fabric

Backfill with fine on-site soil and 0.3 ounce (one teaspoon) osmocote 14-14-14 slow release fertilizer placed at the bottom of the planting hole



**DORMANT WILLOW SPRIG INSTALLATION**  
(not to scale)

- install in areas with a year round source of moisture
- Install only during full dormancy (normally December-January)
- Remove branches prior to installation
- Insert with buds pointing upward



**Cresta Property  
Habitat Enhancement Plan**

**Revegetation Plant List  
& Planting Details**



#### Notes:

1. The purpose of the revegetation plan is to expand and enhance the riparian corridor and upland habitat.
2. Dormant cuttings and seed for container plant propagation shall be collected within the Mark West Creek watershed.
3. Planting shall be installed in the winter months when soil moisture reaches a depth of over 8 inches.
4. Planting technique shall be primarily liner sized seedlings (with weed mats) and dormant cuttings (see Planting Details).
5. The planting zones depict the revegetation boundaries. Individual plant locations are not shown. The final design should be developed in the field by a qualified restoration ecologist. The planting locations should be marked with a color-coded pin flag, each color representing a specific plant species.
6. Plants will require irrigation during the dry season for at least two years following installation. Irrigation timing should be approximately every 10 days from late April through mid-October, with plants receiving approximately one gallon per irrigation cycle.
7. Weeds should be controlled from around the plant stem/trunk until the plants become established. If surrounding weeds grow tall enough to shade out installed plants, weed-whacking around the weed mats may be necessary. This is generally performed during the spring months.
8. Plants specified in the Plant Table for Zones 1 and 2 are designed to be supplemental to the plants previously planted in 2010/2011.
9. An electric or permanent fence to keep livestock out of Zones 1 and 2 is recommended.
10. Plants specified for Zone 3 should be protected from livestock by constructing exclusion fencing around each cluster of plants. Fencing should include bracing and be designed to withstand large livestock.

#### Invasive Plant Control

Potential control methods for the invasive plant species on the Cresta property include the following options: manual removal, herbicides, solarization, encouraging competition from natives, and repeated mowing. Each method has advantages and disadvantages and often the best approach is an integrated pest management plan that combines the optimum use of all control strategies, providing the various techniques are compatible.

Recommended control methods for the invasive species on the property are listed below. The recommendations are based on current conditions and are thought to be practical methods for treatment at the Cresta property. Detailed information for various control methods, as well as informative links can be found on the following website: [http://www.cal-ipc.org/ip/management/plant\\_profiles/index.php](http://www.cal-ipc.org/ip/management/plant_profiles/index.php)

Whatever control method is used, it should be carefully managed by a qualified ecologist so that impacts to native vegetation is kept to a minimum. If using herbicides, weed whackers, or mowers, the applicator or operator should be well trained and adept in plant identification, including both native and non-native species. When using herbicides, the directions on the label should always be followed, and the applicator must know all state and local regulations. The Sonoma County Agricultural Commissioner's office is responsible for enforcing the regulations set by the California Department of Pesticide Regulation, and is available for consultation.

#### French broom (*Genista monspessulana*) and Spanish broom (*Spartium junceum*)

When the ground is sufficiently moist, small plants can be pulled by hand or with a weed wrench. Large broom plants that cannot be pulled, can be cut with a brushcutter, saw or loppers approximately 2 inches above the ground level, roughing up the bark of the remaining stumps, to reduce resprouting. Soil disturbance should be kept to a minimum, as it exposes bare soil, which is very conducive to broom seedling establishment. Biomass from the removed plants can be placed in piles for wildlife habitat, or hauled away. Broom removal after the seed has set is not recommended as seed could be broadcast to non-infested areas.

An alternative method for initial treatment of French broom on the property is cutting the plants near ground level and spraying regrowth several months later with glyphosate herbicide, following the directions on the herbicide label.

For any method, repeated treatment during the next few years will likely be necessary. The density of the seedlings the following year is likely to be extensive and too small to effectively hand pull. The recommended treatment for these seedlings, generally several inches tall, is weed-whacking the seedlings, cutting them as close to ground level as possible. An alternative treatment is spraying the seedlings with glyphosate herbicide, following the directions on the label.

#### Himalayan blackberry (*Rubus armeniacus*)

Himalayan blackberry can be difficult to control as it reproduces both vegetatively and by seed. The population on the Cresta property is well established and will require considerable time and effort to control. The root systems of plants growing on the channel banks are providing some bank stabilization and leaving these plants in place is recommended. Controlling the infestations on the upper banks is recommended.

Most mechanical control techniques, such as cutting or using a weed wrench, are suitable for Himalayan blackberry. Care should be taken to prevent vegetative reproduction from cuttings. An advantage of cane removal over use of foliar herbicides is that cane removal does not stimulate sucker formation on lateral roots. However, removal of canes alone is insufficient to control Himalayan blackberry, as root crowns will resprout and produce more canes within weeks after the initial cut. Removing rootstocks by hand digging is a slow but effective way of controlling Himalayan blackberry. The work must be thorough to be effective because every piece of root that breaks off and remains in the soil may produce a new plant. This technique is suitable only for small infestations and around trees and shrubs where other methods are not practical.

After cutting the canes, glyphosate herbicide can be applied to the stump sprouts within one to two months after cutting, following the directions on the label. Glyphosate should be applied before the above ground biomass becomes too tall to responsibly spray, minimizing herbicide drift onto adjacent native vegetation. Repeated treatment during the next few months will likely be necessary, until the underground rhizomes exhaust their reserve food supply. An alternative method is to apply herbicide directly to the cambial area around the edges of freshly cut stump. It must be applied within 5 minutes of cutting to ensure effectiveness. Fall is the recommended time of the year, as the herbicide is more likely to be translocated into the roots. Repeated treatment during the next few years will likely be necessary.

#### Periwinkle (*Vinca major*)

Hand removal is labor-intensive, but yields good results if careful attention is paid to removing all root nodes and stolons. Follow-up should be performed every three months to remove sprouts and monitored annually.

Glyphosate has been used effectively for periwinkle control. Greatest success is achieved if plants are cut first and then sprayed immediately afterward. Cutting with a weed whip or brush cutter breaks through the waxy cuticle and allows better foliar penetration of the herbicide. Monitoring is recommended.

## Cresta Property Habitat Enhancement Plan

### Planting Notes



**EXHIBIT B**

**Cost estimate worksheet and supporting documentation from Rob Evans & Associates**

# EXHIBIT B

<b>Cresta SCTA Mitigation funding agreement cost estimate</b>			
	quantity	cost	total
<b>Portion of Acquisition Cost</b>			
Prorated portion based on acres	6	9000	\$ 54,000
<b>District Staff Costs</b>			
Up to June 1, 2012			\$ 4,573
<b>Contracts</b>			
Rob Evans & Associates contract with District			\$ 7,500
<b>Habitat Enhancement within Mitigation Zones 3,5,6,7 (see attached)</b>			
<b>Plant Installation</b>			<b>\$ 25,584</b>
field design and project layout			\$ 1,000
<i>native plant installation</i>			
willow cuttings	1028	\$ 13.00	\$ 13,364
cottonwood cuttings	30	\$ 15.00	\$ 450
liners	345	\$ 30.00	\$ 10,350
treepots	10	\$ 42.00	\$ 420
<i>Replacement Planting</i>			
<b>Plant Maintenance</b>			<b>\$ 37,620</b>
<i>Hand Watering Option</i>			
	2013	15	1000
	2014	11	1050
<i>Weeding</i>			
	2013	3	1800
	2014	3	1890
<b>Monitoring and reporting</b>			<b>\$ 14,300</b>
	2012		\$ 600
	2013		\$ 3,200
	2014		\$ 3,300
	2015		\$ 3,400
	2016		\$ 1,800
	2017		\$ 2,000
<b>Total</b>			<b>\$ 77,504</b>
<b>Project Management by District</b>			
District staff time, materials, fees	25%		\$ 19,376
<b>Contingency</b>			
of all costs	15%		\$ 24,443
<b>Grand Total</b>			<b>\$ 187,396</b>
<b>ESTIMATED TOTAL:</b>			<b>\$ 190,000</b>

**ROB EVANS & ASSOCIATES  
9378 CHAMPS DE ELYSEES  
FORESTVILLE, CA 95436  
(707) 486-6624**

June 2, 2012

Karen Gaffney  
Strategic Initiatives  
Sonoma County Agricultural Preservation & Open Space District  
747 Mendocino Avenue, Suite 100  
Santa Rosa, CA 95401-4850

**SUBJECT: PLANNING COST ESTIMATE FOR REVEGETATION: CRESTA  
PROPERTY**

Rob Evans & Associates is pleased to submit the following planning cost estimate per your request for implementing the Cresta Property Habitat Enhancement Plan (April 2012) at the Cresta property along Mark West and Porter Creeks. The purpose of the planning cost estimate is to provide you with general cost information that will enable you to move forward with budgeting and securing funding for the project. It should be noted that this is not a formal cost proposal.

Included are general costs for native plant installation and maintenance, as well as several options for irrigation installation and maintenance. Due to funding for the project coming from state and/or federal sources, the costs below reflect prevailing wages determined by the State of California's Department of Industrial Relations (DIR).

The planning cost estimate below is broken down into two sections. The first section includes cost for the Mitigation Zones (Zones 3, 5, 6, 7). The second section is cost for the Enhancement Zones (Zones 1, 2, 4, 8). Monitoring cost and replacement planting cost for the Enhancement Zones are not included as it is my assumption that these zones are not being held to the same survival and monitoring requirements as the Mitigation Zones.

**MITIGATION ZONES (Zones 3, 5, 6, 7)**

**Plant Installation**

**Field design and project layout:** \$ 1,000

Each container plant should receive a color-coded pin flag. The boundary of willow zones should be staked.

**Native plant installation**

Plants propagated by nursery (liners/treepots) should be installed with Tubex tree shelters as well as weed mats (Dewitt tree square or equivalent). The cost below includes plant material, Tubex tree shelter and 3'x3' Dewitt tree squares. Cuttings will be collected within the watershed.

1,028 willow cuttings @ \$13.00 each, no hardware or weed mat:	\$13,364
30 cottonwood cuttings @ \$15.00 each, no hardware or weed mat:	\$450
345 liners @ \$30.00 each, tree shelter and weed mat:	\$10,350
10 treepots @ \$42.00 each, tree shelter and weed mat:	<u>\$420</u>
SUBTOTAL, WOODY PLANT INSTALLATION	\$24,584

### **Replacement planting**

Replacement plant cost estimate below assumes plant has died but hardware is intact. If hardware needs to be replaced due to being washed out by high flows, approximate cost is the same as initial cost.

2014:	
1,028 willow cuttings @ \$13.70 each, no hardware or weed mat:	\$14,084
30 cottonwood cuttings @ \$15.75 each, no hardware or weed mat:	\$473
345 liners @ \$26.00 each:	\$8,970
10 treepots @ \$38.00 each:	<u>\$380</u>
SUBTOTAL, WOODY PLANT REPLACEMENT	\$23,907

2015:	
1,028 willow cuttings @ \$14.40 each, no hardware or weed mat:	\$14,803
30 cottonwood cuttings @ \$16.50 each, no hardware or weed mat:	\$495
345 liners @ \$27.30 each:	\$9,419
10 treepots @ \$39.90 each:	<u>\$399</u>
SUBTOTAL, WOODY PLANT REPLACEMENT	\$25,116

### **Plant Maintenance**

Plants will require irrigation by hand or temporary drip system during the dry season for at least two years following installation. Irrigation timing should be approximately every 10 days from late April through mid-October, with plants receiving approximately one gallon per irrigation cycle. Weeds should be controlled from around the plant stem/trunk until the plants become established.

### **Irrigation System Design & Installation**

The planning cost estimate below is for hooking up a temporary drip irrigation system to a reliable water source. The cost does not include developing a water source. Materials include, above ground schedule 40 PVC to be used as main supply lines between the water source(s) and the timer/valves where the individual irrigation zones originate. The drip irrigation system will utilize ¾" drip main lines that will "T" into ½" drip lines where extra line coverage is needed. The costs assume there will be a total of four irrigation zones that will be independently controlled by battery operated irrigation timers. Each plant, including willow cuttings, will have either a 1GPH drip emitter or a ½ GPH drip emitter – depending on water needs. All drip lines will be secured to the ground with heavy gauge metal staples to prevent line movement. The ends of drip lines and outlet locations will be marked with stakes for ease of maintenance. The



drip irrigation system is designed to be temporary with a functional life span of no more than three years.

Because of the flashy nature of high water events on Mark West and Porter Creeks, there is no guarantee that the drip irrigation lines will be serviceable after the first subsequent winter after irrigation system installation. Repair costs can be extensive. Performing irrigation system inspections/maintenance every two weeks during the dry season is recommended, typically from mid May – October, and more frequently if damage from animals is common.

**Cost for irrigation system installation**

Labor and parts: \$23,000

**Cost for irrigation system maintenance (does not include repair to system caused by flooding)**

Annual: \$8,000

**Hand Watering Option**

2013: 15 visits approximately every 10 days from mid-May to mid October

Cost: 15 visits @ \$1,000 per visit: \$15,000

2014: 11 visits approximately every 14 days from mid-May to mid October

Cost: 11 visits @ \$1,050 per visit: \$11,550

**Weeding**

Weeding immediately around each container plant should be performed by hand 2-3 times per year.

2013: March, May, and July visits

Cost: 3 visits @ \$1,800 per visit: \$5,400

2014: March, May, and July visits

Cost: 3 visits @ \$1,890 per visit: \$5,670

**Monitoring**

Qualitative and quantitative monitoring is required over the 5-year establishment and monitoring period. Monitoring will occur quarterly in the first three years and annually thereafter.

Monitoring requirements from the Mitigation and Monitoring Plan are outlined below:

Monitors will establish photo points for the channel creation. These will document pre- and post-construction conditions, as well as development of the channel vegetation and hydrology over time.

Monitors will also establish photo points prior to off-site mitigation planting. The photo points will provide documentation of existing conditions, planting efforts, and changes in habitat structure over the 5-year period.

During the establishment period in years 1-3, monitors will perform qualitative assessments of plant health and vigor. The monitors will choose a representative sampling of mitigation plants for assessment. Assessment of plant vigor will include changes in length/height, number of buds or flowers, and basal diameter of plantings. This method identifies watering or maintenance needs and other problems.

Monitors will use quantitative monitoring quarterly throughout the five-year period. Monitors will determine survivorship as absolute numbers and a percentage. The monitors will record survivorship outcomes on layout plans or mapping which provides the layout plans. The Department will review failed plantings for patterns in mortality relating to species or location. This assessment will inform the choice of replacement plantings.

A monitoring report shall be prepared annually, beginning the year after the completion of revegetation activities. During the first three years, monitoring will occur quarterly. During the final two years, monitoring will be done annually. The Department will submit monitoring reports to the Water Board and CDFG by December 31 of each year during the five-year monitoring period. Each report shall include the following:

- Summary of prior reports
- Analysis of mitigation performance
- Recommendations for remedial actions, if needed
- Summary of maintenance activities performed
- Photographs of the mitigation sites referenced to established photo-points
- Monitoring datasheet

**Cost for Monitoring (Fieldwork and Report):**

2012 (Photo-documentation point establishment):	\$600
2013:	\$3,200
2014:	\$3,300
2015:	\$3,400
2016:	\$1,800
2017:	<u>\$2,000</u>
Total, Project Monitoring:	\$14,300

## ENHANCEMENT ZONES (Zones 1, 2, 4, 8)

### Plant Installation

#### Field design and project layout:

\$1,000

Each container plant should receive a color-coded pin flag. The boundary of willow zones should be staked.

#### Native plant installation

Plants propagated by nursery (liners/treepots) should be installed with Tubex tree shelters as well as weed mats (Dewitt tree square or equivalent). The cost below includes plant material, Tubex tree shelter and 3'x3' Dewitt tree squares. Cuttings will be collected within the watershed.

316 liners @ \$30.00 each, tree shelter and weed mat:	\$9,480
10 treepots @ \$42.00 each, tree shelter and weed mat:	<u>\$420</u>
SUBTOTAL, WOODY PLANT INSTALLATION	\$10,200

### Fencing

Fencing is recommended in zones that are grazed by livestock. These zones include Zones 1, 2, and 8. Fencing should be designed and constructed to be able to withstand cattle grazing.

Cost for Zones 1/2:	\$5,700
Cost for Zone 8:	\$8,000

### Plant Maintenance

Plants will require irrigation by hand or temporary drip system during the dry season for at least two years following installation. Irrigation timing should be approximately every 10 days from late April through mid-October, with plants receiving approximately one gallon per irrigation cycle. Weeds should be controlled from around the plant stem/trunk until the plants become established.

#### Irrigation System Design & Installation

The planning cost estimate below is for hooking up a temporary drip irrigation system to a reliable water source. The cost does not include developing a water source. Materials include, above ground schedule 40 PVC to be used as main supply lines between the water source(s) and the timer/valves where the individual irrigation zones originate. The drip irrigation system will utilize ¾" drip main lines that will "T" into ½" drip lines where extra line coverage is needed. The costs assume there will be a total of two irrigation zones that will be independently controlled by battery operated irrigation timers. Each plant, including willow cuttings, will have either a 1GPH drip emitter or a ½ GPH drip emitter – depending on water needs. All drip lines will be secured to the ground with heavy gauge metal staples to prevent line movement. The ends of drip lines and outlet locations will be marked with stakes for ease of maintenance. The

drip irrigation system is designed to be temporary with a functional life span of no more than three years.

Because of the flashy nature of high water events on Mark West and Porter Creeks, there is no guarantee that the drip irrigation lines will be serviceable after the first subsequent winter after irrigation system installation. Repair costs can be extensive. Performing irrigation system inspections/maintenance every two weeks during the dry season is recommended, typically from mid May – October, and more frequently if damage from animals is common.

The cost estimate below does not include Zone 8. The design of Zone 8 is not compatible with an above ground irrigation system.

Cost for irrigation system installation

Labor and parts: \$14,000

Cost for irrigation system maintenance (does not include repair to system caused by flooding)

Annual: \$5,000

Hand Watering

2013: 15 visits approximately every 10 days from mid-May to mid October

Cost: 15 visits @ \$900 per visit: \$13,500

2014: 11 visits approximately every 14 days from mid-May to mid October

Cost: 11 visits @ \$950 per visit: \$10,450

Weeding

Weeding immediately around each container plant should be performed by hand 2-3 times per year.

2013: March, May, and July visits

Cost: 3 visits @ \$1,700 per visit: \$5,100

2014: March, May, and July visits

Cost: 3 visits @ \$1,790 per visit: \$5,370

Please let me know if you have any questions or if you need additional information.

Sincerely,

Rob Evans



## Memorandum

**Date:** September 28, 2012

**To:** Cresta Ranch property file

**From:** Sheri J. Emerson, Stewardship Program Manager

**Subject:** Summary of District Advisory Committee discussion of the proposed funding agreement with SCTA to support habitat enhancements at Cresta Ranch

District staff presented information about the proposed funding agreement with Sonoma County Transportation Authority to support habitat enhancements on the Cresta Ranch property at the District Advisory Committee's September 27, 2012 meeting. I presented information about the project to the Committee, including location of mitigation areas within the District's riparian enhancement project area. The SCTA-funded portion of the project will include planting and maintenance of willows and other native riparian plant species; reimbursement of project planning, management, and administrative services costs, as well as a portion of the original acquisition cost; and placement of land use restrictions onto the planted areas to maintain the areas of natural habitat.

Committee members discussed the project. Ms. Thigpen asked if other agencies had expressed interest in providing mitigation funds towards projects on District-protected lands. Mr. Keene indicated that this had not occurred. Ms. Orchard asked that public comments be taken into consideration for this project, and for the District Habitat Mitigation Policy in development.

Public comments included:

Concern that the District is not within its mission to engage in mitigation activities. District can fund enhancement activities through grants instead of accepting mitigation funding. Concern that this project was not put out to bid, was not made available to private mitigation bankers. Would like to understand commitments of District has made as part of this funding agreement. Concern that the District does not enforce or will not enforce success of the project. (District staff indicated that the project success criteria are set by the regulatory agencies working with SCTA, and expressed in their permit documents, but that the District does have a robust conservation easement monitoring program

and this property would be included within the scope of that program once a conservation easement is recorded).

Concern that District is involved in mitigation at all. Is it possible that later the work at Cresta Ranch would become a mitigation bank? (Staff indicated that this was not the case). Is it possible that the District, if not responsible for mitigation success or failure, then the enhancement work would not be successful? (District staff indicated that since the SCTA funded project is a portion of the District's own stewardship project, the District is very much interested in the success of the riparian enhancement work, and has contracted with restoration ecologists and other experts to be sure that the work is done according to the best available and scientifically supported methodology ).



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 10  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors of the Sonoma County Agricultural Preservation and Open Space District,  
Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Agricultural Preservation and Open Space District

**Staff Name and Phone Number:**

Kim Batchelder 565-7355  
Elizabeth Tyree 565-2575

**Supervisory District(s):**

1<sup>st</sup> District  
4<sup>th</sup> District

**Title:** Mark West Creek Regional Park and Open Space Preserve land acquisition grant application

### Recommended Actions:

Adopt a concurrent resolution to approve submission of an application for a \$300,000 grant from the Acres for America grant program to fund the acquisition of land for the Mark West Creek Regional Park and Open Space Preserve and authorizing the General Manager of the Sonoma County Agricultural Preservation and Open Space District to execute all documents which may be necessary to apply for and administer the grant.

### Executive Summary:

The Agricultural Preservation and Open Space District (District), in partnership with the Regional Parks Department (Regional Parks) and the Sonoma Land Trust, is seeking funding to acquire the remaining Cresta and McCullough Ranches for a future regional park and open space preserve, currently referred to as the "Mark West Creek Regional Park and Open Space Preserve." The acquisition of 297 acres in the Mark West Creek watershed will create a 1,100-acre park that will provide recreational and educational opportunities and protect scenic and natural resources. This acquisition is in addition to the Phase 1 properties already acquired by the District. The properties to be acquired include the remaining 275.5 acres of the McCullough Ranch and 21.5 additional acres of the Cresta Ranch.

The timeline to complete the acquisition is Summer of 2013. An estimated \$8 million is needed to acquire the second phase of Mark West Creek properties. Grant funding from public sources will likely be the largest portion of acquisition funding and multiple grant opportunities that are being explored. The partners currently have secured \$5.1 million in recommended funding from sources such as Wildlife Conservation Board (\$2.5 million), California River Parkways grant program (\$1.0 million), District (\$1.1 million) and private donations (\$500,000). Grant applications have been submitted to four other funding sources requesting approximately \$2.2 million and the partners will continue to seek the additional funding needed to complete

the acquisition.

Together with the Sonoma Land Trust and Regional Parks, the District has submitted a successful pre-proposal and, subsequently, a full proposal to the Acres for America program administered by the National Fish and Wildlife Foundation. The District is applying for a \$300,000 grant. If successful, the District and Regional Parks will return to the Board with a proposal for funding the annual operations and management of the properties and grant.

**Prior Board Actions:**

October 23, 2007 by Reso. No. 07-0895, the Board approved fee title acquisition of the Cresta property. August 18, 2009 by Reso. No. 09-0790, the Board approved fee title acquisition of the McCullough property. September 27, 2011 by Reso. No. 11-0520, the Board approved a concurrent resolution to apply for three grants to acquire the McCullough and Cresta properties.

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$ 300,000.00
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$ 300,000.00</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**



**Attachments:**

- 1) Concurrent Resolution
- 2) Pre-Proposal for Acres for America grant

**Related Items "On File" with the Clerk of the Board:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Concurrent Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District and the Board of Supervisors of the County of Sonoma, State of California, authorizing the General Manager of the Sonoma County Agricultural Preservation and Open Space District and the Director of the Sonoma County Regional Parks Department to submit a grant application to Acres for America Grant Program administered by the National Fish and Wildlife Foundation for funds to acquire land for the Mark West Creek Regional Park and Open Space Preserve, and approving the Terms and Conditions of the Grant Agreement.**

**Whereas**, the voters of Sonoma County approved Measure A in 1990, which in part called for the acquisition of land to protect scenic and natural resources, and which included within the Agricultural Preservation and Open Space 2006 Expenditure Plan protection of open space for recreation projects within Sonoma County as well as limited funding for initial public access to recreational lands; and

**Whereas**, the 2005 update to the District's Acquisition Plan, *Connecting Communities and the Land*, A Long-Term Acquisition Plan includes Protection of Natural Resources and Recreation and Education as two of its four areas of focus; and

**Whereas**, the District desires to work in partnership with other public agencies, non-governmental organizations, and private landowners to provide public access to District-protected lands where recreation was identified as a conservation value at the time of acquisition; and

**Whereas**, the Board of the Directors of the Sonoma County Agricultural Preservation and Open Space District and the Board of Supervisors for the Sonoma County Regional Parks identified protection and recreation as two of the conservation values when approving the acquisitions of Cresta Ranch in 2007 and McCullough Ranch in 2009 for a future recreation area called Mark West Creek Regional Park and Open Space Preserve; and

**Whereas**, the National Fish and Wildlife Foundation may fund property acquisition in accordance with Division 21 of the Public Resources Code; and

**Now, Therefore, Be It Resolved** that the General Manager of the Sonoma County Agricultural Preservation and Open Space District and the Director of Sonoma County Regional Parks are authorized to submit a grant application for funding from the National Fish and

Resolution #

Date: 10/23/2012

Page 2

Wildlife Foundation for funds to acquire the remaining parcels of Cresta Ranch and McCullough Ranch.

**Directors:**

Brown:            Rabbitt:            McGuire:            Carrillo:            Zane:

Ayes:            Noes:            Absent:            Abstain:

**So Ordered.**

## Pre-proposal Project Narrative



**Writing Instructions:** Please provide a two-page narrative that elaborates on the outcome(s) summarized previously; how progress will be measured; the strategy (activities) for achieving project outcomes, including the status of their planning and implementation; and how that strategy is appropriate for addressing priority conservation needs in the specific project location.

### **Complete a 5 year project to create a 1,097-acre preserve that furthers multiple conservation plans, connects over 4,300 acres of protected lands, and will provide diverse habitat for listed species.**

This grant will support a collaborative project of the Sonoma County Regional Parks Department (“Regional Parks”), the Sonoma County Agricultural Preservation and Open Space District (“District”), and Sonoma Land Trust (“SLT”) to acquire in fee 296 acres in Sonoma County’s Mayacamas Mountains that contain 1 mile of salmonid-bearing Mark West and Mill Creeks. The acquisitions are located in the Mark West Creek sub-watershed of the Russian River, northeast of Santa Rosa in Sonoma County, California and, when added to adjacent properties already in public ownership, will create the 1,097 -acre Mark West Creek Regional Park and Open Space Preserve (“Project”).

The Project will permanently protect 3.57 miles of high-quality riparian corridor to support biological diversity for terrestrial and avian species, as well as for aquatic organisms including salmonids. The property will link adjacent protected lands to create over 4,300 acres of contiguous wildlife habitat in the watershed. The Project provides multiple public benefits in an area that is at risk of development and fragmentation, including 17 miles of established and well-maintained trails for recreational use. The purpose of the Project is to protect and restore habitat for threatened and endangered fisheries and a diverse assemblage of wildlife species, expand and link adjacent protected lands, and provide public access and education opportunities. The elements of this project further the goals of multiple regional, State, and federal conservation plans; see below.

This is the second phase in acquiring the contiguous properties that make up the Project. The local effort to assemble and establish the Mark West Regional Park and Open Space Preserve began with the acquisition of the Phase I properties, a total of 801 acres in two ownerships, by the District in 2007 and 2009. Following acquisition of the 296-acre Phase II properties of the Project, the District will transfer all of the Phase I and Phase II properties to Regional Parks for management as a regional park and open space preserve. At that time, the District will retain a perpetual conservation easement over the entire Project that will require protection of and encourage enhancement of the land’s conservation values. The partnership of two public agencies insures that financial and staffing resources will be in place to steward the property. The conservation easement will allow the District to expand its current riparian habitat restoration program on to the Phase II acquisitions. The District has secured appraisals for both properties, and is currently in negotiations with both willing sellers.

### **Consistency with Conservation Plans:**

Completion of the Project, establishment of the Park and Preserve, and expansion of habitat restoration programs on the site are all consistent with, and further the goals of, many species recovery, acquisition, connectivity, and recreation plans, including:

- National Oceanic and Atmospheric Administration: *The Public Draft of the Recovery Plan for the Evolutionarily Significant Unit of Central California Coast Coho Salmon* (2010)
- California Department of Fish and Game (“CDFG”): *Recovery Strategy for California Coho Salmon* (2004)
- Bay Area Open Space Council: *Conservation Lands Network* (2011)
- Bay Area Critical Linkages Project – Currently In Development
- Sotoyome Resource Conservation District: *Upper Mark West Watershed Management Plan* (2008)
- Upper Mark West Creek Sediment Source Reduction Project; and Monitoring and Assessment Program (2007)
- Russian River Coho Water Resources Partnership (2009)
- Sonoma County Agricultural Preservation and Open Space District: *Connecting Communities and the Land: A Long-Range Acquisition Plan* (2006)
- Sonoma County General Plan (2020)
- The Regional Water Quality Control Board: *Basin Plan* (2007)
- California Department of Parks and Recreation: *California Outdoor Recreation Plan* (2008)

- California Department of Parks and Recreation *Natural Resource Acquisition Program* (2008-2009)
- Draft Sonoma County Outdoor Recreation Plan (2003)
- Association of Bay Area Governments (“ABAG”) (2008)
- North Coast Integrated Regional Water Management Plan (2011)

The Project furthers the goals of the plans and programs above by: reducing habitat fragmentation, providing and enhancing critical habitat for Coho salmon, steelhead trout, protecting and enhancing biological diversity and ecosystem function, protecting several threatened plant species; reducing sediment loading in aquatic ecosystems and improving water quality; improving water conservation; allowing for the expansion of key partnerships and programs in the Mark West and Russian River watersheds, meeting acquisition goals designed to protect and link critical habitat and expand recreational opportunities as laid out by state and local planning and conservation agencies; protecting and contributing to the health of a state-designated impaired waterway, providing numerous and diverse recreational opportunities that meet the goals of State and local outdoor recreation plans, contributing Regional Park and Open Space to an area identified as being underserved in Sonoma County; and protecting habitat that has been identified as a priority conservation area and wildlife corridor by ABAG, the Bay Area Open Space Council (“BAOSC”), CDFG, and others.

### **Connectivity**

Establishment of the Regional Park and Open Space Preserve will reduce habitat fragmentation by preventing the subdivision of the McCullough Phase II property, and likely conversion of habitat to vineyard. The Preserve properties are connected to multiple protected lands, including the 3,100-acre Pepperwood Preserve. These linked protected lands stretch 6 miles from north to south, total over 4,300 acres, and create an important wildlife corridor recognized by multiple habitat connectivity plans. One such plan is the Conservation Lands Network (“CLN”); it is a collaborative effort led by BAOSC to identify the types, amount, and distribution of habitats needed to sustain healthy and diverse plant and animal species in the nine Bay Area counties. The CLN designates the Phase II properties as Areas Essential to Conservation Goals because of the significance of the redwood forest, connectivity to conservation lands, and the presence of priority streams. The Redwood Forest and Valley Oak Forest/Woodland vegetation communities on the properties are designated Rarity Rank 1.

The acquisitions are immediately adjacent to the District’s 340-acre Cresta I property and the 461-acre McCullough I property, the initial acquisitions for the Project. Together they will protect 1,097 acres of contiguous property, that linked to adjacent protected lands, create an important wildlife corridor. The Project is part of an important linkage and wildlife corridor between habitats associated with the Southern Mayacamas Mountains and Blue Ridge Berryessa Natural Area to the east as mapped by BAOSC’s Critical Linkages Project. According to CDFG’s ACE-II Planning Program mapping tool, portions of the Project are designated as a Small Natural Area under the Essential Habitat Connectivity layer. Large mammals such as mountain lion, bobcat, deer, and other species with large ranges will benefit from the connected wildlife corridors. In addition, fish, including Coho and steelhead, will benefit from the riparian and stream connectivity.

### **Diverse Habitat for Listed Species**

The Project’s oak woodlands, redwood and fir forests, grasslands and riparian corridors contain important ecological resources characterized by five habitat types including: annual grassland, coastal oak woodland, montane hardwood-conifer, montane riparian, and mixed chaparral, providing diverse habitat for a range of species. The creeks on the Project properties support listed animal species including steelhead trout (*Oncorhynchus mykiss* – federally listed as threatened) and Coho salmon (*Oncorhynchus kisutch* – federally and State-listed as endangered). Both of these species have been observed and documented in Mark West and Mill Creeks by CDFG in 1997 and 2001. More recently, Mark West Creek is one of few tributaries to the Russian River where wild Coho salmon were observed during a September 2011 snorkeling survey performed by the University of California Cooperative Extension. Biologists observed 30 juvenile Coho in Mark West Creek on the Project. In addition; in March 2012, the Redwood Empire Chapter of Trout Unlimited observed and filmed wild steelhead spawning in Mark West Creek. The Russian River was once the 3rd best steelhead fishery in California with a run of 50,000 wild steelhead as recently as 1968.

In addition to providing permanent habitat protection, acquisition of the Phase II properties will allow implementation of adopted plans for the protection and enhancement of riparian habitat, and actions that support the recovery of steelhead trout and Coho salmon on the Project Site. There are several innovative strategies and partnerships underway in the Upper Mark West watershed to address excessive sedimentation, loss of riparian cover and high water temperatures that limit Coho recovery. Watershed groups and resource agencies are implementing a range of actions on adjacent properties that aim to enhance fisheries and wildlife habitat; these actions will be expanded on to the Phase II acquisitions upon completion of the Project.

National Fish and Wildlife Foundation – Acres for America Fall 2012, Pre-proposal  
 Title: Mark West Regional Park & Open Space Preserve (CA)  
 Organization: Sonoma County Agricultural Preservation & Open Space District

### Grant Request Information

**Title of Project** Mark West Regional Park & Open Space Preserve (CA)

**Project Description** Acquire 296 acres that, added to adjacent protected lands, will permanently protect 3.57 miles of coho salmon and steelhead trout-bearing creeks.

**Long Term Outcome(s) of Project** Complete a 5 year project to create a 1,097-acre preserve that furthers multiple conservation plans, connects over 4,300 acres of protected lands, and will provide diverse habitat for listed species.

**Project Location Description** The Project is located in the Mark West watershed, northeast of the city of Santa Rosa in eastern Sonoma County, in the North Bay Area of California. The acquisitions are owned by two willing sellers.

**Total Amount Requested** \$300,000.00  
**Total Match Amount Proposed** \$6,320,000.00

**Proposed Grant Period** 09/01/2012 - 09/30/2013

**Organization** Sonoma County Agricultural Preservation & Open Space District

**Organization Type** State or Local Government

**Primary Contact** Kristine Acquino,  
**Position/Title** Staff of Partner Organization - Sonoma Land Trust  
**Street Address Line 1** 747 Mendocino Ave.  
**Street Address Line 2** Suite 100  
**City, State, Country Postal Code** Santa Rosa , California , North America - United States 95401

**Phone and E-mail** 707-526-6930 Ext: 112 ; kristine@sonomalandtrust.org

### Matching Contributions

**Amount:** \$2,500,000.00  
**Type:** Cash  
**Status:** Application Submitted  
**Source:** California Wildlife Conservation Board  
**Source Type:** Non-Federal  
**Description:** This grant will be applied toward the total fee purchase price of the acquisitions.

**Amount:** \$1,500,000.00  
**Type:** Cash  
**Status:** Application Submitted

National Fish and Wildlife Foundation – Acres for America Fall 2012, Pre-proposal  
 Title: Mark West Regional Park & Open Space Preserve (CA)  
 Organization: Sonoma County Agricultural Preservation & Open Space District

**Source:** California Natural Resources Agency  
**Source Type:** Non-Federal  
**Description:** This grant will be applied toward the total fee purchase price of the acquisitions.

**Amount:** \$1,000,000.00  
**Type:** Cash  
**Status:** Application Submitted  
**Source:** California Department of Fish and Game  
**Source Type:** Non-Federal  
**Description:** This grant will be applied toward the total fee purchase price of the acquisitions.

**Amount:** \$800,000.00  
**Type:** Cash  
**Status:** Pledged  
**Source:** Sonoma County Agricultural Preservation and Open Space District  
**Source Type:** Non-Federal  
**Description:** This grant will be applied toward the total fee purchase price of the acquisitions.

**Amount:** \$720,000.00  
**Type:** Cash  
**Status:** Received  
**Source:** Private Fundraising  
**Source Type:** Non-Federal  
**Description:** This grant will be applied toward the total fee purchase price of the acquisitions.

Total Amount of Matching Contributions                      \$6,520,000.00



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 11  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Commissioners

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sonoma County Community Development Commission

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Kathleen Kane, 565-7505

1st

**Title:** First Amendment to Right of First Refusal Agreement

### **Recommended Actions:**

Authorize Sonoma County Community Development Commission Executive Director to execute the First Amendment to Right of First Refusal Agreement for 17310 Highway 12, Fetters Hot Springs.

### **Executive Summary:**

The 6-acre property located at 17310 Sonoma Highway (Highway 12), shown on the attached Site Location Map and Conceptual Subdivision Plan, is the largest vacant property within the former Springs Redevelopment Project Area and is located within the northern-most Activity Hub identified in the Sonoma Valley Redevelopment Project Strategic Plan. As such, it is an excellent candidate for development of much needed affordable housing and non-residential uses to benefit the former Project Area.

The Sonoma County Community Development Commission (CDC) currently holds of Right of First Refusal Agreement to acquire the property if and when the owner decides to entertain offers for acquisition. Under the terms of the Agreement, the owner has advised CDC that they propose to subdivide the property, retaining ownership of one parcel, and selling the remaining two parcels through separate transactions to the Sonoma Valley Community Health Center and MidPen Housing Corporation. The parties anticipate closing escrow within 12 – 18 months.

Development of the property as proposed by the owner, Health Center, and MidPen would fulfill the CDC's pre-Redevelopment dissolution vision for the property, and staff is ready to provide notice to the owner that it will not exercise its right to purchase the property, thereby allowing the owner to accept the current purchase offers. However, the Right of First Refusal Agreement does not accommodate the terms of the two proposed sales in that it 1) contemplates only the sale of the entire property in one transaction, and 2) stipulates that its terms reactivate if proposed sales do not close escrow within 120 days.



Due to the complex nature of the subdivision and development financing processes that must be completed prior to finalizing the proposed sales transactions, CDC staff recommends that the First Right of Refusal Agreement be amended to 1) recognize the owner’s right to subdivide the property, with the Agreement applying separately to each portion of such subdivision; and 2) stipulate that its terms reactivate relative to any subdivided portion of the property for which a proposed sale is not completed within 18 months from the date on which the CDC notifies the owner that it will not exercise its right of first refusal. If this or any of the other conditions in the Agreement are not met relative to any subdivided portion of the property, the CDC would once again have the right of first refusal to purchase that subdivided portion the property if and when another sale is contemplated.

**Prior Board Actions:**

4/12/11 – Authorized CDC staff to use up to \$175,000 of Springs Redevelopment Project funds to undertake due diligence and pre-development tasks to determine whether to acquire property located at 17310 Sonoma Hwy for a mixed-use development, to execute agreements to carry out such tasks, and to negotiate a Purchase and Sale Agreement with the owners of said property, contingent upon approval by the Board.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

The proposed redevelopment of the property at 17310 Sonoma Highway would provide affordable housing, and expanded and conveniently located health services, both of which are much needed especially for the lower-income residents of Sonoma Valley.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

None.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
None.			
<b>Attachments:</b>			
<ol style="list-style-type: none"><li>1. Site Map and Conceptual Subdivision Plan</li><li>2. First Amendment to Right of First Refusal Agreement</li></ol>			
<b>Related Items "On File" with the Clerk of the Board:</b>			
None.			

COUNTY ASSESSOR'S PARCEL MAP

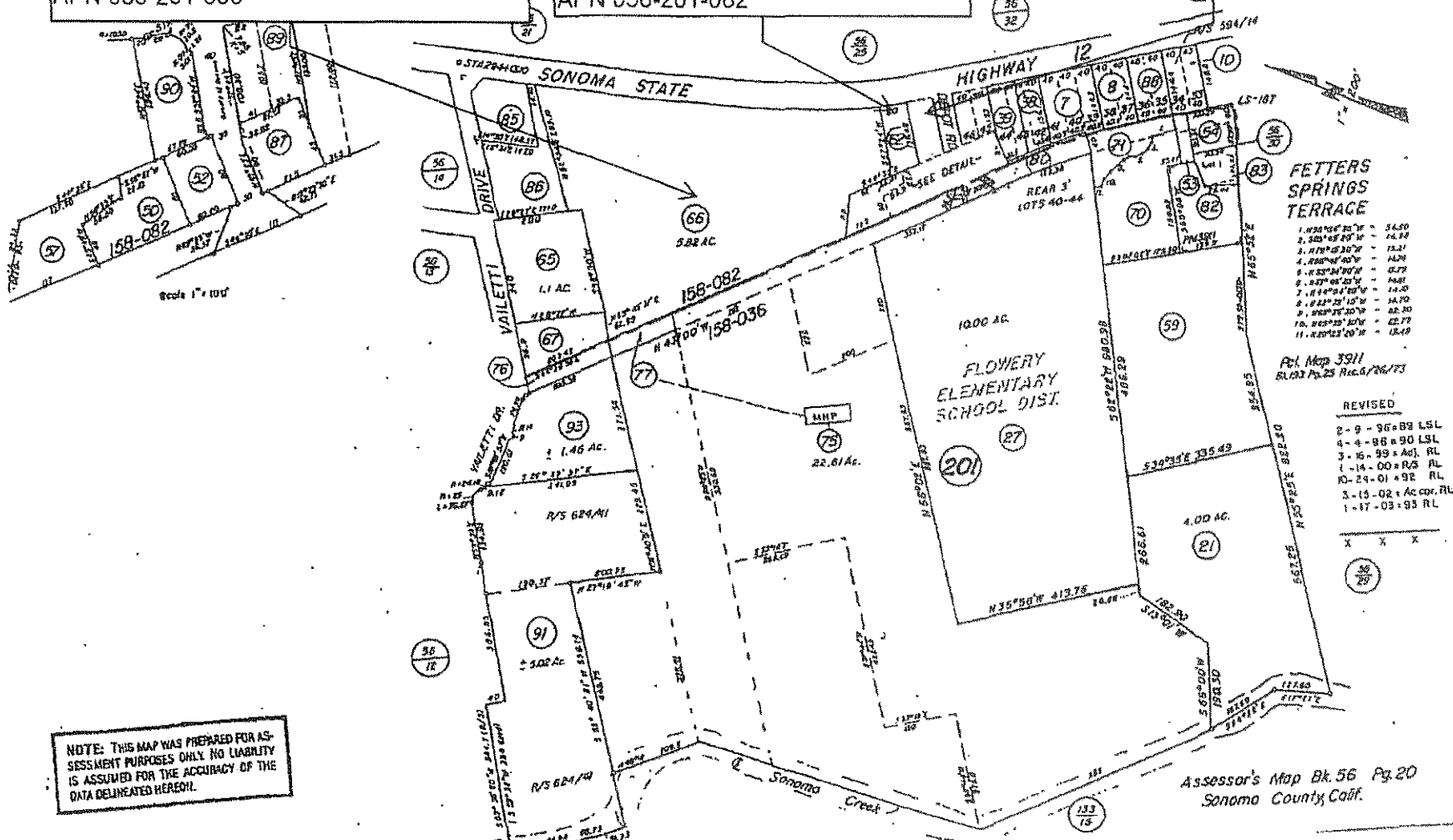
TAX RATE AREA  
158-036

56-20

17310 Sonoma Hwy., Sonoma, CA  
APN 056-201-066

17360 Sonoma Hwy., Sonoma, CA  
APN 056-201-062

17366 Sonoma Hwy., Sonoma, CA  
APN 056-201-090



**FETTERS SPRINGS TERRACE**

1. 1,000' 0" 0" 0"	14.00
2. 500' 0" 0" 0"	14.00
3. 1,000' 0" 0" 0"	14.00
4. 1,000' 0" 0" 0"	14.00
5. 1,000' 0" 0" 0"	14.00
6. 1,000' 0" 0" 0"	14.00
7. 1,000' 0" 0" 0"	14.00
8. 1,000' 0" 0" 0"	14.00
9. 1,000' 0" 0" 0"	14.00
10. 1,000' 0" 0" 0"	14.00
11. 1,000' 0" 0" 0"	14.00

Per Map 3911  
RL 03 Pg. 25 R/C 6/26/73

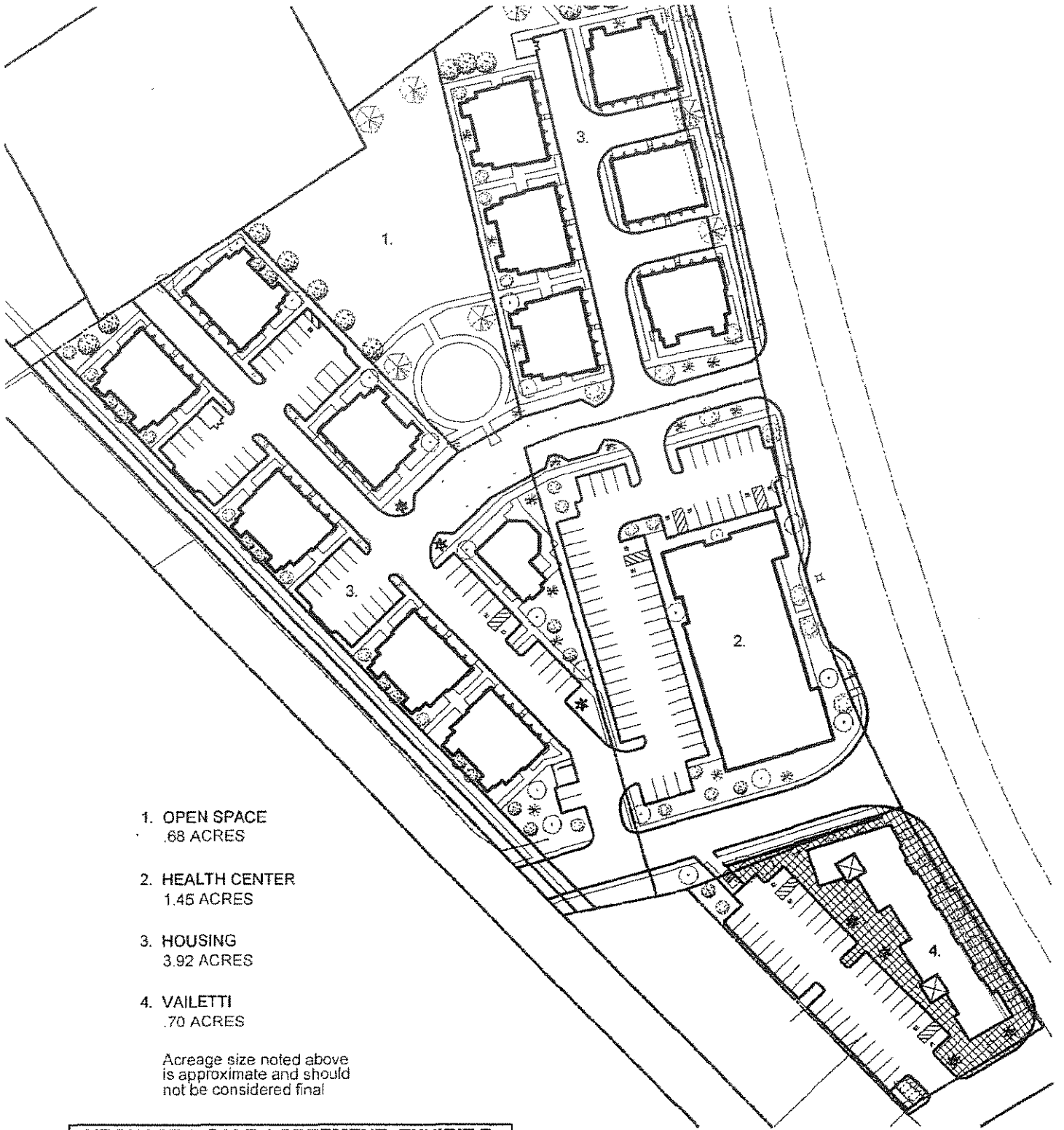
**REVISED**

2-9-95+89 LSL
4-4-88+90 LSL
3-16-93+AdJ. RL
1-14-00+R/S RL
10-24-01+9E RL
3-15-02+Ac cor. RL
1-17-03+93 RL

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

Assessor's Map Bk. 56 Pg. 20  
Sonoma County, Calif.

**PURCHASE & SALE AGREEMENT - EXHIBIT A - THE PROJECT**  
SELLER: VAILETTI FAMILY TRUST  
BUYER: MIDPEN HOUSING CORPORATION



- 1. OPEN SPACE  
.68 ACRES
- 2. HEALTH CENTER  
1.45 ACRES
- 3. HOUSING  
3.92 ACRES
- 4. VAILETTI  
.70 ACRES

Acreage size noted above  
is approximate and should  
not be considered final

**PURCHASE & SALE AGREEMENT- EXHIBIT B  
-- THE PLAN**

**SELLER: VAILETTI FAMILY TRUST  
BUYER: MIDPEN HOUSING CORPORATION**

## FIRST AMENDMENT TO RIGHT OF FIRST REFUSAL AGREEMENT

This First Amendment to Right of First Refusal Agreement (First Amendment) is made as of October 23, 2012 (the "Amendment Effective Date"), by and between Celestina Vailetti and Marco Vailetti, Successor Trustees of the Vailetti Family Living Trust dated July 5, 1995 (Grantor) and the Sonoma County Community Development Commission (Grantee).

### RECITALS

- A. On October 14, 2010, Grantor and Grantee entered into a Right of First Refusal Agreement (Agreement), through which Grantor granted to Grantee a right of first refusal to purchase all of Grantor's right, title, and interest in the real property, together with all improvement thereon, described in Exhibit A to the Agreement, commonly known as APN 056-201-066, 17310 Highway 12, Fetters Hot Springs, Sonoma County (the Property), for the price and subject to the terms and conditions set forth in the Agreement.
- B. The Agreement stipulates that Grantor shall not sell or agree to sell, as that term is defined in the Agreement, the Property without first offering the Property to Grantee.
- C. The Agreement stipulates that before Grantor either makes an offer to sell the Property to a third party, or accepts an offer to purchase the Property from a third party, Grantor shall deliver to Grantee written notice of such offer (the Offer Notice), containing all of the information specified in the Agreement.
- D. The Agreement stipulates that Grantee shall, within thirty (30) days from the date of Grantee's receipt of the Offer Notice (Acceptance Period), either (a) exercise its right of first refusal by delivering to Grantor a Notice of Exercise of Right of First Refusal or (b) notify Grantor in writing that it will not exercise its right of first refusal.
- E. The Agreement stipulates that, if Grantee notifies Grantor that it will not exercise its right of first refusal, or fails to deliver a Notice of Exercise of Right of First Refusal on or before the last day of the Acceptance Period, then Grantor may proceed to sell the Property to the third party under the terms and conditions set forth in the Offer Notice, provided that each of the following conditions are satisfied:
  - 1. The offer to sell or offer to purchase received or made by Grantor as set forth in the Offer Notice was a bona fide, arms-length, reasonable offer made by or to a bona fide third party purchaser not associated with or related to Grantor in any way.
  - 2. Conveyance of the Property to the third party closes within 120 days of the earlier of the last day of the Acceptance Period or the date on which Grantee notifies Grantor that Grantee will not exercise its right of first refusal.
  - 3. No material changes to the terms contained in the Offer Notice are negotiated between Grantor and the third party prior to the close of the purchase transaction.

- F. The Agreement stipulates that, if any of these conditions is not met, then Grantee shall continue to have a right of first refusal to purchase all of Grantor's right, title, and interest in the Property, subject to the terms and conditions of the Agreement.
- G. On August 24, 2012, Grantor provided to Grantee an Offer Notice containing the information required by the Agreement, indicating that Grantor intends to subdivide the Property into three (3) parcels, two (2) of which are intended to be sold to different third parties through two (2) separate transactions, and one (1) of which is to be retained by Grantor.
- H. Said Offer Notice includes a proposed Land Purchase and Sale Agreement (Purchase Contract) for each of the two (2) proposed transactions, and each Purchase Contract requires close of escrow within twelve (12) months of the execution of the Purchase Contract, with an additional 180-day extension permitted at either Grantor's or purchaser's election.
- I. Grantor and Grantee wish to amend the Agreement to accommodate the extended closing period provided for in the Purchase Contracts.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties mutually agree to amend the Agreement as follows:

1. A new section 1.1 is added to the Agreement, to read as follows: "Grantor shall have the right to subdivide the Property. The provisions of this Agreement shall be separately applicable to each portion of the Property created by such subdivision, and references to "the Property" in this Agreement shall in that event mean the portion of the Property referenced in a particular Offer Notice as applicable such subdivision."
2. Section 5.b. of the Agreement is amended to read "Conveyance of the Property to the third party closes within eighteen (18) months of the earlier of the last day of the Acceptance Period or the date on which Grantee notifies Grantor that Grantee will not exercise its right of first refusal."
3. The last sentence of Section 5 of the Agreement is amended to read: "If any of the foregoing conditions is not satisfied relative to the proposed sale of the Property as detailed in the Offer Notice, then notwithstanding Grantee's failure to timely deliver a Notice of Exercise of Right of First Refusal, Grantee shall continue to have a right of first refusal to purchase all of Grantor's right, title, and interest in the Property that is the subject of said Offer Notice, subject to the terms and conditions of this Agreement."
4. Except as expressly amended herein, the terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed, in triplicate, by the Parties on the date first above written.

Dated: \_\_\_\_\_

GRANTOR:

The Vailetti Family Living Trust Dated 7/5/1995

By: \_\_\_\_\_

Celestina Vailetti  
Successor Trustee

By: \_\_\_\_\_

Marco Vailetti  
Successor Trustee

Dated: \_\_\_\_\_

GRANTEE:

Sonoma County Community Development Commission

By: \_\_\_\_\_

Kathleen H. Kane  
Executive Director

APPROVED AS TO FORM:

By: \_\_\_\_\_

Steven S. Shupe,  
Deputy County Counsel

Dated: \_\_\_\_\_



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 12

(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma County Water Agency

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sonoma County Water Agency

**Staff Name and Phone Number:**

Connie Barton / 547-1905

**Supervisory District(s):**

All Districts

**Title:** Environmental Compliance Services for Local Hazard Mitigation Projects

### Recommended Actions:

Authorize Chair to execute an agreement with Horizon Water and Environment to provide environmental investigation and documentation services. (\$219,800; agreement terminates on March 31, 2014).

### Executive Summary:

This agenda item presents for Board consideration an agreement with Horizon Water and Environment (Horizon) for \$219,800 to prepare environmental documentation for two Local Hazard Mitigation projects: 1) Russian River Crossing, and 2) Mark West Creek Crossing, described below. These projects are part of the Sonoma County Water Agency's (Water Agency) Federal Emergency Management Agency-approved Local Hazard Mitigation Plan (Mitigation Plan), originally adopted in January 2008.

### BACKGROUND

The Water Agency owns and maintains more than 83 miles of water transmission pipeline in the vicinity of and crossing the Rodger's Creek and Bennett Valley Faults. The Water Agency's water transmission pipelines cross locations where they may be subjected to ground deformation and several feet of displacement resulting from a major earthquake on the Rodger's Creek Fault. Recent studies by the U.S. Geological Survey determined that the probability of a major earthquake in the Bay Area in the next 25 years is 62 percent and there is a 27 percent chance this event will occur on the Rodger's Creek/Hayward Fault (U.S. Geological Survey 2003 Report: Earthquake Probabilities in the San Francisco Bay Region: 2002–2031 and Fact Sheet: Understanding Earthquake Hazards in the San Francisco Bay Region). The Water Agency's Local Hazard Mitigation Plan, approved by Federal Emergency Management Agency in January 23, 2008, identified the Russian River-Cotati Intertie pipeline crossing under the Russian River and under Mark West Creek as two of the highest risk sites for liquefaction and lateral spread due to earthquakes. The Russian River pipeline crossing is located in sediment that can experience up to 17 feet of lateral spread during a major earthquake. Water Agency analysis of the pipeline crossings demonstrated that they cannot withstand strains associated with liquefaction and lateral spread and would likely fail in a major quake. Damage at these locations could have a very significant impact on system operations.

The Water Agency's Russian River-Cotati Intertie is connected to both the southern and eastern aqueduct transmission lines; therefore, if this intertie were to suffer a complete failure in an earthquake, it could



potentially result in a reduced level of water service to the entire population served by the Water Agency - over 600,000 residents and businesses.

The goal of this project is to mitigate the loss of an essential service to residents and businesses that would result from a moderate or severe earthquake along the Rodger's Creek Fault causing a failure to the Russian River-Cotati Intertie. This goal will be attained by completing the following mitigation objective(s): Modify the Russian River-Cotati Intertie to improve its ability to withstand the affects of an earthquake and the liquefaction and lateral spread hazard resulting from an earthquake along the Rodger's Creek Fault at the two highest risk sites; Russian River crossing and the Mark West Creek crossing.

Other objectives that will be achieved as a result of the proposed project include: 1) Maintaining water service to the entire population served by the Water Agency without significant rate increases due to emergency earthquake damage repairs; 2) Maintaining firefighting capability; 3) Maintaining water free from contamination; and 4) Avoiding economic losses to local businesses as a result of pipeline rupture.

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FUNDING**

Federal Emergency Management Agency-approved Local Hazard Mitigation Plans are valid for five years. Since adopting the plan in 2008, the Water Agency has secured funding for the Santa Rosa Aqueduct Seismic Hazard Mitigation project for \$1,370,360. Three other projects pending approval, subject to completion of an update to the Mitigation Plan which is currently underway, are: 1) Isolation Valves Seismic Hazard Mitigation project (\$1,930,181); 2) Russian River Crossing (\$2,948,879); and 3) Mark West Creek Crossing (\$2,948,879). Total funding pending approval is \$7,689,760, of which \$486,209 has been budgeted for environmental compliance.

The proposed agreement includes environmental work for the Russian River and Mark West Creek crossings; the Isolation Valves project is exempt under the California Environmental Quality Act.

#### **PURPOSE OF THE AGREEMENT**

As discussed above, the Water Agency's Local Hazard Mitigation Plan identifies the two described projects as high-risk natural hazards concerning Water Transmission System reliability due to earthquake liquefaction and lateral spread of the surrounding soil. As part of the Water Agency's mitigation activities, National Environmental Policy Act and California Environmental Quality Act compliance documents must be prepared before mitigation project construction work can begin.

Under the terms of the agreement, Horizon will investigate and prepare drafts of the California Environmental Quality Act and National Environmental Policy Act documents, in coordination with Water Agency environmental staff. Services to be performed include: site reconnaissance; drafting of the Notice of Preparation; attendance at public scoping meetings; drafting a project description; preparation of an Initial Study and Environmental Assessment; incorporation of Water Agency staff comments; finalization and circulation of public California Environmental Quality Act and National Environmental Policy Act documents; consideration of written and verbal comments; attendance at Board meetings to adopt and approve the projects; and preparation and submittal of necessary documentation to obtain environmental permits. The proposed Agreement contains a detailed timetable and estimated hours to be spent on each California Environmental Quality Act and National Environmental Policy Act task.

#### **SELECTION PROCESS**

Due to its current project volume, the Water Agency's Environmental section does not have the resources to conduct this work with in-house staff in a timely manner. On August 3, 2012, the Water Agency issued a Request for Proposals to seven environmental consulting firms to prepare the environmental compliance documentation for the two mitigation projects described above. Because of federal regulations that apply to

federally funded projects, respondents were required to perform and document Disadvantaged Business Enterprise outreach as part of their proposals. Two firms, Prununske Chatham Inc, of Sebastopol and Horizon Water & Environment of Oakland, responded with proposals.

Water Agency staff evaluated each proposal on the following criteria: 1) Responsiveness and clarity of proposal; 2) Demonstrated experience in type of work and work with public agencies; 3) Ability to assess and prepare the environmental settings, impact, mitigation, and monitoring for the proposed project; 4) Experience with NEPA and CEQA requirements and regulations; 5) Demonstrated understanding of project steps, tasks, and associated costs; and 6) Disadvantaged Business Enterprise eligibility.

The usual weighting of five percent for local preference was not included in this evaluation due to a prohibition on local preference in federally funded projects. Federal regulations view local preference policies as a hindrance to outreach to Disadvantaged Business Enterprises.

Horizon was selected for the work because its proposal demonstrated a clear, detailed, and superior understanding of the tasks required under this agreement. Horizon has successfully performed similar work for the Town of Windsor (Water Master Plan Programmatic Environmental Impact Report) and Napa County Flood Control and Water Conservation District (Napa River Rutherford Restoration Project Permitting and Monitoring). Their proposal was compliant with Disadvantaged Business Enterprise requirements, and the proposed document project manager specializes in preparing California Environmental Quality Act/National Environmental Policy Act and obtaining permitting for water infrastructure and river projects.

**Prior Board Actions:**

05/24/2011    Execute agreement with MMI, Inc. for design services for Natural Hazard Mitigation Projects  
 01/08/2008    Resolution to formally adopt the Sonoma County Water Agency’s Local Hazard Mitigation Plan

**Strategic Plan Alignment:**    Goal 1: Safe, Healthy, and Caring Community

This aligns with County Strategic Plan Goal 1, in that community members have access to clean water through a safe and reliable water transmission system.

Water Agency Water Supply Goals and Strategies, Goal 3: Ensure that water will be available to customers at all times, including during short-term emergencies, such as earthquakes, and long-term challenges caused by extended droughts and global climate change.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 219,800	Water Agency Gen Fund	\$ -0-
Add Appropriations Req'd.	\$ -0-	State/Federal	\$ -0-
	\$	Fees/Other	\$ 219,800
	\$	Use of Fund Balance	\$ -0-
	\$	Contingencies	\$ -0-
	\$		\$
<b>Total Expenditure</b>	<b>\$ 219,800</b>	<b>Total Sources</b>	<b>\$ 219,800</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The cost of this contract is included in the FY 12/13 budget, and may be reimbursed through a pending grant application with Federal Emergency Management Agency.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

None.

**Related Items "On File" with the Clerk of the Board:**

Agreement (4 Copies).



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number:** 13  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Directors, Sonoma County Water and Wastewater Financing Authority

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** 4/5

**Department or Agency Name(s):** Sonoma Valley County Sanitation District

**Staff Name and Phone Number:**

Spencer Bader / 521-6207

**Supervisorial District(s):**

First

**Title:** Financing Authority Establishing Regular Meetings

### Recommended Actions:

Adopt resolution of the Sonoma County Water and Wastewater Authority establishing time and place of regular board meetings consistent with regular meetings of the County of Sonoma Board of Supervisors. (First District)

### Executive Summary:

The Sonoma County Water Agency, the Russian River County Sanitation District, and the Sonoma Valley County Sanitation District (District) are parties to a Second Amended Joint Exercise of Powers Agreement, dated as of June 30, 2004 (Agreement), relating to the Sonoma County Water and Wastewater Financing Authority (Authority). The Authority has the power to issue bonds to finance public capital improvements. Under Section 4C(1) of the Agreement, the governing board (Board) of the Authority is required to conduct no less than one regular meeting each year and, by resolution of the Board, may provide for the holding of regular meetings at more frequent intervals.

Recent amendments made to the Marks-Roos Local Bond Pooling Act of 1985 (Title 1 of the Government Code of the State of California), have specified that a resolution authorizing the issuance of bonds shall be adopted by the governing board of a joint powers authority only during a regular meeting of the governing board.

The Board wishes at this time to provide for more frequent regular meetings which will better coincide with the need to approve the issuance of bonds and other debt for financing improvements of the County of Sonoma and the District.

Regular meetings of the Board shall be held on the same date, at the same time and at the same location as the regular meetings of the Board of Supervisors of the County of Sonoma. Such regular meetings may occur either prior to or after the regular meetings of the Board of Supervisors, but in no event shall commence earlier than the starting time for the regular meetings of the Board of Supervisors. In the event a meeting is cancelled, the following meeting will continue to be held at its regularly scheduled date, time and location. Regular meetings of the Board of Directors may be conducted by teleconference in

accordance with the provisions of Section 54953 of the Government Code. Notice of a regular meeting shall be given in accordance with the provisions of the Ralph M. Brown Act of the State of California (constituting Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California), except as otherwise provided in Section 3 hereof.

A regular meeting of the Board will be held on November 13, 2012 to consider the District's proposal to issue bonds for the Napa-Sonoma Salt Marsh Pipeline (Project). The Project is an element of the North San Pablo Bay Restoration and Reuse Project and will provide recycled water to dilute bittern in evaporation ponds before discharge to San Pablo Bay, restore the salt marsh, and serve agricultural irrigation uses.

Grant funding has been awarded from the Bureau of Reclamation (Reclamation) under Title XVI (WaterSMART Program) to construct the District's Napa-Sonoma Salt Marsh Pipeline in the amount of \$1,711,750. The grant requires a cost share of 75 percent. The potential Project funding from the Army Corps of Engineers did not come through, and the alternative funding that the District will receive from Reclamation is significantly less (25% versus 65% cost share). In response to these changes in funding, the District has partially revised the scope of the Project to accommodate these new design elements. Up to \$5,500,000 in additional financing is required to fully fund the construction Project.

**Prior Board Actions:**

- 06/15/04 Second Amended Joint Exercise of Powers Agreement (deleting Forestville County Sanitation District as a party to the Agreement due to its dissolution).
- 06/01/1998 First Amended Joint Exercise of Powers Agreement creating the Sonoma County Water and Wastewater Financing Authority (Sonoma County Water Agency, Forestville County Sanitation District, Russian River County Sanitation District and Sonoma Valley County Sanitation District).

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

The subject action meets the county Strategic Plan Goal 2 by setting a Board meeting to consider the District's proposal to issue bonds for the Napa-Sonoma Salt Marsh Pipeline and as a result working to provide a reliable water supply for agricultural and urban needs in Sonoma County.

This meets Water Agency Sanitation Goals and Strategies, Goal 2 by providing adequate rate-based revenues, while pursuing new income and cost-cutting opportunities.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ -0-	Water Agency Gen Fund	\$ -0-
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ -0-</b>	<b>Total Sources</b>	<b>\$ -0-</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

None.

**Staffing Impacts**

<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A – I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Resolution

**Related Items "On File" with the Clerk of the Board:**

Agreement (1 Copy)

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Sonoma County Water And Wastewater Authority  
Establishing Time And Place Of Regular Board Meetings Consistent with  
Regular Meetings of the County of Sonoma Board of Supervisors. (First  
District)**

**Whereas**, the Sonoma County Water Agency, the Russian River County Sanitation District and the Sonoma Valley County Sanitation District are parties to a Second Amended Joint Exercise of Powers Agreement, dated as of June 30, 2004 (the "Agreement"), relating to the Sonoma County Water and Wastewater Financing Authority (the "Authority"); and

**Whereas**, under Section 4C(1) of the Agreement, the governing board (the "Board") of the Authority is required to conduct no less than one regular meeting each year and, by resolution of the Board, may provide for the holding of regular meetings at more frequent intervals; and

**Whereas**, recent amendments made to the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, have added Section 6592.1 thereto which specifies that a resolution authorizing the issuance of bonds shall be adopted by the governing board of a joint powers authority only during a regular meeting of the governing board; and

**Whereas**, the Board wishes at this time to provide for more frequent regular meetings which will better coincide with the need to approve the issuance of bonds and other debt for financing improvements of the County and the Agency, in order to comply with the provisions of newly-enacted Section 6592.1 of the Government Code.

**Now, Therefore, Be It Resolved** by the Board of the Sonoma County Water and Wastewater Financing Authority, as follows:

1. Establishment of Regular Meetings. Regular meetings of the Board shall be held on the same date, at the same time and at the same location as the regular meetings of the Board of Supervisors of the County of Sonoma. Such regular meetings may occur either prior to or after the regular meetings of the Board of Supervisors, but in no event shall commence earlier than the starting time for the regular meetings of the Board of Supervisors. In the event a meeting is cancelled as provided in Section 3 hereof, the following meeting will continue to be held at its regularly scheduled date, time and location. Regular meetings of the Board of Directors may be conducted by teleconference in accordance with the provisions of Section 54953 of the Government Code. Notice of a regular meeting shall be given in accordance with the provisions of the Ralph M. Brown Act of the State of California (constituting Chapter 9 of

Part 1 of Division 2 of Title 5 of the Government Code of the State of California), except as otherwise provided in Section 3 hereof.

2. Adjournment of Regular Meetings. The Authority may adjourn any regular meeting to a stated time and place specified in the order of adjournment pursuant to Section 54955 of the Government Code.

3. Cancellation of Regular Meeting. A regular meeting of the Authority shall be deemed cancelled if a notice and agenda for such meeting is not posted 72 hours in advance of the established regular meeting date.

4. Effective Date. This Resolution shall take effect from and after the date of approval and adoption thereof.

**Directors:**

Brown:                Rabbitt:                McGuire:                Carrillo:                Zane:

Ayes:                Noes:                Absent:                Abstain:

**So Ordered.**





## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 14  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma Valley County Sanitation District

**Board Agenda Date:** October 23, 2012      **Vote Requirement:** 2/3 - SVCSD

**Department or Agency Name(s):** Sonoma Valley County Sanitation District

**Staff Name and Phone Number:** Doug Messenger 547-1952  
**Supervisorial District(s):** First

**Title:** Napa-Sonoma Salt Marsh Pipeline

### Recommended Actions:

Authorize Chair to approve the second amended agreement with CDM Smith, Inc., in an amount not to exceed \$190,270, expanding the scope of work to include assistance during bidding and construction; modifying design scope, deliverables and schedule; and extending the agreement term by 21 months for a new not-to-exceed agreement total of \$1,073,745 and end date of June 30, 2014. (First District)

### Executive Summary:

#### History of Item/Background

On November 6, 2001, the Board of Directors of the Sonoma County Water Agency (Water Agency) authorized and directed the General Manager to pursue State and Federal funding for water reuse projects that would put recycled water to beneficial use within Sonoma, Marin, and Napa counties. In 2002, the Water Agency entered into a cooperative agreement with the Bureau of Reclamation (Reclamation) under the authority of Public Law 102-575, Title XVI, to prepare the North San Pablo Bay Restoration and Reuse Project Feasibility Study (Study) to assess regional water recycling opportunities for restoration and agricultural irrigation. The cooperative agreement with Reclamation provided a 50/50 cost share toward the Study.

The Study explored new water management alternatives in the North Bay area. The Study identified and evaluated opportunities for reuse of recycled water for irrigation and restoration. The Study assessed providing recycled water to agricultural and urban users (schools, parks, cemeteries, landscape areas) to offset potable water use, groundwater pumping (in areas of overdraft), and to reduce stream diversions. In addition, the Study evaluated pipelines to transmit recycled water from the Sonoma Valley County Sanitation District (District) treatment plant, and Napa Sanitation District to the Napa-Sonoma Salt Marsh Restoration Project area, where the recycled water would be used to dilute bittern in evaporation ponds before discharge to San Pablo Bay. The Study also evaluated the feasibility of delivering recycled water to agricultural users during and after the dilution of the evaporation ponds.

In 2004, the Water Agency approached the wastewater treatment facilities in Sonoma, Marin, and Napa counties to gauge their willingness to participate in the Study. In 2005 the Water Agency, Sonoma Valley County Sanitation District (District), Napa Sanitation District, Novato Sanitary District, and Las Gallinas Valley Sanitary District signed a Memorandum of Understanding. Under the Memorandum of Understanding, the five agencies are collectively known as the North Bay Water Reuse Authority (Authority).

The District's Napa-Sonoma Salt Marsh Pipeline (Project), is an element of the North San Pablo Bay Restoration and Reuse Project and will provide recycled water to restore the salt marsh and serve agricultural irrigation uses. Grant funding has been awarded from Reclamation under the American Reinvestment and Recovery Act (ARRA) and Title XVI (WaterSMART Program) to the North Bay Water Reuse Program. 25% of the cost for assistance during bidding and construction are eligible for reimbursement or match under this grant (\$32,830 out of the total grant amount for this Project of \$1,711,750).

#### Selection Process

In July 2010, Camp Dresser McKee, now named CDM Smith, Inc., was selected to provide engineering design services to design the Project, under the Agreement for Engineering and Design Services for North San Pablo Bay Restoration and Reuse Project (Napa-Sonoma Salt Marsh Pipeline) (Original Agreement). CDM Smith, Inc. is a full service engineering consulting firm with expertise in pipeline design and recycled water projects. CDM Smith, Inc.'s experience includes preparation of the Phase 3 Engineering Analysis for the North San Pablo Bay Restoration and Reuse Project, which provided the engineering basis for the environmental document for this Project. Based on its prior work on this recycled water project, CDM Smith, Inc. is highly qualified to provide the engineering design services for the (Project).

At the time of the Original Agreement, it was not entirely clear what the conditions were going to be or when the District would be constructing the Project. For this reason, the District negotiated with CDM Smith, Inc. to remove the provisions for assistance during bidding and construction from CDM Smith, Inc.'s original proposal for the Project.

Also in the time since the execution of the Original Agreement with CDM Smith, Inc., the potential Project funding from the Corps of Engineers did not come through, and the alternative funding that the District expects to receive from Reclamation is significantly less (25% versus 65% cost share). In response to these changes in funding, the District has partially revised the scope of the Project to accommodate these new design elements and keep the Project on schedule.

When preparing the Original Agreement, the District used the cost estimate for the well-defined scope of work only. This approach allows increased control of cost and scope. The scope has evolved based on new information, so the District is now amending the agreement with Board approval.

1. Original Agreement: July 15, 2010 to June 30, 2012; amount budgeted: \$833,475; amount expended: \$811,520; Project total: \$833,475.
2. First Amended Agreement: March 22, 2012 to September 30, 2012; amount budgeted: \$50,000; amount expended: \$0; Project total: \$883,475.
3. Proposed Second Amended Agreement: October 23, 2012 to December 31, 2013; amount budgeted \$190,270; proposed Project total: \$1,073,745.

Services to be Performed

Under the proposed Amended Agreement, the consultant will provide assistance during bidding and construction (which had been part of the original proposal for work on the Project) and make modifications to the design based on the revised scope of the project. The new design components include a large cast-in-place valve vault with a 24-inch plug valve and an 18-inch electronic control valve. This additional work supports the project objectives while being a small portion of the overall design scope of work. The changes to the design under this Amended Agreement are for modifications of the existing recycled water system, which will increase the amount of recycled water that can be delivered to the Project in a cost-effective manner. These improvements are necessary to accommodate the revised scope associated with the reduced level of funding.

A cost analysis was performed to assist in evaluation of the consultant’s proposal. Costs were determined based on expected level of effort for various tasks and rates for staff to perform those tasks. The rates are reasonable, similar to those of other consultants in the industry. The levels of effort for the various tasks are reasonably close to what the District has seen in other agreements for similar work. The District negotiated with the consultant to reduce the scope of the assistance during bidding and construction and eliminated items that were not critical to the success of the Project.

**Prior Board Actions:**

- 08/21/12 Determined that the acquisition of real property for the Sonoma Valley County Sanitation District Napa Salt Marsh Restoration Pipeline Project are necessary for public purposes that the Sonoma Valley County Sanitation District (District) serves and authorized acquisition of real property rights as required for the project.
- 08/21/12 Adopted Resolution approving the Phase 1 Implementation Plan identified in the North San Pablo Bay Restoration and Reuse Project (North Bay Water Recycling Program) Final Environmental Impact Report/Environmental Impact Statement and authorized the filing of a Notice of Determination.
- 07/13/10 Authorize General Manager to execute two assistance agreements with United States Bureau of Reclamation and to execute two consultant agreements for specific District projects that are elements of North San Pablo Bay Restoration and Reuse Project.
- 12/08/09 Resolution No. 09-1104 certifying the North San Pablo Bay Restoration and Reuse Project Final Environmental Impact Report, and make certain findings in connection therewith.
- 04/26/05 Concurrent Resolution No. 05-0369 authorizing the General Manager/Chief Engineer to sign the Memorandum of Understanding for the North Bay Water Reuse Authority; authorize the Sonoma County Water Agency to become the fiscal agent of the North Bay Water Reuse Authority; and authorize payment of dues and allocated cost to the North Bay Water Reuse Authority from Sonoma County Water Agency and Sonoma Valley County Sanitation District funds.

**Strategic Plan Alignment:** Goal 3: Invest in the Future

The subject action meets this goal by working to provide a reliable water supply for agricultural and urban needs in Sonoma County.

Water Agency Water Supply Goals and Strategies, Goal 2: Protect the Water Agency’s existing water rights and our clean, high-quality water supply, and improve system resiliency by continuing to develop alternative supplies.

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$ 190,270	Water Agency Gen Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 0
	\$	Fees/Other– Sonoma Valley CSD - Construction	\$ 190,270
	\$	Use of Fund Balance	\$ 0
	\$	Contingencies	\$ 0
	\$		
<b>Total Expenditure</b>	<b>\$ 190,270</b>	<b>Total Sources</b>	<b>\$ 190,270</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The additional cost for this agreement amendment is included in the FY 12/13 Sonoma Valley CSD construction costs budget.

<b>Staffing Impacts</b>			
<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

NA

**Attachments:**

None

**Related Items “On File” with the Clerk of the Board:**

Amended Agreement (4 Copies)



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 15  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency, Board of Commissioners of the Community Development Commission, Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, and Board of Directors of the Northern Sonoma County Air Pollution Control District

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Human Resources

**Staff Name and Phone Number:**

Christina Cramer (707) 565-2988

**Supervisory District(s):**

N/A

**Title:** Miscellaneous Classification and Compensation Changes

### Recommended Actions:

Approve Concurrent Resolution amending the Salary Resolution No. 95-0926 to reflect salary reduction for Park Planning Manager, effective October 23, 2012; and to reflect salary reduction for Director of Transportation and Public Works, effective November 27, 2012.

Approve Resolution amending the Department Allocation List for the Human Services Department to reflect the deletion of 3.0 Full-Time Equivalent Mail Clerks, and the addition of 3.0 Full-Time Equivalent Materials Handlers, effective October 23, 2012.

### Executive Summary:

**Park Planning Manager:** The Regional Parks Department requested Human Resources revise the job specification of Park Planning Manager (PPM) to reflect changes in the scope of the position that have occurred due to strategic changes in Regional Parks' capital projects, and to allow for more flexibility in reporting structure, particularly to the department's Deputy Director class. The Civil Service Commission adopted the revised job specification for PPM at its June 7, 2012 meeting. Based on the adopted revisions which lowered the minimum qualifications and allowed for the position to report to the Deputy Director and the administrative history of this position's salary, Human Resources found it appropriate to review the salary. The salary is currently set at \$10,753/monthly I-step. In the County's typical comparison counties, there is insufficient market data; therefore, the position's salary is administered based on internal equity and is currently "tied" to the Deputy Director of Regional Parks class. In order to account for the changes in scope, qualifications of the position and reporting structure, Human Resources and the County Administrator recommend setting the salary at \$8,924/monthly I-step based on internal equity. This represents a 20%

reduction in the salary. With the anticipated Salary Resolution benefit changes effective April 2013, the position's total compensation will be further reduced by an estimated additional 3.5%. The Director of Regional Parks concurs with the recommendation and believes a recruitment can be successful at this salary range. The position is currently vacant thus there is no impact to an incumbent.

**Director of Transportation and Public Works:** The Director of Transportation and Public Works is retiring effective November 21, 2012. In anticipation of conducting a recruitment, Human Resources reviewed the salary survey data for the position. The data showed the position is 4.7% above market in base salary and 12.9% in total compensation. Human Resources and the County Administrator's Office believe it is fiscally prudent to amend and reduce the salary for this position prior to conducting the recruitment. Maintaining appropriate internal equity with other positions within the County and department need to be considered, as well as ensuring the salary remains sufficient to attract well qualified candidates. In particular, the position needs to maintain an appropriate differential with its deputy directors; therefore, the recommendation is to lower the salary for the position by 5% reducing the position from \$16,245/top monthly step to \$15,433/top monthly step. With the anticipated future benefit changes effective in April 2013, the position's total compensation will be further reduced by an estimated additional 4%. Human Resources and the County Administrator's Office believe the County will be able to conduct a successful recruitment at this compensation level.

**Human Services Department:** Human Resources conducted a classification study of three mail clerk positions assigned to the Fiscal/Operations Division at the request of incumbents. Human Resources concluded that the Materials Handler classification best describes the current functions of the positions. At their September 20, 2012 meeting, the Civil Service Commission reclassified three positions of Mail Clerk to Materials Handler. Per Civil Service Rules, the incumbents are automatically promoted to these positions, and therefore, the department's allocations need to be adjusted accordingly.

**Prior Board Actions:**

None

**Strategic Plan Alignment:** Goal 3: Invest in the Future

By amending compensation levels to reflect current job duties and market data, the department is supporting a more sustainable economic future for the County.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The net effect of the salary adjustments and reclassification reflect an estimated total reduction of \$21,357. The impacts this fiscal year and ongoing for each respective department are as follows:

Regional Parks/Park Planning Manager: Estimated savings of \$22,184 for FY 2012-2013, and an estimated ongoing annual savings of \$33,584. The funding source is a combination of general fund and revenue from grants and mitigation fees.

Transportation and Public Works/Director of Transportation of Public Works: Estimated savings of \$9,445 for FY 2012-2013, and an estimated ongoing annual savings of \$16,193. The funding sources are State Funding, Refuse Fees, and Transit and Airport Enterprise Funds.

Human Services/Reclassification of Mail Clerks: Estimated cost of \$10,272 for FY 2012-2013, and an estimate ongoing annual cost of \$15,408. The funding sources are a combination of federal and state grants; increased cost will be covered with salary savings.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Mail Clerks	\$2,788.04 - \$3,388.09	0	3
Materials Handlers	\$3,021.11 - \$3,673.33	3	0

**Narrative Explanation of Staffing Impacts (If Required):**

**Mail Clerks in the Human Services Department:** Effective October 23 2012, three incumbents in the Fiscal/Operations Division of the Human Services Department will be reclassified to Materials Handler in accordance with Civil Service Rule 3.3B.

**Attachments:**

1. Concurrent Resolution with Attachment A
2. Resolution Amending the Position Allocation Table for Human Services Department

**Related Items "On File" with the Clerk of the Board:**

1. Classification Study Evaluation Report for Park Planning Manager
2. Classification Specification for Park Planning Manager - Revised
3. Classification Study Evaluation Report for Mail Clerks in the Human Services Department



**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, The Board Of Directors Of The Sonoma County Water Agency, The Board Of Commissioners Of The Community Development Commission, The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District, And The Board Of Directors Of The Northern Sonoma County Air Pollution Control District, Amending Salary Resolution 95-0926, Salary Table For Administrative Management Bargaining Unit 0050 To Reflect The Salary Reduction For The Classification Of Park Planning Manager, Effective October 23, 2012, And Amending Salary Resolution 95-0926, Salary Table For Department Heads Bargaining Unit 0052 To Reflect The Salary Reduction For The Classification Of Director Of Transportation And Public Works, Effective November 27, 2012.**

**Whereas**, Human Resources conducted a study of the Park Planning Manager and revised the classification, and at the June 7, 2012 meeting, the Civil Service Commission adopted the revised classification, and;

**Whereas**, Human Resources reviewed the current salary in light of the revised job classification and recommends the salary be amended and reduced to salary range 4221, and;

**Whereas**, the Regional Parks Department and County Administrator's Office concurs with Human Resources recommendation to reduce the salary of Park Planning Manager, and

**Whereas**, the Director of Transportation and Public Works is resigning effective November 21, 2012 and a recent salary survey for the Director of Transportation and Public Works demonstrated that the position was compensated above market, and;

**Whereas**, the County believes it is fiscally prudent to amend and reduce the salary to salary range 7300 prior to conducting a recruitment, and the County Administrator's Office and Human Resources Department concur that this salary should attract well qualified candidates and still maintains appropriate internal equity with other job classifications.

**Now, Therefore, Be It Resolved** that the that Salary Resolution 95-0926, Salary Table – Administrative Management, be amended to reflect the salary reduction for Park Planning Manager, as set forth in Attachment A.

**Be It Further Resolved** that the that Salary Resolution 95-0926, Salary Table – Department Heads, be amended to reflect the salary reduction for Director of Transportation and Public Works, as set forth in Attachment A.

Resolution #  
Date: 10/23/2012  
Page 2

**Supervisors:**

Brown:            Rabbitt:            McGuire:            Carrillo:            Zane:

Ayes:            Noes:            Absent:            Abstain:

**So Ordered.**

**SALARY RESOLUTION 95-0926  
ATTACHMENT A – SALARY TABLES  
ADMINISTRATIVE MANAGEMENT – BARGAINING UNIT 0500**

Job Code	Job Title	A-Step 10/23/12
1258	PARK PLANNING MANAGER	4221

**SALARY RESOLUTION 95-0926  
ATTACHMENT A – SALARY TABLES  
DEPARTMENT HEADS – BARGAINING UNIT 0052**

Job Code	Job Title	A-Step 11/27/12
1042	DIRECTOR OF TRANSPORTATION & PUBLIC WORKS	7300

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/12**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma Amending The Position Allocation Table For The Human Services Department To Reflect The Deletion Of 3.0 Full-Time Equivalent Mail Clerks And The Addition Of 3.0 Full-Time Equivalent Materials Handlers, Effective October 23, 2012.**

**Whereas**, a classification study conducted by Human Resources concluded that the duties performed by Mail Clerks in the Fiscal/Operations Division are best described in the job classification of Materials Handler, and;

**Whereas**, the Civil Service Commission reclassified three positions of Mail Clerk to Materials Handler, and promoted the incumbents in accordance with Civil Service Rule 3.3B on September 20, 2012.

**Now, Therefore, Be It Resolved** that the Allocation Table of the Human Services Department is hereby revised as follows:

<b>Budget Index</b>	<b>Job Class</b>	<b>Class Title</b>	<b>Existing Positions In Class</b>	<b>Change in Position Allocation</b>	<b>New Total Allocation For Class</b>	<b>Duration/ End Date</b>	<b>Salary Range</b>
159014	0305	Mail Clerk	3.0	(-3.0)	0.0	Ongoing	1603
159014	0310	Materials Handler	0.0	3.0	3.0	Ongoing	1737

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 16  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Information Systems Department

**Staff Name and Phone Number:**

**Supervisory District(s):**

Mike Livenspargar 565-3186

Countywide

**Title:** Enterprise Financial System Project Management Contract

### **Recommended Actions:**

Authorize the Information Systems Department Director to execute a professional services agreement with NexLevel Information Technology, Inc. for project management services for the period of October 23, 2012 through October 8, 2015, for an amount not to exceed \$1,404,000.

### **Executive Summary:**

On September 18, 2012, staff requested and received authorization to proceed with an enterprise financial system (EFS) project to replace the existing, mainframe based, finance and budget systems with a new, non-mainframe based, integrated financial system to serve all entities governed by the Board of Supervisors. The recommended alternative is to purchase and install a single Oracle/People Soft system using an implementation firm, Ciber, Inc., who specializes in PeopleSoft systems implementation.

County staff and Ciber Inc., will begin negotiations in October with a goal of presenting a contract to the Board of Supervisors in January 2013 that will define a complete project budget and schedule with objective measurements of successful completion. As stated in the Board Item of September 18th, staff recommends the use of separate consultants to assist with contract negotiations and in overall project management to provide independent, objective analysis throughout the EFS project. Negotiation of the contracts and implementation scope of work will set the stage to ensure proper management of the project. Staff would like to utilize these project management services in preparation for and during the upcoming negotiations with Ciber and Oracle.

The Board authorized a contract negotiation services contract with Government Finance Officers Association on October 9, 2012. Staff would now like approval of the project management services as described.

## Project Management Services – NexLevel

The EFS Leadership Team has identified key project roles including a “Client Project Manager” (CPM) to assist the County in performance of the implementation project. This role will assist the County in contract negotiation with the implementation vendor to ensure the contract is written to allow the project to be properly managed and monitored. In addition, the proposed CPM will monitor execution of the project plan by both the implementation vendor and the County; identify risks and issues with the implementation project and present these to the implementation vendor project manager and the Leadership Team; report project status, independent of the vendor, to the Leadership Team; advise the Leadership Team on schedule and completion of project milestones; monitor project budget and expenditures; recommend timely, specific and detailed corrective action plans where needed; manage ongoing corrective action status reports (open/closed); and develop a “lessons learned” report upon project completion.

The County conducted a Request for Qualifications (RFQ) soliciting project management firms to fill the CPM role as described above. Unfortunately, there were no respondents to the RFQ. County Staff conducted phone surveys to determine if there may still be interest in providing these services. It was found that there were four firms with the stated qualifications and resources available for this long-term project. The EFS Leadership Team selected NexLevel, Inc., using materials provided by each vendor, conducting phone interviews and reference checks.

The candidate proposed by NexLevel for the Client Project Manager position, Steve Leskey, is an experienced Enterprise Resource Planning (ERP) system implementation project manager with excellent qualifications and is highly recommended by previous clients. On the recommendation of the EFS Leadership Team Steve was interviewed by Veronica Ferguson, David Sundstrom and John Hartwig, who subsequently accepted the EFS Leadership Team’s recommendation of Steve to serve as Client Project Manager for the EFS project.

Staff recommends approval of a three-year term Client Project Management Services Agreement, not to exceed \$1,404,000 for the purpose of providing full-time project contract management services throughout the EFS project. Staff estimates that approximately \$322,920 will be expended in the current fiscal year. This contract allows County to terminate in the event that appropriations are unavailable in future fiscal years.

### Prior Board Actions:

09/18/12 - Board approved contract negotiation with selected vendors.

07/12/10 - Board approved contract with Government Finance Officers Association for assistance with software selection.

### Strategic Plan Alignment: Goal 3: Invest in the Future

Investment in a new Enterprise Financial System to replace the current financial and budget systems will provide for improved fiscal responsibility, efficiency and accountability for the County of Sonoma.

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$ 322,920	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 322,920
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 322,920</b>	<b>Total Sources</b>	<b>\$ 322,920</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

Funding for this contract is included as part of the budget for consulting services for this project approved by the Board on September 18, 2012. Funding for this project is provided by the de-allocated proceeds of the Securitization of the Tobacco Settlement monies.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

n/a

**Attachments:**

**Related Items "On File" with the Clerk of the Board:**

Proposed Professional Services Agreement between County of Sonoma and NexLevel.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 17  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors of Sonoma County

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Department of Health Services

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Rita Scardaci, 565-4700

Countywide

**Title:** First 5 Sonoma County Commission Bylaws Amendment

### Recommended Actions:

Adopt a Resolution amending the First 5 Sonoma County Commission Bylaws.

### Executive Summary:

The California Children and Families First Act of 1998 provided for the establishment of a county commission charged with promoting, supporting, and improving the early development of children from the prenatal stage through five years of age. The Sonoma County Children and Families First Commission, now First 5 Sonoma County Commission (Commission), was established by the Sonoma County Board of Supervisors (Board) in December 1998.

The Commission is funded by Proposition 10, a statewide ballot initiative passed in 1998 that added fifty cents per pack to cigarettes and other tobacco products. The resulting revenues are allocated statewide to First 5 California (20%) and to local commissions in every California county.

On February 27, 2012 the Commission adopted revised First 5 Sonoma County Commission Bylaws. Changes to the Bylaws become effective only upon approval by the Board of Supervisors.

The Department requests the Board approve the following changes to the Commission Bylaws:

- *Commission Name* - On March 16, 2010, the Board passed and adopted Ordinance Number 5881, renaming the Sonoma County Children and Families First Commission to First 5 Sonoma County Commission to align with the name of the State Commission. The Department requests the Board approve an amendment to the Commission bylaws changing the Commission's name to First 5 Sonoma County Commission.
- *Strategic Plan* - Section 5 of the Bylaws, *Strategic Plan*, has been updated to clarify the process for Strategic Plan revision and approval. The process requires the Commission conduct at least one public hearing on the proposed revisions (required by Health & Safety Code section 130140), and submit the proposed revisions to the Board of Supervisors for a finding as to whether the revised plan is consistent with and in furtherance of the purposes of the Act (required by Ordinance No. 5142, establishing the



Commission). Further changes to this section state that, following adoption of a revised Strategic Plan by the Board, the Commission is to submit a copy of the revised plan to the State Commission (required by Health & Safety Code section 130140).

- *Increase Number of Commissioners, Provide for Three-Year Term of Office, and Establish Term Limits* - On October 14, 2008, the Board passed and adopted Ordinance Number 5708, increasing the number of appointed Commission members from four to six, limiting appointed Commissioner terms of service to three consecutive terms, and increasing appointed Commissioner's term of office from two to three years. These changes are reflected in the Bylaws through an increase in the number of appointed Commissioners from four to six, by providing for initial staggered term expiration, and by stating a term of office limit of three consecutive terms. Following the initial staggered term length, all terms were established at three years. The staggered term expiration language in the Bylaws stipulates that the terms of two Commissioners are to expire on November 30 of each year.
- *Commission Meetings* - Section 9 of the Bylaws, *Meetings*, has been updated to reflect a more specific schedule of Commission meetings, stating that regular meetings are to be held on the fourth Monday of each month, with the exception of July and December. Changes to this section also communicate that meetings may be rescheduled for the convenience of the Commission upon notice as required by the Brown Act.

Additional editorial corrections have been made to the Bylaws to increase accuracy and remove extraneous language.

**Prior Board Actions:**

12/8/98, Ordinance 5142: Board established the Sonoma County Children and Families First Commission; 08/17/99, Bylaws adopted; 06/06/00, Ordinance 5236: Changed name of Commission to conform to State Commission's name change; 03/06/01, Bylaws amended to increase the number of Commissioners from five to seven, and permit action by a majority of a quorum; 09/12/02, Bylaws amended; 10/14/08, Ordinance 5807: Increased the number of Commissioners, provided for three-year terms of office, and established term limits; 03/16/10, Ordinance 5881: renamed the Commission the "First 5 Sonoma County Commission."

**Strategic Plan Alignment:** Goal 4: Civic Services and Engagement

Aligning Commission Bylaws with state law and with governing ordinances already adopted by the Board of Supervisors and compiling into a single document provides transparency and clarity to the public, staff, and Commission members.

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$ 0	County General Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 0
	\$	Fees/Other	\$ 0
	\$	Use of Fund Balance	\$ 0
	\$	Contingencies	\$ 0
	\$		\$
<b>Total Expenditure</b>	<b>\$ 0</b>	<b>Total Sources</b>	<b>\$ 0</b>

**Narrative Explanation of Fiscal Impacts (If Required):**  
None

<b>Staffing Impacts</b>			
<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)
None			

**Narrative Explanation of Staffing Impacts (If Required):**  
None.

**Attachments:**  
Resolution; Amended Bylaws (Final and Redline)

**Related Items "On File" with the Clerk of the Board:**  
None.

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: October 23, 2012**

**RESOLUTION OF THE SONOMA COUNTY BOARD OF SUPERVISORS  
APPROVING AMENDED BYLAWS OF THE  
FIRST 5 SONOMA COUNTY COMMISSION.**

**WHEREAS**, in December, 1998, the Sonoma County Board of Supervisors adopted Ordinance No. 5142, establishing the Sonoma County Children and Families Commission (hereafter, the “Commission”) in accordance with Proposition 10 enacted by the voters of California in November 1998, and

**WHEREAS**, Ordinance No. 5142 was amended by the Board of Supervisors on May 23, 2000 (Ordinance No. 5236) to increase the number of members on the Commission from five to seven, and

**WHEREAS**, Ordinance 5236 was amended by the Board of Supervisors on October 7, 2008 (Ordinance No. 5807) to increase the number of Commissioners from seven to nine, provide for three-year terms of office, and establish term limits, and

**WHEREAS**, Ordinance 5807 was amended by the Board of Supervisors on March 2, 2010 (Ordinance No. 5881) to rename the Commission to “First 5 Sonoma County Commission,” and

**WHEREAS**, on February 27, 2012, the Commission amended its bylaws to reflect the First 5 Sonoma County Commission name change, clarify the process for revision of its Strategic Plan, increase in the number of appointed Commissioners to six, limit Commissioner service to three consecutive terms, create staggered terms ending November 30 of each year, and modify the regular meeting schedule, and

**WHEREAS**, Ordinance No. 5142 requires that the Bylaws of the Commission be approved by the Board of Supervisors, and

**WHEREAS**, the Commission has presented its revised Bylaws to the Board for its approval, and

**WHEREAS**, the Bylaws are consistent with Proposition 10 and applicable Sonoma County ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby approves the Bylaws of the Commission, as revised by the Commission on February 27, 2012.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

**BYLAWS OF THE  
FIRST 5 SONOMA COUNTY COMMISSION**

Section 1. Name and Location of Principal Office: The name of this commission is the ~~Sonoma County Children and Families Commission~~ **First 5 Sonoma County Commission** (hereinafter referred to as the "Commission"). The principal office of the Commission is hereby fixed and located at the office of the Sonoma County Department of Health Services, 3313 Chanate Road, Santa Rosa.

Section 2. Purpose: The Commission is established for the purposes set forth in the California Children and Families First Act of 1998 (Health and Safety Code section 130100 et seq., hereinafter referred to as the "Act") including promoting, supporting and improving the early development of the children of Sonoma County from the prenatal stage to five years of age.

Section 3. Open Meetings and Records: Meetings of the Commission shall be open and public, as required by the Ralph M. Brown Act (Government Code section 54950 et seq.). Records of the Commission shall be retained at its principal office, and shall be available to the public for inspection and copying as required by the Public Records Act (Government Code section 6250 et seq.).

Section 4. Duties of the Commission: The Commission shall undertake the responsibilities set forth in the Act, including preparation, adoption and annual review of a strategic plan; an annual audit and report; holding public hearings on the plan, plan reviews, and audits and reports; and such other activities as the Act requires.

Section 5. Strategic Plan: The Commission will prepare a strategic plan for the support and improvement of early childhood development within the County. The strategic plan shall include all of the elements specified in Health and Safety Code section 130140(1)(a)(1)(C)(ii) and shall describe how programs, services and projects relating to early childhood development within the County will be integrated into a consumer-oriented and easily accessible system.

The Commission shall annually review the plan and revise it as appropriate. **Before adopting any revisions to the strategic plan, the Commission shall: (1) conduct at least one public hearing on the proposed revisions; and (2) submit the proposed revisions to the Board of Supervisors for a finding whether the revised plan is consistent with and in furtherance of the purposes of the Act. After adoption, the Commission shall submit a copy of the revised plan to the state commission.**

Section 6. Other Activities: In addition to carrying out the specific duties imposed by the Act, the Commission may undertake such other activities as may be necessary or advisable in carrying out the purposes of the Act.

Section 7. Membership: The Commission shall be composed of ~~seven~~ **nine** voting members, selected by the Board of Supervisors in accordance with the Act:

Three members are *ex officio* members:

The Health and Human Services liaison member of the Board of Supervisors, appointed ~~from time to time~~ by the Chair of the Board;

The Director of the Sonoma County Health Services Department;

The Director of the Sonoma County Human Services Department; and

~~Four~~ **Six** other members are appointed from the following categories: recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency or a local child care coordinating

group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; representatives of local medical, pediatric, or obstetric associations or societies.

~~Initially, two of these members shall serve a one year term, and two members shall serve a two year term. Thereafter, each of these members' terms shall be two years. The Commission shall determine which members serve the initial one year term.~~ Subsequent to the implementation of Ordinance No. 5807, Commissioner's terms shall expire in a staggered fashion, with the terms of two Commissioners expiring on November 30 of each year. Beginning December 1, 2008, the term of office of these members shall be limited to three consecutive terms. Each member serves at the will and pleasure of the Board, and may be removed at any time, without cause, by the Board of Supervisors.

Section 8. Rules: From time to time, the Commission may adopt such rules for the conduct of its business as it deems necessary or advisable, and not inconsistent with the Act, the ordinance establishing the Commission, these bylaws or any other law. Such rules may include the establishment of a regular time and place for meetings.

Section 9. Meetings: Regular meetings of the Commission shall be held ~~not less often than semiannually at a time and place specified by a vote of the Commission.~~ on the fourth Monday of each month, with the exception of July and December. Meetings may be rescheduled for the convenience of the Commission upon notice as required by the Brown Act. The Commission may hold special meetings from time to time, provided that the call and notice of the meeting complies with the requirements of applicable laws.

Section 10. Quorum: A majority of the members shall constitute a quorum. No action shall be taken except by a majority of the members. Notwithstanding the foregoing, action [except to amend the bylaws] may be taken by a majority of a quorum where at least three members abstain because of conflicts of interest. Only members themselves and not designees may participate in meetings.

Section 11. Abstention or Disqualification. An abstention shall not be deemed to be either "yes" or "no" vote. When any member abstains or is disqualified from participation in any matter before the Commission because of a conflict of interest, that member shall be deemed absent during consideration of that matter for purposes of determining whether a quorum is present. A member who abstains for any other reason shall be considered present.

Section 12. Officers: The officers of the Commission shall be the Chair and Vice-Chair, together with such other officers as the Commission shall designate ~~from time to time~~. All officers of the Commission shall be first nominated by any member of the Commission, and elected by a majority vote. The term of office of each officer shall be one year, commencing upon the adjournment of the meeting of the members at which they are elected, provided, however, that all officers shall hold office until their successors are duly elected and qualified.

Section 13. Duties of Officers: The Chair shall preside at all business meetings and shall carry out the instructions of the Commission. The Vice-chair shall assume all duties of the Chair in the absence of the Chair.

Section 14. Rules of Order: Except as otherwise provided by law, these bylaws, or rules adopted by the Commission, Robert's Rules of Order shall be the parliamentary authority of the Commission.

Section 15. Records: The Chair shall cause minutes of each meeting to be taken, including the dates and times of the meetings, members and other persons present, and the meeting agenda. The Commission shall maintain accurate financial records which disclose all accounts, assets, receipts, liabilities and disbursements.

Section 16. Committees: The Commission may create and dissolve such advisory committees as it deems advisable in carrying out its responsibilities. All members of such committees shall serve at the will and pleasure of the Commission. Committees may be ad hoc or standing committees.

Section 17. Per Diem and Expenses: The Commission may ~~from time to time~~ establish by resolution a reasonable per diem for Commission members (not to exceed any per diem payable to the County Civil Service Commission). The Commission shall also approve payment of reasonable expenses of Commission members and persons participating in planning or implementation of Commission initiatives when such expenses are incurred in attending meetings and otherwise providing assistance to the Commission, and authorized in advance by the Commission or its ~~Program~~ Executive Director. Authorization by the ~~Program~~ Executive Director under this section for such expenses shall not exceed \$2500 in any month. All such expenditures shall be reported to the Commission at its next regular meeting. Any per diem payable to an ex officio member shall be paid to the public agency which that member represents.

Section 18. Amendments: The Commission may amend its bylaws by majority vote at any regular meeting or at any special meeting called for the purpose, provided that the substance of the proposed amendment has been submitted to the Commission and made available to the public at least twenty eight days in advance of the meeting. These Bylaws and any amendments thereto shall be effective upon approval by the Board of Supervisors.

Section 19. Interpretation: Nothing in these bylaws shall be interpreted to be inconsistent with the Act or applicable ordinances of the Sonoma County Board of Supervisors.

These Bylaws were duly adopted on February 27, 2012.

\_\_\_\_\_  
Oscar Chavez, Chair  
First 5 Sonoma County Commission

Approved by the Sonoma County Board of Supervisors on \_\_\_\_\_, 2012

ATTEST:

\_\_\_\_\_  
Shirlee Zane, Chair  
Board of Supervisors

\_\_\_\_\_  
Clerk of the Board

**BYLAWS OF THE  
FIRST 5 SONOMA COUNTY COMMISSION**

Section 1. Name and Location of Principal Office: The name of this commission is the First 5 Sonoma County Commission (hereinafter referred to as the "Commission"). The principal office of the Commission is hereby fixed and located at the office of the Sonoma County Department of Health Services, 3313 Chanate Road, Santa Rosa.

Section 2. Purpose: The Commission is established for the purposes set forth in the California Children and Families First Act of 1998 (Health and Safety Code section 130100 et seq., hereinafter referred to as the "Act") including promoting, supporting and improving the early development of the children of Sonoma County from the prenatal stage to five years of age.

Section 3. Open Meetings and Records: Meetings of the Commission shall be open and public, as required by the Ralph M. Brown Act (Government Code section 54950 et seq.). Records of the Commission shall be retained at its principal office, and shall be available to the public for inspection and copying as required by the Public Records Act (Government Code section 6250 et seq.).

Section 4. Duties of the Commission: The Commission shall undertake the responsibilities set forth in the Act, including preparation, adoption and annual review of a strategic plan; an annual audit and report; holding public hearings on the plan, plan reviews, and audits and reports; and such other activities as the Act requires.

Section 5. Strategic Plan: The Commission will prepare a strategic plan for the support and improvement of early childhood development within the County. The strategic plan shall include all of the elements specified in Health and Safety Code section 130140(1)(a)(1)(C)(ii) and shall describe how programs, services and projects relating to early childhood development within the County will be integrated into a consumer-oriented and easily accessible system.

The Commission shall annually review the plan and revise it as appropriate. Before adopting any revisions to the strategic plan, the Commission shall: (1) conduct at least one public hearing on the proposed revisions; and (2) submit the proposed revisions to the Board of Supervisors for a finding whether the revised plan is consistent with and in furtherance of the purposes of the Act. After adoption, the Commission shall submit a copy of the revised plan to the state commission.

Section 6. Other Activities: In addition to carrying out the specific duties imposed by the Act, the Commission may undertake such other activities as may be necessary or advisable in carrying out the purposes of the Act.

Section 7. Membership: The Commission shall be composed of nine voting members, selected by the Board of Supervisors in accordance with the Act:

Three members are *ex officio* members:

The Health and Human Services liaison member of the Board of Supervisors, appointed by the Chair of the Board;

The Director of the Sonoma County Health Services Department;

The Director of the Sonoma County Human Services Department; and

Six other members are appointed from the following categories: recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; representatives of local medical, pediatric, or obstetric associations or societies.

Subsequent to the implementation of Ordinance No. 5807, Commissioner's terms shall expire in a staggered fashion, with the terms of two Commissioners expiring on November 30 of each year. Beginning December 1, 2008, the term of office of these members shall be limited to three consecutive terms. Each member serves at the will and pleasure of the Board, and may be removed at any time, without cause, by the Board of Supervisors.

Section 8. Rules: From time to time, the Commission may adopt such rules for the conduct of its business as it deems necessary or advisable, and not inconsistent with the Act, the ordinance establishing the Commission, these bylaws or any other law. Such rules may include the establishment of a regular time and place for meetings.

Section 9. Meetings: Regular meetings of the Commission shall be held on the fourth Monday of each month, with the exception of July and December. Meetings may be rescheduled for the convenience of the Commission upon notice as required by the Brown Act. . The Commission may hold special meetings from time to time, provided that the call and notice of the meeting complies with the requirements of applicable laws.

Section 10. Quorum: A majority of the members shall constitute a quorum. No action shall be taken except by a majority of the members. Notwithstanding the foregoing, action [except to amend the bylaws] may be taken by a majority of a quorum where at least three members abstain because of conflicts of interest. Only members themselves and not designees may participate in meetings.

Section 11. Abstention or Disqualification. An abstention shall not be deemed to be either "yes" or "no" vote. When any member abstains or is disqualified from participation in any matter before the Commission because of a conflict of interest, that member shall be deemed absent during consideration of that matter for purposes of determining whether a quorum is present. A member who abstains for any other reason shall be considered present.

Section 12. Officers: The officers of the Commission shall be the Chair and Vice-Chair, together with such other officers as the Commission shall designate. All officers of the Commission shall be first nominated by any member of the Commission, and elected by a majority vote. The term of office of each officer shall be one year, commencing upon the adjournment of the meeting of the members at which they are elected, provided, however, that all officers shall hold office until their successors are duly elected and qualified.

Section 13. Duties of Officers: The Chair shall preside at all business meetings and shall carry out the instructions of the Commission. The Vice-chair shall assume all duties of the Chair in the absence of the Chair.

Section 14. Rules of Order: Except as otherwise provided by law, these bylaws, or rules adopted by the Commission, Robert's Rules of Order shall be the parliamentary authority of the Commission.

Section 15. Records: The Chair shall cause minutes of each meeting to be taken, including the dates and times of the meetings, members and other persons present, and the meeting agenda. The Commission shall maintain accurate financial records which disclose all accounts, assets, receipts, liabilities and disbursements.



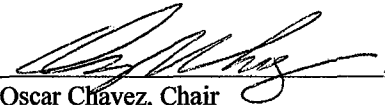
Section 16. Committees: The Commission may create and dissolve such advisory committees as it deems advisable in carrying out its responsibilities. All members of such committees shall serve at the will and pleasure of the Commission. Committees may be ad hoc or standing committees.

Section 17. Per Diem and Expenses: The Commission may establish by resolution a reasonable per diem for Commission members (not to exceed any per diem payable to the County Civil Service Commission). The Commission shall also approve payment of reasonable expenses of Commission members and persons participating in planning or implementation of Commission initiatives when such expenses are incurred in attending meetings and otherwise providing assistance to the Commission, and authorized in advance by the Commission or its Executive Director. Authorization by the Executive Director under this section for such expenses shall not exceed \$2500 in any month. All such expenditures shall be reported to the Commission at its next regular meeting. Any per diem payable to an ex officio member shall be paid to the public agency which that member represents.

Section 18. Amendments: The Commission may amend its bylaws by majority vote at any regular meeting or at any special meeting called for the purpose, provided that the substance of the proposed amendment has been submitted to the Commission and made available to the public at least twenty eight days in advance of the meeting. These Bylaws and any amendments thereto shall be effective upon approval by the Board of Supervisors.

Section 19. Interpretation: Nothing in these bylaws shall be interpreted to be inconsistent with the Act or applicable ordinances of the Sonoma County Board of Supervisors.

These Bylaws were duly adopted on February 27, 2012.

  
Oscar Chavez, Chair  
First 5 Sonoma County Commission

Approved by the Sonoma County Board of Supervisors on \_\_\_\_\_, 2012

ATTEST:

\_\_\_\_\_  
Shirlee Zane, Chair  
Board of Supervisors

\_\_\_\_\_  
Clerk of the Board



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 18  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:**

**Supervisory District(s):**

Amy Lyle 565-7389

4<sup>th</sup> District

**Title:** Hanson Feasibility Study Contract

### Recommended Actions:

Authorize the Chair of the Board to execute a contract with Affiliated Researchers, LLC in the amount of \$35,153 for hydrographic, topographic, and geotechnical services to be used in preparation for the Hanson Feasibility Study on the Middle Reach of the Russian River, Hanson Terrace Pits located at APNS 066-290-049, -050, -053, 066-200-011, -027, -049, 110-120-015, 110-110-016, 110-120-020 and -021, PRMD File #ARM-036

### Executive Summary:

This contract is one of many efforts to gather scientific data for the preparation of a sediment and hydrologic model of the Middle Reach of the Russian River. The model will be used as part of the "Hanson Feasibility Study" (Study) that will explore the feasibility of expanding the connection between the existing terrace pits and the Russian River and reforming the landscape to provide off-channel habitat for salmonides. The Study is being jointly managed by Hanson Aggregates (the mining operator with ongoing reclamation obligations) and the Endangered Habitats Conservancy in close cooperation with National Oceanic and Atmospheric Administration (NOAA) Fisheries, PRMD, and other state and local organizations. The Study is being funded primarily by a grant from the California Coastal Conservancy.

Mining was completed on the Hanson Terrace Pits in 2002. Currently the approved Reclamation Plans require concrete weirs to prevent erosion at two sites along the Middle Reach. The overall goal of the Study is to provide scientific analysis of alternatives to the weirs in order to amend the existing Reclamation Plans for the Hanson and Syar terrace pits. The weirs have not been permitted by the Army Corps of Engineers and NOAA due to fish capture issues.

This new approach has multiple benefits to the County and overall community. Most importantly the project is expected to better stabilize flood events and provide a more sustainable long term solution to the connections

between the Russian River and the terrace pits. Currently the pits are connected to the River by weirs and levees, which have shown to be ineffective during large storm events requiring new engineering and construction of these structures. The project is also expected to provide off channel habitat for endangered fish, and restore riparian habitat and create wetland habitat.

Russian River Gravel Mitigation Fund

The Sonoma County Aggregate Resources Management Plan established the Russian River Gravel Mitigation Fund (RRGMF) to be used for mitigation of cumulative impacts of gravel mining on fisheries, riparian habitat, water supply systems, recreational opportunities, flood control, channel degradation, and bank erosion. Russian river instream and terrace mining operators have paid into this Mitigation Fund under four specific program areas: Agricultural Support, Recreation Enhancement, Flood Protection, and Stream Restoration. Over time approximately \$60,000 in interest has accumulated. The proposal is to use this interest money to fund a portion of the Study, which meets the general intent of the RRGMF Program and specifically meets the “Flood Protection” and “Stream Restoration” program areas.

The Feasibility Study is funded through multiple sources as follows:

NOAA Marine Fisheries Service	\$43,000
Coastal Conservancy Grant	\$299,922
Sonoma County RRGMF	\$60,000
Hanson Aggregates	\$80,000 (includes payment of County staff time)
<u>Total</u>	<u>\$482,922</u>

There is no cost to the County for this effort, as Hanson Aggregates is paying for the cost of County staff time. This staff time is estimated to be \$70,130 and includes the following duties among others: contract management, technical report review, Partners Planning Group and Stakeholder meetings, and interagency coordination. Once the Feasibility Study concludes an application to revise the existing Reclamation Plans will be submitted to PRMD (expected date of application Dec, 2013) and a new cost estimate for staff time will be prepared.

**Prior Board Actions:**

Non applicable

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

The study will further promote biodiversity and protect the Russian River watershed.

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$ 35,153	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 35,153
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 35,153</b>	<b>Total Sources</b>	<b>\$ 35,153</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

A PRMD budget adjustment for the Russian River Gravel Mitigation Fund was included in the first quarter consolidated budget adjustments in the amount of \$60,179 and approved by your Board on October 16, 2012.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

Non Applicable

**Attachments:**

**Related Items "On File" with the Clerk of the Board:**

Four original signed contracts on file with the Clerk of the Board

## EXHIBIT "A" SCOPE OF WORK

Affiliated Researchers has been requested by the County of Sonoma, National Oceanic and Atmospheric Administration (NOAA) Fisheries, and Endangered Habitats Conservancy (EHC) to provide hydrographic, topographic, and geotechnical services in support of a two-phase project to restore endangered fish species in the Russian River.

Tasks under this contract will be conducted at 4 gravel mining pits adjacent to the Russian River, approximately 3.5 river miles downstream of the Highway 101 Bridge, and contained within the properties owned by Hanson Aggregate Mid-Pacific. The work is tentatively scheduled to begin this November during the time of moderate winter flows.

The contracted tasks are as follows:

1. Mobilize and demobilize to/from project reach.
2. Establish up to 6 semi-permanent, local NGS quality benchmarks
3. Collect single-beam bathymetric data along 3 longitudinal transects.
4. Collect water surface elevation data concurrently during the collection of bathymetric data along longitudinal transects.
5. Collect water samples concurrently during collection of all other data.
6. Collect water's edge positions and elevations with attention at river islands and meanderings.
7. Provide a summary report.

Affiliated Researches will utilize its best equipment, software, and most experienced staff to perform the described tasks. Affiliated Researchers staff includes professionally trained and experienced staff as follows:

Rollin Reineck, Program Manager, Safety Officer, Ecologist  
Michael Caldwell- Hydrographer, GIS-GPS Technician, Aquatic Technician  
Justin Carroll- Surveyor, GIS-GPS Technician

Affiliated Researchers may sub-contract the services of an acceptable river survey vessel (i.e. jet boat or drift boat) as need to accomplish certain tasks described for Phase I of the project.

AFFILIATED RESEARCHERS will provide 3 survey grade, centimeter accurate Trimble R6 and R8 GPS instruments, operating in the real-time kinematic mode (RTK), with a horizontal and vertical accuracy of  $\leq 0.1$  feet, and a trained operator for same.

AFFILIATED RESEARCHERS will establish up to 6 local, semi-permanent, survey grade benchmarks (with horizontal and vertical accuracies of  $\leq 0.1$  feet) using recognized National Geodetic Survey (NGS) Online Positioning User Service (OPUS) methods. These benchmarks are intended to be used for current and future project work along the river, and to provide required QA/QC for the GPS equipment during the project.

The benchmarks will be established using a 4 foot length of 3/8" diameter re-bar steel rod that is pounded into the ground and capped with a plastic survey marker. An acceptable existing semi-permanently land feature may also be used for establishing a benchmark.

AFFILIATED RESEARCHERS will conduct GPS equipment QAQC checks twice daily (prior to commencing and after the completion of daily field surveying activities) at a minimum of one of the established NGS OPUS survey control points. QAQC checks shall be recorded and compiled with the Data Summary Report. All positional survey data will be obtained in US State Plane (NAD83), survey feet, with elevations in NAVD88 Geoid09, unless otherwise requested.

AFFILIATED RESEARCHERS' professionally trained and experienced Hydrographer and Surveyor will utilize AFFILIATED RESEARCHERS' 16' *Alumaweld* "jet-powered" skiff as the river survey vessel to provide for the collection of the river bathymetric data. The hydrographic crew will utilize a *Knudsen 3100 Chirp* dual-frequency, single-beam echo sounder (*Knudsen*; specifications attached) with an *Airmar M155* dual-frequency, 1kW, 50kHz/200kHz transducer to collect bathymetric data of the project reach. The *Knudsen* exceeds the accuracies criteria established by the International Hydrographic Organizations and the US Army Corps of Engineers for hydrographic surveying; and has a water depth resolution of 0.01' (in water 100' of depth).

AFFILIATED RESEARCHERS follows guidance provided in the US Army Corps of Engineers hydrographic survey manuals to include the specified QAQC requirements. All QAQC protocol measurements, calibrations, and results will be recorded in the field, in electronic formats and/or in the project *Write-in-Rain* notebook. The collection of the bathymetric data along the 8 river miles of the Russian River will be conducted on 3 planned longitudinal transect. The longitudinal transects will be oriented in line with the river channel and will divide the project reach into respective longitudinal thirds.

AFFILIATED RESEARCHERS will utilize its *Trimble R6* RTK-GPS to continuously collect accurate positions and elevations during the single-beam bathymetric survey. The *Trimble R6* RTK-GPS will be mounted on the river survey vessel and directly above the *Knudsen* transducer in order to eliminate the requirement for horizontal offset measurement. Antenna height of the *Trimble R6* RTK-GPS will be accurately measured (nearest 0.02') from the water's surface and recorded into the onboard hydrographic computer (and in the project *Write-in-Rain* notebook). The hydrographic computer will enable the *Trimble R6* RTK-GPS data to be accurately combined with the data collected by the *Knudsen*, for the real-time production of accurate bathymetric data.

AFFILIATED RESEARCHERS will establish and monitor a RTK base station on a recognized NGS benchmark, utilizing its *Trimble R8* RTK-GPS. The base station will provide real-time GPS corrections to the *Trimble R6* RTK-GPS ("rover") onboard the river survey boat.

AFFILIATED RESEARCHERS will utilize *HYPACK* and CAD software to plan the course of the 3 longitudinal transects for the project reach. The planned longitudinal survey

transects will be uploaded onto the onboard hydrographic computer to enable accurate navigation. The actual course-made-good of the longitudinal survey transects will be recorded onto the onboard hydrographic computer and available for future reference. During the survey, the *Knudsen* will collect bathymetric data at a rate of approximately 20 pings per second, while the *Trimble R6* RTK-GPS rover will collect real-time accurate position and elevation data at a rate of 1 position per second. The real-time positions and water surface elevations will be integrated with the water depth data obtained from the *Knudsen*, to provide the bathymetric data in terms of NAV83 coordinates and NAVD88 elevations. An *Odom DigibarPro* sound velocity instrument will also be used for calibrations of the *Knudsen* equipment. Calibrations and measurements for the *Knudsen* will be recorded on the onboard hydrographic computer. For QAQC purposes, the accuracy of the *Trimble R6* RTK-GPS rover will be confirmed each survey day at 2 of the 6 established OPUS benchmarks (previously described). Position and elevation data collected during the GPS QAQC checks will be recorded on the GPS data collector.

AFFILIATED RESEARCHERS' Hydrographer will compile the collected bathymetric data and provide to PRMD and NOAA representatives. The data are to be used in the development of a hydrologic model for the project by the US Geological Survey.

As previously described, the antenna height of the *Trimble R6* RTK-GPS rover, used in the collection of the bathymetric data, will be accurately measured (nearest 0.02') from the water's surface and recorded into the onboard hydrographic computer. This will enable centimeter accurate water surface elevations to be continuously collected along the longitudinal transects, during the collection of the bathymetric data of the project reach.

AFFILIATED RESEARCHERS' Hydrographer will compile the collected water surface data into an XYZ format and provide to NOAA representatives. The data are also to be used in the development of a hydrologic model for the project by US Geological Survey.

Collect RTK-GPS Positions and Elevations of Shoreline:

Position and elevation data of the river shoreline (i.e. water's edge) along the 8 mile project reach are needed to provide a more complete database for the hydrographic surveys.

AFFILIATED RESEARCHERS' Hydrographer and Surveyor will utilize AFFILIATED RESEARCHERS' 16' river survey vessel<sup>4</sup> and its *Trimble R6* RTK-GPS rover to collect elevation and position data (at horizontal and vertical accuracy of  $\leq 0.1'$ ) using "conventional" RTK survey methods.

AFFILIATED RESEARCHERS will navigate the waters of the project reach, and collect RTK-GPS positions and elevations along the water's edge. RTK-GPS positions and elevation will be collected at intervals of approximately 200' along the more straight sections of shoreline, with a more concentrated effort along the river islands and meanderings. Real-time RTK corrections will be obtained from the *Trimble R8* RTK-GPS base station established on a recognized NGS benchmark, as previously described.

AFFILIATED RESEARCHERS will compile the collected shoreline data into an XYZ format and provide to NOAA and PRMD representatives. These data are also to be used in the development of a hydrologic model for the project by USGS.

**PROVIDE A SUMMARY REPORT OF PHASE I TASKING:**

AFFILIATED RESEARCHERS will provide a summary report containing a description of the methods and findings of the PHASE I tasking.

AFFILIATED RESEARCHERS will also include geo-referenced aerial photography backgrounds or other databases (e.g. engineering plans; USGS quadrangles) to show relevant project information. Deliverables can be provided in numerous electronic formats to include GeoTIFF, PDF, or CAD.



EXHIBIT "B"  
TIME AND MATERIALS

- A. Hourly Rates:
- a. Rollin Reineck, Program Manager, Safety Officer, Ecologist, \$131.84/hr
  - b. Michael Caldwell- Hydrographer, GIS-GPS Technician, Aquatic Technician, \$75.19/hr
  - c. Justin Carroll- Surveyor, GIS-GPS Technician, \$49.44/hr
- B. The total contract cost is \$43,975. However, Affiliated Researchers is offering a twenty-five percent, in-kind matching contribution towards this project which will reduce the proposed cost by \$8,822; to equal \$35,153 as follows:
- C. Project preparation, mobilize and demobilize to/from project, project put-away = \$9407.
- a. Establish up to 6 semi-permanent, local NGS quality benchmarks;
  - b. Collect single-beam bathymetric data along 3 longitudinal transects;
  - c. Collect water surface elevation data concurrently during the collection of bathymetric data along longitudinal transects; and,
- D. Collect water's edge positions and elevations with attention at river islands and meanderings = \$22,713.
- E. Provide a summary report of Phase I tasking = \$2033.
- F. Costs associated with State of California income tax = \$1000.
- G. Total: \$35,153

### Exhibit C

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this agreement.

#### 1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees.
- b. Workers' Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers' Liability with limits of 1,000,000 per Accident; 1,000,000 Disease per employee; 1,000,000 Disease per policy.
- d. Required Evidence of Coverage:
  - i. Certificate of Insurance

If Consultant currently has no employees, Consultant agrees to obtain the above-specified Workers' Compensation and Employers' Liability insurance should any employees be engaged during the term of this Agreement or any extensions of the term.

#### 2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than ISO form CG 00 01.
- b. Minimum Limits: 1,000,000 per Occurrence; 2,000,000 General Aggregate; 2,000,000 Products/Completed Operations Aggregate.
- c. Consultant shall disclose any deductible or self-insured retention in excess of \$25,000 and such deductible or self-insured retention must be approved in advance by County. Consultant is responsible for any deductible or self-insured retention.
- d. The County of Sonoma will be additional insured for liability arising out of operations by or on behalf of the Consultant in the performance of this agreement.
- e. The insurance provided to County, et al. additional insured shall apply on a primary and non-contributory basis with respect to any insurance or self-insurance program maintained by them.
- f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "f" definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between County and Consultant and include a "separation of insureds" or "severability" clause which treats each insured separately.
- h. Required Evidence of Coverage:
  - i. Copy of the additional insured endorsement or policy language granting additional insured status, and

- ii. Certificate of Insurance.

(Substitute the following if the work, event or location involves marinas or the airport.)

i. Required Evidence of Coverage:

- i. Copy of the additional insured endorsement or policy language granting additional insured status;
- ii. Copy of the endorsement or policy language indicating that coverage is primary and non-contributory; and
- iii. Certificate of Insurance.

**3. Automobile Liability Insurance**

- a. Minimum Limits: \$1,000,000 combined single limit per accident.
- b. Coverage shall apply to all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Coverage shall apply to hired and non-owned autos.
- d. Required Evidence of Coverage:
  - i. Certificate of Insurance.

**4. Professional Liability Insurance**

- a. Minimum Limit: \$1,000,000.
- b. Consultant shall disclose any deductible or self-insured retention in excess of \$25,000 and such deductible or self-insured retention must be approved in advance by County. Consultant is responsible for any deductible or self-insured retention.
- c. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
- d. Coverage applicable to the work performed under this Agreement shall be continued for two (2) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
- e. Required Evidence of Coverage:
  - i. Certificate of Insurance.

**5. Standards for Insurance Companies**

Insurers shall have an A.M. Best's rating of at least A:VII.

**6. Documentation**

- a. The Certificate of Insurance must include the following reference: Hanson Feasibility Study.
- b. All required Evidence of Coverage shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Coverage on file with County for the required period of insurance.

- c. The name and address for Additional Insured endorsements and Certificates of Insurance is: The County of Sonoma.
- d. Required Evidence of Coverage shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- e. Consultant shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

#### **7. Policy Obligations**

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

#### **8. Material Breach**

If Consultant fails to maintain insurance coverage which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, County may purchase the required insurance coverage, and without further notice to Consultant, County may deduct from sums due to Consultant any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.

## AGREEMENT FOR PROFESSIONAL SERVICES

This agreement ("Agreement"), dated as of \_\_\_\_\_, 2012 ("Effective Date") is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Affiliated Researchers, LLC, a Michigan limited liability corporation (hereinafter "Consultant").

### R E C I T A L S

WHEREAS, Consultant represents that it is a duly qualified consulting firm, experienced in the preparation of hydrographic and water quality related services; and

WHEREAS, in the judgment of the Board of Supervisors, it is necessary and desirable to employ the services of Consultant to provide hydrographic, topographic, water quality, and geotechnical services in support of a two-phase project to restore endangered fish species in the Russian River.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

### A G R E E M E N T

#### 1. Scope of Services.

##### 1.1 Consultant's Specified Services.

Consultant shall perform the services described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit "A" and pursuant to Article 7, Prosecution of Work. In the event of a conflict between the body of this Agreement and Exhibit "A", the provisions in the body of this Agreement shall control.

1.2 Cooperation With County. Consultant shall cooperate with County and County staff in the performance of all work hereunder.

1.3 Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release. If County determines that any of

Consultant's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

#### 1.4 Assigned Personnel.

- a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from County.
- b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by County to be key personnel whose services were a material inducement to County to enter into this Agreement, and without whose services County would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of County.
- c. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

#### 2. Payment.

For all services and incidental costs required hereunder, Consultant shall be paid in accordance with the following terms:

Consultant shall be paid a lump sum amount of \$35,153 regardless of the number of hours or length of time necessary for Consultant to complete the services. Consultant shall not be entitled to any additional payment for any expenses incurred in completion of the services.

A breakdown of costs used to derive the lump sum amount, including but not limited to hourly rates, estimated travel expenses and other applicable rates, is specified in Exhibit B, attached hereto and incorporated herein by this reference.

Upon completion of the work, Consultant shall submit its bill for payment in a form approved by County's Auditor and the Head of the County Department receiving the services. The bill shall identify the services completed and the amount charged.

Unless otherwise noted in this agreement, payments shall be made within the normal course of county business after presentation of an invoice in a form approved by the County for services

performed. Payments shall be made only upon the satisfactory completion of the services as determined by the County.

Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the County shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify, County requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If consultant is qualified, then the County requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the contractor agrees to promptly notify the County of any changes in the facts. Forms should be sent to the County pursuant to Article 12. To reduce the amount withheld, Consultant has the option to provide County with either a full or partial waiver from the State of California.

3. Term of Agreement. The term of this Agreement shall be from November 1, 2012 to June 30, 2013 unless terminated earlier in accordance with the provisions of Article 4 below.

4. Termination.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, County may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.

4.3 Delivery of Work Product and Final Payment Upon Termination.

In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to County all materials and work product subject to Section 9.11 (Ownership and Disclosure of Work Product) and shall submit to County an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.4 Payment Upon Termination. Upon termination of this Agreement by County, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment;

provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or the PRMD Department Head, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. Indemnification. Consultant agrees to accept responsibility for loss or damage to any person or entity, including County, and to defend, indemnify, hold harmless, and release County, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or its agents, employees, contractors, subcontractors, or invitees hereunder, whether or not there is concurrent negligence on County's part, but, to the extent required by law, excluding liability due to County's conduct. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents, employees, contractors, subcontractors, or invitees under workers' compensation acts, disability benefits acts, or other employee benefit acts. This indemnity provision survives the Agreement.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit C, which is attached hereto and incorporated herein by this reference

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Extra or Changed Work. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors/Purchasing Agent must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure



of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the County.

9. Representations of Consultant.

9.1 Standard of Care. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release.

~~9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.~~

9.3 No Suspension or Debarment. Consultant warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Consultant also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration. If the Consultant becomes debarred, consultant has the obligation to inform the County

9.4 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish County with proof of payment of taxes on these earnings.

9.5 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to

County for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.6 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if requested to do so by County, Consultant shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with County disclosing Consultant's or such other person's financial interests.

9.7 Statutory Compliance. Contractor agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.8 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.9 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.10 Assignment of Rights. Consultant assigns to County all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to County in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as County may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of County. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of County.

9.11 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of County. County shall be

entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to County all such documents, which have not already been provided to County in such form or format, as County deems appropriate. Such documents shall be and will remain the property of County without restriction or limitation. Consultant may retain copies of the above- described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of County.

9.12 Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: COUNTY:

Attn: Amy Lyle  
PRMD  
County of Sonoma  
2550 Ventura Ave  
Santa Rosa, CA 95403

TO: CONSULTANT:

Mailing Address:  
Attn: Rollin Reineck  
Affiliated Researchers, LLC  
422 Larkfield Center

Santa Rosa, CA 95403

Business Address:

Attn: Rollin Reineck  
Affiliated Researchers, LLC  
3585 North U.S. Highway 23  
Oscoda, MI 48750

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. ~~Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.~~

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the

contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8. Survival of Terms. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

---

13.9 Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT: \_\_\_\_\_  
AFFILIATED RESEARCHERS LLC

By: RCR  
Digitally signed by Rollin C. Reineck, Jr.  
DN: cn=Rollin C. Reineck, Jr., o=Affiliated Researchers LLC, ou,  
email=rollin@affiliatedresearchers.com, c=US  
Date: 2012.10.08 12:53:53 -0700  
Name: ROLLIN C. REINECK, JR.  
Title: DIRECTOR  
Date: 8 OCTOBER 2012

COUNTY: COUNTY OF SONOMA  
CERTIFICATES OF INSURANCE ON  
FILE WITH AND APPROVED AS TO  
SUBSTANCE FOR COUNTY:

By: [Signature]  
Department Head  
Date: \_\_\_\_\_

APPROVED AS TO FORM FOR  
COUNTY:

By: \_\_\_\_\_  
County Counsel

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chair  
Board of Supervisors

Date: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
Clerk of the Board of  
Supervisors



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 19  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors of Sonoma County

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Probation

**Staff Name and Phone Number:**

David Koch, 565-2168

**Supervisory District(s):**

Countywide

**Title:** Noble Software Group, LLC Software License and Services Agreement

### Recommended Actions:

Authorize the Chief Probation Officer to execute an agreement with Noble Software Group, LLC, to provide validated assessment tools, a web-based, fully-integrated software application, ongoing training, and software maintenance for the period of October 23, 2012 to October 22, 2015, in an amount not to exceed \$358,219.

### Executive Summary:

The agreement with Noble Software Group, LLC, would allow the Probation Department to continue the implementation of risk and needs assessments, a foundational piece of the Department's efforts to implement Evidence-Based Practices (EBP). In April 2008, after initiating and completing a Request for Proposal (RFP) process, the Probation Department awarded a contract to Assessments.com (ADC) to implement risk and needs assessment tools. The scope of the contract and subsequent amendments included all required licenses, maintenance, account configuration, software and implementation consulting, and ongoing staff training. The recommended agreement would allow continued use of the same assessments staff are currently trained in, provide new software that offers enhanced utilization of the data collected during the assessment process, supply ongoing support and maintenance for all software, allow for software customization, and supply enhanced training for quality assurance and ongoing accuracy of objective measurements. The implementation of risk and needs assessments has helped the Criminal Justice System to achieve the goals of the County Strategic Plan and the Criminal Justice Master Plan, including use of best practices in assessment, intervention, and treatment. Additionally, the information provided by these tools has allowed the Department to allocate dwindling resources to those delinquent youth/adult offenders, at highest-risk to reoffend. In the coming years, the data collected during the assessment and case planning processes will be used to measure service effectiveness and outcomes, and ultimately improve public safety through recidivism reduction.

The adult and juvenile assessment tools provide the Department with evidence-based assessments of the risk and need factors that academic research has shown to be linked to recidivism and failure-to-appear rates. Probation Officers interview delinquent youth/adult offenders and solicit responses to pre-determined

questions that result in a determination of risk that is specific to that individual. This information is then used to develop a targeted case plan for youth and adult offenders, guiding referrals to the most appropriate programming and services.

The adult and juvenile assessment tools selected by the 2008 solicitation were developed by the Washington State Institute of Public Policy (WSIPP). Until recently, electronic versions of these tools were only available through ADC. In March 2012, Noble Software Group, LLC was formed, and became the second organization to provide an electronic version of the same public domain tools. The Probation Department believes it is in the best interest of the County to terminate the existing Agreement with ADC and initiate a contract with Noble Software Group, LLC.

If the recommended agreement is not approved, the Department would have to either complete a new RFP process, which could require the use of a different tool, or get the tools programmed independently. The extensive staff training completed thus far and complex custom integration supports the Department's preference to continue the use of the tools selected in the 2008 assessment tool RFP. The amount of work and cost associated with implementing a different suite of assessment tools would be significant; all officers have been trained on the WSIPP tools and have incorporated them into their daily case management activities. Programming the tools independently would also come with significant costs, both one time and ongoing, and without the benefit of receiving the updates that will be provided regularly through Noble as part of the ongoing support and maintenance of the tools. Therefore, the Probation Department believes that it is not in the best interest of the County to go through another competitive bid process that would be open to vendors of other assessment tools, or to pursue the avenue of independently programming the tools.

**Prior Board Actions:**

06/12/12: Approval of 2012 Justice Assistance Grant (JAG) Program Local Solicitation Application and Agreement.

04/26/2011: Approval of Amendment No. 2 to Assessments.com Risk Assessment Tool Agreement

02/24/2009: Approval of Amendment No. 1 to Assessments.com Risk Assessment Tool Agreement.

04/22/2008: Approval of Assessments.com Risk Assessment Tool Agreement

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

The implementation of risk and needs assessments aligns with the Safe, Health & Caring Community strategic plan goal, as well as providing a foundational piece to the implementation of evidence-based practices, a key recommendation of the County's Criminal Justice Master Plan. Information from risk and needs assessments allows the Probation Department to focus resources on those probationers at higher risk to re-offend.

Research shows that focusing on this group gives the best recidivism reduction outcomes, supporting the ultimate goal of creating a safer community.



**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$ 143,587	County General Fund	\$ 102,287
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 41,300
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 143,587</b>	<b>Total Sources</b>	<b>\$ 143,587</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The FY 12-13 Probation Department budget included \$17,000 of County General Fund dollars for maintenance, \$41,300 of federal funding from the Justice Assistance Grant (JAG) for a one-time purchase of new software, and \$85,287 re-budgeted from a prior fiscal year from the original contract included in the consolidated budget adjustment, to cover the expenditures included in this Agreement.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

None.

**Related Items "On File" with the Clerk of the Board:**

Noble Software Group, LLC Software License and Services Agreement



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 20

(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors of Sonoma County

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Probation

**Staff Name and Phone Number:**

Robert Ochs, Chief Probation Officer: 565-2731

**Supervisorial District(s):**

Countywide

**Title:** Public Safety Realignment Consulting Services

### Recommended Actions:

Authorize the Chief Probation Officer to approve the first amendment to the Agreement with Voorhis/Robertson Justice Services Inc. for Realignment consulting, which increases the contract by \$100,000, resulting in a new total not-to-exceed amount of \$124,999, and extends the term from September 7, 2012 to June 30, 2013.

### Executive Summary:

#### Overview

In September 2011, after initiating and completing a Request for Qualifications (RFQ) process, Probation awarded a contract to Voorhis/Robertson Justice Services Inc. (VRJS) to provide consulting services to the Community Corrections Partnership (CCP) in support of AB109 Public Safety Realignment. The Probation Department requests approval to amend its contract with VRJS to allow for continued consulting support to the CCP through Fiscal Year 2012-13, and add work scope to develop a pre-trial services risk assessment tool. This consulting effort will be fully funded by revenues received from the State for AB109 Public Safety Realignment.

Probation issued a RFQ on behalf of the CCP that sought services from a consultant with criminal justice expertise and familiarity with Sonoma County's Criminal Justice System. The CCP intended for the original RFQ to secure support from the selected consultant for a three year period to help meet program needs through full implementation of Realignment. At the time the original consulting agreement was executed, the scope was necessarily undefined due to the early stage of the Realignment planning process. While the Pre-Trial Services program was envisioned as part of the work effort, the CCP had not taken action to approve it as part of its Realignment plan; therefore, it was not specifically identified in the initial scope of work. During execution of the first year of consulting effort, the CCP began focusing on implementation of a Pre-Trial Services program. The CCP subsequently tasked the selected consultant, VRJS, with presenting its recommendation for implementing pre-trial services in Sonoma County, with a focus on program structure, benefits, and feasibility. Incorporating Pre-Trial Services into the VRJS scope of work in this amendment provides for the

implementation of the program based on the CCP's approval to move forward. It is anticipated that ongoing clarification will be needed as the CCP further identifies Realignment-related work that requires consultant support. Having the same consultant provide support during the critical first years of the Realignment initiative offers much needed consistency during a period of significant criminal justice system change.

## **Background**

Probation issued a Request for Qualification (RFQ) on August 12, 2011 for "professional services of a consultant to act as a facilitator to the CCP and to assist in the implementation and planning process." Probation envisioned that the consultant would assist the CCP with Realignment planning and initiatives. On August 24, 2011, Probation received Statements of Qualifications from three different applicants. The proposal evaluation panel comprised of CCP members selected VRJS for sole contract award. Because Realignment implementation was still in a nascent stage, specific tasking and scope for the contract could not be adequately defined at that juncture. Upon consultation with Purchasing, Probation executed an open-scope agreement with VRJS on September 7, 2011 in the amount of \$24,999. Open scope agreements leave the scope blank, and place responsibility on the contracting parties to develop and jointly approve adjustments to the scope of work during the contract execution phase.

In September 2011, VRJS and Probation agreed upon a scope of services that included a task for VRJS to assist with developing and implementing Sonoma County's long-term Realignment Plan. As Realignment progressed, it became clear that Pre-Trial Services would be part of the envisioned long-term Realignment plan, and—because it is a major CCP initiative—that it would entail support from VRJS as the consultant selected from the August 2011 solicitation process. With this more clearly defined scope of work, the CCP engaged VRJS to develop a recommendation for implementing a Pre-Trial Services program in Sonoma County, which VRJS presented to the CCP on May 14, 2012. Based on VRJS' recommendation and cost estimate for Pre-Trial, the CCP subsequently recommended (and the Board allocated) Fiscal Year 2012-13 funds for Pre-Trial Services consulting support.

## **Pre-Trial Services**

Implementation of a full-service Pre-Trial Services program was a key recommendation of Sonoma County's Criminal Justice Master Plan (CJMP). A Pre-Trial Services program would serve a core system function by providing a universal front-end screening for all persons booked into jail, supporting jail management, reducing pre-trial failure, and facilitating efficient case processing. Consistent with the CJMP, the CCP initially identified Pre-Trial Services as a priority area in its Interim Plan, and subsequently included it as a key component of the approved Realignment for Year 2. In April 2012, VRJS presented its recommendation to the CCP for the potential program structure and implementation approach for Pre-Trial Services. The CCP voted to implement a hybrid Pre-Trial Services program with two components: the assessment component, which will operate as a function of the Classification Unit in the Main Adult Detention Facility; and the supervision component, which will operate as a supervision unit of the Probation Department.

VRJS recommended a three-phase approach for Pre-Trial Services Program implementation. The first phase would last 6 months and includes: development of a validated pre-trial risk assessment instrument based on local data and a supplemental assessment for Early Case Resolution (ECR) Court; maintenance of current Pre-Trial supervision staffing; hiring and training of new Pre-Trial staff; and identification of equipment needs and renovations to the jail booking area. Phase Two, occurring during the first half of 2013, focuses on beginning the enhanced Pre-Trial Services program. Finally, Phase Three, occurring next fiscal year, will concentrate on

adjusting staffing and resource allocations based on analysis of actual workload from the previous six months of implementation.

The requested amendment to the VRJS consulting contract will include \$60,000 during Phase One to help design the new risk assessment tool for Pre-Trial Services. VRJS will develop a risk assessment tool that is unique from the adult and juvenile risk assessment tools currently utilized by Probation. The Pre-Trial tool will assess the likelihood that an individual will either fail to appear or commit another offense prior to their scheduled court dates. VRJS will perform the following scope of work: (1) collaborate with the CCP to reach consensus for the plan to implement the new risk assessment instrument; (2) develop a matrix of Pre-Trial release and supervision guidelines; (3) train program staff and stakeholders in the use of the new risk assessment tool; (4) identify required equipment and Main Adult Detention Facility booking area renovations; (5) develop a plan to implement new policies and practices that maximize use of the new risk instrument and supervision techniques consistent with evidence-based practices; (5) deliver a validated Risk Assessment tool; and (6) establish performance measurements for evaluating process and outcome measures for the program.

### **Community Corrections Partnership Planning Support**

Sonoma County contracted with Voorhis/Robertson Justice Services, Inc. during Year 1 of Public Safety Realignment to support the CCP's planning activities. VRJS accomplished the following tasks during Year 1: interviewed CCP executive members and other key stakeholders; reviewed pertinent documentation, such as Realignment Legislation and Criminal Justice Master Plan (CJMP); reviewed and analyzed Pre-Trial data; and supported development of the Interim Realignment Plan. VRJS also researched and presented the aforementioned recommendations to the CCP regarding implementation of Pre-Trial Services.

The requested contract amendment includes up to \$40,000 for VRJS to assist the CCP in developing a process that studies system-wide issues, develops potential solutions, recommendations, and/or enhancements to policies and programs, and measures outcomes. This will enable the CCP and other local stakeholders to have a sustainable, long-term capacity for collaborative decision-making based on data and outcomes. The process developed by VRJS in collaboration with the CCP will provide a template for implementing and administering a comprehensive, collaborative, evidence-based local justice system. VRJS will perform the following scope of work: (1) develop outcome measures (i.e., recidivism definition and intermediate measures of system performance); (2) create a process for collaborative decision-making; and (3) generate a final report for the CCP.

Related to the aforementioned scope, VRJS may be involved with planning initiatives to implement a future Sonoma County Community Corrections Center (CCC). The County's CJMP recommended implementing a CCC as a core component of the criminal justice system, because the CCC would: provide a supportive transitional environment for offenders re-entering the community; mitigate need for jail beds; and reduce recidivism. The CCP's Realignment Plan uses the CJMP as a foundation; therefore, consideration of the CCC may be included as a future initiative in next year's Realignment Plan. If the CCC is included in the plan, the CCP will require consulting expertise and support from VRJS.

### **Prior Board Actions:**

7/31/2012: The Board of Supervisors approved the Community Corrections Partnership's (CCP) Recommended Public Safety Realignment Plan and associated budget for Fiscal Year 2012-2013.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

The implementation of Pre-Trial Services aligns with the Safe, Health & Caring Community strategic plan goal, as well as providing a foundational piece of the County’s Criminal Justice Master Plan. Pre-Trial Services is an innovative public safety program that improves efficiency and effectiveness of the criminal justice system, which ultimately helps ensure safety of community members. The Pre-Trial Services program supports a safer community by: increasing criminal justice system efficiency; improving risk-based decision-making that assists the system in identifying the appropriate outcome for each defendant; expediting access to available services; and reducing pre-trial failure (both in new arrests and failures to appear at trial).

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 100,000	County General Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 100,000
	\$	Fees/Other	\$ 0
	\$	Use of Fund Balance	\$ 0
	\$	Contingencies	\$ 0
	\$		\$
<b>Total Expenditure</b>	<b>\$ 100,000</b>	<b>Total Sources</b>	<b>\$ 100,000</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The approved Fiscal Year 2012-13 Public Safety Realignment budget includes sufficient funding to cover the specific work scope delineated in the amended consulting contract; therefore, Probation has not requested any additional funding appropriations as part of this Board action. The approved Realignment budget contains \$140,000 for consulting work, divided as follows: \$80,000 for CCP support and Realignment planning, and \$60,000 to fund design and development of the risk assessment tool for the Pre-Trial Services program. The requested \$100,000 contract amendment fully funds the Pre-Trial Services consulting effort for \$60,000 and funds the CCP support task with \$40,000.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
N/A	N/A	N/A	N/A

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

None; contract amendment “on file” with Clerk of the Board.

**Related Items “On File” with the Clerk of the Board:**

Amendment 1 to the VRJS Consulting Contract Agreement.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 21  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:**

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sheriff's Office

**Staff Name and Phone Number:**

**Supervisory District(s):**

Sgt. Molinari /Connie Newton, 565-3787 / 565 8884

All

**Title:** Agreement for Automated Fingerprint System Services

### Recommended Actions:

Authorize the Chair to execute an agreement with 3M Cogent, Inc. to perform automated fingerprint system services for the period of October 1, 2012 through June 30, 2015 for an amount not to exceed \$533,295.

### Executive Summary:

This item is requesting that the Board authorize the Chair to execute an Agreement for Services between the County of Sonoma and 3M Cogent Inc., to replace aging equipment and enhance the County's automated fingerprint system. This system is used by all law enforcement agencies in Sonoma County and managed by the Sheriff's Office. The automated fingerprint system is paid for by a special fund, the DMV ID fund, which is explained below.

Vehicle Code Section 9250.19, ("Section 9250.19") gave the Board of Supervisors the authority to increase vehicle registration fees by \$1.00 for each vehicle registered or renewed by Sonoma County residents. The Board of Supervisors approved this fee on June 2, 1998. The fees are required to be used exclusively for programs that enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification. The fees collected under the government code are held in a County special revenue fund within the Sonoma County Sheriff's Office ("SCSO"). This fund is referred to as the DMV ID fund and is managed by a Remote Access Network Board ("RAN Board"), defined below.

Background: Since 2005 the SCSO, in conjunction with the RAN Board, and in compliance with the government code, has implemented a variety of systems that "enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification". Implementation included a multiphase approach to replacing all Sonoma County law enforcement agencies' aging live scan fingerprinting devices (live

scan); establishing a local automated fingerprint identification archive ("CAFIS"); implementing quick identification in the detention facilities' booking areas; installing remote fingerprint input terminals; deploying handheld fingerprint identifications devices ("Mobile Ident II") to law enforcement officers in the field; and implementing a booking system that maps booking photos to automated fingerprints. All of these systems interact together and were purchased from 3M Cogent Inc., ("Contractor").

RAN Board Members: A Remote Access Network Board ("RAN Board") is charged with regulating the use of Section 9250.19 funds and making identification system recommendations to the Sonoma County Board of Supervisors. Government code specifies that: "...each RAN board shall be composed of seven members, as follows: a member of the board of supervisors (the Criminal Justice liaison for 2012 is Efren Carrillo), the sheriff, the district attorney, the chief of police of the Cal-ID member department having the largest number of sworn personnel within the county, a second chief selected by all other police chiefs within the county, a mayor elected by the city selection committee established pursuant to Section 50270 of the Government Code, and a member-at-large chosen by the other members."

The RAN Board has recommended that in addition to the projects described above, that funds be used to replace aging and outdated equipment as well as provide ongoing maintenance support of existing equipment. The replacement of aged equipment is scheduled to occur in several phases based on the age of the equipment and cost effectiveness of replacement. The first phase of equipment replacement occurred during FY 11-12.

Proposed Agreement: The proposed Agreement includes three phases. The first phase includes replacing all 16 of the County's live scan devices, which were purchased in 2005 and have reached the end of their useful life. These devices are networked to the County's central automated fingerprint archive and the detention booking system. A new live scan device is being purchased for the Coroner's Bureau for use with unidentified decedents and the related Department of Justice (DOJ) reporting requirements. Phase one also includes the purchase of up to five Child ID live scans for use by all County law enforcement agencies. Child ID live scans give parents a vehicle to have their children fingerprinted without the prints being transferred to DOJ. The second phase includes the purchase of a server and use license for DOJ's Mobile Gateway program. The Gateway is an enhancement to an existing system that streamlines the process for latent fingerprint inquiries. The final phase of the Agreement includes the purchase of a digital backup solution. This backup system is needed to comply with current disaster recovery standards.

3M Cogent is the single source vendor providing the services to the County's law enforcement agencies and the agencies have been satisfied with the services. The 3M Cogent systems are the fastest, most accurate, and lowest costing compared to other providers. This is determined by 3M Cogent's continued success at competitive processes among agencies both nationally and internationally. It is important that the County use a single source vendor to provide all components of the fingerprint system for several reasons. These fingerprint systems operate 24 hours a day and when the system malfunctions, operations are put on hold or significantly slowed. Having to contact several different vendors during a malfunction increases the time needed to restore functionality. In addition, having a multi-vendor system increases support costs because all



systems require 24 hour technical support. Finally, a single vendor simplifies user training and technical support training. Staff would be required to be trained and stock supplies or small parts for several different systems, instead of one single system.

This project is scheduled to be completed by the end of FY 13-14; however, the proposed Agreement has an ending date of June 30, 2015 to allow for unforeseen programming, implementation, minor changes or coordination issues. The proposed Agreement has a not to exceed amount of \$533,295. This amount is comprised of \$507,900 for equipment, programming, and installation. The remaining amount of \$25,395 is being requested as a 5% contingency allowance. The contingency allows for unforeseen programming or project changes that may need to occur during the implementation of the project. As part of the Agreement, the Contractor will be providing a credit for some of the aged equipment that is being retired. All services under the proposed Agreement will be paid for with DMV ID funds; therefore, the project has no impact on the County's general fund. The appropriations and related expenditures for the DMV ID fund are included in the Sheriff's FY 12-13 adopted budget.

**Prior Board Actions:**

Annual adoption of the DMV ID fund budgets since 1999.

2006 - 2011 –Authorized Agreements for a multi-phased implementation of the County's automated fingerprint system, staff and related equipment. Agreements for maintenance of such equipment have also been approved.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

Sonoma County's automated fingerprint system helps achieve a safer community by providing law enforcement officers with real-time information regarding identification for investigative purposes.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 533,295	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 533,295
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

All expenses will be covered with DMV ID special funds.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Scope of Work

**Related Items "On File" with the Clerk of the Board:**

Agreement for Live Scan Upgrade and Automated Fingerprint System Enhancements

# **EXHIBIT A**

## **I. Background**

Since 2005, the Sonoma County Sheriff's Office ("SCSO"), in conjunction with the Sonoma County Remote Access Network and California Vehicle Code Section 9250.19, has implemented a variety of systems that, as described in Vehicle Code Section 9250.19, "enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification". These systems included a multiphase approach to replacing all Sonoma County law enforcement agencies' aging live scan automated fingerprinting devices ("livescan"); establishing a local automated fingerprint identification archive ("CAFIS"); implementing quick identification in the detention facilities' booking areas; installing remote latent input terminals; deploying handheld fingerprint identifications devices to law enforcement officers in the field, and the installation of a mugshot system that integrates automated fingerprints with booking photos in the County's detention facilities. All of these systems interact together and were purchased from Contractor.

Some existing equipment is aging and needs to be replaced. Additionally, the system functionality can be improved and enhanced by upgrading some of the components of the existing equipment. The SCSO, supported by recommendation from the Sonoma County Remote Access Network Board, is proceeding with replacing the aging live scan automate fingerprint devices within Sonoma County, implementing 3M Cogent's web server "Gateway", and upgrading the existing back-up solution. A detail list of equipment and related services can be found in Exhibit B. The County's specifications for such equipment are listed in Exhibit C. Both Exhibit B and Exhibit C are attached to this Agreement and incorporated herein by this reference.

## **II. Scope of Work**

Contractor shall be responsible for procuring, installing, and programming the equipment identified in Exhibit B. Within 10 business days of the start of the Agreement Contractor shall develop a Statement of Work (SOW). The SOW shall include but not be limited to:

- A description of the specific details of the project;
- Itemized equipment list and product specifications;

- The SCSO list of Livescan upgrade requirements, listed in Exhibit C, attached to and incorporated herein by this reference.
- Timeline for planning, procurement, installation, testing, and training;
- Project deliverables;
- Ongoing support protocols; and
- Acceptance sign-off form, for each subtask identified below. The acceptance forms shall certify that the new equipment has been installed and is operating at full functionality, as described in the SOW. Such forms shall be signed by the Sheriff's CSI sergeant, or designee.

The SOW shall be approved in writing by the Sheriff's Information Technology Manager and Crime Scene Investigations (CSI) Sergeant.

### **III. Payment**

Payment will be made as described in the body of this Agreement. Each subtask will be considered completed as described below. The following subtasks are listed in order of project priority and should be completed accordingly.

#### **1. Completion of SOW: \$30,000**

The SOW shall be considered complete when both the Sheriff's Information Technology Manager and CSI Sergeant have approved the SOW in written form.

#### **2. Installation of detention facility livescans \$116,198**

This subtask includes replacement of the livescans used in the SCSO adult and juvenile detention facilities and the addition of one additional livescan at the SCSO Main Adult Detention Facility (MADF). Section 1 of Exhibit B identifies all livescan devices that will be replaced under this Agreement; however, this subtask includes a portion of the livescans listed in Section 1 and are identified below. Payment for this subtask shall be made after the CSI Sergeant has signed the acceptance document.

This subtask includes the following livescan devices:

1. MADF Booking livescan (replace existing)
2. MADF Booking livescan (adding new device)
3. MADF Book, Print, Release (BPR) livescan
4. North County Detention Facility Livescan

5. Juvenile Justice Center Livescan (Main Facility)
6. Juvenile Justice Center Livescan (Court)

**3. For installation of Webserver/Gateway \$26,000**

Section 2 of Exhibit B identifies the Web server and Gateway equipment that will be purchased and installed under this Agreement. Payment for this subtask shall be made after the CSI Sergeant has signed the acceptance document.

**4. Digital Backup System \$28,000**

Section 3 of Exhibit B identifies the digital backup system that will be purchased and installed under this Agreement. Payment for this subtask shall be made after the CSI Sergeant as signed an acceptance document (described in Item 2 above).

**5. Replace 11 livescans at law enforcement agencies \$167,900**

This subtask includes replacement of the livescans used by non-detention law enforcement agencies in Sonoma County. Section 1 of Exhibit B identifies all live scan systems that will be replaced under this Agreement; however, this subtask is limited to the livescan devices identified below. Payment for this subtask shall be made after the CSI Sergeant has signed an acceptance. This subtask includes the livescan devices located at the following agencies:

1. City of Sonoma Police Department
2. Cloverdale Police Department
3. Cotati Police Department
4. Healdsburg Police Department
5. Petaluma Police Department
6. Rohnert Park Department of Public Safety
7. Santa Rosa Junior College Police Department
8. Santa Rosa Police Department
9. Sebastopol Police Department
10. Sonoma County Sheriff's Office (Central Information Bureau)
11. Sonoma State University Police Department

**6. Staff training: \$30,000**

The CSI sergeant will authorize payment for subtask six when the training identified in the SOW has been completed.

**Total Cost of Project (excluding optional equipment): \$ 398,098**

**7. Optional Equipment**

***not to exceed \$109,802***

Optional equipment shall be paid for upon receipt of such equipment. The SCSO shall communicate to contract in writing, the equipment and quantities needing to be ordered. The County does not guarantee the purchase of any optional equipment. The total cost of optional equipment shall not exceed \$109,802.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 22  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors of the County of Sonoma

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sheriff-Coroner

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Cammie Noah 707.565.1625

**Title:** Agreement for Literacy & Language Skills Classes.

### Recommended Actions:

Authorize the Sheriff to execute an Agreement for Inmate Literacy & Language Skills classes between the County of Sonoma and the Sonoma County Library, for the period July 1, 2012 through June 30, 2015, for an amount not to exceed \$30,000.

### Executive Summary:

This item is requesting the Board authorize the Sheriff to execute an Agreement, estimated to cost \$10,000 per year, for three years, to teach literacy & language skills classes in Sonoma County's adult detention facilities. Title 15 of the California Code of Regulations requires that the Sheriff provide various educational opportunities and services for inmates incarcerated in Sonoma County's adult detention facilities. The Sonoma County Library Adult Literacy Program was selected as the contractor to provide these services as a result of a Request for Proposal (RFP) process conducted in June 2012.

The Sonoma County Library has been teaching literacy and language skills to inmates incarcerated in Sonoma County's adult detention facilities for over a decade. The contract amount has remained consistent for the past three years, as no increase in services has been necessary. The long-term goal is for released inmates to become self sufficient and able to meet their basic needs for housing, food, childcare, transportation, clothing, and related work expenses by strengthening their literacy and communication abilities. A variety of English as a Second Language (ESL) curricula may be implemented in the classes to include strengthening vocabulary, daily conversational topics, English grammar, budgeting skills, medical information requests, etc. The classes successfully assist inmates with lower level English skills in increasing their literacy proficiency.

The annual cost of \$10,000 for the Literacy & Language Skills classes is included in the Sheriff's Office FY 12-13 adopted budget and will fund four weekly ESL classes, each servicing approximately 10-15 inmates at both the Main and North County Detention Facilities.

**Prior Board Actions:**

None. Prior annual contracts (approximately \$10,000/year) were executed by the County Purchasing Agent.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

The intent of rehabilitative programming is in alignment with the County's strategic goal to provide a safe, healthy, and caring community for its residents, and supports the Sheriff's objective to decrease Sonoma County's recidivism rate by providing inmates the skills, education, and training necessary to reduce the potential for reoffending and to lay the foundation for their continued success as contributing members of our community upon their release.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 10,000.	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 10,000.
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 10,000.</b>	<b>Total Sources</b>	<b>\$ 10,000.</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

Funding source is the Inmate Welfare Trust Fund.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Scope of Work.

**Related Items "On File" with the Clerk of the Board:**

Agreement for Literacy & Language Skills Classes.





**Third & E Streets (211 E St.)  
Santa Rosa, CA 95404**

June 14, 2012

**Exhibit "A"  
Scope of Work**

A. The Adult Literacy Program is intended to:

1. Bring about improvements in the reading and life skills of adult detention facility inmates with education deficiencies.
2. Contribute to the effectiveness of all of the education programs within the adult detention facilities by increasing the number of inmates who are able to participate in them successfully.
3. Assist in reducing inmate recidivism rates by making inmates better prepared to function as productive members of society.
4. Reduce stress and conflict within Sonoma County's detention facilities by making productive use of inmate time and energy.
5. Subject to need, the Adult Literacy Program will be available to all inmates at the Main Adult Detention Facility (MADF) and the North County Detention Facility (NCDF).

B. In order to meet the established requirements and objectives of developing and carrying out the Adult Literacy Program, the Contractor will:

1. Assemble and maintain a collection of specialized books, periodicals, and other reading materials as necessary to carry out the program and meet the needs of the inmate participants.
2. Recruit, select, train, and assign qualified volunteer tutors in sufficient numbers to provide an appropriate level of literacy counseling, testing, and instruction for inmates who are participating in the Adult Literacy Program.
3. Manage and supervise those aspects of the Adult Literacy Program that pertain to instructional methodologies, the evaluation of individual tutors, the selection and procurement of required materials, testing, and instructor scheduling.

4. Evaluate and assess the literacy levels of inmates who are eligible for and apply to participate in the Adult Literacy program, and provide further ongoing assessments as necessary to meet program requirements and the needs of the individual inmates.
5. Provide any enrollment forms, records, and other materials and supplies required for the management and operation of the program. The Sheriff's Department shall have the option to provide identified course materials and supplies directly to inmates.
6. Monitor and evaluate the effectiveness of the Adult Literacy Program, keeping the Sheriff's Department advised of program status and any changes in procedures, requirements, or objectives.
7. Coordinate and consult with the Sheriff's Department prior to making any substantive changes in program scope, methodology, or objectives.
8. When requested, provide reasonable and necessary representation at meetings, conferences, and planning groups that deal with matters relating to the operation of the Adult Literacy program within Sonoma County's adult detention facilities.
9. Apply for State literacy program funding in the same manner, and on the same basis, as it applies for reimbursement for other literacy programs under its cognizance. Contractor will also make appropriate efforts to obtain literacy program grants and assistance as required to meet new, short-term, or unique program requirements or projects.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 23  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

**Supervisory District(s):**

Susan Klassen (707) 565-2440

Countywide

**Title:** Sonoma County Paratransit – Purchase of Wheelchair Accessible Minibuses

### Recommended Actions:

Approve the purchase of four (4) gasoline powered wheelchair accessible minibuses for Sonoma County Paratransit from A-Z Bus Sales, Inc., not to exceed \$303,831.

### Executive Summary:

This action permits the purchase of four (4) gasoline powered wheelchair accessible minibuses for Sonoma County Paratransit. The new vehicles will replace four similar minibuses in the Sonoma County Paratransit fleet, now ready for retirement, in accordance with Federal Transit Administration vehicle retirement guidelines.

Unlike the County's heavy-duty bus fleet, the proposed minibuses will be gasoline powered rather than natural gas. Small compressed natural gas vehicles are not recommended due to their increased cost, weight and low range due to limited on-board fuel storage. However, the new vehicles will provide gains in fuel economy and emission reductions over the 2004 & 2006 model year vehicles they replace.

Funding for this procurement comes from a \$265,115 Federal Transit Administration Section 5311 grant, administered by Caltrans Division of Mass Transportation. Matching funds come from local Transportation Development Act/State Transit Assistance (TDA/STA) funds budgeted for this purpose.

Caltrans has established a procurement agreement through the California Association of Coordinated Transit Systems (CalACT) to purchase Section 5311 funded vehicles through A-Z Bus Sales, Inc. Caltrans has approved Sonoma County Transit's purchase of the proposed vehicles from A-Z Bus Sales. Procuring the vehicles in this matter assures that all Federal and Caltrans requirements relative to the use of Federal Section 5311 funds are met.

A-Z Bus Sales has provided Sonoma County Transit with a proposal to provide the desired vehicles for a total of \$303,831 (including sales tax). The vehicles will be placed into service shortly after the anticipated delivery in February 2013.

This project has been included in Sonoma County Transit's FY 2012-13 budget under 292268-8591

### Prior Board Actions:

12-06-2011 – Board approved purchase of four (4) gasoline powered, wheelchair accessible minibuses for Sonoma County Paratransit from A-Z Bus Sales, Inc., not to exceed \$299,465. 07-12-2011 – Board approved purchase of two (2) gasoline powered, wheelchair accessible minibuses for Sonoma County Paratransit from A-Z Bus Sales, Inc., not to exceed

\$151,620.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

The new minibuses will further the County’s continuing efforts to improve and enhance its ADA paratransit services

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 303,831	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$ 303,831
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 303,831</b>	<b>Total Sources</b>	<b>\$ 303,831</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

\$265,115 Federal Transit Administration Section 5311 grant, administered by Caltrans Division of Mass Transportation, and \$38,716 matching funds come from local Transportation Development Act/State Transit Assistance (TDA/STA).

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

**Related Items “On File” with the Clerk of the Board:**

Pricing Proposal.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 24  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works - Airport

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Susan Klassen (707) 565-2440

Fourth

**Title:** RS&H Third Amendment

### Recommended Actions:

Authorize the Chair to execute the Third Amendment to the November 18, 2008, Agreement for Environmental Assessment Services with RS&H California, Inc extending the term to June 30, 2014, and increasing the amount by \$741,452 for a total contract amount not to exceed \$3,181,620. Project: Airport Master Plan Implementation

### Executive Summary:

The Department of Transportation and Public Works Airport Division is requesting that the Board of Supervisors execute a third amendment to the RS&H agreement for environmental services relating to the runway safety improvement project.

The environmental services addressed in the third amendment consist of additional work related to the Environmental Impact Report (EIR) and Environmental Assessment (EA), which are necessary for the adoption of the Airport Master Plan Implementation project. The three main short-term objectives of the draft Airport Master Plan are to comply with the new Federal Aviation Administration (FAA) runway safety area requirements; de-couple the ends of runway 14 and runway 19; and extend runway 14-32 to 6,000 feet to accommodate regional jet aircraft. The longer runway will allow the Airport to have airline service to eastern destinations such as Salt Lake City, Denver and Phoenix. The economic impact from the service provided by Horizon Air is approximately \$112 million per year in direct and indirect impacts and represents approximately 414 jobs in the community (*Tri-Star Marketing* 2011 Airport Economic Impact Review).

This requested \$741,452 agreement modification is to respond to changes that have occurred to the project based on consultations with and comments received from the Federal Aviation Administration (FAA) and other Federal and State regulatory agencies as the process has move forward. This has resulted in changes to the administrative draft EA and will require an addendum to the certified EIR. A minor portion of this work has occurred in order to keep the project moving forward and avoid another delay in publishing the draft EA. Also, the second modification was in flux as the Airport, RS&H, and the FAA determined all the aspects that needed modification. Staff determined that it was best to bring all the changes to the Board in one modification instead of in pieces.

The current schedule for the Environmental process is as follows:

1. Publish the Draft EA mid to last October. This will start a 40-day comment period, with the document available for public review for thirty days then a public meeting to review the document and accept comments for ten additional days following the public meeting.

2. Upon the close of the 40-day public comment period, review and prepare responses to comments.
3. After a review of public comments and the responses to comments, the FAA should publish a Finding of No Significant Impact (FONSI) (anticipated December 2012).
4. In addition to the timeline for the EA, during the fall, staff will be submitting grant applications to the FAA; submitting permit applications to the Army Corps, California Department of Fish and Game, and the Regional Water Quality Control Board; bringing forward for consideration purchase agreements for mitigation measures.
5. Currently, the design and bid specifications are at 60% with 90% plans to be submitted to the Airport late November and anticipate bids to be released late January 2013.

#### Contract History:

On December 4, 2007, the Board accepted a Draft Airport Master Plan for the Charles M. Schulz –Sonoma County Airport, which includes the runway extension, terminal construction, land acquisition, rehabilitation of Airport pavements, relocation, and construction of the air traffic control tower and the extension of ramp and taxiways (see included Airport Layout Plan). Included in the approved actions was instruction to staff to prepare an EA and EIR to analyze the impact of the proposed Airport Master Plan. The Board authorized the Department to conduct a Request for Qualifications (RFQ) process per the FAA requirements, to obtain a professional environmental consulting firm to create the EA/EIR documents. As indicated in the RFQ, the selected firm would complete a two-part process. Part One consisted of the public scoping and creation of the EA/EIR scope of work. Part Two would be the final contract for the creation of the EA/EIR documents. The Department received responses to their RFQ and after review of all qualified proposals, selected RS&H California, Inc. as the most qualified vendor. Per FAA requirements, the consultant selection is to be based on qualifications and not based on cost. On December 9, 2008, the Board approved the contract with RS&H California, Inc. in the amount of \$1,490,295.

On November 9, 2010, the Board approved the First Amendment to the RS&H California agreement extending the term through August 31, 2011, due to a delay in FAA approval of the aviation activity forecasts, which were necessary to move forward with the EA/EIR documents. The forecasts were approved by the FAA on October 5, 2010. Since the approval, RS&H has been working diligently on the EA/EIR documents.

On August 9, 2011, the Board approved the Second Amendment to the RS&H California agreement extending the term through December 31, 2012 and increasing the agreement by \$949,873. The additional work included expanded public outreach, additional consultations with regulatory agencies, increased environmental analysis, change in direction of the aviation activity forecasts, and a process change to enable the EIR to be completed by the end of 2011.

#### Contract Modifications in the Third Amendment:

The \$741,452 contract modification proposed in this Board action is in response to changes in the scope of work associated with the EA on the Runway Safety Enhancement Project and the EA/EIR on the Master Plan Implementation Project. The formulation of the project is susceptible to the discovery process. As reports and plans have been submitted to the FAA and environmental resource agencies for review, some agencies have requested more in depth evaluation or alterations. These alterations have a cascading affect on other portions of the EIR and EA. This project requires a variety of agencies of all levels to agree on the execution of the project components. The scope changes are as follows:

- (1) Realignment of the perimeter service road around the ends of Runways 14 and 19 including the addition of two bridges and lengthening of the culvert;
- (2) Inclusion of a Precision Approach Path Indicator (PAPI) for Runway 1;
- (3) Relocation of a detention basin from west of Runway 14 to east of Runway 14;
- (4) Realignment of the service road around the end of Runway 32;
- (5) Elimination of the service road around Runway 1;
- (6) Addition of seal coats to Runways 1/19 and 14/32; and
- (7) Changing of the phasing of the proposed action
- (8) Additional permitting requirements

- (9) Evaluation of alternate riparian mitigation sites
- (10) Additional historic archaeological surveys
- (11) Additional air and noise quality surveys

**Prior Board Actions:**

8/9/11: Board approved the Second Amendment for RS&H; 11/9/10: Board approved the First Amendment extending term of contract; 12/9/08: Board approved and authorized the Department of Transportation and Public Works Director to execute a Professional Services Agreement with RS&H California, Inc; 12/4/07: Resolution No. 07-1003 Board accepted the Draft Airport Master Plan

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

This agreement amendment with the RS&H supports the County’s Strategic Plan focus area of Economic and Environmental Stewardship as part of the larger runway safety enhancement project that will provide infrastructure that permits a larger variety of aircraft. The ability to serve more aircraft that are diverse will allow the airlines to provide additional destinations. This will have positive financial impacts on local businesses and tourism.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 741,452	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$ 663,307
	\$	Fees/Other	\$ 78,145
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 741,452</b>	<b>Total Sources</b>	<b>\$ 741,452</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The Airport expects that this project will be funded 90% by an FAA grant for eligible costs. However, this is considered “project formulation” and the grant cannot be applied for until the FONSI is approved and the design contract for the runway extension is awarded. The FAA is exceedingly supportive of this project and has been working closely with Airport staff and consultants. The 10% match will come from Passenger Facility Charges (PFCs). Appropriations are budgeted in the Airfield Improvement index (291708-8510).

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

NA

**Attachments:**

Third Amendment, Exhibit E, Exhibit E-1

**Related Items "On File" with the Clerk of the Board:**

None



**THIRD AMENDMENT  
TO  
PROFESSIONAL SERVICES AGREEMENT**

This Third Amendment (the "Amendment"), dated as of \_\_\_\_\_, 2012, is by and between the County of Sonoma, a political subdivision of the State of California ("County"), and RS&H California, Inc. a California Corporation (hereinafter "Consultant"). All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to those terms in the existing agreement.

**RECITALS**

WHEREAS, County and Consultant entered into that certain Agreement, dated November 18, 2008, for the performance of preparing an Environmental Assessment (EA) and an Environmental Impact Report (EIR) for the Charles M. Schulz-Sonoma County Airport (hereinafter "Airport").

WHEREAS, County and Consultant executed a First Amendment to the Agreement dated November 9, 2010.

WHEREAS, County and Consultant executed a Second Amendment to the Agreement dated August 9, 2011.

WHEREAS, County and Consultant desire to amend the Agreement in order to provide additional services.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**AGREEMENT**

1. Paragraph 1.1, Consultant's Specified Services, shall be amended to read as follows:

Consultant shall perform the services described in Exhibit A, Exhibit C, and Exhibit E attached hereto and incorporated herein by this reference (herein after "Scope of Work"), by June 30, 2014, and pursuant to Section 7. In the event of a conflict between the body of this Agreement and Exhibits A, C, or E, the provisions in the body of this Agreement shall control.

2. Paragraph 2, Payment, shall be amended to read as follows:

For all services and incidental costs required hereunder, Consultant shall be paid in accordance with the following terms:

For work referenced in Exhibit A, Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in Exhibit B; for work referenced in Exhibit C, Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in Exhibit D; and for work referenced in Exhibit E, Consultant shall be paid on a time and material/expense basis in

accordance with the budget set forth within Exhibit E-1 of Exhibit E, provided, however, that Consultant agrees to perform all services described herein for an amount not to exceed \$1,490,295 for work referenced in Exhibit A, \$949,873 for work referenced in Exhibit C, and \$741,452 for work referenced in Exhibit E, regardless of whether it takes Consultant more time to complete or costs more than anticipated. Consultant shall submit its bills in arrears on a monthly basis in a form approved by the Department Head. The bills shall show or include: (i) the task(s) performed; (ii) the time in quarter hours devoted to the task(s); (iii) the hourly rate or rates of the persons performing the task(s); and (iv) copies of receipts for reimbursable materials/expenses, if any. Expenses not expressly authorized by the Agreement shall not be reimbursed.

3. Paragraph 3, Term of Agreement, shall be amended to read as follows:

This Agreement shall expire on June 30, 2014, unless terminated earlier in accordance with the terms herein.

4. Exhibit E, attached to this Amendment, is incorporated into the Agreement by this reference.

5. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with exhibits is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to modify, invalidate or otherwise affect any provision of the Agreement or any right of County arising thereunder.

6. This Amendment shall be governed by and construed under the internal laws of the state of California, and any action to enforce the terms of this Amendment or for the breach thereof shall be brought and tried in the County of Sonoma.

COUNTY AND CONSULTANT HAVE CAREFULLY READ AND REVIEWED THIS AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the effective date.

**CONSULTANT:**  
**RS&H CALIFORNIA, INC**

**COUNTY:**  
**COUNTY OF SONOMA:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Chair of the Board

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Clerk of the Board

Date: \_\_\_\_\_

\_\_\_\_\_

APPROVED AS TO FORM FOR  
COUNTY:

By: \_\_\_\_\_

County Counsel

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CERTIFICATES OF INSURANCE ON  
FILE  
AND APPROVED AS TO SUBSTANCE:

By: \_\_\_\_\_

Department Head

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CHARLES M. SCHULZ – SONOMA COUNTY AIRPORT  
RUNWAY SAFETY ENHANCEMENT PROJECT  
ENVIRONMENTAL ASSESSMENT AND  
MASTER PLAN IMPLEMENTATION PROJECT  
ENVIRONMENTAL IMPACT REPORT ADDENDUM  
SCOPE OF WORK – MODIFICATION #2**

**INTRODUCTION**

This scope of work is associated with revisions to the Environmental Assessment (EA) and to the preparation of an Addendum to the certified Environmental Impact Report (EIR) based on changes in the Proposed Action.

**ADDITIONAL TASKS ON THE EA AND EIR**

***EXECUTIVE SUMMARY***

The RS&H Team has prepared this contract modification to respond to changes that have occurred to the Proposed Action. These changes have resulted in changes to the Administrative Draft Environmental Assessment (EA) on the Runway Safety Enhancement Project. In addition, these changes require the preparation of an Addendum to the certified Environmental Impact Report (EIR) on the Master Plan Implementation Project. These changes in the Proposed Action include the following: (1) realignment of the perimeter service road around the ends of Runways 14 and 19 including the addition of two bridges and lengthening of the culvert; (2) inclusion of a PAPI for Runway 1; (3) the relocation of a detention basin from west of Runway 14 to east of Runway 14; (4) realignment of the service road around the end of Runway 32; (5) elimination of the service road around Runway 1; (6) addition of seal coats to Runways 1/19 and 14/32; and (7) changing of the phasing of the Proposed Action. Additionally, consultations with federal and state regulatory agencies have resulted in changes to the anticipated regulatory approval requirements for the Proposed Action, including the need to identify and develop additional mitigation for impacts to endangered plants, the requirement to develop an off-site oak woodland mitigation plan, and the possible need to develop additional mitigation for identified wetland, creek and riparian impacts. Finally, the Federal Aviation Administration (FAA) changed assignment of the Environmental Protection Specialist (EPS) for the EA. The current EPS has modified a variety of directions received from the previous EPS. This has required the RS&H Team to make a

variety of revisions of the Administrative Draft EA to meet the expectations of the current EPS.

As a result of these changes to the Proposed Action, revisions to the description of the Proposed Action, revisions to the environmental analyses, and changes to the anticipated regulatory approval requirements, additional meetings will occur as part of the overall project management effort and additional mitigation plan development and agency consultation and negotiation will be required.

The revisions to the scope of work follow the same format and numbering system used on the original scope of work. For each task and subtask, the change in the scope of work is identified and the costs associated with these changes are provided.

## **SCOPE OF WORK FOR ADDITIONAL TASKS ON THE EA AND EIR**

### **TASK 1: PURPOSE AND NEED ANALYSIS**

#### ***Task 1.1: Formulation of Proposed Action***

##### **Task 1.1.1: Definition of the Proposed Action**

As a result of changes in the Proposed Action, the RS&H Team will modify the Proposed Action to include the following: (1) realignment of the perimeter service road around the ends of Runways 14 and 19 including the addition of two bridges and lengthening of the culvert; (2) inclusion of a PAPI for Runway 1; (3) the relocation of a detention basin from west of Runway 14 to east of Runway 19; (4) realignment of the service road around the end of Runway 32; (5) elimination of the service road around Runway 1; (6) addition of pavement rehabilitation to Runways 1/19 and 14/32; and (7) changing of the phasing of the Proposed Action.

The total additional cost for Task 1.1.1 is \$16,176. Of this total, \$16,176 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

##### **Task 1.1.2: Preparation of Purpose and Need Statement**

The RS&H Team will prepare separate Purpose and Need Statements for each phase of construction to support negotiations with the Army Corps of Engineers over issuing separate permits for each phase. The RS&H Team will refine project elements drawings to clarify the specific project elements of each phase to meet the independent utility requirement.

The total additional cost for Task 1.1.2 is \$2,237. Of this total, \$2,237 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### **Task 1.1.3: Refinement of the Proposed Action**

The RS&H Team will refine the description of the Proposed Action. The refinements are the result of four factors:

1. New data becoming available
2. Refinements to the design resulting from the ongoing engineering design
3. Modifications made to respond to resource agency comments made during negotiations related to required permits
4. Modifications requested as a result of changes in FAA direction to Airport sponsor

At the direction of FAA staff, the RS&H Team will make revisions to the Airport Layout Plan (ALP) set that are beyond those changes needed to reflect the airfield design changes that occurred as part of the EA. These revisions will include the addition of a taxiway data block to the Data Sheet and a major reconfiguration of the parcel data on the Property Map. Additionally, the RS&H Team will incorporate revisions that occurred as a result of refinements to the engineering design. Examples of these refinements include the following: shifting of the detention basin from the west side to the east side of Runway 14/32; a new design to support conversion of the irrigation pond east of the threshold of Runway 32; changes in taxiway fillets; the addition of a land-and-hold-short (LASHO) bar; the addition of lights to Runway 1/19. The RS&H Team will make further design changes to accommodate biological and cultural resource agency requests. For example, the culvert alignment under the Runway 14 RSA will be revised to avoid the expanded buffer zone around two cultural sites near Redwood Creek. Following the change in the FAA planner assigned to review the ALP set, the RS&H Team was directed to remove declared distance information from the Airspace sheets and create two new Declared Distances sheets. In addition, following FAA direction to shift the future service road outside of the object free area, the RS&H Team will revise the ALP to reflect the realignment and creation bridges over Redwood and Ordnance Creeks.

The project layouts on the ALP and in the EA are all based upon 25% engineering designs. Each revision to the Propose Action will require an engineering redesign. This will result in the creation of a new three-dimensional grading plan. Grading limits are a major factor in assessing biological impacts and the shifting of the retention basin from the west side to the east side of Runway 14/32 will require redesign of the drainage plan for the northern section of the project site. The RS&H Team will determine an alignment of the service road outside of the object free area by evaluating several alternatives. The RS&H Team will design and evaluate several alternatives to determine which would have the least impact on the wetland mitigation site north of Redwood Creek and lowest construction cost. The RS&H Team will prepare engineering designs for each alternative, because it is essential to know the grading limits of each alternative. The development of alternatives will be an iterative process to respond to potential design features that will benefit biological resources at the Airport. Each alternative will be evaluated for consistency with FAA design guidelines.

The total additional cost for Task 1.1.3 is \$51,089. Of this total, \$51,089 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

## **TASK 2: IDENTIFICATION AND EVALUATION OF ALTERNATIVES**

### ***Task 2.3: Preliminary Design of Short-Term Project Elements for Use in Evaluation of Impacts***

The RS&H Team will expand the 25% design plans to include planning-level drainage and erosion control information for permitting activities with the Army Corps of Engineers and other agencies. The RS&H Team will revise the graphic up to six times to respond to agency requests and changes to the Proposed Action (note that this information must be specifically designed for negotiation with permitting agencies and that it is not formatted to be usable in the engineering design plans).

The RS&H Team will revise the project elements drawing to support calculation of project impacts by the project biologists as the definition of the project changes. This information will be provided in AutoCAD and GIS formats. It is important to note that some electrical elements will be able to use existing chases, others will require some trenching.

The total additional cost for Task 2.3 is \$76,913. Of this total, \$76,913 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### ***Task 2.4: Prepare Technical Report on Airport Drainage***

The RS&H Team will revise the Technical Report on Airport Drainage to address changes to the Proposed Action associated with the realignment of the service road around the ends of Runway 14 and 19. This revision results in the need to extend the proposed Airport Creek culvert by approximately an additional 150 feet and will require the construction of free-span bridges over Airport Creek and Ordnance Creek. The previous hydraulic modeling (in NGVD '29) will be converted to Project Design Datum (NAVD '88) and include explanatory text in the narrative to account for the discrepancies. The revised Technical Report will be presented in Appendix J-1 of the EA.

The relocation of the detention basin will require the RS&H Team to include the new location in the Preliminary Stormwater Mitigation Plan and SUSMP Assessment. The RS&H Team will revise Appendix J-2 of the EA to incorporate this revised information.

The total additional cost for Task 2.4 is \$6,219. Of this total, \$6,219 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

## **TASK 3: AFFECTED ENVIRONMENT**

As a result of changes in the approach regarding the format for Chapter 3, the RS&H Team will revise the format of this chapter to respond to requests by the FAA. The revised format represents a change in the direction provided by the FAA.

The total additional cost for Task 3 is \$7,903. Of this total, \$7,903 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

## **TASK 4: ENVIRONMENTAL CONSEQUENCES**

### ***Task 4.1: Air Quality***

As a result of the modifications to the phasing for the Proposed Action, the RS&H Team will revise the construction-related air quality analyses. As a result, the construction equipment utilization must be recalculated and an additional model run is required. The RS&H Team will recalculate the equipment utilization will entail changing the sequencing of construction tasks to match the new phasing plan. Most tasks will need to be modified due to the schedule changes. This will require recalculating both the equipment and labor hours. This must be done for each type of construction equipment for each of the 14 major construction elements of the project. Thousands of formulas on each of seven Excel worksheets will be modified to support this recalculation effort. The spreadsheet and its output will receive a quality-control review by a senior engineer. The engineers will coordinate with the air quality subconsultant to ensure that the output is correctly interpreted and utilized for modeling.

New URBEMIS2007 models for the two construction phases will be developed reflecting the revised Proposed Action. Daily and annual construction-related criteria air pollutant emissions will be recalculated and annual greenhouse gas emissions will be recalculated. The Air Quality Technical Report and Air Quality section of the EA will be updated to describe the construction activities required for the modified Proposed Action and present the revised emissions calculations.

The RS&H Team will prepare an air pollutant emissions inventory for the year 2019 that will be based on aircraft operational estimates approved by the FAA. Operational characteristics of non-aircraft emissions sources will be estimated based on existing conditions scaled to the increases in operations and/or passengers, as appropriate, as was done previously for the 2014 emissions inventory. The Air Quality Technical Report will be updated to present the modeling assumptions for the 2019 inventory as well as the results of the modeling. The Air Quality section of the EA will be updated to present the results of the emissions inventory.

The total additional cost for Task 4.1 is \$15,374. Of this total, \$15,374 is for NEPA costs and \$0 is for CEQA Reimbursable costs.



### ***Task 4.6: Farmlands***

As a result of the modifications to the Proposed Action, the RS&H Team will calculate the changes to the impacts to farmlands and, as appropriate, revise the analyses associated with impacts to farmlands. The RS&H Team will prepare additional correspondence for FAA submittal to the Natural Resources Conservation Service that provides the revised information regarding impacts to farmlands.

The total additional cost for Task 4.6 is \$2,169. Of this total, \$2,169 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### ***Task 4.7: Fish, Wildlife, and Plants***

As a result of the modifications to the phasing for the Proposed Action, the RS&H Team will revise the analyses associated with impacts to endangered species. This will include additional field surveys and analysis of endangered/special status plant populations, and riparian habitat impacts.

The total additional cost for Task 4.7 is \$7,977. Of this total, \$7,977 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### ***Task 4.8: Floodplains***

As a result of the modifications to the Proposed Action, the RS&H Team will calculate the changes to the impacts to floodplains and, as appropriate, revise the analyses associated with impacts to floodplains. The text of this analysis will be consistent with the revisions to Appendices J-1 and J-2 (see Task 2.4).

The total additional cost for Task 4.8 is \$3,691. Of this total, \$3,691 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### ***Task 4.10: Historic, Architectural, Archaeological, and Cultural Resources***

As a result of the modifications to the Proposed Action, the RS&H Team will calculate the changes to the impacts to cultural resources and, as appropriate, revise the analyses associated with impacts to cultural resources. The RS&H Team will prepare additional correspondence for FAA submittal to the State Historic Preservation Officer that provides

the revised information regarding impacts to cultural resources for compliance with the requirements associated with Section 106 of the National Historic Preservation Act.

The RS&H Team will prepare eligibility evaluations for the buildings located on the parcels at 1750 Sanders Road (APN 164-170-010) and 1778 Sanders Road (APN 164-170-004). These buildings consist of a dwelling and barn at 1750 Sanders Road and a garage and several outbuildings at 1778 Sanders Road. The RS&H Team will conduct background research and assess the eligibility of each building for inclusion in the National Register of Historic Places. As needed, the R&SH Team will conduct focused research at the Sonoma County Assessor's Office, the Sonoma County Library, the Northwest Information Center at Sonoma State University, and the Sonoma County History and Genealogy Library. California Department of Parks and Recreation 523 Series forms will be completed for those buildings over 45 years of age. No field review will be conducted due to lack of parcel access.

The total additional cost for Task 4.10 is \$12,132. Of this total, \$12,132 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

#### ***Task 4.13: Noise***

The RS&H Team will prepare a noise analysis representing the year 2019. This analysis will be based on the aircraft operational estimates approved by the FAA. The RS&H Team will update the Noise Technical Report and the Noise section of the EA and will include the year 2019 noise contours and the findings shown in the Noise Technical Report.

The total additional cost for Task 4.13 is \$8,480. Of this total, \$8,480 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

#### ***Task 4.16: Water Quality***

As a result of the modifications to the Proposed Action, the RS&H Team will calculate the changes to the impacts to water quality and, as appropriate, revise the analyses associated with impacts to water quality. The text of this analysis will be consistent with the revisions to Appendices J-1 and J-2 (see Task 2.4).

The total additional cost for Task 4.16 is \$3,039. Of this total, \$3,039 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### **Task 4.17: Wetlands**

As a result of the modifications to the phasing for the Proposed Action, the RS&H Team will revise the analyses associated with impacts to wetlands.

The total additional cost for Task 4.17 is \$4,661. Of this total, \$4,661 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

## **TASK 5: PREPARE EA SECTIONS**

As a result of the change in the EPS assigned by the FAA for this EA, a variety of revisions have been requested to the Administrative Draft EA. These revisions include merging Chapters 1 and 2 (which resulted in the need to modify all of the references to tables, graphics, and subsections throughout the document), changes to the approach for identifying project alternatives, and changes to which appendices need to be included in the Draft EA. Specific changes include the following:

1. Rewriting of the Purpose and Need to use the format from the EA prepared for San Francisco International Airport's RSA project.
2. Creation of three graphics showing the project's components in greater detail.
3. Splitting the Project Elements drawing into two graphics.
4. Updating forecast table to include 2012 activity data.
5. Calculation of cut and fill requirements by construction phase and by project subarea. Creation of a graphic showing cut and fill data and delineating the approximate limits of the borrow site south of Runway 1/19.
6. Restructuring the alternatives analysis to use the format from the EA prepared for San Francisco International Airport's RSA project.
7. Preparation of a new evaluation matrix to match the format from the EA prepared for San Francisco International Airport's RSA project.
8. Creation of three new runway/taxiway alternatives with associated text and graphics.
9. Revisions to Alternative 6.
10. Incorporation of appendix material into the alternatives evaluation chapter.

11. Changing the runway length on the ALP, EA text and EA graphics back to the runway length shown in current *Airfield/Facilities Directory*. Previous guidance from the FAA was to use the length data from the recent aeronautical survey.

12. Modifying the format of Chapters 3 and 4.

The total additional cost for Task 5 is \$53,266. Of this total, \$53,266 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

## **TASK 6: PREPARE EIR SECTIONS**

No modifications.

## **TASK 7: PREPARE ADMINISTRATIVE DRAFT EA AND EIR**

No modifications.

## **TASK 8: PUBLISH DRAFT EA AND EIR**

No modifications.

## **TASK 9: PUBLISH FINAL EA AND EIR**

No modifications.

## **TASK 10: PUBLIC OUTREACH**

### ***Task 10.8: Draft EA Public Hearing***

Because the Proposed Action will result in impacts to endangered species and floodplains, a public hearing during the comment period on the Draft EA is required. The public hearing will occur as part of a special Aviation Commission meeting. The RS&H Team will prepare a power point presentation, accompanying handouts, and comment cards for the public hearing. In addition, the RS&H Team will prepare the advertisement for the public hearing to be published in a local newspaper and provide the information for the Airport website. The County will be responsible for scheduling the public hearing, publishing the advertisement in the local newspaper, and hiring the stenographer for recording the comments provided at the public hearing.

## **TASK 11: PROJECT MANAGEMENT**

### ***Task 11.1: Project Management***

As a result of the changes to the Proposed Action, additional time will be expended to complete the Draft EA. This additional time will require additional project management duties to occur. The estimate for project management time is 8 hours per additional month of activity on the project.

The total additional cost for Task 11.1 is \$18,026. Of this total, \$9,013 is for NEPA costs and \$9,013 is for CEQA Reimbursable costs.

### ***Task 11.2: Core Decision Team Meetings***

The original scope of work included 32 core decision team meetings and an additional 30 meetings were added as a result of Contract Modification #1. A total of 56 meetings have occurred as of 1 May 2012. It is estimated that an additional six core decision team meetings will occur.

The total additional cost for Task 11.2 is \$9,592. Of this total, \$4,796 is for NEPA costs and \$4,796 is for CEQA Reimbursable costs.

### ***Task 11.3: FAA Meetings***

The original scope of work included four FAA meetings and an additional 18 meetings were added as a result of Contract Modification #1. A total of 16 meetings have occurred as of 1 May 2012. It is estimated that an additional six FAA meetings will occur.

The total additional cost for Task 11.3 is \$7,732. Of this total, \$7,732 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

## **TASK 12: PERMITTING ACTIVITIES**

### ***TASK 12.2: WETLAND, ENDANGERED SPECIES MITIGATION DESIGN***

As a result of the modifications to the phasing for the Proposed Action and subsequent discussions with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (DFG), the RS&H Team will evaluate, design and prepare a mitigation

plan and long-term management plan for establishing endangered plant populations within the Airport-owned SACMA-1 preserve. This also will include calculation of an endowment and draft revisions to the existing conservation easement as required by the USFWS and DFG. The RS&H Team also will prepare a detailed draft Request for Proposals to be used by the County in soliciting technical and cost proposals from owners of off-site mitigation bank and turn-key mitigation areas, and will provide additional assistance to the County in reviewing responses to proposals and discussing technical issue with the proposal submitters.

The total additional cost for Task 12.2 is \$15,865. Of this total, \$15,865 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### **TASK 12.3: CREEK/RIPARIAN MITIGATION DESIGN**

As a result of new requirements from the U.S. Army Corps of Engineers (Corps), the RS&H Team will conduct a detailed California Rapid Assessment Method (CRAM) analysis for the on-site creek impact area and the off-site mitigation areas, as part of the creek/riparian mitigation design. The RS&H Team will perform topographic surveys (up to approximately 30 cross sections and creek centerline) of the entire creek reach within one of the off-site mitigation areas (up to approximately 6,000 linear feet) and will also collect topographic spot elevations in selected areas adjacent to the creek and within proposed swale tributary areas adjacent to the creek. Based on survey results, the RS&H Team will provide a topographic base map in Autocad format. The RS&H Team also will work with the Sonoma County Water Agency (SCWA) to develop a conceptual creek/riparian mitigation plan that simultaneously meets mitigation needs for the Proposed Action as well as SCWA needs for creek sediment and flow maintenance on up to two off-site mitigation areas. The RS&H Team will work with SCWA to qualitatively assess stream stability, evidence of channel sedimentation and erosion, ordinary high water indicators, floodplain-stream dynamics, and related issues as need to develop a long-term stream/riparian vegetation enhancement and management plan. The RS&H Team will design minor bank modifications and floodplain slope modifications, as needed, to stabilize incised banks and attain suitable planting zones. The RS&H Team will review stream flow and groundwater data for the off-site mitigation areas as needed for mitigation plan preparation. The RS&H Team will install up to three groundwater monitoring wells and collect groundwater data as needed to prepare a creek hydrology report with respect to flow conditions, baseflows, seasonal groundwater depths relative to the channel and floodplain and identify any data gaps and possible need for additional field data collection.

The total additional cost for Task 12.3 is \$115,614. Of this total, \$77,076 is for NEPA costs and \$38,538 is for CEQA Reimbursable costs.

### **TASK 12.4: DETAILED MITIGATION AND MONITORING PLAN**

The RS&H team will also work with the SCWA to prepare a detailed creek/riparian mitigation plan for up to two off-site creek/riparian mitigation areas that includes

topographic, geomorphic, hydraulic/hydrological analyses, and planting plans as may be required by the Corps, DFG and Regional Water Quality Control Board. The RS&H team will also design and prepare an off-site oak woodland mitigation plan to be located at the Sonoma County Riverfront Park site in Windsor, California, and a creek corridor enhancement plan along Windsor Creek for the Town of Windsor. Based on discussions with USFWS, a supplementary Biological Assessment will also be prepared for the off-site creek/riparian mitigation areas.

The total additional cost for Task 12.4 is \$52,250. Of this total, \$0 is for NEPA costs and \$52,250 is for CEQA Reimbursable costs.

### ***TASK 12.5: SECTION 404(B)(1) ALTERNATIVES ANALYSIS***

As a result of the modifications to the phasing for the Proposed Action and subsequent discussions with the Corps, the RS&H Team will design and analyze additional alternatives to the Proposed Action beyond those already identified and evaluated under the EA process.

The total additional cost for Task 12.5 is \$35,225. Of this total, \$35,225 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### ***TASK 12.8: PERMIT APPLICATION PACKAGES***

As a result of discussion with DFG, the RS&H Team will prepare an application package for a Section 2081 Endangered Species take authorization from DFG. The RS&H Team also will respond to questions and comments from CDFG and make modifications to the application package as needed.

The application fee will be paid by the County.

The total additional cost for Task 12.8 is \$9,780. Of this total, \$9,780 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

### ***TASK 12.9: CONSULTATION WITH THE USFWS AND DFG ON MITIGATION, MONITORING AND MANAGEMENT ACTIONS***

As a result of the modifications to the phasing for the Proposed Action and subsequent discussions with the USFWS, the RS&H Team shall prepare supplementary biological assessment (BA) documentation beyond what is contained in the BA that was already prepared in support of the EA.

The total additional cost for Task 12.9 is \$13,270. Of this total, \$13,270 is for NEPA costs and \$0 is for CEQA Reimbursable costs.

## **TASK 12.10: PERMITTING PROJECT MANAGEMENT/ ADMINISTRATION**

As a result of the modifications to the phasing for the Proposed Action, the RS&H Team will conduct additional invoicing, budget tracking, and attend project management meetings and/or conference call with the County, as required.

The total additional cost for Task 12.10 is \$5,110. Of this total, \$2,555 is for NEPA costs and \$2,555 is for CEQA Reimbursable costs.

## **TASK 14: PREPARATION OF EIR ADDENDUM**

### ***Task 14.1: Prepare Draft EIR Addendum***

The RS&H Team will prepare a Draft Addendum that is focused on the revisions to the Proposed Action. The Addendum will be focused on the following environmental topics: agricultural resources, air quality, biological resources, cultural resources, geology and soils, and hydrology and water quality. The Draft Addendum will provide an introduction that explains why an Addendum is being prepared, a description of the revisions to the Proposed Action, a discussion of the changes in impacts, and a conclusion that identifies whether any new significant impacts would occur as a result of the revisions to the Proposed Action.

The Draft Addendum will follow the format provided by the County and will include graphics that depict the revisions to the Proposed Action that are being addressed in the Draft Addendum. The Draft Addendum will be submitted to the County for review and comment.

The total cost for Task 14.1 is \$21,561. Of this total, \$0 is for NEPA costs and \$21,561 is for CEQA Reimbursable costs.

### ***Task 14.2: Prepare Final EIR Addendum***

The RS&H Team will incorporate the necessary changes and corrections as directed by the County into the Addendum. Upon approval of the Final EIR Addendum, the RS&H Team will submit five copies of the Final EIR Addendum to the County for placement in the project files.

The total cost for Task 14.2 is \$6,419. Of this total, \$0 is for NEPA costs and \$6,419 is for CEQA Reimbursable costs.



## **TASK 15: PRE-CONSTRUCTION AND CONSTRUCTION AVOIDANCE AND MINIMIZATION ACTIONS**

### ***TASK 15.1 PRE-CONSTRUCTION AND CONSTRUCTION AVOIDANCE AND MINIMIZATION ACTIONS – PHASE 1 CONSTRUCTION WORK***

The RS&H team will conduct the following pre-construction and construction-related surveys and impact minimization actions for tree removal work.

#### **Task 15.1.1: Special-Status Plant Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.1, a botanist from the RS&H team will collect pappose tarplant seed from the existing population of this species near Sanders Road in the fall of 2012. The collected seed will be added to the seed batch already collected in the fall of 2011. Additionally, the botanist will conduct surveys for Heerman's tarweed within the construction disturbance areas of project elements 1S4 and 1S7 in the fall of 2012. Any populations of this species found in these areas will be mapped using a GPS receiver and flagged for future pre-construction soil salvage and storage in 2013, as per CEQA Mitigation Measure 3.4.1.

The total cost for Task 15.1.1 is \$1,695. Of this total, \$848 is for NEPA costs and \$847 is for CEQA Reimbursable costs.

#### **Task 15.1.2: Western Pond Turtle Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.4, a wildlife biologist from the RS&H team will conduct pre-construction surveys for western pond turtle for any tree removal that occurs within 300 feet of creeks and ponds. Additionally, the biologist will train one or more construction monitors to be designated by the tree removal contractor for conducting daily surveys of the work area for the presence of western pond turtles. The biologist also will be available to physically relocate any turtles that are found to suitable locations away from the work area.

The total cost for Task 15.1.2 is \$1,955. Of this total, \$977 is for NEPA costs and \$978 is for CEQA Reimbursable costs.

#### **Task 15.1.3: American Badger Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.8, a biologist from the RS&H Team will conduct pre-construction surveys for American badger dens within 100 feet of the tree removal areas. If evidence of active dens is found, the dens and an appropriate buffer zone shall be flagged for avoidance by any construction equipment or vehicles during the work period. Alternatively, if such avoidance would not allow tree removal work to be completed, then active (non-natal) dens shall be blocked and excavated in accordance with Mitigation Measure 3.4.8 and as directed in prior consultation with DFG.

The total cost for Task 15.1.3 is \$3,480. Of this total, \$1,740 is for NEPA costs and \$1,740 is for CEQA Reimbursable costs.

#### **Task 15.1.4: Tree Surveys**

In accordance with CEQA Mitigation Measure 3.4.12, a certified arborist from the RS&H Team will conduct tree survey of all trees within the tree removal areas. The survey shall record the sizes (diameter breast height - DBH) and species of all native trees over 5 inches in diameter to be removed. The arborist also will survey the approximately 600-foot-long riparian corridor situated west of the proposed Airport Creek culvert. This survey will assess and tag each tree as to whether tree removal or topping/trimming is required to meet FAA airspace contour restrictions, the required height of topping and tree-specific precautions to be followed by the contractor.

The total cost for Task 15.1.4 is \$7,685. Of this total, \$3,843 is for NEPA costs and \$3,842 is for CEQA Reimbursable costs.

#### **Task 15.1.5: Roosting Pallid Bat Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.12, a wildlife biologist from the RS&H Team will survey all trees to be removed for the presence of occupied pallid bat roosting sites. If any occupied roosting sites are observed, then the trees that contain the roosts shall be removed in two phases under the supervision of the biologist, in accordance with the procedures of the mitigation measure.

The total cost for Task 15.1.5 is \$2,085. Of this total, \$1,042 is for NEPA costs and \$1,043 is for CEQA Reimbursable costs.

#### **Task 15.1.6: Sensitive Habitat Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.13, a biologist from the RS&H Team will flag the boundaries on any sensitive habitats (i.e., ponds, wetlands, riparian areas) within the immediate vicinity (100 feet) of the tree removal area. Prior to the start of work, the biologists shall direct the tree removal contractor on the installation temporary construction fencing along these flagged boundaries. The biologist also will conduct inspections of the fencing as needed during the work period. The biologist will be responsible for advising the County of any required remedial work that may be needed for damage to sensitive habitats resulting from unauthorized fence disturbance or removal.

The total cost for Task 15.1.6 is \$2,915. Of this total, \$1,458 is for NEPA costs and \$1,457 is for CEQA Reimbursable costs.

## **TASK 15.2 PRE-CONSTRUCTION AND CONSTRUCTION AVOIDANCE AND MINIMIZATION ACTIONS – PHASE 1 AND PHASE 2 CONSTRUCTION WORK**

The RS&H Team will conduct the following pre-construction and construction-related surveys and impact minimization actions for construction work.

### **Task 15.2.1: Special-Status Plant Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.1, a botanist from the RS&H Team will conduct post-project seeding of pappose tarplant collected from existing population on-site in 2011 and 2012. The botanist also will supervise the collection and post-project re-spreading of topsoil containing Heerman's tarweed seed, if this species was identified in 2012 within the project impact areas under Task 15.1.

The total cost for Task 15.2.1 is \$2,870. Of this total, \$1,435 is for NEPA costs and \$1,435 is for CEQA Reimbursable costs.

### **Task 15.2.2: California Tiger Salamander (CTS) Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.3, biologists from the RS&H Team will conduct monitoring for CTS protection. Monitoring will consist of the following: (1) obtaining approval from the USFWS and DFG for one or more approved biologists (Project Biologist); (2) monitoring initial site disturbance of each area that is to be graded; (3) having the authority to halt construction work if a CTS is observed or if otherwise needed to ensure compliance with the measures contained herein; (4) training up to three biological monitors designated by the construction contractor to conduct daily monitoring for CTS; (5) Capturing and trans-locating any CTS found on the site; and (6) conducting other site inspections, as needed to verify compliance with the project's USFWS Biological Opinion and DFG Section 2081 Take Authorization.

The total cost for Task 15.2.2 is \$18,110. Of this total, \$9,055 is for NEPA costs and \$9,055 is for CEQA Reimbursable costs.

### **Task 15.2.3: Western Pond Turtle (WPT) Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.4, biologists from the RS&H Team will conduct monitoring for WPT protection. Monitoring will consist of the following: (1) obtaining approval from DFG for the final design of WPT temporary protection fencing; (2) supervising the installation of the temporary protection fencing; (3) conducting pre-construction surveys of ponds, creeks uplands that would be affected by construction work within 300 feet of ponds and creek; (4) relocation of any WPT found within in survey areas or during construction work; (5) training up to three biological monitors designated by the construction contractor to conduct daily surveys for WPT in the construction areas; (6) being available on-call, as needed, to relocate any WPT discovered by the designated monitor during construction; (7) having the authority to stop construction work as needed to ensure that Mitigation Measure 3.3.4 is properly

implemented; (8) preparing a report documenting all WPT relocation work conducted for the Proposed Project; and (9) consulting with DFG if any WPT nests are found within the fenced exclusion areas and (10) advising the County on any additional measures that may be required by DFG.

The total cost for Task 15.2.3 is \$20,003. Of this total, \$10,001 is for NEPA costs and \$10,002 is for CEQA Reimbursable costs.

#### **Task 15.2.4: Burrowing Owl Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.5, biologists from the RS&H Team will conduct monitoring for burrowing owl protection. Monitoring will consist of the following: (1) conducting pre-construction surveys in January 2013 and January 2014 within grasslands and within all potential human-made structures (e.g., culvert, debris piles) that will be affected by proposed project construction work during January 2013; (2) directing the construction contractor to implement avoidance measures (buffer zones) for any occupied burrowing owl burrows that are found; (3) preparing a technical analysis and consulting with DFG as to appropriate non-standard buffer zones for occupied burrows; (4) monitoring of occupied burrows during construction; (4) consulting with DFG as to passive relocation of occupied burrows and possible additional mitigation measures for any occupied burrows that are eliminated; (5) advising the County on any additional measures that may be required by DFG; and (6) preparing a report documenting all passive relocation work conducted.

The total cost for Task 15.2.4 is \$20,223. Of this total, \$10,112 is for NEPA costs and \$10,111 is for CEQA Reimbursable costs.

#### **Task 15.2.5: Nesting Bird Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.6, biologists from the RS&H Team will conduct monitoring for active bird nests. Monitoring will consist of the following: (1) within 15 days prior to the start of work, conduct pre-construction survey within and adjacent to all habitats to be disturbed by construction to determine if nesting birds are present; (2) consulting with DFG as to proper buffer zones to be established around active nests; (3) advising the construction contractor as to required buffer zones; and (4) monitoring nests and buffer zones during the construction period, as needed.

The total cost for Task 15.2.5 is \$19,416. Of this total, \$9,708 is for NEPA costs and \$9,708 is for CEQA Reimbursable costs.

#### **Task 15.2.6: American Badger Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.8, biologists from the RS&H Team will conduct monitoring for American badger. Monitoring will consist of the following: (1) within 7 days of the start of work within grasslands, conducting pre-construction survey for the presence of badger dens and signs of badger occupancy in and adjacent to all grasslands that would be affected by the construction work; repeating pre-construction

surveys if ground-disturbing activities are delayed or postponed for more than 7 days; (3) conducting a monitoring program to determine of active badger dens using remote triggered cameras or tracking media placed at the den entrance; (4) excavation of non-active dens after consultation with DFG; (5) reporting any natal dens to DFG within 24 hours of discovery; (6) blocking of den entrances to the den entrances if approved by DFG; (7) consulting with DFG as to additional mitigation measures for any active dens that are eliminated; (8) advising the County on any additional measures that may be required by DFG; and (9) preparing a report documenting all badger den monitoring, excavation and blocking work conducted for the Project.

The total cost for Task 15.2.6 is \$26,101. Of this total, \$13,050 is for NEPA costs and \$13,051 is for CEQA Reimbursable costs.

### **Task 15.2.7: Roosting Pallid Bat Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.12, biologists from the RS&H Team will conduct monitoring for roosting pallid bats. Monitoring will consist of the following: (1) survey all trees to be removed within oak woodland areas for the presence of occupied bat roosting sites; and (2) supervising the removal of any trees that contain bat roosts in two phases, in accordance with the procedures of the Mitigation Measure 3.4.12.

The total cost for Task 15.2.7 is \$3,511. Of this total, \$1,756 is for NEPA costs and \$1,755 is for CEQA Reimbursable costs.

### **Task 15.2.8: Tree Surveys of Oak Woodland and Riparian Areas**

In accordance with CEQA Mitigation Measure 3.4.12, a certified arborist from the RS&H Team will conduct tree survey of all trees within the woodland and riparian tree removal areas. The survey shall record the sizes (diameter breast height - DBH) and species of all native trees over 5 inches in diameter to be removed.

The total cost for Task 15.2.8 is \$2,648. Of this total, \$1,324 is for NEPA costs and \$1,324 is for CEQA Reimbursable costs.

### **Task 15.2.9: Sensitive Habitat Protection Measures**

In accordance with CEQA Mitigation Measure 3.4.13, biologists from the RS&H Team will flag the boundaries on any sensitive habitats (i.e., ponds, wetlands, riparian areas) within the immediate vicinity (100 feet) of the start of the project. Prior to the start of work, the biologists will direct the construction contractor on the installation temporary construction fencing along these flagged boundaries. The biologist will conduct inspections of the fencing as needed during the work period. The biologist will be responsible for advising the County of any required remedial work that may be needed for damage to sensitive habitats resulting from unauthorized fence disturbance or removal.

The total cost for Task 15.2.9 is \$19,194. Of this total, \$9,597 is for NEPA costs and \$9,597 is for CEQA Reimbursable costs.



Task 10.5: Outreach Materials	0	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Task 10.6: Public Open House	0	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Task 10.7: Presentations to Public Officials	0	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Task 10.8: Draft EA Public Hearing	48	0	0	0	0	0	0	0	\$7,972	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,972
<b>Subtotal</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$7,972</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,972</b>

<b>Task 11: Project Management</b>																							
Task 11.1: Project Management	56	0	0	0	0	33	0	\$12,721	\$0	\$0	\$0	\$0	\$5,285	\$0	\$18,006	\$0	\$0	\$0	\$0	\$20	\$0	\$20	\$18,026
Task 11.2: Core Decision Team Meetings	24	0	0	0	12	12	0	\$5,452	\$0	\$0	\$0	\$1,860	\$2,280	\$0	\$9,592	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$9,592
Task 11.3: Meetings with the FAA	24	0	0	0	0	12	0	\$5,452	\$0	\$0	\$0	\$0	\$2,280	\$0	\$7,732	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,732
Task 11.4: Finalization of the Scope of Work	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Subtotal</b>	<b>104</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>57</b>	<b>0</b>	<b>\$23,625</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,860</b>	<b>\$9,845</b>	<b>\$0</b>	<b>\$35,330</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20</b>	<b>\$0</b>	<b>\$20</b>	<b>\$35,350</b>

<b>TOTAL</b>	<b>608</b>	<b>55</b>	<b>0</b>	<b>0</b>	<b>144</b>	<b>945</b>	<b>139</b>	<b>1,891</b>	<b>\$101,788</b>	<b>\$7,145</b>	<b>\$0</b>	<b>\$0</b>	<b>\$16,330</b>	<b>\$165,925</b>	<b>\$22,560</b>	<b>\$313,748</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$580</b>	<b>\$320</b>	<b>\$0</b>	<b>\$900</b>	<b>\$314,648</b>
																	\$101,788	\$7,145	\$0	\$0	\$16,910	\$166,245	\$22,560		

**SECTION 2**

<b>Task 12: Permitting Activities</b>																								
Task 12.1: Topographic Survey	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Task 12.2: Wetland and Endangered Species Mitigation Design	0	602	0	0	128	0	0	\$0	\$0	\$0	\$0	\$15,320	\$0	\$0	\$15,320	\$0	\$0	\$0	\$0	\$365	\$0	\$0	\$365	
Task 12.3: Creek / Riparian Mitigation Design	0	#REF!	0	0	362	0	0	\$0	\$74,030	\$0	\$0	\$39,570	\$0	\$0	\$113,600	\$0	\$890	\$0	\$0	\$1,124	\$0	\$0	\$2,014	
Task 12.4: Detailed Mitigation and Monitoring Plan	0	0	0	0	494	0	0	\$0	\$0	\$0	\$0	\$52,050	\$0	\$0	\$52,050	\$0	\$0	\$0	\$0	\$200	\$0	\$0	\$200	
Task 12.5: Section 404(b)(1) Alternatives Analysis	0	0	0	0	156	120	0	\$0	\$0	\$0	\$0	\$15,580	\$19,600	\$0	\$35,180	\$0	\$0	\$0	\$0	\$45	\$0	\$0	\$45	
Task 12.6: Prepare General Construction Storm Water Permit	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Task 12.7: Amend General Industrial Storm Water Permit	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Task 12.8: Permit Application Packages	0	0	0	0	92	0	0	\$0	\$0	\$0	\$0	\$9,740	\$0	\$0	\$9,740	\$0	\$0	\$0	\$0	\$40	\$0	\$0	\$40	
Task 12.9: Consultation with USFWS and DFG	0	0	0	0	132	0	0	\$0	\$0	\$0	\$0	\$13,240	\$0	\$0	\$13,240	\$0	\$0	\$0	\$0	\$30	\$0	\$0	\$30	
Task 12.10: Permitting Project Management / Administration	0	0	0	0	32	0	0	\$0	\$0	\$0	\$0	\$4,960	\$0	\$0	\$4,960	\$0	\$0	\$0	\$0	\$150	\$0	\$0	\$150	
<b>Subtotal</b>	<b>0</b>	<b>#REF!</b>	<b>0</b>	<b>0</b>	<b>1396</b>	<b>120</b>	<b>0</b>	<b>\$0</b>	<b>\$74,030</b>	<b>\$0</b>	<b>\$0</b>	<b>\$150,460</b>	<b>\$19,600</b>	<b>\$0</b>	<b>\$244,090</b>	<b>\$0</b>	<b>\$890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,954</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,844</b>	<b>\$246,934</b>

<b>SECTION 2 TOTAL</b>	<b>0</b>	<b>#REF!</b>	<b>0</b>	<b>0</b>	<b>1,396</b>	<b>120</b>	<b>0</b>	<b>#REF!</b>	<b>\$0</b>	<b>\$74,030</b>	<b>\$0</b>	<b>\$0</b>	<b>\$150,460</b>	<b>\$19,600</b>	<b>\$0</b>	<b>\$244,090</b>	<b>\$0</b>	<b>\$890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,954</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,844</b>	<b>\$246,934</b>
										\$0	\$74,920	\$0	\$0	\$152,414	\$19,600	\$0									

**SECTION 3**

<b>Task 13: Additional Surveys and Assessments</b>																							
Task 13.1: Cultural Resources Surveys	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Task 13.2: Water Needs Assessment	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>SECTION 3 TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SECTION 4**

<b>Task 14: Prepare EIR Addendum</b>																							
Task 14.1: Prepare Draft EIR Addendum	92	16	0	0	4	45	0	\$11,776	\$2,000	\$0	\$0	\$620	\$7,165	\$0	\$21,561	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,561
Task 14.2: Prepare Final EIR Addendum	28	2	0	0	4	12	0	\$3,509	\$330	\$0	\$0	\$620	\$1,960	\$0	\$6,419	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,419
<b>Subtotal</b>	<b>120</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>57</b>	<b>0</b>	<b>\$15,285</b>	<b>\$2,330</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,240</b>	<b>\$9,125</b>	<b>\$0</b>	<b>\$27,980</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$27,980</b>

<b>Task 15: Pre-Construction and Construction Avoidance and Minimization Actions</b>																								
Task 15.1: Phase 1 Construction Work	0	0	0	0	16	0	0	\$0	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500	\$0	\$0	\$0	\$0	\$195	\$0	\$0	\$195	
Task 15.1.1: Special-Status Plant Protection Measures	0	0	0	0	21	0	0	\$0	\$0	\$0	\$0	\$1,955	\$0	\$0	\$1,955	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Task 15.1.2: Western Pond Turtle Protection Measures	0	0	0	0	35	0	0	\$0	\$0	\$0	\$0	\$3,285	\$0	\$0	\$3,285	\$0	\$0	\$0	\$0	\$195	\$0	\$0	\$195	
Task 15.1.3: American Badger Protection Measures	0	0	0	0	80	0	0	\$0	\$0	\$0	\$0	\$7,280	\$0	\$0	\$7,280	\$0	\$0	\$0	\$0	\$405	\$0	\$0	\$405	
Task 15.1.4: Tree Survey	0	0	0	0	19	0	0	\$0	\$0	\$0	\$0	\$1,905	\$0	\$0	\$1,905	\$0	\$0	\$0	\$0	\$180	\$0	\$0	\$180	
Task 15.1.5: Roosting Pallid Bat Protection Measures	0	0	0	0	33	0	0	\$0	\$0	\$0	\$0	\$2,795	\$0	\$0	\$2,795	\$0	\$0	\$0	\$0	\$120	\$0	\$0	\$120	
Task 15.1.6: Sensitive Habitat Protection Measures	0	0	0	0	28	0	0	\$0	\$0	\$0	\$0	\$2,660	\$0	\$0	\$2,660	\$0	\$0	\$0	\$0	\$210	\$0	\$0	\$210	
Task 15.2: Phase 2 Construction Work	0	0	0	0	154	0	0	\$0	\$0	\$0	\$0	\$16,895	\$0	\$0	\$16,895	\$0	\$0	\$0	\$0	\$1,215	\$0	\$0	\$1,215	
Task 15.2.1: Special-Status Plant Protection Measures	0	0	0	0	182	0	0	\$0	\$0	\$0	\$0	\$18,638	\$0	\$0	\$18,638	\$0	\$0	\$0	\$0	\$1,365	\$0	\$0	\$1,365	
Task 15.2.2: California Tiger Salamander Protection Measures	0	0	0	0	188	0	0	\$0	\$0	\$0	\$0	\$19,173	\$0	\$0	\$19,173	\$0	\$0	\$0	\$0	\$1,050	\$0	\$0	\$1,050	
Task 15.2.3: Western Pond Turtle Protection Measures	0	0	0	0	184	0	0	\$0	\$0	\$0	\$0	\$18,291	\$0	\$0	\$18,291	\$0	\$0	\$0	\$0	\$1,125	\$0	\$0	\$1,125	
Task 15.2.4: Burrowing Owl Protection Measures	0	0	0	0	230	0	0	\$0	\$0	\$0	\$0	\$24,056	\$0	\$0	\$24,056	\$0	\$0	\$0	\$0	\$2,045	\$0	\$0	\$2,045	
Task 15.2.5: Nesting Bird Protection Measures	0	0	0	0	33	0	0	\$0	\$0	\$0	\$0	\$3,271	\$0	\$0	\$3,271	\$0	\$0	\$0	\$0	\$240	\$0	\$0	\$240	
Task 15.2.6: American Badger Protection Measures	0	0	0	0	26	0	0	\$0	\$0	\$0	\$0	\$2,468	\$0	\$0	\$2,468	\$0	\$0	\$0	\$0	\$180	\$0	\$0	\$180	
Task 15.2.7: Roosting Pallid Bat Protection Measures	0	0	0	0	200	0	0	\$0	\$0	\$0	\$0	\$19,194	\$0	\$0	\$19,194	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Task 15.2.8: Tree Surveys of Oak Woodland and Riparian Areas	0	0	0	0	200	0	0	\$0	\$0	\$0	\$0	\$19,194	\$0	\$0	\$19,194	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Task 15.2.9: Sensitive Habitat Protection Measures	0	0	0	0	1429	0	0	\$0	\$0	\$0	\$0	\$143,364	\$0	\$0	\$143,364	\$0	\$0	\$0	\$0	\$8,525	\$0	\$0	\$8,525	
<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,437</b>	<b>57</b>	<b>0</b>	<b>\$15,285</b>	<b>\$2,330</b>	<b>\$0</b>	<b>\$0</b>	<b>\$144,604</b>	<b>\$9,125</b>	<b>\$0</b>	<b>\$171,344</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,525</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,525</b>	<b>\$179,869</b>

<b>SECTION 4 TOTAL</b>	<b>120</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>1,437</b>	<b>57</b>	<b>0</b>	<b>1,632</b>	<b>\$15,285</b>	<b>\$2,330</b>	<b>\$0</b>	<b>\$0</b>	<b>\$144,604</b>	<b>\$9,125</b>	<b>\$0</b>	<b>\$171,344</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,525</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,525</b>	<b>\$179,869</b>
																	\$15,285	\$2,330	\$0	\$0	\$153,129	\$9,125	\$0		

<b>GRAND TOTAL</b>	<b>728</b>	<b>#REF!</b>	<b>0</b>	<b>0</b>	<b>2,977</b>	<b>1,122</b>	<b>139</b>	<b>#REF!</b>	<b>\$117,073</b>	<b>\$83,505</b>	<b>\$0</b>	<b>\$0</b>	<b>\$311,394</b>	<b>\$194,650</b>	<b>\$22,560</b>	<b>\$729,182</b>	<b>\$0</b>	<b>\$890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$11,059</b>	<b>\$320</b>	<b>\$0</b>	<b>\$12,269</b>	<b>\$741,451</b>
--------------------	------------	--------------	----------	----------	--------------	--------------	------------	--------------	------------------	-----------------	------------	------------	------------------	------------------	-----------------	------------------	------------	--------------	------------	------------	-----------------	--------------	------------	-----------------	------------------





## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 25  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Department of Transportation and Public Works

**Staff Name and Phone Number:**

**Supervisory District(s):**

Susan Klassen (707) 565-2440

Fourth

**Title:** Approve Mead & Hunt Incorporated Agreement, Second Amendment

### **Recommended Actions:**

Authorize the Chair to execute Amendment Number Two to the January 31, 2012 First Amended Agreement for design, land acquisition, and engineering services with Mead & Hunt, Inc., extending the term to December 31, 2014, and increasing the amount by \$948,674 for a total contract amount not to exceed \$4,353,580. - Project: Runway Safety Enhancement Project and other related projects.

### **Executive Summary:**

The Department of Transportation and Public Works Airport Division is requesting the Board of Supervisors' approval and execution of the Mead & Hunt, Inc. Second Amendment to the Mead & Hunt First Amended Agreement for design services associated with the runway safety improvement project, land acquisition services, engineering services to assist with environmental permitting, creation of the Airport's approach protection plan, terminal feasibility study and a hangar assessment and maintenance plan.

A bulk of the cost increase to the agreement, is due to the property acquisition required for the Runway Safety Enhancement project. The two main causes of the increase are that the Airport had to begin the eminent domain process in order to have right of possession for the 2013 construction season and also the increased number of residents that need to be relocated. The exact number of residents requiring relocation and housing assistance were not available previously. This task accounts for 54% (\$515,675) of the amendment cost. An additional task for voluntary property acquisitions of two parcels is budgeted at \$190,817, which is 20% of the total cost increase. There is an increase to the runway design of \$90,016 which is 9.5% of the total increase. The original scope of work and associated budget for the runway design were the anticipated costs at the time, the final budget was dependent on completing the Environmental Assessment and alterations that may be required by the Federal Aviation Administration. Work in this Amendment has not yet commenced.

### **Contract History:**

Mead & Hunt, Incorporated was selected as the Airport's Engineer of record in 2009 after a Request for Qualifications (RFQ) process was conducted as required by the Federal Aviation Administration (FAA) as part of its guidelines under Title 49 Code of Federal Regulations Part 18.36 and Advisory Circular 150/5100-14D which requires airports to solicit proposals from engineering firms based on qualifications and not on cost. The Airport distributed an RFQ in May 2009 for

engineering services related to projects at the Airport as part of its five-year capital improvement plan. As part of the RFQ, the Airport listed the following as potential projects for the five-year period: relocation of the instrument landing system for runway 32; relocation of and design of new internal airport service roads; upgrade of existing runway and taxiway lighting systems; airport perimeter fencing; extension and associated improvements to existing taxiways serving runway 14-32 and runway 1-19; construction of new taxiways for runway 14-32 and runway 1-19; siting of new air traffic control tower; construction of new taxiways to provide access to new private hangars; siting and construction of a new aircraft rescue and fire fighting/maintenance building; extension of runway 14-32 from 5,115 feet to 6,000 feet; extension of runway 1-19 from 5,000 feet to 5,500 feet; drainage improvements; runway safety area (RSA) improvements; and acquisition of approximately 40 acres for approach zone protection and RSAs.

The Airport advertised nationally, sent out fifteen RFQs, and received responses from four firms. After evaluation of the qualification information from the four submittals received, two firms were determined to have the qualifications that best matched the needs of the anticipated projects. After conducting interviews with the two firms, it was determined that each firm had strengths in different areas of aviation engineering. In December 2009, the Board approved contracts with both firms. Mead & Hunt, Incorporated was selected for projects including designing and engineering on airport runways, taxiways and airport buildings since Mead & Hunt demonstrated strong expertise in these areas, which includes 70 years of nationwide aviation consulting services. The second company, Z & H Engineering (since acquired by C & S Engineers, Incorporated) was selected for projects addressing runway preservation and maintenance since Z & H demonstrated strong expertise in these areas. The Mead & Hunt agreement was set in the style of a master agreement, wherein as projects are identified, the scope is prepared, and an amendment to the agreement is executed.

There have been several project amendments processed in the past. In 2011, a First Amended Agreement was executed to incorporate the original agreement and the amendments into a single agreement, and in January, 2012 an Amendment One to the First Amended Agreement was approved with additional changes. These previous amendments included the rehabilitation of the airport terminal, the security system design, rehabilitation of apron A, property acquisition services, and the runway design. The contract modification proposed in this Board action is the Amendment Number Two increasing the service agreement amount by \$948,674.

#### **Contract Modification:**

The contract modification proposed in this Board item includes three task elements that are directly related to the runway safety area (RSA) project, and four task elements that are for other airport projects. The three task elements directly related to the RSA project include: 1) Amending the design engineering services for the airport's runway improvement projects for a total amount of \$2,507,134, which is an increase of \$90,016; 2) Program management services for the land acquisition, relocation and condemnation in the amount of \$515,675; and 3) Assist in environmental permitting for the RSA project in the amount of \$30,000. (Additional detail of these tasks is described below.)

The other four task elements are: 4) Voluntary land acquisition services for two parcels located north and southeast and adjacent to the existing airport property in the amount of \$190,817; 5) An approach protection study to identify the impacts and develop of an airport protection plan for properties impacted by the projects identified in the Environmental Assessment (EA) and various improvements identified in the Airport Master Plan (AMP) for the amount of \$37,000; 6) A study to determine the layout and additional development in the terminal to accommodate increased passenger traffic for the amount of \$58,562; and 7) A study and plan for hangar maintenance in the amount of \$26,605

For a new total contract amount of \$4,353,580. (Additional detail of these new or amended tasks is described below).

#### **Runway Safety Area Related Elements**

##### **Task 1 – Runway Safety Area Improvements and Related Design:**

This task element is for engineering services necessary for the design and bidding of the FAA required modifications necessary for the Runway Safety Area improvements and related projects. The modifications to the original scope of work

include a revised service road alignment and a design to remain outside the runway and taxiway Obstruction Free Area (OFA) at Runways 14, 19 and 32 approach ends and to provide preliminary designs for up to two service road bridge/creek crossings. The creek crossings are expected to be single-spans consisting of precast, pre-stressed concrete I-girder or slab superstructures. These structures are each required to clear span Airport Creek and Lower Ordinance Creek with approximate span lengths of 100 feet and 50 feet, respectively. Both structures are designed to carry two through lanes of 12 feet width and two 2-foot shoulders for a clear width of 28 feet. The engineering design services are broken down into two phases. The specific tasks of Phase I and Phase II are detailed in Exhibit K of Amendment Two to First Amended Agreement.

With the FAA required modifications there are now 46 different project elements included in Phases I and II. The increased work identified in Exhibit K for all services and incidental costs required represents an increase of \$90,016 over the original fee for a lump sum fixed fee total of \$2,507,134. This task is eligible for 90% FAA funding once the grant is issued for the construction project. Phases I and II bid documents are expected to be published in January 2013, with construction expected to commence in April 2013. This contract amendment does not include construction-engineering services and a future contract amendment will be brought to the Board for consideration prior to the start of construction activities.

#### Task 2 – Land Acquisition Services:

This task element is for property acquisition services for the three parcels located north and adjacent to the existing Airport property. These three parcels have been identified as needed for the Runway Safety Area improvements and associated projects. The scope of services in this task include: project administration, appraisal services, title and escrow, relocation assistance and benefits, Phase I environmental review, negotiation with land owners, condemnation, and program reporting as required under FAA guidelines and requirements. The specific tasks of property acquisition program management services are detailed in Exhibits G-2, L-1 and L-2.

The scope of the acquisition services has expanded due to two main issues: the first area relates to an increased number of residents that need to be relocated from the original contract (the precise number of residents on the property was not available when the original scope was drafted); the second element relates to the requirement to pursue eminent domain as the Airport was not successful in negotiating a voluntary sale. The cost increase of this task element is \$515,675 on a time and expense basis (with \$177,769 associated with the additional relocation requirements and \$337,906 estimated for the eminent domain process) and is eligible for 90% FAA funding once the grant is issued for the construction project (additional details of the financial elements are described below). Expenditures for land acquisition are budgeted in Airfield Improvements index (291708-8500).

#### Task 3 – Environmental Permitting Services:

This task element consists of professional planning and engineering support services as needed to support the permitting activities in order to expedite obtaining resource agency permits for the RSA projects currently in process. These permits are required prior to construction in order for certain project elements to begin. In order to keep the proposed construction schedule, it is essential that permits be obtained as quickly as possible. The specific tasks of permitting services are detailed in Exhibit M. The cost of this task element is \$30,000 on a time and expense basis and is eligible for 90% FAA funding once a grant is issued for the construction project.

#### **Additional Contract Scope Items not related to the RSA Project**

#### Task 4 – Land Acquisition Services

This task element is for voluntary property acquisition services for two parcels located north and southeast of the Airport adjacent to Airport property. These parcels are identified in the Airport acquisition and runway protection zones. The owners of these parcels have approached the Airport with an interest in selling to the Airport. The scope of services in this task include: project administration, appraisal services, title and escrow, relocation assistance and benefits, Phase I

environmental review, negotiation with land owners, and program reporting as required under FAA guidelines and requirements. The specific tasks of land acquisition services are detailed in Exhibit N. The cost of this task element is \$190,817 on a time and expense basis and is eligible for 90% FAA funding. Expenditures for land acquisition are budgeted in Airfield Improvements index (291708-8500).

**Task 5 – Approach Protection Plan Services:**

This task element involves the Airport maintaining a high level of compatibility with adjacent land uses. A key purpose of the Approach Protection Plan is to define the trigger for updating the noise contours for the Airport. Updating the noise contours will verify whether the 60 CNEL noise contour has expanded sufficiently to encompass residences currently outside the contour. It will also identify the range of possible noise mitigation strategies that could be applied. The completion of this plan was a requirement of the approval of the modification to the 2020 General Plan Air Transportation Element as part of the Airport Master Plan adoption. The specific tasks of Approach Protection Plan services are detailed in Exhibit O. The cost of this task element is a lump sum element at \$37,000 and is funded through Airport operating revenues and budgeted in the FY 12-13 Airport Operations Index (291013-6500).

**Task 6 – Terminal Additions and Remodel Concept Design Services:**

This task element is for design services to remodel the existing Airport terminal to meet both current and future growth needs. It is anticipated that when a second airline starts operations at the Airport, the current ticket counters, passenger hold room, and passenger checkpoint will not be able to accommodate the increased passenger volumes. This task will create the remodel concepts to allow the Airport to accommodate these increases passenger volumes and handle dual airline operations. The scope of services in this task include providing architectural and engineering design services for structural, architectural, mechanical, electrical, plumbing and fire protection, audio/visual, cable television, telecommunications, sound/intercom and security systems. The specific tasks of the terminal additions and remodel concept design services are detailed in Exhibit P. The cost of this task element is a lump sum element at \$58,562 and is funded through Airport operating revenues and budgeted in the FY 12-13 Airport Operations Index (291013-6500).

**Task 7 – Hangar Conditions Assessment Services:**

This task is for a condition assessment of the Airport’s hangar structures in order to create a baseline condition assessment and to establish a listing of required maintenance and a prioritized maintenance plan. The scope of services in this task includes providing a hangar condition assessment of the Airport’s 35 hangar buildings and aircraft shade structures and generate a report establishing a listing of required maintenance and a prioritized maintenance plan. The specific tasks of the hangar property conditions assessment services are detailed in Exhibit Q. The cost of this task element is a lump sum element at \$26,604 and is funded through Airport operating revenues and budgeted in the FY 12-13 Airport Operations Index (291013-6500).

**Local Preference:**

As this project is funded through FAA funds, the Airport is not able to implement the County local preference policy for these services. However, Mead & Hunt is considered a local firm with an office located in Santa Rosa, which employs 25 employees. In addition, this project has eight major sub-consultants; with the exception of two, the majority are local firms and include: Winzler & Kelly (Santa Rosa), Bauer Associates (Forestville), Brelje & Race (Santa Rosa), Firm 70 (Phoenix), pH7 (San Ramon), Redwood Empire Appraisals (Petaluma), Geoff Hornsby (Santa Rosa), and Fidelity National Title (Santa Rosa).

**Prior Board Actions:**

1/24/12: Board action No. 48 approved Amendment Number One to the First Amended Agreement for professional engineering services for additional services for land acquisition and continuing services associated with the Runway Improvement Project; 8/17/11: Seventh Amendment (Department Head under specific limit provision – general engineering services); this amendment added land acquisition services to the original agreement and also consolidated

the 6 prior amendments into one agreement titled the First Amended Agreement for Professional Services with Mead & Hunt, Inc.; 3/15/11: Board Action No. 10 approved Sixth Amendment for engineering services for additional work associated with taxiway Z Rehabilitation; 1/4/11: Fifth Amendment (Department Head under specific limit provision – general engineering services); 12/14/10: Board Action No. 38 approved Fourth Amendment for engineering services (terminal remodel); 9/14/10: Board Action No. 14 approved Third Amendment for engineering services (Airport Geographic Information System Survey); 8/17/10: Second Amendment (Department Head under specific limit provision – Apron A/terminal security enhancement/property acquisition); 12/8/09: Board Action No. 29 approved agreement for professional engineering services with Mead & Hunt, Inc. associated with Taxiway Z Rehabilitation project at the Charles M. Schulz – Sonoma County Airport.

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

This Amendment with Mead & Hunt, Inc. supports the County’s Strategic plan focus area of Economic and Environmental Stewardship as part of the larger runway safety enhancement project which will provide infrastructure that permits a larger variety of aircraft. The ability to serve more diverse aircraft will allow the airlines to provide additional destinations. It also provides studies to renovate the existing terminal building to meet both current and future growth needs and a hangar maintenance plan to protect current infrastructure. Finally, it will facilitate the acquisition of lands identified for acquisition for approach protection. This will have positive financial impacts on local businesses and tourism.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 948,674	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$ 572,122
	\$	Fees/Other	\$ 376,552
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 948,674</b>	<b>Total Sources</b>	<b>\$ 948,674</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

For tasks one, two and three, the Airport expects to receive grant funding from the FAA and also received a California Department of Transportation Bureau of Aeronautics Development Loan in the amount of \$5,000,000 (“Loan”). The Loan was necessary in order to bridge the time gap between outlay of expenses and the grant award. The Loan will be used to pay for the engineering services for the design of the runway safety improvements and ultimately provide the funding for the Airport’s 10% matching requirement. The FAA grant cannot be applied until the Finding of No Significant Impact (FONSI) is approved and the design bids are received for the construction of the project. The Airport expects to receive \$48,456,450 in grant funds from the FAA for the Runway Safety Enhancement Project. The Airport received the Loan and will be repaid over a seventeen (17) year period with Passenger Facility Charges (PFC) with an estimated annual payment of \$422,905. The Airport collects PFCs in the amount of \$4.50 per enplaned passenger (passengers boarding the plane in Santa Rosa) and generates approximately \$415,000 per year at current passenger levels.

For task four, Property Acquisition Program Management Services, the Airport expects to receive grant funding from the FAA. The subject parcels are required for the Runway Safety Enhancement project and will be included in the grant package with 90% funding. The Airport will be responsible for the 10% matching requirement.

For tasks five through seven, the Airport will be using Airport Enterprise funds. Airport operational revenues are received from a variety of sources, including but not limited to hangar rents, real estate rents, parking fees, and concessions. With regard to current Project financing obligations, the Airport has three other outstanding loans with the State of California in the amount of \$1,802,086 that are scheduled to be repaid in the next four (4) to eight (8) years. Two of these loans were for hangar construction. The annual payments on the hangar construction loans are approximately \$188,000 and the revenues generated by hangar rents pay for these two loans. Hangar rents were budgeted at \$1.4 million for FY 12-13 and are on track to meet budget. The third loan was for the purchase of the Airport administrative office building. The annual loan payment for the office building is approximately \$157,000 and the revenue generated by the commercial tenants in the building pay for this loan. The office rents were budgeted at \$196,373 for FY 12-13.

The Airport also has a lease purchase contract for the Airport’s security system with an outstanding balance of \$464,694.43. The lease purchase is funded with PFCs and is expected to be paid off in December 2013. There are also two outstanding short-term County notes, one for land acquisition and one for project formulation costs associated with the Airport Master Plan update and Environmental Impact Report, for \$810,000 combined. The County notes are expected to be paid off by June 30, 2013.

The total Runway Safety Enhancement Project cost is now estimated at \$53,800,000 and the Airport’s matching amount for the FAA grant is \$5,380,000. The FAA is exceedingly supportive of this project and has been working closely with the Airport staff and consultants; and the risk that the FAA will not issue a grant to reimburse the Airport is low. Currently, there are sufficient appropriations; however, as the timeline and costs are solidified, a midyear budgetary adjustment to the Airfield improvements index may be necessary.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Amendment Two to the First Amended Agreement  
 Exhibits B-1, B-2, G-2, G-2 (Attachment 1), K, L-1, L-2, M, N, O, P, and Q.  
 RSA Construction Budget

**Related Items “On File” with the Clerk of the Board:**

Amendment One to the First Amended Agreement  
 First Amended Agreement for Professional Services with Mead & Hunt, Inc.

AMENDMENT TWO  
TO THE  
FIRST AMENDED AGREEMENT

This Amendment Two To First Amended Agreement ("Amendment"), dated as of \_\_\_\_\_, 2012 ("Effective Date") is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Mead & Hunt, Inc., a Wisconsin Corporation (hereinafter "Consultant"). All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to those terms in the First Amended Agreement.

R E C I T A L S

WHEREAS, the County and Consultant entered into that certain Agreement, dated December 8, 2009 for engineering services associated with project at Charles M. Schulz-Sonoma County Airport ("Airport").

WHEREAS, County and Consultant executed a First Amended Agreement dated August 17, 2011 which supersede the prior Agreement, as amended; and

WHEREAS, County and Consultant executed Amendment One to the First Amended Agreement dated January 31, 2012; and

WHEREAS, County and Consultant desire to further amend the First Amended Agreement in order to provide additional services.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

A G R E E M E N T

1. Paragraph 1, Scope of Services

- A. Sub-paragraph 1.1 shall be deleted and replaced with the sub-paragraph 1.1 below.

1.1 Consultant's Specified Services: Consultant Shall perform the services described in exhibits A, C, D, E, F, G, G-2, H, I, J, K, L-1, L-2, M, N, O, P and Q attached hereto or to amendments to this Agreement and incorporated herein by reference. In the event of a conflict between the body of this Agreement and Exhibits A, C, D, E, F, G, G-2 H, I, J, K, L-1 and L-2, M, N, O, P and Q the provisions in the body of the Agreement shall control.

2. Paragraph 2, Payment

A. Sub-paragraph 2.d, Payment, is modified as follows: add the following sentence at the beginning of the paragraph: “Except for work performed on a time and materials basis pursuant to Exhibits K, M and N, all work performed on a time and materials basis will be performed pursuant to Exhibits A and B. Work performed pursuant to Exhibits K and M shall be performed in accordance with those Exhibits and with Exhibit B-1. Work performed pursuant to Exhibit N will be performed in accordance with Exhibit N and Exhibit B-2.

B. Sub-paragraph j below, shall be added to the Paragraph 2 of the First Amended Agreement:

j. For the work identified in Exhibit L-1 of this Agreement (Property Acquisition Program Management Services) for all services and incidental costs required hereunder, Consultant shall be paid on a time-and-expense basis in accordance with paragraph 2.d above, provided further that Consultant agrees to perform all services described in Exhibit L-1 for an amount not to exceed \$160,276 without approval of County.

C. Sub-paragraph k below, shall be added to Paragraph 2 of the First Amended Agreement:

k. For the work identified in Exhibit L-2 of this Agreement (Property Acquisition Program Management Services) for all services and incidental costs required hereunder, Consultant shall be paid on a time-and-expense basis in accordance with paragraph 2.d above, provided further that Consultant agrees to perform all services described in Exhibit L-2 for an amount not to exceed \$337,906 without approval of County.

D. Sub-paragraph l below, shall be added to Paragraph 2 of the First Amended Agreement:

l. For the work identified in Exhibit M of this Agreement (Permitting Support) for all services and incidental costs required hereunder, Consultant shall be paid on a time-and-expense basis in accordance with paragraph 2.d above, provided further that Consultant agrees to perform all services described in Exhibit M for an amount not to exceed \$30,000 without approval of County.



E. Sub-paragraph m below, shall be added to Paragraph 2 of the First Amended Agreement:

m. For the work identified in Exhibit N of this Agreement (Property Acquisition Program Management Services) for all services and incidental costs required hereunder, Consultant shall be paid on a time-and-expense basis in accordance with paragraph 2.d above, provided further that Consultant agrees to perform all services described in Exhibit N for an amount not to exceed \$190,817 without approval of County.

3. Paragraph 2.1, Lump Sum Work

A. Sub-paragraph j of Paragraph 2.1 of the First Amended Agreement shall be deleted and replaced with the sub-paragraph j below:

j. For the work identified in Exhibit K of this Agreement (Runways 14 and 19 Safety Area Improvements) for all services and incidental costs required thereunder, Consultant shall be paid on a lump sum of \$2,507,134, for completion of all work, regardless of the number of hours or length of time necessary for Consultant to complete the services.

B. Sub-paragraph k shall be added to Paragraph 2.1 of the First Amended Agreement:

k. For the work identified in Exhibit O of this Agreement (Approach Protection Plan) for all services and incidental costs required thereunder, Consultant shall be paid on a lump sum of \$37,000. For completion of all work, regardless of the number of hours or length of time necessary for Consultant to complete the services.

C. Sub-paragraph l shall be added to Paragraph 2.1 of the First Amended Agreement:

l. For the work identified in Exhibit P of this Agreement (Terminal Additions and Remodel Concept Design) for all services and incidental costs required thereunder, Consultant shall be paid on a lump sum of \$58,562, for completion of all work, regardless of the number of hours or length of time necessary for Consultant to complete the services.

D. Sub-paragraph m shall be added to Paragraph 2.1 of the First Amended Agreement:

m. For the work identified in Exhibit Q of this Agreement (Hangar Property Conditions Assessment) for all services and incidental costs required thereunder, Consultant shall be paid a lump sum of \$26,604, for completion of all work, regardless of the number of hours or length of time necessary for Consultant to complete the services.

E. Sub-paragraph n shall be added to Paragraph 2.1 of the First Amended Agreement:

n. For the work identified in Exhibit G-2 of this Agreement (Property Acquisition Program Management Services) for all services and incidental costs required thereunder, Consultant shall be paid a lump sum of \$17,493, for completion of all work, regardless of the number of hours or length of time necessary for Consultant to complete the services.

4. Paragraph 3 shall be deleted and replaced with Paragraph 3 below:

3. Term of Agreement. The term of this Agreement shall be from December 8, 2009 to December 31, 2014 and may be extended for two additional one year extensions if mutually agreed upon in writing by both parties unless terminated earlier in accordance with the provisions of Article 4 below.

5. The following exhibits are replaced with versions dated August 21, 2012: K (replaced by a new Exhibit K) and L (replaced by Exhibits L-1 and L-2). The following exhibits dated August 21, 2012 are added: Exhibits B-1, B-2, G-2, M, N, O, P, and Q. All of these exhibits are attached to this Amendment and are incorporated into the First Amended Agreement by this reference.

6. Except to the extent the First Amended Agreement is specifically amended or supplemented hereby, the First Amended Agreement, together with exhibits is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to modify, invalidate or otherwise affect a provision of the First Amended Agreement or any right of County arising thereunder.

7. This Amendment shall be governed by and construed under the internal laws of the State of California, and any action to enforce the terms of this Amendment or for the breach thereof shall be brought and tried in the County of Sonoma.

COUNTY AND CONSULTANT HAVE CAREFULLY READ AND REVIEWED THIS AMENDMENT AND EACH TERAM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WEREOF, the parties hereto have executed this Amendment as of the effective date.

**CONSULTANT: MEAD & HUNT, INC**

By: \_\_\_\_\_

Name: Jon J. Faucher

Title: Vice President

Date: October 17, 2012

**COUNTY OF SONOMA:**

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COUNTY:

By: \_\_\_\_\_  
Department Head

Date: \_\_\_\_\_

APPROVED AS TO FORM FOR COUNTY

By: \_\_\_\_\_  
COUNTY COUNSEL

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chair, Board of Supervisors

Date: \_\_\_\_\_

ATTEST

By: \_\_\_\_\_  
Clerk of the Board of Supervisors

Date: \_\_\_\_\_

Exhibit "B-1"

**MEAD & HUNT, Inc.**  
**Standard Billing Rate Schedule**  
**August 21, 2012**

**Standard Billing Rates**

Clerical.....	\$73.00 / hour
Interior Designer, Technical Editor.....	\$100.00 / hour
Senior Editor.....	\$148.00 / hour
Registered Land Surveyor.....	\$114.00 / hour
Accounting, Administrative Assistant.....	\$88.00 / hour
Technician I, Technical Writer.....	\$80.00 / hour
Technician II, Surveyor - Instrument Person.....	\$95.00 / hour
Technician III .....	\$108.00 / hour
Technician IV.....	\$120.00 / hour
Senior Technician.....	\$150.00 / hour
Engineer I, Scientist I, Architect I, Planner I.....	\$112.00 / hour
Engineer II, Scientist II, Architect II, Planner II.....	\$122.00 / hour
Engineer III .....	\$135.00 / hour
Senior Engineer, Senior Scientist, Senior Architect, Senior Planner, Senior Economist.....	\$154.00 / hour
Project Engineer, Project Scientist, Project Architect, Project Planner.....	\$165.00 / hour
Senior Project Engineer, Senior Project Scientist, Senior Project Architect, Senior Project Planner.....	\$200.00 / hour
Senior Associate.....	\$250.00 / hour
Principal.....	\$265.00 / hour
Senior Client/Project Manager.....	\$265.00 / hour

**Expenses**

Geographic Information or GPS Systems .....	\$32.00 / hour
Total Station Survey Equipment.....	\$16.00 / hour
Charges for other equipment may appear in a proposal	
Out-Of-Pocket Direct Job Expenses.....	cost plus 15%
Such as reproductions, sub-consultants / contractors, etc.	

**Travel Expense**

Company or Personal Car Mileage .....	\$0.90 / mile
Air and Surface Transportation.....	cost plus 15%
Lodging and Sustenance.....	cost plus 15%

**Billing & Payment**

Travel time is charged for work required to be performed out-of-office. A minimum of two hours will be billed for any work out-of-office.

Invoicing is on a monthly basis for work performed. Payment for services is due within 30 days from the date of the invoice. An interest charge of 1.5% per month is made on the unpaid balance starting 30 days after the date of invoice.

---

This schedule of billing rates is effective January 1, 2012, and will remain in effect until December 31, 2012, unless unforeseen increases in operational costs are encountered. We reserve the right to change rates to reflect such increases.

## Exhibit "B-2"

August 21, 2012

Charles M. Schulz-Sonoma County Airport (STS) Project Budget						Revision No. 1	8/21/2012	
<i>Mead &amp; Hunt (labor hours shown)</i>						<i>Subconsultants (total labor and expense costs)</i>		
Elements/Tasks	Project Coordinator	Project Manager	Sr. Tech	Admin. Asst.	Clerical	Firm70*	Support*	Total Labor Cost
	\$250	\$154	\$150	\$88	\$73			
<b>1 Parcel 164-015-025</b>								
1.1 Project Administration - Mead & Hunt	5	20	2	6	12	\$ -	\$ -	\$ 6,034
1.2 Program Management - Firm70**						\$ 64,485	\$ -	\$ 64,485
1.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
1.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 3,500	\$ 3,500
1.5 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,250	\$ 1,250
1.6 Environmental - pH 7 Environmental						\$ -	\$ 4,300	\$ 4,300
1.7 Relocation (1) - Geoff Hornsby						\$ -	\$ 15,000	\$ 15,000
<b>Subtotal Parcel 164-015-025</b>	<b>5</b>	<b>20</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>\$ 64,485</b>	<b>\$ 24,550</b>	<b>\$ 95,069</b>
<b>2 Parcel 059-200-018</b>								
2.1 Project Administration - Mead & Hunt	5	20	2	6	12	\$ -	\$ -	\$ 6,034
2.2 Program Management - Firm70**						\$ 54,129	\$ -	\$ 54,129
2.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
2.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 3,500	\$ 3,500
2.4 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,250	\$ 1,250
2.6 Environmental - pH 7 Environmental						\$ -	\$ 4,300	\$ 4,300
2.7 Relocation (1) - Geoff Hornsby						\$ -	\$ 15,000	\$ 15,000
<b>Subtotal Parcel 059-200-018</b>	<b>5</b>	<b>20</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>\$ 54,129</b>	<b>\$ 24,550</b>	<b>\$ 84,713</b>
<b>Project SubTotals</b>	<b>10</b>	<b>40</b>	<b>4</b>	<b>12</b>	<b>24</b>	<b>\$ 118,614</b>	<b>\$ 49,100</b>	<b>\$ 179,782</b>
<b>PROJECT ADMINISTRATION TIME</b>								<b>\$ 12,068</b>
<b>PROJECT ADMINISTRATION EXPENSE</b>								<b>\$ 500</b>
<b>SUBCONSULTANT TIME</b>								<b>\$ 167,714</b>
<b>SUBCONSULTANT EXPENSE</b>								<b>\$ 10,535</b>
<b>TOTAL PROJECT BUDGET (TIME AND EXPENSE NOT TO EXCEED)</b>								<b>\$ 190,817</b>
* Detailed labor and expenses are shown in Attachments A through F.								
** Program Management covers efforts in all services provided, except Project Administration.								

## Exhibit "G-2"

### CHARLES M. SCHULZ–SONOMA COUNTY AIRPORT

### Property Acquisition Program Management Services

### Scope of Services

August 21, 2012

**Program Management Services for the Voluntary Land Acquisition and Relocation of Parcel No. 066-210-046 of Real Property near the Charles M. Schulz-Sonoma County Airport.**

#### PROGRAM SCOPE OVERVIEW

As a member of the Mead & Hunt, Inc. (M&H) Management Team, the W. D. Schock, Company, Inc. (WDSCO) has been selected to provide Program Management oversight for voluntary land acquisition and relocation services near the Charles M. Schulz-Sonoma County Airport (Airport). Specifically, services include all activities related to the acquisition of real property and the relocation of any persons displaced. These services are to be provided for properties as indicated on the Program Description, Attachment 1, Exhibit.

