



# **Sonoma County Board of Zoning Adjustments**

## **STAFF REPORT**

### **Sonoma County Permit and Resource Management Department**

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**FILE:** PLP14-0031  
**DATE:** June 1, 2017  
**TIME:** 1:05 p.m.  
**STAFF:** Gary Broad, Contract Planner

**Appeal Period: 10 calendar days**

### **SUMMARY**

**Applicant:** Backen, Gillam & Kroeger Architects, attn: Dusan Motolik

**Project Name:** Westside Road Winery

**Owner:** Broken Hill 1, LLC

**Location:** 4603 Westside Road, Healdsburg  
APN: 110-110-026 Supervisorial District No.: 4

**Subject:** Use Permit and Design Review

**PROPOSAL:** Request for a Use Permit and Design Review for a new winery with annual production of 10,000 cases within new buildings on a 26.20 acre parcel. The project includes a new 8,145 square foot production building, a new 2,171 square foot detached tasting room with a 297 square foot porch open to the public, and continued use of an existing 640 square foot building for agricultural purposes (agricultural equipment, and small tools). The request includes 12 promotional event days with a maximum of 150 people, 13 industry-wide event days and 12 winemaker meals. No weddings are proposed.

**Environmental Determination:** Mitigated Negative Declaration

**General Plan:** Land Intensive Agriculture (LIA) 40 acre density

**Ord. Reference:** 26-04-020, 26-64-030, and 26-65-040

**Zoning:** LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Unit Exclusion), F2 (Floodplain), RC50/50 (Riparian Corridor), SR (Scenic Resource), VOH (Valley Oak Habitat)

**Land Conservation Contract:** Prime Contract

**Application Complete  
for Processing:**

November 12, 2014

**RECOMMENDATION:**

Staff recommends the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve a Use Permit and Design Review for a new winery with events and tasting, subject to the recommended conditions of approval.

**ANALYSIS****Background:**

This Use Permit and Design Review application has been filed to allow construction of a new winery with a tasting room and agricultural promotional events. The Design Review Committee provided conceptual design feedback on May 6, 2015 and preliminary design review feedback on July 1, 2015. The applicant revised the project from the original submittal to respond to Design Review Committee, staff, and public input. PRMD has received comments on the proposal from reviewing departments and from community groups and the public.

The subject parcel was formerly part of a larger parcel (APN 110-110-001) that was under a Prime Land Conservation Contract since 1976. The subject parcel and adjacent parcel to the south were recognized in 2008 as two separate, legal parcels through the Administrative Certificate of Compliance process (PRMD File No. PLP08-0083). A Lot Line Adjustment was approved between the two parcels in 2009 (PRMD File No. LLA09-0015.) The resultant parcels are similarly sized and meet the minimum 20-acre lot size. A Lot Line Adjustment condition required the applicant to record a replacement Land Conservation Contract consistent with the new property boundaries (PRMD File No. PLP09-0094.) A new contract was executed May 24, 2016.

**Project Description:**

The project consists of a proposed winery with a tasting room and events on a 26.20-acre parcel with 13.65 acres of existing vineyard, as described below.

**Site Improvements**

A new 8,145 square-foot winery building with photovoltaic panels and a 10,000 case annual production capacity is proposed. The winery includes a 2,171 square-foot tasting room with a manager's office, commercial kitchen, wine tasting, and retail sales of wine and local products (e.g., jam, honey, mustard, and pickles.) The kitchen would be utilized for the winemaker meals, food and wine pairings and events. Tables 1 and 2 provide the floor area breakdown for these structures.

LAND USE TYPE	OCCUPANCY	GROSS FL. AREA		TOTAL GROSS FL. AREA
		GROUND FL.	MEZZANINE	
WINERY	F-2 (WINE PROCESSING)	4,098 SQ. FT.	457 SQ. FT.	4,555 SQ. FT.
BARREL STORAGE	S-2 (WAREHOUSE)	2,192 SQ. FT.	168 SQ. FT.	2,360 SQ. FT.
UNCONDITIONED COVERED WORK AREA #1	F-2 (WINE PROCESSING) UNCONDITIONED	946 SQ. FT.		1,230 SQ. FT.
UNCONDITIONED COVERED WORK AREA #2	F-2 (WINE PROCESSING) UNCONDITIONED	284 SQ. FT.		

**Winery Building Area Calculation**

LAND USE TYPE	OCCUPANCY	GROSS FL. AREA	TOTAL GROSS FL. AREA
TASTING ROOM	A-2 – WINE TASTING AND RETAIL AREA	2,171 SQ. FT.	2,171 SQ. FT.
COVERED PORCH (UNCONDITIONED)	A-2 – WINE TASTING AND RETAIL AREA	297 SQ. FT.	349 SQ. FT.
ALCOVE AREA (UNCONDITIONED)	A-2 – WINE TASTING AND RETAIL AREA	52 SQ. FT.	

#### **Tasting Room Building Area Calculation**

Twenty-five gravel parking spaces (plus two concrete ADA spaces), bicycle parking, a hardscape outdoor gathering area, and landscaping are proposed adjacent to the new winery building and tasting room. The existing driveway would be relocated approximately 20 feet south on Westside Road for safer ingress and egress. A septic system, utilities, and drainage improvements would be provided. An existing 640 square foot agricultural building would be retained for agricultural use (i.e., equipment and miscellaneous storage). A 4-foot high, split rail fence of weathered wood and an open gate is proposed at the new driveway entrance along Westside Road with 16-foot high weathered wood posts supporting a weathered wood beam and a new non-illuminated sign. Potable water to supply the tasting room would be provided from drilling a new well with a 50-foot annular seal. The total development area is approximately 1.27 acres (55,514 square feet).

#### Operations

The applicant proposes to process grapes sourced from on-site vineyards, grapes from other Sonoma County vineyards, and possibly from outside of Sonoma County. The existing 13.65 acres of on-site vineyard production will continue to provide a minimum of 52% of grapes for the production facility. Proposed winery hours of operation are seven days per week, 7:00 am to 6:00 pm and as needed during harvest. Proposed tasting room hours of operation are 10:00 am to 5:00 pm. Food and wine pairings are proposed. A maximum of 24 winery and tasting room employees will be on-site at any given time. Pomace will be re-used as compost for the on-site vineyards.

