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PUBLIC HEARING to consider **Use Permit Application No. U-19-09** of E&C Winery LLC to establish and operate a Large Winery and Special Events Facility on property located near the intersection of Russell Road and Rockville Road, one mile west of the City of Fairfield, within the Suisun Valley Agriculture "A-SV-20" Zoning District; APN's: 0027-251-280 and 290. The Planning Commission will consider adoption of a Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act.

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Published Notice Required? Yes X No

Public Hearing Required? Yes X No

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a noticed Public Hearing to consider Use Permit Application No. U-19-09 of E&C Winery for the construction and operation of a Large Winery and Special Events Facility, and
2. Adopt a resolution to **Adopt** the Mitigated Negative Declaration and **Approve** Use Permit U-19-09 (Attachment A).

SUMMARY:

Introduction

The Planning Commission is being asked to consider the adoption of a Mitigated Negative Declaration and the approval of a Use Permit (U-19-09) by E&C Winery to authorize the construction of a Large Winery and Special Events Facility which includes incidental uses such as tasting, retail sales, custom crush operation, and marketing events. A Conditional Use Permit is required for a Large Winery (over 100,000 gallons per year, bulk, and bottles) and for Special Events in excess of 12 per year and/or 150 person per event. The project also includes hosting wine tours, tastings, retail sales, food and wine pairings, and promotional and marketing events with up to 450 persons anticipated over the course of a day. The event facility would include a staging and outdoor seating area. The Project proposes up to 41 Special Events per year, with up to 300 persons at the event lawn, garden, and Phase I building. Special Events include noncommercial events, such as weddings, parties, or other similar private social gatherings, or for charitable or political fundraisers.

The Planning Commission, after the conduct of a public hearing on this matter, may choose one of the following options:

1. Approve, or conditionally approve, the use permit for the project, or
2. Deny the use permit, or
3. Continue the hearing in order to obtain additional information.

Setting

The subject site is comprised of approximately 70 acres located along Rockville Road and Russell Road, one mile west of the City of Fairfield. The entire 70-acre project site is relatively flat and currently utilized exclusively for agricultural (row crop) production. The property is undeveloped with no structures on-site. The site has one existing well and PG&E power supply via overhead

poles. Access to the property for agricultural purposes is provided off Russell Road via an existing unimproved encroachment over the irrigation channel, at the northwest corner of APN 0027-251-290.

The subject property contains two legal lots comprised of three Assessor's parcels; however, the parcel situated on the north side of Rockville Road (APN 0027-030-150) is not proposed for development and is not considered part of the Project site. The Project site consists of APN 0027-251-280 and 290 and these parcels are entered into an active Williamson Act contract, contract No. 1199. These parcels are located within the 500-year flood plain based on the current FEMA Flood Maps.

Surrounding Properties

The property is situated within an agricultural setting identified as the Suisun Valley Agricultural Region by the Solano County General Plan. Surrounding land is utilized for agricultural production, predominantly vineyard cultivation, row crop, and orchards.

Interstate 80 is located one-quarter mile south of the subject property; Suisun Creek and Willotta Oaks, a residential neighborhood of approximately 75 single family homes, is located one-quarter mile to the west. Rockville Corner, an unincorporated pocket of commercial uses is within one mile to the west. A produce farm and farm stand are located to the east and a commercial tractor supply company is located to the southeast, both uses are accessed from Russell Road. The nearest residence is on the neighboring parcel APN 027-251-040 to the north of the project site, approximately 620 feet from the nearest proposed building. There are several residences across Russell Road to the east of the property.

Project Description and Phasing

The proposed winery and event facility will be built in two phases over approximately 10 years. The initial phase would develop a production capacity of up to 125,000 gallons of wine annually. The second phase would expand the production capacity to a maximum of 500,000 gallons of wine annually, subject to market demand. The facility will process grapes grown both onsite and from offsite sources.

As seen on the Site Plan (Attachment D), the winery and public event space would be developed on approximately 10 acres of a 49-acre parcel, APN 0027-251-290. An additional one-acre near the western lot line will be developed with a wastewater treatment and storage pond. Nine acres adjacent to the pond are dedicated as a land application wastewater disposal area for irrigation and re-use purposes. The balance of the parcel would be utilized for vineyard and orchard cultivation.

The entirety of the second parcel, APN 0027-251-280 is proposed to be cultivated in vineyards. Both parcels are currently cultivated in agriculture.

The project was originally submitted to the County in October of 2019. It was revised and significantly scaled down in March of 2022 to the current proposal. Further details regarding the proposed phasing and development of the project are provided below:

Phase 1 (to begin within three years of issuance of use permit)

- Capacity to produce up to 125,000 gallons of finished wine per year

- 10,000 square foot building and canopy which will include grape receiving area, barrel storage, fermentation, administrative offices, and tasting area, gardens, and outdoor event space
- Driveway access from Russell Road, circulation roads, visitor, and employee parking
- Pomace staging area. Pomace is the main solid residue of winemaking and consists of grape seed and skins.
- Sanitary sewage treatment and subsurface disposal system
- Fire and domestic water storage tank
- Stormwater detention basin
- Process wastewater treatment and effluent storage
- Up to seven full-time, five part-time and six to eight seasonal employees.

Phase 2 (anticipated to occur within ten years of issuance of permit)

- Capacity to produce up to 500,000 gallons of finished wine per year
- Additional driveways for site circulation including a second entrance from Russell Road
- Scale and scale house
- Truck docks
- Construction of an approximately 20,000 square foot building for additional custom crush and winemaking facilities which may include enclosed buildings, covered, and uncovered receiving and fermentation areas, barrel storage, fruit storage, work shops and offices
- Expand fire and domestic water storage
- Process wastewater treatment and effluent storage, likely to be wastewater treatment ponds
- Stormwater detention basin as well as wastewater disposal and reserve areas expanded, as necessary
- Up to 11 full-time, six part-time and 20 seasonal employees.

Project Operations

Wine Production

Total annual production of 125,000-gallons, with an ultimate production capacity of 500,000 gallons of wine, would classify the project as a large winery under Solano County Zoning Regulations (having a production capacity over 100,000 gallons annually). Grape on-haul (bringing grapes for the winery from offsite locations) for custom crushing for other wineries, including Suisun Valley Vintners, will include receiving and crushing grapes, fermentation, processing grape juice into wine, bottling and cooperage, sales, administration, in addition to hospitality for the general public.

The applicant reports that grapes from onsite and offsite sources would be delivered by truck to the winery location for weighing in and grape processing. Red wine grapes would be destemmed and placed in fermentation tanks. After the initial fermentation, red wine grapes would be crushed and returned to fermentation tanks. White wine grapes would be destemmed and crushed. White wine juice would then be placed in fermentation tanks. The fermentation period would continue for the time allocated for each varietal. Upon completion, wine would then be ready for blending, bottling, storage, and shipping to end-user locations.

Custom Crush

The Winery will offer wine processing services to vintners. The applicant reports that many of the Suisun Valley vintners currently export wine processing to other locations and would prefer to have this done closer to their operations. The winery will have operational capacity to process

grapes into finished product for small, medium, and large vintners, helping to reduce bottling costs and vehicle trips while increasing local employment. The applicant notes that no other winery in the Suisun Valley provides custom crush service.

Bottling

Wine is proposed to be initially bottled by a mobile bottling service initially. A permanent bottling building will be developed as the project matures.

Hours of Operation

During the November through June non-harvest season, the facility will operate from 5:00am until 11:00pm, seven days per week. During the harvest season (July through October) the winery is expected to operate up to 24 hours a day. Promotional and special events are also proposed.

Visitor Serving Operations

A number of visitor-serving uses are planned with event hours between 10:00 am to 10:00 pm (with cleanup before and after). Visitor serving uses will be implemented during Phase 1 and are to be held in the tasting room, barrel room, event lawn and garden spaces.

Tours, tastings, and retail sales open to the public are planned daily in the tasting room from 9:30 am to 6:00 pm.

The event area may expand to include use of some of the Phase 1 winery building at times for events in conjunction with completion of Phase 2, including development of a 20,000 square foot building for additional custom crush and winemaking facilities. Several events may take place at the same time in each phase. Solano County Zoning Regulations limit the area devoted to wine tasting and sales to 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater. Size shall be determined by measuring the total roof covered area.

The Applicant anticipates average visitation of approximately 65 visitors on a harvest weekday, 70 on a non-harvest weekday, and up to 110 visitors per day on a weekend. Tours and tasting room hours would be daily, from 9:30 a.m. until 6 p.m. Food and wine pairings will be offered daily by reservation for groups of up to 25 persons. Food service will be provided by caterers and food trucks. There will be minimal food preparation onsite.

Promotional events

Wine club and marketing events, and Winemaker Dinners may take place in the Phase 1 building, event lawn, and outdoor garden, and may accommodate up to 450 persons. 450 is the maximum number of people proposed to be onsite at any one time. Throughout a weekend day, 450 people may visit at various times between the tasting visitors and event attendees. Promotional events over 100 attendees and special events (including weddings) will not be scheduled concurrently.

At full buildout, the facility could employ up to 11 full-time and six part-time employees for winemaking. Additional employees are proposed to be added for special events. There would be 10 staff members for most events with up to 20 at the largest events.

Special Events

Approximately 41 Special Events would be held annually, comprised of 12 events with up to 75 guests, 10 events with up to 100 guests, 15 events with up to 150 guests, and four events with up to 300 guests. The wine tasting room and outdoor spaces will be available for use as part of the special events.

Events will typically be open to invitees only. The outdoor lawn area would accommodate weddings and other events. Amplified music is proposed to occur within enclosed buildings or outdoors on the event lawn. Outdoor amplified music would conclude by 10:00 pm. Amplified music will be directed toward the event area. Amplified music will be supplied and controlled by the applicant or representative. The Project will be required to meet the County's Zoning Code noise standard of 65 dBA at the property line. As mentioned, a portion of the Phase 2 building will be used for possible larger events, in addition to its' primary role for expanded wine processing and storage. The wine tasting, and sales area for Phase 2 must be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater.

The Project does not involve any overnight stays.

All events are expected to occur between 10:00 a.m. and 10:00 p.m. each day, consistent with County Code. Facility setup and cleanup shall be allowed between the hours of 8:00 a.m. to 11:00 p.m. All guests are to be off the property by 10:30 p.m.

Infrastructure

Access and Circulation

The subject property has frontage on Rockville Road and Russell Road. Rockville Road is a rural two-lane roadway with unimproved shoulders and no sidewalk. Bicycle lanes were recently constructed along Rockville Road as part of the Solano County Farm to Market project. Russell Road is a smaller rural road which begins at the intersection with Rockville Road and ends just north of Suisun Parkway. The project site accesses Interstate 80 nearby from Abernathy Road. This access minimizes traffic at the intersection of Rockville Road and Suisun Valley Road.

The project focus is on custom crush. As such, truck traffic to the site will be mostly seasonal July through October, during the harvest season. When Suisun Valley Vintners are able to use the local E & C Winery facility, there will be likely be a reduction in cumulative vehicle miles traveled (VMT) by them. Visitor traffic will include parking for bicycles and electric charging stations.

Two access driveways are proposed to serve the project site, from Russell Road. The northern driveway would provide access to the Phase 1 development for employees and visitors, including grape/wine delivery and shipping, Phase 1 building, garden, event lawn, the main parking lot, and the event overflow parking. Phase 2 development would create a second means of access to the site. The second, more southerly driveway would provide access to the items noted previously as well as the Phase 2 building and additional parking. The second driveway would be used for employees, trucking activity and phase two operations. Access will be 22 feet wide to accommodate emergency vehicles.

A Focused VMT (Vehicle Miles Traveled) Summary Analysis was conducted by Crane Transportation Group December 6, 2021, based on the revised project and responding to changes in California law. A Traffic Study for the revised project was subsequently completed by Crane Transportation Group, dated January 20, 2022. Further information on these reports is noted in the Environmental Analysis Section.

Parking

A total of 30 paved parking spaces are proposed to be provided as part of Phase 1 along with overflow parking to serve both phases. Parking will be provided for event guests, staff, and visitors. The primary paved area of 30 spaces will be south the Phase 1 building. Overflow

parking will also be provided as part of Phase 1, south of the outdoor event area. The overflow parking area will be graveled to meet all weather demand.

Stormwater

The project site has been undeveloped and has minimal impervious area. Grading of the site will involve earthwork for building footprints, wastewater treatment ponds, a stormwater detention basin, roadways, and parking areas. Existing drainage patterns will generally be maintained after construction. The proposed project would add impervious area on APN 027-251-290 with the addition of a parking lot and the Phase 1 building. This would expand with the addition of a 20,000 square foot building and access road in Phase 2. The storm water detention pond is proposed at the southern end of the parcel. Stormwater and treatment mitigation will be implemented in accordance with Chapter 31 of the County Code for new development.

Water Supply - Potable

Domestic water will be provided by a new on-site well that meets County and Regional Water Quality Control Board requirements.

Water Supply - Irrigation Water and Fire Suppression

Irrigation water will initially be provided by the existing on-site well. As production increases, treated process wastewater is proposed to also be used for irrigation. The Suisun-Solano Water Authority/Solano Irrigation District (SID) also supplies water for irrigation and fire suppression.

Wastewater

A permit from the County and the Regional Water Quality Control Board (RWQCB) will be needed to install the septic tanks and waste collection and treatment system. The sanitary wastewater treatment system will be sized to accommodate employees plus visitors in consultation with the County and the RWQCB. Restroom trailers will supplement the disposal system for over 100 attendees. The Wastewater Feasibility Study and follow-up letter from Summit Engineering provides further information.

Signage

Proposed signs include one entry sign at each driveway off Russell Road and a third sign to identify the E&C Winery. Sign permitting will be in the future. It will be required to conform to the requirements set forth in Section 28.96 of the County Zoning Regulations.

ENVIRONMENTAL ANALYSIS

The Department of Resource Management prepared an Initial Study and Mitigated Negative Declaration (IS/MND) in 2021. That document was not reviewed at a subsequent public hearing due to a concern about the public noticing. Since preparation of the previous MND, the Applicant has reduced the phasing and the scale of the project. These changes reduce some of the impacts identified in the previous MND.

The Department of Resource Management prepared and circulated an updated Initial Study and Mitigated Negative Declaration (IS/MND) in 2022 (Attachment E) for the proposed project. This document was noticed and available for public review and comment between August 18, 2022, through September 19, 2022. Comments received during the public comment period are included as Attachment F.