#### **TASK 3: Relocation Assistance**

Displaced businesses, individuals, and families affected by a land acquisition program are eligible for certain relocation assistance and benefits under 49 CFR Part 24, FAA Order 5100.37B and FAA 150/5100-17 regulatory requirements. WDSCO's sub-consultant, Kathy Wood & Associates, Kathy Woods shall serve as primary contact and shall provide the following services with WDSCO oversight:

- **Assessment Interviews** – WDSCO / sub-contractor, upon implementation of each case, shall conduct a relocation assessment interview meeting with all displaced persons. This meeting is to obtain background data on the displaced businesses, individuals, and families and advise them of their rights under the Uniform Act and meets the requirements established for the acquisition stage relocation plan.
- **Advisory Services** – WDSCO / sub-consultant shall provide, at a minimum, relocation advisory services to be administered on a reasonable basis commensurate with the needs of the displaced businesses, individuals, and families. The advisory service program shall include but not be limited to determining the relocation needs and preferences of each person and/or business to be displaced and explain the relocation payments and other assistance for which the person or business may be eligible; providing current and continuing information on the availability, purchase prices, and rental/lease costs of comparable replacement sites; and, supplying appropriate information concerning federal, state and local programs for displaced persons or business.



- **Relocation Eligibility** – A letter of eligibility is prepared by WDSCO’s sub-contractor for the offer meeting in order to advise the displaced businesses, individuals, and families of their entitled amounts under the Uniform Act, including moving benefits. Also, the formula for arriving at these amounts is explained. This letter becomes a permanent record for the file along with all backup data for FAA audit purposes. Notice of property owner’s right to appeal and determination is also discussed as required by law.
  
- **Relocation Grievance Appeals Process** – As an additional service it may be necessary for WDSCO / sub-consultant to coordinate and participate in a relocation grievance appeals process as required by the displaced businesses, individuals, and families or Airport.
  
- **Relocation Program Payments/Claims** - WDSCO / sub-consultant will use standard claim forms issued by the FAA as listed below, along with the eligibility amounts covered under 49 CFR 24, FAA Order 5100.37B and FAA 150/5100-17 Rules and Regulations:
  - Claim for Replacement Housing Payment
    - 180-day Homeowner
    - Eligibility from \$0 to \$22,500, unless Housing of Last Resort applies
  
  - Claim for Rental Assistance
    - 180-day Homeowner
    - 90-day Tenant
    - 90 to 179-day Homeowner
    - Eligibility from \$0 to \$5,250, unless Housing of Last Resort applies
  
  - Claim for Down Payment Assistance
    - 90 to 179 day Homeowner
    - 90-day Tenant
    - Eligibility from \$0 to \$5,250, Housing of Last Resort applies
  
  - Claim for Moving & Related Expenses
    - 180-day Homeowner
    - 90-day Tenant
    - 90 to 179-day Homeowner
    - Option #1, Fixed Payment (U.S. DOT Schedule)
    - Option #2, Actual Reasonable Moving Expenses (unlimited)
  
  - Claim for Actual Reasonable Moving & Related Expenses, Businesses, Nonprofit Organizations, and Farm Operations
    - This payment is unlimited and must have supporting documentation.
  
  - Business Reestablishment Expense Payment
    - This payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site.

- Claim for Fixed Payment in Lieu of payment for Actual Moving & Related Expenses, Businesses, Nonprofit Organizations, and Farm Operations
  - This payment is a fixed amount between \$1,000 and \$20,000 maximum depending upon the business's two (2) previous years' average annual net earnings.

WDSCO shall be responsible for supplying all forms for processing claims and shall require that all backup data be maintained in the individual's file in audit format. If the Airport elects to provide forms for use WDSCO will review for FAA compliance and advise Airport if any compliance issues are noted.

- **Decent, Safe, and Sanitary Inspections** – WDSCO / sub-consultant will provide for and coordinate Decent, Safe and Sanitary inspections of all displaced persons' replacement dwellings for the purposes of obtaining relocation benefits. Inspections will be conducted in accordance with Uniform Act requirements.
- **Positive FAA Coordination** - WDSCO shall coordinate with the Airport, Airport and FAA any unforeseen problems and unusual situations which may occur on this Program. WDSCO recognizes that current regulations do not cover every relocation situation; therefore good judgment and field decisions confirmed in writing with concurrence of the FAA are of prime importance to the program. WDSCO will maximize efforts in this area to protect the Airport federal funding status.
- **File Closed** – WDSCO shall close the work order and case file and prepare it for audit by Airport, state and/or FAA.

## COMPENSATION FOR SERVICES

Payment for all work will be on a time-and-expense basis. The budget of Seventeen Thousand Four Hundred Ninety-three Dollars (\$17,493) shall not be exceeded without written authorization from the COUNTY.



**Program Description**

The following parcel summary details the properties that have been targeted to for voluntary land acquisition and relocation services as well as the contracted level of services. These voluntary acquisitions are subject to available funding and willing sellers. If funding is not available or if an agreement cannot be reached through successful negotiations the Airport will not complete the acquisition.

<b>PARCEL SUMMARY</b> <b>PROSPECTIVE PROPERTY ACQUISITIONS (VOLUNTARY) AS OF DECEMBER 2, 2009</b> <b>CHARLES M. SCHULZ-SONOMA COUNTY AIRPORT</b>						
Address	Assessor's Parcel No.	Owner Apparent	Occupancy	Land Area	Land Use/Zoning	Improvements
<p><b>Program Management Services for the Voluntary Land Acquisition of Parcel 066-210-046</b>  <i>Program Management Services include all items identified in the Scope of Services.</i></p>						
7133 Windsor Road Windsor, CA 95492	066-210-046	Hanks, Paul R. & Helen H.	Tenant (Rooming Tenants in Main Residential Structure)	54,886 SF/1.26 ac.	Rural Residential/ DA 40 (Diverse Agricultural)	1963-built single family residence, 3 bedrooms/2 bath, 1,661 SF plus 580 SF garage
7133 Windsor Road Windsor, CA 95492	066-210-046	Hanks, Paul R. & Helen H.	Tenant (Occupying studio apartment over detached garage)	54,886 SF/1.26 ac.	Rural Residential/ DA 40 (Diverse Agricultural)	1963-built single family residence, 3 bedrooms/2 bath, 1,661 SF plus 580 SF garage

**Program Description**

The following parcel summary details the properties that have been targeted to for voluntary land acquisition and relocation services as well as the contracted level of services. These voluntary acquisitions are subject to available funding and willing sellers. If funding is not available or if an agreement cannot be reached through successful negotiations the Airport will not complete the acquisition.

<b>PARCEL SUMMARY</b> <b>PROSPECTIVE PROPERTY ACQUISITIONS (VOLUNTARY) AS OF DECEMBER 2, 2009</b> <b>CHARLES M. SCHULZ-SONOMA COUNTY AIRPORT</b>						
Address	Assessor's Parcel No.	Owner Apparent	Occupancy	Land Area	Land Use/Zoning	Improvements
<b>Program Management Services for the Voluntary Land Acquisition of Parcel 066-210-046</b> <i>Program Management Services include all items identified in the Scope of Services.</i>						
7133 Windsor Road Windsor, CA 95492	066-210-046	Hanks, Paul R. & Helen H.	Tenant (Rooming Tenants in Main Residential Structure)	54,886 SF/1.26 ac.	Rural Residential/ DA 40 (Diverse Agricultural)	1963-built single family residence, 3 bedrooms/2 bath, 1,661 SF plus 580 SF garage
7133 Windsor Road Windsor, CA 95492	066-210-046	Hanks, Paul R. & Helen H.	Tenant (Occupying studio apartment over detached garage)	54,886 SF/1.26 ac.	Rural Residential/ DA 40 (Diverse Agricultural)	1963-built single family residence, 3 bedrooms/2 bath, 1,661 SF plus 580 SF garage



**Exhibit “K”**  
**CHARLES M. SCHULZ–SONOMA COUNTY AIRPORT**  
**Runways 14 and 19 Safety Area Improvements**  
**Engineering Consulting Services Scope of Work**  
**August 21, 2012**

**PROJECT DESCRIPTION**

This Project consists of improvements at the Charles M. Schulz–Sonoma County Airport (STS) being funded under upcoming Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grants. The elements included in this Scope of Work are covered by an Environmental Assessment (EA) and Environmental Impact Report (EIR) prepared by RS&H. Environmental permitting is on-going and not completed at time of this submittal. The improvements will be constructed in two phases as shown on the attached exhibits and generally described as follows:

The Project consists of three (3) distinct project areas:

1. Runway 14-32 and 1-19 extension (northwest).
2. Runway 1-19, new parallel Taxiway V, Runway 1 service road, and borrow site (southwest).
3. Runway 14 service road, relocate Taxiway D, and detention pond modifications (southeast).

**IMPROVEMENT PROJECTS**

1. Runway 1 rubber removal, seal coat, and new non-precision instrument marking.
2. Runway 1 Safety Area grading.
3. Runway 1-19 new Medium Intensity Runway Lighting System.
4. Runway 1 PAPI installation.
5. Runway 1 lighted supplemental wind cone installation.
6. Construct parallel taxiway (3,400 feet X 50 feet) and connector taxiways (2 @ 300 feet X 50 feet) serving Runway 1-19, including drainage, marking, signing, and lighting.
7. Reconstruct existing Taxiway B, marking, signing, and lighting.
8. Taxiway D lighting, signing, and marking from Runway 32 to Taxiway V.
9. Revise and reconfigure entire taxiway guidance sign system taxiway designations.
10. Airfield electrical vault improvements.
11. L-821 panel modifications at ATCT.
12. New emergency backup generator, including paving, grading, drainage, fencing, and power Service installation at existing airfield electrical vault.
13. Runway 1 parallel service/haul road.
14. Runway 14 Safety Area fill placement.

15. Relocate/realign Redwood Creek and install an 885-foot long (30 feet X 10 feet) box culvert multi-cell structure with headwalls under the Runway 14 Safety Area.
16. Complete the realignment of Redwood Creek and the channel revegetation.
17. Brush and tree removal in Runway 14 Approach.
18. Power service for localizer shed, emergency generator, and localizer antenna (localizer relocation by FAA).
19. Construct Runway 14 service road bridge abutments and bridges (2).
20. Haul and place embankment for Runway 14-19 and Taxiway Y extension.
21. Runway 14-32 extension (885 feet X 150 feet), blast pad construction (200 feet X 200 feet), lighting, signing, and marking.
22. Final Runway 14 Safety Area construction (1,000 feet X 500 feet) including tree/brush clearing and filling of wetlands/pond.
23. Runway 14-32 rubber and marking removal, seal coat, and new marking.
24. Parallel Taxiway Y extension (1,000 feet) including connector taxiway, lighting, signing, and marking.
25. Replace Taxiway Y (Runway 14-32 parallel) circuitry, lighting, and signing.
26. Runway 1-19 and extension (200 feet X 100 feet) including lighting, circuitry, signing, marking, and new blast pad (200 feet X 140 feet).
27. Construct run-up apron serving Runway 14 and Runway 19.
28. Pavement demolition including the removal of the existing Runways 14 and 19 run-up apron, two obsolete access taxiways to Runway 14 and Taxiway D between Taxiway V and Runway 1-19.
29. Drainage improvements including modifications to SCWA drainage pipe, drainage structures, high water culvert between Ordinance Creek and Redwood Creek, one above ground detention basin, and one underground retention basin.
30. Taxiway D relocation at Runway 32 including embankment, lighting, signing, and marking.
31. Taxiway Z demolition between Taxiway Y and Runway 14-32.
32. Revise all taxiway designation and signing to reflect final Airport configuration.
33. New Runway 14-32 Taxiway Connector (un-named Taxiway) grading, drainage, marking, lighting, and signing.
34. Runway 19 PAPI relocation/modifications.
35. Coordinate reimbursable agreement for the Relocation of Runway 14 VASI or install new Runway 14 PAPI and relocation of localizer conducted by FAA ATO.
36. Remove Runway 14 REIL.
37. On-airport and off-airport traffic control and haul route rehabilitation.
38. Runways 14 and 19 Safety Area perimeter road.
39. Runway 14-32 rubber and marking removal and seal coat.
40. Runway 1-19 pavement preservation, rubber removal, and seal coat.

41. Replace Runway 14-32 hold position signs, lighting and guidance signs.
42. Replace existing lights and signs on Taxiway Y, south of new work.
43. South pond/detention basin modifications.
44. Runway 32 service road construction.
45. Erosion control and hydroseed.
46. Turtle abatement fence installation to be performed as a small purchase order with separate plans, specifications, and bid documents.

It is anticipated that all the projects listed above will be bid and awarded as a single construction contract early in 2013 and will be constructed as a two-phased construction project. The two-phased construction project is anticipated to be completed during the 2013 and 2014 construction seasons. One winter shut-down is assumed and will be detailed in the contract documents. In addition, it is anticipated that two (2) bid schedules may be necessary to maximize available funds.

#### **COUNTY RESPONSIBILITIES AND CONSULTANT SCOPE EXCLUSIONS**

1. Off-airport tree obstruction removal coordination.
2. Tree removal individual identification and mapping, if required.
3. Identifying and marking known County utilities within project site.
4. Pavement closure coordination and NOTAMS.
5. CONSULTANT escorting in active Air Operations Areas.
6. Electrical vault building access.
7. Redlined review comments of submittals.
8. Contract, General Provisions, front end Specifications for incorporation into Bid Documents.
9. Permits and advertisement fees.
10. Design bid packages are limited to two (2) bid alternates.
11. Bid opening. CONSULTANT will attend.
12. Copy of Contractor bid packages.
13. Representative at bi-weekly design meetings.
14. COUNTY to assist with Stakeholder coordination and upkeep of Airport website.

#### **Design Services Sequencing**

- A. 60% Design Phase
- B. 90% Design Phase
- C. Final Design Phase
- D. Bid Phase
- E. Construction 2013 and 2014 (construction services not included in this scope)

## PROJECT MANAGEMENT TEAM AND SUBCONSULTANTS

The following team will be responsible for the design and bidding of Phase I and Phase II construction:

Major Job/Task Description	Team/Team Member	Key Individual Involvement (%)
Quality Assurance/Public Outreach/ Stakeholder/ Principal in-charge	Jon Faucher, Sr. Associate	15%
Coordination/Engineer of Record	Lee Moen, P.E., Sr. Associate	20%
Project Manager		
Deputy Project Manager and Project Engineer	Scott Van Gompel, P.E., Sr. Engineer	100%
Quality Control and Design Support	Rick Lichau, Sr. Project Engineer Jeff Leonard, P.E., Sr. Project Engineer	50%
Lead Designer	Doug Smith, Sr. Project Designer	100%
Planning Review and Environmental Conformance	David Dietz, Sr. Project Planner	5%
Topographic Survey	Brelje & Race	N/A
Geotechnical Investigation	Bauer Associates	N/A
Civil Engineering and Specifications	Mead & Hunt, Engineers, Sr. Technicians, and Technicians [Design Team(s)]	100%
Drainage/Creek Realignment, Detention/Retention design	Mead & Hunt Brelje & Race	N/A
Airfield Lighting and Electrical Engineering	Mead & Hunt, Sr. Project Engineers Winzler & Kelly (GHD)	N/A

## DESIGN SERVICES

### SCOPE DEVELOPMENT, GENERAL COORDINATION, AND ADMINISTRATION

This phase involves those activities required for defining the scope of Project, negotiating contract and subcontracts, initial paperwork prerequisite to design the proposed improvements, and general administration throughout the Project, including (but not limited to) the following activities:

#### 1.0 PROJECT SCOPING

##### 1.1 Preliminary Meetings with the COUNTY

CONSULTANT will confer with the COUNTY to ascertain Project requirements, scope, finances, schedules, and other pertinent matters and shall meet with FAA and other concerned agencies and parties on matters affecting the Project and shall arrive at a mutual understanding of such matters with the COUNTY. The CONSULTANT and COUNTY shall review the Environmental Assessment and Environmental Permits prepared for the Project. The COUNTY shall provide the CONSULTANT with a copy of the approved Environmental Assessment, permits, and any other environmental documents available. Meetings with the COUNTY shall also determine the extent of additional topographical surveying and pavement/geotechnical testing. It is anticipated that there will be a maximum of four (4) meetings with the COUNTY and/or the FAA, with some meetings occurring at the Project location and at least two (2) meetings in the FAA offices.

##### 1.2 Prepare Project Scope of Work and Proposal

This includes preparing the Scope of Work and fee proposal and negotiating the contract scope and fee with the COUNTY. This also includes coordination with subconsultants for scopes and fees. Subconsultants anticipated for this Project shall include but not be limited to: Brelje & Race (topographic surveys and drainage design), Bauer Associates (geotechnical investigation), and Winzler & Kelly (GHD) (electrical engineering).

##### 1.3. Prepare Contract Amendment

This includes preparing one (1) contract amendment and the associated cost proposal. This also includes coordination with subconsultant(s) for revised scopes and fees.

#### 2.0 PREPARE CONTRACT AND SUBCONTRACTS

This includes preparing the CONSULTANT-COUNTY contract and preparing subconsultant contracts.

#### 3.0 PROJECT COORDINATION (coordination with Design Team, COUNTY, FAA, etc.)

CONSULTANT will coordinate with the subconsultants, COUNTY, COUNTY AGENCIES, FAA, ATO (reimbursable agreement), and other applicable agencies throughout the duration of the Phase I Design Services to complete the work elements. CONSULTANT will conduct weekly design team meetings (30) to track progress and deliverables. CONSULTANT will coordinate with the COUNTY and FAA to receive their input, address their concerns, and keep them informed regarding Project status; obtain their concurrence on Project scope, cost, and schedule; and obtain their input and approval of concepts and Final Design.

#### 4.0 PROJECT MANAGEMENT AND GENERAL PROJECT ADMINISTRATION

Provide Project Management and general administration throughout the Preliminary Design and Final design and bidding process. A Project Manager and Deputy Project Manager will be assigned to this Project to ensure continuity through all phases of work. The Project Manager will be responsible for all work performed by the Project Team. The Deputy Project Manager shall assist the Project Manager by performing the following daily tasks:

- A. Build Project Schedule.
- B. Define tasks, schedules, and costs.
- C. Monitor work progress and resolve challenges and issues as they arise.
- D. Maintain Project schedule in Microsoft Project.
- E. Implement and monitor a Quality Control (QC) and Quality Assurance (QA) program.
- F. Prepare invoices to submit to the COUNTY in accordance with the COUNTY's standard invoice requirements.

#### 5.0 PUBLIC OUTREACH AND STAKEHOLDER COORDINATION

The public outreach element consists of providing updates to the public on the progress of the Project. Updates will consist of public town hall sessions (2) and the development and distribution of monthly informational flyers (6).

Stakeholder coordination consists of meetings with each of the major stakeholder groups. Agendas shall include: progress updates; construction phasing; and operational impact coordination. Up to eight (8) meetings have been allocated for this element of work. The list of stakeholders includes but is not limited to:

- Horizon Air/Alaska Airlines
- Fixed Base Operators (FBOs)
- Air Traffic Control Tower (ATCT)
- FAA Facilities
- California Department of Forestry (CAL FIRE)
- General Aviation (GA) (EAA, Airport tenants, etc.)
- General Public

### **PRELIMINARY DESIGN (50%)**

Preliminary Design to the 25% level, conducted without a topographical survey, was completed as part of the Environmental Assessment. Preliminary Design under this Agreement will continue with those designs to the 50% level, performing topographic surveys, and performing geotechnical investigation. Preliminary Designs will be developed for both Phase I and Phase II work, to more accurately assess construction costs, Project phasing, sequencing of work, and to assist in determining the Scope of Work for each phase of development.

#### 6.0 TOPOGRAPHICAL SURVEYING

##### 6.1. Coordination to Collect Existing Data and Locate Existing Facilities and Utilities

CONSULTANT will coordinate the collection of existing data and locate known utilities. This task includes collection and review of as-built Plans and available existing survey information in order to gather information on existing topography, facilities, and utilities. This also includes



coordination for field utility locates with subconsultants, COUNTY, and FAA. The CONSULTANT will coordinate with field survey crews to establish survey limits, coordinate access, establish survey schedule, and provide available survey control information.

**COUNTY shall be responsible for coordinating pavement closures, escorting CONSULTANTS, and identifying and marking COUNTY utilities for CONSULTANT and in the presence of the CONSULTANT.**

6.2. Survey Control (CONSULTANT and subconsultant Brelje & Race)

Survey control will be established for design surveys based upon the control previously used for aerial topography obtained by the COUNTY. The CONSULTANT will provide a drawing showing the location of the existing or established control points for the Project. Control points will be based upon NAVD 88 vertical datum. The CONSULTANT will coordinate necessary bench loop and traverse procedures to verify accuracy of vertical and horizontal control points. The CONSULTANT will verify runway end coordinates established as part of the Aeronautical Survey being conducted under a separate agreement, and shall establish runway centerline alignments and will tie these points into the Project survey control. Survey control shall be established and protected for use by contractor during construction.

6.3. Field Work (subconsultant Brelje & Race)

Aerial topographic mapping (1 inch = 20 feet) with one-foot contour interval is anticipated to be provided by the COUNTY. Additional field surveys will be provided by the CONSULTANT to supplement the COUNTY-provided information. Additional field surveys shall include:

- 1) Cross section Runway 1-19 every 200 feet, with spot elevations at centerline and edge of pavement.
- 2) 25-foot grid of Runway 1-19 at the three exit taxiways (3 @ 100 feet x 300 feet).
- 3) Cross section Taxiway D at the new connection to Taxiway V (approximately 300 feet), with spot elevations at centerline and edge of pavement.
- 4) Cross section Taxiway B every 50 feet, with spot elevations at centerline and edge of pavement.
- 5) 25-foot grid of Runway 14-32 at Taxiway B intersection (150 feet x 300 feet).
- 6) Locate existing lights, electrical, and drainage facilities along Runway 14-32.
- 7) Cross section Runway 14-32 every 200 feet north of the Taxiway B intersection with spot elevations at centerline and edge of pavement.
- 8) 25-foot grid of the Runway 14 end (150 feet x 300 feet) and 25-foot grid of Runway 19 from the intersection with Runway 14 to south of Taxiway A (100 feet width).
- 9) 25-foot grid of Runway 14 at new taxiway exit (150 feet x 300 feet).
- 10) Cross section Taxiway Y every 50 feet from the intersection with Runway 14 to Taxiway H, with spot elevations at centerline and edge or pavement.
- 11) 25-foot grid of Runway 32 at new Taxiway D intersection (150 feet x 300 feet).
- 12) Cross section of Taxiway D at connection to new Taxiway D (approximately 300 feet) with spot elevations at centerline and edge of pavement.
- 13) Two cross sections of Ordinance Creek for design of intake and discharge at new detention pond.

- 14) Cross sections of Airport Creek every 200 feet in area to be covered by runway and safety area extensions.
- 15) On-call services for additional survey as needed for phase transitional areas, etc.
- 16) Survey the revised Runway 14-19 service road alignment.
- 17) Provide detailed survey grid at the location of Runway 14-19 service road bridge crossings (2) and the area where road crosses existing wetlands.

#### 6.4. Convert Survey Data for Design Software

This work includes analyzing the topographical surveying data and preparing the data for use with computer modeling. Included are the following separate tasks:

- 1) Establish design coordinates and alignments to be used for CAD drawings.
- 2) Input raw survey data into the computer program in order to sort data into company standard layers for efficient analyzing.
- 3) Verify survey data from previous projects and the aeronautical survey with latest field survey.
- 4) Sort all data points by layers and description for computer modeling.
- 5) Verify surveyor horizontal and vertical control.
- 6) Prepare Digital Terrain Model (DTM) of existing ground contours, pavement edges, roadways, drainage features, buildings, and other miscellaneous entities.
- 7) Generate three-dimensional contour model from the DTM.
- 8) Prepare and process data for pavement profiles, grading and/or paving cross sections, and drainage features.
- 9) Prepare and process features to be incorporated into the COUNTY's GIS system.
- 10) Update/prepare a Project basemap.

### 7.0 GEOTECHNICAL INVESTIGATION

#### 7.1 Coordination for Geotechnical Work

This task includes data collection, review of as-built Plans, and compiling available existing geotechnical information in order to gather information on existing soil conditions and past geotechnical or pavement test results. Coordination will be done with the geotechnical subconsultant to schedule work and establish any work constraint parameters and to assist in scheduling activities to minimize impact on Airport operations.

**COUNTY shall be responsible for coordinating pavement closures and escorting CONSULTANTS. It is anticipated that most of this work will be conducted at night outside of commercial aircraft operations.**

#### 7.2 Establish Project Testing Requirements

The CONSULTANT will determine the type and frequency of geotechnical testing required for the Project. The testing shall consider such items as pavement type, design methodology, type of wheel loading, weight of design aircraft, and aircraft traffic mix. The CONSULTANT will use this information to perform the following tasks:

- 1) Determine soil boring locations and frequency of testing.
- 2) Locate some borings in existing pavement to confirm structural section and evaluate suitability for recycling.
- 3) Develop a Project sketch showing location and coordinates of borings.
- 4) Determine soil sampling locations and types of soils testing required.

### 7.3 Field Work and Laboratory Testing (subconsultant Bauer Associates)

#### 7.3.1 Field and laboratory testing shall include the following elements:

- a) Subsurface exploration will include excavation of approximately 45 test borings with a truck or track mounted drill rig, and portable drilling equipment to a maximum depth of 30 feet. Sampling will be performed on current and proposed runway and taxiway locations, retention/detention basins, proposed structure locations and in proposed borrow locations.
- b) The CONSULTANT will locate and log the test holes, and obtain samples for visual classification and laboratory testing.
- c) Selected samples will be laboratory tested, as appropriate, to determine characteristics pertinent to design and construction.
- d) Laboratory testing will include 4-CBR's (three-point), 5-Gradations, 4-Strengths, 2-Atterberg Limits, 1-R-Value, 3-Compaction Curves, and 80-Moisture/Densities.
- e) Perform four (4) additional 60-foot deep test borings, located at each proposed bridge abutment, includes obtaining Sonoma County drilling permit.
- f) Perform laboratory testing on soil samples from the bridge abutment areas to establish the parameters for bridge footing design and make recommendations on alternative footing types.

#### 7.3.2 Based on the geologic review, subsurface exploration, and laboratory testing, the CONSULTANT will develop conclusions and recommendations concerning:

- a) Soil/rock and groundwater conditions observed.
- b) Site preparation and grading, including suitability of borrow and recycled materials, and shrink/swell estimates.
- c) Foundation type(s) and design criteria for the planned box culvert.
- d) Geotechnical engineering drainage.
- e) Upon completion of work, the results of the investigation will be summarized in a written report, for inclusion in the Engineer's Design Report.
- f) Prepare a supplemental report covering the Geotechnical requirements for the bridge abutments and creek crossings.

### 7.4 Analyze Data

After receiving the testing report from the geotechnical firm, the CONSULTANT will analyze the data and any existing previous geotechnical data, consisting of the following tasks:

- 1) Review geotechnical recommendations.
- 2) Determine appropriate data for pavement design.
- 3) Input data for computer modeling with topographical survey data.

- 4) Prepare pavement data and soil information for incorporation onto Plan sheets.
- 5) Evaluate existing pavement sections for potential recycling and reuse.
- 6) Evaluate shrink, swell, and consolidation potential of embankments.

#### 8.0 PREPARE PLAN SHEETS FOR PRELIMINARY SUBMITTAL

Plan sheets will be prepared for all improvements as necessary to adequately determine earthwork volumes and other quantities for accurate development of preliminary cost estimates.

This task will include the following elements:

8.1 Prepare Project Layout Plans.

8.2 Prepare paving, drainage, marking, fencing, and electrical sheets with sufficient detail to depict the proposed improvements.

8.3 Develop draft phasing Plans detailing the specific work to be performed in Phase I and Phase II construction based upon preliminary construction schedules.

#### 9.0 PREPARE FAA PAVEMENT DESIGNS AND FAA FORM 5100

This task will consist of using information obtained in the geotechnical investigation to calculate the required pavement sections required to support the design vehicle or aircraft using FAA Advisory Circular 150/5320-6E, Airport Pavement Design and Evaluation.

The following effort will be completed under this task:

- A. Confirm the critical design aircraft or vehicle based on current and forecasted aircraft fleet mix and vehicular use for each pavement feature per the updated Airport Master Plan.
- B. Verify the pavement section based on accepted FAA pavement design programs. The applicable design program to be used is FAARFIELD. Develop pavement design alternatives and make recommendations as to the most economical pavement section and/or rehabilitation alternative.
- C. Evaluate interim and ultimate pavement strength requirements.
- D. Evaluate effects of pavement profile on adjacent operational areas and future runway/taxiway pavement rehabilitation.
- E. Calculate sub-excavation, undercutting, and other techniques for subgrade stabilization, if necessary.
- F. Review proposed pavement analysis with FAA Program Manager.
- G. Prepare pavement design narrative to describe the design procedure, historic design, and justification for the inclusion in the Preliminary and Final Engineer's Design Report.
- H. Prepare FAA Pavement Design Form 5100 for each separate pavement section for inclusion in the Preliminary Design Report and the final Engineer's Design Report.

#### 10.0 PREPARE PRELIMINARY SURFACE DRAINAGE ANALYSIS

##### 10.1 Creek Re-alignment and Box Culvert Design

This task will consist of the following elements:

- 1) Review final approved EIR and EA, and conduct site visit to review field conditions in specific areas.
- 2) Using data from the geotechnical investigation, aerial topographic, and design surveys, prepare preliminary civil design, anticipated to include design of creek re-alignment grading; a creek/culvert profile, box culvert endwall/headwall design details and calculations, Airport/Ordinance Creek cross-connection design details and layout, and erosion control and seeding/revegetation design.

#### 10.2 Detention and Retention Basin Design

This task will include the following elements:

- 1) Using aerial and design surveys, prepare preliminary civil designs for the construction of detention and retention basin in conformance with the environmental permitting.
- 2) Finalize and complete the Storm Water Mitigation Plan (per COUNTY's SUSMP program) initially prepared as part of the environmental permitting.

#### 10.3 Airfield Storm Drainage Design

This task will include the following elements:

- 1) Conduct preliminary airfield drainage design. Preliminary surface drainage design will be completed in accordance with standard engineering practices, local requirements, and in accordance with the FAA Advisory Circular 150/5320-5C, Surface Drainage Design. Airfield drainage design will include the following elements:
  - a) A Qualified SWPPP Practitioner shall prepare a preliminary Storm Water Pollution Prevention Plan (SWPPP) and assist the COUNTY in preparation of the Permit Registration Documentation (PRD). It is anticipated to be a Level 2 or Level 3 site.
  - b) The CONSULTANT will determine which drainage permits will be needed by the proposed development.
  - c) Using aerial topographic mapping and design surveys, prepare preliminary grading and drainage designs and design storm drainage improvements, including location and type of drainage inlets, pipe locations, and sizing. Grading and drainage designs for all Project areas including:
    - i. Embankment Phasing
    - ii. Staging Area Grading
    - iii. Borrow Area Grading
  - d) Prepare a hydrology/hydraulic report for the airfield storm drainage for submittal to the COUNTY.

### 11.0 PREPARE PRELIMINARY COST ESTIMATE.

#### 11.1 Calculate Estimated Preliminary Quantities

The CONSULTANT will calculate necessary quantities for the various work items in Phase I and Phase II. Quantities will be consistent with the Plans and acceptable quantity calculation practices.

### 11.2 Prepare Preliminary Cost Estimate

The CONSULTANT will provide a preliminary cost estimate for Phase I and Phase II construction based on record cost data and similar work. Cost estimate will be included in the Preliminary Design Report.

## 12.0 PRELIMINARY DESIGN REPORT

### 12.1 Prepare Preliminary Design Report (PDR)

To document the results of a Preliminary Design, a PDR will be prepared. The report will include the summary of the following:

- Project scope,
- Topography and geotechnical analysis and subgrade recommendations,
- Geometrics and pavement design,
- Preliminary lighting control plan,
- Electrical and power design,
- Drainage design and alternatives,
- Pavement marking,
- Environmental issues,
- Construction layout Plans,
- Construction phasing Plans,
- Availability of materials,
- Alternative design concepts,
- Estimated construction costs,
- Funding and budget, and
- Estimated Project schedule.

Based upon costs and budget, CONSULTANT will make recommendations as to the scope of Phase I and Phase II construction and strategies for bidding the Projects with the potential use of bid alternates. The information will be presented in letter-report format for review by the COUNTY and FAA.

## 13.0 PREPARE FAA FORM 7460

CONSULTANT will complete a notice of proposed construction or alteration as per FAA guidelines and will send the form to the COUNTY to be submitted to the FAA. FAA may require multiple 7460-1 submittals pending scope, phasing, and construction activities.

## 14.0 SUPPORT ENVIRONMENTAL PERMITTING

### 14.1 Coordinate Environmental Requirements

The CONSULTANT will coordinate with environmental consultants throughout the permitting process for the inclusion of the requirements stated in the EA, EIR, approved Wildlife Hazard Assessment, and permitting are incorporated into the Design elements.

### 14.2 Refinement of Preferred Alternative – *Not in Contract*

Minor refinements to the design of the preferred alternative may be required to obtain necessary agency permits. The CONSULTANT will provide Engineering Design Services to

refine the current design to meet environmental requirements. Design service relevant to environmental permitting will be performed on a time and expense basis.

#### 15.0 PRELIMINARY DESIGN PROJECT MEETINGS

The CONSULTANT will arrange and lead meetings during Preliminary Design, as described in the subtasks below. The CONSULTANT will produce drawings and handouts, as needed, to conduct each meeting and will prepare minutes to document the discussions.

##### 15.1 Present Preliminary Design Alternatives and Recommendations to Airport

The CONSULTANT will prepare for and conduct a meeting at the Airport to present the findings of the preliminary engineering phase and any alternatives and recommendations for the Project.

##### 15.2 Coordination Meetings with COUNTY, FAA, and Agencies

- 1) Up to four (4) weekly coordination and progress meetings with COUNTY.
- 2) One (1) coordination and progress meeting with the FAA.
- 3) Up to two (2) Agency meetings.

#### PRELIMINARY DESIGN DELIVERABLES

Prior to the completion of preliminary design, the CONSULTANT will deliver all of the following information to the COUNTY:

1. Preliminary Design Report – Six (6) copies
2. Plans in support of Preliminary Design – Six (6) copies
3. Geotechnical Report – Six (6) copies
4. FAA Form 7460 – Electronic file and Three (3) copies
5. Preliminary Drainage Study – Six (6) copies
6. Preliminary SWPPP – Two (2) copies
7. **COUNTY shall provide review comments within ten (10) working days**

#### **FINAL DESIGN (60%, 90%, and FINAL): 60% DESIGN**

Based upon FAA environmental review, environmental permitting and revised construction schedule, perform 60% design to include the following:

##### A1. Revised Service Road Design

Revise service road alignment and design to remain outside the Runway and Taxiway OFA at Runways 14, 19 and 32 approach ends.

##### A2. Preliminary Design Service Road Bridges

Provide preliminary designs for up to two service road bridges/creek crossings. The creek crossings are expected to be single-spans consisting of precast, pre-stressed concrete I-girder or slab superstructures. These structures are each required to clear span Airport Creek and Lower Ordinance Creek with approximate span lengths of 100 feet and 50 feet, respectively. Both structures shall be designed to carry two through- lanes of 12-foot width and two 2-foot shoulders for a clear width of 28 feet.

The CONSULTANT shall prepare conceptual drawings describing the following alternatives for each site.

1. Superstructure: either I-girder or Slab
2. Substructure: either spread footing or driven pile

A Technical Memorandum including a recommendation of type, size, and location and associated Estimate of Probable Construction Costs for each alternative shall be provided to the COUNTY for review prior to start of Structure Preliminary Design.

Deliverables:

1. Technical Memorandum – 3 Copies
  2. Plan View Drawings for each alternative
  3. Typical Section for each alternative
  4. Estimate of Probable Construction Costs with a 30% contingency for each alternative
- A3. Revise 50% Plans  
Revise 50% plans to reflect modifications required by FAA and/or Environmental permitting, including new service road plan and profile, bridge/creek crossing plans, and bridge/creek crossing details.
- A4. Prepare Preliminary Bid Documents  
Prepare preliminary Bid Documents including bid forms and a preliminary list of bid items.
- A5. Prepare Preliminary General Provisions  
Prepare preliminary Specification General Provisions conforming to FAA and COUNTY standards.
- A6. Update Construction Schedule  
Update the preliminary construction schedule and phasing to reflect the revised project scope.
- A7. Prepare Preliminary Construction Safety and Phasing Plan (CSPP)  
Prepare preliminary Construction Safety and Phasing Plan meeting current FAA Standards
- A8. Technical Specification Outline  
Prepare an outline of anticipated technical specifications.
- A9. Update Preliminary Cost Estimate  
Update the 50% Construction Cost Estimate and quantities to reflect the revised project scope.
- A10. Revise Preliminary Design Report  
Update and amend the 50% Preliminary Design Report (PDR) to reflect changes in the project.
- A11. Design Meetings (2)  
Attend two (2) design meetings with the COUNTY to discuss the 60% design and to present the 60% design submittal.
- A12. FAA Design Meetings (2)  
Attend two (2) design meetings at the FAA SFO ADO to present the findings of the 60% design.
- A13. Internal QA/QC  
Perform internal QA/AC for all documents to be included in the 60% submittal.
- A14. Prepare 60% Final Submittal  
Update plans and documents based on QA/QC review.
- 60% Design Deliverables
1. Preliminary Design Report – 3 copies
  2. Preliminary Plans – 3 copies



3. Preliminary Specifications – 3 copies
4. Preliminary Construction Safety and Phasing Plan – 3 copies

## 16.0 PREPARE PLANS

Plan sheets will be prepared depicting the proposed improvements as indicated under Project Description. The following is a general list of drawings that will be used as a guideline. Actual number and title of drawings may be modified during the design phase, as required.

### **General:**

G-001	Cover Sheet	1 sheet
G-002	Sheet Index and Symbols	1 sheet
G-003	Legend and Abbreviations	1 sheet
G-021	Project Layout Plan	1 sheet
G-041	Survey Control Plan	1 sheet
G-081	Construction Safety and Phasing Plan	10 sheets

### **Civil:**

#### **General**

C-021	Erosion Control Plans	6 sheets
C-031	Erosion Control Details	2 sheets
C-051	Demolition Plans	6 sheets
C-061	Demolition Details	2 sheets

#### **Site**

C-101	Grading and Drainage Plans	20 sheets
C-141	Intersection Details	4 sheets
C-201	Plan and Profiles	14 sheets
C-301	Typical Sections	2 sheets
C-311	Paving Details	2 sheets
C-361	Pavement Grooving and Seal Plan	5 sheets

#### **Utility**

C-401	Utility Plan and Design	5 sheets
C-411	Utility Details	1 sheet

#### **Drainage**

C-441	Drainage Plan and Profiles	8 sheets
C-451	Drainage Details	3 sheets
C-461	Inlet Layout Plan	2 sheets

#### **Fencing**

C-601	Fencing Plans and Design	4 sheets
C-631	Fencing Details	2 sheets

#### **Marking**

C-651	Marking Plans and Design	11 sheets
C-671	Marking Details	2 sheets

#### **Mitigation Measures**

C-701	Tree Management Plan	4 sheets
C-721	Permitting Best Management Plans	2 sheets

#### **X-Sections**

C-901	Cross Sections	17 sheets
-------	----------------	-----------

**Structural:**

S-001	Creek Crossing	2 sheets
S-010	Structural Details	3 sheets

**Electrical:**

E-101	Electrical Removals Plan	5 sheets
E-201	Electrical Layout Plan	14 sheets
E-301	Existing Signage Plan	5 sheets
E-311	Proposed Signage Plan	7 sheets
E-401	Electrical Vault Modification	2 sheets
E-501	Wiring Diagrams	2 sheets
E-601	Electrical Details	4 sheets
E-701	NAVAIDS Details	4 sheets

17.0 PREPARE SPECIFICATIONS

The CONSULTANT will assemble the Specifications and Bid Documents for COUNTY to use in obtaining competitive bids for the work. All documents shall meet current FAA Standards for Airport Improvement Program (AIP) funded projects.

17.1 Prepare Bidding and Contract Documents

The CONSULTANT will prepare Bidding and Contract Documents including, but not limited to, Invitation for Bids (Notice to Bidders), Instruction to Bidders, Proposal (Bid Form), List of Subcontractors, FAA Required Certifications, Equal Employment Opportunity Clauses, DBE Requirements, Suspension and Debarments Requirements, Sample Construction Contract/Agreement, Bid Bond, Performance Bond, and Payment Bond. All documents shall be based on the current COUNTY standards, modified to include all FAA required provisions and bid forms.

17.2 Prepare FAA Required Provisions

Prepare Plans detailing the current FAA Required Provisions for construction including: Requirements for Bids for AIP Contracts, Federal Contract Clauses and Requirements for Construction Contracts, Federal EEO Requirements, Requirements Under the DBE Program, Federal Wage Rates, and State Wage Rates.

17.3 Prepare General Provisions

The CONSULTANT will prepare General Provisions in conformance with the current COUNTY Standards. The CONSULTANT will review the COUNTY Standards to identify any conflicts with FAA requirements and will submit any recommended modifications to the COUNTY for approval. **The COUNTY shall provide an electronic version of the most current General Provisions being used by the COUNTY.**

17.4 Prepare Special Provisions for Airport Construction and Construction Operations and Safety Requirements

The CONSULTANT will prepare Special Provisions to address, or expand on, conditions specific to construction on airports that require additional clarification. They will include, but are not limited to the following items:

- 1) General Safety Requirements
- 2) Restricted Work Areas
- 3) Construction Limitations
- 4) Haul Roads/Project Access
- 5) Vehicle Operations, Marking, and Control
- 6) Airport Security and Badging
- 7) Work Schedule and Sequencing
- 8) Airport Closure and Closure of Runways, Taxiways, and Aprons
- 9) Barricades and Runway Closure Markers
- 10) Emergency Air Operations
- 11) Record Drawings
- 12) Engineer Project Trailer
- 13) Pollution Control
- 14) SWPPP Requirements and Guidance for Contractor
- 15) Certified Payroll Requirements
- 16) Construction Safety and Operations Requirements
- 17) Additional Quality Control Requirements
- 18) Pre-Construction Conference
- 19) Grade Control and Surface Tolerance for Paving Work
- 20) Contract Time
- 21) Liquidated Damages
- 22) Construction Progress Meetings
- 23) Contractor QC Program
- 24) Contractor Superintendent Requirements

17.5 Prepare Technical Specifications

The CONSULTANT will prepare Technical Specifications using FAA Standard Specifications and FAA Specification format whenever possible. For work not covered by FAA Standards, COUNTY or Caltrans Standard Specifications shall be used. Technical Specifications shall include, but not limited to, the following:

- 1) Mobilization
- 2) Earthwork and Site Preparation, Item P-152
- 3) Lime/Cement Treated Subgrade, Item P-155
- 4) Pavement Pulverization and Recycled Base
- 5) Crushed Aggregate Base Course, Item P-209 and Caltrans
- 6) Bituminous Prime, Item P-602
- 7) Asphalt Concrete Surface Course, Item P-401
- 8) Asphalt Concrete Base Course, Item P-403 and Caltrans
- 9) Pipe for Storm Drains, Item D-701
- 10) Drainage Structures, Item D-752

- 11) Runway Grooving
- 12) Tack Coat, Item P-603
- 13) Pavement Marking, Item P-620
- 14) Pavement Rejuvenating Seal, Item P-609
- 15) Revegetation
- 16) Chain Link Fence and Gates, Item F-162
- 17) Installation of Underground Electrical Duct, Item L-110
- 18) Installation of Underground Cable, Item L-108
- 19) Runway and Taxiway Edge Lights and Signs, L-125
- 20) Miscellaneous Electrical Installation
- 21) Miscellaneous Drainage Specifications
- 22) Seal Coat, Rubber Removal, and Surface Preparation
- 23) Caltrans Section 51 – Concrete Structures
- 24) Caltrans Section 52 – Steel Reinforcement

#### 18.0 PREPARE FINAL SURFACE DRAINAGE ANALYSIS AND FINAL STORM SEWER DESIGN

Using the findings from the preliminary drainage analysis completed in Preliminary Design, a final surface drainage and storm sewer design will be completed in accordance with the environmental permits, standard engineering practices, local requirements, and the FAA Advisory Circular 150/5320-5C, Surface Drainage Design. Final drainage design shall include the finalization of the preliminary drainage design analysis including the following:

##### 18.1 CONSULTANT:

- 1) Airfield drainage design in conformance with AC 150/5320-5C.
- 2) Prepare SWPPP and assist the COUNTY in preparation of Permit Registration Documentation.
- 3) Assist the COUNTY in obtaining all drainage permits identified in the preliminary design.
- 4) Finalize drainage design including grading, pipe system, and inlets in conformance with the hydrology/hydraulic report prepared during the Preliminary Design.
- 5) CONSULTANT to assist COUNTY with the filing of Notice of Intent. **COUNTY responsible for associated fees.**

##### 18.2 Subconsultant:

- 1) Creek realignment and box culvert.
- 2) Box culvert inlet and outlet headwall structures.
- 3) Airport/Ordinance Creek high water crossover pipe.
- 4) Detention and retention basins.
- 5) Finalize the Storm Water Mitigation Plan.
- 6) Prepare SWPPP and assist the COUNTY in preparation of Permit Registration Documentation.
- 7) Assist the COUNTY in obtaining all drainage permits identified in the preliminary design.

- 8) Conduct site visit to review site conditions and constraints to establish recommended access road alignment and bridge crossings.
- 9) Update creek and culvert hydraulic model to include two proposed bridge crossings, as well as culvert extension and revised creek alignment at east end.
- 10) Provide bridge design criteria, including actual creek cross-section at each location, limit of 100 year floodway, 100-year floodplain, 25-year water surface elevation, as well as bridge abutment locations and minimum bottom chord of bridge elevation.

#### 19.0 PREPARE LIGHTING LAYOUT AND CIRCUIT CALCULATIONS

The CONSULTANT will establish the lighting layouts and equipment necessary to meet FAA criteria and standards, and to meet the National Electrical Code for the following lighting systems. This task shall include final layout as well as temporary lighting wiring required between construction phases.

- A. Runway 1-19 lighting and signing.
- B. Taxiway V lighting and signing. (Parallel to Runway 1-19).
- C. Taxiway D circuitry, lighting, and signs (Runway 32 to Taxiway V).
- D. Taxiway B lighting and signing.
- E. Runway 14 access taxiway lighting and signing.
- F. Runway 19 PAPI relocation.
- G. Runway system back up emergency generator and electrical vault work (Title 24 compliance).
- H. Replace all existing guidance signs.
- I. Runway 14-32 lighting and signing.
- J. Taxiway Y circuitry, lighting, and signing (including connectors).
- K. Taxiway D relocation lighting and signing.
- L. Runway 32 Hold Apron lighting and signing.
- M. L-880 lighting control system.
- N. Power utility coordination (power pole drop, power services (2)).

#### 19.1 CONSULTANT

CONSULTANT to perform items as listed below:

- 1) Layout light and sign locations.
- 2) Visit site to inventory existing equipment.
- 3) Layout conduit locations and sizes.
- 4) Determine sign legends and sign sizes, if not being reused.
- 5) Calculate voltage drop and estimate wire size to meet the National Electrical Code.
- 6) Prepare narrative discussion (layout, equipment selection, sizes, electrical calculations).

#### 19.2 Subconsultant

Subconsultant shall perform the items as listed below. CONSULTANT to conduct quality control.

- 1) Inventory existing vault and airfield equipment and circuitry. (Home-run record drawings not complete for older circuitry.)
- 2) Layout conduit locations and sizes.

- 3) Localizer relocation power source and utility coordination.
- 4) Determine functional characteristics of proposed system (e.g. voltage/current, facility control, etc.)
- 5) Design new home-run circuiting in coordination with the location of the vault.
- 6) Calculate voltage drop and estimate wire size to meet the National Electrical Code.
- 7) Calculate fault current.
- 8) Calculate regulator, transformer, and control equipment sizes.
- 9) Design an upgraded airfield lighting control system and control panels.
- 10) Prepare narrative discussion (layout, equipment selection, sizes, electrical calculations).

#### 20.0 SIGN AND MARKING PLAN

This element of work consists of the renaming and reorganizing of the taxiway naming configuration to enhance the operational safety of the airfield. The sign and marking Plan will be updated to reflect these changes and submitted to the COUNTY. One (1) preliminary review meeting will be held with the COUNTY to obtain compliance on direction. A 60% Plan submittal will be provided to the COUNTY for review. Update the sign and marking plan based on the comments from the COUNTY and submitted draft final to the FAA for review. A final update of the plan shall be conducted based on FAA comments and resubmitted for acceptance.

#### 21.0 EROSION CONTROL PLAN

The CONSULTANT will develop an Erosion Control Plan and associated SWPPP for the Project that is in general conformance with BAT (Best Available Technology) management practices. The plan will detail types of erosion control measures recommended for the site in addition to other information needed for the NPDES permitting application. The Contractor shall assume responsibility for the SWPPP based on information provided in the final SWPPP and the Erosion Control Plan. This information shall include, but not limited to:

- A. Project location.
- B. Size of disturbance of Project.
- C. Amount of impervious surface.
- D. Hydrologic classification of site.
- E. Receiving waters.
- F. Site drainage overview.
- G. Minimum BAT management practices control measures.

#### 22.0 PREPARE CERTIFICATION OF ENGINEERING AND MODIFICATION OF STANDARDS

The CONSULTANT will complete the COUNTY Certification verifying the Plans and Specifications were developed in accordance with federal guidelines. The CONSULTANT will also prepare a Request for Modification of Federal Construction Standards, if found to be necessary for the Project. The Certification will discuss modifications required under the bid packages. The Certification will be submitted to the COUNTY for acceptance. Signed copies will be forwarded to the FAA along with final Plans, Contract Documents, Specifications, and Engineer's Design Report, which will include the Certification.

### 23.0 QUALITY CONTROL TEAM 90% REVIEW

Perform internal QA/QC for all documents to be included in the 90% submittal.

### 24.0 90% SUBMITTAL

- A. Update Plans based upon the QA/QC review.
- B. Submit 90% Plans.
- C. Submit 90% Specifications and Bid Documents.
- D. Submit 90% Cost Estimate.
- E. Submit 90% Engineer's Design Report.
- F. Final Sign and Marking Plan.
- G. **COUNTY and FAA to provide review comments within ten (10) working days.**

### 25.0 PREPARE AND SUBMIT FINAL PLANS AND SPECIFICATIONS

25.1 Update Plans by incorporating 90% review comments. Incorporate up to two (2) bid alternates and submit Draft Final Plans, Specifications, and Contract Documents for COUNTY and FAA review.

25.2 Incorporate draft final review comments into the final submittal.

### 26.0 PREPARE AND SUBMIT FINAL COST ESTIMATE

#### 26.1 Calculate Estimated Final Quantities

#### 26.2 Prepare Final Cost Estimate

Using the final quantities calculated following the completion of the Plans and Specifications, the CONSULTANT will prepare the final construction Cost Estimate. The Estimate will be based on information obtained from previous projects, contractors, material suppliers, and other databases available.

### 27.0 PREPARE AND SUBMIT ENGINEER'S DESIGN REPORT

Prepare the Engineer's Design Report in conformance with FAA requirements. The report will include a summary and explanation of the Project design including geometrics, pavement and electrical design, drainage design, pavement marking, environmental issues, phasing Plans, and a Project schedule. The report will also contain any alternative design concepts that were investigated and evaluated. A construction operation plan will be included, as well as a final Engineer's Cost Estimate. This report will also include details for bidding the Project and recommended bid alternates. The report shall include, but not be limited to, the following:

- A. Project Scope
- B. Design Standards
- C. Topographic Survey Summary
- D. Geotechnical Investigation Summary (report included as an Appendix)
- E. Design Geometrics (reference Federal Advisory Circular 150/5300-13 CH 11 or 15)
- F. Pavement Design Analysis (reference Federal Advisory Circular 150/5320-6E)

- G. Drainage Considerations
- H. Electrical Considerations
- I. Pavement Marking Considerations
- J. Airport Operational Safety (reference Federal Advisory Circular 150/5370-2F)
- K. Construction Estimate
- L. Project Schedule and Construction Phasing
- M. Summary of Contract Documents
- N. Construction Inspection and Testing
- O. Deviations from FAA Standards
- P. COUNTY/Engineer's Certification for Project Plans and Specifications
- Q. Draft Construction Management Plan and Submittal Checklist

## 28.0 PREPARE AND SUBMIT CONSTRUCTION SAFETY AND PHASING PLAN

Prepare Construction Safety and Phasing Plan (CSPP) in conformance with FAA Standards. The CSPP shall be a bound report including the following items:

- A. Introduction
- B. Purpose
- C. AIP Safety/Phasing Plan Checklist
- D. Construction Safety Responsibility of Each Party
- E. Construction Phasing
- F. Construction Safety and Phasing Plan Sheet
- G. Detailed Requirements for Safety, Security, and Operational Restrictions for Construction on Airports

Under this task CONSULTANT will also do the following:

- A. Prepare for, attend, and incorporate review comments for the Safety Management System meeting to be held at the Airport.
- B. Incorporate CSPP submittal review comments into final CSPP and Contract Documents.

## 29.0 FINAL DESIGN PROJECT MEETINGS

The CONSULTANT will arrange and lead the meetings as described below. The CONSULTANT will produce drawings and handouts, as needed, to conduct each meeting and shall issue meeting notes to document the discussion. The following meetings shall be included in final design:

### 29.1 Submittal Review Meetings

- 1) 90% submittal review meeting (1).
- 2) Draft final submittal review meeting (1).

### 29.2 Coordination Meetings with COUNTY, FAA, and Other Agencies

- 1) Coordination and progress meetings with COUNTY (up to 7).
- 2) Coordination and progress meetings with the FAA (up to 2).
- 3) Coordination meetings with other Agencies shall be performed on a time and expense basis.



## FINAL DESIGN DELIVERABLES

During the Final Design effort, the CONSULTANT will deliver all of the following information to the COUNTY:

1. 90% Plans and Specifications – Six (6) copies each.
2. Draft Final Plans, Specifications, and Contract Documents – Six (6) copies each.
3. Final Plans, Specifications, and Contract Documents – Six (6) copies each.
4. Final Engineer's Design Report – Six (6) bound copies.
5. Final SWPPP – Six (6) Copies.
6. Construction Safety and Phasing Plan – Six (6) bound copies.
7. One (1) camera-ready set of full- and half-size Plans.
8. One (1) camera-ready set of original Contract Documents and electronic files of all documents.

## TURTLE ABATEMENT FENCE SMALL PURCHASE ORDER

- B1. Design and prepare plans for turtle abatement fence as defined by the environmental documentation.
- B2. Provide the COUNTY with bid documents for procurement and installation of pond turtle abatement fencing by informal bidding or small purchase order procedures. It is anticipated that this work will be scheduled for early spring of 2013, prior to the start of full construction. This work will be funded under the same AIP Grant as the main construction project; however, due to environmental restrictions this work needs to be done in advance of the other construction.
- B3. Provide consultation and assistance during the bidding and award process.

## BID ADMINISTRATION

### 30.0 PREPARE ADVERTISEMENT FOR BIDS

Required advertisement dates and bidding dates shall be established. CONSULTANT will prepare the Advertisement in conformance with FAA and local standards and submit a copy of the advertisement to the COUNTY. The CONSULTANT will arrange for the legal advertising in conformance with local standards and shall pay for the associated cost of advertising. CONSULTANT will place ads in the various trade journals. **COUNTY shall be responsible for associated fees.**

### 31.0 BID DOCUMENTS DISTRIBUTION

CONSULTANT will prepare, reproduce, and distribute up to sixty (60) copies of the bidding documents to interested contractors and suppliers at the cost of preparation. The CONSULTANT will keep a current list of plan holders and distribute this to interested parties upon request. This task also includes coordination required to facilitate these requests.

### 32.0 RESPOND TO BIDDERS QUESTIONS

During the bidding process, the CONSULTANT will be available to clarify bidding issues with contractors and suppliers, and for consultation with the various entities associated with the Project. This item also includes contacting bidders to generate interest in the Project.

### 33.0 PREPARE AND DISTRIBUTE ADDENDA

CONSULTANT will issue up to three (3) bid addenda as appropriate to interpret, clarify, or change the bidding documents for the contractors as required by the COUNTY or the FAA. The allocation of three (3) addenda would be considered within the professional standard level of care for a project of this magnitude and with an accelerated design schedule. Addenda will be made available to the plan holders either through mail, electronic mail, hand delivery, or via facsimile transmission. Any addenda that are generated as a sole result of the COUNTY's or FAA request, will be considered as extra services, and the CONSULTANT shall be reimbursed for this effort as an amendment to this Contract. Any addenda generated as a result of CONSULTANT's error or omission will be prepared at CONSULTANT's expense.

### 34.0 PRE-BID CONFERENCE

CONSULTANT will arrange for and conduct Pre-Bid Conference. The Project Manager and Project Engineer will attend and conduct the Pre-Bid Conference with potential contractors and the COUNTY to review the Project and answer questions. The conference will be conducted at the Airport and will include a site inspection. A conference agenda will be prepared, as well as graphics. Meeting minutes will be prepared and distributed.

### 35.0 BID OPENING

CONSULTANT will attend the bid opening at the site, as identified in the Bid Advertisement. The bid opening will be conducted by the COUNTY. **The COUNTY shall provide the CONSULTANT with copies of the bids for preparation of the bid tabulation.**

### 36.0 BID REVIEW AND BID TABULATION

CONSULTANT will advise COUNTY as to the acceptability of any subcontractors, suppliers, and other persons and organizations proposed by the bidders and as to the acceptability of substitute materials and equipment proposed by bidders. The CONSULTANT will prepare a spreadsheet that includes all bid items as well as required bid documentation (non-collusion affidavit, bonds, EEO clause, etc.) for the purpose of evaluating the lowest bidder. The CONSULTANT will input the as-bid unit prices into the spreadsheet and verify mathematical computations of the bids. The CONSULTANT will then provide recommendations to the COUNTY as to the name of the Apparent Low Bidder.

### 37.0 PREPARE RECOMMENDATION FOR AWARD

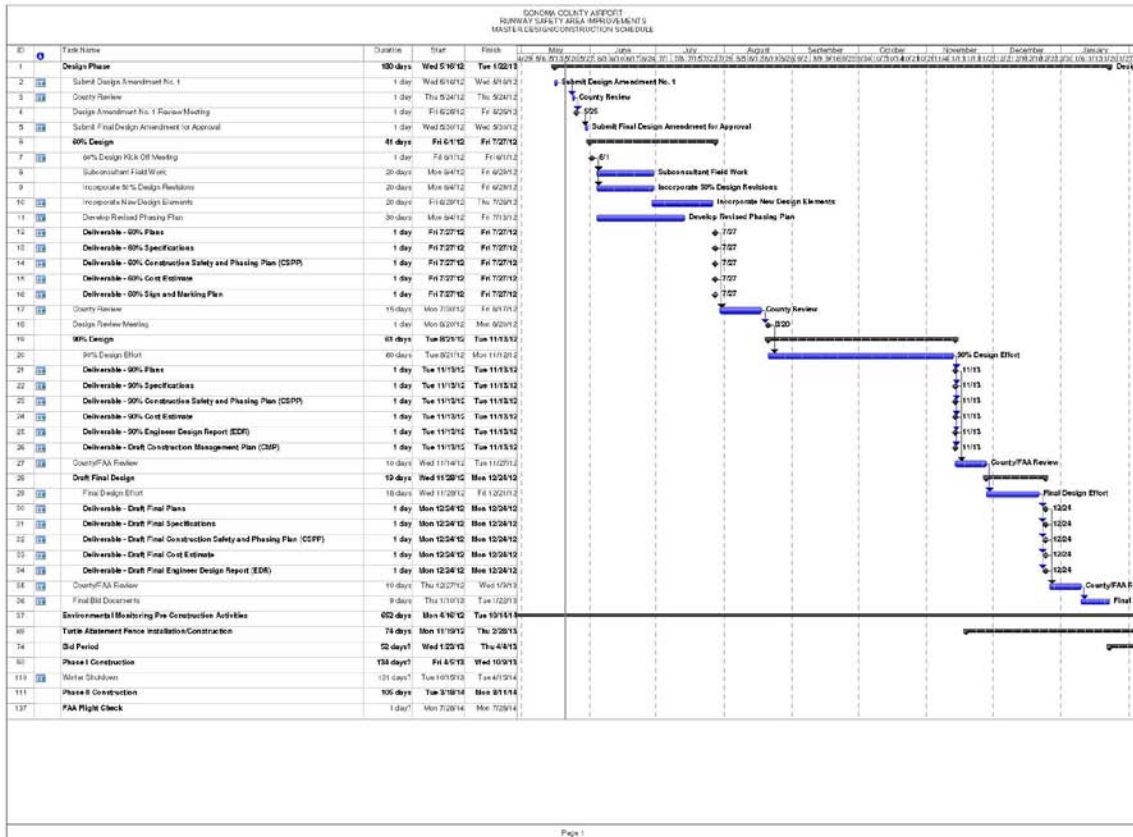
The CONSULTANT will prepare a Recommendation of Award for the COUNTY to accept or reject the bids as submitted. If rejection is recommended, the CONSULTANT will provide an explanation for their recommendation and possible alternative actions that the COUNTY can pursue to complete the Project. Once the Contract Award is made, the CONSULTANT will distribute the bid tabulations at request of the COUNTY. CONSULTANT will also prepare a draft award recommendation letter for the COUNTY to submit to the FAA.

## BIDDING DELIVERABLES

1. Bid Documents and Addenda – Up to sixty (60) sets as required for bidding.
2. Bid Tabulation – Three (3) hard copies and electronic files.
3. Recommendation for Award – Three (3) hard copies and electronic files.

## [END OF DESIGN SERVICES]

### REVISED SCHEDULE OF COMPLETION



### COMPENSATION FOR SERVICES

- A. **Design Services.** Payment for all work outlined in Design Services shall be a lump sum of Two Million Five Hundred Seven Thousand One Hundred Thirty-four Dollars (\$2,507,134). This fee shall include all labor, materials, expenses and incidentals necessary to complete the work as described herein. The cost breakdown for all work outlined in this Scope of Work is attached herein as *Exhibit K, Attachment 1*. Payment for all work will be on a time-and-expense basis in conformance with the Mead & Hunt, Inc. Standard Billing Rate Schedule (2012) included in Amendment Two to the First Amended Agreement and incorporated into the First Amended Agreement as *Attachment B-1*
  
- B. **Additional Services.** Additional services as requested by the COUNTY shall be performed on a time-and-expense basis in accordance with Mead & Hunt, Inc. Standard Billing Rates included in the Master Contract Agreement. Additional services include but are not limited to: Meetings beyond those allocated; reproductions; mitigation or permitting design modifications; and other services excluded from this Scope of Work. Additional work shall be assigned on a task basis. COUNTY written authorization is required prior to each task.

**Exhibit “L-1”**  
**CHARLES M. SCHULZ–SONOMA COUNTY AIRPORT**  
**Property Acquisition Program Management Services**  
**Scope of Services**  
**August 21, 2012**

**Program Management Services for the Land Acquisition and Relocation of Parcel Nos. 164-170-004 and 164-170-010 of Real Property Near the Charles M. Schulz-Sonoma County Airport.**

**PROGRAM SCOPE OVERVIEW**

As a member of the Mead & Hunt, Inc. (M&H) Management Team, Firm 70, LLC, (Firm70) has been selected to provide Technical Services for land acquisition and relocation services near the Charles M. Schulz-Sonoma County Airport (Airport). Specifically, services include all activities related to the acquisition of real property and the relocation of any persons displaced.

The Scope of Services includes the following Tasks:

- Task 1 – Program Administration
- Task 2 – Land Acquisition
- Task 3 – Relocation Assistance Program
- Task 4 – Property Management, Abatement, and Demolition Services

---

**TASK 1: Program Administration.**

No changes to the Scope of Services for this Task.

**TASK 2: Land Acquisition**

Task 2 cost increases were due for two (2) key reasons: 1) non-standard valuation requirements; and 2) one of the property owners engaging an attorney from the initial point of contact.

The highest and best use of two (2) of the properties in question were found to not conform to residential use or buildability of the lots. To ensure highest and best use for the purposes of valuation Mead & Hunt, Inc. engaged Dimension 4 Engineering to perform perc tests on the properties. One property has been tested and found to not be appropriate for a standard septic system. The second property may still have a perc test performed. This has caused an increase in appraisal costs and consulting hours to complete these acquisitions, as it is more complicated than standard acquisitions.

Additionally, one property has hired counsel which has dramatically increased the amount of time that it takes to meet with and communicate with the property owners, as well as the amount of written documentation required for this particular acquisition. This parcel also has a Life Estate holder and the acquisition of the Life Estate has increased the cost of the appraisal and the time allocated for the acquisition agent.

**TASK 3: Relocation Assistance**

Originally, the contract included a total of four (4) standard relocations. After meeting with the property owners it was discovered that the number of relocations required would be eight (8) and the level of difficulty of some of the relocations would be significantly more challenging than were anticipated with the original contract.

**164-170-101 1750 Sanders Road****Original Contract**

- One (1) Landlord Relocation
- One (1) Tenant Relocation

**Actual Need**

- One (1) Landlord Relocation
- One (1) Significant Relocation (Tenants are low income; will require additional assistance)

**164-170-004 1778 Sanders Road****Original Contract**

- One (1) Landlord Relocation
- One (1) Owner Occupant Relocation

**Actual Need**

- One (1) Landlord Relocation
- One (1) Significant Relocation (Tenants are low income; will require additional assistance)
- One (1) Residential Relocation (Tenant – Outbuilding)
- One (1) Life Estate/Owner Occupant Relocation (this is a non-typical case that is extraordinarily complicated and will require a massive amount of time to develop the appropriate and regulatory compliant approach.)
- One (1) Business Relocation (Tenant Business)

**TASK 4: Property Management, Abatement, and Demolition Services – COUNTY Responsible**

No changes to the Scope of Services for this Task.

**Charles M. Schulz-Sonoma County Airport (STS)** Revision No. 3 Date: 7/18/2012  
**Revised Project Budget**

Elements/Tasks	Mead & Hunt (labor hours shown)					Subconsultants (total labor and expense costs)		
	Project Coordinator	Project Manager	Sr. Tech	Admin. Asst.	Clerical	Firm70*	Support*	Total Labor Cost
	\$250	\$154	\$150	\$88	\$73			
<b>1 Parcel 164-170-004</b>								
1.1 Project Administration - Mead & Hunt	5	47	2	6	12	\$ -	\$ -	\$ 10,192
1.2 Program Management - Firm70**						\$ 48,764	\$ -	\$ 48,764
1.2A Program Management - Firm70**						\$ 66,990	\$ -	\$ 66,990
1.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
1.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 4,000	\$ 4,000
1.4A Appraisal - Redwood Empire Appraisal						\$ -	\$ 6,750	\$ 6,750
1.5 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,750	\$ 1,750
1.6 Environmental - pH 7 Environmental						\$ -	\$ 4,300	\$ 4,300
1.7 Relocation (3) - Geoff Hornsby						\$ -	\$ 17,500	\$ 17,500
1.7A Additional Relocation - Geoff Hornsby						\$ -	\$ 31,585	\$ 31,585
1.8 Residential Perk Test						\$ -	\$ 4,000	\$ 4,000
<b>Subtotal Parcel 164-170-004</b>	<b>5</b>	<b>47</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>\$ 115,754</b>	<b>\$ 70,385</b>	<b>\$ 196,331</b>
<b>2 Parcel 164-170-010</b>								
2.1 Project Administration - Mead & Hunt	5	47	2	6	12	\$ -	\$ -	\$ 10,192
2.2 Program Management - Firm70**						\$ 25,781	\$ -	\$ 25,781
2.2A Program Management - Firm70**						\$ 20,416	\$ -	\$ 20,416
2.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
2.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 4,000	\$ 4,000
2.4A Appraisal - Redwood Empire Appraisal						\$ -	\$ 2,000	\$ 2,000
2.5 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,750	\$ 1,750
2.6 Environmental - pH 7 Environmental						\$ -	\$ 4,300	\$ 4,300
2.7 Relocation (1) - Geoff Hornsby						\$ -	\$ 17,500	\$ 17,500
2.7A Additional Relocation - Geoff Hornsby						\$ -	\$ 15,335	\$ 15,335
<b>Subtotal Parcel 164-170-010</b>	<b>5</b>	<b>47</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>\$ 46,197</b>	<b>\$ 45,385</b>	<b>\$ 101,774</b>
<b>3 Parcel 164-170-011</b>								
3.1 Project Administration - Mead & Hunt	2	16	1	3	4	\$ -	\$ -	\$ 3,670
3.2 Program Management - Firm70**						\$ 14,252	\$ -	\$ 14,252
3.2A Program Management - Firm70**						\$ 4,725	\$ -	\$ 4,725
3.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
3.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 4,000	\$ 4,000
3.4A Program Management - Redwood Empire Appraisal						\$ -	\$ 500	\$ 500
3.5 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,750	\$ 1,750
3.6 Environmental - pH 7 Environmental						\$ -	\$ 2,300	\$ 2,300
3.7 Relocation (0) - N/A						\$ -	\$ -	\$ -
3.8 Residential Perk Test						\$ -	\$ 4,000	\$ 4,000
<b>Subtotal Parcel 164-170-011</b>	<b>2</b>	<b>16</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>\$ 29,787</b>	<b>\$ 115,300</b>	<b>\$ 148,757</b>
<b>Project SubTotals</b>	<b>11</b>	<b>102</b>	<b>4.5</b>	<b>13.5</b>	<b>26</b>	<b>\$ 191,739</b>	<b>\$ 231,070</b>	<b>\$ 446,863</b>
<b>PROJECT ADMINISTRATION TIME</b>								<b>\$ 24,054</b>
<b>PROJECT ADMINISTRATION EXPENSE</b>								<b>\$ 500</b>
<b>AMENDMENT 1 COST</b>								<b>\$ -</b>
<b>SUBCONSULTANT TIME</b>								<b>\$ 153,448</b>
<b>AMENDMENT 1 SUBCONSULTANT TIME</b>								<b>\$ 156,301</b>
<b>SUBCONSULTANT EXPENSE</b>								<b>\$ 8,238</b>
<b>AMENDMENT 1 SUBCONSULTANT EXPENSE</b>								<b>\$ 3,975</b>
<b>TOTAL PROJECT BUDGET (TIME AND EXPENSE NOT TO EXCEED)</b>								<b>\$ 186,240</b>
<b>TOTAL PROJECT BUDGET WITH AMENDMENT NO. 1 (TIME AND EXPENSE NOT TO EXCEED)</b>								<b>\$ 346,516</b>

\* Detailed labor and expenses are shown in Attachments A through F.

\*\* Program Management covers efforts in all services provided, except Project Administration.

AMENDMENT 1 =

**Exhibit “L-2”**  
**CHARLES M. SCHULZ–SONOMA COUNTY AIRPORT**  
**Property Acquisition Program Management Services**  
**Scope of Services**  
**August 21, 2012**

**Program Management Services for the Land Acquisition and Relocation of Parcel Nos. 164-170-004 and 164-170-010 of Real Property Near the Charles M. Schulz Sonoma County Airport.**

**Program Scope Overview**

As a member of the Mead & Hunt, Inc. (M&H) Management Team, Firm 70, LLC, (Firm70) has been selected to provide Technical Services for land acquisition and relocation services near the Charles M. Schulz-Sonoma County Airport (Airport). Specifically, services include all activities related to the acquisition of real property and the relocation of any persons displaced.

The Scope of Services includes the following Tasks:

- Task 1 – Program Administration
- Task 2 – Land Acquisition
- Task 3 – Relocation Assistance Program
- Task 4 – Property Management, Abatement, and Demolition Services

---

**TASK 1:       Program Administration.**

No changes to the Scope of Services for this Task.

**TASK 2:       Land Acquisition**

- **Condemnation**

In the event that a property cannot be acquired voluntarily it will be necessary to acquire it through condemnation. Condemnation will require additional time and effort from Firm70. Firm70 will work directly with the County Attorney and assist in the coordination, methodology and support of the condemnation process. It is difficult to forecast the exact level of efforts required to meet the needs of the possible condemnations as each case will be different. The Amendment provides an estimate based on an average number of professional service hours on a per case basis. If any of the condemnation cases are determined to be more complex than typical, additional services may become necessary.

**TASK 3:       Relocation Assistance Program**

No changes to the Scope of Services for this Task.

**TASK 4:       Property Management, Abatement, and Demolition Services**

No changes to the Scope of Services for this Task.

**REVISED EXHIBIT B**

Charles M. Schulz-Sonoma County Airport (STS)						Revision No. 3	Date:	6/12/2012
Revised Project Budget								
Elements/Tasks	Mead & Hunt (labor hours shown)					Subconsultants (total labor and expense costs)		
	Project Coordinator	Project Manager	Sr. Tech	Admin. Asst.	Clerical	Firm 70*	Support*	Total Labor Cost
	\$250	\$154	\$150	\$88	\$73			
<b>1 Parcel 164-170-004</b>								
1.1 Project Administration - Mead & Hunt	5	47	2	6	12	\$ -	\$ -	\$ 10,192
1.2 Program Management - Firm70**						\$ 48,784	\$ -	\$ 48,784
1.2A Program Management - Firm70**						\$ 66,990	\$ -	\$ 66,990
1.2B Program Management - Firm70**						\$ 10,810	\$ -	\$ 10,810
1.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
1.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 4,000	\$ 4,000
1.4A Appraisal - Redwood Empire Appraisal						\$ -	\$ 6,750	\$ 6,750
1.4B Appraisal - Redwood Empire Appraisal						\$ -	\$ 15,000	\$ 15,000
1.5 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,750	\$ 1,750
1.5B Review Appraisal - Geoff Hornsby						\$ -	\$ 7,500	\$ 7,500
1.6 Environmental - pH 7 Environmental						\$ -	\$ 4,300	\$ 4,300
1.7 Relocation (3) - Geoff Hornsby						\$ -	\$ 17,500	\$ 17,500
1.7A Additional Relocation - Geoff Hornsby						\$ -	\$ 31,585	\$ 31,585
1.8 Residential Perk Test						\$ -	\$ 4,000	\$ 4,000
1.9 Additional Condemnation Services						\$ -	\$ 83,250	\$ 83,250
<b>Subtotal Parcel 164-170-004</b>	<b>5</b>	<b>47</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>\$ 126,664</b>	<b>\$ 176,135</b>	<b>\$ 312,891</b>
<b>2 Parcel 164-170-010</b>								
2.1 Project Administration - Mead & Hunt	5	47	2	6	12	\$ -	\$ -	\$ 10,192
2.2 Program Management - Firm70**						\$ 25,781	\$ -	\$ 25,781
2.2A Program Management - Firm70**						\$ 20,418	\$ -	\$ 20,418
2.2B Program Management - Firm70**						\$ 10,811	\$ -	\$ 10,811
2.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
2.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 4,000	\$ 4,000
2.4A Appraisal - Redwood Empire Appraisal						\$ -	\$ 2,000	\$ 2,000
2.4B Appraisal - Redwood Empire Appraisal						\$ -	\$ 15,000	\$ 15,000
2.5 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,750	\$ 1,750
2.5B Review Appraisal - Geoff Hornsby						\$ -	\$ 7,500	\$ 7,500
2.6 Environmental - pH 7 Environmental						\$ -	\$ 4,300	\$ 4,300
2.7 Relocation (1) - Geoff Hornsby						\$ -	\$ 17,500	\$ 17,500
2.7A Additional Relocation - Geoff Hornsby						\$ -	\$ 15,335	\$ 15,335
2.8 Additional Condemnation Services						\$ -	\$ 71,000	\$ 71,000
<b>Subtotal Parcel 164-170-010</b>	<b>5</b>	<b>47</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>\$ 57,008</b>	<b>\$ 138,885</b>	<b>\$ 206,085</b>
<b>3 Parcel 164-170-011</b>								
3.1 Project Administration - Mead & Hunt	2	16	1	3	4	\$ -	\$ -	\$ 3,670
3.2 Program Management - Firm70**						\$ 14,252	\$ -	\$ 14,252
3.2A Program Management - Firm70**						\$ 4,725	\$ -	\$ 4,725
3.2B Program Management - Firm70**						\$ 10,810	\$ -	\$ 10,810
3.3 Title - Fidelity National Title Insurance Co.						\$ -	\$ 500	\$ 500
3.4 Appraisal - Redwood Empire Appraisal						\$ -	\$ 4,000	\$ 4,000
3.4A Program Management - Redwood Empire Appraisal						\$ -	\$ 500	\$ 500
3.4B Program Management - Redwood Empire Appraisal						\$ -	\$ 15,000	\$ 15,000
3.5 Review Appraisal - Geoff Hornsby						\$ -	\$ 1,750	\$ 1,750
3.5B Review Appraisal - Geoff Hornsby						\$ -	\$ 7,500	\$ 7,500
3.6 Environmental - pH 7 Environmental						\$ -	\$ 2,300	\$ 2,300
3.7 Relocation (0) - N/A						\$ -	\$ -	\$ -
3.8 Residential Perk Test						\$ -	\$ 4,000	\$ 4,000
3.9 Additional Condemnation Services						\$ -	\$ 79,750	\$ 79,750
<b>Subtotal Parcel 164-170-011</b>	<b>2</b>	<b>16</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>\$ 29,787</b>	<b>\$ 115,300</b>	<b>\$ 148,757</b>
<b>Project SubTotals</b>	<b>11</b>	<b>102</b>	<b>4.5</b>	<b>13.5</b>	<b>26</b>	<b>\$ 213,360</b>	<b>\$ 430,320</b>	<b>\$ 667,734</b>
<b>PROJECT ADMINISTRATION TIME</b>								<b>\$ 24,054</b>
<b>PROJECT ADMINISTRATION EXPENSE</b>								<b>\$ 500</b>
<b>AMENDMENT 1 COST</b>								<b>\$ -</b>
<b>AMENDMENT 2 COST (CONDEMNATION OPTION)</b>								<b>\$ -</b>
<b>SUBCONSULTANT TIME</b>								<b>\$ 153,448</b>
<b>AMENDMENT 1 SUBCONSULTANT TIME</b>								<b>\$ 156,301</b>
<b>AMENDMENT 2 SUBCONSULTANT TIME (CONDEMNATION OPTION)</b>								<b>\$ 333,931</b>
<b>SUBCONSULTANT EXPENSE</b>								<b>\$ 8,238</b>
<b>AMENDMENT 1 SUBCONSULTANT EXPENSE</b>								<b>\$ 3,975</b>
<b>AMENDMENT 2 SUBCONSULTANT TIME (CONDEMNATION OPTION)</b>								<b>\$ 3,975</b>
<b>TOTAL PROJECT BUDGET (TIME AND EXPENSE NOT TO EXCEED)</b>								<b>\$ 186,240</b>
<b>TOTAL PROJECT BUDGET WITH AMENDMENT NO. 1 (TIME AND EXPENSE NOT TO EXCEED)</b>								<b>\$ 346,516</b>
<b>TOTAL PROJECT BUDGET WITH AMENDMENT NO. 1 AND 2 (TIME AND EXPENSE NOT TO EXCEED)</b>								<b>\$ 684,422</b>
* Detailed labor and expenses are shown in Attachments A through F.								
** Program Management covers efforts in all services provided, except Project Administration.								
		AMENDMENT 1 =						
		AMENDMENT 2 =						



## **Exhibit "M"**

### **CHARLES M. SCHULZ–SONOMA COUNTY AIRPORT**

### **Runways 14 and 19 Safety Area Improvements Permitting Support**

### **Aviation Consulting Services Scope of Work**

**August 21, 2012**

#### **PROJECT DESCRIPTION**

This Project consists of professional planning and engineering support to expedite obtaining resource agency permits for the Runways 14 and 19 Safety Area Improvements project currently in design. These permits are required before construction can begin. In order to keep to the proposed construction schedule, it is essential that the permits be obtained as quickly as possible. Mead & Hunt, Inc.'s (CONSULTANT) role will be to provide technical support to Sonoma County (COUNTY) and the COUNTY's environmental consultants.

#### **CONSULTING SERVICES**

CONSULTANT shall provide support in obtaining resource agency permits as directed by the COUNTY. Potential tasks could include:

- Providing expanded discussions of why the preferred alternative was selected.
- Evaluating design alternatives suggested by agencies.
- Creating additional graphics.
- Attending meetings with agencies, COUNTY staff, or other consultants working for the COUNTY.

#### **SCHEDULE OF COMPLETION**

The CONSULTANT will define a mutually agreeable schedule with the COUNTY for completion of each task as it is assigned. It is anticipated that most tasks will require highly expedited completion.

#### **COMPENSATION FOR SERVICES**

Payment for all work will be on a time-and-expense basis in conformance with the Mead & Hunt, Inc. Standard Billing Rate Schedule (2012) included in Amendment Two to the First Amended Agreement and incorporated into the First Amended Agreement as *Attachment B-1*. The budget of Thirty Thousand Dollars (\$30,000) shall not be exceeded without written authorization from the COUNTY.

**Exhibit "N"**  
**CHARLES M. SCHULZ-SONOMA COUNTY AIRPORT**  
**Property Acquisition Program Management Services**  
**Scope of Services**  
**August 21, 2012**

**GENERAL SCOPE OF SERVICES**

STS Voluntary Property Acquisition Program Management Services for two parcels located north and adjacent to the existing Airport property.

All federal, state, and local laws applicable in the accomplishment of the work shall be complied with in all aspects, as shall rules and regulations of the Owner (STS) and any other governmental agency, including, but not limited to, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and FAA order 5100.37B Land Acquisition and Relocation Assistance for Airport Projects, as issued by the United States Department of Transportation Federal Aviation Administration, and as amended from time to time.

**PROGRAM DESCRIPTION**

The following parcel summary is our understanding of the properties that have been targeted to receive voluntary land acquisition and relocation services. These voluntary acquisitions are subject to available funding. If, during the interview process, it is discovered that unknown occupants are present and require additional relocation services, those additional relocation cases will require an amendment to the contract for the additional services.

<b>PARCEL SUMMARY PROSPECTIVE VOLUNTARY PROPERTY ACQUISITIONS AS OF AUGUST 2012 CHARLES M. SCHULZ-SONOMA COUNTY AIRPORT</b>						
<b>Address</b>	<b>Assessor's Parcel No.</b>	<b>Owner Apparent</b>	<b>Occupancy</b>	<b>Land Area (Acres)</b>	<b>Land Use/Zoning</b>	<b>Improvements</b>
1480 Sanders Rd. Windsor, CA 95492	164-015-025	Giacomelli	Yes	10 +/-	Rural Residential	Single Family Dwelling
3117 N. Laughlin Windsor, CA 95492	059-200-018	McMullen Trust	Yes	13.24	Rural Residential	2 Single Family, Multiple Structures, Barn

## PROJECT ADMINISTRATION

**Project Administration, Management, and Quality Assurance.** Mead & Hunt, Inc. (Mead & Hunt), represented by Scott Van Gompel and Jon Faucher, will administer, manage, and provide quality assurance for the project.

Tasks include:

- Coordinating with STS and subconsultant team.
- Quality assurance.
- Attend progress meetings at STS – Four (4).
- Manage and maintain SharePoint site for the storage of project data.
- Processing contracts, invoices, and payments.
- Project Close-out.

## SUBCONSULTANT SERVICES

**Program Management Services.** Firm 70 has been contracted by Mead & Hunt to provide technical program management, quality control, oversight and coordination of voluntary land acquisition, and relocation of real property services.

**Support and Technical Services.** Mead & Hunt shall contract with various subconsultants to provide appraisal, local support, title and escrow, relocation, review appraisal, and environmental services. Mead & Hunt shall coordinate these services through Firm 70.

**Schedule of Completion.** Work shall begin within ten (10) business days of receipt of a Notice to Proceed from the COUNTY.

## COMPENSATION FOR SERVICES

Payment for all work outlined in this Scope of Services shall be on a time-and-expense basis not-to-exceed One Hundred Ninety Thousand Eight Hundred Seventeen Dollars (\$190,817). This fee shall include all labor, materials, expenses, and incidentals necessary to complete the work as described herein. The cost breakdown for all work outlined in the Scope of Services and applicable rates are included in Amendment Two to the First Amended Agreement and incorporated into the First Amended Agreement as *Attachment B-2*.

### **Attachments:**

*Attachment 1: Firm 70 Program Management Services – Scope of Work*

## **Attachment 1 – Firm 70 Scope of Work**

### **Charles M. Schulz-Sonoma County Airport Land Acquisition**

**August 2012**

**Program Management Services for the Voluntary Land Acquisition & Relocation of Parcel Nos. 164-015-025 & 059-200-018 of Real Property & Property Improvements near the Charles M. Schulz Sonoma County Airport**

#### **Program Scope Overview**

As a member of the MEAD & HUNT, Inc. (MEAD & HUNT) Management Team, Firm 70 (PROGRAM MANAGER) has been selected to provide Program Management oversight and/or coordination for voluntary land acquisition and relocation services near the Charles M. Schulz - Sonoma County Airport (AIRPORT). Specifically, oversight and/or coordination services include all activities related to the acquisition of real property and the relocation of any persons displaced, including but not limited to Program Initiation Development, Document Development, Title Research, Appraisal and Review Appraisal Services, Environmental Phase I Site Assessments Services; and if necessary and approved, Phase II & III, Offer Development, Presentation and Negotiations, Case Management, Relocation Eligibility Determinations, Comparable Housing Studies, Relocation Entitlement Determination Presentations, Replacement Housing Assistance, Move Coordination, Coordination of Close of Escrow, Coordination of Vacate Inspection, Asbestos & Lead Survey and Abatement. These services are to be provided for properties as indicated on the Program Description, Exhibit A, of this contract.

The Program Management Scope of Services for this Contract has been developed to provide full implementation and coordination of the Voluntary Land Acquisition and Relocation Services (Program). The PROGRAM MANAGER will provide coordination of MEAD & HUNT's other Program sub-consultants and will act as an extension of the AIRPORT and MEAD & HUNT staff. MEAD & HUNT, the PROGRAM MANAGER, and the MEAD & HUNT sub-contractors will serve as the AIRPORT's Program Management Team. In addition, the Program Management Team will provide best practices to both the AIRPORT and MEAD & HUNT.

The Scope of Services focuses on the stated Program goals:

- 1. Establish quality partnerships with stakeholders to support the development, implementation and completion of the Program*
- 2. Develop a program management structure to support sustainable program implementation*
- 3. Increase workflow effectiveness and efficiency*
- 4. Comply with FAA requirements and standards*
- 5. Successfully acquire all necessary real property for the Program on a voluntary basis*
- 6. Ensure relocation for relocated residents*
- 7. Provide comprehensive and accurate data and case management*
- 8. Comply with grant funding requirements and regulations*

The Program Management Team will accomplish the eight (8) Program goals from above through the execution of tasks identified in the Scope of Services which outlines five (5) specific tasks under this program.

- Task 1 – Program Administration
- Task 2 – Land Acquisition
- Task 3 – Relocation Assistance Program
- Task 4 – Property Management, Abatement, and Demolition – AIRPORT Responsibility
- Task 5 – Reimbursable Expenses

Attachment B – Parcel Specific Estimation of Items and Costs, Budget,  
Reimbursable Expenses, Travel and Other Direct Costs

---

**TASK 1: Program Administration**

The PROGRAM MANAGER shall perform a highly professional program management approach for the AIRPORT’s right-of-way needs by ensuring that quality services are provided to both the AIRPORT and property owners. In addition to ensuring the program is compliant with Federal, state and local regulations as well as fiscally responsible to the Federal Aviation Administration (FAA), the AIRPORT, and to the affected community by providing best practices, experiences and knowledge to improve full program implementation operational efficiency. The following administrative duties will be provided for each land acquisition assigned to the PROGRAM MANAGER prior, during, and after each program.

- **Program Quality Control** – The PROGRAM MANAGER will oversee and manage a Quality Control program that adequately provides that all program elements are completed in compliance within Federal, state and local guidelines. Develop procedures and processes for the orderly acquisition of the parcels and relocation of the affected persons.
- **Program Accounting & Invoicing** – The PROGRAM MANAGER will track program by parcel expenditures by month, fiscal year, and life to date of the project. All reporting is adaptable to the needs of the project. The PROGRAM MANAGER will review Program Management Team invoices for accuracy and provide MEAD & HUNT with approval based on MEAD & HUNT’s established invoicing schedule and requirements.
- **Document Management** – The PROGRAM MANAGER will provide and maintain all land acquisition program related files by parcel, records and supplemental materials in accordance with the PROGRAM MANAGER’S best business practices. Provide and maintain parcel folder requirements meeting FAA standards for paper and/or digital folders and providing accurate and detailed files and reporting. Coordination of relocation related documents and files with MEAD & HUNT’s relocation sub-consultant.
- **Program Reporting** – Provide periodic/scheduled status reports and attend meetings as requested by the AIRPORT relative to each property to be acquired and persons to be relocated.
- **Program Scheduling** – Develop schedule for land acquisition and relocation activity of owners and tenants for acquisitions as indicated in Exhibit A, Program Description.

**TASK 2: Land Acquisition**

As approved by the AIRPORT, the PROGRAM MANAGER will apply the firm's resources to accomplish the successful completion of certain voluntary land acquisition of parcels identified in Exhibit A. The step synopsis outlined below follows the requirements of the following regulatory documents:

- 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs; Final Rule (Uniform Act)
  - FAA Order 5100.37B, Land Acquisition and Relocation Assistance for AIRPORT Projects (FAA Order 5100.37B)
  - FAA Advisory Circular 150/5100-17 Change 6, Land Acquisition and Relocation Assistance for Airport Improvement Program (AIP) Assisted Projects (FAA 150/5100-17)
- **Preliminary Title Work** – The PROGRAM MANAGER will order all preliminary Ownership and Encumbrance Title Reports (schedules "A" and "B") from MEAD & HUNT's sub-consultant, Fidelity National Title and provide to the assigned appraisers. Liz Kalodemas will serve as primary contact for Fidelity National Title.
  - **Title Review** – If necessary, title review will be coordinated with the AIRPORT's legal counsel.
  - **Property Owner Notification** – Each property owner identified for land acquisition shall be notified by either personal contact (resident owners) or certified mail (out-of-state owners) of the AIRPORT's intention to acquire. An initial interview will be provided to each property owner in person or, when necessary, via phone. The initial interview will provide the property owner(s) with information about the acquisition and relocation process and required advisory assistance. A minimum of three personal contacts for all owners is generally required.
  - **Environmental Coordination** – MEAD & HUNT will sub-contract the environmental site assessments (ESAs) to pH7. Stephen Clark will serve as our primary contact for Phase I site assessments.

The PROGRAM MANAGER will coordinate with pH7 to schedule a Phase I, ESA for each assigned property as identified by Program Description in Exhibit A.

If Phase II or III ESAs are required and authorized by the AIRPORT, will provide coordination of the project.

The PROGRAM MANAGER will assist with coordination between property owners, consultants, and AIRPORT staff to complete these projects as directed.

- **Appraisals** – The PROGRAM MANAGER shall coordinate appraisal services with MEAD & HUNT's sub-contractor, Redwood Empire Appraisals. Bill Groverman will serve as primary contact for Redwood Appraisals.
- **Appraisal Reviews** – When appraisals are completed and received, the PROGRAM MANAGER will coordinate with MEAD & HUNT's review appraisal sub-contractor, Geoff Hornsby to initiate the

review appraisal. The appraisals will be forwarded to the review appraiser for comments, revisions, and final certification.

- **Purchase Offer** – Upon receipt of the certified review appraisal and accepted Phase I site assessment, offers to each property owner shall be prepared by the PROGRAM MANAGER.
- **Property Owner Offer Meeting** – The PROGRAM MANAGER will meet with each property owner to present in writing the acquisition offer to purchase and the relocation assistance eligibility, if necessary. The details of each aspect of the offer and relocation will be explained to the owner by the PROGRAM MANAGER.
- **Negotiation Period** – THE PROGRAM MANAGER shall work with and allow the property owner a reasonable opportunity to consider the offer and relocation benefits. Also, the property owner may have questions concerning the appraised value of their property or may wish to discuss their relocation eligibility, determination or options.
- **Offer Acceptance** – Once an offer is accepted by a property owner, the PROGRAM MANAGER will forward the signed purchase agreement from the owners to AIRPORT for execution. Preparation will begin for closing.
- **Sonoma County Board Approval**. The PROGRAM MANAGER under the direction of the County will provide the County with all appropriate documentation and assist as requested in the preparation of the "Board Package" for final approval and request of funds for the land acquisition and relocation expenses.
- **Preparation for Closing** - A date for closing will be set which is mutually acceptable for the property owner and the AIRPORT. Preparation for closing will be coordinated between the PROGRAM MANAGER, the AIRPORT and Fidelity National Title. The AIRPORT shall provide the appropriate and approved funds that are necessary for transfer of title to Fidelity National Title. Appropriate notification letters of closing details will be forwarded to the property owner and the AIRPORT.
- **Closing** – Final title work will be ordered by the PROGRAM MANAGER and each closing held at a convenient location. The PROGRAM MANAGER will review the closing documents to ensure that all fees are paid for in accordance with the 49 CFR Part 24. Additionally, the PROGRAM MANAGER will ensure that appropriate documents are captured for the parcel specific file.

### **TASK 3: Relocation Assistance**

Displaced businesses, individuals, and families affected by a land acquisition program are eligible for certain relocation assistance and benefits under 49 CFR Part 24, FAA Order 5100.37B and FAA 150/5100-17 regulatory requirements. The PROGRAM MANAGER will provide the following relocation services with the assistance of Geoff Hornsby, a sub-consultant of MEAD & HUNT. Geoff Hornsby will serve as the local relocation agent and assist The PROGRAM MANAGER in providing relocation services to displacees:

- **Assessment Interviews** –The PROGRAM MANAGER/Hornsby, upon implementation of each case, shall conduct a relocation assessment interview meeting with all displaced persons. This meeting is to obtain background data on the displaced businesses, individuals, and families and advise them of

their rights under the Uniform Act and meet the requirements established for the acquisition stage relocation plan.

- **Advisory Services** – The PROGRAM MANAGER/Hornsby shall provide, at a minimum, relocation advisory services to be administered on a reasonable basis commensurate with the needs of the displaced businesses, individuals, and families. The advisory service program shall include but not be limited to determining the relocation needs and preferences of each person and/or business to be displaced and explain the relocation payments and other assistance for which the person or business may be eligible; providing current and continuing information on the availability, purchase prices, and rental/lease costs of comparable replacement sites; and, supplying appropriate information concerning federal, state, and local programs for displaced persons or business.
- **Relocation Eligibility** – A letter of eligibility is prepared by the PROGRAM MANAGER/Hornsby for the offer meeting in order to advise the displaced businesses, individuals, and families of their entitled amounts under the Uniform Act, including moving benefits. Also, the formula for arriving at these amounts is explained. This letter becomes a permanent record for the file along with all backup data for FAA audit purposes. Notice of property owner's right to appeal and determination is also discussed as required by law.
- **Relocation Grievance Appeals Process** – As an additional service, it may be necessary for the PROGRAM MANAGER/Hornsby to coordinate and participate in a relocation grievance appeals process as required by the displaced businesses, individuals, and families or AIRPORT.
- **Relocation Program Payments/Claims** – The PROGRAM MANAGER/Hornsby will use standard claim forms issued by the FAA as listed below, along with the eligibility amounts covered under 49 CFR 24, FAA Order 5100.37B and FAA 150/5100-17 Rules and Regulations:
  - Claim for Replacement Housing Payment
    - 180-day Homeowner
    - Eligibility from \$0 to \$22,500, unless Housing of Last Resort applies
  - Claim for Rental Assistance
    - 180-day Homeowner
    - 90-day Tenant
    - 90 to 179-day Homeowner
    - Eligibility from \$0 to \$5,250, unless Housing of Last Resort applies
  - Claim for Down Payment Assistance
    - 90 to 179 day Homeowner
    - 90-day Tenant
    - Eligibility from \$0 to \$5,250, unless Housing of Last Resort applies
  - Claim for Moving & Related Expenses
    - 180-day Homeowner
    - 90-day Tenant
    - 90 to 179-day Homeowner
    - Option #1, Fixed Payment (U.S. DOT Schedule)



- Option #2, Actual Reasonable Moving Expenses (unlimited)
- Claim for Actual Reasonable Moving & Related Expenses, Businesses, Nonprofit Organizations, and Farm Operations
  - This payment is unlimited and must have supporting documentation.
- Business Reestablishment Expense Payment
  - This payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site.
- Claim for Fixed Payment in Lieu of payment for Actual Moving & Related Expenses, Businesses, Nonprofit Organizations, and Farm Operations
  - This payment is a fixed amount between \$1,000 and \$20,000 maximum depending upon the business's two (2) previous years' average annual net earnings.

The PROGRAM MANAGER/Hornsby shall be responsible for supplying all forms for processing claims and shall require that all backup data be maintained in the individual's file in audit format. If the AIRPORT elects to provide forms for use, the PROGRAM MANAGER will review for FAA compliance and advise AIRPORT if any compliance issues are noted.

- **Decent, Safe, and Sanitary Inspections** – The PROGRAM MANAGER/Hornsby will provide for and coordinate Decent, Safe, and Sanitary inspections of all displaced persons' replacement dwellings for the purposes of obtaining relocation benefits. Inspections will be conducted in accordance with Uniform Act requirements.
- **Positive FAA Coordination** – The PROGRAM MANAGER shall coordinate with the AIRPORT and FAA any unforeseen problems and unusual situations which may occur on this Program. The PROGRAM MANAGER recognizes that current regulations do not cover every relocation situation; therefore, good judgment and field decisions confirmed in writing with concurrence of the FAA are of prime importance to the program. The PROGRAM MANAGER will maximize efforts in this area to protect the AIRPORT federal funding status.
- **File Closed** – The PROGRAM MANAGER shall close the work order and case file and prepare it for audit by AIRPORT, state, and/or FAA.

#### **TASK 4- Property Management, Abatement, and Demolition Services – COUNTY Responsibility**

- **Property Management** - The PROGRAM MANAGER or Hornsby shall coordinate with the property owner and AIRPORT to schedule the vacate inspection. The AIRPORT will then provide property management services.
- **Utility Disconnection Coordination** – The AIRPORT shall be responsible for the disconnection / abandonment of any necessary utility disconnections or relocations with the local utilities.

- **Asbestos Survey, Abatement, and Coordination**– The PROGRAM MANAGER will initiate a meeting with AIRPORT staff and pH7 to review policy related to asbestos management and methods to limit potential asbestos liability.

MEAD & HUNT will sub-contract services to conduct an asbestos survey of on-site structures slated for demolition. Additionally, at this time samples will be collected of painted building materials to analyze for the presence of lead-based paint for determination of disposal as general construction waste or as a hazardous material during the demolition phase. The PROGRAM MANAGER will provide coordination of the process and review and approval of fees. MEAD & HUNT's sub-consultant pH7 will provide asbestos and lead survey reports as well as abatement oversight. Stephen Clark will serve as primary contact for this Program.

If regulated asbestos containing materials are present in the site structures, asbestos abatement will be recommended prior to demolition. Elevated levels of lead-based paint on building components will be dealt with on a case-by-case basis and may be recommended for abatement or disposal depending on the AIRPORT's risk tolerance and cost.

- **Demolition** – The AIRPORT shall coordinate all of the efforts required to appropriately remove site improvements. If requested, the PROGRAM MANAGER shall provide assistance in the areas of green demolition options.

#### **Task 5 - Reimbursable Expenses**

The following are the allowable reimbursable expenses and associated costs required to support the Program Management Team through the full implementation of the Program. The contract Budget, Attachment B, provides a detailed estimate of allowable reimbursable expenses.

- **Travel** – As necessary and requested by the AIRPORT, the "Travel and Other Direct Expenses Budget" allows for a not-to-exceed amount of eight (8) trips. Additionally, all trips must be necessary and approved by the AIRPORT; if eight (8) trips are not necessary they will not be incurred.
  - Airfare
  - Hotel
  - Car Rental / Taxi / Mileage (*current IRS approved rate*)
  - Per Diem @ \$50.00/day for Meals
- **Reproduction, Delivery, and Presentations** – As necessary, requested, and approved by the AIRPORT, the PROGRAM MANAGER will provide the following:
  - Printing / Binding
  - Delivery via U.S. Postal Services or Expedited Shipping Carrier
  - Presentation Materials
  - Display Materials
  - Community Outreach Information Collateral
- **Program Management Technology Tools** – As necessary, requested, and approved by the AIRPORT, the PROGRAM MANAGER will provide Program Management Team members access to Firm 70 Program Management Technology Tools. Firm 70 Program Management Technology Tools

provide a virtual network for member interaction, creation, storage, and management of program documents and reports. Access to this system requires a monthly user fee for team members not directly employed by the PROGRAM MANAGER.

**COMPENSATION FOR SERVICES**

Payment for all work will be on a time-and-expense basis. The budget of One Hundred Ninety Thousand Eight Hundred Seventeen Dollars (\$190,817) shall not be exceeded without written authorization from the COUNTY. (See *Exhibit B-1* for Project Budget cost breakdown.)

**Exhibit "O"**  
**CHARLES M. SCHULZ – SONOMA COUNTY AIRPORT**  
**Approach Protection Plan**  
**Aviation Consulting Services Scope of Work**

**August 21, 2012**

**PROJECT DESCRIPTION**

The Charles M. Schulz – Sonoma County Airport (AIRPORT) currently enjoys a high level of compatibility with adjacent land uses. In order to maintain this high level of compatibility, Sonoma County (COUNTY) wishes to prepare an Approach Protection Plan. This will implement Policy AT-3f of the Air Transportation Element of the Sonoma County General Plan. The goal is to ensure that the AIRPORT will retain its high level of compatibility as the volume of AIRPORT activity and mix of aircraft types using the AIRPORT changes over time.

The Environmental Impact Report approved to support adoption of the Airport Master Plan identified areas in which COUNTY noise standards would exceed by the year 2030. A key purpose of the Approach Protection Plan is to define the trigger for updating the noise contours for the AIRPORT. Updating the noise contours will verify whether the 60 CNEL noise contour has expanded sufficiently to encompass residences currently outside of this contour. It will also identify the range of possible noise mitigation strategies that could be applied.

**CONSULTING SERVICES**

**Task 1: Study Design**

The study design will include development of a comprehensive scope of services, along with a realistic budget and schedule for completing the work. Draft materials will be reviewed by the COUNTY. Once COUNTY comments have been addressed, the documents will be submitted for final review and approval by the COUNTY. These documents will form the basis of a contract between Mead & Hunt, Inc. (CONSULTANT) and the COUNTY. Task 1 will be completed upon receipt of a Notice-to-Proceed by the COUNTY. The remaining elements included in this Scope of Work will proceed in accordance with the work plan maintained by the CONSULTANT's project manager.

**Deliverables**

- Draft and final scopes and budgets.

**Assumptions**

- Only one (1) draft of the scope and budget will be required.

**Task 2: Document Current Policies and Practices**

The first task is to document current AIRPORT and FAA policies and practices related to approach protection. The specifics of the AIRPORT's current voluntary acquisition for properties will be documented through a face-to-face meeting with AIRPORT Staff. COUNTY and FAA policies relating to property

acquisition will also be documented. Because a number of the properties identified for acquisition in the long-term contain older structures that may qualify for historic status, the actions needed to comply with Section 106 of the National Historic Preservation Act of 1966 will be included. This information will be organized into a background section of the Approach Protection Plan (Plan) report.

The background section of the report will also document the parcels that have been identified for long-term acquisition on the adopted Airport Layout Plan. The parcels identified for acquisition will be presented graphically. This study does not include evaluation of the appropriate parcels to be acquired. This was addressed in the recently adopted Airport Master Plan. A table will be included that lists each parcel, its Assessor's Parcel Number, acreage, and current use. Graphics will show the relationship between these parcels and:

- Existing noise contours.
- Forecast noise contours.
- Common flight tracks.
- Part 77 airspace surfaces.

COUNTY and FAA policies regarding acceptable noise levels will be summarized. The applicability of these policies to these parcels will be described.

A draft section of the Plan documenting current policies and actions will be prepared for review by AIRPORT Staff. Two (2) copies will be provided. Staff comments will be incorporated in a revised version that will be made part of the complete draft Plan report described in Task 4.

#### **Deliverables**

- A draft section of the Plan documenting current policies and practices.

#### **Assumptions**

- One (1) meeting with AIRPORT Staff will be required for this task.
- Two (2) copies of the draft text will be provided.
- No evaluation of the appropriate parcels to be acquired will be undertaken.

#### **Task 3: Evaluate Potential Components of Approach Protection Plan**

There are a number of measures and policies that could be of potential value in the Approach Protection Plan. These include the various forms of property acquisition: Fee simple, avigation easement, and overflight easements. There are also actions, such as acquisition guarantees, that can facilitate the sale of the identified properties. Because noise impacts are the principal concern (rather than safety or airspace penetrations), actions that could reduce noise impacts on the residential in the vicinity of the AIRPORT are appropriate to consider. Noise insulation of residences and measures supported by Next Gen technology, such as continuous decent approaches, are examples of potentially useful noise reduction actions.

The various measures described above will be evaluated for applicability at the AIRPORT. The analysis and conclusions will be summarized in a section of the report. If some measures are appropriate for some parcels and not others, this distinction will be described in the text.

A draft section of the Plan evaluating potential components of the Approach Protection Plan will be prepared for review by AIRPORT Staff. Two (2) printed copies of the section will be provided. The CONSULTANT will

meet with AIRPORT Staff to review this draft document. Staff comments will be incorporated in a revised version that will be included in the complete draft Plan report described in Task 4.

#### **Deliverables**

- A draft section of the Plan evaluating potential components of an Approach Protection Plan.

#### **Assumptions**

- One (1) meeting with AIRPORT Staff will be required for this task.
- Two (2) copies of the text will be provided.

#### **Task 4: Prepare Approach Protection Plan**

The background information in Task 1 and the analysis of options in Task 2 will be used to define policies and actions appropriate for an Approach Protection Plan for the AIRPORT. Keeping the Plan current as activity levels and the aircraft fleet mix change over time is an important component of this Plan. The recommended Plan will include a specific schedule of activity thresholds that will trigger a review of the policies.

Draft policies and actions for the Approach Protection Plan will be prepared for review by AIRPORT Staff. These recommendations will be included in a complete preliminary draft Approach Protection Plan report. Revised versions of the material created in Tasks 2 and 3 will be a part of this preliminary draft report. Two (2) copies of this text will be provided. The CONSULTANT will meet with AIRPORT Staff to review this document. Staff comments will be incorporated into the administrative draft of the Plan.

Up to five (5) copies of the administrative draft Approach Protection Plan will be provided to AIRPORT Staff. AIRPORT Staff will be responsible for distribution of the document to other appropriate COUNTY Staff. One (1) meeting will be held with COUNTY and AIRPORT Staff to review the administrative draft Plan. A final Plan will be developed incorporating COUNTY and AIRPORT Staff comments. Two (2) copies of the final Plan and two (2) CD-ROMs with the document in PDF format will be provided.

#### **Deliverables**

- A preliminary draft, administrative draft, and final version of the Approach Protection Plan will be prepared.

#### **Assumptions**

- One (1) meeting with AIRPORT Staff will be required for this task.
- One (1) meeting with COUNTY Staff will be required for this task.
- Two (2) copies of the preliminary draft will be provided.
- Five (5) copies of the administrative draft will be provided.
- Two (2) copies of the final Plan and two (2) CD-ROMs with the document in PDF format will be provided.

#### **Task 5: Project Management**

This aspect of the study defines the project management, project coordination, and communication efforts needed to complete this project. Project management duties include, but are not limited to: developing and documenting the work plan; organizing the project team; launching project activities; monitoring and controlling the project to achieve results; managing/mitigating risks; anticipating and solving problems as they arise; and closing out the project once completed. Billing and contract management efforts are also

part of project management. Coordination and communication will include keeping COUNTY Staff current on the progress of the project, responding to questions and guidance, and promptly notifying them if complications arise.

#### **SCHEDULE OF COMPLETION**

- A.** A draft section of the Plan documenting current policies and practices will be delivered within 30 (thirty) days of the meeting with AIRPORT Staff.
- B.** A draft section evaluating potential components of an Approach Protection Plan will be delivered within 60 (sixty) days of the initial meeting with AIRPORT Staff.
- C.** The preliminary draft Plan will be provided within 45 (forty-five) days of receipt of comments on the evaluation of potential components of an Approach Protection Plan.
- D.** The administrative draft Plan will be provided within 30 (thirty) days of receipt of comments on the administrative draft Approach Protection Plan.
- E.** The final Plan will be provided within 30 (thirty) days of receipt of COUNTY and AIRPORT Staff comments on the administrative draft Plan.

#### **COMPENSATION FOR SERVICES**

Payment for all work will be on a lump sum basis. The budget of Thirty-seven Thousand Dollars (\$37,000) will not be exceeded without written authorization from the COUNTY.

## **Exhibit "P"**

# **CHARLES M. SCHULZ – SONOMA COUNTY AIRPORT STS Terminal Additions and Remodel Concept Design Architectural/Engineering Consulting Services Scope of Work August 21, 2012**

This document includes a general description of the scope of services to be completed by Mead & Hunt, Inc. (CONSULTANT) for the County of Sonoma (COUNTY) at Charles M. Schulz - Sonoma County Airport (STS) for the Terminal Additions and Remodel project (project).

### **PROJECT UNDERSTANDING**

The STS Terminal Additions and Remodel will be a multiple phased project to expand and renovate the existing terminal building to meet both current and future growth needs. Associated site improvements, both airside (apron) and landside (parking and roadways) will be provided under a separate contract, except as noted.

The STS terminal is in need of renovations and additions to meet increasing annual enplanements and anticipated air service.

The project may be built in multiple construction phases. In general, the phasing may include the following:

- Phase 1– Reconfigure the existing security checkpoint to accommodate two lines.
- Phase 2 - Expand the waiting area to the south to enclose exterior circulation areas for inbound passengers.
- Phase 3 – Add additional hold room space.

For the purpose of this proposal, no landside improvements are included. Airside improvements will be limited to restoration of the apron pavement disturbed by terminal building construction and addressing aircraft parking configurations.

It is assumed the building site has no environmental issues and that adequately sized utilities are adjacent to the project site, including electric power, water, sewer, gas, and data/communication. If not, these issues would be addressed under a separate contract.

Architectural and engineering professional services will be provided for this concept design. Final design, contract documents, bidding services and construction administration will be contracted after the design concept is approved.



## SCOPE OF SERVICES

The CONSULTANT will be responsible for providing architectural and engineering design services for, Structural, Architectural, Mechanical, Electrical, Plumbing (MEP) and Fire Protection, Audio/visual, Cable television, Telecommunications, Sound/intercom and Security systems as outlined in the following tasks.

Listings of attendees at Meetings in the following scope of services shall be designated as follows: Project Manager (PM), Project Architect (PA), Structural Engineer (SE), Mechanical Engineer (ME), Electrical Engineer (EE), Plumbing Engineer (PE), Special Systems Specialist (SS) and Civil Engineer (CE).

### Task 1. Project Management

This task provides project administration and coordination throughout the course of this project and will involve communicating project progress and issues with the COUNTY, coordinating the team's activities, managing the CONSULTANT'S, sub-consultants' work, coordinating the design with the COUNTY's consultants, providing oversight and quality control, checking documents, organizing project information, administering invoices and managing the project budget.

#### **General Elements of this Task Include:**

- Develop and document the project plan.
- Organize the project team.
- Launch the project activities.
- Organize and facilitate meetings.
- Establish, monitor, and maintain the project schedule.
- Execute project activities.
- Monitor and control the project to achieve results.
- Manage and mitigate risks and solve challenges.
- Invoice and monitor project budget.
- Provide deliverables.

### Task 2. Programming/Pre-Design Phase

Upon notice to proceed, the Programming phase will establish the overall goals of the project and develop and verify the building requirements. A key component will be to tie the project scope to anticipated passenger growth. This task will define the building program.

#### Task 2.1 Demand/Capacity Analysis

Using aviation activity forecasts provided by STS, the CONSULTANT will convert the forecast data into numerical demand for the key terminal areas included in the phase 1, 2 and 3 descriptions (TSA security checkpoint area, arrival circulation, hold room). Existing capacity will be compared to the demand projections for the intermediate (10 year) planning periods to determine the time frame in which capacity constraints could occur.

**A. Airside**

Certain airside facilities will be analyzed in terms of their capacity and ability to accommodate demand and include:

- Terminal apron including loading and aircraft parking configurations.
- Impacts on ground service equipment routes due to terminal additions (specifically access to the baggage area).

**B. Landside**

No landside impacts are anticipated or will be redesigned as part of this scope.

**C. Terminal Building**

The terminal building will be analyzed by functional area to determine surpluses and deficiencies within the terminal building. Functional areas and systems will include:

- Gate hold areas for forecast aircraft types.
- Restrooms.
- Circulation and passenger conveyance.
- Waiting and meeter/greeter areas.
- Security checkpoint.
- Access control.
- TSA accommodations.
- Electrical, HVAC, plumbing.

**Task 2.2 Programming Report**

The data from the demand/capacity analysis will be used to generate a brief report that defines the criteria and requirements of the terminal renovations. The recommendations and requirements from the following guidelines will be incorporated:

*AC 150 5360 13, Planning and Design Guidelines for Airport Terminal Facilities*

*AC150 5360 9, Planning and Design of Terminal Building Facilities at Non-Hub Locations*

*ACRP REPORT 25, Airport Passenger Terminal Planning and Design*

*(TSA) Recommended Security Guidelines for Airport Planning, Design, and Construction*

*(TSA) Checkpoint Design Guide (CDG) Rev 2, Section 4.0*

**General Elements of this Task Include:**

- Program development and summary of individual space requirements and growth projections.
- Define quality and image goals.
- Photographing existing building conditions.
- Review of AIRPORT and COUNTY design and planning standards
- Regulatory requirements review including building code (architectural, structural, mechanical, electrical and plumbing) and ADA compliance reviews.
- Initial contact with relevant governmental regulatory agencies (i.e.: Code Services, Federal Aviation Administration, etc., as required).

- Review of Airport, FAA and Federal Aviation Regulation (FAR) Part 77 requirements
- Coordination with the FAA planner and review of the Airport Layout Plan (ALP).
- Site reconnaissance to evaluate existing building conditions based on available as-built drawings provided by the COUNTY.
- Eligible/Ineligible calculations for funding
- Meeting minute documentation of site visits and internal team meetings

### **Meetings**

- One (1) one-day work session at the Airport with COUNTY to kick-off the project and develop the building program and the FF&E requirements, confirm space needs, design standards, building quality, building system requirements, building equipment list, sustainable design goals and budget goals. Attendees: PM and PA
- One (1) meeting with TSA to verify security area criteria and requirements. Attendees: PA
- (the above meetings will occur during 1 site visit)
- One (1) follow-up conference call meeting with the COUNTY to review the Programming/FF&E draft submittal. Attendees: PM and PA

### **Deliverables**

A programming report will be submitted for COUNTY review and approval to include the following:

- Program requirements summary
- Building area tabulations
- Room data sheets
- Regulatory requirements
- Sustainable design goals
- Building quality expectations
- FF&E Scope Summary
- Airport requirements and FAR Part 77 Summary

COUNTY's review comments will be incorporated into the concept design documents. COUNTY changes affecting project scope, schedule or budget will be reviewed with CONSULTANT regarding potential contract modifications.

## **Task 3. Concept Design Phase**

Upon completion of the Programming/Pre-Design Phase, the Concept Design will examine options for meeting the project program and refine a selected option sufficient to convey the design concept and determine a project budget and construction phasing plan. The primary objective is to develop a concept with a comprehensive scope, building image, preliminary budget and schedule. This phase will include the following elements:

### **Task 3.1 Investigative services**

- Review existing site survey information for coordination with the design.

- Conduct a preliminary review of regulatory requirements for the project applying building code requirements to plans to verify new and existing conditions, building classification and other life-safety requirements.
- Review previously performed geotechnical report(s) (provided by COUNTY) to estimate foundation preparation parameters.
- Evaluate the existing building structure for its capacity to integrate with new additions.
- Evaluate the existing mechanical, electrical, plumbing (MEP) and special systems for their capacity to serve additions and renovations.

### **Task 3.2 Prepare conceptual options**

- Prepare two or three conceptual options. Options will include floor plan drawings/sketches, building elevation sketches and/or three-dimensional sketches of the proposed additions.
- Prepare two or three aircraft parking configuration options.
- Prepare order-of-magnitude cost estimates of each options based on historical square footage costs for similar projects.

### **Task 3.3 Refine preferred option**

- Develop preliminary floor plans, building elevations and sections, typical wall section and 3-D visualization drawings of the preferred option.
- Develop typical plan layouts of major spaces showing typical furniture, fixtures, and equipment.
- Evaluate the general scope and costs of structural, MEP, and special systems improvements required. These estimates will be based on review of the previous construction drawings for the airport. On site investigations by the building engineers is not included.
- Propose primary interior and exterior materials.
- Determine a phasing strategy for the further development of the building design and building systems.
- Develop a preliminary opinion of probable construction cost for the preferred option.
- Meet with the COUNTY to present the preferred option.
- Submit the Prepare meeting minute documentation of project meetings.

### **Meetings**

- One (1) design progress meeting to review the conceptual design options. Attendees: PM and PA.
- One (1) design meeting to review the refined conceptual design. Attendees: PM and PA.

### **Deliverables**

Concept Design deliverables will be submitted following the COUNTY review meeting. They will include the following:

- Building/zoning code review
- Concept Design level architectural floor plans, building elevations, and building sections. The project electronic drawings will be Revit format version 2012.
- 3-D visualization drawings
- Preliminary opinion of probable construction cost

- Deliverables to the COUNTY and the Airport Advisory Board will include a CD and two (2) full-size sets and two (2) half-size of drawings.

## PROJECT SCHEDULE

From the date of COUNTY's notice to proceed, the design and construction document phases for the entire project will be completed as follows:

- Programming 2 weeks
- Prepare design options 2 weeks
- Meet with COUNTY and select option 1 week
- Refine design concept 4 weeks
- Meet with COUNTY on refined concept 1 week
- Submit final deliverables 2 weeks

## RESPONSIBILITIES OF COUNTY

CONSULTANT's Scope of Services and Compensation are based on the COUNTY performing or providing the following:

- A designated representative with complete authority to transmit instructions and information, receive information, interpret policy, and define decisions (COUNTY).
- Access to the project site.
- Available data, drawings, and information related to the project including as-built drawings of the existing facility.
- COUNTY's building equipment list (IT, security, phone systems, copiers, etc.).
- Protection of CONSULTANT-supplied digital information or data, if any, from contamination, misuse, or changes.

## WORK NOT INCLUDED IN THE SCOPE OF SERVICES

The following items are excluded from this agreement and will be provided by the COUNTY or provided by the CONSULTANT as an Additional Service only as authorized by the COUNTY:

- Parking lot and roadway civil engineering.
- Storm water management plan.
- Environmental reviews.
- Hazardous materials investigation or mitigation efforts. If hazardous materials are found in the work, the COUNTY shall contract separately to mitigate and/or have them removed.
- Planning and Building Department review meetings beyond those indicated in scope of services.
- Inventory of COUNTY's existing furniture, fixtures and equipment.
- Detailed cost estimating.
- Geotechnical Report.
- Survey.

- Preparation of updates to ALP.
- Fees related to Building permits.

**COMPENSATION FOR SERVICES**

Payment for all work will be on a lump sum basis. The budget of Fifty-eight Thousand Five Hundred Sixty-two Dollars (\$58,562) will not be exceeded without written authorization from the COUNTY.

## **Exhibit “Q”**

### **CHARLES M. SCHULZ – SONOMA COUNTY AIRPORT**

#### **Hangar Property Conditions Assessment**

#### **Architectural/Engineering Consulting Services Scope of Work**

**August 21, 2012**

This document includes a general description of the scope of services to be completed by Mead & Hunt, Inc. (CONSULTANT) for the County of Sonoma (COUNTY) at Charles M. Schulz - Sonoma County Airport (STS) for the Hangar Facilities Evaluation Project (project).

#### **PROJECT UNDERSTANDING**

STS owns 35 hangars and shade structures. The Airport requires a Property Condition Assessment of these structures to establish required maintenance and a prioritized maintenance plan.

The project will include:

- A.** On-site observation of 35 hangars to identify:
  - Defects in need of repair of building materials and systems
  - Deferred Maintenance
- B.** Written Report to Include:
  - Write up for each hangar of required maintenance
  - Order of magnitude costs or required repairs for budgeting purposes
  - Priority report for scheduling of repairs

#### **SCOPE OF SERVICES**

The CONSULTANT will be responsible for providing a Property Condition Assessment of 35 hangars and a report to establish required maintenance and a prioritized maintenance plan per the tasks below.

##### **Task 1. Project Management**

This task provides project administration and coordination throughout the course of this project and will involve communicating project progress and issues with the COUNTY, coordinating the team's activities, managing the CONSULTANT's sub-consultants' work, coordinating the design with the COUNTY's consultants, providing oversight and quality control, checking documents, organizing project information, administering invoices and managing the project budget.

##### ***General Elements of this Task Include:***

- Develop and document the project plan.
- Organize the project team.
- Launch the project activities.

- Establish, monitor, and maintain the project schedule.
- Execute project activities.
- Monitor and control the project to achieve results.
- Manage and mitigate risks and solve challenges.
- Invoice and monitor project budget.
- Provide deliverables.

## **Task 2. Property Condition Assessment**

### **Task 2.1 On-site observation**

The Property Condition Assessment will identify and communicate defects or material deferred maintenance of the property's material systems, components, or equipment as observed on the date of the inspection. This is a visual review of readily accessible areas and components. It is not technically exhaustive and no excavation, disassembly or removal of covers, panels or obstructions will be performed. Hidden or obstructed defects may not be observed. In addition, some components are assessed on a random sampling of like items.

Included:	Topography Paving Utilities Structural Frame and Building Envelope Roofing Plumbing Electrical Life Safety
-----------	---

Not Included	Flatwork Heating Air Conditioning Vertical Transportation Interior Elements
--------------	---

### **Meetings**

- One (1) meeting with Airport Facilities/Maintenance Director to gather data on existing facilities including:
  - existing building plans
  - building construction dates
  - any building component replacement/repair data including date
  - any known maintenance requirements for each building

### **Task 2.2 Property Condition Report**

A narrative report will be prepared for the project to include:

- Summary of existing conditions at each hangar including written description and a select number of photographs indicating typical or key components



- Summary of required repairs and maintenance
- Order of magnitude costs or required repairs for budgeting purposes
- Priority report for scheduling of repairs

### **PROJECT SCHEDULE**

From the date of COUNTY's Notice to Proceed, the design and construction document phases for the entire project will be completed as follows:

- Scheduling/Mobilization 2 weeks
- On-site observations 3 weeks
- Report write-up 3 weeks

### **RESPONSIBILITIES OF COUNTY**

CONSULTANT's Scope of Services and Compensation are based on the COUNTY performing or providing the following:

- A designated representative with complete authority to transmit instructions and information, receive information, interpret policy, provide existing condition information and define decisions (COUNTY)
- Access to the project site including interior and exterior of each property to be inspected (CONSULTANT will obtain a security badge)
- Available data, drawings and information related to the project including as-built drawings of the existing buildings and known maintenance issues

### **WORK NOT INCLUDED IN THE SCOPE OF SERVICES**

The following items are excluded from this agreement and will be provided by the COUNTY or provided by the CONSULTANT as an Additional Service only as authorized by the COUNTY:

- Building Code Review
- Detailed cost estimating
- Observations beyond the footprint of each building, including site and utility issues

### **COMPENSATION FOR SERVICES**

Payment for all work will be on a lump sum basis. The budget of Twenty-six Thousand Six Hundred Four Dollars (\$26,604) will not be exceeded without written authorization from the COUNTY.

## Revised Aviation Services Design Engineering Workslope

AIRPORT: Charles M. Schulz-Sonoma County Airport, Santa Rosa California

PROJECT NUMBER: 19435-00-11001

AIP PROJECT NO.

PROJECT DESCRIPTION: Runways 14 & 19 Safety Areas Improvements

DATE: 10/18/12

SCOPE DEVELOPMENT, COORDINATION & ADMINISTRATION		Engineering Fee
1.0	Project Scoping and Meetings (6)	\$57,657.00
2.0	Prepare Contract and Sub-Contracts	\$15,384.00
3.0	Project Coordination (235 working days)	\$136,790.00
4.0	Project Management and General Project Administration (235 working da	\$157,690.00
5.0	Public Outreach and Stakeholder Coordination	\$91,460.00
	Expenses	\$3,800.00
<b>TOTAL SCOPE, ADMINISTRATION &amp; COORDINATION</b>		<b>\$462,781.00</b>
<b>PRELIMINARY DESIGN</b>		
6.0	Topographical Surveying	\$52,692.00
7.0	Geotechnical Investigation	\$87,852.00
8.0	Prepare Plan Sheets for Preliminary Submittal	\$164,470.00
9.0	Prepare FAA Pavement Design and FAA Form 5100	\$12,072.00
10.0	Prepare Preliminary Surface Drainage Analysis	\$114,651.00
11.0	Prepare Preliminary Cost Estimate	\$23,040.00
12.0	Prepare Preliminary Design Report	\$22,192.00
13.0	Prepare FAA Form 7460	\$1,402.00
14.0	Support Environmental Permitting	\$81,658.00
15.0	Preliminary Design Project Meetings (8)	\$22,599.00
	Expenses	\$3,400.00
<b>TOTAL PRELIMINARY DESIGN</b>		<b>\$586,028.00</b>
<b>60% DESIGN</b>		
A1	Revised Service Road Design	\$35,328.00
A2	Preliminary Design Service Road Bridges	\$19,458.00
A3	Revise 50% Plans	\$45,364.00
A4	Prepare Preliminary Bid Documents	\$9,044.00
A5	Prepare Preliminary General Provisions	\$8,752.00
A6	Update Construction Schedule	\$10,660.00
A7	Prepare Preliminary Construction Safety & Phasing Plan	\$34,772.00
A8	Technical Specification Outline	\$2,034.00
A9	Update Preliminary Cost Estimate	\$21,884.00
A10	Revise Preliminary Design Report	\$5,368.00
A11	Design Meetings (2)	\$8,548.00
A12	FAA Design Meetings (2)	\$6,962.00
A13	Internal QA/QC	\$16,080.00
A14	Final 60% Submittal	\$10,940.00
	Expenses	\$4,650.00
<b>TOTAL PRELIMINARY DESIGN</b>		<b>\$239,844.00</b>
<b>FINAL DESIGN</b>		
16.0	Prepare Plans	\$289,258.00
17.0	Prepare Specifications	\$81,092.00
18.0	Prepare Final Surface Drainage Analysis and Final Storm Sewer Design	\$154,920.00
19.0	Prepare Lighting Layout and Circuit Calculations	\$105,906.00
20.0	Prepare Airport Signing and Marking Plan	\$36,792.00
21.0	Erosion Control Plan	\$20,494.00
22.0	Prepare Certification of Engineering and Modification of Standards	\$7,652.00
23.0	Quality Control Team 90% Review	\$35,212.00
24.0	Prepare 90% Submittal	\$82,714.00
25.0	Prepare and Submit Final Plans and Specifications	\$136,720.00
26.0	Prepare and Submit Final Cost Estimate	\$29,600.00
27.0	Prepare and Submit Final Engineers Design Report	\$23,260.00
28.0	Prepare Construction Safety and Phasing Plan	\$37,128.00
29.0	Final Design Project Meetings (14)	\$23,179.00
	Expenses	\$7,600.00
<b>TOTAL FINAL DESIGN</b>		<b>\$1,071,527.00</b>

Summary		
Survey (B&R)		\$27,800.00
Geotech (Bauer)		\$69,000.00
		<b>\$96,800.00</b>
W&K (GHD)	Electrical	\$88,100.00
B&R	Structures	\$56,435.00
		<b>\$144,535.00</b>
<b>Subconsultant Total</b>		<b>\$241,335.00</b>
M&H		\$2,265,799.00
<b>TOTAL</b>		<b>\$2,507,134.00</b>

<b>TURTLE ABATEMENT FENCE SMALL PURCHASE ORDER (PO)</b>		
B1	Design	\$20,238.00
B2	Bid Documents	\$6,450.00
B3	Bidding Assistance	\$3,016.00
B4	Expenses	\$4,150.00
<b>TOTAL TURTALE ABATEMENT SMALL PO</b>		<b>\$33,854.00</b>
<b>BID ADMINISTRATION</b>		
30.0	Prepare Advertisement for Bids	\$1,734.00
31.0	Bid Documents Distribution	\$7,108.00
32.0	Respond to Bidders Questions	\$44,230.00
33.0	Prepare and Distribute Addenda (3)	\$28,860.00
34.0	Pre-Bid Conference	\$13,718.00
35.0	Bid Opening	\$616.00
36.0	Bid Review and Bid Tabulation	\$11,376.00
37.0	Prepare Recommendation for Award	\$1,658.00
	Expenses	\$3,800.00
<b>TOTAL BID ADMINISTRATION</b>		<b>\$113,100.00</b>
<b>TOTAL FEES</b>		<b>\$2,507,134.00</b>

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub-Consultant Cost	Cost Summary
<b>SCOPE DEVELOPMENT, COORDINATION &amp; ADMINISTRATION</b>												
<b>1.0 Project Scoping and Meetings (6)</b>												
1.1 Preliminary meetings (6)	50	0	30	0	0	4	0	0	8	92		\$18,304.00
1.2 Prepare project scope of work and proposal	40	12	20	0	0	8	0	12	4	96		\$18,028.00
1.3 Prepare Contract Amendment	30	28	42	0	0	4	0	9	5	118		\$21,325.00
<b>Estimated Total Man-hours</b>	<b>120</b>	<b>40</b>	<b>92</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>21</b>	<b>17</b>	<b>306</b>		
Summary Costs	\$30,000.00	\$8,000.00	\$14,168.00	\$0.00	\$0.00	\$2,400.00	\$0.00	\$1,848.00	\$1,241.00			<b>\$57,657.00</b>
<b>2.0 Prepare Contract and Sub-Contracts</b>												
<b>Estimated Total Man-hours</b>	<b>24</b>	<b>0</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>8</b>	<b>96</b>		\$15,384.00
Summary Costs	\$6,000.00	\$0.00	\$7,392.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,408.00	\$584.00			<b>\$15,384.00</b>
<b>3.0 Project Coordination (235 working days)</b>												
<b>Estimated Total Man-hours</b>	<b>200</b>	<b>50</b>	<b>300</b>	<b>25</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>30</b>	<b>50</b>	<b>805</b>		\$136,790.00
Summary Costs	\$50,000.00	\$10,000.00	\$46,200.00	\$3,050.00	\$8,250.00	\$7,500.00	\$5,500.00	\$2,640.00	\$3,650.00			<b>\$136,790.00</b>
<b>4.0 Project Management and General Project Administration (235 working days)</b>												
<b>Estimated Total Man-hours</b>	<b>120</b>	<b>200</b>	<b>500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80</b>	<b>50</b>	<b>950</b>		\$157,690.00
Summary Costs	\$30,000.00	\$40,000.00	\$77,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,040.00	\$3,650.00			<b>\$157,690.00</b>
<b>5.0 Public Outreach and Stakeholder Coordination</b>												
<b>Estimated Total Man-hours</b>	<b>120</b>	<b>0</b>	<b>240</b>	<b>0</b>	<b>0</b>	<b>50</b>	<b>48</b>	<b>100</b>	<b>40</b>	<b>598</b>		\$91,460.00
Summary Costs	\$30,000.00	\$0.00	\$36,960.00	\$0.00	\$0.00	\$7,500.00	\$5,280.00	\$8,800.00	\$2,920.00			<b>\$91,460.00</b>
<b>Expenses</b>												
											<b>Rate</b>	
Subconsultant	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Auto Rental	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Mileage	0	0	600	0	0	0	0	0	0	600 Miles	\$1.00	\$600.00
Lodging	0	0	0	0	0	0	0	0	0	0 Days	\$150.00	\$0.00
Airline Costs	0	0	0	0	0	0	0	0	0	0 Trips	\$600.00	\$0.00
Meals	4	0	4	0	0	0	0	0	0	8	\$25.00	\$200.00
Trips	0	0	0	0	0	0	0	0	0	0 Trips	\$250.00	\$0.00
Reproductions	0	0	1	0	0	0	0	0	0	1	\$3,000.00	\$3,000.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$100.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
<b>Total Expenses</b>												<b>\$3,800.00</b>
<b>SCOPE DEVELOPMENT, COORDINATION &amp; ADMINISTRATION TOTAL</b>												<b>\$462,781.00</b>

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub- Consultant Cost	Cost Summary
<b>PRELIMINARY DESIGN (50%)</b>												
<b>6.0 Topographical Surveying</b>												
6.1	Coordination (collect existing data, locate utilities)	0	0	10	0	0	0	0	0	10		\$1,540.00
6.2	Survey control	0	0	4	0	0	0	0	0	4		\$616.00
6.3	Field Work - Subconsultant - Brojko & Race	0	0	8	0	0	0	0	0	8	\$22,800.00	\$24,032.00
6.4	Convert survey data for design software	0	4	8	20	0	80	0	0	112		\$16,472.00
6.5	Additional Survey for Service Road	0	4	8	0	0	20	0	0	32	\$5,000.00	\$10,032.00
<b>Estimated Total Man-hours</b>		<b>0</b>	<b>8</b>	<b>38</b>	<b>20</b>	<b>0</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>166</b>		
Summary Costs		\$0.00	\$1,600.00	\$5,852.00	\$2,440.00	\$0.00	\$15,000.00	\$0.00	\$0.00	\$0.00		\$52,692.00
<b>7.0 Geotechnical Investigation</b>												
7.1	Coordination to schedule geotechnical work	0	0	10	0	0	0	0	0	10		\$1,540.00
7.2	Establish project testing requirements	2	0	4	0	0	0	0	0	6		\$1,116.00
7.3	Field Work - Subconsultant Bauer Associates	0	0	10	0	0	0	0	0	10	\$46,000.00	\$47,540.00
7.4	Analyze data	8	12	20	20	0	8	0	0	68		\$11,120.00
7.5	Add'l Geotechnical Investigation for Service Road	0	2	4	0	8	8	0	0	22	\$23,000.00	\$26,536.00
<b>Estimated Total Man-hours</b>		<b>10</b>	<b>14</b>	<b>48</b>	<b>20</b>	<b>8</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>116</b>		
Summary Costs		\$2,500.00	\$2,800.00	\$7,392.00	\$2,440.00	\$1,320.00	\$2,400.00	\$0.00	\$0.00	\$0.00		\$87,852.00
<b>8.0 Prepare Plan Sheets for Preliminary Submittal</b>												
8.1	Project layout and general plans	6	10	30	40	0	20	40	0	146		\$20,400.00
8.2	Plan sheets	6	10	40	100	10	60	80	0	306	\$83,500.00	\$124,810.00
8.3	Phasing plans	8	15	20	40	0	20	30	0	133		\$19,260.00
<b>Estimated Total Man-hours</b>		<b>20</b>	<b>35</b>	<b>90</b>	<b>180</b>	<b>10</b>	<b>100</b>	<b>150</b>	<b>0</b>	<b>585</b>		
Summary Costs		\$5,000.00	\$7,000.00	\$13,860.00	\$21,960.00	\$1,650.00	\$15,000.00	\$16,500.00	\$0.00	\$0.00		\$164,470.00
<b>9.0 Prepare FAA Pavement Design and FAA Form 5100</b>												
<b>Estimated Total Man-hours</b>		<b>16</b>	<b>16</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>66</b>	\$12,072.00
Summary Costs		\$4,000.00	\$3,200.00	\$3,080.00	\$0.00	\$0.00	\$1,500.00	\$0.00	\$0.00	\$292.00		\$12,072.00
<b>10.0 Prepare Preliminary Surface Drainage Analysis</b>												
10.1	Creek realignment and box culvert design	2	8	12	0	0	0	0	0	22	\$29,100.00	\$33,048.00
10.2	Detention and retention basin design	2	8	12	0	0	0	0	0	22	\$18,135.00	\$22,083.00
10.3	Airfield storm drainage design	12	40	80	100	0	160	0	0	392		\$59,520.00
<b>Estimated Total Man-hours</b>		<b>16</b>	<b>56</b>	<b>104</b>	<b>100</b>	<b>0</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>436</b>		
Summary Costs		\$4,000.00	\$11,200.00	\$16,016.00	\$12,200.00	\$0.00	\$24,000.00	\$0.00	\$0.00	\$0.00		\$114,651.00
<b>11.0 Prepare Preliminary Cost Estimate</b>												
11.1	Calculate estimated preliminary quantities	4	10	20	40	0	40	0	0	114		\$16,960.00
11.2	Prepare preliminary cost estimate	4	10	20	0	0	0	0	0	34		\$6,080.00
<b>Estimated Total Man-hours</b>		<b>8</b>	<b>20</b>	<b>40</b>	<b>40</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>148</b>		
Summary Costs		\$2,000.00	\$4,000.00	\$6,160.00	\$4,880.00	\$0.00	\$6,000.00	\$0.00	\$0.00	\$0.00		\$23,040.00

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub-Consultant Cost	Cost Summary
<b>12.0 Prepare Preliminary Design Report</b>												
12.1 Prepare Preliminary Design Report	12	8	32	32	12	12	24	10	20	162		\$22,192.00
												\$0.00
<b>Estimated Total Man-hours</b>	<b>12</b>	<b>8</b>	<b>32</b>	<b>32</b>	<b>12</b>	<b>12</b>	<b>24</b>	<b>10</b>	<b>20</b>	<b>162</b>		
Summary Costs	\$3,000.00	\$1,600.00	\$4,928.00	\$3,904.00	\$1,980.00	\$1,800.00	\$2,640.00	\$880.00	\$1,460.00			<b>\$22,192.00</b>
<b>13.0 Prepare FAA Form 7460</b>												
<b>Estimated Total Man-hours</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>11</b>		\$1,402.00
Summary Costs	\$0.00	\$200.00	\$616.00	\$0.00	\$0.00	\$0.00	\$440.00	\$0.00	\$146.00			<b>\$1,402.00</b>
<b>14.0 Support Environmental Permitting</b>												
14.1 Coordinate Environmental Requirements	4	10	60	24	0	0	0	10	0	108		\$16,048.00
14.2 Refinement of Preferred Alternative (NIC)	0	0	0	0	0	0	0	0	0	0		\$0.00
14.3 Additional Environmental Support and Planning Consultation	10	20	65	0	180	100	40	0	0	415		\$65,610.00
<b>Estimated Total Man-hours</b>	<b>14</b>	<b>30</b>	<b>125</b>	<b>24</b>	<b>180</b>	<b>100</b>	<b>40</b>	<b>10</b>	<b>0</b>	<b>523</b>		
Summary Costs	\$3,500.00	\$6,000.00	\$19,250.00	\$2,928.00	\$29,700.00	\$15,000.00	\$4,400.00	\$880.00	\$0.00			<b>\$81,658.00</b>
<b>15.0 Preliminary Design Project Meetings (8)</b>												
15.1 Present preliminary design, alternatives and recommendations to airport	8	4	12	8	8	8	12	4	4	68		\$10,108.00
15.2 Coordination meetings (7)	15	5	25	10	4	10	0	0	7	76		\$12,491.00
<b>Estimated Total Man-hours</b>	<b>23</b>	<b>9</b>	<b>37</b>	<b>18</b>	<b>12</b>	<b>18</b>	<b>12</b>	<b>4</b>	<b>11</b>	<b>144</b>		
Summary Costs	\$5,750.00	\$1,800.00	\$5,698.00	\$2,196.00	\$1,980.00	\$2,700.00	\$1,320.00	\$352.00	\$803.00			<b>\$22,599.00</b>
<b>Expenses</b>											<b>Rate</b>	
Subconsultant	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Auto Rental	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Mileage	0	0	300	0	0	0	0	0	0	300 Miles	\$1.00	\$300.00
Lodging	0	0	0	0	0	0	0	0	0	0 Days	\$150.00	\$0.00
Airline Costs	0	0	0	0	0	0	0	0	0	0 Trips	\$600.00	\$0.00
Meals	2	0	2	0	0	0	0	0	0	4	\$25.00	\$100.00
FAA Trips	0	0	0	0	0	0	0	0	0	0	\$250.00	\$0.00
Reproductions	0	0	1	0	0	0	0	0	0	1	\$3,000.00	\$3,000.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$100.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
											<b>Total Expenses</b>	<b>\$3,400.00</b>
<b>PRELIMINARY DESIGN (50%) TOTAL</b>												<b>\$586,028.00</b>

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub- Consultant Cost	Cost Summary
<b>60% DESIGN</b>												
<b>A1 Revised Service Road Design</b>												
1	Revise Alignment	4	4	8	10	0	10	20	0	0	56	\$7,952.00
2	Revise Grades	6	8	12	20	0	20	20	0	0	86	\$12,588.00
3	Revise Plan & Profile Sheets	6	8	12	20	0	20	40	0	0	106	\$14,788.00
<b>Estimated Total Man-hours</b>		<b>16</b>	<b>20</b>	<b>32</b>	<b>50</b>	<b>0</b>	<b>50</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>248</b>	
Summary Costs		\$4,000.00	\$4,000.00	\$4,928.00	\$6,100.00	\$0.00	\$7,500.00	\$8,800.00	\$0.00	\$0.00		<b>\$35,328.00</b>
<b>A2 Preliminary Design Service Road Bridges</b>												
1	Bridge Structural Analysis and Site Design	2	4	8	12	10	12	8	1	0	57	\$8,414.00
2	Alternative Bridge Analysis	2	4	8	0	10	0	8	1	1	34	\$5,223.00
3	Technical Memorandum	2	2	4	0	4	0	0	1	1	14	\$2,337.00
4	Estimate of Probable Cost	2	2	2	4	4	4	4	1	0	23	\$3,484.00
<b>Estimated Total Man-hours</b>		<b>8</b>	<b>12</b>	<b>22</b>	<b>16</b>	<b>28</b>	<b>16</b>	<b>20</b>	<b>4</b>	<b>2</b>	<b>128</b>	
Summary Costs		\$2,000.00	\$2,400.00	\$3,388.00	\$1,952.00	\$4,620.00	\$2,400.00	\$2,200.00	\$352.00	\$146.00		<b>\$19,458.00</b>
<b>A3 Revise 50% Plans</b>												
1	Revise Current Sheets	4	4	8	40	0	40	80	0	0	176	\$22,712.00
2	Prepare and Organize New Sheets	4	4	8	10	0	10	40	0	0	76	\$10,152.00
3	Revise Construction Phasing and Safety Plans	10	10	20	10	0	10	20	0	0	80	\$12,500.00
<b>Estimated Total Man-hours</b>		<b>18</b>	<b>18</b>	<b>36</b>	<b>60</b>	<b>0</b>	<b>60</b>	<b>140</b>	<b>0</b>	<b>0</b>	<b>332</b>	
Summary Costs		\$4,500.00	\$3,600.00	\$5,544.00	\$7,320.00	\$0.00	\$9,000.00	\$15,400.00	\$0.00	\$0.00		<b>\$45,364.00</b>
<b>A4 Prepare Preliminary Bid Documents</b>												
1												
<b>Estimated Total Man-hours</b>		<b>10</b>	<b>10</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>8</b>	<b>58</b>	\$9,044.00
Summary Costs		\$2,500.00	\$2,000.00	\$3,080.00	\$0.00	\$0.00	\$0.00	\$0.00	\$880.00	\$584.00		<b>\$9,044.00</b>
<b>A5 Prepare Preliminary General Provisions</b>												
1												
<b>Estimated Total Man-hours</b>		<b>10</b>	<b>10</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>4</b>	<b>54</b>	\$8,752.00
Summary Costs		\$2,500.00	\$2,000.00	\$3,080.00	\$0.00	\$0.00	\$0.00	\$0.00	\$880.00	\$292.00		<b>\$8,752.00</b>
<b>A6 Update Construction Schedule</b>												
1												
<b>Estimated Total Man-hours</b>		<b>10</b>	<b>10</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60</b>	\$10,660.00
Summary Costs		\$2,500.00	\$2,000.00	\$6,160.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		<b>\$10,660.00</b>
<b>A7 Prepare Preliminary Construction Safety &amp; Phasing Plan</b>												
1												
<b>Estimated Total Man-hours</b>		<b>20</b>	<b>40</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>40</b>	<b>20</b>	<b>4</b>	<b>224</b>	\$34,772.00
Summary Costs		\$5,000.00	\$8,000.00	\$12,320.00	\$0.00	\$0.00	\$3,000.00	\$4,400.00	\$1,760.00	\$292.00		<b>\$34,772.00</b>
<b>A8 Technical Specification Outline</b>												
<b>Estimated Total Man-hours</b>		<b>1</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	\$2,034.00
Summary Costs		\$250.00	\$200.00	\$1,232.00	\$0.00	\$0.00	\$0.00	\$0.00	\$352.00	\$0.00		<b>\$2,034.00</b>

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub-Consultant Cost	Cost Summary	
<b>A9 Update Preliminary Cost Estimate</b>													
1	4	4	10	0	0	30	30	0	2	80		\$11,286.00	
2	10	20	20	0	0	2	2	4	2	60		\$10,598.00	
	<b>Estimated Total Man-hours</b>	<b>14</b>	<b>24</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>32</b>	<b>4</b>	<b>4</b>	<b>140</b>		
	Summary Costs	\$3,500.00	\$4,800.00	\$4,620.00	\$0.00	\$0.00	\$4,800.00	\$3,520.00	\$352.00	\$292.00		<b>\$21,884.00</b>	
<b>A10 Revise Preliminary Design Report</b>													
1	4	6	16	0	0	0	0	8	0	34		\$5,368.00	
	<b>Estimated Total Man-hours</b>	<b>4</b>	<b>6</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>34</b>			
	Summary Costs	\$1,000.00	\$1,200.00	\$2,464.00	\$0.00	\$0.00	\$0.00	\$704.00	\$0.00			<b>\$5,368.00</b>	
<b>A11 Design Meetings (2)</b>													
	<b>Estimated Total Man-hours</b>	<b>18</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>46</b>		\$8,548.00	
	Summary Costs	\$4,500.00	\$0.00	\$3,696.00	\$0.00	\$0.00	\$0.00	\$352.00	\$0.00			<b>\$8,548.00</b>	
<b>A12 FAA Design Meetings (2)</b>													
1	16	0	16	0	0	0	0	4	2	38		\$6,962.00	
	<b>Estimated Total Man-hours</b>	<b>16</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>38</b>			
	Summary Costs	\$4,000.00	\$0.00	\$2,464.00	\$0.00	\$0.00	\$0.00	\$352.00	\$146.00			<b>\$6,962.00</b>	
<b>A13 Internal QA/QC</b>													
1	20	40	20	0	0	0	0	0	0	80		\$16,080.00	
	<b>Estimated Total Man-hours</b>	<b>20</b>	<b>40</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80</b>			
	Summary Costs	\$5,000.00	\$8,000.00	\$3,080.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			<b>\$16,080.00</b>	
<b>A14 Final 60% Submittal</b>													
1	8	8	12	0	0	20	20	0	4	72		\$10,940.00	
	<b>Estimated Total Man-hours</b>	<b>8</b>	<b>8</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>20</b>	<b>0</b>	<b>4</b>	<b>72</b>		
	Summary Costs	\$2,000.00	\$1,600.00	\$1,848.00	\$0.00	\$0.00	\$3,000.00	\$2,200.00	\$0.00	\$292.00		<b>\$10,940.00</b>	
<b>Expenses</b>											<b>Rate</b>		
	Subconsultant	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
	Auto Rental	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
	Mileage	0	0	300	0	0	0	0	0	0	300 Miles	\$1.00	\$300.00
	Lodging	0	0	0	0	0	0	0	0	0	0 Days	\$150.00	\$0.00
	Airline Costs	0	0	0	0	0	0	0	0	0	0 Trips	\$600.00	\$0.00
	Meals	2	0	2	0	0	0	0	0	4	\$25.00		\$100.00
	FAA Trips	2	0	0	0	0	0	0	0	2	\$250.00		\$500.00
	Reproductions	0	0	15	0	0	0	0	0	15	\$250.00		\$3,750.00
	Other	0	0	0	0	0	0	0	0	0	\$50.00		\$0.00
	Other	0	0	0	0	0	0	0	0	0	\$100.00		\$0.00
	Other	0	0	0	0	0	0	0	0	0	\$50.00		\$0.00
											<b>Total Expenses</b>		<b>\$4,650.00</b>
											<b>60% DESIGN TOTAL</b>		<b>\$239,844.00</b>



Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub- Consultant Cost	Cost Summary
<b>FINAL DESIGN (90% and Final)</b>												
<b>16.0 Prepare Plans</b>												
<b>General</b>												
G-001 Cover Sheet, Sheet Index & Symbols	0	1	1	0	0	0	2	0	0	4		\$574.00
G-002 Legend & Abbreviations	0	0	1	0	0	0	2	0	0	3		\$374.00
G-021 Project Layout Plan	2	4	4	10	0	4	24	0	0	48		\$6,376.00
G-081 Construction O & Phasing Plan	4	8	10	10	0	4	24	0	0	60		\$8,600.00
<b>Civil - General</b>												
C-021 Erosion Control Plans	2	4	4	10	0	4	20	0	0	44		\$5,936.00
C-031 Erosion Control Details	1	2	1	2	0	0	10	0	0	16		\$2,148.00
C-051 Demolition Plans	2	4	8	10	0	4	40	0	0	68		\$8,752.00
C-061 Demolition Details	1	2	4	2	0	0	20	0	0	29		\$3,710.00
<b>Civil - Site</b>												
C-101 Grading & Paving Plans	2	4	12	10	0	60	20	0	0	108		\$15,568.00
C-141 Intersection Details	2	4	2	2	0	20	20	0	0	50		\$7,052.00
C-201 Plan & Profiles	2	4	2	24	0	60	20	0	0	112		\$15,736.00
C-301 Typical Sections	1	4	10	24	0	10	10	0	0	59		\$8,118.00
C-311 Paving Details	1	2	2	6	0	4	6	0	0	21		\$2,950.00
C-361 Pavement Grooving and Seal Coat Plans	2	4	4	10	0	0	32	0	0	52		\$6,656.00
<b>Civil - Utility</b>												
C-401 Utility Plan and Design	2	4	10	10	0	12	10	0	0	48		\$6,960.00
C-501 Utility Details	1	2	4	10	0	4	10	0	0	31		\$4,186.00
<b>Civil - Drainage</b>												
C-441 Drainage Plan and Profiles	2	4	10	30	0	40	0	0	0	86		\$12,500.00
C-451 Drainage Details	1	2	4	10	0	10	10	0	0	37		\$5,086.00
C-461 Inlet/Outlet Structure	2	4	4	10	0	10	10	0	0	40		\$5,736.00
<b>Civil - Fencing</b>												
C-601 Fencing Plans and Design	2	4	4	24	0	10	10	0	0	54		\$7,444.00
C-631 Fencing Details	0	2	1	10	0	0	10	0	0	23		\$2,874.00
<b>Civil - Mitigation Plans</b>												
Permitting best management plans	2	2	4	20	0	24	0	0	0	52		\$7,556.00
Tree Planting and Schedule	0	1	1	10	0	2	10	0	0	24		\$2,974.00
<b>Civil - Marking</b>												
C-651 Marking Plans and Design	2	4	4	20	0	24	0	0	0	54		\$7,956.00
C-671 Marking Details	1	2	2	10	0	0	10	0	0	25		\$3,278.00
<b>Civil - X-Sections</b>												
C-901 Cross Sections	0	2	0	10	0	8	10	0	0	30		\$3,920.00
<b>Electrical</b>												
E-101 Electrical Removals	1	2	4	10	10	2	10	0	0	39		\$5,536.00
E-201 Electrical Layout	2	4	1	10	10	2	10	0	0	39		\$5,724.00
E-301 Existing Signage	2	4	1	10	10	2	10	0	0	39		\$5,724.00
E-311 Proposed Signage	2	4	4	2	2	2	10	0	0	26		\$3,890.00
E-401 Electrical Vault Modifications	2	4	1	10	10	2	10	0	0	39		\$5,724.00
E-501 Wiring diagrams	2	4	1	2	10	2	10	0	0	31		\$4,748.00
E-601 Electrical Details	2	4	1	10	10	2	10	0	0	39		\$5,724.00
E-701 NAVAID Details	0	2	1	10	10	2	10	0	0	35		\$4,824.00
<b>Structural</b>												
S-001 Structural Layout	2	2	8	10	180	80	160	6	0	448		\$63,180.00
S-002 Structural Details	2	2	4	10	80	2	40	6	0	146		\$21,164.00
<b>Estimated Total Man-hours</b>	<b>54</b>	<b>112</b>	<b>139</b>	<b>378</b>	<b>332</b>	<b>412</b>	<b>620</b>	<b>12</b>	<b>0</b>	<b>2059</b>	<b>0</b>	
<b>Summary Costs</b>	<b>\$13,500.00</b>	<b>\$22,400.00</b>	<b>\$21,406.00</b>	<b>\$46,116.00</b>	<b>\$54,780.00</b>	<b>\$61,800.00</b>	<b>\$68,200.00</b>	<b>\$1,056.00</b>	<b>\$0.00</b>			<b>\$289,258.00</b>
<b>17.0 Prepare Specifications</b>												
17.1 Prepare Bidding and Contract Documents	4	4	12	4	0	0	0	1	0	25		\$4,224.00
17.2 Prepare FAA Required Provisions	1	2	8	4	0	0	0	1	0	16		\$2,458.00
17.3 Prepare General Provisions	1	2	8	4	0	0	0	1	0	16		\$2,458.00

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub-Consultant Cost	Cost Summary
17.4	Prepare Special Provisions for Airport Construction	12	20	40	48	16	0	0	14	8	158	\$23,472.00
17.5	Prepare Technical Specifications	20	60	72	60	48	0	0	32	32	324	\$48,480.00
<b>Estimated Total Man-hours</b>		<b>38</b>	<b>88</b>	<b>140</b>	<b>120</b>	<b>64</b>	<b>0</b>	<b>0</b>	<b>49</b>	<b>40</b>	<b>539</b>	
Summary Costs		\$9,500.00	\$17,600.00	\$21,560.00	\$14,640.00	\$10,560.00	\$0.00	\$0.00	\$4,312.00	\$2,920.00		<b>\$81,092.00</b>
<b>18.0 Prepare Final Surface Drainage Analysis and Final Storm Sewer Design</b>												
Surface Drainage and Storm Sewer		40	100	120	220	0	340	260	0	0		\$154,920.00
<b>Estimated Total Man-hours</b>		<b>40</b>	<b>100</b>	<b>120</b>	<b>220</b>	<b>0</b>	<b>340</b>	<b>260</b>	<b>0</b>	<b>0</b>	<b>1080</b>	
Summary Costs		\$10,000.00	\$20,000.00	\$18,480.00	\$26,840.00	\$0.00	\$51,000.00	\$28,600.00	\$0.00	\$0.00		<b>\$154,920.00</b>
<b>19.0 Prepare Lighting Layout and Circuit Calculations</b>												
<b>Estimated Total Man-hours</b>		<b>9</b>	<b>24</b>	<b>64</b>	<b>110</b>	<b>22</b>	<b>55</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>444</b>	\$46,100.00
Summary Costs		\$2,250.00	\$4,800.00	\$9,856.00	\$13,420.00	\$3,630.00	\$8,250.00	\$17,600.00	\$0.00	\$0.00		<b>\$105,906.00</b>
<b>20.0 Prepare Airport Signing and Marking Plan</b>												
<b>Estimated Total Man-hours</b>		<b>10</b>	<b>20</b>	<b>60</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>100</b>	<b>0</b>	<b>4</b>	<b>274</b>	\$36,792.00
Summary Costs		\$2,500.00	\$4,000.00	\$9,240.00	\$9,760.00	\$0.00	\$0.00	\$11,000.00	\$0.00	\$292.00		<b>\$36,792.00</b>
<b>21.0 Erosion Control Plan</b>												
<b>Estimated Total Man-hours</b>		<b>4</b>	<b>14</b>	<b>18</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>72</b>	<b>0</b>	<b>2</b>	<b>158</b>	\$20,494.00
Summary Costs		\$1,000.00	\$2,800.00	\$2,772.00	\$5,856.00	\$0.00	\$0.00	\$7,920.00	\$0.00	\$146.00		<b>\$20,494.00</b>

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub-Consultant Cost	Cost Summary
<b>22.0 Prepare Certification of Engineering and Modification of Standards</b>												
Estimated Total Man-hours	4	10	14	0	0	10	0	8	4	50		\$7,652.00
Summary Costs	\$1,000.00	\$2,000.00	\$2,156.00	\$0.00	\$0.00	\$1,500.00	\$0.00	\$704.00	\$292.00			\$7,652.00
<b>23.0 Quality Control Team 90% Review</b>												
Estimated Total Man-hours	24	48	60	0	32	32	0	0	4	200		\$35,212.00
Summary Costs	6000	\$9,600.00	\$9,240.00	\$0.00	\$5,280.00	\$4,800.00	\$0.00	\$0.00	\$292.00			\$35,212.00
<b>24.0 Prepare 90% Submittal</b>												
Estimated Total Man-hours	20	40	56	120	64	120	140	20	10	590		\$82,714.00
Summary Costs	\$5,000.00	\$8,000.00	\$8,624.00	\$14,640.00	\$10,560.00	\$18,000.00	\$15,400.00	\$1,760.00	\$730.00			\$82,714.00
<b>25.0 Prepare and Submit Final Plans and Specifications</b>												
25.1 Update 90% plans and submit draft final	20	40	120	120	32	140	110	10	10	602		\$86,110.00
25.2 Incorporate draft final review comments	16	40	60	60	16	60	80	10	10	352		\$50,610.00
Estimated Total Man-hours	36	80	180	180	48	200	190	20	20	954		
Summary Costs	\$9,000.00	\$16,000.00	\$27,720.00	\$21,960.00	\$7,920.00	\$30,000.00	\$20,900.00	\$1,760.00	\$1,460.00			\$136,720.00
<b>26.0 Prepare and Submit Final Cost Estimate</b>												
26.1 Calculate estimated final quantities	4	8	32	48	28	24	12	0	0	156		\$22,924.00
26.2 Prepare final cost estimate	4	8	20	0	0	0	0	8	4	44		\$6,676.00
Estimated Total Man-hours	8	16	52	48	28	24	12	8	4	200		
Summary Costs	\$2,000.00	\$3,200.00	\$8,008.00	\$5,856.00	\$4,620.00	\$3,600.00	\$1,320.00	\$704.00	\$292.00			\$29,600.00
<b>27.0 Prepare and Submit Final Engineers Design Report</b>												
Estimated Total Man-hours	4	8	48	24	24	18	18	16	4	164		\$23,260.00
Summary Costs	\$1,000.00	\$1,600.00	\$7,392.00	\$2,928.00	\$3,960.00	\$2,700.00	\$1,980.00	\$1,408.00	\$292.00			\$23,260.00
<b>28.0 Prepare Construction Safety and Phasing Plan</b>												
Estimated Total Man-hours	32	40	40	60	10	0	50	4	2	238		\$37,128.00
Summary Costs	\$8,000.00	\$8,000.00	\$6,160.00	\$7,320.00	\$1,650.00	\$0.00	\$5,500.00	\$352.00	\$146.00			\$37,128.00
<b>29.0 Final Design Project Meetings (14)</b>												
Estimated Total Man-hours	28	10	56	10	8	4	12	0	15	143		\$23,179.00
Summary Costs	\$7,000.00	\$2,000.00	\$8,624.00	\$1,220.00	\$1,320.00	\$600.00	\$1,320.00	\$0.00	\$1,095.00			\$23,179.00
<b>Expenses</b>												
											<b>Rate</b>	
Subconsultant	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Auto Rental	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Mileage	0	0	100	0	0	0	0	0	0	100 Miles	\$1.00	\$100.00
Lodging	0	0	0	0	0	0	0	0	0	0 Days	\$150.00	\$0.00
Airline Costs	0	0	0	0	0	0	0	0	0	0 Trips	\$600.00	\$0.00
FAA Trips	0	0	0	0	0	0	0	0	0	0	\$250.00	\$0.00
Reproductions	0	0	30	0	0	0	0	0	0	30	\$250.00	\$7,500.00
Other	0	0	0	0	0	0	0	0	0	0	\$45.00	\$0.00
Meals	0	0	0	0	0	0	0	0	0	0	\$25.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$100.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
<b>Total Expenses</b>												<b>\$7,600.00</b>
<b>FINAL DESIGN (90% and Final) TOTAL</b>												<b>\$1,071,527.00</b>

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub-Consultant Cost	Cost Summary
<b>TURTLE ABATEMENT FENCE SMALL PO</b>												
<b>B1 Design</b>												
Estimated Total Man-hours	4	4	8	30	0	60	40	0	2	0	144	\$20,238.00
Summary Costs	\$1,000.00	\$800.00	\$1,232.00	\$3,660.00	\$0.00	\$9,000.00	\$4,400.00	\$0.00	\$146.00			\$20,238.00
<b>B2 Bid Documents</b>												
Estimated Total Man-hours	2	4	20	10	0	0	0	8	2	0	44	\$6,450.00
Summary Costs	\$500.00	\$800.00	\$3,080.00	\$1,220.00	\$0.00	\$0.00	\$0.00	\$704.00	\$146.00			\$6,450.00
<b>B3 Bidding Assistance</b>												
Estimated Total Man-hours	2	2	8	4	0	0	2	2	0	0	18	\$3,016.00
Summary Costs	\$500.00	\$400.00	\$1,232.00	\$488.00	\$0.00	\$0.00	\$220.00	\$176.00	\$0.00			\$3,016.00
<b>Expenses</b>											<b>Rate</b>	
Subconsultant	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Auto Rental	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Mileage	0	0	300	0	0	0	0	0	0	300 Miles	\$1.00	\$300.00
Lodging	0	0	0	0	0	0	0	0	0	0 Days	\$150.00	\$0.00
Airline Costs	0	0	0	0	0	0	0	0	0	0 Trips	\$600.00	\$0.00
Meals	2	0	2	0	0	0	0	0	0	4	\$25.00	\$100.00
FAA Trips	0	0	0	0	0	0	0	0	0	0	\$250.00	\$0.00
Reproductions	0	0	25	0	0	0	0	0	0	25	\$150.00	\$3,750.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$100.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
											<b>Total Expenses</b>	<b>\$4,150.00</b>
<b>TURTLE ABATEMENT FENCE SMALL PO TOTAL</b>												<b>\$33,854.00</b>

Item No.	Senior Associate - QA/PM \$250.00	Senior Project Engineer - QC \$200.00	Senior Engineer - DPM \$154.00	Engineer II \$122.00	Project/ Electrical Engineer \$165.00	Senior Engineering Technician \$150.00	Technician III \$110.00	Administrative Assistant \$88.00	Clerical \$73.00	Total Hours	Sub- Consultant Cost	Cost Summary
<b>BID ADMINISTRATION</b>												
<b>30.0 Prepare Advertisement for Bids</b>												
Estimated Total Man-hours	1	2	4	0	0	0	0	2	4	13		\$1,734.00
Summary Costs	\$250.00	\$400.00	\$616.00	\$0.00	\$0.00	\$0.00	\$0.00	\$176.00	\$292.00			<b>\$1,734.00</b>
<b>31.0 Bid Documents Distribution</b>												
Estimated Total Man-hours	0	0	12	0	0	0	0	10	60	82		\$7,108.00
Summary Costs	\$0.00	\$0.00	\$1,848.00	\$0.00	\$0.00	\$0.00	\$0.00	\$880.00	\$4,380.00			<b>\$7,108.00</b>
<b>32.0 Respond to Bidders Questions</b>												
Estimated Total Man-hours	20	35	100	10	30	0	0	0	20	215	\$9,200.00	\$44,230.00
Summary Costs	\$5,000.00	\$7,000.00	\$15,400.00	\$1,220.00	\$4,950.00	\$0.00	\$0.00	\$0.00	\$1,460.00			<b>\$44,230.00</b>
<b>33.0 Prepare and Distribute Addenda (3)</b>												
Estimated Total Man-hours	3	6	40	20	20	60	40	10	10	209		\$28,860.00
Summary Costs	\$750.00	\$1,200.00	\$6,160.00	\$2,440.00	\$3,300.00	\$9,000.00	\$4,400.00	\$880.00	\$730.00			<b>\$28,860.00</b>
<b>34.0 Pre-Bid Conference</b>												
Estimated Total Man-hours	12	12	30	0	4	10	10	0	6	84		\$13,718.00
Summary Costs	\$3,000.00	\$2,400.00	\$4,620.00	\$0.00	\$660.00	\$1,500.00	\$1,100.00	\$0.00	\$438.00			<b>\$13,718.00</b>
<b>35.0 Bid Opening</b>												
Estimated Total Man-hours	0	0	4	0	0	0	0	0	0	4		\$616.00
Summary Costs	\$0.00	\$0.00	\$616.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			<b>\$616.00</b>
<b>36.0 Bid Review and Bid Tabulation</b>												
Estimated Total Man-hours	8	12	20	10	10	0	0	10	2	72		\$11,376.00
Summary Costs	\$2,000.00	\$2,400.00	\$3,080.00	\$1,220.00	\$1,650.00	\$0.00	\$0.00	\$880.00	\$146.00			<b>\$11,376.00</b>
<b>37.0 Prepare Recommendation for Award</b>												
Estimated Total Man-hours	1	0	8	0	0	0	0	2	0	11		\$1,658.00
Summary Costs	\$250.00	\$0.00	\$1,232.00	\$0.00	\$0.00	\$0.00	\$0.00	\$176.00	\$0.00			<b>\$1,658.00</b>
<b>Expenses</b>											<b>Rate</b>	
Subconsultant	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Auto Rental	0	0	0	0	0	0	0	0	0	0 Days	\$75.00	\$0.00
Mileage	0	0	50	0	0	0	0	0	0	50 Miles	\$1.00	\$50.00
Lodging and Per Diem	0	0	0	0	0	0	0	0	0	0 Days	\$150.00	\$0.00
Travel and Airline Costs	0	0	0	0	0	0	0	0	0	0 Trips	\$600.00	\$0.00
Computer Costs	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
Trips	0	0	0	0	0	0	0	0	0	0	\$250.00	\$0.00
Reproductions	0	0	15	0	0	0	0	0	0	15	\$250.00	\$3,750.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$100.00	\$0.00
Other	0	0	0	0	0	0	0	0	0	0	\$50.00	\$0.00
											<b>Total Expenses</b>	<b>\$3,800.00</b>
<b>BID ADMINISTRATION TOTAL</b>												<b>\$113,100.00</b>

**REVISED CONTRACT AMOUNT \$ 2,507,134.00**



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 26  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

**Supervisory District(s):**

Susan Klassen (707) 565-2440

Fourth

**Title:** Approve exterior lighting retrofit and use of Pacific Gas and Electric's zero percent interest financing program at the Charles M. Schulz – Sonoma County Airport

### **Recommended Actions:**

Authorize the Airport Manager to execute an agreement with The Energy Alliance Association for an exterior lighting retrofit at the Charles M. Schulz – Sonoma County Airport in the amount of \$74,628, and the Financing Supplement to the Energy Efficiency Retrofit Program application and to execute any other documents related to the program implementation.

### **Executive Summary:**

The Department of Transportation and Public Works Airport Division is requesting the Board of Supervisors' approval for the Airport Manager to execute an agreement with the Energy Alliance Association for an exterior lighting retrofit program and the use of Pacific Gas and Electric's (PG&E) zero percent interest financing program to fund the lighting upgrades.

### **Contract Information**

The proposed contract is with The Energy Alliance Association (T.E.A.A.) for the exterior lighting retrofits in the contract amount of \$74,628. T.E.A.A. has been working with the County's Energy and Sustainability Division of General Services on other County retrofit projects and was referred to the Airport for this project. T.E.A.A. is under contract with PG&E to provide lighting services to local governments and has gone through a Request for Proposal process via PG&E to select a qualified contractor to do this work. The project will not require additional or permanent operational funding. PG&E's zero percent interest financing program will be used to fund the exterior lighting retrofits. The project will replace less efficient metal halide and high pressure sodium lighting with highly efficient ceramic metal halide lights. The project costs will be carried by the contractor and distributor until incentives and financing is paid by PG&E.

Using the zero percent interest financing program allows the County to implement energy efficiency projects using utility cost savings as the source for loan repayment. The proposed project will pay for itself through the savings created without the need for the use of additional Airport operational funds. A portion of the project is being paid by incentives from PG&E in the amount of \$16,148. This financing program has been used by the County General Services Department to implement County Center Parking lot lighting retrofits.

Light Emitting Diodes (LED) were considered for use at the Airport and a several lights were retrofitted on a trial basis.

Based on the trial period, it was determined that the area of coverage was not the same as existing lights and did not meet security requirements. In addition, due to insufficient illumination, higher wattage LEDs would have been required and would have resulted in a payback period of almost 10 years, therefore, the ceramic metal halide lighting was selected as the preferred alternative.

**Savings information**

The proposed exterior lighting retrofit will replace 219 existing lighting fixtures (examples include 175w to 400w metal Halide, 100w to 750w high pressure sodium fixtures) with new energy efficient lighting (examples include 45w to 315w ceramic metal halide fixtures). These changes will result in an annual savings of approximately 107,654 kWh (reducing CO<sub>2</sub>e by 55,980 lbs.) and \$19,680 in electricity charges. Based on these savings the simple payback period is estimated at 3 years. Once improvements are repaid, the ongoing annual savings to the Airport Enterprise fund is estimated to be \$19,000 per year.

**Prior Board Actions:**

6/21/2011- General Services L.E.D. exterior lighting project - Zero percent interest financing program

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

This agreement with The Energy Alliance Association for an exterior lighting retrofit supports the County’s Strategic plan focus area of Economic and Environmental Stewardship by retrofitting the Airport’s exterior lighting with more energy efficient lighting, saving electricity and operating costs for the Airport Enterprise.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 60,000	County General Fund	\$
Add Appropriations Reqd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 60,000
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 60,000</b>	<b>Total Sources</b>	<b>\$ 60,000</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The project costs are estimated at \$74,628.00, which will be covered by a PG&E rebate in the amount of \$16,148.06 and the remaining \$58,479.95 will be covered through the PG&E zero percent interest on-bill financing program. The current fiscal year cost of the project based on an estimated 8 months of repayment would be \$13,000 (\$1,625/month). This cost will be offset entirely by savings realized in the reduced energy usage of new light fixtures. The Airport will be using Airport Enterprise funds to pay the PG&E bills. Appropriations are budgeted in the Airport Operations Index (291013-7320 Utilities).

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Program Participation Agreement  
Energy and Cost Saving Recommendations  
Financing Supplement to the Energy Efficiency Retrofit Program Application

**Related Items "On File" with the Clerk of the Board:**

None





### Program Participation Agreement

Business Name: County of Sonoma Airport  
 Customer Contact Name: Jon Stout  
 Title: Airport Manager  
 Installation Address: 2200 Airport Boulevard  
 City: Santa Rosa Zip: 95403 Phone #: 707-565-7243  
 PG&E Account Number: 3408031379  
 PG&E Electric Service Agreement ID#: 3408031578

**Authorized Project:**

By signing this Program Participation Agreement (PPA), Customer authorizes The Energy Alliance Association (TEAA) to proceed with the Authorized Project, subject to the Terms and Conditions described herein. Details of Authorized Project are shown on the Energy & Cost Savings Recommendations (ECSR) report accompanying this PPA including: location, number of fixtures to be retrofitted or replaced, savings estimate, and project cost. All changes made to Authorized Project during course of installation will require authorization by Customer and may alter energy savings and project cost estimates.

Upon receiving a Customer signed Program Participation Agreement, TEAA will provide Customer's contact information to a participating Contractor. The participating Contractor will then contact the Customer to schedule the installation of the Authorized Project and provide an ESTIMATED cost proposal, less the Incentive amount, to Customer. The Customer may authorize TEAA to pay the Incentive directly to the contractor upon completion of Authorized Project.

Customer's ESTIMATED cost for the Authorized Project is outlined below. This estimate is based on averages, and actual cost and energy savings may vary.

Total ESTIMATED Project Cost (before incentive):	<u>\$74,628.00</u>	( Price includes all work outlined in ECSR #1, 9/18/2012 ) (Price does not include the disposal of PCB Ballasts)
TEAA Incentive	<u>\$16,148.06</u>	Estimated annual kWh Savings <u>107,654</u>
Net Total Estimated Cost to Customer:	<u>\$58,479.95</u>	Program Incentive Rate: <u>\$0.15 / kWh</u>

**Customer EIN, Federal Tax ID or SSN (fill in #):** \_\_\_\_\_

**Tax Status:**     Corporation     Partnership     Individual/Sole Proprietor     Exempt

**Tax Liability:**  
 The value of Incentives is taxable. Implementer will report Incentives greater than \$600 to the IRS on Form 1099 unless you are exempt. Please consult your tax advisor concerning the taxability of Incentives. Customer, not Implementer, is responsible for any taxes imposed as a result of your receipt of Incentives from this Program. The 1099 form will be issued to the Customer, regardless of who the payee is, because the Customer receives the benefits of the Incentives.

### **Specific Terms and Conditions:**

As used throughout this document, the term "Party" means Implementer and Customer, collectively the "Parties".

1. **Feasibility:** TEAA is solely responsible for the economic and technical feasibility, operational capability and reliability of TEAA's Project and Measures.
2. **Program Dates:** All Incentives must be paid and all installations must be completed by 12/15/12. Applications must be postmarked by 12/01/12 in order for Incentive to be processed and paid by 12/15/12.
3. **Qualifying Equipment:**
  - Customer is responsible for checking the product/equipment specification to make sure that all requirements are met.
  - New products ordered, purchased and installed prior to 1/1/10 or after 12/15/12 do not qualify for an Incentive. Resale products, products leased, rebuilt, rented, received from warranty or insurance claims, exchanged, won as a prize, or new parts installed in existing products do not qualify.
4. **Submittal Requirement:**
  - a. The documentation which must be submitted by Contractor is: paperwork detailing the entire scope of work to be performed, including a price for stated scope of work, and an invoice to Customer and TEAA upon completion of work.
  - b. The documentation which must be submitted by Customer is signed copies of: the Access Agreement (AA) form, Program Participation Agreement (PPA), and the Final Installation Report (FIR).
5. **Measure or Site Details:** Measure or site details for Authorized Project are outlined in an accompanied Energy Cost & Savings Recommendations (ECSR) report as indicated above in Total Estimated Project Cost. Upon completion of Authorized Project, TEAA will provide Customer with a Final Installation Report (FIR) outlining the installed scope of work and associated Customer costs and savings including any authorized change orders that may have occurred during the course of installation.
6. **Eligibility:** Customer must be an electric Customer of PG&E with an active meter serviced by PG&E.
7. **Incentive Payment:** All Incentives will be paid upon verification of completed Project by both a TEAA representative and Customer. Upon completion of Authorized Project, Contractor will provide both TEAA and Customer with an invoice identifying the full cost of the installed work. Also upon completion of Authorized Project, TEAA will provide Customer with a Final Installation Report (FIR) outlining the installed scope of work and associated Customer costs and savings. By signing the FIR, the Customer accepts the Authorized Project as complete. Customer may authorize TEAA to make Incentive payment directly to Contractor by indicating so on the FIR. Otherwise, Incentive will be paid directly to Customer. Customer is responsible for any tax liability as described above in "Tax Liability" section.

### **General Terms and Conditions**

1. **Funding:** TEAA is receiving funds from PG&E for this Project, but the Parties agree that PG&E is not liable to either Party for any losses or damages, including incidental or consequential damages, arising from this Agreement. PG&E makes no representation or warranty, and assumes no liability with respect to quality, safety, performance, or other aspect of any design, system or appliance installed pursuant to this Agreement, and expressly disclaims any such representation, warranty or liability.
2. **Incidental and Consequential Damages:** BOTH PARTIES AGREE NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES.
3. **Life of Product:** Customer understands Incentive payments are based on related energy benefits over the life of the product. Customer agrees if 1) Customer does not provide PG&E with 100% of the related benefits for the life of the product or a period of 5 years, whichever is less, or 2) Customer ceases to be a distribution Customer of PG&E during said time period, Customer shall refund a prorated amount of Incentive payment(s) to PG&E based on the actual period of time for which Customer provided the related energy benefits as an electric Customer of PG&E.
4. **Customers with self generation capabilities:** If Customer has existing onsite cogeneration or self-generation, Implementer shall not pay Incentives for energy savings that exceed Customer's annual energy usage from PG&E. KW, kWh and therm savings are limited to the previous 12 months quantity of kW, kWh, and/or therms purchased from or delivered by the utility on the meter(s), serving the equipment to be installed, for which the utility collects the Public Purpose Programs (PPP) surcharge. The previous 12 months are defined as the calendar year prior to the date the Customer submitted and signed this Program Participation Agreement (including usage from Standby Service and less savings associated with pending energy efficiency applications). This policy is subject to change with 30 day written notice to Customer.
5. **Incentive may not exceed Project cost:** Customer must submit Project invoice(s) which include: vendor name/address/phone, itemized listing of product(s) including quantity, product description(s), manufacturer, model #, and other identifying information as appropriate, Project cost, date invoice paid or payment terms, and installation date.

6. **If Tenant:** If a tenant, Customer is responsible for obtaining the property owner's permission to install the Measure(s) for which Customer is applying for an Incentive payment. Customer's signature on this Program Participation Agreement indicates Customer has obtained this permission.
7. **Access:** Customer will allow, if requested, a representative from PG&E, the California Public Utilities Commission (CPUC), Implementer, or any authorized subcontractor reasonable access to Facility to verify the installed product.
8. **Compliance with Laws:** Implementer shall comply with all federal, state, and municipal laws, ordinances, rules, orders, and regulations, which apply to its actions at the Facility or to the Project.
9. **Advertising:** Implementer agrees not to use the names or identifying characteristics of the Customer's Facility for published Project reports (except to fulfill reporting requirements to PG&E and/or the CPUC), advertising, sales promotion or other publicity without the Customer's written approval. In addition, Customer agrees not to use the names or identifying characteristics of Implementer for published Project reports, advertising, sales promotion, or other publicity without Implementer's written approval.
10. **No Double-Dipping:** Customer understands that Customer cannot receive Incentives for the same product, equipment or service from more than one California investor-owned utility or third party Energy Efficiency program offering Incentives for the same product, equipment, or service funded with CPUC Public Goods Charge funds. Customer understands this prohibition applies three years prior to and three years after receiving the Incentives for the same product, equipment or service.
11. **No Obligation:** California consumers are not obligated to purchase any full fee service or other service not funded by this Program. This Program is funded by California utility ratepayers under the auspices of the California Public Utilities Commission (CPUC). *Los consumidores en California no están obligados a comprar servicios completos o adicionales que no estén cubiertos bajo este programa. Este programa está financiado por los usuarios de servicios públicos en California bajo la jurisdicción de la Comisión de Servicios Públicos de California (CPUC).*
12. **Availability of Funds:** This program is available on a first-come, first served until allocated funds are depleted. This Program may be modified or terminated without notice.

**I HAVE READ, UNDERSTAND AND AGREE TO THE TERMS AND CONDITIONS ABOVE. I AUTHORIZE THE ENERGY ALLIANCE ASSOCIATION (TEAA) TO PROCEED WITH THE AUTHORIZED PROJECT DESCRIBED ABOVE.**

\_\_\_\_\_  
Authorized Customer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Customer Printed Name

*Ross Colley*  
\_\_\_\_\_  
TEAA Representative Signature

*10/2/2012*  
\_\_\_\_\_  
Date

*ROSS COLLEY*  
\_\_\_\_\_  
TEAA Representative Printed Name



# Financing Supplement to the Energy Efficiency Retrofit Program Application

The Energy Efficiency Retrofit Loan Program (the "Program") is funded by California utility customers and administered by Pacific Gas and Electric Company (PG&E) under the auspices of the California Public Utilities Commission (CPUC). The Program provides qualified PG&E customers with a means to finance energy-efficient (EE) retrofit projects implemented under select PG&E EE Programs (the "Qualified Program"). The loans issued under the Program are interest-free, unsecured loans to fully or partially reimburse qualified PG&E customers for the costs they incur in connection with a qualified retrofit project (the "Retrofit Project"), which term shall mean the energy efficiency retrofit project described in Customer's relevant Energy Efficiency Program Application.

1. **Conditions for Eligibility:** Participation in the Program is limited to PG&E customers that meet the following conditions and satisfy these conditions throughout the duration of the Retrofit Project up to and including the date of Final Verification (defined below in Section 8): (a) the PG&E customer must be a business ("Commercial Customer") or a federal, state, county or local government agency ("Government Customer"); Commercial Customers and Government Customers are collectively referred to as "Customer;" (b) Customer currently receives service from PG&E at the location of the Retrofit Project (the "Location"); (c) Customer has continually maintained an active PG&E account for the previous 24 months and has a minimum of 12 months of historical metered energy usage at Customer's current Location; (d) at the time the Customer's Program Application is Approved and Customer's Loan Agreement is executed, and at the time the loan is to be funded following completion of the Retrofit Project and satisfaction of all other requirements of the Loan Agreement, Customer must be in good credit standing, as determined by PG&E through credit review which may include a commercial credit check and a bill history review, which may be based upon the following and other criteria:
  - a. No 24-hour disconnection notices in the last 12 months;
  - b. No returned payments within the last 12 months;
  - c. No more than 1 payment arrangement in the last 12 months;
  - d. No broken payment arrangements within the last 12 months;
  - e. No deposit assessed within the last 12 months; and
  - f. The Retrofit Project qualifies and Customer is eligible for an incentive under the Qualified Program.

2. **Loan Features:** The loans offered under the Program are interest-free (0%) and free of any fees, late payment penalties or other charges. The loan terms and conditions are set to provide simple payback from energy savings during the maximum allowed loan term, and are calculated by dividing the loan amount (eligible project cost less Qualified Program Incentives) by the estimated monthly energy savings resulting from the Retrofit Project. The ensuing number of monthly payments must not exceed the Maximum Loan Term set forth in chart below ("Loan Amount and Term Limitations").
3. **Eligibility:** Prior to purchasing and installing any energy-efficient measures or equipment under the Qualified Program, Customer must satisfy the eligibility requirements of both the Program and Qualified Program. Because energy efficiency projects in progress are ineligible under the Program, Customer must have an inspection of the Retrofit Project and Location conducted and completed by PG&E before commencing any work or purchasing any equipment for the Retrofit Project.
4. **Inspection:** PG&E will assist Customers in understanding the energy efficiency measures available under the Qualified Program and will answer their questions concerning this Program. After Customer has decided upon the measures that comprise the Retrofit Project, PG&E will request an engineering review, perform an inspection of the Location, calculate the Loan Terms and prepare the Loan Documents. Thereafter, PG&E will provide Customer with a copy of the inspection report, a Loan Agreement, the Application, the applicable On-Bill Financing (OBF) Gas and/or Electric Rate Schedule and Loan Calculation Summary Sheet (collectively, the "Loan Documents").
5. **Loan Documents:** If the terms of the loan are acceptable, Customer shall execute the Loan Documents and return them to PG&E prior to the commencement of the Retrofit Project. Incomplete or incorrect applications cannot be processed and may result in the delay of PG&E's approval and possible disqualification from the Program. Customer may withdraw this Application for any reason without penalty by sending written notice to PG&E.
6. **Customer's Responsibilities for Contractor and Vendor:** Upon PG&E's notification to Customer that the Retrofit Project is eligible for the Program, Customer may begin the Retrofit Project pursuant to the contract agreed upon by Customer, its contractor or vendor. PG&E does not endorse or recommend any particular contractor or vendor nor does PG&E review any contractor or vendor proposals. Rather, Customer shall be solely responsible for reviewing the feasibility of the contractor's and vendor's proposal(s) and verifying their respective qualifications, pricing, energy savings, warranties and the terms and conditions of the contractor's and/or vendor's contract with Customer.

Loan Amount and Term Limitations	
Interest	0%, with no additional fees or charges
Minimum Loan Amount	\$5,000
Maximum Loan Amount	Commercial Customer: \$100,000 / premises Government Customer: \$250,000 / meter
Maximum Loan Term, not to exceed the Expected Useful Life (EUL) of the measures	Commercial Customer: 60 months Government Customer: 120 months

\*Residential customers are ineligible.

- 7. PG&E Disclaimers:** CUSTOMER'S DESIGN OF THE RETROFIT PROJECT AND SELECTION AND USE OF ENERGY EFFICIENCY EQUIPMENT, MEASURES AND SELECTION OF CONTRACTORS AND VENDORS IS AT CUSTOMER'S SOLE DISCRETION AND AT CUSTOMER'S SOLE RISK. TO THE EXTENT PERMITTED BY APPLICABLE LAW, PG&E EXPRESSLY AND SPECIFICALLY DISCLAIMS ANY LIABILITY IN RESPECT OF ANY ADVICE, INFORMATION OR OTHER INSTRUCTION PROVIDED BY OR ON BEHALF OF PG&E TO CUSTOMER IN CONNECTION WITH THE QUALIFIED PROGRAM, PROGRAM OR RETROFIT PROJECT. PG&E DOES NOT WARRANT OR BEAR ANY RESPONSIBILITY FOR ANY OF THE FOLLOWING:
- a.** THE WORK PERFORMED BY CUSTOMER'S CONTRACTOR(S) OR VENDOR(S), THAT THE RETROFIT PROJECT IS APPROPRIATE FOR THE LOCATION;
  - b.** THE RETROFIT WILL RESULT IN OR YIELD ANY ENERGY EFFICIENCY SAVINGS OR A SPECIFIC AMOUNT OF ENERGY EFFICIENCY SAVINGS OR OTHER REDUCTION IN CUSTOMER'S PG&E UTILITY BILL AFTER COMPLETION OF THE RETROFIT PROJECT;
  - c.** THE CONTRACTOR'S OR VENDOR'S SERVICES WILL BE TIMELY, COMPLETE OR ERROR-FREE, OR THAT DEFECTS IN THE RETROFIT PROJECT WILL BE CORRECTED BY SUCH INDIVIDUALS;
  - d.** ANY ERRORS, OMISSIONS, DEFECTS OR DELAYS IN THE DESIGN OR CONSTRUCTION OF THE RETROFIT PROJECT OR THE OPERATION OF ANY ENERGY EFFICIENCY MEASURES INSTALLED AT THE LOCATION.
- 8. Verification:** Upon completion of the Retrofit Project, Customer shall request PG&E's post-completion inspection and final verification that the Retrofit Project has been completed in conformity with the requirements of the Qualified Program and that customer remains eligible (the "Final Verification").
- a.** If there has been any change to the Retrofit Project's scope, cost and/or incentives available under the Qualified Program or energy savings, Customer will be required to enter into a Loan Modification Agreement with PG&E, which may include new contract terms reflecting the changes in the Retrofit Project. (If a Loan Modification Agreement is required, it shall be deemed part of the "Loan Documents.")
- b.** If the changes to the Retrofit Project are such that it no longer meets the Program's payback criteria or other conditions, the Retrofit Project will be considered ineligible, the Loan Agreement will be terminated and no loan proceeds will be disbursed.
  - c. IF PG&E DETERMINES, IN ITS ABSOLUTE DISCRETION, THAT CUSTOMER'S CREDIT HAS DETERIORATED OR HAS OTHERWISE PLACED CUSTOMER'S REPAYMENT OF THE LOAN AT RISK, THE LOAN PROCEEDS SHALL NOT BE ISSUED, EVEN THOUGH THE RETROFIT PROJECT MAY HAVE BEEN SATISFACTORILY COMPLETED AT CUSTOMER'S EXPENSE.**
- 9. Disbursements:** Subject to and following PG&E's satisfactory Final Verification, an incentive check and the loan proceeds will be issued to Customer or, at Customer's written direction, to Customer's contractor or vendor.
- 10. General Provisions:**
- a.** Applications for loans under the Program will be accepted from qualified Customers on a first-come, first-served basis until the funds allocated by PG&E for the Program are no longer available. The Program may be modified or terminated by the CPUC or PG&E at any time and without prior notice. However, termination of the Program following execution of a Loan Agreement by Customer will not affect that Loan Agreement, or, if Customer thereafter satisfies all Program conditions, the disbursement.
  - b.** The loan proceeds may only be used to pay or reimburse Customer for implementing or installing energy-efficient measures or equipment through the Qualified Program.
  - c.** If there is any conflict between the terms of any document relating to the Program, the Loan Documents shall control.
  - d.** For all retrofit projects, including but not limited to streetlight, HVAC and lighting retrofits, Customer acknowledges and understands that Customer is able to use the installation vendor or contractor of their choice.

I have read, understand and agree to all of the Energy Efficiency Retrofit Loan Program requirements and terms and conditions set forth in this Program description. I understand that loan calculations will be based on pre-inspection results and on the applicable program documentation, and that my agency/company must meet all eligibility criteria and requirements in order to participate in the Program. Any unapproved changes to project scope, costs or run hours, or to my agency's/company's creditworthiness, between the time the Loan Documents are accepted and signed and the Retrofit Project is completed and the project's and my agency's/company's continued eligibility are verified, could result in loan ineligibility.

Legal Name of Business (i.e., the formal name on your tax return)	Authorized Representative's Printed Name
---	--

Authorized Representative's Signature	Title	Date
---------------------------------------	-------	------

Tax identification information (select one):

Federal Tax ID Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

**FOR PG&E USE ONLY:**

PG&E OBF Administrator	Printed Name	Date
------------------------	--------------	------

Retrofit Program Application Number	OBF Application Number
-------------------------------------	------------------------





**THE ENERGY ALLIANCE ASSOCIATION**  
Energy Savers Program and Local Government Partnerships

**ENERGY AND COST SAVING RECOMMENDATIONS**  
**Customer Report**

**PRESENTED TO:**      **County of Sonoma Airport**      ECSR# 1  
Jon Stout  
2200 Airport Boulevard, Santa Rosa, CA 95403  
Phone: 707-565-7243  
Fax: 707-542-5303

Report Date:      9/18/2012

Ross Colley  
Program Manager  
[rcolley@teaa.net](mailto:rcolley@teaa.net)  
(707) 542-3171 (Office)  
(707) 529-0160 (Cell)  
(707) 324-8222 (Fax)

James Swinger  
Director  
[jswinger@teaa.net](mailto:jswinger@teaa.net)  
(707) 542-3171 (Office)  
(707) 529-0150 (Cell)  
(707) 324-8222 (Fax)

Sonoma County Energy Watch  
[www.sonomacountyenergywatch.org](http://www.sonomacountyenergywatch.org)  
Administered by The Energy Alliance Association (TEAA)  
1400 N. Dutton #17, Santa Rosa, CA 95401, Office: (707) 542-3171, Fax (707) 324-8222

## ENERGY AND COST SAVING RECOMMENDATIONS

### Customer Report

**County of Sonoma Airport**

Contact: Jon Stout

Phone: 707-565-7243

Fax: 707-542-5303

Location	Existing Fixture	Existing Quantity	Retro Fixture	Retro Fixture Description	Retro Qty	kW Saved	kWh Saved	Annual Dollars Saved
Exterior-2290 Poles Parking Lot	MH250/1 - 0.295	2	CMH90 -0.097	Ceramic Metal Halide, (1) 90W lamp	2	0.396	1,624	\$296.81
Exterior-Flightline Gate	MH250/1 - 0.295	3	CMH140 -0.150	Ceramic Metal Halide, (1) 140W lamp	3	0.435	1,784	\$326.04
Exterior-Butler Hanger	MH400/1 - 0.458	2	CMH210 -0.221	Ceramic Metal Halide, (1) 210W lamp	2	0.474	1,943	\$355.27
Exterior-Butler Hanger	MH400/1 - 0.458	2	CMH210 -0.221	Ceramic Metal Halide, (1) 210W lamp	2	0.474	1,943	\$355.27
Exterior-Executive Shade Hanger	I120/1 - 0.120	1	CMH60 -0.063	Ceramic Metal Halide, (1) 60W lamp	1	0.057	234	\$42.72
Exterior-Executive Shade Hanger	MV175/1 - 0.205	2	CMH60 -0.063	Ceramic Metal Halide, (1) 60W lamp	2	0.284	1,164	\$212.86
Exterior-Executive Shade Hanger	F42ILL - 0.059	5	F42WLL-R [28W] PREM - 0.042	85 CRI, 24,000 HR. RSR, Fluorescent, (2) 48" T-8 lamp, Premium PRS Ballast, RLO	5	0.085	349	\$63.71
Exterior-New Shades Hanger	F42EE - 0.072	18	F42WLL-R [28W] PREM - 0.042	85 CRI, 24,000 HR. RSR, Fluorescent, (2) 48" T-8 lamp, Premium PRS Ballast, RLO	18	0.540	2,214	\$404.74
Exterior-Museum Gate Pole	MH250/1 - 0.295	3	CMH140 -0.150	Ceramic Metal Halide, (1) 140W lamp	3	0.435	1,784	\$326.04
Exterior-Becker Restroom Pole	MH250/1 - 0.295	3	CMH90 -0.097	Ceramic Metal Halide, (1) 90W lamp	3	0.594	2,435	\$445.22
Exterior-Shop Pole	MH250/1 - 0.295	3	CMH140 -0.150	Ceramic Metal Halide, (1) 140W lamp	3	0.435	1,784	\$326.04
Exterior-Sheriff Pole	MH250/1 - 0.295	3	CMH140 -0.150	Ceramic Metal Halide, (1) 140W lamp	3	0.435	1,784	\$326.04
Exterior-Apron Box Hangers	HPS100/1 - 0.138	43	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	43	3.913	16,043	\$2,932.88

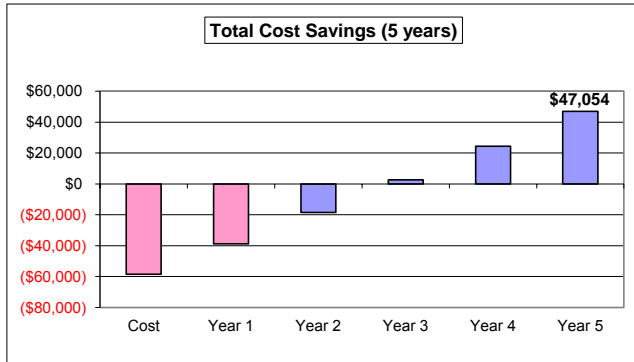
Location	Existing Fixture	Existing Quantity	Retro Fixture	Retro Fixture Description	Retro Qty	kW Saved	kWh Saved	Annual Dollars Saved
Exterior-Executive Hangers (18-21)	HPS100/1 - 0.138	4	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	4	0.364	1,492	\$272.83
Exterior-C Hangers	HPS100/1 - 0.138	3	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	3	0.273	1,119	\$204.62
Exterior-Building 204	HPS100/1 - 0.138	3	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	3	0.273	1,119	\$204.62
Exterior-Building 152	HPS70/1 - 0.095	5	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	5	0.240	984	\$179.89
Exterior-Excutive Hangers (200-204)	HPS70/1 - 0.095	5	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	5	0.240	984	\$179.89
Exterior-Hanger 3205	HPS150/1 - 0.188	6	CMH60 -0.063	Ceramic Metal Halide, (1) 60W lamp	6	0.750	3,075	\$562.14
Exterior-E Hanger (Building 3201)	HPS70/1 - 0.095	4	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	4	0.192	787	\$143.91
Exterior-South Laughlin Entrance Pole	HPS150/1 - 0.188	4	CMH60 -0.063	Ceramic Metal Halide, (1) 60W lamp	4	0.500	2,050	\$374.76
Exterior-E Hangers	I120/1 - 0.120	2	CFL23 -0.023	CFL 23 WATT (P38 Flood)	2	0.194	795	\$145.41
Exterior-E Hanger (Building 205)	HPS70/1 - 0.095	7	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	7	0.336	1,378	\$251.84
Exterior-Hangers (18-21)	MH175/1 - 0.215	2	CMH60 -0.063	Ceramic Metal Halide, (1) 60W lamp	2	0.304	1,246	\$227.85
Exterior-Hangers (26-27) -Building 3736	HPS150/1 - 0.188	6	CMH60 -0.063	Ceramic Metal Halide, (1) 60W lamp	6	0.750	3,075	\$562.14
Exterior-Hangers 18-21	F42ILL - 0.059	6	F42WLL-R [28W] PREM - 0.042	85 CRI, 24,000 HR. RSR, Fluorescent, (2) 48" T-8 lamp, Premium PRS Ballast, RLO	6	0.102	418	\$76.45
Exterior-Becker Blvd. Restroom	F42ILL - 0.059	3	F42WLL-R [28W] PREM - 0.042	85 CRI, 24,000 HR. RSR, Fluorescent, (2) 48" T-8 lamp, Premium PRS Ballast, RLO	3	0.051	209	\$38.23
Exterior-Apron F	HPS70/1 - 0.095	8	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	8	0.384	1,574	\$287.82
Exterior-Apron F Sec. Lights	MH250/1 - 0.295	4	CMH140 -0.150	Ceramic Metal Halide, (1) 140W lamp	4	0.580	2,378	\$434.72
Exterior-Apron F Sec. Lights Pole	MH250/1 - 0.295	4	CMH140 -0.150	Ceramic Metal Halide, (1) 140W lamp	4	0.580	2,378	\$434.72



Location	Existing Fixture	Existing Quantity	Retro Fixture	Retro Fixture Description	Retro Qty	kW Saved	kWh Saved	Annual Dollars Saved
Exterior-Apron F Sec. Lights Pole	MH250/1 - 0.295	4	CMH140 -0.150	Ceramic Metal Halide, (1) 140W lamp	4	0.580	2,378	\$434.72
Exterior-Transent Pole	MH250/1 - 0.295	4	CMH90 -0.097	Ceramic Metal Halide, (1) 90W lamp	4	0.792	3,247	\$593.62
Exterior-Transent Pole	MH250/1 - 0.295	4	CMH90 -0.097	Ceramic Metal Halide, (1) 90W lamp	4	0.792	3,247	\$593.62
Exterior-Long Term Parking	MV250/1 - 0.290	6	CMH90 -0.097	Ceramic Metal Halide, (1) 90W lamp	6	1.158	4,748	\$867.95
Exterior-Long Term Parking	MH250/1 - 0.295	2	CMH90 -0.097	Ceramic Metal Halide, (1) 90W lamp	2	0.396	1,624	\$296.81
Exterior-Airline Ramp	MH750/1 - 0.850	4	CMH315 -0.331	Ceramic Metal Halide, (1) 315W lamp	4	2.076	8,512	\$1,556.01
Exterior-Airline C	MH750/1 - 0.850	8	CMH315 -0.331	Ceramic Metal Halide, (1) 315W lamp	8	4.152	17,023	\$3,112.01
Exterior-Passenger Hold Room	HPS70/1 - 0.095	3	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	3	0.144	590	\$107.93
Exterior-Car Rental Parking Lot	MV75/1 - 0.093	4	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	4	0.184	754	\$137.91
Exterior-Car Rental Parking Lot	MV75/1 - 0.093	7	CMH45 -0.047	Ceramic Metal Halide, (1) 45W lamp	7	0.322	1,320	\$241.35
Exterior-Terminal Parking	MH175/1 - 0.215	2	CMH60 -0.063	Ceramic Metal Halide, (1) 60W lamp	2	0.304	1,246	\$227.85
Exterior-Terminal Parking Floods	I120/1 - 0.120	3	CFL23 -0.023	CFL 23 WATT (P38 Flood)	3	0.291	1,193	\$218.11
Butler Hanger	MH250/1 - 0.295	2	CMH90 -0.097	Ceramic Metal Halide, (1) 90W lamp	2	0.396	1,624	\$296.81

Location	Existing Fixture	Existing Quantity	Retro Fixture	Retro Fixture Description	Retro Qty	kW Saved	kWh Saved	Annual Dollars Saved
	Delamp 4' Lamps (L19)	0			0	0.000	0	\$0.00
	Delamp 8' (lamps) (L20)	0			0	0.000	0	\$0.00
	Delamp 3' (lamps) (L18)	0			0	0.000	0	\$0.00
	Delamp 2' (lamps) (L17)	0			0	0.000	0	\$0.00
<b>Existing Qty Total:</b>		<b>219</b>	<b>Retro Qty Total:</b>		<b>219</b>			

Retrofit Summary Totals						
	Retro Qty	kW Saved	Annual kWh Saved	Annual Dollars Saved	Monthly Savings	Total Project Cost
	219	26.257	107,654	<b>\$19,680.17</b>	\$1,640.01	<b>\$74,628.00</b>



ECSR 1	9/18/2012
TOTAL PROJECT COST:	<b>\$74,628.00</b>
TEAA INCENTIVE:	<b>\$16,148.06</b>
CUSTOMER COST:	<b>\$58,479.95</b>
SIMPLE PAYBACK PERIOD (yrs):	<b>2.97</b>
Investment Internal Rate of Return (IRR):	<b>34.7%</b>
Investment Net Present Value (NPV):	<b>\$111,761</b>
Reduction in CO <sub>2</sub> e (lbs):	<b>55,980</b>



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 27  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Board of Supervisors – (707) 565-2241

**Title:** Minutes

**Recommended Actions:**

Approval of Minutes – Approve the Minutes of the meeting of October 9, 2012 for the following: (1) Agricultural Preservation and Open Space, Occidental County Sanitation District, Sonoma County Water Agency, and Board of Supervisors

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment:** Not Applicable

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

**Related Items “On File” with the Clerk of the Board:**

**ACTION SUMMARY**  
**BOARD OF SUPERVISORS**  
**SONOMA COUNTY**  
**575 ADMINISTRATION DRIVE, ROOM 102A**  
**SANTA ROSA, CA 95403**

**TUESDAY**

**OCTOBER 9, 2012**

**8:30 A.M.**

Valerie Brown	First District	Veronica A. Ferguson	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
Mike McGuire	Fourth District		
Efren Carrillo	Fifth District		

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, and as the governing board of all special districts having business on the agenda to be heard this date.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

**Public Transit Access to the County Administration Center:**

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>.

***APPROVAL OF THE CONSENT CALENDAR***

The Consent Calendar includes routine financial and administrative actions, are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

***PUBLIC COMMENT***

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. Closed session items may be added prior to the Board adjourning to closed session. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

## 8:33 A.M. CALL TO ORDER

Supervisors Present: Supervisors Brown, Rabbitt, Zane, McGuire, and Carrillo.  
(All Supervisors Were Present)

Present: Chris Thomas, Deputy County Administrator, and Sheryl Bratton, Assistant County Counsel

Chairwoman Zane presiding

8:33 A.M. Chairwoman Zane called the meeting to order.

## PLEDGE OF ALLEGIANCE

### I. APPROVAL OF THE AGENDA (Items may be added or withdrawn from the agenda consistent with State law)

Chairwoman Zane announced an Agenda Addendum. The matter on the Addendum is as follows: Closed Session Item #27A Conference with Legal Counsel – Existing Litigation – Name of Case: The Mishewal Wappo Tribe of Alexander Valley v. Salazar. The Chairwoman also announced that Closed Session Item #27 had been withdrawn.

### II. BOARD MEMBER ANNOUNCEMENTS

Supervisor Rabbitt announced he attended the Sonoma County Employees Retirement Association Annual Planning session and provided the Board with an update.

Supervisor Carrillo announced that he and Kathleen Kane, Executive Director of the Community Development Commission, John Haig, Community Development Commission and Steve Shupe, County Counsel met with the Department of Finance to discuss redevelopment project areas.

Supervisor Brown requested that the Chairwoman allow her to share a video production on Highway 12 Project, Sonoma County at the October 16, 2012 Board meeting during Board members announcements.

Supervisor McGuire announced that he and Supervisor Carrillo met with regulatory agencies to discuss the Russian River compact issue, and mentioned that a subsequent meeting would follow today. He also announced the Annual Santa Rosa Town Hall Meeting on October 17th.

Chairwoman Zane reported she attended the Rohnert Park and Santa Rosa Oversight Board meetings; participated in the Catwalk for a Cure fundraiser event; and recorded a PBS segment regarding various County initiatives including the climate protection campaign, energy and independence program, and Sonoma Clean Power. She announced the transformation of Animal Care and Control for their Senior Pet Adoption program.

### III. CONSENT CALENDAR (Items 1 through 21)

#### PRESENTATIONS/GOLD RESOLUTIONS (Item 1 through 6)

##### PRESENTATIONS AT BOARD MEETING

1. Presentation of Certificates - Honoring the generous sponsors of the Schulz Celebrity Golf Classic held on June 5, 2012, raising \$400,000 to benefit Sonoma County Children's Charities: American Ag Credit; AvantAir; Bay Jet, LLC; Canon, USA; Codding Foundation; First Community Bank; John Jordan Foundation; Kendall-Jackson; Kia of Santa Rosa/Nissan of Santa Rosa; Lytton Rancheria; Northern California Medical Associates; Trione Vineyards & Winery; Zinna Family Trust. (Fourth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

2. Adopt a Gold Resolution honoring the Latino Health Forum on the occasion of the 20th year of promoting health in the Latino Community. (Fifth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 12-0475

3. Adopt a Gold Resolution honoring Martha Apel as Sonoma County's longest serving poll worker. (Clerk-Recorder-Assessor)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 12-0476

4. Adopt a Gold Resolution proclaiming the week of October 7-13, 2012 Fire Prevention Week 2012 in Sonoma County. (Fire and Emergency Services)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 12-0477

5. Adopt a Gold Resolution honoring Farmers Group for their strong support of the training of California volunteer firefighters by teaming up with the Fire Services Training Institute, California State Firefighters Association and the Sonoma County Fire and Emergency Services Department. (Fire and Emergency Services)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 12-0478

##### PRESENTATIONS AT DIFFERENT DATE

6. Adopt a Gold Resolution honoring Wendy Peterson for her first nine years as Executive Director of the Sonoma Valley Visitors Bureau. (First District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 12-0479

CONSENT CALENDAR (Continued)

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

7. Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District ("District") to execute an amendment to the existing professional services agreement with the Bay Area Ridge Trail Council to provide trail design, layout, project development, and construction management expertise in order to provide safe and sustainable public access to lands acquired by the District that adds \$10,000 to the contract for a contract total of \$159,800. (First and Fourth Districts)

Board Action: Approved as Recommended

UNANIMOUS VOTE

OCCIDENTAL COUNTY SANITATION DISTRICT

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

8. Wastewater Storage and Reclamation Project - Design and Environmental Services - (1) Authorize the Chair to execute a first amended agreement with Brelje & Race Consulting Civil Engineers increasing the amount by \$27,330, expanding the scope of work to include further environmental assessment and revision of the federal Environmental Information Document in response to federal granting agency requirements, and extending the agreement term by 6 months for a new not-to-exceed agreement total of \$362,330 and end date of June 30, 2013. (2) Authorize Chair to execute an agreement with Brelje & Race Consulting Civil Engineers to provide Design and California Environmental Quality Act Environmental services for the Wastewater Storage and Reclamation Project in the amount of \$411,480; agreement terminates on June 30, 2014. (Fifth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

SONOMA COUNTY WATER AGENCY

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

9. Authorize the Chair to execute an agreement with Quattrocchi Kwok Architects to provide architectural services for the Westside Facility for an amount not to exceed \$100,000; agreement terminates on December 31, 2013. (Fifth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR /  
COUNTY ADMINISTRATOR

10. Accept the Sonoma County Advertising Fund Agreed-Upon Procedures Report for the fiscal year ended June 30, 2011 and grant a one-time exemption from repayment for Earthdance International following the findings in the audit report. (4/5 vote required)

Board Action: Approved as Recommended

UNANIMOUS VOTE



CONSENT CALENDAR (Continued)

COUNTY ADMINISTRATOR

11. Authorize the Chair to execute an amendment to a Personal Services Agreement with Julie Paik as Director of the Department of Child Support Services extending the term through September 13, 2015.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

12. Authorize the Chair to execute a Personal Services Agreement with Ben Stone as Economic Development Coordinator through October 9, 2016.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

COUNTY ADMINISTRATOR / COUNTY COUNSEL

13. Authorize the Chair to execute Amendment No. 3 to the 2004 Memorandum of Understanding with the Federated Indians of Graton Rancheria for a time extension, to October 26, 2012, to negotiate a Comprehensive Intergovernmental Agreement, or demand binding arbitration.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

INFORMATION SYSTEMS

14. Authorize the Information Systems Department Director to execute a professional services agreement with Government Finance Officers Association ("GFOA") for software and implementation service agreement negotiation and scope of work development services for the period of October 9, 2012 through March 31, 2013, for an amount not to exceed \$39,375.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

PERMIT AND RESOURCE MANAGEMENT

15. Adopt a Resolution approving and accepting the Final Map for "Rising Star Subdivision, Tract No. 1058", accepting certain offers of dedication and making findings all in accordance with the Subdivision Map Act. (Second District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution No. 12-0480

PROBATION

16. Authorize the Chief Probation Officer to execute the first amendment to the agreement between Sonoma County Superior Court and Probation, which provides funding for one Probation Officer assigned to support services to the Driving Under the Influence (DUI)

CONSENT CALENDAR (Continued)

Item #16 Continued

Specialty Court. The amendment will increase the contract by \$124,987, resulting in a new total not-to-exceed amount of \$541,341, and extend the term from September 30, 2012 to September 30, 2013.

Board Action: Approved as Recommended

UNANIMOUS VOTE

MISCELLANEOUS

17. Approval of Minutes - (1) Approve the Minutes of the Meeting of September 25, 2012 for the following: Sonoma County Public Financing Authority, Sonoma County Water Agency, and Board of Supervisors; (2) Approve the Minutes of the Meeting of September 25, 2012 for the Sonoma Valley County Sanitation District.

Board Action: Approved as Recommended

UNANIMOUS VOTE

APPOINTMENTS/REAPPOINTMENTS

(Items 18 through 21)

18. Reappoint Peter Harsch, Steve Herron, Kathleen Kane, Scott Kincaid, Lisa Maldonado, David Ohman, Bill Robotka, George Steffensen, and Lorraine Wilson to the Workforce Investment Board for two year terms ending September 14, 2014; and Reappoint Steve Freitas to the Youth Council for a two year term ending September 14, 2014. (Human Services)

Supervisor Carrillo announced that he would not be supporting the appointment of Lisa Maldonado as labor representative on the Workforce Investment Board and asked that the Human Services Department provide a new recommendation for the Board's consideration. Supervisors Brown, Rabbitt and McGuire supported Supervisor Carrillo's recommendation.

The Board bifurcated the requested Board action for final vote.

Board Action: Reappoint Peter Harsch, Steve Herron, Kathleen Kane, Scott Kincaid, David Ohman, Bill Robotka, George Steffensen, and Lorraine Wilson to the Workforce Investment Board for two year terms ending September 14, 2014; and Reappoint Steve Freitas to the Youth Council for a two year term ending September 14, 2014.

UNANIMOUS VOTE

Board Action: Reappoint Lisa Maldonado to the Workforce Investment Board for two year terms ending September 14, 2014.

AYES: Supervisor Zane

NOES: Supervisor Brown, Supervisor Rabbitt, Supervisor McGuire, Supervisor Carrillo

ACTION DENIED

CONSENT CALENDAR (Continued)

19. Appoint Steve Cox to the Community Development Committee for a coterminous term.  
(First District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

20. Reappoint Paul Casini to the Monte Rio Fire Protection District from December 7, 2012  
until December 6, 2016. (Fifth District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

21. Reappoint reappointment of Emil Alberigi to the Monte Rio Fire Protection District from  
December 7, 2012 until December 6, 2016. (Fifth District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

IV. REGULAR CALENDAR (Items 22 though 25)

HUMAN RESOURCES

22. Approve the 2012-2013 Work Plan for the Commission on the Status of Women as an addendum to the original Biennial Plan approved by the Board of Supervisors October 18, 2011.

9:40 A.M.

Present: Jan Kiely, Chair of the Commission on the Status of Women

Speakers:

Danielle Pavone  
Linda Hale  
Priscilla Vino

Board Action: Approved as Recommended  
UNANIMOUS VOTE

CLERK-RECORDER-ASSESSOR

23. Consider a potential ordinance allowing transfer of base year value of out of county property, damaged or destroyed in a Governor declared disaster; and direct staff to take appropriate action including sending a letter notifying affected local agencies and return to the Board on November 13, 2012 for a hearing on the proposed ordinance.

9:54 A.M.

Present: Bill Rousseau, Chief Deputy Assessor

Board Action: Approved as Recommended  
UNANIMOUS VOTE

HEALTH SERVICES

24. Authorize the Director of Health Services to execute single source agreements funded by the Community Transformation Grant from the U.S. Department of Health and Human Services within appropriate budget authority, and any amendments that do not significantly change the scope of work, for the period October 1, 2012 through September 30, 2014, for a total not to exceed amount of \$1,161,621. Single source agreements will be with: Santa Rosa Memorial Hospital \$16,000; Sutter Medical Center of Santa Rosa \$16,000; Kaiser Permanente Santa Rosa Medical Center \$16,000; Sonoma Valley Hospital \$12,778; Petaluma Valley Hospital \$12,778; University of California Cooperative Extension \$50,000; Community Alliance for Family Farmers \$125,000; Redwood Community Health

REGULAR CALENDAR (Continued)

Item #24 Continued

Coalition \$180,000; St. Joseph's Health System \$75,000; YMCA of Sonoma County \$200,000; Sonoma State University \$160,000; University of California - San Francisco \$268,065; and Sonoma Bicycle Coalition \$30,000.

10:03 A.M.

Present: Peter Rumble, Division Director of Health Policy, Planning and Evaluation, Department of Health Services

Board Action: Approved as Recommended

AYES: Supervisor Valerie Brown, Supervisor Shirlee Zane, Supervisor Mike McGuire, and Supervisor Efren Carrillo.

RECUSED: Supervisor David Rabbitt.

10:26 A.M. The Board recessed

10:40 A.M. The Board reconvened

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

AND

REGIONAL PARKS

25. Adopt a Concurrent Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District and the Board of Supervisors of the County of Sonoma adopting a Mitigated Negative Declaration and Monitoring Program for the Taylor Mountain Regional Park and Open Space Preserve Master Plan; approving the Taylor Mountain Regional Park and Open Space Preserve Master Plan; determining the Master Plan is consistent with the 2020 General Plan; and making certain findings in connection therewith. (First and Third Districts)

10:40 A.M.

Present: Bill Keene, General Manager, Agricultural Preservation and Open Space District; Sara Press, Associate Planner, Agricultural Preservation and Open Space District; and Mark Cleveland, Senior Park Planner; Regional Parks Department

Speaker: Bert Whitaker, Park Manager, Regional Parks Department

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 12-0481

REGULAR CALENDAR (Continued)

11:18 A.M. - PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA  
(Comments are restricted to matters within the Board jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting.)

11:18 A.M. Public Comment opened

Thomas Jigme Wheat  
Lathe Gill  
Richard Hannan  
John Jenkel

11:31 A.M. Public Comment closed

11:31 A.M. - Permit and Resource Management Department: Review and possible action on:  
a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments  
b) Acts and Determinations of Project Review and Advisory Committee  
c) Acts and Determinations of Design Review Committee  
d) Administrative Determinations of the Director of Permit and Resource Management  
No Acts or Determinations were reviewed or acted upon.

The Board recessed to Closed Session to hear items #26-27A, with the exception of #27 which was withdrawn.

12:27 P.M. - RECONVENE FROM CLOSED SESSION

12:27 P.M. - Report on Closed Session. See Closed Session items #26-27A.

V. CLOSED SESSION CALENDAR (Items 26 through 27)

26. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Initiation of Litigation (Govt. Code Section 54956.9 (c)).

Direction was given to Counsel and staff.

27. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiator: Wendy Macy/Carol Allen/William Kay, Burke & Associates and Carol Stevens, Burke & Associates. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).

Withdrawn.

- 27A. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation - Name of Case: The Mishewal Wappo Tribe of Alexander Valley v. Salazar. United States District Court for the California Northern District Case No. 5:09-cv-02502-EJD (Govt. Code Section 54956.9 (a)).

Board Action: Approve filing an appeal of the District Court's decision terminating Sonoma County's Intervenor status in the litigation.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

12:29 P.M. The meeting was adjourned to October 16, 2012 at 8:30 A.M.

Respectfully submitted,

Michelle Arellano, Chief Deputy Clerk of the Board



County of Sonoma  
Agenda Item  
Summary Report

**Agenda Item Number:** 28  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** BOS

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** BOS

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Supervisor Efren Carrillo 565-2241

Fifth

**Title:** Appointment

**Recommended Actions:**

Approve appointment of Tim Lipinski to the Sweetwater Springs Water District from December 7, 2012 until December 6, 2016. (Fifth District)

**Executive Summary:**

None.

**Prior Board Actions:**

None.

**Strategic Plan Alignment:** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	Select an item.	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>



**Narrative Explanation of Fiscal Impacts (If Required):**

n/a

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

None.

**Related Items “On File” with the Clerk of the Board:**

None.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 29

(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

Phil Demery (707) 565-2231  
Christina Rivera (707) 565-2431

**Supervisory District(s):**

All Districts

**Title:** Ad Hoc Committee on Roads; One-Time General Fund Allocation FY 12-13

### Recommended Actions:

- A. Review and approve Road Ad Hoc list of projects and programs to be financed by the \$8 Million one-time FY 12/13 General Fund allocation.
  - \$6.5 Million pavement preservation efforts
  - \$1.5 Million in rural road safety, demonstration, inspection and revolving loan financing.
- B. Review and approve long-term funding strategies.
- C. Receive status of Pavement Preservation efforts for FY 12/13 totaling \$20.4 Million financed with federal, state, tribal, local, and General Fund sources.

### Executive Summary:

In January 2012, the Sonoma County Board of Supervisors confirmed as one of its main strategic plan projects to address the county road network's deteriorating condition. The Board recognized the long-term socioeconomic impacts of a failing roadway infrastructure on the residents of Sonoma County.

The Board formed the Ad Hoc Committee on Roads with Supervisors David Rabbitt and Shirlee Zane serving as Co-Chairs. In addition to the Board members, County Administrator, County Counsel and Transportation & Public Works staffs provided support to the committee.

Today's Ad-hoc recommendation is a follow-up report requesting the Board confirms specific investments totaling \$8 million of one-time General Fund.

In June 2012, the Committee presented their report to the Board describing the County road system, current pavement conditions, historical expenditures, funding sources and future opportunities. Although the Board accepted the report and approved the Ad Hoc Committee recommendations, the Board requested further analysis of the shorter term recommendations. Specifically the Board requested the Ad Hoc to reanalyze the list of \$6.5 million one-time road projects

investments, and provide additional detail and policy options regarding the implementation of a County and Community partnership program financed with \$1.5 million one-time allocation. Consequently, the Road Ad-Hoc completed multiple work meetings with staff, including a discussion with Save Our Sonoma Roads principals to review the group's suggestions and ideas. As a result, the following was developed:

**June 2012 Recommendation to Designate \$6.5 Million to improve road segments supporting and/or enhancing economic growth within the county**

Upon field inspection of the unfunded road segments serving tourism and agriculture areas, an expanded list of projects were developed and are being recommended as shown in Attachment A to be financed by the \$6.5M designation approved in June 2012. The list includes treating 16 roads and approximately 13.2 miles with a variety of treatments, which are described in more detail later in this summary.

**June 2012 Recommendation to Designate \$1.5 Million to establish a county and community partnership program where county funds can be leveraged to match private funds and develop community initiatives where residents may be provided resources to conduct their own maintenance**

At the June 2012 meeting, the Board expressed their concerns of a financial match program whereby community members would need to make a financial contribution in order receive the road improvements. Implementation of such a program could potentially cause social inequity issues. Additional discussion focused on the ability of communities to perform some road maintenance activities directly in lieu of a financial match. Unfortunately, there are very few road maintenance activities that could be conducted by community representatives which would not expose the County to significant risk, thus the Ad Hoc Committee is recommending the program be modified from a community partnership to one that focuses on rural road safety, reconstruction demonstration projects, additional pavement inspection, and establishing a revolving loan fund for interested communities desiring a Road Maintenance District.

**Rural Road Safety; \$800K**

The funding designation will be to address unanticipated urgent priority safety activities for which funding is not immediately available from existing baseline resources. The recommendation includes the immediate purchase of a new striping machine and support vehicle with estimated total cost of \$250K, which will allow the striping of edge and centerlines within applicable rural road sections. The remaining \$550K allocation balance will be used to fund not only rural road striping, but also other rural road safety activities such as guardrail and sign installation. This work is anticipated to be performed by County road crews.

**Reconstruction Demonstration Projects; \$500K**

Several short sections of roads around the County would be reconstructed using different techniques and materials to stabilize the road base. As demonstration projects, the sections will be monitored over time with the collection of pavement distress and cost data. The objective is to garner intelligence on new road reconstruction technologies, which may be less costly than current traditional options. These demonstration projects will be constructed and monitored by County road crews.

**Additional Pavement Inspection; \$100K**

This funding would be used to supplement the Department's pavement inspection program performed by contractors. The supplemental funding would allow all 1382 miles of County roads to be inspected within FY 12/13. Currently, the road inspections are provided on a 4 year cycle. Having annual inspections of all 1382 miles would be the most accurate way to assess pavement conditions. The Roads Ad-Hoc reviewed the condition status of all of the county roads and believes existing road conditions levels and the cost associated for improvement will benefit from increased road data collection.

The expanded road information, along with the new road treatment intelligence acquired, will allow the County to advocate for long term strategies based on more precise road improvement cost estimates.

**Revolving Loan Fund; \$100K**

Communities that may desire formation of Road Maintenance Districts to improve their road conditions in the future would be required to prepare detailed engineering reports related to costs and projected revenue collections within the formed boundary. These documents can be costly. The Road Ad-Hoc recommends the establishment of a Road District Formation revolving fund, which the community can access to finance required studies. Consequently, if a District vote is successful, the newly formed district would repay the fund.

**Long-Term Funding Strategies for Addressing Road Needs**

1. Reconfirm the County’s commitment to provide at least \$5.3 Million in General Fund revenue annually for corrective road maintenance on all County road segments.
2. Reconfirm the County’s commitment to provide an additional \$2.2 Million in General Fund revenue (Solid Waste Franchise Fees) annually for pavement preservation treatments on primary road segments.
3. Seek opportunities that would provide additional General Fund revenues for County road pavement preservation activities.
4. Support placing a local funding measure on a future ballot for road maintenance.
5. Support either the extension of Measure M, the ¼ cent regional Transportation Sales Tax or an additional ¼ cent regional Transportation Sales Tax focused on local road maintenance.
6. Further review and potential implementation of Road Maintenance Districts.
7. Support a statewide transportation user fee.

**FY 12/13 Pavement Preservation Contracts**

As shown in the table below, there are over 52 miles of road segments that are planned to be treated this fiscal year representing a total expenditure over \$20M. Approximately 39.5 miles of road segments are part of the Primary Road Network with work provided by four separate bid contracts as shown in items 1-4 below. Details of the contract work are described in Attachment B.

	<b>PROJECT/TREATMENT TYPE</b>	<b># OF MILES</b>	<b>FUNDING SOURCE</b>	<b>EST. AMOUNT (in millions)</b>
1	2010 Pavement Preservation Program/ Bonded Wearing Course	20.70	Federal & Prop. 1B	\$4.96
	2012 Tribal Pavement Preservation/ Bonded Wearing Course	2.31	Tribal	0.50
2	2012 Pavement Preservation Program/	11.87	Federal & Prop. 1B	3.96

	Asphalt Overlay			
3	Airport Blvd -Fulton Rd Intersection/ Partial Reconstruction & Asphalt Overlay	1.38	Measure M	1.50
4	2012 Pavement Preservation Supp/ Concrete Repair & Asphalt Overlay	3.30	Prop. 1B & Solid Waste Franchise Fees	3.00
5	2012 Investment: Tourism & Agriculture/ Various Treatments	13.20	General Fund	<u>6.50</u>
	<b>TOTAL</b>	<b>52.76</b>		<b>\$ 20.42</b>

The Road Ad-hoc road improvement investment recommendations of approximately 13.2 miles of road segments are a group of roads shown as item 5 above that will receive a variety of different treatments with most work completed by contract but with some of the short sections to be completed by County Road crews. Treatments include chipseal, overlays, reconstruction and thin-bonded wearing course, which is a promising treatment the County has not used before but in which Caltrans has experienced success. These recommended road segments are not part of the Primary Road Network, however the Board has allocated \$6.5M of one-time General Fund revenues to improve segments supporting the county's Tourism & Agricultural infrastructure.

With the submittal of this report, the Road Ad-Hoc Committee completes the task assigned by the Board. In addition, the Road Ad-Hoc has agreed to participate in Save Our Sonoma roads next Road Summit community meeting, which is currently scheduled for Wednesday, November 14, 2012.

**Prior Board Actions:**

6/19/12: Board approved Road Ad Hoc recommendations allocating \$8M in one-time reserves. 2/7/12: Board established the Ad Hoc Committee on Roads and added 42.1 miles to the Primary Road Network. 10/25/11: Board received priority roads update; 8/23/11: Board received priority roads update and took action to add 5.7 miles to the Priority Road Network; 10/26/10: Board adopted Countywide a priority road network of 150.2 miles and directed staff to return with funding options; 9/16/08: Board accepted the Road Ahead Report and directed staff to return with options for funding and developing a prioritized list.

**Strategic Plan Alignment:** Goal 3: Invest in the Future

Additional \$6.5M funding is part of a strategy which will improve over 52 miles of County Roads in FY 12/13. Another \$1.5M will be used for safety projects, road assessment and future financing opportunities.

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$ 21.9M	County General Fund	\$ 10.2M
Add Appropriations Req'd.	\$	State/Federal	\$ 9.7M
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$	Tribal / Measure M	\$ 2M
<b>Total Expenditure</b>	<b>\$ 21.9M</b>	<b>Total Sources</b>	<b>\$ 21.9M</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The \$21.9M amount listed above is comprised of \$20.4 Million contract work including \$8.7M of General Fund revenue (\$2.2M Solid Waste Franchise Fees and \$6.5M one time reserves) as described in Attachment B, as well as another \$1.5M of General Fund one time reserves is recommended to be allocated for rural road safety, reconstruction demonstration projects, pavement inspection, and Road District Formation revolving loan fund.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Attachment A - Roads Vital for Tourism and Agriculture Map; Attachment B – FY 12/13 Pavement Preservation efforts; Attachment C – Map of Primary Road Pavement Preservation efforts in FY 12/13; Attachment D - Map of all Pavement Preservation efforts in FY 12/13.

**Related Items “On File” with the Clerk of the Board:**

# Attachment A: Roads Vital for Tourism and Agriculture

Unincorporated Sonoma County

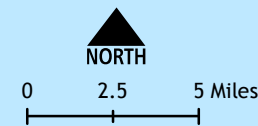
## 2012 One-Time Reserves; Tourism & Agriculture (\$6.5 M)




Road Name	Attraction	Road ID	From PM	To PM	Length (mi)
Adobe Canyon Rd.	Hood Mountain Regional Park / Sugarloaf Ridge State Park	76021	10.00	12.32	2.32
Armstrong Woods Rd.	Armstrong Redwoods State Reserve	80131	11.85	12.17	0.32
Bean Ave.	Salmon Creek	61017	10.00	10.28	0.28
Bohemian Hwy	Russian River	6002A	20.18	20.37	0.19
Bohemian Hwy	Russian River	70150	29.98	30.00	0.02
Burbank Ave.	Roseland Community Park	78011	10.00	11.00	1.00
Chileno Valley Rd.	Helen Putnam Park	4801	12.73	13.53	0.80
Doran Beach Rd.	Bodega Harbor	61002	10.00	11.58	1.58
Eastside Rd.	Wine Country	7905A	14.48	15.00	0.52
Lichau Rd.	Fairfield-Osborn Preserve	67002	11.36	11.86	0.50
Lichau Rd.	Fairfield-Osborn Preserve	67002	13.36	14.49	1.13
London Ranch Rd.	Jack London State Park	66045	10.20	11.34	1.14
Main St.	Russian River	6002B	20.04	20.18	0.14
Snyder Ln.	Green Music Center, Sonoma State University	68025	12.49	13.18	0.69
West Dry Creek Rd.	Wine Country	99017	10.00	11.35	1.35
Westside Rd.	Wine Country	8001	18.53	19.75	1.22
<b>Total:</b>					<b>13.20</b>

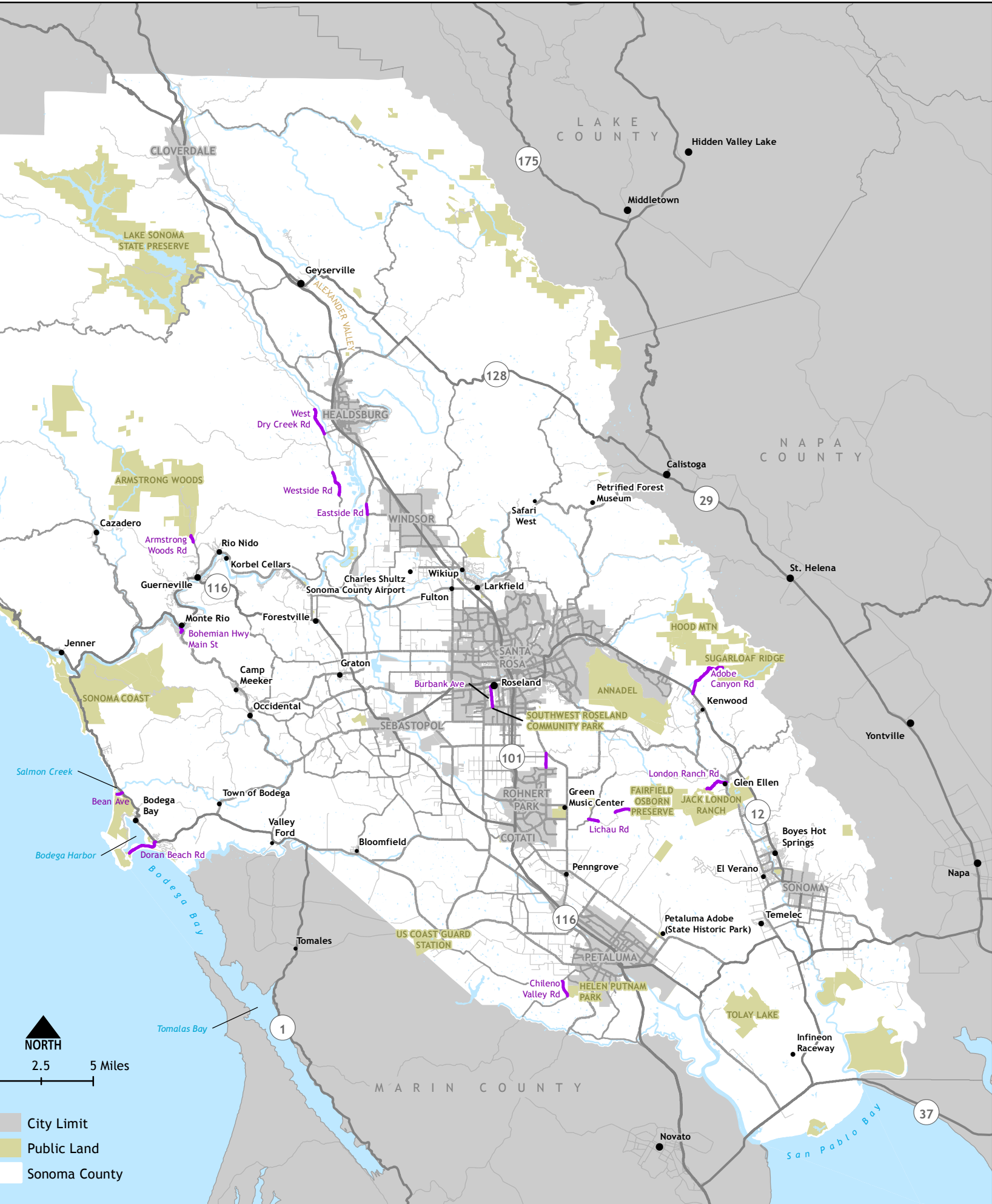
### Map Legend:

 Roads to be Funded by One-Time Reserves

Source:  
Transportation and Public Works Department  
County of Sonoma, June, 2012



 City Limit  
 Public Land  
 Sonoma County



# ATTACHMENT B

## 2010 Pavement Preservation Program

### BONDED WEARING COURSE

1)

<b>Funding:</b>	Federal	\$4.90 M
	Local	\$56K (Prop 1B)
	<b>Total:</b>	\$4.96 M

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Arnold Drive	Craig Ave to Country Club Dr	5603	13.86	14.59	0.73
Petaluma Hill Road	Adobe Rd to East Cotati Rd	5710B	10.52	12.92	2.40
Porter Creek Road	East of Lock Haven Dr to Franz Valley Rd	8801B	15.89	17.07	1.18
Stony Point Road	Rohnert Park Expy to Santa Rosa City Limits	6803	21.23	24.51	3.28
Bodgea Highway A	Old Redwood Hwy North to Adobe Rd	6904	10.85	13.36	2.51
Bodgea Highway B	PM 13.36 to Jonive Rd	6904	13.36	15.77	2.41
Valley Ford Road A	Hwy 1 to 0.5 mi east of Carmody Rd	5706B	10.00	14.24	4.24
Valley Ford Road B	0.5 mi east of Carmody Rd to Tomales Rd	5706B	14.24	18.19	3.95
<b>Totals:</b>					<b>20.70</b>

## 2012 Tribal Funded Pavement Preservation

### BONDED WEARING COURSE

<b>Funding:</b>	Tribal:	\$0.5 M
	<b>Total:</b>	\$0.5 M

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Geyserville Ave	Hwy 128 to Interchange	0902A	6.05	7.02	0.97
Lytton Station Rd	Lytton Springs Rd to Alexander Valley Rd	35	10.68	12.02	1.34
<b>Totals:</b>					<b>2.31</b>



**2012 Pavement Preservation Program**

**ASPHALT OVERLAY**

2)

<b>Funding:</b>	Federal	\$3.917 M
	Local	\$45K (Prop 1B)
	<b>Total:</b>	<b>\$3.96 M</b>

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Lakeville Rd	Old Lakeville Rd No. 2 to Hwy 116	3601	14.99	16.97	1.98
Calistoga Rd	Santa Rosa City Limit to Petrified Forest Rd	7703	11.45	17.13	5.68
Stony Point Rd	North of Mecham Rd to Hwy 116	5709	14.82	16.35	1.53
Stony Point Rd	Hwy 116 to Rohnert Park Expy	6803	19.90	21.23	1.33
Main St	Old Redwood Hwy North to Adobe Rd	5710A	10.14	10.46	0.32
Fulton Rd	River Road to Santa Rosa City Limit	7804B	13.02	14.05	1.03
<b>Totals:</b>					<b>11.87</b>

**Airport Blvd./Fulton Rd. Intersection Improvements**

**PARTIAL RECONSTRUCTION & ASPHALT OVERLAY**

3)

<b>Funding:</b>	Measure M	\$1.5 M
	<b>Total:</b>	<b>\$1.5 M</b>

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Airport Blvd	U.S. 101 Ramp to Old Redwood Highway	8803A	11.55	12.33	0.78
Fulton Rd	U.S. 101 Overpass to Old Redwood Highway	7804B	14.78	15.38	0.60
<b>Totals:</b>					<b>1.38</b>

**2012 Pavement Preservation; Supplemental**

**CONCRETE REPAIRS & ASPHALT OVERLAY**

4)

**Funding:** Prop 1B           \$0.8 M  
 Franchise Fees       \$2.2 M  
 Total:                   \$3.0 M

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Old Redwood Hwy North	Petaluma to Cotati	5712B	13.2	16.5	3.3
<b>Totals:</b>					<b>3.3</b>

**2012 One-time Reserves; Tourism & Agriculture**

**VARIOUS TREATMENTS**

5)

**Funding:** County       \$6.5 M  
 Total:               \$6.5 M

Road Name	Attraction	Road ID	From PM	To PM	Length (mi)
Adobe Canyon Rd.	Hood Mountain Regional Park / Sugarloaf Ridge State Park	76021	10.00	12.32	2.32
Armstrong Woods Rd.	Armstrong Redwoods State Reserve	80131	11.85	12.17	0.32
Bean Ave.	Salmon Creek	61017	10.00	10.28	0.28
Bohemian Hwy	Russian River	6002A	20.18	20.37	0.19
Bohemian Hwy	Russian River	70150	29.98	30.00	0.02
Burbank Ave.	Roseland Community Park	78011	10.00	11.00	1.00
Chileno Valley Rd.	Helen Putnam Park	4801	12.73	13.53	0.80
Doran Beach Rd.	Bodega Harbor	61002	10.00	11.58	1.58
Eastside Rd.	Wine Country	7905A	14.48	15.00	0.52
Lichau Rd.	Fairfield-Osborn Preserve	67002	11.36	11.86	0.50
Lichau Rd.	Fairfield-Osborn Preserve	67002	13.36	14.49	1.13
London Ranch Rd.	Jack London State Park	66045	10.20	11.34	1.14
Main St.	Russian River	6002B	20.04	20.18	0.14
Snyder Ln.	Green Music Center, Sonoma State University	68025	12.49	13.18	0.69
West Dry Creek Rd.	Wine Country	99017	10.00	11.35	1.35
Westside Rd.	Wine Country	8001	18.53	19.75	1.22
<b>Totals:</b>					<b>13.20</b>

**Grand Total**

**\$20.42 M**

**52.76 miles**

Attachment C:

# FY 12/13 Primary Road Pavement Preservation

## Unincorporated Sonoma County

1.) **2010 Pavement Preservation Program - Bonded Wearing Course (\$4.96 M)**

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Arnold Drive	Craig Ave to Country Club Dr	5603	13.86	14.59	0.73
Petaluma Hill Road	Adobe Rd to East Cotati Rd	5710B	10.52	12.92	2.40
Porter Creek Road	East of Lock Haven Dr to Franz Valley Rd	8801B	15.89	17.07	1.18
Stony Point Road	Rohnert Park Expy to Santa Rosa City Limits	6803	21.23	24.51	3.28
Bodega Highway A	Old Redwood Hwy North to Adobe Rd	6904	10.85	13.36	2.51
Bodega Highway B	PM 13.36 to Jonive Rd	6904	13.36	15.77	2.41
Valley Ford Road A	Hwy 1 to 0.5 mi east of Carmody Rd	5706B	10.00	14.24	4.24
Valley Ford Road B	0.5 mi east of Carmody Rd to Tomales Rd	5706B	14.24	18.19	3.95
<b>Totals:</b>					<b>20.70</b>

2012 Tribal Funded Pavement Preservation - Bonded Wearing Course (\$0.5 M)

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Geyserville Ave	Hwy 128 to Interchange	0902A	6.05	7.02	0.97
Lytton Station Rd	Lytton Springs Rd to Lytton Station Rd	99034B	10.68	10.88	0.20
Lytton Station Rd	Lytton Station Rd to Alexander Valley Rd	99035	10.88	12.02	1.14
<b>Totals:</b>					<b>2.31</b>

2.) **2012 Pavement Preservation - Asphalt Overlay (3.96 M)**

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Lakeville Rd	Old Lakeville Rd No. 2 to Hwy 116	3601	14.99	16.97	1.98
Calistoga Rd	Santa Rosa City Limit to Petrified Forest Rd	7703	11.45	17.13	5.68
Stony Point Rd	North of Mecham Rd to Hwy 116	5709	14.82	16.35	1.53
Stony Point Rd	Hwy 116 to Rohnert Park Expy	6803	19.90	21.23	1.33
Main St	Old Redwood Hwy North to Adobe Rd	5710A	10.14	10.46	0.32
Fulton Rd	River Road to Santa Rosa City Limit	7804B	13.02	14.05	1.03
<b>Totals:</b>					<b>11.87</b>

3.) **Airport Blvd / Fulton Rd Intersection Improvements - Partial Reconstruction & Asphalt Overlay (\$1.50 M)**

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Airport Blvd	U.S. 101 Ramp to Old Redwood Highway	8803A	11.55	12.33	0.78
Fulton Rd	U.S. 101 Overpass to Old Redwood Highway	7804B	14.78	15.38	0.60
<b>Totals:</b>					<b>1.38</b>

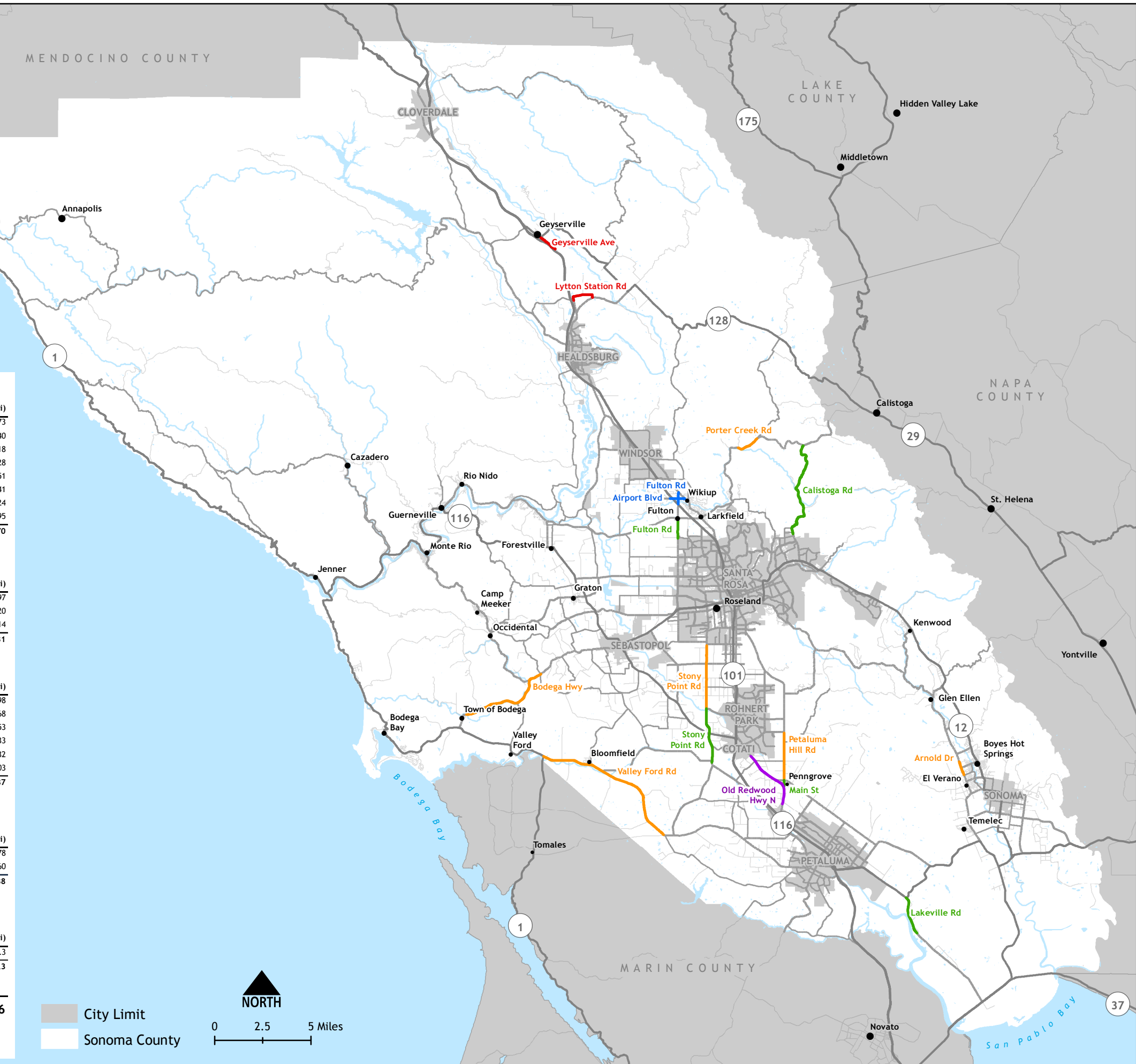
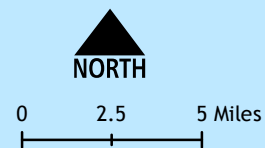
4.) **2012 Pavement Preservation Program; Supplemental - Concrete Repairs & Asphalt Overlay (\$3.0 M)**

Road Name	Location	Road ID	From PM	To PM	Length (mi)
Old Redwood Hwy N	Petaluma to Cotati	5712B	13.2	16.5	3.3
<b>Totals:</b>					<b>3.3</b>

**TOTAL MILES: 39.56**

Source:  
Transportation and Public Works Department  
County of Sonoma, June, 2012

City Limit  
Sonoma County



Attachment D:



# FY 12/13 All Pavement Preservation Work

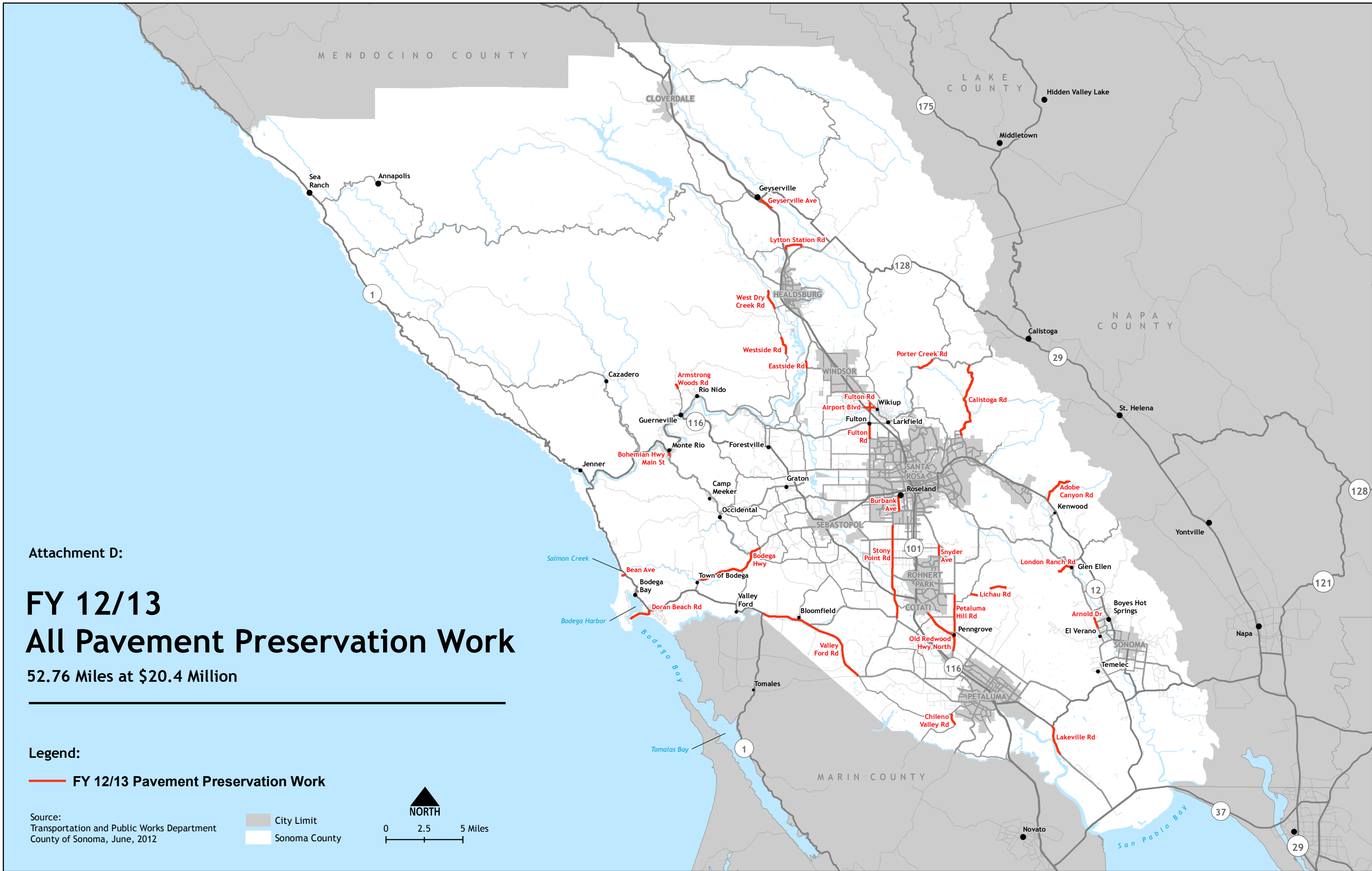
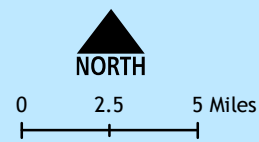
52.76 Miles at \$20.4 Million

Legend:

 FY 12/13 Pavement Preservation Work

Source:  
Transportation and Public Works Department  
County of Sonoma, June, 2012

 City Limit  
 Sonoma County







# Sonoma County Board of Supervisors Ad Hoc Committee on Roads

**Supervisor David Rabbitt    Supervisor Shirlee Zane**

**October 23, 2012**

# Ad Hoc Work

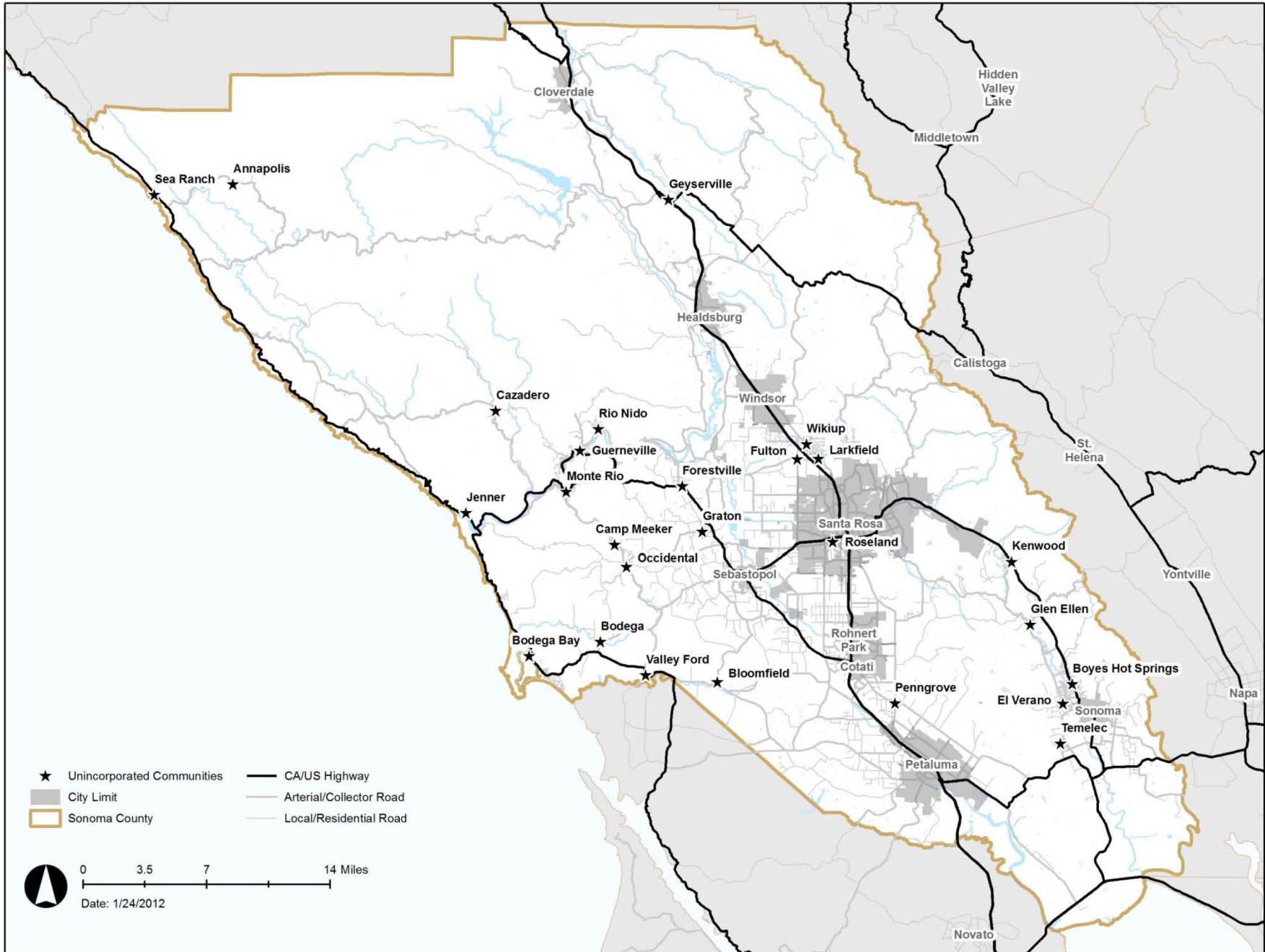
- ❑ In January 2012, the Board confirmed as one of their main Strategic Plan Objectives to address the County Road System's deteriorating condition.
- ❑ By February 2012, the Primary Road Network had Expanded to 197.2 miles but the remaining 1,185 miles of roads did not have an identified source for protecting and preserving pavement conditions.
- ❑ In February 2012, Chairwoman Zane appointed an Ad-Hoc Committee for Roads to include Supervisors Zane and Rabbitt as co-chairs with staff support provided by the County Administrator, County Counsel and Transportation and Public Works.
- ❑ The Ad-Hoc Committee reviewed several past reports prepared by Transportation and Public Works as well as the "Statewide Local Streets and Roads Needs Assessment", the Metropolitan Commission Pothole Report and various other documents.
- ❑ In June 2012, the Ad-Hoc Committee produced a report with recommendations which the Board approved but requested further analysis.