The applicant proposes a maximum of 12 agricultural promotional event days and participation in 13 industry-wide event days (total of 25 days annually). No weddings or third-party rentals are proposed. Each event could include indoor and outdoor tasting and outdoor acoustic music. Indoor music would be limited to playing recorded music through a built-in speaker system.

The applicant also proposes to host 12 annual winemaker lunches and dinners with a maximum of 36 guests by invitation only. The applicant is proposing these winemaker lunches/dinners in addition to the promotional and industry-wide events. The winery would host 6 winemaker lunches on weekend days from 11:00 a.m. to 2:00 p.m. and 6 winemaker dinners from 5:00 p.m. to 9:00 p.m. The tasting room would be closed to the general public during winemaker dinners. The applicant proposes these not count as “events” because they indicate that the tasting room will be closed during these events, however, the County has defined winemaker dinners as events in many use permits. The total number of events proposed for this use permit, including the winemaker lunches and dinners, would be 24 events and 13 industry-wide events.

1. 13 industry-wide event days, listed below.
  - a. Annual Barrel Tasting – 6 days (organized by Wine Road)
  - b. Annual Winter Wineland – 2 days (organized by Wine Road)
  - c. Annual A Wine & Food Affair – 2 days (organized by Wine Road)
  - d. Wine Tourism Day – 1 day (organized by Wine Road)

- e. Russian River Valley Pinot Classic – 2 days (organized by Russian River Valley Winegrowers)
2. 12 agricultural promotional event days, listed below.
- a. Release parties, open houses, and Wine Club events consisting of educational seminars and harvest parties. All events by invitation only.
  - b. Attendance: 6 events with a maximum of 80 guests, 3 events with a maximum of 100 guests, and 3 events with a maximum of 150 guests.
  - c. Schedule: 6 events on weekend days from 10:00 a.m. to 2:00 p.m. and 6 events on weekday or weekend evenings from 5:00 p.m. to 9:00 p.m.
    - i. No more than three events per month
    - ii. No more than two weekend events per month
    - iii. Larger events will be paired with smaller events during that month (there will only be one large event of 100 or 150 attendees in any month)

Sample Calendar - For Illustrative Purposes Only												
	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
Weekday day						A/80	A/80	L/36			L/36	L/36
Weekday evening	D/36		A/80	A/80	D/36	A/100		A/80	D/36			
Weekend day		L/36	L/36	L/36	A/100		A/150	A/100	A/150	A/150		
Weekend evening						D/36	D/36			D/36	A/80	

#### Sample Event Calendar

In the sample calendar, the “A” refers to Agricultural promotional events, the “D” refers to winemaker dinners and the “L” refers to winemaker lunches. The number after the letter is the number attending.

#### Site Characteristics:

The project site is a 26.20-acre parcel located on Westside Road in Dry Creek Valley. Approximately 13.65 acres of the site (52%) are planted in productive vineyard on moderately sloped land. The remaining land is relatively flat and covered by non-native annual grasses dominated by wild oats. An unnamed seasonal creek, commonly called Storey Creek, flows through the southern boundary and near the eastern boundary. The creek drains east to the Russian River, located just over 0.5 mile to the east. The site is accessed from Westside Road, a designated Scenic Corridor. The site is under a Prime Land Conservation Contract.

#### Surrounding Land Use and Zoning:

The project is surrounded by parcels zoned Land Intensive Agriculture. The subject parcel is located on the west side of Westside Road between MacRostie Winery and Bacigalupi Vineyards and is generally surrounded by vineyards, wineries, and rural residential land uses. The General Plan designation is Land Intensive Agriculture, 40 acre density. The property is zoned Land Intensive Agriculture (LIA) with a 40 acre density, 20 acre minimum parcel size. Surrounding land uses and settings are as follows:

##### North (two parcels)

Zoning: LIA (Land Intensive Agriculture) B6-40 acre density, Z (Second Unit Exclusion), SR (Scenic Resources), VOH (Valley Oak Habitat) / LIA B6-40 acre density, Z (Second Unit Exclusion), RC 50/50 (Riparian Corridor), SR (Scenic Resources), VOH (Valley Oak Habitat)

Land Use: Single-family dwelling / single-family dwelling, vineyard, and open space

##### South

Zoning: LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Unit Exclusion), RC50/50, SR (Scenic Resources), VOH (Valley Oak Habitat)

Land Use: Winery with tasting room and events, vineyard

West

Zoning: LIA (Land Intensive Agriculture) B6-40 acre density, RC50/50 (Riparian Corridor), VOH (Valley Oak Habitat)

Land Use: Residential, woodlands, and vineyards

East (across Westside Road)

Zoning: LIA (Land Intensive Agriculture) B6-40 acre density, Z (Second Unit Exclusion), F1 (Floodway), F2 (Floodplain), RC50/50 (Riparian Corridor), RC200/100 (Riparian Corridor), SR (Scenic Resources), VOH (Valley Oak Habitat)

Land Use: Agricultural dwelling unit and vineyards

### **DISCUSSION OF ISSUES**

#### **Issue 1:** General Plan Consistency

The project site is located within the Land Intensive Agriculture General Plan designation.

The General Plan policy for Land Intensive Agricultural states that agricultural production, agricultural support uses, and visitor serving uses, as provided in the Agricultural Resources Element of the General Plan, are allowed uses, provided a Use Permit is approved. The proposed project must be found consistent with the General Plan's Agricultural Element Goals, Objectives, and Policies, which include the following:

*"Policy AR-4a: The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals."*

Analysis: The project site is within the Land Intensive Agriculture General Plan land use designation. The existing primary use of the project site is agricultural production (approximately 13.65 acres of vineyard). The majority of the project site is planted with vineyard (52%).

The applicant is proposing to plant an additional four acres of vineyard on the property. The primary use of the site remains in vineyard and the winery is considered an agricultural support use. The tasting room and events are related visitor-serving uses that also support the sale of agricultural products.

*"Policy AR-5a: Provide for facilities that process agricultural products in all three agricultural land use categories only where processing supports and is proportional to agricultural production on site or in the local area."*

Analysis: The 13.65-acre vineyard makes up 52% of the 26.20-acre project site and will continue to be the primary use of the parcel. The remaining land is relatively flat and covered by non-native annual grasses dominated by wild oats. If the project is approved and constructed, the fallow portion of the site not devoted to the project will be planted in vineyards. The on-site grapes would provide approximately 5,000 cases of the annual production capacity. The remaining 5,000 cases would be served by grapes grown in Sonoma County and possibly Mendocino County, however, the application indicates that a minimum 51% of grapes processed would be grown in Sonoma County. Therefore, the on-site processing would support and be proportional to the agricultural production on-site and in the local area.

