

Tolay Springs
Sonoma County, CA
Updated December 1, 2019

PROPOSED NEW VERTICALLY INTEGRATED

WINERY, OLIVE MILL, AND FARM STORE

PRELIMINARY ENGINEERING AND PLANNING INFORMATION

In order to verify the suitability of the site for the proposed agricultural processing facilities, an initial investigation of various relevant aspects of the existing property was performed. The following items were, or are in the process of being evaluated:

1) Sonoma County Planning Department

The Tolay Springs project originally submitted in 2014 (PLP14-0091) has been mindfully reviewed and adjusted with input from neighbors, Permit Sonoma, and the community. The revised proposal (PLP18-0037) represents the convergence of those inputs and the intentions for the best use of the property and its southern corridor location. The revised proposal took into consideration the average events, case volume, and participant size of wineries on the corridor and proposed a case volume, event size, and event frequency below those existing averages. The project is differentiated from other wineries on the corridor as a working diversified farm with a proposed winery, olive mill, and farm store.

2) Property Information

a) Zoning –The parcels are zoned LEA B6 100, G SR VOH and the land use is LEA100.

LEA Zoning Section 26-06-020 (g): Preparation of agricultural products which are not grown on site, processing of agricultural products of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g;

The estate is currently under a Williamson Act Contract with 113 acres of existing vineyard as well as grazing for cattle and sheep. The proposal for the Tolay Springs winery, olive mill, and farm store will include approximately 200 acres of vines for the production of wine and 5000 olive trees for the production of olive oil. The Farm Store will offer not only wine and olive oil from the production facility but also eggs, seasonal produce, grass-fed meat, and other items farmed on site such as lavender. The primary use of the property will continue to be agricultural production and processing.

Policy AR-5b: Consider allowing the processing of non viticultural agricultural products where the processing is demonstrated to support projected or new agricultural production, provided that the processing use is proportional to the new production on site or in the local area.

The olive mill located in the wine and olive oil production facility will produce 1500 cases of olive oil from the 5000 olive trees (corresponding to 100 tons of olives) on site.

Policy AR-5c: Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.

The proposed Tolay Springs Winery facility includes a case goods storage area of approximately 910 square feet in the 37,313 square foot production building. The case goods area is utilized for staging during bottling, library wines, and short-term storage. The wine storage area is approximately 2.4% of the total winery floor area.

Policy AR-5g: Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

- (1) Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.*

Access to the Tolay Springs facility will be from a new paved (with new left turn lane) entrance and driveway off Arnold Drive. A Traffic Impact Study was prepared and is in the process of being updated for the revised project by W-trans. The results of the original study indicated that under Existing plus Project and Future plus Project conditions, the study intersections are expected to operate at the same levels of service as without the project. The project's impact is less-than-significant as it increases delay by less than five seconds at intersections projected to operate unacceptably. The results of the original study further indicated that a left-turn lane is warranted, but that a right-turn lane is not warranted. The study also indicated that adequate sight distance is provided, and adequate parking is provided for employees, daily visitors, as well as event visitors.

- (2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*

A Groundwater Availability Study was prepared on September 8, 2015 by Wagner & Bonsignore and has recently been updated on May 7, 2018 to address the revised project. The results of both the original and updated study indicated that that sufficient water is in storage within the aquifer to meet water demand during periods of drought without negatively impacting area wells. Additionally, the 2018 update also indicated there is no salt water intrusion into the existing aquifer.

- (3) Whether the above uses would be detrimental to the rural character of the area. In cases where the proposed processing use would process only products grown on site, such use would not be subject to this concentration policy.*

The proposed processing uses (wine and olive oil production) will process only products grown on site.

b) The following documents were obtained and reviewed for restrictions and conflicts:

i) Assessor's Parcel Map. APN 068-090-019, 021

- (1) The project is proposed on one legal lot with two assessor's parcel numbers due to two different taxation rates: Lot B (APN 068-090-019 and 068-090-021).
- (2) The site is under a Williamson Act Contract (Ag Pre 2-238 07-100746). The proposed project is in compliance with the requirements of an Agricultural Preserve with the agricultural support building lot coverage at 0.35% and additional compatible use lot coverage at 2.29% (for a total of 2.64% equal to 5 acres) of Lot B. No conflicts with the General Plan were noted, and the project is not located within any Area or Specific Plans. The proposed project is in Supervisorial Districts 1 and 2.

c) Topographic Mapping – Field surveying and topographic mapping of the subject property and proposed development areas was performed in February 2014 by Ray Carlson & Associates of Santa Rosa, CA. The resulting information is used on the attached Overall Site Plan and Facility Site Plans. Topographic mapping will be utilized for engineering design purposes, with additional supplemental fieldwork if necessary.