Sonoma County



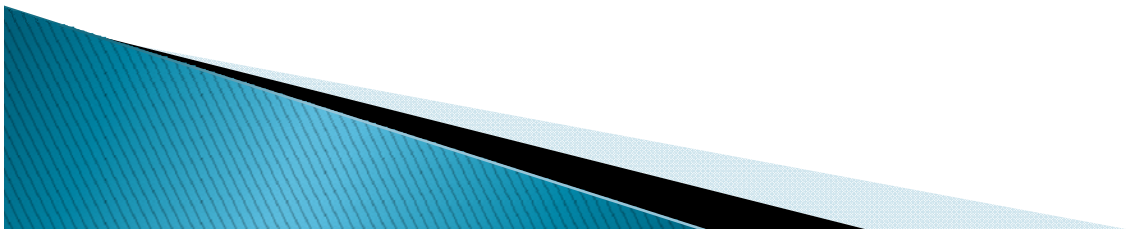
Board of Supervisors  
Ad-Hoc Committee on Roads

June 19, 2012



# Short-Term

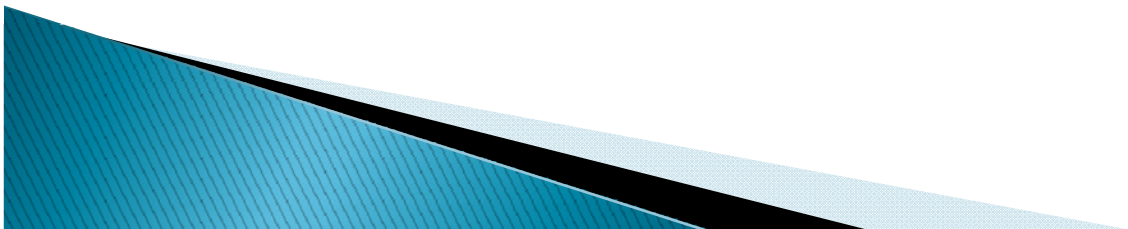
- ▶ Establish an \$8 Million one-time General Fund allocation in FY 12/13 from the Tax Loss Reserve Fund (Teeter) to be designated for the implementation of a Road Improvement Plan.
  - (a) Designate \$6.5 Million to improve road segments supporting and/or enhancing economic growth within the county;
  - (b) Designate \$1.5 Million to establish a county and community partnership program where County funds can be leveraged to match private funds and develop community initiatives where residents may be provided resources to conduct their own maintenance.





## 2012 One-Time Reserves; Tourism & Agriculture (\$6.5 M)

Road Name	Attraction	Road ID	From PM	To PM	Length (mi)
Adobe Canyon Rd.	Hood Mountain Regional Park / Sugarloaf Ridge State Park	76021	10.00	12.32	2.32
Armstrong Woods Rd.	Armstrong Redwoods State Reserve	80131	11.85	12.17	0.32
Bean Ave.	Salmon Creek	61017	10.00	10.28	0.28
Bohemian Hwy	Russian River	6002A	20.18	20.37	0.19
Bohemian Hwy	Russian River	70150	29.98	30.00	0.02
Burbank Ave.	Roseland Community Park	78011	10.00	11.00	1.00
Chileno Valley Rd.	Helen Putnam Park	4801	12.73	13.53	0.80
Doran Beach Rd.	Bodega Harbor	61002	10.00	11.58	1.58
Eastside Rd.	Wine Country	7905A	14.48	15.00	0.52
Lichau Rd.	Fairfield-Osborn Preserve	67002	11.36	11.86	0.50
Lichau Rd.	Fairfield-Osborn Preserve	67002	13.36	14.49	1.13
London Ranch Rd.	Jack London State Park	66045	10.20	11.34	1.14
Main St.	Russian River	6002B	20.04	20.18	0.14
Snyder Ln.	Green Music Center, Sonoma State University	68025	12.49	13.18	0.69
West Dry Creek Rd.	Wine Country	99017	10.00	11.35	1.35
Westside Rd.	Wine Country	8001	18.53	19.75	1.22
<b>Total:</b>					<b>13.20</b>



Attachment A:


# Roads Vital for Tourism and Agriculture

Unincorporated Sonoma County

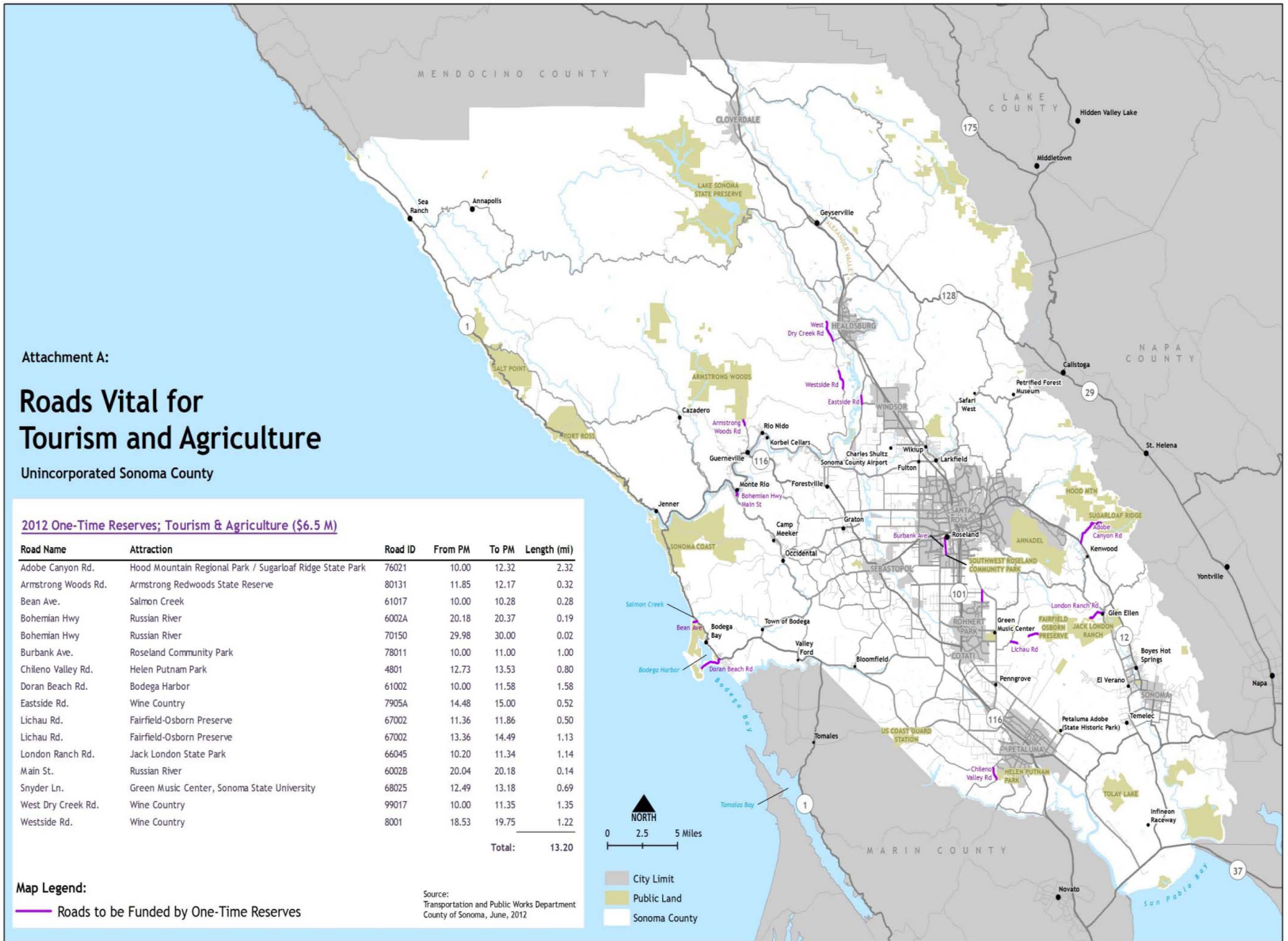
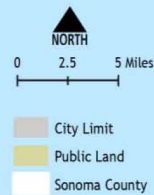
## 2012 One-Time Reserves; Tourism & Agriculture (\$6.5 M)

Road Name	Attraction	Road ID	From PM	To PM	Length (mi)
Adobe Canyon Rd.	Hood Mountain Regional Park / Sugarloaf Ridge State Park	76021	10.00	12.32	2.32
Armstrong Woods Rd.	Armstrong Redwoods State Reserve	80131	11.85	12.17	0.32
Bean Ave.	Salmon Creek	61017	10.00	10.28	0.28
Bohemian Hwy	Russian River	6002A	20.18	20.37	0.19
Bohemian Hwy	Russian River	70150	29.98	30.00	0.02
Burbank Ave.	Roseland Community Park	78011	10.00	11.00	1.00
Chileno Valley Rd.	Helen Putnam Park	4801	12.73	13.53	0.80
Doran Beach Rd.	Bodega Harbor	61002	10.00	11.58	1.58
Eastside Rd.	Wine Country	7905A	14.48	15.00	0.52
Lichau Rd.	Fairfield-Osborn Preserve	67002	11.36	11.86	0.50
Lichau Rd.	Fairfield-Osborn Preserve	67002	13.36	14.49	1.13
London Ranch Rd.	Jack London State Park	66045	10.20	11.34	1.14
Main St.	Russian River	6002B	20.04	20.18	0.14
Snyder Ln.	Green Music Center, Sonoma State University	68025	12.49	13.18	0.69
West Dry Creek Rd.	Wine Country	99017	10.00	11.35	1.35
Westside Rd.	Wine Country	8001	18.53	19.75	1.22
<b>Total:</b>					<b>13.20</b>

### Map Legend:

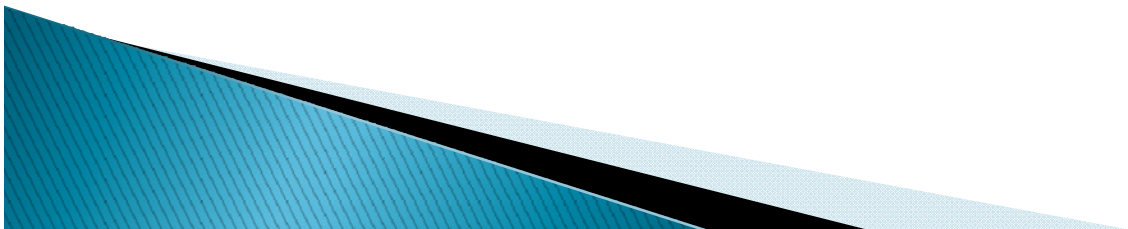
 Roads to be Funded by One-Time Reserves

Source:  
Transportation and Public Works Department  
County of Sonoma, June, 2012



# Modified \$1.5M Program

- ▶ Rural Road Safety; \$800k
- ▶ Reconstruction Demonstration Projects; \$500k
- ▶ Additional Pavement Inspection; \$100k
- ▶ Revolving Loan Fund; \$100k



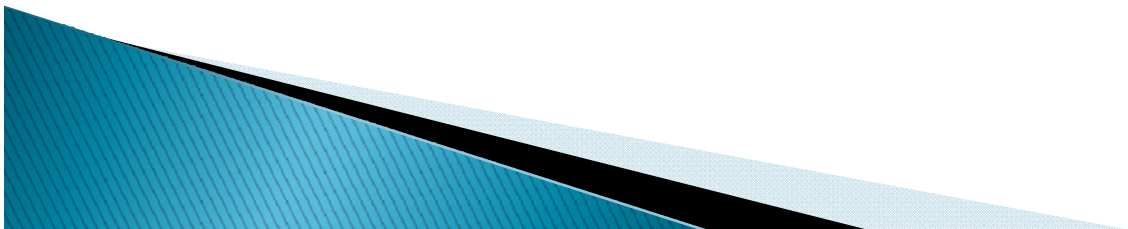
# Long-Term Funding Strategies for Addressing Road Needs

1. Reconfirm the County's commitment to provide at least \$5.3 Million in General Fund revenue annually for corrective road maintenance on all County road segments.
2. Reconfirm the County's commitment to provide an additional \$2.2 Million in General Fund revenue (Solid Waste Franchise Fees) annually for pavement preservation treatments on primary road segments.
3. Seek opportunities that would provide additional General Fund revenues for County road pavement preservation activities.



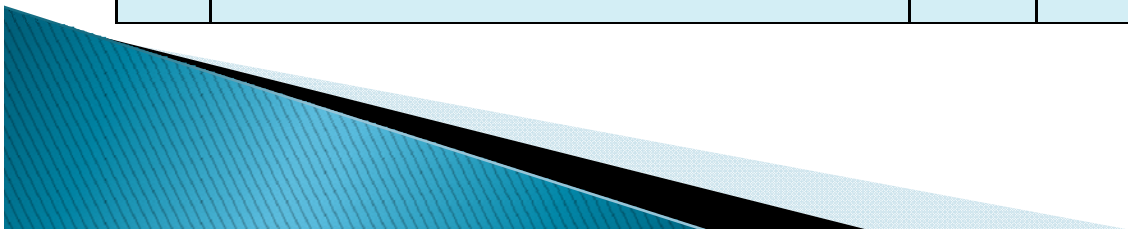
# Long-Term Funding Strategies for Addressing Road Needs

4. Support placing a local funding measure on a future ballot for road maintenance.
5. Support either the extension of Measure M, the  $\frac{1}{4}$  cent regional Transportation Sales Tax or an additional  $\frac{1}{4}$  cent regional Transportation Sales Tax focused on local road maintenance.
6. Further review and potential implementation of Road Maintenance Districts.
7. Support a statewide transportation user fee.

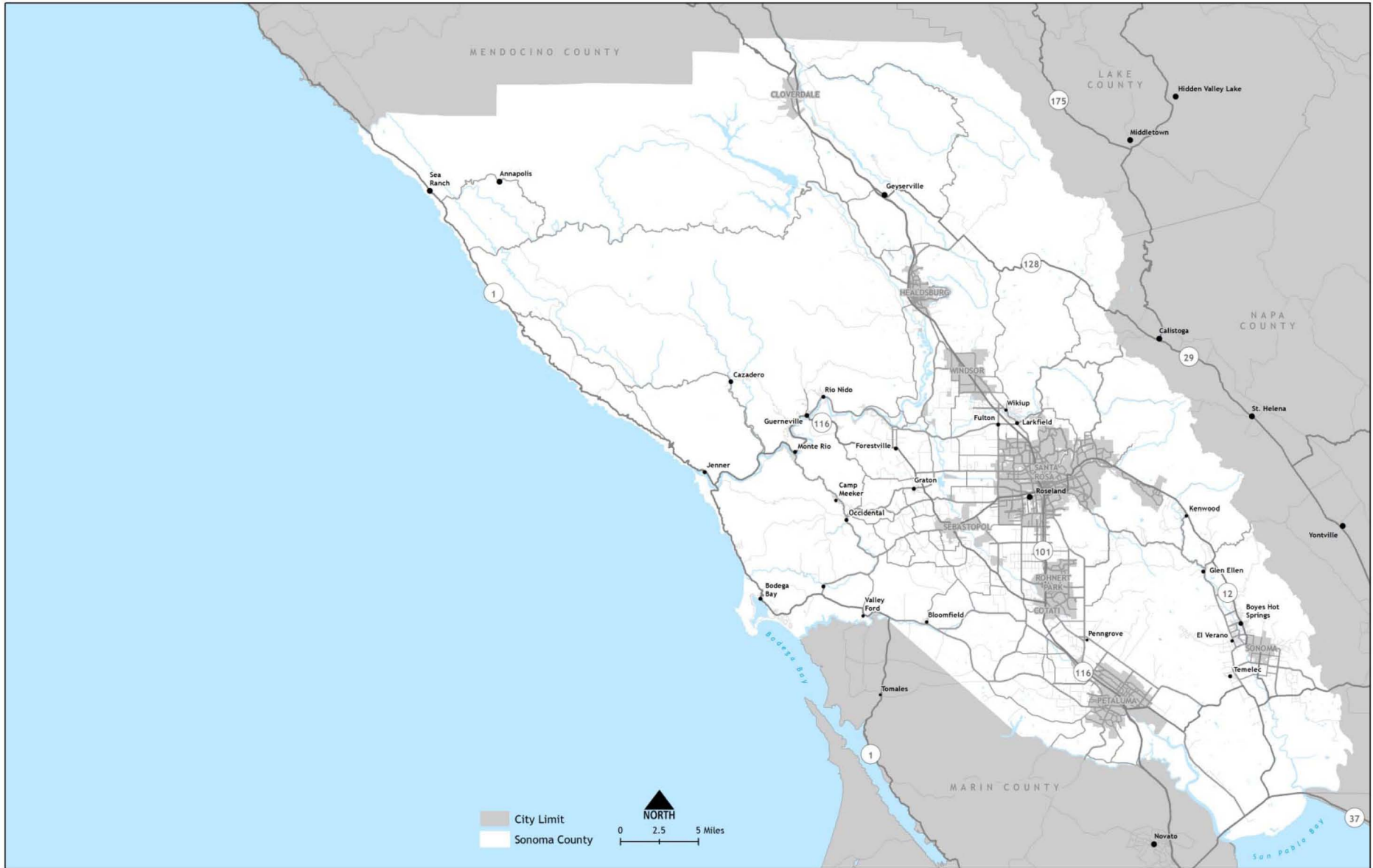


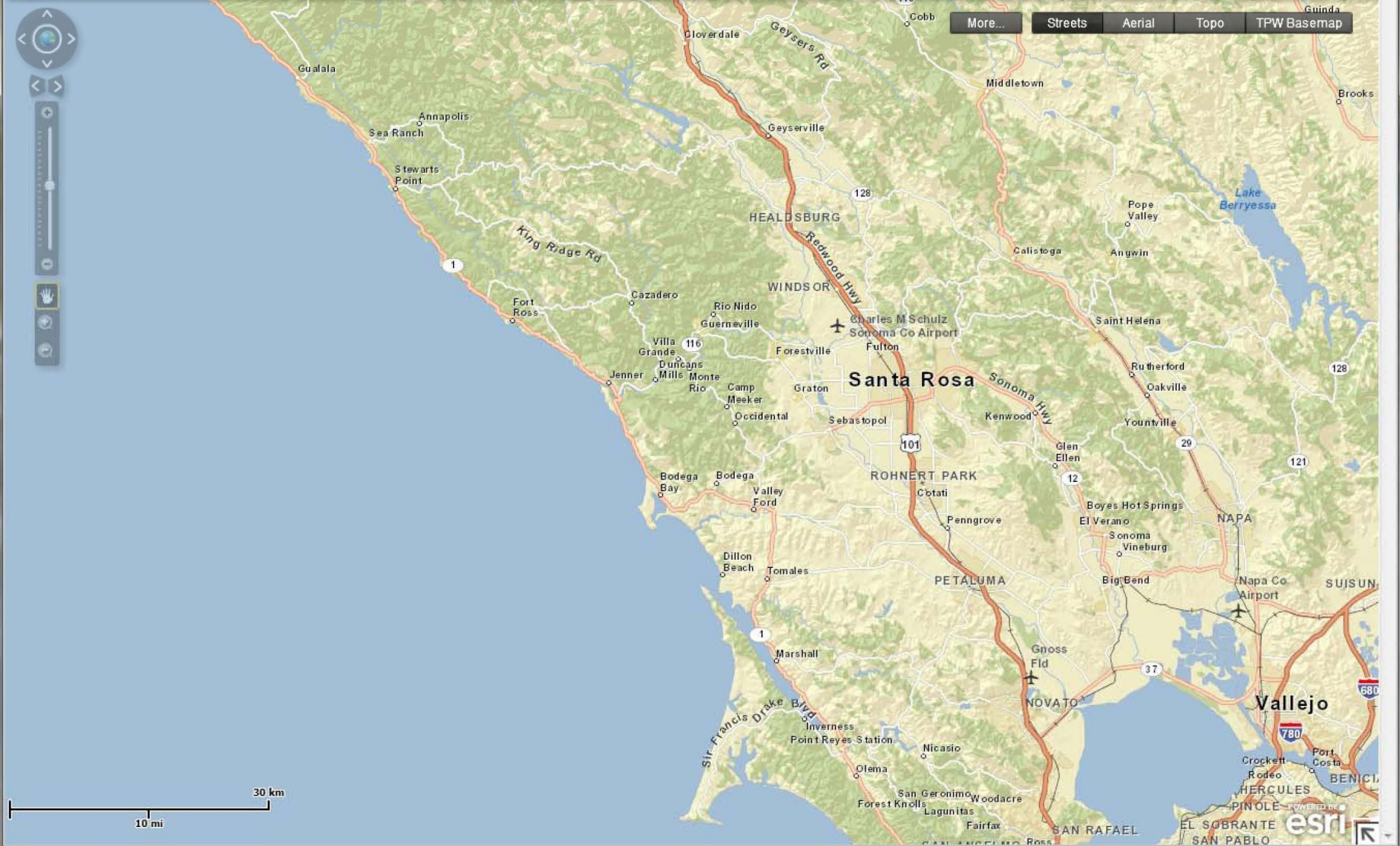
# Total Pavement Preservation work in FY 12/13

	PROJECT/TREATMENT TYPE	# OF MILES	FUNDING SOURCE	EST. AMOUNT (in millions)
1	2010 Pavement Preservation Program/ Bonded Wearing Course	20.70	Federal & Prop. 1B	\$4.96
	2012 Tribal Pavement Preservation/ Bonded Wearing Course	2.31	Tribal	0.50
2	2012 Pavement Preservation Program/ Asphalt Overlay	11.87	Federal & Prop. 1B	3.96
3	Airport Blvd -Fulton Rd Intersection/ Partial Reconstruction & Asphalt Overlay	1.38	Measure M	1.50
4	2012 Pavement Preservation Supp/ Concrete Repair & Asphalt Overlay	3.30	Prop. 1B & Solid Waste Franchise Fees	3.00
5	2012 Investment: Tourism & Agriculture/ Various Treatments	13.20	General Fund	<u>6.50</u>
	<b>TOTAL</b>	<b>52.76</b>		<b>\$ 20.42</b>





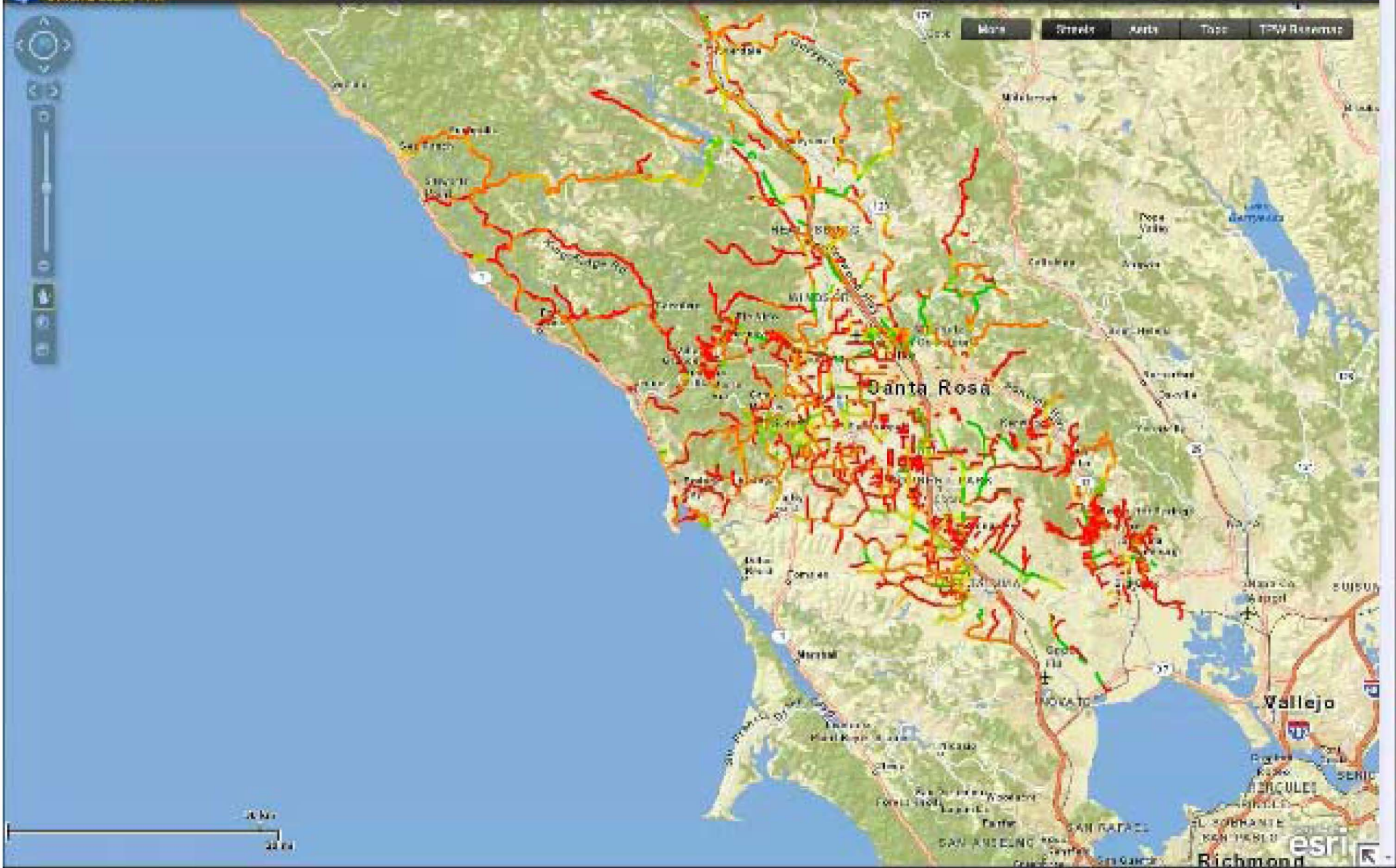






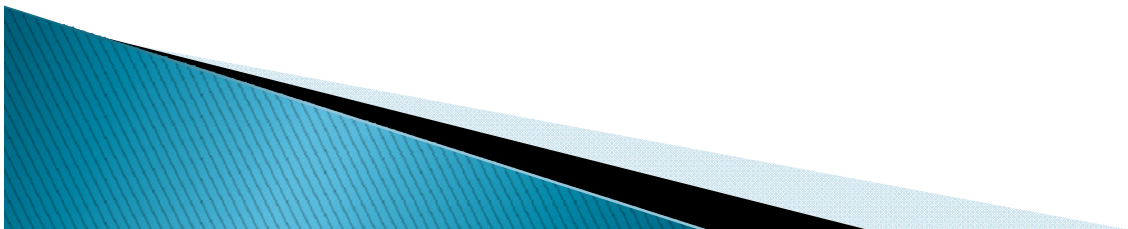


- Home
- Layers
- Tools
- Help
- About



# Recommended Actions:

- A. Review and approve Ad-Hoc Committee's list of projects and programs to be financed by the \$8 Million one-time FY 12/13 General Fund allocation.
  - \$6.5 Million Pavement preservation efforts
  - \$1.5 Million in rural road safety, demonstration, inspection and revolving loan financing.
- B. Review and reaffirm Long-Term funding strategies.
- C. Receive status of Pavement Preservation efforts for FY 12/13 totaling \$20.4 Million financed with federal, state, tribal, local, and General Fund sources.



Questions ?



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 30 10:00 A.M.  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma County Water Agency

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** 4/5

**Department or Agency Name(s):** Sonoma County Water Agency

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Marcus Trotta - 547-1978

All

**Title:** Santa Rosa Plain Groundwater Management Planning

### **Recommended Actions:**

Hold public hearing and adopt Resolution of Intention to Prepare a Groundwater Management Plan for the Santa Rosa Plain of Sonoma County.

### **Executive Summary:**

This agenda item provides a summary of groundwater management planning activities in the Santa Rosa Plain basin, and presents the proposed Resolution of Intention to Prepare a Groundwater Management Plan for the Santa Rosa Plain, for Board consideration after conducting a hearing under the California Water Code (Section 10753.2). The proposed resolution identifies the Sonoma County Water Agency (Water Agency) as the lead agency for the plan and specifies a governance structure for implementation of the plan.

The Santa Rosa Plain watershed covers an area of approximately 260 square miles and is home to approximately half of the population of Sonoma County. The groundwater system beneath the Santa Rosa Plain provides numerous benefits to the region, including rural residential and municipal water supplies, irrigation water for agriculture, and baseflow to streams and surface water bodies. The Water Agency, City of Cotati, City of Santa Rosa, City of Sebastopol, City of Rohnert Park, Town of Windsor, and California American Water Company utilize groundwater from beneath the Santa Rosa Plain for all or part of their municipal water supply.

An integrated strategy being undertaken statewide by many local agencies is to develop and implement non-regulatory, voluntary groundwater management plans in compliance with the 1992 Assembly Bill 3030 (AB3030) and the 2002 Senate Bill 1938 (SB1938). There can be multiple benefits to developing and implementing a groundwater management plan including increased water supply reliability, minimized adverse impacts to groundwater, enhanced local management of groundwater resources, and economic opportunities through available state grant funding programs. Such a plan has been successfully developed and implemented in Sonoma Valley and development of such a plan for the Santa Rosa Plain is one of the immediate actions identified in the Water Agency's Water Supply Strategy No. Five (Work with Stakeholders to Promote Sound, Information-Based Water Supply Planning Programs of the Water Supply Action Plan.



A groundwater management plan is a document that provides the framework to implement a groundwater management strategy for a basin or sub-basin. Elements of a groundwater management plan include: overview of the water resources setting and infrastructure, management goals and objectives for the basin, plans for actions to meet objectives, monitoring protocols, stakeholder involvement, and a time schedule and budget for plan implementation. The process of preparing the groundwater management plan involves assessing the state of the groundwater basin (quantity and quality) and its ability to support current and future water demands, alternative sources for water supplies, aquifer recharge and protection. A significant element of plan preparation is reaching general consensus among groundwater users, stakeholders, local government and other interested parties in the basin. Benefits of using a stakeholder process to develop the plan include:

- 1) Promotion of cooperation with new partners on basin projects
- 2) Improving understanding and communication of concerns of stakeholders
- 3) Avoidance of costly litigation
- 4) Provides opportunities for local people, such as water purveyors and land use planners to stay informed and coordinate

#### **Summary of Santa Rosa Plain Groundwater Management Planning Activities**

In 2009, the Water Agency retained the Center for Collaborative Policy to conduct an impartial stakeholder assessment of issues and concerns related to groundwater management for the Santa Rosa Plain and to learn if and how stakeholders might want to address these concerns. Based on Center for Collaborative Policy's recommendations, the Water Agency's Board directed staff in January 2010 to form a Steering Committee to guide preliminary planning of groundwater management mechanisms and to address the more significant issues identified in the Center for Collaborative Policy assessment. The Steering Committee was comprised of a diverse range of interests including business, environmental, agriculture, government, and rural well owners. The committee met six times, held three public workshops, and conducted over 20 briefings to various organizations. On May 3, 2011, the Steering Committee's recommendation to pursue a collaborative, non-regulatory, voluntary groundwater management plan was presented to the Sonoma County Board of Directors (Board). Based on this recommendation, the Board directed staff to develop: (1) a workplan to prepare a collaborative, non-regulatory, voluntary groundwater management plan; and (2) a Cooperative Agreement with partners to fund the preparation of a collaborative, non-regulatory, voluntary groundwater management plan.

On October 18, 2011, the Board approved the Cooperative Agreement between the Water Agency, County, City of Cotati, City of Santa Rosa, City of Sebastopol, City of Rohnert Park, Town of Windsor, and the California-American Water Company. In addition, the Water Agency received \$220,000 from a Proposition 84 grant to support the development of a groundwater management plan and an additional \$30,000 from the Department of Water Resources to support facilitation activities. The Center for Collaborative Policy worked with stakeholders to identify a Basin Advisory Panel (Panel) to develop a groundwater management plan comprised of diverse stakeholder constituencies: The Panel is comprised of approximately 30 members, including representatives of the Water Agency, general public, agricultural groundwater users, business and developers, residential groundwater users, government (Tribal, County and City), environmental organizations, natural resources management organizations, water suppliers, and technical groundwater professionals.

Since December 2011, the Panel has generally met on a monthly basis. To date, the Panel has undertaken several actions including development of a charter, development of a governance proposal, and draft basin

management objectives. In addition, the Panel has received presentations on different topics including groundwater basin conditions by United States Geological Survey scientists. Ongoing and future activities include development of a public participation plan, additional public outreach and education regarding groundwater issues within the Santa Rosa Plain, refinement of basin management objectives, development of monitoring protocols and technical activities, and finalizing the groundwater management plan.

Should the Board adopt the proposed resolution, the next steps would include completing the development of the groundwater management plan, which is expected to require approximately one year. Once the plan has been developed by the Panel, the Water Agency would hold another public hearing and request that the Board adopt and implement the plan.

### **Proposed Governance Structure**

The Panel developed a governance proposal for the collaborative, non-regulatory, voluntary groundwater management planning process attached (Attachment A). The proposal was approved by the Panel on June 7, 2012. One Panel member prefers court adjudication (as described in the appendix to the June 7, 2012 Panel meeting summary) and opposed the development of a collaborative, non-regulatory, voluntary groundwater management plan, which is the management approach the Board directed staff to pursue based on the recommendations of the Steering Committee. The governance proposal establishes the following structure in compliance with the California Water Code:

#### Lead Agency Role

The proposed lead agency is the Water Agency. The lead agency has ultimate responsibility for Groundwater Management Plan implementation and funding, including studies, projects, and programs it directly or indirectly finances. The lead agency role is described in the attached governance proposal and includes adopting and leading the implementation of the groundwater management plan consistent with Panel consensus.

#### Basin Advisory Panel Role

The Panel develops the groundwater management plan and guides its implementation and will remain in existence as long as the plan is being implemented. The Panel discusses, provides input, and develops consensus recommendations for all activities that move forward to implement the plan. The Panel has a collaborative governance structure: the lead agency and other agencies with jurisdiction within the Santa Rosa Plain will join with community organizations, business associations, and individuals to determine the best way to implement the groundwater management plan. All activities associated with implementing the plan would be subject to consensus of the Panel consistent with its charter.

#### Technical Advisory Committee Role

The Panel will designate an ad-hoc Technical Advisory Committee to work on specifics of implementation of the plan goals and objectives; advise the Panel on technical matters; and to develop recommendations on plan implementation for the Panel's consideration. Technical Advisory Committee participation is not limited to Panel members; others with groundwater or technical expertise can also participate.

### **Resolution of Intention to Prepare a Groundwater Management Plan for the Santa Rosa Plain**

There are specific procedural requirements and public hearings for developing a groundwater management plan. Prior to adopting a resolution of intention to prepare a groundwater management plan under AB 3030, a

local agency is required to hold a noticed public hearing on whether or not to adopt the resolution.

1. The notice must be published once a week for two successive weeks in a newspaper.
2. The notice must indicate that the agency is considering preparation of a groundwater management plan pursuant to Water Code section 10750 et seq.
3. At the conclusion of this hearing, the local agency may draft a resolution of intention to prepare a groundwater management plan.
4. If the resolution is adopted, the local agency must publish the resolution of intention in the same manner as the notice of the hearing.
5. The groundwater management plan must be completed within 2 years of adoption of the resolution of intention or the resolution of intention expires and a new hearing must be held and resolution approved prior to adopting a plan.

The newspaper notices have been published and staff recommends the Board adopt the attached Resolution of Intention to Prepare a Groundwater Management Plan after holding the required public hearing.

The proposed Resolution of Intention authorizes the General Manager to terminate preparation of the groundwater management plan if determined to be in the best interest of the Water Agency. Should the preparation of the groundwater management plan be terminated, the General Manager is directed to publish a public notice of the termination.

**Prior Board Actions:**

10/18/2011 Board approval of cooperative funding agreement to develop a voluntary AB3030 Groundwater Management Plan for the Santa Rosa Plain; 05/03/2011 Board authorization to develop a work plan and funding agreement for developing a voluntary AB303 Groundwater Management Plan for the Santa Rosa Plain; 01/12/2010 Board authorization to implement 2010 Work Plan for Santa Rosa Plain Groundwater Management Preliminary Planning; 08/2005 – 06/2010 Board approval for Cooperative Agreement to Provide Funding and Support Information for Santa Rosa Plain Groundwater Study and subsequent five amended agreements; 08/2001 – 11/2004 Board approval for Joint Funding for FFYs 2005, 2004, 2003, and 2001/2002 with U.S. Geological Survey to conduct cooperative study of groundwater resources in Sonoma County and 01/25/2000 Concurrent direction to PRMD and the Sonoma County Water Agency to develop a proposed study program to evaluate groundwater resources in Sonoma County.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

Developing a plan to sustain local groundwater resources will help ensure that community members continue to have access to safe and reliable water supplies. Water Agency Organizational Goal 3: Increase community outreach; and Water Agency Water Supply Goal 2: Work with Water Contractors to retain and improve the reliability of the water supply production and distribution systems.

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

There are no budget actions associated with this item. Costs to fund technical consultants, facilitation and staff resources to develop a groundwater management plan are estimated to be approximately \$510,000 over a period of two years. These costs will be funded through: (1) a Cooperative Funding Agreement in the amount of \$260,000 between and among the Water Agency, County of Sonoma Permit and Resource Management Department, City of Cotati, City of Santa Rosa, City of Sebastopol, City of Rohnert Park, Town of Windsor, and California American Water Company, which was approved by the Board on October 18, 2011; (2) a \$220,000 Proposition 84 Planning Grant awarded to the Water Agency by the California Department of Water Resources (CADWR) through the North Coast Integrated Regional Water Management Plan; and (3) \$30,000 in facilitation support funded by CADWR's Division of Integrated Regional Water Management.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Resolution (R1) and Proposed Governance Structure (Attachment A)

**Related Items "On File" with the Clerk of the Board:**



**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Board Of Directors Of The Sonoma County Water Agency Of Intention To Prepare A Groundwater Management Plan For The Santa Rosa Plain Of Sonoma County. (4/5 Vote Required.)**

**Whereas**, for purposes of this Resolution and the development of a groundwater management plan, the Santa Rosa Plain includes the Santa Rosa Plain watershed as defined by the United States Geological Survey, which includes the Santa Rosa Plain groundwater subbasin (Department of Water Resources groundwater subbasin 1-55.01), the Rincon Valley groundwater subbasin (Department of Water Resources groundwater subbasin 1-55.03) located on the eastern side of the city of Santa Rosa, the northern half of the Kenwood Valley groundwater basin (Department of Water Resources groundwater basin 2-19) located along the eastern boundary of the United States Geological Survey study area, and eastern portions of the Wilson Grove Formation Highlands groundwater basin (Department of Water Resources groundwater basin 1-59); and

**Whereas**, the groundwater system beneath the Santa Rosa Plain provides numerous benefits to the region, including rural residential and municipal water supplies, irrigation water for agriculture, and baseflow to streams and surface water bodies; and

**Whereas**, an integrated strategy being undertaken statewide by many local agencies to manage groundwater resources is to develop and implement non-regulatory, voluntary groundwater management plans in compliance with the 1992 Assembly Bill 3030 and 2002 Senate Bill 1938. Such plans typically include public involvement, groundwater level and quality monitoring, and management strategies; and

**Whereas**, active public participation is critical to the success of development of any groundwater planning effort; and

**Whereas**, based on the outcome of a stakeholder assessment conducted by the Center for Collaborative Policy in 2009, the Sonoma County Water Agency's (Water Agency) Board of Directors directed staff in January 2010 to convene a Steering Committee to guide preliminary planning, conduct outreach to solicit input regarding groundwater management planning, and to develop recommendations on whether groundwater planning should proceed based on these activities; and

**Whereas**, the Steering Committee met six times in 2010, held three public workshops, and conducted briefings with over 20 organizations. Based on these efforts, the Steering Committee unanimously recommended that the Water Agency Board of Directors authorize the development of an Assembly Bill 3030 groundwater management plan; and

**Whereas**, on May 3, 2011 the Water Agency's Board of Directors authorized staff to develop a workplan for developing an Assembly Bill 3030 groundwater management plan and to develop an agreement with partners to fund development of a groundwater management plan; and

**Whereas**, on October 18, 2011, the Water Agency's Board authorized staff to enter a cooperative agreement with County of Sonoma Permit and Resources Management Department, City of Cotati, City of Rohnert Park, City of Santa Rosa, City of Sebastopol, Town of Windsor and California American Water Company to fund development of a groundwater management planning process in the Santa Rosa Plain compliant with Assembly Bill 3030 and Senate Bill 1938; and

**Whereas**, as part of initiating a groundwater management planning process in the Santa Rosa Plain, a Basin Advisory Panel (Panel) was formed to lead development of the groundwater management plan for the Santa Rosa Plain; and

**Whereas**, the Panel includes stakeholders from throughout the Santa Rosa Plain representing agricultural interests, local citizen groups, environmental groups, business interests, local well owners and government interests; and

**Whereas**, the Panel has been meeting since December 2011 to begin the groundwater management planning process in the Santa Rosa Plain; and

**Whereas**, development of a groundwater management plan would provide for the effective management of groundwater resources in the Santa Rosa Plain; and

**Whereas**, the California Water Code requires that before a groundwater management plan can be prepared, a local public agency must provide notice and hold a hearing regarding the local public agency's intent to prepare a groundwater management plan; and

**Whereas**, the Water Agency was formed in 1949 by a special legislative act of the State of California (Agency Act) and is a stakeholder of the Basin Advisory Panel; and

**Whereas**, under the Agency Act, the Water Agency may provide for the protection and preservation of groundwater resources in Sonoma County for current and future beneficial uses and may develop, adopt, and implement a plan to manage groundwater resources in the Santa Rosa Plain; and

**Whereas**, by completing a groundwater management plan, existing and future State funding may be available for plan implementation; and

**Whereas**, a hearing has been duly noticed and held as required by law.

**Be It Further Resolved**, that the Board of Directors of the Sonoma County Water Agency hereby finds, determines, and declares as follows:

1. All of the above recitals are true and correct.
2. The Water Agency intends to prepare a groundwater management plan in collaboration with the Panel for the Santa Rosa Plain of Sonoma County. The groundwater management plan will be developed and implemented under the governance structure described in Attachment A.
3. The General Manager is authorized and directed to take such steps as are necessary to develop the groundwater management plan in collaboration with the Panel for the Santa Rosa Plain, for Board consideration, and to publish a copy of this Resolution as required by law.
4. Upon completion of a groundwater management plan, the Board of Directors of the Sonoma County Water Agency will consider adopting and implementing the groundwater management plan in accordance with the process required by law.
5. The General Manager shall take such steps as are necessary to ensure that the groundwater management plan for the Santa Rosa Plain complies with all requirements of Water Code Sections 10750 – 10755.4.
6. The General Manager shall take such steps as are necessary to ensure active public participation in the groundwater management planning process and shall coordinate and staff the Basin Advisory Panel meetings which will serve to provide a forum for public involvement in the development of the groundwater management plan. To support the groundwater management planning process, the Water Agency shall develop a plan for public involvement which shall be consistent with Attachment A and include at least the following:
  - a) The formulation of a Technical Advisory Committee to guide development of the groundwater management plan;
  - b) Preparation of a Communication & Outreach Plan;
  - c) Provision of public review and comment periods, and public hearings pursuant to Water Code Section 10753 et seq.
7. The General Manager is authorized to terminate preparation of the groundwater management plan if determined to be in the best interest of the Water Agency. Should the preparation of the groundwater management plan be terminated, the General Manager is directed to publish a public notice of the termination.

**Directors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

R1-3

## **Santa Rosa Plain Groundwater Management Planning**

# **Governance Proposal**

Basin Advisory Panel Approved Updated Version October 2012

Basin Advisory Panel Approved Original Version June 2012 (One Member Opposed – See Meeting Summary 6/7/2012)

### **Document Purpose**

The purpose of this document is to propose a governance structure for implementing a Groundwater Management Plan for the Santa Rosa Plain under AB 3030<sup>1</sup>. The Santa Rosa Plain Groundwater Management Plan Basin Advisory Panel finalized this proposal on October 11, 2012.

### **Legal Framework for the Groundwater Management Plan**

The Santa Rosa Plain Groundwater Management Plan Basin Advisory Panel (Panel) came together to develop a voluntary, non-regulatory groundwater management plan. The Panel has selected to develop an AB 3030 Plan for the Santa Rosa Plain providing a comprehensive framework for managing groundwater developed through a collaborative process and enhancing funding opportunities. The legal framework for the groundwater management plan will be an “AB 3030” Plan with the governance structure for implementation consisting of a Lead Agency, Basin Advisory Panel, and Technical Advisory Committee. The governance structure for implementation will be consistent with the following.

### **Governance Structure for Plan Implementation**

#### **Lead Agency Role**

The Sonoma County Water Agency, as the Lead Agency, has ultimate responsibility for Groundwater Management Plan implementation and funding, including studies, projects, and programs it directly or indirectly funds. The Lead Agency role is to:

- Adopt and implement the Groundwater Management Plan consistent with Panel consensus
- Participate in the Panel
- Sponsor the Panel by providing project support, coordination, and facilitation as needed
- Coordinate and garner funding to implement the Groundwater Management Plan
- Be accountable and responsible to implement the Groundwater Management Plan in accordance with the Water Code and to remain eligible for state funding
- Provide in-kind staff support via a project manager to support Plan implementation

---

<sup>1</sup> Groundwater Management Plan in compliance with the provisions of AB3030, SB 1938 and AB 359 and with Water Code Sections 10750-10755.4

- Contract with technical consultants as necessary to support implementation of the Plan
- Coordinate, as appropriate, with the cooperating funders to ensure continued support and involvement in implementing the Groundwater Management Plan
- Develop and adopt only in collaboration with and with the concurrence of the Panel proposed rules or regulations where necessary to achieve the objectives of the Groundwater Management Plan as provided by AB 3030
- Explore options for funding groundwater management activities. In exercising this role, the Water Agency would only propose fees and assessments if the Panel recommended and approved
- Amend the Groundwater Management Plan with the concurrence and recommendation of the Basin Advisory Panel

### **Basin Advisory Panel Role**

The Basin Advisory Panel (Panel) develops the groundwater management plan and guides its implementation and will remain in existence as long as the plan is being implemented. The Panel discusses, provides input, and develops consensus recommendations for all activities that move forward to implement the plan. The Panel has a collaborative governance structure: the lead agency and other agencies with jurisdiction within the Santa Rosa Plain will join with community organizations, business associations, and individuals to determine the best way to implement the Groundwater Management Plan. All activities associated with implementing the Plan will be subject to approval of the Panel consistent with its charter. Panel meetings will be open to the public. The Panel's agenda will be posted prior to meetings and actions will be recorded in the meeting summary, including Panel member attendance. Members will be responsible to attend in person or request that an alternate or Panel member represent his or her viewpoint in decision-making. The Panel will be responsible for recommending amendments to the Groundwater Management Plan for approval by the Lead Agency's governing board.

### **Basin Advisory Panel (Panel) Composition**

Upon approval of the Santa Rosa Plain Groundwater Management Plan, the Panel will continue to provide guidance for its implementation and any amendment of the Plan. The Panel will continue to make decisions through the collaborative approach of the Plan with representatives from each of the identified stakeholder or interest groups. Each interest group will select their representative(s) for the Panel who must be able to commit to the working agreements in the Panel Charter regarding process and defined consensus decision-making. The Panel can modify its charter using its decision-making protocols. Panel members must either live or have jurisdiction in the Santa Rosa Plain watershed. Panel members will typically serve 2-year terms. Members could serve multiple terms. The Panel will formally revisit its membership each fall when planning its work plan for the following year. An effort will be made to avoid having all new members in any one year.

The exact continuing composition for implementation will be similar to the Panel during plan development. The Basin Advisory Panel will identify the panel composition by interest group, continuing to seek diversity of representation as part of plan development and prior to plan adoption. The Panel will be composed of representatives of the Lead Agency, General Public, Agricultural Groundwater Users, Business & Developers, Residential Groundwater Users, Government (Tribal, County and City), Environmental Organizations, Natural Resources Management Organizations, Water Suppliers, and Groundwater Technical Expertise.

#### **Technical Advisory Committee (TAC) Role**

The Panel will designate an ad-hoc Technical Advisory Committee (TAC) to work on specifics of implementation of the Plan goals and objectives; advise the Panel on technical matters; and to develop recommendations on general Plan implementation for the Panel's consideration. TAC participation is not limited to Panel members; others with groundwater or technical expertise can also participate. The TAC will assist the Panel on the following activities:

- Working with the technical consultant on Plan implementation,
- Reviewing technical data and analyses and/or recommending data analyses,
- Determining if data is adequate to address the basin management objectives, and
- Reviewing annual reports on Plan implementation.

# Santa Rosa Plain Groundwater Management Planning Hearing and Resolution of Intention to Prepare



Jay Jasperse, Sonoma County Water Agency

Marcus Trotta, Sonoma County Water Agency

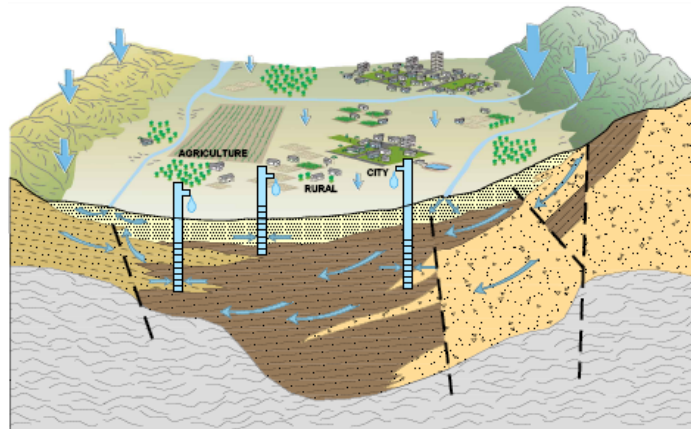
Gina Bartlett, Center for Collaborative Policy

October 23, 2012



SACRAMENTO  
STATE

Center for  
Collaborative Policy



SONOMA  
C O U N T Y  
W A T E R



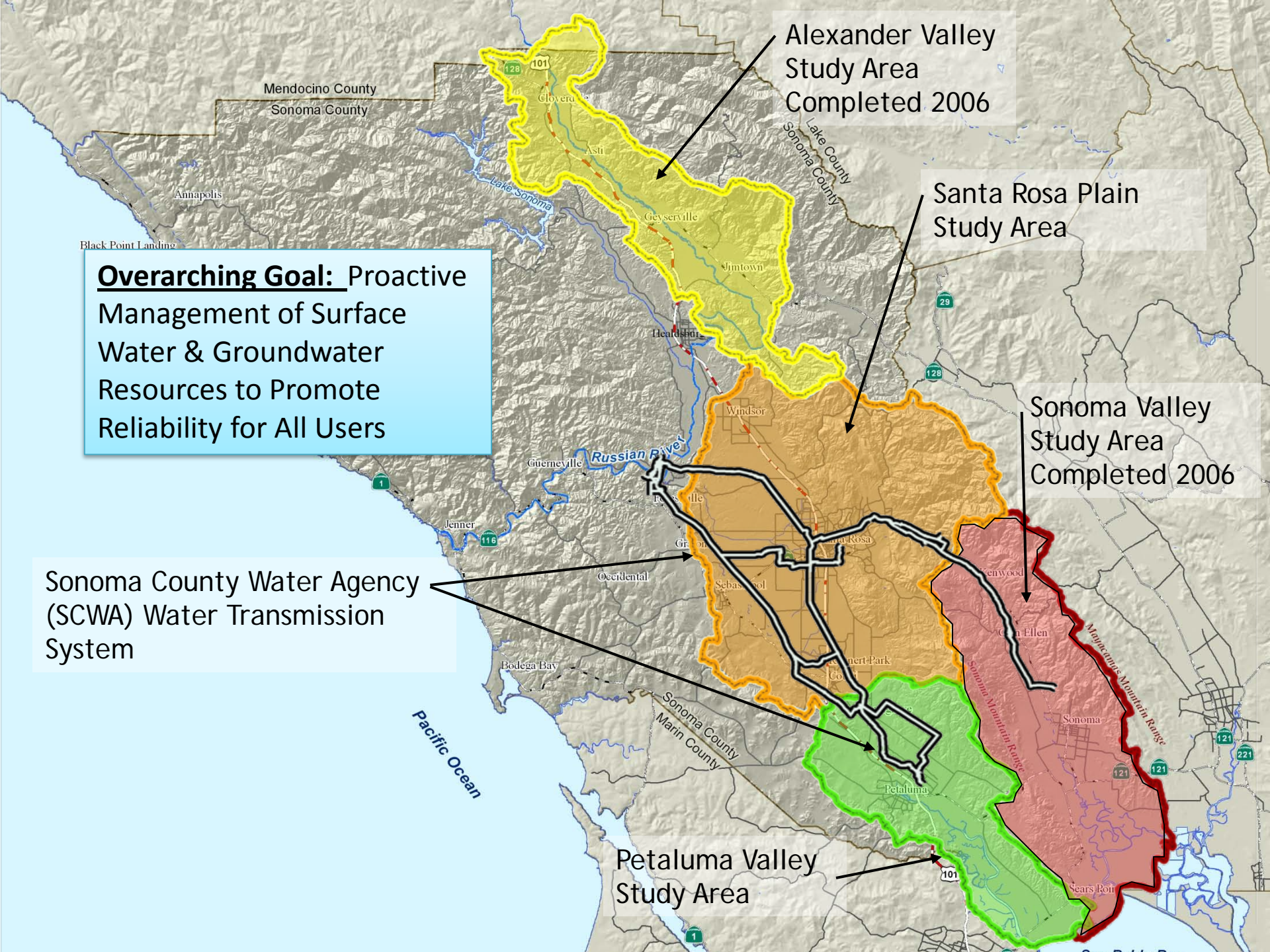
A G E N C Y

# Overview

- Summary – Background & Related Activities
- Basin Advisory Panel Activities
- Background on Hearing Under California Water Code
- Proposed Resolution
- Hearing
- Board Consideration of Adoption of Resolution







Alexander Valley Study Area Completed 2006

Santa Rosa Plain Study Area

Sonoma Valley Study Area Completed 2006

Petaluma Valley Study Area

**Overarching Goal:** Proactive Management of Surface Water & Groundwater Resources to Promote Reliability for All Users

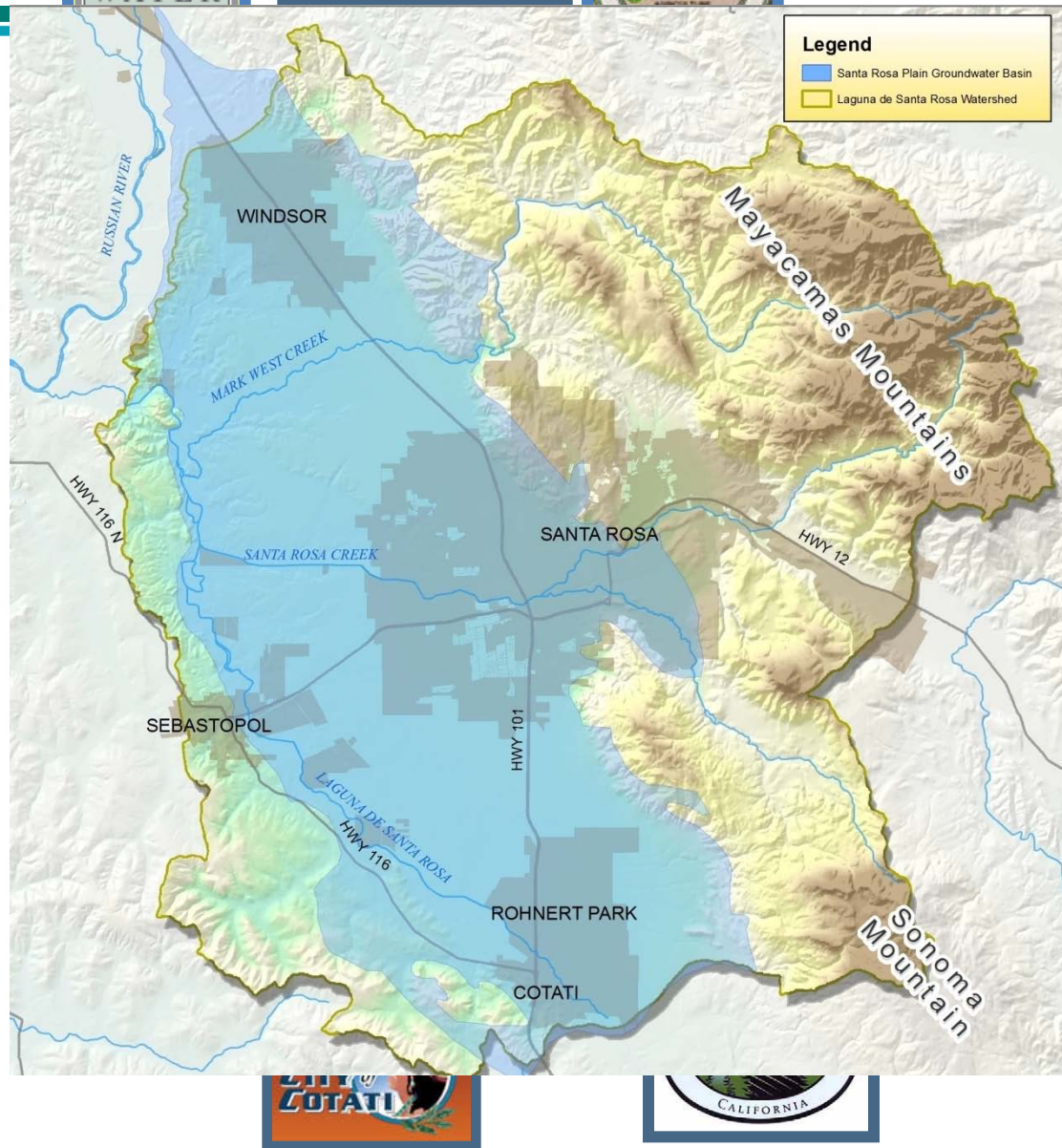
Sonoma County Water Agency (SCWA) Water Transmission System



# Santa Rosa Plain Groundwater Study

## OBJECTIVES

- Hydrogeology and Groundwater Quality
- Surface Water-Groundwater Model
- Evaluate Potential Future Conditions and Alternative Water Management Strategies





# Benefits of Local Groundwater Management

- Increase Public Awareness of Groundwater
- Increased Coordination Amongst Stakeholders
- Improved Management of Resource
- Funding Opportunities (e.g., LGA grants, IRWM grant eligibility)
- Well Poised to Address New State Requirements
  - CASGEM
  - Salt Nutrient Management Plans



# Local and Statewide Water Supply and Management Strategies

Sonoma County Water Agency  
**Water Supply Strategies  
Action Plan**

## **Water Supply Strategy No. 5** ***Work with Stakeholders to Promote Sound, Information-Based Water Supply Planning Programs***

- Continue non-regulatory AB3030/SB1938 Sonoma Valley GMP and Initiate Santa Rosa Plain GMP
- Pursue Funding Opportunities



SUSTAINABILITY FROM THE GROUND UP  
**GROUNDWATER MANAGEMENT IN CALIFORNIA**  
- A FRAMEWORK -

**ACWA calls on “local water agencies to implement groundwater management plans and strategies to meet sustainability objectives. The plans should be developed in a transparent manner with public input...”**

*– Association of California Water Agencies, April 2011*



# Funding Sources for Groundwater Management Plan Development

- **Water Agency has Secured ~\$250,000 in outside funding from the California Department of Water Resources (DWR)**
  - \$220,000 Planning Grant through North Coast IRWM
  - \$30,000 through DWR Facilitation Support Services
  
- **\$260,000 through Cooperative Funding Agreement between Water Agency, County of Sonoma, Cities of Cotati, Rohnert Park, Santa Rosa, Sebastopol, Town of Windsor, & California American Water Company**
  - Approved by Board Action on October 18, 2011



# Required Components of Groundwater Management Plan

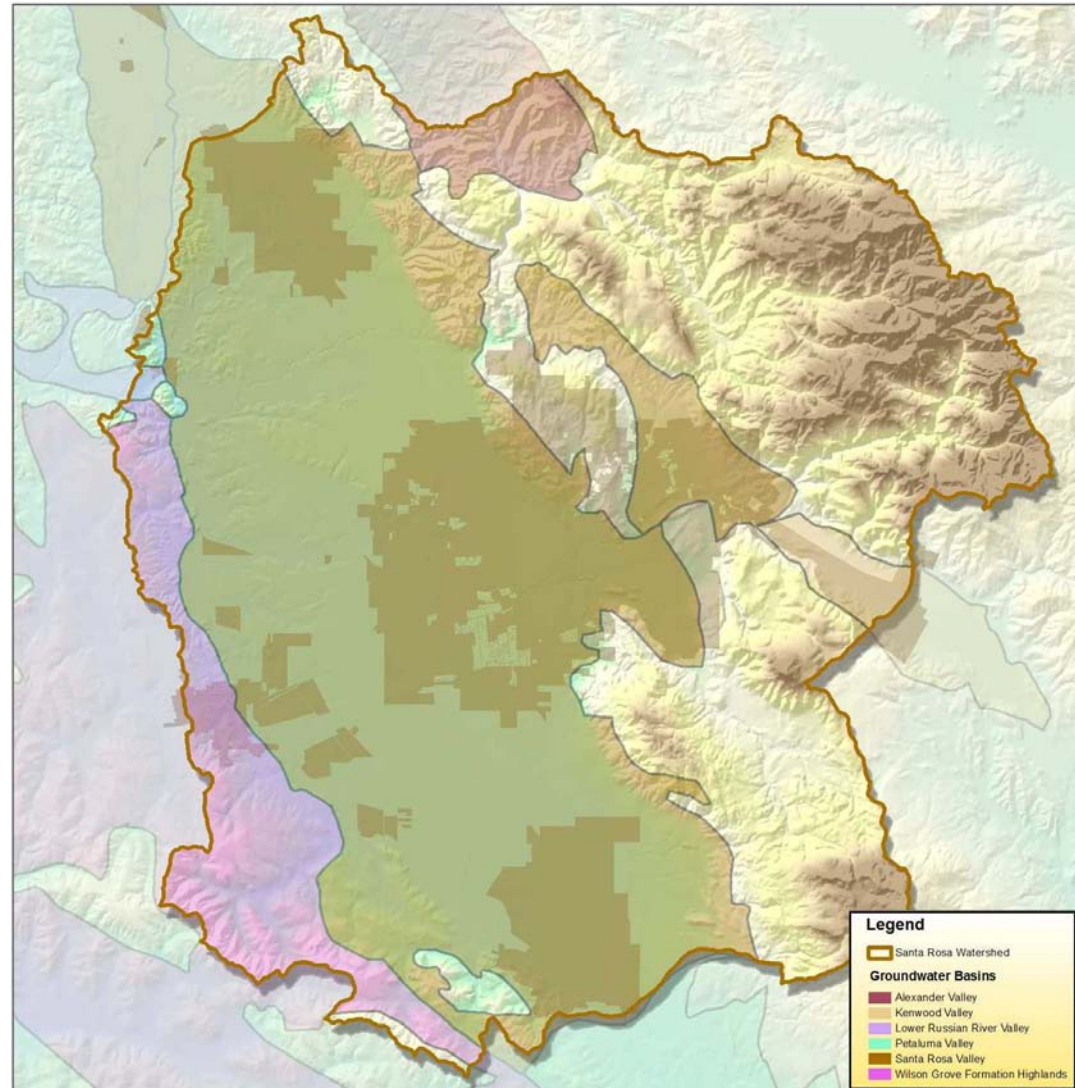
- Documentation of Outreach to Potential Stakeholders
- Basin Management Objectives
- Technical Components (e.g., Water Level and Water Quality)
- Plan to Involve Local Agencies
- Monitoring Protocols to Track Changes to Groundwater Conditions
- Map of Management Area
- Map of Recharge Areas
- Plan Prepared using Geologic and Hydrologic Principles



# Area Proposed for Groundwater Management Plan

Santa Rosa Plain Watershed (Plan Area) includes:

- Santa Rosa Plain Sub-basin
- Rincon Valley Sub-basin
- Wilson Grove Formation basin (portion)
- Kenwood Valley basin (portion)
- Alexander Area Sub-basin (portion)
- Upland areas not state-identified groundwater basins





# Stakeholder Assessment: Engaging Local Stakeholders

## Start With a Stakeholder Assessment

- Compare Facts with Perceptions
- What are the Issues?
- Is Groundwater Management Desired?
- What Form of Management?

## Impartial Mediators Interviewed 55 Stakeholders Representing 37 Organizations

- Agriculture
- Business & Developers
- Conservation & Environmental
- Government (State, County & City)
- Rural Residential Well Owners
- Scientists
- Tribal
- Water Supply & Groundwater  
Technical Professionals





# 2010 Preliminary Planning

## Steering Committee Activities

- Outreach and Stakeholder Concerns
- 20 Briefings with Organizations in Region
- Three Educational Workshops with 200 People
- Recommended Developing AB3030 Voluntary, Non-Regulatory Groundwater Management Plan



### Groundwater Primer for the Santa Rosa Plain

December 2011

#### GENERAL GROUNDWATER CONCEPTS

##### Hydrologic Cycle

All water on the surface of the earth and underground are part of the hydrologic cycle, driven by natural processes that constantly transform water from liquid to solid or vapor and back to liquid while moving it from place to place.

Water evaporates from ponds, lakes, oceans, reservoirs, and soils. Plants take water from the ground and emit water vapor into the air called evapotranspiration. The water vapor forms clouds that eventually condense and return to the earth's surface as precipitation such as fog, rain, sleet, or snow.

During storms, water runs off the surface into streams or water bodies or seeps into the ground. Water that sinks into soils or surface rock recharges groundwater reservoirs or aquifers. Groundwater can discharge at seeps or springs, or into rivers, streams, lakes and oceans, or wells. In arid areas and during the summer, precipitation may first infiltrate into the ground, but much of it quickly returns to the cycle through evapotranspiration.

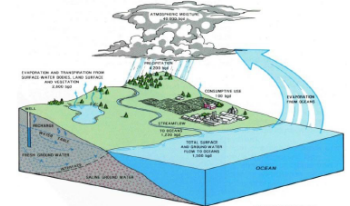


Figure 1: The Hydrologic Cycle - The Earth contains a finite amount of water as is illustrated here, showing how the water moves, from the oceans by evaporation, falling as precipitation back to the land and moving through streams, into lakes and into the subsurface as groundwater.



# 2011 Activities

- Winter 2011** – Water Agency awarded \$250,000 from California Department of Water Resources to support Plan development
- Spring 2011** – Presented Steering Committee Recommendations to move forward with development of voluntary Groundwater Management Plan to Water Agency's Board
- Fall 2011**– Water Agency's Board approved Cooperative Agreement with Partners to contribute funding and support for Plan development
- December 2011** – **Convened Basin Advisory Panel** to Initiate Discussions for GMP Development



# Basin Advisory Panel Meetings Discussion Topics

## **Nine Meetings December 2011 through October 2012:**

- **Panel Charter**
- **Groundwater Issues and Interests**
- **Presentations on Groundwater Management & Groundwater Basics**
- **Groundwater Legal and Institutional Issues**
- **USGS Groundwater and Climate Change Studies & Modeling Scenarios**
- **Plan Boundary**
- **Governance Proposal and Lead Agency**
- **DRAFT Goals & Objectives**
- **Groundwater Monitoring Program Framework**
- **Formed Technical Advisory Committee (initial meeting in August 2012)**
- **Constituent Briefings**



# Proposed Governance Structure

- **Lead Agency (Water Agency selected by Panel)**
  - Responsible for adopting, implementing and garnering funding for the Plan consistent with the Water Code and Panel consensus
  - Amendments to the Plan and any proposed rules or regulations necessary to achieve the Plan objectives would only be developed with the concurrence and recommendation of the Panel
- **Basin Advisory Panel**
  - Develops plan and guides implementation
  - Remain in existence as long as Plan is being implemented
  - Collaborative structure: lead agency and other agencies with jurisdiction within the Santa Rosa Plain join community organizations, business associations , agriculture and individuals
- **Technical Advisory Committee**
  - Advises on technical matters and develops recommendations for Panel consideration



# Basin Advisory Panel Future Meetings

## *Upcoming Meeting: November 8, 2012:*

- Groundwater Resource Management Options
- Constituent Briefings and Report Back
- Refine Draft Goals & Objectives



## *Additional Planned Efforts through 2013:*

- Develop Groundwater Management Components, Monitoring Plan, Implementation Approach, Public Outreach
- Prepare and Recommend Plan for Adoption

# Hearing Under the California Water Code (10753 et. seq.)

---

- Resolution of Intention to Prepare a Groundwater Management Plan
- Lead Agency must Hold Public Hearing Before Considering Adoption Of Resolution
  - Notice Published in local newspapers, including Press Democrat
  - Published on Sonoma County Water Agency Website
    - <http://www.scwa.ca.gov/srgroundwater/>
  - Notice Indicated Agency's Board is Considering Adoption of Resolution of Intention to Prepare a Groundwater Management Plan Pursuant to Water Code Section 10753 Et Seq.

# Proposed Resolution Under the California Water Code (10753 et. seq.)

---

Resolution of Intention of the Board of Directors of the Sonoma County Water Agency to Prepare a Groundwater Management Plan for the Santa Rosa Plain of Sonoma County

# Proposed Resolution Under the California Water Code (10753 et. seq.)

---

## Resolution Commits Agency to:

- Prepare Groundwater Management Plan in Accordance with California Water Code
- Implement Public Outreach Program to Support Planning Process
- Complete Plan within Two Years (can be Extended by Adopting New Resolution)



# Next Steps

---

- Conduct Hearing and take Public Comment
- Consider Adoption of Resolution of Intention to Prepare a Groundwater Management Plan for Santa Rosa Plain



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 31 10:30 A.M.  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** University of California Cooperative Extension, Department of Health Services, Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks, General Services, Agricultural Commissioner's Office, Sonoma County Water Agency

**Staff Name and Phone Number:**

Stephanie Larson, (707) 565-2621

Bert Whitaker, (707) 565-2041

Rita Scardaci, (707) 565-4778

**Supervisorial District(s):**

**Title:** Sonoma County Healthy and Sustainable Food Action Plan & County Lands for Food Production Update

**Recommended Actions:**

- Receive report on, and adopt a resolution to support and advance the Sonoma County Healthy and Sustainable Food Action Plan. Direct Department of Health Services staff to work with community partners to further develop and implement the Food Action Plan strategies and corresponding activities.
- Receive report on Phase I and Phase II of the County Lands for Food Production Program and approve Phase I for implementation.

**Executive Summary:**

***Sonoma County Healthy and Sustainable Food Action Plan***

On June 21, 2011, your Board directed the Department of Health Services to work with the Sonoma County Food System Alliance (SCFSA), County Departments, and other partners to develop a Sonoma County Healthy and Sustainable Food Action Plan.

The Sonoma County Healthy and Sustainable Food Action Plan (Action Plan) provides a countywide policy and programmatic framework to stimulate and coordinate improvements in our food system. By encouraging specific organizational, regulatory, and legislative policy changes, the Action Plan supports the creation of a more vibrant food system for Sonoma County. In addition, the Action Plan invites local governments, businesses, organizations, and community members to commit to action and play a role in building a viable food system for Sonoma County.

Building upon existing work, the Action Plan provides a roadmap with a common vision. Goals and strategies of the

Action Plan incorporate findings from the *Sonoma County Community Food Assessment*, and recommended areas for action from the *Food Forum Report to the Community*. When possible, the goals and strategies correspond with the appropriate sections of the *National Prevention* and align with Health Action, Upstream Investments, and the County Strategic Plan.

The Action Plan serves as a framework to guide the County's collaboration to integrate the efforts of diverse stakeholders to improve our local food system. As a guide, the Action Plan also serves to catalyze policy change, encourage investment in the local food system, raise awareness of and support for the food system within our community and among policymakers, and potentially help secure funding to implement proposed strategies.

Under each sub-goal, at least one sample strategy is highlighted. This provides the reader with a concrete example of work already being done in Sonoma County or another region to achieve the sub-goal. A detailed appendix lists the goals, sub-goals, and additional sample policies, programs, and resources with their website links, providing the reader with additional sources of model programs to consider implementing, adopting or expanding locally.

The *Sonoma County Healthy and Sustainable Food Action Plan*, with more detailed information on the recommended goals and strategies, is included as Attachment A. A Resolution of Support is attached (Attachment B).

### ***County Land for Food Production***

Part of the *Sonoma County Healthy and Sustainable Food Action Plan* includes making healthy food and gardens available in communities. At the request of Supervisors Valerie Brown and Efren Carrillo, the University of California Cooperative Extension (UCCE), Department of Health Services (DHS), Sonoma County Agricultural Preservation and Open Space District (SCAPOSD), Regional Parks Department, Sonoma County Water Agency, Agricultural Commissioner, and General Services Department have been working on making County land available for food production.

Through meetings, site visits and personnel interviews, concepts for both Phase 1: Community Gardens, and Phase 2: Farming and Ranching were developed and land sites selected.

All sites were identified utilizing specific criteria and Geographic Information System (GIS) information. Details of the analysis and site criteria and evaluation methods are included in the CLFP report presented to the Board in February 2011 (Attachment C).

### **Phase 1 – Community Gardens**

**Phase 1 sites are** (all Sonoma county Regional Parks lands):

Maxwell Farms (APN's 127-141-027, 028, 017, 014, 015)

Ernie Smith (APN 052-261-024)

Larson Park (APN 056-201-059 & 021)

Tolay Lake (APN's 068-060-058, 057, 068-070-004, 005, 068-080-001)

Maddux Ranch (APN 058-090-019)

Tom Schopflin (APN 058-050-051)

Ragle Ranch (APN 077-170-001)

The following sites were also identified for phase 1 but currently have no water or electricity: Stony Point Petaluma Frontage (APN 007-422-041), Faught Creek Channel near Amie Dr. (APN's 163-171-009, 163-150-042, 038), Paulin Creek Channel near Creek Court (APN 015-533-079), and Todd Creek Channel near E. Robles Ave. (APN 044-101-063).

The CLFP Phase 1 Application, CLFP Phase 1 Organic Community Garden Rules and CLFP Phase 1 Recommended Construction & Maintenance Guidelines were presented to the public for preview and input at an April 2012 community meeting and documents have been shared with the local gardening community via the iGrow email list and with other gardening networks. Approximately 35 people attended the April community meeting; the primary feedback from that meeting involved concern about identifying funding to build infrastructure at the identified sites and the cost of county insurance requirements. Extensive feedback from the local gardening community was incorporated into the documents covering topics such as: areas as strengthening organic requirements, allowing inclusion of fruit trees, recommendations for site surveys, and dealing with gophers. The Department of Health Services and County Counsel have also reviewed these documents.

The CLFP team requests Board approval of the developed Phase 1 program documents (Attachments D-I), which include Site Assessment, Organic Garden Rules, Construction and Maintenance Guidelines, Garden Application, Application Scoring Sheet and Request for Proposals. Upon Board approval, the application will be released to the public in October 2012. A press release will be developed to announce the release of the documents for Phase 1 and the iGrow group has agreed to "host" the documents on their web site and publicize the program. County departments will manage and lease their respective properties, following the program guidelines, after the application process. Departments will need to address any CEQA or permit requirements and the license agreements. These agreements will be brought to the Board for approval as they are finalized for each site.

## **Phase 2 – Farming and Ranching Operations**

Related to Phase 2, staff have developed and completed a process which identified County sites available for selected farming and ranching operations and outlined the creation of an incubator farm for the Sonoma County Beginning Farmer and Rancher Development program managed by UCCE. Phase 2 sites were chosen and evaluated for potential farming and ranching opportunities using similar criteria as Phase 1 sites. An executive summary of the Phase 2 report is included in Attachment J.

### **Phase 2 sites are:**

#### **Sonoma County Regional Parks**

Alder Park

Crane Creek Park (APN 047-251-003)

Sonoma Valley Park (APN 054-150-001; 054-150-012)

Shiloh Ranch Park (APN 067-260-032; 079-150-030)

Bouverie Preserve (APN 054-160-022)

Helen Putnam Park

Stillwater Cove Park (APN 019-060-006; also includes 003,007,008, 009 and 011)

Sonoma Mountain Ranch (APN 136-190-008; 136-190-016; 136-190-003)

## **County of Sonoma (General Services)**

Windsor Small Lots 1 and 2 (APN 066-250-019; 006-250-016)

Aviation Boulevard Lot (APN 059-271-062)

Airport Approach (APN 164-170-014 and 015)

Hwy 12/Pythian Road (APN 051-020-025)

## **Sonoma County Water Agency**

Old Sonoma-Marin Drive-In (APN 019-280-012)

Upper Todd Creek Channel (APN 044-101-063)

Mirabel/White (APN 110-280-022)

Matanzas Reservoir (APN 049-130-006; 049-150-010; 049-060-054; 049-150-009)

The Phase 2 report will be presented to the Board upon completion. County owned land is being assessed on its suitability for farming and ranching. This assessment includes soil type, water availability and infrastructure.

## **Incubator Farm**

The Sonoma County Agriculture Preservation and Open Space District (SCAPOS) and UCCE are exploring the creation of a Sonoma County incubator farm for beginning farmers and ranchers. An incubator project is a land-based multi-grower program that provides training and technical assistance to aspiring and beginning farmers and ranchers. Dozens of new incubators have sprouted across the country and our Sonoma County effort seeks to duplicate successful programs and services. This farm will promote networking and foster a 'communities of practice' approach to bring potential and established local agriculturalists. This effort will increase opportunities for aspiring farmers and ranchers and increase local food access.

The Health Services Department, utilizing community Transformation Grant funds received, has allocated a total of \$50,000 in funds to the UCCE to assist with the development of an Incubator Farm. The funds will be utilized in the Federal FY 12/13 and 13/14 towards these efforts. Future action will require the infusion of resources to continue efforts to increase infrastructure on current properties and to identify additional properties to be managed by County departments.

## **Prior Board Actions:**

3/20/12: Regional Foods Update

8/9/11: Report on County Lands for Food Production and report on February 2011 Sonoma County Food Forum.

8/9/11: Directed the Department of Health Services to work with the Sonoma County Food System Alliance, County Departments, and other partners to develop a Sonoma County Healthy and Sustainable Food System Action Plan and Recommendations.

2/15/11: Authorization to pursue County Lands for Food Production Program and announcement of the February 24, 2011 Sonoma County Food Forum.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

The County supports local agriculture and healthy communities as components of its strategic plan, and through the use of publicly-owned land for food production, the County has an opportunity to support the viability of local agriculture and increase access to healthy food.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$ 0</b>	<b>Total Sources</b>	<b>\$ 0</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

There is no fiscal impact associated with Food Action Plan Report to the Board of Supervisors. The CFLP Program will be managed with existing staff resources coordinated with the appropriate departments and the CLFP Team. Additionally, Health Services, utilizing Community Transformation Grant funds, has allocated a grant to the UCCE of \$50,000 for the development of an Incubator Farm, related to Phase 2 of the CLFP Program which will be utilized in Federal fiscal years 12/13 and 13/14.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

- Attachment A - Sonoma County Healthy and Sustainable Food Action Plan.
- Attachment B - Resolution.
- Attachment C - CLFP Report 2011
- Attachment D - CLFP Phase 1: Site Assessment
- Attachment E - CLFP Phase 1: Organic Garden Rules
- Attachment F - CLFP Phase 1: Construction and Maintenance Guidelines
- Attachment G - CLFP Phase 1: Garden Application
- Attachment H - CLFP Phase 1: Application Scoring Sheet

Attachment I - CLFP Phase 1: Request for Proposals  
Attachment J - CLFP Phase 2 – Executive Summary

**Related Items “On File” with the Clerk of the Board:**

None.



# Sonoma County Healthy and Sustainable Food Action Plan

A guide to local action on food production, land and natural resource stewardship, job development, public health and equity in our food system

*County of Sonoma Department of Health Services*

*Sonoma County Food System Alliance*

OCTOBER 2012



**sonomacounty**  
DEPARTMENT OF HEALTH SERVICES





Sonoma County  
Healthy and Sustainable  
Food Action Plan



Photos by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)



**sonomacounty**  
DEPARTMENT OF HEALTH SERVICES



County of Sonoma Department of Health Services

Sonoma County Food System Alliance

OCTOBER 2012

# Executive Summary

---

The time has come to join together in supporting a local, healthy, equitable and prosperous food system for Sonoma County. There is a role for every organization, business, government and person to play in building a food system that creates health and prosperity for both our people and our environment.

Building on the work of the February 2011 Sonoma County Food Forum and the July 2011 publication of the Sonoma County Community Food Assessment, the Sonoma County Food System Alliance (SCFSA) and the County of Sonoma Department of Health Services developed the Sonoma County Healthy and Sustainable Food Action Plan (Action Plan). The Action Plan provides a road map with a shared community vision and goals for the local food system. In addition, the Action Plan invites local governments, businesses, organizations, and community members to commit to action and play a role in building a viable food system for Sonoma County.

The Action Plan groups food system opportunities and concerns into four action areas: Agriculture and Natural Resources, Economic Vitality, Healthy Eating, and Social Equity. Within each action area key goals are articulated, details of policies and actions enumerated into sub-goals, and sample policies and programs described. The Actions at a Glance section outlines the four action areas, their goals and their sub-goals, providing an overview of the Action Plan document.

A Declaration of Support, sample resolution and suggestions for individual actions, and supplementary examples of actions are also included in the Action Plan. These provide the necessary tools and resources for local organizations to advance the identified food system goals. Indicators are shown for each of the eleven goals in an effort to follow trends and changes in the Sonoma County food system.

Local organizations, businesses and individuals are encouraged to sign the Declaration of Support and commit to the identified actions to help advance the Action Plan. Government agencies are encouraged to declare a resolution demonstrating their support for the vision and goals of the Action Plan and a commitment to work on identified goals.

This executive summary outlines only part of the food system framework outlined in the Sonoma County Healthy and Sustainable Action Plan. For additional information please review the chapters and appendices that follow. With a collective vision for the Sonoma County food system and the necessary tools to fulfill that vision, we can help create a strong, healthy and sustainable food system for future generations.

The Sonoma County Healthy and Sustainable Food Action Plan was made possible by the dedication and strong collaboration of members of the Sonoma County Food System Alliance Policy Committee, who are listed in alphabetical order below:

Phina Borgeson  
Amanda Bornstein  
Autumn Buss  
Jana Hill  
James Johnson  
Wendy Krupnick  
Donna Legge  
Amy Lyle  
Tanya Narath  
Zeno Swijtink  
Beth Wyatt

### Acknowledgements

The authors wish to acknowledge the helpful contributions, comments and suggestions from members of the Sonoma County Food System Alliance and from the following individuals who were asked to comment on all or selected sections of this Action Plan:

### Sonoma County Food System Alliance Members

*Craig Anderson*  
Landpaths  
*Misti Arias* Sonoma County Agricultural Preservation and Open Space District  
*Ellen Jones Bauer*  
Sonoma County Department of Health Services  
*Phina Borgeson*  
Episcopal Network  
*Amanda Bornstein*  
Greenbelt Alliance  
*Jim Canterbury*  
Alvarado Street Bakery

*Amy Chestnut*  
Sonoma Land Trust  
*Cathryn Couch*  
Ceres Community Project  
*Marion Deeds*  
Sonoma County Human Services Department  
*Paula Downing* Santa Rosa Original Farmers' Market and Sebastopol Farmers' Market  
*Suzanne Doyle*  
Sierra Club  
*Terry Garrett*  
Go Local  
*Debora Hammond*  
Sonoma State University  
*Trathen Heckman*  
Daily Acts  
*Jana Hill*  
Sonoma County Department of Health Services  
*Paul Kaiser*  
Singing Frogs Farm  
*Wendy Krupnick*  
Community Alliance with Family Farmers  
*Cathy Luellen-Aflague*  
Santa Rosa City Schools (retired)  
*Melissa Minton*  
Santa Rosa Community Market  
*Tanya Narath*  
Leadership Institute for Ecology and the Economy  
*Linda Peterson*  
UC Cooperative Extension, Sonoma County  
*Joe Pozzi*  
Pozzi Ranch  
*Lisa Preschel*  
Community Member  
*Jim Shelton*  
Shelton's Market  
*Lynn Silver Chaffin*  
Sonoma County Department of Health Services  
*Susan Stover*  
Community Member  
*Rick Theis*  
Leadership Institute for Ecology and the Economy

## Community Stakeholders

*Keith Abeles*

Quetzal Farm

*Gail Atkins*

Redwood Empire Food Bank

*Will Bakx*

Sonoma County Compost

*Jennifer Barrett* Sonoma County Permit and Resource Management Department

*Renata Brillinger*

California Climate and Agriculture Network

*Gene Clark*

Sonoma County General Services Department

*JoEllen DeNicola*

Ceres Community Project

*Alex Dolginow*

Climate Protection Campaign

*Ruth Lefkowitz*

Ruthie's Real Meals

*Sue Fleenor*

Knox Presbyterian Church

*Stephen Fuller-Rowell*

Sonoma County Water Coalition

*John Garn*

Community Pulse

*Jessica Glatt*

Sonoma Ecology Center

*Scott Hadley*

Sonoma County Human Resources Department

*Terry Harrison*

Community Alliance with Family Farmers

*Lawrence Jaffe*

Sebastopol Grange

*James Johnson*

Interfaith Sustainable Food Collaborative

*Tony Linegar*

Sonoma County Agricultural Commissioner/Sealer

*Paul Martin*

Western United Dairymen

*Sara McCamant*

Ceres Community Project

*Stacey Meinzen*

Climate Protection Campaign

*Valerie Minton*

Sotoyome Resource Conservation District

*Mary Munat*

Green Mary Zero Waste Events

*Carrie Pollard*

Sonoma County Water Agency

*Nica Poznanovich*

Community Market

*Alice Rich*

Fisheries and Ecological Consultant

*Ellie Rilla*

UC Cooperative Extension, Marin County

*Rose Roberts*

Farm Stewards

*Leticia Romero*

St. Joseph's Community Organizers

*Ben Stone*

Sonoma County Economic Development Board

*Albert Straus*

Straus Family Creamery

*Lynn Walton*

Sonoma County Department of Health Services (retired)

*Michael Thompson*

Sonoma County Water Agency

*Elizabeth Whitlow*

CCOF North Coast

The authors also wish to acknowledge the Multnomah Food Action Plan and its contributors as portions of this document were adapted and modified from their work.

Layout provided by Julie Prilling Design | [julieprilling.com](http://julieprilling.com)

## Facilitators

### AG INNOVATIONS NETWORK

a non-profit organization dedicated to helping stakeholders solve problems in the food system through effective collaboration.

*Joseph McIntyre*

*Helen McGrath*

*Miriam Volat*

**For more information please contact:**

Ag Innovations Network

707-823-6111

[www.aginnovations.org](http://www.aginnovations.org)

[info@aginnovations.org](mailto:info@aginnovations.org)



## Actions at a Glance

Goal	Agriculture & Natural Resources	
1	<b>Protect and enhance agricultural land base, farms and ranches</b>	1.1 Protect permanent farm and ranch land 1.2 Promote the use of public land for food production 1.3 Promote educational opportunities on farms and ranches 1.4 Support public and private incentives for food producing land 1.5 Ensure regulatory support for food production and processing
2	<b>Encourage sound resource management</b>	2.1 Support agricultural practices that preserve and increase top soil and soil fertility, and that enhance riparian corridors 2.2 Work towards Sonoma County sustainable water use and encourage water conservation practices to save water and conserve energy 2.3 Create resources out of food scraps and agricultural by-products 2.4 Educate and promote environmentally friendly third-party certification for local food producers 2.5 Prioritize the regeneration of local fish and fisheries 2.6 Support and encourage heirloom livestock, crop and species diversity 2.7 Enhance agricultural potential to mitigate and adapt to climate change 2.8 Promote wildlife-friendly agricultural practices
	<b>Economic Vitality</b>	
3	<b>Support local food system jobs and commerce</b>	3.1 Develop, support, implement and fund “local foods” marketing efforts in order to increase demand for healthy local food 3.2 Identify and support funding and resources for existing and new farmers and ranchers 3.3 Expand the capacity of the local food supply chain to create more jobs in Sonoma County 3.4 Support the cultivation of culturally appropriate crops
4	<b>Encourage institutional purchasing that supports the local food system</b>	4.1 Build in preference for purchasing Sonoma County products 4.2 Support and encourage a regional food hub to serve as an aggregation and distribution center to increase the market for products and stimulate more supply 4.3 Support and encourage a regional alliance of institutional food purchases to buy from local producers in order to stimulate more supply

	<b>Healthy Eating</b>	
5	<b>Increase equitable access to healthy, affordable, safe and culturally appropriate food and beverage choices</b>	<p>5.1 Include increasing access to healthy food and beverage choices and decreasing availability of unhealthy food and beverage choices in local general plans</p> <p>5.2 Incorporate Health Impact Assessments in the review process for all projects and policies</p> <p>5.3 Support the implementation of wellness policies</p> <p>5.4 Support the implementation of policies for publicly purchased food, food available on public premises and food obtained via public contracts to make healthy food and beverage choices standard in these settings</p> <p>5.5 Support innovative strategies to increase the retail availability and affordability of healthy local food and beverages and decrease the prominence of unhealthy food and beverages</p>
6	<b>Connect the food insecure with food and nutrition assistance programs</b>	<p>6.1 Promote awareness and enrollment in food assistance programs</p> <p>6.2 Increase point-of-sale acceptance of CalFresh and WIC</p> <p>6.3 Connect surplus food with need</p>
7	<b>Increase education about local agriculture, nutrition and the impact of food and beverage choices</b>	<p>7.1 Promote growing food in home, neighborhood and school settings</p> <p>7.2 Establish and expand affordable and accessible education programs for basic cooking, food preservation, nutrition skills and green practices</p> <p>7.3 Promote farm trips and know-your-farmer programs</p>
	<b>Social Equity</b>	
8	<b>Address root causes of hunger and food insecurity</b>	<p>8.1 Identify and support opportunities for affordable living conditions</p> <p>8.2 Support the definition and implementation of social equity criteria to be used at all levels of public policy creation</p>
9	<b>Create opportunity and justice for farmers, farm workers and food system workers</b>	<p>9.1 Support policies to address inequities in farm and food system worker employment practices</p> <p>9.2 Promote and support businesses and products that provide opportunities for farmers and food system workers</p> <p>9.3 Support new farmers and ranchers from underrepresented groups</p> <p>9.4 Develop systems to gather ongoing, accurate data on farm and food system workers in Sonoma County</p>
10	<b>Ensure the inclusion of underserved and underrepresented communities</b>	<p>10.1 Support the development and inclusion of community leaders from underrepresented communities in conversations and policy-making about Sonoma County's food system</p> <p>10.2 Increase the participation of community members</p>
11	<b>Increase community resilience</b>	<p>11.1 Improve our ability to feed ourselves from food grown and raised locally</p> <p>11.2 Support an emergency food system that meets the immediate needs of all food insecure people in Sonoma County</p> <p>11.3 Strengthen and diversify the local food system to better cope with disasters and long-term changes</p>





Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)

## Table of Contents

---

<b>1</b>	<b>INTRODUCTION</b>	<b>11</b>
<b>2</b>	<b>GET INVOLVED</b>	<b>14</b>
<b>3</b>	<b>AGRICULTURE &amp; NATURAL RESOURCES</b>	<b>17</b>
<b>4</b>	<b>ECONOMIC VITALITY</b>	<b>24</b>
<b>5</b>	<b>HEALTHY EATING</b>	<b>29</b>
<b>6</b>	<b>SOCIAL EQUITY</b>	<b>35</b>
<b>7</b>	<b>MEASURING PROGRESS</b>	<b>43</b>
<b>8</b>	<b>APPENDICES</b>	<b>47</b>

---



Food Production > Processing > Distribution > Consumption > Waste Management > Regulatory Institutions and Activities

A **Food System** is a series of interlinked activities.

Working to build a vibrant and resilient local food system requires considering all the components of the system and their relationships.

NAM AUTATE VELECTUR REM EUM LENT  
EXERFERUM REPENE CTUSTIURIBUS  
RATUR, OMNIMPOR RE, NOS QUAT  
EAQUAM IUNTIUNTUR, SAM VOLUPTA  
TUSCIASPIT LABORIBUS AUT RE LA  
QUUNTINTURI TOTATI CUS DI NON RE  
NUS MI, ATIUNDEBIS AS ES MODI RE  
PERNATUR APID QUI IPSANDIOS EX ET EX  
ET AUT RE PRECUS DUSAM.

# I Introduction

## **Why a Healthy and Sustainable Food Action Plan?**

The time has come to join together in supporting a local, healthy, equitable and prosperous food system for Sonoma County. There is a role for every individual, organization, business and government to play in building a food system that creates health and prosperity for both our people and our environment.

The Sonoma County Healthy and Sustainable Food Action Plan (Action Plan) provides a county wide policy and programmatic framework to stimulate and coordinate improvements within our food system. By encouraging specific organizational, regulatory and legislative policy changes, the Action Plan supports the creation of a more vibrant food system for Sonoma County. In addition, the Action Plan invites local governments, businesses, organizations and community members to commit to action and play a role in building a viable food system for Sonoma County.

## **What Is a Food System?**

A “food system” is a series of interlinked activities including food production, processing, distribution, consumption and waste management, as well as all the associated regulatory institutions and activities. Working to build a vibrant and resilient local food system requires considering all the components of the system and their relationships.

## **How Was the Plan Developed?**

The Sonoma County Food Forum in February of 2011 turned a corner in convening over 300 people representing diverse segments of our local food system. Upon receipt of the Food Forum report in August of 2011, the County of Sonoma’s Board of Supervisors directed the County of Sonoma Department of Health Services to work with the Sonoma County Food System Alliance, County Departments, city leaders and community partners to develop the Action Plan.

Building upon existing work, the Action Plan provides a road map with a common vision. Goals and strategies of the Action Plan incorporate findings from the Sonoma County Community Food Assessment<sup>1</sup> and recommended areas for action from the Food Forum Report to the community<sup>2</sup>. When possible, the goals and strategies in the Action Plan are aligned to recommendations from the California Health in All Policies Strategic Task Force, address key findings from the American Public Health Association Toward a Healthy, Sustainable Food System policy brief<sup>3</sup>, and correspond with the appropriate sections of the National Prevention Strategy<sup>4</sup>. In addition, the Action Plan reflects the following set of principles adopted by the Sonoma County Food System Alliance (SCFSA).



## Food System Principles

1. We believe that all people in our community should have access to enough affordable, healthy, fresh and culturally appropriate food.
2. We believe that community members benefit by understanding how their food choices impact their own health, the health of the community and the world at large.
3. We believe that healthy food and agriculture sectors are central to the long-term vitality of the local economy and community.
4. We believe that farming and food system work should be economically viable and respected occupations.
5. We believe that local agriculture, food production, distribution, consumption and food waste management should work in a way that regenerates nature.
6. We believe that residents should not be inundated with unhealthy food choices like sugary drinks and junk food.

---

<sup>1</sup> Sonoma County Food System Alliance, Sonoma County Community Food Assessment, July 2011.

<sup>2</sup> Sonoma County Food System Alliance, Sonoma County Food Forum: Report to the Community, May 2011.

<sup>3</sup> American Public Health Association, Toward a Healthy, Sustainable Food System, November, 2007.

<sup>4</sup> National Prevention Council, National Prevention Strategy: America's Plan for Better Health and Wellness, June 2011.

## How will the Healthy and Sustainable Food Action Plan Benefit the Community?

While we envision a food system that reflects these principles, some current regulations, policies, market structures, and investments limit our ability to improve our food system. By using the Action Plan to focus collaborative efforts, we can overcome these barriers, forge new partnerships, identify shared goals and commit to action.

The Sonoma County Healthy and Sustainable Food Action Plan serves as a framework to guide our collaboration and integrate the efforts of diverse stakeholders to improve our local food system. As a guide, the Action Plan also serves to catalyze policy change, encourage investment, raise awareness of and support from our community and among policymakers, which can potentially help secure funding to implement proposed strategies.

While the Action Plan intends to be a comprehensive guide, it also serves as a living document and aims to respect the voices of all industries across the spectrum of the food system. As a living document, the Action Plan will consider the inclusion of any recommendations, new research or issues proposed during future local or regional forums focused on the food system.



## How is the Action Plan organized?

The food system is large and many components are interrelated and affect one another. After much consideration, the SCFSA organized the Action Plan into:

### Four Main Action Areas

1. Agriculture & Natural Resources
2. Economic Vitality
3. Healthy Eating
4. Social Equity

Each action area has a number of goals with specific sub-goals and potential strategies. While the order of the action areas, goals and sub-goals does not reflect any level of priority, it was designed to move across the levels of the food system, with each goal building from previous goals. It is also worth noting that a number of the goals and sub-goals could be appropriately placed in one or more of the four action areas.

Under each sub-goal, at least one sample strategy is highlighted. This provides the reader with a concrete example of work already being done in Sonoma County or another region to achieve this sub-goal. While only one or two examples are highlighted in the body of the document, Appendix C provides a table listing the goals, sub-goals and additional sample policies, programs and resources with their website links, providing the reader with additional sources of model programs to consider implementing, adopting or expanding locally.





**S**hifting any large-scale system takes dedication and time, and will require collaboration, innovation and the ability to work outside conventional wisdom. As the linkages between agricultural production, natural resources, healthy eating, economic vitality and social equity become more visible, Sonoma County can be in the forefront of a growing movement to support and enhance a healthy and viable food system for all people and for future generations.

## 2 Get Involved

---

Local organizations, businesses and individuals are encouraged to sign the Declaration of Support and commit to identified actions to help advance the Action Plan. Government agencies are encouraged to declare a resolution demonstrating their support for the vision and goals of the Action Plan and a commitment to work on identified goals.

The Sonoma County Food System Alliance is committed to the long-term process necessary to achieve system-wide change and will continue to leverage partnerships and strategic opportunities to reach the goals outlined in the Action Plan. The Food System Alliance plans to work with local governments, businesses, organizations and individuals to provide support and technical assistance to advance the Action Plan and reach our vision. The Call to Action highlights seven specific ways to help advance the Action Plan. Accomplishing our goal will require that government agencies, businesses, community-based organizations and individuals all work together, each of us addressing the areas and priorities that we can.



# Call to Action: 7 Ways to Advance the Action Plan

---

## **1. Support the Vision**

Sign the Declaration of Support to show your commitment to food system changes in Sonoma County. Government agencies are encouraged to declare a resolution demonstrating your alignment and support for the vision and goals of the Action Plan.

## **2. Advance These Goals**

This Action Plan represents our community's food system priorities; use the Action Plan's shared goals and actions as a guide when making decisions about policies, changing business practices, making investments and improving our food system. Identify a specific commitment you or your organization can make to forward these goals.

## **3. Work with Others**

Supporting and enhancing a viable food system for future generations requires that all of us work together. As you identify your own areas for action, look for other individuals and organizations that could be natural partners. Joining efforts and using a collective voice will increase our ability to create policy changes and attract funding.

## **4. Align Funding**

Demonstrate to granting organizations that your organization's efforts align with the Sonoma County Healthy and Sustainable Food Action Plan. This allows funding agencies to understand that your specific efforts are part of a larger coordinated plan to shift the food system locally, demonstrating that their resources may be leveraged as a result.

## **5. Incorporate these Goals into Other Community Planning Efforts**

Incorporate the Sonoma County Healthy and Sustainable Food Action Plan's goals and actions into future community planning efforts, as well as into existing plans through updates or amendments, to ensure the development of an intentional food system that reflects our values.


## **6. Make the Food System a Priority**

Use the Action Plan to frame discussions about our local food system with elected officials, policy makers, political candidates and community leaders to help elevate our food system as a community and policy priority.

## **7. Make Individual Choices**

As an individual consumer we have the power to shape the market which supplies our food. Use the Individual Actions in this Action Plan to help transform our food system through the choices you make each day.





The Agriculture and  
Natural Resources  
action area is focused on:

**1** Growing food and creating  
a local food system that supports  
the viability of diverse scaled farms  
and ranches

**2** The permanent protection of  
land for agricultural production

**3** Managing agricultural land in a  
way that also enhances the natural  
resources of the land, surrounding  
area and water systems

*Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)*

## 3 Agriculture & Natural Resources

---

In order to have local food, we need local land on which to produce it, and that land needs to be thoughtfully managed to ensure we maintain those lands for future generations.

Sonoma County has the potential to produce large amounts of diverse types of food. However, over the past one hundred years, the variety of crops produced locally has decreased to mostly those products that can be distributed and marketed outside the county. Creating more agricultural diversity and crops for local use is central for a thriving local food system. It is important to ensure that agricultural lands are permanently protected so there will always be land available for food production.



GOAL  
1

Protect and Enhance Agricultural Land Base, Farms and Ranches



<p>I.1</p>	<p><b>Protect permanent farm and ranch land</b></p> <p>Minimize expansion of the Urban Growth Boundaries in all nine cities through regulation, zoning, incentives, and limit conversion of agricultural land to other uses. Utilize permanent land conservation tools, such as the purchase of, or acceptance of donated, affirmative or conservation easements to permanently protect the county’s agricultural lands.</p> <p><b>Sample Program</b></p> <p><u>Metro</u> is an elected regional government serving more than 1.5 million residents in Clackamas, Multnomah and Washington counties and the 25 cities in the Portland, Oregon region. The urban and rural reserves program identified land for future urban development to protect farms, forests and natural areas for the next half century.</p>
<p>I.2</p>	<p><b>Promote the use of public land for food production</b></p> <p>Establish methods, procedures, guidelines and documentation to assess and support the lease of public land for food production.</p> <p><b>Sample Program</b></p> <p>The <u>Sonoma County Land for Food Production Program</u> is a collaborative effort across County Departments to identify County-owned land suitable for community gardens, or leasing for small farm operations and grazing.</p>
<p>I.3</p>	<p><b>Promote educational opportunities on farms and ranches</b></p> <p>Support on-farm educational initiatives to promote agricultural heritage to help local farms become more economically viable.</p> <p><b>Sample Programs</b></p> <p>The <u>Center for Land-Based Learning</u> is dedicated to creating the next generation of farmers and teaching California’s youth about the importance of agriculture and watershed conservation. Combining innovative hands-on experience with classroom learning, participants in CLBL’s many programs develop leadership skills, learn how sustainable agriculture practices contribute to a healthier ecosystem, and create connections to agricultural, environmental and food system careers.</p> <p>The aim of <u>Green String Institute</u> is to educate a new generation of farmers who respect the earth and respond to the needs of their surroundings. They strive to improve the biology of the lands that they steward while at the same time growing healthy, vibrant food that is pleasurable to eat and that brings health to their local populations.</p>

<p>I.4</p>	<p><b>Support public and private incentives for food producing land</b></p> <p>Support public and private incentives for preservation and use of land for agricultural production, including community gardens, the sale or donation of affirmative or conservation easements to a land trust or public agency and the renting of private land for agricultural production.</p> <p><b>Sample Policies</b></p> <p>The <u>Sonoma County Agricultural Preservation and Open Space District</u> is one of the top five farmland and open space preservation programs in the nation (Farmland Preservation Report) and the first special district established for the purpose of protecting agricultural lands. It is one of the few jurisdictions in the nation to use a sales tax for the purchase of conservation easements to protect agricultural lands and preserve open space.</p> <p>The <u>California Williamson Act Program</u> is a vital program that enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use so that farmers and ranchers can stay on their land. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.</p>
<p>I.5</p>	<p><b>Ensure regulatory support for food production and processing</b></p> <p>Ensure that county and city level regulation, zoning and land use laws support healthy and sustainable food production including farms, distribution and processors, farm stands, farmers’ markets and community supported agriculture (CSA). Support the development and continuation of an agriculture ombudsman for Sonoma County to guide producers through regulatory channels.</p> <p><b>Sample Policies</b></p> <p>In Marin, a part-time <u>Agricultural Ombudsman</u> is available to help producers work their way through permitting an on-farm or ranch project. In the nine years since the county Board of Supervisors began supporting this part-time position, 76 producers and many agencies have been assisted. All but one producer was successful in permitting their project.</p> <p>The <u>Napa County Department of Environmental Management (DEM)</u> and the Agriculture Commissioner developed a process for gardens to become a source to legally sell or donate produce to food retail outlets. The process entails the completion of an online self-certification to obtain an approved produce grower certificate.</p>

GOAL  
2

## Encourage Sound Resource Management



### 2.1

#### Support agricultural practices that preserve and increase the top soil and its fertility, and that enhance riparian corridors

Provide incentives for farmers and ranchers to develop and implement land use practices that enhance riparian corridors, prevent sediment from negatively impacting the riparian resources, preserve and build top soil and increase soil fertility.

##### Sample Programs

USDA Natural Resources Conservation Service Conservation Innovation Grants is a voluntary program intended to stimulate the development and adoption of innovative conservation approaches and technologies while leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production.

The Conservation Stewardship Program (CSP) is a voluntary conservation program that encourages producers to address resource concerns in a comprehensive manner by undertaking additional conservation activities and improving, maintaining and managing existing conservation activities. CSP is available on Tribal and private agricultural lands and non-industrial private forest land in all 50 States and the Caribbean and Pacific Islands Areas.

### 2.2

#### Work towards Sonoma County sustainable water use and encourage conservation practices to save water and conserve energy

Support the protection of groundwater recharge and water conservation practices. Provide incentives or support for farmers and ranchers to conserve water and energy.

##### Sample Programs

Gold Ridge Resource Conservation District assists landowners in addressing their environmental concerns by maintaining a presence in natural resources conservation work in all watersheds within the District.

Environmental Law and Policy Center, Land Use Tools to Protect Groundwater: Preserving Recharge is a document providing policy resourcing and information for groundwater recharge practices.

<p>2.3</p>	<p><b>Create resources out of food scraps and agricultural by-products</b></p> <p>Promote the reuse and regeneration of food waste into resources (i.e. compost, bio-gas, animal feed, etc.) and increase diversion of items no longer fit for consumption from landfills to local composting facilities or backyard composting. Promote the conversion of agricultural and silvicultural discards to mulch, compost and potentially biochar and syngas. Support a system where farmers get financial credits for building organic matter in soils.</p> <p><b>Sample Programs</b></p> <p><u>BioStar Systems Farm to Fuel Project</u> in Santa Rosa will develop and demonstrate the viability of converting animal, agricultural and food wastes for the production of BioMethane for use in producing electricity and powering natural gas operated vehicles.</p> <p><u>Sonoma Compost Company, under contract with the Sonoma County Waste Management Agency</u>, operates the municipal composting program. By appointment only, self-hauled commercial vegetable food scraps are accepted for composting.</p>
<p>2.4</p>	<p><b>Educate and promote environmentally friendly third-party certification for local food producers</b></p> <p>Support certification by third parties for environmentally responsible food growers and processors, and support third-party certified businesses and products. Support cost share programs to help offset the costs of certification.</p> <p><b>Sample Programs</b></p> <p>The <u>California Dairy Quality Assurance Program (CDQAP)</u> is a voluntary partnership between dairy producers, government agencies and academia to promote the health of consumers, the environment and the welfare of dairy animals. The CDQAP provides third-party certification in Environmental Stewardship through its on-farm evaluation/certification program.</p> <p><u>California Certified Organic Farmers (CCOF)</u> provides certification services at all stages of the organic food chain from farms to processors, restaurants and retailers. CCOF certifies to the USDA National Organic Program standards and CCOF international standards. CCOF also offers cost share information for organic certification.</p>



Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)

<p>2.5</p>	<p><b>Prioritize the regeneration of local fish and fisheries</b></p> <p>Support collaborative efforts and incentives to comply with Federal regulations that protect fish habitat, land use practices that keep water flowing in perennial waterways and the compliance with land use regulations that prevent agricultural chemical run-off into waterways.</p> <p><b>Sample Policies</b></p> <p><u>Partnership agreement</u> between the USDA Natural Resources Conservation Service and the US Department of the Interior Fish and Wildlife Service and the Association of Fish and Wildlife Agencies to promote long term working relationship between parties to explore and establish a viable habitat credit, trading market to result in net conservation benefits.</p> <p><u>Sonoma County General Plan Open Space and Conservation Element</u> provides policy guidelines for the preservation of natural and scenic resources which contribute to the general welfare and quality of life for residents of Sonoma County and to the maintenance of its tourism industry.</p>
<p>2.6</p>	<p><b>Support and encourage crop species diversity and heirloom livestock</b></p> <p>Support community and regional seed and stock libraries to provide training opportunities to learn about heirloom agriculture and identify methods to preserve heirloom seeds and livestock.</p> <p><b>Sample Program</b></p> <p>The <u>West County Community Seed Exchange</u> is a grassroots community seed bank that supports Sonoma County gardeners with free, locally grown, open-pollinated, pesticide and GMO-free seeds.</p> <p>Slow Food Russian River and 4H Collaboration is working to bring back <u>Heritage Turkey</u> breeds.</p>
<p>2.7</p>	<p><b>Enhance agricultural potential to mitigate and adapt to climate change</b></p> <p>Encourage energy-efficient agriculture practices and renewable energy use in agriculture and processing. Provide support and incentives for on-site alternative energy use and generation (e.g. solar panels on food processing plants, heat exchangers in food processing, biogasification of waste biomass, methane digesters for manure). Encourage UC Cooperative Extension and agricultural support organizations to promote incentive programs to help implement conservation practices and provide resources.</p> <p><b>Sample Programs</b></p> <p><u>Sonoma Clean Power</u> is a proposal for a public-private partnership that would offer electricity from cleaner sources at rates that are competitive with those of PG&amp;E.</p> <p><u>Marin Carbon Project</u> establishes the basis for soil carbon sequestration on local rangelands. Grazing lands on ranches and wide open spaces emphasizes the value of local soil carbon sequestration to provide ecological and agricultural benefits to rural communities while making full use of educational opportunities in regard to climate change.</p> <p><b>Sample Resource</b></p> <p>The Climate Protection Campaign published a report entitled, <u>Opportunities for Greenhouse Gas Emission Reduction in the Agricultural Sector of Sonoma County</u> outlining potential opportunities to reduce greenhouse gas emission in the agricultural sector.</p>



## 2.8

### Promote wildlife-friendly agricultural practices

Provide support or incentives for the implementation of wildlife-friendly agricultural practices to promote ecosystem health.

#### Sample Programs

The Alameda County Resource Conservation District and the Department of Fish and Game have collaboratively developed the *Alameda County Voluntary Local Program* (VLP). This program will provide a permitting solution for implementing voluntary conservation projects that impact species and/or their habitat that are listed by the Department under the California Endangered Species Act. The VLP is anticipated to be approved in October 2012.

*Wild Farm Alliance* serves to promote a healthy, viable agriculture that helps protect and restore wild nature by providing resources, case studies and conducting policy and advocacy work.

The *Bee Friendly Farming* initiative is an important means of raising consumer recognition and support for helping bees by (1) recognizing those who provide bee habitat (2) supporting bees by purchasing farm products and 3) displaying the local honey bearing the “Bee Friendly Farmer” logo.

### INDIVIDUAL ACTIONS FOR HOME, WORK, PLAY, WORSHIP OR SCHOOL

- Support local farmers by shopping at farmers’ markets and purchasing local or regional food at grocers
- Convert your grass, parking strips or other underutilized space for food production or native plants
- Sign up to rent a plot at a local community garden
- Lease or donate underutilized and surplus land for farm operations, community gardens or grazing
- Sign up for a community-supported agriculture (CSA) farm share
- Compost food scraps through city or county composting programs
- Buy products with minimal packaging to reduce waste and bring reusable bags when you go shopping
- Install greywater systems



## 4 Economic Vitality



Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)

The Economic Vitality action area focuses on the promotion of local food products and producers, increasing the capacity of the local supply chain (including processing, distribution, and storage) and encouraging institutions like schools and hospitals to purchase local food.

Economic vitality refers to all parts of the food system being able to remain healthy and in business over the long-term. This includes the farmers, ranchers, and fishers who produce the raw food products as well as all the various processors, distributors, retailers, and other businesses that have a role in delivering food to the consumer. In this time of national and international economic recession, supporting local farmers and local food businesses is increasingly recognized as a powerful opportunity to jump start the local economy.<sup>5</sup>

Research demonstrates that locally directed spending by consumers more than doubles the number of dollars circulating among businesses in the community, creating a local economic stimulus effect. Economists call this the “multiplier effect,”<sup>6</sup> because it steers more jobs and sales-tax revenue into the community. For example, in contrast to importing food to Sonoma County, if \$100 million more dollars of locally-produce food was consumed in Sonoma County it would result in an additional \$25 million in local economic activity.<sup>7</sup> Several recent studies have found multiplier benefits of local businesses to be up to three times those of non-local businesses.<sup>8</sup>

<sup>5</sup> Alicia Harvie and Hilde Steffey, *Rebuilding America’s Economy with Family Farm-Centered Food Systems*, (Farm Aid: June, 2010), p.12,

<sup>6</sup> Viki Sonntag, *Why Local Linkages Matter: Findings from the Local Food Economy Study* (Sustainable Seattle: April 2008), p.vii, <http://www.sustainableseattle.org/localfoodeconomyreport>.

<sup>7</sup> Sonoma State University Economic Development and Innovation Accelerator, *The Economics of Going Local: Oliver’s Market as a Case Study*, April 2011.

<sup>8</sup> Robinson, N., *Why Buy Local? An Assessment of the Economic Advantages of Shopping at Locally Owned Businesses*, Michigan State University, Center for Community and Economic Development, September 2010.

GOAL  
3

Support Local Food System  
Jobs and Commerce



3.1

**Develop, support, implement and fund “local foods” marketing efforts in order to increase demand for healthy local food**

Promote Sonoma County’s reputation as being at the forefront of the local and sustainable food movement by developing and promoting a regional brand that enhances consumer education about food issues and ecological principles. Utilizing the power of buying local by developing recognition for restaurants, retail grocers and institutions that support the purchase of healthy, local food. Promoting agritourism opportunities and funding research to identify potential local food marketing opportunities that will support local economic development and job creation.

**Sample Program**


The *Sonoma County GoLocal Cooperative* is a network of locally-owned businesses, residents, non-profit organizations and government agencies working together to build a resilient, thriving, local economy by supporting local, independently owned businesses and encouraging sustainable practices. GoLocal works with local business owners and economic development staff to spot opportunities to produce locally what is consumed in Sonoma County. This “import replacement strategy” creates economic growth without the growth of consumption.

**Sample Resource**

*The Economics of Going Local: Oliver’s Market* is a case study that examines the economic impacts of using a “go local” strategy concerning business.




<p>3.2</p>	<p><b>Identify and support funding and resources for existing and new farmers and ranchers</b></p> <p>Promote education, training, and incubator programs for new farmers and ranchers while promoting resources, programs, and funding to help local families pass their agricultural business on to the next generation.</p> <p><b>Sample Programs</b></p> <p><u>California Farmlink</u> builds family farming and conserves farmland in California by linking aspiring and retiring farmers; and promoting techniques and disseminating information that facilitate intergenerational farm transitions. This is conducted through a number of programs: Linking Program; Farmer Advocacy: Workshop and Technical Assistance; FarmLink Loan Program; Intergenerational Farm Transitions; Farmland Conservation; and Individual Development Accounts Program.</p> <p><u>Sonoma Land Trust</u> conserves scenic, natural, agricultural and open land for the future of Sonoma County by developing long term land protection strategies, promoting private and public funding for land conservation, acquiring land and conservation easements and promoting land stewardship.</p> <p><u>AGROpreneurship - Beginning Farmers and Rancher Development Program</u>, managed by UC Cooperative Extension Sonoma County, provides training for beginning farmers and ranchers.</p>
<p>3.3</p>	<p><b>Expand the capacity of the local food supply chain to create more jobs in Sonoma County</b></p> <p>Support the establishment of locally-owned and operated production, processing, agricultural supply, distribution, storage, waste recycling, and composting facilities to maximize job creation.</p> <p><b>Sample Program</b></p> <p><u>Moving Food Along the Value Chain: Innovations in Regional Food Distribution</u>. This report examines the aggregation, distribution, and marketing of eight diverse food value chains to glean practical lessons about how they operate, the challenges they face and how they take advantage of emerging opportunities for marketing differentiated food products.</p>
<p>3.4</p>	<p><b>Support the cultivation of culturally appropriate crops</b></p> <p>Encourage the planting and harvesting of crops that match the changing Sonoma County population in response to food preferences, food security and market opportunities.</p> <p><b>Sample Resource</b></p> <p><u>Ethnic Crop Opportunities for Growers on the East Coast: A Demand Assessment</u>. This report examined the potential for expansion of production of ethnic crops on the U.S. East Coast by commercial farmers from a market-first and economic perspective based on consumer demand.</p>

<p>GOAL 4</p>	<p>Encourage Institutional Purchasing that Supports the Local Food System</p>	
<p>4.1</p>	<p><b>Build preference for purchasing Sonoma County and regional products</b>          Institute organizational and government agency policies to prefer local food in their purchasing contracts.</p> <p><b>Sample Policy</b>  <i>Woodbury County Local Food Purchase Policy.</i> A resolution stating the Woodbury County, Iowa Local Food Purchase Policy strives to increase regional per capita income, provide incentives for job creation, attract economic investment and promote the health and safety of its community. It established that Woodbury County shall purchase, by or through its food service contractor, locally produced organic food when a department of the County serves food in the usual course of business.</p>	
<p>4.2</p>	<p><b>Support and encourage a regional food hub to serve as an aggregation and distribution center to increase the market for products and stimulate more supply</b>          Support the development of a food hub to serve as an aggregation and distribution center to promote the purchase of regional food that would drive the market to develop more supply.</p> <p><b>Sample Resource</b>  <i>Establishing as Aggregation and Marketing Center for California's North Coast.</i> This Community Alliance with Family Farmers report presents a market analysis of the food system in California's four North Coast counties (Sonoma, Napa, Mendocino, and Lake), with the core aim of identifying opportunities to expand local markets for food producers.</p>	
<p>4.3</p>	<p><b>Support and encourage a regional alliance of institutional food purchasers to buy from local producers in order to stimulate more supply</b>          Support the development of a regional alliance of institutional purchasers that implements a set of purchasing goals and guidelines, model purchasing language and methods to support and promote the purchase of regional food that would drive the market to develop more supply.</p> <p><b>Sample Resource</b>  <i>Collective Purchase: Moving Local and Organic Foods Beyond the Niche Market,</i> a paper published in 2010 draws attention to the creative possibilities offered by collective purchase as a mechanism to advance beyond the niche market.</p>	

**INDIVIDUAL ACTIONS FOR HOME, WORK, PLAY, WORSHIP OR SCHOOL**

- Vote with your dollar – support the local economy by eating and shopping at local businesses which keeps money circulating in the local economy and helps create jobs
- Eat at restaurants that feature locally-grown and seasonal food
- Buy local food when shopping at your retail grocer and ask the manager at your retail grocer to offer and label more regionally-produced food
- Shop at farmers' markets and farm stands to support small family farms
- Ask decision-makers at your work, school, or faith organization to buy local food for meal services and events
- Support school boards and districts in changing institutional practices to support local food purchasing

A young girl with dark hair and bangs, wearing a white dress with pink accents and a purple beaded bracelet, is smiling and holding a very large, dark green zucchini horizontally above her head with both hands. The background shows a light-colored wooden fence and some green foliage.

A statewide study found that Sonoma County residents had over

**3Xs** as many fast food restaurants and convenience stores nearby as grocery stores and produce vendors

## 5 Healthy Eating

---

The Healthy Eating action area addresses health outcomes related to food consumption and access in Sonoma County. Healthy eating is influenced by access to healthy, safe and affordable foods and beverages and by individuals' knowledge, attitudes and culture.

Healthy eating is an important factor of a sustainable food system. Poor diet and physical inactivity contribute to a number of health conditions: obesity, type 2 diabetes, certain cancers, cardiovascular disease, high blood pressure and stroke. In Sonoma County, obesity and weight gain are serious health concerns and are more prevalent in low-income populations.

A 2008 statewide study found that Sonoma County residents had over three times as many fast food restaurants and convenience stores nearby as grocery stores and produce vendors. A more recent in-depth study of four low-income neighborhoods in Sonoma County, with a combined population of nearly 24,000 and over 50% of the Hispanic population living in poverty, found limited access to affordable, healthy food.

Instead, these neighborhoods were dominated by convenience stores and fast food outlets offering few healthy choices. Further, none of the food stores or fast food restaurants met standards for healthy food marketing. Fruit and vegetables were priced more than 10% higher than the county average and very few stores accepted WIC vouchers. Three of the four neighborhoods didn't have an accessible farmers' market.<sup>9</sup>

<sup>9</sup> Sonoma County Department of Health Services, Communities of Excellence Food Assessment (CX3), February, 2010.

GOAL  
5

Increase Equitable Access to Healthy, Affordable, Safe and Culturally Appropriate Food and Beverage Choices, while Decreasing Availability of Unhealthy Choices in Neighborhoods, Schools and Work Places



**5.1 Include increasing access to healthy food and beverage choices and decreasing availability of unhealthy food and beverage choices as a goal in local general plans**

Incorporate as goals in local general plans, including transit infrastructure to ensure access points to healthy food.

**Sample Policy**

Marin County General Plan focuses on public health goals, including strategies to increase access to healthy food.

**5.2 Incorporate Health Impact Assessments in the review process for all projects and policies**

Adopt the use of Health Impact Assessments to evaluate the potential health effects of a project or policy before it is built or implemented. Health impact assessments (HIA) typically involve a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population. Impact of a project on the healthfulness of the food environment is an important assessment.

**Sample Resource**

UCLA Health Impact Assessment Clearinghouse Learning and Information Center collects and disseminates information on health impact assessment (HIA) in the United States.

**5.3 Support the implementation of wellness policies**


Create and support healthy food environments where people work, play, worship and learn, in order to make the healthy choice the easiest choice.

**Sample Program**

The Sonoma County iWORKwell Recognition Program is a voluntary certification program that recognizes employers for developing and implementing exceptional employee wellness programs. Employers are awarded Bronze, Silver or Gold classification based on the depth of their employee wellness initiatives.



<p>5.4</p>	<p><b>Support the implementation of policies for publicly purchased food, food available on public premises and food obtained via public contracts to make healthy food and beverage choices standard in these settings</b></p> <p><b>Sample Programs</b></p> <p>The Santa Clara County Public Health Department food and beverage policy went into effect July 1, 2012. The standards are required for county meetings, events, vending machines and custodial populations, including: Department of Correction, Department of Probation, Social Services Agency and Santa Clara Valley Medical Center. The standards are recommended for cafeterias, cafes, and county-leased properties.</p> <p><u>New York City has a Food Procurement Policy</u> that outlines standards for any food purchased or served on government property. The standards are separated into Standards for Purchased Food, Standards for Meals and Snacks Served and Agency and Population-Specific Standards and Exceptions.</p>
<p>5.5</p>	<p><b>Support innovative strategies to increase the retail availability and affordability of healthy, local food and beverages to decrease the prominence of unhealthy options</b></p> <p>Develop tax and zoning incentives, real estate tax abatements, mortgage recording tax waivers, and/or sales tax exemptions for retailers dedicated to offering healthy local food products, especially in neighborhoods currently lacking these outlets. Establish affordable farmers’ markets in low-income neighborhoods and encourage or incentivize mobile produce carts and fixed produce stands. Work with local retailers to adopt these policies and practices.</p> <p><b>Sample Policies</b></p> <p><u>New York City Food Retail Expansion to Support Health (FRESH)</u> Program. FRESH provides zoning and financial incentives to promote the establishment and retention of neighborhood grocery stores in underserved communities throughout the five boroughs.</p> <p>The <u>City of Richmond “Soda Tax”</u> ballot measure on November 6, 2012 for voters in the City of Richmond. The measure, if approved by the city’s voters, will impose a “business license fee” of 1 cent per ounce on sugar-sweetened beverages sold within city limits.</p>

<p>GOAL 6</p>	<p>Connect the Food Insecure with Food and Nutrition Assistance Programs</p>	
<p>6.1</p>	<p><b>Promote awareness and enrollment in food assistance programs</b></p> <p>Promote awareness of and enrollment in existing assistance programs which are currently underused with targeted outreach to increase use of CalFresh, WIC, the National School Lunch Program and the Senior Nutrition Program to increase healthy eating.</p> <p><b>Sample Program</b></p> <p><u>Fruit and Vegetable Prescription Program</u>, spearheaded by the Santa Rosa Family Medicine Residency Program, is a research trial that examines the effects of giving low-income women at risk for gestational diabetes mellitus (GDM) physician-prescribed vouchers for fruits and vegetables at the Santa Rosa farmers' market.</p>	
<p>6.2</p>	<p><b>Increase point-of-sale acceptance of CalFresh and WIC</b></p> <p>Encourage acceptance of food assistance vouchers at farmers' markets, community-supported agriculture (CSA) farms, farm stands and senior food meal programs. Seek matching funds (private and government) to expand the programs purchasing dollars.</p> <p><b>Sample Program</b></p> <p><u>CSAs in New York State: Profiles exploring how New York's farmers are providing low-income families with healthy, fresh, and nutritious fruits and vegetables.</u></p>	
<p>6.3</p>	<p><b>Connect surplus food with need</b></p> <p>Expand food bank donation channels and gleaning programs to interested communities and food pantries. Work with regulatory agencies to secure approved methods to use and distribute surplus food.</p> <p><b>Sample Programs</b></p> <p><u>Farm to Pantry</u> is a community of volunteers dedicated to providing fresh, healthy and affordable food to everyone. Volunteers live and glean in Sonoma County where there is a growing community of farmers, gardeners and residents dedicated to ensuring fresh, healthy food for everyone.</p> <p><u>Food Runners</u> picks up excess perishable and prepared food from businesses such as restaurants, caterers, bakeries, hospitals, event planners, corporate cafeterias and hotels and delivers it directly to shelters and neighborhood programs that feed the hungry.</p>	

GOAL  
7

Increase Education About Local Agriculture, Nutrition and the Impact of Food and Beverage Choices



**7.1 Promote food growing in home, neighborhood and school settings**

Connect community members with information and resources to grow their own food.

**Sample Programs**

Sonoma County School Garden Network provides students with opportunities to establish a life-long dedication to the environment and their communities, to develop healthy understanding of nutrition, and to further their academic achievement through hands-on learning.

iGROW Sonoma is an online resource tool to encourage people to grow their own food, connect experienced gardeners to beginning growers, strengthen the community by sharing food and life skills, and helping people find local sources of healthy food.

The Sonoma County Master Gardener Food Gardening Specialist program was started in the spring of 2010 with the mission of teaching beginning gardeners how to successfully start and maintain food gardens. The group's initial focus will be on teaching neighborhood workshops.

**Sample Policy**

City of Seattle Community Garden Policy. Since 1992, the City of Seattle's Comprehensive Plan has required one dedicated community garden for each 2,500 households.

**7.2 Establish and expand affordable and accessible education programs for basic cooking, food preservation, nutrition skills and green practices**

Identify and support educational programs with funding, space, promotion and other resources in order to expand their accessibility, especially in low-income and underserved areas.

**Sample Programs**

Ceres Community Project offers free and low-cost classes on nutrition and healthy cooking. Their teen service project teaches teens about growing, preparing and eating fresh healthy food by having the teens grow food and prepare meals for families dealing with serious illness.

Devils Gulch Ranch Educational Services provides agriculture and nature educational programs to diverse communities. These programs develop the skills needed to produce food and to live sustainably while building an understanding of our interconnection with nature.



### 7.3 Promote farm trips and know-your-farmer programs

Encourage community members, students and others to connect with local farmers and food producers through promotion of those producers and with special events throughout the year.

#### Sample Programs

Sonoma County Farm Bureau Ag Days has grown into a major event to represent the many facets of Sonoma County agriculture. The event moves the farm to the city for two days of animal exhibits, agricultural demonstrations and hands-on experiences and is geared for school children from kindergarten through sixth grade.

Sonoma County Farm Trails works to ensure the preservation of Sonoma County's rich agricultural heritage through organized retail opportunities, marketing and public relations campaigns and educational forums.

### INDIVIDUAL ACTIONS FOR HOME, WORK, PLAY, WORSHIP OR SCHOOL

- Participate in, encourage and support your workplace or school's wellness initiatives
- Support efforts to remove unhealthy food and beverages from vending machines within your workplace, school or place of worship
- Plant a vegetable garden at home or in your community to grow some of your own food
- Drink tap water rather than sodas, sugar sweetened coffee drinks or bottled water, and encourage consumption of healthy beverages in your school, work place or place of worship
- Keep a "soda-free" home or office
- Join the "Plant a Row" campaign and grow extra food for community food banks
- Support and shop at neighborhood retail grocers and restaurants serving healthy, affordable, locally grown and culturally appropriate food
- Ask convenience stores in your neighborhood to voluntarily remove or reduce outdoor marketing of unhealthy food like candy and soda, and to stock more healthy food choices
- Attend or teach a healthy cooking or eating class



## 6 Social Equity



*Photo by Karen Preuss  
karenpreuss.com*

The Social Equity action area explores the root causes of hunger and food insecurity. The long-term health of our community will require more than just increasing access to food and nutrition assistance programs. This section of the Food Action Plan looks at opportunities to address system-wide inequalities in our community that ultimately lead to hunger and food insecurity.

Creating system-wide change includes working to ensure that all individuals have the tools and resources they need to make healthy food and lifestyle choices, as well as equal opportunities to shape food system priorities and goals. A socially equitable food system protects the rights of farmers and farm workers, and upholds the dignity and quality of life for all who work in the food system through healthy living and working conditions. According to Occupations Employment Statistics, most food system and farm workers in Sonoma County earn significantly less than the county average. These reported wages are close to the Federal Poverty Level for a family of four.

<p>GOAL 8</p>	<p>Address Root Causes of Hunger and Food Insecurity</p>	
<p>8.1</p>	<p><b>Identify and support opportunities for affordable living conditions</b>  Advance affordable housing, health care, transportation and healthy food retail choices for all community members and promote a living wage.</p> <p><b>Sample Policies</b>  <u><i>Transportation and Food: The Importance of Access</i></u> is a Policy Brief of the Center for Food and Justice, Urban and Environmental Policy Institute October 2002</p> <p><u><i>City of Sonoma Living Wage Ordinance</i></u>, passed in 2004, assures that city employees, employees of city service contractors, subcontractors, and employees and contractors of city financial assistance earn an hourly wage that is sufficient to live with dignity and to achieve economic self-sufficiency</p>	
<p>8.2</p>	<p><b>Support the definition and implementation of social equity criteria to be used at all levels of public policy creation</b>  Develop social equity criteria in relation to food equity and health, and incorporate into local and regional decisions to ensure policies and public investments support social equity.</p> <p><b>Sample Resource</b>  The <u><i>King County Equity Impact Review</i></u> (EIR) tool is a process to identify, evaluate and communicate the potential impact - both positive and negative - of a policy or program on equity.</p>	
<p>GOAL 9</p>	<p>Create Opportunity and Justice for Farmers, Farm Workers and Food System Workers</p>	
<p>9.1</p>	<p><b>Support policies to address inequities in farm and food system worker employment practices</b>  Support federal, state and regional public policy efforts that address the roots of inequity for farmers and farm workers, such as extending equal protection under the Fair Labor Standards Act, Fair Trade Act, immigration reform, and farm subsidies title in the Farm Bill.</p> <p><b>Sample Resource</b>  <u><i>Association of Farm Worker Opportunity Programs</i></u> provides information, reports, educational resources, job training programs and advocacy for farm workers.</p>	

<p>9.2</p>	<p><b>Promote and support businesses and products that provide opportunities for farmers and food system workers</b></p> <p><b>Sample Programs</b></p> <p><u>Swanton Berry Farm</u> is considered a model of fair agricultural labor practices. Workers are guaranteed a decent pay scale as well as benefits such as health insurance, a retirement plan, and paid time off, plus access to affordable housing. The farm helps workers avoid repetitive strain injuries (the most common type of injuries in agriculture) by offering a variety of work. In addition, Swanton makes an effort to involve workers in business decisions and was also the first farm to offer its employees the opportunity to own stock in the company.</p> <p><u>Food Justice Certification</u> is a domestic fair trade label that represents the gold standard for social justice in agricultural and food jobs with it's rigorous third party certification. It is a system based on the experiences and input of the farmers, farm workers and business owners.</p> <p><u>Food Alliance Certification</u> works to promote sustainable agriculture and to ensure safe and fair working conditions, humane treatment of animals and careful stewardship of ecosystems. Through a series of eight guiding principles, the organization provides certification for production of crops, livestock, farmed shellfish, and nursery, greenhouse and food handling operations.</p>
<p>9.3</p>	<p><b>Support new farmers and ranchers from underrepresented groups</b></p> <p>Develop and support farm mentorship programs, farmer incubator programs, and organizations that increase access to capital for producers; especially for new and socially-disadvantaged farmers and farm workers.</p> <p><b>Sample Programs</b></p> <p><u>Agriculture and Land-Based Training Association</u> (ALBA) provides educational and business opportunities for farm workers and aspiring farmers to grow and sell crops grown on two organic farms in Monterey County, California.</p> <p><u>Sonoma County Beginning Farmer and Rancher Development Program</u> is a nine-month program with classes once a month at Santa Rosa Junior College's Shone Farm. It covers a range of farm and ranch operations, tools and resources, basic business planning, accounting and finance, and is taught by agriculture and business instructors with support from Small Business Development Center counselors. There is a 25% participation goal for traditionally underrepresented farmers or ranchers.</p>
<p>9.4</p>	<p><b>Develop systems to gather ongoing accurate data on farm and food system workers in Sonoma County</b></p> <p>Develop and implement a process to gather and track local data on farm and food system workers in Sonoma County to ensure informed policy and positive program development.</p> <p><b>Sample Resource</b></p> <p><u>Food Insecurity among Farm Workers in the Salinas Valley, California</u>. This report provides information on farm workers in the Salinas Valley.</p>

<p><b>GOAL</b> <b>10</b></p>	<p><b>Ensure the Inclusion of Underserved and Underrepresented Communities in Conversations and Policy-Making About Sonoma County's Food System</b></p>	
<p><b>10.1</b></p>	<p><b>Support the development and inclusion of community leaders from underrepresented communities</b></p> <p>Support the power of existing leaders within underrepresented communities so they can build community involvement in defining and supporting community-wide food-related goals. Offer training sessions to community members on how to organize and become involved in government decision-making around food issues.</p> <p><b>Sample Programs</b></p> <p>The <u><i>North Bay Organizing Project</i></u> unites people to build leadership and grassroots power for social, economic, racial and environmental justice.</p> <p><u><i>St. Joseph Health System of Sonoma County</i></u> community organizers help disenfranchised community members gain the influence necessary to achieve real and lasting change in their neighborhoods and communities.</p>	
<p><b>10.2</b></p>	<p><b>Increase the participation of community members from underrepresented communities</b></p> <p>Practice effective community engagement strategies, such as different communication methods and the use of different languages in order to reach a broader audience.</p> <p><b>Sample Policy</b></p> <p><u><i>Devonport City Council Draft Community Engagement Policy</i></u> is a draft policy seeking to increase community participation in its decision making processes in Tasmania.</p> <p><b>Sample Program</b></p> <p><u><i>Portland Office of Neighborhoods Diversity and Civic Leadership Program</i></u> aims to develop culturally appropriate engagement strategies in city governance structures, communication structures, leadership development and representation in city public involvement efforts, and encouragement of collaboration between underrepresented community organizations, neighborhood and business associations where there may be opportunities to work on common community and neighborhood livability issues.</p>	

GOAL  
11

## Increase Community Resilience



### II.1 Improve our ability to feed ourselves from food grown and raised locally

#### Sample Policies

Maine “Food Sovereignty” policy entitled the Local Food and Community Self-Governance Ordinance of 2011. This ordinance gives the town residents the right to produce, process, sell, purchase, and consume local foods to promote self-reliance, the preservation of family farms and local processing.

The People’s Food Policy Project has developed Resetting the Table, a concrete food sovereignty policy for local communities in Canada. A policy framework that reflects the common values of health, justice and sustainability.

### II.2 Support an emergency food system that meets the immediate needs of all food insecure people in Sonoma County

Promote and support public and private collaboration to provide more comprehensive food assistance through the major types of organizations (emergency kitchens, food pantries, food banks, food rescue organizations, and emergency food organizations). Support the maintenance of a food donation program and system to gather excess crops that would otherwise go unused for hunger-relief organizations.

#### Sample Resources

The Redwood Empire Food Bank provides food through three Hunger Relief Initiatives that focus on the unmet needs of low-income children, seniors and working families. They are also a primary source of food for 166 community based charitable organizations that operate 249 human service programs helping the needy, disabled and homeless in Sonoma County. REFB administers The Emergency Food Assistance Program (TEFAP) for Sonoma County.

## II.3

### **Strengthen and diversify the local food system to better cope with disasters and long-term changes**

Promote advanced planning that will enable crop and livestock farmers to prevent or reduce the effects of natural disaster on their farms, prepare for the financial impacts of a natural disaster, and improve the resilience of their farms following a natural disaster or other conditions brought on by ecological and political crises.

#### **Sample Resource**

*Washington State Department of Agricultural Disaster Assistance Brochure* provides assistance for producers to report damage and lost production to the local USDA Farm Service Agency office.

Enhance emergency preparedness related to food access and distribution triggered by social, political, chemical, biological and/or radiological incidents to establish regional capacity for feeding the local population or massive population migrations for 2-3 months in an emergency. This includes relief to food producers, handlers and consumers.

#### **Sample Policy**

*City of San Francisco Precautionary Principle Resolution*. Resolution supporting the precautionary principle and requesting the Department of the Environment to prepare and submit legislation proposing the adoption of the precautionary principle as a general City policy and integrating a precautionary principle approach into the City's existing process for the purchase of commodities for the Board of Supervisor's consideration.

### **INDIVIDUAL ACTIONS FOR HOME, WORK, PLAY, WORSHIP OR SCHOOL**

- Support anti-discrimination practices at work, school, and in your community
- Request that all community planning that affects your neighborhood address health and food system issues
- Organize community and neighborhood action around healthy food access for everyone
- Donate to CalFresh farmers' markets matching funds
- Donate eligible surplus food to community food banks
- Participate in a gleaner program as a donor or volunteer
- Support a living wage and safe working conditions for all workers





Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)





22 indicators by Sonoma County Health Action were selected to reach the goal of being the healthiest county in California by 2020.

## 7 Measuring Progress

From the outset, the Sonoma County Food System Alliance and the Sonoma County Department of Health Services recognized the need for a way to indicate change in the food system so we can measure progress.

Ultimately, **8** criteria were used in identifying indicators to track the food system in Sonoma County.

1. **Opportunities-based:** the indicator measures progress toward the goals (positive) rather than regression away from the goals (negative)
2. **Countywide:** when possible, the indicator data must be available for Sonoma County, rather than for the U.S. or the state of California
3. **Measureable:** the indicator data must be quantifiable
4. **Available:** the data must be available to the public
5. **Cost-effective:** it must be possible to access the data with little monetary input
6. **Stable, reliable, credible:** the data must be from a reliable and credible source, collected in a consistent way and replicable from one time period to the next
7. **Understandable and usable:** the indicator must be easily grasped by readers
8. **Sensitive to change:** the indicator must respond to change over a reasonable period of time (not take hundreds of years to show progress)

The selected indicators outlined next meet the identified criteria and, when possible, align with Health Action indicators to ensure shared measurement across initiatives and foster collaboration across policies and programs. The indicators will be tracked over time, allowing the SCFSA to follow trends, identify opportunities for action, and recognize gaps and successes. If new reliable data becomes readily available, new indicators that meet the criteria may be added to this list over time. While many indicators could be listed under each goal, this section intentionally outlines a manageable number to measure progress toward a healthy and sustainable food system in Sonoma County.

See Appendix D for more information on the rationale for selecting indicators and data sources.

Goal	Indicator(s) for Sonoma County	Baseline	Year	Provided By
<b>Agriculture &amp; Natural Resources</b>				
<b>1. Protect and enhance agricultural land base, farms and ranches</b>	Acres in agricultural production	530,895	2007	USDA Census of Agriculture
	Number of farms	3,429	2007	USDA Census of Agriculture
	Number of acres in Williamson Act	295,383	2001	Sonoma County Permit Resources and management Department
	Acres of Important Farmland	160,218	2008	California Department of Conservation Farmland Mapping & Monitoring Program
<b>2. Encourage resource management</b>	Number of organic growers	199	2011	Sonoma County Crop Report
	Tonnage of food composted at Sonoma County Waste Management Agency	1,042	2011	Sonoma County Waste Management Number
<b>Economic Vitality</b>				
<b>3. Support local food system jobs and commerce</b>	Mean annual wages of food system occupations	\$31,241	2011	Bureau of Labor Statistics
	Annual dollar value for agricultural and food products (exc. wine grapes)	\$206,014,525	2011	Sonoma County Crop Report 2012
	Number of certified farmers markets	16	2012	Ag Commissioner's Office
	Number of CSAs	26	2012	Local Harvest
<b>4. Encourage institutional purchasing that supports the local food system</b>	Number of school districts with farm to school programs*			
	Net farm income	\$23,671	2007	USDA Census of Agriculture
<b>Healthy Eating</b>				
<b>5. Increase equitable access to healthy, affordable, safe and culturally appropriate food and beverage choices, while decreasing availability of unhealthy food and beverage choices in neighborhoods, schools and work places</b>	Percent of Sonoma County residents that live in households above 300% of the federal poverty level	58%	2009	California Health Interview Survey
	Percent of Sonoma County adults who are obese**	19%	2009	California Health Interview Survey
	Percent of Sonoma County children and teens consuming two or more glasses of soda or sugary drinks daily	9%	2009	
	Number of farmers' markets that accept CalFresh and WIC	13 out of 16	2012	
<b>6. Connect the food insecure with food and nutrition assistance programs</b>	Percent of CalFresh eligible participating in benefits	29%	2009	CA Food Policy Advocates, Sonoma County Profile
	Unduplicated WIC participants	11,917	2011	Sonoma County WIC Office
	Percent of eligible students participating in school lunch program	88%	2009	CA Food Policy Advocates, Sonoma County Profile
<b>7. Increase education about local agriculture, nutrition and the impact of food and beverage choices</b>	Number of public high schools with food and agricultural literacy programs	10	2009	SCOE Regional Occupation Program
	Number of community, school, and private gardens	252	2012	<a href="http://iGROW.org">iGROW.org</a>



## Social Equity

<b>8. Address root causes of hunger and food insecurity</b>	Percent of Sonoma County residents that live in households above 300% of the federal poverty level **	25%	2010	U.S. Census Bureau
	Percent of residents who spend 30% or more of household income on rent**	59%	2010	U.S. Census Bureau, American Community Survey 1-year Estimates
	Percent of adults in food secure households	49.6%		California Health Interview Survey
<b>9. Create opportunity and justice for farmers, farm workers and food system workers</b>	Average wage paid to farm workers in California	\$11.38	2012	USDA National Agricultural Statistics Service. Farm Labor Reports
	Percent of farms with ethnic minority as principal operator (Hispanic, Asian, African American, American Indian)	12%	2007	USDA Census of Agriculture
	Percent of farms with women as principal operator	20%	2007	USDA Census of Agriculture
<b>10. Ensure the inclusion of underserved and underrepresented communities in conversations and policy-making about Sonoma County's food system</b>	***			
<b>11. Increase community resilience</b>	Number of people served by food banks, per month	78,000	2011	Redwood Empire Food Bank Annual Report

\*Not a number that is tracked, but something that will be tracked with follow-up surveys to school districts

\*\*Reflects a Health Action indicator

\*\*\*Not something that is regularly tracked, but the Food System Alliance hopes to identify a method for tracking this goal and secure resources for implementing an evaluation system



Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)



## 8 Appendices

### CONTENTS

---

APPENDIX A DECLARATION OF SUPPORT	48
APPENDIX B COUNTY/CITY RESOLUTION TEMPLATE	49
APPENDIX C POLICES AND PROGRAMS	50
APPENDIX D SELECTED INDICATORS	80



# Declaration of Support

All residents of Sonoma County have a voice in the future of our food system - every eater, backyard gardener, home cook and professional chef, urban and rural farmer, food processor and distributor, emergency food provider, grocer, and market vendor. It is critical that we combine efforts to make effective change in food system policy, practice, and programs.

We, the undersigned, support the vision and principles of the Sonoma County Healthy and Sustainable Food Action Plan.

## VISION

We envision a county in which everyone has access to affordable, nutritious food. Local farms and operations play a primary role in producing that food. Each part of the food system, from seed to table and back to soil, is environmentally regenerative, economically viable, and supports a healthy life for all members of our community.

### Therefore, we believe:

1. All people in our community should have access to enough affordable, healthful, fresh and culturally appropriate food.
2. Residents should not be inundated with unhealthy food choices like sugary drinks and junk food.
3. Community members should understand how their food choices impact their own health, and the health of the community and the larger world.
4. Healthy food and agriculture sectors are central to the long-term vitality of the local economy.
5. Farming and food system work should be economically viable and respected occupations.
6. Local agriculture, food production, distribution, consumption and food waste management should work in a way that regenerates nature.

First Name:

---

Last Name:

---

I am signing on...

As an individual supporter

For my organization at large

Both

Name of Organization (if applicable)

---

Title/Position

---

City/County

---

Phone Number

---

Email Address

---

**I/This organization will commit to do the following:**

Choose the goals you support within the Action Plan  
[insert goals]

---

---

Please detail which strategies (within goals) of the Sonoma County Healthy and Sustainable Food Action Plan you support.  
(Example: Action 1.2 - ...)

---

---

Comments:

---

---

Local governments are invited to use this template as they develop a resolution supporting the Sonoma County Healthy and Sustainable Food Action Plan and committing to action. Jurisdictions are encouraged to use their own wording and their own resolution format as appropriate.

### Sonoma County Healthy and Sustainable Food Action Plan Resolution

Resolution No:

Resolution of [jurisdiction]

The following sample WHEREAS statements can be used in whole or in part depending on which parts of the Healthy and Sustainable Food Action Plan aligns best with the jurisdiction and what commitments are made.

WHEREAS, the [jurisdiction] declares its commitment to increasing the amount of healthy and sustainable food in order to achieve access to safe, nutritious, and culturally acceptable food, essential to human health; and

WHEREAS, the [jurisdiction] recognizes that supporting a local sustainable food system makes farming more economically viable keeping farmers in business and ensuring the preservation of farmland; and

WHEREAS, the [jurisdiction] recognizes that hunger, food insecurity, and poor nutrition are pressing health issues that require action; and

WHEREAS, the [jurisdiction] recognizes that sustainable food systems ensure nutritious food for all people, protect workers health and welfare, minimize environment impacts, and strengthen connections between urban and rural communities; and

WHEREAS, the following principles guide this Resolution on Healthy and Sustainable Food:

- All people in our community should have access to enough affordable, healthful, fresh, and culturally appropriate food.
- Residents should not be inundated with unhealthy food choices like sugary drinks and junk food.
- Community members should understand how their food choices impact their own health, and the health of the community and the larger world.
- Healthy food and agriculture sectors are central to the long-term vitality of the local economy.
- Farming and food system work should be economically viable and respected occupations.
- Local agriculture, food production, distribution, consumption, and food waste management should work in a way that regenerates nature.

WHEREAS, the [jurisdiction] shall advance the Sonoma County Healthy and Sustainable Food Action Plan by supporting the following goal(s) of the Action Plan:

- [insert goals jurisdiction commits to advance or align with]

NOW, THEREFORE, BE IT RESOLVED that the [jurisdiction] agrees to support and advance the Sonoma County Healthy and Sustainable Food Action Plan.



The following appendix provides additional policies, programs, and toolkits for each sub-goal of the Sonoma County Healthy and Sustainable Food Action Plan. This section is intended to provide a larger library of resources for local governments, organizations, businesses, and individuals to advance the Sonoma County Healthy and Sustainable Action Plan. This is not an exhaustive archive, but rather a diverse array of existing efforts for stakeholders to learn from, explore, and potentially adapt at the local level.

## Agriculture & Natural Resources

### Protect and Enhance Agricultural Land Base, Farms and Ranches

GOAL 1	Sub-goal	Policy, Program, Toolkit, or Resource
I.1	<p><b>Protect permanent farm and ranch land</b></p>	<p>American Farmland Trust is committed to protecting the nation’s farm and ranch land, keeping it healthy and improving the economic viability of agriculture. <a href="http://www.farmland.org">www.farmland.org</a></p> <p>Greenbelt Alliance brings people together to protect what people love about the Bay Area and to make it an even better place to live by defending the Bay Area’s natural and agricultural landscape from development and helping create great cities and neighborhoods – healthy places where people can walk and bike, communities with parks and shops, transportation options, and homes that are affordable <a href="http://www.greenbelt.org">www.greenbelt.org</a></p> <p>Sonoma County Agricultural Preservation and Open Space District permanently protects the diverse agricultural, natural resource, and scenic open space land of Sonoma County for future generations. <a href="http://www.sonomaopenspace.org">www.sonomaopenspace.org</a></p>

<p>1.2</p>	<p><b>Promote the use of public land for food production</b></p>	<p>City of Portland Diggible Cities: An inventory of vacant, publicly-owned land in the Portland area to identify how land could be used to support urban agriculture. <a href="http://www.diggablecity.org">www.diggablecity.org</a></p> <p>City of Oakland, Cultivating the Commons: This 2009 report examines the potential for urban agriculture on Oakland's public land. <a href="http://oaklandfood.org/home/cultivating_the_commons">http://oaklandfood.org/home/cultivating_the_commons</a></p> <p>Cleveland Urban Agriculture Zoning and Public Land Leasing. The City of Cleveland grew 40 new community gardens and 15 market gardens in 2009 following radical changes to the zoning code and city land use practices. <a href="http://planning.city.cleveland.oh.us/zoning/cpc.php">http://planning.city.cleveland.oh.us/zoning/cpc.php</a></p> <p>Seeding the City: Land Use Policies to Promote Urban Agriculture. This toolkit provides a framework and model language for land use policies that local policymakers can tailor to promote and sustain urban agriculture in their communities. <a href="http://changelabsolutions.org/publications/seeding-city">http://changelabsolutions.org/publications/seeding-city</a></p> <p>Public Harvest: Expanding the Use of Public Land for Urban Agriculture in San Francisco provides recommendations and an overview of urban gardening efforts in San Francisco. <a href="http://www.spur.org/files/event-attachments/SPUR_Public_Harvest.pdf">www.spur.org/files/event-attachments/SPUR_Public_Harvest.pdf</a></p>
<p>1.3</p>	<p><b>Promote educational opportunities on farms and ranches</b></p>	<p>The Center for Agroecology and Sustainable Food Systems in a research, education, and public service program at the University of California, Santa Cruz, dedicated to increasing ecological sustainability and social justice in the food and agriculture system. <a href="http://casfs.ucsc.edu/">http://casfs.ucsc.edu/</a></p> <p>Washington Small Farm Internship Pilot Program. The 2010 Legislature authorized Labor &amp; Industries (L&amp;I) to establish a Small Farm Internship Pilot Program The purpose of this pilot program is for small farms to hire individuals who are interested in learning about farming practices. Participating farms are exempt from the wage requirements under the Minimum Wage Act, chapter 49.46 RCW, and interns are not required to receive pay or other type of compensation. <a href="http://wsffn.org/small-farm-internship-pilot-program/small-farm-internship-pilot-program">http://wsffn.org/small-farm-internship-pilot-program/small-farm-internship-pilot-program</a></p> <p>The Michigan Skills Alliance (MiSA) Food System Economic Partnership was awarded \$90,000 for the development of the Agri-Food Regional Skills Alliance in Southeast Michigan. <a href="http://www.michigan.gov/lara/0,1607,7-154-10573_11472-204613--,00.html">www.michigan.gov/lara/0,1607,7-154-10573_11472-204613--,00.html</a></p>

<p><b>I.4</b></p>	<p><b>Support public and private incentives for food producing land</b></p>	<p>The Beginning Farmer Tax Credit Program was enacted by the Iowa legislature as an incentive to keep land in production agriculture, by allowing agricultural asset owners to earn tax credit for leasing their land to beginning farmers. The program includes tax credit for the leasing of agricultural land, depreciable machinery or equipment, breeding livestock, and buildings. <a href="http://www.iada.state.ia.us/BFTC/index.htm">www.iada.state.ia.us/BFTC/index.htm</a></p> <p>Nebraska Beginning Farmer Tax Credit provides young farmers and ranchers more incentive to start in the agricultural field. In addition, the Tax Credit Act rewards those agricultural asset owners for their contributions that allow starting farmers and ranchers a promising future. <a href="http://www.agr.state.ne.us/beg_farmer/taxcp.html">www.agr.state.ne.us/beg_farmer/taxcp.html</a></p> <p>Land Trust Alliance: State and Local Tax Incentives resource document details an assessment of the effectiveness of 12 state income tax credits in advancing land conservation, and provides guidance to other states considering such programs. <a href="http://www.landtrustalliance.org/policy/tax-matters/campaigns/state-tax-incentives">www.landtrustalliance.org/policy/tax-matters/campaigns/state-tax-incentives</a></p> <p>USDA Conservation Reserve Program – Transition Incentives Program provides annual rental payments for up to two additional years after the date of the expiration of the Conservation Reserve Program contract, provided the transition is not to a family member. <a href="http://www.fsa.usda.gov/FSA/newsReleases?area=newsroom&amp;subject=landing&amp;topic=pub-ps&amp;newstype=prfactsheet&amp;type=detail&amp;item=pf_20100514_distr_en_tip10.html">http://www.fsa.usda.gov/FSA/newsReleases?area=newsroom&amp;subject=landing&amp;topic=pub-ps&amp;newstype=prfactsheet&amp;type=detail&amp;item=pf_20100514_distr_en_tip10.html</a></p> <p>Maryland’s House Bill 1062 authorized local governments to provide a five-year property tax credit for property used for urban agriculture purposes <a href="http://www.farmlandinfo.org/index.cfm?function=article_view&amp;articleID=38192">www.farmlandinfo.org/index.cfm?function=article_view&amp;articleID=38192</a></p>
<p><b>I.5</b></p>	<p><b>Ensure regulatory support for food production and processing</b></p>	<p>In 2010, San Francisco introduced a Draft Proposal for Urban Agriculture Zoning Controls and Standards to facilitate the local production and sale of fresh produce throughout all zoning districts. The draft language defines and recognizes neighborhood agriculture and large scale urban agriculture as permitted uses. <a href="http://www.sfuaa.org/original-proposal.htm">http://www.sfuaa.org/original-proposal.htm</a></p> <p>More options for farm stands, and explanation of regulations effective January 2009: a UC Small Farm Program website detailing regulations that took effect Jan. 1, 2009 allow farm stands in California to sell some processed agricultural products, such as jams, preserves, pickles, juices, and cured olives made with ingredients produced on or near the farm. <a href="http://sfp.ucdavis.edu/sfcnews/?article=87">http://sfp.ucdavis.edu/sfcnews/?article=87</a></p> <p>Insights from developers, architects and farmers on integrating agriculture and development. This report reviews practices and issues that landowners, developers, design consultants and public officials might find useful as they consider building or encouraging communities with farms. <a href="http://prairiecrossing.com/libertyprairiefoundation/LPF-Publication9-10.pdf">http://prairiecrossing.com/libertyprairiefoundation/LPF-Publication9-10.pdf</a></p>

## Encourage Sound Resource Management

GOAL 2	Sub-goal	Policy, Program, Toolkit, or Resource
2.1	<p><b>Support agricultural practices that preserve and increase top soil and its fertility, and that enhance riparian corridors</b></p>	<p>Beyond T: Guiding Sustainable Soil Management. A Report of and Expert Consultation Facilitated by the SWCS. This report provides guidance from experts on sustainable soil management. <a href="http://www.swcs.org/documents/filelibrary/BeyondTreport.pdf">www.swcs.org/documents/filelibrary/BeyondTreport.pdf</a></p> <p>Soil Quality: the Foundation for Natural Resource Quality, Soil Quality Policy in the United States. This website provides an overview and history of national soil quality policies. <a href="http://soilquality.org/resources/swcs_presentations/cox_general_session.html">http://soilquality.org/resources/swcs_presentations/cox_general_session.html</a></p> <p>The Irrigated Lands Regulatory Program (ILRP) regulates discharges from irrigated agricultural lands. Its purpose is to prevent agricultural discharges from impairing the waters that receive the discharges. To protect these waters, Regional Water Boards have issued conditional waivers of waste discharge requirements to growers that contain conditions requiring water quality monitoring of receiving waters and corrective actions when impairments are found. <a href="http://www.swrcb.ca.gov/water_issues/programs/agriculture/">www.swrcb.ca.gov/water_issues/programs/agriculture/</a></p>



Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)

## 2.2

### Work towards Sonoma County sustainable water use and encourage conservation practices to save water and conserve energy

The Sotoyome Resource Conservation District (RCD) is a local non-regulatory organization whose mission is to promote responsible natural resource management through voluntary community stewardship and technical assistance.

[www.sotoyomercd.org/index.html](http://www.sotoyomercd.org/index.html)

The Southern Sonoma Resource Conservation District (RCD) provides technical assistance, education and funding sources to empower landowners to be committed stewards working to improve water quality, prevent soil erosion and improve natural habitat. [www.sscrdd.org/](http://www.sscrdd.org/)

The California Agricultural Water Stewardship Initiative (CAWSI) aims to raise awareness about approaches to agricultural water management that support the viability of agriculture, conserve water, and protect ecological integrity in California.

<http://agwaterstewards.org/>

The STRAW Project coordinates and sustains a network of teachers, students, restoration specialists and other community members to plan and implement watershed studies and restoration projects in Marin, Sonoma, Solano and Napa counties. Its goals are to empower students, support teachers, restore the environment, and reconnect communities. [www.prbo.org/cms/192](http://www.prbo.org/cms/192)

California Farm Water Success Stories: Innovative On-farm Water Management Practices provides an overview of case studies exploring innovative water stewardship methods in California. [http://www.pacinst.org/reports/success\\_stories/index.htm](http://www.pacinst.org/reports/success_stories/index.htm)

City of Santa Rosa Water Rebate Programs and Incentives allow city residents and businesses to save money and conserve water by improving the efficiency of existing irrigation system, and/or by replacing the underutilized grass at your home or business.

<http://www.sonomabea.org/content.aspx?sid=1011&id=1097>

Town of Windsor Water Smart Home Program provides all interested residents free and comprehensive water use assessments with potential rebate opportunities.

<http://www.ci.windsor.ca.us/index.aspx?NID=102>

City of Petaluma Mulch Madness Program offers free mulch, compost, cardboard, an irrigation conversion kit and free native plants from a local native plant nursery to those customers who wish to sheet mulch their existing turf.

<http://cityofpetaluma.net/wrcd/mulch-madness-program.html>

The Monterey Wastewater Reclamation Study for Agriculture (MWRSA) was a 10-year, US \$7.2 million field-scale project designed to evaluate the safety and feasibility of irrigating food crops (many eaten raw) with reclaimed municipal wastewater.

[http://www.sanjoseca.gov/sbwr/PDFs/MontereyCountyRW\\_AG\\_1987.pdf](http://www.sanjoseca.gov/sbwr/PDFs/MontereyCountyRW_AG_1987.pdf)



## 2.3

### Create resources out of food scraps and agricultural by-products

Chabot Community College Waste Reduction Program, Hayward, CA now incorporates landscape composting, food scraps composting and other recycling and reduced their garbage bill by \$7,500 annually. [http://www.stopwaste.org/docs/chabot\\_final\\_101305.pdf](http://www.stopwaste.org/docs/chabot_final_101305.pdf)

Clover Flat Landfill is conducting a food-composting program for local restaurants, catering companies, and institutions in Napa County. The food waste includes meat, bones and shells. [www.ediblecommunities.com/marinandwinecountry/spring-2012-issue-13/a-whole-new-compost.htm](http://www.ediblecommunities.com/marinandwinecountry/spring-2012-issue-13/a-whole-new-compost.htm)

The City of Sonoma has recently started a commercial vegetative food scrap program through which almost all of its restaurants are currently participating.

[http://www.youtube.com/watch?v=Doe1mePOKYk&feature=player\\_embedded](http://www.youtube.com/watch?v=Doe1mePOKYk&feature=player_embedded)

Sonoma County is already in the forefront in exploring biochar use and production and future development should be carefully followed. The 2012 US BioChar Conference took place July 29 – August 1 2012 at Sonoma State University. <http://2012.biochar.us.com/>

San Francisco Food Runners Program picks up excess perishable and prepared food from businesses such as restaurants, caterers, bakeries, hospitals, event planners, corporate cafeterias, and hotels and delivers it directly to shelters and neighborhood programs that feed the hungry. [www.foodrunners.org](http://www.foodrunners.org)

City of San Francisco Mandatory Recycling & Composting Ordinances requires San Francisco residents and businesses to keep recyclables and compostables out of the trash. <http://sfenvironment.org/zero-waste/overview/zero-waste-faq>

Los Angeles Restaurant Food Waste Recycling Program allows participating restaurants to place food and organic waste into food waste bins that the City will pick up on a regular basis. [http://san.lacity.org/solid\\_resources/pdfs/FoodWaste.pdf](http://san.lacity.org/solid_resources/pdfs/FoodWaste.pdf)

City Slicker Farms in West Oakland has a bicycle compost pick-up program, where it removes compost from local restaurants by bicycle and brings the waste back to their farms to compost. [www.cityslickerfarms.org](http://www.cityslickerfarms.org)

Food waste management publications on the EPA website provide information, toolkits, and best management practices for diverting food waste. <http://www.epa.gov/osw/conserves/materials/organics/food/fd-res.htm#tools>

<p>2.4</p>	<p><b>Educate about and promote environmentally friendly third-party certification for local food producers</b></p>	<p>Salmon Safe offers a series of peer-reviewed certification programs linking land management practices with the protection of agricultural and urban watersheds. Certification requires management practices that protect water quality and restore habitat. Salmon-Safe also is introducing innovative new programs focused on site design and development, as well as an accreditation program for pollution prevention in large-scale construction management. <a href="http://www.salmonsafe.org/">www.salmonsafe.org/</a></p> <p>Fish Friendly Farming is a certification program for agricultural properties that are managed to restore fish and wildlife habitat to improve water quality. <a href="http://www.fishfriendlyfarming.org/">www.fishfriendlyfarming.org/</a></p>
<p>2.5</p>	<p><b>Prioritize the regeneration of local fish and fisheries</b></p>	<p>The County of Sonoma Economic Development Board Regulatory Guide for Water Quality and Water Resources provides information and resources about water rights, appropriation, and use. <a href="http://edb.sonoma-county.org/content.aspx?sid=1033&amp;id=1799">http://edb.sonoma-county.org/content.aspx?sid=1033&amp;id=1799</a></p> <p>Friends of Gualala River is a non-profit, grassroots watershed protection association formed to share common concerns and research regarding the welfare of the Gualala Rivers, its estuary, and habitat with a goal of protecting the watershed and the species that rely on it. <a href="http://gualalariver.org/">http://gualalariver.org/</a></p> <p>Russian Riverkeeper advocates, educates, and upholds environmental laws to ensure the protection and restoration of the Russian River for the health and benefit of all who use and enjoy it. <a href="http://russianriverkeeper.drupalgardens.com/content/welcome-russian-riverkeeper">http://russianriverkeeper.drupalgardens.com/content/welcome-russian-riverkeeper</a></p> <p>Trout Unlimited works for conservation, protection, and the restoration of North America's coldwater fisheries and their watersheds. <a href="http://www.tu.org/">http://www.tu.org/</a></p> <p>Fields of Change: A New Crop of American Farmers Finds Alternative to Pesticides provides case studies on farmers who developed localized, economically viable pest and farm management methods that have led to substantial reductions in the applied volume of synthetic pesticide use, ranging from 10 to 100 percent, depending on the crop and type of pesticide. <a href="http://www.nrdc.org/health/farming/fields/focinx.asp">http://www.nrdc.org/health/farming/fields/focinx.asp</a></p>

<p>2.6</p>	<p><b>Support and encourage crop and species diversity and heirloom livestock</b></p>	<p>Fair Food Philly Heritage Breed Education Project raises consumer awareness about heritage breed animals by identifying the meat, dairy, and eggs from heritage breed products animals available at the Fair Food Farmstand.  <a href="http://www.fairfoodphilly.org/our-work/heritage-breed/">www.fairfoodphilly.org/our-work/heritage-breed/</a></p> <p>SVF Foundation preserves germplasm (semen and embryos) from rare and endangered breeds of food and fiber livestock. SVF also offers numerous educational programs and opportunities. <a href="http://svffoundation.org/">http://svffoundation.org/</a></p> <p>American Livestock Breeds Conservancy is working to protect over 180 breeds of livestock and poultry from extinction. <a href="http://albc-usa.org/">http://albc-usa.org/</a></p> <p>Heritage Foods USA is an independent company based in New York that sells heritage animals to consumers, including pork, beef, poultry, lamb, and cured meats.  <a href="http://www.heritagefoodsusa.com">www.heritagefoodsusa.com</a></p> <p>Frank Reese and Good Shepherd Poultry Ranch produces historically authentic Heritage Poultry for sale. <a href="http://www.goodshepherdpoultryranch.com">www.goodshepherdpoultryranch.com</a></p> <p>New England Heritage Breeds Conservancy works to conserve historic and endangered breeds of livestock and poultry by offering breeding programs, farmer assistance and educational programs and initiatives. <a href="http://www.nehbc.org">www.nehbc.org</a></p> <p>Seed Savers Exchange is a member supported organization that saves and shares heirloom seeds. <a href="http://www.seedsavers.org">www.seedsavers.org</a></p> <p>Mobile slaughterhouse Case Studies. This website provides case studies of mobile processing units throughout the United States. <a href="http://www.extension.org/pages/33160/mobile-slaughter-unit-case-studies">www.extension.org/pages/33160/mobile-slaughter-unit-case-studies</a></p>
<p>2.7</p>	<p><b>Enhance agricultural potential to mitigate and adapt to climate change</b></p>	<p>California Climate and Agriculture Network is a coalition that advances policy solutions at the nexus of climate change and sustainable agriculture.  <a href="http://calclimateag.org/">http://calclimateag.org/</a></p> <p>In August 2012 CDFA Secretary Karen Ross announced the establishment of a consortium of growers, educators, and technical experts in California to study and make recommendations on strategies for climate change adaptation.  <a href="http://www.cdfa.ca.gov/egov/Press_Releases/Press_Release.asp?PRnum=12-029">http://www.cdfa.ca.gov/egov/Press_Releases/Press_Release.asp?PRnum=12-029</a></p>



2.8	<b>Promote wildlife-friendly agricultural practices</b>	<p>Wild Farm Alliance serves to promote a healthy, viable agriculture that helps protect and restore wild nature by providing resources, case studies, and conducting policy and advocacy work. <a href="http://www.wildfarmalliance.org">www.wildfarmalliance.org</a></p> <p>Community Alliance with Family Farmers' Farmscaping Program assists growers and ranchers to plan and install hedgerows, windbreaks, filter strips, and other conservation plantings. <a href="http://caff.org/programs/bio-ag/hedgerows/">http://caff.org/programs/bio-ag/hedgerows/</a></p> <p>Future Friendly Farming: Seven Agricultural Practices to Sustain People and the Environment – a report by the National Wildlife Federation that highlights practices to increase wildlife habitat. <a href="http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2011/~media/54D87336A358404084B1F0B0A2D9A03B.ashx">http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2011/~media/54D87336A358404084B1F0B0A2D9A03B.ashx</a></p> <p>The Fish Friendly Farming program offers farmers access to expertise on such problems as erosion and soil loss, stream bank failure, and water quality degradation. <a href="http://www.fishfriendlyfarming.org/reasons.html">www.fishfriendlyfarming.org/reasons.html</a></p> <p>Hedgerows for California Agriculture: A Resource Guide provides information, resources, information on the benefits of hedgerows and the process for planting a hedgerow. <a href="http://caff.org/wp-content/uploads/2010/07/Hedgerow_manual.pdf">http://caff.org/wp-content/uploads/2010/07/Hedgerow_manual.pdf</a></p>
-----	---	---

## Economic Vitality

### Support Local Food System Jobs and Commerce

GOAL 3	Sub-goal	Policy, Program, Toolkit, or Resource
3.1	<b>Develop, support, implement and fund “local foods” marketing efforts in order to increase demand for healthy local food</b>	<p>Sonoma County Farm Trails supports agricultural diversity in Sonoma County by promoting member products and services through the annual Map &amp; Guide, on-site sales, and the internet. <a href="http://www.farmtrails.org/">www.farmtrails.org/</a></p> <p>The Sonoma County Innovation Action Council conducted a year-long project to determine the needs of local businesses and a plan to support and grow local business, increasing employment opportunities for county residents. Sonoma Specialty Goods was identified as one of five industry clusters for the study. <a href="http://www.sonoma-county.org/edb/pdf/innovation/clusters_of_opportunity_201109.pdf">http://www.sonoma-county.org/edb/pdf/innovation/clusters_of_opportunity_201109.pdf</a></p> <p>Agritourism overview website by UC Small Farm Program provides resources for agritourism operators and hosts California’s statewide directory on or agritourism operations. <a href="http://sfp.ucdavis.edu/agritourism/">http://sfp.ucdavis.edu/agritourism/</a></p> <p>The Buy Fresh Buy Local marketing and educational program works to increase consumer demand for and access to fresh, local produce. <a href="http://caff.org/programs/local-food-systems/">http://caff.org/programs/local-food-systems/</a></p> <p>The West Michigan Guide to Local Fresh Food provides a model guide for an overarching community guide to food in the area. <a href="http://www.foodshed.net/foodguide/0809lfg.pdf">http://www.foodshed.net/foodguide/0809lfg.pdf</a></p>

<p>3.2</p>	<p><b>Identify and support funding and resources for existing and new farmers and ranchers</b></p>	<p>The Agriculture and Land-Based Training Association (ALBA) provides educational and business opportunities for farm workers and aspiring farmers to grow and sell crops grown on two organic farms in Monterey County, California. <a href="http://www.albapartners.org">www.albapartners.org</a></p> <p>Small Farm Handbook from UC Small Farm Program provides resources for both the business side and the farming side of operating a small-scale farm. <a href="http://sfp.ucdavis.edu/sfcnews/?article=108">http://sfp.ucdavis.edu/sfcnews/?article=108</a></p> <p>Financing Farming in the US: Opportunities to Improve the Financial and Business Environment for Small and Midsized Farms through Strategic Financing. This report provides an overview of six working sessions to discuss innovative methods for small and midsized farmers to gain capital. <a href="http://thecarrotproject.org/yahoo_site_admin/assets/docs/FINAL_July_2010_2.20883625.pdf">http://thecarrotproject.org/yahoo_site_admin/assets/docs/FINAL_July_2010_2.20883625.pdf</a></p> <p>Farm Commons is a start-up nonprofit organization dedicated to providing farmers with the proactive legal counsel they need to become the stable and resilient base of a healthy and local food system. <a href="http://farmcommons.org/">http://farmcommons.org/</a></p> <p>ShadeFund provides small loans to promising green entrepreneurs across America. <a href="http://www.shadefund.org/home.htm">www.shadefund.org/home.htm</a></p>
------------	--	--



Photo by Karen Preuss  
[karenpreuss.com](http://karenpreuss.com)

3.3

**Expand the capacity of the local food supply chain to create more jobs in Sonoma County**

Cultivating Commerce is the key initiative for the North Coast Resource Conservation & Development Council, and focuses on promoting entrepreneurship in sustainable agriculture and natural resources. Its mission is to foster entrepreneurship through sustainable use of agricultural and natural resources within Marin, Sonoma, Mendocino, and Lake counties of California. [www.cultivatingcommerce.org/](http://www.cultivatingcommerce.org/)

The Santa Rosa Small Business Development Center is a valuable resource for the small business communities in Marin and Sonoma counties. Its mission is to provide quality management and technical assistance for existing and potential small businesses, resulting in success for the entrepreneur, sustainable economic growth, and prosperity for our local communities. <http://santarosasbdc.org/>

Industrial Retention Policy, Oakland. Zoning protections that retain remaining industrial areas of Oakland to prevent land conversions. [www.urbanhabitat.org/node/1744](http://www.urbanhabitat.org/node/1744)

NC Choices is a Center for Environmental Farming Systems' initiative that promotes the advancement of local, niche, and pasture-based meat supply chains by facilitating educational and networking experiences, providing technical and business assistance to commercial meat processors, assisting supply chain participants in navigating the regulatory environment, and developing innovative partnership to explore market opportunities. [www.ncchoices.com/](http://www.ncchoices.com/)

The health and wealth of US counties: how the small business environment impacts alternative measures of development. This paper evaluates the prospects of small business-driven job creation by assessing the link between small business and population health, an alternative measure of economic development. <http://cjres.oxfordjournals.org/content/early/2011/12/14/cjres.rsr034.short?rss=1>

Building Louisville's Local Food Economy: Strategies for increasing Kentucky farm income through expanded food sales in Louisville a report highlighting potential strategies for enhance local food system opportunities. <http://www.marketventuresinc.com/download/Exec-Sum-Louisville-Food-Strategy.pdf>

Coming soon: market analysis for grass fed beef and grains for the North Coast Regional Food System Network by SSU

Del Norte County Meat Processing and Retail Feasibility Assessment provides an overview of the feasibility of developing meat processing in Del Norte County. <http://www.jirwinconsulting.com/Del%20Norte%20Meat%20Processing%20and%20Retail%20Facility%20Feasibility%20Assessment-%20report.pdf>

3.3		<p>Meat Industry Capacity and Feasibility Study of the North Coast Region of California discusses the economic and agricultural impacts of a proposed meat processing center in Mendocino County. <a href="http://cemendocino.ucdavis.edu/files/44389.pdf">http://cemendocino.ucdavis.edu/files/44389.pdf</a></p> <p>Scaling Up Local Food: Investing in Farm &amp; Food Systems Infrastructure for the Pioneer Valley is a report that provides real-life, local examples of the successes, challenges and opportunities in the Pioneer Valley, Massachusetts food system. <a href="http://buylocalfood.org/upload/resource/ScalingUp10-17-11lrwithLinks.pdf">http://buylocalfood.org/upload/resource/ScalingUp10-17-11lrwithLinks.pdf</a></p>
3.4	<p><b>Support the cultivation of culturally appropriate crops</b></p>	<p>Small Farm Ethnic Crops &amp; Livestock Opportunities is a report highlighting opportunities and case studies for new or expanding markets based on population changes and food preferences. <a href="http://sfp.ucdavis.edu/sfcnews/?article=99">http://sfp.ucdavis.edu/sfcnews/?article=99</a></p> <p>The New Culture of Food: Marketing Opportunities from Ethnic, Religious, and Cultural Diversity is a publication on the opportunities that the changing landscapes of ethnic, religious and cultural populations present for businesses and marketers within the food system. <a href="http://www.gowerpublishing.com/default.aspx?page=641&amp;calcTitle=1&amp;isbn=9780566088131&amp;lang=cy-GB">http://www.gowerpublishing.com/default.aspx?page=641&amp;calcTitle=1&amp;isbn=9780566088131&amp;lang=cy-GB</a></p> <p>Consumer-driven Agriculture highlights economic research data outlining projected demographic trends predicted to shape future food markets. <a href="http://nationalatlas.gov/articles/agriculture/a_consumerAg.html">http://nationalatlas.gov/articles/agriculture/a_consumerAg.html</a></p> <p>The Impact of Population Shifts on the Food System in California in 2030 explores the expected population shifts and the impacts on food and farming related to parts of the food system. <a href="http://www.vividpicture.net/documents/7_Impact_of%20Pop_Shifts.pdf">http://www.vividpicture.net/documents/7_Impact_of%20Pop_Shifts.pdf</a></p> <p>The Sonoma County Herb Exchange is a local clearinghouse dedicated to providing the highest quality locally-grown herbs to our community while connecting herb growers with medicine makers in Sonoma county and beyond. <a href="http://www.sonoma herbs.org/herbalexchange.html">www.sonoma herbs.org/herbalexchange.html</a></p>



## Encourage Institutional Purchasing that Supports the Local Food System

GOAL 4	Sub-goal	Policy, Program, Toolkit, or Resource
4.1	<p><b>Build in preference for purchasing Sonoma County and regional products</b></p>	<p>Local Food Procurement Policies: A literature review examines the environmental, economic and social benefits of local food, showcases existing procurement policies in Italy, Britain, the United States, and Canada, and examines lessons learned in other jurisdictions. <a href="http://www.organicagcentre.ca/Docs/LocalFoodProcurementPolicies.pdf">http://www.organicagcentre.ca/Docs/LocalFoodProcurementPolicies.pdf</a></p> <p>National Policy &amp; Legal Analysis Network to Prevent Childhood Obesity (NPLAN), Understanding Healthy Procurement: Using Government’s Purchasing Power to Increase Access to Healthy Food a resource document. <a href="http://www.nplanonline.org/childhood-obesity/products/procurement">http://www.nplanonline.org/childhood-obesity/products/procurement</a></p> <p>Building a successful local food model – tips for institutional buyers provides a toolkit for purchases to buy local food. <a href="http://eatbettermovemore.org/sa/enact/workplace/BUILDING_Local_Food_Networks_Toolkit.pdf">http://eatbettermovemore.org/sa/enact/workplace/BUILDING_Local_Food_Networks_Toolkit.pdf</a></p> <p>A guide to developing a sustainable food purchasing policy provides a step-by-step approach to developing a local food purchasing policy. <a href="http://www.aashe.org/documents/resources/pdf/food_policy_guide.pdf">http://www.aashe.org/documents/resources/pdf/food_policy_guide.pdf</a></p> <p>Cabarrus County Local Food Purchasing Policy provides a model local food purchasing policy aimed at sourcing at least 10% of all food served at county catered events and meeting from food producers within North Carolina. <a href="http://www.cabarruscounty.us/government/departments/sustainability/local%20food/Pages/Local-Food-Purchasing-Policy.aspx">http://www.cabarruscounty.us/government/departments/sustainability/local%20food/Pages/Local-Food-Purchasing-Policy.aspx</a></p> <p>Albany County Local Food Purchasing Policy Resolution provides model resolution language for a countywide purchasing policy. <a href="http://www.farmlandinfo.org/documents/37953/Buy_Local_Law_Albany_County_(3).pdf">http://www.farmlandinfo.org/documents/37953/Buy_Local_Law_Albany_County_(3).pdf</a></p> <p>Local Food Procurement Policies: A literature review provides a literature review of national and global local food procurement policies. <a href="http://www.organicagcentre.ca/Docs/LocalFoodProcurementPolicies.pdf">http://www.organicagcentre.ca/Docs/LocalFoodProcurementPolicies.pdf</a></p> <p>New York City’s set of guidelines encouraging City agencies to procure more food products grown, produced or harvested in New York State and to work with vendors to track current purchasing of NYS food where information available. <a href="http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&amp;catID=1194&amp;doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2012a%2Fpr211-12.html&amp;cc=unused1978&amp;rc=1194&amp;ndi=1">http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&amp;catID=1194&amp;doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2012a%2Fpr211-12.html&amp;cc=unused1978&amp;rc=1194&amp;ndi=1</a></p>

4.1		<p>Regulating Food Retail for Obesity Prevention: How Far Can Cities Go? Provides an explanation about the legal authority of cities and counties to enact retail food related policies. <a href="http://www.aslme.org/media/downloadable/files/links/2/0/20.Diller.pdf">www.aslme.org/media/downloadable/files/links/2/0/20.Diller.pdf</a></p> <p>Buy Fresh Buy Local. When can governments give preference to locally grown food? A guide that provides an overview of the factors affecting whether a state or local agency may procure locally produced food and agricultural products. <a href="http://changelabsolutions.org/publications/local-food-local-government">http://changelabsolutions.org/publications/local-food-local-government</a></p> <p>Law to require purchase of locally grown food and constitutional limits on state and local government: Suggestions for policymakers and advocates. This publication offers guidelines for drafting policies that favor locally grown food without violating constitutional restrictions on state and local laws that discriminate against products derived out-of-state. <a href="http://changelabsolutions.org/news/local-food-and-law-help-advocates-and-policymakers">http://changelabsolutions.org/news/local-food-and-law-help-advocates-and-policymakers</a></p> <p>Food for the Parks: A Roadmap to Success is a toolkit for parks to identify how to develop healthy food procurement and green operations. <a href="http://parkshealthguide.org/images/uploads/files/FoodforParksRoadmapReport_FINAL.pdf">http://parkshealthguide.org/images/uploads/files/FoodforParksRoadmapReport_FINAL.pdf</a></p>
4.2	<p><b>Support and encourage a regional food hub to serve as an aggregation and distribution center to increase the market for products and stimulate more supply</b></p>	<p>The Intervale Food Hub is the leader in the national movement to establish successful, farmer-focused food hubs and has seen an 80% annual growth in sales for farmers over a two year period. <a href="http://www.intervale.org/what-we-do/intervale-food-hub/food-hub-impacts/">http://www.intervale.org/what-we-do/intervale-food-hub/food-hub-impacts/</a></p> <p>Increasing farm income and local food access: A case study of a collaborative aggregation, marketing, and distribution strategy that links farmers to markets is a recently published article from the Journal of Agriculture, Food Systems, and Community Development that provides a case study on food hub models. <a href="http://www.agdevjournal.com/attachments/article/189/JAFSCD_Collaborative_Aggregation_August-2011.pdf">http://www.agdevjournal.com/attachments/article/189/JAFSCD_Collaborative_Aggregation_August-2011.pdf</a></p> <p>The Regional Food Hub Resource Guide provides a collection of information, resources, and background on everything needed to develop or participate in a regional food hub. The guide presents a series of key questions about the current state of food hub development and examples from operating food hubs. <a href="http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5097957">http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5097957</a></p> <p>The NGFN Food Hub Collaboration is a partnership between Wallace Center at Winrock International, USDA, National Good Food Network, and others. The Collaboration is working to ensure the success of existing and emerging food hubs in the US by building capacity through connection, outreach, research, technical assistance and partnerships. <a href="http://www.wallacecenter.org/our-work/current-initiatives/food-hub-collaboration">http://www.wallacecenter.org/our-work/current-initiatives/food-hub-collaboration</a></p>

4.3	<b>Support and encourage a regional alliance of institutional food purchasers to buy from local producers in order to stimulate more supply</b>	<p>Farm Fresh for ME is a newly established initiative of the Maine Department of Agriculture in collaboration with Western Mountains Alliance and other for-profit and NGO's who are supporting development of food buying clubs throughout Maine. Funding from USDA and the Maine Department of Agriculture helped Farm Fresh for ME pilot an innovative buying club model in Readfield where Maranacook Area School's support enabled student involvement in the project and a distribution site at Maranacook Middle School. <a href="http://fffme.com/">http://fffme.com/</a></p> <p>Cooperative Food Buying Club Primer is an article providing background information on food buying clubs. <a href="http://www.vegfamily.com/articles/coop-food-buying.htm">http://www.vegfamily.com/articles/coop-food-buying.htm</a></p>
-----	---	--

## Healthy Eating

### Increase Equitable Access to Healthy, Affordable, Safe and Culturally Appropriate Food and Beverage Choices, While Decreasing Availability of Unhealthy Food and Beverage Choices in Neighborhoods, Schools and Work Places

GOAL 5	Sub-goal	Policy, Program, Toolkit, or Resource
5.1	<b>Include increasing access to healthy food and beverage choices and decreasing availability of unhealthy food and beverage choices as a goal in local general plans</b>	<p>City of Dillingham Comprehensive Plan Update and Waterfront Plan addresses food related goals, strategies, implementation timeline, and responsible entity within the energy section of the plan. <a href="http://www.agnewbeck.com/pdf/bristolbay/Dillingham_Comp_Plan/Comp_Plan/DLG_Comp_Plan_Ch_1.pdf">http://www.agnewbeck.com/pdf/bristolbay/Dillingham_Comp_Plan/Comp_Plan/DLG_Comp_Plan_Ch_1.pdf</a></p> <p>The 2030 Harrison County Comprehensive Plan addresses food in a section dedicated to public health including goals, strategies, and actions to increase access to healthy food options. <a href="http://www.planharrisoncounty.org/index.htm">http://www.planharrisoncounty.org/index.htm</a></p> <p>Cassidy A, &amp; Patterson, B. The Planner's Guide to the Urban Food System is meant to help planners better understand the food system and how food affects and if affected by urban planning. <a href="http://postcarboncities.net/files/PlannersGuidetotheFoodSystem.pdf">http://postcarboncities.net/files/PlannersGuidetotheFoodSystem.pdf</a></p> <p>American Planning Association. Policy Guide on Community and Regional Food Planning presents seven general policies, each divided into several specific policies. For each specific policy, a number of roles planners can play are suggested. <a href="http://www.planning.org/policy/guides/pdf/foodplanning.pdf">http://www.planning.org/policy/guides/pdf/foodplanning.pdf</a></p> <p>City of Hartford Bus Route Creation for Supermarket Accessibility provides an article on the accomplishments of creating a bus route directly connecting north Hartford residents to affordable food stores, cutting their travel time in half. <a href="http://www.whyhunger.org/frontend.php/overlay/simpleIndex?id=113">http://www.whyhunger.org/frontend.php/overlay/simpleIndex?id=113</a></p> <p>How to Create and Implement Healthy General Plans is a toolkit that details a wide range of strategies for incorporating health in a general plan. Model health language is included to provide specific ideas for how to address health concerns through general plan policies. <a href="http://changelabsolutions.org/publications/toolkit-how-create-and-implement-healthy-general-plans">http://changelabsolutions.org/publications/toolkit-how-create-and-implement-healthy-general-plans</a></p>

5.1		<p>General Plans and Zoning: A toolkit for building healthy, vibrant communities provides an introductory understanding of how land use decisions are made and how advocates can participate in those decisions.  <a href="http://changelabsolutions.org/publications/toolkit-general-plans-and-zoning">http://changelabsolutions.org/publications/toolkit-general-plans-and-zoning</a></p> <p>Laying a Foundation for a Local Food System in California: A Survey of Policy and Legal Impacts. This publication provides an overview of legal considerations when developing policies to support a local food system.  <a href="http://www.vividpicture.net/documents/18_Laying_Foundation.pdf">http://www.vividpicture.net/documents/18_Laying_Foundation.pdf</a></p> <p>Incorporating policies for a healthy food system into land use planning: The Case of Waterloo Region, Canada. This case study discusses the region of Waterloo, Ontario, Canada, where recent revisions to the Regional Official Plan now include a suite of specific land use policies related to food. <a href="http://www.agdevjournal.com/volume-2-issue-1/203-incorporating-policies-for-a-healthy-food-system-into-land-use-planning.html?catid=87%3Afood-system-planning-papers">http://www.agdevjournal.com/volume-2-issue-1/203-incorporating-policies-for-a-healthy-food-system-into-land-use-planning.html?catid=87%3Afood-system-planning-papers</a></p>
5.2	<p><b>Incorporate Health Impact Assessments in the review process for all projects and policies</b></p>	<p>Zoning for a Healthy Baltimore: A Health Impact Assessment of the Transform, Baltimore Comprehensive Zoning Code Rewrite evaluated the potential health effects of Baltimore City’s comprehensive zoning code rewrite (known as TransForm Baltimore). <a href="http://www.healthimpactproject.org/resources/document/Baltimore-City-Comprehensive-Zoning-Code-Rewrite.pdf">http://www.healthimpactproject.org/resources/document/Baltimore-City-Comprehensive-Zoning-Code-Rewrite.pdf</a></p> <p>Planning for Healthy Neighborhoods: Include Food Infrastructure in The City’s Environmental Review was a 2009 proposal by Manhattan Borough President Scott M. Stringer to ensure that decision-makers were fully informed about potential unanticipated consequences of planning on local food systems. <a href="http://mbpo.org/uploads/Food%20CEQR.pdf">http://mbpo.org/uploads/Food%20CEQR.pdf</a></p>
5.3	<p><b>Support the implementation of wellness policies</b></p>	<p>New York City Food Standards was developed by Executive Order to establish nutritional standards for meals/snacks purchased and served standards for beverage vending machines.  <a href="http://www.nyc.gov/html/doh/html/cardio/cardio-vend-nutrition-standard.shtml">http://www.nyc.gov/html/doh/html/cardio/cardio-vend-nutrition-standard.shtml</a></p> <p>School Nutrition Association Sample Wellness &amp; Nutrition Policies provides a number of sample policies from school districts across the country.  <a href="http://www.schoolnutrition.org/Content.aspx?id=2166">http://www.schoolnutrition.org/Content.aspx?id=2166</a></p>



<p>5.4</p>	<p><b>Support the implementation of policies for publicly purchased food, food available on public premises, and food obtained via public contracts to make healthy food and beverage choices standard in these settings</b></p>	<p>Examples of State and Local Food Procurement Policies is a Center for Science in the Public Interest document outlining state and local procurement policies as a guide to other national models. <a href="http://www.cspinet.org/new/pdf/state_policy_descriptions.pdf">www.cspinet.org/new/pdf/state_policy_descriptions.pdf</a></p> <p>The Boston Public Health Commission’s Healthy Beverage Toolkit is intended to help municipal agencies, healthcare institutions, colleges and universities, community-based organizations, retail establishments and other organizations implement policies and practices that encourage healthy lifestyles for their employees, clients, students and visitors. <a href="http://www.bphc.org/programs/cib/chronicdisease/healthybeverages/Forms%20%20Documents/toolkit/HealthyBeverageToolkitFinal.pdf">http://www.bphc.org/programs/cib/chronicdisease/healthybeverages/Forms%20%20Documents/toolkit/HealthyBeverageToolkitFinal.pdf</a></p> <p>Public Health Law Center Fact sheet entitled Healthy Vending and the Randolph Sheppard Act. Legally blind vendors can be particularly influential in what is sold in vending facilities located on government property because of the Randolph Sheppard Act. This fact sheet discusses the Randolph Sheppard Act and what the law means for healthy vending efforts. <a href="http://www.publichealthlawcenter.org/sites/default/files/resources/PHLC%20Healthy%20Vending%20and%20the%20Randolph%20Sheppard%20Act%208.21.2012.pdf">http://www.publichealthlawcenter.org/sites/default/files/resources/PHLC%20Healthy%20Vending%20and%20the%20Randolph%20Sheppard%20Act%208.21.2012.pdf</a></p>
------------	--	--



5.5

**Support innovative strategies to increase the availability and affordability of healthy, local food and beverages to decrease the prominence of unhealthy options**

Getting to Grocery: Tools for Attracting Healthy Food Retail to Underserved Neighborhoods is a toolkit to help advocates and public health agencies coordinate and leverage the tools available through local government and other organizations to bring grocery stores into low-income communities. <http://changelabsolutions.org/publications/getting-grocery>

New York Green Carts Program provides the opportunity for mobile food carts that offer fresh produce in certain New York City areas. Local Law 9, signed by Mayor Bloomberg on March 13, 2008, establishes 1,000 permits for Green Carts. [http://www.nyc.gov/html/doh/html/cdp/cdp\\_pan\\_green\\_carts.shtml](http://www.nyc.gov/html/doh/html/cdp/cdp_pan_green_carts.shtml)

Healthy Food Financing Initiative National Information supports projects that increase access to healthy, affordable food in communities that currently lack these options. HFFI attracts investment in underserved communities by providing critical loan and grant financing. [http://www.acf.hhs.gov/programs/ocs/ocs\\_food.html](http://www.acf.hhs.gov/programs/ocs/ocs_food.html)

A Healthy Food Financing Initiative: An Innovative Approach to Improve Health and Spark Economic Development. A report from PolicyLink. This two page fact sheet outlines HFFI and other promising strategies to improve access to fresh, healthy food. [www.policylink.org/site/apps/nlnet/content2.aspx?c=IkIXLbMNJrE&b=5136581&ct=8047759](http://www.policylink.org/site/apps/nlnet/content2.aspx?c=IkIXLbMNJrE&b=5136581&ct=8047759)

Rethink Your Drink is a California Department of Public Health Education Campaign to promote drinking water flavored with fresh fruit, vegetables, and herbs. <http://www.cdph.ca.gov/programs/wicworks/Pages/WICRethinkYourDrink.aspx>

California FreshWorks Fund. A public-private partnership loan fund created to increase access to healthy food in underserved communities; spur economic development that supports healthy communities; and inspire innovation in healthy food retailing. [http://www.policylink.org/site/c.IkIXLbMNJrE/b.7718759/k.684E/California\\_FreshWorks\\_Fund.htm](http://www.policylink.org/site/c.IkIXLbMNJrE/b.7718759/k.684E/California_FreshWorks_Fund.htm)

National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN), Establishing Land Use Protections for Farmers' Markets These policies include our "Model Comprehensive Plan Language to Protect and Expand Farmers' Markets" and "Model Zoning Ordinance Establishing Farmers' Markets as Permitted Use," which can be used to remove policy barriers, protect and optimize farmers' markets, and increase access for low-income customers. <http://nplanonline.org/products/establishing-land-use-protections-farmers-markets>

PolicyLink Farmers' Market Tool provides resources and case studies for developing successful farmers' markets in low-income neighborhoods.

Policy Link Grocery Store Development Tool provides a toolkit for developing grocery stores in underserved neighborhoods. [http://www.policylink.org/site/c.lkIXLbMNJrE/b.7677113/k.84E6/Grocery\\_Store\\_Development.htm](http://www.policylink.org/site/c.lkIXLbMNJrE/b.7677113/k.84E6/Grocery_Store_Development.htm)

PolicyLink Corner Store Tool provides a toolkit and case studies for developing healthy corner stores in underserved neighborhoods. [http://www.policylink.org/site/c.lkIXLbMNJrE/b.7676977/k.9E6C/Corner\\_Stores.htm](http://www.policylink.org/site/c.lkIXLbMNJrE/b.7676977/k.9E6C/Corner_Stores.htm)

Michigan Neighborhood Food Movers Collaborative provides supportive services to local entrepreneurs engaged in making healthy food accessible locally. <http://www.cityconnectdetroit.org/collaboratives/michigan-neighborhood-food-movers-collaborative>

Model Healthy Food Zone Ordinance, Public Health Law & Policy provides model policy language for creating healthy food zones around schools. <http://changelabsolutions.org/node/3207>

Model Produce Cart Ordinance provides a sample ordinance detailing model vendor requirements and rules, as well as a range of possible incentives (for example, priority consideration during the permit application process, discount permit fees, lower interest rate small business loans, and small business counseling and technical assistance) a local government may provide to encourage vendors to sell in neighborhoods that lack other sources of fresh produce. <http://changelabsolutions.org/node/3216>

Green for Greens: Finding Public Financing for Healthy Food Retail. This guide provides a general overview of economic development and ideas for how to approach economic development agencies with healthy food retail proposals. It also provides a comprehensive overview of local, state, and federal economic development programs that have been or could be used for healthy food retail projects. <http://changelabsolutions.org/publications/green-greens-finding-public-financing-healthy-food-retail>

ENACT is an online resource of local policies that provide strategies for healthy eating and activity. <http://eatbettermovemore.org/sa/policies/>

Regulating Food Retail for Obesity Prevention: How Far Can Cities Go? Provides an explanation about the legal authority of cities and counties to enact retail food related policies. [www.aslme.org/media/downloadable/files/links/2/0/20.Diller.pdf](http://www.aslme.org/media/downloadable/files/links/2/0/20.Diller.pdf)

Buy Fresh Buy Local. When can governments give preference to locally grown food? A guide that provides an overview of the factors affecting whether a state or local agency may procure locally produced food and agricultural products.

<http://changelabsolutions.org/publications/local-food-local-government>

Putting Business to Work for Health: Incentive Policies for the Private Sector. This paper provides an overview of possible business incentive-based policies to enhance access to healthy food and public health. <http://changelabsolutions.org/publications/putting-business-work-health>

Evaluating the Impact of a Connecticut Program to Reduce Availability of Unhealthy Competitive Food in Schools provides an evaluation study to inform state and local food policies. <http://www.ncbi.nlm.nih.gov/pubmed/20840657>

District Policy Establishing a Healthy Vending Program provides model language for healthy vending standards. <http://changelabsolutions.org/publications/district-policy-establishing-healthy-vending-program>

County of Monterey, Healthy Vending Machine Policy provides model policy language for Monterey's healthy vending machine policy. <http://www.co.monterey.ca.us/admin/pdfs/HealthyVendingPolicy.pdf>

New York Mayor Michael Bloomberg intends to restrict sales of sugary soft drinks to no more than 16 ounces a cup in city restaurants, movie theaters, stadiums and arenas, administration officials said. <http://www.bloomberg.com/news/2012-05-31/nyc-mayor-bloomberg-seeks-ban-on-super-size-soft-drinks.html>

LA Moratorium on fast-food restaurants is an article discussing the moratorium on fast food within a specified low income in Los Angeles. <http://www.nytimes.com/2008/08/13/dining/13calo.html?pagewanted=all><http://www.nytimes.com/2008/08/13/dining/13calo.html?pagewanted=all>

Fast-Food Consumption and the Ban on Advertising Targeting Children: The Quebec Experience. This paper studies the effect of banning fast food advertising targeting children. [http://works.bepress.com/kathy\\_baylis/33/](http://works.bepress.com/kathy_baylis/33/)

Banning Toys from Unhealthy Kids' Meals: San Francisco. <http://content.usatoday.com/communities/ondeadline/post/2010/11/san-francisco-bans-toys-from-unhealthy-kids-meals/1>



5.5		<p>Santa Clara County provides articles discussing the policies to ban toys from unhealthy kids' meals in the jurisdictions. <a href="http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/04/27/MNLA1D5QFV.DTL">http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/04/27/MNLA1D5QFV.DTL</a></p> <p>Regulating Food Retail for Obesity Prevention: How Far Can Cities Go?, Journal of Law, Medicine &amp; Ethics, Spring 2011. This article seeks to explain the legal authority of cities and counties to enact retail food related policies. <a href="http://www.rwjf.org/coverage/product.jsp?id=72019">http://www.rwjf.org/coverage/product.jsp?id=72019</a></p> <p>City of Novato ordinance to ban mobile vendors within 1,500 feet of any Novato Unified School District schools. Provides actual policy language for ordinance. <a href="http://ci.novato.ca.us/agendas/pdfstaffreports/ord602.pdf">http://ci.novato.ca.us/agendas/pdfstaffreports/ord602.pdf</a></p> <p>The City of Vancouver expanded their street food options through a pilot program to provide more diverse culinary options on Vancouver streets, promote small business growth, increase the availability of healthy and local food choices, and increase activity in the public realm. <a href="http://vancouver.ca/commsvcs/socialplanning/initiatives/foodpolicy/projects/streetfood.htm">http://vancouver.ca/commsvcs/socialplanning/initiatives/foodpolicy/projects/streetfood.htm</a></p> <p>Urban Edible Landscaping, Orchards, and Fruiting Street Trees in the U.S. Summary Including Land Tenure and Liability Arrangements. This report provides a summary of free tree policies and programs in cities and counties across the country. <a href="http://www.madisonfruitsandnuts.org/examples_edible.pdf">http://www.madisonfruitsandnuts.org/examples_edible.pdf</a></p>
-----	--	--

### Promote Awareness and Enrollment in Food Assistance Programs

GOAL 6	Sub-goal	Policy, Program, Toolkit, or Resource
6.1	<p><b>Promote awareness and enrollment in food assistance programs</b></p>	<p>California Food Policy Advocates conducts policy and advocacy efforts at the federal, state, and local levels to strengthen public health nutrition programs. <a href="http://cfpa.net/our-history">http://cfpa.net/our-history</a></p>

<p>6.2</p>	<p><b>Increase point-of-sale acceptance of CalFresh and WIC</b></p>	<p>A Simple Guide for Electronic Benefits Transfer for SNAP benefits at California Farmers' Markets provides information and steps to set up a farmers' market EBT system. <a href="http://www.ecologycenter.org/ebt/pdf/SimpleGuide2010.pdf">http://www.ecologycenter.org/ebt/pdf/SimpleGuide2010.pdf</a></p> <p>Real Food, Real Choice: Connecting SNAP Recipients with Farmers' Markets provides research and recommendations to increase farmers' market participation by SNAP recipients and low-income communities. <a href="http://www.foodsecurity.org/pub/RealFoodRealChoice_SNAP_FarmersMarkets.pdf">http://www.foodsecurity.org/pub/RealFoodRealChoice_SNAP_FarmersMarkets.pdf</a></p> <p>Ecology Center's Farmers' Market EBT project provides resources and information on the utilization of EBT at farmers' markets. <a href="http://www.ecologycenter.org/ebt/">http://www.ecologycenter.org/ebt/</a></p> <p>USDA grant program for EBT at farmers' markets details a potential funding source for farmers' market promotion. <a href="http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&amp;contentid=2009/09/0451.xml">http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&amp;contentid=2009/09/0451.xml</a></p> <p>Zenger Farm Begins Pilot CSA for Food Stamp Users discusses a pilot project for a CSA in Portland to accept food stamps that allow lower-income participants to make weekly payments rather than paying upfront. <a href="http://www.neighborhoodnotes.com/news/2011/04/zenger_farm_begins_pilot_csa_for_food_stamp_users/">http://www.neighborhoodnotes.com/news/2011/04/zenger_farm_begins_pilot_csa_for_food_stamp_users/</a></p> <p>Prospect Park CSA, tiered prices based on combined income. This article details the breakdown of payments based on combined household income. <a href="http://prospectparkcsa.org/post/4526071428/sign-ups-are-open">http://prospectparkcsa.org/post/4526071428/sign-ups-are-open</a></p> <p>CSA Today Resource and Workshops to connect CSAs and low-income communities. This website provides resourced and information for CSAs to develop flexible payment options for low-income members. <a href="http://justfood.org/csa/csa-everyone">http://justfood.org/csa/csa-everyone</a></p> <p>Changes in the WIC Food Packages: A Toolkit for Partnering with Neighborhood Stores provides a range of tools and strategies to identify and work with prospective WIC vendors, and to help these retailers upgrade their offerings in accordance with the new, healthier WIC food packages. <a href="http://changelabsolutions.org/news/toolkit-released-changes-wic-food-package">http://changelabsolutions.org/news/toolkit-released-changes-wic-food-package</a></p>
<p>6.3</p>	<p><b>Connect Surplus Food with Need</b></p>	<p>Waste not, want not: feeding the hungry and reducing solid waste through food recovery. This guide helps explain how any state or municipality, as well as any private business that deals with food, can reduce its solid waste by facilitating the donation of wholesome surplus food according to the food hierarchy. <a href="http://www.epa.gov/wastes/conserves/materials/organics/pubs/wast_not.pdf">http://www.epa.gov/wastes/conserves/materials/organics/pubs/wast_not.pdf</a></p> <p>Other existing Sonoma County gleaning programs include Petaluma Bountly, Slow Harvest, and Waste Not Want Not.  <a href="http://www.petalumabounty.org">www.petalumabounty.org</a>  <a href="http://www.slowharvest.org">www.slowharvest.org</a>  <a href="http://igrowsonoma.org/local_org">http://igrowsonoma.org/local_org</a></p>

Increase Education About Local Agriculture, Nutrition, and the Impact of Food and Beverage Choices

GOAL 7	Sub-goal	Policy, Program, Toolkit, or Resource
7.1	<p><b>Promote food growing in home, neighborhood and school settings</b></p>	<p>The Sonoma County Community Garden Network (SCCGN) is an effort to create a viable and sustainable regional network of community gardens to increase community engagement in creating a vibrant, resilient, and sustainable food system. The Network will be a coalition of partners working collectively to provide access to resources, gardening assistance, fund development support, leadership training, and facilitate communication among community garden organizers, network members, and the larger community. <a href="http://goo.gl/O5tPT">http://goo.gl/O5tPT</a></p> <p>Establishing Land Use Protections for Community Gardens. Publication that provides model general plan and zoning language for protecting and establishing community gardens. <a href="http://nplanonline.org/products/establishing-land-use-protections-community-gardens">http://nplanonline.org/products/establishing-land-use-protections-community-gardens</a></p> <p>Gardening Matters: Community Garden Public Policies is a compellation of public policies supporting community gardens. <a href="http://www.gardeningmatters.org/community-garden-public-policies">http://www.gardeningmatters.org/community-garden-public-policies</a></p> <p>Model Joint Use Agreement Resources provides model language for establishing joint use agreements. <a href="http://changelabsolutions.org/publications/model-joint-use-agreement-resources">http://changelabsolutions.org/publications/model-joint-use-agreement-resources</a></p> <p>GATHER IT! How to Organize an Urban Fruit Harvest. This step-by-step guide is packed with information to help communities start their own volunteer-based fruit harvest projects. <a href="http://www.solidground.org/Programs/Nutrition/FruitTree/Documents/FruitHarvestHandbook8-09-ONLINE.pdf">http://www.solidground.org/Programs/Nutrition/FruitTree/Documents/FruitHarvestHandbook8-09-ONLINE.pdf</a></p>
7.2	<p><b>Establish and expand affordable and accessible education and training programs for basic cooking, food preservation, nutrition skills and green practices</b></p>	<p>Bauman College, a non-profit corporation, aims to create a sustainable culture of wellness in individuals, in the community, and in our health care delivery systems by promoting a comprehensive and integrative approach to Holistic Nutrition and the Culinary Arts. <a href="http://www.baumancollege.org/">http://www.baumancollege.org/</a></p> <p>Developing Shared Use Food and Agricultural Facilities. This report discusses and highlights model shared use food and agricultural facilities in North Carolina. <a href="http://www.smithsonmills.com/ncshareduse.pdf">http://www.smithsonmills.com/ncshareduse.pdf</a></p> <p>The Food Project engages young people in personal and social change through sustainable agriculture. <a href="http://thefoodproject.org/what-we-do">http://thefoodproject.org/what-we-do</a></p> <p>The Stop Community Food Centre provides frontline services to the community, including a drop-in, food bank, perinatal program, community action program, bake ovens and markets, community cooking, community advocacy, sustainable food systems education, and urban agriculture. <a href="http://www.thestop.org/home">http://www.thestop.org/home</a></p>

7.3	<b>Promote farm trips and know-your-farmer programs</b>	<p>USDA Know Your Farmer Know Your Food website provides grants, tools, and resources for connecting communities and farming. <a href="http://www.usda.gov/wps/portal/usda/usdahome?navid=KNOWYOURFARMER">http://www.usda.gov/wps/portal/usda/usdahome?navid=KNOWYOURFARMER</a></p> <p>The University of California provides California Agricultural Tourism Directory and resources for operators. <a href="http://www.calagtour.org/">http://www.calagtour.org/</a></p> <p>The UC Small Farm Program also provides agritourism information and resources. <a href="http://sfp.ucdavis.edu/agritourism/">http://sfp.ucdavis.edu/agritourism/</a></p> <p>The UC Cooperative Extension Sonoma County and Sonoma County FarmTrails hosted two agritourism workshops. Presentations from both workshops can be found on their website. <a href="http://cesonoma.ucdavis.edu/Agritourism/Agritourism_Workshop_1/">http://cesonoma.ucdavis.edu/Agritourism/Agritourism_Workshop_1/</a></p>
-----	---	---

## Social Equity

### Address Root Causes of Hunger and Food Insecurity

GOAL 8	Sub-goal	Policy, Program, Toolkit, or Resource
8.1	<b>Identify and support opportunities for affordable living conditions</b>	<p>Living Wage Coalition of Sonoma County is a broad-based coalition endorsed by over sixty labor, religious, and community-based organizations in the North Bay to address the problem of growing income inequality and working poverty in our community. <a href="http://www.livingwagesonoma.org/">http://www.livingwagesonoma.org/</a></p> <p>City &amp; County of San Francisco Minimum Wage Ordinance, passed in 2003, requires the city to increase the minimum wage each year, using a formula tied to inflation and the cost of living. <a href="http://sfgsa.org/index.aspx?page=411">http://sfgsa.org/index.aspx?page=411</a></p> <p>Sonoma County Paratransit website provides information on paratransit systems within Sonoma County. <a href="http://sonoma.networkofcare.org/aging/services/subcategory.aspx?tax=BT-4500.6500">http://sonoma.networkofcare.org/aging/services/subcategory.aspx?tax=BT-4500.6500</a></p> <p>Access to Healthy Food- Food Transport and Public Transit provides information, resources, and sample transportation policies to enhance food access. <a href="http://www.ncsl.org/issues-research/health/access-to-healthy-food-food-transport-public-t.aspx">http://www.ncsl.org/issues-research/health/access-to-healthy-food-food-transport-public-t.aspx</a></p> <p>City of Petaluma Living Wage Ordinance, passed in 2006, assures that City employees, employees of City service contractors, subcontractors, and employees of recipients of City financial assistance earn a sufficient hourly wage. <a href="http://www.livingwagesonoma.org/pdf/PetalumaLivingWageOrdinance.pdf">http://www.livingwagesonoma.org/pdf/PetalumaLivingWageOrdinance.pdf</a></p>



Sonoma County Community Development Commission operates a number of programs providing regulatory incentives and financing to promote and assist in the development and preservation of housing that is affordable, available and accessible to the County's low-income residents. <http://www.sonoma-county.org/cdc/cdaffhou.htm>

The Austin, Texas Capital Metro, working with the Austin/Travis County Food Policy Council started a "grocery bus" line in 1996 with the specific intent of providing improved food access to residents of the primarily low-income, Latino Eastside. This bus line links these low-income neighborhoods with two supermarkets. <http://www.ncsl.org/issues-research/health/access-to-healthy-food-food-transport-public-t.aspx>

Using grant funds awarded by the Washington Small Farm and Direct Marketing Program in 2003, the Pike Place Senior Market Basket Community Supported Agriculture program addressed transportation issues by delivering fresh fruits and vegetables from small farms to low-income seniors in King County. <http://www.ncsl.org/issues-research/health/access-to-healthy-food-food-transport-public-t.aspx>

The L-Tower Avenue route in Hartford, Connecticut was designed as part of the Jobs Access program to link people who lived in the north end with jobs, shopping and medical service. Grocery shopping was cited as the primary reason to take the bus by 33% of riders. <http://www.ncsl.org/issues-research/health/access-to-healthy-food-food-transport-public-t.aspx>

Transportation and Food: The Importance of Access. This policy brief by the Center for Food and Justice at the Urban and Environmental Policy Institute details the need for increased transportation and access to high quality food retailers in low-income urban communities. [http://departments.oxy.edu/uepi/cfj/publications/transportation\\_and\\_food.pdf](http://departments.oxy.edu/uepi/cfj/publications/transportation_and_food.pdf)

Homeward Bound: Food-Related Transportation Strategies for Low Income and Transit Dependent Communities. Food access, transportation policy, and innovative transportation programs areas highlighted in this report. <http://www.foodsecurity.org/homewardbound.pdf>

Northern California Community Loan Fund provides financing and expertise to strengthen low-income neighborhoods and enable disadvantaged people to build a better future. <http://www.ncclf.org/>

8.2	<b>Support the definition and implementation of social equity criteria to be used at all levels of public policy creation</b>	Marin Countywide Plan Update 2000–2004 Key Trends, Issues, and Strategies Report. 2007 Chapter IV. <a href="http://www.co.marin.ca.us/depts/cd/main/fm/cwpdocs/Ch4final.pdf">http://www.co.marin.ca.us/depts/cd/main/fm/cwpdocs/Ch4final.pdf</a>
-----	---	--

Create Opportunity and Justice for Farmers, Farm Workers, and Food System Workers

GOAL 9	Sub-goal	Policy, Program, Toolkit, or Resource
9.1	<b>Support policies to address inequities in farm and food system worker employment practices</b>	<p>The California Rural Legal Assistance is a nonprofit legal services program with a mission to strive for economic justice and human rights on behalf of California’s rural poor. <a href="http://www.crla.org/">http://www.crla.org/</a></p> <p>Farmworker Justice is a nonprofit organization that seeks to empower migrant and seasonal farm workers to improve their living and working conditions, immigration status, health, occupational safety, and access to justice. <a href="http://www.farmworkerjustice.org/">http://www.farmworkerjustice.org/</a></p> <p>The Center for Farmworker Families provides awareness about the difficult life circumstances of binational families while proactively inspiring improvement in binational family life both in the United States and in Mexico. <a href="http://www.farmworkerfamily.com/home.html">www.farmworkerfamily.com/home.html</a></p> <p>Beyond Basic Compensation: Using Bonuses, Profit Sharing and Employee Ownership to Motivate and Retain Workers on Your Farm a case study research on effective variable pay systems used among farm employers. Use of incentive pay systems, including bonuses, profit sharing and Employee Stock Ownership Plans (ESOPs), are reported by nearly half of all agricultural employers in California. When implemented properly, these practices can help employers manage risk, incentivize desired behaviors, promote employee satisfaction and retention and increase farmworker incomes. <a href="http://www.cirsinc.org/Documents/Pub0410.1.pdf">http://www.cirsinc.org/Documents/Pub0410.1.pdf</a></p>

<p>9.2</p>	<p><b>Promote and support businesses and products that provide opportunity and justice for farmers and food system workers</b></p>	<p>Bringing Fair Trade Home: An Article by California Institute for Rural Studies. This article discusses the evolution of the Domestic Fair Trade movement. <a href="http://www.cirsinc.org/index.php/rural-california-report/entry/bringing-fair-trade-home.html">www.cirsinc.org/index.php/rural-california-report/entry/bringing-fair-trade-home.html</a></p> <p>Domestic Fair Trade Association’s website outlines the movement and provides resources, policy, and methods to get involved. <a href="http://www.thedfta.org/">http://www.thedfta.org/</a></p> <p>Fair for Life is a brand neutral third party certification program for social accountability and fair trade in agricultural, manufacturing, and trading operations. <a href="http://www.fairforlife.net">www.fairforlife.net</a></p> <p>Student Action with Farmworkers works with farmworkers, students, and advocates in the Southeast and nationwide to create a more just agricultural system. <a href="http://saf-unite.org/">http://saf-unite.org/</a></p> <p>Student/Farmworker Alliance is a national network of students and youth organizing with farmworkers to eliminate sweatshop conditions and modern-day slavery in the fields. <a href="http://www.sfalliance.org/index.html">www.sfalliance.org/index.html</a></p> <p>The Inventory of Farmworker Issues and Protections in the United States compiles and analyzes data from multiple federal, state, and private sources to give the most comprehensive picture yet of the reality faced by America’s least-valued but critically important workforce. <a href="http://www.bamco.com/sustainable-food-service/farmworker-inventory">www.bamco.com/sustainable-food-service/farmworker-inventory</a></p> <p>The Stewardship Index for Specialty Crops is a multi-stakeholder initiative to develop a system for measuring sustainable performance throughout the specialty crop supply chain. <a href="http://www.stewardshipindex.org/">www.stewardshipindex.org/</a></p>
<p>9.3</p>	<p><b>Support new farmers and ranchers from underrepresented groups</b></p>	<p>The National Immigrant Farming Initiative strengthens the capacity of immigrants to farm successfully and to advance sustainable farming and food systems. <a href="http://www.immigrantfarming.org/">www.immigrantfarming.org/</a></p> <p>The Garden Project provides job training and support to former offenders by employing them to learn horticulture skills and grow organic vegetables that feed seniors and families in San Francisco. <a href="http://www.theGardenProject.org">www.theGardenProject.org</a></p> <p>Vivia Farms helps new farmers get started by providing: land, equipment infrastructure, education, training, technical assistance, marketing and distribution support, and start-up loans. <a href="http://www.vivafarms.org/">www.vivafarms.org/</a></p>

9.4	<p><b>Develop systems to gather ongoing accurate data on farm and food system workers in Sonoma County</b></p>	<p>California Institute for Rural Studies works to increase social justice in rural California for all residents, building sustainable communities, based on a healthy agriculture by focusing programs on farm labor, rural health, and food system. <a href="http://www.cirsinc.org/">http://www.cirsinc.org/</a></p> <p>The National Agricultural Workers Survey (NAWS) is an employment-based, random survey of the demographic, employment, and health characteristics of the US crop labor force. The information is obtained directly from farm workers through face-to-face interviews. Since 1988, when the survey began, over 53,000 workers have been interviewed. <a href="http://www.doleta.gov/agworker/naws.cfm">http://www.doleta.gov/agworker/naws.cfm</a></p> <p>Farm Employers Labor Service (FELS) conducts an annual wage and benefit survey of California growers in conjunction with University of California Cooperative Extension and several grower associates, which distribute the survey to their members. <a href="http://www.fels.net">www.fels.net</a></p> <p>The Food Chain Workers Alliance’s report, The Hands That Feed Us: Challenges and Opportunities for Workers Along the Food Chain, looks at wages and working conditions of workers across the entire food chain – a sector that employs 20 million people in the U.S., comprising one-sixth of the nation’s workforce. <a href="http://www.foodfirst.org/en/US+food+workers">http://www.foodfirst.org/en/US+food+workers</a></p>
-----	--	---

**Ensure the Inclusion of Underserved and Underrepresented Communities in Conversations and Policy-Making About Sonoma County’s Food System**

GOAL 10	Sub-goal	Policy, Program, Toolkit, or Resource
10.1	<p><b>Support the development and inclusion of community leaders from underrepresented communities</b></p>	<p>Graton Day Labor Center works to develop a democratic hiring process, support civic engagement and leadership development, provide health access, provide educational opportunities, and ensure occupational health and safety. <a href="http://www.gratondaylabor.org/index.php?option=com_content&amp;view=article&amp;id=46&amp;Itemid=61&amp;lang=en">http://www.gratondaylabor.org/index.php?option=com_content&amp;view=article&amp;id=46&amp;Itemid=61&amp;lang=en</a></p> <p>Coalition of Immokalee Workers is a community-based organization of mainly Latino, Mayan Indian and Haitian immigrants working in low-wage jobs throughout the state of Florida. <a href="http://www.ciw-online.org/">http://www.ciw-online.org/</a></p>
10.2	<p><b>Increase the participation of community members from underrepresented communities</b></p>	<p>University of Virginia developed a 100-question Food Policy Audit to help assess a community’s existing local food policy infrastructure. <a href="http://www.virginia.edu/ien/docs/07FoodClassFINAL%20PAPERS/UVA_FoodPolicyAudit_ExecutiveSummary.pdf">http://www.virginia.edu/ien/docs/07FoodClassFINAL%20PAPERS/UVA_FoodPolicyAudit_ExecutiveSummary.pdf</a></p>

## Increase Community Resilience

GOAL 11	Sub-goal	Policy, Program, Toolkit, or Resource
II.1	<p><b>Improve our ability to feed ourselves from food grown and raised locally</b></p>	<p>Food Sovereignty: Putting People First is a report profiling organizations, individuals, and farms working towards food sovereignty. <a href="https://docs.google.com/a/usfoodsovereigntyalliance.org/viewer?a=v&amp;pid=sites&amp;srcid=dXNmb29kc292ZXJlaWdudHhGxpYW5jZS5vcmd8d3d3fGd4OjQ3ODkwYmY0N2I0ZGJmMDQ">https://docs.google.com/a/usfoodsovereigntyalliance.org/viewer?a=v&amp;pid=sites&amp;srcid=dXNmb29kc292ZXJlaWdudHhGxpYW5jZS5vcmd8d3d3fGd4OjQ3ODkwYmY0N2I0ZGJmMDQ</a></p> <p>El Dorado County Local Food and Self-Governance Ordinance providing residents to have the right to produce, process, sell, purchase and consume local foods, thus promoting self-reliance, the preservation of family farms and local food traditions <a href="http://eldorado.legistar.com/LegislationDetail.aspx?ID=1045042&amp;GUID=F86799EB-6E99-4798-9EE4-5AA35B1197D1&amp;Options=ID%7CText%7C&amp;Search=local+food">http://eldorado.legistar.com/LegislationDetail.aspx?ID=1045042&amp;GUID=F86799EB-6E99-4798-9EE4-5AA35B1197D1&amp;Options=ID%7CText%7C&amp;Search=local+food</a></p> <p>Article outlining El Dorado differences from Maine ordinance. <a href="http://www.foodsafetynews.com/2012/02/local-food-ordinance-takes-hold-on-west-coast/">http://www.foodsafetynews.com/2012/02/local-food-ordinance-takes-hold-on-west-coast/</a></p>
II.2	<p><b>Support an emergency food system that meets the immediate needs of all food insecure people in Sonoma County</b></p>	<p>The Emergency Food Assistance System—Findings From the Provider Survey provides findings from the first comprehensive government study of the Emergency Food Assistance System. <a href="http://www.ers.usda.gov/publications/fanrr16-1/fanrr16-1.pdf">http://www.ers.usda.gov/publications/fanrr16-1/fanrr16-1.pdf</a></p> <p>California Department of Social Services Emergency Food Assistance Program Policy and Procedure Manual provides a guide to programs and outlines policies and procedures for program compliance. <a href="http://www.dss.cahwnet.gov/efap/res/pdf/ProcedureManual.pdf">http://www.dss.cahwnet.gov/efap/res/pdf/ProcedureManual.pdf</a></p> <p>Cultivating Resilience: A Food System Blueprint that Advances the Health of Iowans, Farms and Communities. This report was published to measure the health of Iowa's food system through a report card leading to recommendations for research, programs and policies to ensure a food system that supports healthier Iowans, communities, economies, and the environment. <a href="http://www.iowafoodscouncil.org/storage/Cultivating%20Resilience%20Executive%20Summary%20Feb2011.pdf">http://www.iowafoodscouncil.org/storage/Cultivating%20Resilience%20Executive%20Summary%20Feb2011.pdf</a></p>

<p>II.3</p>	<p><b>Strengthen and diversify the local food system to better cope with disasters and long-term changes</b></p>	<p>This website provides information and background on methods to create a resilient food system. <a href="http://www.theoil drum.com/node/6140">http://www.theoil drum.com/node/6140</a></p> <p>Sonoma County Hazard Mitigation Plan identifies high hazard areas and assesses vulnerabilities from earthquakes, floods, fires, and landslides. The Plan identifies mitigation strategies the County can take as part of 5-year implementation plan to reduce the level of injury, property loss, and community disruption resulting from such hazards. <a href="http://www.sonoma-county.org/prmd/docs/hmp_2011/index.htm">http://www.sonoma-county.org/prmd/docs/hmp_2011/index.htm</a></p> <p>Food security in complex emergencies: enhancing food system resilience. This paper explores linkages between food security and crisis in different contexts, outlining the policy and institutional conditions needed to manage food security during a crisis and to rebuild the resilience of food systems in periods of relative peace. <a href="ftp://ftp.fao.org/docrep/fao/meeting/009/ae409e.pdf">ftp://ftp.fao.org/docrep/fao/meeting/009/ae409e.pdf</a></p>
-------------	--	---

Goal	Indicator(s) for Sonoma County	Rationale	Provided By
<b>Agriculture &amp; Natural Resources</b>			
<b>1. Protect and enhance agricultural land base, farms and ranches</b>	Acres in agricultural production	Indicator of farmland preservation.	USDA Census of Agriculture
	Number of farms	Indicator of trends toward farm viability and retention.	USDA Census of Agriculture
	Number of acres in Williamson Act	Indicator of farmland preservation.	Sonoma County Permit Resources and management Department
	Acres of Important Farmland	Helps track the location and quantity of agricultural lands and their conversion to non-agricultural uses.	California Department of Conservation Farmland Mapping & Monitoring Program
<b>2. Encourage sound resource management</b>	Number of organic growers	More organic growers translate to fewer chemicals, impacting soil health and water quality.	Sonoma County Crop Report
	Tonnage of food composted at Sonoma County Waste Management Agency	Indicator of food waste resource management.	Sonoma County Waste Management Number
<b>Economic Vitality</b>			
<b>3. Support local food system jobs and local food system commerce</b>	Mean annual wages of food system occupations	Provides an average wage figure for food system workers.	Bureau of Labor Statistics
	Annual dollar value for agricultural and food products (exc. wine grapes)	Indicator of value for food products in Sonoma County.	Sonoma County Crop Report 2012
	Number of certified farmers markets	Reflects community interest in knowing where their food comes from and by whom it was grown. Also details trends in direct market channels.	Sonoma's Ag Commissioner's Office
	Number of CSAs	Reflects community interest in knowing where their food comes from and by whom it was grown. Also details trends in direct market channels.	Local Harvest
<b>4. Encourage institutional purchasing that supports the local food system</b>	Number of school districts with farm to school programs*	The more districts that have farm to school programs, the more broadly the youth population has access to healthy food produced locally.	
	Net farm income	Demonstrates overall profitability of farms.	USDA Census of Agriculture

Healthy Eating			
<b>5. Increase equitable access to healthy, affordable, safe and culturally appropriate food and beverage choices, while decreasing availability of unhealthy food and beverage choices in neighborhoods, schools and work places</b>	Percent of Sonoma County children who eat 5 or more servings of fruit and vegetables daily**	Daily servings of fruits and vegetables is considered a good proxy for healthy eating.	California Health Interview Survey
	Percent of Sonoma County adults who are obese**	Health Action Indicator and consistent with Healthy People 2020.	California Health Interview Survey
	Percent of Sonoma County children and teens consuming two or more glasses of soda or sugary drinks daily	Consumption of sugary sweetened beverages is one of the biggest contributors to poor health outcomes	California Health Interview Survey
	Number of farmers' markets that accept CalFresh and WIC	Demonstrates how low-income segments of the population with limited access to food can gain access and assistance at public markets.	
<b>6. Connect the food insecure with food and nutrition assistance programs</b>	Percent of CalFresh eligible participating in benefits	Reflects participation rates and potential for outreach.	CA Food Policy Advocates, Sonoma County Profile
	Unduplicated WIC participants	Reflects participation and potential for outreach.	Sonoma County WIC Office
	Percent of eligible students participating in school lunch program	Reflects participation rates and potential for outreach.	CA Food Policy Advocates, Sonoma County Profile
<b>7. Increase education about local agriculture, nutrition and the impact of food and beverage choices</b>	Number of public high schools with food and agricultural literacy programs	Demonstrates available food and agricultural education opportunities.	SCOE Regional Occupation Program
	Number of community, school, and private gardens	Indicator of agricultural literacy and education.	<a href="http://iGROW.org">iGROW.org</a>
Social Equity			
<b>8. Address root causes of hunger and food insecurity</b>	Percent of Sonoma County residents that live in households above 300% of the federal poverty level **	Poverty is a leading driver of food affordability; Health Action indicator	U.S. Census Bureau
	Percent of residents who spend 30% or more of household income on rent**	If residents spend a large percentage of their income on rent, it leaves less money for food; Health Action indicator	U.S. Census Bureau, American Community Survey 1-year Estimates
	Percent of adults in food secure households	Food security is an excellent indicator of food affordability.	



<b>9. Create opportunity and justice for farmers, farm workers and food system workers</b>	Average wage paid to farm workers in California	Reflects the extent to which worker income is making progress toward fair wages	USDA National Agricultural Statistics Service. Farm Labor Reports
	Percent of farms with ethnic minority as principal operator (Hispanic, Asian, African American, American Indian)	Indicator of new entrants into farming from groups that have traditionally been excluded from owning and operating farms	USDA Census of Agriculture
	Percent of farms with women as principal operator	Indicator of new entrants into farming from groups that have traditionally been excluded from owning and operating farms	USDA Census of Agriculture
<b>10. Ensure the inclusion of underserved and underrepresented communities in conversations and policy-making about Sonoma County's food system</b>	***		
<b>11. Increase community resilience</b>	Number of people served by food banks, per month	Indicator of food security and access to services in Sonoma County.	Redwood Empire Food Bank Annual Report

\*Not a number that is tracked, but something that will be tracked with follow-up surveys to school districts

\*\*Reflects a Health Action indicator

\*\*\*Not something that is regularly tracked, but the Food System Alliance hopes to identify a method for tracking this goal and secure resources for implementing an evaluation system





**sonomacounty**  
DEPARTMENT OF HEALTH SERVICES

County of Sonoma Department of Health Services

[www.sonoma-county.org/health/](http://www.sonoma-county.org/health/)

Sonoma County Food System Alliance

[aginnovations.org/alliances/sonoma/](http://aginnovations.org/alliances/sonoma/)



**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Supporting The Sonoma County Healthy And Sustainable Food Action Plan.**

**Whereas**, the County of Sonoma declares its commitment to increasing the amount of healthy and sustainable food in order to achieve access to safe, nutritious, and culturally acceptable food, essential to human health; and

**Whereas**, the County of Sonoma recognizes that supporting a local sustainable food system makes farming more economically viable keeping farmers in business and ensuring the preservation of farmland; and

**Whereas**, the County of Sonoma recognizes that hunger, food insecurity, and poor nutrition are pressing health issues that require action; and

**Whereas**, the County of Sonoma recognizes that sustainable food systems ensure nutritious food for all people, protect workers health and welfare, minimize environment impacts, and strengthen connections between urban and rural communities; and

**Whereas**, the following principles guide this Resolution on Healthy and Sustainable Food:

- All people in our community should have access to enough affordable, healthful, fresh, and culturally appropriate food.
- Residents should not be inundated with unhealthy food choices like sugary drinks and junk food.
- Community members should understand how their food choices impact their own health, and the health of the community and the larger world.
- Healthy food and agriculture sectors are central to the long-term vitality of the local economy.
- Farming and food system work should be economically viable and respected occupations.
- Local agriculture, food production, distribution, consumption, and food waste management should work in a way that regenerates nature.

**Now, Therefore, Be It Resolved** that the County of Sonoma agrees to approve, support, and advance the Sonoma County Healthy and Sustainable Food Action Plan.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:  
Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**



# County Land for Food Production

## Recommendations and Next Steps



June 2011



## Introduction

At the request of County of Sonoma (County) Board of Supervisors members Valerie Brown and Efren Carrillo, the University of California Cooperative Extension (UCCE), Department of Health Services (DHS), Sonoma County Agricultural Preservation and Open Space District (SCAPOS), Regional Parks Department, Sonoma County Water Agency, Agricultural Commissioner, and General Services Department collaborated to assess the feasibility of making land owned by organizations governed by the County Board of Supervisors (County Lands) available for food production. The County supports local agriculture and healthy communities as components of its strategic plan. Through the use of publicly-owned land for food production, the County has an opportunity to support the viability of local agriculture and increase access to healthy food.

Identifying public land potentially suitable for food production in Sonoma County provides an opportunity for multiple County departments and agencies to work collectively to meet identified strategic goals. Department of Health Services, Agricultural Preservation and Open Space District, Regional Parks, and UCCE, for example, all have strategic initiatives or goals that support local agricultural production and/or promotion of healthy eating. This opportunity could also reduce the vandalism and criminal activity that might occur on vacant lands by turning vacant lands into something useful and publicly requested. For example, turning a vacant lot into a garden, where people grow food, could reduce the incidences of loitering and other undesirable activity.

Other jurisdictions and states have successfully completed inventories of public land for food production. The City of Oakland, for example, identified approximately 1,200 acres of undeveloped open space, estimating the identified land could produce 5 to 10 percent of the city's vegetable needs. Likewise, the City of Portland conducted the "Diggable City Project" to inventory vacant, publicly-owned land for potential agricultural use. This Sonoma County assessment identified land potentially suitable for establishing community gardens, farm operations, or for grazing.

In Fall 2010, DHS worked with participating County departments and agencies to assess their capacity to participate in this project, to understand how this project fits with their strategic priorities, and to assess potential costs, benefits, risks, and impacts of granting access to public land for food production. The departments and agencies expressed support for moving forward and identified opportunities and future considerations relevant to their capacity and lessons learned from past experiences. Each department

and agency identified a liaison to participate in a planning group for this feasibility assessment.

This report presents the recommendations of the planning group regarding next steps for making County Land available for food production, including guiding principles, an initial inventory of potential sites, and a proposed process for making public land available.

### **Guiding Principles**

The following principles were developed to guide the planning and implementation of an effective County Land for Food Production (CLFP) program. These principles reflect the values identified by the planning group and can help guide the review process and selection of potential projects for identified County sites. Proposed projects could be reviewed and prioritized based on their degree of alignment with many or all of these principles.

1. **Increase access to healthy nutritious food:** Hunger and food insecurity are serious problems for many Sonoma County residents. County Land can be well-utilized by expanding opportunities for residents to grow, share, and sell healthy and nutritious food.
2. **Build community:** Sonoma County can provide opportunities for residents to come together and participate in transforming County Land into a community resource that reflects the strengths, needs, and desires of the local community. This is an opportunity to create shared community spaces where people can be outside, enjoy nature, and enjoy each other's company.
3. **Increase local production of food:** Sonoma County has potential to meet more of its food needs with local produce and livestock. Sonoma County can expand opportunities for food production by providing available land, information, and resources.
4. **Support economic viability of local agriculture:** The sustainability of agriculture in Sonoma County depends on the development of economically viable businesses. Sonoma County can utilize its County Land to help develop programs, infrastructure, or other services that support sustainable farming and ranching jobs and businesses.

5. **Assure stewardship of natural resources:** Assure careful stewardship of the land through ecologically sound techniques that enhance habitats and actively conserve water, soil and native vegetation.

## Site Selection

The planning group developed site selection criteria for identifying and categorizing publicly-owned land suitable for the following three categories of food production:

1. Community gardening
2. Small-scale farm operations
3. Grazing

The site selection criteria were established based on recommended measures from other land inventory processes (e.g. Diggable Cities, Portland; Cultivating the Commons, Oakland), available data, and advice from local advisers on the environmental conditions necessary for community gardens, farm production, and grazing. The following criteria were used to identify an initial inventory of County-owned vacant sites under each production category:

### Community gardens

- Within a ½ mile of medium density population (as defined by general plans)
- At least ¼ acre – 1 acre (could be part of a larger site)
- Less than 2% slope
- Vacant

### Farm operations

- 1 acre – 25 acres
- Less than 10% slope
- Farmland Mapping & Monitoring Program (FMPP) soils: prime, state-wide, local, unique
- Vacant

### Grazing

- Greater than or equal to 25 acres
- FMPP soils: grazing, local importance
- Vacant

Using these criteria, an initial list of potential sites was generated for a closer review by staff from the participating departments and agencies. Staff reviewed the identified



sites under its ownership to assess whether each site would be suitable for food production based on existing knowledge of property conditions, adjacent uses, and any plans for future use or development of the identified land.

Appendix A contains the current inventory of 12 community garden sites, 6 farm production sites, and 10 grazing sites that, after Staff review, appear potentially suitable for food production and are not included in future development plans of the participating departments and agencies. Each site would need to undergo a more thorough and detailed assessment to confirm its suitability for inclusion in this program.

### **Recommendations**

The planning group recommends moving forward to make County Land available for food production in a phased approach.

- ▶ Phase One – Community Gardens: Develop and implement a general solicitation process to select suitable proposals to develop and maintain community gardens on identified County Land.
- ▶ Phase Two – Small Farm Operations: Develop a process for making identified County sites available for selected small farm operations and consider how to integrate this effort with the creation of a Beginning Farmer and Rancher Development program proposed by UCCE.

This phased approach will allow the County to respond in the short-term to the growing public desire for access to land for growing food. Phase One would give the County an opportunity to recognize and encourage the existing momentum for community gardens that is reflected in the iGROW garden movement, the 350 Home & Garden Challenge, and the recent community mobilization to create a community garden at Larson Park. Phase One would build on the lessons learned by Regional Parks Department in the development of the community garden at Larson Park and would incorporate the best practices identified by similar projects in other jurisdictions. It would create a process and compile resources to facilitate replication of community gardens in other communities throughout the County.

Phase Two would allow the County to tap into existing land resources to support the training and development of the next generation of farmers and ranchers in the county. In partnership with SCAPOSD, DHS, and other local agriculture and farm organizations, UCCE plans to develop a training and internship program to increase access to business training for beginning farmers and ranchers, provide mentorship opportunities, increase access to affordable lands for food production, and develop a collaborative learning

community to share best practices. The planning committee recommends that use of County Land for farm operations should be integrated with this development program and should be phased in as that program develops. This process could include developing a pilot small-scale farm operation to incorporate the Beginning Farmer and Rancher program objectives and identify lessons learned for the future development of small-scale farm operations on County Land.

Finally, although the planning group identified some County Land suitable for grazing, the planning group does not recommend initiating a new process for making these available to the public. Several departments or agencies already have processes in place to effectively lease County Land for this purpose. Therefore, the group recommends that each department or agency evaluate the identified grazing sites for suitability of an expanded grazing program, concurrently with the implementation of Phase One and Two. The planning group does not believe that creating a new or separate process to contract land for grazing is necessary. However, the group does suggest that each department or agency review existing mowing and disking contracts to identify opportunities to expand grazing as a way to reduce costs, support food production, and improve sustainability practices.

### **Recommended Process for Phase One: Community Gardens**

The most equitable method to make the identified County Land available for community gardens is through a competitive request-for-proposal (RFP) process through which an organization, individuals, or groups can submit proposals for using the land for community gardening. This section briefly outlines recommendations for soliciting proposals, reviewing and selecting proposals, and developing and monitoring contracts.

#### **Solicitation Process**

The UCCE will provide staff to manage the program. This will include soliciting a RFP on behalf of all County departments and agencies participating in a County Land for Food Production (CLFP) program. The RFP will highlight available land suitable for Community Gardens (see Page 3) and will require applicants to address the following elements:

- ▶ Proposed site and specific acreage included in project
- ▶ Project goals, objectives, and timelines for food production
- ▶ How the project is aligned with CLFP guiding principles
- ▶ Capacity and experience to achieve objectives (can include assistance from advisors)
- ▶ Level of community partnering and neighborhood support
- ▶ Integration of a monitoring program

The RFP may also induce additional criteria for site specific properties, depending on the management objectives of the department or agency which owns the land. The RFP will contain clear instructions as to eligibility, project and proposal requirements, process for selecting proposals (including the number of anticipated projects to be selected), contracting, and contract administration procedures.

The RFP will also address a process to identify and mitigate non-performance or non-compliance with the CLFP guiding principles if the awarded program violates compliance regulations.

### **Proposal Review and Selection**

UCCE would convene a CLFP proposal review committee comprised of Staff from departments and agencies participating in the CLFP program and community representatives with expertise in community gardening. Proposals would be reviewed using a standardized scoring process using weighted scores for each criteria listed below.

Criteria for judging proposals could include but are not limited to:

- ▶ Extent that goals and objectives are aligned with CLFP guiding principles
- ▶ Feasibility of goals, objectives, and timelines
- ▶ Evidence of organizational capacity, experience, and ability to achieve objectives
- ▶ Evidence of community and neighborhood support

### **Contracting and Contract Administration**

After the proposal selection process, the UCCE liaison will work with each County department or agency, as needed, to ensure contracts are executed and a monitoring compliance in place. As requested by the property owner, the UCCE liaison will manage and respond to any issues that arise during project implementation or ongoing operation.

The CLFP planning group suggests developing a contract template that each participating department or agency could customize as needed, depending on their individual department or agency requirements. For consistency across the program, this contract template might include the following standardized elements:

- ▶ Definition of Landlord and Tenant
- ▶ Site location
- ▶ Allowed uses of land and permitted infrastructure improvements
- ▶ Terms of lease

- ▶ Rent and security deposit
- ▶ Compliance with applicable laws (including agricultural, conservation, hazardous materials)
- ▶ Irrigation and water responsibilities
- ▶ Maintenance responsibilities
- ▶ Subleasing
- ▶ Condition of access to site
- ▶ Renewability of contract
- ▶ Liability protections

In addition to the elements outlined above, the contract could address the following considerations related to project development and management:

- ▶ Tractor use, or appropriate times for using
- ▶ Use of pesticides, fertilizer, fungicides, etc.
- ▶ Expected traffic to the site
- ▶ Hours of operation
- ▶ Number of people expected on plot at any given time
- ▶ Expected decibels of noise pollution created
- ▶ Use of animals and restrictions thereof
- ▶ Runoff and water pollution
- ▶ Tenure of project on land

### **Next Steps for Phase One: Community Gardens**

- ▶ Identify staff resources in each agency or department available to work with UCCE to solicit, negotiate, develop, implement and manage the contracts to be established (July 2011).
- ▶ If deemed necessary, the UCCE liaison will conduct a resource assessment relative to what staff resources are needed to manage the multiple contracts established. (August 2011)
- ▶ Confirm available sites (August 2011)
- ▶ Develop RFP and RFP process (instructions, timelines, etc) (August 2011)
- ▶ Compile “how to” resources to help community groups successfully plan, build, and maintain a community garden (August 2011)
- ▶ Develop contract agreement template (September 2011)

- ▶ Identify proposal review committee (September 2011)
- ▶ UCCE will provide liaison staff to coordinate with each department or agency, serving as a point person for contract negotiation, approval, and monitoring (September 2011)
- ▶ Release RFP (September 2011)
- ▶ Proposals due (November 2011)
- ▶ Review proposals and select projects (December 2012)
- ▶ Contract negotiation and execution (Winter/Spring 2012)
- ▶ UCCE liaison will begin Phase Two (Spring 2012)
- ▶ Report back to Board of Supervisors (June 2012)

## Sonoma County Land for Food Production Phase 1 Sites

### *Sonoma County Regional Park Sites*

- 1) Maxwell Farms (APN's 127-141-027, 028, 017, 014, 015): Maxwell Farms Regional Park is located at 100 Verano Avenue, Sonoma; it is located in a suburban area near downtown Sonoma (and adjacent to a large shopping center). The park's proximity to urban development has resulted in a comparatively high rate of vandalism incidents (graffiti, lock cutting) as well as fire risk from unauthorized fires in the undeveloped section of the park. There are some easements at this site: Sewer easement (12-15' easement from shopping center to main sewer line bisecting the park), drainage easement (75' in length on the southwest corner of the park to Sonoma Creek), utility easement (corner of Verano and Highway 12), lease easements (Boys and Girls Club and Skate Park), conservation easement (40 acre conservation easement for the "undeveloped" area of the park; agricultural activities are permitted). Existing infrastructure includes a parking lot (104 regular spaces, 4 handicapped, 20 dedicated to the Boys and Girls Club), soccer fields, little league fields, tennis courts, playground, skate park, Boys and Girls Club building (with an existing community garden) and trails. The parking area has a \$6 daily use fee. Maxwell Farms was previously used for agricultural purposes; it is a large park with much undeveloped space; space available for a community garden is dependent on the site selected, but there are several excellent possible locations for a community garden at this site. This park is part of the Valley of the Moon Water District (meter); drinking water is available at the restrooms, picnic area, Little League field, Boys & Girls Club, tennis courts and parking lot. Well water is available for irrigation; there is electricity at the site.
- 2) Maddux Ranch (APN 058-090-019): Maddux Ranch Regional Park is located at 4655 Lovell Road, Santa Rosa. There are no restrooms on site. Current infrastructure includes a parking lot for 70 cars, playgrounds, tennis courts and little league fields. There is a 42' easement along the eastern edge of the property bordering Lavell Road; the property is located within the USFWS consultation area for California Tiger Salamander. Mark West Springs Elementary School is directly across the street from this park. The Mark West Little League has facilities immediately adjacent to the park. There are several possible spaces that could be utilized for a community garden in this park. There is a large heavily treed area in 1/3 of the park area with existing oak & fruit trees, scrub brush and blackberry bushes. The Larkfield Water Company services this location. There is a 300' well for irrigation. There is drinking water available on site.
- 3) Tom Schopflin (APN 058-050-051): Tom Schopflin Regional Park is located at 4351 Old Redwood Highway, Santa Rosa. The park is located directly across the street from Cardinal Newman High School and St. Rose Elementary School. There is signage in the park associated with the soccer fields for Santa Rosa United and the NorCal State Championship Cup. There is a major Kaiser Permanente facility south of this park. There are several possible spaces that could be used for a community garden in this park. The facility's primary current purpose is as a sports complex with 4 sports fields (including both soccer and baseball). The park is open sunrise to sunset. This Park falls within the U.S. Fish & Wildlife Service designated Critical Habitat for California Tiger Salamander. The northern section of the park includes a restored wetland, part of the mitigation necessary when the park was developed. Current infrastructure includes a parking area and restrooms in addition to the restoration project and multiple playing fields. Irrigation water and electricity are available on site.
- 4) Ragle Ranch (APN 077-170-001): Ragle Ranch Regional Park is located at 500 Ragle Road, Sebastopol. The current infrastructure includes playing fields, dog park, peace garden, volleyball

courts, tennis courts, multiple playgrounds, picnic areas, restrooms and hiking trails. The Apple Fair (hosting upwards of 10,000 people) is held at this site. There is a large parking area at Ragle which has a \$6 daily use fee. Ragle Ranch is a large park with much undeveloped space; space available for a community garden is dependent on the site selected, but there are several excellent possible locations for a community garden at this site. There is irrigation provided by well water to the playing fields, dog park and picnic areas; electricity is available at this site.

- 5) Ernie Smith (APN 052-261-024): Ernie Smith Regional Park is located at 18776 Gillman Drive, El Verano. There are concerns at this site regarding parking; there is limited public parking on Park Tree Lane. Public meetings will be required for community garden development as it is not listed in the master plan. There are some easement considerations at this site as well: Valley of the Moon Water District easement and Sonoma Valley Sanitation District easement. This site has an enhanced wetland. Current infrastructure includes Little League fields, playground, paved trail, dog park, basketball courts, picnic area, parking for 10 cars (1 handicapped, 9 regular). There is limited space for development of a community garden at this site. There are many heritage oaks which would cast significant shade over any garden. There is an on-site well for irrigation, potable water from Valley of the Moon District; electricity is available at the park.
- 6) Larson Park (APN 056-201-059 & 021): Larson Regional Park is located at De Chene Avenue in Boyes Hot Springs. The park has historically been subject to repeated vandalism and some safety issues. The Regional Parks Department is currently working with the Springs Community Garden Coalition to install a community garden at Larson Park; the neighbors have been very supportive of this activity in the park. Current infrastructure includes tennis courts, little league field, basketball court, playground, multi-use field, parking, and a closed restroom. There is potable water from the Valley of the Moon Water District, and electricity is available at the park.
- 7) Tolay Lake (APN's 068-060-058, 057, 068-070-004, 005, 068-080-001): Tolay Lake Regional Park is located at 5869 Lakeville Highway. This unique 1,737-acre property contains pristine farm and grasslands, ridges, a freshwater seasonal lake, wetlands, and many other natural resources. The Tolay Fall Festival is held annually at this park; there were over 15,000 people in attendance at this event in 2011. There is a pumpkin patch that is grown specifically for the festival. There is an education specialist who runs a program for children at the park which includes a garden with raised beds with herbs & vegetables as well as goats, chickens and turkeys for educating the children and exposing them to gardening, composting, natural studies and farm animals. The park is currently accessible via an interim Permit Program; the public may access the park on designated days after attending a permit program orientation. Neighbor concerns include sensitivity to pesticide use near an adjacent vineyard as well as traffic on Cannon Lane. There are multiple conservation easements on the property. In addition there are multiple constraints on extensive natural and cultural resources including special status species. Current infrastructure includes ranch roads and some trails; parking is located at the Park Center. There is no master plan yet for Tolay Lake Regional Park, and there is limited public access to the site. There is limited non-potable surface water available at Park Center as well as electricity.

The following Sonoma County Water Agency and General Service Division sites were also identified for phase 1 but currently have no water or electricity:

*County of Sonoma General Services Division Site*

- 1) Stony Point Petaluma Frontage (APN 007-422-041): This site is located in a more rural area of Petaluma off Stony Point Road at the intersection of Denman Road. It is directly across the

street from Leisure Lake Village, a senior mobile home park. A seasonal pumpkin patch is located near this site. The site is .6 acre; it is an undeveloped lot approximately 350'L x 50'W; there are no trees on the site. This site is heavily infested with blackberries and annual weeds. The ground level is lower than street level, and there was some standing water in areas on the day I visited. Drainage and grading/preparation of the site would be a significant factor in making this site viable for a community garden. Water and electricity availability at this site are not known. Zoning for this site is C2 (Commercial 2); use of this site for growing & harvesting fruits, vegetables and food crops would need to be explored with the City of Petaluma PRMD.

### *Sonoma County Water Agency Sites*

- 1) Todd Creek Channel near East Robles Ave. (APN 044-101-063): This site is located in a suburban neighborhood of East Robles Drive in Santa Rosa. Total acreage of this site is 4.25, but not all of that would be available for use as a community garden. The site is accessed along a service road from the street (Delores Lane); there is a large triangular shaped undeveloped lot that runs 300' along one side. The site is flat, but there are small "hillocks" around the area (possibly as a result of agricultural use); there was evidence of horses being pastured at this site. The site is covered in crab grass. There are neighbors in very close proximity to this site so neighbor collaboration would be particularly important. There is a mobile home park about one block away from the site as well as high density housing on the other side of the creek. There is what appears to be a small neighborhood community park adjacent to the site which borders fenced back yards of the homes on Delores Lane. There is very limited parking available on the street. Water and electricity are unavailable at this site; adjacent homes are on wells so a well would have to be installed for water availability at this site. Zoning for this site is R2 (medium density, residential district) which does allow for growing & harvesting fruits, vegetables and food crops.
- 2) Faight Creek Channel near Amie Dr. (APN's 163-171-009, 163-150-042, 038): This site is located in a suburban neighborhood in Windsor at the intersection of Amie & Gabrielle Drives; it is approximately 3 acres in size. The site is long and narrow along the creek channel; the space available is approximately 800' long ranging from 20' to 60' in depth. There are large mature trees along the creek bed. There are neighbors in very close proximity to this site so neighbor collaboration would be particularly important. Water and electricity are not available at this site; it is likely that city services would have to be accessed to provide these utilities at this location. Zoning is OS Open Space and SR Surrounding Residential in the City of Windsor; use of this site for growing & harvesting fruits, vegetables and food crops would need to be explored with the Town of Windsor PRMD.
- 3) Paulin Creek Channel near Creek Court (APN 015-533-079): This site is located in a suburban neighborhood in Santa Rosa off West Steele Lane; the site is .41 acre. Comstock School is directly across the street from one entrance to the site. Another entrance to the site is along Apache Street. Most of the site is a pathway/service road along the creek channel. There is a small area on a slight slope that is roughly 20' x 20' that could be used for a community garden. There are many large trees bordering the creek channel and the possible garden site. There is a small slope at the possible site for the community garden. Water and electricity are not available at this site; it is likely that city services would have to be accessed to provide these utilities at this location. Zoning for this site is R-1-6 (Single Family Residential, City of Santa Rosa); this zoning does allow for growing & harvesting fruits, vegetables and food crops.



## **Sonoma County CLFP Phase 1 Organic Community Garden Rules**

1. Community Garden Licensees shall ensure all plot users comply with the following rules:

**Organic Gardening.** All practices and inputs to the garden must be organic. Organic gardening reference information can be found at the Sonoma County Master Gardeners web site at [www.ucanr.org/sites/scmg](http://www.ucanr.org/sites/scmg) and at the iGrow Sonoma web site at [www.igrowsonoma.org](http://www.igrowsonoma.org). Organic Materials Review Institute (OMRI) information can be found at [www.omri.org](http://www.omri.org).