*"Policy AR-5c: Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized*

*for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.”*

Analysis: The winery building production and storage area consists of approximately 0.77 square feet of production area per one case of wine. Staff’s research of other wineries determined that wineries on average provided 0.60 square feet of area per case of wine with a range of 0.33 sq. ft. /case for larger wineries to 1.10 sq. ft. /case for a smaller wineries. In comparison, the size of the proposed production building is slightly above average but within the typical range. The facility is in compliance with this policy and the site is not being developed for commercial warehousing.

PRMD also requires that office and administration areas not exceed 15% of the square footage of the winery’s production, storage, and tasting areas to ensure these uses are incidental to the winery. The proposed administration area is approximately 462 square feet, which is 4% of the total winery and tasting room building areas, well below PRMD’s maximum threshold.

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

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

Analysis: Based on the Traffic Analysis prepared by W-Trans and reviewed and accepted by Sonoma County Transportation and Public Works Department (DTPW), project-generated traffic will not result in road access conflicts and would not exceed the level of service established in the Circulation and Transit Element’s objectives (see Transportation section, below).

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

Analysis: The project site is located in a Zone 1 Major Groundwater Basin designation. The General Plan does not require groundwater availability studies for projects within this groundwater zone. However, the Zone 4 Areas with Low or Highly Variable Yield designation is approximately 290 feet to the west. The adjacent neighbors to the west expressed concern that the project would negatively impact their wells, therefore, the applicant submitted a hydrogeology report prepared by O’Connor Environmental, Inc (see Exhibit K). This report concluded that the project’s groundwater withdrawal is unlikely to affect the aquifer and adjoining parcels given the relatively small amount of water required for the project’s operation and that proposed demand is less than the mean annual recharge.

The neighbors submitted an independent evaluation of this report, prepared by EBA Associates dated August 10, 2015 (see Exhibit L). The EBA evaluation provided a professional critique of the O’Connor report and ultimately concluded that the project “may impact the water supply on the 4395 Westside Road property, albeit the likelihood is low.” The EBA letter states the neighbors request four conditions of approval, one of which is a dry weather 8 to 72 hour pump test to simulate maximum water use if the project is constructed.

At this request, the applicant submitted a well pump interference analysis, also prepared by O’Connor Environmental, Inc (see Exhibit M). This analysis described the results of the 24-hour dry weather pump test performed on November 2 and 3, 2015. The analysis concluded that the project will not interfere with the nearest neighboring well, even during peak demand. The cone of influence for the existing wells does not intersect with neighboring wells. Therefore, the project is consistent with this guideline (see Issue 7 Groundwater Use.)

Health conditions require that groundwater elevations and quantities of groundwater extracted for this use be monitored quarterly and reported to PRMD and that if the County determines that groundwater levels in the basin are declining, then the applicant shall submit a Water Conservation Plan for PRMD review and approval.

*“3. Whether the above uses would be detrimental to the rural character of the area.”*

Analysis: The project site is 26.20 acres with approximately 13.65 acres of vineyard. The proposed development was modified in response to comments from two Design Review Committee meetings. Existing riparian vegetation will substantially screen the project from Westside Road, a designated Scenic Corridor. The proposed winery and tasting room buildings will have an agrarian design with wood, stone. Building appearance will be compatible with the rural character of the area and not detrimental to the area's rural character. An acoustical assessment concluded that project noise levels would comply with the General Plan noise standards in Table NE-2 and therefore not detract from the rural character of the area.

Based on the above information, the proposed project will not be detrimental to the community character of the area.

*“Policy AR-6a: Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production.”*

Analysis: Consistent with past approvals for similar projects, the events held at the winery facility are considered agricultural promotional events. The purpose of events at the winery site is to create a customer experience to increase direct sales of the wine produced on site. Consistent with past approvals, the proposed events would promote wine processed on the site. The applicant also proposes to sell other local agricultural products, such as honey, jams, mustard, and pickles, in the tasting room and during agricultural promotional events. No weddings are proposed.

The LIA (Land Intensive Agriculture) zoning district allows for tasting rooms, subject to the minimum criteria of General Plan Policies AR-6d and AR-6g and approval of a Use Permit.

*“Policy AR-6b: Except as allowed by Policy AR-6a, prohibit new restaurants and lodging. Recognize existing restaurants or lodging facilities and those which were approved prior to adoption of this plan, but limit their expansion or intensification.”*

Analysis: No lodging is proposed. The proposal includes a commercial kitchen for winemaker lunches, and dinners and food and wine pairings. The kitchen equipment would consist of a double sink, preparation counters, microwave oven(s), warming cabinet(s), refrigerator(s), a stove or range, an exhaust hood, and small storage area.

The County generally prohibits commercial kitchens on agricultural lands. However, commercial kitchens have been approved at some wineries with visitor-serving uses, such as Windsor Oaks Winery (PRMD File no. PLP12-0009). In these cases, conditions have prohibited a restaurant, café, deli, or other food service offering cooked-to-order food, limited use to approved events, and prohibited menu options. With implementation of these conditions to limit kitchen use, the proposal would not be a restaurant and would be consistent with Policy AR-6b.

*“Policy AR-6d: Follow these guidelines for approval of visitor serving uses in agricultural areas:*

*(1) The use promotes and markets only agricultural products grown or processed in the local area.*

Analysis: The tasting room use, agricultural promotional events, and industry wide events will promote grapes grown and processed on-site and in the local area (i.e., within Sonoma County). The tasting room will also sell other local agricultural products, such as jams, honey, mustard, and pickles.

*(2) The use is compatible with and secondary and incidental to agricultural production activities in the area.*

Analysis: The project development encompasses approximately 1.27 acres, which is 5% of the overall project site of 26.20 acres. These uses are considered secondary to the primary use of the project site, which will remain a commercial vineyard operation.

*(3) The use will not require the extension of sewer and water.*

Analysis: The site is adequately served by wells and a septic system. The extension of sewer and water is not proposed.