3) Environmental Information and related Engineering Data

a) **Aesthetics** (Visual) – The new winery and tasting room buildings will be located on the hillside overlooking the subject property with vistas to the bay. The second level of the winery and olive mill building is subterranean as are the wine caves to reduce the visual impact. The new farm store will be located near the entrance to the estate and will be designed to mimic a traditional farm stand style. All of the new buildings will reflect an agrarian architecture in concert with the surrounding residences, barns, farms and structures in the area. The location of the tasting room, winery and olive mill facility were revised after Design Review to eliminate any concerns with "sky-lining" of the buildings. They will be located approximately 1,515' from the centerline of Arnold Drive at the nearest point, and 2,063' from the closest neighboring structure. The farm store will be located approximately 525' from the centerline of Arnold Drive at the nearest point, and 2,082' from the closest neighboring structure. The new buildings were approved for preliminary design review on October 3, 2018, but will still be subject to final design review approval by the Design Review Committee prior to permit issuance.

All buildings will minimize glare from windows and all exterior lighting will be shielded and directed downward.

b) **Agricultural Resources**

AGRICULTURAL RESOURCES ELEMENT

2.0 GOALS AND POLICIES RELATED TO AGRICULTURE

2.1 ASSIST IN THE MARKETING AND PROMOTING OF SONOMA COUNTY'S AGRICULTURAL PRODUCTS

Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses.

This element shall establish policies that will assist in promoting and marketing agricultural products grown or processed in Sonoma County.

Goal AR-1: Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.

Objective AR-1.2: Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use.

2.5 REGULATE THE LOCATION AND INTENSITY OF AGRICULTURE RELATED COMMERCIAL AND INDUSTRIAL USES IN AGRICULTURAL AREAS

Objective AR-5.1: Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land-use categories.

Policy AR-5e: Local concentrations of any commercial or industrial uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided.

Policy AR-5f: Permit storage facilities for agricultural products either grown or processed on the site. Size the facilities according to the processing operation.

- c) **Air Quality** – Emissions from traffic accessing the winery site will be below the Bay Area Air Quality Management District Criteria ("BAAQMD") and will not obstruct the implementation of the applicable air quality plan. The Winery Trip Generation, estimated by using the average daily trips (ADT) generated by the proposed ultimate project, is estimated at 135 net new trips during non-harvest and 171 trips during harvest (see Traffic Impact Study by W-Trans). The BAAQMD CEQA guidelines do not recommend further analysis of vehicle emissions if the amount of new traffic generated would be less than 2,000 vehicles per day.

The hot water boilers will be high efficiency LPG fired with recirculation for energy conservation and low emissions. Process wastewater from the production facilities will be screened, settled in settling tanks and treated in an aerated lagoon and discharged to the vineyard via drip irrigation. Pomace will be spread and decomposed within the vineyard or hauled offsite in a timely manner. Sanitary sewage will be treated in new septic tanks and disposed of in a new onsite above ground mound septic system (with expansion). Consequently, odors associated with wastewater treatment will not be present.

Biological Resources – The project is not located within an area subject to a local, regional, or state habitat conservation plan. Three reports have been generated regarding the potential impacts to Biologic resources from the Tolay Springs project.

- i) A "Special-status Plant Survey" dated July 2014 was conducted by Kjeldsen Biological Consulting, and later updated June 2018 and then again in June 2019. The field studies conducted by Kjeldsen revealed that there are no special-status plant species associated with the proposed project sites or access roads.
- ii) A "Biological Resources Assessment" was conducted by WRA, Inc. in September 2014 and later updated June 2018. An additional supplemental letter addressing the

relocation of the winery and tasting buildings after preliminary Design Review was prepared in June 2019. The Assessment suggested that Waters of the State including the blue-line creek and potential wetlands on site be avoided to the maximum extent feasible and where avoidance is not feasible, that the project is designed to minimize impact. The project components will be located with the required setbacks for development from said waters of the state, and any crossings will include bridges, etc. where needed. The Assessment did not include an official California Red-legged Frog (CRLF) study, nor were any CRLF's observed during the field studies, however, the project site is less than one mile from a known breeding occurrence. As a result, project specific CRLF avoidance and mitigation measures will be implemented during construction. These may include, but not be limited to: installation of wildlife exclusion fencing around project areas, on site biological monitoring, prohibition of most project activities during and immediately after rain events, etc. The assessment also made recommendations for other animals which included pre-construction surveys and establishing exclusion zones for nesting birds or burrowing animals identified in the project area.