**Days & Hours of Operation.** Hours of operation should be consistent with site or agency specific requirements.

**Noise.** Compliance with the applicable City's or County's Noise Ordinance is required, except as more restrictive obligations are described hereunder.

**Motorized Equipment.** Use of motorized equipment (such as weed eaters, leaf blowers, rototillers) is restricted to weekdays from 8:00 a.m. to 7:00 p.m. and weekends and holidays recognized from 10:00 a.m. to 5:00 p.m.

**Water Usage.** Every effort shall be made to reduce water usage. Drip irrigation is required, except as approved by the owning agency. Mulch and compost shall be used in order to reduce the amount of water needed for a garden plot.

**Prohibitions.** Smoking, drinking alcoholic beverages, using illegal drugs, and gambling are prohibited. Weapons, pets, and other animals (except service animals) are prohibited.

**Adult Supervision of Minors.** Licensee must ensure competent adult supervision of minors shall occur at all times when minors are in the garden area.

2. Applicants shall develop terms and conditions for their user agreement form that address plot maintenance. Plots shall be maintained year round. Licensee must make attempts to contact plot holders before fallow or unused plots are considered abandoned and reassigned. Plot use rules could include the following practices: (a) weeding and maintaining the pathways and borders next to a user's plot; (b) containing all spreading plants (squash, cucumber, etc.) within a user's established plot; (c) planting tall plants (beans, corn, etc.) so as not to shade a neighboring plot; and (d) keeping plots and pathways pest and weed-free.

**Model Community Garden User Agreements** can be found on-line at community gardening web sites such as American Community Gardening Association ([www.communitygarden.org](http://www.communitygarden.org)).

**Sonoma County Land for Food Production Project Phase 1: Recommended  
Guidelines for Use in Constructing & Maintaining Organic Community Gardens  
(adapted from the Bay-Friendly Landscape Guidelines)**

Proposers should consider the following guidelines in preparing proposals for Sonoma County Land for Food Production Project Phase 1. The following conditions will apply in each case, but participating agencies may have additional site-specific requirements. Specific construction and maintenance standards will be set forth in a License agreement between a successful proposer and the agency owning the site.

**REQUIREMENTS**

- 1) Every site is unique; a survey of the site is recommended (including a soil test). The water should be tested if there is any question about potability. The water source must be potable or fit for consumption to ensure a safe water supply is being used to rinse and care for the produce.
- 2) All practices and inputs to the garden must be organic. Organic gardening reference information can be found at the Sonoma County Master Gardeners web site at [www.ucanr.org/sites/scmg](http://www.ucanr.org/sites/scmg) and at the iGrow Sonoma web site at [www.igrowsonoma.org](http://www.igrowsonoma.org). Organic Materials Review Institute (OMRI) information can be found at [www.omri.org](http://www.omri.org).
  - Alternative weed control measures shall be used, such as sheet mulching or watering sites and tilling over a few cycles to exhaust weed seed banks. If possible use mulch made from plant debris (recycled mulch).
  - Wherever possible use Integrated Pest Management (IPM) for pest management; IPM is a holistic approach to mitigating insects, plant diseases, weeds, and other pests.
  - Plant and soil amendments for maintenance shall be specified as compost, compost tea or other naturally occurring, non-synthetic fertilizers for all landscape areas. (Note: Compost tea should not be applied during the three-week period prior to harvest.) Rely on compost and organic fertilizers from natural sources that release elements slowly; the use of uncomposted manures as a fertilizer is discouraged. Naturally occurring, non-synthetic fertilizers come from plants, animals and mined minerals. Examples include: sea kelp (seaweed), alfalfa meal, corn gluten meal and cottonseed meal; cover crop plants turned into the soil; blood meal, bone meal, fish meal, and mined limestone, soft rock phosphate and gypsum.
- 3) All improvements to a site shall be set forth in a master plan document that is approved by the agency owning the land.
- 4) Drip irrigation is required, except as the owning agency may specifically permit alternatives. If an irrigation system is to be installed, design and install high efficiency irrigation systems. Sprinkler and spray heads should not be specified in areas less than or equal to 8 feet wide. Acceptable alternatives include drip or subsurface drip irrigation.
- 5) Possible septic systems should be identified and adequate allowance for setbacks provided in the master plan.
- 6) No trees may be removed without the permission of the appropriate county agency responsible for the land. The proposed addition of fruit or nut trees must be confirmed with

the site agency owner and careful consideration should be given to placement given the shade they may cast over garden beds.

- 7) When fencing is required to prevent vandalism or theft, trespassing, and/or encroachment by animals, fencing shall comply with the following: Open fencing (such as chain link, wrought iron, deer) shall be a maximum height of 6 feet. This allows the garden to be protected and maximizes the size while creating an open, pedestrian oriented use. Solid fencing (such as wood, masonry) is discouraged since this closes off the site to the public realm and presents a solid unbroken surface which is not pedestrian oriented. The location, size, and height of any fence must comply with the development standards and permit requirements of the zoning district in which the site is located. All fencing proposed must be reviewed for approval by the licensing agency.
- 8) Signs are limited to identification, information and directional signs.
- 9) The following accessory structures may be allowed by the agency owning the site, provided it is included in the master plan submitted for review and approval by the agency responsible for the land: tool sheds, greenhouses, cold-frames, hoop houses, benches, bike racks, picnic tables, rain barrel systems, garden art, and compost bins subject to the development standards of the zoning district in which the garden is located. The location, size, and height of any structures must comply with the development standards and permit requirements of the zoning district in which the site is located. Agency-specific policies and procedures may also apply.

### **BEST PRACTICES**

- 1) Minimize site disturbance: Clearing and grading should be limited to the minimum area required for installation of the pathways and beds for the garden. The property should be walked with equipment operators prior to clearing and grading to clarify these boundaries.
- 2) No impermeable paving should be used in the construction of the community gardens.
- 3) No mowed turf should be installed in the community garden.
- 4) Horticulturally suitable topsoil should not be removed from the site; if it must be moved during grading, it must be stored on site and reused. A temporary topsoil pile may have a maximum height of 6 feet. Stockpiled soil should be protected with blankets or socks, or seeded for erosion control if the soil will be stockpiled over the rainy season. Any clearing, grading and heavy construction should be completed during the dry season, usually April through October.
- 5) Protect all planting areas from construction equipment and staging materials as equipment can compact soil to a depth of many inches. If the planting areas are not protected, then the soil should be ripped, scarified or tilled during soil preparation to a minimum depth of 8 or 12 inches.
- 6) Wherever possible, non-plant landscape materials should be salvaged or made from recycled content materials or FSC certified wood.
- 7) If gopher activity is indicated at the site, the use of screens under raised beds is recommended.
- 8) None of the species listed by Cal-IPC *Don't Plant a Pest* as invasive in the San Francisco Bay Area should be included in the planting plan. Information can be found at [www.cal-ipc.org](http://www.cal-ipc.org).
- 9) If space allows, provide an area for composting plant debris on site.
- 10) Hand washing is a vital component of safe food handling.

## **Sonoma County Land for Food Production Phase 1 Application for Organic Community Garden Development**

### **Overview**

At the request of County of Sonoma (County) Board of Supervisors, the University of California Cooperative Extension, Department of Health Services, Sonoma County Agricultural Preservation and Open Space District, Regional Parks Department, Sonoma County Water Agency, Agricultural Commissioner, and General Services Department collaborated to assess the feasibility of making land owned by organizations governed by the County Board of Supervisors available for food production. The County supports local agriculture and healthy communities as components of its strategic plan. Through the use of publicly-owned land for food production, the County has an opportunity to support the viability of local agriculture and increase access to healthy food. There are three (3) phases associated with this project: Phase 1, Community Gardening, Phase 2, Small-scale farming operations, Phase 3, Grazing. This Application is for Phase 1 of the project. We invite interested parties to indicate their interest in Phase 1 of this program by completing the application information in this document. Responses will be evaluated and interested parties will be advised if they have been selected to respond to a Request for Proposal to provide more details on budgeting and a site plan for the development and management of a community garden on publicly owned lands. Applicants are encouraged to review the Request for Proposals, including the proposed terms and conditions of the standard license agreement, when preparing their submittals. All documents are available for review at [www.igrowsonoma.org](http://www.igrowsonoma.org).

### **Guiding Principles**

The following principles were developed to guide the planning and implementation of an effective County Land for Food Production (CLFP) program. These principles reflect the values identified by the planning group and will be used to guide the review process and selection of potential projects for identified publicly owned land. Proposed projects could be reviewed and prioritized based on their degree of alignment with many or all of these principles.

1. *Increase access to healthy nutritious food:* Hunger and food insecurity are serious problems for many Sonoma County residents. Publicly owned land can be well-utilized by expanding opportunities for residents to grow, share, and sell healthy and nutritious food.
2. *Build community:* Sonoma County can provide opportunities for residents to come together and participate in transforming publicly owned land into a community resource that reflects the strengths, needs, and desires of the local community. This is an opportunity to create shared community spaces where people can be outside, enjoy nature, and enjoy each other's company.
3. *Increase local production of food:* Sonoma County has potential to meet more of its food needs with local produce and livestock. Sonoma County can expand opportunities for food production by providing available land, information, and resources.
4. *Support economic viability of local agriculture:* The sustainability of agriculture in Sonoma County depends on the development of economically viable businesses. Sonoma County can utilize its publicly owned land to help develop programs, infrastructure, or other services that support sustainable farming and ranching jobs and businesses.
5. *Assure stewardship of natural resources:* Assure careful stewardship of the land through ecologically sound techniques that enhance habitats and actively conserve water, soil and native vegetation.

## **Available CLFP Sites – Phase 1 (Community Gardens)**

The following sites have been identified as possible community garden sites. Specific locations within these sites must be negotiated with the agency owning the site.

### **Sonoma County Regional Park**

Maxwell Farms (APN's 127-141-027, 028, 017, 014, 015)  
Ernie Smith (APN 052-261-024)  
Larson Park (APN 056-201-059 & 021)  
Tolay Lake (APN's 068-060-058, 057, 068-070-004, 005, 068-080-001)  
Maddux Ranch (APN 058-090-019)  
Tom Schopflin (APN 058-050-051)  
Ragle Ranch (APN 077-170-001)

The following sites were also identified for phase 1 but currently have no water or electricity:

### **County of Sonoma**

Stony Point Petaluma Frontage (APN 007-422-041)

### **Sonoma County Water Agency**

Faught Creek Channel near Amie Dr. (APN's 163-171-009, 163-150-042, 038)  
Paulin Creek Channel near Creek Court (APN 015-533-079)  
Todd Creek Channel near E. Robles Ave. (APN 044-101-063)

## **General Guidelines for CLFP Phase 1**

A community garden should be operated by a non-profit organization or individuals and include the following features: 1) A piece of land will be utilized by the proposer to produce food and flowers for the personal use of group members or for donation to other non-profit agencies. The produce and/or flowers may not be sold for commercial purposes. 2) A community garden should promote environmental education, and encourage the involvement of schools, youth groups and citizens who do not have ready access to gardening space.

For publicly-owned land that has been determined to be suitable for an organic community garden, the following conditions will apply:

- a. Each site identified in this solicitation has had an initial assessment to confirm its viability for inclusion in this project. More detailed investigation of the site should be conducted by the proposer (including any soil or water testing), and all costs of such investigation shall be borne by the proposer.
- b. The proposer must hold a community consultation process that will indicate neighborhood support for the garden.
- c. All terms and conditions applicable to the design, use, maintenance, and operation of a site will be contained in a license agreement to be executed by the successful applicant and the agency owning the site.
- d. Proposers must prepare a garden site plan that includes the layout of the plots and indicates any proposed structures or fences. A site plan is not required in response to this application, but it will be required as a condition of any license granted to parties selected in the application review

or RFP process. All community garden designs must meet the standards of, and be approved by, the owning agency of the land. See the *Sonoma County CLFP Organic Community Garden Rules* and the *Recommended Guidelines for Use in Constructing and Maintaining Organic Community Gardens* for guidance on expectations for constructing and maintaining community gardens under this program.

- e. The proposer is responsible for confirming zoning for the site and obtaining all required permits for the community garden. Proposers shall bear the cost of any planning department approval, including any CEQA review process fees, that may be triggered by the proposed garden, as well as any improvements or modifications to any site that may be required for compliance with the Americans with Disabilities Act.
- f. The initial terms of the license agreement will be approximately one (1) year, with an option to extend term of the agreement for four (4) additional years. If 5-year contract is not fulfilled, the licensee will assist in returning the site to the preexisting condition.
- g. The proposer must agree to issue a plot user's agreement to each person who will use space in the community garden which will specify the term of use, management responsibilities, user fees and access procedures. The plot user's agreement shall be in a form approved by the owning agency. Minimum requirements and other suggested content for such plot user's agreements are provided in *Sonoma County CLFP Organic Community Garden Rules*.
- h. Allotments of space must be made from a waiting list on a first come, first serve basis.
- i. Membership in the community organization, and the opportunity to be allotted a plot, must be open to any resident of the community.
- j. The agency owning the land must approve any plot user fees charged. Allotment fees must cover the yearly watering, maintenance and site improvement costs not otherwise provided by the owning agency pursuant to the license agreement. Allotment fees shall not exceed the amount necessary to cover the normal operating costs of the garden. Records of allotment fees and expenses will be kept and forwarded to agency owning the land to ensure correct use of fees.
- k. An overall garden coordinator to manage the community garden is a critically important component of any successful community garden. The proposer should have a plan for assigning a garden coordinator and a long term plan for maintaining this critical role.
- l. The garden will be developed at no cost to the agency owning the land unless otherwise agreed to in the license agreement. Licensee will be responsible for compliance with all license requirements at the site, including but not limited to:
  - Collecting allotment fees from plot users.
  - Paying utility costs, such as water or electrical bills.
  - Keeping record of all revenues and expenses incurred by the community garden to be forwarded to the agency owning the land.
  - Spring preparation & winterization of community garden.
  - Installation and maintenance of all community garden facilities.



## Application

Please answer all questions, and address multi-part questions completely. Use a separate sheet of paper to answer the following questions; number your responses as they relate to each question.

- 1) Provide your name, address, city, state, zip code, as well as telephone number, fax number and e-mail address. If additional partners are involved, please provide details on all partners. Specify whether you are a non-profit organization or other community organization with a recognized corporate existence. Groups of individuals may apply, provided that each individual is willing to be bound to the license agreement, including all insurance requirements set forth therein.
- 2) Specify which property you are interested in licensing and describe why you have selected that property.
- 3) Describe your organization and your interest in creating and maintaining a community garden.
- 4) Describe how your project is aligned with the CLFP guiding principles as outlined in this document.
- 5) Outline your project goals, objectives and timeline.
- 6) Describe your capacity and experience for achieving these objectives.
- 7) Describe what community the garden will be serving. Outline the level of community partnering and neighborhood support that you have established or will establish for this project.
- 8) Submit estimated capital & ongoing maintenance and operations budgets. Identify any potential funding sources.
- 9) Submit a draft plot user's agreement for the garden and proposed maintenance standards.

Applicants must submit one (1) signed original and three (3) copies of the application response to the Project Manager at the address set forth below. In addition, applicants must send one (1) electronic courtesy copy, in pdf format, to the Project Manager's e-mail address also set forth below. Applications must be enclosed in a sealed envelope or sealed packaged and clearly marked: "**Application for Organic County Lands for Food Production Phase 1**". Responses must be submitted to the Project Manager (add contact information when identified).

All responses should be submitted by 3:00PM PDT on XXXX (45 days from release date). All applications received by the Due Date will be reviewed, and applicants will be advised by XXXX (45 days from receipt date) if their applications have been accepted. Successful applicants will then be invited to submit a Proposal with more detailed information regarding the community garden development (including detailed site plan and budget information). Questions may be submitted to the Project Manager via e-mail; answers to frequently asked questions regarding this program will be posted on the iGrow web site at: <http://www.igrowsonoma.org>.

Criteria for evaluating applications will include but not be limited to the following:

- Community gardening qualifications and experience (i.e., demonstrated gardening skills)
- Organizational capacity (i.e., experience organizing projects)
- Project development & implementation experience (i.e., proven track record, clear goals & objectives, reasonable timeline)
- Budget development experience (i.e., successful track record for funds development, clearly thought out capital & maintenance budget)
- Demonstrated community partnering experience (i.e., plan for meetings with local neighborhood, approach for neighborhood buy-in and participation)

**RELEASE AGREEMENT FOR THE  
COUNTY LANDS FOR FOOD PRODUCTION PROJECT**

Dated \_\_\_\_\_

POTENTIAL PROPOSER: \_\_\_\_\_

SITE(S): \_\_\_\_\_

PROJECT: COUNTY LAND FOR FOOD PRODUCTION (PHASE 1)

In consideration of the permission granted to the undersigned potential proposer (“Proposer”) to have access to, and to conduct investigations, tests and/or inspections on, the Site or Sites identified above, Proposer hereby agrees as follows:

1. To the greatest extent permitted by law, Proposer hereby releases, and shall hold harmless the Regional Parks Department, Sonoma County Water Agency, and General Services Department, and each of their officers, employees, consultants, representatives, and agents, and all other parties having any other interest in the Site or Sites identified above, against any claim or liability, including attorney’s fees, arising from or relating to any Site-related access, investigation, test, inspection and/or other activity conducted by Proposer or any of Proposer’s officers, employees, consultants, representatives, and/or agents, regardless of whether claim or liability is caused in part by the negligence of the Regional Parks Department, Sonoma County Water Agency, and General Services Department or by any released party.
2. Proposer hereby waives the provisions of California Civil Code Section 1542 which provides as follows:  

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him, must have materially affected his settlement with the debtor.
3. Proposer shall repair any damage to the Site or Sites or adjacent properties resulting from activities authorized hereunder. This Release Agreement is fully effective and binding regardless of whether Proposer submits a Proposal for the CLFP Project, is awarded a license for the CLFP Project, or otherwise.

\_\_\_\_\_  
Name of Proposer

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

Its: \_\_\_\_\_  
Title (If Corporation: Chairman, President  
or Vice President)

Its: \_\_\_\_\_  
Title (If Corporation: Secretary, Assistant  
Secretary, Chief Financial Officer or  
Assistant Treasurer)



**CLFP Phase 1 Application Scoring Sheet**  
**Applicant Organization:**

---

**Recommended (circle one): Yes No**  
**20 Point Scale**

- 5- insufficient
- 10- adequate
- 15- good
- 20- outstanding

**Community Gardening Qualifications (Maximum 20)** – Proposer demonstrates qualifications and experience with community gardening.

*Prompts: technical gardening skills, understanding of community garden best practices, draft user agreement and maintenance standards, plan for garden coordinator*

Strengths:

Weaknesses:

**Organizational Capacity (Maximum 20)** - – Proposer demonstrates experience organizing projects and building networking relationships with community garden stakeholders and other community groups.

*Prompts: organizational experience, networking skills, outreach to diverse populations*

Strengths:

Weaknesses:

**Project Development and Implementation Experience (Maximum 20)** - Proposer demonstrates experience developing and implementing, project plans.

*Prompts: timeline, clear, realistic goals/objectives*

Strengths:

Weaknesses:

**Budget Development Experience (Maximum 20)** - Proposer demonstrates successful experience securing outside funding, and developing a capital budget for building of the garden and a realistic ongoing maintenance budget for ongoing expenses.

*Prompts: creative methods to seek funds, demonstrated budget experience, clearly thought out capital and maintenance budget*

Strengths:

Weaknesses:

**Community Partnering Experience (Maximum 20)** - Proposer demonstrates ability to work with the neighborhood that the proposed community garden will serve and gain their support for the project.

*Prompts: proven track record, plan for meetings, approach to gain neighborhood buy-in*

Strengths:

Weaknesses:

**SCORING CRITERIA: TOTAL SCORE (maximum is 100 points)**

**ADD AGENCY OWNER NAME & LOGO HERE**

**DRAFT  
REQUEST FOR PROPOSALS**

**SONOMA COUNTY LAND FOR FOOD PRODUCTION PHASE 1**

**A. Project Background and Description**

At the request of County of Sonoma (County) Board of Supervisors, the University of California Cooperative Extension, Department of Health Services, Sonoma County Agricultural Preservation and Open Space District, Regional Parks Department, Sonoma County Water Agency, Agricultural Commissioner, and General Services Department collaborated to assess the feasibility of making land owned by organizations governed by the County Board of Supervisors available for food production. The County supports local agriculture and healthy communities as components of its strategic plan. Through the use of publicly-owned land for food production, the County has an opportunity to support the viability of local agriculture and increase access to healthy food. There are three (3) phases associated with this project: Phase 1, Community Gardening, Phase 2, Small-scale farming operations, Phase 3, Grazing. This Request for Proposal ("RFP") is issued by the INSERT AGENCY OWNER NAME HERE for Phase 1 of the project. We invite proposals from qualified organizations for the licensing of publicly owned lands for the development and management of community gardens.

**B. Guiding Principles**

The following principles were developed to guide the planning and implementation of an effective County Land for Food Production (CLFP) program. These principles reflect the values identified by the planning group and will be used to guide the review process and selection of potential projects for identified sites. Proposed projects could be reviewed and prioritized based on their degree of alignment with many or all of these principles.

1. *Increase access to healthy nutritious food:* Hunger and food insecurity are serious problems for many Sonoma County residents. Publicly owned land can be well-utilized by expanding opportunities for residents to grow, share, and sell healthy and nutritious food.
2. *Build community:* Sonoma County can provide opportunities for residents to come together and participate in transforming publicly owned land into a community resource that reflects the strengths, needs, and desires of the local community. This is an opportunity to create shared community spaces where people can be outside, enjoy nature, and enjoy each other's company.
3. *Increase local production of food:* Sonoma County has potential to meet more of its food needs with local produce and livestock. Sonoma County can expand

opportunities for food production by providing available land, information, and resources.

4. *Support economic viability of local agriculture:* The sustainability of agriculture in Sonoma County depends on the development of economically viable businesses. Sonoma County can utilize its publicly owned land to help develop programs, infrastructure, or other services that support sustainable farming and ranching jobs and businesses.
5. *Assure stewardship of natural resources:* Assure careful stewardship of the land through ecologically sound techniques that enhance habitats and actively conserve water, soil and native vegetation.

### **C. Available CLFP Sites– Phase 1 (Community Gardens)**

The following sites have been identified as possible community garden sites. Specific locations within these sites must be negotiated with the agency owning the sites.

#### **Sonoma County Regional Park Sites**

Maxwell Farms (APN's 127-141-027, 028, 017, 014, 015)  
Ernie Smith (APN 052-261-024)  
Larson Park (APN 056-201-059 & 021)  
Tolay Lake (APN's 068-060-058, 057, 068-070-004, 005, 068-080-001)  
Maddux Ranch (APN 058-090-019)  
Tom Schopflin (APN 058-050-051)  
Ragle Ranch (APN 077-170-001)

#### **County of Sonoma**

Stony Point Petaluma Frontage (APN 007-422-041)

#### **Sonoma County Water Agency**

Faught Creek Channel near Amie Dr. (APN's 163-171-009, 163-150-042, 038)  
Paulin Creek Channel near Creek Court (APN 015-533-079)  
Todd Creek Channel near E. Robles Ave. (APN 044-101-063)

Tours of these sites are available upon request. Proposers wishing to visit a site owned by the INSERT AGENCY OWNER NAME HERE should contact the Project Manager. All site visits require proposers to sign the Release Agreement attached hereto as Exhibit A.

### **D. General Guidelines for CLFP Phase 1**

A community garden should be operated by a non-profit organization or individuals and include the following features: 1) A piece of land will be utilized by the proposer to produce food and flowers for the personal use of group members or for donation to other non-profit agencies. The produce and/or flowers may not be sold for commercial purposes. 2) A community garden should promote environmental education, and encourage the involvement of schools, youth groups and citizens who do not have ready access to gardening space.

For publicly-owned land that has been determined to be suitable for an organic community garden, the following conditions will apply:

- a. Each site identified in this solicitation has had an initial assessment to confirm its viability for inclusion in this project. More detailed investigation of the site should be conducted by the proposer (including any soil or water testing), and all costs of such investigation shall be borne by the proposer.
- b. The proposer must hold a community consultation process that will indicate neighborhood support for the garden.
- c. All terms and conditions applicable to the design, use, maintenance, and operation of a site will be contained in a license agreement to be executed by the successful applicant and the agency owning the site.
- d. Proposers must prepare a garden site plan that includes the layout of the plots and indicates any proposed structures or fences. A site plan is not required in response to this application, but it will be required as a condition of any license granted to parties selected in the application review or RFP process. All community garden designs must meet the standards of, and be approved by, the owning agency of the land. See the *Sonoma County CLFP Organic Community Garden Rules* and the *Recommended Guidelines for Use in Constructing and Maintaining Organic Community Gardens* for guidance on expectations for constructing and maintaining community gardens under this program.
- e. The proposer is responsible for confirming zoning for the site and obtaining all required permits for the community garden. Proposers shall bear the cost of any planning department approval, including any CEQA review process, that may be triggered by the proposed garden, as well as any improvements or modifications to any site that may be required for compliance with the Americans with Disabilities Act.
- f. The initial terms of the license agreement will be approximately one (1) year, with an option to extend term of the agreement for four (4) additional years. If 5-year contract is not fulfilled, the licensee will assist in returning the site to the preexisting condition.
- g. The proposer must agree to issue a plot user's agreement to each person who will use space in the community garden which will specify the term of use, management responsibilities, user fees and access procedures. The plot user's agreement shall be in a form approved by the owning agency. Minimum requirements and other suggested content for such plot user's agreements are provided in *Sonoma County CLFP Organic Community Garden Rules*.
- h. Allotments of space must be made from a waiting list on a first come, first serve basis.
- i. Membership in the community organization, and the opportunity to be allotted a plot, must be open to any resident of the community.
- j. The agency owning the land must approve any plot user fees charged. Allotment fees must cover the yearly watering, maintenance and site improvement costs not otherwise

provided by the owning agency pursuant to the license agreement. Allotment fees shall not exceed the amount necessary to cover the normal operating costs of the garden. Records of allotment fees and expenses will be kept and forwarded to agency owning the land to ensure correct use of fees.

- k. An overall garden coordinator to manage the community garden is a critically important component of any successful community garden. The proposer should have a plan for assigning a garden coordinator and a long term plan for maintaining this critical role.
- l. The garden will be developed at no cost to the agency owning the land unless otherwise agreed to in the license agreement. Licensee will be responsible for compliance with all license requirements at the site, including but not limited to:
  - Collecting allotment fees from plot users.
  - Paying utility costs, such as water or electrical bills.
  - Keeping record of all revenues and expenses incurred by the community garden to be forwarded to the agency owning the land.
  - Spring preparation & winterization of community garden.
  - Installation and maintenance of all community garden facilities.

**E. RFP ACKNOWLEDGEMENT**

Interested parties must return a completed Acknowledgement of RFP (see below) to the Project Manager (as defined below) to receive required information related to this RFP. Interested parties (hereinafter "Proposer" or "Proposers") which do not submit an acknowledgement may not be considered for the project.

[Acknowledgement of RFP Form on Next Page]

**ACKNOWLEDGMENT OF RECEIPT OF RFP**

In acknowledgment of receipt of this Request for Proposal (RFP), the undersigned Proposer agrees that it has received a complete copy of the RFP and that it has subscribed to the project website described in the RFP.

This Acknowledgment of Receipt of RFP must be signed and returned as indicated below no later than [redacted]. Only Proposers who elect to return this Acknowledgment of Receipt of RFP completed with the indicated intention of submitting a proposal will be placed on the distribution list for any and all addendum to this RFP. The name, address and electronic mail information provided below will be used for all written and electronic correspondence related to this RFP.

ALL FIELDS MANDATORY

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This entity does  / does not  intend to respond to this RFP (check appropriate box).

Return this signed form to:

Attn: INSERT PROJECT MANAGER NAME HERE("Project Manager")  
INSERT PM ADDRESS HERE  
INSERT PM E-MAIL ADDRESS & PHONE NUMBER HERE

**F. Statement of Requirements**

1. Form: Proposers must submit one (1) signed original and three (3) copies of each signed proposal to the Project Manager at the address set forth below. In addition, Proposers must send one (1) electronic courtesy copy, in pdf format, to the Project Manager's email address also set forth below. Proposals must be enclosed in a sealed envelope or sealed package and clearly marked "**Response to RFP – County Lands for Food Production Phase 1**". Proposers may not take exception or make material alterations to any requirement of this RFP, except as provided by this RFP. Proposals may be for one or more of the sites identified.

Each proposal must meet all of the requirements in this RFP, except as otherwise provided.

Proposals must be submitted to:

INSERT SUBMITTAL ADDRESS INFO HERE

Proposers must clearly indicate which site is the subject of the proposal(s). The INSERT OWNING AGENCY NAME HERE reserves the right to negotiate with any and/or all Proposers to develop Agreements that are in the best interests of the INSERT OWNING AGENCY NAME HERE, including continued uses by the INSERT OWNING AGENCY NAME HERE of the land. For example, if Proposer A submits a proposal for three sites, and Proposer B submits a proposal for one of the same sites, the INSERT OWNING AGENCY NAME HERE reserves the right to accept Proposal B and negotiate a separate agreement with Proposer A for the remaining two sites. Proposers are encouraged to respond to one or more sites, or to all of them.

2. Due Date: Proposals must be received no later than 3:00 p.m. PDT on                     , 2012 ("Due Date"). This Due Date is subject to change by the INSERT OWNING AGENCY NAME HERE. Any changes in the Due Date will be posted on the project web site and issued as an addendum.

To receive consideration, the signature of all persons signing the proposal shall be in long hand and in permanent ink. Proposals shall be without alterations or erasures.

The submission of a proposal shall evidence that the Proposer has investigated and satisfied itself as to the condition of sites available, and that it is willing to comply with the requirements of the INSERT OWNING AGENCY NAME HERE as set forth in the RFP.

3. Agreement: The successful Proposer will be required to enter into an agreement with the INSERT OWNING AGENCY NAME HERE. Any such agreement must comply with all applicable law.
4. License Terms: The acceptance of a proposal by the INSERT OWNING AGENCY NAME HERE will obligate the proposer to execute a license with the INSERT



OWNING AGENCY NAME HERE substantially similar to that included with this RFP. See Exhibit B. Should a proposer wish to modify any term or condition of the proposed lease, the proposer must identify all proposed modifications with specificity. Proposed modifications to the sample license must be made in an interlineated “Strikeout/Bold” or “Strikeout/Underline” format. An electronic copy of the sample license may be requested from the [insert project manager title].

## **G. Proposal Submittals - Services Required and Desired of Successful Proposers**

Proposal Format and Contents: Proposals must be organized and presented as described below.

### **Section I - Signed Proposal Cover Letter**

The cover letter should be an executive summary of the proposal. Signature of the proposal by the Proposer constitutes acceptance of the terms, conditions, and requirements set forth in this RFP, as amended, except as provided below.

### **Section II – Provide detailed response to the following items:**

- 1) Provide your name, address, city, state, zip code, as well as telephone number, fax number and e-mail address. If additional partners are involved, please provide details on all partners. Specify your organization’s full legal name. Groups of individuals may apply, provided that each individual is willing to be bound to the license agreement, including all insurance requirements set forth therein.
- 2) Specify which property you are interested in licensing and describe why you have selected that property.
- 3) Describe your organization and your interest in creating and maintaining a community garden.
- 4) Describe how your project is aligned with the CLFP guiding principles as outlined in the RFP.
- 5) Outline your project goals, objectives and timeline.
- 6) Describe your capacity and experience for achieving these objectives. Identify key personnel in your organization.
- 7) Describe what community the garden will be serving. Outline the level of community partnering and neighborhood support that you have established for this project.
- 8) Identify your potential funding sources. Include details on the following:
  - (a) Please submit a detailed draft capital planning budget including all confirmed and potential funding sources.
  - (b) Submit an estimated annual operations/maintenance costs budget and identify all confirmed and potential funding sources.
    1. What will be your recommended annual or monthly fee for plot use?
    2. How will you plan to address catastrophic expenses?
- 9) Provide a detailed site design. Include details on the following :
  - (a) Do you anticipate removing any trees or vegetation?
  - (b) Will you be using raised beds or in-ground planting?
  - (c) Will there be an area for composting or storage of planting materials?



- (d) Will there be any fencing? What other improvements do you anticipate building (i.e., storage shed).
  - (e) Do you require any additional site access (such as a road or path) that must be built to reach the garden?
  - (f) How will you address parking needs for your gardeners?
  - (g) Demonstrate that a proper detailed assessment has been completed (including any soil or water testing).
  - (h) Articulate plan for addressing any zoning issues as well as approach for achieving proper planning department approvals and .
  - (i) Assess ADA requirements for access to the site and include proposed strategy for accessibility.
- 10) What is your operations strategy? Submit a draft plot user's agreement and proposed maintenance standards. Include details on the following:
- (a) Will there be a defined use of the plots?
  - (b) What will your policy be to ensure fairness and equity in plot assignments?
  - (c) Will you allow multiple plots per family or group?
  - (d) How will turnover of plots be addressed?
  - (e) How will you manage regular communication with the plot owners?
  - (f) How will you ensure adherence to the *Sonoma County CLFP Organic Community Garden Rules*?
  - (g) How will you ensure that your garden and practices used in the garden are as sustainable as possible?
  - (h) What is your plan for identifying a garden coordinator and the long term plan for maintaining a coordinator of the community garden?
  - (i) How will you ensure that there is no smoking, drinking alcoholic beverages, use of illegal drugs are gambling in the garden?
  - (j) How will you minimize vandalism, graffiti and theft?
- 11) What utilities infrastructure will you be installing?
- (a) Provide details on the watering system delivery method and additional infrastructure that will need to be installed.
  - (b) What is your strategy for handling monthly water expenses?

## H. Questions

Proposers may submit only written inquiries or requests regarding this RFP. Questions to be considered must be directed to the Project Manager at the address set forth in the Acknowledgement of RFP. All written or e-mailed questions will be addressed in an addendum to this RFP. The identity of the person/organization submitting the questions will not be revealed by INSERT OWNING AGENCY NAME HERE.

## I. Corrections and Addenda

1. If a Proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Proposer shall immediately notify the Project Manager of such error in writing. Any modifications to this RFP will be made only by written addenda posted on the website.

2. If a Proposer fails to notify the Project Manager of any ambiguity, conflict, discrepancy, omission, or other error in this RFP prior to the Due Date, the Proposer shall submit a proposal at its own risk, and if the Proposer is awarded an Agreement it shall not be entitled to additional compensation or time by reason of the error or its subsequent correction.
3. Addenda issued by the INSERT OWNING AGENCY NAME HERE interpreting or modifying this RFP, including all revisions hereof, shall be incorporated in the proposal. The Proposer shall sign and date the addenda cover sheet and submit same with the proposal. Any oral communication by the Project Manager or any other INSERT OWNING AGENCY NAME HERE staff member concerning this RFP is not binding on the INSERT OWNING AGENCY NAME HERE and shall in no way modify this RFP or any obligations arising thereunder.

#### **J. RFP Evaluation Criteria**

Criteria for evaluating applications will include but not be limited to the following:

- Community gardening qualifications and experience (i.e., demonstrated gardening skills)
- Organizational capacity (i.e., experience organizing projects)
- Project development & implementation experience (i.e., proven track record, clear goals & objectives, reasonable timeline)
- Budget development experience (i.e., successful track record for funds development, clearly thought out capital & maintenance budget)
- Demonstrated community partnering experience (i.e., plan for meetings with local neighborhood, approach for neighborhood buy-in and participation)
- Comprehensive site plan and operations strategy (i.e., detailed site plan attached with all considerations addressed, comprehensive maintenance and operations plan).

#### **K. Finalist Interviews**

Depending on the number and quality of responses, and after initial screening and evaluation of proposals submitted in response to this RFP, the INSERT OWNING AGENCY NAME HERE may select a short-list for additional evaluation and potential interview. If a short list is selected, the INSERT OWNING AGENCY NAME HERE will amend the project schedule, if appropriate.

#### **L. Selection Process**

1. All proposals received by the Due Date will be reviewed by the INSERT OWNING AGENCY NAME HERE for content. Failure to meet the requirements of this RFP will be deemed unresponsive and the proposal may not be further evaluated.
2. INSERT OWNING AGENCY NAME HERE employees may not participate in the selection process when such employees have a relationship with a person or entity submitting a proposal which would subject such employees to California Government

Code Section 87100 prohibitions. Any person or entity submitting a proposal which has such a relationship with a INSERT OWNING AGENCY NAME HERE employee must advise the Project Manager of the name of the conflicted INSERT OWNING AGENCY NAME HERE employee in the proposal.

3. Proposals will be evaluated based on the requirements of this RFP, as amended.

**M. Project Schedule**

The project for which this RFP is issued will proceed according to the following schedule, which is subject to change by amendment.

<b>Event</b>	<b>Date</b>
Release RFP	TBD
Deadline for Submission of Acknowledgement of RFP	TBD
Deadline for Questions	TBD
Responses to Questions	Ongoing
Site Visits	TBD
Proposal Due Date	[suggest eight weeks from issuance]
Selection Process	Period of Time TBD

**N. General Information**

The INSERT OWNING AGENCY NAME HERE reserves the right to negotiate with any or all Proposer(s) to develop Agreement(s) that are in the best interests of the INSERT OWNING AGENCY NAME HERE. In addition:

1. The issuance of this RFP does not constitute an award commitment on the part of the INSERT OWNING AGENCY NAME HERE, and the INSERT OWNING AGENCY NAME HERE shall not pay for costs incurred in the preparation or submission of proposals.
2. The INSERT OWNING AGENCY NAME HERE reserves the right to reject any or all proposals or portions thereof, if the INSERT OWNING AGENCY NAME HERE determines that it is in the best interest of the INSERT OWNING AGENCY NAME HERE to do so. The INSERT OWNING AGENCY NAME HERE may cancel or modify the RFP, or may withdraw a notice of intent to award, at any time prior to

providing a written recommendation in the form of an agenda item to the governing Board of the INSERT OWNING AGENCY NAME HERE.

3. The INSERT OWNING AGENCY NAME HERE may waive any deviation in any proposal. The INSERT OWNING AGENCY NAME HERE's waiver of a deviation shall in no way modify the RFP requirements nor excuse the successful Proposer from full compliance with any resultant Agreement. The INSERT OWNING AGENCY NAME HERE reserves the right to reject any or all proposals, or to waive any defect or irregularity in a proposal. The INSERT OWNING AGENCY NAME HERE further reserves the right to award the Agreement to the Proposer or Proposers that, in the INSERT OWNING AGENCY NAME HERE's judgment, best serves the needs of Sonoma County.
4. All Proposers must submit their proposals to the INSERT OWNING AGENCY NAME HERE with the understanding that any Agreement is subject to the independent review and consideration of the Board of Supervisors.
5. Upon submission, all proposals shall be treated as confidential documents until the selection process is completed. Once the notice of intent to award is issued by the INSERT OWNING AGENCY NAME HERE, all proposals shall be deemed public record. In the event that a Proposer desires to claim portions of its proposal exempt from disclosure, it is incumbent upon the Proposer to clearly identify those portions with the word "Confidential" printed on the top right hand corner of each page for which such privilege is claimed, and to clearly identify the information claimed confidential by highlighting, underlining bracketing, etc. Examples of confidential materials include trade secrets and financial statements. Each page shall be clearly marked and readily separable from the proposal in order to facilitate public inspection of the non-confidential portion of the proposal. The INSERT OWNING AGENCY NAME HERE will consider a Proposer's request for exemptions from disclosure; however, the INSERT OWNING AGENCY NAME HERE will make its decision based upon applicable laws. An assertion by a Proposer that the entire proposal, or large portions, is exempt from disclosure will not be honored.
6. The INSERT OWNING AGENCY NAME HERE will endeavor to restrict distribution of material designated as confidential to only those individuals involved in the review and analysis of the proposals. Proposers are cautioned that materials designated as confidential may nevertheless be subject to disclosure. Proposers are advised that the INSERT OWNING AGENCY NAME HERE does not wish to receive confidential or proprietary information and that Proposers are not to supply such information except when it is absolutely necessary. If any information or materials in any proposal submitted are labeled confidential or proprietary, the proposal shall include the following clause:

"[Legal name of Proposer] shall indemnify, defend and hold harmless the INSERT OWNING AGENCY NAME HERE, its officers, agents and employees from and against any request, action or proceeding of any nature and any damages or liability of any nature, specifically including attorneys' fees awarded under the California Public Records Act (Government Code

§6250 et seq.) arising out of, concerning or in any way involving any materials or information in this proposal that [legal name of Proposer] has labeled as confidential, proprietary or otherwise not subject to disclosure as a public record."

7. The INSERT OWNING AGENCY NAME HERE shall not be liable for any pre-contractual expenses incurred by the Proposer or selected contractor or contractors. The INSERT OWNING AGENCY NAME HERE shall be held harmless and free from any and all liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this RFP.
8. Any party submitting a proposal or a party representing a Proposer shall not influence or attempt to influence any member of the selection committee, any member of the Board of Supervisors, or any employee of the INSERT OWNING AGENCY NAME HERE, with regard to the acceptance of a proposal. Any party attempting to influence the RFP process through ex-parte contact may be subject to rejection of their proposal.
9. All proposals will remain in effect and shall be legally binding for at least ninety (90) days.
10. The selected Proposer will be invited to execute an Agreement with the INSERT OWNING AGENCY NAME HERE for the within a reasonable period of time from the INSERT OWNING AGENCY NAME HERE's notice of intent to award. If an Agreement on terms and conditions acceptable to the INSERT OWNING AGENCY NAME HERE cannot be achieved within a reasonable timeframe, or if, after reasonable attempts to negotiate such terms and conditions, it appears that an agreement will not be possible, as determined at the sole discretion of the INSERT OWNING AGENCY NAME HERE, the INSERT OWNING AGENCY NAME HERE reserves the right to retract any notice of intent to award and proceed with awards to other Proposers.
11. A Proposer may withdraw a proposal at any time prior to the submission deadline by submitting a written notification of withdrawal signed by the Proposer or his/her authorized agent. The Proposer must, in person, retrieve the entire sealed submission package. Another proposal may be submitted prior to the deadline. A proposal may not be changed after the designated deadline for submission of proposals.
12. Failure to furnish all information requested or to follow the format requested herein may disqualify the Proposer, in the sole discretion of the INSERT OWNING AGENCY NAME HERE. False, incomplete, misleading or unresponsive statements in a proposal may also be sufficient cause for a proposal's rejection.
13. The INSERT OWNING AGENCY NAME HERE may, during the evaluation process, request from any Proposer additional information which the INSERT OWNING AGENCY NAME HERE deems necessary to determine the Proposer's ability to perform the required services. If such information is requested, the Proposer shall be permitted three (3) working days to submit the information requested.

14. An error in the proposal may cause the rejection of that proposal; however, the INSERT OWNING AGENCY NAME HERE may, in its sole discretion, retain the proposal and make certain corrections. In determining if a correction will be made, the INSERT OWNING AGENCY NAME HERE will consider the conformance of the proposal to the format and content required by the RFP, and any unusual complexity of the format and content required by the RFP. If the Proposer's intent is clearly established based on review of the complete proposal submittal, the INSERT OWNING AGENCY NAME HERE may, at its sole option, correct an error based on that established content. The INSERT OWNING AGENCY NAME HERE may also correct obvious clerical errors. The INSERT OWNING AGENCY NAME HERE may also request clarification from a Proposer on any item in a proposal that INSERT OWNING AGENCY NAME HERE believes to be in error.
15. The INSERT OWNING AGENCY NAME HERE reserves the right to select the proposal which in its sole judgment best meets the needs of the INSERT OWNING AGENCY NAME HERE. **In its sole discretion, the INSERT OWNING AGENCY NAME HERE may reject any or all proposals or portions thereof and/or may cancel or modify the RFP at any time.**
16. All respondents to this RFP will be notified of their selection or non-selection via e-mail after the evaluation committee has completed the selection process.

#### **O. Protest Process**

Any and all protests must be in writing and must comply with the timelines and procedures set forth at: <http://www.sonoma-county.org/purchasing/selling.htm>

**EXHIBIT A**

**Release Agreement  
for the Sonoma County Land for Food Production Project  
Phase 1**

Dated \_\_\_\_\_

POTENTIAL PROPOSER: \_\_\_\_\_

SITE(S): \_\_\_\_\_

PROJECT: COUNTY LAND FOR FOOD PRODUCTION (PHASE 1)

In consideration of the permission granted to the undersigned potential proposer ("Proposer") to have access to, and to conduct investigations, tests and/or inspections on, the Site or Sites identified above, Proposer hereby agrees as follows:

1. To the greatest extent permitted by law, Proposer hereby releases, and shall hold harmless Regional Parks Department, Sonoma County Water Agency, and General Services Department, and each of their officers, employees, consultants, representatives, and agents, and all other parties having any other interest in the Site or Sites identified above, against any claim or liability, including attorney's fees, arising from or relating to any Site-related access, investigation, test, inspection and/or other activity conducted by Proposer or any of Proposer's officers, employees, consultants, representatives, and/or agents, regardless of whether claim or liability is caused in part by the negligence of Regional Parks Department, Sonoma County Water Agency, and General Services Department or by any released party.
2. Proposer hereby waives the provisions of California Civil Code Section 1542 which provides as follows:  

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him, must have materially affected his settlement with the debtor.
3. Proposer shall repair any damage to the Site or Sites or adjacent properties resulting from activities authorized hereunder. This Release Agreement is fully effective and binding regardless of whether Proposer submits a Proposal for the CLFP Project, is awarded a license for the CLFP Project, or otherwise.

\_\_\_\_\_  
Name of Proposer

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

Its: \_\_\_\_\_  
Title (If Corporation: Chairman, President or Vice President)

Its: \_\_\_\_\_  
Title (If Corporation: Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer)

**EXHIBIT B: LICENSE AGREEMENT**

**INSERT COPY OF LICENSE AGREEMENT WHEN COMPLETED**

**### END OF RFP ###**



## EXECUTIVE SUMMARY

### Assessment of County Lands For Food Production, Phase 2 Sites

Sixteen of the 17 properties proposed for inclusion in the County Lands for Food Production (CLFP) program were evaluated to assess their suitability for use as row crop farms or grazing land. The 17<sup>th</sup> property, the Camozzi/Landfill Site, is already being used for livestock production.

Generally, the sites all have appropriate soils for agricultural use, but most of them lack infrastructure necessary for farming or grazing, such as a water supply and fencing. Of the 16 vacant properties, only two have water sources. Developing water on the remaining sites would be prohibitively expensive, although adjacent landowners could potentially utilize a few of the sites if they could provide water.

Some of the parcels are also constrained by physical and/or biotic features such as wetlands, dense tree cover, valley oak regeneration, and in a few are within potential habitat for the federally-listed endangered California tiger salamander (*Ambystoma californiense*).

The primary reason that few of the vacant lands owned by County departments are suitable for farming or grazing is that most of the appropriate County properties already support such uses. Over 4,500 acres owned by Regional Parks, SCAPOSD and General Services are currently leased to local farmers and ranchers and are an important part of Sonoma County's local food system. Almost all of these properties had water and fencing existing when County departments purchased them. In one case, the SCAPOSD paid to have a water well drilled, and several other cases the land is leased to an adjacent farmer or rancher who provides water from his or her own property.

Future County property acquisitions that are intended for agricultural use should have water, fencing, access, power, and be of adequate size. Properties that will be used for farming should also be free of natural resources that may prevent this use. The presence of wetlands, state- or federally-listed plants or animals, and significant oak generation are among the natural resources that could be damaged by farming. These resources are generally less affected by livestock grazing, and in some cases may be enhanced by grazing, so this is less critical on parcels to be used for grazing. Densely wooded properties are not suitable for farming and are usually not appropriate for grazing.

As part of the County lands property assessment, several vacant or partially vacant, properties owned by SCAPOSD were evaluated for use as an "incubator farm" for UCCE's and Santa Rosa Junior College's (SRJC) *AGROpreneurship* program.



# **Sonoma County Healthy and Sustainable Food Action Plan**

## **County Land for Food Production**

**Jana Hill, DHS  
Stephanie Larson, UCCE  
Bert Whitaker, Regional Parks**

**October 23, 2012**



# Sonoma County Healthy and Sustainable Food Action Plan





# *Evolution*

---

**Food Forum, February 2011**

**Food System Assessment, July 2011**

**Food Forum Report accepted by  
Sonoma County Board of Supervisors,  
August 2011**

**Sonoma County Board of Supervisors  
directed Department of Health services  
to work with Sonoma County Food  
System Alliance and community  
stakeholders to develop Action Plan**

# *What?*

A guide to local action on food production, land and natural resource stewardship, job development, public health, and equity in our food system







# *Why?*

There is a role for every organization, business, government and person to play in building a food system that creates prosperity for our people, our economy, and our environment

# *Four Action Areas*

---

1. **Agriculture and Natural Resources**
2. **Economic Vitality**
3. **Healthy Eating**
4. **Social Equity**





# Call to Action

## *7 Ways to Advance the Action Plan*

- 1. Support the vision*
- 2. Advance the Goals*
- 3. Work with Others*
- 4. Align Funding*
- 5. Incorporate Goals into other Community Planning Efforts*
- 6. Make the Food System a Priority*
- 7. Make Individual Choices*



# *Next Steps*

---

## Outreach to:

- Jurisdictions
- Stakeholders
- Businesses
- Organizations

## Technical Assistance and Support





# County Land for Food Production Recommendations & Next Steps

Stephanie Larson, PhD  
UC Cooperative Extension

Bert Whitaker  
Regional Parks



# Participating Departments & Agencies

---

**UC Cooperative Extension, Dr. Stephanie Larson**

**Department of Health Services, Jana Hill**

**Sonoma County Agricultural Preservation and  
Open Space District, Misti Arias**

**Regional Parks Department, Bert Whitaker**

**Sonoma County Water Agency, Michael  
Thompson**

**Agricultural Commissioner, Tony Linegar & Lisa  
Correia**

**General Services Department, Mike Wagner**

**Consultants: Mimi Enright & Lisa Bush**



# County Lands for Food Production (CLFP) Guiding Principles

---

1. Increase access to healthy nutritious food
2. Build community
3. Increase local food production
4. Support economic viability of local agriculture
5. Assure stewardship of natural resources





## *Phase I: Community Gardens*

- Develop and implement a general solicitation process to select suitable proposals to develop and maintain community gardens on identified County Land
- Documents developed and vetted
- Community Meeting: April 2012
- Input from iGrow and community stakeholders



# *Phase I: Community Gardens*

Seven properties, under the management of Regional Parks:

1. Maxwell Farms
2. Ernie Smith
3. Larson Park
4. Tolay Lake
5. Maddux Ranch
6. Tom Schopflin
7. Ragle Ranch

*Additional properties available but have no water*





# *Phase I: Community Gardens*

## Approval from Board of Supervisors:

- Site Assessment
- Organic Garden Rules
- Recommended Construction & Maintenance Guidelines
- Application for Community Garden
- Application Scoring Sheet
- Request for Proposals (RFP)

# *Phase II: Farming and Ranching*

---

- Assess suitability of County Lands for farming and grazing
- Develop a process for making County sites available for selected small farm and grazing operation
- Integrate with the creation of a Beginning Farmer and Rancher Development Program Incubator Farm







## *Phase II: Farming and Ranching*

---

- Sixteen of the 17 properties proposed for inclusion in Phase 2, County Lands for Food Production (CLFP) program
- Evaluated to assess their suitability for use as row crop farms or grazing land
- Report brought back to the Board

# *Incubator Farm*

- Beginning Farmer & Rancher Development Program (BFRDP)
- Farm to provide short term leases to new farmers & ranchers
- Local Agricultural Mentors
- Increase Local Food





Over 4,500 acres of County  
Lands already in production

---

Future Acquisitions of Land

---

- Water
- Fencing
- Access
- Power
- Property size
- Biotic Issues



# Questions?





## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 32  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator

**Staff Name and Phone Number:**

**Supervisory District(s):**

Terri Saunders 565-3782

County Wide

**Title:** Public Defender Management Review

### **Recommended Actions:**

Receive a report on the Management Review of the Office of the Public Defender

### **Executive Summary:**

The Board of Supervisors will receive a management report and analysis of the Office of the Public Defender including findings and recommendations as prepared by Harvey Rose Associates, LLC. A response from the interim Public Defender, Kathleen Pozzi, with information on implementation of recommendations, is attached.

Annually, the County Administrator recommends the Board engage an outside consultant to conduct a department management review. In 2011, the Board selected the Public Defender's Office for the review as the Department has been going through changes in leadership and facing staffing challenges. Harvey Rose Associates LLC (HRA) was selected as a result of a competitive Request for Qualifications. In February, the Board approved an agreement with HRA to conduct the review under the management of the County Administrator's Office and began work immediately in order to capture as much of Mr. Abrahams time and expertise as possible.

The purpose of the management review and benchmark study of was to evaluate the current structure and operations of the Office and compare management and operations with similar California counties. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the criminal justice system as a whole. Key objectives of this project were to identify best management practices in other comparable public defender offices and compare them to practices in place in Sonoma County and maximize resources within the criminal justice system, and analyze staffing relative to caseload and case assignment criteria.

The study commenced as John Abrahams was retiring. As such department staff provided information collected

by the consultants and devoted significant time to the effort so that HRA could develop a thorough and meaningful report. Other criminal justice departments including the District Attorney, Sheriff, Probation and the Courts provided information and feedback on their relationships and statistics that provided greater system understanding and operating nuances. Further, Information Systems provided a significant amount of staff time and a number of reports to assist in the evaluation of data for the study.

The Project was completed in August 2012 and the draft report has been provided to the department staff and the Courts.

Key findings of the report include:

The Office lacks systems and methods for collecting accurate, verifiable caseload data, limiting its ability to assess staff efficiency, Office staffing needs and to ensure the equitable allocation of caseload.

Though there are limitations to existing Office caseload data, it shows that attorneys assigned to misdemeanors have higher caseloads than national standards and the median of peer counties. Felony attorneys, on the other hand, have caseloads lower than the national standard and within range of the median of peer counties. Once reliable, verifiable caseload data is established by the Office, some staffing reallocations within the Office and additional positions may prove appropriate.

Key performance measures are not in place for management to systematically monitor case processing efficiency and timing. Quality of representation measures are not collected from members of the Superior Court bench.

The Office is not taking sufficient advantage of existing Countywide and internal information systems to ensure the reliable production of key management and caseload information.

Management spans of control are reasonable overall but unevenly distributed for the Office's management attorneys.

Formal policies and procedures have not been established to guide staff in key areas of operations.

The County's indigent defense costs could be reduced by \$222,075 per year by replacing the private attorney's now staffing one misdemeanor courtroom with County Deputy Public Defenders.

The Office could increase its revenues by an estimated \$214,000 by formalizing and improving its financial screening policies and procedures and establishing mechanisms to ensure that more clients with the ability to do so pay the required \$50 registration fee and court -ordered attorney fees.

The results and recommendations from the report are summarized in its Executive Summary (pages i – xiii) of the attached report).

The interim Public Defender, Kathleen Pozzi has already begun to implement changes to address the findings. The County Administrator will work with the department to continue efforts toward better management

practices and information reporting for future staffing analysis. In addition, The Board of Supervisors approved the addition of two attorney positions in the FY 12-13 budget which will address one of the key findings above.

If additional staffing or funding is recommended, the County Administrator will return to the Board with a report on the need and recommendation for source of funding.

**Prior Board Actions:**

Annually the Board of Supervisors authorizes a management review for selected Departments  
 On February 25, 2012 the Board authorized an agreement with Harvey Rose Associates LLC to perform the management review of the Public Defender’s Office.

**Strategic Plan Alignment:** Not Applicable

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The requested actions of accepting the report and directing staff to return with an implementation plan, has no additional fiscal impact. Implementation of any recommendation may have costs associated with them. At the time a plan for addressing the findings and recommendations are presented to the Board of Supervisors any costs associated with the plan will be provided as part of the staff report.

The management study was included in the CAO FY 11-12 budget and cost \$133,000.

The FY 12-13 Public Defender’s budget has a General Fund net cost of \$9.3 million and 49.0 FTE positions.

**Staffing Impacts**

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
<b>Attachments:</b>			
Management Review of the Sonoma County Office of the Public Defender, Interim Public Defender's response to findings and recommendations included in the report.			
<b>Related Items "On File" with the Clerk of the Board:</b>			



**Management Review of the Sonoma County  
Office of the Public Defender**

**Prepared by:**

**Harvey M. Rose Associates, LLC**

**<http://www.harveyrose.com>**

**October 9, 2012**

**HARVEY M. ROSE**  
**ASSOCIATES, LLC**

1390 Market Street, Suite 1025 • San Francisco, California 94102  
(415) 552-9292 • (415) 252-0461 (FAX) • www.harveyrose.com

public sector management consulting



October 9, 2012

Ms. Veronica Ferguson, County Administrator  
Sonoma County  
575 Administration Drive  
Santa Rosa, California 95403

Dear Ms. Ferguson:

Harvey M. Rose Associates, LLC is pleased to present this report on our *Management Review of the Sonoma County Public Defender's Office*. The review was requested by the County to evaluate the current structure and operations of the Public Defender's Office and compare its management and operations with those of similar public defender offices in other California counties. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the County criminal justice system as a whole.

Thank you for providing our firm with the opportunity to conduct this management review for Sonoma County. We are available at any time to respond to any questions about this report.

Sincerely,

Fred Brousseau  
Project Manager

# Table of Contents

Executive Summary.....	i
Introduction .....	1
1. Management Structure and Spans of Control.....	6
2. Public Defender’s Office Staffing and Caseload .....	18
3. Misdemeanor Alternate Defender Staffing.....	34
4. Development of and Adherence to Policies.....	39
5. Management Practices and Performance Measurement.....	50
6. Uses of Information Systems.....	60
7. Financial Screening and Fees.....	71

## Executive Summary

The purpose of this management review and benchmark study of the Sonoma County Public Defender's Office was to evaluate the current structure and operations of the Office and compare management and operations with similar California counties. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the criminal justice system as a whole. A key objective of this project was to identify best management practices in other comparable public defender offices and compare those to practices in place in Sonoma County.

A few general observations about the Public Defender's Office are now presented before summarizing the key conclusions of this management review. First, the management review team observed that the Public Defender's Office's attorneys are extremely dedicated and hardworking, attempting to provide high levels of service in a fast-paced and challenging criminal justice system environment, with many parties and variables affecting their workload. Investigators and support staff in the Office were also observed to be hard-working and dedicated to the Office and all staff report working well together. Criminal justice system agency representatives reported a commitment to collaboration with each other.

The Office's managers have shown their dedication to the Office through years of service, individual staff support, and numerous initiatives to improve operations. Management was in transition while this management review was underway, with an interim Public Defender appointed at the beginning of the project. A number of new management initiatives and improvements were being implemented during the project field work phase. All management and other staff were extremely cooperative and helpful to the management review team.

Some key conclusions of this management review regarding areas for improvement in the Public Defender's Office are as follows:

1. The Office lacks systems and methods for collecting accurate, verifiable caseload data, limiting its ability to assess staff efficiency and Office staffing needs and to ensure the equitable allocation of caseload.
2. Though there are limitations to existing Office caseload data, it shows that attorneys assigned to misdemeanors have higher caseloads than national standards and the median of peer counties. Felony attorneys, on the other hand, have caseloads lower than the national standard and within range of the median of peer counties. Once reliable, verifiable caseload data is established by the Office, some staffing reallocations within the Office and additional positions may prove appropriate.
3. Key performance measures are not in place for management to systematically monitor case processing efficiency and timing. Quality of representation measures are not collected from members of the Superior Court bench.

4. The Office is not taking sufficient advantage of existing Countywide and internal information systems to ensure the reliable production of key management and caseload information.
5. Management spans of control are reasonable overall but unevenly distributed between the Office's management attorneys.
6. Formal policies and procedures have not been established to guide staff in key areas of operations.
7. The County's indigent defense Costs could be reduced by an estimated \$222,075 per year by replacing the private attorneys now staffing one misdemeanor courtroom with County Deputy Public Defenders.
8. The Office could increase its revenues by an estimated \$214,000 by formalizing and improving its financial screening policies and procedures and establishing mechanisms to ensure that more clients with the ability to do so pay the required \$50 registration fee and court-ordered attorney fees.

A summary of individual findings in this report is as follows. Recommendations related to each report section are presented in a table following these finding summaries.

### **Findings pertaining to Management Structure and Spans of Control (Section 1)**

- Key Public Defender Office management tasks should include ensuring quality representation, developing efficient operations, establishing and communicating long and short-term goals and objectives, and minimizing any negative impacts of poor Office performance on the County's criminal justice system, such as clients remaining in custody longer than necessary.
- Successfully carrying out these duties requires sufficient and effectively used management, supervisory and analytical staff. The Sonoma County Public Defender's Office as a whole has a budgeted employee to manager/supervisor ratio for attorneys and investigators of 7.8 to 1. This ratio appears adequate and, though slightly higher than the average in six comparison counties, it is more generous than in all but two of those six public defender offices. However, the span of control of managing attorneys is uneven, with 20 felony and juvenile attorneys and other staff directly supervised by the Assistant Public Defender but only seven permanent misdemeanor attorneys supervised by the Chief Deputy Public Defender.
- The Office's two managing attorneys do not perform management duties full-time, but instead represent clients and appear in court between 50 and 75 percent of their time. Much of the remainder of their time is spent providing case-specific guidance to staff. As a result, little general supervision or Office-wide management of attorneys occurs. Attorneys are asked to arrange coverage for each other rather than management proactively examining staffing needs and making needed

adjustments. Little formalized training is occurring, communication is not standardized or frequent and performance evaluations are not routinely conducted.

- Though Office management was in transition while this management review was underway and some new management practices were being implemented, the Office's managing attorneys do not have tools in place to systematically evaluate and monitor overall Office performance. A key indicator of this problem is the lack of useful and accurate management reports. Management is unable to quickly and systematically monitor whether staff workload is equitably distributed, why cases are being continued, and other performance factors, without talking to staff members individually or tabulating information manually.
- Key analytical duties, particularly collecting and analyzing information about the Office's performance and developing standardized procedures, have not been sufficiently delegated to the Office's Administrative Services Officer (ASO). This position performs a number of administrative duties and directly supervises one staff person, the Legal Staff Supervisor, who, in turn, is responsible for directly supervising the Legal Secretaries and Legal Processors. Given this current mix of responsibilities and the skills and abilities required of County ASOs, this position could perform more analytical duties for the Office.

### **Findings pertaining to Staffing and Caseload (Section 2)**

- Budgeted staffing in the Public Defender's Office has declined overall by 13 percent over the last three fiscal years, with the majority of reductions absorbed by attorney staff. Reported caseload has also declined during that period. Some modifications have been made to adjust caseload to the lower staff levels, primarily the Public Defender's Office's withdrawal from one misdemeanor court room and replacement by private Alternate Defender staffing.
- Credible assessments of staffing needs relative to caseload cannot be made at present due to the absence of reliable, verifiable caseload data. Case types are not clearly defined and counted, and, the Office's data does not reconcile with information in the County's Integrated Justice System, in the County budget or reported by the State. Differences in these figures result in significantly different conclusions about needed Office attorney staffing levels.
- Recognizing these limitations, the Office's available data indicates that per attorney case assignments are high for misdemeanor attorneys compared to both national professional standards and peer public defender office practices, while felony attorney case assignments are lower than national standards and within range of peer offices. Juvenile attorney caseload appears higher than national standards though the Office's juvenile caseload data is also problematic.

- The caseload imbalance between felony and misdemeanor attorneys is caused to some extent by the Public Defender's Office practice of assigning two attorneys to each courtroom other than Early Case Resolution court (ECR) regardless of the number or seriousness of cases in those courtrooms. This practice also hinders staff attorneys' ability to efficiently handle their cases since Court policy is to assign trials to any available courtroom regardless of where the cases are first assigned.
- Available caseload data indicates that additional staff is warranted for misdemeanor cases. This could be accomplished through a reallocation of some felony attorneys to misdemeanor cases and, possibly, the addition of new staff attorney positions. However, decisions on these increases should be deferred until the Office can track and report several months' worth of reliable, verifiable caseload data. Further, by assigning felony cases not settled in ECR to staff attorneys based on an equitably weighted caseload distribution, staff could be more efficiently utilized.

### **Findings pertaining to Misdemeanor Alternate Defense Staffing (Section 3)**

- Beginning in September of 2011, the Public Defender's Office discontinued providing staff to one misdemeanor courtroom (Department 6) due to insufficient staff. At that time, the County's agreement with the Conflict Administrator, a private attorney who coordinates the provision of private attorneys for cases where the Public Defender's Office has a conflict of interest, was amended to establish that sub-contractor private attorneys under his supervision would provide full-time Alternate Defense in Department 6. The annual cost of the Alternate Defense attorneys for Fiscal Year 2011-12 is projected to be \$463,680, based on actual cost for the first six months of the arrangement.
- However, the annual cost of two Deputy Public Defenders at the entry level would be \$241,605, including salaries and benefits, or \$222,075 less than the current estimated annual cost of \$463,680 for utilizing private Alternate Defender attorneys. Even if the Public Defender's Office were to use two Deputy Public Defender IVs, the highest level in the series, at top salary step for this court department, the costs would be approximately \$45,678 less than the estimated annual \$463,680 cost of using private Alternate Defender attorneys.
- The County should terminate the Addendum with the Conflict Administrator to provide Alternate Defense in Department 6 and hire two Deputy Public Defenders to provide representation in Department 6. In addition to the \$222,075 in annual savings that would be achieved by implementing this recommendation, the Public Defender's Office would benefit by having two additional attorneys that could be deployed more flexibly than the Addendum allows the private attorneys to be deployed.

**Findings pertaining to Development and Adherence to Policies (Section 4):**

- Operations in the Sonoma County Public Defender's Office are complex and strategic and legal decisions have to be made throughout the life of a case. Many of these decisions require discretion that cannot be dictated by written policy. Other areas of operations, however, represent administrative decisions for which formal, written policies would allow consistent and transparent decision-making and better ensure compliance with Office policies. These include deciding when to declare a conflict of interest on a case, how to determine whether a defendant is financially eligible for public defender services, investigation and expert witness request protocols, and whether requesting a continuance because of work demands rather than the merits of the case are justified.
- The Public Defender's Office has only informal, general standards for critical areas of its operations. The Chief Deputy Public Defender prepared a policy and training manual for attorneys defending misdemeanor cases. A review of the manual found it includes a department-wide policy on declaring a conflict of interest but is lacking in other administrative policies. Its primary content is strategic information about misdemeanor criminal defense, preparing for court hearings or trials, and working with juries. A similar manual for felony and juvenile attorneys does not exist.
- Office management states that there are well-understood, oral policies concerning investigation requests, expert witness requests and determining a defendant's financial status. A review of a random sample of case files for cases disposed of in 2011 indicates that these policies are either not being adhered to or documentation is missing that would confirm they are being followed.
- The Public Defender's Office should create/revise formalized, written standards for declaring a conflict of interest, requesting a continuance, requesting investigations, using expert witnesses, minimizing unnecessary changes in counsel, and determining a defendant's financial status. All decisions made under these policies should be well-documented to allow a review of actions taken to be monitored by management for compliance with policies.

**Findings pertaining to Management Practices and Performance Measurement (Section 5):**

- While the primary goal of the Public Defender's Office is to provide quality representation to its clients, the efficient management of Office caseload and individual case activity is equally important to ensure that clients are receiving the best possible service with the resources available. Given the number of cases represented by the Public Defender's Office each year, it is not possible or cost-effective for any manager to attempt to keep track of all cases and activities. A process of formally collecting and monitoring performance measures in key areas



would ensure Office management and other County stakeholders that Office operations are efficient and effective.

- Performance data that should be collected and regularly reviewed by Office management includes: total caseload, by type of case; number of cases per attorney; number of investigations per Investigator; average elapsed case processing time; average elapsed time per investigation; number and timing of case continuance requests per case; and, the number and timing of conflict case declarations. Such data would provide Office management with key information needed to assess overall Office and individual staff member performance. Besides the Office's managers' own observations of staff, formally collecting feedback from Sonoma County judicial officers about the quality of representation being provided would provide useful information to Office management about individual staff performance and overall Office operations.
- Current performance data available shows that Sonoma County's case processing time is slower than six comparison counties, that approximately 31 percent of felony conflict of interest declarations are occurring after preliminary hearings, and that felony cases were continued an average of 10.3 times each in FY 2010-11. Though the figures include continuances requested by the District Attorney and imposed by the Court, in addition to Public Defender requests, it indicates that cases are likely taking longer than desirable and management intervention is needed to ensure that cases are being disposed of as quickly as possible.

#### **Findings pertaining to Uses of Information System (Section 6):**

- Though capable of providing a wide range of management information, Sonoma County's Integrated Justice System (IJS) is not being used by the Public Defender's Office for this purpose. Designed as a data management system for all of the County's criminal justice agencies, the system contains valuable data and records that could be summarized in reports and used by the Public Defender's Office to monitor Office workload, performance and efficiency. No reports are being regularly produced for the Public Defender's Office for management purposes.
- Among the reports that were produced from IJS at the request of this management review team were: annual compilations of number of cases, by type; number of multi-defendant cases; number of conflict of interest declarations, number of case continuances; and, the number and type of motions filed. The accuracy of some of the IJS data cannot be confirmed at this time due, in part, to inaccurate or inconsistent data entry practices by the Court and Public Defender's Office staff. Such data entry issues need to be resolved if either IJS or a future system is to be more fully used to produce management reports.
- The Office makes minimal use of its own available office automation. Statistical information pertaining primarily to the number of cases filed and disposed and court

appearances is collected and compiled manually but not used as a monitoring tool by management. Case information is logged in Excel software but summary reports are not run against the data. Key measures of case processing efficiency and workload are not, but could be, collected and analyzed from these records. Form templates have been created on the Office's desktop computers but are being printed and completed manually. Greater use could be made of macros that draw information from IJS.

- Currently all record sharing within the Public Defender's Office and with other departments is manual. Documents must be physically transported to and from the Public Defender's office, requiring courier staff and time, or handed off from one staff person to another, which can result in misplaced documents.
- While improved data collection in Excel, greater use of macros and a stand-alone electronic document management system would improve management information and streamline operations, a case management system suited to the Public Defender's specific needs is a preferred long-term solution. Office staff would need to consistently enter information in the system if it is to be used effectively. Validation routines would also need to be embedded in a new system to ensure that inconsistent data, such as the entry of "private counsel" in concert with the name of an attorney in the Public Defender's Office, cannot occur.

### **Findings pertaining to Financial Screening and Fees (Section 7):**

- The manner in which the Sonoma County Public Defender's Office collects client financial information is not sufficiently rigorous. There is no evidence that staff routinely request financial documentation or critically review financial applications. A random sample of ten misdemeanor files revealed that financial evaluation forms were present in only seven cases and in none was there indication that Public Defender's Office staff had reviewed or approved the application. Juvenile parties are assumed to be eligible for services and are not screened.<sup>1</sup>
- Pursuant to State law, the Sonoma County Board of Supervisors authorized a \$50 registration fee to be assessed against all defendants or, for juvenile defendants, their parents or guardians.<sup>2,3</sup> However, neither the Public Defender's Office nor the Court compares payments against the number of defendants who should have paid the fee. Juvenile parties' parents/guardians are not being directed to pay the registration fees.

---

<sup>1</sup> The California Supreme Court has ruled that in-custody defendants are considered automatically eligible for indigent defense services.

<sup>2</sup> The Sonoma Public Defender's Office also does not charge the registration fee for in-custody defendants.

<sup>3</sup> The registration fee was raised from \$25 to \$50 by Board of Supervisors' resolution on April 20, 2010.

- In Fiscal Year (FY) 2010-11, the Public Defender's Office collected \$33,635<sup>4</sup> in revenue from registration fees. At \$50 per defendant, this represents payment by approximately 673 defendants out of a total of approximately 11,000 adult defendants represented by the Office.
- The Sonoma County Public Defender's Office established an attorney fee schedule in December 1999 that has not since been updated. A sample of adult case files indicates that fee payments ordered do not adhere to the fee schedule. In juvenile cases, parents or guardians are ordered to pay a flat \$100 in attorney fees, which is inconsistent with the juvenile fee schedule. The alternate/conflict defender reports that his office does not collect fees or follow-up on whether defendants pay the registration fee.
- In FY 2010-11, the Court ordered \$91,462 in attorney fees to be paid by defendants, though only 41 percent, or \$37,788, was collected.<sup>5</sup> Taken together, registration and attorney fees collected totaled \$71,423, or 0.8 percent of the Office's \$9,060,504 in reported actual expenditures for that year. Data from several other counties indicate a median collection rate from these two revenue sources of approximately three percent of total expenditures. Applying that collection rate to Sonoma County, \$271,815 would have been collected in FY 2010-11.

All report recommendations are presented in the table starting on the following page.

---

<sup>4</sup> This is the equivalent of registration fees paid by approximately 673 defendants. Fifteen percent was retained by the Superior Court for its collection efforts.

<sup>5</sup> Of this amount, \$16,853 went to the Probation Department pursuant to an agreement with the Public Defender.

**Section 1 Recommendations: Management Structure and Spans of Control**

- The Public Defender should:
- 1.1 Redistribute responsibility for managing attorneys so that the Assistant Public Defender is responsible for felony attorneys, including Early Case Resolution Court (ECR), a total of 13 line attorney positions as well as the Chief Deputy Public Defender, the Senior Investigator and the ASO, and the Chief Deputy Public Defender is responsible for misdemeanor attorneys, juvenile attorneys, and law clerks, a total of 13.5 positions.
  - 1.2 Relieve the Chief Deputy Public Defender of responsibility for representing clients in the treatment courts and replace him with a senior Deputy Public Defender. This will allow the Chief Deputy Public Defender to proactively manage attorney assignments, assist in planning Office operations and represent clients in more complex trials and in case of absence of a Deputy Public Defender.
  - 1.3 Provide the senior Deputy Public Defender in the Juvenile Division a differential to compensate him or her for serving as lead attorney. Specific duties should include case assignment and monitoring courtroom attorney coverage.
  - 1.4 Assign the Office’s Administrative Services Officer responsibility for developing and implementing systematic collection and analysis of management information, and training Office employees in their content and implementation.
  - 1.5 Develop policy and procedure manuals for felony and juvenile cases and for the Office as a whole. Post the manuals on the shared drive so that they can be easily accessed by staff, and provide training as needed on the content.
  - 1.6 Develop an Office-specific orientation and training program for all staff. The program should include training to prepare misdemeanor attorneys to assume responsibility for felony assignments, and monthly training for all staff.
  - 1.7 Set meaningful qualitative and quantitative job-specific standards, training and performance goals for staff and hold staff accountable to the performance standards and measures during annual performance evaluations. Include individual performance standards in the Policies and Procedures Manual.

**Section 2 Recommendations: Public Defender's Office Staffing and Caseload**

- The Public Defender should:
- 2.1 Establish protocols for recording and classifying caseload using clearly defined terms and methods that provides accurate measures of staff activity and productivity, as detailed in this management review report.
  - 2.2 Work with Information Systems Department staff to ensure that case counting methods employed by the Public Defender's Office can be reconciled with those in IJS.
  - 2.3 Present caseload standards to the County Administrator's Office for approval of targets to use for subsequent analysis of staffing needs.
  - 2.4 Provide a monthly Office caseload report to the County Administrator's Office and, after six months of such reports, reconsider Office staffing needs based on a combination of national and/or peer county caseload practices identified in this management report.
  - 2.5 Reallocate attorney staffing to more equitably distribute caseloads among felony, misdemeanor, and juvenile attorneys, consistent with national standards and peer county practices. The exact number of reallocated attorneys should be determined by the Public Defender based on the most current caseload statistics and court scheduling processes, but with the goal of reducing the number of misdemeanor cases per attorney.
  - 2.6 To the extent new permanent attorney positions are determined to be justified after the Office and County have collected and verified several months' worth of reliable caseload data, fill such positions consistent with County policy regarding using permanent positions in lieu of Extra Help positions if ongoing permanent staff is needed.
  - 2.7 Collaborate with the Superior Court on the development and consideration of alternatives to current Court calendaring practices, including: a) hearing all trials in their originating courtrooms to allow for vertical Public Defender's Office representation with minimal schedule conflicts; and/or, b) having Public Defender's Office management assign felony trial cases to staff based on achieving an equitable caseload distribution rather than each attorney being assigned all felony trial cases from their home courtroom.

<b>Section 3 Recommendations: Misdemeanor Alternate Defender Staffing</b>	
	The Board of Supervisors should:
3.1	Authorize the addition of two Deputy Public Defender 1's to the Office of the Public Defender and direct the Human Resources Department to fill the positions as soon as possible.
3.2	Direct the County Administrator's Office to terminate the Addendum to the agreement between the County and the Conflict Administrator by providing at least 30 days written notice to the Conflict Administrator. The transition should be carried out in a manner that minimizes the disruption to existing misdemeanor case work.
<b>Section 4 Recommendations: Development of and Adherence to Policies</b>	
	The Public Defender should:
4.1	Revise the procedure on declaring a conflict of interest to require all staff attorneys document their conflict of interest declarations, to include a record of case information, the reason for the conflict, the date the conflict was discovered, the date conflict was declared and supervisory approval.
4.2	Develop and implement a formal Office-wide written policy regarding requesting and documenting continuances, addressing when continuances are appropriate, and direct all staff attorneys to record the reason for continuances on Case Activity Sheets.
4.3	Develop and implement a formal Office-wide written policy regarding investigatory activities, to include the process for making the request, appropriate timing, and when a written investigation report is required.
4.4	Modify the existing investigation request form to include all relevant case information, a checkbox-style format with standard investigation requests, an indicator of whether a written report is needed or not and a sample of a standardized investigation report format
4.5	Develop and implement a formal Office-wide written policy on the use and payment of expert witnesses, to include the process for determining the need for an expert and for requesting approval to hire one.
4.6	Direct staff to create and maintain an up-to-date list of experts in commonly-needed disciplines, including their name and contact information, area of expertise, and hourly rates, if available.

4.7	Create an Expert Witness Request form that includes case information, the reason the expert is needed, the expected cost and actual cost of the expert, and the signature of the supervisor approving the request.
4.8	Develop and implement a formal Office-wide written policy to ensure client representation is provided in a manner that reduces unnecessary changes in counsel, including a statement of the goal and philosophy for vertical representation, how attorneys are to manage their schedules to maintain that representation, and when it is appropriate to substitute attorneys.
4.9	Develop and implement a formal written Office-wide policy about proper case file notations. Include the information that should be included on the Case Activity Sheet (date, action, explanation or reason for the action, if appropriate, and initials) and state that the entries should be legible and complete so that they are useful to anyone reviewing the file.
4.10	Periodically monitor staff activity to ensure adherence to the policies including periodic reviews of case files to ascertain if attorneys and clerical staff are accurately and completely recording reasons for conflicts, financial declaration approval, continuance, requests for investigation and expert witnesses; that supervisory approval is noted when appropriate; and that notations on the Case Activity Sheet are complete, legible, and initialed, so that questions about the content can be referred to the person responsible for the notation.
4.11	Annually review the policies to verify they are still appropriate, and make changes as required to ensure they continue to be viable.
4.12	Provide staff training as needed to ensure compliance with the policies.
<b>Section 5 Recommendations: Management Practices and Performance Measurement</b>	
	The Public Defender should:
5.1	Direct Office staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable an accurate and comprehensive reporting of Public Defender's Office caseload, by type of case, to be regularly produced from the Integrated Justice System (IJS).
5.2	Begin regularly reviewing case processing summary data and case processing practices to ensure that the Public Defender's Office is not causing undue delays in case processing cycle time.

5.3	Direct staff to work with the County’s Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of continuances requested, by agency and staff member, for review and to develop corrective action if the data shows that the Office is requesting an undue number of continuances.
5.4	Direct staff to work with the County’s Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of conflict of interest declarations, including the point in the case at which the declaration was made and the number of cases redirected to Conflict Defenders and establishing the goal of minimizing the number of conflicts of interest declared at later stages of the case and possible development of new conflict detection processes.
5.5	Direct staff to work with the County’s Information Systems Department and Superior Court staff to develop data entry protocols for regularly producing performance measurement reports containing information on the number of motions filed by Office staff, to be broken out by case and attorney.  The County Administrator should:
5.6	Request that criminal justice agency staff regularly assemble for the purpose of reviewing new performance measurement data to be produced from IJS and to identify and collectively remedy systemic problems that are causing undue delays in case processing
5.7	Direct County Counsel to review and reconcile the number of cases for which the Public Defender’s Office has a conflict of interest, as reported by IJS, with caseload numbers reported by the County’s contract Conflict Defenders.

**Section 6 Recommendations: Uses of Information Systems**

6.1	<p>The Sonoma County Administrator should:</p> <p>Utilize existing criminal justice forums or create a new forum of criminal justice agencies to discuss data accuracy and consistency issues with the Superior Court and other criminal justice agencies. The group should report twice a year to the County Administrator’s Office on data issues identified and progress made in rectifying them.</p> <p>The Sonoma County Public Defender should:</p>
-----	---



6.2	Improve quality controls over data entered by Office staff in IJS, particularly for appointed felony and misdemeanor attorney names.
6.3	As part of the work of the data accuracy forum recommended above, work with the County's Information Systems Department to determine what modifications to IJS are needed. Programming to consider includes implementing the attorney caseload balancing requested in 2010, establishing caseload weighting, and using IJS to populate Word documents with case information.
6.4	Use the Office's existing software to create management reports to assist in measuring and monitoring workload until such a time that IJS or another system meets all the Office's needs, including a history of felony attorney assignments.
6.5	Identify and present to the CAO the costs and benefits of procuring fee-based online search engine licenses for individual staff investigators to improve their efficiency in locating witnesses and other persons of interest.
6.6	Prepare a business case for the CAO identifying the costs and benefits of the Public Defender's Office acquiring a shared or stand-alone case management system, including the savings that would be achieved from the system through the reduction in administrative positions and/or more efficient use of staff time.
6.7	Determine the costs and benefits of purchasing the County's preferred electronic document management system, OnBase, for the Public Defender's Office and present to the County Administrator for review and approval.

**Section 7 Recommendations: Financial Screening and Fees**

The Public Defender's Office should:	
7.1	Establish a formal financial evaluation policy and process and standard criteria for granting legal representation which incorporate principles of "careful inquiry" with possible eligibility criteria including a maximum monthly income or receipt of any government assistance, a given ratio of income to expenses, and incarceration in jail, prison or a mental health facility.
7.2	Codify defendant financial indicators that trigger further review by a supervisor or manager, such as income above an established threshold amount, monthly expenses that exceed income, ownership of real property, or ownership of multiple vehicles or luxury items (for example, recreational vehicles). The policy should include the criteria for eligibility; detail who may review the application and decide about the ability to pay; indicate what triggers review by a supervisor or manager; require that the reviewer state the reason for granting or denying the application and sign and record

	the review date.
7.3	Revise the Application for Financial Evaluation form to include all information needed (e.g. value of assets, status of mortgage, income tax documentation, total amount of monthly household expenses) and a checkbox list of reasons for granting or denying the application.
7.4	Record electronically which defendants are referred to the Court's fiscal office to pay registration fees prior to providing services. Establish a policy of requiring juvenile parents/guardians to pay registration fees and, given the ability to pay, attorney fees, pursuant to State law. At the close of the case, ask the Judge to remind defendants of the requirement that they pay the registration fee if they did not do so prior to receiving legal services.
7.5	Update the 1999 attorney fee schedule by estimating the time attorneys generally spend on major phases of cases.
7.6	Initiate discussion with the Presiding Judge of the Superior Court about how to best serve both the client and the County by ordering appropriate attorney fees.
7.7	Record who is ordered by the Court to pay attorney fees and how much is ordered; compare with collections transmitted to the Office's budget by the Central Collections Unit.  The Sonoma County Counsel's Office should:
7.8	Request that the Court provide a monthly report of indicating which defendants sent to pay the registration fee did so.
7.9	Monitor and report to the County Administrator the Conflict Administrator's efforts to instruct defendants to pay registration and attorney fees and request that bench officers assess fee payments for defendants represented by contract attorneys.

# Introduction

Harvey M. Rose Associates, LLC was retained by the County of Sonoma to conduct this *Management Review and Benchmark Study of the Office of the Public Defender of Sonoma County*. The project was overseen by the County Administrator's Office.

## Background: Public Defender's Office

### Mission and Legal Mandate

The Office of the Public Defender of Sonoma County is responsible for providing legal representation to indigent defendants and juveniles in all court proceedings where no conflict or caseload impairment exists. The authority for the Office stems from the Sixth Amendment to the United States Constitution, which states "In all criminal prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his defence [sic]." The specific roles and responsibilities of Public Defender's Offices in California are provided in California Government Code Section 27700-27712.

The Office functions in collaboration with other participants in the criminal justice system to ensure its efficient operation, while protecting the constitutionally guaranteed rights of accused persons. The Public Defender also represents persons who are not charged with a crime, alleged to be mentally ill, developmentally disabled or in need of conservatorship, and cannot afford an attorney.

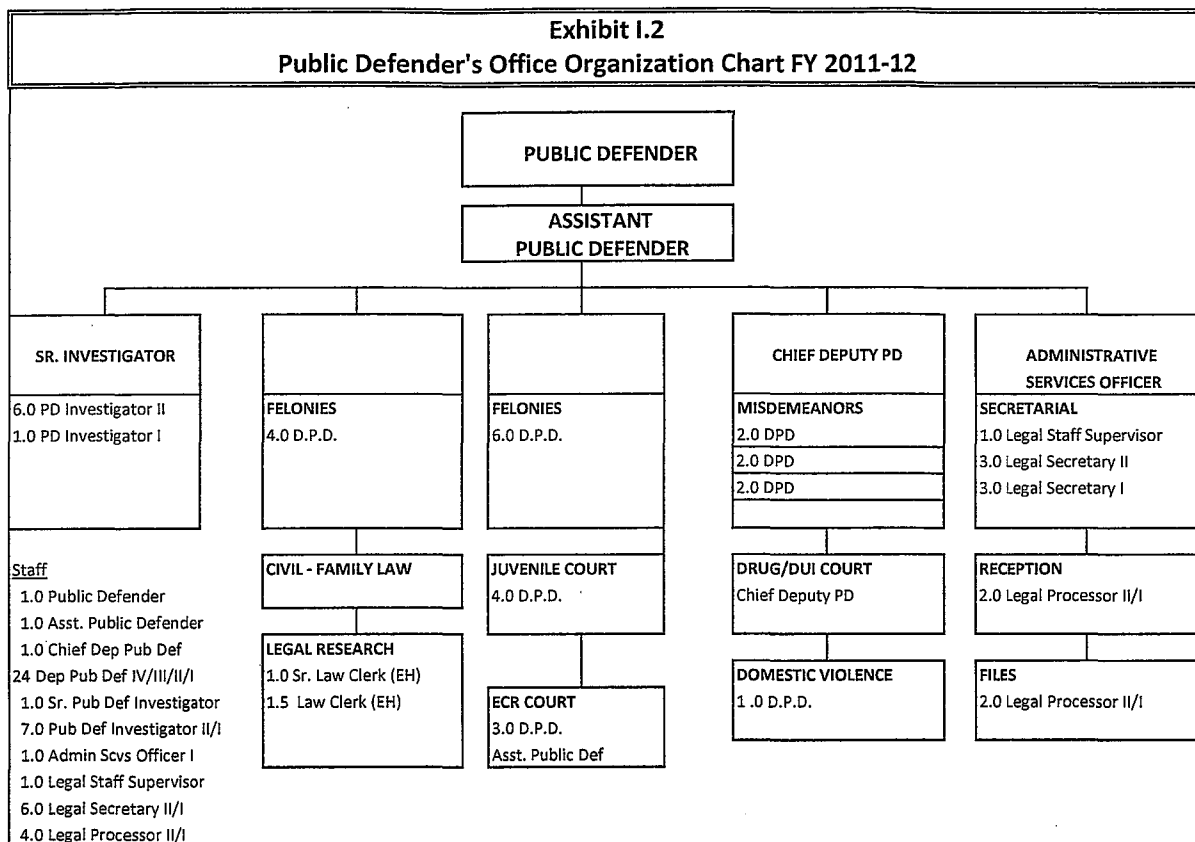
### Budget, Staffing and Organization

Funded primarily by the County General Fund, the Public Defender's Office received an appropriation of \$9,119,129 for Fiscal Year 2011-12 and was authorized 47 permanent positions. Exhibit I.1 below shows the composition of the 47 authorized positions, including 27 attorneys, eight investigators, and 12 administrative support staff.

<b>Exhibit I.1 Public Defender's Office Authorized Staffing FY 2011-12</b>	
Attorneys	27
Investigators	8
Administrative Support	12
<b>TOTAL PERMANENT POSITIONS</b>	<b>47</b>

Source: Sonoma County Approved Budget FY 2011-12

The Office's organization chart is shown as Exhibit I.2, depicting the distribution of attorneys, investigators, administrative support staff, and managers throughout the department.



Source: Office of the Public Defender

Shortly after the commencement of this management review, the Public Defender retired from County employment and the Assistant Public Defender was appointed to serve as Interim Public Defender until a permanent replacement is selected. Therefore, the Assistant Public Defender position was functionally vacant during the course of the management review.

### Caseload

As discussed in more detail in Section 5, the quality of performance information currently generated and used by the Public Defender's Office is in need of improvement. However, based on data tracked internally by the Public Defender's Office, total caseload for Fiscal Year 2010-11 was 12,739 misdemeanor, felony, juvenile, and civil cases. Exhibit I.3 shows the distribution of cases by case type, including felony, misdemeanor, collaborative courts (includes casework by both felony and misdemeanor attorneys), juvenile and civil.<sup>1</sup>

<sup>1</sup> Note that for the purposes of per attorney caseload analysis in Section 2, collaborative courts cases and civil cases were not included since those cases involve work by both felony and misdemeanor attorneys. The figures are shown here for the purpose of providing a comprehensive overview.

Exhibit I.3 Public Defender's Office Distribution of New Case Assignments by Type of Case FY 2010-11		
Type of Case	Number of Cases	Percent of all Cases
Misdemeanor	9,132	71.7%
Felony	2,051	16.1%
Juvenile	1,307	10.3%
Civil	169	1.3%
Other <sup>1</sup>	80	0.6%
<b>Total</b>	<b>12,739</b>	<b>100.0%</b>

Source: Office of the Public Defender

<sup>1</sup> Collaborative court cases not identified as felony or misdemeanor

In addition, the Office re-opened 11,405 previously established cases during Fiscal Year 2010-11 and made 96,983 court appearances. According to Public Defender's Office staff, nearly all of the re-opened cases are violations of probation and generally require less casework than a regular new case.

In addition, the County retains the services of a contract Conflict Administrator who coordinates a group of private attorneys to provide counsel to defendants with whom the Public Defender's Office declares a conflict of interest. In Fiscal Year 2010-11, the Conflict Administrator group handled 1,867 new cases, 1,012 violation of probation cases, and 1,095 cases that the Conflict Administrator classifies as transferred cases and violations of probation. The Fiscal Year 2010-11 contract amount equaled \$2,248,684.

## Management Review Objectives, Scope and Methodology

### Objectives and Scope

The purpose of this management review and benchmark study of the Sonoma County Public Defender's Office was to evaluate the current structure and operations of the Office and compare management and operations with similar California counties. The analysis took into consideration the context of the Sonoma County criminal justice system and its practices, incorporating the impact of recent resource reductions on the Office and other criminal justice agencies. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the criminal justice system as a whole. A key objective of this project was to identify best management practices in other comparable public defender offices and comparing those practices to practices in place in Sonoma County.

### Methodology

This management review was conducted in accordance with *United States Government Auditing Standards, 2011 Revision*, as promulgated by the Comptroller General of the United

States. In accordance with these standards and best practices for conducting performance audits, the following four key phases were conducted:

1. An entrance conference was held with the then Public Defender and then Assistant Public Defender. The purpose of the entrance conference was to introduce HMR staff, describe the management review process and protocol, and request general information.
2. An initial review of the Public Defender's Office and County criminal justice system was performed, including (1) interviews with key Public Defender's Office officials and representatives of the Superior Court, District Attorney's Office, Probation Department, Sheriff's Office, and Information Systems Department; and (2) a review of documentation provided by these agencies.
3. Field work was conducted to research key elements of the Public Defender's Office, the Countywide criminal justice system, and public defender offices in other California counties.
  - a. Additional interviews and four focus group discussions were conducted with misdemeanor, felony, and juvenile attorneys; investigators; legal processor staff; and managers of the Office.
  - b. Collection and analysis of case processing data continued throughout the management review, with primary sources including (1) statistics and other data collected by the Public Defender's Office; (2) special reports queried by the Information Systems Department (ISD) using Integrated Justice System (IJS) data; and (3) publicly available data published by the Judicial Council of California and the Administrative Office of the Courts. As described in more detail in this report, the quality of performance information currently generated and used by the Public Defender's Office is in need of improvement. Similarly, while IJS appears to have the potential to provide valuable performance and management information, it is not currently utilized by the Public Defender's Office in this manner. Despite the fact that ISD staff was very helpful and willing to put extraordinary effort into fulfilling management review team data requests, the management review team encountered some degree of difficulty in matching IJS data with that of the Public Defender's Office. At least part of this problem is attributable to data entry errors, according to County personnel familiar with the data and system.
  - c. A file review was conducted of 46 randomly selected cases that were disposed in calendar year 2011, including 17 felony cases, 10 felony cases set for trial, 10 misdemeanor cases, and nine juvenile cases. Files were reviewed for documentation of specified case processing elements.

- d. A best practices survey was conducted of public defender offices in the following six California counties selected by HMR in conjunction with the County Administrator's and Public Defender's Offices: Monterey, Napa, San Joaquin, Santa Barbara, Solano, and Stanislaus. The survey consisted of telephone interviews with the Public Defender of each jurisdiction, focusing primarily on collection of qualitative descriptions of office management practices. Interviews were supplemented by caseload data collection directly from the Public Defenders (for Fiscal Year 2010-11) and from publicly available data from the Administrative Office of the Courts (for Fiscal Year 2009-10).
4. A quality assurance review process was undertaken to ensure the factual accuracy of the report. This process included an internal peer review conducted by personnel from HMR, as well as a review of the draft report by responsible County officials. After officials completed their review of the draft report, exit conferences were held to discuss factual accuracy and clarity. Officials were also requested to provide comments on the recommendations contained herein.

## 1. Management Structure and Spans of Control

- Key Public Defender Office management tasks should include ensuring quality representation, developing efficient operations, establishing and communicating long and short-term goals and objectives, and minimizing any negative impacts of poor Office performance on the County's criminal justice system, such as clients remaining in custody longer than necessary.
- Successfully carrying out these duties requires sufficient and effectively used management, supervisory and analytical staff. The Sonoma County Public Defender's Office as a whole has a budgeted employee to manager/supervisor ratio for attorneys and investigators of 7.8 to 1. This ratio appears adequate and, though slightly higher than the average in six comparison counties, it is more generous than in all but two of those six public defender offices. However, the span of control of managing attorneys is uneven, with 20 felony and juvenile attorneys and other staff directly supervised by the Assistant Public Defender but only seven permanent misdemeanor attorneys supervised by the Chief Deputy Public Defender.
- The Office's two managing attorneys do not perform management duties full-time, but instead represent clients and appear in court between 50 and 75 percent of their time. Much of the remainder of their time is spent providing case-specific guidance to staff. As a result, little general supervision or Office-wide management of attorneys occurs. Attorneys are asked to arrange coverage for each other rather than management proactively examining staffing needs and making needed adjustments. Little formalized training is occurring, communication is not standardized or frequent and performance evaluations are not routinely conducted.
- Though Office management was in transition while this management review was underway and some new management practices were being implemented, the Office's managing attorneys do not have tools in place to systematically evaluate and monitor overall Office performance. A key indicator of this problem is the lack of useful and accurate management reports. Management is unable to quickly and systematically monitor whether staff workload is equitably distributed, why cases are being continued, and other performance factors, without talking to staff members individually or tabulating information manually.
- Key analytical duties, particularly collecting and analyzing information about the Office's performance and developing standardized procedures, have not been sufficiently delegated to the Office's Administrative Services Officer (ASO). This position performs a number of administrative duties and directly supervises one staff person, the Legal Staff Supervisor, who, in turn, is responsible for directly supervising the Legal Secretaries and Legal Processors. Given this current mix of responsibilities and the skills and abilities required of County ASOs, this position could perform more analytical duties for the Office.



## **Public Defender Management**

The management and supervisory structure of the Public Defender's Office consists of the Public Defender, an Assistant Public Defender, a Chief Deputy Public Defender, a Senior Investigator, and an Administrative Services Officer I (ASO). In addition, a Legal Staff Supervisor directly supervises the ten support staff under the general direction of the ASO<sup>1</sup>.

Office leadership was in a state of temporary flux while this management review was underway. Following the former Public Defender's retirement in March 2012, the Board of Supervisors appointed the Assistant Public Defender to the Public Defender position in an interim capacity. The former Public Defender, who retired while this management review was in progress, did not carry a legal caseload but was actively involved in representing the office to the Board of Supervisors and the County Administrator's Office and in forums with other criminal justice agencies, community stakeholders and statewide organizations. Direct supervision of attorneys was largely the responsibility of the Assistant Public Defender and Chief Deputy Public Defender, both of whom carry significant legal caseloads. The interim Public Defender has retained most of her representational and supervisory duties while assuming additional duties as an interim department head, but very recently hired a senior attorney into a temporary position to relieve her of duties in Early Case Resolution Court (ECR). An interim Assistant Public Defender has not been appointed.

## **Overall Supervisory/Employee Ratios**

For attorneys and investigators, the Sonoma County Public Defender's Office has four budgeted management/supervisory positions and 31 staff positions, resulting in a department-wide budgeted employee-to-manager/supervisor ratio of 7.8 to 1. The ratio of attorney and investigator staff positions to managers and supervisors has increased over the last year. In FY 2010-11, a Chief Deputy Public Defender position was eliminated for budgetary reasons and another was converted to a Deputy Public Defender IV. This leaves the Office with the Public Defender and two other managing attorneys: the Assistant Public Defender and the Chief Deputy Public Defender. Office management reported that the loss of management staff renders the Office less able to provide training or in-court observation of attorneys.

Nonetheless, the current ratio of attorney and investigator positions employees to management and supervisory positions is slightly higher than the mean, or average, of 7.1 budgeted attorney and investigator positions per manager/supervisor in the six jurisdictions surveyed for this management review. Four comparison counties have fewer managers/supervisors per employee than in Sonoma County while two (Napa and Santa Barbara) have more, as shown in Exhibit 1.1 below:

---

<sup>1</sup> It should be noted that the classifications designated as management and supervisory for this review were determined independent of any such definitions that the County may use.

**1. Management Structure and Spans of Control**

<b>Exhibit 1.1</b>							
<b>Ratio of Line Attorney &amp; Investigator Staff to Managers and Supervisors in Sonoma and Surveyed Counties, FY 2011-12</b>							
	Public Defender	Asst PD	Chief Deputy/ Other Mgr	Chief/Sr Investigator	Total Mgmt./ Supvsr Positions	Total Non-Mgmt. Positions	Ratio Line Staff To Each Mgr
Napa	1	0	2	0	3	14	4.7
Santa Barbara	1	2	9	1	13	40	3.1
Solano	1	0	2	1	4	36	9.0
San Joaquin	1	1	2	1	5	44	8.8
Monterey	1	1	0	1	3	28	9.3
Stanislaus	1	0	2	0	3	24	8.0
Mean							7.1
<b>Sonoma</b>	1	1	1	1	4	31	7.8

Source: Public Defender's Office, FY 11-12 Organization Chart; surveyed counties budget documents.

**Spans of Control**

The span of control in the Office varies considerably, ranging from 7 to 20 employees per manager/ supervisor, excluding extra help attorneys and law clerks, as shown in Exhibit 1.2.

<b>Exhibit 1.2</b>					
<b>Spans of Control: Sonoma County Public Defender's Office</b>					
Manager	Assistant PD	Chief Deputy PD	Senior Investigator	Admin, Svcs. Officer	Legal Staff Supervisor
<b>Direct Report(s)</b>	17 Felony and Juvenile Attorneys Chief Deputy PD Senior Investigator Admin. Svcs Officer	7 Misdemeanor Attorneys	7 Investigators	1 Legal Staff Supervisor	10 Clerical/ Admin Support Staff
<b>Other Primary Function(s)</b>	Representation in ECR Court	Representation in Drug, DUI Courts and DUI Compliance Court	50% time conducting investigations	Budgeting, Statistics Office and HR Management, IT support	Payroll Accounts Payable Employee Orientation <sup>2</sup>

Source: Public Defender's Office, FY 11-12 Organization Chart; staff interviews

The Assistant Public Defender directly supervises 17 felony and juvenile staff attorneys. This is cushioned slightly by a senior attorney in the juvenile division who effectively supervises the other three juvenile division Attorneys, but without being specifically responsible or compensated for doing so. Unlike the Assistant Public Defender, the Chief Deputy Public Defender supervises only seven misdemeanor attorneys. Supervision of law clerks has been absorbed by a Senior Attorney rather than being under the Assistant Public Defender. If the Assistant Public Defender were instead responsible for all 13 felony attorneys, including those in Early Case Resolution Court (ECR), and the Chief Deputy Public Defender responsible for misdemeanor attorneys, juvenile attorneys, and law clerks, for a total of 13.5 positions, their spans of control over attorneys would be equivalent. The Assistant Public Defender would continue to have greater overall Office management responsibilities, including supervising the Chief Deputy Public Defender, the Senior Investigator and the ASO.<sup>3</sup>

## **Managing Attorney Responsibilities**

### **Representing Clients**

The number of managing attorneys appears to be adequate and the spans of control would be reasonable if work were redistributed between them. However, managing attorneys also spend a significant portion of their time representing clients and performing duties that should be delegated to line attorneys or administrative staff. The two managing attorneys represent clients and appear in court between 50 percent and 75 percent of their time. In her permanent position, the Assistant Public Defender represents an estimated 100 clients in ECR court and appears in that court each day, assigns serious felony cases to Felony Attorneys, supervises juvenile operations and approves staff attorney conflict-of-interest declarations. She also has direct supervisory responsibility for three management/ supervisory positions and indirect management responsibility for their 24 reports (seven investigators, seven misdemeanor attorneys and ten administrative and clerical staff). The Assistant Public Defender has temporarily absorbed department head duties while only recently hiring a temporary Senior Attorney to represent clients in ECR Court.<sup>4,5,6</sup>

The Court has created several treatment courts in recent years, such as DUI Court, a treatment court modeled after Drug Court, and DUI Compliance Court, where second and third conviction DUI defendants are monitored to ensure they are complying with probation conditions. These

---

<sup>3</sup> It should be noted that the Office employs temporary attorneys as Extra Help at times and these positions may add to the number of positions being supervised during those periods by either manager. However, even some temporary adjustments to the management ratios would not be sufficient to offset the imbalance in spans of control between the Office's two managing attorneys.

<sup>4</sup> The Interim Public Defender also handles conservatorship cases on an as-needed basis. These are rarely contested and in complex cases the Office asks to be relieved of representation.

<sup>5</sup> In contrast, the previous Public Defender did not carry his own caseload, but was a hands-on manager in other ways, performing many administrative and budgetary duties himself.

<sup>6</sup> The Assistant Public Defender has historically balanced a heavy caseload with management duties, but this was due in great measure because the individual in the position has extraordinary drive; this should not be expected of someone else who might be in the position.

specialty courts require the Public Defender's Office to staff additional courtrooms. The Chief Deputy Public Defender carries a caseload in the Drug and DUI treatment courts, which meet three afternoons per week, and the DUI compliance court, which meets one afternoon per month. The Chief Deputy reports that these assignments involve significant monitoring activity and cross-departmental meetings with criminal justice agencies (Court, Sheriff, Probation, District Attorney), treatment staff and private counsel, in addition to extensive contact with clients. Until very recently, the Chief Deputy Public Defender did not represent clients in trial departments.

The Chief Deputy Public Defender time representing clients in Drug, DUI and DUI compliance court amounts to approximately 10 hours of in-court time per week and an estimated similar number of hours out of court, or a 0.50 Full-time position Equivalent (FTE), for an annual cost of \$104,676. Cases in DUI Court average 24 appearances per case, compared with three appearances per case in the misdemeanor arraignment courts.<sup>7</sup>

### **Performing Line Staff Duties**

Much of the remainder of the time of the managing attorneys is spent in providing case-specific guidance and dealing with urgent situations. Managing attorneys are required to be "hands-on" because there are no other levels of management/supervision within the Office.

These duties are carried out at the expense of higher level management activities, such as short- and long-term planning and goal setting, and developing, reviewing and improving systems and procedures to ensure high quality representation and efficient Office operations. In focus groups, staff attorneys reported that managers spend much of their time "putting out fires" and provide little planning or Office-wide support systems for attorneys. Issues that affect the Office are reportedly dealt with piecemeal, rather than managed at a higher level. For example, courtroom or case coverage for planned absences is made by the attorneys themselves, working together, rather than through a system or procedures designed by management, even though the Office may know far in advance that both attorneys in a department will be scheduled for trial or an attorney has an upcoming approved leave. Because the two managing attorneys are in designated non-trial courtrooms for much of the day, they also do not have time to serve in trial courts when staff attorneys have scheduling conflicts or authorized absences.

Managing attorneys report having a good working sense of the caseload, undue delays and likely case timing through speaking with the attorneys and through what are characterized as "snapshot" caseload reviews. Requests for caseload information by the managing attorneys are made on an ad-hoc basis and generally responded to through e-mail; there is no specific reporting format. Thus, information is not provided to the managers on a regular schedule, systematically collected or organized, or validated for accuracy. It also cannot be easily compared to previous reports to gauge the status of backlogs, case processing times or other usual benchmarks of operations.

## **Designating Lead Attorneys**

In ECR court, the level of activity and the number of attorneys to be coordinated justify leaving a managing attorney in that department. The ECR department is the gateway to the felony trial departments. By being present in ECR court, the Assistant Public Defender receives information useful to the felony trial attorneys she supervises. However, an attorney other than the Deputy Chief Public Defender should be assigned to represent clients in the treatment courts. This is a single attorney assignment, without need for management or coordination of other attorneys. Assigning another attorney to these departments would allow the Chief Deputy Public Defender to proactively manage staff attorney assignments, participate in planning and assessing Office operations and represent clients in more complex trials or in cases when Deputy Public Defenders are absent.

While this change would require reassigning an attorney from a trial department, the improved management of attorney assignments, particularly in the trial departments as discussed in Section 2, can be expected to lead to enhanced overall Office efficiency. It is not clear that an attorney needs to be present in the treatment courts at all times. Activities in these courts are generally non-adversarial, with the judge working with defendants to identify the most appropriate programs for their needs, asking the defendant about his or her progress, such as attendance at alcohol or drug treatment meetings, and barriers to completing ordered programs.

The Public Defender's Office could have a Deputy Public Defender available if circumstances arise that warrant the presence of an attorney without staffing these departments full time. Moreover, as discussed above, the Chief Deputy Public Defender does not need to staff this courtroom; a Deputy Public Defender IV is a more appropriate choice. Management of the Public Defender's Office reports that an attorney is needed in Drug and DUI courts at all times in case a client has violated a term of his or her probation (e.g., failed to attend treatment, had evidence of drugs in their system) and faces additional charges and/or jail time. Some of the contracts with defendants in these courts require "flash incarceration," (i.e., immediate detention if a defendant fails the terms of probation). However, not all defendants are subject to such contracts and an attorney need not be in the courtroom at all times to represent a defendant who is facing immediate detention.

Having an attorney available when needed should reduce the time in court by half for an avoided cost of \$52,340. Deploying a Deputy Public Defender IV instead of the Chief Deputy Public Defender in this courtroom would result in an additional cost avoidance of \$1,882. Total cost avoidance would thus be \$54,222 annually that could be utilized elsewhere.

Management of staff attorneys on a daily basis is cushioned slightly in the juvenile division by a senior attorney who effectively supervises the other three juvenile staff attorneys, but without being specifically responsible or compensated for doing so. The juvenile attorneys assert that they are satisfied with the senior attorney serving as de facto supervisor. The role of the senior attorney in the juvenile division should be formalized and compensation adjusted by adding a lead pay differential. This would be comparable to the staffing at the San Joaquin Public Defender's Office which compensates the head attorney at the Juvenile Justice Center.

### **Assignment of Duties to Senior Attorneys**

Most court departments are currently assigned two staff attorneys each, with one designated as senior. The role of senior attorney has not been formalized and is characterized as being that of a partner rather than a leader. Office staff attorneys report that these senior attorneys are expected to appear in his or her assigned court each day to ensure the caseload is being handled but other responsibilities for these individuals have not been detailed. Data concerning the equity of how cases are distributed between attorneys in each courtroom is not available (see Section 2). Office managers report that they believe the case distribution process (i.e., between attorneys in a single department) should be self-policing and that they do not need to finely manage case assignment. However, at a minimum, under the current staff assignments, the senior attorney in each department should be required to report on the distribution of case assignments between the Office's attorneys in a standardized format to allow managing attorneys an ongoing understanding of each attorney's caseload.

### **Administrative Staff Responsibilities**

#### **Enhancing Use of Management Information**

As discussed in Section 5, the Office has not developed useful management reports to monitor performance, assignments and workload. The Office's two managing attorneys are required to spend considerable time assessing case status on a case-by-case basis and must deal with unexpected, sometimes urgent workload and staffing problems.

The Human Resources Department job description for the Administrative Services Officer I classification includes analyzing and improving current operations and business processes. Based on staff interviews and the limited availability of management information and data during this management review, it appears that Office management has not delegated provision of substantial management analytical support or development of standardized procedures to the Public Defender's Office's Administrative Services Officer (ASO). The ASO's assigned duties do not include regular analysis of management information and the Office relies on relatively ad hoc methods for reviewing such information. The former Public Defender's preference was to handle many administrative and analytical functions himself, including actively participating in developing the Office's budget. The now-interim Public Defender indicates that she plans to delegate higher-level analytical duties to the ASO position.

The organizational structure of the Public Defender's Office does not require the ASO to directly supervise anyone other than the Legal Staff Supervisor. While this results in the ASO having a lower span of direct control than the other Office managers and supervisors, it is appropriate for her direct report, the Legal Staff Supervisor, to supervise the Office's ten Legal Secretaries and Legal Processors, including evaluating their work performance as well as daily supervision, such as determining assignments; scheduling staff time off, breaks and lunches; and

communicating updates and reminders to staff.<sup>8</sup> The Legal Staff Supervisor should carry out this duty independently and rely on the ASO only for high level management support.

Assuming the administrative staff of the Office are supervised by the Legal Staff Supervisor, the ASO position has the capacity to absorb more analytical duties. The Public Defender should add greater management and analytical duties to the ASO role. At the same time, it benefits the Office to have the position remain in a management role over the administrative staff as the ASO can use management information and analysis to more effectively deploy administrative staff. For example, the ASO could play a role in establishing more consistent methods of collecting and analyzing client financial information (discussed further in Section 7) which would require that administrative staff be trained and directed in these methods.

Other California public defender offices often utilize one or more non-attorney positions for analytical support. A comparison with six like-sized California public defender's offices surveyed for this management review found that the offices in Monterey and San Joaquin counties have Administrative Service Officers or a position analogous to it as well as one or more business analyst positions. The Public Defender's Office in Santa Barbara County has a Programmer/Business Leader and a Computer Systems Specialist though no position analogous to the ASO. The staffing of other Sonoma County criminal justice departments include Department Analyst positions that are designed to provide management analytical support in addition to their Administrative Services Officer.<sup>9</sup> However, those departments have significantly higher staff levels and larger budgets than the Public Defender's Office.

### **Office communications are infrequent**

Public Defender's Office management has not established formal methods of communicating with staff to establish and reinforce the Office's mission, goals and culture. Until recently, Office-wide staff meetings were held very infrequently.

Because staff do not hear a uniform message from management as a group, they lack a sense of cohesiveness and a common vision for the Office. Employees reported finding out about changes to Office and county-wide criminal justice operations or Office goals and priorities informally and a feeling that they were "working in the dark ... information just trickles down from upper levels." The views of office morale, as reported by staff attorneys in focus groups, ranged from "good" to "dismal," depending on who was speaking. Nonetheless, all groups of employees reported good communication between colleagues and an appreciation for the Office's non-hierarchical structure.

As discussed further in Section 4, the Chief Deputy Public Defender created a Policies and Procedures Manual for the misdemeanor attorneys. The manual's primary content is strategic information for defense attorneys, with a single department-wide policy on declaring conflict of interest. There is no similar manual for felony or juvenile attorneys or for other staff. Most

---

<sup>8</sup> The Legal Staff Supervisor also carries out many human resources duties, including new employee orientation and payroll duties under the general supervision of the ASO.

<sup>9</sup> The District Attorney's Office has one Department Analyst; the Probation Department has three and one-half Department Analysts; and the Sheriff's Department has four Department Analysts.

Office policies are informal and unwritten. The Public Defender should expand the manual to include policies as discussed in Section 4 and internal operations and post an electronic copy of the Office-wide Policies and Procedures Manual on their shared drive so that it can be easily accessed by staff and updated by management. Staff training on the content should be provided as needed by management. Office managers should communicate subsequent changes in policies and procedures to staff in writing as soon as they occur.

### **Staff Training and Performance**

The Office lacks formal training and performance evaluation standards, resulting in insufficient job training, inequitable workload, and a lack of accountability.

#### **Training is limited**

The Sonoma County Public Defender's Office provides little formal training to its staff, despite being a licensed continuing legal education provider. Attorneys receive some informal on-the-job training. The Chief Deputy Public Defender reports that he conducts monthly training as well as conducting and video-taping mock court so attorneys can assess their own performance. However, staff participating in focus groups indicated that on-the-job training, including a brown bag training session for felony attorneys, is generally organized and provided by colleagues rather than managers. Deputy Public Defenders at Juvenile Hall attend training provided for all County departments that have a role in juvenile justice proceedings (i.e., including Probation, Superior Court, and District Attorney) organized by other agencies but rarely attend training developed by or for the Office.

There is also no formal method of offering training to misdemeanor attorneys to enable them to be prepared for positions in the felony departments when needed and no method of providing coverage for their departments while they are receiving this training. Interested attorneys report they must arrange coverage for their own court department if they wish to shadow a felony attorney for experience. As more senior felony attorneys retire, this may leave the Office without attorneys adequately prepared to step into those courtrooms.

The Public Defender's Office has recently received a resumption of training funds from Sonoma County, allowing Deputy Public Defenders to attend training from the California Public Defender's Association and Administrative Office of the Courts, such as "Beyond the Bench," training designed for professionals associated with juvenile court. Juvenile attorneys report that an area of particular interest for additional training is in trial skills as they find it difficult to shift from the generally collaborative method of handling cases typical for juvenile court to the adversarial mode required for trials.

There is no in-service training provided by the Office to staff Investigators or an expectation of a particular amount of continuing education for Investigators. Instead, the Senior Investigator sends announcements of training offered elsewhere to the staff Investigators. Finally, administrative staff do not receive formal training. The Interim Public Defender has reinstated the requirement for the Chief Deputy Public Defender to provide monthly training to attorneys. Similar training should be organized for investigators and support staff as well.



Internal training in Office practices is also needed. As discussed in Section 4, more formal internal policies and procedures should be developed by the Office and training in these procedures provided once they are complete. Training should cross disciplines, for example, by simultaneously training attorneys and investigators in the proper way to request investigation assistance and respond to investigation requests, and training attorneys and support staff in identifying and documenting conflicts as early as possible in a case.

Office orientation provided to new employees by the Legal Staff Supervisor focuses on the mechanics of County employment such as provision of benefits and understanding the County's computer use policy. Attorneys and Investigators are not given a formal orientation to the operations of the Office by their direct supervisor.

**Staff performance evaluations are not being conducted**

Staff have not been provided with performance evaluation standards and individual staff performance evaluations are rarely completed for Public Defender's Office staff other than support staff. Managers and staff both report that evaluations are used only for purposes such as support for a promotion rather than identifying ways to improve performance. The Chief Deputy Public Defender has prepared a performance evaluation form for the misdemeanor attorneys and indicates he plans to evaluate the attorneys annually but has not begun to do so.

The Office's managing attorneys and Senior Investigator report they are confident that they would know if an employee were not performing his or her job well but without specific performance standards, poor performance is difficult to document. While the managing attorneys have different styles of supervision, attorneys generally report informally to their manager about the status of their caseload, and receive feedback informally through one-on-one discussions with the manager. Managing attorneys indicate that they see their role as being an advisor/coach to the attorneys and emphasize "management by walking around."

Performance measures for the Office's Investigators have also not been established and staff Investigators rarely receive performance evaluations. The Senior Investigator reports that his primary performance standard is that no more than two weeks should pass on an investigation without some activity occurring. The Senior Investigator will speak to the appropriate Investigator if this is not the case.

To address the effects of disproportionately trained staff and the Office's performance standard limitations, the Public Defender should create a comprehensive orientation and training program for all staff, provide a structured ongoing training program for support staff, and create performance standards for all staff. These standards should be codified in performance standards in the Office's Policies and Procedures Manual and include job-specific standards and Office-wide qualitative and quantitative standards consistent with Office-wide goals, as well as timetables for evaluation. Training and performance goals should be set for staff and reviewed during annual evaluations with supervisors.

**Conclusions**

Because managing attorneys allocate much of their time to representing clients in court and

providing case-specific guidance, larger management issues and Office shortcomings are not a focus of the Public Defender's Office management team. A key indicator that this is a problem is that the Office has not developed useful and accurate management reports. Without such reports, management is unable to quickly and systematically monitor Office-wide performance to determine whether staff workload is equitably distributed, why cases are being continued, how long staff are taking to dispose of cases, and other factors, without talking to each staff member individually or tabulating information manually. Other indicators are the absence of formal communications between managers and staff, the absence of a formal staff orientation and limited training and performance evaluations. Public Defender management therefore needs to improve its management information reporting and communication with staff and be freed of some of its supervisory duties, the latter of which can be accomplished by managers delegating some of their current responsibilities to lower level staff.

The Office has the potential to make more effective use of its current staff by redirecting the Chief Deputy Public Defender from his present caseload assignment in compliance courts to providing representation in more high level trial cases and providing backup to staff attorneys as needed. Consistent with her job duties, the Office's Administrative Services Office could be delegated responsibility for collecting data and producing regular management reports.

## **Recommendations**

The Public Defender should:

- 1.1 Redistribute responsibility for managing attorneys so that the Assistant Public Defender is responsible for felony attorneys, including Early Case Resolution Court (ECR), a total of 13 line attorney positions as well as the Chief Deputy Public Defender, the Senior Investigator and the ASO, and the Chief Deputy Public Defender is responsible for misdemeanor attorneys, juvenile attorneys, and law clerks, a total of 13.5 positions.
- 1.2 Relieve the Chief Deputy Public Defender of responsibility for representing clients in the treatment courts and replace him with a senior Deputy Public Defender. This will allow the Chief Deputy Public Defender to proactively manage attorney assignments, assist in planning Office operations and represent clients in more complex trials and in case of absence of a Deputy Public Defender.
- 1.3 Provide the senior Deputy Public Defender in the Juvenile Division a differential to compensate him or her for serving as lead attorney. Specific duties should include case assignment and monitoring courtroom attorney coverage.
- 1.4 Assign the Office's Administrative Services Officer responsibility for developing and implementing systematic collection and analysis of management information, and training Office employees in their content and implementation.
- 1.5 Develop policy and procedure manuals for felony and juvenile cases and for the Office as a whole. Post the manuals on the shared drive so that they can be easily accessed by staff, and provide training as needed on the content.
- 1.6 Develop an Office-specific orientation and training program for all staff. The program

should include training to prepare misdemeanor attorneys to assume responsibility for felony assignments, and monthly training for all staff.

- 1.7 Set meaningful qualitative and quantitative job-specific standards, training and performance goals for staff and hold staff accountable to the performance standards and measures during annual performance evaluations. Include individual performance standards in the Policies and Procedures Manual.

## **Costs and Benefits**

Reorganizing the reporting structure for the managing attorneys to equalize the number of reporting attorneys will incur no costs. The cost of providing a senior attorney in the juvenile division with a differential of 5% to compensate him or her for lead duties is estimated at \$6,830 annually.<sup>10</sup> Developing and implementing systematic management analysis tools will require some of the Administrative Services Officer's and other management staff time.

Taken together, these recommendations will allow managing attorneys to perform necessary management duties such as a) assessing staffing needs, b) conducting staff meetings, c) providing training, d) conducting performance evaluations, e) developing and notifying staff of new and modified policies and f) serving in court when attorneys are absent due to trials in other departments or staff absences. Key benefits include efficiency and uniformity in operations; standardized management information to monitor work processes, track trends, and anticipate resources required to perform essential functions; employees prepared to work in a wider range of courts; specific standards against which managers and staff can confidently measure performance; and improved employee morale. An estimated cost avoidance of \$54,222 will be incurred as a result of staffing treatment courts with a senior Deputy Public Defender only when needed rather than at all times with the Chief Deputy Public Defender.

---

<sup>10</sup> Assumes highest Deputy Public Defender IV salary step plus 5%.

## 2. Public Defender's Office Staffing and Caseload

- Budgeted staffing in the Public Defender's Office has declined overall by 13 percent over the last three fiscal years, with the majority of reductions absorbed by attorney staff. Reported caseload has also declined during that period. Some modifications have been made to adjust caseload to the lower staff levels, primarily the Public Defender's Office's withdrawal from one misdemeanor court room and replacement by private Alternate Defender staffing.
- Credible assessments of staffing needs relative to caseload cannot be made at present due to the absence of reliable, verifiable caseload data. Case types are not clearly defined and counted, and, the Office's data does not reconcile with information in the County's Integrated Justice System, in the County budget or reported by the State. Differences in these figures result in significantly different conclusions about needed Office attorney staffing levels.
- Recognizing these limitations, the Office's available data indicates that per attorney case assignments are high for misdemeanor attorneys compared to both national professional standards and peer public defender office practices, while felony attorney case assignments are lower than national standards and within range of peer offices. Juvenile attorney caseload appears higher than national standards though the Office's juvenile caseload data is also problematic.
- The caseload imbalance between felony and misdemeanor attorneys is caused to some extent by the Public Defender's Office practice of assigning two attorneys to each courtroom other than Early Case Resolution court (ECR) regardless of the number or seriousness of cases in those courtrooms. This practice also hinders staff attorneys' ability to efficiently handle their cases since Court policy is to assign trials to any available courtroom regardless of where the cases are first assigned.
- Available caseload data indicates that additional staff is warranted for misdemeanor cases. This could be accomplished through a reallocation of some felony attorneys to misdemeanor cases and, possibly, the addition of new staff attorney positions. However, decisions on these increases should be deferred until the Office can track and report several months' worth of reliable, verifiable caseload data. Further, by assigning felony cases not settled in ECR to staff attorneys based on an equitably weighted caseload distribution, staff could be more efficiently utilized.

### Recent Decline in Public Defender Staffing

The Sonoma County Fiscal Year (FY) 2011-12 approved budget includes 47 permanent positions and three extra help positions for the Public Defender's Office, as shown in Exhibit 2.1. This

## 2. Public Defender's Office Staffing and Caseload

total is seven positions fewer than the Public Defender's Office's total staffing in FY 2009-10, representing a 13 percent decrease over the three-year period.

As shown in Exhibit 2.1, attorney positions represented five of the seven total departmental reductions during the three year period, resulting in a staff attorney reduction of 15.6 percent.

<b>Exhibit 2.1 Public Defender's Office Final Budgeted Staffing* FY 2009-10 – FY 2011-12</b>					
	FY10	FY11	FY12	3 Year Change	3 Year Change (%)
Public Defender	1	1	1	0	0.0%
Assistant Public Defender	1	1	1	0	0.0%
Chief Deputy Public Defender	3	3	1	-2	-66.7%
Deputy Public Defender IV	14	15	16	2	14.3%
Deputy Public Defender III	13	10	8	-5	-38.5%
<b>Attorneys Subtotal</b>	<b>32</b>	<b>30</b>	<b>27</b>	<b>-5</b>	<b>-15.6%</b>
Sr Pub Defender Investigator	1	1	1	0	0.0%
Pub Def Investigator II Adv Po	1	1	1	0	0.0%
Pub Def Investigator II	6	6	5	-1	-16.7%
Pub Def Investigator I	1	1	1	0	0.0%
<b>Investigators Subtotal</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>-1</b>	<b>-11.1%</b>
Admin Services Officer I	1	1	1	0	0.0%
Legal Staff Supervisor	1	1	1	0	0.0%
Legal Secretary II	6	6	6	0	0.0%
Legal Processor II	4	4	4	0	0.0%
Office Assistant II	1	0	0	-1	-100.0%
<b>Administrative Support Subtotal</b>	<b>13</b>	<b>12</b>	<b>12</b>	<b>-1</b>	<b>-7.7%</b>
<b>Total Permanent Positions</b>	<b>54</b>	<b>51</b>	<b>47</b>	<b>-7</b>	<b>-13.0%</b>
Extra Help (Law Clerks)	3	3	3	0	0.0%

Source: Sonoma County Final Budgets, Fiscal Years 2009-10, 2010-11, 2011-12.

\*Note: The actual number of staff attorneys exceeded the budgeted amount in FYs 2010-11 and 2011-12 due to the Office enhancing its staff with Extra Help positions funded by salary and other savings realized during those years.

Concurrent with the attorney staff reduction from FY 2010-11 to FY 2011-12, the Public Defender's Office declared inability to provide sufficient coverage in all misdemeanor courtrooms. As discussed in more detail in Section 3, Misdemeanor Alternate Defender Staffing, the County subsequently amended its agreement with its Conflict Administrator, who manages the provision of private attorneys for the Court in cases where the Public Defenders' Office has a conflict of interest, to establish ongoing private Alternate Defender staffing in one misdemeanor courtroom. Investigator staff and administrative support staff each lost one

## 2. Public Defender's Office Staffing and Caseload

authorized position during the three year period. The remainder of this section focuses on attorney staffing and caseload.

**Though Office caseload data has limitations, it shows that misdemeanor caseload per attorney is high compared to national standards and peer offices while felony caseload per attorney is similar to peer offices though below national standards**

Based on caseload data compiled and interpreted by the Public Defender's Office, Exhibit 2.2 summarizes the average number of new cases assigned to misdemeanor and felony attorneys in FY 2010-11. It should be noted that the caseload data used has limitations, as described further below. Specifically, Office management reclassified 511 cases previously reported as misdemeanors after reviewing a draft version of this report. Assuming the reclassification is correct, felony attorneys on average had 138 new case assignments during the year, while misdemeanor attorneys had on average 932 new case assignments during the year. It is not clear from Office records how many of these 511 cases start as felonies and are reclassified and processed as misdemeanors and how many remain felonies. Were the 511 domestic violence cases counted as misdemeanors, the average number of felony cases per attorney per year would be reduced to 104.

<b>Exhibit 2.2 Public Defender's Office Felony and Misdemeanor Attorney Case Assignments FY 2010-11</b>			
	<b>New Cases Opened</b>	<b>Attorneys</b>	<b>New Cases Per Attorney</b>
Felony	2,051	14.85	138
Misdemeanor	9,132	9.8	932

Source: Sonoma County Office of the Public Defender.

### **Caseload Data Accuracy cannot be Validated**

The validity of the Office's caseload data could not be verified during this management review. Cases are counted manually by Office staff, without any quality control checks, and do not have clear or consistently used definitions of case types. For example, Office staff was uncertain if the 511 cases recorded as domestic violence cases in FY 2010-11 were felonies or misdemeanors. Though finally concluding the 511 represented cases filed as felonies (though possibly reduced to misdemeanors after filing), the Office could not report the number of domestic violence misdemeanor cases for which they provided representation in the same year. In another example, Office statistics reported 435 new juvenile cases in FY 2010-11 but,

## 2. Public Defender's Office Staffing and Caseload

upon review by Office staff, this number was revised upward to 1,307 cases, or three times as many as originally reported, due to differences in how juvenile cases are recorded.

Another problem with the Office's caseload data is that it does not reconcile with data reported in the County's Integrated Justice System (IJS) or the County's budget document. Numerous reports were generated by the County's Information Systems Department using data from the Integrated Justice System (IJS) during this management review but the caseload totals were discrepant from those kept by the Office. This appears to reflect problems or inconsistencies with both the Office's and the Superior Court's methods of recording caseload data. Exhibit 2.3 presents caseload discrepancies between these sources for Fiscal Year (FY) 2010-11.

<b>Exhibit 2.3</b>						
<b>Discrepancies in Public Defender's Case Filing Data</b>						
<b>between Different County Sources</b>						
<b>FY 2010-11</b>						
<b>Case Type</b>	<b>Originally Reported by Office<sup>1</sup></b>	<b>Revised Reported by Office</b>	<b>Reported in Budget</b>	<b>Reported by IJS<sup>2</sup></b>	<b>Maximum Variance</b>	<b>Maximum % Variance</b>
Felonies	1,540	2,051	1,671	1,850 <sup>1</sup>	511	33%
Misdemeanors	9,832	9,132	10,162	9,875	1,030	11%

Sources: Public Defender's Office, Integrated Justice System, Sonoma County Recommended FY 2012-13 Budget

<sup>1</sup> Reported by Office prior to adjustments in Domestic Violence cases discussed above.

<sup>2</sup> IJS count is on the basis of defendants.

These significant variances in reported caseload result in very different conclusions about the potential need for several positions when compared to caseload standards and practices in other public defender offices. The 511 felony case variance, for example, represents either an Office staffing deficit or excess of approximately 3.4 attorney positions, applying the national standard of 150 cases per attorney per year to 511 cases ( $511/150 = 3.4$ ).

### Comparison to Other Counties

As described in the Introduction of this report, this management review team conducted a survey of Public Defender's Offices in six California counties determined to be comparable to Sonoma County based on population, demographics and other considerations. Telephone interviews were conducted and caseload and staffing information was collected directly from each Public Defender's Office.

In compiling the staffing information presented in Exhibits 2.4 and 2.5, every effort was made to ensure consistency and accuracy of information while also accounting for the particular circumstances present in each jurisdiction. Each of the offices shown for comparison purposes operate under different structures, offer different combinations of services, and contend with unique circumstances related to prevailing District Attorney and Court practices. However, through our interview process and requested verification of data provided from each office, we

## 2. Public Defender's Office Staffing and Caseload

are confident that caseload and staffing data presented for the six counties is comparable to that of the Sonoma County Public Defender's Office.

### Misdemeanor Case Assignments

Compared to the six counties selected for review, Sonoma County's Public Defender's Office had the second highest number of new misdemeanor cases per attorney in FY 2010-11, as shown in Exhibit 2.4. At 932 new misdemeanors cases per attorney, Sonoma was 249 cases, or 36 percent, higher than the median of the other six counties. This heavy caseload is consistent with conditions reported by Sonoma County misdemeanor staff attorneys interviewed during the course of this management review, who conveyed that they are overwhelmed with the volume of clients they are required to represent. This comparison though is based on the Office's reported caseload data, with its limitations discussed above.

<b>Exhibit 2.4</b>			
<b>Comparison of Peer Public Defender's Offices</b>			
<b>Attorney Staffing and New Case Assignments FY 2010-11</b>			
<b>Misdemeanor</b>			
	New Misdemeanor Cases Opened	Misdemeanor Attorneys	New Misdemeanor Cases per Attorney
Santa Barbara	9,713	9.0	1,079
Monterey	5,571	6.0	929
Stanislaus*	4,001	5.0	800
Solano**	4,525	8.0	566
San Joaquin	1,340	3.0	447
Napa	1,256	3.0	419
<i>Median</i>			<i>683</i>
Sonoma	9,132	9.8	932

Source: Public Defender's Offices in each survey county self-reported data.

\*Stanislaus attorneys work a mix of felony and misdemeanor cases. This figure is based on an estimate of the use of attorney time.

\*\*Solano County figures represent Calendar Year 2011.

### Felony Case Assignments

Using the Office's caseload data and, again, assuming that the 511 domestic violence cases that the Office has identified are appropriately counted as felonies, the number of new felony cases per attorney was near the midpoint of all the counties selected for comparison in FY 2010-11, as shown in Exhibit 2.5. At 138 new felony cases per attorney, Sonoma was just above the median of 133 felony cases per attorney in the other six counties. However, this does not reflect the sentiment expressed by Sonoma County felony attorneys interviewed during the



## 2. Public Defender's Office Staffing and Caseload

course of this management review. During focus groups, felony attorneys described heavy caseloads, constant court scheduling conflicts, particularly for felony trial attorneys, and the clear sense that they are stretching to meet the demands of client work. In particular, felony trial attorneys stated that the Court's scheduling process combined with their need to attend proceedings in a "home" courtroom, posed substantial challenges to their ability to efficiently and effectively manage their caseloads.

The general policy of the Public Defender's Office is to provide "vertical representation" to clients whose cases proceed beyond Early Case Resolution court (ECR) by having one attorney assigned to all aspects of each client's case. Consistent with this approach, the Public Defender's Office assigns two attorneys to each department, or courtroom, with the idea that they will be able to handle all matters for all cases assigned to that department. Dedicated Public Defender staff in a courtroom is useful for high volume courtrooms such as the felony Early Case Resolution court (ECR) and Misdemeanor arraignments where the calendars move quickly and one attorney can take the next case on the calendar while another staff attorney is conducting interviews or negotiating a settlement on another case. The attorney assignment practice does not work as well for felony trial attorneys and courtrooms since all stages of every trial case do not necessarily occur in the same courtroom.

Although the Court has a published hearing schedule and formally uses a direct calendaring process, the felony judges meet each week and, if needed, divide up cases to ensure they are equitably distributed between courtrooms. Some cases remain in their original department, others are reassigned to courtrooms with gaps in their schedules, in the interest of efficiently using their bench officers and courtrooms. As a result, felony case vertical representation results in the Office's staff attorneys needing to make appearances in multiple courtrooms; trying cases in various courtrooms and handling preliminary hearings, settlement conferences, and other matters in their home courtroom.

During the course of this management review, two felony attorneys were each assigned to major trials in courtrooms other than their assigned courtroom, leaving multi-week gaps in their original courtrooms. The efficiency that is lost by the movement of felony attorneys between courtrooms, the assignment of two attorneys to each felony trial courtroom, and subsequent efforts to find substitute coverage may partially explain the discrepancy between the felony caseload figures and the felony attorneys' reported difficulty in meeting demands on their time.

**2. Public Defender's Office Staffing and Caseload**

<b>Exhibit 2.5 Comparison of Peer Public Defender's Offices Attorney Staffing and New Felony Case Assignments FY 2010-11</b>			
	New Felony Cases Opened	Felony Attorneys	New Felony Cases per Attorney
Stanislaus*	3,995	14.0	285
Monterey	2,619	14.0	187
Santa Barbara	2,361	17.0	139
San Joaquin	3,134	24.5	128
Solano**	2,295	18.0	128
Napa	985	8.0	123
<i>Median</i>			<i>133</i>
Sonoma	2,051	14.85	138

Source: Public Defender's Offices in each survey county self-reported data.

\*Stanislaus attorneys work a mix of felony and misdemeanor cases. This figure is based on an estimate of the use of attorney time.

\*\*Solano County figures represent Calendar Year 2011.

**Juvenile Case Assignments**

Significant caseload data problems were also found for the Office's juvenile caseload. The Public Defender's Office's reports 1,307 new juvenile cases for FY 2010-11. This is inconsistent with their internal tracking documentation which showed 435 new juvenile cases for that year and 1,894 re-opened cases for a total of 2,329 cases, figures that were also presented as the Office's juvenile caseload in the County's FY 2012-13 recommended budget<sup>1</sup>. This inconsistency may be explained by differences in the way juvenile cases are counted, in that any new filings for a juvenile who already has a case are counted as re-opened, rather than new cases. This is unlike adult caseload counts, in which multiple cases for the same defendant are counted as new cases and re-opened cases consist mostly of probation violations. The Office's method of counting juvenile probation violations among re-opened cases vs. new filings for an existing juvenile client needs to be clarified so that an accurate count of cases filed for new defendants, new cases filed for defendants with other cases, and probation violations are clearly distinguished.

There are four staff attorneys assigned to juvenile cases and, depending on which annual caseload number is used, they were each responsible for between 109-582 cases in FY 2010-11. The 109 cases each assumes 435 total new juvenile cases per year, as originally reported by the Office. 582 cases per attorney assumes 2,329 cases per year, as reported in the County budget, and comprised of 435 new and 1,894 re-opened cases per year. The Office's revised reported

<sup>1</sup> The Public Defender's Office is the source of caseload data presented in the County's budget.

## 2. Public Defender's Office Staffing and Caseload

juvenile caseload of 1,307 cases per year would result in 327 cases per attorney. The national standard for juvenile cases is 200 each<sup>2</sup>, so the accuracy of the caseload count is critical for determining the appropriateness of the Office's staffing levels for juvenile cases and the current level of variability in reported caseload does not allow for a reasonable determination of staffing need.

The 1,307 juvenile cases reported by the Office were derived from the number of juvenile petitions recorded by the District Attorney. However, they are inconsistent with caseload statistics reported by the County to the State Administrative Office of the Courts (AOC)<sup>3</sup>. Those statistics indicate that in FY 2009-10 (the most recent year for which information is available) Sonoma County as a whole had a total of 1,147 juvenile filings including 916 original and 231 subsequent filings<sup>4</sup>. However, these figures reflect all juvenile defendants, including those that were represented by conflict counsel and private attorneys. The Public Defender's Office juvenile caseload count thus exceeds the Countywide total reported by the AOC. The Office reports that the Administrative Office of the Courts data is not accurate.

According to the caseload statistics maintained by the County's Conflict Administrator, the Conflict Administrator received 537 new cases in FY 2009-10. Subtracting these 537 cases from the AOC total leaves approximately 610 cases remaining for representation by the Public Defender's Office, assuming only a small number of juvenile defendants acquired private representation. This would yield an average of 152 new assignments per juvenile attorney, or approximately 25 percent less than the national standard. As with adult caseload data, the discrepancies and lack of clarity about juvenile caseload data needs resolution.

### **Overall Disparity in Case Assignments**

Regardless of caseload data limitations, the Public Defender's Office's misdemeanor caseload appear aberrant compared to the median of peer counties and national standards for public defender caseloads. According to these guidelines<sup>5</sup>, misdemeanor caseloads should not exceed 400 cases per year, felony attorney caseloads should not exceed 150 cases per year, and juvenile attorneys should not exceed 200 cases per year. By this measure, Sonoma County's misdemeanor staff attorneys are representing more than twice as many clients as is recommended, whichever existing caseload numbers are used, while the felony staff attorneys are representing fewer clients than the standard would dictate, and juvenile staff attorneys are representing more clients than the standard.

It should be noted that it is common for public defender offices to be at variance with these national standards. For example, misdemeanor caseloads per attorney in the six jurisdictions

---

<sup>2</sup> American Council of Chief Defenders *Statement on Caseloads and Workloads*, August 24, 2007.

<sup>3</sup> 2011 Court Statistics Report: Statewide Caseload Trends 2000-2001 through 2009-2010, Judicial Council of California, Administrative Office of the Courts, 2011.

<sup>4</sup> *Ibid*, Appendix E, Table 11a. The AOC states that a subsequent petition "adds allegations against a minor child who is already subject to the court's jurisdiction."

<sup>5</sup> American Council of Chief Defenders *Statement on Caseloads and Workloads*, August 24, 2007.

---

## ***2. Public Defender's Office Staffing and Caseload***

surveyed for this management review are all higher than the 400 cases/attorney standard. Felony caseloads per attorney are higher than the 150 standard in two of the six counties surveyed, though lower in the other four counties. These standards represent averages from which variances continuously occur as the number of case filings changes.

### **Determining Appropriate Staffing Based on Standards**

In order to address the imbalance in attorney caseloads, the Public Defender's Office and the County should consider reallocating existing attorney staff. While the exact number of reallocated attorneys should be determined by the Public Defender based on reliable caseload statistics and considering court scheduling processes, the reallocation should generally distribute more attorneys to the misdemeanor cases, drawing from the current felony attorney staff and, possibly, juvenile attorney staff, depending on identification of reliable caseload numbers. The key factor in assigning staff is what caseload standards should be used for key case categories. The Office and County should come to agreement on such standards for each major classification of cases.

### **Felony Staffing Adjustment Alternatives**

If the national standard of 150 cases per felony attorney per year were applied to 2,051 new felony cases reported as opened by the Sonoma County Public Defender's Office in FY 2010-11, the Office would require approximately 13.7 felony attorneys, or 1.2 full-time position equivalent (FTE) less than the current 14.85 assigned. If the median of 133 new cases in peer counties were instead applied, the Office would require approximately 15.4 felony attorneys assuming the Office's reported felony caseload, or .6 more than the 14.85 attorney position equivalents currently assigned. These figures are shown in Exhibit 2.6 below.

### **Misdemeanor Staffing Adjustment Alternatives**

If the standard of 400 cases per misdemeanor attorney per year were applied to the 9,132 number of new misdemeanor cases reported as opened in the Sonoma County Public Defender's Office in FY 2010-11, the Office would require approximately 22.8 misdemeanor attorneys, or an increase of approximately 13 positions. However, misdemeanor assignments exceed the 400 standard in all of the survey jurisdictions, with the median number of new misdemeanor cases handled per attorney equaling 683. If the peer county median of 683 new cases per misdemeanor attorney were applied, the Office would require 13.4 misdemeanor attorneys, or approximately 3.6 more than the 9.8 currently allocated. This analysis is summarized in Exhibit 2.6 below.

### **Juvenile Staffing Adjustment**

If the national standard of 200 cases per juvenile attorney per year were applied to the 1,307 cases reported as new cases by the Office in FY 2010-11, the Office would require approximately 6.5 juvenile attorneys, or 2.5 more than present staffing. However, as discussed

## ***2. Public Defender's Office Staffing and Caseload***

---

above, the Public Defender's Office's caseload statistics for juvenile attorneys need to be clarified before any decisions are made regarding changes in juvenile staffing levels. The significant discrepancies in the available juvenile caseload figures make it impossible to recommend a different juvenile attorney staffing level at this time.

### **Hybrid Approach to Determine Attorney Staffing**

While the County could choose to adopt national caseload standards or caseloads found in other comparable public defender offices, two other options should be considered. One option is to apply a hybrid of national standards and peer county caseloads to Sonoma County. A second option is for the County to develop its own standards based on actual staff time allocations, by type of case, incurred by current staff. This is not recommended at this time, however, as it would require that staff keep detailed records of their time by case for several weeks or months to develop a database of average attorney time per case, by type of case.

Exhibit 2.6 presents the staffing impact of applying national standards, peer county medians and a hybrid of the two on the Public Defender's Office felony and misdemeanor staffing. Juvenile case staffing is not included in this analysis due to the uncertainty of the Office's caseload data regarding juveniles.

The rationale behind using a hybrid approach includes consideration of the County's fiscal situation and the fact that three of the surveyed peer public defender offices report higher felony caseloads per attorney than Sonoma County<sup>6</sup>, indicating that Sonoma County could apply the national standard and still be within an acceptable range of other counties. For misdemeanors, however, all of the six surveyed public defender offices were found to have higher misdemeanor caseloads than the national standard of 400, with a median caseload of 683 misdemeanor cases per attorney. On that basis, we conclude that it is not reasonable for Sonoma County to meet the national standard for misdemeanors, but it would be an improvement to at least achieve the median misdemeanor caseload found in other counties.

Applying the national caseload standard of 150 cases per attorney for felonies and 683 cases per attorney for misdemeanors would result in a net need for 2.5 additional misdemeanor staff attorneys after reallocating the equivalent of 1.15 current felony attorneys to misdemeanor cases. This assumes that one existing full-time felony attorney would be reassigned to misdemeanor cases and that other felony attorneys would take on some misdemeanor trial cases, as needed.

Given the lack of reliable, credible caseload data for the Public Defender's Office, decisions about transferring or adding attorney positions should not be made at this time. Rather, the Public Defender's Office should first reach an agreement with the County Administrator's Office about target caseload standards for the Office. Then, Office staff should develop methods for collecting credible, verifiable, clearly defined caseload data that reconciles with IJS records.

---

<sup>6</sup> Two peer counties, Stanislaus and Monterey, exceed the national standard of 150 felony cases per attorney per year.

## 2. Public Defender's Office Staffing and Caseload

After such numbers have been collected for a period of six months, they should be presented to the County Administrator for review and determination of whether additional positions are justified.

<b>Exhibit 2.6</b>					
<b>Misdemeanor and Felony Attorneys Needed</b>					
<b>in Sonoma County based on Three Alternative Approaches</b>					
	A	B	C	D	E
	New Cases Opened FY11	Standard/ Average	Number of Attorneys Needed (A/B)	Number of Attorneys FY 11	Additional Positions Needed (C-D)
<b>National Standards</b>					
Misdemeanor	9,132	400	22.8	9.8	13.0
Felony	2,051	150	<u>13.7</u>	<u>14.85</u>	<u>(1.2)</u>
Total			36.5	24.7	11.9
<b>Peer County Practices</b>					
Misdemeanor	9,132	683	13.4	9.8	3.6
Felony	2,051	133	<u>15.4</u>	<u>14.85</u>	<u>0.6</u>
Total			28.8	24.7	4.2
<b>Hybrid Approach <sup>1</sup></b>					
Misdemeanor	9,132	683	13.4	9.8	3.6
Felony	2,051	150	<u>13.7</u>	<u>14.85</u>	<u>(1.2)</u>
<b>Net Total</b>			27.0	24.7	2.5

Sources: American Council of Chief Defenders standards; Caseload data provided by survey Public Defender's Offices; Sonoma County Office of the Public Defender.

<sup>1</sup> Hybrid assumes use of the national standard (150 cases per attorney) for felonies and the peer county median for misdemeanors (683 cases per attorney).

\*The Public Defender's Office enhanced its authorized attorney staffing in FYs 2010-11 and 2011-12 with Extra Help positions, paid for with savings from reductions in budgeted salary and other Public Defender's Office costs. The analysis above includes attorney positions filled by Extra Help staff.

It should be noted that the potential additional staff need is calculated based on caseload and attorney staffing in FY 2010-11, the most recent full year for which data is available. While the number of attorneys was reduced by two positions in FY 2011-12 and replaced by the contract Alternate Defenders who have provided representation in one misdemeanor courtroom in most of FY 2011-12, the FY 2010-11 attorney staffing level would be restored if recommendations contained in Section 3 of this management review report are implemented. Therefore, the staffing analysis is based on FY 2010-11 caseload and staffing. Since year-to-date FY 2011-12 caseload statistics are lower than the two most recent fiscal years and full year projections point to overall lower caseloads, the management review team believes that the analysis summarized in Exhibit 2.6 allows for ample attorney staffing, consistent with peer county practices.

## ***2. Public Defender's Office Staffing and Caseload***

---

In order to effectively achieve this reallocation of attorney staff among felony, misdemeanor and juvenile cases and to reduce court scheduling conflicts for felony cases, the Public Defender's Office will need to change the way it assigns attorney staff. Working within the context of the Superior Court's prevailing practice of scheduling trials in courtrooms other than where a case is originally assigned, a more efficient process for the Public Defender's Office would be to decouple attorneys from specific courtroom assignments except for those assigned to ECR and for misdemeanor arraignments. . This could represent a departure from the Office's commitment to "vertical" representation, but with its incorporation of the Early Case Resolution courtroom (ECR), the Office is already operating under a "semi-vertical" model.

In addition, the Public Defender's Office would need to ensure that any reallocated felony attorneys are properly trained to represent clients in the misdemeanor courtrooms. Since most attorneys begin their attorney careers representing misdemeanor clients, the amount of new training should be minimal.

The possible addition of 2.5 new permanent attorney positions, as presented in Exhibit 2.6, assuming the Office's reported caseload is proven accurate and verified after several months of new caseload data collection, represents a potential new cost to the County of approximately \$302,008 per year.<sup>7</sup>

### **Use of Extra Help Positions**

The Public Defender's Office has been regularly supplementing their permanent attorney positions over the last two fiscal years with positions hired as Extra Help. For example, while this management review was underway, one such position was in place for misdemeanor cases. All positions working for the Office at the time this management review was conducted were included in this staffing analysis, without distinguishing between permanent and extra help status. Any new positions that should be filled, once a reliable caseload count is established and verified, should be filled consistent with County policy regarding the use of Extra Help staff. This could mean converting one or more positions filled by Extra Help employees to permanent full-time positions.

Based on the Public Defender's Office's FY 2010-11 reported caseload, staffing and number of authorized positions in FY 2012-13, the Office could end up converting approximately 1.5 attorney positions from Extra Help to permanent status. The primary cost differential for such a conversion would be the net change resulting from increases in salary and benefits costs associated with new permanent employees, potentially partially offset by an increase in salary savings (since salary savings was a source of funding for Extra Help positions in the last two fiscal years).

---

<sup>7</sup> Based on a starting salary and benefits of \$120,803 for a Deputy Public Defender | x 2.5 positions = \$302,008.

### **Reliable Caseload Data is Needed**

To address the problems with current caseload data discussed above, the Office should begin monthly collection and reporting of the following data, to be either downloaded from or reconciled with data recorded in IJS.

#### **Number of Misdemeanor Case Openings and Closings**

For all closed cases in the reporting period, the following should be reported:

- Separate counts of cases now counted as collaborative court cases (DUI, Domestic Violence, Drug Court, etc.) filed as misdemeanors.
- Number of probation violations of misdemeanor cases.
- Number of misdemeanor cases assigned to trial attorneys, including those that go to full trial.
- Number of misdemeanor cases for which conflicts of interest declared.
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

#### **Number of Felony Case Openings and Closings**

For all closed cases in the reporting period, the following should be reported:

- Number of serious felony cases (homicide, sex cases, etc.).
- Number of cases that resolve in ECR.
- Number of cases that do not resolve in ECR and are assigned to trial attorneys, including the number that go to full trial.
- Multi-defendant felony cases.
- Separate counts of cases now counted as collaborative court cases (DUI, Domestic Violence, Drug Court, etc.) filed as felonies.
- Probation violations of felony cases.
- Number of felony cases for which conflict of interest declared should be separately counted
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

#### **Number of Juvenile Case Openings and Closings<sup>8</sup>**

For all closed cases in the reporting period, the following should be reported:

- Number of probation violations of juvenile cases.

---

<sup>8</sup> Cases should be counted according to a clear definitions of new cases, including those for existing clients being counted as new when new charges are brought against that individual



---

## 2. Public Defender's Office Staffing and Caseload

---

- Number of juvenile cases for which conflict of interest declared.
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

### Number of Civil Case Openings and Filings

For all closed cases in the reporting period

- Number of conservatorship, probate and contempt cases should be separately identified.
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

If data is not downloaded directly from IJS, the Office's total count should reconcile with a total case count recorded in IJS by the Court. The data above should be used to determine caseload and cases per attorney by applying the different categories of cases to the number of assigned staff. Rather than just gross felonies per attorney, for example, serious felonies per attorney, number of felony trials per attorney and number of felonies assigned to collaborative courts should all be separately identified.

## Conclusions

While all of the staff attorneys in the Public Defender's Office have demanding caseloads and challenging schedules, additional staff may be warranted for misdemeanor cases, whichever currently available caseload count is used, when compared to national standards and those of peer offices in other counties. Sonoma County's misdemeanor attorneys are representing more than twice as many clients as is recommended in national standards and more than found in five of six surveyed public defender offices in other California counties. However, felony attorneys are representing fewer clients than the national standard calls for and are only slightly above the median amount reported by peer offices. It appears that a more equitable distribution of workload could be achieved within the Office by reassigning some felony attorneys to misdemeanor cases. This would more closely align the Office with national standards and peer office public defender practices. This reallocation may require a change in the Office's practice of assigning two attorneys per courtroom for all but the ECR and misdemeanor arraignment courtrooms or a change in Court calendaring practices so all trial cases remain in their originating courtroom instead of being assigned to other courtrooms.

These conclusions are based on caseload data that was found not fully reliable or verifiable. Before the Office makes any changes in staff allocations or before the County considers adding staff to the Office, methods need to be established by the Office to collect and track clearly defined caseload data to ensure that staffing decisions are made based on credible data that can be reconciled with other sources such as data recorded in IJS. Improvements are also needed in IJS methods of recording court activity to ensure accurate caseload counts.

---

## ***2. Public Defender's Office Staffing and Caseload***

Reliable caseload data is also needed for juvenile cases since they are counted using different methods than adult cases. There are various caseload totals available from the Office and reported to the State. Depending on which data is used, the Office may have more or fewer juvenile attorneys than needed when compared to national standards.

### **Recommendations**

The Public Defender should:

- 2.1. Establish protocols for recording and classifying caseload using clearly defined terms and methods that provides accurate measures of staff activity and productivity, as detailed in this management review report.
- 2.2. Work with Information Systems Department staff to ensure that case counting methods employed by the Public Defender's Office can be reconciled with those in IJS.
- 2.3. Present caseload standards to the County Administrator's Office for approval of targets to use for subsequent analysis of staffing needs.
- 2.4. Provide a monthly Office caseload report to the County Administrator's Office and, after six months of such reports, reconsider Office staffing needs based on a combination of national and/or peer county caseload practices identified in this management report.
- 2.5. Reallocate attorney staffing to more equitably distribute caseloads among felony, misdemeanor, and juvenile attorneys, consistent with national standards and peer county practices. The exact number of reallocated attorneys should be determined by the Public Defender based on the most current caseload statistics and court scheduling processes, but with the goal of reducing the number of misdemeanor cases per attorney.
- 2.6. To the extent new permanent attorney positions are determined to be justified after the Office and County have collected and verified several months' worth of reliable caseload data, fill such positions consistent with County policy regarding using permanent positions in lieu of Extra Help positions if ongoing permanent staff is needed.
- 2.7. Collaborate with the Superior Court on the development and consideration of alternatives to current Court calendaring practices, including: a) hearing all trials in their originating courtrooms to allow for vertical Public Defender's Office representation with minimal schedule conflicts; and/or, b) having Public Defender's Office management assign felony trial cases to staff based on achieving an equitable caseload distribution rather than each attorney being assigned all felony trial cases from their home courtroom.

## **Costs and Benefits**

By implementing these recommendations, the Public Defender's Office could greatly improve the availability of accurate data for management use and would facilitate achievement of a more equitable workload distribution among the felony, misdemeanor and juvenile attorneys. The analysis conducted for this management review showed that 2.5 new positions may be warranted if the Public Defender's Office's currently reported caseload proves to be accurate and verifiable. In such a scenario, the County would incur new annual salary and benefits costs of approximately \$302,008 for 2.5 new Deputy Public Defender I positions. These costs could increase each year as the positions advance to higher steps in their compensation schedule (though such increases could be at least partially offset by staff turnover, with terminating positions replaced by entry level positions at lower cost). To the extent that the caseload data demonstrates that any staff attorney positions now filled by Extra Help are needed on a permanent basis, and would thus be replaced by permanent positions consistent with County policy, the County could incur incremental costs for benefits and any salary differentials for such positions.

### **3. Misdemeanor Alternate Defender Staffing**

- Beginning in September of 2011, the Public Defender's Office discontinued providing staff to one misdemeanor courtroom (Department 6) due to insufficient staff. At that time, the County's agreement with the Conflict Administrator, a private attorney who coordinates the provision of private attorneys for cases where the Public Defender's Office has a conflict of interest, was amended to establish that sub-contractor private attorneys under his supervision would provide full-time Alternate Defense in Department 6. The annual cost of the Alternate Defense attorneys for Fiscal Year 2011-12 is projected to be \$463,680, based on actual cost for the first six months of the arrangement.
- However, the annual cost of two Deputy Public Defenders at the entry level would be \$241,605, including salaries and benefits, or \$222,075 less than the current estimated annual cost of \$463,680 for utilizing private Alternate Defender attorneys. Even if the Public Defender's Office were to use two Deputy Public Defender IVs, the highest level in the series, at top salary step for this court department, the costs would be approximately \$45,678 less than the estimated annual \$463,680 cost of using private Alternate Defender attorneys.
- The County should terminate the Addendum with the Conflict Administrator to provide Alternate Defense in Department 6 and hire two Deputy Public Defenders to provide representation in Department 6. In addition to the \$222,075 in annual savings that would be achieved by implementing this recommendation, the Public Defender's Office would benefit by having two additional attorneys that could be deployed more flexibly than the Addendum allows the private attorneys to be deployed.

#### **Current Authorized Attorney Staff Determined to be Insufficient for Complete Misdemeanor Representation**

In response to its inability to provide sufficient coverage of all misdemeanor court rooms with existing attorney staff, the Public Defender's Office has over time utilized private attorneys to provide representation for misdemeanor clients. Known as Alternate Defense, this service was in the past provided through the County's existing agreement with the Conflict Administrator, a private attorney who coordinates a group of several other private attorneys to provide representation to defendants with whom the Public Defender's Office has a conflict of interest.

In 2011, the reduction of three attorney positions from Public Defender's Office's budget and resulting use of Alternate Defender attorneys was determined to be substantial enough to warrant a more formal agreement with the Conflict Administrator. The County and the Conflict Administrator established an addendum to amend the original agreement to delineate the

### ***3. Misdemeanor Alternate Defender Staffing***

Conflict Counsel group as the full-time Alternate Defender in Department Two, a misdemeanor courtroom, beginning on September 23, 2011<sup>1</sup>.

The Addendum provides a pricing and payment framework per case, does not include a maximum annual payment amount, and stipulates that either party may terminate the Addendum with 30-days written notice.

#### **Cost of Alternate Defenders Exceeds Cost of Deputy Public Defenders**

##### **Cost of Alternate Defenders**

As shown in Exhibit 3.1, the total amount charged for Alternate Defender services from the commencement of the Addendum on September 23, 2011 through the February 2012, the most recent invoice period, was \$204,500. Excluding September, which was a partial month, the average monthly charge was \$38,640. Based on this average, the projected full year cost of the Alternate Defenders is \$463,680.

<b>Exhibit 3.1</b>	
<b>Actual Cost of Alternate Defenders, September 2011 to February 2012</b>	
<b>Service Month</b>	<b>Invoice Amount</b>
Sep. 2011	\$11,300
Oct. 2011	33,600
Nov. 2011	40,300
Dec. 2011	26,300
Jan. 2012	50,500
Feb. 2012	42,500
<b>Total Sep. 2011 – Feb. 2012 Cost</b>	<b>204,500</b>
<b>Average Per Month Cost<sup>2</sup></b>	<b>38,640</b>
<b>Projected Full Year Cost</b>	<b>\$463,680</b>

Source: Sonoma County Counsel's Office.

<sup>1</sup> Although the Addendum states that Alternate Defender services provided by the Conflict Administrator would begin September 23, 2011, and the services and invoicing in fact began then, the signatures on the Addendum are dated November 11, 2011.

<sup>2</sup> According to the language of the contract Addendum, Alternate Defender work under the contract Addendum commenced on September 23, 2011, which is reflected in the lower than average invoice amount for that month. September 2011 was not included in the calculation of the monthly average.

### 3. Misdemeanor Alternate Defender Staffing

#### Cost of in-House Staff Attorneys

Instead of assigning Alternate Defenders to Department 6, the County could choose to have the Public Defender's Office once again provide attorney staff to Department 6 by hiring and assigning two County employees in the Deputy Public Defenders series. Exhibit 3.2 shows the minimum and maximum estimated cost of employing two Deputy Public Defenders in the Public Defender's Office<sup>3</sup>. Based on the lowest step salary range and a benefit rate of 53 percent of salary, the total cost of the two Deputy Public Defender I's would be \$241,605 per year. In subsequent years, as level I attorneys are promoted into higher level classifications, the cost of the positions will rise. The maximum cost, as shown in Exhibit 3.2, of two Deputy Public Defender IV's at the highest salary step for the classification, would be \$418,002. Any additional costs of these two employees for materials and supplies associated with two more employees in the Office are assumed to be minimal and have not been calculated.

<b>Exhibit 3.2</b>						
<b>Cost of Deputy Public Defenders</b>						
<b>Minimum and Maximum Attorney Level</b>						
<b>Level</b>	<b>Title</b>	<b>Class</b>	<b>Salary</b>	<b>Benefits<sup>4</sup></b>	<b>FTEs</b>	<b>Total Cost</b>
Minimum	Deputy Public Defender I	4051	\$78,956 (Lowest Step)	\$41,847	2	\$241,605
Maximum	Deputy Public Defender IV	4054	\$136,602 (Highest Step)	\$72,399	2	\$418,002

Source: Sonoma County Human Resources and County Administrator's Office.

As shown in Exhibit 3.3, the \$463,680 annual cost of the current arrangement with the Alternate Defenders exceeds the estimated \$241,605 annual cost of employing two Deputy Public Defender I's by \$222,075 per year. In subsequent years, as the cost of Deputy Public Defenders rises in conjunction with promotion into higher classifications and step levels, the cost savings would decline. However, even in the unlikely event that the Public Defender's Office were to assign two Deputy Public Defender IV at their top salary step to this misdemeanor courtroom, the County employee model remains more cost effective than the Alternate Defender model. In terms of current year salary levels, the excess cost of the Alternate Defenders compared to two Deputy Public Defender IV's is \$45,678, as shown below in Exhibit 3.3.

<sup>3</sup> In Section 2 of this report includes recommendations to discontinue assigning staff attorneys to specific courtrooms for all but felony ECR and misdemeanor arraignments to allow for more equitable distribution of caseload. Implementation of that recommendation would not be changed by adding these two positions as their caseload is approximately equal to the 982 misdemeanor cases per attorney average for existing Public Defender's Office staff.

<sup>4</sup> Based on information provided the Sonoma County Administrator's Office, a benefit rate of 53 percent of salary was used to calculate the cost of benefits.

Exhibit 3.3 Cost Comparison of Alternate Defenders vs. Deputy Public Defenders Minimum and Maximum Attorney Level					
Level	Title	Class	Total Cost of 2 FTEs	Cost of Alternate Defenders	Excess Cost of Alternate Defenders
Minimum	Deputy Public Defender I	4051	\$241,605	\$463,680	\$222,075
Maximum	Deputy Public Defender IV	4054	\$418,002	\$463,680	\$45,678

Source: Sonoma County Counsel's Office, Human Resources, and County Administrator's Office.

### The County Should Terminate the Addendum and Hire Two Deputy Public Defenders

The Addendum to the Conflict Administrator Agreement states that either party may terminate the Addendum by giving 30-days written notice to the other party. Since the County could save an estimated \$222,075 per year by hiring County employees to provide attorney services in the Public Defender's Office, the County should terminate the Addendum and hire two Deputy Public Defenders.

In addition to the cost savings that could be achieved by utilizing County staff instead of private attorneys, the Public Defender's Office would also benefit by having the ability to assign the two attorneys more flexibly than the Addendum allows the private attorneys to be assigned. As discussed in Section 2 of this report, there are opportunities for increased efficiency by assigning attorney staff more flexibly. Further, two additional attorneys would provide additional resources for training, mentorship, and other office responsibilities within the Public Defender's Office. Especially with the leadership transition currently underway and recent efforts to improve training, two additional attorney resources could contribute significantly in these areas. Non-compensation costs associated with the addition of two new attorneys would be minimal and include the cost of materials and supplies for the attorneys and the one-time cost of recruitment.

The Board of Supervisors should authorize the addition of two Deputy Public Defender I's to the Public Defender's Office budget and direct the Human Resources Department to commence a recruitment process for and seek to fill the positions as soon as possible. In a manner that

would allow a smooth transition and minimize disruption to existing misdemeanor case work, the County Counsel's Office should provide written notice to the Conflict Administrator initiating the termination of the Addendum.

## **Conclusions**

The demand for misdemeanor defendant representation warrants additional attorney staffing beyond the staffing authorized in the Public Defender's Office. The County's current arrangement to secure these additional attorney services through Alternate Defenders provided by the Conflict Administrator is more costly than if the County were to hire two Deputy Public Defenders. The County should terminate the Addendum to the Conflict Administrator Agreement and hire two Deputy Public Defenders to meet the demand for attorney services. In addition to the cost savings, the Public Defender's Office would benefit by having more flexibility in staffing and more resources for other office responsibilities such as training and mentorship.

## **Recommendations**

The Board of Supervisors should:

- 3.1 Authorize the addition of two Deputy Public Defender l's to the Office of the Public Defender and direct the Human Resources Department to fill the positions as soon as possible.
- 3.2 Direct the County Administrator's Office to terminate the Addendum to the agreement between the County and the Conflict Administrator by providing at least 30 days written notice to the Conflict Administrator. The transition should be carried out in a manner that minimizes the disruption to existing misdemeanor case work.

## **Costs and Benefits**

By implementing these recommendations, the County could save \$222,075 per year as compared to the cost of continuing the current arrangement with private Alternate Defenders. In addition, the Public Defender's Office would benefit by having two additional attorneys that could be deployed more flexibly than the Addendum allows the private attorneys to be deployed. Minimal one-time administrative costs of recruiting the two Deputy Public Defenders would be partially offset by the reduced cost incurred by County Counsel's Office personnel who process invoices and payment for the private Alternate Defenders. The Public Defender's Office may also incur minimal additional cost for materials and supplies for the two attorneys.



## 4. Development of and Adherence to Policies

- Operations in the Sonoma County Public Defender's Office are complex and strategic and legal decisions have to be made throughout the life of a case. Many of these decisions require discretion that cannot be dictated by written policy. Other areas of operations, however, represent administrative decisions for which formal, written policies would allow consistent and transparent decision-making and better ensure compliance with Office policies. These include deciding when to declare a conflict of interest on a case, how to determine whether a defendant is financially eligible for public defender services, investigation and expert witness request protocols, and whether requesting a continuance because of work demands rather than the merits of the case are justified.
- The Public Defender's Office has only informal, general standards for critical areas of its operations. The Chief Deputy Public Defender prepared a policy and training manual for attorneys defending misdemeanor cases. A review of the manual found it includes a department-wide policy on declaring a conflict of interest but is lacking in other administrative policies. Its primary content is strategic information about misdemeanor criminal defense, preparing for court hearings or trials, and working with juries. A similar manual for felony and juvenile attorneys does not exist.
- Office management states that there are well-understood, oral policies concerning investigation requests, expert witness requests and determining a defendant's financial status. A review of a random sample of case files for cases disposed of in 2011 indicates that these policies are either not being adhered to or documentation is missing that would confirm they are being followed.
- The Public Defender's Office should create/revise formalized, written standards for declaring a conflict of interest, requesting a continuance, requesting investigations, using expert witnesses, minimizing unnecessary changes in counsel, and determining a defendant's financial status. All decisions made under these policies should be well-documented to allow a review of actions taken to be monitored by management for compliance with policies.

### Benefit of Written Policies

Operations in the Sonoma County Public Defender's Office are complex and many strategic and legal decisions have to be made throughout the life of a case. Many of these decisions require discretion that cannot be dictated by written policy. Other areas of operations, however, represent administrative decisions for which policies would allow staff to make decisions in a consistent and transparent manner. The absence of formal policies in the Sonoma County Public Defender's Office leaves staff with insufficient direction.

The absence of written policies and procedures also reduces transparency, which can lead to the appearance of inconsistency or bias and prevent the Office and funding authorities from evaluating how operations could be made more efficient. Policies should be reviewed on a regular basis such as annually to ascertain if they are being adhered to and are still meeting the Office's needs. A finding that a policy is routinely ignored may signal a change is needed in the policy itself, or that staff training is required.

### **Policies in the Sonoma County Public Defender's Office**

The Chief Deputy Public Defender prepared a policy and training manual for staff attorneys assigned to misdemeanor cases. A review of the manual found it includes an Office-wide policy on declaring a conflict of interest but no other administrative policies specific to the Office. Its primary content is strategic information about misdemeanor criminal defense, preparing for court hearings or trials, and working with juries. A similar manual for felony and juvenile attorneys does not exist.

Two California public defender's offices<sup>1</sup> have promulgated written policies, some of which may serve as models for the Sonoma County Public Defender's Office. The survey of Public Defender offices in six other counties conducted for this management review produced additional information about practices which may provide useful suggestions for Sonoma County. Providing written direction in the following areas represents a best practice in public defender offices:

- Conflict of interest declarations
- Investigation requests
- Use of expert witnesses
- Ensuring representation provided in manner to reduce unnecessary changes in counsel
- Requesting and documenting continuances
- File notations
- Determining defendant's financial status

### **Actual Office practices tested through case file review**

Besides the Office's written policy guiding declaration of conflicts of interest, Office management reports that many of its administrative policies are communicated to staff verbally, including those related to finding defendants financially eligible for public defender services, making investigation requests, and requesting expert witnesses. In order to evaluate whether these policies were being adhered to, we examined a random sample of Public Defender's Office case files for cases closed in calendar year 2011 to determine:

---

<sup>1</sup> Ventura County Public Defender's Office (2008), Solano County Public Defender's Office (2011).

- if the Office’s conflict of interest policy is being followed, including whether declarations are being made as early as possible,,
- if protocols governing case processing and investigative and other support services are being followed, and
- if reasons for continuances are adequately documented.

The sample consisted of 46 case files: 27 felony files, ten misdemeanor files and nine juvenile files.

**Conflict of interest declarations**

The Sonoma County Public Defender’s Office produced “Policy and Procedural Guidelines for Declaring Conflicts of Interest” in 2006. The policy addresses guidelines for when a conflict of interest must be declared and appropriate practices to be followed. It requires approval by a supervising attorney for all conflicts of interest other than that for cases with multiple defendants and provides that the conflict of interest determination should be made at the earliest possible time so that the case can be transferred to a private attorney without undue delay.

A shortcoming in the practice of declaring conflicts is the lack of documentation in case files as to when and why the conflict was determined and who approved it. A review of 46 randomly selected case files included eight where the Public Defender’s Office declared a conflict of interest at or after Early Case Resolution court (ECR),<sup>2</sup> but only one had an indication that the decision was approved by an Office supervisor and none had a general reason for the conflict. The time from the first appearance in court until the conflict of interest was declared ranged from one day to 333 days, with three cases taking 90 or more days. While these late conflict determinations may have been reasonable, there is no supporting documentation to determine why the declaration of conflict happened at that stage.

Each conflict of interest declaration, other than those made at the very beginning of the case before the Public Defender’s Office is even appointed (e.g., multi-defendant cases), should be supported by a form documenting when the conflict was determined, the general nature of the conflict, and who approved the conflict declaration. The Sonoma County conflict of interest policy for misdemeanor attorneys states that the Public Defender’s Office “will not reveal the nature of a conflict when to do so could have an adverse effect on a client or would reveal a confidential communication of a client.” However, it is appropriate to state the nature of a conflict in the confidential case file.

The Solano and Ventura County Public Defender’s Offices both maintain written Conflict of Interest Policies. Their stated practice, and the practice reported by other surveyed counties (although not documented in writing in the other counties), is to document the conflict of interest in the paper file and/or their case management system. Several public defenders’

---

<sup>2</sup> When conflict is declared at a first appearance, no file is created in the Public Defender’s Office; hence, such cases were not included in the sample.

offices (Solano, Ventura, Stanislaus, Napa, San Joaquin and Santa Barbara) also require their staff attorneys to note the reason for the conflict of interest in the case file.

The Ventura County Public Defender's Office has created a form to document conflict of interest declarations which can be used as a starting point for development of a similar form by the Sonoma County Public Defender's Office. The form should include the court case number, Public Defender case number, defendant name, name of the person creating the conflict, that person's status relating to this case (e.g., witness), the reason this has caused a conflict, the date the conflict was identified, the attorney completing the form, the signature of a supervising attorney, and the date signed. The form should be placed in the case file.

### **Case Continuances**

Continuances are an important performance measure for Public Defender Office management to consider and monitor. While often requested for good cause, excessive continuances may be evidence of an overworked and/or unprepared attorney. Because of inconsistent data entry by Court clerks (see Section 6), the vast majority of continuances are recorded in IJS as being at the request of the Court when, in many cases, they have in fact been requested by either the Public Defender or District Attorney's office. Thus, at present the Office cannot rely on IJS to monitor continuance requests by its attorneys.

Excessive continuances may be a cause of slower-than-desired disposition rates. Data from the Administrative Office of the Courts (AOC) for fiscal year 2009-10 (the most recent available) indicates that the Sonoma County Superior Court disposed of 68% of felony cases in 90 or fewer days, compared with the statewide average of 73% in that time period, and 86% of misdemeanors in less than 120 days, compared with the statewide average of 83%.<sup>3</sup> Thus, the felony time to disposition is slightly lower than the statewide average. Sonoma County's disposition rate and the number of and reasons for continuances should be monitored to determine if there is a link between the County's relative slower case processing time and number of case continuances.

In our review of a sample of case files, the management review team found that of 37 adult cases, 18 had a total of 55 continuances, or an average of 3 continuances per case. Only fourteen of the 55 continuances reviewed, or 25 percent of the total, had reasons stated in the case file.<sup>4</sup> The lack of disclosures of the reasons for continuances in the majority of case files prevents Office management from ascertaining if the continuances were beyond the attorneys' control, requested for strategic reasons, or due to unprepared attorneys. In focus groups conducted for this management review, staff attorneys reported that they are often required to request continuances because they are representing defendants whose cases are being heard simultaneously in different courtrooms. At the same time, attorneys also indicated that it is sometimes in the client's best interest to continue a case. By more closely monitoring the

---

<sup>3</sup> Statistical reports prepared for the AOC in fiscal year 2011-12 to date show the disposition rate for felony cases remains at 68% in less than 90 days, while that for misdemeanors is 85% in less than 120 days.

<sup>4</sup> These included defendant's illness, defendant's refusal to leave jail for court, lack of discovery, ongoing negotiations with prosecution, need for judicial research, and lack of a trial courtroom.

reasons for continuance requests, management can more effectively communicate to the Court problems case scheduling practices are creating or work with staff and other criminal justice system agencies, as appropriate, to ensure that case continuances do not have to be used to achieve preferred case outcomes.

The Solano County Public Defender's Office Policy and Procedure Manual includes a section on controlling continuances. According to the policy, continuances are to be supported by good cause, and occur only if there is a likely possibility that the continuance would result in a case settlement, to obtain needed discovery, or to conduct necessary further investigation. A written policy statement similar to that of Solano County would benefit the Sonoma County Public Defender's Office.

The Sonoma County Public Defender's Office should develop a written policy of what constitutes an acceptable reason for a continuance. The policy might include requiring supervisory approval for a continuance longer than a stated number of days or for a number of continuances per case exceeding an established standard. Each continuance should be recorded in the case file on the Case Activity Sheet indicating who requested it and the reason for the continuance. Public Defender's Office management should periodically review Office-wide reasons for continuances to ensure adherence to the stated policy and that excessive continuances are not being requested, as this could be a reflection of a larger systemic problem.

### **Investigation Requests**

Investigators in the Public Defender's Office provide valuable assistance to the staff attorneys by interviewing witnesses and collecting documentation, among other duties, in the interest of making the best case for the Office's clients. To initiate an investigation, attorneys manually complete and submit an investigation request document to the Senior Investigator, who assigns the investigation to an Investigator. Investigators are asked to inform the requesting attorney that they have been assigned the case, rather than this information coming from the Senior Investigator. In juvenile cases in particular, this can lead to a delay in the attorney and Investigator communicating about the case.

While the request form includes a free-form field for entry of tasks to be completed, there is no Office policy guiding how investigation requests are to be structured. In a focus group conducted for this management review, Investigators reported that many of the current practices regarding investigation requests complicate their work and require them to unnecessarily conduct hurried investigations. Investigations are rarely requested for felony cases when they are in Early Case Resolution court (ECR), even when attorneys suspect the case will not settle. At a minimum, attorneys could prepare investigation requests before the preliminary hearing stage of the case when they are aware of what might be significant in the case and could alert the Investigators of what is to come. Some senior attorneys do prepare their investigation requests at this stage, but there is no Office policy requiring that they do.

Investigators believe that some of the tasks they are asked to complete by attorneys are inappropriate, such as interviewing clients and preparing subpoenas. However, some of these

tasks are conducted by Investigators in the public defender offices in other counties surveyed; the policy should clarify which tasks are and are not appropriate to request of the Office's Investigators.

The Office's investigation requests lack uniformity. Investigators report that some attorneys make a "blanket request," meaning the investigator should "do everything." This lack of specificity can result in missed investigation tasks or work that was unneeded. Attorneys also sometimes fail to indicate that an investigation request is a "rush" and the investigation request form does not have a place to indicate a short timeframe. In addition, Investigators may not know if or when a case is closed, and may continue to work on the investigation unnecessarily. Supplemental requests are discussed directly between the attorney and the Investigator rather than submitted in writing.

In a review of 37 randomly selected case files, five had investigation requests but no written reports, two had investigation reports but no written requests, and one had both. Two of the written investigation reports were undated. There were at least two investigation reports that were not fully documented, and in five cases, there was no indication that the requested information was received.

In contrast, the Solano County Public Defender's Office's Policy and Procedure Manual details what is expected from attorneys making investigation requests. The policy details the information the attorney must provide to the investigator, by what date the information is needed, or if the investigator should submit reports as they become available; and requires the attorney to immediately notify the investigator if circumstances change the information required or the date it is due. Requests are submitted to that Public Defender's Office Senior Investigator, who makes the assignment to an investigator and returns a copy of the request, with the investigator identified, to the attorney. Supplemental requests for investigation are also made in writing and submitted to the Senior Investigator in the Solano County Public Defender's Office. This reportedly does not occur in Sonoma County;

The Ventura County Public Defender's Office's Policies and Procedures Manual also addresses utilization of investigative services. An attorney is to complete an Investigative Request Form at least 10 days before the information is required, except in unusual circumstances, and submit it, with a copy of relevant discovery, to the Senior Investigator, who makes the assignment, writes the name of the investigator on the form and returns a copy to the attorney.

The Sonoma County Public Defender's Office should develop a formal policy regarding investigation activities. Requests by attorneys for assistance from Investigators should be stated in writing in a standardized format. Each task required should be stated, rather than a "blanket request" for the usual tasks. A form with typical investigation tasks could be developed that includes, for example, the names of those to be interviewed with a description of the questions to be asked; the names and locations of needed records; and the specifics of required photographs. The request form should include whether or not a written report is required and should include a template for such reports so the requesting attorney can see the elements of a written report. Supplemental requests and investigator reports should also be in writing, as

appropriate. When reports are not made in writing, the attorney should indicate in the case file when the information was received.

The Sonoma County Public Defender's Office should also develop time standards for typical investigative tasks. While there will understandably be variations in the time it takes to accomplish a specific task, a time standard makes clear the expectation of the time required for each task type and allows the Office and individual Investigators to manage their time effectively. Similar to a case weighting system as discussed in Section 5, a weighting system could be established for investigations to distinguish routine and complex investigations and to help ration workload among the Investigator staff.

#### **Use of expert witnesses**

Staff attorneys in the Public Defender's Office use contract experts and professionals to assist in preparing and defending their cases. In Fiscal Year 2010-11, the Office expended \$30,215 for expert witnesses and \$16,321 for professional and specialized services.

Currently there is no up-to-date comprehensive list in use for the Public Defender's Office as a whole for commonly used services. Attorneys select the expert witnesses but may ask Investigators for a recommendation. A spreadsheet listing experts by area of expertise was developed by the Office but it is not generally used by attorneys and is not up-to-date.

Before hiring an expert, informal Office policy reportedly requires the staff attorneys to contact the expert for estimated costs, receive written preapproval for the expenditure from a supervisor, and notify the expert in writing of the services required and the cost allowed. However, none of the files reviewed had any documentation of this nature regarding the hiring and use of an expert.

The Solano County Public Defender's Office's Policy and Procedures Manual includes a policy requiring that lead attorneys maintain a list of experts in a variety of fields and share it with all staff. The Ventura County Public Defender's Office's policy on expert witnesses also requires that attorneys complete an Expert Request Form and obtain written permission from a supervisor before hiring the expert. When the work is complete, attorneys are asked to complete an Expert Evaluation Form, and curriculum vitae for that expert to add to the Office's Expert Witness databank, if not already included.

The Sonoma County Public Defender's Office should develop and maintain a current list of expert witnesses in commonly-needed disciplines, such as narcotics and alcohol testing, use of force, identifications, fingerprinting, DNA analysis, pathology, and various mental health fields. A standard list would save staff time in finding appropriate experts and allow the Office to select experts in whom they have confidence based on prior experience and the recommendations of others in the Office.

Before hiring an expert witness, either to perform services or testify in court, the attorney should contact the expert and obtain a cost estimate, complete a standardized Expert Witness Request form and submit it for approval to a supervising attorney. The request and approval

should be documented and placed in the file and include the specific request made to the expert, the estimate and final cost, and the signature of the approving supervisor.

**Minimizing unnecessary changes in counsel**

The Sonoma County Public Defender's Office works diligently to provide vertical representation to its clients so that the same attorney represents the client throughout their entire court case to the greatest extent possible.<sup>5</sup>

The review of 26 felony case files found that the Public Defender's Office has done well at maintaining vertical representation in felony cases, despite the Court's practice of setting cases for trial at irregular times and in departments other than that where the case was originally assigned. In felony cases reviewed, clients were served by between one and four attorneys, with the majority represented by one or two attorneys. Eleven cases had one attorney throughout the case; ten cases had two attorneys; three cases had three attorneys; and two cases had four attorneys.

In five cases with more than one attorney, a different attorney represented the client at a violation of probation (VOP) hearing. This is reasonable since a VOP may occur long after the initial case is closed, while cases that are active for more than a year may require multiple attorneys because of changes in staff or staff assignments. One of the cases with three attorneys and both cases with four attorneys presented unusual circumstances.<sup>6</sup> In only three non-extraordinary cases (less than 8% of felony cases reviewed) did an attorney different than that representing the client at ECR appear at a substantive event involving the original case (e.g., settlement conference, preliminary hearing).

Strict vertical representation is less likely in misdemeanor cases, but is not as important as in felonies because misdemeanor cases are of shorter duration. The review of eight misdemeanor files found that none of them had only a single attorney representing the defendant; clients were served by between two and five attorneys. One case had two attorneys, five cases had three attorneys, one case had four attorneys and one case had five attorneys.<sup>7</sup>

In summary, the Public Defender's Office is less likely to maintain vertical representation in misdemeanor cases, felony cases with violations of probation, or extraordinarily long cases. In these last two situations the inability to retain the same attorney on the case is understandable given the nature of the case.

The Office should develop a written policy stating its commitment to vertical representation in felony cases and identifying acceptable exceptions. The policy should state the department's goals with regard to vertical representation and the situations that require or allow exceptions.

---

<sup>5</sup> Public defender offices in some jurisdictions maintain teams of specialized attorneys who only handle parts of each case (e.g., preparing for and attending preliminary hearings only).

<sup>6</sup> Two were for very serious crimes resulting in life prison terms. One had more than 20 court appearances. Another started with appointment of the Public Defender's Office, but the Office was relieved by a private attorney (not due to a conflict of interest) and then reappointed nearly five months later.

<sup>7</sup> The case with five attorneys was highly complex with 16 court appearances and multiple competency hearings; two motions to relieve the Public Defender's Office as attorney of record; and a violation of probation.



A substitution of attorney should be noted on the Court Activity Sheet in the case file with the reason for the change.

**File notations**

The Public Defender's Office case files should contain all information necessary to reconstruct the case should the responsible attorney not be available or to enable management reviews as part of staff attorney performance evaluations. Each file must be documented and organized in a manner that accurately reflects the work done, the strategic decisions made, consultations with the client, and important actions taken in the case, including reasons for which those actions were taken. The depth and detail of appropriate file documentation may vary according to unique factors associated with representation of the clients including case complexity and the length of time the Public Defender's Office has represented the client.

The review of a sample of case files showed a lack of detail in the completion of many of the Case Activity Sheets. In order to trace the appearance history of a case it was necessary to review both the Case Activity Sheet and the Court register of actions, as the Case Activity Sheet was often incomplete. Entries were sometimes illegible and were not initialed. Continuances were usually indicated by a new court date with no reasons given. In some large files, the Case Activity Sheet was missing pages. Some sheets had so little detail it is unlikely all conversations with the client were noted.

A few Case Activity Sheets had very legible, detailed notes about offers made, negotiations conducted, client input, reasons for continuance, and the final result of the case. This allows a newly appointed attorney to effectively take over representation on short notice or a manager to get a good picture of a staff attorney's performance.

The Solano and Ventura County Public Defender's Offices' Policy and Procedure Manuals require that attorneys maintain accurate, legible, detailed, and current file notations. The notations memorialize the date and specifics of case activities. The types of activity to be recorded as stated in the policy are very detailed. They include: notations concerning court appearances; receipt of discovery; investigation requests, client jail visits and other client conversations; witness interviews and those of other persons relevant to the case; legal research conducted; examination of the crime scene and other evidence; motions; dispositional offers made; and attorney impressions. The Sonoma County Public Defender's Office should establish a policy requiring the responsible attorney or secretary to note on the Case Activity Sheet the dates and content of any activity, including those listed above. All entries should be initialed by the person making the entry so that questions about the content can be referred to the person responsible for the notation.

**Defendant's financial status**

As discussed more thoroughly in Section 7 on Financial Screening and Fees, the Public Defender's Office is responsible for making the initial determination of a defendant's eligibility for services. The Public Defender's Office should establish a formal, written policy of what

constitutes indigence, how the decision is to be made to provide Public Defender services, and when to request that the judge order payment of defense counsel fees. The Application for Financial Evaluation should be revised as detailed in Section 7 completed in all cases in which defendants are out of custody, and placed in the case file. As described in Section 7, the policy regarding registration fee payment should also be formalized.

## **Conclusions**

The Public Defender's Office has only informal, general standards for critical areas of its administrative operations for which formal, written policies would allow consistent and transparent decision-making and better ensure compliance with Office policies. The Public Defender's Office should create and/or revise formalized, written standards for declaring a conflict of interest, requesting a continuance, requesting investigations, using expert witnesses, minimizing unnecessary changes in counsel, and determining a defendant's financial status. All decisions made under these policies should be well-documented to allow a review of actions taken to be monitored by management for compliance with policies.

## **Recommendations**

The Public Defender should:

- 4.1. Revise the procedure on declaring a conflict of interest to require all staff attorneys document their conflict of interest declarations, to include a record of case information, the reason for the conflict, the date the conflict was discovered, the date conflict was declared and supervisory approval.
- 4.2. Develop and implement a formal Office-wide written policy regarding requesting and documenting continuances, addressing when continuances are appropriate, and direct all staff attorneys to record the reason for continuances on Case Activity Sheets.
- 4.3. Develop and implement a formal Office-wide written policy regarding investigatory activities, to include the process for making the request, appropriate timing, and when a written investigation report is required.
- 4.4. Modify the existing investigation request form to include all relevant case information, a checkbox-style format with standard investigation requests, an indicator of whether a written report is needed or not and a sample of a standardized investigation report format
- 4.5. Develop and implement a formal Office-wide written policy on the use and payment of expert witnesses, to include the process for determining the need for an expert and for requesting approval to hire one.
- 4.6. Direct staff to create and maintain an up-to-date list of experts in commonly-needed disciplines, including their name and contact information, area of expertise, and hourly rates, if available.

- 4.7. Create an Expert Witness Request form that includes case information, the reason the expert is needed, the expected cost and actual cost of the expert, and the signature of the supervisor approving the request.
- 4.8. Develop and implement a formal Office-wide written policy to ensure client representation is provided in a manner that reduces unnecessary changes in counsel, including a statement of the goal and philosophy for vertical representation, how attorneys are to manage their schedules to maintain that representation, and when it is appropriate to substitute attorneys.
- 4.9. Develop and implement a formal written Office-wide policy about proper case file notations. Include the information that should be included on the Case Activity Sheet (date, action, explanation or reason for the action, if appropriate, and initials) and state that the entries should be legible and complete so that they are useful to anyone reviewing the file.
- 4.10. Periodically monitor staff activity to ensure adherence to the policies including periodic reviews of case files to ascertain if attorneys and clerical staff are accurately and completely recording reasons for conflicts, financial declaration approval, continuance, requests for investigation and expert witnesses; that supervisory approval is noted when appropriate; and that notations on the Case Activity Sheet are complete, legible, and initialed, so that questions about the content can be referred to the person responsible for the notation.
- 4.11. Annually review the policies to verify they are still appropriate, and make changes as required to ensure they continue to be viable.
- 4.12. Provide staff training as needed to ensure compliance with the policies.

## **Costs and Benefits**

Implementing these recommendations will incur minimal costs. Management staff time will be required to develop, document, promulgate and monitor compliance with formal policies. The benefits of implementation will be consistent and transparent application of policies when making administrative decisions and provision of needed management information through documentation of these policies.

## 5. Management Practices and Performance Measurement

- While the primary goal of the Public Defender's Office is to provide quality representation to its clients, the efficient management of Office caseload and individual case activity is equally important to ensure that clients are receiving the best possible service with the resources available. Given the number of cases represented by the Public Defender's Office each year, it is not possible or cost-effective for any manager to attempt to keep track of all cases and activities. A process of formally collecting and monitoring performance measures in key areas would ensure Office management and other County stakeholders that Office operations are efficient and effective.
- Performance data that should be collected and regularly reviewed by Office management includes: total caseload, by type of case; number of cases per attorney; number of investigations per Investigator; average elapsed case processing time; average elapsed time per investigation; number and timing of case continuance requests per case; and, the number and timing of conflict case declarations. Such data would provide Office management with key information needed to assess overall Office and individual staff member performance. Besides the Office's managers' own observations of staff, formally collecting feedback from Sonoma County judicial officers about the quality of representation being provided would provide useful information to Office management about individual staff performance and overall Office operations.
- Current performance data available shows that Sonoma County's case processing time is slower than six comparison counties, that approximately 31 percent of felony conflict of interest declarations are occurring after preliminary hearings, and that felony cases were continued an average of 10.3 times each in FY 2010-11. Though the figures include continuances requested by the District Attorney and imposed by the Court, in addition to Public Defender requests, it indicates that cases are likely taking longer than desirable and management intervention is needed to ensure that cases are being disposed of as quickly as possible.

The Public Defender's Office's managing attorneys monitor staff attorneys in the courtroom and provide advice to them on legal issues pertaining to their cases. However, the Office does not have formal performance measurement systems in place to ensure that cases are being processed efficiently and consistent with the Office's informal or established policies. While the current approach is not without its benefits, the collection and review of key performance information would assist management in systematically monitoring operations, making improvements where necessary and obtaining resources needed to enhance operations. Such information would also be useful in identifying issues affecting performance or case processing that requires addressing by other criminal justice agencies with which the Public Defender's Office regularly interacts.

Examples of performance measures and corresponding data sources that could be used by the Public Defender's Office as management tools are described in this section. It should be noted that, in the course this management review, some of the data sources were found to have data integrity problems that will need to be corrected before they can be used for performance monitoring purposes.

### **Caseload and Cases per Attorney are not Adequately Tracked**

Total caseload and number of cases per attorney are core measures of Office workload and staff productivity that should be regularly collected and reviewed by Office management to ensure that workload is being equitably distributed, staff assignments are appropriate and that all members of the staff are contributing equally and getting new opportunities for growth. While total caseload is an important measure for the Office overall, it is more important to have an accurate measure of the distribution of cases, by type, to ensure that caseload is equitably distributed after accounting for case weights, or variations in staff time and effort required for different types of cases.

Presently, as discussed in Section 2, the Office tracks its caseload manually, separately counting opened and closed cases by the following categories: felonies; misdemeanors; juvenile cases; collaborative court cases (Drug, Mental Health and Domestic Violence courts); DUI court; and conservatorship cases. The numbers of court appearances are also tracked, by case type.

The number of opened and closed felony cases are classified as either a New or Re-opened Early Case Resolution (ECR) cases, for cases which are heard in ECR court in an attempt to settle the case early in the process without a trial, or as New or Reopened criminal/serious felony trial cases for cases that are of a more serious nature and therefore bypass ECR and go straight to a trial court department and attorney. While these are useful statistics to compile and review, particularly for assessing overall workload trends and staff productivity, the numbers as currently tabulated are not completely reliable and should be improved to serve as more useful performance measures.

As discussed in Section 2, a problem with the Office's caseload statistics, as presently recorded, is that some of the case categories lack clarity and cases appear to be double-counted or not counted at all in some instances. For calendar year 2011, for example, Office statistics show 864 new or reopened felony cases opened but 2,386 cases reported as closed in the same category for the same year.

The Office's felony case count distinguishes between new cases that start in ECR court as compared to those that go straight to a trial court department. While this accounts for some serious felonies, which should be counted separately since they consume a disproportionate amount of staff time compared to other felonies, the statistics do not count cases that start in ECR, do not get resolved there, and go to trial. Without this, it is not possible to accurately track the number of felony *trial* cases<sup>1</sup> per attorney per year, a key productivity measure for the

---

<sup>1</sup> This includes cases that may settle before an actual trial begins.

## ***5. Management Practices and Performance Measurement***

---

approximately 10 staff attorneys assigned to felony trials. Clear, non-duplicative case classifications are needed in the caseload statistics to be useful for management purposes.

A distinction is also needed between certain types of misdemeanor cases. For example, DUI misdemeanor cases in the DUI/DV court are often resolved at first appearance rather than requiring multiple appearances. Cases that resolve quickly do not require attorney time outside of the courtroom for interviews, investigations or planning defense strategies. In addition, trials do not take place in this courtroom; to the extent they occur, they are held in other courtrooms instead. Thus, DUI cases in this court department require lesser effort per case than other misdemeanors but are presently counted just like any other misdemeanor. In FY 2010-11, there were 9,052 new misdemeanor cases filed; 591 of which were DUI/DV cases<sup>2</sup>. This amounts to a smaller workload relative to other misdemeanor departments. A case weighting system would help rationalize the distribution of these and other cases per attorney.

Collaborative court cases are counted separately but may be duplicating felony or misdemeanor case counts, since many of these cases start in those court departments. Juvenile cases are undercounted because they are counted by defendant only, regardless of how many repeat cases an individual defendant has. Finally, as mentioned above, the reported number of cases counted as closed greatly outnumbers the number of cases counted as opened, which is not immediately explainable.

In reviewing these statistics in conjunction with this management review, Office staff has recognized problems with at least the juvenile statistics and has begun making changes to their collection and reporting methods for those counts. The other limitations of the statistics will require further correction by the Public Defender's Office.

In addition to some of the deficiencies in current Office caseload statistics, they are being counted manually, resulting in an inefficient use of staff time and are prone to errors that can easily occur with manual tabulations. The Office could potentially use its own desktop computers and case logs to electronically count caseload. The County's IJS system also tracks total caseload based on cases filed with the Superior Court and can identify those for which the Public Defender provided representation. Unfortunately, the number of cases identified by IJS as cases for which the Public Defender's Office had a conflict of interest does not match the caseload numbers reported by the County's Conflict Defenders.

Ideally, IJS should be used to track cases in lieu of Public Defender's Office staff manually or electronically tracking cases. However, since caseload statistics reported by IJS do not match the Office's, the Public Defender's Office needs to first work with the Information Systems Department and the Court to establish a set of protocols for how cases are counted and how circumstances such as transferring a case to the Conflict Defenders mid-case should be recorded. The advantage of using IJS as the source of the Office's caseload statistics is that other performance measurement statistics, some of which are described below, could also be

---

<sup>2</sup> Public Defender's Office statistics

tracked and reported from the same data source, with a single control total to reconcile with and ensure the accuracy and correct interpretations of the information.

**Elapsed Case Processing Time is not being Regularly Monitored**

A key measure of efficiency for the Public Defender's Office as well as all other County criminal justice system agencies is how quickly cases are processed. While there are many factors that can affect case processing time, including matters beyond the control of the Public Defender's Office, it is important for the Office to monitor overall case processing patterns to ensure that Office staff is not contributing to avoidable delays. Case processing time statistics should also be regularly reviewed by all County criminal justice system agencies as a group to determine if there are systemic causes of some delays that could be solved through changes in current processes and procedures.

The State Administrative Office of the Courts (AOC) tracks case processing time for courts in all counties in California and reports them annually. AOC statistics for FY 2009-10 (the most recent available), show that Sonoma County is processing many of its cases more slowly than in five comparison counties and the State overall.

As can be seen in Exhibit 5.1, felony case processing in Sonoma County is taking longer than comparison counties and the State overall when measured in 30, 45 and 90 day increments, though the County matches the comparison counties when a 12 month timeframe is used. Similarly, more misdemeanor cases are disposed of in 30 days or less in the other counties and Statewide than in Sonoma County, though the County's performance is approximately equal to the other counties and Statewide total for misdemeanor cases processed in both 90 and 120 days.

While case processing delays can be caused by many factors and criminal justice system agencies other than the Public Defender's Office may play a significant role in delays, it is still important for the Office to regularly track these statistics and related other measures to ensure that the Office is not causing unnecessary delays. These statistics should also be regularly reviewed and discussed by all criminal justice system agencies at regular interagency forums to identify any actions that should be taken by individual agencies or the agencies collectively to minimize case delays.

## 5. Management Practices and Performance Measurement

<b>Exhibit 5.1</b>							
<b>Case Processing Time, FY 2009-10</b>							
	Felonies Disposed of in Less Than 12 Months	Felonies Disposed of in Less Than _ Days			Misdemeanors Disposed of in Less Than _ Days		
		30	45	90	30	90	120
<b>Statewide</b>	<b>88%</b>	<b>46%</b>	<b>57%</b>	<b>73%</b>	<b>62%</b>	<b>78%</b>	<b>83%</b>
Monterey	83%	26%	41%	67%	59%	81%	85%
Napa	95%	40%	56%	77%	57%	77%	83%
San Joaquin	84%	54%	63%	77%	78%	87%	90%
Santa Barbara	90%	33%	41%	65%	88%	95%	97%
Stanislaus	68%	55%	64%	76%	59%	79%	84%
<b>Median, other counties</b>	<b>84%</b>	<b>37%</b>	<b>49%</b>	<b>72%</b>	<b>59%</b>	<b>80%</b>	<b>85%</b>
Sonoma	84%	32%	43%	68%	51%	78%	86%

Source: Administrative Office of the Courts annual report.

### **Case Continuances are Frequently Requested and should be Monitored**

Case continuances can be requested by Public Defender’s Office staff, District Attorney’s Office staff or imposed by the Court itself. The number of continuances requested by Public Defender’s Office staff attorneys is an important performance measure for the Office’s management to track. A high number of continuances requested by the Office can be an indicator of individual attorney time management issues, a burdensome caseload, or court scheduling practices causing chronic scheduling conflicts for the Public Defender’s Office staff. Data on continuances is not currently tracked or reviewed by Office management though they report that they know enough about the caseload informally to know when certain cases are taking longer than they should.

Case continuances are recorded by Court staff in the County’s Integrated Justice System (IJS) and can be summarized and regularly reported. At the request of this management review team, the County Information Systems Department produced reports on continuances by type of case and requesting party. The requesting party results were determined to be unreliable due to inconsistent data entry practices about who requested the continuances and were therefore not used for this report. As a result, it is not possible at this time to determine how many of the total case continuance requests were made by the Public Defender’s Office, the District Attorney’s Office or were imposed by the Court. However, the number of total continuances, by case type, is considered reliable and is presented in Exhibit 5.2.

As shown in Exhibit 5.2, there were a total of 24,047 continuances for 2,337 total felony cases in FY 2010-11 (all cases opened in the Court, regardless of who provided legal representation), or an average of 10.3 continuances per case. Exhibit 5.2 also shows that there were 42,681 continuances for 15,244 total misdemeanor cases, or an average of 2.8 continuances per case. Though not shown in Exhibit 5.2, IJS can also report continuances by court department. This



## 5. Management Practices and Performance Measurement

---

would enable Public Defender's Office management to more easily track continuance patterns by staff attorney and Court department.

<b>Exhibit 5.2: Number of Continuances Requested by All Parties per Case, by Type of Case</b>			
	<b>Number of Continuances</b>	<b>Number of Cases</b>	<b>Average Number Continuances per Case</b>
Felonies	24,047	2,337	10.3
Misdemeanors	42,681	15,244	2.8
Total	66,728	17,581	3.8

Source: IJS

The data in Exhibit 5.2 shows a high number of continuances per case, particularly for felony cases. This alone provides a reason for the County's criminal justice system agencies to collectively analyze current processes and attempt to determine what actions can be taken to reduce this number. But since the data cannot be reliably broken down by requesting agency at this time, it is less useful for individual agency management as they cannot readily determine if their staff members are making a reasonable number of continuance requests or not. Though IJS includes a field to enter the party requesting continuances, this data is not being entered correctly by Court staff. This is a problem that should be able to be easily remedied through Court clerk training, at which point management of the Public Defender's Office could begin regularly receiving and monitoring continuance data, by requesting agency, to ensure that internal Office procedures and staffing allocations are not resulting in an undue number of continuances. The data should also be regularly reviewed by all County criminal justice system agencies, with the goal of modifying processes as needed to minimize the number of case delays resulting from avoidable continuances.

### Conflicts of Interest

Case law and California State Penal Code Section 987.2 govern the appointment of counsel for indigent defendants. The Rules of Professional Conduct (Rule 3-310) and case law govern the circumstances under which the Public Defender or other attorney for an indigent defendant may be compelled to declare a conflict of interest on a case, at which time it must be reassigned by the courts to alternate counsel.

Conflicts of interest are declared in cases in which: there are multiple defendants and more than one of the defendants would be represented by the Public Defender's Office; representation of the defendant would cause the Public Defender's Office to take a position adverse to a former client; representation would result in concurrent representation of the defendant, a victim or other material prosecution witness; and, other related circumstances.

## ***5. Management Practices and Performance Measurement***

---

The number and point in a case when conflicts of interests are declared are important performance measures and should be tracked and regularly reported to Public Defender's Office management and the County Counsel's Office. This information, which can be collected from IJS, should include the stage of the case at which the conflict was declared, the Court department and the staff attorney who declared the conflict. These cases should be separately tracked but factored in to the Office's total caseload as the Office does perform some work on these cases and, depending on when the conflict of interest is identified and declared, they can consume as much time as some regular cases. An additional reason for management to review this information is to track when conflicts of interest are being declared. Since defendants in these cases will have to be represented by the County's contract conflict attorneys anyway, and the Public Defender's staff has a substantial caseload without them, the earlier conflicts of interest can be declared and the cases transferred, the more efficient the process.

A review of IJS FY 2010-11 data shows that most conflicts of interest are declared before preliminary hearings. Of those that were declared for felony cases that year, IJS reports that 1,498, out of 2,432 declarations<sup>3</sup> or nearly 62 percent of all felony case conflict of interest declarations reported, were declared at Early Case Resolution court (ECR). Since ECR represents the first court event for most felony cases, this is the point at which the majority of conflicts of interest should be declared. IJS data shows that the remaining 934 conflict of interest declarations, or approximately 38 percent of all declarations, occurred after ECR court and before trial. While some of these represent cases that bypassed ECR and went straight to a trial court department, as occurs in more serious felony cases, and some represent cases where there are unavoidable surprise discoveries of conflicts of interest that could not have been known at earlier stages of the case, there were still a relatively high 754 felony conflict of interest declarations that occurred after preliminary hearing and before trial, indicating that Public Defender's Office staff attorneys conducted a significant amount of work on these cases before they were transferred to private contract attorneys.

Office management should establish processes to ensure that as many conflicts of interest as possible are identified as early as possible in the case process. Establishing an automated process for reviewing witness names against previous Office client names would be one approach to explore with the County's Information Systems Department. Regular IJS reports tracking when conflict of interest declarations are being made will assist Office management in determining if improvements are being achieved in reducing the number of felony conflict of interest declarations occurring after ECR.

Regular IJS reporting of the number of Public Defender's Office conflict of interest declarations should also be provided to the County Counsel's Office which is responsible for tracking caseload assigned to the County's private contract Conflict Defenders. At present, there is no regularly produced County report showing how many conflict of interest cases are being assigned to the contract attorneys even though payment to the contractor is based on an

---

<sup>3</sup> IJS counts declarations by defendant, not case, so the number of conflicts declared can exceed the total number of cases filed due to multi-defendant cases.

assumed number of cases per year. The contractor does keep track of the cases they receive and reports them to the County but these cases are reported in classifications that cannot be readily reconciled with IJS caseload data. As an internal control mechanism, the County needs its own count of the number of cases assigned to the Conflict Defenders.

**Number of Motions Filed per Case should be Monitored**

IJS contains records that can be summarized and regularly reported concerning the number of motions filed on a case, by type of motion and by court department. Summary reports with this information would be useful for Public Defender's Office management to assess patterns, identify outliers and determine whether some staff attorneys may be regularly filing too many, too few or inappropriate motions. Since motions filed can potentially delay case processing unnecessarily or lead to better outcomes for the Office's clients, it is important that they be filed appropriately. Rather than having to evaluate the appropriateness of motions filed on a case-by-case basis only, the Office's managers could incorporate Office-wide summary and individual staff attorney data on motions filed for use in their performance evaluations of individual staff attorneys as well as determining when training is needed in this area for the Office as a whole.

**Quality of Representation Assessments should be Formally Collected**

Besides various measures of the Public Defender's Office's efficiency discussed above, it is equally important that the quality of representation provided by the Office be regularly assessed. While this is a more difficult area to assess since there is little quantitative data readily available that effectively measures quality of legal services, Office management could establish a process to formally obtain feedback from bench officers of the County's Superior Court. In addition to Office managers' own observations of staff attorneys in court, feedback from the bench officers would provide a formalized, structured way to measure the quality of services being provided by the staff attorneys' from those familiar with the law who regularly observe the staff attorneys in practice. An annual written or oral survey of the bench offices could be conducted to collect these assessments and used in the staff performance evaluations.

A similar process could be established to obtain feedback on the Office's Investigators from their primary customers: the Office's staff attorneys. Feedback provided to the Investigators from the attorneys at present is informal, if it is provided at all. While this form of feedback may be useful on an individual basis, there is no guarantee that it will occur or that the feedback will be a balanced assessment of strengths and weaknesses. A formal annual written or oral survey of staff attorneys with pre-determined criteria would provide useful information to incorporate into annual Investigator performance evaluations.

## **Conclusions**

Performance data is not being regularly collected and reviewed by management of the Public Defender's Office and used to evaluate overall the efficiency and effectiveness of Office operations and individual staff performance. The current performance monitoring approach is informal and, for the most part, conducted on an individual and case-by-case basis.

Data is available from various sources including internal records, the County's Integrated Justice System, the State Administrative Office of the Courts, and other sources that could be used to measure and monitor key areas of the Office's operations including: total caseload, by type of case; number of cases per attorney and per Investigator; case processing time; number of case continuances requested by Office staff; number of conflicts of interest declarations; number of motions filed per case; and assessments of quality of representation provided. If Office management were to collect and review this type of data on a regular basis, they would be more able to identify systemic criminal justice system and Office-wide problems and areas where improvements are needed to ensure the Office is operating efficiently and providing high quality legal representation to its clients.

## **Recommendations**

The Public Defender should:

- 5.1 Direct Office staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable an accurate and comprehensive reporting of Public Defender's Office caseload, by type of case, to be regularly produced from the Integrated Justice System (IJS).
- 5.2 Begin regularly reviewing case processing summary data and case processing practices to ensure that the Public Defender's Office is not causing undue delays in case processing cycle time.
- 5.3 Direct staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of continuances requested, by agency and staff member, for review and to develop corrective action if the data shows that the Office is requesting an undue number of continuances.
- 5.4 Direct staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of conflict of interest declarations, including the point in the case at which the declaration was made and the number of cases redirected to Conflict Defenders and establishing the goal of minimizing the number of conflicts of interest declared at later stages of the case and possible development of new conflict detection processes.

## ***5. Management Practices and Performance Measurement***

---

- 5.5 Direct staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols for regularly producing performance measurement reports containing information on the number of motions filed by Office staff, to be broken out by case and attorney.

The County Administrator should:

- 5.6 Request that criminal justice agency staff regularly assemble for the purpose of reviewing new performance measurement data to be produced from IJS and to identify and collectively remedy systemic problems that are causing undue delays in case processing
- 5.7 Direct County Counsel to review and reconcile the number of cases for which the Public Defender's Office has a conflict of interest, as reported by IJS, with caseload numbers reported by the County's contract Conflict Defenders.

### **Costs and Benefits**

The costs of implementing the above recommendations will primarily be in staff time, rather than any new direct costs. It will require staff time from not only the Public Defender's Office, but also the Information Systems Department, the Superior Court and other criminal justice system agencies to develop data entry protocols and controls and to regularly review and analyze the recommended performance measurement data. The benefits of investing time for these purposes will include improved case processing efficiency, more comprehensive assessments of agency performance and, for the Public Defender's Office, assurances that staff are adhering to policies and processing their cases efficiently and in the best interests of their clients.

## 6. Uses of Information Systems

- Though capable of providing a wide range of management information, Sonoma County's Integrated Justice System (IJS) is not being used by the Public Defender's Office for this purpose. Designed as a data management system for all of the County's criminal justice agencies, the system contains valuable data and records that could be summarized in reports and used by the Public Defender's Office to monitor Office workload, performance and efficiency. No reports are being regularly produced for the Public Defender's Office for management purposes.
- Among the reports that were produced from IJS at the request of this management review team were: annual compilations of number of cases, by type; number of multi-defendant cases; number of conflict of interest declarations, number of case continuances; and, the number and type of motions filed. The accuracy of some of the IJS data cannot be confirmed at this time due, in part, to inaccurate or inconsistent data entry practices by the Court and Public Defender's Office staff. Such data entry issues need to be resolved if either IJS or a future system is to be more fully used to produce management reports.
- The Office makes minimal use of its own available office automation. Statistical information pertaining primarily to the number of cases filed and disposed and court appearances is collected and compiled manually but not used as a monitoring tool by management. Case information is logged in Excel software but summary reports are not run against the data. Key measures of case processing efficiency and workload are not, but could be, collected and analyzed from these records. Form templates have been created on the Office's desktop computers but are being printed and completed manually. Greater use could be made of macros that draw information from IJS.
- Currently all record sharing within the Public Defender's Office and with other departments is manual. Documents must be physically transported to and from the Public Defender's office, requiring courier staff and time, or handed off from one staff person to another, which can result in misplaced documents.
- While improved data collection in Excel, greater use of macros and a stand-alone electronic document management system would improve management information and streamline operations, a case management system suited to the Public Defender's specific needs is a preferred long-term solution. Office staff would need to consistently enter information in the system if it is to be used effectively. Validation routines would also need to be embedded in a new system to ensure that inconsistent data, such as the entry of "private counsel" in concert with the name of an attorney in the Public Defender's Office, cannot occur.

Sonoma County's criminal justice agencies, including the Superior Court, District Attorney, Sheriff, Probation, Public Defender (County and contract Conflict and Alternate Defenders) and

all law enforcement agencies, use the Integrated Justice System (IJS) as their case management system. Implemented in 1984, IJS includes adult and juvenile criminal and civil case records and a warrant generation system. Criminal infractions and traffic cases are not entered in the system.

The ongoing costs of IJS are shared by seven Sonoma County Departments: Superior Court, District Attorney, Probation, Public Defender, Sheriff, Child Support Services and Health Services. In Fiscal Year (FY) 2012-13, the Public Defender's Office is scheduled to pay eight percent of the system's annual operating costs, comprised of \$50,171 for technical operations such as hardware support, licensing, data base analysis and system administration and \$121,692 for programming, including application maintenance, development and support.

IJS was not developed to provide Public Defender-specific management information. While most Sonoma County criminal justice agencies have a separate module within IJS (e.g., arrest information for law enforcement agencies; custody information for the jail; and court case information for the Superior Court), the Public Defender's Office does not have its own module.

County Information Services Department (ISD) staff report that the County is neither planning to migrate from IJS nor invest significant resources in upgrading the system. ISD reports that enhancements will instead focus on creating "point solutions" (systems used by different agencies) to share data.<sup>1</sup> Requests for proposals to identify point solutions available in the marketplace are reportedly being used by the County to identify cost effective alternatives to IJS to address County business needs. Requests for new agency-specific functionalities within IJS are reportedly not a County priority because of the expense of programming in IJS though ISD reports it will prioritize and implement such requests as funding allows.

Criminal courtrooms have wireless access and attorneys with laptops are able to access email, the Internet and IJS while in court.<sup>2</sup> Some attorneys lack laptops and must wait until a break in court proceedings and return to their office to conduct research on IJS or call support staff to find information about prior convictions or possible conflicts of interest. However, all Public Defender's Office staff attorneys are expected to have laptops by the end of FY 2012-13. This is expected to streamline attorney work.

### **Public Defender's Office Use of IJS is Limited**

The Public Defender's Office chiefly uses IJS to access information. At the request of clients or staff attorneys, support staff retrieves information about case discovery, future court dates, charges, sentencing terms, bench or arrest warrants, prior convictions or cases, and custody status. Attorneys look for information on victims and witnesses to determine if they have a conflict of interest on a case. The Office's support staff print several documents from IJS,

---

<sup>1</sup> Examples of point solutions already in use in Sonoma County include the law enforcement agency consortium's Incident Tracking system (I/LEAD), and eCourt by Sustain, slated to be implemented by the Superior Court early in the next fiscal year for managing traffic cases and court collection activities.

<sup>2</sup> Those with iPads or other tablets can retrieve their email and access the Internet, but not access IJS.

including case file labels, minute orders, court calendars and court dockets. The primary piece of information entered into IJS by Public Defender's Office staff is the Public Defender case number, or "PUB number,"<sup>3</sup> which serves as the main identifier used by the Public Defender's Office.<sup>4</sup>

As discussed in Section 5, the Public Defender's Office does not fully use functions available in IJS. In particular, until recently the name of the appointed felony attorney was entered inconsistently and that of the assigned misdemeanor attorney was never entered. Public Defender's Office management reports that it has since directed staff to consistently enter felony attorney names but not misdemeanor attorney names because cases frequently move between attorneys and courtrooms and tend to have a short lifespan. However, without the attorney name, it is not possible to run a report in IJS identifying which attorneys are responsible for which cases or the size of each attorney's caseload, a critical piece of management information.

#### **Management Information Available Using IJS**

As discussed more fully in Section 5, the Public Defender's Office does not devote significant resources to measuring Office performance and productivity. This limits management's ability to establish quantitative standards against which to benchmark its activities or to justify budgetary needs based on workload.

IJS contains a large amount of data that could provide valuable management reporting to the Public Defender's Office but the Office is not using the system for this purpose. The Office receives a number of standard IJS reports<sup>5</sup> but these are reportedly used for budgetary purposes and not by Office management for analysis of the Office's performance. In addition, at least four IJS reports originally developed for the Public Defender's Office are no longer being requested or used by the Office:

- Cases with 186.22 [gang activity] Charges or Enhancements, a useful indicator of case complexity.
- Public Defender Court Appearances.
- Public Defender Completed Cases by [defendant] Name.
- Public Defender Completed Cases by [PUB] Number.

These last three reports could be used in lieu of statistics currently collected manually by the Office.

---

<sup>3</sup> In Juvenile cases, the court makes all data entries, including the "J" number, the court number assigned to the juvenile for all cases.

<sup>4</sup> Staff can also find parties using a name and date of birth or by cross-reference to the District Attorney's reference number (DAR number).

<sup>5</sup> These reports include: PUB Felony and Misdemeanor Cases Added, Criminal Trials Started and Completed, and Public Defender Jury and Court Trials Held.



IJS statistics regularly provided to the Superior Court may also be useful for Public Defender purposes. The Register of Actions, populated by data input by the Court, has dates of all activities and case aging information and is the basis of a number of mandated statistical reports prepared for the California Administrative Office of the Courts (AOC). These reports are also actively used by the Court to evaluate case management performance. At the request of the Court's Early Case Resolution Court (ECR) judge, the Court also produces a weekly report on the number of arraignments, dispositions and the clearance rate of cases heard in ECR.<sup>6</sup> These reports are available for use by the Public Defender's Office and could be a useful tool for assessing Office productivity.

During this management review, ISD prepared a variety of reports from IJS measuring Public Defender's Office activity. Though the accuracy of some of these reports is questionable at present, once any data integrity issues are resolved, reports could be produced for the Public Defender's Office presenting: number of cases, by case type, attorney and Court department; number of multi-defendant cases; number of continuances, by requestor and court department; number of conflict of interest declarations, by stage of case and Court department; and number of motions filed by type.

Other data elements in IJS against which reports could be run include:

- Dates of violation, arraignment, preliminary hearing, settlement conference, trial, sentencing and any review hearings, which would allow analysis of the number of times a case is set for hearing and the time between hearings;
- Charges, severity, and special circumstances, permitting evaluation of case complexity over time;
- Defendant's custody status, useful for determining time needed for jail visits, estimating the costs of delays in disposing of cases, and the proportion of defendants that should pay the Public Defender registration fee;<sup>7</sup>
- Types of case dispositions, sentencing details and state prison commitments for assessment of the efficacy of Office defense; and
- Violations of probation, allowing the Office to accurately distinguish new and reopened cases, eliminating the need to keep manual records of this information.

If the Public Defender's Office consistently entered appointed attorney names for each case record in IJS, reports could be run by the system that would allow management to better monitor and balance attorney caseload and productivity. ISD staff report it would be possible to provide the Office with some additional reports and small IJS upgrades without charging additional fees. Creating reports using existing data fields would require minimal ISD staff programming resources. The Office's management team should meet regularly to consider data

---

<sup>6</sup> The ECR report was developed by consultant David Bennett working with the Superior Court and is in Excel. The report is shared with managers in the Public Defender's Office.

<sup>7</sup> See Section 7, Financial Screening and Fees

needs and, as discussed in Section 1, assign responsibility to the Office's ASO to develop and follow up on requested reports.

### System Shortcomings

Some of IJS's shortcomings as a management system for the Office include:

- IJS tracks formal probation but representatives of various County criminal justice agencies reported that court (informal) probation is not captured. ISD reports that this data is, in fact, captured in IJS but apparently not all County staff are aware of this. Accessing this data is significant to the Public Defender's Office because if the court is monitoring those on informal probation, they are likely to require additional court appearances requiring Public Defender attorney presence.
- When a new attorney is assigned to a case, the record of any previous attorney representation is overwritten. Without attorney history, the case record is incomplete and the data cannot be used to track attorney caseload beyond the immediate assignment.<sup>8</sup> In August, 2010, the Office requested improved tracking of attorney assignments to assist in balancing workload, and to automatically assign attorneys to certain cases. These features have not been added to IJS.

Moreover, some of the data entered by Court staff is unreliable, reducing the system's utility. Two significant examples relate to data for:

- Continuances. Issues relate both to who requested a continuance and whether some review hearings are being inaccurately classified as continuances. For fiscal year 2010-11 IJS reported 99.5% of continuances as being requested by the court, when it is likely that many of these continuances were actually requested by attorneys from either the Public Defender's or District Attorney's Offices, and/or private attorneys and approved by the Court. In addition, subsequent hearings are sometimes entered as continuances when in fact they are a next step in the adjudication process, such as settlement conferences which follow ECR appearances and regular weekly or monthly reviews in juvenile cases. The Juvenile Court Supervising Judge confirms that cases counted as open were in fact disposed but then scheduled for review; IJS statistics thus understates the rate of juvenile case dispositions.
- Attorney representation. The number of cases represented by the Office and the conflict and alternate defenders is not always accurate. In many instances, court clerks enter codes indicating that the County's conflict or alternate defenders represented a defendant when in fact the Public Defender's Office provided representation, resulting in an inaccurate count of Public Defender and conflict defenders' workload.

---

<sup>8</sup> The court's minute order screen records each attorney who appears but a countable report of appearing attorneys is not created. The unused report "Public Defender Court Appearances" provides a total count of appearances, rather than detail about appearances by individual attorneys.

The Superior Court Administrator reports that the Court is currently reviewing the accuracy of IJS reports generated from court-entered data. When quality controls are established to ensure that this data is entered correctly, the Office will have more valuable tools for analyzing its operations.

The Office should utilize existing criminal justice forums or create a new forum to discuss data accuracy issues with the Superior Court and other criminal justice agencies, who also enter and use IJS data. The Office should report at least twice a year to the County Administrator's Office on data issues identified and progress made in rectifying them.

As discussed in more detail Section 5, due to the unavailability or unreliability of some IJS data and reports, the Public Defender support staff track some Office statistics manually. Similarly, the District Attorney reports management information problems and has hired a Data Analyst to create reports and analyze statistics from IJS. In Section 1, we recommend enhanced use of the Public Defender's Office's ASO position to perform comparable services.

### **The Office's Own Information Systems are Underutilized**

Public Defender's Office staff use standard computer software, but not as fully as they might. Improved use of existing software would enhance the Office's ability to monitor staff activity and performance. This would be particularly valuable as a solution during the period of time when IJS use and capabilities are improved. A felony case log<sup>9</sup> is maintained by the Office's felony secretary in Excel, showing each active case by PUB number, defendant name, attorney, date of assignment, next court date and department, type of event scheduled, and comments. There are no comparable logs for misdemeanor or juvenile cases.

According to the Office's clerical support staff, the felony logs are primarily used to help locate case files and to make sure discovery materials are directed to the proper attorney. As cases are closed they are deleted from the log; there is no history maintained that would allow for aggregating and analyzing caseload information or characteristics. Retaining closed case information on separate worksheets or files would allow management to easily calculate the caseload of each attorney for a given period of time, the time between key case events and the age of a case.

The Chief Investigator also maintains an Excel spreadsheet containing all cases assigned to each Investigator, when requests were received from attorneys and to whom the assignment was made. The Chief Investigator reports he only occasionally runs reports summarizing or analyzing these records. Individual Investigators complete an investigation summary sheet for each case, and even though the form has a field to indicate hours spent on the case, this data is usually not entered nor is it used by management for analyzing investigator workload or to develop performance standards.

---

<sup>9</sup> Serious felonies (SFT) are tracked in their own log.

The Office has not developed templates that could be automatically populated by IJS to facilitate and standardize production of common documents such as motions and letters. Instead, the Office's legal secretaries and law clerks prepare motions and letters using previous versions as models but there are no standard motion templates on the Office's computers.

Court Activity Sheets and investigation case logs are completed manually by staff attorneys and investigators, respectively, though electronic templates for these documents are maintained in the Office's computer systems and the documents could be completed electronically. The Office should explore interfacing these documents with IJS to populate certain electronic logs and forms with case and defendant information.

### **Investigator tools**

Investigators do not have individual access to electronic databases such as LexisNexis or fee-based search engines to locate individuals. The Office has a single license for LexisNexis but it can only be accessed on one computer in the office, making it inefficient for staff investigators to carry out electronic searches. Without access to these tools, investigators report they often end up searching for needed witnesses and other relevant persons by using phone books and calling other contacts. The time spent searching for individuals could be more effectively used. .

Investigators in several of the surveyed counties report using Accurint by LexisNexis and ZabaSearch, both search engines for public information. The County should consider purchasing this type of service with individual licenses for staff investigators but should carefully evaluate specific programs as even costly programs can provide outdated or incorrect information, especially for common names.

Investigators also do not have Caller ID on their telephones. Caller ID would allow investigators to more easily return calls from witnesses and others.

### **Records Management**

Currently all record-sharing within the Office and between the Office and other departments is manual. Sonoma County is implementing OnBase, an electronic document management system (EDMS) allowing departments to share and save documents in digital format in departments that have budgeted for it. Implementing OnBase in the Public Defender's Office would allow it to receive and store, among other records, discovery documents from law enforcement agencies and the District Attorney. Closed case files could be scanned, eliminating the need to store cases off-site and the delay associated with retrieving those files from their off-site location when they are needed again.

ISD, which is responsible for off-site storage, does not presently identify the specific cost of off-site records storage but includes it in its overhead. However, ISD reports it is likely to delineate those costs in the near future and charge departments specifically for their usage of off-site storage. Using an EDMS rather than storing case files would allow the Public Defender to avoid those charges. Ideally, an EDMS would be integrated with IJS and any new case management

system so its use is seamless and scanned documents can be tied to case activity, but a stand-alone EDMS can still be useful and may be cost-effective.

Of the six counties of the public defender's offices surveyed for this management review, all are scanning or plan to begin scanning closed case documents; some plan to also scan active cases. They are using a variety of systems, including the records management modules of their case management systems or their county's EDMS. Solano and San Joaquin counties use stand-alone products.

### **Proposed Case Management System**

ISD has prepared a business case for procuring a case management system on behalf of the Sonoma County District Attorney.<sup>10 11</sup> The Public Defender's Office is considering sharing in the costs and participating in the system provided the system provides an appropriate level of functionality for the Public Defender's Office, there are appropriate security and confidentiality protocols, and the Office has sufficient funding. Many of the District Attorney's business case arguments for a new system are appropriate for the Public Defender's Office as well. Those include integration with I/Leads to allow for the automated transfer of information from police reports; entry of case notes in a searchable format; an electronic record of plea bargain history and results for each case; trial results by courtroom/judge/attorney/type of case; automatic generation of documents such as subpoenas; lists of actions required of various office staff members, with the ability to monitor compliance and send reminders; and secure, wireless access.

A case management system (CMS) would enable the Office's managers to provide more effective oversight of staff attorneys and systematically monitor case progress. With a CMS, managers could also implement an automated differentiated case management, assigning various weights to different types of cases to evenly distribute workload. Managers could review all cases on-line, ensure proper steps are followed and determine if cases are being resolved appropriately. A CMS would track numbers and types of cases assigned per attorney, numbers of and reasons for continuances and conflict of interest declarations, and dates of a variety of tasks or events, such as when an investigation request was made and when it was delivered. An effective CMS would eliminate the use of case logs using the Office's spreadsheet software. Additional Office-specific requirements could include the ability to track the time spent on a case by both attorneys and investigators; a record of financial transactions, such as payment of registration fees; and validation routines and edits to prevent data entry errors.

Any Office CMS would need to be integrated with IJS to allow it to be populated with defendant and case information. The Office would need to commit to adding additional data to the

---

<sup>10</sup> Business Case for a District Attorney Case Management System, Version 2.2, 3/24/2010

<sup>11</sup> Office management had identified Gideon, a system developed in-house in Marin County, as a preferred system. However, ISD staff report that the systems architecture used by Gideon would make it a poor choice to integrate with IJS. As a stand-alone system, Gideon would require a large amount of data entry by the Public Defender's Office.

system, including the attorney and investigator appointed to the case, case notes, reasons for continuances, and reasons for conflict declarations. Improvements in data entry protocols would also be required (e.g., validation routines that do not allow inconsistent answers such as the entry of “private counsel” in concert with the name of an attorney in the Public Defender’s Office or trial dates that precede ECR court dates).

Each of the surveyed counties has a case management system with specific public defender modules. . Two counties use Defender Data, a system designed exclusively for indigent defense systems. Other counties have public defender-specific modules in their county’s criminal justice system. The surveyed counties create management reports in their case management systems, although San Joaquin County also collects some statistics manually and Napa County reports that it has implemented a new CMS so recently (March, 2012) that data is not yet available.

While making better use of IJS and electronic systems and software already in place at the Public Defender’s Office would represent a significant advance over present methods, a case management system could possibly represent even further advances. However, before committing to the cost and additional work related to keeping a case management system accurate and current, the Public Defender’s Office should prepare a business case for acquiring such a system, including the savings that would be achieved from the system, through the reduction in administrative positions and/or more efficient use of staff time. The District Attorney’s Office has gone through this exercise to justify their acquisition of a case management system.

## **Conclusions**

Case processing in the Public Defender’s Office is hampered by a lack of automated systems tailored to its specific needs. The Office could make better use of the systems and software it already has, gathering management information from existing logs, consistently entering assigned attorney information and working with ISD to make minor modifications to IJS. While a case management system purchased with their data requirements in mind may solve a number of data problems, preparation of a business case for the CMS will ensure a new system is used to its fullest capacity.

## **Recommendations**

The Sonoma County Administrator should:

- 6.1 Utilize existing criminal justice forums or create a new forum of criminal justice agencies to discuss data accuracy and consistency issues with the Superior Court and other criminal justice agencies. The group should report twice a year to the County Administrator’s Office on data issues identified and progress made in rectifying them.

The Sonoma County Public Defender should:

- 6.2 Improve quality controls over data entered by Office staff in IJS, particularly for appointed felony and misdemeanor attorney names.
- 6.3 As part of the work of the data accuracy forum recommended above, work with the County's Information Systems Department to determine what modifications to IJS are needed. Programming to consider includes implementing the attorney caseload balancing requested in 2010, establishing caseload weighting, and using IJS to populate Word documents with case information.
- 6.4 Use the Office's existing software to create management reports to assist in measuring and monitoring workload until such a time that IJS or another system meets all the Office's needs, including a history of felony attorney assignments.
- 6.5 Identify and present to the CAO the costs and benefits of procuring fee-based online search engine licenses for individual staff investigators to improve their efficiency in locating witnesses and other persons of interest.
- 6.6 Prepare a business case for the CAO identifying the costs and benefits of the Public Defender's Office acquiring a shared or stand-alone case management system, including the savings that would be achieved from the system through the reduction in administrative positions and/or more efficient use of staff time.
- 6.7 Determine the costs and benefits of purchasing the County's preferred electronic document management system, OnBase, for the Public Defender's Office and present to the County Administrator for review and approval.

## **Costs and Benefits**

Many of the recommendations would require some commitment of management time and effort, in particular for the ASO, but few other costs. Benefits would include creation of enhanced, more accurate and less staff-intensive management information which in turn will allow analysis of several key case processing and staffing factors.

The cost of any needed ISD programming itself would depend on the decisions made by the Office and ISD about the relative benefits of requested changes. If implemented, the benefits of the new modifications would be improved ability to track and balance attorney assignments and a reduction in the time required to create Word documents for specific cases.

The cost of individual fee-based search engine licenses to locate persons of interest would vary based on the specific contract with the chosen company but would result in less time to locate witnesses or other persons by investigators. LexisNexis licenses for individual staff investigators should cost under \$5,000, for example.

The cost of implementing the electronic documents system, OnBase, as an integrated system with the Public Defender's new CMS, will need to be estimated by ISD. The benefits of an EDMS include reduced time for transmitting documents between departments; elimination of lost

---

## ***6. Uses of Information Systems***

documents; and a reduced need for paper document storage. Although the cost of off-site storage is unknown at this time, the Office will be able to avoid future ISD charges for these services once ISD begins to charge for them, as planned.

Finally, while preparing a business case for a case management system will require a commitment of time from Public Defender management and ISD, it would result in a thorough, objective review of the costs and benefits of purchasing a CMS.



## 7. Financial Screening and Fees

- The manner in which the Sonoma County Public Defender's Office collects client financial information is not sufficiently rigorous. There is no evidence that staff routinely request financial documentation or critically review financial applications. A random sample of ten misdemeanor files revealed that financial evaluation forms were present in only seven cases and in none was there indication that Public Defender's Office staff had reviewed or approved the application. Juvenile parties are assumed to be eligible for services and are not screened.<sup>1</sup>
- Pursuant to State law, the Sonoma County Board of Supervisors authorized a \$50 registration fee to be assessed against all defendants or, for juvenile defendants, their parents or guardians.<sup>2,3</sup> However, neither the Public Defender's Office nor the Court compares payments against the number of defendants who should have paid the fee. Juvenile parties' parents/guardians are not being directed to pay the registration fees.
- In Fiscal Year (FY) 2010-11, the Public Defender's Office collected \$33,635<sup>4</sup> in revenue from registration fees. At \$50 per defendant, this represents payment by approximately 673 defendants out of a total of approximately 11,000 adult defendants represented by the Office.
- The Sonoma County Public Defender's Office established an attorney fee schedule in December 1999 that has not since been updated. A sample of adult case files indicates that fee payments ordered do not adhere to the fee schedule. In juvenile cases, parents or guardians are ordered to pay a flat \$100 in attorney fees, which is inconsistent with the juvenile fee schedule. The alternate/conflict defender reports that his office does not collect fees or follow-up on whether defendants pay the registration fee.
- In FY 2010-11, the Court ordered \$91,462 in attorney fees to be paid by defendants, though only 41 percent, or \$37,788, was collected.<sup>5</sup> Taken together, registration and attorney fees collected totaled \$71,423, or 0.8 percent of the Office's \$9,060,504 in reported actual expenditures for that year. Data from several other counties indicate a median collection rate from these two revenue sources of approximately three percent of total expenditures. Applying that collection rate to Sonoma County, \$271,815 would have been collected in FY 2010-11.

---

<sup>1</sup> The California Supreme Court has ruled that in-custody defendants are considered automatically eligible for indigent defense services.

<sup>2</sup> The Sonoma Public Defender's Office also does not charge the registration fee for in-custody defendants.

<sup>3</sup> The registration fee was raised from \$25 to \$50 by Board of Supervisors' resolution on April 20, 2010.

<sup>4</sup> This is the equivalent of registration fees paid by approximately 673 defendants. Fifteen percent was retained by the Superior Court for its collection efforts.

<sup>5</sup> Of this amount, \$16,853 went to the Probation Department pursuant to an agreement with the Public Defender.

## Eligibility and Ability to Pay

The United States and California State Constitutions, State law and case law mandate that all individuals be provided legal representation when arrested for a crime and in some civil proceedings, regardless of ability to pay. The Sonoma County Public Defender's Office is responsible for determining if defendants qualify as indigent and are therefore eligible for public defender services. State law establishing the link between public defender services and client financial status provides for the following:

“Upon request of the defendant or upon order of the court, the public defender shall defend, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is **not financially able to employ counsel** and who is charged with the commission of any contempt or offense triable in the superior courts at all stages of the proceedings, including the preliminary examination.”<sup>6</sup> (*Emphasis added.*)

State law allows public defenders to “require a defendant or person requesting services of the public defender to file a financial statement under penalty of perjury.”<sup>7</sup> The manner in which each public defender's office does so is left to the discretion of the local jurisdiction. The Sonoma County Public Defender's Office has developed an “Application for Financial Evaluation” to collect defendant financial information. However, as discussed below, this form is not consistently utilized.

The California Supreme Court case *In re Smiley* established parameters for a standard test for eligibility. The Court ruled that a standard test should include “careful inquiry” of defendants' assets, debts, and minimum subsistence requirements, as follows:

- *A review of defendant assets.* This includes salary and all other income and any property.<sup>8</sup>
- *An analysis of all defendant expenses related to minimal subsistence.* Food, shelter, medical care, child support payments or other court-ordered payments are given precedence over legal fees. Most other debts are considered secondary to the payment of defense counsel.

---

<sup>6</sup> California Government Code Section 27706 (a).

<sup>7</sup> California Government Code Section 27707.

<sup>8</sup> Assets include a home or stocks or bonds, vehicles, jewelry or vehicles, if there are alternative means of transportation. Any Federal, State or local income tax refunds, inheritance income, insurance policies with a loan value that the defendant can borrow against, are also considered assets. The income and property of a spouse should also be considered when determining eligibility unless the spouse is a complaining witness in the pending case. Excluded under the standards are funds from workers' compensation.

- *Other considerations such as the nature and seriousness of the charges of the case.* Determination should be adjusted based on the seriousness of the case since a misdemeanor case is going to be less complex, and less costly for private counsel.
- *Other criteria are to have no impact on the screening and the eligibility of the defendant.* These include merits of the case or whether the defendant posted bail. If a defendant is in custody, under the application of the standard test, the defendant is considered eligible for indigent defense services.

A key aspect of these standards is that a person with some assets can still qualify for public defender services, depending on the relationship of assets to expenses. The Smiley case also clarifies that it cannot be assumed that whatever assets an applicant has have to be used to secure a private attorney.<sup>9</sup>

## Current Financial Screening Practices

### Standard of Indigency

The Sonoma County Public Defender's Office has no written or formally-defined policy for granting legal representation by its office. General guidelines, as reported by Public Defender's Office management, are that persons with less than \$2,500 per month in gross family income qualify for public defender services. Management reports that if income exceeds that amount, the person reviewing the application considers the number of dependents, basic expenses, and assets, but there is no clear policy or indication on the form how that is to be done. Defendants with real property are asked about the condition of their loans and the value of their homes to determine potential equity but it is unclear how the information is taken into consideration.<sup>10</sup> The Sonoma County Public Defender's Office could model its criteria for eligibility on that of the Superior Court, which by Rule of Court<sup>11</sup> has a standardized method of determining who is automatically eligible to file a civil case without paying filing fees. The rule states that any person who receives government assistance, such as Medi-Cal, food stamps or Social Security's Supplemental Security Income (SSI), or any person whose family income is less than a stated amount is automatically eligible for a fee waiver. Fees can also be waived after a review of income and expenses, similar to what is currently done in the Public Defender's office.

### Method of Determining Eligibility

The methods used by the Sonoma County Public Defender's Office to collect client financial information depend on the type of case.<sup>12</sup> The Public Defender's Office requires out-of-custody

---

<sup>9</sup> *In re Smiley* (1967) 66 Cal.2d 606.

<sup>10</sup> The financial evaluation application has a line labeled "real property" but does not indicate what should be entered there and does not ask for information about the loan.

<sup>11</sup> California Rule of Court 3.51, Government Code 68632, form FW-001 Request to Waive Court Fees.

<sup>12</sup> The California Supreme Court has found that in-custody defendants are considered automatically eligible for indigent defense services.

misdemeanor defendants to submit an “Application for Financial Evaluation” at the first appointment with the Office. No supporting documentation is required. The form is reviewed by a Legal Processor; when the Legal Processor is uncertain about eligibility, the decision is referred to the Supervising Legal Secretary, the Administrative Services Officer, the Chief Deputy and/or the Assistant Public Defender. In a sample of ten randomly selected misdemeanor cases scheduled for trial in 2011, applications were found in only seven of the case files.

For felony defendants, an assessment of financial eligibility is made by the Assistant Public Defender in Early Case Resolution court (ECR) based on a conversation with the defendant. Defendants are only asked to prepare an Application for Financial Evaluation at their initial court appearance in instances where the Assistant Public Defender concludes that a felony defendant may not qualify for Public Defender services.

In juvenile cases, Public Defender’s Office management reports that no financial assessment is completed as the presumption is that juveniles do not have sufficient means to pay for representation. However, Welfare and Institutions Code 903.1 provides that the person liable for support of the minor (e.g. parent, guardian or spouse) shall be liable for the cost of legal services rendered to the minor.

Defendants are rarely found to exceed the income/asset standard. If a misdemeanor defendant is found to exceed the limit, he/she is instructed to return to the courtroom and inform the judge; in felony cases the Assistant Public Defender informs the judge. Occasionally a defendant has enough income/assets that he/she is told that, at the close of the case, the court may order at least part of the fees be paid.

Public Defender’s Office management reports that they believe few defendants using the Public Defender’s Office have enough assets to make a financial evaluation worthwhile.<sup>13</sup> Nonetheless, applications should be completed by all out-of-custody defendants and reviewed for accuracy and completeness, and efforts made to verify as much as possible that only those defendants in need are provided free legal assistance. The person reviewing the form should indicate why the defendant did (or did not) meet established eligibility criteria and date and sign the form.

### **Assessment and Payment of Registration Fees**

Subject to authorization by the board of supervisors in each county, Penal Code 987.5 states that “every defendant shall be assessed a registration fee not to exceed fifty dollars (\$50) when represented by appointed counsel.” Welfare and Institutions Code 903.15 has a similar clause for minors. However, no fee is required of a defendant who is not financially able to pay.

---

<sup>13</sup> The Public Defender’s Office reports that a review of 12 financial applications on May 2, 2012 showed a range of income from \$0.00 to \$2,500 per month, with a median of \$834. Some defendants had expenses greater than their incomes and were living with and receiving assistance from friends or family.

According to Public Defender's Office management, an in-custody defendant is assumed to be unable to pay the fee.

Office staff reports that when defendants first appear at the Public Defender's Office, they are directed to pay the registration fee at the Court Fiscal Services Office. Defendants are instructed to make payment that day, if possible; or if they are not able to pay that day, to pay as soon as possible but no later than the close of the case.

Neither the Public Defender nor the court tracks the names or number of defendants directed to pay the fee or which defendants actually do so. In adult cases, each month the Court sends payments to the Public Defender, retaining 15 percent as an administrative fee, with no detail about which defendants paid or how many payments were received. There are thus no mechanisms to ensure payment by the defendant, such as asking the judge to order the defendant to pay the fee at disposition. The Court Executive Officer reports that in FY 2010-11, the Court collected \$33,635 in registration fees<sup>14</sup>. This is equal to payment from about 673 defendants compared to a total of approximately 11,000 adult defendants represented. The number of out-of-custody defendants is unknown, but a reasonable proxy is to consider all misdemeanor defendants as eligible to pay the fee and to exclude felony defendants as they are more likely to be in custody. The Public Defender represented defendants in approximately 9,500 misdemeanor cases.

### **Assessment and Payment of Attorney Fees**

State law<sup>15</sup> allows the court to assess the ability of a defendant or in the case of juveniles, his or her parents or guardians, to pay a portion of the cost of appointed legal counsel, even if found eligible for public defender services. The Assistant Public Defender reports that the Public Defender is to ask the judge to order fees. Even though the Public Defender does not have the parent/guardians complete an Application for Financial Evaluation in juvenile cases, at the close of the case the judge commonly orders the juvenile party's parent or guardian to pay \$100 as reimbursement of defense counsel expenses and directs the parent to the Probation Department to arrange for payment.

The Sonoma County Public Defender's Office established a fee schedule in December, 1999, that details fees for misdemeanors and felonies for defendants able to pay some fees, depending on the stage at which the case was settled, with additional charges for lab tests and expert witnesses. The schedule has not been updated since 1999. A review of ten randomly selected misdemeanor files that proceeded to trial indicates that two defendants were ordered to pay \$200 each, an amount that does not match any fees listed in the fee schedule and which would represent only 40 minutes of trial time.<sup>16</sup> Thus, it does not appear that the fee schedule

---

<sup>14</sup> The Public Defender received \$28,589, reflecting the 15% retained by the court for administrative costs.

<sup>15</sup> Penal Code 987.8 and Welfare and Institutions Code 903.1.

<sup>16</sup> The fee schedule amount for a misdemeanor settled before trial is \$150; time in trial is to be charged at an additional \$75 per hour. A charge of \$200 represents the initial \$150 plus \$50, or 2/3 of an hour in trial.

is being adhered to. In Fiscal Year 2010-11 the Court ordered \$91,462<sup>17</sup> in Public Defender attorney's fees to be paid by Public Defender-represented defendants, or approximately 1% of actual Office expenditures for that year.

The County's Auditor-Controller/Treasurer-Tax Collector's Central Collections Unit collects attorney fees. The payment ordered is added to the defendant's Probation account, if applicable, and entered into CUBS (Columbia Ultimate Business Systems) software. The Central Collections Unit is proactive in collecting payments, sending reminder letters to defendants, and for those accounts that are not being paid, a series of four letters, then returning the account to the Probation Department for other activity as the department deems appropriate. By law, payments received are disbursed by priority level, with Public Defender attorney fees being in Level 4, the lowest priority level. The Public Defender's Office collected \$37,788 in revenue from attorney fees, approximately 41 percent of the amount ordered.

While the County's collections efforts may be sufficient, it appears that attorney fees are not being ordered in cases where the defendant has the ability to pay at least some of the cost. Taken together, actual registration and attorney fee collections of \$71,423 (\$33,635 in registration fees and \$37,788 in attorney fees) equates to approximately one percent of the Office's reported actual FY 2010-11 expenditures of \$9,060,504. Data reported in 2009 from several other counties that charge these fees report a median collection rate from these same two revenue sources of in excess of three percent of budgeted expenditures.<sup>18</sup> Had three percent of expenditures been collected, \$271,815 in revenues would have been received.

The Santa Barbara County Public Defender's Office reports it has become more proactive about collecting attorney fees in the last year. Clients are given the option of paying \$175 for felony representation and \$125 for a misdemeanor case, or having a court hearing. Most choose to make the payment, and collections have reportedly risen 90 percent in the last year. Were this approach taken by Sonoma County and 25 percent of Sonoma County's misdemeanor defendants in 2010-11 paid this amount, Sonoma County could have been expected to collect \$296,875 in attorney fees. The Sonoma County Public Defender's Office should begin discussions with the Superior Court Judges to enhance and improve the fee collection process through this or other approaches.

### **Conflict/Alternate Defender Fee Collection**

The County's private attorneys that provide representation in cases where the Public Defender's Office has a conflict of interest and for one misdemeanor courtroom are required by the July 1, 2010 Conflict Administrator Agreement to "use [their] best efforts to tell defendants to go to Court Collections and pay the registration fee" and "at the end of case, to remind the

---

<sup>17</sup> Auditor-Controller/Treasurer-Tax Collector Central Collections reports

<sup>18</sup> Management Evaluation of the Public Defender's Office, Ventura County, prepared by Harvey M. Rose Associates, LLC, January 2009.

Court of its ability to impose fees...”<sup>19</sup> The Conflicts Administrator who oversees these private attorneys reports that neither his office or the private attorneys ask the defendants to pay fees or ask the judges in their cases to order fees. Nonetheless, the Superior Court Executive Officer reports judges ordered payment in a number of such cases and \$2,700 in court-appointed attorney registration fees was collected in FY 2010-11, equivalent to payments from 54 defendants, compared with 895 misdemeanor defendants represented by the contractor in FY 10-11. Had 447, or half of these defendants, paid a registration fee, \$22,350 would have been collected. Thus, only 12 percent of potential registration fees were collected in these cases.

## **Conclusions**

The Sonoma County Public Defender’s Office assumes its clientele does not have the ability to pay attorney fees and does not rigorously investigate whether this is true or routinely ask judges to assess attorney fees. The Office also makes no attempt to ascertain if adult defendants instructed to pay the registration fee do so, and does not direct the parents or guardians of juvenile defendants to pay registration fees. Although required to do so by contract, the private attorneys under the County Conflicts and Alternate Defender contracts do not direct defendants to pay registration fees or request that judges order payment of attorney fees. Reasonable efforts to request attorney fees and follow-up on payment of registration fees would result in increased revenue collections.

## **Recommendations**

The Public Defender’s Office should:

- 7.1. Establish a formal financial evaluation policy and process and standard criteria for granting legal representation which incorporate principles of “careful inquiry” with possible eligibility criteria including a maximum monthly income or receipt of any government assistance, a given ratio of income to expenses, and incarceration in jail, prison or a mental health facility.
- 7.2. Codify defendant financial indicators that trigger further review by a supervisor or manager, such as income above an established threshold amount, monthly expenses that exceed income, ownership of real property, or ownership of multiple vehicles or luxury items (for example, recreational vehicles). The policy should include the criteria for eligibility; detail who may review the application and decide about the ability to pay; indicate what triggers review by a supervisor or manager; require that the reviewer state the reason for granting or denying the application and sign and record the review date.
- 7.3. Revise the Application for Financial Evaluation form to include all information needed (e.g. value of assets, status of mortgage, income tax documentation, total amount of

---

<sup>19</sup> Conflict Administrator Agreement, clause 12, Language Required in Subcontracts.

monthly household expenses) and a checkbox list of reasons for granting or denying the application.

- 7.4. Record electronically which defendants are referred to the Court's fiscal office to pay registration fees prior to providing services. Establish a policy of requiring juvenile parents/guardians to pay registration fees and, given the ability to pay, attorney fees, pursuant to State law. At the close of the case, ask the Judge to remind defendants of the requirement that they pay the registration fee if they did not do so prior to receiving legal services.
- 7.5. Update the 1999 attorney fee schedule by estimating the time attorneys generally spend on major phases of cases.
- 7.6. Initiate discussion with the Presiding Judge of the Superior Court about how to best serve both the client and the County by ordering appropriate attorney fees.
- 7.7. Record who is ordered by the Court to pay attorney fees and how much is ordered; compare with collections transmitted to the Office's budget by the Central Collections Unit.

The Sonoma County Counsel's Office should:

- 7.8. Request that the Court provide a monthly report of indicating which defendants sent to pay the registration fee did so.
- 7.9. Monitor and report to the County Administrator the Conflict Administrator's efforts to instruct defendants to pay registration and attorney fees and request that bench officers assess fee payments for defendants represented by contract attorneys.

## **Costs and Benefits**

Minimal costs would be incurred with implementation of many of the recommendations, including: a) formalizing the policy and procedure for determining a defendant's ability to pay attorney fees and revising the form accordingly b) requiring parents/guardians of juvenile defendants and defendants represented by contract/alternate defenders to pay registration fees, and c) determining with the Superior Court how to best to assess attorney fees at the conclusion of a case.

Recording which defendants are asked to pay fees and comparing them to actual payments is estimated to require less than one day a month of clerical time. Updating the attorney fee schedule will require management to estimate the average time required to defend a client.

Improving collections to the rate of comparison counties can be expected to result in an increase from \$71,423 in annual registration and attorney fees to \$271,815 per year, for an increase of more than \$214,000 per year. Other benefits include a realistic assessment of the cost of defense, leading to improved budget planning.



**Response to the Management Review**  
**Of the Sonoma County Law Office of the Public Defender**  
**As Prepared by Harvey M. Rose Associates, LLC**

**Response Prepared by:**  
**Kathleen Pozzi**  
**Interim Public Defender**  
**September 26, 2012**

This response shall be in divided into seven (7) sections as outlined in The Report and will attempt to avoid areas of duplicity. The Harvey Rose Report shall be addressed as “The Report”. The Law Office of the Public Defender shall be referred to as “The Office”. This response is to the recommendations as outlined after each of the seven sections.

## **Section I Management Structure and Spans of Control**

**1.1** There has been a redistribution of responsibility to the Chief Deputy Public Defender. He is directly responsible for misdemeanor attorneys, juvenile attorneys and law clerks. The Interim Public Defender (Previous Assistant Public Defender) remains responsible for the direct supervision of all managers, and felony attorneys until such time that The Office is stabilized with a permanent Public Defender and Assistant Public Defender.

Planning and office-wide support systems are in place for attorneys with a system and procedure designed by management for coverage pursuant to accepted Policy and Procedures as is outlined in The Office Policy and Procedure Manual and generally accepted practices in all Public Defenders offices throughout the state.

Managing attorneys have a specific sense of caseload which is systematically collected, validated and used for equality in distribution, case processing time and benchmarks of operation.

The Chief Deputy Public Defender proactively manages misdemeanor staff attorney assignments, participates and assesses office operations, represents clients in jury trials when needed, provides training to all staff, handles or delegates court coverage in the event of unforeseen absences, time off, vacations, etc., and represents clients in the treatment courts, which is mandatory and required pursuant to constitutional mandates. To replace the Chief Public Defender of his court assignments would require hiring an additional attorney at a substantial annual cost. Other comparable counties that have these specialty treatment courts have one full time attorney handling these court assignments exclusively without additional management responsibilities.

It is not possible to have a “stand-by” attorney as is recommended by The Report. Furthermore, it is not possible to divert this court assignment to other attorney staff due to their own heavy caseload. It is essential to the model of treatment courts (based on best practices) to have a regular assigned and present attorney in the Drug Court and the DUI Compliance Courts. A “team approach” with a consistent and trained treatment team, Judge, District Attorney, Public Defender, and Probation Officer is necessary in reaching the ultimate goal of reducing recidivism. The decision of having the Chief Deputy Public Defender cover these courts was based on the fact that the Presiding Judge of the Superior Court is the judge who calls these calendars and it is important to have an office manager close to the Presiding Judge on a regular basis to keep updated on court decisions and court business.

The Assistant Public Defender appeared in ECR daily and was able to monitor every felony case assigned to The Office, monitor individual felony case assignments, and determine financial eligibility. She was familiar with every felony case that went through the criminal system.

After many years of budget cuts, a deliberate decision was made to cut management positions in order to save line-staff positions. This decision allowed the office to maintain services to as many clients as possible, at the cost of not having as effective a management structure. This decision required management to work double duty. By having the Assistant Public Defender and Chief Deputy Public Defender handle full case loads, in addition to the many management duties that they each effectively perform, is a substantial **annual savings** to the County. This is **not a cost** as is suggested by The Report.