The MND identified certain potentially significant impacts together with proposed mitigations to reduce the impacts to a less than significant level along with other impacts determined to be less

than significant. Following below is a summary of the MND findings. More detail is provided in the IS/MND.

Findings of SIGNIFICANT IMPACT

Based on the Initial Study, Part I as well as additional application materials reviewed by the Department of Resource Management, the project does not have the potential for significant impacts to any environmental resources.

Findings of LESS THAN SIGNIFICANT IMPACT WITH MITIGATION MEASURES

Based on the Initial Study, Part I as well as the review of the proposed project by the Department of Resource Management, the project requires mitigation measures to reduce potential impacts that were identified to less than significant levels.

Aesthetics Mitigation: Requirement for Design Review and reduction in lighting and glare

Air Quality Mitigation: Require measures to reduce construction-related exhaust emissions & fugitive PM10 dust

Biological Resources Mitigation: Prior to grading permit apply for & obtain Stormwater Pollution Prevention Plan

Greenhouse Gas Emissions Mitigation: Prior to grading permit require equipment utilized during construction to meet Tier-3 standards of emission control.

Noise Mitigation: The project contractor(s) shall limit all noise-producing construction related activities, including the operating of any tools or equipment used in construction, grading or demolition work, to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No activity shall take place on Sunday, except by written permission of the Director of Resource Management.

Infrastructure

Traffic and Circulation

A new entrance off Russell Road will be constructed during Phase 1 as the primary entrance to the winery facility. This will serve as the entrance for visitors, employees, and grape/wine delivery and shipping traffic during Phase 1. A second entrance driveway and access drive will be developed during phase two that will create an entrance for employees, grape/wine deliveries and shipping traffic. There is an existing unimproved entrance to the property at the northwest corner of APN 027-251-290 over the irrigation channel, which will continue to be used for agricultural access. No significant impacts were noted in the Traffic Study.

Preliminary Transportation Demand Management (TDM) Plan

A Preliminary Transportation Demand Management (TDM) plan was prepared and sent to the county in April of 2021 for the purpose of accomplishing VMT reduction goals.

The applicant will appoint a TDM coordinator to implement the proposed plan. Measures may include the following:

1. Electric car charging for employees and guests
2. Bike racks and storage areas for employees and guests

3. High occupancy vehicle use (vans and shuttle buses) will be encouraged for large marketing events; shuttle buses will be provided for large events with 100 or more guests
4. Employee work hours will be staggered to the greatest extent possible to avoid congestion during the peak traffic hours
5. Work at home or at remote location opportunities (telecommuting) will be offered when possible
6. Guest appointments will be scheduled, to the extent possible, to avoid travel during the peak traffic hours

VMT Analysis

A Focused VMT (Vehicle Miles Traveled) Summary Analysis of the revised project was conducted by Crane Transportation Group in December of 2021 as noted previously. This followed the passage of SB 743 and issuance of the related Caltrans Transportation Impact Study Guidelines. The VMT analysis reviewed the impact of both the winery and special events for employees, guests, and temporary personnel such as catering staff.

Approximately 41 special events would be held annually, comprised of 12 events with up to 75 guests, 10 events with up to 100 guests, 15 events with up to 150 guests, and four events with up to 300 guests.

Vehicle trips were calculated corresponding with the event's peak hour of trip generation before and after an event. It was anticipated that most events would occur on weekends, but some may occur on a weekday. Therefore, traffic operation with added event trips were evaluated for both weekend and weekday conditions.

Vehicle trips generated by temporary staff (catering, entertainment, etc.) used a conservative ratio of one staff person per fifteen guests. This would reflect an event with full service. Events with buffet service would require fewer staff and, therefore, generate fewer trips than calculated.

VMT thresholds in the Caltrans Guidelines note projects that are considered to have less than significant impacts include Number 6 as follows: In any area of the state, absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact.

The report notes that based on the most recent transportation analysis conducted for the proposed project, daily trip generation associated with winery activities would generate 97 harvest weekday daily trips and 94 harvest weekend daily trips. Based on screening criteria for VMT impacts, a daily trip generation of less than 110 trips would qualify for exemption under Caltrans criteria. In addition, daily project trip generation associated with inclusion of special event activity traffic would remain below the 110-trip limit. The VMT analysis concluded that no mitigation measures for the two-phase project are recommended.

Traffic Study

A Traffic Impact Report for the revised project was completed by Crane Transportation Group, dated January 20, 2022. Analysis of traffic impacts were requested by the County for Phases 1 and 2. Phase 1 was analyzed in the context of existing conditions; while Phase 2 was analyzed in the context of 2040 traffic volume conditions. The contemplated large winery and the large special events activities were both reviewed. A summary table of the visitor serving uses and marketing events is included in the traffic study.

The traffic report looked at *Without Project Conditions* for 2019 and 2040 as well as *With Project Conditions* for 2019 and 2040. The traffic report analysis determined that the Two-Phase project would not impact traffic level of service conditions based on the Solano County General Plan significance thresholds.

The Traffic Study concluded that the project will result in no significant off-site circulation system operational impacts to the analyzed roadway network. Sight lines at the proposed project driveway connections to Russell Road are acceptable and meet Caltrans stopping sight distance criteria. The site has sufficient acreage to accommodate overflow parking for maximum event days.

Water Supply

Irrigation water will be supplied by a combination of existing entitlements from the Solano Irrigation District (SID) and the existing onsite well, located on parcel 027-251-280, and may be supplemented by treated process wastewater.

Domestic water use will be provided by a new well which will supply a public water system to be permitted through the Regional Water Quality Control Board.

Domestic and Process Wastewater

The applicant provided a Wastewater Feasibility Study. Sanitary sewage will be collected from restrooms and other areas within the facility, conveyed to a central collection point, and then treated on site. Calculations for the wastewater system were submitted with the use permit application and analyzed in the Revised MND.

Process wastewater from winery operations may initially be collected, held, and hauled offsite for treatment and disposal at an approved disposal location. As production increases onsite ponds, or alternate proposed treatment system, will be constructed. Treated effluent would be disposed of in a leach field or as otherwise permitted with the Regional Water Quality Control Board and be used for irrigation of vineyards, orchards, and landscape planting. A qualified consultant is required to submit an Enrollment Application and Technical Report or Report of Waste Discharge to the RWQCB. The wastewater treatment system will be developed on the west side of the property. Further information is summarized in the IS/Revised MND and also supplied by Summit Engineering in the related Appendices.

Visual

The winery production facility building will be designed to local regulations to complement the agricultural character of the surrounding parcels. The Phase 1 building and administrative offices will be designed to reflect the agrarian style of functional barns found throughout the County. The Phase 1 structure will be setback more than 500 feet from Russell Road and screened by vineyard and orchard planting. The Phase 2 building will be a warehouse construction designed to complement the phase one building.

Proposed signs include one entry sign at each driveway off Russell Road and a third sign to identify the E&C Winery that will be reviewed by the County at a later time.

Grading, Drainage and Stormwater

The current site conditions are agricultural with undeveloped access roads, resulting in a mostly pervious site. Grading of the site will include earthwork for the buildings, wastewater treatment and detention areas, roadways, and parking areas. Existing drainage patterns will generally be

maintained in post-construction condition. Stormwater runoff and treatment mitigation will be in accordance with the County Code for new development.

LAND USE CONSISTENCY ANALYSIS:

General Plan

The property is designated as Agricultural by the 2008 Solano County General Plan which is intended to protect areas devoted to the practice of agriculture. Crop production and agricultural processing activities, including wineries, are consistent with this land use designation. The General Plan also identified this area as being within a special study area. As a result, the County subsequently undertook a planning effort for the Suisun Valley.

Suisun Valley Strategic Plan and Zoning

The Suisun Valley Strategic Plan was adopted by the County in 2011. The community wanted to balance the preservation of the agricultural legacy of Suisun Valley with the need to maintain economic viability for the area in the future. The Strategic Plan designates this property as Agriculture. The Strategic Plan also included new zoning regulations for Suisun Valley. Zoning for Suisun Valley is focused on two areas: 1) Agricultural Tourism (the ATC zone) and 2) Agriculture Use (the A-SV-20 zone) The intent was to create areas that, “maximize the viability of the family farm by allowing uses that support agriculture...”, (Solano County Zoning Code 28.23.11). The subject property was previously rezoned to the Agriculture-Suisun Valley (A-SV-20) District. Wineries are allowed in the A-SV-20 District. A large winery can be allowed with a use permit. The application conforms with the requirements for a large winery. The A-SV-20 District permits Special Event facilities with a winery use permit. The proposed event center is consistent with the standards established in the A-SV-20 District.

A 2007 report that established the vision and economic innovation of Suisun Valley indicates that Suisun Valley is a unique farming region that supports profitable family farms and quality of life for all its residents. It is a destination for tourists seeking world class wine, identifiable Suisun Valley farm products and a beautiful agricultural landscape with no fallow land.

The Special Event Facility and winery tasting room is consistent with the vision of the Strategic Plan by bringing additional tourists to Suisun Valley and providing economic opportunities. The tasting room will allow visitors to purchase wine that is grown/prepared onsite and by other vintners, which supports the agricultural use. In addition to its' importance as an agricultural region, the Suisun Valley has grown as a tourist destination for those seeking to enjoy the area and valley products, such as wine, cherries, and olive oil.

Design Review

The Project is located within the Suisun Valley Strategic Plan (SVSP) area and as such was evaluated for consistency with the SVSP Design Guidelines. The Project was found consistent with the guidelines, in that the materials, roof forms and windows of the buildings are complementary and consistent. The Phase 1 building, and administrative offices will be designed to reflect the agrarian style of functional barns found throughout the County. The Phase 1 structure will be setback more than 500 feet from Russell Road and screened by vineyard and orchard planting. The phase two building will be a warehouse construction designed to complement the phase one building. The Winery and event facility are clustered in the central portion of the site, surrounded by vineyards, which maintain the agricultural feel of the site. Landscaping trees provide continuity and canopy coverage.

Williamson Act

The project site is entered into an active land conservation contract, Williamson Act Contract No. 1199. As seen on Table A of the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts, the proposed Large Winery and Special Event uses are compatible with the Act as an Agricultural Processing Facility with Special Events.

Development Review Committee

The project was referred to the Development Review Committee for Solano County. Comments were received from the Environmental Health, Public Works and Building and Safety Divisions. Their requirements have been incorporated as conditions of approval within the draft resolution.

Outside Agency Review

In addition to referral to County Departments, the project was referred to several outside agencies, including:

Federal Agencies

U.S. Army Corps of Engineers
U.S. Department of Fish and Wildlife

State Agencies

State Clearinghouse
California Department of Conservation
California Department of Fish and Wildlife
California Department of Public Health, Drinking Water Field Operations Branch
California Department of Transportation (CalTrans)

Regional Agencies

Bay Area Air Quality Management District
San Francisco Regional Water Quality Board

Local Agencies

Solano County Building & Safety Division
Solano County Environmental Health Division
Solano County Public Works Engineering Division
Solano County Water Agency
Solano Irrigation District
Suisun Fire District

ATTACHMENTS:

[A – Draft Resolution](#)

[B – Vicinity Map](#)

[C – Aerial Map](#)

[D – Site Plan](#)

[E – Initial Study and Mitigated Negative Declaration](#)

[F – Public Comments](#)

[G – Response to Public Comments](#)

[H – Notice of Public Hearing](#)

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. XXXX

WHEREAS, the Solano County Planning Commission has considered Use Permit Application No. U-19-09 of E&C Winery LLC for a Large Winery and Special Events Facility on property located near the intersection of Russell Road and Rockville Road, one mile west of the City of Fairfield, within the Suisun Valley Agriculture “A-SV-20” Zoning District; APN’s: 0027-251-280 and 290, and;

WHEREAS, a Mitigated Negative Declaration of Environmental Impact was prepared by the Department of Resource Management for the Project and noticed and made available for agency and public review on August 19, 2022, in accordance with the California Environmental Quality Act (CEQA) Guideline section 15105; and

WHEREAS, The Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on November 17, 2022, and;

NOW THEREFORE, BE IT RESOLVED that the Planning Commission has made the following findings with regard to said proposal:

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulation, population density and distribution and other aspects of the General Plan.**

The use is consistent with the General Plan and the Suisun Valley Strategic Plan. The proposal is consistent with the Suisun Valley vision as a tourist destination for those seeking world class wine, by supporting agricultural tourism and economic development. Wineries are an allowed use in the zoning district, large wineries and Special events facilities are a conditionally permitted land use within the Suisun Valley Agriculture “A-SV-20” zoning district. According to the traffic studies, the proposed use would not result in a significant impact.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The conditions of approval imposed by this use permit ensure that adequate roads, utility, and drainage facilities will be constructed to meet the demands of the proposed winery complex. Vehicular access to the site will be initially from one driveway off Russell Road with a second driveway to be provided further south at the buildout of Phase 2. Each driveway will provide ingress and egress, including during Special events. The site has existing electrical power. The building plans will be reviewed and approved by the Solano County Building and Safety Division before a permit is issued. Grading and drainage plans will be reviewed and approved by the Public Works Engineering Division. The Solano Irrigation District supplies irrigation water to the site, and onsite potable water well(s) will provide potable water supplies. Onsite septic service will be provided of sufficient size to serve wastewater uses or as otherwise allowed by the County and the State Water Resources Control Board (SWRCB) or the San Francisco Regional Water Quality Control Board (SF-RWQCB).

- 3. The subject use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed**

use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

As conditioned, the proposed Large Winery and Special Events Facility will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents. Adequate mitigation measures and conditions of approval have been incorporated into the project.

4. The subject use is consistent with the Williamson Act and the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.

A Large Winery with Special Events is consistent with the intent of the Williamson Act, as the commercial agriculture operation serves to promote an agricultural use on parcels large enough to serve such uses consistent with County requirements.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the Mitigated Negative Declaration prepared for the Project. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered along with the comments received during the public review process and finds that the Mitigated Negative Declaration reflects the independent judgement of the Planning Commission. The Planning Commission therefore approves Use Permit No. U-19-09 subject to the following recommended conditions of approval:

Administrative

1. Land Use. The proposed land use shall be established and operated in accord with the application materials and development plans for Use Permit U-19-09 and as approved by the Solano County Planning Commission.