*(4) The use is compatible with existing uses in the area.*

Analysis: Under the LIA zoning, agricultural production and related processing are considered the primary uses, with residential uses secondary. The project site is 26.20 acres with approximately 13.65 acres of vineyard. The proposed development was modified in response to comments from two Design Review Committee meetings. Existing riparian vegetation will substantially screen the project from Westside Road, a designated Scenic Corridor. The proposed winery and tasting room buildings will have an agrarian design with wood, stone. Building appearance will be compatible with the rural character of the area and not detrimental to the area's rural character. The tasting room operating hours are limited and agricultural promotional events are limited per year in frequency and size. There will be no outdoor amplified music. An acoustical assessment concluded that project noise levels would comply with the General Plan noise standards in Table NE-2 and therefore not detract from the rural character of the area (see "Issue 5 – Noise" section below).

Based on the above information, the proposed use will be compatible with existing uses in the area.

*(5) Hotels, motels, resorts, and similar lodging are not allowed.*

Analysis: No lodging is proposed, therefore, the project is consistent with this guideline.

*(6) Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.*

Analysis: The project includes a 2,171 square foot tasting room, agricultural promotional events, and industry-wide events. Consistent with past approvals for similar projects, the events held at the winery facility are considered agricultural promotional events. The purpose of events at the winery site is to create a customer experience to increase direct sales of the wine produced on site. Consistent with past approvals, the proposed events would promote wine processed on the site. The applicant also proposes to sell other local agricultural products, such as honey, jams, mustard, and pickles, in the tasting room and during agricultural promotional events. No weddings are proposed.

In light of the public comments and lacking more specific policy direction at this time, staff researched recent winery approvals and winery approvals in the nearby area. Tables 1 and 2 below reflect that research.



**Table 1 Winery Approvals June 1, 2015 to Present**

Name/File No.	Address/APN	Approval Date	Tasting?	Events?
Hinkle UPE14-0036	21800 River Rd., Geyserville 141-180-022	12/17/15	Yes	23 promotional events with 75 to 150 people each and 12 industry wide event days
Twin Hill Vineyard UPE14-0086	1689 Pleasant Hill Rd., Sebastopol 076-093-024	11/5/15	Yes	10 promotional events with 50 to 200 people each
Knights Bridge Vineyards UPE13-0046	17134 Spencer Lane, Calistoga 120-090-038 & 120-090-005	9/17/15	Yes	No
Freeman* UPE13-0035	1300 Montgomery Rd., Sebastopol 061-220-020	6/18/15	Yes	10 promotional events with 50 people each
Roy and Covert* UPE14-0057	7171 W. Dry Creek Rd., Healdsburg 139-160-061, 062, 063, 064	6/4/15	Yes	8 promotional events with 80 people each and 8 industry wide event days
Sonoma Wine Company Tasting Room	2120 Olivet Rd., Santa Rosa, 057-030-072	7/15/15	Yes	No
Char Vale Winery* UPE14-0071	9280 Occidental Rd., Sebastopol 061-040-038	5/19/16	Yes	2 industry wide events and 4 private promotional events with up to 75 people
Hellocello Tasting Room UPE16-0011	23570 Arnold Drive, Sonoma 128-461-081	5/25/16	Yes	No
Spann Vineyards Tasting Room* UPE16-0031	8910 Highway 12, Kenwood 050-162-031	6/30/16	Yes	No
Hafner Vineyards* UPE15-0112	4280 Pine Flat Rd Healdsburg 131-160-034	8/18/16	No	10 non industry, 4 events with a maximum of 175 and 6 with a max of 150
Due Ruscelli Winery UPE14-0055	996 Limerick Ln, Healdsburg 086-080-027	2/16/17	Yes	1 non industry, 3 industry with 50 people
Fathia Vineyards Tasting Room UPE16-0072	8910 Highway 12, Kenwood 050-162-031	3/16/17	Yes	No

\*Use Permit Modification for existing wineries

**Table 2 Approvals in Project Vicinity (within ½ mile)**

Name/File No.	Address/APN	Approval Date	Tasting?	Events?	Distance from subject site*
MacRostie UPE07-0123	4605 Westside Rd. 110-110-025	2011	Yes	16 events (promotional and industry wide) with 100 to 200 people each	0.2 miles
VML UPE97-0016	4035 Westside Rd. 110-100-028	1997	Yes	11 events with 20 to 600 people each	0.6 miles
Bacigalupi Vineyards UPE07-0145	4353 Westside Rd. 110-190-005 No winery on-site	2008	Yes	6 events with 50 people each	0.5 miles

\*Distance from subject site is measured from existing project site driveway to winery driveway using Google driving directions.

Table 4 identifies three wineries with promotional activities located within ½ mile of the project site. All three have tasting and events. There is no consistent number of event days, which range from 6 to 16 days, or number of attendees, which ranges from 20 to 600 people.

Only recently have the number of industry-wide events been specified in Use Permit Conditions of Approval. Historically industry-wide events have been considered part of the regular tasting room operation. The other three wineries in the vicinity are allowed to participate in industry-wide events even though their use permit conditions do not address industry-wide events.

This application seeks approval of 13 industry-wide event days and 12 agricultural promotional event days, plus 12 winemaker lunches/dinners. While the applicant proposes winemaker events not be counted as events since the tasting room will be closed when they are held, established County precedent is that they be included as part of total events, which would raise agricultural promotional events to 24, excluding industry-wide events.

In order to lower project events closer toward the average number of permitted non-industry events, recommended conditions of approval limit total winery events to 20 events annually, excluding industry-wide events. The number of proposed events is recommended to be 20 because all but 3 of the events are proposed to accommodate 100 or fewer participants, which is smaller than event sizes at some other wineries. Food and wine pairings involving less than 15% of tasting room area and occurring during tasting room hours are not considered as events.

The applicant has indicated that “to accommodate Wine Maker lunches, dinners and other promotional activities listed above, the tasting room building includes a commercial kitchen. At no time shall be restaurant or a café with cooked-to-order food be permitted.

*(7) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.*

Analysis: The project is not located in the Sonoma Valley. A standard condition of approval for any winery within the county requires participation in an event coordination program. Therefore this project is consistent with this guideline.