- 1.3 The Office Juvenile lead attorney is acting within his job description. There is no request for a differential in salary.
- 1.4 Under the previous Public Defender, the Administrative Service Officer (ASO) was not delegated **substantial** management analytical support or developmental duties. This has been historical in The Office. The current ASO has tremendous experience with the Courts and ISD in developing programs and procedures for statistical data collection and substantial analytical experience with program development. Higher levels of analytical duties have been delegated to the ASO and put into place under the Interim Public Defender, with the limitations of program availability. The ASO is directly responsible for the general operation of The Office, supervising ten support staff personnel, human resource obligations, budget, technical services, collecting and analyzing data and reporting findings on a regular basis to the Interim Public Defender. The ASO is responsible for obtaining multiple reports from ISD and reconciling them with public defender data and reporting to the Interim Public Defender. Unlike the other Public Defender Offices surveyed, the Public Defender does not have an administrative secretary. This is one more duty placed on the current ASO. In her single capacity, no more duties are requested by the Interim Public Defender, nor can they be imposed upon the ASO. She is seen as a valuable resource and asset to The Office.
- 1.5 **All staff** are provided with an extensive Policy and Procedure Manual upon employment. A written office specific Policy and Procedure Manual has recently been developed, distributed, and signed by all staff. The Interim Public Defender embraces the recommendation of a formal office specific Policy and Procedure Manual. A specific juvenile policy and procedure manual has also been implemented.
- 1.6 In the past five (5) years there have been more than 60 MCLE (Mandatory Continuing Legal Education) sessions in the Office of the Public Defender. Furthermore, all

attorneys are required to attend the Basic Trial Skills and Advance Trial Skills Institutes provided by the California Public Defender's Association (CPDA). The Homicide and Death Penalty College are required of all attorney's who wish to matriculate to felony defense. Each of these programs is a week-long in duration. Each attorney receives \$950.00 per year in a Management Benefit Allowance (MBA) to spend on criminal defense seminars sponsored by CPDA and other criminal defense organizations. The Office purchased and maintains a library of more than 70 CPDA seminars on DVD. Each seminar provides a minimum of 6 hours of MCLE credits. The seminars cover very specific training topics, such as, Cross-examination, Capital Defense Practice, Defending Gang cases, Sex Crimes, Trial Skills, Scientific Evidence, etc. The DVD's are updated monthly. Each attorney has access to this material and can review them in the office or check them out to be viewed at outside locations.

Brown bag weekly trial forums are available for all lawyers and investigators and held within The Office law library. These meetings are organized by colleagues and encouraged by management.

All staff are required to undergo an orientation upon employment specific to the division within The Office.

- 1.7 Performance evaluations are conducted routinely/annually for all support staff and misdemeanor attorneys. The Interim Public Defender is in the process of requiring annual written performance evaluations for felony attorneys and managers, as well.

## **Section 2 Public Defender's Office Staffing and Caseload**

- 2.1 Office specific protocols for recording and classifying caseload using clearly defined terms and methods that provide accurate measures of staff activity and productivity have been developed by the Interim Public Defender with the assistance of The Office ASO and continued support from ISD.

Differences and discrepancies in the number of cases originally reported, were not based on error, but were based on The Office misjudgment of the information being requested. For example, The Office of the Public Defender represented 435 *new* juveniles that had *never previously* been in the criminal justice system. However, The Office represented juveniles on 1307 new filings/petitions. In other words there were 1307 new petitions filed for which The Office was appointed, which includes juveniles previously in the system as well as new juveniles to the criminal justice system.

There are many explainable reasons why Exhibit 2.3 shows discrepancies in numbers from three different sources, IJS, The Office, and The Budget. The Office numbers are based on actual real numbers (hand counted daily). IJS's numbers vary by a total of 542 cases more than the Public Defender reported hand count. Furthermore, The Budget for

this same year showed 1671 felony cases and 10,162 misdemeanor cases, with a total of a 68 case discrepancy between IJS and the Budget. Overall, this is a small discrepancy that can be based on many factors and is a small number when dealing with over 12,000 total new cases to include Civil, LPS, Developmental Disabilities, and Probate Conservatorship. These are not counted by The Office as felony or Misdemeanors because they are of a unique class of cases. The unique cases total to more than 300 which reflects the greatest discrepancy between IJS's total and the total number hand counted by The Office. When factoring in the unique cases, the total numbers of cases tallied by all three sources are extremely close. There are many other reasons for this minor discrepancy that can be explained upon request. The ASO is working with the courts to rectify errors made by the courts in reporting data. For example, the courts reflect a **new** Public Defender appointment (new felony case) when a warrant has been outstanding for some time. The Office **does not** count this as a **new** case. It is simply a reopened existing case.

Without a detailed case management system which is used and assessed exactly the same by the courts and the Public Defender, the numbers will never be exact, but will always be close. The Office ASO is working diligently with the courts to gain uniformity in the way cases are reported in IJS and subsequently to ISD. The Office will continue to work closely with the courts to maintain this uniformity.

- 2.2 The Interim Public Defender and The Office ASO work weekly with ISD staff and the courts to ensure that case counting methods reconcile, as stated above.
- 2.3 Caseload standards can be submitted to the CAO's for approval of targets to use for subsequent staffing needs.

The Office concurs that target caseload standards for The Office should be developed. These standards should not be inconsistent with national standards or above the median of similarly situated counties. Without substantial additional resources and staffing, it is not possible to be consistent with these accepted standards. The Office has historically represented a high volume of clients. Competent, tenacious, organized, and dedicated staff are able to handle high volumes of cases without sacrificing services. Geographical location of The Office from the courts and the jail allow for more efficient and expedient services to clients.

- 2.4 A monthly Office caseload report can be submitted to the CAO's for reconsideration of staffing needs consistent with The Report.
- 2.5 Sonoma County misdemeanor attorneys represent 36% more clients than the median of the comparable counties. Sonoma County misdemeanor attorneys represent more than twice as many clients per attorney per year than is the national standard.

Sonoma County felony attorneys represent just above the median of the comparable counties. Sonoma County felony attorneys represent slightly less than the national standard of cases per attorney per year. This **does not**, however, take into consideration, LPS, Probate, Civil Contempt, Mental Health (FACT), or Developmental Disability clients, for which felony attorneys represent in addition to their felony assignments. When factoring in specialty courts, felony attorneys represent more clients per year than the median of comparable counties and more than the national standard. It should also be noted that the national standard of the number of cases per attorney annually, is the **maximum** number of cases allowed.

Caseload data and discrepancies for juvenile data collection are discussed above. The data collected from The District Attorney's Office closely resembles that of The Office in total numbers of petitions filed and The Office appointed. Sonoma County juvenile attorneys are handling one third more cases than the national average. The Report does not report the median of comparable counties.

In applying national standards, The Report reflects that The Office would need at least 15 more attorneys to meet standards. See The Report Exhibit 2.5. Furthermore, this exhibit and recommendation does not reflect the recommendation relieving the Assistant Public Defender and Chief Deputy Public Defender of their full case assignment (in felony cases), and the five (5) specialty courts, stated above. The Office **is not** requesting 15 additional attorneys.

Refined efforts and methods to collect credible, verifiable, and clearly defined caseload data are in effect. As stated, The Office ASO is making every effort to reconcile this data with IJS, within the resources that are available and possible.

The Office agrees that reliable caseload data is needed and a necessary management tool. Internal mechanisms are in place to achieve this end in all areas that are recommended. Management receives and reviews attorney activity and productivity and monitors equitable distribution of caseload. IJS now tracks caseload by attorney name, in addition to internal statistical data compiled by the ASO. This will better allow The Office management to assess equality in case distribution and processing time.

- 2.6 Future analytical reports will determine future staffing needs with the use of permanent positions in lieu of Extra Help positions not inconsistent with The Report.
- 2.7 This is the one recommendation that the Office can not adhere to. Best Practices in criminal defense prefers vertical representation. To implement the recommendation of The Report would be to have every felony trial attorney present in each of the 5 courtrooms at the same time, at any given time. This is not to the benefit of the client, the District Attorney's Office, the Courts, or to The Office. No Criminal Justice Department would suggest conducting business in this fashion.

### **Section 3 Misdemeanor Alternative Defender Staffing**

- 3.1** The Office 2012-2013 budget reflects two additional misdemeanor staff attorneys to resume coverage in Misdemeanor Department 6, (previous department declared unavailable) thereby alleviating the representation by the Alternate Defender. This results in a savings of approximately \$222,000 annually to the county.
- 3.2** The CAO has terminated the Addendum as described and it was carried out with minimal disruption to existing misdemeanor case work.

### **Section 4 Development of and Adherence to Policies**

- 4.1** The Interim Public Defender adheres to, promotes, and is encouraged by written policies and office procedures. A revised written procedure on declaring conflicts has been implemented to include all of the recommended areas. A strict written policy and procedure for declaring conflicts of interest has been in place in The Office for at least the last twenty-five (25) years. All conflict of Interest declarations must be approved by a supervisor. Modifications have been made to the policy as recommended.
- 4.2** The Interim Public Defender has developed a written formalized Policy and Procedure Manual covering all areas suggested by The Report and includes multiple areas of policy and procedure previously in effect. The written policy covers all The Report recommended areas.
- 4.3** A written formal Office wide policy has been instituted regarding investigation activities, processes, and timing.
- 4.4** The existing Investigation Request Form has been modified as recommended.
- 4.5** A written office wide policy has been implemented regarding request for extraordinary fees. The existing Request for Extraordinary Fees form covers all areas recommended by The Report.
- 4.6** Experts, rates, and CV's, are updated in an open drive for all attorneys and investigators.
- 4.7** An Expert Witness Request form has historically been used for **all** extraordinary fee requests, as is outlined in The Report and will continue to be mandated.
- 4.8** The written Office -wide Policy and Procedure Manual covers all areas that are recommended.
- 4.9** The written Office-wide Policy and Procedure Manual covers all areas that are recommended.

- 4.10 The Interim Public Defender and the Chief Deputy Public Defender frequently monitor staff activity to ensure adherence to generally accepted practice of criminal defenses and compliance with Written Office Policy and Procedures.
- 4.11 The Interim Public Defender intends to periodically (minimum of bi-annual) review the existing Office Policy and Procedure Manual to verify viability. Multiple new policies and procedures have been added since the inception of the written Manual. All staff are update accordingly.
- 4.12 All Office staff have been trained to ensure compliance of policy and procedures.

## **Section 5 Management Practices and Performance Measurements**

- 5.1 The Interim Public defender and The Office ASO work with the County's ISD and Superior Court staff continuously to develop data entry protocols and controls to ensure accurate and comprehensive Office caseload, by type of cases, distribution of cases, attorneys assigned etc.

As stated in sections 1 and 2, caseload and specific cases are assigned equally by crime classification to each felony ECR attorney and subsequently to each felony trial attorney. Each felony is logged in IJS to a specific attorney to completion pursuant to the policy of vertical defense. This occurs after the case leaves ECR. All cases are assigned by alphabetical split and equally distributed to one of two assigned attorneys per criminal department. A separate classification of crimes referred to in The Office as Special Felony Team (SFT) cases are logged separately and equally distributed to felony trial attorneys. Office classified SFT cases are life cases, murder, child molestation, three strike cases, attempted murder, rape, robbery involving a firearm, kidnap, arson, and other serious, complicated and difficult cases determined by the Assistant Public Defender (currently the Interim Public Defender). The former Assistant Public Defender monitors all felony cases and has an excel log available establishing specific case assignments. SFT cases are specially assigned and an up to date excel log with attorney assigned is always at her disposal and viewed weekly. Each felony attorney maintains an equal caseload and an equal number of SFT cases. Clear, non-duplicative case classifications in the caseload statistics are useful for management purposes. Misdemeanor cases are distributed alphabetically by courtroom to one of two assigned attorneys. Misdemeanor attorneys are able to handle a very high caseload because The Office is very efficient in the representation of defendants charged with misdemeanors. This is primarily based on training and custom within The Office and The Office being located at the courthouse. Close proximity allows for clients easy and fast access to The Office services.

- 5.2 Case process summary data and case process practices are computed monthly and reviewed by the Interim Public Defender. Criminal justice partners (Judges, D.A.'s, and P.D.'s) meet regularly to discuss unnecessary delays and ways to alleviate and expedite court hearings.



**5.3** The Interim Public Defender and The Office ASO work consistently with ISD and the Superior Court staff to develop data entry protocols and controls for the production of performance measurements reports. The Office ASO has requested that the Superior Court accurately report the requesting party for all continuances. It should be noted that each felony case that matriculates to another hearing is considered a continuance. For example, a felony client is arraigned and the matter set for a bail hearing, then a settle conference and then a sentencing if the case is resolved. If not, the case is set to a trial department for setting of a preliminary hearing, a pretrial hearing, a readiness hearing, and a preliminary hearing. After the preliminary hearing, the matter is set for arraignment on the information, a settlement conference, a pretrial conference, a readiness conference and then a jury trial. Thereafter, the case is set for sentencing, if the defendant is found guilty. This could entail as many as twelve (12) court appearances without any party ever having waived time (all statutory and constitutional time limits adhered to) and thereby affording the defendant with a speedy trial within statutory and constitutional guidelines.

Furthermore ISD is not able to ascertain **who** is requesting the continuances. Judges, District Attorney's, and private attorneys also must be considered. It is the policy of The Office to not seek unnecessary continuances unless it is in the best interest of the client, and in compliance with statutory law. The Office is working with the Superior Court to capture this data in IJS to enable ISD to produce accurate reports.

It is also speculated by the Interim Public Defender that The Reports data from that AOC and collected for fiscal year 2009-2010 (Exhibit 5.1), shows Sonoma County at a slightly slower disposition rate due to 1210 Court (Proposition 36) being implemented pursuant to State law. More recently Early Case Resolution Court (ECR) has greatly accelerated disposition time. Furthermore, the closure of 1210 courts alleviates multiple court appearances over a lengthy time period for court reviews and necessary multiple continuances. More recent statistics are sure to show that Sonoma County has a quicker disposition rate than other California counties. The ECR Judge provides the Interim Public Defender (former Assistant Public Defender), weekly disposition reports. These reports reflect the number of cases arraigned for the week and the percentage of dispositions. ECR Court is disposing of an average of 85% of all felony cases arraigned.

**5.4** The Interim Public Defender and The Office ASO work consistently with ISD and the Superior Court staff to develop data entry protocols and controls for the production of performance measurements reports representing data on the number of conflict declarations, the stage of the declaration, and who is declaring the conflict (Private Attorney, Public Defender, Conflict Attorney).

**5.5** This information is not being requested by the Interim Public Defender. Some motions are minor and some are very complicated. One type of oral or written motion is made

daily in one sense or another. Complicated motions are tracked by the Interim Public Defender internally (i.e. Motions to Suppress Evidence, Speedy Trial Motions, Statutory Motions to Dismiss, 995 Motions, etc.). Oral or written motions are not a performance measure, unless not made when they should be made. There has never been an issue of frivolous motions being filed or the necessity of motions not being filed.

- 5.6** The Interim Public Defender and The Office ASO meet regularly with ISD for the purpose of reviewing new performance measurement data to be produced from IJS to help guide the Interim Public Defender and remedy any systemic problems that may otherwise cause undue delays in case processing. Efforts to develop data protocols for accurate reporting are ongoing and fluid by all departments. ISD has been extremely helpful, available and instrumental in development of requested and Report recommended areas.

## **Section 6 Uses of Information Systems**

It is universally agreed that due to the unavailability or unreliability of some IJS data and reports, The Office support staff tracks Office statistics manually. The ASO compiles data and analyzes as much statistical information as possible from IJS to reconcile The Office statistics. A case specific office management system could alleviate this problem.

- 6.1** The Interim Public Defender and ISD meet regularly on data issues and development of processes to identify issues and to rectify them.
- 6.2** As recommended, Office staff is linking cases with attorney names for felony cases. Reports have been developed and implemented in this area.
- 6.3** The Interim Public Defender and The Office ASO meet regularly with ISD to determine needed IJS modifications to the areas recommended by The Report. ISD has been extremely welcoming and helpful in this area. Systems are now in place to The Report recommended areas, where possible, and reports are being generated to The Office.
- 6.4** The Office is currently in negotiations with ISD to make enhancements to IJS to allow The Office the ability to gather additional data, as is recommended by the Report. Furthermore, ISD has provided The Office a comprehensive monthly report showing current Office cases, future court dates, case status, assignments, filing dates, age of case, etc. This statistical data has been extremely useful to Office management to fulfill many of The Reports recommended areas of concern.
- 6.5** The Office currently uses a fee-based online search engine as is outlined in The Report. For confidential Office reasons, access is limited to Managers within the Office.
- 6.6** The Interim Public Defender embraces the recommendation for a case management system that would enable The Office managers to provide more effective oversight of staff attorneys and systematically monitor case progress. The Interim Public Defender also agrees with the conclusion of The Report that case processing in The Office is hampered by a lack of automated systems tailored to its specific needs. The ASO will continue working with ISD to develop data entry fields and data protocol possible by ISD. The Public Defender, District Attorney and County Counsel are currently meeting with ISD to develop an RFP for a share case management system.

- 6.7 The Office would embrace and welcome an electronic document management system, e.g. Onbase, once acquired by the county and would look forward to integration with an approved case management system. In addition, The Office will evaluate resources available to accomplish these changes.

## **Section 7 Financial Screening and Fees**

- 7.1 The Office written policy for granting legal representation contains general guidelines for qualification for services. The general policy for the standard of indigency is reported correctly within The Report. The Court has the ultimate decision of appointment of The Office for services. The Court uses the same criteria as The Office. A clearly defined Policy and Procedure contained within The Office Policy and Procedure Manual, alerts attorneys to request fees for representation from the courts, when applicable. Furthermore, as to the eligibility for services, going back to the Criminal Justice Master Plan, pre-trial services were called for that would screen defendants for eligibility for Public defender representation.
- 7.2 The Office Policy and Procedure Manual as well as staff training, states the process for general qualification of Public Defender services. Any question regarding qualification and appointment, **must** be reviewed and approved by a supervisor. The Office Application for Financial Evaluation Form is clearly documented for approval or denial of services, when issues regarding eligibility arise. The recommendation of The Report is being complied with.
- 7.3 The Office Application for Financial Application is extensive and includes all areas recommended except for request for receipt of tax documents.
- 7.4 The Office ASO is currently meeting with the Courts and ISD to develop a system to identify clients (by name) that have paid the requisite registration fee and have that payment recorded into IJS. Pursuant to a Board Resolution dated 10-22-96, Welfare and Institutions Code section 903.15, fees to be imposed upon parents/guardians of juveniles, is to be suspended and "...shall begin as soon as a cash security process is established at that facility." No such security process has ever been established and therefore, there is no method developed to collect the recommended registration fees for juveniles, even if imposed. The Office is willing to work with the Courts and/or The Probation Department in an attempt to establish a protocol to obtain orders from the Juvenile Court for fees pursuant to W & I 903.15 and direct parents/guardians to pay at the main court house. An alternative would be to request Probation to collect these fees. The Office will continue to direct attorney staff to continuously remind judges to direct Office clients to pay the requisite fees.
- 7.5 The attorney fee schedule has been amended. In March 2012, The Interim Public defender updated the general fee schedule. She had a meeting with the entire criminal bench encouraging them to impose fees pursuant to the schedule or in an amount reasonable pursuant to the ability to pay and the estimated time spent on the case. Superior Court Judges have embraced this request and have routinely been ordering fees in felony and misdemeanor cases.
- 7.6 The Interim Public Defender meets with the criminal justice bench no less than two times per year to discuss implementation of attorney fees.

**7.7** One of the key issues with the collection of Public Defender attorney fees ordered by the courts is the downsizing of the collection staff within the Auditor's Office. The Office ASO has requested and receives a monthly list of clients for whom fees have been ordered and subsequently paid. Currently these fees are paid through probation or the Auditor/Controller. There are currently no credit collection penalties for failure to pay ordered fees. There is no assigned agency for credit collection. The Interim Public Defender is actively working with the Superior Court Judges to continue to order reasonable fees. The Office ASO is actively working with the Auditor/Controller to develop the possible collection methods that may be used to better enhance the collection process.

**CONCLUSION:**

The Interim Public Defender would like to personally thank the Harvey Rose Group for their time and patience during this audit process. She would also like to thank the CAO, her staff and ISD for their continual support in clarifying and implementing many of the recommendations.

For the most part, each of the recommendations suggested by the Report for the seven areas, was in the process of implementation, was subsequently implemented, or is now in the process of being implemented or researched.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 41 2:10 P.M.  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator / County Counsel

**Staff Name and Phone Number:**

**Supervisory District(s):**

Lori Norton, 565-2431; Jeff Brax, 565-2421

2<sup>nd</sup> District; Countywide Significance

**Title:** Intergovernmental Mitigation Agreement between the County of Sonoma and the Federated Indians of Graton Rancheria

### **Recommended Actions:**

Approve and authorize the Chair to execute the Intergovernmental Mitigation Agreement between the County of Sonoma and the Federated Indians of Graton Rancheria.

### **Executive Summary:**

Staff recommends the Board approve and authorize the Chair to execute the Intergovernmental Mitigation Agreement between the County of Sonoma and the Federated Indians of Graton Rancheria (Agreement) to mitigate the impacts of the Graton Rancheria Resort and Casino Project (Project). The Agreement, included as Attachment A, was negotiated after the completion of environmental review for the Project, and after all required state and federal Project approvals were obtained. A summary of the Project History and major milestones is included as Attachment B.

### **Project Approved by the National Indian Gaming Commission**

The Project, approved by the National Indian Gaming Commission, will develop approximately 66 acres of a 254-acre site located between Wilfred Avenue, Business Park Drive, and Labath and Langner Avenues. The Project will be constructed in two phases and, if fully built-out, will total approximately 534,900 square feet. Phase I will include approximately 317,750 sq. ft. of casino and entertainment space, with approximately 100,000 sq. ft. dedicated to gaming, including up to 3,000 slot machines. Entertainment space will include numerous restaurants and bars, a nightclub, lounge, and banquet facilities. Phase II will add a 200-room hotel, pool, and spa. The Project will include one or more multi-level parking structures and surface parking for a total of approximately 5,511 spaces.

### **Tribal-State Compact**

The Tribal-State Compact requires an intergovernmental agreement between the County and the Tribe, and creates the Graton Mitigation Fund, an account established by the State Gaming Agency for the receipt of revenues paid by the Tribe and distributed pursuant to the Compact. The Compact requires the Tribe to pay

15% of net wins from all gaming devices for the first seven years (twenty eight quarters) in which gaming occurs; and 12% thereafter. To the extent available, funds from the Graton Mitigation Fund are required to be paid from the State Gaming Agency in the following descending order, until fully exhausted: (1) to the City of Rohnert Park; (2) to the County of Sonoma pursuant to this Agreement; and (3) to the State Revenue Sharing Trust Fund or the Tribal Nations Grant Fund.

The key terms of the Agreement are summarized below. The Agreement includes financial support for measures to fully mitigate Project impacts and is necessary to make those mitigation measures enforceable. The Agreement also creates a framework for achieving shared Tribal and County interests.

**Summary of Agreement Terms**

Following are some of the most significant impacts identified and mitigated through the Agreement. Staff will provide a more detailed review of the Agreement and will respond to Board questions on October 23.

Impact	Mitigation
<p><b>Regional and Local Traffic and Circulation Impacts</b>, including the need to improve and maintain Highway 101, Wilfred, Langner and Labath Avenues, and other local roads.</p>	<p>The Agreement provides up to \$2M in years 1-10 to be passed through to SCTA for the Highway 101 Marin-Sonoma Narrows Project. In years 10-20, funds can be directed to Highway 101 or to arterial or collector roads that serve the facility.</p> <p>The Agreement provides \$690K in years 1-10 in lieu of the Countywide Traffic Development Fee.</p> <p>The Agreement provides \$500K per year for local roads within a 2 mile radius of the Project, collector/arterial roads within 10 miles of the Project, or roads impacted by Project construction.</p> <p>Through a separate agreement, approved by the Board on September 25, 2012, the Tribe agreed to fully fund improvements to Wilfred Ave.</p>
<p><b>Public Services Impacts</b>, including increased demand for law enforcement, justice, fire and emergency services.</p>	<p>The Agreement provides \$4.2M per year for law, justice, and public safety providers. Of the total, \$1M to be passed through to Fire Districts, and \$416K to Cities, as provided for in the federal Record of Decision.</p> <p>Agreement also provides \$1.7M prior to opening for Sheriff’s Office and \$1.5M for Fire Districts for capital improvements and equipment and to retain and train staffing.</p>
<p><b>Socioeconomic Impacts</b>, including the need to develop enhanced programs for the treatment of problem and pathological gambling; drug, alcohol, and other substance abuse addictions; mental health services, financial, elder, child and other vulnerable population abuse; and increased public assistance costs.</p>	<p>Agreement provides \$600K per year for socioeconomic impacts.</p>

<p><b>Water Resources</b>, including the need to mitigate demands on regional and local groundwater, and to address storm water discharge into local waterways.</p>	<p>The Agreement identifies a significantly reduced groundwater demand, and possible municipal water supply connection.</p> <p>The Agreement provides \$1.5M to fund the study, design, and analysis of a conjunctive use project and/or water conservation program to offset 110% of groundwater use.</p> <p>The Agreement also provides \$275K per year to carry out the conjunctive use and/or conservation program.</p> <p>The Agreement also provides for a voluntary, independent residential well monitoring and compensation program.</p> <p>The Agreement also recognizes that the Tribe’s stormwater plans demonstrate that the Project will limit peak storm discharge rates to less than or equal to existing pre-Project conditions at all locations where runoff leaves the site.</p>
<p><b>Air Quality Impacts</b>, including the need to mitigate greenhouse gas emissions and other pollutants.</p>	<p>The Agreement provides \$890K in years 1-10 in lieu of Countywide fees for programs to mitigate greenhouse gas emissions and other pollutants.</p>
<p><b>Affordable Housing Impacts</b>, including the need to develop and maintain affordable housing related to employment growth.</p>	<p>The Agreement provides \$210K in years 1-10 in lieu of Countywide affordable housing fees.</p>
<p><b>Land Use and Open Space Impacts</b>, including the offsetting the growth-inducing impacts of the Project.</p>	<p>After funding of all other mitigations, and to the extent funds are remaining in the Graton Mitigation Fund, the Agreement provides up to \$25M per year to fund County Regional Parks and the Open Space District. The Agreement then provides up to \$5M per year for other environmental or landmark restoration, enhancement and preservation purposes including organic farming and gardens that provide fresh produce and other goods for disadvantaged populations.</p> <p>The Agreement also provides for the transfer of 321 acres along Lakeville Highway, near a previously-proposed Project site, to the Sonoma Land Trust for conservation, restoration, education, farming or public access purposes.</p>

**Prior Board Actions:**

The Board has taken several prior actions related to the Project. Major milestones include:  
10/21/03: Resolution opposing gaming that is inconsistent with the General Plan. 3/9/04: County request to participate as a “cooperating agency” in the NEPA process. 04/06/04: Board approved comments on Scoping Notice. 05/15/07: Board approved comments on Draft EIS. 03/24/09: Board approved comments on Final EIS.

**Strategic Plan Alignment:** Goal 1: Safe, Healthy, and Caring Community

Execution of the Agreement is consistent with all four of the County’s Strategic Plan Goals, but most closely aligns with creating a Safe, Healthy, and Caring Community. The Agreement will mitigate the health and safety impacts of the casino by providing funding for public safety, off reservation environmental impacts, and socioeconomic programs. Further the Agreement provides substantial contributions to preserve open space and maintain the County’s existing regional park system as a means to offset the growth inducing impacts of the project. Through the contributions, the Agreement supports the Strategic Plan goal of Investing in the Future, and Economic and Environmental Stewardship. Finally, the Agreement also represents a model for Local and Tribal Government-to-Government relationships, thus supporting the goal of Civic Services and Engagement.

**Fiscal Summary - FY 12-13**

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

The Agreement provides for the payment of non-recurring mitigation payments, totaling \$3.52 M, prior to the opening date of the casino. The pre-opening payments, approximately half of which are anticipated in the current fiscal year, are largely to fund Law Enforcement (\$1.7M) for costs associated with hiring, training, purchasing vehicles and equipment for four new deputy sheriffs; and for Fire and Emergency Services (\$1.5 M) to fund staffing and capital costs required to provide services to the casino. Once initial payments are received the County Administrator will return to the Board with a request to accept the new revenue and to appropriate it pursuant to the Agreement.

Once the casino is operational, to the extent funds are available in the Graton Mitigation Fund, the County will receive an estimated \$12 M per year in mitigation payments, some of which will be retained by the County to fund mitigation programs under the control of the Board of Supervisors and some of which will be passed through to other entities, such as Fire Districts, Cities, and Sonoma County Transportation Authority.



**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

New staffing requests will be forwarded to the Board once initial payments are received.

**Attachments:**

A - Intergovernmental Agreement; B- History and Current Status of Project

**Related Items "On File" with the Clerk of the Board:**

## **INTERGOVERNMENTAL MITIGATION AGREEMENT**

This Intergovernmental Mitigation Agreement (“Agreement”) is made effective as of October 23, 2012, by and between the County of Sonoma (the “County”), a political subdivision of the State of California, and the Federated Indians of Graton Rancheria (the “Tribe”), a federally recognized Indian tribe.

### **RECITALS**

WHEREAS, the Tribe consists of approximately 1,300 members of Coast Miwok and Southern Pomo descent; and

WHEREAS, in 1966, the federal government terminated its relationship with the Tribe pursuant to the California Rancheria Act of 1958 (Pub. L. 88-453) and transferred title to the lands known as the Graton Rancheria into private ownership; and

WHEREAS, in 2000, Congress restored federal recognition to the Tribe pursuant to the Graton Rancheria Restoration Act (“Restoration Act”), Pub. L. 106-568, 25 U.S.C. § 1300n et seq.); and

WHEREAS, the Restoration Act required the Secretary of the Interior (the “Secretary”) to take real property identified by the Tribe, and located in Marin or Sonoma counties, into trust as the Tribe’s reservation; and

WHEREAS, in April 2003, the Tribe identified property located on Highway 37 in southern Sonoma County (the “Highway 37 Property”) for its reservation and announced plans to seek to develop a resort hotel and gaming facility on a portion of the Highway 37 Property, if taken into trust and deemed eligible for gaming; and

WHEREAS, at the urging of community representatives and environmentalists, the Tribe reconsidered its plans for the Highway 37 Property and, thereafter, donated its rights to a large portion of the Highway 37 Property to the Sonoma Land Trust for perpetual preservation; and

WHEREAS, in August 2003, the Tribe acquired rights to property located on Stony Point Road (the “Stony Point Road Property”) west of the urban growth boundary of the City of Rohnert Park (the “City”) for its reservation and proposed project; and

WHEREAS, in August 2005, to address land use and environmental concerns, the Tribe abandoned its plans for the Stony Point Road Property and, thereafter, purchased approximately 254 acres of land (the “254 Acre Parcel”) located primarily within the unincorporated area of the County; and

WHEREAS, at the request of the County, the Tribe agreed to wait until completion of the environmental review for the proposed Gaming Facility before exercising its right under the Restoration Act to have the 254 Acre Parcel placed into trust; and

WHEREAS, the National Indian Gaming Commission (the "NIGC") conducted four public hearings and provided over 160 days for public comment in preparing a draft environmental impact statement ("Draft EIS") and final environmental impact statement ("Final EIS") for the casino and hotel project pursuant to the National Environmental Policy Act; and

WHEREAS, the County prepared 58 pages of comments identifying concerns in the approach, methodology, and analysis in the Draft EIS and, after taking public testimony, submitted the comments to the NIGC on June 4, 2007; and

WHEREAS, the County prepared another 28 pages of comments identifying remaining concerns in the analysis and mitigation measures presented in the Final EIS and, after taking additional public testimony, submitted the comments on March 30, 2009; and

WHEREAS, in October 2010, the NIGC issued its Record of Decision, concluding that the 254 Acre Parcel is eligible for gaming under IGRA and adopting as the preferred action a reduced intensity casino and hotel project (the "Project") that is significantly smaller than the project initially proposed by the Tribe, to be constructed and operated on approximately 68 acres of the 254 Acre Parcel located within the City urban growth boundary; and

WHEREAS, following completion of the environmental review, the Tribe exercised its right under the Restoration Act to have the 254 Acre Parcel placed into trust; and

WHEREAS, on October 1, 2010, the Bureau of Indian Affairs of the United States Department of the Interior accepted the 254 Acre Parcel into trust on behalf of the Tribe; and

WHEREAS, the Tribe and the County are parties to a Memorandum of Understanding made effective as of November 1, 2004, as amended (the "County MOU"); and

WHEREAS, the County MOU establishes a legally enforceable framework for negotiating and entering into an intergovernmental mitigation agreement to provide for binding, enforceable, and timely mitigation of the off-Reservation impacts of the Project that are within the primary jurisdiction or responsibility of the County; and

WHEREAS, the County MOU specifically directs that the intergovernmental mitigation agreement address, among other issues, loss of open space, community separator, and Williamson Act issues; and

WHEREAS, the County MOU states that the intergovernmental mitigation agreement should provide for mitigation of any significant off-Reservation impacts with regard to agricultural resources, air quality, biological resources, geology and soils, land use, hazardous materials, noise, public services, public transportation, roadway infrastructure, socioeconomic effects, traffic circulation, traffic safety, visual resources, wastewater, water drainage, and water supply; and

WHEREAS, the County MOU states that mitigation may include payments by the Tribe to the County for the following: specific public services to be provided by the County; programs

designed to address gambling addiction; mitigation of impacts to public safety and the criminal justice impacts; and in-lieu payments for lost tax, fee, assessments, and other revenue to the County; and

WHEREAS, the Tribe separately entered into a Memorandum of Understanding with the City of Rohnert Park on October 14, 2003, to mitigate Project impacts within the City and make investments in and contributions to the Rohnert Park community; and

WHEREAS, on March 27, 2012, Governor Jerry Brown signed, and the Legislature subsequently ratified, a class III gaming compact (the "Compact") between the Tribe and State that authorizes operation of up to 3,000 Gaming Devices; and

WHEREAS, on July 12, 2012, the Secretary published notice in the Federal Register that the Compact is considered to have been approved pursuant to IGRA; and

WHEREAS, the Compact obligates the Tribe to pay a percentage of its gaming revenues to the State Gaming Agency on a quarterly basis for deposit into a trust fund called the Graton Mitigation Fund; and

WHEREAS, the funds deposited into the Graton Mitigation Fund are to be paid by the State Gaming Agency in the following descending order, until exhausted: (i) the City pursuant to its agreement with the Tribe, (ii) the County pursuant to this Agreement, and (iii) to the Revenue Sharing Trust Fund or the Tribal Nation Grant Fund; and

WHEREAS, the Compact recognizes the need for the Tribe to retain sufficient revenues in the initial seven years of its Gaming Operation in order to promote strong tribal government and self-sufficiency, provide services for the approximately 1,300 Tribal Members, and significantly reduce the Tribe's pre-development debt; and

WHEREAS, the Compact requires that the Tribe enter into intergovernmental agreements with the County, the City, and, if required, the California Department of Transportation; and

WHEREAS, in accordance with the County MOU and the Compact, the Tribe and the County desire to enter into this Agreement to mitigate the off-Reservation impacts of the Project; and

WHEREAS, the Parties intend that this Agreement will satisfy the intergovernmental agreement required under the Compact, and the comprehensive intergovernmental agreement requirement of Section 3.1 of the County MOU; and

WHEREAS, the County has determined, after a public hearing, that it is in the best interest of the County to enter into this Agreement; and

WHEREAS, the County does not have legal authority to deliberate on, approve, deny, or otherwise exercise judgment regarding the Project on the Reservation; and

WHEREAS, the County is not deliberating on, approving, supporting, denying, or otherwise exercising judgment regarding the Project by entering into this Agreement; and

WHEREAS, the County and Tribe are jointly committed that the Project's impacts be mitigated to the greatest extent possible, and generate community benefits to County residents, tribal members, neighborhoods, and visitors; and

WHEREAS, the County and Tribe are committed to continuing their efforts to establish a respectful, long-term government-to-government relationship by meeting and conferring in good faith on issues of concern regarding the Project and this Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Definitions

The terms not defined elsewhere in this Agreement shall have the following meanings:

“Agreement” means this Intergovernmental Mitigation Agreement, as the same may be amended by written agreement of the Parties from time to time.

“CEQA” means the California Environmental Quality Act, California Public Resources Code § 21000 *et seq.*, and any amendments thereto, and the regulations promulgated thereunder, as the same may be amended or modified from time to time.

“City” means the City of Rohnert Park, California.

“Compact” means the Tribal-State Compact between the State and the Tribe, governing the conduct of Gaming Activities on the Reservation pursuant to IGRA, as executed on March 27, 2012 by the State and March 26, 2012 by the Tribe, considered to have been approved by the Secretary pursuant to 25 U.S.C. § 2710(d)(8)(C), notice of which was published in the Federal Register on July 12, 2012 (a correction to the notice was published July 23, 2012), as the same may be amended from time to time.

“County” means the County of Sonoma, California, a political subdivision of the State, and its departments and subdivisions.

“County MOU” means the Memorandum of Understanding between the Tribe and the County dated November 1, 2004.

“CPI Adjustment” means an annual increase from the dollar amount applicable to the previous year that is equal to the annual increase in the Consumer Price Index for all urban consumers in the San Francisco-Oakland-San Jose area.

“Fire Districts” means the Sonoma County Central Fire Authority which serves the Rincon Valley and Windsor Fire Protection Districts, the Rancho Adobe Fire Protection District

of Sonoma County, the City of Rohnert Park Department of Public Safety, and the County fire services.

“Gaming Activities” means the class III gaming activities authorized by section 3.1 of the Compact.

“Gaming Device” means any slot machine within the meaning of article IV, section 19, subdivision (f) of the California Constitution as defined under section 2.10 of the Compact.

“Gaming Facility” or “Facility” means any building in which Gaming Activities or any Gaming Operations occur, or in which the business records, receipts, or funds of the Gaming Operations are maintained (excluding offsite facilities dedicated to storage of those records and financial institutions), and all rooms, buildings, and areas, including hotels, restaurants, parking lots, and walkways, a principal purpose of which is to serve the activities of the Gaming Operations rather than providing that operation with an incidental benefit as defined under section 2.12 of the Compact.

“Gaming Operations” means the operation of Gaming Activities, whether exclusively or otherwise as defined under section 2.12 of the Compact.

“Graton Mitigation Fund” means the account established by the State Gaming Agency for the receipt of revenues paid by the Tribe pursuant to section 4.5 of the Compact and for the distribution of such revenues as described in section 4.5.1 of the Compact.

“IGRA” means the Indian Gaming Regulatory Act of 1988 (P.L. 100-497, 18 U.S.C. § 1166 et seq. and 25 U.S.C. § 2701 et seq.), and any amendments thereto, and the regulations promulgated thereunder, as the same may be amended or modified from time to time.

“Joint Mitigation Board” means a board composed of equal membership of the County and the Tribe to implement sections 4(b) and 4(e) of this Agreement.

“NIGC” means the National Indian Gaming Commission.

“Non-Gaming Tribes” means Non-Gaming Tribes as defined in section 5.1(c) of the Compact.

“Opening Date” means the day on which the commencement of Gaming Activities at the Gaming Facility occurs.

“Party” means the Tribe or the County.

“Parties” mean the Tribe and the County.

“Project” or “Preferred Action” means the development, construction and operation on the Reservation of all or any part of the reduced intensity project described as Variant H-sub1 and identified as the Preferred Action Alternative in the Record of Decision.

“Public Entity” means the federal government, the State, any county, city or district public authority or public agency and any related political subdivision or public corporation.

“Record of Decision” means the Record of Decision for the environmental impact statement prepared by the NIGC for the Project pursuant to the National Environmental Policy Act of 1970, as amended (42 U.S.C. §§ 4371 *et seq.*), notice of which was published on page 63517 of Volume 75 of the Federal Register on October 15, 2010.

“Reservation” means certain contiguous parcels totaling approximately 254 acres of land, including approximately 249 acres currently located within the unincorporated area of the County and identified by the legal description set forth in Exhibit A, or any portion of such land, which is held by the United States of America in trust for the benefit of the Tribe.

“Revenue Sharing Trust Fund” and “Tribal Nation Grant Fund” means the Revenue Sharing Trust Fund and Tribal Nation Grant Fund as defined in section 5.1 of the Compact.

“Secretary” means the Secretary of the United States Department of the Interior.

“State” means the State of California.

“State Gaming Agency” means the entities authorized to investigate, approve, regulate and license gaming pursuant to the Gambling Control Act (Chapter 5 (commencing with section 19800) of Division 8 of the California Business and Professions Code), or any successor statutory scheme, and any entity or entities in which that authority may be vested.

“Tribal Relations” means services provided by the Office of County Counsel, County Administrator’s Office, and other County departments, agencies, and consultants to consult with the Tribe, draft, manage, and implement this Agreement.

“Tribe” means the Federated Indians of Graton Rancheria, a federally recognized Indian tribe.

“321 Acre Parcel” means the approximately 321 acres of land located near Highway 37 in southern Sonoma County as legally described in, and represented on the map at, Exhibit E.

## 2. Non-recurring Mitigation Payments

### (a) Non-recurring Mitigation Payments Prior to Opening

The Tribe has agreed to make non-recurring (one-time) payments prior to the Opening Date as set forth in this subdivision (a), for the purpose of helping to insure that specified mitigation measures are in place by the Opening Date.

(i) Non-recurring Law Enforcement Payment

To mitigate impacts of the Project on law enforcement resources of the County, the Tribe shall make a non-recurring payment to the County of one million seven-hundred thousand dollars (\$1,700,000) to fund the initial costs necessary to hire, train, and staff four new deputy sheriffs, purchase two new sheriff vehicles, and cover the cost of administrative support and special operations for such officers.

(ii) Non-recurring Fire and Emergency Services Payment

To mitigate impacts of the Project on fire and emergency services, the Tribe shall make a non-recurring payment to the County of one million five-hundred thousand dollars (\$1,500,000) for payment to the Fire Districts to fund the initial costs associated with the increased staffing levels required to provide fire and emergency services for the Project.

(iii) Non-recurring Tribal Relations Payment

To offset the costs associated with the negotiation of this Agreement, the Tribe shall make a non-recurring payment to the County of sixty thousand dollars (\$60,000) to pay for Tribal Relations.

(iv) Non-recurring Traffic Mitigation Payments

To mitigate the impacts of the Project on roads within the jurisdiction of the County, the Tribe shall make non-recurring payments to the County as follows:

(A) the actual cost, estimated at two hundred-fifty thousand dollars (\$250,000), that is required to fully pay all costs, fees, and expenses of a new traffic signal at Millbrae Avenue and Stony Point Road, and;

(B) the actual cost, estimated at ten thousand dollars (\$10,000), that is required to fully pay all costs, fees, and expenses to re-time the traffic single at Rohnert Park Expressway and Stony Point Road.

(b) Non-recurring Mitigation Payments After Opening

The Tribe shall make non-recurring payments to the County as set forth in this subdivision (b) to mitigate impacts on the Project on roads, groundwater, and other infrastructure.

(i) Non-recurring Traffic Mitigation Payments

To mitigate the impacts of the Project on roads within the County after the Opening Date, and in satisfaction of the relevant portions of mitigation measure 6.7 (Table 5) of the Record of Decision, the Tribe shall make non-recurring payments to the



County of:

(A) the actual amount, estimated at one hundred thousand dollars (\$100,000), that is required to fully pay all costs, fees, and expenses to widen Gravenstein State Highway at Stony Point Road;

(B) the actual amount, estimated at ten thousand dollars (\$10,000), that is required to fully pay all costs, fees, and expenses to re-time the traffic signal at Gravenstein State Highway at Stony Point Road.

The cost, timing, and implementation of these section 2(b) projects is subject to consultation by the County with the Tribe and Caltrans.

(ii) Non-recurring Groundwater Mitigation Payment

The groundwater demand calculation in the Record of Decision has been updated by the Tribe to reflect changes in the Project scope and design, and identifies a significantly reduced groundwater demand for the Project. The Parties agree to work collaboratively, and with the Sonoma County Water Agency (“SCWA”) and the City to pursue connection to a municipal water supply and implementation of a conjunctive use program (as identified in mitigation measure 6.2(I)(b) of the Record of Decision).

To mitigate the impacts of the Project on regional groundwater after the Opening Date, and in satisfaction of mitigation measures 6.2(J) and 6.2(I) of the Record of Decision, the Tribe shall make non-recurring payments to the County of one million five hundred thousand dollars (\$1,500,000) for study, design, and analysis of a conjunctive use project and/or water conservation program to offset the groundwater used by implementation of the Project, as required by mitigation measure 6.2(I)(b). The conjunctive use project and/or water conservation program shall incorporate reclaimed water use and/or conservation to an extent that would completely offset 110% of the Project’s revised, significantly reduced groundwater demand calculation. The timing, amount, and use of these payments shall be subject to consultation between the County and Tribe to account for changes in conditions.

3. Recurring Mitigation Payments

(a) Law, Justice, Public Safety and Tribal Relations

The Tribe shall pay the County three million one hundred thousand dollars (\$3,100,000) per annum to mitigate impacts of the Project on law, justice, public safety, Redwood Empire Dispatch Communication Authority (“REDCOM”), Tribal Relations, and data gathering. Law, justice, and public safety may include payments to the Sonoma County Sheriff’s Department, Office of the District Attorney, Office of the Public Defender, Probation Department, and other County public safety providers. This recurring mitigation payment shall be deemed to satisfy mitigation measure 6.6(B) of the Record of Decision and sections 3.1(c)(i) and (iii) of the

County MOU.

(b) Health, Human Services, and Socioeconomic Impacts

The Tribe shall pay the County six hundred thousand dollars (\$600,000) per annum to mitigate Health, Human Services, and socioeconomic impacts of the Project and to implement education, prevention, and treatment programs to address gambling addiction and problem gambling, and socioeconomic impacts, including but not limited to substance abuse, mental health, elder abuse, domestic violence, and child abuse and neglect. This recurring mitigation payment shall be deemed to satisfy mitigation measure 6.6(C) of the Record of Decision and sections 3.1, 3.1(c)(i), and 3.1(c)(ii) of the County MOU.

(c) Development and Mitigation Fees

The Tribe shall pay the County a minimum of one million seven hundred ninety thousand dollars (\$1,790,000) per annum (“Development Fee Payment”) in lieu of fees for the development and mitigation fee programs (“Mitigation Programs”) described below. The Parties acknowledge that each annual Development Fee Payment represents one-tenth of the total development fee payment to be paid to the County. This total payment is equivalent to what a commercial developer developing a similar project within an unincorporated area of the County would be required to pay for the Mitigation Programs prior to the issuance of a discretionary permit by the County. The County, after consultation with the Tribe, may agree to extend these in lieu payments due to a lack of sufficient funding in the Graton Mitigation Fund in the early years of the Gaming Operation, and in recognition of the Tribe’s need to retain sufficient revenues in the early years of its Gaming Operation in order to promote strong Tribal government and self-sufficiency, provide services for Tribal members, and significantly reduce its pre-development debt.

(i) Countywide Traffic Development Fee

A portion of the Development Fee Payment includes six hundred ninety thousand dollars (\$690,000) per annum to be paid in lieu of traffic development fees for the construction of public roadway improvements to ensure a safe and efficient level of service, as set forth under County Code § 26-98-600 *et seq.*

(ii) Affordable Housing Fee

A portion of the Development Fee Payment includes two hundred ten thousand (\$210,000) per annum to be paid in lieu of affordable housing fees to develop and maintain affordable housing related to employment growth associated with new or expanded non-residential development as set forth under County Code §§ 26-89-010 through 26-89-110.

(iii) Greenhouse Gas, PM<sub>10</sub>, and ROG Mitigation Fee

A portion of the Development Fee Payment includes eight hundred ninety

thousand dollars (\$890,000) per annum to be paid in lieu of County fees for programs designed to reduce emissions of greenhouse gases, ROG and PM<sub>10</sub> from the Project to the thresholds identified in Table 1 of the Record of Decision. The mitigation payments provided herein shall be deemed to satisfy mitigation measures 6.3(O), (P), and (PP) of the Record of Decision related to these impacts.

The County agrees to consult with the Tribe over the term of this Agreement concerning the proposed use of the Development Fee Payment. To maximize the effectiveness of the Mitigation Programs, the County may use the Development Fee Payment for one or more projects to address any of the purposes for which the Mitigation Programs were established. Following the payment of all in-lieu fees for the Mitigation Programs, the County may reprogram the Development Fee Payment to mitigate other impacts of the Project.

(d) Fire and Emergency Services

The Tribe shall pay one million dollars (\$1,000,000) per annum to the County for payment to the Fire Districts for the provision of fire and emergency services for the Project. The mitigation payment provided herein shall be deemed to satisfy mitigation measure 6.8(CC) of the Record of Decision.

(e) Crime Impact Mitigation to Cities

The Tribe shall pay four hundred sixteen thousand nine hundred eighteen dollars (\$416,918) per annum to the County for payment to the Cities for the mitigation of crime impacts of the Project on the Cities, as required by the Record of Decision:

Cotati	\$12,808
Petaluma	\$102,591
Santa Rosa	\$286,923
Sebastopol	\$14,596

The mitigation payment provided herein shall be deemed to satisfy mitigation measure 6.6(B) of the Record of Decision.

(f) Transit Occupancy Tax In Lieu

Following the opening of a hotel at the Gaming Facility, the Tribe shall pay seven hundred thousand dollars (\$700,000) per annum to the County in lieu of the County transient occupancy tax. The Parties acknowledge and agree that calculation of this in lieu payment is based on 200 hotel rooms at the Gaming Facility. If the number of hotel rooms is increased, the in-lieu payment per annum shall increase in an amount proportional to the increased number of rooms.

(g) Local Road Maintenance

The Tribe shall pay five hundred thousand dollars (\$500,000) per annum to mitigate the

impact of the Project on local roads located within a two-mile radius of the Project site, or collector and/or arterial roadways located within ten miles of the Project site, or roads impacted by Project construction.

(h) Highway 101 and Arterial and Collector Road Improvements

In years 1 through 5, the Tribe shall pay two million dollars (\$2,000,000) per year, to be passed through by the County to the Sonoma County Transportation Authority (SCTA), to acquire right-of-way easements and other property interests and continue other work necessary to complete the project development phase of the Marin-Sonoma Narrows (MSN) project and initiate construction. For purposes of these payments, the MSN project consists of two remaining phases: high-occupancy vehicle (HOV) lanes from Old Redwood Highway south to Petaluma Boulevard South, and HOV lanes from Petaluma Boulevard South to the Sonoma/Marin County line.

In years 6 through 10, the Tribe shall pay two million dollars (\$2,000,000) per annum, to be passed through by the County to SCTA, upon submission of documentation to the County and the Tribe of significant progress towards development of the MSN project identified above.

After year 10 or following completion of the MSN project, whichever is earlier, and following consultation with the Tribe, the Tribe shall pay two million dollars (\$2,000,000) per year to fund projects on Highway 101 between Highway 12 and the Sonoma/Marin County line or for use on other arterial or collector roads that serve the Gaming Facility.

(i) Implementation of Conjunctive Use and/or Water Conservation Program

The Tribe shall pay two hundred seventy five thousand dollars (\$275,000) per annum, to be passed through by the County to SCWA, to obtain the source water, monitor, and implement the conjunctive use project and/or water conservation program identified in section 2(b)(ii) above.

(j) Other Mitigation Payments

To mitigate other impacts of the Project as may be identified from time to time by the County or the Tribe, the Tribe shall pay the actual amount, or a portion thereof, of any measure the County determines is necessary to mitigate any impact of the Project. The County will make such determination in consultation with the Tribe, and upon showing a nexus between the proposed mitigation and the Project based on standards applicable to commercial developers. If the Tribe wishes to challenge a County determination, its challenge shall be subject to the provisions of section 12, including "baseball style" arbitration under subsection 12(g).

4. Community Benefit Programs

Following the payment of all recurring and non-recurring mitigation payments identified in sections 2 and 3 above and any reimbursements as set forth in section 5 of this Agreement, the

funds remaining in the Graton Mitigation Fund, if any, shall be paid to and allocated by the County for additional mitigation, including offsetting growth-inducing impacts of the Project, in the following descending order. Each program identified below shall be fully funded before any funding is allocated to the next program.

(a) County Regional Parks and Open Space

Twenty five million dollars (\$25,000,000) per annum, to the extent available in the Graton Mitigation Fund, shall be paid to the County for distribution to the County Regional Parks Department (“County Parks”) and the Sonoma County Agricultural Preservation and Open Space District (“Open Space District”). County Parks and the Open Space District shall use the payments to supplement existing General Fund appropriation levels budgeted by the County in Fiscal Year 2012-13 to expand and enhance public use and access to parks and open space, conserve and protect environmental resources, develop and expand organic gardens and farms serving disadvantaged populations in the County, and enhance public understanding of the historic role of local Native American tribes in managing the natural resources of the region. The funds are not intended and shall not be used for the acquisition of additional open space, but rather to improve and enhance existing parks and open space. The County and the Open Space District shall consult regularly with the Tribe on the proposed use of the funds and determine ways in which to utilize the Tribe’s special expertise and cultural connection to the area to develop and implement various projects and programs.

(b) Other Community Benefit Programs

Five million dollars (\$5,000,000) per annum, to the extent available in the Graton Mitigation Fund, shall be paid to the County to be used for other environmental or landmark restoration, enhancement and preservation purposes, including but not limited to supporting agricultural programs that facilitate organic farming and gardens that provide fresh produce and other goods to disadvantaged populations in the County. The Joint Mitigation Board shall consult and jointly agree on the uses of these funds.

(c) Sonoma County Indian Health Project, Inc. and Sonoma County Non-Gaming Tribes

Eight million dollars (\$8,000,000) per annum, to the extent available in the Graton Mitigation Fund, shall be paid to the County to be passed through, as follows: (a) two million dollars (\$2,000,000) to the Sonoma County Indian Health Project, Inc. (“SCIHP”); and (b) six million dollars (\$6,000,000) to federally recognized Non-Gaming Tribe(s) in Sonoma County. If less than eight million dollars (\$8,000,000) is available in the Graton Mitigation Fund, the payments shall be passed through in the same proportion as the above-identified payments (25% to SCIHP, and 75% to federally recognized Non-Gaming Tribe(s) in Sonoma County).

(d) Revenue Sharing Trust Fund and Tribal Nation Grant Fund

Twelve million dollars (\$12,000,000) per annum, to the extent available in the Graton Mitigation Fund, shall be paid to the County to be passed through to the State Gaming Agency

for deposit into the Revenue Sharing Trust Fund and/or Tribal Nation Grant Fund.

(e) Additional Mitigation

All remaining funds available in the Graton Mitigation Fund shall be paid to the County to be used for additional mitigation purposes as determined by the Joint Mitigation Board.

5. Payment Terms

(a) State Gaming Agency Payments

This Agreement requires the Tribe to make certain payments to the County. The Parties acknowledge and agree that the Compact obligates the Tribe to make payments into the Graton Mitigation Fund. The State Gaming Agency is then obligated to disperse revenues from the Graton Mitigation Fund to the City pursuant to Compact section 4.5.1. All remaining funds in the Graton Mitigation Fund shall then be dispersed to the County according to the terms of this Agreement. The Parties expect the State Gaming Agency to make the payments within seventy-five (75) days after the end of each calendar quarter (i.e., by June 15 for the first quarter, September 15 for the second quarter, December 15 for the third quarter, and March 15 for the fourth quarter) in which Gaming Activities are conducted. If the State Gaming Agency fails to timely transmit the payments to the County, the Parties shall meet and confer and each Party shall pursue all individual and joint remedies to compel payment.

(b) Tribally Guaranteed Payments

If the State Gaming Agency fails to disperse to the County the payments referenced above within ninety (90) days following the end of the calendar quarter in which Gaming Activities are conducted, then the Tribe shall make the payments due under sections 3(a), (b), (d), and (e) of this Agreement to the County, subject to their reimbursement under section 5(f). Any shortfall in payments to the County under section 3 shall be paid in full in future quarters before any Community Benefit payments are made under section 4 of this Agreement.

(c) Timing of Non-recurring Mitigation Payments prior to the Opening Date

Non-recurring payments to be made prior to the Opening Date and set forth in section 2(a) shall be made by the Tribe to the County in four quarterly installments of equal amounts beginning on the tenth (10<sup>th</sup>) day of the calendar quarter, commencing January 10, 2013.

(d) CPI Adjustment

All recurring mitigation payments described in section 3 of this Agreement shall be increased annually by the CPI Adjustment, which shall be effective on July 1 of each year following the Opening Date.

(e) Reimbursement of Certain Payments

Before any Community Benefit payments are made under section 4 of this Agreement in a given year, the County shall: (i) reimburse the Tribe for any recurring payments made directly by the Tribe pursuant to section 5(b) above; and (ii) reimburse the Tribe for any non-recurring payments that were made directly by the Tribe to the County prior to the Opening Date pursuant to section 2. One-third of the total reimbursements identified in subsection (e)(ii) shall be paid by the County to the Tribe in year 2, the second one-third in year 3, and the final one-third in year 4.

(f) Contingent Payments

Notwithstanding any other provision of this Agreement, the Parties acknowledge and agree that except for the non-recurring payments to be made prior to the Opening Date as set forth in section 2(a) of this Agreement, the Tribe's mitigation payments shall be contingent upon the occurrence of the Opening Date. In the event the Opening Date does not occur for any reason, mitigation payments payable after the Opening Date shall not be due.

(g) Revisions to Amount and Purpose of Payments

The County may shift the amount or purpose of the various payments described in section 3 of this Agreement within a funding category. In addition, the County has the authority to reallocate Recurring Mitigation Payments between the categories identified in section 3, subject to consultation with the Tribe identifying and explaining the intended reallocation.

(h) Public Attribution

The County shall generally identify and publicly attribute mitigation measures and community benefit programs and projects funded and supported by the Tribe, including but not limited to in the County budget process.

(i) No Other Payments

The Parties intend for the mitigation payments referenced in sections 2 through 4 of this Agreement to constitute all of the payments which the Tribe shall make to all County Departments, agencies and subdivisions for purposes of this Agreement. Except as expressly set forth in sections 2 through 4, this Agreement does not require the Tribe, or any enterprise, affiliate or business entity of the Tribe, to make any payment or contribution to the County or any cities within the County (other than the City of Rohnert Park) for specific Project mitigation purposes that are not expressly set forth in this Agreement. This provision has no effect on any other payments to the County for other purposes.

6. Other Mitigation Measures

The following identifies Project impacts that the Tribe has agreed to mitigate. In addition

to the mitigation measures below, specific measures related to groundwater, flooding and drainage, transportation and circulation, solid waste, noise, and aesthetics are attached as Exhibit B. Mitigation Measures identified in the Record of Decision are attached as Exhibit C. The mitigation requirements contained in this section 6 and in Exhibits B and C are fully enforceable as material terms under this Agreement.

The County's authority to enforce and insure the implementation of mitigation measures identified in the Record of Decision runs concurrently with the NIGC and any other agencies identified in the Record of Decision, and does not substitute for or usurp the authority of any other agency.

The mitigation measures identified in Exhibit B represent the good faith efforts of the Parties. The Parties shall continue to work collaboratively to identify feasible measures that will mitigate identified impacts.

Mitigation identified in Exhibit C may be implemented through reasonably equivalent or improved measures to achieve the intent of the identified mitigation.

(a) Open Space and Growth

Within one hundred and eighty (180) days of the effective date of this Agreement, the Tribe shall transfer to the Sonoma Land Trust its fee title and all other interests in the 321 Acre Parcel, the value of which is estimated at four million, five hundred thousand dollars (\$4.5 million). It is anticipated that as a condition of the transfer, the Sonoma Land Trust will preserve the land for conservation, restoration, education, farming, or public access purposes as may be determined between the Tribe and the Sonoma Land Trust, including but not limited to exploring the possibility of developing an organic farm on the 321 Acre Parcel for the purpose of providing work and wholesome produce to disadvantaged populations in the area.

(b) Williamson Act

The Parties acknowledge and agree that approximately 181 acres comprising the southwestern portion of the Reservation is subject to a contract that restricts the primary use of the land to agricultural and compatible uses pursuant to the California Land Conservation Act of 1965, Cal. Gov't Code § 51200, et. seq. ("Williamson Act Lands"). The Tribe agrees to restrict the primary use of the Williamson Act Lands to agricultural and compatible uses for a period of no less than ten (10) years from the date, if any, on which the Tribe files a notice of nonrenewal with the County pursuant to section 51245 of the California Government Code. Such agricultural and compatible uses of the Williamson Act Lands shall include, but are not limited to, open space, wetlands, and uses substantially consistent with those described for the Preferred Action in the Record of Decision, including agricultural spray fields and associated storage ponds, pasture land, and crops. Implementation of this provision shall be deemed to satisfy Mitigation Measure 6.7(X) of the Record of Decision.



(c) Right to Farm

The Tribe recognizes the importance of agriculture to the economy and character of the County and supports the operation of properly conducted agricultural operations within the County. The Tribe acknowledges the possible inconvenience or discomfort arising from such operations, including but not limited to noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The Tribe is prepared to accept such inconveniences or discomfort as a normal and necessary aspect of operating the Project in the County and recognizes the right of farms and agricultural operations located near the Facility to engage in agricultural activities for commercial purposes in a manner consistent with proper and accepted customs and standards without incurring liability for nuisance as set forth under California Civil Code section 3482.5. The Tribe agrees to use its best efforts to handle all customer complaints of inconvenience or discomfort arising from agricultural operations. The Tribe has no jurisdiction, intent, or inherent sovereign powers to interfere with the right to farm as guaranteed under federal, State or local law.

(d) Alcohol Service

The Tribe shall establish a program to mitigate the potential impacts of the service of alcohol at the Gaming Facility on the County and surrounding communities by implementing the following measures:

(i) It shall establish security procedures to regulate the presence of guests under the age of 21 in the casino gaming areas.

(ii) It shall require full alcohol awareness training and certification in the form of ABC, TAM, TIPS, etc. for all employees in the following areas:

- Security Department (including all management and officers)
- Valet Drivers
- Beverage Servers
- Bartenders / Barbacks
- Food and Beverage Management
- Food Servers (in restaurants where alcohol is served)
- Table Games (all management and floor Supervisors)
- Slots (all management and floor supervisors)
- Gift Shop Clerks (if alcohol is sold)
- Marketplace Tenants (food court tenants – if alcohol is offered on their menu)
- Key members of the Executive Team

(iii) It shall include information on alcohol awareness in the guest service training and orientation process.

(iv) It shall include information on alcohol awareness in the employee handbook.

(v) It shall offer a taxi service for guests of the gaming facility.

(vi) It shall enter into an agreement with one or more agencies to provide a safe alternative for transportation.

(vii) It shall offer free transportation to nearby hotels for guests of the Gaming Facility in the event that no other option is available.

(viii) No persons under the age of 21 shall be permitted in any area where Gaming Activities are being conducted unless the person is en route to a non-gaming area of the Gaming Facility, or is employed at the Gaming Facility in a capacity other than for the sales or service of alcoholic beverages.

(ix) If the Tribe permits the consumption of alcoholic beverages the Tribe shall prohibit persons under the age of twenty-one (21) years from purchasing, consuming, or possessing alcoholic beverages in the Gaming Facility. The Tribe shall also prohibit persons under the age of twenty-one (21) years from being present in any room or area in which alcoholic beverages may be consumed, except to the extent permitted by the State Department of Alcoholic Beverage Control for other commercial establishments serving alcoholic beverages.

(x) No free alcoholic beverage promotions shall be allowed at the Gaming Facility. No "Happy Hour" or other type of reduced price beverage promotions shall be allowed except in restaurants and other places where meals are served.

(xi) The Tribe shall provide an adequate number of uniformed security guards during the hours of sales of alcoholic beverages in the Gaming Facility and parking area.

(xii) There shall be no minimum drink requirement at the Gaming Facility.

(xiii) Signs prohibiting the removal of open alcoholic beverages intended for consumption at the Gaming Facility shall remain posted at all points of exit from the Gaming Facility. These signs shall be of sufficient size so as to be easily seen and read by patrons exiting the Gaming Facility.

(xiv) The Tribe agrees to notify the County at least ten (10) days before making any application to the Department of Alcoholic Beverage Control and, if requested to do so, to meet in good faith with the County within seven (7) days of the request to discuss the application.

(e) Tobacco Smoke

The Tribe shall provide a non-smoking area in the Gaming Facility and utilize a ventilation system throughout the Gaming Facility that exhausts tobacco smoke to the extent reasonably feasible using state-of-the-art technology existing as of the date of the construction or significant renovation of the Gaming Facility.

The Tribe shall not offer or sell tobacco to anyone under eighteen (18) years of age.

(f) Other Mitigation Funding Sources

The Tribe and County agree to cooperate to acquire other available sources of mitigation and other funding, social service support, and renewable energy resources, including but not limited to funding under the Indian Reservation Roads Program.

(g) Mitigation Monitoring and Reporting

The Tribe agrees to implement the mitigation measures set forth in section 6 and Exhibits B and C of this Agreement. During the construction and operation of the Project, and continuing until all mitigation measures are implemented, the Tribe shall prepare and provide the County a mitigation monitoring report on at least a quarterly basis that documents the implementation of all identified mitigation measures, including equivalent mitigation measures accepted by the NIGC, and their effectiveness in reducing the related impact. The Parties will consult regarding the form and scope of mitigation monitoring reports.

All disputes regarding the mitigation monitoring reports, or the implementation of mitigation measures, shall be resolved pursuant to the dispute resolution process in this Agreement.

7. Term

(a) Effective Date

This Agreement shall not become effective unless and until the following events have occurred:

(i) this Agreement has been approved by the Board of Supervisors of the County, approved as to form by County Counsel and executed and delivered by the County; and

(ii) this Agreement has been approved by the Tribal Council and the General Council of the Tribe, approved as to form by outside legal counsel to the Tribe, and executed and delivered by the Tribe.

(b) Term of Agreement

Once effective, this Agreement shall be in full force and effect until the earlier of (i) December 31, 2033, or (ii) the date the Compact is terminated.

(c) Automatic Extensions

If the Tribe enters into a new tribal-state gaming compact or otherwise continues to operate the Gaming Facility, this Agreement shall be automatically extended to run for the period set forth in the new tribal-state gaming compact; provided, however, that, commencing not later than one hundred eighty (180) days prior to that date, the Parties shall meet, confer and renegotiate with respect to the provisions of this Agreement that provide for mitigation and community benefit payments made by the Tribe under this Agreement. If the Parties are unable to agree upon the dollar amounts necessary to maintain substantial mitigation of impacts and a comparable level of community benefits, the Parties shall institute the conflict resolution provisions contained in section 12 and, if unable to reach agreement, an arbitrator shall determine in a "baseball style" arbitration the amount necessary to retain substantially the same overall level of support for mitigation and community benefits contemplated in this Agreement.

8. Termination

Unless otherwise agreed by the Parties, this Agreement shall automatically terminate in the event, and on the date, that the Tribe permanently ceases development and construction of the Project or ceases the operation of Gaming Activities at the Gaming Facility.

9. Suspension Events

During Years One through Seven, if, due to Force Majeure (as hereinafter defined), an act of God, valid business considerations or any other reason, the Gaming Operations previously conducted by the Tribe on the Reservation are completely suspended or terminated for a period of at least three months, the Tribe's obligations to make annual financial contributions pursuant to Sections 2 through 4 of this Agreement shall be suspended in the same manner as authorized under the Compact until such time as the Gaming Operations are resumed. The period of obligations under the Agreement shall be extended for the time of any suspension. For the purposes of this section, the term "Force Majeure" shall include, without limitation, the following circumstances that result in complete suspension or termination of Gaming Operations: earthquake; flood; fire; other natural disasters; changes in law, regulation or governmental policy; riots; war; or terrorism. Nothing in this section shall impact the Tribe's liability for financial contributions which became due and payable prior to the date such Gaming Operations are suspended or terminated. When a force majeure event occurs, the Tribe shall provide written notice within 72 hours of the event that performance of its obligations is prevented or delayed, and within 72 hours after Gaming Operations are resumed.

10. Renegotiation Provision

(a) Renegotiation Events

The Tribe may request that the County renegotiate one or more of the provisions of this Agreement if there is a change in law, facts, or other unforeseen circumstances that fundamentally changes the Tribe's financial assumptions made in entering into this Agreement and significantly adversely affects the Project's revenues. Such fundamental changes shall be deemed to include, without limitation, the following:

(i) any change ending the prohibition on Class III gaming (as defined in IGRA) or the operation of Gaming Devices by non-Indians in California that substantially affects the Project's financial projections and actual revenues by at least 25%; and

(ii) a substantial reduction in the scope of gaming permitted on the Reservation, whether pursuant to a change in federal, state or local constitutions, laws, rules or regulations, the Compact or otherwise.

The County may request that the Tribe renegotiate one or more of the provisions of this Agreement if there is a change in law, facts, or other unforeseen circumstances that fundamentally changes the County's financial assumptions made in entering into this Agreement. Such fundamental changes shall be deemed to include, without limitation, the existence of a significant adverse impact of the Project that was not specifically addressed in the EIS or was not anticipated by the County.

(b) Renegotiation Procedures

All requests to renegotiate or amend this Agreement shall be by written notice and shall include reference to the provisions of this Agreement to be renegotiated. Upon receipt of such notice, the Parties shall attempt to renegotiate this Agreement in good faith. The Parties shall confer promptly and determine a schedule for commencing negotiations within fifteen (15) days of the notice. Each Party is hereby authorized to designate the person or agency responsible for conducting the negotiations, and shall execute any documents necessary to confirm such authorization. The purpose of the negotiations will be to attempt to renegotiate the provisions of this Agreement in good faith so that the Parties retain substantially the same rights, levels of mitigation, and community benefits contemplated as of the date of this Agreement. If the Parties are unable to renegotiate then either Party may trigger the dispute resolution provisions contained in section 12.

11. Severability

Notwithstanding any provision of California law to the contrary, if any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws, such provision shall be fully severable, this Agreement shall be construed and enforced as if such

void, illegal, invalid, or unenforceable provision had never comprised a part of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the void, illegal, invalid, or unenforceable provision or by its severance from this Agreement. Similarly, notwithstanding any provision of California, Federal or Tribal law to the contrary, if any provision of this Agreement requires the County, Tribe, or any other Public Entity to take any action which has not been taken in connection with the approval of this Agreement or otherwise, or subjects this Agreement to the referendum or initiative process under California law, this Agreement shall be construed and enforced as if such provision had never comprised a part of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the applicable provision or by its severance from this Agreement. In the event that the entire Agreement is declared void, illegal, invalid, unenforceable or unauthorized, the Parties shall enter into good faith negotiations to negotiate a new agreement that maintains the expectation of each Party in entering into this Agreement. If any of the events referenced in this section occurs, the Parties shall endeavor in good faith negotiations to replace the applicable provisions or provisions with a substitute provision, the economic and other effects of which comes as close as possible to that of the provision which has been severed. Such negotiations shall be conducted pursuant to the provisions of section 10(b) of this Agreement.

12. Dispute Resolution Provisions

(a) Dispute Resolution

In an effort to foster good government-to-government relationships and to assure that the Tribe is not unreasonably prevented from engaging in gaming and other commercial activities on the Reservation, and the County is able to insure that the off-reservation impacts of the project are fully mitigated, the Parties agree to the dispute resolution procedures set forth in this section.

(b) Meet and Confer

The Parties shall make their best efforts to resolve claims arising under this Agreement by good faith negotiations whenever possible. Any such disputes between the Parties shall first be subjected to a process of meeting and conferring in good faith in order to foster a spirit of cooperation in the implementation of the terms of this Agreement as follows:

(i) A Party shall give the other Party, as soon as possible after the event giving rise to the dispute, written notice setting forth, with specificity, the claims of breach of this Agreement.

(ii) The Parties shall meet and confer in a good faith attempt to resolve such dispute through negotiation not later than 10 days after the receipt of notice, unless the Parties agree in writing to an extension of time.

(c) Mediation or Other Dispute Resolution

If such dispute is not resolved to the satisfaction of the Parties, the Parties may, by mutual agreement, pursue mediation or any other method of dispute resolution; provided, however, that no Party is under an obligation to agree to such mediation or other method of dispute resolution.

(d) Binding Arbitration

If such dispute is not resolved to the satisfaction of the Parties within thirty (30) calendar days after either the first meeting or after any other dispute resolution under section (c), or such other extended period as the Parties may agree in writing, then the Parties may seek to have the dispute resolved by binding arbitration in accordance with the following procedures:

(i) Upon the request of a Party in writing, the dispute shall be submitted to binding arbitration in accordance with this section.

(ii) The disputes to be submitted to arbitration shall be limited to claims arising under this Agreement, and which were subject to the meet and confer in section 12(b).

(iii) In the event there is any dispute as to whether a matter is subject to the arbitration provisions of this Agreement, or any dispute concerning the scope of the matter or matters to be arbitrated, the disagreement as to whether the dispute is subject to the arbitration provisions of this Agreement or the scope of such arbitration shall be submitted to the arbitrator referenced in subsection (iv) of this section.

(iv) The arbitration shall be conducted before a single arbitrator in accordance with the JAMS Streamlined Arbitration Rules (or such other streamlined arbitration rules as the Parties may agree), as modified by the provisions of this Agreement. The arbitrator shall be a retired judge selected pursuant to the following terms:

The arbitrator shall be selected by the Parties. If at such time the Parties are unable to agree upon the selection of a single arbitrator, then each Party shall name one arbitrator and the two arbitrators thus selected shall select a third arbitrator who shall be a retired California Superior Court or United States District Court judge; provided, however, if either Party fails to select an arbitrator within fourteen (14) days of delivery of the request for arbitration, then the arbitrator selected by the other Party shall conduct the arbitration.

(v) The arbitration shall take place in Santa Rosa or another location mutually agreed upon by the Parties.

(vi) The provisions of Section 1283.05 of the California Code of Civil Procedure shall apply; provided that no discovery authorized by that section may be conducted without leave of the arbitrator.

(vii) Each side shall bear its own costs, attorneys' fees, and one-half the costs and expenses of the arbitrator.

(viii) The decision of the arbitrator should be made within thirty (30) days of the arbitration. The decision shall be in writing and shall give reasons for the decision.

(d) Damages

The Parties agree that any monetary damages awarded or arising under this Agreement shall be exclusively limited to actual direct damages incurred based on obligations contained in this Agreement that have been demonstrated with substantial certainty and which do not, in any event, exceed the total amount of the annual financial contributions which the Tribe is required to make to the County under the Agreement. In no instance shall the Parties to this Agreement be entitled to special, incidental, indirect, consequential or punitive damages, lost profits or attorney's fees. The Parties agree not to assert any claim for damages, injunctive, or other relief which is not consistent with the provisions of this Agreement.

(e) Confirmation of Awards

Any Party to an arbitration in which an award has been made pursuant to this section may petition the federal District Court for the Northern District of California or, if such Court declines jurisdiction, the State Superior Court for Sonoma County or any other court of competent jurisdiction to confirm the award, including any appellate proceedings. The Parties expressly consent to the jurisdiction of such Courts for the purpose of confirmation of such an award. An award shall be confirmed, provided that:

(i) The award is limited to the purposes of arbitration stated in this section.

(ii) No person or entity other than the Parties is a party to the action, unless failure to join a third party would deprive the court of jurisdiction; provided, however, that nothing herein shall be construed to constitute a waiver of the sovereign immunity of the Parties in respect to any such third party.

If an award is confirmed, judgment shall be entered in conformity with the award. The judgment so entered has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action, and may be enforced like any other judgment of the court in which it is entered.

(f) Intervention

Nothing in this Agreement shall be construed to constitute a waiver of the sovereign immunity of the Tribe or the County with respect to intervention by any additional party not deemed an indispensable party to the proceeding.



(g) Baseball Style Arbitration

Disputes arising under sections 3(j) and 7(c) of this Agreement shall be subject to “day baseball style” arbitration as defined by standard or accepted arbitration rules and procedures.

(h) Confidentiality

Unless otherwise agreed by the Parties, any dispute resolution meetings or communications, or mediation, shall be in the context of a settlement discussion to potential litigation and remain confidential to the extent not prohibited by applicable law.

13. Waiver of Sovereign Immunity

Pursuant to General Council Resolution No. 12-40, and subject to the provisions of this section, the Tribe expressly and irrevocably waives sovereign immunity (and any defenses based thereon) in favor of the County, but not as to any other person or entity, as to any dispute which specifically arises under this Agreement and not as to any other action, matters or disputes. The Tribe does not waive its sovereign immunity with respect to (i) actions by third parties, except for parties acting on behalf of, under authorization from, or pursuant to a contract with, the Tribe or County; or (ii) disputes between the Tribe and the County which do not specifically arise under this Agreement. The Tribe further agrees that exhaustion of administrative remedies, including before any tribal court, shall not be required prior to proceeding to court action under section 12.

14. Representations and Warranties

Each Party represents, warrants and covenants to the other Party as follows:

(a) Authority

Such Party has the legal power and authority to execute and deliver this Agreement and to perform its obligations under this Agreement.

(b) Due Authorization

The approval, execution, and delivery of this Agreement, and waiver of sovereign immunity, and the performance by such Party of its obligations under this Agreement, have been authorized by all requisite actions of such Party.

(c) Due Execution and Delivery

The persons executing this Agreement on behalf of such Party are duly authorized to execute and deliver this Agreement on behalf of such Party.

(d) Enforceability

This Agreement constitutes the legal, valid and binding obligation of such Party, enforceable against such Party in accordance with its terms, and, once executed and delivered, cannot be invalidated pursuant to any subsequent action of the Board of Supervisors of the County or the Tribal Council or General Council of the Tribe, as applicable.

(e) No Conflict

The approval, execution, delivery and performance of this Agreement does not conflict with any other agreement to which such Party is a party and does not violate or require any action which has not been taken under any law, statute, rule, regulation, ordinance, general plan, tribal law, specific plan or court order or decree applicable to such Party.

(f) Waivers

A waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other breach of such provision or of any other provisions, nor shall any failure to enforce any provision operate as a waiver of such provision or of any other provisions.

15. No Submission to Jurisdiction

The Parties acknowledge and agree that this Agreement, except as otherwise specified, is not intended to constitute, and shall not be construed as constituting, a submission by the Tribe to the jurisdiction of (i) the County or any or any of its subdivisions, departments or courts, (ii) any of its or their respective officials, employees, inspectors or contractors, or (iii) any of its or their respective laws, rules, regulations, ordinances, general plans or specific plans.

16. Third Party Matters

This Agreement is not intended to, and shall not be construed to, create any right on the part of any third party to bring any action or otherwise enforce any of its terms.

17. Notice

All notices required by this Agreement shall be deemed to have been given when made in writing and delivered or mailed to the respective Parties and their representatives at their respective addresses as set forth below or such other addresses as they may provide to the other Party from time to time:

For the County:  
County Counsel  
Office of the Sonoma County Counsel

575 Administration Drive  
Santa Rosa, CA 95403  
ATTN: County Counsel  
Telephone: (707) 565-2421  
Fax: (707) 565-2624

With copies to:

County Administrator  
575 Administration Drive  
Santa Rosa, CA 95403  
ATTN: County Administrator  
Telephone: (707) 565-2431  
Fax: (707) 565-3778

For the Tribe:

Federated Indians of Graton Rancheria  
6400 Redwood Drive, Suite 300  
Rohnert Park, CA 94928  
ATTN: Chairperson  
Telephone: (707) 566-2288  
Fax: (707) 566-2291

With copies to:

Maier Pfeffer Kim & Geary, LLP  
1440 Broadway, Suite 812  
Oakland, CA 94612  
ATTN: John Maier, Esq.  
Telephone: (510) 835-3020  
Fax: (510) 835-3040

18. Governing Law

This Agreement shall be governed by, and construed in accordance with, the laws of the State of California.

19. Construction of Agreement

This Agreement, including all recitals, together with all Exhibits, constitutes the entire agreement between the Parties and supersedes all prior negotiations, representations, drafts regarding this Agreement, whether written or oral. In the event of a dispute between the Parties as to the language of this Agreement or any amendment to this Agreement or the construction or

meaning of any term contained in this Agreement or any amendment to this Agreement, this Agreement or any amendment to this Agreement shall be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against, or in favor of, either Party based on the preparation or negotiation of this Agreement or any amendment to this Agreement. The headings contained in this Agreement are for convenience of reference only and shall not effect this Agreement's construction or interpretation.

20. Binding Agreement

This Agreement is intended to be, and shall be construed to be, binding upon the Parties and all successors and successors-in-interest of each Party, including all officers, agents and employees, and, in the case of the County, future County Boards of Supervisors, and, in the case of the Tribe, future Tribal Councils or General Councils.

21. CEQA

Government Code § 12012.56(b)(1)(C) states that in deference to tribal sovereignty, the execution of an intergovernmental agreement between a tribe and a county or city government negotiated pursuant to the express authority of, or as expressly referenced in, the Compact shall not be deemed a project for purposes of CEQA. This Agreement is an intergovernmental agreement between the Tribe and the County negotiated pursuant to the Compact and, therefore, execution of this Agreement is not subject to CEQA.

This Agreement does not commit the County to implement any public improvement, or to take any action that may result in physical changes in the environment. This Agreement requires the Tribe to make mitigation payments for identified mitigation measures and programs; however, the County retains discretion to elect not to implement any or all of the specific mitigation measures and programs identified in this Agreement. In the event the County elects not to approve or implement identified mitigation measures or programs, it will meet and confer with the Tribe and re-allocate the mitigation payment provided by the Tribe to other measures designed to address the relevant impact.

To the extent that the County is required to comply with CEQA with respect to any improvements, programs or activities identified in or related to this Agreement, the County will comply with CEQA prior to approving or implementing such improvements, programs or activities. This Agreement does not restrict the County's discretion to evaluate the impacts of such improvement, programs or activities, identify and adopt mitigation for such impacts, consider and approve alternatives designed to lessen such impacts, or deny approvals necessary for such improvement, programs or activities.

22. Amendments

This Agreement may be modified or amended only by mutual and written agreement of the Parties.

23. Review by the Department of Interior

The Tribe shall submit this Agreement to the United States Department of the Interior for either: (a) approval pursuant to 25 U.S.C. § 81; or (b) a written response that this Agreement does not require approval under 25 U.S.C. § 81. The Tribe shall undertake reasonable efforts, in consultation with the County, to secure approval or written response. The County, at its sole discretion, has the right to withdraw its support for the Agreement if it is not submitted to the Department of the Interior pursuant to this section within ten (10) days following the Effective Date. If the Department of Interior determines that portions of this Agreement violate 25 U.S.C. § 81 or are otherwise invalid, the severability provisions set forth in section 11 of this Agreement shall govern.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the effective date set forth above.

SONOMA COUNTY, CALIFORNIA

Date: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: Chairman of the Board of Supervisors

APPROVED AS TO FORM BY COUNTY COUNSEL

Date: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
Bruce Goldstein, Esq.  
County Counsel

FEDERATED INDIANS OF GRATON RANCHERIA

Date: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
Greg Sarris  
Chairperson

APPROVED AS TO FORM BY LEGAL COUNSEL FOR THE TRIBE

Date: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
John Maier, Esq.  
Maier Pfeffer Kim & Geary, LLP

## EXHIBIT A

### LEGAL DESCRIPTION OF THE RESERVATION

#### TRACT ONE

Farms 102, 103, 104, 105, 106, 124, 125, 126 and 127, as shown upon the Map of Plan of Subdivision of Santa Rosa Farms No. 2, filed March 7, 1910 in the Office of the County Recorder of Sonoma County in Book 21 of Maps, Page 14, Sonoma County Records. Certificate of Compliance recorded January 28, 1998 as Document No.'s 1998 0008588 through 1998 0008596, Sonoma County Records. Being Assessors Parcel No. 045-073-001.

#### TRACT TWO

##### *Parcel One*

Farms 130 and 131 as shown upon the Map of Plan of Subdivision of Santa Rosa Farms No. 2 filed March 7, 1910 in the Office of the County Recorder of Sonoma County in Book 21 of Maps, Page 14, Sonoma County Records. Certificate of Compliance recorded January 28, 1998 as Document No.'s 1998 0008597 and 1998 0008598, Sonoma County Records. Being a portion of Assessor's Parcel No. 045-074-009.

##### *Parcel Two*

Farm 129 of Santa Rosa Farms No. 2, according to Map thereof filed in the Office of the County Recorder of said County on March 7, 1910 in Book 21 Maps, Page 14, Sonoma County Records. Being Assessor's Parcel No. 045-074-010.

##### *Parcel Three*

Farm No. 128 as same is shown upon that certain Map Entitled "Plan of Subdivision of Santa Rosa Farms No. 2, Sonoma Co., Cal., Etc.", filed March 7, 1910 in Book 21 of Maps at Page 14.

Saving and Excepting Therefrom, the following:

Commencing at the Southeasterly corner of said Farm No. 128; thence Northerly along the Eastern line thereon, 155 feet and 7 inches to a point, for the actual point of commencement of the tract to be herein described; thence from said point of commencement, South 89[deg] West, 289 feet and 6 inches to a point; thence Northerly, parallel with the Eastern line of said Farm No. 128, a distance of 155 feet and 10 inches to a point; thence North 89[deg] East, 289 feet and 6 inches to the Eastern line of said Farm No. 128; thence Southerly along said Eastern line, 155 feet and 10 inches to the point of commencement.

Also Saving and Excepting Therefrom, the following:

Beginning at a point on the center line of Labath Avenue, which point is the Southeast corner of Lot 128 as shown upon the Map entitled "Plan Of Subdivision of Santa Rosa Farms No. 2, Sonoma Co., Cal., Etc.," filed March 7, 1910 in Book 21 of Maps, Page 14, Sonoma County Records; thence North 1[deg] West along the Easterly line of Lot 128, a distance of 155 feet, 7 inches to a point; thence South 89[deg] West, 289.5 feet; thence North 1[deg] West, 77 feet, 10 inches; thence South 89[deg] West, 283.66 feet to the Westerly line of said Lot 128; thence along said line, South 1[deg] East, 233.5 feet to the Southwest corner of said Lot 128; thence along the Southerly line of said Lot, North 89[deg] East, 573.16 feet to the point of beginning.

Being Assessor's Parcel No. 045-073-002.

#### TRACT THREE

A Portion of Farm No. 128 as shown upon the Map entitled "Plan of Subdivision of Santa Rosa Farms No. 2, Sonoma County, California", filed in the Office of the County Recorder of Sonoma County, California, on March 7, 1910 in Book 21 of Maps, page 14, more particularly described as follows:

Commencing at the Southeasterly corner of said Farm No. 128; thence Northerly along the Easterly line thereof, 155 feet, 7 inches to a point for the true point of beginning of the tract to be herein described; thence South 89[deg] West 289 feet, 6 inches to a point; thence Northerly parallel with the Easterly line of said Farm No. 128, a distance of 155 feet, 10 inches to a point; thence North 89[deg] East, 289 feet, 6 inches to the Easterly line of said Farm No. 128; thence Southerly along said Easterly line, 155 feet, 10 inches to the point of beginning.

Being Assessor's Parcel No. 045-073-003.

#### TRACT FOUR

Beginning at a point on the center line of Labath Avenue which point is the Southeast corner Lot 128 as shown upon the Map entitled Plan of Subdivision of Santa Rosa Farms No. 2, Sonoma County, California, etc., filed March 7, 1910 in Book 21 of Maps, page 14, Sonoma County Records; thence North 1[deg] West along the Easterly line of Lot 128, a distance of 155 feet 7 inches to a point; thence South 89[deg] West, 289.5 feet; thence North 1[deg] West, 77 feet 10 inches; thence 89[deg] West, 283.66 feet to the Westerly line of said Lot 128; thence along said line South 1[deg] East, 233.5 feet to the Southwest corner of said Lot 128; thence along the Southerly line of said Lot, North 89[deg] East, 573.16 feet to the point of beginning.

Being Assessor's Parcel No. 045-073-004.

#### TRACT FIVE

A tract of land, being a portion of the Rancho Llano de Santa Rosa, and commencing on the boundary line of said Rancho on the line between Section 21 and 22, in Township 6 North, Range 8 West, Mount Diablo Base & Meridian, at a point in the center of the County Road



known as the Santa Rosa and Stony Point Road, from which point the post for the railing of the bridge, across the Laguna and standing on the Southeast corner of the same, is North 31[deg] West, 13 links distant; thence from said point of beginning, North 89[deg] 30' East, 11.92 chains, South 39[deg] 05' East, 2.61 chains, South 53[deg] East, 1.36 chains, South 64[deg] East, 1.23 chains, South 77[deg] 15' East, 2.62 chains, South 88[deg] 05' East, 3.94 chains, North 4[deg] 15' East, 1.43 chains, South 88[deg] East, 2.03 chains, South 56[deg] East, 2.44 chains, North 87[deg] 15' East, 22.62 chains to the Northwest boundary line of the Cotati Rancho; thence along said line, North 29[deg] 15' East, 39.44 chains; thence leaving said line, West 67.92 chains to the center of the aforesaid Road and Section line; thence South, 32.18 chains to the point of beginning. Magnetic Variation 17[deg] East.

Excepting therefrom those portions of land described in the Deeds from Manuel T. Pimentel, et al, to the Sonoma County Flood Control and Water Conservation District, recorded August 16, 1961 in Book 1840 of Official Records, page 280, Serial No. G-60050, Sonoma County Records, and recorded September 24, 1963 in Book 1989 of Official Records, page 575, Serial No. H-56600, Sonoma County Records.

Also excepting therefrom that portion of land described in the Deed from Mary C. Pimentel, et al, to the Sonoma County Flood Control and Water Conservation District, recorded February 11, 1966 in Book 2187 of Official Records, page 957, Serial No. J-83549, Sonoma County Records.

Also excepting therefrom that portion of land described in the Deed to the City of Rohnert Park, recorded January 11, 1989, as Document No. 89002750 of Official Records of Sonoma County.

Also excepting therefrom that portion of land described in the Deed to the County of Sonoma, recorded May 17, 1996 as Document No. 1996 0044116 of Official Records of Sonoma County.

An easement for cattle and agricultural equipment crossing, as described in the Deed from the Sonoma County Flood Control and Water Conservation District to Manuel L. Pimentel and Mary C. Pimentel, recorded August 15, 1961 in Book 1840 of Official Records, page 284, Serial No. G-60051, Sonoma County Records.

An easement for cattle and agricultural equipment crossing, as described in the Deed from the Sonoma County Flood Control and Water Conservation District to Manuel L. Pimentel and Mary C. Pimentel, recorded August 15, 1961 in Book 1840 of Official Records, page 288, Serial No. G-60052, Sonoma County Records.

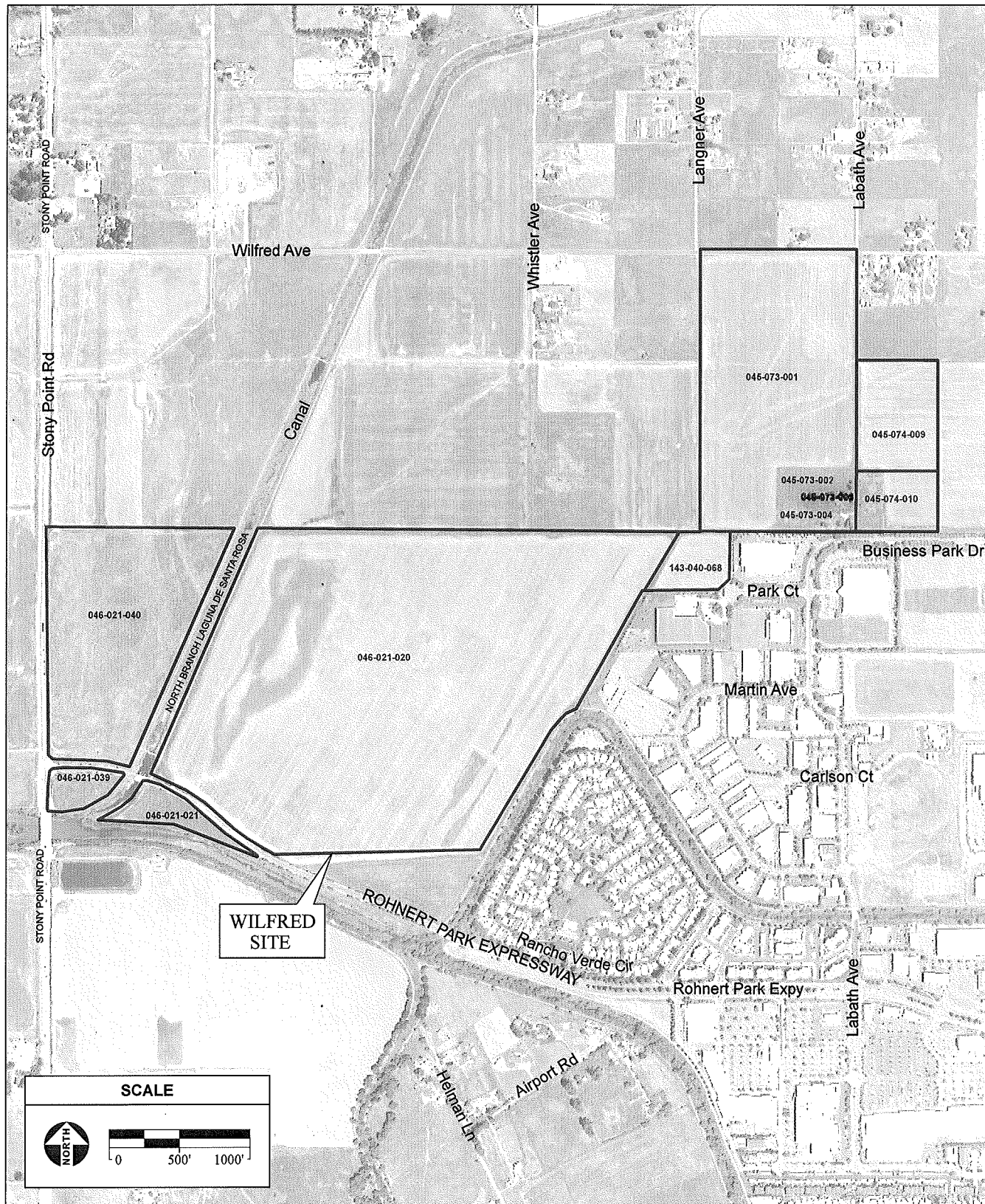
Being Assessor's Parcel Nos. 046-021-020 & 021,046-021-039 & 040.

#### TRACT SIX

All that certain real property situated in the City of Rohnert Park, County of Sonoma, State of California, described as follows: Lot 6, as shown on the map of "Rohnert Business Park

Subdivision”, filed August 12, 1985 in the office of the County Recorder in Book 375 of Maps, at pages 10 and 11, Sonoma County Records.

Being Assessor’s Parcel No. 143-040-068.



SOURCE: GlobeXplorer Aerial Photography, 4/1/2007; AES, 2008

Graton Rancheria Hotel and Casino EIS / 203523 ■

**Figure 1-4**  
Wilfred Site – Parcel Map

## EXHIBIT B

### 1. FLOODING AND DRAINAGE

- A. The Tribe and its consultants have prepared a Stormwater Management Plan and Site Improvement Plans for the site. The Stormwater Management Plan and Site Improvement Plans demonstrate that the Project will limit the 10-year, 25-year, and 100-year peak storm discharge rate from the Project site to less than or equal to existing pre-Project conditions at all locations where runoff leaves the site.

The Parties have met several times, and worked in good faith so that the County may obtain additional information and verify the Project's substantial conformance with the Sonoma County Water Agency Flood Control Design Criteria. The County acknowledges that the Record of Decision ("ROD") does not legally obligate the Project to conform to the Flood Control Design Criteria. The County appreciates that the Tribe has voluntarily agreed to substantially conform, where feasible, to the Flood Control Design Criteria.

- B. The Tribe's Stormwater Management Plan and Site Improvement Plans have and will identify drainage improvements and other measures that are necessary for the Project to conform to the ROD and to substantially conform, where feasible, to the Flood Control Design Criteria. Those drainage improvements and other measures will be implemented as identified by the Tribe. If any material changes to the improvements, designs, structures, ponds, pumps, and/or calculations are proposed or required, they will be submitted to the County for review and, if necessary, the Parties shall meet and confer in good faith and in a timely manner to discuss those changes and any additional steps that may be necessary to verify substantial conformance with the Flood Control Design Criteria.
- C. The drainage improvements identified by the Tribe in its Stormwater Management Plan and Site Improvement Plans, and/or implemented by the Tribe on the site, will be kept free from debris and maintained as designed, and will function as calculated.
- D. If complaints are received from the Regional Water Quality Control Board for the North Coast Region, the parties will meet and confer in good faith and in a timely manner to discuss stormwater management and drainage on the site, and identify whether additional measures are necessary to meet the above identified standards.

### 2. GROUNDWATER

#### *Regional Groundwater*

The water demand calculation in the Record of Determination has been updated by the Tribe to reflect changes in the Project scope and design. The following chart depicts the water demand as calculated in the ROD, and as updated to reflect changes in the scope and design of the Project.

	Updated Calculation (Mil-Gal/Yr)		Record of Determination Calculation (Mil-Gal/Yr)	
	Phase 1	Phase 1 and 2	Phase 1	Phase 2
Potable	30	36	74	74
Reclaimed	46	51	13	13
Totals	76	87	87	87

*Localized Groundwater*

The following measures will be implemented unless and until the Tribe obtains a municipal water connection. If the Tribe obtains a municipal water connection, the following measures will not need to be implemented.

A. ROD Mitigation Measure 6.2(M) states that the Tribe shall implement a groundwater monitoring program consistent with Appendix G of the Final Environmental Impact Statement (FEIS). Measure 6.2(M) and Appendix G state that the program shall include the monitoring of existing and/or new wells, with a shallow/deep well pair located within ½-mile of the Project and shallow/deep pair located between 1 and 2 miles of the Project. Water-level measurements shall begin at least one year prior to the Opening Date. The Tribe will implement that monitoring program, as outlined below.

1. Monitoring of far-field wells (1 to 2 miles from the Project) is necessary to adequately assess actual groundwater-level drawdown from the Project. The Tribe has identified 12 wells that will be monitored, including several that are 1 to 2 miles from the Project. The Tribe has voluntarily agreed and will monitor the 12 wells for not only groundwater quantity, but groundwater quality as well.
2. For the first three years after the Opening Date, the Tribe will conduct monthly monitoring of groundwater elevations.
3. Beginning in year 4, if the hotel has not been constructed and no significant reduction in groundwater is measured, monitoring frequency may be reduced from monthly to quarterly. Groundwater-levels from near and far monitoring wells will be monitored unless and until the Tribe obtains a municipal water connection.
4. Groundwater-level data collected from the monitoring wells should be provided to the Sonoma County Water Agency for incorporation into the California Statewide Groundwater Elevation Measurement (CASGEM) program and any future voluntary groundwater-level monitoring program developed as part of the Groundwater Management Plan (GMP) process in the Santa Rosa Plain.
5. If the GMP process or the Salt and Nutrient Management Plan for the Santa Rosa Plain result in the development of future studies or monitoring programs, the Tribe will cooperate with SCWA or the County to make on- and off-Reservation monitoring wells available for the collection of groundwater quality samples for that purpose.

*Residential Well Monitoring and Compensation Program*

- B. ROD Mitigation Measure 6.2(N) requires the Tribe to develop and implement a program to compensate neighboring well owners for impacts to well operations caused by Project pumping. The Tribe is developing and will implement that program as outlined below.
- C. The Tribe has voluntarily contracted with the Sotoyome Resource Conservation District to coordinate a voluntary well monitoring program. The Tribe will maintain that contract or contract with another local, objective, and qualified entity to coordinate the voluntary well monitoring program. The program will provide resources and technical assistance to support voluntary self monitoring for property owners that have groundwater wells within a 2-mile radius of the Project. The voluntary program will utilize monitoring methods based on guidance provided by the Sonoma County Water Agency and California Department of Water Resources. The voluntary program will be instituted a year in advance of the Opening Date to allow baseline data collection during a full twelve month cycle.
- D. The Tribe has voluntarily contracted with Wagner & Bonsignore to oversee the well impact compensation program set forth in ROD Mitigation Measure 6.2(N). The Tribe will maintain that contract or, in consultation with the County, contract with another objective and qualified third party to oversee the well impact compensation program. Wagner & Bonsignore has reviewed the voluntary well monitoring program and approved the relevant data collection forms. The Tribe will ensure that the selected party/individual shall have the independent authority and sufficient financial resources to decide and award proper claims for compensation.
- E. The Parties will meet and confer as necessary regarding the Tribe's voluntarily groundwater quality monitoring, and agree to take all reasonable and feasible measures should they prove necessary.

*Groundwater Study and Groundwater Management Program*

- F. ROD Mitigation Measure 6.2(L) states that water conservation measures including use of reclaimed water for landscape watering, cooling tower makeup water, and toilets shall be implemented. The measure states that in addition, a list of other specific water conservation measures shall be adopted, resulting in a water savings of approximately 12,800 gallons per day.
  - 1. The Tribe will utilize best available technologies for water-using fixtures, equipment, and appliances.
  - 2. The Tribe will utilize recycled water for landscape irrigation, toilet and urinal flushing, cooling tower make-up water, and other potential uses.

3. The Tribe will implement the behavioral water conservation measures identified in ROD Mitigation Measure 6.2(L), which include:
  - a. Check steam traps and ensure return of steam condensate to boiler for reuse
  - b. Limit boiler blowdown and adjust for optimal water usage.
  - c. Encourage voluntary towel re-use by hotel guests.
  - d. Use pressure washers and water brooms instead of hoses for cleaning.
  - e. Serve water to customers at restaurants only upon request.
  - f. Operate dishwashers with full loads only.
  - g. Use high pressure/low flow spray rinsers with automatic shut off for potwashing.
  - h. Reduce flow to minimum necessary in scrapper troughs, wash down, and frozen food thawing.

### **3. TRANSPORTATION AND CIRCULATION**

- A. The Parties have a shared interest in directing Project traffic away from Labath Avenue, Langner Avenue, and Millbrae Avenue north of the Project site, unless and until those roadways are improved to meet applicable safety standards. As a result, the Tribe will implement all feasible line striping, signage, and other measures to direct traffic leaving the Project site via the Labath or Langner Avenue driveways to use Wilfred Avenue, and to prevent such traffic from crossing Wilfred Avenue and travelling north onto Labath Avenue or Langner Avenue. This measure shall no longer apply if and when Millbrae Avenue and Labath Avenue and/or Langner Avenue are improved to the point that they meet all federal, state, and local safety standards.
- B. ROD Mitigation Measure 6.7(M) states that the Tribe shall provide a shuttle between the Project and Rohnert Park transit hubs that would operate on a half-hour rotational basis during busy hours and on an on-call basis in the times when the frequency of employees and patrons arriving or leaving is low. ROD Mitigation Measure 6.3(C) similarly states that the Tribe shall coordinate with and provide support to the Sonoma Marin Area Rail Transit (SMART) and other community transit providers, including shuttle service to and from the nearest major transit node. As part of implementation of these measures, the Tribe voluntarily agrees that once SMART train service commences to Rohnert Park, the Tribe will provide a low-cost or free shuttle service between the Project site and the nearest train station, timed to SMART train arrivals/departures.

### **4. SOLID WASTE**

ROD Mitigation Measure 6.8(H) states that the Tribe shall pay all standard fees for trash collection and disposal. ROD Mitigation Measure 6.3(QQ) states that Tribe shall implement a recycling goal of 50 percent. To implement these measures, the Tribe will direct all of its refuse (as such term is defined in Sonoma County Code Section 22-1) to the County's franchised hauler for disposal and/or processing at the County-owned solid waste facilities, and Tribe will pay the franchised hauler for such collections and disposal services in accordance with the rates authorized in the County approved franchise agreement. In addition, the Tribe will participate in the commercial food waste collection and diversion program offered by the franchised hauler.

Implementation of these steps is required of any similarly-situated commercial development in the County. Implementation supports the County's strong policy in favor of in-county disposal to reduce air pollution and other impacts, and supports the diversion activities of the Sonoma County Waste Management Agency, a joint powers authority comprised of the County and the nine cities within the County.

## **5. NOISE**

The Tribe agrees to generally conform, where feasible, to applicable County noise standards, as measured at the exterior property line of any affected residential or sensitive land use. If noise complaints are received, the Parties will meet and confer in good faith and in a timely manner to determine if the current operations meet noise standards and, if necessary, identify any additional steps to meet them, including those in Exhibit C, section 8, such as fully funding the cost of installation of acoustically-rated, dual pane windows (with a minimum Sound Transmission Class (STC) rating of 30) and acoustically rated doors on the facades facing the noise source(s) to minimize noise effects for residences adjacent to Wilfred Avenue between Redwood Drive and Stony Point Road.

## **6. AESTHETICS**

### *General*

- A. The Sonoma County Code and County's Suggested Design Guidelines set forth minimum standards and guidelines for subjects including building design, height, texture, and color; parking design; landscaping and landscape architecture; lighting; signage; and the undergrounding of utilities. The Parties agree the Project is not subject to Design Review, but that the Tribe agrees to substantially comply, where feasible, with guidelines and criteria as specified in the County's Suggested Design Guidelines applicable to similarly situated private projects.
- B. The Tribe will submit preliminary design plans for the site plan, building exterior, grading, exterior lighting, sign program and monument signs and landscaping to the County Permit and Resource Management Department for the County's review and comment. Preliminary design plans will include the colors and materials of proposed buildings, specification sheets for lighting fixtures, signage locations, dimensions and details, and landscaping plans, including species mix and size, planting plan, ground covers and irrigation plan.
- C. Building colors shall use predominantly earth tones to blend with the surrounding rural environment. Darker tones are recommended to be interspersed with the lighter exterior colors to reduce the apparent mass of the buildings. Light colors (i.e. white, tan or beige) should be used on accent walls and darker colors used on the taller or larger mass walls.
- D. Rock facing should utilize local building materials where available, or reflect the Sonoma Volcanic or Sonoma Field stone that is indigenous to Sonoma County.



- E. Before the Tribe makes final building, lighting, signage, and landscaping decisions, the County, Tribe and Tribe's consultants will meet and confer to discuss the preliminary designs. The Tribe retains authority for final design decisions, but will consider all input provided by the County.

*Garage and Surface Parking*

- F. Surface parking will incorporate landscaping designed to screen and soften the appearance. Trees will be incorporated into surface parking and surrounding areas at a ratio of approximately 1 tree per 12 parking spaces. Exterior perimeter landscaping of parking areas should be bermed above the road surface elevation, where feasible, and landscaped with trees and shrubs to screen the extensive surface parking from offsite.
- G. Parking garage(s) will incorporate large scale evergreen trees, shrubs and other landscaping and architectural elements such as parapet walls, architectural screens, rock facing and articulated walls or fronts, designed to break up the scale of the parking garage and mass walls to the maximum extent possible. Design elements, color, materials, etc. will be consistent with the overall Project so that parking garages blend with the surrounding buildings. Significant landscaping, including trees and shrubs, will extend along the back side of the structure.
- H. Garage lighting shall be fully shielded, downward casting, and the minimal height feasible to provide adequate lighting for safety and security purposes.
- I. No signs shall be affixed to the west face of the parking structure, except for directional signs. Signage on the north face of the parking structure shall be limited to static, low-light signs, except for directional signs.

*Landscaping*

- J. Groupings of large evergreen trees (i.e. redwoods) and other appropriate trees, shrubs, and landscaping materials will be incorporated into the design to help blend and screen foundations, sheer walls, parking garages, retaining walls, and utility structures. Where appropriate, trees and shrubs shall be placed in natural groupings to break up linear rows of planting or mass walls.

*Exterior Lighting*

- K. The Tribe will use the least amount of lighting equipment possible to achieve the goals of the Project, balancing the need for uniform lighting, safety and commerce, with the need to protect the night sky, minimize energy consumption and prevent glare in keeping with all applicable laws, regulations, and insurance requirements.
- L. Exterior lighting plans will be designed to meet or exceed Title 24 energy efficiency, as required by applicable building codes.
- M. Luminaire locations will be selected to minimize glare and contain all light within the design area, and to fully shield light sources from offsite or the night sky.

- N. All exterior lighting, including roadway and parking area lighting will be full cutoff fixtures, such that lighting does not shine into the night sky or adjacent properties. The use of flood lights will be minimized. As required by ROD Mitigation Measure 6.11(B)(a), placement of floodlights on buildings shall be set so as not to cast trespassing light off-site. The intensity of all outdoor lighting will be kept to the minimum necessary for safety and commerce.
- O. Exterior lighting with transparent or translucent shades will utilize an integral lamp shield, where feasible. These fixtures will be for decorative purposes only, and not used for general site lighting. Lighting under building canopies or rooftops and not visible from offsite will be exempt from this measure. Lighting under building canopies or rooftops that is visible from off-site will be fully shielded, where feasible.
- P. Exterior lighting will use predominantly high efficiency sources, such as LED, compact fluorescent or ceramic (metal halide). The use of high wattage incandescents will be minimized for site lighting.
- Q. Uplighting of structures has a high potential for off-site light spillage and shall be minimized by limiting uplighting to the main casino and hotel facades and prohibiting uplighting of the parking structure and ancillary structures. Any uplighting of the main casino and hotel facades shall be directly focused on the structures. Uplighting shall be limited to architectural elements above 12-feet. Building shields will be used on fixtures located on the back side or west elevation.

#### *Signage*

- R. A master sign program should be developed for all vendors, tenants and uses on the site to ensure design consistency and compatibility with the aesthetic of the buildings. Signs should utilize individual lettering, and should be integrated into the building design through designated sign bands, soffits, awnings, or overhangs.
- S. Outdoor signs will not use obtrusive light emitting devices such as neon lights or flashing lights.
- T. The Tribe will provide design plans for entrance signs to the County, for Permit and Resource Management review and comment, and will consider all input provided by the County. The County's interest is that entrance signs should be tastefully designed, predominantly externally lit or halo lit with fully shielded fixtures, and appropriate in size and scale to the building.

#### *Phase II*

- U. The Parties agree that the Tribe has a rendering but not yet a design of the hotel to be developed as part of Phase II, and has not yet made final decisions regarding the hotel's design, precise location, and orientation on site. The County has concerns about the amount of glass depicted in the rendering, and the amount of energy that would be necessary to cool such a structure. The County and Tribe desire to work together to address these concerns. As a result, when the Tribe develops preliminary design plans

for Phase II of the Project, it will submit such plans to the County and the Parties will meet and confer in good faith to discuss the preliminary designs. Preliminary design plans should include the colors and materials of proposed buildings, spec sheets for lighting fixtures, dimensions and details, and any landscaping plans. The Tribe retains authority for final design decisions, but will consider all input provided by the County.

*Utilities*

- V. New power and communications utilities will be undergrounded, except where placement would result in significant adverse environmental effects.

## EXHIBIT C

### 1. GEOLOGY AND SOILS

- A. The following mitigation measures shall be implemented to result in a less than significant impact to the development from expansive soils:
- a. For structures with a light to moderate bearing load (one to three stories), a shallow, spread footing foundation system would be sufficient to provide support under expansive soil conditions (see FEIS Appendix K for more details and optional systems). However, a shallow foundation system shall be designed to reduce the potential for seasonal moisture variation under the buildings by providing continuous perimeter strip footings that extend below the depth of seasonal moisture variation (typically 18 inches or deeper).
  - b. For structures with a high bearing load, either a post-tensioned concrete slab, or heavily reinforced structural mat slab (shallow foundation systems), or a deep foundation system such as a drilled piers would be necessary to provide support under expansive soil conditions (see FEIS Appendix K for more detail). Shallow system designs applied to high bearing load structures will also be designed to reduce the potential for seasonal moisture variation.
  - c. To mitigate impacts to pavement caused by expansive soil, one or a combination of the following measures shall be required:
    - i. Removal and replacement with non-expansive soils.
    - ii. Lime treatment of soils.
    - iii. Design of pavement sections to withstand potential swelling pressures.
- B. All structures shall be designed in compliance with the California Building Code (CBC) Building Code (Article VI Chapter 6.04) current at the start of construction such that risks to the health or safety of workers or members of the public from earthquake hazards are reduced to a less-than-significant level.

### 2. WATER RESOURCES

#### *Surface Water*

#### **Construction Impacts**

- A. During construction, surface water quality shall be protected by using BMPs as listed in the Erosion Control recommendations found in FEIS Appendix C. These BMPs would be included in the Stormwater Pollution Prevention Plan (SWPPP) to be filed with the USEPA).
- B. A stormwater sampling and monitoring program shall be developed and implemented to assess the quality of surface water entering and leaving development sites. At a minimum, sampling sites shall include: a location upstream at an elevation above all proposed development; and a location downstream of all development, yet at an interception point prior to surface waters entering the Laguna de Santa Rosa. Analyses shall include total suspended solids (TSS), oils and grease.

#### **Operational Impacts**

- C. Application of fertilizer shall be limited to the minimum amount necessary and shall be adjusted for the nutrient levels in the water used for irrigation. Fertilizer shall not be applied immediately prior to anticipated rain.

- D. The garbage bin area shall be covered. Any runoff or drainage from the garbage bin area shall be directed to the sewer system and treated.
- E. Landscape irrigation shall be adjusted based on weather conditions and shall be reduced or eliminated during the wet portion of the year in order to prevent excessive runoff.

*Wastewater*

- F. In order to maintain the water balance described in Section 4.3.1 of the FEIS, a minimum of 50 gallon per minute (gpm) of treated wastewater shall be designated for use by the casino and hotel.
- G. The proposed storm water detention basin shall retain a portion of the storm water runoff, where it will percolate into the ground, if possible without compromising primary stormwater flow control objectives.

*Regional Groundwater*

- H. The Tribe shall cooperate with the conduct of the ongoing Joint USGS/SCWA Study of the Santa Rosa Plain Groundwater Sub-basin by providing its Groundwater Study and any aquifer testing and monitoring data compiled during the EIS mitigation phase. In addition, the Tribe shall participate in the identification of reasonable measures or action plans developed through the ongoing Joint USGS/SCWA Study of the Santa Rosa Plain Groundwater Sub-basin, in the same manner as participating non-tribal stakeholders, and in proportion to its contribution to any basin decline identified by the study.

**3. AIR QUALITY**

**Construction Impacts**

- A. Basic Control Measures and Enhanced Control Measures from Table 2 of the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines - Assessing the Air Quality Impacts of Projects and Plans are recommended as mitigation during construction.
  - a. The Tribe shall designate an on-site Air Quality Construction Mitigation Manager (AQCOMM) who shall be responsible for directing compliance with mitigation measures for the construction project.
  - b. Basic Control Measures shall include the following:
    - i. Water all active construction areas at least twice daily.
    - ii. Cover all truckloads hauling soil, sand, and other loose materials or require all truckloads to maintain at least two feet of freeboard.
    - iii. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers to all unpaved access roads, parking areas and staging areas at construction sites.
    - iv. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
    - v. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - c. Enhanced Control Measures shall include the following:
    - i. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
    - ii. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
    - iii. Limit traffic speeds on unpaved roads to 15 mph.

- iv. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - v. Replant vegetation in disturbed areas as quickly as possible.
  - vi. Use of construction entrances to reduce soil/dust transport off-site.
  - vii. Time-staged construction shall be used to avoid dust/open soils.
- B. Implementation of the following basic measures are recommended during construction in order to further reduce the effects from construction activities:
- a. To the extent that equipment and technology is available and cost effective, the contractor shall use catalyst and filtration technologies
  - b. All diesel-fueled engines used in construction shall use ultra-low sulfur diesel fuel containing no more than 15-ppm sulfur, or a suitable alternative fuel.
  - c. All construction diesel engines, which have a rating of 50 hp or more, shall meet the Tier II California Emission Standards for off-road compression ignition engines, unless certified by the AQCMM that such an engine is not available for a particular use. In the event that a Tier II engine is not available, Tier I compliant or 1996 (or newer) engines will be used preferentially. Older engines will only be used if the AQCMM certifies that compliance is not feasible.
  - d. All diesel fueled engines used in construction shall have clearly visible tags or other suitable means of identification showing that engine meets the above requirements
  - e. Idle time shall be minimized to five minutes when the equipment is not in use, unless safety requirements or manufacturers specifications indicate that more time is required.
  - f. Heavy duty diesel equipment shall be maintained in optimum running condition.

### **Operational Impacts**

- C. In coordination with the regional transportation agency, such as the Sonoma County Transit, the Golden Gate Transit, and the potential Sonoma Marin Area Rail Transit (SMART) rail, the Tribe shall provide the following to support regularly-scheduled community transit or shuttle service to and from the nearest mutually-acceptable major transit node:
- a. Transit shelter benches,
  - b. Street lighting,
  - c. Route signs and display, and
  - d. Bus turnouts.
- D. The Tribe shall implement feasible travel demand management (TDM) measures for a project of this type. These measures shall include, but are not limited to:
- a. Designation of an on-site TDM coordinator.
  - b. Provisions to encourage bicycle commuting. Bicycle lanes and parking areas will be provided wherever appropriate and feasible.
  - c. Provision of transit use incentives, provision of information, printed schedules and commuter promotions.
  - d. Carpool incentives, such as monetary or other rewards will be made available to employees.
  - e. Installation of secure bicycle parking facilities at commercial areas.

- E. Buses and other commercial diesel-fueled vehicles shall comply with the California Air Resource Board's (CARB) Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485), which requires that the driver of any diesel bus shall not idle for more than five minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard. Furthermore, the Tribe shall provide a "Drivers Lounge" for bus and truck drivers to discourage idling.
- F. Where feasible, the Tribe shall use alternative fuels for casino vehicles.
- G. The Tribe shall encourage and facilitate the use of 'carpools' for construction workers and facility employees; tour buses for casino patrons to reduce vehicular use and air pollution.
- H. The Tribe shall maintain all vehicles to manufacturer's specifications.
- I. The Tribe shall ensure that buildings are oriented to take advantage of solar heating and natural cooling, and use passive solar designs.
- J. The Tribe shall ensure use of solar, low-emission, central, or tankless water heaters and install wall insulation that shall exceed Title 24 requirements.
- K. If mechanical ventilation is included in the parking structure design, the exhaust shall be vented in a direction away from inhabited areas. Directing the exhaust away from inhabited areas would reduce the impacts of parking structure generated CO to a less-than-significant level.
- L. The Tribe shall ensure that all shift changes occur during non-peak hours.
- M. A minimum of 20 percent of landscape maintenance equipment used by the Tribe shall be electric and outlets shall be provided on the exterior of all buildings for this use.

**Toxic Air Contaminants**

- T. Proposed commercial land uses (e.g., loading docks) that have the potential to emit toxic air emissions shall be located as far away as feasibly possible from existing and proposed sensitive receptors in accordance with CARB's Air Quality and Land Use Handbook. In addition, loading docks will provide refrigeration trucks with electrical outlets. Truck using the loading docks shall not idle for more than five minutes.
- U. Air intakes associated with the heating and cooling system for buildings shall not be located next to potential TAC-emitting locations (e.g., loading docks) in accordance with CARB's Air Quality and Land Use Handbook.

**Indoor Air Quality**

- V. The Tribe shall ensure that ventilation of outdoor air is consistent with American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) Standard 62-1992 under all operating conditions.
- W. To limit public exposure to environmental tobacco smoke, the Tribe shall provide non-smoking areas, or "smoke-free zones" in the casino gaming area.
- X. The Tribe shall provide non-smoking rooms in the hotel.
- Y. The Tribe shall ensure that comfort levels are acceptable to most occupants, and be consistent with ASHRAE Standard 55-19923, under all operating conditions.
- Z. Signage shall be prominently displayed alerting patrons and employees of areas that permit smoking, noting that environmental tobacco smoke has been found to be

deleterious to health, and noting the availability of a brochure(s) describing the health effects of exposure environmental tobacco smoke.

- AA. A brochure(s) describing the health effects of exposure to environmental tobacco smoke shall be made available to casino patrons in common areas that permit smoking.
- BB. Prospective employees shall be informed, prior to their hire, that indoor smoking is permitted in portions of the buildings where they may be employed.
- CC. Prospective employees shall be given a brochure(s) describing the health effects of exposure to environmental tobacco smoke.
- DD. The Tribe shall ensure that significant expected sources of pollutant emissions are isolated from occupants using physical barriers, exhausts, and pressure controls.
- EE. The Tribe shall ensure that outdoor air entering the building is protected from contamination from local outdoor sources and from building exhausts and sanitation vents.
- FF. The Tribe shall ensure that provisions are made for easy access to heating, ventilation, and air conditioning (HVAC) equipment requiring periodic maintenance.
- GG. The Tribe shall ensure that occupant exposure to construction contaminants is minimized using protocols for material selection, preventive installation procedures, and special ventilation and pressure control isolation techniques.
- HH. The Tribe shall ensure the use of low-emitting building products pursuant to Integrated Waste Management Board's Section 01350 where feasible.

#### **Climate Change**

- II. The Tribe shall ensure the use of low-emitting building products pursuant to Integrated Waste Management Board's Section 01350 where feasible.
- JJ. The Tribe shall plant trees and vegetation on-site or fund such plantings off-site. The addition of photosynthesizing plants would reduce atmospheric CO<sub>2</sub>, because plants use CO<sub>2</sub> for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the building; thus reducing heat absorption, reducing air conditioning needs and saving energy.
- KK. The Tribe shall ensure use of solar, low-emission, central, or tankless water heaters and install wall insulation that shall exceed Title 24 requirements.
- LL. The Tribe shall use energy efficient appliances in the hotel and casino.
- MM. Environmentally preferable materials shall be used to the extent practical for construction of facilities.
- NN. The Tribe shall install a photovoltaic cell array(s) on the roof of the proposed parking garage and/or the roof(s) of other on-site structures, if feasible. The installation of photovoltaic (PV) on-site would reduce dependence on Pacific Gas and Electric (PG&E) electricity. PV cells convert energy from the sun into electrical energy with no emission of green house gases (GHGs); thus, the indirect GHG emissions would be reduced.
- OO. The Tribe shall enroll in the ClimateSmart program that is offered to PG&E customs to reduce their indirect GHG emissions form electrical generation to zero. PG&E provides electricity uses with the opportunity to become "carbon neutral" under the ClimateSmart program.
- QQ. The Tribe shall increase the recycling goal noted in Mitigation Measure 5.2.8d from 25 to 50 percent.



**4. BIOLOGICAL RESOURCES**

- A. All grading and clearing shall be conducted after April 15 and before October 15 of any year, depending on rainfall and/or site conditions to minimize erosion. Access roads and routes will be limited, as well as the construction staging area, to the minimum size required to achieve the goals of the project. A speed limit of 15 mph on dirt roads shall be maintained. These practices will limit erosion and dust borne particles.
- B. During construction, vegetation shall only be cleared from the permitted construction footprint and necessary lay-down and assembly areas. Areas cleared of vegetation, pavement, or other substrates shall be stabilized as quickly as possible and BMPs applied (erosion fencing, straw and other material applied to soils) to prevent erosion and runoff that could affect steelhead fish in the Laguna de Santa Rosa.
- C. Hazardous materials including fuels, oils, solvents, etc., shall be stored in sealed containers in a designated location at a minimum of 200 feet from aquatic environments. All fueling and maintenance of equipment shall be conducted at a minimum of 200 feet from aquatic environments.
- D. All food items and food-related trash shall be sealed in containers prior to leaving the construction site at the end of the workday; these items shall be removed from the site once every three days. This measure will limit attraction of wildlife and eliminate trash pollution in the Laguna de Santa Rosa.
- E. Where appropriate, vegetation removed as a result of project activities shall be replaced with native species that are of value to local wildlife. Native plants have a significant cultural value, are generally more valuable as wildlife food sources, and require less irrigation, fertilizers, and pesticides than exotic species.
- F. Turn off as many exterior and interior lights as possible during the peak bird migration hours of midnight to dawn to reduce potential building collisions with migration birds.
- G. Install downcast lights with top and side shields to reduce upward and sideways illumination. This will reduce potential disorientation affects from non-directed shine to birds and wildlife species.

**5. SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE**

- A. The Tribe shall prominently display (including on any automatic teller machines (ATMs) located on-site) materials describing the risk and signs of problem and pathological gambling behaviors. Materials shall also be prominently displayed (including on any ATMs located on-site) that provide available programs for those seeking treatment for problem and pathological gambling disorders, including, but not limited to a toll-free hotline telephone number.
- B. The Tribe shall train employees to recognize domestic violence and sexual assault situations, display domestic violence hotline numbers, and work with local agencies in domestic violence and sexual assault prevention.
- C. The Tribe shall conduct annual customer surveys in an attempt to determine the number of problem and pathological gamblers and make this information available to City of Rohnert Park, Sonoma County, state, or federal gaming regulators upon request.
- D. The Tribe shall undertake responsible gaming practices that at a minimum require that employees be educated to recognize signs of problem gamblers, that employees be trained to provide information to those seeking help, and that a system for voluntary exclusion be made available.

- E. ATMs shall be not be visible from gaming machines and gaming tables.

**6. TRANSPORTATION AND CIRCULATION**

- A. A Traffic Management Plan (TMP) shall be prepared in accordance with standards set forth in the United State Department of Transportation (USDOT) *Manual on Uniform Traffic Control Devices for Streets and Highways*. The traffic management plan shall be submitted to each affected local jurisdiction and/or agency. Also, prior to construction, the Tribe shall work with emergency service providers to avoid obstructing emergency response service. Police, fire, ambulance, and other emergency response providers shall be notified in advance of the details of the construction schedule, location of construction activities, duration of the construction period, and any access restrictions that could impact emergency response services. The TMP shall include details regarding emergency service coordination. Copies of the TMP shall be provided to all affected emergency service providers.
- B. Flagging done in consultation with the California Highway Patrol (CHP), Caltrans, and the County's Sheriff's Department, shall be provided when necessary to assist with traffic control.
- C. Importation of construction material shall be scheduled outside of the area wide commute peak hours.
- D. Preferential carpool or vanpool spaces shall be provided at the site to encourage ridesharing by employees and patrons.
- E. The Tribe shall sponsor charter buses from destinations such as Marin County and the North Bay.
- F. The Tribe shall provide a shuttle between the casino and Rohnert Park transit hubs that would operate on a half hour rotational basis during busy hours and on an on-call basis in the times when the frequency of employees and patrons arriving or leaving busy is low.
- G. Where feasible, lane closures or obstructions associated with construction shall be limited to off-peak hours to reduce traffic congestion and delays.
- H. Prior to construction, the Tribe shall work to notify all potentially affected parties in the immediate vicinity of the Wilfred Site, as appropriate. Notification shall include a construction schedule, location of construction activities, the duration of construction period, and alternative access provisions.
- I. Emergency service providers shall be notified of the areas that have the greatest potential for unusual traffic delays as a result of construction activities. Specific detours shall be recommended to circumvent any area that might suffer traffic delays.
- J. Debris along construction vehicle routes shall be monitored daily during construction and the roadways cleaned as necessary.
- K. The Tribe shall contribute their fair share to bicycle and pedestrian facilities that will increase casino patronage. The Tribe shall consider bicycle and pedestrian circulation in the design of intersections and turning movements, and that adequate sidewalk facilities, striped crosswalks, and pedestrian countdown signals for elderly and disabled citizens be provided.
- L. The Tribe shall minimize the amount of construction fill transported on the surrounding street network by eliminating the off-site travel route except where necessary to obtain materials that cannot be obtained on-site. Potential options for eliminating off-site

- transport include moving fill material via conveyors across barriers such as creeks and ditches or installing temporary bridges for haul vehicles across the barriers.
- M. Construction material importation shall be scheduled outside of the area wide commute peak hours. Debris along the truck route caused by trucks should be monitored daily and the roadways shall be cleaned as necessary.
  - N. Roadways subject to fill truck traffic shall be assessed by an independent third party consultant prior to the start of construction and following the completion of construction. If the third party determines that roadway deterioration has occurred as a result of casino construction, the Tribe shall pay to have surrounding roadways resurfaced to restore the pavement to at least pre-construction condition, unless the resurfacing is already expected to occur within a year or sooner in conjunction with other planned or proposed roadway improvements. In any event, the Tribe shall fully fund the restructuring of Labath Avenue and Langner Avenue between Wilfred Avenue and Business Park Drive following construction to facilitate site access.
  - O. Even if Wilfred Avenue is not widened to increase capacity, due to the increased use of the roadway in combination with future cumulative traffic, the Tribe shall make a proportionate share contribution to roadway improvements along Wilfred Avenue from Redwood Drive to Stony Point Road, including widened shoulders and Class II bike lanes consistent with applicable standards.

## **7. PUBLIC SERVICES**

### **Solid Waste**

#### *Construction*

- A. Construction waste shall be recycled to the fullest extent practical by diverting green waste and recyclable building materials away from the solid waste stream.
- B. Environmentally preferable materials shall be used to the extent practical for construction of facilities.

#### *Operation*

- C. A solid waste management plan shall be adopted by the Tribe that addresses recycling and solid waste reduction on-site. The plan shall have a goal of at least 25% diversion of materials from disposal, which includes reduction, recycling, and reuse measures.
- D. The Tribe shall install a trash compactor for cardboard and paper products.
- E. The Tribe shall install recycling bins throughout the facilities for glass, cans, and paper products.
- F. Decorative trash and recycling receptacles shall be placed strategically throughout the area of the Wilfred Site to encourage people not to litter at the facilities.
- G. Security guards shall be trained to discourage on-site littering.
- H. The Tribe shall pay all standard fees for trash collection and disposal.

### **Electricity, Natural Gas, and Telecommunication**

- I. Air conditioning and refrigeration systems shall utilize environmentally friendly refrigerants. Energy efficient chillers shall also be utilized.
- J. The air handling systems shall utilize outside air economizer cycles to take advantage of ambient cooling when the outside air temperature is below 55 degrees F.

- K. For applicable alternatives, hotel and casino buildings shall be equipped with a direct digital energy management and control system to perform energy conservation measures, such as optimum start/stop, duty cycling, and demand limiting.
- L. The Tribe shall use energy efficient appliances where feasible.

### **Public Health and Safety**

- M. The Tribe shall make an agreement with the applicable City or County department to address inspection, maintenance, and operation of any swimming pools, spas, or hot tubs available to patrons. The terms of the agreement shall include design review of the swimming facilities, inspection of the swimming facilities prior to operation, and at least one annual inspection for seasonal swimming facilities or bi-annual inspections for year-round swimming facilities thereafter. The agreement shall include a commitment to comply with standards for design, maintenance, and operation similar to those followed by non-tribally owned businesses in the City or County, as applicable.

### **Law Enforcement**

- N. The Tribe shall provide on-site security to reduce and prevent criminal and civil incidents.
- O. The Tribe shall adopt employee training programs and policies relating to responsible beverage services with annual training, which would include, but not be limited to, checking patron identification and refusing service to those who have imbibed beyond their ability to function safely. The Tribe shall collaborate with law enforcement by warning intoxicated patrons not to drive and by reporting drunk drivers to the authorities.
- P. The Tribe shall support local law enforcement efforts in conducting driving under the influence (DUI) checkpoints and other programs known to reduce the impacts of alcohol on the community (support shall include fully funding at least one DUI checkpoint in the vicinity of the Wilfred Site monthly or less frequently at the discretion of local law enforcement providers).
- Q. All parking areas shall be well lit and monitored by parking staff and/or security guards. This will aid in the prevention of auto theft and other related criminal activity.
- R. The Tribe shall provide traffic control with appropriate signage and the presence of peak-hour traffic control staff. This will aid in the prevention of off-site parking, which could create possible security and safety issues.
- S. The Tribe shall pass an ordinance creating a standard policy that encourages responsible drinking and designated driver programs. As part of this policy, the employees serving alcohol shall undergo annual Responsible Beverage Service Training (RBST), also known as "server training." RBST educates managers, servers and sellers at alcohol establishments about strategies to avoid illegally selling alcohol to underage youth or intoxicated patrons. The goal of RBST is to decrease the number of illegal alcohol sales to underage youth and intoxicated patrons through education programs. Information provided in server training must at a minimum include:
  - The importance of checking age identification of customers who appear to be under the age of 30.
  - How to identify fake IDs and what to do once a fake ID is confiscated.
  - How to recognize situations in which adults are buying alcohol for underage youth.

- How to refuse sales to individuals who may supply alcohol to underage youth.
  - How to identify intoxicated customers.
  - How to refuse service to underage youth and intoxicated customers.
- T. To mitigate potential impacts to law enforcement resources, the Tribe shall adopt rules prohibiting anyone under 21 years of age from gambling, adopt employee training programs and policies relating to responsible beverage services with annual training, conduct background checks of all gaming employees, provide a full complement of security personnel at the Wilfred Site during all times, and adopt programs and policies which discourage gang members from visiting the gaming facilities.
- U. Hotel management shall work collaboratively with school and law enforcement personnel to prevent the use of hotel rooms for parties involving minors and the hotel shall have an internal monitoring program to reduce the incidence of such parties
- V. Areas surrounding the gaming facilities shall have “No Loitering” signs in place, shall be well lit and shall be patrolled regularly. This will aid in the prevention of illegal loitering and loitering behavior that could potentially lead to other criminal acts.

### **Fire Protection/Emergency Medical Service**

#### *Construction*

- W. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. During construction, staging areas, building areas, and/or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.

#### *Operation*

- X. The Tribe shall make reasonable provisions for adequate emergency, fire, medical, and related relief and disaster services for patrons and employees including the development of a disaster management plan.
- Y. The Tribe shall use fire resistant construction materials and equip all enclosed buildings with automatic sprinkler systems. The automatic sprinkler systems shall be designed to meet or exceed the National Fire Protection Association (NFPA) standards governing the different occupancies associated with the project structures.
- Z. The Tribe shall employ the most modern construction and fire-engineering techniques in their automatic fire containment system designs so that any fire encountered is contained to the room of origin.
- AA. Through the use of modern fire engineering technology, the Tribe shall create and maintain a facility equipped with early detection systems that assure an initial response time to any fire alarm (automatic, local, or report) within three minutes. These systems shall include automatic sprinkler systems in the occupied areas and smoke detection, along with automatic sprinkler systems, in the areas of the facility that are normally unoccupied, such as storerooms and mechanical areas.
- BB. If only one fire pump is provided, it will be either diesel, or provided with emergency power; thereby, meeting the requirements of the California Fire Code (CFC), and the CBC.

- CC. Prior to operation, the Tribe shall enter into a contract with AMR or another entity for ambulance service.

**8. NOISE**

- A. On-site HVAC equipment shall be shielded to reduce noise.
- B. To the extent feasible, HVAC equipment shall be located a significant distance from neighboring houses along Whistler Avenue, Wilfred Avenue, and Labath Avenue. Whenever an HVAC unit is to be placed within 125 feet of an existing residence, an acoustical analysis shall be required to demonstrate that the HVAC noise level does not exceed 45 dBA at the nearest residence.
- C. The Tribe shall fully fund the cost of installation of acoustically-rated, dual pane windows (with a minimum Sound Transmission Class (STC) rating of 30) and acoustically rated doors on the facades facing the noise source(s) to minimize noise effects for residences adjacent to Wilfred Avenue between Redwood Drive and Stony Point Road.
- D. The Tribe shall fully fund the cost for the construction of raised, landscaped berms or solid walls at least 8 feet in height in order to separate sources of unwanted noise (including on-site traffic circulation noise) from potential noise receptors along Wilfred Avenue. Should a wall be installed, it shall be attractively designed. Adjacent landowners and adjacent governmental jurisdictions shall be consulted with prior to finalizing the design of the berm or wall.
- E. Unnecessary vehicle idling shall be prevented during loading dock operations occurring between the hours of 10:00 PM and 7:00 AM.
- F. Buses shall not be allowed to idle unnecessarily in areas adjacent to sensitive receptors. Bus parking areas shall also be located as far as feasible from sensitive receptors.
- G. To the extent feasible, project construction shall not occur prior to 7:00 AM or after 10:00 PM.
- H. Pile driving, should it take place, shall not occur prior to 9:00 AM or after 5:00 PM.
- I. Stationary noise-producing equipment such as compressors and generators shall be placed as far as practical from homes, and shielding shall be provided between any such equipment and homes when it is necessary to operate the equipment closer than 200 feet from a home.

**9. HAZARDOUS MATERIALS**

- A. In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or a qualified environmental professional can assess the extent of contamination. If contamination is determined to be significant, representatives of the Tribe shall consult with USEPA to determine the appropriate course of action, which may include the development of a Sampling Plan and Remediation Plan if necessary.
- B. To reduce the potential for accidental releases, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not otherwise be stored on-site. Paint, paint thinner, solvents, cleaners, sealants, and lubricants used during construction shall be stored in a locked utility building, handled per the manufacturers' directions, and replenished as needed.

- C. Personnel shall follow written standard operating procedures (SOPs) for filling and servicing construction equipment and vehicles. The SOPs, which are designed to reduce the potential for incidents involving the hazardous materials, shall include the following:
  - a. Refueling shall be conducted only with approved pumps, hoses, and nozzles.
  - b. Catch-pans shall be placed under equipment to catch potential spills during servicing.
  - c. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.
  - d. Vehicle engines shall be shut down during refueling.
  - e. No smoking, open flames, or welding shall be allowed in refueling or service areas.
  - f. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.
  - g. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.
  - h. Should a spill contaminate any soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.
  - i. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance and refueling areas shall be inspected monthly. Results of inspections shall be recorded in a logbook that shall be maintained on-site.
  - j. Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.
  - k. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order.
- D. The amount of hazardous materials used in project construction and operation shall be kept at the lowest required volumes.
- E. The least toxic material capable of achieving the intended result shall be used to the extent practicable. Non-toxic alternatives shall include garden care products and organic non-toxic cleaners when feasible.
- F. A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.
- G. Use of pesticides and toxic chemicals shall be minimized to the greatest extent feasible in landscaping; or less toxic alternatives shall be used.
- H. In addition to mitigation described under FEIS Section 5.2.2, the following mitigation shall be implemented: During the groundwater monitoring and pump tests, the potential for the vertical and lateral migration of contaminants from nearby leaking underground storage tank (LUST) sites shall be evaluated (see FEIS Appendix Z for detailed recommendations). The pumping test conducted shall include taking water level measurements in wells that are screened in the Lower Intermediate Zone, Upper Intermediate Zone, and uppermost portion of the saturated zone to verify the conclusions based on historical well hydrographs, refine the drawdown model for the Site, and

evaluate the potential for contaminant migration using a typical wellhead protection approach.

- I. Material Safety Data Sheets (MSDS) will be available to casino and emergency personnel and to janitors that identify emergency procedures, safe handling and storage practices.
- J. Prior to demolition of any residential structures on the Wilfred Site, an asbestos consultant will be hired by the Tribe to determine if Asbestos Containing Materials (ACMs) and lead based paints are present within the residential structures. If ACMs are present within the residential structures, the Tribe shall comply with any federal NESHAP laws requiring BMPs to be employed during demolition as well as recommendations from the asbestos consultant for the removal and disposal of demolition debris that contain lead based paints and ACMs. Recommendations shall at a minimum include BMPs such as applying water to the structures before, during, and after demolition.

**10. LEED CERTIFICATION**

The Tribe shall pursue LEED Certification for the hotel component of the project.

**11. WWTP CONSTRUCTION AND OPERATION**

The mitigation measures pertaining to the construction and operation of a wastewater treatment plant (“WWTP”) have been superseded by the Tribe’s entry of an agreement for recycled water with the City of Rohnert Park, and shall only governed if that agreement is terminated or repealed.



**EXHIBIT D**

**GENERAL COUNCIL RESOLUTION**



## FEDERATED INDIANS OF GRATON RANCHERIA

RESOLUTION EXPRESSLY AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN FAVOR OF THE COUNTY OF SONOMA WITH RESPECT TO MATTERS ARISING UNDER THE INTERGOVERNMENTAL MITIGATION AGREEMENT BETWEEN THE TRIBE AND THE COUNTY AND AFFIRMING THAT TRIBAL CHAIR GREG SARRIS IS AUTHORIZED TO EXECUTE AND DELIVER THE AGREEMENT TO THE APPROPRIATE COUNTY OFFICIALS.

### GENERAL COUNCIL RESOLUTION NO.: GC-12-40

DATE APPROVED: October 13, 2012

**WHEREAS:** The Federated Indians of Graton Rancheria (the "Tribe") is a federally recognized Indian tribe organized pursuant to the Constitution of the Federated Indians of Graton Rancheria, approved by the Secretary of the Interior on December 23, 2002, (the "Constitution"); and

**WHEREAS:** Article III, Section 1 of the Constitution provides that the governing body of the Tribe is the Tribal Council; and

**WHEREAS:** Article VI, Section 1 provides the Tribal Council with the authority, on behalf of the Tribe, to negotiate and conclude agreements with local governments; and

**WHEREAS:** Article VI, Section 2 of the Constitution reserves to the General Council the power to waive the Tribe's sovereign immunity to unconsented suit; and

**WHEREAS:** in November 2004, the Tribe and the County of Sonoma, California (the "County") entered into a Memorandum of Understanding ("County MOU") as authorized by General Council Resolution No. GC-04-25; and

**WHEREAS:** the County MOU established a legally enforceable framework for negotiating and entering into an Intergovernmental Agreement to mitigate the off-Reservation impacts of the Tribe's proposed gaming facility and hotel (the "Project") on the County; and

**WHEREAS:** the Tribe separately entered a Memorandum of Understanding with the City of Rohnert Park on October 14, 2003 (the "City MOU"), to mitigate Project impacts within the City and make investments in and contributions to the Rohnert Park community

**WHEREAS:** on March 27, 2012, Governor Jerry Brown signed, and the California Legislature subsequently ratified, a class III gaming compact between the Tribe and State that authorizes operation of up to 3,000 Gaming Devices (the "Compact"); and

**WHEREAS:** the Compact obligates the Tribe to pay a percentage of its gaming revenues to the State Gaming Agency on a quarterly basis for deposit into a trust fund called the Graton Mitigation Fund; and

**WHEREAS:** the funds deposited into the Graton Mitigation Fund are to be paid by the State Gaming Agency in the following priority order, until exhausted: (i) the City of Rohnert Park pursuant to the City MOU, (ii) the County pursuant to the Tribe's agreement with the County, and (iii) to the Revenue Sharing Trust Fund and the Tribal Nations Grant Fund; and

**WHEREAS:** the Tribal Council, with the assistance of legal counsel, has negotiated an Intergovernmental Mitigation Agreement between the County and the Tribe to provide for mitigation of the off-Reservation impacts of the Project (the "Agreement"); and

**WHEREAS:** the contributions made by the Tribe to the County in the Agreement are paid with revenues from the Graton Mitigation Fund under the Compact; and

**WHEREAS:** by resolution, the Tribal Council has determined that it is in the best interests of the Tribe to enter into the Agreement with the County which is legally binding and enforceable on both the Tribe and the County; and

**WHEREAS:** by resolution, the Tribal Council has requested that the General Council approve a limited waiver of the Tribe's sovereign immunity with regard to disputes specifically arising under the Agreement as provided and to the extent set forth in the Agreement, and to consent to arbitration and to the limited jurisdiction of the courts as provided and to the extent set forth in the Agreement; and

**WHEREAS:** by resolution, subject to the approval of the limited waiver by the General Council, the Tribal Council has approved the Agreement and authorized Tribal Chair Greg Sarris to execute and deliver the Agreement to the appropriate County officials.

---

**NOW, THEREFORE BE IT RESOLVED THAT** the General Council, as provided and to the extent set forth in the Agreement, hereby: (i) expressly grants a limited waiver of the Tribe's sovereign immunity in favor of the County (but not as to any other person or entity) pertaining solely to disputes specifically arising under the Agreement, and (ii) consents to arbitration and to the limited jurisdiction of the courts.

**BE IT FURTHER RESOLVED THAT** the General Council affirms that Tribal Chair Greg Sarris is authorized to execute and deliver the Agreement to the appropriate County officials.

## CERTIFICATION

We the undersigned do hereby certify that the foregoing resolution was duly adopted by the General Membership on the 13<sup>th</sup> day of Oct., 2012, at a General Council meeting at which a quorum of the registered voters was present, by a vote of 75 for 0 opposed, and 0 abstaining, and that said Resolution has not been rescinded or amended in any way.

*Greg Sarris*

\_\_\_\_\_  
Greg Sarris, Chairman

ATTEST:

*Jeannette Anglin*  
\_\_\_\_\_  
Jeannette Anglin, Secretary

**EXHIBIT E**

**LEGAL DESCRIPTION OF THE 321 ACRE PARCEL**

Real property in the unincorporated area of the County of Sonoma, State of California, described as follows:

**PARCEL ONE**

BEGINNING AT THE NORTHERLY CORNER COMMON TO PARCEL TWO AS DESCRIBED IN THAT DEED TO NORTHPOINT JOINT VENTURE AS DESCRIBED IN THAT DEED RECORDED IN BOOK 2838 OF OFFICIAL RECORDS, AT PAGE 160 AND THE LANDS OF SLEEPY HOLLOW PROPERTIES, LLC AS DESCRIBED IN THAT DEED RECORDED AS DOCUMENT NO. 80-030995 OF OFFICIAL RECORDS, BOTH SONOMA COUNTY RECORDS: SAID POINT ALSO MARKING THE MOST WESTERLY CORNER OF THE LANDS OF THE COUNTY OF SONOMA AS DESCRIBED IN THAT DEED RECORDED IN BOOK 1446 OF OFFICIAL RECORDS, AT PAGE 355, SONOMA COUNTY RECORDS, AND FROM WHICH A FOUND ¾" IRON PIPE NOT TAGGED REFERENCING THE NORTHEAST CORNER OF LOT 2 AS SHOWN AND DELINEATED ON THAT PARCEL MAP NO. 160.882 FILED IN BOOK 308 OF MAPS, AT PAGE 15, SONOMA COUNTY RECORDS. BEARS NORTH 0° 14' 07" EAST, 7.62 FEET, THENCE LEAVING SAID COMMON CORNER AND ALONG THE LINE COMMON TO SAID LANDS OF NORTHPOINT JOINT VENTURE AND SLEEPY HOLLOW PROPERTIES, LLC SOUTH 0° 14' 27" WEST, 4066.86 FEET TO A ¾" IRON PIPE NOT TAGGED MARKING A POINT ON THE LINE COMMON TO SAID LANDS OF NORTHPOINT JOINT VENTURE AND THE LANDS OF SLEEPY HOLLOW PROPERTIES, LLC AS DESCRIBED IN THAT DEED RECORDED AS DOCUMENT NO. 1998-0086437 OF OFFICIAL RECORDS, SONOMA COUNTY RECORDS; SAID PIPE ALSO MARKING A POINT ON THE EASTERLY LINE OF SAID LOT 2. THENCE LEAVING LAST SAID COMMON LINE AND ALONG THE LINE COMMON TO SAID LANDS OF NORTHPOINT JOINT VENTURE AND THE LANDS OF DESERT AGGREGATE, INC. AS DESCRIBED IN THAT DEED RECORDED AS DOCUMENT NO. 1997-0101783 OF OFFICIAL RECORDS, SONOMA COUNTY RECORDS THE FOLLOWING COURSES. SOUTH 62° 45' 53" EAST 223.70 FEET; THENCE SOUTH 53° 02' 53" EAST 100.00 FEET; THENCE SOUTH 40° 09' 53" EAST 100.00 FEET; THENCE SOUTH 26° 20' 53" EAST 100.00 FEET; THENCE SOUTH 11° 37' 53" EAST 100.00 FEET; THENCE SOUTH 0° 28' 07" WEST 100.00 FEET; THENCE SOUTH 12° 29' 07" WEST 75.10 FEET; THENCE SOUTH 16° 05' 07" WEST 148.90 FEET; THENCE SOUTH 07° 31' 53" EAST 50.00 FEET; THENCE SOUTH 55° 22' 53" EAST 50.00 FEET; THENCE SOUTH 77° 40' 53" EAST 155.70 FEET; THENCE SOUTH 70° 29' 53" EAST 128.90 FEET; THENCE NORTH 41° 16' 07" EAST 24.30 FEET;

THENCE SOUTH 74° 46' 53" EAST 113.70 FEET TO THE NORTHERLY CORNER COMMON TO SAID LANDS OF DESERT AGGREGATE, INC. AND THOSE LANDS DESCRIBED IN THAT IRREVOCABLE OFFER TO DEDICATE TITLE IN FEE RECORDED AS DOCUMENT NO. 19900051780 OF OFFICIAL RECORDS, SONOMA COUNTY RECORDS; SAID CORNER ALSO MARKING AN ANGLE POINT IN THE SOUTHERLY LINE OF SAID LANDS OF NORTHPOINT JOINT VENTURE; THENCE CONTINUING ALONG THE LINE; COMMON TO LAST SAID LANDS AND THE LANDS DESCRIBED IN SAID IRREVOCABLE OFFER TO DEDICATE IN FEE NORTH 89° 57' 12" EAST, 2936.68 FEET TO A FOUND ½. IRON PIPE NOT TAGGED MARKING THE EASTERLY CORNER COMMON TO LAST SAID LANDS AND A POINT ON THE SOUTHWESTERLY LINE OF SAID LANDS OF THE COUNTY OF SONOMA; THENCE ALONG THE LINE COMMON TO SAID LANDS OF NORTHPOINT JOINT VENTURE AND THE LANDS OF THE COUNTY OF SONOMA THE FOLLOWING COURSES: NORTH 30° 35' 13" WEST, 2502.17 FEET; THENCE NORTH 25° 44' 02" EAST, 18.03 FEET; THENCE NORTH 30° 35' 13" WEST, 20.00 FEET; THENCE NORTH 86° 53' 10" WEST, 18.03 FEET; THENCE NORTH 30° 35' 13" WEST, 395.00 FEET TO A FOUND ¾" IRON PIPE STAMPED "C.S.S.C"; THENCE NORTH 59° 24' 47" EAST, 5.00 FEET TO A FOUND ¾" IRON PIPE STAMPED "C.S.S.C"; THENCE NORTH 30° 35' 13" WEST 1200.00 FEET; THENCE SOUTH 59° 24' 47" WEST, 5.00 FEET; THENCE NORTH 30° 35' 13" WEST 294.61 FEET; THENCE ALONG A CURVE TO THE LEFT, WHOSE CENTER BEARS SOUTH 59° 08' 47" WEST HAVING A CENTRAL ANGLE OF 25° 07' 16" A RADIUS OF 963.00 FEET, FOR A LENGTH OF 422.22 FEET; THENCE NORTH 55° 36' 48" WEST, 1236.15 FEET. THENCE SOUTH 34° 23' 12" WEST, 8.00 FEET. THENCE ALONG A CURVE TO THE RIGHT, WHOSE CENTER BEARS NORTH 34° 23' 12" EAST, HAVING A CENTRAL ANGLE OF 06° 48' 40" A RADIUS OF 1045.00 FEET, FOR A LENGTH OF 124.23 FEET TO THE POINT OF BEGINNING.

A.P. NO.: 068-150-010

**PARCEL TWO**

BEGINNING AT THE MOST EASTERLY CORNER OF PARCEL "B" AS DESCRIBED IN THAT GRANT DEED TO NORTHPOINT JOINT VENTURE RECORDED IN BOOK 2838 OF OFFICIAL RECORDS, AT PAGE 160, SONOMA COUNTY RECORDS FROM WHICH A FOUND ¾" IRON PIPE NOT TAGGED BEARS SOUTH 63° 27' 37" WEST 1539.50 FEET AND FROM WHICH A POINT ON THE EASTERLY LINE OF THE LANDS DESCRIBED IN THAT INDENTURE AND ORDER CONFIRMING SALE RECORDED IN BOOK 367 OF DEEDS AT PAGE 233, SONOMA COUNTY RECORDS BEARS SOUTH 63° 27' 37" WEST, 1536.87 FEET; AND ALSO FROM WHICH A FOUND ½. REBAR NOT TAGGED BEARS SOUTH 02° 40' 34" WEST, 1.74 FEET;

THENCE LEAVING SAID EASTERLY CORNER AND ALONG THE LINE COMMON TO SAID LANDS OF NORTHPOINT JOINT VENTURE AND THE LANDS DESCRIBED IN THAT JUDGEMENT OF FINAL DISTRIBUTION RECORDED AS DOCUMENT NO. 86-002076 OF OFFICIAL RECORDS, SONOMA COUNTY RECORDS THE FOLLOWING COURSES: SOUTH 19° 07' 06" EAST 1124.59 FEET TO A FOUND 1. IRON PIPE NOT TAGGED;  
THENCE SOUTH 39° 48' 12" EAST 1200.12 FEET TO A FOUND ¾" IRON PIPE NOT TAGGED MARKING AN ANGLE POINT IN SAID LANDS OF NORTHPOINT JOINT VENTURE;  
THENCE LEAVING SAID COMMON LINE AND ALONG SAID LANDS OF NORTHPOINT JOINT VENTURE THE FOLLOWING COURSES: SOUTH 74° 51' 59" EAST, 400.20 FEET TO A FOUND ¾" IRON PIPE NOT TAGGED;  
THENCE NORTH 15° 16' 45" EAST 2065.40 FEET,  
THENCE NORTH 87° 19' 26" WEST, 2069.44 FEET TO THE POINT OF BEGINNING.

A.P. NOS.: 068-150-006 & 040

**PARCEL TWO-A**

BEING AN EASEMENT FOR INGRESS AND EGRESS PURPOSES LYING WITHIN THE LANDS OF NORTH POINT JOINT VENTURE AS DESCRIBED IN PARCEL "A" OF THAT DEED RECORDED IN BOOK 2838 OF OFFICIAL RECORDS, AT PAGE 170, SONOMA COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF PARCEL "B" OF THE LANDS OF NORTH POINT JOINT VENTURE AS DESCRIBED IN THAT DEED RECORDED IN BOOK 2838 OF OFFICIAL RECORDS, AT PAGE 160, SONOMA COUNTY RECORDS AND FROM WHICH A FOUND ½. REBAR NOT TAGGED BEARS SOUTH 02° 40' 34" WEST, 1.74 FEET;  
THENCE ALONG THE LINE COMMON TO SAID PARCEL "B" AND THE ABOVE MENTIONED LANDS OF NORTH POINT JOINT VENTURE NORTH 87° 19' 26" WEST, 100.00 FEET;  
THENCE LEAVING SAID COMMON LINE NORTH 02° 40' 34" EAST, 50.00 FEET;  
THENCE PARALLEL TO SAID COMMON LINE SOUTH 87° 19' 26" EAST, 150.00 FEET;  
THENCE SOUTH 02° 40' 34" WEST, 50.00 FEET TO A POINT ON THE SOUTHERLY LINE OF THE ABOVE MENTIONED LANDS OF NORTH POINT JOINT VENTURE;  
THENCE ALONG SAID SOUTHERLY LINE NORTH 87° 19' 26" SECONDS WEST, 50.00 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: NORTH 00° 14' 27" EAST, 4131.07 FEET AS CALCULATED BETWEEN FOUND IRON PIPE MONUMENTS REFERENCING THE EASTERLY LINE OF LOT 2 AS SHOWN AND DELINEATED ON PARCEL MAP NO. 160.882 FILED IN BOOK 308 OF MAPS, AT PAGE 15, SONOMA COUNTY RECORDS.

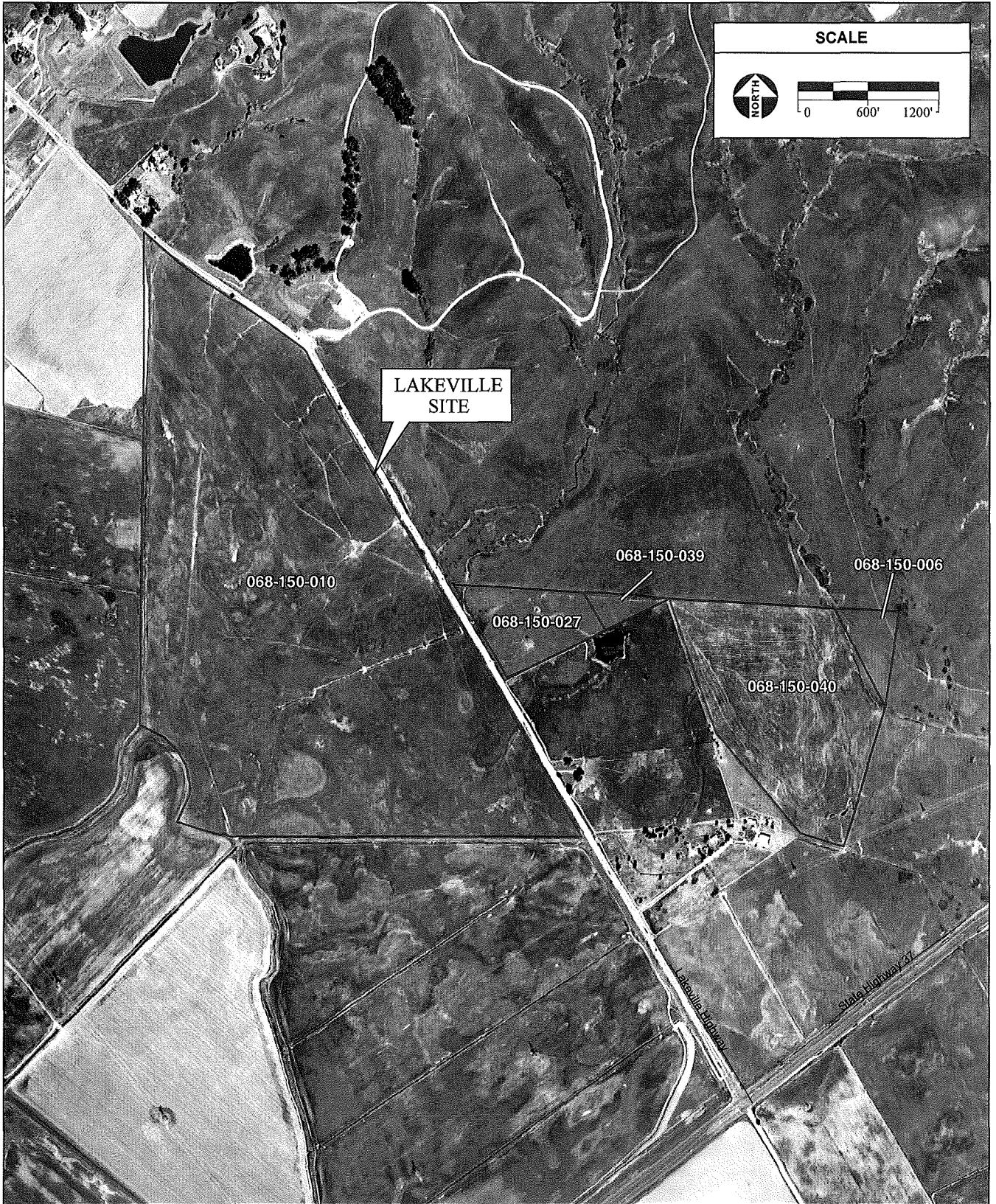
**PARCEL THREE**

BEGINNING AT THE WESTERLY CORNER COMMON TO THE LANDS DESCRIBED IN PARCEL "B" OF THAT GRANT DEED TO NORTHPOINT JOINT VENTURE RECORDED IN BOOK 2838 OF OFFICIAL RECORDS, AT PAGE 160 AND THE LANDS DESCRIBED IN THAT JUDGEMENT OF FINAL DISTRIBUTION RECORDED AS DOCUMENT NO. 86-002076 OF OFFICIAL RECORDS, BOTH SONOMA COUNTY RECORDS, SAID CORNER ALSO MARKING A POINT ON THE EASTERLY LINE OF THAT INDENTURE AND ORDER CONFIRMING SALE RECORDED IN BOOK 367 OF DEEDS, AT PAGE 233, SONOMA COUNTY RECORDS AND FROM WHICH CORNER A FOUND ¾" IRON PIPE NOT TAGGED BEARS SOUTH 63° 27' 37" WEST 2.63 FEET, THENCE LEAVING SAID EASTERLY CORNER AND ALONG THE LINE COMMON TO SAID LANDS OF NORTHPOINT JOINT VENTURE AND THOSE DESCRIBED IN SAID JUDGEMENT OF FINAL DISTRIBUTION NORTH 63° 27' 37" EAST 1536.87 FEET TO THE EASTERLY CORNER COMMON TO LAST SAID LANDS FROM WHICH A FOUND ½. REBAR NOT TAGGED BEARS SOUTH 02° 40' 34" WEST 1.74 FEET; THENCE LEAVING SAID COMMON LINE AND ALONG SAID LANDS OF NORTHPOINT JOINT VENTURE NORTH 87° 19' 26" WEST, 1833.43 FEET TO A POINT ON THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN SAID INDENTURE AND ORDER CONFIRMING SALE; THENCE ALONG LAST SAID LINE SOUTH 30° 35' 13" EAST 897.14 FEET TO THE POINT OF BEGINNING.

A.P. NOS.: 068-150-027 & 039

BASIS OF BEARINGS: NORTH 00° 14' 27" EAST 4131.07 FEET AS CALCULATED BETWEEN FOUND IRON PIPE MONUMENTS REFERENCING THE EASTERLY LINE OF LOT 2 AS SHOWN AND DELINEATED ON THAT PARCEL MAP NO 160.882 FILED IN BOOK 308 OF MAPS, AT PAGE 15, SONOMA COUNTY RECORDS.





**Figure 1-10**  
Lakeville Site – Parcel Map

### **History and Current Status of Graton Casino Project**

The Graton Rancheria Restoration Act of 2000 restored the Graton Tribe to federally recognized status. The Restoration Act allowed the Tribe to establish a reservation through the fee-to-trust process, required the Secretary of the Interior to accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, and provided that property taken into trust for the benefit of the Graton Tribe shall be part of the Tribe's reservation.

In 2003, the Graton Tribe secured an option on land in the unincorporated County, adjacent to the City of Rohnert Park, and within the City's urban growth boundary and sphere of influence (Wilfred site). In early 2004, the National Indian Gaming Commission (NIGC) published notice of its intent to prepare an Environmental Impact Statement (EIS) and on March 10, 2004, held a public scoping meeting at the Luther Burbank Center in Santa Rosa.

Concerned about the adequacy of the Project description and the potential for inadequate environmental review, the Board authorized a letter petitioning the NIGC to allow the County to participate as a "cooperating agency" in the National Environmental Protection Act (NEPA) process. The Board made clear that designation as a cooperating agency in no way signified support for the project. Rather, the County expressed its strong interest in ensuring that the environmental review process fully and fairly addressed the potential impacts of the project so that any identified impacts could be fully mitigated. The NIGC approved the designation, which allowed the County to play a more meaningful role in determining both the scope and level of environmental analysis.

In November 2004 the County entered into a Memorandum of Understanding (MOU) with the Federated Indians of Graton Rancheria (Tribe) to provide for binding, enforceable, and timely mitigation of the Graton Casino and Hotel Project's (Project) off-Reservation impacts that are within the primary jurisdiction or responsibility of the County. The MOU requires the County and Tribe to negotiate in good faith toward an intergovernmental agreement that identifies and ensures mitigation measures. Entry of an intergovernmental agreement does not constitute approval or support for any project, but is instead necessary to make enforceable certain environmental mitigation measures that are not otherwise enforceable by public agencies.

The NIGC released a Draft EIS (DEIS) on March 9, 2007, and conducted informational workshops and public hearings on April 4 and 5, 2007. The CAO and County Counsel formed a multi-departmental/agency team to review and comment on the sufficiency of the analysis and mitigations contained in the Draft EIS. On May 15, 2007, the Board held a public meeting and accepted public testimony on the County's comments on the Draft EIS. On June 4, 2007, the County submitted 58 pages of comments to the NIGC identifying concerns in the approach, methodology, and analysis in the DEIS.

The NIGC released a Final EIS in 2009. On March 24, 2009, the Board held another public meeting and accepted public testimony on the County's comments on the Final EIS. The County thereafter submitted 28 pages of comments on the Final EIS to the NIGC.

In May 2008, the Bureau of Indian Affairs (BIA) made a final decision to take the project site into trust. In July 2008, the Board entered a Memorandum of Agreement in which the Tribe agreed not to develop a second casino in the County, and agreed that future new tribal development projects

shall be compliant with the County zoning code and General Plan provisions addressing land use, open space, and resource conservation issues, and shall undergo an environmental review and mitigation process. The Stop the Casino 101 Coalition filed a lawsuit challenging the trust decision in 2008; a federal district court dismissed the suit in 2009, and the court of appeals affirmed in June 2010. The project site is now in trust.

In October 2010, the NIGC issued a Record of Decision choosing a reduced project alternative and approving a management contract for a gaming facility on the site.

On May 7, 2012, the California state legislature voted 64-3 to ratify a compact between the State of California and the Tribe authorizing gaming on the project site. The compact was submitted to the Secretary of the Interior. On July 12, the Secretary of the Interior published notice in the Federal Register that the State-Tribal Compact is considered approved pursuant to the Indian Gaming Regulatory Act.

The compact requires the County and Tribe to negotiate in good faith and reach a mitigation agreement within 90 days of compact approval. The compact also sets the stage for the County mitigation agreement, by requiring the Tribe to pay a percentage of its slot machine net win into the new Graton Mitigation Fund, from which funds are required to be paid in the following descending order, until fully exhausted: (1) to the City of Rohnert Park; (2) to the County of Sonoma pursuant to the proposed agreement; and (3) to the State Revenue Sharing Trust Fund or the Tribal Nations Grant Fund.



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number:** 42 A-E  
(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Supervisors

**Board Agenda Date:** October 23, 2012

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:**

**Supervisory District(s):**

Dean Parsons 565-1948

All Districts

**Title:** Second General Plan Amendment Package for 2012

### Recommended Actions:

Request the Board to hold a separate public hearing on each of the five proposed General Plan Amendments, 1) approve each Resolution approving the respective General Plan and related Area Plan Amendments, and 2) adopt related Ordinances rezoning affected properties.

### Executive Summary:

The Board is requested to conduct a public hearing on the proposed second General Plan Amendment package for 2012 containing five individual Memos, and Draft Board of Supervisors Resolutions and Draft Ordinances if applicable.

The Planning Commission recommends approval for the following five items. The first four items (Items A-D) are uncontested and do not require a staff presentation unless requested by the Board or a member of the public. However, each item must be acted upon individually by opening the public hearing, closing the public hearing and conducting a vote. Item E (Best Family Winery) requires a staff presentation, allowing public testimony and subsequent Board action.

### ITEM #A:

File No.: PLP11-0015

Staff: Scott Hunsperger

Applicant: Chalk Hill Road Partners

Env. Doc.: Categorical Exemption, Section 15061(b)(3)

Location: 13426 Chalk Hill Road, Healdsburg

APNs: 17.48 acre Portion of APN 132-120-026

Supervisory District: 4

Description: Request for: 1) a General Plan Amendment from the LIA (Land Intensive Agriculture) 40-acre



Adjustment.

ITEM #D:

File No.: ZCE11-0018

Staff: Lisa Posternak

Applicant: County of Sonoma

Env. Doc.: Categorical Exemption, Section 15061(b)(3)

Location: County-wide

APNs: Various Supervisorial District: All

Description: Request to correct technical errors and discrepancies in zoning and land use designations. The proposed project consists of various amendments to the General Plan, and Airport Industrial Specific Plan; and Zone Changes to correct technical errors in those planning documents and the Official Zoning Database. The proposed Zone Changes do not reflect any substantive change in County land use policy.

ITEM #E:

File No.: PLP08-0029

Staff: Traci Tesconi

Applicant: Best Family Winery

Env. Doc.: Subsequent Mitigated Negative Declaration

Location: 2065 Highway 116 North, Sebastopol

APNs: 130-262-031, -032 Supervisorial District: 5

Description: Request for a modification to a previously approved winery project with a maximum annual production capacity of 26,500 cases to include a public tasting room, special events and participation in industry-wide events. The revisions to the project include: 1) a General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any winery on the project site from: (a) increasing maximum annual production capacity beyond 26,500 cases per year, and (b) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027; and 2) modification of the previously approved Use Permit as follows: revision of the site plan to relocate the winery's production and storage building, relocation of the emergency vehicle access road, and changes to previous conditions of approval.

**Prior Board Actions:**

State law limits General Plan amendments to any mandatory element to four times per year. This is the second round of amendments for 2012.

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

The Board of Supervisors has endorsed the continuation of the General Plan policies to support agriculture production and processing, while protecting the environment. The GPA's will align public services with

community needs.

**Fiscal Summary - FY 12-13**

<b>Expenditures</b>		<b>Funding Source(s)</b>	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
<b>Total Expenditure</b>	<b>\$</b>	<b>Total Sources</b>	<b>\$</b>

**Narrative Explanation of Fiscal Impacts (If Required):**

These projects are primarily at-cost, except for Item D the Technical Corrections, which are part of the Comprehensive Planning Work Plan.

**Staffing Impacts**

<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

General Plan Amendment Memos with attachments for Items A-E

**Related Items "On File" with the Clerk of the Board:**

Item E: Best Family Winery 2012 Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program.



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

**DATE:** October 23, 2012 at 2:10 p.m.  
**TO:** Board of Supervisors  
**FROM:** Scott Hunsperger, Project Planner  
**SUBJECT:** Hearing to consider a General Plan Amendment and Zone Change; PLP11-0015, Chalk Hill Ranch Partners; Supervisorial District No. 4.

### **Action Requested of the Board of Supervisors:**

The Board is requested to conduct a public hearing on the proposed General Plan Amendment and Zone Change and consider the Planning Commission recommendation. At the conclusion of the hearing your Board is requested to 1) approve the attached Resolution (Exhibit A) finding the project exempt from CEQA and approving the General Plan Amendment; and 2) adopt the Ordinance (Exhibit B) approving the Zone Change as recommended by staff and the Planning Commission. This project will fulfill a Condition of Approval for a previously approved Lot Line Adjustment to eliminate split land use and zoning designations on each of the newly configured parcels

### **Prior Actions:**

On June 7, 2012, the Planning Commission with a 5-0 vote, recommended that the Board of Supervisors approve the request by Chalk Hill Ranch Partners for a General Plan Amendment and Zone Change.

### **Location, Zoning and Project Description:**

The subject property is located at 13426 Chalk Hill Road, Healdsburg; 17.48 acre portion of APN 132-120-026. The base zoning is LIA (Land Intensive Agriculture), 40-acre density. Overlay zoning designations are Z (Second Dwelling Unit Exclusion) and VOH (Valley Oak Habitat).

The proposed project is a request for: 1) a General Plan Amendment from the LIA (Land Intensive Agriculture) 40-acre density to the RRD (Resources and Rural Development) 100-acre density land use designation; and 2) a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) district to the RRD (Resources and Rural Development), B6-100 acre density, VOH zoning districts on an 17.48 acre portion of the 153.67 acre parcel. This project will fulfill a Condition of Approval for a Lot Line Adjustment (LLA10-0037) to eliminate split land use and zoning on the newly reconfigured parcels. General Plan and Zoning consistency are discussed in the June 7, 2012 Planning Commission staff report (Exhibit E).

### **ISSUES DISCUSSED AT THE (PC/BZA) PUBLIC HEARING**

This was an uncontested item and no issues were raised by the public or the Planning Commission at the public hearing.

### **List of Attachments:**

EXHIBIT A: Draft Board of Supervisors Resolution  
EXHIBIT A-1 Draft General Plan Amendment Map



October 23, 2012  
File No. PLP11-0015  
Page 2

EXHIBIT B: Draft Ordinance  
EXHIBIT B-1: Draft Sectional District Map  
EXHIBIT C: Planning Commission Resolution No. 12-014  
EXHIBIT D: Planning Commission Minutes dated June 7, 2012  
EXHIBIT E: Planning Commission Staff Report dated June 7, 2012

---

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012  
PLP11-0015 Scott Hunsperger**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Finding The Project Exempt From CEQA And Approving The Requested General Plan Amendment And Zone Change As Requested By Chalk Hill Ranch Partners, For Property Located At 13426 Chalk Hill Road, Healdsburg; Portion Of APN 132-120-026.**

**RESOLVED**, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

**Whereas**, Gustafson Family Winery LLC, (the “Applicant”), filed an application with the Sonoma County Permit and Resource Management Department (“PRMD”) for 1) a General Plan Amendment from the LIA (Land Intensive Agriculture) 40-acre density to the RRD (Resources and Rural Development) 100-acre density land use designation; and 2) a Zone Change from the LIA (Land Intensive Agriculture), 40-acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) district to the RRD (Resources and Rural Development), 100-acre density, VOH zoning district on a 17.48 acre portion of the resulting 153.67 acre parcel. This project will fulfill a Condition of Approval for a Lot Line Adjustment (LLA10-0037) to eliminate split land use and zoning on the newly reconfigured parcel on property located at 13426 Chalk Hill Road, Healdsburg; Portion of APN 132-120-026; Supervisorial District No. 4 (the “Proposed Project”); and

**Whereas**, it was determined that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

**Whereas**, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on June 7, 2012, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

**Whereas**, the Planning Commission’s recommendation on the Proposed Project has been reviewed and considered by the Board; and

**Whereas**, in accordance with the provisions of law, the Board held a public hearing on October 23, 2012, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

**Whereas**, the Proposed Project is part of the second amendment of the General Plan Land Use Element for 2012; and

**Whereas**, the second land use amendment of the General Plan Land Use Element for 2012, does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

**Whereas**, the Board concurs with PRMD's determination that the Proposed Project is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. The facts and conditions that support this finding are as follows:

1. Section 15061(b)(3) of the State CEQA Guidelines exempts an activity from CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment;
2. The project details that establish the proposed project's eligibility for exemption under Section 15061(b)(3) of the State CEQA Guidelines are as follows:
  - a. The General Plan Amendment and Zone Change does not allow for any uses on the subject parcel that are not allowed under the current land use designation and zoning.
  - b. The General Plan Amendment and Zone Change eliminate split zoning on the reconfigured 153.67 acre parcel.
  - c. The amendment was required as a condition of the previously approved Lot Line Adjustment (LLA10-0037) which was subject to CEQA.

**Whereas**, the Board makes the following findings concerning the Proposed Project:

1. The proposed General Plan Amendment and Zone Change for the 17.48 acre portion of a 153.67 acre parcel (APN 132-120-026) is consistent with the LEA (Land Extensive Agriculture) land use designation and proposed zoning designation.
2. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcel of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill a Condition of Approval for the previously approved Lot Line Adjustment (LLA10-0037).
4. The project is exempt from CEQA pursuant to Section 15061(b)(3).

**Now, Therefore**, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Proposed Project is exempt from the California Environmental Quality Act

(CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

3. The Proposed Project is approved as follows:
  - a. The General Plan Amendment is approved as part of the second amendment of the General Plan Land Use Element for 2012.
  - b. The General Plan Land Use Amendment is approved to amend the land use designation on APN 132-120-026 (portion) from Land Intensive Agriculture 40-acre density to Resources and Rural Development 100-acre on a 17.48 acre portion of 153.67 acre parcel.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**

# Existing General Plan Land Use

# Proposed General Plan Land Use

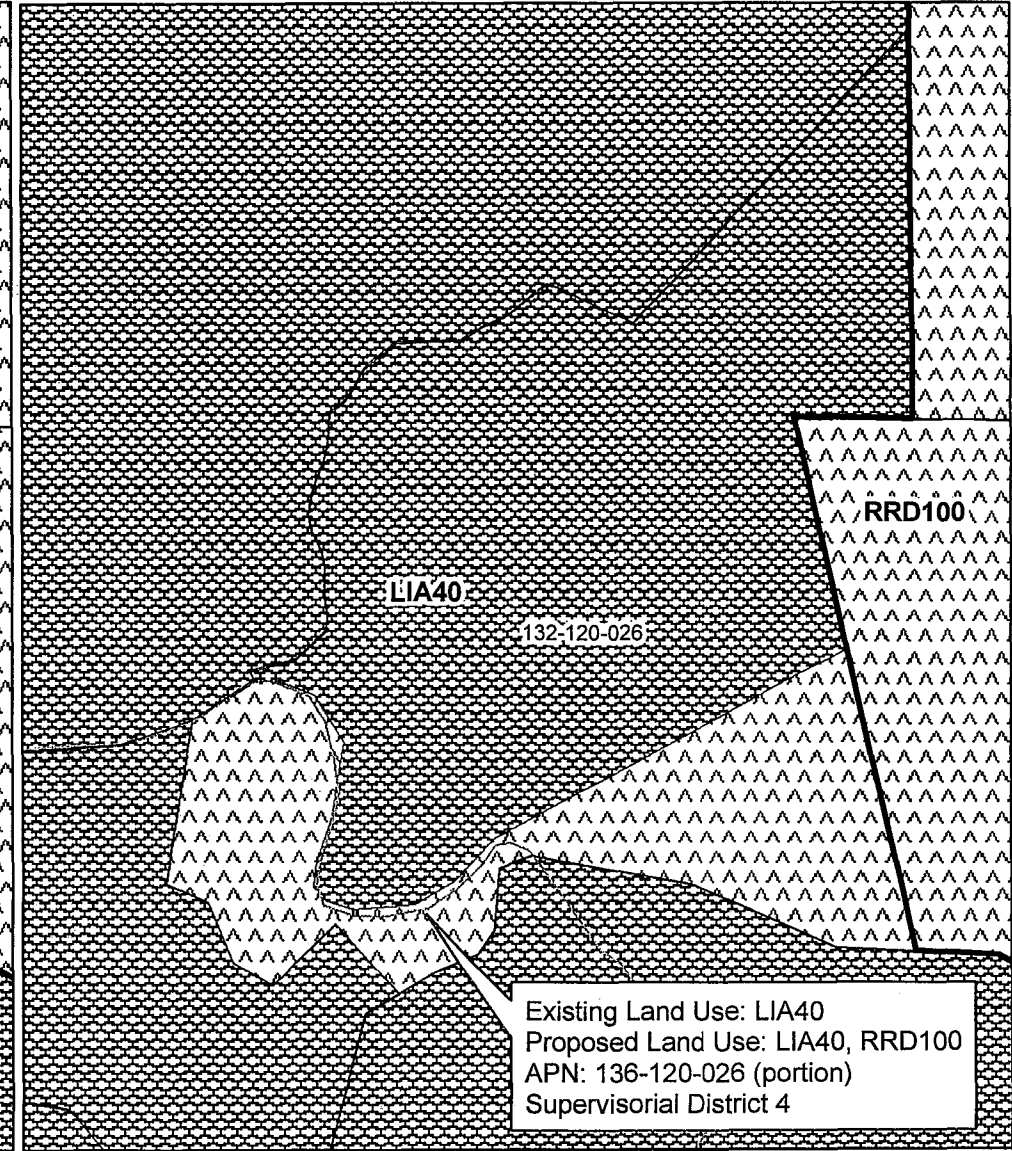
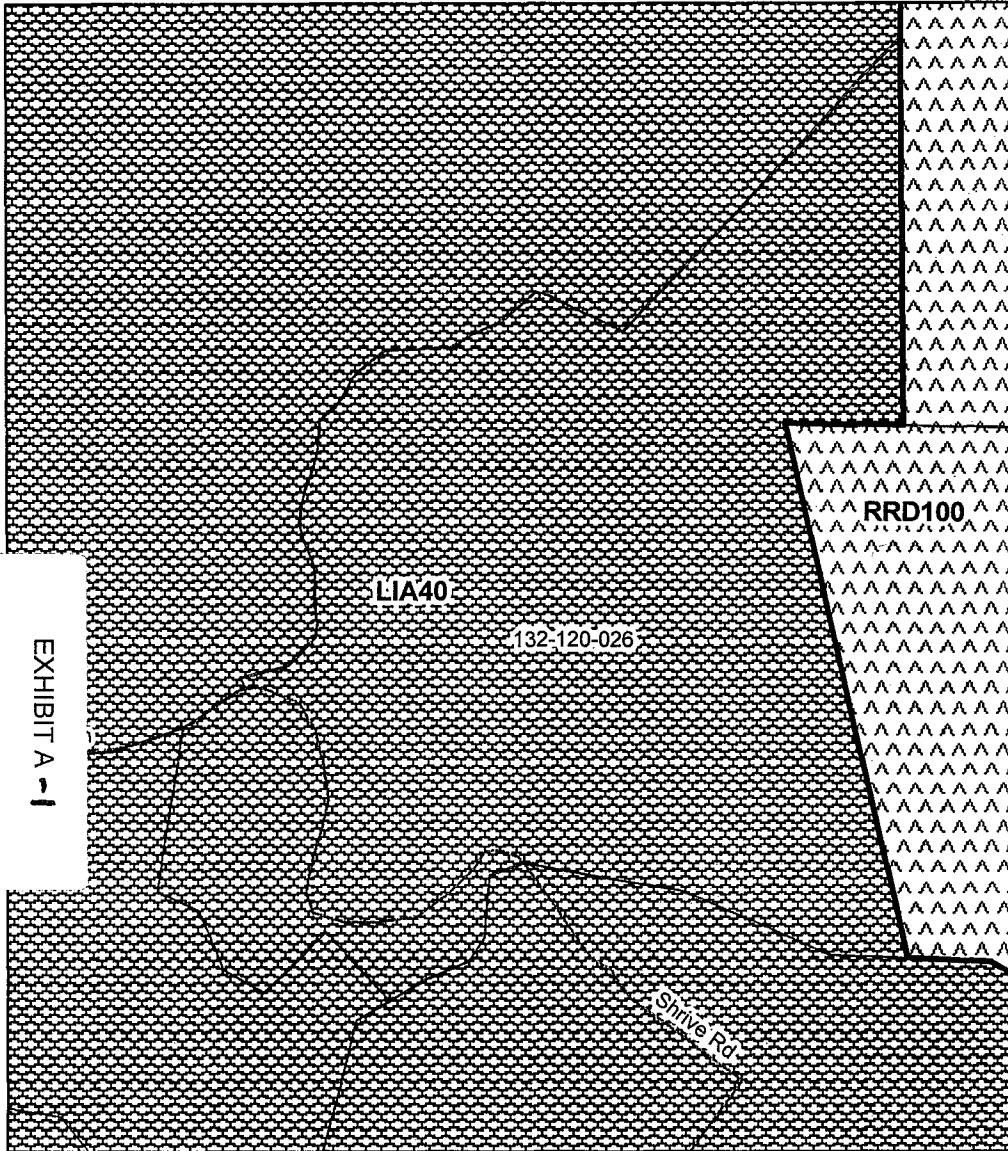


EXHIBIT A-1

### General Plan Land Use

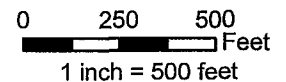
- |   |                                      |                       |
|---|--------------------------------------|-----------------------|
| Diverse Agriculture                     | General Commercial                   | Planning Area Policy  |
| Land Extensive Agriculture              | Limited Commercial                   | AH Affordable Housing |
| Land Intensive Agriculture              | Limited Commercial Traffic Sensitive |                       |
| Resource and Rural Development          | General Industrial                   |                       |
| Rural Residential                       | Limited Industrial                   |                       |
| Urban Residential                       | Public / Quasi Public                |                       |
| Recreation / Visitor-Serving Commercial |                                      |                       |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

### Base Map Data

- Subject Property
- Coastal Commission Boundary
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream

File No.: PLP 11-0015  
 APN: 132-120-026 (portion)  
 Resolution:



Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

**ORDINANCE NO \_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE LIA (LAND INTENSIVE AGRICULTURE), B6-40 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION), VOH (VALLEY OAK HABITAT) DISTRICT TO THE RRD (RESOURCES AND RURAL DEVELOPMENT), B6-100 ACRE DENSITY, VOH ZONING DISTRICTS ON A 17.48 ACRE PORTION OF THE RESULTING 153.67 ACRE PARCEL TO FULFILL A CONDITION OF APPROVAL FOR A LOT LINE ADJUSTMENT (LLA10-0037) LOCATED AT 13426 CHALK HILL ROAD, HEALDSBURG; PORTION OF APN 132-120-026.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code is amended by reclassifying the following real property from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) district to the RRD (Resources and Rural Development), B6-100 acre density, VOH zoning district on a 17.48 acre portion of the resulting 153.67 acre parcel to fulfill a Condition of Approval for a Lot Line Adjustment (LLA10-0037) on property located approximately 1.2 miles from the intersection of Chalk Hill Road and Spurgeon Road, also known as 13426 Chalk Hill Road, Healdsburg; portion of APN 132-120-026; Supervisorial District No. 4. File No. PLP11-0015. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on the Sectional District Map No. \_\_\_\_\_.

SECTION II: The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

SECTION III: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 23<sup>rd</sup> day of October, 2012, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and  
SO ORDERED.

---

Chair, Board of Supervisors  
County of Sonoma

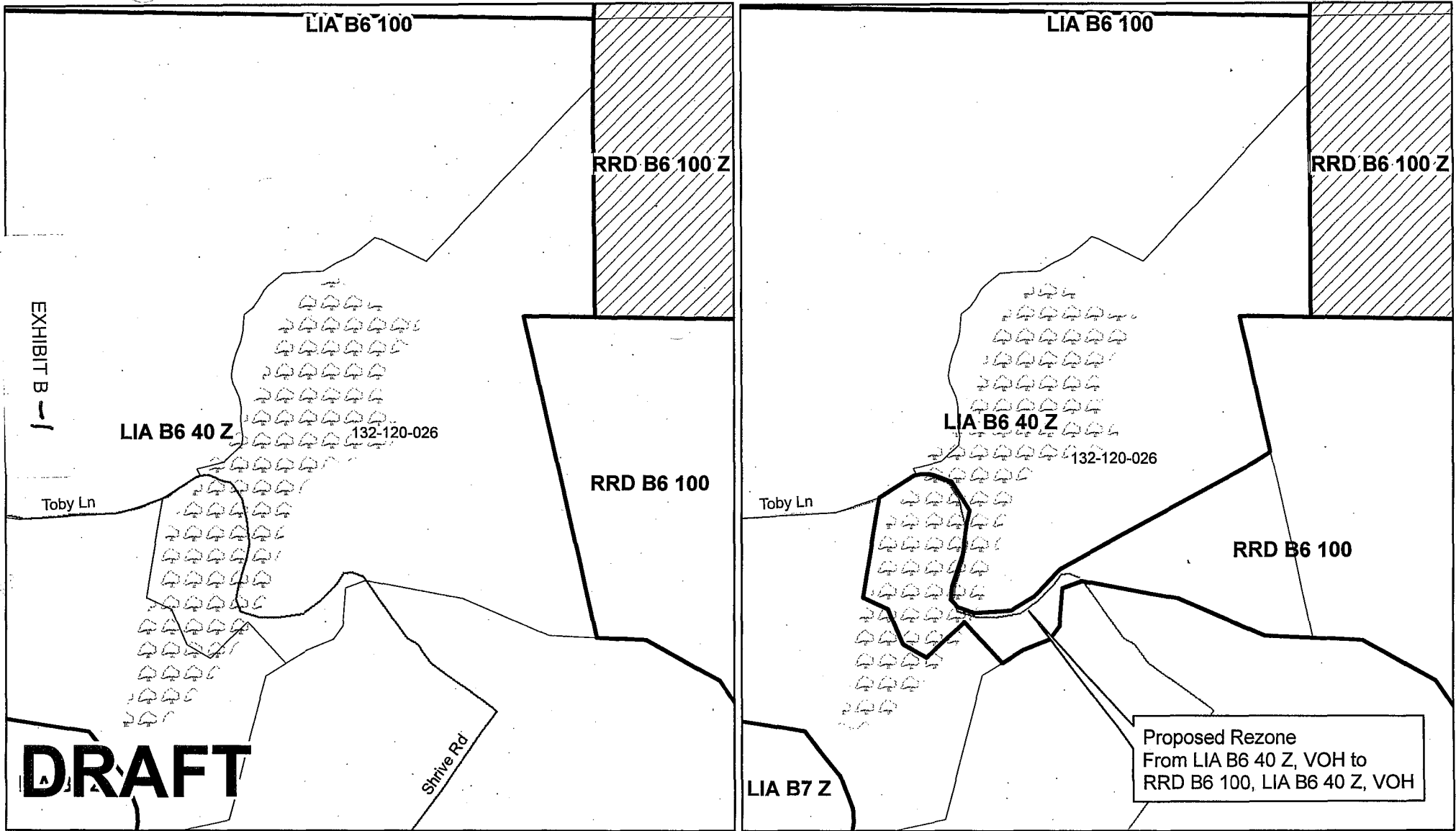
ATTEST:

---

Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Existing Zoning

# Proposed Zoning



**DRAFT**

Proposed Rezone  
From LIA B6 40 Z, VOH to  
RRD B6 100, LIA B6 40 Z, VOH

### Base Map Data

- Basezoning by Area
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream

### Zoning Combining Districts

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain

File No.: PLP 11-0015  
APN 132-120-026 (portion)

0 300 600  
Feet

1 inch = 600 feet



Permit and Resource Management Department  
Project Review Section



2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1965 Fax (707) 565-1103



County of Sonoma  
Santa Rosa, California

June 7, 2012  
PLP11-0015 Scott Hunsperger

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED BY CHALK HILL RANCH PARTNERS FOR PROPERTY LOCATED AT 13426 CHALK HILL ROAD, HEALDSBURG; PORTION OF APN 132-120-026.

WHEREAS, the applicant, Chalk Hill Ranch Partners, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the LIA (Land Intensive Agriculture) 40-acre density to the RRD (Resources and Rural Development) 100-acre density land use designation; and 2) a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) districts to the RRD (Resources and Rural Development), B6-100 acre density, VOH zoning districts on a 17.48 acre portion of the resulting 153.67 acre parcel as required by a Condition of Approval for Lot Line Adjustment (LLA10-0037) for property located at 13426 Chalk Hill Road, Healdsburg; portion of APN 132-120-026; Supervisorial District No. 4 ("the Project"); and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on June 7, 2012, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed General Plan Amendment and Zone Change for the 17.48 acres (portion of APN 132-120-026) is consistent with the RRD (Resources and Rural Development) land use designation and zoning district criteria.
2. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill Condition of Approval (g) for the previously approved Lot Line Adjustment (LLA10-0037).
4. The Project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

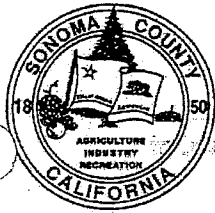
THE FOREGOING RESOLUTION was introduced by Commissioner Liles, who moved its adoption, seconded by Commissioner Cook, and adopted on roll call by the following vote:

Commissioner Fogg	Aye
Commissioner Bennett	Aye
Commissioner Cook	Aye
Commissioner Liles	Aye
Commissioner Lynch	Aye

Ayes: 5      Noes: 0      Absent: 0      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



Sonoma County Combined Planning Commission  
and Board of Zoning Adjustments

**MINUTES**

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

Date: June 7, 2012  
Meeting No.: 12-0005

**ROLL CALL**

**Commissioners**

Dick Fogg  
Don Bennett  
Paula Cook  
Jason Liles  
Tom Lynch, Chair

**Staff Members**

Jennifer Barrett  
Scott Hunsperger  
Cynthia Demidovich  
Lisa Posternak  
Sue Dahl  
David Hurst, Chief Deputy County Counsel

1:00 Call to order and Pledge of Allegiance

**Approval of Minutes:** May 3, 2012 Planning Commission, moved to future calendar for adoption

Correspondence

Board of Supervisors Actions

Public Appearances

**PLANNING COMMISSION UNCONTESTED CALENDAR**

Item # 1 Time: 1:05 p.m. File: PLP11-0015  
Applicant: Chalk Hill Ranch Partners Staff: Scott Hunsperger  
Env. Doc: Categorical Exemption  
Proposal: Request for 1) a General Plan Amendment from the LIA (Land Intensive Agriculture) 40 acre density to the RRD (Resources and Rural Development) 100 acre density land use designation; and 2) a Zone Change from the LIA (Land Intensive Agriculture), B6 40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) districts to the RRD (Resources and Rural Development), B6 100 acre density, VOH zoning districts on a 17.48 acre portion of an 153.67 acre parcel to fulfill a Condition of Approval for a previously approved Lot Line Adjustment (LLA10 0037).  
Location: 13426 Chalk Hill Road, Healdsburg  
APN: 132-120-026 Supervisorial District: 4  
Zoning: RRD (Resources and Rural Development), B6- 100 acre density / LIA (Land Intensive Agriculture), B6 - 4 acre density

Board of Supervisors date to be determined.

---

Action: **Commissioner Liles** moved to recommend approval of the request to the Board of Supervisors. Seconded by **Commissioner Cook** and passed with a 5-0 vote.

Appeal Deadline: n/a

Resolution No.: 12-014

Fogg: aye

Bennett: aye

Cook: aye

Liles: aye

Lynch: aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

---

Minutes adopted August 2, 2012



# Sonoma County Planning Commission STAFF REPORT

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

**FILE:** PLP11-0015  
**DATE:** June 7, 2012  
**TIME:** 1:05 p.m.  
**STAFF:** Scott Hunsperger

**Board of Supervisors hearing will be held at a later date and will be noticed at that time.**

## SUMMARY

**Applicant/Owner:** Chalk Hill Ranch Partners

**Location:** 13426 Chalk Hill Road, Healdsburg  
Portion of APN 132-120-026 Supervisorial District No. 4

**Subject:** General Plan Amendment and Zone Change

**PROPOSAL:** To fulfill a Condition of Approval for a previously approved Lot Line Adjustment (LLA10-0037), a General Plan Amendment and Zone Change are required for a 17.48 acre portion of an 153.67 acre parcel to eliminate split land use and zoning on the newly configured parcels.

**Environmental Determination:** General Exemption, Section 15061(b)(3)

**General Plan:** LIA (Land Intensive Agriculture) 40-acre density and RRD (Resources and Rural Development) 100-acre density

**Area Plan/Land Use:** None

**Ord. Reference:** 26-02-110 (Zoning Ordinance); 25-70.3 Sonoma County Subdivision Ordinance

**Zoning:** LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) and RRD (Resources and Rural Development), B6-100 acre density

**Agricultural Preserve:** None

**Project Complete for Processing:** April 10, 2012

**RECOMMENDATION:** Recommend that the Board of Supervisors approve the General Plan Amendment and Zone Change.

## ANALYSIS

### Background:

On March 25, 2011, Chalk Hill Ranch partners received approval from PRMD staff for a Minor Lot Line

Adjustment (LLA10-0037) between two parcels of 61.58 acres and 136.19 acres in size, resulting in two parcels of 44.10 acres and 153.67 acres in size. The Sonoma County Subdivision Ordinance allows for a Lot Line Adjustment between parcels in different land use and zoning designations provided a General Plan Amendment and Zone Change application is filed to ensure the district boundaries coincide with resultant property lines. The Lot Line Adjustment (LLA10-0037) included a condition that a General Plan Amendment and Zone Change be submitted to rectify the resulting split in General Plan land use designations and zoning on the newly configured parcels. This condition was met when the application for the General Plan Amendment, Specific Plan Amendment, and Zone Change was filed on May 12, 2011 and the Lot Line Adjustment deeds were approved and recorded on April 10, 2012.

**Project Description:**

This request is for 1) a General Plan Amendment from the LIA (Land Intensive Agriculture) 40-acre density to the RRD (Resources and Rural Development) 100-acre density land use designation, and 2) a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) district to the RRD (Resources and Rural Development), B6-100 acre density, VOH zoning districts on an 17.48 acre portion of the 153.67 acre parcel. This project will fulfill a Condition of Approval for a Lot Line Adjustment (LLA10-0037) to eliminate split land use and zoning on the newly reconfigured parcels.

**Site Characteristics:**

The subject site is an 17.48 acre portion of a 153.67 acre parcel located to the northeast of the intersection of Chalk Hill Road and Spurgeon Road. The subject parcel has been improved with a single family dwelling and accessory structures and is served by a well and private septic system. Slopes are flat to moderate with a gradual rise in elevation moving to the east. The site contains vegetation that includes open grassland, a variety of oaks, and vineyards.

**Surrounding Land Use and Zoning:**

Land uses in the area consist of parcels that are primarily rural residential and agricultural, developed with single family dwellings, vineyards and grazing land. The parcels adjacent to the north, south, and west have the LIA (Land Intensive Agriculture) base zoning district and the parcels to the east are within the RRD (Resources and Rural Development) base zoning district. Parcels in the area range from 20 acres to 160 acres in size.

**DISCUSSION OF ISSUES**

**Issue #1: General Plan and Zoning Ordinance Consistency**

The proposed General Plan and corresponding Zone Change affect a portion of the former parcel that was combined as a result of the Lot Line Adjustment between two parcels. A total of 17.48 acres of the newly configured parcel will be changed from the LIA (Land Intensive Agriculture) 40-acre density to the RRD (Resources and Rural Development) 100-acre density General Plan land use designation, and from the LIA (Land Intensive Agriculture) B6-40 acre density zoning district to the RRD (Resources and Rural Development) B6-100 acre density. The General Plan and Zone Change does not increase any development potential. Therefore, no changes to permitted uses will occur. In addition, the Subdivision Ordinance allows a Lot Line Adjustment between parcels in different General Plan land use and zoning districts provided that a General Plan Amendment and Zone Change are processed to ensure that General Plan land use and Zoning District boundaries coincide with resultant property lines.

The primary concern with General Plan Amendment/Zone Changes for a Lot Line Adjustment is to ensure that the proposed Amendment/Zone Change and lot configurations do not increase development potential. With the 40-acre density designated on Lot A, the resulting 44.10 acre parcel can have one primary residence. With the 100-acre density designated on Lot B, the resulting 153.67 acre parcel can have one primary residence, which is the same number allowed before the Lot Line Adjustment. The reconfigured lots do not allow for any additional development that previously existed before the Lot Line Adjustment.

The proposed General Plan Amendment and Zone Change will not increase development or subdivision potential. Therefore, the project is in conformance with the General Plan, Zoning Ordinance, and Subdivision Ordinance.

**Issue #2:**      Appropriateness of Request

By filing the application for a General Plan Land Use Amendment and Zone Change, the property owner has fulfilled conditions of the previously approved Lot Line Adjustment. The General Plan Amendment and Zone Change are appropriate for the following reasons: they eliminate the split General Plan and Zoning designations within the newly configured parcels; and they do not result in an increase in subdivision potential on the subject parcels.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Board of Supervisors approve the requested General Plan Amendment and Zone Change based on the following findings.

**FINDINGS FOR RECOMMENDED ACTION**

1.      The proposed General Plan Amendment and Zone Change for the 17.48 acres (portion of APN 132-120-026) is consistent with the RRD (Resources and Rural Development) land use designation and zoning district criteria.
2.      The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3.      The General Plan Amendment and Zone Change fulfill Condition of Approval #12 for the previously approved Lot Line Adjustment (LLA10-0037).
4.      The project is exempt from CEQA pursuant to Section 15061(b)(3).

**LIST OF ATTACHMENTS**

EXHIBIT A:      Draft Ordinance  
EXHIBIT B:      Draft Sectional District Map  
EXHIBIT C:      Vicinity Map  
EXHIBIT D:      General Plan Land Use Map  
EXHIBIT E:      Zoning Map  
EXHIBIT F:      Site Plan for Lot Line Adjustment  
EXHIBIT G:      Draft Resolution





## ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE LIA (LAND INTENSIVE AGRICULTURE), B6-40 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION), VOH (VALLEY OAK HABITAT) DISTRICT TO THE RRD (RESOURCES AND RURAL DEVELOPMENT), B6-100 ACRE DENSITY, VOH ZONING DISTRICTS ON A 17.48 ACRE PORTION OF THE RESULTING 153.67 ACRE PARCEL TO FULFILL A CONDITION OF APPROVAL FOR A LOT LINE ADJUSTMENT (LLA10-0037) LOCATED AT 13426 CHALK HILL ROAD, HEALDSBURG; PORTION OF APN 132-120-026.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code is amended by reclassifying the following real property from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) district to the RRD (Resources and Rural Development), B6-100 acre density, VOH zoning district on a 17.48 acre portion of the resulting 153.67 acre parcel to fulfill a Condition of Approval for a Lot Line Adjustment (LLA10-0037) on property located approximately 1-2 miles from the intersection of Chalk Hill Road and Spurgeon Road, also known as 13426 Chalk Hill Road, Healdsburg, portion of APN 132-120-026; Supervisorial District No. 4. File No. PLP11-0015. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County by adding Sectional District Map No. \_\_\_\_\_ to said database.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2012, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

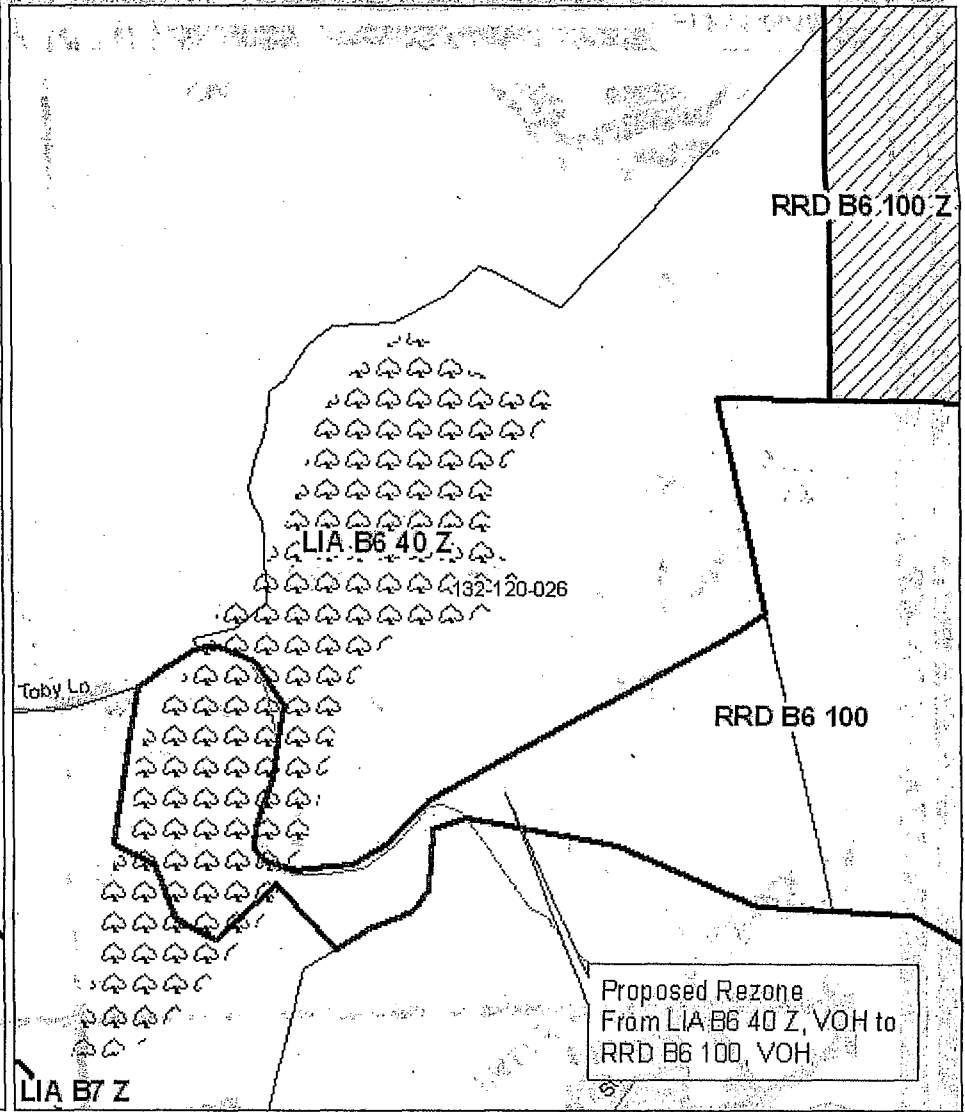
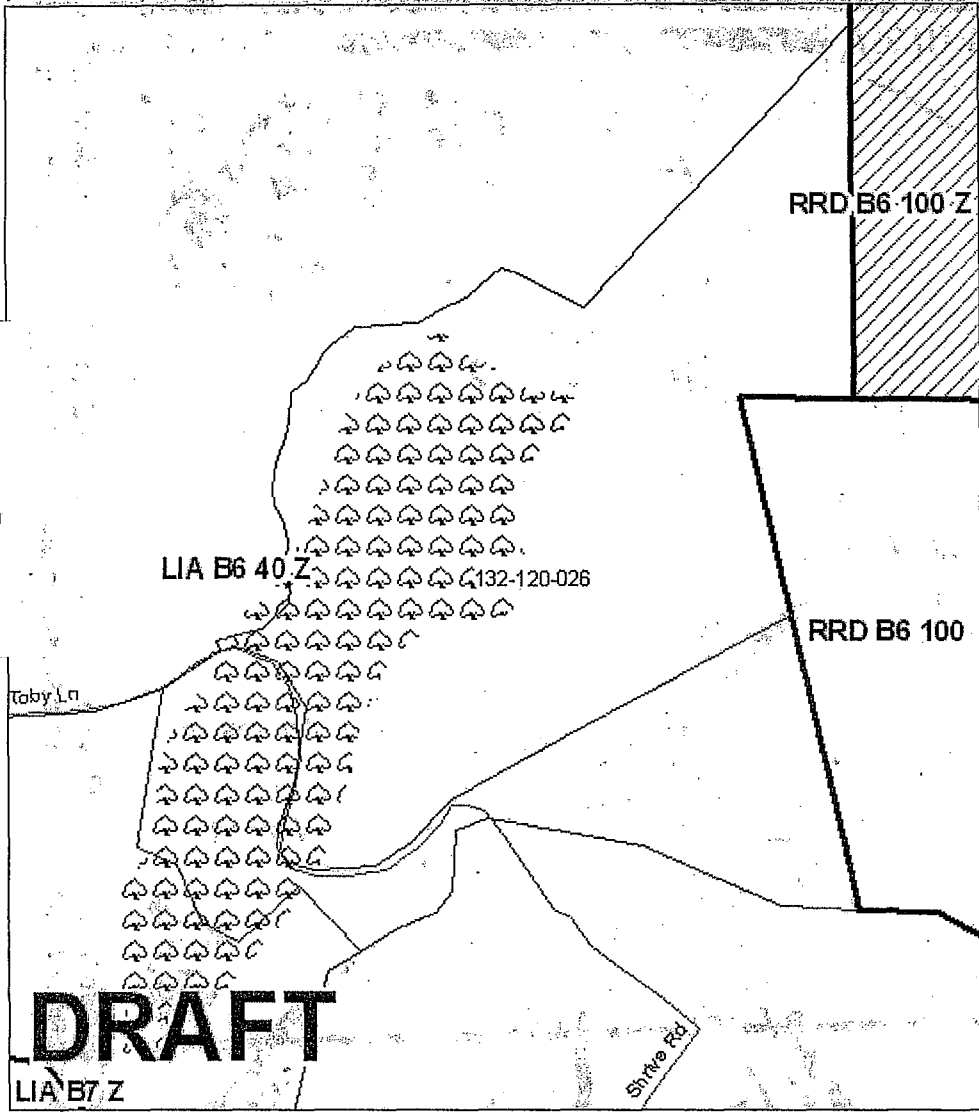
**ATTEST:**

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Existing Zoning

# Proposed Zoning

EXHIBIT B



## Base Map Data

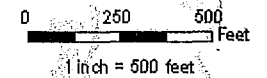
- Base zoning by Area
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream

## Zoning Combining Districts

- LU Policy
- AH Affordable Housing
- HD, Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource

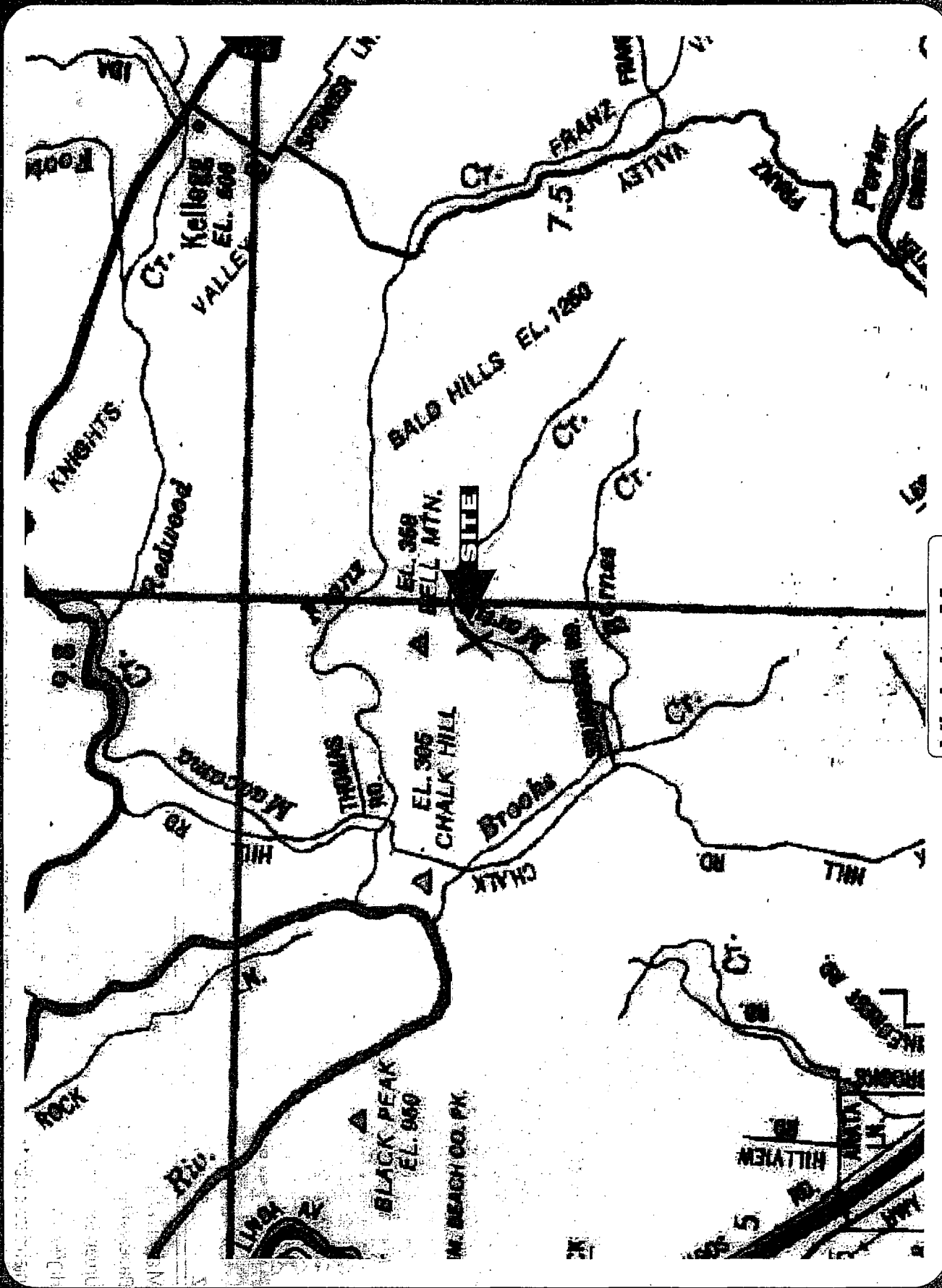
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain

File No.: PLP 11-0015  
 APN 132-120-026 (portion)



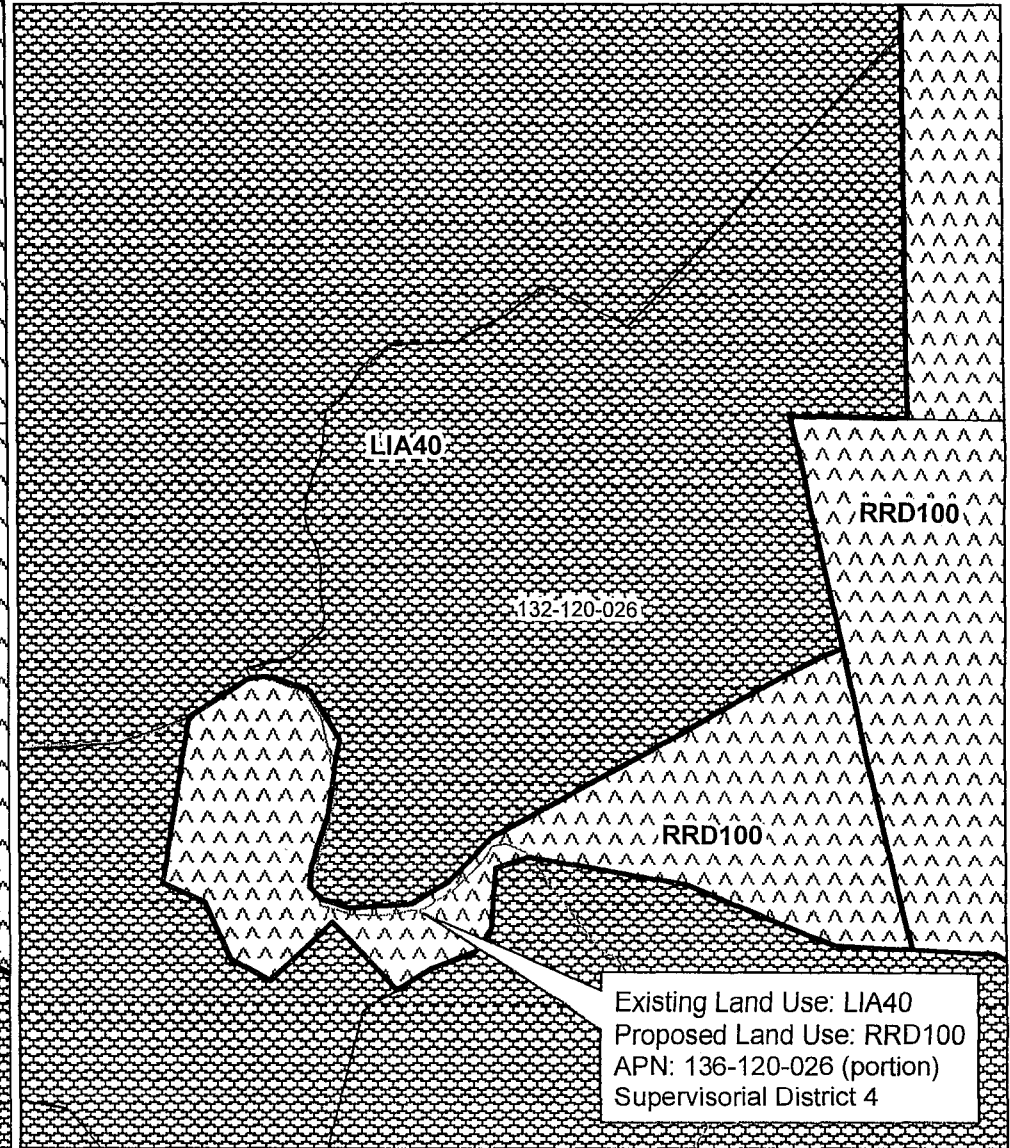
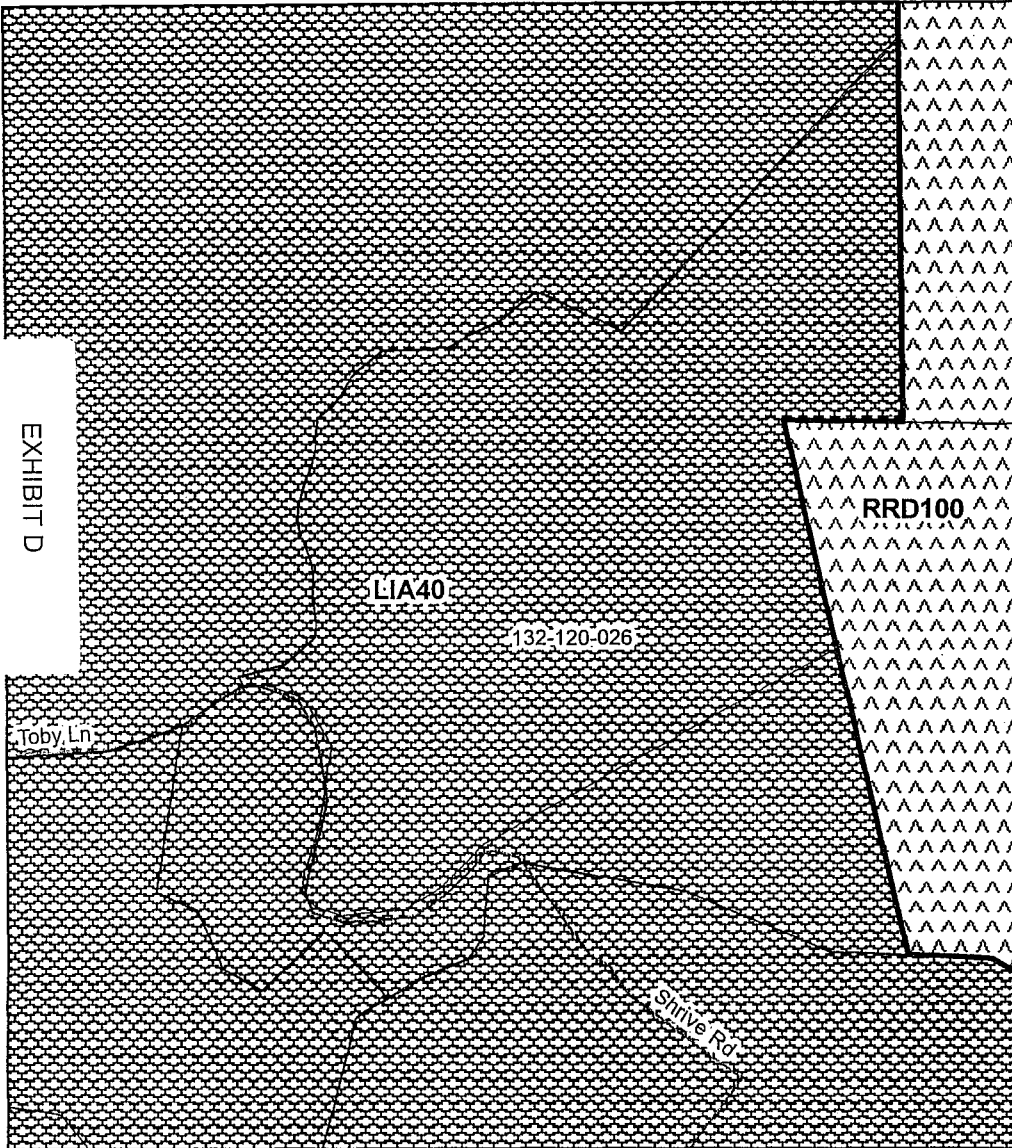
Permit and Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

Vicinity Map



# Existing General Plan Land Use

# Proposed General Plan Land Use



Existing Land Use: LIA40  
 Proposed Land Use: RRD100  
 APN: 136-120-026 (portion)  
 Supervisorial District 4

### General Plan Land Use

- |   |                                      |                       |
|---|--------------------------------------|-----------------------|
| Diverse Agriculture                     | General Commercial                   | Planning Area Policy  |
| Land Extensive Agriculture              | Limited Commercial                   | AH Affordable Housing |
| Land Intensive Agriculture              | Limited Commercial Traffic Sensitive |                       |
| Resource and Rural Development          | General Industrial                   |                       |
| Rural Residential                       | Limited Industrial                   |                       |
| Urban Residential                       | Public / Quasi Public                |                       |
| Recreation / Visitor-Serving Commercial |                                      |                       |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

### Base Map Data

- |                             |
|-----------------------------|
| Subject Property            |
| Coastal Commission Boundary |
| Urban Service Areas         |
| Highways                    |
| Intermittent Stream         |
| Perennial Stream            |

File No.: PLP 11-0015  
 APN: 132-120-026 (portion)



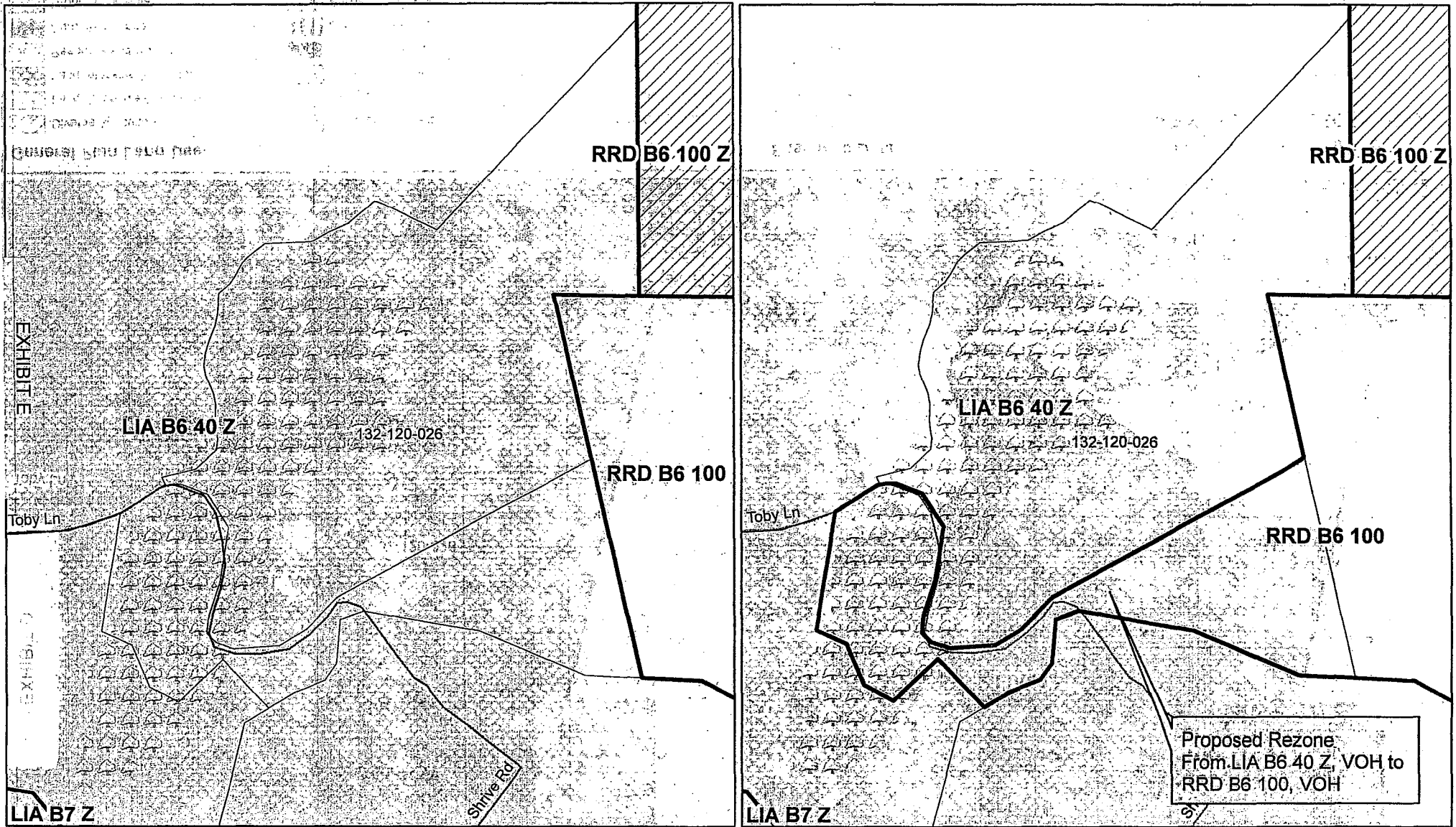
0 250 500  
 Feet  
 1 inch = 500 feet

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

# Existing Zoning

# Proposed Zoning



## Base Map Data

## Zoning Combining Distircts

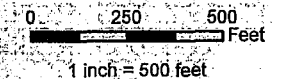
- Base zoning by Area
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource

- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource

- G Geologic Hazard
- F1 Floodway
- F2 Floodplain

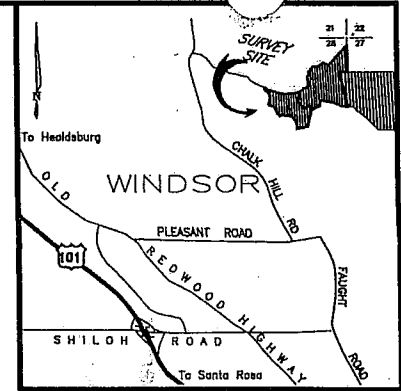
File No.: PLP 11-0015  
 APN 132-120-026 (portion)



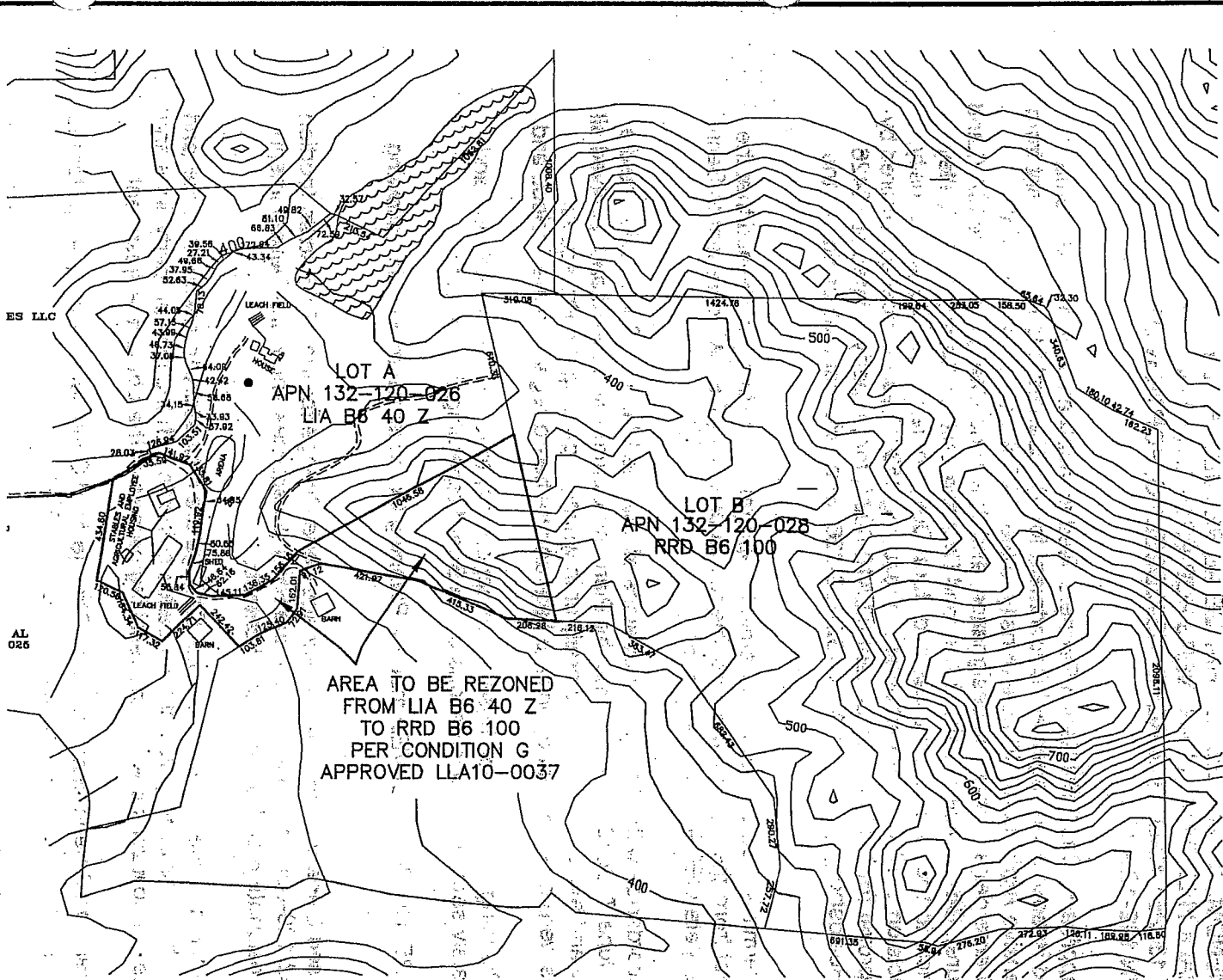
Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Barbara, CA 95403  
 (707) 565-1985 Fax 565-1103

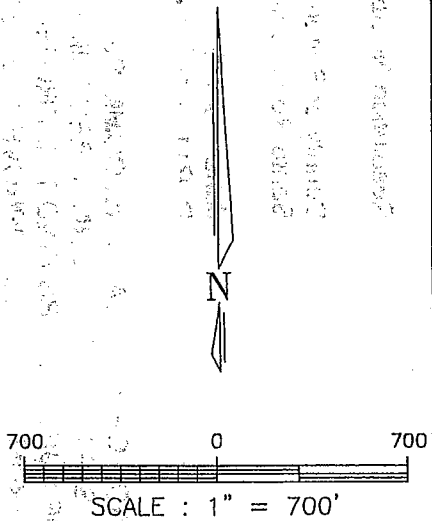
EXHIBIT F



**VICINITY**  
N.T.S.



AREA TO BE REZONED  
FROM LIA B6 40 Z  
TO RRD B6 100  
PER CONDITION G  
APPROVED LLA10-0037



**SITE MAP**

FOR A  
ZONE CHANGE AND GENERAL PLAN AMENDMENT

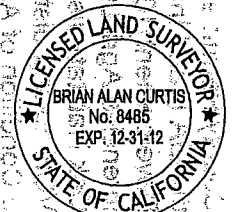
CHALK HILL RANCH PARTNERS  
AS DESCRIBED IN DOCUMENT NUMBER  
1998-051154, SONOMA COUNTY RECORDS  
LOCATED IN SECTION 27 & 28, T 9 N ~ R 8 W, M.D.M.

COUNTY OF SONOMA · STATE OF CALIFORNIA  
SCALE: 1" = 40' APRIL, 2011

OWNER: CHALK HILL RANCH PARTNERS  
13426 CHALK HILL RD  
HEALDSBURG CA, 95448  
PHONE (707) 433-3533

*Brian A. Curtis*

BRIAN ALAN CURTIS, P.L.S. 8485  
EXP. 12/31/12



ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

<b>CURTIS &amp; ASSOCIATES</b>		
805 HEALDSBURG AVE. · HEALDSBURG, CA. 95448 · (707) 433-4808		
A.P.N. 132-120-028	SHEET 1 OF	98-001



Resolution Number

County of Sonoma  
Santa Rosa, California

June 7, 2012  
PLP11-0015 Scott Hunsperger

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED BY CHALK HILL RANCH PARTNERS FOR PROPERTY LOCATED AT 13426 CHALK HILL ROAD, HEALDSBURG; PORTION OF APN 132-120-026.

WHEREAS, the applicant, Chalk Hill Ranch Partners, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the LIA (Land Intensive Agriculture) 40-acre density to the RRD (Resources and Rural Development) 100-acre density land use designation; and 2) a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) districts to the RRD (Resources and Rural Development), B6-100 acre density, VOH zoning districts on a 17.48 acre portion of the resulting 153.67 acre parcel as required by a Condition of Approval for Lot Line Adjustment (LLA10-0037) for property located at 13426 Chalk Hill Road, Healdsburg; portion of APN 132-120-026; Supervisorial District No. 4 ("the Project"); and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on June 7, 2012, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed General Plan Amendment and Zone Change for the 17.48 acres (portion of APN 132-120-026) is consistent with the RRD (Resources and Rural Development) land use designation and zoning district criteria.
2. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill Condition of Approval (g) for the previously approved Lot Line Adjustment (LLA10-0037).
4. The Project is exempt from CEQA pursuant to Section 15061(b)(3).



Resolution #  
June 7, 2012  
Page 2.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

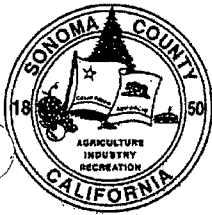
Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:                Noes:                Absent:                Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.





# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

**DATE:** October 23, 2012 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Scott Hunsperger, Project Planner

**SUBJECT:** Hearing to consider a General Plan Amendment and Zone Change; PLP08-0102, Gustafson Family Winery LLC; Supervisorial District No. 4.

### **Action Requested of the Board of Supervisors:**

The Board is requested to conduct a public hearing on the proposed General Plan Amendment and Zone Change and consider the Planning Commission recommendation. At the conclusion of the hearing your Board is requested to approve the attached Resolution (Exhibit A) finding the project exempt from CEQA and approving the General Plan Amendment; and, 2) adopt the Ordinance (Exhibit B) approving the Zone Change as recommended by staff and the Planning Commission.

### **Prior Actions:**

On February 2, 2012, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by Gustafson Family Winery LLC for a General Plan Amendment and Zone Change.

### **Location, Zoning and Project Description:**

The subject property is located at 9100 Stewarts Point Skaggs Springs Road, Healdsburg; APN 139-100-034. The base zoning is RRD (Resources and Rural Development), 240-acre density and LEA (Land Extensive Agriculture), 240-acre density with a SR (Scenic Resource) overlay zoning designation.

The proposed project is a request for: 1) a General Plan Amendment from the RRD (Resources and Rural Development) 240-acre density to the LEA (Land Extensive Agriculture) 240-acre density land use designation; and 2) a Zone Change from the RRD (Resources and Rural Development), 240-acre density zoning district to the LEA (Land Extensive Agriculture), 240-acre density zoning district on an 40.71 acre portion of the resulting 129.76 acre parcel. This project will fulfill a Condition of Approval for a Lot Line Adjustment (LLA08-0028) to eliminate split land use and zoning on the newly reconfigured parcels. General Plan and Zoning consistency are discussed in the February 2, 2012 Planning Commission staff report (Exhibit E).

### **ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

This was an uncontested item and no issues were raised by the public or the Planning Commission at the public hearing.

### **List of Attachments:**

EXHIBIT A: Draft Board of Supervisors Resolution  
EXHIBIT A-1 Draft General Plan Amendment Map

October 23, 2012  
File No. PLP08-0102  
Page 2

EXHIBIT B: Draft Ordinance  
EXHIBIT B-1: Draft Sectional District Map  
EXHIBIT C: Planning Commission Resolution No. 12-007  
EXHIBIT D: Planning Commission Minutes dated February 2, 2012  
EXHIBIT E: Planning Commission Staff Report dated February 2, 2012.

---

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012  
PLP08-0102 Scott Hunsperger**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Finding The Project Exempt From CEQA And Approving The Requested General Plan Amendment And Zone Change As Requested By Gustafson Family Winery LLC, For Property Located At 9100 Stewarts Point Skaggs Springs Road, Healdsburg; Portion Of APN 139-100-034.**

**RESOLVED**, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

**Whereas**, Gustafson Family Winery LLC, (the “Applicant”), filed an application with the Sonoma County Permit and Resource Management Department (“PRMD”) for 1) a General Plan Amendment from RRD (Resources and Rural Development) 240-acre density to the LEA (Land Extensive Agriculture) 240-acre density land use designation; and 2) a Zone Change from the RRD (Resources and Rural Development), 240-acre density zoning district to the LEA (Land Extensive Agriculture), 240-acre density, SR (Scenic Resources) zoning district on a 40.71 acre portion of the resulting 129.76 acre parcel. This project will fulfill a Condition of Approval for a Lot Line Adjustment (LLA08-0028) to eliminate split land use and zoning on the newly reconfigured parcels on property located at 9100 Stewarts Point Skaggs Springs Road, Healdsburg; Portion of APN 139-100-034; Supervisorial District No. 4 the (“Proposed Project”); and

**Whereas**, it was determined that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

**Whereas**, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on February 2, 2012, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

**Whereas**, the Planning Commission’s recommendation on the Proposed Project has been reviewed and considered by the Board; and

**Whereas**, in accordance with the provisions of law, the Board held a public hearing on October 23, 2012, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

**Whereas**, the Proposed Project is part of the second amendment of the General Plan Land Use Element for 2012; and

**Whereas**, the second land use amendment of the General Plan Land Use Element for 2012, does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

**Whereas**, the Board concurs with PRMD's determination that the Proposed Project is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. The facts and conditions that support this finding are as follows:

1. Section 15061(b)(3) of the State CEQA Guidelines exempts an activity from CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment;
2. The project details that establish the proposed project's eligibility for exemption under Section 15061(b)(3) of the State CEQA Guidelines are as follows:
  - a. The General Plan Amendment and Zone Change does not allow for any uses on the subject parcel that are not allowed under the current land use designation and zoning.
  - b. The General Plan Amendment and Zone Change eliminate split zoning on the reconfigured 129.76 acre parcel.
  - c. The amendment was required as a condition of the previously approved Lot Line Adjustment (LLA08-0028) which was subject to CEQA.

**Whereas**, the Board makes the following findings concerning the Proposed Project:

1. The proposed General Plan Amendment and Zone Change for the 40.71 acre portion of a 129.76 acre parcel (APN 139-100-034) is consistent with the LEA (Land Extensive Agriculture) land use designation and proposed zoning designation.
2. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcel of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill a Condition of Approval for the previously approved Lot Line Adjustment (LLA08-0028).
4. The project is exempt from CEQA pursuant to Section 15061(b)(3).

**Now, Therefore**, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

3. The Proposed Project is approved as follows:
  - a. The General Plan Amendment is approved as part of the second amendment of the General Plan Land Use Element for 2012.
  - b. The General Plan Land Use Amendment is approved to amend the land use designation on APN 139-100-034 (portion) from Resources and Rural Development 240-acre density to Land Extensive Agriculture 240-acre density on a 40.71 acre portion of 129.76 acre parcel.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

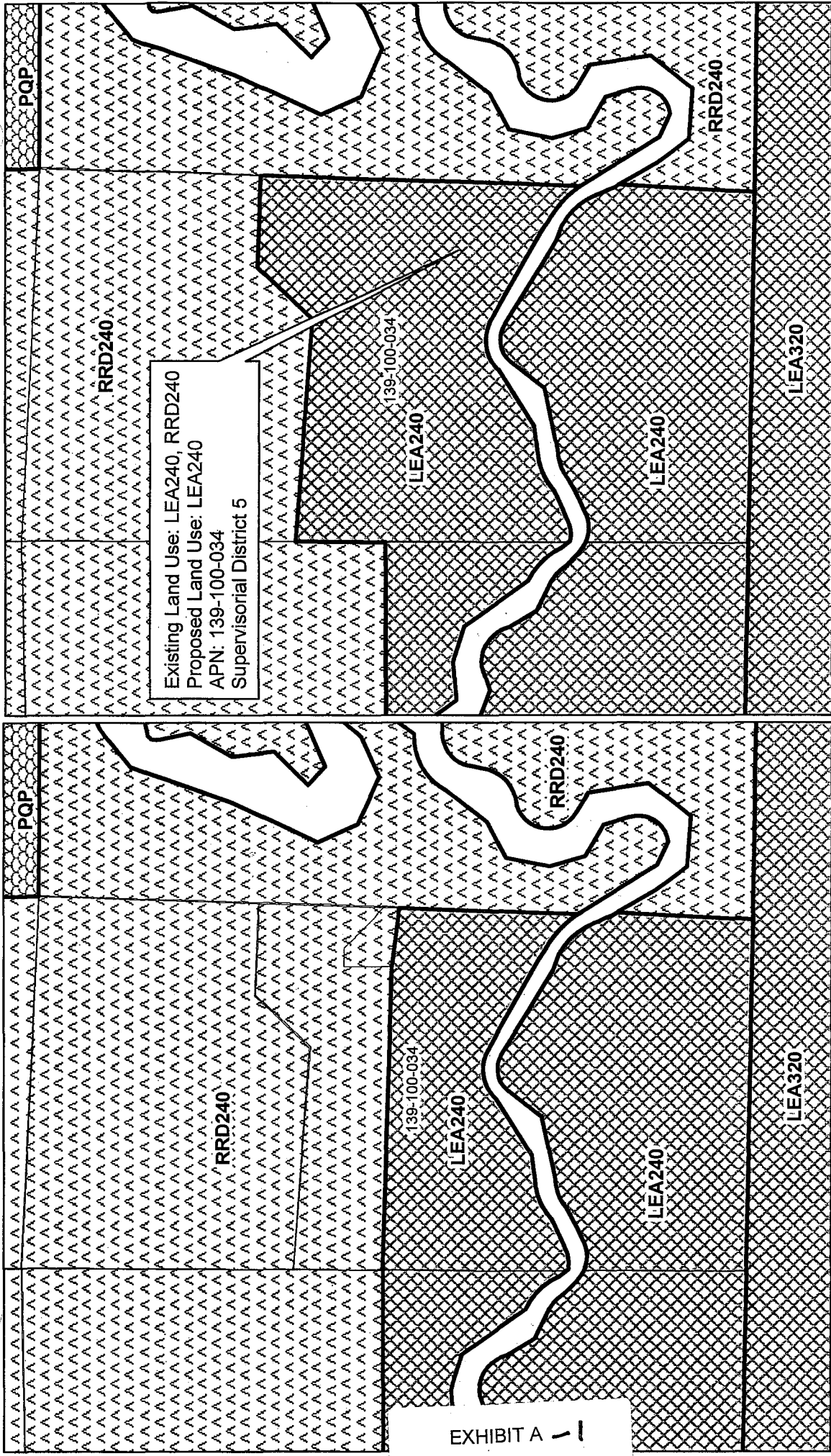
Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**

# Existing General Plan Land Use

# Proposed General Plan Land Use



Existing Land Use: LEA240, RRD240  
 Proposed Land Use: LEA240  
 APN: 139-100-034  
 Supervisorial District 5

EXHIBIT A - 1

### General Plan Land Use

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resource and Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial
- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi Public

### Base Map Data

- Subject Property
- Coastal Commission Boundary
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream
- Planning Area Policy
- AH Affordable Housing

FILE: P.L.P. 08-0102  
 AP #: 139-100-034 (portion)  
 Resolution No.

1 inch = 1,000 feet

0 500 1,000 Feet

Permit and Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

Author: PRMD Cartography: D. Reinher File No: S:\GIS-DATA\PRMD\_BASE\PRMD Department Projects\Comprehensive Planning\Land Use\Amendments Proposed\PLP08-0102.mxd Date: 09/20/2012



**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE RRD (RESOURCES AND RURAL DEVELOPMENT), B6-240 ACRE DENSITY ZONING DISTRICT TO THE LEA (LAND EXTENSIVE AGRICULTURE), B6-240 ACRE DENSITY, SR (SCENIC RESOURCE) ZONING DISTRICTS ON AN 40.71 ACRE PORTION OF THE RESULTING 129.76 ACRE PARCEL TO FULFILL A CONDITION OF APPROVAL FOR A LOT LINE ADJUSTMENT (LLA08-0028) LOCATED AT 9100 STEWARTS POINT SKAGGS SPRINGS ROAD, GEYSERVILLE; PORTION OF APN 139-100-034.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code is amended by reclassifying the following real property from the RRD (Resources and Rural Development), B6-240 acre density zoning district to the LEA (Land Extensive Agriculture), B6-240 acre density, SR (Scenic Resource) zoning districts on a 40.71 acre portion of the resulting 129.76 acre parcel to fulfill a Condition of Approval for a Lot Line Adjustment (LLA08-0028) on property located approximately 3.8 miles from the intersection of Dry Creek Road and Stewarts Point Skaggs Springs Road, also known as 9100 Stewarts Point Skaggs Springs Road, Geyserville; portion of APN 139-100-034; Supervisorial District No. 4. File No. PLP08-0102. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on the Sectional District Map No. \_\_\_\_\_.

SECTION II: The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

SECTION III: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 23rd day of October, 2012, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown:      Rabbitt:              McGuire:              Carrillo:              Zane:  
Ayes:              Noes:              Absent:              Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

---

Chair, Board of Supervisors  
County of Sonoma

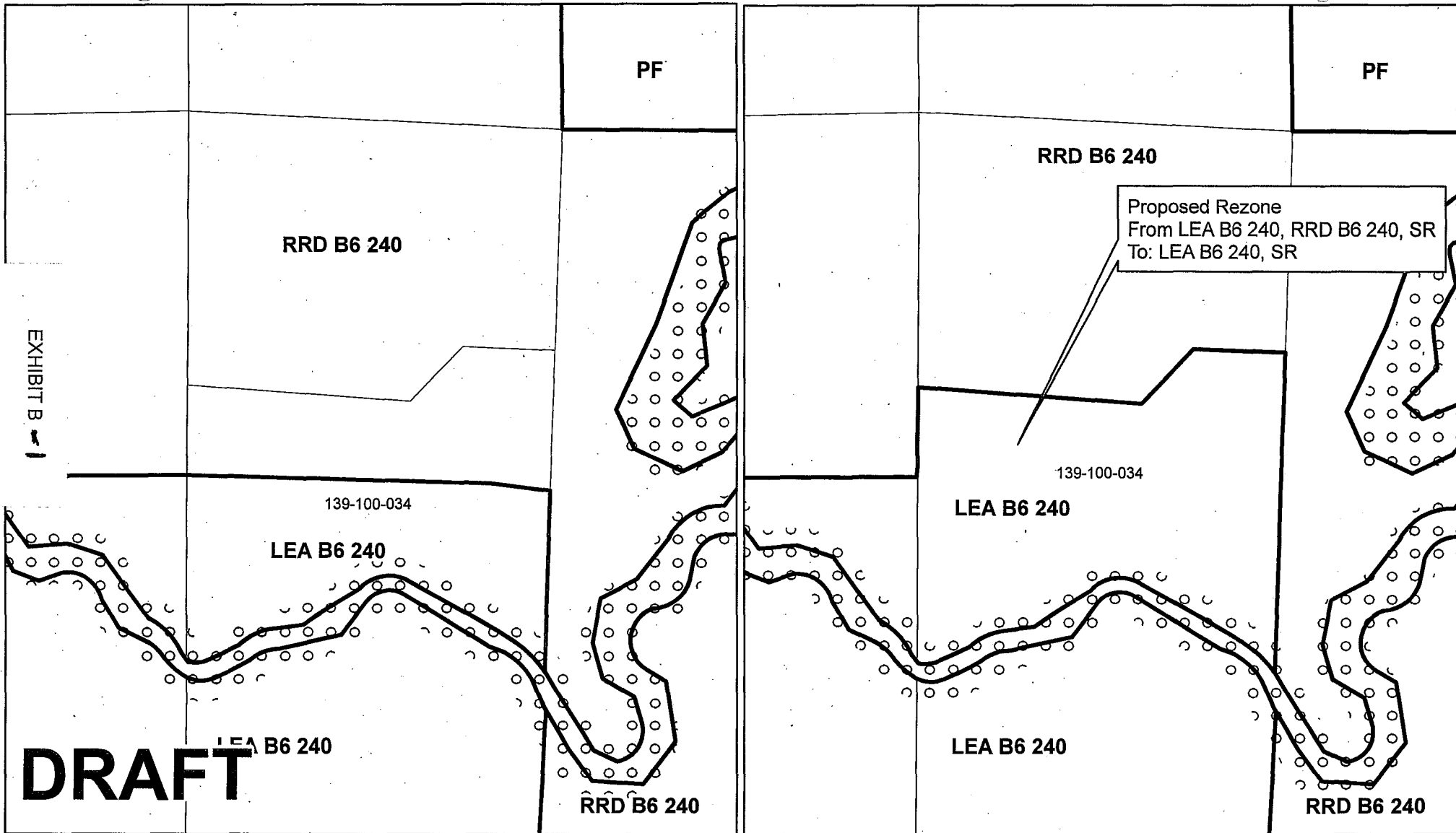
ATTEST:

---

Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Existing Zoning

# Proposed Zoning



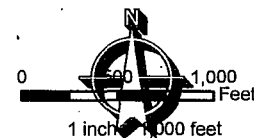
## Base Map Data

- Proposed Rezone
- Basezoning by Area
- Highways
- Intermittent Stream
- Perennial Stream

## Zoning Combining Districts

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource

- G Geologic Hazard
- F2 Floodplain
- F1 Floodway



FILE: PLP 08-0102  
 AP #: 139-100-034 (portion)  
 Ordinance No.  
 Sectional District Map No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

Resolution Number 12-007

County of Sonoma  
Santa Rosa, California

February 2, 2012  
PLP08-0102 Scott Hunsperger

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED BY GUSTAFSON FAMILY VINEYARDS LLC FOR PROPERTY LOCATED AT 9100 STEWARTS POINT SKAGGS SPRINGS ROAD, GEYSERVILLE; PORTION OF APN 139-100-034.

WHEREAS, the applicant, Gustafson Family Vineyards LLC, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the RRD (Resources and Rural Development) 240-acre density to the LEA (Land Extensive Agriculture) 240-acre density land use designation and 2) a Zone Change from the RRD (Resources and Rural Development), B6-240 acre density zoning districts to the LIA (Land Extensive Agriculture), B6-240 acre density, SR (Scenic Resource) zoning districts on a 40.71 acre portion of the resulting 129.76 acre parcel as required by a Condition of Approval for a Lot Line Adjustment (LLA08-0028) for property located at 9100 Stewarts Point Skaggs Springs Road, Geyserville; portion of APN 139-100-034; Supervisorial District No. 4 ("the Project"); and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on February 2, 2012, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed General Plan Amendment and Zone Change for the 40.71 acres (portion of APN 139-100-034) is consistent with the LEA (Land Extensive Agriculture) land use designation and zoning district criteria.
2. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill Condition of Approval (h) for the previously approved Lot Line Adjustment (LLA08-0028).
4. The Project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Liles, who moved its adoption, seconded by Commissioner Shahhosseini, and adopted on roll call by the following vote:

Commissioner Fogg	Aye		
Commissioner Montoya	Aye		
Commissioner Shahhosseini	Aye		
Commissioner Liles	Aye		
Commissioner Davis	Aye		
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0

WHEREUPON, the Chairman declared the above and foregoing resolution duly adopted; and:

SO ORDERED:



# Sonoma County Planning Commission MINUTES

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

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

Date: February 2, 2012

Meeting No.: 12-002

## ROLL CALL

### Commissioners

Dick Fogg  
Shawn Montoya  
Komron Shahhosseini  
Jason Liles  
Pam Davis, Chair

### Staff Members

Dean Parsons  
Scott Hunsperger  
Jane Riley  
Sue Dahl  
David Hurst, Chief Deputy County Counsel

**1:00 PM** Call to order and Pledge of Allegiance

**Minutes Approved** - December 8, 2012 - BZA -Approved with modifications

**Correspondence**

**Board of Supervisors Actions-** Staff Parsons reviewed recent Board activity.

**Commissioner Announcements/Disclosures** - Several commissioners stated that they had visited the Guerneville site.

**Public Appearances** -

## REGULAR CALENDAR

<b>Item No. 1</b>	<b>Time:</b> 1:05 p.m.	<b>File:</b> PLP08-0102
Applicant:	Gustavson Family Vineyards	Staff: Scott Hunsperger
Env. Doc:	Categorical Exemption	
Proposal:	General Plan Amendment from the RRD (Resources and Rural Development) 240 acre density to the LEA (Land Extensive Agriculture) 240 acre density land use designation; and 2) a Zone Change from the RRD (Resources and Rural Development), B6 240 acre density zoning district to the LEA (Land Extensive Agriculture), B6 240 acre density, SR (Scenic Resource) zoning districts on a 40.71 acre portion of a 129.76 acre parcel to fulfill a Condition of Approval for a previously approved Lot Line Adjustment (LLA08-0028)	
Location:	9100 Stewarts Point Skaggs Springs Road, Geyserville	
APN:	139-100-034	Supervisorial District: 4
Zoning:	RRD (Resources and Rural Development). B6 240 acre density.	

EXHIBIT D

**Scott Hunsperger**, in response to Commissioner Lile's inquiry, stated that the item had been noticed and no comments had been received.

**Public Hearing Opened and Closed 1:15**

**Action:** **Commissioner Liles** moved to recommend approval of the request to the Board of Supervisors. Seconded by **Commissioner Shahhosseini** and passed with a 5-0 vote.  
**Appeal Deadline:** n/a  
**Resolution No:** 12-007

Fogg: Aye                      Montoya: Aye                      Shahhosseini: Aye                      Liles: Aye                      Davis: Aye  
Ayes: 5                      Noes: 0                      Absent: 0                      Abstain: 0

Minutes adopted March 29, 2012

EXHIBIT B  
RD (Resources and Rural Development) 88 240 one density  
139 100-734  
Supervisors District  
RD (Resources and Rural Development) 88 240 one density  
139 100-734  
Supervisors District



# Sonoma County Planning Commission STAFF REPORT

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

**FILE:** PLP08-0102  
**DATE:** February 2, 2012  
**TIME:** 1:05 p.m.  
**STAFF:** Scott Hunsperger

**Board of Supervisors Hearing will be held at a later date and will be noticed at that time.**

## SUMMARY

**Applicant/Owner:** Gustafson Family Vineyards LLC

**Location:** 9100 Stewarts Point Skaggs Springs Road, Geyserville  
Portion of APN 139-100-034 Supervisorial District No. 4

**Subject:** General Plan Amendment and Zone Change

**PROPOSAL:** To fulfill a Condition of Approval for a previously approved Lot Line Adjustment (LLA08-0028), a General Plan Amendment and Zone Change are required for an 40.71 acre portion of an 129.76 acre parcel to eliminate split land use and zoning on the newly configured parcels.