This permit authorizes special events with up to 41 events per year, (with up to 300 persons at the event lawn, garden, and Phase 1 building and up to 450 persons for activities that would include hosting wine tours, tastings, retail sales, food and wine pairings, and promotional events (such as wine club and marketing events). Pursuant to Section 28.01 of the Solano County Zoning Regulations Special Events are defined as a facility offered for use by third parties for hire for the conduct of social gatherings or similar types of non-commercial events.

The permit also authorizes the operation of the winery with associated tasting, tours and the activities noted.

2. Revisions or Modifications in Land Use. No additional land uses, activities for new or expanded buildings shall be established beyond those identified on the approved development plan and detailed within the project description without prior approval of a revision, amendment, or new use permit and subsequent environmental review.

3. Indemnification. By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance and /or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.

4. The Project shall comply with all applicable Solano County Zoning regulations and Building Code provisions and secure all required local, state, regional and federal permits required to operate.
5. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.

Special Events Facility

6. **Access.** The Special Events Facility shall be operated in compliance with the general requirements for public assembly uses.
7. **Food vendors.** The permittee shall be responsible for ensuring the event organizer and any food vendors utilized by the organizer secure food permits with the Environmental Health Division.
8. **Kitchen Facilities.** Any facilities used for the preparation, storage, handling, or service of food, beverages, or related equipment at events shall be permitted as a food facility by the Environmental Health Division.
9. **Overnight Lodging.** As permitted, the Special Event Facility does not include overnight lodging.
10. **Hours of Operation.** All events shall start no sooner than 10:00 a.m. and end by 10:00 p.m. each day. Facility setup and cleanup shall be allowed between the hours of 8:00 a.m. and 11:00 p.m. All guests of an event shall be off the property by 10:30 p.m.
11. **Sign Permit.** The permittee shall secure and abide by the conditions of an issued sign permit for all commercial signage onsite.
12. **Business License.** The permittee shall secure and abide by the terms and conditions of a Business License issued by Solano County. This approved Use Permit shall constitute as the "Zoning Clearance" necessary to file for the license.
13. **ABC License.** The permittee shall secure and abide by the terms and conditions of an ABC License for the scope of the proposed uses.
14. The applicant will be required to strictly adhere to all California Department of Public Health Orders in effect at time of the start and for the duration of project operations. The applicant is advised to routinely check the CDPH website to ensure the most accurate and up to date Health Orders are adhered to.
A link to the CDPH website is included here:
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx>
([California Department of Public Health website](#)).

The applicant shall be required to strictly adhere to protocols to operate a safe event throughout the operational period by preventing the spread of Covid-19. Unannounced Environmental Health spot checks can occur throughout the operational period. If violations are found, the County reserves the right to close the facility until it is deemed to be brought back into compliance with the project's proposed Covid-19 plan.

Operational Controls

15. The Permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to motorists, persons of property in the surrounding areas.
16. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
17. **Fugitive Dust.** Any access from unpaved dirt roads and with unpaved on-site access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other practices acceptable to the applicable air quality management district, in sufficient quantities to prevent airborne dust.
18. **Noise.**
 - a. Outdoor amplified sound shall not exceed 65 dBA LDN when measured at the property lines.
 - b. During any event with amplified outdoor music, the sound level shall be monitored and measured by the permittee at the nearest property line to the event. Amplification levels shall be adjusted to ensure noise levels at such property line do not exceed 65 dB.
19. **Light and Glare.** Any outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
20. **Odor.** The facility shall not cause objectionable odors on adjacent properties.
21. **Parking.** The Special Events Facility shall provide parking on-site to accommodate all guests. No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The permittee shall place signs along the interior access ways and at 300-foot intervals on the applicant's property along the road right-of-way indicating this parking restriction. These signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event.

Parking shall be provided as follows.

 - a. Onsite parking shall be located in an open area with a slope of ten percent or less, at a minimum ratio of one space per 2.5 attendees, on a lot free of combustible material.
 - b. For Special Events over 150 guests the permittee shall ensure a traffic coordinator is hired to direct traffic and ensure no parking in the right-of-way and no traffic ques on Rockville Road or Russell Road.
22. **Sanitation:** The permittee shall provide sanitation facilities approved by the Environmental Health Division of adequate capacity that are accessible to attendees and event staff including restrooms, refuse disposal receptacle, potable water and wastewater facilities.
23. **Setbacks:** The Special Events Facility shall be set back 100-feet from any property line and 200-feet from any residence on an adjoining parcel.
24. **Insurance.** The operator of the Special Event Facility shall have commercial property insurance for the use.

Planning Division

- 25. Production Reporting:** The winery operator shall report at the end of each calendar year to the Department of Resource Management, the total gallons of wine and spirits produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
- 26.** The proposed winery is subject to minimum development standards which are enumerated in Section 28.23. The proposed winery shall be developed in compliance with the development standards enumerated in Table 28.23B and Table 28.23C.
- a.** The wine tasting and sales area shall be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater. Size shall be determined by measuring the total roof covered area.
- 27. Design Review.** Design Review as described in Section 28-103 of the Solano County Zoning Regulations, shall be required for all new construction requiring a building permit.

Mitigation Measures

Aesthetics

- 28. Mitigation Measure AESTH-1. Design Review.** Prior to issuance of building permit, the Department will verify the project's compliance with the adopted Suisun Valley Design Guidelines.
- 29. Mitigation Measure AESTH-2. Lighting and Glare.** All light fixtures shall be installed that have light sources aimed downward and shielded to prevent glare or reflection or any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.

Air Quality

- 30. Mitigation Measure AIR-1. Require Implementation of Measures to Reduce Construction-Related Exhaust Emissions.** The applicant, as a condition of project approval, shall be required to implement the following measures to further reduce exhaust emissions from construction-related equipment:
- Commercial electric power shall be provided to the project site in adequate capacity to avoid or minimize the use of portable gas-powered electric generators and equipment.
 - Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (if they are not run via a portable generator set).
 - To the extent feasible, alternative fuels and emission controls shall be used to further reduce NO_X and PM₁₀ exhaust emissions.
 - On-site equipment shall not be left idling when not in use.
 - The hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time shall be limited.

- Construction shall be curtailed during periods of high ambient pollutant concentrations; this may involve ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways or on Spare the Air Days.
- Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.
- Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with BAAQMD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that soon, both NOX and PM10 control equipment would be available.

31. Mitigation Measure AIR-2. Require Implementation of Measures to Reduce Fugitive PM10 Dust Emissions. The applicant, as a condition of project approval, to implement the following enhanced and additional control measures recommended by BAAQMD to further reduce fugitive PM10 dust emissions:

- Hydroseeding shall be used, or nontoxic soil stabilizers shall be applied to inactive construction areas (previously graded areas inactive for 10 days or more).
- Exposed stockpiles (e.g., dirt, sand) shall be enclosed, covered, or watered twice daily, or nontoxic soil binders shall be applied to such stockpiles.
- Traffic speeds on unpaved roads shall be limited to 15 mph.
- Sandbags or other erosion control measures shall be installed to prevent runoff of silt to public roadways.
- Vegetation shall be replanted in disturbed areas as quickly as possible.
- Wheel washers shall be installed on all exiting trucks, or the tires or tracks of all trucks and equipment leaving the site shall be washed off.
- Windbreaks shall be installed, or trees/vegetative windbreaks shall be planted at windward side(s) of construction areas.
- Excavation and grading activity shall be suspended when winds (instantaneous gusts) exceed 25 mph.
- The area subject to excavation, grading, and other construction activity at any one time shall be limited, as necessary.

Biological Resources

32. Mitigation Measure BIO-1. Stormwater Pollution Prevention Plan (SWPPP). Prior to issuance of grading permit, applicant shall apply for and obtain a Stormwater Pollution Prevention Plan (SWPPP) in accordance with National Pollution Discharge Elimination System (NPDES) and Water Board requirements. The SWPPP shall include the following major components:

- A comprehensive erosion and sediment control plan, depicting areas to remain undisturbed and providing specifications for revegetation of disturbed areas.
- A list of potential pollutants from building materials, chemicals, and maintenance practices to be used during construction and the specific control measures to be implemented to minimize release and transport of these constituents in runoff.
- Specifications and designs for the appropriate best management practices (BMPs) for controlling drainage and treating runoff in the construction phase.
- A program for monitoring all control measures that includes schedules for inspection and maintenance and identifies the party responsible for monitoring.
- A site map that locates all water quality control measures and all restricted areas to be left undisturbed.

Greenhouse Gas Emissions

- 33. Mitigation Measure GHG – 1. Tier-3 Compliant Construction Equipment.** Equipment utilized during grading and construction shall meet Tier-3 standards of emission control.

Noise

- 34. Mitigation Measure NOISE-1. Construction Noise.** The project contractor(s) shall limit all noise-producing construction related activities, including the operating of any tools or equipment used in construction, grading or demolition work, to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No activity shall take place on Sunday, except by written permission of the Director of Resource Management.

Building and Safety Division

- 35. Building Permit Application:** Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted per Section 105 of the California Building Code.
- 36.** The building and any site improvements shall be designed using the 2019 California Building Standards Codes including the mandatory measures found in the 2019 California Green Building Code, Chapters 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures. The building shall meet all of the requirements for commission a Green Building due to the size exceeding 10,000 square feet. The building shall be designed by a licensed and/or registered architect/engineer who is knowledgeable in the Green Building Codes.
- 37. Certificate of Occupancy:** No building shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy.
- 38. Site Accessibility Requirements:** The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the California Building Code. The Designer is required to design for the most restrict requirements between ADA Federal Law and the California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale reflecting all site accessibility. The site shall be developed in a manner consistent with the state and federal

requirements for accessibility for disabled persons, including all parking areas, aisles and paths of travel and structures. The Applicant shall submit accessibility analysis prepared by a Certified Access Specialist (CAS). The analysis must state that the inspected structures and other site features meet both state and federal accessibility requirements or specify what corrections are necessary in order to comply. The permittee shall make any necessary corrections that are necessary to comply. All accessible paths of travel and parking areas shall be a hard-scaped surface as specified by the CAS specialist and shall meet all of the worst-case requirements between Chapter 11 B of the California Building Code and ADA Federal law.

- 39. Building Permit Plans:** The Building Permit plans shall include a code analysis as listed below and the design shall be under the current California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon Building Permit submittal, the licensed architect shall provide the following Code Analysis:
- a. Occupancy Classification
 - b. Type of Construction
 - c. Seismic Zone
 - d. Location on Property
 - e. Height of all buildings and structures
 - f. Occupant Load
 - g. Allowable Floor Area
 - h. Height and Number of Stories.

Plans and Specifications shall meet the requirements as per section 105 of the current California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinance, rules and regulations, as determined by the building official."

- 40.** An automatic commercial fire sprinkler shall be installed throughout the buildings.

Environmental Health Division

- 41. Potable Water Requirements:** The permittee shall secure and maintain current a Public Water System permit from the California State Division of Drinking Water. Copies of all State of California Division of Drinking Water permitting shall be provided to the Department prior to operation.
- 42. Sewage Disposal Requirements:** The Applicant shall submit an application, plans, and application fee to install an onsite wastewater treatment system (OWTS) that is adequately sized to handle the anticipated maximum wastewater generation by all structures associated the Special Event facility, as specified under Solano County Code Ch. 6.4.

The facility shall remain in compliance with all operation, maintenance, and reporting requirements of Environmental Health regarding the OWTS system for the duration of the Use Permit.

- 43. Process Wastewater Management:** The Applicant shall supply documentation verifying that it has approval from the San Francisco Regional Water Quality Control Board (SF-RWQCB) or

from the State Water Resources Control Board (SWRCB) for the method of its management and disposal of its process winery wastewater. A Wastewater Discharge Requirement (WDR) permit or Notice of Applicability (NOA) for a General Order for winery discharge will satisfy this condition. The facility shall remain in compliance with all process wastewater requirements from the SF-RWQCB or the SWRCB for the duration of the Use Permit.

- 44. Hazardous Materials Requirements:** The facility shall comply with all hazardous materials management, storage, handling and reporting requirements. If the facility handles any hazardous material in quantities equal to or greater than 55 gallons of liquids, 200-cubic feet for gases and/or 500 pounds solids, then the applicant shall create a Hazardous Materials Business Plan (HMBP) and upload the HMBP to the online California Environmental Reporting System (CERS) within 30-days of exceeding the hazardous materials threshold quantities. The HMBP includes requirements for reporting the facility information, hazardous materials inventory, site diagram, emergency response plan, and an employee training plan.
- 45. Solid Waste:** The facility shall maintain adequate commercial garbage service onsite to prevent disease, vector attraction, odors, and other nuisance factors. A minimum of weekly collection service is required.
- 46. Food Service:** The California Retail Food Code requires all food facilities to obtain a food permit from Environmental Health to operate. Accordingly, the Event Center catering kitchen and bar and the Winery Building kitchen and associated beverage service areas are considered food facilities and require food permits. Contact the Consumer Protection Program at (707)784-6765 for the plan submittal application and guidelines for construction.

A winery or brewery is exempt from a food facility permit if the wine and/or beer is manufactured onsite, and the facility is owned and operated by the manufacturer. However, this exemption only applies to wine and beer tasting and limits the service of food to crackers, pretzels, and less than 25 square feet of pre-packaged non-potentially hazardous foods. The winery does not qualify for this exemption and requires a permit to operate from the Solano County Division of Environmental Health.

Public Works Engineering

- 47.** The permittee shall apply for, secure and abide by the conditions of a grading permit for any grading on the property including, but not limited to, building site preparation, access improvements, parking areas and walkways, as well as any onsite grading exceeding a total of 5,000 square feet. In addition, Grading Permits shall be secured for any future grading or drainage improvements on the property. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development. Agricultural soil cultivation does not require a grading Permit.
- 48.** The permittee shall apply for, secure and abide by the conditions of an encroachment permit for any private road connections to the public roadway. All private roadway connections to public roads shall meet Solano County Road Improvement Standards and Land Development Requirements.

Local, Regional, State and Federal Agencies

Suisun Fire Protection District

- 49.** Automatic sprinkler system is required for these buildings as described in the California Building Code, 2019 edition. Installations shall comply with the California Fire Code, National Fire Codes

Standard(s). Plans must be submitted to the Fire District and County Building Department for review and approval prior to issuance of any permits and performance of any inspections or tests.