**Issue 2:** Zoning Consistency

The site is zoned Land Intensive Agriculture (LIA) B6-40 acre density. The LIA (Land Intensive Agriculture) zoning district of the Zoning Ordinance, Section 26-04-010(g), allows for processing and preparation of agricultural products. Section 26-04-010(f) allows for:

*Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of General Plan Policies AR-6d and AR6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);*

Analysis: For past projects, weddings, wine-marketing dinners or similar events have been found consistent with agricultural zoning districts, including the LIA district, if events can be found to promote agricultural products processed on the site. In addition, such events can be found compatible with surrounding agricultural activities if hours and the frequency of the events are limited and there are no substantial noise or traffic impacts as a result of the activities.

Events would be hosted in the proposed tasting room and adjacent outdoor patio area, which will primarily be used for tasting and sales. Currently, the zoning ordinance does not have a limit as to the number of promotional events allowed on agricultural zoned parcels.

Events must relate to the promotion of agricultural product that is produced on the site, such as wine and creating label recognition. There are other agricultural processing facilities (wineries) in the Dry Creek Valley area and along Westside Road. However, the level of service capacity along this section of Westside Road has not been exceeded. A revised traffic study has been completed for the project and it concludes that the project will result in less than significant impacts to transportation.

While this application seeks approval of 13 industry-wide event days and 12 agricultural promotional event days plus 12 winemaker lunches/dinners, as outlined in the General Plan consistency discussion above, staff recommends the total number of events, excluding industry-wide events, be limited to a maximum of 20 events annually. All winemaker lunches and dinner are considered agricultural promotional events and will count toward this limit.

The County has previously approved projects based upon findings that events are a compatible use for agricultural land because they are a marketing tool to insure the long term viability of wine sales and they promote the long-term viability of agriculture within the county. Staff finds that this use permit application meets both criteria.

Food and wine pairings involving less than 15% of tasting room area and occurring during tasting room hours are not considered as events in the analysis of a use permit. The application includes a commercial kitchen, but provides that “at no time shall a restaurant or a café with cooked-to-order food be permitted. Proposed use permit conditions of approval will restrict the private tasting room size to no more than 15% of the floor area of the main tasting room, preclude menu options at wine and food pairings and restrict serving to appetizer-like portions avoiding the lunch period.

The Land Intensive Agriculture district requires a 30-foot yard setback from the front property line along Westside Road. The Scenic Corridor (SC) combining district additionally provides for a 200-foot Scenic Corridor setback. Proposed site development is setback to adhere to both setbacks.

The property includes the RC (Riparian Corridor) combining district. The RC ordinance prohibits “grading, vegetation removal, agricultural cultivation, structures, roads, utility lines, and parking lots” within the creek’s required 50-foot top of outer west top of bank Streamside Conservation Area unless specifically allowed by that ordinance. The project is designed to avoid the riparian corridor, a small portion of the private terrace with steel trellis is located in the setback. In order to achieve compliance with the RC ordinance, the conditions of approval require the terrace and trellis to meet the required 50-foot setback.

The May 11, 2016 W-Trans Revised Traffic Study for the proposed winery and tasting room included the following assessment related to project parking:

“The project site should provide adequate parking to accommodate daily operations at the winery as well as agricultural promotional events. For the largest 150-person event, 60 guest vehicles would be expected to arrive at the site in addition to eight employee vehicles, resulting in a total parking demand of 68 spaces. The enclosed site plans indicates a total parking supply of approximately 75 spaces...the parking supply as proposed is more than adequate for typical daily operations as well as the winery’s largest special events.”

Sonoma County Zoning Code Section 26-86.010 requires one parking space for every 60 square feet of service area for tasting rooms. The tasting room use is required to provide 16 parking spaces and the winery building use to provide 13 parking spaces, a total of 29 required parking spaces. The project provides 30 dedicated parking spaces around the winery and tasting room building. With a maximum of 150 guests for the three largest proposed agricultural promotional events, and one parking space required per 2.5 guests—a total of 60 parking spaces is needed. For special events, parking for an additional 45 vehicles will be provided in between vineyard rows, resulting in a total of 75 available parking spaces. The conditions of approval include a requirement for on-site parking attendants during events to facilitate vehicle parking.

**Issue 3:** Land Conservation Act Contract

The project property is included in a Williamson Act contract, or Land Conservation Act Contract. A new Land Conservation Contract was recorded to reflect the change in property boundaries approved by a lot line adjustment in 2009 (PRMD File Nos. LLA09-0015 and PLP09-0094).

**County’s Uniform Rules**

The project site is under a Land Conservation Contract. The site is 26.20 acres, exceeding the minimum 10 acre lot size for contracted land. The 13.65-acre vineyard comprises 52 percent of the 26.20-acre project site and will continue to be the primary use of the parcel. If the project is approved and constructed, the applicant proposes to additionally plant approximately four acres of the fallow portion of the site in vineyards. The planted area exceeds the minimum required 50% of the parcel size. Vineyards are a permanent crop that is considered a qualifying agricultural use.

The County’s Uniform Rules for Agricultural Preserves provide operating standards for lands under a Land Conservation Contract. Tasting rooms are identified as a “compatible use” for land under an agricultural contract. Events are also listed as a “compatible use” under the following circumstances:

1. When directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, and
2. Events last no longer than two consecutive days and do not provide overnight accommodations, and
3. No permanent structure dedicated to events is constructed or maintained on the contracted land.

The proposed events are considered “promotional events” according to the current County interpretation and are further broken down into additional categories by the applicant:

1. Wine Club events, such as educational seminars and harvest parties (by invitation only)
2. Release parties and open houses (by invitation only)
3. Industry-wide events

Each event must promote a product made from grapes produced on-site to be consistent with the Uniform Rules. The grapes will be processed on-site into wine, which will be utilized in events.

Events will be limited to a maximum of two consecutive days, no lodging is provided, and a permanent structure is not devoted to events. Events would take place inside the tasting room and outdoors in the adjacent patio, measuring approximately 2,520 square feet and 4,100 square feet, respectively.

Compatible uses are limited to 15% of the project site or five acres, whichever is less, excluding public roads, private access roads, and driveways. For this project, there are no existing compatible uses other than the existing approximately 640 square foot agricultural building. The proposed compatible uses, the winery and tasting room, comprise approximately 1.27 acres of the 26.20-acre site. The events would occur within this developed area, which is approximately 5% of the site, consistent with the Uniform Rules. The approved project description will provide for total site development of 1.27 acres under the approved use permit.