- iii) A "Delineation of Section 404 Waters of the US and CDFW Section 1602 Stream and Riparian Areas" dated Sept 2014 was also conducted by WRA, Inc. The Project Area was found to contain approximately 3.48 acres considered potential jurisdictional wetlands and 0.29 acres considered potential jurisdictional non-wetland waters. The Tolay Springs project sites are located outside of the Seasonal Wetlands identified in this study and shown on Appendix A and the development will be located with the required setbacks for development from said jurisdictional waters, and any crossings of creeks, swales, or streams will include bridges, etc. where needed to mitigate potential impact. The revised project has no impact on the wetlands and maintains a 50' setback from any wetland areas.
- d) **Cultural Resources** (Archeology and Historic) – A "Cultural Resources Evaluation" dated September 2014 was conducted for the project by William Roop of Archeological Resource Service (ARS) and later updated in April 2018. The study included archival research at the Regional Office of the California Historical Resources Information System, examination of the library and files of ARS, field reconnaissance of the project area, contact with the Native American Heritage Commission for listed Sacred Lands File, and letter requests of comment to the local Native American tribes. Conclusions of the report indicated that two previously recorded archaeological sites were encountered on the adjacent property, one of which was near the original proposed development site. With the revision to this project, the updated 2018 study states that no archeological impacts are found. However, at the request of the Federated Indians of Graton Rancheria, an additional archeology investigation as well as a canine cadaver search was conducted in November 2019. Tom Origer & Associates field survey, which included some soil auger borings, found no archaeological sites within the proposed project area. The Institute for Canine Forensics (ICF) field canine survey disclosed several locations within or immediately adjacent to portions of the project site. These locations are noted on the Use Permit Plans, Sheets UP2- UP4 as well as within the ICF report. The survey indicated there may be some isolated burials or scattered remains on the site, but that there is no evidence that supports a large burial area. As such, the project is proposed to avoid the locations noted in the ICF survey (with the exception of the designated overflow parking near the Farm Store, shown on Sheet UP, since no grading will be completed for overflow parking). Additionally it is proposed to have an archeologist and Tribal Representative on site during ground breaking and grading activities so that proper protocol can be followed if any remains or archeological artifacts are encountered.

- e) **Geology and Soils** – The proposed buildings associated with the Tolay Springs project will not be located in a geologically sensitive area or zone, however, a known seismic fault zone does transverse the estate outside of the development area. A complete geotechnical investigation and report will later be prepared and utilized for engineering design purposes. All structures will be designed for seismic loading per the UBC. Extensive soil testing was conducted on the subject property for the purpose of identifying potential locations for onsite wastewater treatment and disposal. In general, the site is found to have shallow sandy loam or sandy clay loam soils to an average of 2 feet over hardpan or clay.
- f) **Hazards and Hazardous Materials** (Winery Chemicals) – Wine production operations typically involve the use or production of materials classified as “hazardous” in the California Health and Safety Code. These include nitrogen, carbon dioxide and sulfur dioxide gases. County Fire Department regulations require the establishment of a Hazardous Materials Business Plan (HMBP) that specifies the use, quantities, storage, transportation, disposal and upset conditions for hazardous materials in accordance with state and county regulations. An HMBP will be required to ensure no significant public exposure from the potential use of hazardous materials at the winery site because the winery will include chemical storage and fermentation areas.

There is no active school proposed, or existing, within one-quarter mile of the site.