**Environmental Determination:** General Exemption, Section 15061(b)(3)

**General Plan:** RRD (Resources and Rural Development) 240-acre density and LEA (Land Extensive Agriculture) 240-acre density

**Area Plan/Land Use:** None

**Ord. Reference:** 26-02-110 (Zoning Ordinance); 25-70.3 Sonoma County Subdivision Ordinance

**Zoning:** RRD (Resources and Rural Development), B6-240 acre density and LEA (Land Extensive Agriculture), B6-20 acre density, SR (Scenic Resource)

**Agricultural Preserve:** None

**Project Complete for Processing:** October 28, 2008

**RECOMMENDATION:** Recommend that the Board of Supervisors approve the General Plan Amendment and Zone Change.

## ANALYSIS

### Background:

On August 12, 2008, Gustafson Family Vineyards LLC received approval from PRMD staff for a Minor Lot Line Adjustment (LLA08-0028) between two parcels of 157.5 acres and 89.05 acres in size, resulting in



two parcels of 116.79 acres and 129.76 acres in size. The Sonoma County Subdivision Ordinance allows for a Lot Line Adjustment between parcels in different land use and zoning designations provided a General Plan Amendment and Zone Change application is filed to ensure the district boundaries coincide with resultant property lines. The Lot Line Adjustment (LLA08-0028) included a condition that a General Plan Amendment and Zone Change be submitted to rectify the resulting split in General Plan and Specific Plan land use designations and zoning on the newly configured parcels. This condition was met when the application for the General Plan Amendment, Specific Plan Amendment, and Zone Change was filed on August 21, 2008 and the Lot Line Adjustment deeds were approved and recorded on October 28, 2008.

**Project Description:**

This request is for 1) a General Plan Amendment from the RRD (Resources and Rural Development) 240-acre density to the LIA (Land Intensive Agriculture) 240-acre density land use designation and 2) a Zone Change from the RRD (Resources and Rural Development), 240-acre density zoning district to the LEA (Land Extensive Agriculture), 240-acre density zoning district on an 40.71 acre portion of the resulting 129.76 acre parcel. This project will fulfill a Condition of Approval for a Lot Line Adjustment (LLA08-0028) to eliminate split land use and zoning on the newly reconfigured parcels.

**Site Characteristics:**

The subject site is an 40.71 acre portion of a 129.76 acre parcel located to the northwest of the intersection of Dry Creek Road and Skaggs Springs Stewarts Point Road. The subject parcel has been improved with a single family dwelling and accessory structures and is served by a well and private septic system. Slopes are moderate with a gradual rise in elevation moving to the north. The site contains vegetation that includes some grassland, a variety of oaks, and vineyards.

**Surrounding Land Use and Zoning:**

Land uses in the area consist of parcels that are primarily rural residential and agricultural, developed with single family dwellings, vineyards and grazing land. The parcels adjacent to the south and west have the LEA (Land Extensive Agriculture) base zoning district and the parcels to the north and east are within the RRD (Resources and Rural Development) base zoning district. Parcels in the area range from 40 acres to 479.13 acres in size.

**DISCUSSION OF ISSUES**

**Issue #1:** General Plan and Zoning Ordinance Consistency

The Subdivision Ordinance allows a Lot Line Adjustment between parcels in different General Plan land use and zoning districts provided that a General Plan Amendment and Zone Change are processed to ensure that General Plan land use and Zoning District boundaries coincide with resultant property lines. The proposed General Plan and corresponding Zone Change affect a portion of the former parcel that was combined as a result of the Lot Line Adjustment between two parcels. A total of 40.71 acres of the newly configured parcel will be changed from the RRD (Resources and Rural Development) 240-acre density to the LEA (Land Extensive Agriculture) 240-acre density General Plan land use designation and from the RRD (Resources and Rural Development) 240-acre density to the LEA (Land Extensive Agriculture) 240-acre density zoning district to be consistent with the land use/zoning designations of the remainder of the parcel.

The primary concern with General Plan Amendment/Zone Changes for a Lot Line Adjustment is to ensure that the proposed Amendment/Zone Change and lot configurations do not increase development potential. Based on the fact that both parcels are already developed with residential and agricultural uses and the new reconfigured lots do not allow for any additional development not currently allowed under the present zoning districts, the proposed General Plan and Zone Change will not increase development or subdivision potential. Therefore, the project is in conformance with the General Plan, Zoning Ordinance, and Subdivision Ordinance.

**Issue #2:** Appropriateness of Request

By filing the application for a General Plan Land Use Amendment and Zone Change, the property owner has fulfilled conditions of the previously approved Lot Line Adjustment. The General Plan Amendment and Zone Change are appropriate for the following reasons: they eliminate the split General Plan and Zoning designations within the newly configured parcel; and they do not result in an increase in subdivision potential on the subject parcels.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Board of Supervisors approve the requested General Plan Amendment and Zone Change based on the following findings:

**FINDINGS FOR RECOMMENDED ACTION**

1. The proposed General Plan Amendment and Zone Change for the 40.71 acres (portion of APN 139-100-034) is consistent with the LEA (Land Extensive Agriculture) land use designation and zoning district criteria.
2. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill Condition of Approval (h) for the previously approved Lot Line Adjustment (LLA08-0028).
4. The project is exempt from CEQA pursuant to Section 15061(b)(3).

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Ordinance
- EXHIBIT B: Draft Sectional District Map
- EXHIBIT C: Vicinity Map
- EXHIBIT D: General Plan Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Site Map for Lot Line Adjustment
- EXHIBIT G: Draft Resolution

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE RRD (RESOURCES AND RURAL DEVELOPMENT), B6-240 ACRE DENSITY ZONING DISTRICT TO THE LEA (LAND EXTENSIVE AGRICULTURE), B6-240 ACRE DENSITY, SR (SCENIC RESOURCE) ZONING DISTRICTS ON AN 40.71 ACRE PORTION OF THE RESULTING 129.76 ACRE PARCEL TO FULFILL A CONDITION OF APPROVAL FOR A LOT LINE ADJUSTMENT (LLA08-0028) LOCATED AT 9100 STEWARTS POINT SKAGGS SPRINGS ROAD, GEYSERVILLE; PORTION OF APN 139-100-034.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code is amended by reclassifying the following real property from the RRD (Resources and Rural Development), B6-240 acre density zoning district to the LEA (Land Extensive Agriculture), B6-240 acre density, SR (Scenic Resource) zoning districts on a 40.71 acre portion of the resulting 129.76 acre parcel to fulfill a Condition of Approval for a Lot Line Adjustment (LLA08-0028) on property located approximately 3.8 miles from the intersection of Dry Creek Road and Stewarts Point Skaggs Springs Road, also known as 9100 Stewarts Point Skaggs Springs Road, Geyserville; portion of APN 139-100-034; Supervisorial District No. 4. File No. PLP08-0102. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County by adding Sectional District Map No. \_\_\_\_\_ to said database.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:  
Ayes:                      Noes:                      Absent:                      Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and  
SO ORDERED.

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

**ATTEST:**

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors

LEA B6 240

139-100-034

Stewart's Point Skaggs Springs Rd

DRAFT

Zoning Combining Districts

++ LU Policy

BR Biotic Resource

SR Scenic Resource

MR Mineral Resource

F1 Floodway

AH Affordable Housing

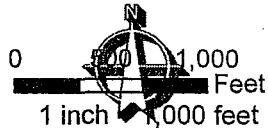
SD Scenic Design

VOH Valley Oak Habitat

G Geologic Hazard

F2 Floodplain

HD Historic District



Permit & Resource Management Department

Project Review Section

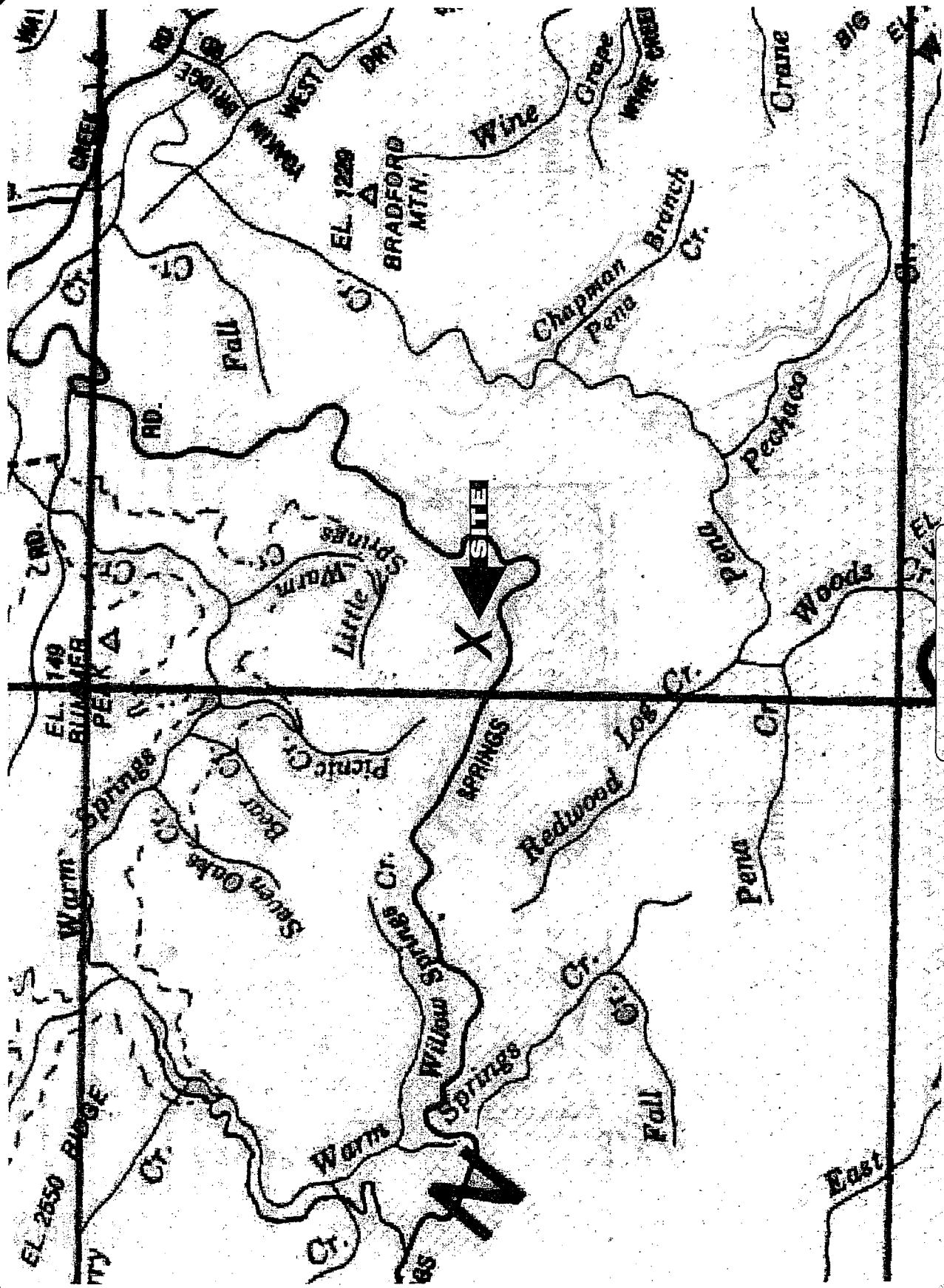
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 Fax (707) 565-1103

FILE: PLP 08-0102

AP #: 139-100-034 (portion)

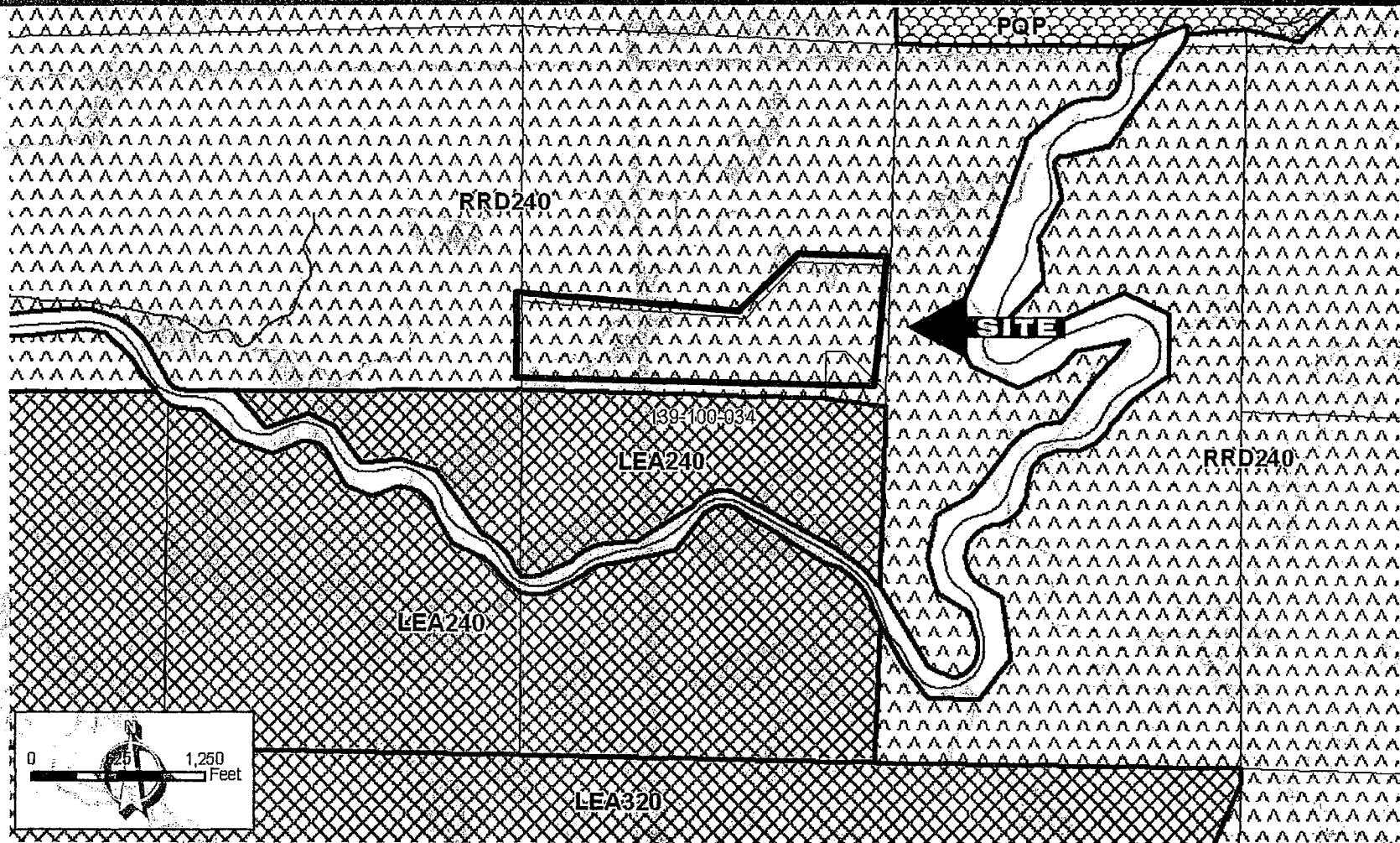
Ordinance No.

Sectional District Map No.



PLP08-0102

Vicinity Map



**General Plan Land Use**

- |   |                                      |
|---|--------------------------------------|
| Diverse Agriculture                     | General Commercial                   |
| Land Extensive Agriculture              | Limited Commercial                   |
| Land Intensive Agriculture              | Limited Commercial Traffic Sensitive |
| Resource and Rural Development          | General Industrial                   |
| Rural Residential                       | Limited Industrial                   |
| Urban Residential                       | Public / Quasi Public                |
| Recreation / Visitor-Serving Commercial |                                      |

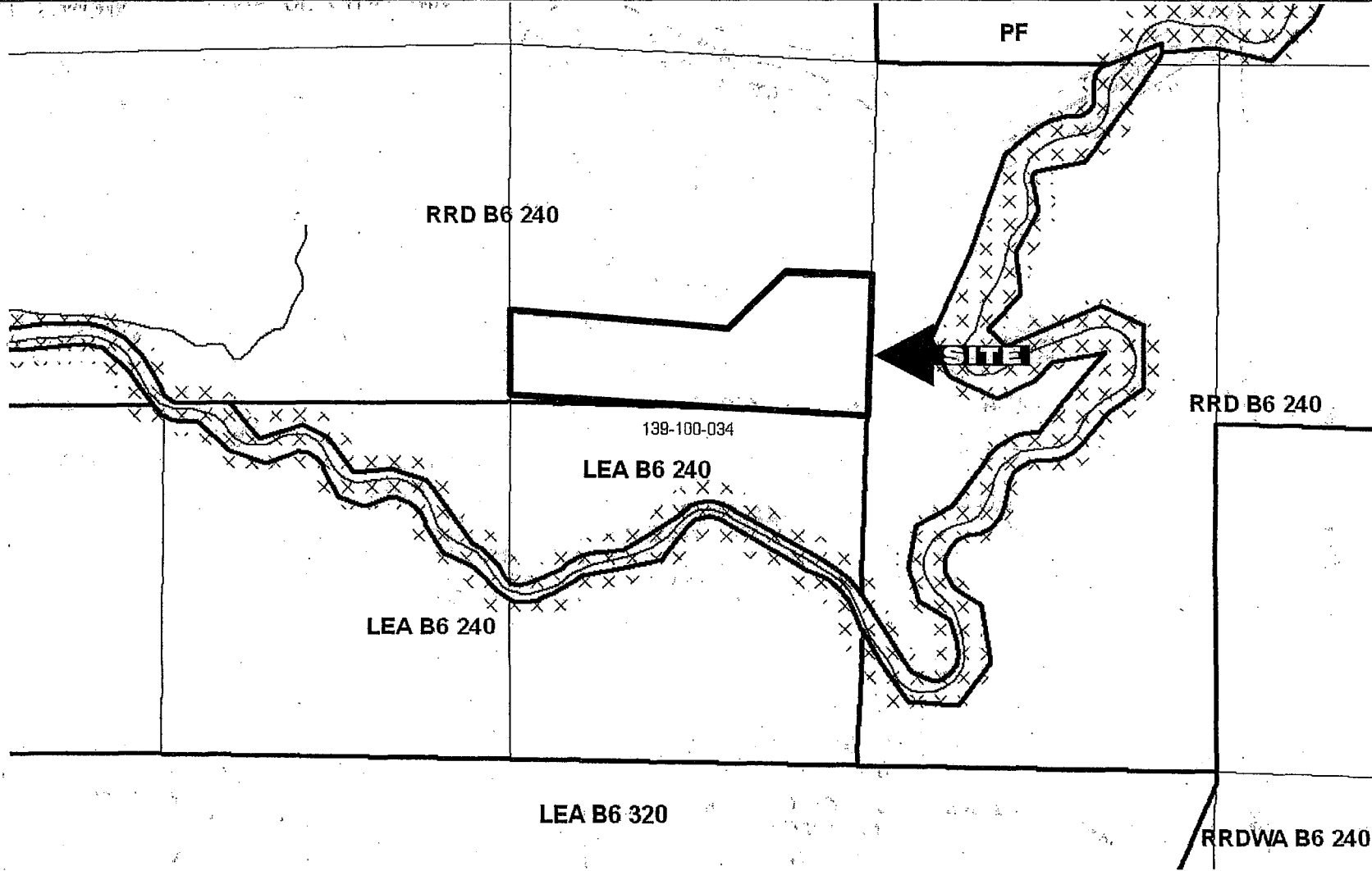
**Base Map Data**

- |                      |                             |
|----------------------|-----------------------------|
| Planning Area Policy | Coastal Commission Boundary |
| Affordable Housing   | Urban Service Area Boundary |
| City                 | Highways                    |
|                      | Perennial Streams           |
|                      | Intermittent Streams        |

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acres.

**General Plan Map**

PLP08-0102



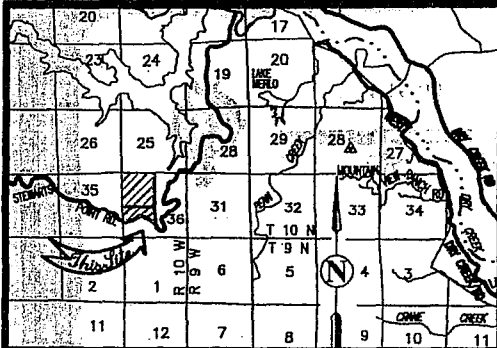
**Zoning and Combining Districts**

- |                       |                        |                     |
|-----------------------|------------------------|---------------------|
| City Limit            | SD Scenic Design       | MR Mineral Resource |
| AH Affordable Housing | SR Scenic Resource     | G Geologic Hazard   |
| LU Policy             | VOH Valley Oak Habitat | F1 Floodway         |
| HD Historic District  | BR Biotic Resource     | F2 Floodplain       |

**Zoning Map**

PLP08-0102





VICINITY MAP—NO SCALE



*Brian A Curtis*  
 BRIAN ALAN CURTIS, P.L.S. 8485  
 EXP. 12/31/08

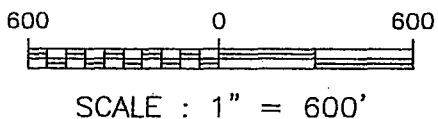
LOT A  
 LANDS OF  
 GUSTAFSON FAMILY VINEYARDS  
 APN 139-100-032  
 ZONING RRD B6 240

PROPOSED  
 LOT LINE  
 PER ILA  
 08-0028

AREA FOR ZONING CHANGE

LOT B  
 LANDS OF  
 DANNIE H. GUSTAFSON  
 APN 139-100-033  
 ZONING LEA B6 240

ZONING RRD B6 240



COUNTY OF SONOMA STATE OF CALIFORNIA  
 SCALE: 1" = 600' AUGUST 2008

**CURTIS & ASSOCIATES, INC.**

805 HEALDS AVE. HEALDSBURG, CA. 95448 (707)433-4808  
 APN: 139-100-032 & 138-170-011 SHEET 1 OF 1 03-002

**SITE MAP**

GENERAL PLAN AMENDMENT AND ZONING CHANGE  
 DANNIE H GU SON & GUSTAFSON FAMILY TRUST  
 LOCATED IN SECTION 36 OF T10N, R11W, M.D.B.&M.

Resolution Number

County of Sonoma

Santa Rosa, California

February 2, 2012

PLP08-0102 Scott Hunsperger

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED BY GUSTAFSON FAMILY VINEYARDS LLC FOR PROPERTY LOCATED AT 9100 STEWARTS POINT SKAGGS SPRINGS ROAD, GEYSERVILLE; PORTION OF APN 139-100-034.

WHEREAS, the applicant, Gustafson Family Vineyards LLC, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the RRD (Resources and Rural Development) 240-acre density to the LEA (Land Extensive Agriculture) 240-acre density land use designation and 2) a Zone Change from the RRD (Resources and Rural Development), B6-240 acre density zoning districts to the LIA (Land Extensive Agriculture), B6-240 acre density, SR (Scenic Resource) zoning districts on a 40.71 acre portion of the resulting 129.76 acre parcel as required by a Condition of Approval for a Lot Line Adjustment (LLA08-0028) for property located at 9100 Stewarts Point, Skaggs Springs Road, Geyserville; portion of APN 139-100-034; Supervisorial District No. 4 ("the Project"); and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on February 2, 2012, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed General Plan Amendment and Zone Change for the 40.71 acres (portion of APN 139-100-034) is consistent with the LEA (Land Extensive Agriculture) land use designation and zoning district criteria.
2. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill Condition of Approval (h) for the previously approved Lot Line Adjustment (LLA08-0028).
4. The Project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

WHEREUPON, the Chairman declared the above and foregoing resolution duly adopted; and

SO ORDERED.



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

**DATE:** October 23, 2012 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Sigrid Swedenborg, Project Planner

**SUBJECT:** Hearing to consider a General Plan Amendment and Zone Change as a condition of a Lot Line Adjustment; PLP11-0028; Francis Ford Coppola Winery, LLC Supervisorial District No. 4.

### Action Requested of the Board of Supervisors:

The Board is requested to conduct a public hearing on the proposed General Plan Amendment and Zone Change and consider the Planning Commission recommendation. At the conclusion of the hearing your Board is requested to approve the attached Resolution (Exhibit A) finding the project to be exempt from CEQA and approving the requested General Plan Amendment; and 2) adopt the Ordinance (Exhibit B) approving the Zone Change as recommended by staff and the Planning Commission. This project will fulfill a Condition of Approval for a previously approved Lot Line Adjustment to eliminate split land use and zoning designations on each of the newly configured parcels.

### Prior Actions:

On September 6, 2012, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by Francis Ford Coppola Winery, LLC for a General Plan Amendment and Zone Change.

### Location, Zoning and Project Description:

The subject property is located at 300 Via Archimedes, Geyserville; APN 140-030-031 and -030. The base zoning on APN: 140-030-030 is currently LIA (Land Intensive Agriculture), 40 acre density. Combining zoning districts for the property include: Z (Second Dwelling Unit Exclusion), SR (Scenic Resources). The other parcel (APN: 140-030-031) is zoned K (Recreation and Visitor Serving Commercial).

The approved Lot Line Adjustment involves an equal trade of 2.6 acres between two parcels, 7.86 and 20.4 acres in size resulting in two parcels 7.86 acres and 20.4 acres in size. The larger of the parcels is currently developed with the winery and associated facilities. The Subdivision Ordinance allows a Lot Line Adjustment between parcels in different General Plan land use and zoning districts provided that a General Plan Amendment and Zone Change are processed to ensure that General Plan land use and Zoning District boundaries coincide with resultant property lines.

The Coppola Winery parcel (APN: 140-030-031) currently has General Plan Area Policy LU-13d placed on it which provides specific guidance for this property. The policy states, "*Rosso & Bianco, Paulsen, Geyser Peak, and Asti wineries are designated as "Recreation and Visitor Serving Commercial" to*

*allow existing or proposed wineries and associated restaurants or lodging facilities. Any uses on these sites must support the sale and production of Sonoma County agricultural products and not adversely affect adjacent agricultural or resource areas."* The policy must be applied to the 2.6 acres added to the winery parcel and removed from the 2.6 acre portion adjusted from the winery parcel to the receiving agricultural parcel.

To satisfy Conditions of Approval for the Lot Line Adjustment, the applicant requests the following for each of the two affected parcels:

APN: 140-030-030: A General Plan Amendment from the Recreation and Visitor Serving Commercial land use designation and Planning Area Policy 13d designation to the Land Intensive Agriculture 40-acre density land use designation; and a Zone Change from the K (Recreation and Visitor Serving Commercial), Land Use Policy 13d, to the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion) SR (Scenic Resources) district on 2.6 acres.

APN: 140-030-031: A General Plan Amendment from the Land Intensive Agriculture 40-acre density to the Recreation and Visitor Serving Commercial land use designation, and Planning Area Policy 13d designation; and a Corresponding Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resources) district to the K (Recreation and Visitor Serving Commercial) designation, Land Use Policy 13d on 2.6 acres.

#### **ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

The applicant stated that the reason for the request was to improve the agricultural use of the property and reconfigure the boundary configurations to make them more sensible. Commissioner Liles said the proposal makes sense for the property overall, but expressed concern about "rumors" that there are plans for lodging. The applicant stated that feasibility studies had been conducted, which determined that the site is very constrained and the developable area is already reserved for septic disposal. There are no active plans to develop a hotel at this point.

#### **List of Attachments:**

- EXHIBIT A: Draft Board of Supervisors Resolution
  - EXHIBIT A-1: Draft General Plan Amendment Map
  - EXHIBIT B: Draft Ordinance
  - EXHIBIT B-1: Draft Sectional District Map
  - EXHIBIT C: Planning Commission Resolution 12-020
  - EXHIBIT D: Planning Commission Minutes dated September 6, 2012
  - EXHIBIT E: Planning Commission Staff Report dated September 6, 2012
-

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012  
PLP11-0028 Sigrid Swedenborg**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Finding The Project Exempt From CEQA And Approving The Requested General Plan Amendment As Requested By Francis Ford Coppola Winery LLC, For Property Located At 300 Via Archimedes, Geyserville; APN 140-030-031 and -030.**

**RESOLVED**, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

**Whereas**, Francis Ford Coppola Winery LLC, (the “Applicant”), filed an application with the Sonoma County Permit and Resource Management Department (“PRMD”) to amend the land use designation and zoning designation on a 2.6 acre portion of APN140-030-030 to include a General Plan Amendment from the Land Intensive Agriculture 40-acre density to the Recreation and Visitor Serving Commercial land use and Special Area Policy 13d designations, and a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resources) district to the K (Recreation and Visitor Serving Commercial), Land Use Policy 13d; and a corresponding General Plan amendment/zone change on a 2.6 acre portion of APN: 140-030-031 to include a General Plan Amendment from the Recreation and Visitor Serving Commercial land use and Special Area Policy 13d designations to the Land Intensive Agriculture 40-acre density land use designation, and a Zone Change from the K (Recreation and Visitor Serving Commercial), Land Use Policy 13d designation, to the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion) SR (Scenic Resources) district on 2.6 acres (APN 140-030-031) as required by a Condition of Approval for Lot Line Adjustment (PLP11-0028) on property located at 300 Via Archimedes, Geyserville; Supervisorial District No. 4 (the “Proposed Project”); and

**Whereas**, it was determined that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

**Whereas**, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on September 6, 2012, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

**Whereas**, the Planning Commission’s recommendation on the Proposed Project has been reviewed and considered by the Board; and

**Whereas**, in accordance with the provisions of law, the Board held a public hearing on

October 23, 2012, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

**Whereas**, the Proposed Project is part of the second amendment of the General Plan Land Use Element for 2012; and

**Whereas**, the second land use amendment of the General Plan Land Use Element for 2012, does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

**Whereas**, the Board concurs with PRMD's determination that the Proposed Project is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. The facts and conditions that support this finding are as follows:

1. Section 15061(b)(3) of the State CEQA Guidelines exempts an activity from CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment;
2. The project details that establish the proposed project's eligibility for exemption under Section 15061(b)(3) of the State CEQA Guidelines are as follows:
  - a. The General Plan Amendment and Zone Change eliminate split zoning on the reconfigured 153.67 acre parcel.
  - b. The amendment was required as a condition of the previously approved Lot Line Adjustment (PLP11-0028) which was subject to CEQA.

**Whereas**, the Board makes the following findings concerning the Proposed Project:

1. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3. The General Plan Amendment and Zone Change fulfill a Condition of Approval for the previously approved Lot Line Adjustment (PLP11-0028).
4. The project is exempt from CEQA pursuant to Section 15061(b)(3).

**Now, Therefore**, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

3. The Proposed Project is approved as follows:
  - a. The General Plan Amendment is approved as part of the second amendment of the General Plan Land Use Element for 2012.
  - b. The General Plan Land Use Amendment is approved to amend the land use designation on a 2.6 acre portion of APN: 140-030-031 to the Land Intensive Agriculture 40-acre density land use designation; and to amend the land use designation on a 2.6 acre portion of APN: 140-030-030 to the Recreation and Visitor Serving Commercial land use designation, Special Area Policy 13d.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

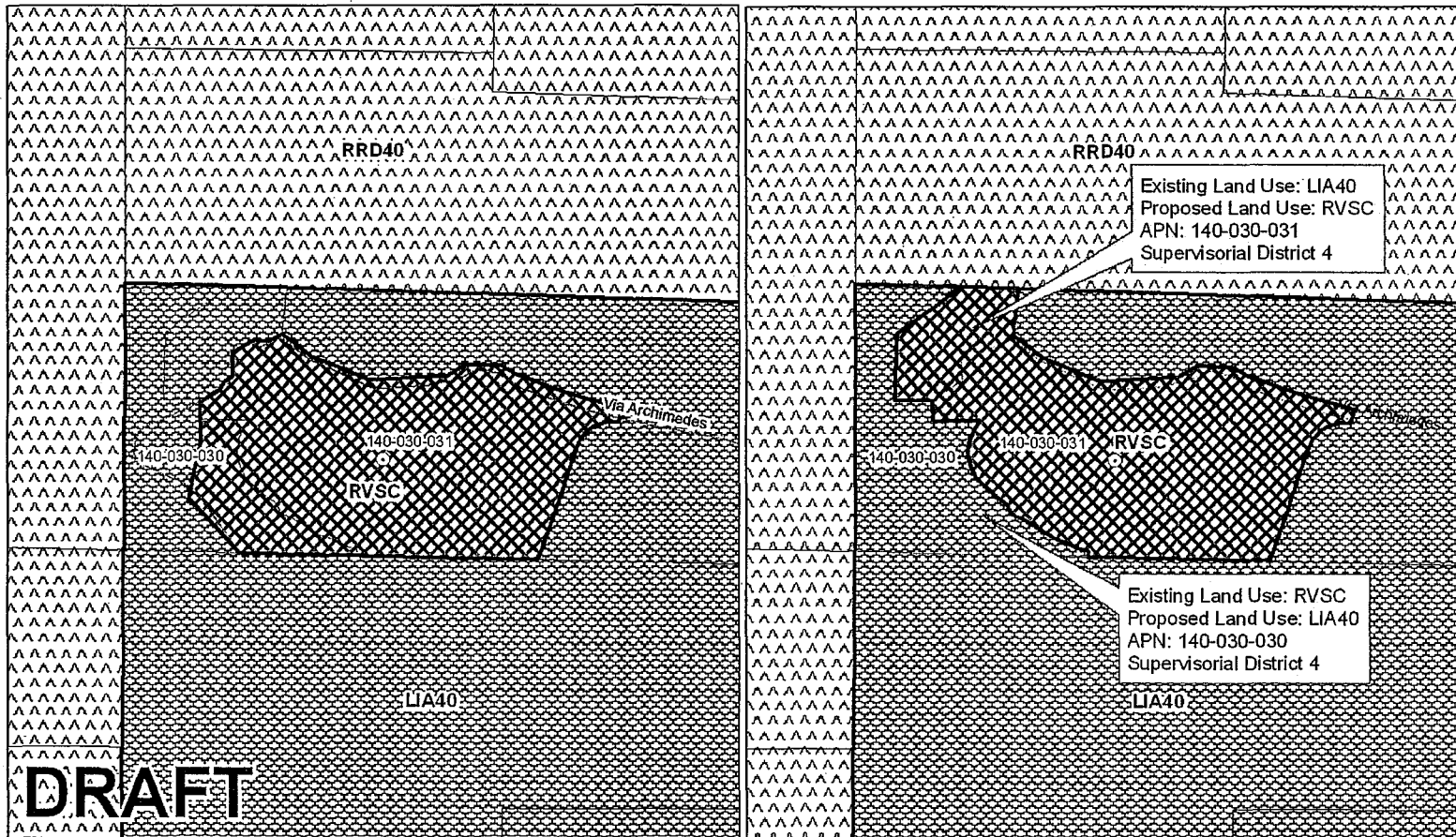
Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



### Existing General Plan Land Use

### Proposed General Plan Land Use



**DRAFT**

**General Plan Land Use**

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resource and Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial

- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi Public

- Planning Area Policy
- AH Affordable Housing

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

**Base Map Data**

- Subject Property
- Coastal Commission Boundary
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream



FILE: PLP 11-0028  
 AP #: 140-030-030, 031  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

Author: PRMD Cartography: D. Reinler File No: S:\GIS-DATA\PRMD\_BASE\PRMD Department Projects\Comprehensive Planning\Land Use\Land Use Amendments Proposed\PLP 11-0028.mxd Date: 09/04/2012

## Existing and Proposed General Plan Land Use

PLP11-0028

**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM LIA (LAND INTENSIVE AGRICULTURE), B6-40 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION), SR (SCENIC RESOURCES) DISTRICT TO THE K (RECREATION AND VISITOR SERVING COMMERCIAL) DISTRICT, ON A 2.6 ACRE PORTION OF APN: 140-030-030 AND THE K (RECREATION AND VISITOR SERVING COMMERCIAL) DISTRICT TO THE LIA (LAND INTENSIVE AGRICULTURE), B6-40 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION), SR (SCENIC RESOURCES) DISTRICT ON A 2.6 ACRE PORTION OF APN: 140-030-031 LOCATED AT 300 VIA ARCHIMEDES, GEYSERVILLE.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resources) district to the K (Recreation and Visitor Serving Commercial) with the attached Land Use Policy 13d district, on a 2.6 acre portion of APN:140-030-030 and from the K (Recreation and Visitor Serving Commercial) Land Use Policy 13d district, to the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resources) district on a 2.6 acre portion of APN: 140-030-031 located at the end of Via Archimedes Road, also known as 300 Via Archimedes, Geyserville. File No. PLP11-0028. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No.

SECTION II: The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

SECTION III: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 23rd day of October, 2012, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown:           Rabbitt:           McGuire:           Carrillo:           Zane:

Ayes:            Noes:            Absent:            Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

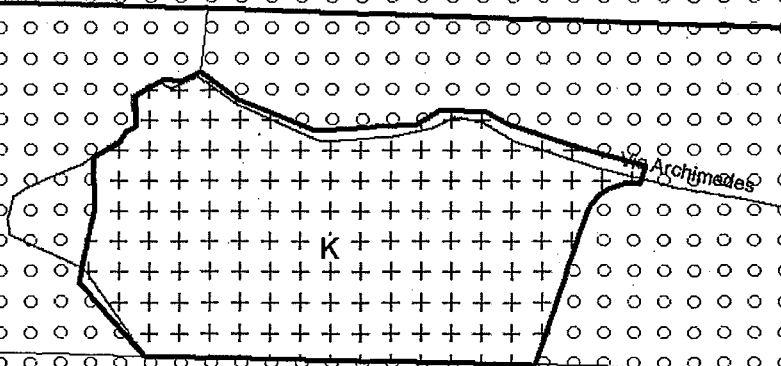
\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Existing Zoning

# Proposed Zoning

Policy LU-13d: Rosso & Bianco, Paulsen, Geyser Peak, and Asti wineries are designated as "Recreation and Visitor Serving Commercial" to allow existing or proposed wineries and associated restaurants or lodging facilities. Any uses on these sites must support the sale and production of Sonoma County agricultural products and not adversely effect adjacent agricultural or resource areas.

RRD B6 40

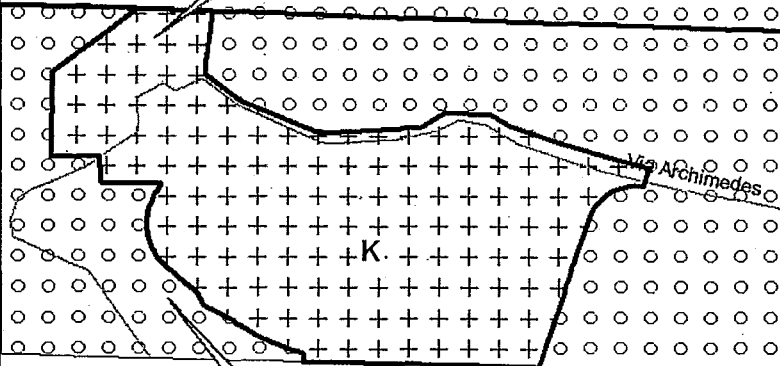


LIA B6 40 Z

**DRAFT**

RRD B6 40

FROM LIA B6 40 Z, SR  
TO K & LU Policy 13 D



FROM K  
TO LIA B6 40 Z, SR

LIA B6 40 Z

EXHIBIT B - 1

## Base Map Data

- Proposed Rezone
- Basezoning by Area
- Highways
- Intermittent Stream
- Perennial Stream

## Zoning Combining Districts

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource

- G Geologic Hazard
- F2 Floodplain
- F1 Floodway



FILE: PLP 11-0028  
AP #: 140-030-030, 031  
Ordinance No.  
Sectional District Map No.

Permit and Resource Management Department  
Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1965 Fax (707) 565-1103

Resolution Number 12-020

County of Sonoma  
Santa Rosa, California

September 6, 2012  
PLP11-0028 Sigrid Swedenborg

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED BY FRANCIS COPPOLA WINERY LLC, FOR PROPERTY LOCATED AT 300 VIA ARCHIMEDES, GEYSERVILLE; APN 140-030-031 AND -030.

WHEREAS, the applicant, Francis Coppola Winery LLC, filed an application with the Sonoma County Permit and Resource Management Department for a General Plan Amendment from the Land Intensive Agriculture 40-acre density to the Recreation and Visitor Serving Commercial land use designation, Special Area Policy 13 D and a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion); SR (Scenic Resources) district to the K (Recreation and Visitor Serving Commercial), Land Use Policy 13 D on 2.6 acres and a General Plan Amendment from the Recreation and Visitor Serving Commercial Special Area Policy 13 D to the Land Intensive Agriculture 40-acre density land use designation, and a Zone Change from the K (Recreation and Visitor Serving Commercial), Land Use Policy 13 D, to the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion) SR (Scenic Resources) district on 2.6 acres as required by a Condition of Approval for Lot Line Adjustment (PLP11-0028) for property located at 300 Via Archimedes, Geyserville; APN 140-030-031 and -030; Supervisorial District No. 4; and;

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 6, 2012, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
2. The General Plan Amendment and Zone Change fulfill Condition of Approval #g for the previously approved Lot Line Adjustment (PLP11-0028).

3. The project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Liles, who moved its adoption, seconded by Commissioner Davis, and adopted on roll call by the following vote:

Commissioner Fogg	Aye
Commissioner Montoya	Aye
Commissioner Shahhosseini	Aye
Commissioner Liles	Aye
Commissioner Davis	Aye

Ayes: 5      Noes: 0      Absent: 0      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



*Sonoma County Combined Planning Commission  
and Board of Zoning Adjustments*  
**DRAFT MINUTES**

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

Date: September 6, 2012  
Meeting No.: 12-007

**ROLL CALL**

**Commissioners**

Dick Fogg  
Shawn Montoya  
Komron Shahhosseini  
Jason Liles  
Pam Davis

**Staff Members**

Jennifer Barrett  
Sigrid Swedenborg  
David Hardy  
Bill Passaretti  
Sue Gallagher, Deputy County Counsel

**1:00 PM** Call to order and Pledge of Allegiance  
**Correspondence**  
**Board of Supervisors Actions**  
**Commissioner Announcements/Disclosures**  
**Public Appearances**  
**Items scheduled on the agenda**

**PLANNING COMMISSION REGULAR CALENDAR**

Item No.2 Time: 1:05 p.m. File: PLP11-0028  
Applicant: Francis Ford Coppola Winery LLC Staff: Sigrid Swedenborg  
Env. Doc: Categorical Exemption  
Proposal: General Plan Amendment and Zone Change to fulfill a Condition of Approval for a previously approved Lot Line Adjustment to eliminate split land use and zoning designations on newly configured parcels.  
Location: 300 Via Archimedes, Geyserville  
APN: 140-030-026 and -027 Supervisorial District: 4  
Zoning: K (Recreation and Visitor Serving Commercial), LIA (Land Intensive Agriculture)B6-40 acre density, Z (Second Unit Exclusion)

**Sigrid Swedenborg** summarized the staff report, which is incorporated herein by reference. Commissioner Liles asked if any complaints had been received. Staff Swedenborg said that the typical noticing procedure was followed and there were no comments received.

**Public Hearing Opened:** **Jean Kapolchok**, applicant, summarized the reason for the request that will improve the agricultural use of the property and reconfigure the boundary configurations to make them more sensible.

**Commissioner Liles** said the proposal makes sense for the property overall, but expressed concern about "rumors" that there are plans for lodging. Ms. Kapolchok said that feasibility studies had been conducted, but the

site is very constrained and the developable area is already reserved for septic disposal. There are no active plans to develop a hotel at this point. Commissioner Liles asked what outreach had been conducted and Ms. Kapolchok said that extra efforts had been made by herself and Francis Ford Copolla Presents in addition to the typical staff notification.

**Public Hearing Closed.**

Action: **Commissioner Lyle** moved to recommend approval of the request to the Board of Supervisors. Seconded by **Commissioner Davis** and passed with a 5-0 vote.  
Appeal Deadline: N/A  
Resolution No.: 12-020

Fogg: Aye	Montoya: Aye	Shahhosseini: Aye	Liles: Aye	Davis: Aye
Ayes: 0	Noes: 0	Absent: 0	Abstain: 0	

---





# Sonoma County Planning Commission STAFF REPORT

## Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

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

**FILE:** PLP11-0028  
**DATE:** September 6, 2012  
**TIME:** 1:05 p.m.  
**STAFF:** Sigrid Swedenborg, Project Planner

**Board of Supervisors Hearing will be held at a later date and will be noticed at that time.**

### SUMMARY

**Applicant:** Francis Ford Coppola Winery, LLC

**Owner:** Francis Ford Coppola Winery, LLC

**Location:** 300 Via Archimedes, Geyserville  
APNs: 140-030-026 and 140-030-027 Supervisorial District No.: 4

**Subject:** General Plan Amendment and Zone Change

**PROPOSAL:** General Plan Amendment and Zone Change to fulfill a Condition of Approval for a previously approved Lot Line Adjustment to eliminate split land use and zoning designations on the newly configured parcels.

**Environmental Determination:** General Exemption, Section 15061(b)(3)

**General Plan:** LIA (Land Intensive Agriculture) 40-acre density and RVSC (Recreation and Visitor Serving Commercial)

**Ord. Reference:** 26-02-110 (Zoning Ordinance); 25-70.3 Sonoma County Subdivision Ordinance

**Zoning:** LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) and K (Recreation and Visitor Serving Commercial), Z (Second Dwelling Unit Exclusion)

**Agricultural Preserve:** None

**RECOMMENDATION:** Recommend that the Board of Supervisors approve the General Plan Amendment and Zone Change.

## ANALYSIS

### **Background:**

On September 12, 2011, Francis Ford Coppola Winery LLC received approval from the Permit and Resource Management Department (PRMD) staff for a Minor Lot Line Adjustment (PLP11-0028) between two parcels, 7.86 and 20.4 acres in size. The adjustment was for an equal trade of 2.6 acres. The Sonoma County Subdivision Ordinance allows for a Lot Line Adjustment (LLA) between parcels in different land use and zoning designations provided a General Plan Amendment and Zone Change application is filed to ensure the district boundaries coincide with resultant property lines. The Lot Line Adjustment included a condition that a General Plan Amendment and Zone Change be submitted to rectify the resulting split in General Plan land use designations and zoning on the newly configured parcels. The Lot Line Adjustment deeds were approved and recorded on April 27, 2012.

### **Project Description:**

This request is for 1) a General Plan Amendment from the Land Intensive Agriculture 40-acre density to the Recreation and Visitor Serving Commercial land use designation, and a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), district to the K (Recreation and Visitor Serving Commercial), Z (Second Dwelling Unit Exclusion) on 2.6 acres and 2) a General Plan Amendment from the Recreation and Visitor Serving Commercial to the Land Intensive Agriculture 40-acre density land use designation, and a Zone Change from the K (Recreation and Visitor Serving Commercial), Z (Second Dwelling Unit Exclusion) to the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion) district on 2.6 acres. This project will fulfill a Condition of Approval for a Lot Line Adjustment to eliminate split land use and zoning on the newly reconfigured parcels.

The applicant stated that the request for the Lot Line Adjustment was to reconfigure the existing parcel boundaries to more appropriately reflect land use and site characteristics. They state that the LLA will allow for a higher quality, more productive vineyard in the southwestern portion of the site to become part of the parcel zoned LIA. The upper portion of the parcel designated LIA has poorer quality soils and an under producing vineyard which would be attached to the parcel designated visitor serving commercial. The 7.32 acre parcel had 2.56 acres of vineyards, and the 20.45 acre parcel had 4.75 acres of vines. The resultant 7.32 acre parcel has a total of 3.79 acres of vines.

### **Site Characteristics:**

The subject sites are 7.86 acres and 20.4 acres in size, located at the end of Via Archimedes off of Highway 101 in the Geyserville area. The 20.4 acre parcel is developed with the Francis Ford Coppola Winery, restaurant, pool, 7 acres of vines and associated facilities. The 7.86 acre parcel contains the 150,000 gallon water storage tank that serves the winery and recreational facilities and is developed with 2.6 acres of vines.

### **Surrounding Land Use and Zoning:**

Land uses in the area consist of parcels that are primarily agricultural, developed with single family Dwellings and vineyards. Parcels to the south and east of the site have the LIA (Land Intensive Agriculture) base zoning district and the parcels to the west, in the hills north and west, of the site are within the RRD (Resources and Rural Development) base zoning district.

### DISCUSSION OF ISSUES

#### Issue #1: General Plan and Zoning Ordinance Consistency

The proposed General Plan and corresponding Zone Change affect portions of the former parcels that were combined as a result of the Lot Line Adjustment between two parcels. A total of 2.6 acres of the newly configured parcels will be changed from the Land Intensive Agriculture 40-acre density General Plan and zoning designation to the Recreation and Visitor Serving Commercial designation and vice versa. The Subdivision Ordinance allows a Lot Line Adjustment between parcels in different General Plan land use and zoning districts provided that a General Plan Amendment and Zone Change are processed to ensure that General Plan land use and Zoning District boundaries coincide with resultant property lines.

The primary concern with General Plan Amendment/Zone Changes for a Lot Line Adjustment is to ensure that the proposed Amendment/Zone Change and lot configurations do not increase development potential. The reconfigured lots do not allow for any additional development that previously existed before the Lot Line Adjustment. The proposed General Plan Amendment and Zone Change will not increase development or subdivision potential. Therefore, the project is in conformance with the General Plan, Zoning Ordinance, and Subdivision Ordinance.

#### Issue #2: Appropriateness of Request

By filing the application for a General Plan Land Use Amendment and Zone Change, the property owner has fulfilled conditions of the previously approved Lot Line Adjustment. The General Plan Amendment and Zone Change are appropriate for the following reasons: they eliminate the split General Plan and Zoning designations within the newly configured parcels; and they do not result in an increase in subdivision potential on the subject parcels.

### STAFF RECOMMENDATION

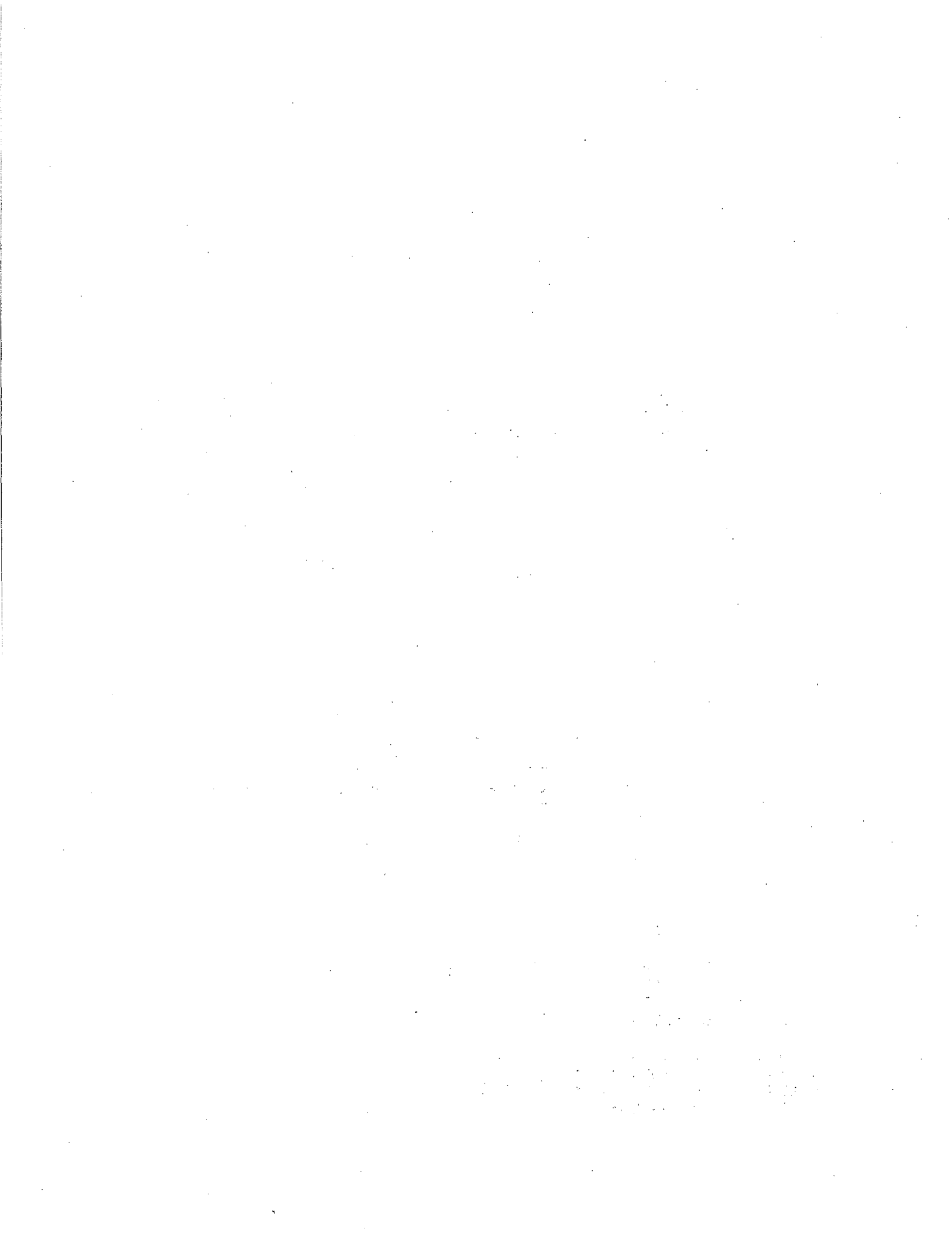
Recommend to the Board of Supervisors approval of the requested General Plan Amendment and Zone Change based on the following findings.

#### FINDINGS FOR RECOMMENDED ACTION

1. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
2. The General Plan Amendment and Zone Change fulfill Condition of Approval #g for the previously approved Lot Line Adjustment (PLP11-0028).
3. The project is exempt from CEQA pursuant to Section 15061(b)(3).

#### LIST OF ATTACHMENTS

- EXHIBIT A: Draft Ordinance
- EXHIBIT B: Vicinity Map
- EXHIBIT C: General Plan Land Use Map
- EXHIBIT D: Zoning Map
- EXHIBIT E: Parcel Map
- EXHIBIT F: Proposed Lot Line Adjustment Map
- EXHIBIT G: Lot Line Adjustment Map Detail
- EXHIBIT H: Lot Line Adjustment Approval letter with Conditions
- EXHIBIT I: Draft Resolution



**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM LIA (LAND INTENSIVE AGRICULTURE), B6-40 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION), DISTRICT TO THE K (RECREATION AND VISITOR SERVING COMMERCIAL), Z (SECOND DWELLING UNIT EXCLUSION) ON 2.6 ACRES AND K (RECREATION AND VISITOR SERVING COMMERCIAL), Z (SECOND DWELLING UNIT EXCLUSION) TO THE LIA (LAND INTENSIVE AGRICULTURE), B6-40 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION) DISTRICT ON 2.6 ACRES LOCATED AT 300 VIA ARCHIMEDES, GEYSERVILLE; APN 140-030-026 AND -027.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), district to the K (Recreation and Visitor Serving Commercial), Z (Second Dwelling Unit Exclusion) on 2.6 acres and from the K (Recreation and Visitor Serving Commercial), Z (Second Dwelling Unit Exclusion) to the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion) district on 2.6 acres located at the end of Via Archimedes Road, also known as 300 Via Archimedes, Geyserville, APN 140-030-026 and -027. File No. PLP11-0028. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. \_\_\_\_\_.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown:            Rabbitt:            McGuire:            Carrillo:            Zane:  
Ayes:            Noes:            Absent:            Abstain:

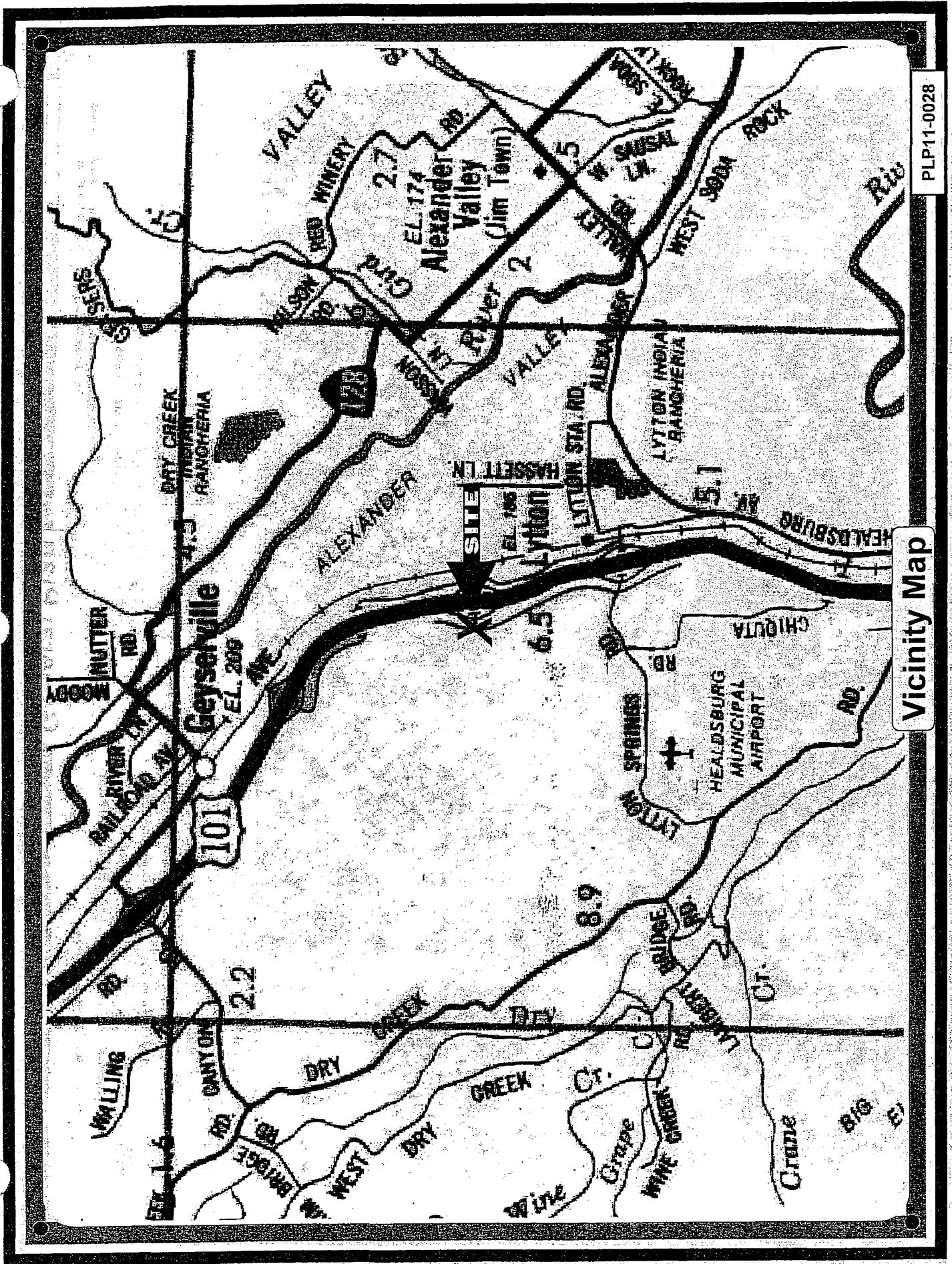
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

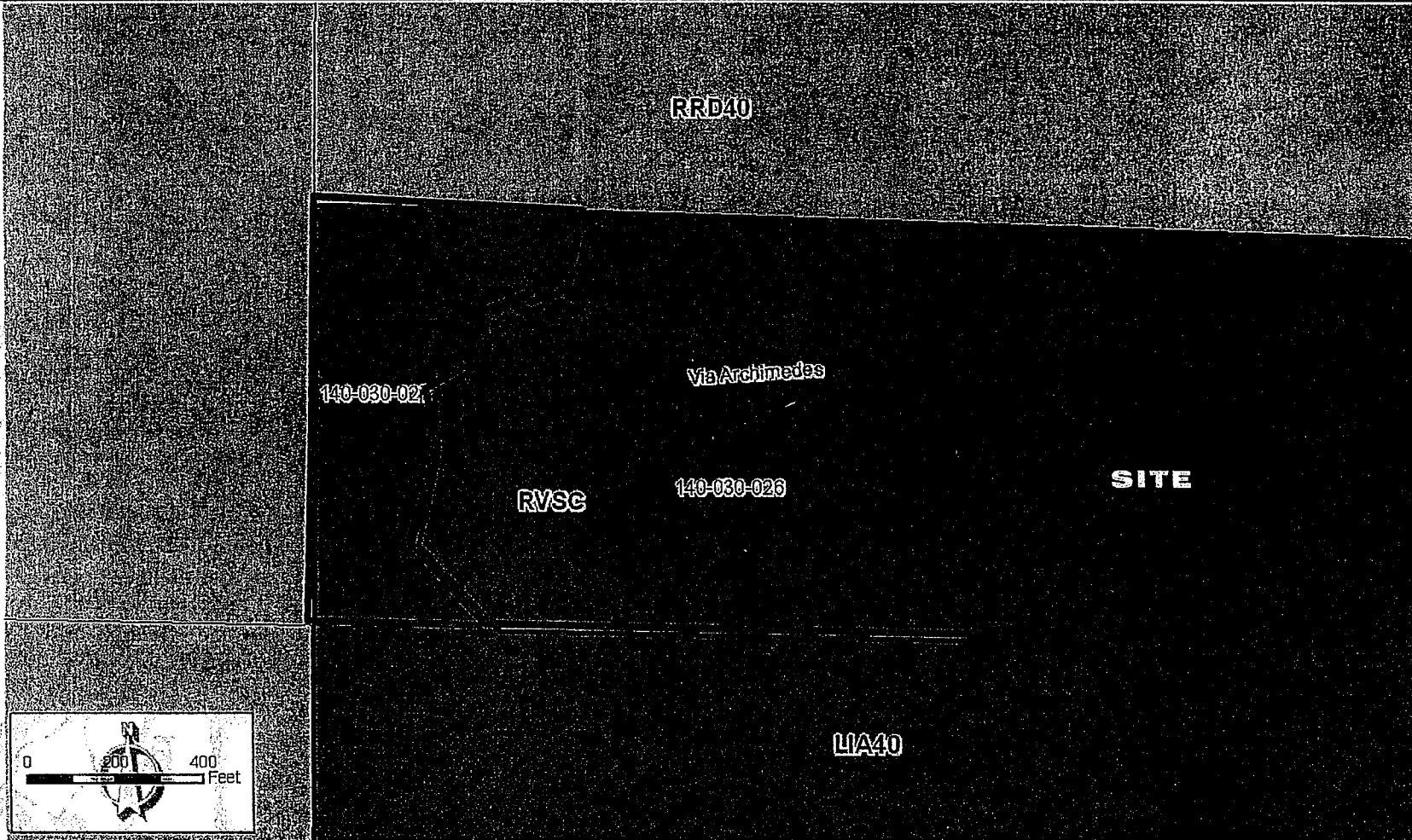
ATTEST:

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors



PLP11-0028

Vicinity Map



**General Plan Land Use**

- |   |                                      |
|---|--------------------------------------|
| Diverse Agriculture                     | General Commercial                   |
| Land Extensive Agriculture              | Limited Commercial                   |
| Land Intensive Agriculture              | Limited Commercial Traffic Sensitive |
| Resources & Rural Development           | General Industrial                   |
| Rural Residential                       | Limited Industrial                   |
| Urban Residential                       | Public / Quasi-Public                |
| Recreation / Visitor-Serving Commercial |                                      |

**Base Map Data**

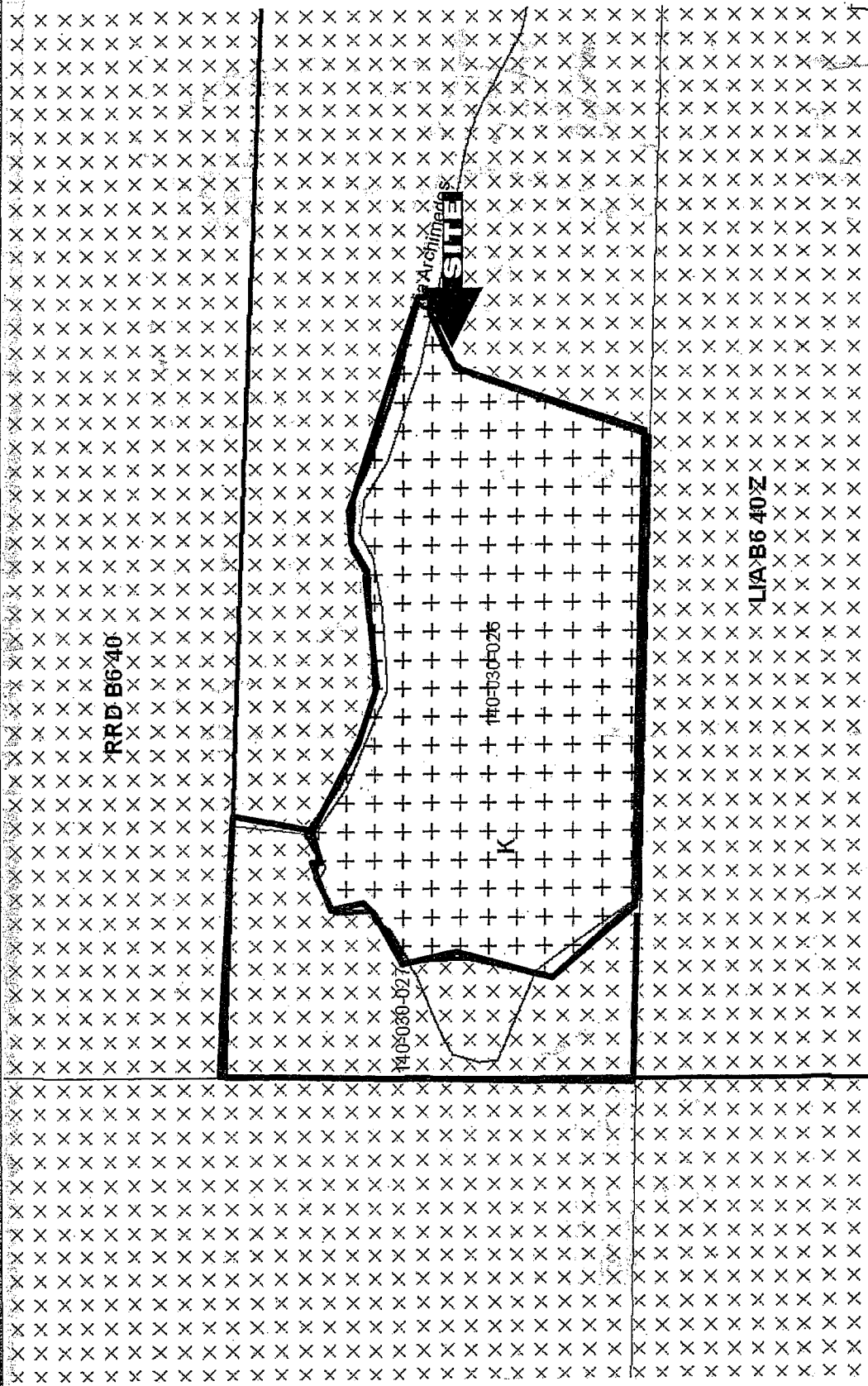
- |                      |                             |
|----------------------|-----------------------------|
| Planning Area Policy | Coastal Commission Boundary |
| Affordable Housing   | Urban Service Area Boundary |
| City                 | Highways                    |
|                      | Perennial Streams           |
|                      | Intermittent Streams        |

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acres.

**General Plan**

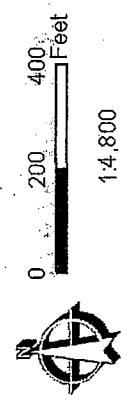
PLP11-0028





### Zoning and Combining Districts

- City Limit
- AH Affordable Housing
- LU Policy
- HD Historic District
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain



### Zoning Map

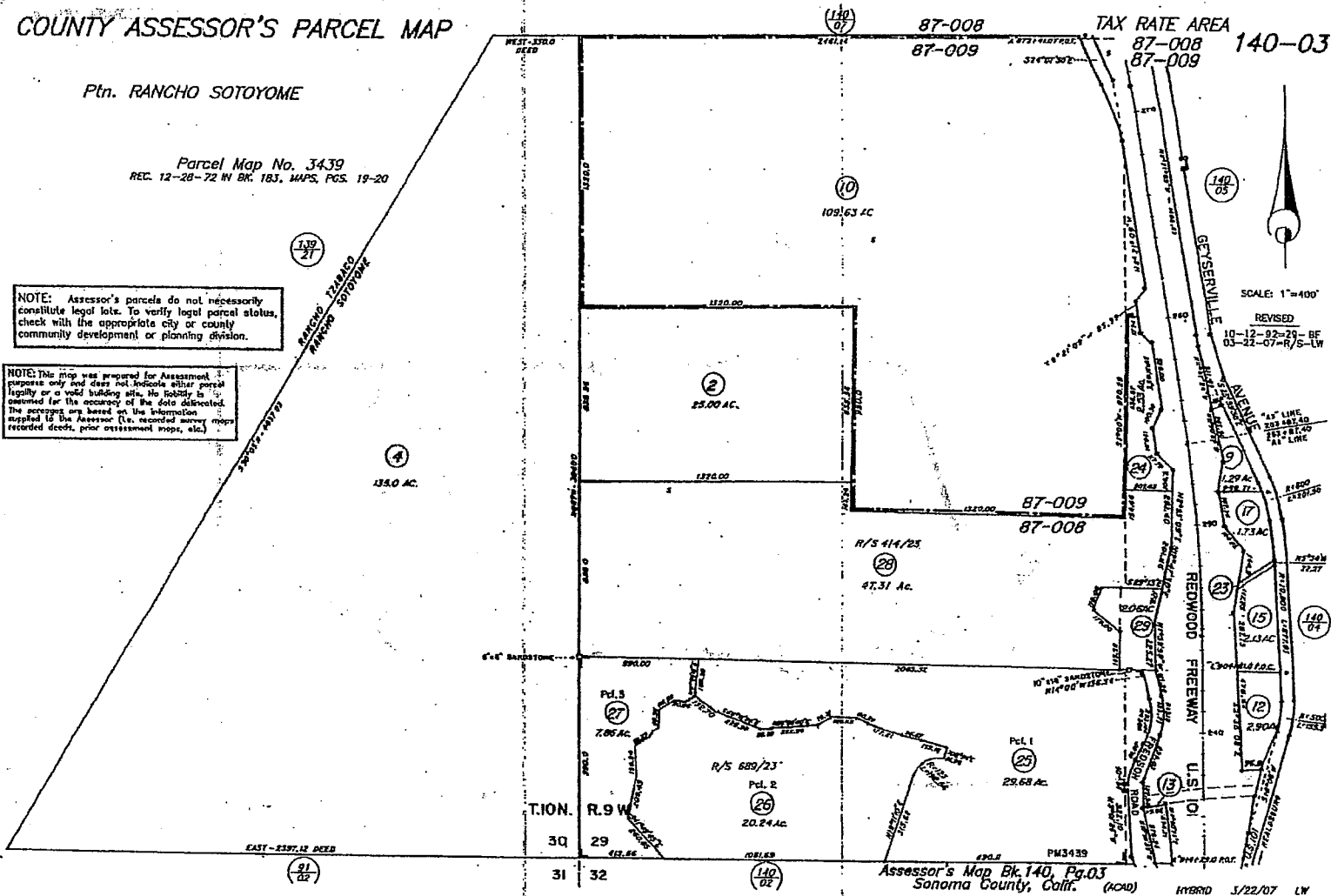
COUNTY ASSESSOR'S PARCEL MAP

Ptn. RANCHO SOTOYOME

Parcel Map No. 3439  
REC. 12-28-72 IN BK. 183, MAPS, PGS. 19-20

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legally or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.)



Parcel Map

PLP11-0028

EXHIBITE







# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

September 12, 2011

Francis Coppola Winery LLC  
620 Airpark Road  
Napa CA 94558

Re: . PLP11-0028; 300 Via Archimedes, Geyserville

Your application for Lot Line Adjustment PLP11-0028 was approved on September 12, 2011. This approval will be complete once you have complied with measures (a) through (g) below. You have twenty four (24) months from the approval date to record the deed which finalizes this application. The 24 month period may be extended for one year by applying for an extension prior to the expiration date and payment of the applicable fees. If recordation is not completed or an extension of time is not applied for within 24 months, the lot line adjustment approval/application expires. This administrative determination is appealable within 10 calendar days of the date of this letter.

Again, you are advised that you must comply with the following measures before you may record the deed:

- (a) Submit verification to the Permit and Resource Management Department that taxes, which are a lien and termed as payable, are paid to the Treasurer/Tax Collector's Department on all parcels affected by the adjustment. The Treasurer/Tax Collector knows the amount of the tax due.
- (b) Submit a draft description of the parcels) being transferred to the County Surveyor for approval. The following note shall be placed on the deed or deeds: "The purpose of this deed is for a Lot Line Adjustment for the combination of a portion of the Lands of Francis Coppola Winery LLC, as described by deed recorded under Document No. OR 200863727, Sonoma County Records, APN 140-030-027 (Parcel 3 of Parcel Map 3439), with the Lands of Francis Coppola Winery LLC, as described by deed recorded under Document No. OR 2006024662, Sonoma County Records, APN 140-030-026 (Parcel 2 of Parcel Map 3439). This deed is pursuant to PLP11-0028 on file in the office of the Sonoma County Permit and Resource Management Department. It is the express intent of the signatory hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels." It is the responsibility of the surveyor/engineer preparing the deeds to insure that the information contained within the combination note is correct. Note: The County Surveyor may modify the above described note.
- (c) Deed of Trust agreements, which encumber only portions of accepted legal lots, are violations of the Subdivision Map Act; therefore, prior to Permit and Resource Management Department approval of the deed for recordation, the applicant shall submit either recorded documents or documents to be recorded concurrently with the lot line adjustment deeds, showing that any Deed of Trust agreements on the subject properties will conform with the adjusted lot boundaries.
- (d) After approval of the deed description by the County Surveyor, a grant deed or deeds shall be prepared and submitted to the Permit and Resource Management Department for approval prior to recording.
- (e) The property owners shall execute a Right-to-Farm Declaration on a form provided by PRMD to be submitted before the lot line adjustment is cleared by PRMD for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the PRMD approved lot line adjustment grant deed(s) to

reflect the newly configured parcels.

- (f) A site plan map of the Lot Line Adjustment shall be prepared by a licensed surveyor or civil engineer and attached to the deed(s) to be recorded. The site plan shall be subject to the review and approval of the County Surveyor. The following note shall be placed on said plan: "THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. Any errors or omissions on this exhibit shall not affect the deed description."
- (g) The applicant shall submit a copy of the recorded deeds along with a request to process the General Plan Amendment and Zone Change that must occur so that each of the newly configured parcels have only one designation.

Once you have accomplished the items above, the Permit and Resource Management Department will authorize you to record the deed. An approval stamp will be placed on the face of each grant deed. You will then be informed that the deed or deeds are ready for you take to the Recorder's Office for recordation.

After recordation, you must submit a conformed copy of the deed or deeds to the Permit and Resource Management Department. This will complete your application file. If you have any questions, please contact me at (707) 565-1914 or via email at [Sigrid.Swedenborg@sonoma-county.org](mailto:Sigrid.Swedenborg@sonoma-county.org).

Sincerely,

Sigrid Swedenborg  
Project Planner

:bp

Enclosures

c: County Surveyor  
PLP11-0028  
Howard Brunner  
J Kapolchok and Associates

Resolution Number

County of Sonoma  
Santa Rosa, California

September 6, 2012  
PLP11-0028 Sigrid Swedenborg

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED BY FRANCIS COPPOLA WINERY LLC, FOR PROPERTY LOCATED AT 300 VIA ARCHIMEDES, GEYSERVILLE; APN 140-030-026 AND -027.

WHEREAS, the applicant, Francis Coppola Winery LLC, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the Land Intensive Agriculture 40-acre density to the Recreation and Visitor Serving Commercial land use designation, and a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), district to the K (Recreation and Visitor Serving Commercial), Z (Second Dwelling Unit Exclusion) on 2.6 acres and 2) a General Plan Amendment from the Recreation and Visitor Serving Commercial to the Land Intensive Agriculture 40-acre density land use designation, and a Zone Change from the K (Recreation and Visitor Serving Commercial), Z (Second Dwelling Unit Exclusion) to the LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion) district on 2.6 acres as required by a Condition of Approval for Lot Line Adjustment (PLP11-0028) for property located at 300 Via Archimedes, Geyserville; APN 140-030-026 and -027; Supervisorial District No. 4; and;

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 6, 2012, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The General Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
2. The General Plan Amendment and Zone Change fulfill Condition of Approval #g for the previously approved Lot Line Adjustment (PLP11-0028).

3. The project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:            Noes:            Absent:            Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.





# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

**DATE:** October 23, 2012 at 2:10 p.m.  
**TO:** Board of Supervisors  
**FROM:** Lisa Posternak, Project Planner  
**SUBJECT:** Hearing to consider Technical Corrections to the General Plan, Airport Industrial Area Specific Plan, and Official Zoning Database; ZCE11-0018, County of Sonoma; Supervisorial Districts All.

### Action Requested of the Board of Supervisors:

The Board is requested to conduct a public hearing on the proposed Technical Corrections to the General Plan, Airport Industrial Area Specific Plan, and Official Zoning Database (including both the inland and Coastal Zoning Ordinances) and consider the Planning Commission recommendation. At the conclusion of the hearing your Board is requested to: 1) approve the attached Resolution (Exhibit A) approving the proposed General Plan and related Airport Industrial Area Specific Plan amendments; and 2) adopt the Ordinance (Exhibit B) rezoning the properties, as recommended by staff and the Planning Commission.

### Prior Actions:

On July 12, 2012, the Planning Commission with a 5-0 vote, recommended that the Board of Supervisors approve the request by the County of Sonoma for Technical Corrections to the General Plan, Airport Industrial Specific Plan, and Official Zoning Database.

### Location, Zoning and Project Description:

The purpose of the proposed project is to correct technical errors and discrepancies in zoning and General Plan land use designations. The proposed project consists of various amendments to the General Plan and Airport Industrial Specific Plan; and Zone Changes to correct technical errors in those planning documents and the Official Zoning Database. The proposed Zone Changes do not reflect any substantive change in County land use policy.

The technical errors and discrepancies are the result of errors in the manual entry of zoning and/or land use data from paper maps to digital databases, prior mapping inaccuracies, error in application of General Plan land use policy to zoning, error in implementation of Zoning Ordinances, error in implementation of Lot Line Adjustment Conditions of Approval, and availability of updated information for the General Plan Open Space Map. PRMD staff processes Technical Corrections on a semi-annual basis, and this is the third round of corrections, since the conversion of the database.

The proposed Technical Corrections are in the following categories:

- Category 1 - Zone Changes Not Involving General Plan Land Use Policy
  - Sub-Category 1a: Error in Manual Entry of Zoning Data
  - Sub-Category 1b: Zoning Error Due to Prior Mapping Inaccuracies

Category 2 - Zone Changes Involving General Plan Land Use Policy

Sub-Category 2a: Error in Application of General Plan Land Use Policy to Zoning

Category 3 - Zone Changes & General Plan Land Use Map Amendments

Sub-Category 3a: Error in General Plan Public Facility Designation and Zoning

Sub-Category 3b: Error in Implementation of Lot Line Adjustment Conditions of Approval

Category 4 - Zone Changes, General Plan & Specific Plan Land Use Map Amendments

Sub-Category 4a: Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning

Category 5 - General Plan Amendments Only

Sub-Category 5a: Error on General Plan Land Use Map

Sub-Category 5b: Update to General Plan Open Space Map

Sub-Category 5c: Error in General Plan Text

**ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

**Issue #1:** Error in Implementation of Conditions of Approval for Lot Line Adjustment LLA92-471

Lot Line Adjustment application LLA92-471 was approved on August 13, 1992. It involved three parcels, and a Condition of Approval required the applicant to submit an application for a Zone Change to amend the zoning boundary lines to conform to the new boundary lines of the three subject parcels. The project applicant never applied for the Zone Change, and as a result the three parcels have a split land use designation and zoning. This technical correction changes the land use designation and zoning boundary lines to conform to the parcel boundary lines. Standard Conditions of Approval for Lot Line Adjustments currently require any necessary land use designation amendment/zone change application to be submitted prior to allowing the Lot Line Adjustment to be recorded.

The owner of 8760 Graton Road, Graton (APN 130-130-022,) questioned the current zoning of the parcel. While he understood the parcel has a split zoning of Neighborhood Commercial (C1) and Rural Residential, 2 dwelling units/acre (RR 2 du/ac), he believed the majority of the parcel is zoned C1, and the proposed technical correction would change the zoning of his parcel to entirely C1. However, the majority of the parcel is zoned RR 2 du/ac, which corresponds to the residential use of the property, and the proposed technical correction would change the zoning of the entire parcel to RR 2 du/ac.

**Resolution**

At the public hearing staff explained the background of the current split land use designation and zoning of the three subject parcels and illustrated how the proposed technical correction would resolve it. After the public hearing staff met with the property owner who did not fully understand the property's split land use designation and zoning, believing the entire parcel has two zoning districts that entitle the owner to two different sets of allowable land uses. Staff further researched the General Plan land use designation and zoning history of the three parcels, and provided copies of the paper zoning maps and Ordinances documenting the current land use designation and zoning of the parcels to the property owner.

**Issue #2:** Zoning Error Due to Mapping Inaccuracies

The owner of a parcel 4100 Bohemian Highway, Occidental (APN 074-140-044) questioned the proposed technical correction (due to an error based on inaccuracy of digital technology) to add Historic District (HD) Zoning to the portion of the parcel located within the Occidental Historic District. He inquired about the purpose of the HD designation because the parcel does not contain historic resources.

**Resolution**

Using PowerPoint graphics at the Planning Commission public hearing, staff illustrated that a portion of the parcel currently lies within the Occidental Historic District, and the HD Zoning would be added only to that portion of the parcel which contains the driveway on the flag lot. Staff explained that a property that does not contain historic resources may be included within the boundary of a Historic District when it provides continuity or linkage to other properties which contain historic resources or to contributing properties.

**List of Attachments:**

- EXHIBIT A: Draft Board of Supervisors Resolution
- EXHIBIT A-1 Draft General Plan Open Space Map
- EXHIBIT B: Draft Ordinance Rezoning Properties
- EXHIBIT B-1 Table of Technical Corrections
- EXHIBIT C: Planning Commission Resolution No. 12-018
- EXHIBIT D: Planning Commission Minutes dated July 12, 2012,
- EXHIBIT E: Planning Commission Staff Report dated July 12, 2012.

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 10/23/2012  
ZCE11-0018 Lisa Posternak**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Finding The Project Exempt From CEQA And Approving The Requested General Plan Amendments and Airport Industrial Area Specific Plan Amendments To Correct Various Technical Errors In The General Plan Land Use And Open Space Maps, Airport Industrial Area Specific Plan Land Use Map of The County of Sonoma.**

**Resolved**, that the Board of Supervisors of the County of Sonoma ("the Board") hereby finds and determines as follows:

**Whereas**, on July 12, 2007 the Board of Supervisors adopted the Official Zoning Database, an electronic database containing zoning information for the unincorporated county, which superceded old paper Zoning Maps; and

**Whereas**, various unintended zone changes occurred during the transition from the old paper Zoning Maps to the Official Zoning Database; and

**Whereas**, the Permit and Resource Management Department has identified historical inconsistencies between zoning and General Plan and Airport Industrial Area Specific Plan land use designation on certain parcels; and

**Whereas**, the Permit and Resource Management Department proposes to correct the technical errors and reconcile zoning and General Plan and Airport Industrial Area Specific Plan land use designation discrepancies (the "Proposed Project"); and

**Whereas**, it was determined that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

**Whereas**, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on July 12, 2012, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

**Whereas**, the Planning Commission's recommendation on the Proposed Project has been reviewed and considered by the Board; and

**Whereas**, in accordance with the provisions of law, the Board held a public hearing on October 23, 2012, at which time all interested persons were given an opportunity to be heard on

the Proposed Project; and

**Whereas**, the Proposed Project is part of the second amendment of the General Plan Land Use Element for 2012; and

**Whereas**, the second land use amendment of the General Plan Land Use Element for 2012 does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

**Whereas**, the Board concurs with PRMD's determination that the Proposed Project is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. The facts and conditions that support this finding are as follows:

1. Section 15061(b)(3) of the State CEQA Guidelines exempts an activity from CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment;

2. The project details that establish the proposed project's eligibility for exemption under Section 15061(b)(3) of the State CEQA Guidelines are as follows:

a. The General Plan and Airport Industrial Area Specific Plan Amendments to affected parcels reconcile zoning and General Plan Airport Industrial Area Specific Plan land use or open space designation discrepancies.

**Now, Therefore**, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Proposed Project is exempt from CEQA pursuant to Section 15061(b)(3) of the California Code of Regulations.

3. The Proposed Project is approved as follows:

a. The General Plan and applicable Area or Specific Plan Amendments are approved as part of the second amendment of the General Plan Land Use Element for 2012.

b. The General Plan Land Use Map Amendments are approved to amend the land use designation of certain real property from the existing land use designation to the proposed land use designation as follows:

1. APN 070-360-039 from Land Intensive Agriculture, 40 acre-density (LIA 40) to Public/Quasi-Public (PQP).

2. APN 070-360-041 from Public/Quasi-Public (PQP) to Land Intensive Agriculture, 40 acre-density (LIA 40).

3. APN 094-130-010 from Public/Quasi-Public (PQP) to Rural Residential, 20 acre-density (RR 20).
4. APN 094-130-012 from Public/Quasi-Public (PQP) to Rural Residential, 20 acre-density (RR 20).
5. APN 130-130-022 from Urban Residential, 2 units/acre / Limited Commercial (UR 2/LC) to Urban Residential, 2 units/acre (UR 2).
6. APN 130-130-023 from Urban Residential, 2 units/acre / Limited Commercial (UR 2/LC) to Limited Commercial (LC).
7. APN 130-130-024 from Urban Residential, 2 units/acre / Limited Commercial (UR 2/LC) to Limited Commercial (LC).
8. APN 059-271-001 from General Industrial (GI) to Public/Quasi-Public (PQP).
9. APN 059-271-002 from Public/Quasi-Public / General Industrial (PQP/GI) to Public/Quasi-Public (PQP).
10. APN 059-271-003 from Public/Quasi-Public / General Industrial (PQP/GI) to Public/Quasi-Public (PQP).
11. APN 039-320-051 from Limited Commercial (LC) to Limited Commercial / Urban Residential, 11 units/acre (LC/UR 11).
12. APN 125-131-065 from Urban Residential, 15 units/acre (UR 15) to Urban Residential, 10 units/acre (UR 10).
13. APN 134-192-015 from Rural Residential, 10 acre-density (RR 10) to Rural Residential, 10 acre-density, Policy LU-16p (RR 10 16P).

c. The General Plan Open Space Map Amendments are approved to amend the open space designation of certain real property as follows:

1. Various APNs: Update the Open Space Map of the General Plan Open Space and Resource Conservation Element to reflect the boundary of the revised designation of Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander as published by the U.S. Fish and Wildlife Service in the Federal Register on August 31, 2011 as shown in Exhibit A attached to this Resolution.

d. The General Plan Text Amendments are approved as follows:

1. Amend Table NE-2 ("Maximum Allowable Exterior Noise

Exposures for Non-Transportation Noise Sources”) of Policy NE-1c of the Noise Element to contain correct hourly noise metrics as follows:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures for Non-Transportation Noise Sources.

Hourly Noise Metric 1, d.b.a.	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 ( <del>5</del> 4 minutes 48 seconds in any hour)	60	55
L02 ( <del>1 minute</del> 72 seconds in any hour)	65	60

1 The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

2. Add the following definition for “Transportation Noise” to the General Plan Glossary: “Transportation Noise: Sound due to traffic on public roadways, waterways, railroads, and airports.”
- e. The Airport Industrial Area Specific Plan Land Use Map Amendments are approved to amend the land use designation of certain real property as follows:
  1. APN 059-271-001 from Agriculture & Open Space/Heavy Industrial to Public Facilities.
  2. APN 059-271-002 from Agriculture & Open Space/Heavy Industrial to Public Facilities.
  3. APN 059-271-003 from Heavy Industrial to Public Facilities.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:  
Ayes:                              Noes:                              Absent:                              Abstain:

**So Ordered.**

Existing General Plan Open Space

Proposed General Plan Open Space

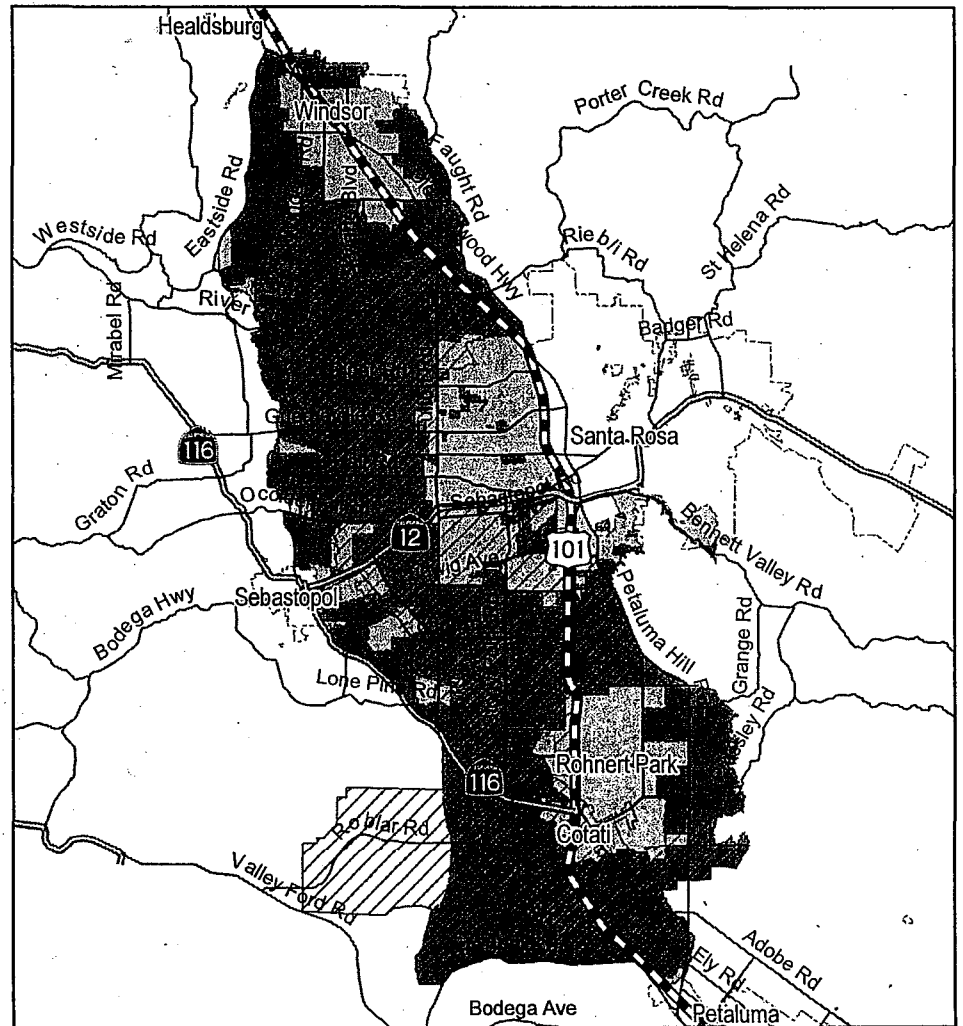
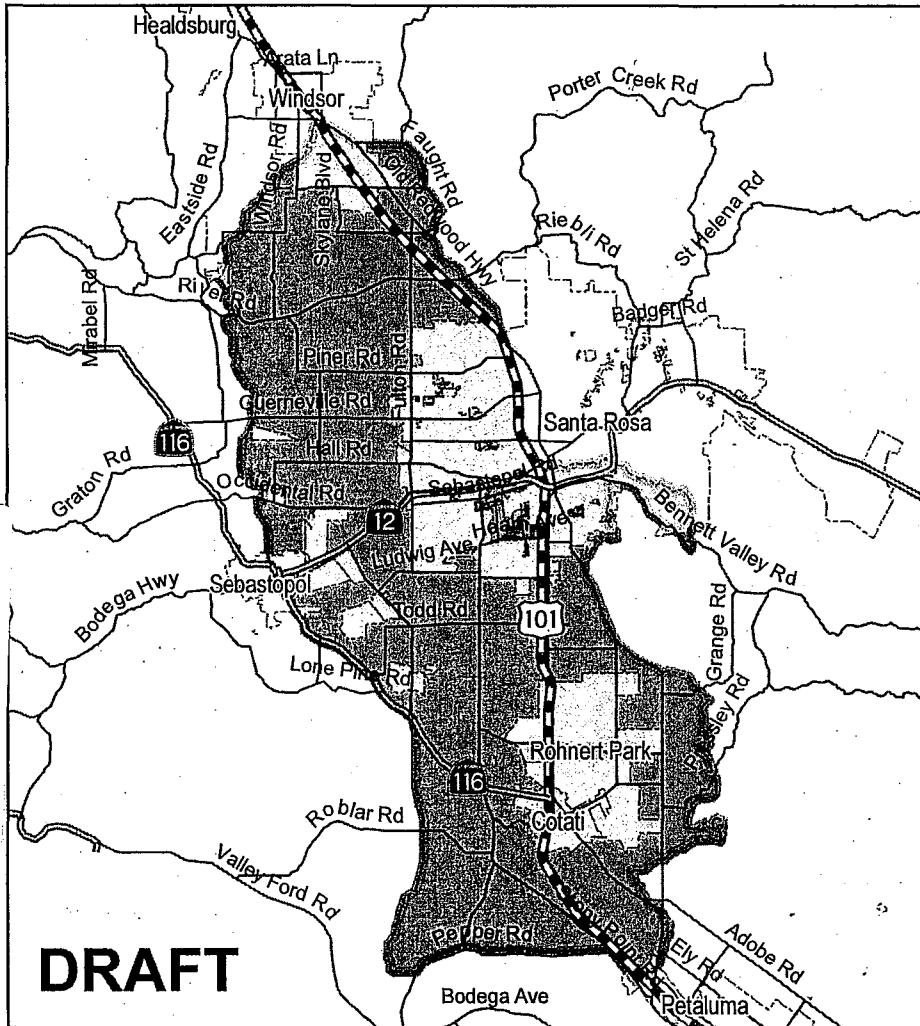





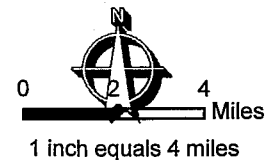


EXHIBIT A - 1

**DRAFT**

**Legend**

-  Potential Range of California Tiger Salamander
-  U. S. Fish & Wildlife Service Calif. Tiger Salamander Critical Habitat Aug. 2011
-  Santa Rosa Plain Conservation Strategy Study Area
-  City Boundaries
-  Highways



FILE: ZCE 11-0018 (8)  
 AP #: Various  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103





**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 AND 26C-9 OF THE SONOMA COUNTY CODE, TO CORRECT TECHNICAL ERRORS CONTAINED IN THE OFFICIAL ZONING DATABASE.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**SECTION I. Amendments:** The Official Zoning Database (OZD) of the County, adopted by reference by Sections 26-02-110 and 26C-9 of the Sonoma County Code, is amended by reclassifying certain real property from the existing zoning designations to the zoning designations set forth in Exhibit "A," attached hereto and incorporated herein by this reference. The Board hereby finds these changes to be consistent with the Sonoma County General Plan, Local Coastal Plan, and Airport Industrial Area Specific Plan. The Director of the Permit and Resource Management Department is directed to reflect these amendments to the OZD as shown in Exhibit "A" (ZCE11-0018).

**SECTION II. CEQA Compliance:** The Official Zoning Database contains known errors that occurred during the transition from the previously adopted Zoning Maps to the current digital Zoning Database. This project will correct those errors and restore the subject parcels to the correct zoning. The project is exempt from the California Environmental Quality Act under Section 15061(b)(3), as it can be seen with certainty that the project will not have a significant effect on the environment.

**SECTION III. Severability:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid; such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION IV. Effective Date for Non-Coastal Areas:** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of the fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California. Pursuant to Government Code Section 25124, a complete copy of Exhibit "A" to this ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the Office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California.

**SECTION V. Effective Date for Coastal Areas:** This ordinance shall be and the same is hereby declared to be in full force and effect from and after 30 days after the date of its passage and upon its acceptance by the California Coastal Commission and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California. Pursuant to Government Code Section 25124, a complete copy of Exhibit "A" to this ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the Office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 23rd day of October 2012, on regular roll call of the members of said Board by the following vote:

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

SUPERVISORS VOTE:

Brown:            Rabbitt:            McGuire:            Carrillo:            Zane:

Ayes:            Noes:            Absent:            Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED

---

Chair, Board of Supervisors  
County of Sonoma

ATTEST:

---

Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Exhibit A (Ordinance)

## Zone Changes

### Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
017-090-010	LEA B6 60 Z, SR VOH	LEA B6 60 Z, SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-001	LEA B6 60, SR	LEA B6 60, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-012	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-017	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-018	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
026-010-066	CS CC, HD SR	CS CC, HD SR, 17 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
026-070-016	DA CC B6 40/160, LEA B6 160, BR SR	DA CC B6 40/160, LEA B6 160 Z, BR SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
028-070-015	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-021-002	M3, VOH	M3, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-034-027	M1, SR VOH	M1, SR VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-151-043	DA B7, SR	DA B6 10, SR	1a-Error in Manual Entry of Zoning Data
045-151-044	DA B7, SR	DA B6 10, SR	1a-Error in Manual Entry of Zoning Data
045-172-037	DA B7, SR VOH	DA B6 10, SR VOH	1a-Error in Manual Entry of Zoning Data
045-222-020	DA B6 10/2 (Ac/DU)/Ac MIN, VOH	DA B6 10/2 (Ac/DU)/Ac MIN, VOH, 18 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-032	RR B6 5 Z, SD	RR B6 5 Z, SD, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-033	RR B6 5 Z, SD SR	RR B6 5 Z, SD SR, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-240-028	RRD B6 20, SR	RRD B6 20, SR, 20 BB [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-080-001	PF B7, BR SR	PF B7, BR SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-090-001	PF B7, BR F2 HD SR VOH	PF B7, BR F2 HD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-008	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-011	PF, SR	PF, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-012	DA B6 40, RRD B7, SR	DA B6 40, RRD B7, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-005	PF B7, BR F2 SD SR VOH	PF B7, BR F2 SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-007	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-010	PF B7, SD SR VOH	PF B7, SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-011	PF B7, BR F2 SD SR	PF B7, BR F2 SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-012	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning

EXHIBIT B - 1







APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
068-100-054	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-055	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-056	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-057	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-058	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-059	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-060	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-061	ROAD, SR	ROAD, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-044	K	K, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-049	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-050	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
073-100-090	RRD B6 40	RRD B6 40, SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
073-100-091	RRD B6 40	RRD B6 40, SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
073-100-092	RRD B6 40	RRD B6 40, SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
074-090-028	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-030	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-031	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-100-058	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-110-003	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-120-001	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-140-044	RR B6 10, SR	RR B6 10, HD SR	1c
075-300-005	RR B6 2	RR B6 2, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-150-028	PC 26, RR 73, SR	PC 26, RR 73, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-001	RR B6 20, G SR VOH	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-002	RR B6 20, G SR VOH	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-001	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-002	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-003	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-004	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-005	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-006	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-007	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-008	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-071	AS B7, RR B7	AS B7, RR B7, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-072	AS B7, RR B7, SR	AS B7, RR B7, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-090-013	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-054	AR B6 6, AS	AR B6 6, AS, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-055	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-056	AR B6 6	AR B6 6, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
086-210-002	RRD B7, G SR	RRD B7, G SR, Remove 12 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-012	LEA B7 Z, F1 SR	LEA B7 Z, F1 SR, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-014	RR B6 3	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-015	RR B6 3	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-016	RR B6 3	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-017	LEA B7 Z, F1	LEA B7 Z, F1, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
116-190-043	LIA B6 20, F2 VOH	LIA B6 20, F2 VOH, Remove 11 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-005	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-006	K	K, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-011	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-030	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-031	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-032	RR B6 20, RRD B6 100	RR B6 20, RRD B6 100, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-045	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-085	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-086	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-210-030	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-011-045	RRD B7, SR	RRD B7, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-022-085	RRD B6 100, SR	RRD B6 100, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-422-070	DA B6 10, F1 VOH	DA B6 10, VOH	1b-Zoning Error Due to Inaccuracy of Digital Technology
128-422-071	DA B6 10, F1 VOH	DA B6 10, VOH	1b-Zoning Error Due to Inaccuracy of Digital Technology



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
128-461-015	K, SR VOH	K, SR VOH, 20 DD [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-033	DA B6 10, VOH	DA B6 10, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-034	DA B6 10, LC, VOH	DA B6 10, LC, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-024	PF, BR	PF, BR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-025	PF, BR F2	PF, BR F2, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-026	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-027	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-028	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-029	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-030	PF, BR	PF, BR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-035	ROAD, VOH	ROAD, VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-049	LEA B6 100 Z, BR F2 SR	LEA B6 100 Z, BR F2 SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-070-021	LC, SR	LC, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-070-022	AR B6 10, SR	AR B6 10, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-152-008	M1, AH	M1, AH, 17 M [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-003	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-004	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-005	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-006	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-007	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-015	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-017	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-018	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-019	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-020	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-021	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-022	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-023	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-012	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-013	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-016	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-017	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-018	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning









APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
130-450-034	RR B6 2, F2	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
131-180-009	C1 Z, SD SR VOH	C1 Z, SD SR VOH, 13 C [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-063	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-064	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-065	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-030-017	RRD B6 100, SR	RRD B6 100, SR, 20 N [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-040-002	DA B6 40, SR	DA B6 40, SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-050-052	LIA B6 40, HD SR	LIA B6 40, HD SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-132-059	RR B8, VOH	RR B8, VOH, 16 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-044	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-047	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-048	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-049	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-050	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-064	RR B6 10, VOH	RR B6 10, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-150-014	LEA B7, SR	LEA B7, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-007	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-015	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-016	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-018	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-001	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-001	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-003	RRD B6 40 Z, SR	RRD B6 40 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-010	RRD B6 100, BR SR	RRD B6 100, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-016	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-039	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-043	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-050	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-005	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-006	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning





## Base Zoning Districts

AR	Agriculture and Residential
AS	Agricultural Services
C1	Neighborhood Commercial
C2	Retail Business
CS	Rural Services
DA	Diverse Agriculture
K	Recreation and Visitor Serving Commercial
LC	Limited Commercial
LEA	Land Extensive Agriculture
M1	Limited Urban Industrial
M3	Limited Rural Industrial
PC	Planned Community
PF	Public Facilities
R3	High Density Residential
RR	Rural Residential
RRD	Resources and Rural Development

## Combining Zones

AH	Affordable Housing
BR	Biotic Resource
CC	Coastal Zone
F1	Floodway
F2	Floodplain
G	Geologic Hazard
HD	Historic
MR	Mineral Resource
SD	Scenic Design
SR	Scenic Resources
VOH	Valley Oak Habitat
Z	Second Unit Exclusion

## **General Plan Planning Area Policies (PAP) Proposed to Add as Zoning LU Policies**

**Policy LU-12c:** Policy No. 7 from Attachment A of the Lower River Plan shall remain unaffected by the adoption of this plan. The propriety of retaining such policy that allows a potential for additional residential density shall be considered at such time as the County reviews and updates the Lower River Plan in accordance with Policy LU-1a.

**Policy LU-13c:** Additional development in the "Limited Commercial" category for the Alexander Valley Store, Dry Creek Store, and Jimtown Store shall not include lodgings or restaurants and shall not adversely affect adjacent agricultural or resource uses.

**Policy LU-13d:** Rosso & Bianco, Paulsen, Geyser Peak, and Asti wineries are designated as "Recreation and Visitor Serving Commercial" to allow existing or proposed wineries and associated restaurants or lodging facilities. Any uses on these sites must support the sale and production of Sonoma County agricultural products and not adversely effect adjacent agricultural or resource areas.

**Policy LU-15i:** The "Limited Commercial" designation of certain parcels along Highway 116 between Guerneville Road and Ross Station Road (APNs 84-060-05; 84-090-13; -27; 84-100-51, -52, -53, and -55) is intended for agriculturally related commercial uses only. The land use designation for APN 84-100-51 is a combination of "Limited Commercial" and "Rural Residential". Notwithstanding the density shown on the Land Use Maps, this parcel may be subdivided to separate the commercial and residential areas. APN 130-070-21 is developed with a deli/pie business to be considered legal and conforming to zoning, any new uses must be agriculturally related.

**Policy LU-15s:** Notwithstanding General Plan Section 2.2 (Residential Use Policy) which requires new urban land use densities be located in Urban Service Areas, residential land use on APN 082-042-039, at 8020 Mirabel Road, may be increased to eight units per acre with a 35% density bonus and developed to a maximum of eight units, provided that 30% of the units are affordable to low income households.

**Policy LU-15t:** With the exception of a 5+/-acre portion of APN 084-031-072 (Lot 2 of the Crinella Tentative Map in file PLP06-0076) further described below, APNs 084-031-071 and -072 are designated Urban Residential, 1 acre density land use and zoned RR (Rural Residential) B7 in ~~Land Use Element Footnote:~~  
~~\*Mitigating Policy Page LU-74~~  
order to allow for a maximum development of 11 lots on 62 acres with the remaining potential density (up to 51 units) transferred to the adjacent properties (APNs 083-080-001 and 084-031-069 & 070) exhausting the density on APNs 084-031-071 & -072 when the subdivision map records. Lot 2 of the Crinella Tentative map in file PLP06-0076 has a Limited Commercial land use designation and is zoned AS (Agriculture Services) B7. Land uses on Lot 2 of the tentative map shall be limited to agricultural production and processing, and residential uses consistent with the underlying zoning district.

**Policy LU-16h:** Designate the Brooks-Ward area "Limited Industrial" to recognize the eventual urban development allowed in the South Santa Rosa Area Plan. Use zoning to prevent further subdivision and urban development until the conditions established in Section 5.36 of that plan for this development have been met. Retain the land use designation "Light Industry/Planned Residential" in the plan but amend it to authorize interim uses consistent with the new zoning, such as single family dwellings on existing lots, provided water, septic and other standard conditions are met.

**Policy LU-16p:** Redevelopment and/or intensification of existing uses in the Santa Rosa Urban Service Area south of Todd Road is not desirable without the extension of sewer service. Development applications prior to annexation should be limited to uses that can be served by septic systems.

**Policy LU-16q:** The Franz Valley Area Plan Land Use Map designates the Mountain Home Resort area as Rural Residential and Recreation in order to recognize the existing recreational/commercial uses. Notwithstanding the General Plan and zoning designations, expansion of these uses may be approved, provided that the road limitations of the Franz Valley Area Plan are first considered.

**Policy LU-16r:** The Franz Valley Area Plan Land Use Map designates the Marine Cooks and Stewards facility property (APN 28-070-15, 120-210-30) as Institutional in order to recognize the existing use. Notwithstanding the General Plan and zoning designations, expansion of the use may be approved, provided that the load limitations of the Franz Valley Area Plan area are first considered.

**Policy LU-16s:** All uses on the 13 acre PQP parcel (059-350-094) shall require a use permit. Future property owners should be aware that the parcel is adjacent to the railroad right-of-way. Increased use of the railroad is anticipated on 13 acres as shown in the attached tentative map.

**Policy LU-16t:** The General Commercial designation is applied to properties at/near the intersection of Middle Rincon Road and Highway 12 (APN 183-300-023; 182-540-021, 022, 023, 024, 025, 026, 027, and 028). The intent of this policy is to recognize existing commercial businesses (APN 183-300-023; 182-540-024, and 028), but preclude further commercial development until annexation to the City of Santa Rosa. One single family dwelling is permitted on legally separate, undeveloped parcels.

**Policy LU-16u:** Use of the Recreation and Visitor Serving Commercial area on the Shiloh Meadows/Mayacama property (APN 067-340-041) shall be limited to 50 accommodation units and necessary and appropriately sized ancillary structures and facilities, which shall be owned and operated in a manner that is secondary to operation of the golf course on site.

**Policy LU-16v:** Notwithstanding the provisions of Policy PF-1f of the Public Facilities and Services Element, the Mayacama Development (formerly known as Shiloh Meadows) may be served by a privately owned and operated sewage treatment facility serving only parcel numbers 079-150-028, 067-260-030, 031, and all parcels in Book 67, page 340 subject to approval of a Land Use Element Footnote: \*Mitigating Policy Page LU-79 private utility by the PUC. Prior to public operation of the treatment plant ceasing, the applicant and property owners shall enter into a separate recorded contractual agreement with the County of Sonoma detailing the operation and maintenance responsibilities for the sewage treatment plant. Said agreement may be modified in the future to reflect changes in waste discharge requirements or other circumstances. All such changes shall be recorded.

**Policy LU-17l:** All new commercial uses on parcel 026-010-066 shall require a use permit or use permit waiver to insure compatibility with the surrounding community.

**Policy LU-17m:** Notwithstanding Policy LU-17e and the Limited Industrial designation of APN 130-152-008, a school or similar use may be considered consistent with the land use designation, as a transition between the industrial uses west of Bowen Street, and the residential uses to the east. Uses that can be accommodated primarily by the existing building, do not adversely impact water resources and service levels, and are compatible with both the industrial and the residential uses, may be found consistent.

**Policy LU-18h:** Permit the extraction of groundwater from an existing well, subject to conditions of UP 94-347 for the purpose of allowing the extraction of groundwater and its transportation to an offsite bottling facility (APN 045-222-020).

**Policy LU-19e:** Limit uses at Infineon Raceway (on APN 068-150-049, -050, and -056; 068-190-030; 068-100-024) to racing and related vehicle uses, and limited ancillary uses provided that a use permit is approved. Racing and vehicle uses means the storage, repair, fabrication, maintenance and modification of vehicles. "Fabrication" does not include assembly-line or mass production of vehicles. Ancillary uses are to be limited to timing and scoring facilities, media facilities, emergency medical facilities, concession stands and a novelty shop. Permanent lodging facilities, general commercial, industrial and manufacturing uses are not

permitted. Notwithstanding the Land Extensive Agriculture and Diverse Agriculture land use designations and uses prescribed by the Land Extensive and Diverse Agriculture zoning districts to the west of the Infineon Raceway facility, certain temporary and/or ancillary raceway uses are permitted on these lands. As depicted on the Sears Point Master Plan, approved April 25, 2000, temporary uses are limited to event parking on APN 068-100-057 through -059, event related trailer parking on APN 068-100-042 through -050, 057, and -061, and will call trailer and related vehicle parking on APN 068-100-055. Ancillary uses are limited to a wetland mitigation area on APN 068-100-057 and -059. Roadway access shall be provided to/from Lakeville Highway to/from the main Infineon Raceway facility as depicted on the Sears Point Master Plan. All temporary and/or ancillary uses will be governed by the conditions of the Use Permit for Infineon Raceway. The above indicated Lakeville Properties, APN's 68-100-037 through -061 and the Cougar Mountain parcel, APN 68-150-056, may also be used for an annual bicycle and running event as approved by a Use Permit.

**Policy LU-19h:** Development within the watershed above the City of Petaluma water delivery system designated in the Sonoma Mountain Area Plan is subject to the following policies:

- (1) Review all development proposals in the vicinity with regard to their beneficial and adverse impacts,
- (2) Encourage greater public awareness relative to wildlife and wildlife management programs,
- (3) Encourage the use of natural areas for educational purposes, and
- (4) Enforce County Ordinance 1108, which provides criteria for stream maintenance and construction encroachments.

**Policy LU-20n:** Development on APNs 133-010-36, -40, -41, -42, -43; 133-030-011, 130-020-018, 028 and 133-030-016, 017 may be clustered below the 600 foot elevation contour in exchange for the dedication of open space easements in perpetuity on that portion of the properties above 600 feet. Additional density may be allowed, at the discretion of the Board, if the owners of the properties subject to this policy offer fee title park or permanent open space dedications to the County for that portion of their property over 600 feet in elevation. In the event of a dedication in fee, the overall density on any such parcel shall not exceed one unit per 20 acres. This policy shall apply to that area with respect to the 1200 foot contour on APNs 133-010-63, 64, 65, 054-100-08 and the 1400 foot contour on APN 54-100-10.

**Policy LU-20bb:** The "Resources and Rural Development" designation is applied to the property identified as "The Kenwood Inn" (APN 050-240-028). This designation is not intended to permit any other visitor serving commercial (or other non-resource) use of this property.

**Policy LU-20cc:** The "Urban Residential 20 units/acre" designation is applied to the Chauvet Hotel property only to accommodate a proposal to renovate the former hotel building into a six unit residential project approved in 1997. It is the intent of the Board of Supervisors that, if the Chauvet hotel building were to be removed, the property be returned to the Limited Commercial designation consistent with the balance of downtown Glen Ellen (APN 054-460-001 to 006).

**Policy LU-20dd:** The "Recreation and Visitor Serving Commercial" designation is applied to the property identified as the Vineyard Inn property (APN 128-461-015). A use permit and/or design review application (as stipulated by the Development Code) is required in order to render existing non conforming uses conforming, for any new development, or change/ replacement/ intensification of an existing lawful use. The required application must be:

- (1) Consistent with the General Plan,
- (2) Consistent with sewage disposal regulations of Sonoma County, and
- (3) Consistent with the Basin Plan established by the San Francisco Bay Water Quality Control Board.

**Policy LU-20ee:** Notwithstanding the density shown on the Land Use Map, the existing historic Carriger residence of approximately 1200 square feet may be relocated from APN 133-040-002 to APN 133-050-052, provided it is limited to residential use only, and is restored to structurally sound and habitable condition in accordance with all applicable State and County codes, and subject to review and approval of restoration plans by the Landmarks Commission.



County of Sonoma  
Santa Rosa, California

July 12, 2012  
ZCE11-0018 Lisa Posternak

**RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE PROPOSED GENERAL PLAN AMENDMENTS, AREA AND SPECIFIC PLAN AMENDMENTS, AND ZONE CHANGES TO CORRECT VARIOUS TECHNICAL ERRORS IN THE GENERAL PLAN LAND USE AND OPEN SPACE MAPS, AREA AND SPECIFIC PLAN LAND USE MAPS, AND OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA.**

WHEREAS, on July 12, 2007 the Board of Supervisors adopted the Official Zoning Database, an electronic database containing zoning information for the unincorporated county, which superceded old paper Zoning Maps; and

WHEREAS, various unintended zone changes occurred during the transition from the old paper Zoning Maps to the Official Zoning Database; and

WHEREAS, the Permit and Resource Management Department has identified historical inconsistencies between zoning and General Plan, Area Plan, or Specific Plan land use designation on certain parcels; and

WHEREAS, the Permit and Resource Management Department proposes to correct the technical errors and reconcile zoning and General Plan, Area Plan, or Specific Plan land use designation discrepancies; and

WHEREAS, on on June 8, 2010 the Board of Supervisors adopted the first set of technical corrections to the Official Zoning Database, some of which required concurrent General Plan Amendments (Technical Corrections Round 1); and

WHEREAS, on May 10, 2011 the Board of Supervisors adopted the second set of technical corrections to the Official Zoning Database, some of which required concurrent General Plan Amendments (Technical Corrections Round 2); and

WHEREAS, this project is the third set of technical corrections to the Official Zoning Database, some of which require concurrent General Plan, Area Plan, or Specific Plan Amendments (Technical Corrections Round 3); and

WHEREAS, the project includes requested Zone Changes Not Involving General Plan Land Use Policy as shown in attached Exhibit C; Zone Changes Involving General Plan Land Use Policy as shown in attached Exhibit D; Zone Changes & General Plan Amendments as shown in attached Exhibit E; Zone Changes, General Plan Amendments, & Area/Specific Plan Amendments as shown in attached Exhibit F; General Plan Amendments Only as shown in attached Exhibit G; and Area/Specific Plan Amendments Only as shown in attached Exhibit H; and

WHEREAS, one of the General Plan Amendments amends the General Plan text by amending Table NE-2 of the Noise Element to show correct time periods for Hourly Noise Metrics; and

WHEREAS one of the General Plan Amendments adds a definition for Transportation Noise to the General Plan Glossary; and

WHEREAS, the Permit Resource and Management Department determined that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on July 12, 2012, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings:

1. The Official Zoning Database contains known errors that occurred during the transition from the previously adopted Zoning Maps to the current digital Zoning Database. This project will correct those errors and restore the subject parcels to the correct zoning.
2. The project will ensure the Official Zoning Database provides accurate and accessible information.
3. The project is consistent and/or will ensure consistency with the General Plan and applicable Area or Specific Plans.
4. The project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3), as it can be seen with certainty that the project will have no significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the project to be exempt from CEQA and approve the requested Zone Changes Not Involving General Plan Land Use Policy as shown in attached Exhibit C; Zone Changes Involving General Plan Land Use Policy as shown in attached Exhibit D; Zone Changes & General Plan Amendments as shown in attached Exhibit E; Zone Changes, General Plan Amendments, & Area/Specific Plan Amendments as shown in attached Exhibit F; General Plan Amendments Only as shown in attached Exhibit G; and Area/Specific Plan Amendments Only as shown in attached Exhibit H.

BE IT FURTHER RESOLVED that one of the General Plan Amendments amends the General Plan text by amending Table NE-2 of the Noise Element as follows:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures for Non-Transportation Noise Sources.

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 4 minutes 48 seconds in any hour)	60	55
L02 (1 minute 72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

BE IT FURTHER RESOLVED that one of the General Plan Amendments adds the following definition to the General Plan Glossary: "Transportation Noise: Sound due to traffic on public roadways, waterways, railroads, and airports."; and

BE IT FURTHER RESOLVED that one of the technical corrections revises Board of Supervisors Resolution No. 11-0623 dated November 15, 2011 to reflect the correct amendment to the Sonoma Mountain Area Plan Land Use Map for the subject parcels from RRD 40/3 (Resources and Rural Development, 40 acre-density / 3 acre minimum lot size) to RR 2.5 (Rural Residential, 2.5 acre-density); and

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Davis, who moved its adoption, seconded by Commissioner Fogg, and adopted on roll call by the following vote:

Commissioner Fogg	Aye
Commissioner Bennett	Aye
Commissioner Shahhosseini	Aye
Commissioner Liles	Aye
Commissioner Davis	Aye

Ayes: 5      Noes: 0      Absent: 0      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

# Exhibit C

## Zone Changes Not Involving A General Plan Land Use Policy Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
026-070-016	DA CC B6 40/160, LEA B6 160, BR SR	DA CC B6 40/160, LEA B6 160 Z, BR SR	1a-Error in Manual Entry of Zoning Data
073-100-090	RRD B6 40	RRD B6 40, SR	1b-Error Due to Inaccuracy of Digital Technology
073-100-091	RRD B6 40	RRD B6 40, SR	1b-Error Due to Inaccuracy of Digital Technology
073-100-092	RRD B6 40	RRD B6 40, SR	1b-Error Due to Inaccuracy of Digital Technology
074-140-044	RR B6 10, SR	RR B6 10, HD, SR	1b-Error Due to Inaccuracy of Digital Technology
128-422-070	DA B6 10, F1 VOH	DA B6 10, VOH	1a-Error in Manual Entry of Zoning Data
128-422-071	DA B6 10, F1 VOH	DA B6 10, VOH	1a-Error in Manual Entry of Zoning Data

### Base Zoning District

DA Diverse Agriculture  
 RR Rural Residential  
 RRD Resources and Rural Development  
 VOH Valley Oak Habitat

### Combining Zones

HD Historic  
 F1 Floodway  
 LEA Land Extensive Agriculture  
 SR Scenic Resource



# Exhibit D

## Zone Changes Involving General Plan Land Use Policy Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
017-090-010	LEA B6 60 Z, SR VOH	LEA B6 60 Z, SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-001	LEA B6 60, SR	LEA B6 60, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-012	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-017	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-018	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
026-010-066	CS CC, HD SR	CS CC, HD SR, 17 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
028-070-015	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-021-002	M3, VOH	M3, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-034-027	M1, SR VOH	M1, SR VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-222-020	DA B6 10/2 (Ac/DU)/Ac MIN, VOH	DA B6 10/2 (Ac/DU)/Ac MIN, VOH, 18 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-032	RR B6 5 Z, SD, 18 Y [Applies to Entire Parcel]	RR B6 5 Z, SD, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-033	RR B6 5 Z, SD SR, 18 Y [Applies to Entire Parcel]	RR B6 5 Z, SD SR, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-240-028	RRD B6 20, SR	RRD B6 20, SR, 20 BB [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-080-001	PF B7, BR SR	PF B7, BR SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-090-001	PF B7, BR F2 HD SR VOH	PF B7, BR F2 HD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-008	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-011	PF, SR	PF, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-012	DA B6 40, RRD B7, SR	DA B6 40, RRD B7, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-005	PF B7, BR F2 SD SR VOH	PF B7, BR F2 SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-007	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-010	PF B7, SD SR VOH	PF B7, SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-011	PF B7, BR F2 SD SR	PF B7, BR F2 SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
054-150-012	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-013	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-001	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-002	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-003	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-004	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-005	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-006	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
059-350-094	PF, VOH	PF, VOH, 16 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
061-100-075	DA B7, BR F2 SR VOH, 15 N [Applies to Entire Parcel]	DA B7, BR F2 SR VOH, Remove 15 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-260-029	PF, SR	PF, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-260-030	PF	PF, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-260-031	RR B6 31 DU MAX, SR	RR B6 31 DU MAX, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-001	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-002	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-003	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-004	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-005	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-006	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-007	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-008	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-010	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-011	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-012	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-013	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-014	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-015	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning





APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
068-100-041	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-042	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-043	LEA B7, SR	LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-044	LEA B7, SR	LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-045	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-046	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-047	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-048	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-049	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-050	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-051	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-052	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-053	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-054	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-055	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-056	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-057	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-058	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-059	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-060	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-061	ROAD, SR	ROAD, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-044	K	K, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-049	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-050	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-028	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-030	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-031	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning





APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
074-100-058	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-110-003	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-120-001	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
075-300-005	RR B6 2	RR B6 2, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-150-028	PC 26, RR 73, SR	PC 26, RR 73, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-001	RR B6 20, G SR VOH, 14 E [Applies to Entire Parcel]	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-002	RR B6 20, G SR VOH, 14 E [Applies to Entire Parcel]	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-001	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-002	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-003	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-004	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-005	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-006	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-007	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-008	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-071	AS B7, RR B7	AS B7, RR B7, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-072	AS B7, RR B7, SR	AS B7, RR B7, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-090-013	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-054	AR B6 6, AS	AR B6 6, AS, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-055	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-056	AR B6 6	AR B6 6, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
086-210-002	RRD B7, G SR, 12 N [Applies to Entire Parcel]	RRD B7, G SR, Remove 12 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-012	LEA B7 Z, F1 SR, 17 J [Applies to Entire Parcel]	LEA B7 Z, F1 SR, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-014	RR B6 3, 17 J [Applies to Entire Parcel]	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-015	RR B6 3, 17 J [Applies to Entire Parcel]	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-016	RR B6 3, 17 J [Applies to Entire Parcel]	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-017	LEA B7 Z, F1, 17 J [Applies to Entire Parcel]	LEA B7 Z, F1, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
116-190-043	LIA B6 20, F2 VOH, 11 P [Applies to Entire Parcel]	LIA B6 20, F2 VOH, Remove 11 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-005	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-006	K	K, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-011	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-030	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-031	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-032	RR B6 20, RRD B6 100	RR B6 20, RRD B6 100, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-045	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-085	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-086	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-210-030	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-011-045	RRD B7, SR, 18 Z [Applies to Entire Parcel]	RRD B7, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-022-085	RRD B6 100, SR, 18 Z [Applies to Entire Parcel]	RRD B6 100, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-461-015	K, SR VOH	K, SR VOH, 20 DD [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-033	DA B6 10, VOH, 18 U [Applies to Entire Parcel]	DA B6 10, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-034	DA B6 10, LC, VOH, 18 U [Applies to Entire Parcel]	DA B6 10, LC, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-024	PF, BR	PF, BR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-025	PF, BR F2	PF, BR F2, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-026	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-027	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-028	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning









APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
130-450-005	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-014	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-024	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-025	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-026	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-029	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-030	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-031	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-032	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-033	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-034	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
131-180-009	C1 Z, SD SR VOH	C1 Z, SD SR VOH, 13 C [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-063	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-064	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-065	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-030-017	RRD B6 100, SR	RRD B6 100, SR, 20 N [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-040-002	DA B6 40, SR	DA B6 40, SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-050-052	LIA B6 40, HD SR	LIA B6 40, HD SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-132-059	RR B8, VOH	RR B8, VOH, 16 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-044	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-047	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-048	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-049	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-050	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-064	RR B6 10, VOH	RR B6 10, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-150-014	LEA B7, SR	LEA B7, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-007	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
136-160-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-015	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-016	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-018	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-001	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR, 19 H [Applies to Portion of P	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-001	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-003	RRD B6 40 Z, SR	RRD B6 40 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-010	RRD B6 100, BR SR	RRD B6 100, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-016	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-039	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-043	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-050	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-005	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-006	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-010	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-013	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-014	DA B6 40, SR	DA B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-018	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-020	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-022	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-023	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-024	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-025	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-028	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-033	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
136-210-034	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-037	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-041	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-042	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-043	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-046	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-220-018	LEA B6 80 Z, G SR	LEA B6 80 Z, G SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-010	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-013	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-015	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-022	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-038	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-450-005	RRD B6 100, SR	RRD B6 100, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
140-070-024	RRD B6 40, SR VOH, 11 O [Applies to Entire Parcel]	RRD B6 40, SR VOH, Remove 11 O [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-021	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-022	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-023	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-024	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-025	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-026	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-027	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-028	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning





**Base Zoning District**

- AR Agriculture and Residential
- AS Agricultural Services
- C1 Neighborhood Commercial
- C2 Retail Business
- DA Diverse Agriculture
- K Recreation and Visitor Serving Commercial
- LC Limited Commercial
- LIA Land Intensive Agriculture
- LEA Land Extensive Agriculture
- M1 Limited Urban Industrial
- M3 Limited Rural Industrial
- PC Planned Community
- PF Public Facilities
- R3 High Density Residential
- RR Rural Residential
- RRD Resources and Rural Development

**Combining Zones**

- AH Affordable Housing
- BR Biotic Resource
- CC Coastal Zone
- F1 Floodway
- F2 Floodplain
- G Geologic Hazard
- HD Historic
- MR Mineral Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- Z Second Unit Exclusion

**Land Use Designation**

- DA Diverse Agriculture
- GC General Commercial
- GI General Industrial
- LC Limited Commercial
- LEA Land Extensive Agriculture
- LI Limited Industrial
- LIA Land Intensive Agriculture
- PQP Public/Quasi Public
- RR Rural Residential
- RRD Resources and Rural Development
- RVSC Recreation and Visitor Serving Commercial
- UR Urban Residential

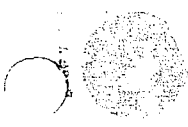
# Exhibit E

## Zone Changes and General Plan Amendments

### Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	ERROR CATEGORY
070-360-039	LIA B6 40 Z, F1 F2 SR VOH	PF, BR F1 F2 SR VOH	LIA 40	PQP	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
070-360-041	PF, BR F1 F2 SR VOH	LIA B6 40 Z, F1 F2 SR VOH	PQP	LIA 40	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
094-130-010	PF, BR F1 F2 SR	RR B6 1 Z	PQP	RR 20	3a-Error in General Plan Public Facility Land Use Designation and Zoning
094-130-012	PF, BR F1 F2 SR	RR B6 1 Z	PQP	RR 20	3a-Error in General Plan Public Facility Land Use Designation and Zoning
130-130-022	C1, RR B6 2 DU	RR B6 2 DU, NONE	UR 2, LC	UR 2	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
130-130-023	C1, RR B6 2 DU	C1, NONE	UR 2, LC	LC	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
130-130-024	C1, RR B6 2 DU	C1, NONE	UR 2, LC	LC	3b-Error in Implementation of Lot Line Adj. Conditions of Approval





**Base Zoning District**

- C1 Neighborhood Commercial
- LIA Land Intensive Agriculture
- PF Public Facilities
- RR Rural Residential

**Combining Zones**

- BR Biotic Resource
- F1 Floodway
- F2 Floodplain
- SR Scenic Resource
- VOH Valley Oak Habitat

**Land Use Designation**

- LC Limited Commercial
- LIA Land Intensive Agriculture
- PQP Public/Quasi Public
- UR Urban Residential

# Exhibit F

## Zone Changes, General Plan Amendments, and Area/Specific Plan Amendments Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	EXISTING AIRPORT INDUSTRIAL AREA SPECIFIC PLAN LAND USE DESIGNATION	PROPOSED AIRPORT INDUSTRIAL AREA SPECIFIC PLAN LAND USE DESIGNATION	ERROR CATEGORY
059-271-001	M2 40000 SQ FT AVG, F1 F2 VOH	PF, F1 F2 VOH	GI	PQP	AGRI & OPEN SPACE, HEAVY INDUSTRIAL	PUBLIC FACILITIES	4a-Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning
059-271-002	M2 40000 SF, PF, F1 F2 VOH	PF, F1 F2 VOH	PQP, GI	PQP	AGRI & OPEN SPACE, HEAVY INDUSTRIAL	PUBLIC FACILITIES	4a-Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning
059-271-003	M2 40000 SF, PF, F1 F2 VOH	PF, F1 F2 VOH	PQP, GI	PQP	HEAVY INDUSTRIAL	PUBLIC FACILITIES	4a-Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning

### Base Zoning District

M2 Heavy Industrial  
PF Public Facilities

### Combining Zones

F1 Floodway  
F2 Floodplain

### Land Use Designation

GI General Industrial  
PQP Public/Quasi Public



# Exhibit G

## General Plan Amendments Only

### Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN MAP AMENDMENT	PROPOSED GENERAL PLAN TEXT AMENDMENT	ERROR CATEGORY
039-320-051	LC	LC, UR 11	N/A	N/A	5a-Error on General Plan Land Use Map
125-131-065	UR 15	UR 10	N/A	N/A	5a-Error on General Plan Land Use Map
134-192-015	RR 10	RR 10, 16 P [Applies to Entire Parcel]	Add Policy Point to Land Use Map	N/A	5a-Error on General Plan Land Use Map
N/A	N/A	N/A	N/A	Add definition of "Transportation Noise" to Glossary; amend Table NE-2 of Noise Element	5c-Error in General Plan Text
Various	N/A	N/A	Replace Potential Range of California Tiger Salamander with U. S. Fish and Wildlife Service Santa Rosa Plain Conservation Strategy Study Area Boundary to	N/A	5b-Update to General Plan Open Space Map
Various	N/A	N/A	Add boundary of U. S. Fish & Wildlife Service Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander to Open Space		5b-Update to General Plan Open Space Map

**Land Use Designation**

- LC Limited Commercial
- RR Rural Residential
- UR Urban Residential



# Exhibit H

## Area/Specific Plan Amendment

### Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	EXISTING SONOMA MOUNTAIN AREA PLAN LAND USE DESIGNATION	PROPOSED SONOMA MOUNTAIN AREA PLAN LAND USE DESIGNATION	ERROR CATEGORY
136-260-020	RR B6 2.5, SR	No Change	RR2.5	No Change	RRD 40	RR 2.5	6a-Error in Area Plan Land Use Amendment Resolution

**Base Zoning District, Land Use Designation, Sonoma Mountain Area Plan Land Use Designation**

- RR Rural Residential
- RRD Resources and Rural Development

**Combining Zone**

- SR Scenic Resource





Sonoma County Combined Planning Commission  
and Board of Zoning Adjustments

**MINUTES**

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

Date: July 12, 2012  
Meeting No: 12-006

**ROLL CALL**

**Commissioners**

Dick Fogg  
Don Bennett  
Komron Shahhosseini  
Jason Liles, Chair  
Pam Davis

**Staff Members**

Jennifer Barrett  
Amy Lyle  
Lisa Posternak  
Sue Dahl  
David Hurst, Chief Deputy County Counsel

**1:00 PM** Call to order and Pledge of Allegiance

**Minutes Approved** – May 3, 2012 Planning Commission

**Correspondence**

**Board of Supervisors Actions**

**Commissioner Announcements/Disclosures**

**Public Appearances**

**PLANNING COMMISSION REGULAR CALENDAR**

Item No.1 Time: 1:05 p.m. File: ZCE11-0024  
Applicant: Sonoma County PRMD Staff: Amy Lyle  
Env. Doc: Categorical Exemption  
Proposal: Proposed repeal of the P and MHP Combining Districts from Chapter 26 of the Sonoma County Code and corresponding rezoning of real property to remove the combining districts.  
Location: Countywide  
APN: Supervisorial District: All

Amy Lyle summarized the staff report, which is incorporated herein by reference.

**Public Hearing Opened: 1:30**

**Speakers:** Mark Perry owns parcels in downtown Glen Ellen with P zoning. He wants to be able to clean up and develop the property and supports removing the P designation. Mr. Perry added that the zoning is a violation of 5<sup>th</sup> amendment right, and constitutes taking property for public use without compensation.

**Commissioner Fogg** commented that precedent was set for this when the Chauvet Hotel was remodeled and the P zoning was removed.

**Public Hearing closed at 1:05 p.m.**

**Commissioner Fogg** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Davis** and passed with a 5-0 vote.

Action: **Commissioner Fogg** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Davis** and passed with a 5-0 vote  
Appeal Deadline: N/A  
Resolution No.: 12-017

Fogg: Aye                      Bennett: Aye                      Shahhosseini: Aye                      Liles: Aye                      Davis: Aye  
Ayes: 5                      Noes: 0                      Absent: 0                      Abstain: 0

---

Item No. 2 Time: 1:20 p.m.                      File: ZCE11-0008  
Applicant: Sonoma County PRMD                      Staff: Lisa Posternak  
Env. Doc: Categorical Exemption  
Proposal: Technical Corrections to the Official Zoning Database and General Plan and Area/Specific Plan Maps.  
Location: Countywide  
APN:                      Supervisorial District: All  
Zoning:

**Lisa Posternak** summarized the staff report, which is incorporated herein by reference.

**Questions from Commissioners:** **Commissioner Fogg** asked how we can be sure that the public was properly notified. Staff Posternak indicated that these types of changes do not require policy discussion and are only technical corrections. All of the property owners were notified about the hearing and information was put on the website that included addresses, parcel numbers and error categories. Staff Posternak received a couple of emails and about seven phone calls. The hearing notice was also published in the newspaper. Deputy Director Barrett added that the purpose is to clean up General Plan, area plan and zoning errors and all plans need to be consistent. Since PRMD has converted to digital zoning there will be an annual proposal for technical corrections. Manual mapping had many errors that did not align with digital data. Digital data makes it easier to find inconsistencies.

**Public Hearing Opened at 1:50 p.m. Speakers,** **Walter Iberti** received notice and asked for clarification on what was being done on his parcel 130-130-022. Staff Posternak explained that there is a small portion of the lot that is subject to HD zoning, not his entire parcel. Mr. Iberti commented that the neighboring parcel zoned LC has a large residence on it.

**Stephen Easter**, Occidental, received a notice and expressed concern that the HD zoning would cover his entire parcel. Mr. Easter asked to be removed from HD zoning. Staff Posternak showed the maps and explained that the portion of his lot is included that contains HD zoning district and not the house.

**Commissioner Bennett** explained the driveway was always in the HD zone and the purpose of the hearing was that staff is fixing the map.

Action: **Commissioner Davis** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Fogg** and passed with a 5-0 vote.  
Appeal Deadline: n/a  
Resolution No.: 12-018

Fogg: Aye                      Bennett: Aye                      Shahhosseini: Aye                      Liles: Aye                      Davis: Aye  
Ayes: 5                      Noes: 0                      Absent: 0                      Abstain: 0



---

## BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

---

Item No. 3 Time: 2:00 p.m. File: UPE11-0034  
Applicant: Michael Skaggs Staff: Melinda Grosch  
Env. Doc: Categorical Exemption  
Proposal: Request for a Use Permit for a 20 unit campground allowing up to 200 people to camp at one time. The applicant requests up to 50 special events a year with the maximum sized event having 500 in attendance on an 11.35 +/- acre parcel.  
Location: 16100 Neeley Road, Guerneville  
APN: 071-290-030 Supervisorial District: 5  
Zoning: RVSC (Recreation and Visitor Serving Commercial)

**Commissioner Liles** announced that the applicant had requested continuance. **Deputy Director Barrett** added that if someone speaks today they can only speak to the revisions at the next hearing.

**Stephan Passalacqua**, representing applicants, was asked only to speak to issue of continuance. Mr. Passalacqua indicated that the Traci and Michael Skaggs would like to address issues in the report and that is why they are asking for continuance to a time uncertain and asked for a temporary use permit for the camp.

**Commissioner Davis** had no problem with continuing the item, and asked if the special events coming up are permitted. Staff Grosch confirmed that zoning permits had been issued for two events. **Deputy Director Barrett** added that there is a code violation in process on the property, and that we do not have temporary permitting other than through the Use Permit process. She warned the applicants that the project needs to be found to be compatible with the neighborhood as part of the use permit review. Chair Liles then asked how many want to speak today and then called for a staff report.

**Melinda Grosch** summarized the staff report, which is incorporated herein by reference.

**Public Hearing Opened:** 2:30 p.m.

**Speakers: Scott Dibson, Pacifica**, has been camping at the site for 5 years. As far as he knows there is a curfew on noise. Shut off music at 10:00. Applicants help the community and try to make things work. Would be sad if third generation family business could not succeed.

**Tom Lambert, Brisbane**, owns a second home on Mays Canyon Road near the site. He met the applicant and likes him. The major issue is noise and one Halloween there was a rave and the amplified music went on till 2:00 in the morning had to call Sheriff. Mr. Lambers called the Sheriff three times. Mr. Lambert asked for 10:00 p.m. quiet hours.

**Runn Vermel, Oakland** took time off work to come up. He likes Camp Outback and has been going there for years. He suffers from migraines and can't take loud music. Mr. Vermel said that Mike is strict about stopping the music at 10:00 p.m.. The park is always clean and immaculate and helps to support the local economy.

**Mark Crescione, Creekside Resort** resident has been the Skagg's neighbor for years. Mr. Crescione said there used to be lots of noise from the amusement park and the campground use is a big improvement. Neighbors complained about trespassers and littering, but he does not think it is from Camp Outback. There were vacant houses in the area that attracted squatters. The Skaggs have made improvements and Mr. Crescione supports the project, including special events with reasonable hours and volume.

**Sarah McCaleb, Oakland**, has going to Camp Outback for three years, supports the project, and said there is always a 10:00 curfew for sound.

---

**Lew Brown, Guerneville**, lives across the street and has been friends with the applicants for ten years. Mr. Brown has seen it all. It can be loud at times, but nowhere near as loud as jazz or blues festival. Complaints are understandable, and people have been unwilling to work with the Skaggs, who are a good family. Brown supports the campground project.

**Alexander Shapiro, Santa Rosa**, goes to Camp Outback a lot and supports the campground. It is a great resource that helps Guerneville.

**Lynette McLean, Guerneville**, from Highlands Resort owns a campground, and said an operator can only keep one step ahead of guests and try to keep them in line. There are always a few problems. Ms. McLean thought the applicants are trying and said more campgrounds are needed in Guerneville. She supported the project.

**Linda Dettmer, Brisbane**, owns two homes in Guerneville. She said that noise bounces and travels uphill. She supports noise ending at 10:00 p.m. Ms. Dettmer said that the campground could create revenue for Guerneville. Her main concern was about limiting noise exposure.

**Stephan Passalacqua** stated that he would reserve comment until the next hearing, adding that there is clear support for the use permit and special events, but issues still need to be worked out.

**Public Hearing Closed at 3:45**

Action: **Commissioner Davis** moved to continue the item to September 20, 2012 at 1:05 p.m.  
Seconded by **Commissioner Fogg** and passed with a 5-0 vote.

Appeal Deadline: n/a

Resolution No.:

Fogg: Aye	Bennett: Aye	Shahhosseini: Aye	Liles: Aye	Davis: Aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	



# Sonoma County Planning Commission STAFF REPORT

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

**FILE:** ZCE11-0018  
**DATE:** July 12, 2012  
**TIME:** 1:20 p.m.  
**STAFF:** Lisa Posternak

**Board of Supervisors Hearing date to be determined and will be noticed at that time.**

## SUMMARY

**Applicant:** County of Sonoma

**Location:** Various

**Subject:** Technical corrections to the General Plan, Airport Industrial Specific Plan, Sonoma Mountain Area Plan, and Official Zoning Database.

**PROPOSAL:** Various Amendments to the General Plan, Airport Industrial Specific Plan and Sonoma Mountain Area Plan, and Zone Changes to correct technical errors in the General Plan, Airport Industrial Specific Plan, Sonoma Mountain Area Plan, and Official Zoning Database.

**Environmental Determination:** Exempt from CEQA, Section 15061(b)(3) and 15301

**General Plan:** Various

**Ordinance Reference:** Section 26-02-110, Section 26-02-130, Section 26C-9, and Section 26C-11

**Zoning:** Various

**RECOMMENDATION:** Adopt the Resolution recommending the Board of Supervisors approve the proposed General Plan Amendments, Area/Specific Plan Amendments, and Zone Changes.

## ANALYSIS

### Background:

On June 12, 2007 the Board of Supervisors approved Resolution No. 07-0526 and adopted Ordinance Numbers 5739 and 5740, thereby amending Chapters 26 and 26C of the County Code to create an Official Zoning Database (OZD) to replace the old paper Zoning Maps of the County. The OZD is a computer database that maintains zoning information for all unincorporated parcels in Sonoma County. A primary focus and intent of the conversion to a digital database was to provide a data-driven methodology for application of the various zoning districts to improve the accuracy of the database and accessibility of that information. As part of this process, Permit and Resource Management Department (PRMD) staff identified numerous zoning discrepancies and noted that they will continue to evaluate the accuracy of the database and bring forward technical corrections annually to maintain and improve it.

On September 1, 2009 the Board of Supervisors adopted the first set of technical corrections that did not require concurrent General Plan Amendments; and on June 8, 2010 the Board of Supervisors approved additional Zone Changes that required concurrent General Plan Amendments (referred to as Technical Corrections Round 1). On May 10, 2011 the Board of Supervisors adopted the second set of technical corrections, some of which required concurrent General Plan Amendments (referred to as Technical Corrections - Round 2). This set of technical corrections is referred to as Technical Corrections - Round 3.

**Project Description:**

The purpose of this proposed project is to correct technical errors and discrepancies in zoning and land use designations. The proposed Zone Changes do not reflect any substantive change in County land use policy. The project also includes General Plan Amendments and Specific Plan Amendments that would reconcile known inconsistencies between the zoning and land use designations of parcels.

**DISCUSSION OF ISSUES**

**Issue #1:** Technical Errors

Category 1: Zone Changes Not Involving General Plan Land Use Policy (see Exhibit C)

Sub-Category 1a: Error in Manual Entry of Zoning Data (3 parcels)

A combining zoning district is a zoning overlay on the base zoning district and includes the following: BR (Biotic Resources), F1 Floodway Combining District, F2 (Floodplain Combining District), G (Geologic Hazard), HD (Historic District), MR (Mineral Resources), SD (Scenic Design), SR (Scenic Resources), and VOH (Valley Oak Habitat).

For three parcels located at 13200 Valley Ford Road, Sebastopol and others No Address (APNs 026-070-016, 128-422-070, -071), errors were made during manual entry of data from the old paper Zoning Maps into the digital Zoning Database where the base or combining zoning district information was either included or omitted in error. For two of the three parcels (APNs 128-422-070, -071), F1 (Primary Floodplain) zoning was included in error. This technical correction removes F1 from the zoning of these parcels. For one of the three parcels (APN 026-070-016), Z (Second Dwelling Unit Exclusion) zoning was omitted in error. This technical correction restores (adds) Z to the zoning of this parcel.

Sub-Category 1b: Zoning Error Due to Inaccuracy of Digital Technology (4 parcels)

Four parcels located at No Address; 693 Jonive Road, Sebastopol; 693 Eliot Lane, Sebastopol; and 4100 Bohemian Highway, Occidental (APNs 073-100-090, -091, -092, 074-140-044) have errors in combining zoning designations due to inaccuracy of a previously used digital "intersection tool." Initially, a geoprocessing tool was used to select the combining zoning district "features" based on their location relative to the location of the parcel "features" - i.e., to select the combining zoning districts applied to a parcel based on their location relative to the parcel. The first method used was to select parcels "intersected" by each combining zoning district. However, this method also inaccurately selected adjacent parcels touching the boundary of a zoning district. Mapping technology has evolved and a more sophisticated "intersect" tool is being used. Portions of three of the four parcels (APNs 073-100-090, -091, -092) are within a Scenic Highway Corridor, but their zoning does not include SR (Scenic Resources). This technical correction adds SR to the zoning of these parcels.

A portion of one of the four parcels (APN 074-140-044) is located within the Occidental Historic District but the current zoning designation does not include the HD (Historic District) designation. This technical correction adds HD to the zoning of the portion of the parcel located within the Occidental Historic District.

Category 2: Zone Changes Involving General Plan Land Use Policy (see Exhibit D)

Sub-Category 2a: Error in Application of General Plan Land Use Policy to Zoning (316 parcels)

**1989 General Plan Land Use Policies:**

During development of the Official Zoning Database, some of the 1989 General Plan "Planning Area Policies" referenced on paper Zoning Maps were transcribed and added to the zoning of 103 parcels as "Land Use Policies" without conducting the public hearing process for review and approval of Zone Changes. These Land Use Policies reference the Planning Area Policies and numbering system of the obsolete 1989 General Plan and are not included in GP2020, thus are no longer appropriate as part of the zoning of these parcels. This technical correction removes the obsolete Land Use Policy from the zoning of 103 parcels. The number of the 1989 General Plan Land Use Policy to be removed from each parcel is shown in Exhibit B under "Existing Zoning." The full text of each Land Use Policy is included at the end of Exhibit B.

**General Plan 2020 Land Use Policies:**

Certain Planning Area Policies in General Plan 2020 apply to specific parcels and should be added as a Land Use Policy to the zoning of those parcels. This technical correction adds a Land Use Policy to the zoning of 210 parcels. The number of the Land Use Policy to be added to each parcel is shown in Exhibit B under "Proposed Zoning." The full text of each Land Use Policy is included at the end of Exhibit B.

**Crinella General Plan Amendment, Zone Change and Major Subdivision (PLP06-0076):**

Approval of this project involved a transfer of development rights for up to 51 dwelling units to three parcels. General Plan Policy LU-15t for the Russian River Planning Area documents this transfer of development rights, but the zoning of the three parcels needs to be changed to include this policy. This technical correction adds the following Land Use Policy to the zoning of the three parcels:

*"Policy LU-15t: With the exception of a 5+/-acre portion of APN 084-031-072 (Lot 2 of the Crinella Tentative Map in file PLP06-0076) further described below, APNs 084-031-071 and -072 are designated Urban Residential, 1 acre density land use and zoned RR (Rural Residential) B7 in order to allow for a maximum development of 11 lots on 62 acres with the remaining potential density (up to 51 units) transferred to the adjacent properties (APNs 083-080-001 and 084-031-069 & 070), exhausting the density on APNs 084-031-071 & -072 when the subdivision map records. Lot 2 of the Crinella Tentative map in file PLP06-0076 has a Limited Commercial land use designation and is zoned AS (Agriculture Services) B7. Land uses on Lot 2 of the tentative map shall be limited to agricultural production and processing, and residential uses consistent with the underlying zoning district."*

Category 3: Zone Changes & General Plan Amendments (see Exhibit E)

Sub-Category 3a: Error in General Plan Public Facility Designation and Zoning (2 parcels)

**Sonoma County Regional Parks Property:**

Prior to 1978 the owner of APN 094-130-013 (no Street Address) gave the property as a gift to Sonoma County Regional Parks in order to provide access to the Russian River from State Highway 116. Subsequently, the parcel was redesignated to PQP (Public/Quasi-Public) and rezoned to PF (Public Facility) to reflect ownership by the County of Sonoma. However, the two adjacent parcels to the west and under the same ownership were also redesignated and rezoned to PQP and PF in error. This technical correction changes the land use designation and zoning of these two adjacent parcels to the prevalent land use designation and zoning in the immediate area east of State Highway 116.

Sub-Category 3b: Error in Implementation of Lot Line Adjustment Conditions of Approval (5 parcels)

**LLA04-0066:**

Under this Lot Line Adjustment, 3.2 acres of a 76.56-acre parcel designated and zoned LIA 40 (Land Intensive Agriculture, 40 acre-density) and formerly owned by Summerhome Park Corporation was added to Sunset Beach Regional Park land owned by the County of Sonoma. As part of the Lot Line Adjustment, a Condition of Approval was to amend the land use designation and zoning of the 3.2 acre portion added

to Sunset Beach Regional Park to PQP (Public/Quasi-Public) and PF (Public Facility) under the GP2020 General Plan Update. However, the land use designation and zoning of the remaining 73.36 acre portion was mistakenly changed to PQP and PF. This technical correction changes the land use designation and zoning of the 3.2-acre parcel owned by the County of Sonoma from LIA 40 to PQP and PF, and changes the land use designation and zoning of the 73.36-acre parcel owned by Summerhome Park Corporation from PQP and PF back to LIA 40.

LLA92-471:

Application for a Zone Change to amend the zoning boundary lines to conform to the new boundary lines of the three subject parcels was a Condition of Approval of this Lot Line Adjustment. The project applicant never applied for the Zone Change, and as a result the three parcels have a split land use designation and zoning. This technical correction changes the land use designation and zoning boundary lines to conform to the parcel boundary lines. Standard conditions of approval for Lot Line Adjustments currently require any necessary land use designation amendment/zone change application to be submitted prior to allowing the Lot Line Adjustment to be recorded.

Category 4: Zone Changes, General Plan Amendments, and Area/Specific Plan Amendments  
(see Exhibit F)

Sub-Category 4a: Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning (3 parcels)

Airport Industrial Specific Plan:

Three parcels comprising the site of the wastewater treatment plant in the Airport Industrial Area owned by the County of Sonoma have a land use designation and zoning of GI (General Industrial) and M2 (Heavy Industrial), split with PQP (Public/Quasi-Public) and PF (Public Facility) for two of these parcels. These three parcels comprise a public facility and should be designated and zoned entirely PQP and PF. This technical correction amends the Land Use Maps of the General Plan and Airport Industrial Specific Plan to reflect the PQP land use designation for these parcels, and changes the zoning of these parcels to PF.

Category 5: General Plan Amendments Only (see Exhibit G)

Sub-Category 5a: Error on General Plan Land Use Map (3 parcels)

APN 125-131-065:

In 2001 the land use designations on the 1989 General Plan paper Land Use Maps were manually transcribed into the digital Land Use Database. Due to error in manual transcription, the land use designation at 962 Stony Point Road, Santa Rosa (APN 125-131-065), located adjacent to the Santa Rosa Urban Visual Plan Study Area, is incorrect. The UR 15 (Urban Residential, 15 dwelling units/acre) land use designation instead of the UR 10 (Urban Residential, 10 dwelling units/acre) land use designation was transcribed into the digital database due to the difficulty in seeing the graphic boundary between the two land use designations. This technical correction amends the land use designation on this parcel from UR 15 to UR 10.

APN 039-320-051:

The current land use designation of LC/UR 13 (Limited Commercial / Urban Residential, 13 dwelling units/acre) at 5146 Old Redwood Highway, Windsor (APN 039-320-051) is incorrect. Under Board of Supervisors Resolution No. 09-0104 approved February 3, 2009, the land use designation of this parcel was amended from LC (Limited Commercial) to LC/UR 11 (Limited Commercial / Urban Residential, 11 dwelling units/acre). This technical correction amends the land use designation of the subject parcel from LC/UR 13 to LC/UR 11.

Planning Area Policies on Land Use Map:

A black bulls-eye referring to Planning Area Policy 16p is missing from APN 134-192-015 on the Land Use Map for Planning Area 5 (GP2020 Figure LU-2e - Santa Rosa and Environs). This technical correction adds a black bulls-eye referring to Planning Area Policy 16p to the Land Use Map for Planning Area 5.

**Sub-Category 5b: Update to General Plan Open Space Map**

This technical correction updates the Open Space Map of the General Plan Open Space and Resource Conservation Element to reflect the boundary of the revised designation of Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander as published by the U.S. Fish and Wildlife Service in the *Federal Register* on August 31, 2011.

**Sub-Category 5c: Error in General Plan Text**

Table NE-2 ("Maximum Allowable Exterior Noise Exposures for Non-Transportation Noise Sources") of Policy NE-1c of the Noise Element contains incorrect hourly noise metrics, and a definition of "Transportation Noise" is missing from the General Plan Glossary. This technical correction adds a definition for "Transportation Noise" to the Glossary and amends Table NE-2 of Policy NE-1c of the Noise Element as indicated below:

**Glossary Amendment:**

"Transportation Noise: Sound due to traffic on public roadways, waterways, railroads, and airports."

**Table NE-2 Amendment:**

**TABLE NE-2: Maximum Allowable Exterior Noise Exposures for Non-Transportation Noise Sources.**

Hourly Noise Metric <sup>1</sup> , d.b.a.	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 4 minutes 48 seconds in any hour)	60	55
L02 (1 minute 72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

**Category 6: Area/Specific Plan Amendments Only (see Exhibit H)**

**Sub-Category 6a: Error in Area Plan Land Use Amendment Resolution**

**Sonoma Mountain Area Plan:**

Board of Supervisors Resolution No. 11-0623, dated November 15, 2011, includes an incorrect amendment to the Land Use Map of the Sonoma Mountain Area Plan. The Resolution should amend the Land Use Map for the subject parcels from RRD 40/3 (Resources and Rural Development, 40 acre-density / 3 acre minimum lot size) to RR 2.5 (Rural Residential, 2.5 acre-density) instead of "Undeveloped" to "Open Land/Residential." This technical correction revises Resolution No. 11-0623 to reflect the correct amendment to the Sonoma Mountain Area Plan Land Use Map.

**Issue #2: General Plan Consistency**

The majority of the proposed Zone Changes are consistent with or will bring the parcels into conformance with General Plan 2020. However, a small percentage of the technical corrections require amendment of the General Plan 2020 Land Use or Open Space Maps to resolve inconsistencies with zoning. These amendments are described above and provide consistency between the General Plan land use designation and zoning of affected parcels.

**Issue #3:** Area/Specific Plan Consistency

As described under Error Sub-Category 4a above, three of the Zone Changes and General Plan Amendments require amendment of the Land Use Map of the Airport Industrial Specific Plan to resolve an inconsistency with the General Plan land use designation for these parcels.

**Issue #4:** Coastal Zone

When the Board of Supervisors originally adopted the OZD, it did so for both the coastal and non-coastal areas of the unincorporated county. However, the Coastal Commission has yet to adopt the database as the official zoning information for the Coastal Zone. The Board of Supervisors Resolution will include authorization to submit the OZD to the Coastal Commission for adoption, and the proposed Zone Changes that affect coastal areas will be included in the OZD table that will be submitted for Coastal Commission approval.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached Resolution recommending the Board of Supervisors approve the proposed Zone Changes, General Plan Amendments, and Area/Specific Plan Amendments to correct technical errors.

**FINDINGS FOR RECOMMENDED ACTION**

1. The Official Zoning Database contains known technical errors that occurred during the transition from the previously adopted paper Zoning Maps to the current digital Zoning Database. This project will correct those errors and restore the correct zoning to the subject parcels.
2. The project will ensure the Official Zoning Database provides accurate information.
3. The project is consistent or will ensure consistency with the General Plan and applicable Area or Specific Plans.
4. The proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3), as it can be seen with certainty that the project will have no significant effect on the environment.

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Ordinance for Zone Changes (and Exhibit A to Ordinance)  
EXHIBIT B: Draft General Plan Amendment Maps (10)  
EXHIBIT C: Zone Changes Not Involving General Plan Land Use Policy  
EXHIBIT D: Zone Changes Involving General Plan Land Use Policy  
EXHIBIT E: Zone Changes and General Plan Amendments  
EXHIBIT F: Zone Changes, General Plan Amendments, and Area/Specific Plan Amendments  
EXHIBIT G: General Plan Amendments Only  
EXHIBIT H: Area/Specific Plan Amendments Only  
EXHIBIT I: Draft Resolution



AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 AND 26C-9 OF THE SONOMA COUNTY CODE, TO CORRECT TECHNICAL ERRORS CONTAINED IN THE OFFICIAL ZONING DATABASE.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**SECTION I. Amendments:** The Official Zoning Database (OZD) of the County, adopted by reference by Sections 26-02-110 and 26C-9 of the Sonoma County Code, is amended by reclassifying certain real property from the existing zoning designations to the zoning designations set forth in Exhibit "A", attached hereto and incorporated herein by this reference. The Board hereby finds these changes to be consistent with the Sonoma County General Plan, Local Coastal Plan, and applicable specific plans. The Director of the Permit and Resource Management Department is directed to reflect these amendments to the OZD as shown in Exhibit "A" (ZCE11-0018).

**SECTION II. CEQA Compliance:** The project is exempt from the California Environmental Quality Act under Section 15061(b)(3), as it can be seen with certainty that the project will not have a significant effect on the environment.

**SECTION III. Severability:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION IV. Effective Date for Non-Coastal Areas:** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of the fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California. Pursuant to Government Code Section 25124, a complete copy of Exhibit "A" to this ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the Office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California.

**SECTION V. Effective Date for Coastal Areas:** This ordinance shall be and the same is hereby declared to be in full force and effect from and after 30 days after the date of its passage and upon its acceptance by the California Coastal Commission and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California. Pursuant to Government Code Section 25124, a complete copy of Exhibit "A" to this ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the Office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this \_\_\_\_ day of \_\_\_\_, 2012 on regular roll call of the members of said Board by the following vote:

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**SUPERVISORS VOTE:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

   Ayes:                      Noes:                      Absent:                      Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Exhibit A (Ordinance)

## Zone Changes

### Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
017-090-010	LEA B6 60 Z, SR VOH	LEA B6 60 Z, SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-001	LEA B6 60, SR	LEA B6 60, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-012	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-017	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-018	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
026-010-066	CS CC, HD SR	CS CC, HD SR, 17 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
026-070-016	DA CC B6 40/160, LEA B6 160, BR SR	DA CC B6 40/160, LEA B6 160 Z, BR SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
028-070-015	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-021-002	M3, VOH	M3, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-034-027	M1, SR VOH	M1, SR VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-151-043	DA B7, SR	DA B6 10, SR	1a-Error in Manual Entry of Zoning Data
045-151-044	DA B7, SR	DA B6 10, SR	1a-Error in Manual Entry of Zoning Data
045-172-037	DA B7, SR VOH	DA B6 10, SR VOH	1a-Error in Manual Entry of Zoning Data
045-222-020	DA B6 10/2 (Ac/DU)/Ac MIN, VOH	DA B6 10/2 (Ac/DU)/Ac MIN, VOH, 18 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-032	RR B6 5 Z, SD	RR B6 5 Z, SD, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-033	RR B6 5 Z, SD SR	RR B6 5 Z, SD SR, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-240-028	RRD B6 20, SR	RRD B6 20, SR, 20 BB [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-080-001	PF B7, BR SR	PF B7, BR SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-090-001	PF B7, BR F2 HD SR VOH	PF B7, BR F2 HD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-008	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-011	PF, SR	PF, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-012	DA B6 40, RRD B7, SR	DA B6 40, RRD B7, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-005	PF B7, BR F2 SD SR VOH	PF B7, BR F2 SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-007	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-010	PF B7, SD SR VOH	PF B7, SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-011	PF B7, BR F2 SD SR	PF B7, BR F2 SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-012	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning







APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
068-100-054	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-055	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-056	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-057	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-058	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-059	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-060	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-061	ROAD, SR	ROAD, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-044	K	K, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-049	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-050	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
073-100-090	RRD B6 40	RRD B6 40, SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
073-100-091	RRD B6 40	RRD B6 40, SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
073-100-092	RRD B6 40	RRD B6 40, SR	1b-Zoning Error Due to Inaccuracy of Digital Technology
074-090-028	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-030	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-031	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-100-058	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-110-003	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-120-001	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-140-044	RR B6 10, SR	RR B6 10, HD SR	1c
075-300-005	RR B6 2	RR B6 2, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-150-028	PC 26, RR 73, SR	PC 26, RR 73, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-001	RR B6 20, G SR VOH	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-002	RR B6 20, G SR VOH	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-001	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-002	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-003	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-004	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-005	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-006	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-007	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-008	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-071	AS B7, RR B7	AS B7, RR B7, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-072	AS B7, RR B7, SR	AS B7, RR B7, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-090-013	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-054	AR B6 6, AS	AR B6 6, AS, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-055	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-056	AR B6 6	AR B6 6, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
086-210-002	RRD B7, G SR	RRD B7, G SR, Remove 12 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-012	LEA B7 Z, F1 SR	LEA B7 Z, F1 SR, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-014	RR B6 3	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-015	RR B6 3	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-016	RR B6 3	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-017	LEA B7 Z, F1	LEA B7 Z, F1, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
116-190-043	LIA B6 20, F2 VOH	LIA B6 20, F2 VOH, Remove 11 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-005	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-006	K	K, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-011	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-030	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-031	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-032	RR B6 20, RRD B6 100	RR B6 20, RRD B6 100, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-045	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-085	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-086	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-210-030	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-011-045	RRD B7, SR	RRD B7, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-022-085	RRD B6 100, SR	RRD B6 100, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-422-070	DA B6 10, F1 VOH	DA B6 10, VOH	1b-Zoning Error Due to Inaccuracy of Digital Technology
128-422-071	DA B6 10, F1 VOH	DA B6 10, VOH	1b-Zoning Error Due to Inaccuracy of Digital Technology



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
128-461-015	K, SR VOH	K, SR VOH, 20 DD [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-033	DA B6 10, VOH	DA B6 10, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-034	DA B6 10, LC, VOH	DA B6 10, LC, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-024	PF, BR	PF, BR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-025	PF, BR F2	PF, BR F2, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-026	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-027	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-028	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-029	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-030	PF, BR	PF, BR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-035	ROAD, VOH	ROAD, VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-049	LEA B6 100 Z, BR F2 SR	LEA B6 100 Z, BR F2 SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-070-021	LC, SR	LC, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-070-022	AR B6 10, SR	AR B6 10, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-152-008	M1, AH	M1, AH, 17 M [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-003	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-004	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-005	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-006	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-007	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-015	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-017	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-018	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-019	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-020	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-021	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-022	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-411-023	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-012	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-013	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-016	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-017	RR B6 2	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-420-018	RR B6 2, SR	RR B6 2, SR, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning









APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
130-450-034	RR B6 2, F2	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
131-180-009	C1 Z, SD SR VOH	C1 Z, SD SR VOH, 13 C [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-063	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-064	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-065	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-030-017	RRD B6 100, SR	RRD B6 100, SR, 20 N [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-040-002	DA B6 40, SR	DA B6 40, SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-050-052	LIA B6 40, HD SR	LIA B6 40, HD SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-132-059	RR B8, VOH	RR B8, VOH, 16 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-044	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-047	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-048	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-049	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-050	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-064	RR B6 10, VOH	RR B6 10, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-150-014	LEA B7, SR	LEA B7, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-007	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-015	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-016	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-018	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-001	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-001	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-003	RRD B6 40 Z, SR	RRD B6 40 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-010	RRD B6 100, BR SR	RRD B6 100, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-016	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-039	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-043	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-050	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-005	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-006	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning





**Base Zoning District**

- AR Agriculture and Residential
- AS Agricultural Services
- C1 Neighborhood Commercial
- C2 Retail Business
- CS Rural Service
- DA Diverse Agriculture
- K Recreation and Visitor Serving Commercial
- LC Limited Commercial
- LEA Land Extensive Agriculture
- M1 Limited Urban Industrial
- M3 Limited Rural Industrial
- PC Planned Community
- PF Public Facilities
- RR Rural Residential
- RRD Resources and Rural Development
- R3 High Density Residential

**Combining Zones**

- SR Scenic Resource
- Z Second Unit Exclusion
- SD Scenic Design
- VOH Valley Oak Habitat
- HD Historic
- F1 Floodway
- BR Biotic Resource
- F2 Floodplain
- G Geologic Hazard
- AH Affordable Housing
- CC Coastal Zone
- MR Mineral Resource

## General Plan Planning Area Policies (PAP) Proposed to Add as Zoning LU Policies

**Policy LU-12c:** Policy No. 7 from Attachment A of the Lower River Plan shall remain unaffected by the adoption of this plan. The propriety of retaining such policy that allows a potential for additional residential density shall be considered at such time as the County reviews and updates the Lower River Plan in accordance with Policy LU-1a.

**Policy LU-13c:** Additional development in the "Limited Commercial" category for the Alexander Valley Store, Dry Creek Store, and Jimtown Store shall not include lodgings or restaurants and shall not adversely affect adjacent agricultural or resource uses.

**Policy LU-13d:** Rosso & Bianco, Paulsen, Geyser Peak, and Asti wineries are designated as "Recreation and Visitor Serving Commercial" to allow existing or proposed wineries and associated restaurants or lodging facilities. Any uses on these sites must support the sale and production of Sonoma County agricultural products and not adversely effect adjacent agricultural or resource areas.

**Policy LU-15i:** The "Limited Commercial" designation of certain parcels along Highway 116 between Guerneville Road and Ross Station Road (APNs 84-060-05; 84-090-13; -27; 84-100-51, -52, -53, and -55) is intended for agriculturally related commercial uses only. The land use designation for APN 84-100-51 is a combination of "Limited Commercial" and "Rural Residential". Notwithstanding the density shown on the Land Use Maps, this parcel may be subdivided to separate the commercial and residential areas. APN 130-070-21 is developed with a deli/pie business to be considered legal and conforming to zoning, any new uses must be agriculturally related.

**Policy LU-15s:** Notwithstanding General Plan Section 2.2 (Residential Use Policy) which requires new urban land use densities be located in Urban Service Areas, residential land use on APN 082-042-039, at 8020 Mirabel Road, may be increased to eight units per acre with a 35% density bonus and developed to a maximum of eight units, provided that 30% of the units are affordable to low income households.

**Policy LU-15t:** With the exception of a 5+acre portion of APN 084-031-072 (Lot 2 of the Crinella Tentative Map in file PLP06-0076) further described below, APNs 084-031-071 and -072 are designated Urban Residential, 1 acre density land use and zoned RR (Rural Residential) B7 in Land Use Element Footnote:

\*Mitigating Policy Page LU-74

order to allow for a maximum development of 11 lots on 62 acres with the remaining potential density (up to 51 units) transferred to the adjacent properties (APNs 083-080-001 and 084-031-069 & 070) exhausting the density on APNs 084-031-071 & -072 when the subdivision map records. Lot 2 of the Crinella Tentative map in file PLP06-0076 has a Limited Commercial land use designation and is zoned AS (Agriculture Services) B7. Land uses on Lot 2 of the tentative map shall be limited to agricultural production and processing, and residential uses consistent with the underlying zoning district.

**Policy LU-16h:** Designate the Brooks-Ward area "Limited Industrial" to recognize the eventual urban development allowed in the South Santa Rosa Area Plan. Use zoning to prevent further subdivision and urban development until the conditions established in Section 5.36 of that plan for this development have been met. Retain the land use designation "Light Industry/Planned Residential" in the plan but amend it to authorize interim uses consistent with the new zoning, such as single family dwellings on existing lots, provided water, septic and other standard conditions are met.

**Policy LU-16p:** Redevelopment and/or intensification of existing uses in the Santa Rosa Urban Service Area south of Todd Road is not desirable without the extension of sewer service. Development applications prior to annexation should be limited to uses that can be served by septic systems.

**Policy LU-16q:** The Franz Valley Area Plan Land Use Map designates the Mountain Home Resort area as Rural Residential and Recreation in order to recognize the existing recreational/commercial uses. Notwithstanding the General Plan and zoning designations, expansion of these uses may be approved, provided that the road limitations of the Franz Valley Area Plan are first considered.

**Policy LU-16r:** The Franz Valley Area Plan Land Use Map designates the Marine Cooks and Stewards facility property (APN 28-070-15, 120-210-30) as Institutional in order to recognize the existing use. Notwithstanding the General Plan and zoning designations, expansion of the use may be approved, provided that the load limitations of the Franz Valley Area Plan area are first considered.

**Policy LU-16s:** All uses on the 13 acre PQP parcel (059-350-094) shall require a use permit. Future property owners should be aware that the parcel is adjacent to the railroad right-of-way. Increased use of the railroad is anticipated on 13 acres as shown in the attached tentative map.

**Policy LU-16t:** The General Commercial designation is applied to properties at/near the intersection of Middle Rincon Road and Highway 12 (APN 183-300-023; 182-540-021, 022, 023, 024, 025, 026, 027, and 028). The intent of this policy is to recognize existing commercial businesses (APN 183-300-023; 182-540-024, and 028), but preclude further commercial development until annexation to the City of Santa Rosa. One single family dwelling is permitted on legally separate, undeveloped parcels.

**Policy LU-16u:** Use of the Recreation and Visitor Serving Commercial area on the Shiloh Meadows/Mayacama property (APN 067-340-041) shall be limited to 50 accommodation units and necessary and appropriately sized ancillary structures and facilities, which shall be owned and operated in a manner that is secondary to operation of the golf course on site.

**Policy LU-16v:** Notwithstanding the provisions of Policy PF-1f of the Public Facilities and Services Element, the Mayacama Development (formerly known as Shiloh Meadows) may be served by a privately owned and operated sewage treatment facility serving only parcel numbers 079-150-028, 067-260-030, 031, and all parcels in Book 67, page 340 subject to approval of a Land Use Element Footnote: \*Mitigating Policy Page LU-79 private utility by the PUC. Prior to public operation of the treatment plant ceasing, the applicant and property owners shall enter into a separate recorded contractual agreement with the County of Sonoma detailing the operation and maintenance responsibilities for the sewage treatment plant. Said agreement may be modified in the future to reflect changes in waste discharge requirements or other circumstances. All such changes shall be recorded.

**Policy LU-17i:** All new commercial uses on parcel 026-010-066 shall require a use permit or use permit waiver to insure compatibility with the surrounding community.

**Policy LU-17m:** Notwithstanding Policy LU-17e and the Limited Industrial designation of APN 130-152-008, a school or similar use may be considered consistent with the land use designation, as a transition between the industrial uses west of Bowen Street, and the residential uses to the east. Uses that can be accommodated primarily by the existing building, do not adversely impact water resources and service levels, and are compatible with both the industrial and the residential uses, may be found consistent.

**Policy LU-18h:** Permit the extraction of groundwater from an existing well, subject to conditions of UP 94-347 for the purpose of allowing the extraction of groundwater and its transportation to an offsite bottling facility (APN 045-222-020).

**Policy LU-19e:** Limit uses at Infineon Raceway (on APN 068-150-049, -050, and -056; 068-190-030; 068-100-024) to racing and related vehicle uses, and limited ancillary uses provided that a use permit is approved. Racing and vehicle uses means the storage, repair, fabrication, maintenance and modification of vehicles. "Fabrication" does not include assembly-line or mass production of vehicles. Ancillary uses are to be limited to timing and scoring facilities, media facilities, emergency medical facilities, concession stands and a novelty shop. Permanent lodging facilities, general commercial, industrial and manufacturing uses are not permitted. Notwithstanding the Land Extensive Agriculture and Diverse Agriculture land use designations and uses prescribed by the Land Extensive and Diverse

Agriculture zoning districts to the west of the Infineon Raceway facility, certain temporary and/or ancillary raceway uses are permitted on these lands. As depicted on the Sears Point Master Plan, approved April 25, 2000, temporary uses are limited to event parking on APN 068-100-057 through -059, event related trailer parking on APN 068-100-042 through -050, 057, and -061, and will call trailer and related vehicle parking on APN 068-100-055. Ancillary uses are limited to a wetland mitigation area on APN 068-100-057 and -059. Roadway access shall be provided to/from Lakeville Highway to/from the main Infineon Raceway facility as depicted on the Sears Point Master Plan. All

temporary and/or ancillary uses will be governed by the conditions of the Use Permit for Infineon Raceway. The above indicated Lakeville Properties, APN's 68-100-037 through -061 and the Cougar Mountain parcel, APN 68-150-056, may also be used for an annual bicycle and running event as approved by a Use Permit.

**Policy LU-19h:** Development within the watershed above the City of Petaluma water delivery system designated in the Sonoma Mountain Area Plan is subject to the following policies:

- (1) Review all development proposals in the vicinity with regard to their beneficial and adverse impacts,
- (2) Encourage greater public awareness relative to wildlife and wildlife management programs,
- (3) Encourage the use of natural areas for educational purposes, and
- (4) Enforce County Ordinance 1108, which provides criteria for stream maintenance and construction encroachments.

**Policy LU-20n:** Development on APNs 133-010-36, -40, -41, -42, -43; 133-030-011, 130-020-018, 028 and 133-030-016, 017 may be clustered below the 600 foot elevation contour in exchange for the dedication of open space easements in perpetuity on that portion of the properties above 600 feet. Additional density may be allowed, at the discretion of the Board, if the owners of the properties subject to this policy offer fee title park or permanent open space dedications to the County for that portion of their property over 600 feet in elevation. In the event of a dedication in fee, the overall density on any such parcel shall not exceed one unit per 20 acres. This policy shall apply to that area with respect to the 1200 foot contour on APNs 133-010-63, 64, 65, 054-100-08 and the 1400 foot contour on APN 54-100-10.

**Policy LU-20bb:** The "Resources and Rural Development" designation is applied to the property identified as "The Kenwood Inn" (APN 050-240-028). This designation is not intended to permit any other visitor serving commercial (or other non-resource) use of this property.

**Policy LU-20cc:** The "Urban Residential 20 units/acre" designation is applied to the Chauvet Hotel property only to accommodate a proposal to renovate the former hotel building into a six unit residential project approved in 1997. It is the intent of the Board of Supervisors that, if the Chauvet hotel building were to be removed, the property be returned to the Limited Commercial designation consistent with the balance of downtown Glen Ellen (APN 054-460-001 to 006).

**Policy LU-20dd:** The "Recreation and Visitor Serving Commercial" designation is applied to the property identified as the Vineyard Inn property (APN 128-461-015). A use permit and/or design review application (as stipulated by the Development Code) is required in order to render existing non conforming uses conforming, for any new development, or change/ replacement/ intensification of an existing lawful use. The required application must be:

- (1) Consistent with the General Plan,
- (2) Consistent with sewage disposal regulations of Sonoma County, and
- (3) Consistent with the Basin Plan established by the San Francisco Bay Water Quality Control Board.

**Policy LU-20ee:** Notwithstanding the density shown on the Land Use Map, the existing historic Carriger residence of approximately 1200 square feet may be relocated from APN 133-040-002 to APN 133-050-052, provided it is limited to residential use only, and is restored to structurally sound and habitable condition in accordance with all applicable State and County codes, and subject to review and approval of restoration plans by the Landmarks Commission.



**Policy LU-20ff:** Consider future public uses of the Sonoma Developmental Center and Skaggs Island properties as a priority if they are declared surplus and offered for sale to local agencies, particularly park, recreation, and open space uses and affordable housing.

# Existing General Plan Land Use

# Proposed General Plan Land Use

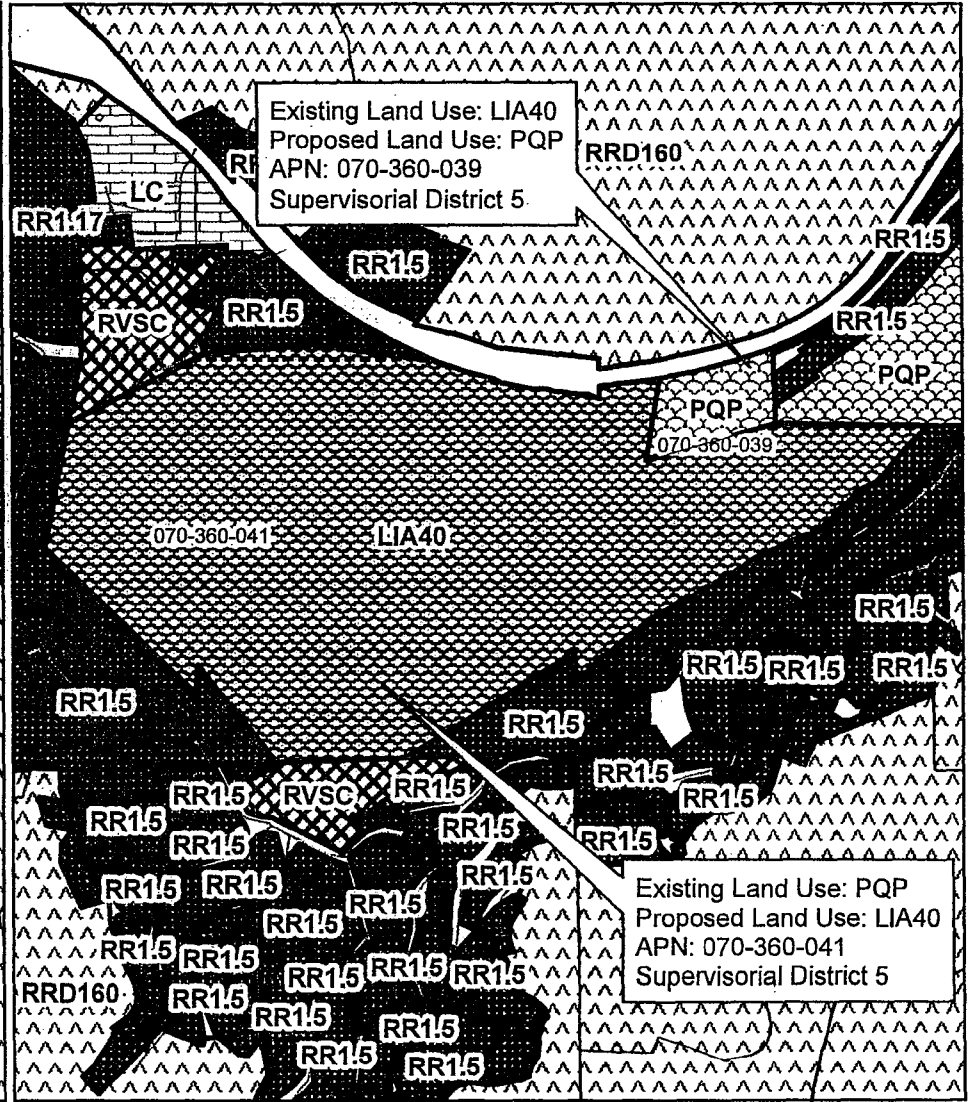
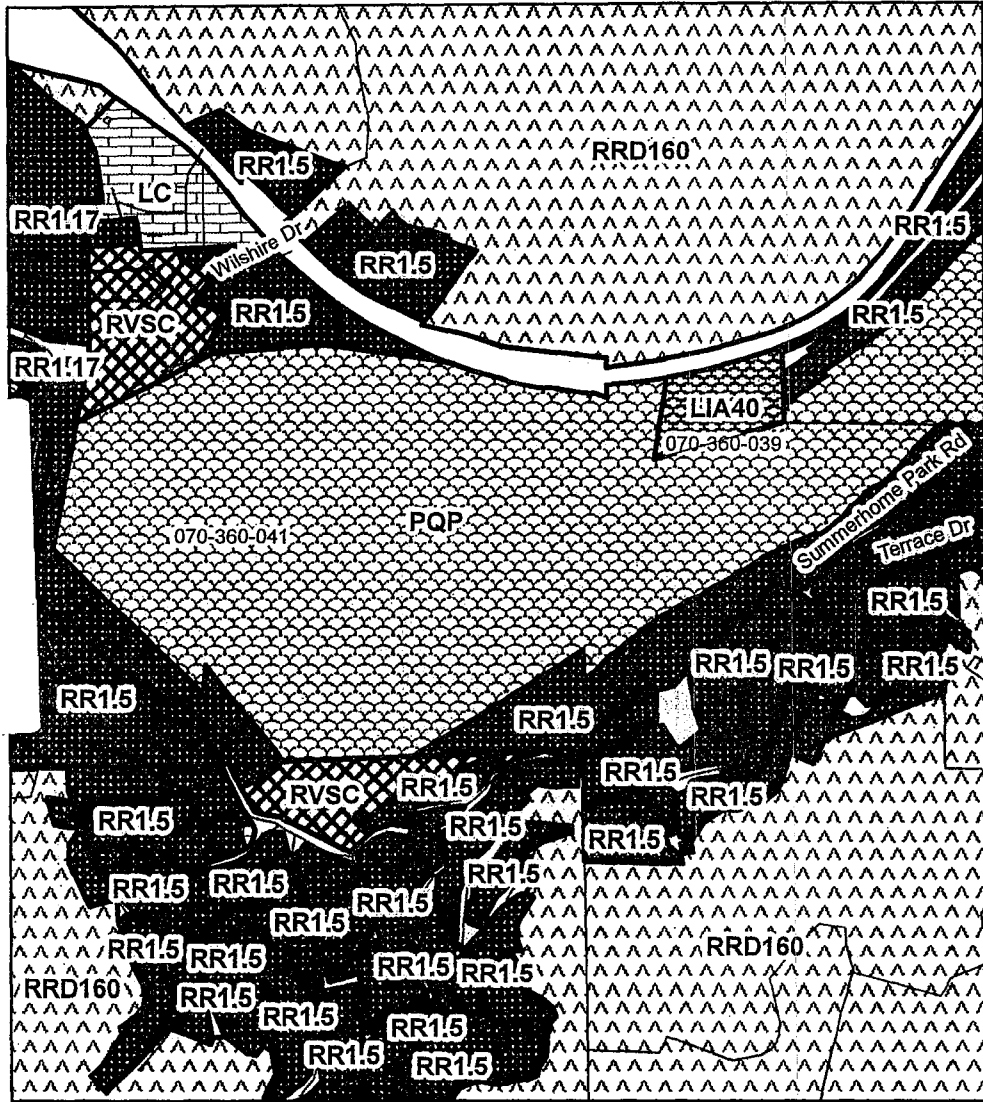


EXHIBIT B

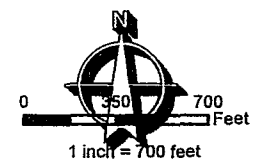
### General Plan Land Use

	Diverse Agriculture		General Commercial		Planning Area Policy
	Land Extensive Agriculture		Limited Commercial		AH Affordable Housing
	Land Intensive Agriculture		Limited Commercial Traffic Sensitive		
	Resource and Rural Development		General Industrial		
	Rural Residential		Limited Industrial		
	Urban Residential		Public / Quasi Public		
	Recreation/Visitor-Serving Commercial				

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

### Base Map Data

	Subject Property
	Coastal Commission Boundary
	Urban Service Areas
	Highways
	Intermittent Stream
	Perennial Stream



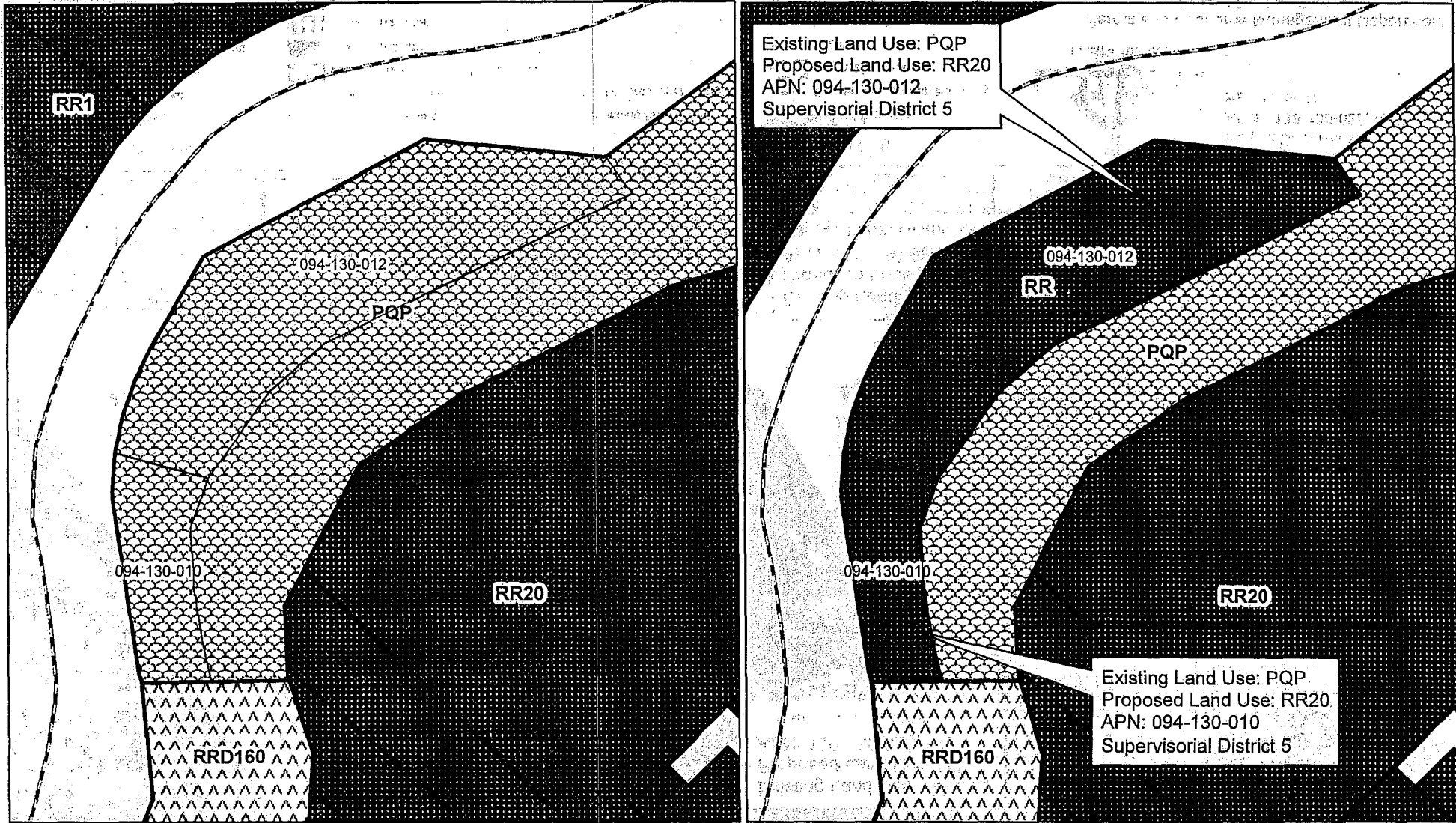
FILE: ZCE 11-0018 (1)  
 AP #: 070-360-039, 041  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

# Existing General Plan Land Use

# Proposed General Plan Land Use



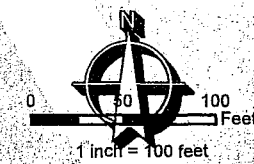
### General Plan Land Use

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resource and Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial
- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi Public

- Planning Area Policy
- AH Affordable Housing

### Base Map Data

- Subject Property
- Coastal Commission Boundary
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream



FILE: ZCE 11-0018 (2)  
 AP #: 094-130-010, 012  
 Resolution No.

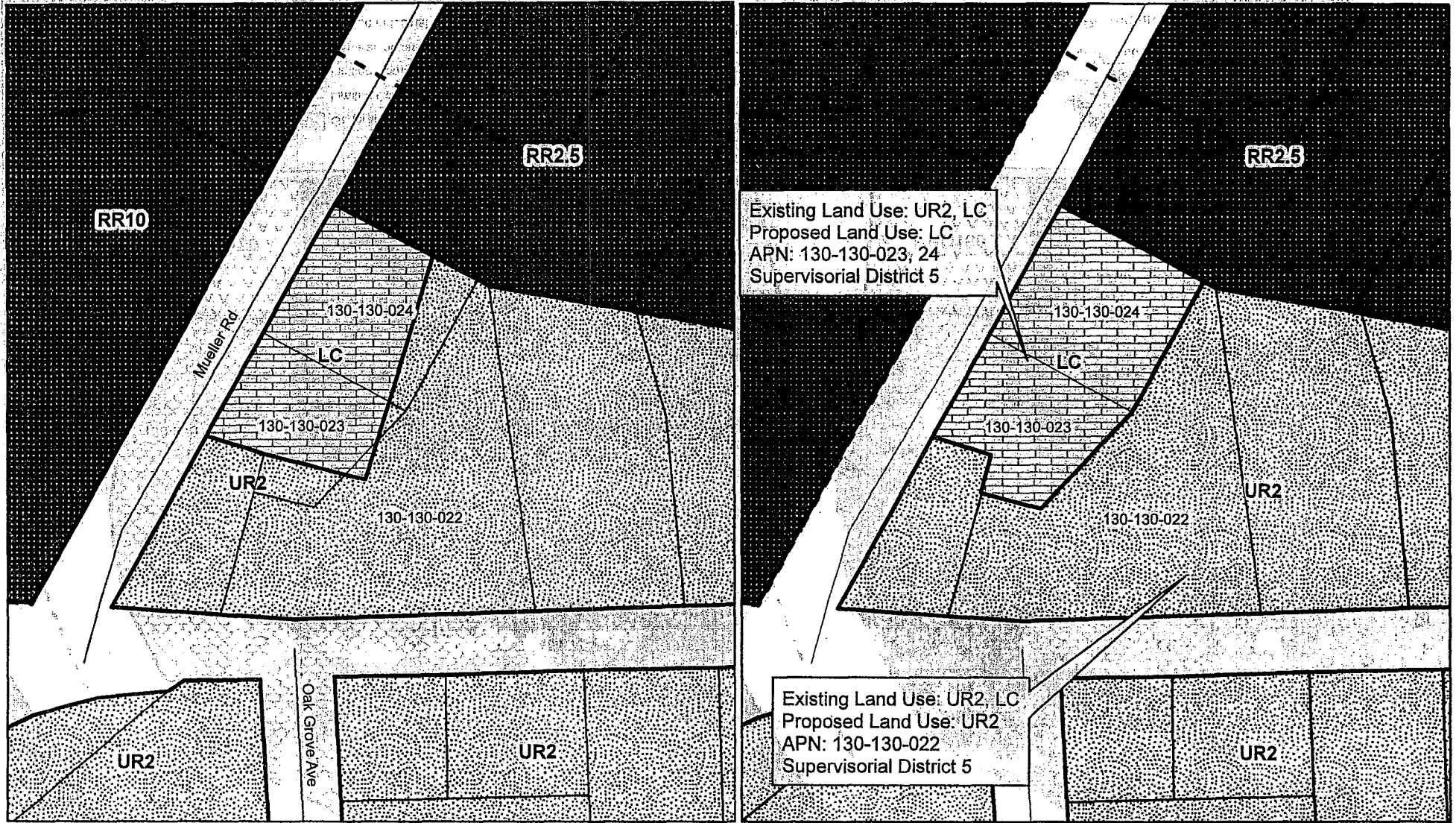
Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

# Existing General Plan Land Use

# Proposed General Plan Land Use



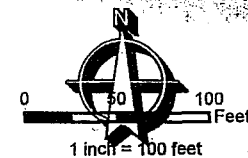
### General Plan Land Use

- |  |                                       |  |                                      |  |                       |
|--|---------------------------------------|--|--------------------------------------|--|-----------------------|
|  | Diverse Agriculture                   |  | General Commercial                   |  | Planning Area Policy  |
|  | Land Extensive Agriculture            |  | Limited Commercial                   |  | AH Affordable Housing |
|  | Land Intensive Agriculture            |  | Limited Commercial Traffic Sensitive |  |                       |
|  | Resource and Rural Development        |  | General Industrial                   |  |                       |
|  | Rural Residential                     |  | Limited Industrial                   |  |                       |
|  | Urban Residential                     |  | Public / Quasi Public                |  |                       |
|  | Recreation/Visitor-Serving Commercial |  |                                      |  |                       |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

### Base Map Data

- |  |                             |
|--|-----------------------------|
|  | Subject Property            |
|  | Coastal Commission Boundary |
|  | Urban Service Areas         |
|  | Highways                    |
|  | Intermittent Stream         |
|  | Perennial Stream            |



FILE: ZCE 11-0018 (3)  
AP #: 130-130-022, 023, 024  
Resolution No.

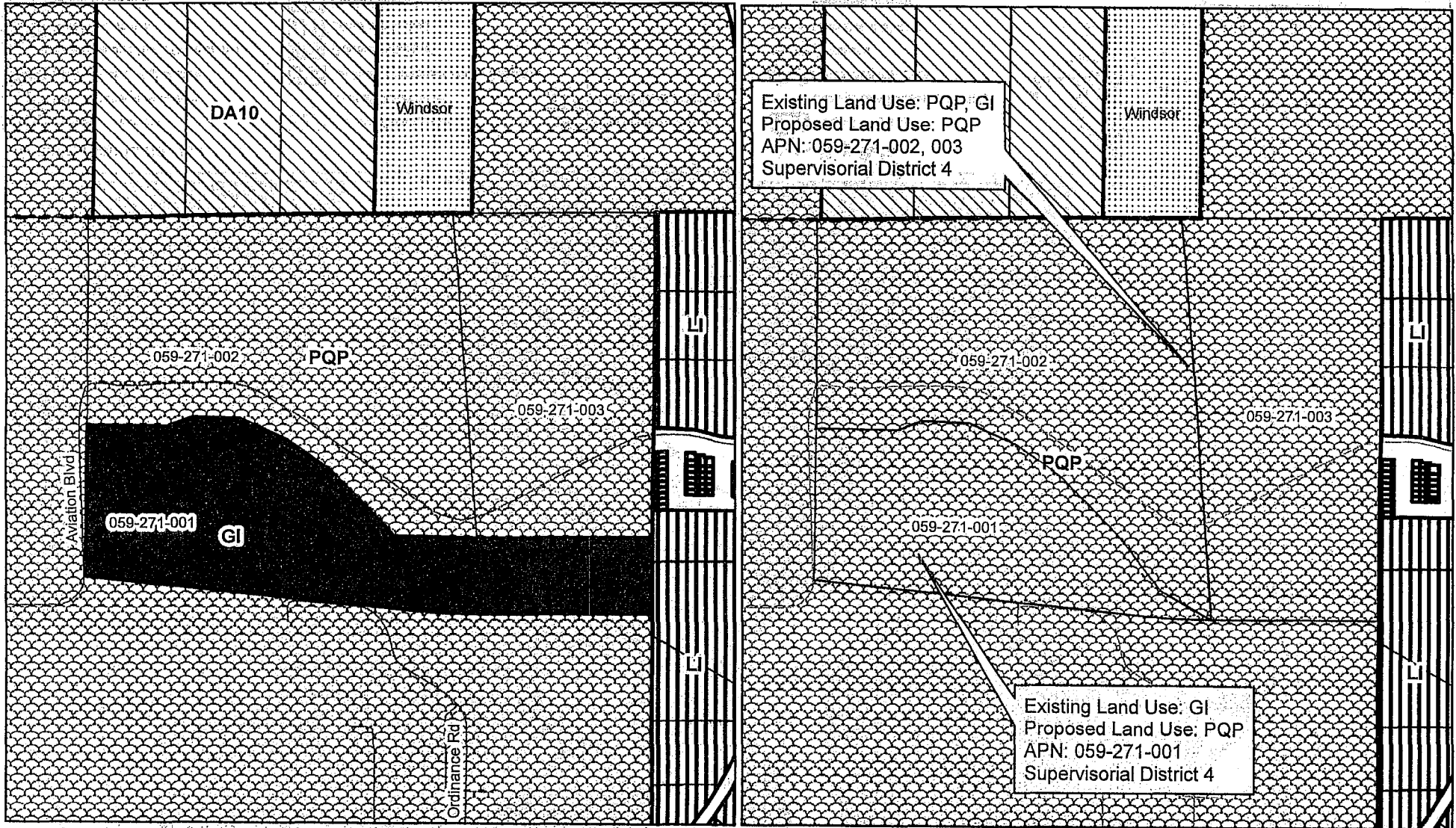
Permit and Resource Management Department  
Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1965 Fax (707) 565-1103



# Existing General Plan Land Use

# Proposed General Plan Land Use



## General Plan Land Use

- |  |   |  |                                      |
|--|---|--|--------------------------------------|
|  | Diverse Agriculture                     |  | General Commercial                   |
|  | Land Extensive Agriculture              |  | Limited Commercial                   |
|  | Land Intensive Agriculture              |  | Limited Commercial Traffic Sensitive |
|  | Resource and Rural Development          |  | General Industrial                   |
|  | Rural Residential                       |  | Limited Industrial                   |
|  | Urban Residential                       |  | Public / Quasi Public                |
|  | Recreation / Visitor-Serving Commercial |  |                                      |

- Planning Area Policy
- AH Affordable Housing

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

## Base Map Data

- Subject Property
- Coastal Commission Boundary
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream



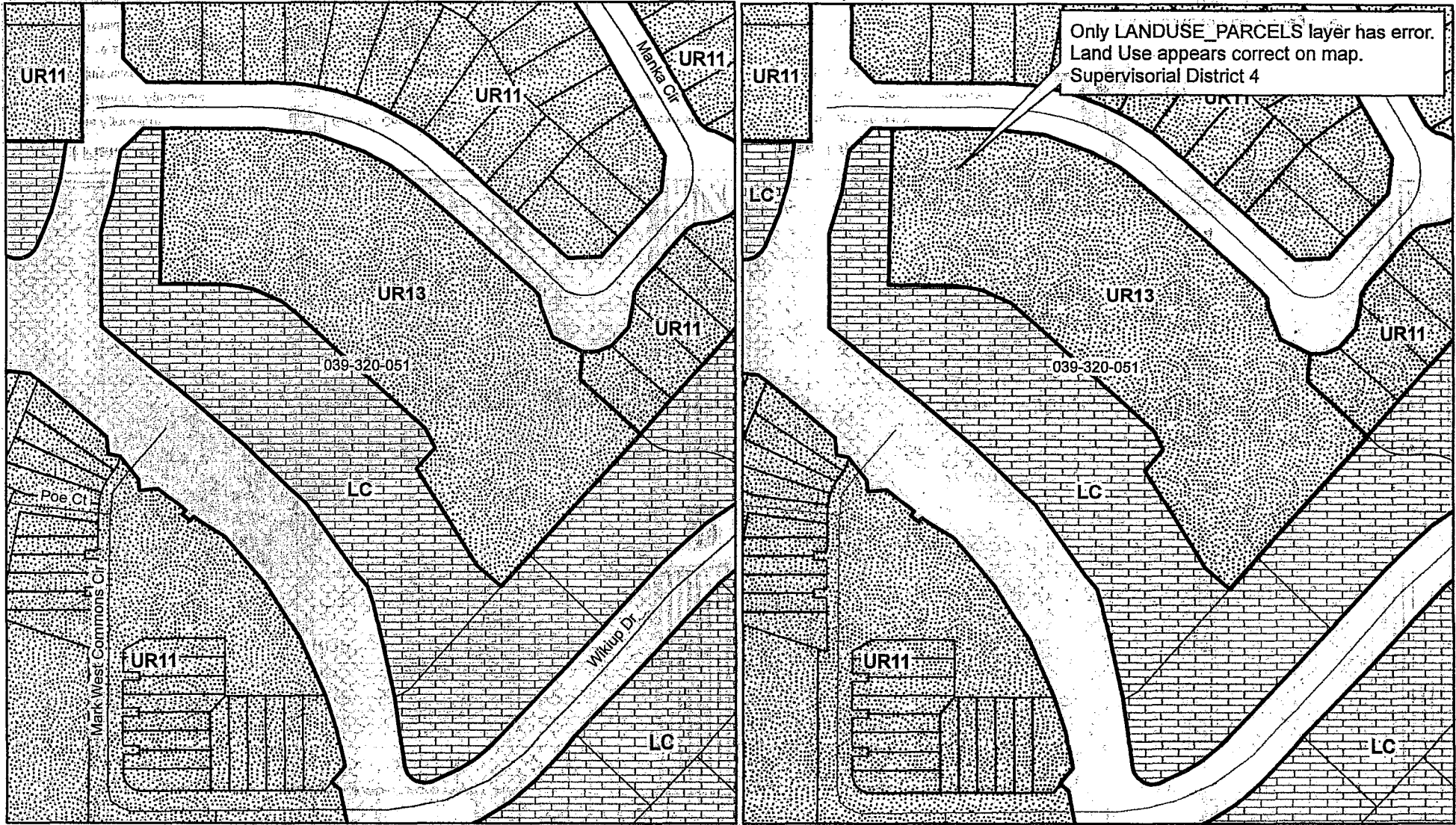
FILE: ZCE 11-0018 (4)  
 AP #: 059-271-001, 002, 003  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

# Existing General Plan Land Use

# Proposed General Plan Land Use



Only LANDUSE\_PARCELS layer has error.  
Land Use appears correct on map.  
Supervisorial District 4

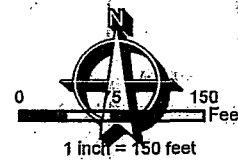
### General Plan Land Use

- |  |   |  |                                      |  |                       |
|--|---|--|--------------------------------------|--|-----------------------|
|  | Diverse Agriculture                     |  | General Commercial                   |  | Planning Area Policy  |
|  | Land Extensive Agriculture              |  | Limited Commercial                   |  | AH Affordable Housing |
|  | Land Intensive Agriculture              |  | Limited Commercial Traffic Sensitive |  |                       |
|  | Resource and Rural Development          |  | General Industrial                   |  |                       |
|  | Rural Residential                       |  | Limited Industrial                   |  |                       |
|  | Urban Residential                       |  | Public / Quasi Public                |  |                       |
|  | Recreation / Visitor-Serving Commercial |  |                                      |  |                       |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

### Base Map Data

- |  |                             |
|--|-----------------------------|
|  | Subject Property            |
|  | Coastal Commission Boundary |
|  | Urban Service Areas         |
|  | Highways                    |
|  | Intermittent Stream         |
|  | Perennial Stream            |



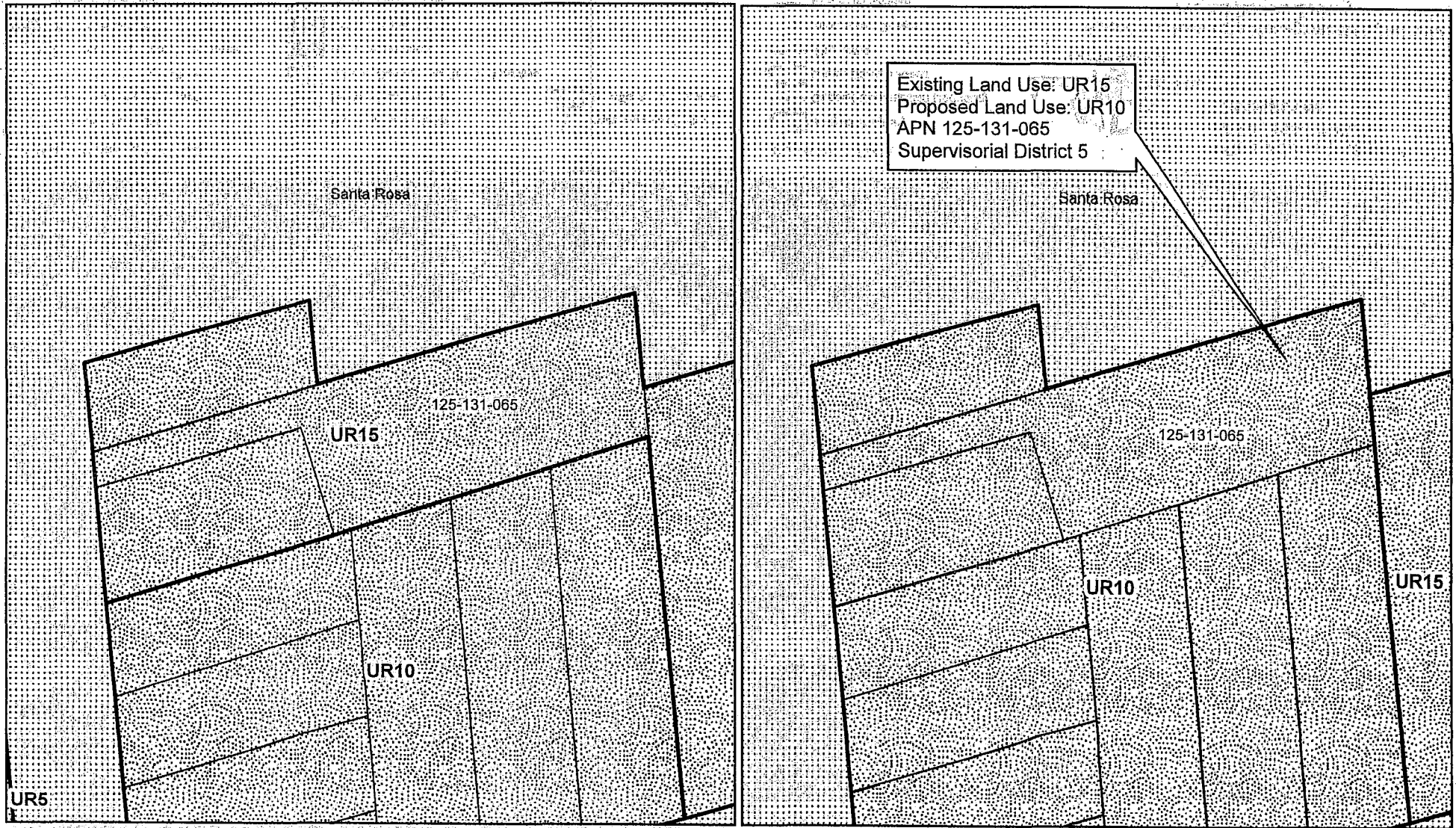
FILE: ZCE 11-0018 (5)  
AP #: 039-320-051  
Resolution No.

Permit and Resource Management Department  
Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1965 Fax (707) 565-1103

# Existing General Plan Land Use

# Proposed General Plan Land Use



### General Plan Land Use

- |  |   |  |                                      |  |                       |
|--|---|--|--------------------------------------|--|-----------------------|
|  | Diverse Agriculture                     |  | General Commercial                   |  | Planning Area Policy  |
|  | Land Extensive Agriculture              |  | Limited Commercial                   |  | AH Affordable Housing |
|  | Land Intensive Agriculture              |  | Limited Commercial Traffic Sensitive |  |                       |
|  | Resource and Rural Development          |  | General Industrial                   |  |                       |
|  | Rural Residential                       |  | Limited Industrial                   |  |                       |
|  | Urban Residential                       |  | Public / Quasi Public                |  |                       |
|  | Recreation / Visitor-Serving Commercial |  |                                      |  |                       |

### Base Map Data

- |  |                             |
|--|-----------------------------|
|  | Subject Property            |
|  | Coastal Commission Boundary |
|  | Urban Service Areas         |
|  | Highways                    |
|  | Intermittent Stream         |
|  | Perennial Stream            |



FILE: ZCE 11-0018 (6)  
 AP #: 125-131-065  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

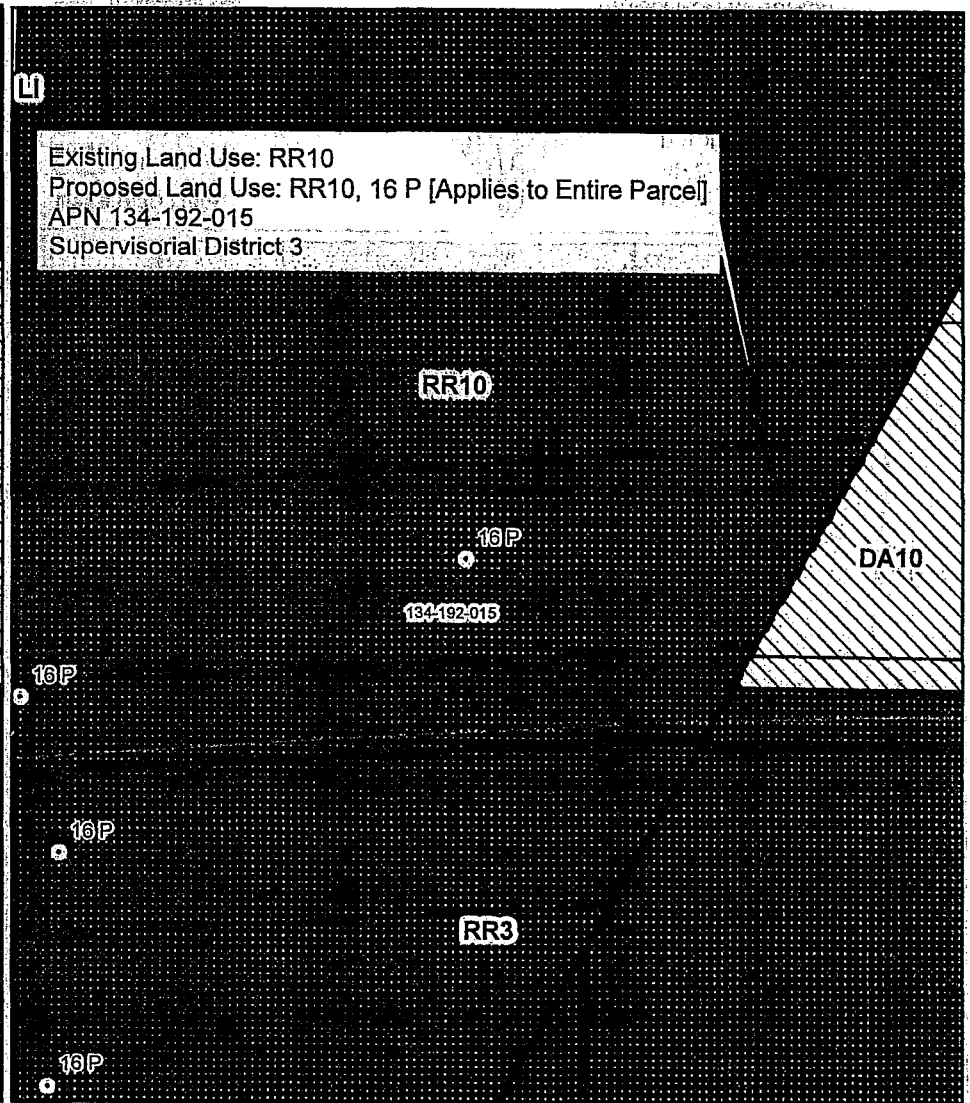
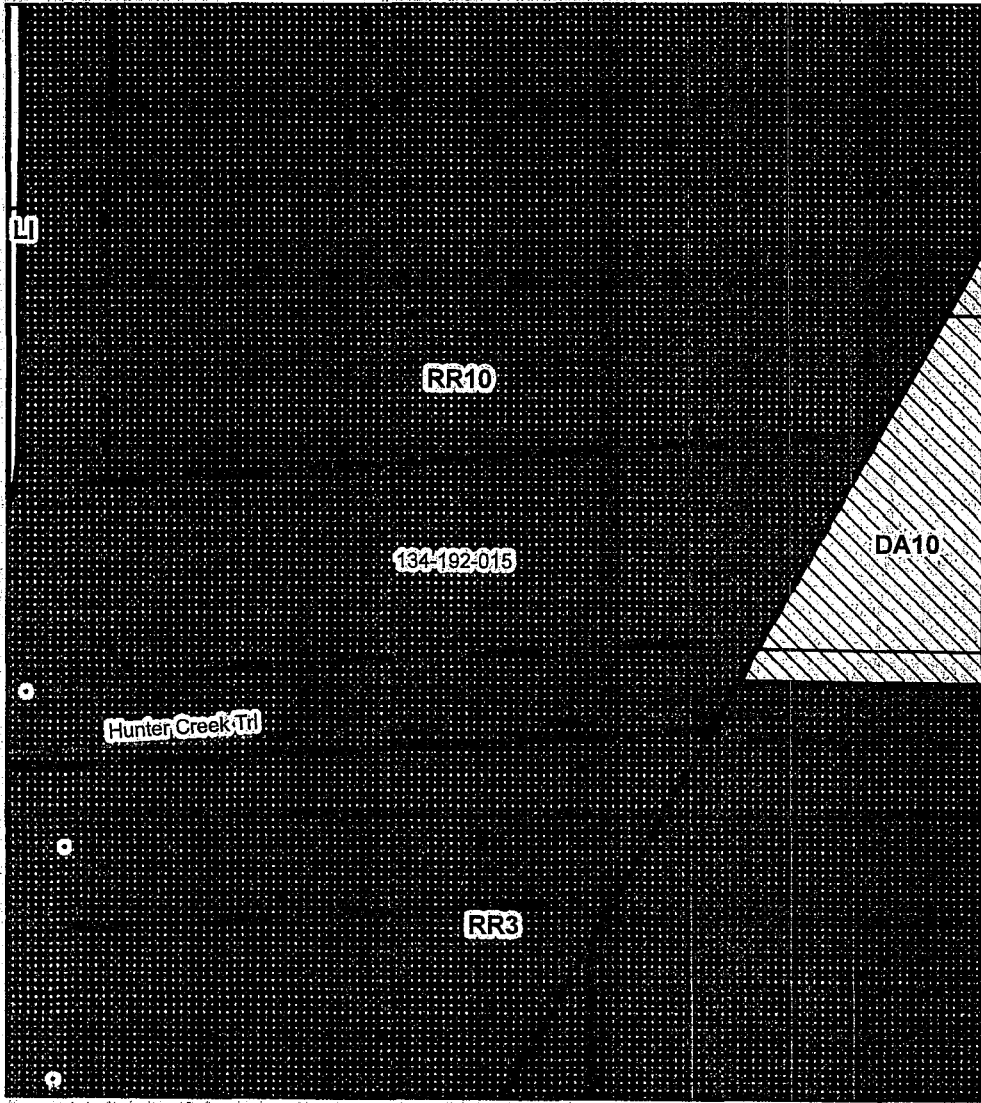
2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

Numbers on Map Indicate Maximum Density in Acres/Unit, except  
 Urban Residential Where Numbers Indicate Units/Acre



# Existing General Plan Land Use

# Proposed General Plan Land Use



## General Plan Land Use

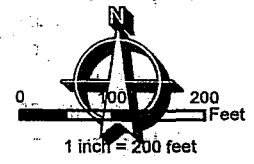
- |  |   |  |                                      |
|--|---|--|--------------------------------------|
|  | Diverse Agriculture                     |  | General Commercial                   |
|  | Land Extensive Agriculture              |  | Limited Commercial                   |
|  | Land Intensive Agriculture              |  | Limited Commercial Traffic Sensitive |
|  | Resource and Rural Development          |  | General Industrial                   |
|  | Rural Residential                       |  | Limited Industrial                   |
|  | Urban Residential                       |  | Public / Quasi Public                |
|  | Recreation / Visitor-Serving Commercial |  |                                      |

- Planning Area Policy
- AH Affordable Housing

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

## Base Map Data

- Subject Property
- Coastal Commission Boundary
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream



FILE: ZCE 11-0018 (7)  
AP #: 134-192-015  
Resolution No.

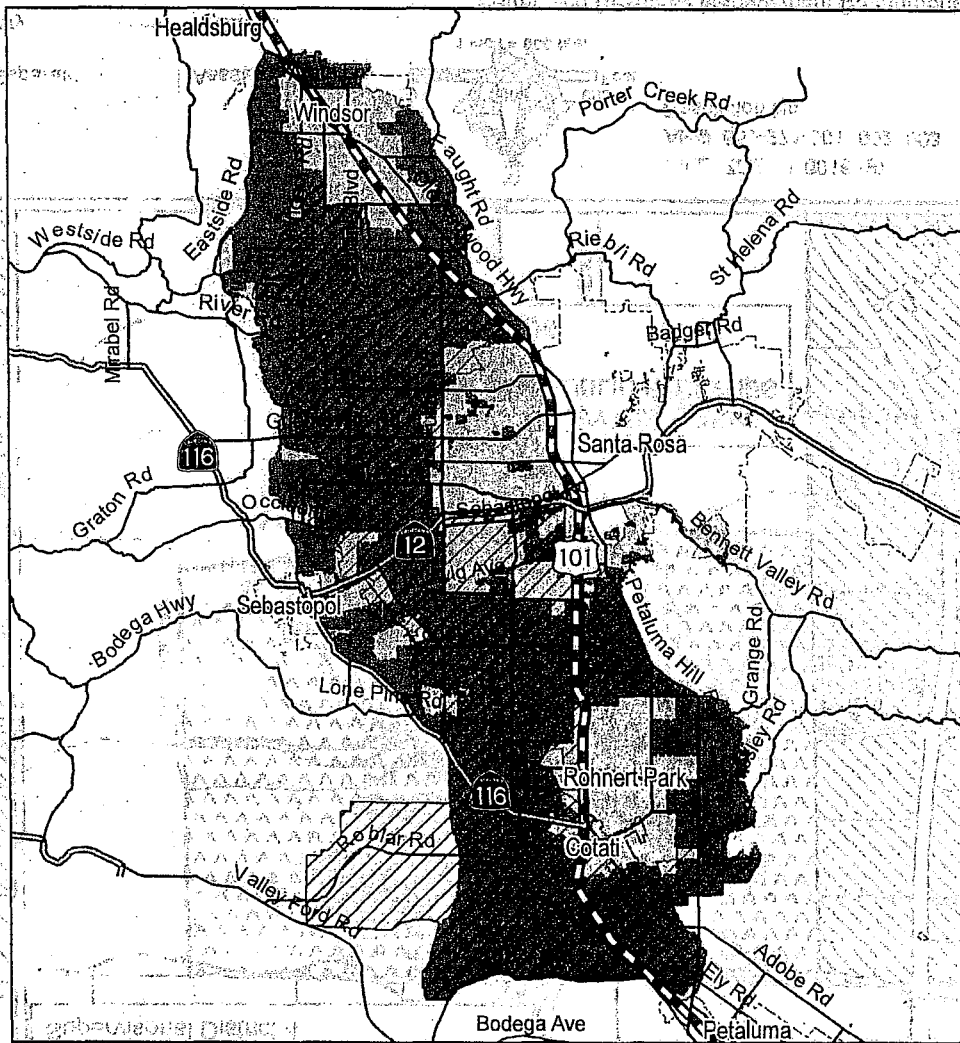
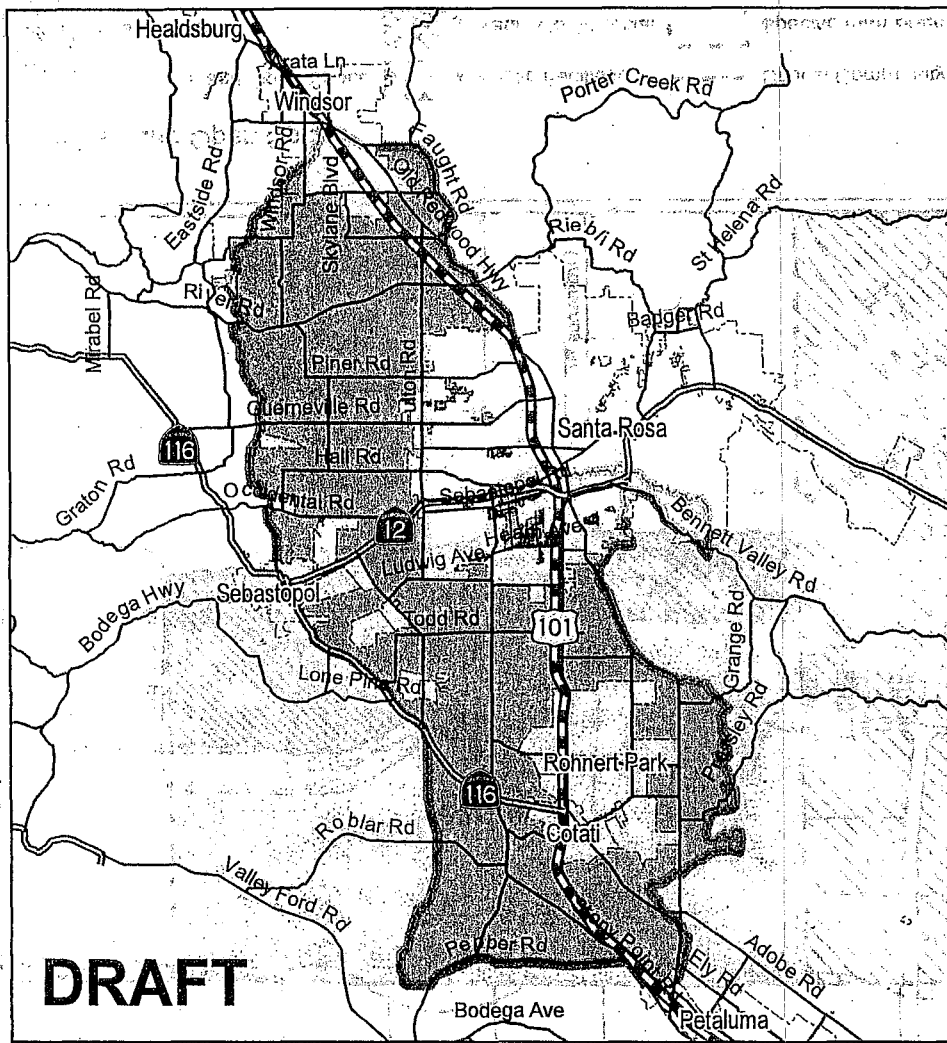
Permit and Resource Management Department  
Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1965 Fax (707) 565-1103



# Existing General Plan Open Space

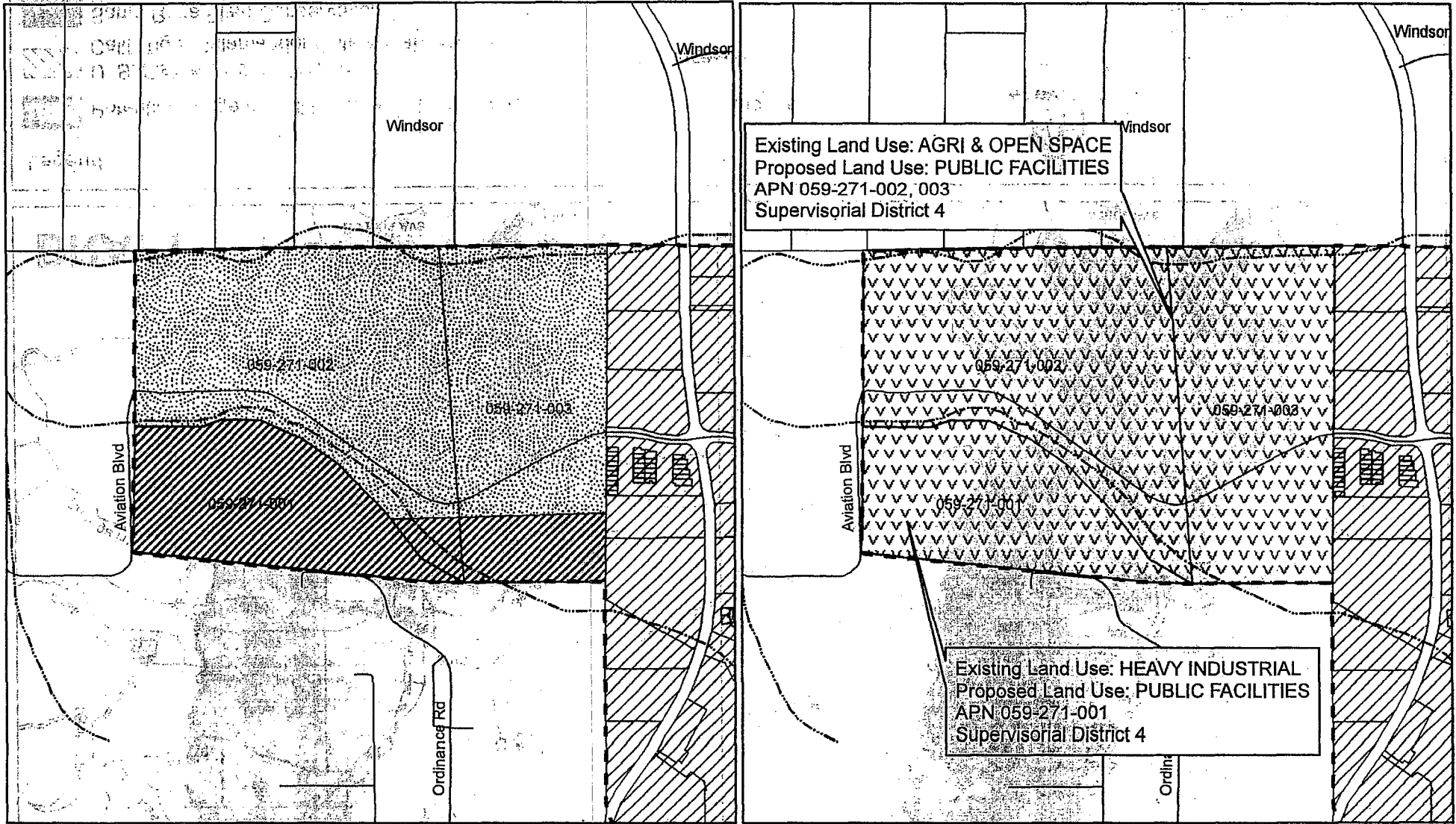
# Proposed General Plan Open Space



**DRAFT**

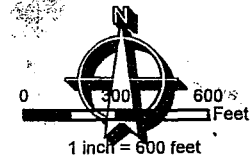
<b>Legend</b>	City Boundaries	<p>0 2 4 Miles 1 inch equals 4 miles</p>	<p>FILE: ZCE 11-0018 (8) AP #: Various Resolution No.</p>
Potential Range of California Tiger Salamander	Highways	<p>Permit and Resource Management Department Project Review Section</p>	<p>2550 Ventura Avenue, Santa Rosa, CA 95403 (707) 565-1965 Fax (707) 565-1103</p>
U. S. Fish & Wildlife Service Calif. Tiger Salamander Critical Habitat Aug. 2011			
Santa Rosa Plain Conservation Strategy Study Area			

# Existing Airport Industrial Area Plan Land Use Proposed Airport Industrial Area Plan Land Use



## Land Use and Open Space

- |                            |                   |                              |                  |
|----------------------------|-------------------|------------------------------|------------------|
| Agriculture and Open Space | Public Facilities | Critical Community Separator | Assessor Parcels |
| Heavy Industry             | Retail Commercial | Specific Plan Boundary       | Railways         |
| Industrial Park            | Urban Residential | City                         | USGS Streams     |

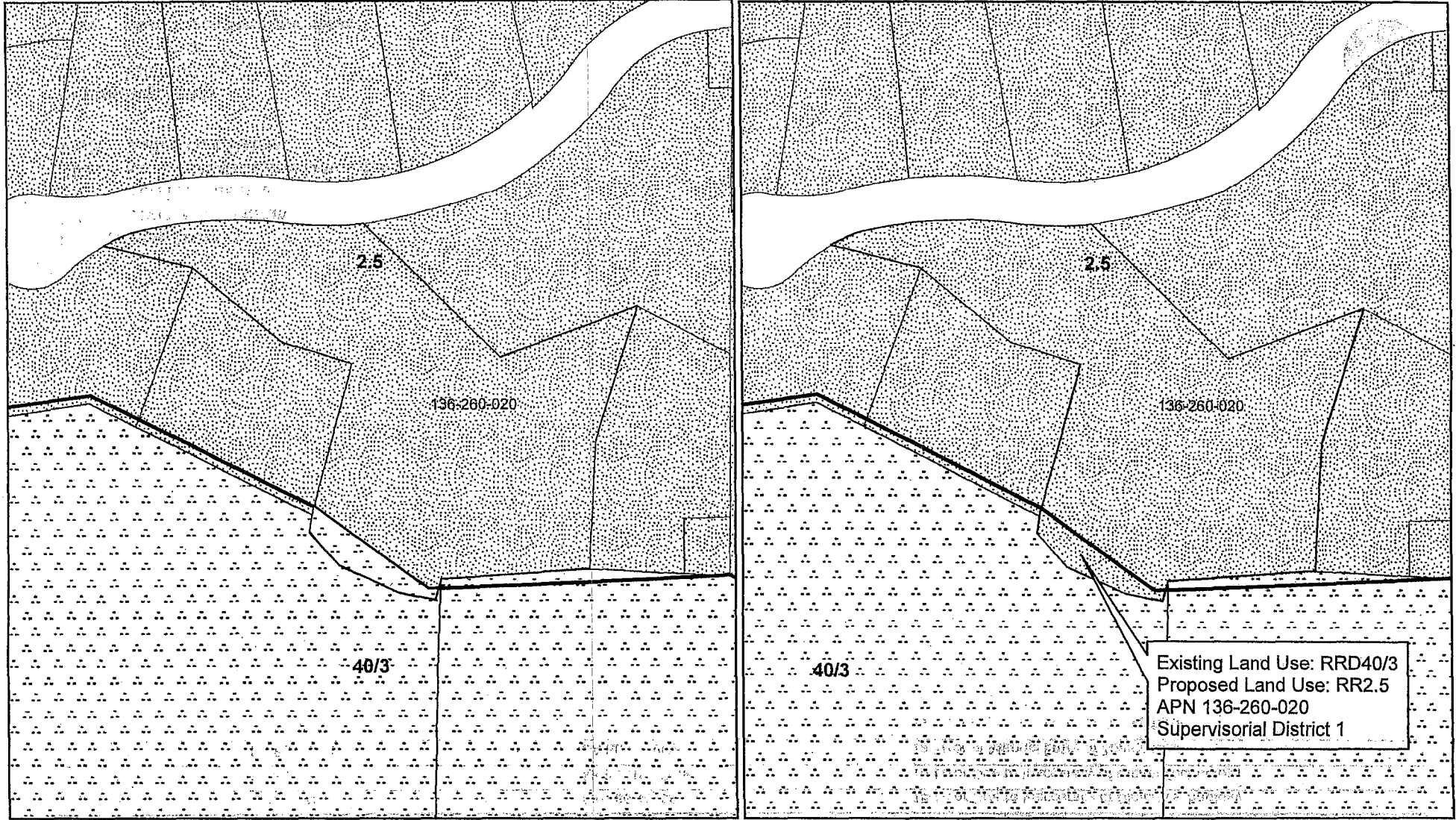


FILE: ZCE 11-0018 (9)  
 AP #: 059-271-001, 002, 003  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

# Existing Sonoma Mountain Area Plan Land Use Proposed Sonoma Mountain Area Plan Land Use



Existing Land Use: RRD40/3  
 Proposed Land Use: RR2.5  
 APN 136-260-020  
 Supervisorial District 1

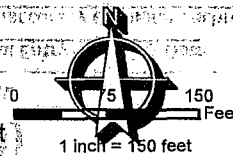
## Land Use

- |  |                                 |  |                                       |
|--|---------------------------------|--|---------------------------------------|
|  | Diverse Agriculture             |  | Rural Residential                     |
|  | Land Extensive Agriculture      |  | Urban Residential                     |
|  | Public / Quasi Public           |  | Recreation Visitor Serving Commercial |
|  | Resources and Rural Development |  | Area Plan Boundary                    |

Highway

Main Arterial Street

Assessor Parcel



FILE: ZCE 11-0018 (10)  
 AP #: 136-260-020 (portion)  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

# Exhibit C

## Zone Changes Not Involving A General Plan Land Use Policy Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
026-070-016	DA CC B6 40/160, LEA B6 160, BR SR	DA CC B6 40/160, LEA B6 160 Z, BR SR	1a-Error in Manual Entry of Zoning Data
073-100-090	RRD B6 40	RRD B6 40, SR	1b-Error Due to Inaccuracy of Digital Technology
073-100-091	RRD B6 40	RRD B6 40, SR	1b-Error Due to Inaccuracy of Digital Technology
073-100-092	RRD B6 40	RRD B6 40, SR	1b-Error Due to Inaccuracy of Digital Technology
074-140-044	RR B6 10, SR	RR B6 10, HD SR	1b-Error Due to Inaccuracy of Digital Technology
128-422-070	DA B6 10, F1 VOH	DA B6 10, VOH	1a-Error in Manual Entry of Zoning Data
128-422-071	DA B6 10, F1 VOH	DA B6 10, VOH	1a-Error in Manual Entry of Zoning Data

EXHIBIT C

**Base Zoning District**

- DA Diverse Agriculture
- RR Rural Residential
- RRD Resources and Rural Development
- VOH Valley Oak Habitat

**Combining Zones**

- HD Historic
- F1 Floodway
- LEA Land Extensive Agriculture
- SR Scenic Resource



# Exhibit D

## Zone Changes Involving General Plan Land Use Policy Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
017-090-010	LEA B6 60 Z, SR VOH	LEA B6 60 Z, SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-001	LEA B6 60, SR	LEA B6 60, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-012	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-017	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
017-100-018	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
026-010-066	CS CC, HD SR	CS CC, HD SR, 17 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
028-070-015	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-021-002	M3, VOH	M3, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-034-027	M1, SR VOH	M1, SR VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
045-222-020	DA B6 10/2 (Ac/DU)/Ac MIN, VOH	DA B6 10/2 (Ac/DU)/Ac MIN, VOH, 18 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-032	RR B6 5 Z, SD, 18 Y [Applies to Entire Parcel]	RR B6 5 Z, SD, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-161-033	RR B6 5 Z, SD SR, 18 Y [Applies to Entire Parcel]	RR B6 5 Z, SD SR, Remove 18 Y [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
050-240-028	RRD B6 20, SR	RRD B6 20, SR, 20 BB [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-080-001	PF B7, BR SR	PF B7, BR SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-090-001	PF B7, BR F2 HD SR VOH	PF B7, BR F2 HD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-008	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-011	PF, SR	PF, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-100-012	DA B6 40, RRD B7, SR	DA B6 40, RRD B7, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-005	PF B7, BR F2 SD SR VOH	PF B7, BR F2 SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-007	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-010	PF B7, SD SR VOH	PF B7, SD SR VOH, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-011	PF B7, BR F2 SD SR	PF B7, BR F2 SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning

EXHIBIT D

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
054-150-012	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-150-013	PF B7, SD SR	PF B7, SD SR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-001	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-002	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-003	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-004	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-005	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
054-460-006	R3 B6 20 DU, HD SR	R3 B6 20 DU, HD SR, 20 CC [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
059-350-094	PF, VOH	PF, VOH, 16 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
061-100-075	DA B7, BR F2 SR VOH, 15 N [Applies to Entire P	DA B7, BR F2 SR VOH, Remove 15 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-260-029	PF, SR	PF, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-260-030	PF	PF, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-260-031	RR B6 31 DU MAX, SR	RR B6 31 DU MAX, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-001	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-002	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-003	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-004	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-005	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-006	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-007	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-008	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-010	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-011	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-012	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-013	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-014	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
067-340-015	RR B6 31 DU MAX	RR B6 31 DU MAX, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning







APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
068-100-041	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-042	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-043	LEA B7, SR	LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-044	LEA B7, SR	LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-045	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-046	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-047	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-048	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-049	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-050	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-051	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-052	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-053	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-054	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-055	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-056	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-057	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-058	DA B7, LEA B7, SR	DA B7, LEA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-059	LEA B7, SR VOH	LEA B7, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-060	DA B7, SR	DA B7, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-100-061	ROAD, SR	ROAD, SR, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-044	K	K, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-049	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
068-150-050	K, SR VOH	K, SR VOH, 19 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-028	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-030	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-090-031	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning





APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
074-100-058	AR B6 10	AR B6 10, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-110-003	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
074-120-001	AR B6 10, SR	AR B6 10, SR, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
075-300-005	RR B6 2	RR B6 2, 12 C [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-150-028	PC 26, RR 73, SR	PC 26, RR 73, SR, 16 V [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-001	RR B6 20, G SR VOH, 14 E [Applies to Entire Parcel]	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
079-160-002	RR B6 20, G SR VOH, 14 E [Applies to Entire Parcel]	RR B6 20, G SR VOH, Remove 14 E [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-001	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-002	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-003	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-004	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-005	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-006	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-007	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
082-300-008	C1 Z	C1 Z, 15 S [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
083-080-001	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-069	PC, SR	PC, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-070	PC	PC, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-071	AS B7, RR B7	AS B7, RR B7, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-031-072	AS B7, RR B7, SR	AS B7, RR B7, SR, 15 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-090-013	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-054	AR B6 6, AS	AR B6 6, AS, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-055	AS, SR	AS, SR, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
084-100-056	AR B6 6	AR B6 6, 15 I [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
086-210-002	RRD B7, G SR, 12 N [Applies to Entire Parcel]	RRD B7, G SR, Remove 12 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-012	LEA B7 Z, F1 SR, 17 J [Applies to Entire Parcel]	LEA B7 Z, F1 SR, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-014	RR B6 3, 17 J [Applies to Entire Parcel]	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-015	RR B6 3, 17 J [Applies to Entire Parcel]	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-016	RR B6 3, 17 J [Applies to Entire Parcel]	RR B6 3, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
113-010-017	LEA B7 Z, F1, 17 J [Applies to Entire Parcel]	LEA B7 Z, F1, Remove 17 J [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
116-190-043	LIA B6 20, F2 VOH, 11 P [Applies to Entire Parcel]	LIA B6 20, F2 VOH, Remove 11 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-005	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-006	K	K, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
118-030-011	K, SR	K, SR, 13 D [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-030	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-031	RR B6 20	RR B6 20, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-190-032	RR B6 20, RRD B6 100	RR B6 20, RRD B6 100, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-045	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-085	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-200-086	RR B6 10	RR B6 10, 16 Q [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
120-210-030	RRD B6 100, BR SR	RRD B6 100, BR SR, 16 R [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-011-045	RRD B7, SR, 18 Z [Applies to Entire Parcel]	RRD B7, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
127-022-085	RRD B6 100, SR, 18 Z [Applies to Entire Parcel]	RRD B6 100, SR, Remove 18 Z [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-461-015	K, SR VOH	K, SR VOH, 20 DD [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-033	DA B6 10, VOH, 18 U [Applies to Entire Parcel]	DA B6 10, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-484-034	DA B6 10, LC, VOH, 18 U [Applies to Entire Parcel]	DA B6 10, LC, VOH, Remove 18 U [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-024	PF, BR	PF, BR, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-025	PF, BR F2	PF, BR F2, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-026	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-027	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
128-491-028	PF	PF, 20 FF [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning









APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
130-450-005	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-014	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-024	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-025	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-026	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-029	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-030	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-031	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-032	RR B6 2, 13 L [Applies to Entire Parcel]	RR B6 2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-033	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
130-450-034	RR B6 2, F2, 13 L [Applies to Entire Parcel]	RR B6 2, F2, Remove 13 L [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
131-180-009	C1 Z, SD SR VOH	C1 Z, SD SR VOH, 13 C [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-063	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-064	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-010-065	RRD B6 40, SR	RRD B6 40, SR, 20 N [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-030-017	RRD B6 100, SR	RRD B6 100, SR, 20 N [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-040-002	DA B6 40, SR	DA B6 40, SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
133-050-052	LIA B6 40, HD SR	LIA B6 40, HD SR, 20 EE [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-132-059	RR B8, VOH	RR B8, VOH, 16 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-044	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-047	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-048	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-049	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-050	M1, VOH	M1, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
134-182-064	RR B6 10, VOH	RR B6 10, VOH, 16 P [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-150-014	LEA B7, SR	LEA B7, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-007	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning



APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
136-160-013	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-015	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-016	LEA B6 60 Z, G SR	LEA B6 60 Z, G SR, 19 H [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-160-018	LEA B6 60 Z, G SR VOH	LEA B6 60 Z, G SR VOH, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-001	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR	LEA B6 60/3 (Ac/DU)/Ac MIN, G SR, 19 H [Applies to Portion of P	2a-Error in Application of General Plan Land Use Policy to Zoning
136-170-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-001	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-180-002	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-003	RRD B6 40 Z, SR	RRD B6 40 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-010	RRD B6 100, BR SR	RRD B6 100, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-190-016	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-039	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-043	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-201-050	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-005	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-006	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-010	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-013	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-014	DA B6 40, SR	DA B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-018	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-020	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-022	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-023	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-024	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-025	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-028	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-033	LEA B6 60 Z, SR	LEA B6 60 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning

APN	EXISTING ZONING	PROPOSED ZONING	ERROR CATEGORY
136-210-034	RRD B6 40, BR SR	RRD B6 40, BR SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-037	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-041	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-042	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-043	RRD B7 Z, SR	RRD B7 Z, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-210-046	RRD B6 40, SR	RRD B6 40, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-220-018	LEA B6 80 Z, G SR	LEA B6 80 Z, G SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-010	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-013	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-015	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-022	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-270-038	RR B6 2.5, SR	RR B6 2.5, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
136-450-005	RRD B6 100, SR	RRD B6 100, SR, 19 H [Applies to Portion of Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
140-070-024	RRD B6 40, SR VOH, 11 O [Applies to Entire Parcel]	RRD B6 40, SR VOH, Remove 11 O [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-021	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-022	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-023	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-024	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-025	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-026	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-027	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning
182-540-028	C2, VOH	C2, VOH, 16 T [Applies to Entire Parcel]	2a-Error in Application of General Plan Land Use Policy to Zoning





**Base Zoning District**

- AR Agriculture and Residential
- AS Agricultural Services
- C1 Neighborhood Commercial
- C2 Retail Business
- DA Diverse Agriculture
- K Recreation and Visitor Serving Commercial
- LC Limited Commercial
- LIA Land Intensive Agriculture
- LEA Land Extensive Agriculture
- M1 Limited Urban Industrial
- M3 Limited Rural Industrial
- PC Planned Community
- PF Public Facilities
- R3 High Density Residential
- RR Rural Residential
- RRD Resources and Rural Development

**Combining Zones**

- AH Affordable Housing
- BR Biotic Resource
- CC Coastal Zone
- F1 Floodway
- F2 Floodplain
- G Geologic Hazard
- HD Historic
- MR Mineral Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- Z Second Unit Exclusion

**Land Use Designation**

- DA Diverse Agriculture
- GC General Commercial
- GI General Industrial
- LC Limited Commercial
- LEA Land Extensive Agriculture
- LI Limited Industrial
- LIA Land Intensive Agriculture
- PQP Public/Quasi Public
- RR Rural Residential
- RRD Resources and Rural Development
- RVSC Recreation and Visitor Serving Commercial
- UR Urban Residential

# Exhibit E

## Zone Changes and General Plan Amendments Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	ERROR CATEGORY
070-360-039	LIA B6 40 Z, F1 F2 SR VOH	PF, BR F1 F2 SR VOH	LIA 40	PQP	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
070-360-041	PF, BR F1 F2 SR VOH	LIA B6 40 Z, F1 F2 SR VOH	PQP	LIA 40	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
094-130-010	PF, BR F1 F2 SR	RR B6 1 Z	PQP	RR 20	3a-Error in General Plan Public Facility Land Use Designation and Zoning
094-130-012	PF, BR F1 F2 SR	RR B6 1 Z	PQP	RR 20	3a-Error in General Plan Public Facility Land Use Designation and Zoning
130-130-022	C1, RR B6 2 DU	RR B6 2 DU, NONE	UR 2, LC	UR 2	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
130-130-023	C1, RR B6 2 DU	C1, NONE	UR 2, LC	LC	3b-Error in Implementation of Lot Line Adj. Conditions of Approval
130-130-024	C1, RR B6 2 DU	C1, NONE	UR 2, LC	LC	3b-Error in Implementation of Lot Line Adj. Conditions of Approval

EXHIBIT E



**Base Zoning District**

- C1 Neighborhood Commercial
- LIA Land Intensive Agriculture
- PF Public Facilities
- RR Rural Residential

**Combining Zones**

- BR Biotic Resource
- F1 Floodway
- F2 Floodplain
- SR Scenic Resource
- VOH Valley Oak Habitat

**Land Use Designation**

- LC Limited Commercial
- LIA Land Intensive Agriculture
- PQP Public/Quasi Public
- UR Urban Residential

# Exhibit F

## Zone Changes, General Plan Amendments, and Area/Specific Plan Amendments Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	EXISTING AIRPORT INDUSTRIAL AREA SPECIFIC PLAN LAND USE DESIGNATION	PROPOSED AIRPORT INDUSTRIAL AREA SPECIFIC PLAN LAND USE DESIGNATION	ERROR CATEGORY
059-271-001	M2 40000 SQ FT AVG, F1 F2 VOH	PF, F1 F2 VOH	GI	PQP	AGRI & OPEN SPACE, HEAVY INDUSTRIAL	PUBLIC FACILITIES	4a-Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning
059-271-002	M2 40000 SF, PF, F1 F2 VOH	PF, F1 F2 VOH	PQP, GI	PQP	AGRI & OPEN SPACE, HEAVY INDUSTRIAL	PUBLIC FACILITIES	4a-Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning
059-271-003	M2 40000 SF, PF, F1 F2 VOH	PF, F1 F2 VOH	PQP, GI	PQP	HEAVY INDUSTRIAL	PUBLIC FACILITIES	4a-Error in General Plan & Specific Plan Public Facility Land Use Designation and Zoning

EXHIBIT F

### Base Zoning District

M2 Heavy Industrial  
PF Public Facilities

### Combining Zones

F1 Floodway  
F2 Floodplain

### Land Use Designation

GI General Industrial  
PQP Public/Quasi Public



# Exhibit G

## General Plan Amendments Only

### Technical Corrections Round 3 (ZCE 11-0018)



APN	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN MAP AMENDMENT	PROPOSED GENERAL PLAN TEXT AMENDMENT	ERROR CATEGORY
039-320-051	LC	LC, UR 11	N/A	N/A	5a-Error on General Plan Land Use Map
125-131-065	UR 15	UR 10	N/A	N/A	5a-Error on General Plan Land Use Map
134-192-015	RR 10	RR 10, 16 P [Applies to Entire Parcel]	Add Policy Point to Land Use Map	N/A	5a-Error on General Plan Land Use Map
N/A	N/A	N/A	N/A	Add definition of "Transportation Noise" to Glossary; amend Table NE-2 of Noise Element	5c-Error in General Plan Text
Various	N/A	N/A	Replace Potential Range of California Tiger Salamander with U. S. Fish and Wildlife Service Santa Rosa Plain Conservation Strategy Study Area Boundary to	N/A	5b-Update to General Plan Open Space Map
Various	N/A	N/A	Add boundary of U. S. Fish & Wildlife Service Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander to Open Space		5b-Update to General Plan Open Space Map

**Land Use Designation**

- LC Limited Commercial
- RR Rural Residential
- UR Urban Residential

EXHIBIT G  
GENERAL PLAN AMENDMENTS ONLY  
TECHNICAL CORRECTIONS ROUND 3 (ZCE 11-0018)



EXHIBIT G

# Exhibit H

## Area/Specific Plan Amendment

### Technical Corrections Round 3 (ZCE 11-0018)

APN	EXISTING ZONING	PROPOSED ZONING	EXISTING GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE DESIGNATION	EXISTING SONOMA MOUNTAIN AREA PLAN LAND USE DESIGNATION	PROPOSED SONOMA MOUNTAIN AREA PLAN LAND USE DESIGNATION	ERROR CATEGORY
136-260-020	RR B6 2.5, SR	No Change	RR2.5	No Change	RRD 40	RR 2.5	6a-Error in Area Plan Land Use Amendment Resolution

EXHIBIT H

**Base Zoning District, Land Use Designation, Sonoma Mountain Area Plan Land Use Designation**

- RR Rural Residential
- RRD Resources and Rural Development

**Combining Zone**

- SR Scenic Resource



Resolution Number

County of Sonoma  
Santa Rosa, California

July 12, 2012

ZCE11-0018 - Lisa Posternak

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE PROPOSED GENERAL PLAN AMENDMENTS, AREA AND SPECIFIC PLAN AMENDMENTS, AND ZONE CHANGES TO CORRECT VARIOUS TECHNICAL ERRORS IN THE GENERAL PLAN LAND USE AND OPEN SPACE MAPS, AREA AND SPECIFIC PLAN LAND USE MAPS, AND OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA.

WHEREAS, on July 12, 2007 the Board of Supervisors adopted the Official Zoning Database, an electronic database containing zoning information for the unincorporated county, which superceded old paper Zoning Maps; and

WHEREAS, various unintended zone changes occurred during the transition from the old paper Zoning Maps to the Official Zoning Database; and

WHEREAS, the Permit and Resource Management Department has identified historical inconsistencies between zoning and General Plan, Area Plan, or Specific Plan land use designation on certain parcels; and

WHEREAS, the Permit and Resource Management Department proposes to correct the technical errors and reconcile zoning and General Plan, Area Plan, or Specific Plan land use designation discrepancies; and

WHEREAS, on June 8, 2010 the Board of Supervisors adopted the first set of technical corrections to the Official Zoning Database, some of which required concurrent General Plan Amendments (Technical Corrections Round 1); and

WHEREAS, on May 10, 2011 the Board of Supervisors adopted the second set of technical corrections to the Official Zoning Database, some of which required concurrent General Plan Amendments (Technical Corrections Round 2); and

WHEREAS, this project is the third set of technical corrections to the Official Zoning Database, some of which require concurrent General Plan, Area Plan, or Specific Plan Amendments (Technical Corrections Round 3); and

WHEREAS, the project includes requested Zone Changes Not Involving General Plan Land Use Policy as shown in attached Exhibit C; Zone Changes Involving General Plan Land Use Policy as shown in attached Exhibit D; Zone Changes & General Plan Amendments as shown in attached Exhibit E; Zone Changes, General Plan Amendments, & Area/Specific Plan Amendments as shown in attached Exhibit F; General Plan Amendments Only as shown in attached Exhibit G; and Area/Specific Plan Amendments Only as shown in attached Exhibit H; and

WHEREAS, one of the General Plan Amendments amends the General Plan text by amending Table NE-2 of the Noise Element to show correct time periods for Hourly Noise Metrics; and

WHEREAS one of the General Plan Amendments adds a definition for Transportation Noise to the General Plan Glossary; and

WHEREAS, the Permit Resource and Management Department determined that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on July 12, 2012, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings:

1. The Official Zoning Database contains known errors that occurred during the transition from the previously adopted Zoning Maps to the current digital Zoning Database. This project will correct those errors and restore the subject parcels to the correct zoning.
2. The project will ensure the Official Zoning Database provides accurate and accessible information.
3. The project is consistent and/or will ensure consistency with the General Plan and applicable Area or Specific Plans.
4. The project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3), as it can be seen with certainty that the project will have no significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the project to be exempt from CEQA and approve the requested Zone Changes Not Involving General Plan Land Use Policy as shown in attached Exhibit C; Zone Changes Involving General Plan Land Use Policy as shown in attached Exhibit D; Zone Changes & General Plan Amendments as shown in attached Exhibit E; Zone Changes, General Plan Amendments, & Area/Specific Plan Amendments as shown in attached Exhibit F; General Plan Amendments Only as shown in attached Exhibit G; and Area/Specific Plan Amendments Only as shown in attached Exhibit H.

BE IT FURTHER RESOLVED that one of the General Plan Amendments amends the General Plan text by amending table NE-2 of the Noise Element as follows:



TABLE NE-2: Maximum Allowable Exterior Noise Exposures for Non-Transportation Noise Sources.