As conditioned, the project meets the intent of the Williamson Act to preserve and promote agriculture. The primary use of the site will remain agriculture production in the form of vineyards. The project will not negatively impact the agricultural use of the site. The project will promote the site's agricultural use.

#### State Law

Government Code Section 51238.1 requires that uses approved on contracted land meet the following three principles of compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted land in agricultural preserves.
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open space use.

The proposed project will not compromise the long-term productive capability of the subject site or other contracted lands. The tasting room and events will promote the agricultural capability of the contracted land and not conflict with daily vineyard operations. The tasting room would be located within the developed area, next to the proposed winery. The events would be located within the developed area and would not disrupt the vineyard operations. The surrounding contracted land is devoted primarily to vineyard.

No agricultural operations will be displaced or impaired as a result of the events. Events would be held in the proposed tasting room and adjacent patio area, measuring approximately 2,520 and 4,100 square feet, respectively. The proposed development and event area is located in a portion of the site that is currently fallow. No buildings will be constructed for or devoted entirely to events. No land will be removed from a Land Conservation Contract.

#### **Issue 4:** Winery Event Working Group

General Plan policies call for the development of regulations to further define compatible agricultural promotional activities including their permissible sizes and intensities. The General Plan states that visitor-serving uses, even if related to surrounding agricultural activities, can be detrimental to the primary use of land for the production of food, fiber, and plant materials.

The goal of the General Plan policies is to preserve agricultural lands and maintain the rural character of the area while enhancing the economic viability of farms. The Board of Supervisors directed staff to develop regulations addressing agricultural promotional events and potential overconcentration.

The Board of Supervisors of the County of Sonoma adopted a Work Plan for Comprehensive Planning in 2015 that included development of regulations addressing agricultural promotional events and potential

overconcentration. The Work Plan included an ultimate goal of developing county-wide standards for promotional activities and events on agricultural lands that addresses land use compatibility issues due to overconcentration of events in some areas, including Sonoma Valley, Dry Creek Valley, and Westside Road.

A Winery Event Working Group was established in June 2015 that brought industry representatives and neighborhood groups to advise staff on the key issues and policy options for potential regulation of promotional event activities at wineries and tasting rooms and policies to address areas of concentration.

The Working Group met for six months and a number of issues and concerns emerged from their meetings, including: 1) business need for direct marketing activities; 2) neighborhood compatibility; 3) potential impacts related to noise, traffic, dust and water supplies; 3) commercialization of agricultural lands and concentration; and 4) maintaining rural agricultural character. Policies that were identified, but that have not been adopted by the Board of Supervisors, included allowing tasting rooms only when accessory to a winery and allowing tasting rooms only when there is a minimum 6 acres of vineyard on-site.

In July 2016, the Sonoma County Board of Supervisors received a presentation on the County's winery and promotional event activities. The Board considered, but did not adopt, a resolution for consideration directing staff to prepare a draft ordinance addressing key winery event issues. The Board Chair directed that the item be returned to the Board at the conclusion of the traffic and noise studies. On October 11, 2016, the Board considered a resolution including the following:

- *“Whereas, the General Plan Agricultural Resources Element allows for the sale and promotion of agricultural products grown or processed in the County, including promotional events that support and are secondary and incidental to local agricultural production; and*
- *Whereas, the General Plan Agricultural Resources Element contains a number of policies relating to the definition and limitations for agricultural promotional events; and*
- *Whereas, General Plan Policies AR-6f and AR-6g state that local concentrations of visitor serving and recreational uses can be detrimental to the primary use of the land for production of food, fiber and plant materials and may constitute grounds for denial of such uses. Detrimental concentration can be caused by the following factors: road access conflicts, negative impacts to neighboring wells, and rural character;”*

Recognizing the above considerations, the Board of Supervisors adopted a resolution directing staff to initiate Zoning Code amendments to address key issues associated with winery event and promotional activities. The work of the Winery Event Working Group and the Board of Supervisors initiation of additional Zoning Code work to address key issues related to wineries and agricultural land emphasize continuing County efforts to achieve a balance between agricultural land protection and providing visitor serving uses. The proposed Westside Road Winery meets identified potential future policies of allowing tasting rooms only when accessory to a winery and only when there is a minimum of 6 acres of vineyard on-site. The Initial Study prepared for the project determined that all potential impacts could be mitigated to less than significant levels. In advance of Board adoption of future Zoning Code regulations, staff finds the recommended approval of this Use Permit and Design Review application, which is consistent with the General Plan and Zoning Code, also consistent with Winery Event Working Group study and its identification of issues and potential future regulatory actions.

#### **Issue 5:** Noise

The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies, including performance standards, to regulate noise affecting residential and other sensitive receptors. The General Plan sets separate standards for transportation noise and for noise from non-transportation land uses, identifying a site as “noise impacted” if it experiences 24 hour average noise levels of 60 dBA or greater.

Illingworth & Rodkin prepared an Environmental Noise Assessment date on September 25, 2015. The existing noise environment and potential noise impacts were considered for residential receptors on adjoining parcels. Existing ambient day-night average noise levels at the site ranged from 47 to 50 dBA Ldn. The primary noise-producing activities associated with the project are vehicle traffic and parking lot activities, agricultural promotional events, maintenance and forklift operations, and seasonal production activities including crushing and bottling operations, with use of amplified music at events and general maintenance operations (both up to 43 decibels) among the loudest sounds that would be produced.

General Plan Policy NE-1c requires reduction of applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music. For that reason, the allowable daytime noise standard was reduced 5 dBA for events including speech or music as reflected below and incorporated into project conditions of approval.

TABLE NE-2: **Adjusted** Maximum Allowable Event Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	45
L25 (15 minutes in any hour)	50	50
L08 (4 minutes 48 seconds in any hour)	55	55
L02 (72 seconds in any hour)	60	60
The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour. The daytime standard was reduced 5 dBA for events including speech or music.		

Based on the findings in the Noise Assessment, noise associated with typical daily winery operations (excluding promotional events) is not expected to exceed the daytime or nighttime NE-2 noise standard at any residential property line in the site vicinity. There would be no need for additional noise attenuation or operational controls in order to achieve compliance with the Table NE-2 noise limits. The following unadjusted maximum allowable winery operations are as follows and are incorporated into project conditions of approval.