g) **Hydrology and Water Quality**

- a. *Water Supply* - Water for process and domestic use will be groundwater-supplied by onsite wells. Landscape irrigation will be provided through the reuse of reclaimed wastewater and onsite reservoir(s). Fire protection system water will be stored in a dedicated water tank. These systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. Based on the number of employees and visitors for the Tolay Springs project, a non-transient non-community water system will be developed and permitted through the State of California Drinking Water Program.
- b. *Groundwater* - The property is within a “marginal groundwater basin” (Zone 3 classification) per the PRMD Active Map. There are currently five wells and several springs supplying water to the Tolay Springs Ranch estate. A Water Availability Analysis was originally conducted by Wagner & Bonsignore in September 2015 and later updated in 2018. Both analyses show adequate water for the proposed project.
- c. *Drainage* – The project site lies outside of the Standard Urban Stormwater Mitigation Plan (SUSMP) boundary and therefore will not be subject to Low Impact Development (LID) regulations. However, the project will still be subject to Stormwater mitigation as outlined in the Sonoma County Grading ordinance. A storm water pollution prevention plan (SWPPP) will be implemented during construction. Storm water runoff from the roofs will be outlet to gravel basins for subsurface discharge and reduced post-development runoff. Drainage improvements to the site as well as erosion/sediment control measures will be supplemented during construction to handle any increases in storm runoff. Final drainage improvements will be designed so that the post-development flows do not exceed the pre-development flows. The winery and farm store sites and access roads are not subject to flooding during a 100-year occurrence. The farm store site is located over 50 feet from the delineated wetlands on the site. A seasonal wetlands swale will be protected from the access road by a bridge.

- d. *Process Wastewater Management* – Process wastewater (PW) from the proposed production facility will be collected in a plumbing system separate from the sanitary wastewater (SW). Initial treatment will occur via screening, settling tanks and final treatment will occur in an aerated lagoon, and discharged via drip irrigation of the existing vineyards. Projected PW flows and preliminary design information on the process wastewater management system is outlined in the updated Wastewater Feasibility Study dated January 2020 Steve Martin Associates, Inc. The design will conform to the requirements of the San Francisco Regional Water Quality Control Board (RWQCB) and will be operated under permit with that agency and the Permit Resource Management Department (PRMD).
- e. *Sanitary Sewage System* – Sanitary sewage wastewater (SW) will be treated in a septic tank and disposed of in a new onsite mound wastewater system (with 200% expansion). A gray water system is also proposed to recycle and reuse as much of the SW as is feasible for landscape irrigation. The mound systems will be sized for the full projected SW flows since no “credit” is currently given for gray water systems. The proposed primary mound systems and required 200% subsurface drip dispersal reserve areas are indicated on the Overall Site Plan. Detailed background and preliminary design information on the mound and drip dispersal sanitary sewage systems is provided in the updated Wastewater Feasibility Study.
- h) **Land Use and Planning** (General Plan) – The Sonoma County Board of Supervisors adopted the new Sonoma County General Plan on September 23, 2008. Relevant and related zoning information is outlined below:

Chapter 26 Sonoma County Zoning Regulations:

Article 06 – LEA Land Extensive Agriculture District

Sec. 26-06-010 - Permitted Uses:

- Farming: The raising, feeding, maintaining and breeding of farm animals.
- Agriculture: The growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries.

Sec. 26-06-020 - Uses Permitted with a Use Permit:

- Agricultural Processing: Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g.
- Farm processing: Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area and subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g.
- Promotional Uses: Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of General Plan Policies AR-6d and AR-6f.

- i) **Neighbors** – Tolay Springs has been in contact with the neighboring property owners. Input from the neighboring community has helped shape the revised project currently proposed.
- j) **Noise** – Minimal noise is expected from the winery and olive mill, tasting room, and farm store. The primary noise source from the winery is during harvest. The crush pad and processing equipment will be under a canopy aiding in attenuating potential noise impacts. Additional low-level noise would be generated from motors, refrigeration and process equipment and vehicles. The related mechanical equipment will be housed in an enclosed mechanical room. The period of highest noise impact will occur during “crush” (August – October). The new winery and farm store are both located over 2000 feet from the nearest neighboring structure and as such, noise generated at any of the production or hospitality facilities will not have an impact. With the revision to this project, an updated noise study dated December 2019 has been conducted by Charles M. Salter Associates, Inc. and no mitigation measures are required as noise will be within the Sonoma County Noise Ordinance parameters.
- k) **Population and Housing** – The Tolay Springs project will create potentially 16 new full-time jobs. Based on the current economy and availability of skilled personnel, hiring of existing residents within Sonoma County will most likely occur. Therefore, there should be a minor or no increase in population growth with this project.
- l) **Public Services** – Fire protection requirements such as access, water availability and water storage were reviewed. Fire sprinkler system requirements, building materials, etc. were also reviewed. The project will meet or exceed the Fire Standards in Ordinance No. 5370 or the ordinance in effect at the time of construction. The proposed winery and olive mill building will have sprinkler systems, a dedicated fire protection water storage tank and fire pump. A new entrance is proposed to be constructed opposite the entrance to RAMS GATE Winery. The new entrance will be constructed for commercial access to the property and will include a new left turn lane. The newly improved entrance will increase sight distance, safety and conform to Sonoma County Commercial Entrance standards. The Preliminary Entrance Improvement Plan is in agreement with both SCTPW and Caltrans guidelines.
- m) **Recreation** – The Tolay Springs Estate borders a portion of the Tolay Lake Regional Park. Initial conversations between Tolay Springs and the Parks Department regarding the proposed project have been had. The Parks department is supportive of the project and The Tolay Springs Winery and Farmstead will have no adverse effect on the park.
- n) **Transportation/Traffic** – The projected traffic and related impacts from the winery and farmstead are outlined in the accompanying Traffic Impact Study by W-Trans and as described below. With the traffic volumes projected at 135 net new trips on an average day, the following recommendations have been made:
 - A left hand turn lane is proposed at the proposed new main entrance to the property on Arnold Drive (SR 121).
 - Winery and Farmstead access on the Mangel Ranch Road entrance should be restricted to emergency access only.
 - For events greater than 300 persons, a parking management plan shall be implemented.
 - Signs or landscaping installed near the existing and proposed new entrance shall be set back and low lying so they don't impact the availability of clear sight lines.

