

June 30, 2014

Sigrid Swedenborg  
PRMD  
2550 Ventura Avenue  
Santa Rosa CA 95403

RE: PLP 14-0031 4603 Westside Road (~~OLD~~ **PROJECT DESCRIPTION**  
**PHASED**)

Dear Sigrid,

We are submitting these first comments by July 1st per your request; however, the application packet that was distributed is incomplete. The 4- page description of the project written by Avila Design is missing page 2, which discusses key parts of Phase 1 and 2. We respectfully request that this packet be redistributed to include the full description so that we can provide comments on the complete proposal.

**1. The Planning Commission has consistently found that Phased projects are fundamentally inconsistent with the goals and objectives of the General Plan.**

GOAL AR-6: Allow new visitor serving uses and facilities in some agricultural areas but limit them in scale and location. General Plan Objective 6.1 permit visitor serving uses in the LIA land use category ... "shall be secondary and incidental to agricultural production." Therefore, in order to justify the County's granting a discretionary use permit, there needs to be a clear agricultural use on the property to which the visitor serving use is secondary and subordinate. Therefore, a phased in use does not support granting a use permit for what amounts to be a stand-alone tasting room and events.

This project application outlines a 4- phase project with Phase 1 being the conversion of the existing shed – located within the Scenic Corridor - into a tasting room featuring a "wood stove and tasting bar...will also sell local products such as fruit, eggs vegetables, jams, honey mustard and pickles." The recent Ordinance allows farm stands on certain parcels, but there can be no alcohol sales on a farm stand parcel.

Clearly a project that phases the retail tasting of wines produced in another location with a permanent farm stand first is not incidental to agriculture production, nor consistent with the farm stand regulations.

**2. Cumulative Impact Assessment: Concentration of Commercial Uses:** The project may cause a "local concentration of wineries/visitor serving uses" as it is immediately adjacent to, and owned by the same company, of another proposal on 4605 Westside Road. Detrimental concentration issues that must be addressed include traffic/ joint road use conflicts, water availability (located within the zone of influence of area wells) and a concentration is detrimental to the rural character of the area.

This project located at 4603 Westside Road and is adjacent to a winery project also in the application phase at 4605 Westside Road, the "Windsor – Sonoma" now "MacRostie"

Winery. Broken Hill 1 LLC owns both of these parcels, yet the Avilla application incorrectly states that the adjacent parcel to the south is merely a vineyard, not the actual fact that the same LLC is planning to build a winery there. Note – on 4605 Westside, the 2008 Winery Use Permit, granted an extension in 2011, expired in 2013.

There is an existing tasting room at 4353 Westside Road. Granting a use permit for 4603 Westside Road next to 4605 Westside Road, if permitted, would create a detrimental concentration of wineries or tasting rooms, as all three would be within one half mile of each other.

**3. Parcels do not conform to Zoning Minimum of LIA B6-40 acre, SR, VOH, with Z overlay, excluding a 2<sup>nd</sup> unit.** In 2009, the Owner – Broken Hills 1 LLC - did a lot line adjustment breaking a conforming 40-acre parcel into two non-conforming parcels: 4603 at 20 acres and 4605 at 26 acres.

And, the same LLC has applications pending for discretionary Use Permits on these adjacent parcels. If the lot-line adjustment triggered a Z overlay due to scarce water conditions, excluding a 2<sup>nd</sup> unit, how can the much more water intensive uses of two adjacent wineries be justified given previous County decisions? The history of the lot line adjustment and the fact that no winery brand is associated with the application, we are concerned that this proposal is driven by commercial speculation, not agriculture. "Projects that are not legitimately agriculture should be denied in agricultural zones."

For the 2009 Lot Line adjustment, BOS resolution #5 states: "The parcels will continue to be used for vineyards". Given one of these parcels, owned by the same LLC, has been granted a Use Permit – which has expired and requires a re-application - this second parcel should absolutely be left as stated by the resolution - in vineyard production.

**4. Questionable Water Availability – impact on the properties and wells within the zone of influence of the wells on 4603 and 4605 Westside:** The hills to the west of Westside Road are water scarce areas. In fact the project description itself reflects that truth,

"... the owner has created a reliable water supply with multiple wells feeding a water storage tank". Water is so scarce it took not one or two, but **four wells** to pull enough water from the ground to achieve a year round water supply.

Adequate studies must be conducted to ensure the existing surrounding farm operations and nearby homes retain **their** long term water needs before providing discretionary permits for not just one but two large water users (wineries) side by side. Our current drought and uncertainty of long term water availability now require water availability be considered in a new, more rigorous way when PRMD reviews new projects – with a focus on protecting the surrounding properties from loss of future water supplies.

**5. Scenic Corridor Prohibitions:** The equipment shed is in the Scenic Corridor and the General Plan's policy has a 200- foot setback from the center of the road. An equipment shed is not a "existing farm complex," and the Open Space Element policies are clear

that development not intensify its use. We believe repurposing a shed into a retail wine/farm stand would indeed intensify the use of the currently legal, non-conforming structure.

**6. Riparian Setback: Water Quality Considerations:** There is a creek running through this parcel. A "Fish Friendly Farming" certification on the adjacent parcel indicates that this organization should have been notified to provide input to the Initial Study. And, the Applicant must complete technical studies to verify that any elements of the proposed project will fully protect water quality, fish habitat and the riparian corridor along side of the creek.

Thank you for the opportunity to comment on this project at this time and we look forward to receiving the full description so we can complete our comments for the Initial Study.

Sincerely

WCA Advisory Group