50. If the underground and overhead portions of these systems are subcontracted to different companies, both are required to submit separate plans and make arrangements for all permits, inspections, and tests.
51. All automatic sprinkler systems with over 100 heads shall be supervised by an approved central, proprietary or remote station service. The subcontractor responsible for the installation is required to submit separate plans and arrange for all inspections and tests.
52. On-site water system and fire hydrants must be able to support the new additions. Water flow and hydrant placement must meet county and nationally recognized standards.
53. Fees for automatic fire sprinkler systems shall include plan checking, field inspection of materials and workmanship, and water flow alarm test. One additional review of submittals will be performed at no additional fee. Subsequent review required as a result of inadequate submittals will be performed at an hourly rate of \$70.00/hour.
54. Any required fire alarm system shall be installed in accordance with the provisions of Section 907 in the California Fire Code, 2019 edition and NFPA 72. A permit will be required from the fire district for plan checking and field inspections.
55. Battery operated emergency lighting is required to provide illuminated means of egress.
56. One 2A 10BC dry chemical fire extinguisher is required for each 3,000 sq. ft. of floor area with the travel distance not exceeding 75 feet or a flight of stairs.
57. Any underground or aboveground flammable or combustible liquid tanks are subject to approval of the Fire District.
58. Premise Identification is required.
59. Road surface must meet all requirements set forth in the Solano County Road Improvement Standards for Commercial Driveway and "Fire Apparatus Access Road", 2019 California Fire Code. This will include road surface, width, and turn around.
60. Any Gate entrances shall be at least two feet wider than the width of the traffic lane-serving gate.
61. Locking Gates must be provided with a fire department approved lock for access.
62. Buildings may require that an approved fire department "Lock Box" may be required for building access.
63. Approved fire lanes may be required for fire apparatus entry and access.

California Department of Fish and Wildlife

64. If construction, grading, vegetation removal, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds, January 31 to September 1, a focused survey for active nests of such birds shall be conducted by a qualified biologist within 7 days prior to the beginning of project related activities. The results of the survey

shall be sent to CDFW and the Planning Division prior to the start of project activities. If an active nest is found, the Permittee shall consult with USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in project related work of 7 days or longer occurs, another focused survey and if required, consultation with CDFW and USFWS, shall be required before project work can be reinitiated.

Permit Term

65. The Use Permit shall be in effect for a five (5) year period with the provision that a renewal may be granted if said request is received prior to the expiration date of November 17, 2027 and the uses remain the same and in compliance with the Conditions of Approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on November 17, 2022 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

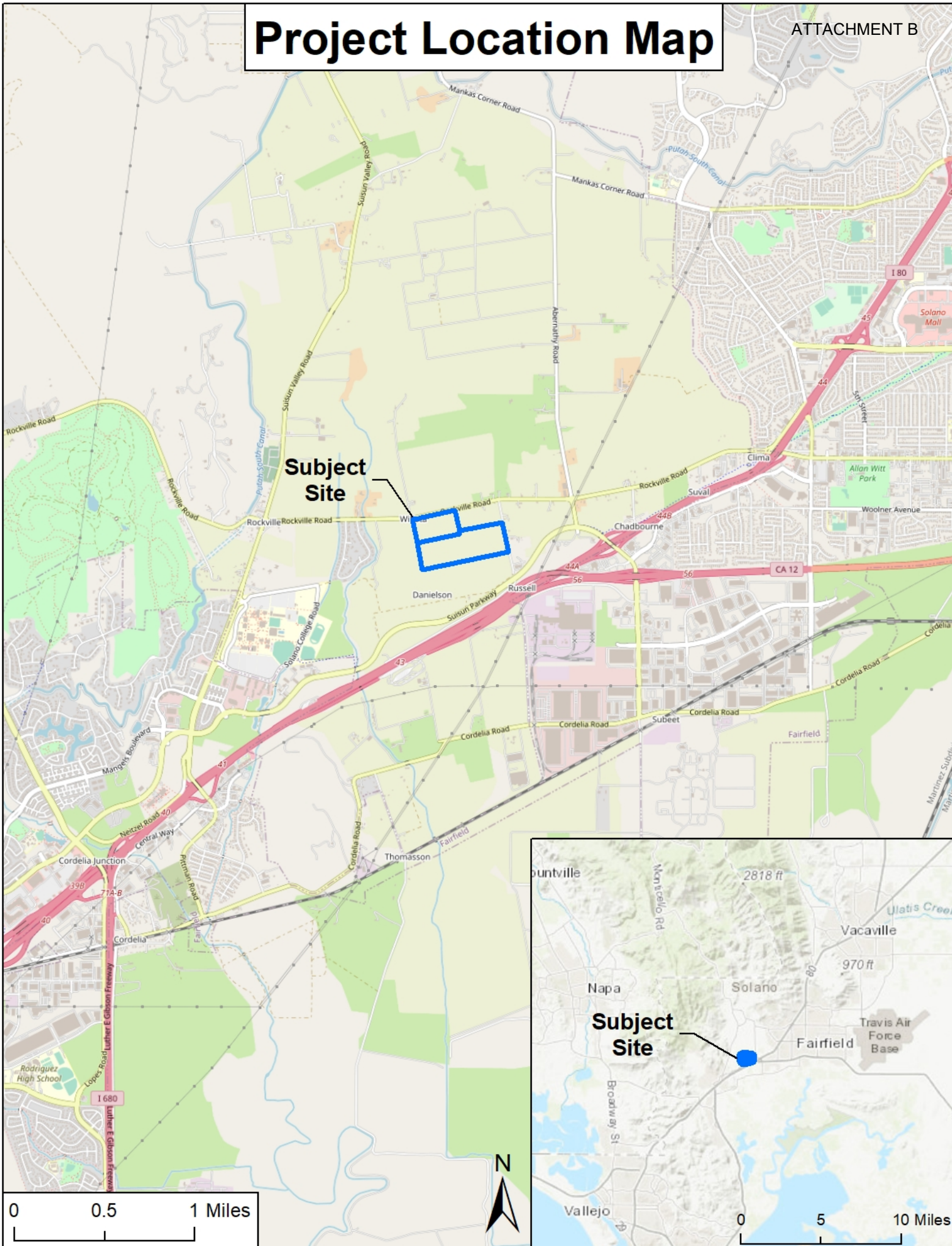
ABSENT: Commissioners _____

Kelly Rhoads-Poston, Chairperson
Solano County Planning Commission

Attest:

By: _____
Terry Schmidtbauer, Secretary

Project Location Map



Subject Site

Subject Site

0 0.5 1 Miles

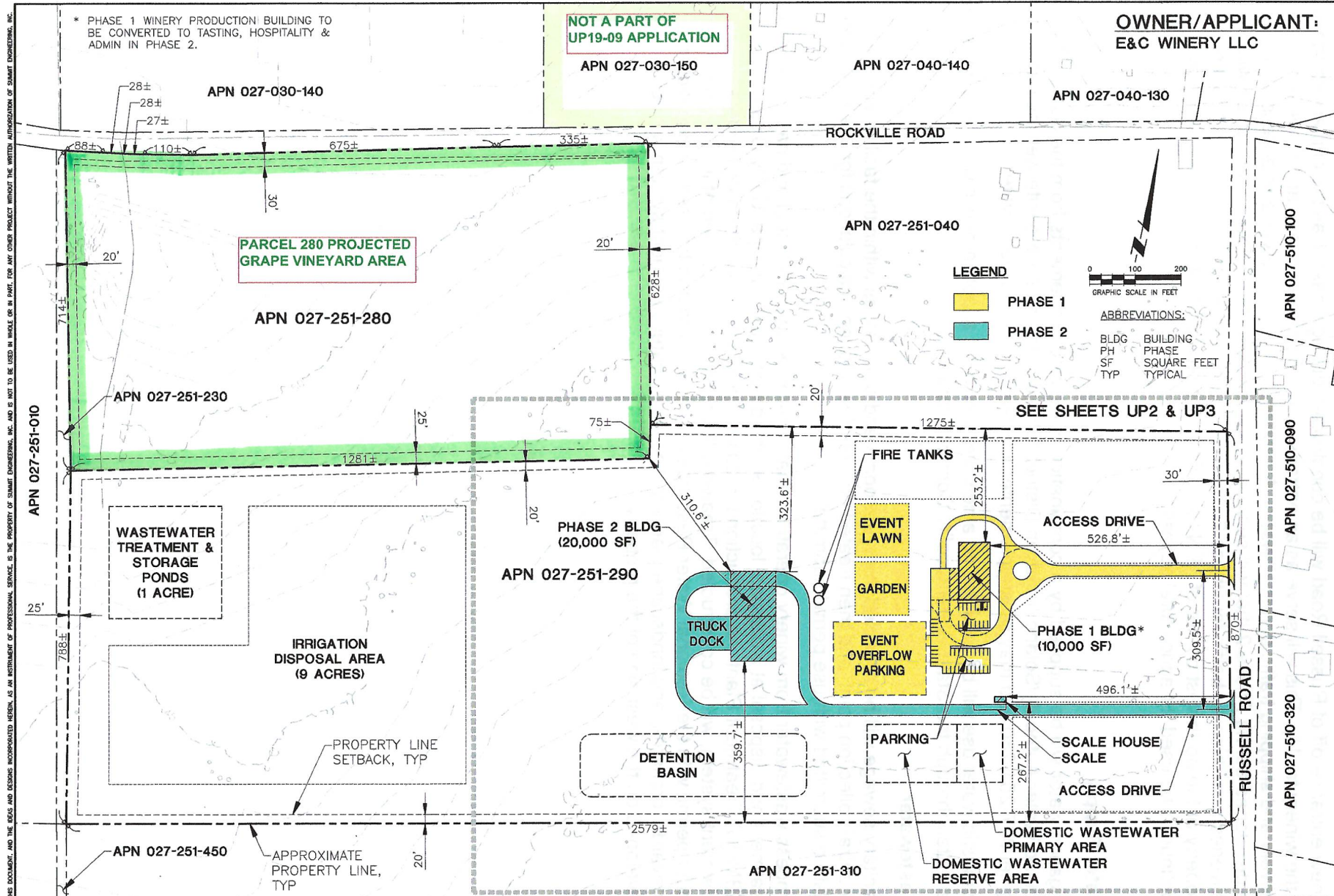
0 5 10 Miles

Subject Site



0 500 1,000 Feet





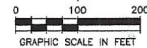
* PHASE 1 WINERY PRODUCTION BUILDING TO BE CONVERTED TO TASTING, HOSPITALITY & ADMIN IN PHASE 2.

NOT A PART OF UP19-09 APPLICATION

OWNER/APPLICANT:
E & C WINERY LLC

LEGEND

- PHASE 1
- PHASE 2



ABBREVIATIONS:
BLDG BUILDING
PH PHASE
SF SQUARE FEET
TYP TYPICAL

SEE SHEETS UP2 & UP3

SUMMIT
Summit Engineering, Inc.
443 Aviation Blvd., Suite 200 • Santa Rosa, CA 95403
707-527-0775 • www.summit-ei.com

E & C WINERY
INTERSECTION OF ROCKVILLE & RUSSELL RD
ROCKVILLE, CA
APN 027-251-280 & 290

USE PERMIT
OVERALL SITE PLAN

2018-09-23	FOR UP SUBMITTAL
2020-11-09	UP RESUBMITTAL
2021-01-26	UP HEARING
2022-01-17	PERMIT RESUBMITTAL

DATE: 2018-11-12
JOB NO: 2017071
SCALE: AS SHOWN
DRAWN: TAF
CHECKED: JLG
SHEET

UP1

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Due to file size, please use the web address/link below to download/view
ATTACHMENT E – Initial Study and Mitigated Negative Declaration:

<https://solano.legistar.com/View.ashx?M=F&ID=11439681&GUID=D28DA857-D381-4320-BBBA-D66CEC62AC20>

From: [Ethan Hartsell](#)
To: [Art Henriques](#)
Cc: [Wilberg, Eric J.](#); mpvangilst@gmail.com; [Janet Roberts](#)
Subject: The E&C Winery Project Initial Study/Mitigated Negative Declaration has been posted (Solano County Project File U-19-09) - SV Coalition for Sustainable Development
Date: Sunday, August 21, 2022 10:32:45 AM
Attachments: [image001.png](#)
[U-19-09 \(E&C Winery\) - Notice of Intent to Adopt MND - OCR.pdf](#)

Hi Art,

Thank you for forwarding the E&C project doc link. We are reviewing the IS/MND and will provide our comments in the next couple of weeks.

Our initial impression is that the overall quality and completeness of the IS/MND is significantly improved over the prior iteration. The reduced, now reasonable, scale of the project resembles a true winery that the community is likely to embrace, and not a wine factory that best belongs in an industrial zone. Rincon's addition to the County's project team appears to have been the needed missing piece, and we appreciate your contribution, Art. The current construction of the new widened shoulders along Rockville and SVR are also a relief when contemplating higher traffic volumes, with the improved safety margin that these shoulders are already providing for motorists and cyclists.

Coincidentally, I hosted the Willotta Oaks monthly summer cuisine night potluck last night. Everyone had just received their notices on Friday in the mail, so E&C was the talk of the party. 3 numbers appear to sum up how neighbors feel about the new iteration of the project:

- 90% - reduction in building size from 300,000 to 30,000 SF
- 75% - reduction in production from 2,000,000 to 500,000 gallons
- 50% - reduction in max event size and on-site attendance at one time

From an unscientific poll of perhaps 40 Willotta Oaks and Suisun Valley neighbors, I'd predict that the County has found the sweet spot for the ceiling for a new large winery in the Valley, at least without significant off-site/community mitigations.

Warm regards,

Ethan

Ethan Hartsell
County Response Coordinator
Suisun Valley Coalition for Sustainable Development
21 Willotta Drive
Fairfield, CA 94534
510.499.9238
ethan@ethanhartsell.com



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 9, 2022

Eric Wilberg, Senior Planner
Solano County
675 Texas Street
Fairfield, CA 94533
ejwilberg@solanocounty.com

Subject: U-19-09 (E&C Winery), Mitigated Negative Declaration, SCH No. 2021020257,
Solano County

Dear Mr. Wilberg:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from Solano County (County) for the U-19-09 (E&C Winery) (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: E&C Winery LLC

Objective: Develop a new winemaking, custom crush, and hospitality facility on two parcels totaling approximately 70 acres. Primary Project activities include the conversion of approximately 10 acres of the 49-acre parcel from active agriculture to the winery facility.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Eric Wilberg, Senior Planner
Solano County
September 9, 2022
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Location: Approximately 0.5 miles northwest of the City of Fairfield in Solano County, and 0.3 miles southwest of the intersection of Rockville Road and Russell Road, on Assessor's Parcel Number 027-251-290, and at an approximate centroid of 38.242629°N, -122.102190°W.