TABLE NE-2: **Unadjusted** Maximum Allowable Winery Operations Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour.		

The Noise Assessment determined the project will not exceed General Plan noise standards and did not recommend mitigation measures. The project proposal statement and design plans, combined with the

recommended maximum noise levels above, further address noise to ensure the project is compatible with residential uses in the project area.

**Issue 6:** Transportation and Circulation

Westside Road provides access to the project site. The Sonoma County General Plan 2020 Circulation and Transit Element Figure CT-4 identifies Westside Road as a Rural Major Collector.

W-Trans completed a revised traffic study for the proposed Westside Road Winery, tasting room and agricultural promotional events on May 11, 2016. The traffic analysis concluded that the proposed project would generate an average of 186 trips on a daily basis, including 35 p.m. peak hour trips and 39 midday peak hour trips. During harvest, the proposed project would generate 274 new daily trips, including 54 p.m. peak hour trips and 59 weekend midday peak trips. These figures do not include agricultural promotional event trips.

On May 17, 2017, W-Trans provided updated driveway volumes based on a recognition that the earlier May 11, 2015 study had overstated employee trips through over counting part-time employees and staff that only work weekends, not weekdays. The revised traffic analysis concluded that 153 (rather than 186) trips would be generated on a daily basis, including 24 p.m. peak hour trips. During harvest, the proposed project would generate 247 (rather than 274) new daily trips, including 45 p.m. peak hour trips.

The May 11, 2016 study looked separately a traffic generated by agricultural promotional events. It indicated that since these only occurred 37 times annually (not including winemaker lunch/dinners), they should be viewed separate from other site traffic. The highest number of trip ends was 136 trips for the maximum-sized 150 guest event, which would be composed of 68 trips in and 68 trips out. Since this event would be held on a Saturday afternoon, however, it would be at a time when employees that work weekdays would not be on the site. Because the traffic analysis found project-generated traffic to be less than significant, it would have less than significant impacts on the area's circulation.

The study also reached the following conclusions:

- “The speed sampled on northbound Westside Road approaching the project driveway was 36 mph; sight distance to the south of the proposed driveway exceeds the minimum requirement for an approach speed of 40 mph so is more than adequate for the prevailing speed.
- Sight distance to the north of the proposed driveway location along Westside Road is more than adequate for southbound vehicles traveling at 35 mph, which is the speed at which drivers were recorded exiting the curve to the north of the driveway. It is recommended that the landscaping along the project frontage planted and maintained to be less than three feet in height to maximize the availability of clear sight lines such that a driver traveling southbound would have a clear view of the driveway prior to accelerating out of the curve of the driveway.

In response to a subsequent question on the Initial Study related to the traffic study, the Sonoma County Traffic Engineering & Land Development provided the following additional comment on the adequacy of the study methodology related to sight lines:

“It has been the policy at TPW to apply the AASHTO stopping sight distance values as the minimum sight distance requirement to private rural driveways. Caltrans also has this practice in their Highway Design Manual as stated in Chapter 400 (see attached).

The AASHTO Policy on Geometric Design of Highways and Streets, 2011 Edition (Green Book) states in Section 9.11.6 “Driveways”:

“It is desirable that they be designed and located to meet criteria for intersection sight distance and other design elements set forth in this chapter. However, where this is not practical, they should be located to provide the best reasonable sight distance and meet other design criteria to the extent practicable



considering such factors as functional class, speed, and traffic volume of the roadway relative to the volume and type of vehicles using the driveway.”

TPW’s position, given the AASHTO language and the practice Caltrans follows for private driveways, is that private driveways entering public County roads must meet the AASHTO stopping distance requirements at a minimum versus intersection sight distance.”

W-Trans submitted additional Level of Service Analysis for the proposed Westside Road Winery and tasting room on April 14, 2017. The report reached the following conclusions:

- Westside Road is currently operating at LOS C and is expected to continue doing so in the future, including the worst case analysis of adding trips associated with operation of the winery during harvest together with a 100-person event.
- Traffic volumes on weekend days would be expected to be less than those during the weekday p.m. peak commute.
- Volumes would need to increase beyond the levels projected for 2040 and using a worst case assessment with trips added based on both the harvest-period trip generation and a special event; this condition would be unlikely to occur even once a year. It therefore appears reasonable to conclude that the project has a less-than-significant impact on traffic operation.

The Sonoma County Traffic Engineering & Land Development (TPW) reviewed the W-Trans analysis and conclusions and found them to be acceptable. TPW included recommended conditions of approval including that site access comply to AASHTO standards and provide a minimum 24-foot paved throat driveway width and that in order to provide orderly and efficient movement of vehicles entering the site and to minimize traffic impacts on public road, that the applicant provide traffic control for all events.

#### **Issue 7:** Groundwater Use

There are four existing wells on the project site, which irrigate the subject property and adjacent MacRostie site. The project includes a new domestic well to serve the winery and tasting room.

##### *Existing Conditions:*

The project is located within the Dry Creek Watershed and lies within the General Plan Zone 1 (major groundwater basin) groundwater availability area. PRMD does not typically require a hydrogeology report for projects in Zone 1 groundwater availability areas. However, neighbors expressed concern about groundwater availability due to the project’s proximity to their wells, the proposed addition of a new well, and the site’s proximity to a Zone 4 groundwater availability area, which indicates areas with low or highly variable water yield. Therefore, the applicant submitted a groundwater report, prepared by O’Connor Environmental, Inc. on June 9, 2015, and the applicant subsequently submitted a Pump Test and Well Interference Analysis, prepared by O’Connor Environmental on December 2, 2015.

EBA Engineering concluded that the proposed winery and tasting room may impact the water supply on the 4395 Westside Road property (adjacent to the west), albeit the likelihood is low. However, given the high variability of fractured groundwater flow in the areas, and the total project aquifer usage as estimated in the O’Connor report to be 70 percent of the estimated annual recharge. The O’Connor report analyzed hydrogeologic conditions of the aquifer that would be utilized by the proposed project and provides estimates of groundwater storage, annual recharge, and groundwater demand on the aquifer for vineyard irrigation, domestic use, and winery use. The O’Connor report found the four existing wells plus the new well will have a combined sustainable yield of 48,000 gallons per day. The peak daily demand on the well field of 19,992 gallons represents approximately 42% of the total sustainable yield of the well field. The O’Connor report also found that recharge to the project aquifer likely occurs via percolation of rainfall falling directly on the aquifer surface and percolation from the overlying alluvial aquifer.