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 4 minutes 48 seconds in any hour)	60	55
L02 (1 minute 72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

BE IT FURTHER RESOLVED that one of the General Plan Amendments adds the following definition to the General Plan Glossary: "Transportation Noise: Sound due to traffic on public roadways, waterways, railroads, and airports."; and

BE IT FURTHER RESOLVED that one of the technical corrections revises Board of Supervisors Resolution No. 11-0623 dated November 15, 2011 to reflect the correct amendment to the Sonoma Mountain Area Plan Land Use Map for the subject parcels from RRD 40/3 (Resources and Rural Development, 40 acre-density / 3 acre minimum lot size) to RR 2.5 (Rural Residential, 2.5 acre-density); and

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

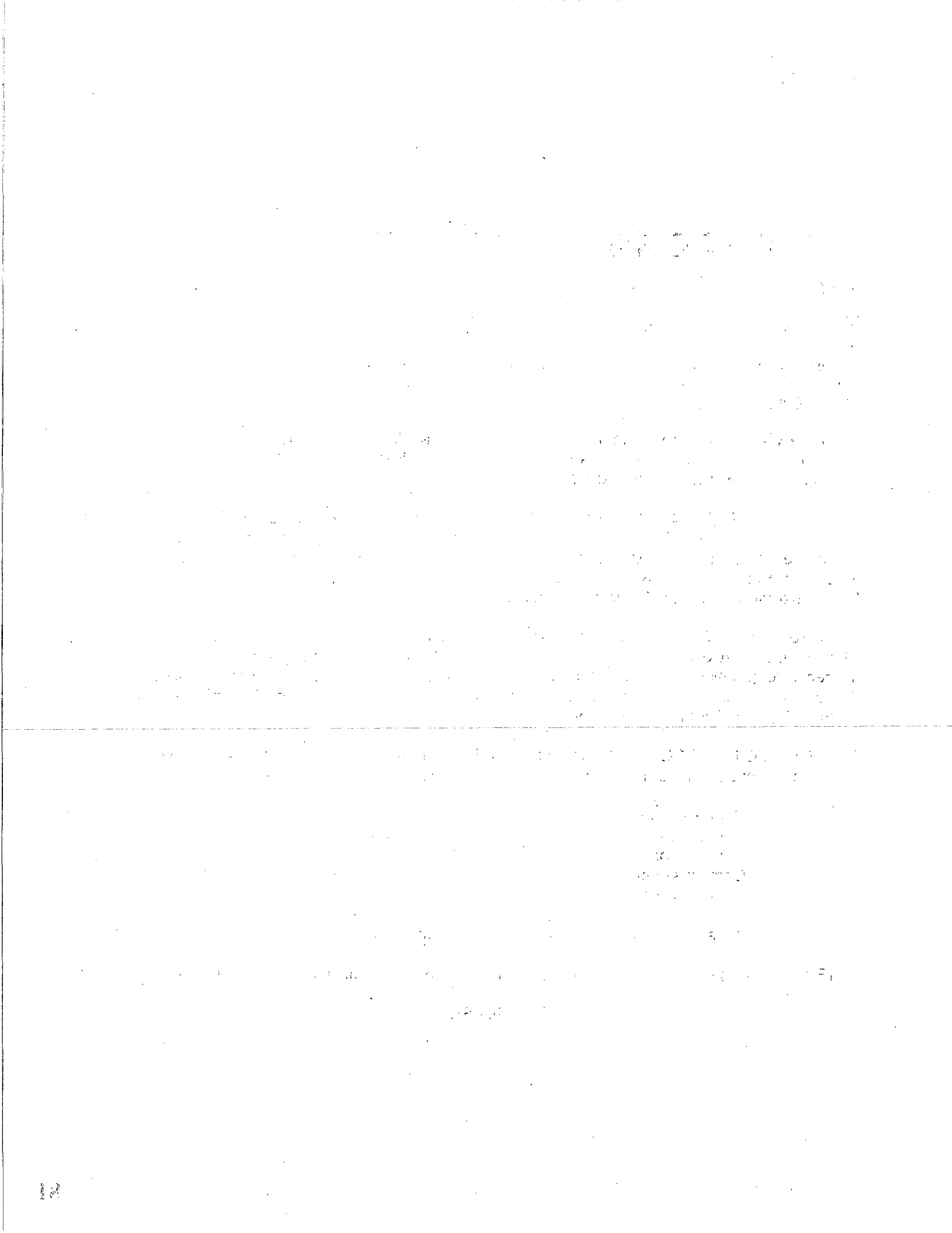
THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

- Commissioner \_\_\_\_\_
- Commissioner \_\_\_\_\_
- Commissioner \_\_\_\_\_
- Commissioner \_\_\_\_\_
- Commissioner \_\_\_\_\_

Ayes:        Noes:        Absent:        Abstain:

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.





# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

---

**DATE:** October 23, 2012 at 2:10 p.m.  
**TO:** Board of Supervisors  
**FROM:** Traci Tesconi, Project Planner  
**SUBJECT:** General Plan Amendment and Use Permit Modification for Best Family Winery; File No. PLP08-0029

### **Action Requested of the Board of Supervisors:**

Approve the attached resolution (Exhibit A) adopting a Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program and approving a General Plan Text Amendment to Planning Area Policy LU-17q and a Use Permit modification to Conditions of Approval (Exhibit A-1) for a previously approved winery and tasting room with special events requested by the Best Family Investors, LLC, for property located at 2065 Highway 116, North, Sebastopol; Supervisorial District 5.

### **Prior Actions:**

On September 20, 2012, the Planning Commission, with a 5-0 vote, recommended the Board of Supervisors adopt the August 2012 Subsequent Mitigated Negative Declaration, and approve the General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language prohibiting the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, and 2) a modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with retail sales and 16 annual events on 7.61 acres.

On June 8, 2010, after a public hearing and recommendation for approval by the Planning Commission and a public hearing before the Board of Supervisors, the Board adopted the Mitigated Negative Declaration and approved the project. The Board of Supervisors approved the amendment and zone change to the Diverse Agriculture 10-acre density designation and the Use Permit for a 26,500 case winery and public tasting room with special events and participation in industry wide events under Resolution No.10-0473. No wedding or concerts were proposed or approved.

### **Location, Zoning and Project Description:**

The subject property is located at 2065 Highway 116 North, Sebastopol, APN 130-262-031 and -032; Supervisorial District No. 5. The zoning is DA (Diverse Agriculture) 10-acre density and an overlay zoning designation of SR (Scenic Resources).

The Modified Project requested by the applicant and recommended for approval by the Planning Commission consists of the following:

- 1) A General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any winery on the project site from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.
- 2) A modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with events and retail sales to:
  - a) Relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site, isolated wetland;
  - b) Reduce the number of approved industry-wide events from five to four per year;
  - c) Prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.
  - d) Prohibit Sunday operations at the winery production facility, except during crush (grape harvest season);
  - e) Close the tasting room at 4:00 p.m. for public wine tasting;
  - f) Reduce the height of the winery production/storage building from 42 feet to 35 feet;
  - g) Remove the roll-up door on the south side of the winery production/storage building.

The Settlement included limiting all winery production operations to 10 p.m., except during crush. However, the Approved Project already limits all winery production hours of operation to 7 a.m. - 7 p.m., which will remain unchanged.

Previously Approved Project Components Remaining Unchanged:

Components of the previously Approved Project which remain unchanged are the Diverse Agriculture, 10 acres per dwelling unit land use designation and Diverse Agriculture B6 10 acre density, SR (Scenic Resource) zoning district, and the following Use Permit components:

Winery: The winery production/storage building 33,000 square feet in size with a maximum annual production capacity of 26,500 cases with winery hours of operation from 7:00 a.m. to 7:00 p.m. (non-harvest season); and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. As approved, at least 75% of the grapes processed at the winery shall be either grown on site or locally grown,

with the remaining 25% from importing grapes or processed grapes (juice) from outside the county.

Public tasting room, retail sales, and events: The detached tasting room building is 5,000 square feet in size and 35 feet in height. The public tasting room is open to the public seven days a week with retail sales and a total of 12 marketing dinners and/or luncheons per year with a maximum of 40 guests per event. The hours of special events are limited to 10:00 a.m. to 9:00 p.m., with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 p.m. Industry wide events are allowed with a maximum of 150 guests. No weddings and/or concerts are allowed.

Cisterns: Several large water cistern steel tanks for a water catchment system are located on the west side of the winery production/storage building.

Access: The primary winery and tasting room entrance would remain via an existing private driveway located on the south side of Occidental Road approximately 300 feet east of the intersection of State Highway 116. The existing gravel driveway would be paved and widened to allow two-way traffic. On the opposite side of the project site, emergency vehicle access only will be provided by a new driveway off of Atkinson Road. The existing residential driveway currently off Highway 116 will be eliminated.

Sewage Disposal: Winery wastewater disposal and domestic sewage disposal would be via an on-site septic systems.

Water Supply: Water supply to serve the winery and tasting room would be via a new, on-site well.

Staff Recommendation:

Staff concurs with the Planning Commission recommendation to adopt the August 2012 Subsequent Mitigated Negative Declaration and approve the General Plan Amendment and Use Permit modifications.

## DISCUSSION OF ISSUES

**Issue #1:** General Plan Amendment

Consistent with the Settlement Agreement, the project modifications include amending General Plan Policy LU-17q (Sebastopol Environs) adding language to prohibit any increase in the winery's production capacity beyond 26,500 cases per year, and prohibit any increase in the winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants) prior to December 31, 2027. Based on the modification request, the new language added to General Plan Policy LU-17q is underlined below as follows:

***Policy LU-17q:*** *"Notwithstanding the minimum lot size limitations of the Diverse Agriculture land use category and the DA (Diverse Agriculture) zoning district, the Diverse Agriculture land use and DA zoning designations, and a minimum lot size of 7.61 acres, are considered consistent*

*with the General Plan for a 7.61 acre parcel resulting from the merger of two existing parcels, APN's 130-262-031 and -032, based on the site's current "Intensive Agriculture" designation in the West Sebastopol Area Plan, the existing and historical agricultural use on the site, on-site soil types and water availability suitable for crop production, and the existing pattern of small and large lots in the vicinity. The Diverse Agriculture land use designation is not considered growth inducing because overall development potential of the site is decreased by one single family residence and one second dwelling unit due to the merger of APN's 130-262-031 and -032 into a single parcel. Notwithstanding the Diverse Agriculture land use and DA zoning designations for the site, to avoid incompatible on-site uses to surrounding residential parcels and potentially negative visual impacts along the Highway 116 scenic corridor, the following land uses shall be prohibited on the site even with a use permit application: confined (continuously) livestock operations; livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial horse stables, horse boarding, riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges. In addition, prior to December 31, 2027, any winery on the site is prohibited from: (1) increasing maximum annual production capacity beyond 26,500 cases per year, and (2) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants)".*

The Board can find that the General Plan Amendment remains in the public interest because the Modified Project's Conditions of Approval require the Applicant pave a pathway or sidewalk connection between the existing Class 1 bike/pedestrian pathway and the existing bus stop. All improvements shall be in compliance with the Sonoma County Transit requirements, including meeting needs for persons with disabilities. In addition, a widened, paved shoulder area is required for the bus stop to ensure continued pedestrian access for passengers accessing the bus stop and make improvements to the Joe Rodota Trail in accordance with the County's Regional Parks Department's requirements. The Board finds that these requirements will ensure that the Joe Rodota Trail and bus stop on the Project Site's Highway 116 North frontage are improved to meet current standards.

**Issue #2:** Use Permit Modification

The Modified Project proposes the following:

1. Relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site to avoid and retain an existing, on-site isolated wetland.

**Staff analysis:** The Comparison Site Plan (Exhibit B) and the architectural plans prepared by Lafranchi Architecture and Development, dated August 2, 2012, depict the relocation of the winery production/storage building and emergency vehicle access road on the project site. The winery production/storage building is setback of approximately 142 feet from the centerline of Highway 116, exceeding the required setback of 30% of the depth of the lot under the Scenic Corridor criteria. The winery production/storage building continues to meet other Diverse Agriculture zoning setback requirements (Front: 30 feet, Side: 10 feet, and Rear: 20 feet), and Fire Code setback (30 feet minimum from property lines).

2. Reduce the number of approved industry-wide events from five to four per year held on the project site.

Staff analysis: Reducing the industry-wide events from five to four per year allows the industry-wide events held at the winery facility to be served with portable toilets under PRMD Policy and Procedure 9-2-31. The septic system capacity shall be designed and installed to accommodate special events with 20 guests (50% of the 40 guest maximum per special event).

3. Prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.

Staff analysis: Staff recommends under draft Planning Condition No. 66 (Exhibit A) to prohibit any future increases in the winery's production capacity and special events until December 31, 2027.

4. Prohibit Sunday operations at the winery, except during crush. This restriction does not apply to the tasting room's hours of operation, as specified in the original approval.

Staff analysis: Staff recommends under draft Planning Condition No. 66 (Exhibit A) to prohibit Sunday operations at the winery, except during crush. The previously approved winery hours of operation are seven days a week from 7:00 a.m. to 7:00 p.m., but during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest.

5. Close the tasting room at 4:00 p.m. for public wine tasting.

Staff analysis: Staff recommends under draft Planning Condition No. 66 (Exhibit A) that the tasting room now close at 4:00 pm. The previously approved tasting room hours are seven days a week from 10:00 a.m. to 5:00 p.m. Marketing dinners and industry-wide events may occur in the tasting room after 4:00 p.m., as specified in the Approved Project.

6. Reduce the height of the winery production/storage building from 42 feet to 35 feet.

Staff analysis: The architectural plans prepared by Lafranchi Architecture and Development, dated August 2, 2012, depict the 35-foot height of the winery production/storage building plus 4-foot high cupolas (refer to the Planning Commission staff report Exhibit J- Sheet A3-1).

7. Remove the roll-up door on the south side of the winery production/storage building.

Staff analysis: The architectural plans prepared by Lafranchi Architecture and Development, dated August 2, 2012, demonstrate there is no roll-up door on the south side of the winery building (refer to Exhibit J- Sheet A3-1).

During the Settlement Agreement a concern by neighbors was the potential of the winery exceeding the maximum annual production capacity approved under the Use Permit. In

response, draft Planning Condition No. 112 requires the applicant provide ATF (Alcohol, Tobacco, and Firearms) records if an investigation is pursued by PRMD and if PRMD requests ATF records be provided to verify the winery's annual production capacity at the project site. The applicant agreed to the new condition added to the Use Permit.

**Issue #3:** Isolated Wetland and Water Quality

The North Coast Regional Water Quality Control Board asked the applicant to avoid an on-site delineated isolated wetland by relocating the winery production/storage building and emergency vehicle access road. On November 18, 2010, a Wetland Buffer Strip Planting Plan was prepared by Ted Winfield, Ph.D. and submitted to the NCRWQCB. In a November 24, 2010 response letter, Mona Dougherty, Water Resources Control Engineer of the NCRWQCB stated:

*"This letter reflects the resolution of the water quality concerns expressed in the March 1, 2010 comment letter (NCRWQCB). In areas where agriculture activity is proposed, the Wetland Buffer Strip Plan was reviewed and approved by our staff. In light of these modifications and any permitting actions taken by our agency for the wetland crossing resulting from the fire access road, the Regional Water Board is satisfied that the project will not have a significant impact on the existing 0.3-acre wetlands on the project site. The applicant has also clarified and enhanced the project's use of Low Impact Development techniques. With the enhanced LID techniques and their inclusion in the project modifications, the Regional Water Board is satisfied with the use of LID which will minimize the discharge of pollutants in storm water runoff and any alternations to the hydrology of the site, and will not have a significant impact on water quality. The Regional Water Board is satisfied that the project, as revised, will have a less than significant impact on the water quality."*

Retaining the existing, on-site isolated wetland results in the following improvements to the physical environment as compared to the originally-approved project:

- a. The landscaping within the 50-foot vegetated buffer surrounding the existing, on-site isolated wetland would contain native, low water use plant species.
- b. The vineyard areas would be set back from the 50-foot vegetated buffer so that agricultural equipment does not encroach into the buffer. A barrier such as a fence or landscaping would be installed at the 50-foot buffer to keep equipment out. In addition, a 10-foot wide equipment turnaround between the vegetated buffer and the vines will be maintained to ensure vineyard equipment does not encroach into the vegetated buffer zone.
- c. A precast bridge would be installed where the emergency vehicle access crosses the wetland. All footings for the bridge would be installed outside the delineated wetland boundary so that there is no disturbance of the existing, on-site isolated wetland.

On July 30, 2012, an updated Low Impact Development Calculation Report was prepared by Carlile-Macy Engineers (refer to Exhibit N) and the following low impact development elements have been incorporated in the project's site design: grass swales, vegetated buffers, cisterns to store rainwater, pervious pavement, preservation & enhancement of natural, landscape and vineyard areas, self-treating areas, and runoff areas will drain to grass swales.

Since the existing on-site, isolated wetland would be avoided and retained, a previous mitigation measure incorporated into the Approved Project was deleted as explained in the August 2012 Subsequent MND. However, to ensure the modifications to the project do not have any adverse



effect on the isolated wetlands onsite, Mitigation Measure 4.c (1) (refer to Planning Condition No. 75) has been revised from that of the Approved Project (changes shown in underline and strikeout) and a new Mitigation Measures 4.c.(2) and (Mitigation Measures 4.c.(3) have been added (refer to Planning Conditions No. 76 and 77).

#### **Issue # 4:** Septic System

The Modified Project includes three areas for sewage disposal systems to serve the winery and tasting room, as depicted on the Septic System Design Site Plan, prepared by Huffman Engineering and Surveying, dated July 5, 2012 (refer to Exhibit O). Areas One and Area Two will be standard septic systems located at the north and north-east end of the project site to serve the public tasting room with retail sales, and the tasting room visitors and employees, and half (50%) of the winery process wastewater, respectively. Area Three will be located at the southern end of the project site and will be an at-grade septic system to dispose and treat the other half (50%) of the winery process wastewater. The three sewage disposal systems meet all the required setbacks, including but not limited to, a 100-foot setback from the above mentioned existing on-site wetland near the south end of the site, 100-foot well setbacks from all domestic water wells within the area, the 50-foot setbacks to the drainage features along Highway 116, and the required setbacks from property lines which are 5 feet for standard systems and 10 feet for non-standard systems.

Reducing the industry-wide events from five to four per year allows the industry-wide events to be served with portable toilets under PRMD Policy and Procedure 9-2-31. The septic system capacity shall be designed and installed to accommodate 50% of total number of guests, which the maximum capacity per a special event is 40 guests.

#### **Issue # 5:** Scenic Corridor and Aesthetics

On January 19, 2011, the Design Review Committee conducted preliminary design review on the original Modified Project submitted in December 2010. DRC opined that moving the winery production/storage building and emergency vehicle access road farther back on the site at a greater distance from Highway 116 comported with the Committee's earlier recommendations on the original project (Preliminary Design Review Committee meeting, dated 12-3-2008). Highway 116 is a State Scenic Highway and a Scenic Corridor. The Scenic Resources zoning overlay requires a setback of 30% of the depth of the parcel measured from centerline of the road, up to a maximum setback of 200 feet. Because the depth of the site varies from 345.2 to 412.5 feet, the minimum setback varies from 103.6 feet to 123.8 feet. The production building setback varies from 162 to 169 feet from the centerline of Highway 116. The locations of the winery production/storage building and the tasting room meet the 30% building setback requirement.

The Modified Project and updated plans dated August 2, 2012, incorporate all the DRC recommendations from the January 19, 2011, preliminary design review meeting. As a result of the DRC recommendations, the roof and water tank reflectivity has been reduced, more landscaping has been added along the Highway 116 frontage, a double row of landscaping at the southern perimeter, low bollard lighting is in the parking area, and the entry sign height and size has been reduced to meet County standards. The preliminary landscape plans, building

elevation plans, and sign plan dated August 2, 2012, incorporate DRC recommendations into the project plans.

The tasting room building remains 35 feet in height and the winery production/storage building will be reduced to 35 feet in height consistent with the height limit in Diverse Agriculture. Overall, visual impacts are being reduced from that of the originally Approved Project because under the Modified Project the winery production/storage building height is reduced from 42 feet to 35 feet and additional landscape screening has been added along Highway 116 and Atkinson Road.

There are large, prominent oaks along Highway 116, near the northwest corner of the site, which screen views from the north at the intersection of Highway 116/Occidental Road and add rural character to the site. Of the eight large existing oaks in this area, seven will be retained, one will be removed, and one may need to be removed due to its proximity to the proposed tasting building. Clusters of mixed Valley Oaks and Evergreen Coast Live Oaks will be planted to extend the existing landscape character and provide additional visual screening along the three site frontages. Views across the site from Highway 116 are generally open, but a mass of evergreen trees provides a significant backdrop across the high point of the site along the eastern boundary. This backdrop will be supplemented with additional oaks that will create a backdrop for the proposed winery building. There is also a large stand of existing evergreen trees located on the east and south-east portions of the site that extend the backdrop of trees to a greater height. On the south side of the project site, there are oak and eucalyptus trees that form another backdrop to the south of the project site. Six photo simulations, dated August 2, 2012, (refer to Planning Commission staff report Exhibit I ) portray what a passing motorist will experience while passing the project site after construction, with mature landscaping.

To ensure the design criteria is implemented in the final construction plans and final site improvements, mitigation measures require Final Design Review by the Design Review Committee prior to issuance of any building or development permit. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated January 19, 2011, and any subsequent Design Review Committee recommendations made on the Modified Project.

**Issue # 6:** Noise

An update to the previous Noise Assessment Evaluation was prepared by Illingworth & Rodkin, Inc., dated February 28, 2011 (Attachment of the August 2012 SMND). The Modified Project would not allow any winery operations on Sundays, except during crush (grape harvest season). This restriction does not include the tasting room operations. Otherwise, there are no other changes in the winery operation. Hours of operation will be 7 a.m. to 7 p.m., Monday through Saturday (non-harvest season); and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. Wine production activities, such as bottling, pressing, aging, and storing will take place within the production building. The crush pad will be used for crush-related operations and truck traffic and deliveries. A crush pad perimeter wall will be placed at the northeast side of the production area, and will be built of masonry block to a height of 9 feet above the ground elevation of the crush pad/truck parking area.

The Updated Noise Assessment concludes:

- a. Noise levels associated with motor vehicles using the project parking areas would meet the daytime NE-2 noise standards at all adjacent residential property lines.
- b. All proposed daytime and nighttime indoor event noise levels would meet County noise standards.
- c. Noise levels associated with typical non-crush season truck operations would meet the daytime NE-2 noise standards at the adjacent residential property lines. In comparison to the previously Approved Project, the relocation of the winery production building would not change the truck delivery noise for Residence #1, and decreases by 4 dBA the truck delivery noise for Residence 2, 3A, & 3B.
- d. Noise levels associated with maintenance and forklift operations on the site would meet the daytime NE-2 noise standards at adjacent residential property lines.
- e. Noise levels associated with typical outdoor mechanical equipment in the crush pad area of the winery production building would meet the daytime NE-2 noise standards at the adjacent residential property lines.
- f. Noise levels from indoor production and mechanical equipment would meet the daytime NE-2 noise standards at the adjacent residential property lines. These noise levels are further reduced by attenuation provided by the building itself.
- g. Exterior noise levels generated during crush would be about 48 dBA, when the attenuation provided by the distance, crush pad perimeter wall, and terrain shielding is taken into account. This noise level would be in compliance with both daytime and nighttime L50 NE-2 standards at Residence 1. Bottling and final wine production would take place indoors in the winery production/storage building. Taking into account the structural attenuation, noise from the bottling operations would be less than 45 dBA at all adjacent residences and in compliance with both daytime and nighttime L50 NE-2 standards at all adjacent residences.
- h. Refrigeration cooling compressors located in the loading area of the winery production building will produce a noise level of 48 dBA(L50) at Residence 1 and a noise level of 42 dBA (L50) or below at Residences 2, 3A, and 3B. The air compressors located in the loading area of the winery production building will produce a noise level of 50 dBA (L25) at Residence 1, and a noise level between 42 to 44 dBA (L25) at Residence 2, 3A, and 3B in compliance with the noise standards.

Noise mitigation measures identified in the previously-adopted MND and already incorporated into the project would continue to apply to the Modified Project and ensure that noise impacts are less than significant. An additional mitigation measure requires the cooling compressors and air compressors to meet the operational noise level at 50 feet to be 60 dBA, and 62 dBA or less, respectively, subject to review and approval by the Project Review Health Specialist prior to occupancy of the winery building (refer to Health Condition No. 18 of Exhibit A).

**Issue # 7:** Traffic

The Modified Project reduces the overall traffic to be generated by the winery and tasting room land uses. The number of industry-wide events is being reduced from five to four per year on the project site; the tasting room would close at 4 p.m. instead of 5 p.m. daily; no Sunday winery operations are allowed, except during crush (grape harvest season); and as previously approved, all winery operations must cease by 7 p.m., except during crush (grape harvest season).

On August 2, 2012, a letter was submitted by W-Trans (Whitlock and Weinberger Transportation, Inc.), the traffic engineers who completed the original Traffic Impact Studies for the project. W- Trans states:

*“It is understood that the Best Family Winery project has undergone some changes to the project description, including changes to the proposed schedule to limit Sunday operations to the winery only, except during crush, and closure of the tasting room at 4 p.m., instead of 5 p.m., as originally approved. As requested, we have reviewed our prior analysis of the Best Family Winery Project to determine if the proposed operating schedule has any effect on the conclusions and recommendations in the Revised Traffic Impact Study for the Best Family Winery Project, dated December 8, 2008.*

*Prior analysis was based on the assumption that operation of the winery, apart from the tasting room, would be limited to Monday through Saturday, except during crush; thus, the existing analysis already reflects this schedule. With the new proposed schedule, the tasting room would close earlier, which would reduce the number of trips generated by the winery during the weekday p.m. peak hour. With fewer trips added the project’s impact would be less, so the analysis of traffic operation during the p.m. peak hour is conservative, so does not need to be updated.”*

As previously approved, the winery and tasting room’s primary access would be via the existing private driveway located on the south side of Occidental Road approximately 300 feet east of the intersection of State Highway 116. W-Trans determined a left-turn lane on Occidental Road at the project driveway is not warranted based on traffic volumes, and that the sight distance for westbound vehicles on Occidental Road for the project driveway location exceeds 500 feet, which is greater than the 300 feet of stopping distance needed for the prevailing speed in the area. The Final Traffic Report for the approved project also had a peer view by Mousa Abbasi of TCE who found the Final Traffic Study acceptable.

As previously approved, on the opposite side of the project site, emergency vehicle access only will be provided by a new driveway off of Atkinson Road. The EVA driveway location off of Atkinson Road remains unchanged from that previously approved.

**Issue # 8:** Greenhouse Gas

On June 27, 2011, a Revised Final Greenhouse Gas Emission Plan (Attachment of the August 2012 SMND) prepared for the project by Rimpo and Associates was submitted to PRMD because it was a condition of the previously Approved Project to prepare a plan to eliminate any increase in greenhouse gas emissions from project construction and operation through all feasible strategies of carbon off-sets chosen by the permit holder. The relocation of the winery production/storage building would not change the project’s GHG emissions. However, local solar company has estimated that the winery production/storage building would accommodate fewer photovoltaic panels than previously estimated due to changes in the Sonoma County Fire Code adopted in January 2011. Consistent with the applicant’s commitment to achieving a project that is “carbon neutral”, an added mitigation measure requires the applicant participate in PG& E’s ClimateSmart Program and purchasing emission offsets from a company registered with the Climate Action Reserve to provide GHG emission offsets. This is required by PRMD to be a one-time purchase for the life of the buildings, which is typically a 30-year life term.

Alternatively, PRMD added the applicant may participate in a local County-sponsored off-set program to off-set any remaining emissions (refer to Planning Condition No. 89 of Exhibit A).

**Issue # 9:** Water Availability

Although the Project is located in a Zone 2 Groundwater Availability Area, Richard C. Slade & Associates prepared a Hydrogeologic Assessment of Groundwater Availability, dated November 2011. The project site is not located in a marginal or water scarce area and groundwater studies are typically required for projects only in marginal or water scarce areas of Sonoma County (Zones 3 and 4 Groundwater Availability Areas). The report concluded that “it is our professional opinion that the project as proposed will not have a negative impact on groundwater in the Wilson Grove Formation that underlies the project site and surrounding areas.”

**Issue # 10:** Neighborhood compatibility

Historically, the project site has been used for agriculture purposes. The project, as modified, continues to be consistent with the Diverse Agriculture land use designation and the DA (Diverse Agriculture) zoning district allows agricultural processing, sales of products grown on site, product promotion, and small scale events. Through the preparation of the initial study and the incorporation of mitigation measures and monitoring program set forth in the August 2012 Subsequent Mitigated Negative Declaration, staff has determined that any potentially significant environmental impacts will be lessened under the project modifications and any potentially significant impacts can be mitigated to a less than significant level. The winery and tasting room traffic will continue to access and egress from the driveway off Occidental Road, which was previously determined by traffic engineers to be safe and can accommodate additional traffic; the site can accommodate all on-site parking needs and noise levels from the winery operations and event activities will continue to meet daytime and nighttime noise limits in the General Plan. The project site is located in an Area 2 water availability area, and a groundwater recharge area. Drainage improvements will include the use of grassy swales and vegetated buffers, and parking areas and access roads will be pervious, and runoff coming from the roof of the production building will be collected and stored into tanks. Final design review is required by the Design Review Committee prior to any building or development permits to approve the final landscaping, exterior lighting, and signage. The winery wastewater system will require approval by the Well and Septic Division and the North Coast Regional Water Quality Control Board.

**ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

**Issue #1:** Judicially- Supervised Settlement terms

The day of the Planning Commission hearing PRMD received a letter (via an e-mail from the Office of County Counsel) from Mr. Paul Carroll, attorney for the *Concerned Citizens for Responsible Land Use* stating he reviewed the Planning Commission Resolution and Draft Conditions of Approval revised by County Counsel on September 19, 2012. Mr. Carroll was concerned that in some of the documents it stated: “an increase in production greater than 26,500 or more than 16 events per year shall be prohibited until December 31, 2027, etc.” Mr. Carroll explained that under the terms of the Settlement the word “or” is incorrect and it should say “and” because both an increase in the winery’s 26,500 case maximum annual production

capacity and an increase in the 16 events per year are prohibited on the site until December 31, 2027.

### **Resolution**

At the Planning Commission hearing, both the attorney for the applicant, Tina Wallis of Clement, Fitzpatrick and Kenworthy, and Deputy County Counsel agreed with Mr. Paul Carroll in that it is fully understood that the terms of the Settlement were to prohibit any increase in the winery's 26,500 case maximum annual production capacity and prohibit any increase in the 16 events (12 special events and 4 industry-wide events) prior to December 31, 2027.

County Counsel corrected the Planning Commission Resolution and draft Conditions of Approval to correctly state that both increases in the winery production capacity and events are prohibited on the site prior to December 30, 2027. The corrected version of the Planning Commission Resolution and draft Conditions of Approval are attached to the Board staff report and were sent to Mr. Paul Carroll. The Board of Supervisors Resolution and the draft Conditions of Approval reflect the Settlement terms to prohibit any increase in the winery's 26,500 case maximum annual production capacity and prohibit any increase in the 16 events (12 special events and 4 industry-wide events) prior to December 31, 2027.

### **Planning Commission Recommendation:**

On September 20, 2012, the Planning Commission recommended the Board of Supervisors:

1. Adopt the August 2012 Subsequent Mitigated Negative Declaration.
2. Approve the General Plan Amendment to modify General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any winery on the project site from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.
3. Approve the modifications to the previously approved Use Permit for the 26,500 case winery and public tasting room with events and retail sales to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027; d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building. Other components of the previously approved Use Permit remain unchanged.

**List of Attachments:**

- EXHIBIT A: Draft Board of Supervisors Resolution
- EXHIBIT A-1: Draft Conditions of Approval
- EXHIBIT B: Comparison Site Plan, dated August 2, 2012
- EXHIBIT C: Aerial Site Plan, dated August 2, 2012
- EXHIBIT D: Planning Commission Staff Report with attachments
- EXHIBIT E: Planning Commission Minutes, dated September 20, 2012
- EXHIBIT F: Letter from Mr. Paul Carroll, dated September 20, 2012

---

**On file with the clerk:** 2012 Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program

**Resolution No. 12-**

**County Of Sonoma  
Santa Rosa, Ca 95403**

**Date: October 23, 2012  
PLP08-0029 Traci Tesconi**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting A Subsequent Mitigated Negative Declaration And Mitigation Monitoring Program, And Approving (1) A General Plan Text Amendment To Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) As Part Of The Second Amendment Of The General Plan Land Use Element For 2012, And (2) A Use Permit Modification To Conditions of Approval For A Previously Approved 26,500 Case Winery And Public Tasting Room With Retail Sales And Events On 7.61 Acres Located At 2065 Highway 116, North, Sebastopol, APN's 130-262-031 And -130-262-032; Supervisorial District No. 5.**

---

**Resolved**, that the Board of Supervisors (“the Board”) of the County of Sonoma (“the County”) hereby finds and determines as follows:

**Section 1.  
Application and Project Modifications.**

1.1 Best Family Investors, LLC (“the Applicant”) has filed an application (“the Modification Application”) with the Sonoma County Permit and Resource Management Department (“PRMD”) to modify Planning Area Policy LU-17q and the conditions of approval for the use permit for the previously approved Best Family Winery (“the Use Permit”), a 26,500 case winery and public tasting room with retail sales and events (“the Project”) on 7.61 acres located at 2065 Highway 116, North, Sebastopol, APN’s 130-262-031 and -032 (“the Project Site”). As heard and considered by the Board, the Modification Application includes project modifications submitted by the Applicant on December 17, 2010, July 6, 2012, and August 2, 2012, and consists of the following components (collectively “the Project Modifications”):

(a) A general plan text amendment to Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) in the Land Use Element (“the General Plan Land Use Element”) of the Sonoma County General Plan (“the General



Plan”) to revise Planning Area Policy LU-17q to read as follows (“the General Plan Amendment”):

**Policy LU-17q:** Notwithstanding the minimum lot size limitations of the Diverse Agriculture land use category and the DA (Diverse Agriculture) zoning district, the Diverse Agriculture land use and DA zoning designations, and a minimum lot size of 7.61 acres, are considered consistent with the General Plan for a 7.61 acre parcel resulting from the merger of two existing parcels, APN’s 130-262-031 and -032, based on the site’s current “Intensive Agriculture” designation in the West Sebastopol Area Plan, the existing and historical agricultural use on the site, on-site soil types and water availability suitable for crop production, and the existing pattern of small and large lots in the vicinity. The Diverse Agriculture land use designation is not considered growth inducing because overall development potential of the site is decreased by one single family residence and one second dwelling unit due to the merger of APN’s 130-262-031 and -032 into a single parcel. Notwithstanding the Diverse Agriculture land use and DA zoning designations for the site, to avoid incompatible on-site uses to surrounding residential parcels and potentially negative visual impacts along the Highway 116 scenic corridor, the following land uses shall be prohibited on the site even with a use permit ~~application~~: confined (continuously) livestock operations; livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial horse stables, horse boarding, riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges. In addition, prior to December 31, 2027, any winery on the site is prohibited from: (1) increasing maximum annual production capacity beyond 26,500 cases per year, and (2) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants).

(b) A use permit modification to conditions of approval for the Use Permit (“the Use Permit Modification”) to:

(1) Relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the Project Site, to avoid and retain an existing on-site, isolated wetland;

(2) Reduce the number of permitted industry-wide events from five to four per year;

(3) Prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027;

(4) Prohibit Sunday operations at the winery production/storage building, except during crush (grape harvest season). (This restriction shall not apply to the winery tasting room.);

(5) Close the winery tasting room at 4:00 p.m. for public wine tasting;

(6) Reduce the height of the winery production/storage building from 42 feet to 35 feet, as set forth on August 2, 2012 architectural plans prepared by the Applicant's architect; and

(7) Remove the roll-up door on the south side of the winery production/storage building.

## **Section 2. Procedural History.**

2.1 In March 2008, the Applicant filed Application PLP08-0029 requesting the General Plan amendments, zone change, and use permit necessary for the Project. On June 8, 2010, after a public hearing and recommendation for approval by the Sonoma County Planning Commission and a public hearing before the Board, the Board adopted a revised recirculated mitigated negative declaration ("Mitigated Negative Declaration") and approved the Project.

2.2 On June 30, 2010, Concerned Citizens for Responsible Land Use ("Concerned Citizens") filed a petition for writ of administrative mandate in Sonoma County Superior Court (Sonoma County Superior Court Case No. SCV

24674) challenging the Board's adoption of the Mitigated Negative Declaration and approval of the Project ("the Litigation").

2.3 On December 17, 2010, the Applicant submitted project modifications to revise the Project to move the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the Project Site, to avoid and retain an existing on-site, isolated wetland.

2.4 On March 1, 2010, the Board took original jurisdiction over the Modification Application, as requested by the Applicant.

2.5 On March 16, 2011, the Superior Court issued an order staying the Litigation until the Board could take final action on the December 17, 2010 project modifications.

2.6 On June 26, 2012, PRMD staff commenced circulation of a subsequent mitigated negative declaration ("the Subsequent Mitigated Negative Declaration") evaluating the December 17, 2010 project modifications. After the release of the Subsequent Mitigated Negative Declaration, PRMD staff discovered a clerical error in the new mitigation measure in the Biological Resources section of the document.

2.7 On July 6, 2012, the Applicant submitted a report from the Applicant's engineer providing new septic system information for the Project and a project modification to revise the Project to reduce the number of permitted industry-wide events from five to four per year due to septic system constraints. On July 11, 2012, the Applicant volunteered to use the self-contained "crowd pleaser" style portable toilets at any special event with more than 20 guests.

2.8 On July 13, 2012, PRMD staff commenced circulation of a revised subsequent mitigated negative declaration ("the Revised Subsequent Mitigated Negative Declaration") correcting the clerical error in the previously released Subsequent Mitigated Negative Declaration, incorporating the new septic system information, and evaluating the December 17, 2010 and July 6, 2012 project modifications.

2.9 On July 16, 2012, and July 20, 2012, Concerned Citizens, the Applicant, and the County participated in a judicially-supervised settlement conference before the Honorable Judge Gary Nadler, Sonoma County Superior Court. On July 20, 2012, Concerned Citizens, the Applicant, and the County

reached agreement on a settlement of the Litigation, the terms of which were read into the record (“the Judicially-Supervised Settlement”), contingent upon approval by the Board.

2.10 On July 25, 2012, in anticipation of the Board’s approval of the Judicially-Supervised Settlement, the Applicant withdrew its request that the Board assume original jurisdiction over the Modification Application.

2.11 On July 31, 2012, the Board adopted Resolution No. 12-0373 approving the Judicially-Supervised Settlement.

2.12 On August 2, 2012, to implement the Judicially-Supervised Settlement, the Applicant submitted project modifications to revise the Project as follows:

(a) Prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.

(b) Prohibit Sunday operations at the winery production/storage building, except during crush (grape harvest season). (This restriction shall not apply to the winery tasting room.)

(c) Close the winery tasting room at 4:00 p.m. for public wine tasting.

(d) Reduce the height of the winery production/storage building from 42 feet to 35 feet, as set forth on architectural plans prepared by the Applicant’s architect.

(e) Remove the roll-up door on the south side of the winery production/storage building.

2.13 After accepting the August 2, 2012 project modifications as complete for processing, PRMD staff reviewed all of the Project Modifications (i.e., the December 17, 2010, July 6, 2012, and August 2, 2012 project modifications), the Mitigated Negative Declaration, the Subsequent Mitigated Negative Declaration, and the Revised Subsequent Mitigated Negative Declaration, and determined, pursuant to State CEQA Guidelines section 15162,

that a new subsequent environmental review was required for the Project Modifications to comply with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines. PRMD staff further determined that a subsequent mitigated negative declaration was the appropriate environmental document to analyze the Project Modifications. Consistent with CEQA and the State CEQA Guidelines, PRMD staff further determined that the subsequent mitigated negative declaration for the Project Modifications (“the August 2012 Subsequent Mitigated Negative Declaration”) would only be required to address the changes proposed in the Project Modifications and not re-evaluate the environmental impacts already analyzed in the Mitigated Negative Declaration that would not change with the Project Modifications.

2.14 PRMD staff released the August 2012 Subsequent Mitigated Negative Declaration for public and agency review, gave notice of the intent to adopt the August 2012 Subsequent Mitigated Negative Declaration, and commenced a 30-day public review period to receive comments on the August 2012 Subsequent Mitigated Negative Declaration on August 16, 2012.

2.15 PRMD staff prepared a staff report to the Sonoma County Planning Commission (“the Planning Commission”) on the Project Modifications. In the Planning Commission staff report, PRMD staff analyzed and discussed the Project Modifications, and recommended that the Planning Commission recommend to the Board adoption of the August 2012 Subsequent Mitigated Negative Declaration and approval of the Project Modifications. Attached to the Planning Commission staff report were the August 2012 Subsequent Mitigated Negative Declaration and other relevant documents. The Planning Commission staff report was distributed to the Planning Commission and made available to the public in compliance with applicable law.

2.16 The Planning Commission conducted a duly noticed public hearing on the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications on September 20, 2012. At the hearing, the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Planning Commission closed the hearing, considered and discussed the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications, and, on a 5-0 vote, recommended that the Board adopt the August 2012 Subsequent Mitigated Negative Declaration and approve the Project Modifications. The Planning Commission directed County Counsel to finalize the language in the

Planning Commission resolution regarding the General Plan Amendment and the Use Permit Modification, consistent with the Judicially-Supervised Settlement.

2.17 County Counsel complied with the Planning Commission's direction and e-mailed the revised language to all parties to the Litigation. Counsel for the Applicant accepted the revised language and requested additional minor revisions in an e-mail dated August 25, 2012, and counsel for Concerned Citizens accepted the revised language, including counsel for the Applicant's requested changes, in an e-mail dated September 28, 2012.

2.18 PRMD staff prepared a memorandum to the Board summarizing the proceedings and action of the Planning Commission on the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications. Attached to the Board memorandum were the Planning Commission staff report, the August 2012 Subsequent Mitigated Negative Declaration, and other relevant documents. The Board memorandum was distributed to the Board and made available to the public in compliance with applicable law.

2.19 The Board conducted a duly noticed public hearing on the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications on October 23, 2012 ("the Board hearing"). At the Board hearing, the Board heard and received all relevant testimony and evidence presented orally or in writing regarding the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the Board hearing, considered and discussed the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications, and adopted the August 2012 Subsequent Mitigated Negative Declaration and approved the Project Modifications.

2.20 The Board has had an opportunity to review this resolution and hereby finds that it accurately sets forth the intentions of the Board regarding the August 2012 Subsequent Mitigated Negative Declaration and the Project Modifications.

2.21 The Board's decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board hearing ("the record of these proceedings"). Any information submitted after the close of the Board hearing was deemed late and not considered by the Board.

### **Section 3. CEQA Compliance.**

3.1 The Board concurs with PRMD staff's determinations that subsequent environmental review is required for the Project Modifications and that although an addendum appears warranted, in the interest of full public disclosure and review, the August 2012 Subsequent Mitigated Negative Declaration is the preferable environmental document to analyze the changes proposed in the Project Modifications. The Project Modifications' relocation of the proposed winery production/storage building approximately 163 feet to the northeast of its original location, relocation of the proposed emergency vehicle access road farther east on the Project Site, and reduction in the number of permitted industry-wide events from five to four per year are minor changes in the Project that avoid and retain an existing on-site, isolated wetland, will not result in any new or substantially more severe significant environmental effects, and require only minor additions or changes to the previously-adopted Mitigated Negative Declaration to make it adequate for the Project Modifications. In addition, no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, shows the Project will have new or substantially more severe significant effects than examined in the previous Mitigated Negative Declaration. The Board also concurs with PRMD staff's determination that the August 2012 Subsequent Mitigated Negative Declaration is only required to address the changes proposed in the Project Modifications and not re-evaluate the Project's environmental impacts already analyzed in the Mitigated Negative Declaration. The Board certifies that the August 2012 Subsequent Mitigated Negative Declaration has been prepared, noticed, made available for public and agency review, and considered, together with comments received during the public review process, in compliance with CEQA and the State CEQA Guidelines, and finds that the August 2012 Subsequent Mitigated Negative Declaration reflects the independent judgment and analysis of the Board. The Board further finds that the August 2012 Subsequent Mitigated Negative Declaration represents a good faith effort to provide full and adequate disclosure of the environmental impacts of the Project Modifications. The Board further finds, based upon the record of these proceedings, there is substantial evidence supporting the Board's decision to adopt the August 2012 Subsequent Mitigated Negative Declaration. Changes or alterations have been required in, or incorporated into, the Project Modifications through the conditions of approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project Modifications identified in the August 2012 Subsequent Mitigated Negative Declaration.

3.2. The Board makes the following additional findings regarding the August 2012 Subsequent Mitigated Negative Declaration:

(a) The August 2012 Subsequent Mitigated Negative Declaration concluded that the Project's impacts on agricultural and forest resources, air quality, cultural resources, hazards and hazardous materials, land use and planning, mineral resources, population and housing, public services, recreation, and transportation and traffic would remain unchanged with the Project Modifications. The Board concurs in the August 2012 Subsequent Mitigated Negative Declaration's conclusions regarding these impacts, and finds that they are supported by substantial evidence.

(b) With respect to aesthetic impacts, the August 2012 Subsequent Mitigated Negative Declaration determined that relocating the proposed winery production/storage building and emergency vehicle access road would not result in any new or substantially more severe adverse effect on aesthetics. The new location of the proposed winery production/storage building is in the middle of the Project Site, farther away from residences on Atkinson Road, and does not involve the removal of a greater number of trees than previously analyzed. The building's new location is set back approximately 142 feet from the centerline of Highway 116, exceeding the setback of 30 percent of the depth of the lot required by the Scenic Corridor requirements of the Zoning Code. The size and proposed uses of the proposed winery production/storage building have not changed. A Visual Assessment conducted by Ken LaFranchi Architects and submitted to PRMD on August 2, 2012, confirmed that with measures proposed by the Applicant and recommended by the County's Design Review Committee ("the Design Review Committee") and the additional mitigation measures already imposed on the Project in the previously-adopted Mitigated Negative Declaration, the visual impact will remain less than significant. These measures, which include the use of differing materials, shapes, and colors, differentiated rooflines and slopes, berming, landscaping, and building placement in relation to existing background tree canopy expanses, were incorporated into the conditions of approval for the Project and would continue to apply to the Project Modifications. The Board concurs with the August 2012 Subsequent Mitigated Negative Declaration's determinations regarding the Project Modifications' less-than-significant aesthetic impacts and finds that they are supported by substantial evidence.

As noted above, the Project has already been submitted to preliminary design review by the Design Review Committee, resulting in



recommendations to, among other things, further reduce roof and water tank reflectivity, add more landscaping along the Highway 116 frontage and a double row of landscaping at the southern perimeter, and reduce the height and size of the entry sign. Existing Mitigation Measure 1.a.(1) in the previously-adopted Mitigated Negative Declaration has been modified in the August 2012 Subsequent Mitigated Negative Declaration to require the Applicant to comply with the Design Review Committee's recommendations prior to the issuance of any grading, building, or other development permit and prior to Final Design Review, and requiring the Design Review Committee to ensure final plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration as modified in the August 2012 Subsequent Mitigated Negative Declaration.

(c) With respect to impacts on wetlands, the August 2012 Subsequent Mitigated Negative Declaration determined that the Project Modifications' relocation of the proposed winery production/storage building and emergency vehicle access road will avoid and retain the 0.3-acre on-site isolated wetland. The Applicant prepared a modified Site Plan which proposed maintaining a 50-foot vegetated buffer zone around the wetland, and a 10-foot equipment turnaround area between the vegetated buffer zone and the on-site vineyards to ensure that vineyard equipment do not encroach into the buffer zone. The Applicant further proposed that a pre-cast bridge be installed where the emergency vehicle access road crosses the wetland and all footings for the bridge be set outside the wetland boundary, avoiding any disturbance to the wetland. In a letter dated November 24, 2010, the North Coast Regional Water Quality Control Board's Water Resources Control Engineer, Mona Dougherty, confirmed that the plan for the wetland buffer zone had been reviewed and approved by staff, and that with the Project Modifications and any permitting from the Regional Board for the wetland crossing by the emergency vehicle access road, "the Regional Board is satisfied that the project will not have a significant impact on the existing 0.3-acre wetlands on the project site." Accordingly, the August 2012 Subsequent Mitigated Negative Declaration determined that the previously-adopted Mitigated Negative Declaration's Mitigation Measure 4.c.(2), which required the Applicant to purchase offsite wetland creation credits and preservation credits from an approved, local wetland mitigation bank is no longer necessary and should be deleted. However, additional mitigation measures have been added to the August 2012 Subsequent Mitigated Negative Declaration to ensure that the on-site wetland will be properly avoided and protected during project construction and operation. Although the Project Modifications will avoid a direct impact to the wetland and therefore neither a Section 404 Nationwide permit from the Army Corps of Engineers nor a Section 401 Certification from the North Coast Regional Water Quality Control Board are likely to be necessary, existing Mitigation

Measure 4.c.(1) was modified to require that prior to issuance of any grading, septic, and/or building permit for the Project, a qualified Biologist confirm that the Section 404 and 401 permits are not required. In addition, a new Mitigation Measure 4.c.(2) was added to require that before any construction begins on the Project Site, a protective construction fence be placed at the outer edge of the 50-foot buffer zone around the wetland area, be shown and noted on the building, grading, and septic system site plans, and be maintained until final occupancy has been issued for the winery buildings. Finally, a new Mitigation Measure 4.c.(3) was added to require any vineyards planted on the Project Site be set back 10 feet from the 50-foot vegetated buffer to allow for vineyard equipment turnaround, and a barrier such as a fence or landscaping be installed at the 50-foot buffer to ensure that agricultural equipment will not encroach into the buffer zone. The Board concurs with the August 2012 Subsequent Mitigated Negative Declaration's determination that any significant impacts to the wetland will be avoided and finds that it is supported by substantial evidence.

(d) With respect to the presence of soils capable of adequately supporting the use of septic tanks or alternative waste water disposal systems, and utilities and service systems, the August 2012 Subsequent Mitigated Negative Declaration concluded that the relocation of the proposed winery production/storage building and emergency vehicle access road would not result in a new or substantially more severe significant effect. The new location of the proposed winery production/storage building is in an area that was to be utilized for the septic system in the Project as originally approved. As a result, new areas on the Project Site had to be identified for septic in the Project Modifications. Testing by Huffman Engineering & Surveying identified three areas on the Project Site suitable for sewage disposal systems. The septic system for the Project Modifications utilizes all three areas. Areas One and Two will be standard sewage disposal systems located north and northeast of the tasting room. These areas will treat domestic waste from the tasting room and one-half of the winery process wastewater from the proposed production/storage building. Area Three will be an at-grade sewage disposal system located south of the on-site wetland, near the southern end of the Project Site. This area will treat one-half of the winery process wastewater from the proposed production/storage building. The three sewage disposal systems meet all required setbacks, including a 100-foot setback from the on-site wetland, 100-foot setbacks from all domestic water wells within the area, 50-foot setbacks to the drainage features along Highway 116, and minimum setbacks from property lines (five feet for standard sewage disposal systems and ten-feet for at-grade sewage disposal systems). In addition, because of septic limitations, the number of permitted industry-wide events for the Project had to be reduced from five to four per year to allow those events to be served by

portable toilets under PRMD Policy and Procedure 9-2-31. The portable toilets will be required to be the type that are self-contained trailer units that have water flushing toilets and hand washing stations, commonly referred to as “crowd pleasers.” The Board concurs with the August 2012 Subsequent Mitigated Negative Declaration’s determinations regarding the presence of soils capable of adequately supporting the use of septic tanks or alternative waste water disposal systems, and utilities and service systems, and finds that they are supported by substantial evidence.

(e) With respect to greenhouse gas (GHG) emissions impacts, the previously-adopted Mitigated Negative Declaration concluded that the Applicant’s plans for a “carbon neutral” Project, which were incorporated into Mitigation Measures 3.b.(1) through (6), would ensure that the Project’s GHG emissions would be less than significant. The August 2012 Subsequent Mitigated Negative Declaration determined that the Project Modifications would not result in any change to the Project’s less-than-significant GHG emissions. However, recently a local solar company has estimated that the proposed winery production/storage building would accommodate fewer photovoltaic panels than previously estimated, due to changes in the Sonoma County Fire Code adopted in January 2011. Although the Project’s GHG emissions would continue to be less than significant, the Applicant proposed, and the August 2012 Subsequent Mitigated Negative Declaration added, an additional Mitigation Measure 7.a.(7), which requires the Applicant to 1) participate in PG& E’s Climate-Smart Program and 2) purchase sufficient emission offset credits through the Climate Action Reserve to offset any remaining GHG emissions. The purchase of offsets is required to be a one-time purchase for the life of the buildings, which is typically a 30-year term. Alternatively, the Applicant may participate in a local County-sponsored GHG offset program to offset any remaining emissions from the Project. The Board concurs in the August 2012 Subsequent Mitigated Negative Declaration’s conclusion that with the Project Modifications and the additional mitigation measure, GHG emissions from the Project will continue to be less than significant and finds that this conclusion is supported by substantial evidence.

(f) With respect to potential impacts on hydrology, water quality, drainage, soil erosion, and groundwater availability, the August 2012 Subsequent Mitigated Negative Declaration determined that the Project Modifications would not result in any new or substantially more severe significant effects than previously analyzed in the Mitigated Negative Declaration. In fact, following approval of the Project, the Applicant clarified and enhanced the Project’s use of Low Impact Development (“LID”) techniques. On October 8, 2010, Carlile-Macy Engineers prepared a Low-Impact Development Calculation Report for the Project

(“the LID Report”), as required by the original conditions of approval for the Project, but which also addressed the Project Modifications. The LID Report proposed a variety of features to be incorporated into the Project design, including, among other things, over 800 feet of grass swales to filter and provide for infiltration of runoff; the 50-foot vegetated buffer zone around the wetland; cisterns to collect rainwater for use as irrigation for landscaping and vineyards; pervious pavement; preservation and enhancement of natural landscape, and vineyard areas to assist infiltration of storm water and prevent soil erosion. In its letter of November 24, 2010, the North Coast Regional Water Quality Control Board concluded that, “[w]ith the enhanced LID techniques and their inclusion in the project modifications, the Regional Water Board is satisfied with [sic] the use of LID will minimize the discharge of pollutants in storm water runoff and any alternations [sic] to the hydrology of the site, and will not have a significant impact on water quality. The Regional Water Board is satisfied that the project, as revised, will have a less than significant impact on the water quality.” On July 30, 2012, at the request of the North Coast Regional Water Quality Control Board, Carlile-Macy prepared an updated Low Impact Development Calculation Report for the Project (“the Updated LID Report”) clarifying and confirming that (1) the swale on the northwest corner of the Project Site had been pulled back to meet minimum setback requirements for the “Area 1” standard septic system, and (2) even with the reduced swale length, the swale would still be adequate to capture and treat runoff. A copy of the Updated LID Report was provided to the North Coast Regional Water Quality Control Board.

Regarding the Project Modifications’ impact on groundwater availability, the August 2012 Subsequent Mitigated Negative Declaration determined that the relocation of the proposed winery production/storage building and emergency vehicle access road would not result in any increase in the Project’s use of groundwater or its interference with groundwater recharge. Although the Project is located in a Zone 2 Groundwater Availability Area, Richard C. Slade & Associates prepared a *Hydrogeologic Assessment of Groundwater Availability*, dated November 2011, typically prepared to assess groundwater availability in water scarce areas in Sonoma County (Zones 3 and 4 Groundwater Availability Areas). The report concluded that “it is our professional opinion that the project as proposed will not have a negative impact on groundwater in the Wilson Grove Formation that underlies the project site and surrounding areas.”

The Board concurs with the August 2012 Subsequent Mitigated Negative Declaration’s conclusions that the Project Modifications’ impacts on hydrology, water quality, drainage, soil erosion, and groundwater

availability will continue to be less than significant and finds that these conclusions are supported by substantial evidence.

(g) With respect to potential noise impacts, the August 2012 Subsequent Mitigated Negative Declaration determined that with the Project Modifications, the proposed winery production/storage building would be located closer to the rear property line boundary, and therefore farther away from the residences on Atkinson Road but closer to Residence # 1 as depicted on Figure 1, Page 1 of the updated Environmental Noise Assessment prepared by Illingworth and Rodkin, dated February 28, 2011. In Figure 1, four residences are identified and labeled: Residence # 1 (located to the east), and Residences # 2, # 3A, and # 3B (located to the south along Atkinson Road). Based on the updated Environmental Noise Assessment, the August 2012 Subsequent Mitigated Negative Declaration analyzed the potential noise impacts of the Project and Project Modifications with respect to parking lot noise, indoor and outdoor special events, truck deliveries, maintenance and forklift operations, mechanical equipment, and seasonal production-related noise, and concluded that all noise impacts of the Project would continue to meet applicable General Plan standards and therefore would remain less than significant. Noise impacts at Residences # 2, 3A, and 3B would in some cases be reduced by the Project Modifications, but noise impacts at Residence # 1 would not substantially increase. Noise mitigation measures identified in the previously-adopted Mitigated Negative Declaration would continue to apply and ensure that noise impacts remain less than significant. Nonetheless, to ensure that the cooling compressors and air compressors installed at the proposed winery production/storage building do not exceed the noise limits in the General Plan, Illingworth & Rodkin recommended an additional Mitigation Measure 12.a.(9), which requires that noise levels produced by exterior cooling and air compressors be limited to specified sound levels. The Board concurs in the August 2012 Subsequent Mitigated Negative Declaration's conclusions that the Project impacts are less than significant and the Project Modifications would not result in a new or substantially more severe significant noise impact, and finds that these conclusions are supported by substantial evidence.

3.3 To ensure that the mitigation measures and project revisions identified in the August 2012 Subsequent Mitigated Negative Declaration are implemented, the Board is required by CEQA and the State CEQA Guidelines to adopt a program for monitoring or reporting on the revisions the Board has required in the Project Modifications and the measures the Board has imposed to mitigate or avoid significant environmental effects. The mitigation monitoring program for the Project Modifications ("the Project Modifications' Mitigation Monitoring Program") is set forth in the conditions of approval imposed herein. In

addition, the previously-adopted mitigation monitoring program for the Project (“the Project’s Mitigation Monitoring Program”) remains in full force and effect and has been restated in the conditions of approval imposed herein for ease of reference. The Project Modifications’ Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA and the State CEQA Guidelines.

**Section 4.**  
**General Plan, Area Plan, and Zoning Compliance.**

4.1 The Board finds that the Project Modifications do not affect the Project’s previously-determined compliance with the General Plan, the West Sebastopol Area Plan, and the Sonoma County Zoning Code (“the Zoning Code”). The Project Site continues to have a Diverse Agriculture land use designation in the General Plan, Intensive Agriculture designation in the West Sebastopol Area Plan, and DA (Diverse Agriculture) zoning designation in the Zoning Code, and the Project continues to be a 26,500 case winery and public tasting room with events. The Project Modifications only make minor changes to the Project, namely:

(a) The General Plan Amendment limits the winery to 26,500 cases per year and 16 events per year prior to December 31, 2027; and

(b) The Use Permit Modification relocates the winery/production building and emergency vehicle access road to avoid and maintain an existing on-site, isolated wetland; reduces the number of permitted industry-wide events from five to four per year; limits the winery to 26,500 cases and 16 events per year prior to December 31, 2027, prohibits Sunday operations at the winery production/storage building, except during crush; requires the winery tasting room to close at 4:00 p.m. for public wine tasting; reduces the height of the winery production/storage building from 42 feet to 35 feet; and removes the roll-up door on the south side of the winery production/storage building.

4.2 The Board deems it to be in the public interest to approve the General Plan Amendment as part of the second amendment of the General Plan Land Use Element for 2012, and finds that the General Plan Amendment does not significantly alter the goals, objectives, and policies of the General Plan and is in harmony with the remainder of the General Plan. The facts, circumstances, and specific findings that support this determination and finding are as follows:

(a) The Applicant continues to be required as part of the Project to pave a pathway or sidewalk connection between the existing Class I bike/pedestrian pathway adjoining Highway 116 North along the Project Site's western boundary ("the Joe Rodota Trail") and the existing bus stop on the Project Site's Highway 116 North frontage ("the Bus Stop"). All improvements must be in compliance with Sonoma County Transit requirements, including meeting needs for persons with disabilities.

(b) The Applicant continues to be required as part of the Project to construct a widened, paved shoulder area for the Bus Stop to ensure continued pedestrian access for passengers accessing the Bus Stop and to make improvements to the Joe Rodota Trail in accordance with the Sonoma County Regional Parks Department's requirements.

(c) The foregoing requirements will ensure that the Joe Rodota Trail and the Bus Stop are improved to meet current standards.

4.3 Based upon the foregoing findings, the Board finds that the establishment, maintenance, and operation of the Project, as revised by the Use Permit Modification, will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.

## **Section 5. Evidence in the Record.**

5.1 The findings and determinations set forth in this resolution are based upon the record of these proceedings. References to specific statutes, ordinances, regulations, reports, or documents in a finding or determination are not intended to identify those sources as the exclusive basis for the finding or determination.

**Now, Therefore, Be It Further Resolved,** that, based upon the foregoing findings and determinations and the record of these proceedings, the Board hereby certifies, declares, and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record of these proceedings, and are adopted as hereinabove set forth.

2. The August 2012 Subsequent Mitigated Negative Declaration is adopted. PRMD is directed to file a notice of determination in accordance with CEQA and the CEQA Guidelines.

3. The Project Modifications are approved as follows:

(a) The General Plan Amendment is approved as part of the second amendment of the General Plan Land Use Element for 2012.

(b) The Use Permit Modification is approved, subject to the conditions of approval set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

4. The Project Modifications' Mitigation Monitoring Program is adopted as set forth in Exhibit "A." PRMD is directed to undertake monitoring in accordance with the Project Modifications' Mitigation Monitoring Program to ensure that the Applicant complies with the required mitigation measures and project revisions. PRMD is further directed to continue monitoring in accordance with the Project's Mitigation Monitoring Program.

5. The Board designates the Clerk of the Board as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

**Supervisors:**

**Brown:** \_\_\_\_\_ **Rabbit:** \_\_\_\_\_ **McGuire:** \_\_\_\_\_ **Carrillo:** \_\_\_\_\_ **Zane:** \_\_\_\_\_

**Ayes:** \_\_\_\_\_ **Noes:** \_\_\_\_\_ **Abstain:** \_\_\_\_\_ **Absent:** \_\_\_\_\_

**So Ordered.**



**SONOMA COUNTY BOARD OF SUPERVISORS**  
**Draft Conditions of Approval**  
**EXHIBIT A**

<b>Date:</b>	October 23, 2012	<b>File No.:</b>	PLP08-0029
<b>Applicant:</b>	Best Family Investors, LLC	<b>APN:</b>	130-262-031 and -032
<b>Owner:</b>	Best Family Investors, LLC		
<b>Address:</b>	2065 Highway 116 North, Sebastopol		

**The following Conditions of Approval include underline and strike out format of the originally approved June 8, 2010 Board of Supervisors Conditions of Approval to reflect the new and deleted condition language related to the Modified Project.**

**Project Description:** The Modified Project includes 1) a General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any winery on the project site from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, and 2) modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with retail sales and events on a 7.61 acre site to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site, isolated wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building. All other aspects of the originally Approved Project remain unchanged. The Diverse Agriculture land use and zoning designation remains the same as that of the previously Approved Project.

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

**BUILDING:**

^The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

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

**HEALTH:**

^The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

**PRIOR TO BUILDING PERMIT ISSUANCE:**

Water:

3. Prior to building permit issuance, the permit holder shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

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

4. Prior to building permit issuance and vesting the Use Permit, the permit holder shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State certified lab. If the analysis shows contamination, the permit holder will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
5. Prior to the issuance of building permits, the permit holder shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50 foot annular seal.) Copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may E-mail clearance directly to PRMD.
6. If a water supply permit is required from the State Department of Public Health, then the water supply well is required to have a 50 foot annular seal. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50 foot annular seal cannot be obtained, then a new water well may be required.
7. Prior to building permit issuance the permit holder shall abandon existing well(s) under permit from the Well and Septic Section of the Permit and Resource Management Department. This division may review a request to upgrade the well to current standards relating to setbacks and annular well seals.
8. Prior to the issuance of any building permit, an easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

9. Prior to building permit issuance and vesting the Use Permit, the permit holder shall obtain a

permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. Portable toilets may be used for the four largest Special Events, and for Special Events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate Special Events shall be sized 50% of 40 guests. If a permit for a standard, innovative or Experimental Sewage Disposal System sized to meet all peak flows cannot be issued, then the permit holder shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Division that all required septic system testing and design elements have been met.

10. Application for wastewater discharge requirements shall be filed by the permit holder with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the permit holder shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from: <http://www.waterboards.ca.gov/northcoast/geninfo/genwinerywdr/wine.html>

Mitigation Monitoring: PRMD shall not issue a building permit or septic permit for the winery production building and/or tasting room, until the permit holder provides documentation of acceptance of a complete application for wastewater discharge requirements with the North Coast Regional Water Quality Control Board with no initial objections or concerns. Furthermore, PRMD shall not issue temporary or final occupancy on the winery production building and/or tasting room building until the permit holder has submitted a copy of the waste discharge permit issued by the North Coast Regional Water Quality Control Board.

11. Prior to building permit issuance the permit holder shall abandon existing septic tank(s) under permit and inspection from the Well and Septic Section of PRMD. The Project Review Health Specialist shall receive a copy of the "finalized" abandonment permit.
12. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.

Consumer Protection:

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

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

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control license).

- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).

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

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

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

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

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

Noise:

15. Building permits shall show mechanical equipment located indoors or they shall receive additional evaluation by a qualified noise consultant prior to building permit issuance.
16. During final project design, the locations and specification of all exterior mechanical equipment shall be reviewed by a qualified acoustical professional to ensure that operational noise does not exceed the County's NE-2 Guidelines at the nearby residential properties. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction.

Mitigation Monitoring: Prior to temporary or final occupancy of the winery building, a letter of clearance from the sound consultant regarding the design and final construction of the mechanical equipment for the winery activities shall be submitted to and cleared by the Project Review Health Specialist.

PRIOR TO OCCUPANCY:

Water:

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

and the location of the water meter(s) shall be submitted to the Project Review Health Specialist at PRMD.

Noise:

18. Noise levels produced by exterior cooling and air compressors shall be limited to the following sound levels:

Cooling compressors installed at the building exterior shall be muffled or enclosed, or of a make and model such that the average (Leq) operational noise level at 50 feet is 60 dBA or less.

Air compressors installed at the building exterior shall be muffled or enclosed, or of a make and model such that the average (Leq) an operational noise level at 50 feet is 62 dBA or less.

Mitigation Monitoring: Prior to temporary and final occupancy of the winery building, a letter of clearance from the sound consultant demonstrating that the final construction and installation of the cooling compressors and air compressors meet the operational noise level at 50 feet of 60 dBA and 62 dBA or less, respectively, shall be submitted to and cleared by the Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

19. The permit holder, property owner, or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
20. A safe, potable water supply shall be provided and maintained.
21. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to General Plan Policy WR-2d and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.
22. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-Project Review at least once every five years.

Septic:

23. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental Sewage Disposal System installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
24. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
25. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements

that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required.

26. Self contained trailers with running water toilets (often referred to as "Crowd Pleasers," but the specific trade mark or brand is not required) shall be used for Special Events with more than 20 guests, consistent with PRMD Policy 9-2-31, The use of portable toilets shall meet the following minimum requirements:
- a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day.
  - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted Onsite Wastewater Treatment System or public sewer.
  - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
  - d. The permit holder shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
  - e. Portable toilets shall not be brought on-site prior to 48 hours before the Special Event and shall be promptly serviced and removed within 48 hours after the Special Event.
  - f. If complaints are received that PRMD believes are valid complaints, the permit holder or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the Special Event and at future Special Events as directed by PRMD. The permit holder/property owner and his agent(s) are expected to maintain portable toilets and hand washing units so that:
    - (1) The holding tank does not leak or overflow.
    - (2) Toilet paper is promptly replaced when the dispenser runs out.
    - (3) Water, paper towels and soap is promptly replaced when the hand washing units run out.
    - (4) The wait to use a portable toilet shall not be so long that people relieve themselves at other impromptu locations.
    - (5) Reliance upon portable toilets shall not create a public nuisance.
  - g. Portable toilets shall not be placed on designated parking areas or designated over-flow parking areas.

Hazardous Materials Program:

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

Consumer Protection:

28. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental

Health Division if required for the wine tasting activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption (including any charges for wine tasting), and that no food or beverage be sold for off-site consumption (except for bottles of wine). The Local Health Officer does allow providing certain palate cleansers (such as prepackaged cheese, small pieces of bread, nuts, pretzels, crackers and the like) under this exemption. Contact the Environmental Health Division at 565-6544 for information.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health Division at 565-6548 for further information regarding caterers.

Noise:

29. Noise shall be controlled in accordance with the following as measured at the exterior property line at the locations LT-1, LT-2, ST-1 and ST-2 as shown in the project Noise Study dated noise study updated February 28, 2011 and the original noise study dated May 27, 2009, by Illingworth and Rodkin:

**TABLE NE-2: Maximum Allowable Exterior Noise Exposures at Locations LT-1 and LT-2.  
 (Long-term Locations)**

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.) at LT-1	Nighttime (10 p.m. to 7 a.m.) at LT-1	Daytime (7 a.m. to 10 p.m.) at LT-2	Nighttime (10 p.m. to 7 a.m.) at LT-2
L50 (30 minutes in any hour)	55	50	55	50
L25 (15 minutes in any hour)	57	52	58	53
L08 (5 minutes in any hour)	60	55	60	56
L02 (1 minute in any hour)	65	60	65	50
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.				

**TABLE NE-2: Maximum Allowable Exterior Noise Exposures at Locations ST-1 and ST-2.  
 (Short-term Locations)**

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.) at ST-1	Nighttime (10 p.m. to 7 a.m.) at ST-1	Daytime (7 a.m. to 10 p.m.) at ST-2	Nighttime (10 p.m. to 7 a.m.) at ST-2
L50 (30 minutes in any hour)	55	50	55	50
L25 (15 minutes in any hour)	60	55	60	55

L08 (5 minutes in any hour)	65	60	63	59
L02 (1 minute in any hour)	68	65	65	62
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.				

If additional measuring locations are required, Table NE-2 shall be adjusted at those locations as specified in Sonoma County General Plan 2020, as adopted in September of 2008.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The permit holder or owner/operator shall implement any additional mitigation measures needed to meet noise standards.

30. Non-grape truck deliveries shall be limited to the daytime hours, 7:00 a.m. to 7:00 p.m. Only during the eight-week harvest/crush season, medium trucks delivering grapes may arrive on site at the crush pad and truck parking area before the nighttime (10:00 p.m.) restriction begins, and may leave the facility during the nighttime hours (10:00 p.m. to 7:00 a.m.). However, such trucks shall not idle after 10:00 p.m. Heavy trucks shall not enter or exit the site during nighttime hours.

To clarify, truck sizes are defined as follows:

Heavy trucks: Trucks designed for transportation of cargo with three or more axles generally with a gross vehicle weight greater than 26,500 lbs. Heavy trucks are generally semi, tractor-trailer or articulated trucks.

Medium trucks: Trucks designed for transportation of cargo with two axles and six wheels generally with a gross vehicle weight greater than 10,000 lbs. and less than 26,500 lbs. Examples of Medium Trucks include Box trucks, delivery vans or similar trucks.

Note: The above definitions of Heavy and Medium trucks concur with those used by Cal Trans' Technical Noise Supplement (TENS) of its Traffic Noise Analysis Protocol.

Mitigation Monitoring: Any complaints that truck deliveries are being made well into the nighttime hours, and they appear to be valid complaints in PRMD's opinion, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

31. Bottling shall only occur indoors, as assumed in the noise study updated February 28, 2011 and the original noise study dated May 27, 2009, by Illingworth and Rodkin.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The permit holder or owner/operator shall implement any additional mitigation



measures needed to meet noise standards.

32. Amplified sound and very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan. The addition of outdoor amplified sound shall in the future requires a Use Permit revision and additional noise evaluation.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary.

33. Any required design modifications shall not cause General Plan noise thresholds to be exceeded.

Mitigation Monitoring: If any design modifications are required during the construction phase, PRMD shall not issue final occupancy for any building permit for the winery production building or tasting room until a supplemental noise analysis confirms that the design modifications will not result in an exceedance of the General Plan Noise thresholds.

34. For the winery=s operations, if legally permissible, the permit holder shall implement alternative(s) to the use of backup beepers on forklifts or vehicles, in an effort to reduce noise, such as designated spotters or flaggers. Any alternative safety measures must continue to be compliant with OSHA regulations.
35. Prior to building permit issuance, the permit holder shall submit a design for trash enclosures and recycling areas for review and approval by the Building Plan Check Section of PRMD. (Fees may apply.) Note that trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.
36. Special events shall be limited to 12 marketing dinners or lunches, and four industry wide wine tasting events per year. The hours of special events shall be limited to 10:00 am to 9:00 pm with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 pm.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be in valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional mitigation measures needed to meet noise standards.

Solid Waste:

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

Smoking:

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

**GRADING AND STORM WATER:**

A The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

40. Grading and/or building permits require review and approval by the Grading & Storm Water Section of PRMD prior to issuance. Grading permit applications shall abide by the standards and provisions of Chapters 11 & 11A of the Sonoma County Code.
41. A soils engineering report, prepared by a soils engineer, and engineering geology report, prepared by an engineering geologist, shall to be submitted with the grading permit application(s) for the proposed project. The soils engineer and the engineering geologist must be registered in the State of California.
42. A drainage report for the proposed project shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout. The drainage report shall also include a 100-yr floodplain/floodway study and an analysis of the existing downstream drainage conditions. If the analysis demonstrates inadequate capacity to handle the anticipated runoff from the proposed project, then improvements to the downstream drainage system shall be required.
43. The proposed project is subject to Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines and low impact development (LID) requirements for storm water runoff. Measures to mitigate the project impacts to the quality of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Storm Water Mitigation Plan (SWMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
44. Drainage improvements shall be designed by a civil engineer, registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of PRMD for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and abide by the standards and provisions of Chapters 11 & 11A of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.

Mitigation Monitoring: The issuance of grading or building permit for the project will not be approved by the PRMD until the required drainage improvement, grading, and erosion control plans have been reviewed and approved by the Grading and Storm Water Section of the Permit and Resource Management Department.

45. The applicant shall provide grading plans, prepared by a civil engineer registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading,

Conditions of Approval - PLP08-0029  
October 23, 2012

adequate grading cross sections and drainage facilities such as swales, channels, closed

conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.

46. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by PRMD staff until the above items are submitted to Grading and Storm Water Section for review and approval.

47. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, wetlands, waterway(s) or adjacent lands.
48. Polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system, wetlands, waterway(s) or adjacent lands.
49. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
50. Appropriate Best Management Practices shall be implemented to effectively minimize and prevent polluted storm water discharges.
51. Before construction may begin near any wetland a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the wetland. The protective construction fence shall be shown and noted on the grading/site plans.
52. A 50-ft grading setback line to protect all wetlands shall be used unless a wetlands biologist recommends a lesser setback.
53. Any storm drain easements shall be shown and noted on the grading/site plans.
54. The fuel dispensing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus one foot, whichever is more. Any surface water flow from the fuel dispensing area shall not be permitted to enter the storm drain system without receiving appropriate treatment. The fuel dispensing area shall be covered with a roof that must extend beyond the fuel dispensing area a minimum of 2 feet (or more as may be regulated otherwise). The roof cover shall not drain onto the fuel dispensing area.
55. The cumulative land disturbance of the project is equal to or greater than one (1) acre, therefore, the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management

Department prior to issuance of any grading permit for the proposed project.

Mitigation Monitoring: The issuance of grading or building permit for the project will not be approved by the Project Review Division unless a copy of the Notice of Intent (NOI) filed with the RWQCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency have been reviewed and approved by the Grading and Storm Water Section of the Permit and Resource Management Department.

56. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a wetland or waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
57. The applicant is responsible to contact the California Department of Fish & Game and obtain any necessary permits or waivers for proposed work in or near a wetland or waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
58. The applicant is responsible to contact the California Department of Transportation and obtain any necessary permits or waivers for proposed work within Highway 116. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

**TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

59. This proposal impacts a road under State of California jurisdiction. If Caltrans determines that improvements to the roadway are necessary, the developer shall obtain a State of California Encroachment Permit before making any improvements within the State highway right-of-way.
60. Allow single-unit trucks to make turns without having to enter the opposing lane of traffic, entry to Occidental Road shall conform to AASHTO standards. More specifically, the developer shall construct a driveway meeting the following criteria:
  - a. A minimum throat width of 24 feet,
  - b. Entrance curves having a minimum pavement radius of 40 feet,
  - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular,
  - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Occidental Road,
  - e. The entry shall be surfaced with asphalt concrete between the edge of the existing pavement and the right-of-way line or a minimum distance of 40 feet, whichever is greater. The structural section of the entrance paving located within the public right-of-way shall match that of Occidental Road.
  - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details,

- g. The entrance improvements shall be in place prior to occupancy.

61. Prior to issuance of any building permit for winery structures, an improvement plan for Emergency Vehicle Access (EVA) shall be prepared and submitted to the County Fire Chief for approval. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, Sonoma County Fire Safe Standards. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition.
62. Prior to issuance of building permits, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
  - a. The entrance shall be of sufficient width to accommodate two-way traffic,
  - b. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.
63. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road Policy.
64. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
65. The developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County road right-of-way.

**PLANNING:**

AThe conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

66. This Use Permit is issued to allow a winery with a maximum annual production capacity of 26,500 cases. No increase in winery's maximum annual production capacity beyond 26,500 cases per year shall be allowed prior to December 31, 2027. During the non-harvest season, the winery production hours of operation shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m. During the harvest season, approximately eight weeks per year, the winery production hours of operation may be seven days a week, 24 hours a per day, but shall not be 24 hours per day for more than 30 days within the 8 week period from the start of harvest. Public tasting room hours are seven days a week from 10:00 a.m. to 4:00 p.m. for public wine tasting and retail sales. A total of 12 marketing dinners and/or luncheons per year with a maximum of 40 guests per event are permitted. The hours of special events shall be limited to 10:00 a.m. to 9:00 p.m., with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 p.m. Participation in four industry wide wine tasting events per year with a maximum of 150 guests per event is permitted. No weddings and/or concerts are allowed. No increase in winery's special events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants) shall be allowed prior to December 31, 2027. At least 75% of the grapes processed at the winery shall be either grown on site or locally grown. The winery production building is 33,000 square feet in size and a maximum of 35 feet in height, plus four-foot cupolas. No roll-up door is permitted on the south side of the winery production/storage building. The tasting room building is 5,000 square feet in size and a maximum of 35 feet in height, with a cylindrical, water tower feature at the



southwest end of the building and cupola.

In addition, consistent with the General Plan Area Policy approved as part of this project, the following land uses shall be prohibited on the subject site even with a Use Permit: confined (continuously) livestock operations; livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial stables not permitted under Section 26 08 010(i)(1), riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges.

The use shall be operated in accordance with the proposal statement and approved development plans located in File No. PLP08-0029 as modified by these conditions.

67. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,101.50 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$2,151.50 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
68. Prior to the issuance of any septic, grading or building permit, the permit holder shall submit and record a Voluntary Merger application filed with the applicable fees to legally combine the two subject parcels APN's 130-262-031 and -032.  
  
Mitigation Monitoring: The Permit and Resource Management Department shall not issue any septic, grading or building permit, until the permit holder has submitted and recorded a Voluntary Merger application filed with the applicable fees legally combining the two subject parcels APN's 130-262-031 and -032.
69. This Use Permit approved in 2012, File No. PLP08-0029, shall supersede all prior Use Permits (if any), upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
70. The permit holder shall maintain a minimum of 42 parking spaces on-site to serve the winery, tasting room with special events, and provide on-site over-flow parking areas for industry-wide events. On-site, overflow parking shall be made available during events that occur during tasting room hours (refer to Over-Flow Parking Plan in the file) and during these events temporary signs be placed in appropriate areas directing vehicles to overflow parking areas on the project site. Off-site parking of vehicles and/or trucks associated with the winery or tasting room is prohibited along any public or private roadways. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.

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

71. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any

applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.

72. The permit holder shall pay all applicable development fees prior to issuance of building permits.
73. Development on this parcel is subject to the Sonoma County Fire Safety Ordinance and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
74. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
75. The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit ~~that directly impacts the jurisdiction wetland on the project site, approximately 0.3 acres in size, until the permit holder has~~ until a qualified Biologist has determined that the Project will not require an approved Section 404 Nationwide permit from the Army Corps of Engineers, and or an approved Section 401 Certification from the North Coast Regional Water Quality Control Board. All necessary permits shall be obtained that meet all laws governing those agencies and performance standards as identified by the applicable agency.

Mitigation Monitoring: Prior to issuance of any grading, septic, and/or building permit, the permit holder shall ~~obtain approval of a~~ submit a signed letter from a qualified Biologist determining that the Project does not require either an approved Section 404 Nationwide permit from the Army Corps of Engineers, and approval of a or an approved Section 401 Certification from the North Coast Regional Water Quality Control Board for the direct impact of the jurisdictional wetland located on the project site, approximately 0.3 acres in size.

76. Prior to any construction activities occurring on the project site, a protective construction fence shall be placed at the outer edge of the 50-foot buffer around the wetland area. The protective construction fence shall be maintained until such time final occupancy has been issued for both the tasting room building and the winery production/storage building by PRMD. The protective construction fence shall be shown and noted on the building, grading and septic system site plans.

Mitigation Monitoring: Prior to PRMD issuance of any building, grading, or septic permit, the applicant shall confirm to the Project Planner that the protective construction fence is in place. The protective construction fence shall be shown and noted on the building, grading and septic system site plans. The protective construction fence shall not be removed until such time final occupancy has been issued on the tasting room and the winery production/storage buildings by PRMD.

77. Any vineyards planted on the project site shall be set back 10 feet from the edge of the 50-foot vegetated buffer so that agricultural equipment will not encroach into the buffer. Also, a barrier such as a fence or landscaping shall be installed at the 50-foot buffer in order to keep vineyard equipment out of the buffer zone. The fencing or landscaping shall be maintained for the life of the project.

Mitigation Monitoring: Prior to planting any vineyards on the project site, the applicant shall install

the barrier fencing or landscaping at the 50-foot buffer zone in order to keep vineyard equipment out of this area and the applicant shall provide evidence, such as detailed photographs, to the Project Planner at PRMD. All vineyard planting plans shall depict the vineyard planted at least 10 feet from the edge of the 50-foot vegetated buffer zone and barrier fencing or landscaping.

78. ~~The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit, until the permit holder has submitted to the Project Planner a copy of the final agreement for the purchase of off-site wetland creation credits and preservation credits from an approved, local wetland mitigation bank. The purchase of off-site credits shall be done under a formal agreement signed, dated, and executed by both the "Buyer" and the "Seller".~~

~~Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit, until the permit holder has submitted to the Project Planner a copy of the formal agreement, signed, dated, and executed by both the "Buyer" and the "Seller", purchasing off-site wetland creation credits and preservation credits from an approved, local wetland mitigation bank~~

78. The Permit and Resource Management Department shall not issue any grading and/or building permits, until a pre-construction nesting survey(s) for nesting passerines (song birds) and raptors, has been completed by a qualified biologist within 48 hours of construction. If nests are located, a buffer shall be established by the qualified biologist in consultation with the California Department of Fish and Game, prior to commencement of any construction. If no active nests are observed on the site during the survey, then the biologist shall provide the Project Planner with a written notification, and appropriate permit(s) can be issued by PRMD and construction activities may proceed.

Mitigation Monitoring: PRMD shall not issue any grading, and/or building permits, until a pre-construction nesting survey(s) for passerines (song birds) and raptors, has been done by a qualified biologist within 48 hours of construction. If nests are located, a buffer shall be established by the qualified biologist in consultation with the California Department of Fish and Game, prior to commencement of any construction. If no active nests are observed on the site during the survey, then the biologist shall provide the Project Planner with a written notification, and appropriate permit(s) can be issued by PRMD and construction activities may proceed.

79. The Permit and Resource Management Department shall not issue any building permit for the tasting room or winery production building until the project biologist has submitted pre-construction surveys for pallid bats and American badgers conducted by a qualified biologist within 48 hours of any construction activity, and subject to the following criterions:
- a. The survey(s) shall be conducted at a time that, if they exist, the pallid bats or the American badgers would be present, identifiable, and conducted at time when the type of pallid bat roost ("roost") can be determined (i.e., day roost, night roost, maternity roost). If a roost is determined to support the pallid bat, one replacement roost structure, appropriate in size for the species observed, shall be provided for each removed roost. For American badgers, an area for replacement burrows should be provided at a 1:1 ratio for any removed areas. A qualified biologist shall select the replacement area.
  - b. All surveys, designs, and any other work related to the pallid bat or American badger shall be conducted by a qualified bat biologist (e.g. a biologist holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle and collect bats and the equivalent CDFG requirement for American badgers). Such work shall be conducted during the appropriate time of year as determined by the biologist.

- c. For the pallid bat, if active maternity roosts, other day roosts, or hibernacula are found on the site, onsite roosting habitat should be recreated to replace the original roosting habitat. Bat roosts should be designed by the bat biologist in conjunction with the Project architect, and shall be appropriate for the species in size, location, thermo-dynamics, and designed to mimic the thermo-dynamic qualities to provide potential day roosting, night roosting, and maternity colony roosting habitat for pallid bats.
- d. For the pallid bat or American badger, in the event that more than 30 days pass between evictions and construction or other disturbances, an additional survey will be needed in order to verify that bats or badgers have not returned.
- e. If the bat biologist determines that there are no alternative roost sites used by the maternity colony, then potential roosting habitat (e.g. a bat condominium or bat box appropriate for pallid bats) for the maternity shall be provided on the project site no less than three months prior to the eviction of the colony. Temporary roost should be designed or determined by the bat biologist. By making the roosting habitat available prior to eviction, the colony will have a better chance of finding and using the roost.
- f. A similar on site relocation program approved by a CDFG biologist will be implemented if any badgers are found and disturbed.
- g. In addition, a mitigation plan shall be developed by a qualified biologist that details the methods of excluding Pallid bats or American badger from their roosts or burrows and the plans for replacement roosts or burrows on the site, if necessary. Pallid bats or American badgers shall not be disturbed until PRMD approves the mitigation plan.

Mitigation Monitoring: Prior to issuance of any building permit for the tasting room or winery production building, a qualified biologist shall submit a pre-construction survey(s) for the pallid bat and American badger conducted by a qualified biologist within 48 hours of any construction activity. If habitat is found on the project site supporting the Pallid bat or American badger, replacement roosts or burrows shall be provided and a mitigation plan shall be developed by a qualified biologist that details the methods of excluding Pallid bats from the roost or American badgers from their burrows and the plans for a replacement roost or burrows on the site. Pallid bats or American badger or their roosts shall not be disturbed until PRMD approves the mitigation plan.

80. If a replacement habitat is required, a qualified CDFG biologist shall monitor the replacement habitat for at least 5 years during which time the replacement habitat should be used by the impacted species. By the end of the 5 year monitoring period, use of the replacement habitat should be similar in species composition and number of bats or badgers observed in the impacted area. If a replacement habitat is required, annual monitoring reports shall be prepared and submitted to the Project Planner at PRMD.

Mitigation Monitoring: If a replacement habitat is required, annual monitoring reports for the replacement habitat shall be submitted to the Project Planner at PRMD for five years. Failure to submit any of the annual reports over the 5 year period will be considered failure to comply with the conditions of approval and could result in a modification or revocation of the Use Permit.

81. The following notes shall be included on building or grading plans for ground disturbing activities:

"During construction activities, if archaeological remains are uncovered, work at the place of

discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepots, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

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

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

82. Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated January 19, 2011, and any subsequent Design Review Committee recommendations made on the Modified Project. The Design Review Committee ~~must~~ shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration, as modified in the August 2012 Subsequent Mitigated Negative Declaration.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee and the applicant has complied with the recommendations made by the Design Review Committee on January 19, 2011, and any subsequent DRC recommendations. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

83. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

84. Final Landscape Plans must depict for installation of 12 inch (minimum) deep root barriers between the proposed trees and trail to prevent tree roots from lifting and destroying the Regional Parks trail (Joe Rodota Trail). Please note the Regional Parks Department will only be responsible for maintaining the section of the trail connector located within the Caltrans right of way. The permit holder will be responsible for maintaining trail improvements on private property.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a letter from the Landscape Architect or Contractor that the 12 inch (minimum) deep root barriers between the proposed trees and trail have been installed in accordance with approved plans in order to prevent tree roots from lifting and destroying the Regional Parks trail (Joe Rodota Trail).

85. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone LZ2 for rural standards from Title 24. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building 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, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

86. The building(s) shall be constructed consistent with the Sonoma County Green Building Program standards. These standards are based on the LEED7 rating systems and result in buildings that are more energy efficient and reduce Greenhouse Gas emissions

Mitigation Monitoring: The Green Building Program will become mandatory in Sonoma County once it is adopted and approved by the Board of Supervisors and California Energy Commission

(projected: early in the year of 2010). If building plans are submitted for review prior to the effective date of the Green Building Program then the permit holder shall provide documentation that the building has achieved at least a 20 point rating under the LEED7 rating system.

87. The permit holder shall install solar panels on the new winery production and/or tasting room building(s) to provide energy for some of the winery production and/or tasting room uses. If solar panels are not feasible, then the permit holder shall submit to PRMD for approval a GHG alternative plan demonstrating other measures taken to reduce the project=s overall Greenhouse Gas emissions.

Mitigation Monitoring: The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the permit holder has carried out the installation of the solar panels to the Project Planner. Or, prior to final occupancy, the alternative plan demonstrating the project=s overall reduction in Greenhouse Gas emissions must be approved by PRMD - Project Review.

88. To achieve a “no net” increase in the project’s greenhouse gas emissions, the applicant shall 1) participate in PG& E’s Climate-Smart Program, and 2) purchase sufficient emission offset credits through the Climate Action Reserve (CAR) to offset any remaining GHG emissions from the Modified Project. This is required by PRMD to be a one-time purchase for the life of the buildings, which is typically a 30-year life term. Alternatively, the applicant may participate in a local County-sponsored off-set program to off-set any remaining emissions from the Modified Project.

Mitigation Monitoring: Prior to temporary and final occupancy on the winery building or tasting room building, the applicant shall submit to PRMD written documentation demonstrating participation in PG& E’s Climate-Smart Program and purchase of sufficient emission offset credits through CAR to offset any remaining GHG emissions. Alternatively, prior to final occupancy, the applicant shall enter into an agreement to participate in a local County-sponsored off-set program to off-set any remaining GHG emissions from the Modified Project.

89. Prior to issuance of any building permit for the winery production building and/or tasting room, the permit holder shall submit to PRMD a plan to eliminate any increase in greenhouse gas emissions from project construction and operation through all feasible strategies of carbon off-sets chosen by the permit holder, including but not limited to, use of more fuel efficient trucks, use of alternative energy resources to offset increased demand, reduced truck idling times, sequestration agreements, purchase of carbon credits, off-site mitigation, and/or other measures allowed by law. The plan shall be subject to review and approval by PRMD and shall quantify the project’s annual emissions and expected reductions and be verified and certified by a qualified, independent entity approved by the County. The actions specified in the approved plan shall be implemented by the permit holder as set forth in the plan.

Mitigation Monitoring: PRMD shall not issue any building permit for the winery production building and/or tasting room until the permit holder has submitted to PRMD, and PRMD has reviewed and



approved, a plan to eliminate any increase in greenhouse gas emissions from project construction and operation, which has been verified and certified by a qualified, independent entity approved by the County. The actions specified in the approved plan shall be implemented by the permit holder as set forth in the plan.

90. Prior to final occupancy a carpooling program for employees shall be developed to reduce average daily trips. A transit incentive program (i.e., discounted transit tickets, guaranteed ride home program, etc.) shall also be established for employees to encourage bus ridership.

Mitigation Monitoring: Documentation of the carpooling and transit incentive programs shall be provided to the Project Planner for review.

91. Prior to final occupancy of the structure, bicycle racks/lockers shall be installed. The Sonoma County Parking Regulations require that one bicycle parking space be provided for every 5 spaces required for automobiles.

Mitigation Monitoring: The bicycle racks/lockers are to be shown on the site plan and their installation will be verified by the Project Planner. Employee shower facilities shall be shown on the building floor plan and will be inspected by the building inspector at the time of construction.

92. Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the County Low Water Use Landscaping Ordinance and the State or County Model Efficiency Ordinance as applicable.

Mitigation Monitoring: Verification, from a qualified irrigation specialist, that landscaping complies with the Model Water Efficiency Ordinance shall be provided prior to Building Permit issuance. The measures in the Plan shall be implemented and verified by the Project Planner prior to issuance of final occupancy.

93. The permit holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:

- a. Water all active construction areas at least twice daily.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
- g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt,

- sand, etc.
- h. Limit traffic speeds on unpaved access roads to 15 mph.
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the permit holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

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

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors, PRMD staff shall investigate the complaint and if the condition is violated the Use Permit may be subject to modification.

95. All new landscaping/vegetation and signage placed along the project frontage along Occidental Road shall be located only in those areas that avoid obstructing visibility of vehicles entering or exiting the project site. Landscape and signage plans shall be presented to the Design Review Committee for final approval prior to issuance of any grading or building permit.

Mitigation Monitoring: PRMD shall not issue any grading or building permit, until final landscape and signage plans have been approved by the Design Review Committee. All existing and/or new landscaping/vegetation and signage located along the project frontage along Occidental Road shall be located to avoid obstructing visibility of vehicles entering or exiting the project site.

96. Prior to issuance of any building permit for winery structures, an improvement plan for Emergency Vehicle Access (EVA) shall be prepared and submitted to the County Fire Chief for approval. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, Sonoma County Fire Safe Standards. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this

condition by the Department of Transportation and Public Works.

Mitigation Monitoring: PRMD shall not issue any building permit for the winery structures until an improvement plan for Emergency Vehicle Access (EVA) has been approved by the County Fire Chief. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition by the Department of Transportation and Public Works.

97. Appropriate sign(s) shall be placed at the entrance of Atkinson Road, stating the entrance is "for emergency vehicles only." If the entrance is equipped with a locked gate or other approved means of restricting access, then a Knox Box or Lock is required at gated entrances. Electric gates must also have an accessible manual override in event of power failures. A gate or similar feature shall be setback off of the road.

Mitigation Monitoring: PRMD shall not issue final occupancy until the appropriate sign(s) have been placed at the entrance of Atkinson Road, stating the entrance is "for emergency vehicles only" and if a gate or other means of restricting access has been installed, then a Knox Box or Lock shall be installed at the gated entrance. An electric gate shall have a manual override, and the gate or similar feature shall be setback from the road.

98. Prior to final occupancy, the permit holder shall submit a Parking Control Plan for industry wide event activities to the Project Planner. The Parking Control Plan shall describe in detail how the Plan will be implemented during industry wide events.
99. Prior to issuance of temporary or final occupancy of either the tasting room and/or winery building, the permit holder shall pave a pathway or sidewalk connection between the existing Class 1 bike/pedestrian pathway and the existing bus stop. All improvements shall be in compliance with the Sonoma County Transit requirements, including meeting needs for persons with disabilities. In addition, a widened, paved shoulder area is required for the bus stop to ensure continued pedestrian access for passengers accessing the bus stop. A letter shall be submitted from the permit holder to the Project Planner stating the above referenced improvements have been made. Before improvements are made, the permit holder shall first contact the State Department of Transportation (Caltrans) to determine if an Encroachment permit must first be obtained for the improvements along State Highway 116 or right of way.

Mitigation Monitoring: PRMD shall not issue temporary or final occupancy of the tasting room and/or winery building until a letter has been submitted from the permit holder to the Project Planner stating that all required improvements have been made to the pathway/sidewalk connection along with the completion of a widened, paved shoulder area. All improvements must be in compliance with the Sonoma County Transit requirements.

100. Prior to issuance of temporary or final occupancy of the tasting room building, a bicycle rack shall be provided and shown on the site plan near the tasting room in a location approved by the Design Review Committee.

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

101. The Bike Path (Joe Rodota Trail) shall not be altered in terms of its elevation gain along the project frontage. A possible design solution is the construction of a retaining wall which is set back a minimum distance of two (2) feet from the edge of pavement of the Bike Path. The

retaining wall could allow for the creation of the earth berm without changing the elevation of the Bike Path. The permit holder shall obtain permission or an encroachment permit for any work performed in the Caltrans right of way.

Mitigation Monitoring: Prior to issuance of any building permits, the permit holder shall obtain a written clearance from the Regional Parks Department on the Bike path improvements and provide a copy of the written clearance to the Project Planner.

102. This ~~At Cost~~ entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
103. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
104. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
105. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
106. All outdoor public use areas shall maintain a 200 foot setback from vineyards. This may be reduced to 100 feet with landscaped berms or densely planted evergreen tree screen.
107. ~~The following types of food service are allowed under this permit:~~
  - ~~a) Samples or tastes of pre-prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.~~
  - ~~b) Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.~~
  - ~~c) Appetizers or meals featuring local foods and food products offered in conjunction with charitable events or weddings/special events.~~
  - ~~d) Appetizers or meals featuring local foods and food products offered in conjunction with marketing or promotional activities not open to drop-in guests or noticed to the general public.~~
  - ~~e) Retail sales of pre-prepared food not associated with the activities described in a), b), c), and d) above, is allowed subject to the following limitations:~~
    - ~~1) Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this permit.~~
    - ~~2) Retail sales of pre-prepared food shall be for on-site consumption only.~~
    - ~~3) No restaurant or deli service is provided.~~
    - ~~4) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.~~

- ~~5) No off-site signs advertising retail sales of pre-prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to design review.~~

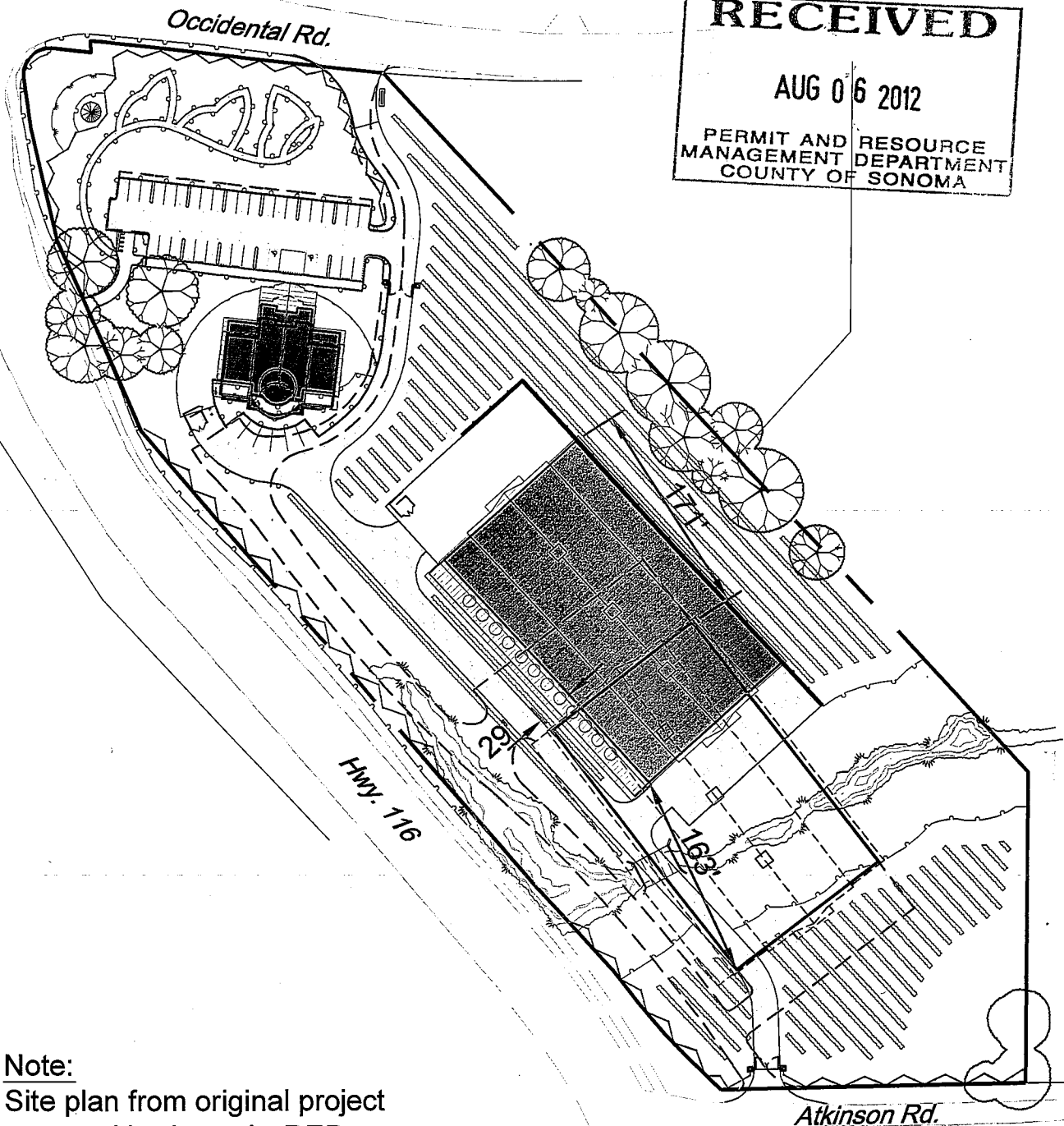
~~No other food service, including, without limitation, retail sales of cooked-to-order food, shall be allowed under this permit.~~

107. A restaurant, delicatessen, or a cafe with cooked-to-order food is not permitted under this Use Permit approval. Table service, retail sales, and/or menu items are not permitted with this Use Permit approval. The following types of food service are allowed under this permit:
- a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting and special events. Catered special events may include table service for guests.
  - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with special events. Such meals/appetizers may be prepared in a caterer's preparation/employee kitchen area prior to serving as described on the approved project floor plan. The caterer's preparation/employee kitchen area can include counter space, a double sink, microwave oven(s), warming oven(s), and refrigeration; but cannot include a stove, range, exhaust hood.
  - c. Retail sales of pre-prepared food not associated with the activities described in a) and b) are allowed subject to the following limitations:
    - 1. Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this Use Permit.
    - 2. Retail sales of pre-prepared food shall be for on-site consumption only.
    - 3. No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
    - 4. No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
108. If PRMD receives a complaint that the winery may be exceeding the maximum annual production capacity of 26,500 cases per year, and if PRMD determines an investigation is warranted and if PRMD requests that the permit holder provide applicable ATF (Alcohol, Tobacco, and Firearms) records to PRMD, the permit holder shall provide these records to PRMD in a timely manner.
109. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
110. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The permit holder must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of

the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

111. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
112. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:  
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
113. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the permit holder prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

**RECEIVED**  
AUG 06 2012  
PERMIT AND RESOURCE  
MANAGEMENT DEPARTMENT  
COUNTY OF SONOMA

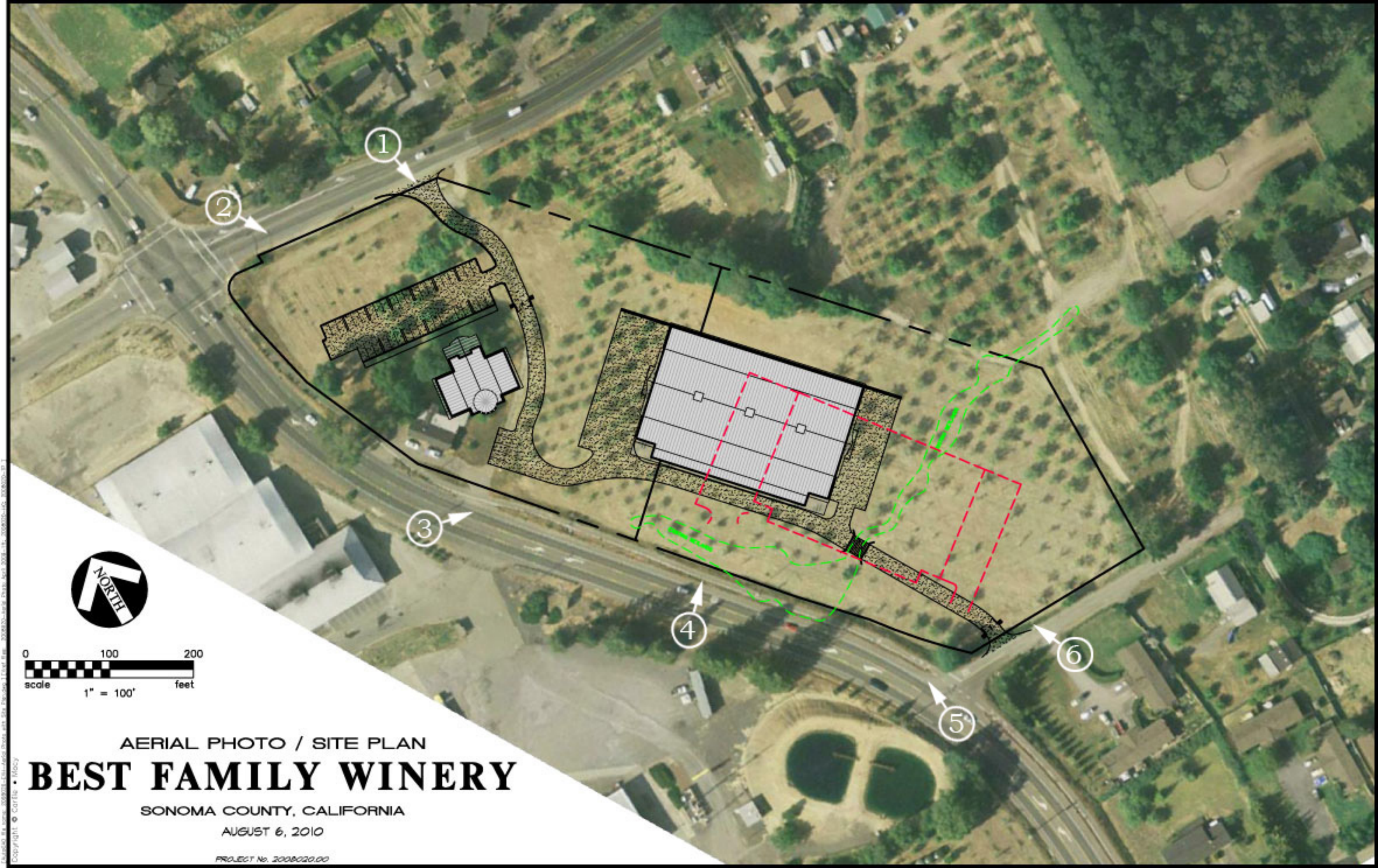


**Note:**  
Site plan from original project approval is shown in RED.

# Best Family Winery Site Plan Comparison Exhibit

AutoCAD file name: 2008020-EXH-Site Plan Comparison.dwg | Xref files: 2008020-1C-US, 2008020-1C, 2008020-1P





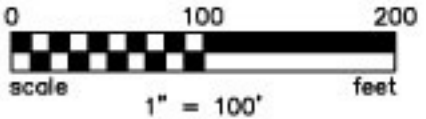
# AERIAL PHOTO / SITE PLAN

## **BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA

AUGUST 6, 2010

PROJECT No. 2008020.00



Copyright © Corliss • Macy





# Sonoma County Planning Commission **STAFF REPORT**

## Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

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

**FILE:** PLP08-0029  
**DATE:** September 20, 2012  
**TIME:** 1:30 p.m.  
**STAFF:** Traci Tesconi, Project Planner

**Board of Supervisors Hearing will be held on October 23, 2012 and will be noticed at that time.**

### SUMMARY

**Applicant:** Best Family Investors, LLC  
**Owner:** Best Family Investors, LLC  
**Location:** 2065 Highway 116 North, Sebastopol  
APNs: 130-232-031 and 130-262-032 Supervisorial District No.: 5  
**Subject:** General Plan Amendment and Use Permit Modification

### PROPOSAL:

A request for 1) a General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any increase in the approved winery's production capacity beyond 26,500 cases per year, and to prohibit any increase in the approved winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027; ; and 2) modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with retail sales and events on a 7.61 acre site to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site, isolated wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit for 15 years any increase in either the winery's production capacity beyond 26,500 cases per year, and prohibit any increase in or the winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building.

<b><u>Environmental Determination:</u></b>	August 2012 Subsequent Mitigated Negative Declaration
<b><u>General Plan:</u></b>	Diverse Agriculture, 10 acres per dwelling unit
<b><u>Specific/Area Plan:</u></b>	West Sebastopol Plan – Land Use: Intensive Agriculture Open Space= Scenic Corridor
<b><u>General Plan Policy:</u></b>	Policy LU-17q (Section 3.6 Sebastopol and Environs)
<b><u>Ord. Reference:</u></b>	Section 26-08-020(g) and Section 26-080-020(j)
<b><u>Zoning:</u></b>	DA (Diverse Agriculture) B6, 10 acre density, SR (Scenic Resources)
<b><u>Application Complete for Processing:</u></b>	August 2, 2012
<b><u>RECOMMENDATION:</u></b>	Recommend that the Board of Supervisors 1) Adopt the August 2012 Subsequent Mitigated Negative Declaration; 2) Approve the amendment to General Plan Policy LU-17q; and 3) Approve the Use Permit modifications as requested for the 26,500 case winery facility and public tasting room with special events and participation in industry wide events subject to conditions of approval.

### **ANALYSIS**

#### **Background:**

In March 2008, the applicant filed application PLP08-0029 requesting a General Plan Amendment, Zone Change from AR to DA, and a Use Permit to allow for a winery and a public tasting room with events and retail sales. On June 8, 2010, after a public hearing and recommendation for approval by the Planning Commission and a public hearing before the Board of Supervisors, the Board adopted the Mitigated Negative Declaration and approved the project. The Board of Supervisors approved the amendment, zone change and the Use Permit for a 26,500 case winery and public tasting room with special events and participation in industry wide events under Resolution No. 10-0473. No wedding or concerts were proposed or approved.

Concerned Citizens for Responsible Land Use filed a timely petition for writ of administrative mandate in Sonoma County Superior Court (Sonoma County Superior Court Case No. SCV 24674) challenging the Board's adoption of the Mitigated Negative Declaration and approval of the Project.

On December 17, 2010, the applicant submitted modifications to the Approved Project. The modifications proposed moving the winery production/storage building approximately 163 feet northeast of its original location and relocate the emergency vehicle access road farther east on the project site to avoid and retain an existing on-site, isolated wetland.

On July 6, 2012, the Modified Project was revised by the applicant requesting that the number of industry-wide events be reduced from five per year to four per year. The maximum number of 150 guests per industry-wide event would remain the same as that for the Approved Project. In conjunction with this request, on July 11, 2012, the applicant volunteered to use the self-contained "crowd pleaser" style portable toilets at any special event with more than 20 guests. Under the modifications, the winery production/storage building is to be located in the area on the project site originally designated as the septic system area in the Approved Project. New septic areas had to be tested and it was then determined that the number of industry wide events needed to be reduced from five to four per year.

A Judicially-Supervised Settlement, dated July 20, 2012, required further modifications to the Approved Project. Therefore, on August 2, 2012 a revised Modified Project proposal and modified plans were filed by the applicant with PRMD combining the original modifications requested by the applicant, as well as the modifications required by the Settlement.

**Modified Project Description:**

The Modified Project requested by the applicant consists of: (1) project modifications filed by the applicant on December 17, 2010, and on July 6, 2012, to relocate the winery production/storage building and emergency vehicle access road reduce the number of permitted industry-wide events, and (2) additional project modifications filed by the applicant on August 2, 2012, to comply with the Judicially-Supervised Settlement (“Modified Project”). Specifically, the Modified Project proposes the following:

- 1) A General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any increase in the approved winery’s production capacity beyond 26,500 cases per year, and to prohibit any increase in the approved winery’s permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.
- 2) A modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with events and retail sales to:
  - a) Relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site, isolated wetland;
  - b) Reduce the number of approved industry-wide events from five to four per year;
  - c) Prohibit any increase in the winery’s production capacity beyond 26,500 cases per year, or prohibit any increase in the winery’s permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027;
  - d) Prohibit Sunday operations at the winery production facility, except during crush (grape harvest season);
  - e) Close the tasting room at 4:00 p.m. for public wine tasting;
  - f) Reduce the height of the winery production/storage building from 42 feet to 35 feet;
  - g) Remove the roll-up door on the south side of the winery production/storage building.

The Settlement included limiting all winery production operations to 10 p.m., except during crush. However, the Approved Project already limits all winery production hours of operation to 7 a.m. - 7 p.m., which will remain unchanged.

**Previously Approved Project Components Remaining Unchanged:**

Components of the previously Approved Project which remain unchanged are the Diverse Agriculture, 10 acres per dwelling unit land use designation and Diverse Agriculture B6 10 acre density, SR (Scenic Resource) zoning district. The previously approved Use Permit components that remain unchanged are as follows:

Winery: The winery production/storage building 33,000 square feet in size with a maximum annual production capacity of 26,500 cases with winery hours of operation from 7:00 a.m. to 7:00 p.m. (non-harvest season); and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. As approved, at least 75% of the grapes processed at the winery shall be either grown on site or locally grown, with the remaining 25% from importing grapes or processed grapes (juice) from outside the county.

Under the modification, the winery building height is reduced to 35 feet, the roll-up door on the south side of the building is removed, and no Sunday winery operations are allowed.

Public tasting room, retail sales, and events: The detached tasting room building is 5,000 square feet in size and 35 feet in height. The public tasting room is open to the public seven days a week with retail sales and a total of 12 marketing dinners and/or luncheons per year with a maximum of 40 guests per event. The hours of special events are limited to 10:00 a.m. to 9:00 p.m., with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 p.m. Industry wide events are allowed with a maximum of 150 guests. No weddings and/or concerts are allowed.

Under the modification, the public tasting room closes at 4 pm, instead of 5 p.m. and industry wide events are reduced to four per year, instead of 5 per year, as previously approved.

Cisterns: Several large water cistern steel tanks for a water catchment system are located on the west side of the winery production/storage building.

Access: The primary winery and tasting room entrance would remain via an existing private driveway located on the south side of Occidental Road approximately 300 feet east of the intersection of State Highway 116. The existing gravel driveway would be paved and widened to allow two-way traffic. On the opposite side of the project site, emergency vehicle access only will be provided by a new driveway off of Atkinson Road. The existing residential driveway currently off Highway 116 will be eliminated.

Under the modification, the location of the emergency access road within the project site is moved farther to the east. The original EVA driveway off Atkinson Road remains unchanged to that previously approved.

Sewage Disposal: Winery wastewater disposal and domestic sewage disposal would be via an on-site septic system.

Water Supply: Water supply to serve the winery and tasting room would be via a new, on-site well.

### **Project Location:**

The project is located at the southeast corner of the intersection of Highway 116 North and Occidental Road in Sebastopol, north of the City of Sebastopol's city limits. The project site is across Highway 116 and east of the Vacu-Dry multi-tenant agricultural processing facility. The Sonoma County Regional Parks Department maintains a bicycle and pedestrian trail along the entire project frontage of Highway 116, referred to as the Joe Rodota Trail.

### **Site Characteristics:**

The project site is 7.61 acres and rectangular in shape, with approximately 940 feet of frontage along Highway 116. The property contains an existing single family residence, well, and apple orchard that will

be demolished for the project. The site slightly slopes to the west becoming more flat in the western portion with 3% to 15% slopes. Mature oaks and a few Eucalyptus trees grow along the eastern border of the parcel. A wetland delineation prepared for the project states the only hydrological feature is an isolated swale or wetland approximately 0.3 acres in size located on the southern portion of the site (J.Valerius, 2006). The U.S. Geological Survey (Sebastopol quadrangle) indicates the nearest water resources to the project site are Atascadero Creek, located approximately 1 mile west, and the Laguna de Santa Rosa, located approximately 1 mile east.

### **Surrounding Land Use and Zoning:**

The property is located at the south-east corner of state Highway 116 North and Occidental Road, a county road connecting Santa Rosa with the west county. Surrounding the project site are a variety of land uses and agricultural uses, such as vineyards, apple orchards, and small family farms with livestock and horses, and agricultural processing facilities and related retail-commercial operations such as Vacu-Dry, Harmony Farm Supply and Nursery, individual wineries, and apple processing. The area also has residential development on small rural lots. The immediate area surrounding the project site is characterized by Vacu-Dry, a multi-tenant agricultural warehouse with school bus parking (West County Transportation), a gasoline station/mini mart, a U-Haul rental and storage facility, TLC Child and Family Services, and agricultural and residential land uses. Parcel sizes in the area range from 1 acre to 76 acres in size. The immediate surrounding zoning designations are as follows:

North: Land Use: AR (Agricultural and Residential), Agriculture and single family dwellings  
South: Land Use: AR (Agricultural and Residential), Agriculture and single family dwellings  
East: Land Use: AR (Agricultural and Residential), Agriculture and single family dwellings  
West: Land Use: MP (Industrial Park), Multi-tenant agricultural processing and warehousing (Vacu-Dry)  
South-west: Land Use: DA (Diverse Agriculture) B6 20 acre density, Z (Second Unit Exclusion), Private school and administrative offices (TLC )  
North-west: Land Use: C1 (Neighborhood Commercial), Gasoline Service Station/Mini Mart

## **DISCUSSION OF ISSUES**

### **Issue #1: General Plan Amendment**

Consistent with the Settlement Agreement, the project modifications include amending General Plan Policy LU-17q (Sebastopol Environs) adding language to prohibit any increase in the winery's production capacity beyond 26,500 cases per year, or prohibit any increase in the winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants) prior to December 31, 2027. Based on the modification request, the new language added to General Plan Policy LU-17q is underlined below as follows:

Policy LU-17q: Notwithstanding the minimum lot size limitations of the Diverse Agriculture land use category and the DA (Diverse Agriculture) zoning district, the Diverse Agriculture land use and DA zoning designations, and a minimum lot size of 7.61 acres, are considered consistent with the General Plan for a 7.61 acre parcel resulting from the merger of two existing parcels, APN's 130-262-031 and -032, based on the site's current "Intensive Agriculture" designation in the West Sebastopol Area Plan, the existing and historical agricultural use on the site, on-site soil types and water availability suitable for crop production, and the existing pattern of small and large lots in the vicinity. The Diverse Agriculture land use designation is not considered growth inducing because overall development potential of the site is decreased by one single family residence and one second dwelling unit due to the merger of APN's 130-262-031 and -032 into a single parcel. Notwithstanding the Diverse Agriculture land use and DA zoning designations for the site, to avoid incompatible on-site uses to surrounding residential parcels and potentially negative visual impacts along the Highway 116 scenic corridor, the following land uses shall be prohibited on the site even with a use permit application: confined (continuously) livestock operations;

livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial horse stables, horse boarding, riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges. In addition, prior to December 31, 2027, any winery on the site is prohibited from: (1) increasing maximum annual production capacity beyond 26,500 cases per year, and (2) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants).

**Issue #2: Use Permit Modification**

The Modified Project proposes the following:

1. *Relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site to avoid and retain an existing, on-site isolated wetland.*

Staff analysis:

The Comparison Site Plan (refer to Exhibit H) depicts the site changes with the relocation of the winery production/storage building and emergency access road on the project site. Moving the winery production/storage building provides a setback of approximately 142 feet from the centerline of Highway 116, exceeding the required setback of 30% of the depth of the lot under the Scenic Corridor criteria. In addition, the new location of the winery production/storage building continues to meet other Diverse Agriculture zoning setback requirements (Front: 30 feet, Side: 10 feet, and Rear: 20 feet), as well as exceed the 30-foot minimum from property lines Fire Code standards. A revised Noise Assessment was done to address any potential noise impacts with regard to moving the winery production/storage building closer to the rear property line. (Noise impacts are described in more detail under Issue # 6 below in this staff report).

2. *Reduce the number of approved industry-wide events from five to four per year held on the project site.*

Staff analysis:

Reducing the industry-wide events from five to four per year allows the industry-wide events held at the winery facility to be served with portable toilets under PRMD Policy and Procedure 9-2-31. In Exhibit A Conditions of Approval, under PRMD Health (refer to Condition No. 26), requires portable toilets be self contained trailers with running water toilets for special events with more than 20 guests, consistent with PRMD Policy 9-2-31. The septic system capacity shall be designed and installed to accommodate special events with 20 guests (50% of the 40 guest maximum per special event). The project's septic system is described in more detail under Issue # 4 below in this staff report.

3. *Prohibit any increase in the winery's production capacity beyond 26,500 cases per year, and prohibit any increase in the winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants) prior to December 31, 2027. After that date, any increase in the winery's production capacity or permitted events would require a new or modified use permit and may require additional environmental review.*

Staff analysis:

Staff recommends under draft Planning Condition No. 66 to prohibit any future increases in the winery's production capacity and special events until December 31, 2027.

4. *Prohibit Sunday operations at the winery, except during crush. This restriction does not apply to the tasting room's hours of operation, as specified in the original approval.*

Staff analysis:

The previously approved winery hours of operation are seven days a week from 7:00 a.m. to 7:00 p.m. (non-harvest season); and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. Staff recommends under draft Planning Condition No. 66 to prohibit Sunday operations at the winery, except during crush.

5. *Close the tasting room at 4:00 p.m. for public wine tasting. Marketing dinners and industry-wide events may occur in the tasting room after 4:00 p.m., as specified in the Approved Project.*

Staff analysis:

The previously approved tasting room hours are seven days a week from 10:00 a.m. to 5:00 p.m. Staff recommends under draft Planning Condition No. 66 that the tasting room now close at 4:00 pm.

6. *Reduce the height of the winery production/storage building from 42 feet to 35 feet.*

Staff analysis:

The architectural plans prepared by Lafranchi Architecture and Development, dated August 2, 2012, depict the 35-foot height of the winery production/storage building plus 4-foot high cupolas (refer to Exhibit J- Sheet A3-1).

7. *Remove the roll-up door on the south side of the winery production/storage building, as depicted on the architectural elevation plans prepared by Lafranchi Architecture and Development, dated August 2, 2012.*

Staff analysis:

The architectural plans prepared by Lafranchi Architecture and Development, dated August 2, 2012, demonstrate there is no roll-up door on the south side of the winery building (refer to Exhibit J- Sheet A3-1).

During the Settlement Agreement a concern by neighbors was the potential of the winery exceeding the maximum annual production capacity approved under the Use Permit. If the winery exceeds the 26,500 case maximum annual production capacity, the winery is operating in violation of its Use Permit conditions which could result in modification or revocation proceedings of the Use Permit. In response, staff recommends under draft Planning Condition No. 112 that the applicant provide ATF (Alcohol, Tobacco, and Firearms) records if an investigation is pursued by PRMD and if PRMD requests ATF records be provided to verify the winery's annual production capacity at the project site. As part of the Settlement, the applicant agreed to add the ATF record requirement to the conditions of the Use Permit.

**Issue #3: Isolated Wetland and Water Quality**

Prior to submitting the December 2010 Modified Project, the applicants and their consultants had several meetings with staff at the North Coast Regional Water Quality Control Board ("NCRWQCB" or "Regional Board") regarding the applicant's ability to satisfy the County's Conditions of Approval for the Approved

Project, including Conditions 54 and Condition 55 that require subsequent Regional Board approvals. The Regional Board asked the applicant to avoid an on-site delineated isolated wetland by relocating the winery production/storage building and emergency vehicle access road. On November 18, 2010, a Wetland Buffer Strip Planting Plan was prepared by Ted Winfield, Ph.D. and submitted to the NCRWQCB. In a November 24, 2010 response letter, Mona Dougherty, Water Resources Control Engineer of the NCRWQCB stated:

*“This letter reflects the resolution of the water quality concerns expressed in the March 1, 2010 comment letter (NCRWQCB). In areas where agriculture activity is proposed, the Wetland Buffer Strip Plan was reviewed and approved by our staff.*

*In light of these modifications and any permitting actions taken by our agency for the wetland crossing resulting from the fire access road, the Regional Water Board is satisfied that the project will not have a significant impact on the existing 0.3-acre wetlands on the project site.*

*The applicant has also clarified and enhanced the project’s use of Low Impact Development techniques. With the enhanced LID techniques and their inclusion in the project modifications, the Regional Water Board is satisfied with the use of LID which will minimize the discharge of pollutants in storm water runoff and any alternations to the hydrology of the site, and will not have a significant impact on water quality.*

*The Regional Water Board is satisfied that the project, as revised, will have a less than significant impact on the water quality.”*

The relocation of the winery production/storage building and emergency vehicle access is preferred by the Regional Board to avoid and retain the existing, on-site isolated wetland; and would result in the following improvements to the physical environment as compared to the originally-approved project:

- The footprint for the production building would be moved outside of the existing, on-site isolated wetland.
- The landscaping within the 50 foot vegetated buffer surrounding the existing, on-site isolated wetland would contain native, low water use plant species.
- The vineyard areas would be set back from the 50-foot vegetated buffer so that agricultural equipment does not encroach into the buffer. A barrier such as a fence or landscaping would be installed at the 50 foot buffer to keep equipment out. In addition, a 10-foot wide equipment turnaround between the vegetated buffer and the vines will be maintained to ensure vineyard equipment does not encroach into the vegetated buffer zone.
- A precast bridge would be installed where the emergency vehicle access crosses the wetland. All footings for the bridge would be installed outside the delineated wetland boundary so that there is no disturbance of the existing, on-site isolated wetland.

On July 30, 2012, an updated Low Impact Development Calculation Report was prepared by Carlile-Macy Engineers (refer to Exhibit N). The LID report was required as a condition of the originally Approved Project. The LID Report states that low impact development elements have been incorporated in the project’s site design, and these features include:

*Grass swales:* Over 800 linear feet of grass swales to treat runoff through sedimentation in the channel, filtration through a subsoil matrix, and infiltration into the underlying soils.

*Vegetated Buffer:* The delineated wetland will be surrounded by a vegetated buffer zone, consisting primarily of un-compacted native and amended soils. The zone will be planted in accordance with the “Wetland Buffer Strip Planting Plan for the Best Family Winery.” Fertilizers, pesticides, and herbicides will not be used in the buffer zone. A 10-foot equipment turnaround between the vegetated buffer and the vines will be maintained to ensure vineyard equipment does not encroach into the vegetated buffer zone.



*Cisterns:* The project proposes to install cisterns with 65,000 gallons of storage capacity to collect rainwater from the roof of the production building and store it for use as irrigation for the landscaping and vineyards. The practice of storing storm water for use in irrigation will promote bio-filtration and evapo-transpiration to prevent increases of storm water runoff from leaving the site.

*Pervious Pavement:* The driveways and parking areas will be pervious/gravel pavements as shown on the preliminary landscape plan. This allows for storm water to infiltrate into the ground reducing the amount of runoff coming from the driveways and parking areas.

*Preservation & Enhancement of Natural, Landscape and Vineyard Areas:* New vineyards and landscape areas will be prepared by spading. Cover crop will be planted between the rows in vineyard areas. Landscaped areas will have a deep mulch cover. All of these LID features will assist infiltration of storm water and will help prevent soil erosion.

*Self-Treating Areas:* There are six areas (Areas A, C, D,F, G, and H) depicted in the LID report that are considered self treating areas. These areas have minimal impervious surfaces and well draining soils so that runoff generated by the 85th percentile 24 hour storm event will be captured and remain in these areas, therefore, no additional treatment requirement is needed for these areas.

*Area Draining to Grass Swales:* The runoff coming off the roof of the tasting room building (Drainage Area B) will be directed to a grass swale. Any inlets to storm drain systems will remain higher than the grass swale to ensure that there is retention of runoff within the swale.

*Area Draining to Cisterns:* The runoff coming from the winery production building roof and the crush pad area will be collected into the cisterns.

Since the existing on-site, isolated wetland would be avoided and retained, a previous mitigation measure incorporated into the Approved Project was deleted as explained in the August 2012 Subsequent MND. However, to ensure the modifications to the project do not have any adverse effect on the isolated wetlands onsite, Mitigation Measure 4.c (1) (refer to Planning Condition No. 75) has been revised from that of the Approved Project (changes shown in underline and strikeout) and a new Mitigation Measures 4.c.(2) and (Mitigation Measures 4.c.(3) have been added (refer to Planning Conditions No. 76 and 77).

#### **Issue # 4: Septic System**

The Modified Project includes three areas for sewage disposal systems to serve the winery and tasting room, as depicted on the Septic System Design Site Plan, prepared by Huffman Engineering and Surveying, dated July 5, 2012 (refer to Exhibit O).

Areas One and Area Two will be standard septic systems located at the north and north-east end of the project site to serve the public tasting room with retail sales, and the tasting room visitors and employees, and half (50%) of the winery process wastewater, respectively. Area Three will be located at the southern end of the project site and will be an at-grade septic system to dispose and treat the other half (50%) of the winery process wastewater. The three sewage disposal systems meet all the required setbacks, including but not limited to, a 100-foot setback from the above mentioned existing on-site wetland near the south end of the site, 100-foot well setbacks from all domestic water wells within the area, the 50-foot setbacks to the drainage features along Highway 116, and the required setbacks from property lines which are 5 feet for standard systems and 10 feet for non-standard systems.

Reducing the industry-wide events from five to four per year allows the industry-wide events to be served with portable toilets under PRMD Policy and Procedure 9-2-31. The septic system capacity shall be designed and installed to accommodate 50% of total number of guests, which the maximum capacity per a special event is 40 guests. The Conditions of Approval for the Modified Project under PRMD Health requires the portable toilets used be self contained trailers with running water toilets to be used for special

events with more than 20 guests, consistent with PRMD Policy 9-2-31. The portable toilet trailers would be placed on the crush pad as depicted on the Modified Project's Site Plan, (Feature R), prepared by Lafranchi Architecture and Development; dated July 30, 2012.

The septic system for the winery wastewater requires a blower for the aerator. The blower for this system will be inside the winery production building, near the northwestern corner of the building. The system also has underground aeration and septic tanks that will be under the crush pad. The crush pad will be constructed to withstand heavy truck and forklift traffic. With the aerator blower unit located inside the winery building and the aeration tanks being underground below the crush pad, all noise associated with the aeration is expected to be in compliance with both the daytime and nighttime noise standards.

#### **Issue # 5: Scenic Corridor and Aesthetics**

On January 19, 2011, the Design Review Committee conducted preliminary design review on the original Modified Project submitted in December 2010. DRC opined that moving the winery production/storage building and emergency vehicle access road farther back on the site at a greater distance from Highway 116 comported with the Committee's earlier recommendations on the original project (Preliminary Design Review Committee meeting, dated 12-3-2008).

Highway 116 is a State Scenic Highway and a Scenic Corridor. The Scenic Resources zoning overlay requires a setback of 30% of the depth of the parcel measured from centerline of the road, up to a maximum setback of 200 feet. Because the depth of the site varies from 345.2 to 412.5 feet, the minimum setback varies from 103.6 feet to 123.8 feet. The production building setback varies from 162 to 169 feet from the centerline of Highway 116. The locations of the winery production/storage building and the tasting room meet the 30% building setback requirement.

The Modified Project and updated plans dated August 2, 2012, incorporate all the DRC recommendations from the January 19, 2011, preliminary design review meeting. Included in the August 2, 2012 submittal is the completed DRC Action Sheet from January 19, 2011, with responses provided by the project architect, Lafranchi Architecture and Development (refer to Attachment in August SMND). As a result of the DRC recommendations, the roof and water tank reflectivity has been reduced, more landscaping has been added along the Highway 116 frontage, a double row of landscaping at the southern perimeter, low bollard lighting is in the parking area, and the entry sign height and size has been reduced to meet County standards. The preliminary landscape plans, building elevation plans, and sign plan dated August 2, 2012, incorporate DRC recommendations into the project plans.

In addition, on August 2, 2012, Lafranchi Architecture and Development submitted an updated Visual Assessment to reflect the Modified Project and plans. Based on PRMD's Visual Assessment Guidelines Table 3, the matrix of sensitivity and dominance, this project could be determined to have a significant visual impact and will require mitigation measures. The site portrays a *High* level under Visual Sensitivity and a *Co-dominant* level under Visual Dominance, which both categories warrant mitigations to reduce significant visual impacts, as described below in this staff report. The tasting room building remains 35 feet in height and the winery production/storage building will be reduced to 35 feet in height consistent with the height limit in Diverse Agriculture. Overall, visual impacts are being reduced because under the Approved Project the winery production/storage building was 42 feet in height.

There are large, prominent oaks along Highway 116, near the northwest corner of the site, which screen views from the north at the intersection of Highway 116/Occidental Road and add rural character to the site. Of the eight large existing oaks in this area, seven will be retained, one will be removed, and one may need to be removed due to its proximity to the proposed tasting building. Clusters of mixed Valley Oaks and Evergreen Coast Live Oaks will be planted to extend the existing landscape character and provide additional visual screening along the three site frontages. Views across the site from Highway 116 are generally open, but a mass of evergreen trees provides a significant backdrop across the high point of the site along the eastern boundary. This backdrop will be supplemented with additional oaks

that will create a backdrop for the proposed winery building. There is also a large stand of existing evergreen trees located on the east and south-east portions of the site that extend the backdrop of trees to a greater height. On the south side of the project site, there are oak and eucalyptus trees that form another backdrop to the south of the project site. Six photo simulations, dated August 2, 2012, (refer to Exhibit I ) of the project site portray what a passing motorist will experience while passing the project site after construction.

As modified and mitigated, the project would limit grading, tree removal, and roadway length to the minimum necessary to implement the project. Building heights for both the winery production/storage building and tasting room building would comply with the 35-foot height limit of the Diverse Agriculture zoning district, and the bulk and mass of the structures will be mitigated with low contrast building colors to include brown, dark green, and other earth tone colors with non-reflective surfaces. Further, the project would be screened by existing and proposed oak trees, existing tree masses, additional evergreen trees (redwoods) to fill in gaps, and orchard and flowering accent trees. Exterior lighting would be minimized, fully shielded from off-site views, and directed downward. To ensure the design criteria is implemented in the final construction plans and final site improvements, mitigation measures require Final Design Review by the Design Review Committee prior to issuance of any building or development permit. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated January 19, 2011, and any subsequent Design Review Committee recommendations made on the Modified Project. The Design Review Committee shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions, as modified in the August 2012 Subsequent Mitigated Negative Declaration.

#### **Issue # 6: Noise**

An update to the previous Noise Assessment Evaluation was prepared by Illingworth & Rodkin, Inc., dated February 28, 2011 (Attachment of the August 2012 SMND). The Modified Project would not allow any winery operations on Sundays, except during crush (grape harvest season). This restriction does not include the tasting room operations. Otherwise, there are no other changes in the winery operation. Hours of operation will be 7 a.m. to 7 p.m., Monday through Saturday (non-harvest season); and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. Wine production activities, such as bottling, pressing, aging, and storing will take place within the production building. The crush pad will be used for crush-related operations and truck traffic and deliveries. A crush pad perimeter wall will be placed at the northeast side of the production area, and will be built of masonry block to a height of 9 feet above the ground elevation of the crush pad/truck parking area.

The winery production/storage building is located closer to the eastern property line boundary and thus closer to an adjacent residence (Residence 1), which is depicted on Figure 1 of the Noise Assessment, which identifies Residence 1 (located to the east), and three other residences identified as Residences 2, 3A, and 3B, located to the south along Atkinson Road. The winery building is now located farther away from Residences 2, 3A, and 3B. The four residences are the only sensitive receptors in proximity to the project. The Noise Assessment concludes:

- Noise levels associated with motor vehicles using the project parking areas would meet the daytime NE-2 noise standards at all adjacent residential property lines.
- All proposed daytime and nighttime indoor event noise levels would meet County noise standards.
- Noise levels associated with typical non-crush season truck operations would meet the daytime NE-2 noise standards at the adjacent residential property lines. In comparison to the previously Approved Project, the relocation of the winery production building would not change the truck

- delivery noise for Residence #1, and decreases by 4 dBA the truck delivery noise for Residence 2, 3A, & 3B.
- Noise levels associated with maintenance and forklift operations on the site would meet the daytime NE-2 noise standards at adjacent residential property lines.
  - Noise levels associated with typical outdoor mechanical equipment in the crush pad area of the winery production building would meet the daytime NE-2 noise standards at the adjacent residential property lines.
  - Noise levels from indoor production and mechanical equipment would meet the daytime NE-2 noise standards at the adjacent residential property lines. These noise levels are further reduced by attenuation provided by the building itself.
  - Exterior noise levels generated during crush would be about 48 dBA, when the attenuation provided by the distance, crush pad perimeter wall, and terrain shielding is taken into account. This noise level would be in compliance with both daytime and nighttime L50 NE-2 standards at Residence 1. Bottling and final wine production would take place indoors in the winery production/storage building. Taking into account the structural attenuation, noise from the bottling operations would be less than 45 dBA at all adjacent residences and in compliance with both daytime and nighttime L50 NE-2 standards at all adjacent residences.
  - Refrigeration cooling compressors located in the loading area of the winery production building will produce a noise level of 48 dBA(L50) at Residence 1 and a noise level of 42 dBA (L50) or below at Residences 2, 3A, and 3B. The air compressors located in the loading area of the winery production building will produce a noise level of 50 dBA (L25) at Residence 1, and a noise level between 42 to 44 dBA (L25) at Residence 2, 3A, and 3B in compliance with the noise standards.

Noise mitigation measures identified in the previously-adopted MND and already incorporated into the project would continue to apply to the Modified Project and ensure that noise impacts are less than significant. As recommended in the Noise Assessment, an additional mitigation measure requires the cooling compressors and air compressors to meet the operational noise level at 50 feet to be 60 dBA, and 62 dBA or less, respectively, subject to review and approval by the Project Review Health Specialist prior to occupancy of the winery building (refer to Health Condition No. 18 of Exhibit A).

#### **Issue # 7: Traffic**

The Modified Project reduces the overall traffic to be generated by the winery and tasting room land uses. The number of industry-wide events is being reduced from five to four per year on the project site; the tasting room would close at 4 p.m. instead of 5 p.m. daily; no Sunday winery operations are allowed, except during crush (grape harvest season); and all winery operations must cease by 7 p.m., except during crush (grape harvest season).

On August 2, 2012, a letter was submitted by W-Trans (Whitlock and Weinberger Transportation, Inc.), the traffic engineers who completed the original Traffic Impact Studies for the project. W- Trans states:

*“It is understood that the Best Family Winery project has undergone some changes to the project description, including changes to the proposed schedule to limit Sunday operations to the winery only, except during crush, and closure of the tasting room at 4 p.m., instead of 5 p.m., as originally approved. As requested, we have reviewed our prior analysis of the Best Family Winery Project to determine if the proposed operating schedule has any effect on the conclusions and recommendations in the Revised Traffic Impact Study for the Best Family Winery Project, dated December 8, 2008.*

*Prior analysis was based on the assumption that operation of the winery, apart from the tasting room, would be limited to Monday through Saturday, except during crush; thus, the existing analysis already reflects this schedule. With the new proposed schedule, the tasting room would close earlier, which would reduce the number of trips generated by the winery during the weekday p.m. peak hour. With*

*fewer trips added the project's impact would be less, so the analysis of traffic operation during the p.m. peak hour is conservative, so does not need to be updated."*

As previously approved, the winery and tasting room's primary access would continue to be via the existing private driveway located on the south side of Occidental Road approximately 300 feet east of the intersection of State Highway 116. As previously approved, on the opposite side of the project site, emergency vehicle access only will be provided by a new driveway off of Atkinson Road. The EVA driveway location off of Atkinson Road remains unchanged from that previously approved.

**Issue # 8: Greenhouse Gas**

On June 27, 2011, a Revised Final Greenhouse Gas Emission Plan (Attachment of the August 2012 SMND) prepared for the project by Rimpo and Associates was submitted to PRMD because it was a condition of the previously Approved Project to prepare a plan to eliminate any increase in greenhouse gas emissions from project construction and operation through all feasible strategies of carbon off-sets chosen by the permit holder. The relocation of the winery production/storage building would not change the project's GHG emissions. However, Rimpo explains a local solar company has estimated that the winery production/storage building would accommodate fewer photovoltaic panels than previously estimated due to changes in the Sonoma County Fire Code adopted in January 2011. Consistent with the applicant's commitment to achieving a project that is "carbon neutral", Rimpo explains that additional measures are needed to achieve a "no net" increase in the Modified Project's greenhouse gas emissions in light of the change in the number of photovoltaic panels that can be accommodated on the winery production/storage building. Rimpo recommends as a mitigation measure that the applicant participate in PG& E's ClimateSmart Program and purchasing emission offsets from a company registered with the Climate Action Reserve to provide GHG emission offsets. This is required by PRMD to be a one-time purchase for the life of the buildings, which is typically a 30-year life term. Alternatively, PRMD added the applicant may participate in a local County-sponsored off-set program to off-set any remaining emissions (Refer to Planning Condition No. 89 of Exhibit A).

**Issue # 9: Water Availability**

Although the Project is located in a Zone 2 Groundwater Availability Area, Richard C. Slade & Associates prepared a Hydrogeologic Assessment of Groundwater Availability, dated November 2011. The project site is not located in a marginal or water scarce area and groundwater studies are typically required for projects only in marginal or water scarce areas of Sonoma County (Zones 3 and 4 Groundwater Availability Areas). The report concluded that "it is our professional opinion that the project as proposed will not have a negative impact on groundwater in the Wilson Grove Formation that underlies the project site and surrounding areas".

**Issue # 10: Neighborhood compatibility**

Historically, the project site has been used for agriculture purposes. The project, as modified, continues to be consistent with the Diverse Agriculture land use designation and the DA (Diverse Agriculture) zoning district allows agricultural processing, sales of products grown on site, product promotion, and small scale events. Through the preparation of the initial study and the incorporation of mitigation measures and monitoring program set forth in the August 2012 Subsequent Mitigated Negative Declaration, staff has determined that any potentially significant environmental impacts will be lessened under the project modifications and any potentially significant impacts can be mitigated to a less than significant level. The winery and tasting room traffic will continue to access and egress from the driveway off Occidental Road, which was previously determined by traffic engineers to be safe and can accommodate additional traffic; the site can accommodate all on-site parking needs and noise levels from the winery operations and event activities will continue to meet daytime and nighttime noise limits in the General Plan. The project site is located in an Area 2 water availability area, and a groundwater recharge area. Drainage improvements will include the use of grassy swales and vegetated buffers, and parking

areas and access roads will be pervious, and runoff coming from the roof of the production building will be collected and stored into tanks. Final design review will be done by the Design Review Committee prior to any building or development permits to approve the final landscaping, exterior lighting, and signage. The winery wastewater system will require approval by the Well and Septic Division and the North Coast Regional Water Quality Control Board.

### **STAFF RECOMMENDATION**

1. Recommend that the Board of Supervisors adopt the August 2012 Subsequent Mitigated Negative Declaration.
2. Recommend that the Board of Supervisors approve the General Plan Amendment to modify General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) prohibiting any increase in the approved winery's production capacity beyond 26,500 cases per year, and prohibiting any increase in the approved winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.
3. Recommend that the Board of Supervisors approve the modifications to the previously approved Use Permit for the 26,500 case winery and public tasting room with events and retail sales to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit any increase in the winery's production capacity beyond 26,500 cases per year, and prohibit any increase in the winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027; d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building. Other components of the previously approved Use Permit remain unchanged.

### **FINDINGS FOR RECOMMENDED ACTION**

1. The August Project Modifications, as approved herein, do not affect the Project's previously-determined compliance with the General Plan, West Sebastopol Area Plan, and Zoning Code. The Modified Project can be found consistent with the Diverse Agriculture land use designation and the DA (Diverse Agriculture) zoning district because it allows a winery and tasting room with events. Under the Approved Project, the project site (7.61 acres) is required to be legally merged into a single parcel of record. Existing General Plan Area Policy LU-17q, defines the project site's unique characteristics, including its long-term ability to support an agricultural use (orchard), and the current West Sebastopol Area Plan land use designation of Intensive Agriculture, and the ability for the 7.6 acre site to support agricultural uses and agricultural processing consistent with the purposes of the Diverse Agriculture land use and zoning designation. The Use Permit project, as modified, remains consistent with the applicable General Plan Agricultural Resources Element Goals, Objectives and Policies (Goals AR-3 and AR 4, Objectives AR-3.1 and AR-3.2 and Policies AR-3c, AR-3e and AR-4a) because the winery is considered agricultural processing and the tasting room with events and retail sales promotes the wine produced on site, further demonstrating that the subject property will continue to be used and maintained for agricultural purposes, and the Diverse Agriculture General Plan land use and zoning designation will allow continued on-site agricultural production, agricultural processing, and visitor serving uses.

2. Although the August Project Modifications require subsequent environmental review, none of the events set forth in Public Resources Code section 21166 and State CEQA Guidelines section 15162 have occurred that would require preparation of a subsequent environmental impact report. The Planning Commission concurs with staff's determinations that although an addendum appears warranted, the August 2012 Subsequent Mitigated Negative Declaration is the preferable environmental document to analyze the changes in the August Project Modifications. The Project Modifications' relocation of the proposed winery production/storage building approximately 163 feet to the northeast of its original location, relocation of the proposed emergency vehicle access road farther east on the Project Site, and reduction in the number of permitted industry-wide events from five to four per year are minor changes in the Project that avoid and retain an existing on-site, isolated wetland, will not result in any new or substantially more severe significant environmental effects, and require only minor additions or changes to the previously-adopted Mitigated Negative Declaration to make it adequate for the Project Modifications. In addition, no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, shows the Project will have new or substantially more severe significant effects than examined in the previous Mitigated Negative Declaration. The Planning Commission also concurs with PRMD staff's determination that the August 2012 Subsequent Mitigated Negative Declaration is only required to address the changes proposed in the Project Modifications and not re-evaluate the Project's environmental impacts already analyzed in the Mitigated Negative Declaration. The Planning Commission recommends that the Sonoma County Board of Supervisors certify that the August 2012 Subsequent Mitigated Negative Declaration has been prepared, noticed, made available for public and agency review, and considered, together with comments received during the public review process, in compliance with CEQA and the State CEQA Guidelines, and find that the August 2012 Subsequent Mitigated Negative Declaration reflects the independent judgment and analysis of the Board. The August 2012 Subsequent Mitigated Negative Declaration represents a good faith effort to provide full and adequate disclosure of the environmental impacts of the Project Modifications. Based upon the record of these proceedings, there is substantial evidence supporting the decision to adopt the August 2012 Subsequent Mitigated Negative Declaration. Changes or alterations have been required in, or incorporated into, the Project Modifications through the conditions of approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the August Project Modifications identified in the August 2012 Subsequent Mitigated Negative Declaration.
3. The Modified Project is consistent with the terms and conditions of the Judicially- Supervised Settlement dated July 20, 2012.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. For the Modified Project, the Use Permit conditions and modified General Plan Policy LU-17q limit the winery to 26,500 cases per year and 16 events per year, with a 15 year restriction on any increase in the winery's production or special events prior to December 31, 2027. Use Permit conditions limit the winery production operations to Monday through Saturday from 7 a.m. to 7 p.m. (non harvest) and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. Also, Use Permit conditions limit the tasting room hours from 10 a.m. to 4 p.m., 7 days a week, and industry wide events to 4 per year with a maximum of 150 guests per event. The winery building height is reduced to 35 feet plus four-foot high cupolas and the roll up door on the south side of the winery

production/storage building has been removed, as depicted on the building elevation plans, prepared by the project architect, Lafranchi Architecture and Development, dated August 2, 2012.

- b. The Project modifications to relocate the proposed winery production/storage building approximately 163 feet to the northeast of its original location, relocation of the proposed emergency vehicle access road farther east on the Project Site, and reduction in the number of permitted industry-wide events from five to four per year are minor changes in the Project that avoid and retain an existing on-site, isolated wetland, will not result in any new or substantially more severe significant environmental effects.
- c. The potential impacts on agricultural and forest resources, air quality, cultural resources, hazard and hazardous materials, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, and utilities and service systems would remain unchanged with the Project Modifications.
- d. In terms of aesthetic impacts, reducing the height of the winery production/storage building from 42 feet to 35 feet and relocating the proposed winery production/storage building and emergency vehicle access road would not result in any new or substantially more severe adverse effect on aesthetics. The new location of the proposed winery production/storage building is in the middle of the Project Site, farther away from residences on Atkinson Road, and does not involve the removal of a greater number of trees than previously analyzed. The winery production/storage building is now located approximately 142 feet from the centerline of Highway 116, exceeding the setback of 30 percent of the depth of the lot required by the Scenic Corridor requirements of the Zoning Code. To ensure that design criteria are implemented in the final construction plans and final site improvements, a mitigation measure has been included in the August 2012 Subsequent Mitigated Negative Declaration that requires the Modified Project to incorporate the Design Review Committee's recommendations as listed on the DRC Action Sheet dated January 19, 2011, and any subsequent Design Review Committee's recommendation on the Modified Project. These criteria include limiting grading, tree removal, and roadway length to the minimum necessary to implement the project. Building heights shall comply with existing law, and reduce bulk and contrast through the use of brown, dark green, and other earth tone colors and non-reflective surfaces. The project shall be screened by existing and proposed oak trees, existing tree masses, additional evergreen (redwood) trees to fill in gaps, and orchard and flowering accent trees. Exterior lighting shall be minimized, fully shielded from off-site views, and directed downward. The preliminary landscape plan and Visual Assessment prepared by Lafranchi Architecture and Development, dated August 2, 2012, confirms that adding landscape tree screening along Highway 116 and Atkinson Road, and incorporating the mitigation measures, the visual impact will remain less than significant. These measures were incorporated into the conditions of approval for the Modified Project.
- e. The relocation of the proposed winery production/storage building and emergency vehicle access road will avoid and retain the existing 0.3-acre on-site isolated wetland. The modified Site Plan depicts a 50-foot vegetated buffer zone around the wetland, and a 10-foot equipment turnaround area between the vegetated buffer zone and the on-site vineyards to ensure that vineyard equipment do not encroach into the buffer zone. A pre-cast bridge will be installed where the emergency vehicle access road crosses the wetland and all footings for the bridge will be set outside the wetland boundary, avoiding any disturbance to the wetland. Although the Modified Project will avoid a direct impact to the wetland and therefore neither a Section 404 Nationwide permit from the Army Corps of Engineers nor a Section 401 Certification from the North Coast Regional Water Quality Control Board are likely to be necessary, a mitigation measure requires that prior to



issuance of any grading, septic, and/or building permit for the project, a qualified Biologist shall confirm that Section 404 and 401 permits are not required.

- f. The Project Site is suitable for standard and at-grade sewage disposal systems as demonstrated by testing and a preliminary septic site design prepared by Huffman Engineering & Surveying which identified the septic system for the Project Modifications utilizing three areas on the project site. Areas One and Two will be standard sewage disposal systems located north and northeast of the tasting room. These areas will treat domestic waste from the tasting room and one-half of the winery process wastewater from the proposed winery production/storage building. Area Three will be an at-grade sewage disposal system located south of the on-site wetland, near the southern end of the Project Site treating on remaining one-half of the winery process wastewater from the proposed winery production/storage building.
- g. With respect to potential impacts on hydrology, water quality, drainage, and soil erosion, the Project Modifications would not result in any new or substantially more severe significant effects than previously analyzed in the Mitigated Negative Declaration. A Low-Impact Development Calculation Report (“LID Report”) prepared by Carlile-Macy Engineers, dated July 30, 2012, as required by the original conditions of approval for the project, also addresses the Project Modifications. The LID Report proposed a variety of features to be incorporated into the project design, including: over 800 feet of grass swales to filter and provide for infiltration of runoff; a 50-foot vegetated buffer zone around the wetland; cisterns to collect rainwater for use as irrigation for landscaping and vineyards; pervious pavement; preservation and enhancement of natural landscape, and vineyard areas to assist infiltration of storm water and prevent soil erosion. In its letter of November 24, 2010, the North Coast Regional Water Quality Control Board concluded that, “In light of these modifications and any permitting actions taken by our agency for the wetland crossing resulting from the fire access road, the Regional Water Board is satisfied that the project will not have a significant impact on the existing 0.3-acre wetlands on the project site. The applicant has also clarified and enhanced the project’s use of Low Impact Development techniques. With the enhanced LID techniques and their inclusion in the project modifications, the Regional Water Board is satisfied with the use of LID which will minimize the discharge of pollutants in storm water runoff and any alternations to the hydrology of the site, and will not have a significant impact on water quality with the enhanced LID techniques and their inclusion in the project modifications, the Regional Water Board is satisfied. With the use of LID will minimize the discharge of pollutants in storm water runoff and any alternations to the hydrology of the site, and will not have a significant impact on water quality”.
- h. With respect to potential noise impacts, the updated Environmental Noise Assessment, prepared by Illingworth and Rodkin, dated February 28, 2011, concluded the potential noise impacts of the Modified Project with respect to parking lot noise, indoor and outdoor special events, truck deliveries, maintenance and forklift operations, mechanical equipment, and seasonal production-related noise would continue to meet applicable General Plan standards and therefore would remain less than significant. Noise mitigation measures identified in the previously-adopted Mitigated Negative Declaration would continue to apply and ensure that noise impacts remain less than significant. Nonetheless, to ensure that the cooling compressors and air compressors installed at the proposed winery production/storage building do not exceed the noise limits in the General Plan, a new mitigation measure has been added to require that once installed the exterior cooling and air compressors must demonstrate they meet the General Plan noise level standards.

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Modified Project Proposal Statement, dated received August 6, 2012
- EXHIBIT C: Vicinity Map
- EXHIBIT D: Aerial Map
- EXHIBIT E: General Plan Land Use Map
- EXHIBIT F: Zoning Map
- EXHIBIT G: APN Map
- EXHIBIT H: Comparison Site Plan, dated August 2, 2012
- EXHIBIT I: Aerial Photo/Site Plan with six Photo Simulations, prepared by Lafranchi Architecture and Development, dated August 2, 2012
- EXHIBIT J: Modified Preliminary Landscape Plans, Exterior Lighting Plan, Floor Plans and Elevation Plans, and Roof Plans for Tasting Room and Winery Building, prepared by Lafranchi Architecture and Development, dated July 30, 2012 and August 2, 2012
- EXHIBIT K: Preliminary Grading Plan, prepared by Carlile-Macy, dated July 30, 2012
- EXHIBIT L: Sustainable Systems Elements, prepared by Carlile-Macy, dated July 30, 2012
- EXHIBIT M: Wetland Buffer Strip Planting Plan, prepared by Ted P. Winfield, PhD, dated November 18, 2010
- EXHIBIT N: Low Impact Development Features Plan prepared by Carlile-Macy, dated July 30, 2012
- EXHIBIT O: Septic Site Design Plan, prepared by Huffman Engineering and Surveying, dated July 5, 2012
- EXHIBIT P: Exterior Colors and Materials, prepared by Lafranchi Architecture and Development, dated August 2, 2012
- EXHIBIT Q: Project Entry Sign detail, prepared by Lafranchi Architecture and Development, dated August 2, 2012
- EXHIBIT R: Letters prepared by W-Trans Transportation, Inc., (Whitlock and Weinberger), dated July 30, 2012
- EXHIBIT S: Wastewater disposal: prepared by Huffman Engineering and Surveying, dated July 27, 2012
- EXHIBIT T: Draft Resolution

---

**Separate Attachment for Commissioners:** August 2012 Subsequent Mitigated Negative Declaration with attachments, and 11' x 17' of all plans and visual simulations photos.

Planning Commission  
Draft Conditions of Approval  
EXHIBIT A

**Date:** September 20, 2012 **File No.:** PLP08-0029  
**Applicant:** Best Family Investors, LLC **APN:** 130-262-031, -032  
**Owner:** Best Family Investors, LLC  
**Address:** 2065 Highway 116 North, Sebastopol

The following conditions of approval include underline and strike out format of the originally approved June 8, 2010 Board of Supervisors Conditions of Approval to reflect the new and deleted condition language related to the Modified Project.

**Project Description:** The Modified Project includes 1) a General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any winery on the project site from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, and 2) modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with retail sales and events on a 7.61 acre site to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site, isolated wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building. All other aspects of the originally Approved Project remain unchanged. The Diverse Agriculture land use and zoning designation remains the same as that of the previously Approved Project.

---

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

**BUILDING:**

^The conditions below have been satisfied^ BY \_\_\_\_\_ DATE \_\_\_\_\_

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

**HEALTH:**

^The conditions below have been satisfied^ BY \_\_\_\_\_ DATE \_\_\_\_\_

PRIOR TO BUILDING PERMIT ISSUANCE:

Water:

3. Prior to building permit issuance, the permit holder shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 1998 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

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

4. Prior to building permit issuance and vesting the Use Permit, the permit holder shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State certified lab. If the analysis shows contamination, the permit holder will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
5. Prior to the issuance of building permits, the permit holder shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50 foot annular seal.) Copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may E-mail clearance directly to PRMD.
6. If a water supply permit is required from the State Department of Public Health, then the water supply well is required to have a 50 foot annular seal. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50 foot annular seal cannot be obtained, then a new water well may be required.
7. Prior to building permit issuance the permit holder shall abandon existing well(s) under permit from the Well and Septic Section of the Permit and Resource Management Department. This division may review a request to upgrade the well to current standards relating to setbacks and annular well seals.
8. Prior to the issuance of any building permit, an easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

9. Prior to building permit issuance and vesting the Use Permit, the permit holder shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil

- Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. Portable toilets may be used for the four largest Special Events, and for Special Events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate Special Events shall be sized on the fifth largest Special Event as follows: 11 to 25 Special Events shall provide 50% of the 5th largest event. If a permit for a standard, innovative or Experimental Sewage Disposal System sized to meet all peak flows cannot be issued, then the permit holder shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Division that all required septic system testing and design elements have been met.
10. Application for wastewater discharge requirements shall be filed by the permit holder with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the permit holder shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from: <http://www.waterboards.ca.gov/northcoast/geninfo/genwinerywdr/wine.html>
- Mitigation Monitoring: PRMD shall not issue a building permit or septic permit for the winery production building and/or tasting room, until the permit holder provides documentation of acceptance of a complete application for wastewater discharge requirements with the North Coast Regional Water Quality Control Board with no initial objections or concerns. Furthermore, PRMD shall not issue temporary or final occupancy on the winery production building and/or tasting room building until the permit holder has submitted a copy of the waste discharge permit issued by the North Coast Regional Water Quality Control Board.
11. Prior to building permit issuance the permit holder shall abandon existing septic tank(s) under permit and inspection from the Well and Septic Section of PRMD. The Project Review Health Specialist shall receive a copy of the "finalized" abandonment permit.
  12. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.
  13. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

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

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

Consumer Protection:

14. Prior to the issuance of building permits and the start of any construction, the permit holder shall apply for a food facility permit or exemption. Plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. The exemption requires:
  - a. Proof of a State Wine Grower License (Alcoholic Beverage Control license).

A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting and certain palate cleansers such as prepackaged cheese, small pieces of bread, nuts, pretzels, crackers and the like). For example, a patron cannot purchase a bottle of wine and have a picnic on the premises of the winery; the only consumption of wine allowed would be at the tasting bar.
  - c. A statement that food and/or beverage, other than wine, will not be offered for sale for offsite consumption.
  - d. A statement that no fees will be charged for wine tasting or palate cleansers.

Noise:

15. Building permits shall show mechanical equipment located indoors or they shall receive additional evaluation by a qualified noise consultant prior to building permit issuance.
16. During final project design, the locations and specification of all exterior mechanical equipment shall be reviewed by a qualified acoustical professional to ensure that operational noise does not exceed the County's NE-2 Guidelines at the nearby residential properties. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction.

Mitigation Monitoring: Prior to temporary or final occupancy of the winery building, a letter of clearance from the sound consultant regarding the design and final construction of the mechanical equipment for the winery activities shall be submitted to and cleared by the Project Review Health Specialist.

PRIOR TO OCCUPANCY:

Water:

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

and the location of the water meter(s) shall be submitted to the Project Review Health Specialist at PRMD.

Noise:

18. Noise levels produced by exterior cooling and air compressors shall be limited to the following sound levels:

Cooling compressors installed at the building exterior shall be muffled or enclosed, or of a make and model such that the average (Leq) operational noise level at 50 feet is 60 dBA or less.

Air compressors installed at the building exterior shall be muffled or enclosed, or of a make and model such that the average (Leq) an operational noise level at 50 feet is 62 dBA or less.

Mitigation Monitoring: Prior to temporary and final occupancy of the winery building, a letter of clearance from the sound consultant demonstrating that the final construction and installation of the cooling compressors and air compressors meet the operational noise level at 50 feet of 60 dBA and 62 dBA or less, respectively, shall be submitted to and cleared by the Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

19. The permit holder, property owner, or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
20. A safe, potable water supply shall be provided and maintained.
21. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to General Plan Policy WR-2d and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.
22. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-Project Review at least once every five years.

Septic:

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

26. Self contained trailers with running water toilets (often referred to as “Crowd Pleasers,” but the specific trade mark or brand is not required) shall be used for Special Events with more than 20 guests, consistent with PRMD Policy 9-2-31, The use of portable toilets shall meet the following minimum requirements:
- a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day.
  - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted Onsite Wastewater Treatment System or public sewer.
  - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
  - d. The permit holder shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
  - e. Portable toilets shall not be brought on-site prior to 48 hours before the Special Event and shall be promptly serviced and removed within 48 hours after the Special Event.
  - f. If complaints are received that PRMD believes are valid complaints, the permit holder or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the Special Event and at future Special Events as directed by PRMD. The permit holder/property owner and his agent(s) are expected to maintain portable toilets and hand washing units so that:
    - (1) The holding tank does not leak or overflow.
    - (2) Toilet paper is promptly replaced when the dispenser runs out.
    - (3) Water, paper towels and soap is promptly replaced when the hand washing units run out.
    - (4) The wait to use a portable toilet shall not be so long that people relieve themselves at other impromptu locations.
    - (5) Reliance upon portable toilets shall not create a public nuisance.
  - g. Portable toilets shall not be placed on designated parking areas or designated over-flow parking areas.

Hazardous Materials Program:

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

Consumer Protection:

28. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division if required for the wine tasting activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site



consumption (including any charges for wine tasting), and that no food or beverage be sold for off-site consumption (except for bottles of wine). The Local Health Officer does allow providing certain palate cleansers (such as prepackaged cheese, small pieces of bread, nuts, pretzels, crackers and the like) under this exemption. Contact the Environmental Health Division at 565-6544 for information.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health Division at 565-6548 for further information regarding caterers.

Noise:

29. Noise shall be controlled in accordance with the following as measured at the exterior property line at the locations LT-1, LT-2, ST-1 and ST-2 as shown in the project Noise Study dated noise study updated February 28, 2011 and the original noise study dated May 27, 2009, by Illingworth and Rodkin:

**TABLE NE-2: Maximum Allowable Exterior Noise Exposures at Locations LT-1 and LT-2.  
 (Long-term Locations)**

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.) at LT-1	Nighttime (10 p.m. to 7 a.m.) at LT-1	Daytime (7 a.m. to 10 p.m.) at LT-2	Nighttime (10 p.m. to 7 a.m.) at LT-2
L50 (30 minutes in any hour)	55	50	55	50
L25 (15 minutes in any hour)	57	52	58	53
L08 (5 minutes in any hour)	60	55	60	56
L02 (1 minute in any hour)	65	60	65	50
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.				

**TABLE NE-2: Maximum Allowable Exterior Noise Exposures at Locations ST-1 and ST-2.  
 (Short-term Locations)**

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.) at ST-1	Nighttime (10 p.m. to 7 a.m.) at ST-1	Daytime (7 a.m. to 10 p.m.) at ST-2	Nighttime (10 p.m. to 7 a.m.) at ST-2
L50 (30 minutes in any hour)	55	50	55	50
L25 (15 minutes in any hour)	60	55	60	55
L08 (5 minutes in any hour)	65	60	63	59
L02 (1 minute in any hour)	68	65	65	62

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.
---

If additional measuring locations are required, Table NE-2 shall be adjusted at those locations as specified in Sonoma County General Plan 2020, as adopted in September of 2008.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The permit holder or owner/operator shall implement any additional mitigation measures needed to meet noise standards.

30. Non-grape truck deliveries shall be limited to the daytime hours, 7:00 a.m. to 7:00 p.m. Only during the eight-week harvest/crush season, medium trucks delivering grapes may arrive on site at the crush pad and truck parking area before the nighttime (10:00 p.m.) restriction begins, and may leave the facility during the nighttime hours (10:00 p.m. to 7:00 a.m.). However, such trucks shall not idle after 10:00 p.m. Heavy trucks shall not enter or exit the site during nighttime hours.

To clarify, truck sizes are defined as follows:

Heavy trucks: Trucks designed for transportation of cargo with three or more axles generally with a gross vehicle weight greater than 26,500 lbs. Heavy trucks are generally semi, tractor-trailer or articulated trucks.

Medium trucks: Trucks designed for transportation of cargo with two axles and six wheels generally with a gross vehicle weight greater than 10,000 lbs. and less than 26,500 lbs. Examples of Medium Trucks include Box trucks, delivery vans or similar trucks.

Note: The above definitions of Heavy and Medium trucks concur with those used by Cal Trans' Technical Noise Supplement (TENS) of its Traffic Noise Analysis Protocol.

Mitigation Monitoring: Any complaints that truck deliveries are being made well into the nighttime hours, and they appear to be valid complaints in PRMD's opinion, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

31. Bottling shall only occur indoors, as assumed in the noise study updated February 28, 2011 and the original noise study dated May 27, 2009, by Illingworth and Rodkin.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The permit holder or owner/operator shall implement any additional mitigation measures needed to meet noise standards.

32. Amplified sound and very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed

instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan. The addition of outdoor amplified sound shall in the future requires a Use Permit revision and additional noise evaluation.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary.

33. Any required design modifications shall not cause General Plan noise thresholds to be exceeded.

Mitigation Monitoring: If any design modifications are required during the construction phase, PRMD shall not issue final occupancy for any building permit for the winery production building or tasting room until a supplemental noise analysis confirms that the design modifications will not result in an exceedance of the General Plan Noise thresholds.

34. For the winery's operations, if legally permissible, the permit holder shall implement alternative(s) to the use of backup beepers on forklifts or vehicles, in an effort to reduce noise, such as designated spotters or flaggers. Any alternative safety measures must continue to be compliant with OSHA regulations.
35. Prior to building permit issuance, the permit holder shall submit a design for trash enclosures and recycling areas for review and approval by the Building Plan Check Section of PRMD. (Fees may apply.) Note that trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.
36. Special events shall be limited to 12 marketing dinners or lunches, and four industry wide wine tasting events per year. The hours of special events shall be limited to 10:00 am to 9:00 pm with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 pm.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be in valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional mitigation measures needed to meet noise standards.

Solid Waste:

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

Smoking:

38. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County

Code 32-6). A No Smoking@ signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of A No Smoking@ signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.

39. A Designated Smoking Area@ may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

**GRADING AND STORM WATER:**

A The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

40. Grading and/or building permits require review and approval by the Grading & Storm Water Section of PRMD prior to issuance. Grading permit applications shall abide by the standards and provisions of Chapters 11 & 11A of the Sonoma County Code.
41. A soils engineering report, prepared by a soils engineer, and engineering geology report, prepared by an engineering geologist, shall to be submitted with the grading permit application(s) for the proposed project. The soils engineer and the engineering geologist must be registered in the State of California.
42. A drainage report for the proposed project shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout. The drainage report shall also include a 100-yr floodplain/floodway study and an analysis of the existing downstream drainage conditions. If the analysis demonstrates inadequate capacity to handle the anticipated runoff from the proposed project, then improvements to the downstream drainage system shall be required.
43. The proposed project is subject to Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines and low impact development (LID) requirements for storm water runoff. Measures to mitigate the project impacts to the quality of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Storm Water Mitigation Plan (SWMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
44. Drainage improvements shall be designed by a civil engineer, registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of PRMD for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and abide by

the standards and provisions of Chapters 11 & 11A of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.

Mitigation Monitoring: The issuance of grading or building permit for the project will not be approved by the PRMD until the required drainage improvement, grading, and erosion control plans have been reviewed and approved by the Grading and Storm Water Section of the Permit and Resource Management Department.

45. The applicant shall provide grading plans, prepared by a civil engineer registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
46. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by PRMD staff until the above items are submitted to Grading and Storm Water Section for review and approval.

47. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, wetlands, waterway(s) or adjacent lands.
48. Polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system, wetlands, waterway(s) or adjacent lands.
49. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
50. Appropriate Best Management Practices shall be implemented to effectively minimize and prevent polluted storm water discharges.
51. Before construction may begin near any wetland a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the wetland. The protective construction fence shall be shown and noted on the grading/site plans.
52. A 50-ft grading setback line to protect all wetlands shall be used unless a wetlands biologist recommends a lesser setback.
53. Any storm drain easements shall be shown and noted on the grading/site plans.
54. The fuel dispensing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be

operated plus one foot, whichever is more. Any surface water flow from the fuel dispensing area shall not be permitted to enter the storm drain system without receiving appropriate treatment. The fuel dispensing area shall be covered with a roof that must extend beyond the fuel dispensing area a minimum of 2 feet (or more as may be regulated otherwise). The roof cover shall not drain onto the fuel dispensing area.

55. The cumulative land disturbance of the project is equal to or greater than one (1) acre, therefore, the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

Mitigation Monitoring: The issuance of grading or building permit for the project will not be approved by the Project Review Division unless a copy of the Notice of Intent (NOI) filed with the RWQCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency have been reviewed and approved by the Grading and Storm Water Section of the Permit and Resource Management Department.

56. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a wetland or waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
57. The applicant is responsible to contact the California Department of Fish & Game and obtain any necessary permits or waivers for proposed work in or near a wetland or waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
58. The applicant is responsible to contact the California Department of Transportation and obtain any necessary permits or waivers for proposed work within Highway 116. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

#### **TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

59. This proposal impacts a road under State of California jurisdiction. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right-of-way.
60. Allow single-unit trucks to make turns without having to enter the opposing lane of traffic, entry to Occidental Road shall conform to AASHTO standards. More specifically, the Developer shall construct a driveway meeting the following criteria:
- a. A minimum throat width of 24 feet,
  - b. Entrance curves having a minimum pavement radius of 40 feet,
  - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular,

- d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Occidental Road,
  - e. The entry shall be surfaced with asphalt concrete between the edge of the existing pavement and the right-of-way line or a minimum distance of 40 feet, whichever is greater. The structural section of the entrance paving located within the public right-of-way shall match that of Occidental Road.
  - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details,
  - g. The entrance improvements shall be in place prior to occupancy.
61. Prior to issuance of any building permit for winery structures, an improvement plan for Emergency Vehicle Access (EVA) shall be prepared and submitted to the County Fire Chief for approval. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, Sonoma County Fire Safe Standards. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition.
62. Prior to issuance of building permits, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
- a. The entrance shall be of sufficient width to accommodate two-way traffic,
  - b. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.
63. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy.
64. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
65. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.

**PLANNING:**

^The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

66. This Use Permit is issued to allow a winery with a maximum annual production capacity of 26,500 cases. No increase in winery's maximum annual production capacity beyond 26,500 cases per year shall be allowed prior to December 31, 2027. During the non-harvest season, the winery production hours of operation shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m. During the harvest season, approximately eight weeks per year, the winery production hours of operation may be seven days a week, 24 hours a per day, but shall not be 24 hours per day for more than 30 days within the 8 week period from the start of harvest. Public tasting room hours are seven days a week from 10:00 a.m. to 4:00 p.m. for public wine tasting and retail sales. A total of 12 marketing dinners and/or luncheons per year with a maximum of 40 guests per event are permitted. The hours of special events shall be limited to 10:00 a.m. to 9:00 p.m., with

the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 p.m. Participation in four industry wide wine tasting events per year with a maximum of 150 guests per event is permitted. No weddings and/or concerts are allowed. No increase in winery's special events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants) shall be allowed prior to December 31, 2027. At least 75% of the grapes processed at the winery shall be either grown on site or locally grown. The winery production building is 33,000 square feet in size and a maximum of 35 feet in height, plus four-foot cupolas. No roll-up door is permitted on the south side of the winery production/storage building. The tasting room building is 5,000 square feet in size and a maximum of 35 feet in height, with a cylindrical, water tower feature at the southwest end of the building and cupola.

In addition, consistent with the General Plan Area Policy approved as part of this project, the following land uses shall be prohibited on the subject site even with a Use Permit: confined (continuously) livestock operations; livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial stables not permitted under Section 26 08 010(i)(1), riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges.

The use shall be operated in accordance with the proposal statement and approved development plans located in File No. PLP08-0029 as modified by these conditions.

67. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,101.50 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$2,151.50 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
68. Prior to the issuance of any septic, grading or building permit, the permit holder shall submit and record a Voluntary Merger application filed with the applicable fees to legally combine the two subject parcels APN's 130-262-031 and -032.  
Mitigation Monitoring: The Permit and Resource Management Department shall not issue any septic, grading or building permit, until the permit holder has submitted and recorded a Voluntary Merger application filed with the applicable fees legally combining the two subject parcels APN's 130-262-031 and -032.
69. This Use Permit approved in 2012, File No. PLP08-0029, shall supersede all prior Use Permits (if any), upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
70. The permit holder shall maintain a minimum of 42 parking spaces on-site to serve the winery, tasting room with special events, and provide on-site over-flow parking areas for industry-wide events. On-site, overflow parking shall be made available during events that occur during tasting room hours (refer to Over-Flow Parking Plan in the file) and during these events temporary signs be placed in appropriate areas directing vehicles to overflow parking areas on the project site. Off-site parking of vehicles and/or trucks associated with the winery or tasting room is prohibited



along any public or private roadways. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.

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

71. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
72. The permit holder shall pay all applicable development fees prior to issuance of building permits.
73. Development on this parcel is subject to the Sonoma County Fire Safety Ordinance and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
74. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
75. The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit ~~that directly impacts the jurisdiction wetland on the project site, approximately 0.3 acres in size, until the permit holder has~~ until a qualified Biologist has determined that the Project will not require an approved Section 404 Nationwide permit from the Army Corps of Engineers, and or an approved Section 401 Certification from the North Coast Regional Water Quality Control Board. All necessary permits shall be obtained that meet all laws governing those agencies and performance standards as identified by the applicable agency.

Mitigation Monitoring: Prior to issuance of any grading, septic, and/or building permit, the permit holder shall ~~obtain approval of a~~ submit a signed letter from a qualified Biologist determining that the Project does not require either an approved Section 404 Nationwide permit from the Army Corps of Engineers, and approval of a or an approved Section 401 Certification from the North Coast Regional Water Quality Control Board for the direct impact of the jurisdictional wetland located on the project site, approximately 0.3 acres in size.

76. Prior to any construction activities occurring on the project site, a protective construction fence shall be placed at the outer edge of the 50-foot buffer around the wetland area. The protective construction fence shall be maintained until such time final occupancy has been issued for both the tasting room building and the winery production/storage building by PRMD. The protective construction fence shall be shown and noted on the building, grading and septic system site plans.

Mitigation Monitoring: Prior to PRMD issuance of any building, grading, or septic permit, the applicant shall confirm to the Project Planner that the protective construction fence is in place. The protective construction fence shall be shown and noted on the building, grading and septic system site plans. The protective construction fence shall not be removed until such time final

occupancy has been issued on the tasting room and the winery production/storage buildings by PRMD.

77. Any vineyards planted on the project site shall be set back 10 feet from the edge of the 50-foot vegetated buffer so that agricultural equipment will not encroach into the buffer. Also, a barrier such as a fence or landscaping shall be installed at the 50-foot buffer in order to keep vineyard equipment out of the buffer zone. The fencing or landscaping shall be maintained for the life of the project.

Mitigation Monitoring: Prior to planting any vineyards on the project site, the applicant shall install the barrier fencing or landscaping at the 50-foot buffer zone in order to keep vineyard equipment out of this area and the applicant shall provide evidence, such as detailed photographs, to the Project Planner at PRMD. All vineyard planting plans shall depict the vineyard planted at least 10 feet from the edge of the 50-foot vegetated buffer zone and barrier fencing or landscaping.

- ~~78. The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit, until the permit holder has submitted to the Project Planner a copy of the final agreement for the purchase of off-site wetland creation credits and preservation credits from an approved, local wetland mitigation bank. The purchase of off-site credits shall be done under a formal agreement signed, dated, and executed by both the "Buyer" and the "Seller".~~

~~Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit, until the permit holder has submitted to the Project Planner a copy of the formal agreement, signed, dated, and executed by both the "Buyer" and the "Seller", purchasing off-site wetland creation credits and preservation credits from an approved, local wetland mitigation bank~~

78. The Permit and Resource Management Department shall not issue any grading and/or building permits, until a pre-construction nesting survey(s) for nesting passerines (song birds) and raptors, has been completed by a qualified biologist within 48 hours of construction. If nests are located, a buffer shall be established by the qualified biologist in consultation with the California Department of Fish and Game, prior to commencement of any construction. If no active nests are observed on the site during the survey, then the biologist shall provide the Project Planner with a written notification, and appropriate permit(s) can be issued by PRMD and construction activities may proceed.

Mitigation Monitoring: PRMD shall not issue any grading, and/or building permits, until a pre-construction nesting survey(s) for passerines (song birds) and raptors, has been done by a qualified biologist within 48 hours of construction. If nests are located, a buffer shall be established by the qualified biologist in consultation with the California Department of Fish and Game, prior to commencement of any construction. If no active nests are observed on the site during the survey, then the biologist shall provide the Project Planner with a written notification, and appropriate permit(s) can be issued by PRMD and construction activities may proceed.

79. The Permit and Resource Management Department shall not issue any building permit for the tasting room or winery production building until the project biologist has submitted pre-construction surveys for pallid bats and American badgers conducted by a qualified biologist within 48 hours of any construction activity, and subject to the following criterions:

- a. The survey(s) shall be conducted at a time that, if they exist, the pallid bats or the American badgers would be present, identifiable, and conducted at time when the type of pallid bat roost ("roost") can be determined (i.e., day roost, night roost, maternity roost). If a roost is determined to support the pallid bat, one replacement roost structure, appropriate in size for the species observed, shall be provided for each removed roost. For American badgers, an

area for replacement burrows should be provided at a 1:1 ratio for any removed areas. A qualified biologist shall select the replacement area.

- b. All surveys, designs, and any other work related to the pallid bat or American badger shall be conducted by a qualified bat biologist (e.g. a biologist holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle and collect bats and the equivalent CDFG requirement for American badgers). Such work shall be conducted during the appropriate time of year as determined by the biologist.
- c. For the pallid bat, if active maternity roosts, other day roosts, or hibernacula are found on the site, onsite roosting habitat should be recreated to replace the original roosting habitat. Bat roosts should be designed by the bat biologist in conjunction with the Project architect, and shall be appropriate for the species in size, location, thermo-dynamics, and designed to mimic the thermo-dynamic qualities to provide potential day roosting, night roosting, and maternity colony roosting habitat for pallid bats.
- d. For the pallid bat or American badger, in the event that more than 30 days pass between evictions and construction or other disturbances, an additional survey will be needed in order to verify that bats or badgers have not returned.
- e. If the bat biologist determines that there are no alternative roost sites used by the maternity colony, then potential roosting habitat (e.g. a bat condominium or bat box appropriate for pallid bats) for the maternity shall be provided on the project site no less than three months prior to the eviction of the colony. Temporary roost should be designed or determined by the bat biologist. By making the roosting habitat available prior to eviction, the colony will have a better chance of finding and using the roost.
- f. A similar on site relocation program approved by a CDFG biologist will be implemented if any badgers are found and disturbed.
- g. In addition, a mitigation plan shall be developed by a qualified biologist that details the methods of excluding Pallid bats or American badger from their roosts or burrows and the plans for replacement roosts or burrows on the site, if necessary. Pallid bats or American badgers shall not be disturbed until PRMD approves the mitigation plan.

Mitigation Monitoring: Prior to issuance of any building permit for the tasting room or winery production building, a qualified biologist shall submit a pre-construction survey(s) for the pallid bat and American badger conducted by a qualified biologist within 48 hours of any construction activity. If habitat is found on the project site supporting the Pallid bat or American badger, replacement roosts or burrows shall be provided and a mitigation plan shall be developed by a qualified biologist that details the methods of excluding Pallid bats from the roost or American badgers from their burrows and the plans for a replacement roost or burrows on the site. Pallid bats or American badger or their roosts shall not be disturbed until PRMD approves the mitigation plan.

80. If a replacement habitat is required, a qualified CDFG biologist shall monitor the replacement habitat for at least 5 years during which time the replacement habitat should be used by the impacted species. By the end of the 5 year monitoring period, use of the replacement habitat should be similar in species composition and number of bats or badgers observed in the impacted area. If a replacement habitat is required, annual monitoring reports shall be prepared and submitted to the Project Planner at PRMD.

Mitigation Monitoring: If a replacement habitat is required, annual monitoring reports for the replacement habitat shall be submitted to the Project Planner at PRMD for five years. Failure to

submit any of the annual reports over the 5 year period will be considered failure to comply with the conditions of approval and could result in a modification or revocation of the Use Permit.

81. The following notes shall be included on building or grading plans for ground disturbing activities:

"During construction activities, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepots, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

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

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

82. Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated January 19, 2011, and any subsequent Design Review Committee recommendations made on the Modified Project. The Design Review Committee ~~must~~ shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration, as modified in the August 2012 Subsequent Mitigated Negative Declaration.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee and the applicant has complied with the recommendations made by the Design Review Committee on January 19, 2011, and any subsequent DRC recommendations. PRMD shall not issue temporary or final occupancy for any

related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

83. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

84. Final Landscape Plans must depict for installation of 12 inch (minimum) deep root barriers between the proposed trees and trail to prevent tree roots from lifting and destroying the Regional Parks trail (Joe Rodota Trail). Please note the Regional Parks Department will only be responsible for maintaining the section of the trail connector located within the Caltrans right of way. The permit holder will be responsible for maintaining trail improvements on private property.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a letter from the Landscape Architect or Contractor that the 12 inch (minimum) deep root barriers between the proposed trees and trail have been installed in accordance with approved plans in order to prevent tree roots from lifting and destroying the Regional Parks trail (Joe Rodota Trail).

85. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone LZ2 for rural standards from Title 24. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building 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, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

86. The building(s) shall be constructed consistent with the Sonoma County Green Building Program standards. These standards are based on the LEED7 rating systems and result in buildings that are more energy efficient and reduce Greenhouse Gas emissions

Mitigation Monitoring: The Green Building Program will become mandatory in Sonoma County once it is adopted and approved by the Board of Supervisors and California Energy Commission (projected: early in the year of 2010). If building plans are submitted for review prior to the effective date of the Green Building Program then the permit holder shall provide documentation that the building has achieved at least a 20 point rating under the LEED<sup>7</sup> rating system.

87. The permit holder shall install solar panels on the new winery production and/or tasting room building(s) to provide energy for some of the winery production and/or tasting room uses. If solar panels are not feasible, then the permit holder shall submit to PRMD for approval a GHG alternative plan demonstrating other measures taken to reduce the project=s overall Greenhouse Gas emissions.

Mitigation Monitoring: The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the permit holder has carried out the installation of the solar panels to the Project Planner. Or, prior to final occupancy, the alternative plan demonstrating the project=s overall reduction in Greenhouse Gas emissions must be approved by PRMD - Project Review.

88. To achieve a “no net” increase in the project’s greenhouse gas emissions, the applicant shall 1) participate in PG& E’s Climate-Smart Program, and 2) purchase sufficient emission offset credits through the Climate Action Reserve (CAR) to offset any remaining GHG emissions from the Modified Project. This is required by PRMD to be a one-time purchase for the life of the buildings, which is typically a 30-year life term. Alternatively, the applicant may participate in a local County-sponsored off-set program to off-set any remaining emissions from the Modified Project.

Mitigation Monitoring: Prior to temporary and final occupancy on the winery building or tasting room building, the applicant shall submit to PRMD written documentation demonstrating participation in PG& E’s Climate-Smart Program and purchase of sufficient emission offset credits through CAR to offset any remaining GHG emissions. Alternatively, prior to final occupancy, the applicant shall enter into an agreement to participate in a local County-sponsored off-set program to off-set any remaining GHG emissions from the Modified Project.

89. Prior to issuance of any building permit for the winery production building and/or tasting room, the permit holder shall submit to PRMD a plan to eliminate any increase in greenhouse gas emissions from project construction and operation through all feasible strategies of carbon off-sets chosen by the permit holder, including but not limited to, use of more fuel efficient trucks, use of alternative energy resources to offset increased demand, reduced truck idling times, sequestration agreements, purchase of carbon credits, off-site mitigation, and/or other measures allowed by law. The plan shall be subject to review and approval by PRMD and shall quantify the project's annual emissions and expected reductions and be verified and certified by a qualified, independent entity approved by the County. The actions specified in the approved plan shall be implemented by the permit holder as set forth in the plan.

Mitigation Monitoring: PRMD shall not issue any building permit for the winery production building and/or tasting room until the permit holder has submitted to PRMD, and PRMD has reviewed and approved, a plan to eliminate any increase in greenhouse gas emissions from project construction and operation, which has been verified and certified by a qualified, independent entity approved by the County. The actions specified in the approved plan shall be implemented by the permit holder as set forth in the plan.

90. Prior to final occupancy a carpooling program for employees shall be developed to reduce average daily trips. A transit incentive program (i.e., discounted transit tickets, guaranteed ride home program, etc.) shall also be established for employees to encourage bus ridership.

Mitigation Monitoring: Documentation of the carpooling and transit incentive programs shall be provided to the Project Planner for review.

91. Prior to final occupancy of the structure, bicycle racks/lockers shall be installed. The Sonoma County Parking Regulations require that one bicycle parking space be provided for every 5 spaces required for automobiles.

Mitigation Monitoring: The bicycle racks/lockers are to be shown on the site plan and their installation will be verified by the Project Planner. Employee shower facilities shall be shown on the building floor plan and will be inspected by the building inspector at the time of construction.

92. Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the County Low Water Use Landscaping Ordinance and the State or County Model Efficiency Ordinance as applicable.

Mitigation Monitoring: Verification, from a qualified irrigation specialist, that landscaping complies with the Model Water Efficiency Ordinance shall be provided prior to Building Permit issuance. The measures in the Plan shall be implemented and verified by the Project Planner prior to issuance of final occupancy.

93. The permit holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
  - f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.

- g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
- h. Limit traffic speeds on unpaved access roads to 15 mph.
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the permit holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

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

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors, PRMD staff shall investigate the complaint and if the condition is violated the Use Permit may be subject to modification.

95. All new landscaping/vegetation and signage placed along the project frontage along Occidental Road shall be located only in those areas that avoid obstructing visibility of vehicles entering or exiting the project site. Landscape and signage plans shall be presented to the Design Review Committee for final approval prior to issuance of any grading or building permit.

Mitigation Monitoring: PRMD shall not issue any grading or building permit, until final landscape and signage plans have been approved by the Design Review Committee. All existing and/or new landscaping/vegetation and signage located along the project frontage along Occidental Road shall be located to avoid obstructing visibility of vehicles entering or exiting the project site.

96. Prior to issuance of any building permit for winery structures, an improvement plan for Emergency Vehicle Access (EVA) shall be prepared and submitted to the County Fire Chief for approval. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, Sonoma County Fire Safe Standards. A locked gate or other approved means to restrict ingress



and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition by the Department of Transportation and Public Works.

Mitigation Monitoring: PRMD shall not issue any building permit for the winery structures until an improvement plan for Emergency Vehicle Access (EVA) has been approved by the County Fire Chief. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition by the Department of Transportation and Public Works.

97. Appropriate sign(s) shall be placed at the entrance of Atkinson Road, stating the entrance is "for emergency vehicles only." If the entrance is equipped with a locked gate or other approved means of restricting access, then a Knox Box or Lock is required at gated entrances. Electric gates must also have an accessible manual override in event of power failures. A gate or similar feature shall be setback off of the road.

Mitigation Monitoring: PRMD shall not issue final occupancy until the appropriate sign(s) have been placed at the entrance of Atkinson Road, stating the entrance is "for emergency vehicles only" and if a gate or other means of restricting access has been installed, then a Knox Box or Lock shall be installed at the gated entrance. An electric gate shall have a manual override, and the gate or similar feature shall be setback from the road.

98. Prior to final occupancy, the permit holder shall submit a Parking Control Plan for industry wide event activities to the Project Planner. The Parking Control Plan shall describe in detail how the Plan will be implemented during industry wide events.
99. Prior to issuance of temporary or final occupancy of either the tasting room and/or winery building, the permit holder shall pave a pathway or sidewalk connection between the existing Class 1 bike/pedestrian pathway and the existing bus stop. All improvements shall be in compliance with the Sonoma County Transit requirements, including meeting needs for persons with disabilities. In addition, a widened, paved shoulder area is required for the bus stop to ensure continued pedestrian access for passengers accessing the bus stop. A letter shall be submitted from the permit holder to the Project Planner stating the above referenced improvements have been made. Before improvements are made, the permit holder shall first contact the State Department of Transportation (Caltrans) to determine if an Encroachment permit must first be obtained for the improvements along State Highway 116 or right of way.

Mitigation Monitoring: PRMD shall not issue temporary or final occupancy of the tasting room and/or winery building until a letter has been submitted from the permit holder to the Project Planner stating that all required improvements have been made to the pathway/sidewalk connection along with the completion of a widened, paved shoulder area. All improvements must be in compliance with the Sonoma County Transit requirements.

100. Prior to issuance of temporary or final occupancy of the tasting room building, a bicycle rack shall be provided and shown on the site plan near the tasting room in a location approved by the Design Review Committee.

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

101. The Bike Path (Joe Rodota Trail) shall not be altered in terms of its elevation gain along the project frontage. A possible design solution is the construction of a retaining wall which is set back a minimum distance of two (2) feet from the edge of pavement of the Bike Path. The retaining wall could allow for the creation of the earth berm without changing the elevation of the

Bike Path. The permit holder shall obtain permission or an encroachment permit for any work performed in the Caltrans right of way.

Mitigation Monitoring: Prior to issuance of any building permits, the permit holder shall obtain a written clearance from the Regional Parks Department on the Bike path improvements and provide a copy of the written clearance to the Project Planner.

102. This ~~At Cost~~ entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
103. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
104. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
105. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
106. All outdoor public use areas shall maintain a 200 foot setback from vineyards. This may be reduced to 100 feet with landscaped berms or densely planted evergreen tree screen.
107. ~~The following types of food service are allowed under this permit:~~
  - ~~a) Samples or tastes of pre prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.~~
  - ~~b) Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.~~
  - ~~c) Appetizers or meals featuring local foods and food products offered in conjunction with charitable events or weddings/special events.~~
  - ~~d) Appetizers or meals featuring local foods and food products offered in conjunction with marketing or promotional activities not open to drop-in guests or noticed to the general public.~~
  - ~~e) Retail sales of pre prepared food not associated with the activities described in a), b), c), and d) above, is allowed subject to the following limitations:~~
    - ~~1) Retail sales of pre prepared food shall be permitted only during tasting room hours as approved by this permit.~~
    - ~~2) Retail sales of pre prepared food shall be for on-site consumption only.~~
    - ~~3) No restaurant or deli service is provided.~~
    - ~~4) No indoor seating area or table service is permitted in conjunction with retail sales of pre prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.~~
    - ~~5) No off site signs advertising retail sales of pre prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to design review.~~

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

107. A restaurant, delicatessen, or a cafe with cooked-to-order food is not permitted under this Use Permit approval. Table service, retail sales, and/or menu items are not permitted with this Use Permit approval. The following types of food service are allowed under this permit:
- a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting and special events. Catered special events may include table service for guests.
  - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with special events. Such meals/appetizers may be prepared in a caterer's preparation/employee kitchen area prior to serving as described on the approved project floor plan. The caterer's preparation/employee kitchen area can include counter space, a double sink, microwave oven(s), warming oven(s), and refrigeration; but cannot include a stove, range, exhaust hood.
  - c. Retail sales of pre-prepared food not associated with the activities described in a) and b) are allowed subject to the following limitations:
    1. Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this Use Permit.
    2. Retail sales of pre-prepared food shall be for on-site consumption only.
    3. No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
    4. No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
108. If PRMD receives a complaint that the winery may be exceeding the maximum annual production capacity of 26,500 cases per year, and if PRMD determines an investigation is warranted and if PRMD requests that the permit holder provide applicable ATF (Alcohol, Tobacco, and Firearms) records to PRMD, the permit holder shall provide these records to PRMD in a timely manner.
109. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
110. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The permit holder must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not

- adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.
111. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
  112. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:  
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
  113. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the permit holder prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

**Planning Commission  
Draft Conditions of Approval  
EXHIBIT A**

**Date:** September 20, 2012  
**Applicant:** Best Family Investors, LLC  
**Owner:** Best Family Investors, LLC  
**Address:** 2065 Highway 116 North, Sebastopol

**File No.:** PLP08-0029  
**APN:** 130-262-031, -032

The following conditions of approval include underline and strike out format of the originally approved June 8, 2010 Board of Supervisors Conditions of Approval to reflect the new and deleted condition language related to the Modified Project.

**Project Description:** The Modified Project includes 1) a General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any winery on the project site from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, and 2) modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with retail sales and events on a 7.61 acre site to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site, isolated wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit the winery from: (i) increasing maximum annual production capacity beyond 26,500 cases per year, and (ii) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building. All other aspects of the originally Approved Project remain unchanged. The Diverse Agriculture land use and zoning designation remains the same as that of the previously Approved Project.

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

**BUILDING:**

^The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

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

**HEALTH:**

^The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

**PRIOR TO BUILDING PERMIT ISSUANCE:**

Water:

3. Prior to building permit issuance, the permit holder shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works

Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 1998 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

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

4. Prior to building permit issuance and vesting the Use Permit, the permit holder shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State certified lab. If the analysis shows contamination, the permit holder will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
5. Prior to the issuance of building permits, the permit holder shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50 foot annular seal.) Copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may E-mail clearance directly to PRMD.
6. If a water supply permit is required from the State Department of Public Health, then the water supply well is required to have a 50 foot annular seal. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50 foot annular seal cannot be obtained, then a new water well may be required.
7. Prior to building permit issuance the permit holder shall abandon existing well(s) under permit from the Well and Septic Section of the Permit and Resource Management Department. This division may review a request to upgrade the well to current standards relating to setbacks and annular well seals.
8. Prior to the issuance of any building permit, an easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

9. Prior to building permit issuance and vesting the Use Permit, the permit holder shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and

wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. Portable toilets may be used for the four largest Special Events, and for Special Events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate Special Events shall be sized on the fifth largest Special Event as follows: 11 to 25 Special Events shall provide 50% of the 5th largest event. If a permit for a standard, innovative or Experimental Sewage Disposal System sized to meet all peak flows cannot be issued, then the permit holder shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Division that all required septic system testing and design elements have been met.

10. Application for wastewater discharge requirements shall be filed by the permit holder with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the permit holder shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from: <http://www.waterboards.ca.gov/northcoast/geninfo/genwinerywdr/wine.html>

Mitigation Monitoring: PRMD shall not issue a building permit or septic permit for the winery production building and/or tasting room, until the permit holder provides documentation of acceptance of a complete application for wastewater discharge requirements with the North Coast Regional Water Quality Control Board with no initial objections or concerns. Furthermore, PRMD shall not issue temporary or final occupancy on the winery production building and/or tasting room building until the permit holder has submitted a copy of the waste discharge permit issued by the North Coast Regional Water Quality Control Board.

11. Prior to building permit issuance the permit holder shall abandon existing septic tank(s) under permit and inspection from the Well and Septic Section of PRMD. The Project Review Health Specialist shall receive a copy of the "finalized" abandonment permit.
12. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.
13. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

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

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

Consumer Protection:

14. Prior to the issuance of building permits and the start of any construction, the permit holder shall apply for a food facility permit or exemption. Plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. The exemption requires:
  - a. Proof of a State Wine Grower License (Alcoholic Beverage Control license).

A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting and certain palate cleansers such as prepackaged cheese, small pieces of bread, nuts, pretzels, crackers and the like). For example, a patron cannot purchase a bottle of wine and have a picnic on the premises of the winery; the only consumption of wine allowed would be at the tasting bar.
  - c. A statement that food and/or beverage, other than wine, will not be offered for sale for offsite consumption.
  - d. A statement that no fees will be charged for wine tasting or palate cleansers.

Noise:

15. Building permits shall show mechanical equipment located indoors or they shall receive additional evaluation by a qualified noise consultant prior to building permit issuance.
16. During final project design, the locations and specification of all exterior mechanical equipment shall be reviewed by a qualified acoustical professional to ensure that operational noise does not exceed the County's NE-2 Guidelines at the nearby residential properties. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction.

Mitigation Monitoring: Prior to temporary or final occupancy of the winery building, a letter of clearance from the sound consultant regarding the design and final construction of the mechanical equipment for the winery activities shall be submitted to and cleared by the Project Review Health Specialist.

**PRIOR TO OCCUPANCY:**

Water:

17. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. A water meter (or meters) to measure all groundwater extracted for the permitted use shall be installed on the water



system. A site plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the Project Review Health Specialist at PRMD.

Noise:

18. Noise levels produced by exterior cooling and air compressors shall be limited to the following sound levels:

Cooling compressors installed at the building exterior shall be muffled or enclosed, or of a make and model such that the average (Leq) operational noise level at 50 feet is 60 dBA or less.

Air compressors installed at the building exterior shall be muffled or enclosed, or of a make and model such that the average (Leq) an operational noise level at 50 feet is 62 dBA or less.

Mitigation Monitoring: Prior to temporary and final occupancy of the winery building, a letter of clearance from the sound consultant demonstrating that the final construction and installation of the cooling compressors and air compressors meet the operational noise level at 50 feet of 60 dBA and 62 dBA or less, respectively, shall be submitted to and cleared by the Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

19. The permit holder, property owner, or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
20. A safe, potable water supply shall be provided and maintained.
21. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to General Plan Policy WR-2d and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.
22. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-Project Review at least once every five years.

Septic:

23. Maintain the annual operating permit for any package treatment plant, Alternative (mound or pressure distribution) or Experimental Sewage Disposal System installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
24. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
25. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the

requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required.

26. Self contained trailers with running water toilets (often referred to as "Crowd Pleasers," but the specific trade mark or brand is not required) shall be used for Special Events with more than 20 guests, consistent with PRMD Policy 9-2-31, The use of portable toilets shall meet the following minimum requirements:
- a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day.
  - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted Onsite Wastewater Treatment System or public sewer.
  - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
  - d. The permit holder shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
  - e. Portable toilets shall not be brought on-site prior to 48 hours before the Special Event and shall be promptly serviced and removed within 48 hours after the Special Event.
  - f. If complaints are received that PRMD believes are valid complaints, the permit holder or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the Special Event and at future Special Events as directed by PRMD. The permit holder/property owner and his agent(s) are expected to maintain portable toilets and hand washing units so that:
    - (1) The holding tank does not leak or overflow.
    - (2) Toilet paper is promptly replaced when the dispenser runs out.
    - (3) Water, paper towels and soap is promptly replaced when the hand washing units run out.
    - (4) The wait to use a portable toilet shall not be so long that people relieve themselves at other impromptu locations.
    - (5) Reliance upon portable toilets shall not create a public nuisance.
  - g. Portable toilets shall not be placed on designated parking areas or designated over-flow parking areas.

Hazardous Materials Program:

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

Consumer Protection:

28. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental

Health Division if required for the wine tasting activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption (including any charges for wine tasting), and that no food or beverage be sold for off-site consumption (except for bottles of wine). The Local Health Officer does allow providing certain palate cleansers (such as prepackaged cheese, small pieces of bread, nuts, pretzels, crackers and the like) under this exemption. Contact the Environmental Health Division at 565-6544 for information.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health Division at 565-6548 for further information regarding caterers.

Noise:

29. Noise shall be controlled in accordance with the following as measured at the exterior property line at the locations LT-1, LT-2, ST-1 and ST-2 as shown in the project Noise Study dated noise study updated February 28, 2011 and the original noise study dated May 27, 2009, by Illingworth and Rodkin:

**TABLE NE-2: Maximum Allowable Exterior Noise Exposures at Locations LT-1 and LT-2.  
 (Long-term Locations)**

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.) at LT-1	Nighttime (10 p.m. to 7 a.m.) at LT-1	Daytime (7 a.m. to 10 p.m.) at LT-2	Nighttime (10 p.m. to 7 a.m.) at LT-2
L50 (30 minutes in any hour)	55	50	55	50
L25 (15 minutes in any hour)	57	52	58	53
L08 (5 minutes in any hour)	60	55	60	56
L02 (1 minute in any hour)	65	60	65	50
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.				

**TABLE NE-2: Maximum Allowable Exterior Noise Exposures at Locations ST-1 and ST-2.  
 (Short-term Locations)**

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.) at ST-1	Nighttime (10 p.m. to 7 a.m.) at ST-1	Daytime (7 a.m. to 10 p.m.) at ST-2	Nighttime (10 p.m. to 7 a.m.) at ST-2
L50 (30 minutes in any hour)	55	50	55	50
L25 (15 minutes in any hour)	60	55	60	55
L08 (5 minutes in any hour)	65	60	63	59

L02 (1 minute in any hour)	68	65	65	62
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.				

If additional measuring locations are required, Table NE-2 shall be adjusted at those locations as specified in Sonoma County General Plan 2020, as adopted in September of 2008.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The permit holder or owner/operator shall implement any additional mitigation measures needed to meet noise standards.

- 30. Non-grape truck deliveries shall be limited to the daytime hours, 7:00 a.m. to 7:00 p.m. Only during the eight-week harvest/crush season, medium trucks delivering grapes may arrive on site at the crush pad and truck parking area before the nighttime (10:00 p.m.) restriction begins, and may leave the facility during the nighttime hours (10:00 p.m. to 7:00 a.m.). However, such trucks shall not idle after 10:00 p.m. Heavy trucks shall not enter or exit the site during nighttime hours.

To clarify, truck sizes are defined as follows:

Heavy trucks: Trucks designed for transportation of cargo with three or more axles generally with a gross vehicle weight greater than 26,500 lbs. Heavy trucks are generally semi, tractor-trailer or articulated trucks.

Medium trucks: Trucks designed for transportation of cargo with two axles and six wheels generally with a gross vehicle weight greater than 10,000 lbs. and less than 26,500 lbs. Examples of Medium Trucks include Box trucks, delivery vans or similar trucks.

Note: The above definitions of Heavy and Medium trucks concur with those used by Cal Trans' Technical Noise Supplement (TENS) of its Traffic Noise Analysis Protocol.

Mitigation Monitoring: Any complaints that truck deliveries are being made well into the nighttime hours, and they appear to be valid complaints in PRMD's opinion, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

- 31. Bottling shall only occur indoors, as assumed in the noise study updated February 28, 2011 and the original noise study dated May 27, 2009, by Illingworth and Rodkin.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The permit holder or owner/operator shall implement any additional mitigation

measures needed to meet noise standards.

32. Amplified sound and very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan. The addition of outdoor amplified sound shall in the future requires a Use Permit revision and additional noise evaluation.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the permit holder shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary.

33. Any required design modifications shall not cause General Plan noise thresholds to be exceeded.

Mitigation Monitoring: If any design modifications are required during the construction phase, PRMD shall not issue final occupancy for any building permit for the winery production building or tasting room until a supplemental noise analysis confirms that the design modifications will not result in an exceedance of the General Plan Noise thresholds.

34. For the winery's operations, if legally permissible, the permit holder shall implement alternative(s) to the use of backup beepers on forklifts or vehicles, in an effort to reduce noise, such as designated spotters or flaggers. Any alternative safety measures must continue to be compliant with OSHA regulations.

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

36. Special events shall be limited to 12 marketing dinners or lunches, and four industry wide wine tasting events per year. The hours of special events shall be limited to 10:00 am to 9:00 pm with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 pm.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be in valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional mitigation measures needed to meet noise standards.

Solid Waste:

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

Smoking:

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

**GRADING AND STORM WATER:**

A The conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

40. Grading and/or building permits require review and approval by the Grading & Storm Water Section of PRMD prior to issuance. Grading permit applications shall abide by the standards and provisions of Chapters 11 & 11A of the Sonoma County Code.
41. A soils engineering report, prepared by a soils engineer, and engineering geology report, prepared by an engineering geologist, shall to be submitted with the grading permit application(s) for the proposed project. The soils engineer and the engineering geologist must be registered in the State of California.
42. A drainage report for the proposed project shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout. The drainage report shall also include a 100-yr floodplain/floodway study and an analysis of the existing downstream drainage conditions. If the analysis demonstrates inadequate capacity to handle the anticipated runoff from the proposed project, then improvements to the downstream drainage system shall be required.
43. The proposed project is subject to Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines and low impact development (LID) requirements for storm water runoff. Measures to mitigate the project impacts to the quality of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Storm Water Mitigation Plan (SWMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.

44. Drainage improvements shall be designed by a civil engineer, registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of PRMD for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and abide by the standards and provisions of Chapters 11 & 11A of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.

Mitigation Monitoring: The issuance of grading or building permit for the project will not be approved by the PRMD until the required drainage improvement, grading, and erosion control plans have been reviewed and approved by the Grading and Storm Water Section of the Permit and Resource Management Department.

45. The applicant shall provide grading plans, prepared by a civil engineer registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.

46. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by PRMD staff until the above items are submitted to Grading and Storm Water Section for review and approval.

47. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, wetlands, waterway(s) or adjacent lands.
48. Polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system, wetlands, waterway(s) or adjacent lands.
49. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
50. Appropriate Best Management Practices shall be implemented to effectively minimize and prevent polluted storm water discharges.
51. Before construction may begin near any wetland a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the wetland. The protective construction fence shall be shown and noted on the grading/site plans.
52. A 50-ft grading setback line to protect all wetlands shall be used unless a wetlands biologist

recommends a lesser setback.

53. Any storm drain easements shall be shown and noted on the grading/site plans.
54. The fuel dispensing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus one foot, whichever is more. Any surface water flow from the fuel dispensing area shall not be permitted to enter the storm drain system without receiving appropriate treatment. The fuel dispensing area shall be covered with a roof that must extend beyond the fuel dispensing area a minimum of 2 feet (or more as may be regulated otherwise). The roof cover shall not drain onto the fuel dispensing area.
55. The cumulative land disturbance of the project is equal to or greater than one (1) acre, therefore, the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

Mitigation Monitoring: The issuance of grading or building permit for the project will not be approved by the Project Review Division unless a copy of the Notice of Intent (NOI) filed with the RWQCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency have been reviewed and approved by the Grading and Storm Water Section of the Permit and Resource Management Department.

56. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a wetland or waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
57. The applicant is responsible to contact the California Department of Fish & Game and obtain any necessary permits or waivers for proposed work in or near a wetland or waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
58. The applicant is responsible to contact the California Department of Transportation and obtain any necessary permits or waivers for proposed work within Highway 116. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

**TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

59. This proposal impacts a road under State of California jurisdiction. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right-of-way.
60. Allow single-unit trucks to make turns without having to enter the opposing lane of traffic, entry to Occidental Road shall conform to AASHTO standards. More specifically, the Developer shall



construct a driveway meeting the following criteria:

- a. A minimum throat width of 24 feet,
  - b. Entrance curves having a minimum pavement radius of 40 feet,
  - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular,
  - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Occidental Road,
  - e. The entry shall be surfaced with asphalt concrete between the edge of the existing pavement and the right-of-way line or a minimum distance of 40 feet, whichever is greater. The structural section of the entrance paving located within the public right-of-way shall match that of Occidental Road.
  - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details,
  - g. The entrance improvements shall be in place prior to occupancy.
61. Prior to issuance of any building permit for winery structures, an improvement plan for Emergency Vehicle Access (EVA) shall be prepared and submitted to the County Fire Chief for approval. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, Sonoma County Fire Safe Standards. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition.
62. Prior to issuance of building permits, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
- a. The entrance shall be of sufficient width to accommodate two-way traffic,
  - b. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.
63. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy.
64. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
65. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.

**PLANNING:**

AThe conditions below have been satisfied@ BY \_\_\_\_\_ DATE \_\_\_\_\_

66. This Use Permit is issued to allow a winery with a maximum annual production capacity of 26,500 cases. No increase in winery's maximum annual production capacity beyond

26,500 cases per year shall be allowed prior to December 31, 2027. During the non-harvest season, the winery production hours of operation shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m. During the harvest season, approximately eight weeks per year, the winery production hours of operation may be seven days a week, 24 hours a per day, but shall not be 24 hours per day for more than 30 days within the 8 week period from the start of harvest. Public tasting room hours are seven days a week from 10:00 a.m. to 4:00 p.m. for public wine tasting and retail sales. A total of 12 marketing dinners and/or luncheons per year with a maximum of 40 guests per event are permitted. The hours of special events shall be limited to 10:00 a.m. to 9:00 p.m., with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 p.m. Participation in four industry wide wine tasting events per year with a maximum of 150 guests per event is permitted. No weddings and/or concerts are allowed. No increase in winery's special events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants) shall be allowed prior to December 31, 2027. At least 75% of the grapes processed at the winery shall be either grown on site or locally grown. The winery production building is 33,000 square feet in size and a maximum of 35 feet in height, plus four-foot cupolas. No roll-up door is permitted on the south side of the winery production/storage building. The tasting room building is 5,000 square feet in size and a maximum of 35 feet in height, with a cylindrical, water tower feature at the southwest end of the building and cupola.

In addition, consistent with the General Plan Area Policy approved as part of this project, the following land uses shall be prohibited on the subject site even with a Use Permit: confined (continuously) livestock operations; livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial stables not permitted under Section 26 08 010(i)(1), riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges.

The use shall be operated in accordance with the proposal statement and approved development plans located in File No. PLP08-0029 as modified by these conditions.

67. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,101.50 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$2,151.50 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
68. Prior to the issuance of any septic, grading or building permit, the permit holder shall submit and record a Voluntary Merger application filed with the applicable fees to legally combine the two subject parcels APN's 130-262-031 and -032.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any septic, grading or building permit, until the permit holder has submitted and recorded a Voluntary Merger application filed with the applicable fees legally combining the two subject parcels APN's 130-262-031 and -032.

69. This Use Permit approved in 2012, File No. PLP08-0029, shall supersede all prior Use Permits (if any), upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.

70. The permit holder shall maintain a minimum of 42 parking spaces on-site to serve the winery, tasting room with special events, and provide on-site over-flow parking areas for industry-wide events. On-site, overflow parking shall be made available during events that occur during tasting room hours (refer to Over-Flow Parking Plan in the file) and during these events temporary signs be placed in appropriate areas directing vehicles to overflow parking areas on the project site. Off-site parking of vehicles and/or trucks associated with the winery or tasting room is prohibited along any public or private roadways. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.

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

71. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.

72. The permit holder shall pay all applicable development fees prior to issuance of building permits.

73. Development on this parcel is subject to the Sonoma County Fire Safety Ordinance and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.

74. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.

75. The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit ~~that directly impacts the jurisdiction wetland on the project site, approximately 0.3 acres in size, until the permit holder has~~ until a qualified Biologist has determined that the Project will not require an approved Section 404 Nationwide permit from the Army Corps of Engineers, ~~and or~~ an approved Section 401 Certification from the North Coast Regional Water Quality Control Board. ~~All necessary permits shall be obtained that meet all laws governing these agencies and performance standards as identified by the applicable agency.~~

Mitigation Monitoring: Prior to issuance of any grading, septic, and/or building permit, the permit holder shall ~~obtain approval of a~~ submit a signed letter from a qualified Biologist determining that ~~the Project does not require either an approved~~ Section 404 Nationwide permit from the Army Corps of Engineers, ~~and approval of a~~ or an approved Section 401 Certification from the North Coast Regional Water Quality Control Board ~~for the direct impact of the jurisdictional wetland located on the project site, approximately 0.3 acres in size.~~

76. Prior to any construction activities occurring on the project site, a protective construction fence shall be placed at the outer edge of the 50-foot buffer around the wetland area. The protective construction fence shall be maintained until such time final occupancy has been issued for both the tasting room building and the winery production/storage building by PRMD. The protective construction fence shall be shown and noted on the building, grading and septic system site plans.

Mitigation Monitoring: Prior to PRMD issuance of any building, grading, or septic permit, the applicant shall confirm to the Project Planner that the protective construction fence is in place. The protective construction fence shall be shown and noted on the building, grading and septic system site plans. The protective construction fence shall not be removed until such time final occupancy has been issued on the tasting room and the winery production/storage buildings by PRMD.

77. Any vineyards planted on the project site shall be set back 10 feet from the edge of the 50-foot vegetated buffer so that agricultural equipment will not encroach into the buffer. Also, a barrier such as a fence or landscaping shall be installed at the 50-foot buffer in order to keep vineyard equipment out of the buffer zone. The fencing or landscaping shall be maintained for the life of the project.

Mitigation Monitoring: Prior to planting any vineyards on the project site, the applicant shall install the barrier fencing or landscaping at the 50-foot buffer zone in order to keep vineyard equipment out of this area and the applicant shall provide evidence, such as detailed photographs, to the Project Planner at PRMD. All vineyard planting plans shall depict the vineyard planted at least 10 feet from the edge of the 50-foot vegetated buffer zone and barrier fencing or landscaping.

- ~~78. The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit, until the permit holder has submitted to the Project Planner a copy of the final agreement for the purchase of off-site wetland creation credits and preservation credits from an approved, local wetland mitigation bank. The purchase of off-site credits shall be done under a formal agreement signed, dated, and executed by both the "Buyer" and the "Seller".~~

~~Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, septic, and/or building permit, until the permit holder has submitted to the Project Planner a copy of the formal agreement, signed, dated, and executed by both the "Buyer" and the "Seller", purchasing off-site wetland creation credits and preservation credits from an approved, local wetland mitigation bank~~

78. The Permit and Resource Management Department shall not issue any grading and/or building permits, until a pre-construction nesting survey(s) for nesting passerines (song birds) and raptors, has been completed by a qualified biologist within 48 hours of construction. If nests are located, a buffer shall be established by the qualified biologist in consultation with the California Department of Fish and Game, prior to commencement of any construction. If no active nests are observed on the site during the survey, then the biologist shall provide the Project Planner with a written notification, and appropriate permit(s) can be issued by PRMD and construction activities may proceed.

Mitigation Monitoring: PRMD shall not issue any grading, and/or building permits, until a pre-construction nesting survey(s) for passerines (song birds) and raptors, has been done by a qualified biologist within 48 hours of construction. If nests are located, a buffer shall be established by the qualified biologist in consultation with the California Department of Fish and Game, prior to commencement of any construction. If no active nests are observed on the site during the survey, then the biologist shall provide the Project Planner with a written notification,

and appropriate permit(s) can be issued by PRMD and construction activities may proceed.

79. The Permit and Resource Management Department shall not issue any building permit for the tasting room or winery production building until the project biologist has submitted pre-construction surveys for pallid bats and American badgers conducted by a qualified biologist within 48 hours of any construction activity, and subject to the following criteria:
- a. The survey(s) shall be conducted at a time that, if they exist, the pallid bats or the American badgers would be present, identifiable, and conducted at time when the type of pallid bat roost ("roost") can be determined (i.e., day roost, night roost, maternity roost). If a roost is determined to support the pallid bat, one replacement roost structure, appropriate in size for the species observed, shall be provided for each removed roost. For American badgers, an area for replacement burrows should be provided at a 1:1 ratio for any removed areas. A qualified biologist shall select the replacement area.
  - b. All surveys, designs, and any other work related to the pallid bat or American badger shall be conducted by a qualified bat biologist (e.g. a biologist holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle and collect bats and the equivalent CDFG requirement for American badgers). Such work shall be conducted during the appropriate time of year as determined by the biologist.
  - c. For the pallid bat, if active maternity roosts, other day roosts, or hibernacula are found on the site, onsite roosting habitat should be recreated to replace the original roosting habitat. Bat roosts should be designed by the bat biologist in conjunction with the Project architect, and shall be appropriate for the species in size, location, thermo-dynamics, and designed to mimic the thermo-dynamic qualities to provide potential day roosting, night roosting, and maternity colony roosting habitat for pallid bats.
  - d. For the pallid bat or American badger, in the event that more than 30 days pass between evictions and construction or other disturbances, an additional survey will be needed in order to verify that bats or badgers have not returned.
  - e. If the bat biologist determines that there are no alternative roost sites used by the maternity colony, then potential roosting habitat (e.g. a bat condominium or bat box appropriate for pallid bats) for the maternity shall be provided on the project site no less than three months prior to the eviction of the colony. Temporary roost should be designed or determined by the bat biologist. By making the roosting habitat available prior to eviction, the colony will have a better chance of finding and using the roost.
  - f. A similar on site relocation program approved by a CDFG biologist will be implemented if any badgers are found and disturbed.
  - g. In addition, a mitigation plan shall be developed by a qualified biologist that details the methods of excluding Pallid bats or American badger from their roosts or burrows and the plans for replacement roosts or burrows on the site, if necessary. Pallid bats or American badgers shall not be disturbed until PRMD approves the mitigation plan.

**Mitigation Monitoring:** Prior to issuance of any building permit for the tasting room or winery production building, a qualified biologist shall submit a pre-construction survey(s) for the pallid bat and American badger conducted by a qualified biologist within 48 hours of any construction activity. If habitat is found on the project site supporting the Pallid bat or American badger, replacement roosts or burrows shall be provided and a mitigation plan shall be developed by a qualified biologist that details the methods of excluding Pallid bats from the roost or American

badgers from their burrows and the plans for a replacement roost or burrows on the site. Pallid bats or American badger or their roosts shall not be disturbed until PRMD approves the mitigation plan.

80. If a replacement habitat is required, a qualified CDFG biologist shall monitor the replacement habitat for at least 5 years during which time the replacement habitat should be used by the impacted species. By the end of the 5 year monitoring period, use of the replacement habitat should be similar in species composition and number of bats or badgers observed in the impacted area. If a replacement habitat is required, annual monitoring reports shall be prepared and submitted to the Project Planner at PRMD.

Mitigation Monitoring: If a replacement habitat is required, annual monitoring reports for the replacement habitat shall be submitted to the Project Planner at PRMD for five years. Failure to submit any of the annual reports over the 5 year period will be considered failure to comply with the conditions of approval and could result in a modification or revocation of the Use Permit.

81. The following notes shall be included on building or grading plans for ground disturbing activities:

"During construction activities, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepots, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

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

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

82. Prior to issuance of any grading, building, or other development permit, and prior to Final Design Review by the Design Review Committee, the applicant shall comply with the recommendations

made by the Design Review Committee as listed on the DRC Action Sheet, dated January 19, 2011, and any subsequent Design Review Committee recommendations made on the Modified Project. The Design Review Committee ~~must~~ shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements; and to ensure these plans comport with height, color, landscaping, bulk and other aesthetic descriptions in the Mitigated Negative Declaration, as modified in the August 2012 Subsequent Mitigated Negative Declaration.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee and the applicant has complied with the recommendations made by the Design Review Committee on January 19, 2011, and any subsequent DRC recommendations. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

83. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

84. Final Landscape Plans must depict for installation of 12 inch (minimum) deep root barriers between the proposed trees and trail to prevent tree roots from lifting and destroying the Regional Parks trail (Joe Rodota Trail). Please note the Regional Parks Department will only be responsible for maintaining the section of the trail connector located within the Caltrans right of way. The permit holder will be responsible for maintaining trail improvements on private property.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a letter from the Landscape Architect or Contractor that the 12 inch (minimum) deep root barriers between the proposed trees and trail have been installed in accordance with approved plans in order to prevent tree roots from lifting and destroying the Regional Parks trail (Joe Rodota Trail).

85. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone LZ2 for rural standards from Title 24. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building 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, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

86. The building(s) shall be constructed consistent with the Sonoma County Green Building Program standards. These standards are based on the LEED7 rating systems and result in buildings that are more energy efficient and reduce Greenhouse Gas emissions

Mitigation Monitoring: The Green Building Program will become mandatory in Sonoma County once it is adopted and approved by the Board of Supervisors and California Energy Commission (projected: early in the year of 2010). If building plans are submitted for review prior to the effective date of the Green Building Program then the permit holder shall provide documentation that the building has achieved at least a 20 point rating under the LEED7 rating system.

87. The permit holder shall install solar panels on the new winery production and/or tasting room building(s) to provide energy for some of the winery production and/or tasting room uses. If solar panels are not feasible, then the permit holder shall submit to PRMD for approval a GHG alternative plan demonstrating other measures taken to reduce the project=s overall Greenhouse Gas emissions.

Mitigation Monitoring: The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the permit holder has carried out the installation of the solar panels to the Project Planner. Or, prior to final occupancy, the alternative plan demonstrating the project=s overall reduction in Greenhouse Gas emissions must be approved by PRMD - Project Review.

88. To achieve a "no net" increase in the project's greenhouse gas emissions, the applicant shall 1) participate in PG& E's Climate-Smart Program, and 2) purchase sufficient emission offset credits through the Climate Action Reserve (CAR) to offset any remaining GHG emissions from the Modified Project. This is required by PRMD to be a one-time purchase for the life of the buildings, which is typically a 30-year life term. Alternatively, the applicant may participate in a local County-sponsored off-set program to off-set any remaining emissions from the Modified Project.

Mitigation Monitoring: Prior to temporary and final occupancy on the winery building or tasting room building, the applicant shall submit to PRMD written documentation demonstrating participation in PG& E's Climate-Smart Program and purchase of sufficient emission offset credits through CAR to offset any remaining GHG emissions. Alternatively, prior to final occupancy, the applicant shall enter into an agreement to participate in a local County-sponsored off-set program to off-set any remaining GHG emissions from the Modified Project.

89. Prior to issuance of any building permit for the winery production building and/or tasting room, the permit holder shall submit to PRMD a plan to eliminate any increase in greenhouse gas emissions



from project construction and operation through all feasible strategies of carbon off-sets chosen by the permit holder, including but not limited to, use of more fuel efficient trucks, use of alternative energy resources to offset increased demand, reduced truck idling times, sequestration agreements, purchase of carbon credits, off-site mitigation, and/or other measures allowed by law. The plan shall be subject to review and approval by PRMD and shall quantify the project's annual emissions and expected reductions and be verified and certified by a qualified, independent entity approved by the County. The actions specified in the approved plan shall be implemented by the permit holder as set forth in the plan.

Mitigation Monitoring: PRMD shall not issue any building permit for the winery production building and/or tasting room until the permit holder has submitted to PRMD, and PRMD has reviewed and approved, a plan to eliminate any increase in greenhouse gas emissions from project construction and operation, which has been verified and certified by a qualified, independent entity approved by the County. The actions specified in the approved plan shall be implemented by the permit holder as set forth in the plan.

90. Prior to final occupancy a carpooling program for employees shall be developed to reduce average daily trips. A transit incentive program (i.e., discounted transit tickets, guaranteed ride home program, etc.) shall also be established for employees to encourage bus ridership.

Mitigation Monitoring: Documentation of the carpooling and transit incentive programs shall be provided to the Project Planner for review.

91. Prior to final occupancy of the structure, bicycle racks/lockers shall be installed. The Sonoma County Parking Regulations require that one bicycle parking space be provided for every 5 spaces required for automobiles.

Mitigation Monitoring: The bicycle racks/lockers are to be shown on the site plan and their installation will be verified by the Project Planner. Employee shower facilities shall be shown on the building floor plan and will be inspected by the building inspector at the time of construction.

92. Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the County Low Water Use Landscaping Ordinance and the State or County Model Efficiency Ordinance as applicable.

Mitigation Monitoring: Verification, from a qualified irrigation specialist, that landscaping complies with the Model Water Efficiency Ordinance shall be provided prior to Building Permit issuance. The measures in the Plan shall be implemented and verified by the Project Planner prior to issuance of final occupancy.

93. The permit holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:

- a. Water all active construction areas at least twice daily.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- f. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
- g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
- h. Limit traffic speeds on unpaved access roads to 15 mph.
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the permit holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

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

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors, PRMD staff shall investigate the complaint and if the condition is violated the Use Permit may be subject to modification.

95. All new landscaping/vegetation and signage placed along the project frontage along Occidental Road shall be located only in those areas that avoid obstructing visibility of vehicles entering or exiting the project site. Landscape and signage plans shall be presented to the Design Review Committee for final approval prior to issuance of any grading or building permit.

Mitigation Monitoring: PRMD shall not issue any grading or building permit, until final landscape and signage plans have been approved by the Design Review Committee. All existing and/or new landscaping/vegetation and signage located along the project frontage along Occidental Road shall be located to avoid obstructing visibility of vehicles entering or exiting the project site.

96. Prior to issuance of any building permit for winery structures, an improvement plan for Emergency Vehicle Access (EVA) shall be prepared and submitted to the County Fire Chief for approval. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, Sonoma County Fire Safe Standards. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition by the Department of Transportation and Public Works.

Mitigation Monitoring: PRMD shall not issue any building permit for the winery structures until an improvement plan for Emergency Vehicle Access (EVA) has been approved by the County Fire Chief. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Atkinson Road prior to clearance of this condition by the Department of Transportation and Public Works.

97. Appropriate sign(s) shall be placed at the entrance of Atkinson Road, stating the entrance is "for emergency vehicles only." If the entrance is equipped with a locked gate or other approved means of restricting access, then a Knox Box or Lock is required at gated entrances. Electric gates must also have an accessible manual override in event of power failures. A gate or similar feature shall be setback off of the road.

Mitigation Monitoring: PRMD shall not issue final occupancy until the appropriate sign(s) have been placed at the entrance of Atkinson Road, stating the entrance is "for emergency vehicles only" and if a gate or other means of restricting access has been installed, then a Knox Box or Lock shall be installed at the gated entrance. An electric gate shall have a manual override, and the gate or similar feature shall be setback from the road.

98. Prior to final occupancy, the permit holder shall submit a Parking Control Plan for industry wide event activities to the Project Planner. The Parking Control Plan shall describe in detail how the Plan will be implemented during industry wide events.

99. Prior to issuance of temporary or final occupancy of either the tasting room and/or winery building, the permit holder shall pave a pathway or sidewalk connection between the existing Class 1 bike/pedestrian pathway and the existing bus stop. All improvements shall be in compliance with the Sonoma County Transit requirements, including meeting needs for persons with disabilities. In addition, a widened, paved shoulder area is required for the bus stop to ensure continued pedestrian access for passengers accessing the bus stop. A letter shall be submitted from the permit holder to the Project Planner stating the above referenced improvements have been made. Before improvements are made, the permit holder shall first contact the State Department of Transportation (Caltrans) to determine if an Encroachment permit must first be obtained for the improvements along State Highway 116 or right of way.

Mitigation Monitoring: PRMD shall not issue temporary or final occupancy of the tasting room and/or winery building until a letter has been submitted from the permit holder to the Project

Planner stating that all required improvements have been made to the pathway/sidewalk connection along with the completion of a widened, paved shoulder area. All improvements must be in compliance with the Sonoma County Transit requirements.

100. Prior to issuance of temporary or final occupancy of the tasting room building, a bicycle rack shall be provided and shown on the site plan near the tasting room in a location approved by the Design Review Committee.

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

101. The Bike Path (Joe Rodota Trail) shall not be altered in terms of its elevation gain along the project frontage. A possible design solution is the construction of a retaining wall which is set back a minimum distance of two (2) feet from the edge of pavement of the Bike Path. The retaining wall could allow for the creation of the earth berm without changing the elevation of the Bike Path. The permit holder shall obtain permission or an encroachment permit for any work performed in the Caltrans right of way.

Mitigation Monitoring: Prior to issuance of any building permits, the permit holder shall obtain a written clearance from the Regional Parks Department on the Bike path improvements and provide a copy of the written clearance to the Project Planner.

102. This AAt Cost@ entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
103. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip line, and replacement of damaged or removed trees. The project=s grading and landscape plans shall detail all tree protection implementation measures.
104. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
105. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
106. All outdoor public use areas shall maintain a 200 foot setback from vineyards. This may be reduced to 100 feet with landscaped berms or densely planted evergreen tree screen.
- ~~107. The following types of food service are allowed under this permit:-~~
- ~~a) Samples or tastes of pre-prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.~~
  - ~~b) Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.~~
  - ~~c) Appetizers or meals featuring local foods and food products offered in conjunction with charitable events or weddings/special events.~~
  - ~~d) Appetizers or meals featuring local foods and food products offered in conjunction with~~

~~marketing or promotional activities not open to drop-in guests or noticed to the general public.~~

~~e) Retail sales of pre-prepared food not associated with the activities described in a), b), c), and d) above, is allowed subject to the following limitations:~~

~~1) Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this permit.~~

~~2) Retail sales of pre-prepared food shall be for on-site consumption only.~~

~~3) No restaurant or deli service is provided.~~

~~4) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.~~

~~5) No off-site signs advertising retail sales of pre-prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to design review.~~

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

107. A restaurant, delicatessen, or a cafe with cooked-to-order food is not permitted under this Use Permit approval. Table service, retail sales, and/or menu items are not permitted with this Use Permit approval. The following types of food service are allowed under this permit:

a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting and special events. Catered special events may include table service for guests.

b. Catered meals or appetizers featuring local foods and food products offered in conjunction with special events. Such meals/appetizers may be prepared in a caterer's preparation/employee kitchen area prior to serving as described on the approved project floor plan. The caterer's preparation/employee kitchen area can include counter space, a double sink, microwave oven(s), warming oven(s), and refrigeration; but cannot include a stove, range, exhaust hood.

c. Retail sales of pre-prepared food not associated with the activities described in a) and b) are allowed subject to the following limitations:

1. Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this Use Permit.

2. Retail sales of pre-prepared food shall be for on-site consumption only.

3. No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.

4. No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.

108. If PRMD receives a complaint that the winery may be exceeding the maximum annual production capacity of 26,500 cases per year, and if PRMD determines an investigation is warranted and if PRMD requests that the permit holder provide applicable ATF (Alcohol, Tobacco, and Firearms) records to PRMD, the permit holder shall provide these records to PRMD in a timely manner.
109. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
110. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The permit holder must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.
111. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
112. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
113. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the permit holder prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

## Project Description for the Revisions to the Modification Application

**Project:** Best Family Winery  
**Applicant:** Best Family Investors  
**PRMD File:** PLP 08-0029  
**Date:** August 2, 2012  
**APNs:** 130-262-031 and 130-262-032 (2065 Highway 116 North, Sebastopol)

---

### **Background**

#### A. Approved Project

On June 8, 2010, the Sonoma County Board of Supervisors (“Board”): (i) adopted a Mitigated Negative Declaration; (ii) approved a General Plan Amendment changing the land use designation from Rural Residential to Diverse Agriculture and adding a new Planning Area Policy; (iii) approved a zone change from AR (Agricultural and Residential) to DA (Diverse Agriculture) B6-10 Acre Density, SR (Scenic Resources); (iv) conditionally approved a use permit for a 26,500 case winery, public tasting room and up to 17 special events per year; and (v) imposed 87 conditions of approval.<sup>1</sup> This project description refers to these approvals as the “Approved Project.”<sup>2</sup> Sonoma County’s Design Review Board (“DRB”) considered the Approved Project to ensure that it complied with the Board’s approvals on January 19, 2011, and made several recommendations.

#### B. Modification Application

Conditions 54 and 55 of the Approved Project required additional approvals from the North Coast Regional Water Quality Control Board (“Regional Water Board”). The Regional Water Board asked the applicant to revise the Approved Project to avoid taking the 0.3 acre isolated wetland. In response, on December 17, 2010 the applicant relocated the winery production facility to avoid the wetland and applied to have the County’s conditions of approval to the Approved Project modified. This document refers to that application as the “Modification

---

<sup>1</sup> See Board of Supervisors Resolution No. 10-0473, dated June 8, 2010 and Exhibit A thereto.

<sup>2</sup> This was *Concerned Citizens for Responsible Land Use v. County of Sonoma et al.*, Sonoma County Superior Court Case No. SCV 247674 challenging the CEQA aspects of the approval. “CEQA” stands for California’s Environmental Quality Act.

Application.” The Modification Application was limited to requesting changes to the conditions of approval and specifically excluded any changes to the previously approved General Plan Amendment and rezone.

The applicant met with the Regional Water Board again and discussed the Modification Application. At the Regional Board’s request, the applicant reduced the size of the swale immediately northwest of the tasting room parking lot, revised its storm water calculations, and prepared a process for inspection, early detection, and response methods for the sleeved pipe that will carry winery processed wastewater from the winery production building to the at-grade septic system, south of the wetlands.

C. Response to DRB Comments

A complete response is included as part of this August 2, 2012 submittal and is called “Response to Design review Record of Action Sheet.”

D. Settlement and Revisions to the Modification Application

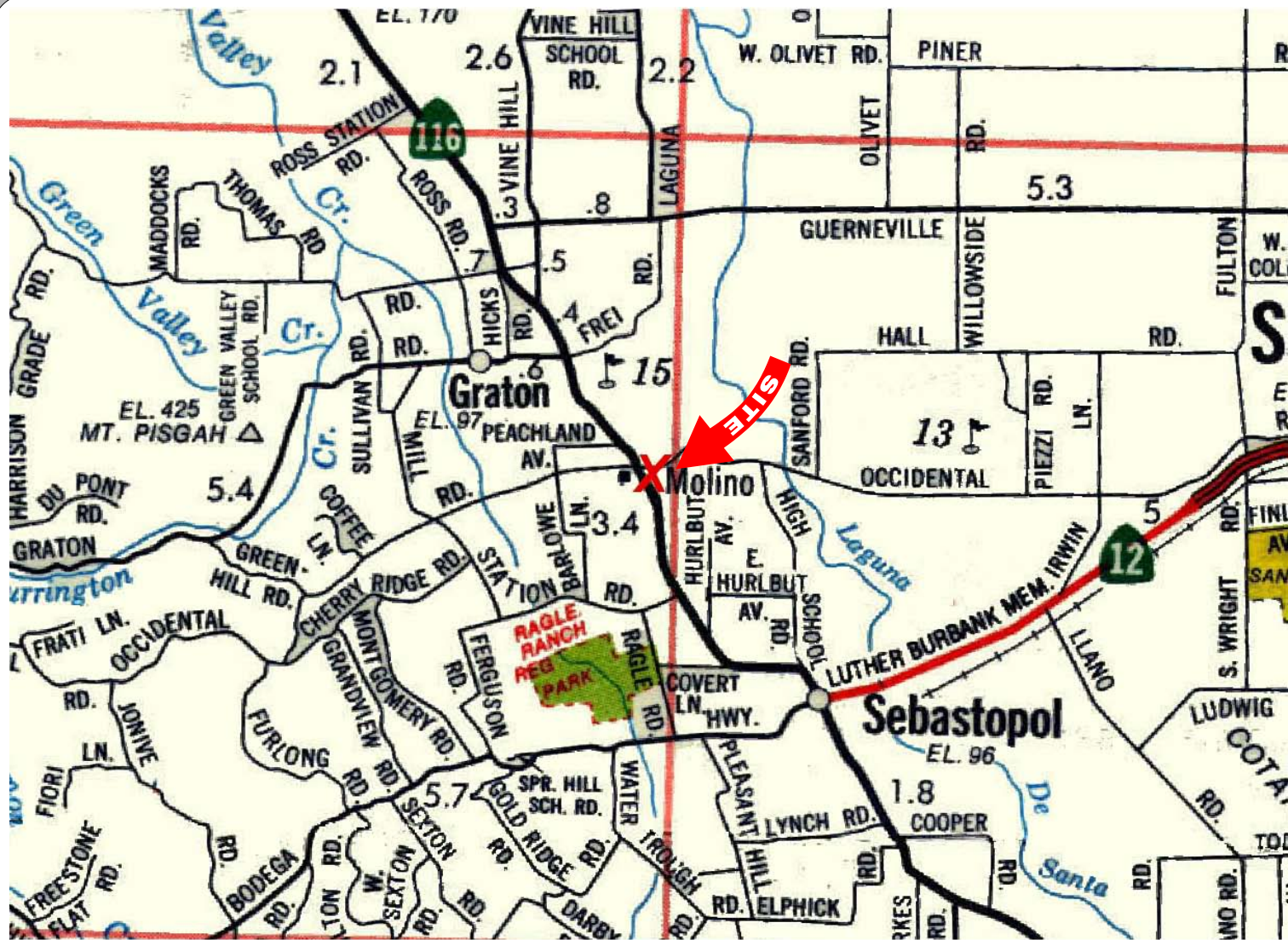
The lawsuit challenging the Approved Project settled in July of 2012. Implementing the settlement requires physical changes to the project, as it was proposed in the Modification Application, and additional conditions of approval. This description refers to the post-settlement project as the “Revised Modification Application” or “RMA.” To the extent this RMA conflicts with prior project descriptions, it shall supersede all prior project descriptions. In order to implement the settlement, the applicant revises the project as follows:

1. Sunday operations are prohibited except during crush. This restriction does not apply to the tasting room.
2. All operations are prohibited after 10:00 p.m. except during crush, when the winery production facility may operate 24 hours per day.
3. The tasting room shall close at 4:00 p.m. for public tasting. Marketing dinners and industry-wide events may occur in the tasting room after 4:00 p.m.
4. The applicant reduced the height of the winery production/storage building from 42 feet to 35 feet as is set forth on the architectural plans prepared by Lafranchi Architecture and Development, dated August 2, 2012.



5. The applicant requests that the County process an amendment to General Plan Policy LU-17q prohibiting any production increase beyond 26,500 cases per year and 16 special events (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.

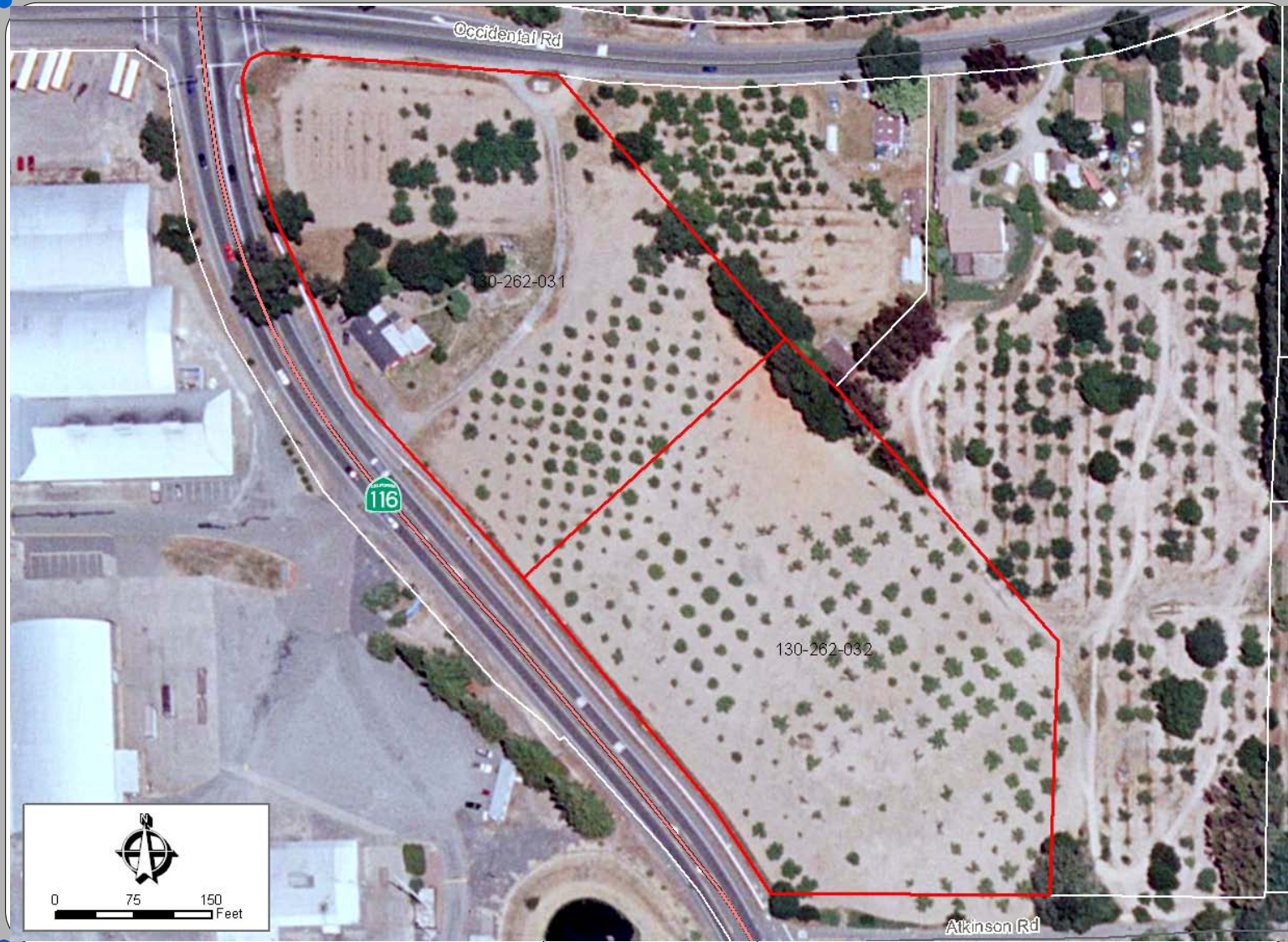
All other aspects of the project are unchanged.



Vicinity Map

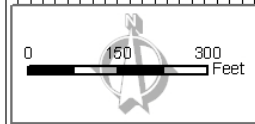
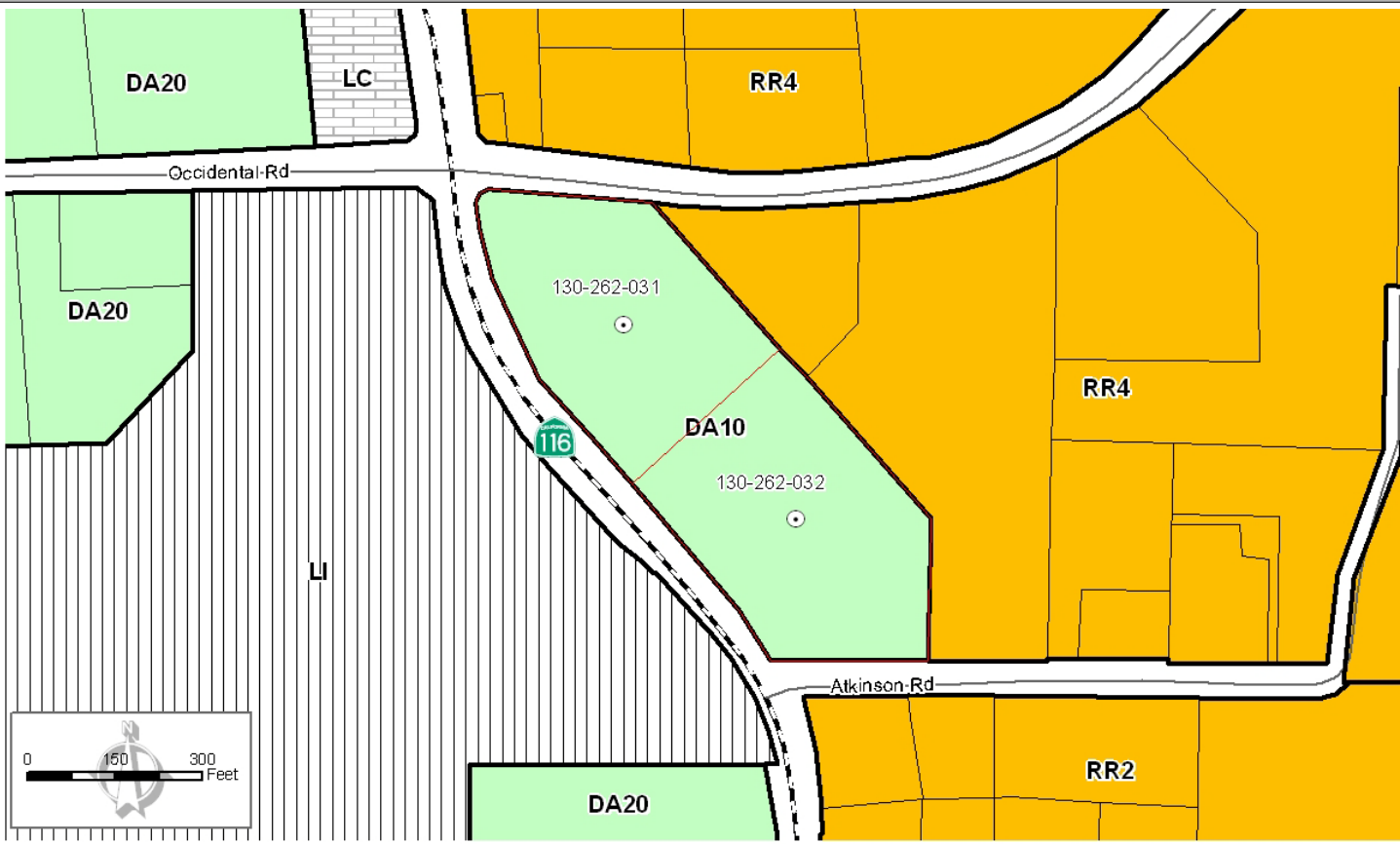
PLP08-0029





**Aerial View**

**PLP08-0029**



**General Plan Land Use**

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resources & Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial

- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi-Public

- Planning Area Policy
- Affordable Housing
- City

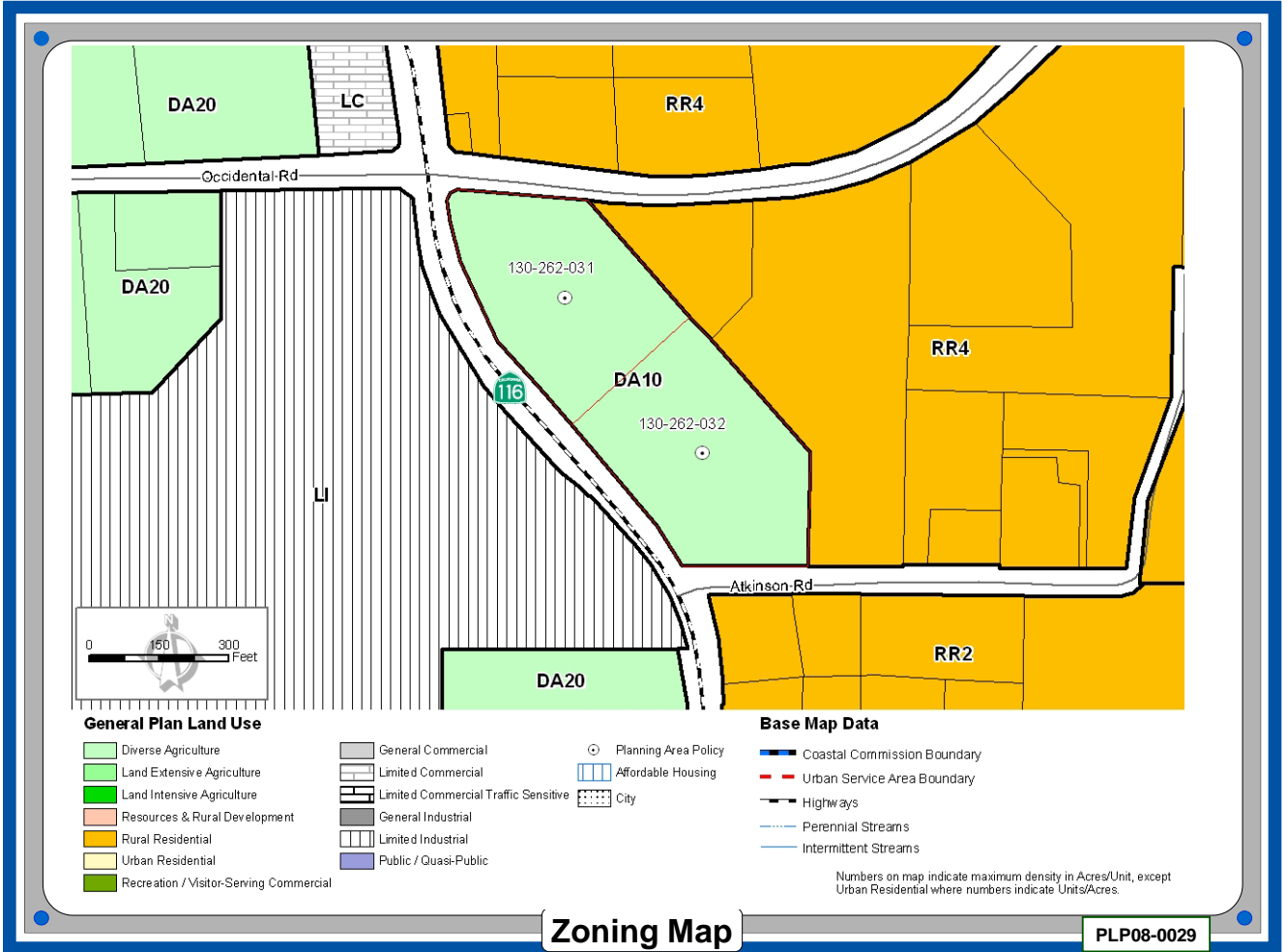
**Base Map Data**

- Coastal Commission Boundary
- Urban Service Area Boundary
- Highways
- Perennial Streams
- Intermittent Streams

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acres.