Timeframe: Construction will take place in two phases over approximately 10 years.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA either during construction or over the life of the Project. **The Project has the potential to impact Swainson's hawk (*Buteo swainsoni*), a CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **The Project would impact a drainage feature that may constitute a stream under Fish and Game Code section 1600 et seq., as further described below.** CDFW would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Eric Wilberg, Senior Planner
Solano County
September 9, 2022
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Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully Protected Species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). **The Project has the potential to impact white-tailed kite (*Elanus leucurus*), a Fully Protected Species.**

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends, CDFW concludes that an MND is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcomings

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species?

COMMENT 1: Swainson's Hawk, Page 26

Issue: The MND states that there is no special-status species habitat on the Project site. However, the Project site consists of active farmland and road margins which could be used as foraging habitat by Swainson's hawk according to the provided biological evaluation prepared by LSA (Appendix A). The Project site is within the draft Solano Multispecies Habitat Conservation Plan (HCP) Irrigated Agriculture Conservation Area,

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and according to the draft Solano HCP Mitigation Measure SH 1 for Swainson's hawk, Irrigated Agriculture Foraging habitat should be mitigated at a ratio of 1:1 (see Section 6.4.8 and Figure 4-21 of the draft Solano HCP at: <https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/>).

Additionally, based on aerial imagery it appears that potentially suitable Swainson's hawk nesting habitat occurs within a 0.5-mile radius of the Project site; however, the MND and biological evaluation do not discuss the potential for nesting Swainson's hawk to be affected by construction activity. There are five Swainson's hawk records in the California Natural Diversity Database (CNDDDB) within five miles of the Project.

Specific impacts, why they may occur and be potentially significant: The Project would result in the removal of potential foraging habitat for Swainson's hawk. The breeding population of Swainson's hawks in California has declined by an estimated 91% since 1900 and the species continues to be threatened by on-going and cumulative loss of foraging habitat (CDFW 2016). Therefore, reduction of Swainson's hawk foraging habitat would be a potentially significant impact.

If the Project occurs during nesting season, any nesting Swainson's hawks within 0.5 miles of the Project site could be disturbed by Project activities resulting in nest abandonment or reduced health and vigor of young, take of the species pursuant to CESA, and a substantial reduction in the species' population, which would be a mandatory finding of significant impact (CEQA Guidelines, § 15065).

Recommended Mitigation Measures: To reduce potential impacts to Swainson's hawk to less-than-significant, CDFW recommends including the below mitigation measures.

Mitigation Measure Bio-1: Impacts to Swainson's hawk foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Consistent with the draft Solano HCP, prior to Project construction, the Project shall provide Swainson's hawk foraging habitat mitigation at a 1:1 ratio which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchasing Swainson's hawk foraging habitat credits at a CDFW-approved mitigation bank in Solano County.

Mitigation Measure Bio-2: If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central*

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Valley.² Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP. CDFW Bay Delta Region staff is available to provide guidance on the ITP application process.

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 2: Burrowing owl, Page 26

Issue: The Project site could be used as foraging habitat by burrowing owl (*Athene cunicularia*) according to the provided biological evaluation. There are two occurrences of burrowing owl within 5 miles of the Project. According to the draft HCP Mitigation Measure BO 1 for burrowing owl, Irrigated Agriculture Foraging habitat should be mitigated at a ratio of 1:1 (see Section 6.4.9 and Figure 4-21 of the draft HCP).

Additionally, the biological evaluation does not discuss the potential for burrowing owl to winter or nest within a 500-meter (1,640 feet) radius surrounding the Project site and be affected by construction activity.

Specific impacts, why they may occur and be potentially significant: The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, and permanent wintering (i.e., non-nesting) or nesting habitat loss. Additionally, the Project may result in a permanent reduction of burrowing owl foraging habitat in Solano County. Burrowing owl is a special-status species because the species' population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine

² Swainson's Hawk Technical Advisory Committee, 2000.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>

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mortality; human disturbance; and eradication of California ground squirrels (*Spermophilus beecheyi*) resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (Shuford and Gardali 2008; *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012); personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owls have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (*Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012); personal communication, Esther Burkett, May 13, 2022). Based on the foregoing, if burrowing owls are wintering or nesting on or within 500 meters of the Project site, or if burrowing owl foraging habitat is removed, Project impacts to burrowing owl would be potentially significant.

Recommended Mitigation Measures: To reduce potential impacts to burrowing owl to less-than-significant, CDFW recommends including the below mitigation measures.

Mitigation Measure Bio-3: Impacts to burrowing owl foraging habitat shall be quantified and habitat mitigation shall be provided as described in recommended *Mitigation Measure Bio-1* above, consistent with the draft Solano HCP.

Mitigation Measure Bio-4: A qualified biologist shall conduct a habitat assessment and surveys, if warranted based on the habitat assessment, following the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) methodology.³ The habitat assessment and surveys shall encompass the Project area and a sufficient buffer zone to detect owls nearby that may be impacted based on the distances described in the above methodology. Habitat assessments and surveys shall occur each year of Project construction, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days. Time lapses between surveys or Project activities shall trigger subsequent surveys including but not limited to a final survey within 24 hours prior to ground disturbance. The qualified biologist should have a minimum of two years of experience implementing the above methodology.

Mitigation Measure Bio-5: If the Project would impact an unoccupied nesting burrowing owl burrow or burrow surrogate (i.e., a burrow known to have been used in the past three years for nesting), or an occupied burrow (where a non-nesting owl would be evicted as described below), the following habitat mitigation shall be implemented prior to Project construction:

³ CDFW, 2012. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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Impacts to each nesting site shall be mitigated by permanent preservation of two occupied nesting sites with appropriate foraging habitat within Solano County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity. The same requirements shall apply for impacts to non-nesting evicted owl sites.

The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

Please be advised that CDFW does not consider exclusion of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure for the reasons outlined below. Therefore, to mitigate the impacts of potentially evicting burrowing owls to less than significant, Mitigation Measure Bio-5 outlined above should require habitat compensation with the acreage amount identified in any eviction plan. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owls are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or “take” which is prohibited under Fish and Game Code section 3503.5. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented to avoid “take.”

COMMENT 3: White-tailed kite and other nesting birds, Page 26

Issue: The MND and provided biological evaluation do not discuss the potential for white-tailed kite and other bird species to nest within a 500-foot radius surrounding the Project site and be affected by construction activity.

Specific impacts, why they may occur and be potentially significant: If the Project occurs during nesting season, nesting white-tailed kites or other avian species could be disturbed by Project activities resulting in nest abandonment or reduced health and vigor of young (Dunk 1995). White-tailed kite are a Fully Protected Species under Fish and Game Code section 3511, subdivision (b)(6). A Fully Protected Species may not be taken at any time except as described above, and any impacts to nesting white-tailed kite or other nesting birds would be potentially significant.

Recommended Mitigation Measure: To reduce potential impacts to white-tailed kite and other nesting birds to less-than-significant, CDFW recommends including the below mitigation measure.

Mitigation Measure Bio-6: To the extent feasible, construction activities should be scheduled to avoid the general nesting bird season (February 1 – August 15). If it is not

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possible to schedule Project activities outside the nesting bird season, pre-construction surveys for nesting birds shall be conducted by a qualified biologist within seven days of the start of construction within a minimum of 500 feet from the Project site to ensure that no nests will be disturbed during Project implementation. If a lapse in construction of more than 7 days occurs another survey shall be conducted.

If an active raptor nest is found within 500 feet of active work areas or a non-raptor nest is found within 250 feet of active work areas, a minimum no-work buffer of 500 feet for raptors and 250 feet for other birds shall be established around the nest and maintained until the nest becomes inactive, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. All protective buffer zones shall be maintained until the nest becomes inactive.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 4: Streambed alteration, Page 27

Issue: The MND indicates that impacts to an irrigation canal including culvert work would not be subject to Fish and Game Code section 1600 et seq. as the canal is a constructed channel with no riparian habitat. However, constructed channels may be subject to the above Fish and Game Code, and based on a review of the California Aquatic Resources Inventory it appears the canal provides flows to Suisun Creek.

Specific impacts, why they may occur and be potentially significant: Impacts to the irrigation canal could result in downstream impacts to Suisun Creek, which supports riparian habitat. Riparian habitat is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When riparian habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. Therefore, if the Project results in downstream impacts, such as reduced flow or contamination, impacts to Suisun Creek and associated riparian habitat would be potentially significant.

Recommended Mitigation Measure: To reduce potential impacts to Suisun Creek to less-than-significant, CDFW recommends including the below mitigation measure.

Mitigation Measure Bio-7: For Project activities that may substantially alter the bed, bank, or channel of the onsite irrigation canal, the Project shall consult with CDFW to determine if an LSA Notification is warranted, including providing CDFW with an aerial based map of aquatic features on the Project site showing their connectivity to Suisun Creek. If CDFW determines that the impacted canal is subject to Fish and Game Code section 1600 et seq., the Project shall submit an LSA Notification to CDFW prior to

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Project construction. If CDFW determines that an LSA Agreement is warranted, the Project shall comply with all required measures in the LSA Agreement.

Please be advised that an LSA Agreement obtained for this Project would likely require the above recommended mitigation measures, as applicable.

Editorial Comments and/or Suggestions

CDFW recommends that a list or table of all special-status species with the potential to occur at the Project be included in the MND or publicly available biological report. This list or table should include the source of information about each potentially occurring special-status species (e.g., CNDDDB), and discussion of why or why not the species has potential to occur at the Project (e.g., will not occur due lack of salt marsh habitat at or near the Project) or adjacent to the Project where the species may be indirectly impacted by, for example, visual or auditory disturbances, or hydrological modifications.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or Alex.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021020257)

REFERENCES

- CDFW. 2016. Status Review: Swainson's Hawk (*Buteo swainsoni*) in California, reported to the California Fish and Game Commission, five-year status report. State of California Natural Resources Agency, Sacramento, CA.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133622&inline>
- CDFW. 2012. Department of Fish and Game Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Sacramento, CA.
- Dunk, J. 1995. White-tailed kite (*Elanus leucurus*), version 2.0. P. G. Rodewald, editor. The Birds of North America1. Cornell Lab of Ornithology, Ithaca, NY, USA.
- Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.
- Solano County Water Agency. 2014. Draft Solano Multispecies Habitat Conservation Plan. <https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/>

09/19/2022

**Solano County Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533**

Attn: Terry Schmidtbauer, Eric Wilberg, and Planning Staff,

**RE: Use Permit Application No. U-19-09 by E&C Winery LLC
Project Revised Aug. 2022
Notice of Intent to Adopt a Mitigated Negative Declaration**

The Solano County Dept. of Resource Management planning staff evaluated the Initial Study prepared for this winery project located on Rockville Road west of Russell Road (APN's 0027-251-280 and -290) and found no potentially significant adverse environmental impacts likely to occur with the use of mitigation measures. The County determined that the project qualifies for a Mitigated Negative Declaration.

E&C Winery proposes to develop a new winemaking, custom crush, and hospitality facility on two parcels totaling approximately 70 acres. The project's ultimate maximum production capacity of 500,000 gallons of wine per year is planned.

We disagree with the County's findings.

Solano County, serving as the Lead Agency, has ignored substantial evidence of significant effects, and is attempting to defer true mitigation measures.

Solano County (County) has failed to meet state Winery Discharge Requirements (WDR) for Process Wastewater (PW). The County is evading California Water Code by its failure to submit WDR applications to the State Water Resources Control Board (SWRCB). WDR applications are approved by the SWRCB based upon the maximum capacity of a proposed winery project that will not be connected to a municipal sewer facility. Fees are associated with WDR's, including an approximate \$2,000 application fee for a complex, Tier-3 winery project such as what E&C Winery LLC has proposed.

The SWRCB approved an updated General Waste Discharge Requirements for Winery Process Water ("Winery Order") on January 20, 2021. It goes into effect January 1, 2023. SWRCB estimates that over 2,000 wineries will be subject to the Winery Order, a significant increase in the number of wineries that must comply with wastewater discharge conditions and

obligations. Winery process water contains a number of constituents that could potentially impact groundwater, with the primary constituents of concern being nitrogen, biochemical oxygen demand (“BOD”), and salinity. Storm water discharge from wineries will continue to be subject to the General Permit for Storm Water Discharge from Industrial Facilities, not the Winery Order. The Winery Order is not a NPDES permit.

The Winery Order establishes four tiers of dischargers, winery process water. The Order establishes discharge prohibitions. A variety of effluent limitations are also included, such as BOD loading to Land Application. There are specifications for new or expanding ponds, including size (to handle a 100-year, 24-hour storm event) and lining. The requirements for continued use of existing ponds vary by Tier. There are also specification for Subsurface Discharge Systems and Land Application Areas. Monitoring and reporting requirements will vary greatly, depending on Tier level and winery-specific factors.

E&C Winery with an allowed use permit of 500,000 gallons (production limit) is well within the Tier 3 level as defined by the SWRCB.

Wineries that are already covered by discharge permits will be allowed to continue under those permits until they expire or terminate, but the SWRCB intends for the Winery Order to be the primary permitting mechanism for all wineries. There will be well over 1,000 wineries attempting to enroll and develop the necessary technical reports and implement new programs, stretching the available expertise qualified to assist projects severely. Wineries should not put off starting their compliance efforts. The SWRCB estimates that annual monitoring costs, pond modifications, and installing groundwater monitoring wells will add substantial costs to winery facilities.

The E&C Winery project will have a considerable incremental effect from planned treatment of winery process water (PW). Wine is a liquid with a high organic load and high specific pollution load. Winery waste is defined as any byproduct of winemaking operations. These byproducts include pomace (from grape skins, seeds, stems), lees (solids), water generated during tank cleaning, barrel washing, bottle washing, equipment washing, floor and crush pad washing (which may contain sterilization and/or preservation chemicals), blowdown, distillation, and wine ion exchange regeneration.

Typical Raw Winery Wastewater Influent contains acids, nitrogen, phosphorus, and sulfates.

Approximately 70 percent of the water utilized during the winemaking process becomes a wastewater byproduct.

Wineries must reduce Biological Oxygen Demand. BOD when present in wastewater is the direct result of waste (either human or food) or other organic materials.