The project area aquifer was found to have an annual average recharge of 39.9 acre feet, with an existing aquifer demand of 25.3 acre feet, for a surplus of approximately 14.6 acre feet per year.

*Proposed Demand*

With respect to the additional demand for groundwater for the project, the increment of increase in annual use of 2.8 acre-feet (3.3 acre-feet for winery project less 0.5 acre-feet for reduced vineyard acreage) is equivalent to about 11% of existing groundwater use and about 7.0% of average annual recharge. Adding net water demand increase under proposed project conditions of 2.8 acre-feet per year would bring estimated total demand to about 28.1 acre-feet per year, which is equivalent to 70% of annual recharge and within the estimated annual average of 39.9 acre feet.

*Well Interference*

The closest of these neighboring wells is located 935-ft away, and the O'Connor report found no well interference is expected to occur as a result of pumping the project wells even during times of peak demand. Given that the existing water system is capable of producing the peak daily demands with only 3 to 5 hours of pumping and that the resulting cones of depression do not extend far enough away from the wells to intersect neighboring wells, no significant changes to the existing water system are anticipated.

**Issue 8:** Neighborhood Compatibility

The Westside Community Association, the WCA Advisory Group, and the Community Alliance with Family Farmers, North Coast Chapter, submitted comment letters. All letters described concerns and/or expressed opposition to the project, including concerns related to groundwater availability, overconcentration of wineries/tasting rooms/events, traffic, impacts to rural character and cumulative impacts.

In light of the public comments and lacking more specific policy direction, staff researched recent winery approvals and winery approvals in the nearby area, contained in Tables 3 and 4 of the General Plan discussion above. Three wineries with promotional activities are located within ½ mile of the project site. All three have tasting and events, however, there is no consistent number of events, which ranges from 6 to 16 days, or number of attendees, which ranges from 20 to 600 people.

Public concern has been expressed that there is an overconcentration of wineries on Westside Road, particularly those holding promotional activities. There is a pending Use Permit application for a new tasting room with no agricultural events at 4075 Westside Road, approximately 0.3 miles to the north. There are two pending Use Permit applications approximately 2 miles to the south at 7079 Westside Road for a 60,000 case winery with 22 agricultural promotional event days and a 492 case winery at 6677 Westside Road with 18 event days.

Sonoma County does not have a definition or threshold for overconcentration. The Initial Study for this project has determined that project approval will not result in any significant adverse impacts, including water, traffic, noise, aesthetics and land use. The project has been found to be consistent with the General Plan, the Agricultural Resources Element and Zoning Code. The proposed winery use, operation and design for a 26.20 acre parcel, including the retention and expansion of the existing 13.65 acres of vineyard, would be compatible with the neighborhood and area.

**STAFF RECOMMENDATION**

Staff recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve a Use Permit and Design Review for a new winery with events and tasting, subject to the recommended conditions of approval.

**FINDINGS FOR RECOMMENDED ACTION**

1. The Board of Zoning Adjustments has considered the Mitigated Negative Declaration prepared to address environmental impacts of the project, together with all comments received during the public review process. Based upon the whole record (including the Initial Study and all comments received), there is no substantial evidence that the project as approved will have a significant environmental effect. Changes or alterations have been required of or incorporated into the project through the Conditions of Approval that mitigate or avoid the potentially significant environmental effects of the proposed project. These changes or alterations have been agreed to by the applicant and are subject to the Mitigation Monitoring Program contained in the Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines and reflects the independent judgment and analysis of the County of Sonoma.
2. The project is consistent with the Land Intensive Agriculture (LIA) land use designation of the Sonoma County General Plan in that it proposes construction and operation of a new winery and tasting room, consistent with the permitted uses in the General Plan and as allowed by the Agricultural Resources Element policies AR-5a, AR-5c, AR-5g, AR-6a, AR-6d and AR-6f. The project is consistent with these policies in that the proposed winery construction is compatible with the project site and its surroundings, in support of the LIA land use designation.
3. The proposed tasting room is consistent with General Plan Policies AR-5g and AR-6a, as it would meet applicable requirements to support agricultural activities at the site, and as the tasting room would be regulated by project conditions of approval limiting hours of operation and visitor use.
4. The proposed project is consistent with the Land Intensive Agriculture Zoning District in that it proposes uses allowed with a Use Permit in the LIA district, including tasting rooms and agricultural promotional events. The project's new structures are consistent with applicable structural setback standards and other development criteria for the LIA and Riparian Corridor zoning designations.
5. As conditioned, the project will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a) Design of the winery structures is consistent with the rural setting of the project.
  - b) Potential noise impacts from the winery use, including events, will be less than significant as determined by the project noise analysis and as conditioned by the Use Permit approval.
  - c) Traffic generated by the winery use will not have a significant impact on local public roads or intersections, as determined by the project traffic studies.
  - d) The traffic analysis for the project has determined that adequate on-site parking exists for winery employees, tasting room visitors and special events.
  - e) The site has capacity to provide adequate water, septic disposal and access for the project.

**LIST OF ATTACHMENTS**

- Exhibit A: Draft Resolution
- Exhibit B: Draft Conditions of Approval
- Exhibit C: Vicinity Map
- Exhibit D: General Plan Map
- Exhibit E: Zoning Map
- Exhibit F: Project Plans
- Exhibit G: DRC Record of Action, May 6, 2015
- Exhibit H: DRC Record of Action, July 1, 2015
- Exhibit I: Proposal Statement
- Exhibit J: Public Comment Letters
- Exhibit K: Groundwater Report, O'Connor Environmental, Inc., June 9, 2015.
- Exhibit L: EBA Associates, Limited Groundwater Availability Letter, 4395 Westside Road, Healdsburg, CA, August 10, 2015
- Exhibit M: Pump Test and Well Interference Analysis, O'Connor Environmental, Inc., December 2, 2015
- Exhibit N: Traffic Analysis prepared by W-Trans dated May 11, 2016, April 14, 2017, and May 17, 2017
- Exhibit O: Environmental Noise Assessment prepared by Illingworth & Rodkin, Inc. dated September 25, 2015

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**Separate Attachment for Commissioners:** Mitigated Negative Declaration and full size maps