Traffic would consist primarily of the following:

- a. *Employees* – Average employee numbers are projected at 16 full time employees. Approximately 48 daily trips will be generated by the employees.
- b. *Grape Transport* – It is anticipated that the overwhelming majority of the grapes to be processed at the facility will be obtained from onsite vineyards and local Sonoma County vineyards. At ultimate capacity, approximately 363 tons of grapes will be processed onsite. Should any grapes not grown on site need to be delivered due to availability or health of onsite vines, deliveries will be made by a small flatbed truck from offsite estate vineyards. Grape transport from on-site vineyards will occur via a field trailer.
- c. *Shipping and Receiving* – Some casegoods storage will be provided on site, and some of the storage and all distribution will be located at a separate warehousing facility. The off-site warehousing facility will allow Tolay Springs to coordinate casegoods shipments with glass deliveries for more efficient shipping and backhaul capabilities. The facility plans to include on site bottling with a mobile bottling truck.
- d. *Barrel Delivery* – Because the winery will produce an ultra-premium product, there will be an 18-24 month barrel program. New barrels would be arriving following the crush for the new vintage year.
- e. *Miscellaneous Deliveries* – Deliveries of paper products, miscellaneous winery supplies, etc. are expected to be less than three vehicles per week.
- f. *Visitors* – Public tours and tasting with retail sales are requested under this permit. Visitation is projected to be 75 visitors on an average day and 150 on a peak weekend day.
- g. *Other Events* – At ultimate production and full marketing program, Tolay Springs is projecting a total of 40 agricultural promotional and special events annually:
 - 1) 20 events with up to 60 people during the months of January through December with a maximum of 2 per month
 - 2) 4 events with up to 150 people during the months of January through December
 - 3) 8 events with up to 300 people during the months of January through December, with two events per season
 - 4) The winery may also participate in four 2-day countywide industry events annually for a total of 8 industry event days. Visitors are anticipated to be in the range of 300 to 500 over the course of a day. No additional traffic to public roads will be generated during the countywide wine events as those visitors will already be on the road visiting other participating wineries in the area.
- h. *Access* – As indicated on the Overall Site Plan, employee vehicle and truck access to the winery and farm store will be from the new entrance at Arnold Drive.

- i. *Parking* – 183 parking spaces (paved plus overflow) will be provided, including 8 ADA van accessible parking spaces for employees, tasting room visitors, and event visitors. With a total of 183 parking spaces available onsite, the largest 300 person events and 500 visitors on an industry wide event day will easily be accommodated on site since industry wide visitors are over the course of a day, and not all on site at one given time.

12. Utilities and Service Systems – No new public services will be needed for this project.

- a. *Electrical* – Primary electrical power will be supplied by a new service off the existing overhead high voltage lines along the eastern property line
- b. *Gas* – Propane gas will be used at the facilities and supplied by an onsite tank.
- c. *Sewage* – see Items g) d. and & g) e. above.
- d. *Solid Waste* – Pomace, seeds and stems will be composted and spread in the vineyard as a soil conditioner and supplemental nutrient source and disked under on a routine basis. Approximately 113 acres of onsite vineyard is available for this use. Normal winery trash, debris and rubbish will be removed by private haulers. Waste glass and cardboard from the winery will be recycled.