BOD Treatment methods for wineries include:

- *Septic tank leach field (which quickly plugs with the high solids loading rate);

- *Ponding (usually several acres in size, often located on valuable farmland, these often fail with high BOD loading as indicative of objectionable odors during harvest);

- *Bio Reactors/pond systems (a newer, and the most successful, waste water system for wineries is a Bio Reactor).

Wastewater land application has its limits. The maximum loading rate of 100,000 gallons/acre/week (4 inches/week) is recommended. The current BOD value for Napa and Sonoma Valley land application is 40 ppm.

Typically, there is 6 months during winter when ground application is not allowed. BOD treatment method must consider land application limitations. The E&C Winery project proposes only 20 acres of vineyards in which treated wastewater will be applied to land as irrigation. A portion of treated water is intended to irrigate landscaping as well.

APPENDIX D by SUMMIT ENGINEERING, INC.

Despite SWRCB waste discharge requirements for winery projects being based on maximum production capacity, in this case 500,000 gallons/annually, the engineering report (Appendix D, Wastewater Feasibility Study) indicates PW flows by Phase 1 and Phase 2.

State Regional Water Control Board Winery Discharge Requirements (WDR) application must be for the maximum use permit of 500,000 gallon production. SWRCB decides to approve or disapprove WDR application. This can not be a “discretionary” approval made by the County, serving as Lead Agency. The SWRCB approves the wastewater treatment method for a 500,000 gallon winemaking facility, based on such factors as land acreage size and potential pollution risks to ground water, in accordance with State Water Code.

Summit Engineering is billed as the “winery engineers”, yet estimated peak daily and annual PW flows by phase. This is contrary to SWRCB requirements. Odor management appears to be intentionally vague for such an experienced winery engineering firm. “Elements of the PW treatment system “will be” designed and operated to avoid odor problems. Options remain undecided, if ponds are used instead of a package treatment system, or if additional aeration equipment will be necessary. In either case, the treated effluent “*should have low BOD*” ...and is “*expected to have limited or no odor generating potential*”.

The process of WDR application and approval by the SWRCB for sanitary sewage treatment (septic) systems, treatment ponds, holding ponds, and land application of PW – are all under the authority of the SWRCB and Waterboard requirements. Following state regulations leaves no room for uncertainty. The U.S. Environmental Protection Agency (USEPA) defends California Legislation and enforces the function of our State Waterboard.

The California Water Code (Section 13267 et al) established the Water Boards as the primary State agencies for protecting the quality of waters. One way they do this is by issuing orders to agencies or individuals whose actions have the potential for polluting the waters of California. When agencies fail to submit WDR Applications, fail to comply with permitting requirements or with other Water Board regulations (such as paying applicable fees to the State), an effective enforcement remedy will be imposed. Continuing this failure will be cause for an Administrative Civil Liability Case.

E&C Winery Wastewater Feasibility Study, originally dated September 20, 2019; Revised January 13, 2022
Page 293 of 294 / ODOR MANAGEMENT / APPENDIX D Page 2 of 2 reads:

“In either case, the treated effluent *should have* low biochemical oxygen demand (BOD) concentration in the effluent, and due to the lack of organic substrate, is *expected to have* limited or no odor generating potential.”

These are intentionally misleading statements made by Summit Engineering. Treatment ponds always generate odor from organic compounds (dissolved sugars in the wastewater) turning into gas and entering the air. Such odors from treatment ponds will not be mitigated by Solano County’s Active Transportation Plan (Goal 5, Page 21, Environmental Stewardship), which is to reduce environmental impacts of “projects” by promoting the reduction of air pollution, vehicle miles

traveled, and greenhouse gas emissions, through a system of bicycle lanes.

Table 2. *Summary of estimated PW flows by Phase:*

Summit Engineering utilized 6.0 gallons of PW per gallon of wine produced, in both Phase 1 and Phase 2. This “estimate” is well below the 8.3 gallons of PW per gallon of wine produced, according to references made in Enforcement Reports by the SWRCB.

There exists a long pattern and practice of misconduct in our local government. Poor planning and weak land use regulations in the unincorporated county have created numerous threats to the environment. These impacts are long-term. We see minimal mitigation measures incorporated into this revised winery project that serve to protect the environment long-term.

Citing the most recent statistics from 2021, there are 11, 282 wineries in the U.S. Of that total, 98% are considered small wineries. Large wineries are recognized as being capable of producing 500,000 or more gallons annually (not including custom crush for others). E&C Winery project does not include any estimates for custom crush, yet the WDR would require inclusion.

California had 4,763 wineries as of 2021. Only 71 (1%) of 11,282 of U.S. wineries are capable of producing 500,000 gallons or more annually.

We request that Solano County’s Department of Resource Management complies with the State Water Code and State Regional Water Quality Control Board requirements for winery projects.

Respectively submitted,

Preserve Suisun Valley

Comments of Richard A. Zimmerman
Revised Mitigated Negative Declaration (RMND) for U-19-090
E&C Winery, LLC
September 19, 2022

Section 2.13 Noise

The assessment of noise provided in the RMND indicates that noise is a potential adverse effect but is mitigated by operational controls to be less than significant. Unfortunately, the Noise Assessment does not include any discussion or assessment of noise emanating from special events or public assembly uses of the property.

RMND § 2.13 Noise, must discuss and evaluate the potential noise arising from the 41 special events proposed for this facility. Noise arising from amplified music and public address becomes a fugitive trespass once it leaves the boundaries of a property holding a special event. Such fugitive noise is the most significant environmental effect arising from special events uses in rural Solano County including Suisun Valley and is the source of most complaints against such operations.

Special Events uses are not agricultural uses, but rather public assembly uses and are therefore subject to the requirements of Solano County Code ("SCC") § 28.73.30, Public Assembly. The required operational control for noise from public assembly uses is specified in SCC § 28.73.30(B)(6)(f)(2) which states: "Outdoor amplified sound shall not exceed 65 dB when measured at the property lines." Outdoor amplified sound should not be subject to LDN averaging over 24 hours which is the standard for the County's general noise standard, SCC § 28.70.10. The lower, short interval decibel limit of 65 dB at the property line (SCC § 28.73.30(B)(6)(f)(2) is applicable to this project and should be reflected as the standard for public assembly and special events uses. Further, noise measurements are subject to frequency weighting, and the appropriate measurement for protection against offensive noise is the A weighting. The noise mitigation standard for public assembly and special events uses associated with project is therefore 65 dBA at any property line.

Additionally, there is a dichotomy between the noise standards discussed in RMD § 2.13, Noise. The Noise Environmental Settings discussion states: "The site is surrounded by agriculturally zoned properties. Table HS-2 of the Solano County General Plan indicates a community noise exposure of less than 75 dBA to be normally acceptable for agricultural uses." In contrast the Noise Impacts Discussion, subsection (a) of the Impacts Discussion, states *inter alia*: Noise levels

from on-going agricultural practices along with temporary construction are anticipated to be less than significant because of the temporary nature along with the distance to nearest sensitive receptors existing in the agricultural setting. adherence (sic) to Section 28.70.10 of the County Zoning Regulations would prevent offensive noise that exceeds 65dBA LDN at any property line." These two statements are contradictory making the findings of RMND § 2.13 Noise, ambiguous. The noise standard applicable to the proposed project must be clearly and specifically delineated for both agricultural and public assembly uses.

Section 2.17 Traffic

The Traffic Impact report submitted to address transportation effects of the project completely ignores the impact of special events, large winery marketing events, and other public assembly uses associated with the project. A proper assessment and discussion of the traffic effects on both traffic flow, intersection impact, and vehicle miles driven, as well as public safety and the cumulative effects on traffic arising from the proliferation of special events and public assembly uses in Suisun Valley must be included in the RMND before a final assessment of traffic can be made.

It is incomprehensible that the effect of up to 41 winery and special events with between 300 and 450 attendees at each event has not been considered in the traffic analysis of this project. The project driveway empties onto Russell Rd, a narrow road that with a sole exit through a T-intersection at Rockville Rd and controlled by a stop sign on Russell Rd. Even though the impact of special events uses would be relatively low on an annualized basis, the fact that up to 450 people would be simultaneously leaving via Russell Rd at the end of an event is a matter that should be taken into consideration, for public safety if not for traffic analysis considerations.

ATTACHMENT G - Public Correspondence Received to Date

As of the writing of this staff report, 5 comments in the form of emails or letters have been received (please see Attachment F). These comments included a representative of the Willotta Oaks Neighborhood, the California Department of Fish and Wildlife (CDFW), R. A. Zimmerman and M. Browning/Save Suisun Valley. One of the five commenters represented the Suisun Valley Fire Protection District, which had no comments on the IS/Revised MND.

Comments that were presented were regarding the following impacts:

1. Swainson's Hawk habitat and foraging
2. Burrowing Owl habitat and foraging
3. White-tailed kite and other nesting birds
4. Streambed alteration
5. Traffic
6. Noise
7. Water Quality
8. Winery Wastewater Discharge
9. Enforcement of permits and regulations

In response, staff notes that the 2008 General Plan process and the 2010 Suisun Valley Strategic Planning process included extensive outreach to stakeholders and significant discussion of agritourism, wineries and the emergence of retail farming and agritourism. These concepts were discussed, and it was the consensus of stakeholders and most public participants at the time that the policies embedded in those documents were most appropriate for the residents of Solano County. Subsequently, the zoning in the area was amended to include a new Suisun Valley Agricultural Zoning District (A-SV-20) which was applied to this property. As previously discussed, this project is consistent with the provisions of the A-SV-20 Zoning District, subject to the Use Permit and CEQA review requirements.

LSA consultants have provided comments responding to the CDFW letter. The Crane Transportation Group has provided comments responding to Mr. Zimmerman's letter. Summit Engineering has provided comments responding to M. Browning/Save Suisun Valley's letter. Staff has reviewed and discussed these responses to the comment letters with the consultants and concurs with their conclusions (please see Attachment G).

All comments received during the public review period of the IS/Revised MND (which closed on September 19, 2022), along with the staff and consultant responses, as well as any subsequent comments, will be provided to the Planning Commission as part of the Commission packets and/or at the public hearing. Copies will also be available for public review prior to and at the public hearing.

CRANE TRANSPORTATION GROUP

Mark Crane, T.E., C.E., President
 2621 E. Windrim Court
 Elk Grove, CA 95758
 (916) 647-3406

Mark Crane <cranetransgroup@gmail.com>

MEMORANDUM

TO: Todd Fujinaga <todd@tfujinaga.com>
FROM: Mark Crane, T.E., C.E., President <cranetransgroup@gmail.com>
DATE: September 28, 2022
RE: **E&C WINERY PERMIT - REVISED MITIGATED NEGATIVE
 DECLARATION - RESPONSES TO TRAFFIC ISSUES RAISED IN
 SEPTEMBER 19, 2022 LETTER FROM RICHARD A. ZIMMERMAN**

Hello Todd:

At the request of Solano County staff, I am responding to comments by Richard A. Zimmerman on the **Crane Transportation Group** January 20, 2022 Traffic Impact Report for the E&C Winery Use Permit Revised Mitigated Negative Declaration. My responses are being presented in this memo since I will be out-of-the country on November 3, 2022, the day of the hearing.

In summary, Mr. Zimmerman's comments indicate that the Traffic Study "completely ignores the traffic impacts of special events, large winery marketing events and other public assembly uses associated with the Project." My responses are provided below:

I. MARK D. CRANE WINERY TRAFFIC EXPERIENCE

I have been in charge of more than 100 winery-related traffic studies over the past 50 years, primarily in Napa and Sonoma counties. Special and Marketing Events evaluated have included from 25 to 1000 guests.

II. E&C WINERY PROJECT COMPLIANCE WITH THE EVENTS SECTION OF THE SUISUN VALLEY STRATEGIC PLAN (STRATEGIC PLAN)

The Strategic Plan endorses winemaking and related supplemental services. This includes holding Special and Marketing Events at any winery. Such events are being proposed by the E&C Winery.

III. EXISTING & YEAR 2040 (GENERAL PLAN BUILDOUT) TRAFFIC CONDITIONS IN THE PROJECT AREA

All roadways and intersections providing access from Interstate 80 and the Route 12 freeway to the E&C project site have only low-to-moderate traffic volumes for Existing Conditions as well as for Projected Year 2040 (General Plan Buildout) Conditions. The local circulation system will operate well below capacity during weekday and weekend peak traffic conditions with or without project.

IV. SPECIAL AND MARKETING EVENT GUEST ATTENDANCE

The project application indicates that with full project development there may be up to 41 Special Events and 50 Marketing Events per year. This maximum number of events would only be expected to occur 10 or more years in the future. Preliminary guest estimates by the Applicant for the 41 Special Events are as follows:

PROPOSED GUEST ATTENDANCE AT 41 SPECIAL EVENTS

Number of Events	Event Size	Number of Guest Vehicles
4	300 guests	About 110
15	150 guests	About 55
10	100 guests	About 35
12	75 guests	About 27
41		

There are currently no breakdowns for the proposed 50 Marketing Events, but one 450-guest dinner is planned at full project development. It should be noted that 90% of the Special Events would only produce an average of about one new vehicle every one-to-two minutes on the local circulation system for the hour before or after the event.

V. SPECIAL AND MARKETING EVENT GUEST SCHEDULING TO REDUCE TRAFFIC IMPACTS

Based upon significant experience evaluating Special and Marketing Events at Napa and Sonoma County wineries, the following criteria and measures are typically considered in event scheduling:

- Events are scheduled to avoid local circulation system peak traffic times to the maximum extent possible for entering and exiting event traffic.
- On days with most large events, there will be no appointments given for regular guest visitation. Therefore, during most of these days there should not be a significant net change in guest traffic levels.
- Event participants typically don't all arrive or depart in short periods of time. In particular, the purpose of Marketing Events is to sell wine and this results in entering and especially exiting traffic occurring over a lengthy time period. This allows Winery staff to allocate appropriate time to all clients.
- **The E&C applicant indicates they will be using these same criteria for scheduling their Special and Marketing Events.**

VI. CONCLUSION

- The vast majority of any Special or Marketing Events traffic will be occurring at times other than the peak weekday or weekend traffic hours on the local roadway network.
- Most Special and Marketing Event exiting traffic flows will extend for more than an hour as some guests will be staying to purchase wine.
- There is available local surface street capacity to accommodate Special or Marketing Events traffic at acceptable levels at any time during any day of the week.
- With the elimination of typical guest-by-appointment traffic on days with major Special or Marketing Events, resultant volumes on those days will be within the County's acceptable Vehicle Miles Traveled (VMT) limits.