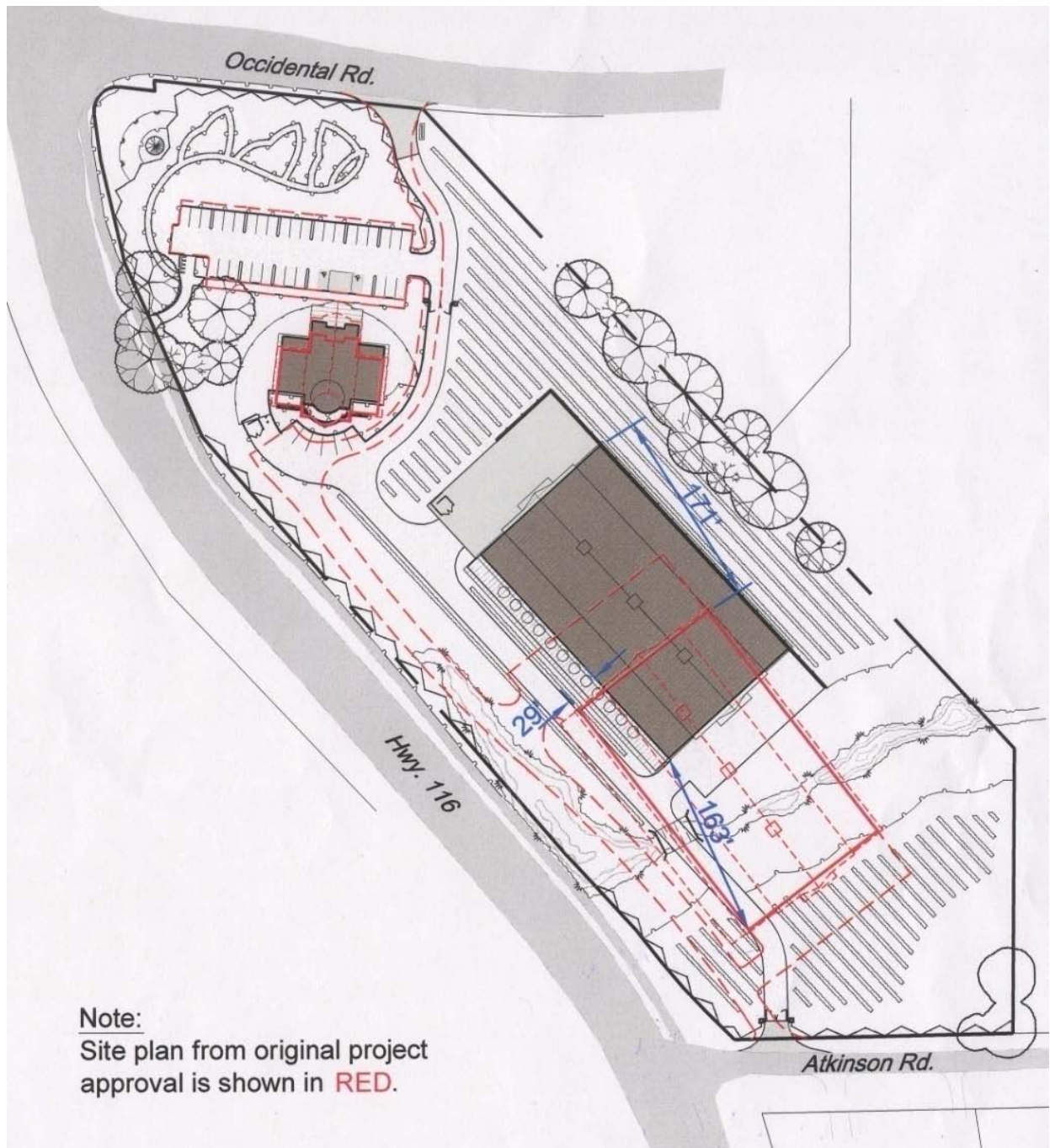
**General Plan Land Use Map**

PLP08-0029



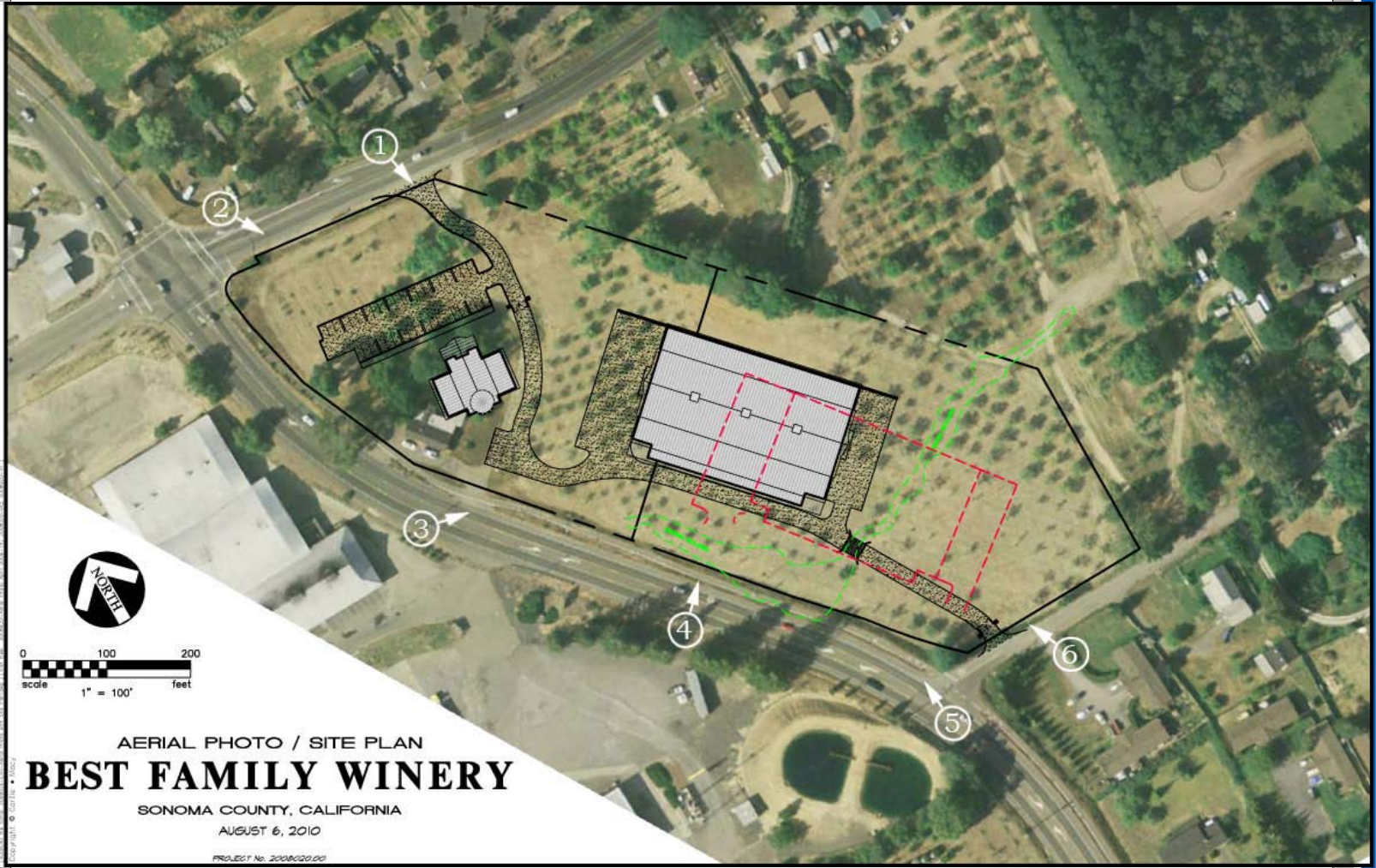






Note:  
Site plan from original project approval is shown in RED.

## Best Family Winery Site Plan Comparison Exhibit



AERIAL PHOTO / SITE PLAN  
**BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA  
AUGUST 6, 2010

PROJECT No. 2008020.00

Site Plan Aerial

PLP08-0029





**View (1) - Occidental Road at project entrance**

PLP08-0029





**View (2) - Corner of Occidental Rd and Hwy 116**

PLP08-0029





**View (3)- Frontage along Hwy 116 -north portion of site**

PLP08-0029



**View (4)- Frontage Hwy 116- mid section of project site**

PLP08-0029



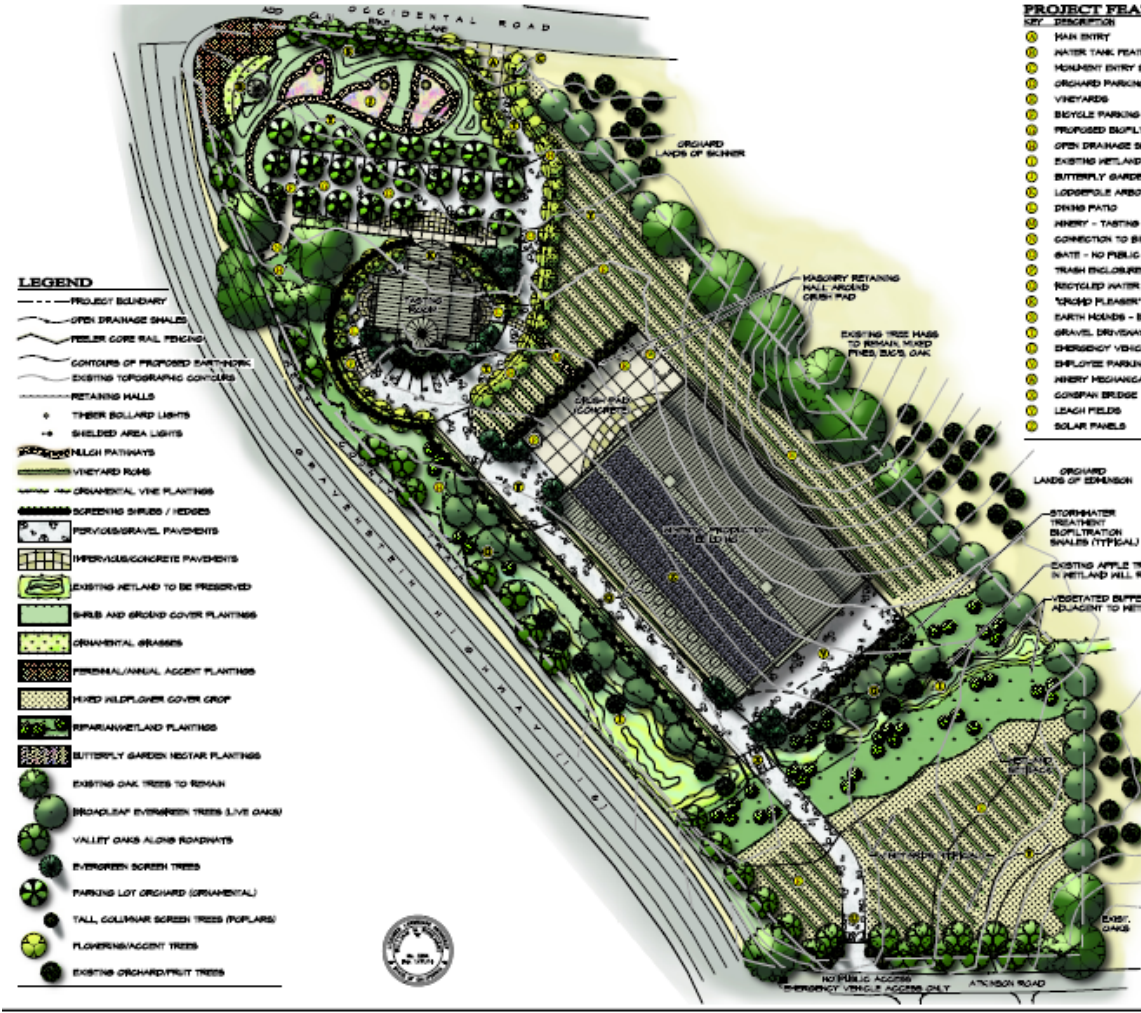


**View (5)- Hwy 116 frontage - southern section of project site**



**View (6)- Atkinson Road- south portion of project site**





- LEGEND**
- PROJECT BOUNDARY
  - OPEN DRAINAGE SHALES
  - FEELE CORE RAIL FENCING
  - CONTOURS OF PROPOSED EARTHWORK
  - EXISTING TOPOGRAPHIC CONTOURS
  - RETAINING WALLS
  - TREER BOLLARD LIGHTS
  - SHIELDED AREA LIGHTS
  - BIOTRIL PATHWAYS
  - VINEYARD ROWS
  - ORNAMENTAL VINE PLANTINGS
  - SCREENING SHRUBS / HEDGES
  - PERVIOUS/GRAVEL PAVEMENTS
  - IMPERVIOUS/CONCRETE PAVEMENTS
  - EXISTING WETLAND TO BE PRESERVED
  - SHRUB AND GRASS COVER PLANTINGS
  - ORNAMENTAL GRASSES
  - PERENNIAL/ANNUAL ACCENT PLANTINGS
  - MIXED WILDOFLOWER COVER CROPP
  - RIPARIAN WETLAND PLANTINGS
  - BUTTERFLY GARDEN NECTAR PLANTINGS
  - EXISTING OAK TREES TO REMAIN
  - BROADLEAF EVERGREEN TREES (LIVE OAKS)
  - VALLEY OAKS ALONG ROADWAYS
  - EVERGREEN SCREEN TREES
  - PARKING LOT ORCHARD (ORNAMENTAL)
  - TALL, COLUMNAR SCREEN TREES (POPLARS)
  - FLAGPOLE/ACCENT TREES
  - EXISTING ORCHARD/FRUIT TREES

- PROJECT FEATURES**
- 1 MAIN ENTRY
  - 2 WATER TANK FEATURE
  - 3 MASONRY ENTRY BUSH
  - 4 ORCHARD PARKING LOT
  - 5 VINEYARDS
  - 6 BICYCLE PARKING AREA
  - 7 PROPOSED BIOPURIFICATION BASINS
  - 8 OPEN DRAINAGE SHALES
  - 9 EXISTING WETLAND TO BE PRESERVED
  - 10 BUTTERFLY GARDEN / PICNIC AREA
  - 11 LODGEPOLE ARBORES
  - 12 DENIM PATIO
  - 13 WINEERY - TASTING ROOM TRAIL
  - 14 CONNECTION TO BIKE TRAIL
  - 15 GATE - NO PUBLIC ACCESS
  - 16 TRASH ENCLOSURE
  - 17 RECYCLED WATER STORAGE TANKS
  - 18 "GRAND PLEASANT" STYLE PORTABLE TOILETS
  - 19 EARTH MOUNDS - BERMS
  - 20 GRAVEL DRIVEWAYS
  - 21 EMERGENCY VEHICLE ACCESS ONLY
  - 22 EMPLOYEE PARKING LOT - GRAVEL
  - 23 WINEERY MECHANICAL EQUIPMENT AREA
  - 24 GOLFSPAN BRIDGE
  - 25 LEASH FIELDS
  - 26 SOLAR PANELS



**PROJECT DATA**

AREA	ACRES	ACRES
30-000-001	5.4	5.4
30-000-002	1.2	1.2
TOTAL	6.6	6.6

EXISTING ZONING... DA, BA-40, 99

**BUILDING AREA**

TASTING ROOM	10,000 SQ. FT.
WINEERY BUILDING	10,000 SQ. FT.
TOTAL	20,000 SQ. FT.

TOTAL IMPERVIOUS SURFACE 4 ACRES

**PARKING DATA**

AREA / USE	SPOTS	SPOTS/ACRE	SCALE 1/8"=1'-0"
ORCHARD	500	80	21
BIKE PARK	240	80	8
WETLAND	1000	300	1
GRASS	300	300	1
PERVIOUS	20	200	1
TOTAL	2060	3000	1
TOTAL PROVIDED	1000	1500	1

**BIOPURIFICATION LANDSCAPE**

CONCRETE	3000	11
GRAVEL	1000	11
TOTAL	4000	11



**PRELIMINARY LANDSCAPE PLAN**

# BEST FAMILY WINERY

SONOMA COUNTY, CALIFORNIA 7/30/2012

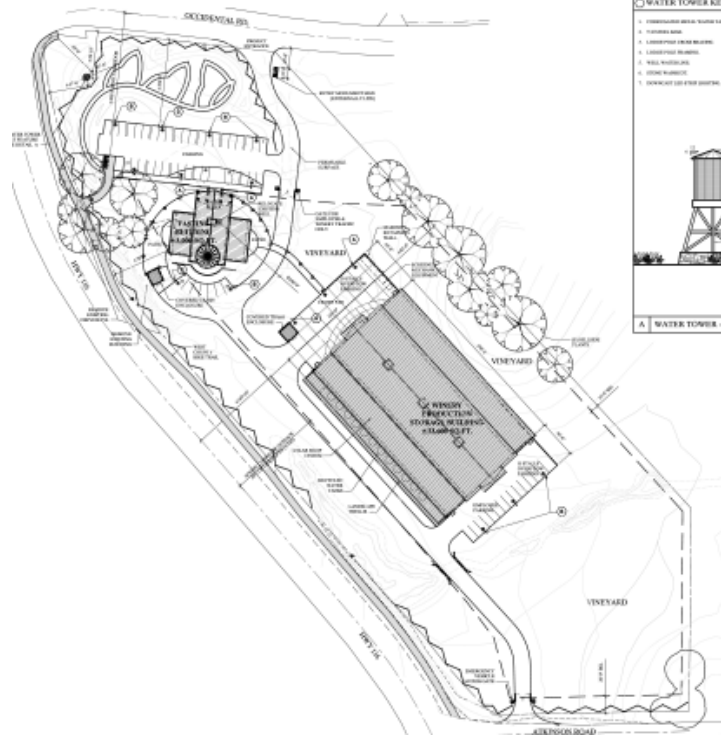
**Lafanchi**  
ARCHITECTURE & DEVELOPMENT  
614 Argonaut Boulevard  
SANTA ROSA, CALIFORNIA 95403  
PHONE 707.533.4214  
FAX 707.533.2142  
Lafanchi@lafanchi.com

**Chris Swanson - Urban Planning**  
**Larry Swanson**  
Landscape Architecture  
12 Tree Street, Suite 200, CA 94901  
Tel: 415.441-0101 Fax: (415) 441-0102

Preliminary Landscape Plan

PLP08-0029





**WATER TOWER KEYNOTES:**

- 1. FORMERLY USED WATER TOWER (L.F. 1988)
- 2. FORMER SIGN
- 3. LANDSCAPING FOR SIGNAGE
- 4. LANDSCAPED PLANTING
- 5. WELL WATER TOWER
- 6. SIGNAGE PLANTING
- 7. SIGNAGE LIGHT FIXTURES



**A WATER TOWER - ART FEATURE**

**VICINITY MAP N.T.S.**



**PROJECT DATA**

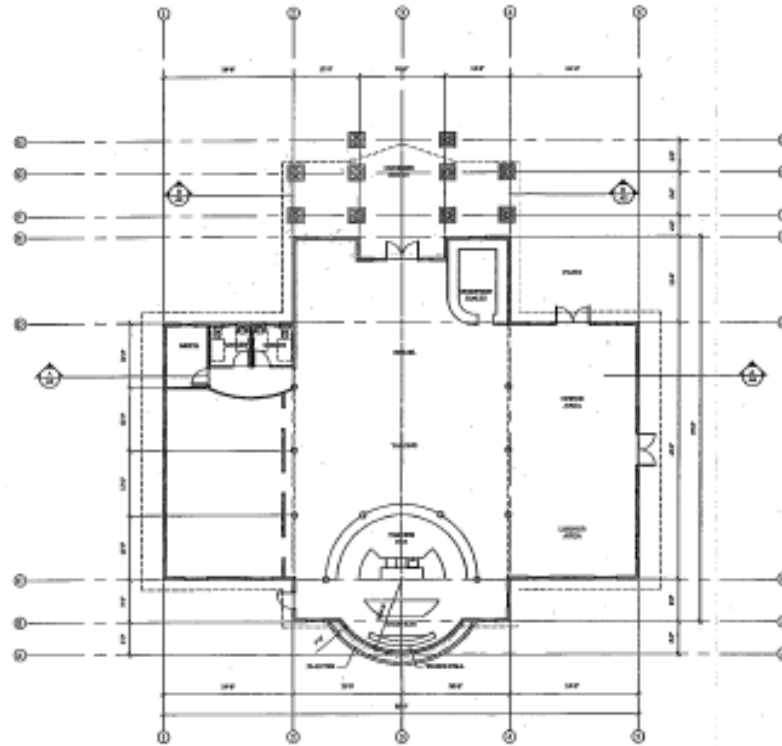
DATE:	10/10/11
PROJECT:	WINDY PRODUCTIONS STORAGE WAREHOUSE
CLIENT:	WINDY PRODUCTIONS
DESIGNER:	PLP
SCALE:	AS SHOWN

**PARKING DATA**

TYPE	AREA (SQ. FT.)	NUMBER OF SPACES	PERCENT OF TOTAL
TOTAL	10,000	100	100%
PERMITS	100	100	100%
STREET	100	100	100%
TOTAL	10,000	100	100%

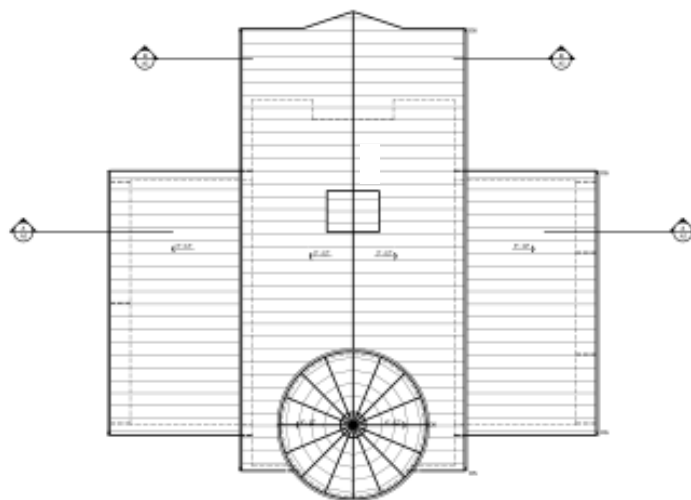
**LIGHTING SCHEDULE:**

SEE ATTACHED SCHEDULE FOR DETAILS



Floor Plan for Tasting Building

PLP08-0029

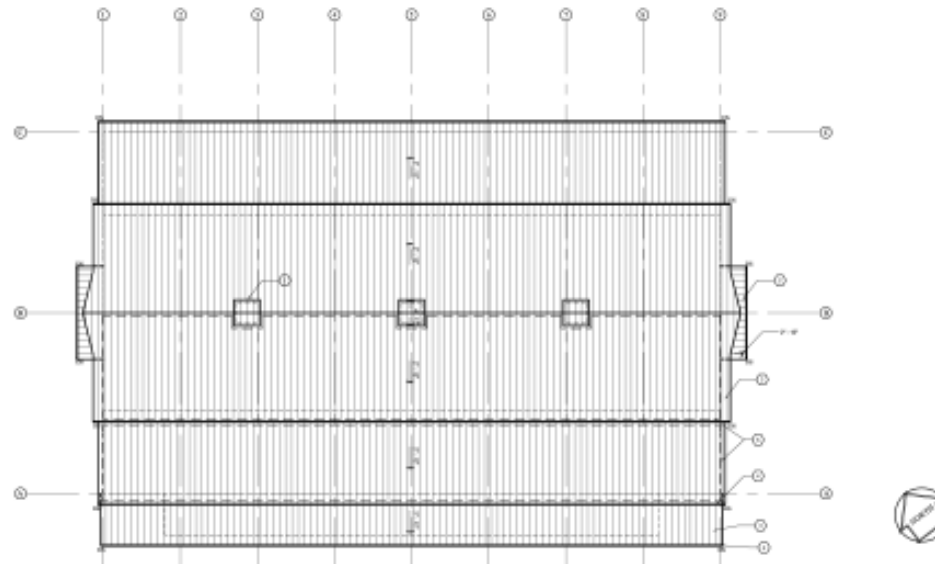


1/8" = 1'-0"

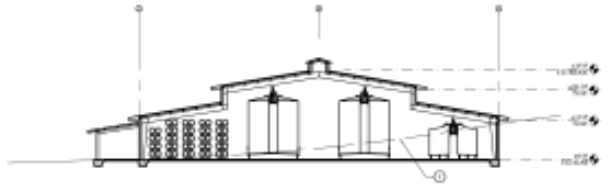


**Roof Plan for Tasting Building**

PLP08-0029



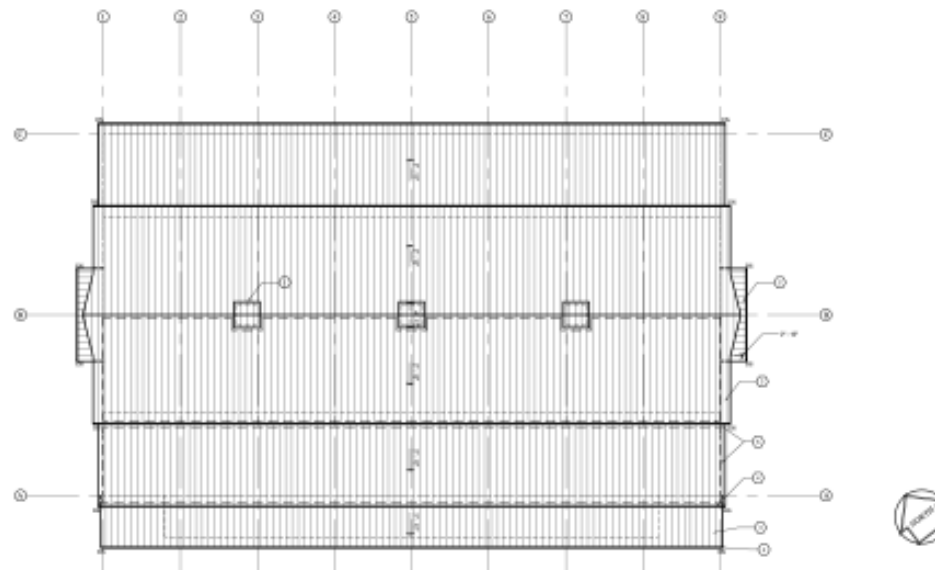
2] ROOF PLAN - WINERY PRODUCTION BUILDING



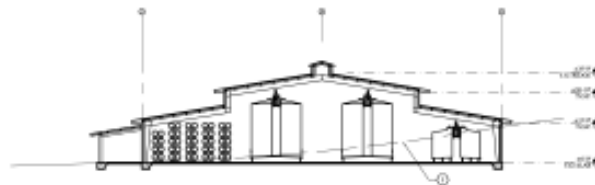
1] SECTION - A - WINERY PRODUCTION BUILDING

# Roof Plan and Sections for Winery

PLP08-0029



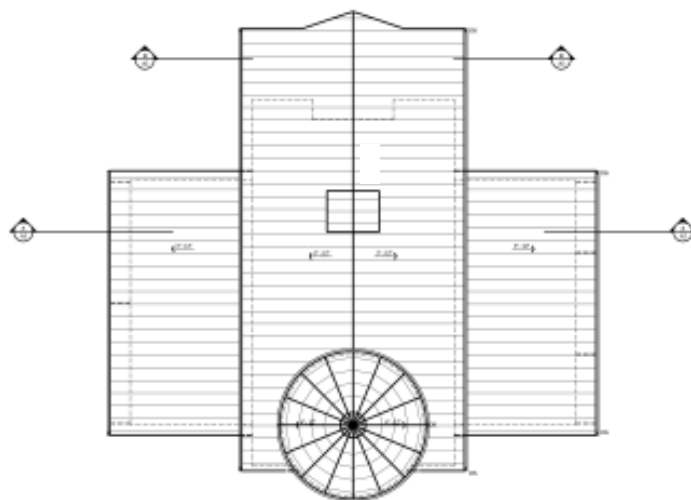
2] ROOF PLAN - WINERY PRODUCTION BUILDING



1] SECTION - A - WINERY PRODUCTION BUILDING

## Roof Plan and Sections for Winery

PLP08-0029



1:12



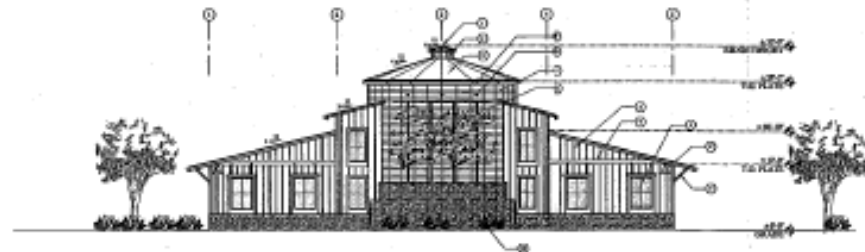
**Roof Plan for Tasting Building**

PLP08-0029





2 NORTH ELEVATION - TASTING BUILDING



1 SOUTH ELEVATION - TASTING BUILDING

## Tasting room north/south elevations

PLP08-0029





2 EAST ELEVATION - TASTING BUILDING



1 WEST ELEVATION - TASTING BUILDING

Tasting room east/west elevations

PLP08-0029

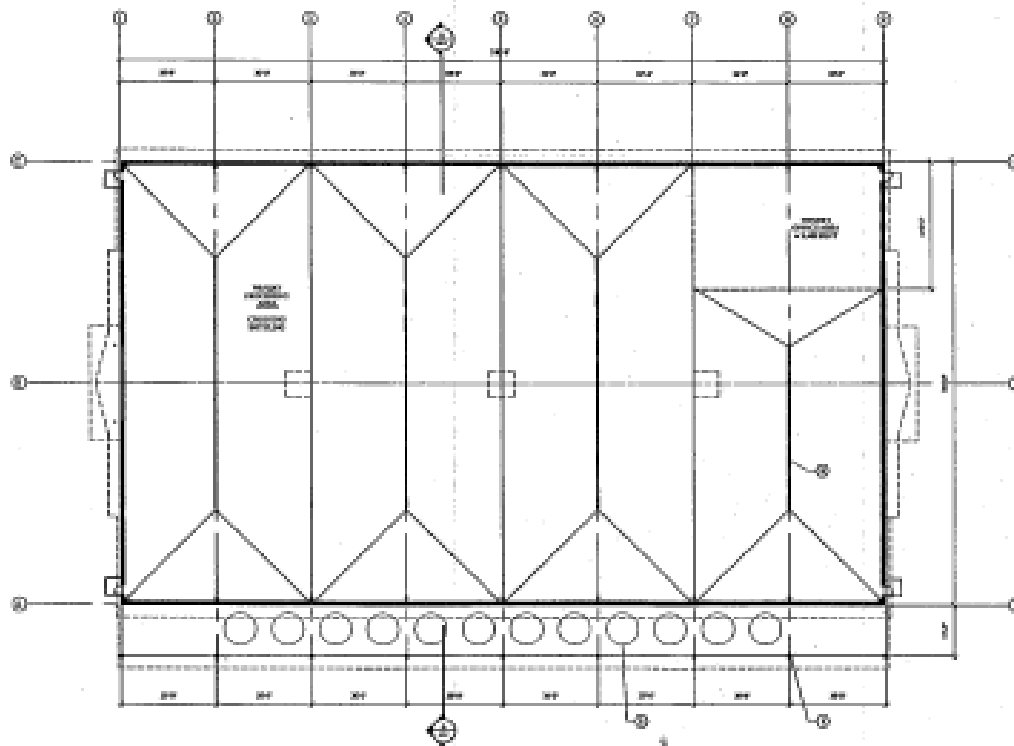


2 NORTH ELEVATION - TASTING BUILDING



**Tasting room north/south elevations**

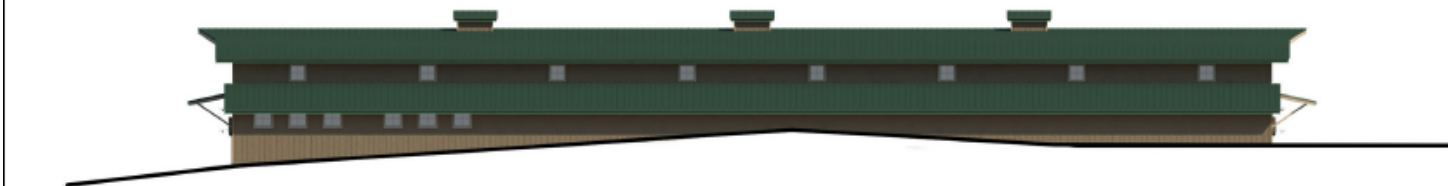
PLP08-0029



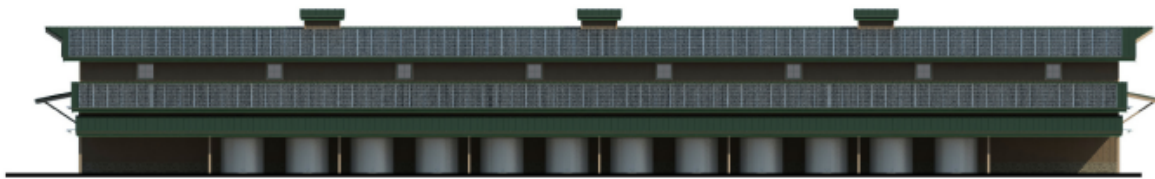
Winery building floor plan

PLP08-0029





4 EAST ELEVATION - WINERY PRODUCTION BUILDING



3 WEST ELEVATION - WINERY PRODUCTION BUILDING



2 SOUTH ELEVATION - WINERY PRODUCTION BUILDING



1 NORTH FRONT ELEVATION - WINERY PRODUCTION BUILDING

## Winery Production Room Elevations

PLP08-0029





**WETLAND BUFFER STRIP PLANTING PLAN  
FOR THE  
BEST FAMILY WINERY  
SONOMA COUNTY**

Prepared for:

Mr. Casey Costello  
Best Family Winery  
6905 Sebastopol Ave.  
Sebastopol, CA 95472

Prepared by:

Ted P. Winfield, Ph.D.  
Ted Winfield & Associates  
1455 Wagoner Drive  
Livermore, CA 94550

November 18, 2010



## INTRODUCTION

The purpose of this Wetland Buffer Strip Planting Plan (Plan) is to describe for the Regional Water Quality Control Board, North Coast Region (Board) a plan for establishing desirable vegetation within the 50-foot setback along the wetland swale. This Plan describes the parameters considered in preparation of the recommended plants to be planted, including the local conditions proximate to the wetland swale that would influence the type of plants to be planted. The recommended plants were selected based on their ability to grow and survive in a range of conditions and not adversely impact the wetland swale.

## SITE DESCRIPTION

**Soils.** The soils at the site are primarily Goldridge fine sandy loam, 2 to 9 percent slopes. The Goldridge series soils consist of deep and very deep, moderately well-drained soils formed in material weathered from weakly consolidated sandstone. Goldridge soils occur on rolling uplands with slopes of 2 to 50 percent.

**Biological Resources.** The property consists of an existing apple orchard and a residence. The apple trees are widely spaced and the understory vegetation consists primarily of non-native annual grasses and forbs. Several coast live oak (*Quercus agrifolia*) trees occur along the eastern property boundary. The eastern portion of the site is a gently sloping hill side and the western portion of the property (adjacent to Gravenstein Highway) is relatively flat.

**Wetland.** The site supports a wetland swale that crosses the southern end of the site in an east-west orientation. This swale broadens near the Gravenstein Highway (Highway 116) and intersects the roadside ditch that runs roughly north-south along Gravenstein Highway before entering a culvert near the middle of the western side of the site. The approximate acreage of the wetland area, which includes the ditch and swale, is 0.3 acre. Plant species observed in the wetlands include annual bluegrass (*Poa annua*), water chickweed (*Montia fontana*), spiny-fruit buttercup (*Ranunculus muricatus*), meadow barley (*Hordeum brachyantherum*) and curly dock (*Rumex crispus*).

The wetland swale, which originates offsite to the east of the project site, is dominated by weedy species commonly found in degraded seasonal wetlands on the Santa Rosa Plain and elsewhere in California. The swale is barely discernable in the landscape (poorly defined slightly depressional feature) as it courses from east to west across the project site. There are a few native plant species present along the swale, but the dominant plant cover consists of non-native species of grasses and herbaceous plants.

The watershed supporting the wetland swale is difficult to define. The land to the east consists of rural residential developments with orchards and other small-scale agricultural activities. Immediately to the east of the project site is a corral used for horses, and the swale courses through this corral. Further east, the course of the swale is obscure. Land uses to the east of the site probably have a substantial influence on the hydrology of the wetland swale that crosses the southern part of the project site, both in terms of water quality and quantity.

## **PARAMETERS INFLUENCING SELECTION OF RECOMMENDED PLANTS**

I examined the soils along the wetland swale to determine the probable hydrologic conditions supporting the wetland. Several deep soil pits were excavated by hand to determine the presence of any water restricting horizon and its nature, if present. The soils are a fine sandy loam, consistent with the description of the Goldridge Soil series mapped for the project site. At approximately three (3) feet below the surface, the soil texture was a fine sandy clay loam. This is consistent with the description of a typical soil profile for Goldridge fine sandy loam, 2 to 9 % slopes, which identifies the sandy clay loam layer as occurring at greater than 24 inches below the surface.

Mottling in the soil profile was found to begin approximately eight (8) inches below the surface in most of the soil pits dug in the wetland swale, suggesting that the hydrology that supports the wetland vegetation on the surface occurs primarily as subsurface flow, although I anticipate that during higher rainfall events there may be some surface water flow, but this surface flow would be limited. The presence of the mottling indicates that the sandy clay loam layer provides at least a partial water-restricting layer.

Based on my observations, I believe that the hydrology supporting the wetland swale is marginal and in dry years there may be insufficient water present to support a plant community dominated by plants usually found in wetlands. Once the project is constructed, the hydrology of the wetland swale, at least that part of the swale along the southeastern and southwestern end of the constructed features, may actually be enhanced by the addition of storm water runoff directed from the hardscape features through bioswales into the wetland swale. However, even with this possible additional water, the hydrology of the wetland swale would still be marginal.

Because of the marginal hydrology of the wetland swale, any planting in the wetland buffer must be of a kind that would not consume the limited water used to support the wetland swale. The planting of riparian trees and shrubs should be avoided as these types of plants are luxury consumers of water, meaning that they would consume as much water as they could, thus potentially drying up the wetland swale. Plantings in the wetland buffer, therefore, should consist of plants that can tolerate some saturated conditions in the winter and spring, but that do not consume excessive amounts of water. The plantings should be drought tolerant native species consisting of a combination of trees and shrubs, along with ground cover.

Ground cover plants should consist of plants with variable tolerances to saturated conditions. Along the edge of the buffer fronting on the wetland swale, ground cover plants more tolerant of wet conditions could be planted grading to typical upland native plants toward the outer edge of the wetland buffer.

## **RECOMMENDED PLANTS FOR WETLAND BUFFER**

The following recommended plants is not an exhaustive list, but provides recommended core of species that would provide acceptable vegetation cover in the wetland buffer and provide good quality wildlife habitat for local species while not adversely affecting the existing wetland swale. There are, no doubt, other species that could be added to this list, but any such addition should be limited to native species. The following list was created based on guidance provided in Appendix A of the *Guidelines for the Standard Urban Storm Water Mitigation Plan*<sup>1</sup> and my professional experience.

### **Trees**

Big leaf maple (*Acer macrophyllum*)

Coast live oak (*Quercus agrifolia*)

Valley oak (*Quercus lobata*)

Buckeye (*Aesculus californicus*)

### **Shrubs**

California rose (*Rosa californica*)

Coffeberry (*Rhmnus californica*)

Coyote brush (*Baccharis pilularis*)

### **Ground Cover**

#### ***Grass Species***

Spike bentgrass (*Agrostis exarata*)

Blue wild rye (*Elymus glaucus*)

California brome (*Bromus carinatus*)

California oatgrass (*Danthonia californica*)

Annual hairgrass (*Deschampsia danthoniodes*)

Meadow barley (*Hordeum brachyantherum*)

Creeping wildrye (*Leymus triticoides*)

California melic (*Melica californica*)

Purple needlegrass (*Nassella pulchra*)

---

<sup>1</sup> Guidelines for the Standard Urban Storm Water Mitigation Plan. Storm Water Best Management Practices for New Development and Redevelopment for the Santa Rosa Area and Unincorporated Areas around Petaluma and Sonoma. June 3, 2005. Prepared by EOA, Inc., and BKF Engineers. Appendix A. Landscaping and Vegetation for Storm Water Best Management Practices in New Development and Redevelopment in the Santa Rosa Area.

***Herbaceous Species***

Toad rush (*Juncus bufonius*)

Santa Barbara sedge (*Carex barbarae*)

California fuchsia (*Epilobium canum*)

California poppy (*Eschscholzia californica*)

Miniature lupine (*Lupinus bicolor*)

Blue-eyed grass (*Sisyrinchium bellum*)

California buttercup (*Ranunculus californicus*)

# **LOW IMPACT DEVELOPMENT CALCULATIONS**

---

**JULY 30, 2012**

## **BEST FAMILY WINERY SONOMA COUNTY, CA**

**PROJECT #: 2008020.00**

**PREPARED BY**

**CARLILE · MACY**

*15 Third Street, Santa Rosa, CA 95401  
Tel: 707 542 6451 Fax: 707 542 5212*

**CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS**

### **Project Description and Location**

The Best Family Winery project site is on 7.45 acres (two parcels that will be merged - APN 130-262-031 & 130-262-032), located at the southeast corner of Highway 116 and Occidental Road in unincorporated Sonoma County near the town of Graton. The proposed winery will consist of a 5,000 square foot wine tasting building, 33,000 square foot winery production building, vineyards, and landscaping. Aggregate access roads, parking, and emergency vehicle access roads will also be installed to serve the project.

### **Existing Site Condition**

The existing site consists of a single family residence surrounded by an apple orchard. The site drains in a southwesterly direction into an existing culvert crossing State Highway 116. There is an existing 0.3 acre wetland on-site. The majority of the wetland is located in the low areas near the culvert and it extends up an existing drainage swale to the eastern property line.

The soils at the site are primarily Goldridge fine sandy loam consisting of deep and very deep, moderately well-drained soils formed in material weathered from weakly consolidated sandstone.

### **Site Design**

Low Impact Development (LID) philosophies and elements have been incorporated into the site design for the Best Family Winery project. Refer to the exhibit entitled "Low Impact Development Features" included within this report. The following is a list of LID features that are to be used as part of this project:

#### **Grass Swales**

The preliminary landscape plan and the preliminary grading and drainage plan propose over 800 linear feet of grass swales to treat runoff through sedimentation in the channel, filtration through a subsoil matrix, and infiltration into the underlying soils.

#### **Vegetated Buffer**

The delineated wetland will be surrounded by a vegetated buffer zone, consisting primarily of uncompacted native and amended soils. The zone will be planted in accordance with the "Wetland Buffer Strip Planting Plan for the Best Family Winery."

Fertilizers, pesticides, and herbicides will not be used in the buffer zone. The soil surface will be mulched to control erosion, promote soil ecology, and infiltration.

**Cisterns**

The project proposes to install cisterns with 65,000 gallons of storage capacity. The cisterns will collect rainwater from the roof of the production building and store it for use as irrigation for the landscaping and vineyards. The practice of storing storm water for use in irrigation will promote biofiltration and evapotranspiration to prevent increases of storm water runoff from leaving the site. The cisterns will be a useful tool to assist in maintaining the volume of storm water runoff to pre-development levels.

**Pervious Pavement**

The driveways and parking facility will be pervious/gravel pavements as shown on the preliminary landscape plan. This will allow for storm water to infiltrate into the ground, reducing the amount of runoff coming from the driveways and parking facility. The driveways and parking will not have subdrains; therefore, the pervious/gravel pavements will qualify as treatment of storm water runoff.

**Preservation & Enhancement of Natural, Landscape and Vineyard Areas**

Most of the project site will remain as agricultural use. New vineyards and landscape areas will be prepared by spading. Cover crop will be planted between the rows in vineyard areas. Landscaped areas will have a deep mulch cover. All of these LID features will assist infiltration of storm water and will help prevent soil erosion.

**Calculations and Documentation**

The project is separated into eight distinct drainage areas:

Area A – Wine Tasting Area	Area E – Production Building
Area B – Wine Tasting Roof	Area F – Landscape West
Area C – Vineyard North	Area G – Vineyard South
Area D – Vineyard East	Area H – Wetland

The extent of these areas are shown on the enclosed exhibit entitled “Drainage Area Exhibit”

### **Self-Treating Areas**

Areas A, C, D, F, G, and H are all considered to be self-treating areas. These areas all have minimal impervious surfaces and well draining soils so that runoff generated by the 85<sup>th</sup> percentile 24 hour storm event will be captured and remain in these areas; therefore, there is no additional treatment requirement for these areas.

### **Area Draining to Grass Swales**

The runoff coming off of the roof of the Wine Tasting Building (Drainage Area B) will be directed to a grass swale. The treatment flow for this area calculates to a flow rate of 0.04 cubic feet per second and a total volume of 515 cubic feet. The length of grass swale required to ensure 5 minutes of retention time is only 41 linear feet. The total length of the grass swale that will be installed to treat this area will be over 350 linear feet, which is well over the minimum requirement. Given the well-draining nature of the existing soils, the total 515 cubic feet volume of water is expected to infiltrate into the soils of the grass swale. Any inlets to storm drain systems will remain higher than the grassy swale to ensure that there is retention of runoff within the swale.

### **Area Draining to Cisterns**

The runoff coming from the Production Building roof and the crush pad area (Drainage Area E) will be collected into cisterns. The volume of runoff during the 85<sup>th</sup> percentile 24 hour storm for Area E calculates to 3,673 cubic feet or about 27,500 gallons. The total capacity of the cisterns will be 65,000 gallons; therefore, the entire volume of runoff from the 85<sup>th</sup> percentile 24 hour storm for Area E will be captured and collected into the cisterns.



## **CALCULATIONS**

# Weighted Runoff Curve Number Calculations

## A - Wine Tasting Area

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Concrete Parking & sidewalk	98			0.08	7.84
A	Gravel Parking & Roads	76			0.43	32.68
A	Open Space Landscaping	39			1.35	52.65
Totals					1.86	93.17

CN (weighted) 50

# Weighted Runoff Curve Number Calculations

## B - Wine Tasting Roof

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Wine Tasting Roof	98			0.16	15.51
<b>Totals</b>					0.16	15.51

CN (weighted) 98

# Weighted Runoff Curve Number Calculations

## C - Vineyard North

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	AC Paving	98			0.03	2.94
A	Gravel Road	76			0.14	10.64
A	Open Space Landscaping	39			0.09	3.51
A	Vineyard	65			0.95	61.75
Totals					1.21	78.84

CN (weighted) 65

# Weighted Runoff Curve Number Calculations

## D - Vineyard East

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Gravel Parking	76			0.15	11.40
A	Open Space Vineyard	65			0.50	32.50
A	Open Space Landscaping	39			0.16	6.24
<b>Totals</b>					0.81	50.14

CN (weighted) 62

# Weighted Runoff Curve Number Calculations

## E - Production Building

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Production Building Roof	98			0.93	91.14
A	Concrete Crush Pad	98			0.20	19.60
<b>Totals</b>					1.13	110.74

CN (weighted) 98

# Weighted Runoff Curve Number Calculations

## F - Landscape West

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Gravel Road	76			0.13	9.88
A	Vineyard	39			0.30	11.70
Totals					0.43	21.58

CN (weighted) 50

# Weighted Runoff Curve Number Calculations

## G - Vineyard South

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	AC Paving	98			0.01	0.98
A	Gravel Road	76			0.09	6.84
A	Vineyard	65			1.52	98.80
Totals					1.62	106.62

CN (weighted) 66



# Weighted Runoff Curve Number Calculations

## H - Wetland

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Open Space - Wetland	39			0.36	14.04
Totals					0.36	14.04

CN (weighted) 39



# STORM WATER CALCULATOR

**NOTE:** In order for this calculator to function properly macros must be enabled

Project: Best Family Winery  
Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
Designer: Rick Carille, Carille-Macy  
Date: September 10, 2010  
Inlet Number/Tributary Label: A - Wine Tasting Parking and Landscape Area

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

## Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where: S= Potential maximum retention after runoff (in).  
CN= Curve Number <sup>(1)</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"} \times A$$

Where: Q= Runoff depth (ft) <sup>(2)</sup>  
P= Precipitation (in) = 0.92  
0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where: V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>(3)</sup>  
A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

A = 81,488 ft<sup>2</sup>  
K <sup>(3)</sup> = 1.25

### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>(4)</sup>: A: greater than 0.30 In/hr infiltration (transmission) rate

Select post development ground cover description <sup>(5)</sup>: #N/A

CN<sub>post</sub> = #N/A  
Composite Post development CN <sup>(6)</sup>: 50

### Solution:

Volume of storm water - Post Development

S<sub>post</sub> = 10.00

S<sub>post</sub> = 1000 / 50 = 10

Where: S= Post development potential maximum retention after runoff (in).

Q<sub>post</sub> = 0.00000 ft

$$Q_{post} = \frac{(0.92 - (0.2 * 10.00))^2}{(0.92 + (0.8 * 10.00))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>post</sub> = 0 ft<sup>3</sup>

$$V_{post} = (0.00000)(1.25)(81,488)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.

**INSTRUCTIONS:**  
This Design Goal of 100% Capture is the ideal condition and if achieved, satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.  
If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

- <sup>(1)</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.
- <sup>(2)</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.
- <sup>(3)</sup> From Sonoma County Water Agency Flood Control Design Criteria.
- <sup>(4)</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.
- <sup>(5)</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.



City of  
Santa Rosa



Project: Best Family Winery  
 Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
 Designer: Rick Carille, Carille-Macy  
 Date: September 10, 2010  
 Inlet Number/Tributary Label: B - Wine Tasting Roof

## STORM WATER CALCULATOR

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = 1000 - 10$$

Where:

S= Potential maximum retention after runoff (in).  
 CN= Curve Number <sup>(1)</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1 \text{ ft}}{12''}$$

Where:

Q= Runoff depth (ft) <sup>(2)</sup>  
 P= Precipitation (in) = 0.92

0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
 K= Seasonal Precipitation Factor <sup>(3)</sup>  
 A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

$$A = \frac{6.894 \text{ ft}^2}{1.25}$$

$$K = 1.25$$

Select post development hydrologic soil type within tributary area <sup>(4)</sup> A: greater than 0.30 in/hr infiltration (transmission) rate  
 Select post development ground cover description <sup>(5)</sup> E: Impervious - Paved Parking, Rooftop, Driveways

#### Drop down Lists

$$CN_{post} = 98$$

OR: Composite Post development CN <sup>(6)</sup>

**Solution:** Volume of storm water - Post Development

$$S_{post} = 0.20$$

$$S_{post} = \frac{1000}{98} - 10$$

Where:

S= Post development potential maximum retention after runoff (in).

$$Q_{post} = 0.05975 \text{ ft}$$

$$Q_{post} = \frac{(0.92 - (0.2 * 0.20))^2}{(0.92 + (0.8 * 0.20))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$$V_{post} = 515 \text{ ft}^3$$

$$V_{post} = (0.05975)(1.25)(6.894)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

<sup>(1)</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>(2)</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(3)</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>(4)</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(5)</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.



City of  
Santa Rosa



## STORM WATER CALCULATOR

Best Family Winery  
2065 N Hwy 116, 130-262-031 032  
Rick Canfile, Canfile-Macy

### Requirement 1: 100% Treatment

Treatment of 100% of the flow generated by 85th percentile 24 hour mean annual rain event (0.2 in/hr).

**Formula:**

$$Q_{\text{TREATMENT}} = (0.2 \text{ in/hr})(A)(C_{\text{POST}})(K) \text{ cfs}$$

Where:

$Q_{\text{TREATMENT}}$  = Design flow rate required to be treated (cfs)

$C_{\text{POST}}$  = Rational method runoff coefficient for the developed condition<sup>[3]</sup>

A = Tributary area (acres)

K = Seasonal Precipitation Factor<sup>[3]</sup>

**Input:**

A =	6,894	ft <sup>2</sup> =	0.16	Acres
$C_{\text{POST}}$ =	0.90			
K =	1.25			

**Solution:**

$$Q_{\text{TREATMENT}} = 0.04 \text{ cfs}$$

$$Q_{\text{TREATMENT}} = (0.2)(0.16)(0.90)(1.25)$$

**INSTRUCTIONS:**

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved; then Requirement 1-100% Treatment, this page of the calculator, AND Requirement 2- Volume Capture, page 3 of the calculator, must be achieved.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.



## STORM WATER CALCULATOR

### Requirement 2: Volume Capture

No increase in volume of runoff leaving the site due to development for the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000}{CN} - 10$$

Where: S = Potential maximum retention after runoff (in).  
CN = Curve Number<sup>(1)</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Where: Q = Runoff depth (ft)<sup>(2)</sup>

$$V = (Q)(K)(A)$$

Where: V = Volume of Storm Water to be Retained (ft<sup>3</sup>)

$$K = \text{Seasonal Precipitation Factor}^{(3)}$$

$$A = \text{Tributary Area (ft}^2\text{)}$$

**Input:** (Pick data from drop down lists or enter calculated values)

$$A = \boxed{6,894} \text{ ft}^2$$

$$K^{(3)} = \boxed{1.25}$$

#### Drop down Lists

Select hydrologic soil type within tributary area<sup>(4)</sup> A: greater than 0.30 in/hr infiltration (transmission) rate  
Select predevelopment ground cover description<sup>(1)</sup> Woods (50%), grass (50%) combination (orchard or tree farm) - Fair  
Select post development ground cover description<sup>(1)</sup> Impervious - Paved Parking, Rooftop, Driveways

CN <sub>PRE</sub>	43
CN <sub>POST</sub>	98
Composite Predevelopment CN <sup>(6)</sup>	
Composite Post development CN <sup>(6)</sup>	

OR

Composite Predevelopment CN <sup>(6)</sup>	
Composite Post development CN <sup>(6)</sup>	

#### Solution:

##### Pre Development Storm Water Runoff Volume

$$S_{PRE} = \boxed{13.26} \quad S_{PRE} = \frac{1000}{43} - 10$$

Where: S = Pre development potential maximum retention after runoff (in).

$$Q_{PRE} = \boxed{0.00000} \text{ ft} \quad Q_{PRE} = \frac{(0.92 - (0.2 * 13.26))^2}{(0.92 + (0.8 * 13.26))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Where: Q = Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$$V_{PRE} = \boxed{-} \text{ ft}^3 \quad V_{PRE} = (0.00000)(1.25)(6,894)$$

Where: V = Pre Development Volume of Storm Water Generated (ft<sup>3</sup>)

##### Post Development Storm Water Runoff Volume

$$S_{POST} = \boxed{0.20} \quad S_{POST} = \frac{1000}{98} - 10$$

Where: S = Post development potential maximum retention after runoff (in).

$$Q_{POST} = \boxed{0.05975} \text{ ft} \quad Q_{POST} = \frac{(0.92 - (0.2 * 0.20))^2}{(0.92 + (0.8 * 0.20))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Where: Q = Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$$V_{POST} = \boxed{514.90} \text{ ft}^3 \quad V_{POST} = (0.05975)(1.25)(6,894)$$

Where: V = Post Development Volume of Storm Water Generated (ft<sup>3</sup>)

#### Solution: Volume Capture

Increase in volume of storm water that must be retained onsite (may be infiltrated or reused).

$$\text{Volume Capture} = (V_{POST} - V_{PRE}) \quad \text{Volume Capture} = (514.90) - (0.00)$$

$$\text{Volume Capture} = \boxed{515} \text{ ft}^3$$

Where: Volume Capture = The increase in volume of storm water generated by the 85th percentile 24 hour storm event due to development that must be retained onsite (may be infiltrated or reused).

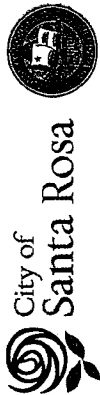
#### INSTRUCTIONS:

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved; then Requirement 1-100% Treatment; page 2 of the calculator, AND Requirement 2- Volume Capture; this page of the calculator, must be achieved.

#### NOTE:

If the amount of volume generated after development is less than or equal to that generated before development, Requirement 2-Volume Capture is not required.

$$(C_{POST} \leq C_{PRE} \text{ OR } CN_{POST} \leq CN_{PRE})$$



# STORM WATER CALCULATOR

**NOTE:** In order for this calculator to function properly macros must be enabled

Project: Best Family Winery  
 Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
 Designer: Rick Carille, Carille-Macy  
 Date: September 24, 2010  
 Inlet Number/Tributary Label: C - Vineyard North

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

**Formulas:**  
 $S = 1000 - 10 \cdot CN$  Where: S= Potential maximum retention after runoff (in). CN= Curve Number [1]  
 $Q = \frac{(P - (0.2 \cdot S))^2}{(P + (0.8 \cdot S))} \times \frac{1 \text{ ft}}{12''}$  Where: Q= Runoff depth (ft) [2] P= Precipitation (in) = 0.92  
 $V = (Q)(K)(A)$  Where: V= Volume of Storm Water to be Retained (ft<sup>3</sup>) K= Seasonal Precipitation Factor [3] A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
 K [3] =

Select post development hydrologic soil type within tributary area [4] =  [5] =

#### Drop down Lists

CN<sub>post</sub> =   
 Composite Post development CN [6] =

**Solution:** Volume of storm water - Post Development

S<sub>post</sub> =

S<sub>post</sub> =  $\frac{1000}{65} - 10$

Q<sub>post</sub> =  ft

Q<sub>post</sub> =  $\frac{(0.92 - (0.2 \cdot 5.38))^2}{(0.92 + (0.8 \cdot 5.38))} \times \frac{1 \text{ ft}}{12 \text{ in}}$

V<sub>post</sub> =  ft<sup>3</sup>

V<sub>post</sub> = (0.00000)(1.25)(52,920)

Precipitation too low to generate runoff with this curve.

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

Where: S= Post development potential maximum retention after runoff (in).  
 Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

**INSTRUCTIONS:**  
 This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.  
 If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

- [1] Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.
- [2] Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.
- [3] From Sonoma County Water Agency Flood Control Design Criteria.
- [4] Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.
- [5] Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.



# STORM WATER CALCULATOR

Project: Best Family Winery  
 Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
 Designer: Rick Carille, Carille-Macy  
 Date: September 24, 2010  
 Inlet Number/Tributary Label: D - Vineyard East

**NOTE:** In order for this calculator to function properly macros must be enabled

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$S = \frac{1000 - 10}{CN}$       Where: S= Potential maximum retention after runoff (in).  
 CN= Curve Number <sup>(1)</sup>

$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"} \times A$       Where: Q= Runoff depth (ft) <sup>(2)</sup>  
 P= Precipitation (in) = 0.92      0.92 inches in the Santa Rosa area, based on local historical data.

$V = (Q)(K)(A)$       Where: V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
 K= Seasonal Precipitation Factor <sup>(3)</sup>  
 A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

A = 35,195 ft<sup>2</sup>  
 K <sup>(3)</sup> = 1.25

Select post development hydrologic soil type within tributary area <sup>(4)</sup> = A: greater than 0.30 in/hr infiltration (transmission) rate  
 Select post development ground cover description <sup>(5)</sup> =

#### Drop down Lists

CN<sub>post</sub> = #N/A  
 Composite Post development CN <sup>(6)</sup> = 62

#### Solution:

Volume of storm water - Post Development

$S_{Post} = 6.13$

$S_{Post} = \frac{1000}{62} - 10$

Where: S= Post development potential maximum retention after runoff (in).

$Q_{Post} = 0.00000 ft$

$Q_{Post} = \frac{(0.92 - (0.2 * 6.13))^2}{(0.92 + (0.8 * 6.13))} \times \frac{1ft}{12in}$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$V_{Post} = 0 ft^3$

$V_{Post} = (0.00000)(1.25)(35,195)$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.

**INSTRUCTIONS:**  
 This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.  
 If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

- <sup>(1)</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.
- <sup>(2)</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.
- <sup>(3)</sup> From Sonoma County Water Agency Flood Control Design Criteria.
- <sup>(4)</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.
- <sup>(5)</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.



**STORM WATER CALCULATOR**

Project: Best Family Winery  
Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
Designer: Rick Carille, Carille-Macy  
Date: September 24, 2010  
Inlet Number/Tributary Label: E - Production Building

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

**Design Goal: 100% Capture**

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

**Formulas:**  

$$S = \frac{1000 - 10}{CN}$$

Where:  
 S= Potential maximum retention after runoff (in).  
 CN= Curve Number <sup>(1)</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"} \times A$$

Where:  
 Q= Runoff depth (ft) <sup>(2)</sup>  
 P= Precipitation (in) = 0.92

Where:  
 V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
 K= Seasonal Precipitation Factor <sup>(3)</sup>  
 A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
 K =

**Drop down Lists**

Select post development hydrologic soil type within tributary area <sup>(4)</sup> =   
 Select post development ground cover description <sup>(5)</sup> =

CN<sub>post</sub> =   
 CN<sub>pre</sub> =

**Solution:**  
 OR: Composite Post development CN <sup>(6)</sup> =   
 Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

**Volume of storm water - Post Development**

S<sub>post</sub> =

Where:  

$$S = \text{Post development potential maximum retention after runoff (in).}$$

Q<sub>post</sub> =  ft

Where:  

$$Q = \text{Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.}$$

V<sub>post</sub> =  ft<sup>3</sup>

Where:  

$$V = \text{Post Development Volume of Storm Water to be Retained (ft}^3\text{)}$$

**INSTRUCTIONS:**

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

<sup>(1)</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>(2)</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(3)</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>(4)</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(5)</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.





City of Santa Rosa



# STORM WATER CALCULATOR

Best Family Winery  
2065 N Hwy 116, 130-262-031 032  
Rick Canille, Canille-Macy

## Requirement 1: 100% Treatment

Treatment of 100% of the flow generated by 85th percentile 24 hour mean annual rain event (0.2 in/hr).

### Formula:

$$Q_{\text{TREATMENT}} = (0.2 \text{ in/hr})(A)(C_{\text{POST}})(K) \text{ cfs}$$

Where:

$Q_{\text{TREATMENT}}$  = Design flow rate required to be treated (cfs)

$C_{\text{POST}}$  = Rational method runoff coefficient for the developed condition <sup>(3)</sup>

A = Tributary area (acres)

K = Seasonal Precipitation Factor <sup>(3)</sup>

### Input:

A =	49,180	ft <sup>2</sup> =	1.13	Acres
$C_{\text{POST}}$ =	0.90			
K <sup>(3)</sup> =	1.25			

### Solution:

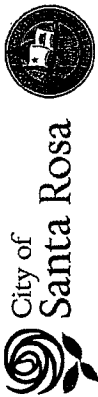
$$Q_{\text{TREATMENT}} = 0.25 \text{ cfs}$$

$$Q_{\text{TREATMENT}} = (0.2)(1.13)(0.90)(1.25)$$

### INSTRUCTIONS:

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved, then Requirement 1-100% Treatment, this page of the calculator, AND Requirement 2- Volume Capture, page 3 of the calculator, must be achieved.

<sup>(3)</sup> From Sonoma County Water Agency Flood Control Design Criteria.



# STORM WATER CALCULATOR

## Requirement 2: Volume Capture

No increase in volume of runoff leaving the site due to development for the 85th percentile 24 hour storm event.

### Formulas:

$$S = \frac{1000 \cdot 10}{CN}$$

Where:  
S= Potential maximum retention after runoff (in).  
CN= Curve Number<sup>(1)</sup>

$$Q = \frac{(P - 0.2 \cdot S)^2}{(P + 0.8 \cdot S)} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Where:  
Q= Runoff depth (ft)<sup>(2)</sup>

$$P = \text{Precipitation (in)} = 0.92$$

Where:  
V= (Q)(K)(A)

$$V = \text{Volume of Storm Water to be Retained (ft}^3\text{)}$$

$$K = \text{Seasonal Precipitation Factor}^{(3)}$$

$$A = \text{Tributary Area (ft}^2\text{)}$$

$$A = \frac{49,180 \text{ ft}^2}{1.25}$$

Input: (Pick data from drop down lists or enter calculated values)

### Drop down Lists

Select hydrologic soil type within tributary area<sup>(4)</sup> A: greater than 0.30 in/hr infiltration (transmission) rate  
 Select predevelopment ground cover description<sup>(5)</sup> Woods (50%), grass (50%) combination (orchard or tree farm) - Fair  
 Select post development ground cover description<sup>(6)</sup> Impervious - Paved Parking, Rooftop, Driveways

CN <sub>PRE</sub>	43
CN <sub>POST</sub>	98
Composite Predevelopment CN <sup>(5)</sup>	
Composite Post development CN <sup>(6)</sup>	

OR

Composite Predevelopment CN<sup>(5)</sup>  
 Composite Post development CN<sup>(6)</sup>

### Solution:

#### Pre Development Storm Water Runoff Volume

$$S_{PRE} = \frac{1000}{43} = 23.26$$

Where:  
S= Pre development potential maximum retention after runoff (in).

$$Q_{PRE} = \frac{0.00000 \text{ ft}}{12 \text{ in}}$$

$$Q_{PRE} = \frac{(0.92 - (0.2 \cdot 13.26))^2}{(0.92 + (0.8 \cdot 13.26))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$$V_{PRE} = 0 \text{ ft}^3$$

$$V_{PRE} = (0.00000)(1.25)(49,180)$$

V= Pre Development Volume of Storm Water Generated (ft<sup>3</sup>)

#### Post Development Storm Water Runoff Volume

$$S_{POST} = \frac{1000}{98} = 10.20$$

Where:  
S= Post development potential maximum retention after runoff (in).

$$Q_{POST} = \frac{0.05975 \text{ ft}}{12 \text{ in}}$$

$$Q_{POST} = \frac{(0.92 - (0.2 \cdot 10.20))^2}{(0.92 + (0.8 \cdot 10.20))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$$V_{POST} = 3,673.13 \text{ ft}^3$$

V= Post Development Volume of Storm Water Generated (ft<sup>3</sup>)

### Solution: Volume Capture

Increase in volume of storm water that must be retained onsite (may be infiltrated or reused).

$$\text{Volume Capture} = (V_{POST} - V_{PRE}) = (3,673.13) - (0.00)$$

Where:  
Volume Capture= The increase in volume of storm water generated by the 85th percentile 24 hour storm event due to development that must be retained onsite (may be infiltrated or reused).

$$\text{Volume Capture} = \boxed{3,673 \text{ ft}^3}$$

### INSTRUCTIONS:

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved; then Requirement 1-100% Treatment, page 2 of the calculator, AND Requirement 2- Volume Capture, this page of the calculator, must be achieved.

### NOTE:

If the amount of volume generated after development is less than or equal to that generated before development, Requirement 2-Volume Capture is not required.

$$(C_{POST} \leq C_{PRE} \text{ OR } CN_{POST} \leq CN_{PRE})$$

- (1) Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.
- (2) Q in Feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.
- (3) From Sonoma County Water Agency Flood Control Design Criteria.
- (4) Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.
- (5) Composite CN calculated per Worksheet 2, Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.



City of  
Santa Rosa



Project: Best Family Winery  
Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
Designer: Rick Carille, Carille-Macy  
Date: September 24, 2010  
Inlet Number/Tributary Label: F - Landscape West

## STORM WATER CALCULATOR

**NOTE:** In order for this calculator to function properly macros must be enabled.

Best Family Winery  
2065 N Hwy 116, 130-262-031 032  
Rick Carille, Carille-Macy

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in).  
CN= Curve Number <sup>(1)</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1 \text{ ft}}{12''}$$

Where:

Q= Runoff depth (ft) <sup>(2)</sup>  
P= Precipitation (in) = 0.92  
0.92 inches in the Santa Rosa area, based on local historical data.

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>(3)</sup>  
A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

$$A = \frac{18,541 \text{ ft}^2}{K^{(3)} = 1.25}$$

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>(4)</sup> = A: greater than 0.30 in/hr infiltration (transmission) rate

Select post development ground cover description <sup>(5)</sup> =

$$CN_{post} = \frac{\#N/A}{50}$$

OR:

Composite Post development CN <sup>(6)</sup> =

#### Solution:

$$S_{post} = 10.00$$

Volume of storm water - Post Development

$$S_{post} = \frac{1000 - 10}{50}$$

Where:

S= Post development potential maximum retention after runoff (in).

$$Q_{post} = 0.00000 \text{ ft}$$

Volume of storm water - Post Development

$$Q_{post} = \frac{(0.92 - (0.2 * 10.00))^2}{(0.92 + (0.8 * 10.00))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Where:

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$$V_{post} = 0 \text{ ft}^3$$

Volume of storm water - Post Development

$$V_{post} = (0.00000)(1.25)(18,541)$$

Where:

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.

#### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

<sup>(1)</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>(2)</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(3)</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>(4)</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(5)</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.



City of  
Santa Rosa



Project: Best Family Winery  
Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
Designer: Rick Carlile, Carlile-Macy  
Date: September 24, 2010  
Inlet Number/Tributary Label: G - Vineyard South

## STORM WATER CALCULATOR

**NOTE:** In order for this calculator to function properly macros must be enabled.

Best Family Winery  
2065 N Hwy 116, 130-262-031 032  
Rick Carlile, Carlile-Macy

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in).  
CN= Curve Number <sup>(1)</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"} \quad \text{Where:}$$

Q= Runoff depth (ft) <sup>(2)</sup>

P= Precipitation (in) = 0.92  
0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>(3)</sup>  
A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

$$A = \frac{70,535}{1.25} \text{ ft}^2$$

$$K^{(3)} = 1.25$$

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>(4)</sup> A: greater than 0.30 in/hr infiltration (transmission) rate

Select post development ground cover description <sup>(5)</sup>

$$CN_{Post} = \frac{\#N/A}{66}$$

OR: Composite Post development CN <sup>(6)</sup>

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

#### Solution:

Volume of storm water - Post Development

$$S_{Post} = 5.15$$

$$S_{Post} = \frac{1000 - 10}{66}$$

Where:

S= Post development potential maximum retention after runoff (in).

$$Q_{Post} = 0.00000 \text{ ft}$$

$$Q_{Post} = \frac{(0.92 - (0.2 * 5.15))^2}{(0.92 + (0.8 * 5.15))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

$$V_{Post} = 0 \text{ ft}^3$$

$$V_{Post} = (0.00000)(1.25)(70,535)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.

#### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

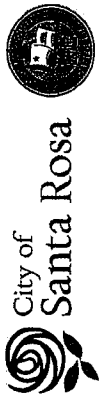
<sup>(1)</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>(2)</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(3)</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>(4)</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>(5)</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.



# STORM WATER CALCULATOR

**NOTE:** In order for this calculator to function properly macros must be enabled.

Project: Best Family Winery  
Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
Designer: Rick Carille, Carille-Macy  
Date: September 24, 2010  
Inlet Number/Tributary Label: H - Wetland

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

**Formulas:**  
 $S = \frac{1000 - 10}{CN}$   
 Where: S= Potential maximum retention after runoff (in).  
 CN= Curve Number [1]  
 $Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"} \times A$   
 Where: Q= Runoff depth (ft) [2]  
 P= Precipitation (in) = 0.92  
 0.92 inches in the Santa Rosa area, based on local historical data.  
 $V = (Q)(K)(A)$   
 Where: V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
 K= Seasonal Precipitation Factor [3]  
 A= Tributary Area (ft<sup>2</sup>)  
 A = 15,555 ft<sup>2</sup>  
 K [3] = 1.25

**Input:** (Pick data from drop down lists or enter calculated values)

Select post development hydrologic soil type within tributary area [4] = A: greater than 0.30 in/hr infiltration (transmission) rate  
 Select post development ground cover description [5] = Open Space (lawns, parks, golf courses, cemeteries, etc.) - Good (>75% grass cover)  
 Drop down Lists  
 CN<sub>post</sub> = 39  
 Composite Post development CN [6] = 39

**Solution:**

Volume of storm water - Post Development  
 $S_{post} = 15.64$   
 $Q_{post} = 0.00000 ft$   
 $V_{post} = 0 ft^3$   
 Precipitation too low to generate runoff with this curve.  
 Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.  
 Where: S= Post development potential maximum retention after runoff (in).  
 Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.  
 V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

**INSTRUCTIONS:**  
 This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.  
 If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

- [1] Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.
- [2] Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.
- [3] From Sonoma County Water Agency Flood Control Design Criteria.
- [4] Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.
- [5] Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

## Sizing of Vegetated Swale for Wine Tasting Building

(Flow Based Sizing)

### Calculate Treatment Flow

$$Q = (0.21)(C)(A)(K)$$

A = Drainage Area to be treated = 0.16 acres  
K = k factor = 1.25  
C = runoff coefficient = 0.9

Q = Treatment Flow = 0.04 cfs

### Calculate Treatment Flow Cross Sectional Area

$$Q = ((1.49)(a)(a/P)^{0.67}(S)^{0.5}) / n$$

a = (w)(d)  
w = width of swale 2 ft  
d = depth of flow 0.14 ft  
*(adjust depth of flow until Q values match)*

a = cross sectional area = 0.28 sq.ft.

P = wetted perimeter 2.28 ft  
S = longitudinal slope 0.01 ft/ft  
n = Manning's roughness coefficient = 0.25

Q = Calculated Flow = 0.04 cfs

### Calculate Treatment Flow Velocity

$$V = Q / a$$

V = Velocity of Treatment Flow = 0.14 fps

### Calculate Required Length of Treatment Swale

$$L = (V)(T)$$

*For treatment water entering the swale at one location, retention time is a minimum of 5 minutes*

T = Retention Time = 5 min

L = Minimum Length of Treatment Swale = 41 ft

**EXHIBITS**

**LOW IMPACT DEVELOPMENT (LID) FEATURES**

**Grass Swales**

The project proposes over 800 linear feet of grass swales to treat runoff through sedimentation in the channel, filtration through a subsoil matrix, and infiltration into the underlying soil.

**Vegetated Buffer**

The delineated wetland will be surrounded by a vegetated buffer zone, consisting primarily of uncompact native and amended soils. The zone will be planted either with a cover crop of native and compatible wildflowers, transitional ecosystem plantings (especially selected for their tolerance of both soils and drought conditions), or dry-climate native and ornamental landscape plantings. All plantings will be installed with proper use of mulch, and fertilizers, pesticides and herbicides will not be used in the buffer zone. The soil surface will be mulched to control erosion, promote soil ecology, and infiltration.

**Cisterns**

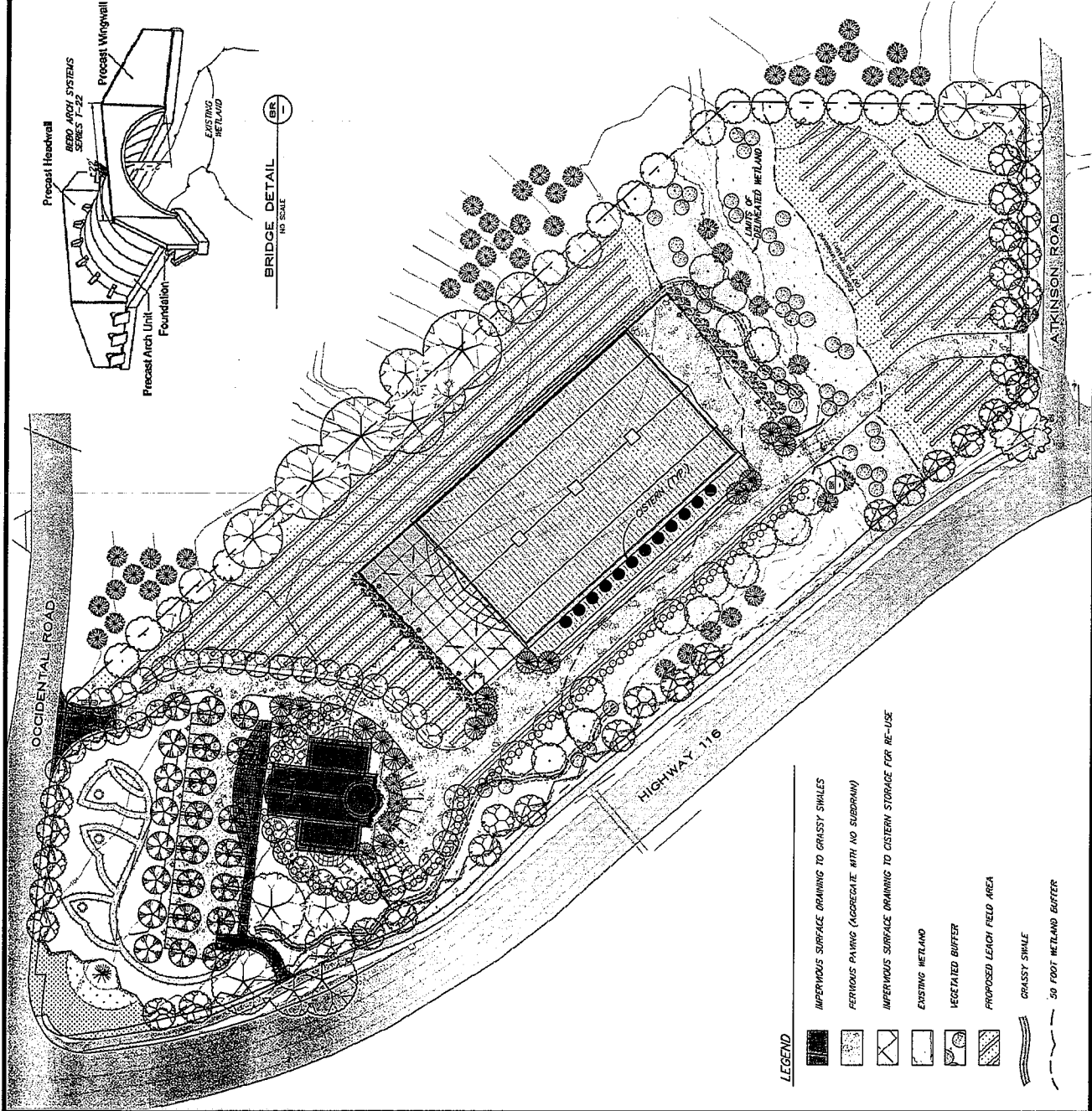
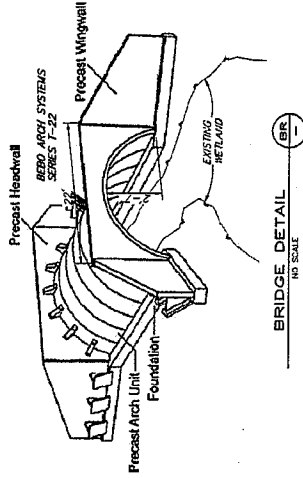
The project proposes to install cisterns with 65,000 gallons of storage capacity. The cisterns will collect rainwater from the roof of the production building and store it for use in winery processing and/or irrigation for the landscaping and vineyards. The practice of storing storm water for use in irrigation will promote biofiltration and evapotranspiration to prevent increases of storm water runoff from leaving the site. The cisterns will be a useful tool to assist in maintaining the volume of storm water runoff to pre-development levels.

**Perforated Pavement**

The driveways and parking facility will be perforated/gravel pavements. This will allow for storm water to infiltrate into the ground, reducing the amount of runoff coming from the driveways and parking facility. Subdrains will not be installed; therefore, the perforated/gravel pavements will qualify as treatment of storm water runoff.

**Preservation & Enhancement of Natural, Landscape and Vineyard Areas**

Most of the project site will remain as agricultural use. New vineyards and landscape areas will be equipped by spraying. Cover crop will be planted between the rows in vineyard areas. Landscape trees will be planted in a deep mulch cover. All of these LID features will assist infiltration of storm water and will help prevent soil erosion.



**LOW IMPACT DEVELOPMENT FEATURES  
BEST FAMILY WINERY**  
SONOMA COUNTY, CALIFORNIA

JULY 30, 2012



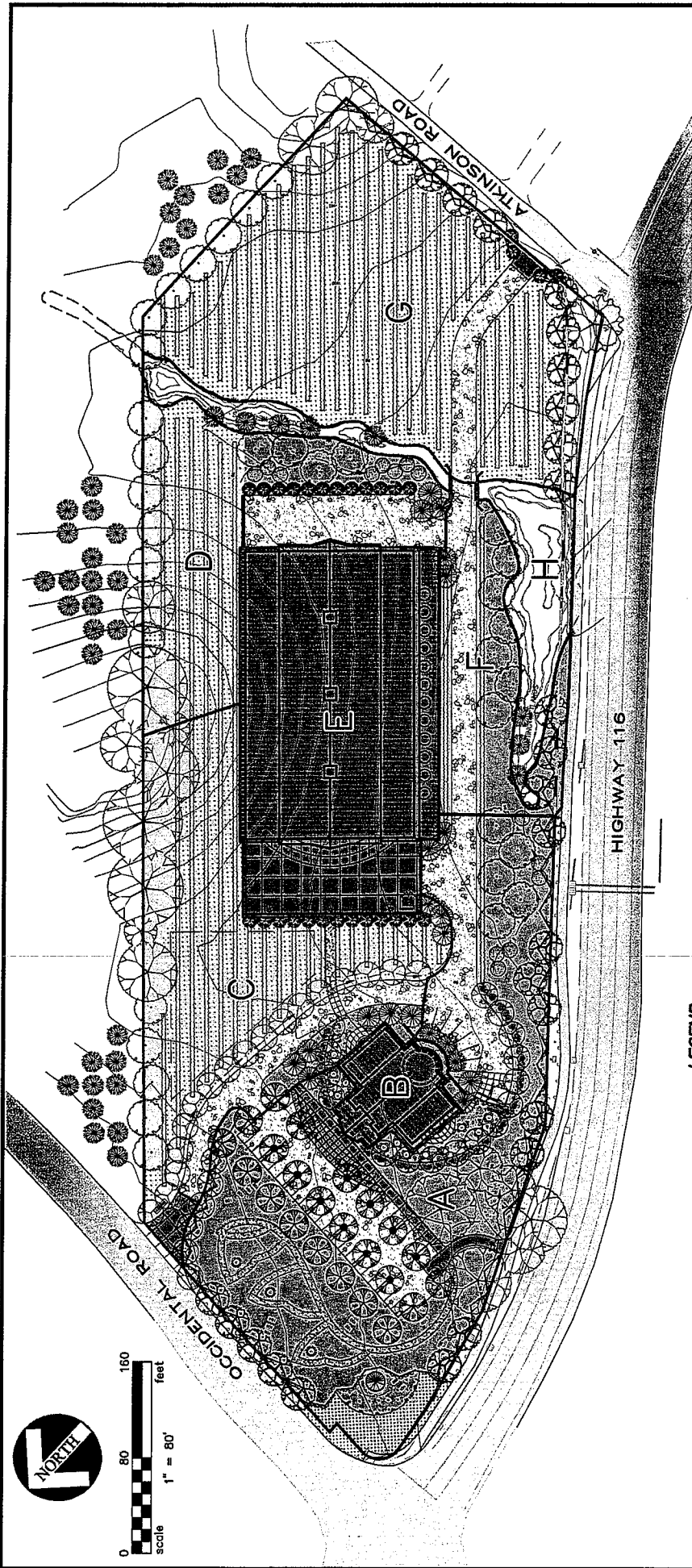
CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
15 THIRD STREET, SANTA ROSA, CA 95401  
TEL (707) 542-6411 FAX (707) 542-5112

PROJECT NO. 2012000009







- LEGEND**
- IMPERVIOUS SURFACE DRAINING TO GRASSY SWALES
  - PERVIOUS PAVING (AGGREGATE WITH NO SUBDRAIN)
  - IMPERVIOUS SURFACE DRAINING TO CISTERN STORAGE FOR RE-USE
  - EXISTING WETLAND
  - VEGETATED BUFFER
  - PROPOSED LEACHY FIELD AREA
  - GRASSY SWALE
  - 50 FOOT WETLAND BUFFER

2/20/2012 2:28:48 PM User: G:\Projects\2012000009\Drawings\2012000009.dwg (1:10) Plotting by: [unclear]





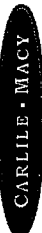
**LEGEND**

-  IMPERVIOUS SURFACE (ROOFS & CONCRETE PAVING)
-  PERVIOUS PAVING (AGGREGATE WITH NO SUBDRAIN)
-  LANDSCAPED AREAS
-  VINEYARDS
-  EXISTING WETLAND
-  TRIBUTARY LABEL

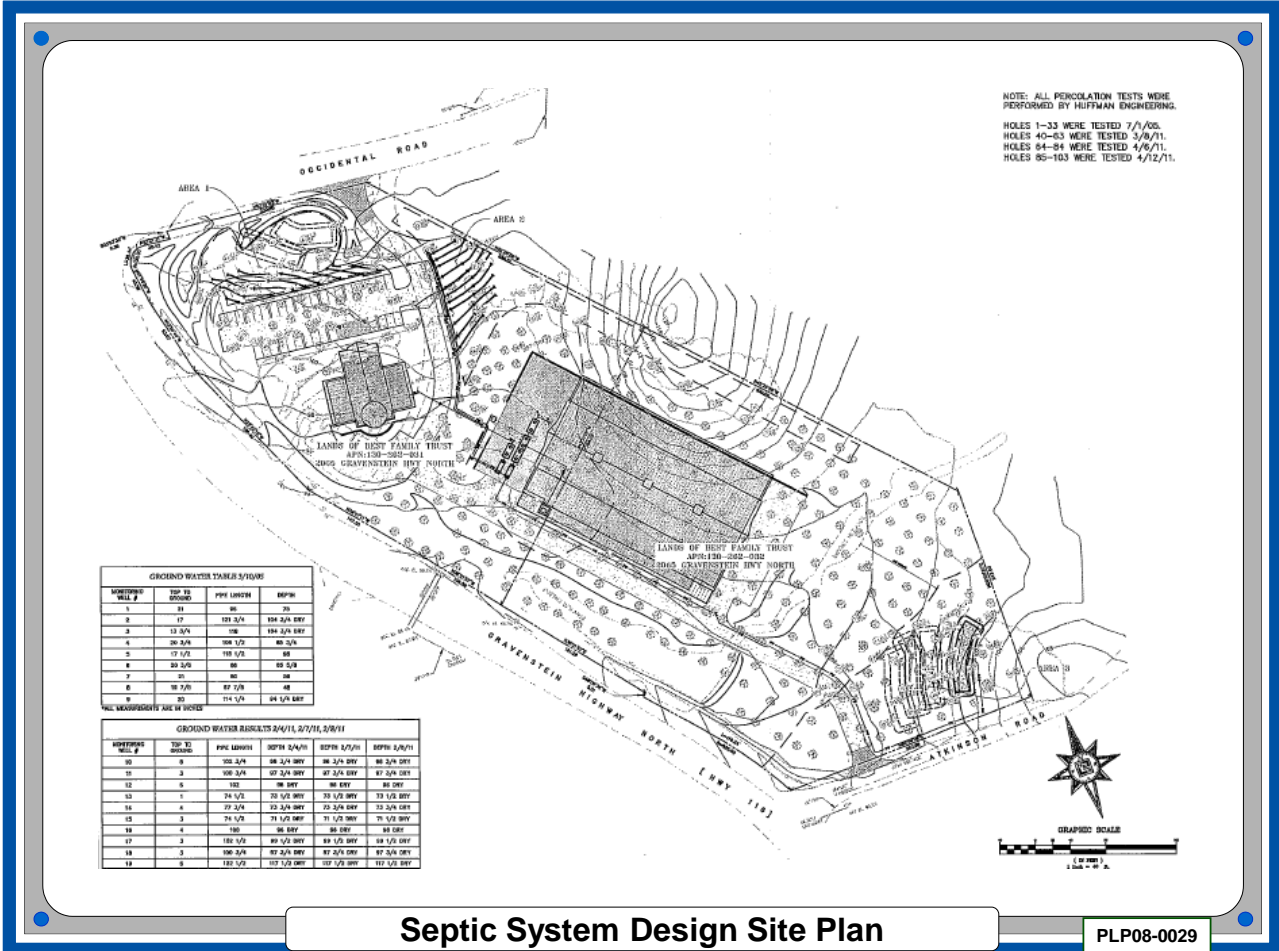
DRAINAGE AREA EXHIBIT  
**BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA  
 OCTOBER 8, 2010  
 PROJECT No. 20090200

SHEET 1 OF 1



CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
 15 THIRD STREET, SANTA ROSA, CA 95401  
 TEL. (707) 542-6451 FAX (707) 542-5212



# Septic System Design Site Plan

PLP08-0029

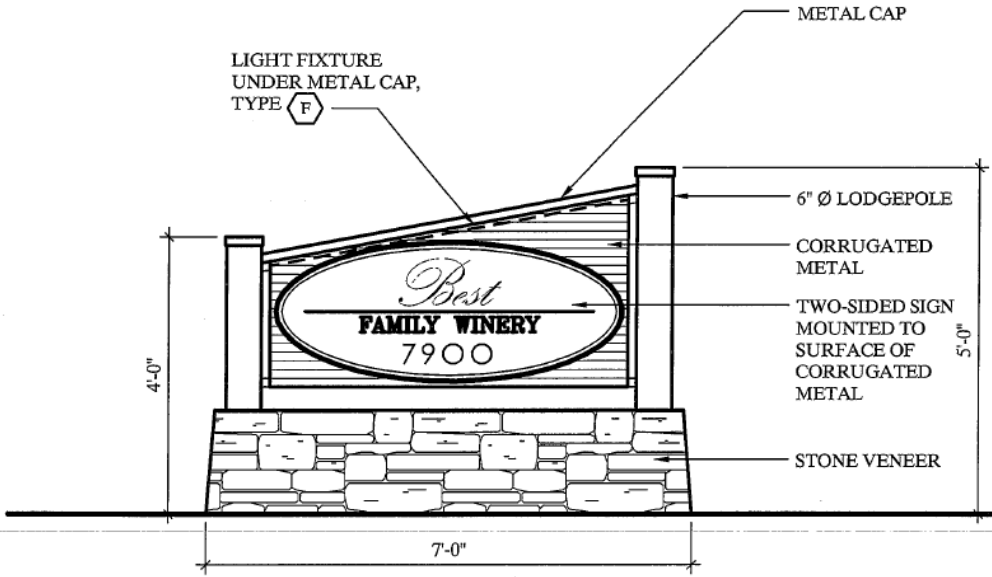
**BEST FAMILY WINERY**  
**2065 GRAVENSTEIN HIGHWAY NORTH**  
**SEBASTOPOL, CA 95473**  
**130-262-031, 032**

**COLORS AND MATERIALS**

**LAFRANCHI**  
**ARCHITECTURE AND DEVELOPMENT**

**8/2/2012**

<b>ROOF</b>	METAL STANDING SEAM ZINCULUME BY DURA TECH LEAF GREEN SRI (REFLECTIVITY) OF 28.5
<b>WALLS</b>	WOOD, BOARD AND BATTEN PAINTED, KELLY MOORE BODY TRIM
<b>STONE</b>	MANUFACTURED STONE ELDORADO STONE ASHLAR, LIGHT/ MEDIUM TAN BLEND
<b>WINDOWS</b>	MARVIN WOOD CLAD GREEN FRAME (MATCH ROOF) LOW E
<b>DOORS</b>	MARVIN WOOD CLAD GREEN FRAME (MATCH ROOF) LOW E GLAZING
<b>TANK METAL</b>	GALVANIZED METAL, CORRUGATED DULL-DOWN, NON REFLECTIVE FINISH
<b>WOOD TRELLIS</b>	LODGE POLE WOOD STAIN MEDIUM TONE
<b>LIGHTING</b>	HIGH EFFICIENCY (SEE CUT SHEETS)



TOTAL SIGN, SURROUND, AND BASE AREA:  
31.75 SQUARE FEET

**Entry Sign**

PLP08-0029



August 8, 2012

Ms. Tina Wallis, Esq.  
Clement, Fitzpatrick & Kenworthy  
3333 Mendocino Avenue, Suite 200  
Santa Rosa, CA 95403-2233

Whitlock & Weinberger  
Transportation, Inc.

490 Mendocino Avenue  
Suite 201  
Santa Rosa, CA 95401

voice 707.542.9500  
fax 707.542.9590  
web www.w-trans.com

**Additional Supplement to the Revised Traffic Impact Study for the Best Family Winery Project**

Dear Ms. Wallis;

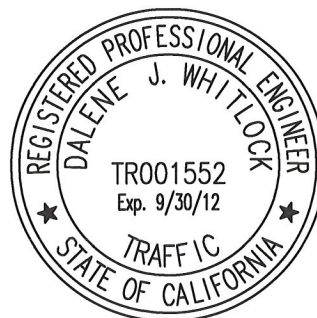
It is understood that the Best Family Winery project has undergone some changes to the project description, including changes to the proposed schedule to limit Sunday operations to the winery operations only, except during crush, and closure of the tasting room at 4 p.m. instead of 5 p.m. as originally approved. As requested we have reviewed our prior analyses of the Best Family Winery Project to determine if the proposed operating schedule has any effect on the conclusions and recommendations in the *Revised Traffic Impact Study for the Best Family Winery Project*, dated December 8, 2008.

Prior analysis was based on the assumption that operation of the winery, apart from the tasting room, would be limited to Monday through Saturday except during crush; thus, the existing analysis already reflects this schedule. With the new proposed schedule, the tasting room would close earlier, which would reduce the number of trips generated by the winery during the weekday p.m. peak hour. With fewer trips added the project's impact would be less, so the analysis of the traffic operation during the p.m. peak hour is conservative, so does not need to be updated.

We hope this information is adequate to address any concerns regarding the potential traffic impacts associated with the minor schedule changes. Please call if you have any questions or wish to discuss these matters.

Sincerely,

Dalene Whitlock PE, PTOE  
Principal



DJW/djw/SOX334.L5.doc

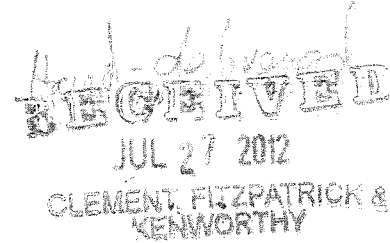
# HUFFMAN ENGINEERING & SURVEYING

537 College Avenue, Suite A, Santa Rosa, CA 95404  
707-542-6559 Fax 542-6621

---

July 27, 2012

Mona Dougherty  
North Coast Regional Water Quality Control Board  
5550 Skyline Boulevard,  
Santa Rosa, CA 95403



RE: Best Family Winery Follow Up

Dear Ms. Dougherty:

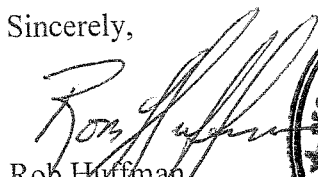
The purpose of this letter is to follow up on our meeting about the on-site waste disposal systems for the Best Family Winery Modification Application that is currently pending in Sonoma County. During our meeting, you asked the applicant to provide a plan to inspect, detect, and respond to any leaks that may occur in the sleeved pipe that will go over a pre-cast and bridge conduct winery process wastewater from the winery production/storage building to the septic system south of the 0.3 acre isolated wetland.

The attached plans highlight the route of the two-inch pressure main, which will run along the west side of the production/storage building, then cross over a pre-cast bridge, to the southern-most leach field area, which is sometimes shown as "Area 3" in drawings. During our meeting, you expressed concern that, in the unlikely event of a leak in this pipe, there is some potential that the winery process waste water may impact the wetland. The two-inch pressure main will be installed within a four-inch "Watertight Sleeve", Schedule 40 PVC pressure pipe, for a minimum of 50 feet each side of the edge of the pre-cast bridge. The ends of the four-inch line will be marked at the surface with a stake or post which will enable the owner, an employee, or another qualified person to observe the area for abnormal moisture or significant vegetation changes.

The owner, an employee, or another qualified person shall inspect the line from the winery production/storage building to septic system in "Area 3" weekly during the wet season from November 15<sup>th</sup> to April 15<sup>th</sup> and monthly during the rest of the year. The owner shall require the person(s) doing the inspection to note his or her observations in an inspection log and shall maintain the inspection log on-site. Inspections shall consist of walking the entire pressure line from the pump tank to the leach field. The inspector shall look for unusually wet areas, odors, or increased vegetation and will specifically look for and increased moisture at the ends of the marked 4 inch watertight sleeve. If the inspector finds any of the indicators that the line is leaking then the pump will be immediately turned off until the line is to be repaired.

If you have any questions about this letter or this process, please feel free to call me at (707) 542-6559.

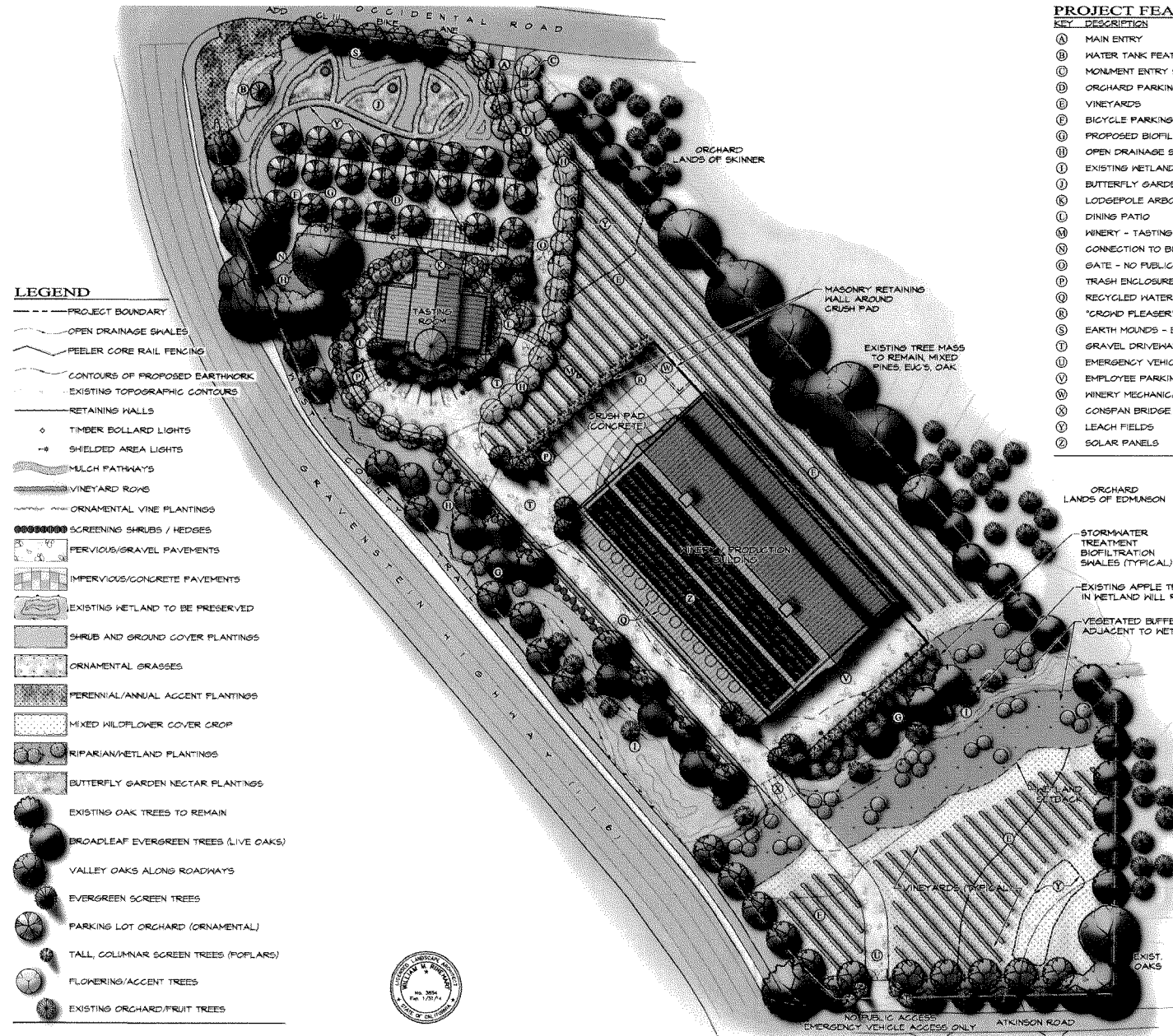
Sincerely,



Rob Huffman  
PE,LS,QSD







**LEGEND**

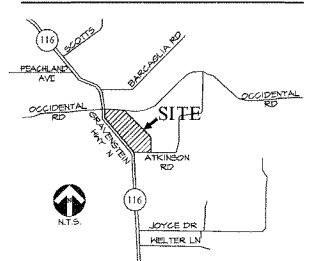
- PROJECT BOUNDARY
- OPEN DRAINAGE SHALES
- PEELER CORE RAIL FENCING
- CONTOURS OF PROPOSED EARTHWORK
- EXISTING TOPOGRAPHIC CONTOURS
- RETAINING WALLS
- TIMBER BOLLARD LIGHTS
- SHIELDED AREA LIGHTS
- MULCH PATHWAYS
- VINEYARD ROWS
- ORNAMENTAL VINE PLANTINGS
- SCREENING SHRUBS / HEDGES
- PERVIOUS/GRAVEL PAVEMENTS
- IMPERVIOUS/CONCRETE PAVEMENTS
- EXISTING WETLAND TO BE PRESERVED
- SHRUB AND GROUND COVER PLANTINGS
- ORNAMENTAL GRASSES
- PERENNIAL/ANNUAL ACCENT PLANTINGS
- MIXED WILDFLOWER COVER CROP
- RIPARIAN/WETLAND PLANTINGS
- BUTTERFLY GARDEN NECTAR PLANTINGS
- EXISTING OAK TREES TO REMAIN
- BROADLEAF EVERGREEN TREES (LIVE OAKS)
- VALLEY OAKS ALONG ROADWAYS
- EVERGREEN SCREEN TREES
- PARKING LOT ORCHARD (ORNAMENTAL)
- TALL, COLUMNAR SCREEN TREES (POPLARS)
- FLOWERING/ACCENT TREES
- EXISTING ORCHARD/FRUIT TREES



**PROJECT FEATURES**

- KEY DESCRIPTION**
- Ⓐ MAIN ENTRY
  - Ⓑ WATER TANK FEATURE
  - Ⓒ MONUMENT ENTRY SIGN
  - Ⓓ ORCHARD PARKING LOT
  - Ⓔ VINEYARDS
  - Ⓕ BICYCLE PARKING AREA
  - Ⓖ PROPOSED BIOFILTRATION BASINS
  - Ⓗ OPEN DRAINAGE SHALES
  - Ⓙ EXISTING WETLAND TO BE PRESERVED
  - Ⓚ BUTTERFLY GARDEN / PICNIC AREA
  - Ⓛ LODGEPOLE ARBORS
  - Ⓜ DINING PATIO
  - Ⓝ WINERY - TASTING ROOM TRAIL
  - Ⓟ CONNECTION TO BIKE TRAIL
  - Ⓡ GATE - NO PUBLIC ACCESS
  - Ⓢ TRASH ENCLOSURES
  - Ⓣ RECYCLED WATER STORAGE TANKS
  - Ⓤ "CROWD PLEASER" STYLE PORTABLE TOILETS
  - Ⓡ EARTH MOUNDS - BERMS
  - Ⓢ GRAVEL DRIVEWAYS
  - Ⓣ EMERGENCY VEHICLE ACCESS ONLY
  - Ⓤ EMPLOYEE PARKING LOT - GRAVEL
  - Ⓡ WINERY MECHANICAL EQUIPMENT AREA
  - Ⓢ CONSPAN BRIDGE
  - Ⓣ LEACH FIELDS
  - Ⓤ SOLAR PANELS

**VICINITY MAP**



**PROJECT DATA**

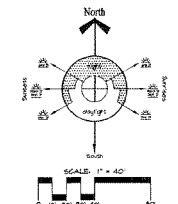
APN #	ACREAGE
150-262-051	5.41 / (152,224.4 SQ. FT.)
150-262-052	4.12 / (174,467.2 SQ. FT.)
<b>TOTAL</b>	<b>9.53 / (426,691.6 SQ. FT.)</b>

EXISTING ZONING	DA, B6-10, SR
<b>BUILDING AREA</b>	
TASTING BUILDING	15,000 SQ. FT.
WINERY BUILDING	550,000 SQ. FT.
<b>TOTAL</b>	<b>565,000 SQ. FT.</b>
<b>TOTAL IMPERVIOUS SURFACE</b>	<b>4 ACRE</b>

**PARKING DATA**

AREA / USE	SQ.FT.	PARKING RATIO	STALLS REQ.
<b>TASTING ROOM:</b>			
TASTING	1600	60	27
BACK BAR	240	60	4
RETAIL	1400	200	6
OFFICE	600	250	3
RESTROOM	125	200	1
STORAGE	852	2000	0
<b>TOTAL REQ.</b>	<b>5,000</b>		<b>42</b>
<b>TOTAL PROVIDED</b>			<b>42</b>
<b>PRODUCTION / WAREHOUSE:</b>			
WAREHOUSE	550,000	200	17
<b>SPECIAL EVENT:</b>			
<b>TOTAL REQ.</b>			<b>NONE</b>
<b>TOTAL PROVIDED</b>			<b>17</b>



**PRELIMINARY LANDSCAPE PLAN**

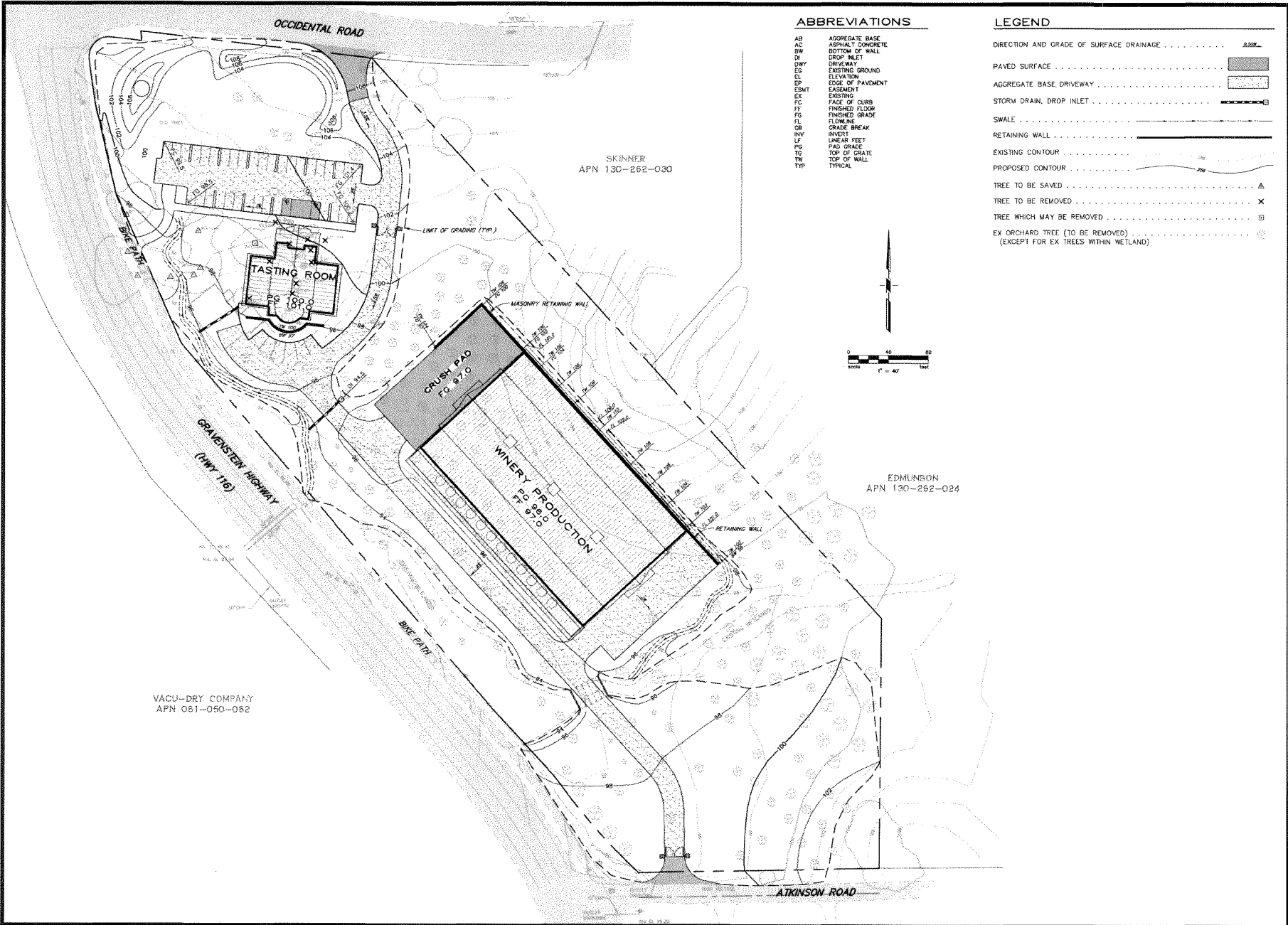
**BEST FAMILY WINERY**  
SONOMA COUNTY, CALIFORNIA 7/30/2012



**Lafranchi**  
ARCHITECTURE & DEVELOPMENT  
414 Aviation Boulevard  
Santa Rosa, California 95403  
phone 707.578.4514  
fax 707.578.3140  
LafranchiDevelopment.com

**CARLILE & MACY**  
CIVIL ENGINEERS • URBAN PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
15 Third Street, Santa Rosa, CA 95401  
Tel: (707) 542-6443 Fax: (707) 542-3212



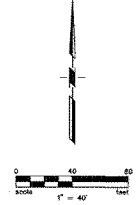


**ABBREVIATIONS**

- AB AGGREGATE BASE
- AC ASPHALT CONCRETE
- BW BOTTOM OF WALL
- DI DROP INLET
- DWY DRIVEWAY
- EG EXISTING GROUND
- EL ELEVATION
- EP EDGE OF PAVEMENT
- ESMT EASEMENT
- EX EXISTING
- FC FACE OF CURB
- FF FINISHED FLOOR
- FG FINISHED GRADE
- FL FLOWLINE
- GB GRADE BREAK
- INV INVERT
- LF LINEAR FEET
- PG PAD GRADE
- TS TOP OF GATE
- TW TOP OF WALL
- TYP TYPICAL

**LEGEND**

- DIRECTION AND GRADE OF SURFACE DRAINAGE . . . . .
- PAVED SURFACE . . . . .
- AGGREGATE BASE DRIVEWAY . . . . .
- STORM DRAIN, DROP INLET . . . . .
- SWALE . . . . .
- RETAINING WALL . . . . .
- EXISTING CONTOUR . . . . .
- PROPOSED CONTOUR . . . . .
- TREE TO BE SAVED . . . . .
- TREE TO BE REMOVED . . . . .
- TREE WHICH MAY BE REMOVED . . . . .
- EX ORCHARD TREE (TO BE REMOVED)  
(EXCEPT FOR EX TREES WITHIN WETLAND) . . . . .



**CARLIE • MACY**

CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
15 THIRD STREET, SUITE 200, RIVERVIEW, CA 94501  
TEL: (925) 884-6611 FAX: (925) 884-5512

---

DESIGNED BY: DR. R. HALE  
CHECKED BY: R. HALE  
DATE: 7/30/2012  
DRAWING NUMBER: 2008020.00  
PROJECT: BEST FAMILY WINERY

---

**BEST FAMILY WINERY**  
SONOMA COUNTY, CALIFORNIA  
**PRELIMINARY GRADING PLAN**

---

DATE: 7/30/2012  
JOB NO: 2008020.00  
DRAWING NUMBER: 1 of 1

7/30/2012 2:24:18 PM Mark R. Hale, State of California, Licensed Professional Engineer, No. 43993  
C:\Users\markhale\Documents\2008020\2008020.dwg

# **LOW IMPACT DEVELOPMENT CALCULATIONS**

---

**JULY 30, 2012**

## **BEST FAMILY WINERY SONOMA COUNTY, CA**

**PROJECT #: 2008020.00**

**PREPARED BY**

**CARLILE · MACY**

*15 Third Street, Santa Rosa, CA 95401  
Tel: 707 542 6451 Fax: 707 542 5212*

**CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS**

### **Project Description and Location**

The Best Family Winery project site is on 7.45 acres (two parcels that will be merged - APN 130-262-031 & 130-262-032), located at the southeast corner of Highway 116 and Occidental Road in unincorporated Sonoma County near the town of Graton. The proposed winery will consist of a 5,000 square foot wine tasting building, 33,000 square foot winery production building, vineyards, and landscaping. Aggregate access roads, parking, and emergency vehicle access roads will also be installed to serve the project.

### **Existing Site Condition**

The existing site consists of a single family residence surrounded by an apple orchard. The site drains in a southwesterly direction into an existing culvert crossing State Highway 116. There is an existing 0.3 acre wetland on-site. The majority of the wetland is located in the low areas near the culvert and it extends up an existing drainage swale to the eastern property line.

The soils at the site are primarily Goldridge fine sandy loam consisting of deep and very deep, moderately well-drained soils formed in material weathered from weakly consolidated sandstone.

### **Site Design**

Low Impact Development (LID) philosophies and elements have been incorporated into the site design for the Best Family Winery project. Refer to the exhibit entitled "Low Impact Development Features" included within this report. The following is a list of LID features that are to be used as part of this project:

#### **Grass Swales**

The preliminary landscape plan and the preliminary grading and drainage plan propose over 800 linear feet of grass swales to treat runoff through sedimentation in the channel, filtration through a subsoil matrix, and infiltration into the underlying soils.

#### **Vegetated Buffer**

The delineated wetland will be surrounded by a vegetated buffer zone, consisting primarily of uncompacted native and amended soils. The zone will be planted in accordance with the "Wetland Buffer Strip Planting Plan for the Best Family Winery."

Fertilizers, pesticides, and herbicides will not be used in the buffer zone. The soil surface will be mulched to control erosion, promote soil ecology, and infiltration.

### **Cisterns**

The project proposes to install cisterns with 65,000 gallons of storage capacity. The cisterns will collect rainwater from the roof of the production building and store it for use as irrigation for the landscaping and vineyards. The practice of storing storm water for use in irrigation will promote biofiltration and evapotranspiration to prevent increases of storm water runoff from leaving the site. The cisterns will be a useful tool to assist in maintaining the volume of storm water runoff to pre-development levels.

### **Pervious Pavement**

The driveways and parking facility will be pervious/gravel pavements as shown on the preliminary landscape plan. This will allow for storm water to infiltrate into the ground, reducing the amount of runoff coming from the driveways and parking facility. The driveways and parking will not have subdrains; therefore, the pervious/gravel pavements will qualify as treatment of storm water runoff.

### **Preservation & Enhancement of Natural, Landscape and Vineyard Areas**

Most of the project site will remain as agricultural use. New vineyards and landscape areas will be prepared by spading. Cover crop will be planted between the rows in vineyard areas. Landscaped areas will have a deep mulch cover. All of these LID features will assist infiltration of storm water and will help prevent soil erosion.

## **Calculations and Documentation**

The project is separated into eight distinct drainage areas:

Area A – Wine Tasting Area	Area E – Production Building
Area B – Wine Tasting Roof	Area F – Landscape West
Area C – Vineyard North	Area G – Vineyard South
Area D – Vineyard East	Area H – Wetland

The extent of these areas are shown on the enclosed exhibit entitled “Drainage Area Exhibit”

### **Self-Treating Areas**

Areas A, C, D, F, G, and H are all considered to be self-treating areas. These areas all have minimal impervious surfaces and well draining soils so that runoff generated by the 85<sup>th</sup> percentile 24 hour storm event will be captured and remain in these areas; therefore, there is no additional treatment requirement for these areas.

### **Area Draining to Grass Swales**

The runoff coming off of the roof of the Wine Tasting Building (Drainage Area B) will be directed to a grass swale. The treatment flow for this area calculates to a flow rate of 0.04 cubic feet per second and a total volume of 515 cubic feet. The length of grass swale required to ensure 5 minutes of retention time is only 41 linear feet. The total length of the grass swale that will be installed to treat this area will be over 350 linear feet, which is well over the minimum requirement. Given the well-draining nature of the existing soils, the total 515 cubic feet volume of water is expected to infiltrate into the soils of the grass swale. Any inlets to storm drain systems will remain higher than the grassy swale to ensure that there is retention of runoff within the swale.

### **Area Draining to Cisterns**

The runoff coming from the Production Building roof and the crush pad area (Drainage Area E) will be collected into cisterns. The volume of runoff during the 85<sup>th</sup> percentile 24 hour storm for Area E calculates to 3,673 cubic feet or about 27,500 gallons. The total capacity of the cisterns will be 65,000 gallons; therefore, the entire volume of runoff from the 85<sup>th</sup> percentile 24 hour storm for Area E will be captured and collected into the cisterns.

## **CALCULATIONS**

# Weighted Runoff Curve Number Calculations

## A - Wine Tasting Area

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Concrete Parking & sidewalk	98			0.08	7.84
A	Gravel Parking & Roads	76			0.43	32.68
A	Open Space Landscaping	39			1.35	52.65
Totals					1.86	93.17

CN (weighted) 50

# Weighted Runoff Curve Number Calculations

## B - Wine Tasting Roof

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Wine Tasting Roof	98			0.16	15.51
Totals					0.16	15.51

CN (weighted) 98



# Weighted Runoff Curve Number Calculations

## C - Vineyard North

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	AC Paving	98			0.03	2.94
A	Gravel Road	76			0.14	10.64
A	Open Space Landscaping	39			0.09	3.51
A	Vineyard	65			0.95	61.75
Totals					1.21	78.84

CN (weighted) 65

# Weighted Runoff Curve Number Calculations

## D - Vineyard East

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Gravel Parking	76			0.15	11.40
A	Open Space Vineyard	65			0.50	32.50
A	Open Space Landscaping	39			0.16	6.24
Totals					0.81	50.14

CN (weighted) 62

# Weighted Runoff Curve Number Calculations

## E - Production Building

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Production Building Roof	98			0.93	91.14
A	Concrete Crush Pad	98			0.20	19.60
Totals					1.13	110.74

CN (weighted) 98

# Weighted Runoff Curve Number Calculations

## F - Landscape West

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Gravel Road	76			0.13	9.88
A	Vineyard	39			0.30	11.70
Totals					0.43	21.58

CN (weighted) 50

# Weighted Runoff Curve Number Calculations

## G - Vineyard South

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	AC Paving	98			0.01	0.98
A	Gravel Road	76			0.09	6.84
A	Vineyard	65			1.52	98.80
Totals					1.62	106.62

CN (weighted) 66

# Weighted Runoff Curve Number Calculations

## H - Wetland

1. Runoff Curve Number						
Soil Name & Hydrologic Group	Cover Description	CN			Area	Product of CN x Area
		Tbl 2-2	Fig 2-3	Fig 2-4		
A	Open Space - Wetland	39			0.36	14.04
Totals					0.36	14.04

CN (weighted) 39



# STORM WATER CALCULATOR

Project:	Best Family Winery
Address/Location:	2065 N Hwy 116, 130-262-031 & 032
Designer:	Rick Carfile, Carfile-Macy
Date:	September 10, 2010
Inlet Number/Tributary Label:	A - Wine Tasting Parking and Landscape Area

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in).  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92**      0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

<sup>[1]</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>[2]</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>[4]</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[5]</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[3]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup> =

Select post development ground cover description <sup>[1]</sup> =

CN<sub>POST</sub> =   
OR: Composite Post development CN <sup>[5]</sup> =

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

#### Solution:

##### Volume of storm water - Post Development

S<sub>POST</sub> =

$$S_{POST} = \frac{1000 - 10}{50}$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 10.00))^2}{(0.92 + (0.8 * 10.00))} \times \frac{1 \text{ ft}}{12 \text{ in}}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.00000)(1.25)(81,488)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.



# STORM WATER CALCULATOR

Project:	Best Family Winery
Address/Location:	2065 N Hwy 116, 130-262-031 & 032
Designer:	Rick Carille, Carille-Macy
Date:	September 10, 2010
Inlet Number/Tributary Label:	B - Wine Tasting Roof

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in),  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12in}$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92**      0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

<sup>[1]</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>[2]</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>[4]</sup> Hydrologic soil type based of infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[5]</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[5]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup>:

Select post development ground cover description <sup>[1]</sup>:

CN<sub>POST</sub> =

OR: Composite Post development CN <sup>[5]</sup> =

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

### Solution:

#### Volume of storm water - Post Development

S<sub>POST</sub> =

S<sub>POST</sub> =  $\frac{1000 - 10}{98}$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

Q<sub>POST</sub> =  $\frac{(0.92 - (0.2 * 0.20))^2}{(0.92 + (0.8 * 0.20))} \times \frac{1ft}{12in}$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

V<sub>POST</sub> = (0.05975)(1.25)(6,894)

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)





# STORM WATER CALCULATOR

## Requirement 1: 100% Treatment

Treatment of 100% of the flow generated by 85th percentile 24 hour mean annual rain event (0.2 in/hr).

### Formula:

$$Q_{\text{TREATMENT}} = (0.2 \text{ in/hr})(A)(C_{\text{POST}})(K) \text{ cfs}$$

### Where:

$Q_{\text{TREATMENT}}$  = Design flow rate required to be treated (cfs)

$C_{\text{POST}}$  = Rational method runoff coefficient for the developed condition <sup>[3]</sup>

A = Tributary area (acres)

K = Seasonal Precipitation Factor <sup>[3]</sup>

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

### Input:

A =	6,894	ft <sup>2</sup> =	0.16	Acres
$C_{\text{POST}}$ <sup>[3]</sup> =	0.90			
K <sup>[3]</sup> =	1.25			

### Solution:

$$Q_{\text{TREATMENT}} = 0.04 \text{ cfs}$$

$$Q_{\text{TREATMENT}} = (0.2)(0.16)(0.90)(1.25)$$

## INSTRUCTIONS:

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved; then Requirement 1-100% Treatment, this page of the calculator, AND Requirement 2- Volume Capture, page 3 of the calculator, must be achieved.



**Requirement 2: Volume Capture**

No increase in volume of runoff leaving the site due to development for the 85th percentile 24 hour storm event.

**Formulas:**

$$S = \frac{1000 - 10}{CN}$$

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12in}$$

$$V = (Q)(K)(A)$$

Where:

S= Potential maximum retention after runoff (in).  
CN= Curve Number [1]

Where:

Q= Runoff depth (ft) [2]  
P= Precipitation (in) = **0.92**

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor [3]  
A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K [3] =

**Drop down Lists**

Select hydrologic soil type within tributary area [4]:   
Select predevelopment ground cover description [1]:   
Select post development ground cover description [1]:   
CN<sub>PRE</sub> =   
CN<sub>POST</sub> =   
OR  
Composite Predevelopment CN [5]:   
Composite Post development CN [5]:

**Solution:**

**Pre Development Storm Water Runoff Volume**

S<sub>PRE</sub> =

$$S_{PRE} = \frac{1000 - 10}{43}$$

Where:

S= Pre development potential maximum retention after runoff (in).

Q<sub>PRE</sub> =  ft

$$Q_{PRE} = \frac{(0.92 - (0.2 * 13.26))^2}{(0.92 + (0.8 * 13.26))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>PRE</sub> =  ft<sup>3</sup>

$$V_{PRE} = (0.00000)(1.25)(6,894)$$

V= Pre Development Volume of Storm Water Generated (ft<sup>3</sup>)

**Post Development Storm Water Runoff Volume**

S<sub>POST</sub> =

$$S_{POST} = \frac{1000 - 10}{98}$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 0.20))^2}{(0.92 + (0.8 * 0.20))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.05975)(1.25)(6,894)$$

V= Post Development Volume of Storm Water Generated (ft<sup>3</sup>)

**Solution: Volume Capture**

Increase in volume of storm water that must be retained onsite (may be infiltrated or reused).

Volume Capture = (V<sub>POST</sub> - V<sub>PRE</sub>)

Volume Capture = (514.90) - (0.00)

Volume Capture =  ft<sup>3</sup>

Where:

Volume Capture= The increase in volume of storm water generated by the 85th percentile 24 hour storm event due to development that must be retained onsite (may be infiltrated or reused).

**INSTRUCTIONS:**

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved; then Requirement 1-100% Treatment, page 2 of the calculator, AND Requirement 2- Volume Capture, this page of the calculator, must be achieved.

**NOTE:**

If the amount of volume generated after development is less than or equal to that generated before development, Requirement 2-Volume Capture is not required.

(C<sub>POST</sub> ≤ C<sub>PRE</sub> OR CN<sub>POST</sub> ≤ CN<sub>PRE</sub>)



# STORM WATER CALCULATOR

Project: Best Family Winery  
 Address/Location: 2065 N Hwy 116, 130-262-031 & 032  
 Designer: Rick Carlile, Carlile-Macy  
 Date: September 24, 2010  
 Inlet Number/Tributary Label: C - Vineyard North

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in).  
 CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"}$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
 P= Precipitation (in) = **0.92** *0.92 inches in the Santa Rosa area, based on local historical data.*

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
 K= Seasonal Precipitation Factor <sup>[3]</sup>  
 A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
 K <sup>[3]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup> =

Select post development ground cover description <sup>[1]</sup> =

CN<sub>POST</sub> =   
 OR: Composite Post development CN <sup>[6]</sup> =

**Note:** Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

#### Solution:

##### Volume of storm water - Post Development

S<sub>POST</sub> =

$$S_{POST} = \frac{1000 - 10}{65}$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 5.38))^2}{(0.92 + (0.8 * 5.38))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.00000)(1.25)(52,920)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.



# STORM WATER CALCULATOR

Project:	Best Family Winery
Address/Location:	2065 N Hwy 116, 130-262-031 & 032
Designer:	Rick Carlile, Carlile-Macy
Date:	September 24, 2010
Inlet Number/Tributary Label:	D - Vineyard East

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in),  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12in}$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92**      0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

<sup>[1]</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>[2]</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>[4]</sup> Hydrologic soil type based of infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[5]</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[5]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup> =

Select post development ground cover description <sup>[1]</sup> =

CN<sub>POST</sub> =   
OR: Composite Post development CN <sup>[5]</sup> =

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

#### Solution:

##### Volume of storm water - Post Development

S<sub>POST</sub> =

S<sub>POST</sub> =  $\frac{1000 - 10}{62}$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

Q<sub>POST</sub> =  $\frac{(0.92 - (0.2 * 6.13))^2}{(0.92 + (0.8 * 6.13))} \times \frac{1ft}{12in}$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

V<sub>POST</sub> = (0.00000)(1.25)(35,195)

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.



# STORM WATER CALCULATOR

Project:	Best Family Winery
Address/Location:	2065 N Hwy 116, 130-262-031 & 032
Designer:	Rick Carlile, Carlile-Macy
Date:	September 24, 2010
Inlet Number/Tributary Label:	E - Production Building

**NOTE:** In order for this calculator to function properly **macros must be enabled.**

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000}{CN} - 10$$

Where:

S= Potential maximum retention after runoff (in).  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"} \times A$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92** *0.92 inches in the Santa Rosa area, based on local historical data.*

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

<sup>[1]</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>[2]</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>[4]</sup> Hydrologic soil type based of infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[5]</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[3]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup> =

Select post development ground cover description <sup>[1]</sup> =

CN<sub>POST</sub> =   
OR: Composite Post development CN <sup>[5]</sup> =

**Note:** Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

### Solution:

#### Volume of storm water - Post Development

S<sub>POST</sub> =

$$S_{POST} = \frac{1000}{98} - 10$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 0.20))^2}{(0.92 + (0.8 * 0.20))} \times \frac{1ft}{12in} \times A$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.05975)(1.25)(49,180)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)



# STORM WATER CALCULATOR

## Requirement 1: 100% Treatment

Treatment of 100% of the flow generated by 85th percentile 24 hour mean annual rain event (0.2 in/hr).

### Formula:

$$Q_{\text{TREATMENT}} = (0.2 \text{ in/hr})(A)(C_{\text{POST}})(K) \text{ cfs}$$

### Where:

$Q_{\text{TREATMENT}}$  = Design flow rate required to be treated (cfs)

$C_{\text{POST}}$  = Rational method runoff coefficient for the developed condition <sup>[3]</sup>

A = Tributary area (acres)

K = Seasonal Precipitation Factor <sup>[3]</sup>

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

### Input:

A =	49,180	ft <sup>2</sup> =	1.13	Acres
$C_{\text{POST}}$ <sup>[3]</sup> =	0.90			
K <sup>[3]</sup> =	1.25			

### Solution:

$$Q_{\text{TREATMENT}} = 0.25 \text{ cfs}$$

$$Q_{\text{TREATMENT}} = (0.2)(1.13)(0.90)(1.25)$$

### INSTRUCTIONS:

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved; then Requirement 1-100% Treatment, this page of the calculator, AND Requirement 2- Volume Capture, page 3 of the calculator, must be achieved.



**Requirement 2: Volume Capture**

No increase in volume of runoff leaving the site due to development for the 85th percentile 24 hour storm event.

**Formulas:**

$$S = \frac{1000}{CN} - 10$$

Where:

S= Potential maximum retention after runoff (in).  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12in}$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92**

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[3]</sup> =

**Drop down Lists**

Select hydrologic soil type within tributary area <sup>[4]</sup>

Select predevelopment ground cover description <sup>[1]</sup>

Select post development ground cover description <sup>[1]</sup>

CN<sub>PRE</sub> =

CN<sub>POST</sub> =

**OR**

Composite Predevelopment CN <sup>[5]</sup>

Composite Post development CN <sup>[5]</sup>

**Solution:**

**Pre Development Storm Water Runoff Volume**

S<sub>PRE</sub> =

$$S_{PRE} = \frac{1000}{43} - 10$$

Where:

S= Pre development potential maximum retention after runoff (in).

Q<sub>PRE</sub> =  ft

$$Q_{PRE} = \frac{(0.92 - (0.2 * 13.26))^2}{(0.92 + (0.8 * 13.26))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>PRE</sub> =  ft<sup>3</sup>

$$V_{PRE} = (0.00000)(1.25)(49,180)$$

V= Pre Development Volume of Storm Water Generated (ft<sup>3</sup>)

**Post Development Storm Water Runoff Volume**

S<sub>POST</sub> =

$$S_{POST} = \frac{1000}{98} - 10$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 0.20))^2}{(0.92 + (0.8 * 0.20))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.05975)(1.25)(49,180)$$

V= Post Development Volume of Storm Water Generated (ft<sup>3</sup>)

**Solution: Volume Capture**

Increase in volume of storm water that must be retained onsite (may be infiltrated or reused).

$$\text{Volume Capture} = (V_{POST} - V_{PRE})$$

$$\text{Volume Capture} = (3,673.13) - (0.00)$$

Volume Capture =  ft<sup>3</sup>

Where:

Volume Capture= The increase in volume of storm water generated by the 85th percentile 24 hour storm event due to development that must be retained onsite (may be infiltrated or reused).

**INSTRUCTIONS:**

If the Design Goal of 100% Capture on page 1 of this calculator is not achieved; then Requirement 1-100% Treatment, page 2 of the calculator, AND Requirement 2- Volume Capture, this page of the calculator, must be achieved.

**NOTE:**

If the amount of volume generated after development is less than or equal to that generated before development, Requirement 2-Volume Capture is not required.

$$(C_{POST} \leq C_{PRE} \text{ OR } CN_{POST} \leq CN_{PRE})$$



# STORM WATER CALCULATOR

Project:	Best Family Winery
Address/Location:	2065 N Hwy 116, 130-262-031 & 032
Designer:	Rick Carile, Carile-Macy
Date:	September 24, 2010
Inlet Number/Tributary Label:	F - Landscape West

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in),  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12in}$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92**      0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

<sup>[1]</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>[2]</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>[4]</sup> Hydrologic soil type based of infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[5]</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[5]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup>:   
Select post development ground cover description <sup>[1]</sup>:

OR: Composite Post development CN <sup>[5]</sup>:

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

#### Solution:

##### Volume of storm water - Post Development

S<sub>POST</sub> =

$$S_{POST} = \frac{1000 - 10}{50}$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 10.00))^2}{(0.92 + (0.8 * 10.00))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.00000)(1.25)(18,541)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.





# STORM WATER CALCULATOR

Project:	Best Family Winery
Address/Location:	2065 N Hwy 116, 130-262-031 & 032
Designer:	Rick Carlile, Carlile-Macy
Date:	September 24, 2010
Inlet Number/Tributary Label:	G - Vineyard South

**NOTE:** In order for this calculator to function properly **macros must be enabled.**

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in).  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"} \times A$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92** *0.92 inches in the Santa Rosa area, based on local historical data.*

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

<sup>[1]</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>[2]</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>[4]</sup> Hydrologic soil type based on infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[5]</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[3]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup> =

Select post development ground cover description <sup>[1]</sup> =

CN<sub>POST</sub> =   
OR: Composite Post development CN <sup>[5]</sup> =

**Note:** Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

#### Solution:

##### Volume of storm water - Post Development

S<sub>POST</sub> =

$$S_{POST} = \frac{1000 - 10}{66}$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 5.15))^2}{(0.92 + (0.8 * 5.15))} \times \frac{1ft}{12in} \times A$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.00000)(1.25)(70,535)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.



# STORM WATER CALCULATOR

Project:	Best Family Winery
Address/Location:	2065 N Hwy 116, 130-262-031 & 032
Designer:	Rick Carlile, Carlile-Macy
Date:	September 24, 2010
Inlet Number/Tributary Label:	H - Wetland

**NOTE:** In order for this calculator to function properly macros must be enabled.

This worksheet calculates the quantity of storm water that needs to be addressed (captured and/or treated) to comply with the NPDES Storm Water Permit issued to the City of Santa Rosa and County of Sonoma by the regional Water Quality Control Board.

### Design Goal: 100% Capture

Capture (infiltration and/or reuse) of 100% of the volume of runoff generated by the 85th percentile 24 hour storm event.

#### Formulas:

$$S = \frac{1000 - 10}{CN}$$

Where:

S= Potential maximum retention after runoff (in),  
CN= Curve Number <sup>[1]</sup>

$$Q = \frac{(P - (0.2 * S))^2}{(P + (0.8 * S))} \times \frac{1ft}{12"}$$

Where:

Q= Runoff depth (ft) <sup>[2]</sup>  
P= Precipitation (in) = **0.92**      0.92 inches in the Santa Rosa area, based on local historical data.

$$V = (Q)(K)(A)$$

Where:

V= Volume of Storm Water to be Retained (ft<sup>3</sup>)  
K= Seasonal Precipitation Factor <sup>[3]</sup>  
A= Tributary Area (ft<sup>2</sup>)

<sup>[1]</sup> Per Table 2-2 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

<sup>[2]</sup> Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[3]</sup> From Sonoma County Water Agency Flood Control Design Criteria.

<sup>[4]</sup> Hydrologic soil type based of infiltration rate of native soil as defined by "Urban Hydrology For Small Watersheds" TR-55 Manual.

<sup>[5]</sup> Composite CN calculated per Worksheet 2 Part 1 of the "Urban Hydrology For Small Watersheds" TR-55 manual.

### INSTRUCTIONS:

This Design Goal of 100% Capture is the ideal condition and if achieved satisfies all requirements so that no additional treatment is required and pages 2 and 3 of this calculator do not need to be completed. This can typically be achieved in soil Type A or B.

If the Design Goal of 100% Capture is not achieved, 100% Treatment AND Volume Capture must be achieved and both pages 2 and 3 of this calculator need to be completed.

**Input:** (Pick data from drop down lists or enter calculated values)

A =  ft<sup>2</sup>  
K <sup>[3]</sup> =

#### Drop down Lists

Select post development hydrologic soil type within tributary area <sup>[4]</sup> =

Select post development ground cover description <sup>[1]</sup> =

CN<sub>POST</sub> =

OR: Composite Post development CN <sup>[5]</sup> =

Note: Entering a calculated composite CN will override selections made from the pull down menu above. Calculation worksheet should be used for all composite calculations and included with submittal.

#### Solution:

##### Volume of storm water - Post Development

S<sub>POST</sub> =

$$S_{POST} = \frac{1000 - 10}{39}$$

Where:

S= Post development potential maximum retention after runoff (in).

Q<sub>POST</sub> =  ft

$$Q_{POST} = \frac{(0.92 - (0.2 * 15.64))^2}{(0.92 + (0.8 * 15.64))} \times \frac{1ft}{12in}$$

Q= Q in feet of depth as defined by the "Urban Hydrology For Small Watersheds" TR-55 Manual.

V<sub>POST</sub> =  ft<sup>3</sup>

$$V_{POST} = (0.00000)(1.25)(15,555)$$

V= Post Development Volume of Storm Water to be Retained (ft<sup>3</sup>)

Precipitation too low to generate runoff with this curve.

## Sizing of Vegetated Swale for Wine Tasting Building

(Flow Based Sizing)

### Calculate Treatment Flow

$$Q = (0.21)(C)(A)(K)$$

A = Drainage Area to be treated = 0.16 acres  
K = k factor = 1.25  
C = runoff coefficient = 0.9

Q = Treatment Flow = 0.04 cfs

### Calculate Treatment Flow Cross Sectional Area

$$Q = ((1.49)(a)/(nP)^{0.67}(S)^{0.5}) / n$$

a = (w)(d)  
w = width of swale 2 ft  
d = depth of flow 0.14 ft

(adjust depth of flow until Q values match)

a = cross sectional area = 0.28 sq.ft.

P = wetted perimeter 2.28 ft  
S = longitudinal slope 0.01 ft/ft  
n = Manning's roughness coefficient = 0.25

Q = Calculated Flow = 0.04 cfs

### Calculate Treatment Flow Velocity

$$V = Q / a$$

V = Velocity of Treatment Flow = 0.14 fps

### Calculate Required Length of Treatment Swale

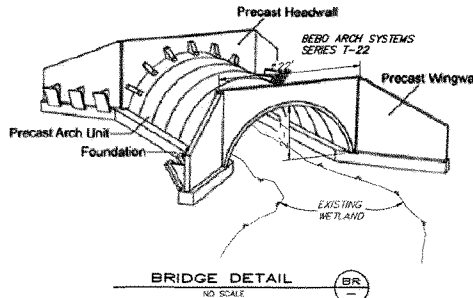
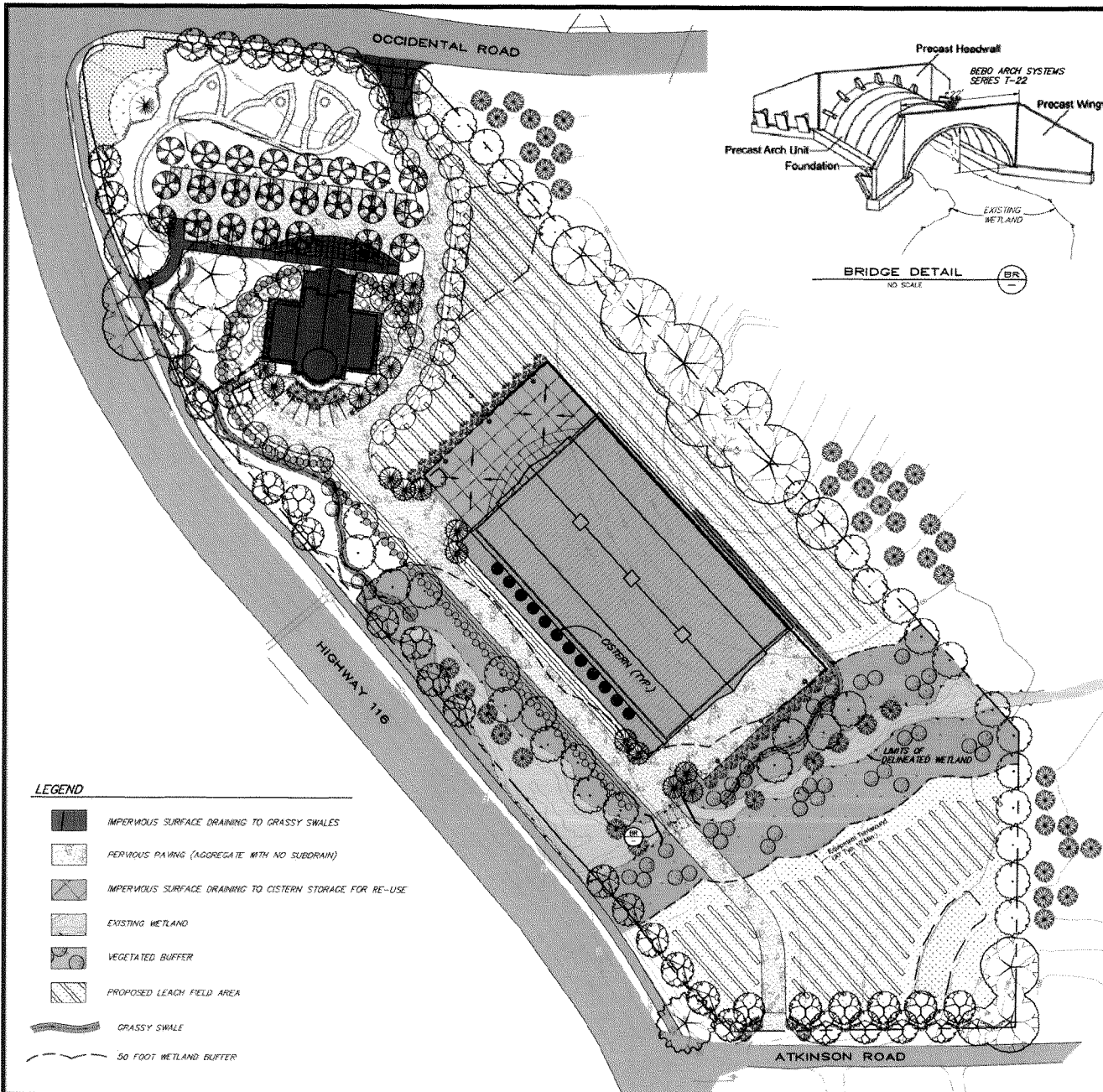
$$L = (V)(T)$$

For treatment water entering the swale at one location, retention time is a minimum of 5 minutes

T = Retention Time = 5 min

L = Minimum Length of Treatment Swale = 41 ft

**EXHIBITS**



**LOW IMPACT DEVELOPMENT (LID) FEATURES**

**Grass Swales**

The project proposes over 800 linear feet of grass swales to treat runoff through sedimentation in the channel, filtration through a subsoil matrix, and infiltration into the underlying soils.

**Vegetated Buffer**

The delineated wetland will be surrounded by a vegetated buffer zone, consisting primarily of uncompacted native and amended soils. The zone will be planted either with a cover crop of native and compatible wildflowers, transitional ecosystem plantings (specially selected for their tolerance of seasonally wet soils and drought conditions), or dry-climate native and ornamental landscape plantings. All plantings will have low water use requirement, and fertilizers, pesticides and herbicides will not be used in the buffer zone. The soil surface will be mulched to control erosion, promote soil ecology, and infiltration.

**Cisterns**

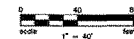
The project proposes to install cisterns with 65,000 gallons of storage capacity. The cisterns will collect rainwater from the roof of the production building and store it for use in winery processing and/or irrigation for the landscaping and vineyards. The practice of storing storm water for use in irrigation will promote biofiltration and evapotranspiration to prevent increases of storm water runoff from leaving the site. The cisterns will be a useful tool to assist in maintaining the volume of storm water runoff to pre-development levels.

**Pervious Pavement**

The driveways and parking facility will be pervious/gravel pavements. This will allow for storm water to infiltrate into the ground, reducing the amount of runoff coming from the driveways and parking facility. Subdrains will not be installed; therefore, the pervious/gravel pavements will qualify as treatment of storm water runoff.

**Preservation & Enhancement of Natural, Landscape and Vineyard Areas**

Most of the project site will remain as agricultural use. New vineyards and landscape areas will be prepared by spading. Cover crop will be planted between the rows in vineyard areas. Landscaped areas will have a deep mulch cover. All of these LID features will assist infiltration of storm water and will help prevent soil erosion.



**LOW IMPACT DEVELOPMENT FEATURES**  
**BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA

JULY 30, 2012

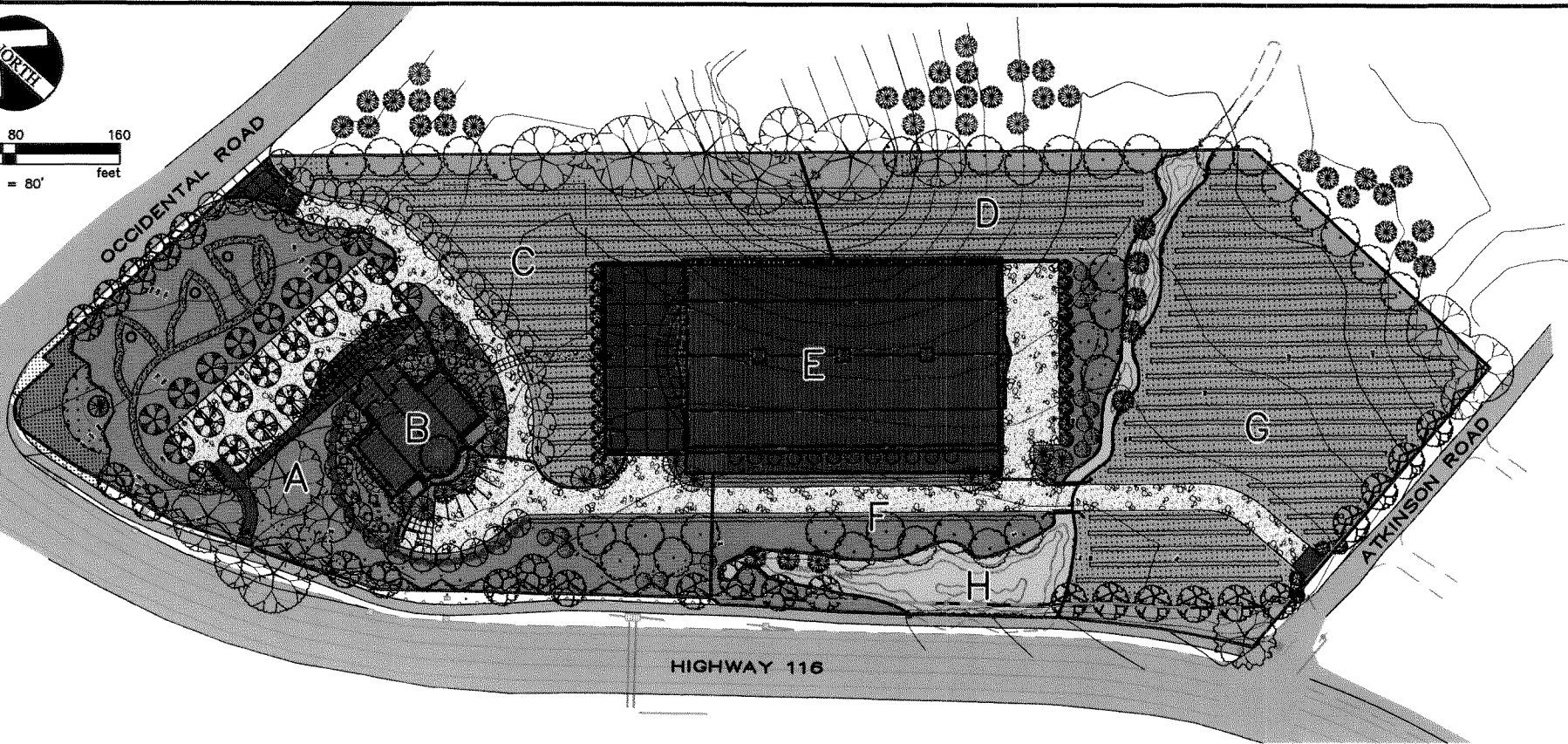
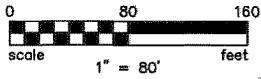


CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
15 THIRD STREET, SANTA ROSA, CA 95401  
TEL (707) 542-6431 FAX (707) 542-5212







PROJECT NO. 2010000000

SHEET 1 OF 1

12/20/12 11:25 AM, PLOT NO. 201000000000, PROJECT NO. 201000000000, SHEET 1 OF 1, CARLILE & MACY



**LEGEND**

-  IMPERVIOUS SURFACE (ROOFS & CONCRETE PAVING)
-  PERVIOUS PAVING (AGGREGATE WITH NO SUBDRAIN)
-  LANDSCAPED AREAS
-  VINEYARDS
-  EXISTING WETLAND
-  TRIBUTARY LABEL



CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
15 THIRD STREET, SANTA ROSA, CA 95401  
TEL (707) 542-6451 FAX (707) 542-5212

DRAINAGE AREA EXHIBIT  
**BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA

OCTOBER 8, 2010

PROJECT No. 2008020.00

SHEET 1 OF 1

AutoCAD file name: 2008020-102-DRAINAGE EXHIBIT.dwg; User Name: 2008020-10; 2008020-10.dwg; Copyright © Carlile • Macy

Resolution Number 12-021

County of Sonoma  
Santa Rosa, California

September 20, 2012  
PLP08-0029 Traci Tesconi

RESOLUTION OF THE PLANNING COMMISSION,  
COUNTY OF SONOMA, STATE OF CALIFORNIA,  
RECOMMENDING THAT THE BOARD OF  
SUPERVISORS ADOPT THE AUGUST 2012  
SUBSEQUENT MITIGATED NEGATIVE DECLARATION  
AND APPROVE THE REQUESTED GENERAL PLAN  
AMENDMENT TO AMEND PLANNING AREA POLICY  
LU-17q (SECTION 3.6 SEBASTOPOL AND ENVIRONS),  
AND MODIFICATIONS TO AN EXISTING USE PERMIT  
FOR A WINERY AND PUBLIC TASTING ROOM WITH  
EVENTS AND RETAIL SALES ON 7.61 ACRES, AS  
REQUESTED BY BEST FAMILY INVESTORS, LLC,  
LOCATED AT 2065 HIGHWAY 116 NORTH,  
SEBASTOPOL; APN 130-262-031 AND -032.

WHEREAS, the applicant Best Family Investors, LLC (“Applicant”) has filed a revision to Application PLP08-0029 (“Application Revision”) with the Sonoma County Permit and Resource Management Department (“PRMD”) consisting of a General Plan Amendment and Use Permit Modification to the previously-approved Use Permit for a 26,500 case winery and public tasting room with retail sales and events. The request is 1) a General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any increase in the approved winery’s production capacity beyond 26,500 cases per year, and to prohibit any increase in the approved winery’s permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027; and 2) modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with retail sales and events on a 7.61 acre site to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther ~~back~~ east on the project site, to avoid and retain an existing on-site, isolated wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit ~~for 15 years~~ any increase in either the winery’s production capacity beyond 26,500 cases per year, and ~~prohibit any increase in~~ or the winery’s permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building.

WHEREAS, in March 2008, the Applicant filed Application PLP08-0029 requesting the general plan amendments, zone change, and use permit necessary for the Project. On June 8, 2010, after a public hearing and recommendation for approval by the Sonoma County Planning Commission and a public hearing before the Board, the Board adopted a revised and recirculated Mitigated Negative Declaration (“Mitigated Negative Declaration”) and approved the Project.

WHEREAS, after the Board approved the Project, the Concerned Citizens for Responsible Land

Use filed a timely petition for writ of administrative mandate in Sonoma County Superior Court (Sonoma County Superior Court Case No. SCV 24674) challenging the Board's adoption of the Mitigated Negative Declaration and approval of the Project.

WHEREAS, on December 17, 2010, the Applicant submitted modifications to the Approved Project ("Project Modifications"). The modifications proposed moving the winery production/storage building approximately 163 feet northeast of its original location and relocate the emergency vehicle access road farther east on the project site to avoid and retain an existing on-site, isolated wetland. This request did not include a general plan amendment and the Board took original jurisdiction over the Project Modifications on March 1, 2011, as requested by the Applicant.

WHEREAS, on March 16, 2011, the Superior Court issued an order staying the matter until the Board takes final action on the Project Modifications.

WHEREAS, on July 6, 2012, the Modified Project was again revised by the applicant requesting that the number of industry-wide events be reduced from five per year to four per year. The maximum number of 150 guests per industry-wide event would remain the same as that for the Approved Project. In conjunction with this request, on July 11, 2012, the applicant volunteered to use the self-contained "crowd pleaser" style portable toilets at any special event with more than 20 guests. Under the modifications, the winery production/storage building is to be located in the area on the project site originally designed as the septic system area in the Approved Project. New septic areas had to be tested and it was then determined that the number of industry wide events needed to be reduced from five to four per year.

WHEREAS, a Judicially-Supervised Settlement, dated July 20, 2012, required further modifications to the Approved Project, including a General Plan amendment. Therefore, on July 25, 2012, as part of the Judicially-Supervised Settlement, the Applicant withdrew its request that the Board assume original jurisdiction over the Project Modifications. On August 2, 2012, a revised Modified Project proposal and modified plans ("August Project Modifications") were filed by the applicant with PRMD combining the original modifications requested by the applicant, as well as the modifications required by the Settlement.

WHEREAS, on August 17, 2012, PRMD staff prepared and posted the August 2012 Subsequent Mitigated Negative Declaration for public and agency review, gave notice of the intent to adopt the Subsequent Mitigated Negative Declaration, and commenced a 30-day public review period to receive comments on the Subsequent Mitigated Negative Declaration in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on September 20, 2012, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Planning Commission makes the following findings:

1. The August Project Modifications, as approved herein, do not affect the Project's previously-determined compliance with the General Plan, West Sebastopol Area Plan, and Zoning Code. The Modified Project can be found consistent with the Diverse Agriculture land use designation and the DA (Diverse Agriculture) zoning district because it allows a winery and tasting room with events. Under the Approved Project, the project site (7.61 acres) is required to be legally merged into a single parcel of



record. Existing General Plan Area Policy LU-17q, defines the project site's unique characteristics, including its long-term ability to support an agricultural use (orchard), and the current West Sebastopol Area Plan land use designation of Intensive Agriculture, and the ability for the 7.6 acre site to support agricultural uses and agricultural processing consistent with the purposes of the Diverse Agriculture land use and zoning designation. The Use Permit project, as modified, remains consistent with the applicable General Plan Agricultural Resources Element Goals, Objectives and Policies (Goals AR-3 and AR 4, Objectives AR-3.1 and AR-3.2 and Policies AR-3c, AR-3e and AR-4a) because the winery is considered agricultural processing and the tasting room with events and retails sales promotes the wine produced on site, further demonstrating that the subject property will continue to be used and maintained for agricultural purposes, and the Diverse Agriculture General Plan land use and zoning designation will allow continued on-site agricultural production, agricultural processing, and visitor serving uses.

2. Although the August Project Modifications require subsequent environmental review, none of the events set forth in Public Resources Code section 21166 and State CEQA Guidelines section 15162 have occurred that would require preparation of a subsequent environmental impact report. The Planning Commission concurs with staff's determinations that although an addendum appears warranted, the August 2012 Subsequent Mitigated Negative Declaration is the preferable environmental document to analyze the changes in the August Project Modifications. The Project Modifications' relocation of the proposed winery production/storage building approximately 163 feet to the northeast of its original location, relocation of the proposed emergency vehicle access road farther east on the Project Site, and reduction in the number of permitted industry-wide events from five to four per year are minor changes in the Project that avoid and retain an existing on-site, isolated wetland, will not result in any new or substantially more severe significant environmental effects, and require only minor additions or changes to the previously-adopted Mitigated Negative Declaration to make it adequate for the Project Modifications. In addition, no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, shows the Project will have new or substantially more severe significant effects than examined in the previous Mitigated Negative Declaration. The Planning Commission also concurs with PRMD staff's determination that the August 2012 Subsequent Mitigated Negative Declaration is only required to address the changes proposed in the Project Modifications and not re-evaluate the Project's environmental impacts already analyzed in the Mitigated Negative Declaration. The Planning Commission recommends that the Sonoma County Board of Supervisors certify that the August 2012 Subsequent Mitigated Negative Declaration has been prepared, noticed, made available for public and agency review, and considered, together with comments received during the public review process, in compliance with CEQA and the State CEQA Guidelines, and find that the August 2012 Subsequent Mitigated Negative Declaration reflects the independent judgment and analysis of the Board. The August 2012 Subsequent Mitigated Negative Declaration represents a good faith effort to provide full and adequate disclosure of the environmental impacts of the Project Modifications. Based upon the record of these proceedings, there is substantial evidence supporting the decision to adopt the August 2012 Subsequent Mitigated Negative Declaration. Changes or alterations have been required in, or incorporated into, the Project Modifications through the conditions of approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the August Project Modifications identified in the August 2012 Subsequent Mitigated

Negative Declaration.

3. The Modified Project is consistent with the terms and conditions of the Judicially-Supervised Settlement dated July 20, 2012.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. For the Modified Project, the Use Permit conditions and modified General Plan Policy LU-17q limit the winery to 26,500 cases per year and 16 events per year, with a 15 year restriction on any increase in the winery's production or special events prior to December 31, 2027. Use Permit conditions limit the winery production operations to Monday through Saturday from 7 a.m. to 7 p.m. (non harvest) and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. Also, Use Permit conditions limit the tasting room hours from 10 a.m. to 4 p.m., 7 days a week, and industry wide events to 4 per year with a maximum of 150 guests per event. The winery building height is reduced to 35 feet plus four-foot high cupolas and the roll up door on the south side of the winery production/storage building has been removed, as depicted on the building elevation plans, prepared by the project architect, Lafranchi Architecture and Development, dated August 2, 2012.
  - b. The Project modifications to relocate the proposed winery production/storage building approximately 163 feet to the northeast of its original location, relocation of the proposed emergency vehicle access road farther east on the Project Site, and reduction in the number of permitted industry-wide events from five to four per year are minor changes in the Project that avoid and retain an existing on-site, isolated wetland, will not result in any new or substantially more severe significant environmental effects.
  - c. The potential impacts on agricultural and forest resources, air quality, cultural resources, hazard and hazardous materials, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, and utilities and service systems would remain unchanged with the Project Modifications.
  - d. In terms of aesthetic impacts, reducing the height of the winery production/storage building from 42 feet to 35 feet and relocating the proposed winery production/storage building and emergency vehicle access road would not result in any new or substantially more severe adverse effect on aesthetics. The new location of the proposed winery production/storage building is in the middle of the Project Site, farther away from residences on Atkinson Road, and does not involve the removal of a greater number of trees than previously analyzed. The winery production/storage building is now located approximately 142 feet from the centerline of Highway 116, exceeding the setback of 30 percent of the depth of the lot required by the Scenic Corridor requirements of the Zoning Code. To

ensure that design criteria are implemented in the final construction plans and final site improvements, a mitigation measure has been included in the August 2012 Subsequent Mitigated Negative Declaration that requires the Modified Project to incorporate the Design Review Committee's recommendations as listed on the DRC Action Sheet dated January 19, 2011, and any subsequent Design Review Committee's recommendation on the Modified Project. These criteria include limiting grading, tree removal, and roadway length to the minimum necessary to implement the project. Building heights shall comply with existing law, and reduce bulk and contrast through the use of brown, dark green, and other earth tone colors and non-reflective surfaces. The project shall be screened by existing and proposed oak trees, existing tree masses, additional evergreen (redwood) trees to fill in gaps, and orchard and flowering accent trees. Exterior lighting shall be minimized, fully shielded from off-site views, and directed downward. The preliminary landscape plan and Visual Assessment prepared by Lafranchi Architecture and Development, dated August 2, 2012, confirms that adding landscape tree screening along Highway 116 and Atkinson Road, and incorporating the mitigation measures, the visual impact will remain less than significant. These measures were incorporated into the conditions of approval for the Modified Project.

e. The relocation of the proposed winery production/storage building and emergency vehicle access road will avoid and retain the existing 0.3-acre on-site isolated wetland. The modified Site Plan depicts a 50-foot vegetated buffer zone around the wetland, and a 10-foot equipment turnaround area between the vegetated buffer zone and the on-site vineyards to ensure that vineyard equipment do not encroach into the buffer zone. A pre-cast bridge will be installed where the emergency vehicle access road crosses the wetland and all footings for the bridge will be set outside the wetland boundary, avoiding any disturbance to the wetland. Although the Modified Project will avoid a direct impact to the wetland and therefore neither a Section 404 Nationwide permit from the Army Corps of Engineers nor a Section 401 Certification from the North Coast Regional Water Quality Control Board are likely to be necessary, a mitigation measure requires that prior to issuance of any grading, septic, and/or building permit for the project, a qualified Biologist shall confirm that Section 404 and 401 permits are not required.

f. The Project Site is suitable for standard and at-grade sewage disposal systems as demonstrated by testing and a preliminary septic site design prepared by Huffman Engineering & Surveying which identified the septic system for the Project Modifications utilizing three areas on the project site. Areas One and Two will be standard sewage disposal systems located north and northeast of the tasting room. These areas will treat domestic waste from the tasting room and one-half of the winery process wastewater from the proposed winery production/storage building. Area Three will be an at-grade sewage disposal system located south of the on-site wetland, near the southern end of the Project Site treating on remaining one-half of the winery process wastewater from the proposed winery production/storage building.

g. With respect to potential impacts on hydrology, water quality, drainage, and soil erosion, the Project Modifications would not result in any new or substantially more severe significant effects than previously analyzed in the Mitigated Negative Declaration. A Low-Impact Development Calculation Report

("LID Report") prepared by Carlile-Macy Engineers, dated July 30, 2012, as required by the original conditions of approval for the project, also addresses the Project Modifications. The LID Report proposed a variety of features to be incorporated into the project design, including: over 800 feet of grass swales to filter and provide for infiltration of runoff; a 50-foot vegetated buffer zone around the wetland; cisterns to collect rainwater for use as irrigation for landscaping and vineyards; pervious pavement; preservation and enhancement of natural landscape, and vineyard areas to assist infiltration of storm water and prevent soil erosion. In its letter of November 24, 2010, the North Coast Regional Water Quality Control Board concluded that, "In light of these modifications and any permitting actions taken by our agency for the wetland crossing resulting from the fire access road, the Regional Water Board is satisfied that the project will not have a significant impact on the existing 0.3-acre wetlands on the project site. The applicant has also clarified and enhanced the project's use of Low Impact Development techniques. With the enhanced LID techniques and their inclusion in the project modifications, the Regional Water Board is satisfied with the use of LID which will minimize the discharge of pollutants in storm water runoff and any alternations to the hydrology of the site, and will not have a significant impact on water quality with the enhanced LID techniques and their inclusion in the project modifications, the Regional Water Board is satisfied. With the use of LID will minimize the discharge of pollutants in storm water runoff and any alternations to the hydrology of the site, and will not have a significant impact on water quality".

h. With respect to potential noise impacts, the updated Environmental Noise Assessment, prepared by Illingworth and Rodkin, dated February 28, 2011, concluded the potential noise impacts of the Modified Project with respect to parking lot noise, indoor and outdoor special events, truck deliveries, maintenance and forklift operations, mechanical equipment, and seasonal production-related noise would continue to meet applicable General Plan standards and therefore would remain less than significant. Noise mitigation measures identified in the previously-adopted Mitigated Negative Declaration would continue to apply and ensure that noise impacts remain less than significant. Nonetheless, to ensure that the cooling compressors and air compressors installed at the proposed winery production/storage building do not exceed the noise limits in the General Plan, a new mitigation measure has been added to require that once installed the exterior cooling and air compressors must demonstrate they meet the General Plan noise level standards.

BE IT FURTHER RESOLVED that the Sonoma County Planning Commission recommends that the Board of Supervisors approve the requested General Plan land use amendment to existing General Plan Area Policy LU-17q, and the modifications to the previously approved Use Permit as described in the Project Description attached hereto as Exhibit "B" and subject to the Conditions of Approval attached hereto as Exhibit AA.@

BE IT FURTHER RESOLVED that the Sonoma County Planning Commission recommends the Board of Supervisors approve the following amendment to General Plan Area Policy LU-17q limiting any increase in the winery's maximum annual production capacity of 26,500 cases and limiting any increase in the 16 events held per year on the project site (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants) for fifteen years (prior to December 31, 2027), to read as follows:

*Policy LU-17q: "Notwithstanding the minimum lot size limitations of the Diverse*

*Agriculture land use category and the DA (Diverse Agriculture) zoning district, the Diverse Agriculture land use and DA zoning designations, and a minimum lot size of 7.61 acres, are considered consistent with the General Plan for a 7.61 acre parcel resulting from the merger of two existing parcels, APN's 130-262-031 and -032, based on the site's current "Intensive Agriculture" designation in the West Sebastopol Area Plan, the existing and historical agricultural use on the site, on-site soil types and water availability suitable for crop production, and the existing pattern of small and large lots in the vicinity. The Diverse Agriculture land use designation is not considered growth inducing because overall development potential of the site is decreased by one single family residence and one second dwelling unit due to the merger of APN's 130-262-031 and -032 into a single parcel. Notwithstanding the Diverse Agriculture land use and DA zoning designations for the site, to avoid incompatible on-site uses to surrounding residential parcels and potentially negative visual impacts along the Highway 116 scenic corridor, the following land uses shall be prohibited on the site even with a use permit: confined (continuously) livestock operations; livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial horse stables, horse boarding, riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges. In addition, prior to December 31, 2027, any winery on the site shall be prohibited from having a production capacity greater than 26,500 cases per year or more than 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants)."*

BE IT FURTHER RESOLVED that the Sonoma County Planning Commission recommends that the Board of Supervisors adopt the August 2012 Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Lynch, who moved its adoption, seconded by Commissioner Montoya and adopted on roll call by the following vote:

Commissioner Fogg		Aye
Commissioner Montoya	Aye	
Commissioner Cook		Aye
Commissioner Liles		Aye
Commissioner Lynch		Aye

Ayes: 5    Noes: 0    Absent: 0    Abstain: 0

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.



## Traci Tesconi

---

**From:** Paul Carroll [pvc Carroll@att.net]  
**Sent:** Thursday, September 20, 2012 12:10 PM  
**To:** David Hurst; Traci Tesconi  
**Cc:** 'Tina Wallis'  
**Subject:** Re: Memo to Planning Commission

David,

I have looked over the document you sent me and several my client sent me yesterday.

There is one issue that concerns me. Frequently, the various documents state that an increase in production greater than 26,500 or more than 16 events per year shall be prohibited until December 31, 2027, etc."

The use of the word "or" is incorrect. It should say "and" because *both* are prohibited.

I note that elsewhere in the documents, "and" rather than "or" is correctly used. This along with the settlement agreement should be enough to clarify the parties' intent. Nonetheless, there is roo for a bit of confusion.

Perhaps you and Tina can provide your assurances that you mean "or" to mean "and" in those cases where it is used incorrectly.

Thank you.

Paul Carroll

On 9/18/12 4:38 PM, "David Hurst" <[David.Hurst@sonoma-county.org](mailto:David.Hurst@sonoma-county.org)> wrote:

> All,  
>  
> Attached is a brief memo to the Planning Commission.  
>  
> David  
>



Sonoma County Combined Planning  
Commission and Board of Zoning Adjustments  
**DRAFT MINUTES**

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

Date: September 20, 2012  
Meeting No.: 12-009

**ROLL CALL**

**Commissioners**

Dick Fogg  
Shawn Montoya  
Paula Cook  
Tom Lynch  
Jason Liles, Chair

**Staff Members**

Jennifer Barrett  
Melinda Grosch  
Traci Tesconi  
Sue Dahl  
David Hurst, Chief Deputy County Counsel

**1:00 PM** Call to order and Pledge of Allegiance

**Minutes Approved**– July 12, 2012 - Combined Planning Commission and BZA - continued  
August 2, 2012 - BZA - approved

**Correspondence**

**Board of Supervisors Actions**

**Commissioner Announcements/Disclosures –**

**Public Appearances –**

**Items scheduled on the agenda** – Pam McVey, Kenwood, opposed the Ledson Winery proposal for a 50,000 case winery. The site is on Highway 12 in a community separator, on a state state scenic highway and the RR zone and will ruin the rural character of the neighborhood.

**BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR**

Item No.1 Time: 1:05 p.m. File: UPE11-0034  
Con't from: July 12, 2012  
Applicant: Michael Skaggs Staff: Melinda Grosch  
Env. Doc: Categorical Exemption  
Proposal: Request for a Use Permit for a 20 unit campground allowing up to 200 people to camp at one time. The applicant requests up to 50 special events a year with the maximum sized event having 500 in attendance on an 11.35 +/- acre parcel.



---

Location: 16100 Neeley Road, Guerneville  
APN: 071-290-030 Supervisorial District: 5  
Zoning: RVSC (Recreation and Visitor Serving Commercial)

Action: Continued off calendar  
Appeal Deadline: n/a  
Resolution No.: n/a

Fogg: Montoya: Cook: Liles: Lynch:  
Ayes: Noes: Absent: Abstain:

---

Item No.2 Time: 1:10 p.m. File: UPE11-0102  
Applicant: Redwood Gospel Missions Staff: Melinda Grosch  
Env. Doc: Categorical Exemption  
Proposal: Request for a Use Permit to add a residential care facility to an existing women's and children's emergency shelter approved under UPE02-0026. The emergency shelter provides housing for up to 30 women and children. The residential care facility will provide care and rehabilitation services for an additional 20 women for a total of 50 people being served at the site. The hours of operation will be 24 hours a day, seven days a week.  
Location: 1048 Wildrose Drive, Santa Rosa  
APN: 037-021-054 Supervisorial District: 5  
Zoning: RR (Rural Residential), B6 – 5 acre density, VOH (Valley Oak Habitat)

**Melinda Grosch** summarized the staff report, which is incorporated herein by reference.

**Questions from Commissioners:** **Commissioner Lynch** asked why no one is allowed on site during the day. **Staff Grosch** said that is a requirement of emergency shelters. Staff conditions the Use Permit based on what is requested.

**Commissioner Cook** asked staff to clarify Conditions 3, 4, 5 and 9, and asked if there was proper documentation from the City to grant the additional service on the utility certificate. **Staff Grosch** indicated that the City has said they will grant the advance. **Commissioner Cook** commented that it seems onerous to test water used for irrigation. **Staff Grosch** was not sure why this is required, and added that the area has contaminated water. **Commissioner Cook**, regarding Condition 14, asked where the smoking would take place. **Staff Grosch** said the ordinance requires an unenclosed area, and it may be located along the front porch area.

**Commissioner Montoya** expressed concern that seven parking spots may not be sufficient. **Staff Grosch** said it has to be worked out, and agreed that the parking is constrained.

**Commissioner Fogg** commented that the site is a County unincorporated pocket surrounded by City, and wondered if there are annexation plans and whether that raises issues. **Staff Grosch** said issues would be minimal because the property is already developed and said that the site was not flagged as imminently annexable. Use Permit conditions run with the land and would still apply if annexed.

**Public Hearing Opened** at 1:30 p.m.

**Jeff Gillman**, Executive Director of Redwood Gospel Mission, said he was in agreement with everything in the staff report. They want to provide services 24/7 to women and children. When the original permit was taken out, they had restricted hours based on neighborhood concerns. They wish to combine the programs at another facility and hope to expand the building next summer.

**Commissioner Fogg** asked where fence will go. Mr. Gillman said the fence on the north side of the property would be replaced. **Staff Grosch** said it would need to be solid board and batten fence and would go along parking area.

**Commissioner Montoya** asked how a 24/7 operation would help. Mr. Gillman said it would reduce in and out traffic, and they can provide classes and case management all daylong and have closer relationship with clients.

**Commissioner Lynch** asked how many kids would be at the facility and where everyone goes at 8 in the morning. Mr. Gillman said this is a source of distress, especially in the winter, as often the women and kids are on the streets.

**Commissioner Cook** asked about the location of an outdoor play area. Gillman said there is room at the east end of the facility. **Commissioner Cook** wondered if there was room nearby for a designated smoking area. Gillman said that smoking is prohibited at the mission, which is why people do it in the driveway. **Commissioner Cook** noted neighbor objections about smoke, and has the impression that there are management problems.

**Commissioner Cook** asked if Gillman had engaged the community by going door to door, and Mr. Gillman said he had only invited them to meetings.

**Commissioner Cook** asked if the applicant had discussed parking for staff with the G&G staff. The lot is rarely filled and G&G supports the community. Mr. Gillman said he had not but would consider doing so.

**Commissioner Cook** expressed concern because the project is not new, has been operating, and there is opposition. Usually a well run project does not have such problems.

#### **Public Hearing Opened. Speakers**

**Richard Palmer**, Wild Rose Drive resident for 20 years, said the area always has had problems. Things quieted down for awhile after the facility came in, but lately there have been problems. The first permit was for 12 people, and it was expanded to 30. He has found empty liquor bottles, been disturbed by cell phone conversations, is bothered by traffic all night long, and the neighborhood has been subjected to a lot of disturbance.

**Robin McGillicuddy**, Wild Rose Drive resident, also opposed the expansion, and said there has been a change in the atmosphere of the neighborhood in the last year. Traffic has significantly increased, there is loitering, lots of foot traffic, liquor bottles left around, domestic arguments, and people hanging out in yards at night. McGillicuddy could not comprehend what it will be like with increased populations. There are no street lights or sidewalks in the area. The neighbors have been very tolerant and expansion is not fair.

**Colleen O'Malley**, Wild Rose Drive resident and next door neighbor, said that the neighborhood supported the women's shelter at first. Things started to change about a year ago. Clients park along driveway, cars are left idling, and there is early morning noise. It starts up again at 4:00 p.m. with cars, cellphone conversations, smoking in the driveway, which goes on to 12:30 am. She found trash, bottles, cigarette butts, and a woman laying in her front yard. People relieve themselves in her yard, there is a can for cigarette butts on edge of street, trespassing issues, and profanity. It has been an appalling experience and she is concerned about increasing occupancy. The shelter is there due to the good will of the neighbors, and their trust has been abused.

**Jean Star**, who is terminally ill, stayed at Wild Rose, and said she understands fear and anger. She was informed that there is no smoking on the property and said some of the instances might be from other people than the shelter inhabitants. If someone receives a complaint she has seen the offender dismissed the same day, and the management is strict. Hardship is created by the requirement that the facility be vacated by 8:00 in the morning and that it is closed on weekends. The inhabitants need a safe place to go, especially in winter. Smoke could be addressed by putting ashtrays in the back yard.

**Todd Smith**, Wildrose Drive, is a family man and while supporting the mission and their work, he opposes further expansion because of daily vehicle traffic and overconcentration of people. The ratio of people living in shelters is much higher than the regular residents on the street and this is unfair. PRMD studied the traffic and the expansion will add 120 more vehicle trips per day, which is a significant increase. Parking will also be a problem. Most residents of the facility get picked up and the street was not designed for it. While the parcel can support the expansion, the neighborhood cannot. Smith asked who will be held accountable for problems.

**Penney Sefton-Kelley**, La Rose resident twice, is 58 years old and has lived and worked in area. She is now on permanent disability income. There are many people in her situation and it is hard to find housing. The shelter does not allow drugs and alcohol, and people are asked to leave if they are caught using. Kelley understands the fear, but facilities such as this are necessary and give back to the community. When she first came she felt bad about being there. She was helped and shown respect, which raised her up and gave her support to go and try to find housing again, which she did. Then she lost it because her rent was raised, so she went back. There are many women in her age group in the same position. The facility also helps young moms and kids.

**Gregory Wonderwheel**, Wild Rose Drive resident, opposes the expansion, saying it is not a NIMBY situation but a "camel's nose under the tent". Most neighbors accept the current usage, but object to the request to expand. It will saturate the neighborhood, and there are already three similar facilities on the block. Wonderwheel stated that the staff finding of compatibility is erroneous, and neighbors did not respond to the meeting invitation because there are problems. Wonderwheel also questioned whether the Categorical Exemption was accurate because he does not consider a 60% increase to be a minor expansion of an existing use.

**David Peritore**, Wild Rose Drive, supports the existing shelters and has rented to people coming out of the shelter. He feels he has done his part, is now married with kids and has seen increasing traffic, crime, theft and parking problems. He opposes the expansion, and added that the residents should already be commended for what they already allowed. There are three 3 shelters within 7 doors of his home.

**Crystal Hope Hollander**, mission resident, said Redwood Gospel Mission changed her life and she supports the expansion. It will help people get lives together and do better. Residents are not allowed to smoke or do illegal things. The staff run a positive place and want to help. She went in from off the street in winter, had no money and was cold. It was hard to be sober on the street. People want to change lives and do better need 24/7 access to housing.

**Tim Hughes**, Wild Rose Drive, supports the current facility but not the expansion. He asked what recourse neighbors would have if there were problems, and also thought it erroneous that the project was deemed a minor change for CEQA. He tried unsuccessfully to get the conditions of approval with sign-offs the 2003 Use Permit certificate.

**Glenn Jenkins**, Wild Rose Drive, commented that vans park and idle on narrow corner and cause most of the noise and fumes. Parking spaces are another source of loud noise, cigarette smoke, and cell phone calls. You can't see what is going on outside from inside the mission. People may follow rules at the mission, but then end up in front of his house. Jenkins opposed the expansion. Every morning is like the last day of summer camp.

**Cortina Davalos**, resident of Larose, is a victim advocate who became disabled and had to move there. Redwood Gospel Mission has been wonderful to her. The residents try to be quiet and considerate of neighbors. Mission staff is always concerned about neighbors. The residents know they are guests and appreciate it.

**Shirley Vang** was homeless and didn't have anywhere to go. Redwood Gospel Mission changed her life. She is in recovery now. At 22 she was on the street, and she cannot imagine what it would be like for women and kids in the cold in winter. The mission got her on her feet.

**Nancy Dervin**, volunteer for Redwood Gospel Mission programs through counseling, supports the expansion. They need the 24/7 use so women and kids don't need to be forced out during the winter. Dervin empathized with neighbors, but said the crime statistics for Sonoma County are lower for Wild Rose Drive than other areas in the community.

**Desiree Barnas**, mission supporter, said with every life situation comes change. She had health issues and received incredible support from Redwood Gospel Mission. They provide tools to change lives and help the community. They are helping women recreate their lives. Cell phone use was halted and they have transportation to cut down on foot traffic. The Redwood Gospel Mission acts for those who are not able to give back. Barnas said that there is a liquor store nearby and that is where the bottles and cigarettes are coming from.

**Christina Hill** asked for blessings and compassion. She worked most of life and was never homeless. To come to place where people open up and show you other options is a blessing. It is awesome to have resource where can reach out to those who need help. Sometimes have to overlook things and come to terms with the fact that the world is not perfect and neither are people. Residents at the mission are not allowed to be disrespectful. Hill expressed gratitude for the place and the neighborhood.

**Tamara Van de Drink**, has never been into drugs or homeless, and had all the same fears and stereotypes about drug addicts and criminals. At Larose there are 70 year olds, disabled, mothers and kids, everyday people. They are in bed by 10:00 and drugs and alcohol are not allowed. Van de Drink understands neighborhood concerns, thanked God for the opportunity that the mission provides.

**Annalyce LaJoue**, Wild Rose Drive, bought property on the street in 2002, and only in the last year noticed that the problems others have complained about. She was not opposed to the facility as is but opposes expansion. She suggested that the neighbor concerns might be ameliorated by making the facility 24/7.

**Bianca Broos**, volunteer for two years, noted a stigma about homelessness. As a community, we don't close our eyes to need, but work to find solutions together. She supported the request.

**Gingerlee Leeds** said the face of homelessness is changing all the time. She was a nurse for 23 years, married to her contractor husband who died. She lost everything and became disabled. The mission took her in.

**Ron Tyler**, Clover Drive resident since 59, said the neighborhood used to have a lot of bad activities. He was unaware of the project for long time. He opposes expansion. There is already yelling, screaming, car doors slamming, etc. Also, a 67% increase is not minor. The project should be redefined as a congregate care facility.

**Michael Bryant**, Santa Rosa, supports the expansion. A friend stayed there and quit smoking. All the problems should not be blamed on the facility.

**Thomas Morabito**, Sebastopol, thanked Redwood Gospel Mission for taking care of problems. Society is judged by how we treat least fortunate, and we should keep that in mind. Morabito sees more homeless people every week, and Sonoma County needs a residential facility for the mentally ill. All they offer now is jail time. Morabito supports the project.

### **Commission Discussion.**

**Commissioner Cook** asked Gillman to explain in detail how new expanded facility will operate and walk through a typical day. Mr. Gillman stated they hope to combine the inpatient recovery services and the emergency housing in one place. They will provide a variety of about 25 daytime classes a week onsite, and to provide case management and counseling. They teach resume preparation, how to find jobs, and this needs to be done during the day because the services are hard to access at night.

**Commissioner Cook** asked about transportation. Gillman said that less than 5% have vehicles, and the mission provides transportation by vans. They also have ten bikes. Gillman added that management would have fewer problems if the facility was a 24 hour operation, as programs could be provided instead of the facility only being a shelter.

Mr. Gillman was not sure why the neighbors have not been happy with activities around the facility in the past year, and acknowledged that he should have done more public contact. **Commissioner Cook** said that there are

6,000 homeless people in the County, many elderly and disabled, and was concerned about the neighborhood complaints. Once a facility is established, there should be no complaints, and as it stands, she could not support the request.

Mr. Gillman stated that this is the first time he became aware of the problem, he thought things were OK but admitted he had not reached out as much as he should have. Gillman want neighbors to have 24 hour number, and will be more responsible to the neighborhood.

**Commissioner Montoya** asked if parking is allowed on the driveway, since it was not showing on the site plan. Gillman said it has been going on a long time, for convenience more than anything else, and could be stopped.

**Commissioner Fogg** agreed with Commissioner Cook on many issues, and asked for the location of the other three facilities in the area so he could have a better understanding of their impacts on the neighborhood.

**Commissioner Lynch** said that a designated smoking area could help. Gillman said he would be happy to provide it. Regarding parking, **Commissioner Lynch** commented that Gillman needed to develop a pick up and drop off plan at the east end of the facility. Fencing could be improved to increase privacy. Many neighbors raised their hands when asked if a fence would help, and perhaps a designated private cell phone area would help to address neighbor concerns.

**Public Hearing Closed** at 3:20.

**Commissioner Lynch** asked if the cumulative impacts of such type of facilities was monitored, as done for wineries. Staff Grosch said that this is done for large facilities. Commissioner Lynch said that the neighborhood has been sharing the burden, and that parking regulations need to be developed. Staff Grosch commented that the facility is required to provide parking on site for all employees and volunteers and those residents who own vehicles. This site is large and could accommodate parking as well as a play area for kids. Commissioner Lynch said he would prefer no parking on the driveway into the site where vehicles idling are disturbing neighbors.

**Commissioner Liles** concurred that parking, smoking, noise and communication issues need to be addressed. The applicant and neighbors need to work together. He commented that it is a remarkable neighborhood of polite and accepting people, which is rare. Commissioner Liles said the 24 hour phone contact is a good idea, as well as email.

**Commissioner Lynch** remarked that remodeling would make the facility more usable, and suggested allowing the facility to go to a 24 hour operation without the expanded number of beds. He recommended including a one year review.

**Commissioner Cook** said that the facility should not be a burden on the neighborhood and the applicant needs to do more work to reduce the impacts. The real issue is the services being provided and the importance of stability. She asked Mr. Gillman if he could still provide emergency beds and be a good neighbor if the population was not increased. Mr. Gillman said that he could, although their desire is to combine homeless women with women in recovery, which is in their best interest. Commissioner Cook said it seemed to make better financial sense to put the two groups together, and with fine-tuning that it could be a good project. She added that Community care licensing has the information on concentration which shows the scale and geographic distribution of the facilities.

**Commissioner Montoya** found the testimony to be moving and inspiring, and recommended that the applicant be given more time to work out issues to satisfy neighbors.

**Commissioner Fogg** said it would be in the applicant's best interest to work with neighbors, and was not ready to support the request. He asked that staff take a look at the CEQA exemption categories.

Action: **Commissioner Lynch** moved to continue to November 15 at 1:45. Seconded by **Commissioner Cook** and passed with a 5-0 vote. Public hearing continued for testimony on new information only.

Appeal Deadline:

Resolution No.:

Fogg: Aye

Montoya: Aye  
Ayes: 5

Cook: Aye  
Noes: 0

Liles: Aye  
Absent: 0

Lynch: Aye  
Abstain: 0

## PLANNING COMMISSION REGULAR CALENDAR

Item No.3 Time: 1:30 p.m. File: PLP08-0029  
 Applicant: Best Family Investors Staff: Traci Tesconi  
 Project Name: Best Family Winery  
 Env. Doc: Subsequent Mitigated Negative Declaration  
 Proposal: Request to modify the previously-approved Best Family Winery project (Project File: PLP08-0029). The application requests 1) a General Plan Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any increase in the approved winery’s production capacity beyond 26,500 cases per year, and to prohibit any increase in the approved winery’s permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, and 2) modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with retail sales and events on a 7.61 acre site to: a) relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther back on the project site, to avoid and retain an existing on-site wetland; b) reduce the number of approved industry-wide events from five to four per year; c) prohibit any increase in the winery’s production capacity beyond 26,500 cases per year, and prohibit any increase in the winery’s permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027, d) prohibit Sunday operations at the winery production facility, except during crush (grape harvest season); e) close the tasting room at 4:00 p.m. for public wine tasting; f) reduce the height of the winery production/storage building from 42 feet to 35 feet; and g) remove the roll-up door on the south side of the winery production/storage building.

Other components of the previously approved Use Permit remain unchanged.

Location: 2065 Highway 116 North, Sebastopol  
 APN: 130-262-031 and -032 Supervisorial District: 5  
 Zoning: DA (Diverse Agriculture), B6-10 acre density, SR (Scenic Resources)

**Traci Tesconi** summarized the staff report, which is incorporated herein by reference.

**Questions from Commissioners:** **Commissioner Fogg** asked if the judicial settlement agreement was OK with Best Family Winery and the concerned citizens for land use. **Counsel Hurst** responded that all parties agreed on record to the terms of the settlement.

**Commissioner Lynch** asked Council how a project is adjudicated as this one was. Counsel Hurst said it was a “test run” for the County and worked out well.

**Commissioner Liles** asked if all agreed to the changes in the resolution. **Counsel Hurst** said that everyone was in agreement, but there were questions about how to phrase it.

**Tina Wallis**, representing applicant, introduced the team. Ms. Wallis said there have only been two such judicial settlements in 15 years. It requires an agreement, and there is an advantage is to enter a court-recorded settlement which is binding on all parties- it incentivizes all parties to perform. The critical issue is that the project will not produce more than 26,500 case during the first 15 years or till 12/21/2027. The winery is also not to seek an increase in special events beyond 16 (which includes 4 industry-wide events) during that time. Counsel Hurst created a memo that proposed revisions to show County compliance. Counsel Carroll sent email expressing concern about Hurst’s language saying it did not capture intent of all parties. The applicant intends to settle that they will not seek modifications to the Use Permit to increase production beyond 26,500 or increase the number of special events before 12/21/2027. They do not want to have to go back before the judge on December 15<sup>th</sup>.

**Ken LaFranchi, LaFranchi and Associates**, stated that Staff Tesconi had done a great job. Architectural revisions only address issues from the settlement agreement and Design Review Committee. There is a major design reduction in height to 35 feet, with 3 cupolas 4 feet taller than ridgeline. The roll up door was removed on the south side of the winery building. A solid wall has been placed at the crush pad area. The wine tank reflectivity was changed to be low reflectivity galvanized metal with screening. The monument sign was reduced in height. A stone façade and trellis material was added to the trash enclosure. They also darkened the stain color. Landscaping along Highway 116 and Atkinson Road will be beefed up by doubling the treeline for the neighbors and using more low level screening on Highway 116.

**Public Hearing Opened:**

**Speakers: Al Gerhardt, Occidental**, said that something is wrong with the planning process. An applicant goes through, meets all regulations, and then has to appeal, gets sued....The General Plan is more of an employment thing for the lawyers, and costly for the applicant, who is not doing anything wrong and only trying to meet all the regulations. It costs a lot of money and Gerhardt has a problem with that. He added that the residences in the neighborhood look terrible compared to what is being required of the winery.

**Tina Wallis, representing applicant**, had no further comment.

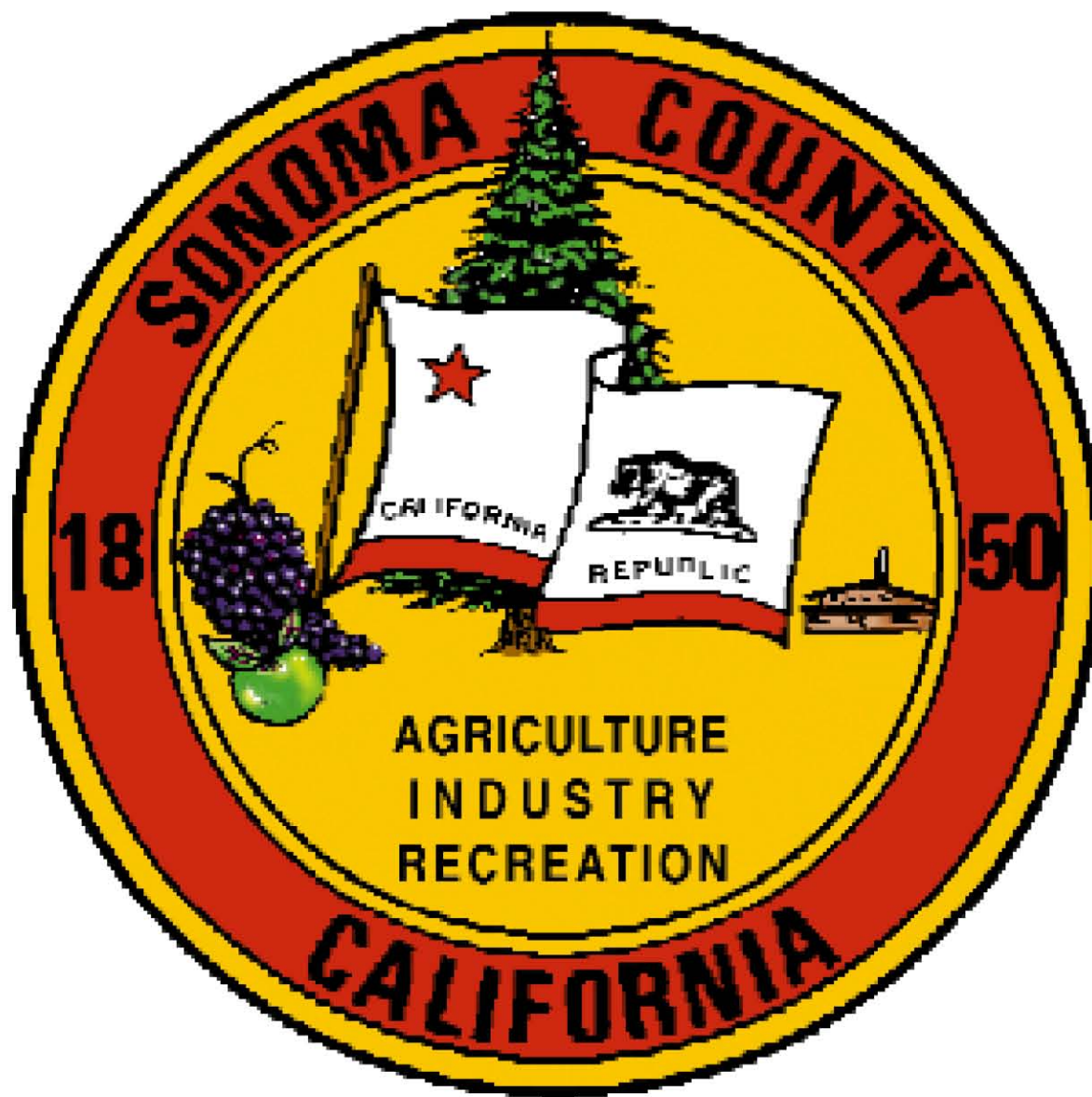
**Public Hearing Closed**

Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisor and asked County Counsel to finalize the language. Seconded by Commissioner Montoya and passed with a 5-0 vote.

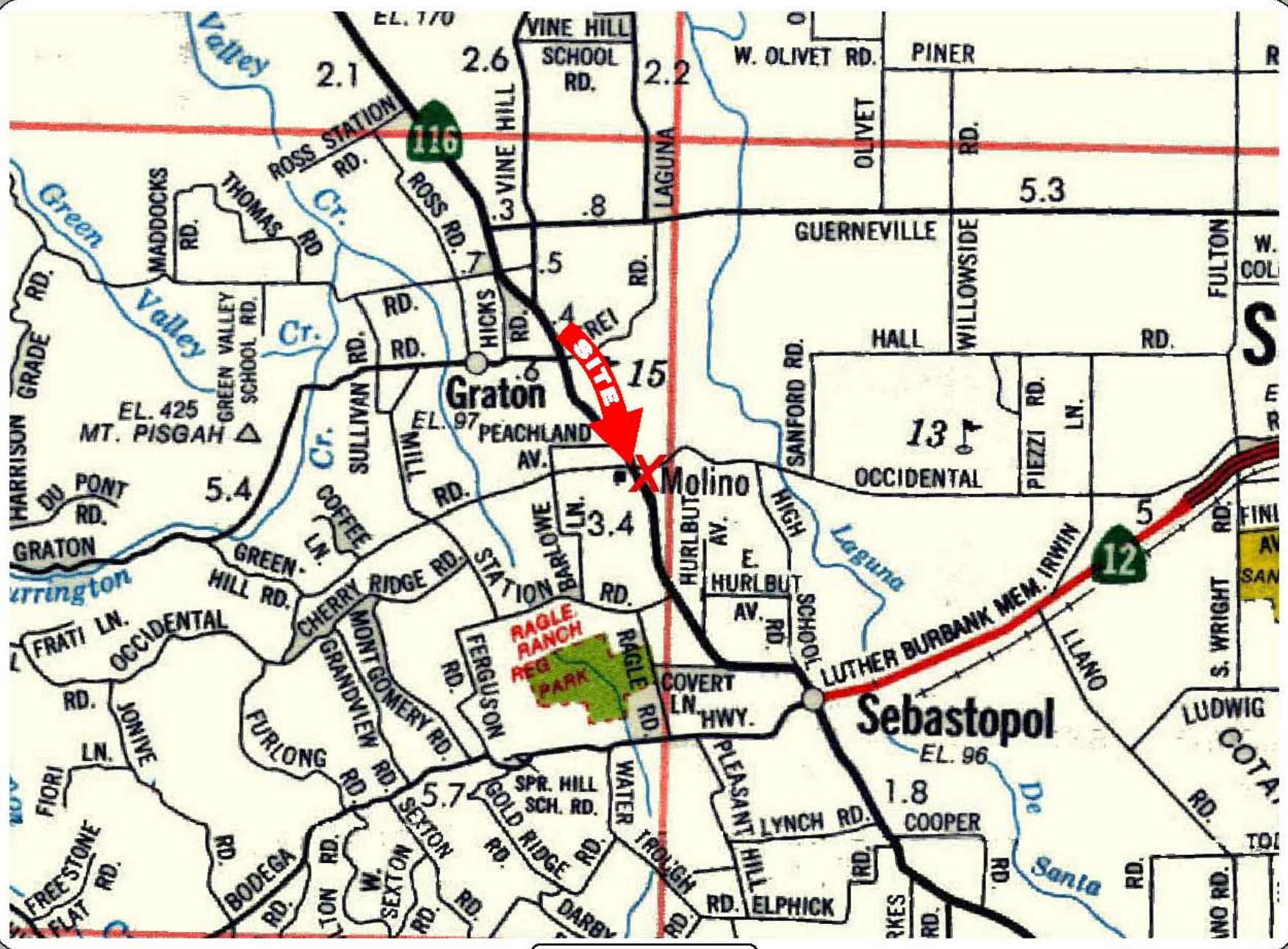
Appeal Deadline: n/a  
Resolution No.: 12-021

Fogg: Aye	Montoya: Aye	Cook: Aye	Liles: Aye	Lynch: Aye
	Ayes: 5	Noes: 0	Absent: 0	Abstain: 0

---

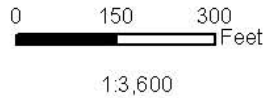
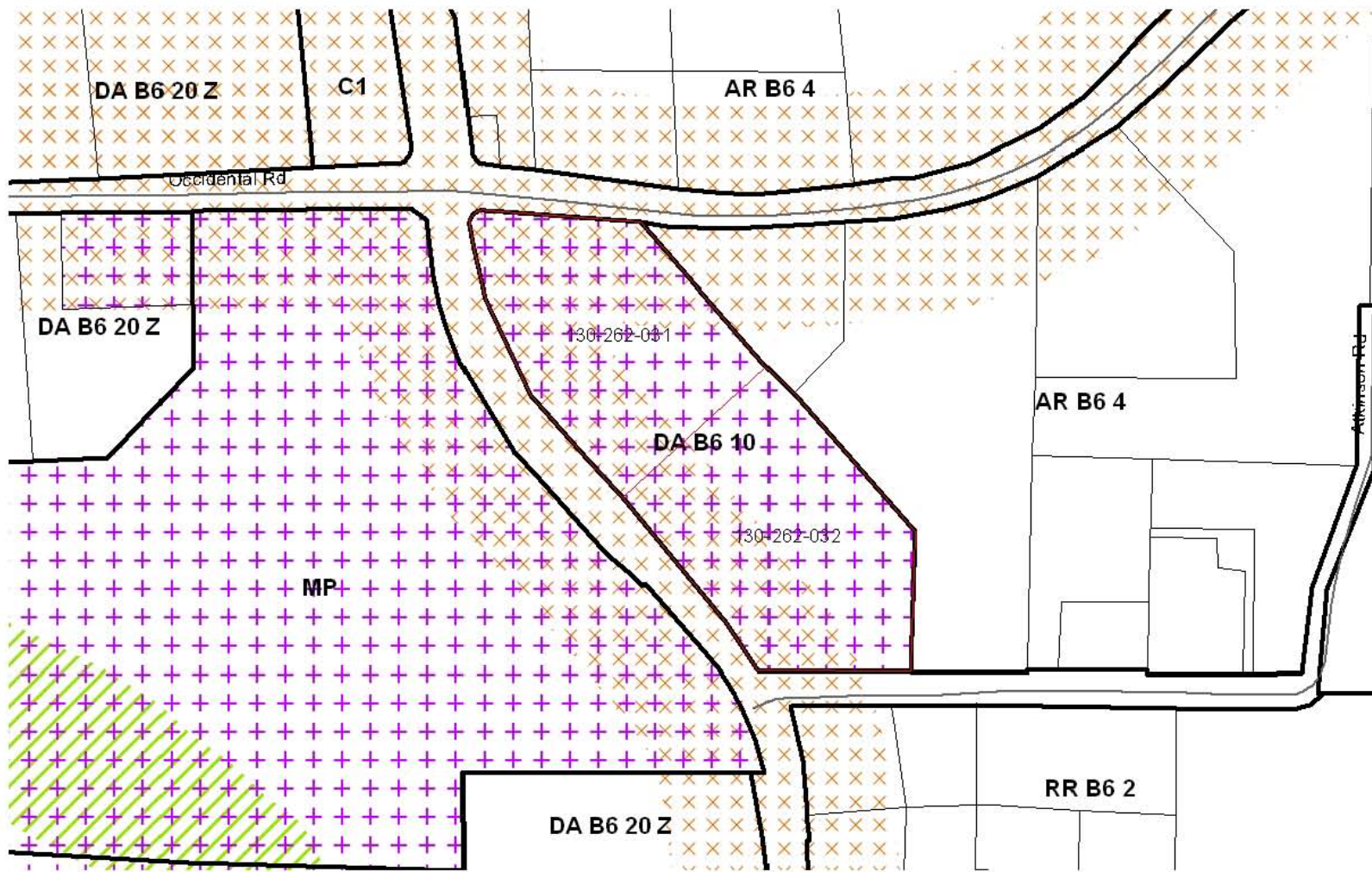






Vicinity Map





### Zoning and Combining Districts

- |                       |                        |                     |
|-----------------------|------------------------|---------------------|
| City Limit            | SD Scenic Design       | MR Mineral Resource |
| AH Affordable Housing | SR Scenic Resource     | G Geologic Hazard   |
| LU Policy             | VOH Valley Oak Habitat | F1 Floodway         |
| HD Historic District  | BR Biotic Resource     | F2 Floodplain       |



**General Plan Land Use**

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resources & Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial

- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi-Public

- Planning Area Policy
- Affordable Housing
- City

**Base Map Data**

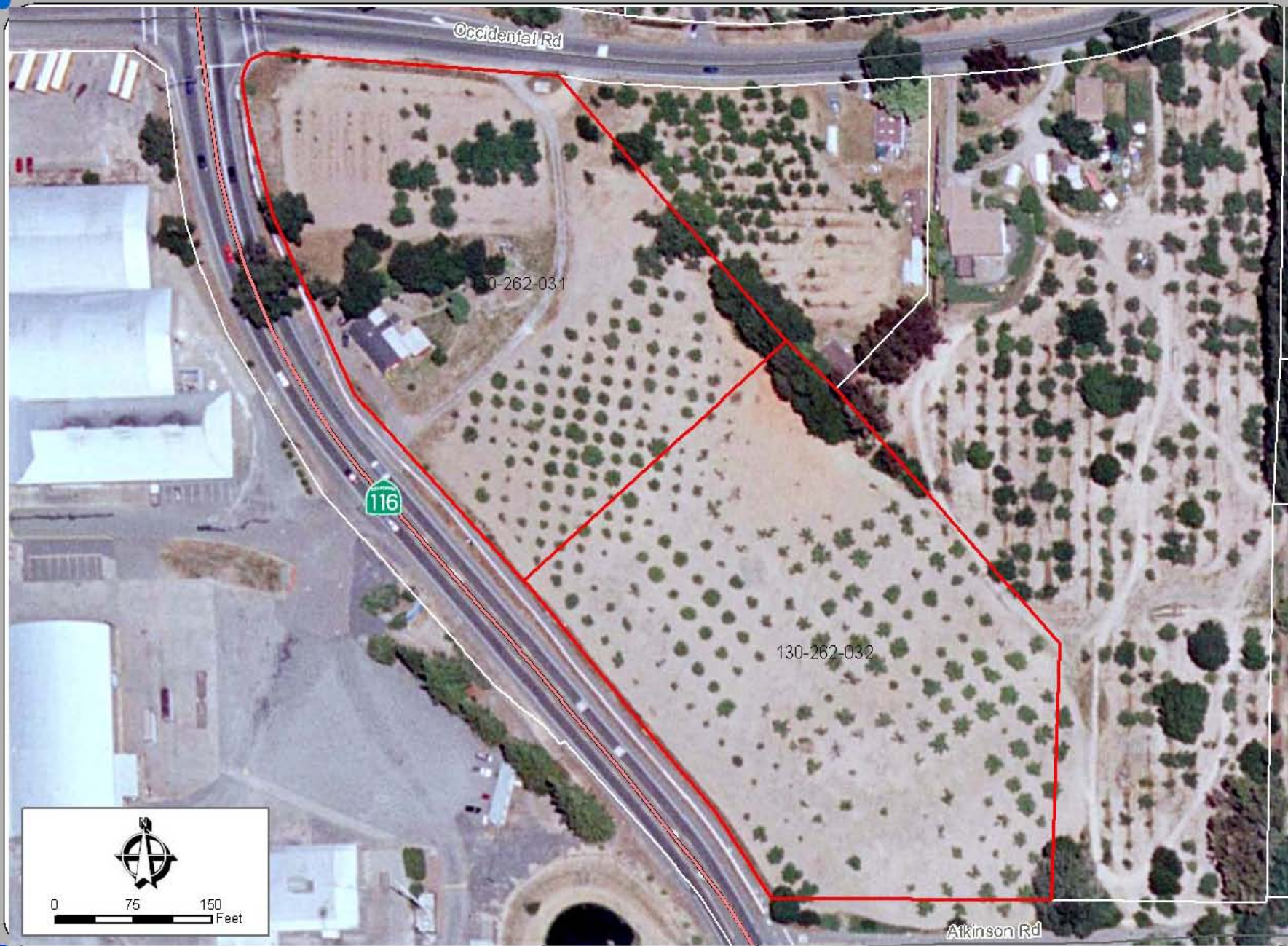
- Coastal Commission Boundary
- Urban Service Area Boundary
- Highways
- Perennial Streams
- Intermittent Streams

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acres.

**Zoning Map**

PLP08-0029





Occidental Rd

130-262-031

116

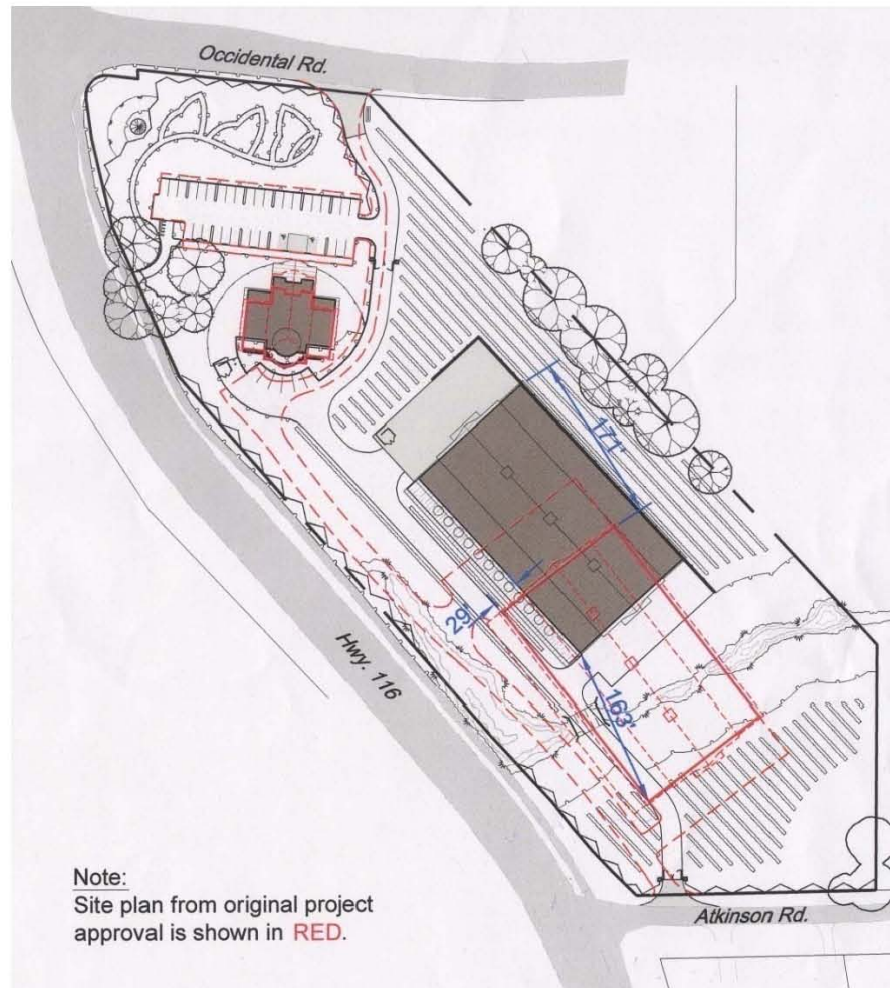
130-262-032

Atkinson Rd



**Aerial View**

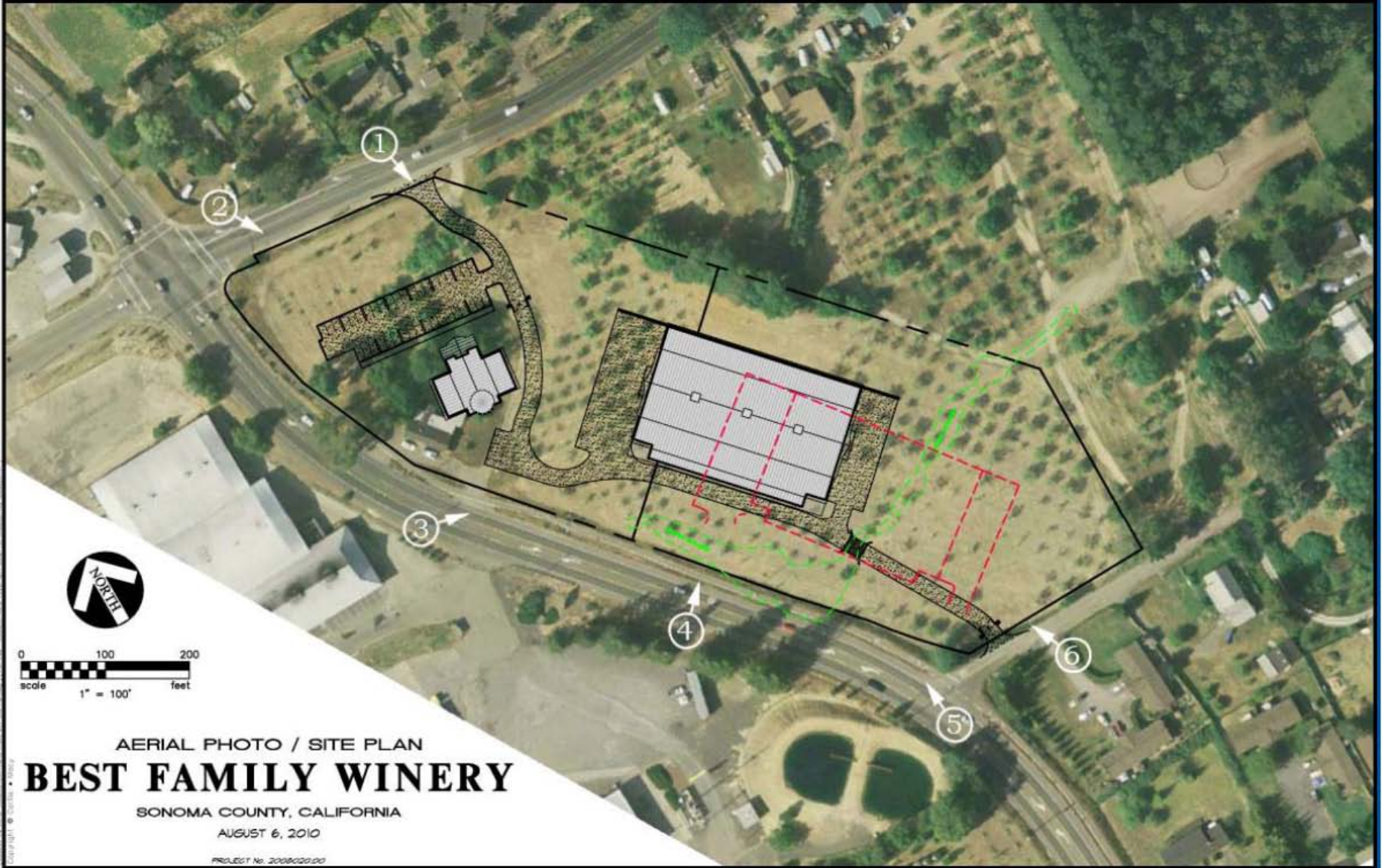
PLP08-0029



Note:  
Site plan from original project  
approval is shown in RED.

## Best Family Winery Site Plan Comparison Exhibit





AERIAL PHOTO / SITE PLAN  
**BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA

AUGUST 6, 2010

PROJECT No. 200802000

**Modified Project Description:**

- 1) A General Plan Text Amendment to amend the previously approved General Plan Planning Area Policy LU-17q (Section 3.6 Sebastopol and Environs) to add language to prohibit any increase in the approved winery's production capacity beyond 26,500 cases per year, and to prohibit any increase in the approved winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027.
- 2) A modification of the previously approved Use Permit for a 26,500 case winery and public tasting room with events and retail sales to:
  - a) Relocate the winery production/storage building approximately 163 feet northeast of its original location, and relocate the emergency vehicle access road farther east on the project site, to avoid and retain an existing on-site wetland;
  - b) Reduce the number of approved industry-wide events from five to four per year;
  - c) Prohibit any increase in the winery's production capacity beyond 26,500 cases per year, and prohibit any increase in the winery's permitted events beyond 16 events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants), prior to December 31, 2027
  - d) Prohibit Sunday operations at the winery production facility, except during crush (grape harvest season);
  - e) Close the tasting room at 4:00 p.m. for public wine tasting;
  - f) Reduce the height of the winery production/storage building from 42 feet to 35 feet;
  - g) Remove the roll-up door on the south side of the winery production/storage building.

The Settlement included limiting all winery production operations to 10 p.m., except during crush. However, the Approved Project already limits all winery production hours of operation to 7 a.m. - 7 p.m., which will remain unchanged.

**Previously Approved Project Components Remaining Unchanged:**

**Land Use/Zoning:** Diverse Agriculture 10 acres per du land use designation and Diverse Agriculture B6 10 acre density, SR (Scenic Resource) zoning district.

**Winery:** 33,000 square feet in size and 26,500 case capacity. Production hours from 7:00 a.m. to 7:00 p.m. (non-harvest season); and during harvest season, approximately eight weeks per year, the winery will be open seven days a week, 24 hours a day, but shall not operate 24 hours per day more than 30 days within the 8-week period from the start of harvest. As approved, at least 75% of the grapes processed at the winery shall be either grown on site or locally grown, with the remaining 25% from importing grapes or processed grapes (juice) from outside the county.

**Public tasting room, retail sales, and events:** 5,000 square feet in size and 35 feet in height.

The public tasting room is open to the public 7 days a week with retail sales and a total of 12 marketing dinners and/or luncheons per year with a maximum of 40 guests per event. The hours of special events are limited to 10:00 a.m. to 9:00 p.m., with the exiting of guests, any packing up of equipment and furniture, and special event cleanup to be completed by 10:00 p.m. Industry wide events are allowed with a maximum of 150 guests. No weddings and/or concerts are allowed.

**Cisterns:** Several large water cistern steel tanks for a water catchment system located on the west side of the winery building.

**Access:** The primary winery and tasting room entrance would remain via an existing private driveway off Occidental Road approximately 300 feet east of the intersection of State Highway 116. The existing gravel driveway would be paved and widened to allow two-way traffic.

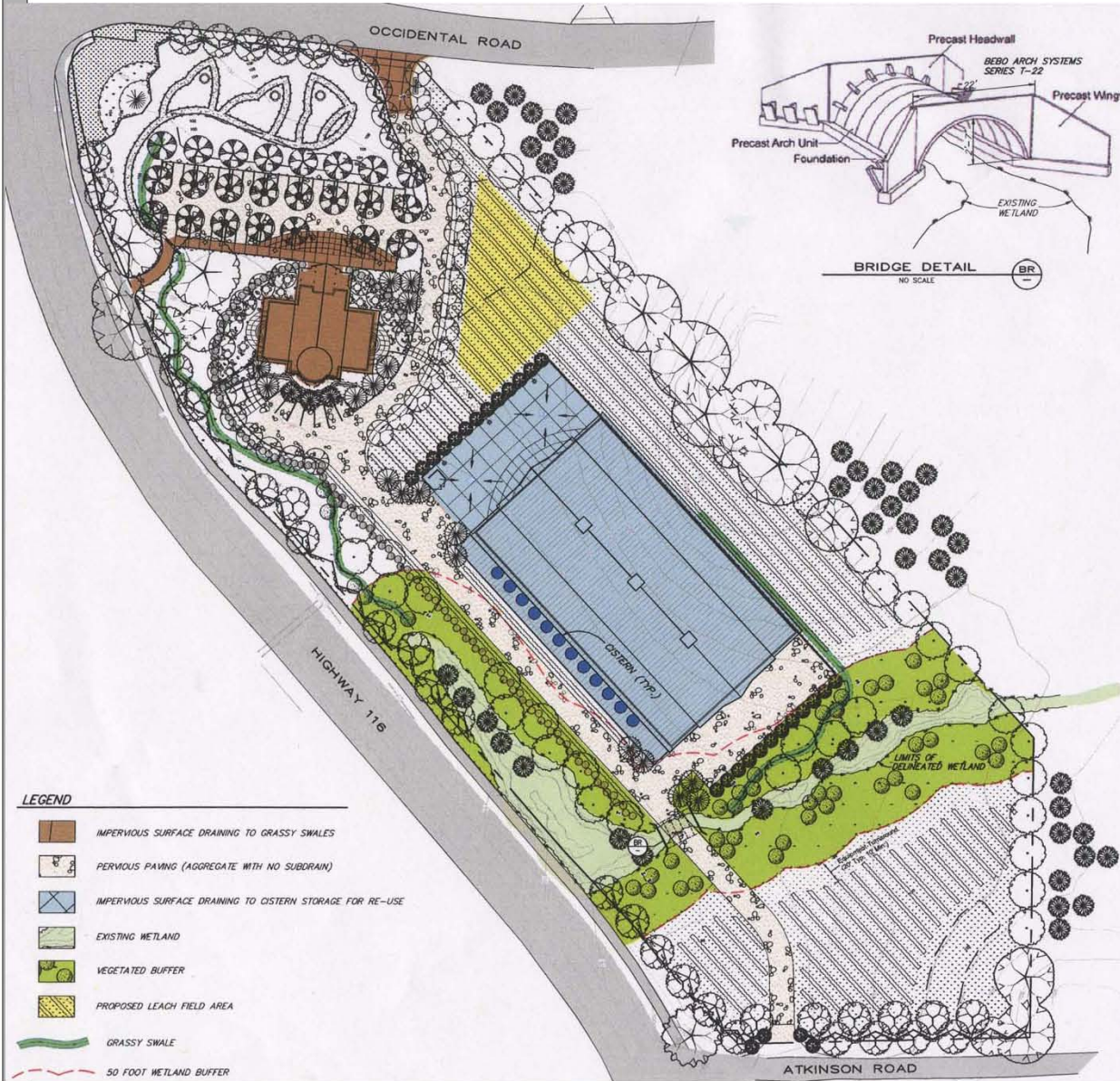
Emergency vehicle access only will be provided by a new driveway off of Atkinson Road, south side of project site. The existing driveway currently off Highway 116 will be eliminated.

**Sewage Disposal:** Winery wastewater disposal and domestic sewage disposal would be via an on-site septic system.

**Water Supply:** Water supply to serve the winery and tasting room would be via a new well.



- **General Plan Policy LU-17q:** *“Notwithstanding the minimum lot size limitations of the Diverse Agriculture land use category and the DA (Diverse Agriculture) zoning district, the Diverse Agriculture land use and DA zoning designations, and a minimum lot size of 7.61 acres, are considered consistent with the General Plan for a 7.61 acre parcel resulting from the merger of two existing parcels, APN’s 130-262-031 and -032, based on the site’s current “Intensive Agriculture” designation in the West Sebastopol Area Plan, the existing and historical agricultural use on the site, on-site soil types and water availability suitable for crop production, and the existing pattern of small and large lots in the vicinity. The Diverse Agriculture land use designation is not considered growth inducing because overall development potential of the site is decreased by one single family residence and one second dwelling unit due to the merger of APN’s 130-262-031 and -032 into a single parcel. Notwithstanding the Diverse Agriculture land use and DA zoning designations for the site, to avoid incompatible on-site uses to surrounding residential parcels and potentially negative visual impacts along the Highway 116 scenic corridor, the following land uses shall be prohibited on the site even with a use permit application: confined (continuously) livestock operations; livestock feed yards and animal sales yards; commercial mushroom farm (involving outdoor growing or composting); commercial horse stables, horse boarding, riding academies, equestrian riding and driving clubs, and hunting clubs; slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards; game preserves and refuges; campgrounds; commercial kennels; private landing strips; commercial wood yards, including wood splitting; and golf courses and driving ranges. In addition, prior to December 31, 2027, any winery on the site is prohibited from: (1) increasing maximum annual production capacity beyond 26,500 cases per year, and (2) having more than 16 special events per year (12 marketing luncheons or dinners with up to 40 participants and 4 industry-wide events with up to 150 participants)”.*



**LOW IMPACT DEVELOPMENT (LID) FEATURES**

**Grass Swales**

The project proposes over 800 linear feet of grass swales to treat runoff through sedimentation in the channel, filtration through a subsoil matrix, and infiltration into the underlying soils.

**Vegetated Buffer**

The delineated wetland will be surrounded by a vegetated buffer zone, consisting primarily of uncompacted native and amended soils. The zone will be planted either with a cover crop of native and compatible wildflowers, transitional ecosystem plantings (specially selected for their tolerance of seasonally wet soils and drought conditions), or dry-climate native and ornamental landscape plantings. All plantings will have low water use requirement, and fertilizers, pesticides and herbicides will not be used in the buffer zone. The soil surface will be mulched to control erosion, promote soil ecology, and infiltration.

**Cisterns**

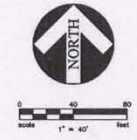
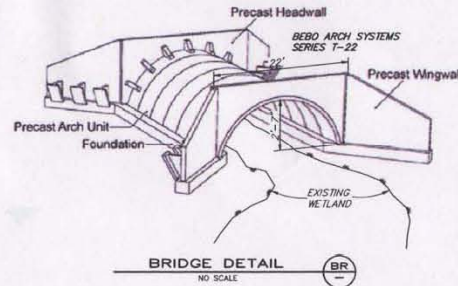
The project proposes to install cisterns with 65,000 gallons of storage capacity. The cisterns will collect rainwater from the roof of the production building and store it for use in winery processing and/or irrigation for the landscaping and vineyards. The practice of storing storm water for use in irrigation will promote biofiltration and evapotranspiration to prevent increases of storm water runoff from leaving the site. The cisterns will be a useful tool to assist in maintaining the volume of storm water runoff to pre-development levels.

**Pervious Pavement**

The driveways and parking facility will be pervious/gravel pavements. This will allow for storm water to infiltrate into the ground, reducing the amount of runoff coming from the driveways and parking facility. Subdrains will not be installed; therefore, the pervious/gravel pavements will qualify as treatment of storm water runoff.

**Preservation & Enhancement of Natural, Landscape and Vineyard Areas**

Most of the project site will remain as agricultural use. New vineyards and landscape areas will be prepared by spading. Cover crop will be planted between the rows in vineyard areas. Landscaped areas will have a deep mulch cover. All of these LID features will assist infiltration of storm water and will help prevent soil erosion.



**LOW IMPACT DEVELOPMENT FEATURES  
BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA

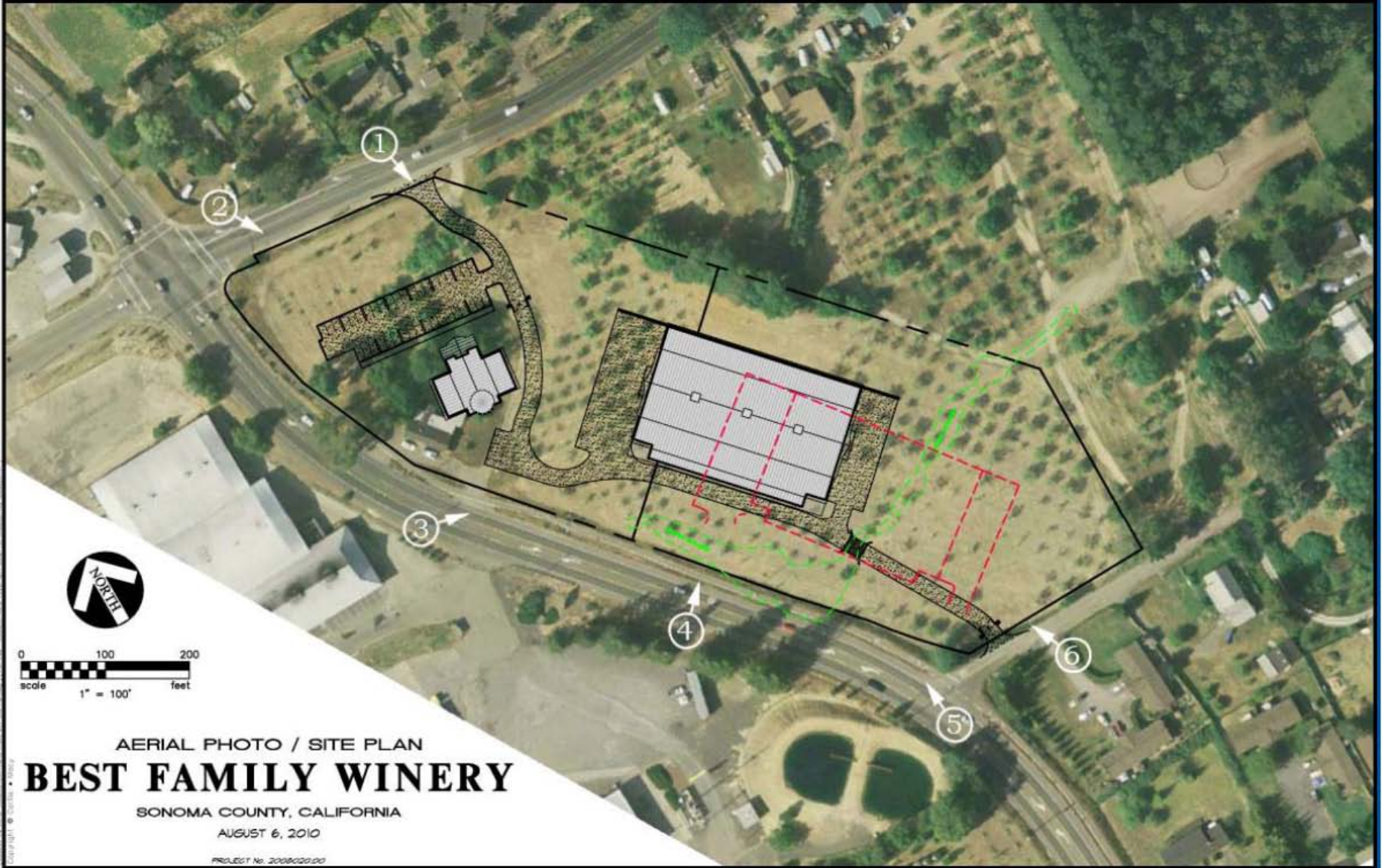
DECEMBER 6, 2010

PREPARED BY:



CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
15 THIRD STREET, SANTA ROSA, CA 95401  
TEL: (707) 542-6451 FAX: (707) 542-9212





AERIAL PHOTO / SITE PLAN  
**BEST FAMILY WINERY**

SONOMA COUNTY, CALIFORNIA

AUGUST 6, 2010

PROJECT No. 200802000

Site Plan Aerial

PLP08-0029





**View (1) - Occidental Road at project entrance**

PLP08-0029





**View (2) - Corner of Occidental Rd and Hwy 116**

PLP08-0029





**View (3)- Frontage along Hwy 116 -north portion of site**

PLP08-0029





**View (4)- Frontage Hwy 116- mid section of project site**

PLP08-0029





**View (5)- Hwy 116 frontage - southern section of project site**





**View (6)- Atkinson Road- south portion of project site** 10-0029



2 EAST ELEVATION - TASTING BUILDING



1 WEST ELEVATION - TASTING BUILDING

Tasting room east/west elevations

PLP08-0029



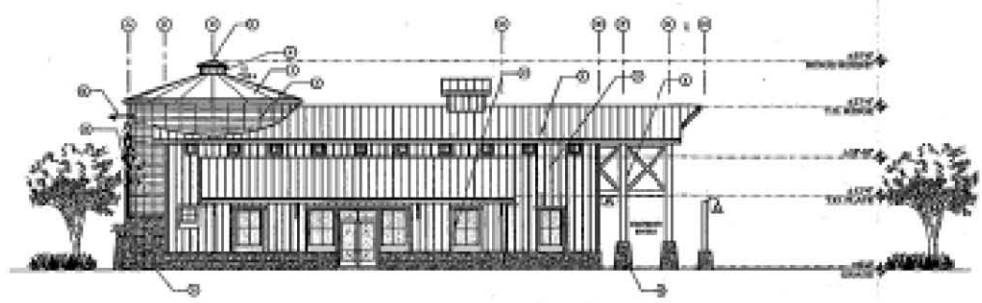


② NORTH ELEVATION - TASTING BUILDING

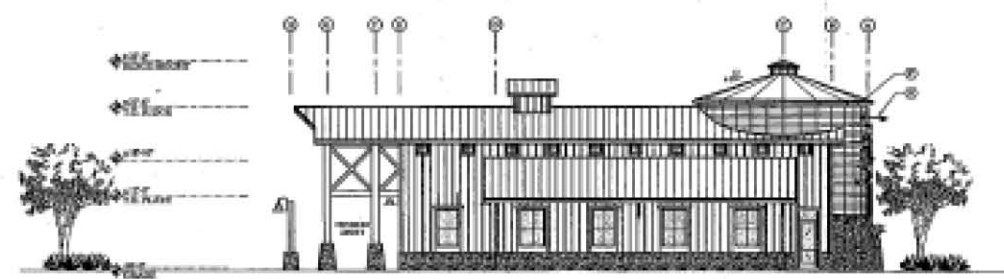


**Tasting room north/south elevations**

PLP08-0029

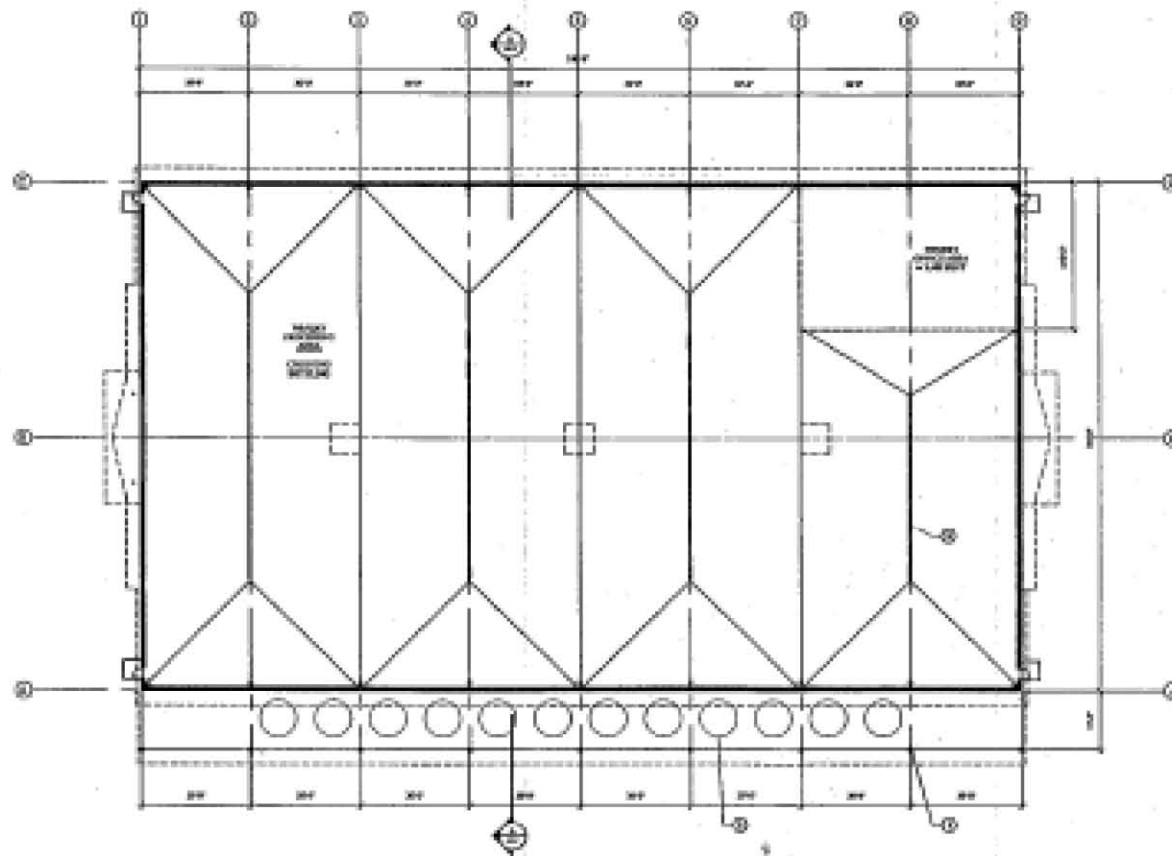


2] EAST ELEVATION - TASTING BUILDING



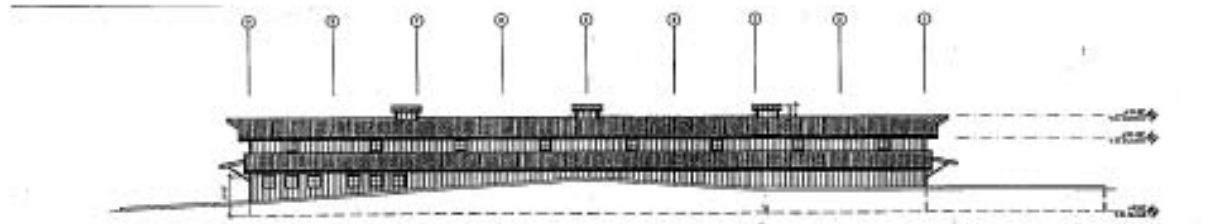
1] WEST ELEVATION - TASTING BUILDING

Tasting room east/west elevations

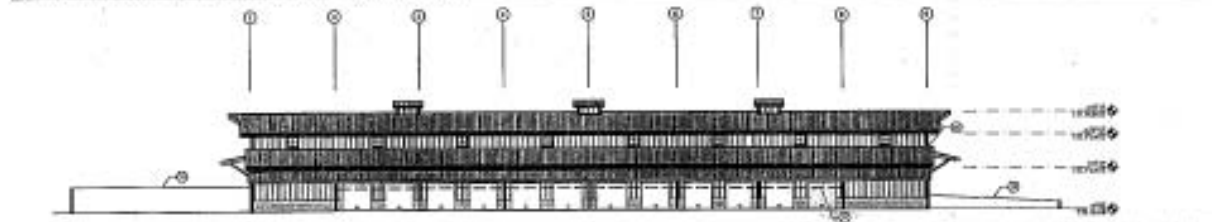


Winery building floor plan

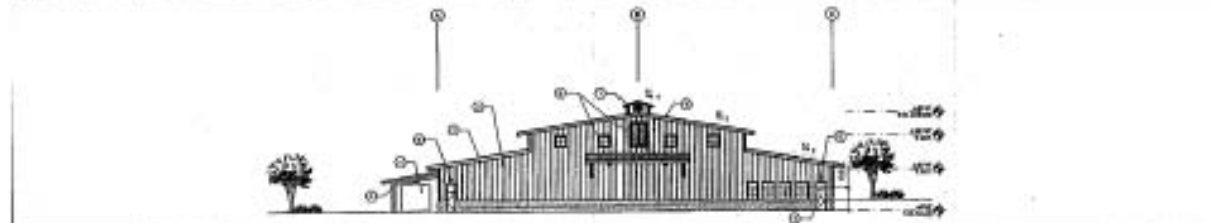
PLP08-0029



4 EAST ELEVATION - WINERY PRODUCTION BUILDING



3 WEST ELEVATION - WINERY PRODUCTION BUILDING



2 SOUTH ELEVATION - WINERY PRODUCTION BUILDING



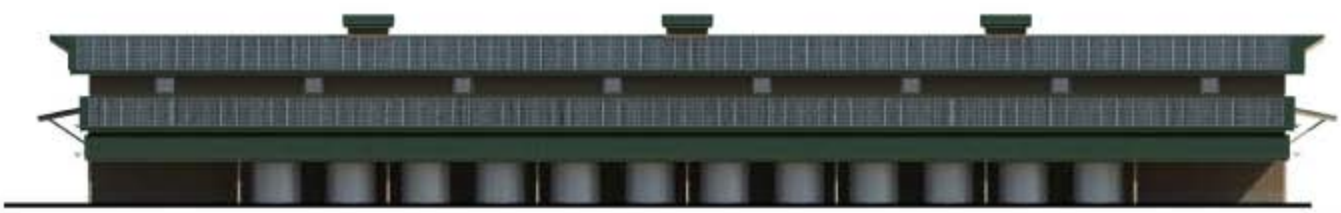
1 NORTH FRONT ELEVATION - WINERY PRODUCTION BUILDING

## Roof Plan and Sections for Winery

PLP08-0029



4 EAST ELEVATION - WINERY PRODUCTION BUILDING



3 WEST ELEVATION - WINERY PRODUCTION BUILDING



2 SOUTH ELEVATION - WINERY PRODUCTION BUILDING

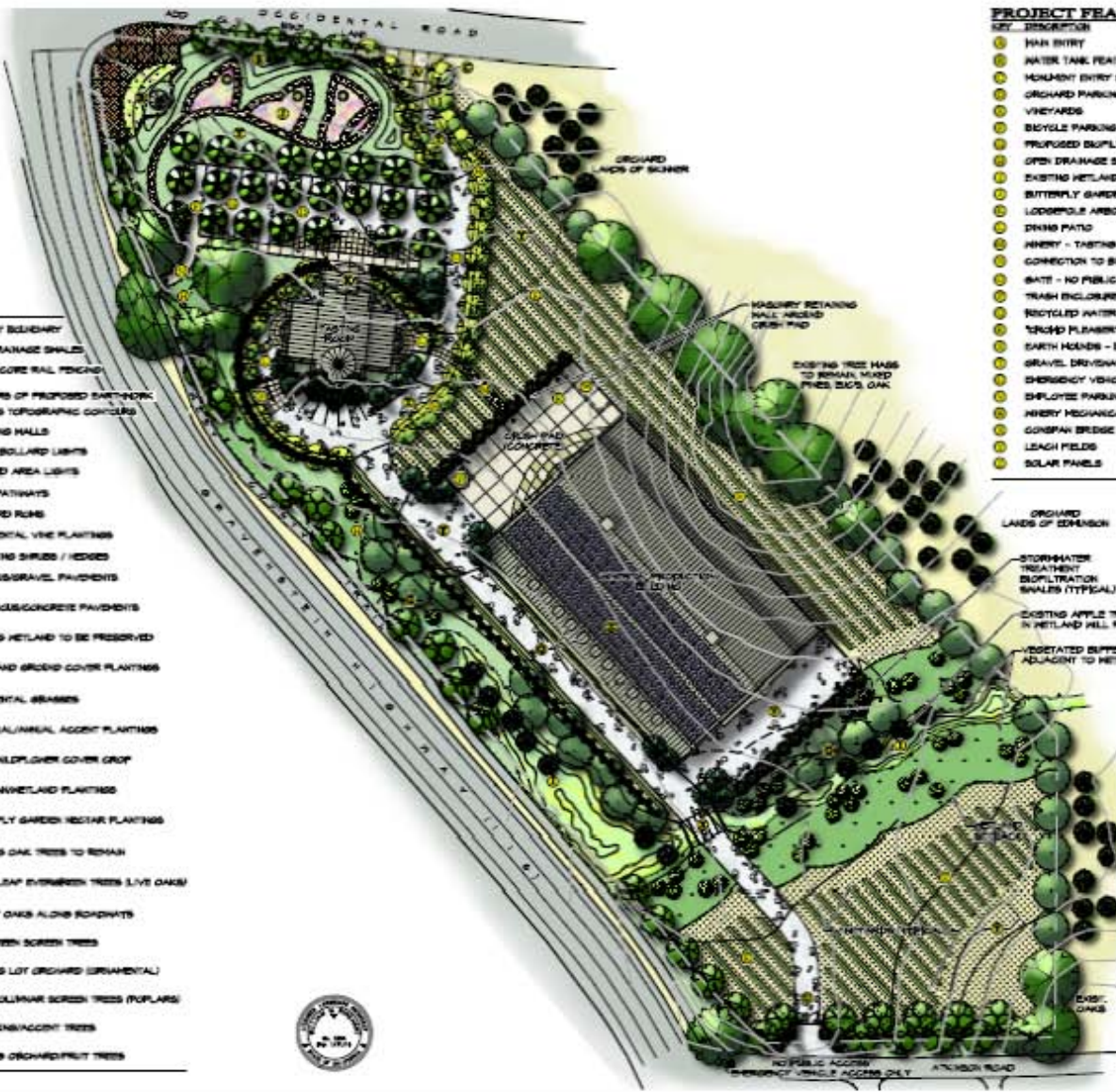


1 NORTH FRONT ELEVATION - WINERY PRODUCTION BUILDING

# Winery Production Room Elevations

PLP08-0029





- LEGEND**
- PROJECT BOUNDARY
  - OPEN DRAINAGE SHALES
  - FENDER CORE RAIL FENCING
  - CONTOURS OF PROPOSED SITEWORK
  - EXISTING TOPOGRAPHIC CONTOURS
  - RETAINING WALLS
  - TRUSS BOLLARD LIGHTS
  - SHIELDED AREA LIGHTS
  - MULCH PATHWAYS
  - VINEYARD ROADS
  - ORNAMENTAL VINE PLANTINGS
  - SCREENING SHRUBS / HEDGES
  - PERVIOUS/GRAVEL PAVEMENTS
  - IMPERVIOUS/CONCRETE PAVEMENTS
  - EXISTING WETLAND TO BE PRESERVED
  - GRASS AND GRASS COVER PLANTINGS
  - ORNAMENTAL GRASSES
  - PERENNIAL/ANNUAL ACCENT PLANTINGS
  - MIXED ALPINE/LOW COVER CROPS
  - REPAIR/WETLAND PLANTINGS
  - BUTTERFLY GARDEN NECTAR PLANTINGS
  - EXISTING OAK TREES TO REMAIN
  - BROADLEAF EVERGREEN TREES (LIVE OAKS)
  - VALLEY OAKS ALONG ROADWAYS
  - EVERGREEN SCREEN TREES
  - PARKING LOT ORCHARD (ORNAMENTAL)
  - TALL COLUMNAR SCREEN TREES (POPLARS)
  - FLOWERING ACCENT TREES
  - EXISTING ORCHARD FRUIT TREES

- PROJECT FEATURES**
- 1 MAIN ENTRY
  - 2 WATER TANK FEATURE
  - 3 MICHARDT ENTRY SIGN
  - 4 ORCHARD PARKING LOT
  - 5 VINEYARDS
  - 6 BICYCLE PARKING AREA
  - 7 PROPOSED INFILTRATION BASINS
  - 8 OPEN DRAINAGE SHALES
  - 9 EXISTING WETLAND TO BE PRESERVED
  - 10 BUTTERFLY GARDEN / PICNIC AREA
  - 11 LODGEPOLE ARBORES
  - 12 DINING PATIO
  - 13 HONEY - TASTING ROOM TRAIL
  - 14 CONNECTION TO BIKE TRAIL
  - 15 BATE - NO PUBLIC ACCESS
  - 16 TRASH ENCLOSURE
  - 17 RECYCLED WATER STORAGE TANKS
  - 18 TRASHED PLUMBING STYLE PORTABLE TOILETS
  - 19 EARTH HOUNDS - BIRDS
  - 20 GRAVEL DRIVEWAYS
  - 21 ENERGY VEHICLE ACCESS ONLY
  - 22 EMPLOYEE PARKING LOT - GRAVEL
  - 23 HONEY MECHANICAL EQUIPMENT AREA
  - 24 GOLFMAN BRIDGE
  - 25 LEACH FIELDS
  - 26 SOLAR PANELS



**PROJECT DATA**

NO.	DESCRIPTION	AMOUNT
80-200-001	8/4 / 80004 8470	
80-200-002	02 / 17002 8470	
TOTAL	12 / 16040 8470	
DESIGN AREA	24.28 AC	
BASELINE AREA		
WETLAND AREA	8.000 AC	
WATERWAY AREA	0.000 AC	
TOTAL	8.000 AC	
TOTAL IMPROVED SURFACE	4 AC	

**PARKING DATA**

AREA / USE	SPOTS	SCREENING WALLS	SHALLS WALLS
EXISTING			
TRUCK	200	80	20
TRUCK	200	80	20
TRUCK	200	80	20
TRUCK	200	80	20
TRUCK	200	80	20
TOTAL	1000	400	100
TOTAL PROVIDED			
CONCRETE/PAVEMENT			
SPECIAL EVENT	200		
TOTAL	1200		



**PRELIMINARY LANDSCAPE PLAN**

# BEST FAMILY WINERY

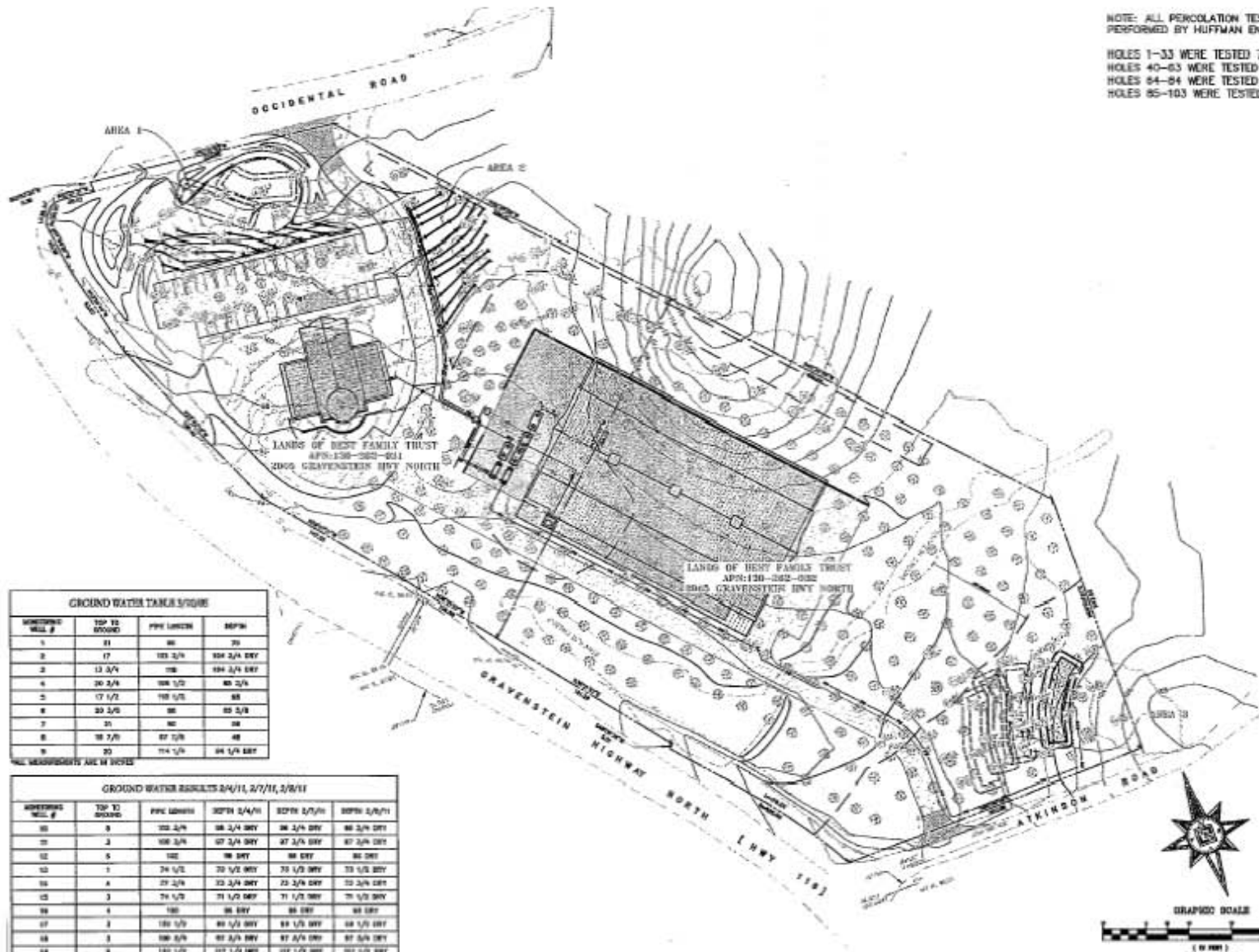
SONOMA COUNTY, CALIFORNIA 7/30/2012

**Lafranchi**  
ARCHITECTURE & DESIGN  
414 Aquatic Boulevard  
Santa Rosa, California 95402  
Phone: 707.532.4574  
Fax: 707.532.4575  
Lafranchi.com

**Civil Engineer - Three Persons**  
**Lance Peterson**  
License Number  
12 Three Rivers Plaza, Suite 200  
Santa Rosa, CA 95402  
Tel: 707.532.4574 Fax: 707.532.4575

0007 1 OF 1  
Scale: 1/8" = 1'-0"





NOTE: ALL PERCOLATION TESTS WERE PERFORMED BY HUFFMAN ENGINEERING.  
 HOLES 1-33 WERE TESTED 7/1/00.  
 HOLES 40-63 WERE TESTED 3/8/11.  
 HOLES 64-84 WERE TESTED 4/6/11.  
 HOLES 85-103 WERE TESTED 4/12/11.

**GROUND WATER TABLE 3/3/06**

MONITORING WELL #	TOP TO GROUND	PERC. LAYER	DEPTH
1	31	80	30
2	17	103 3/4	104 3/4 DRY
3	13 3/4	108	104 3/4 DRY
4	26 3/4	108 1/2	80 3/4
5	17 1/2	103 1/2	80
6	23 3/4	88	80 3/4
7	31	80	30
8	18 3/4	87 1/2	48
9	20	114 1/2	84 1/4 DRY

ALL MEASUREMENTS ARE IN FEET

**GROUND WATER RESULTS 2/4/11, 2/7/11, 3/8/11**

MONITORING WELL #	TOP TO GROUND	PERC. LAYER	DEPTH 2/4/11	DEPTH 2/7/11	DEPTH 3/8/11
10	8	102 3/4	86 3/4 DRY	86 3/4 DRY	86 3/4 DRY
11	2	106 3/4	87 3/4 DRY	87 3/4 DRY	87 3/4 DRY
12	5	102	86 DRY	86 DRY	86 DRY
13	1	74 1/2	70 1/2 DRY	71 1/2 DRY	71 1/2 DRY
14	4	77 3/4	72 3/4 DRY	72 3/4 DRY	72 3/4 DRY
15	3	71 1/2	71 1/2 DRY	71 1/2 DRY	71 1/2 DRY
16	1	100	86 DRY	86 DRY	86 DRY
17	2	101 1/2	80 1/2 DRY	81 1/2 DRY	81 1/2 DRY
18	2	106 3/4	81 3/4 DRY	87 3/4 DRY	87 3/4 DRY
19	8	100 1/2	107 1/2 DRY	107 1/2 DRY	107 1/2 DRY



**Septic System Design Site Plan**

PLP08-0029

September 13, 2012

Ms. Traci Tesconi  
SONOMA COUNTY PRMD  
2550 Ventura Ave.  
Santa Rosa, CA 95403

SUBJECT: Best Family Winery (PL08-0029)  
Drainage at EVA Entrance

Dear Traci:

This letter is in response to your request for more detail regarding the existing and proposed drainage located at the intersection of Hwy. 116 and Atkinson Rd.

Existing Condition: There is an existing 24" culvert that crosses Atkinson Rd. that takes drainage from the southern side of Atkinson Rd. and discharges onto the northern side of Atkinson Rd. The storm drainage then travels in a northwesterly direction, parallel with Highway 116 and finds its way to the existing culverts crossing Highway 116.

Proposed Condition: The flared driveway approach to the proposed emergency vehicle access (EVA) road will conflict with the existing culvert outfall location. We propose to install a manhole at the location of the existing outfall to act as a turning structure. A new portion of 24" storm drain pipe will be installed with a flared end section that will direct the storm drainage to an earth swale, taking the drainage in a northwesterly direction.

Attached is an exhibit showing the existing and proposed condition. The proposed drainage pattern will not differ from what exists today. The storm water from the southern side of Atkinson Rd. will continue to flow through the culvert and drain through the project property. Please let me know if you have any questions.

Very truly yours,

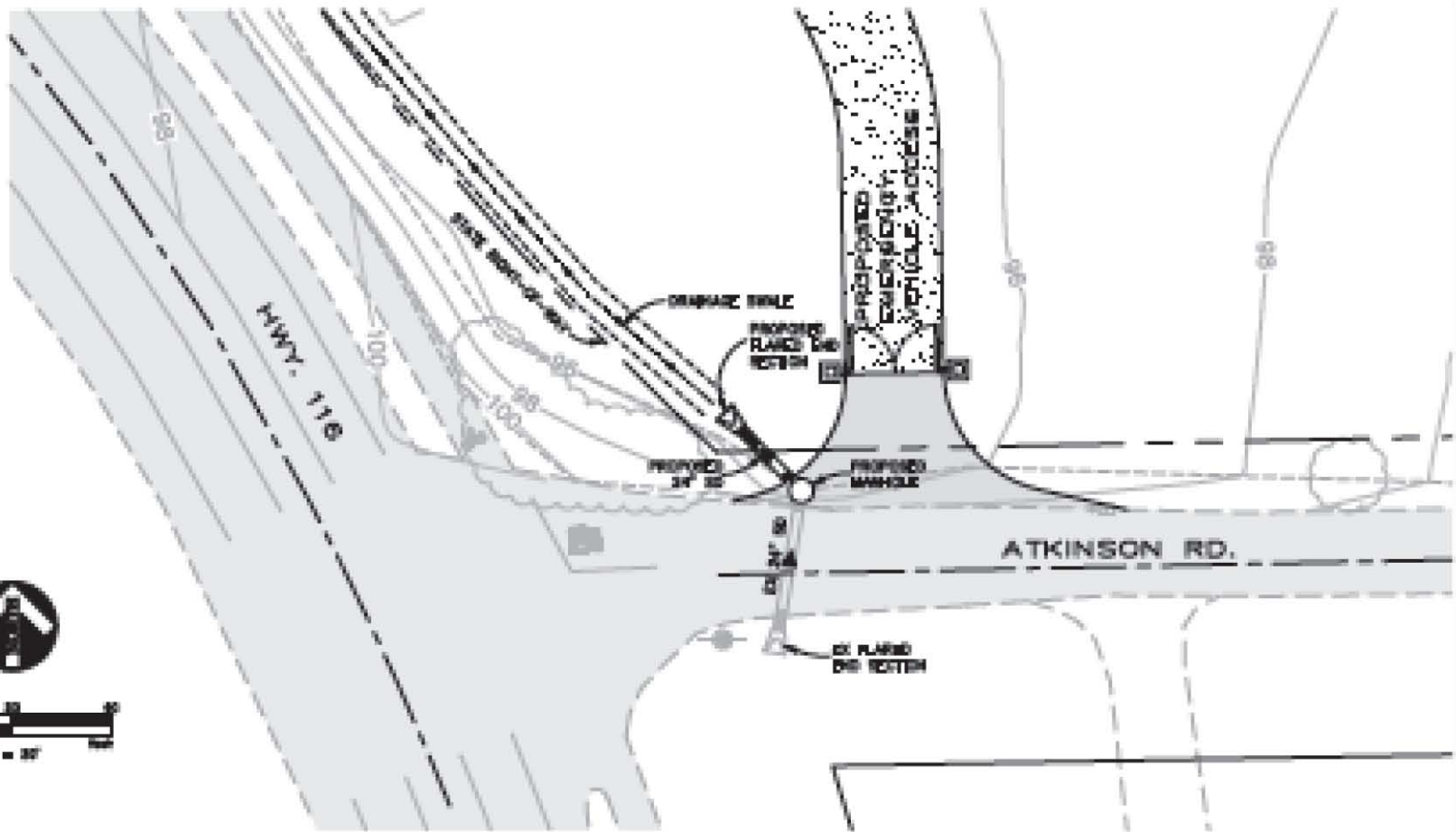
CARLILE • MACY



Rick F. Carlile, P.E.  
Associate Civil Engineer

cc: Casey Costello, Best Family Investors, LLC

PLP08-0029



1/2" = 10'  
**100-0877**  
**DRAINAGE AT EVA ENTRANCE**  
**BEST FAMILY WINERY**  
 SONOMA COUNTY, CALIFORNIA  
 SEPTEMBER 12, 2002  
 PLP08-0029

Best Services - Home Planning - Land Services - Landscape Architecture  
 10100 SERRA DRIVE, SUITE 200, SAN RAFAEL, CA 94903  
 TEL: (415) 452-4400 FAX: (415) 452-4402

Drainage at EVA Entrance

PLP08-0029