Mark D. Crane

Mark D. Crane, T.E., C.E., President
Crane Transportation Group



September 29, 2022

Derrick and Darlene Lum
E&C Winery LLC
2500 Mankas Corner Road
Fairfield CA, 9534

Subject: Biological Resources E&C Winery

Dear Derrick and Darlene:

I have reviewed the County's IS/MND for the E&C Winery (Use Permit Application No. U-19-09, SCH No. 2021020257) and the California Department of Fish and Wildlife's (CDFW) September 9, 2022 comment letter on the Mitigated Negative Declaration and provide the following comments.

Swainson's Hawk

As noted in our initial biological resource evaluation in 2020, we did not observe any Swainson's hawk (SWHA) nesting activity on or adjacent to the property. However, we noted that SWHA (and burrowing owl) could forage on the property. In 2020 as described in our assessment, there were three known SWHA nests within 3 miles of the property, with the closest known nest approximately 2.25 miles away. SWHA nesting in Suisun and Green Valleys appears to have been increasing in recent years. SWHA protocol level surveys conducted by LSA and others for the City of Fairfield and various Caltrans projects along I-80 in 2021 and 2022 have identified additional active nests closer to the proposed winery site.

In 2021 SWHA nested approximately 0.25 miles south of the winery in the strip of tree along the Highway 12 on-ramp to westbound I-80. This nest was not active in 2022 and we suspect the pair relocated in 2022 and nested along Suisun Creek north of Rockville Road. This nest area is approximately 0.25 mile from the northwestern corner of the property and slightly over 0.5 mile from the proposed winery site. One additional SWHA nest active in both 2021 and 2022 is located along Suisun Creek near Solano College, approximately 0.85 miles from the proposed winery.

As noted in the CDFW comment letter, California Fish and Game Code sections 3503, 3503.5, and 3513 prohibit actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. With a few exceptions, these regulations apply to all bird species in California. Migratory birds are also protected under the federal Migratory Bird Treaty Act. The State Endangered Species Act (CESA) similarly prohibits the unauthorized take (hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill, Cal. Fish & Game Code § 86) of any state listed plant or animal. These rules are universal obligations to all in California.

CDFW raises the concern that any project activities conducted during the nesting season within 0.5 miles of the Project site could disturb the nests and result in abandonment or reduced health and vigor of young which could constitute take under CESA, violations of other Fish and Game Codes, and require a mandatory finding of significant impact under CEQA. While recognizing CDFW's

concerns, I believe disturbance associated with the winery construction and operation would not affect/result in take to any of the active nest locations in 2021 or 2022. Most SWHA are highly tolerant and habituated to farming and other human-related activities near their nests.

The closest nest recorded in 2021, for example is adjacent to I-80 and the Highway 12 on ramp. Between this nest site lies Suisun Parkway and walking path along the parkway. The second closest nest is located along Suisun Creek across Rockville Road from the Willotta subdivision and adjacent to at least two residence and an active farmyard (barns, equipment storage and repair, etc.). Given the existing levels of human activity (residences, businesses, traffic, public walkways, etc.) and active farming near these nests and existing noise levels, these SWHA appear to be well habituated to disturbance. As such disturbance from winery construction and operation is extremely unlikely to result in any actions at these nest sites that would lead to take and the need for an Incidental Take Permit from CDFW as noted in their comments.

CDFW recommends several standard measures for conducting preconstruction surveys for SWHA as well as burrowing owl, white-tailed kite, and other birds to avoid take of birds and active nests and help compliance with legal requirements with California Fish and Game Code as well as the federal Migratory Bird Treaty Act as described above. Whether these or similar measures are required by the County or implemented voluntarily, we recommend following the basic measures recommended by CDFW to help with your obligations to comply with state and federal regulations.

The CDFW comment for the SWHA surveys state conducting surveys within a 0.5-half mile radius of the project site to identify potentially impacted nests. Based on current available nesting information from 2021 and 2022 as addressed above and current land use patterns in the area, a smaller survey radius of no more than 0.25-mile is adequate to assess potential new nest locations that could be affected by winery construction. This survey buffer distance would be consistent with the Draft Solano Habitat Conservation Plan.

Streambed Alteration

CDFW notes that the irrigation canal along Russell Road identified in the IS/MND may be subject to Fish and Game Code Section 1600 et seq., and the installation of culverts for the access roads may require a Lake and Streambed Alteration Agreement. Section 1600 et seq. is intended to protect fish and wildlife resources. CDFW does not have specific protocols for determining what constitutes a stream or lake subject to regulation. Historically, regulation under the Fish and Game Code section have been limited to natural or modified streams, rivers, ponds, and lakes.

As described in the MND, the irrigation canal is a man-made, cement lined feature constructed on dry land (e.g., it does not appear to be a realigned natural stream) and does not support any riparian vegetation. As such, I concur with the MND analysis that the canal would not typically be expected to CDFW regulation. However, CDFW has the ultimate authority to determine jurisdiction and further coordination with CDFW is warranted. There main concern as expressed in the comment letter appears to be related to the potential for downstream impacts to Suisun Creek which is a regulated waterbody.

If you need any further assistance or have questions, please do not hesitate to contact me.

Sincerely,

LSA Associates, Inc.

Steve Foreman
Principal/Senior Wildlife Biologist

October 10, 2022

Solano County Department of Resource Management
Planning Staff
c/o Arthur Henriques
675 Texas St. Suite 5500
Fairfield, CA 94533

RE: E & C Winery, Permit Number U-19-09
 Project Number 2017071

Dear Arthur:

We have reviewed the letter from Preserve Suisun Valley (PSV) dated September 19, 2022, regarding the subject project. We have identified five technical items raised by the letter which warrant a response and which we would like to provide you with additional technical input for your consideration:

1. Registration of the proposed wastewater treatment system under the upcoming state Water Wastewater Discharge Requirements
2. Available space for ground application and application during winter
3. Odor from the proposed treatment system
4. Phasing of the construction of the wastewater system to align with the phasing of the winery improvements as described in the project description
5. Basis for estimated 6.0 gallons of process waste (PW) per gallon of wine produced

Please find our response to each item below:

1. Registration of the proposed wastewater treatment system under the upcoming state Water Wastewater Discharge Requirements

Local jurisdictions, in this case Solano County, are obligated to refer projects that meet specific criteria to the Regional Water Quality Control Board (RWQCB) as it relates to the disposal of winery process wastewater and/or domestic wastewater disposal if over a certain flow, based on their Local Area Management Plan. However, the County is NOT required to submit Waste Discharge (WDR) applications to the State Water Resources Control Board (SWRCB). A qualified consultant is required to submit an Enrollment Application and Technical Report or Report of Waste Discharge to the RWQCB.

Per Solano County's Code (Chapter 6.4 Sewage Standards that were passed on January 9, 2018), the County Sewage Standards apply to any disposal system that is discharging 2,500 gallons per day or less. Anything over these daily flows shall require authorization from the RWQCB having jurisdiction. In the case of E&C Winery, that board is the San Francisco Regional Water Quality Control Board (SFRWQCB). In addition, the Solano County sewage regulations state that their standards do not apply to an individual treatment plan that is designed for commercial

development in areas not served by public sewer; these projects would be regulated by the SFRWQCB.

Typically, as part of the discretionary Use Permit review, the County provides a Use Permit condition of approval that requires the applicant to secure a discharge requirement from the RWQCB. Enrollment in the Winery General Order or Individual Waste Discharge Requirement (WDR) is not required as part of the discretionary Use Permit process. However, it is typically a condition of the Use Permit and required prior to the use of an entitlement and/or discharge of wastewater to land.

Once a Use Permit is approved and design of the wastewater systems is completed, an application for enrollment in the Winery General Order is applied for concurrently with ministerial permit submittals (i.e., building permits). Once a building permit is issued (which typically requires concept approval by the RWQCB with the intent to enroll a facility in a General Order to issue an Individual WDR), the system can be installed and commissioned, but treated effluent cannot be discharged to land until the facility is enrolled in a General Order or an Individual WDR is approved. This process is typically required to be completed before any County building permits can be finalized.

Enrollment in the Winery General Order is based on actual process wastewater generation and not necessarily the total approved production entitlement. Additionally, the Tier classification is based on anticipated PW generation, not wine production. For E&C winery, the facility would be required to initially enroll in the Winery General Order for up to 750,000 gallons of wastewater generation for Phase 1, which would result in a Tier 3 classification. However, if/when production is increased to 500,000 gallons for Phase 2, E&C winery would likely need to reclassify their Tier classification to Tier 4 since their process wastewater production would likely increase beyond the 1,000,000 gallons of PW generation that's anticipated (we have estimated a production of 3,000,000 gallons of PW for Phase 2). The re-classification at Phase 2 could be avoided if the facility is able to demonstrate a lower wastewater generation rate based on collected flowmeter data.

2. Available space for ground application, and application during winter.

Disposal is allowed to occur during the winter season, as long as treated process wastewater is not "applied to the Land Application Area (LAA) within 24 hours of a forecasted precipitation event with a greater than 50-percent probability of occurring, during precipitation events, or when the ground is saturated."

Additionally, based on our pond water balance and evaluation of anticipated PW generation for the Phase 2 production levels, irrigation demand of the vineyards, assimilative capacity (based on the USGS Soils Survey for this parcel), and excess capacity of the soils, we've demonstrated that a minimum of nine acres of land application area should be sufficient to allow for proper infiltration of PW effluent without any soil saturation or ponding. With up to 17 acres of

vineyard being available, this provides additional conservatism that the applied effluent will properly infiltrate.

3. Odor from the proposed treatment system

Odor management will differ depending on the type of treatment system that is provided. The options presented in our WWFS describe that the treatment system will be designed and operated to avoid odor problems.

Since the facility will be enrolled in the Winery General Order, there will be specific operational requirements set and enforced by the SWRCB to prevent potential pond and/or treatment odors from becoming a nuisance. As a result, this is not something that is typically mitigated as a condition of Use Permit approval and/or set by the County.

Since wastewater treatment systems are living biological systems variations occur in their biological makeup from time to time and based on variations in conditions. Design practices use industry specific experience to minimize potential for odors. In the event that there are variations in biological loading outside of the design assumptions that generate odors, operational measures can be implemented to mitigate the odors.

For example, if a pond system is selected, the pond would be equipped with aeration sized to maintain proper DO levels (between 2-5 mg/L) such that odors would not develop. If for some reason there is a higher BOD loading that is outside the bounds of design assumptions, there are mitigation measures in the operation plan to manage potential odor issues such as implementing temporary or additional aeration. One might ask “why not conservatively oversize aeration to accommodate a potential odor concern?” It is not recommended to overdesign aeration to accommodate rare or atypical scenarios due to the increased power consumption that is required unnecessarily. Most facilities can operate successfully without any additional odor mitigation.

This combination of design best practices and operational responsiveness is the typical and appropriate practice for maintaining a well-functioning wastewater system and avoiding odor issues.

During the design phase, once the treatment type is selected, more specific odor mitigation practices will be identified that are specific to the details of the type of treatment system selected.

4. Phasing of the construction of the wastewater system to align with the phasing of the winery improvements as described in the project description

Many facilities provide phased production levels, and as such provide complimentary phased wastewater system sizing. We were closely involved with the development and roll out of the Winery General Order; per our ongoing discussions with the SWRCB and SFRWCB, the Winery General Order **does** allow for phasing of a wastewater treatment system to be aligned with phased production levels.

Through the extensive monitoring and reporting requirements that are part of the Winery General Order, the State would be able to identify if PW generation increases and therefore, if necessary, can audit existing systems, if they are being used beyond their design capacity or outside of their tier classification.

In addition, a building permit would need to be acquired in order to accommodate the Phase 2 production level. This provides an additional trigger for assuring proper wastewater system sizing, Tier classification, and compliance with the Winery General Order.

5. Basis for estimated 6.0 gallons of process waste (PW) per gallon of wine produced

The PW generation rate of 6.0 gallons of PW per gallon of wine produced, on an annual basis, is a standard estimate that is used industry-wide, including specifically for sizing wastewater treatment systems, as-well-as referenced and approved by many regulatory agencies that have historically oversee winery wastewater system permitting. While 6.0 is industry standard, there are, of course, facilities that use less water depending on their operational activities. Some factors include if the facility includes onsite bottling, or if grape crush activities occur elsewhere and juice is trucked in for fermentation. There are also some facilities that do not implement water conservation practices and use more water than industry standard. However, in our experience based on reviewing winery wastewater production rates for a variety of facility types and sizes, the 6.0 gallons of process waste per gallon of wine is appropriate and reasonable for the activities proposed for the E & C Winery. From a regulatory perspective a 6.0 generation rate is an acceptable basis to use for a new facility when historic wastewater flow data is not available as a basis of design.

It is worth noting that the 6 gallons of process waste per gallon of wine produced is only applicable on an annualized basis. Different and typically more conservative peaking factors are used to estimate peak daily wastewater generation flow, which is the basis of design for a pond and package treatment system. Whether a pond system or package system is utilized for PW treatment, there is some hydraulic loading conservatism built into the design to allow for a short period of higher flows. Once the Phase I wastewater system is constructed and operational, flows will be monitored, so that when/if Phase 2 is implemented the design basis can be adjusted for real-time PW generation rates.

Thank you for your consideration of this information.

In conclusion, the E & C Winery project under review by Solano County Department of Resource management is proposed to comply with the State Water Code and the California Water Resources Control Board requirements for winery projects.

Sincerely,

Jasper Gehring
Principal/Civil Division Manager

Gina Giacone
Principal/Water-Wastewater Division Manager

cc: Todd Fujinaga
Derrick Lum

From: [Schmitz, Lori@Waterboards](mailto:Schmitz,Lori@Waterboards)
To: Wilberg, Eric J.
Cc: [Todd Fujinaga](mailto:Todd.Fujinaga); [Derrick Lum \(lumfamilyfarms@gmail.com\)](mailto:Derrick.Lum); [Art Henriques](mailto:Art.Henriques); [Jasper Gehring](mailto:Jasper.Gehring); [Lilichenko, Alla@Waterboards](mailto:Lilichenko,Alla@Waterboards); [Pacheco, Marco@Waterboards](mailto:Pacheco,Marco@Waterboards); [Pierce, Wendy@Waterboards](mailto:Pierce,Wendy@Waterboards); [OPR State Clearinghouse](mailto:OPR.State.Clearinghouse)
Subject: County of Solano, U-19-09 (E & C Winery) Project, SCH 2021020257
Date: Tuesday, October 11, 2022 5:37:24 PM
Attachments: [image001.png](#)
[U-19-09 E & C Winery final comment letter.pdf](#)

Eric,

Attached is our final comment letter based on the need for a water supply permit confirmed by Jasper Gehring of Summit Engineering, Inc. below.

Thanks for assistance and coordination on this Project.

Lori Schmitz

Lori Schmitz
State Water Resources Control Board
Division of Financial Assistance
Special Project Review Unit
Lori.Schmitz@waterboards.ca.gov

From: Schmitz, Lori@Waterboards
Sent: Tuesday, October 4, 2022 10:15 AM
To: Jasper Gehring <jasper@summit-sr.com>
Cc: Todd Fujinaga <todd@tfujinaga.com>; Derrick Lum (lumfamilyfarms@gmail.com) <lumfamilyfarms@gmail.com>; Art Henriques <aHENRIQUES@rinconconsultants.com>; Lilichenko, Alla@Waterboards <Alla.Lilichenko@waterboards.ca.gov>; EWilberg@solanocounty.com; Pacheco, Marco@Waterboards <Marco.Pacheco@waterboards.ca.gov>; Pierce, Wendy@Waterboards <Wendy.Pierce@Waterboards.ca.gov>
Subject: RE: [EXT] FW: County of Solano, Use Permit Application No U-19-09 Revised MND, Applicant Contact Information

Thanks for the follow up email. Based on this information provided, I should have further direction to provide for the County for additional needed information required in the CEQA document soon, once it make it through management review.

The District staff for this Project, Alla Lilichenko, who is out until Friday, should also be able to provide further direction after this week on other things needed (designs, etc.) prior to going to construction.

Thanks!

Lori Schmitz

Lori Schmitz
State Water Resources Control Board
Division of Financial Assistance
Special Project Review Unit
Lori.Schmitz@waterboards.ca.gov

From: Jasper Gehring <jasper@summit-sr.com>
Sent: Tuesday, September 27, 2022 2:41 PM
To: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Cc: Todd Fujinaga <todd@tfujinaga.com>; Derrick Lum (lumfamilyfarms@gmail.com) <lumfamilyfarms@gmail.com>; Art Henriques <ahenriques@rinconconsultants.com>; Lilichenko, Alla@Waterboards <Alla.Lilichenko@waterboards.ca.gov>; EjWilberg@solanocounty.com
Subject: FW: [EXT] FW: County of Solano, Use Permit Application No U-19-09 Revised MND, Applicant Contact Information

EXTERNAL:

Lori,

I am following up regarding an email that you sent on September 8th, 2022 below regarding Use Permit Application No U-19-09 by E & C Winery LLC

Per our review of the proposed employee and visitation numbers, a public water system will be required as more than 25 people will use the system over 60 days per year. The public water system is anticipated to be a transient non-community system as only 17 people (the regular employees) are proposed to use the system over 6 months during the year. See attached flow chart with the path highlighted for this facility.

As you noted, the project description states that: the facility will have 11 production employees, 6 hospitality employees, there may be 6-8 seasonal employees. Those seasonal employees are anticipated to be onsite approximately 2-3 months per year.

Regarding your question about number of people served by the well:

- Without an event onsite, the well would be anticipated to serve 17 regular employees, 6-8 seasonal employees (if present at the time), plus 65-70 weekday visitors, or 110 weekend day visitors. This would be between 82 and 135 on a normal day without an event.
- In the case of events onsite, the project description states that 450 people may be present onsite throughout a day or at one time.

We would plan to write a public water system permit application to cover all domestic use associated with this visitation and employees, and that capacity would be satisfied with a combination of well supply and tank storage as necessary. We also are aware that a preliminary

technical report is required prior to the public water system application.

For reference, as described in the project description the septic system would be sized “to accommodate employees plus visitors. Restroom trailers will supplement the disposal system for events over 100 attendees.”

Please let me know if you have any further questions.

Regards,

JASPER GEHRING, P.E.

PRINCIPAL

Division Manager | Civil

SUMMIT ENGINEERING, INC.

575 W COLLEGE AVE, STE 201

SANTA ROSA, CA 95401

707.527.0775 EXT.159

707.636.9159 DIRECT

415.717.7433 CELL

www.summit-sr.com

From: Todd Fujinaga

Sent: Thursday, September 8, 2022 10:26 AM

To: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>

Cc: Lilichenko, Alla@Waterboards <Alla.Lilichenko@waterboards.ca.gov>;

EjWilberg@solanocounty.com; ahenriques@rinconconsultants.com

Subject: RE: [EXT] FW: County of Solano, Use Permit Application No U-19-09 Revised MND, Applicant Contact Information

Lori

I acknowledge your email from this AM.

In order to provide you with the best answers, I will need to contact our water consultant Summit Engineering.

I will reach out to them and get back to you as soon as possible.

Thank you

Todd

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>

Sent: Thursday, September 8, 2022 8:44 AM

To: Todd Fujinaga <todd@tfujinaga.com>

Cc: Lilichenko, Alla@Waterboards <Alla.Lilichenko@waterboards.ca.gov>;

EjWilberg@solanocounty.com; ahenriques@rinconconsultants.com

Subject: RE: [EXT] FW: County of Solano, Use Permit Application No U-19-09 Revised MND, Applicant Contact Information

Todd,

I help out the State Water Resources Control Board, Division of Drinking Water with CEQA for their water supply permits. I recently received Solano County's revised MND for the Use Permit Application No U-19-09 by E & C Winery LLC that is currently in circulation, passed on from DDW staff and found the IS/MND posted on the CEQANet database (2021020257).

The documents indicates that domestic water use will be provided by a new well which will supply a public water system to be permitted through the State Water Resources Control Board /State Water Quality Control Board, (PDF Page 11/293). And the new on-site well will be utilized to provide drinking water for employees and visitors to the site (PDF Page 47/51).

The project will provide employment for up to 11 full time, 6 part-time, and 6-8 seasonal employees (PDF page 41/291). The sanitary wastewater treatment system will be sized to accommodate employees plus visitors (PDF page 9/291). Restroom trailers will supplement the disposal system for events over 100 attendees (PDF 9/291).

““Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.”

Can you confirm the system will be a public water system by provide the estimated number of people that will be served at least 60 days out of the year?

-It sounds like there will be 25 employees that there may be served during a certain season? Would this season be at least 60 days out of the year?

-Also, it sounds like there could be on-site restrooms planned that could include domestic water that would serve up to a max of 110 visitors per day (100 visitors/weekday, 110 visitors/weekend, ~ Max of 2,420 visitors/month for at least 60 days)? Will the well water be used in the bathrooms for the visitors?

Please provide your best estimates on the number of employees and visitors that will be served by the well, so we can determine if a water supply permit will be required for the Project.

Once we confirm this information we can provide further information on any permit application process needed and possible additional information of what information the County should provide in the document to ensure the Project covers the Project being approved.

Thanks for any help with these questions!

Lori Schmitz

Lori Schmitz
State Water Resources Control Board
Division of Financial Assistance
Special Project Review Unit
Lori.Schmitz@waterboards.ca.gov

From: Art Henriques <ahenriques@rinconconsultants.com>
Sent: Wednesday, September 7, 2022 5:12 PM
To: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Cc: Wilberg, Eric J. <EJWilberg@SolanoCounty.com>; Lilichenko, Alla@Waterboards <Alla.Lilichenko@waterboards.ca.gov>
Subject: RE: [EXT] FW: County of Solano, Use Permit Application No U-19-09 Revised MND, Applicant Contact Information

EXTERNAL:

Good day Ms. Schmitz. Eric Wilberg forwarded your message to me regarding an E&C Winery contact as I am assisting the County of Solano with the processing of this application. The best person to start with is Todd Fujinaga. Todd represents and is working with the Lum Family in the processing of this project.

Todd Fujinaga
todd@tfujinaga.com
1-925-785-3779

Please let me know if I can be of any further assistance.

Arthur Henriques, MUP, Senior Planner
Rincon Consultants, Inc.
408.386.1986 (Mobile)
ahenriques@rinconconsultants.com



*Ranked 2021 "Best Environmental Services Firm
to Work For" by Zweig Group*

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>

Sent: Wednesday, September 7, 2022 3:16 PM

To: Wilberg, Eric J. <EJWilberg@SolanoCounty.com>

Cc: Lilichenko, Alla@Waterboards <Alla.Lilichenko@waterboards.ca.gov>

Subject: County of Solano, Use Permit Application No U-19-09 Revised MND, Applicant Contact Information

Eric,

I help out the State Water Resources Control Board, Division of Drinking Water with CEQA for their water supply permits. I recently received Solano County's revised MND for the Use Permit Application No U-19-09 by E & C Winery LLC that is currently in circulation, passed on from DDW staff.

The Use Permit Application No U-19-09 Project may require a water supply permit from the State Water Resources Control Board for the creation of a public water system. A public water system is defined as a system that provides water for human consumption to 15 or more connections or regularly serves 25 or more people daily for at least 60 days out of the year. If the applicant does require a water supply permit they will need to submit a technical report at least 6 months prior to them going to construction to discuss possible consolidation with other nearby water systems.

Do you happen to have the phone number and/or email address for the applicant? If so, can you pass this on to us so we may further discuss their plans for the water system, the number of people that will be served, and the requirements they will need to follow if a water supply permit will be required?

Further discussing the Project with them may also help us determine if a comment letter is needed by our agency.

Thanks for any help with this!

Lori Schmitz

Lori Schmitz
State Water Resources Control Board
Division of Financial Assistance
Special Project Review Unit
Lori.Schmitz@waterboards.ca.gov



October 11, 2022

Solano County
 Attn: Eric Wilberg
 675 Texas Street, Suite 5500
 Fairfield, CA 94533

SOLANO COUNTY, MITIGATED NEGATIVE DECLARATION (MND) FOR THE U-19-09 (E & C WINERY) PROJECT (PROJECT); SCH #2021020257

Dear Mr. Eric Wilberg:

Thank you for the opportunity to review the Mitigated Negative Declaration for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. The proposed Project may create a new public water system. If so, the new public water system would require a domestic water supply permit. A project requires a water supply permit if it includes the creation of a new water system or a permit amendment for changes to a water supply source, storage, or treatment.

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the County's draft initial study MND:

- The MND is unclear on the number of people who will be served by the water system. The Health and Safety Code, Division 104, Part 12, Chapter 4, Article 1, section 116275 [h] defines a "Public water system" as, "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year". Please provide the estimated number of people that will be served by the new water system at least 60 days out of the year.
- If the Project will create a new public water system, please address the following in the document:
 - Add "State Water Resources Control Board, Division of Drinking Water" to the "Agencies that May Have Jurisdiction over the Project" list, (PDF page 16).
 - The document references the California Department of Health several times in relation to the regulation of public water systems. Authority to regulate public water systems transferred from the California Department of Public Health to the State Water Resources Control Board on July 1, 2014. Please update the document to reflect the State Water Board as the agency that regulates public water systems in California.
 - Describe the estimated sizes of the fire tank and domestic tank for phases I and II, and what components will be connected to the domestic water system.
 - Discuss if treatment may be required for the water from the new well.
 - The document indicates "Water will be provided by wells and Suisun-Solano Water Authority" (PDF Page 47.) Please clarify in this section what source will be used for drinking water.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Mr. Eric Wilberg

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- Please discuss how much groundwater will be needed for the Project (domestic and irrigation) and address if there are sufficient supplies to serve the Project.
- If the treatment ponds will be implemented as part of this Project, please indicate the planned location for the new domestic well in relation to the ponds and other potential sources of contamination.

If the new water system will require a water supply permit, once the MND is adopted, please forward the following items in support of the public water system's permit application to the State Water Board, DDW San Francisco District Office at DWPDIST04@waterboards.ca.gov:

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Solano County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Guidance for submitting a complete public water supply permit application to the DDW San Francisco District, including submittal of the required preliminary technical report at least 6-months prior to water-related construction, can be found on the DDW program website at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.html.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Sincerely,

 Lori Schmitz
Water Boards

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Alla Lilichenko
Sanitary Engineer
San Francisco District

Marco Pacheco
District Engineer
San Francisco District

DEPARTMENT OF RESOURCE MANAGEMENT



Planning Services Division

NOTICE OF PUBLIC HEARING

(Planning Commission)

NOTICE IS GIVEN that the Solano County Planning Commission will hold a PUBLIC HEARING to consider Use Permit application U-19-09 by E&C Winery LLC to establish and operate a Large Winery and Special Events Facility on property located near the intersection of Russell Road and Rockville Road, one mile west of the City of Fairfield, within the Suisun Valley Agriculture "A-SV-20" Zoning District; APN's 0027-251-280 and -290. The Planning Commission will consider adoption of a Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. (Project Planner: Eric Wilberg, 707-784-6765)

The hearing will be held on **Thursday, November 17, 2022, at 7:00 p.m.** in the Board of Supervisors Chambers, County Administration Center, 1st Floor, 675 Texas Street, Fairfield, California.

The County of Solano does not discriminate against persons with disabilities. If you wish to participate in this meeting and you will require assistance in order to do so, please contact the Department of Resource Management at 707-784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC COMMENTS:

In-Person: You may attend the public hearing at the time and location listed above and provide comments during the public speaking period. Phone: You may provide comments verbally from your phone by dialing **1-415-655-0001** and entering **Access Code 2467 197 1378**. Once entered in the meeting, you will be able to hear the meeting and will be called upon to speak during the public speaking period. Email/Mail: Written comments can be emailed to PlanningCommission@SolanoCounty.com or mailed to Resource Management, Planning Commission, 675 Texas Street, Suite 5500, Fairfield, CA 94533 and must be received by 10:00 a.m. the day of the meeting. Copies of written comments received will be provided to the Planning Commission and will become a part of the official record but will not be read aloud at the meeting.

Staff reports and associated materials will be available to the public approximately one week prior to the meeting at www.solanocounty.com under Departments; Resource Management; Boards, Commissions & Special Districts; Solano County Planning Commission.

If you challenge the proposed consideration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Daily Republic - legal ad/one time – Wednesday, November 2, 2022